



WASHOE COUNTY

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Finance _____

DA _____

Risk Mgt. N/A

HR N/A

Clerk _____

STAFF REPORT

BOARD MEETING DATE: June 9, 2015

DATE: May 15, 2015

TO: Board of County Commissioners

FROM: Grace Sannazzaro, Planner, Planning and Development,
Community Services Dept., 328-3771, gsannazzaro@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Public Hearing on Appeal Case No. AX15-001 (Kimberly Kline) – Hearing, discussion, and action on the appeal of the Board of Adjustment’s decision to deny Variance Case No. VA15-002, which is requesting a reduction of the required front yard setback from 30 feet to 20 feet to allow for the placement of a ±2,318 square foot manufactured home and a single car garage. The Board of County Commissioners may take action to affirm the Board of Adjustment’s denial; or the Board may take action to reverse the Board of Adjustment’s denial and issue the Variance; or the Board may modify the Variance’s Conditions and issue the Variance; or the Board may remand to the Board of Adjustment for reconsideration and further proceedings. (Commission District 2.)

SUMMARY

Confirmation, reversal, modification, or remand of the Board of Adjustment’s denial of Variance Case No. VA15-002, requesting to reduce the required front yard setback from 30 feet to 20 feet to allow for the placement of a ±2,318 square foot manufactured home and a single car garage.

Washoe County Strategic Objective supported by this item: Safe, secure, and healthy communities.

PREVIOUS ACTION

April 2, 2015 Board of Adjustment (BOA) – The Board of Adjustment denied Variance Case Number VA15-002.

March 12, 2015 South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB)
The South Truckee Meadows/Washoe Valley CAB recommended approval of a 20 foot front yard setback and to consider landscape screening on Monarch Drive regarding Variance Case No. VA15-002.

AGENDA ITEM # _____

BACKGROUND

The original Variance application submitted in February proposed a reduction of the required 30 foot front yard setback to 15 feet. However, at the March 12, 2015 South Truckee Meadows/Washoe Valley Citizen Advisory Board meeting, the property owner's consultant stated in discussions with the CAB that a 20 foot front yard setback would be sufficient. With this additional information, staff recommended approval of a 20 foot front yard setback.

The Appeal of Decision application is requesting a 10 foot reduction of the required 30 foot front yard setback, resulting in a 20 foot front yard setback. The variance request is due to a ravine that consumes approximately two-thirds of the parcel's width, leaving approximately 50 feet of parcel width for placement of a manufactured home that measures 30.5 feet by 76 feet and a single car garage.

At the April 2, 2015 Board of Adjustment (BOA) meeting there was a quorum of three board members. After hearing public testimony regarding concerns of the addition of another domestic well in the neighborhood (on the subject parcel) and it being located within close proximity to the neighbor's existing well at 240 Monarch Drive, a motion to deny was made.

The BOA's legal counsel reminded the Board that although during public comment an issue was raised about the addition and location of a domestic well, the question before the Board is whether the variance request asking for a front yard setback reduction of 10 feet would cause a public detriment. (Exhibit A4 - Excerpt from BOA Draft Meeting Minutes)

A motion to Deny carried by a vote of 2 to 1. In the motion to Deny, Finding #2 (as numbered in the Board of Adjustment staff report) was identified as the Finding that could not be met because granting the variance would create a detriment to natural resources by the addition and location of a domestic well on the subject parcel. Finding #2 is provided below as issued in Washoe County Development Code, Section 110.804.25 Findings.

(b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

Public Comment

At the April 2, 2015 BOA meeting under *Public Comment*, Mr. Vanlandingham and Mr. Ed Smith spoke (Exhibit A4 - Excerpt from Draft BOA Minutes).

Mr. Vanlandingham who lives at 240 Monarch Drive, which is adjacent to the northeast of the subject parcel, spoke about his concerns of a well being drilled within 10 feet of his existing well, and there not being enough water for both domestic wells.

Mr. Smith, a neighbor, advised he is a geologist and spoke about his concerns of the instability of the subject parcel, including possible foundation problems and eventual collapse of the home in the future due to the parcel consisting of a lot of fill and organic material such as horse manure.

In an April 2, 2015 email (Exhibit B2) submitted to County staff after the BOA meeting, Mr. Smith reiterated his concerns, and offered the following suggestions: A smaller

footprint or two-story home would minimize concerns about the proximity of the proposed well and septic system to the neighbor's property; require a mandatory geotechnical report on the subject building site due to its proximity to the cliff; and require a substantial amount of landscaping if the front yard setback is reduced by any amount.

Mr. Bouchard, the applicant's consultant, responded (Exhibit B3) to Mr. Smith's April 2, 2015 email. Mr. Bouchard defended the integrity and looks of a manufactured home and its foundation system. Additionally he raised concerns that one neighbor voiced objection due to potentially drawing down his well, while another would like to see a substantial amount of landscaping required as a condition which would increase the water usage. Mr. Bouchard believes the neighbors' concerns are about the home being a manufactured home versus a stick built home.

State of Nevada Department of Conservation and Natural Resources

With their Appeal of Decision application, the appellant submitted a letter dated April 9, 2015 (Exhibit B1) from Kristen Geddes of the State of Nevada Department of Conservation and Natural Resources, Division of Water Resources (State Engineer's Office) who advises:

"...Nevada law allows a property owner to drill a well on the property for domestic use [as defined by NRS 534.120]. Domestic wells whose use does not exceed 2 acre-feet per year do not require a water right from the Division."

Staff Comment on Required Findings

The April 2, 2015 Board of Adjustment staff report recommended approval of a 20 foot front yard setback based on the following analysis of the four required Findings issued in Washoe County Development Code Section 110.804.25 of Article 804, *Variances*:

1. Special Circumstances. The subject parcel has a topographic constraint consisting of a ravine that consumes two-thirds of the subject property, leaving \pm 50 feet of developable land starting from the front property line going back. Granting a 20 foot front yard setback will allow for the placement of the proposed manufactured home, which measures 30 ½ feet by 76 feet and a single car garage;
2. No Detriment. Granting the variance request will not result in a substantial detriment to the public good, impair natural resources or impair the intent and purpose of the Development Code or applicable policies under which a variance is granted. The Nevada State Engineer, a division of the Nevada Department of Conservation and Natural Resources states:

"A water-right application or permit is not required in order to drill a domestic well. Domestic purposes as defined by law extends to culinary and household purposes in a single family dwelling, the watering of a family garden, lawns, and the watering of domestic animals. The maximum amount of water that may be pumped from a domestic well is limited to two acre-feet per year."

3. No Special Privileges. Granting of the variance will not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the vicinity with the identical regulation zone of Low Density Suburban (LDS).

Two-thirds of the subject property is undevelopable due to the encumbrance of a \pm 33 percent downward slope. Furthermore, the recommended Conditions of Approval ensure that the variance will not be a grant of special privilege.

4. Use Authorized. Washoe County Development Code, Article 302 *Allowed Uses*, states that a home with a single car garage is allowed in the Low Density Suburban (LDS) Regulatory Zone.

FINDINGS

Below are the four required findings issued from Washoe County Development Code Section 110.804.25 of Article 804 (*Variances*). The Board of Adjustment determined that Finding (b) below “*No Detriment*” could not be met to their satisfaction because of the construction and location of a domestic well on the subject parcel that could negatively impact the natural resources in the area.

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
 - (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or
 - (2) By reason of exceptional topographic conditions, or
 - (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

FISCAL IMPACT

No fiscal impact

RECOMMENDATION

It is recommended that the Board of County Commissioners review the record of the public hearing conducted on April 2, 2015, by the Board of Adjustment and the Appeal; review the proposed request to reduce the required 30 foot front yard setback by 10 feet, resulting in a 20 foot front yard setback, and any additional evidence relative to the Appeal application and confirm, reverse, modify, or remand the appealed actions based upon the evidence presented in written materials and oral testimony at the public hearing, and based on the Board’s interpretation of the four findings required by Washoe County Development Code Section 110.804.25 of Article 804 (*Variances*). Any action must be by a majority vote of all the Board’s members per WCC 110.912.20.

POSSIBLE MOTIONS

Four separate motions are being offered for the Board's consideration as provided below.

1. **Possible motion to CONFIRM the Board of Adjustment's denial of the Variance.**
"Move to confirm the Board of Adjustment's decision to deny Variance Case No. VA15-002, which proposes reducing the required 30 foot front yard setback by 10 feet, resulting in a 20 foot front yard setback. This denial is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the findings made by the Board of Adjustment."
2. **Possible Motion to REVERSE the Board of Adjustment's denial of the Variance.**
"Move to reverse the Board of Adjustment's denial and approve Variance Case Number VA15-002, subject to the conditions stated in Exhibit C of the staff report, based on the applicant's proposal to reduce the required 30 foot front yard setback by 10 feet, resulting in a 20 foot front yard setback. This reversal is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the findings made by the Board of Adjustment."
3. **Possible Motion to MODIFY the Variance.**
"Move to approve Variance Case Number VA15-002, with modifications to the conditions discussed by the Board during this agenda item and included as Exhibit C of the staff report, based on this Board's review of the written materials and oral testimony at the public hearing and this Board's interpretation of the findings required to be made for such approval. This modification includes the applicant's proposal to reduce the required 30 foot front yard setback by 10 feet, resulting in a 20 foot front yard setback."
4. **Possible Motion to REMAND the Variance.**
"Move to remand Variance Case No. VA15-002 for further proceedings consistent with the hearing on the appeal before the Board of County Commission."

Attachments:

- A. Record on Appeal, including:
 - A1. Variance application VA15-002
 - A2. 04-02-15 Board of Adjustment staff report and attachments
 - A3. 04-02-15 Board of Adjustment Action Order
 - A4. 04-02-15 Board of Adjustment excerpt from draft minutes
 - A5. 04-02-15 Board of Adjustment staff PowerPoint presentation
 - A6. Appeal Application
 - B. New Evidence Submitted for June 9, 2015 Appeal Hearing:
 - B1. 04-09-15 State of Nevada Department of Conservation & Natural Resources, Division of Water Resources letter
 - B2. 04-02-15 Ed Smith email
 - B3. KC Custom Concepts letter in response to Ed Smith email
 - C. Conditions of Approval
- xc: Applicant: KC Custom Concepts, Attn: Frank Bouchard Marsano, 173 El Dorado Avenue, Dayton, NV 89403
Property Owner: Kimberly Kline, 2950 Falcon Street, Washoe Valley, NV 89704

Community Services Department
Planning and Development
VARIANCE
APPLICATION



Community Services Department
Planning and Development
1001 E. Ninth St., Bldg A
Reno, NV 89520

Telephone: 775.328.3600

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: <u>VA15-002</u>	
Project Name:			
Project Description: <u>Development of a - 1 acre (39,864 sq ft) property for a manufactured home with a full concrete foundation, concrete septic system, electric, well and proper drainage (full lot development).</u>			
Project Address: <u>250 MONARCH DRIVE WASHOE VALLEY NEVADA.</u>			
Project Area (acres or square feet): <u>39,864 sq ft. (-1 acre)</u>			
Project Location (with point of reference to major cross streets AND area locator): <u>Property and project are located at 250 MONARCH DRIVE About a 1/4 mile EAST LAKE BLVD.</u>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
<u>050-371-46.</u>	<u>.913</u>		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case No.(s) - <u>NONE - N/A.</u>			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <u>Kimberly M Klue.</u>		Name:	
Address: <u>2950 FALCON STREET</u>		Address:	
<u>WASHOE VALLEY NV</u> Zip: <u>89704.</u>		Zip:	
Phone: _____ Fax: _____		Phone: _____ Fax: _____	
Email: _____		Email: _____	
Cell: _____ Other: _____		Cell: _____ Other: _____	
Contact Person: _____		Contact Person: _____	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <u>KE Custom Concepts.</u>		Name:	
Address: _____		Address:	
Zip: _____		Zip:	
Phone: <u>775-671-1160</u> Fax: _____		Phone: _____ Fax: _____	
Email: <u>MARSAO.BOXHARD@GMAIL.COM</u>		Email: _____	
Cell: <u>775-671-1160</u> Other: _____		Cell: _____ Other: _____	
Contact Person: <u>FRANK BOXHARD MARSAO</u>		Contact Person: _____	
For Office Use Only			
Date Received: <u>2/17/15</u> Initial: <u>S.M.</u>	Planning Area: <u>South Valleys</u>		
County Commission District: <u>2</u>	Master Plan Designation(s): <u>SR</u>		
CAB(s): <u>South Truckee Meadows / Washoe Valley CAB.</u>	Regulatory Zoning(s): <u>LDS</u>		

Variance Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

we need the property front set backs to be changed from a min 30' to 15' (no less than 20')

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

The front length of this property is 277.78' on the Frontage Road of Monarch. The entire 2/3 of the rear of property is a cliff with massive elevation changes/drop from the front of the property, as well as being in a Floodway/Flood Zone (As shown on enclosed maps). This leaves us with a workable area after front setbacks (30') of 31' to 12' which give's you no space for a home, septic system with Reserve Lines, well nor the required garage.

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

IN NO way will the requested Set-Back changes affect or have negative impacts in the area. The home would not Block views any greater than if we went with a 30' set-Back. These property's are located in a LDS with little Pedestrian and traffic, This change will actually improve the area by having one less empty property and will have a nice home to complete the neighborhood.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

IT will remove a empty ~~g~~ useless property and put a nice home in its replacement. IT will also assist to eliminate the access of this steep slope that go's to a Seasonal waterway or Flood Drainage area. Overall IT will give the neighborhood a Positive look and decrease the chance of dumping etc.

5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

would be unable to use / live on the property.
IF THIS VARIANCE IS NOT ALLOWED, THE HOME WOULD
BE TOO CLOSE TO THE CLIFF AND DUE TO REQUIREMENTS
OF THE HEALTH DEPARTMENT, WE WOULD BE UNABLE TO
PLACE A SEPTIC SYSTEM WITH THE REQUIRED CODES FROM
THE HOME & WELL SYSTEMS.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy. N/A.
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7. What is your type of water service provided?

<input checked="" type="checkbox"/> Well	<input type="checkbox"/> Community Water System
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8. What is your type of sanitary waste disposal?

<input checked="" type="checkbox"/> Individual Septic System	<input type="checkbox"/> Community Sewer System
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Board of Adjustment Staff Report

Meeting Date: April 2, 2015

Subject: Variance Case Number: VA15-002
 Applicant: Kimberly Kline
Agenda Item Number: 8E
 Project Summary: To reduce the required front yard setback from thirty (30) feet to fifteen (15) feet to allow for the placement of a ±2,318 square foot manufactured home and a single car garage.
Recommendation: Modified Approval with Conditions
 Prepared by: Grace Sannazzaro, Planner
 Washoe County Community Services Department
 Planning and Development Division
 775.328.3771
 Phone: 775.328.3771
 E-Mail: gsannazzaro@washoecounty.us

Description

Variance Case Number VA15-002 (Kline) – To reduce the required front yard setback from 30 feet to 15 feet to allow for the placement of a ± 2,318 square foot manufactured home and a single car garage.

- Property Owner: Kimberly Kline
- Applicant: KC Custom Concepts
- Location: 250 Monarch Drive, in Washoe Valley; approximately one-third mile northeast of the East Lake Boulevard/Monarch Drive intersection
- Assessor's Parcel Number: 050-371-46
- Parcel Size: .92 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 32, Township 17N, Range 20E, MDM, Washoe County, NV

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Agency Conditions Exhibit B

Citizen Advisory Board Memorandum Exhibit C

Public Notice Map Exhibit D

Public Comment..... Exhibit E

Variance Definition

The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of

privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts.

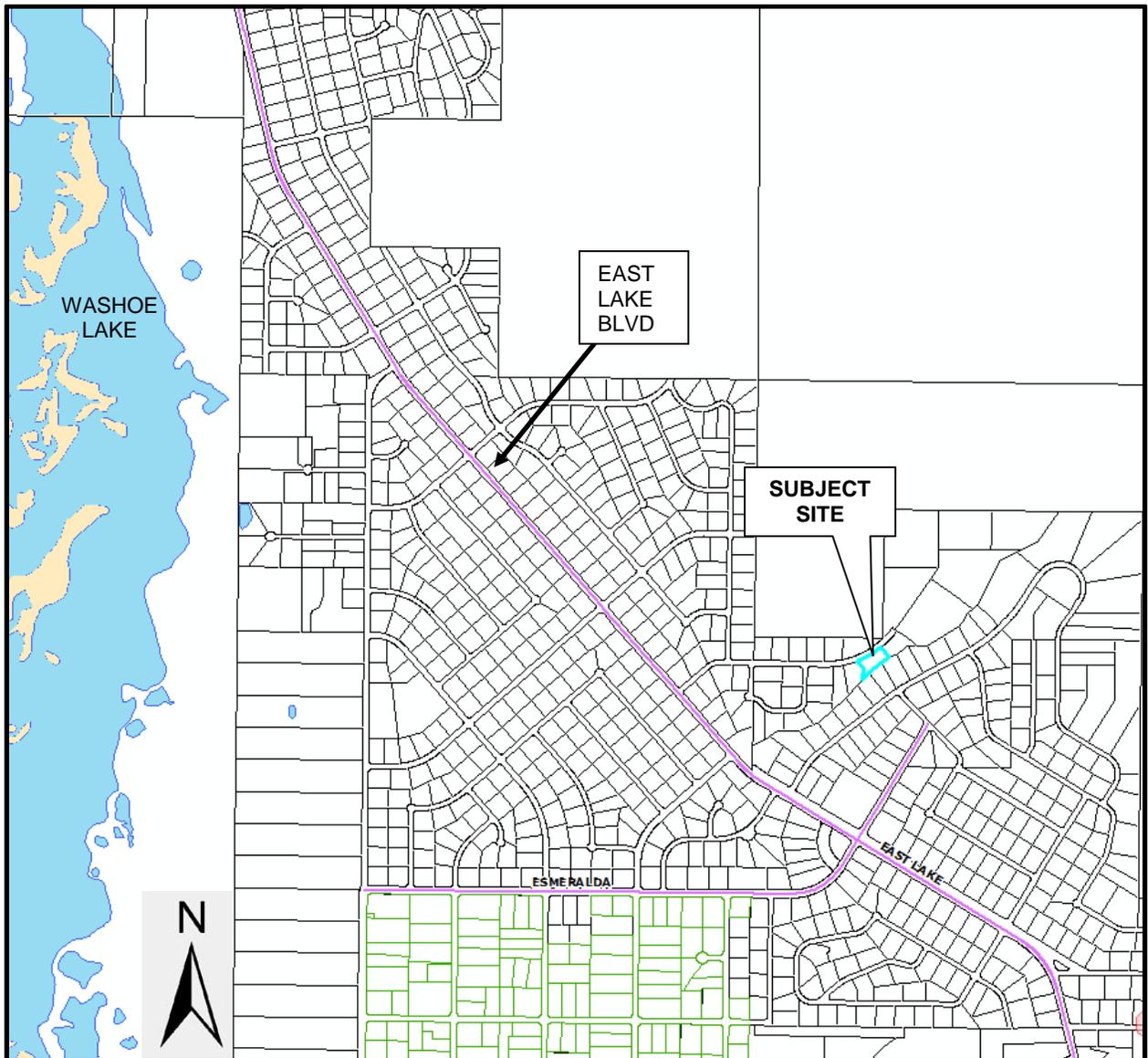
NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC Section 110.804.25, the Board must make four findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the business or project.



Vicinity Map



Public Notice

Washoe County Development Code Section 110.804.20 (Variances) requires public notice setting forth the time, place, purpose of the hearing, and physical description of the subject site be sent by U.S. Mail at least 10 days prior to the scheduled public hearing date to a minimum of 30 property owners owning property within 500 feet of the subject site.

Public notice for this application was sent by U.S. Mail to 32 property owners within 600 feet of the subject parcel at least ten days prior to the public hearing date of April 2, 2015.

Project Evaluation

The applicant would like to place a manufactured home and a single car garage on an undeveloped ±.92 acre parcel. The rear portion of the property has a drastic drop, which slopes downward by approximately 33 percent. The steep slope results in about two-thirds of the property being unbuildable. Due to this constraint, the applicant is requesting a reduction of the required 30 foot front yard setback to 15 feet in order to accommodate a 2,318 square foot manufactured home, single car garage, septic tank, leach field and domestic well.

The subject parcel is designated with the Low Density Suburban Regulatory Zone, which has a minimum lot size of 35,000 square feet and a minimum lot width of 120 feet. The subject parcel is ±130 feet wide and ±275 feet long. Approximately 80 feet of the parcel's width is undevelopable because of the ±33 percent slope. This leaves a ±50 foot wide strip of developable land on the front portion of the parcel. The manufactured home is 30.5 feet by 76

feet. Placing the home lengthwise on the parcel leaves approximately 19.5 feet for the front setback. The property owner will be challenged in siting not only a residence and garage, but also an onsite sewage disposal system and an onsite domestic well.

The surrounding area consists of Low Density Suburban (LDS) lots, approximately one acre in size. This is an established rural neighborhood developed with single family residences, which is not expected to change significantly in the future. The adjacent parcels are not impacted by the steep slope to the degree that the subject parcel is impacted. The home to the northeast is located approximately 26 feet from the front property line. The home to the west is least impacted by the sloped area and meets the required 30 foot front yard setback.

Additional information was provided by the applicant at the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB) meeting of March 12, 2015, who stated in discussions with the CAB that a 20 foot front yard setback would be sufficient in order to develop the parcel.

Public Comment

Staff received two phone calls from neighbors who expressed concern over the stability of the subject parcel. Both property owners stated that in previous years, fill dirt, old tires, and other debris were dumped at the bottom of the ravine and on the remainder of the subject parcel.

Staff Comment: The State of Nevada Manufactured Housing Division is the regulating authority for installation of manufactured homes in Washoe County. This division performs inspections during the manufactured home placement. Staff has advised the applicant of the neighbors' concerns, and further advised the applicant that if interested, a geotechnical engineer could properly assess the situation.

One of the neighbors spoke in opposition of the variance request because they believe each house in the neighborhood should be consistently set back from the street to create visual appeal.

Staff Comment: The Washoe County Development Code requires consistent setbacks for each regulatory zone. However, when there is an extraordinary and exceptional situation of the property that creates an undue hardship upon the property owner to develop their property, and public health, safety and welfare are not at risk, then consideration of a variance request is warranted.

One email was received from Bob and Carrie Tschida and is provided as Exhibit E to this staff report. Mr. and Mrs. Tschida listed the following concerns regarding this variance request:

1. Size of the house 2,318 square feet on the size of land
2. 15 foot setback the house is basically going to be on the street; it's not going to flow with the look of the neighborhood
3. Manufactured home, not stick built
4. Changing the setback will set precedence, what might be next, a 5" setback?
5. Maybe try putting up a 30" fabric fence with stakes to simulate the house so the neighborhood can get an appreciation of what this will look like, as after the house is in, there is no taking it back.
6. We live in a rural area by choice and I don't believe people in the neighborhood want to go in the direction of a trailer park theme.

Staff Comment: The variance request is to vary the front yard setback. The applicant has agreed to a 20 foot front yard setback. Washoe County Development Code Article 312

establishes general regulations for manufactured homes. As identified in Article 804 of the Washoe County Development Code, when there is an extraordinary and exceptional situation of the property that creates an undue hardship upon the property owner to develop their property, and public health, safety and welfare are not at risk, then consideration of a variance request is warranted.

South Truckee Meadows/Washoe Valley Citizen Advisory Board (STMWV CAB)

The proposed project was presented by the applicant at the regularly scheduled Citizen Advisory Board meeting on March 12, 2015. The CAB recording secretary provided a memorandum of the discussion, which is included with this staff report as Exhibit C.

The discussion at the CAB resulted in the applicant stating that they could work with a 20 foot front yard setback instead of the requested 15 foot front yard setback. A motion was unanimously passed by the CAB recommending a 20 foot front yard setback and to consider landscape screening on Monarch Drive.

Staff Comment: *After learning that the applicant is able to work with a 20 foot front yard setback instead of the original 15 foot setback request, staff is recommending a 20 foot front yard setback.*

At the CAB meeting, there was opposition presented by the public as follows:

- A 15 foot front yard setback will not fit in with the scenic, private, and rural character of the neighborhood.
- It will be the only manufactured home and will lower the home values.
- Another well in the area will lower the already drying aquifer.
- A 2,300 square foot home won't fit on the subject parcel.
- The subject house will block the neighbor's view and cut their water supply.
- The lot is too small to be built on.

Staff Comment: *When doing a site visit, staff noticed several manufactured homes in the surrounding neighborhood. The property is zoned as Low Density Suburban (LDS), which requires a minimum lot size of 35,000 square feet. The subject parcel is ± 40,075 square feet (.92 acres). The Nevada Department of Conservation and Natural Resources states: "A water-right application or permit is not required in order to drill a domestic well. Domestic purposes as defined by law extends to culinary and household purposes in a single family dwelling, the watering of a family garden, lawns, and the watering of domestic animals. The maximum amount of water that may be pumped from a domestic well is limited to two acre-feet per year."*

Reviewing Agencies

The following agencies were sent a copy of the project application for review and evaluation:

- Washoe County Planning and Development Division
- Washoe County Engineering and Capital Projects
- Washoe County Building and Safety Division
- Washoe County Environmental Health Services
- Truckee Meadows Fire Protection District

The agencies listed below provided comments and/or recommended conditions of approval. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if granted approval.

A **summary** of each reviewing agency's comments and/or recommended conditions of approval and their contact information is provided below.

- Washoe County Planning and Development Division requires conformance to the plans that are approved.
Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us
- Washoe County Engineering and Capital Projects Division requires that the FEMA 100-year floodplain be identified on the site plan to the satisfaction of the County Engineer. Building permits for structures that fall in this area shall be in conformance with Washoe County Development Code, Article 416 Flood Hazards.
Contact: Leo Vesely, 775.325.8032, lvesely@washoecounty.us
- Washoe County Environmental Health Services Division requires that the project meet all requirements outlined in the *Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater and Sanitation* for the approval and construction of an onsite sewage disposal system, and that the project meet all requirements outlined in the *Washoe County District Board of Health Governing Well Construction* for the placement and construction of an onsite domestic well.
Contact Name: James English, 775.328-2610, jenglish@washoecounty.us
- Truckee Meadows Fire Protection District requires that plans and/or permits for the installation of any structure be obtained and approved prior to construction in accordance with Washoe County Code, Chapter 60 (Fire Code).
Contact Name: Amy Ray, 775. 326-6005, aray@tmfcpd.us

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25 of Article 804, *Variances*, requires that Findings 1 through 4, and if a military installation is required to be noticed, Finding 5, be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of a variance request. Staff has completed an analysis of the variance application and has determined that the proposal is in compliance with the required findings as follows.

1. Special Circumstances. Because of the special circumstances applicable to the property, including either the exceptional narrowness, shallowness or shape of the specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

Staff Comment: Approximately two-thirds of the subject parcel is encumbered with a downward slope of approximately 33 percent. The subject parcel's developable area is therefore reduced to a narrow piece of land measuring approximately 50 feet in width. Therefore staff's determination is that there are exceptional topographic conditions on the subject parcel which places undue hardship on the property owner if the strict application of the Development Code were followed.

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.

Staff Comment: Granting the variance request will not result in substantial detriment to the public good, impair natural resources or impair the intent and purpose of the Development Code or applicable policies under which a variance is granted.

3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

Staff Comment: Granting of the variance will not constitute a grant of special privilege that is inconsistent with the limitations upon other properties in the vicinity with the identical regulatory zone of Low Density Suburban. The subject property is encumbered by a \pm 33 percent downward slope and is impacted by the slope more than the adjacent properties.

4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Staff Comment: The subject parcel is designated with the Low Density Suburban (LDS) Regulatory Zone. Pursuant to Washoe County Development Code, Article 302 Allowed Uses, a manufactured home with a single car garage are allowed with building permits in the Low Density Suburban (LDS) Regulatory Zone.

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment: There is no military installation within 3,000 feet of the subject property. Therefore, this finding is not required to be a part of the motion.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. The original application requested a 15 foot front yard setback, however, the applicant stated at the March 12, 2015 South Truckee Meadows/Washoe Valley CAB meeting that a 20 foot front yard setback would be sufficient to develop the subject property. Therefore, after a thorough analysis and review, staff is recommending with conditions, approval of a 20 foot front yard setback for Variance Case Number VA15-002. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment grant with conditions a 20 foot front yard setback for Variance Case Number VA15-002 for KC Custom Concepts, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

Property Owner: Kimberly Kline
2950 Falcon Street
Washoe Valley, NV 89704

Developer: KC Custom Concepts
Attn: Frank Bouchard Marsano

Action Order xc:



Board of Adjustment Action Order

Variance Case Number VA15-002

Decision: Denial

Decision Date: April 2, 2015

Mailing/Filing Date: April 7, 2015

Applicant/Property Owner: Kimberly Kline
2950 Falcon Street
Washoe Valley, NV 89704

Assigned Planner: Grace Sannazzaro, Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3771

E-Mail: gsannazzaro@washoecounty.us

Variance Case Number VA15-002 (Kline) – To reduce the required front yard setback from 30 feet to 15 feet to allow for the placement of a ± 2,318 square foot manufactured home and a single car garage.

- Location: 250 Monarch Drive, in Washoe Valley; approximately one-third mile northeast of the East Lake Boulevard/Monarch Drive intersection
- Assessor's Parcel Number: 050-371-46
- Parcel Size: .92 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 32, Township 17N, Range 20E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make the findings required by Washoe County Development Code Section 110.804.25. The Board was unable to make finding #2. They determined that granting an approval would create a substantial detriment to natural resources.

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

To: Kline
Subject: Variance Case Number VA15-002
Date: April 7, 2015
Page: 2

3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 days of the date that this written decision is filed with the Secretary to the Board of Adjustment and a copy mailed to the applicant as indicated above. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. Appeals must be filed in accordance with Section 110.804.40 of the Washoe County Development Code.

Washoe County Community Services Department
Planning and Development Division


William Whitney
Secretary to the Board of Adjustment

WW/GS/df

Property Owner: Kimberly Kline
2950 Falcon Street
Washoe Valley, NV 89704

Developer: KC Custom Concepts
Attn: Frank Bouchard Marsano

Action Order xc: Nathan Edwards, Esq., District Attorney's Office;
Carol Buonanoma, Assessor's Office (CAAS);
Theresa Wilkins, Assessor's Office;
Leo Vesely, Engineering Division;
James English, Environmental Health Services
Amy Ray, Truckee Meadows Fire Protection District;
South Truckee Meadows/Washoe Valley Citizen Advisory Board, Chair.



WASHOE COUNTY BOARD OF ADJUSTMENT **Draft** Meeting Minutes

Board of Adjustment Members

Lee Lawrence, Chair
Robert F. Wideman, Vice Chair
Kristina Hill
Clay Thomas
Kim Toulouse
William Whitney, Secretary

Thursday, April 2, 2015
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, April 2, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

Chair Lawrence called the meeting to order at 1:30 p.m. The following members and staff were present:

Members present: Lee Lawrence, Chair
Kristina Hill
Kim Toulouse

Members absent: Robert F. Wideman
Clay Thomas

Staff present: Carl Webb, Planning Manager, Planning and Development
Roger Pelham, MPA, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Sandra Monsalve, AICP, Senior Planner, Planning and Development
Grace Sannazzaro, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development
Donna Fagan, Recording Secretary, Planning and Development

2

Agenda Item 8E

PUBLIC HEARING: Variance Case Number VA15-002 (Kline) – To reduce the required front yard setback from 30 feet to 15 feet to allow for the placement of a ± 2,318 square foot manufactured home and a single car garage.

- Property Owner: Kimberly Kline
- Applicant: KC Custom Concepts
- Location: 250 Monarch Drive, in Washoe Valley; approximately one-third mile northeast of the East Lake Boulevard/Monarch Drive intersection

- Assessor's Parcel Number: 050-371-46
- Parcel Size: .92 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 32, Township 17N, Range 20E, MDM
Washoe County, NV
- Staff: Grace Sannazzaro, Planner
- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Lawrence opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated March 12, 2015.

Frank Bouchard with K.C. Custom Concepts, the applicant's representative, wanted to emphasize information regarding the inspections. The home will be inspected by Manufactured Housing and Washoe County Building Department would be inspecting the garage, the utilities, the water system and sewer system. Washoe County will issue a permit for the foundation and Washoe County Inspections will inspect it.

Member Hill asked if it had been determined that the water supply was adequate. Mr. Bouchard responded that if one home with one well was going to cause a problem in that valley, the valley had a lot more problems than the manufactured home. But no, he said it's in the law that allows them to drill for a well.

Chair Lawrence opened public comment.

Jimmy Vanlandingham lives next door at 240 Monarch Drive and is concerned as his property and the subject property were once one property and the well was drilled in the center of the property. The previous owner subdivided the property putting his well close to the property line. The developer of the subject property wants to put their well within ten feet of his well and says they'll both be pumping out of the same hole. He's afraid that in the latter part of summer neither one of them will have water. Member Hill asked Mr. Vanlandingham if there was an alternative to put the well in another location. He said they could put it someplace else just fine but within ten feet of his well? They'll both be out of water. Water is getting scarce out there. He said now he's got someone coming in to build next door to him without any respect for where his well is and they're going to stick another well right by it. Chair Lawrence agreed that it was a concern; another well, being so close to Mr. Vanlandingham's. Chair Lawrence asked how deep Mr. Vanlandingham's well is. He said 300 and something feet. Chair Lawrence said that Mr. Vanlandingham would need to take his concern to the Nevada Water Engineer and ask their assistance with his concerns.

Edward Smith is a neighbor of the applicant and is a Geologist. He said when you sink a well in the ground it creates a cone, and if you have another well adjacent to that it creates a "cone of depression" where both wells sucking out of the water table will dry out both wells. Mr. Smith said, the land is very steep, per the applicant, "the entire 2/3 of the property is a cliff with massive elevation changes/ drops from the front of the property as well as being in a floodway flood zone". Mr. Smith said he has walked the area many times and it consists of a lot of fill and horse manure. He said the last thing you should do is to use organic material as fill because over time it becomes a crater. With the width of the home and a 20 foot setback the rear of the

home is going to be on a precipice and when the rain returns there will be erosion and his fear is for the safety of the house and occupants. He thinks the property owner will find that in a couple of years there will be foundation problems and eventual collapse of the building. Most people build a home to last for decades and he thinks with how close the rear of the house is to the cliff; that is not going to happen. Mr. Smith also said the neighborhood is very friendly and they would welcome a new neighbor but they think the home is the wrong size for that restrictive of a property. He suggests that, if approved, there be a geotechnical report and significant landscaping.

Mr. Bouchard replied to Mr. Smith's worry about the home crumbling; he said they would make sure they had the right compaction tests, the right engineering, also manufactured homes are constructed a little different than a site built home. They have a little more flexibility and strength where most of the support will go towards the middle of the home not towards the outer walls. Mr. Bouchard agreed that they do have concerns about the steepness of the property and will have engineers take a look at that. He thinks the biggest problem with the neighbors is that they are putting a manufactured home on the property. He thinks that's the basis for a majority of the complaints. Member Hill asked if there was going to be a septic system on the property. Mr. Bouchard said the septic system was going to be to the west side of the property. Chair Lawrence asked if Mr. Bouchard had spoken with the State regarding the well location. Mr. Bouchard said he had spoken to the Health Department and they were going to determine the well location, and it needed to be at least 100 feet from the septic system. He said the site plan is a proposal and they may have to work it around a little bit as long as they meet the requirements. Today, they are asking for the approval of the change in the setbacks. They weren't looking at if the house was a manufactured home, where they were going to put the septic, where they were going to put the well, etc. That's going to be addressed by the actual agencies that are here in Washoe County. Chair Lawrence said he wanted to bring that matter up as it was a concern of the neighbors. He strongly advised Mr. Bouchard to talk with the State Water Engineer regarding the well.

Chair Lawrence closed public comment. There were no disclosures.

Member Toulouse said that this case represented a real conundrum. When you look at the definition of granting a variance and why we do these things, the shape of the lot, etc., it's a given. But when he looks at the big picture, he can't make the findings. He finds it is detrimental to the existing homeowners and to the neighborhood out there. It has nothing to do with the manufactured home. He feels it is detrimental and he can't support it.

Member Hill tends to agree with Member Toulouse. She said you obviously can't have a 30 foot setback and still have a house there so the 20 foot setback seems reasonable. But she doesn't like the idea of the impact on the neighbors especially when it comes to their livelihood of having water. Member Hill said maybe that isn't their concern but they have to make the finding that there is no detriment and that can affect a natural resource such as water.

Chair Lawrence said he saw it as meeting the requirements for a variance because of the unusual topography of the lot, etc. His biggest concern is about the water situation. He understands it's between the County and Mr. Bouchard but he thinks given what they are supposed to do here by determining whether this is a true variance he actually thinks it does with the 20 foot setback. He does support the variance.

Member Toulouse appreciated Chair Lawrence's opinion and agreed it meets the definition of the law and the definition of a variance. However, finding #2 is "no detriment" and he finds it will create a detriment to the public good particularly when they are talking about the natural resources in the area. Member Toulouse could not make that finding and cannot support it.

Mr. Edwards advised the Board that during public comment an issue was raised about the location of the well but the question before the Board is whether the variance, which is the setback alteration, would cause a public detriment. Mr. Edwards said the Board could reach whatever decision it would reach on the issue, but he wanted to remind the Board not to get drawn into an issue that's separate from the actual request. And the request is to decrease the setback. It's not to approve the placement of a home or to allow the construction of a domestic well. Mr. Edwards wanted the Board to be mindful of that as they continue their discussion and make their final decision.

Member Toulouse thanked Mr. Edwards but stated it was not going to change his mind. He thinks it still has a substantial detriment on the neighborhood and the natural resources as written into finding #2.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny the request for a 20 foot front yard setback for Variance Case Number VA15-002 for KC Custom Concepts, having not made the four required findings in accordance with Washoe County Development Code Section 110.804.25, particularly item #2, he finds it will cause a detriment to the natural resources in the area. Member Hill seconded the motion. Two members were in favor, Chair Lawrence was opposed. The motion carried two to one.

Mr. Webb re-read the appeal process.

Variance Request Case No. 15-002

Attachment A5

Washoe County Board of Adjustment

April 2, 2015

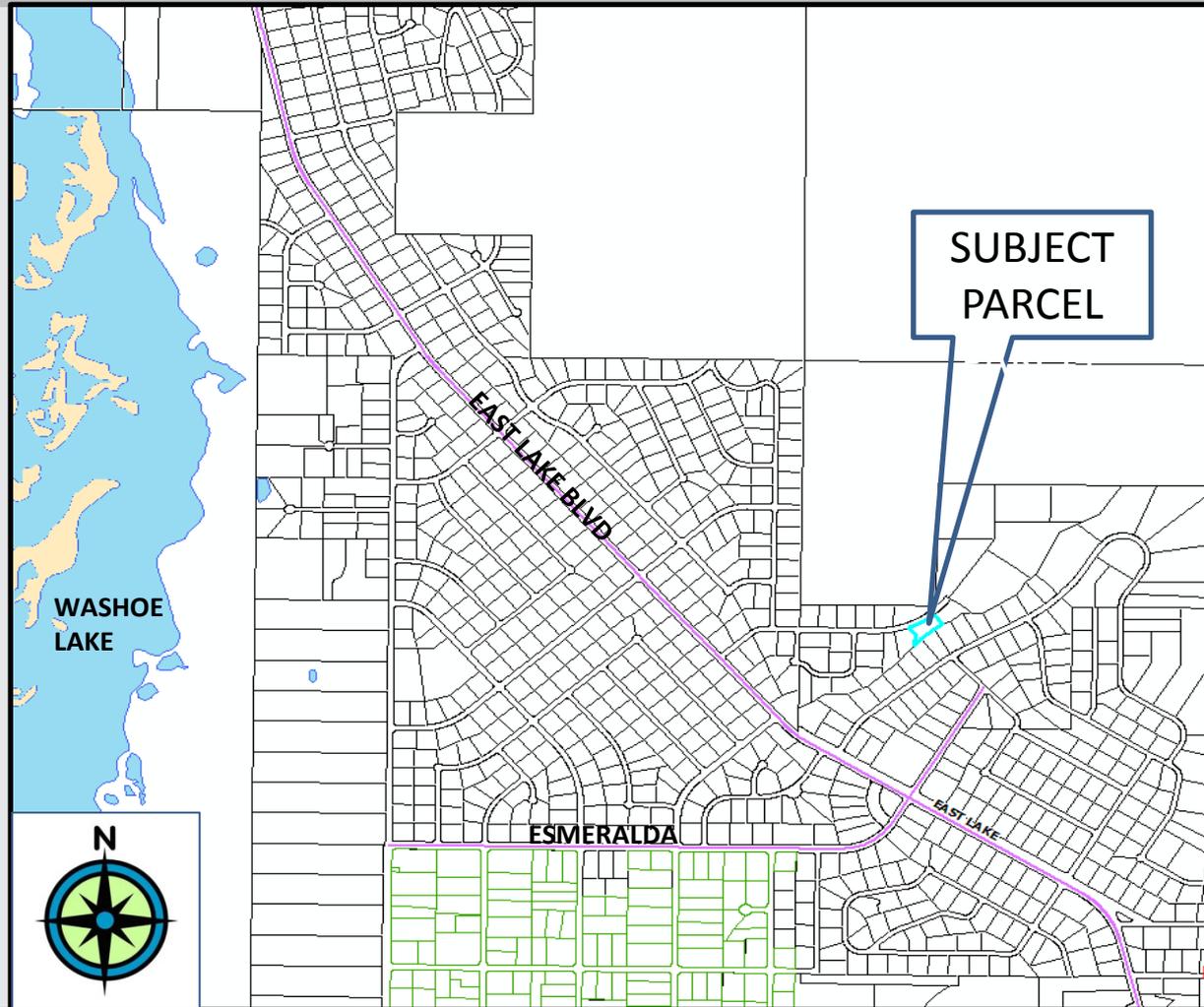
Kimberly Kline



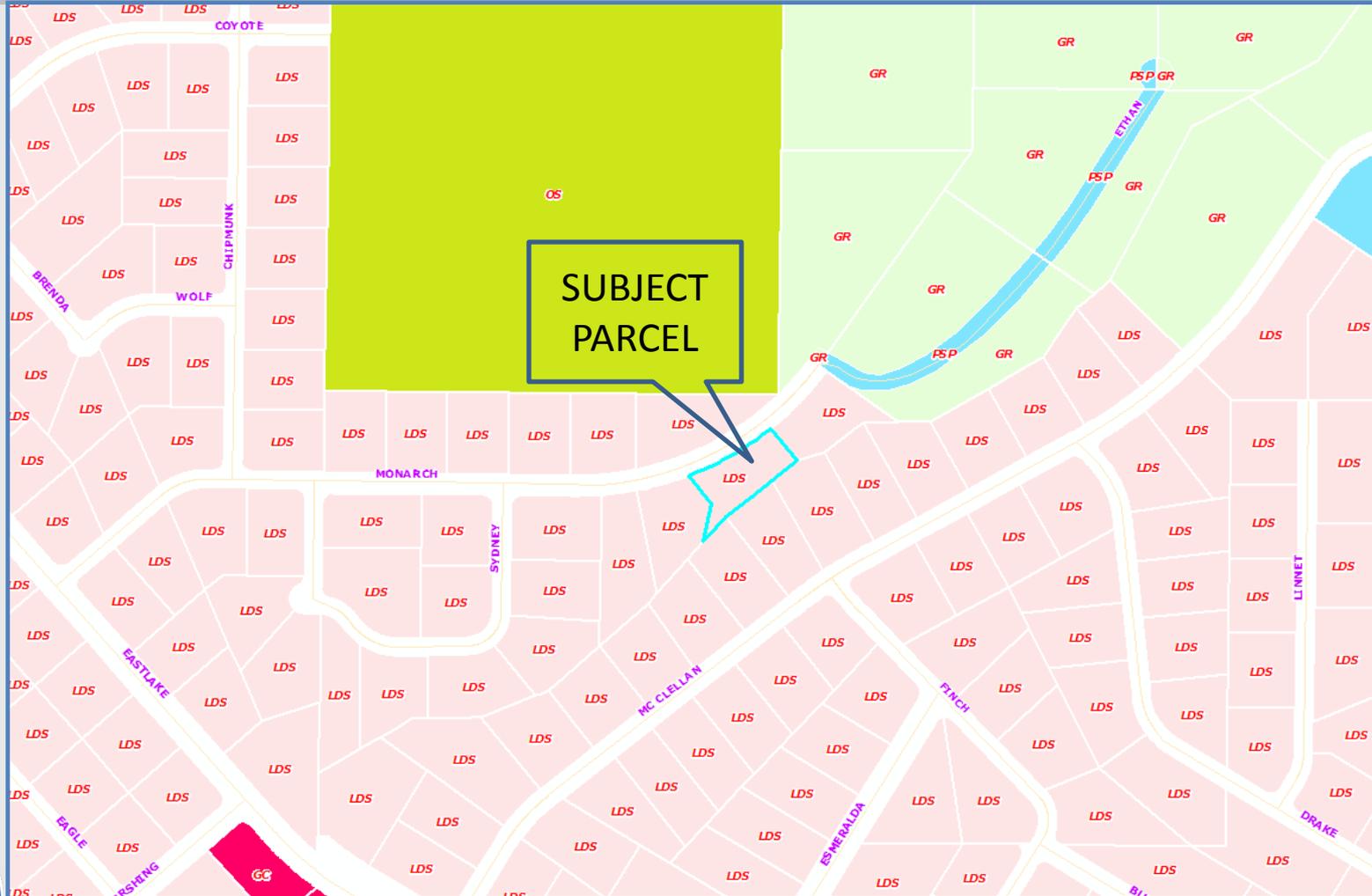
Vicinity Map

250 Monarch Drive
Washoe Valley

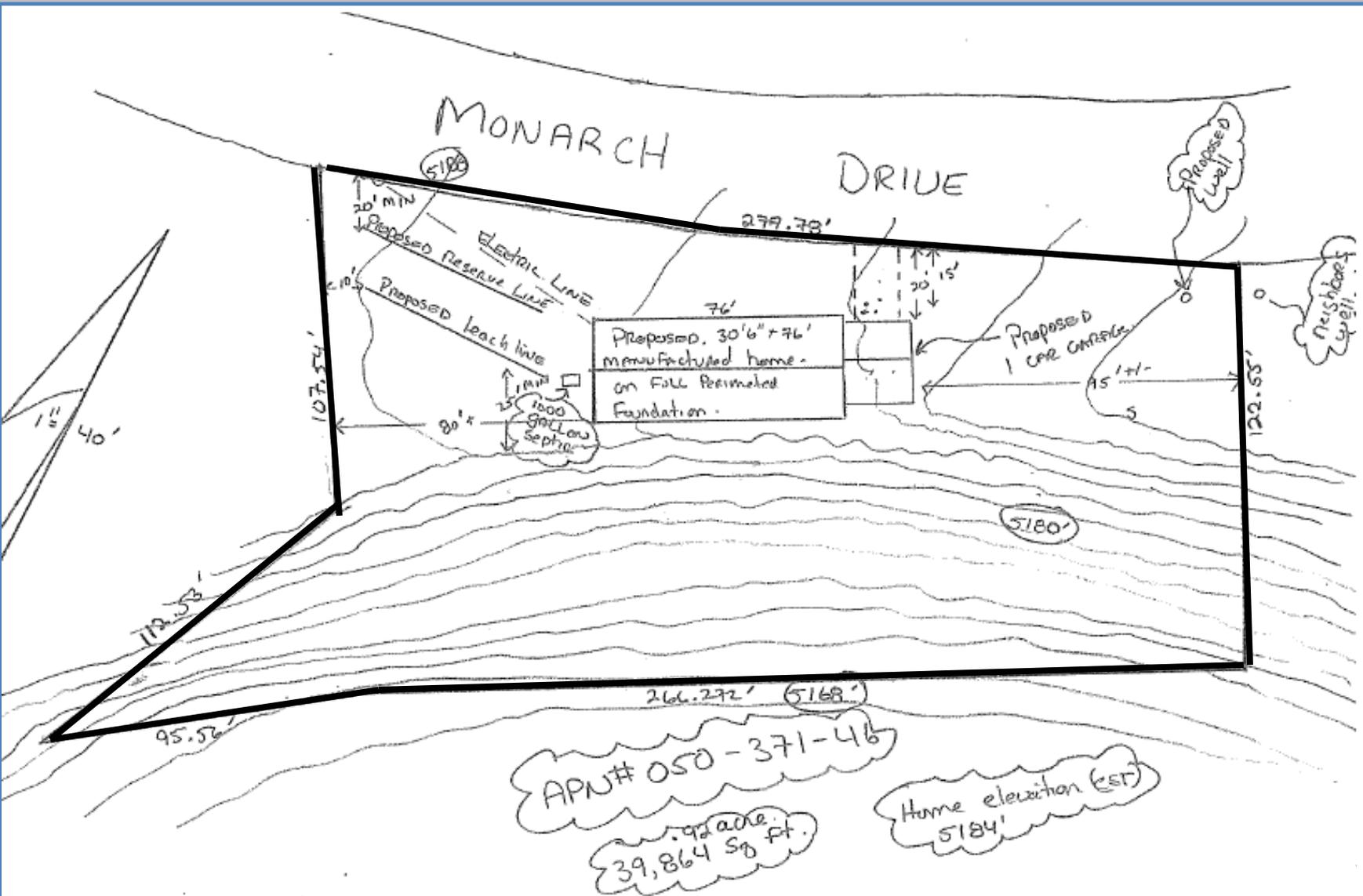
APN: 050-371-46



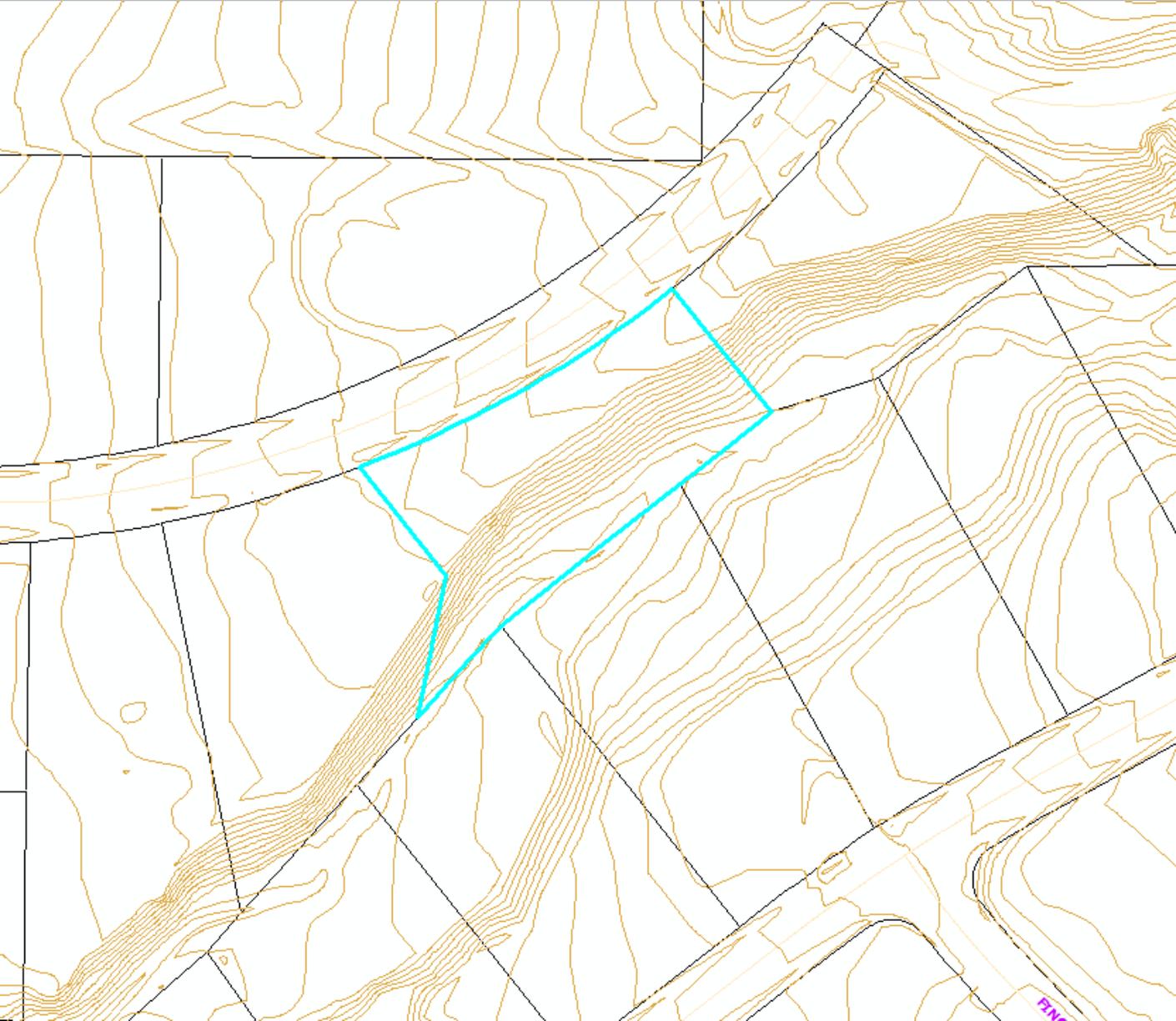
Zoning Map



Site Plan



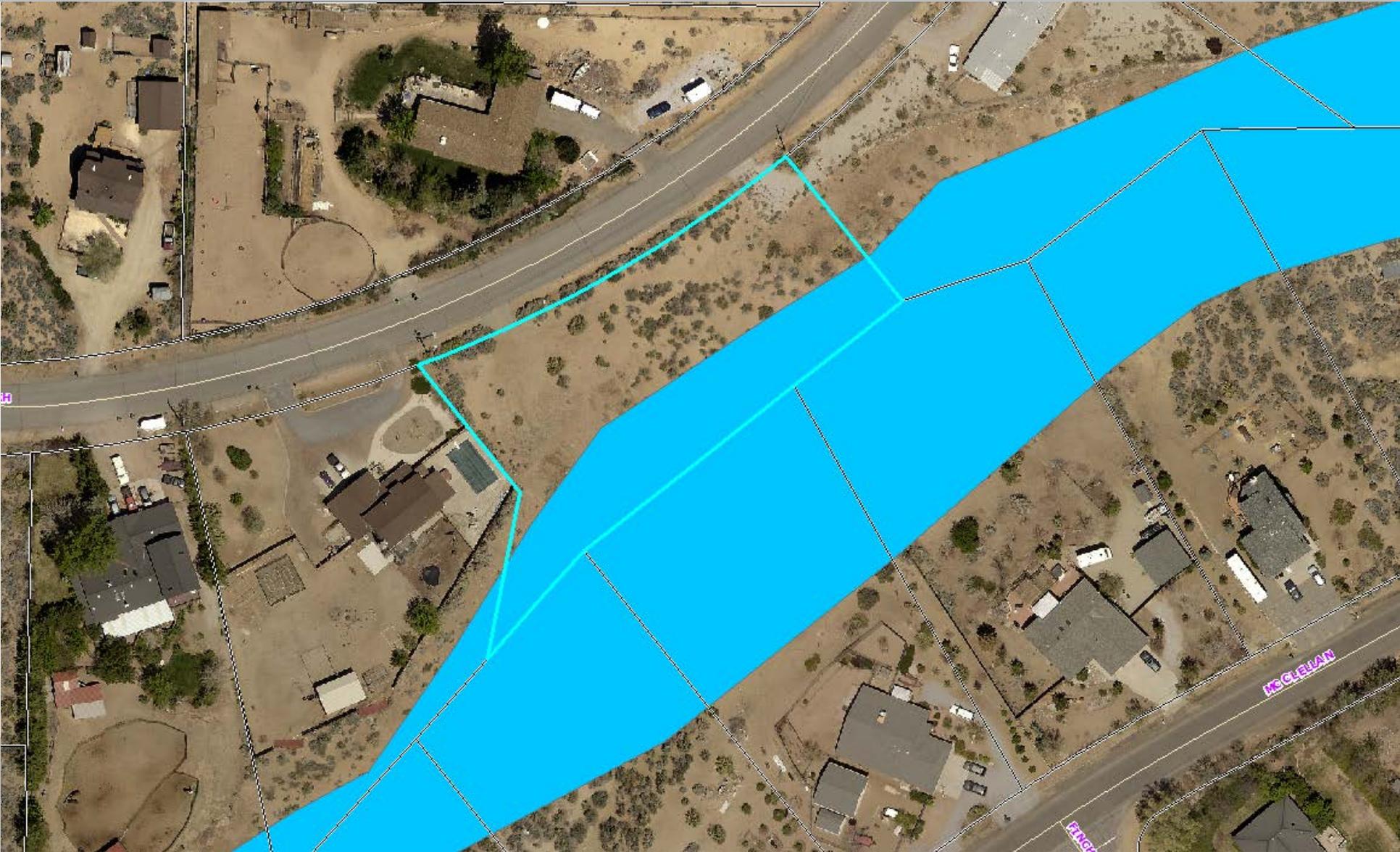
Topographical Map

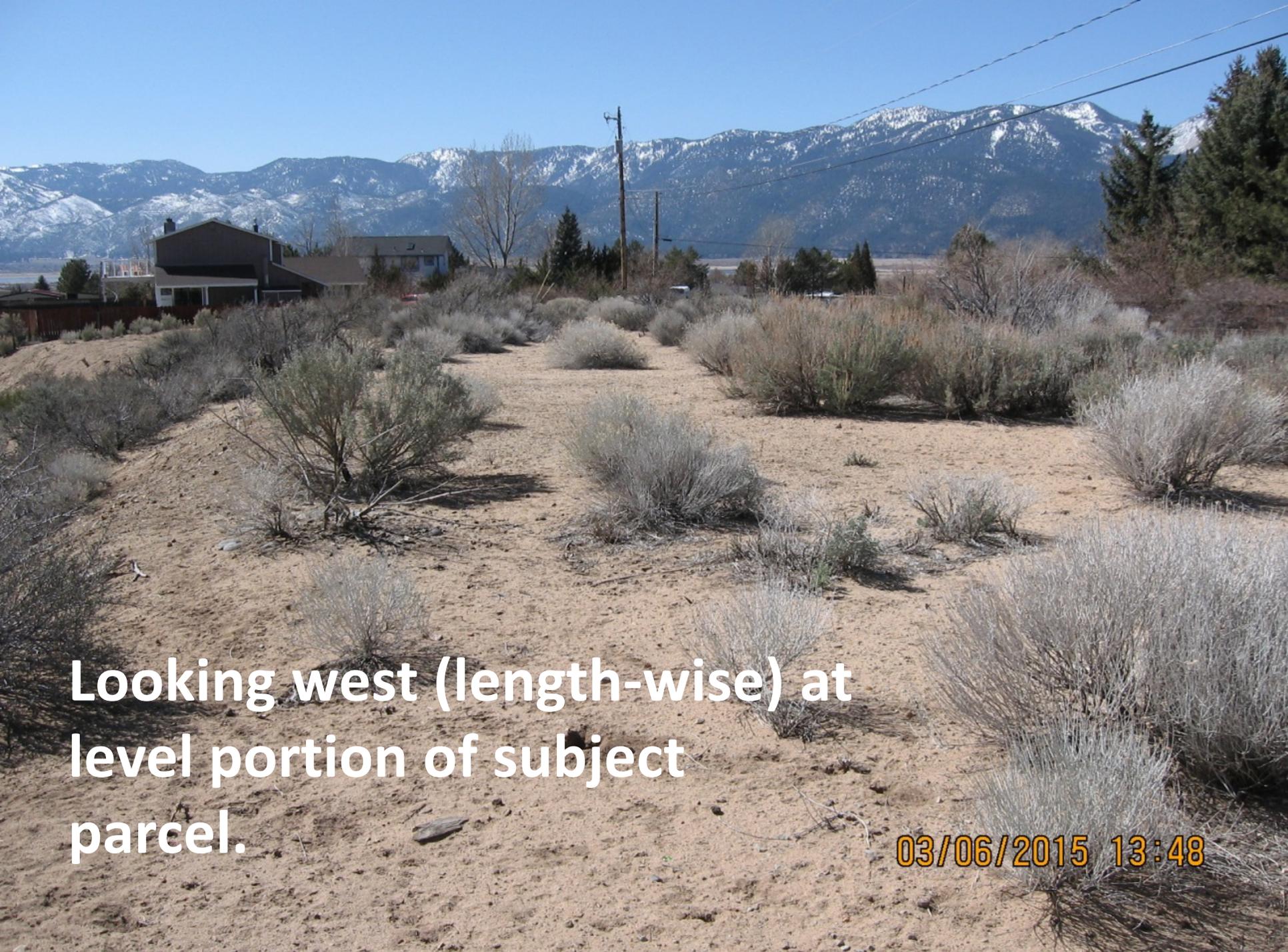


Two Foot
Contours



FEMA 100-Year Floodplain



A photograph showing a dirt path leading through a desert landscape. The path is flanked by sparse, dry vegetation, including small shrubs and bushes. In the background, there are several houses and utility poles. The sky is clear blue, and the mountains in the distance are covered in snow. The overall scene is a typical desert environment with a clear view of the mountains.

Looking west (length-wise) at
level portion of subject
parcel.

03/06/2015 13:48

±33 percent slope



Looking west at ravine on
subject parcel.

03/06/2015 13:47

Subject
Parcel

± 33 Percent
Slope

Looking across ravine at
subject parcel.

03/06/2015 14:06

Reviewing Agencies

- **Washoe County Planning & Development**
- **Washoe County Engineering**
- **Washoe County Environmental Health Services**
- **Truckee Meadows Fire Protection District**



Citizen Advisory Board (CAB)

South Truckee Meadows/Washoe Valley CAB

- Recommended approval of 20 foot front yard setback and to consider landscape screening on Monarch Drive.



Public Comment

- Instability of the subject parcel
- Inconsistency of neighborhood setbacks
- Too big of a house for parcel size
- Manufactured home will lower home values
- Concern of a “trailer park theme” in the neighborhood
- Concern of setting a precedent of reduced setbacks
- Concern of adding another well to “the already drying aquifer”



Variance Findings

1. Special Circumstances – Exceptional narrowness, shallowness or shape of the specific property, or by reason of exceptional topographical conditions or other extraordinary and exceptional situation or condition of the property, the strict application of the regulation results in exceptional and undue hardship upon the owner of the property.



Variance Findings

2. No detriment to the public good, natural resources, or to the intent of the Development Code.
3. No special privilege granted that is inconsistent with limitations upon other properties in the vicinity with the identical regulatory zone.
4. Use authorized by the Development Code.



Possible Motion

I move that after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Board of Adjustment approve with conditions a 20 foot front yard setback for Variance Case No. VA15-002, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25.



Washoe County Appeal of Decision Application

AX15-001

Appeal of Decision by (Check one)

<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Hearing Examiner
<input type="checkbox"/> Design Review Committee	<input type="checkbox"/> Parcel Map Review Committee
<input type="checkbox"/> Director of Building & Safety (NRS 278.310)	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Director of Planning and Development	<input type="checkbox"/> Code Enforcement Officer

Appellant Information

Name: Frank Bouchard KC custom for Kimberly Kline	Phone: 775-671-1160
Address: 173 EL DORADO AVE.	Fax: —
	Email: frankbouchard@gmail.com
City: Dayton. State: Nev. Zip: 89403.	Cell: same as above.
Original Application Number: VA15-002 (KLINE)	
Project Name: KLINE	
Project Location: 250 Monarch Drive, Washoe Valley NV	
APN# 050-371-46	
Date of decision for which appeal is being filed: APRIL-02-2015.	

State the specific action you are appealing: DENIAL OF THE REQUEST FOR A CHANGE FROM 30 FEET TO 20 FEET FRONT YARD SETBACK FOR VARIANCE CASE NUMBER VA15-002 SUBMITTED BY CUSTOM CONCEPTS FOR KIMBERLY KLINE AT 250 MONARCH DRIVE IN WASHOE VALLEY NEVADA APN# 050-371-46 ON .92 ACRES.

State the reasons why the decision should or should not have been made:

Please see page 1 ITEM 1

For Staff Use Only

Appeal Number:	Date Stamp
Notes:	
	Staff: _____

Appellant Information (continued)	
Cite the specific outcome you are requesting under the appeal: Please see page 1 item 2.	
State how you are an affected individual entitled to file this appeal: ms. kline is the property owner and I Frank Boultard MARSANO from KC Customs (Developer) am assisting her in this process. IT'S her property that is being affected by the incorrect decision made by the Board of Adjustment.	
Did you speak at the public hearing when this item was considered? KC custom concepts spoke on behalf of ms kline	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No

For time limitations imposed for the various types of appeals, please refer to the Washoe County Development Code (WCC Chapter 110) and Nevada Revised Statutes Chapter 278 (NRS 278).

APPELLANT AFFIDAVIT

STATE OF NEVADA)
)
COUNTY OF WASHOE)

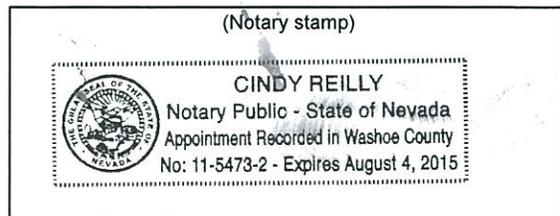
I, Kimberly M Kline
being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Development.

Signed Kimberly Kline
Address 305 Puma Dr
Washoe Valley, NV 89704

Subscribed and sworn to before me this 7th day of April, 2015.

Cindy Reilly
Notary Public in and for said county and state

My commission expires: 8/4/2015





NVLic#B1508/CaLic#971488
JohnCo Ent NVLic#8853A

5084 Washoe Cir
Stagecoach, NV 89429

Presented by Frank Bouchard Marsano of KC Custom Concepts

WASHOE COUNTY APPEAL OF DECISION APPLATON (page 1

)

(Item 1)

State the reasons why the decision should or should not have been made:

The denial on variance VA15-002 should never have been made! The Board of Adjustment based their decision on us not meeting code section 110.804.25 finding #2 which states no detriment or substantially impair affected natural resources. They never agreed that the setback changes would cause this, because there are no detriments or impairment caused by the setback change. What they based their decision on was that a well was going to be drilled on the subject property, which Ms. Cline has every legal right to do on her property located at 250 Monarch Dr. This legal right is shown by the letter written on April 9 2015 by the Department of Conservation and Natural Resources Division of Water Resources which state under NRS 534-120 Ms. Cline has the lawful right to drill a domestic well to use in her manufactured home that she wants to place on her private property as long as she meets all the county requirement to develop the property. How the Board of Adjustments came up with this WRONG decision baffles all the agencies I've contacted in Washoe County, the State of Nevada, Ms. Cline and myself. WHAT DOES SETBACKS HAVE ANYTHING TO DO WITH DRILLING A WELL OR WATER CONDITIONS? These are two distinct items, even Mr. Edwards, the legal advisor for the board stated to the board and I quote "to not get drawn into a decision that's separate from the actual request". His warning was completely ignored by Kristina Hill and Kim Toulouse, this act must be thrown out as it is WRONG!

(Item 2)

Cite the specific outcome you are requesting under the appeal:

I'm requesting that you throw out the denial given by the Board of Adjustment on April 2nd of 2015 and give Ms Kline an approval for the variance of setback changes from 30 feet in the front to 20 feet. I'm also requesting that you do not add any additional conditions (added landscape etc.) to her developing her property outside of the normal conditions that the Washoe county agencies have in place. This variance is in place in Washoe county for the exact circumstances that Ms. Kline has on her property and has agreed and stated by Lee Lawrence chair to the board.

-----Nothing follows-----

BRIAN SANDOVAL
Governor

STATE OF NEVADA

LEO DROZDOFF
Director



JASON KING, P.E.
State Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>**

April 9, 2015

VIA ELECTRONIC AND U.S. MAIL

Frank Bouchard
Casey Custom Concepts
173 Eldorado Ave.
Dayton, NV 89403

RE: Domestic Well for APN 050-371-46

Dear Mr. Bouchard:

Thank you for your inquiry concerning information on the ability to drill a domestic well for the above-reference parcel number. In our telephone conversation yesterday, I confirmed that you should first ascertain whether the parcel is located within the service area of the Truckee Meadows Water Authority (TMWA), and you indicated that it was not within TMWA's service area. If that is the case, Nevada law allows a property owner to drill a well on the property for domestic use.¹ Domestic wells whose use does not exceed 2 acre-feet per year do not require a water right from the Division; however, any draught over 2 acre-feet requires a water right obtained through the Division.

Notwithstanding the ability to drill a domestic well on the property, this parcel is located in a basin that has been designated by the State Engineer pursuant to NRS 534.120; therefore, any licensed well driller retained to drill the well must adhere to the requirements applicable to designated basins found in NRS and NAC Chapter 534.

I hope you find this information helpful. If you require additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Kristen Geddes".

Kristen Geddes
Chief, Hearings Section

¹ Domestic use is defined by NRS 534.120, and is limited to not more than 2 acre-feet per year pursuant to NRS 534.180.



NVLic#B1508/CaLic#971488
JohnCo Ent NVLic#8853A

5084 Washoe Cir
Stagecoach, NV 89429

Ref: Variance Case number VA15-002 (Kline)

Dear Ms Sannazzaro

This is in response to a letter written by Ed Smith

We do not have a misperception that some in the neighborhood are against Ms. Kline for having plans for a proposed 2015 manufactured home to be placed at 250 Monarch Drive. It's a fact demonstrated by some of the neighbors own statements at the Citizens Advisory Board

(Jakon Tolhurst) He wrote that they live next to the proposed property. They rebutted the statements on the proposal to change the mandatory 30' to 10' setback. It would not complete the neighborhood, it would be THE ONLY MANUFACTURED HOME AND LOWER HOME VALUES and it would be adding a well to the already drying aquifer.

(Dianne Beaty) She stated that she lives across from the property. She said it's a narrow shoulder of land. 15 foot setbacks of the MANUFACTURED HOME IS NOT CONGRUENT WITH THE HOMES IN THE AREA.

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I would like to rebut, Mr. Smith's claim that I have something to gain by selling a home to Ms. Kline. First of all, I am not selling her anything. Clayton Homes is the company that is selling her a home. I am an Employee of KC Custom's who was asked by Clayton Homes to assist Ms. Klein in developing the property on her behalf. My passion does not come from making a house commission or earning an hourly wage. But from being involved with Don Korson, one of the few people responsible for the law that pasted allowing Manufactured homes to be placed on residential properties. During my time with him I've seen the discrimination from many people towards this type of housing. I am involved assisting Ms. Kline because I understand this type of housing better then most who are in this field. From sales, to construction to the engineering process, everything involved from start to finish. I have seen in Lemmon Valley after the law was passed, neighbors in a stick built residential neighborhood tried to burn down a manufactured home and did burn down the garage. Because they assumed it would dis value their area. Years later, it has not de valued anything and actually improved it.



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Suggestion

1. Mr. Smith's advice is not needed, warranted or appreciated. It is like asking for advice on heart surgery from a Podiatrist They both may be doctors but are not good outside their fields. If we require a rock specialist we will contact Mr. Smith. But for now we will stay with the true professionals in this field.

Sincerely,
Frank Bouchard

From: Ed Smith
Sent: Thursday, April 02, 2015 9:31 PM
To: Sannazzaro, Grace
Subject: Variance Case VA15-002 (Kline)

Reference: Variance Case Number VA15-002 (Kline)

Dear Ms. Sannazzaro --

Thank you for your presentation on the above set-back variance request today. I am the geologist living in the subject neighborhood who spoke briefly during the public comments.

I think that there is a misperception that the neighborhood is against Ms. Kline's plans because the proposed home is a "manufactured" unit. This seems to be continually espoused by the builder, who obviously hopes to sell her one. I don't believe that's an accurate assessment of the neighbors, some of whom may have expressed concern about that type of construction. I think their e-mails or calls were colored by understandable disbelief that someone would actually try to build *any* type of home on such an extremely marginal piece of property.

Let's be clear, Ms. Kline obviously has a right to build on her land, but what has alarmed the neighborhood is the size of her proposed home given the parcel's severe limitations. As a geologist -- or anyone for that matter -- those limitations are readily apparent and pose a significant structural risk to a home of the proposed size. The land is unconsolidated, infilled sand mixed with a large amount of horse manure and debris. Organic matter will decompose and leave a void, causing surface collapse. As such, without a significant investment in site engineering (e.g., piers or pilings) that sand will continue to erode away, down the cliff face and along with it, part of her foundation. The builder's explanation of how the foundation would be so massive as to prevent this demonstrates a clear lack of knowledge of what happens when foundations are undercut by erosion -- they collapse under their own weight.

No one appears to be concerned that the size of the proposed home vs. the lot limitations poses a safety risk to the occupants. I see mentioned several times in Staff Report comments that variances in setback requirements are allowed when "... safety and welfare are not at risk...". A 2,318 square foot home built to the very edge of "...a cliff with massive elevation changes/drop... as well as being in a Flood Way/Flood Zone." (applicant's words) is inviting eventual structural failure.

Suggestions:

1. Ms. Kline should seriously consider a home with a smaller footprint or a two-story design. This would also minimize other concerns about the proximity of her proposed well and septic systems to neighbors' property.
2. Require, in the interest of safety, a *mandatory* geotechnical report on the building site given its proximity to "the cliff".
3. If a set-back variance of any distance is approved, require (not just suggest) a substantial amount of landscaping.

Thank you,
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**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>**

April 9, 2015

VIA ELECTRONIC AND U.S. MAIL

Frank Bouchard
Casey Custom Concepts
173 Eldorado Ave.
Dayton, NV 89403

RE: Domestic Well for APN 050-371-46

Dear Mr. Bouchard:

Thank you for your inquiry concerning information on the ability to drill a domestic well for the above-reference parcel number. In our telephone conversation yesterday, I confirmed that you should first ascertain whether the parcel is located within the service area of the Truckee Meadows Water Authority (TMWA), and you indicated that it was not within TMWA's service area. If that is the case, Nevada law allows a property owner to drill a well on the property for domestic use.¹ Domestic wells whose use does not exceed 2 acre-feet per year do not require a water right from the Division; however, any draught over 2 acre-feet requires a water right obtained through the Division.

Notwithstanding the ability to drill a domestic well on the property, this parcel is located in a basin that has been designated by the State Engineer pursuant to NRS 534.120; therefore, any licensed well driller retained to drill the well must adhere to the requirements applicable to designated basins found in NRS and NAC Chapter 534.

I hope you find this information helpful. If you require additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Kristen Geddes".

Kristen Geddes
Chief, Hearings Section

¹ Domestic use is defined by NRS 534.120, and is limited to not more than 2 acre-feet per year pursuant to NRS 534.180.



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Stagecoach, NV 89429

Ref: Variance Case number VA15-002 (Kline)

Dear Ms Sannazzaro

This is in response to a letter written by Ed Smith

We do not have a misperception that some in the neighborhood are against Ms. Kline for having plans for a proposed 2015 manufactured home to be placed at 250 Monarch Drive. It's a fact demonstrated by some of the neighbors own statements at the Citizens Advisory Board

(Jakon Tolhurst) He wrote that they live next to the proposed property. They rebutted the statements on the proposal to change the mandatory 30' to 10' setback. It would not complete the neighborhood, it would be **THE ONLY MANUFACTURED HOME AND LOWER HOME VALUES** and it would be adding a well to the already drying aquifer.

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Sincerely,
Frank Bouchard



Conditions of Approval

Variance Case Number VA15-002

The project approved under Variance Case Number VA15-002 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 2, 2015. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Variance may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions”. These conditions must be continually complied with for the life of the project or business.

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of Planning and Development, which shall be responsible for determining compliance with these conditions.

Contact: Grace Sannazzaro, 775.328.3771, gsannazzaro@washoecounty.us

- a. The front yard setback shall be no less than twenty (20) feet. All required yard setbacks are measured from the property line.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Planning and Development Division shall determine compliance with this condition.
- c. A copy of the Action Order stating conditional approval of this variance shall be attached to all applications, including building permits, issued by Washoe County.

Washoe County Engineering and Capital Projects

2. The following condition is a requirement of the Engineering Division, which shall be responsible for determining compliance with this condition.

Contact: Leo Vesely, 775.325.8032, lvesely@washoecounty.us

- a. The FEMA (Federal Emergency Management Agency) 100-year floodplain shall appear on the site plan to the satisfaction of the County Engineer. Building permits for structures that fall in this area shall be in conformance with Washoe County Development Code, Article 416 Flood Hazards.

Washoe County Health District

3. The following conditions are requirements of the Environmental Health Division of the Washoe County Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the Washoe County District Board of Health.

Contact: James English, 775.328.2610, jenglish@washoecounty.us

- a. The project must meet all the requirements outlined in the *Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater and Sanitation* for the approval and construction of an onsite sewage disposal system.
- b. The project must meet all the requirements outlined in the *Regulations of the Washoe County District Board of Health Governing Well Construction* for the placement and construction of an onsite domestic well.

Comment: As outlined in the application, the parcel has some geographical elements which will make the siting of a residence and the associated well and septic system challenging. Development of the subject parcel may require the design and installation of an engineered onsite domestic septic system.

Truckee Meadows Fire Protection District

4. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact: Amy Ray, 775.326.6005, aray@tmfpd.us

- a. Plans and/or permits for the installation of any structure shall be obtained and approved prior to construction in accordance with Washoe County Code Chapter 60.

*** End of Conditions ***