Subject: Variance Case Number: VA16-003
Applicant: Thomas and Susan Fleming
Agenda Item Number: 8C
Project Summary: Reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches
Recommendation: Denial
Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoeCounty.us

Description

Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) – Hearing, discussion, and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.

• Applicant: Elise Fett, and Associates
  Attn: Julie Rinaldo
  PO Box 5989
  Incline Village, NV 89450

• Property Owner: Thomas and Susan Fleming
  5111 Alta Canyada Road
  La Canada Flitridge, CA 91011

• Location: 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village

• Assessor’s Parcel Number: 126-251-06
• Parcel Size: ± .363 acres
• Master Plan Category: Suburban Residential (SR)
• Regulatory Zone: Medium Density Suburban (MDS)
• Area Plan: Tahoe
• Citizen Advisory Board: Incline Village/Crystal Bay
• Development Code: Authorized in Article 804, Variances
• Commission District: 1 – Commissioner Berkbigler
• Section/Township/Range: Section 10 & 11, T16N, R18E, MDM, Washoe County, NV
**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 Washoe County Code Section 110.804.25, Variance, 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.

Since a recommendation of denial has been made, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance, staff will provide Conditions of Approval at the public hearing.
Vicinity Map
Site Plan
Detail Site Plan
Project Evaluation

The applicant is requesting to reduce the required front yard setback to facilitate expansion of the existing dwelling. The expansion is proposed to consist of both living area as well as garage area.

It is important to recognize that the approval of any variance is jurisdictional, that is to say that Nevada Revised Statues limits the power of the Board of Adjustment to grant variances only under particular circumstances. Among those circumstances are: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact can be made the Board must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

Evaluation of the request to vary standards will follow the criteria as required above.

Exceptional Narrowness: The parcel is located within the Medium Density Suburban zone. The minimum lot size in that zone is 12,000 square feet. The subject parcel is approximately .363 acres or 15,812 square feet in size. The minimum lot width in that zone is 80 feet. The subject parcel is approximately 115 feet in width at the front property line. The subject parcel is not exceptionally narrow.

Exceptional Shallowness: The side property lines of the subject parcel are approximately 195 and 184 feet in length, for an average lot depth of approximately 189 feet. The subject parcel is not exceptionally shallow.

Exceptional Topographic Conditions: The subject parcel, overall, is sloped at approximately 24%. The Development Code recognizes that all parcels with such slopes present challenges for the design of access. For this reason section 110.406.30(b) reduces the front yard setback to 15 feet. This is an accommodation for such parcels. In other instances, parcels within the same regulatory zone would be required to maintain 20 foot front yard setbacks.

As can be seen in the following overhead photograph, the slope of the subject parcel is consistent with the slope of most surrounding parcels. Each yellow line represents a change in elevation of two feet. The topography of the subject parcel is not “exceptional.”

Other Extraordinary and Exceptional Situation or Condition of the Piece of Property: Staff has not been able to identify any characteristic of the property that creates an extraordinary or exceptional situation or condition. It is instructive to note that, based upon the overhead photograph the adjacent dwellings seem to be constructed in conformance with the required setbacks.
Overhead photograph of property
It is also important to recognize that the Development Code, in the Tahoe Area Plan modifiers, section 110.220.20(d), allows the construction of a detached garage up to the front property line when the lots includes a slope of 20% or greater. The subject parcel includes such a slope.

The variance application provides some detail as to the reasons that the variance has been requested. Those include, “The site has a 30% slope and an existing parking deck at the font of the house. Locating the garage addition where the existing parking deck structure is located is the least obtrusive option for an attached garage. Any other location would require a new driveway approach at an even steeper area of the lot. The kitchen of the existing house is directly in front of the proposed garage and the roofline of the existing house can continue over the garage and new entry for reasonable and efficient construction that provides safe access to the home.”

All of the factors evaluated show that there are options for construction of additional living area as well as a garage on the subject parcel without the approval of the variance requested. While Staff recognizes that the configuration requested with the Variance may be the most convenient for the applicant, there is no hardship that rises to the level of recommendation of approval for the variance request.
The request was also evaluated by interested agencies and departments as is covered in detail below, however, among the most instructive evaluations was provided by Clara Lawson, Washoe County Traffic Engineer. Her evaluation includes a recommendation for denial for the reasons that, “a garage could be located within setbacks, a vehicle parked in front of the garage would encroach in the traveled way of Cristina Dr., and snow storage would be reduced.”

For these reasons, staff recommends denial being unable to make the necessary findings of fact as required by both Nevada Revised Statutes and the Washoe County Development Code.

Incline Village/Crystal Bay Citizen Advisory Board (CAB)

The proposed project was discussed at the regular meeting of the Incline Village/Crystal Bay CAB on April 25, 2016. The CAB declined to take a vote on the request, and rather indicated that each member would submit their individual comments in writing to Staff. Minutes are attached as Exhibit B. The following are taken from those minutes:

- Roger [Pelham] said he isn’t representing the project but will answer any code, policy, or process questions. He isn’t for or against the request.

- Gerry Eick said he went by the parcel and the variance request is consistent with the neighbors. He said he was concerned visualizing the structure; it’s strategically located in a square shape in between large trees. He said he looked at the site plan, and they are making it a deeper structure and removing trees. He said it may change the visual corridor. He asked if it fit the character of the street. He said the owners had received a letter of support, but does it affect anyone else in the neighborhood. Roger Pelham said he hasn’t heard any controversy for this project, but it’s early. The standards by which variances are judged are state law. The criteria for state law are in the code. It comes down to legal standard that forces variance. Roger spoke about standards such as exceptional narrowness and other exceptional conditions of the property. He said it’s about the characteristics of land, not convenience of the applicant. Gerry said with the condition and slope, it makes sense to have these characteristics, but he said he is concerned that it goes from square to an entirely different shape with the garage on one side. They are making one argument, but doing other things. He said it was an observation.

- Judy Miller said she walked the street and observed many of the homes that have deep enough driveways to have two parking spaces in front of the garage. She said another home in the neighborhood had a physical constrain on a narrow lot. She said a variance is only supposed to be granted when there are extraordinary conditions. She said she didn’t believe or couldn’t find reason to go any other reason. She doesn’t think it’s appropriate for this property.

- Andy Wolfe said he came to similar conclusions as Judy. He said he didn’t see any topo or physical constraints. He said the garage is 24 feet deep, and if you don’t demolish the existing home, you have to intrude into the setback. He said if you cut the garage to 20 feet, you wouldn’t have an intrusion, but might not work for storage. He asked is the location of the existing building a physical constrain that we should consider when locating the garage. He said it’s not a special convenience to have a 24 foot garage that is standard. He asked if the avoidance of demolishing the current home is making it a constraint. Roger said the Board of Adjustment will make that final decision. Roger said no, it’s not an extraordinary condition. The location of the dwelling isn’t a hardship. He
said another factor in play is when the conditions are 20% slope. They could build a garage detached in the same location, but not attached.

- Judy Miller said they don’t currently have enclosed parking. She asked if he is trading one non-conforming for another. Roger said not in this case. One enclosed parking space and one off street parking space is required. He said right now, there are two non-conforming. It’s legal, non-conforming. Judy said we have seen a lot of vacation rentals with higher occupancy with no parking. She said there is not a lot of storage; storage will happen in the garage, and parking will be displaced outside on the street. It creates a dangerous situation, especially on a school route.

- Gerry Eick said Roger mentioned it’s early in the process. Roger said they accept variance requests on the 15th of every even month. He said its only 9 days after it’s been submitting. He said he will receive comments back from all the agencies: health, fire, CAB. Roger said he will form his recommendation after he receives everyone’s comments. Gerry said this goes to the BOA on June 2nd. Roger said all the other agencies feedback will be put into a recommendation in the form of a staff report prior to the public hearing. Notices will go to the property owner for the official hearing. He said at the beginning of the process, courtesy notices are sent out. He said he promises those comments that are submitted in writing will be put into his staff report. Gerry said he was hoping to make additional comments later in the process. Judy said she was disappointed in the fact the applicant isn’t here. Roger asked everyone to submit comment or come to the public hearing.

- Tom Cardinale said it’s none of our business regarding their storage. She is asking for access and wants to remove two trees. She wants to make this house valuable to her.

- Gerry Eick recommended to submitting our own comments.

- Andy Wolfe said if he puts himself in the neighbor’s shoes, he said he would rather have the variance, and leave a view corridor. He said he would want to preserve the views.

**Reviewing Agencies**

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

- Washoe County Planning and Development Division
  - Planning and Development
  - Engineering and Capital Projects
  - Utilities
  - Parks and Open Spaces
  - Building and Safety

- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
  - Air Quality
  - Emergency Medical Services
Two out of the sixteen above listed agencies/departments provided substantive comments and/or recommendations in response to their evaluation of the project application, most of the reviewing agencies simply replied that they had no comment. A summary of each agency's substantive comments and/or recommendation and their contact information is provided.

- **Washoe County Planning and Development** recommended denial of the request due to lack of an identifiable hardship applicable to the subject parcel.
  
  *Contact: Roger Pelham, 775.328.3622, rpelham@washoecounty.us*

- **Washoe County Engineering and Capital Projects (Traffic Engineer)** recommended denial of the request due possible conflict between parked cars and traffic on Cristina Drive and reduced snow storage area.
  
  *Contact: Clara Lawson, PE, 775.328.3603, clawson@washoecounty.us*

### Staff Comment on Required Findings

Section 110.804.25 of Article 804, Variances, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the variance request. Staff has completed an analysis of the application and has determined that the proposal is not in compliance with the required findings as follows.

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.

   *Staff Comment:* As noted previously, there are no special circumstances applicable to the property that result 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.

   *Staff Comment:* Because there are no special circumstances applicable to the property that result in exceptional and undue hardships upon the owner of the property, the relief has the potential to impair the intent and purpose of the Development Code, also the reduction in the front yard setback has the potential to create conflict between cars parked in front of the garage and traffic on Cristina Drive.
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:* Because there are no special circumstances applicable to the property that result in exceptional and undue hardships upon the owner of the property, the relief would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone.

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:* Residential additions and garages are allowed uses within the Medium Density Suburban 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 site, therefore, this finding is not applicable.

**Recommendation**

After a thorough analysis and review, due to the lack of any special circumstances applicable to the property that result in any exceptional or undue hardships upon the owner of the property, Variance Case Number VA16-003 is being recommended for denial. 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 deny Variance Case Number VA16-003 for Thomas and Susan Fleming, being unable to make all four applicable 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 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc:

Property Owner: Thomas and Susan Fleming  
5111 Alta Canyada Road  
La Canada Flitridge, CA 91011

Representatives: Elise Fett and Assoc.  
Attn. Julie Rinaldo  
PO Box 5989  
Incline Village, NV 89450

Action Order xc:
From: Lawson, Clara  
Sent: Friday, May 06, 2016 4:55 PM  
To: Pelham, Roger  
CC: Vesely, Leo; Smith, Dwayne E.  
Subject: VA 16-003  APN 126-251-06  

I recommend denial because a garage could be located within setbacks, a vehicle parked in front of the garage would encroach in the traveled way of Cristina Dr., and snow storage would be reduced.

Clara Lawson, PE, PTOE, Licensed Engineer
Washoe County | Community Services Dept | Engineering Division 1001 E. Ninth St., Reno NV 89520
clawson@washoeCounty.us | o 775-328-3603 | fax 775-328-3699
Connect with us: email | Twitter | Facebook | www.washoeCounty.us

From: Corbridge, Kimble  
Sent: Thursday, May 05, 2016 9:37 AM  
To: Pelham, Roger  
CC: Vesely, Leo  
Subject: VA 16-003
https://www.washoeCounty.us/csd/planning_and_development/applications/files/planning-development/comm_01st_one/va16-003w.pdf  

Roger,  
I have no comments for Road issues.  
Leo should add conditions for an automatic garage door opener and perhaps a hold harmless for snow removal operations.  
Thx,  
Kimble
INTEROFFICE MEMORANDUM

DATE: May 05, 2016
TO: Roger Pellham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capital Projects Division
SUBJECT: VA16-003
          APN 126-251-06
          FLEMING SETBACK VARIANCE

I have reviewed the referenced variance case and recommend denial.

LRV/Irv
Roger Pelham, MPA, Senior Planner  
Kelly Mullin, Planner  
Trevor Lloyd, Senior Planner  
Chad Giesinger, AICP Senior Planner  
Lora R. Robb, Planner  
Washoe County Community Services Department  
Planning and Development Division  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512  
April 23, 2016  

Subject: April Agency Review – Case Nos. – PM16-004 (Cole); PM16-006 (TL Mt. Rose Estates); AC16-002(Hidden Valley Fire Station); SB16-004(Verizon Arrowcreek Country Club); VA16-002 (Ufer); SW16-002 (Henderson)

Roger, et al,

Thank you for providing us the April Agency Reviews and the opportunity to review and provide comments. We have reviewed the subject proposed projects as requested and we have the following comments:

Parcel Map Case Number PM16-004 (Terri Cole)  
The proposed project is to approve a Tentative Map to allow the division of a 2.15-acre parcel (017-342-29) into a 1.008-acre parcel and a 1.14-acre parcel. The project is located in Section 64, T17N, R20E, MDBM in Washoe County. We have the following comments on this proposed project:

1. Regarding Supplemental Information item 9 - The applicant states that the property contains no wetlands. However, the area is within close proximity of irrigation ditches and Steamboat Creek and the property appears to have potential wetland signatures on the north end of the parcel in the field. Also the NWI Maps for the area indicate PEMC fresh water wetlands in the vicinity of the property. Further the soil on the property is listed as Truckee Silt Loam (800), which is listed as a Hydric Soil on the National Hydric Soils List. Therefore, it is our recommendation that the County condition the approval that the applicant be required to submit a Jurisdictional Determination to the U.S. Army Corps of Engineers for review and verification of the wetlands on the property so that they may assessed for the potential impact to them from any proposed project.

2. Regarding Supplemental Information item 11 - The applicant states that property is not near a water body, stream, Significant Hydrologic Resource or riparian area. The property is near the Jumbo Irrigation Ditch and the Steam Boat Creek. The property has a Flood Zone classifications of X and AE. We recommend the County condition the approval requiring the applicant to comply with appropriate County ordinances regarding Floodplain Management.

Tentative Parcel Map Case Number PM 16-006 (Monte Vista at Estates at Mount Rose)  
The proposed project is to approve a Tentative Map to allow the division of a +/- 6.65-acre parcel (130-460-05) into two parcels of +/- 3.90-acre parcel and a +/- 2.75-acre parcel. The project is located in Section 35, T18N, R19E, MDBM in Washoe County. We have the following comments on this proposed project:

1. Regarding Supplemental Information item 9 – The applicant replied NO to the question Does the property contain wetlands? Although the property may not contain wetlands per se, the project area is adjacent to Whites Creek, a jurisdictional
Waters of the United States, and as such a delineation of the limits of this feature should be
carried out to identify the limits of the U.S. Army Corps of Engineers. It is our
recommendation that the County conditions the approval to require the applicant to conduct a
Jurisdictional Determination and submit it to the U.S. Army Corps of Engineers for
verification.

2. Regarding Supplemental Information item 11 - The applicant has checked NO to the
question regarding geologic hazards such as .... Is it subject to ....flash floods, is it near a
water body stream ....or riparian area? However, it is apparently clear that the property is
adjacent to Whites Creek and its riparian area. Also Whites Creek is designated as Flood
Zone A and X. It is our recommendation that the County condition the approval that the
applicant be required to submit the proper documents and maps to address these issues.

Amendment of Conditions Case Number AC16-002 (Hidden Valley Fire Station)

The proposed project is to allow for the Amendment of Conditions of the existing Special Use Permit SB 12-067 to extend the time period to allow a manufactured home to be used as living quarters for professional for professional firefighters until July 01, 2021. The project is located at 3255 West Hidden Valley Drive, Reno, Washoe County, Nevada in Section 22, T19N, R20E MDMB. We have the following comments on this proposed project.

1. General Comments - The project is in close proximity to the Hidden Valley mitigation area
and as such we would recommend that the County require the applicant to install and/or
maintain any and all BMPs necessary to insure that any pollutants from sediment runoff from
entering this site.

Special Use Permit Case Number SB16-004 (Verizon – Arrowcreek Country Club)

The proposed project is to allow for the construction of a new wireless cellular facility consisting of a 56-foot high monopole utilizing a stealth design disguised as a pine tree with for sectors, each with three 8-foot tall antennas per sector for a total of 12 antennas. 12 ground mounted remote radio units (RRU), associated equipment cabinets, all enclosed within a fences 30’ x 30’ lease area. The project is located at 2905 Arrowcreek Parkway, Reno, Washoe County, Nevada in Section 23, T18N, R19E MDMB. We have any comments on this proposed project.

1. General Comments - The project is located in close proximity to an existing drainage channel
to the south of the project site. It is our recommendation that the County condition the
approval to require the applicant to install the necessary BMPs that will prevent any possible
flow of run-off pollutants from entering the drainage.

Variance Case Number VA16-002 (Cifer)

The proposed project is to allow for (a) the reduction of the required front yard setback on the north side of the parcel from 20 feet to 18 feet, and (b) reduce the required front yard setback on the west side of the parcel from 20 feet to 14 feet, in order to accommodate a new manufactured home with carport. The project is located at 120 Malcolm Avenue in Grandview Terrace, Reno, Washoe County, Nevada in Section 16, T20N, R19E MDMB. We have any comments on this proposed project:

1. General Comments - The project is located in close proximity to an existing drainage channel
to the south of the project site. It is our recommendation that the County condition the
approval to require the applicant to install the necessary BMPs that will prevent any possible
flow of run-off pollutants from entering the drainage.
2. It is our recommendation that the County condition the approval to require that the applicant contact and coordinate with the Washoe-Storey Conservation District to review the proposed landscape plan and proposed seed mix to be used in the proposed landscape plan.

**Special Use Permit Case Number SWA16-002 (Henderson)**

The proposed project is to approve a 1,016 square foot modular home as a detached accessory dwelling on a parcel that contains an existing 2,033 square foot main dwelling. The project is located at 95 Camaros Drive, Sparks, Washoe County, Nevada in Section 36, T21N, R20E MDBM. We have no comments on this proposed project.

These projects: AP 16-002 (Classical Tahoe); VA 16-003 (Fleming); TM 16-003 (Incline Creek Estates) are located outside of the Washoe/Storey Conservation District Service Area so we have no comment. However, the projects are located within the boundaries of the Nevada Tahoe Conservation District service area. We recommend you provide them copies of the proposed project for their review. Their contact information is:

Nevada Tahoe Conservation District
P.O. Box 915
Zephyr Cove, NV 89448
Jason Brand, District Manager
Tel. 775-586-1610 ext. 33

These are our comments and recommendations for the subject projects. We appreciate the opportunity to provide comments and recommendations on projects that may have impacts on our natural resources. Should you have any further questions please contact Kevin J. Roukey by phone at 775-232-1571 or email kevinjr_51@att.net

Sincerely,

// Original Signed by Kevin J. Roukey

Kevin J. Roukey, District Director
Washoe/Storey Conservation District
April 26, 2016

Donna Fagan
Washoe County Community Services Department
1001 E. Ninth Street, Bldg. A
Reno, NV 89512

Dear Ms. Fagan:

I received your email dated April 21, 2016, requesting a review of the April Agency Review Memo III regarding the variance application (Item 5).

Based on the submitted documentation, it is anticipated that there will be minimal impacts concerning EMS responses to the residential parcel. Additionally, it is not anticipated that there will be impacts concerning access to healthcare services and facilities. Should you need a complete Environmental Impact Assessment, please contact the Washoe County Health District's Division of Environment Health Services at (775) 328-2434.

Advanced Life Support (ALS) fire and ambulance services are provided by the North Lake Tahoe Fire Protection District. The closest fire station to the residential parcel is approximately one mile away.

There is also a hospital within proximity to the Cristina Drive site, should residents require such services. The Incline Village Community Hospital is approximately 1.7 miles away from the residence. There are also several other acute care hospitals and healthcare resources available in Washoe County.

It is recommended the residential unit has the house number clearly marked on the curb and the dwelling so the residents can be quickly located by public safety agencies.

Please feel free to contact me if you have any questions.

Sincerely,

Christina Conti
EMS Program Manager
cconti@washoeCounty.us
(775) 326-6042
<table>
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<th>12-22-15</th>
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| Attention:  | Roger D Pelham  
Washoe County Department of Community Development  
PO Box 11130, Reno NV 89520 |
| RE:         | VA 16-003 |
| APN:        | 126-251-06 |
| Service Address: | 715 Cristina  
Incline Village NV 89451 |
| Owner:      | Thomas and Susan Fleming |
| Phone:      | N/A |
| Fax:        | N/A |
| Email:      | N/A |

**Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction)**

Hearing, discussion, and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.

**Applicant:** Elise Fett and Associates  
Attn: Julie Rinaldo  
PO Box 5989  
Incline Village, NV 89450

**Property Owner:** Thomas and Susan Fleming  
5111 Alta Canyada Road  
La Canada Flintridge, CA 91011

- Location: 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village
- Assessor’s Parcel Number: 126-251-06
- Parcel Size: ± .363 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbiger
- Section/Township/Range: Section 10 & 11, T16N, R18E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner Washoe County Community Services Department Planning and Development Division
- Phone: 775-328-3622
- E-mail: rpelham@washoeCounty.us

**Comments and Conditions:** No impact to the Incline Village General Improvement District

Completed by: Tim Buxton, Chief Inspector  
Phone: (775) 832-1246  Fax: (775) 832-1260  
Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451
From: Fagan, Donna
Sent: Wednesday, April 27, 2016 9:24 AM
To: Young, Eric; Pelham, Roger
Subject: FW: April Agency Review Memo III

Eric and Roger,

Comments for two, AP16-002, and five, VA16-003.

~ Donna ~

From: Mark Regan [mailto:mregan@nltpfd.net]
Sent: Monday, April 25, 2016 9:46 PM
To: Fagan, Donna
Subject: Re: April Agency Review Memo III

NLTFPD Is good with both two and five

Mark Regan
Battalion Chief/Assistant Fire Marshal
NLTFPD
775-461-6200

From: Fagan, Donna
Sent: Wednesday, April 27, 2016 10:07 AM
To: Pelham, Roger
Subject: FW: April Agency Review Memo III

Roger,

Comments regarding item #1, AC16-002, and item #5, VA16-003.

~ Donna ~

From: Crump, Eric S
Sent: Wednesday, April 27, 2016 9:11 AM
To: Fagan, Donna
Subject: RE: April Agency Review Memo III

Donna,

I have reviewed #1 & #5 and do not have any conditions.

Eric Crump
Operations Division Director
Washoe County Community Services Department
775.328.2182 (office)
775.386.3129 (cell)
ecrump@washoecounty.us
3101 Longley Ln., Reno, NV 89502
From: Simpson, Tim  
Sent: Thursday, April 21, 2016 1:38 PM  
To: Pelham, Roger  
Subject: VA16-003 (Fleming Front Yard Setback Reduction)  

Roger,  
The utility has no comments for VA16-003 (Fleming Front Yard Setback Reduction).  

Thanks,  
Timothy Simpson, P.E.  
ENVIRONMENTAL ENGINEER II  
Washoe County CSD, Engineering and Capital Projects  
E: tsimpson@washoeounty.us | O: (775) 954-4648 | F: (775) 328-3699  
1001 E. Ninth Street Bld A, Reno, NV 89512  
P.O. BOX 11130, Reno, NV 89520-0027  

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From: Troy, Dennis V  
Sent: Thursday, April 21, 2016 1:32 PM  
To: Pelham, Roger  
Subject: Variance Case No. VA16-003  

Hi Roger,  

Darks has no comments on the above mentioned variance case to reduce the front yard setback.  

Thanks!  

DT  

Dennis Troy | Park Planner  

p  775.328-2059 | f  775.829.8014  
Washoe County | Community Services Department-Parks  
P.O. Box 11130 | Reno, NV 89520  
www.washoecountyparks.com
April 28, 2016

Mr. Bill Whitney, Division Director
Community Services Department
Washoe County
P.O. Box 11130
Reno, NV 89520

RE:  AC16-002 (Hidden Valley Fire Station)
     AP16-002 (Classical Tahoe)
     SB16-004 (Verizon Arrowcreek Country Club)
     VA16-002 (Ufer)
     VA16-003 (Flemming Front Yard Setback Reduction)

Dear Mr. Whitney,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 332-0174 if you have any questions or comments.

Sincerely,

[Signature]
Rebecca Kapuler
Planner

RK/jm

Copies:  Roger Pelham, Washoe County Community Services
         Eric Young, Washoe County Community Services
         Chad Giesinger, Washoe County Community Services
         Lora Robb, Washoe County Community Services
         Debra Goodwin, Regional Transportation Commission
         Julie Masterpool, Regional Transportation Commission
         Tina Wu, Regional Transportation Commission
         David Jickling, Regional Transportation Commission

/\Washoe County no comment 050516

RTC Board: Neoma Jordon (Chair) · Ron Smith (Vice Chair) · Bob Lucey · Paul McKenzie · Marsha Beekbigler
PO Box 30002, Reno, NV 89520 · 1105 Terminal Way, Reno, NV 89502 · 775-345-0400 · rtcwashoe.com
May 3, 2016

Roger Pelham, Senior Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Fleming, 126-251-06  
Variance Case; VA16-003

Dear Mr. Pelham:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering and Vector have reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. The proposal to reduce the building setbacks to accommodate the proposed construction will not adversely impact the lot. This parcel is served by municipal sewer and municipal water. Environmental Health has no objections to the approval of this variance.

If you have any questions regarding the foregoing, please call Jim English 328-2610 or Jim Shaffer 785-4599 regarding engineering or vector comments, respectively.

Sincerely,

James English  
Environmental Health Specialist Supervisor

J.L. Shaffer  
Program Coordinator/Planner

Environmental Health Services  
Vector-Borne Diseases Program

Environmental Health Services

JE/JS/wcr

cc: File - Washoe County Health District
     Elise Fett & Associates – elise@elisefett.com
Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Incline Village General Improvement District, 893 Southwood Blvd, Incline Village, NV 89451 on APRIL 25, 6:00 P.M.

1. **CALL TO ORDER/ PLEDGE OF ALLEGIANCE** – Pete Todoroff called the meeting to order at 6:00 P.M.

2. **ROLL CALL/DETERMINATION OF A QUORUM** - Pete Todoroff, Gerry Eick, Tom Cardinale (Alternate for Kevin Lyons); Mike Sullivan (Alternate), Andy Wolfe (arrived late); Judy Miller. A quorum was determined.

Absent: Kevin Lyons (excused)

3. **PUBLIC COMMENT** –

Michelle Bays, Supervising Investigator from the District Attorney’s office, introduced herself. She said they have been focusing on outreach. She would like to get Mr. Hicks on the agenda for a future meeting to open up the line of communication. She said they would like to come and give an update. She said they have a civil division, family division, and fraud check division. She said they have a big role in public safety.

4. **APPROVAL OF THE AGENDA FOR THE MEETING OF APRIL 25, 2016**– Gerry Eick moved to approve the agenda for the meeting of APRIL 25, 2016. Andy Wolfe seconded the motion to approve the agenda. The motion passed unanimously.

5. **APPROVAL OF THE MINUTES FOR THE SPECIAL MEETING OF MARCH 28, 2016** – Judy Miller made a motion to approve the minutes from the meeting of MARCH 28, 2016. Tom Cardinale seconded the motion to approve the minutes. The motion passed unanimously.

6. **PUBLIC OFFICIAL REPORTS**

A. **Washoe County Commissioner** - Commissioner Marsha Berkbigler was unable to attend. Commissioner Berkbigler may be reached at 775-328-2005 or mberkbigler@washoecounty.us.

Al Roger invited everyone to contact Commissioner Berkbigler with any questions.

7. **DEVELOPMENT PROJECTS** – The project description is provided below with links to the application or you may visit the Planning and Development Division website and select the Application Submittals page: http://www.washoecounty.us/comdev/da/da_index.htm.

A. **Tentative Map 16-003 (Incline Creek Estates Phase 2)** – Request for community feedback, discussion and possible action to approve a common open space subdivision that will include dividing a ±1.68 acre parcel into 10 single family lots and one common open space lot. *(This item is for possible action by the CAB.)*

**Applicant/Property Owner:** NCP/ICP, LLC.

**Location:** 800 College Drive

**APN:** 129-280-21

**Staff:** Trevor Lloyd, 775-328-3608, tlloyd@washoecounty.us

**Reviewing Body:** This case is tentatively scheduled to be heard by the Washoe County Planning Commission tentatively on June 7.

Andy said his Incline Law Group has had involvement with this project. He said this connection is significant enough and it would raise concern. He said he will abstain from the discussion and voting.

Brian Helm, Representative for Incline Creek Estates Development, gave an overview of the project:

- He said they are requesting approval for the tentative map for phase 2 of the Incline Creek Estates Subdivision.

Brian gave some background:

- The subdivision is located off of College Drive
- Phase 1 included 57 units; 10.25 acre subdivided in 2005.
They have sold 55 of 57 units. Two are currently under contract. The HOA is owner controlled.

Phase 2: In 2008, TRPA conditional use and tentative use map were approved; both approvals expired in 2011 due to Phase 1’s slow progress. He said they are bringing it back because Phase 1 is nearly complete.

Phase 2 has 10 single family lots and one common lot which will be annexed into the HOA.

The Affordable housing requirement was completed in 2008.

Brian showed the Phase 1 and Phase 2 on a map. Phase 2 will satisfy the secondary egress for fire emergency access.

He showed the subdivision tentative map with examples and pictures from Phase 1.

36,000 sq ft of impervious coverage; 33%; banked and onsite and ready for use.

Required BMPs.

No variances required.

No changes to original project. All findings to project, plan, suitability were made; no special conditions.

The architecture is an update to the existing; asphalt and shingle with stone detailing.

He said it’s currently under TRPA review.

Upcoming meetings: May 13th & June 7th - Planning Commission for Tentative Map approval.

Comments:

Tom Cardinale asked if the smaller units are integrated in the other 7 units. Brian said the smaller units will have patio space outside.

Gerry Eick asked about the area north of unit 59. Gerry asked about the location of BMP and open space with neighbors to the west of Phase 2. Brian said that a SEZ with vegetation. Brian said that will remain as open space. He said they met with Fire Department and Forest Service to discuss fuels management for that space. The agencies issued a letter about that. Gerry asked about occupancy for July 1, 2017. He said when you go before the County, this is one parcel now, and it will be changed into 11 parcels. Brian said we would have record that as soon as the final plan was recorded. They will take the final map to the County in July.

Pete Todoroff asked about the financing. Brian said the financing has been funded. Phase 1 profits will pay for Phase 2.

Tom Cardinale asked if they have received feedback from the residents. Brian said no, they have received no comments.

Gerry Eick said this is consistent with the original plan; they picked up where they left off.

Judy Miller said the fact they aren’t asking for a variance and it’s a continuation from an existing project, it would be successful. Tom Cardinale agreed with Judy Miller, and said no one is complaining. Gerry Eick said it’s positive that they are finishing the roadway for proper access.

Peter Morris said he goes by here every day. He said it’s an eyesore. He said it would be a great thing for it to be complete.

Wayne Ford said he has been here for a long time. He said it is a real plus and improvement compared to what was there before.

Kendra Wong said she lives across the street. She said it was a very well planned community. They did a great job with the project. She hasn’t seen any impact with traffic.

Judy Miller said we are quick to criticize, but we all supported this. We can voice our support.

MOTION: Judy Miller moved to recommend support for the Tentative Map and development for the Incline Creek Estates project; Tom Cardinale seconded the motion. Motion passed unanimously. Andy Wolfe abstained.

B. Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) – Request for community feedback, discussion and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling. (This item is for possible action by the CAB.)

Applicant/Property Owner: Elise Fett and Assoc, attn. Julie Rinaldo, PO Box 5989, Incline Village, NV 89450
Location: 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village.
APN: 126-251-06
Staff: Roger Pelham, 775-328-3622, rpelham@washoeCounty.us
Reviewing Body: This case is tentatively scheduled to be heard by the Washoe County Board of Adjustment on June 2, 2016.

Roger said he isn’t representing the project but will answer any code, policy, or process questions. He isn’t for or against the request.

Page 2 of 5

VA16-003
EXHIBIT B
• Gerry Eick said he went by the parcel, and the variance request is consistent with the neighbors. He said he was concerned visualizing the structure; it’s strategically located in a square shape in between large trees. He said he looked at the site plan, and they are making it a deeper structure and removing trees. He said it may change the visual corridor. He asked if it fit the character of the street. He said the owners had received a letter of support, but does it affect anyone else in the neighborhood. Roger Pelham said he hasn’t heard any controversy for this project, but it’s early. The standards by which variances are judged are state law. The criteria for state law are in the code. It comes down to legal standard that forces variance. Roger spoke about standards such as exceptional narrowness and other exceptional conditions of the property. He said its about the characteristics of land, not convenience of the applicant. Gerry said with the condition and slope, it makes sense to have these characteristics, but he said he is concerned that it goes from square to an entirely different shape with the garage on one side. They are making one argument, but doing other things. He said it was an observation.

• Judy Miller said she walked the street and observed many of the homes that have deep enough driveways to have two parking spaces in front of the garage. She said another home in the neighborhood had a physical constrain on a narrow lot. She said a variance is only supposed to be granted when there are extraordinary conditions. She said she didn’t believe or couldn’t find reason to go any other reason. She doesn’t think it’s appropriate for this property.

• Andy Wolfe said he came to similar conclusions as Judy. He said he didn’t see any topo or physical constraints. He said the garage is 24 feet deep, and if you don’t demolish the existing home, you have to intrude into the setback. He said if you cut the garage to 20 feet, you wouldn’t have an intrusion, but might not work for storage. He asked is the location of the existing building a physical constrain that we should consider when locating the garage. He said it’s not a special convenience to have a 24 foot garage that is standard. He asked if the avoidance of demolishing the current home making it a constraint. Roger said the Board of Adjustment will make that final decision. Roger said no, it’s not an extraordinary condition. The location of the dwelling isn’t a hardship. He said another factor in play is when the conditions are 20% slope. They could build a garage detached in the same location, but not attached.

• Judy Miller said they don’t currently have enclosed parking. She asked if he is trading one non-conforming for another. Roger said not in this case. One enclosed parking space and one off street parking space is required. He said right now, there are two non-conforming. It’s legal, non-conforming. Judy said we have seen a lot of vacation rentals with higher occupancy with no parking. She said there is not a lot of storage; storage will happen in the garage. She said another home in the neighborhood had a physical constrain on a narrow lot. She said a variance is only supposed to be granted when there are extraordinary conditions. She said right now, there are two non-conforming. It’s legal, non-conforming. Judy said we have seen a lot of vacation rentals with higher occupancy with no parking. She said there is not a lot of storage; storage will happen in the garage, and parking will be displaced outside on the street. It creates a dangerous situation, especially on a school route.

• Gerry Eick said Roger mentioned it’s early in the process. Roger said they accept variance requests on the 15th of every even month. He said its only 9 days after it’s been submitting. He said he will receive comments back from all the agencies: health, fire, CAB. Roger said he will form his recommendation after he receives everyone’s comments. Gerry said this goes to the BOA on June 2nd. Roger said all the other agencies feedback will be put into a recommendation in the form of a staff report prior to the public hearing. Notices will go to the property owner for the official hearing. He said at the beginning of the process, courtesy notices are sent out. He said he promises those comments that are submitted in writing will be put into his staff report. Gerry said he was hoping to make additional comments later in the process. Judy said she was disappointed in the fact the applicant isn’t here. Roger asked everyone to submit comment or come to the public hearing.

• Tom Cardinale said it’s none of our business regarding their storage. She is asking for access and wants to remove two trees. She wants to make this house valuable to her.

• Gerry Eick recommended to submitting our own comments.

• Andy Wolfe said if he puts himself in the neighbor’s shoes, he said he would rather have the variance, and leave a view corridor. He said he would want to preserve the views.

C. Case Number AP16-002 (Classical Tahoe) – Request for community feedback, discussion and possible action to approve an Administrative Permit and outdoor community event business license and associated license conditions for Classical Tahoe, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 29, 30, August 5, 6, 12, 13 2016. (This item is for possible action by the CAB.)

Applicant: Classical Tahoe – Kirby Combs
Property Owner: Sierra Nevada College
Location: 948 Incline Way, Incline Village
APN: 127-040-10 (College) and 127-040-07 (IVGID Recreation Center)
Staff: Eric Young, 775.328.3613, eyoung@washoe county.us
Reviewing Body: This case is tentatively scheduled to be heard by the Washoe County Board of Adjustment on June 2, 2016.
Roger Pelham said he is here for Eric Young. He said this is the same it has been the same as the past few years. It will be Sunday evenings.

Gerry said this is formerly known as Summerfest. He said that existing relationship among amenities and cross collateral should be noted. Roger said that might be outside of the land use description. Gerry said there is no objection to the event, they have made good relationships with other entities with traffic and parking, they might want to cross their Ts and dot there 'I’s in order to make sure the entities know who they are dealing with.

Judy Miller said this is a wonderful event. She said we haven’t had problem with this event before, and the parking is good. She said she took handicapped woman and the lighting was difficult and the paths aren’t paved. The footing might be hazardous. She said she is concerned about lighting and paths for handicapped. She is happy to have this in this community.

MOTION: Andy Wolfe moved to support this application for an administrative permit for Classical Tahoe. Gerry Eick seconded the motion. Motion passed unanimously.

8. COUNTY UPDATE – Sarah Tone, Office of the County Manager will provide an update on County services. Ms. Tone is available to answer questions and concerns. Please feel free to contact her at stone@washoeCounty.us or (775) 328-2721. To sign up to receive email updates from the County visit www.washoeCounty.us/cmail. (This item is for information only and no action will be taken by the CAB).

Al Rogers gave an update:

- He thanked the Board and said he appreciates their due diligence.
- The budget will be presented at the Board of County Commission meeting; tentative budget to State April 15. This is a recommended budget, but not final.
- He said he encouraged the CAB to take advantage of Michelle Bay’s offer to come out; as well as other departments within Washoe County. He said the website has many videos. He said he hopes our citizens are informed.
- Pete Todoroff asked Al to speak about the Orbit station. Pete said Wayne Ford is here to talk to that. Pete said he is concerned about the blocked off access on Somers Loop. Al Roger said he has no update or comment, but can follow up when we get the information.
- Pete asked about the bus shelter across from the college. He asked why it will cost $100,000 to have a shelter. Gerry said he understands there will be more; it doesn’t make sense. The memo implied that there is more detail to come.
- Pete talked about the Tanager Roofing Company. He said he would like to find out what’s going on with that as well.
- He wants to know more about the Tahoe Area Plan. A representative, Morgan Barrel, from the TRPA wanted to give a presentation in June, but we don’t have a meeting. Gerry said Sarah Tone mentioned this will be an item at the Community meeting in May. Al said we have to determine the date and time for Community Forum.
- Pete said Calneva Cottages won’t be getting financing anytime soon.

9. CHAIRMAN/BOARD MEMBER ITEMS/NEXT AGENDA ITEMS - This item is limited to announcements by CAB members and topics/issues posed for future workshops/agendas. (This item is for information only and no action will be taken by the CAB).

- Pete said he would like a representative from TRPA and the County to give an update regarding the area plan for the July CAB meeting.
- Gerry Eick spoke about the upcoming IVGID Watermain projects taking place between August 1 – October, 2016 (Enterprise, Oriel, Wassou, Teresa). The locations aren’t through roads, so it won’t affect traffic but will impact the road.
- Gerry also announced the NDOT SR 28 Bikeway and Improvement public hearing on Tuesday, April 26, 4-7pm, at the Chateau.

10. PUBLIC COMMENT –

Wayne Ford said he wanted it to bring it to the boards’ attention about the Orbit Station. There is a breakdown of TRPA pre-grade process, BMP, and final BMPs. He said he will pass along a report and photographs to Marsha. There was runoff of sediments during the storm. The amount of runoff goes into the IVGID park. There is active runoff. There was emergency grading; no action was taken. Everyone has to do this during construction. There is 18,000 sq feet of
impervious coverage that isn't being contained, no plans to take care of it. That is a big impact on the water quality in our lake. Everyone else is spending a lot of money, and this site is doing nothing.

ADJOURNMENT – Meeting adjourned at 6:50pm.

Number of CAB members present: 5 Number of Public Present: 9 Presence of Elected Officials: 0
Number of staff present: 2
Submitted By: Misty Moga
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.

<table>
<thead>
<tr>
<th>Project Information</th>
<th>Staff Assigned Case No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name: TSFL - Fleming Residence</td>
<td></td>
</tr>
<tr>
<td>Project Description: Remodel and addition to a single family residence. The proposed plan features a two-story addition at the front of the house with a garage at the street level and living space below. The proposed living space as proposed does not encroach into any setbacks.</td>
<td></td>
</tr>
<tr>
<td>Project Address: 715 Cristina Dr. Incline Village, NV 89451</td>
<td></td>
</tr>
<tr>
<td>Project Area (acres or square feet):</td>
<td></td>
</tr>
<tr>
<td>Project Location (with point of reference to major cross streets AND area locator): Approx. 500 feet from Eagle Dr, across from intersection of Incline Pines with Cristina Dr. Nearest major crossroads are Country Club and Village (approx 1500ft away by road).</td>
<td></td>
</tr>
<tr>
<td>Assessor's Parcel No.(s): 126-251-06</td>
<td>Parcel Acreage: 0.363</td>
</tr>
<tr>
<td>Assessor's Parcel No(n):</td>
<td>Parcel Acreage:</td>
</tr>
<tr>
<td>Section(s)/Township/Range: Section - 10/11, Township - 16, Range - 18</td>
<td></td>
</tr>
</tbody>
</table>

Indicate any previous Washoe County approvals associated with this application: Case No(s).

<table>
<thead>
<tr>
<th>Applicant Information (attach additional sheets if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Owner: Thomas and Susan Fleming</td>
</tr>
<tr>
<td>Address: 5111 Alta Canyon Rd.</td>
</tr>
<tr>
<td>La Canada Flitridge, CA Zip: 91011</td>
</tr>
<tr>
<td>Phone: 213-300-1711 Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:tfleming@jonesbell.com">tfleming@jonesbell.com</a></td>
</tr>
<tr>
<td>Cell: Other:</td>
</tr>
<tr>
<td>Contact Person: Tom Fleming</td>
</tr>
<tr>
<td>Applicant/Developer: Elise Fett &amp; Associates Ltd.</td>
</tr>
<tr>
<td>Address: PO Box 5989</td>
</tr>
<tr>
<td>Incline Village, NV Zip: 89450</td>
</tr>
<tr>
<td>Phone: 775-833-3388 Fax: 775-833-2388</td>
</tr>
<tr>
<td>Email: <a href="mailto:julie@elisefett.com">julie@elisefett.com</a></td>
</tr>
<tr>
<td>Cell: Other:</td>
</tr>
<tr>
<td>Contact Person: Julie Rinaldo</td>
</tr>
<tr>
<td>Professional Consultant: Elise Fett &amp; Associates Ltd.</td>
</tr>
<tr>
<td>Address: PO Box 5989</td>
</tr>
<tr>
<td>Incline Village, NV Zip: 89450</td>
</tr>
<tr>
<td>Phone: 775-833-3388 Fax: 775-833-2388</td>
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<tr>
<td>Email: <a href="mailto:julie@elisefett.com">julie@elisefett.com</a></td>
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<tr>
<td>Cell: Other:</td>
</tr>
<tr>
<td>Contact Person: Julie Rinaldo</td>
</tr>
</tbody>
</table>

For Office Use Only

Date Received: Initial: Planning Area: County Commission District: Master Plan Designation(s): CAB(s): Regulatory Zoning(s):

February 2014
Property Owner Affidavit

Applicant Name: Elise Fett & Associates Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA )
COUNTY OF WASHOE )

G. Thomas Fleming III

(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below 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 members of Planning and Development.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 126-251-06

Printed Name G. Thomas Fleming III

Signed

Address: 715 Cristina / P.O. Box 5282

Incline Village, Nevada 89451

Subscribed and sworn to before me this 12th day of April, 2016.

Yamileth Leandro

Notary Public in and for said county and state

My commission expires: January 14, 2019

*Owner refers to the following: (Please mark appropriate box.)

☑ Owner
☐ Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
☐ Power of Attorney (Provide copy of Power of Attorney.)
☐ Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
☐ Property Agent (Provide copy of record document indicating authority to sign.)
☐ Letter from Government Agency with Stewardship

February 2014
Property Owner Affidavit

Applicant Name: Elise Fett & Associates Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA
COUNTY OF WASHOE

I, Susan S. Fleming, (please print name)
being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below 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 members of Planning and Development.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 126-251-06

Printed Name: Susan S. Fleming

Signed:

Address: 715 Cristina / P.O. Box 5282
Incline Village, Nevada 89451

Subscribed and sworn to before me this ______ day of ________________ , ______.

(Notary Stamp)

Notary Public in and for said county and state

My commission expires:

*Owner refers to the following: (Please mark appropriate box.)

☑ Owner
☐ Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
☐ Power of Attorney (Provide copy of Power of Attorney.)
☐ Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
☐ Property Agent (Provide copy of record document indicating authority to sign.)
☐ Letter from Government Agency with Stewardship

February 2014
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On April 12, 2016 before me, Harriet L. Harris, Notary Public

personally appeared Susan Staff Fleming

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in their (her/his) (their) authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: ________________________________
Document Date: __________________
Signer(s) Other Than Named Above: __________________________

Capacity(ies) Claimed by Signer(s)
Signer’s Name: __________________________________________
☐ Corporate Officer — Title(s): ______________________________
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney-in-Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: __________________________________________________

Signer Is Representing: ____________________________________

Signer’s Name: __________________________________________
☐ Corporate Officer — Title(s): ______________________________
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney-in-Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: __________________________________________________

Signer Is Representing: ____________________________________
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?

   Front yard setback article 406-Building Placement Standard 110.406.30 is the provision we are requesting a variance for. The proposed garage design encroaches upon the front yard setback by 3' 11". The covered entry deck column encroaches 5' 6" because the property line gradually curves back with the road, but this column is only 6" in front of the proposed garage wall. The roof overhangs both the columns and garage by 3'. We are therefore reducing from 15' setback to 10' 13/16" at the entry deck roof column.

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 site has a 30% slope and an existing parking deck at the front of the house. Locating the garage addition where the existing parking deck structure is located is the least obtrusive option for an attached garage. Any other location would require a new driveway approach at an even steeper area of the lot. The kitchen of the existing house is directly in front of the proposed garage and the roof line of the existing house can continue over the garage and new entry for reasonable and efficient construction that provides safe access to the home.
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?

   The garage and covered entry deck addition will appear as a single story at the street level of the house and it is within the setbacks at the rear and sides of the house. By building the garage in front of the (e) house, there is still a large view corridor to the lake from the road and adjacent neighbors. The homes become more separated from each other at the roadside since the lots are on a curve. There are not any houses on the opposite side of the street. By constructing above the existing parking deck, only one tree will need to be removed.

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.)?

   Creating a two-car garage will decrease clutter on the street and hide cars from view. The cars, fire wood piles and various storage items that are currently stored on the parking deck will be kept in the garage and out of view. From the edge of pavement, there will still be 18 feet of off-street parking available at the front of the house. As part of this project, the foundation that was poured in the 90’s at the north side of the lot will be removed and the area will be restored to a natural vegetative state. The existing street facade does not have a visible entry since it is a 1/2 level below the road and screened by the parking deck. The proposed facade will have an inviting, functional, and attractive entry point to the right of the garage and will feature a mix of heavy stone and wood siding. The facade will have an updated high quality curbside interest that will add to the appeal of the neighborhood.
5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

A garage and covered entry is enjoyed by neighbors and commonplace in Tahoe. The lack of an enclosed parking space is a violation of development code 110.410.10.1, the proposed garage will bring the residence into compliance with this code. Currently, residents must navigate steep stairs that are exposed to the elements to get from the parking deck into the main level of the house. The (e) entry comes in at a split level landing of the home; therefore, you have to go down stairs outside and back up stairs on the inside to get to the living level. With the proposed garage and covered entry deck, residents and guests will be able to enter the house at a single level and enjoy the benefit of a covered, apparent, and attractive entry deck which is significantly safer and more functional.

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

☐ Yes  ☐ No  If yes, please attach a copy.

7. What is your type of water service provided?

☐ Well  ☐ Community Water System

8. What is your type of sanitary waste disposal?

☐ Individual Septic System  ☐ Community Sewer System
Account Detail

Washoe County Parcel Information

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Current Owner:
FLEMING, G THOMAS III & SUSAN S
5111 ALTA CANYADA RD
LA CANADA FLINTRIDGE, CA 91011

SITUS:
715 CRISTINA DR
INCL NV

Taxing District
5200

Geo CD:

Legal Description
SubdivisionName SCOTCHWOOD SUBDIVISION Township 16 Range 18 Lot 17

Tax Bill (Click on desired tax year for due dates and further details)

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Total: $0.00

Important Payment Information

- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.

- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.
To: Incline Village Planning Department

We, the owners of the property adjacent to the proposed remodel at 715 Cristina, Incline Village, hereby consent to the variance of approximately 4-feet from the 15-foot setback for a 2-car garage which has been requested by Susan and Tom Fleming as described above. We view their remodel, including the requested variance, as beneficial to our adjacent property and the neighborhood in general.

Mark Chew
713 Cristina Drive
Incline Village, NV 89451

Christina Chew
713 Cristina Drive
Incline Village, NV 89451
To: Incline Village Planning Department

We, the owners of the property adjacent to the proposed remodel at 715 Cristina, Incline Village, hereby consent to the variance of approximately 4-feet from the 15-foot setback for a 2-car garage which has been requested by Susan and Tom Fleming as described above. We view their remodel, including the requested variance, as beneficial to our adjacent property and the neighborhood in general.

Mark Chew  
713 Cristina Drive  
Incline Village, NV 89451

Christina Chew  
713 Cristina Drive  
Incline Village, NV 89451

To: Washoe County/Incline Village Planning Department  
Re: 715 Cristina (the Flemings' request for a variance)

I am the owner of the property located at 721 Cristina, Incline Village, Nevada, which is adjacent to the proposed remodel of the home of Susan and Tom Fleming at 715 Cristina, Incline Village. I hereby consent to the variance that my neighbors have requested of approximately 4-5 feet from the 15-foot setback for a 2-car garage, which would be located in the area now occupied by their uncovered parking deck. I am in support of their request for a variance for several reasons: not only would their remodel (with the requested variance) improve the appearance and utility of their property and our neighborhood in general, but it would avoid the necessity of constructing their garage on that portion of their lot which is closer to my home, which I understand they could do without requesting any variance, but would result in coverage of more of the forest floor. That alternative would also impair the view of the lake from the street, which the requested variance would avoid. I am in full support of the Flemings' proposed remodel, including the requested variance, which I view it as beneficial to our adjacent property and to the neighborhood in general.

James Whalen  
721 Cristina  
Incline Village, Nevada 89450