



Board of Adjustment Staff Report

Meeting Date: February 2, 2017

Subject: Variance Case Number VA16-006

Applicant: Jeffery D. Eget

Agenda Item Number: 8D

Project Summary: To continue the public hearing from October 6, 2016 to consider the request to vary the side yard setback from 8 feet to 5 feet for a first floor addition on the main house; to expand the second floor to be in-line with the existing and proposed additions; and to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

Recommendation: Approval with Conditions

Prepared by: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3628

E-Mail: ekrause@washoecounty.us

Description

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; and 2) to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- 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 19, T16N, R18E, MDM, Washoe County, NV

Staff Report Contents

Variance Definition 3

Previous Actions 4

Detail showing garage in relationship to setbacks 5

Existing Site Plan 6

Proposed Site Plan 7

Project Evaluation 8

Proposed Cabin Floor Plans 9

Photo of the addition approved by Variance Case Number VA2-6-99 10

Cabin Elevations (Existing) 11

Cabin Elevations (Proposed)..... 11

Hardships..... 11

Reviewing Agencies..... 12

Staff Comment on Required Findings 12

Recommendation..... 13

Motion..... 13

Appeal Process..... 14

Exhibits Contents

Conditions of Approval Exhibit A

October 6, 2016, Staff Report for VA16-006..... Exhibit B

Draft Minutes from Incline Village Citizen Advisory Board Exhibit C

Public Comment Letters..... Exhibit D

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.

The conditions of Approval for Variance Case Number VA16-006 are attached to this staff report and if the application is approved by the Board of Adjustment, will be included with the Action Order.

Previous Actions

On October 6, 2016, the Board of Adjustment heard Variance Case Number VA16-006. During that meeting the applicant informed staff that a portion of their request was misstated in the legal notice and in the staff report. Both the notice and the staff report stated that the five foot side yard setback was for a half bath addition.

The applicant's request was actually for an approximately 68 square foot addition on the first floor to remodel the kitchen and bathroom, and to expand the second floor bedroom above the bathroom constructed in 1999 and the proposed new addition.

In addition, the applicant is also requesting to reduce the side yard setback by one foot for the detached garage. Please note that the garage will be located approximately 5 feet from the adjoining property line in the front yard, but because of the way the front yard is defined there is no side yard in the front yard.

Washoe County Code 110, Article 902 Definitions:

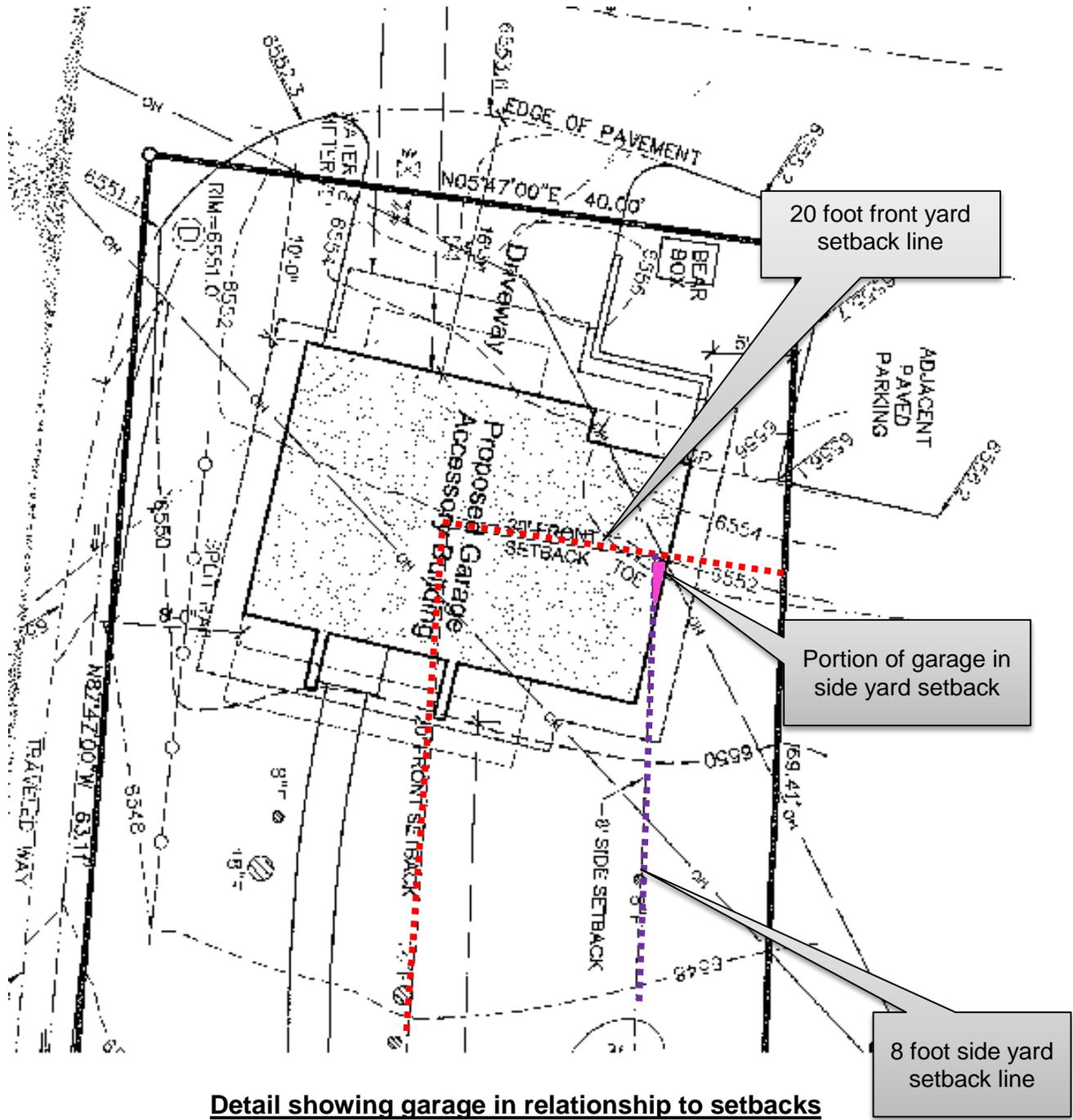
"Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.

"Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

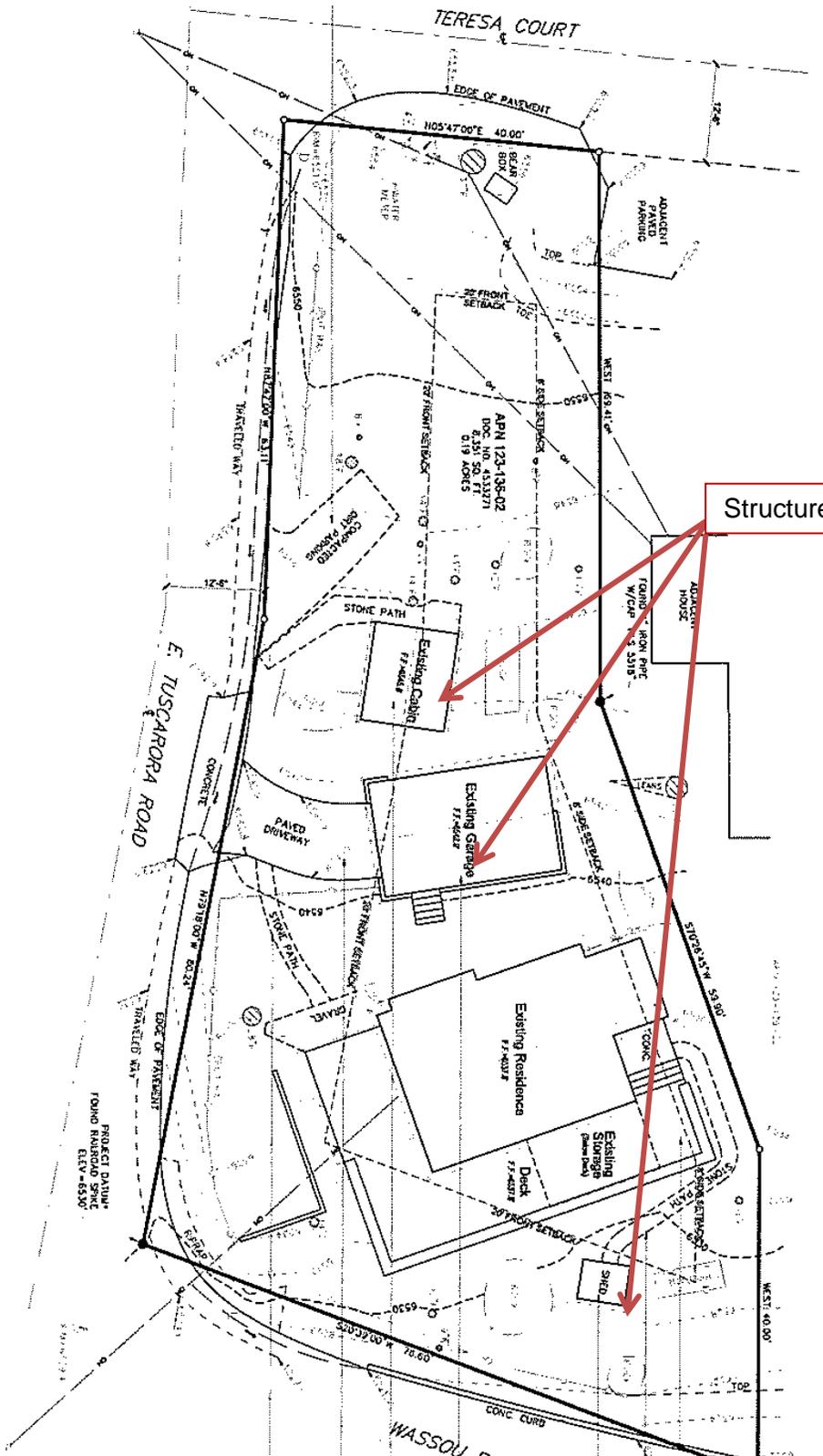
The applicant requested that the Board rule on those portions of the variance that were correctly noticed, and continue the public hearing for the side yard setback variance until February 2017, so the requested variance could be properly re-noticed.

The Board approved the variance:

- 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck;
- 2) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for the detached accessory structure;
- 3) to permit a second story above the garage; and,
- 4) to allow additional plumbing fixtures in the accessory structure.



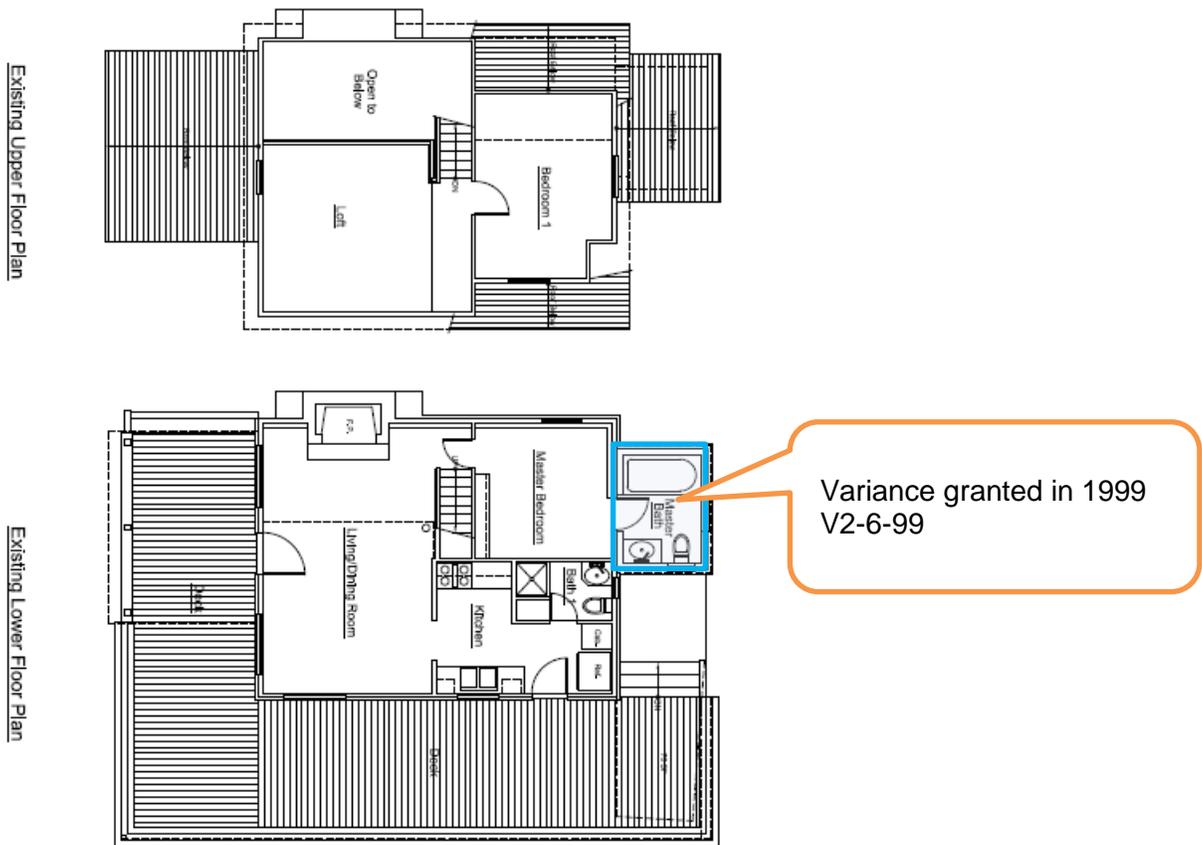
Existing Site Plan



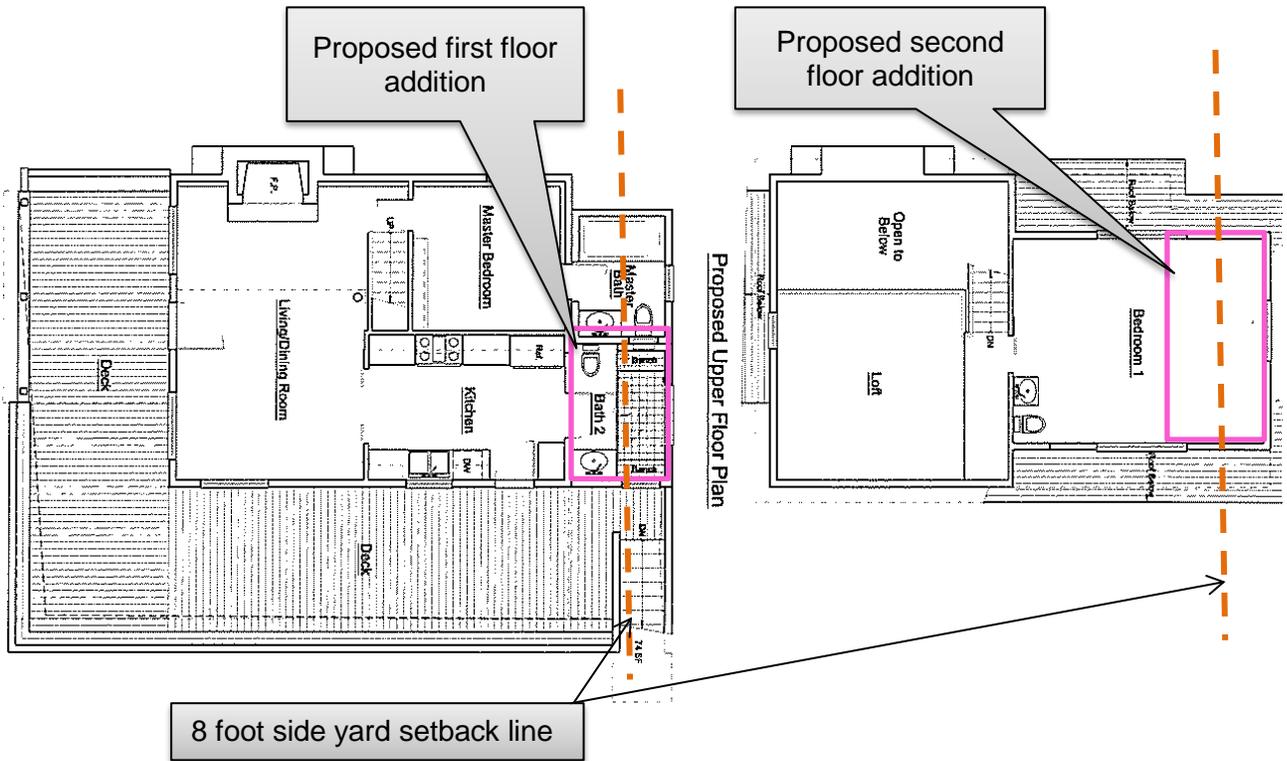
Existing Site Plan

Project Evaluation

The applicant owns a small parcel located in the Crystal Bay Park, Unit Number 2 an unofficial subdivision. The subdivision was created in the 1930's as a summer cabin neighborhood. The lots are small, the streets are narrow and many streets have grades in excess of 6% (the current allowable maximum grade standard for residential streets). Over the years most of the cabins have been torn down and replaced with larger homes. The applicant owns one of the very few remaining cabins in the area. The 720 square foot cabin was built in 1936. A bunkhouse was added in 1939. In 1999, a variance was granted to add a 60 square foot addition on the cabin in the side yard setback for a bathroom addition and to build the garage in the front yard setback. In addition, the variance acknowledged the existence of the bunkhouse as an established use within the front yard setback.



Existing Cabin Floor Plans



Proposed Cabin Floor Plans

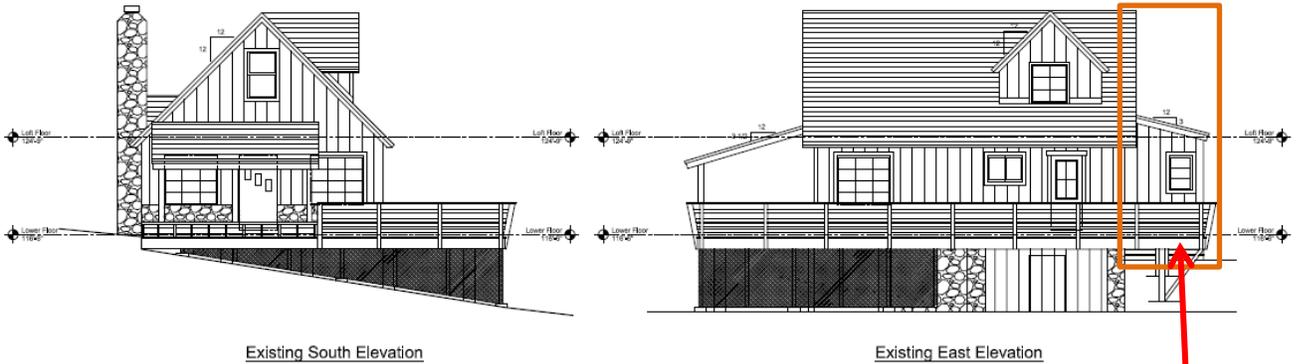
Rather than tearing down the cabin and building a new home, the applicant would like to maintain the cabin close to its original state, making only minimal changes. The applicant is proposing to extend the 1999 addition the full length of the house to remodel the kitchen and bathroom, and to add on to the second story above the existing and proposed addition. The current bathroom off the kitchen was custom built to fit a small corner sink and toilet and a narrow shower stall in a small space. The new addition would add 64 square feet to the first floor and increase the second floor by 128 square feet.

Due to the slope of the property and because the Eget’s cabin is located further down the slope than the Minicozzi’s home (the next door neighbor) the proposed addition does not impact the views from the neighbor home.

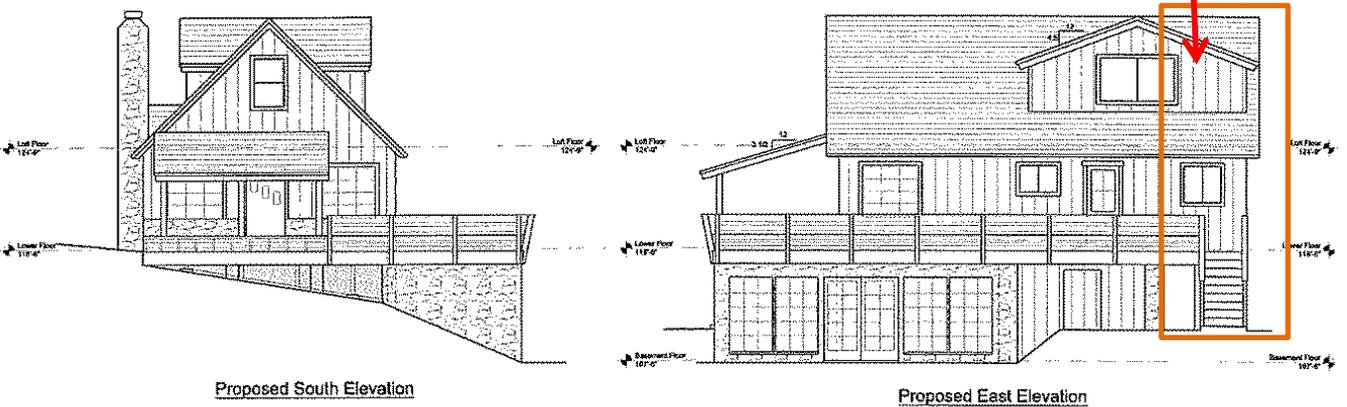


Photo of the addition approved by Variance Case Number VA2-6-99

The applicant is requesting to build an addition in the area between the addition and the deck and to extend the second story to be in-line with the additions. See existing and proposed elevation on next page.



Cabin Elevations (Existing)



Cabin Elevations (Proposed)

Hardships

Exceptional narrowness and shape of the property

The applicant’s property was originally a rectangular shape approximately 40 feet wide by 143 feet deep. The house that was built in 1936 was built over the property lines, so the boundary line on the east end of the lot (abutting Wassou Road) was adjusted so the house was no longer straddling the property line. This made the east end of the property 61 feet wide. While the east end of the property is wider than the west end, the buildable area is still relatively narrow. Even with the boundary line adjustment the house, the deck, and both accessory buildings encroach into the setbacks.

Exceptional situation or condition of the property

Because the property is located on the end of the block, three sides of the property are designated as front yards, with a setback of 20 feet and one side yard setback of 8 feet. The buildable area is 12 feet wide on approximately half of the lot. The lot then widens from 12 feet

to 33 feet on the east half of the property where the cabin is located. The buildable area on the east half of the property tapers from 12 feet to 33 feet on the most eastern end.

No Special Privileges

The Tahoe Area Plan Modifier that limits plumbing fixtures in accessory structures to one toilet and one sink is inconsistent with the limitations upon other properties within the identical regulatory zones in the rest of the County.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capital Projects Division
 - Parks and Open Spaces
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Regional Transportation Commission

Of the eight above listed agencies/departments, only Planning and Development provided comments and/or recommended conditions of approval in response to their evaluation of the project application. The Conditions of Approval document is attached to this staff report as Exhibit A and will be included with the Action Order if the Board of Adjustment approves the application.

- Washoe County Planning and Development recommends requiring a deed restriction prohibiting conversion of the accessory structure to a dwelling unit; relocating the sauna; and requiring holding the County harmless from damages that may occur during snow removal and road widening, maintenance, or utility work.

Contact: Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

Staff Comment on Required Findings

Washoe County Code Section 110.804.25 requires that all of the following findings be made to the satisfaction of the Board of Adjustment before granting approval of the abandonment request. Staff has completed an analysis of the 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 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: *The property is exceptionally narrow and steeply sloped. In addition, three sides of the property are encumbered with front yard setbacks.*

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: A garage located within 5 feet of the north side property line and the reduction of the side yard setback to 5 feet does not create a substantial detriment or impact the public good.

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: The minimum lot width for a property in the Medium Density Suburban regulatory zone is 80 feet. Due to the narrowness of the lots in the Crystal Bay Park subdivision, many of the properties have been granted a reduction of the side yard setbacks. Granting a five foot setback variance is common on narrow lots.

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: All the proposed structures and uses are allowed within the Medium Density Suburban 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 are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

One reviewing agency recommended conditions in support of approval of the project and the other reviewing agencies had no comment. Therefore, after a thorough analysis and review, Variance Case Number VA16-006 is being recommended for approval with conditions. 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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County 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.

Property Owner: Jeffery D. Eget
 3651 Goodland Drive
 Studio City, CA 91604

Representatives: Borelli Architecture
 P.O. Box 6823
 Incline Village, NV 89450



Conditions of Approval

Variance Case Number: VA16-006

The project approved under Variance Case Number VA16-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 6, 2016. 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 or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

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.

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 the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.
- e. Prior to issuance of a building permit for the detached accessory structure the applicant shall execute a Deed Restriction And Covenant Against Use Of Detached Accessory Structure As A Detached Accessory Dwelling Where Structure Is Connected To Water Or Wastewater Facilities
- f. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.
- g. If more than 50% of the existing cabin is taken down for a remodel or rebuild than the portion of the deck and the storage area that encroaches into the front yard setback shall be removed.
- h. The detached accessory structure shall not be located closer than 15 feet from the edge of pavement of the abutting street, and the floor area of each level of the structure shall not exceed 576 square feet.
- i. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***



Board of Adjustment Staff Report

Meeting Date: October 6, 2016

Subject: Variance Case Number VA16-006

Applicant: Jeffery D. Eget

Agenda Item Number: 8E

Project Summary: Vary the setbacks on all four sides of a property for an additions to the existing house and for a detached accessory structure used as a garage; permit a second story above the garage within a front yard setback; to permit additional plumbing fixtures in the garage structure; permit a bathroom addition on the house; and permit the construction of a storage room under the house deck

Recommendation: Approval with Conditions

Prepared by: Eva M. Krause - AICP, Planner
Washoe County Community Services Department
Division of Planning and Development

Phone: 775.328.3628

E-Mail: ekrause@washoecounty.us

Description

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) to reduce the north side yard setback from 8 feet to 5 feet to allow for a half bath addition on the house and deck rebuild on the existing residence; 3) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 4) to permit a second story above the garage; and 5) to allow additional plumbing fixtures in the accessory structure.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
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Staff Report Contents

Variance Definition..... 3

Vicinity Map 4

Site Plan 5

Project Evaluation..... 6

Cabin Elevations and Floor Plans 7

Garage Elevations and Floor Plans..... 9

Hardships..... 9

Public Comment.....11

Incline Village/Crystal Bay Citizen Advisory Board13

Reviewing Agencies.....13

Staff Comment on Required Findings13

Recommendation.....14

Motion.....14

Appeal Process.....15

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Public Notice Map..... Exhibit C

Project Application Exhibit D

Variance Definition

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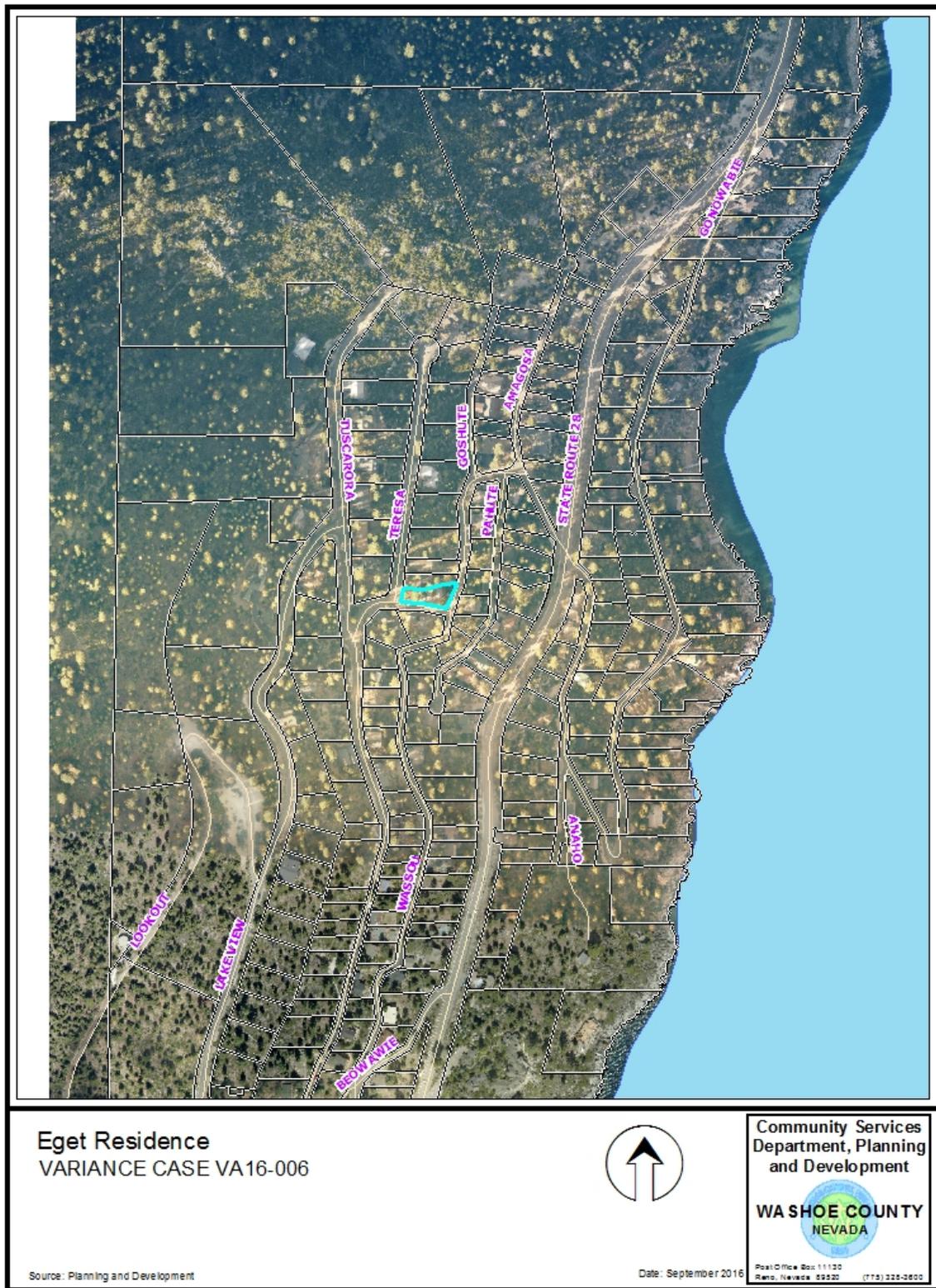
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Eget Residence
VARIANCE CASE VA16-006

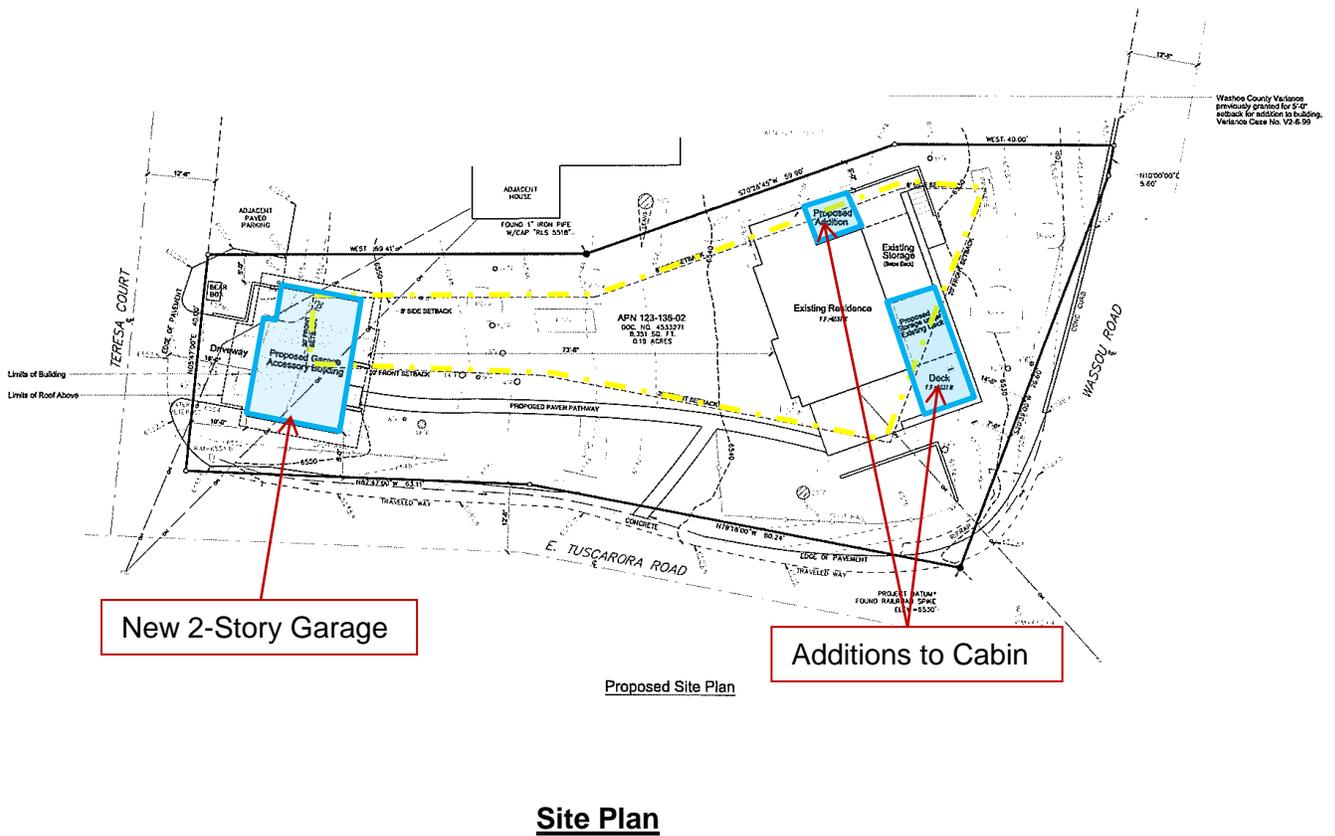
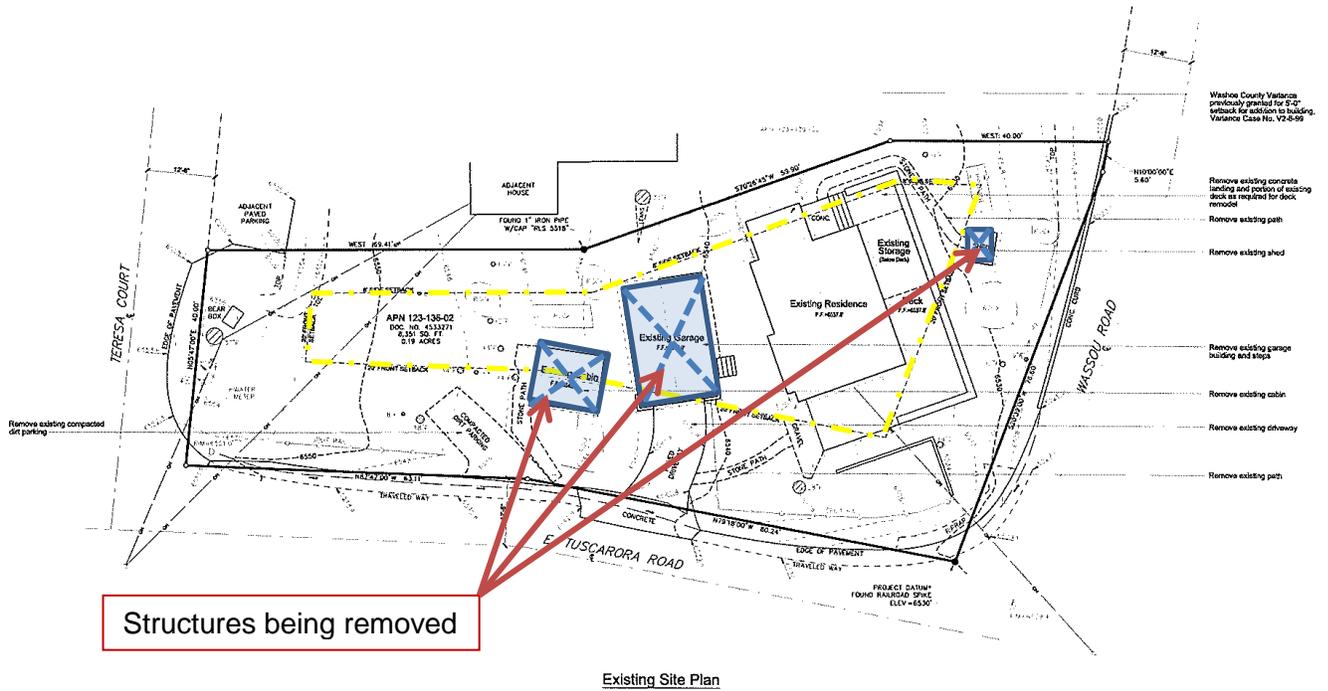


Community Services
Department, Planning
and Development
WASHOE COUNTY
NEVADA
Post Office Box 11120
Reno, Nevada 89522 (775) 325-2500

Source: Planning and Development

Date: September 2016

Vicinity Map

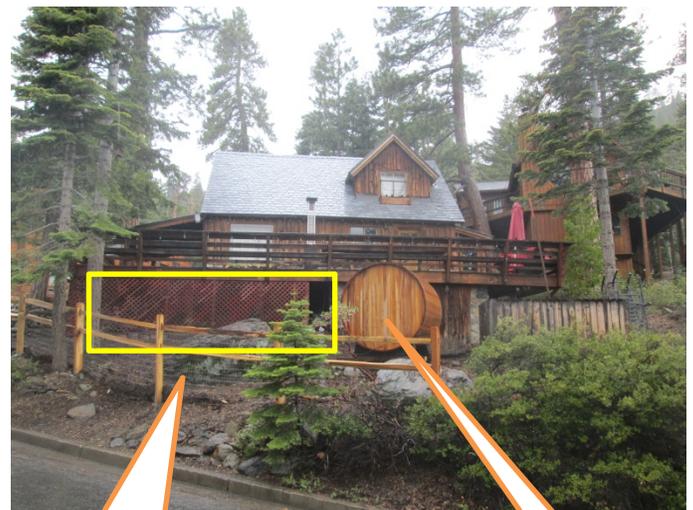


Project Evaluation

The applicant owns a small parcel located in the Crystal Bay Park, Unit Number 2 an unofficial subdivision. The subdivision was created in the 1930's as a summer cabin neighborhood. The lots are small, the streets are narrow and many have grades in excess of 6% (the current allowable maximum grade standard for residential streets). Over the years most of the cabins have been torn down and replaced with larger homes. The applicant owns one of the very few remaining cabins in the area. The 720 square foot cabin was built in 1936. A bunkhouse was added in 1939. In 1999, a variance was granted to add a 60 square foot addition on the cabin in the side yard setback for a bathroom addition and to build the garage in the front yard setback. In addition, the variance acknowledged the existence of the bunkhouse as an established use within the front yard setback.

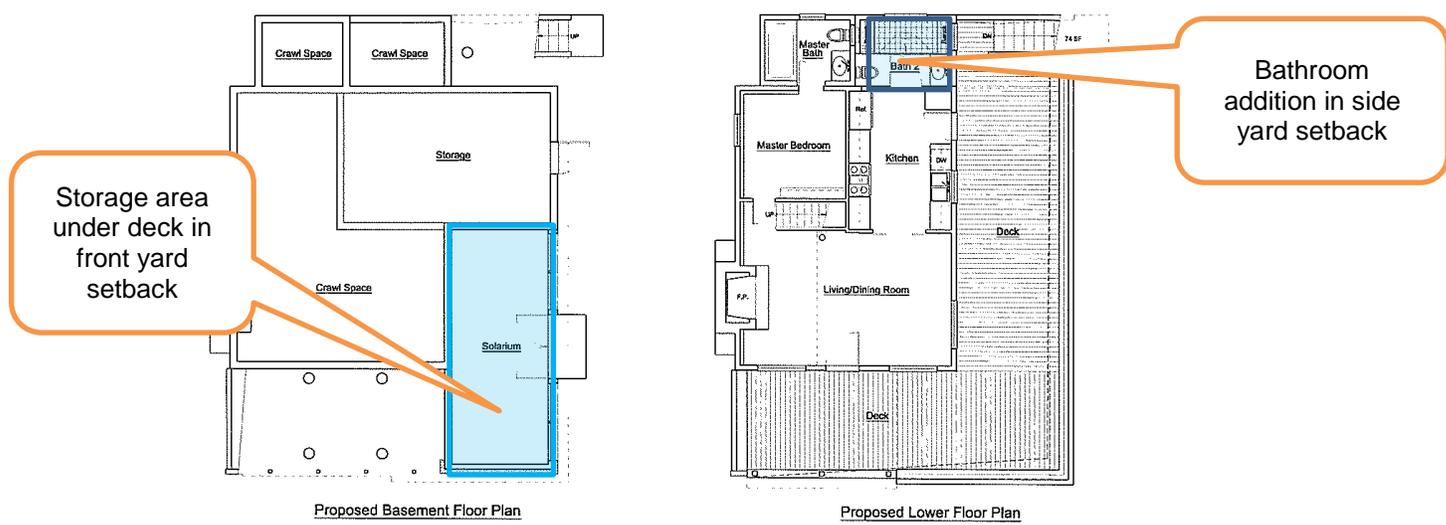
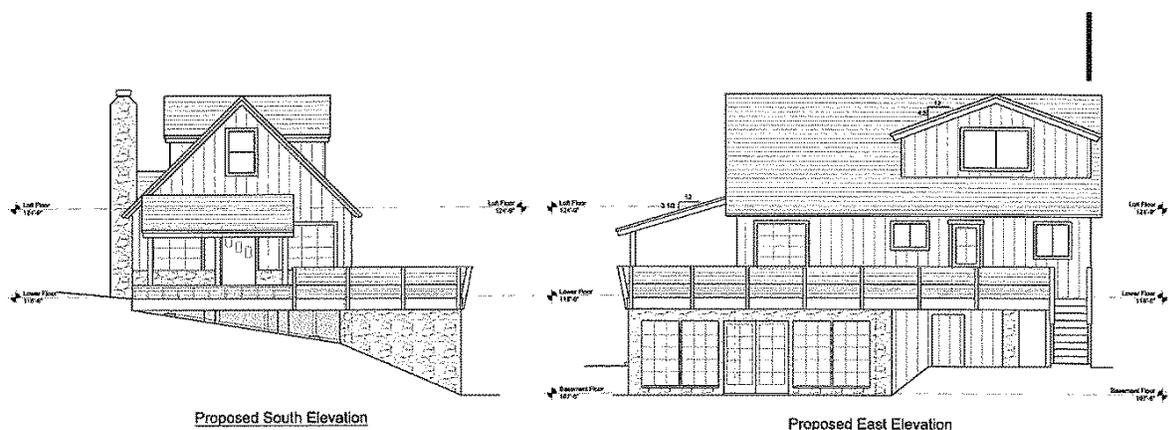
Rather than tearing down the cabin and building a new home, the applicant would like to maintain the cabin close to its original state, making only minimal changes to make the bathroom more functional. The applicant is requesting a variance to add a small addition (approximately 65 square feet) in the side yard setback to enlarge an undersized bathroom. In addition, he is requesting to enclose the area below the deck in the front yard setback for a potting shed and storage area.

The existing deck encroaches into the front yard setback. Tahoe Area Plan Modifier Section 110.220.40 stipulates the deck is legal and conforming because it was built before 1990. Enclosing the area below the deck does not increase the encroachment into the setback. Staff recommends that, if approved, a condition be placed on the property that if more than 50% of the structure is taken down for remodeling in the future, the encroachment into the setback will be removed.



Proposed storage area under deck in front yard setback

Sauna



Cabin Elevations and Floor Plans

The applicant is also proposing to remove the bunk house and the one car garage along with the dirt parking area and paved driveway, and replace them with a detached accessory structure containing a 2-car garage, a second story guest room with a bathroom, and a lower level with a laundry and office containing a bathroom. This accessory structure is proposed to be relocated to the west end of the lot, so it can be accessed from Teresa Court. This location would make vehicle access easier and safer because the slope on Teresa Court averages 2% in front of the applicant’s and the two neighboring properties. The proposed garage will have two enclosed parking spaces and two off-street parking spaces in front of the garage. If the accessory structure is located as proposed, having a second story above the garage would allow the applicant to take advantage of the views of the lake. Because the proposed garage is located in the front yard setback, staff recommends that the conditions normally applied to a detached structure use as a garage apply to this structure as well. Those conditions are:

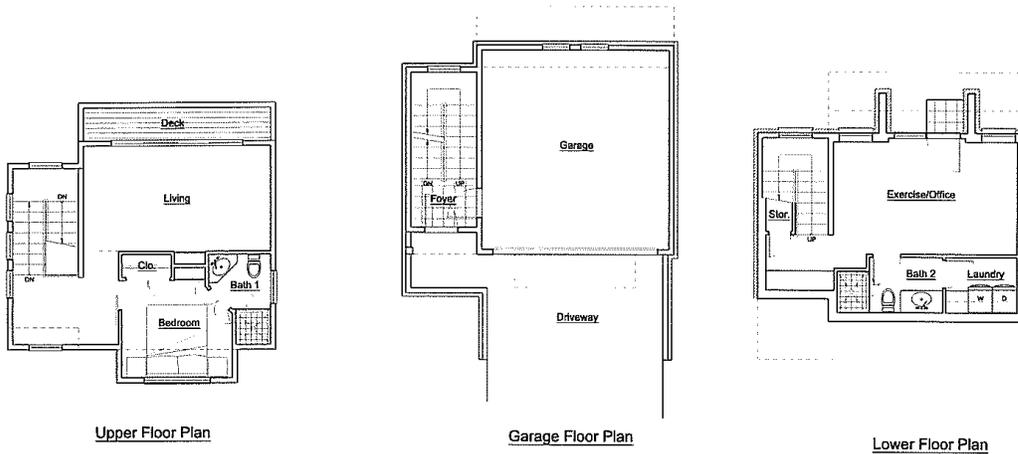
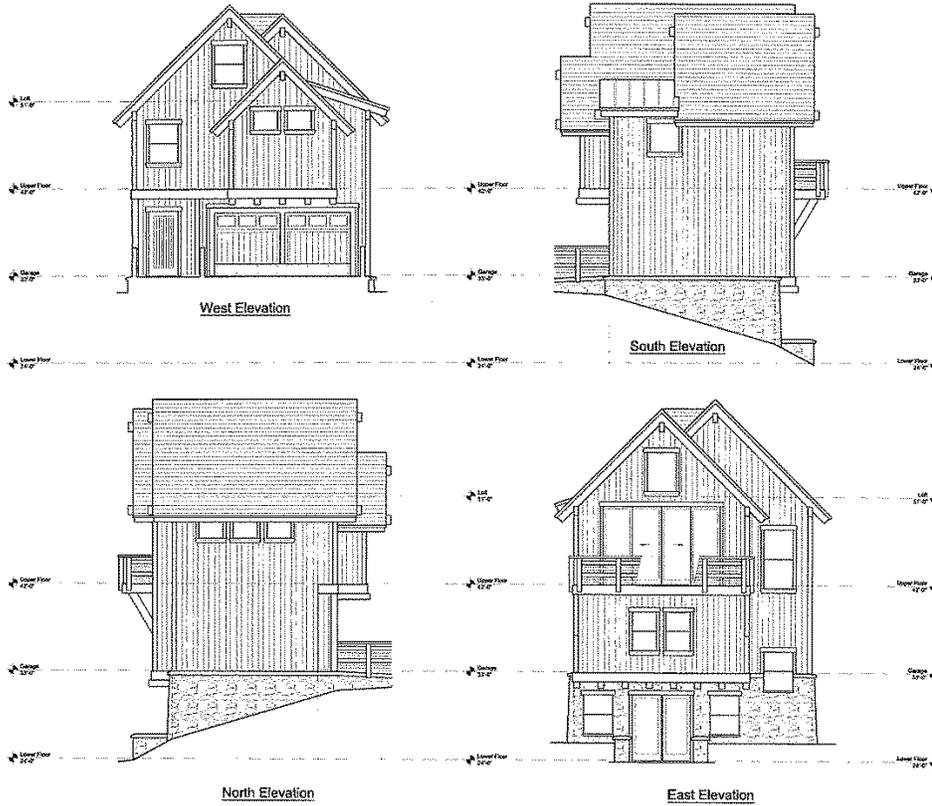
1. The floor area of the garage (as well as the area below and above) is limited to 576 square feet (each level);
2. The structure be at least 15 feet from the edge of the road; and,
3. A hold harmless agreement for street maintenance and snow removal be recorded.

The applicant is also requesting to vary the standard for plumbing in the detached accessory structure. The Tahoe Area Plan Modifiers limit plumbing to one toilet and one sink. This was based on the County standard that stated an accessory structure could only have two plumbing fixtures. Because of the difficulty in enforcing this standard and a number of legitimate reasons the public had for wanting and/or needing more than two fixtures, staff was directed to review and possibly revise the code on this matter. On September 28, 2010, the Development Code was amended removing this restriction, replacing it with the requirement; accessory structures hooked-up to water and/or wastewater facilities record a deed restriction stating the structure will not be used as a dwelling unit.

While the Accessory Structures section of the Development Code was being amended, staff neglected to amend the language in the Tahoe Area Plan Modifier. Therefore, the restriction limiting plumbing fixtures to one sink and one toilet still applies to properties in the Tahoe Planning Area. The cabin does not have any laundry area so the applicant would like to install one in the level below the garage, and in order to make the guest room more comfortable and usable having a bathroom in the laundry/office area and a bathroom in the guest room is proposed. The applicant is requesting that the same standards for permitting plumbing fixtures in an accessory structure that applies to all other residential properties in Washoe County be applied to his property. If this requested variance is granted, staff recommends that the same deed restriction required for an accessory structure in other part of the County also apply to this property.



**VA16-006
EXHIBIT B**



Garage Elevations and Floor Plans

Hardships

Exceptional narrowness and shape of the property.

The applicant's property was originally a rectangle approximately 40 feet wide by 143 feet deep. The house that was built in 1936 was built over the property lines, so the boundary line on the

east end of the lot (abutting Wassou Road) was adjusted so the house was no longer straddling the property line. This made the east end of the property 61 feet wide. While the east end of the property is wider than the west end, the buildable area is still relatively narrow. Even with the boundary line adjustment the house, the deck, and both accessory buildings encroach into the setbacks.

Exceptional situation or condition of the property.

Because the property is located on the end of the block, three sides of the property are designated as front yards, with a setback of 20 feet and one side yard setback of 8 feet. The buildable area is 12 feet wide on approximately half of the lot. The lot then widens from 12 feet to 33 feet on the east half of the property where the cabin is located. The buildable area on the east half of the property tapers from 12 feet to 33 feet on the east end.

The applicant's driveway is located approximately 65 feet downhill from the intersection of Teresa Court and Tuscarora Road. The existing driveway is not large enough to turn around in so vehicles must back out into the street. The section of Tuscarora Road abutting the subject property slopes downhill west to east at approximately 16%. A neighbor describes this to staff as a "very hazardous end/multiple corner/multiple intersection". In addition, the neighborhood is densely wooded with pine trees shading the street so the road becomes snow packed and icy in the winter. Tuscarora Road is so steep that the bear box had to be located on Teresa Street so the trash trucks would stop and collect waste. The combination of snow, ice, steep slopes and shaded streets can make for hazardous conditions when backing out of the driveway. The applicant is proposing to move the garage to the west end of the property so it can be accessed from Teresa Court which is fairly level and a much safer access point.

**VA16-006
EXHIBIT B**



No Special Privileges.

The Tahoe Area Plan Modifier that limits plumbing fixtures in accessory structures to one toilet and one sink is inconsistent with the limitations upon other properties within the identical regulatory zones in the rest of the County.

Public Comment

Staff received 3 letters of support and one letter in opposition from neighboring property owners. (See Exhibit B)

Mr. and Mrs. Nelson of 464 Teresa Court listed several reasons for their opposition. Staff reviewed their concerns and addressed them below.

- **The two-story garage is a second residence and will enjoy a premium view.**
 - The accessory structure does not have any cooking facilities so per Washoe County codes it is not classified as a second residence.
 - If approved, staff recommends a condition that a deed restriction prohibiting it from being used as a second residence be recorded on the property.
 - There are no codes or other restrictions against wanting or having a prime view.
 - Many of the homes in this area are three to four stories in height so they can enjoy great views of the lake.

- The applicant's request does not block or interfere with other property owner's views.
- **The property does not conform to Medium Density lots size and width standards; the slope of the lot is only 16% so is only moderately steep.**
 - The development suitability map for the Tahoe Area Plan indicated that the subject property has slopes in excess of 15%. The site has a significant slope, but is still buildable.
 - The Development Code identifies slopes of 30% or greater as less suitable for development.
 - In 1997, Variance V1-3-97 was approved for Mr. and Mrs. Nelson to tear-down and rebuild a larger home on their property. The variance granted a reduction of the front yard setback from 20 feet to 12 feet and the side yard setbacks from 8 feet to 4.5 feet and 2.5 feet. Their application stated that because the site was unusually narrow and small and "substantially down-sloping lot (18 degrees)", "the strict application of the regulations deprives their property of privileges enjoyed by other properties within identical regulatory zone." Staff notes that the same conditions the Nelsons cited as reasons for granting their variance are nearly identical to the situation of the subject property.
 - Neither the zoning (MDS) nor the lot size and width standards have changed since the Nelsons' variance was granted.
- **That after a lot is developed the front yard chosen as the front yard shall remain the front yard for all future development.**
 - The designated front yard is not changing.
 - The 20 foot front yard setback requirement is applied to all sides of a property abutting the street regardless if it is a rear or side yard.
 - Garages, driveways and accessory structures are allowed in the rear and side yards.
- **That 460 Teresa Court is used as a vacation rental.**
 - The neighbor's use of his property is not an indication of the applicant's intent.
- **That the property is not historic.**
 - While the property is not nominated or listed on the National Historic Registrar, the structure is over 50 years old, it is one of a few homes built in c. 1930-1940, and is indicative of the summer cabins that once were the norm for this area.
 - The exterior of the home has not been drastically modified, therefore under the standards of The Secretary of the Interior of the United States, the property is considered potentially historically significant.
 - The property owner likes the existing structure and would like to preserve it in a manner that does not diminish its historic appearance.
- **The fence is located in the line of sight triangle**
 - Staff reviewed plans and determined that the fence in the front yard does not exceed 55-inches in height and is not located within the visibility triangle as defined by Washoe County Code Section 110.412.30.
- **The sauna is located in the front yard.**

- The existing home fronts on Wassou Road, therefore, this is the front yard. The sauna appears to be located in the front yard setback. Staff recommends a condition that the sauna be moved to a location outside the front yard setback.

Incline Village/Crystal Bay Citizen Advisory Board

The proposed project will be presented by the applicant or the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on September 26, 2016. Staff will provide a brief summary during the public hearing.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development
 - Engineering and Capital Projects
 - Parks and Open Spaces
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Regional Transportation Commission

Of the eight above listed agencies/departments, only Planning and Development provided comments and/or recommended conditions of approval in response to their evaluation of the project application. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the Board of Adjustment approves the application.

- Washoe County Planning and Development recommends requiring a deed restriction prohibiting conversion of the accessory structure to a dwelling unit; relocating the sauna; and requiring holding the County harmless from damages that may occur during snow removal and road widening, maintenance or utility work.

Contact: Eva M. Krause, 775.328.3628, ekrause@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 abandonment request. Staff has completed an analysis of the 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 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.

**VA16-006
EXHIBIT B**

Staff Comment: the property is exceptionally narrow and steeply sloped. In addition, three sides of the property are encumbered with front yard setbacks.

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: the relocation of the driveway and garage to the west end of the property will provide safer access to the property and will not interfere with anyone's views.

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: Varying setback standards for construction of garages to be built within 15 feet of the edge of the road is common in the surrounding area. Several of the surrounding residences have two-story garages, similar to what is being requested under this variance. The second story above the garage does not exceed the height standards and will not impact the surrounding property owner's views or their use of their property.

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: All the proposed structures and uses are allowed within the Medium Density Suburban zoning designation.

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 are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Variance Case Number VA16-006 is being recommended for approval with conditions. 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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County 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

**VA16-006
EXHIBIT B**

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: Jeffery D. Eget
3651 Goodland Drive
Studio City, CA 91604

Representatives: Borelli Architecture
P.O. Box 6823
Incline Village, NV 89450



Conditions of Approval

Variance Case Number: VA16-006

The project approved under Variance Case Number VA16-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 6, 2016. 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 or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

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.

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 the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.
- e. Prior to issuance of a building permit for the detached accessory structure the applicant shall execute a Deed Restriction And Covenant Against Use Of Detached Accessory Structure As A Detached Accessory Dwelling Where Structure Is Connected To Water Or Wastewater Facilities
- f. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.
- g. If more than 50% of the existing cabin is taken down for a remodel or rebuild than the portion of the deck and the storage area that encroaches into the front yard setback shall be removed.
- h. The detached accessory structure shall not be located closer than 15 feet from the edge of pavement of the abutting street, and the floor area of each level of the structure shall not exceed 576 square feet.
- i. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***

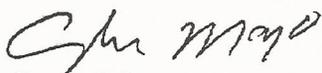
September 26, 2016

To Whom It May Concern:

I want to make a point of complimenting Marina and Jeff Eget on their Defensible Space and Landscaping project. Rather than just cutting back the Manzanita and trimming tree limbs, they have added a rustic split rail fence and planted native flowers and other vegetation to create a beautiful and pleasing look that blends with the natural habitat.

As for re-locating their garage, the street the garage is on now, E. Tuscarora, is a short, steep, narrow street with blind corners at the bottom. There is a lot of traffic on this street and in the winter it becomes very icy and cars are constantly sliding down this street out of control. Placing the garage on Teresa Ct. is a safe and logical solution. Teresa Ct. is a flat, level street with almost no traffic. Also, this location would not compromise anyone's view in any way.

Respectfully,



Steve Mayo

Neighbor and Crystal Bay Resident

September 26, 2016

To Whom It May Concern:

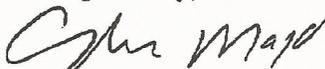
On 1/11/2016 Brian Nelson filed a complaint against me, Steve Mayo, with the Washoe County Animal Control for Dog at Large. He failed to appear at the hearing and the complaint was dismissed.

On 3/19/2016 he filed a similar complaint and, again, failed to appear at the hearing. Again the complaint was dismissed.

On 6/9/2016 he once again filed a similar complaint. This time he did appear at the hearing but after hearing the evidence the hearing officer dismissed the complaint.

I have received no other complaints from the Animal Control Office in my 42 years as a resident of Crystal Bay.

Respectfully,


Steve Mayo

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

From: [Rod Nussbaum](#)
To: [Krause, Eva](#)
Subject: Fwd: Variance VA 16-006
Date: Sunday, September 25, 2016 11:16:47 AM

Dear Ms. Krause:

I am forwarding to you as I just saw your name on the Official Notice of Public Hearing dated 9/23.

Please note this as part of the deliberations process.

Thank you.

Regards,

Rod Nussbaum

----- Forwarded message -----

From: **Rod Nussbaum** <rodnussbaum@gmail.com>

Date: Fri, Sep 23, 2016 at 1:38 PM

Subject: Variance VA 16-006

To: Tlloyd@washoecounty.us

Dear Mr. Lloyd,

My name is Rod Nussbaum and I reside at 480 Wassou Rd, Crystal Bay, Nv. 89402 with my wife Nancy. Both of us are very supportive of the plans associated with the above captioned variance for the construction project at 45 E Tuscarora at the Egert residence. We have spoken to the architect as well as the applicants and believe they are planning a very nice project which is consistent with the the esthetics and flow of the neighborhood. Please be advised of our support and we would be happy to answer any questions you may have.

Best regards,

Rod Nussbaum

VA16-006
EXHIBIT B

VA16-006
EXHIBIT B

From: [Joshua Hackett](#)
To: [Krause, Eva](#)
Subject: Variance Case # VA 16-006 (Eget Residence)
Date: Sunday, September 25, 2016 9:50:47 PM

Regarding variance case VA16-006 at 45 E Tuscarora (Eget Residence):

It is our opinion that the planned development will improve the property for the current residence specifically and the surrounding neighborhood in general, and we have no contention whatsoever.

Joshua and Tiffany Hackett
42 E Tuscarora Road

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eaves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep;" which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

They are also arguing that there is “historic value” that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry’s of historic places. “Washoe County Code Chapter 110, Article 220, Tahoe Area” is designed to “preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners’s efforts to preserve the historic or landmark value of the property...” Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R’s exist that are material to the matter at hand. For the record, we would like to submit the fact that the “creation of a nuisance” is in violation of the CC & R’s. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R’s of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot’s potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a “virtually unbuildable” small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the “Obstructions to Vision” clause that states: “There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety.”

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

We believe in our community and it's rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time and attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

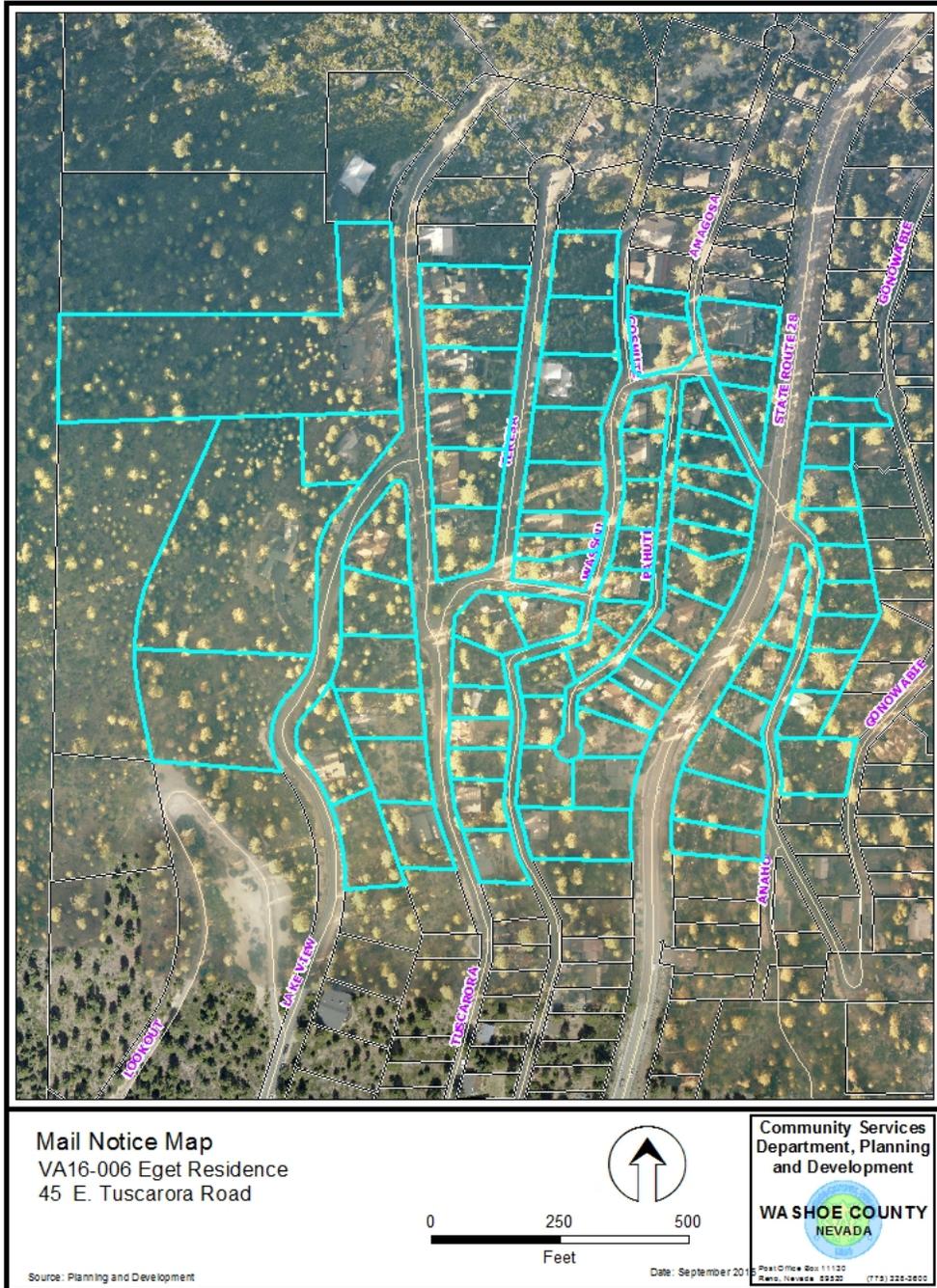
Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT B**

Public Notice

Pursuant to Washoe County Development Code Section 110.804.20 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was noticed within a 500-foot radius of the subject property, noticing 47 separate property owners.



NOTICING MAP

**VA16-006
EXHIBIT B**

**VA16-006
EXHIBIT C**

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.: _____	
Project Name: EGET RESIDENCE ADDITION AND DETACHED GARAGE ADDITION PROJECT			
Project Description: BATH AND STORAGE ADDITION TO EXISTING RESIDENCE, DECK REBUILD, 2-CAR DETACHED GARAGE ADDITION WITH BEDROOM, BATH AND LIVING AREA ABOVE AND EXERCISE ROOM, BATH AND LAUNDRY BELOW.			
Project Address: 45 E. TUSCARORA ROAD, CRYSTAL BAY, NV			
Project Area (acres or square feet): 8,351 SF (0.19 ACRES)			
Project Location (with point of reference to major cross streets AND area locator): TERESA CT. TO THE WEST, E. TUSCARORA ROAD TO THE SOUTH, WASSOU RD. TO EAST			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-136-02	0.19		
Section(s)/Township/Range: TOWNSHIP 16 / RANGE 18			
Indicate any previous Washoe County approvals associated with this application: Case No.(s). V2-6-99			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: JEFFERY D. EGET		Name: BORELLI ARCHITECTURE	
Address: 3651 GOODLAND DRIVE		Address: P.O. BOX 6823	
STUDIO CITY, CA Zip: 91604		INCLINE VILLAGE, NV Zip: 89450	
Phone: 213-703-1000 Fax:		Phone: 775-831-3060 Fax: 775-833-3919	
Email: jeff@omnisteel.com		Email: jim@borelliarchitecture.com	
Cell: 213-703-1000 Other:		Cell: 775-544-3228 Other:	
Contact Person: JEFF EGET		Contact Person: JAMES P. BORELLI, AIA	
Applicant/Developer:		Other Persons to be Contacted:	
Name: (SAME AS OWNER)		Name:	
Address:		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

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?

1. REDUCE SIDE SETBACK FROM 8' TO 5' FOR BATH ADDITION AND DECK REBUILD AT EXISTING RESIDENCE.
2. REDUCE FRONT SETBACK AT WASSOU ROAD FROM 20' TO 14'-5" FOR STORAGE ADDITION BELOW EXISTING DECK.
3. REDUCE SIDE SETBACK FROM 8' TO 5' FOR DETACHED GARAGE ADDITION.
3. REDUCE FRONT SETBACK AT TERESA COURT FROM 20' TO 10' FOR DETACHED GARAGE ADDITION.
4. REDUCE FRONT SETBACK ON E. TUSCARORA ROAD FROM 20' TO 8'-0" FOR DETACHED GARAGE ADDITION.
5. ALLOW FOR A DETACHED ACCESSORY STRUCTURE MORE THAN 1-STORY (2 STORIES + BASEMENT IS REQUESTED).
6. ALLOW FOR A DETACHED ACCESSORY STRUCTURE WITH MORE THAN 1 SINK AND 1 TOILET.

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?

1. THE SUBJECT PARCEL IS QUITE SMALL, ONLY 8351 SQUARE FEET (0.19 ACRES).
2. THE SUBJECT PARCEL IS UNUSUAL IN SHAPE AND IS VERY LONG AND NARROW, ESPECIALLY AT THE UPPER PORTION FRONTING ON TERESA COURT, WHICH IS ONLY 40' WIDE.
3. THE SUBJECT PARCEL IS QUITE STEEP, OVER 16% AVERAGE SLOPE FROM WEST TO EAST.
4. THE SUBJECT PARCEL IS BOUNDED BY WASSOU ROAD ON THE EAST SIDE, E. TUSCARORA ROAD ON THE SOUTH SIDE AND TERESA COURT ON THE WEST SIDE. ALL THREE SIDES ARE CONSIDERED THE "FRONT" AND ARE SUBJECT TO THE STANDARD MEDIUM DENSITY SUBURBAN FRONT SETBACK OF 20'. AT THE UPPER PORTION OF THE PARCEL ON TERESA COURT, ONLY 15' OF BUILDABLE WIDTH REMAINS AFTER APPLYING THE 20' FRONT SETBACK ON E. TUSCARORA ROAD AND THE 5' SIDE SETBACK ON THE NORTH SIDE OF THE PROPERTY.
5. ALTHOUGH ARTICLE 304 OF THE WASHOE COUNTY DEVELOPMENT CODE WAS AMENDED SEVERAL YEARS AGO, ELIMINATING LIMITS ON THE NUMBER OF PLUMBING FIXTURES IN DETACHED ACCESSORY STRUCTURES, ARTICLE 220 (TAHOE AREA) STILL LIMITS ALLOWABLE PLUMBING FIXTURES TO 1 TOILET AND 1 SINK.
6. THE REQUESTED REDUCTION OF THE SIDE SETBACK FROM 8' TO 5' FOR THE BATH ADDITION AND DECK REBUILD AT EXISTING RESIDENCE HAS BEEN PREVIOUSLY GRANTED IN A VARIANCE IN THIS AREA AND THE PROPOSED IMPROVEMENTS ENCROACH NOT FURTHER INTO 8' SETBACK THAN WHAT WAS PREVIOUSLY APPROVED.
7. THE REQUESTED REDUCTION OF FRONT SETBACK FROM 20' TO 14'-5" FOR THE STORAGE AREA UNDER THE EXISTING DECK IS LOCATED ENTIRELY UNDER THE EXISTING DECK AND ENCROACHES LESS INTO THE SETBACK THAN DOES THE EXISTING DECK ITSELF.
8. TRPA ALLOWABLE LAND COVERAGE FOR THE SUBJECT PARCEL IS EXTREMELY LIMITED. LOCATING THE GARAGE CLOSER TO THE STREET MINIMIZES THE AMOUNT OF COVERAGE REQUIRED FOR THE DRIVEWAY.

VA16-006

July 1, 2008
Page 1

EXHIBIT B

VA16-006
EXHIBIT D

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?

1. NO VIEWS WILL BE BLOCKED BY THE PROPOSED PROJECT. VIEWS FROM NEIGHBORING PROPERTY TO THE NORTH WILL ACTUALLY BE IMPROVED SINCE 2 EXISTING BUILDINGS LOCATED DIRECTLY ADJACENT TO IT WILL BE DEMOLISHED AND REPLACED WITH THE DETACHED GARAGE ADDITION AT THE UPPER PORTION OF THE SITE WHICH WILL BE ADJACENT TO THE DRIVEWAY RATHER THAN THE RESIDENCE ITSELF. SOME VIEWS OF THE LAKE MAY ACTUALLY BE OPENED UP FROM RESIDENCES LOCATED ON THE SOUTH SIDE OF E. TUSCARORA ROAD.
2. THE NEIGHBORING PROPERTY TO THE NORTH WILL ENJOY INCREASED PRIVACY DUE TO THE DEMOLITION OF THE 2 EXISTING BUILDINGS TO THE SOUTH.
3. PEDESTRIAN AND TRAFFIC SAFETY WILL BE IMPROVED SINCE VEHICLES WILL NO LONGER BE BACKING OUT ONTO THE THE 16% GRADE OF E. TUSCARORA ROAD. VEHICULAR ACCESS AND EGRESS WILL BE PROVIDED AT TERESA COURT WHICH IS LESS TRAVELED AND NEARLY LEVEL.

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.)?

1. THE SCENIC CHARACTER OF THE NEIGHBORHOOD WILL BE ENHANCED BY THE REMOVAL OF THE 2 EXISTING DETACHED BUILDINGS WEST OF THE EXISTING RESIDENCE SINCE THIS AREA WILL BE RESTORED AND REVEGETATED AND MAINTAINED AS A LARGE OPEN SPACE AREA BETWEEN THE EXISTING RESIDENCE TO REMAIN AND THE PROPOSED DETACHED ACCESORY BUILDING AT THE OPPOSITE END OF THE PARCEL. THIS NEWLY CREATED OPEN SPACE WILL ENHANCE THE ENVIRONMENTAL CHARACTER OF THE AREA, PARTICULARLY FOR THE NEIGHBORING PROPERTY TO THE NORTH AND FROM E. TUSCARORA ROAD.
2. ADDITIONAL ENCLOSED PARKING WILL BE PROVIDED SINCE THE EXISTING SINGLE CAR GARAGE WILL BE DEMOLISHED AND REPLACED WITH A NEW 2-CAR GARAGE. OFF STREET PARKING WILL BE PROVIDED AT THE NEW DRIVEWAY LOCATED ON TERESA COURT, ELIMINATING THE EXISTING OFF STREET PARKING AREA WHICH IS MORE VISIBLE TO NEIGHBORS AND PASSERS BY.
3. THE EXISTING CLUTTER OF OUTBUILDINGS WILL BE ELIMINATED AND EXISTING TOPOGRAPHIC CONTOURS IN THIS AREA WILL BE RESTORED TO NATURAL GRADES.

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

<p>1. THE BUILDABLE AREAS OF MOST PROPERTIES IN THE NEIGHBORHOOD ARE NOT AS ADVERSELY AFFECTED BY SETBACKS IS THE CASE WITH THE SUBJECT PARCEL, SINCE IT IS SUBJECT TO 20 SETBACKS ON 3 SIDES. THIS REQUIREMENT IS OVERLY RESTRICTIVE AND SEVERLY LIMITS THE DEVELOPMENT OPTIONS FOR THE PROPERTY.</p> <p>2. MOST PROPERTIES WITH STEEP SLOPES IN THE NEIGHBORHOOD HAVE THE OPTION OF LOCATING DEVELOPMENT AT THE HIGH POINT OF THE PROPERTY TO MAXIMIZE VALUABLE LAKE VIEWS. CONFORMANCE TO 2 20' SETBACKS AT THE HIGH PORTION OF THE PARCEL RENDERS THIS AREA OF THE PARCEL VIRTUALLY USELESS.</p> <p>3. MOST PROPERTIES IN THE NEIGHBORHOOD ARE REGULAR AND RECTANGULAR IN SHAPE AND DO NOT HAVE THE UNUSUAL, RESTRICTIVE SHAPE OF THE SUBJECT PARCEL.</p> <p>4. THE OWNERS OF THE PROPERTY ARE VERY SENSITIVE TO THE HISTORIC VALUE OF THE EXISTING 1936 CABIN AND PREFER TO PRESERVE IT AS IS RATHER THAN ADD ON TO IT TO MORE ADEQUATELY MEET THEIR NEEDS.</p>
--

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.
------------------------------	--	-------------------------------

7. What is your type of water service provided?

<input type="checkbox"/> Well	<input checked="" type="checkbox"/> Community Water System
-------------------------------	--

8. What is your type of sanitary waste disposal?

<input type="checkbox"/> Individual Septic System	<input checked="" type="checkbox"/> Community Sewer System
---	--

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES							HEALTH FEES		TOTAL
	Planning							Health District		
	PLANNING	NOTICING	ENGINEERING	PARKS	UTILITIES	ENVIRON.	VECTOR	ENVIRON.	VECTOR	
TRUCKEE MEADOWS REGIONAL PLANNING AGENCY NOTICING FEE										
VARIANCE - RESIDENTIAL/COMMERCIAL/INDUSTRIAL										
Not Tahoe	\$1,060	\$200	\$65	-	\$26		\$115		\$213	\$1,679
Tahoe	\$1,060	\$200	\$65	-	-		\$115		\$213	\$1,653

See Note 4

NOTE 1: \$5,000 deposit on time and materials. Additional \$5,000 increments may be required.

NOTE 2: \$750 fee capped by NRS for Division of Land into Large Parcels only.

NOTE 3: \$50 per hour after first 1/2 hour for Planner, \$20 per hour after first 1/2 hour for Clerk, Public Records Research/Copying.

NOTE 4: Fee to be established by Truckee Meadows Regional Planning Agency.

NOTE 5: The Engineering Department will require a separate check for technical map fee. Please check with Engineering for the current fee amount.

NOTE 6: Separate checks are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.

NOTE 7: The following are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.
 eating and drinking establishments; gasoline sales and service stations - convenience and full service; gaming facilities: limited and unlimited; hotels and motels; liquor sales on premises; lodging services; major public facilities; recycling centers: full service and remote collection and residential hazardous substances; vacation time shares. All other uses constitute minor permits.

Washoe County Treasurer
 P.O. Box 30039, Reno, NV 89520-3039
 ph: (775) 328-2510 fax: (775) 328-2500
 Email: tax@washoecounty.us

Washoe County Treasurer
 Tammi Davis

Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Washoe County Parcel Information

Parcel ID	Status	Last Update
12313602	Active	8/12/2016 2:09:25 AM
Current Owner: EGET 1990 TRUST, JEFFERY D 3651 GOODLAND DR STUDIO CITY, CA 91604		SITUS: 45 E TUSCARORA RD INCL NV
Taxing District 5200	Geo CD:	
Legal Description		
Township 16 Block 5 SubdivisionName CRYSTAL BAY PARK 1 UNOFFICIAL Range 18 Lot 2		

Installments

Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/15/2016	2016	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/3/2016	2016	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/2/2017	2016	\$842.70	\$0.00	\$0.00	\$842.70
INST 4	3/6/2017	2016	\$842.70	\$0.00	\$0.00	\$842.70
Total Due:			\$1,685.40	\$0.00	\$0.00	\$1,685.40

Tax Detail

	Gross Tax	Credit	Net Tax
Incline Recreati	\$730.00	\$0.00	\$730.00
Incline Village	\$132.50	(\$77.11)	\$55.39
North Lake Tahoe 2	\$704.60	(\$295.93)	\$408.67
State of Nevada	\$190.40	(\$53.37)	\$137.03
Washoe County	\$1,558.71	(\$436.91)	\$1,121.80
Washoe County Sc	\$1,275.13	(\$357.41)	\$917.72
LAKE TAHOE WATER BASIN	\$0.20	\$0.00	\$0.20
Total Tax	\$4,591.54	(\$1,220.73)	\$3,370.81

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2016	2016097974	U16.5117	\$1,685.41	8/9/2016

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
 P.O. Box 30039
 Reno, NV 89520-3039

Overnight Address:
 1001 E. Ninth St., Ste D140
 Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-2500

Address change requests may also mailed to:
 Washoe County Treasurer
 P O Box 30039
 Reno, NV 89520-3039

VA16-006 EXHIBIT B

VA16-006 EXHIBIT D

A Remodel and
Addition Project
for:

Jeff Eget

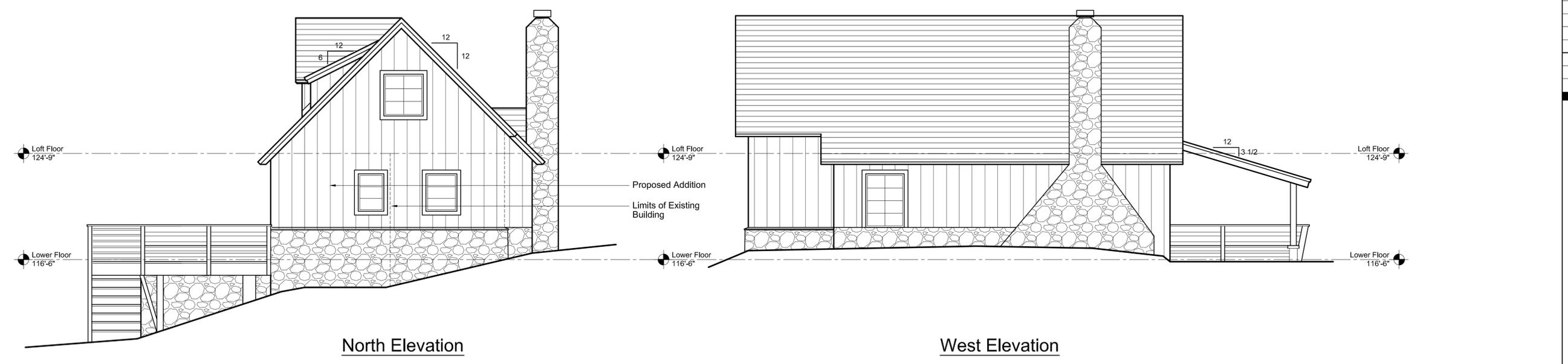
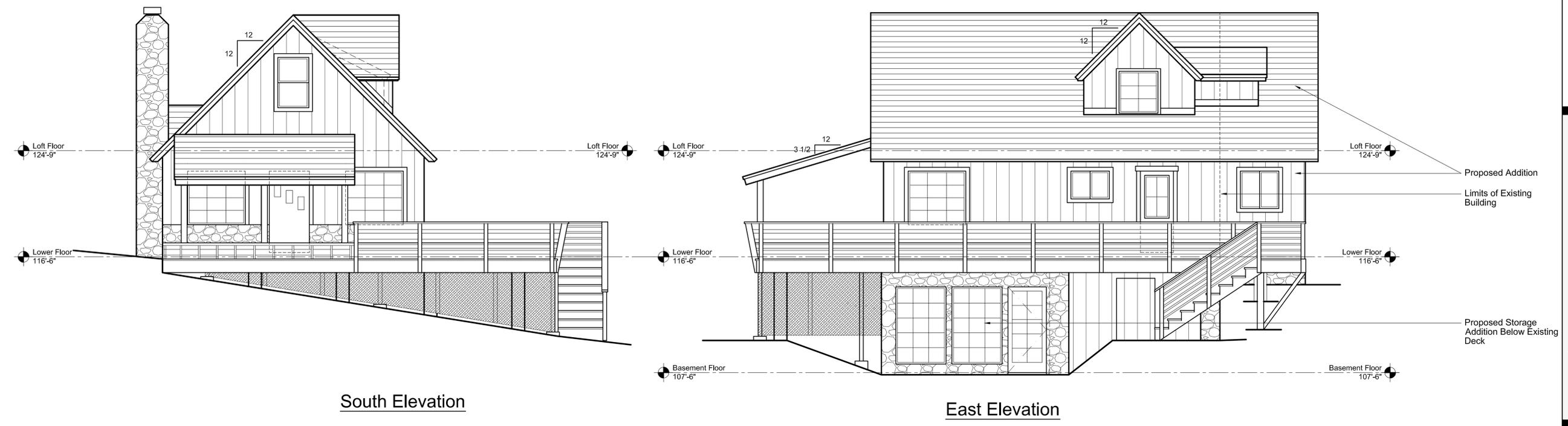
45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

Revision	Date

Date August 15, 2016
Drawn JPB/RH
Scale 1/4"=1'-0"

Proposed Cabin
Exterior Elevations

A2.2





Incline Village/Crystal Bay Citizen Advisory Board

MEMORANDUM

To: Marsha Berkgigler, Commissioner
From: Misty Moga, Administrative Recorder
Re: **Variance Case Number VA16-006 (Eget Residence)**
Date: October 2, 2016

The following is a portion of the draft minutes of the Incline Village/Crystal Bay Citizen Advisory Board held on September, 2016.

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. Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance to 1) reduce the front yard setback along Wassou Road from 20 feet to 14 feet 5 inches to allow for a storage addition below the existing deck, 2) to reduce the front yard setback along Teresa Road from 20 feet to 10 feet to allow a detached garage addition, 3) to reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet to allow for a detached garage addition and 4) to reduce the north side yard setback from 8 feet to 5 feet to allow for a bath addition and deck rebuild at the existing residence and 5) to reduce the north side yard setback from 8 feet to 5 feet for a detached garage addition.

- **Applicant/Owner:** Jeffery D. Eget
- **Location:** 45 E. Tuscarora Road, Crystal Bay
- **Assessor's Parcel Number:** 123-136-02
- **Staff:** Trevor Lloyd, 775-328-3620, tlloyd@washoecounty.us
- **Reviewing body:** The following case is tentatively scheduled to be heard by the Board of Adjustment on October 6, 2016

Gerry Eick reminded that the CAB focus is the agenda item. If in the course of review other matters arise, CAB members or public members may submit them in writing instead of being discussed.

Jim Borelli, the subject property architect, reviewed the proposed site plan:

Requesting an approved variance for:

- Reduced side set back from 8 to 5pm on the north side of the property.
- Demolishing two buildings
- Construct two car garage with sleeping quarters, storage area, fitness room
- Reducing front set back on Wassou from 20 to 8.6 feet.
- Reducing side set back from 8 to 5 feet
- Reduction in setback on Teresa court from 20 to 8 feet.
- Front setback on Tuscarora from 20 to 8
- He said Washoe County engineering doesn't have a problem with it.
- This will allow for an accessory structure of two stories
- Topography, setbacks on 3 out of 4 sides of the lot
- Bedroom addition on the cabin

He showed diagrams of:

- Floor plan of current cabin
- The elevation and proposed floor plan
- Proposed garage building

Discussion:

Gerry Eick spoke about the setbacks. They are allowing them to put structures on east and west side of property with open space in between. He said he is particularly concerned on the northeast. He said it needs to be specific that the setback is specifically for the structure, and not to be filled in later.

**VA16-006
EXHIBIT C**

Roger Pelham said if a variance is granted, it's always granted with conditions. The plans you submit must be in substantial conformance of the site plan. The site plan becomes part of the record. Roger Pelham said we don't have an opinion 'for' nor 'against' a variance either way. A variance can be granted by special hardships, topography, shape, etc.

Judy Miller said she heard that they struggle with coverage. This lot is already reached maxed coverage, so we can't be concerned with future development because of limited coverage. Judy spoke about the TRPA 1% lot coverage, but this one was grandfathered in. It can be shuffled around. Gerry Eick said he wanted to make sure there was no conflict with TRPA and Washoe County code. Roger Pelham said this is not an accessory dwelling. He said the limitation of the plumbing is a Tahoe area plan restriction. Roger said the Tahoe area plan is being re-written. He said we take the elements and put them into the Tahoe area plan modifiers.

Andy Wolf asked about the detached garage allowable use without variance. Roger confirmed they could; it would be accessory uses to the main property. Andy asked about living space. Roger said there are different standards for structures and dwellings.

Andy asked about the southeast corner setback. Mr. Borelli said that was a dimensional error which has been corrected. Roger Pelham said that isn't uncommon. He said the application gets assigned to a planner, and submitted for review to agencies. Roger said Eva hadn't studied that specific setback yet.

Andy Wolf said there is a garage and cabin; accessory buildings to the main building and storage above main building. They already have those uses on the property, therefore, what is the lack of ability to have those uses as they are. He asked why isn't what you have there enough. Mr. Borelli said they have only a one car garage, not two. The current structures wouldn't be easy to add on to. Instead of adding onto the old structures, Mr. Borelli said this proposal would create a separation from old to new.

Andy asked about the 7 foot setback storage. He asked what would prevent that building to change in the future. Mr. Borelli said there is no heating in that structure. It's a room with windows. It's more than just storage. Andy said the CAB received correspondence from a neighbor. Gerry Eick said the conversation email trail indicated they would submit all correspondence to the Board of Adjustments. Mr. Borelli said they received multiple correspondences from neighbors. He said there was a similar site plan setback on the same street.

Andy asked about the entitlement for a 2 car garage. Roger Pelham said current requirements for single family are one enclosed and one off-street parking space. Roger said it applies to new building and if there was a remodel. It makes it conforming. Roger said they wouldn't allow it to be non-conforming.

Mr. Borelli said East Tuscarora is busy and steep. He said it's a dangerous street. Teresa court only has 4 houses on the street. He said it's an easier way to park and get out of the car. It's a safety positive aspect.

Andy Wolf asked if cabin and garage are re-developed, what variances would be needed. Mr. Borelli said he thought he would need a variance but it would probably be less.

Andy Wolf asked to separate the setbacks and discuss and recommend them separate. Gerry said they are the east and west projects, essentially two sets of setbacks.

Agenda items: 1 & 4 - east side to existing; items 2, 3 & 5 – detached accessory structure

Andy said he was concerned with the accessory (items 2, 3, 5). He said it's a nice new structure; however, those uses already exist on property without a variance. He said he can't make that finding of hardship such as following the requirements of code, some hardship or inability to develop so the owner can't enjoy the property.

Mr. Borelli said the structure encroaches into the setback; it's non-conformance as it is now. This would bring it into compliance with variance.

Roger Pelham summarized NRS 278 - the approval of variance: Special circumstance, narrowness, shape, due to topography or extraordinary situation or conditions.

Kevin Lyons asked what public interest is this addressing. Roger Pelman said the purposes of setback are many – maintain community, light and air to adjacent roadways, snow removal, roadways. This is primarily character.

MOTION: Kevin Lyons recommended approval of VA 16-006. Judy Miller seconded the motion to recommend VA16-006. Andy Wolf opposed the project. The motion passed 4 to 1.

cc: Pete Todoroff, Chair
Marsha Berkgigler, Commissioner
Al Rogers, Constituent Services
Sarah Tone, Constituent Services

DRAFT



Washoe County Citizen Advisory Boards CAB Member Worksheet

Citizen Advisory Board: IVCB CAB

Meeting Date (if applicable): September 26, 2016

Topic or Project Name (include Case No. if applicable): Eget Case # VA16-006

Washoe County Planner Trevor Lloyd

Please check the appropriate box:

My comments were (or) were not discussed during the meeting.

Identified issues and concerns:

On September 26, 2016, I was the lone dissenting vote on the Incline Village Crystal Bay CAB.

The published agenda for the CAB meeting listed the requested variances/proposed uses in the following order:

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance to 1) reduce the front yard setback along Wassou Road from 20 feet to 14 feet 5 inches to allow for a storage addition below the existing deck, 2) to reduce the front yard setback along Teresa Road from 20 feet to 10 feet to allow a detached garage addition, 3) to reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet to allow for a detached garage addition and 4) to reduce the north side yard setback from 8 feet to 5 feet to allow for a bath addition and deck rebuild at the existing residence and 5) to reduce the north side yard setback from 8 feet to 5 feet for a detached garage addition. (This is somewhat different than the order of items listed in the application.)

Referring to the numbered variance items as listed in the CAB meeting agenda, above, I would approve items only items No. 1 and 4, and deny the remaining requests, or require re-submission on the basis indicated below.

As I indicated during the CAB's discussion, I have trouble finding grounds for the variance in that the applicant already enjoys the use of a detached garage and accessory cabin along with substantial extra parking in the center of the parcel. The proposed variance placing a new parking structure with accessory living space at the uppermost and narrowest end of the parcel by Teresa Road and the corresponding removal of development from the center of the parcel will have the effect of creating two disconnected nodes of development at each end of this small lot. By doing so, it appears that the applicant is maximizing the need for variances to accomplish the desired uses and will accordingly leave the currently developed and less restricted center of the parcel undeveloped. In my view, a variance to facilitate development in the area where development has already occurred would make more sense than creating two nodes of development at opposite ends of the small parcel. Not mentioned in the discussion thus far is that the development of the proposed attached garage in the setback adjoining Teresa Road will apparently require removal of a substantially large, mature sugar pine tree. It would seem to be uncharacteristic and atypical to develop the parcel in such a way that two separated nodes of development will be created, requiring the greatest possible intrusion into setbacks, to develop a previously undeveloped area of the parcel, and leave the center of the small parcel vacant, where the existing development on the parcel has the detached garage and accessory cabin much closer to the primary dwelling. As a result, the proposed variance will result in two separate disconnected developments on this small parcel instead of one area of development.

Suggested alternatives and/or recommendations:

Revised August 2016

**VA16-006
EXHIBIT C**

**VA16-006
EGET RESIDENCE - CAB WORKSHEET**

See above.

Name Andrew Wolf Date: **9-29-2016**
(Please Print)



Signature: _____

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole. ****Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendaized discussions held at your regular CAB meetings.****

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Birkbigler _____

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office
Attention: CAB Program Coordinator
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2491
Email: cab@washoecounty.us

Washoe County Development Code
(Chapter 110 of the Washoe County Code)
Definition of Applications

Type of Application	Definition	Chapter/Article
Parcel Maps; and Second or Subsequent Parcel Maps	A parcel map is required for all minor subdivisions of four or fewer lots or common-interest units. If the application is subdividing a lot or lots created within five years from the creation of the original lot, a public notice card shall be sent to advisory boards indicating the review criteria and date and time of meeting.	110.606
Tentative Subdivisions	A tentative subdivision application is required for all proposed subdivisions of five or more lots and all common-interest units consisting of five or more units.	110.608
Variances	Standards within the Development Code may be varied (e.g. such as building height, setback requirements, landscape modifiers, etc.). Different standards apply in different land use designations. Typical requests are for lots with unique physical conditions that create a hardship (i.e. shape, topography, wetlands, public easements, etc.).	110.804
Use Permits	Civic, residential, commercial and industrial uses on a property may require a use permit. The type of use permit, if required, is noted on the <i>Table of Uses</i> in the <i>Development Code</i> (110.302.05). Administrative Permits are approved by the Hearing Examiner and usually involve relatively small impacts from a use. A Special Use Permit may be required for a proposed project when the intensity or size of the project, traffic generation, noise, impact on public facilities or compatibility with surrounding uses or other impacts must be evaluated.	110.808 and 110.810
Development Agreements	Allows for any person having a legal or equitable interest in land to enter into an agreement with Washoe County concerning the development of that land.	110.814
Development Code Amendment	Provides a method for amending the Development Code.	110.818
Master Plan Amendment	Provides a method for amending the Master Plan (e.g. changes of land use).	110.820
Regulatory Zone Amendment	Provides a method for amending regulatory zone boundaries (i.e. zone changes).	110.821

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: Incline Village / Crystal Bay

Meeting Date (if applicable): September 26, 2016

Topic or Project Name (include Case No. if applicable): VA 16-006

Please check the appropriate box:

My comments were (or) were not discussed during the meeting.

Identified issues and concerns:

I would see no reason to not support the request, especially if a neighbor or neighbors
have not objections and there is no blockage of view from their parcels as he has claimed
in the application.

Architecturally I find it refreshing that the owners are wanting to keep the existing
residence done in 1936 and only add to the site the things that will make it a better place to
live year-around.

They are not tearing down a home to just try and over-build what the site will handle.

Suggested alternatives and/or recommendations:

The zoning has the same restrictions imposed on the parcel due to the parcels corner
nature.

The only concern I have is to be able to present at the CAB.

Name Pete Todoroff Date: 09/08/2016

Signature: Pete Todoroff (Please Print)

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Marsha Berkgigler

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office
Attention: CAB Program Coordinator
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2491
Email: stone@washoecounty.us

From: [Rick Elmore](#)
To: [Whitney, Bill](#); [Emerson, Kathy](#); [Fagan, Donna](#)
Cc: [Krause, Eva](#); [Edwards, Nathan](#)
Subject: Eglet application before The Board of Adjustment
Date: Thursday, October 06, 2016 11:28:03 AM
Attachments: [CCE10062016.pdf](#)

I represent Terry and Brian Nelson. I am conveying to you the Nelson's letter in opposition to the Eglet application, Case # 16-006. Please include this letter as part of the record of this matter and distribute it to the Board of Adjustment members before the hearing today. Given the detail of the letter, the members should have an opportunity to consider the Nelson's position before the meeting. Thank you.

September 26, 2016

To those it may concern:

Regarding plans for 45 E. Tuscarora Road, there are only amiable things that can be said. The property owners, Jeff and Marina Eget, are incredibly kind and hospitable people. They only mean well for the neighborhood and property. Their current intentions are to build a home that suits them, but also preserve the decades of history the property holds within it, which is an altruistic proposition in any property case. One such historic event that holds near and dear to my family was that my grandmother and late grandfather, Lois and Jack McAuliffe, had their honeymoon on this property 62 years ago. It is in my family's deepest hopes that Jeff and Marina's current plans will not be impeded.

Best Regards,

Bryan McAuliffe

450 Wassow Rd.

Incline Village, NV



10/5/16

TO: Washoe County Board of Adjustment

FROM: Brian and Terry Nelson
P.O. Box 1374
464 Teresa Ct.
Crystal Bay, NV 89402
Parcel #: 123-136-03

RE: Case #: VA 16-006 (Eget Residence) in Commission District #1
Parcel#: 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Board of Adjustment:

We would like to make our disagreement with the staff planner's recommendation regarding this proposed variance part of the record. Please find attached our original letter of objection to multiple facets of this incomplete and not yet clearly defined variance request. We would like to present the Board of Adjustment with the following facts surrounding Eva Krause's handling of this file in preparation for your hearing:

A month ago, when the county was notified of our objections both by phone and in writing, we were assured that all of our concerns would be addressed and responded to in a fair and objective manner. Trevor Lloyd advised us at this time that this applicant had in fact submitted a request to build a second residence on this property. We were thus instructed by him that our questions regarding the review process for this incomplete application could not be answered until the applicant submitted the remaining missing items which included a special use permit and floor plans. We were told that we would remain in the loop as the completion of this application progressed. At this time, Trevor also verified that the fence on the property was erected illegally without a permit on the property, and that the sauna that we brought to his attention was also in violation of county codes. We also made him aware of un-permitted improvements being erected within the three front setbacks and the county right of way. A few days later when no one got back to us and we called back again, we were advised that Eva Krause already had a well established long term relationship with these applicants, as she had met with and spoken to them on many occasions prior to this application being submitted. We were advised that Eva Krause would be contacting us to discuss the file, per our request to speak to her and to meet with her. We were told that the county's policy was that if they met with one party that they would meet with all parties, so to remain objective.

The county never got back to us, and our emails were responded to only by automated responses that Eva was on vacation returning 9/13. We called back and asked that the file be reassigned to someone that was available so that both we and the county could properly prepare for the hearings, but we were told no, and that we had to wait for Eva. The only feedback we got from Eva when she returned from vacation was a short email which stated that we got the same variance 20 years ago, and that she was noting this in her report. She did not address any of our specific concerns other than a general and dismissive statement saying that the points we brought to her attention did not matter. She then proceeded to defend an un-

permitted fence that she had not even seen, while telling us we were wrong about specifics of the code related to this fence. To date we still have not received an explanation or response from the county as to why an illegal un-permitted fence which so obviously blocks a driver's ability to see as they drive around these dangerous corners is being so vigorously defended by a county planner. I was advised by the county that only code enforcement had authority over such matters, yet Eva Krause has made it a point in her emails to me and in her staff report for this variance that the fence is "just fine where it is." Eva never did call us or meet with us as we had requested, and as we had been promised; even though she admits meeting with the applicant.

Why were we not notified about the definite scheduling of the CAB meeting? The county's mailer says that notice will be sent when tentative public hearings were scheduled for sure. When I inquired with Eva as to why no notice was sent to us when we had specifically requested it, she said that the CAB meeting was not a "public hearing." We would like it noted for the record that she later describes this CAB meeting as a "public hearing" in her staff report. It is also very suspicious how Eva Krause handled the public comment letters. Trevor Lloyd promised me on 8/29 that he would send our letter of objection to the CAB meeting; in fact he even suggested it and I thanked him agreeing that this was a good idea. However, when Eva took over the file and then left on an immediate two week vacation no one ever followed up with us on this. When we did not receive notice as we were instructed that we would about the definite scheduling of the CAB meeting, we discovered last minute by going on the county's website that it in fact had been set for sure on 9/26. By that point, we had already retained an attorney who works out of Reno to advise us on the matter of this variance, and it was too late for all of us to make it to this meeting.

Because we had never received confirmation from the county that our letter had in fact been sent to CAB, our attorney advised us to send it to some emails that I found for CAB on the county's website and to copy Eva asking her to confirm that she had in fact already sent it. Eva's immediate response was that we should not have sent it to CAB and that she was now going to send all of the public comments to CAB. She never did answer our inquiry as to whether our letter had been sent to CAB previously as Trevor promised it would be. We never received either a response or confirmation of receipt from any of the emails that we sent this to. We believe that the answer to this question may be obvious based on the fact that once we did as our attorney instructed, Eva very quickly obtained and sent in three other public comment letters to CAB. It was very suspicious to us when we later discovered that our letter was the only one voicing objections to the approval of this variance. Why did Eva Krause work so hard at collecting and sending these other letters last minute to CAB when no one was requesting that she send their letters in but us?

Eva Krause advised us by email that the staff report would not be available for review by us until after the Board of Adjustment hearing on 10/6/16. The only reason that we even obtained a copy is because we continually checked the county's website looking for it. Now that we have finally had a chance to review this report the day before the hearing, we would like to submit for the record the following observations, objections, and discrepancies:

The still incomplete application only shows floor plans for two of a total of four stories of this large second house being proposed. There is still no special use permit attached, as we were instructed was necessary and required by the county. It appears as though the county is asking the public to believe that the applicant will continue to live in a 700 sq.ft. cabin with no

laundry facilities or a garage, and not actually move into a 2,000 sq.ft. plus brand new lake view home where his garage, laundry, multiple bathrooms, exterior decks, bedroom, exercise room, and living areas would now be located. This second home will be nearly four times the size of the existing cabin. Who at the county is going to ensure us that the owner will be prevented from moving into this far superior second residence? This is not only not enforceable, but not even believable. It took Trevor Lloyd less than 5 minutes on the phone with us to insightfully recognize that the applicant was actually requesting that the county let him build a much larger second four story house on this property. Why has Eva Krause now changed the county's position on this, and appears to helping the applicant to disguise what this actually is? Eva Krause is still describing it as "a detached accessory structure to be used as a garage," She then says that the applicant just wants a few extra plumbing fixtures so that the bedroom, office, exercise room, living areas exterior decks (all with premium lake views that Eva says the codes do not prohibit them from having) are "more comfortable to use."

The staff report does not even match the applicant's variance request in multiple areas. For example, the applicant has requested a variance on the Wassoe setback from 20' - 14.5'; however Eva's just released report now states that this variance request is for from 20' - 7'. Which is it? And if a change has been made, why haven't the drawings been revised? Because we have never been given any feedback, the public has no way of knowing what is actually being requested here. Eva's statements also do not match the variance application or drawings. For example, Eva describes the applicant's request to add a "1/2 bath" to the existing cabin as being the reason for the variance request on the north side setback. In fact, the applicant's paperwork shows not only a large second full bath being added, but also the entire north side wall of this cabin being increased in size by 3'. She also fails to mention the main reason for the north side variance request is to facilitate the building of the second four story house at the opposite end of the property.

To date, Eva has only responded to about half of the concerns we brought to her attention; and here are additional problems that exist with her limited responses:

We pointed out correctly that this lot is not steep, per the county's own definition. Eva is no longer commenting on her erroneous past statements, but is now saying that if a street was currently built in the county that this grade would not work. Why will Eva not just admit that the lot, per the county's own definitions and codes used for the purpose of variance determination, is not "steep"?

We pointed out that the code says once you choose ingress/egress, you can not change this with later development. This is especially true when the new site of construction is not superior to the site of the existing construction. Please explain where in the code that this is being allowed, as we have requested.

We have correctly pointed out that this cabin has no historic value for the county to protect; and thus, the applicant is really just choosing not to expand the existing residence. Why has Eva not recognized this fact per the county's own definition of "historic value" for the purpose of variance determination that this is the case? Instead she continues to grasp for straws to hold on to this ludicrous attempt to create a hardship for the applicant by saying that the "Secretary of the Interior says that this property is potentially historically significant," and that the "owner likes it."

Eva goes on to defend the applicant's right to completely disregard all of the county's restrictions currently in place on this parcel by saying that he "just wants to keep the cabin, enlarge an undersized bathroom, and add a garage." No one who spends any time looking at these plans would agree with this misleading statement. But even more importantly, why is a county planner defending a private party's right to violate so many county rules, when she is employed to uphold those very requirements?

Eva continues to defend the illegal un-permitted fence and un-permitted improvements being made in the county right of way on this property. All one has to do is come to the site and observe how all of the obstacles being added daily including fencing, plantings, firewood piles, saunas, etc, in these setbacks/line of site triangles have created a dangerous situation here that we have advised the county poses a public safety threat. The latest addition has been a 4' high dirt retaining wall about 20' in length encroaching on the neighboring property, which was recently built via this applicant's illegal trespass onto our property. If the county had done something to correct all of these violations a month ago when they were made aware of them, the situation here would not be nearly as serious as it is now. This out of state second homeowner applicant is completely unconcerned with the rules and regulations that exist here as a direct result of the county's inaction. Why has this been allowed to continue unchecked while the county has had multiple employees visit the site? Has Eva Krause misrepresented the true situation that continues to unfold and evolve here daily to her employers at the county?

Regarding other public comments: We would like it noted for the record that we were the only ones who's background was checked. We were also the only ones told that we were wrong, and that our comments did not matter. There were only three other public comments besides ours, and they all consisted of one paragraph last minute general statements with no details or facts from people who have little or no stake in this variance, are tenants, or in one case who's comments are not even related to the matter at hand. What does a "dogs at large" complaint have to do with this variance process? We have our suspicions that this planner has attempted to color our objections unfavorably while ignoring the law. We would also like to point out for the record that Mr. Mayo's irrelevant comments were incorrect, as he was fined as a result of the dog complaint that Eva has made part of her Variance Staff Report. All Ms. Krause had to do was simply check the county records to confirm this as it is a matter of record; which she clearly did not do. Please ask Eva Krause how and why this completely separate and unrelated matter became part of these proceedings; especially in light of the fact that Mr. Mayo is not even an "interested party" per the county's definitions because he lives so far away from this property.

Eva Krause did not even take the time to get her facts straight when she investigated us. Her characterization of our construction was that it was a teardown/rebuild. For the record, it was actually new construction. Ms. Krause could have easily looked this up while she was digging through the rest of our records so that she got it right. For the record, our variance was requested and granted because of the encroachment into the setback by the adjoining property; which made it necessary in order for us to be able to construct our home. Not that it is in any way relevant to these proceedings, but our circumstances and our property have nothing in common with the property that is the subject of the current variance request now 20 years later. Please ask Ms. Krause to explain why this background investigation on only us, which resulted in erroneous and irrelevant information being made part of the public record on this applicants variance by her, was done at all?

Eva Krause has made multiple inaccurate statements in her staff report. For example, she states that the bear box for this applicant's property had to be placed on Teresa Ct., because the garbage truck could not stop on Tuscarora due to safety concerns. Neither the neighbor who owns this property or the garbage pickup company perceives that there is a problem here. Nothing regarding this issue was even mentioned by the applicant. So, as there is clearly no problem here, why is Eva Krause trying to create one? Eva has admitted having visited the site, at which time all she had to do was look across the street to see the neighbor's bear box immediately across the street from this property on Tuscarora. Please ask Eva why she continues to make so many false and misleading statements, which one could construe as an attempt to promote and defend the approval of this applicant's variance.

Why have we been very effectively prevented from being part of this process, when people's irrelevant erroneous comments have been promoted, supported, and defended, and made part of this process? Please ask Eva Krause to explain this. If Eva had just communicated with us as we requested, we could have explained our points, and helped her to avoid the inaccuracies that now plague this report. A planner can not possibly be objective unless they hear all sides of a situation; as Trevor Lloyd pointed out when he told us that the county's policy was to speak to both the applicant and us so that he could remain objective and fully informed. Why would Eva Krause proceed to communicate with everyone but us in this circumstance regarding this particular variance? The outcome of this variance process has a more direct affect on us than on any of the other surrounding property owners; and we feel that our voice has been effectively silenced by Ms. Krause's actions. Why are we not being treated fairly?

The planning process exists to protect the public interest, and this planner is advocating for a private property owner who's objectives are not legal or consistent with the public interest. The approval of the construction of this four story second residence within only 12' of buildable space will not benefit anyone but the applicant. The planning process must be fair and honest because private interests conflict with public interests; especially in the context of the unique circumstances of this case. Ms. Krause's arguments in support of it only represent a small part of the story and depict deeply flawed inaccurate representations on many levels.

This lot is not unusually narrow or steep, and is not unfairly encumbered with overly restrictive setbacks and safety lines of site as Eva Krause would lead us to believe. Eva also continues to distort the facts when she makes a point about how narrow Tuscarora is. The fact is that all of the streets in Crystal Bay are narrow; so narrow that when cars are parked in a 10' driveway like the one proposed by this applicant on Teresa Court, that we can barely pass to exit our cul de sac. We advised Eva that we know this to be true because of the similar driveway immediately adjacent to the proposed one that already creates this very dangerous hardship for us. We also told her that the already dangerous and congested situation created by the three cars lined up consistently and regularly at this busy vacation rental would be exacerbated by this variance, which if granted would add two more cars lined up and protruding into the road on this already dangerous corner. Eva advised us that this was irrelevant, that it did not matter, and that she would not take it into consideration in her decision.

This owner is not being treated unfairly by not being allowed to build on the "premium view side of his lot" regardless of Eva's statement to the contrary when she erroneously points out to that the county codes do not prevent him from doing exactly that on this particular lot. Mr. Eget knew when he bought this lot that he would not be allowed to do what he is now requesting. The unique circumstances immediately adjacent to this lot are unlike any in the immediate area,

and the county has properly restricted it's development to protect the public interest and the integrity of the planning process. The granting of this variance would give this private party applicant special privileges at everyone else's expense. The issues that we have raised regarding these unique and complex circumstances are material to the discussion regarding whether or not this variance would constitute an appropriate use of this parcel, contrary to Ms. Krause's written opinion that our points do not matter.

A garage with a 10' long driveway located where this one is proposed would result in people backing out blindly into one of the most dangerous corners in Crystal Bay. The location of this particular driveway would also mean that when cars are parked in this driveway that they would already be protruding dangerously into this corner. This would also cause the lineup of cars in these 10' driveways sticking out into the road to go from 3 to 5 when you consider that this dangerous situation already exists at the adjoining busy vacation rental to the immediate north of this property. This is certainly not serving the best interest of the public, let alone us. Remember that three setbacks along with standards regarding safe length for driveways would all have to be violated to accomplish this egregious task; there is a reason why you would have to break so many rules to create this dangerous situation. The rules and restrictions all exist for a reason, and need to be upheld and enforced. If the county has allowed something similar to this somewhere before, as Eva eludes to, then it certainly does not qualify as a safe application in this specific situation. Eva Krause, per her staff report, would have you believe that all of this can somehow be mitigated by simply requiring the owner to install an automatic garage door opener!

Eva also once again incorrectly characterizes this as a "garage with a second story." Please, can't we just call it the four story house that is clearly depicted in the drawings submitted by the applicant himself? It is simply not believable that you need a four story garage if your intent is only to to enclose two cars and to store some stuff in your "accessory structure" as Eva Krause describes it. It is quite obviously a large four story house with a 2 car garage. This is an unauthorized use, despite Ms. Krause's well thought out and hard fought attempt to paint it otherwise. We seriously doubt that the county has ever granted permission for a series of violations of so many rules at once under similar circumstances through the use of "blanket precedent." General precedent which does not take into account the unique special circumstances of this specific individual application can not be applied in this case by Eva Krause simply because it is convenient for her; per the rules within the Board of Adjustments Policy Manual itself.

The granting of these variances would also cause the destruction of one of the only remaining healthy old growth sugar pines in the entire area. Thus, this second house would not only exacerbate already existing clutter, nuisance issues, aesthetics, safety concerns, and general issues related to overpopulation of this immediate area, but also would serve to degrade the integrity of the natural environment. The creation of such congestion in such a small area by adding a second residence to this small lot does not serve the public good in any way; in fact it harms the public good. There is a reason why the existing residence on this property was built on the East side of this lot; both the builder and the county got it right the first time around. If the county determines that this request to violate all these rules is acceptable, then why have any rules at all? NRS 278.300 states that a variance should not impair the intent and purpose of any code or resolution.

We thus submit, once again for the record, that this private owner has no legitimate defensible hardship, regardless of what Eva Krause would lead you to believe, and that he is making a purposeful optional choice not to simply expand his already existing residence to meet his needs. The only unique circumstances that exist regarding this lot that are material to this variance process actually support the necessary existence and enforcement of the current three front yard 20' setbacks and all of the related safety and line of site codes associated with permitting requirements, unobstructed yard codes, safety line of site triangle ordinances, etc. on this lot. None of these unique and necessary requirements pose a hardship to the owner of this property, but instead are in place to protect all of us. It is the county's special duty to make sure that they remain in place due to the unique and serious protective role that they play specific to both this parcel and what exists and occurs immediately adjacent to it.

County permission granting the violation of all of these rules would negatively affect our safe and peaceful use of our primary residence, not only harming us but also the public at large. The planning process is supposed to exist to serve the public interest, and Eva Krause has failed in her special responsibility as a planner to accomplish this. She has given the appearance of aligning herself with the private interests of one private property owner who is the only one that stands to gain if Eva is successful in her attempt to set aside all of our communities rules to his benefit. Eva Krause has not fairly, honestly, objectively, or transparently processed this file. This has resulted in a biased judgement that has not taken into account all sides of this very complex story. Not only did she not have all the relevant material information available to make a fair and objective decision, but neither did we; because she effectively prevented us from playing a meaningful role by not respecting and facilitating our right to participate.

There simply is not any relevant precedent to apply to the very unique circumstances that surround this situation. Per the Board of Adjustment Policy Manual, planners "must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation." As we are two of the few remaining year round residents in this area, who have lived at our home located no more than 50' from this property for almost 20 years year round, if Eva had just contacted us, spoken to us, and met with us as we were promised we could have explained...

When this file is looked at objectively and independently while taking into account the specifics of this parcel as required, it becomes readily apparent that none of the four required findings exist that would authorize the Board of Adjustment to grant this variance request:

- There are no special circumstances that create a hardship for this owner. The unique circumstances surrounding this property in fact support the need for the existing restrictions to be enforced and upheld as they currently exist.

- If this variance were granted it would harm the public good; and would definitely impair the intent and purpose of the development code.

- If this variance were granted it would give special privileges to the private party who owns this lot at everyone else's expense. We would in fact be the ones being treated the most unfairly by this because it would so severely negatively affect our safe and peaceful use of our own property.

- When this request is recognized for the four story second residence that it truly is; it will also become clear that it is an unauthorized use.

We simply don't understand why all of this is being allowed. These are all clear violations, and Eva Krause is ignoring all of this. Eva Krause is supporting what appears to be an extreme and purposeful abuse of county discretion; this is very concerning. These rules and restrictions all in place to protect the public interest, and it is the county's job to make sure they are adhered to. When a planner becomes so extreme as to describe this lot as being "encumbered with three overly restrictive 20' setbacks" which she believes somehow create a hardship for this private property owner, and then goes on to advocate for this applicant by using this as a way to defend his attempted violation of virtually every restriction that exists on this lot, you have to ask yourself why this is occurring. These restrictions are properly in place to protect us and the public at large, who without them would experience extreme hardship. Why is a county planner working so hard to defend one private property owner's right to go against so many rules and regulations on this one very uniquely and properly restricted parcel? Please ask yourself, and ask Eva, WHY?

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eaves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep;" which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

They are also arguing that there is "historic value" that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry's of historic places. "Washoe County Code Chapter 110, Article 220, Tahoe Area" is designed to "preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners's efforts to preserve the historic or landmark value of the property..." Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R's exist that are material to the matter at hand. For the record, we would like to submit the fact that the "creation of a nuisance" is in violation of the CC & R's. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R's of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot's potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a "virtually unbuildable" small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the "Obstructions to Vision" clause that states: "There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety."

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

We believe in our community and its rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time and attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402