



Board of Adjustment Staff Report

Meeting Date: August 3, 2017

Subject: Variance Case Number WPVAR17-0004
Applicant: Greenview HOA
Agenda Item Number: 9E
Project Summary: Variance to reduce the front yard setback from 15 feet to 1 foot and both side setback from 5 feet to 1 foot to construct 2 double car garages in the common area
Recommendation: Approval with Conditions
Prepared by: Eva Krause, Planner and Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
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Description

Variance Case Number WPVAR17-0004 (Greenview HOA) – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15 feet to 1 foot and reduce both side yard setbacks from 5 feet to 1 foot to construct 2 double car garages in the common area.

- Applicant: Greenview HOA
- Property Owner: Jean Venneman, John & Doreen Maria Hash, Tao Fung, and George & Nancy Learmonth
- Location: 692 Palmer Ct.
Incline Village, NV 89450
- Assessor's Parcel Number: 128-310-05
- Parcel Size: 4,356 sq. ft.
- Master Plan Category: Urban Residential (UR)
- Regulatory Zone: Low Density Urban (LDU)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 - Commissioner Berkbigler
- Section/Township/Range: Section 10, T16N, R18E, MDM,
Washoe County, NV

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Variance Definition

The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical Regulatory Zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts.

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

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

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

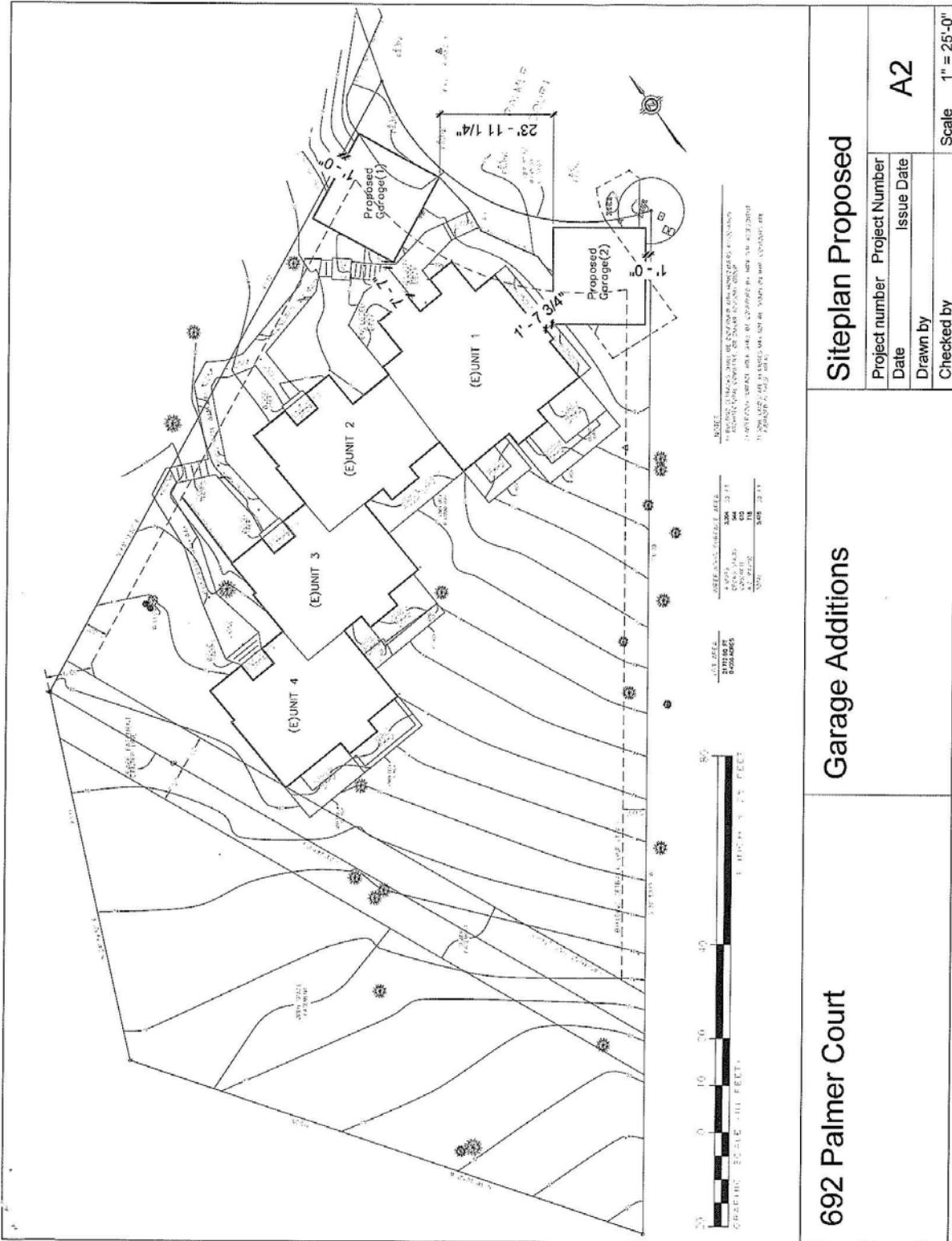
If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- 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.

As noted, the subject property is zoned LDU. Generally, applicable front and side yard setbacks requirements for LDU properties are established in WCC Table 110.406.05.1 (Part Three); 15 feet is the minimum front yard setback and 5 feet is the minimum side yard setback. However, WCC Section 110.804.25 allows the Board of Adjustment to reduce the required setbacks by granting a variance if the findings, to support a variance, can be made. The applicant is therefore seeking approval from the Board for the proposed variance request. The applicant is therefore seeking a variance to construct garages in the front and sideyard setbacks. The conditions of Approval for Variance Case Number WPVAR17-0004 are attached to this staff report, and if granted approval, will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

The subject property has a regulatory zone of Low Density Urban (LDU), which requires a 15 foot front yard setback and a 5 foot side yard setback. The applicant is requesting to reduce the front yard setback from 15 feet to 1 foot and both side yard setbacks from 5 feet to 1 foot to accommodate the construction of 2 double car garages in the common area.



Greenview is a 4 unit condominium that was built in 1979 on a cul-de-sac. The Incline Village golf course abuts the rear of the property on the west. There is 4 unit condominium development and an undeveloped parcel owned by the State of Nevada on the north side of the property and another 3 unit condominium on the east side.



West side of property

The property is wedge shaped with the narrowest part being located in the front along the cul-de-sac. In addition, there is an open space easement across the rear of the property and a sewer easement that crosses the rear of the property just below the condominium units. The shape of the lot and the location of the structures restrict access to the rear of the property and the open space easement prohibits construction in the rear yard. These constraints preclude locating the garages in the rear of the property.

Because the site was developed before garages were required, the hardship is partly due to the placement of the buildings. As such, staff believes that if the buildings were demolished and the property redeveloped there is a potential that the new development could conform to the required setbacks. Therefore, staff is recommending a condition that if the property is redeveloped the variance (if approved) would become null and void.



View of cul-de-sac

Currently, all parking is on the public street with a small parking area adjacent to unit 1. The residential parking in the public right-of-way is in violation of County winter parking regulations for the Incline Village area and impacts the County's ability to remove snow. The applicant is proposing to relocate residential parking from the public right-of-way onto the property which is closer to conformance for current residential parking requirements. Because the proposed location of the garages is so close to the property lines and the area is very limited in size, staff is concerned the garages be located as approved. To ensure compliance staff has included a condition of approval that front and both side property lines be surveyed and marked before construction begins.

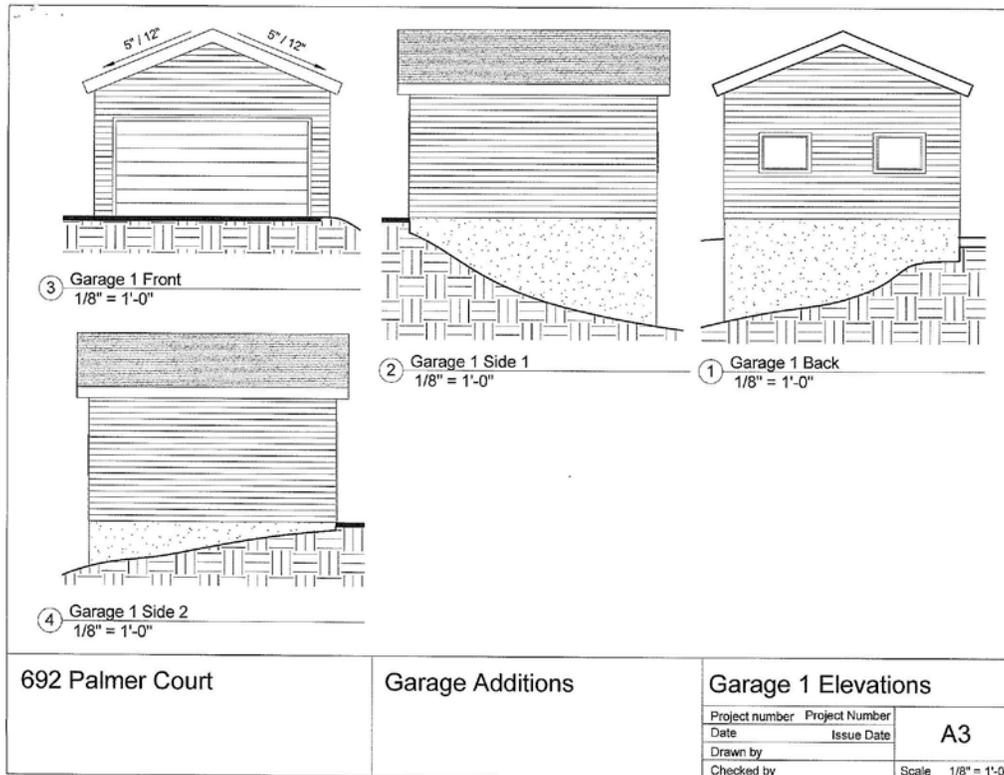
In addition, the area where the garages are proposed is in the common area and is owned by the Greenview Home Owner's Association (HOA), therefore, the conditions of approval are granted to the HOA and the garages shall be owned and maintained by the HOA.

Incline Village/Crystal Bay Citizen Advisory Board (IV/CB CAB)

The proposed project is scheduled to be heard at the Incline Village/Crystal Bay Citizen Advisory Board meeting on July 24, 2017. Staff will provide a summary of the CAB meeting at the Board of Adjustment public hearing on August 3, 2017.

Public Comment

Mr. and Mrs. Smith, property owners on Palmer Court, have submitted a letter of objection to the proposed garages. The Smith's concerns are about the appearance, massing and the proximity of the garage closet to their garage. Their letter is included in Exhibit D.



Elevation of proposed garages

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Building Division
 - Planning Program
 - Building Program
 - Engineering and Capital Projects Division
 - Land Development
- Operations Division
 - Incline Village Roads Department
- Washoe County Health District
 - Air Quality Management Division
 - Environmental Health Services Division
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District
- Nevada Tahoe Conservation District
- US Forest Service

- Regional Transportation Commission
- Charter Communications

Five out of the fifteen above listed agencies/departments responded. The following agencies provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order, if the Variance application is approved by the Board.

- Washoe County Planning and Building Division, Planning Program has included the standard conditions of approval and added the condition that if the site is redeveloped the variance will no longer be valid.
Contact: Eva Krause, 775-328-3628 ekrause@washoecounty.us or Julee Olander, 775-328-3627, jolander@washoecounty.us
- Incline Village General Improvement District (IVGID) noted that there are public utilities that will have to be relocated at the applicant's expense.
Contact: Tim Buxton, Chief Inspector, 775.832.1246, tim_buxton@ivgid.org
- Washoe County Engineering and Capital Projects Division requires Hold Harmless Agreement and automatic garage door openers.
Contact: Leo Vesely P.E., 775.328.2313, lvesely@washoecounty.us

Staff Comment on Required Findings

WCC Section 110.804.25 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.
Staff Comment: The property is constrained by the wedge shape of the property, the open space easement in the rear of the property, and the surrounding properties, which will not allow access to the property by other means than by the front of the property which requires the variance to build the garages.
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 construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.
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: Neighboring properties already have similar garages as are being proposed for this 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: Code currently required garages for residences and this will bring the property into closer conformance with the code.

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 or provided no comment. Therefore, after a thorough analysis and review, Variance Case Number WPVAR17-0004 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 WPVAR17-0004 with the condition included as Exhibit A for this matter, for Greenview HOA, having made all four of the following 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 Building Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Property Owner: Greenview HOA
 c/o John Hash
 692 Palmer Ct. #2
 Incline Village, NV 89450

Staff Report xc: Tim Buxton, Incline Village General Improvement District, 893 Southwood
 Boulevard, Incline Village, NV 89451



Conditions of Approval

Variance Case Number WPVAR17-0004

The project approved under Variance Case Number WPVAR17-0004 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on August 3, 2017. 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 Building 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 institution 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 Building Division

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

Contact Name – Eva Krause, Planner and Julee Olander, Planner, 775-328-3628 (Eva) 775-328-3627 (Julee), ekrause@washoecounty.us & jolander@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance permit. 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 or the Tahoe Regional Planning Agency, if required, whichever is later. 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 submission of a building permit for the approved garage, the front and both side property line shall be surveyed and marked by a surveyor licensed in Nevada. Approval of the variance shall not convey any rights or approval to construct any portion of a structure across the property line, or in the county right-of-way. Neither shall any roof eaves, light fixtures or other structural or architectural elements project over a property line.
- e. If the residential structures are removed or demolished and the site is re-developed the variance shall be null and void. All redevelopment shall be required to conform to current regulations, including the garages, or approval of a new variance shall be required.
- f. The carports are being built within the common area of the Chalet condominium development. Each property owner within the development has an equal shared interest in the carports. To maintain common ownership, the variance is granted to the Chalet Home Owners Association (HOA). The HOA is responsible for obtaining all permits, construction, maintenance and ownership of the carports. Individual property owners within the development shall not own said carports.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- h. 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.

Washoe County Engineering and Capital Projects Division

2. The following conditions are requirements of the Engineering and Capital Projects Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2313

- a. Prior to issuance of a building permit, the applicant execute Hold Harmless Agreement to the satisfaction of the Engineering and Capital Projects Division for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the executed document with the building permit.
- b. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.

Incline Village General Improvement District

3. The following conditions are requirements of the Incline Village General Improvement District (IVGID), which shall be responsible for determining compliance with these conditions.

Contact Name – Tim Buxton, 775.832.1246

The following will be required by the owner before approval of the Washoe County Building Permit:

- a. Relocation of existing Fire Hydrant.
- b. Relocation of existing water utility line and services.
- c. Relocation of existing sewer services utility lines.
- d. All work is borne to owner.
- e. All work would require approved Plans wet stamped by a Nevada Licensed Engineer.
- f. All work must conform to all IVGID specifications and Nevada State law.

*** End of Conditions ***



WASHOE COUNTY COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: July 03, 2017
TO: Eva Krause, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **WPVAR17-0004**
APN 128-310-05
GREENVIEW HOA

I have reviewed the referenced variance case and recommend the following condition:

1. Provide a hold-harmless agreement to the satisfaction of the District Attorney and the Engineering Division.
2. The applicant shall provide and install automatic garage door openers within the new garages.

LRV/lrv

WPVAR17-0004
EXHIBIT B



Development Review Status Sheet

Date: 6-27-17

Attention: Eva Krause

RE: Variances WPVAR17-0004
APN: 128-310-05
Service Address: 692 Palmer Ct
Incline Village NV 89451
Owner: Meyer Charles and Suzanne

Phone: Fax: Email:

Mailing Address: N/A

Variance Case Number WPVAR17-0004 (Greenview HOA) - For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15 feet to 1 foot and both side setback from 5 feet to 1 foot to construct 2 double car garages in the common area.
Applicant: Greenview HOA
Property Owner: Jean Venneman, John & Doreen Maria Hash, Tao Fung, George & Nancy Learmonth
Location: 692 Palmer Ct.
Assessor's Parcel Number: 128-310-05
Parcel Size: 4,356 sq. ft.
Master Plan Category: Urban Residential (UR)
Regulatory Zone: Low Density Urban (LDU)
Area Plan: Tahoe
Citizen Advisory Board: Incline Village/Crystal Bay
Development Code: Authorized in Article 804 (Variances)
Commission District: 1 - Commissioner Berkbigler
Section/Township/Range: Section 10, T16N, R18E, MDM, Washoe County, NV
Staff: Eva Krause, Planner and Julee Olander, Planner Washoe County Community Services Department Planning and Development Division
Phone: 775-328-3628 (Eva) 775-328-3627 (Julee)
E-mail: ekrause@washoecounty.us

Comments: IVGID is informing the owner the following would be required before approving the Washoe County Building Permits for these garages:
a. Relocation of existing Fire Hydrant.
b. Relocation of existing water utility line and services.
c. Relocation of existing sewer services utility lines.
d. All work is borne to owner.
e. All work would require approved Plans wet stamped by a Nevada Licensed Engineer.
f. All work must conform to all IVGID specifications and Nevada State law. WPVAR17-0004

Completed by: Tim Buxton, Chief Inspector
Phone: (775) 832-1246 Fax: (775) 832-1260
Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via US Postal Service. We will reimburse you for your postage. Thank you.

Note: Send information to the case planner as prescribed on the memo from Dawn or the Washoe County Development. TLB

From: DJ
To: Tahoehills@att.net
Cc: [Diane Smith](#); [Krause, Eva](#)
Subject: Case # WPMVAR17-0004 (Greenview HOA)
Date: Saturday, July 15, 2017 9:07:22 PM

Ms. Kristina Hill,

By copy of this letter, D.J. and Diane Smith, homeowners located at Palmer Court, Unit #1, Incline Village, Washoe County, Nevada wish to formally oppose granting of the zoning variance as requested in Case # WPMVAR17-0004 (Greenview HOA).

We are now emailing this opposition letter to the Board of Adjustment and the Advisory Committee and will bring hard copies to the public hearings on July 24 and August 3. Please include this letter as part of the staff reports on this case.

We have been homeowners in Incline Village since 1988. We purchased our current single family detached home in 2006. We are part of the Cottages on the Green HOA made up of the three homes at the end of the Palmer Court cul-de-sac. All three home owners are strongly opposed to this variance and will be communicating individually as well.

The following are our reasons for strongly opposing this variance.

Currently, our neighbors in the Greenview HOA have two parking spaces located directly in front of our home (we will supply photos of these open parking spaces at the hearing on July 24). This variance would allow a two car garage to replace the open parking spaces.

We will be providing you with a rendering of the proposed garage at the July 24 hearing. As will be readily apparent, this proposed garage located in this location would:

1. Be "jammed" into the narrow space between our garage and the Greenview condo building. It is important to understand that the corner of our garage is only 28 inches from the corner of the current open parking spaces! The width of the proposed garage, although no specifications appear anywhere in the drawing in the application, appears to be 19 feet wide as to the scale used. The total space between our garage and the Greenview condo is 26 feet ,6 inches, leaving only about 3 feet or less between the new garage and our current garage.
2. This two car garage in this location is simply too much "mass" too close together. Again, this application has no specifications as to height or length, but based on the scale, it appears that this garage will be about 10 feet high and 20 feet long. This mass, if built as drawn, would totally block views from our home to the front yard, out into the cul-de-sac, and mountains beyond from our kitchen and bathroom windows.
3. Currently, the three one car garages in front of the three single family homes at the end of the cul-de-sac were built by the same builder of similar design and dimensions, with attractive landscaped spaces between them. The overall effect is very pleasing to the eye and a very attractive design element in the neighborhood. Jamming a wholly out sized garage in this location would create an unattractive "wall" ruining the overall aesthetic of the area, creating a very unplanned eyesore look for our neighborhood and reduce the value of our properties. Incredibly, the application states that there would be "no visual impacts to the neighbors". Seriously??

Finally, we would also make the following information available to the County:

1. According to County records, the lead person petitioning for this variance purchased his unit last October for \$599,900. After making internal improvements to his unit, this owner has just listed the same property for \$1,375,000. Further, the listing assumes this variance is granted stating that it will have an "enclosed garage", which is "pending". We would note that he obviously has no long term interest in the neighborhood and is simply "flipping" the property for his profit. We do not oppose his desire for a profit, but please, not at the expense of our

homes and the neighborhood.

2. Our family previously lived in unit #3 of the Greenview condos for 18 years, without an enclosed garage. Every purchaser of those condos was well aware that there was no enclosed garage included. We however, purchased our home with the clear understanding that people in the Greenview HOA would be able to park in front of our home, but not totally block our view and create a crammed in wall in front of us. Approving this variance will create a large and negative changed condition for our property.

3. Finally, it is important for the County to note that there is a less expensive and readily implementable option to putting a two car garage in front of our home! That option is to simply locate a four car garage in the proposed location of the other two car garage. We have measured the area, and with possibly the loss of one tree, there is 40 feet available to put a four car garage! This garage would duplicate the four car garage located directly across the street from the Greenview condos. It would serve the exact same function, be less expensive to construct, obstruct no one's view, fit much better into the neighborhood, and be supported by our HOA. We will be providing photos of this area at the public hearing as well.

We thank you in advance for your serious consideration of our request to deny this variance, and stand ready to answer any questions you may have. In fact, we would strongly recommend for you to visit the site and see the issues we have described in this letter for yourself. Please contact us and we will be pleased to meet with you.

Sincerely,
D. J. and Diane Smith
Phone: 916-712-8045 or 707-592-6268
Email: djsmith102047@gmail.com

D.J. Smith
Smith, Watts & Hartmann
925 L Street, Suite 220
Sacramento, CA. 95814
Phone: (916) 446-5508

Sent from my iPhone

Washoe County Community Services
Planning and Building Division
Attn: Eva Krause Planner-AICP

Reference: Variance Case WPVAR-17-0004

Subject: Smith Opposition Letter

I

Please accept this letter as our response to Mr Smiths and include it with the packet for review by the Incline Village Civilian Advisory Board, and the Washoe County Board of Adjustment.

The Greenview HOA was founded in 1978. For the first 33 years, it consisted mainly of absentee owners, much like the Smiths, who spend 3 months of the year, primarily in the summer, in their part time Nevada residences. As they spent little or no time in the winter, the idea of a garage, was just foreign to them.

In the spring of 2011, we bought Unit 2 of 692 Palmer Ct. and it became our primary residence and we spend the winters here and enjoy the snow.

Current Unit 3 owner, Tao and Irene Fung, are now retiring, and will be occupying their unit on a full time basis.

The new owner of Unit 1, Jean Venneman, is a welcome neighbor, and is not a real estate flipper, but an executive with a large gaming company in Reno. She owns a smaller property in Incline Village and was just looking for a larger residence for her family.

Unit 4 is rented full time to a family with school age children. The extra time and work they put in, especially with the cleaning of their car in winter, each school day, to get their son to school on time, is extraordinary.

Mr Smith is a lobbyist in California, and writes a good letter, but here are the facts.

View

His current view from his bathroom, (not sure how many people dwell on the view from their bathroom) and part of his kitchen, is of our parking area, and whatever is parked there, which currently we have a boat and car/truck parked there. Sometimes its a dumpster when we are cleaning our lot, and thats also where we place our trash cans.

In the winter there is a 10 to 15 ft snow berm there. So if they did spend any time in their property in the winter, there would be no view.

And their garage is right in front of their house, so their view would include their garage.

A nicely designed and professionally built garage, with an exterior which would match the exterior of our building, would provide them with a much better view than they now have.

Safety

At times during the winter, and most certainly last year, its almost impossible to distinguish covered cars from snow mounds, which makes it very dangerous for our county snow plow drivers to clean the col d sac They really cant get close to the cars, which results in our association incurring increased costs for snow removal.

Parking

We have tried to control parking in our spaces, going so far as posting a "Authorized Parking" sign, and even having towed a couple of cars.

Its very frustrating to return home and find our spaces occupied by the Smiths HOA renters or guests.

Garage Site

Mr Smiths measurement is just not accurate, as you can see from the site plan included in your packet.

We hired a general contractor, Rob Laurie, of Fortress Construction, here in Incline Village, to review the site and his professional, licensed

draftsman drew the site plan. It is believed that it is the best possible configuration for 4 garages.

That being said, we have no objections to working with Mr Smiths HOA, and the county to arrive at a mutually satisfactory result.

We, the owners of Greenview Units appreciate the time and cooperation of the Incline Village Civilian Advisory board the Washoe County Planning Department, especially Eva Krause and Julie Olander and look forward to working with them in the future.

John A Hash
692 Palmer Ct 2
PO Box 6393
Incline Village NV 89450

From: Rick Hutchins
To: [Krause, Eva](#)
Subject: Re: Case #WPVAR17-0004 (Greenview HOA)
Date: Friday, July 21, 2017 3:24:11 PM
Attachments: [image003.png](#)

I just removed it. So sorry!

Rick Hutchins

Sent from my iPhone
Not proofread

On Jul 21, 2017, at 3:13 PM, Krause, Eva <EKrause@washoecounty.us> wrote:

Hello Mr. Hutchins,

I just noticed that your letter is marked Privileged/Confidential, as such I cannot forward your letter to the Board for Consideration.

Sincerely,

Eva M. Krause, AICP
Planner | Washoe County Community Services Department | Planning & Building
Division
ekrause@washoecounty.us | o 775.328.3628 | f 775.328.6133 | 1001 E. Ninth St.,
Bldg. A, Reno, NV 89512

<image003.png>

Connect with us: [cMail](#) | [Twitter](#) | [Facebook](#) | www.washoecounty.us

From: Krause, Eva
Sent: Thursday, July 20, 2017 08:44 AM
To: 'Rick Hutchins'
Subject: RE: Case #WPVAR17-0004 (Greenview HOA)

Thank you for your comments. Your letter will be submitted to the board for consideration.

Sincerely,
Eva M. Krause, AICP
Planner
Planning & Development Division
Washoe County Community Service Department
775.328.3796

From: Rick Hutchins [<mailto:Rick.Hutchins@novoco.com>]
Sent: Wednesday, July 19, 2017 04:25 PM

WPVAR17-0004
EXHIBIT D

To: tahoehills@att.net
Cc: Krause, Eva; Rick & Char Hutchins
Subject: Case #WPVAR17-0004 (Greenview HOA)

Ms. Kristina Hill:

My wife and I wish to formally oppose granting a zoning variance to Greenview HOA (case #WPVAR17-004) to reduce standard setbacks so they may construct a two car garage in front of our complex. We (Richard and Charlotte Hutchins) own 687 Palmer Court #2 adjacent to the Greenview units.

We are sending this opposing viewpoint to the Advisory Committee so it can be included in the staff report for Monday's meeting.

Charlotte and I have owned our single family, detached home on Palmer Court since 2005. Currently, I am serving as the President of our 3 unit HOA named Cottages on the Green.

We find this request to be out of harmony with the neighborhood. Asking for a one foot setback on both sides of proposed 2 car garage seems preposterous to us. A one foot setback on both sides would be jamming the two car garage into the available space.

We find that this request would harm the value of unit #1 by blocking their view of the mountains.

We find it is curious that the lead person asking for the variance purchased a unit last year, then made major improvements to the units so he could sell it quickly. Therefore, the variance is not helping him but allowing him to "flip" his unit for more profit.

It is interesting to note that Greenview HOA has existed without garages for nearly 30 years. We would suggest they build a four car garage on the other side of their complex similar to the complex across the street from them. In that way, the neighborhood would look more harmonious.

We would invite you to visit the neighborhood to look at the proposed variance. You will see it is out of character for the Court and that the suggestion to build a four car garage on the other side makes more sense.

We thank you for your time in considering our request to deny the proposed variance as it is too drastic.

I hope to attend Monday's hearing. Please call or write with any questions.

Sincerely,

Richard B. Hutchins
President, Cottages on the Green HOA
Cell: (925) 989-2690
e-mail: rick.hutchins@novoco.com

~Rick~

Original

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: GREENVIEW HOA - GARAGES			
Project Description: Construct 2 Double CAR Garages on Common Parking Area			
Project Address: 692 PALMER Ct Incline V. Village NV 89451			
Project Area (acres or square feet): 900 sqft of common area parking			
Project Location (with point of reference to major cross streets AND area locator): Culd sac at Entrance to Mountain Golf Course. Golfers Pass & Wilson ave Cross St. Palmer Ct is a culd sac			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
12831001-12831005			
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application:			
Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: John A. HASTH		Name:	
Address: 692 PALMER Ct #2		Address:	
Incline Village NV Zip: 89451		Zip:	
Phone: 530-318-3139 Fax:		Phone: Fax:	
Email: jh1nse@gmail.com		Email:	
Cell: Other:		Cell: Other:	
Contact Person: John A. HASTH		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		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):	

692 Palmer Ct Owners

**Jean Venneman
692 Palmer Ct #1
Incline Village Nv
89451**

**John & Doreen Maria Hash
692 Palmer Ct #2
Incline Village Nv
89451**

**Tao Fung
692 Palmer Ct #3
Incline Village Nv
89451**

**George & Nancy Learmonth
692 Palmer Ct #4
Incline Village Nv
89451**

Variance Application Supplemental Information

(All required information may be separately attached)

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

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

We are requesting a 1 ft front and side property line set back variance, to construct 2 double garages on common area owned by the Greenview Homeowners Association. The common area is currently used for parking by the 4 homeowners.

See pic #3

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?

We are a 4 unit building, which was constructed in 1978 and was the first development on the cul d sac. For whatever reason, no garages were constructed at that time. Our blacktop parking area is restricted to the common area that meets the property line. The rest of the property borders a Nevada Conservancy lot to the right, the Mountain Golf course to the rear, and a one of the Planned Unit Developments to the left. The only place to build the garages is on the front common area that we use as parking. This is what necessitates the request for variance from the property line.

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?

Palmer Ct is a cul d sac. There are 2 other developments on the cul d sac, one is a 4 unit condo with garages, and the other is a 3 unit PUD, planned unit development, also with garages. Both of these developments have their garages facing the cul d sac, with the residential units facing to the side and behind. Please see attached picture. *# 1 & 2* No resident view will be impacted. No residents privacy will be impacted. Traffic safety will improve by reducing the number of vehicles parked on the street. Snow removal will be drastically improved by allowing the drivers to work with fixed structures, rather than mounds of snow covered cars parked randomly.

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.)?

This variance will greatly improve the appearance of the cul d sac by having cars enclosed in attractive garages. It will also improve trash collection.

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

Current winters seem to be getting worse, especially last year. With garages, we would be able to protect our vehicles from the elements, by allowing residents to park their vehicles in a safe protected garage.

Both of the 2 other properties in the cul d sac, which were constructed after ours, have garages.

See Pic 4

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?

Incline Village General Improvement District

8. What is your type of sewer service provided?

Incline Village General Improvement District



685 Palmer Ct

Garages face Cul & SAC
Residence Behind & Right

pic 1

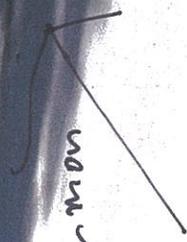


687 PALMER CT
GARAGES FACE CURB & SAC
Residence Behind

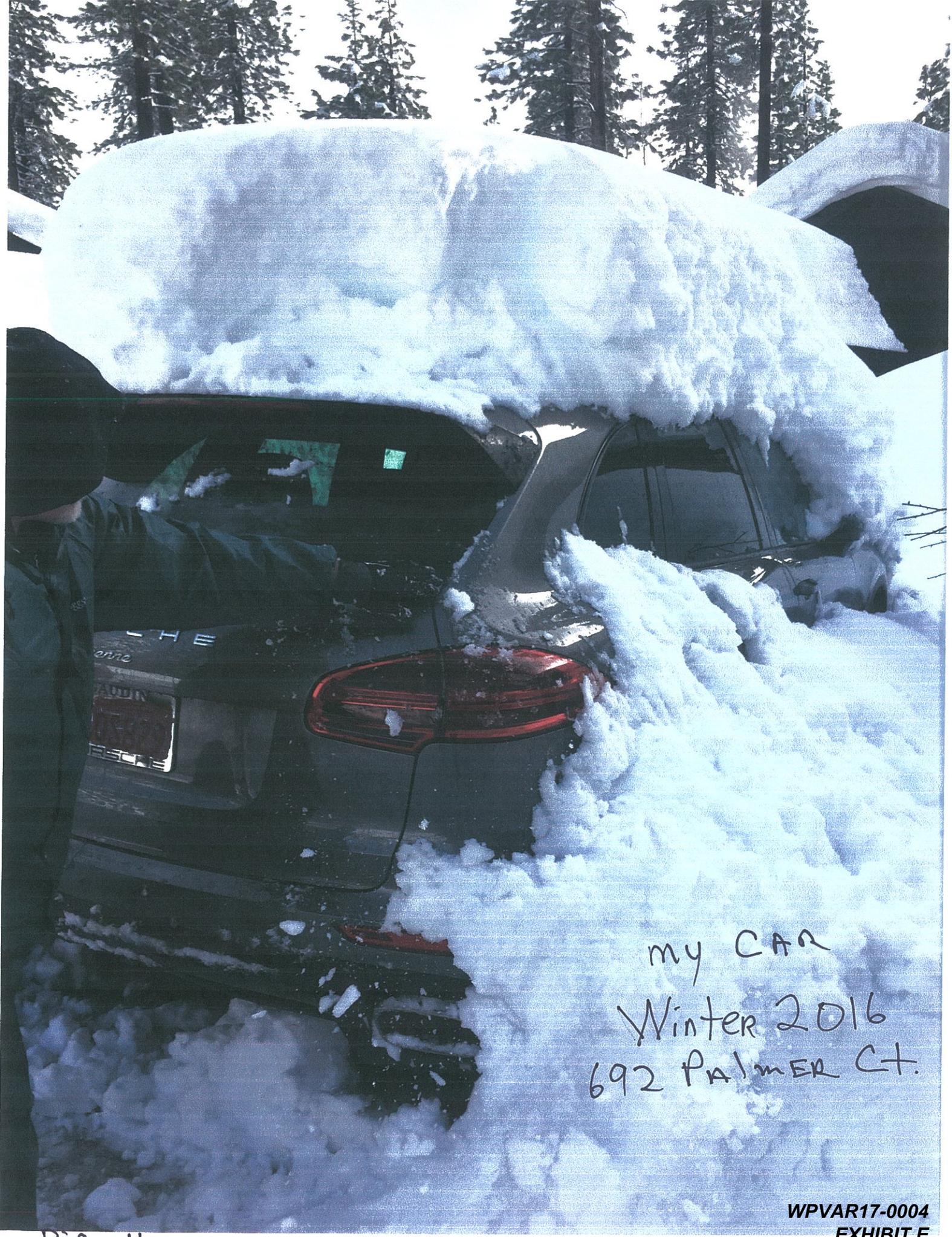
pic 2



692 PALMER CT
Proposed Garages on Common
Area Parking



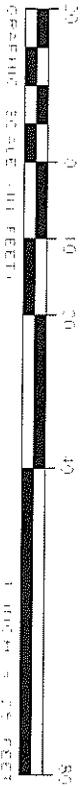
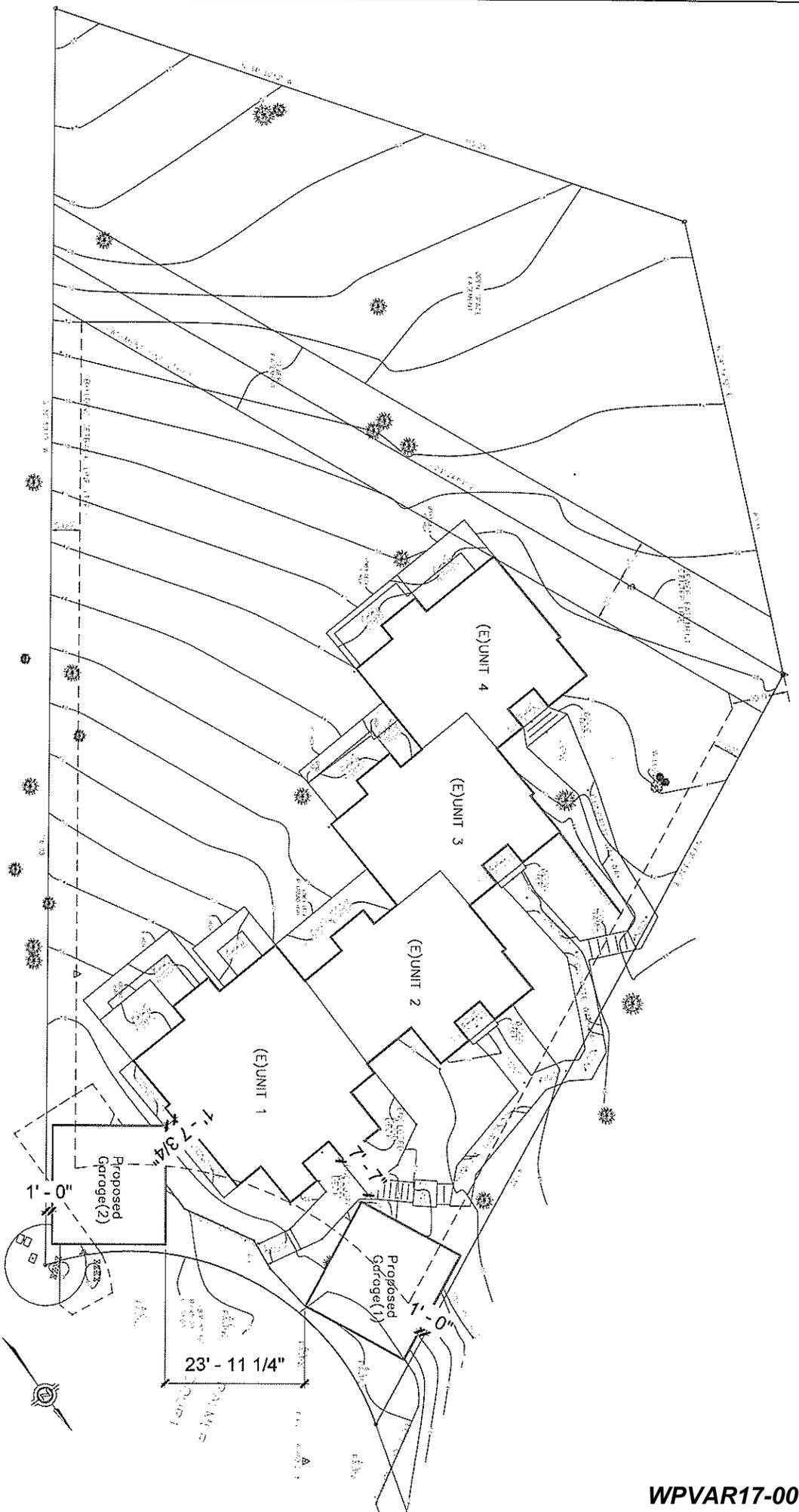
3



my CAR
Winter 2016
692 PALMER CT.

WPVAR17-0004
EXHIBIT E

Disc LI



SITE DATA	
TOTAL AREA	211729 FT ²
ACRES	0.483 ACRES
OFFICE SPACE REQUIREMENT	
1. AREA	3200
2. COST	\$14
3. COST PER SQ FT	\$10
4. TOTAL COST	\$32000
5. DATE	08/27/17

- NOTES:
- 1. BASED ON SURVEY DATA AND CONSTRUCTION REQUIREMENTS.
 - 2. ALL DIMENSIONS ARE APPROXIMATE AND SHOULD BE VERIFIED ON SITE.
 - 3. ALL DIMENSIONS SUBJECT TO FIELD SURVEY AND CONSTRUCTION.
 - 4. ALL DIMENSIONS SUBJECT TO FIELD SURVEY AND CONSTRUCTION.

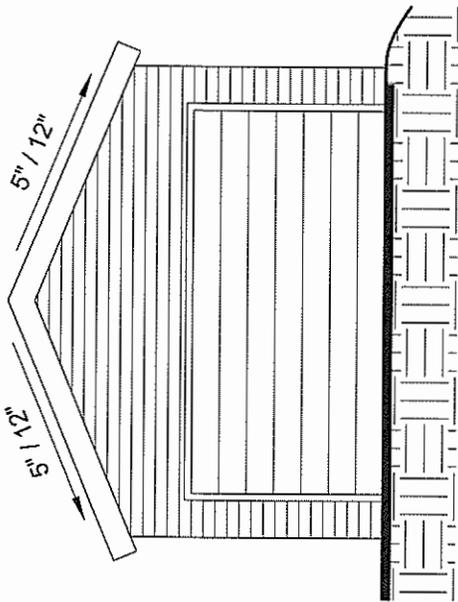
692 Palmer Court

Garage Additions

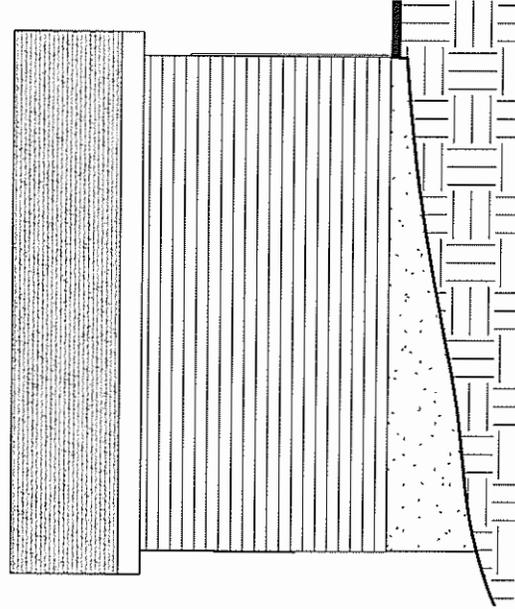
Siteplan Proposed

Project number	Project Number
Date	Issue Date
Drawn by	
Checked by	
Scale	1" = 25'-0"

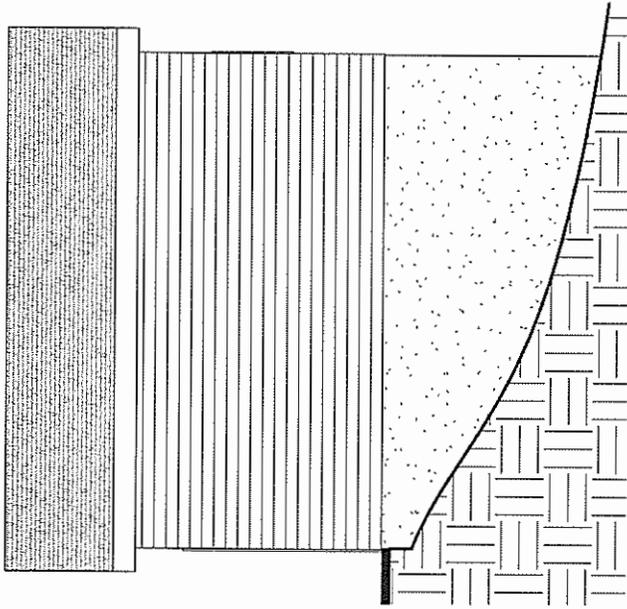
A2



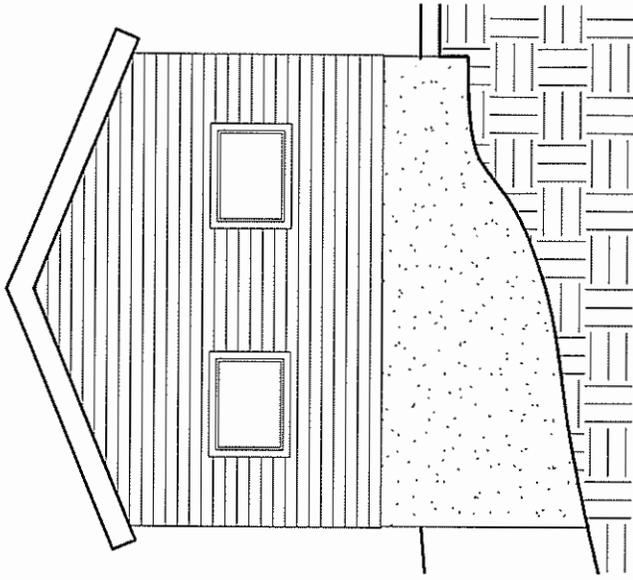
3 Garage 1 Front
1/8" = 1'-0"



4 Garage 1 Side 2
1/8" = 1'-0"



2 Garage 1 Side 1
1/8" = 1'-0"



1 Garage 1 Back
1/8" = 1'-0"

92 Palmer Court

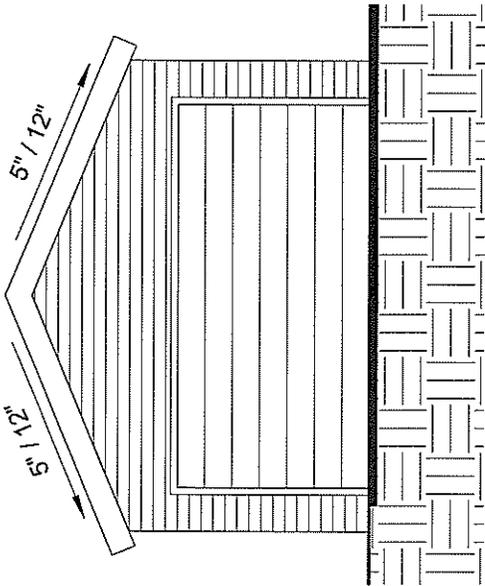
Garage Additions

Garage 1 Elevations

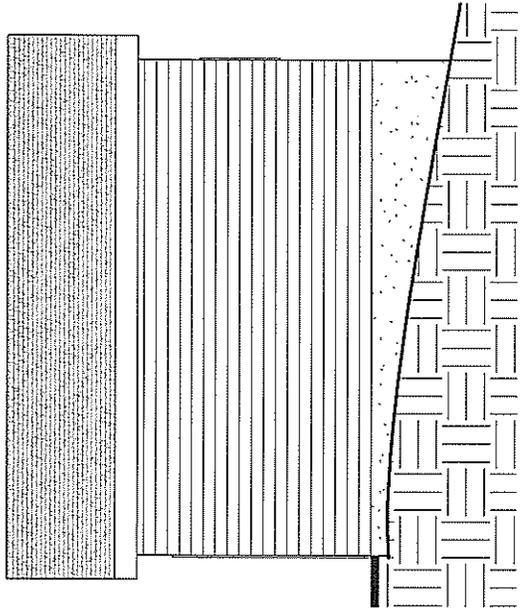
Project number	Project Number
Date	Issue Date
Drawn by	
Checked by	

A3

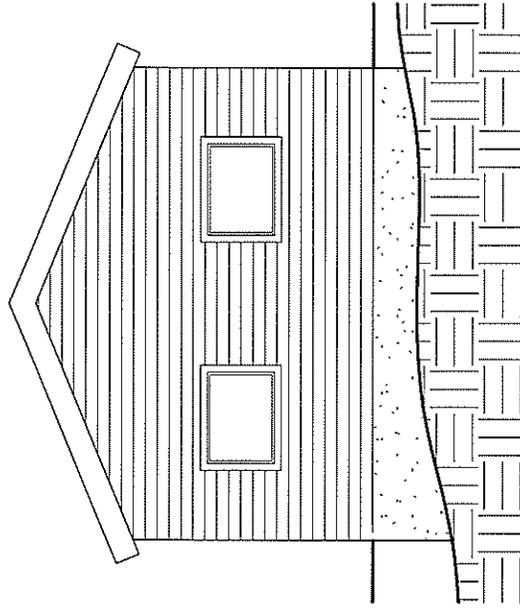
Scale 1/8" = 1'-0"



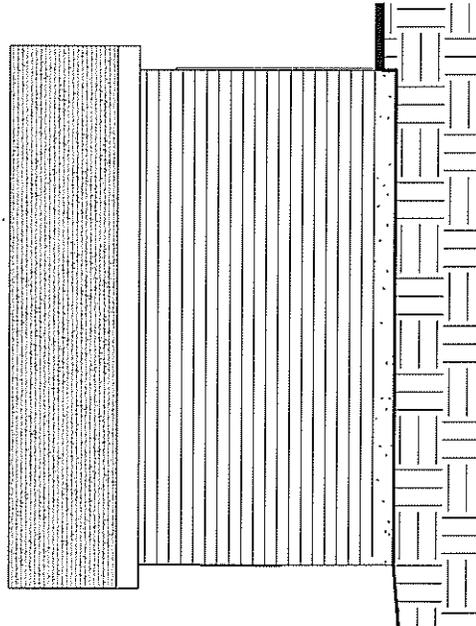
1 Garage 2 Front
1/8" = 1'-0"



2 Garage 2 Side 1
1/8" = 1'-0"



3 Garage 2 Back
1/8" = 1'-0"



4 Garage 2 Side 2
1/8" = 1'-0"

992 Palmer Court

Garage Additions

Garage 2 Elevations

Project number	Project Number
Date	Issue Date
Drawn by	
Checked by	
	Scale 1/8" = 1'-0"

A4

Public Notice

Pursuant to Washoe County 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 49 separate property owners.



NOTICING MAP