

EEKHOFF VARIANCE APPLICATION

WPVAR18-0004

Opposition to Variance by Shaver



Shaver Residence
5505 E. Hidden Valley Dr.

Eekhoff Residence
5545 E. Hidden Valley Drive

2013 View to South



2013 View to East



2013 View to Southeast



2018

View to East Along Property Line



2018

View to East Along Property Line



2018

View to Southeast (Briarhills Lane)



2018

View to South (NW Corner of Project)



2018 View to South

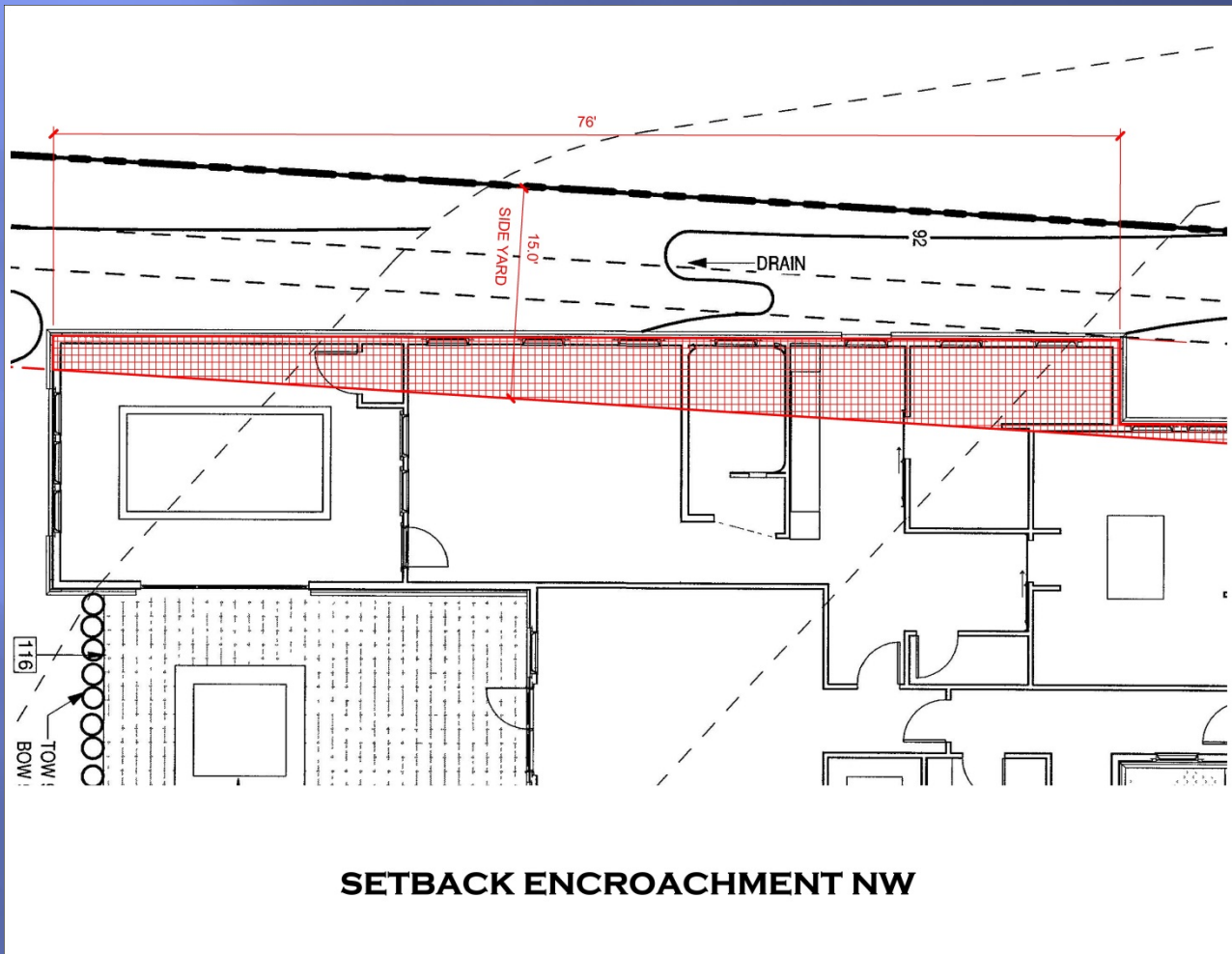


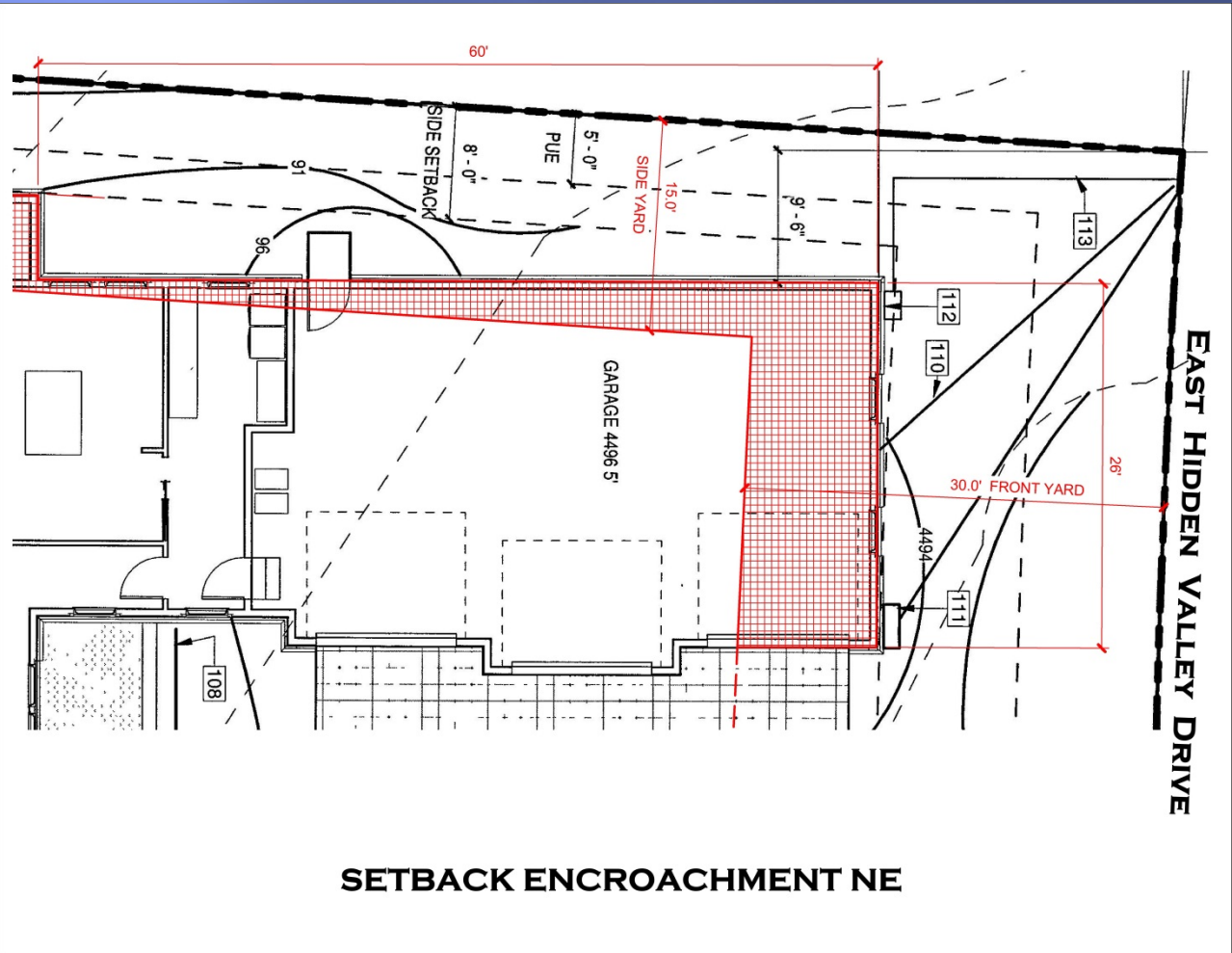
2018 View to South

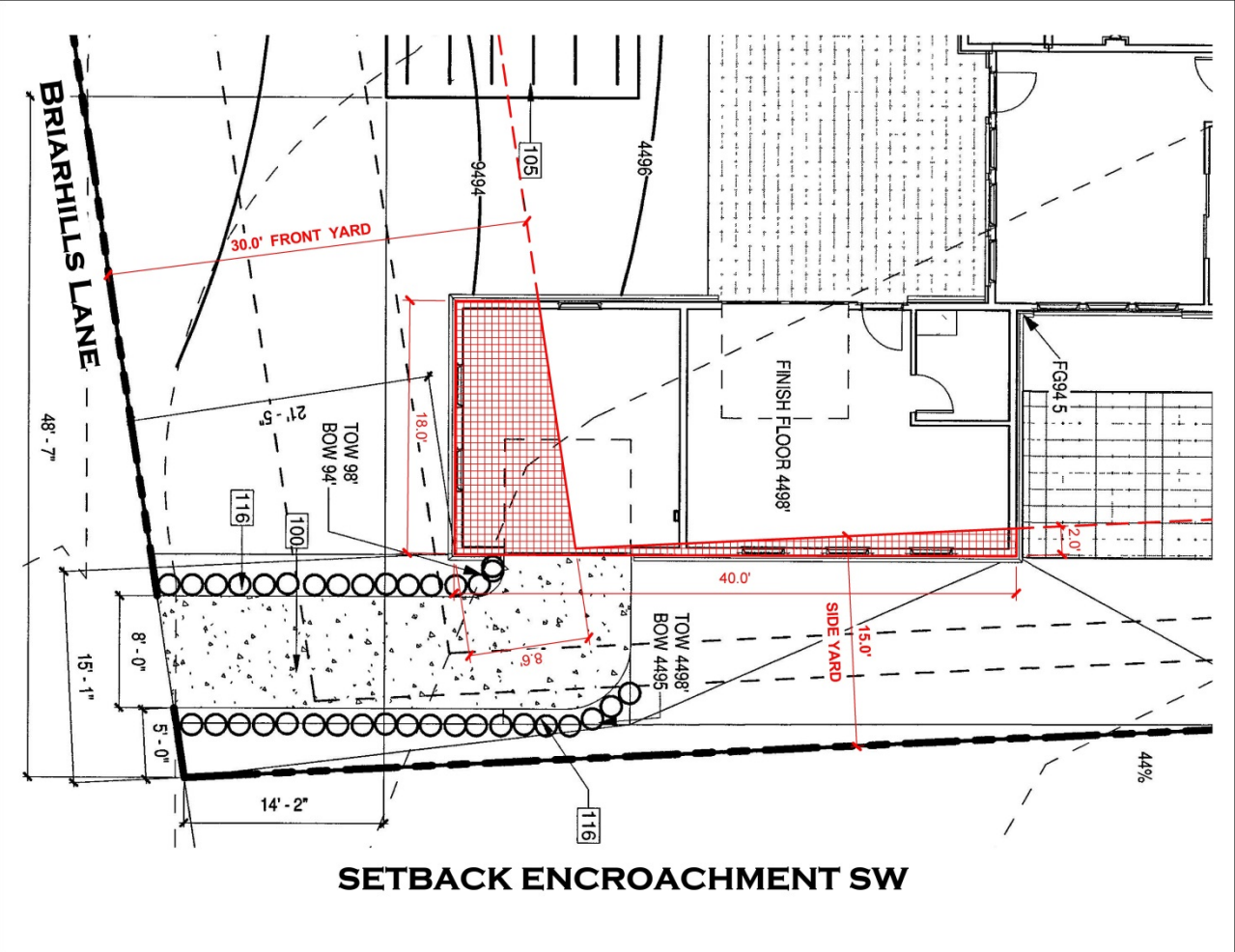


2018 View to South









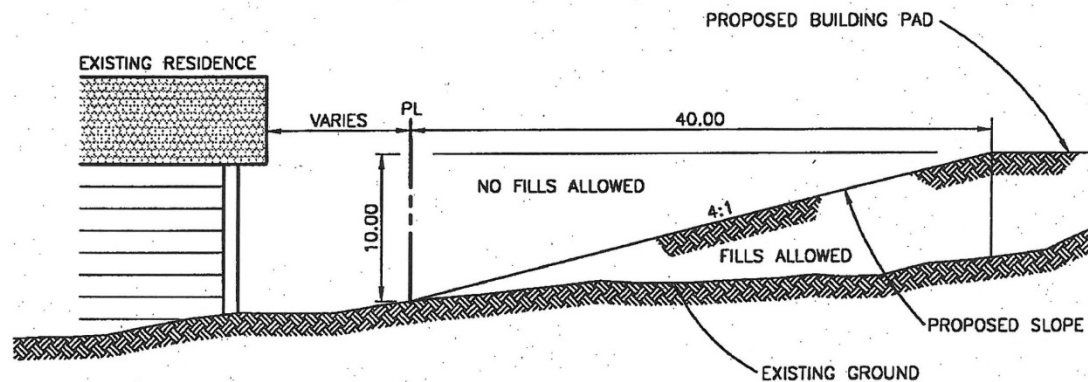
Washoe County Development Code

110.212.10 Hidden Valley Community Area Modifiers. The purpose of this section, Hidden Valley Community Area Modifiers, is to establish regulations **to promote development consistent with the existing built environment of Hidden Valley**; to preserve the scenic characteristics, wildlife and cultural resources; and sustain the residential tranquility of the community by the residents.

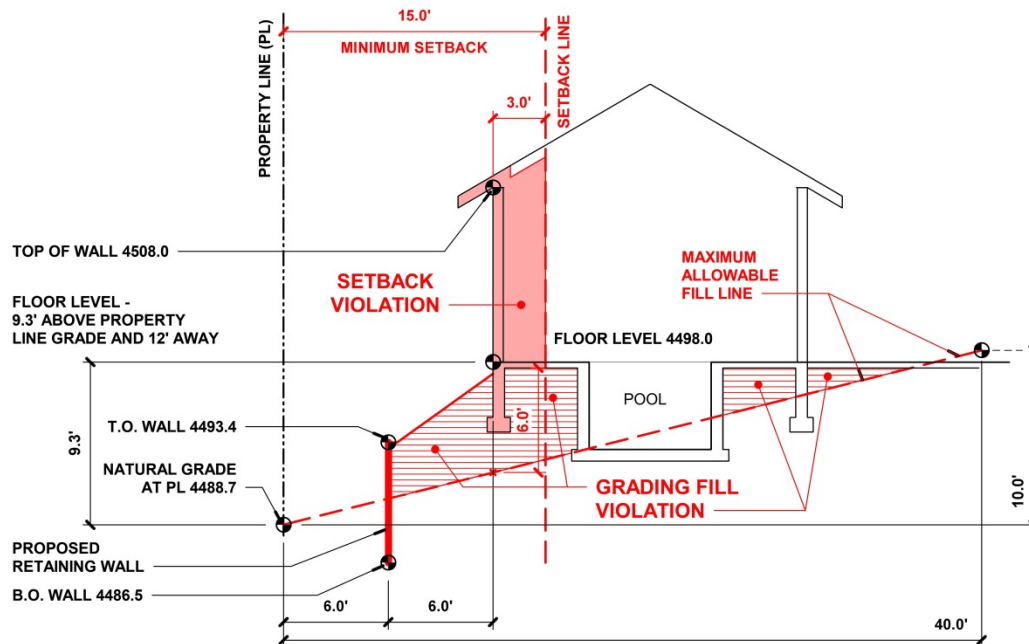
- (b) Grading. Grading for subdivision improvements, minor or major special use permits or other discretionary or building permits shall:
- (1) Not result in slopes on fill in excess of or steeper than four to one (4:1).
 - (2) Not result in elevations or fill that differ from the natural grade by more than forty-eight (48) inches or when grading occurs adjacent to an existing residence, fills shall not be placed within an area that exceeds a projected slope of four to one (4:1) for a distance of forty (40) feet from the common property line. Refer to Figure 110.212.10.1, Typical Setback at Existing Residence.

Figure 110.212.10.1

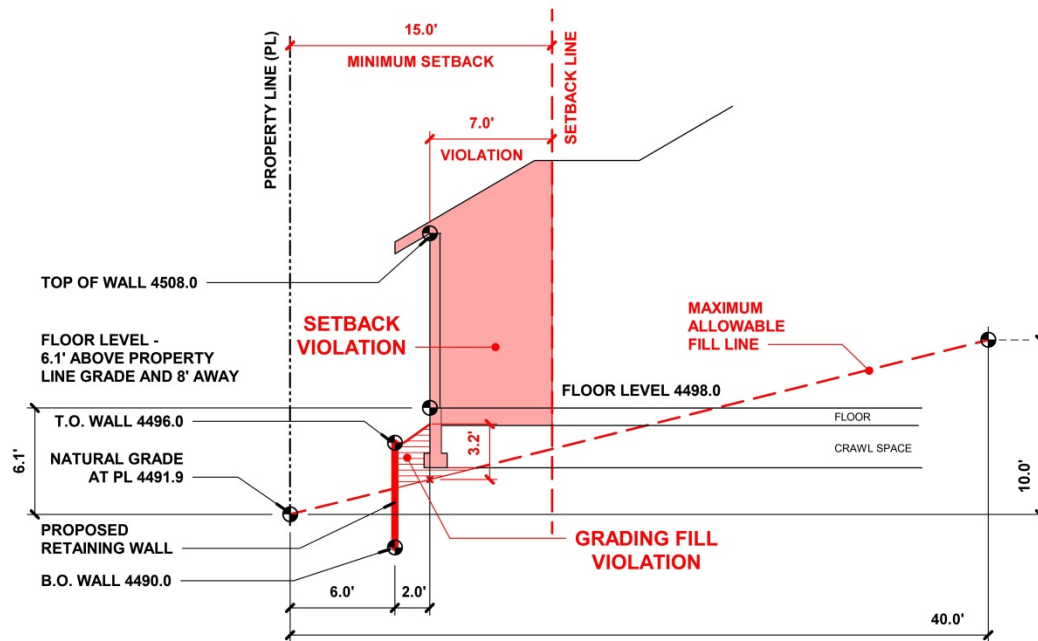
TYPICAL SETBACK AT EXISTING RESIDENCE



Sources: Summit Engineering Corporation and Washoe County Department of Community Development.



**GRADING PROFILE
NW CORNER OF PROPOSED HOUSE**



**GRADING PROFILE
 MIDDLE OF PROPOSED HOUSE**

Required Findings

Section 110.804.25 Findings. Prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner **shall find that findings (a) through (d) apply to the property** and, if a military installation is required to be noticed, finding (e):

(a) **Special Circumstances.** Because of the special circumstances applicable to the property, including either the:

(1) **Exceptional narrowness, shallowness or shape** of the specific piece of property, or

(2) By reason of **exceptional topographic conditions**, or

(3) **Other extraordinary and exceptional situation or condition of the property** and/or location of surroundings, the strict application of the regulation results in **exceptional and undue hardships upon the owner of the property;**

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

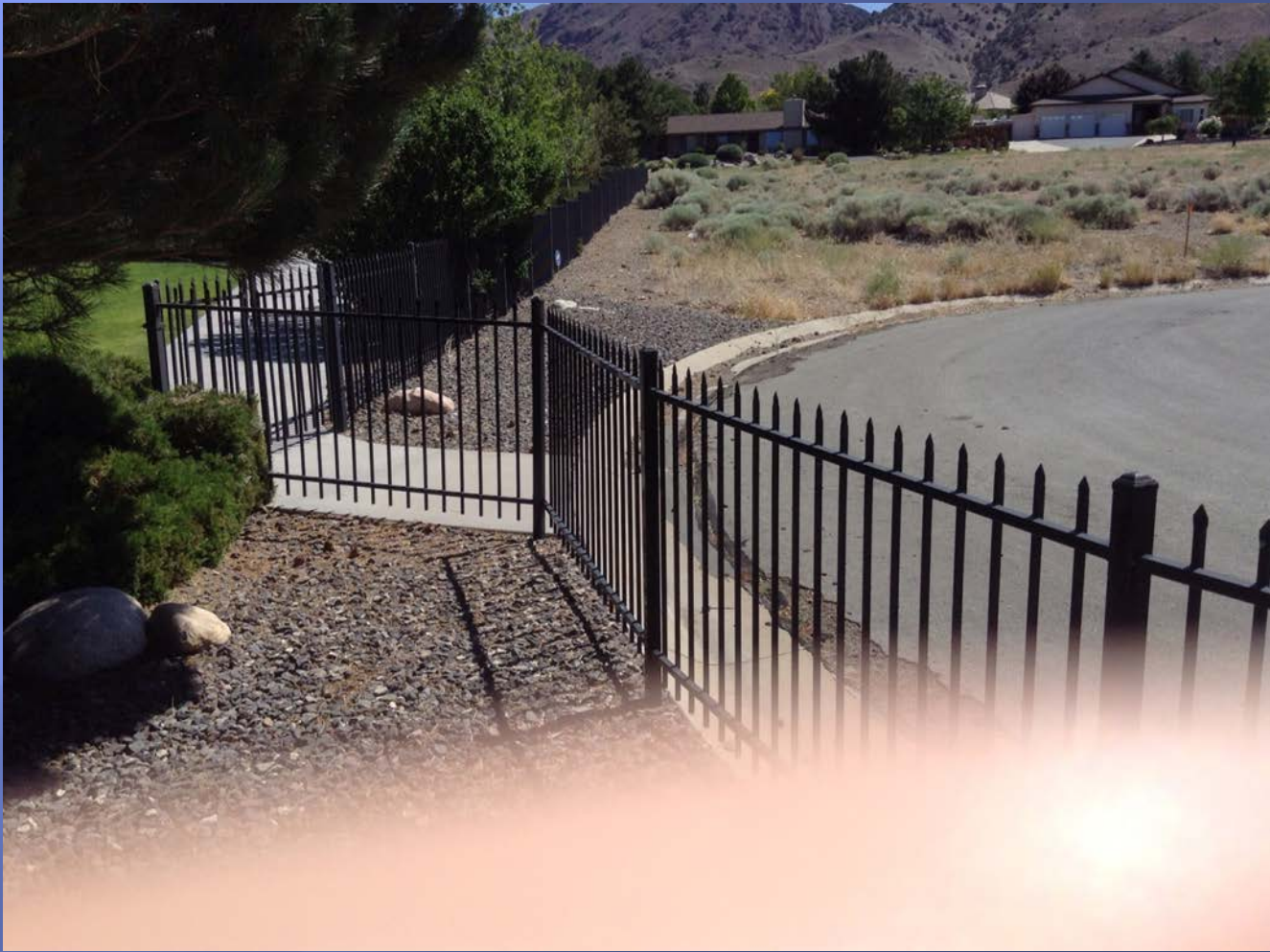
(c) No Special Privileges. The granting of the variance **will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity** and the identical regulatory zone in which the property is situated; and

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

The Board Cannot Make the Required Findings

- The Applicant seeks to encroach on the required setbacks by approximately 900 square feet (over 16% of the footprint of the residence).
- The Board cannot make findings of:
 - Exceptional narrowness, shallowness or shape of the property;
 - Exceptional topographic conditions; or
 - Other extraordinary and exceptional situation or condition of the property.







GRANTING THE VARIANCE WOULD CONSTITUTE SPECIAL PRIVILEGES TO THE APPLICANT

- Other properties in the area have been required to comply with the setback requirements and the grading requirements.
- There are no characteristics of the Applicant's property which are exceptional.
- The Variance would be detrimental to Shaver and others in the area and would set bad precedent.
- Trees are a temporary, with no guarantee they will remain after a Certificate of Occupancy is issued.
- The Applicant is building a home with a footprint which is simply too large for the property → **Special Privilege.**