



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director  
Blaine Cartledge, Legal Counsel



**Washoe County Board of Adjustment**  
Richard "R.J." Cieri, Chair  
Gary Feero, Vice Chair

Mary S. Harcinske  
Philip J. Horan  
Eric Scheetz

**AGENDA**  
**MEETING OF**  
**WASHOE COUNTY BOARD OF ADJUSTMENT**  
**Washoe County Commission Chambers**  
**1001 East Ninth Street, Reno, Nevada**  
**Thursday, 1:30 p.m., October 4, 2007**

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October 4, 2007

1:30 p.m. **DETERMINATION OF QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

September 6, 2007

**PUBLIC COMMENT** (Limited to items not on this agenda; three-minute time limit, however the Board reserves the right to reduce this three-minute time limit, as well as limit the total time for public comment, if more than 10 people request to speak. The same applies to public comment on each agenda item.)

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*Agendas and staff reports are posted to the Washoe County website at [www.washoecounty.us/comdev/](http://www.washoecounty.us/comdev/), on Friday, six days prior to the meeting. To access the agenda and staff reports, choose **Boards and Commissions**, and click on **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**.*

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Board may take action on any of the items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Community Development, at 328-3600, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda closes three (3) days prior to the meeting date. Only items of interest and not requiring Board action may be added to the agenda within the three-day period. This agenda has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office-Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive).

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***"Your Community Development Department"***

**CHAIR AND BOARD ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

- a. Report on Previous Board of Adjustment Actions
- b. Discuss retroactive grading permits/special use permits/variances, requiring applicants for retroactive permits to provide the name and contractor license number of the contractor who did the initial work.

**DIRECTOR’S ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

**CONSENT ITEMS**

**PROJECT REVIEW ITEMS**

- 1:30 p.m. 1. **PUBLIC HEARING: VARIANCE CASE NO. VA07-015 (JOHN POWERS III)**  
 (Continued from September 6, 2007 meeting) – To reduce the front yard setback from twenty feet to two and one half feet, side yard setback from eight feet to 1.9 feet and rear yard setback from twenty feet to sixteen feet to facilitate a major remodeling of an existing home to include off-street parking, enclosing the existing rear decks for living space and adding living space in the attic as authorized in Article 406 of the Washoe County Development Code. **The project is located at 1707 State Route 28, Incline Village, Nevada. The property is located in the Rocky Point Subdivision, Lot 2, Block G approximately four hundred feet north of the Lake Tahoe State Park boundary.** The ±0.072-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 130-331-02) Staff Representative: Eva M. Krause, AICP, Planner, 775.328.3796

**WITHDRAWN**

2. **PUBLIC HEARING: VARIANCE CASE NO. VA07-017 (STEPHEN AND JANET WITORT)** – To reduce the front setback from 20 feet to 3 feet 6 inches for an interior lot (with a 37% slope) to facilitate the construction of a new single-family home with an attached garage. Also, to increase the retaining wall height from 4.5 to 6 feet in order to stabilize the proposed driveway cut. **The project is located at 867 Tyner Way, in Incline Village, 100 feet east of Valerie Way and Tyner Way.** The ±0.274-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 9, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the **Incline Village/Crystal Bay Citizen Advisory Board** boundary and Washoe County Commission District No. 1. (APN: 125-151-05) Staff Representative: Don Morehouse, Planner, 775.328.3632

3. **PUBLIC HEARING: EXTENSION REQUEST FOR VARIANCE CASE NO. VA06-016 (VICTOR LOCKHART)** – To extend for one year, until September 7, 2008, the approval of a variance to reduce the front yard setback from twenty feet to one foot and side yard setback from five feet to one and one half feet in order to facilitate construction of an attached two-car garage with living area above and mechanical room below. **The project is located at 336 Tuscarora Road, west of State Route (SR) 28 between Lake View Avenue and Wassou Road in Crystal Bay.** The ±0.18-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the **Incline Village/Crystal Bay Citizen Advisory Board** boundary and Washoe County Commission District No. 1. (APN 123-154-05) Staff Representative: Don Morehouse, Planner, 775.328.3632

**OTHER ITEMS**

**ADJOURNMENT**



# Community Development

*"Dedicated to Excellence in Public Service"*  
Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 2

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Board of Adjustment

**Re:** Variance Case No. VA07-017

**Date:** September 24, 2007

**Prepared By:** Don Morehouse, Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** Stephen and Janet Witort

**Requested Action: (Stephen and Janet Witort)** – To reduce the front setback from 20 feet to 3 feet 6 inches for an interior lot (with a 37% slope) to facilitate the construction of a new single-family home with an attached garage. Also, to increase the retaining wall height from 4.5 to 6 feet in order to stabilize the proposed driveway cut. **The project is located at 867 Tyner Way, in Incline Village, 100 feet east of Valerie Way and Tyner Way.** The ±0.274-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 9, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN: 125-151-05)  
Staff Representative: Don Morehouse, Planner, 775.328.3632

**RECOMMENDATION/FINDINGS**

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Board of Adjustment approve with conditions Variance Case No. VA07-017 having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. With the topographic constraints of the property, the strict application of the regulation does result in exceptional and undue hardships upon the owner of the property;

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
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 proposed variance would not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

<b>ANALYSIS</b>
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**Background:**

The project site is a developed interior lot in Incline Village with slopes of 25% to 37.5%. The applicant is requesting a variance to reduce the front setback from 20 feet to 3 feet 6 inches in order to facilitate the construction of a single-family home with attached garage. The applicant is also requesting an increase in the height of retaining walls from 4.5 feet to 6 feet in order to stabilize the proposed driveway cut. The Development Code currently allows front setbacks on interior lots with greater than 20% slope a reduction in front setback from 20 to 15 feet. This reduced setback can be applied to this property.

Under Section 406 of the Washoe County Development Code (Building Setbacks):

Interior Lots. On any interior lot in any residential land use category or general rural or general rural residential zone, the front yard requirement shall be fifteen (15) feet where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) above (or below) the established street grade for every ten (10) feet of horizontal distance. Plans submitted must be specific enough to establish conformance with these provisions.

**Special Circumstances:**

The applicant is applying for a variance to reduce the front setback from 20 feet to 3 feet 6 inches in order to construct a new single-family residence with an attached garage on this steeply sloped lot with limited coverage available. The plans show a proposed 2000+ square foot two-story single-family home with one front-entry/parking deck at street level that allow the entrance into an enclosed two-car garage. The plans show a distance of 15 feet from the edge of the street to the front of the garage, which would alleviate safety concerns from the County.

It is staff's opinion that this proposal does constitute a special circumstance with the steeply sloped lot. After a thorough review of the plans, staff recommends that the requested variance for a front setback reduction from 20 feet to no less than 3 feet 6 inches be conditionally approved. The existing structure currently only allows a distance of 11 feet 4 inches from the edge of pavement to the front of the structure. The requested variance would actually allow for an improvement over the existing development from 11 feet 4 inches to 15 feet. The minimum 15 foot distance allows offsite parking without having standard size vehicles extend partially into the roadway. This has been and continues to be a concern of and request from the Washoe County Roads Department.

It is staff's opinion that a six foot maximum height on the retaining walls be granted only within the property lines. Retaining walls will remain at a maximum 4.5 foot height limit between the edge of pavement and property line.

**Impacts:**

A reduction in the front setback from 20 feet to 3 feet 6 inches would allow the building to be pushed closer to the street thereby moving the residence closer to the front property line so that the proposed structure height does not exceed the maximum allowable height as restricted by the Tahoe Regional Planning Association (TRPA) . Reducing the front setback from 20 feet to 3 feet 6 inches would still allow for the 15 foot distance from the edge of Tyner Way to the front of the garage.

The proposed construction of this structure does not appear to affect any views of surrounding property owners.

**Site Analysis:**

The undeveloped property is forested with mature trees and natural vegetation. With a reduction in front setback from 20 feet to 3 feet 6 inches, the front of the proposed garage would be approximately 15 feet from the pavement edge of Tuscarora Road. The lot varies in slope from 25% to 37.5%.

**Development Suitability Constraints:**

The Tahoe Area Suitability Map identifies the site as having slopes greater than 15%.

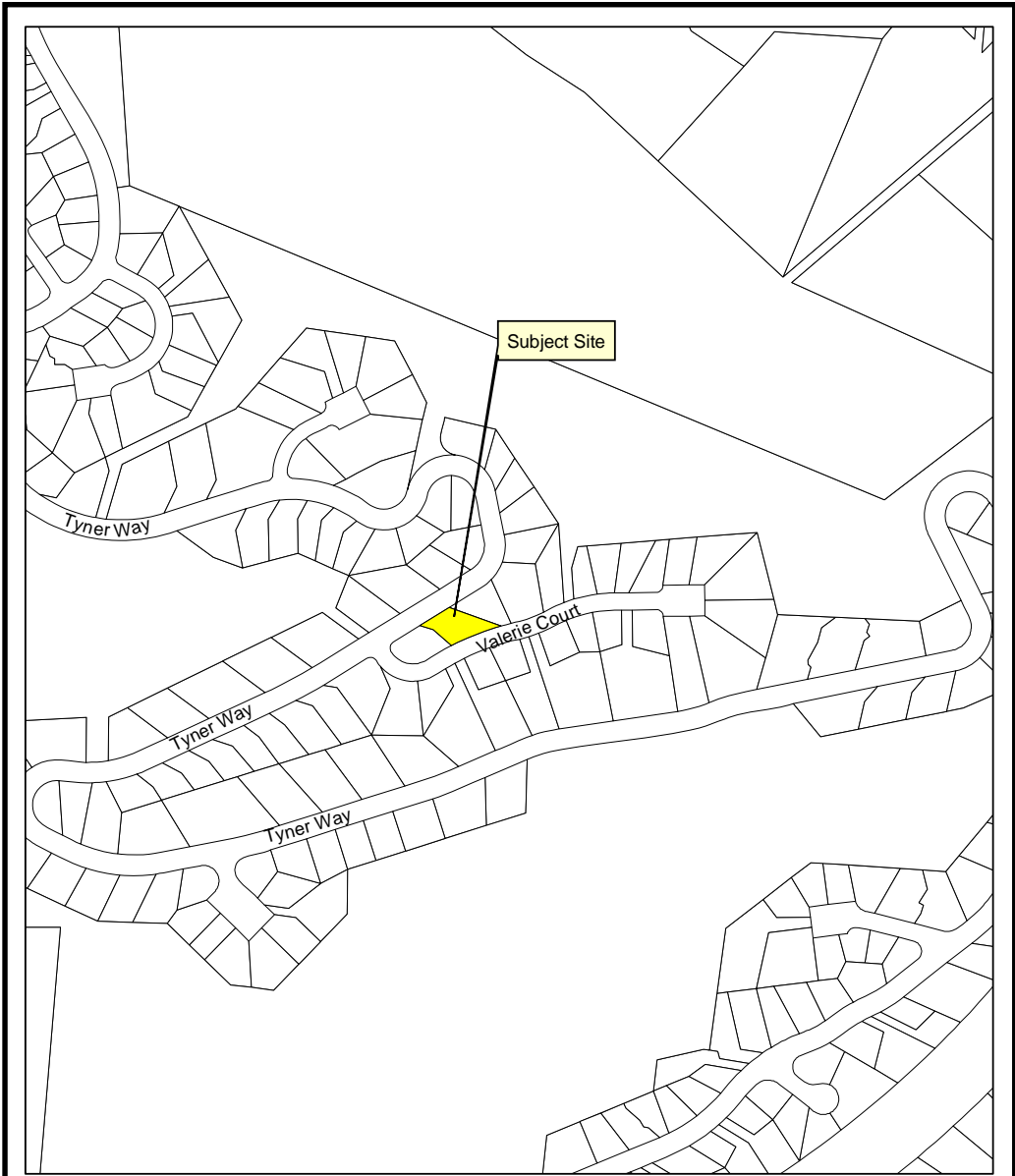
**Parking Required/Provided:**

Single-family detached dwelling units require two parking spaces per dwelling unit, one of which must be in an enclosed garage. The proposed structure includes two enclosed parking spaces.

**Landscaping Required/Provided:**

There are no landscaping requirements for single-family residences. No landscaping is proposed.

**LOCATION MAP**



Location Map


Variance Case Number VA07-017  
Stephen and Nancy Witort

0 500  
Feet

Source: Advanced Planning

September 2007

**Z**

  
Department of  
Community Development  
WASHOE COUNTY  
NEVADA  
Post Office Box 11130  
Reno, Nevada 89520 (775) 328-3600

**Site Photos of 867 Tyner**

**View of property looking southwest**



**View of property looking southwest**



**Site Photos of 867 Tyner (Continued)**

**View of property looking south**



**View of property looking southeast**

To: Washoe County Board Of Adjustment  
Re: Stephen and Nancy Witort  
Date: September 24, 2007  
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**AGENCY COMMENTS**

The plans were submitted to all involved agencies. In response from the notified agencies, no unique or extraordinary conditions of approval were requested.

All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the variance proposal.

**CITIZEN ADVISORY BOARD COMMENTS**

The proposed plans were submitted to the Incline Village/Crystal Bay Citizen Advisory Board and will be discussed during the October 3, 2007 meeting. A report will be given during the October 4, 2007 BOA meeting.

**APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.220 and 110.406

VA07-017(DM)

Attachments: Site Plan, Elevations, Memos from Washoe County District Health Department dated September 11, 2007, and Incline Village General Improvement District dated August 22, 2007.

xc: Incline Village/Crystal Bay Citizen Advisory Board

Applicant: Stephen and Janet Witort, 1047 North Stuart Street, Arlington, VA 22201

Representative: Gary R. Taylor, PO Box 1715, Crystal Bay, NV 89402

**CONDITIONS OF APPROVAL FOR  
VARIANCE CASE NO. VA07-017**

**(As recommended by Department of Community Development  
and attached to Staff Report dated September 24, 2007)**

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

**GENERAL CONDITIONS**

**UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.**

**ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.**

**WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A**

**SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**SPECIFIC CONDITIONS FOR VARIANCE CASE NO. VA07-017**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.
2. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.
3. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
4. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
5. 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. The staff of the Department of Community Development shall determine compliance with this condition.
6. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. The staff of the Department of Community Development shall determine compliance with this condition.
7. The property owner, contractor or any other parties shall not use or disturb the National Forest lands adjacent to the property for personal reason as stated in the letter from the Forest Supervisor. Forest Service personnel shall determine compliance with this condition.
8. The applicant shall execute a hold-harmless agreement with the Community Development office for road maintenance purposes. A copy of the agreement shall be recorded prior to the issuance of a building permit. The staff of the

To: Washoe County Board Of Adjustment

Re: Stephen and Nancy Witort

Date: September 24, 2007

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Department of Community Development shall determine compliance with this condition.

9. No portion of the proposed development is allowed to overhang the property line.
10. Distance of at least 15 feet must be present from the edge of Tyner Way to the front of the garage.
11. The proposed drainage swale shall have the bottom of the channel system lined with 4-6 inch cobble rock. Additionally, the following language shall be forwarded to the property owner as part of the maintenance program for the public facility. "All vegetation, debris and blockages shall require removal in the bottom of the channel at a minimum of once every two years. The maintenance plan will mitigate insect development by preventing standing water from ponding longer than seven (7) days."
12. Retaining walls will remain at a maximum 4.5 foot height limit between the edge of pavement and property line.



# Community Development

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Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 3

Staff Recommendation: **CONDITIONAL APPROVAL**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Board of Adjustment

**Re:** Extension Request for Variance Case No. VA06-016 for Victor Lockhart

**Date:** September 27, 2007

**Prepared By:** Don Morehouse, Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** Victor Lockhart

**Requested Action:** To extend for one year, until September 7, 2008, the approval of a variance to reduce the front yard setback from twenty feet to one foot and side yard setback from five feet to one and one half feet in order to facilitate construction of an attached two-car garage with living area above and mechanical room below. **The project is located at 336 Tuscarora Road, west of State Route (SR) 28 between Lake View Avenue and Wassou Road in Crystal Bay.** The ±0.18-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 123-154-05) Staff Representative: Don Morehouse, Planner, 775.328.3632

**RECOMMENDATION/FINDINGS**

Based upon the staff analysis, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Board of Adjustment conditionally approves the one-year Extension Request until September 7, 2008, for Variance Case No. VA06-016 for Victor Lockhart subject to the attached conditions of approval (the original conditions of approval Action Order of 9/8/2006 attached), having made the findings that the conditions of approval ensure consideration of the items enumerated in NRS 278.349, that the original findings remain valid, and that the circumstances have not appreciably changed since the original approval.

To: Washoe County Board of Adjustment  
Re: Variance Case No. VA06-016 (Victor Lockhart)  
Date: September 27, 2007  
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### **ANALYSIS**

The Variance for Victor Lockhart was approved by the Washoe County Board of adjustment on September 7, 2006. The approved variance granted a front yard setback reduction from 20-feet to 1-foot and a side yard setback reduction from 5-feet to 1.5-feet. The owner of the property is now requesting an extension. Staff believes that the fact that the circumstances have not substantially changed provide sufficient cause to justify approval of an extension.

### **APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

VA06-016 (Victor Lockhart)

Attachments: Action Order of September 8, 2006 with conditions, Letter from Victor Lockhart dated August 11, 2007

xc: Applicant: Victor Lockhart, 930 Tahoe Boulevard, Suite 703, Incline Village, NV 89451

Representatives: Wayne Ford, PO Box 4775, Incline Village, NV 89450

Agencies: Incline Village/Crystal Bay Citizen Advisory Board

xc: Blaine Cartlidge, DA's Office; Marge Claussen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; Engineering Division; North Lake Tahoe Fire Protection District, 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451; Tahoe Regional Planning Agency, PO Box 5310, Stateline, NV 89449-5310;