



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
Mary S. Harcinske

Philip J. Horan
Andrea Manor

AGENDA
MEETING OF
WASHOE COUNTY BOARD OF ADJUSTMENT
Washoe County Commission Chambers
1001 East Ninth Street, Reno, Nevada
Thursday, 1:30 p.m., July 3, 2008

July 3, 2008

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

June 5, 2008

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.)

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

Agendas and staff reports are posted to the Washoe County website at 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).

Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512

Telephone: 775.328.3600 – Fax: 775.328.6133

www.washoecounty.us/comdev/

"Your Community Development Department"

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.)

CONSIDER AND ADOPT A RESOLUTION COMMENDING GARY FEERO FOR HIS SERVICE TO WASHOE COUNTY

CONSENT ITEMS

PROJECT REVIEW ITEMS

- 1:30 p.m. 1. **PUBLIC HEARING: VARIANCE CASE NO. VA08-007 (BRIEN AND MIRTA WALTERS)** – To reduce the front yard setback on a government tract lot from 30 feet to 10 feet for the purpose of constructing a residence, as authorized under Article 804 of the Development Code. **The project site is located approximately 1,250 feet north of Rock Farm Road and 950 feet northwest of the western terminus of Melarkey Way, on the north side of Thomas Creek.** The ±2.5-acre property is zoned High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated within Section 27, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-040-02)
Staff Representative: Roger Pelham, Senior Planner, 775.328.3622
2. **PUBLIC HEARING: VARIANCE CASE NO. VA08-008 (ALVIS F. DAVIS, JR.)** – To vary the eastern side yard setback from eight feet to six feet in order to legalize an existing encroachment by a detached garage, as authorized in Article 804 of the Washoe County Development Code. **The project is located at 8055 Blackfoot Way, approximately 250 feet west of its intersection with Seneca Drive.** The ±.518-acre parcel is designated Specific Plan (SP) in the North Valleys Area Plan, Medium Density Suburban (MDS) in the Reno-Stead Corridor Joint Plan and is situated in a portion of Section 17, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 082-232-03)
Staff Representative: Kelly Mullin, Planner, 775.328.6187

OTHER ITEMS

ADJOURNMENT



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 1 (7/3/08)

Staff Recommendation: **APPROVE WITH CONDITIONS**

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

To: Washoe County Board of Adjustment

Re: Variance Case No. VA08-007

Date: June 20, 2008

Prepared By: Roger Pelham, Senior Planner

GENERAL INFORMATION SUMMARY

Applicant: Brien and Mirta Walters

Requested Action: To reduce the front yard setback on a government tract lot from 30 feet to 10 feet for the purpose of constructing a residence, as authorized under Article 804 of the Development Code. The project site is located approximately 1,250 feet north of Rock Farm Road and 950 feet northwest of the western terminus of Melarkey Way, on the north side of Thomas Creek. The ±2.5-acre property is zoned High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated within Section 27, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-040-02)

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:

The Washoe County Board of Adjustment approves with conditions Variance Case No. VA08-007 for Brien and Mirta Walters having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances: The lot is limited in buildable area due to constraints associated with Thomas Creek crossing the property and by steep slopes;
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

To: Washoe County Board of Adjustment
Re: Variance Case Number VA08-007
Date: June 20, 2008
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which the variance is granted;

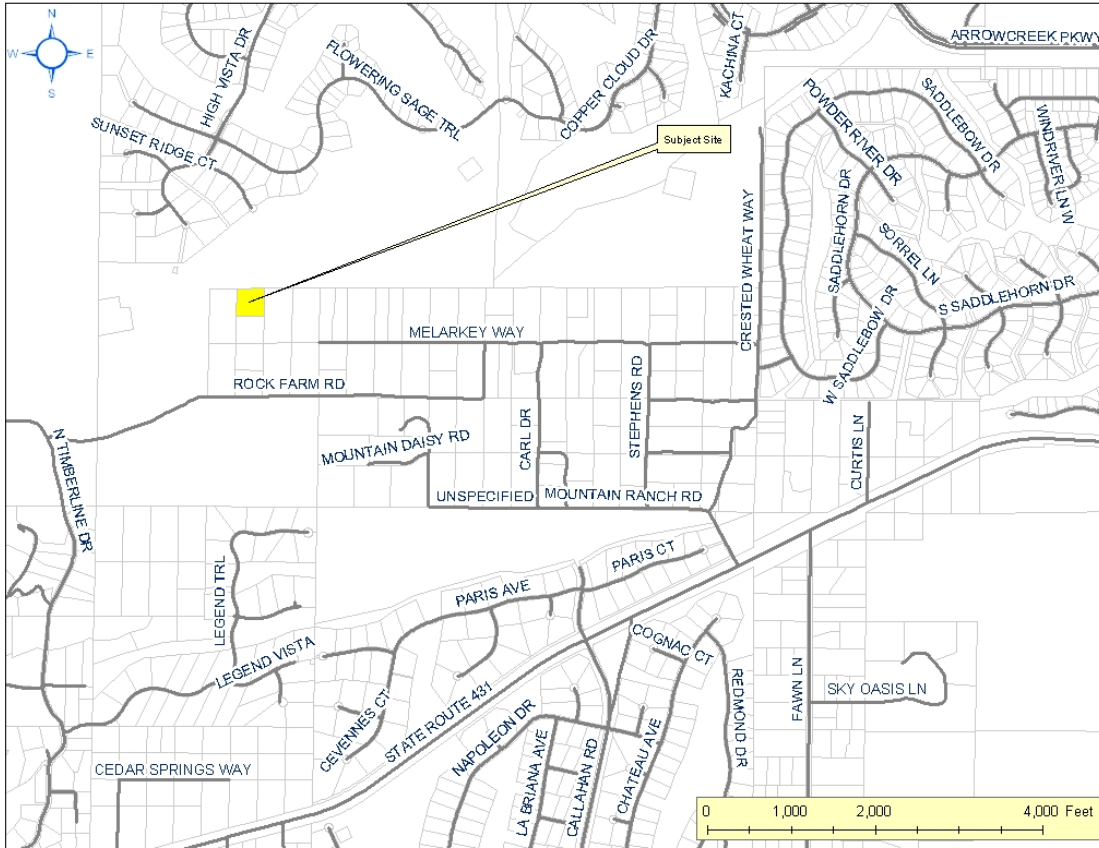
3. Use Authorized: The variance will not authorize a use or activity that is not otherwise expressly authorized by the regulation governing the parcel of property;
4. No Special Privileges: The granting of the variance would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and
5. Reasoned Consideration: That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

OVERHEAD PHOTO OF SUBJECT PARCEL



To: Washoe County Board of Adjustment
Re: Variance Case Number VA08-007
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VICINITY MAP



ANALYSIS

Background:

The applicant applied for and was granted an identical variance request in 2006 (VA06-002) in conjunction with a special use permit (SW06-003) to allow grading to create a driveway across Thomas Creek. The applicant completed the grading necessary to access the parcel but has not yet begun construction of the residence. The previous variance has expired and the applicant is seeking an identical approval at this time, to reduce the front yard setback on a government tract from 30 feet to 10 feet. The applicant owns a vacant 2.5-acre parcel located in the Government Home Sites several hundred feet north of Rock Farm Road in Southwest Truckee Meadows. Government lots typically have a 33-foot access easement along the sides of the property. As the access easement exceeds 20 feet in width, the Development Code requires a normal front yard setback from the access easement line, in this case a 30-foot setback from the easement line in the HDR zone, resulting in a 63-foot setback from the property line.

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Special Circumstances/Hardship or Self Induced Hardship:

In this instance, the parcel is constrained in where a residence can be placed on the property by: 1) Thomas Creek (an inventoried Significant Hydrologic Resource recognized in the Development Code) that runs through the middle of the property, 2) steep slopes over most of the parcel, and 3) the requirement to provide for suitable septic system drain field and repair areas. With these constraints, the applicants are requesting a modification of the front yard setback requirement from 30 feet to 10 feet so that they can build the residence and septic drain field on the flattest area of the lot outside the flood and steam buffer zones. A domestic well has been drilled on the parcel, and test holes for the septic system have been inspected and approved by the Health Department.

Staff believes that given the topographical constraints listed above, the findings of fact for approval of a variance can clearly be made.

Impacts:

Granting of the variance will have little impact to surrounding property owners. There is only one other residential parcel that could be served by the 33-foot access easement, that being the adjacent parcel to the west, and the easement is of sufficient width for that purpose. The land to the north is owned by the Washoe County Parks Department and has numerous access points from roads to the north. Applicant states that the north side of the residence facing the access easement will be landscaped to break up the appearance of the building face.

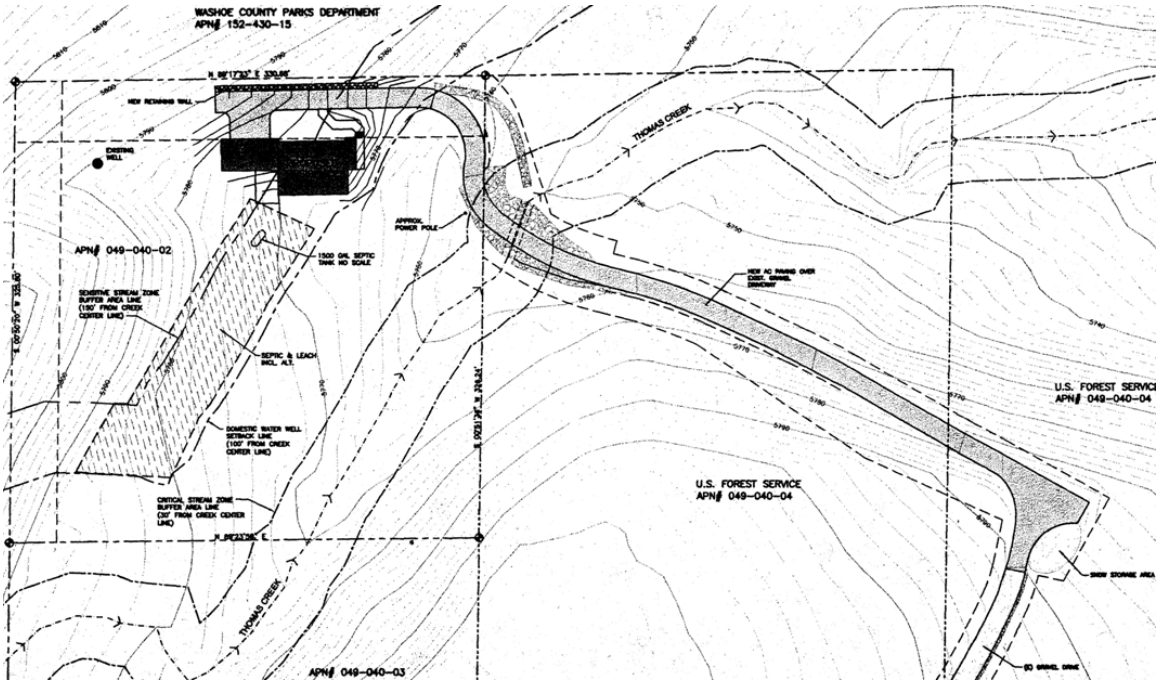
Reducing the setback will move the house and septic drain fields further away from Thomas Creek, which is classified as a Significant Hydrologic Resource, and will reduce or eliminate the destruction of riparian vegetation along the creek. Control of erosion, sedimentation, and drainage from construction activities will also be enhanced.

Development Suitability Constraints:

Inventoried development suitability include slopes greater than 15% on the parcel.

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Re: Variance Case Number VA08-007
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SITE PLAN



AGENCY COMMENTS

The plans were submitted to involved agencies no adverse comments were received.

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 Southwest Truckee Meadows Citizen Advisory Board did not have a meeting in the month of June, thus no comments have been provided. Any individual CAB member has the opportunity to submit comments individually.

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Re: Variance Case Number VA08-007
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APPLICABLE REGULATIONS

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

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Attachments: Conditions of Approval, Action Order VA06-002

xc: Applicant: Brien and Mirta Walters, P.O. Box 19736, Reno, NV 89511

Representatives: Mirta Biel-Walters, Architect, 1575 Delucchi Lane, Suite 15, Reno, NV 89502

xc: Blaine Cartlidge, DA's Office; Marge Clausen, Assessor's Office (CAAS); Theresa Wilkins, Assessor's Office; David Lindsey, Utility Division; Engineering Division; Truckee Meadows Division, Reno Fire Department; Southwest Truckee Meadows Citizen Advisory Board.

To: Washoe County Board of Adjustment
Re: Variance Case Number VA08-007
Date: June 20, 2008
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**CONDITIONS OF APPROVAL FOR
VARIANCE CASE NO. VA08-007
Brien and Mirta Walters
(As recommended by Department of Community Development
and attached to Staff Report dated 6/20/2008)**

*****IMPORTANT—PLEASE READ*****

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

GENERAL INSTRUCTIONS

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 TO 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.

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Re: Variance Case Number VA08-007
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EXPIRATION OF THIS VARIANCE IS SUBJECT TO SECTION 110.804.55 OF THE WASHOE COUNTY DEVELOPMENT CODE.

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. VA08-007

1. The applicant shall demonstrate substantial 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.
2. 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.
3. The applicant shall complete construction of the structure within two years from the date of approval by Washoe County.
4. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site drainage, erosion control, slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Topsoil shall be stripped and stockpiled for later use in site reclamation. Silts shall be managed on-site and not allowed onto adjacent property or into Thomas Creek. The County Engineer shall determine compliance with this condition.

***** END OF CONDITIONS *****



Community Development

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Adrian P. Freund, AICP, Community Development Director



ACTION ORDER

April 6, 2006

Brien and Mirta Walters
2435 Trails End Lane
Reno, NV 89511

Dear Applicants:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of April 4, 2006, approved the following, with five (5) conditions:

VARIANCE CASE NO. VA06-002 (BRIEN AND MIRTA WALTERS) – To reduce the front yard setback on a government tract lot from 30 feet to 10 feet for the purpose of constructing a residence, as authorized under Article 804 of the Development Code. The project site is located approximately 1,250 feet north of Rock Farm Road and 950 feet northwest of the western terminus of Melarkey Way, on the north side of Thomas Creek. The \pm 2.5-acre property is zoned High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated within Section 27, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-040-02, 04)

The approval of the variance was based on the following findings:

1. Special Circumstances: The lot is limited in buildable area due to constraints associated with Thomas Creek crossing the property and by steep slopes;
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. Use Authorized: The variance will not authorize a use or activity that is not otherwise expressly authorized by the regulation governing the parcel of property.
4. No Special Privileges: The granting of the variance would 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

Letter to: Brien and Mirta Walters
Subject: Variance Case No. VA06-002
Date: April 6, 2006
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5. Reasoned Consideration. That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

Unless appeals are filed in the time period stipulated in the Washoe County Development Code, the decision by the Planning Commission is final.

Yours truly,



Adrian P. Freund, AICP
Director and Secretary to the Planning Commission

APF/RPK/cm (VA06-002F1)

xc: Blaine Cartlidge, Deputy District Attorney.; Marge Clausen, Assessor's Office; Theresa Wilkins, Chief Appraiser, Assessors Office; David Lindsey, Utility Division; Engineering Division; Southwest Truckee Meadows Citizen Advisory Board

Letter to: Brien and Mirta Walters
Subject: Variance Case No. VA06-002
Date: April 6, 2006
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**CONDITIONS
for
VARIANCE CASE NO. VA06-002
BRIEN AND MIRTA WALTERS**

(As Approved by the Washoe County Planning Commission on April 4, 2006)

***** IMPORTANT -- PLEASE READ *****

INSTRUCTIONS

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 DEVELOPER, 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.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE FULFILLED TO EFFECTUATE THIS VARIANCE. THE PROPERTY OWNER AND/OR DEVELOPER 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.

ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

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.

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

Letter to: Brien and Mirta Walters
Subject: Variance Case No. VA06-002
Date: April 6, 2006
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SPECIFIC CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Department of Community Development shall determine compliance with this condition.
2. The applicant shall complete construction of the structure within two years from the date of approval by Washoe County.
3. 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.
4. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices and shall include detailed plans for grading, site drainage, erosion control, slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Topsoil shall be stripped and stockpiled for later use in site reclamation. Silts shall be managed on site and not allowed onto adjacent property or into Thomas Creek. The Department of Community Development shall determine compliance with this condition.
5. The property owner(s) shall grant an Avigation Easement to, and acceptable to, the Reno-Tahoe Airport Authority over the entire property. The property owner(s) shall provide the Planning Department with appropriate documentation indicating the Avigation Easement has been granted and accepted by the Reno-Tahoe Airport Authority, prior to the issuance of a building permit. The Department of Community Development shall determine compliance with this condition.

**** END OF CONDITIONS ****



Community Development

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Adrian P. Freund, AICP, Community Development Director



Agenda Item No: **2 (7/3/2008)**

Staff Recommendation: **APPROVE WITH CONDITIONS**

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

To: Washoe County Board of Adjustment

Re: Variance Case No. VA08-008

Date: June 23, 2008

Prepared By: Kelly Mullin, Planner

GENERAL INFORMATION SUMMARY

Applicant: Alvis F. Davis, Jr.

Requested Action: To vary the eastern side yard setback from eight feet to six feet in order to legalize an existing encroachment by a detached garage, as authorized in Article 804 of the Washoe County Development Code. The project is located at 8055 Blackfoot Way, approximately 250 feet west of its intersection with Seneca Drive. The ±.518-acre parcel is designated Specific Plan (SP) in the North Valleys Area Plan, Medium Density Suburban (MDS) in the Reno-Stead Corridor Joint Plan and is situated in a portion of Section 17, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 082-232-03)

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 approves Variance Case No. VA08-008 with conditions for Alvis F. Davis, Jr. for a side yard setback reduction from 8-feet to ±6-feet having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property, including the exceptional situation and condition of the property and location of surroundings due to survey inconsistencies, whereby the strict application of the

regulation would result in an exceptional and undue hardship upon the owner of the property;

2. No Detriment. That the request 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. That 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. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. That the variance will not have a detrimental effect on the location, purpose and mission of any military installation; 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.

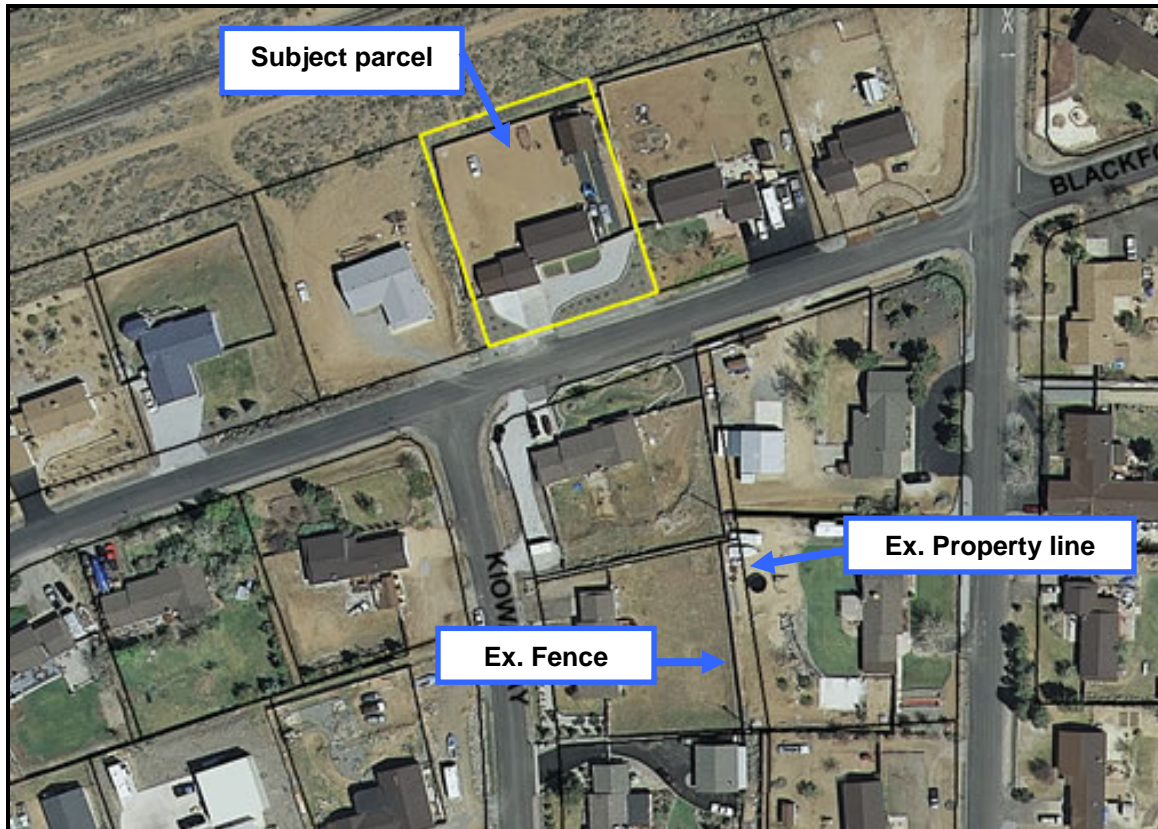
ANALYSIS

Background:

The subject property is located approximately 250-feet west of the intersection of Blackfoot Way and Seneca Drive in the Horizon Hills subdivision. The parcel is slightly more than ½-acre in size and is in the Medium Density Suburban (MDS) regulatory zone. The subdivision was recorded in 1964, the residence was constructed in 1979, and the subject detached garage was constructed in 1999.

Properties located within MDS regulatory zones require a side-yard setback of 8-feet from the property line. At its closest point, the existing detached garage is 6-feet from the eastern property line. The applicant wishes to vary the side yard setback from 8-feet to ±6-feet in order to bring the existing garage into conformance with the required setbacks. The applicant has indicated that both he and his neighbor had believed that their shared fence was on the property line, although it is actually located partially within the neighbor's property boundaries. When the detached garage was constructed in 1999, the setback distance was measured from the fence instead of the actual property line, resulting in a 2-foot encroachment for a portion of the garage.

Based upon aerial photos of the neighborhood, it appears very likely that many of the properties in the Horizon Hills subdivision were incorrectly surveyed in the past, resulting in similar situations throughout the area where fences are located several feet off of property lines. Many of these anomalies are visible in the aerial photo below.



Example of other properties in vicinity with likely surveying errors

Special Circumstances/Hardship or Self-Induced Hardship:

The circumstances for the finding of a hardship are articulated in Article 804 of the Development Code. They are:

- (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.

Although the subject parcel is essentially rectangular and flat, staff believes that the likely surveying errors warrant a finding of special circumstances as an “exceptional situation or condition of the property and/or location of surroundings.” Staff feels that the

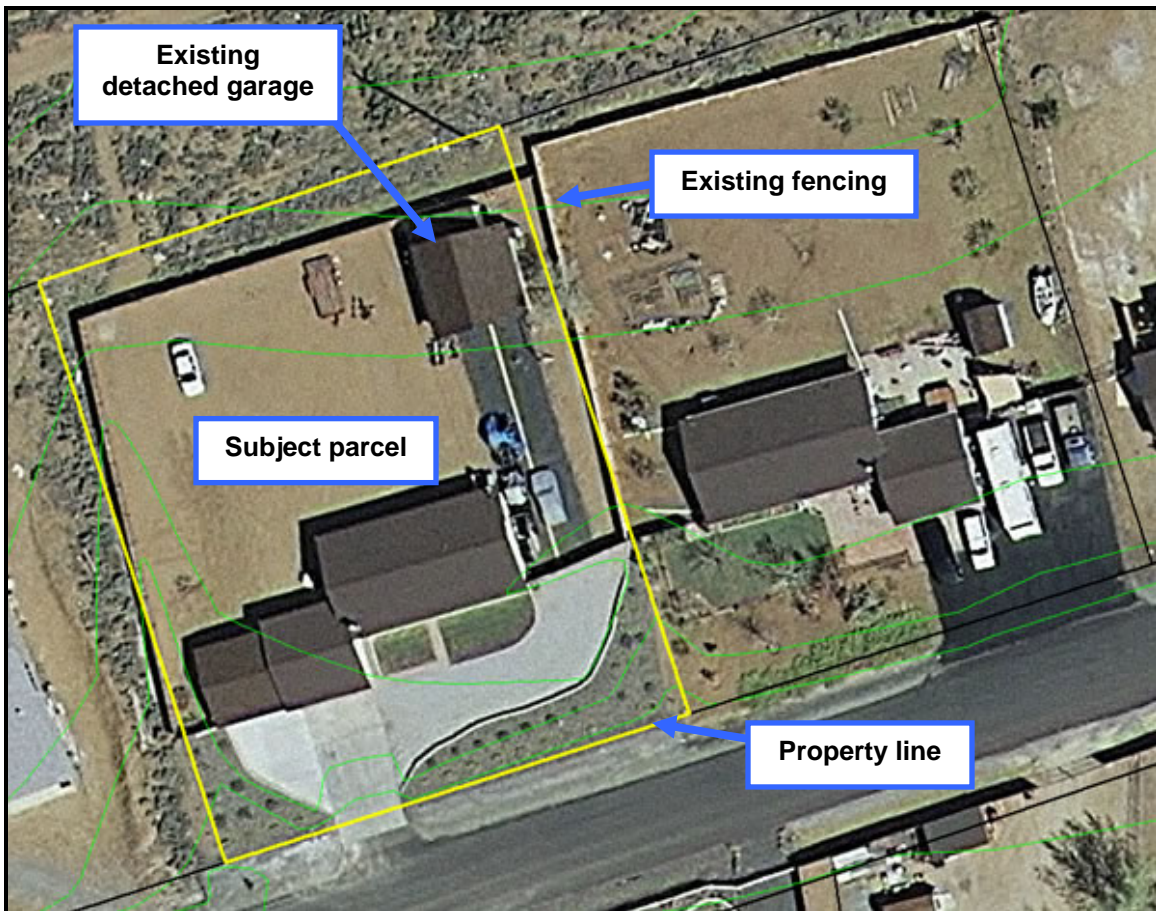
appropriate findings can be made in accordance with Article 804 to recommend approval of the variance request. Approval of the request would bring the existing detached garage into legal conforming status.

Impacts:

As the neighbor to the east has provided a letter in support of the requested variance, it is staff's opinion that there would be no negative impacts to surrounding properties. However, in order to reduce the likelihood of further setback encroachments, staff is conditioning that all boundary fencing near the eastern and western property lines be relocated to ON the property lines prior to the property being sold. In the event a neighbor may not wish to relocate fencing located on their side of the property line, the applicant has the option of constructing additional fencing to meet this requirement.

All mandated findings may be made, including a finding of no significant impact.

OVERHEAD VIEW OF SUBJECT PARCEL WITH 2' CONTOURS



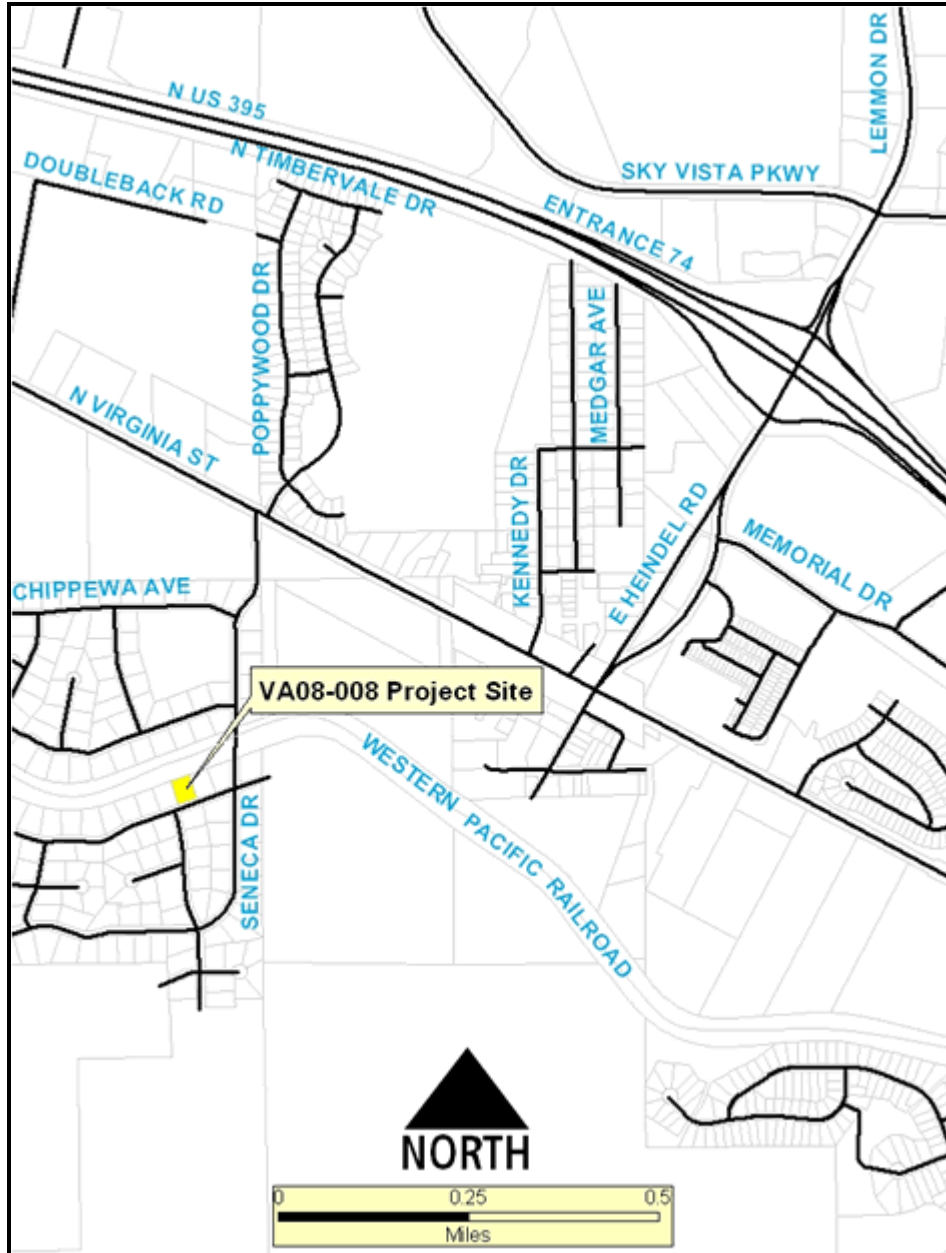
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SITE PHOTO



Area affected by variance request

VICINITY MAP



To: Washoe County Board of Adjustment
Re: VA08-008 (Alvis F. Davis, Jr.)
Date: June 23, 2008
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LAND USE SUMMARY

Land Use Designations:

The project site has a land use designation of Medium Density Suburban (MDS).

Development Suitability Constraints:

There are no inventoried development suitability constraints on the subject parcel.

Area Plan Modifiers:

The variance request is subject to the North Valleys Area Plan Modifiers listed in Article 208 of the Development Code. There are no modifiers that are particularly applicable to the development request.

Parking Required:

The variance request does not necessitate any additional parking.

Landscaping Required:

Washoe County Development Code, Section 110.412.10 Exemptions (a): Residential Use Types, states that the proposed project is exempt from the landscaping requirements found in Article 412 of the Code.

AGENCY COMMENTS

The plans were submitted to involved agencies and no adverse comments were received.

CITIZEN ADVISORY BOARD COMMENTS

This project was heard at the June 9, 2008 meeting of the North Valleys Citizen Advisory Board. The CAB voted unanimously to recommend approval of the variance.

APPLICABLE REGULATIONS

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

Attachments: NV CAB Comments Dated 6/9/2008
Letter from Janene Fletcher, Dated 6/18/08

xc: Owner/Applicant: Alvis F. Davis, Jr., 8055 Blackfoot Way, Reno, NV 89506

To: Washoe County Board of Adjustment
Re: VA08-008 (Alvis F. Davis, Jr.)
Date: June 23, 2008
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**CONDITIONS OF APPROVAL FOR
VARIANCE CASE NO. VA08-008
ALVIS F. DAVIS, JR.
(As recommended by Department of Community Development
and attached to Staff Report dated June 23, 2008)**

*****IMPORTANT—PLEASE READ*****

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

GENERAL INSTRUCTIONS

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 TO 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.

To: Washoe County Board of Adjustment
Re: VA08-008 (Alvis F. Davis, Jr.)
Date: June 23, 2008
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EXPIRATION OF THIS VARIANCE IS SUBJECT TO SECTION 110.804.55 OF THE WASHOE COUNTY DEVELOPMENT CODE.

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 VA08-008

1. The applicant shall demonstrate substantial 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.
2. A copy of the Action 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 Action Order and site plan are attached.
3. Within ten (10) working days from the expiration of the appeal period for this variance, the applicant shall record the Action Order for VA08-008 at the County Recorder's Office in association with the property located at 8055 Blackfoot Way (APN: 082-232-03).

PRIOR TO THE SALE OF THIS PROPERTY, THE APPLICANT/PROPERTY OWNER SHALL RELOCATE THE FENCING ALONG THE EASTERN AND WESTERN PARCEL BOUNDARIES AND/OR CONSTRUCT ADDITIONAL FENCING TO BE LOCATED ON THE PROPERTY LINES IN ORDER TO REDUCE THE LIKELIHOOD OF FURTHER SETBACK ENCROACHMENTS.

Should the applicant not timely record or not comply with the above stated condition within the time specified, this variance approval will become null and void. The Department of Community Development shall determine compliance with this condition.

***** END OF CONDITIONS *****

NORTH VALLEYS CITIZEN ADVISORY BOARD



MEMORANDUM

TO: Kelly Mullin, Staff Representative
FROM: Allayne Everett, Recording Secretary
DATE: June 17, 2008
RE: Variance Case – VA08-008 Alvis F. Davis, Jr.

The following is a portion of the draft minutes of the North Valleys Citizen Advisory Board held June 9, 2008.

Variance Case - VA08-008 (Alvis F. Davis, Jr.) – Alvis Davis, Jr. was available to present his request to vary the eastern yard setback from eight feet to six feet in order to legalize an existing encroachment by a detached garage, as authorized by Article 804 of the Washoe County Development Code. The project is located at 8055 Blackfoot Way, approximately 250 feet west of its intersection with Seneca Drive. The ±.518-acre parcel is designated Specific Plan (SP) in the North Valleys Area Plan, Medium Density Suburban (MDS) in the Reno-Stead Corridor Joint Plan. VA08-008 is tentatively scheduled for review by the Board of Adjustment on July 3, 2008. Contact Kelly Mullin, Staff Representative at 775.328.6187 with questions or concerns. **MOTION:** Jack Selin moved to recommend approval of VA08-008 Alvis F. Davis Jr. as presented. Debra Rich seconded the motion. The motion carried.

Comments and Concerns

- Mr. Davis stated that he had the project permitted and also stated that a surveyor was unable to find all but one of the survey markers.
- Mr. Davis stated that he wants to bring the property to code so he would not have a problem in the future.
- Mr. Davis stated that none of his adjacent neighbors have stated opposition to this variance.
- There was no opposition heard from the audience or community.

c: Bonnie Weber, Commissioner
Kitty Jung, Commissioner
Glen Pedersen, Acting Chair.
Bob Webb, Planning Manager
Lorrie Adams, Community Outreach Coordinator

RECEIVED

JUN 24 2008

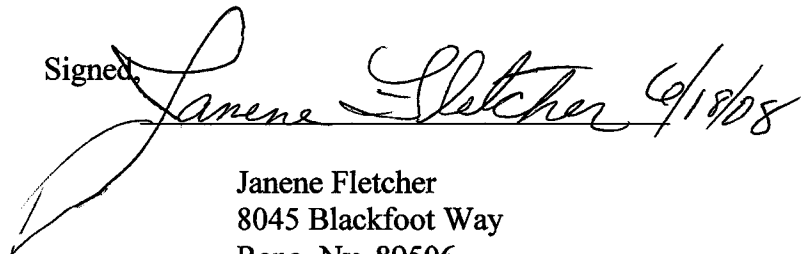
WASHOE COUNTY
COMMUNITY DEVELOPMENT

Janene Fletcher
8045 Blackfoot Way
Reno, Nv. 89506

To whom it may concern,

I Janene Fletcher have no issues with the side set back variance, on the west of our property line, that Al Davis at 8055 Blackfoot Way has applied for.

Signed,

A handwritten signature in cursive script that reads "Janene Fletcher" followed by the date "6/18/08". The signature is written in black ink and is positioned to the right of the word "Signed,".

Janene Fletcher
8045 Blackfoot Way
Reno, Nv. 89506