

# HANDOUT

## VARIANCE

# PERMITS+PLUS ZONE

**Washoe County**  
**Permits Plus Zone**  
1001 East Ninth Street  
PO Box 11130  
Reno, NV 89520-0027



## What is a Variance?

Every building in the County must comply with certain standards, such as building height, setback requirements, or other standards established by the Board of County Commissioners in the Washoe County Development Code. Different standards apply in different land use designations. In some instances, it is difficult, if not impossible, to strictly comply with these standards. In such cases, equity demands that a variance from the standards be allowed:

Typically, a variance is requested for lots with unique physical conditions that create a hardship, such as unusual shape, difficult topography, poorly placed existing structures, or unbuildable areas due to wetlands, public easements, etc. In such cases, a variance may grant relief from one or more of the land use standards. It should be noted, however, that a variance may not be granted to allow a use that is not legally permitted in a given land use designation, or to enhance property values where no hardship on the property exists.

## How is the Application Processed?

The first step is to discuss your proposal informally with Community Development staff. If what you propose requires a variance, you will be provided with the necessary information and application forms to process your proposal. Applications can only be submitted by the property owner or the owner's authorized agent. In every case, the application must be signed by the property owner(s).

Each submittal must include the information listed on the variance application. After accepting your submittal for processing, a staff member will review the application for completeness. **If your application is found incomplete, you will be notified and asked to submit the additional information required to process your application. This may delay the scheduling of your application for a public hearing.**

All applications are processed on a monthly cycle and are due by the 15<sup>th</sup> day of each month (or the first working day thereafter if it falls on a weekend or holiday) by 3:00 p.m. After you submit a completed application accompanied by the appropriate fee, a copy of the request will be sent to other agencies for comments on how the proposal will affect traffic, parking, availability of public facilities and utilities, water, and any other relevant impacts.

## The Public Hearing

Variance requests are typically considered by the Washoe County Board of Adjustment but may be scheduled before the Washoe County Planning Commission if in combination with another request. Public hearings for the Board of Adjustment are on the first Thursday of every month. Public hearings for the Planning Commission are on the first and third Tuesdays of every month. Hearings for variances are held within 65 days after the application is submitted; and, in most cases, applications are scheduled for a public hearing six weeks after the submittal date. Notice of the hearing is mailed to the applicant and to all property owners and mobile home park occupants within 100 feet, when the variance request is for a deviation of thirty percent (30%) or less, and within 500 feet, if the application is for a variance thirty-one percent (31%) or more, and to at least 30 different surrounding property owners within the vicinity of the perimeter of the subject property.

Prior to the public hearing, the Community Development staff will prepare a written report based on an investigation and analysis of the facts and if the mandated findings for a variance can be made. The application is approved or denied based on the information in the staff report, reviewing agency and Citizen Advisory Board concerns, and the public testimony. The

applicant and any interested parties will be mailed a copy of the report and an agenda of the hearing.

The property owner desiring the variance must show that the proposal meets the following Development Code findings:

1. Special Circumstances. Because of the special circumstances applicable to the property, including either the:
  - a) Exceptional narrowness, shallowness or shape of the specific piece of property, or
  - b) By reason of exceptional topographic conditions, or
  - c) 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.
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; and.
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.

In addition, all requests for variances must comply with the Washoe County building codes, International Fire Codes and District Health Department codes. Other agencies and organizations that will review your application include local utility companies, general improvement districts, the Nevada Department of Environmental Protection, and, in some instances, other state and federal agencies. Your application will also be reviewed by your area's local Citizen Advisory Board (CAB). It is recommended that you contact the CAB prior to the public hearing and attend any meetings for which your project has been agendized. To find out where and when your local CAB meets, please call the Department of Community Development at 328-3600. In some instances, your proposal may require review by the Washoe County Design Review Committee for site design, landscaping, and architectural design elements. Review by the Design Review Committee is typically a condition of approval placed on the project at the public hearing.

### **Appeals to the Board of County Commissioners**

If a variance application is approved or denied by the Board of Adjustment or Planning Commission, any aggrieved party is entitled to appeal the decision to the Board of County Commissioners. An appeal must be filed within 10 days of the decision.

In addition, it is also important to know that, if an application is approved, it does not become final for 10 days after the decision of the Board of Adjustment or Planning Commission. During this time, any aggrieved party may file an appeal to reverse the decision approving or denying a variance application.

### **How Much Does it Cost?**

A current fee schedule may be obtained:

- From the Department of Community Development at Building A, second floor, Washoe County Administration Complex.
- By calling (775) 328-6100, or
- By accessing our web site at [www.washoecounty.us](http://www.washoecounty.us).

The submitted fee is 50% refundable after distribution to the agencies for review and is nonrefundable once the written analysis by Community Development staff has commenced.

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### **More Information**

The Washoe County Development Code and Comprehensive Plan are available on line at [www.washoecounty.us](http://www.washoecounty.us). Variance procedures are found under Division Eight, Article 804, of the Development Code

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