



# Board of Adjustment Staff Report

**Meeting Date: October 1, 2015**

Subject: Special Use Permit Case Number SB15-006  
Applicant: Booth Family Trust  
**Agenda Item Number: 9E**  
Project Summary: This application is for a detached accessory dwelling to be constructed on top of an existing garage located at 61 Shoreline Circle, Incline Village, Nevada  
**Recommendation: Approval with Conditions**  
Prepared by: Eric Young - Planner  
Planning and Development Division  
Washoe County Community Services Department  
Phone: 775.328.3613  
E-Mail: eyoung@washoecounty.us

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## **Description**

**Special Use Permit Case Number SB15-006 (Booth Accessory Dwelling)** – Hearing, discussion, and possible action to approve an Accessory Dwelling at 61 Shoreline Circle, Incline Village, Nevada.

- Applicant/Property Owner: Corwin and Caroline Booth
- Location: 61 Shoreline Circle, Incline Village, Nevada
- Assessor's Parcel Number: 122-162-15
- Parcel Size: .355 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 304, Accessory Structures and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Birkbigler
- Section/Township/Range: Section 21, T16N, R18E, MDM, Washoe County, NV

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**Exhibits Contents**

Conditions of Approval ..... Exhibit A  
Public Notice ..... Exhibit B  
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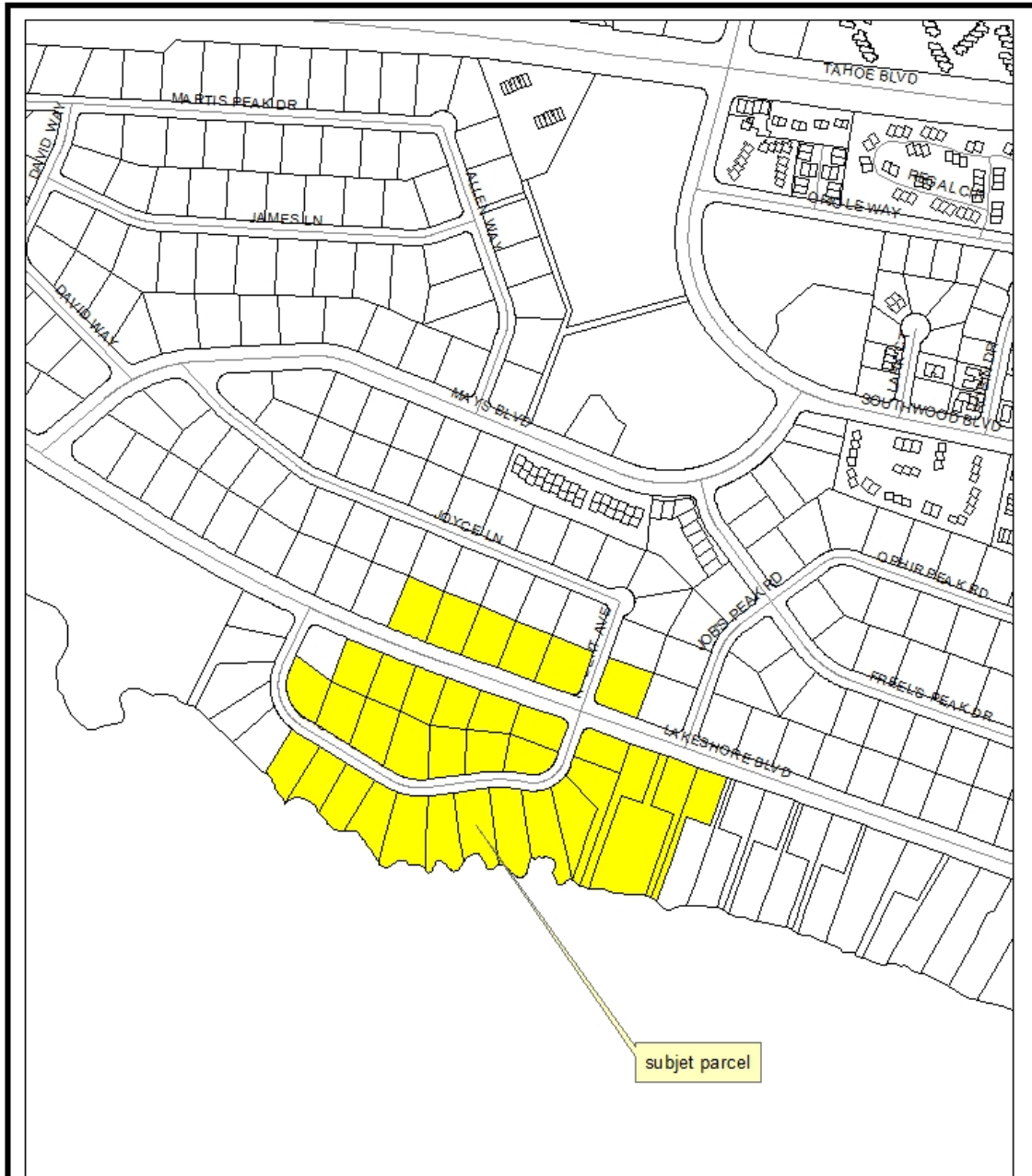
**Special Use Permit**

The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is 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:

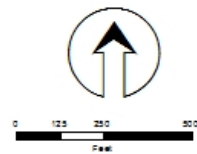
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

The Conditions of Approval for Special Use Permit Case Number SB15-006 are attached to this staff report and will be included with the Action Order.

**Vicinity Map**



Vicinity  
SB15-006 Booth Accessory Dwelling  
Tahoe 35 parcels selected at 500ft.



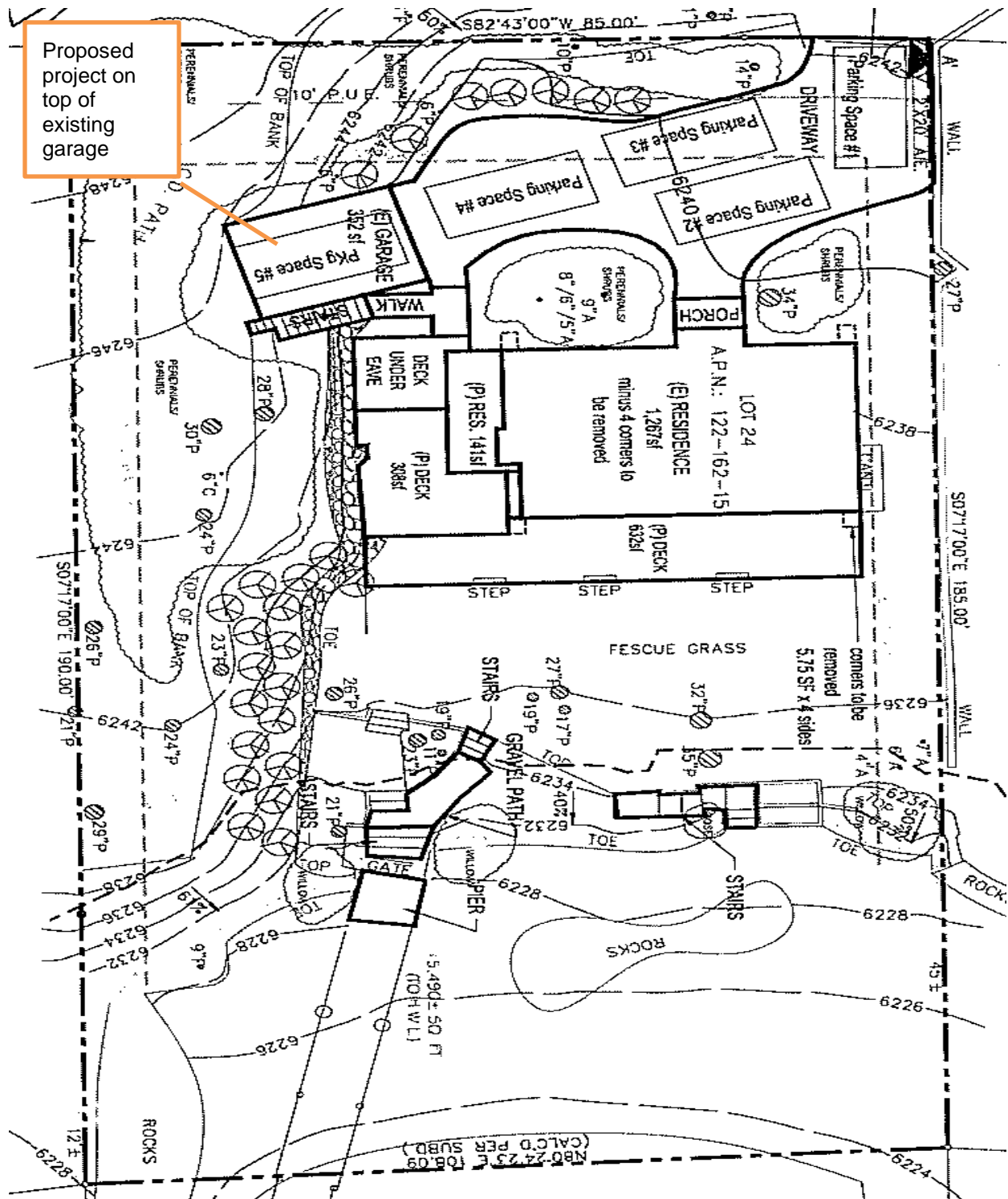
Community Services  
Department  
**WASHOE COUNTY**  
NEVADA  
Post Office Box 11120  
Reno, Nevada 89520 (775) 225-2600

Source: Planning and Development Division

Path to map

August 19, 2015

### Site Plan



## **Project Evaluation**

The proposed project is a detached accessory dwelling of 275 square-feet to be located at 61 Shoreline Circle in Incline Village. The accessory dwelling would be constructed atop an existing garage and would not increase any building footprints on the site. Staff finds that the existing parking of five spaces and the substantial existing landscaping are adequate to support this small addition of living space to the property. The increase in bulk is minimal and the existing landscaping will do a good job of visually mitigating the small increase. The minimal impact to the existing site is also reflected in the fact that the neighbors on the adjacent parcels have not voiced any concerns, nor have any of the reviewing agencies. Staff visited the site and concluded that there will be no substantive visual impact in regard to both character and view shed obstruction. The project will be conditioned to match existing exteriors regarding color and material. If any negative comments or concerns from the neighbors are received after the completion of this staff report but prior to the Board of Adjustment hearing on this case, staff will provide that information at the hearing.

## **Incline Village/Crystal Bay Citizen Advisory Board (IVCBCAB)**

The proposed project was presented by the applicant at the regularly scheduled Citizen Advisory Board meeting on September 28, 2015. Unfortunately this date is too close to the Board of Adjustment (BOA) meeting date to include comments from the CAB in this staff report. However, staff will be prepared to discuss the CAB's response at the BOA meeting.

## **Reviewing Agencies**

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

- Washoe County Community Services Department
  - Planning and Development
  - Engineering and Capitol Projects
- Incline Village General Improvement District
- Tahoe Regional Planning Agency

One of the above listed agencies/departments recommended conditions of approval in response to their evaluation of the project application. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed the requirement to construct the project substantially consistent with the proposed plan submitted with the application, to utilize substantially matching colors and materials to existing structures, and provided a timeframe within which to complete the project.

Contact: Eric Young, 775.328.3613, eyoung@washoecounty.us

## **Staff Comment on Required Findings**

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan.

Staff Comment: The Master Plan, including the Tahoe Area Plan, does not include any action programs, policies, standards or maps that impact this project. Therefore, the project is consistent with those plans.

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.

Staff Comment: This project was reviewed by the Engineering and Capital Projects Division as well as the Incline Village GID. This project is found to contain no negative impacts to existing public facilities, and will be adequately served by all relevant existing public facilities.

3. Site Suitability. The site is physically suitable for a detached accessory dwelling, and for the intensity of such a development.

Staff Comment: The site for this project has no physical limitations or other circumstances that render it unsuitable for the proposed detached accessory dwelling. The site is currently developed with a single family home and a detached garage. The proposed dwelling will be constructed on top of an existing garage and will have virtually no impact on the function or character of this site.

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Staff Comment: This project does not present any public health, safety or welfare issues. The proposed structure will be constructed on top of an existing garage. The additional height does not impact the adjacent neighbors, or obstruct the view from existing properties. The project will have a neutral impact on the established character of the area.

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: No military installations were required to be noticed for this project. There are no conceivable impacts to any military installation.

## **Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case Number SB15-006 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 with conditions, Special Use Permit Case Number SB15-006 for the Booth Family Trust, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a detached accessory dwelling, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

### **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 Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc: Applicant/Property Owner: Booth Family Trust, c/o Caroline Booth  
1901 Harrison Street, Ste. 1580  
Oakland, California 94612





# Conditions of Approval

Special Use Permit Case Number SB15-006

The project approved under Special Use Permit Case Number SB15-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 1, 2015. 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 Special Use Permit 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 Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit 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 Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit 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 Development**

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

Contact Name – Eric Young, 775.328.3613, eyoung@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.
- b. The color and material used for the exterior of the dwelling shall substantially match the existing colors and materials of existing building on site. Compliance with this condition shall be determined by the Planning and Development Division.
- c. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.
- d. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- e. 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.

The following **Operational Conditions** shall be required for the life of the project:

1. This special use permit shall remain in effect until or unless it is revoked or is inactive for one year.
2. Failure to comply with the Conditions of Approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Development Division.
3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Planning and Development Division to review Conditions of Approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Planning and Development Division of the

Washoe County Conditions of Approval

name, address, telephone number, and contact person of the new purchaser/operator

\*\*\* End of Conditions \*\*\*

# OFFICIAL NOTICE OF PUBLIC HEARING

DATE: September 21, 2015

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

**1:30 p.m., Thursday, October 1, 2015**

**County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512**

**PUBLIC HEARING: Special Use Permit Case Number SB15-006 (Booth Accessory Dwelling)** – Hearing, discussion, and possible action to approve an Accessory Dwelling at 61 Shoreline Circle, Incline Village, Nevada.

- Applicant/Property Owner: Corwin and Caroline Booth
- Location: 61 Shoreline Circle, Incline Village, Nevada
- Assessor's Parcel Number: 122-162-15
- Parcel Size: .355 acres
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- Development Code: Authorized in Article 304, Accessory Structures and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Birkbigler
- Section/Township/Range: Section 21, T16N, R18E, MDM, Washoe County, NV
- Staff: Eric Young - Planner  
Planning and Development Division  
Washoe County Community Services Department
- Phone: 775.328.3613
- E-Mail: eyoung@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at [www.washoecounty.us/csd/planning\\_and\\_development/](http://www.washoecounty.us/csd/planning_and_development/), choose **Boards and Commissions**, then **Board of Adjustment, Meetings, +2015**. Then click on the above referenced meeting date.

ORIGINAL

Community Services Department  
Planning and Development  
SPECIAL USE PERMIT APPLICATION



## 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.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: Booth			
Project Description: Submit for a SUP to allow a Detached Assessorly Dwelling Unit.			
Project Address: 61 Shoreline Circle			
Project Area (acres or square feet): 15,490 sf			
Project Location (with point of reference to major cross streets AND area locator): Property is south of Highway 28 on Lake Tahoe on the west side of Incline Village.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
122-162-15	0.355		
Section(s)/Township/Range: S21 T16 R18			
Indicate any previous Washoe County approvals associated with this application: Case No.(s) 15-1459, 15-2368, 223P, 69390B, 71369B, 93-0347			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Booth Family Trust c/o Caroline Booth		Name: JTC Consulting, LLC	
Address: 1901 Harrison Street, Ste 1580		Address: 584 Kiowa Drive	
Oakland, CA	Zip: 94612	South Lake Tahoe, CA	Zip: 96150
Phone:	Fax:	Phone: 530-416-2779	Fax:
Email: dbooth@cci-sf.com; dbooth4707@gmail.co		Email: jtconsulting@charter.net	
Cell: 415-412-0768	Other:	Cell:	Other:
Contact Person: Douglas Booth		Contact Person: Nicole Zaborsky	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

## Special Use Permit 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 special use permits may be found in Article 810, Special Use Permits.

1. What is the type of project being requested?

We request a Special Use Permit to allow a Detached Accessory Dwelling Unit in Medium Density Suburban (MDS) Zoning District. The property is zoned MDS. Per Washoe County Development Code Section 110.304.15(a)(2), a Detached Assessorly Dwelling Unit in MDS shall not exceed 800 sf or fifty percent of the total square footage of the main dwelling unit, whichever is smaller. The existing residence with the addition proposed in application 15-2368 will be 2816 sf, the 275sf of living space above the garage meets this criteria.

2. What currently developed portions of the property or existing structures are going to be used with this permit?

There is an existing detached garage on the property. Application 15-2368 plans to add a second story office with a bathroom above the garage. The desire is to make the second floor garage the caretaker's habitation space while the property owner residing at the home.

3. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

The new plumbing in the second floor garage office will be part of the 15-2368 project scope. The addition above the garage will be completed by October 15, 2016.

4. What is the intended phasing schedule for the construction and completion of the project?

Application 15-2368 will begin construction on the main residence addition as soon as the permit is issued, with a target date of September 15, 2015. The residential addition/remodel will continue through October 15, 2016.

5. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

There are five existing off-street parking spaces to accommodate the occupants of the residence and the detached accessory dwelling unit. The existing garage is outside the front and side yard setback and is well screened with native and adapted vegetation.

6. What are the anticipated beneficial aspects or effects your project will have on adjacent properties and the community?

The project will add a second floor onto an existing building footprint which will limit the ground disturbance, minimize visual mass and bulk of the structures, retain existing vegetation compared to adding more square footage onto the existing residence or connecting the garage to the residence. The proposed design of the Detached Accessory Dwelling Unit compared to a Detached Accessory Structure will look identical from the exterior.

7. What will you do to minimize the anticipated negative impacts or effects your project will have on adjacent properties?

We do not anticipate this project will have negative impacts or effects on adjacent properties. Should neighbors have concerns, we will address them during the application review and public comment period.



8. Please describe operational parameters and/or voluntary conditions of approval to be imposed on the project special use permit to address community impacts:

None are known at this time.

9. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

Five on-site.

10. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

The existing landscaping will be maintained during and after construction of the proposed addition/remodel.

11. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

There are no new exterior lighting or signs proposed as a part of this project.

12. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the special use permit request? (If so, please attach a copy.)

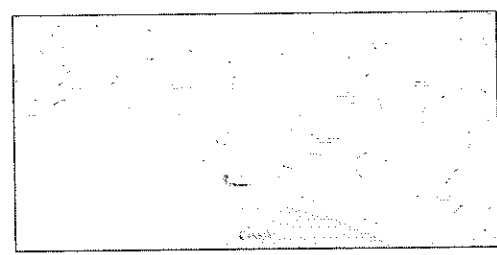
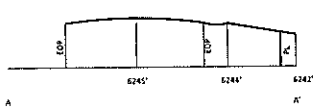
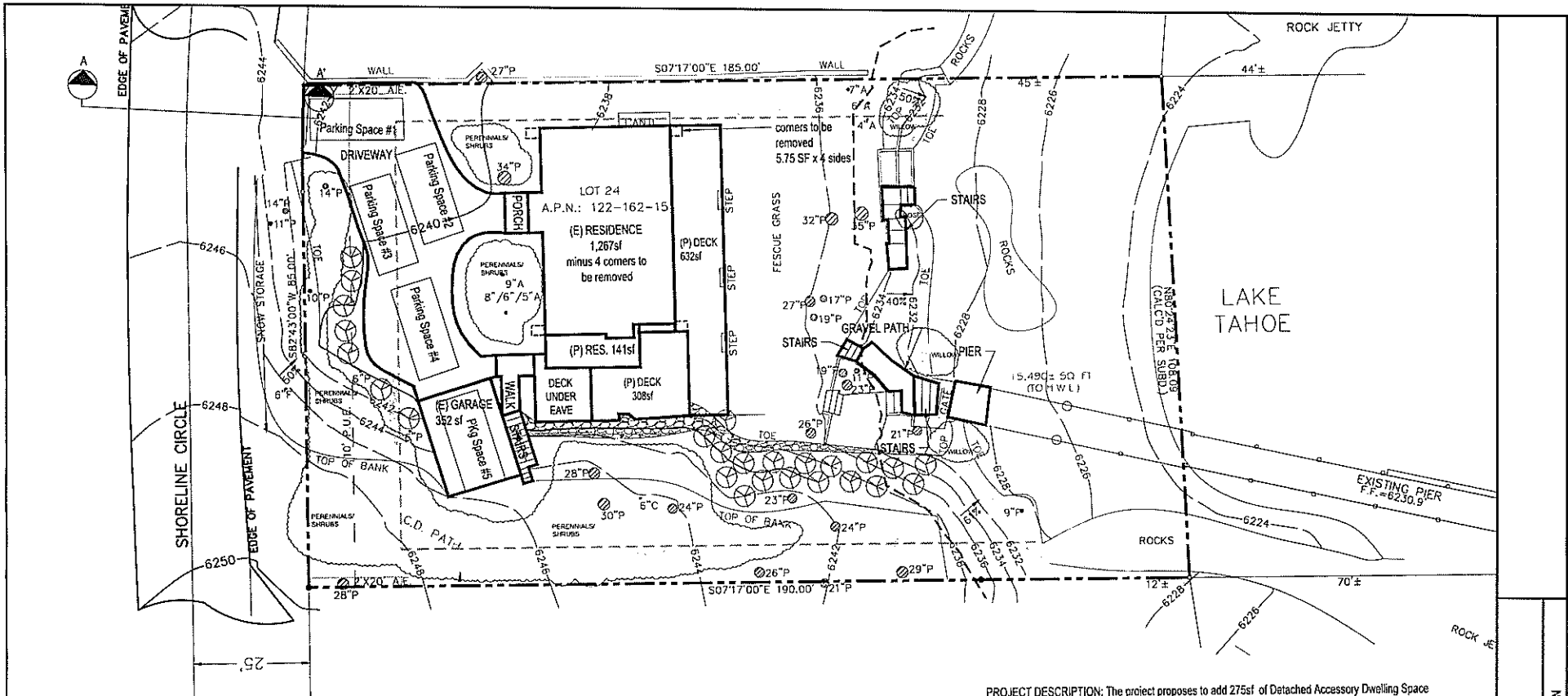
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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13. Community Sewer

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Community Water

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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PROJECT DESCRIPTION: The project proposes to add 275sf of Detached Accessory Dwelling Space above the garage.

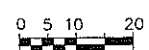
ZONING: Medium Density Suburban (MDS)

LOT SIZE: 15,480 sf

Plans comply with all applicable provisions of Washoe County Development Code

Plans drawn by: Douglas Booth

- LEGEND
- Property Line
  - - - - - Setback Line
  - 21"p Tree



SITE PLAN  
1"=10'-0"



BOOTH FAMILY TRUST  
 64 SHORELINE CIRCLE  
 APRIL 12, 2015  
 SPECIAL USE PERMIT APPLICATION SITE PLAN

07/06/2015

C1

