



Board of Adjustment Staff Report

Meeting Date: October 6, 2022

Agenda Item: 8D

VARIANCE CASE NUMBER: WPVAR22-0004 (Rushing Variance)

BRIEF SUMMARY OF REQUEST: To request a variance to the front yard setback for additions to an existing single-family dwelling.

STAFF PLANNER: Kat Oakley, Planner
Phone Number: 775.328.3628
E-mail: koakley@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a variance for a 14' encroachment into the 15' front yard setback for an addition to an existing single-family dwelling.

Applicant: GilanFarr Architecture
Property Owner: Heath & Amanda Rushing
Location: 27 Somers Loop
APN: 123-031-04
Parcel Size: 0.102 acres (± 4,459 s.f.)
Master Plan: Stateline Point
Regulatory Zone: Stateline Point
Area Plan: Tahoe
Development Code: Authorized in Article 804, Variances
Commission District: 1 – Commissioner Hill



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE 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 **deny** Variance Case Number WPVAR22-0004 for Heath and Amanda Rushing, having been unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

(Motion with Findings on Page 11)

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Variance Definition

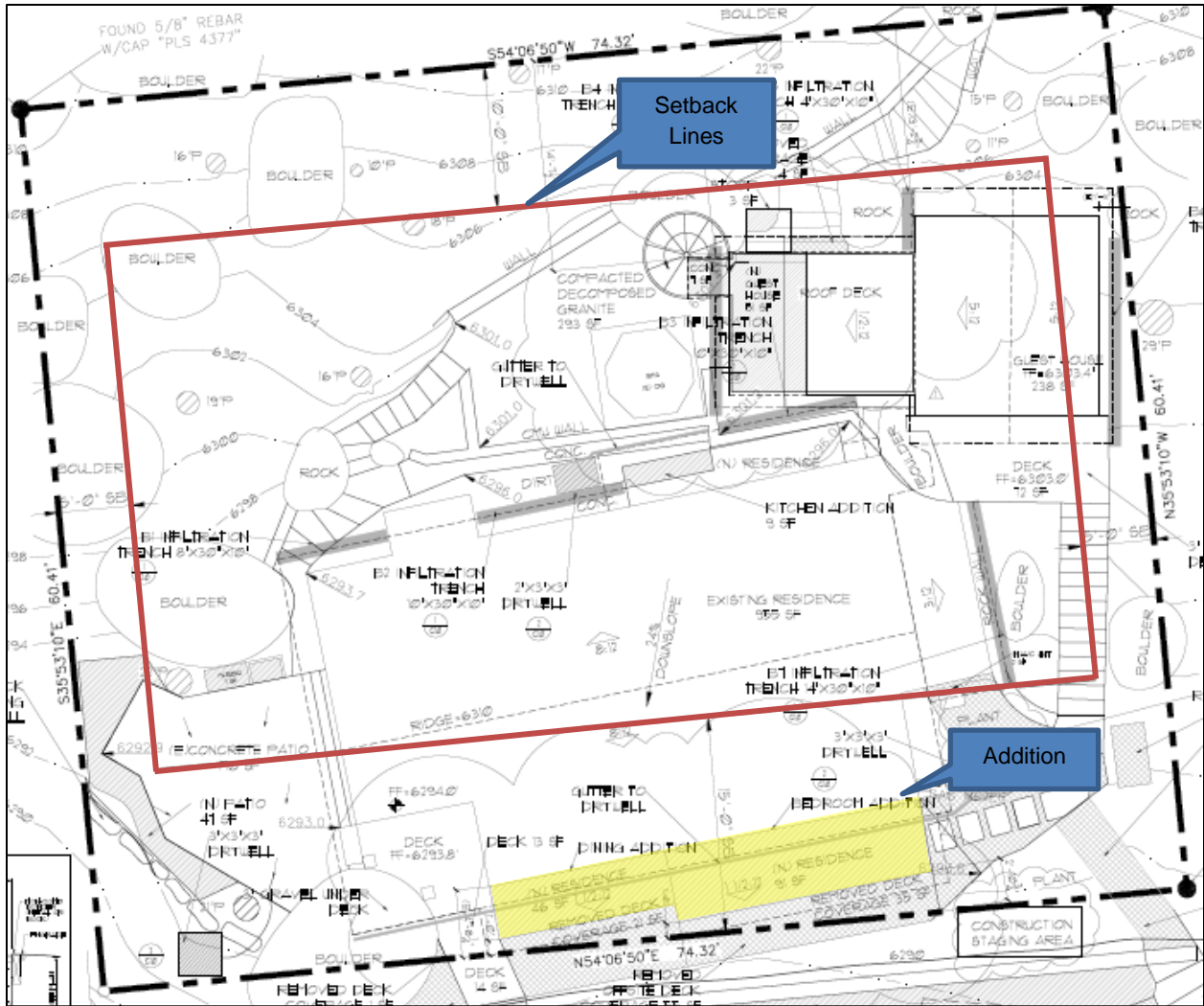
The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the variance, 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.

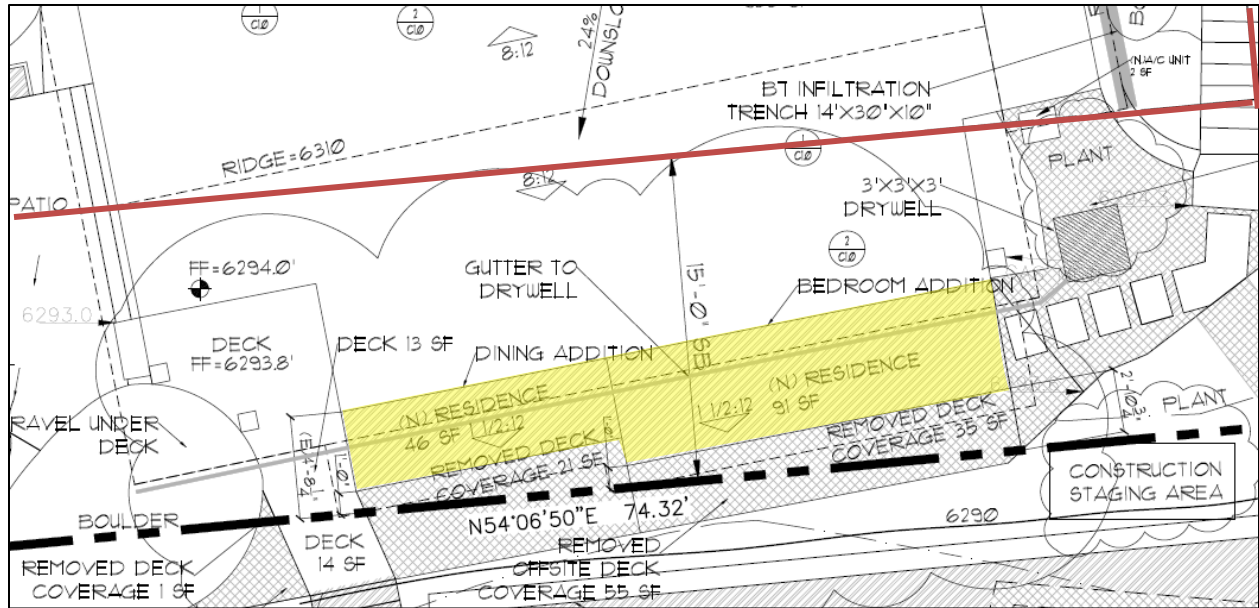
The applicant is seeking variance on the setback requirements. The Board of Adjustment will be ruling on this request.

Variance Requested	Relevant Code
Front yard setback off less than 15 feet	WCC 110.220.55

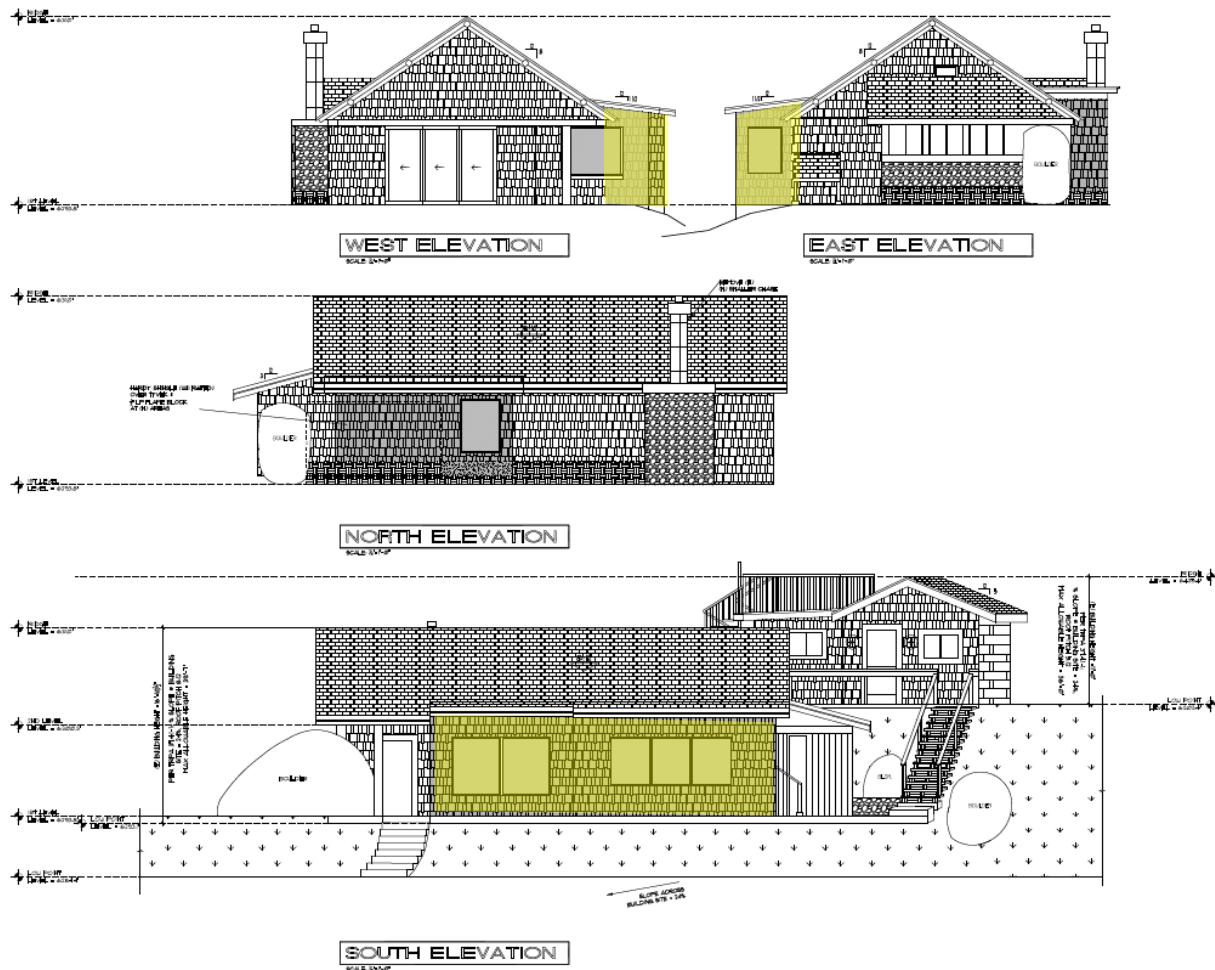
The subject property has a regulatory zone of Tahoe, Stateline Point (TA_SP) and is 4,459 square feet in size. The required setbacks are 15 feet from the front, 10 feet from the rear, and 5 feet from the side property lines. The applicant is requesting a reduction of the front yard setback from 15 feet to 1 foot for additions to a single-family dwelling.



Site Plan



Enlarged Site Plan



Elevations

Project Background/Evaluation

The subject parcel contains a single story 846 sf residence built in 1936 and a 223 sf guest house constructed in 1946. The parcel has a regulatory zone of Tahoe, Stateline Point (TA_SP). The existing main residence—the subject of this variance request—is currently located approximately 4ft 8in from the front property line. The structure predates the existing development code and current setback regulations. Per WCC 110.220.75, the existing setbacks for structures built legally prior to 2020 shall be considered the legal and conforming setbacks for the parcel; the structure is therefore conforming. There is no minimum lot size in the regulatory zone and the lot meets the minimum width requirement of 60 feet; the lot is therefore conforming.

The property owners, Heath and Amanda Rushing, purchased the subject parcel on December 31, 2019. They submitted a variance request for this and other additions on January 8, 2020. The request was heard by the Board of Adjustment on March 4, 2021 and was denied based on an inability to find that there were exceptional circumstances or that granting the variance would not afford special privileges to the property owners. This variance application requests the same addition, which involves a 137 square foot expansion within the front yard setback. The plans also show a 51 square foot expansion to the guest house and a 9 square foot addition to the back of the primary residence, both of which are outside of the setbacks and don't require a variance.

Since the denial of the previous variance request, the underlying zoning has changed from Low Density Suburban (LDS) to TA_SP. A notable element of this change is that the lot is no longer considered non-conforming as it relates to the lot size, as there is no minimum lot size for TA_SP. The lot was previously below the minimum square footage for the LDS regulatory zone. The regulatory setbacks, however, remain the same as they were when previously assessed: 15 feet from the front, 10 feet from the rear, and 5 feet from the sides. While these aren't standard LDS setbacks, the property was subject to Low Density Urban (LDU) setbacks due to WCC 110.406.05, which states the following:

If a lot does not meet the minimum lot size for the regulatory zoning for the lot, the yard requirements and setback dimensions shall be based on the lot size for the next densest regulatory zone for which the lot does meet minimum size for lots in that zone.

These setbacks provide the applicant with 2,251.2sf of legal buildable area in which to expand their home while maintaining their required setbacks. For this and reasons expounded upon below, staff believes that building within the front yard setback is a self-imposed hardship.

WCC 110.220.60 Sitting on Corner Lots and Sloped Lots

Significant slopes are not unusual in the Tahoe Area, and the Tahoe Area Plan—most recently updated April 15, 2021—anticipates the difficulties such slopes pose to development. WCC 110.220.60 allows structures to be built up to the front lot line when slopes in the front yard setback exceed 20%, so long as a certain set of standards can be met (WCC110.220.60(a)1-6). According to the applicant, slopes in the front yard setback are approximately 24%. WCC110.220.60(a)5 reads as follows:

(5) The maximum square footage of the portion of the structure designed to encroach on the established setback shall not exceed 25% of the size of the primary structure.

As stated in the application, 31% of the living area would fall within the front yard setback upon completion of the additions shown in the plans, precluding the utilization of this provision.

This aspect of the area plan provides a significant amount of flexibility for sloped lots that is not being employed by the applicant in their design. Its presence indicates that slopes over 20% are not, in fact, extraordinary in the region, a premise corroborated by slope data for the region shown

on the map below. Staff thus contends that there are no special circumstances and that granting this variance would constitute special privileges.



WCC 110.804 Variances

Staff Comment: Variances have some of the strictest legal requirements to allow staff to make a recommendation of approval. The Board must be able to make **all** five of the findings outlined in WCC.110.804.25. Staff is unable to make the finding a) Special Circumstances and finding c) no special privileges as outlined below.

Special Circumstances – Special Circumstances can be broken down into one of three types of special circumstances – exceptional narrowness, shallowness, or shape of the property; exceptional topographic conditions; or other extraordinary or exceptional situation.

1. **Shape of property** – The property is rectangular in shape and meets the minimum lot width requirements for the TA_SP regulatory zone. The applicant has 2,251.2sf of area in which to build that is within the required setbacks.
2. **Topographic Conditions** - The proposed parcel contains slopes that range from approximately 25% to 35%. There is an argument that there are exceptional topographic circumstances due to the presence of slopes greater than 15%. However, staff believes that this parcel is indeed buildable regardless of the slopes given that the parcel already contains a single-family residence (864sf) and guest house (223sf). Further, the applicant is proposing a 37sf expansion within the required setbacks under WBLD20-104356. An additional 51sf expansion of the guest house within the setbacks is also identified in this application, indicating that there is buildable area within the setbacks. Additionally, these slopes are not exceptional for the area; they are, in fact, common and specifically

addressed in the Tahoe Area Plan. As outlined in the discussion of WCC 110.220.60 Sitting on Corner Lots and Sloped Lots above, the development code provides flexibility for lots with slopes greater than 20% within the front yard setback. The applicant therefore could use the 2,251.2 square feet of building area outside of the required setbacks and additional space within the front setback with a slightly modified design. Therefore, staff does not believe there are exceptional topographic conditions precluding development on the subject parcel.

3. Exceptional Situation - Staff does not identify any other extraordinary or exceptional situation requiring a variance. The legal placement of the house within the setbacks of the regulatory zone does not preclude the applicant from living in and using their property within the bounds of the development code. Failure to grant a variance in this case **will not** result in the elimination of the economic value of the property right in its totality nor interfere with the investment backed expectations for the use of the house.

Special Privileges - Per WCC 110.220.75, existing setbacks for structures legally constructed prior to 2020 shall be considered the lot's legal setbacks. This provision applies to the subject primary residence, which was constructed in 1936. Expansion within the established setbacks is allowed if certain standards are met, including that "*no further intrusion into the setback is requested*" (WCC 110.220.75(c)). The proposed expansion of the main residence will total 137sf entirely within the existing front yard setback. This provision of the Tahoe Area Plan recognizes the prevalence of legally constructed buildings that do not conform with the current setbacks established through the regulatory zoning. Moreover, it provides significant flexibility for expansions to those structures. Therefore, granting a variance to expand within the established setbacks would constitute a special privilege not afforded to other structures in the Tahoe Area that also predate the development code.

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NV Water Resources	X	X		Steve Shell, sshell@water.nv.gov
Washoe County Building & Safety	X			
Washoe County Engineering & Capital Projects	X	X	X	Robert Wimer, rwimer@washoecounty.gov
Washoe County Water Rights Manager	X	X		Timber Weiss, tweiss@washoecounty.gov
WCHD EMS	X	X		Sabrina Brasuell, sbrasuell@washoecounty.gov
WCHD Environmental Health	X	X	X	James English, jenglish@washoecounty.gov
TMFPD	X			
Regional Transportation Commission (All Apps)	X			
Washoe-Storey Conservation District (All Apps)	X	X		Jim Shaffer, shafferjam51@gmail.com
Nevada State Historic Preservation	X			
Incline Village Roads	X	X	X	Rich Thomsen, rthomsen@washoecounty.gov
Nevada Tahoe Conservation District	X	X		
North Lake Tahoe FPD	X	X	X	Jennifer Donohue, jdonohue@nltfpd.net; Ryan Sommers, rsommers@nltfpd.net
Tahoe Regional Planning Agency	X			

All comments from the contacted agencies can be found in Exhibit A, Agency Comments.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, 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 variance application and has determined that the proposal is not in compliance with the required findings as follows.

- (a) **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; 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.

*Staff Comment: Staff **cannot** make the finding that there are special circumstances warranting a variance. There is adequate space to build within the legally required setbacks and the lot appears to be suitable for development regardless of the terrain. Staff provided a detailed analysis of these circumstances in Article 804, above.*

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

Staff Comment: Engineering staff provided conditions limiting county liability for damages which might arise out of normal snow removal operations. These mitigating conditions can be found in Exhibit A, Agency Comments. None of the reviewing agencies indicated any concerns.

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

*Staff Comment: Staff **cannot** make the finding that there are no special privileges. Granting this variance would be in contravention to WCC 110.220.75(c), which constrains the expansions of all other structures in the Tahoe Area that pre-date the development code. Staff provided a detailed analysis of this issue in Article 804, above.*

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

Staff Comment: The proposed use of a residential addition is allowed in the Tahoe, Stateline Point regulatory zone.

- (e) 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: There are no military installations within the noticing area. This variance would not have an impact on military installations.

Recommendation

After a thorough analysis and review, Variance Case Number WPVAR22-0004 is being recommended for denial. 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 **deny** Variance Case Number WPVAR22-0004 for Heath and Amanda Rushing, having been **unable** to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- (d) Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
- (e) 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’s 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 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 Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant: GilanFarr Architecture
aleks@gilanfarrarchitecture.com

Property Owner: Heath & Amanda Rushing
heath@newnr.com

Representatives: Phil Gilanfarr
phil@gilanfarrarchitects.com

**WASHOE COUNTY
HEALTH DISTRICT**
ENHANCING QUALITY OF LIFE

July 18, 2022

Washoe County Community Services
Planning and Development Division

RE: Rushing; 123-031-04
Variance Case; WPVAR22-0004

Dear Washoe County Staff:

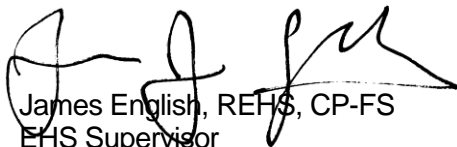
The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD) which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has no comments, concerns or requirements for this application as submitted.
- b) Condition #2: The property is served by community water and sewer infrastructure.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,


James English, REHS, CP-FS
EHS Supervisor
Environmental Health
Washoe County Health District



Oakley, Katherine

From: Program, EMS
Sent: Monday, July 18, 2022 11:08 AM
To: Oakley, Katherine
Cc: Program, EMS
Subject: FW: July Agency Review Memo I
Attachments: July Agency Review Memo I.pdf

Good morning,

The EMS Program has reviewed the June Agency Review Memo I – Variance Case Number WPVAR22-0004 (Rushing) and has no concerns or questions at this time based on the information provided.

Thank you,

Sabrina.

Sabrina Brasuell

EMS Coordinator | Epidemiology and Public Health Preparedness
Washoe County Health District

sbrasuell@washoecounty.gov | Cell: (775) 830-7118 | Office: (775) 326-6043

1001 E. Ninth St., Bldg. B. Reno, NV 89512



Please take our customer satisfaction survey by clicking [here](#)

Date: August 26, 2022

To: Kat Oakley, Planner, Planning and Building Division
From: Robert Wimer, P.E., Engineering and Capital Projects Division

Re: Variance Case WPVAR22-0004 – Rushing Setback Reduction Variance
APN 123-031-04

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application, prepared by GilanFarr Architecture, is for a variance to reduce the required building front yard setback for a residence along the southeast border of the parcel to one foot.

The Engineering and Capital Projects Division recommends approval of this variance case subject to the following conditions of approval:

1. 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 (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
2. Provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property which might arise out of normal snow removal operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.

Oakley, Katherine

From: Thomsen, Richard
Sent: Thursday, August 25, 2022 4:14 PM
To: Oakley, Katherine
Subject: Variance Case Number WPVAR22-0004 (Rushing Variance)

Kat,

I have reviewed the Rushing variance application and have no conditions regarding this application. Thank you and have a great day.



Rich Thomsen
Road Operations Supervisor | CSD Incline Village
RThomsen@washoecounty.gov | Office: 775.328.2180
625 Mt. Rose Highway Incline Village NV 89451



Oakley, Katherine

From: Jennifer Donohue <JDonohue@nltfpd.net>
Sent: Thursday, August 18, 2022 12:39 PM
To: Oakley, Katherine
Subject: NLTFPD Review of WPVAR22-0004

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Greetings Planner Oakley,
NLTFPD has no comments or conditions for WPVAR22-0004, as presented.

Regards,



Jennifer Donohue
Fire Marshal

Office: [775.831.0351](tel:775.831.0351) x8127 | Cell: [775.434.4555](tel:775.434.4555)

Email: jdonohue@nltfpd.net

[866 Oriole Way | Incline Village | NV 89451](#)



Oakley, Katherine

From: Steve Shell <sshell@water.nv.gov>
Sent: Monday, August 15, 2022 9:46 AM
To: Oakley, Katherine
Subject: WPVAR22-0004

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

The Division of Water Resources has no comment on this project.

As of June 1, 2021, the Office of the State Engineer is open to the public. Please call 684-2800 upon arrival and a representative will come down to escort you to our office.

Steve Shell

Water Rights Specialist II
Department of Conservation and Natural Resources
Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701
sshell@water.nv.gov
(O) 775-684-2836 | (F) 775-684-2811



NEVADA DIVISION
OF WATER RESOURCES



Nevada Department of
**CONSERVATION &
NATURAL RESOURCES**

Connect with us:   

Oakley, Katherine

From: Weiss, Timber A.
Sent: Wednesday, August 24, 2022 2:45 PM
To: Oakley, Katherine
Cc: Behmaram, Vahid
Subject: No Water Rights Comments for WPVAR22-0004 (Rushing Variance)

Hello, no comments on this variance.

Thank you,



Timber Weiss, PE | Professional Engineer

Engineering & Capital Projects Division | Community Services Department

1001 E. 9th Street, Bldg A Reno, NV 89512

tweiss@washoecounty.gov | Office Voice Mail: 775.954.4626 or 775.433.0769

Visit us first online: www.washoecounty.us/csd

For additional information, email engineering@washoecounty.us or call 775.328.2040





Washoe-Storey Conservation District

Bret Tyler Chairmen
Jim Shaffer Treasurer
Cathy Canfield Storey app
Jean Herman Washoe app

1365 Corporate Blvd.
Reno NV 89502
775 857-8500 ext. 131
nevadaconservation.com

August 23, 2022

Washoe County Community Services Department

C/O Kat Oakley, Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WPVAR22-0004 Rushing Variance

Dear Kat

In reviewing to variance for a fourteen -foot encroachment into the 15- foot front setback, the Conservation District has the following comment.

We recommend the addition exterior and roof materials match to the existing single-family dwelling.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources and any questions call us at (775) 750 8272.

Sincerely,

Jim Shaffer

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: 27 Somers Loop			
Project Description: Remodel of single story wood framed building with loft.			
Project Address: 27 Somers Loop, Crystal Bay NV 89402			
Project Area (acres or square feet): 530 sq ft			
Project Location (with point of reference to major cross streets AND area locator): 27 Somers Loop, Crystal Bay, NV 89402 / closest cross street is Somers Drive.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-031-04	.102		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Heath & Amanda Rushing		Name: GilanFarr Architecture	
Address: 125 Roger Stone Rd		Address: PO Box 446	
Madisonville, LA	Zip: 70447	Crystal Bay, NV	Zip: 89402
Phone: 601.876.7659	Fax:	Phone: 775.831.8001	Fax:
Email: heath@newnr.com		Email: phil@gilanfarrarchitects.com	
Cell:	Other:	Cell:	Other:
Contact Person: Heath Rushing		Contact Person: Phil GilanFarr	
Applicant/Developer:		Other Persons to be Contacted:	
Name: GilanFarr Architecture		Name:	
Address: PO Box 446		Address:	
Crystal Bay, NV	Zip: 89402		Zip:
Phone: 775.831.8001	Fax:	Phone:	Fax:
Email: aleks@gilanfarrarchitecture.com		Email:	
Cell: 925.557.8780	Other:	Cell:	Other:
Contact Person: Aleks Soto		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

**Variance Application
Supplemental Information**
(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

Front Setback

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

The size of the lot with standard setbacks does not allow for any modification to the front of the main house

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Additions are kept small and at or below the height of the existing house or guest house.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Will provide an updated front of the house improving the curb appeal. Update will also remove a portion of deck that is beyond the extent of the property line.

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

The ability to improve the existing house function and utilizing the allowable coverage.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

Yes No If yes, please attach a copy.

7. How is your current water provided?

East Stateline Point Watershed / MUNICIPAL

8. How is your current sewer provided?

IVGID Public Works / MUNICIPAL

SUMMARY APPRAISAL RECORD



APN: **123-031-04** **2020** PAGE 1 of 5 **ACTIVE** Roll YR Code %Comp

Situs 27 SOMERS LOOP CRYSTAL BAY Database PROD NBHD TRAC Appr AH Exemption AV|Exemption Reopen
 Owner RUSHING, HEATH A & AMANDA R Printed 2/13/2020 Crystal Bay Tax District 5200 Reappraisal

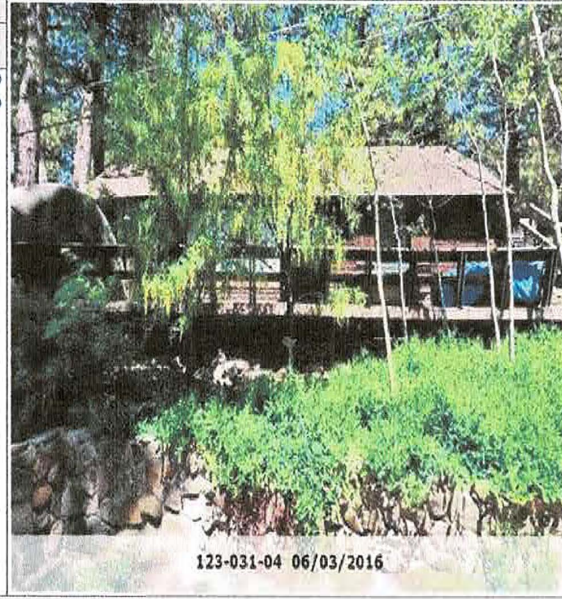
Valuation History **Parcel Value Summary** **OBSO** Change No Change

Yr Roll	Taxable Land	New Land	Taxable Imps	New Imps	Total Taxable	Total Assessed	Primary Valuation	STANDARD	NewLand
2020 VN	191,750		39,344		231,094	80,883	Land Value	191,750	
2020 NR	191,750		39,344		231,094	80,883	Building Value	38,424	
2019 FV	182,000		36,461		218,461	76,461	XFOB Value	920	Initials/Date
2018 FV	182,000		34,697		216,697	75,844	Obsolescence	0	Parcel Total
2017 FV	182,000		33,860		215,860	75,551	Taxable Value	231,094	New Const
2016 FV	182,000		33,638		215,638	75,473	Total Exemption		New Land
2015 FV	182,000		31,078		213,078	74,577			Remainder

NC C
 New Sketch

Building Data

Type	BLDG	Occ	Description	Frame	Yr Built	Way	% Comp	QC	RCN	DRC	SQFT	DRC \$/SQFT	Bldg OBSO
RES	1-1	001	Single Family Residence	01	SFR 1936	1936	100	20	117,687	29,423	864	34	0
RES	2-1	001	Single Family Residence	01	SFR 1946	1946	100	20	36,004	9,001	223	40	0



Land Value										Land Data		Property Characteristics			
Code	Description	Zoning	Units	Type	Unit Price	Adj 1	%-\$	Adj 2	%-\$	Taxable Land	Note	Land Size-Sf	Water	Municipal	
310	Two Single Family Units	LDS	1	ST	295,000.00	NOTE	65			191,750	8128-10/VIEN-25	4,459		Municipal	
												Acre Size	0.102	Sewer	Municipal
												DOR Code	310	Street	Paved
												Deferment		SPC	
												CAGC			

This information is for use by the Assessor for assessment purposes only.

APPRAISAL RECORD



APN: **123-031-04**

2020

PAGE 2 of 5

ACTIVE

Roll YR

Code

%Comp

Situs 27 SOMERS LOOP CRYSTAL BAY Database PROD NBHD TAAC Appr AH Exemption AV/Exemption
 Owner RUSHING, HEATH A & AMANDA R Printed 2/13/2020 Crystal Bay
 PO BOX 1608 CRYSTAL BAY, NV 89402 Tax District 5200

Reopen

Reappraisal

Valuation History

Parcel Value Summary

OBSO

Change

No Change

Yr Roll	Taxable Land	New Land	Taxable Imps	New Imps	Total Taxable	Total Assessed	Primary Valuation	STANDARD	NewLand	
2020 VN	191,750		39,344		231,094	80,883	Land Value	191,750		
2020 NR	191,750		39,344		231,094	80,883	Building Value	38,424		
2019 FV	182,000		36,461		218,461	76,461	XFOB Value	920	Initials/Date	
2018 FV	182,000		34,697		216,697	75,844	Obsolescence	0	Parcel Total	
2017 FV	182,000		33,860		215,860	75,551	Taxable Value	231,094	New Const	
2016 FV	182,000		33,638		215,638	75,473	Total Exemption		<input type="checkbox"/> NC <input type="checkbox"/> C	
2015 FV	182,000		31,078		213,078	74,577			New Land	
									Remainder	<input type="checkbox"/> New Sketch

Building Data

1-1	Code	Description	Adjustments & Modifiers	Name	Code/Units	Description	%	Name	Code/Units	Description	%
Type	RES	Residential	BUILDING LEVEL	BAPL	1	Base Appliance	100	BW	6	WOOD SHINGLE ON FRAME	100
Occ	001	Single Family Reside	Rate Adj	BED	2	Bedrooms	100	ROOF	2	COMPOSITION SHINGLE	100
Stry/Fnn	01 SFR	1 story	Lump Sum	BFLR	1	Base Flooring	100	HEAT	3	WALL FURNACE	100
Quality	20	Fair		BTRF	1	Bath - Full	100				
Year Built	1936		PARCEL LEVEL	FIX	5	Plumbing Fixtures	100				
WAY	1936		Lump Sum 0	FND	1	EXTERIOR	100				
Remodel Yr			%Obso 0.0000	LV	1	Living Units in Building	100				
% Comp	100	%DPR 75.0		SBSL	2	WOOD	100				

Sub Area			Extra Features																	
Code	Description	Yr Built	DPR Yr	Units	Price Per Unit	RCN	#	Code	Description	QC	BLDG #	Units	\$/Unit	Yr Built	Roll Year	%Comp	RCN	DRC	Override Value	Notes
1FL	FIRST FLOOR			864	129.34	111,747	1	FP61	FP 6GL 1-S	KRLD	1	1	3,681.04	1936		100	3,681	920		
CCP	COVERED CONCRETE			48	26.46	1,270														
LOO	LOFT UNFINISHED			85	15.41	1,310														
PEN	PORCH ENCLOSED			72	46.67	3,360														

Gross Living Area	864	Perimeter	124	Sub Area RCN	117,687
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Building Notes		Building Cost Summary	
GLA[1](864)	LOU[1](85)	Building RCN	117,687
PCS[1](48)	PEN[1](72)	Depreciation	88,264
PSW[1](48)		Building DRC	29,423
		Extra Feature DRC	920
		Building Obso	
		Total DRC	30,343
		Override Value	

Land Value: 1 Lines Total										Land Date		Property Characteristics		
Code	Description	Zoning	Units	Type	Unit Price	Adj 1	%-\$	Adj 2	%-\$	Taxable Land	Notes	Land Size-Sr	Water	Property Characteristics
310	Two Single Family Units	ZDS	1	ST	295,000.00	NOTE	65			191,750	8128-10/VIEW-25	4,459	Municipal	Municipal
												0.102	Sewer	Municipal
												310	Street	Paved
													Deferral	SPC
													CAGC	

This information is for use by the Assessor for assessment purposes only.

**WPVAR22-0004
EXHIBIT C**

APPRAISAL RECORD

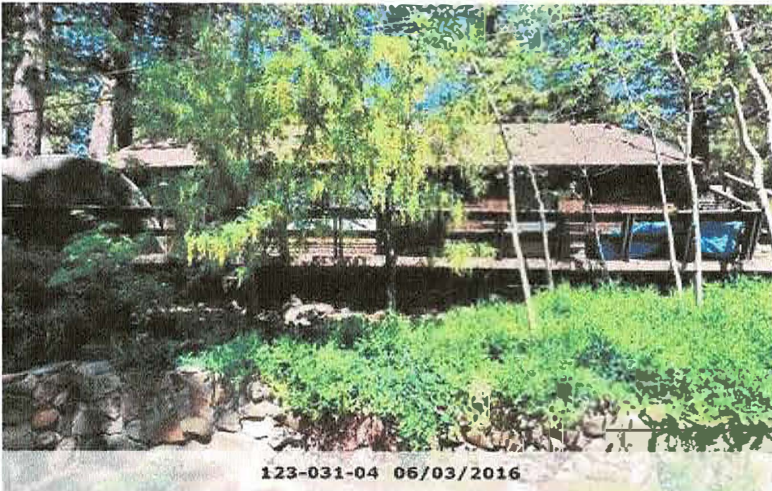
APN: **123-031-04**

PAGE 3 of 5

Owner **RUSHING, HEATH A & AMANDA R**
 Keyline Description **NEVADA VISTA ERAC LOTS 4 & 5 BLK C**

NBHD **TAAC Crystal Bay**

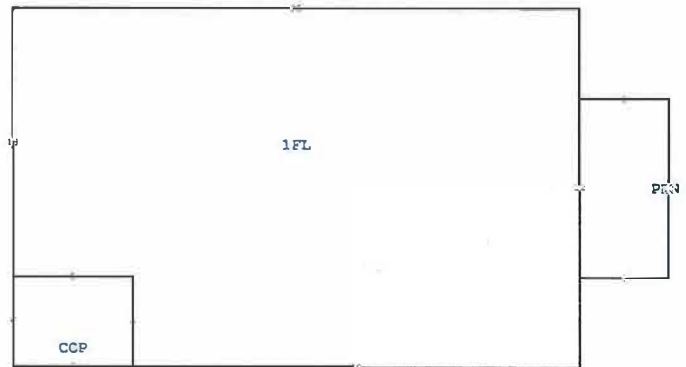
Appr **AH**



123-031-04 06/03/2016



Activity Information						
Date	User ID	Activity Notes				
10/4/2018	AH	Re-appraisal Review				
4/18/2014	HNS	Aerial Review				
11/21/2007	JC	Permit Review				
Sales/Transfer Information						
Grantor	Doc #	Date	LUC	Price	Verif	
BAUMGARTNER TRUST, J PET	4987838	12/31/2019	310	625,000	4BV	
	2133797	9/10/1997	310	245,000	2D	
Permit Information						
Date	Permit	Description	Amount	Status	% Comp	
6/12/2007	07-1957	REROOF		C	100%	



This information is for use by the Assessor for assessment purposes only.

APPRAISAL RECORD

APN: **123-031-04**

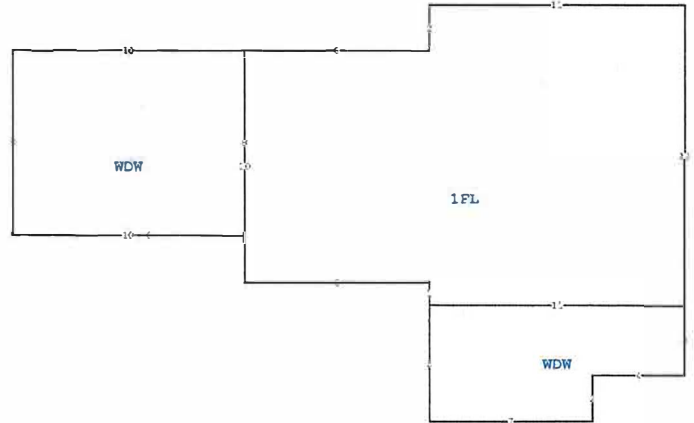
PAGE 5 of 5

Owner **ROSHING, HEATH A & ANDREA R**

NBHD **TAAC Crystal Bay**

Appr **AR**

Keyline Description **NEVADA VISTA FRAC LOTS 4 & 5 BLK C**



Activity Information						
Date	User ID	Activity Notes				
Sales/Transfer Information						
Grantor	Doc #	Date	LUC	Price	Verif	
BAUMGARTNER TRUST, J P ET	4987838	12/31/2019	310	625,000	4BV	
	2133797	9/10/1997	310	245,000	2D	
Permit Information						
Date	Permit	Description	Amount	Status	% Comp	

This information is for use by the Assessor for assessment purposes only.

27 Somers Loop

Variance Findings

1. *What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?*

The request is to reduce the front yard setback from 15 feet to 1-foot.

2. *What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?*

The house was originally built in 1936 and majority of the structure extends into the front setback with a portion extending over the property line.

The purpose of the variance request is to increase the bedroom and living space. The site is a 24% upslope directly from Somers' loop. There is no site location which would allow the additions due to TRPA regulations. TRPA coverage restricts adding or relocating coverage to other areas on the site since this is all Class 1A.

The existing house currently sites 4ft 8in back from the front property line and the deck extends 4 ft over the property line. The addition will replace the existing deck and the entire deck in front of the addition will be removed eliminating the structure extending past the property line.

In order to achieve the addition, we are requesting a 1-foot front setback. This does not change the parking or the access to the property. There is no other way to provide ample living space without damaging or removing the existing structure. The living area within the front setback is 31% of the total living area.

3. *What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?*

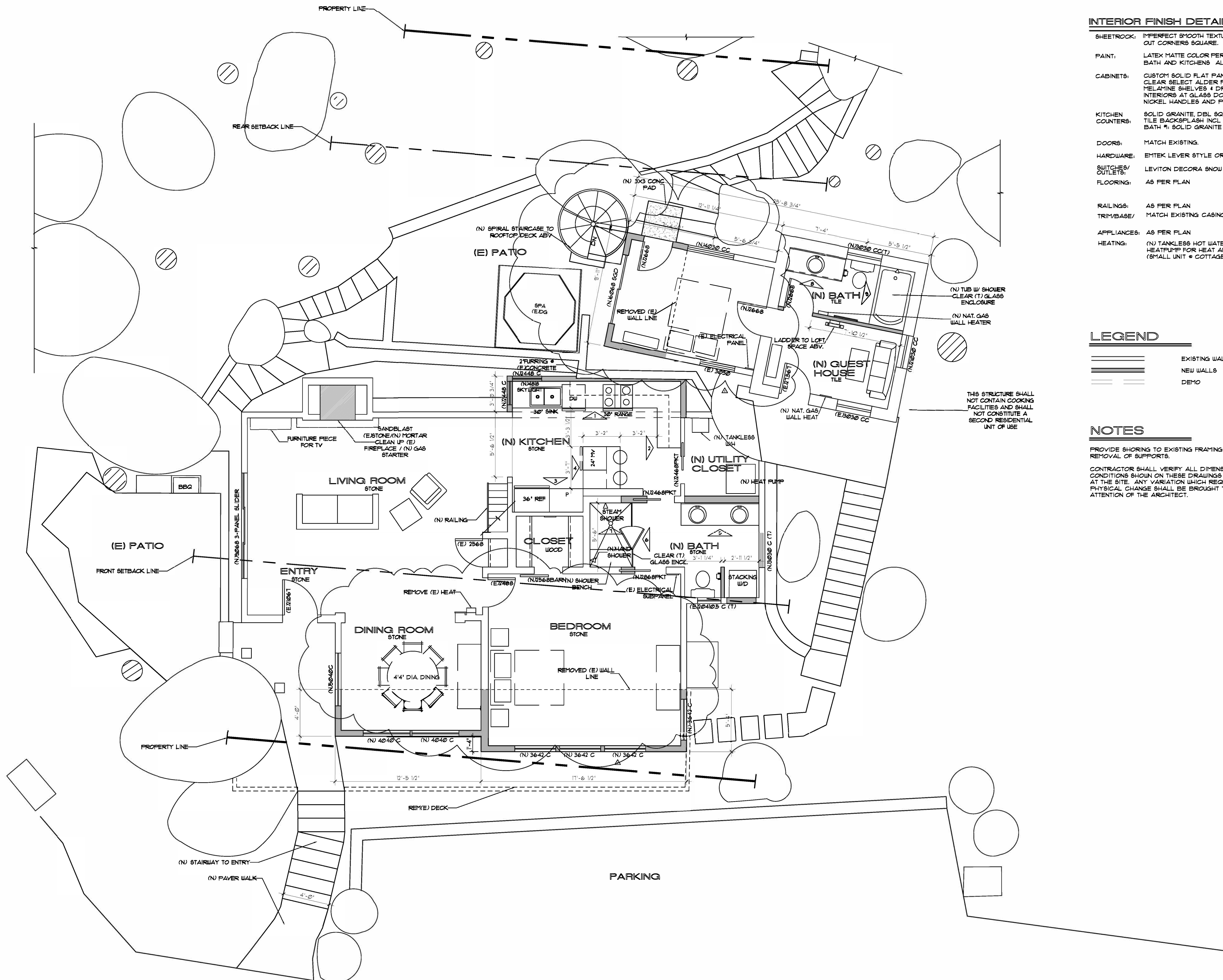
This request does not block views or reduce privacy, removing the front deck will increase privacy for the neighbors.

4. *How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?*

By removing the deck and encroachment into the right-a-way, it will allow a landscape buffer between the edge of road and house. This will allow the parking area along the edge of road to be enlarged.

5. *What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?*

The ability to have more than one bedroom. Other properties in this neighborhood have been granted front setback reduction variances.



PROPOSED MAIN LEVEL FLOOR PLAN
SCALE: 1/4" = 1'-0"

INTERIOR FINISH DETAIL

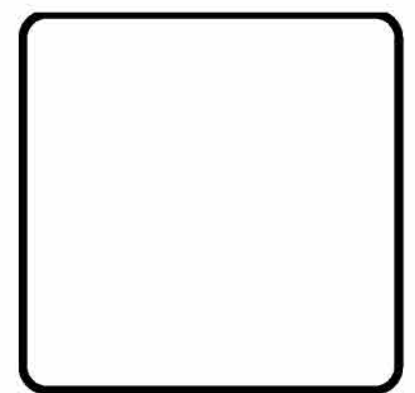
- SHEETROCK:** IMPERFECT SMOOTH TEXTURE PER CLIENT. ALL STAND OUT CORNERS SQUARE.
- PAINT:** LATEX MATTE COLOR PER CLIENT, SEMI-GLOSS FINISH IN BATH AND KITCHENS. ALL CEILING'S HALF TONE.
- CABINETS:** CUSTOM SOLID FLAT PANEL, ARTS & CRAFTS STYLE. CLEAR SELECT ALDER PER PLAN. FLYWOOD BOX W/ MELAMINE SHELVES & DRAWERS. ALDER FINISH INTERIORS AT GLASS DOOR CABINETS BRUSHED NICKEL HANDLES AND PULLS.
- KITCHEN COUNTERS:** SOLID GRANITE, DBL. SQ. EDGE EASED W/ FULL HGT TILE BACKSPLASH INCL. BACK OF COOKTOP. BATH #1: SOLID GRANITE W/ 4" TILE BACKSPLASH.
- DOORS:** MATCH EXISTING.
- HARDWARE:** EMTEK LEVER STYLE OR EQUAL (BN).
- SWITCHES/ OUTLETS:** LEVITON DECORA SNOW WHITE MATTE.
- FLOORING:** AS PER PLAN.
- RAILINGS:** AS PER PLAN.
- TRIM/BASE:** MATCH EXISTING CASING/ BASE.
- APPLIANCES:** AS PER PLAN.
- HEATING:** (N) TANKLESS HOT WATER AND (N) HEATPUMP FOR HEAT AND A/C (SMALL UNIT @ COTTAGE).

LEGEND

- EXISTING WALLS
- NEW WALLS
- DEMO

NOTES

PROVIDE SHORING TO EXISTING FRAMING DURING REMOVAL OF SUPPORTS.
CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS WITH THOSE AT THE SITE. ANY VARIATION WHICH REQUIRES PHYSICAL CHANGE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.



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GILANFARRARCHITECTURE.COM

TITLE: PROPOSED PLAN

CUSTOM RESIDENCE FOR:
HEATH AND AMANDA RUSHING

1160 W. LOOP, CRYSTAL BAY, NEVADA 89402
7.6 ACRES, LOT # 45 BLK C, SUBDIVISION NEVADA VISTA
APN: 123-231-24

REVISIONS
▲ VARIANCE 07/06/22

FILE:

DATE: August 20, 2020

SCALE: 1/4" = 1'-0"

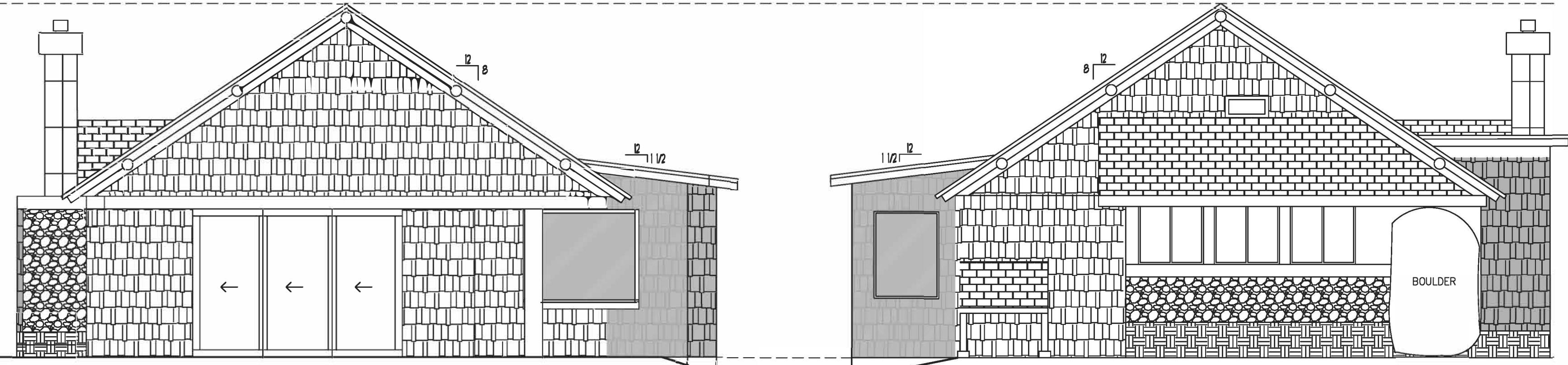
DRAWN: GFA

SHEET:

A1.b
OF 11 SHEETS

RIDGE LEVEL = 6310'

1ST LEVEL LEVEL = 6293.8'



WEST ELEVATION

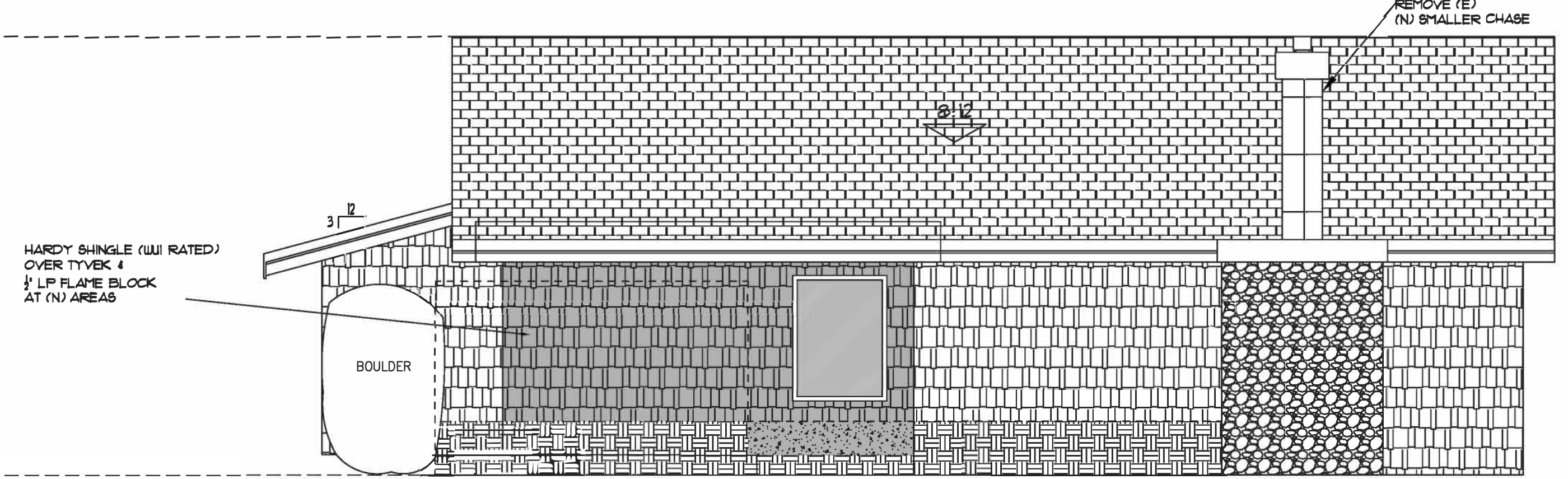
SCALE: 1/4" = 1'-0"

EAST ELEVATION

SCALE: 1/4" = 1'-0"

RIDGE LEVEL = 6310'

1ST LEVEL LEVEL = 6293.8'



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

RIDGE LEVEL = 6310'

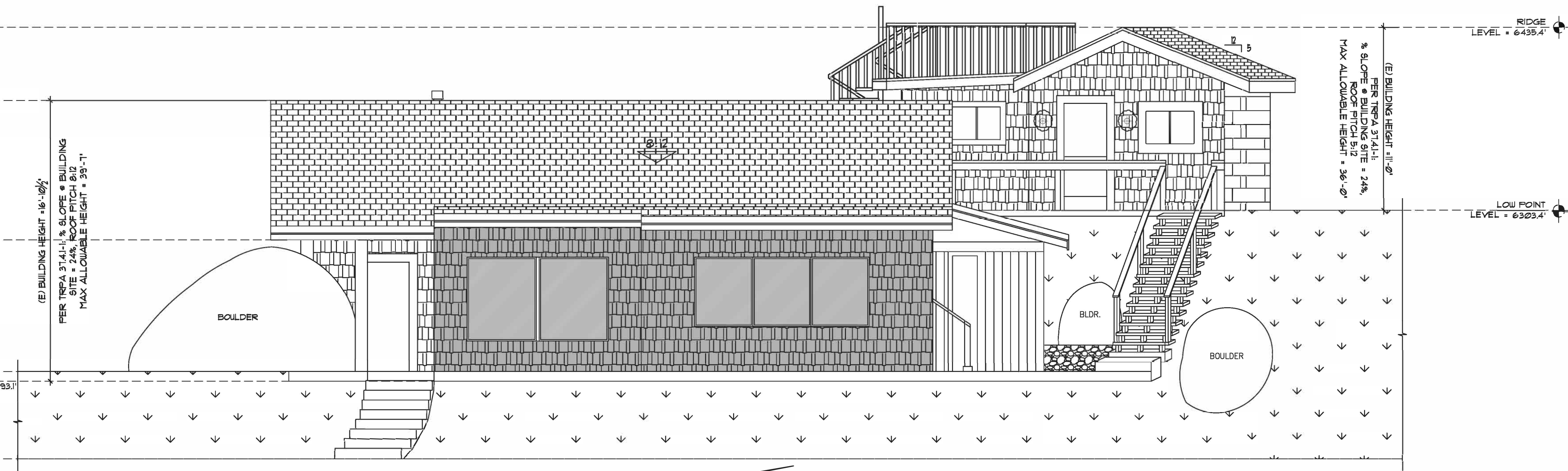
2ND LEVEL LEVEL = 6300.3'

1ST LEVEL LEVEL = 6293.8'

LOW POINT LEVEL = 6293.1'

RIDGE LEVEL = 6435.4'

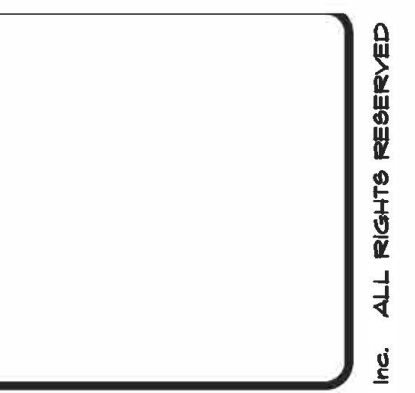
LOW POINT LEVEL = 6303.4'



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

SLOPE ACROSS BUILDING SITE = 2.4%



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TITLE: ELEVATIONS

CUSTOM RESIDENCE FOR:
HEATH AND AMANDA RUSHING

21 SQUIRES LOOP CRYSTAL BAY, NEVADA 89402
LEGAL DESCRIPTION: LOT 4, 4 B BLK C, SUBDIVISION NEVADA VISTA
APN: 03-091-04

REVISIONS
▲ VARIANCE 07/06/22

FILE:

DATE: October 21, 2020

SCALE: 1/4" = 1'-0"

DRAWN: GFA

SHEET:

A2.b

OF 11 SHEETS

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27 Somers Loop

What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

The request is to reduce the front yard setback from 15 feet to 1-foot.

Findings per 110.804.25

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;

The site is over 24% upslope directly from Somer's loop and is very shallow. This in itself creates a special circumstance in addition TRPA classifies this parcel as high sensitivity (i.e. Class 1A). There isn't a mechanism to increase coverage in order to facilitate an expansion. TRPA requires relocation findings which are much more stringent on the higher sensitive parcels and in this case we cannot meet the findings to relocate existing coverage from a disturbed location to an undisturbed location. We can only work within the areas that are currently disturbed in order to meet the requirement for construction.

The existing house currently sites 4ft 8in back from the front property line and the deck extends 4 ft over the property line. The addition will replace the existing deck and the entire deck in front of the addition will be removed eliminating the structure extending past the property line.

There is no other way to provide ample living space without damaging or removing the existing structure. The living area within the front setback is 31% of the total living area.

There is this perception that TRPA has a standard policy that applies to all parcels with relationship coverage. This is in fact not the case as each parcel has a land classification based on the sensitivity, slope and drainage. The parcels that have a high classifications of 4 or greater have a much broader opportunity to expand and it is much easier on a class 4 or greater parcel to determine relocation findings, which is necessary for TRPA to analyze when you are disturbing undisturbed locations or when you are proposing to install a building or coverage in an area that was previously undisturbed. The other benefit that the lower sensitive parcels have is they qualify for the coverage reduction program which allows those parcels to apply pervious pavers or previous decks to increase the coverage in order to maximize additional living space. This is not allowed on the higher sensitive parcels which makes certainly an unfair advantage for those who have higher sensitive parcels to be able to expand versus those who do. This is probably why so many of these higher sensitive parcels homes have really been limited in their size and opportunity compared to those on higher sensitive parcels.

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;*

This request does not block views or reduce privacy, removing the front deck will increase privacy for the neighbors. By removing the deck and encroachment into the right-a-way, it will allow a landscape buffer between the edge of road and house. This will allow the parking area along the edge of road to be enlarged.

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*

Many of the adjacent parcels in this neighborhood have received front yard setback reductions for similar reasons, So this request will not be a grant of a special privilege.

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.*

This variance request is to expand the single family use slightly to accommodate a bedroom. Single family is an allowed use.

Effect on a Military Installation. *The variance will not have a detrimental effect on the location, purpose and mission of the military installation.*

There are no known military installations in the area.