



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: November 17, 2020

DATE: October 28, 2020

TO: Board of County Commissioners

FROM: Roger Pelham, MPA, Senior Planner, Planning and Building Division, Community Services Department, 328-3622, rpelham@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public Hearing: Appeal of the denial, by the Washoe County Board of Adjustment of Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) which sought approval of a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

The proposed project is located at 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive.

The Board may affirm, reverse, or modify the decision of the Board of Adjustment. In doing so, the Board may directly grant all or part of the variance request. (Commission District 4.)

SUMMARY

The appellants, Jamey and Jennifer Merritt applied for a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage. The proposed variance application was denied by the Board of Adjustment (BOA). The appellants are appealing the BOA's decision and asking the Board of County Commissioners to approve the appeal and overturn the BOA's decision to deny the variance request.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On October 1, 2020, the Washoe County Board of Adjustment (BOA) held a duly-noticed public hearing on Variance Case Number WPVAR20-0004 (Merritt Rear Yard

AGENDA ITEM # _____

Setback Reduction). The BOA denied that request, being unable to make the findings that:

1. 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;
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;

BACKGROUND

The applicant is appealing the decision, made by the Washoe County Board of Adjustment on October 1, 2020, which denied the requested variance for reduction of a rear-yard setback. The minutes of that meeting are included as an attachment to this report.

It is important to recognize that Nevada Revised Statutes (NRS 278.300) requires that variances be granted only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact **can** first be made, then the Board must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

The Board of Adjustment found that this parcel of land does not demonstrate such circumstances.

The Board of Adjustment found that the parcel of land is larger, wider and deeper than the minimum requirements for the Medium Density Suburban (MDS) regulatory zone. The subject property has a common shape, and it is essentially flat.

Staff offered the applicant possible design changes that would not require a variance. Options include:

- 1) Reducing the depth of the garage by approximately 10 feet, or
- 2) Relocating the garage approximately 10 feet further south (while maintaining the required internal setbacks between buildings in accordance with Building and Fire code), or
- 3) Relocating the garage further to the northwest on the subject site, or
- 4) Reducing the height of the proposed structure to 12 feet at the mid-point of the roof.

Each of these four options would allow the construction of a garage within the requirements of the development code, without the need for a variance.

Should approval be granted by the Board, conditions of approval are provided that require appropriate plans and documentation be provided to all relevant County agencies. Compliance with all generally-applicable code provisions would be required.

The proposed project was presented by the applicant's representative at the regularly scheduled Spanish Springs Citizen Advisory Board (CAB) meeting on September 2, 2020. The CAB unanimously recommended approval of the request. The CAB expressed that the wide drainage facility to the rear of the subject site is a unique circumstance applicable to this property. It is the opinion of staff that the drainage facility, as it is not located on the subject site, does not create a unique hardship.

FISCAL IMPACT

No fiscal impact.

POSSIBLE OPTIONS

Planning staff is bringing forward the decision of the Board of Adjustment to the Board of County Commissioners. The decision of the Board of Adjustment is the denial of Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction), being unable to make the required findings of fact (#1 and #2, as shown on page 2 of this report).

POSSIBLE MOTIONS

Should the Board agree with the decision of the BOA on Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners affirm the decision of the Board of Adjustment, and deny Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) for Jamey and Jennifer Merritt, being unable to make all five findings in accordance with Washoe County Code Section 110.804.25, including:

1. 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;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The 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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.”

Should the Board disagree with the decision of the BOA on Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) for Jamey and Jennifer Merritt a possible motion would be:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners reverse the decision of the Board of Adjustment, and approve Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) for Jamey and Jennifer Merritt, with conditions included at Attachment D to the staff report, being able to make all five findings in accordance with Washoe County Code Section 110.804.25, including:

(please indicate the special circumstances applicable to the property)

1. 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;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The 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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.”

Attachments:

A: BOA Action Order for WPVAR20-0004

B: BOA Staff Report for WPVAR20-0004

C: BOA [draft] minutes of 10/1/2020

D: Possible Conditions of Approval for WPVAR20-0004

E: Appeal Application

cc:

Jamey and Jennifer Merritt, 2152 Tanager Court, Sparks, NV 89441,
jrmerritt@charter.net



Attachment A
WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Board of Adjustment Action Order

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction)

Decision: Denial

Decision Date: October 1, 2020

Mailing/Filing Date: October 5, 2020

Property Owner: Jamey and Jennifer Merritt

Assigned Planner: Roger Pelham, MPA, Senior Planner
 Washoe County Community Services Department
 Planning and Building Division
 775.328.3622
rpelham@washoecounty.us

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) – For possible action, hearing, and discussion to approve a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

- Applicant/Property Owner: Jamey and Jennifer Merritt
- Location: 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive.
- APN: 530-533-11
- Parcel Size: ± 0.44 acres (± 19,166 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make findings, as required by Washoe County Code (WCC) Section 110.804.25, the Board was unable to make findings #1 (Special Circumstances) and #2 (No Detriment) below.

1. 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;



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The 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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Trevor Lloyd

Trevor Lloyd, Planning Manager
Secretary to the Board of Adjustment
Planning and Building Division
Washoe County Community Services Department

TL/rp

Applicant/Owner: Jamey and Jennifer Merritt
2152 Tanager Court
Sparks, NV 89441

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck,
Assessor's Office; Rigo Lopez, Assessor's Office; Mojra Hauenstein, Planning and
Building



Board of Adjustment Staff Report

Meeting Date: October 1, 2020

Agenda Item: 8A

VARIANCE CASE NUMBER:

Variance Case Number WPVAR20-0004
(Merritt Rear Yard Setback Reduction)

BRIEF SUMMARY OF REQUEST: Reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage.

STAFF PLANNER:

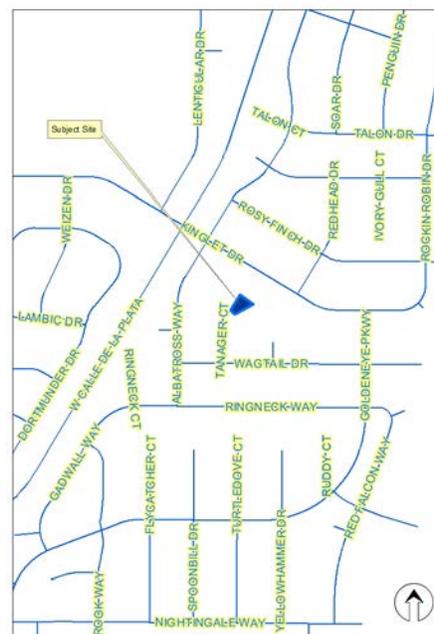
Roger Pelham, Senior Planner
775.328.3622
rpelham@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

Applicant/Property Owner: Jamey and Jennifer Merritt
 Location: 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive

APN: 530-533-11
 Parcel Size: ± 0.44 acres (± 19,166 square feet)
 Master Plan: Suburban Residential (SR)
 Regulatory Zone: Medium Density Suburban (MDS)
 Area Plan: Spanish Springs
 Citizen Advisory Board: Spanish Springs
 Development Code: Authorized in Article 804, Variances
 Commission District: 4 – Commissioner Hartung



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 WPVAR20-0004 for Jamey and Jennifer Merritt, being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25.

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Exhibits Contents

Agency Comments Exhibit A

Public Notice Exhibit B

Project Application..... Exhibit C

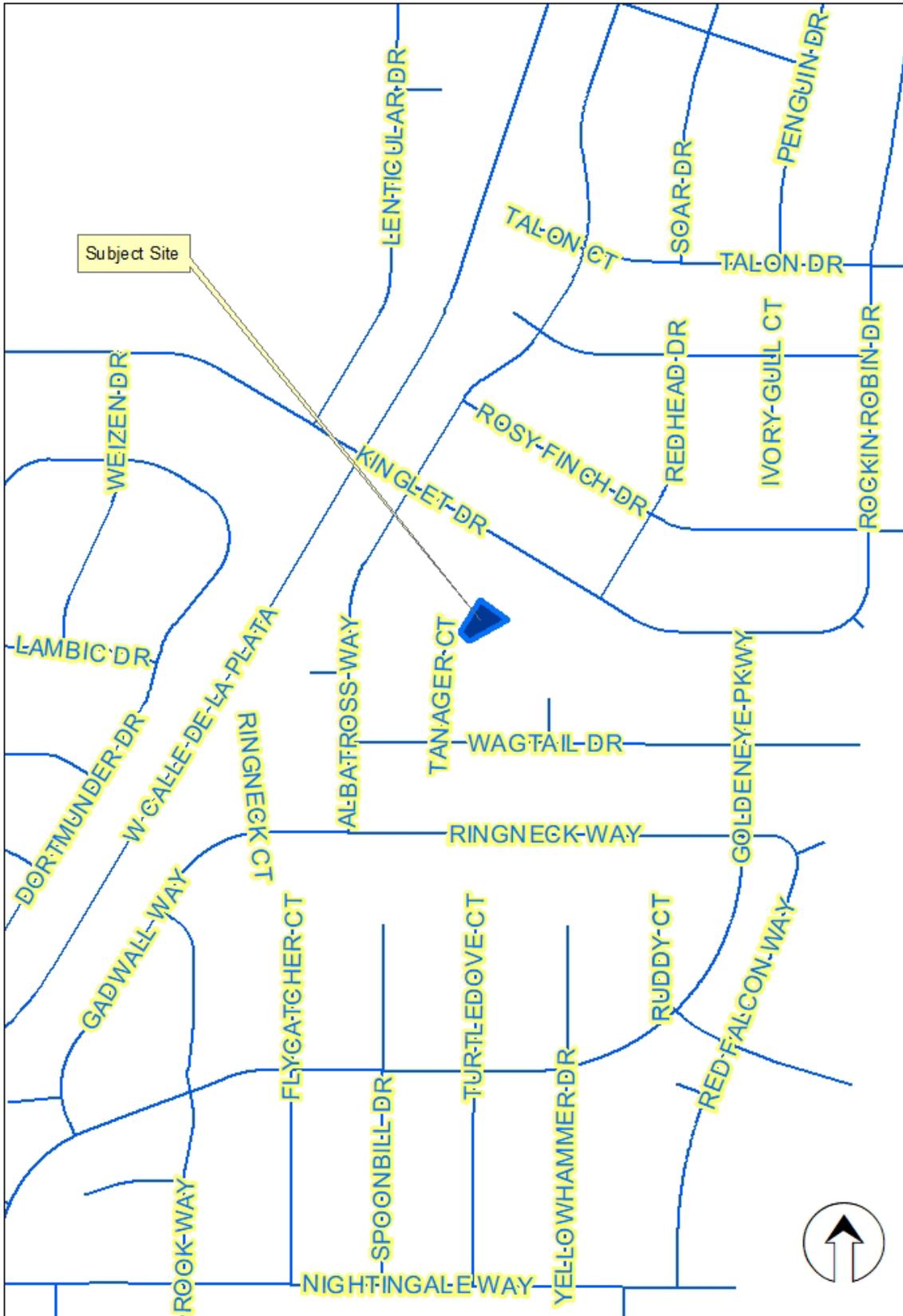
CAB Materials Exhibit D

Variance Definition

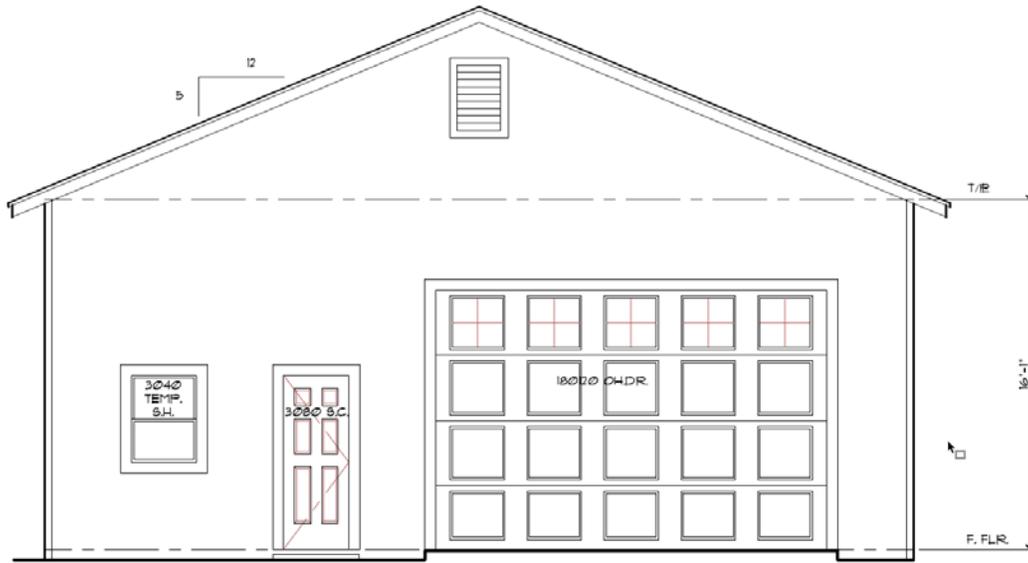
The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique 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.

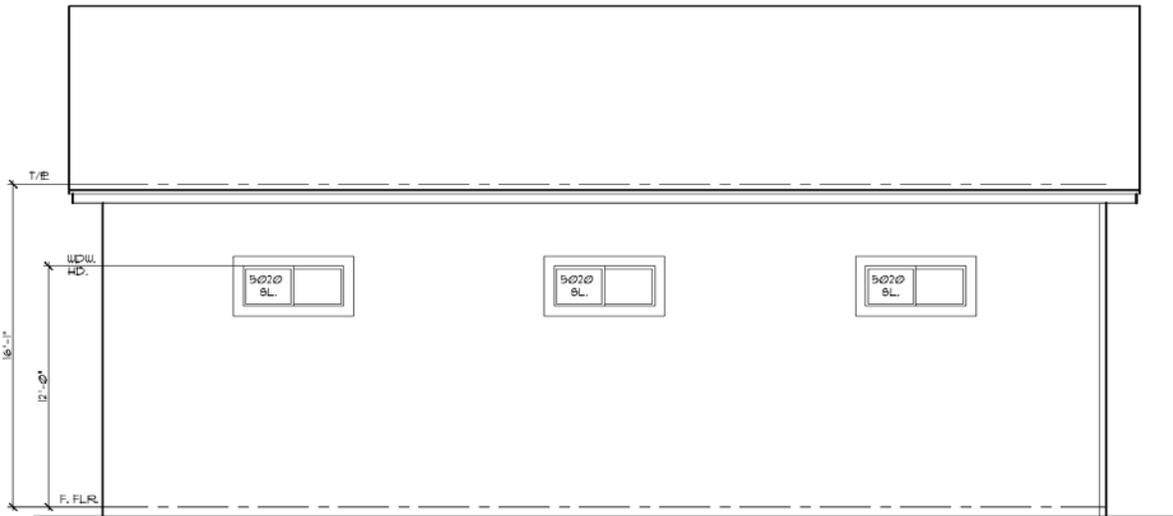
The subject site consists of one parcel of land, approximately 19,166 square feet in size. The parcel is master planned as Suburban Residential (SR) and has a regulatory zone of Medium Density Suburban (MDS). Detached accessory structures, such as garages are permissible on the parcel of land. Variances to setback standards for detached accessory structures are permissible subject to the provisions of Article 804, Variances of the Washoe County Development Code. Conditions of approval are not included with this staff report as denial of the variance has been recommended.



Vicinity Map



NORTH ELEVATION



EAST ELEVATION

Elevations



Project Evaluation

The applicant is requesting to reduce the rear yard setback on the north side of the parcel of land from 20 feet to approximately 9 feet, 9 inches to facilitate the construction of a new detached accessory structure, a garage.

It is important to recognize that Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact **can** first be made, then the Board must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

It is the opinion of staff that this parcel of land does not demonstrate such circumstances.

The regulatory zone of the subject parcel of land is Medium Density Suburban (MDS). The minimum lot width for that zone is 80 feet. The subject parcel is approximately 48 feet in width, at the frontage to Tanager Court and it is approximately 183 feet in width at the rear property line. This results in an average lot width of approximately 115 feet. The subject parcel is not exceptionally narrow.

The western property line is approximately 156 feet in length and the eastern property line is approximately 223 feet in length. This results in an average lot depth of approximately 189 feet. The subject parcel is not exceptionally shallow.

The subject parcel is essentially a "pie-slice" shape. This shape of parcel is common particularly on cul-de-sac streets. The parcel is not exceptionally shaped.

The applicant notes the shape of the parcel as being the reason for the requested variance. The following is from the variance application cover letter provided by the applicant:

Please find enclosed my variance application request for property 2152 Tanager Ct., Sparks, NV also known as APN 530-533-11. We would like to construct a 50x40 detached garage to be located within my back yard. Due to the shape of my parcel, we are respectfully requesting consideration of a variance to Washoe County Code Article 406.05.01 20' rear yard setback. We are requesting for 221 sf of the overall 2,000 sf detached garage to be within the 20' rear yard setback by approximately 10' 3". The request for the setback is to allow for additional separation between the proposed detached garage and the existing single family dwelling. With this setback, it will provide easier access to the detached garage door when parking vehicles.

We have enclosed additional pictures as a reference to show that there are no negative impacts to our property or surrounding neighbors by moving into rear setback.

Thank you for your time and consideration.

The subject parcel is essentially flat. The parcel does not contain exceptional topographic conditions.

As is demonstrated by the overhead photo on page 5 of this report, the subject site is within an area developed with similar houses on similar lots. There is a drainage facility adjacent to the rear of the parcel. Staff has identified no unique or extraordinary situations or conditions that result in an undue hardship on the owner of the property.

Options open to the applicant include reducing the depth of the garage by approximately 10 feet or by relocating the garage approximately 10 feet further south (while maintaining the required internal setbacks between buildings in accordance with Building and Fire code) or reducing the

height of the proposed structure to 12 feet at the mid-point of the roof. Each of these three options would allow the construction of a garage within the requirements of the development code.

Because staff can find no hardship of the land, as required by NRS and the Washoe County Code, denial of the variance request is recommended.

Spanish Springs Citizen Advisory Board (SS CAB)

The proposed project was presented by the applicants at the regularly scheduled citizen advisory board meeting on September 2, 2020. In accordance with COVID-19 procedures the meeting was conducted by "zoom."

The CAB voted unanimously to recommend the approval of the variance request. The CAB expressed that the wide drainage facility to the rear of the subject site is a unique circumstance applicable to this property.

Materials presented by the applicant to the CAB are included at Exhibit D to this report.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects – Land Development
- Washoe County Health District
 - Air Quality
 - Environmental Health
 - Emergency Medical Services
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe Storey Conservation District

Of the nine above-listed agencies/departments none provided substantive comments or recommended conditions of approval in response to their evaluation of the project application.

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 in compliance with the required findings as follows.

1. 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: As detailed in the Project Evaluation section of this report, staff was not able to identify any 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, as required by NRS and the Washoe County Code.

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.

Staff Comment: Approval of the variance may be seen to impair the intent and purpose of the Development Code or applicable policies under which the variance is granted, as variances are intended to be granted only when special circumstances are present.

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.

Staff Comment: Because there are no special circumstances applicable to the subject site, approval of the requested variance may be seen to grant special privileges to the applicant that are inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone.

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.

Staff Comment: Construction of a detached accessory structure is allowed within the MDS zone, subject to compliance with generally-applicable Code provisions.

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: There is no military installation within the area required to be provided notice of this request. Therefore, there can be no detrimental effect on the location, purpose or mission of a military installation.

Recommendation

After a thorough analysis and review, denial is recommended for Variance Case Number WPVAR20-0004. Staff offers the following motion for the Board 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 WPVAR20-0004 for Jamey and Jennifer Merritt, being unable to make all required 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 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;
2. **No Detriment.** The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. **Use Authorized.** The 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. 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 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: Jamey and Jennifer Merritt
 2152 Tanager Court
 Sparks, NV 89441



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3600
FAX (775) 328.3699

Date: August 26, 2020
To: Roger Pelham, Senior Planner, Planning and Building Division
From: Leo Vesely, P.E., Engineering and Capitol Projects Division
Re: Variance Case **WPVAR20-0004 – Merritt Setback Variance**
APN 530-533-11

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application is for a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the application prepared by the applicant/home owner. The County Engineer shall determine compliance with all the following conditions of approval.

For questions related to sections below, please see the contact name provided.

GENERAL ENGINEERING CONDITIONS

Contact Information: Leo Vesely, P.E. (775) 328-2041

There are no general engineering related comments.

DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Leo Vesely, P.E. (775) 328-2041

There are no Drainage related comments.

TRAFFIC AND ROADWAY (COUNTY CODE 110.436)

Contact Information: Mitchell Fink (775) 328-2050

There are no Traffic related comments.

UTILITIES (County Code 422 & Sewer Ordinance)

Contact Information: Tim Simpson, P.E. (775) 954-4648

There are no utility related conditions of approval.



WWW.WASHOECOUNTY.US

From: [Way, Dale](#)
To: [Pelham, Roger](#)
Cc: [Lee, Brett](#); [Lemon, Brittany](#)
Subject: WPAVR20-0004 (Merritt Rear Yard Setback Reduction) - Conditions of Approval
Date: Friday, August 21, 2020 11:54:46 AM

Roger,

TMFPD has no specific comment or condition of approval for this request.

Thank you.

Dale Way

Deputy Fire Chief – Fire Prevention | Truckee Meadows Fire & Rescue

dway@tmfpd.us | Office: 775.326.6000

3663 Barron Wy, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

From: [Rosa, Genine](#)
To: [Pelham, Roger](#)
Subject: Variance Case Number WPAVR20-0004 (Merritt Rear Yard Setback Reduction)
Date: Monday, August 24, 2020 4:55:55 PM

Hello Roger,

No Comments

Please let me know if I'm missing anything that Mike used to include in his comments. He no longer works at Washoe County and there was not a transition period so I'm kind of winging it

Thanks!

Genine Rosa

Environmental Engineer II | Air Quality Management Division | Washoe County Health District
grosa@washoecounty.us | O: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

*My schedule is 4 x 10's M-Th 7-5:30 off on Fridays.

www.OurCleanAir.com



Please consider the environment before printing this e-mail.

From: [Olson, Vicky](#)
To: [Pelham, Roger](#)
Subject: August Agency Review Memo
Date: Wednesday, August 26, 2020 1:28:18 PM

Good afternoon Roger,

The EMS Program has reviewed Variance Case #WPVAR20-004 (Merritt Rear Yard Setback Reduction), and does not currently have any questions, comments, or concerns regarding this case.

Please let me know if you have any questions.

Thank you,

Vicky

Vicky Olson, MPS, BSN, RN

EMS Coordinator | Epidemiology and Public Health Preparedness | Washoe County Health District
volson@washoecounty.us | O: (775) 326 6043 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512



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
nevadacconservation.com

August 21, 2020

Washoe County Community Services Department

C/O Roger Pelham, Senior Planner

1001 E Ninth Street, Bldg A

Reno, NV 89512

R: WPVAR20-0004 (Merritt Rear Yard Setback reduction)

Dear Roger,

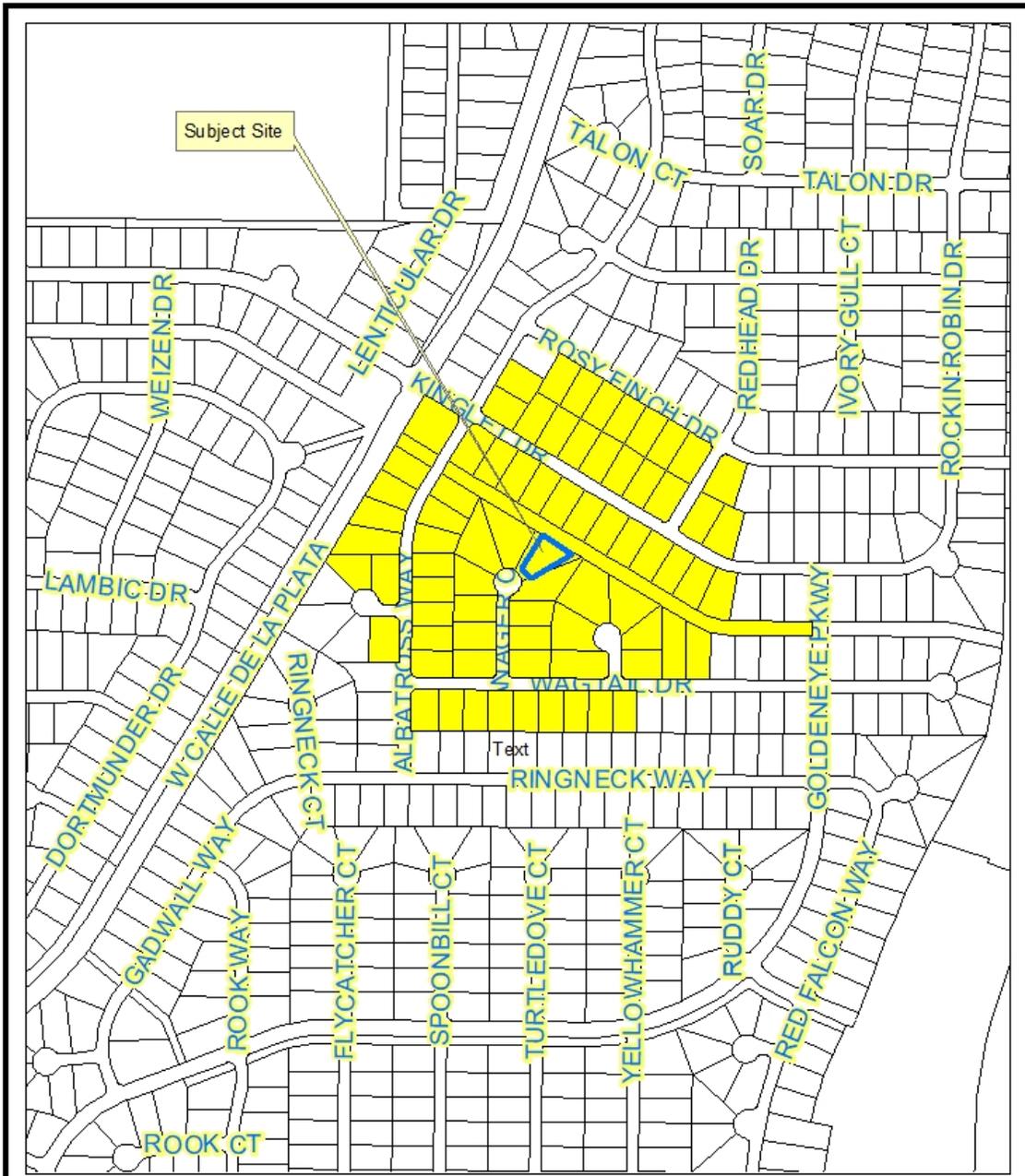
In reviewing the variance to facilitate the construction of a new detached garage, the Conservation District has the following comment.

The paint color palette for the detached garage match the existing buildings including roof material on the parcel or the paint color palette be earth tone colors for the new structure.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources.

Sincerely,

Tyler-Shaffer



Mailing and Vicinity Map

Variance Case Number WPVAR19-0004
(Merritt Rear Yard Setback Reduction)

77 Parcels selected at 500 feet

Source: Planning and Building Division/Community Development Department/arc/ww/maps and mailing labels/wp-map/WPVAR20-0004_Public.mxd Date: 8/12/2020

August 06, 2020

Washoe County Community Services Department
Planning and Building Division
1001 East 9th Street
Reno, NV 89512

RE: Variance Application, 2152 Tanager Ct.

Dear Planning Commission,

Please find enclosed my variance application request for property 2152 Tanager Ct., Sparks, NV also known as APN 530-533-11. We would like to construct a 50x40 detached garage to be located within my back yard. Due to the shape of my parcel, we are respectfully requesting consideration of a variance to Washoe County Code Article 406.05.01 20' rear yard setback. We are requesting for 221 sf of the overall 2,000 sf detached garage to be within the 20' rear yard setback by approximately 10' 3". The request for the setback is to allow for additional separation between the proposed detached garage and the existing single family dwelling. With this setback, it will provide easier access to the detached garage door when parking vehicles.

We have enclosed additional pictures as a reference to show that there are no negative impacts to our property or surrounding neighbors by moving into rear setback.

Thank you for your time and consideration.

Sincerely,

Jamey and Jennifer Merritt
2152 Tanager Ct.
Sparks, NV 89441

Community Services Department
Planning and Building
VARIANCE APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

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: Merritt Detached Garage Variance			
Project Description: Merritt rear setback variance; See attached submittal letter and packet for more information.			
Project Address: 2152 Tanager Ct., Sparks, NV 89441			
Project Area (acres or square feet): 2,000 sf			
Project Location (with point of reference to major cross streets AND area locator): Tanager Ct. / Wagtail Dr.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
530-533-11	0.44 ac		
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: Jamey & Jennifer Merritt		Name:	
Address: 2152 Tanager Ct.		Address:	
Sparks, NV	Zip: 89441		Zip:
Phone: 775-425-1407	Fax:	Phone:	Fax:
Email: jrmerritt@charter.net		Email:	
Cell: 775-691-9784	Other: 775-287-0201	Cell:	Other:
Contact Person: Jamey Merritt		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Jennifer R. Merritt

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Jennifer R. Merritt
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 530-533-11

Printed Name Jennifer R. Merritt
Signed *Jennifer R. Merritt*
Address 2152 Tanager Ct.

Sparks, NV 89441

Subscribed and sworn to before me this
5th day of AUGUST, 2020.

Karen T. Pickens
Notary Public in and for said county and state

My commission expires: Sept. 26, 2021

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

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?

Article 406.05.01; 20' Rear Yard 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?

Triangle shape lot creating restrictions with complying with rear setback

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?

No negative impacts to neighbors; no disruption to views, no premium view lots

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.)?

Would eliminate clutter by providing enclosed parking for classic vehicle, recreation vehicle and other personal property.

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

If denied, garage would be close to home restricting garage door access for vehicles.

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. See Attached HOA Approval Letter

7. How is your current water provided?

Municipal, Truckee Meadows Water Authority

8. How is your current sewer provided?

Municipal, Washoe County

530-53

(#3986)
EAGLE CANYON II - UNIT 1
PORTION OF N 1/2 OF SECTION 27
T21N - R20E



1" = 100'



GPS MON. 3025
N=14,917,548.38
E= 2,301,051.58

NOTE: This map is prepared for the use of the Washoe County Assessor for assessment and illustrative purposes only. It does not represent a survey of the premises. No liability is assumed as to the sufficiency or the accuracy of the data delineated hereon.

530-35

This area previously shown on 530-28

Office of Washoe County Assessor, Nevada - Robert W. McGowan

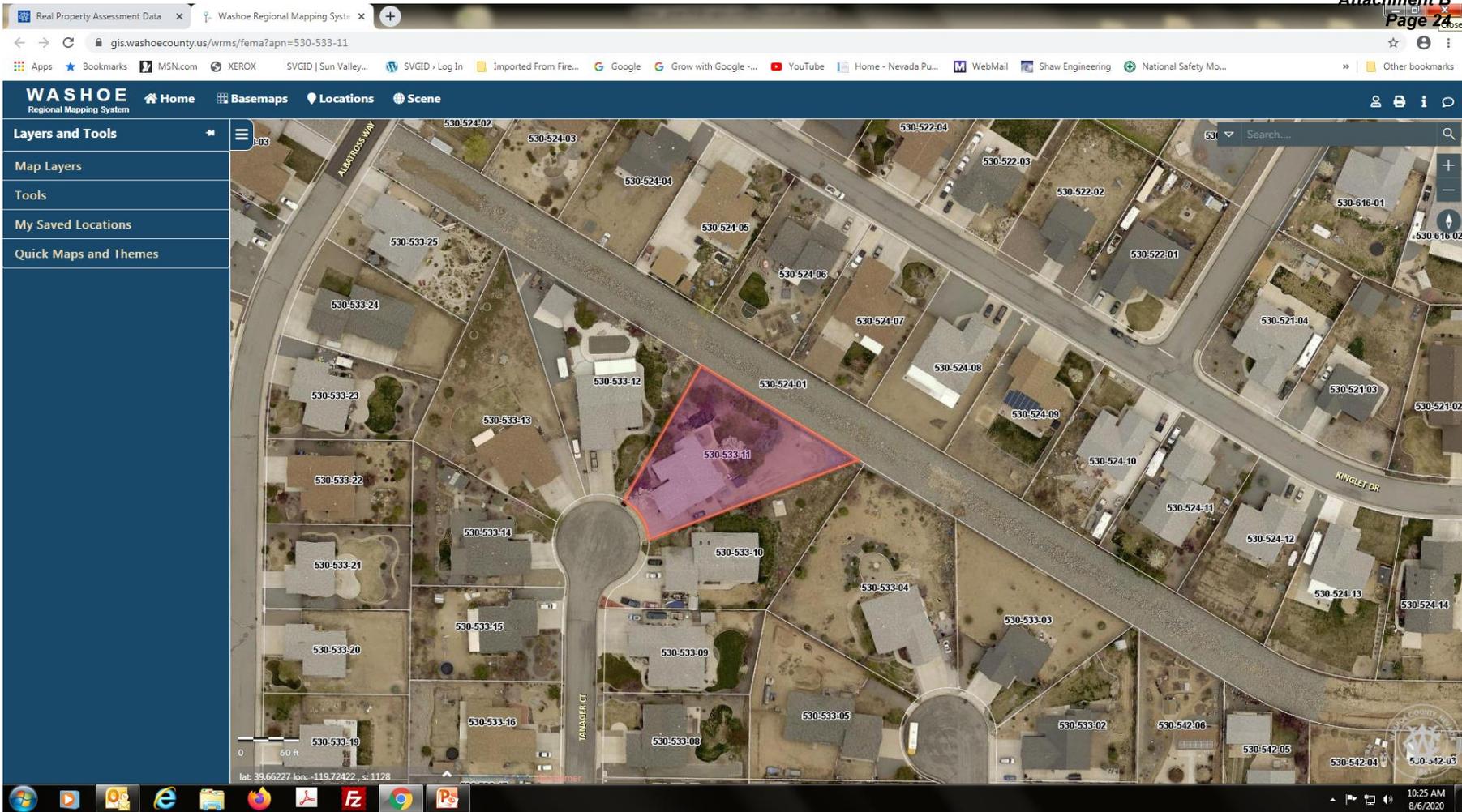
NOTE: Areas of parcels which are less than 2 acres are shown in square feet.

Drawn by KSB 08/16/01
Revised KSB 7/12/02 KSB 3/06/03
KSB 3/08/05

ARC/INFO 8.0 WINDOWS 2000 5.0

APN 530-533-11 / 2152 Tanager Ct. (Topo)

The screenshot displays the WASHOE Regional Mapping System interface. At the top, a dark blue navigation bar contains the text "WASHOE Regional Mapping System" and icons for "Home", "Basemaps", "Locations", and "Scene". A search bar is located in the top right corner. The main area is an aerial photograph of a residential property, with a large orange boundary line highlighting a specific parcel. The property contains a house with a grey roof, a swimming pool, and a driveway. To the left, another house with a grey roof and a white truck is visible. The bottom of the screen shows a Windows taskbar with various application icons, including the Start button, File Explorer, Edge, Firefox, and Word. The system tray in the bottom right corner shows the time as 3:05 PM on 6/30/2020. A circular logo for "WASHOE COUNTY NUTRITION" is visible in the bottom right corner of the map area.



Aerial view of property to show that the rear property/fence line is not shared with any neighbors.

Eagle Canyon North Association

5480 Reno Corporate Drive Suite #100
Reno, NV 89511

Phone: 775-852-2224
Toll Free:
Fax: 775-852-4901
signin.equusmanagement.com

June 17, 2020

Jamey & Jennifer Merritt
2152 Tanager Court
Sparks, NV 89441

RE: 2152 Tanager Court
Account#: 30233

Dear Homeowner,

The Architectural Review Committee for Eagle Canyon North Association has reviewed and **APPROVED w/CONDITION** your architectural submittal for the installation of 40x50 detached garage per the plans submitted based on the following condition: Please obtain any necessary building permits from Washoe County.

If the conditions require additional information, paperwork or permits, they must be re-submitted within ten (10) days from the date of this correspondence or you will have to resubmit a new Architectural Request.

All construction must commence within 120 days of this approval letter, if construction has not been commenced within the 120 days such approval shall be deemed withdrawn. Once construction is commenced, all work shall be completed within 180 days of commencement.

ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with engineering design practices or zoning and building ordinances, or other governmental agency regulations or restrictions. The ARC shall not be responsible for reviewing, nor shall its approval of any plans or design, be deemed approved from the standpoint of structural safety or conformance with building or other codes. By approving such plans and specifications, neither the ARC, the Members thereof, the Association, any Member thereof, their Board of Directors, any Members thereof, or the Declarant assumes any liability or responsibility therefore or for any defect in the construction or improvement from such plans or specifications. As provided in the CC&R's neither the ARC, the Association, the Board of Directors or the Association or any Members thereof, not the Declarant or Developer shall be liable to any Member, Owner, Occupant, or other person or entity for any damage, loss or prejudice suffered or claimed on account of (1) the approval or disapproval of any plans, drawings, or specifications, whether or not defective, or (2) the construction or performance of any work whether or not pursuant to the approved plans, drawings, or specifications.

Your patience and cooperation with the architectural review process is appreciated. If you have any questions, please contact the association at 775-852-2224.

Sincerely,
Eagle Canyon North Association

Maria Silva

From: Fred Buckholz <fred.buckholz@gmail.com>
Sent: Thursday, June 11, 2020 9:40 AM
To: Maria Silva; Jim Pierce ; Lara Heit; Suzanne Sloane ; Vanessa Schorn
Subject: Re: 2152 Tanager Court-Resubmit ARC Request

Approved again.

Fred

From: Maria Silva <Maria@equusmanagement.com>
Sent: Thursday, June 11, 2020 8:19:01 AM
To: Fred Buckholz <fred.buckholz@gmail.com>; Jim Pierce <jhptelcom@sbcglobal.net>; Lara Heit <lararay1@hotmail.com>; Suzanne Sloane <suzannesloane@icloud.com>; Vanessa Schorn <Vanessa@equusmanagement.com>
Subject: 2152 Tanager Court-Resubmit ARC Request

Good Morning Architectural Members,

We have received another arc request. Please advise.

Thank you,

Equus offices will be closed to the public until further notice due to COVID-19. We will be performing the necessary daily tasks to make sure our Associations stay in operation and all essential services stay on. The staff at Equus will be open for phone calls and e-mail communication only, Monday – Friday 8am – 4pm and the staff will be working split shifts to ensure the health and safety of our employee's.

Payments for assessments may be dropped off at our Sparks or Reno locations utilizing the door dropbox.

Maria Silva

Receptionist

Equus Management Group
4888 Sparks Blvd., Ste. 102
Sparks, NV. 89436
(775) 284-2050
(775) 2842055 Fax
EquusManagement.com

[Like Us On Facebook](#) 

Office Hours: Monday – Thursday, 8am – 5pm, Friday 8am – 4pm



CONFIDENTIALITY -- This message is intended to be confidential and directed only to the person/entity as addressed above. If the reader of this message is not the intended recipient, or as the employee or agent responsible for delivering it to the intended recipient you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this message in error, please reply by e-mail to inform us and delete any copies from your hard drive. Thank you.

Maria Silva

From: James Pierce <jhptelcom@sbcglobal.net>
Sent: Thursday, June 11, 2020 3:54 PM
To: Maria Silva; Lara Heit; Suzanne Sloane; Vanessa Schorn; Fred Buckholz
Subject: Re: 2152 Tanager Court-Resubmit ARC Request

Approved, Jim

On Thursday, June 11, 2020, 09:40:24 AM PDT, Fred Buckholz <fred.buckholz@gmail.com> wrote:

Approved again.

Fred

From: Maria Silva <Maria@equusmanagement.com>
Sent: Thursday, June 11, 2020 8:19:01 AM
To: Fred Buckholz <fred.buckholz@gmail.com>; Jim Pierce <jhptelcom@sbcglobal.net>; Lara Heit <lararay1@hotmail.com>; Suzanne Sloane <suzannesloane@icloud.com>; Vanessa Schorn <Vanessa@equusmanagement.com>
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Maria Silva

Receptionist

Equus Management Group

EAGLE CANYON NORTH ASSOCIATION

C/o Equus Management Group - 4888 Sparks Blvd, Suite 102, Sparks, NV 89436

Office: 775-284-2050 ~ Fax: 775-284-2055

November 20, 2019

Dear Homeowner,

The Articles of Incorporation, Declaration of Covenants, Condition and Restrictions (CC&Rs), By-Laws, Architectural Guidelines and Rules and Regulations ("governing documents") were established to provide a governance structure and a flexible system of standards and procedures for the overall development, administration, maintenance, and preservation of Eagle Canyon North Association as a common-interest community.

The nature of living in a planned community requires the creation of special property rights and provisions to address the needs and responsibilities of the Owners, the Association and others within the community. The standards for use, conduct, maintenance and architecture within the ECN Association, gives the community its identity and make it a place that is truly desirable to live.

The growth and success of our community in which people enjoy living, working, and playing requires a good faith effort by everyone to resolve disputes amicably, attention to and understanding of relationships, both within the community and with our neighbors.

In an attempt to improve the appearance, general appeal and overall uniformity of the Eagle Canyon North Association the following Supplemental Rules and Regulations were revised and adopted by the Board of Directors on November 12, 2020.

The following rules were revised: Section II: Permits; Rule 2. Meetings; Rule 5. Storage / Play Structures, Garages, and Sheds; Rule 15. Window Dressing; Rule 19. Section III: Nuisances; Rule 5. Added Restricted Access Areas; Rule 14, along with edits for format and spelling.

NOTICE – Per NRS 116. revised Rules and Regulations will be effective 30 days from the date of mailing.

IT IS THE SOLE RESPONSIBILITY OF THE OWNERS OR THE MANAGEMENT COMPANY REPRESENTING THE OWNERS to ensure that all residents (tenants) are provided copies of these Rules and Regulations.

The Board of Directors

Mailed: November 20, 2019

Revised and adopted by the Board of Directors on November 12, 2019

1

EAGLE CANYON NORTH ASSOCIATION

SUPPLEMENTAL RULES AND REGULATIONS

**Adopted 12/19/06, First Revision 5/22/2007, Second Revision 5/21/2009, Third Revision 9/16/2010,
Fourth Revision 9/10/2013, Fifth Revision 11/12/2019**

Section I: VIOLATION POLICY AND FINE SCHEDULE

Pursuant to a resolution duly made, seconded and approved by the Board of Directors the following procedure for violations of the RULES AND REGULATIONS or the DECLARATION OF CONDITION, COVENANTS AND RESTRICTIONS (CC&R's) of Eagle Canyon North Association shall be followed:

When non-compliance is observed by Community Manager, Board of Directors / Compliance Committee or a formal complaint is filed by a homeowner, the following compliance procedure shall be carried out:

A notice of non-compliance will be sent to the property owner, as provided for in NRS 116.31031. The notice of noncompliance shall be mailed to the property owner's mailing address on file with the Association, and, if appropriate, the unit address. It shall describe the violation, give the property owner (14) fourteen days to correct or respond, shall state that the property owner has a right to a hearing, can pay the fine, request to be heard in the hearing or submit a written response to the Board. The hearing date, time and a place will be indicated in the non-compliance notice. The hearing will be held in the Executive session unless the homeowner requests in writing to be heard in the open meeting.

Violations that require immediate compliance are PARKING VIOLATIONS - 48 HOURS time limit for loading and unloading of RECREATIONAL VEHICLES (trailers, RVs, boats, etc.). Time limitation will be indicated in the HEARING NOTICE.

If the violation is not cured within fourteen (14) days after the notice of non-compliance is mailed, and the Board finds a violation occurred at the hearing conducted, a fine as indicated in the fine schedule of up to the \$100.00 commensurate with the severity of the violation, shall be imposed by the Board of Directors and a Notice of Fine Assessment shall be mailed to the property owner's mailing address on file with the Association, as provided in NRS 116. In the event of multiple violations, the total fine per incident shall not exceed \$1,000.00. Fines for violations that directly affect the health and safety of residents are not subject to the same time and notice requirements. There is no limit to a fine for health, safety or welfare.

If the violation is not cured within fourteen (14) days after the Notice of Fine Assessment is mailed, whether or not the original fine is paid, the violation shall be deemed a Continuing Violation, and additional fines, each in the amount of the original fine, shall be assessed for each seven-day period or portion thereof, until the violation has been cured. In the event of multiple violations, the total fine for each seven-day period shall not exceed \$1,000.00. There is no limitation to fines for continuing violations.

A violation of the same nature occurring within one calendar year from the date of the Initial Notice of Non-Compliance may be deemed by the Board to be Continuing Violation and be subject to additional fines. Fines for Continuing Violations shall be imposed without notice and without an opportunity to be heard, as allowed by NRS 116. 31031.

If the accumulated fines have not been paid for sixty (60) days, or when the property enters escrow to be sold, whichever comes first, the Board may authorize a Notice of Violation and Assessment of Lien to be filed and served for the amount outstanding, as provided in NRS 116.

If the violation is not corrected and the fines are not paid in full within thirty (30) days of the delivery of the Notice of Violation and Assessment of Lien, the Board may then proceed with any remedy allowed under applicable law as outlined in NRS.116.31031 and/or Chapter 38 of NRS.

Any past-due fines may include any cost incurred by the association in order to enforce the payment of past-due fines. "Cost of collecting" includes, without limitation, any collection fee, filing fee, referral fee, a fee for postage or delivery, and

any other fee or cost that an association may reasonably charge to the unit's owner for the collection of past due fines as indicated in NRS 116.31031 – 8. (a), (b), (c) and 9. (a) and (b).

HOMEOWNERS HAVE A RIGHT TO APPEAL/DISPUTE THE VIOLATION IN WRITING. THE BOARD WILL REVIEW ALL DISPUTED FINES/PENALTIES AND INFORM THE HOMEOWNER OF THEIR DECISION. THE BOARD HAS SOLE DISCRETION TO WAIVE PENALTIES, GRANT EXTENSIONS AND ISSUE VARIANCES.

The following fine schedule for The Eagle Canyon North Association includes several common violations. The Board of Directors has the right to impose fines for violations not listed herein provided the Violation Policy is followed.

CC&R IV.1	<u>Use of Lots</u>	\$50.00
CC&R IV.3	<u>Damage to Common Areas</u>	\$100.00
CC&R IV.4	<u>Prohibition of Noxious Activities/Noise</u>	\$50.00
CC&R IV.5	<u>Temporary Structures</u>	\$50.00
CC&R IV.6	<u>Household Pets</u>	\$50.00
CC&R IV.8	<u>Business Activities</u>	\$50.00
CC&R IV.9	<u>Garbage</u>	\$25.00
CC&R IV.16	<u>Parking and Vehicle Restrictions</u>	\$50.00-\$100.00*
CC&R IV.29-30	<u>Weeds and Landscaping</u>	\$50.00-\$100.00
CC&R VI 2-15	<u>Architectural Control Committee</u>	\$25.00-\$100.00

*Certain approved exceptions may apply

Section II: ARCHITECTURAL DESIGN GUIDELINES

In addition to the Declaration of Covenants, Conditions & Restrictions for Eagle Canyon North, the Board of Directors for the Eagle Canyon North Association has adopted the following Architectural Design Guidelines to assist owners in the Architectural Review submittal process. All applicable codes and rules of local, state and federal government shall apply as minimum architectural standards.

1. **Conditions and Requirements.** Before commencing, each person proposing to improve his or her property within Eagle Canyon North Association shall submit at least two (2) sets of plans and specifications (except for re-painting, which only requires one set of color samples) and receive written approval for the improvements from the Architectural Review Committee. Any exterior change or improvement shall be submitted using the Architectural Review Application, which details the conditions and requirements of submittal and must be signed by the applicant.
2. **Permits.** It is the responsibility of the applicant to obtain any and all County building permits prior to the start of the improvement. Contact the County to verify the need for a permit. DO NOT rely on your contractor for this information.
3. **Fees.** No submittal fees are required with an Architectural Review Application. A deposit against damages (currently \$500, but subject to change at the Board's discretion) may be required if the applicant proposes to cross or use Association common area to access the subject property.
4. **Time Limitations.** Applicants shall receive notifications of decisions of the Architectural Review Committee within forty-five (45) days after receipt of the application by the Architectural Review Committee of all material required by the Architectural Review Committee. Within forty-five (45) days of receipt of the application, the project shall be deemed approved, unless there is written disapproval or a request for additional information or materials by the Architectural Review Committee.

The applicant shall commence construction of the proposed project within ninety (90) days of the date of approval by the Architectural Review Committee. The project shall be completed within six months. Owners shall notify the Architectural Review Committee when the project is complete. Extensions of time for completion shall be submitted to and approved by the Architectural Review Committee.

5. **Meetings.** The Architectural Review Committee shall meet as necessary to perform its duties but may utilize electronic approval to smooth and speed the approval process.

6. **Inspections.** The Architectural Review Committee may at any time inspect any improvement being constructed within Eagle Canyon North, whether or not plans have been submitted in accordance with these guidelines. The Committee's right to inspect improvements shall terminate sixty (60) days after the work of improvement is completed.

7. **Signs.** No sign of any kind shall be displayed to the public view without the approval of the Board of Directors, except the following. One (1) standard, professionally lettered "For Sale" or "For Lease" real estate sign NO LARGER THAN 24 BY 36 INCHES may be erected in the front yard of the home.

One (1) Political campaign sign NO LARGER THAN 24 BY 36 INCHES (the size of a standard real estate sign) for each candidate, political party or ballot question is allowed to be erected in the front yard of a home. Any homeowner wishing to erect more than one sign shall seek the approval of the Board of Directors. Campaign sign(s) shall be removed within seven (7) days following the election or vote.

No "For Sale" "For Lease" advertising/promoting business or political signs may be erected on the home, fence, in the windows, in or on any component of the common area, including the entrances to the community.

8. **Flags.** No flags may be installed or displayed to public view without the prior approval of the Architectural Review Committee, except for the flag of the United States. The flag of the United States may be displayed in a manner consistent with the Federal Flag Code and applicable Nevada and Federal law, so long as it is of normal residential proportions and properly and respectfully displayed and maintained.

9. **Temporary Structures.** No temporary structures, including tents or shacks, shall be placed on a lot without prior approval in writing by the Architectural Review Committee.

10. **View Obstructions.** Owners should be aware that views are not guaranteed in any manner. However, owners shall attempt to consider neighbors' views when submitting plans and make accommodations where reasonable. The ARC may take views into consideration when approving or disapproving plans.

11. **Fencing.** Each homeowner is required to maintain his or her fence in a neat and orderly fashion, free of repair, and properly stained or painted. Fences must be constructed with screening material in order to obstruct the view of rear yards. Design of all fences must be approved in advance by the Architectural Review Committee unless the material is wood slats and the design creates an opaque fence. No chain link or wire fencing material is allowed. Staining of fences shall be done in a manner that maintains its original appearance of natural wood. Any homeowner wishing to make an appreciable change in the color of his or her fence must submit color samples for Architectural Review before proceeding with any such change. Any homeowner making a substantial change without the approval of the Architectural Review Committee will be subject to an order to remove the unapproved fence and/or fine or fines in the event that the fence is not brought back to its original state within a given period of time. Homeowners not maintaining his or her fences or if fences are in disrepair will also be subject to a fine and/or fines. This section applies to all front, side and backyard fencing. **Fences painted or stained prior to September 16, 2010, will be "grandfathered" in.**

12. **Painting.** Each home shall be painted and maintained in a neat and orderly fashion. Homes with peeling, flaking or fading paint may be subject to fines. Any color change, including exterior walls, doors, railings, windows, and trim, requires prior written approval from the Architectural Review Committee and may be subject to an extensive review process. Owners are encouraged to repaint using the original colors used by the builder of the home. Painting an exact match to the existing color of the home does not require approval unless notice has previously been given that the existing color is not acceptable.

13. **Yard Art.** Decorative items placed in the owner's front yard or on fencing shall require approval by the Architectural Review Committee. Please submit quality photos and an accurate description of how the item is to be installed when submitting for approval by the Architectural Review Committee.

14. **Antennae.** Owners need not seek approval for satellite dishes that are 24 inches or less in diameter. However, the following installation restrictions do apply. The device must be within the owner's lot, not on any common area parcel. Satellite dishes or antennas of any type cannot be installed on the ridge of the roof or on the front of the house. Owners are encouraged not to install satellite dishes on the street side of any residence and as far back from the front of the house as possible and will not be allowed on any part of the front fascia. No more than two satellite dishes may be installed on any

home. Dish antenna or antenna of any other type may not be installed in a front yard, without approval by the Board of Directors. A Front Yard shall be defined as any area in front of any fence separating the front yard from the back yard or side yard. All cabling shall be installed and kept in a neat and orderly fashion. No loose or dangling wires will be allowed.

15. Storage / Play Structures, Garages, and Sheds. Storage sheds, garages and other accessory structures in rear yards are allowed but require Architectural Review Committee approval prior to installation if they can be seen over the fence line. Accessory structures must be set back a minimum of five (5) feet from the property line and from the primary residence. All accessory structures, whether constructed by homeowners or professionals or purchased pre-fabricated, must be painted with the same color scheme as the primary residence. The sides must be wood or stucco, and must have a roof that matches the style, composition and color of the roof of the primary residence. Metal garages and sheds are NOT allowed.

The maximum height of any accessory structure is subject to the approval of the Architectural Review Committee. Sheds and small accessory structures shall be restricted to a height of no more than eight (8) feet above the solid portion of the fence

Play structures are allowed to be placed in the rear yard and require Architectural Review Committee approval prior to installation if they can be seen above the solid portion of the fence. Canopies on play structures must be earth tone in color. Play structures must be set back from the property line a minimum of five (5) feet. The maximum height of any play structure is subject to the approval of the Architectural Review Committee but in no case may the play structure extend more than four (4) feet above the solid portion of the fence.

16. Heating and Cooling Equipment. Swamp coolers, air conditioners, and other similar equipment shall not be roof mounted and must not be visible from the street.

17. Drainage. There shall be no interference with the established drainage pattern. No homeowner may affect the drainage pattern of a neighboring homeowner. Irrigation runoff should be directed away from a neighboring lot and toward the street wherever possible.

18. Front Yard Landscaping. Landscaping plans are not required to be approved by the Architectural Review Committee. However, all homes must be fully landscaped within eighteen (18) months of the date of issuance of a certificate of occupancy, including side and rear yards that are not fenced and are visible from the street. Areas of access to the backyards need to be landscaped in a manner as to cover the exposed dirt by using materials suitable to the character and quality of the Subdivision; bare dirt is not acceptable. (See SECTION III, # 11 below). This requirement is waived for side and rear yards that are fully fenced so they are not visible from the street.

Owners wishing to make major landscape changes, such as replacing a lawn, adding an irrigation system, building new retaining walls and/or borders, shall notify the Board of Directors, the Architectural Review Committee and/or the Association's Management Company that such change is going to be made (no ARC approval is needed to redo the existing landscaping) in the same or similar landscaping. The work shall be completed in a neat, orderly and diligent manner. All major landscape changes must be completed within three (3) months from the start of the work.

19. Window Dressings. Under no circumstances will owners be allowed to use bedsheets, newspapers, aluminum foil, flags, or other similar materials as window dressings/covering. "Window coverings, blinds, drapes and/or curtains must be maintained to present a nice look, compatible with the neighborhood. Homes having window coverings that are bent, broken, cut, tattered, shredded or are deemed to be in poor condition shall receive a violation notice."

Section III: RULES OF USE AND ENJOYMENT

1. Basketball Standards and Other Sports Apparatuses. Damaged or broken-down basketball standards shall not be left or stored in the front yard. Basketball standards not being used on a regular basis must not be stored in the front yard, please store them in the back yard or in the garage. Users of basketball standards and/or other sports apparatuses shall respect the neighboring properties by keeping the noise down to acceptable levels and by using extra caution to keep the ball from damaging neighboring fences, landscaping, and/or other property. Without limiting the foregoing, no sports-related noise shall be allowed between 10 PM and 7 AM.

All other types of sports or play equipment must be stored out of sight when not in use.

2. Porch and Front Yard Furniture. Any furniture left on porches or front yards must not have an offensive or inappropriate style or color. If a complaint is received about such furniture, the Architectural Review Committee will review the complaint. If the Committee agrees that the furniture in question is offensive or inappropriate, the Committee will provide notice to the homeowner to remove the furniture item. If notice is provided, the homeowner must remove the item in question within 10 days of receipt of such notice.

3. Holiday and Seasonal Decorative Items. Holiday or seasonal decorative items and lights may be displayed on an owner's property without formal written approval from the Architectural Review Committee. Such holiday or seasonal decorations must be installed and removed in a reasonably seasonal manner (but in any event not earlier than 45 days before and not later than 30 days after the holiday or seasonal change. All decorations must be maintained in a neat and orderly manner. Without limiting the foregoing, if the Committee considers a decoration inappropriate for any reason, it may provide notice to the homeowner to remove the decoration. If notice is provided, the homeowner must remove the inappropriate decoration within 10 days of receipt of such notice.

4. No Hazardous Activities. No activities shall be conducted anywhere in the Eagle Canyon North Association which are or might be unsafe or hazardous to any Person, Residence or Lot, or Common Areas/Elements.

Without limiting the foregoing, no firearm or other type weapon shall be discharged within the Association.

5. Nuisances. No garbage, refuse, or noxious or offensive material shall be permitted to be stored or placed on any Lot, nor shall any loud noise, bothersome activity, noxious or offensive trade or harmful activity be carried on upon any Residence or any Lot or any area of the project or the Common Area, nor shall anything be done thereon which may be, or may become an annoyance or nuisance to the community, or which shall in any way interfere with the quiet enjoyment of each of the Members, or which shall result in any way in an increase in insurance rates.

For those walking dogs in Common Areas and on sidewalks; ALL dogs must be leashed and owners MUST pick up their dog's feces. By doing this, it will keep our neighborhood clean, and in addition, keep pets healthy. Dog feces' can and does transmit lethal diseases, one of which is the Parvovirus.

6. Maintenance. All portions of a home and/or lot shall be maintained in a neat and orderly condition, including driveways, sidewalks, and garages. This provision includes repairs to cracked, pitted or spalled concrete, removal of oil stains on the driveway, damaged garage doors, cleanup of all residue after completing any landscaping or remodeling jobs, etc. Any damage that can be seen from the street or sidewalk shall be repaired in a timely manner and in no case shall exceed 3 months unless an extension of time has been requested and approved by the Board of Directors. Vehicles leaking oil should be repaired to prevent environmental damage. Oil build up on driveways is unsightly and will be deemed a violation. No type of oil containment apparatus may be kept on a driveway on a permanent basis. Owners are responsible for snow removal from sidewalks in front or alongside the home, in the case of a corner lot.

7. Parking Restrictions. Trailers, campers, RVs, boats, and other recreational vehicles may not be parked within the Association, except within an enclosed garage or screened from public view behind a solid fence. Commercial vehicles in excess of one and a half-ton rated capacity shall similarly be restricted. No more than a total of five (5) standard passenger vehicles and light trucks may be kept on a Lot within the properties. Any vehicles not parked behind a solid 6-foot fence must be licensed, operational, and moved at least once a week.

8. Unlicensed vehicles. Unlicensed motorized vehicles, including motorcycles and ATVs, may not be operated on the Common Areas.

9. Business Activities. No business or commercial activities of any kind whatsoever shall be conducted in any residence or structure on any Lot or on any portion of any Lot without the prior written approval of the Board, except those specifically allowed in Section IV. 8 of the CC&Rs.

10. Garbage Containers. All garbage must be stored in appropriate covered disposal containers. These containers must be kept in a garage or in such a manner that they are screened from view (i.e. behind a solid fence), except between 4:00 p.m. the day before collection and 12:00 p.m. the day after collection.

11. Weeds and Landscaping. Owners shall landscape and maintain the landscaping in an attractive manner suitable to the character and quality of the Subdivision. All landscaping shall also be maintained to harmonize with and sustain the attractiveness of the Subdivision. Front yards must generally be maintained so they are attractive and in keeping with the

style of the neighborhood. Furthermore, no weeds or noxious plant life shall be permitted to grow on any portion of any Lot.

All weeds must be removed from any portion of the front or side yard that is not screened by a fence. It is not acceptable to spray weed killer and leave the dead weeds.

This provision applies to Lawns, shrubs, trees, xeriscape (rock gardens), landscape materials, such as fabrics and groundcovers as well as the proper installation of walkways, mow-curbs or borders, sprinkler systems, and any other landscaping materials. Fabrics used for weed barriers must be installed properly in order for the fabric to be effective at weed control. Properties that have fabric showing, due to an inadequate amount of rock, bark or other landscape materials are not properly landscaped. This shall apply to other aspects of a landscape that have not been properly installed, such as leaning trees; poorly constructed retaining walls; poorly constructed mow curbs or other types of landscape borders; irrigation systems that cause excessive run-off; rock, sand or gravel that is not being contained in an effective manner; poorly constructed sidewalks, walkways or paths and/or any other type of poorly or improperly constructed element of the landscape. Plastic sheeting as a weed barrier is not recommended. This material does not allow water to penetrate and soak into the ground and may cause excessive run-off.

Owners of corner lots must be careful with landscaping. Complete in a manner that does not block a driver's view at an intersection, per Section 21 - Corner Lot View.

12. Variances. Upon application by an Owner, the Board shall be authorized and empowered to grant reasonable variances from the restrictions set forth in the CC&Rs and these Rules, if specific application of the restriction will in the sole discretion of the Board cause undue hardship to the affected Owner. The granting of one variance shall not be considered a precedent for the granting of subsequent variances.

13. Bullying. No Owner, including but not limited to members of the Board, or any guest or tenant of an Owner shall willfully and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is the Community Manager of Eagle Canyon North or an agent or employee of that Community Manager, a member of the Board, an officer, employee or agent of Eagle Canyon North, another unit's owner or a guest or tenant of a unit's owner which (1) causes harm or serious emotional distress or the reasonable apprehension thereof, to that person; or (2) creates a hostile environment for that person.

14. Restricted Access Areas. The Common Elements or Area's that are utilized and maintained as flood control channels, drains, berms and retention basins are restricted. **NO Motorized vehicles of any type** (motorcycles, ATV's, Quads, etc.) shall be operated on the Common Elements or Area at any time, except as noted below. This is required to eliminate damage to the flood control infrastructure, native vegetation, control erosion, and from adversely impacting nearby Residential property.

The restricted areas are as follows: One area extends from the corner of Calle de La Plata and Eagle Canyon Drive and extends north past the top of Kinglet Drive. This includes all land to the west of the Eagle Canyon North HOA that borders on the Reno-Sparks Indian Colony property, which is also a restricted access area. Hiking and dog-walking is permitted in this areas.

On the north the Eagle Canyon North HOA borders with BLM land. The HOA Common Area extends from the existing homeowner fence line north for 30 feet. Limited access to the BLM land is permitted for motorized vehicles. Hiking and dog-walking is permitted in this areas Please be respectful of other homeowners, taking care to limit noise and reduce speed to control dust and to keep it to a minimum.

Washoe County Treasurer
Tammi Davis

Bill Detail

[Back to Account Detail](#)

[Change of Address](#)

[Print this Page](#)

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-3642

Address change requests may also be mailed to:
Washoe County Assessor
1001 E 9th Street
Reno, NV 89512-2845

Washoe County Parcel Information		
Parcel ID	Status	Last Update
53053311	Active	8/5/2020 1:40:59 AM
Current Owner: MERRITT, JAMEY & JENNIFER 2152 TANAGER CT SPARKS, NV 89441		SITUS: 2152 TANAGER CT WCTY NV
Taxing District 4000		Geo CD:
Legal Description		
Township 21 SubdivisionName EAGLE CANYON 2 UNIT 1 Range 20 Lot 17 Block C		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/17/2020	2020	\$557.85	\$0.00	\$0.00	\$557.85
INST 2	10/5/2020	2020	\$547.79	\$0.00	\$0.00	\$547.79
INST 3	1/4/2021	2020	\$547.79	\$0.00	\$0.00	\$547.79
INST 4	3/1/2021	2020	\$547.78	\$0.00	\$0.00	\$547.78
Total Due:			\$2,201.21	\$0.00	\$0.00	\$2,201.21

Tax Detail			
	Gross Tax	Credit	Net Tax
Remediation	\$9.92	\$0.00	\$9.92
State of Nevada	\$141.10	(\$26.14)	\$114.96
Truckee Meadows Fire Dist	\$448.19	(\$83.02)	\$365.17
Washoe County	\$1,155.09	(\$213.97)	\$941.12
Washoe County Sc	\$944.94	(\$175.04)	\$769.90
SPANISH SPRINGS WATER BASIN	\$0.14	\$0.00	\$0.14
Total Tax	\$2,699.38	(\$498.17)	\$2,201.21

Payment History
No Payment Records Found

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Property Tax Reminder Notice

WASHOE COUNTY
PO BOX 30039
RENO, NV 89520-3039
775-328-2510

PIN: 53053311
AIN:

Balance Good Through:	05/26/2020
Current Year Balance:	\$0.00
Prior Year(s) Balance: (see below for details)	\$0.00
Total Due:	\$0.00

AUTO



JAMEY & JENNIFER MERRITT
2152 TANAGER CT
SPARKS NV 89441

Description:

Situs: 2152 TANAGER CT
WCTY

This is a courtesy notice. If you have an impound account through your lender or are not sure if you have an impound account and need more information, please contact your lender directly. Please submit payment for the remaining amount(s) according to the due dates shown. Always include your PIN number with your payment. Please visit our website: www.washoecounty.us/treas

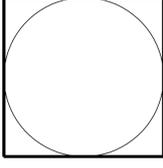
Current Charges									
PIN	Year	Bill Number	Inst	Due Date	Charges	Interest	Pen/Fees	Paid	Balance
53053311	2019	2019132504	1	08/19/2019	543.31	0.00	0.00	543.31	0.00
53053311	2019		2	10/07/2019	531.83	0.00	0.00	531.83	0.00
53053311	2019		3	01/06/2020	531.83	0.00	0.00	531.83	0.00
53053311	2019		4	03/02/2020	531.83	0.00	0.00	531.83	0.00
Current Year Totals					2,138.80	0.00	0.00	2,138.80	0.00

Prior Years								
PIN	Year	Bill Number	Charges	Interest	Pen/Fees	Paid	Balance	
Prior Years Total								

C-V
SHEET NUMBER

DATE: 4-30-19
JOB NO.: 19-196
PROJECT LOCATION:
2192 TAMMERS CT.
WASHOE COUNTY, NV

FLOOR PLAN
A DETACHED GARAGE FOR
JAMIE & JENNIFER MERRITT

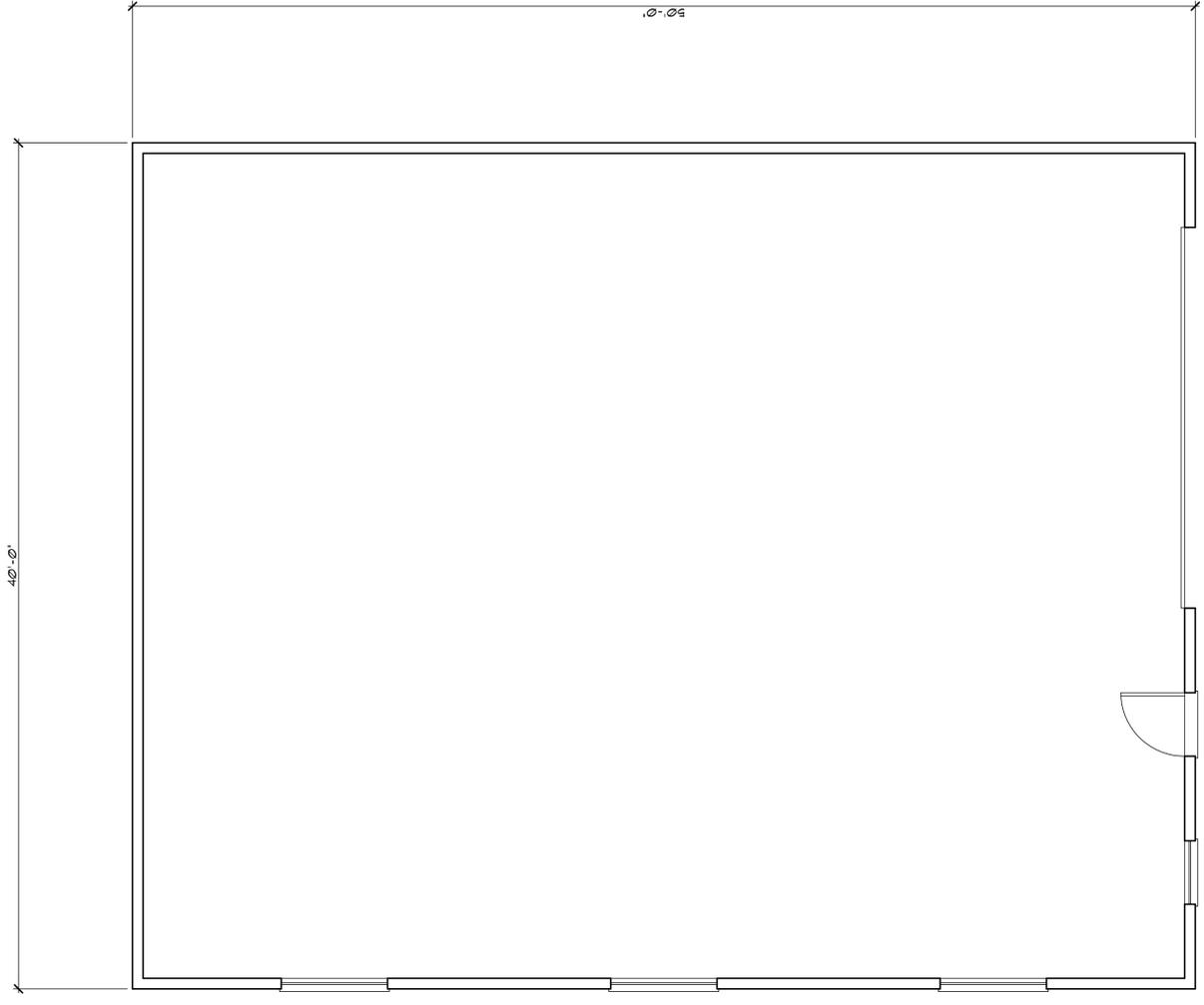


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Residential Design
www.nevadahomedesign.com

steve@nevadahomedesign.com
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NO.	REVISIONS



FLOOR PLAN NORTH

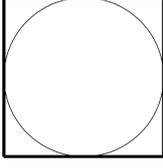
SCALE: 1/4" = 1'-0"

GARAGE AREA : 2,000 SQ. FT.

A-6
SHEET NUMBER

DATE: 4-30-19
JOB NO.: 19-196
PROJECT LOCATION:
2182 TAMMERS CT.
WASHOE COUNTY, NV

EXTERIOR ELEVATIONS
A DETACHED GARAGE FOR
JAMIE & JENNIFER MERRITT

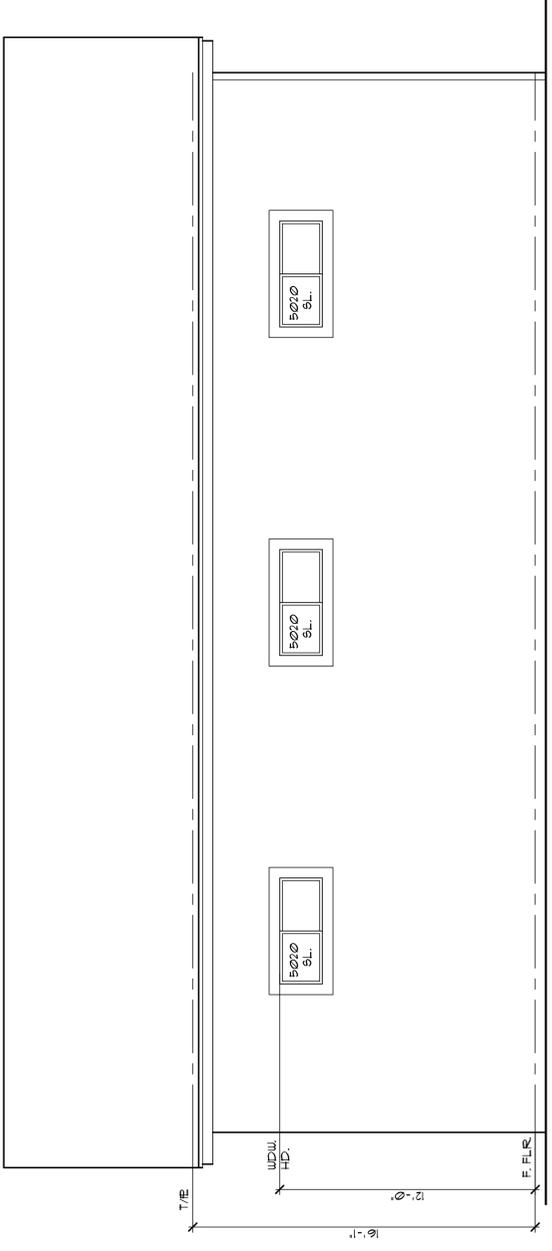


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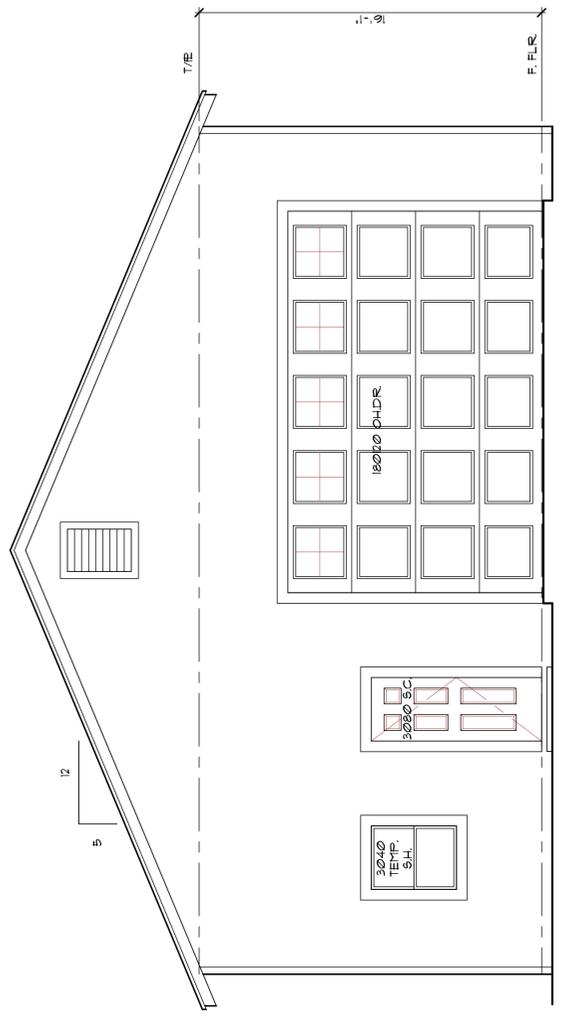
steve@nevadahomedesign.com
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Reno, NV, 89511
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NO.	DESCRIPTION	DATE



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



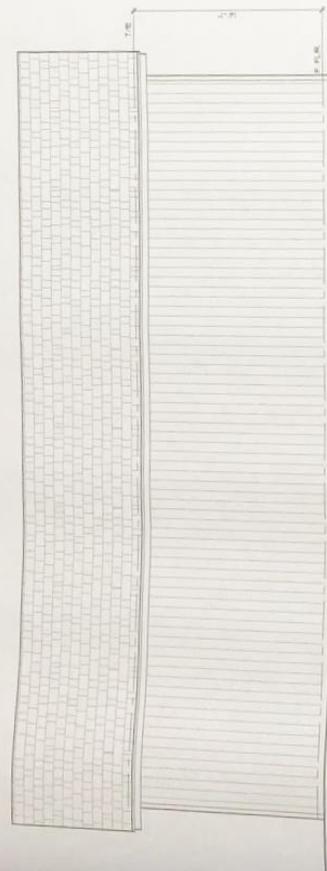
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



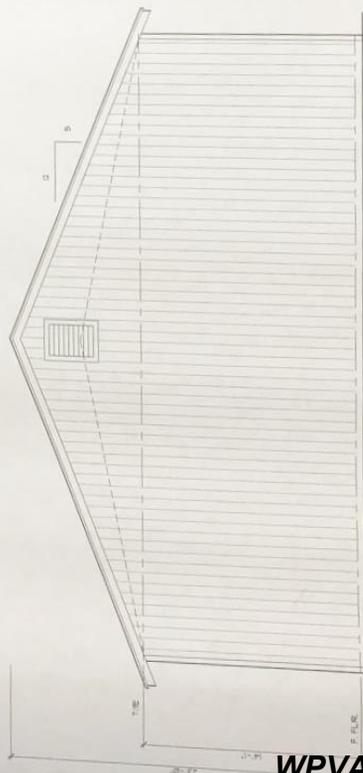
NORTHWEST ELEVATION
SCALE: 1/4" = 1'-0"



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

EXTERIOR FINISHES

- 1 GUTTER/DOWNSPOUTS
COLOR: MATCH HOUSE
- 2 SIDINGS
1" LAP HANGIE PLANK or EQUAL
COLOR: MATCH HOUSE
- 3 SIDING
SHAKE SHAKED
COLOR: MATCH HOUSE
- 4 SIDING
SHAKE SHAKED
COLOR: MATCH HOUSE
- 5 GARAGE DOORS
COLOR: MATCH HOUSE
- 6 ENTRY DOOR
INSULATED STEEL RAISED PANEL
COLOR: PAINT TO MATCH SIDING
- 7 WINDOWS
VINYL SERIES
COLOR: MATCH HOUSE
- 8 VENTS, FLASHINGS, Etc.
COLOR: PAINT TO MATCH ROOF



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



SITE / ROOF PLAN — NORTH

SCALE: 1" = 10'-0"

EAGLE CANYON 2, UNIT 1
1 UNIT BLDGS. C
APN 150-933-11

From: Sam Metz <sammetz@nvcbell.net>
Sent: Wednesday, September 2, 2020 1:54 PM
To: McQuone, Alice <AMcQuone@washoecounty.us>
Subject: from Sam Metz ... re: Spanish Springs CAB meeting ...

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

Hi Alice,

I may not be able to participate this evening.

However, if possible, I would like the members to know that I would support the Merritt application for a variance. I am somewhat familiar with the location. Where the property fence line (rear) ends, beyond is a common interest drainage channel. The type of construction being applied for is not uncommon in this area. Being on a cul de sac, the rear of the property is much wider than what meets the street in the front. Unless a neighbor has a valid objection, I would be voting yes if in attendance.

Sam Metz

Exhibits Provided by Applicant to CAB:

South Neighbor's view with standard code setbacks



South Neighbor's view with requested variance setbacks



Difference between the two setbacks



(Variance Request) Proposed rear setback
northwest corner 9' 9"





WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Kristina Hill, Vice Chair
Lee Lawrence
Brad Stanley
Vacant
Trevor Lloyd, Secretary

Thursday, October 1, 2020
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, in which case this meeting was held by teleconference only. **If the Governor's Emergency Declaration and associated directives concerning public meetings and gatherings of more than 10 people were not still in effect at the time of this meeting, then the meeting would have been held at the above location at the above date and time. Attendance at any physical meeting location will be limited in accordance with any applicable Statutes, Declarations, Directives, Regulations, or Ordinances concerning the COVID-19 pandemic, including any applicable social distancing requirements and limits on the number of persons permitted to be physically present within the meeting room at the same time.**

The meeting was televised live and can be replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Hill called the meeting to order at 1:30 p.m. The following members and staff were present:

Members present: Kristina Hill, Chair
Clay Thomas, Vice-Chair
Lee Lawrence
Brad Stanley

Members absent: None

Staff present: Roger Pelham, Senior Planner Planning and Building Division
Donna Fagan, Recording Secretary, Planning and Building Division
Katy Stark, Recording Secretary, Planning and Building Division
Michael Large, Washoe County Deputy District Attorney

2. *Pledge of Allegiance

The pledge was recited.

3. *Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

4. *Appeal Procedure

Roger Pelham recited the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment and Discussion Thereof

With no request for public comment, Chair Hill closed public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of October 1, 2020. The motion was seconded by Member Thomas and carried unanimously.

7. Possible action to approve July 24, 2020 and August 6, 2020 Draft Minutes

Member Lawrence noted he was not in attendance for the August meeting therefore he will not be being voting on those minutes. DDA Large advised he could vote on the minutes. Chair Hill had some corrections for July 24, 2020 minutes that she shared with the recording secretary.

In accordance with the Open Meeting Law, Member Stanley moved to approve the minutes of July 24, 2020 (as corrected) and August 6, 2020. The motion was seconded by Member Lawrence and approved unanimously.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) – For possible action, hearing, and discussion to approve a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

- Applicant/Property Owner: Jamey and Jennifer Merritt
- Location: 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive
- APN: 530-533-11
- Parcel Size: ± 0.44 acres (± 19,166 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services
Department
Planning and Building Division
- Phone: 775-328-3622
- E-mail: rpelham@washoecounty.us

Chair Hill opened the public hearing. Roger Pelham reviewed his staff report dated September 10, 2020.

Member Lawrence asked what they plan to park in the garage and what it will be used for. Mr. Pelham said the applicant indicated they would be working on classic cars. Member Lawrence asked about an RV. Mr. Pelham said he believes the applicant mentioned something about a recreational vehicle. Member Lawrence spoke about the roof being 12 feet at its peak instead of 16 feet to the top plate. He asked what is the roof height. He noted the diagrams didn't show that. Mr. Pelham said 20 feet. Member Lawrence said if

it was 12 feet, there would be no issue with setbacks. Mr. Pelham confirmed. Mr. Pelham explained how they measured building height. It's not peak, but rather midpoint. He said a garage that is 10 feet at the wall and 14 feet at peak would average 12 feet.

Member Stanley asked if Mr. Pelham sat in the CAB Zoom meeting. Mr. Pelham confirmed he did attend the CAB meeting. Member Stanley asked if Mr. Pelham explained that this wouldn't easily fit within code. Mr. Pelham confirmed he did express that, but still wanted to ask the CAB since they were the experts on their neighborhood. Member Stanley asked about the drainage ditch that would preclude how close something could be. Mr. Pelham stated the drainage facility is a separate parcel of land. Member Stanley said there are instances on the south side of the drainage ditch that have a structure that is close to the lot line. He asked if those were variance or not variance. Member Stanley asked about parcels ending in 05 and 12 near the demarcation line. Mr. Pelham said those are legal structures. He said those structures are 12 feet or less in height. A detached, accessory dwelling may be placed within 5 feet of side and rear property lines in our residential regulatory zone in Washoe County. Member Stanley asked if Mr. Pelham advised the applicant that 12 feet would remedy their problem. Mr. Pelham said he did and discouraged the applicant from applying. He said in his opinion, good customer service is letting someone know if they don't have a reasonable chance of success. Member Stanley asked about a piece of language on page 9, staff's comment on the findings. He read a portion of it and asked the intention. Member Stanley asked about the drainage ditch and how that impacts this situation. Mr. Pelham said code provides us with several specific conditions which equal a hardship. One of those may be the location of the surroundings. He said in his opinion, a drainage ditch on the other side of the property line does not constitute a hardship. There is nothing on their parcel that prohibits the applicant from constructing this same garage either shorter in height in the current location, closer to the property line, or 10 feet towards the house. It's inconvenience, perhaps, but doesn't rise to the level of a physical hardship. Member Stanley asked an example of surroundings on the parcel. Mr. Pelham provided an example; if the drainage ditch crossed the parcel. Mr. Pelham noted the findings – special circumstances applicable to the property; it constrains the property itself.

Member Thomas asked about the house size versus the garage size. He said he wanted to make sure the garage wasn't larger than the house which would trigger another Washoe County Code. Mr. Pelham said it is not and that would have been an administrative permit, which isn't the case here. Member Thomas asked about the distance from house to the front of the garage, as proposed. He asked what would prevent them from moving it closer to the house and not have to worry about the setback. Mr. Pelham said we don't have that dimension in the report. Mr. Pelham stated he discussed that option with the applicant and the applicant said it would make it less convenient to access the garage door.

Member Stanley asked about the line drawing above the site plan on page 5 of 11; he asked about the line that creates a triangle on the encroached part of the proposed garage. Mr. Pelham shared his screen to show the line across the garage. Member Stanley asked if the garage was designed to not include that part that crosses the line, it would meet the set back. Mr. Pelham stated it would. He said if they square it off so that the foundation would be at the setback where it crosses.

Member Lawrence asked about the distance within the orange circle. Mr. Pelham said it's 10 feet, 3 inches. 9 feet 9 inches from the closest point of the structure from the property line. He would have to move it 10 feet 3 inches.

Member Stanley asked if there is a stepped setback based on the height of the roof. Mr. Pelham said no. Mr. Pelham said there is one built-in variance in the code – side and rear in residential regulatory zone for a detached accessory dwelling that is 12 feet or less in height. Otherwise, all standard building setbacks apply.

DDA Michael Large asked about the staff report's exceptional narrowness finding. He said based on the report, the average width is 115 feet, but the narrowing front portion is 48 feet. Typically, we make a finding of exceptional narrowness at 80 feet. Mr. Pelham said not exactly. Mr. Pelham explained the minimum average lot width is 80 feet – minimum average lot dimension is 80 feet. Mr. Pelham said there are several ways a land surveyor can calculate the width and depth of a parcel of land when irregularly shaped. The simple way is to average the front and back width. DDA Large asked if the house having a setback from the street and the shape of the property; does that decrease the amount of space they can use; therefore, causing an exceptional size argument. Mr. Pelham referenced his screen and showed the front yard setback and

existing garage. He showed the few feet between garage and setback. He showed additional room on the left and right sides. The dwelling could have moved forward an extra few feet and met the minimum setback.

Member Stanley asked if there is a code against the roof pitch on a building. If they move it to meet spec, it doesn't cause them inadequate drainage because of pitch. If they lower the height that could run foul for the slant of the roof. Mr. Pelham said that is building code, not planning, but said not as long as they have sufficient pitch to allow water to run off, in accordance with applicable standards in building code. There is no planning code for roof steepness.

Member Lawrence asked about the distance from the setback to the front of the garage. It appears to be the minimum setback. He asked if that distance is less than 10 feet 3 inches. Mr. Pelham said he speculated it's probably 5 feet. Member Lawrence said moving the house to the very edge, 4 feet, 11 3/4 inches would still put the garage in the proposed location and would still violate. The proposed garage could not be moved forward 10 feet 3 inches. Mr. Pelham said it could be moved forward 10 feet, 3 inches but the applicant stated it would be inconvenience based upon putting a vehicle into the garage. Member Lawrence said he could see that turning and trying to get that radius and backing a boat in or something like that. He said he could see that being a hardship for himself.

Member Stanley asked page 4, exhibit C, correspondence between homeowner's association and applicant, 'we have received another ARC request.' Member Stanley said it implies that there is another request like this. Chair Hill said she is on an architectural review committee and they review everything that gets changed such as lighting, structure, and landscaping. This would probably go before ARC, Architecture Review Committee, that's what it stands for.

Member Stanley asked what part of the garage cannot be over the line. Mr. Pelham said eaves of the roof can hang 24 inches into the setback. Member Stanley asked if foundation was within guidance, and eaves were ok, you moved back two feet for stem wall and added storage, would that be ok. Mr. Pelham said no. It would put an enclosed area of the building within the setback; only eaves, not interior space. Member Stanley asked about exterior wall or foundation. Mr. Pelham said he never seen someone cantilever space into a setback other than perhaps a bay window.

The applicant was not available for questions.

Chair Hill said it's a 2,000 square foot garage. She said she is not seeing a hardship other than Member Lawrence's comment about backing a boat in.

Member Thomas said after listening to presentation, he said he has a few issues. We aren't supposed to find every exception, but rather the individual presented to planning representative to see if it complies with Washoe County codes. If Washoe County code says X, but the HOA says it's okay, ie: for land use, just because they grant access, it doesn't make it okay by County code and we are bound by the code to make our decisions. He said he questions if this is a hardship. He said drainage ditch is not a consideration since it's not on the property. He said he can't see an undue hardship based on the perimeter of the property where this garage is place. He references schematic of drawing. Garage door is on the right side and passthrough is on the right side and it's a straight shot. He doesn't see that becoming an issue. Not knowing the distance from the garage to house whether it could be moved within, or the garage could be made smaller, this would not become an issue.

Member Stanley said he won't quarrel with Member Thomas' logic. He said it's a difficult one, and Mr. Pelham tried to advise the applicant of how it works. Member Stanley said the problem he has is with the idea of the CAB's 5 to 0 finding in favor; neighbor's letter in favor; the only deleterious affect identified was the harm would be against that code, in the instance. He is having trouble because the people who live there think it's fair. With a little adjustment, the outside wall versus foundation, there could be creative ways to deal with this.

Member Lawrence said we are struggling over roof height issue. The neighbors near there who would be impacted by viewshed don't seemed to be concerned. There is a 50-foot wash between house and structure. No view shed issue there. He wanted to know what the structure is going to be used for. He said he would be more sympathetic if it was for RV storage or something like that. The CAB voted unanimously and there

is some worth in their opinion. He said he is struggling with seeing a big problem with this and giving approval where it stands and not moving 10 feet 3 inches closer to the house. He said he doesn't know the intended use.

Member Thomas we are attempted to identify there is a hardship; it's the size of structure they are requesting. The average depth of a garage is 21-25 feet; this is double the length of standard garage. The hardship is not predicated on the land, it's based on the fact the applicant wants a large garage. It's the size of the garage; it's not the property. Member Lawrence agreed with Member Thomas. Member Lawrence said without comments from the applicant at this meeting, he is not able to supersede Member Thomas' opinion with his own. He said he would have liked to hear from the applicant and hear why moving the garage closer to the house would have created a hardship regardless of the size. He said he understands the opinion and makes it difficult without the applicant present.

Member Stanley said in addition to the CAB, the neighbor, 6-foot difference in the roofline, he said we have had several dozen applications that we approved or denied for garages much large than this. He said he doesn't consider it too impactful for his consideration. It could be for an RV. As stated by Mr. Pelham, they are repairing cars, said it's their land to do as they wish. He said he understands what has been said about the hardship but have trouble with the 221 square foot versus CAB findings and what the neighborhood thinks. Chair Hill said the CAB doesn't have to comply with the Washoe County Code nor does the architectural review committee or neighbors. She said we are responsible for enforcing the code and ordinances. Its hard to make the findings. She read their application which states it's for parking for classic vehicles, recreational vehicles, and other personal property. They could do it if they moved it closer to the garage and keep the same size.

Member Stanley agreed they have been offered options by the planner. He said he disagreed with Chair Hill's comment about CABs. They provide the BOA feedback and input to the thinking process. Member Hill said she normally agrees with the CAB. Member Stanley said it's their dirt and they live there. They are sincere. It's our job to act as a conduit in organizing that information to BCC. He said we need to take all facts into account. He said it was a unanimous opinion by the CAB. He understands the code and how it doesn't comply. He agreed with Member Lawrence and asked why the applicant isn't here. Chair Hill said the applicant said they were planning on attending via Zoom but aren't on.

Member Thomas moved 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 WPVAR20-0004 for Jamey and Jennifer Merritt, being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25. Those findings being 1 and 2 – special circumstance and no deterrent as it applies to the purpose of the Development Code. Chair Hill seconded the motion. The motion passed, 3 in favor, 1 opposed (Member Stanley opposed). Member Stanley said he isn't comfortable denying this since the applicant wasn't present to clarify questions. DDA Large notified discussion already occurred and closed discussion.

9. Director's and Legal Counsel's Items

***A. Report on Previous Board of Adjustment Items**

Member Lawrence asked when Member Toulouse's seat will be filled. DDA Large noted it came before the BCC and a name was put forward and not passed, the person was not confirmed, and staff is working to fill that position expeditiously. He expected November or December to be filled. Member Stanley asked what would have happen if Member Lawrence would have voted denial. DDA Large said no action and it would be deadlocked. The applicant can appeal the decision to BCC.

***B. Legal Information and Updates**

None

10. *General Public Comment and Discussion Thereof

With no request for public comment, Chair Hill closed public comment.

11. Adjournment

Meeting adjourned at 2:32 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on _____, 2020

Trevor Lloyd
Secretary to the Board of Adjustment



Attachment D

Conditions of Approval

Variance Case Number WPVAR20-0004

The project approved under Variance Case Number WPVAR20-0004 shall be carried out in accordance with the Conditions of Approval granted by the Board of County Commissioners on 11/17/2020. 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 variance 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 Building Division.

Compliance with the conditions of approval related to this variance 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 variance may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this variance 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 Building Division

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

Contact: Roger Pelham (775) 328-3622

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this variance.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Planning and Building Division shall determine compliance with this condition.
- c. The proposed garage shall match the existing dwelling in general architectural design as well as choice of colors, building materials and roofing materials.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

2. The following **operational conditions** shall be required for the life of the development:
 - a. Failure to comply with the conditions of approval shall render this approval out of compliance with this variance and subject to revocation. Compliance with this condition shall be determined by Planning and Building.

*** End of Conditions ***

Attachment E

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Washoe County Appeal of Decision to Board of County Commissioners

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.

Appeal of Decision by (Check one)	
Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.	
<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Hearing Examiner	<input type="checkbox"/> Other Deciding Body (specify) _____
Appeal Date Information	
Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.	
Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).	
Date of this appeal: <u>10/06/2020</u>	
Date of action by County: <u>10/01/2020</u>	
Date Decision filed with Secretary: <u>10/05/2020</u>	
Appellant Information	
Name: Jamey & Jennifer Merritt	Phone: 775-287-0201
Address: 2152 Tanager Ct.	Fax:
	Email: jrmerritt@charter.net
City: Sparks State: NV Zip: 89441	Cell: 775-691-9784
Describe your basis as a person aggrieved by the decision: Was absent from Board of Adjustment October 1, 2020 BOA meeting to give testimony as to why our property should be considered for a variance approval.	
Appealed Decision Information	
Application Number: WPVAR20-0004	
Project Name: Merritt Rear Yard Setback Reduction	
State the specific action(s) and related finding(s) you are appealing: See Attached Letter	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:
See Attached Letter

Cite the specific outcome you are requesting with this appeal:
See Attached Letter

Did you speak at the public hearing when this item was considered?

- Yes
 No

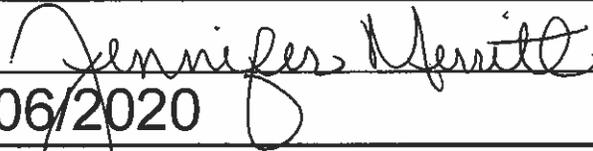
Did you submit written comments prior to the action on the item being appealed?

- Yes
 No

Appellant Signature

Printed Name: **Jennifer Merritt**

Signature:



Date: **10/06/2020**



WASHOE COUNTY
 COMMUNITY SERVICES DEPARTMENT
 Planning and Building

Attachment E
 1001 EAST STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Board of Adjustment Action Order

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction)

Decision: Denial

Decision Date: October 1, 2020

Mailing/Filing Date: October 5, 2020

Property Owner: Jamey and Jennifer Merritt

Assigned Planner: Roger Pelham, MPA, Senior Planner
 Washoe County Community Services Department
 Planning and Building Division
 775.328.3622
rpelham@washoecounty.us

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) – For possible action, hearing, and discussion to approve a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

- Applicant/Property Owner: Jamey and Jennifer Merritt
- Location: 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive.
- APN: 530-533-11
- Parcel Size: ± 0.44 acres (± 19,166 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make findings, as required by Washoe County Code (WCC) Section 110.804.25, the Board was unable to make findings #1 (Special Circumstances) and #2 (No Detriment) below.

1. **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;



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Memo to: Jamey and Jennifer Merritt
Subject: Variance Case Number WPVAR20-0004
Date: October 5, 2020
Page: 2

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The 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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at 775.328.6100. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Trevor Lloyd

Trevor Lloyd, Planning Manager
Secretary to the Board of Adjustment
Planning and Building Division
Washoe County Community Services Department

TL/rp

Applicant/Owner: Jamey and Jennifer Merritt
2152 Tanager Court
Sparks, NV 89441

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck,
Assessor's Office; Rigo Lopez, Assessor's Office; Mojra Hauenstein, Planning and
Building

October 06, 2020

Washoe County
Attn: Trevor Lloyd, Planning Manager
1001 E. Ninth St. Bldg. A
Reno, NV 89512-2845

Re: Request to Appeal to BCC; WPVAR20-0004

Dear Mr. Lloyd,

We, Jamey and Jennifer Merritt recently applied for a variance to request for an adjustment/variance of the rear yard setback from 20 ft. to 9 ft. 9 in., more specifically approximately 221 sf. of the NW corner of the proposed detached garage (drawings were provided with variance application; plot drawing includes the variance setback). We believe our property falls under Washoe County Section 110.804.25 Special Circumstance due to the shape of our property. Our application was reviewed by the Board of Adjustments on October 1, 2020 and was denied. Unfortunately, neither of us was present to provide our testimony and answer questions that we feel would have potentially changed the outcome of the hearing. We are requesting to appeal the Board of Adjustments decision to the Washoe County Board of County Commissioners per Washoe County Section 110.912.20.

Our property as you can see from the images and parcel map provided in our application is pie shaped and situated within a cul-de-sac. Our property is unique because our side yard property lines are not equal; we have approximately 67 ft. less on our west side than we do on our east side; east side being where we would like to construct our garage. Looking at other properties in cul-de-sacs, above and below us, that are situated similar to our property, they have equal or close to equal side yard property lines.

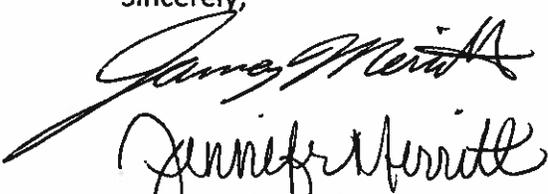
Prior to applying for a variance, we requested approval from our HOA. Approval letter comments include that we must obtain necessary permits from Washoe County and garage must be constructed with similar material as home and color scheme, all of which are our intentions. Following HOA approval we submitted our variance application; it has been reviewed by Washoe County Engineering Projects Division that recommended approval with the following comments and conditions of approval which supplement applicable County Code. We would like to note that there were NO comments or conditions from General Engineer, Drainage, Traffic/Roadway, Utilities, Fire, or Health departments. We did receive 1 comment back from Washoe-Storey Conservation District; that our paint color palette must match existing building including roof material.

Our variance application has also been reviewed and approved unanimously by the Spanish Springs CAB on September 2nd. During that meeting there was discussion regarding our property and its surroundings. This particular community is known for its bigger lots to accommodate detached garages in various sizes. It has been determined that our property and the proposed site location for the garage does not have any view obstructions nor will there be any sunlight obstructions. The CAB members acknowledged that we have a 50 ft. storm drain on the backside of our property that separates our lot from other lots on the north side, this being where we are requesting for the variance. We have spoken with multiple neighbors and they didn't have a problem with our request. Our east side neighbor actually said he appreciated us wanting to move it back some because it would take it out of view from his bedroom window. During the Spanish Springs CAB meeting Commissioner Hartung was in attendance and inquired if other variances have been given in our community and if there have been any precedent set for allowing this type of variance. Washoe County Planner, Mr. Pelham reported variances are unique, one variance does not set a precedent, there for we do not see our variance approval as receiving any kind of special privileges. Our opinion is that the review process by the different committees, departments and neighbors should have had more weight with consideration with the Board of Adjustments decision.

In closing we purchased this property 19 years ago to raise our family. We selected this lot in hopes of building a garage one day. The proposed garage will provide adequate storage for personal property, classic and recreation vehicle (camp trailer) in efforts to eliminate clutter and keep out of view from surrounding neighbors. Looking at what defines a Hardship; there are multiple definitions of a hardship including one that is "a lack of comfort". Our hardship is with the standard setback, it will not provide enough separation between our home and the proposed garage. We would feel more "comfortable" with the additional space for garage access, especially trying back in a recreation vehicle and most importantly additional separation in the event of a fire.

We are trying to abide by County Codes; receiving an Adjustment/Variance is part of the Washoe County Code Process. We didn't want to ask for forgiveness and create an unnecessary hardship if we had constructed prior to realizing the setbacks for taller structures.

Sincerely,




Jamey and Jennifer Merritt
2152 Tanager Ct.
Sparks, NV 89441