



Board of Adjustment Staff Report

Meeting Date: June 4, 2015

Subject: Variance Case Number: VA15-003
Applicant: Alpine View LLC
Agenda Item Number: 8C
Project Summary: Reduce the front yard setback from 15 feet to 5.5 feet to accommodate a covered entry deck.
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd - Senior Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3620
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Description

Variance Case Number VA15-003 (Alpine View, LLC.) – Hearing, discussion, and possible action to grant a variance to reduce the required front yard setback from fifteen (15) feet to ± 5.5 feet to allow for a covered entry deck as part of a new home addition to the existing residence.

- Owner/Applicant: Alpine View, LLC
Attn: Craig Rauchle; Julie Weintraub
- Consultant: Elise Fett & Associates, Ltd.
PO Box 5989
Incline Village, NV 89450
- Location: 615 Alpine View
Incline Village, NV 89451
- Assessor's Parcel Number: 131-212-10
- Parcel Size: 0.451 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkgigler
- Section/Township/Range: Section 10, Township 16N, Range 18E, MDM,
Washoe County, NV

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Variance Definition

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

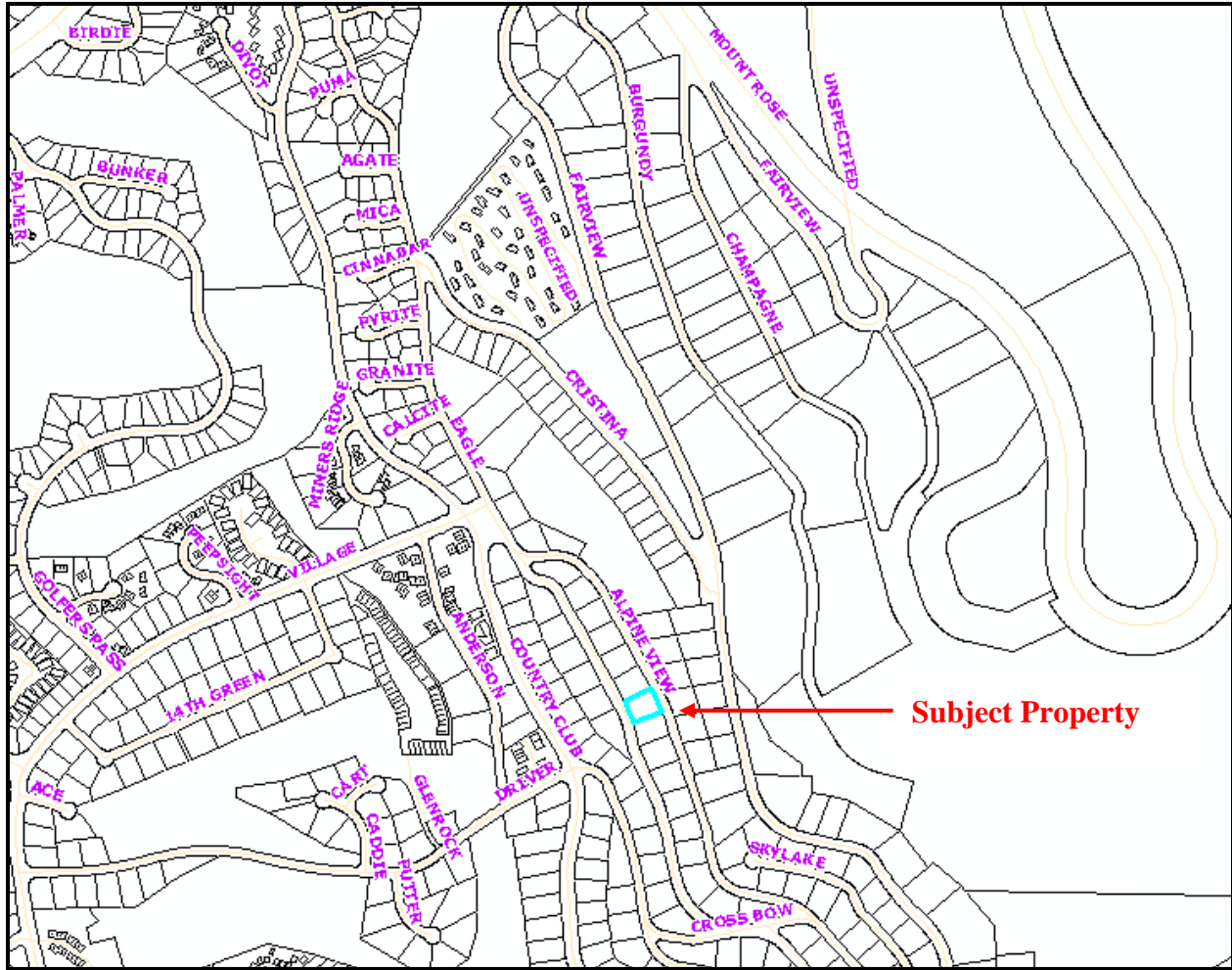
NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

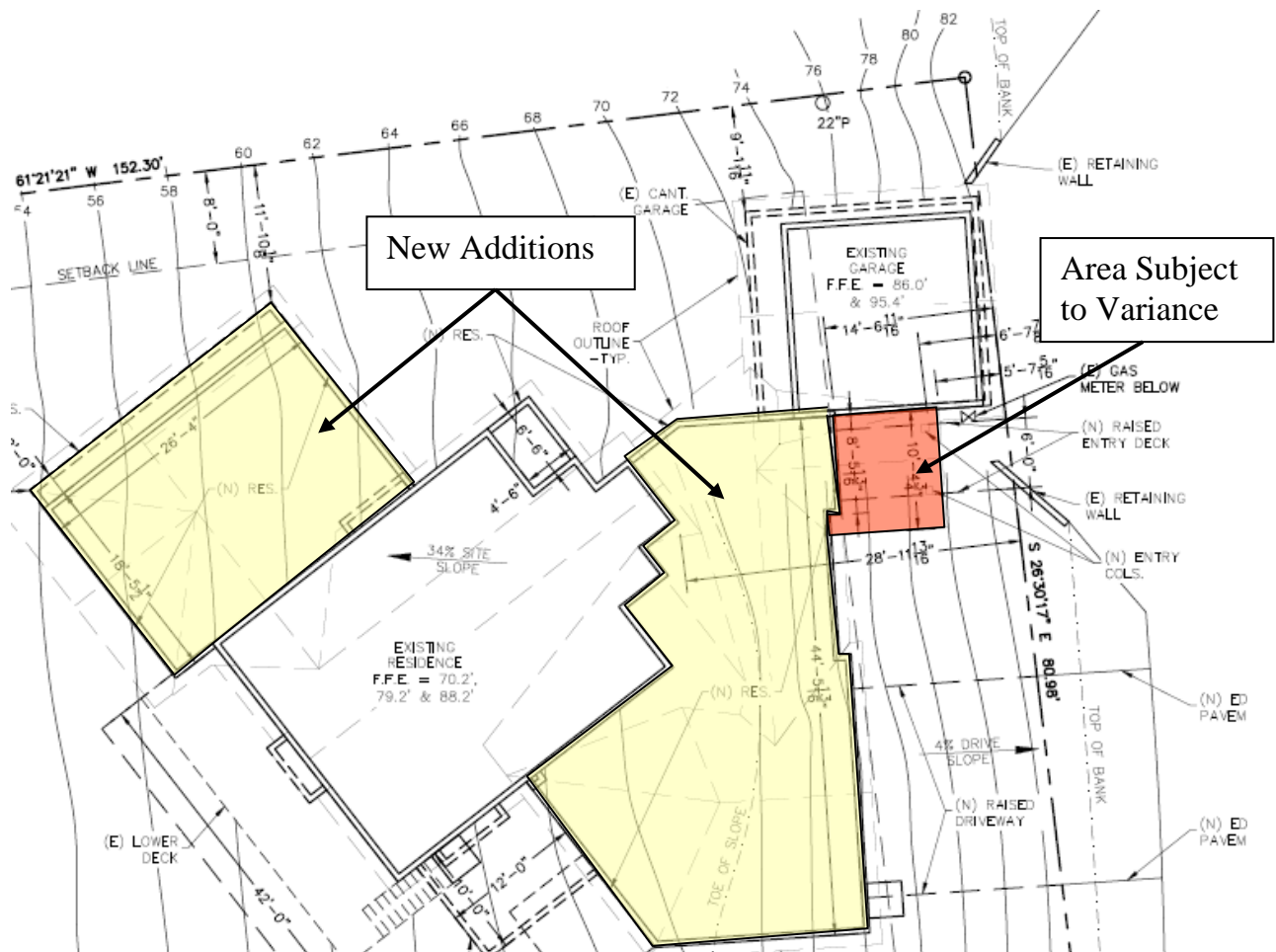
The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC Section 110.804.25, the Board must make four findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be 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:

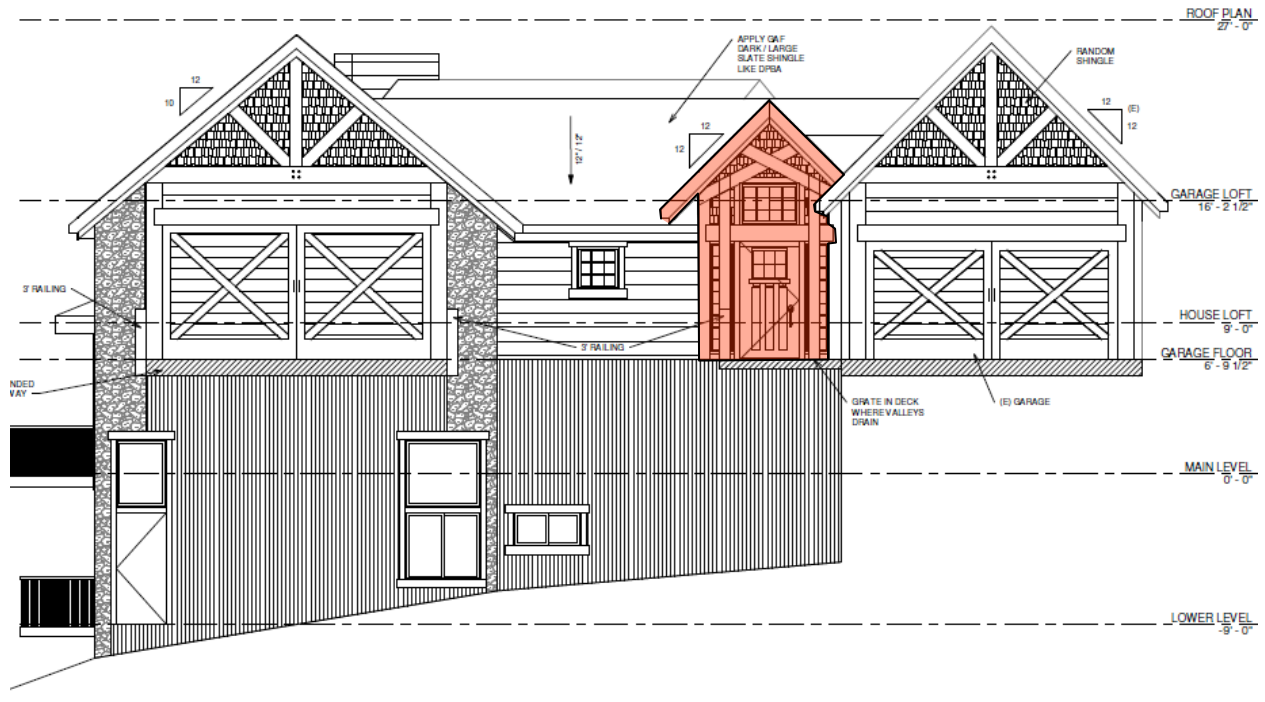
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “Operational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



Vicinity Map



Site Plan



Front Elevation



Aerial Photo





Project Evaluation

The applicants are seeking to make a number of improvements to their existing home. Among these improvements are additions to the home such as a new attached garage and new entry area. In order to support these new additions, the applicant is requesting a variance to allow for a new covered walkway from the existing garage to the front entrance. Currently the front entrance is accessed by a covered walkway and a steep uncovered stairway that leads to the front entrance. The uncovered stairway presents a hazardous condition for the residents and visitors during the winter months.

The applicant's request will result in a net reduction of development within the front yard setback by approximately 25 square feet. The existing awning that will be removed includes about 125 square feet within the front yard setback, while the proposed entry will consist of approximately 100 square feet within the front yard setback. Additionally, the existing awning/covered walkway extends to the property line; whereas the proposed new entryway will be recessed about five and one-half feet back from the where the existing awning is currently located. The proposed variance is within substantial compliance with the original variance which was granted by the Washoe County Board of County Commissioners on September 22, 1987 which reduced the front yard setback from 15 feet to zero feet to facilitate the construction of the detached garage.

The proposed project is scheduled to be heard by the Incline Village/Crystal Bay Citizen Advisory Board on June 1, 2015. A review of the CAB comments will be provided to the Board of Adjustment at the June 4, 2015 meeting.

Reviewing Agencies

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

- Washoe County Planning and Development Division
- Washoe County Capital Projects and Engineering Division
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District
- Tahoe Regional Planning Agency
- Washoe County Health District - Environmental Health Services

Four out of the six above listed agencies/departments provided comments and, other than Planning and Development Division, none of the reviewing agencies provided any recommended conditions.

Staff Comment on Required Findings

Section 110.804.25 of Article 804, *Variiances*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the abandonment request. Staff has completed an analysis of the 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: The original variance that was approved by the Washoe County Board of County Commissioners was granted due to the exceptional steepness along the front of the property. The slopes along the front of the property exceed a 30% slope.

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: The proposed variance will not create a substantial detriment. The proposed construction will reduce the amount of development within the front yard setback. The existing garage is built to the property line and the existing awning which is planned to be removed is also built to the property line. The proposed entryway which will be within the front yard setback will not block views or create any traffic hazards, etc. In fact, the proposed variance will help improve the safety and appearance of the existing home.

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: Most of the neighboring properties along Alpine View Drive have received variances to reduce the front yard setback due to steep slopes, especially along the south side of the roadway.

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: The use of the property will remain a residential use which is consistent with the existing zoning of the property.

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

Staff Comment: There are no military installations within the required noticing distance of 3,000 feet from the property; therefore, this finding is not required.

Recommendation

Those agencies which reviewed the application recommended support of approval of the project. Therefore, after a thorough analysis and review, Variance Case Number VA15-003 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number VA15-003 for Alpine View LLC., with the conditions of approval as included at Exhibit A to the staff report having made all four 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;

Appeal Process

Board of Adjustment action will be effective 10 calendar days from the date that the decision is filed with the secretary to the deciding body and mailed to the applicant, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Property Owner: Alpine View, LLC.; c/o Woodburn and Wedge, PO Box 2311,
Reno, NV 89505

Representatives: Elise Fett, PO Box 5989, Incline Village, NV 89450

Action Order xc:

EXHIBIT A



Conditions of Approval

Variance Case Number: VA15-003

The project approved under Variance Case No: VA15-003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on June 4, 2015. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

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 Development 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 initiation 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 Development Division

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

Contact Name – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and 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. .
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: May 22, 2015

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

1:30 p.m., Thursday, June 4, 2015

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

PUBLIC HEARING: Variance Case Number VA15-003 (Alpine View, LLC.) – Hearing, discussion, and possible action to reduce the required front yard setback from fifteen (15) feet to ±5.5 feet to allow for a covered entry deck as part of a new home addition to the existing residence.

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Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775-328-3620
- E-mail: tlloyd@washoecounty.us

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

To access additional information about this item, please visit our website at: http://www.washoecounty.us/csd/planning_and_development/, choose **Boards and Commissions**, then **Board of Adjustment, Meetings, +2015**. A staff report related to this public hearing will be posted on Friday, six days prior to the meeting.