



# WASHOE COUNTY

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CM/ACM \_\_\_\_\_

Finance \_\_\_\_\_

DA \_\_\_\_\_

Risk Mgt.\_N/A\_

HR\_N/A\_

Comptroller \_\_\_\_\_

## STAFF REPORT

**BOARD MEETING DATE: August 23, 2016**

**DATE:** July 5, 2016

**TO:** Board of County Commissioners

**FROM:** Roger Pelham, Senior Planner, Planning and Development Division  
Community Services Dept., 775.328.3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

**THROUGH:** William H. Whitney, Director, Planning and Development Division  
Community Services Dept., 775.328.3617, [bwhitney@washoecounty.us](mailto:bwhitney@washoecounty.us)

**SUBJECT:** Hearing, discussion, and possible action on Appeal Case Number AX16-004, appealing the denial by the Washoe County Board of Adjustment of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) which sought a variance pursuant to Article 804 of the Washoe County Development Code to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; or reverse the Board of Adjustment's denial and issue the Variance with Conditions of Approval.

The Applicant's representative is Elise Fett and Associates Attn: Julie Rinaldo PO Box 5989 Incline Village, NV 89450. The property owners are Thomas and Susan Fleming. The property's location is 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village NV (APN 126-251-06). Parcel Size is  $\pm$  .363 acres with a Master Plan Category of Suburban Residential (SR) and a Regulatory Zone of Medium Density Suburban (MDS). The property is in the Tahoe Area Plan of the Washoe County Master Plan. (Commission District 1.)

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### SUMMARY

Confirmation, reversal or modification, of denial by the Washoe County Board of Adjustment of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) which sought a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities.

**AGENDA ITEM # \_\_\_\_\_**

## **PREVIOUS ACTION**

The variance request was discussed at the regular meeting of the Incline Village / Crystal Bay Citizen Advisory Board on April 25, 2016. The CAB declined to take a vote on the request, and rather indicated that each member would submit their individual comments to Staff. Those comments are included in the Staff Report to the Board of Adjustment, attached to this report.

The variance request was heard by the Washoe County Board of Adjustment (BOA) on June 2, 2016. The BOA voted three in favor and one opposed to deny the variance being unable to make the appropriate findings for approval.

## **BACKGROUND**

The applicant has appealed the denial of the Variance request to reduce the front yard setback. The topography of the subject site is substantially similar to surrounding parcels which appear to be constructed within the required setbacks. The Board of Adjustment found no exceptional narrowness, shallowness, or shape of a specific piece of property, or by exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property.

## **VARIANCE STANDARDS**

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 of Adjustment does not have the power to grant a variance from the strict application of a regulation. Along that line, under Washoe County Code Section 110.804.25, the Board of Adjustment must make five findings which are discussed in the Board of Adjustment staff report dated May 12, 2016, and included as Attachment A to this report.

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.

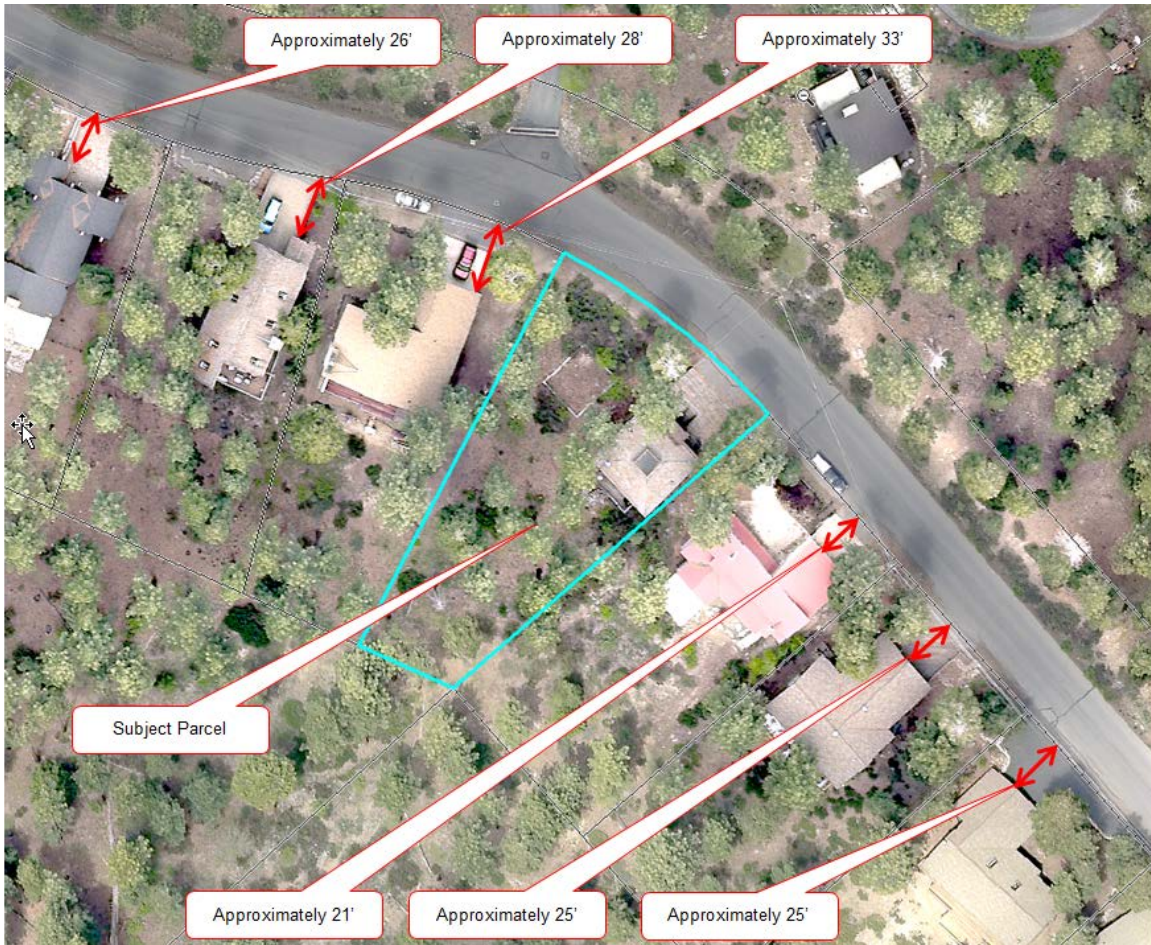
The Board of Adjustment has denied the variance request thus, there are no Conditions of Approval attached. Should the Board of County Commissioners make all five findings and approve the requested variance, staff will be prepared to provide recommended Conditions of Approval at the public hearing.

### **VARIANCE EVALUATION**

At the hearing before the Board of Adjustment the applicant indicated that a variance had been approved on the subject parcel approximately 22 years ago, but the improvements had never been constructed. Variances are typically granted for a period of two years. If building permits are not obtained during that time period, the approval expires. Evaluation of the variance request at that time was under a previous version of the Development Code. The current Development Code was adopted approximately 19 years ago and requires an evaluation of whether or not a hardship exists. The previous approval simply made findings that there was a 26% slope, that the site chosen was the “only reasonable” location, that there would be no detriment, that the request is consistent with the Tahoe Area Plan and that no special privileges would be granted. The applicant also indicated that it would be a benefit to the surrounding property owners if the variance were granted, as no additional obstruction of views of the Lake from Cristina Drive would be created. Staff recommended denial due to an evaluation of the lack of any special circumstances as required by the current Development Code and based upon the recommendation of the County Traffic Engineer who provided comments that, “a garage could be located within setbacks, a vehicle parked in front of the garage would encroach in the traveled way of Cristina Dr., and snow storage would be reduced.”

The Board of Adjustment found that there are no special circumstances that rise to the level of a hardship and voted to deny the variance. The vote was 3 to 1 to deny the request. The draft minutes from that meeting are attached to this report.

An overhead photo of the subject site and surrounding dwellings with approximate front yard setback dimensions follows:



**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended that the Board of County Commissioners take action to confirm the Board of Adjustment's denial of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) which sought a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling, and deny Appeal Case Number AX16-004.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to confirm the Board of Adjustment's denial of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) which sought a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling, and deny Appeal Case Number AX16-004."

Should the Board disagree with staff's recommendation, an alternative motion might be: "Move to reverse the Board of Adjustment's denial of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) which sought a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling, and to approve the variance having made

the following 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.”

Attachments:

- A: Board of Adjustment Staff Report Dated: May 12, 2016
- B: Board of Adjustment Action Order Dated: June 7, 2016
- C: Board of County Commissioners Alternative Motion
- D: Appeal of Decision Application

AX16-004

Attachment A:

Board of Adjustment Staff Report Dated 5/12/2016



# Board of Adjustment Staff Report

Meeting Date: June 2, 2016

Subject: Variance Case Number: VA16-003  
Applicant(s): Thomas and Susan Fleming  
**Agenda Item Number:**  
Project Summary: Reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches  
**Recommendation:** **Denial**  
Prepared by: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Division of Planning and Development  
775.328.3622  
Phone: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)  
E-Mail:

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## Description

**Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction)** – Hearing, discussion, and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.

- Applicant: Elise Fett and Assoc, attn. Julie Rinaldo, PO Box 5989, Incline Village, NV 89450
- Property Owner: Thomas and Susan Fleming, 5111 Alta Canyon Road, La Canada Flitridge, CA 91011
- Location: 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village.
- Assessor's Parcel Number(s): 126-251-06
- Parcel Size: ± .363 acres
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Development Code: Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 10 & 11, T16N, R18E, MDM, Washoe County, NV

**Staff Report Contents**

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Reviewing Agency Comments ..... Exhibit A  
Citizen Advisory Board Minutes ..... Exhibit B  
Variance Application ..... Exhibit C  
Public Notice..... Exhibit D  
Letters from Neighbors ..... Exhibit E



**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:

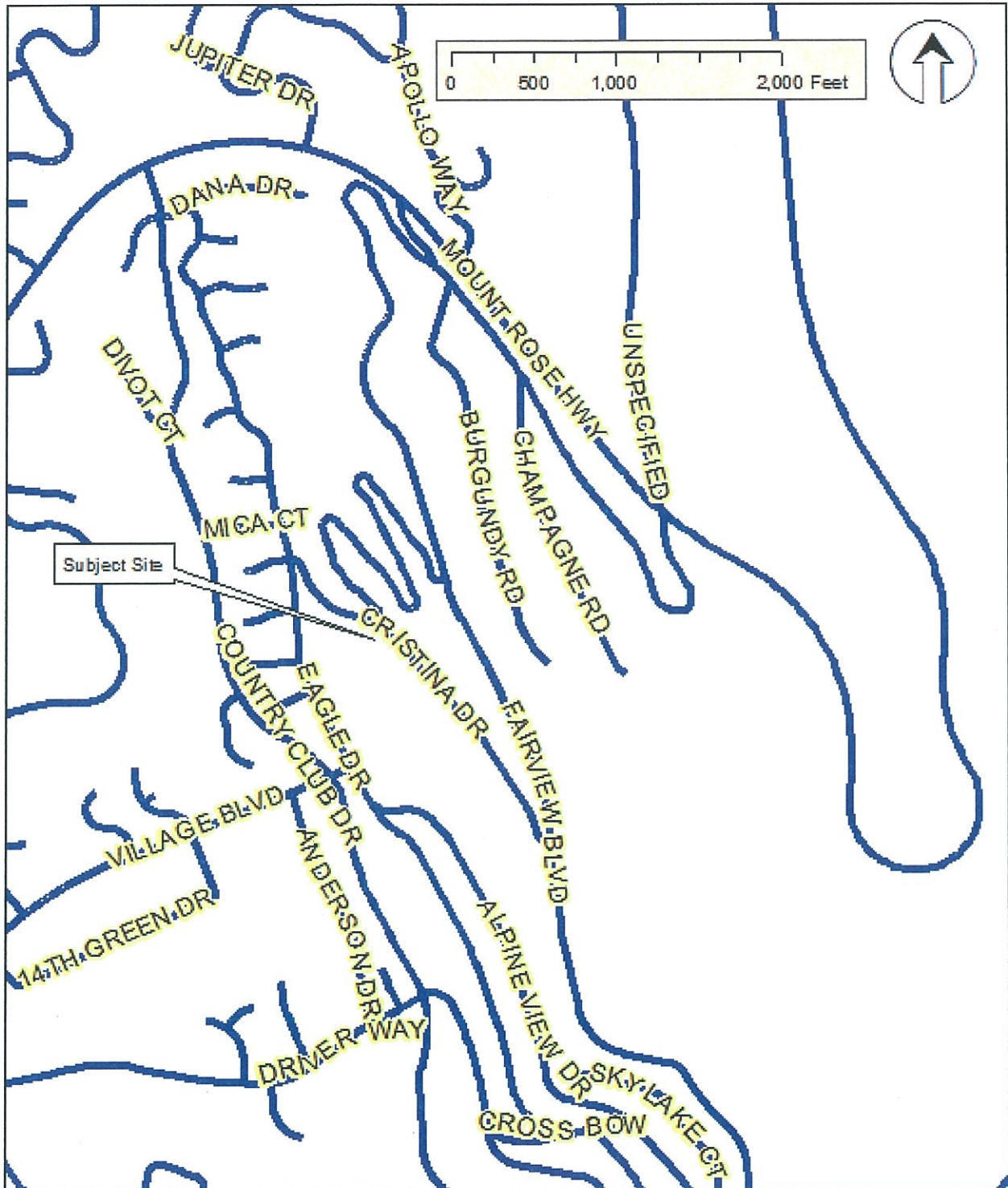
Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application 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 Washoe County Code Section 110.804.25, Variance, 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.

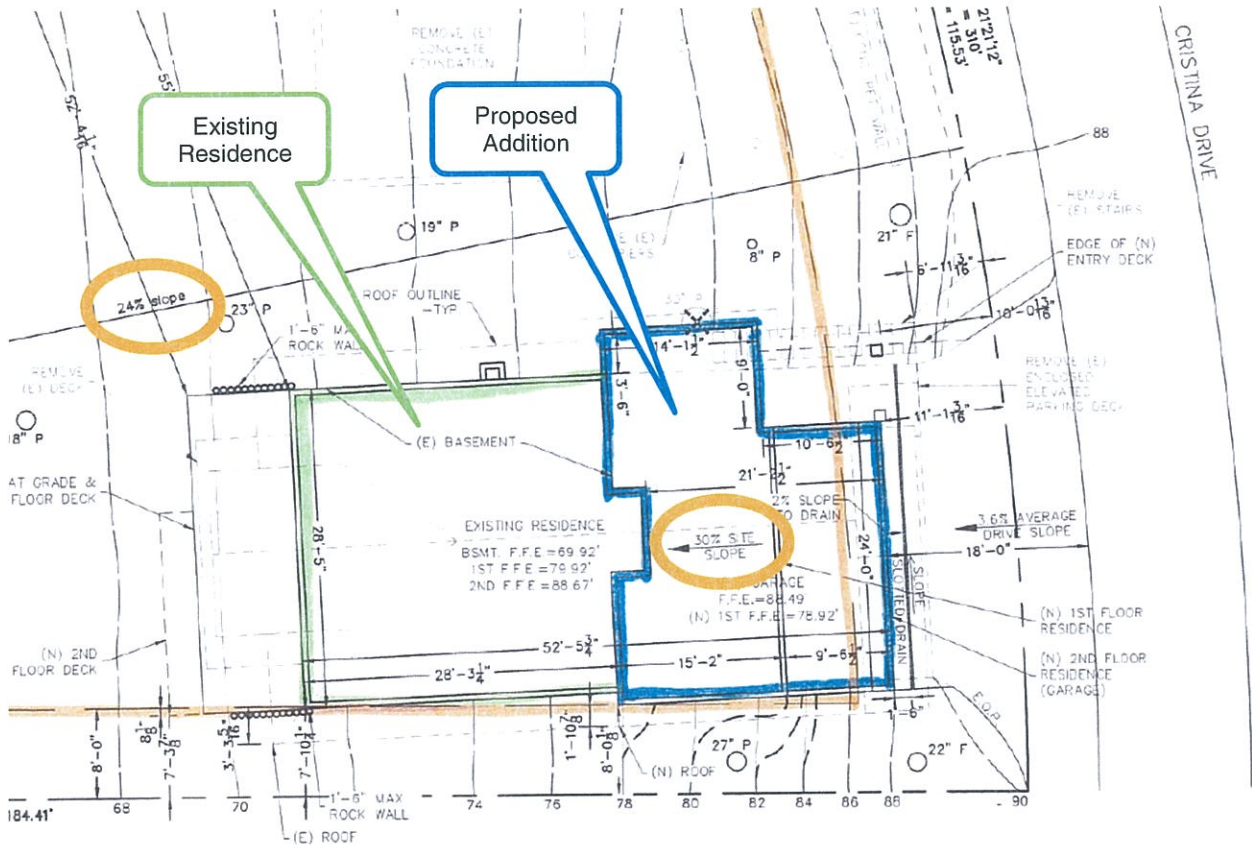
Since a recommendation of denial has been made, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance, staff will provide Conditions of Approval at the public hearing.



Vicinity Map



**Site Plan**



**Detail Site Plan**

**Project Evaluation**

The applicant is requesting to reduce the required front yard setback to facilitate expansion of the existing dwelling. The expansion is proposed to consist of both living area as well as garage area.

It is important to recognize that the approval of any variance is jurisdictional, that is to say that Nevada Revised Statutes limits the power of the Board of Adjustment to grant variances only under particular circumstances. Among those circumstances are: 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 be made 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.

Evaluation of the request to vary standards will follow the criteria as required above.

**Exceptional Narrowness:** The parcel is located within the Medium Density Suburban zone. The minimum lot size in that zone is 12,000 square feet. The subject parcel is approximately .363 acres or 15,812 square feet in size. The minimum lot width in that zone is 80 feet. The subject parcel is approximately 115 feet in width at the front property line. The subject parcel is not exceptionally narrow.

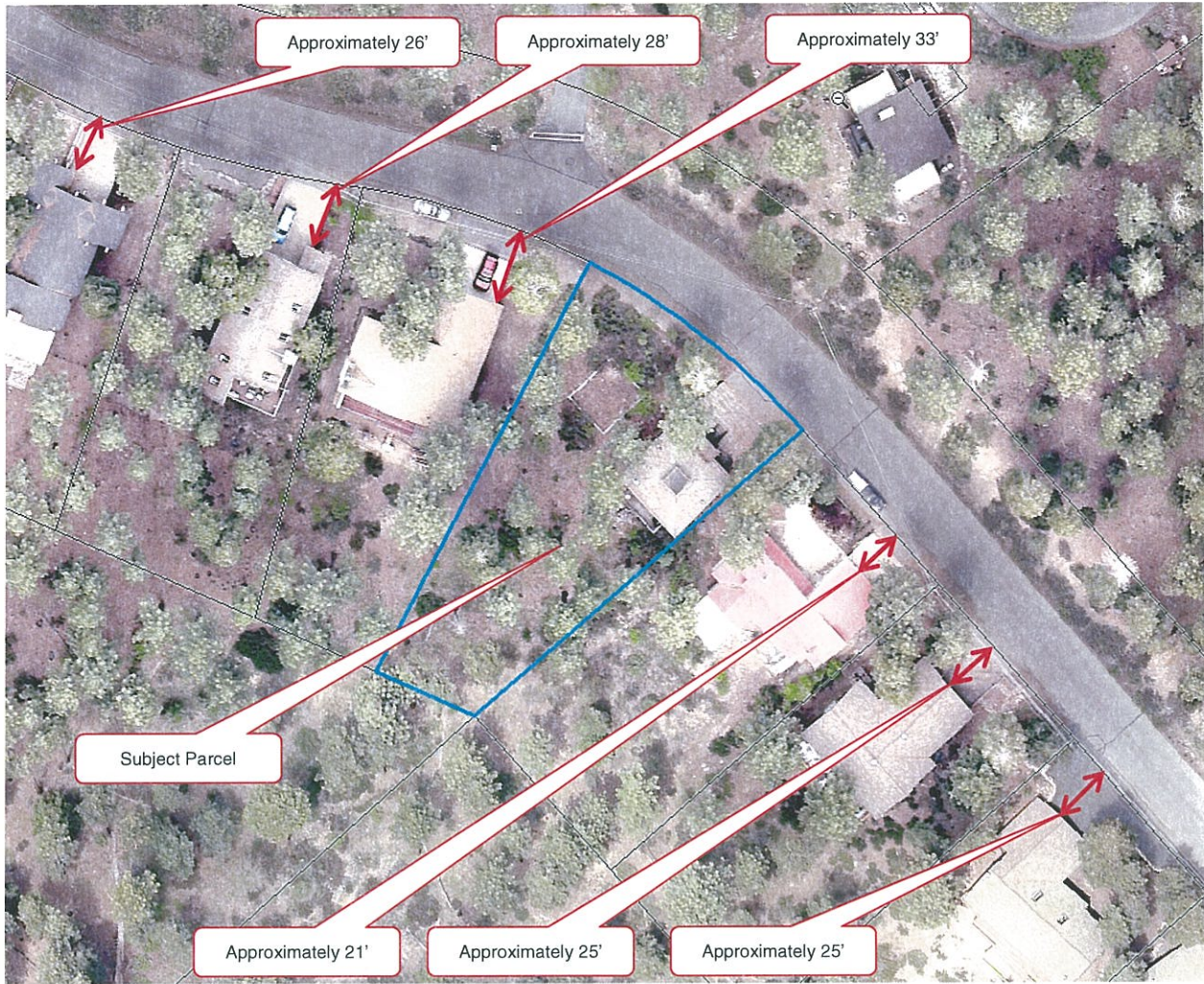
**Exceptional Shallowness:** The side property lines of the subject parcel are approximately 195 and 184 feet in length, for an average lot depth of approximately 189 feet. The subject parcel is not exceptionally shallow.

**Exceptional Topographic Conditions:** The subject parcel, overall, is sloped at approximately 24%. The Development Code recognizes that all parcels with such slopes present challenges for the design of access. For this reason section 110.406.30(b) reduces the front yard setback to 15 feet. This is an accommodation for such parcels, in other instances, parcels within the same regulatory zone would be required to maintain 20-foot front yard setbacks.

As can be seen in the following overhead photograph, the slope of the subject parcel is consistent with the slope of most surrounding parcels. Each yellow line represents a change in elevation of two feet. The topography of the subject parcel is not "exceptional."



Other Extraordinary and Exceptional Situation or Condition of the Piece of Property: Staff has not been able to identify any characteristic of the property that creates an extraordinary or exceptional situation or condition. It is instructive to note that, based upon the overhead photograph, the adjacent dwellings seem to be constructed in conformance with the required setbacks.



It is also important to recognize that the Development Code, in the Tahoe Area Plan modifiers, section 110.220.20(d), allows the construction of a detached garage up to the front property line when the lots includes a slope of 20% or greater. The subject parcel includes such a slope.

The variance application provides some detail as to the reasons that the variance has been requested. Those include, “The site has a 30% slope and an existing parking deck at the front of the house. Locating the garage addition where the existing parking deck structure is located is the least obtrusive option for an attached garage. Any other location would require a new driveway approach at an even steeper area of the lot. The kitchen of the existing house is directly in front of the proposed garage and the roofline of the existing house can continue over the garage and new entry for reasonable and efficient construction that provides safe access to the home.”

All of the factors evaluated show that there are essentially unlimited options for construction of additional living area as well as a garage on the subject parcel without the approval of the variance requested. While Staff recognizes that the configuration requested with the Variance may be the most convenient for the applicant, there is no hardship that rises to the level of recommendation of approval for the variance request.

The request was also evaluated by interested agencies and departments as it covered in detail below, however, among the most instructive evaluations was provided by Clara Lawson, Washoe County Traffic Engineer. Her evaluation includes a recommendation for denial for the reasons that, "a garage could be located within setbacks, a vehicle parked in front of the garage would encroach in the traveled way of Cristina Dr., and snow storage would be reduced."

For these reasons, staff recommends denial being unable to make the necessary findings of fact as required by both Nevada Revised Statutes and the Washoe County Development Code.

### **Citizen Advisory Board**

The proposed project was discussed at the regular meeting of the Incline Village / Crystal Bay CAB on April 25, 2016. The CAB declined to take a vote on the request, and rather indicated that each member would submit their individual comments in writing to Staff. Minutes are attached as Exhibit B, the following are taken from those minutes.

- Roger [Pelham] said he isn't representing the project but will answer any code, policy, or process questions. He isn't for or against the request.
- Gerry Eick said he went by the parcel, and the variance request is consistent with the neighbors. He said he was concerned visualizing the structure; it's strategically located in a square shape in between large trees. He said he looked at the site plan, and they are making it a deeper structure and removing trees. He said it may change the visual corridor. He asked if it fit the character of the street. He said the owners had received a letter of support, but does it affect anyone else in the neighborhood. Roger Pelham said he hasn't heard any controversy for this project, but it's early. The standards by which variances are judged are state law. The criteria for state law are in the code. It comes down to legal standard that forces variance. Roger spoke about standards such as exceptional narrowness and other exceptional conditions of the property. He said its about the characteristics of land, not convenience of the applicant. Gerry said with the condition and slope, it makes sense to have these characteristics, but he said he is concerned that it goes from square to an entirely different shape with the garage on one side. They are making one argument, but doing other things. He said it was an observation.
- Judy Miller said she walked the street and observed many of the homes that have deep enough driveways to have two parking spaces in front of the garage. She said another home in the neighborhood had a physical constrain on a narrow lot. She said a variance is only supposed to be granted when there are extraordinary conditions. She said she didn't believe or couldn't find reason to go any other reason. She doesn't think it's appropriate for this property.
- Andy Wolfe said he came to similar conclusions as Judy. He said he didn't see any topo or physical constraints. He said the garage is 24 feet deep, and if you don't demolish the existing home, you have to intrude into the setback. He said if you cut the garage to 20 feet, you wouldn't have an intrusion, but might not work for storage. He asked is the location of the existing building a physical constrain that we should consider when locating the garage. He said it's not a special convenience to have a 24 foot garage that is standard. He asked if the avoidance of demolishing the current home making it a constraint. Roger said the Board of Adjustment will make that final decision. Roger said no, it's not an extraordinary condition. The location of the dwelling isn't a hardship. He



said another factor in play is when the conditions are 20% slope. They could build a garage detached in the same location, but not attached.

- Judy Miller said they don't currently have enclosed parking. She asked if he is trading one non-conforming for another. Roger said not in this case. One enclosed parking space and one off street parking space is required. He said right now, there are two non-conforming. It's legal, non-conforming. Judy said we have seen a lot of vacation rentals with higher occupancy with no parking. She said there is not a lot of storage; storage will happen in the garage, and parking will be displaced outside on the street. It creates a dangerous situation, especially on a school route.
- Gerry Eick said Roger mentioned it's early in the process. Roger said they accept variance requests on the 15th of every even month. He said its only 9 days after it's been submitting. He said he will receive comments back from all the agencies: health, fire, CAB. Roger said he will form his recommendation after he receives everyone's comments. Gerry said this goes to the BOA on June 2nd. Roger said all the other agencies feedback will be put into a recommendation in the form of a staff report prior to the public hearing. Notices will go to the property owner for the official hearing. He said at the beginning of the process, courtesy notices are sent out. He said he promises those comments that are submitted in writing will be put into his staff report. Gerry said he was hoping to make additional comments later in the process. Judy said she was disappointed in the fact the applicant isn't here. Roger asked everyone to submit comment or come to the public hearing.
- Tom Cardinale said it's none of our business regarding their storage. She is asking for access and wants to remove two trees. She wants to make this house valuable to her.
- Gerry Eick recommended to submitting our own comments.
- Andy Wolfe said if he puts himself in the neighbor's shoes, he said he would rather have the variance, and leave a view corridor. He said he would want to preserve the views.

### **Reviewing Agencies**

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

- Washoe County Planning and Development Division
  - Planning and Development
  - Engineering and Capital Projects
  - Utilities
  - Parks and Open Spaces
  - Building and Safety
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
  - Air Quality
  - Emergency Medical Services

- Washoe County Sheriffs Office
- Regional Transportation Commission
- Washoe-Storey Conservation District
- Incline Village General Improvement District
- Nevada State lands
- Nevada Tahoe Conservation District
- North Lake Tahoe Fire Protection District

Two out of the sixteen above listed agencies/departments provided substantive comments and/or recommendations in response to their evaluation of the project application, most of the reviewing agencies simply replied that they had no comment. A **summary** of each agency's substantive comments and/or recommendation and their contact information is provided.

- Washoe County Planning and Development recommended denial of the request due to lack of an identifiable hardship applicable to the subject parcel.  
Contact: Roger Pelham, 775.328.3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)
- Washoe County Engineering and Capital Projects (Traffic Engineer) recommended denial of the request due possible conflict between parked cars and traffic on Cristina Drive and reduced snow storage area.  
Contact: Clara Lawson, PE, 775.328.3603, [clawson@washoecounty.us](mailto:clawson@washoecounty.us)

### **Staff Comment on Required Findings**

Section 110.804.25 of Article 804, *Variances*, 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 not 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 noted previously, there are no special circumstances applicable to the property that result 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.

*Staff Comment:* Because there are no special circumstances applicable to the property that result in exceptional and undue hardships upon the owner of the property, the relief has the potential to impair the intent and purpose of the Development Code, also the reduction in the front yard setback has the potential to create conflict between cars parked in front of the garage and traffic on Cristina Drive.

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 property that result in exceptional and undue hardships upon the owner of the property, the relief would constitute a grant of special privileges 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: Residential additions and garages are allowed uses within the Medium Density Suburban zone.*

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 is no military installation within 3,000 feet of the subject site, therefore this finding is not applicable.*

### **Recommendation**

After a thorough analysis and review, due to the lack of any special circumstances applicable to the property that result in any exceptional or undue hardships upon the owner of the property Variance Case Number VA16-003 is being recommended for denial. Staff offers the following motion for the Board's consideration.

### **Motion**

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number VA16-003 for Thomas and Susan Fleming, being unable to make all four applicable 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 after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc:

Property Owner: Thomas and Susan Fleming, 5111 Alta Canyon Road, La Canada Flitridge, CA 91011

Representatives: Elise Fett and Assoc, attn. Julie Rinaldo, PO Box 5989, Incline Village, NV 89450

Action Order xc:

## Exhibit A, VA16-003

From: Lawson, Clara  
Sent: Friday, May 06, 2016 4:55 PM  
To: Pelham, Roger  
Cc: Vesely, Leo; Smith, Dwayne E.  
Subject: VA 16-003 APN 126-251-06

I recommend denial because a garage could be located within setbacks, a vehicle parked in front of the garage would encroach in the traveled way of Cristina Dr., and snow storage would be reduced.

Clara Lawson, PE, PTOE, Licensed Engineer  
Washoe County | Community Services Dept | Engineering Division 1001 E. Ninth St., Reno NV  
89520  
clawson@washoecounty.us | o 775-328-3603 | fax 775-328-3699  
Connect with us: cMail | Twitter | Facebook | [www.washoecounty.us](http://www.washoecounty.us)

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From: Corbridge, Kimble  
Sent: Thursday, May 05, 2016 9:37 AM  
To: Pelham, Roger  
Cc: Vesely, Leo  
Subject: VA 16-003  
[https://www.washoecounty.us/csd/planning\\_and\\_development/applications/files-planning-development/comm\\_dist\\_one/va16-003w.pdf](https://www.washoecounty.us/csd/planning_and_development/applications/files-planning-development/comm_dist_one/va16-003w.pdf)

Roger,  
I have no comments for Road issues.  
Leo should add conditions for an automatic garage door opener and perhaps a hold harmless for snow removal operations.  
Thx,  
Kimble

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Exhibit A, VA16-003



**WASHOE COUNTY**  
**COMMUNITY SERVICES DEPARTMENT**

Engineering and Capital Projects Division

*"Dedicated to Excellence in Public Service"*

1001 East 9<sup>th</sup> Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

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**INTEROFFICE MEMORANDUM**

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**DATE:** May 05, 2016  
**TO:** Roger Pelham, Planning and Development Division  
**FROM:** Leo R. Vesely, P.E., Engineering and Capital Projects Division  
**SUBJECT:** VA16-003  
APN 126-251-06  
FLEMING SETBACK VARIANCE

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I have reviewed the referenced variance case and recommend denial.

LRV/lrv

# Exhibit A, VA16-003



**Washoe-Storey  
Conservation  
District**

Natural Resource  
Conservation Service  
1365 Corporate Blvd.  
Reno, NV 89502

Tel: (775) 857-8500  
ext. 131  
Fax: (775) 857-8525

**Board of Supervisors:**

Bret Tyler  
Chairman

James Shaffer  
Secretary  
County Appointee

Kevin Roukey  
Director

Tory Friedmen  
Supervisor

Spencer Scott  
Supervisor

John Muntin  
Supervisor

OPEN  
City Appointee

Roger Pelham, MPA, Senior Planner  
Kelly Mullin, Planner  
Trevor Lloyd, Senior Planner  
Chad Gesinger, AICP Senior Planner  
Lora R. Robb, Planner  
Washoe County Community Services Department  
Planning and Development Division  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512

April 23, 2016

**Subject: April Agency Review – Case Nos. – PM16-004 (Cole); PM16-006 (TL Mt. Rose Estates); AC16-002(Hidden Valley Fire Station); SB16-004(Verizon Arrowcreek Country Club); VA16-002 (Ufer); SW16-002 (Henderson)**

Roger, et al,

Thank you for providing us the April Agency Reviews and the opportunity to review and provide comments. We have reviewed the subject proposed projects as requested and we have the following comments:

**Parcel Map Case Number PM16-004 (Terri Cole)**

The proposed project is to approve a Tentative Map to allow the division of a 2.15-acre parcel (017-342-29) into a 1.008-acre parcel and a 1.14-acre parcel. The project is located in Section 04, T17N, R20E, MDBM in Washoe County. We have the following comments on this proposed project:

1. Regarding Supplemental Information item 9 - The applicant states that the property contains no wetlands. However, the area is within close proximity of irrigation ditches and Steamboat Creek and the property appears to have potential wetland signatures on the north end of the parcel in the field. Also the NWI Maps for the area indicate PEMC fresh water wetlands in the vicinity of the property. Further the soil on the property is listed as Truckee Silt Loam (S00), which is listed as a Hyrdic Soil on the National Hydric Soils List. Therefore, it is our recommendation that the County condition the approval that the applicant be required to submit a Jurisdictional Determination to the U.S. Army Corps of Engineers for review and verification of the wetlands on the property so that they may assessed for the potential impact to them from any proposed project.

2. Regarding Supplemental Information item 11 - The applicant states that property is not near a water body, stream, Significant Hydrologic Resource or riparian area. The property is near the Jumbo Irrigation Ditch and the Steam Boat Creek. The property has a Flood Zone classifications of X and AE. We recommend the County condition the approval requiring the applicant to comply with appropriate County ordinances regarding Floodplain Management.

**Tentative Parcel Map Case Number PM 16-006 (Monte Vista at Estates at Mount Rose)**

The proposed project is to approve a Tentative Map to allow the division of a +/- 6.65-acre parcel (150-460-05) into two parcels of +/- 3.90-acre parcel and a +/- 2.75-acre parcel. The project is located in Section 35, T18N, R19E, MDBM in Washoe County. We have the following comments on this proposed project:

1. Regarding Supplemental Information item 9 – The applicant replied NO to the questions Does the property contain wetlands? Although the property may not contain wetlands per se, the project area is adjacent to Whites Creek, a jurisdictional

## Exhibit A, VA16-003

Waters of the United States, and as such a delineation of the limits of this feature should be conducted to identify the limits of the U.S. Army Corps of Engineers. It is our recommendation that the County condition the approval to require the applicant to conduct a Jurisdictional Determination and submit it to the U.S. Army Corps of Engineers for verification.

2. Regarding Supplemental Information item 11 - The applicant has checked NO to the question regarding geologic hazards such as .... Is it subject to ...flash floods, is it near a water body stream ...or riparian area? However, it is apparently clear that the property is adjacent to Whites Creek and its riparian area. Also Whites Creek is designated as Flood Zone A and X. It is our recommendation that the County condition the approval that the applicant be required to submit the proper documents and maps to address these issues.

### **Amendment of Conditions Case Number AC16-002 (Hidden Valley Fire Station)**

The proposed project is to allow for the Amendment of Conditions of the existing Special Use Permit SB 12-007 to extend the time period to allow a manufactured home to be used as living quarters for professional for professional firefighters until July 01, 2021. The project is located at 3255 West Hidden Valley Drive, Reno, Washoe County, Nevada in Section 22, T19N, R20E MDBM. We have the following comments on this proposed project.

1. General Comments - The project is in close proximity to the Hidden Valley mitigation area and as such we would recommend that the County require the applicant to install and/or maintain any and all BMPs necessary to insure that any pollutants from sediment runoff from entering this site.

### **Special Use Permit Case Number SB16-004 (Verizon – Arrowcreek Country Club)**

The proposed project is to allow for the construction of a new wireless cellular facility consisting of a 56-foot high monopole utilizing a stealth design disguised as a pine tree with four sectors, each with three 8-foot tall antennas per sector for a total of 12 antennas. 12 ground mounted remote radio units (RRU), associated equipment cabinets, all enclosed within a fences 30' x 30' lease area. The project is located at 2905 Arrowcreek Parkway, Reno, Washoe County, Nevada in Section 23, T18N, R19E MDBM. We have any comments on this proposed project:

1. General Comments – The project is located in close proximity to an existing drainage channel to the south of the project site. It is our recommendation that the County condition the approval to require the applicant to install the necessary BMPs that will prevent any possible flow of run-off pollutants from entering the drainage.

### **Variance Case Number VA16-002 (Ufer)**

The proposed project is to allow for (a) the reduction of the required front yard setback on the north side of the parcel from 20 feet to 18 feet, and (b) reduce the required front yard setback on the west side of the parcel from 20 feet to 14 feet, in order to accommodate a new manufactured home with carport. The project is located at 120 Malcolm Avenue in Grandview Terrace, Reno, Washoe County, Nevada in Section 16, T20N, R19E MDBM. We have any comments on this proposed project:

1. General Comments – The project is located in close proximity to an existing drainage channel to the south of the project site. It is our recommendation that the County condition the approval to require the applicant to install the necessary BMPs that will prevent any possible flow of run-off pollutants from entering the drainage.



## Exhibit A, VA16-003

2. It is our recommendation that the County condition the approval to require that the applicant contact and coordinate with the Washoe-Storey Conservation District to review the proposed landscape plan and proposed seed mix to be used in the proposed landscape plan.

### Special Use Permit Case Number SWA16-002 (Henderson)

The proposed project is to approve a 1,016 square foot modular home as a detached accessory dwelling on a parcel that contains an existing 2,033 square foot main dwelling. The project is located at 95 Careros Drive, Sparks, Washoe County, Nevada in Section 36, T21N, R20E MDBM. We have no comments on this proposed project.

These projects; AP 16-002 (Classical Tahoe); VA 16-003 (Fleming); TM 16-003 (Incline Creek Estates) are located outside of the Washoe/Storey Conservation District Service Area so we have no comment. However, the projects are located within the boundaries of the Nevada Tahoe Conservation District service area. We recommend you provide them copies of the proposed project for their review. Their contact information is:

Nevada Tahoe Conservation District  
P.O. Box 915  
Zephyr Cove, NV 89448  
Jason Brand, District Manager  
Tel. -775-586-1610 ext. 33

These are our comments and recommendations for the subject projects. We appreciate the opportunity to provide comments and recommendations on projects that may have impacts on our natural resources. Should you have any further questions please contact Kevin J. Roukey by phone at 775-232-1571 or email [kevinjr\\_51@att.net](mailto:kevinjr_51@att.net).

Sincerely,

// Original Signed by Kevin J. Roukey

Kevin J. Roukey, District Director  
Washoe/Storey Conservation District

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Exhibit A, VA16-003

**WASHOE COUNTY  
HEALTH DISTRICT**

ENHANCING QUALITY OF LIFE

April 26, 2016

Donna Fagan  
Washoe County Community Services Department  
1001 E. Ninth Street, Bldg. A  
Reno, NV 89512

Dear Ms. Fagan:

I received your email dated April 21, 2016, requesting a review of the April Agency Review Memo III regarding the variance application (Item 5).

Based on the submitted documentation, it is anticipated that there will be minimal impacts concerning EMS responses to the residential parcel. Additionally, it is not anticipated that there will be impacts concerning access to healthcare services and facilities. Should you need a complete Environmental Impact Assessment, please contact the Washoe County Health District's Division of Environment Health Services at (775) 328-2434.

Advanced Life Support (ALS) fire and ambulance services are provided by the North Lake Tahoe Fire Protection District. The closest fire station to the residential parcel is approximately one mile away.

There is also a hospital within proximity to the Cristina Drive site, should residents require such services. The Incline Village Community Hospital is approximately 1.7 miles away from the residence. There are also several other acute care hospitals and healthcare resources available in Washoe County.

It is recommended the residential unit has the house number clearly marked on the curb and the dwelling so the residents can be quickly located by public safety agencies.

Please feel free to contact me if you have any questions.

Sincerely,



Christina Conti  
EMS Program Manager  
[cconti@washoecounty.us](mailto:cconti@washoecounty.us)  
(775) 326-6042

# Exhibit A, VA16-003



## Development Review Status Sheet

Date: 12-22-15		
Attention: Roger D Pelham Washoe County Department of Community Development PO Box 11130, Reno NV 89520		
RE:	VA 16-003	
APN:	126-251-06	
Service Address:	715 Cristina Incline Village NV 89451	
Owner:	Thomas and Susan Fleming	
Phone:	Fax:	Email:
Mailing Address: N/A		

**Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction)**  
 Hearing, discussion, and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.  
 Applicant: Elise Fett and Associates Attn: Julie Rinaldo PO Box 5989 Incline Village, NV 89450  
 Property Owner: Thomas and Susan Fleming 5111 Alta Canyonada Road  
 La Canada Flitridge, CA 91011  
 ☐ Location: 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village  
 ☐ Assessor's Parcel Number: 126-251-06  
 ☐ Parcel Size: ± .363 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 Berkbigler  
 ☐ Section/Township/Range: Section 10 & 11, T16N, R18E, MDM, Washoe County, NV  
 ☐ Staff: Roger D. Pelham, MPA, Senior Planner Washoe County Community Services Department Planning and Development Division  
 ☐ Phone: 775-328-3622  
 ☐ E-mail: rpelham@washoecounty.us

**Comments and Conditions:** No impact to the Incline Village General Improvement District

Completed by: Tim Buxton, Chief Inspector  
 Phone: (775) 832-1246 Fax: (775) 832-1260  
 Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

## Exhibit A, VA16-003

From: Fagan, Donna  
Sent: Wednesday, April 27, 2016 9:24 AM  
To: Young, Eric; Pelham, Roger  
Subject: FW: April Agency Review Memo III

Eric and Roger,

Comments for two, AP16-002, and five, VA16-003.

~ Donna ~

From: Mark Regan [mailto:mregan@nltfpd.net]  
Sent: Monday, April 25, 2016 9:46 PM  
To: Fagan, Donna  
Subject: Re: April Agency Review Memo III

NLTFPD Is good with both two and five

Mark Regan  
Battalion Chief/Assistant Fire Marshal  
NLTFPD  
775-461-6200

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From: Fagan, Donna  
Sent: Wednesday, April 27, 2016 10:07 AM  
To: Pelham, Roger  
Subject: FW: April Agency Review Memo III

Roger,

Comments regarding item #1, AC16-002. and item #5, VA16-003.

~ Donna ~

From: Crump, Eric S  
Sent: Wednesday, April 27, 2016 9:11 AM  
To: Fagan, Donna  
Subject: RE: April Agency Review Memo III

Donna,

I have reviewed #1 & #5 and do not have any conditions.

Eric Crump  
Operations Division Director  
Washoe County Community Services Department  
775.328.2182 (office)  
775.386.3129 (cell)  
ecrump@washoecounty.us  
3101 Longley Ln., Reno, NV 89502

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## Exhibit A, VA16-003

From: Simpson, Tim  
Sent: Thursday, April 21, 2016 1:38 PM  
To: Pelham, Roger  
Subject: VA16-003 (Fleming Front Yard Setback Reduction)

Roger,  
The utility has no comments for VA16-003 (Fleming Front Yard Setback Reduction).

Thanks,  
Timothy Simpson, P.E.  
ENVIRONMENTAL ENGINEER II  
Washoe County CSD, Engineering and Capital Projects  
E: [tsimpson@washoecounty.us](mailto:tsimpson@washoecounty.us) | O: (775) 954-4648 | F: (775) 328-3699  
1001 E. Ninth Street Bld A, Reno, NV 89512  
P.O. BOX 11130, Reno, NV 89520-0027

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From: Troy, Dennis V  
Sent: Thursday, April 21, 2016 1:32 PM  
To: Pelham, Roger  
Subject: Variance Case No. VA16-003

Hi Roger,

Parks has no comments on the above mentioned variance case to reduce the front yard setback.

Thanks!

DT

Dennis Troy | Park Planner  
p 775.328-2059 | f 775.829.8014  
Washoe County | Community Services Department-Parks  
P.O. Box 11130 | Reno, NV 89520  
[www.washoecountyparks.com](http://www.washoecountyparks.com)

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# Exhibit A, VA16-003



## REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning · Public Transportation & Operations · Engineering & Construction

Metropolitan Planning Organization of Washoe County, Nevada

April 28, 2016

FR: Chrono/PL 183-16

Mr. Bill Whitney, Division Director  
Community Services Department  
Washoe County  
P.O. Box 11130  
Reno, NV 89520

**RE: AC16-002 (Hidden Valley Fire Station)**  
**AP16-002 (Classical Tahoe)**  
**SB16-004 (Verizon Arrowcreek Country Club)**  
**VA16-002 (Ufer)**  
**VA16-003 (Flemming Front Yard Setback Reduction)**

Dear Mr. Whitney,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 332-0174 if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads 'Rebecca Kapuler'.

Rebecca Kapuler  
Planner

RK/jm

Copies: Roger Pelham, Washoe County Community Services  
Eric Young, Washoe County Community Services  
Chad Giesinger, Washoe County Community Services  
Lora Robb, Washoe County Community Services  
Debra Goodwin, Regional Transportation Commission  
Julie Masterpool, Regional Transportation Commission  
Tina Wu, Regional Transportation Commission  
David Jickling, Regional Transportation Commission

Washoe County no comment 050516

# Exhibit A, VA16-003

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WASHOE COUNTY  
HEALTH DISTRICT  
ENHANCING QUALITY OF LIFE

May 3, 2016

Roger Pelham, Senior Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Fleming; 126-251-06  
Variance Case; VA16-003

Dear Mr. Pelham:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering and Vector have reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. The proposal to reduce the building setbacks to accommodate the proposed construction will not adversely impact the lot. This parcel is served by municipal sewer and municipal water. Environmental Health has no objections to the approval of this variance.

If you have any questions regarding the foregoing, please call Jim English 328-2610 or Jim Shaffer 785-4599 regarding engineering or vector comments, respectively.

Sincerely,

James English  
Environmental Health Specialist Supervisor  
Environmental Health Services

J.L. Shaffer  
Program Coordinator/Planner  
Vector-Borne Diseases Program  
Environmental Health Services

JE/JS/wr

cc: File - Washoe County Health District

Elise Fett & Associates – [elise@elisefett.com](mailto:elise@elisefett.com)

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# Exhibit B VA16-003



## Incline Village Crystal Bay Citizens Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Incline Village General Improvement District, 893 Southwood Blvd, Incline Village, NV 89451 on APRIL 25, 6:00 P.M.

**1. \*CALL TO ORDER/ PLEDGE OF ALLEGIANCE** – Pete Todoroff called the meeting to order at 6:00 P.M.

**2. \*ROLL CALL/DETERMINATION OF A QUORUM** - Pete Todoroff, Gerry Eick, Tom Cardinale (Alternate for Kevin Lyons); Mike Sullivan (Alternate), Andy Wolfe (arrived late); Judy Miller. A quorum was determined.

Absent: Kevin Lyons (excused)

**3. \*PUBLIC COMMENT** –

Michelle Bays, Supervising Investigator from the District Attorney's office, introduced herself. She said they have been focusing on outreach. She would like to get Mr. Hicks on the agenda for a future meeting to open up the line of communication. She said they would like to come and give an update. She said they have a civil division, family division, and fraud check division. She said they have a big role in public safety.

**4. APPROVAL OF THE AGENDA FOR THE MEETING OF APRIL 25, 2016**– Gerry Eick moved to approve the agenda for the meeting of **APRIL 25, 2016**. Andy Wolfe seconded the motion to approve the agenda. The motion passed unanimously.

**5. APPROVAL OF THE MINUTES FOR THE SPECIAL MEETING OF MARCH 28, 2016** – Judy Miller made a motion to approve the minutes from the meeting of **MARCH 28, 2016**. Tom Cardinale seconded the motion to approve the minutes. The motion passed unanimously.

**6. \*PUBLIC OFFICIAL REPORTS**

**A. \*Washoe County Commissioner** - Commissioner Marsha Berkbigler was unable to attend. Commissioner Berkbigler may be reached at 775-328-2005 or mberkbigler@washoecounty.us.

Al Roger invited everyone to contact Commissioner Berkbigler with any questions.

**7. DEVELOPMENT PROJECTS** – The project description is provided below with links to the application or you may visit the Planning and Development Division website and select the Application Submittals page:  
[http://www.washoecounty.us/comdev/da/da\\_index.htm](http://www.washoecounty.us/comdev/da/da_index.htm).

**A. Tentative Map 16-003 (Incline Creek Estates Phase 2)** – Request for community feedback, discussion and possible action to approve a common open space subdivision that will include dividing a ±1.68 acre parcel into 10 single family lots and one common open space lot. *(This item is for possible action by the CAB.)*

**Applicant/Property Owner:** NCP/ICP, LLC.

**Location:** 800 College Drive

**APN:** 129-280-21

**Staff:** Trevor Lloyd, 775-328-3608, tlloyd@washoecounty.us

**Reviewing Body:** This case is tentatively scheduled to be heard by the Washoe County Planning Commission tentatively on June 7.

Andy said his Incline Law Group has had involvement with this project. He said this connection is significant enough and it would raise concern. He said he will abstain from the discussion and voting.

Brian Helm, Representative for Incline Creek Estates Development, gave an overview of the project:



## Exhibit B VA16-003

- He said they are requesting approval for the tentative map for phase 2 of the Incline Creek Estates Subdivision.

Brian gave some background:

- The subdivision is located off of College Drive
- Phase 1 included 57 units; 10.25 acre subdivided in 2005.
- They have sold 55 of 57 units. Two are currently under contract. The HOA is owner controlled.
- Phase 2: In 2008, TRPA conditional use and tentative use map were approved; both approvals expired in 2011 due to Phase 1's slow progress. He said they are bringing it back because Phase 1 is nearly complete.
- Phase 2 has 10 single family lots and one common lot which will be annexed into the HOA.
- The Affordable housing requirement was completed in 2008.
- Brian showed the Phase 1 and Phase 2 on a map. Phase 2 will satisfy the secondary egress for fire emergency access.
- He showed the subdivision tentative map with examples and pictures from Phase 1.
- 36,000 sq ft of impervious coverage; 33%; banked and onsite and ready for use.
- Required BMPs.
- No variances required.
- No changes to original project. All findings to project, plan, suitability were made; no special conditions.
- The architecture is an update to the existing; asphalt and shingle with stone detailing.
- He said it's currently under TRPA review.
- Upcoming meetings: May 13<sup>th</sup> & June 7<sup>th</sup> - Planning Commission for Tentative Map approval.

Comments:

- Tom Cardinale asked if the smaller units are integrated in the other 7 units. Brian said the smaller units will have patio space outside.
- Gerry Eick asked about the area north of unit 59. Gerry asked about the location of BMP and open space with neighbors to the west of Phase 2. Brian said that a SEZ with vegetation. Brian said that will remain as open space. He said they met with Fire Department and Forest Service to discuss fuels management for that space. The agencies issued a letter about that. Gerry asked about occupancy for July 1, 2017. He said when you go before the County, this is one parcel now, and it will be changed into 11 parcels. Brian said we would have record that as soon as the final plan was recorded. They will take the final map to the County in July.
- Pete Todoroff asked about the financing. Brian said the financing has been funded. Phase 1 profits will pay for Phase 2.
- Tom Cardinale asked if they have received feedback from the residents. Brian said no, they have received no comments.
- Gerry Eick said this is consistent with the original plan; they picked up where they left off.
- Judy Miller said the fact they aren't asking for a variance and it's a continuation from an existing project, it would be successful. Tom Cardinale agreed with Judy Miller, and said no one is complaining. Gerry Eick said it's positive that they are finishing the roadway for proper access.
- Peter Morris said he goes by here every day. He said it's an eyesore. He said it would be a great thing for it to be complete.
- Wayne Ford said he has been here for a long time. He said it is a real plus and improvement compared to what was there before.
- Kendra Wong said she lives across the street. She said it was a very well planned community. They did a great job with the project. She hasn't seen any impact with traffic.
- Judy Miller said we are quick to criticize, but we all supported this. We can voice our support.

**MOTION: Judy Miller moved to recommend support for the Tentative Map and development for the Incline Creek Estates project; Tom Cardinale seconded the motion. Motion passed unanimously. Andy Wolfe abstained.**

**B. Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction)** – Request for community feedback, discussion and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling. *(This item is for possible action by the CAB.)*

## Exhibit B VA16-003

**Applicant/Property Owner:** Elise Fett and Assoc, attn. Julie Rinaldo, PO Box 5989, Incline Village, NV 89450

**Location:** 715 Cristina Drive, approximately 750 feet southeast of its intersection with Eagle Drive, in Incline Village.

**APN:** 126-251-06

**Staff:** Roger Pelham, 775-328-3622, rpelham@washoecounty.us

**Reviewing Body:** This case is tentatively scheduled to be heard by the Washoe County Board of Adjustment on June 2, 2016.

- Roger said he isn't representing the project but will answer any code, policy, or process questions. He isn't for or against the request.
- Gerry Eick said he went by the parcel, and the variance request is consistent with the neighbors. He said he was concerned visualizing the structure; it's strategically located in a square shape in between large trees. He said he looked at the site plan, and they are making it a deeper structure and removing trees. He said it may change the visual corridor. He asked if it fit the character of the street. He said the owners had received a letter of support, but does it affect anyone else in the neighborhood. Roger Pelham said he hasn't heard any controversy for this project, but it's early. The standards by which variances are judged are state law. The criteria for state law are in the code. It comes down to legal standard that forces variance. Roger spoke about standards such as exceptional narrowness and other exceptional conditions of the property. He said its about the characteristics of land, not convenience of the applicant. Gerry said with the condition and slope, it makes sense to have these characteristics, but he said he is concerned that it goes from square to an entirely different shape with the garage on one side. They are making one argument, but doing other things. He said it was an observation.
- Judy Miller said she walked the street and observed many of the homes that have deep enough driveways to have two parking spaces in front of the garage. She said another home in the neighborhood had a physical constrain on a narrow lot. She said a variance is only supposed to be granted when there are extraordinary conditions. She said she didn't believe or couldn't find reason to go any other reason. She doesn't think it's appropriate for this property.
- Andy Wolfe said he came to similar conclusions as Judy. He said he didn't see any topo or physical constraints. He said the garage is 24 feet deep, and if you don't demolish the existing home, you have to intrude into the setback. He said if you cut the garage to 20 feet, you wouldn't have an intrusion, but might not work for storage. He asked is the location of the existing building a physical constrain that we should consider when locating the garage. He said it's not a special convenience to have a 24 foot garage that is standard. He asked if the avoidance of demolishing the current home making it a constraint. Roger said the Board of Adjustment will make that final decision. Roger said no, it's not an extraordinary condition. The location of the dwelling isn't a hardship. He said another factor in play is when the conditions are 20% slope. They could build a garage detached in the same location, but not attached.
- Judy Miller said they don't currently have enclosed parking. She asked if he is trading one non-conforming for another. Roger said not in this case. One enclosed parking space and one off street parking space is required. He said right now, there are two non-conforming. It's legal, non-conforming. Judy said we have seen a lot of vacation rentals with higher occupancy with no parking. She said there is not a lot of storage; storage will happen in the garage, and parking will be displaced outside on the street. It creates a dangerous situation, especially on a school route.
- Gerry Eick said Roger mentioned it's early in the process. Roger said they accept variance requests on the 15<sup>th</sup> of every even month. He said its only 9 days after it's been submitting. He said he will receive comments back from all the agencies: health, fire, CAB. Roger said he will form his recommendation after he receives everyone's comments. Gerry said this goes to the BOA on June 2<sup>nd</sup>. Roger said all the other agencies feedback will be put into a recommendation in the form of a staff report prior to the public hearing. Notices will go to the property owner for the official hearing. He said at the beginning of the process, courtesy notices are sent out. He said he promises those comments that are submitted in writing will be put into his staff report. Gerry said he was hoping to make additional comments later in the process. Judy said she was disappointed in the fact the applicant isn't here. Roger asked everyone to submit comment or come to the public hearing.
- Tom Cardinale said it's none of our business regarding their storage. She is asking for access and wants to remove two trees. She wants to make this house valuable to her.
- Gerry Eick recommended to submitting our own comments.
- Andy Wolfe said if he puts himself in the neighbor's shoes, he said he would rather have the variance, and leave a view corridor. He said he would want to preserve the views.

## Exhibit B VA16-003

**C. Case Number AP16-002 (Classical Tahoe)** – Request for community feedback, discussion and possible action to approve an Administrative Permit and outdoor community event business license and associated license conditions for Classical Tahoe, an outdoor concert event to be held at the Sierra Nevada College in Incline Village, Nevada on July 29, 30, August 5, 6, 12, 13 2016. *(This item is for possible action by the CAB.)*

**Applicant:** Classical Tahoe – Kirby Combs

**Property Owner:** Sierra Nevada College

**Location:** 948 Incline Way, Incline Village

**APN:** 127-040-10 (College) and 127-040-07 (IVGID Recreation Center)

**Staff:** Eric Young, 775.328.3613, eyoung@washoecounty.us

**Reviewing Body:** This case is tentatively scheduled to be heard by the Washoe County Board of Adjustment on June 2, 2016.

- Roger Pelham said he is here for Eric Young. He said this is the same it has been the same as the past few years. It will be Sunday evenings.
- Gerry said this is formerly known as Summerfest. He said that existing relationship among amenities and cross collateral should be noted. Roger said that might be outside of the land use description. Gerry said there is no objection to the event, they have made good relationships with other entities with traffic and parking, they might want to cross their Ts and dot their I's in order to make sure the entities know who they are dealing with.
- Judy Miller said this is a wonderful event. She said we haven't had problem with this event before, and the parking is good. She said she took handicapped woman and the lighting was difficult and the paths aren't paved. The footing might be hazardous. She said she is concerned about lighting and paths for handicapped. She is happy to have this in this community.

**MOTION: Andy Wolfe moved to support this application for an administrative permit for Classical Tahoe. Gerry Eick seconded the motion. Motion passed unanimously.**

**8.\*COUNTY UPDATE** – Sarah Tone, Office of the County Manager will provide an update on County services. Ms. Tone is available to answer questions and concerns. Please feel free to contact her at stone@washoecounty.us or (775) 328-2721. To sign up to receive email updates from the County visit [www.washoecounty.us/cmail](http://www.washoecounty.us/cmail). (This item is for information only and no action will be taken by the CAB).

Al Rogers gave an update:

- He thanked the Board and said he appreciates their due diligence.
- The budget will be presented at the Board of County Commission meeting; tentative budget to State April 15. This is a recommended budget, but not final.
- He said he encouraged the CAB to take advantage of Michelle Bay's offer to come out; as well as other departments within Washoe County. He said the website has many videos. He said he hopes our citizens are informed.
- Pete Todoroff asked Al to speak about the Orbit station. Pete said Wayne Ford is here to talk to that. Pete said he is concerned about the blocked off access on Somers Loop. Al Roger said he has no update or comment, but can follow up when we get the information.
- Pete asked about the bus shelter across from the college. He asked why it will cost \$100,000 to have a shelter. Gerry said he understands there will be more; it doesn't make sense. The memo implied that there is more detail to come.
- Pete talked about the Tanager Roofing Company. He said he would like to find out what's going on with that as well.
- He wants to know more about the Tahoe Area Plan. A representative, Morgan Barrel, from the TRPA wanted to give a presentation in June, but we don't have a meeting. Gerry said Sarah Tone mentioned this will be an item at the Community meeting in May. Al said we have to determine the date and time for Community Forum.
- Pete said Calneva Cottages won't be getting financing anytime soon.

# Exhibit B

## VA16-003

**9. \*CHAIRMAN/BOARD MEMBER ITEMS/NEXT AGENDA ITEMS** - This item is limited to announcements by CAB members and topics/issues posed for future workshops/agendas. (This item is for information only and no action will be taken by the CAB).

- Pete said he would like a representative from TRPA and the County to give an update regarding the area plan for the July CAB meeting.
- Gerry Eick spoke about the upcoming IVGID Watermain projects taking place between August 1 – October, 2016 (Enterprise, Oriel, Wassou, Teresa). The locations aren't through roads, so it won't affect traffic but will impact the road.
- Gerry also announced the NDOT SR 28 Bikeway and Improvement public hearing on Tuesday, April 26, 4-7pm, at the Chateau.

### **10. \*PUBLIC COMMENT –**

Wayne Ford said he wanted it to bring it to the boards' attention about the Orbit Station. There is a breakdown of TRPA pre-grade process, BMP, and final BMPs. He said he will pass along a report and photographs to Marsha. There was runoff of sediments during the storm. The amount of runoff goes into the IVGID park. There is active runoff. There was emergency grading; no action was taken. Everyone has to do this during construction. There is 18,000 sq feet of impervious coverage that isn't being contained, no plans to take care of it. That is a big impact on the water quality in our lake. Everyone else is spending a lot of money, and this site is doing nothing.

**ADJOURNMENT – Meeting adjourned at 6:50pm.**

Number of CAB members present: 5

Number of Public Present: 9

Presence of Elected Officials: 0

Number of staff present: 2

Submitted By: Misty Moga

VA16-003, Exhibit C

Community Services Department  
Planning and Development

VARIANCE  
APPLICATION



Community Services Department  
Planning and Development  
1001 E. Ninth St., Bldg A  
Reno, NV 89520

Telephone: 775.328.3600

## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: TSFL - Fleming Residence			
Project Description: Remodel and addition to a single family residence. The proposed plan features a two-story addition at the front of the house with a garage at the street level and living space below. The proposed living space as proposed does not encroach into any setbacks.			
Project Address: 715 Cristina Dr. Incline Village, NV 89451			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): Approx. 500 feet from Eagle Dr, across from intersection of Incline Pines with Cristina Dr. Nearest major crossroads are Country Club and Village (approx 1500ft away by road).			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
126-251-06	0.363		
Section(s)/Township/Range: Section - 10/11, Township - 16, Range - 18			
<b>Indicate any previous Washoe County approvals associated with this application:</b>			
Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Thomas and Susan Fleming		Name: Elise Fett & Associates Ltd.	
Address: 5111 Alta Canyon Rd.		Address: PO Box 5989	
La Canada Flitridge, CA	Zip: 91011	Incline Village, NV	Zip: 89450
Phone: 213-300-1711	Fax:	Phone: 775-833-3388	Fax: 775-833-2388
Email: tfleming@jonesbell.com		Email: elise@elisefett.com	
Cell:	Other:	Cell: 775-762-3388	Other:
Contact Person: Tom Fleming		Contact Person: Elise Fett	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: Elise Fett & Associates Ltd.		Name:	
Address: PO Box 5989		Address:	
Incline Village, NV	Zip: 89450		Zip:
Phone: 775-833-3388	Fax: 775-833-2388	Phone:	Fax:
Email: julie@elisefett.com		Email:	
Cell:	Other:	Cell:	Other:
Contact Person: Julie Rinaldo		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

## Property Owner Affidavit

**Applicant Name:** Elise Fett & Associates Ltd.

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, G. Thomas Fleming III

(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 Development.

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

Assessor Parcel Number(s): 126-251-06

Printed Name G. Thomas Fleming III

Signed *G. Thomas Fleming III*

Address 715 Cristina / P.O. Box 5282

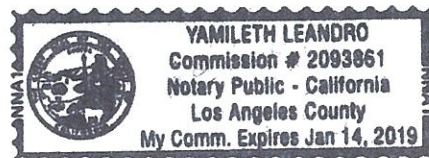
Incline Village, Nevada 89451

Subscribed and sworn to before me this  
12th day of April, 2016.

(Notary Stamp)

*Yamileth Leandro*  
Notary Public in and for said county and state

My commission expires: January 14, 2019



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

- Owner
- Corporate Officer/Partner (Provide copy of recorded 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

**February 2014**

# Property Owner Affidavit

**Applicant Name:** Elise Fett & Associates Ltd.

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, Susan S. Fleming  
(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 Development.

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

Assessor Parcel Number(s): 126-251-06

Printed Name Susan S. Fleming

Signed 

Address: 715 Cristina / P.O. Box 5282

Incline Village, Nevada 89451

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for said county and state

My commission expires: \_\_\_\_\_

*SEE  
ATTACHED  
ACKNOWLEDGEMENT*

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

- Owner
- Corporate Officer/Partner (Provide copy of recorded 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



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of LOS ANGELES )

On APRIL 12, 2016 before me, HARRIET L. HARRIS, NOTARY PUBLIC  
Date Here Insert Name and Title of the Officer

personally appeared SUSAN STAUFF FLEMING  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: FOR 715 CHRISTINA P.O. BOX 5282 INCLINE VILLAGE, NV  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

## Variance Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

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

Front yard setback article 406-Building Placement Standard 110.406.30 is the provision we are requesting a variance for. The proposed garage design encroaches upon the front yard setback by 3' 11". The covered entry deck column encroaches 5' 6" because the property line gradually curves back with the road, but this column is only 6" in front of the proposed garage wall. The roof overhangs both the columns and garage by 3'. We are therefore reducing from 15' setback to 10' 13/16" at the entry deck roof column.

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

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

The site has a 30% slope and an existing parking deck at the front of the house. Locating the garage addition where the existing parking deck structure is located is the least obtrusive option for an attached garage. Any other location would require a new driveway approach at an even steeper area of the lot. The kitchen of the existing house is directly in front of the proposed garage and the roof line of the existing house can continue over the garage and new entry for reasonable and efficient construction that provides safe access to the home.

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?

The garage and covered entry deck addition will appear as a single story at the street level of the house and it is within the setbacks at the rear and sides of the house. By building the garage in front of the (e) house, there is still a large view corridor to the lake from the road and adjacent neighbors. The homes become more separated from each other at the roadside since the lots are on a curve. There are not any houses on the opposite side of the street. By constructing above the existing parking deck, only one tree will need to be removed.

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.)?

Creating a two-car garage will decrease clutter on the street and hide cars from view. The cars, fire wood piles and various storage items that are currently stored on the parking deck will be kept in the garage and out of view. From the edge of pavement, there will still be 18 feet of off-street parking available at the front of the house. As part of this project, the foundation that was poured in the 90's at the north side of the lot will be removed and the area will be restored to a natural vegetative state. The existing street facade does not have a visible entry since it is a 1/2 level below the road and screened by the parking deck. The proposed facade will have an inviting, functional, and attractive entry point to the right of the garage and will feature a mix of heavy stone and wood siding. The facade will have an updated high quality curbside interest that will add to the appeal of the neighborhood.

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

A garage and covered entry is enjoyed by neighbors and commonplace in Tahoe. The lack of an enclosed parking space is a violation of development code 110.410.10.1, the proposed garage will bring the residence into compliance with this code. Currently, residents must navigate steep stairs that are exposed to the elements to get from the parking deck into the main level of the house. The (e) entry comes in at a split level landing of the home; therefore, you have to go down stairs outside and back up stairs on the inside to get to the living level. With the proposed garage and covered entry deck, residents and guests will be able to enter the house at a single level and enjoy the benefit of a covered, apparent, and attractive entry deck which is significantly safer and more functional.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
------------------------------	----------------------------------------	-------------------------------

7. What is your type of water service provided?

<input type="checkbox"/> Well	<input checked="" type="checkbox"/> Community Water System
-------------------------------	------------------------------------------------------------

8. What is your type of sanitary waste disposal?

<input type="checkbox"/> Individual Septic System	<input checked="" type="checkbox"/> Community Sewer System
---------------------------------------------------	------------------------------------------------------------

Washoe County Treasurer  
 Tammi Davis

Account Detail

[Back to Search Results](#)    
 [Change of Address](#)    
 [Print this Page](#)

Washoe County Parcel Information		
Parcel ID	Status	Last Update
12625106	Active	4/15/2016 2:10:21 AM
<b>Current Owner:</b> FLEMING, G THOMAS III & SUSAN S		<b>SITUS:</b> 715 CRISTINA DR INCL NV
5111 ALTA CANYADA RD LA CANADA FLINTRIDGE, CA 91011		
<b>Taxing District</b> 5200	<b>Geo CD:</b>	
Legal Description		
SubdivisionName SCOTCHWOOD SUBDIVISION Township 16 Range 18 Lot 17		

Tax Bill (Click on desired tax year for due dates and further details)					
Tax Year	Net Tax	Total Paid	Penalty/Fees	Interest	Balance Due
2015	\$7,921.47	\$7,921.47	\$0.00	\$0.00	\$0.00
2014	\$7,949.44	\$7,949.44	\$0.00	\$0.00	\$0.00
2013	\$7,956.42	\$7,956.43	\$0.00	\$0.00	\$0.00
2012	\$7,943.40	\$7,943.40	\$0.00	\$0.00	\$0.00
2011	\$7,736.20	\$7,736.20	\$0.00	\$0.00	\$0.00
Total					\$0.00

**Important Payment Information**

- ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However, a service fee does apply for online credit card payments. See Payment Information for details.

**Pay Online**

No payment due for this account.

**\$0.00**

**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

**Payment Information**

**Special Assessment District**

**Installment Date Information**

**Assessment Information**

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.



NO.	DATE	BY	REVISIONS

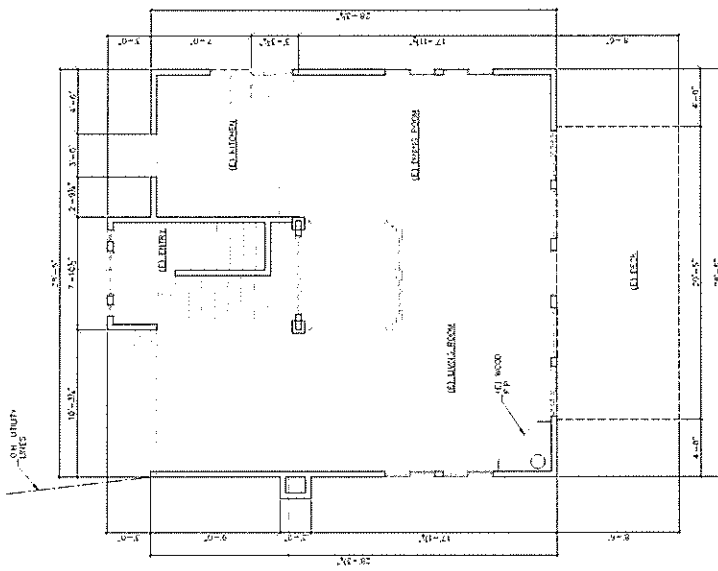
ELISE FETT & ASSOCIATES, LTD.  
 AIA - RCE  
 ARCHITECTURE  
 ENGINEERING  
 P.O. BOX 5008  
 INCLINE VILLAGE  
 NEVADA 89450  
 PHONE: (775) 833-2388  
 FAX: (775) 833-2388  
 elf@elisefett.com

THOMAS & SUSAN FLEMING REMODEL  
 715 CRISTINA DR., INCLINE VILLAGE, NV  
 APN: 126-251-06

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DATE	2-2-16	PROJECT NO.	17
SCALE	AS SHOWN	SHEET NO.	1-1
DATE	2-2-16	PROJECT NO.	17
SCALE	AS SHOWN	SHEET NO.	1-1
DATE	2-2-16	PROJECT NO.	17
SCALE	AS SHOWN	SHEET NO.	1-1

A-2



**WALL LEGEND**

- EXISTING WALL TO REMAIN
- ... EXISTING WALL TO BE REMOVED
- NEW WALL (2x4 INTERIOR)
- NEW WALL (2x6 EXTERIOR)

NO.	DATE	BY	REVISIONS

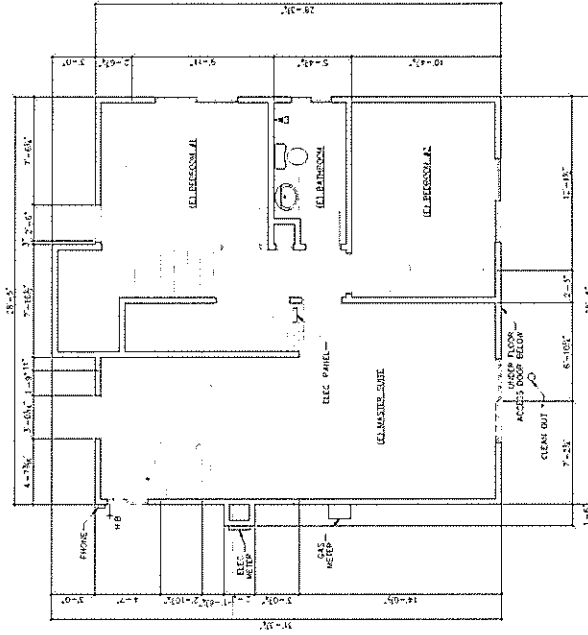
ELISE FETT  
 & ASSOCIATES, LTD.  
 AIA - RCE  
 ARCHITECTURE  
 ENGINEERING

PHONE: (772) 933-2388  
 FAX: (772) 933-2388  
 P.O. BOX 5899  
 INCLINE VILLAGE  
 NEVADA 89450  
 elise@elisefett.com

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THOMAS & SUSAN FLEMING REMODEL  
 SCOTCHWOOD LT 17  
 715 CRISTINA DR., INCLINE VILLAGE, NV  
 APN: 120-251-06

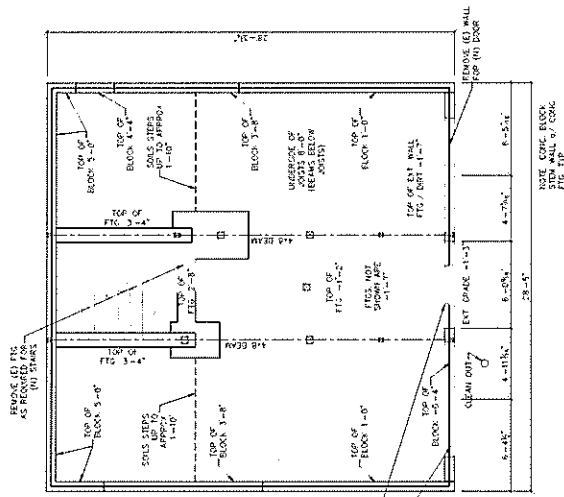
DATE	2-2-18
SCALE	AS NOTED
APP. NO.	17A
DWG. NO.	1-11
SHEET	
NO.	1
OF	1



**WALL LEGEND**

- EXISTING WALL TO REMAIN
- - - EXISTING WALL TO BE REMOVED
- NEW WALL (2.5-4 INTERIOR, 2.5-6 EXTERIOR)

1st FLOOR EXISTING AND DEMO PLAN  
 17A - 1-10



BASEMENT EXISTING AND DEMO PLAN  
 17A - 1-10



**THOMAS & SUSAN FLEMING REMODEL**  
 SCOTCHWOOD LT 17  
 715 CRISTINA DR., INCLINE VILLAGE, NV  
 APN: 126-251-06

**ELISE FETT & ASSOCIATES, LTD.**  
 AIA - RCE  
 ARCHITECTURE  
 ENGINEERING  
 PHONE: (775)933-2308  
 FAX: (775)933-2308  
 P.O. BOX 5080  
 INCLINE VILLAGE  
 NEVADA 89450  
 elise@elisefett.com

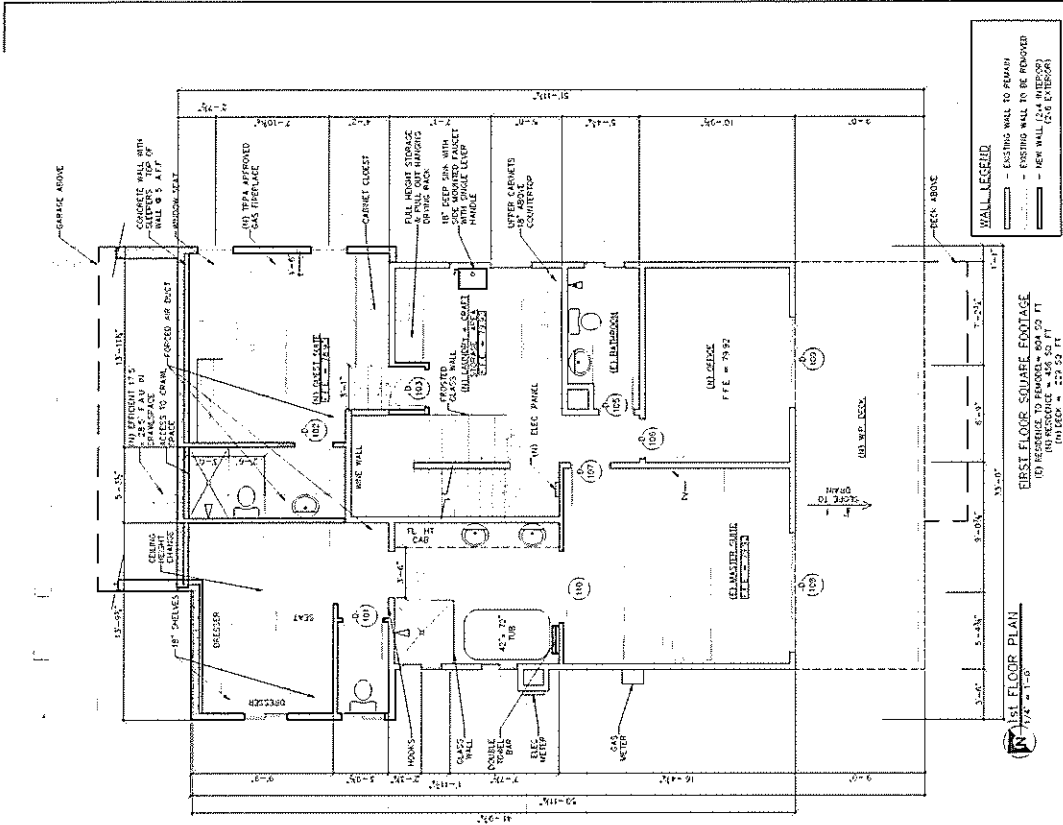
REVISIONS

NO.	DATE	DESCRIPTION

APPROXIMATE SQUARE FOOTAGE

NO.	DATE	DESCRIPTION

A-3



**WALL LEGEND**

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- NEW WALL (24 INCHES)
- NEW WALL (12 INCHES)

**APPROXIMATE SQUARE FOOTAGE**

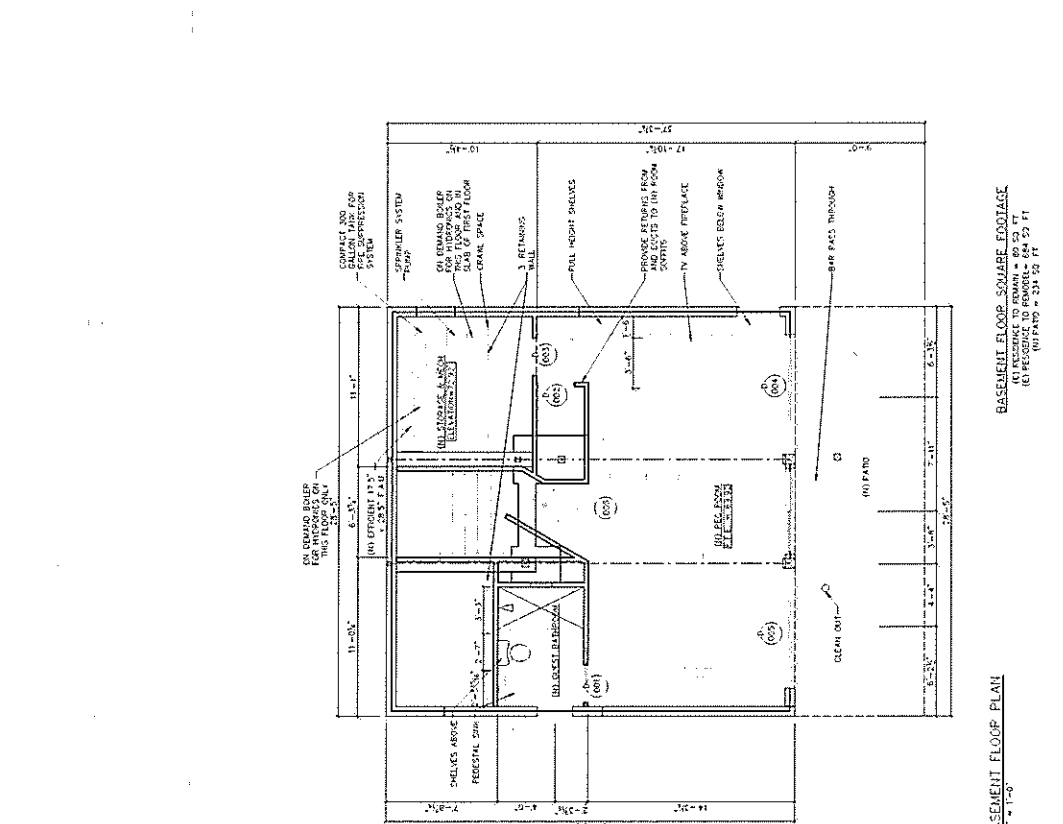
NO.	DATE	DESCRIPTION

**BASEMENT FLOOR SQUARE FOOTAGE**  
 (TO REFERENCE TO REMOVED - 624 SQ FT)  
 (TO REFERENCE TO REMOVED - 223 SQ FT)

MARK	WIDTH	HEIGHT	Area	Remarks	Head Height

**BASEMENT FLOOR PLAN**  
 1/4" = 1'-0"

MARK	NO.	WIDTH	HEIGHT	Area	Remarks	Swing	Notes



**WALL LEGEND**

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE REMOVED
- NEW WALL (24 INCHES)
- NEW WALL (12 INCHES)

**APPROXIMATE SQUARE FOOTAGE**

NO.	DATE	DESCRIPTION

**BASEMENT FLOOR SQUARE FOOTAGE**  
 (TO REFERENCE TO REMOVED - 624 SQ FT)  
 (TO REFERENCE TO REMOVED - 223 SQ FT)

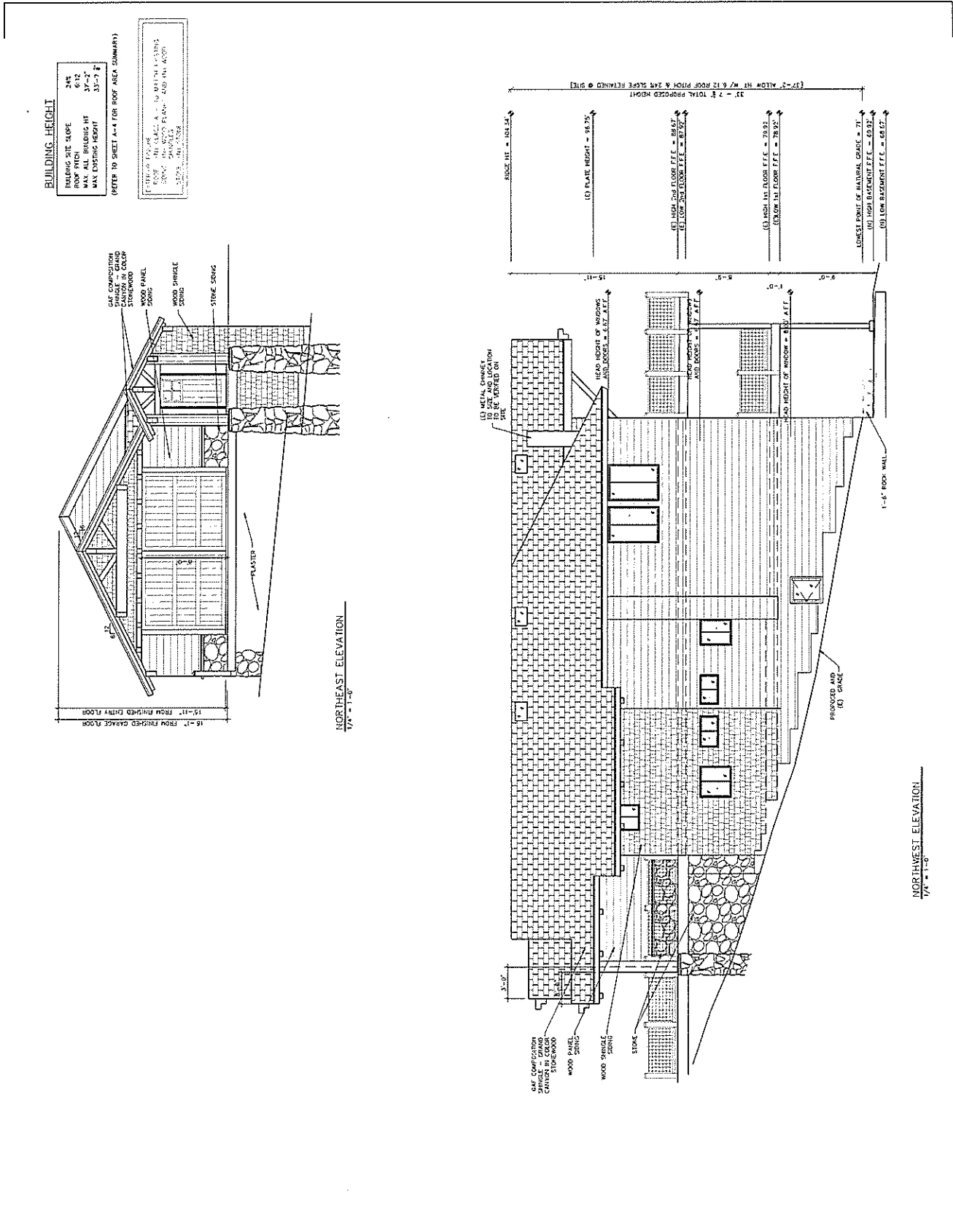
MARK	WIDTH	HEIGHT	Area	Remarks	Head Height

**BASEMENT FLOOR PLAN**  
 1/4" = 1'-0"

MARK	NO.	WIDTH	HEIGHT	Area	Remarks	Swing	Notes

ALL DRAWINGS TO BE REVIEWED WITHIN 10 BUSINESS DAYS AFTER CONTRACT SIGNATURE. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF THE EXISTING STRUCTURE PRIOR TO COMMENCEMENT OF WORK.

REVISIONS	BY



ALL DRAWINGS AND NOTES UNLESS OTHERWISE SPECIFIED OR UNLESS OTHERWISE NOTED AND NOT BE DEPENDENT UPON OR BASED ON PREVIOUS WORK OR ANY OTHER WORK OR CONTRACT BY THE ARCHITECT/ENGINEER.

REVISIONS	BY

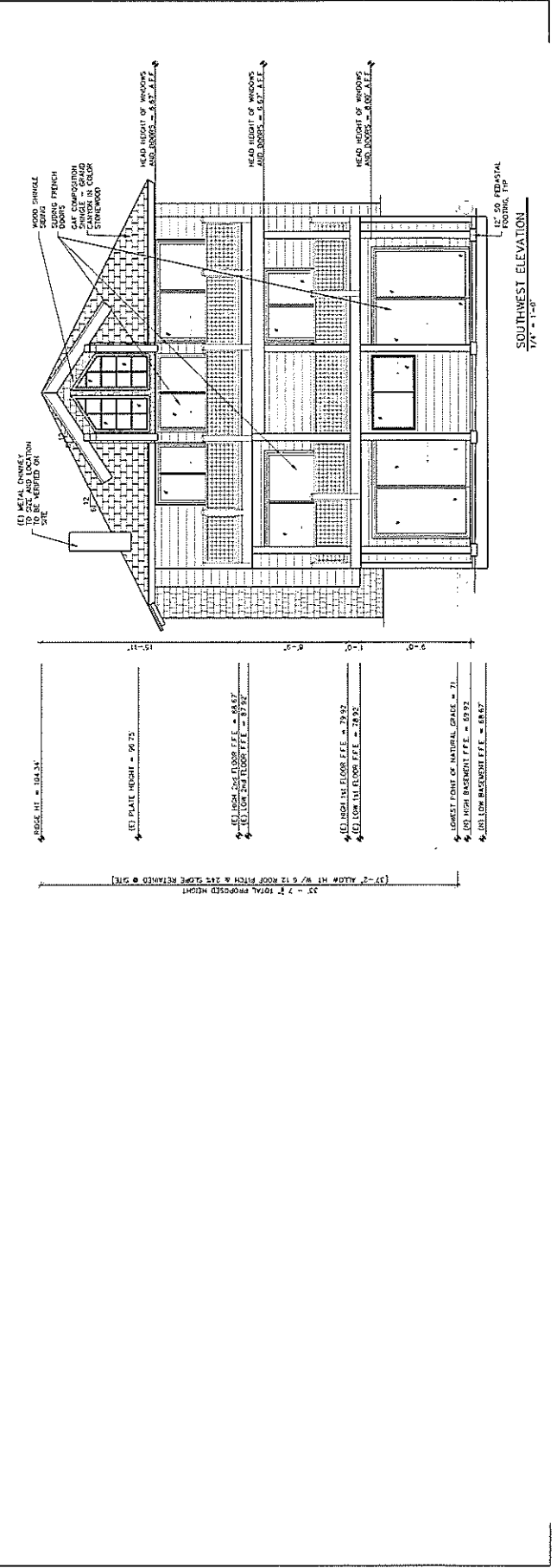
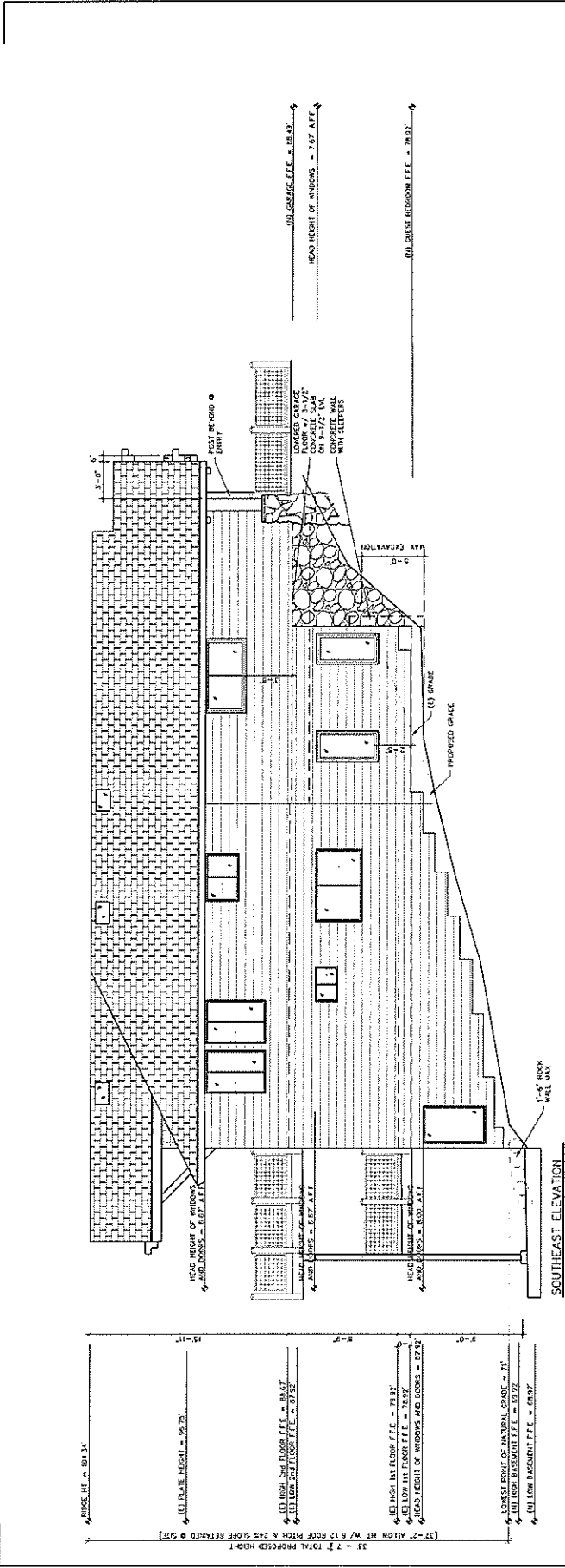
ELISE FETT  
 & ASSOCIATES, LTD.  
 ARCHITECTURE  
 ENGINE

90 BOX 5000  
 INCLINE VILLAGE  
 NEVADA 89450  
 PHONE: (775) 893-2388  
 FAX: (775) 893-2386  
 elise@eliffett.com

THOMAS & SUSAN FLEMING REMODEL  
 715 CRISTINA DR., INCLINE VILLAGE, NV  
 APN: 126-231-06

DATE	3.31.15
SCALE	AS NOTED
JOB NO.	126
DATE	3.31.15
DESIGNED	
CHECKED	
DATE	
BY	

A-6



BASE HT. = 104.34'	(E) PLATE HEIGHT = 95.75'	(E) HIGH 2ND FLOOR F.F.E. = 84.87'	(E) HIGH 1ST FLOOR F.F.E. = 79.92'	(E) HIGH IN FLOOR F.F.E. = 79.92'	(E) LOW 1ST FLOOR F.F.E. = 67.92'	(E) LOW 2ND FLOOR F.F.E. = 67.92'	(E) LOW 3RD FLOOR F.F.E. = 67.92'	LOWEST POINT OF NATURAL GRADE = 71'	(E) HIGH BASEMENT F.F.E. = 69.92'	(E) LOW BASEMENT F.F.E. = 64.87'
--------------------	---------------------------	------------------------------------	------------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-----------------------------------	-------------------------------------	-----------------------------------	----------------------------------

REVISIONS	BY	DATE	DESCRIPTION

ELISE FETT  
& ASSOCIATES, LTD.  
AIA • RCE  
715 CRISTINA DR., INCLINE VILLAGE, NV  
P.O. BOX 5080  
INCLINE VILLAGE, NEVADA 89450  
PHONE: (775)833-3388  
FAX: (775)833-3388  
elise@eliseaia.com

THOMAS & SUSAN FLEMING REMODEL  
715 CRISTINA DR., INCLINE VILLAGE, NV  
APN: 126-251-06

DATE	SCALE	APP NO.	SHEET
04-17-10	AS NOTED	T-1	SP-1

**OWNER**  
THOMAS & SUSAN FLEMING  
715 CRISTINA DRIVE  
INCLINE VILLAGE, NV 89450

**CONTACT PERSON**  
ELISE FETT  
715 CRISTINA DRIVE  
INCLINE VILLAGE, NV 89450  
PHONE: (775) 833-3388

**PROPERTY**  
715 CRISTINA DRIVE  
INCLINE VILLAGE, NV 89450  
APN: 126-251-06

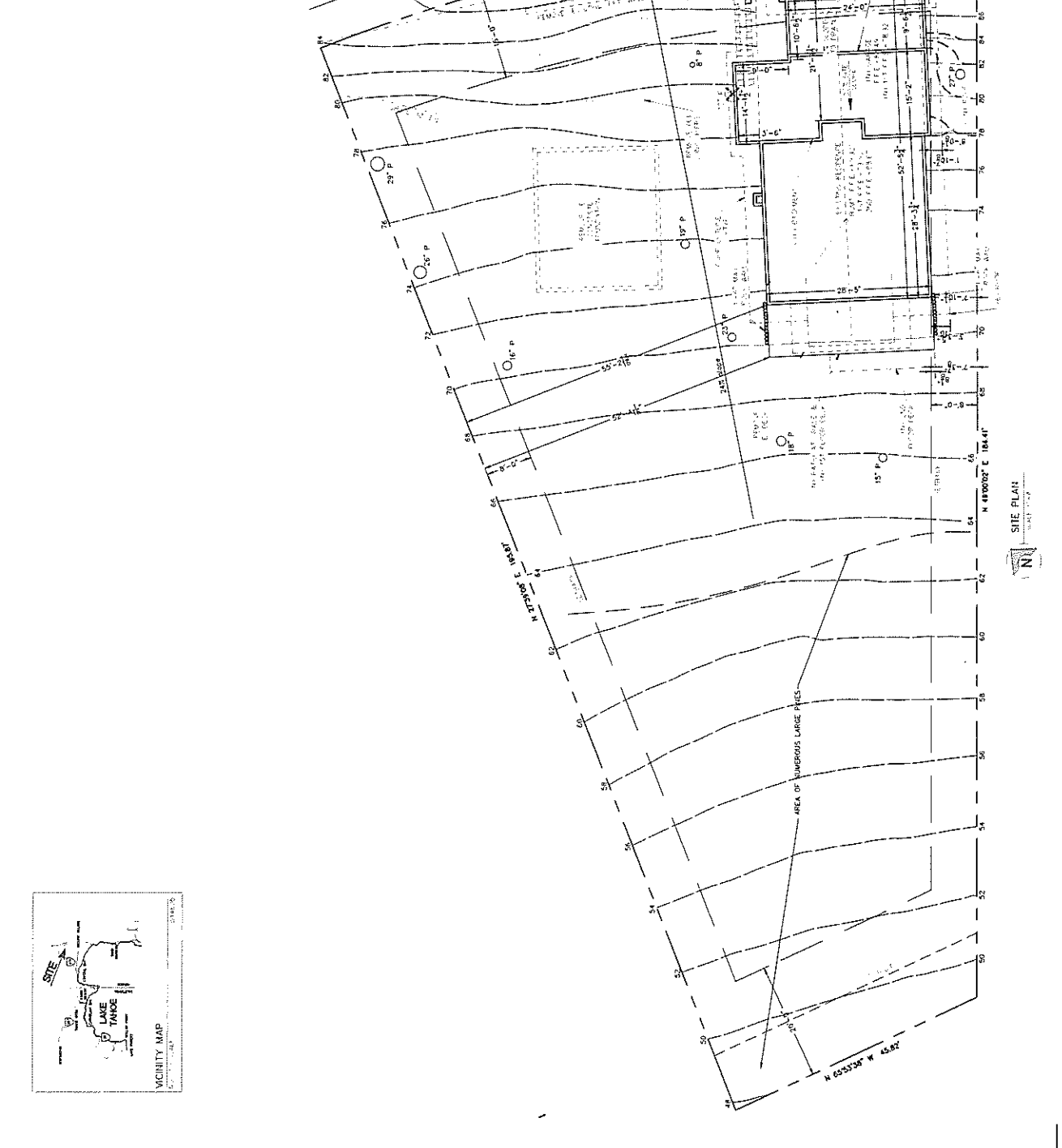
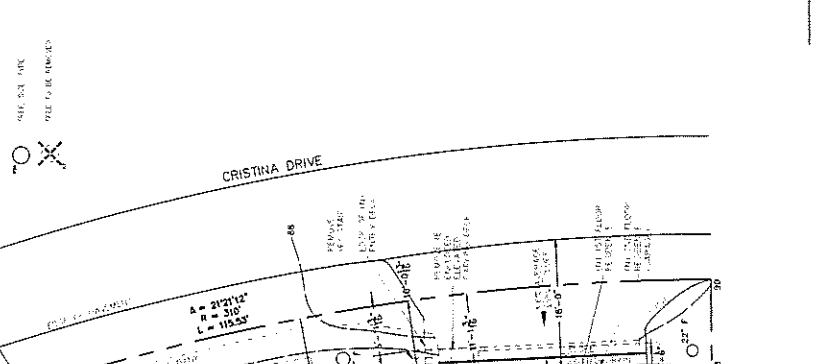
**NOTE:**  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

**LAND AREA**  
2.50 AC. ±

**CODE ANALYSIS**  
SINGLE-FAMILY RESIDENTIAL  
R-100 (SFR)

**LEGEND**

- EXISTING LOT LINES
- PROPOSED LOT LINES
- EXISTING DRIVE
- PROPOSED DRIVE
- EXISTING SIDE WALK
- PROPOSED SIDE WALK
- EXISTING SIDE WALK
- PROPOSED SIDE WALK



To: Incline Village Planning Department

We, the owners of the property adjacent to the proposed remodel at 715 Cristina , Incline Village, hereby consent to the variance of approximately 4-feet from the 15-foot setback for a 2-car garage which has been requested by Susan and Tom Fleming as described above. We view their remodel, including the requested variance, as beneficial to our adjacent property and the neighborhood in general.

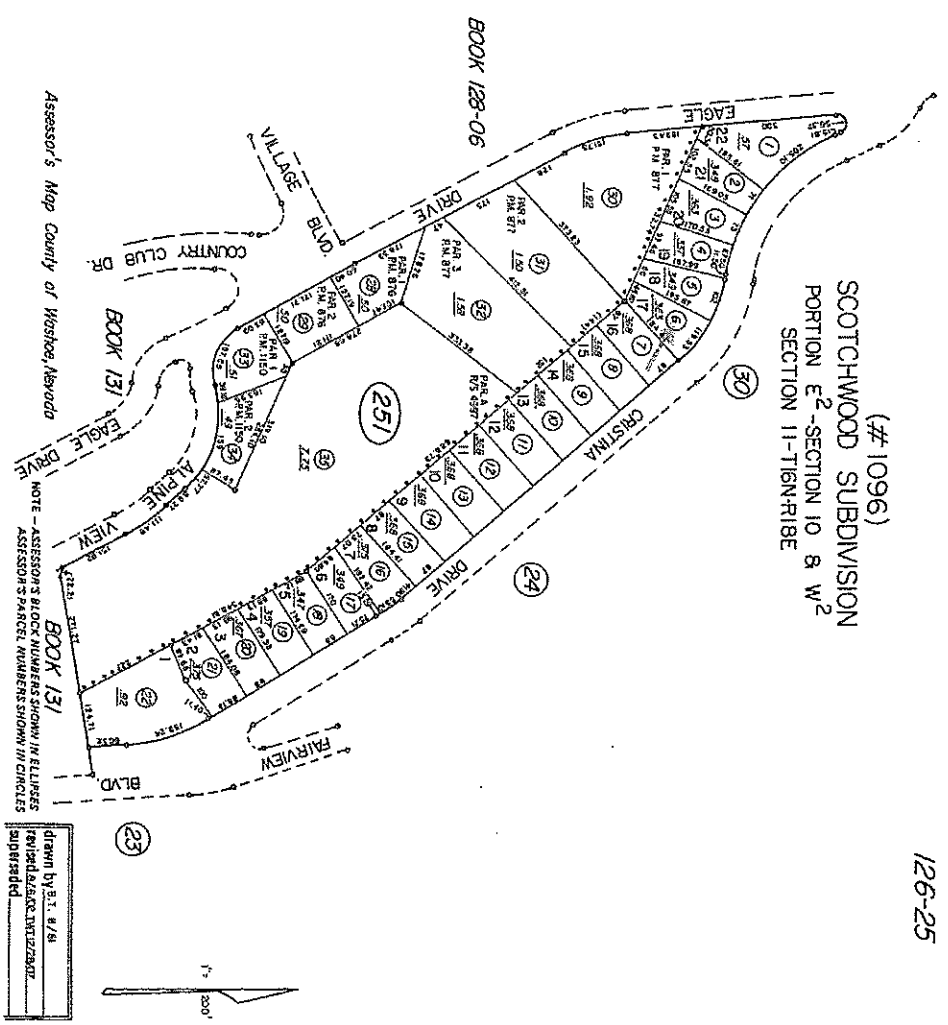


Mark Chew  
713 Cristina Drive  
Incline Village, NV 89451



Christina Chew  
713 Cristina Drive  
Incline Village, NV 89451

(#1096)  
SCOTCHWOOD SUBDIVISION  
PORTION E<sup>2</sup>-SECTION 10 & W<sup>2</sup>  
SECTION 11-T16N-R18E

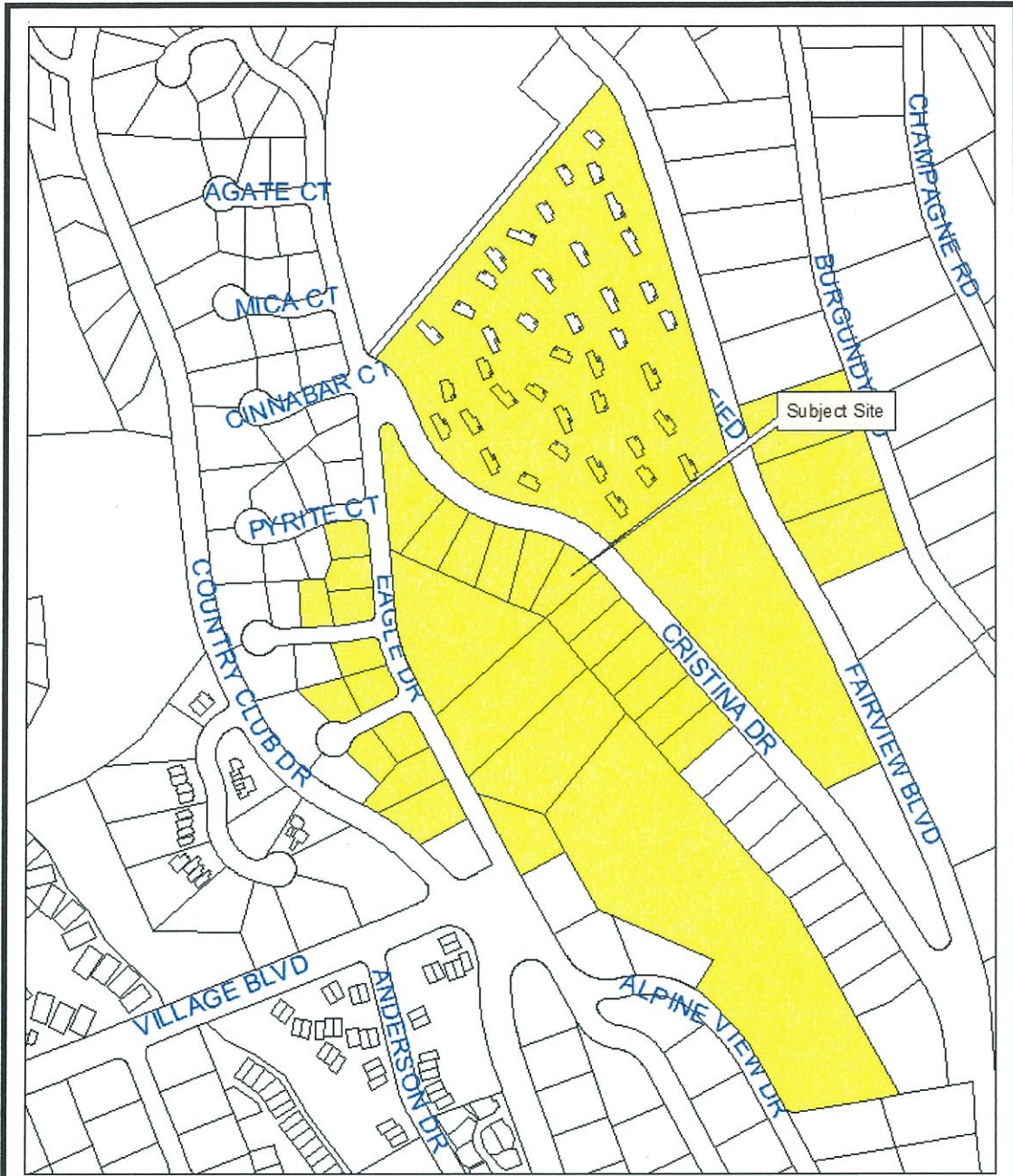


NOTE: This map prepared by the use of the Oregon County Assessor for Assessment and Taxation purposes only. It does not represent a survey or other professional service. It does not constitute a warranty of the accuracy of the information shown.

Assessor's Map County of Washege, Nevada  
NOTE - ASSESSOR'S PARCEL NUMBERS SHOWN IN ELLIPSES  
ASSESSOR'S PARCEL NUMBERS SHOWN IN CIRCLES

drawn by: S. J. 8/78  
revised: S. J. 8/78  
superseded:

# VA16-003, Exhibit D



Mailing Label Map

Variance Case No VA16-003  
Fleming Front Yard Setback Reduction

53 Parcels selected at 500 feet.

Source: Planning and Development



Date: April 2016

Department of  
Community  
Development

WASHOE COUNTY  
NEVADA

Post Office Box 11120  
Reno, Nevada 89522  
(775) 222-2622

VA16-003, Exhibit D



VA16-003, Exhibit E

To: Incline Village Planning Department

We, the owners of the property adjacent to the proposed remodel at 715 Cristina , Incline Village, hereby consent to the variance of approximately 4-feet from the 15-foot setback for a 2-car garage which has been requested by Susan and Tom Fleming as described above. We view their remodel, including the requested variance, as beneficial to our adjacent property and the neighborhood in general.



Mark Chew  
713 Cristina Drive  
Incline Village, NV 89451



Christina Chew  
713 Cristina Drive  
Incline Village, NV 89451

To: Washoe County/Incline Village Planning Department  
Re: 715 Cristina (the Flemings' request for a variance)

I am the owner of the property located at 721 Cristina, Incline Village, Nevada, which is adjacent to the proposed remodel of the home of Susan and Tom Fleming at 715 Cristina, Incline Village. I hereby consent to the variance that my neighbors have requested of approximately 4-5 feet from the 15-foot setback for a 2-car garage, which would be located in the area now occupied by their uncovered parking deck. I am in support of their request for a variance for several reasons: not only would their remodel (with the requested variance) improve the appearance and utility of their property and our neighborhood in general, but it would avoid the necessity of constructing their garage on that portion of their lot which is closer to my home, which I understand they could do without requesting any variance, but would result in coverage of more of the forest floor. That alternative would also impair the view of the lake from the street, which the requested variance would avoid. I am in full support of the Flemings' proposed remodel, including the requested variance, which I view it as beneficial to our adjacent property and to the neighborhood in general.



---

James Whalen  
721 Cristina

Incline Village, Nevada 89450

AX16-004

Attachment B:

Board of Adjustment Action Order Dated 6/7/2016



## Board of Adjustment Action Order

**Variance Case Number VA16-003**

Decision: Denial

Decision Date: June 2, 2016

Mailing/Filing Date: June 7, 2016

Property Owner: Thomas and Susan Fleming

Assigned Planner: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division

Phone: 775.328.3622

E-Mail: rpelham@washoecounty.us

**Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction)** – Hearing, discussion, and possible action to approve a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling.

- Applicant: Elise Fett, and Associates  
Attn: Julie Rinaldo  
PO Box 5989  
Incline Village, NV 89450
- Property Owner: Thomas and Susan Fleming  
5111 Alta Canyon Road  
La Canada Flitridge, CA 91011
- Location: 715 Cristina Drive, approximately 750 feet  
southeast of its intersection with Eagle Drive, in  
Incline Village
- Assessor's Parcel Number: 126-251-06
- Parcel Size: ± .363 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 Berkbigler
- Section/Township/Range: Section 10 & 11, T16N, R18E, MDM,  
Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make the findings required by Washoe County Development Code Section 110. 804.25.

To: Fleming Front Yard Setback Reduction  
Subject: Variance Case Number VA16-003  
Date: June 7, 2016  
Page: 3

Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451; Nevada Division of Forestry, 885 Eastlake Boulevard, Carson City, NV 89701; Nevada State Lands, Rex Harold, 901 South Stewart Street, Suite 5003, Carson City, NV 89701-5246; USFS, Brian Garrett, Urban Lands Manager, 35 College Drive, South Lake Tahoe, CA 96150

AX16-004

Attachment C:

Board of County Commissioners Alternative Motion

## ALTERNATIVE MOTION

I move that the Board of County Commissioners take action to uphold Appeal Case Number AX16-004, and reverse the denial by the Washoe County Board of Adjustment of Variance Case Number VA16-003 (Fleming Front Yard Setback Reduction) – which sought a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet and 13/16 inches, to facilitate the expansion of the existing dwelling, and to approve the variance having made the following 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.

AX16-004

Attachment D:

Appeal of Decision Application

# Washoe County Appeal of Decision Application

## Appeal of Decision by (Check one)

- |                                                                      |                                                      |
|----------------------------------------------------------------------|------------------------------------------------------|
| <input checked="" type="checkbox"/> Board of Adjustment              | <input type="checkbox"/> Hearing Examiner            |
| <input type="checkbox"/> Design Review Committee                     | <input type="checkbox"/> Parcel Map Review Committee |
| <input type="checkbox"/> Director of Building & Safety (NRS 278.310) | <input type="checkbox"/> Planning Commission         |
| <input type="checkbox"/> Director of Planning and Development        | <input type="checkbox"/> Code Enforcement Officer    |

## Appellant Information

Name: G. Thomas Fleming	Phone: (775) 833-4551
Address: 715 Cristina	Fax: (213) 689-1004
P.O. Box 5282	Email: fabflemings@aol.com
City: Incline Village                      State: CA                      Zip: 89450	Cell:
Original Application Number: VA16-003	
Project Name: Fleming Front Yard Setback Reduction	
Project Location: 715 Cristina, Incline Village, CA 89450	

Date of decision for which appeal is being filed: June 2, 2016

State the specific action you are appealing:

Denial of request for variance to allow the reduction in the front yard setback by approximately 4 feet, 11-3/16 inches to allow the construction of an enclosed garage in space currently occupied by an existing exposed parking deck.

State the reasons why the decision should or should not have been made:

(Please see the attached "Statement of Reasons" why Board of Adjustment's Decision was erroneous, which is incorporated herein by this reference as though set forth in full.)

## For Staff Use Only

**Appeal Number:**

**Date Stamp**

Notes:

Staff: \_\_\_\_\_



<b>Appellant Information (continued)</b>	
Cite the specific outcome you are requesting under the appeal: Appellant seeks the approval of a variance to allow the reduction in the front yard setback from 15 feet to approximately 10 feet, 13/16 inches, to allow the construction of an enclosed garage in space presently occupied by an existing, exposed parking deck.	
State how you are an affected individual entitled to file this appeal: Please see the attached "Affected Individual's Statement" which is incorporated hereby by this reference as though set forth in full.	
Did you speak at the public hearing when this item was considered?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

For time limitations imposed for the various types of appeals, please refer to the Washoe County Development Code (WCC Chapter 110) and Nevada Revised Statutes Chapter 278 (NRS 278).

### APPELLANT AFFIDAVIT

CALIFORNIA  
 STATE OF NEVADA )  
                   LOS ANGELES  
 COUNTY OF WASHOE )

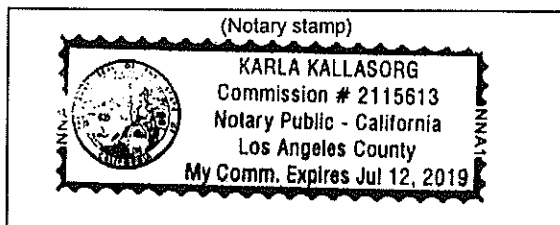
I, G. Thomas Fleming  
 being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Development.

Signed *G. Thomas Fleming*  
 Address 715 Cristina  
Incline Village, NV 89450

Subscribed and sworn to before me this  
6th day of June, 2016.

*Karla Kallasorg*  
 Notary Public in and for said county and state

My commission expires: 7/12/19



**STATEMENT OF REASONS  
WHY BOARD OF ADJUSTMENT  
IN CASE NO. VA16-003  
DECISION WAS ERRONEOUS  
AND SHOULD BE REVERSED**

**STATEMENT OF REASONS WHY BOARD OF ADJUSTMENT'S  
DECISION WAS ERRONEOUS, AND SHOULD BE REVERSED;  
AND THE APPLICATION SHOULD BE GRANTED**

---

I, the undersigned, am the owner of the property commonly known as 715 Cristina, Incline Village, Nevada (the "Property"). I am appealing the June 2, 2016 decision of the Washoe County Board of Adjustment (the "Board") denying my application in Variance Case Number VA16-003 (Fleming Front Yard Setback), hereinafter the "Requested Variance." I submit that the Board's 3 to 1 decision denying that Requested Variance was an abuse of the Board's discretion, and should be reversed, for the following reasons:

**1. The Staff Report Failed to Inform the Board, and The Board Failed To Consider Relevant Precedent In Support of the Requested Variance.**

The Board of Adjustment Staff Report for this matter (dated May 12, 2016) states, at pages 7-8, that several "adjacent dwellings seem to be constructed in conformance with the required setbacks." The Staff Report completely fails, however, to mention that *substantially identical variance requests have been granted in recent years, for substantially identical purposes, on this same street, including the subject property.* The most relevant variances previously granted by the Board include the following:

- (a) 715 Cristina, Maurice and Sheryl Verbrugge, Case No. V7-40-94 (previous owners of the Subject Property): *a substantially identical application<sup>1</sup> for a variance for an attached garage in the same location was made by the previous owners, and granted by the Board of Adjustment.* In approving a 4-foot reduction in the 15-foot setback for construction of a garage (Case No. V7-40-94), the Board found, among other reasons for approval, that:

"1. That due to the 26% slope of the property and [TRPA] coverage requirements, *the site chosen is the only reasonable location for an enclosed garage;*

---

<sup>1</sup> The previously-approved variance was almost identical to the request in the present case: the previously variance for this same property allowed a 4-foot reduction in the front yard setback "from 15 feet to 11 feet to facilitate the construction of a proposed garage . . . ." See Exhibit A, page 1. The two applications are different, in that the previously plan sought to substantially *expand* the existing residence; the present plan does *not*.

2. That *the request will not create a detriment* to scenic or environmental character of the surrounding area, nor affect lake views of the adjacent properties;

...

4. That granting the request will not constitute a grant of special privileges . . . .” (Emphasis added.)

True and correct copies of Washoe County’s records reflecting the approval of the variance request in Case No. V7-40-94 are attached as Exhibit A.

Nothing has changed since the variance was previously approved that should have caused the current Requested Variance to not also be approved: the slope of the parcel has not changed; the location of the existing home has not changed, nor has the location of the existing parking deck (which is the location of the proposed garage); and there has been no relevant change to NRS § 278.300(c) which would support a different decision. When the Board learned of this previously-approved variance at the hearing on June 2, 2016 (this material fact was omitted from the Staff Report), the Chair wondered aloud, why should the same variance if previously granted for this property be denied today? The Staff could only answer that there are now “different personalities on the Staff, and on the Board of Adjustment. Obviously, “different personalities” are not a valid basis for denying the Requested Variance, when the same variance was previously approved by the Washoe County Board of Adjustment (but has now expired).

- (b) 701 Cristina, Philip and Randi Moore, Case No. VA0002-005 (neighbors to the east of Applicant): Variance *approved* a 7-1/2-foot the reduction of the required front yard set-back (from 15 feet to 7-1/2 feet) for the construction of a 2-car garage. The Board found that the property’s 28% downslope justified a 7-1/2-foot variance, which still “meets the minimum length of driveway/deck acceptable to the Washoe County Roads Division . . . .” The garage constructed by the Moores pursuant to this 7-1/2-foot variance is in use today; as the Board of Adjustment expressly found when the 7-1/2-foot variance was approved, it does not create any “detriment to scenic or environmental character of the surrounding area,” and that the granting of the Moores’ 7-1/2-foot variance does “not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity . . . .” The

Applicant in the present case agrees with those findings, and submits that the same findings – and the granting of a substantially identical, but *less* extensive variance (less than 5 feet) – should also be made in the present case.

True copies of the Washoe County records reflecting the approval of this substantially identical variance request in case no. VA0002-005 are attached as Exhibit B.

Other examples of comparable variances granted to other similarly-situated homeowners will be provided, if requested; the examples cited above are particularly relevant to the Requested Variance, because these properties are all in close proximity to 715 Cristina; these parcels are all located on the same south-facing slope, and all have slopes well in excess of 20%. These examples show that there is no objective, good-faith basis for the Board’s decision to deny the Requested Variance after having granted the others.

5. **The Staff Report, and The Board of Adjustment Failed To Consider the “Extraordinary and Exceptional Situation or Condition” of the Subject Property, Which Compels the Grant of the Requested Variance.**

The Staff Report concluded that the subject parcel was neither exceptionally “narrow,” nor exceptionally “shallow,” nor presented any “exceptional topographic conditions,” nor presented any “other extraordinary and exceptional situation or condition.” Based upon that conclusion the Staff Report recommended that the Requested Variance be denied. The Board of Adjustment, by a vote of 3 to 1, essentially adopted the Staff’s conclusions and denied the Requested Variance.

However, the Staff Report (and the Board) *failed* to take into account several “extraordinary and exceptional” aspects of the parcel, and of the existing improvements thereon, which not only make the Requested Variance appropriate under Nevada Revised Statutes § 278.300, but should compel the grant of the Requested Variance. Those “extraordinary and exceptional” conditions include the following:

- (a) **Exceptional Steepness:** the steepness of the Northern slope of the subject parcel varies, from an average of 24% on the northwestern boundary to over 28% on the northeastern boundary for the 20 feet inside the property line along the road (near the site of the Requested Variance). There are 12’ wide sections within the set-back area that have 50% slope. This is an “exceptional topographic condition” which the Staff Report either ignored, or to which the Staff failed to give any weight. (The Staff Report at page 7 states the “Staff has not been able to identify” any such exceptional situation.)

However, the *extraordinary and variable steepness of the slope for homes on Cristina was a material factor in the Board's prior approval of substantially identical variance applications for 715 Cristina (a 4-foot reduction in the 15-foot setback for the subject parcel), as well as 701 Cristina (a 7-1/2-foot reduction for the neighbor to the East), and others.* (The Site Plan for the subject parcel, which shows the exceptional steepness of the slope, is a part of the Staff Report which is already a party of the record on this Appeal. As noted in the Staff Report, where a slope is 20% or greater, a property owner may, as a matter of right, construct an *attached* garage with a 15-foot setback. The slope of the subject parcel is substantially steeper than 20%, justifying a reduction of the 15-foot setback (as previously approved for both 701 Cristina, and 715 Cristina). The application seeks a minor reduction of the 15-foot setback to 10 feet, 13/16 inches: a concession of only 4 feet, 11-13/16 inches.) As noted in Part 1 above, the exceptional steepness of the slope on Cristina was a material factor in the Board's previous decisions to grant variances for both the subject parcel, and 701 Cristina.

The failure of the Staff, and of the Board to consider the exceptional steepness of this parcel as an "extraordinary and exceptional situation or condition" warranting relief under NRS 278.300(1)(c) is in itself justification for reversal.

- (b) Other Extraordinary and Exceptional Conditions of the Parcel, and the Existing Improvements Thereon: NRS 278.300(1)(c) does not limit the Board's power to grant variances *only* in cases of a parcel's "narrowness," of "shallowness," or "shape." Unfortunately, the Staff Report, and the Board's decision, focused only on those narrow criteria, and ignored other material, and "exceptional extraordinary" conditions. As a result, the Board abused its discretion, and its decision must be reversed.

NRS 278.300(1)(c) gives the Board *broad discretion* to consider *any* "extraordinary and exceptional situation or condition of the piece of property" which may justify a variance.<sup>2</sup> In the present case there are several "extraordinary and exceptional" situations and conditions of the parcel, and the existing

---

<sup>2</sup> Please see the attached "Affected Individual's Statement" for a description of the exceptional difficulties and undue hardships which will result if the Requested Variance is denied. These difficulties and hardships were also ignored by the Staff, and by the Board, but are relevant factors under NRS 278.300(c)(1).

improvements thereon, which not only give the Board the authority to grant the Requested Variance, but should *compel* them to do so:

- (i) The subject parcel is approximately 1/3 of an acre; the existing residence is of modest size, and is situated entirely in the northeast corner of the parcel; there is an existing, exposed parking deck which connects the existing residence to the south edge of Cristina (street).
- (ii) The existing home and parking deck are in disrepair, and sorely in need of renovation; also, the exposed parking deck is an existing, non-conforming use which the Requested Variance would cure, by covering the parking deck with an enclosed garage.
- (iii) The owners (Applicant/Appellant) have planned a “responsible remodel” which seeks *not* to expand the footprint of the existing residence (as the Staff Report *incorrectly* states), but to: *remain* within the “footprint” of the existing residence; *avoid* covering more of the forest floor; *avoid* unnecessary removal of trees; and *to cover the existing, exposed parking deck with an attached garage, getting cars out of sight and off the street.*
- (c) The Requested Variance is a key component of that plan, as a *usable* attached garage is not possible without the Variance.
- (d) The Staff’s only suggested solution was to build a *detached* garage. *A detached garage, as noted at page 9 of the Staff Report, could be constructed without a variance, “and could be built up to the front of the property line,”* with no “set-back” at all.
- (e) The construction of a detached garage, as suggested by the Staff, would require the creation of a new, unwanted structure that would unnecessarily cover several hundred square feet of the forest floor; it would require the removal of several mature trees; it would cost substantially more; and it would substantially *eliminate* the views across the western half of the subject property of the forest, and of Lake Tahoe for our neighbors, as well as any vehicle or pedestrian traffic on Cristina.

All of the foregoing constitute “extraordinary and exceptional” conditions which not only justify, but should compel the grant of the Requested Variance under NRS 278.300(c)(1). These conditions were given *no* consideration either by the Staff, or by the Board of Adjustment, in their decision to deny the Requested Variance.

It is also important to consider the “practical difficulties” and “undue hardship” to the owner, if the Requested Variance is not approved. Those are detailed in the attached “Affected Individual’s Statement,” which is attached hereto and incorporated herein by this reference. All of those difficulties and hardships also were disregarded both in the Staff Report, and by the Board of Adjustment.

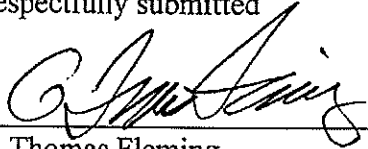
The staff also pointed out a concern written by Clara Lawson of the engineering department, but this “concern” has no application to the plans proposed by the Appellant/Owner. The loss of snow storage *would* be a negative result if a detached garage, but *no* loss of snow storage will result from the Requested Variance. This is why Kimble Corbridge, also of the engineering department, had “no comments for Road issues” (another material fact disregarded by the Staff.)

Finally, NRS 278.300(c)(1) provides that the Board of Adjustment “has the power to authorize a variance . . . if the relief may be granted without substantial detriment to the public good.” That is clearly the case here, but the Staff and the Board failed to consider the “public good” in connection with the Requested Variance. The Requested Variance is not a detriment, but a *benefit* to the “public good,” including (but not limited to) the owners, and their neighbors. This is why *both* adjacent neighbors submitted letters *in support* of the Requested Variance; and *not one* of the neighbors in the surrounding area submitted any objection to the Requested Variance.

For all of the foregoing reasons, the Board of Adjustment abused its discretion by failing to consider several material, exceptional and extraordinary conditions of the subject property, which resulted in the Board’s denial of the Requested Variance. That decision should be reversed.

Dated: June 7, 2016

Respectfully submitted

  
\_\_\_\_\_  
G. Thomas Fleming  
Appellant/Owner

*(see next page)*  
\_\_\_\_\_  
Susan S. Fleming  
Appellant/Owner



Individual's Statement," which is attached hereto and incorporated herein. All of those difficulties and hardships also were disregarded in the Staff Report, and were also disregarded by the Board of Adjustment.

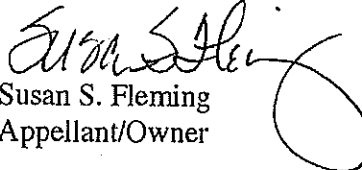
Finally, NRS 278.300(c)(1) provides that the Board of Adjustment "has the power to authorize a variance . . . if the relief may be granted without substantial detriment to the public good." The Staff and the Board failed to consider the "exceptional and extraordinary" factors set forth above, as well as the detriment to the public good which will result, if the Requested Variance is *not* granted. (*See* the Affected Individual's Statement for a description.) The Requested Variance is not a detriment, but a *benefit* to the "public good," including (but not limited to) the owners, and their neighbors. This is why *both* adjacent neighbors submitted letters *in support* of the Requested Variance; and *not one* of the neighbors in the surrounding area submitted any objection to the Requested Variance.

For all of the foregoing reasons, the Board of Adjustment abused its discretion by failing to consider several material, exceptional and extraordinary conditions of the subject property, which resulted in the Board's denial of the Requested Variance. That decision should be reversed.

Respectfully submitted

Dated: June 1, 2016

(See prior page)  
G. Thomas Fleming  
Appellant/Owner

  
Susan S. Fleming  
Appellant/Owner

**AFFECTED INDIVIDUAL'S  
STATEMENT**

## AFFECTED INDIVIDUAL'S STATEMENT

I, the undersigned, am an individual who is adversely affected by the June 2, 2016 decision of the Board of Adjustment (the "Board") to deny the "Requested Variance" which is the subject of this Agreement. The exceptional practical difficulties and undue hardships that will result from the denial of the Requested Variance are summarized as follows:

1. My wife and I are the owners of the subject property (715 Cristina). It is in need of substantial repair, and renovation. We have saved for many years in order to remodel our home in a responsible way. We both are now in our mid-60s, and plan to make 715 Cristina our permanent, full-time residence upon our retirement.

2. Our plan for a "responsible remodel" seeks: (a) not to expand our home, but to work within the "footprint" of the existing structure; (b) to avoid removing trees unnecessarily; (c) to *not* obstruct our neighbors' or the public's views through the undeveloped western portion of our parcel; and (d) *to cover the existing, exposed parking deck with an enclosed garage, both for our own safety and convenience, and to get our cars out of sight and off the street.* To accomplish these goals, we need the Requested Variance.

3. My wife and I have spent a significant portion of our savings on our architect's plans for the "responsible remodel" described in paragraph 2, above. But those plans have been delayed by the Board's 3 to 4 vote to deny our variance request; and those plans may have to be substantially revised, at additional cost, if the Requested Variance is not granted.

4. If the Requested Variance is not granted, our only viable alternative would be to construct a detached garage on the western portion of our parcel, which presently is undeveloped. I am advised that a detached garage could be constructed *without* a variance, and with little or no set-back from the edge of the roadway. However, the construction of a detached garage would present significant inconvenience, hardship, and even safety issues for me, and for my family, as follows:

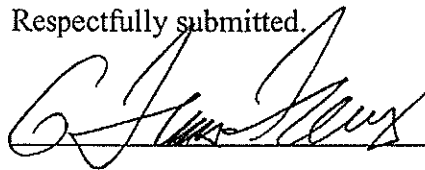
- a) Walking from a detached garage to our home – especially as my wife and I reach our 70's and 80's, and especially in snow – presents not just practical difficulties, but also obvious safety issues. This safety issue also is of particular concern for my 92-year-old father, who is a frequent guest in our home; those practical difficulties would perhaps become impossibilities if a wheelchair or a "walker" is required.

- b) Construction of a detached garage not only entails greater expense for us, but would result in an unwanted additional structure on our parcel. It would unnecessarily cover several hundred square feet of the forest floor, which we prefer to leave in a natural state.
- c) A detached garage would largely eliminate the down-slope views of the forest and the lake, not just for us and our neighbors, but for any member of the public walking, driving, or riding a bike on our street. This is a negative outcome and a “detriment to the public good” that our “responsible remodel” seeks to avoid.
- d) If a detached garage is built, it would also substantially eliminate the “snow storage” availability of the western, undeveloped portion of our parcel. This undeveloped area is currently utilized and helpful to Washoe County Roads during the winter months, as there are few such places available along Cristina for snow storage.

Photographs of the existing home and parking deck are attached hereto as Exhibit “D” for the convenience of the Community Services Department.

I respectfully submit that the benefits of granting the Requested Variance are many – both to my family and me, as well as our community, and to the public. Denial of the Requested Variance deprives my family of those benefits, and will result in all of the hardships, inconvenience, and safety issues described above. Conversely, no appreciable burden *whatsoever* will result to *anyone* if the Requested Variance is granted.

Respectfully submitted,



G. Thomas Fleming

Dated: June 7, 2016

I, Susan S. Fleming, am the spouse of G. Thomas Fleming; we jointly are the owners of 715 Cristina. All of the facts set forth above are true, and I respectfully request that the Requested Variance be granted for all of the reasons described above.

Dated: June \_\_\_\_\_, 2016

(see next page)

Susan S. Fleming

anyone if the Requested Variance is granted.

Respectfully submitted.

Dated: June \_\_\_\_\_, 2016

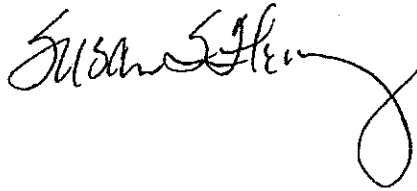
G. Thomas Fleming

*(see prior page)*

I, Susan S. Fleming, am the spouse of G. Thomas Fleming; we jointly are the owners of 715 Cristina. All of the facts set forth above are true, and I respectfully request that the Requested Variance be granted for all of the reasons described above.

Dated: June 7, 2016

Susan S. Fleming

A handwritten signature in cursive script that reads "Susan S. Fleming". The signature is written in black ink and is positioned to the right of the typed name.

**EXHIBIT "A":**

WASHOE COUNTY RECORDS  
RE: CASE NO. V7-40-94

(VARIANCE GRANTED / 715 CRISTINA)



# WASHOE COUNTY

"To Protect and To Serve"



**WASHOE COUNTY BOARD OF ADJUSTMENT**  
**DEPARTMENT OF DEVELOPMENT REVIEW**  
**Michael A. Harper, AICP, Director**

**MEMBERS:**  
Bill Hilke, Chair  
Stephen Amesbury

Development Review (702) 328-6100  
Business License Div. (702) 328-3733  
FAX (702) 328-3648

Karin Highwood  
Alex Kanwetz  
Richard Mills

## FINAL ORDER

September 15, 1994

Maurice and Sheryl Ver Brugge  
1180 Essex Lane  
Foster City, CA 94404

Dear Mr. and Mrs. Ver Brugge:

At its regular meeting of September 1, 1994 the Washoe County Board of Adjustment conditionally approved (5 conditions) the following request:

Variance Case No. V7-40-94: To reduce the required front yard setback from 15 feet to 11 feet to facilitate the construction of a proposed garage and remodel of an existing home. The residence is located at 715 Cristina Drive, Lot 17, Scotchwood Subdivision. The  $\pm$ .363 acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 11, T16N, R18E, MDM, Washoe County, Nevada. (APN: 126-251-06)

Sharon Kvas made the staff presentation. Staff had recommended conditional approval. A determination for special circumstances was made because the front half of the property had a 26% slope. Additionally, Tahoe Regional Planning Agency coverage requirements necessitated utilizing the existing parking deck. No negative impacts were found to be associated with the request and no adverse comments were received as a result of the agency review.

Karin Highwood reported that the Incline Village/Crystal Bay Citizens Advisory Board had recommended approval of the variance request on August 31, 1994.

Craig Bonds, applicant's representative, stated that they were in agreement with the staff report which included the conditions for a hold harmless agreement and garage door opener, and that he was present to answer any questions.

Chairman Hilke opened the public hearing, and as no one appeared in favor or opposition, the public hearing was declared closed.

Maurice and Sheryl Ver Brugge  
Re: V7-40-94  
September 15, 1994—page 2

**ACTION**

Karin Highwood moved to conditionally approve Variance Case No. V7-40-94. The motion was seconded by Alex Karwetz and passed by a vote of four (4) in favor, none (0) opposed, and one (1) absent with Stephen Amesbury and Dick Mills not present.

The approval for the amendment for the variance was based on the following findings:

1. That due to the 26% slope of the property and Tahoe Regional Planning Agency coverage requirements, the site chosen is the only reasonable location for an enclosed garage;
2. that the request will not create a detriment to scenic or environmental character of the surrounding area, nor affect the lake views of the adjacent properties;
3. that the request is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
4. that granting of the request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Medium Density Suburban (MDS) land use designation; and
5. that the Board gave reasoned consideration to the information contained within the staff report and information received during the meeting.

As no appeals have been filed in the time period stipulated in the Washoe County Development Code, the decision of the Board of Adjustment is final.

Yours truly,



Michael A. Harper, AICP  
Development Review Director and  
Secretary to the Board of Adjustment

MAH/SK/ma (V4094FO)

Attachments: Conditions

xc: Rusty Nash, Deputy D.A.; Judy Ramos, Assessor's Office; Regional Transportation Commission; Craig Bonds, P. O. Box 4071, Incline Village, NV 89450



**CONDITIONS**  
for  
**VARIANCE CASE NO. V7-40-84**

(As approved by the Board of Adjustment at its meeting on September 1, 1984)

**ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT, UNLESS OTHERWISE SPECIFIED.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE DEPARTMENT OF DEVELOPMENT REVIEW.**

**THE WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**GENERAL CONDITIONS**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by the Washoe County Board of Adjustment; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by the Washoe County Board of Adjustment.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).

2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Development Review.

**Maurice and Sheryl Van Brugge**  
**Re: V7-40-94**  
**September 15, 1994--page 4**

3. A copy of the variance's final order and approved site plan shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the final order and site plan are attached.
4. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Development Review prior to the submittal of a building permit application.
5. The applicant shall install an automatic garage door opener prior to issuance of a Certificate of Occupancy by Washoe County Building and Safety Division.

**WASHOE COUNTY BOARD OF ADJUSTMENT  
STAFF REPORT**

To: Members of the Washoe County Board of Adjustment

Re: Variance Case No. V7-40-94

Date: August 22, 1994

Prepared By: SK

**GENERAL INFORMATION SUMMARY**

Applicant: Maurice & Cheryl Ver Brugge

**Requested Action:** To reduce the required front yard setback from 15 feet to 11 feet to facilitate the construction of a proposed garage and remodel of an existing home. The residence is located at 715 Cristina Drive, Lot 17, Scotchwood Subdivision. The ±.363 acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 11, T16N, R18E, MDM, Washoe County, Nevada. (APN: 126-251-06)

**RECOMMENDATION/FINDINGS**

Based upon the staff analysis, comments received, and the site inspection, staff recommends conditional approval of the request and offers the following motion for your consideration:

The Washoe County Board of Adjustment conditionally approves Variance Case No. V7-40-94 having made the findings:

1. That due to the 26% slope of the property and Tahoe Regional Planning Agency coverage requirements, the site chosen is the only reasonable location for an enclosed garage;
2. that the request will not create a detriment to scenic or environmental character of the surrounding area, nor affect the lake views of the adjacent properties;
3. that the request is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
4. that granting of the request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Medium Density Suburban (MDS) land use designation; and

- 5. that the Board gave reasoned consideration to the information contained within the staff report and information received during the meeting.

ANALYSIS

Background:

This existing residence was built in 1977. It consists of 1724 square feet comprising three bedrooms and two baths. The owner is proposing a remodel/addition to upgrade the existing home and increase the size significantly, more in keeping with the evolving character of the east slope of Incline Village.

Currently, a first story foundation exists for a detached garage which was never completed. This unfinished portion will be integrated into the remodel. This remodel addition would increase the square footage of the home by approximately 2,000 square feet, bringing the total square footage to 3,722 square feet. In addition, a garage would be constructed over the existing parking deck.

Special Circumstances/Hardship:

The front half of the property has a 26% slope. The site chosen is the only feasible location to provide an enclosed garage with a driveway under 14% as required by Washoe County. Additionally, Tahoe Regional Planning Agency coverage requirements necessitate utilizing the existing parking deck.

Impacts:

The proposed encroachment into the front setback will site the garage ±18 feet from edge of pavement. Staff believes there is ample room for both snow removal and snow storage, however, Roads Division requests a hold harmless agreement. Sufficient space is available to pull a compact vehicle off pavement to access the garage, but a garage door opener is requested for larger vehicular access. The garage location does not interfere with line of sight for vehicular traffic on Cristina Drive.

The remodel will involve a significant increase in size of the residence, which is a well-kept twenty year old mountain home. However, this area of Incline Village is being redeveloped into far larger estate-size homes. This remodel will be consistent with the pattern developing on the east slope of Incline Village. No negative impacts were found to be associated with the request.

Agency Comments: The plans were submitted to involved agencies and no adverse comments were received. Washoe County Engineering Division does request the installation of a garage door opener.

Incline Village General Improvement District reports no impact to IVGID utilities for the garage addition. The applicant is cautioned to contact that agency prior to the remodel of the existing dwelling which will require reassessment of service to the residence and compliance with all IVGID Ordinances, Rules and Regulations.

Washoe County Board of Adjustment  
Re: Variance Case No. V7-40-94 (Maurice & Cheryl Ver Brugge)  
August 22, 1994 -- page 3

**APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110

SK (V4094S)

Attachments: Conditions, Maps.

XC: Maurice & Sheryl Ver Brugge, 1180 Essex Lane, Foster City, CA 94404; Craig Bonds, P. O.  
Box 4071, Incline Village, NV 89450

**washoe county development review**

**CONDITIONS**  
for  
**VARIANCE CASE NO. V7-40-84**

**ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO ISSUANCE OF A BUILDING PERMIT, UNLESS OTHERWISE SPECIFIED.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ALL AGREEMENTS, EASEMENTS OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE DEPARTMENT OF DEVELOPMENT REVIEW.**

**THE WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**GENERAL CONDITIONS**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by the Washoe County Board of Adjustment; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by the Washoe County Board of Adjustment.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).

2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Development Review.
3. A copy of the variance's final order and approved site plan shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the final order and site plan are attached.

**washoe county development review**

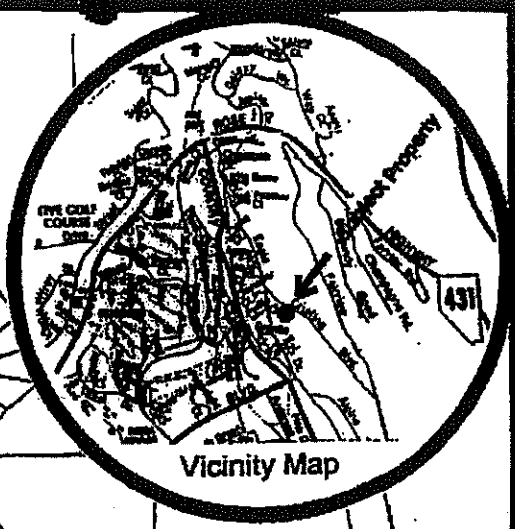
Washoe County Board of Adjustment

Re: Variance Case No. V7-40-94 (Maurice & Cheryl Ver Brugge)

August 22, 1994 -- page 5

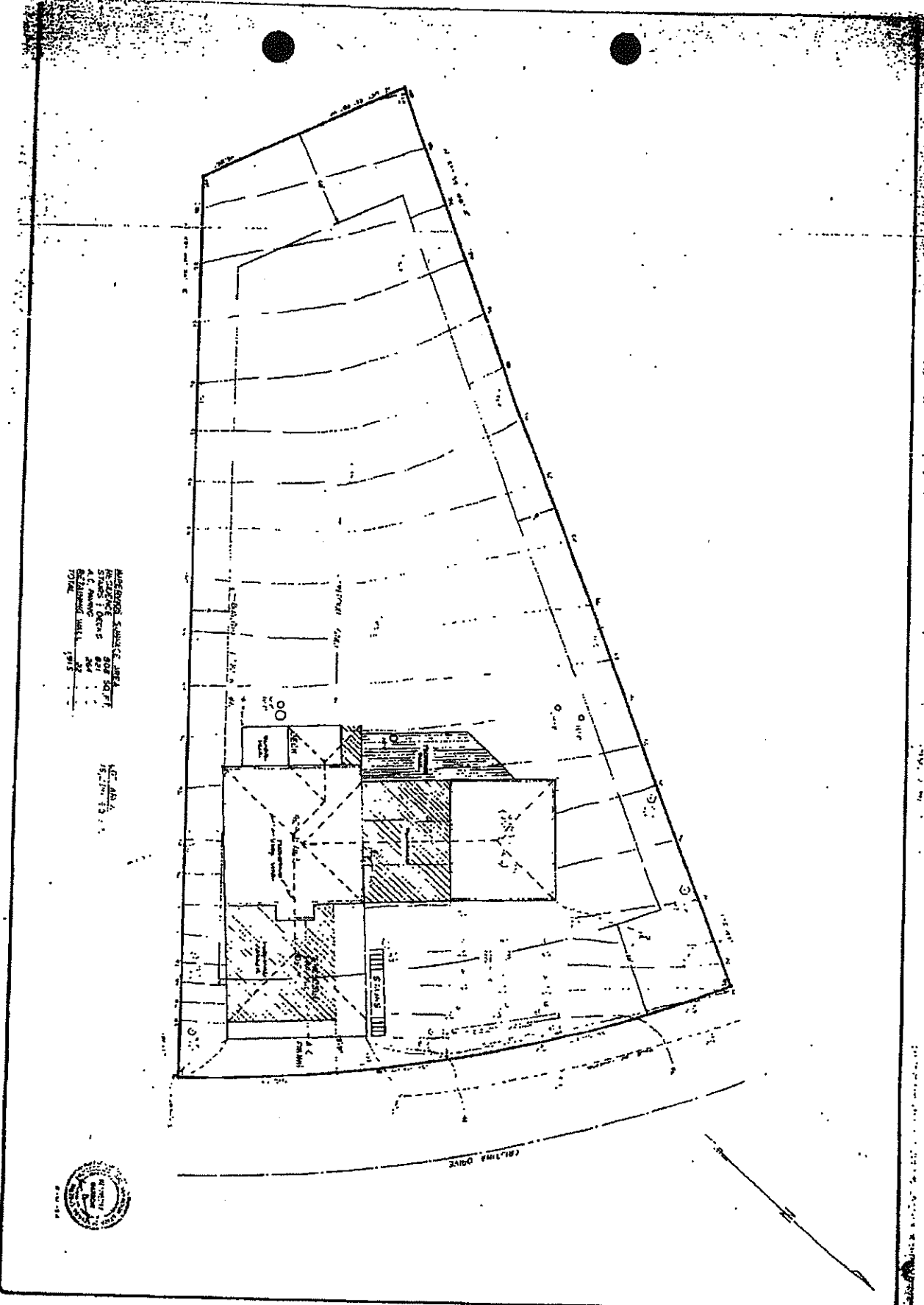
4. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Development Review prior to the submittal of a building permit application.
5. The applicant shall install an automatic garage door opener prior to issuance of a Certificate of Occupancy by Washoe County Building and Safety Division.

washoe county development review



V-40-94





REVISIONS  
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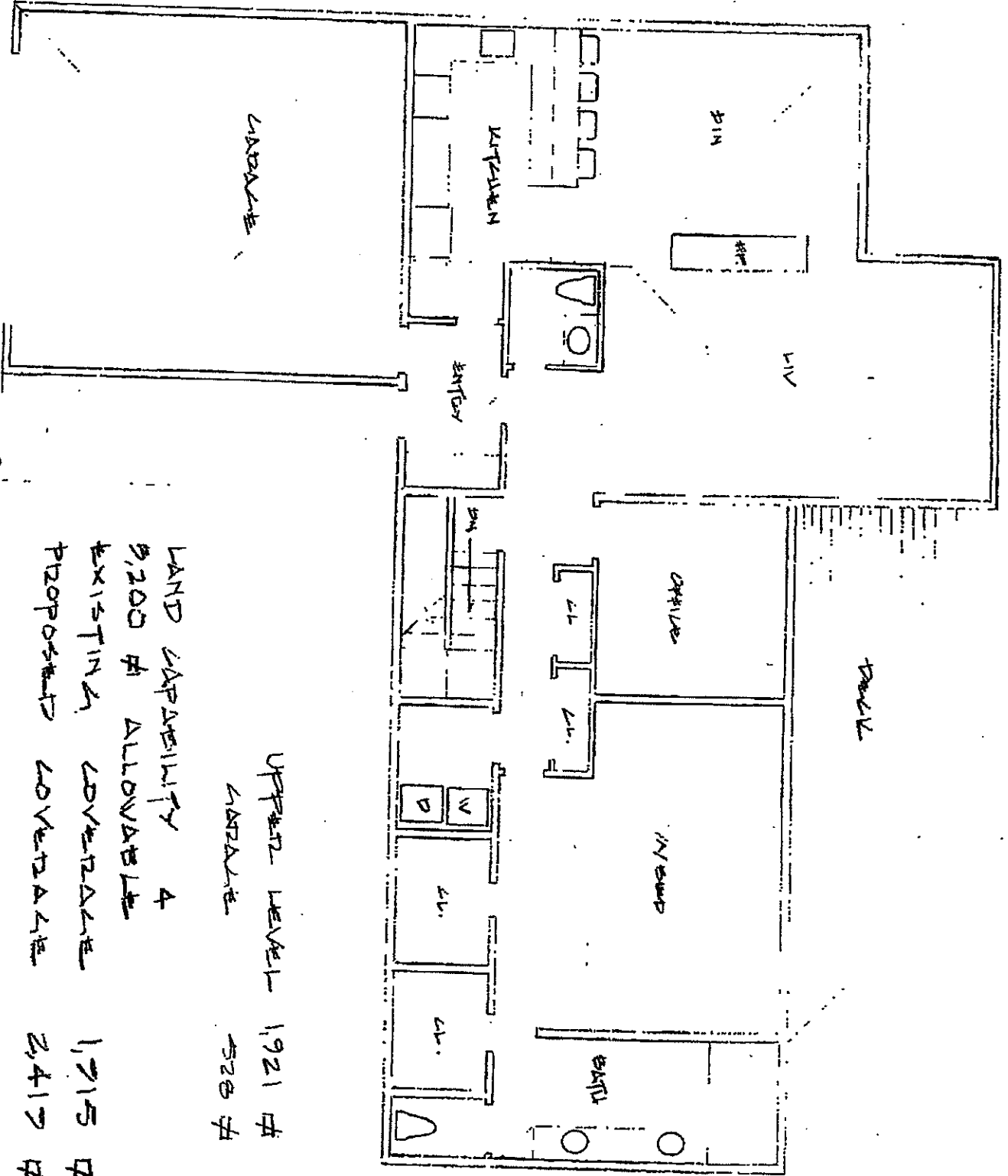
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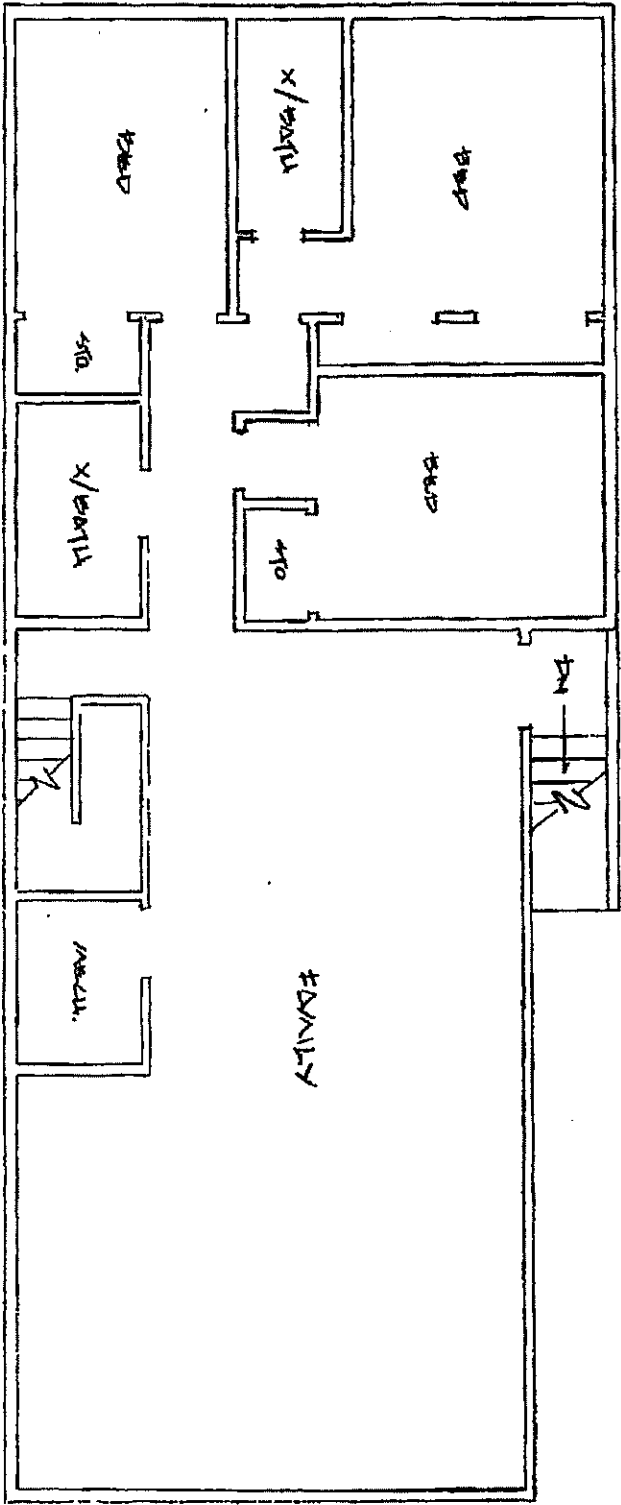
DATE	BY	REVISION

**TOPOGRAPHIC SURVEY**  
 LOT 17, SCOTCHWOOD SUBDIVISION  
 INCLINE VILLAGE, WASHOE COUNTY, NEVADA  
 A.P.N. 126-251-06 775 CRISTINA DRIVE

**Kenneth F. Barrow R.L.S.**  
 LAND SURVEYOR  
 270 SPRINGWOOD INCLINE VILLAGE NEVADA 89402  
 708-884-1701

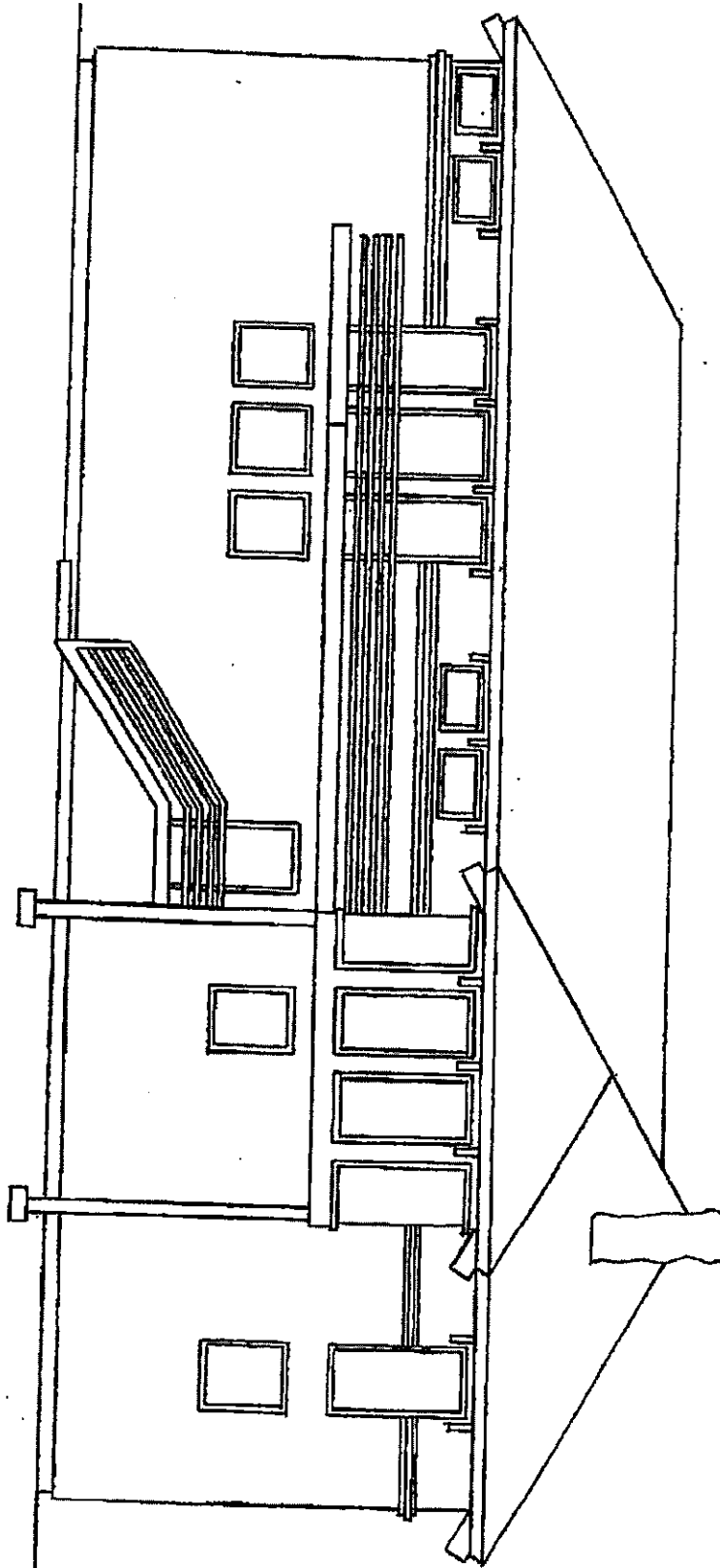


UPPER LEVEL 1,921 #  
 GARAGE 528 #  
 LAND CAPABILITY 4  
 9,200 # ALLOWABLE  
 EXISTING COVERABLE 1,715 #  
 PROPOSED COVERABLE 2,419 #

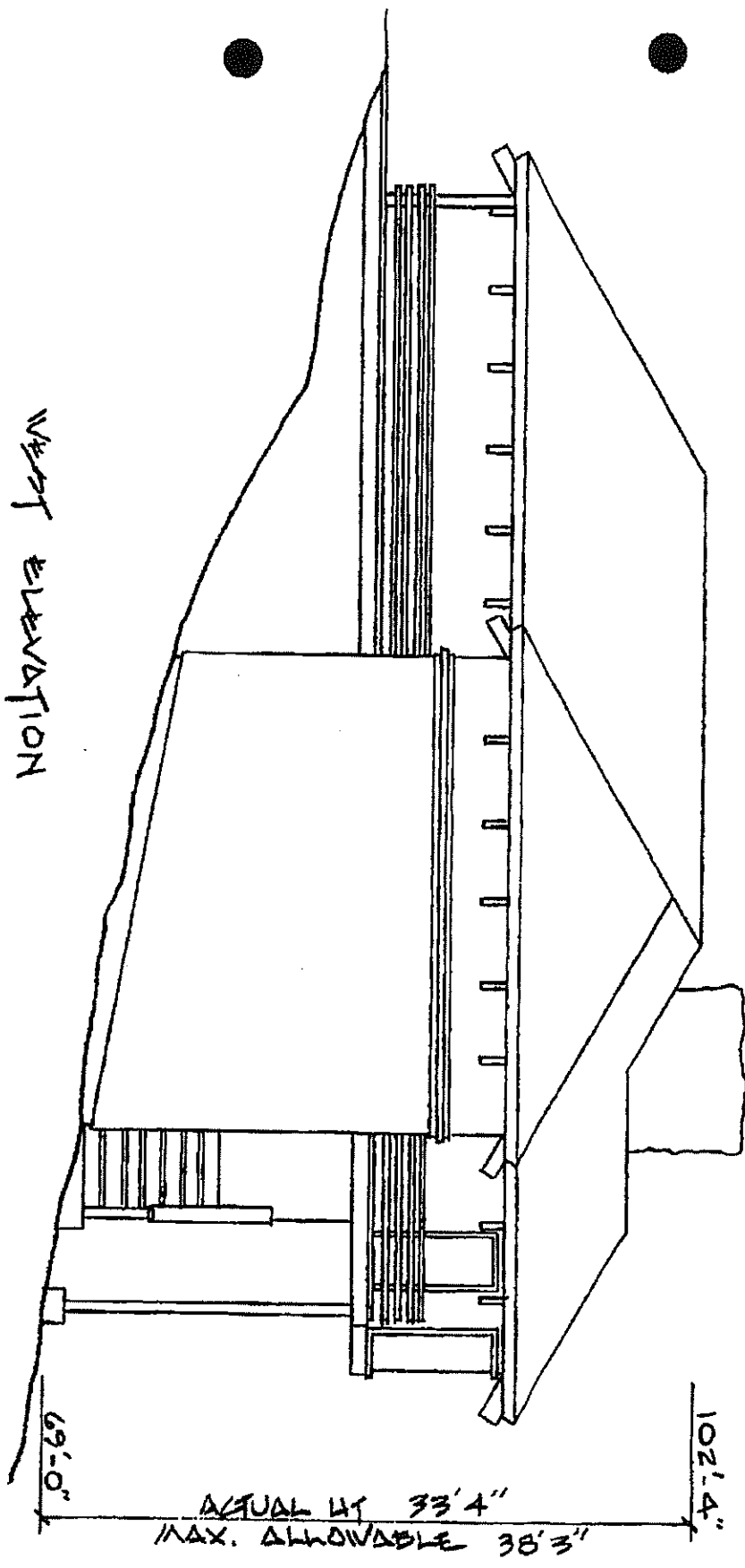


LOWER LEVEL 1801 #

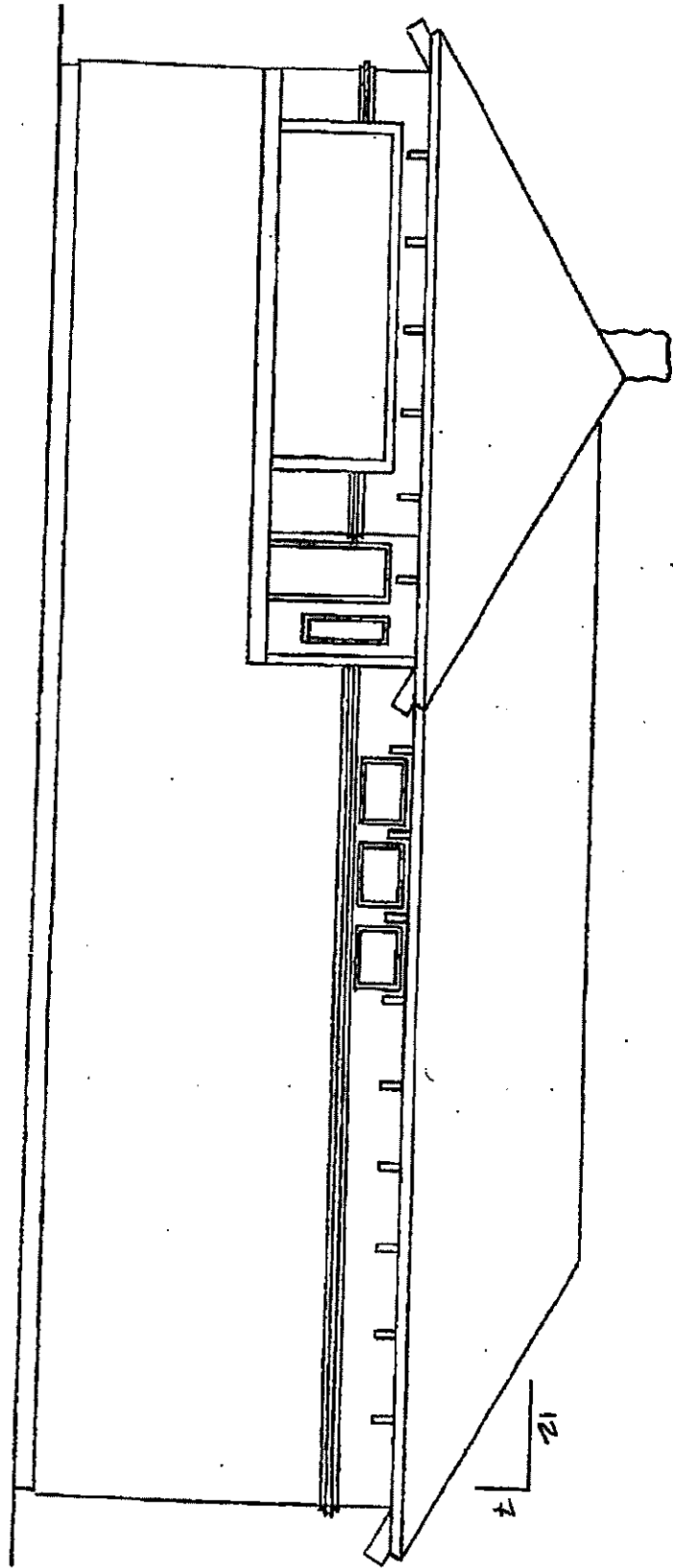
SOUTH ELEVATION

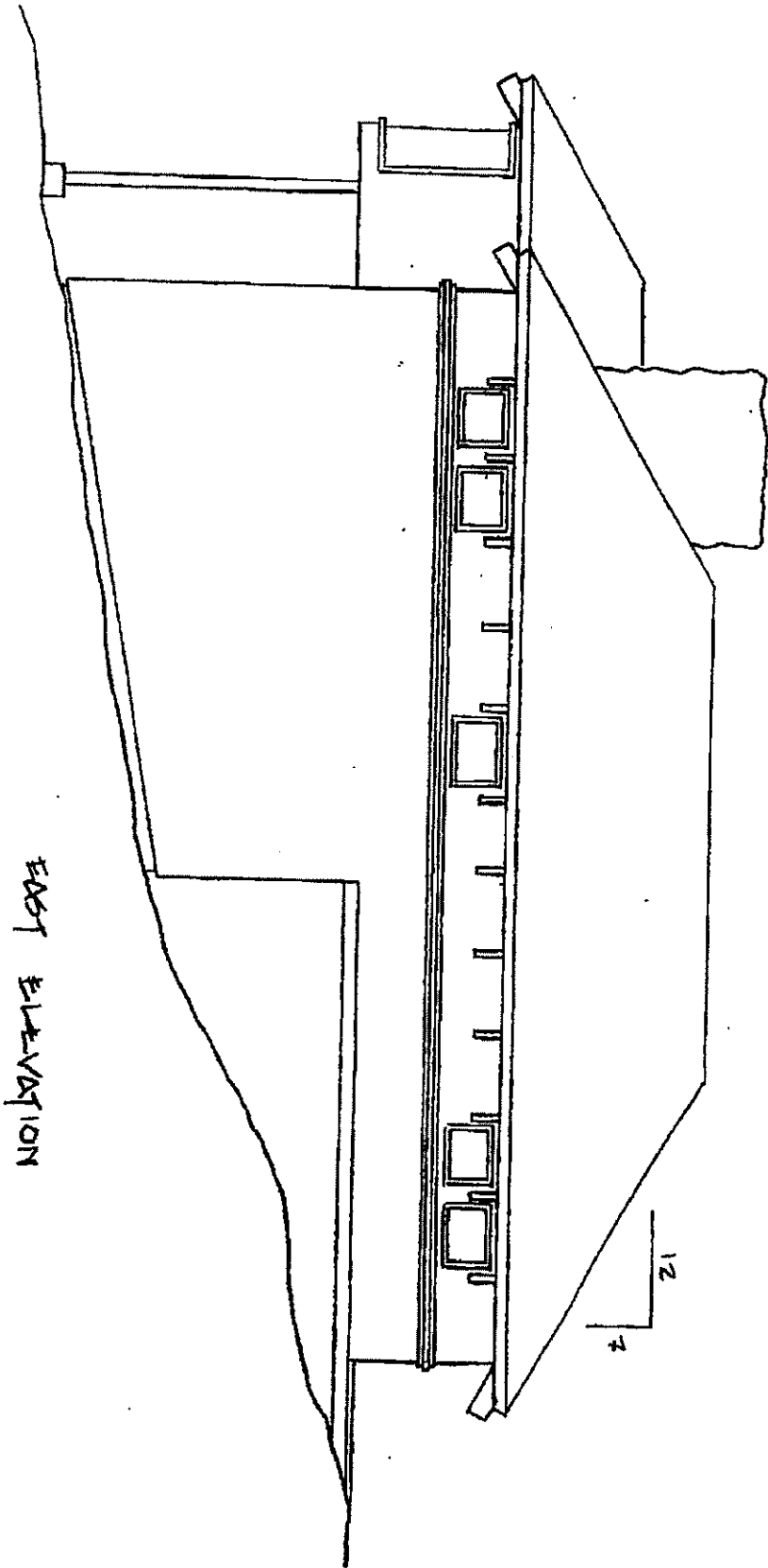


WEST ELEVATION



NORTH ELEVATION





EAST ELEVATION

**EXHIBIT "B":**

WASHOE COUNTY RECORDS  
RE: CASE NO. VA-0002-05

(VARIANCE GRANTED / 701 CRISTINA)





**ACTION ORDER**

Washoe County  
Department of  
Community  
Development  
1001 E. Ninth St., Bldg. A  
Post Office Box 11130  
Reno, NV 89520-0027  
Tel: 775-328-3600  
Fax: 775-328-3648

April 10, 2000

Phillip and Randi Moore  
PO Box 9246  
Incline Village, NV 89452

Washoe County  
Board of  
Adjustment  
Bill Hilke, Chair  
Frank Petersen  
V. Chair  
Neal Cobb  
Jane Maxfield  
Richard Tannehill

Dear Applicant:

The Washoe County Board of Adjustment, at its regular meeting of April 6, 2000, approved with seven (7) conditions:

VARIANCE CASE NO. VA0002-005 (PHILLIP AND RANDI MOORE) – To vary the required setbacks within Section 110.406.05.1 to reduce the front yard setback from 15 feet to 7½ feet. The request will facilitate the construction of 1,797 square feet to an existing 2,329 square foot residence (4,126 total), a new two-car garage (496 square feet) and 459 square feet of new deck areas. The property is located at 701 Cristina Drive, Lot 11, Scotchwood Subdivision, ±1.5 miles north of the intersection of Country Club Drive and Tahoe Boulevard (SR 28). The ±.368-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan within Washoe County Commissioner District No. 1, and situated in a portion of Section 10, T16N, R18E, MDM, Washoe County, Nevada (APN: 126-251-12)

The approval of the variance was based on the following findings:

1. That the property has a downslope in excess of 28% and the reduction of the front yard setback from the required distance of fifteen feet to 7½ feet will provide a distance of fifteen feet from the edge of the pavement to the garage. This distance meets the minimum length of driveway/deck acceptable to the Washoe County Roads Division to provide two guest parking spaces for the residence in addition to the two enclosed garage spaces since off-street parking in the vicinity is limited due to the narrow configuration of the street;
2. That the request will not create a detriment to scenic or environmental character of the surrounding area, nor affect the lake views of the adjacent properties. Developed properties on either side of the subject property have lake views towards the west. In addition, the property across the street is a through lot with existing development along the Fairview Drive frontage located at a much higher elevation;
3. That no applicable policies exist to make the finding of consistency or non-consistency with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
4. That granting of the request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Medium Density Suburban (MDS) land use designation; and
5. That the Board gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Robert W. Sellman  
Director



COMMUNITY  
DEVELOPMENT

To: Phillip and Randi Moore  
Re: VA0002-005  
April 10, 2000  
Page 2

If no appeals have been filed in the time period stipulated in the Washoe County Development Code, the decision by the Board of Adjustment is final.

Yours truly,



Robert W. Sellman  
Director, Washoe County Community Development  
Secretary to the Board of Adjustment

RWS/MD/km (VA0002-005F1)

Applicant: Phillip and Randi Moore, PO Box 9246, Incline Village, NV 89452

Representative: Wayne Ford, PO Box 4775, Incline Village, NV 89450

Agencies: Incline Village/Crystal Bay Citizen's Advisory Board; Incline Village General Improvement District, James Barnes, DA's Office; Judy Ramos, Assessor's Office; John Faulkner, Chief Appraiser, Assessor's Office; Tahoe Regional Planning Agency, Post Office Box 1038, Zephyr Cove, NV 89448-1038; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439

To: Phillip and R. i Moore  
Re: VA0002-005  
April 10, 2000  
Page 3

**CONDITIONS FOR  
VARIANCE CASE NO. VA0002-005  
MOORE**

(As approved by Washoe County Board of Adjustment  
at its meeting on April 6, 2000)

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A 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 ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS IMPOSED BY TO THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

**GENERAL CONDITIONS**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or

To: Phillip and [redacted] di. Moore  
Re: VA0002-005  
April 10, 2000  
Page 4

- b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County; or
  - d. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Community Development.
  3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless both the Final Order and site plan are attached.
  4. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
  5. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. Compliance with this condition shall be determined by the staff of the Department of Community Development.
  6. The use of straw bales for either temporary erosion control or mulch material is prohibited. A note shall be placed on the building plans stating that straw will not be used and shall show an alternative temporary erosion control method and mulching material. Compliance with this condition shall be determined by the staff of the Department of Community Development.
  7. The applicant shall complete a Washoe County encroachment permit prior to the issuance of a building permit. Compliance with this condition shall be determined by the staff of the Department of Public Works, Road Division.

#

**WASHOE COUNTY BOARD OF ADJUSTMENT  
STAFF REPORT**

**To:** Members of the Washoe County Board of Adjustment  
**Re:** Variance Case No. VA0002-005  
**Date:** April 6, 2000  
**Prepared By:** Maryann DeHaven

**GENERAL INFORMATION SUMMARY**

**Applicant:** Phillip and Randi Moore

**Requested Action:** To vary the required setbacks within Section 110.406.05.1 to reduce the front yard setback from 15 feet to 7½ feet and to allow the increase in the permissible roof overhang from two feet to four feet at the ridge of the garage. The request will facilitate the construction of 1,797 square feet to an existing 2,329 square foot residence (4,126 total), a new two-car garage (496 square feet) and 459 square feet of new deck areas. The property is located at 701 Cristina Drive, Lot 11, Scotchwood Subdivision, ±1.5 miles north of the intersection of Country Club Drive and Tahoe Boulevard (SR 28). The ±.368-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan within Washoe County Commissioner District No. 1, and situated in a portion of Section 10, T16N, R18E, MDM, Washoe County, Nevada (APN: 126-251-12).

**RECOMMENDATIONS/FINDINGS**

Based upon the staff analysis, comments received and the site inspection, staff recommends partial approval of the request with the attached conditions and offers the following motion for your consideration:

The Washoe County Board of Adjustment partially conditionally approves the reduction of the front yard setback for construction of the garage and denies the increase of the front garage overhang from two feet to four feet for Variance Case No. VA0002-005 having made the following findings:

1. That the property has a downslope in excess of 28% and the reduction of the front yard setback from the required distance of fifteen feet to 7½ feet will provide a distance of fifteen feet from the

edge of the pavement to the garage. This distance meets the minimum length of driveway/deck acceptable to the Washoe County Roads Division to provide two guest parking spaces for the residence in addition to the two enclosed garage spaces since off-street parking in the vicinity is limited due to the narrow configuration of the street. In addition, there is no special circumstance such as size, shape or topography of the property that warrants approval of the increase of the roof overhang at the front of the garage from two feet to four feet;

2. that the request will not create a detriment to scenic or environmental character of the surrounding area, nor affect the lake views of the adjacent properties. Developed properties on either side of the subject property have lake views towards the west. In addition, the property across the street is a through lot with existing development along the Fairview Drive frontage located at a much higher elevation;
3. that no applicable policies exist to make the finding of consistency or non-consistency with the policies, action programs, standards and maps of the Comprehensive Plan and the Tahoe Area Plan;
4. that granting of the request will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the Medium Density Suburban (MDS) land use designation; and
5. that the Board gave reasoned consideration to the information contained within the staff report and information received during the meeting.

<b>ANALYSIS</b>
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**Background:**

The subject property is located on the west side of Cristina Drive near its intersection with Fairview Drive. A majority of the lots developed along Cristina Drive are located on the west side of the street on a downslope. These properties have views towards the west of Lake Tahoe. An existing residence is located on the north side of the subject lot, and the United States of America (United States Forest Service) owns the vacant lot located to the south.

The property measures approximately 87 feet wide and 184 feet deep (approximately 16,000 square feet). There is an existing residence on the property that measures approximately 2,329 square feet in size. The residence was constructed in 1979 and there is currently no garage on the property, only an uncovered parking deck. All of the existing residence and proposed addition is located on the front half of the property due to the slope of the lot.

**Special Circumstances/Hardship:**

The property has a slope in excess of 28% for the front half of the lot (facing Cristina Drive). The closer the garage and addition is constructed to the roadway, the lower the amount of grading and impervious coverage required because of the reduction in driveway length. The request maximizes the size of the home, minimizes the amount of coverage required and allows construction of a two-car garage where one did not exist previously.

**Impacts:**

Cristina Drive is a narrow, winding road in Incline Village. There is minimal opportunity to park, store snow or even pass vehicles in certain portions of the roadway during the winter with snow berms. The Board of Adjustment has granted variance to construct garages for existing residences closer than fifteen feet from the edge of the pavements. Staff has recommended approval and the Board of Adjustment has granted approval based on the premise that the construction of the garage improves conditions on the roadway by: a) providing enclosed garages for safety, b) removing parked cars from the roadway, c) does not exacerbate the existing roadway conditions and d) never reduces available parking opportunities.

In the case of new construction, the Roads Division and Department of Community Development staff reviews the request under different standards. The addition of the enclosed garage and guest parking in the driveway will provide an opportunity to park cars on the property and not on Cristina Drive. Roads Divisions requests a minimum of fifteen feet from the edge of the pavement to the garage structure in Incline Village. The applicant has provided fifteen feet to the edge of the pavement on their application request.

In addition to the reduced setback request, staff has reviewed the request to increase the roof overhang above the proposed garage from two feet to four feet. Staff has recommended that this portion of the request not be approved because there is no special circumstance such as size, shape or topography that relates to this feature. It is possible to construct the garage without the additional roof overhang and due to the fact that it is only proposed at the ridge, it is most likely an architectural element of the proposed project.

Recently, the use of straw bales for either temporary erosion control or mulch has resulted in a situation where noxious weeds have been transported into the Lake Tahoe basin. As such, alternatives to straw bales are recommended such as pine needle filter fabric, pine needles/duff or wood mulches. Therefore, the conditions of approval restrict the use of straw bales and require an alternative form of erosion control or mulching.

**Agency Comments:**

The Department of Public Works, Roads Division has included a condition that the applicant applies for a Washoe County encroachment permit for snow removal purposes. No other department has included conditions of approval.

**Citizen Advisory Board Comments:**

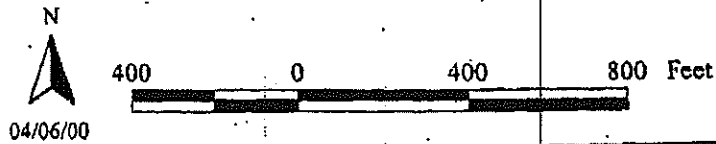
Incline Village/Crystal Bay Citizen's Advisory Board meets the night prior to the Board of Adjustment meeting. The concerns of the Citizen's Advisory Board will be presented at the Board of Adjustment meeting.

VICINITY MAP



Vicinity Map

Variance Case No. VA0002-005  
701 Cristina Drive





**LAND USE SUMMARY**

**Land Use Designation:** Medium Density Suburban

**Development Suitability Constraints:** Slopes in excess of 20%

**Allowed Use Type:**

Section 110.304.15 - Residential Use Types. The Table of Uses, 110.302.05.1, allows single-family residential units and/or additions with the issuance of a Building Permit.

**Adjacent Land Use Compatibility:**

The adjacent land use designations for the parcels surrounding the subject property, and their compatibility with the proposed land use designation of **Medium Density Suburban**, are listed in Figure 1. The "High" land use compatibility rating with the surrounding land uses generally indicates that minimal conflicts could occur with adjacent land uses, and little or no screening or buffering measures are necessary. The "Medium" land use compatibility rating generally indicates that limited screening and buffering is necessary. The "Low" land use compatibility indicates significant screening and buffering is necessary.

Figure 1

<b>ADJACENT PARCELS COMPATIBILITY WITH MEDIUM DENSITY SUBRUBAN</b>		
Direction	Land Use Designation	Land Use Compatibility
North	Medium Density Suburban	High
South	Medium Density Suburban	High
East	Medium Density Suburban	High
West	Medium Density Suburban	High

Source: Table 3, Land Use Compatibility Matrix of the adopted Washoe County Comprehensive Plan Land Use and Transportation Element.

**Area Plan Modifiers:** Tahoe Modifiers

**Parking:** Two parking spaces required, one of which must be enclosed  
 Two enclosed parking spaces provided and two open spaces on parking deck  
 No handicapped spaces required

**Landscaping:** No landscape area required                      No landscaping provided

**APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110

MAD (VA0002-005)

Attachments: Conditions, Maps, Site Plan, Floor Plan, Elevations.

XC: Applicant: Phillip and Randi Moore

Representative: Wayne Ford

Agencies: Incline Village/Crystal Bay Citizen's Advisory Board; Incline Village General Improvement District

**CONDITIONS**

to

**VARIANCE CASE NO. VA0002-005**

(As recommended by Department of Community Development and  
attached to Staff Report dated April 6, 2000)

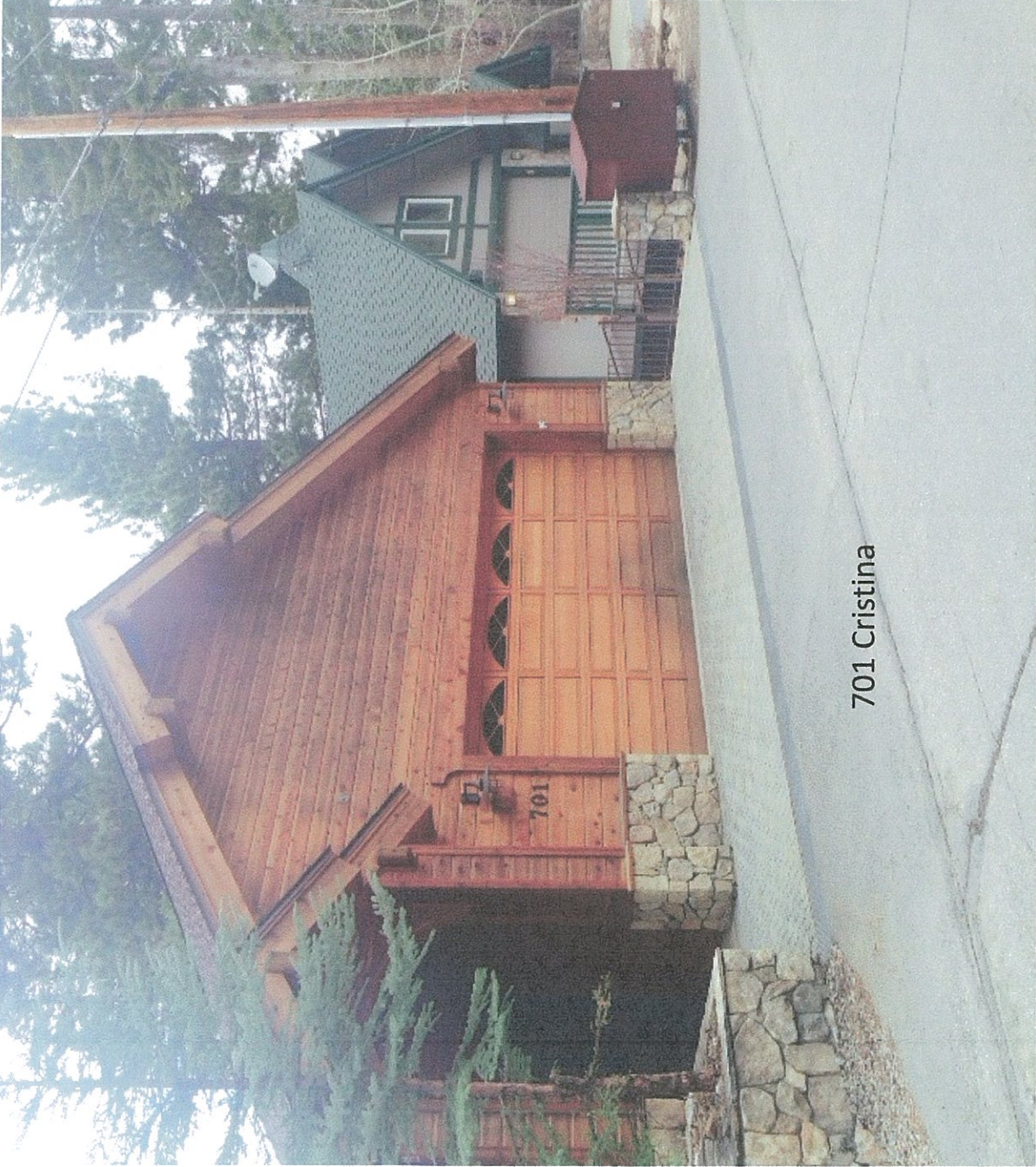
1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County; or
  - d. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s).
2. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. Conformance shall be determined by the Department of Community Development.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless both the Final Order and site plan are attached.
4. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
5. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. Compliance with this condition shall be determined by the staff of the Department of Community Development

6. The use of straw bales for either temporary erosion control or mulch material is prohibited. A note shall be placed on the building plans stating that straw will not be used and shall show an alternative temporary erosion control method and mulching material. Compliance with this condition shall be determined by the staff of the Department of Community Development.
7. The applicant shall complete a Washoe County encroachment permit prior to the issuance of a building permit. Compliance with this condition shall be determined by the staff of the Department of Public Works, Roads Division.

# **EXHIBIT “C”:**

**PHOTOGRAPHS OF GARAGE**

**CONSTRUCTED WITH 7½-FOOT REDUCTION  
OF 15-FOOT SETBACK PER  
VARIANCE IN CASE NO. VA0002-005  
(701 CRISTINA)**



701 Cristina



701 Cristina

# **EXHIBIT “D”:**

**PHOTOGRAPHS OF EXISTING  
RESIDENCE AND PARKING DECK  
(715 CRISTINA)**

Existing house and parking deck as viewed from the road



Items that would be stored in the garage are currently exposed