

WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Lee Lawrence, Chair
Kim Toulouse, Vice Chair
Kristina Hill
Brad Stanley
Clay Thomas
William Whitney, Secretary

Thursday, October 6, 2016
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, October 6, 2016, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Lawrence called the meeting to order at 1:31 p.m. The following members and staff were present:

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

Members absent: None

Staff present: Eva Krause, AICP, Planner, Planning and Development
Roger Pelham, Senior Planner, Planning and Development
Bob Webb, Planning Manager, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards, Legal Counsel, recited the Ethics Law standards.

4. *Appeal Procedure

Bob Webb recited the appeal procedure for items heard before the Board of Adjustment.

5. *Public Comment

Wayne Ford stated he was present on behalf of his client Thomas Lypka whose Variance was supposed to be heard today, VA16-005. He understood the Board could not discuss his request at this time, yet he felt it was imperative to get on the record why the Variance was put off until December 1, 2016. He said the action was caused by the County not giving proper notice to the surrounding property owners. The Notices were sent to people in Reno, Carson City and Washoe Valley for the most part, yet not one person on the list

lived in Incline Village. He said on August 24th, prior to those Notices, a courtesy notice went to the correct people and they held a meeting at the Citizen Advisory Board (CAB). He stated the delay would put them in a no-win situation. He said they had no choice but to defer the hearing to December 1, 2016 with having the legal deficiency hanging over them that anyone could appeal the decision and they would have to start all over. The no-win was that Mr. Lypka could not correct the safety issues on his property this year; one being ice problems in the front entry; and, the second was the rear doors of his residence freezing shut. He said they had no issues with this Board, yet it was the only public forum they could go to and put on record that Mr. Lypka would hold the County liable for any issues that took place this winter due to the Community Services Department incorrectly applying the Variance process and thus forcing them into a process that would now take over 110 days to be heard. He said he wanted to thank this Board for their time and would look forward to presenting their case for approval of their request for a Variance in December if it came down to having to wait until then. His statement was placed on file with the Board.

Pete Todoroff, Chairman of the Incline Village CAB, stated the Variance was approved unanimously and his only concern was what would be their approach now, because he had no idea until after the meeting was over that the Notices had been sent to the wrong people. He hoped the Board would grant the Variance.

Chairman Lawrence asked Mr. Edwards, Legal Counsel, if he had any comments. Mr. Edwards, Legal Counsel, stated the County was reserving all of their legal rights and positions as well. Bob Webb, Planning Manager, said if he could draw the Board's attention to item 2 of the handout that Mr. Ford provided, it stated the Applicant actually had two choices; he had a choice to have the Variance heard today or to continue and the Applicant made the choice to continue. Member Toulouse stated no matter what decision was made, it could be appealed to the County Commissioners.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda for the October 6, 2016 Board of Adjustment meeting. The motion was seconded by Member Hill, which carried unanimously.

7. Approval of August 4, 2016 Minutes

Member Hill moved to approve the minutes of August 4, 2016 as written. The motion was seconded by Member Stanley, which carried unanimously.

8. Public Hearings

A. Administrative Permit Case Number AP16-003 (Denny) – Hearing, discussion, and possible action to approve the construction of a 3,750 square foot accessory structure that will be larger than the existing 1,771 square foot primary residence. The accessory structure is a 50 foot by 75 foot metal building and will have plumbing (sink/toilet).

- Applicant: Wayne Denny
- Property Owner: Wayne Denny
- Location: 500 Washoe Drive, Washoe Valley NV
- Assessor's Parcel Numbers: 050-235-06
- Parcel Size: 1.019 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 306 Accessory Uses and Structures
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 24, T17N, R19E, MDM, Washoe County, NV
- Prepared by: Eva Krause, AICP, Planner

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Planning and Development Division
775.328.3628
ekrause@washoecounty.us

- Phone:
- E-Mail:

Chair Lawrence opened the public hearing. Eva Krause, Planner, stated Mr. Denny came in about 12:45 p.m. and said he wished to withdraw the case.

There was no one wishing to speak under public comment.

Chair Lawrence closed the public hearing. There was no action taken on this item.

B. Special Use Permit Case Number SB16-004 (Verizon Arrowcreek Golf Course) – Hearing, discussion, and possible action to approve the construction of a new wireless cellular facility consisting of a 56 foot high tower utilizing a stealth design disguised as an elevated water tank with 4 sectors comprised of twelve 8 foot tall antennas per sector, all enclosed within the faux water tank, 12 ground mounted remote radio units (RRU), associated outdoor equipment cabinets, and surrounded by a fenced 20' x 22' lease area,

- Applicant: Verizon Wireless
C/O Epic Wireless
- Property Owner: Friends of Arrowcreek
- Project Address: 2905 Arrowcreek Parkway
- Assessor's Parcel Number: 152-021-03
- Total Parcel Size: 149 Acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Residential (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 23, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Chad Giesinger, Senior Planner
Planning and Development Division
Washoe County Community Services Department
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham, Planner, reviewed Chad Giesinger's staff report in Mr. Giesinger's absence.

Chair Lawrence asked if the Board had any questions. Member Thomas asked if there were any other stealth towers that were made to look like a water tower, or was this the first. Mr. Pelham stated he thought there might be one located within the City of Sparks, but he did not know of any in this jurisdiction.

Member Toulouse stated he read a comment from a CAB member and to him looking at the water tower design, he believed a monopole Pine tree stealth antenna would be a lot less intrusive. He wondered if there was a particular reason why they chose the water tower design. Member Thomas said according to the Nevada Revised Statute it addressed unreasonable discrimination and one of the things had to do with structure. He asked if they approved the water tower structure would that open the door for everyone else to ask for water tower structures. Mr. Pelham stated he would hesitate to speculate what could come in the future. He explained stealth designs as outlined in the Code would be reviewed individually in the context of

their particular area. Mr. Edwards, Legal Counsel, concurred that if the Board approved this it would not establish a precedent that would lead to the County having to approve future applications for fake water towers. He stated the Special Use Permit process was case-by-case and others would be dependent upon the facts, the surrounding area, and a whole host of factors.

~~Buzz Lynn, Applicant, stated these sites had been considered and reconsidered within the last 18 months, which led them to the Clubhouse. Their Radio Frequency Engineers directed them to move forward with the Clubhouse site because they felt it had the best characteristics for filling in the wholes and providing additional capacity for users. However, the members and homeowners told them they would like the tower moved somewhere else. They were asked, after their submission to the Clubhouse to please reconsider the site, so he addressed the Radio Frequency Engineers and asked why they had not picked the location up the hill and was told it would not work. The Radio Frequency Engineers gave their approval to move ahead with the proposed facility.~~

Mr. Lynn stated originally they had proposed to do a monopole Pine tree but one of the members of the Clubhouse had seen the water tank at the Wingfield Springs course and suggested that. They said okay but he told them they did not want to be in a position where they would have to defend something that the community did not want. Through a series of discussions and working very closely with staff, it was determined to go with the water tower. Mr. Webb and Mr. Edwards were advised during the progress of those decisions and discussions and they had all agreed to go with the water tower design.

Member Stanley asked if there would be a significant improvement in the 911 service and any kind of security or safety provisions through this facility. Mr. Lynn stated the 911 service would be enhanced.

Member Thomas asked if the proposed facility was approved at the maintenance yard, would that cover the rest of the area or was there a possibility they would come back and ask for additional water towers or structures. Mr. Lynn said it would cover, but there was a definite distinction between coverage and capacity. He said capacity was when a whole bunch of kids on Christmas morning got their new I-devices and they started filming and uploading, which placed an incredible data strain on the system, and in so doing the demand created gaps and the inability to service that particular user, which a carrier did not want to happen. Coverage would be enhanced and capacity at this moment would be enhanced; however, capacity in the future as the market matured may no longer be met and there very well could be an application for some of those sites again that were passed on now.

Chair Lawrence opened up discussion to public comment. There was no one wishing to speak. Chair Lawrence closed public comment.

Member Stanley stated he had been privy to the other Verizon efforts for a presence in that area and he thought this was extremely well thought out. Member Toulouse stated he thought a Pine tree made better sense, but he was fine with it. Member Thomas stated he agreed with what was presented, he understood capacity, and it appeared this could handle the additional needs. Chair Lawrence stated he was pleased to see within the application that the Friends of Arrowcreek and the CAB expressed an interest in this and came to a mutual agreement.

Member Stanley moved, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included as Exhibit A in the staff report, Special Use Permit Case Number SB16-004 for Verizon Wireless, being able to make the findings required by Washoe County Code Section 110.810.30, Section 110.324.75, and the finding required by Policy SW.2.14 of the Southwest Truckee Meadows Area plan, a part of the Washoe County Master Plan, for approval of Special Use Permits. Member Thomas seconded the motion, which carried unanimously. **(Approved; five in favor, none against)**

The motion was based on the following findings:

Findings from WCC Section 110.810.30:

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

Findings from WCC Section 110.324.75:

1. Meets Standards. That the wireless communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;
2. Public Input. That public input was considered during the public hearing review process; and
3. Impacts. That the proposal will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Findings from Policy SW.2.14, of the Southwest Truckee Meadows Area Plan:

1. Impact on the Community Character. That impact on the Community Character can be adequately conserved through mitigation of any identified potential negative impacts.

C. Special Use Permit Case Number SB16-007 (Springs of Hope Trans4mation Ministries) – Hearing, discussion, and possible action to approve a Special Use Permit to allow religious assemblies including Bible studies and ministry meetings.

- Applicant: Kristie Calder
26740 Rose Mist Court
Reno, NV 89521
- Property Owner: Kristie Calder
26740 Rose Mist Court
Reno, NV 89521
- Location: 888 Zolezzi Lane, directly south of the intersection of
Zolezzi Lane and Creek Crest Road
- Assessor's Parcel Number: 049-351-26
- Parcel Size: 1.07 acres
- Master Plan Category: Suburban Residential (SR)

- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 20, T18N, R20E, MDM,
Washoe County, NV
- Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report.

Member Toulouse said he noticed that of the agencies that reviewed the project, the Truckee Meadows Fire Protection District would not approve the proposed fire department turnaround shown on the map. He said he noticed there was no Condition of Approval that addressed that. Mr. Pelham stated that was correct and the reason was that was a Standard Code requirement; they must meet Fire Code and the turnaround would meet Code before they received a Certificate of Occupancy and a Business License. Member Toulouse stated the Board did not have to stipulate that as an additional Condition of Approval. Mr. Pelham stated that was correct because it was already required by the Standard Fire Code.

Member Hill asked if the building had ever been used as a residence. Mr. Pelham stated it had. Member Hill asked what the current use of the building was. Mr. Pelham stated it was currently unoccupied. Member Hill asked if the Applicant was the owner of the property. Mr. Pelham explained they were currently purchasing. Member Hill asked if the LDS zoning allowed for a religious building. Mr. Pelham stated a religious assembly use type was essentially allowed in every zone subject to the approval of a Special Use Permit.

Leann Pengualo, Applicant's representative, stated it was intended to be used for a maximum of 22 people where they would conduct training two weeks out of the year. She noted they outgrew their current homes and purchased this location to allow them to meet in a central place for training and Bible study. She said it was not going to be used to live in. Member Thomas asked if there would be any activities on the weekends. Ms. Pengualo stated there would be no services on the weekends, and the groups would meet on Wednesday mornings every other week and a group would meet on Thursdays for lunch. In January they scheduled to hold a six week training on Thursday evenings and again the following August.

Member Toulouse stated he was a little concerned about the proposed phasing of the project because they had not had a lot of projects that had phasing contingent upon future funding being available. He wondered if there was a plan to address the potential funding issue in the future. Ms. Pengualo stated she did not think she could speak directly for the Applicant, but they had a 501c3 nonprofit set up, would personally oversee the maintenance and care of the facility and if it was something that had to be done immediately, they would handle it personally.

Chair Lawrence opened up the discussion for public comment.

Steve Jarvis stated his residence was approximately located one block north of the proposal and his main concern was traffic. He said if any of the Board members had driven on Zolezzi Lane they would know that it already had a heavy traffic load and also as a residential area it was very popular with bike lanes and walking trails. He said right now they had one religious facility, approximately a half mile from the proposed facility, and there was a lot of traffic from there already. Member Thomas asked if there was a school right

across the street from the location. Mr. Jarvis explained the school was about one block down from Clearwater Drive, so it would be approximately two blocks north and also had a lot of traffic.

Karen Gallio stated she lived close to the proposal and the area was indeed rural suburban. Some of the properties had animals and they did not have street lights, and it was a quiet semi-country environment. She said she had a lot of questions about who the owners were, who and what were they meeting for, and who were they training and for what purpose. She said they had one of three largest religious facilities in the Reno/Sparks area on Zolezzi Lane and with the membership of 1,500 to 2,000 people there were streams of traffic going up and down and sometimes she had to wait five minutes to be able to turn on or off Zolezzi Lane. She said the Montessori School was two blocks east of the proposal and those people parked up and down Zolezzi Lane and up and down Valley Springs Road for picking up children twice a day.

Don Cose said he was representing his neighbors who could not attend. He agreed with the traffic flow concerns, but another area of concern was their property values. One of his neighbors lived directly behind the proposal and had to use the easement to access Zolezzi Lane. He asked if bringing in this type of facility would eventually have an effect on being able to keep animals in the area.

John Lukens stated his property was one block south of the proposal and his main concern was traffic, as there was no left hand turn lane at the driveway. The driveway was not easy to see, it was a dirt path and there were trees on both sides of it. He continued saying there were no street lights and it would be even more difficult to see at night.

Thomas Murphy stated the Board was going to be following Article 810 of the Development Code, which did not allow religious assembly within LDS zoning and Table 110.302.05 did not list religious assembly as an approved use. He was not opposed to the proposal, but he was not 100 percent sure what they were proposing. He was concerned they were not a valid church or if they had a Charter, if they had a legitimate nonprofit status, and how long had they been operating. He said also in Article 810 it asked for a lighting plan and a traffic plan and he had not seen either of those. He thought the Board needed more information from the Applicants. Mr. Murphy stated he was also present to speak for his partner who was the individual that created this subdivision. He explained the proposed property had been used as a residence and a church, but that was some time ago.

Member Hill asked Mr. Murphy if he lived on the property. Mr. Murphy stated he did not and explained where his property was in relation to the proposal. Member Stanley stated he attended the CAB meeting and he did not remember hearing that it had been a church once before. Mr. Murphy stated he understood it was a school, not a church. Member Toulouse stated he understood Mr. Murphy to say that he shared the driveway with the proposal. Mr. Murphy stated that was correct and they had an exclusive easement over the property and the Applicant did not.

Chair Lawrence asked Mr. Pelham to clarify some of the questions. Mr. Pelham stated the Washoe County Development Code, Table 110.302.05.2 allowed for religious assembly. He explained S2 indicated a Special Use Permit approved by the Board of Adjustment was necessary for Low Density Suburban (LDS). He said before this could be effective and meetings would start taking place, lighting would be one of the things that would need to be brought into compliance with the Code. He stated one of the typical requirements of Article 414 was that all of the lighting be shielded; the light would travel down and not out.

Member Hill asked if the Applicant stated that it was affiliated with a specific church in the area or was this their own thing. Mr. Pelham stated they were seeking a religious assembly use type and this one was perhaps a little different where one thought of large gatherings on a Sunday morning, which was not what they were asking for. However, were they associated with another church or not, or were they associated with a particular religion or denomination was not something that would come under this Board's consideration. He said from staff's perspective, and he believed within the Development Code, they could look at things like the impact on the surrounding area, the Standards and the uses, but he did not think they would be in a position to evaluate the legitimacy of the religious organization.

Kelly Degregori said what the map did not show in the packet that was handed out was that Zolezzi Lane was one lane for each direction, had a double-solid line in the middle and no parking on the street was allowed. She noted there were bike paths on each side of the street. Her concerns were the school and drop off times, limited parking, parking on the street, and blocking the bike paths. She said parents would let the kids out and then have to go out the other way and turn either east or west. Her other concern was there was no consideration right now for how they would go west, turn across traffic to get into the lot and then visa versa to get out unless they did a roundabout. She said if there was no consideration for the turning through the property like the fire department had mentioned, then they would completely block Clear Water and Creek Crest from the residents getting out. She also had a concern about what type of church it was and what type of counseling. She thought if it was for drug and DUI counseling that would be a concern to the residents. She said for the last 22 years, that property had been a residence and it was sold as a residence.

Chair Lawrence closed the public comment period and brought the discussion back to the Applicant. Ms. Pengualo stated the Applicants were a registered 501c3 and this was proposed as a Bible study ministry; they were not a counseling service, they were strictly an all women, faith-based ministry that was separate from a church, they held retreats in Tahoe and they conducted trainings for women.

Member Hill asked why the owners could not be present today. Ms. Pengualo stated they had a scheduled vacation in Hawaii. Member Hill asked if there were two couples who owned it and Ms. Pengualo stated that was correct.

Member Thomas stated at this time the Applicants were looking to expand or move away from their residences, and the intent was to find a location for a ministry and when they purchased this property they were aware it was being utilized as a residence. Ms. Pengualo stated the property was originally built to be a church 26 years ago and it was a church for several years.

Chair Lawrence brought the discussion back to the Board. Member Stanley stated he had the opportunity to watch this go through the CAB process and he thought some of the questions raised there were similar to the questions today. He said that most of the conversation referenced an existing school, an existing church, existing Code and how much traffic was created.

Member Toulouse said this was an allowed use under the Special Use Permit and they were not changing the zoning. He agreed there were existing problems and traffic issues with the existing school and with some other existing uses, but the RTC looked at this and determined it would not add significantly to traffic in the area.

Member Hill stated she had reservations about a use going in there that was not a single-family dwelling. She said there was already a school and church exacerbating the traffic problems and to have another nonresidential use could be detrimental.

Member Thomas stated he had been on Zolezzi Lane when the school was in session and it was a two-lane road had a double yellow line and there was a lot of congestion. He said turning movements became an issue without a center lane, which backed traffic up even further. He said as to the timeline of asking for some leeway as to when they would comply with all the other requirements was his concern. He understood the septic did not meet standards, it was not in compliance with the fire department and they were asking for going out to 2019 before the last alteration would be done. He thought they should come into compliance and then come back before the Board for approval.

Chair Lawrence stated he looked at this project and saw the impact would be about 22 car trips daily, which was not a significant factor in whether or not he would be for this or against it. He said they just dealt with a planning commission issue and they were looking at 5,500 car trips in a 10-hour period on his road and that was significant. He was leaning towards supporting the project based on the fact that the CAB approved it.

Member Hill stated she understood that CAB members did not have to make the findings the Board of Adjustment had to make to approve a project. Mr. Webb said that was correct, they actually discouraged CAB members from going down the path of findings.

Member Toulouse stated while the CAB members did not have to make the same findings that this Board did, for the most part a lot of those findings would eventually be addressed through questions and answers. He agreed if the CAB looked at this and was unanimous in their approval of the project, he put a lot of weight on their approval.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB16-007 for Kristie Calder and Springs of Hope Trans4mation Ministries, having made all four required findings in accordance with Washoe County Development Code Section 110.810.30 and with the Southwest Truckee Meadows Area Plan. Member Toulouse seconded the motion, which carried on a 3 to 2 vote. **(Approved: Chair Lawrence, Member Stanley and Member Toulouse in favor, and Members Hill and Member Thomas against)**

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for religious assembly and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Southwest Truckee Meadows Area Plan. The community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

D. Special Use Permit Case Number SB16-009 (CSA Pre-K School) – Hearing, discussion, and possible action to approve a preschool facility for up to 20 children in the teen center building at the Sun Valley Community Park.

- Applicant: CSA Pre-K
- Property Owner: Sun Valley General Improvement District
- Location: 115 W. 6th Avenue
- Assessor's Parcel Number: 085-211-03
- Parcel Size: 26.086
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 18, T20N, R20E, MDM, Washoe County, NV

- Prepared by: Roger D. Pelham, MPA, Senior Planner
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Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report.

Chair Lawrence opened public comment.

Garth Elliott stated he was a Board member of the Sun Valley General Improvement District (SVGID) and they currently owned the subject property. He noted the building had been renamed and had been used for slightly older kids, but he felt it was adequate for younger children. He concurred it had been empty for a year, which was a concern to the SVGID. He said they had no problem making the changes to bring the building up to Code.

Chris Melton, Field Supervisor SVGID, stated the SVGID was in full support of this project. He noted that the Sun Valley community lost the Head Start Program a few years ago, which affected quite a few families and that was why this program was vital to the District and the community. He noted the Community Service Agency (CSA) completed all of their requirements and the building was move-in ready at this time.

Kristen Demara, Applicant, stated they were excited to be able to have 20 children because not only did they provide educational services for children who were going in to Kindergarten, they also provided meals for those children, health screenings and anything else they would need to be ready for school.

Chair Lawrence closed public comment and opened discussion to the Board. Member Toulouse stated it was rare to have unanimous support for a project and also that the SVGID was behind the project, which made their job easier.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB16-009 for CSA Pre-K School, having made all four findings in accordance with Washoe County Development Code Section 110.810.30. Member Thomas seconded the motion, which carried unanimously. **(Approved: five in favor, none against)**

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

E. Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to

allow for a storage room below the existing deck; 2) to reduce the north side yard setback from 8 feet to 5 feet to allow for a half bath addition on the house and deck rebuild on the existing residence; 3) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 4) to permit a second story above the garage; and, 5) to allow additional plumbing fixtures in the accessory structure.

- Applicant: Jeffrey D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- 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 19, T16N, R18E, MDM, Washoe County, NV

- Prepared by: Eva Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Chair Lawrence opened the public hearing. Eva Krause reviewed her staff report. Ms. Krause noted the following correspondence received before the meeting which has been forwarded to the Board for review: a CAB worksheet from Mr. Wolf, a CAB worksheet from Mr. Todoroff, the CAB meeting draft minutes dated October 2, 2016, a letter from Mr. McAuliffe, and a letter sent by lawyer, Rick Elmore, for the neighbors, Terry and Brian Nelson.

Mr. Webb stated the description on the staff report talked about reduction on the side yard setback to accommodate for a half bath addition. Ms. Krause stated it was for a full bath addition. Mr. Webb said the Agenda before the Board stated it was for a half bath, so the Board action to be taken was for approval of a half bath. He said if the Applicant wished to have something other than a half bath, the Board had a couple of choices. The Applicant could request to continue, wherein this could be noticed for something other than a half bath, or the Board could choose to take action and approve the agenda as published with a half bath addition. Chair Lawrence thanked him for that clarification.

Member Toulouse stated the Staff Report mentioned the sauna being located within the front setback and that a condition of approval should be removal of that sauna, but he did not see it in the Conditions of Approval. Ms. Krause explained it was not removal; it was for relocation within the setback. She said she spoke with the property owner and they told her they already moved it. Member Toulouse asked if the Board should add it and Ms. Krause stated the Board did not need to add it as a condition because the Code stated they could not have accessory structures in the front yard setback. Mr. Webb asked if she had verified the sauna had been moved. Ms. Krause replied she had not verified it yet. Mr. Webb stated the Board could add that as a condition to ensure the sauna was relocated.

Jeffrey Eget, Applicant, showed the Board a picture depicting the sauna had been moved. He explained the sauna was more in the middle of the front yard and closer to Wassou Road, so they moved it into the left corner closer to the tree and right by the deck so it was now as far away from the street as possible. Ms. Krause confirmed the previous location of the sauna and she located the setback lines on the map. Member

Toulouse asked if the sauna was in the setback and Ms. Krause stated it was behind the setback where it was supposed to be.

Member Hill stated she attended the CAB meeting and went to the site. She noticed a Sugar Pine tree that was being proposed to be removed and she wondered if there was any alternative to saving the tree. ~~Ms. Krause stated Washoe County did not regulate tree removal and she did not know of any alternatives.~~

Member Toulouse stated he had a concern about the definition of a dwelling unit because someone living in a house or an accessory structure made it a dwelling unit; however per Code it was not a dwelling unit if it did not have a kitchen. Ms. Krause stated that was correct and this is a definition they had been struggling with over the years. Member Toulouse stated he was not sure if it could be made clearer in the Code and to make sure both pieces of the Code mimicked each other so the question did not come up again. He said if it were classified as a dwelling it would not be allowed per TRPA Code, but the County would allow it.

Member Thomas stated the Tahoe Area Plan Modifiers limited one sink and one toilet. Ms. Krause stated when that was put into place Washoe County Code also said two plumbing fixtures. She said she did not know the exact reason why they decided that had to be a sink and a toilet. There was a lot of objections and a lot of reasons why two plumbing fixtures were not adequate even for an accessory structure. She stated the other issues staff had were a lot of people put in two plumbing fixtures and re-plumbed to make accessory dwellings out of them. So the solution, rather than limit the plumbing fixtures, was to have them record something on the deed stating it would not be used as a separate dwelling. Member Thomas stated the accessory structure section within the Development Code was changed to allow that, but the Tahoe Area Plan Modifiers did not. Ms. Krause stated that was correct. Member Thomas asked which one was in force, or was both of them in force and could this Board override one or not. Ms. Krause stated that was why the Applicant was asking for a Variance to the Code. She said the justification for the Variance was that both of them were in effect.

James Borelli stated he was the architect for the Applicant. He said that due to the unusual shape of the lot and the restrictions placed on it having basically frontages on three sides of a four-sided lot, they were requesting a Variance to the setback on the east side from 20 feet to seven feet to allow for the construction of the storage area underneath the existing deck, which was in the front setback and had been there for a number of years. He said it was considered to be legally non-conforming because it was built before a certain date. They were asking for a reduction in the setback on the north side from eight feet to five feet for the bathroom addition, which would be a full bath even though it was described in the Agenda as being a half bath. He said it was clearly a full bath on the floor plans that were submitted. He said on the west side of the property they were again squeezed by the 20 foot setback on the south side of the property, so they were asking for a reduction from 20 feet to eight feet. He stated around the corner on Teresa Court, they were asking for reduction in the 20 foot setback to 10 feet. He said the two other things they were asking for was a second story over a detached garage.

Mr. Borelli stated there were no alternatives in regard to removing the tree, it was right in the middle of the driveway and there was no way he could squeeze to the other side. He noted it would be up to the TRPA permit for the project to make the findings for the removal of that tree. He said they had a project that basically received CAB approval with one Member opposing. He said some of his fellow Board members were not sure what his actual objection was and they were having trouble getting specifics out of him. He said all the agencies reviewed it and none of them had any objections. He said there were four letters of support and there were two neighbors in the audience who would speak in favor. He stated there was one neighbor in opposition, but when they built their home in 1997 their list of variance request items read just like the Applicants and theirs were granted.

Member Thomas said he understood the laundry room would be where the garage was now. Mr. Borelli stated it would be on the lower floor of the new garage. Member Thomas said when they needed to do laundry they would bundle it up and leave the house, walk up to the garage and do the laundry. Mr. Borelli

stated if they were staying in the cabin that would be correct. Member Thomas asked if there was a laundry room in the cabin now. Mr. Borelli stated there was not and they were trying to tread lightly on the cabin. He explained the cabin only had so much modification capacity, so this project was intended to address some of the Applicant's needs through the construction of a whole separate building rather than try to adapt the cabin, which would be difficult structurally.

Chair Lawrence stated he wanted to be clear about the bath, whether it was full or a half bath. Mr. Webb stated the Board would be taking action, based on the Agenda and staff report for a half bath. Mr. Borelli stated the Board was looking at a submittal that described the project with a half bath; however, as he pointed out earlier, at staff's request, they provided floor plans which proposed a full bath. Chair Lawrence said the written information they received was for a half bath and the pictograph and the architectural design was not up to interpretation beyond the written description. Mr. Webb said if it was a full bath they were after, he suggested the Board continue this and have the Applicant resubmit an application representing a full bath. He stated if the Board approved the Special Use Permit as written for the half bath, when his plans were submitted if it showed a full bath, staff had no option but to deny the Permit because the application would not be in conformance with the approved Special Use Permit. Ms. Krause asked if they had to submit a whole new application or would they just have to re-advertise the project with the correct language. Mr. Edwards, Legal Counsel, stated they did not have to do a whole new application. The Agenda description limited what power the Board had to approve something by action in a meeting; the Board could approve less than what was being requested in an application and described in an Agenda, but they could not approve more.

Chair Lawrence told Mr. Borelli it was up to the Applicant to decide whether to continue this until December or have approval of a half bath. Mr. Borelli wondered what the procedure would be if the Board approved a half bath today to get a full bath later; would he have to go through the entire Variance process again. Mr. Webb responded the Applicant would have to ask for an Amendment of Conditions, which was a separate process that would follow the same process as a Variance. He would have to submit an application to amend the conditions and what was approved, and enter a full cycle of approvals. He said they would not have it done by December 1st. Mr. Webb asked if the Board could take a break and allow the Applicant and his representative to discuss this.

3:56 p.m. The Board took a recess.

4:04 p.m. The Board reconvened with all Members present.

Mr. Webb stated the Board could act on items 1, 3, 4 and 5 and continue item 2 to a later date. Chair Lawrence asked if the Applicant was interested in that and Mr. Borelli replied he was.

Chair Lawrence opened up public comment. Rod Nussbaum stated he lived below the subject property toward the Lake and he had owned his home since 2005. He said he looked at the plans and the work that Mr. Borelli had done on the other side of Wassou Road and he thought the overall proposal would substantially improve the location and blend in nicely with the neighborhood. He stated that part of Crystal Bay was an eclectic neighborhood, but over the last five years the property owners had been improving their residences, which was positive.

Chair Lawrence closed public comment and opened rebuttal to the Applicant. Mr. Eget said he thought there was another letter of support that he wanted put on the record. He said he purchased the property in November of 2015 and they loved it, but it was uncomfortable to live in. He learned they needed to make some improvements because the bathroom they had was small and did not have any closets. He stated it was a step saver cabin and they hopefully would be able to keep the existing cabin in tact because it was built in 1936. He said his immediate next door neighbor, Rick, called him and told him he had his support and he thought they would be able to work together.

Mr. Edwards said the letter in support of the project received from Mr. McAuliffe was distributed to the Board and made part of the record.

Chair Lawrence opened up discussion to the Board. Member Hill said she thought it was a great project, she's been to the site twice, and the 1936 cabin is precious. The fact the Eget's want to preserve that and still have a livable property is admirable. She added any way to save the Sugar Pine tree would be appreciated. Mr. Edwards, Legal Counsel, stated this was a Variance application and on page 3 of the Staff Report the Variance Standard, as set forth in the Nevada Revised Statute, was laid out. He noted the Board needed to consider if there was 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, which had to be part of the analysis. He also wanted to make sure that as the Board moved through the discussion, if there was an appetite to approve it, the Statute be considered and taken into account.

Member Toulouse said he appreciated the Applicant's willingness to preserve as much of the cabin he could, even though it was not a registered historic landmark. He said because of the narrowness and the steepness of the property, he did not have an issue with granting the Variance. Member Stanley stated he liked the fact that the Chair of the CAB came to this meeting showing support of the project. He was also pleased that a compromised solution had been reached.

Member Thomas stated he struggled with these types of requests. He said when someone purchased a property, they knew what they were getting and then that individual would come before the Board and say they did not like what they bought and want to expand. He was not sure that was really a hardship or not.

Chair Lawrence said the function of this Board was to look at these projects and determine whether they complied and were consistent with Variances and Special Use Permits. He said he lived in a house that was built on a 16 percent grade and he understood the challenges associated with that and the size of the lot and the setbacks. He said he was in support of this project based upon the fact that it met the criteria for a Variance. He also noted for the record the Board received a letter in support from Bryan McAuliffe, and a letter from Brian and Terry Nelson stating they were not in support of the project.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Code Section 110.804.25, with the exception of item #2 on the Agenda to reduce the north side yard setback from eight feet to five feet to allow for a half bath addition on the house and deck rebuild on the existing residence, which will be continued to the Board of Adjustment meeting to be held in February 2017. Member Toulouse seconded the motion, which carried unanimously. **(Approved: five in favor, none against)**

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.

9. Chair and Board Items

***A. Future Agenda Items.**

None.

***B. Requests for Information from Staff**

Chair Lawrence stated the maps were hard to read because they were in such small print. Member Toulouse stated he would also like to receive the maps in color if possible. Mr. Webb stated staff would be notified.

***C. Discussion and possible action to elect officers, chair and vice chair.**

Mr. Webb stated this was continued from the last meeting due to all the members were not present. Member Stanley moved to nominate Member Toulouse as Chair. The motion was seconded by Member Thomas, which carried unanimously.

Member Lawrence moved to nominate Member Thomas as Vice Chair. The motion was seconded by Member Hill, which carried unanimously.

Chair Toulouse assumed the gavel.

10. Director's Items and Legal Counsel's Items

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

Mr. Webb reminded the Board that the December meeting would be held in the Health District Conference rooms A & B.

***B. Legal Information and Updates.**

None.

11. *General Public Comment

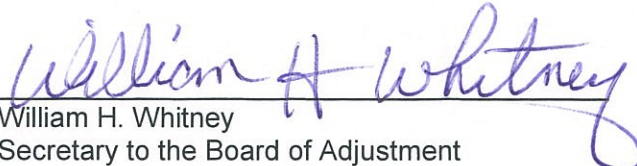
There was no response to the call for public comment. It was noted that a letter had been received by Kirk Short, which was placed on file.

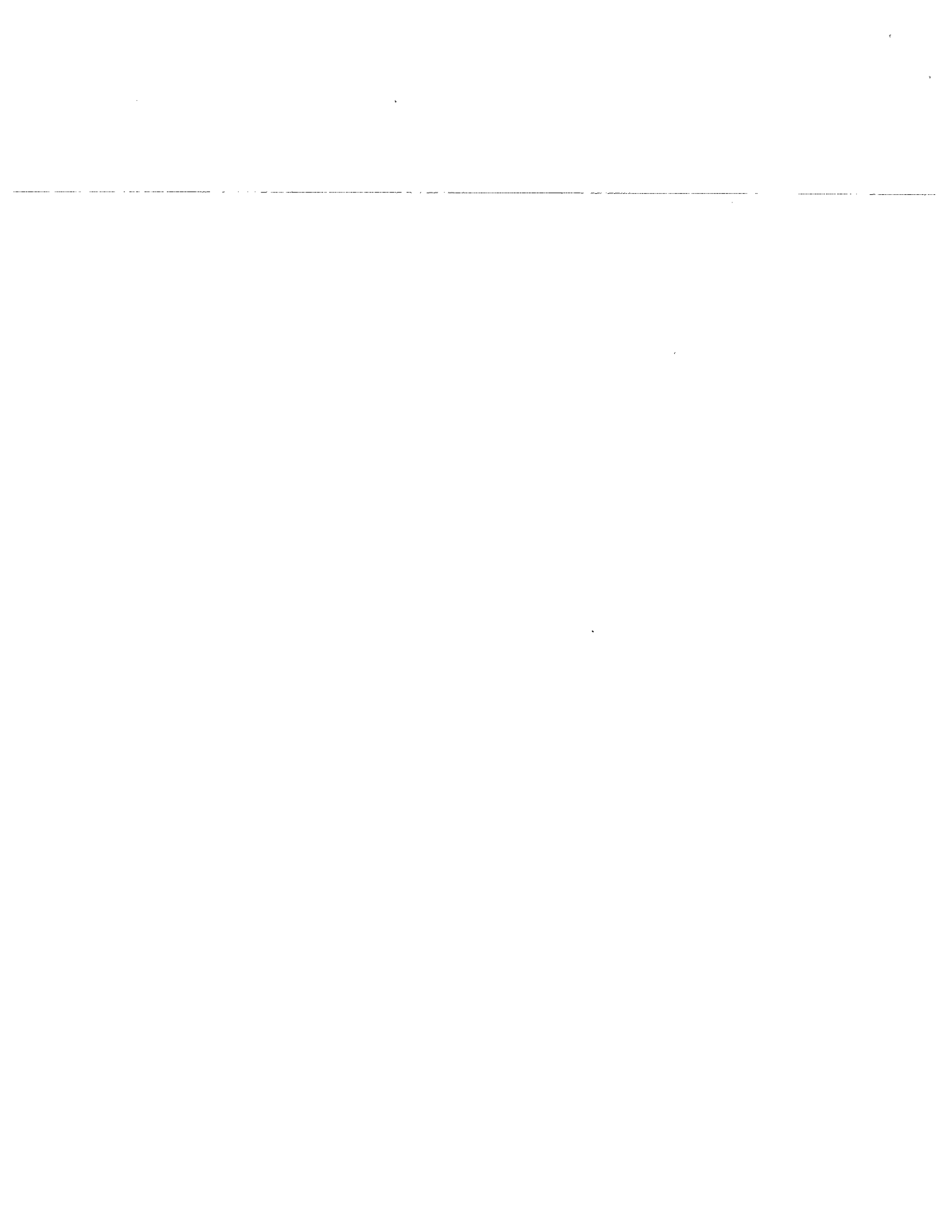
12. Adjournment

The meeting adjourned at 4:29 p.m. with no objections.

Respectfully submitted by *Jaime Deller*, Independent Contractor

Approved by Board in session on December 1, 2016


William H. Whitney
Secretary to the Board of Adjustment



10-6-16

I am with DRAWING My Admin.
PERMIT.

Wam Dunny

PUBLIC STATEMENT TO BOARD OF ADJUSTMENT 10/06/16

THOMAS LYPKA VA16-005
755 JUDITH COURT INCLINE VILLAGE, NEVADA
APN:123-231-19

OWNER CONTRACT: (408) 460-4722
EMAIL: TPLYPKA@GMAIL.COM

DESIGNER CONTACT
WAYNE FORD RESIDENTIAL DESIGN (775) 772-2495
EMAIL: WAYNEFORDRESIDENTIALDESIGNER@YAHOO.COM

Mr. Chairman /Members of the Board of Adjustment 10/6/16

My name is Wayne Ford/ Wayne Ford Residential Design. I am here in behalf of Mr. Lypka my cleint. His Variance was to be heard today. VA16-005 755 Judith Court Incline Village, NV.

We understand that due to the open meeting law that you cannot discuss this request at this time with me or the applicant. Yet we felt it a imperative that we get on the record why the variance was put off until December 1st.

The action was caused by the County not giving proper notice (10 day) to the surrounding property owners. The notices were sent to people in Reno, Carson City and Washoe Valley for the most part. Not one person on the list lived in Incline. On August 24 the Courtesy Notice went to the correct people and we had our meeting at the CAB (Pete Todoroff the Chair will speak shortly) with full support of the Board.

This delay which put us in a no win situation . Have the hearing today with the legal deficiency hanging over us that anyone could appeal the decision and we would have to start all over, we had no choice but to defer the hearing until December 1st. The no win is now Mr. Lypka cannot correct the safety issues on his property. One being the ice problem with the front entry. The second being the freezing shut of the rear exit door out of his residence.

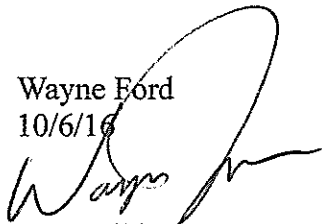
We have no issues with this Board. Yet it is the only public forum that we can now go on record with that Mr. Lypka will hold the County liable for any issues that take place in these areas this winter due to the Community Services not correctly applying the variance process and thus forcing us into a process that will end up taking over a 110 days to be heard.

We are also looking into the amount of time this will have taken due to no fault of our preforming in the process.

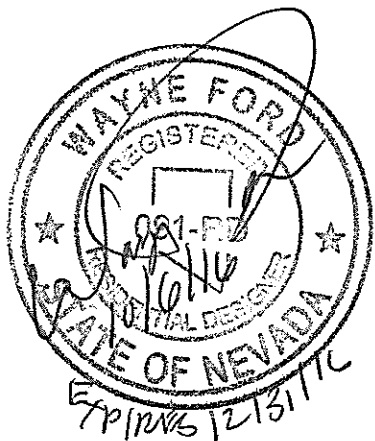
We want to thank the Board of Adjustment for this time and will be looking forward to presenting our case for approval of our request for a variance in December ,if it comes to having to wait to then.

Sincerely

Wayne Ford
10/6/16



see exhibits 1,2,3,4,5,6
attached.



Courtesy Notice*
Participate in the Future of Your Neighborhood

August 24, 2016

Dear Property Owner:

The Washoe County Planning and Development Division received an application from one of your neighbors for a variance requesting a reduction in the rear yard setback from 20 feet to 14 feet, 6 inches and a request to allow and increase at the front eaves of the existing dwelling to extend 4 feet, 6 inches, from the existing 2 feet, into the front yard setback at 755 Judith Court. The variances are requested to facilitate the expansion of the existing dwelling. If you are interested in learning more about the proposed project, the application is available on line at washoecounty.us/csd/planning_and_development. Click on the "applications" box and choose the Commission District listed below.

Case Number: VA16-005 (Thomas Lypka)

Commission District: #1

Tentative Date for Incline Village/Crystal Bay Citizen Advisory Board: September 26, 2016

Tentative Public Hearing Date: October 6, 2016, Board of Adjustment

You will receive an official notification when the request is set for a public hearing. For more information, please contact: Roger Pelham, 775.328.3622

*This is not a legally required notice, but rather is provided to you as a courtesy to engage you early in the planning process with Planning and Development.

From: Pelham, Roger
Sent: Thursday, September 29, 2016 1:10 PM
To: 'Wayne Ford'
Cc: tplypka@gmail.com; DAG; Webb, Bob; Whitney, Bill
Subject: RE: VA16-005 (Thomas Lypka) Variance Notice to Property Owners notsent out correctly.

Good Afternoon Wayne,
Our options are as follow:

1) We can send out the notices today, knowing that the minimum time has not been met and the BOA can conduct the hearing on the 6th. However, if there is a challenge to the decision made, it will be clear that there is a legal deficiency in notice.

2) The applicant can request continuance until the next BOA hearing on December 1. Notices will be sent out for that meeting and the BOA would make their decision on that date.

In either case a decision today is appreciated, particularly if the applicant chooses to proceed with the October hearing.

If I can be of additional assistance, please feel free to call.

Best Regards,

Roger D. Pelham, MPA, Senior Planner
Community Services Department
Planning and Development Division

~~775.328.3622~~ (office)

~~775.328.6133~~ (fax)

From: Wayne Ford [<mailto:waynefordresidentialdesigner@yahoo.com>]
Sent: Thursday, September 29, 2016 1:03 PM
To: Pelham, Roger
Cc: tplypka@gmail.com; DAG
Subject: VA16-005 (Thomas Lypka) Variance Notice to Property Owners not sent out correctly.

Mr. Pelham, MPA
Senior Planner
Planning and Development
Washoe County Community Service Department

Dear Mr. Pelham: I want to thank you for the phone call today at 8:45 about the issue with the notices not being correct, that were sent out from the mail room for the above variance. Given the issue of this mistake by the County I am requesting that you email me a statement that confirms what we discussed are our options for the up-coming Board of Adjustment meeting scheduled October 6,2016.

From: Whitney, Bill
Sent: Thursday, September 29, 2016 1:54 PM
To: 'Wayne Ford'
Cc: tplypka@gmail.com; DAG; Webb, Bob; Emerson, Kathy; Pelham, Roger
Subject: RE: VA16-005 (Thomas Lypka) Variance Notice to Property Owners not sent out correctly.

Mr. Ford,
Your client has requested and "extension of time" for VA16-005 (Thomas Lypka) from the October 6th BOA meeting to the December 1st BOA meeting. As Director, I agree to this request per WCC 110.804.15(d) and want to thank you and your client for your understanding. For your information postponing the case doesn't change or void the recommendation of the IV/CB CAB.
Sincerely, Bill Whitney

From: Pelham, Roger
Sent: Thursday, September 29, 2016 1:34 PM
To: 'Wayne Ford'
Cc: tplypka@gmail.com; DAG; Webb, Bob; Whitney, Bill; Emerson, Kathy
Subject: RE: VA16-005 (Thomas Lypka) Variance Notice to Property Owners not sent out correctly.

Thank you, Wayne. We will remove the item from the October agenda and put it on the December agenda. Have a good one.

Best Regards,
Roger D. Pelham, MPA, Senior Planner
Community Services Department
Planning and Development Division
~~775.328.3622~~ (office)
~~775.328.6133~~ (fax)

From: Wayne Ford [<mailto:waynefordresidentialdesigner@yahoo.com>]
Sent: Thursday, September 29, 2016 1:32 PM
To: Pelham, Roger
Cc: tplypka@gmail.com; DAG; Webb, Bob; Whitney, Bill
Subject: RE: VA16-005 (Thomas Lypka) Variance Notice to Property Owners not sent out correctly.

Roger Pelham ; Based on discussions with my client Mr. Lypka we are requesting that the scheduled hearing for VA16-005 on October 6, 2016 be given a continuance until the hearing date of December 1st. It is understood this was because of a legal deficiency in the legal notices sent out by Washoe County to the property owners, who needed to know about our request.

Wayne Ford Residential Design

From: Emerson, Kathy
Sent: Monday, October 3, 2016 10:39 AM
To: Pelham, Roger; 'Wayne Ford'
Subject: RE: VA:16-005 Lypka Variance Request

Attached is the list that VA16-005 was sent to.

From: Pelham, Roger
Sent: Monday, October 03, 2016 10:04 AM
To: 'Wayne Ford'
Cc: Emerson, Kathy
Subject: RE: VA:16-005 Lypka Variance Request

Hello Wayne, please see below.

Hello Kathy, would you please provide that list to Mr. Ford? Thank you.

Best Regards,
Roger D. Pelham, MPA, Senior Planner
Community Services Department
Planning and Development Division
775.328.3622 (office)
775.328.6133 (fax)

From: Wayne Ford [<mailto:waynefordresidentialdesigner@yahoo.com>]
Sent: Monday, October 03, 2016 9:59 AM
To: Pelham, Roger
Cc: tlypka@gmail.com
Subject: VA:16-005 Lypka Variance Request

Mr. Pelham: After some discussion with my client we both wanted to know who was sent the notices . As you stated to me in the phone call at 8:45AM on 9/29/16 the notices were sent to the wrong people from the mail room. Could you provide a list of the property owners that were sent the notices instead of the ones that should have been noticed.

Wayne Ford
(775) 772-2495

Wayne Ford Residential Design

NANCY V & FRED BAKENHUS
16098 HIGHWAY 71
CARROLL IA 51401

RONALD & SUSAN BIEGLER FAMILY
TRUST
472 OLD OPHIR RD
WASHOE VALLEY NV 89704

BUILDING SOLUTIONS INC
PO BOX 41118
RENO NV 89504

ROBERT W CAMPBELL
610 OLD OPHIR RD
WASHOE VALLEY NV 89704

JOSEPH & JODY COLI FAMILY TRUST
402 OLD OPHIR RD
WASHOE VALLEY NV 89704

WAYNE DENNY
500 WASHOE DR
WASHOE VALLEY NV 89704

ADOLPH & CLARA JANE M DERUISE'
420 WASHOE DR
WASHOE VALLEY NV 89704

CHARLENE ET AL DUNCAN
PO BOX 4065
CARSON CITY NV 89702

ROBERT G & JOHANA H FARRAR
575 ORO LOMA RD
WASHOE VALLEY NV 89704

NORINE M GALLAGHER TRUST
3480 BRYAN ST
RENO NV 89503

PAMELA J HOWLE
615 WASHOE DR
WASHOE VALLEY NV 89704

MYLES & ELAINE MARTIN
505 ORO LOMA RD
WASHOE VALLEY NV 89704

ROY A JR & CHRISTA D MCLAUGHLIN
PO BOX 2818
CARSON CITY NV 89702

MOBERLY LIVING TRUST
425 WASHOE DR
WASHOE VALLEY NV 89704

GORDON L ET AL MOORE
600 WASHOE DR
WASHOE VALLEY NV 89704

KERRY ET AL MUELLER
650 ORO LOMA RD
WASHOE VALLEY NV 89704

NEIGHBORS FAMILY 2010 TRUST
505 MARY ST
CARSON CITY NV 89703

THOMAS & ANN M PAIGE
665 OLD OPHIR RD
WASHOE VALLEY NV 89704

PAYNE FAMILY TRUST
25 MIDDLEFIELD PL
WASHOE VALLEY NV 89704

LARRY R SR & JUDY M PRICE
555 ORO LOMA RD
WASHOE VALLEY NV 89704

SCOTT ET AL REDDY
14765 CHATEAU AVE
RENO NV 89511

JOSEPH ET AL RINK
380 E 22ND ST
NEWPORT BEACH CA 92660

LEO SAUER
PO BOX 11130
WASHOE COUNTY TREASURER TTEE
RENO NV 89520

MICHAEL L ET AL STICKLER
605 ORO LOMA RD
WASHOE VALLEY NV 89704

ALFRED & DEBBIE STITELER
485 WASHOE DR
WASHOE VALLEY NV 89704

ALFRED I & DEBORAH L STITELER
395 LAKE DR
WASHOE VALLEY NV 89704

VICTOR C & SUSAN M STRANDBERG
FAMILY TRUST
35 MIDDLEFIELD PL
WASHOE VALLEY NV 89704

VICKI L TAYLOR
650 WASHOE DR
WASHOE VALLEY NV 89704

TEUSCHER LIVING TRUST
605 WASHOE DR
WASHOE VALLEY NV 89704

ANNA K THORBURN
20 MIDDLEFIELD PL
WASHOE VALLEY NV 89704

BRAD E VALLADON TRUST
1436 CORONET WY
CARSON CITY NV 89701

GLORIA VEGA FAMILY TRUST
196 VIRGINIA DR
VENTURA CA 93003

PATRICK D & JEANNIE M WATTS
405 OLD OPHIR RD
WASHOE VALLEY NV 89704

AP16-003 EK
WASHOE COUNTY PLANNING AND
DEVELOPMENT
PO BOX 11130
RENO, NV 89520-0027

September 26, 2016

To those it may concern:

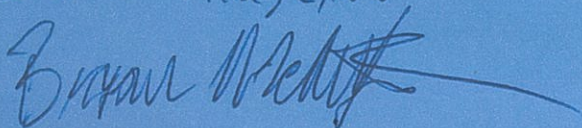
Regarding plans for 45 E. Tuscarora Road, there are only amiable things that can be said. The property owners, Jeff and Marina Eget, are incredibly kind and hospitable people. They only mean well for the neighborhood and property. Their current intentions are to build a home that suits them, but also preserve the decades of history the property holds within it, which is an altruistic proposition in any property case. One such historic event that holds near and dear to my family was that my grandmother and late grandfather, Lois and Jack McAuliffe, had their honeymoon on this property 62 years ago. It is in my family's deepest hopes that Jeff and Marina's current plans will not be impeded.

Best Regards,

Bryan McAuliffe

450 Wasson Rd.

Incline Village, NV



Subject: Washoe County, 888 Zolezzi, case SB26-2016, Roger Pelham

From: Kirk Short <kshort@inter-realestate.com>

Date: 10/6/2016 12:29 AM

To: Tom Murphy <tahoemurph@gmail.com>, John Wamsley <buddyinsf@gmail.com>, Rogern Pelha <rpelham@washorecounty.u>, Kare <Oillag@aol.com>

Roger Pelham, Senior Planner Washoe County
775 328-3622

<http://darksky.org/light-pollution/>

<http://darksky.org/5-appalling-facts-about-light-pollution/>

I am in the Tahoe Forest Hospital and they change my time for a contrast CT scan from 10:00 to 1:30 so I am very sorry not to attend.

I would like to say that I have met several of the people in the church group and they were very nice.

However, they are bring a slice of commercial use to our very rural setting. My number one concern is the broken sodium vapor light at the entrance of our driveway. By our driveway, I mean the only right of way to 1000 and 1020 Zolezzi. In fact, there is no right of way for 888 and someone turning into our driveway including members and visitors. In fact, that has already happened when Comcast came up our driveway asking about the church property and John had to redirect them to 888. I suspect that will become common if that light is fixed. It is in fact in a misleading place and any lighting should be at the entrance of their driveway at 888. I was asked about "prior use" and I can tell you because I first sold the property and subdivided it, that its prior use is "broken".

As it is, we have a glorious night sky, just minutes from Virginia Street. There is no more light polluting, energy-wasting outdoor light than the Cobra. If you look just across the street at the Montessori School, they have LED lights that are much lower to the ground, inexpensive, and you cannot see the filaments of the lights, only where the light is directed. We would be very happy with that. If a person from 888 did enter our driveway, they would have to back out because they have no right of way past the drive.

I was informed that the building would be used for afternoon prayer sessions. It has been my experience that once someone has a permit, the holder will use it any time they want, evenings, nights, etc. It would be good to make operating hours a condition of the permit.

Lastly, no matter what happens with their scheduling, I expect a bunch of headlights to be pulling into their driveway and flashing onto our properties. Their parking lot will hold probably 30-50 cars. I would like their property screened to 8 feet on the South and West sides. The East side has Anastasio's cows so he doesn't care, and the North side is Zolezzi, so that is fine also. It could be wall, fence, or vegetation and if you look now, they have a very good start on the West side with Vegetation. It just has to be maintained.

Sorry I could not make it to the hearing.

--
Kirk Short
International Real Estate Consultant
12513 Pinnacle Loop
Truckee, CA 96161
530 400-0556
DRE#00604384

SB16-007
POA 10/6/16

From: [Rick Elmore](#)
To: [Whitney, Bill](#); [Emerson, Kathy](#); [Fagan, Donna](#)
Cc: [Krause, Eva](#); [Edwards, Nathan](#)
Subject: Eglet application before The Board of Adjustment
Date: Thursday, October 06, 2016 11:28:03 AM
Attachments: [CCE10062016.pdf](#)

I represent Terry and Brian Nelson. I am conveying to you the Nelson's letter in opposition to the Eglet application, Case # 16-006. Please include this letter as part of the record of this matter and distribute it to the Board of Adjustment members before the hearing today. Given the detail of the letter, the members should have an opportunity to consider the Nelson's position before the meeting. Thank you.

VA16-006
POA 10/6/16

10/5/16

TO: Washoe County Board of Adjustment

FROM: Brian and Terry Nelson
P.O. Box 1374
464 Teresa Ct.
Crystal Bay, NV 89402
Parcel #: 123-136-03

RE: Case #: VA 16-006 (Eget Residence) in Commission District #1
Parcel#: 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Board of Adjustment:

We would like to make our disagreement with the staff planner's recommendation regarding this proposed variance part of the record. Please find attached our original letter of objection to multiple facets of this incomplete and not yet clearly defined variance request. We would like to present the Board of Adjustment with the following facts surrounding Eva Krause's handling of this file in preparation for your hearing:

A month ago, when the county was notified of our objections both by phone and in writing, we were assured that all of our concerns would be addressed and responded to in a fair and objective manner. Trevor Lloyd advised us at this time that this applicant had in fact submitted a request to build a second residence on this property. We were thus instructed by him that our questions regarding the review process for this incomplete application could not be answered until the applicant submitted the remaining missing items which included a special use permit and floor plans. We were told that we would remain in the loop as the completion of this application progressed. At this time, Trevor also verified that the fence on the property was erected illegally without a permit on the property, and that the sauna that we brought to his attention was also in violation of county codes. We also made him aware of un-permitted improvements being erected within the three front setbacks and the county right of way. A few days later when no one got back to us and we called back again, we were advised that Eva Krause already had a well established long term relationship with these applicants, as she had met with and spoken to them on many occasions prior to this application being submitted. We were advised that Eva Krause would be contacting us to discuss the file, per our request to speak to her and to meet with her. We were told that the county's policy was that if they met with one party that they would meet with all parties, so to remain objective.

The county never got back to us, and our emails were responded to only by automated responses that Eva was on vacation returning 9/13. We called back and asked that the file be reassigned to someone that was available so that both we and the county could properly prepare for the hearings, but we were told no, and that we had to wait for Eva. The only feedback we got from Eva when she returned from vacation was a short email which stated that we got the same variance 20 years ago, and that she was noting this in her report. She did not address any of our specific concerns other than a general and dismissive statement saying that the points we brought to her attention did not matter. She then proceeded to defend an un-

VA 16-006
BOA 10/5/16

permitted fence that she had not even seen, while telling us we were wrong about specifics of the code related to this fence. To date we still have not received an explanation or response from the county as to why an illegal un-permitted fence which so obviously blocks a driver's ability to see as they drive around these dangerous corners is being so vigorously defended by a county planner. I was advised by the county that only code enforcement had authority over such matters, yet Eva Krause has made it a point in her emails to me and in her staff report for this variance that the fence is "just fine where it is." Eva never did call us or meet with us as we had requested, and as we had been promised; even though she admits meeting with the applicant.

Why were we not notified about the definite scheduling of the CAB meeting? The county's mailer says that notice will be sent when tentative public hearings were scheduled for sure. When I inquired with Eva as to why no notice was sent to us when we had specifically requested it, she said that the CAB meeting was not a "public hearing." We would like it noted for the record that she later describes this CAB meeting as a "public hearing" in her staff report. It is also very suspicious how Eva Krause handled the public comment letters. Trevor Lloyd promised me on 8/29 that he would send our letter of objection to the CAB meeting; in fact he even suggested it and I thanked him agreeing that this was a good idea. However, when Eva took over the file and then left on an immediate two week vacation no one ever followed up with us on this. When we did not receive notice as we were instructed that we would about the definite scheduling of the CAB meeting, we discovered last minute by going on the county's website that it in fact had been set for sure on 9/26. By that point, we had already retained an attorney who works out of Reno to advise us on the matter of this variance, and it was too late for all of us to make it to this meeting.

Because we had never received confirmation from the county that our letter had in fact been sent to CAB, our attorney advised us to send it to some emails that I found for CAB on the county's website and to copy Eva asking her to confirm that she had in fact already sent it. Eva's immediate response was that we should not have sent it to CAB and that she was now going to send all of the public comments to CAB. She never did answer our inquiry as to whether our letter had been sent to CAB previously as Trevor promised it would be. We never received either a response or confirmation of receipt from any of the emails that we sent this to. We believe that the answer to this question may be obvious based on the fact that once we did as our attorney instructed, Eva very quickly obtained and sent in three other public comment letters to CAB. It was very suspicious to us when we later discovered that our letter was the only one voicing objections to the approval of this variance. Why did Eva Krause work so hard at collecting and sending these other letters last minute to CAB when no one was requesting that she send their letters in but us?

Eva Krause advised us by email that the staff report would not be available for review by us until after the Board of Adjustment hearing on 10/6/16. The only reason that we even obtained a copy is because we continually checked the county's website looking for it. Now that we have finally had a chance to review this report the day before the hearing, we would like to submit for the record the following observations, objections, and discrepancies:

The still incomplete application only shows floor plans for two of a total of four stories of this large second house being proposed. There is still no special use permit attached, as we were instructed was necessary and required by the county. It appears as though the county is asking the public to believe that the applicant will continue to live in a 700 sq.ft. cabin with no

laundry facilities or a garage, and not actually move into a 2,000 sq.ft. plus brand new lake view home where his garage, laundry, multiple bathrooms, exterior decks, bedroom, exercise room, and living areas would now be located. This second home will be nearly four times the size of the existing cabin. Who at the county is going to ensure us that the owner will be prevented from moving into this far superior second residence? This is not only not enforceable, but not even believable. It took Trevor Lloyd less than 5 minutes on the phone with us to insightfully recognize that the applicant was actually requesting that the county let him build a much larger second four story house on this property. Why has Eva Krause now changed the county's position on this, and appears to helping the applicant to disguise what this actually is? Eva Krause is still describing it as "a detached accessory structure to be used as a garage," She then says that the applicant just wants a few extra plumbing fixtures so that the bedroom, office, exercise room, living areas exterior decks (all with premium lake views that Eva says the codes do not prohibit them from having) are "more comfortable to use."

The staff report does not even match the applicant's variance request in multiple areas. For example, the applicant has requested a variance on the Wassoe setback from 20' - 14.5'; however Eva's just released report now states that this variance request is for from 20' - 7'. Which is it? And if a change has been made, why haven't the drawings been revised? Because we have never been given any feedback, the public has no way of knowing what is actually being requested here. Eva's statements also do not match the variance application or drawings. For example, Eva describes the applicant's request to add a "1/2 bath" to the existing cabin as being the reason for the variance request on the north side setback. In fact, the applicant's paperwork shows not only a large second full bath being added, but also the entire north side wall of this cabin being increased in size by 3'. She also fails to mention the main reason for the north side variance request is to facilitate the building of the second four story house at the opposite end of the property.

To date, Eva has only responded to about half of the concerns we brought to her attention; and here are additional problems that exist with her limited responses:

We pointed out correctly that this lot is not steep, per the county's own definition. Eva is no longer commenting on her erroneous past statements, but is now saying that if a street was currently built in the county that this grade would not work. Why will Eva not just admit that the lot, per the county's own definitions and codes used for the purpose of variance determination, is not "steep"?

We pointed out that the code says once you choose ingress/egress, you can not change this with later development. This is especially true when the new site of construction is not superior to the site of the existing construction. Please explain where in the code that this is being allowed, as we have requested.

We have correctly pointed out that this cabin has no historic value for the county to protect; and thus, the applicant is really just choosing not to expand the existing residence. Why has Eva not recognized this fact per the county's own definition of "historic value" for the purpose of variance determination that this is the case? Instead she continues to grasp for straws to hold on to this ludicrous attempt to create a hardship for the applicant by saying that the "Secretary of the Interior says that this property is potentially historically significant," and that the "owner likes it."

Eva goes on to defend the applicant's right to completely disregard all of the county's restrictions currently in place on this parcel by saying that he "just wants to keep the cabin, enlarge an undersized bathroom, and add a garage." No one who spends any time looking at these plans would agree with this misleading statement. But even more importantly, why is a county planner defending a private party's right to violate so many county rules, when she is employed to uphold those very requirements?

Eva continues to defend the illegal un-permitted fence and un-permitted improvements being made in the county right of way on this property. All one has to do is come to the site and observe how all of the obstacles being added daily including fencing, plantings, firewood piles, saunas, etc, in these setbacks/line of site triangles have created a dangerous situation here that we have advised the county poses a public safety threat. The latest addition has been a 4' high dirt retaining wall about 20' in length encroaching on the neighboring property, which was recently built via this applicant's illegal trespass onto our property. If the county had done something to correct all of these violations a month ago when they were made aware of them, the situation here would not be nearly as serious as it is now. This out of state second homeowner applicant is completely unconcerned with the rules and regulations that exist here as a direct result of the county's inaction. Why has this been allowed to continue unchecked while the county has had multiple employees visit the site? Has Eva Krause misrepresented the true situation that continues to unfold and evolve here daily to her employers at the county?

Regarding other public comments: We would like it noted for the record that we were the only ones who's background was checked. We were also the only ones told that we were wrong, and that our comments did not matter. There were only three other public comments besides ours, and they all consisted of one paragraph last minute general statements with no details or facts from people who have little or no stake in this variance, are tenants, or in one case who's comments are not even related to the matter at hand. What does a "dogs at large" complaint have to do with this variance process? We have our suspicions that this planner has attempted to color our objections unfavorably while ignoring the law. We would also like to point out for the record that Mr. Mayo's irrelevant comments were incorrect, as he was fined as a result of the dog complaint that Eva has made part of her Variance Staff Report. All Ms. Krause had to do was simply check the county records to confirm this as it is a matter of record; which she clearly did not do. Please ask Eva Krause how and why this completely separate and unrelated matter became part of these proceedings; especially in light of the fact that Mr. Mayo is not even an "interested party" per the county's definitions because he lives so far away from this property.

Eva Krause did not even take the time to get her facts straight when she investigated us. Her characterization of our construction was that it was a teardown/rebuild. For the record, it was actually new construction. Ms. Krause could have easily looked this up while she was digging through the rest of our records so that she got it right. For the record, our variance was requested and granted because of the encroachment into the setback by the adjoining property; which made it necessary in order for us to be able to construct our home. Not that it is in any way relevant to these proceedings, but our circumstances and our property have nothing in common with the property that is the subject of the current variance request now 20 years later. Please ask Ms. Krause to explain why this background investigation on only us, which resulted in erroneous and irrelevant information being made part of the public record on this applicants variance by her, was done at all?

Eva Krause has made multiple inaccurate statements in her staff report. For example, she states that the bear box for this applicant's property had to be placed on Teresa Ct., because the garbage truck could not stop on Tuscarora due to safety concerns. Neither the neighbor who owns this property or the garbage pickup company perceives that there is a problem here. Nothing regarding this issue was even mentioned by the applicant. So, as there is clearly no problem here, why is Eva Krause trying to create one? Eva has admitted having visited the site, at which time all she had to do was look across the street to see the neighbor's bear box immediately across the street from this property on Tuscarora. Please ask Eva why she continues to make so many false and misleading statements, which one could construe as an attempt to promote and defend the approval of this applicant's variance.

Why have we been very effectively prevented from being part of this process, when people's irrelevant erroneous comments have been promoted, supported, and defended, and made part of this process? Please ask Eva Krause to explain this. If Eva had just communicated with us as we requested, we could have explained our points, and helped her to avoid the inaccuracies that now plague this report. A planner can not possibly be objective unless they hear all sides of a situation; as Trevor Lloyd pointed out when he told us that the county's policy was to speak to both the applicant and us so that he could remain objective and fully informed. Why would Eva Krause proceed to communicate with everyone but us in this circumstance regarding this particular variance? The outcome of this variance process has a more direct affect on us than on any of the other surrounding property owners; and we feel that our voice has been effectively silenced by Ms. Krause's actions. Why are we not being treated fairly?

The planning process exists to protect the public interest, and this planner is advocating for a private property owner who's objectives are not legal or consistent with the public interest. The approval of the construction of this four story second residence within only 12' of buildable space will not benefit anyone but the applicant. The planning process must be fair and honest because private interests conflict with public interests; especially in the context of the unique circumstances of this case. Ms. Krause's arguments in support of it only represent a small part of the story and depict deeply flawed inaccurate representations on many levels.

This lot is not unusually narrow or steep, and is not unfairly encumbered with overly restrictive setbacks and safety lines of site as Eva Krause would lead us to believe. Eva also continues to distort the facts when she makes a point about how narrow Tuscarora is. The fact is that all of the streets in Crystal Bay are narrow; so narrow that when cars are parked in a 10' driveway like the one proposed by this applicant on Teresa Court, that we can barely pass to exit our cul de sac. We advised Eva that we know this to be true because of the similar driveway immediately adjacent to the proposed one that already creates this very dangerous hardship for us. We also told her that the already dangerous and congested situation created by the three cars lined up consistently and regularly at this busy vacation rental would be exacerbated by this variance, which if granted would add two more cars lined up and protruding into the road on this already dangerous corner. Eva advised us that this was irrelevant, that it did not matter, and that she would not take it into consideration in her decision.

This owner is not being treated unfairly by not being allowed to build on the "premium view side of his lot" regardless of Eva's statement to the contrary when she erroneously points out to that the county codes do not prevent him from doing exactly that on this particular lot. Mr. Eget knew when he bought this lot that he would not be allowed to do what he is now requesting. The unique circumstances immediately adjacent to this lot are unlike any in the immediate area,

and the county has properly restricted it's development to protect the public interest and the integrity of the planning process. The granting of this variance would give this private party applicant special privileges at everyone else's expense. The issues that we have raised regarding these unique and complex circumstances are material to the discussion regarding whether or not this variance would constitute an appropriate use of this parcel, contrary to Ms. Krause's written opinion that our points do not matter.

A garage with a 10' long driveway located where this one is proposed would result in people backing out blindly into one of the most dangerous corners in Crystal Bay. The location of this particular driveway would also mean that when cars are parked in this driveway that they would already be protruding dangerously into this corner. This would also cause the lineup of cars in these 10' driveways sticking out into the road to go from 3 to 5 when you consider that this dangerous situation already exists at the adjoining busy vacation rental to the immediate north of this property. This is certainly not serving the best interest of the public, let alone us. Remember that three setbacks along with standards regarding safe length for driveways would all have to be violated to accomplish this egregious task; there is a reason why you would have to break so many rules to create this dangerous situation. The rules and restrictions all exist for a reason, and need to be upheld and enforced. If the county has allowed something similar to this somewhere before, as Eva eludes to, then it certainly does not qualify as a safe application in this specific situation. Eva Krause, per her staff report, would have you believe that all of this can somehow be mitigated by simply requiring the owner to install an automatic garage door opener!

Eva also once again incorrectly characterizes this as a "garage with a second story." Please, can't we just call it the four story house that is clearly depicted in the drawings submitted by the applicant himself? It is simply not believable that you need a four story garage if your intent is only to to enclose two cars and to store some stuff in your "accessory structure" as Eva Krause describes it. It is quite obviously a large four story house with a 2 car garage. This is an unauthorized use, despite Ms. Krause's well thought out and hard fought attempt to paint it otherwise. We seriously doubt that the county has ever granted permission for a series of violations of so many rules at once under similar circumstances through the use of "blanket precedent." General precedent which does not take into account the unique special circumstances of this specific individual application can not be applied in this case by Eva Krause simply because it is convenient for her; per the rules within the Board of Adjustments Policy Manual itself.

The granting of these variances would also cause the destruction of one of the only remaining healthy old growth sugar pines in the entire area. Thus, this second house would not only exacerbate already existing clutter, nuisance issues, aesthetics, safety concerns, and general issues related to overpopulation of this immediate area, but also would serve to degrade the integrity of the natural environment. The creation of such congestion in such a small area by adding a second residence to this small lot does not serve the public good in any way; in fact it harms the public good. There is a reason why the existing residence on this property was built on the East side of this lot; both the builder and the county got it right the first time around. If the county determines that this request to violate all these rules is acceptable, then why have any rules at all? NRS 278.300 states that a variance should not impair the intent and purpose of any code or resolution.

We thus submit, once again for the record, that this private owner has no legitimate defensible hardship, regardless of what Eva Krause would lead you to believe, and that he is making a purposeful optional choice not to simply expand his already existing residence to meet his needs. The only unique circumstances that exist regarding this lot that are material to this variance process actually support the necessary existence and enforcement of the current three front yard 20' setbacks and all of the related safety and line of site codes associated with permitting requirements, unobstructed yard codes, safety line of site triangle ordinances, etc. on this lot. None of these unique and necessary requirements pose a hardship to the owner of this property, but instead are in place to protect all of us. It is the county's special duty to make sure that they remain in place due to the unique and serious protective role that they play specific to both this parcel and what exists and occurs immediately adjacent to it.

County permission granting the violation of all of these rules would negatively affect our safe and peaceful use of our primary residence, not only harming us but also the public at large. The planning process is supposed to exist to serve the public interest, and Eva Krause has failed in her special responsibility as a planner to accomplish this. She has given the appearance of aligning herself with the private interests of one private property owner who is the only one that stands to gain if Eva is successful in her attempt to set aside all of our communities rules to his benefit. Eva Krause has not fairly, honestly, objectively, or transparently processed this file. This has resulted in a biased judgement that has not taken into account all sides of this very complex story. Not only did she not have all the relevant material information available to make a fair and objective decision, but neither did we; because she effectively prevented us from playing a meaningful role by not respecting and facilitating our right to participate.

There simply is not any relevant precedent to apply to the very unique circumstances that surround this situation. Per the Board of Adjustment Policy Manual, planners "must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation." As we are two of the few remaining year round residents in this area, who have lived at our home located no more than 50' from this property for almost 20 years year round, if Eva had just contacted us, spoken to us, and met with us as we were promised we could have explained...

When this file is looked at objectively and independently while taking into account the specifics of this parcel as required, it becomes readily apparent that none of the four required findings exist that would authorize the Board of Adjustment to grant this variance request:

- There are no special circumstances that create a hardship for this owner. The unique circumstances surrounding this property in fact support the need for the existing restrictions to be enforced and upheld as they currently exist.
- If this variance were granted it would harm the public good; and would definitely impair the intent and purpose of the development code.
- If this variance were granted it would give special privileges to the private party who owns this lot at everyone else's expense. We would in fact be the ones being treated the most unfairly by this because it would so severely negatively affect our safe and peaceful use of our own property.

- When this request is recognized for the four story second residence that it truly is; it will also become clear that it is an unauthorized use.

We simply don't understand why all of this is being allowed. These are all clear violations, and Eva Krause is ignoring all of this. Eva Krause is supporting what appears to be an extreme and purposeful abuse of county discretion; this is very concerning. These rules and restrictions all in place to protect the public interest, and it is the county's job to make sure they are adhered to. When a planner becomes so extreme as to describe this lot as being "encumbered with three overly restrictive 20' setbacks" which she believes somehow create a hardship for this private property owner, and then goes on to advocate for this applicant by using this as a way to defend his attempted violation of virtually every restriction that exists on this lot, you have to ask yourself why this is occurring. These restrictions are properly in place to protect us and the public at large, who without them would experience extreme hardship. Why is a county planner working so hard to defend one private property owner's right to go against so many rules and regulations on this one very uniquely and properly restricted parcel? Please ask yourself, and ask Eva, WHY?

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eaves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep," which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

They are also arguing that there is "historic value" that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry's of historic places. "Washoe County Code Chapter 110, Article 220, Tahoe Area" is designed to "preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners's efforts to preserve the historic or landmark value of the property..." Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R's exist that are material to the matter at hand. For the record, we would like to submit the fact that the "creation of a nuisance" is in violation of the CC & R's. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R's of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot's potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a "virtually unbuildable" small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the "Obstructions to Vision" clause that states: "There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety."

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

We believe in our community and its rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time and attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402

From: [Krause, Eva](#)
To: "Rick Elmore"
Subject: RE: link to photos for Eglet matter
Date: Thursday, October 06, 2016 12:24:00 PM

If you would like to have these photos include in the record, please make copies and bring to the hearing. Please see Public Participation polices on attached agenda.

Sincerely,

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628
erkrause@washoecounty.us

WashoeCounty.us

From: Rick Elmore [<mailto:relmore@rlepc.com>]
Sent: Thursday, October 06, 2016 12:13 PM
To: Whitney, Bill; Emerson, Kathy; Fagan, Donna
Cc: Krause, Eva; Edwards, Nathan
Subject: link to photos for Eglet matter

<https://www.icloud.com/sharedalbum/#B0f5idkMwGv0x0T>

<https://www.icloud.com/sharedalbum/#B0f5GH8MqG9XCVB>

Please include these photos as part of the record. Thank you

Richard "Rick" L. Elmore
Richard L. Elmore, Chartered
3301 S. Virginia St., Suite 125
Reno, NV 89502
Phone: (775) 357-8170
Fax: (775) 357-8172
Email: relmore@rlepc.com

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