



Board of Adjustment Staff Report

Meeting Date: June 1, 2023

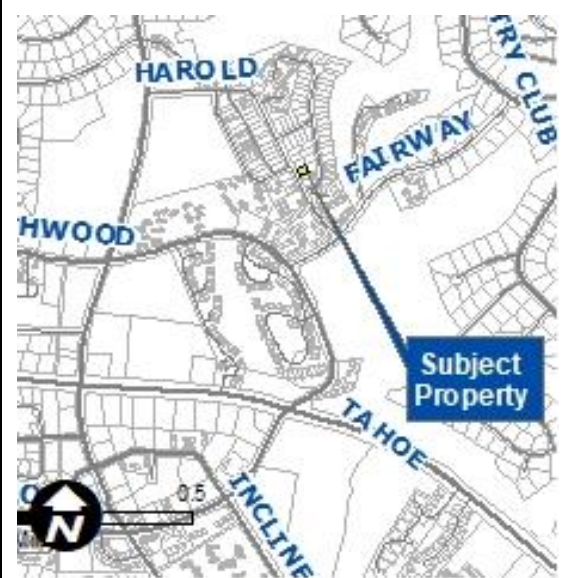
Agenda Item: 8E

VARIANCE CASE NUMBER:	WPVAR23-0001 (Harold Drive)
BRIEF SUMMARY OF REQUEST:	Request to vary the front yard setback to construct a two-story garage
STAFF PLANNER:	Julee Olander, Planner Phone Number: 775.328.3627 E-mail: jolander@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a variance of a 20-foot front yard setback to 3 feet and 5 ½ inches to allow for the construction of a two-story building with a two-car garage with a master suite on the second floor.

Applicant / Owner: Eric Ostertag
 Location: 940 Harold Drive
 APN: 131-132-06
 Parcel Size: 6,000 SF
 Master Plan: Fairway
 Regulatory Zone: Fairway (TA_F)
 Area Plan: Tahoe
 Development Code: Authorized in Article 804, Variances
 Commission District: 1 – Commissioner Hill



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR23-0001 for Eric Ostertag, having been unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25

(Motion with Findings on Page 10)

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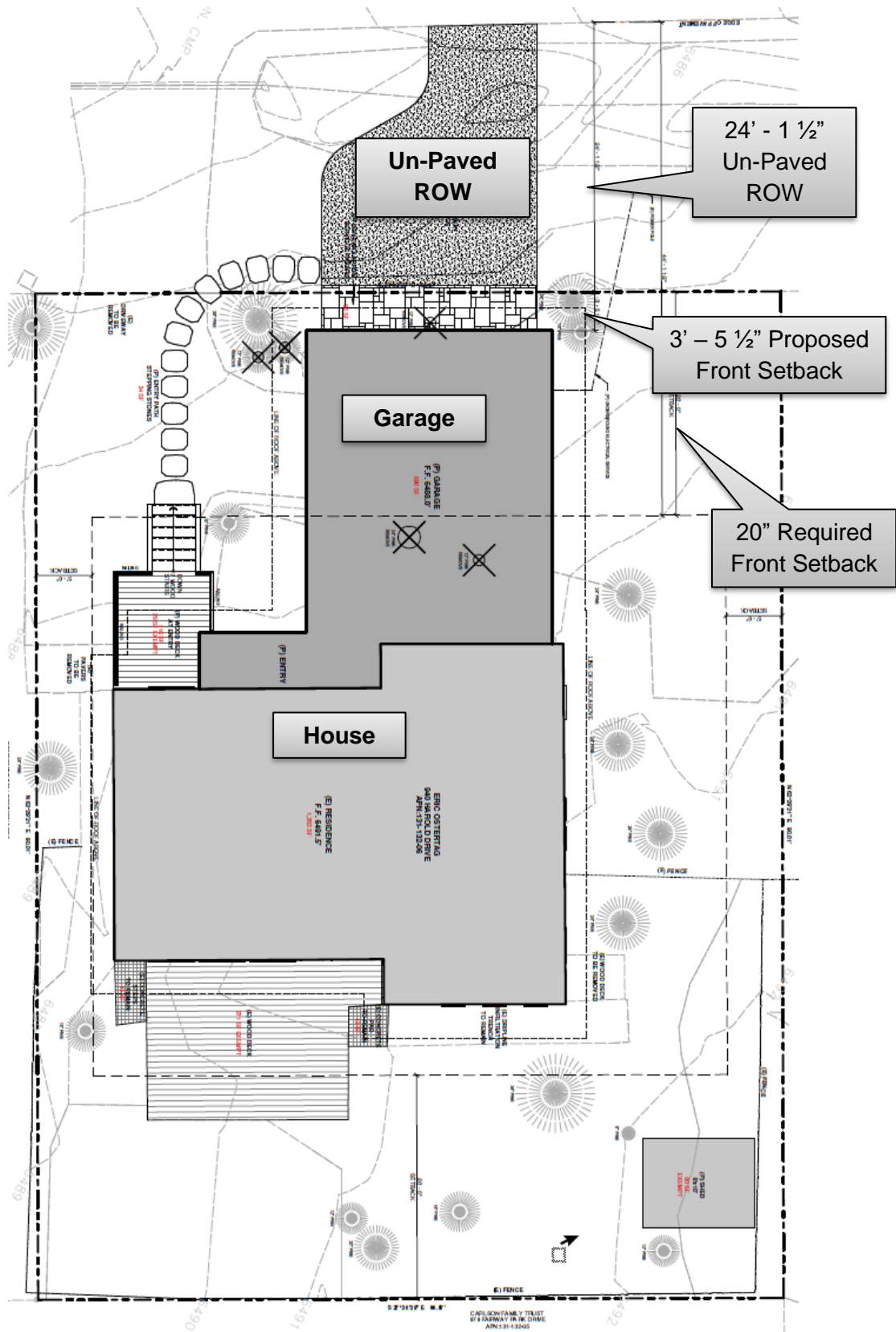
Agency Comments.....Exhibit A
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Variance Definition

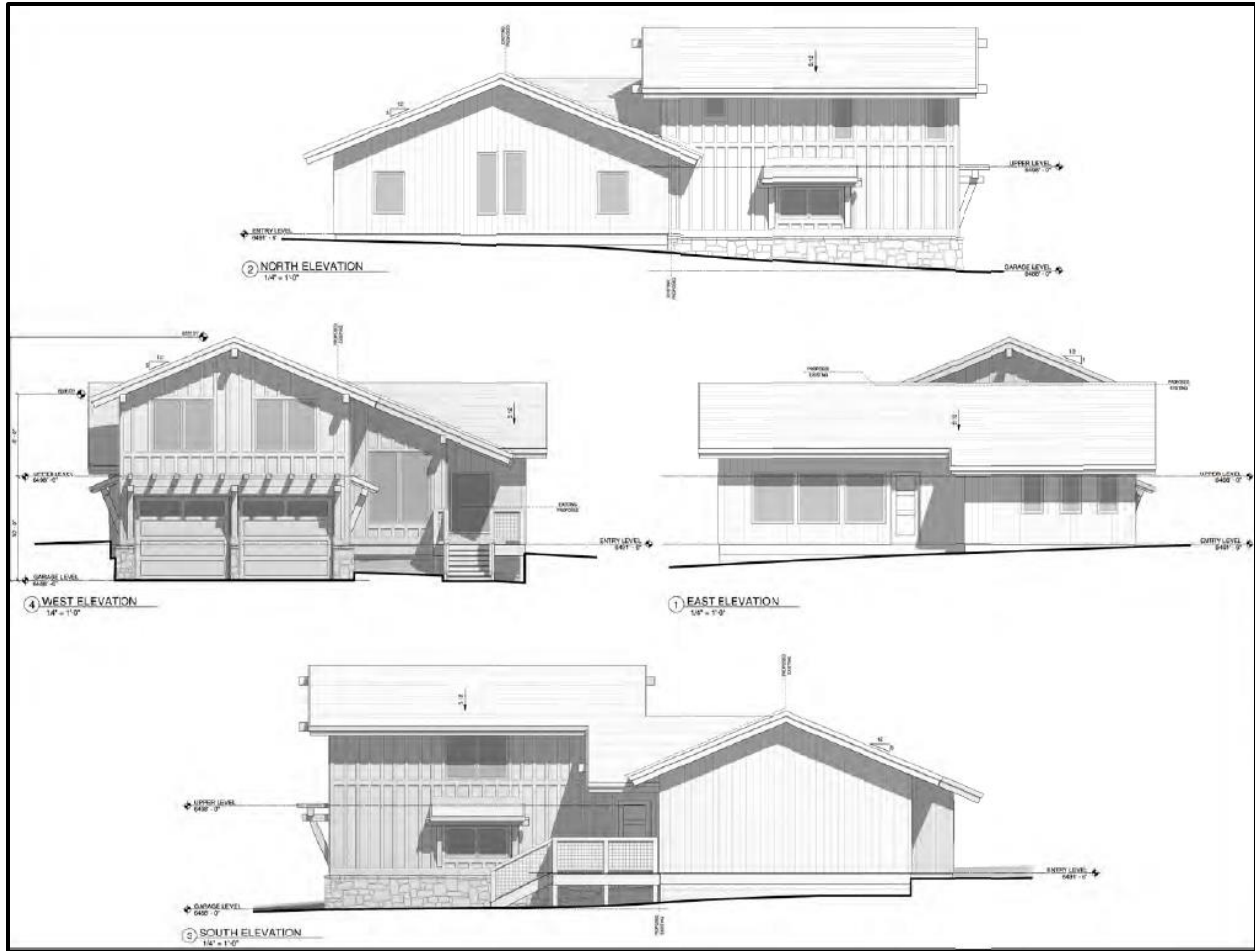
The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique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

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

The subject property has a regulatory zone of TA_F (Fairway) and the lot size is 6,000 SF. Per Washoe County Code 110.220.55 Yard and Lot Standards, the setbacks are 20-feet for the front and the rear property lines and 5-feet from the side yard property lines.



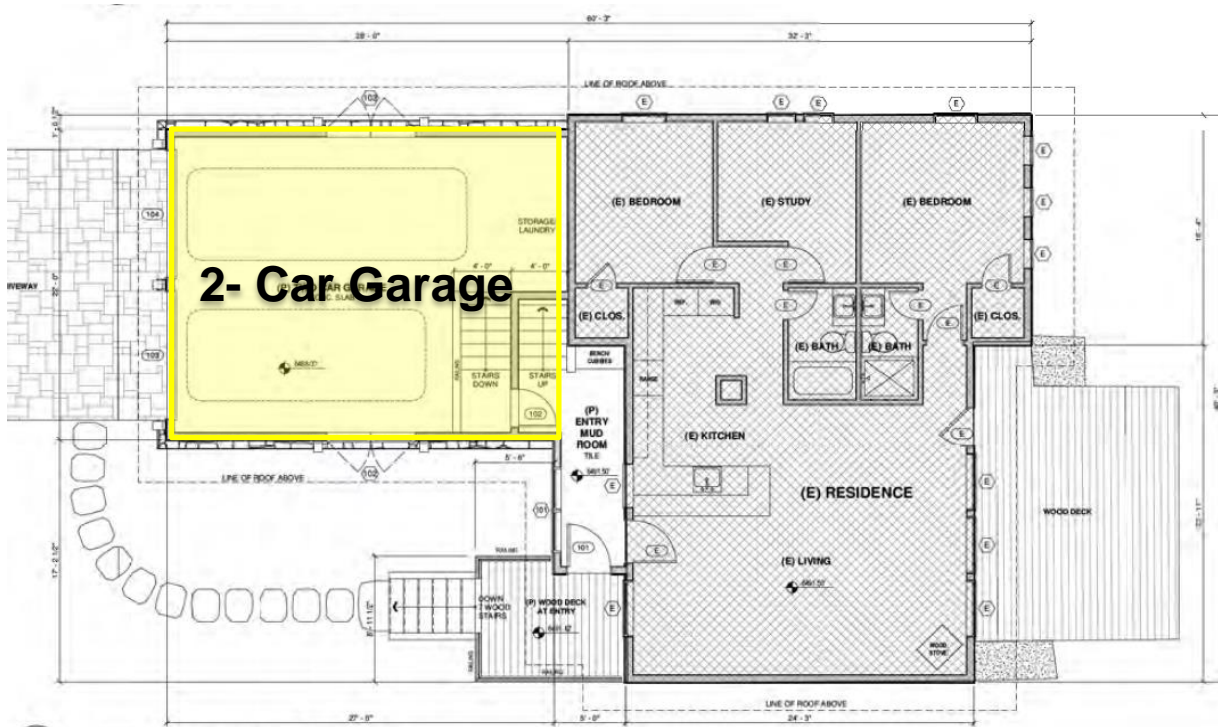
Site Plan



Elevations



2nd Story Floor Plan of Garage



Floor Plan of House and Garage





Photographs of Site

Project Evaluation

The applicant is requesting to reduce the required 20 foot front setback to 3 feet and 5 ½ inches to allow for the construction of a two story building with a two-car garage with a master suite on the second floor. There is no request to reduce the side yard setback or rear yard setback.

The 1,088 SF residence was built in 1977, without a garage. According to the applicant, “there is no possibility to add a garage” without encroaching into the front setback. Further the applicant states, “The inability to construct a garage poses a human and health and safety concern given Tahoe's harsh winters and results in the residence being non-compliant with Washoe County parking standards. The financial, environmental, and practical realities of demolishing the residence solely for the purpose of constructing a garage is unrealistic.”

Approval of a variance is limited to particular circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship:

- 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or
- 2) by reason of exceptional topographic conditions; or
- 3) other extraordinary and exceptional situation or condition of the piece of property.

If such a finding of fact can first be made, then the Board must also determine that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

Exceptional Narrowness, Shallowness, Shape or has Topographic Condition:

The parcel is not exceptionally narrow, shallow, shaped nor has exceptional topographic conditions that would warrant granting a variance. The property width is 66.67 feet, the length is 90 feet, is rectangular in shape and is relatively flat with no topographic issues. Per the Washoe County Code (WCC), Section 110.220.55 Yard and Lot Standards, the minimum lot width for lots 5,000 SF to 11,999.99 SF is 60 feet and there is no minimum lot size.

Extraordinary and exceptional situation or condition of the property and/or location of surroundings.

The applicant contends that there is an extraordinary and exceptional situation or condition of the property, based upon the year the house was built and the location of the residence. The applicant states the home's "unique position entirely centered on the parcel, likely due to its 1977 construction date. Historically, residences in Tahoe were only used in the summer months but that has changed as Incline Village has become a year round destination and economy. This existing condition results in an inability to construct a garage without the granting of a variance. The inability to construct a garage poses a human and health and safety concern given Tahoe's harsh winters and results in the residence being non-compliant with Washoe County parking standards. The financial, environmental, and practical realities of demolishing the residence solely for the purpose of constructing a garage is unrealistic."

The subdivision, Fairway Park, where this lot is located was developed with similar size lots with some lots having garages or other lots with the capability of accommodating a garage. Washoe County Code (WCC) Table 410.10.1 does requires a one-car enclosed garage. The lack of a one-car enclosed garage on the property does make this residential use non-conforming. However, the request for a garage is not an "extraordinary and exceptional situation" as there are other lots in the Fairway Park subdivision and throughout Washoe County without garages.

The applicant included a list of other parcels in the area where setback variances were approved (See Exhibit C, page 4 & 5). Each variance is evaluated on its own merits and other past approvals on other parcels, each with a unique set of circumstances, do not create a precedent for approval of any future variance request.

Staff does not find that the applicant has demonstrated that the subject property exhibits one or more of the criteria needed to make the first finding of special circumstances as required by Nevada Revised Statutes and recommends denial of the variance. Furthermore, staff is not able to make the additional findings as required by Washoe County Code, Article 804, Variances Required Findings: No Detriment, No Special Privileges and Use Authorized, as further explained in the Staff Comments on Required Findings on page 9-10.

Reviewing Agencies

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Building & Safety	X			
Washoe County Sewer	X			
Washoe County Water Rights Manager (All Apps)	X	X		Timber Weiss, tweiss@washoecounty.gov
Washoe County Engineering (Land Development) (All Apps)	X	X		Robert Wimer, rwimer@washoecounty.gov
WCHD Environmental Health	X	X		James English, jenglish@washoecounty.gov
AT&T	X	X		Bryson Gordon, bg1853@att.com
NV Energy	X			
Charter Communications	X			
Incline Village Roads	X			
IVGID	X	X		Tim Buxton, tlb@ivgid.org
North Lake Tahoe FPD	X	X		John James, jjames@nlfpd.net

All comments provided by the contacted agencies can be found in Exhibit B, Agency Comments.

Neighborhood Meeting

No neighborhood meeting was required for this residential variance application.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the required findings cannot be made to support the request.

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

Staff Comment: The property is not constrained by exceptional narrowness, shallowness, shape, topographic conditions, nor extraordinary and exceptional situation or condition, as detailed in the staff report. Therefore, by allowing development that does not conform to generally applicable code requirements this finding cannot be made to support approval of the variance request.

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

Staff Comment: The garage will bring the property into conformance per WCC Table 410.10.1, which requires a one-car enclosed garage. However, because there are no identifiable special circumstances applicable to the piece of property, granting the variance will impair the intent and purpose of the Development Code and will be substantially detrimental to the public good. Therefore, by allowing development that does not conform

to generally applicable code requirements this finding cannot be made to support approval of the variance request.

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

Staff Comment: As there are no special circumstances applicable to the property, approval of the requested variance has the potential to grant special privileges by allowing the garage to be constructed within the required front yard setback. Therefore, by allowing development that does not conform to generally applicable Code requirements this finding cannot be made to support approval of the variance request.

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

Staff Comment: The construction of a garage would bring the property into conformance with WCC Table 410.10.1, which requires a one-car enclosed garage. However, because there are no identifiable special circumstances applicable to the piece of property, granting the variance will impair the intent and purpose of the Development Code and would authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property. Therefore, by allowing development that does not conform to generally applicable Code requirements this finding cannot be made to support approval of the variance request.

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

Staff Comment: There are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

After a thorough analysis and review, Variance Case Number WPVAR23-0001 is being recommended for denial, primarily because there are no special circumstances applicable to the property that result in a hardship. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR23-0001 for Eric Ostertag, having been unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25:

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;

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

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Eric Ostertag.,
eric.ostertag@gmail.com

Representative: Exline & Company, Inc.,
andrea@exlineandcompany.com



Date: April 25, 2023

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

Re: Variance Case WPVAR23-0001 – 940 Harold Drive
APN 131-132-06

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application, prepared by Exline & Company, is for a variance to reduce the front yard setback from 20 feet to 24 feet 1 ½ inches.

The Engineering and Capital Projects Division recommends approval of this variance case with no additional conditions of approval.



Date: April 25, 2023

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

Re: Variance Case WPVAR23-0001 – 940 Harold Drive
APN 131-132-06

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application, prepared by Exline & Company, is for a variance to reduce the front yard setback from 30 feet to 24 feet 1 ½ inches.

The Engineering and Capital Projects Division recommends approval of this variance case with no additional conditions of approval.

From: [John James](#)
To: [Olander, Julie](#)
Subject: FW: April Agency Review Memo II 5. Variance Case Number WPVAR23-0001 (940 Harold Drive)
Date: Friday, April 14, 2023 4:11:10 PM
Attachments: [Outlook-qqtsv1uo.png](#)

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

Hello Julie,

Item # 5. Variance Case Number WPVAR23-0001 (940 Harold Drive)

NLTFPD Comments:

NLTFPD will review this project for code compliance at the time of formal submittal.

Have a great weekend,



John James
Fire Marshal

Office: [775.831.0351](tel:775.831.0351) x8131 | Cell: [775.413.9344](tel:775.413.9344)
Email: jjames@nltfpd.net
[866 Oriole Way | Incline Village | NV 89451](#)



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

April 27, 2023

Washoe County Community Services
Planning and Development Division

RE: 940 Harold Drive; 131-132-06
Variance Case; WPVAR23-0001

Dear Washoe County Staff:

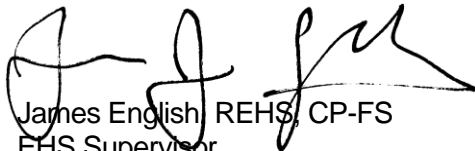
The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD), which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed the above referenced application and the parcel is serviced by community water and sewerage systems.
- b) Condition #2: Based on the information above, the WCHD has no concerns or comments related to this application as submitted.

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

Sincerely,



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

Date	4-17-23
Attention	Julee Olander
Re	Variance Case Number WPVAR23-0001
APN	131-132-06
Service Address	940 Harold Drive
Owner	Eric Ostertag

[Variance Case Number WPVAR23-0001 \(940 Harold Drive\)](#) – For hearing, discussion, and possible action to approve a variance of a 20-foot front yard setback to 3 feet and 5 ½ inches to allow for the construction of a two story building with a two-car garage with a master suite on the second floor.

- Applicant: Exline & Company, Inc.
- Property Owner: Eric Ostertag
- Location: 940 Harold Drive
- Assessor's Parcel Number(s): 131-132-06
- Parcel Size: 6,000 SF
- Master Plan Category: Tahoe
- Regulatory Zone: Fairway
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3627
- E-mail: jolander@washoecounty.gov

IVGID Comments: No Impact to the Incline Village General Improvement District.

From: [Weiss, Timber A.](#)
To: [Olander, Julee](#)
Subject: No water right comments for Variance Case Number WPVAR23-0001 (940 Harold Drive)
Date: Monday, April 24, 2023 2:03:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

No water right comments for Variance Case Number WPVAR23-0001 (940 Harold Drive)

Thank you,



Timber Weiss, PE | Professional Engineer

Engineering & Capital Projects Division | Community Services Department

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

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

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

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



From: [GORDON, BRYSON](#)
To: [Olander, Julee](#)
Cc: [COOPER, CLIFFORD E](#)
Subject: April Agency Review Memo II
Date: Monday, April 17, 2023 8:02:24 AM

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

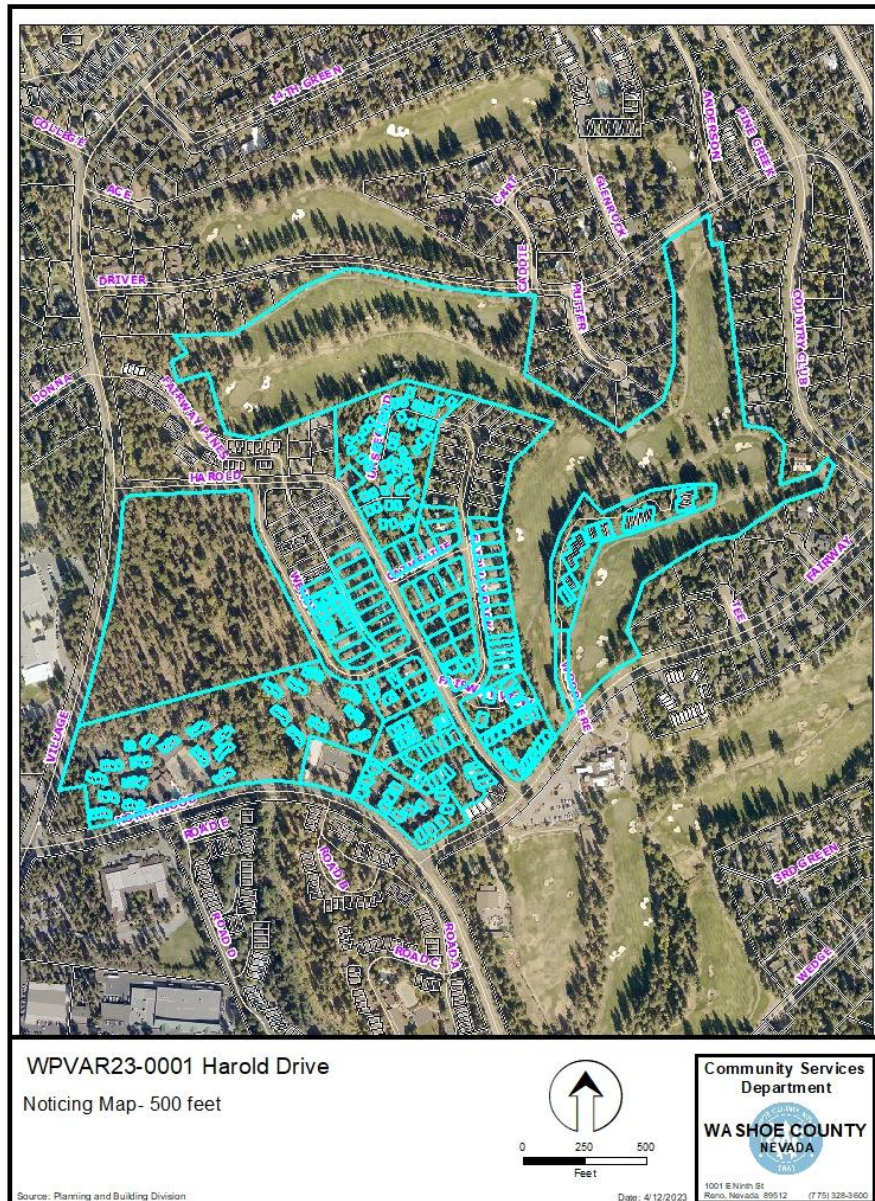
Good morning Julee,
AT&T has no adverse comments regarding WPVAR23-0001 (940 Harold Drive). We look forward to reviewing the final map.

Thank you,

Bryson Gordon
MGR OSP PLNG & ENGRG DESIGN
AT&T NEVADA ROW
Office: 775-683-5223
Cell: 775-343-6655
E-mail: bg1853@att.com

Public Notice

Washoe County Code requires that public notification for a variance permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 500-foot radius of the subject property. A total of 135 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map
Variance Case Number WPVAR23-0001

940 Harold Dr.

Variance Application

APN 131-132-06

Washoe County Community Services Department



April 5, 2023

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

VARIANCE APPLICATION, 940 HAROLD DR. RENO, NV., 89451 ASSESSOR'S PARCEL NUMBER (APN) 131-132-06

Dear CSD Staff:

The attached Variance application is being submitted by Exline & Company, Inc. ("the Agent") on behalf of Eric Ostertag ("the Applicant") for the Subject Parcel.

Existing Parcel Condition:

The Subject Parcel is 6,000 square feet in size and has been verified by TRPA via a full site assessment in 1998 as entirely class 6, with 1,800 square feet of allowable coverage and 2,069 square feet of on-site and 488 square feet of off-site existing coverage. (See attached). Additionally, there is a class 1b SEZ setback adjacent to Harold Dr.

The Subject Parcel maintains an existing single-family residence. The existing single-family residence contains the main residence and an enclosed front deck and an uncovered rear deck. There is currently no garage on the Subject Parcel. The proposed project is located in Incline Village near the Championship Golf Course.

Proposed Project:

Given Tahoe's snowy winter conditions and the record snowfall received this year, an enclosed garage has been found to be a necessity for human health & safety as demonstrated by an enclosed parking space being required by Washoe Section 110.410.10 Required Parking Spaces. Washoe County Code requires two (2) parking spaces for single-family residences, one of which may be enclosed. The Washoe County Code requires enclosed parking for single-family residences because Washoe County understands and has established the human health and safety necessity of having a garage. This is specifically true in Tahoe due to the harsh winter conditions.

The residence on the Subject Parcel was constructed in 1977 pre the current development Code and when residences in Tahoe were typically used in the summer, thus a garage was less significant. This development pattern existed within the vicinity of the Subject Parcel. Surrounding residences similarly didn't have existing garages due to the age in which the residences were constructed and the time in year in which they were used. In an effort to address the lack a garage, property owner's in the vicinity have completed very similar variance

processes with the County to allow for the construction of a garage (see Community Character: Surrounding Variance Approvals).

The Subject Parcel is located within the Washoe County Tahoe Area Plan area, Residential Tahoe Fairway zoning with 30' front and 15' SEZ front, 10' rear and 5' side setbacks. The Applicant is seeking a variance for the proposed attached garage addition within newly proposed setbacks. The Applicant is proposing a 24' 1½" setback from the previously existing 30' setback along Harold Drive to allow for the construction of a two car garage. Additionally, the rear property setback of 10' will be extended to 20' to account for the front setback and the modification of the deck to comply with allowed coverage. The Applicant also proposes the addition of a room above the garage creating a second story to the residence. Please see attached site plan for the complete upper level floor plan layout.

Proposed Colors & Materials:

The proposed colors will adhere to TRPA standard approved earth tone colors for paint, siding and roofs in the Lake Tahoe Region.

Grading:

There will be no grading associated with this project.

Lighting:

There will be no changes to the existing lighting.

BMP Certification:

The Subject Parcel maintains an existing BMP certificate

Hardship:

The Subject Parcel is relatively small (6,000 SF) and maintains an existing residence without a garage. For functional and regulatory compliance reasons a garage has to maintain certain dimensions. Given the location of the existing residence and the functional/regulatory requirements of a garage dimensions there is no possibility to add a garage (bringing the residence into Washoe County parking compliance) without encroaching into the existing 30' front setback. The distance between the existing residence and the front setback cannot accommodate a garage.

The inability to install a garage that has been established to constitute a human health & safety benefit because the existing residence and parcel dimensions don't allow for it constitutes a hardship of the land.

Community Character: Previous Variance Approvals

While evaluating the character of the surrounding neighborhood, all surrounding single-family dwellings have an attached garage or a detached garage providing an enclosed parking space. For residences built without a garage, most followed a variance process in order to build an attached/detached garage with new proposed variances to be within compliance and incorporating neighborhood characteristics.

As Table 1 below establishes, Washoe County has approved several variances in the past in the near vicinity to allow for the construction of garages.

Table 1: Washoe County Variance Approvals

940 Harold Dr - Surrounding Variance Applications					
APN	Address	Variance Description	Status	Washoe File No.	Date Issued
131-133-03	931 Harold Dr	TO REDUCE THE SIDE YARD REQUIREMENT FROM 5 FEET TO 9 FET FOR THE PURPOSE OF CONSTRUCTING AN 8 WIDE ENTRY DECK ON A 16 ACRE PARCEL ZONED R 3 MULTIPLE AND DESIGNATED HIGH DENSITY SUBURBAN HDS IN THE TAHOE AREA PLAN	Approved	V4-18-91	8/14/2002
131-121-33	910 Harold Dr	To allow an accessory building in a required front yard area to facilitate the construction of a detached garage on a 22 acre lot zoned R 3 Multiple and designated Specific Plan Area in the Tahoe Area Plan	Approved	V1-3-92	8/7/2002
131-132-01	520 Catherine Dr	To reduce the required front yard setback within Section 110 406 05 1 from 15 feet to 13 feet to bring an existing residence into conformance with code No further intrusion into the setback is requested The property is located at 520 Catherine Drive Lot 5 Block C Fairway Park Subdivision The 15 acre parcel is designated LDU Low Density Urban in the Tahoe Area Plan and situated in a portion of Section 15 T16N R18E MDB M Washoe County	Approved	V1-6-98	03/05/1998
131-132-02	971 Fairway Park Dr	To reduce the rear yard requirement from 20 feet to 10 feet for the purpose of constructing a bedroom addition on a single family residence The 6 100 square foot parcel is zoned R 3 Multiple and designated High Density Suburban HDS in the Tahoe Area Plan	Approved	V9-39-92	08/26/2002

131-121-10	952 Fairway Park Dr	Reduction of the required rear yard setback from 20 feet to 7 feet to bring an existing deck into conformance and to facilitate a sunroom addition upon that deck The property is located at 952 Fairway Park Drive Lot 8 and 9 Block A Fairway Park Subdivision The 315 acre parcel is designated High Density Suburban HDS in the Tahoe Area Plan	Approved	V6-22-95	07/23/2002
131-121-07	960 Fairway Park Dr	TO WAIVE REAR YARD SETBACK REQUIREMENTS FROM 30 TO 20 IN THE CONSTRUCTION OF A SINGLE FAMILY RESIDENCE IN LOT 12 BLOCK A FAIRWAY PARK SUBD INCLINE VILLAGE NV	Approved	V-8-78W	06/19/2002
131-121-09	956 Fairway Park Dr	Amendment of Variance Case No V4 30 96 To amend an earlier approved variance by increasing the previously allowable height of a detached garage in a front yard from 16 5 feet to 25 feet and to increase the maximum allowable stories of a detached garage from one to two The original request was to reduce the required front yard setback from 15 feet to 8 feet and to increase the allowable height of a detached garage in the front yard from 12 feet to 16 5 feet to facilitate the construction of a detached two car garage Additionally the original request would reduce the required rear yard setback from 20 feet to 7 feet to bring an existing deck into compliance with code	Approved	V4-30-96	08/02/2001

The previous variance approvals were approved using very similar to the rationale being currently proposed. In addition, the garage addition will mimic the character of the surrounding residences and the approximate distance those existing, abutting garages sit in comparison to Harold Drive. Please refer to the attached photo exhibit highlighting the approved nearby variances and their attached/detached garage additions.

Variance Approval Benefits

The variance approval and the ability to construct a garage is beneficial for several reasons.

1. The ability to use a garage given Tahoe’s harsh winters constitutes a human health & safety benefit.
2. The construction of a garage will allow the residence to come into compliance with Washoe County’s parking requirements.

3. The construction of a garage will match the existing character of the neighborhood allowing the residence to come into character alignment with the surrounding community.

We trust the above (and attached) is acceptable. If you require any additional information, or have any further questions/comments, please do not hesitate to reach out at general@exlineandcompany.com & andrea@exlineandcompany.com.

Sincerely,

A handwritten signature in black ink that reads "Andrea Gonzalez". The signature is written in a cursive, flowing style.

Andrea Gonzalez
Assistant Planner

Table of Contents

Washoe County Variance Application & Supplemental Information

Photo Exhibit

Site Plan (Attached Separately)

Community Services Department
Planning and Building
VARIANCE APPLICATION



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

Telephone: 775.328.6100

Washoe County Development Application

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

Project Information		Staff Assigned Case No.: _____	
Project Name: 940 Harold Dr. Variance			
Project Description: The applicant is proposing to obtain a variance from the standard requirements for the construction of a garage connecting to an existing SFD.			
Project Address: 940 Harold Dr, Incline Village, NV 89451			
Project Area (acres or square feet): 2,024 SF			
Project Location (with point of reference to major cross streets AND area locator): 940 Harold Dr. With nearest major cross streets are Village Blvd & Fairway Blvd.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
131-132-06	6,000 SF		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner: Eric Ostertag		Professional Consultant:	
Name:		Name: Exline & Company, Inc.	
Address: 3347 Meridian Ln, Reno, NV 89509		Address:	
Zip:		Zip:	
Phone:		Phone:	
Fax:		Fax:	
Email: eric.ostertag@gmail.com		Email:	
Cell:		Cell:	
Other:		Other:	
Contact Person:		Contact Person:	
Applicant/Developer: Exline & Company, Inc.		Other Persons to be Contacted:	
Name:		Name:	
Address: P.O Box 16789		Address:	
Zip:		Zip:	
Phone: 775-240-9361		Phone:	
Fax:		Fax:	
Email: general@exlineandcompany.com		Email:	
Cell:		Cell:	
Other:		Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:		Planning Area:	
Initial:		Master Plan Designation(s):	
County Commission District:		Regulatory Zoning(s):	
CAB(s):			

Variance Application Supplemental Information

(All required information may be separately attached)

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

See attached.

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

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

See attached.

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

See attached.

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

See attached.

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

See attached.

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

Yes No If yes, please attach a copy.

7. How is your current water provided?

See attached.

8. How is your current sewer provided?

See attached.

Variance Application Supplemental Information Responses

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

Front yard setback & rear yard setback.

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

Due to the limiting size of the parcel and the respective location of the residence, and the functional/regulatory requirements of a garage dimensions there is no possibility to add a garage (bringing the residence into Washoe County parking compliance) without encroaching into the existing 30' front setback. The distance between the existing residence and the front setback cannot accommodate a garage.

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

The proposed variance will not have any impacts on view, privacy, or pedestrian or traffic safety and will abide by neighborhood characteristics and previously approved variances within the vicinity.

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

The proposed variance will align the Subject Parcel with the existing character of the surrounding residences, which maintain existing garages. The variance approval and construction of a garage will improve the scenic character consistency and will allow the residence to come into compliance with Washoe County's parking requirements of including an enclosed parking space.

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

The hardship of not having access to a garage that is a common characteristic within the Fairway neighborhood would be denied notably during winter. Given Tahoe's snowy winter conditions and the record snowfall received this year, an enclosed garage has been found to be a necessity for human health & safety as demonstrated by an enclosed parking space being required by Washoe Section 110.410.10 Required Parking Spaces. Washoe County Code requires two (2) parking spaces for single-family residences, one of which may be enclosed. The human health and safety necessity of having a garage would be denied, which is a common characteristic with other properties in the neighborhood.

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

No.

7. How is your current water provided?

Incline Village GID.

8. How is your current sewer provided?

Incline Village GID.

Photo Exhibit

940 Harold Dr. & Surrounding Approved Variances

Photo Exhibit





940 Harold Dr, Incline
Village, NV 89451
APN# 131-132-06
Photo Date: March 31, 2023





940 Harold Dr, Incline
Village, NV 89451
APN# 131-132-06
Photo Date: March 31, 2023





940 Harold Dr, Incline
Village, NV 89451
APN# 131-132-06
Photo Date: March 31, 2023



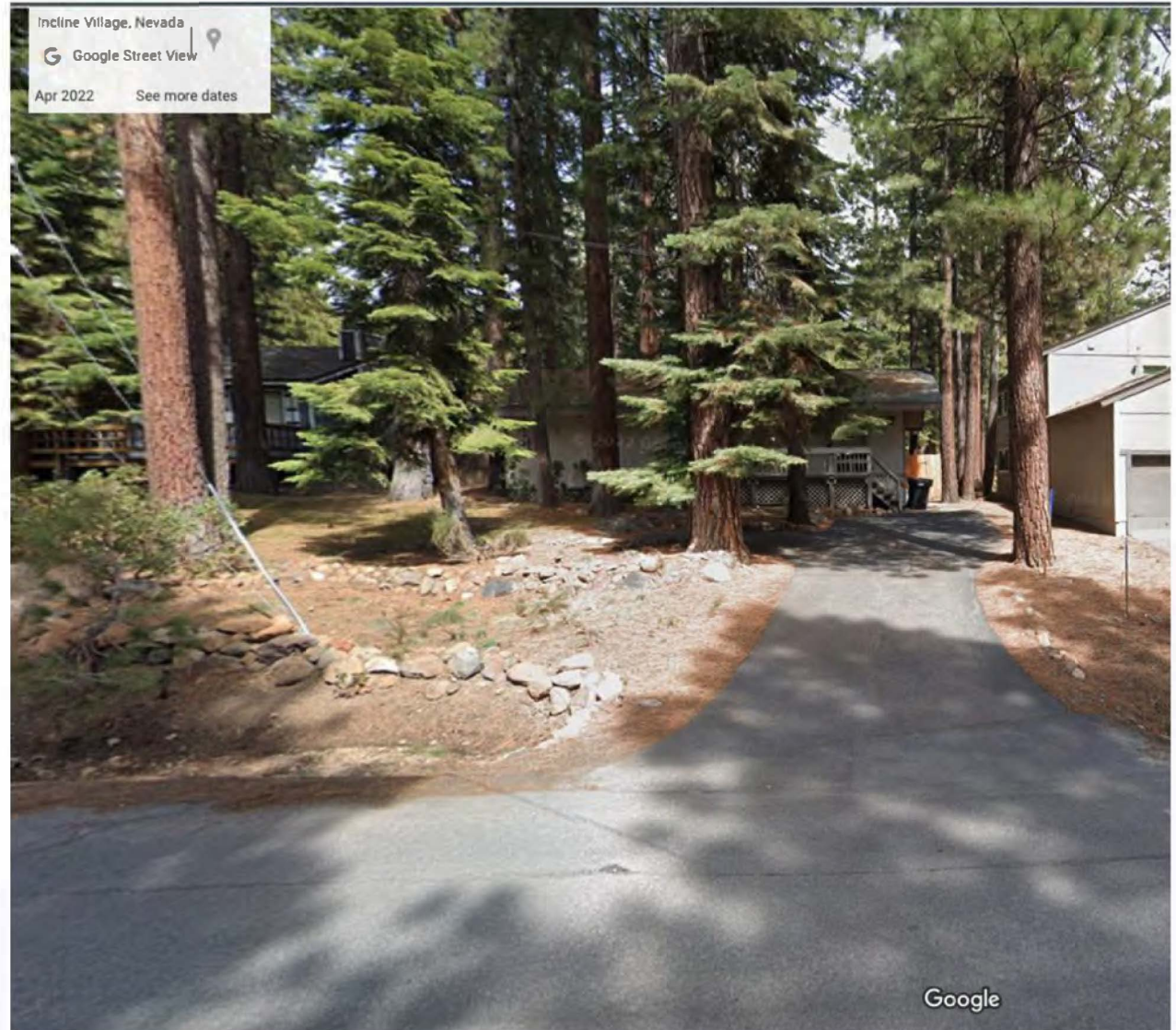


940 Harold Dr, Incline
Village, NV 89451
APN# 131-132-06
Photo Date: April, 2022





940 Harold Dr, Incline
Village, NV 89451
APN# 131-132-06
Photo Date: April, 2022





520 Catherine Dr, Incline
Village, NV 89451
APN# 131-132-01
Photo Date: March 31, 2023





520 Catherine Dr, Incline
Village, NV 89451
APN# 131-132-01
Photo Date: March 31, 2023





520 Catherine Dr, Incline
Village, NV 89451
APN# 131-132-01
Photo Date: April, 2022





956 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-09
Photo Date: March 31, 2023



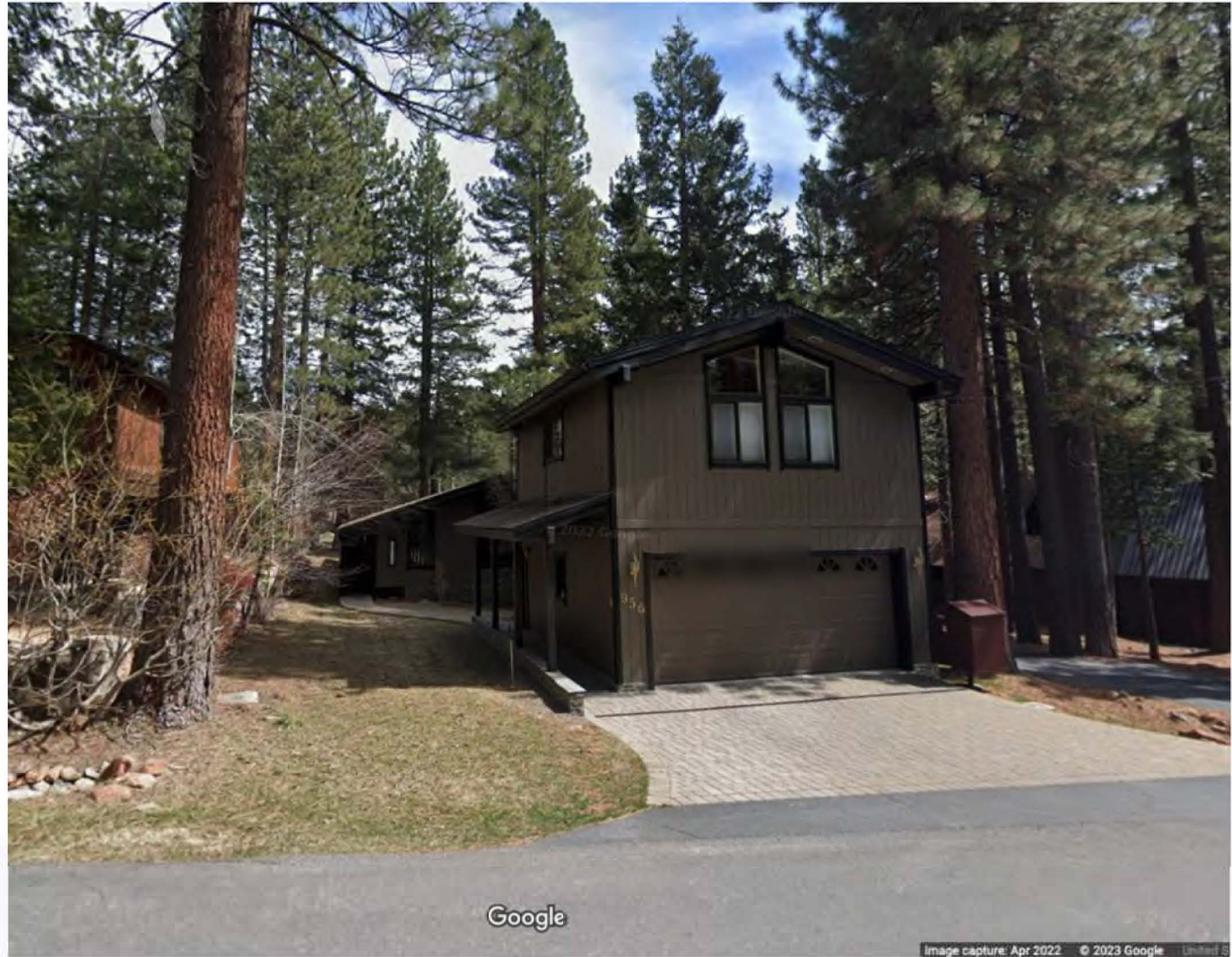


956 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-09
Photo Date: March 31, 2023





956 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-09
Photo Date: April, 2022





960 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-07
Photo Date: March 31, 2023





960 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-07
Photo Date: March 31, 2023



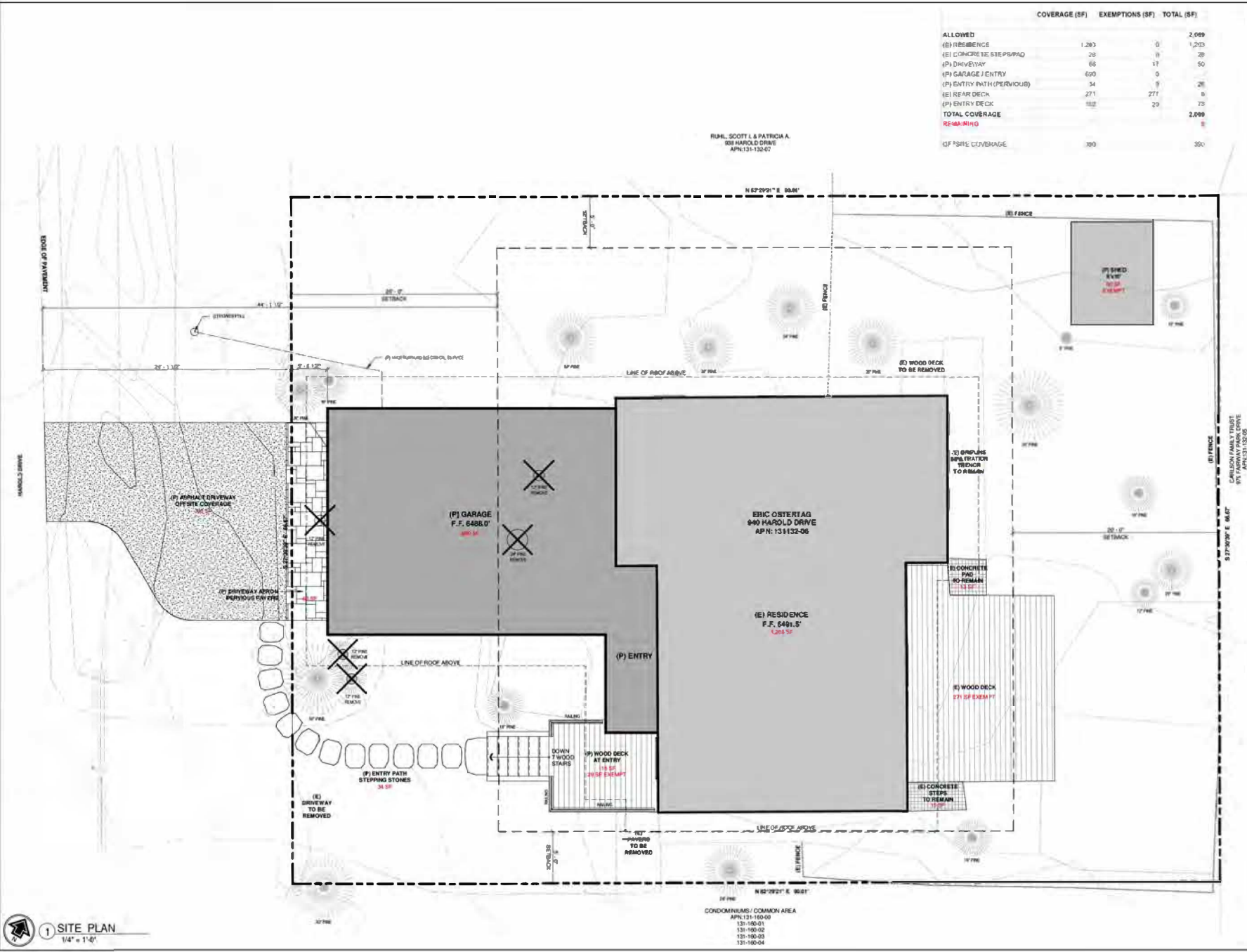


960 Fairway Park Dr, Incline
Village, NV 89451
APN# 131-121-07
Photo Date: April, 2022



	COVERAGE (SF)	EXEMPTIONS (SF)	TOTAL (SF)
ALLOWED			2,099
(E) RESIDENCE	1,293	0	1,293
(E) CONCRETE STEPS/PAD	28	0	28
(P) DRIVEWAY	68	17	50
(P) GARAGE / ENTRY	600	0	600
(P) ENTRY PATH (PERVIOUS)	34	0	34
(E) REAR DECK	271	271	0
(P) ENTRY DECK	532	29	503
TOTAL COVERAGE			2,099
REMAINING			
OF SITE COVERAGE	390		390

RHPL, SCOTT I & PATRICIA A.
938 HAROLD DRIVE
APRIL 13, 2007



SITE PLAN

THIS COVERAGE MAP WAS PREPARED BY DALE COX ARCHITECTS
940 HAROLD DRIVE
WAINWIC COUNTY, NC 28515-5907
FOR THE ABOVE PROPERTY. THE APPLICABLE ZONING ORDINANCE, LOCAL ORDINANCES, AND ANY OTHER REGULATORY AGENCIES' REQUIREMENTS SHALL BE APPLIED TO THIS PROJECT. THE APPLICABLE ZONING ORDINANCE IS LOCATED AT 28 NC AC 100-100.010.

REVISIONS

**PROGRESS SET
NOT FOR CONSTRUCTION**

940 HAROLD DRIVE

INCLUDE VILLAGE (N 89451
WAINWIC COUNTY
APN: 131-132-06)

DALE COX ARCHITECTS
ARCHITECTURE - PLANNING - CONSTRUCTION MANAGEMENT
4788 Raleigh Parkway #417
Raleigh, NC 27615-5907
Phone: (919) 555-5944 Fax: (919) 555-9415

DESIGNED BY	JW	SHEET	
DATE	3-29-22		
SCALE	1/4" = 1'-0"		
JOB #	3203-07		

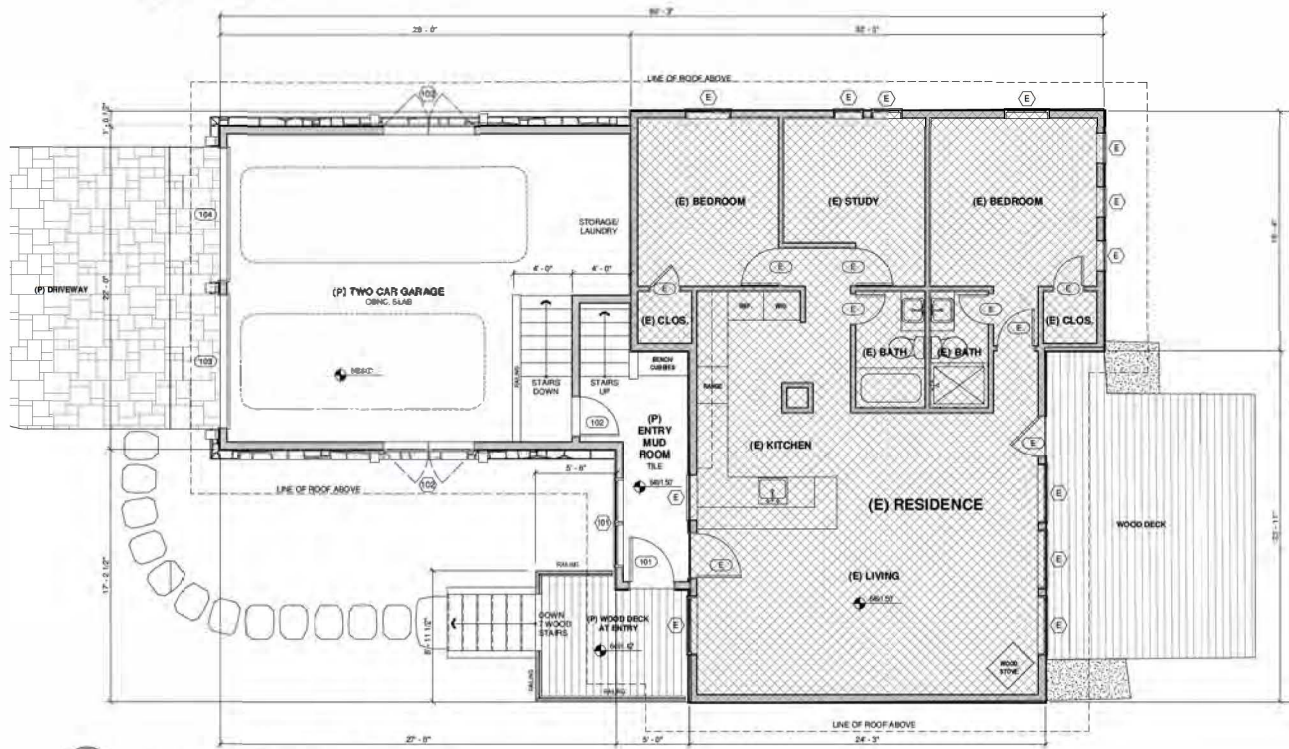
A1.1

1 SITE PLAN
1/4" = 1'-0"

CONDOMINIUMS / COMMON AREA
APN: 131-160-00
131-160-01
131-160-02
131-160-03
131-160-04



2 UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



1 GARAGE AND ENTRY LEVEL FLOOR PLAN
1/4" = 1'-0"

FLOOR PLANS

THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED BY DALE COX ARCHITECTS
940 HAROLD DRIVE
WASHOE COUNTY
REVISIONS

PROGRESS SET
NOT FOR CONSTRUCTION

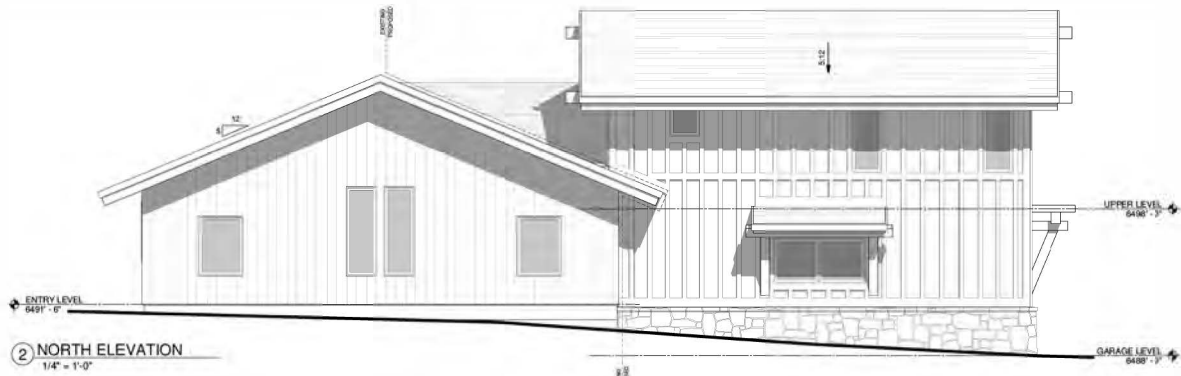
940 HAROLD DRIVE

INCLINE VILLAGE - NV 89451
WASHOE COUNTY
APN: 131-132-06

DALE COX ARCHITECTS
ARCHITECTURE - PLANNING - CONSTRUCTION MANAGEMENT
4700 Coughlin Parkway #417
Reno NV 89519-9007
Phone (530) 550-9448 Fax (530) 550-9405

DRAWN BY: JW
DATE: 3-29-20
SCALE: 1/4" = 1'-0"
JOB #: 2020-07

SHEET
A2.1



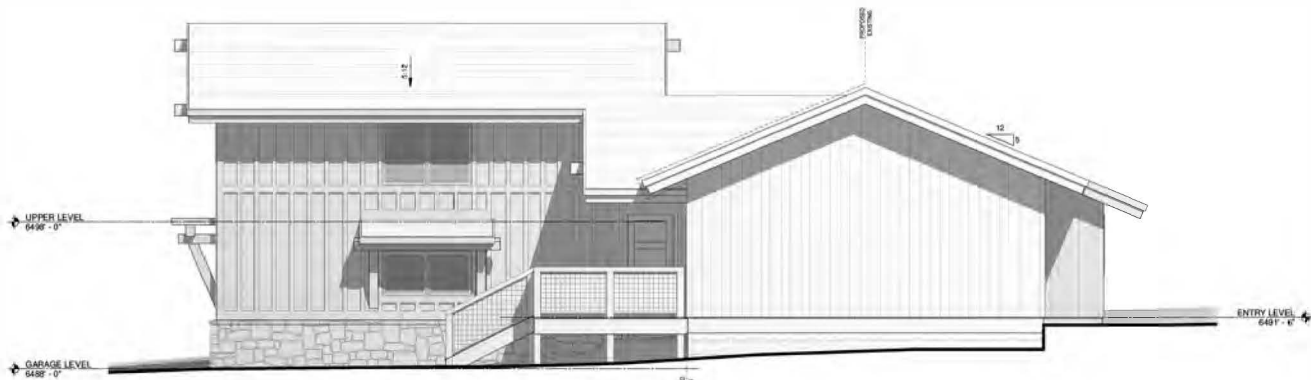
② NORTH ELEVATION
1/4" = 1'-0"



④ WEST ELEVATION
1/4" = 1'-0"



① EAST ELEVATION
1/4" = 1'-0"



③ SOUTH ELEVATION
1/4" = 1'-0"

ELEVATIONS

THIS DOCUMENT HAS BEEN PREPARED BY SAUL COX ARCHITECTS
940 HAROLD DRIVE
ALPINE, WISCONSIN 53110
PHONE 262.551.5000 FAX 262.551.5001
WWW.SAULCOXARCHITECTS.COM

REVISED

PROGRESS SET
NOT FOR CONSTRUCTION

940 HAROLD DRIVE

ALPINE VILLAGE, 1/2 BLDG 01
WALDO COUNTY
ALPINE, WI 53110

DALE COX ARCHITECTS
ARCHITECTURE, PLANNING, CONSTRUCTION MANAGEMENT
678 Eighth Parkway #117
Rice WI 53153-2007
Phone: (262) 551-5044 Fax: (262) 551-5115

DATE: 5-29-23
SCALE: 1/4" = 1'-0"
JOB #: 2020-07

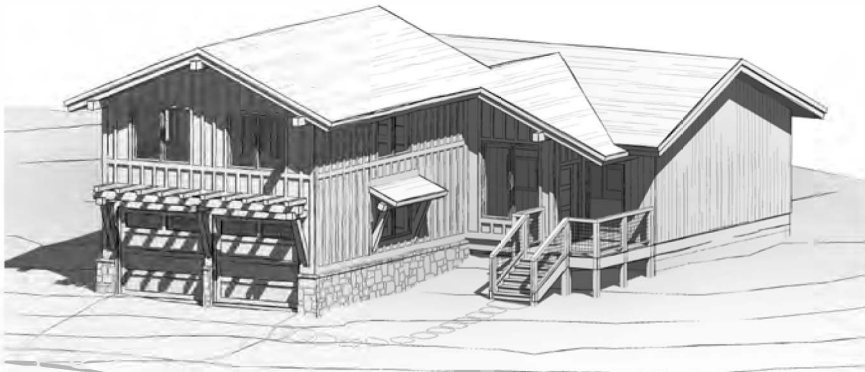
1 OF 1
A3.1



1 VIEW FROM SOUTHWEST



2 VIEW FROM NORTHWEST



3 OVERHEAD VIEW FROM SOUTHWEST



4 OVERHEAD VIEW FROM NORTHWEST

PERSPECTIVE VIEWS

THESE CONCEPTS HAVE BEEN PREPARED BY DALE COX ARCHITECTS
940 HAROLD DRIVE
THESE CONCEPTS ARE NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN CONSENT OF DALE COX ARCHITECTS. REPRODUCTIONS ARE PROHIBITED.

REVISIONS

PROGRESS SET
NOT FOR CONSTRUCTION

940 HAROLD DRIVE

INCLINE VILLAGE IN 80451
WASHINGTON COUNTY
APN: 131-132-08

DALE COX ARCHITECTS
ARCHITECTURE · PLANNING · CONSTRUCTION MANAGEMENT
4700 Highway Parkway 441T
P.O. Box 5915-2007
Phone: (800) 555-2444 Fax: (870) 285-1415

DRAWN BY: JW	SHEET
DATE: 3-29-09	
SCALE:	
JOB # 2009-07	A9.1