



WAB19-0002 (Romance Avenue)



Washoe County Planning Commission

February 1, 2022





Request

- **The request is for a 20-foot abandonment of a portion of Romance Avenue, an undeveloped roadway**
- **The area will be abandoned to the abutting property to the south, owned by the applicant Richard & Lillian Dixon**



Overall Area

Abandonment
Area

Applicant's
property



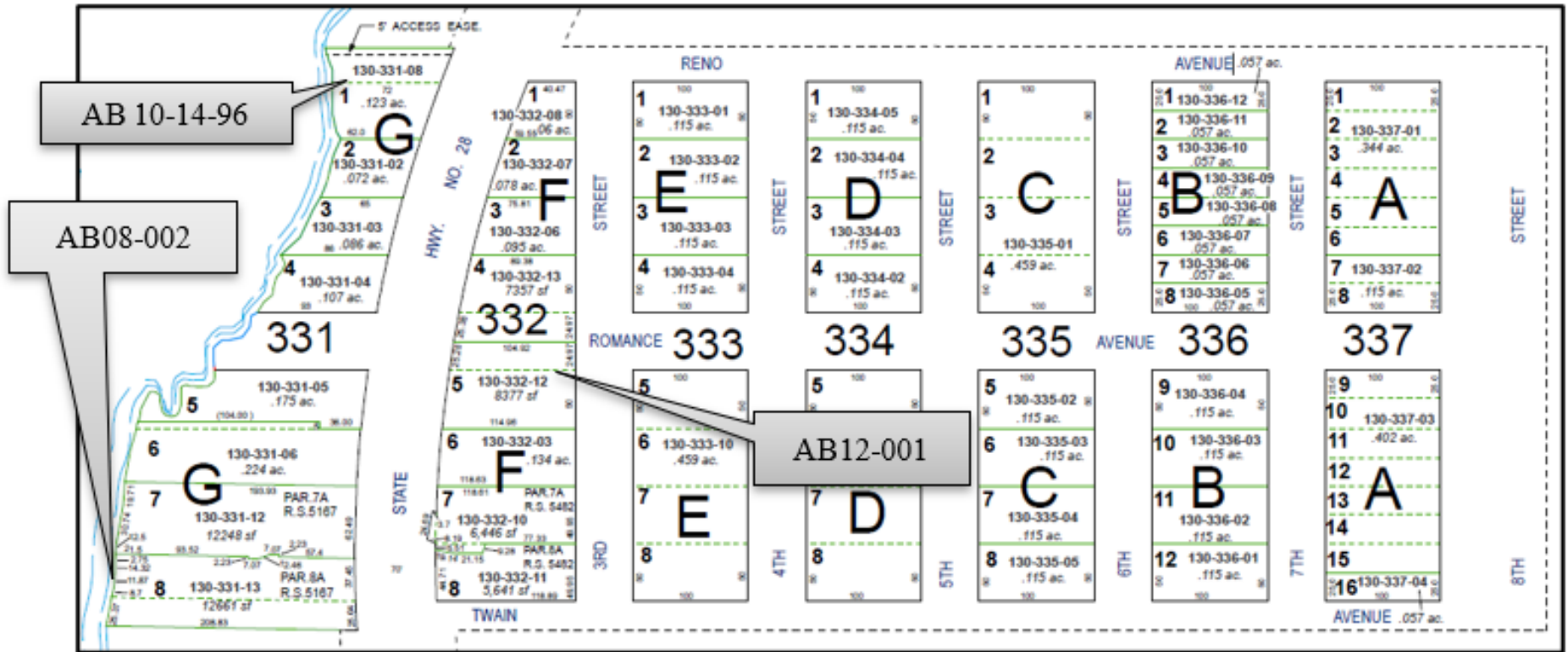


Background

- **The public right-of-way is located in the Rocky Ponte subdivision, which was created in 1908**
- **Several roadways in the subdivision were never constructed and some of those roadways have been abandoned to other adjacent property owners**



Abandoned properties





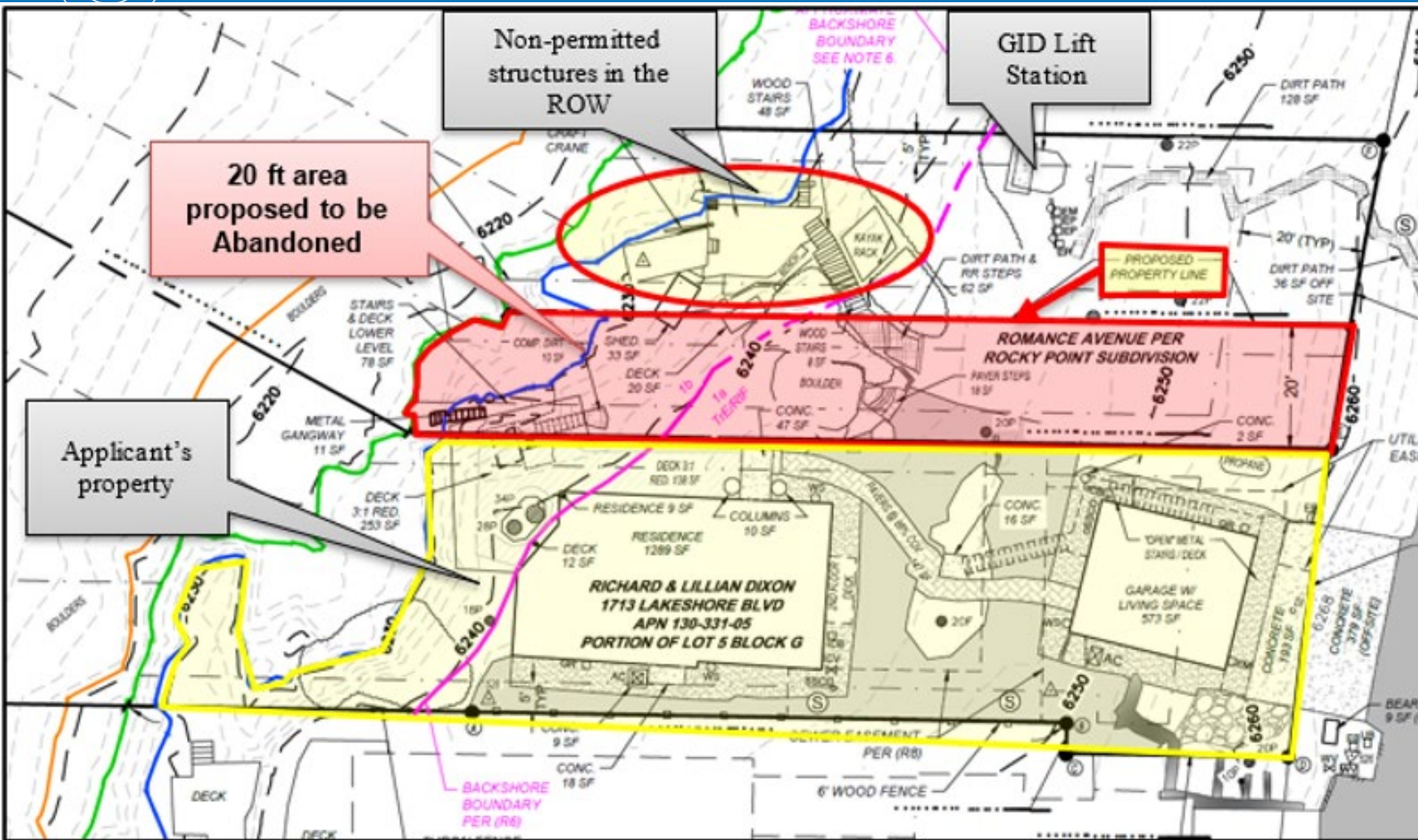
Abandoned Properties

- 1. Abandonment in 1996 of +2,200 SF of Reno Ave. to 1705 Lakeshore Blvd. (AB 10-14-96)**
- 2. Abandonment in 2008 of 185 linear feet of Twain Ave. to 1717 Lakeshore Blvd. (AB08-002)**
- 3. Abandonment in 2012 of Romance Avenue between NV State Highway 28 and 3rd Street to 1710 Lakeshore Blvd. (AB12-001)**



Analysis

- **The proposed abandonment will correct an error created by a building permit (08-0553) approved in 2018 for the construction of a deck and stairs**
- **A portion of the deck and the stairs were built in the public right-of-way**
- **The applicant is requesting the abandonment to correct the error, to locate the deck and stairs on their property and to meet the sideyard setback of 5 feet**



20 ft area proposed to be Abandoned

Non-permitted structures in the ROW

GID Lift Station

Applicant's property

PROPOSED PROPERTY LINE

ROMANCE AVENUE PER ROCKY POINT SUBDIVISION

RICHARD & LILLIAN DIXON
1713 LAKESHORE BLVD
APN 130-331-05
PORTION OF LOT 5 BLOCK G



Analysis

The review of the application was delayed in 2019 to allow staff looked at other possibilities, which included the following:

- 1. Selling the ROW to the applicant. NRS 244.276(2) does not allow the sale of the ROW- when property is acquired by dedication it cannot be sold and it can only “revert to the abutting property owners”;**
- 2. Abandoning the ROW to abutting property. The property owner to the north is Nevada Department of State Lands (NDSL). NDSL was not interested in acquiring the ROW, the lift station located in the ROW was problematic for NDSL;**
- 3. Creating a Washoe County park. The location on SR 28 and the slope of the property makes creating a parking area difficult and again the location of the lift station was problematic; and**
- 4. Transferred the ROW to the GID, because the GID is a public agency the ROW can only be transferred and not an abandoned. However, the structures built without permits along the waterfront are problematic for the GID.**



Photos of Site





Agency Review & Public Notice

- **Agencies and utilities reviewed the application and conditions are included in the conditions of approval**
- **The abutting property owners were noticed, and emails or phone calls were received concerning the application, primarily about the location and status of the permit**
- **Legal notice was posted in the Reno Gazette-Journal on January 18, 2022**



Analysis

- **NRS allows the Planning Commission to vacate easements if the public will not be materially injured**
- **Staff has concluded that adjacent properties will not be negatively affected**
- **Surrounding properties will continue to have the same access to their properties**



Abandonment Findings

Staff is able to make all 3 required findings, as detailed in the staff report on page 9.

- 1. Master Plan.** The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Tahoe Area Plan; and
- 2. No Detriment.** The abandonment or vacation does not result in a material injury to the public; and
- 3. Existing Easements.** Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.



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 Planning Commission approve Abandonment Case Number WAB19-0002 for Richard & Lillian Dixon, having made all three findings in accordance with Washoe County Code Section 110.806.20