



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

CM/ACM KS
Finance KS
DA DL
Risk Mgt N/A
HR N/A
Comptroller KA

STAFF REPORT

BOARD MEETING DATE: April 11, 2017

DATE: March 17, 2017

TO: Board of County Commissioners

FROM: Eva M. Krause, AICP, Planner, Planning and Development
Community Services Department, 328-3628, ekrause@washoecounty.us

THROUGH: Bob Webb, Planning Manager, Planning and Development,
Community Services Department, 328-3623, bwebb@washoecounty.us

SUBJECT: For possible action, public hearing, and discussion on appeal of the Board of Adjustment's modified approval of Variance Case No. WPVAR16-0003 (Snyder), which approved a 7 foot front yard setback from the edge of the roadway to facilitate the construction of a garage with living space below it. The possible actions to be taken are to affirm, reverse, or modify the decision of the Board of Adjustment. The appellant is requesting that the Board of County Commissioners modify the variance by allowing a 1.74 foot setback rather than the 7 foot setback that was approved by the Board of Adjustment. The .563 acre property is owned by Patrick and Filomena Snyder and is held by the Snyder 1998 Family Trust. The property address is 540 Gonowabie Road in Crystal Bay, and the APN is 123-101-04; it is in the territory covered by the Tahoe Area Plan of the Washoe County Master Plan. The property has a regulatory zone of Medium Density Suburban (MDS). (Commission District 1.)

SUMMARY

The Board of Adjustment approved a seven foot setback from the edge of the roadway to facilitate the construction of a garage. The applicant is requesting that the Board of County Commissioners modify the Board of Adjustment's approval by reducing the setback to 1.74 foot setback, as requested in their application.

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exception: when an access easement traverses a portion of a property and has a total width of twenty (20) feet or more, or is maintained by the County, the required yard setback is measured from the easement edge closest to the proposed structure.

AGENDA ITEM # 17

The subject property has a regulatory zone of Medium Density Suburban. The property is located in the Crystal Bay Park Subdivision. This subdivision was developed in the early 1940, but was never approved or recorded. Gonowabie Road which serves as access to the subdivision bisects the applicant's property without the benefit of a public right-of-way or easement. Because the road is maintained by the county, the front yard setback is measured from the edge of the roadway pavement. In order to vary the generally applicable front yard setbacks, a variance is needed pursuant to WCC Section 110.804.25. The applicant is therefore seeking approval from the Board of County Commissioners to modify the approved front yard setback variance by decreasing the size of the front yard setback to 1.74 feet from the edge of the pavement, rather than the 7 foot distance already approved.

Washoe County Strategic Objective supported by this item: Stewardship of our Community

PREVIOUS ACTION

On February 2, 2017, the Washoe County Board of Adjustment heard a request to reduce a front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement to facilitate the construction of a garage with living space below. After reviewing the request, staff recommended that the setback be reduced to no less than seven feet.

Member Hill made a motion to approve the variance as requested, to reduce the setback from 15 feet to 1.74 feet. Member Lawrence second. The motion failed with a vote of 2 in favor (Hill, Lawrence) and 3 opposed (Stanley, Thomas and Toulouse).

Member Thomas made a motion to approve a variance to reduce the setback from 15 feet to 7 feet from the edge of the roadway pavement. Member Stanley seconded. The motion passed with a vote of 3 in favor (Stanley, Thomas and Toulouse) and 2 opposed (Hill, Lawrence).

BACKGROUND

The applicant requested a variance to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement to construct a garage. Washoe County CSD – Engineering and Capital Projects Division recommended that a seven foot separation between the edge of the travel way and any structure be maintained, based on the American Association of State Highway and Transportation Officials (AASHTO) safety guidelines. Because of engineering staff's recommendation, staff supported approval of a variance to reduce the setback to seven feet, rather than the 1.74 feet requested by the applicant.

In an effort to convince the Board of Adjustment that a 1.74 foot setback was consistent with what has been approved in the past, and that the road was still able to be maintained, the applicant's representative presented many photographs and a diagram indicating all the properties along Gonowabie Road that had been granted variances and were less than seven feet from the road. The Board of Adjustment discussed their concerns about the safety issues of allowing a structure to be constructed so close to the edge of the road.

A motion was made to approve the 1.74 foot setback as requested. The motion failed on a 2 in favor to 3 opposed vote.

A second motion was made to approve a seven foot variance, a modification of the requested variance. The motion passed on a 3 in favor and 2 opposed vote.

The applicant's appeal states that the modified variance is not consistent with what has been approved for other property owners along Gonowabie Road. In addition, there is no right-of-way for Gonowabie Road across their property, so using the edge of the pavement as a reference point [measuring the setback from the edge of road pavement] is subjective and arbitrary. The applicant is requesting that the Board of County Commissioners modify the Board of Adjustment's approval and approve the variance as requested, reducing the setback from 15 feet to 1.74 feet from the edge of the roadway pavement.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

Staff recommends that the Board affirm the Board of Adjustment's modified approval of Variance Case No. WPVAR16-0003 (Snyder).

POSSIBLE MOTION

Should the Board agree with the Board of Adjustment's approval of Variance Case Number WPVAR16-0003; staff offers the following motion:

“Move to affirm the Board of Adjustment's modified approval of Variance Case Number WPVAR16-0003 (Snyder) reducing the set back from 15 feet to 7 feet from the edge of the roadway pavement.”

Should the Board wish to modify the Board of Adjustment's approval of Variance Case Number WVAR16-0003 (Snyder); staff offers the following motion:

“Move to affirm the Board of Adjustment's approval of Variance Case Number WVAR16-0003 (Snyder) with the modification that the setback from the road be reduced from 15 feet to 1.74 feet to facilitate the construction of a garage. Having made the following findings:

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. A 1.74 foot setback does not create a substantial impairment to the public good;

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.

Should the Board disagree with the Board of Adjustment's approval of Variance Case Number VA16-006; staff offers the following motion:

"Move to reverse the Board of Adjustment's approval of Variance Case Number WPVAR16-0003 (Snyder) and deny the variance to reduce the setback from 15 feet, having not been able to make the following findings:"

[Select one or more of the following required findings for a Variance which the Board cannot make in order to support the approval of the appeal]

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

Attachments:

- A – February 3, 2017, Board of Adjustment Action Order
- B – February 2, 2017, Board of Adjustment Staff Report
- C – February 2, 2017, Board of Adjustment Minutes
- D – Appeal Application



WASHOE COUNTY
Planning and Development
INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-6133

Board of Adjustment Action Order

Variance Case Number WPVAR16-0003

Decision: Modified Approval with Conditions, the reduction of the 15 foot setback to 7 feet from the edge of the roadway pavement

Decision Date: February 2, 2017

Mailing/Filing Date: February 6, 2017

Property Owner: Patrick and Filomena Snyder

Assigned Planner: Eva M. Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division
775.328.3628
ekrause@washoecounty.us

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

Variance Case Number WPVAR16-0003 (Snyder Residence) – Hearing, discussion, and possible action to approve a variance to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement (2.5 feet from the recorded Public Works easement) to facilitate the construction of a garage with living space below.

- Applicant: Patrick and Filomena Snyder
- Property Owner: Snyder 1998 Family Trust
- Location: 540 Gonowabie Road, Crystal Bay
- Assessor's Parcel Number: 132-101-04
- Parcel Size: 0.563 acres
- Master Plan Category: Medium Density Suburban (MDS)
- Regulatory Zone: Suburban Residential (SR)
- 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

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 804. If no appeals have been filed within 10 calendar days after the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following findings in accordance with Washoe County Development Code Section 110.804:25:

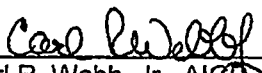
To: Snyder 1998 Family Trust
Subject: WPVAR16-0003 Snyder Residence
Date: February 6, 2017
Page: 2

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;

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division



Carl R. Webb, Jr., AICP
Secretary to the Board of Adjustment

CW/EK/df
Attachments: Conditions of Approval

Applicant/Property Owner: Patrick and Filomena Snyder
6285 Crooked Stick Cir.
Stockton, CA 95219

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

To: Snyder 1998 Family Trust
Subject: WPVAR16-0003 Snyder Residence
Date: February 6, 2017
Page: 3

Action Order: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Kimble Corbridge, Engineering and Capital Projects; Clara Lawson, Traffic; Incline Village/Crystal Bay Citizen Advisory Board, Chair.



Conditions of Approval

Variance Case Number WPVAR16-0003

The project approved under Variance Case Number WPVAR16-0003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 2, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Variance may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

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

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development

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

Contact Name – Eva Krause, 775.328.3628, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance permit. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Development.
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. The following note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.
- f. Prior to approval of the building permit the applicant shall develop and submit a parking plan for all construction vehicles, including construction workers personal vehicles. The contractor may use the paved parking area on the owner's property. No parking of construction vehicles shall be permitted on the shoulder of Gonowabie Road. The plan must include the Contractor's as well as the property owner's contact information. The Property Owner shall be responsible for enforcement of the plan.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact – Clara Lawson, 775.325.3603, clawson@washoecounty.us

Kimble Corbridge, 775.328.2054, kcorbridge@washoecounty.us

- a. The applicant shall maintain a 7 foot separation between the travel way and the proposed garage per AASHTO guidelines. The clear area does not include snow storage.
- b. Prior to issuance of a building permit, the applicant execute a Hold Harmless Agreement with the District Attorney's Office. The applicant shall submit a copy of the recorded document with the building permit application.
- c. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.



Board of Adjustment Staff Report

Meeting Date: February 2, 2017

Subject: Variance Case Number: WPVAR16-0003
Applicants: Patrick and Filomena Snyder
Agenda Item Number: **8F**
Project Summary: Reduce the 15 foot setback from a County maintained roadway to 1.7 feet for the construction of a garage
Recommendation: **Modified Approval with Conditions, the reduction of the 15 foot setback to 7 feet from the edge of the roadway pavement.**
Prepared by: Eva M. Krause
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3628
E-Mail: ekrause@washoecounty.us

Description

Variance Case Number WPVAR16-0003 (Snyder Residence) – Hearing, discussion, and possible action to approve a variance to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement (2.5 feet from the recorded Public Works easement) to facilitate the construction of a garage with living space below.

- Applicant: Patrick and Filomena Snyder
- Property Owner: Snyder 1998 Family Trust
- Location: 540 Gonowabie Road, Crystal Bay
- Assessor's Parcel Number: 123-101-04
- Parcel Size: 0.563 acres
- Master Plan Category: Medium Density Suburban (MDS)
- Regulatory Zone: Suburban Residential (SR)
- 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

Staff Report Contents

Variance Definition 3

Vicinity Map 4

Site Plan 5

Project Evaluation 6

Assessor’s Map – the road right-of-way ends at the applicant’s property. 7

Garage Elevations 8

Garage Floor Plans 9

Incline Village/Crystal Bay Citizen Advisory Board (IV/CB CAB) 10

Reviewing Agencies 10

Staff Comment on Required Findings 11

Recommendation 12

Motion 12

Appeal Process 12

Exhibits Contents

Conditions of Approval Exhibit A

Engineering and Capital Projects Exhibit B

Traffic Engineer Exhibit C

Notice Map Exhibit D

Project Application Exhibit E

Variance Definition

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

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

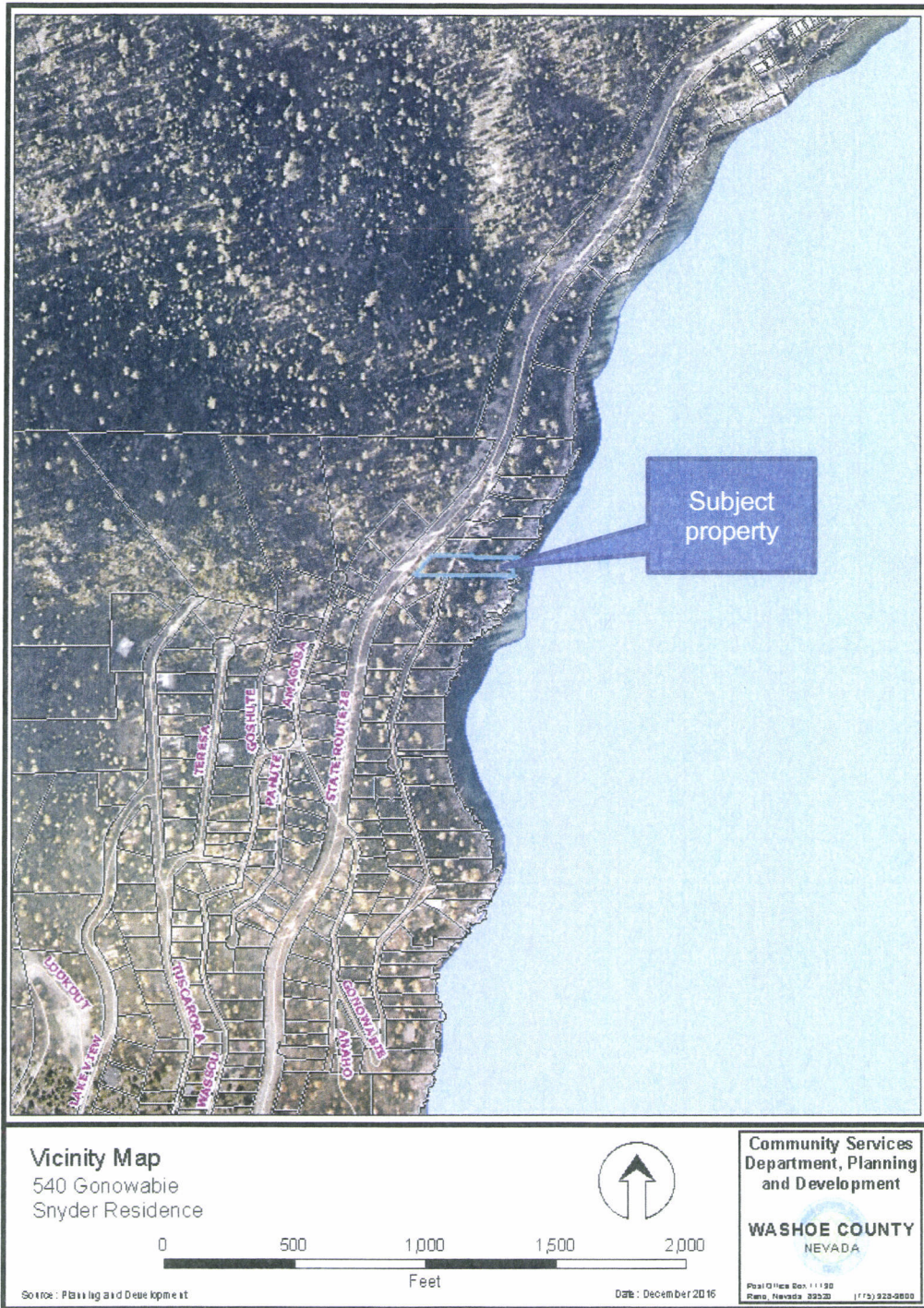
Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application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

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

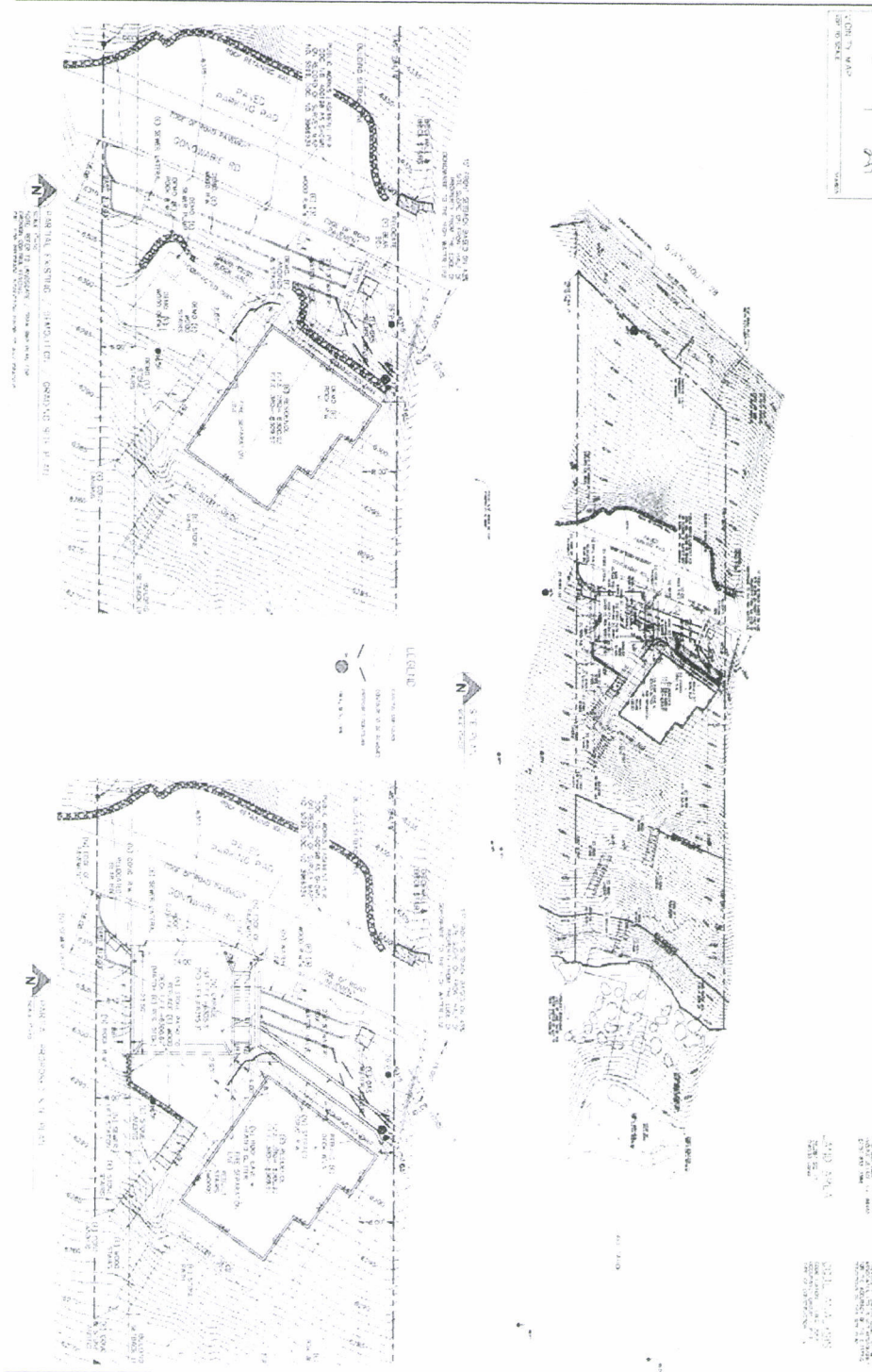
If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

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

The conditions of Approval for Variance Case Number WPVAR16-0003 are attached to this staff report and if granted approval, will be included with the Action Order.



Vicinity Map



Site Plan

Project Evaluation

The applicant's property is located in the Crystal Bay Park Subdivision. This is an unofficial subdivision created c.1930. The entire subdivision was created on a steeply sloped section of Lake Tahoe's shoreline. In return for creating lakefront properties with fabulous views, it came with challenging conditions for accessing and developing the properties. As property values have risen, the small summer homes have been enlarged or replaced with larger year-round homes.

The applicant's property is a through lot that extends from State Route 28 to the shore line with an average slope of 45 degrees. Gonowabie Road bisects the property. According to the Assessor map of the Crystal Bay Park Subdivision, the right-of-way for Gonowabie Road ends at the applicant's property. There is no road right-of-way or recorded access easement across the five northern most properties in the subdivision, but Gonowabie Road extends across these parcels and connects to State Route 28. Gonowabie Road is the only road within the subdivision and is the only access to most of the homes in the subdivision.

The existing single family home, originally built in 1947, sits approximately 20 feet back from the travel way where the ground elevation is approximately 15 feet below the level of the street. There is a parking area cut into the uphill side of the road (across the street from the house), but there is no garage. The property owner is proposing to remove an existing deck and build a garage at street level, an office-workspace on the lower level and a stone patio in place of the deck.

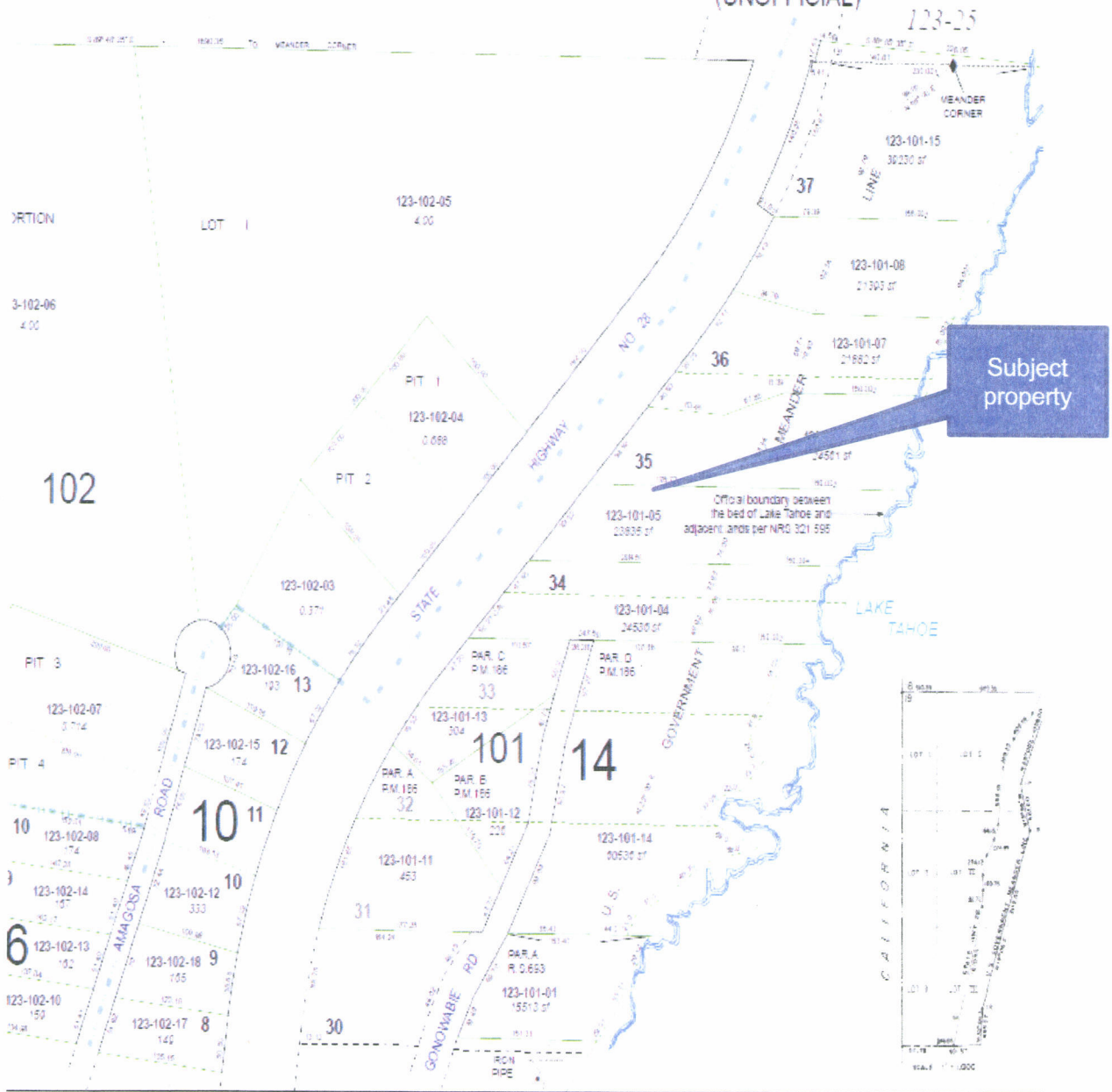
Because Washoe County Codes requires a garage for all single family homes; the Tahoe area is subject to snow and icy winter weather; and due to the steepness of the lot there is a hardship of the land, staff supports a variance for the garage. But due to the narrowness of the travel lane, the fact that Gonowabie is a one-way road, and it is the only access for most of the homes in the subdivision, locating the garage within 1.7 feet of the road would create a safety hazard, and would be a significant detriment to the public good, therefore, staff cannot support the full extent of the variance as requested.

Washoe County engineering staff recommends a seven foot separation between the edge of the travel way and any structure, based on the American Association of State Highway and Transportation Officials (AASHTO) safety guidelines. Based on the hardship of the land, staff recommends approval of a variance to reduce the setback to 7 feet.

In addition, because Gonowabie Road is so narrow there is a problem when construction workers park their personal vehicles on the road shoulder; therefore staff is recommending a condition of approval requiring a parking plan that identifies where construction vehicles will be parked during the construction of the garage.

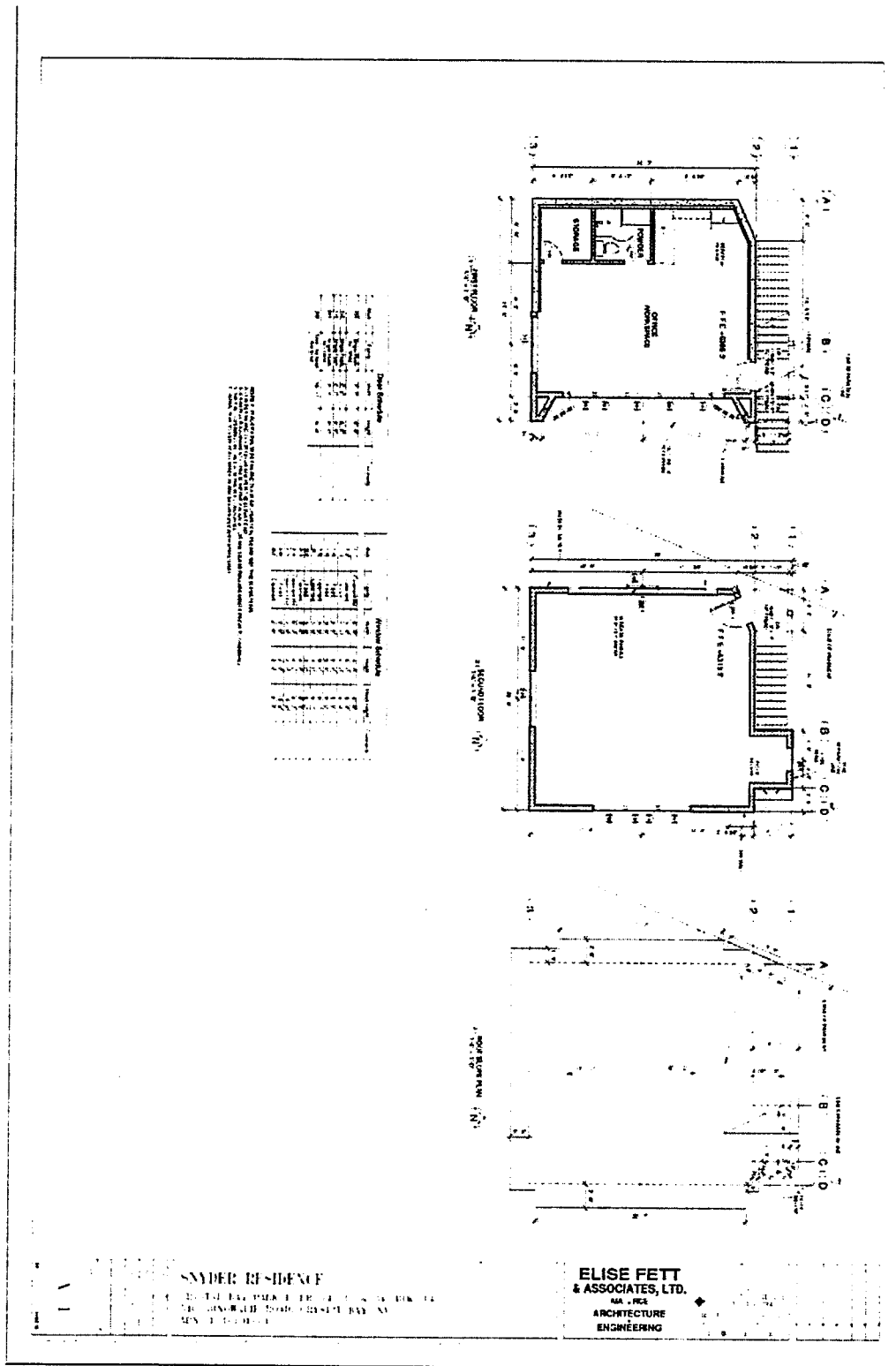
SEC. 19, T16N - R18E

CRYSTAL BAY PARK UNIT NO. 1 (UNOFFICIAL)



Assessor's Map

The road right-of-way ends at the applicant's property but the road continues across the applicant's property and the next four parcels to the north until it reaches State Route 28. There is no road easement but Washoe County Roads Department maintains and plows the road so residents of Gonowabie and Anaho Road can get in and out of the subdivision.



Garage Floor Plans

The applicant identified the three properties to the north of the subject property, as having reduced setbacks. While it is true that the structures on those properties are closer than would be permitted today, each was approved and built under different circumstances.

- 552 Gonowabie was built in 1982. There is no record of a variance being granted for this property.
- 570 Gonowabie was built in 1958. In 2002, the residence was remodeled. The remodel included placing a new stone veneer on the retaining wall that runs parallel to the edge of the travel way. It was during review of the building permit that staff realized that there was no code provisions to prevent the property owner from improving the structure or constructing new structures abutting the edge of the travel way. Because of that oversight, the development code was amended to require a setback from the travel way if the road is maintained by the County.
- 580 Gonowabie was granted a variance in 2004 to remove a garage that was in the right-of-way and build a new garage four feet further back from the road. The face of the garage is approximately 14 feet from the travel lane.

Incline Village/Crystal Bay Citizen Advisory Board (IV/CB CAB)

The Incline Village/Crystal Bay CAB does not meet between November and April. The proposed project was forwarded to the Citizen Advisory Board members for their review. No comments have been submitted to staff.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Development Division
 - Engineering and Capital Projects Division
 - Traffic
 - Land Development
 - Building and Safety Division
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District
- Regional Transportation Commission
- Nevada Department of Transportation
- Washoe-Storey Conservation District
- Nevada Tahoe Conservation District

Two out of the twelve above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if approved by the Board.

- Planning and Development requires a parking plan for construction vehicles during construction of the garage.

Contact: Eva Krause, 775.328.3628, ekrause@washoecounty.us

- Engineering and Capital Projects requires a 7 foot separation between the structure and the travel lane, as well as a hold harmless agreement and garage door opener.

**Contact: Clara Lawson, 775.328.3603, clawson@washoecounty.us
Kimble Corbridge, 775.328.2054 kcorbridge@washoecounty.us**

Staff Comment on Required Findings

Washoe County 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 abandonment request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

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

Staff Comment: the subject property slopes 45 degrees from State Route 28 to the lake shore. There is approximately a 12 foot drop in elevation from the edge of the travel lane to the 15 foot setback line. The further down slope the garage is moved the taller the structure has to be to provide access from the road. The structure would exceed the allowable height if it was set to far down the slope.

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

Staff Comment: Gonowabie Road is a narrow one-way street that provides access to all the residences on Gonowabie and Anaho Road. The street is approximately 14 feet wide and is not built to County Standards. Engineering staff recommends that the garage be located no closer than seven feet from the edge of the travel way.

A reduction of the setback to less than seven feet variance would create a substantial detriment to the public good.

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

Staff Comment: Because of the steep slopes in the Crystal Bay Park Subdivision numerous variances have been granted to allow garages closer than 15 feet to the road right-of-way. The reduction of the setback to 7 feet is consistent with the limitation upon other properties in the vicinity.

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

Staff Comment: The proposed use is an allowed use in the Medium Density Suburban regulatory zone.

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

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

Recommendation

Those agencies which reviewed the application recommended conditions in support of reducing the setback from 15 feet to 7 feet for the construction of a garage. Therefore, after a thorough analysis and review, Variance Case Number WPVAR16-0003 is being recommended **to approve of a seven foot setback from the edge of the roadway** with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number WPVAR16-0003 **to reduce the set back from fifteen feet to seven feet from the edge of the roadway pavement** for Patrick and Filomena Snyder, with the Conditions of Approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Development Code Section 110.804.25.

1. **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. **No Detriment.** The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. **Use Authorized.** The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

Appeal Process

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

Property Owner: Patrick and Filomena Snyder, 6285 Stockton CA. 95219,
snyderp6@comcast.net

Representatives: Elise Fett, PO BOX 5989, Incline Village NV 89450
elise@elisefett.com

Staff Report xc: Clara Lawson, Engineering and Capital Projects.



Conditions of Approval

Variance Case Number WPVAR16-0003

The project approved under Variance Case Number WPVAR16-0003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 2, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Variance may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

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

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development

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

Contact Name – Eva Krause, 775.328.3628, ekrause@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance permit. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Development.
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. The following note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- e. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.
- f. Prior to approval of the building permit the applicant shall develop and submit a parking plan for all construction vehicles, including construction workers personal vehicles. The contractor may use the paved parking area on the owner's property. No parking of construction vehicles shall be permitted on the shoulder of Gonowabie Road. The plan must include the Contractor's as well as the property owner's contact information. The Property Owner shall be responsible for enforcement of the plan.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact – Clara Lawson, 775.325.3603, clawson@washoecounty.us

Kimble Corbridge, 775.328.2054, kcorbridge@washoecounty.us

- a. The applicant shall maintain a 7 foot separation between the travel way and the proposed garage per AASHTO guidelines. The clear area does not include snow storage.
- b. Prior to issuance of a building permit, the applicant execute a Hold Harmless Agreement with the District Attorney's Office. The applicant shall submit a copy of the recorded document with the building permit application.
- c. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.

*** End of Conditions ***

From: [Corbridge, Kimble](#)
To: [Krause, Eva](#)
Cc: [Vesely, Leo](#); [Smith, Dwayne E.](#); [Crump, Eric S](#); [Thomsen, Richard](#)
Subject: WPVAR16-0003 Snyder https://www.washoecounty.us/csd/planning_and_development/applications/files-planning-development/comm_dist_one/WPVAR16-0003_ap.pdf
Date: Wednesday, January 04, 2017 4:40:50 PM

Eva,

The APN is 123-101-04

I have reviewed the referenced variance and recommend the following conditions:

1. A Revocable Encroachment permit is required for any improvements (pavers, landscaping, etc.) in the County right of way. Application information is on the County CSD website or contact Beau Duc at 328-2041.
2. An Hold Harmless agreement approved by the DA's office shall be recorded for the reduced setback.
3. An automatic garage door opener shall be required on the garage.

Thx,

Kimble

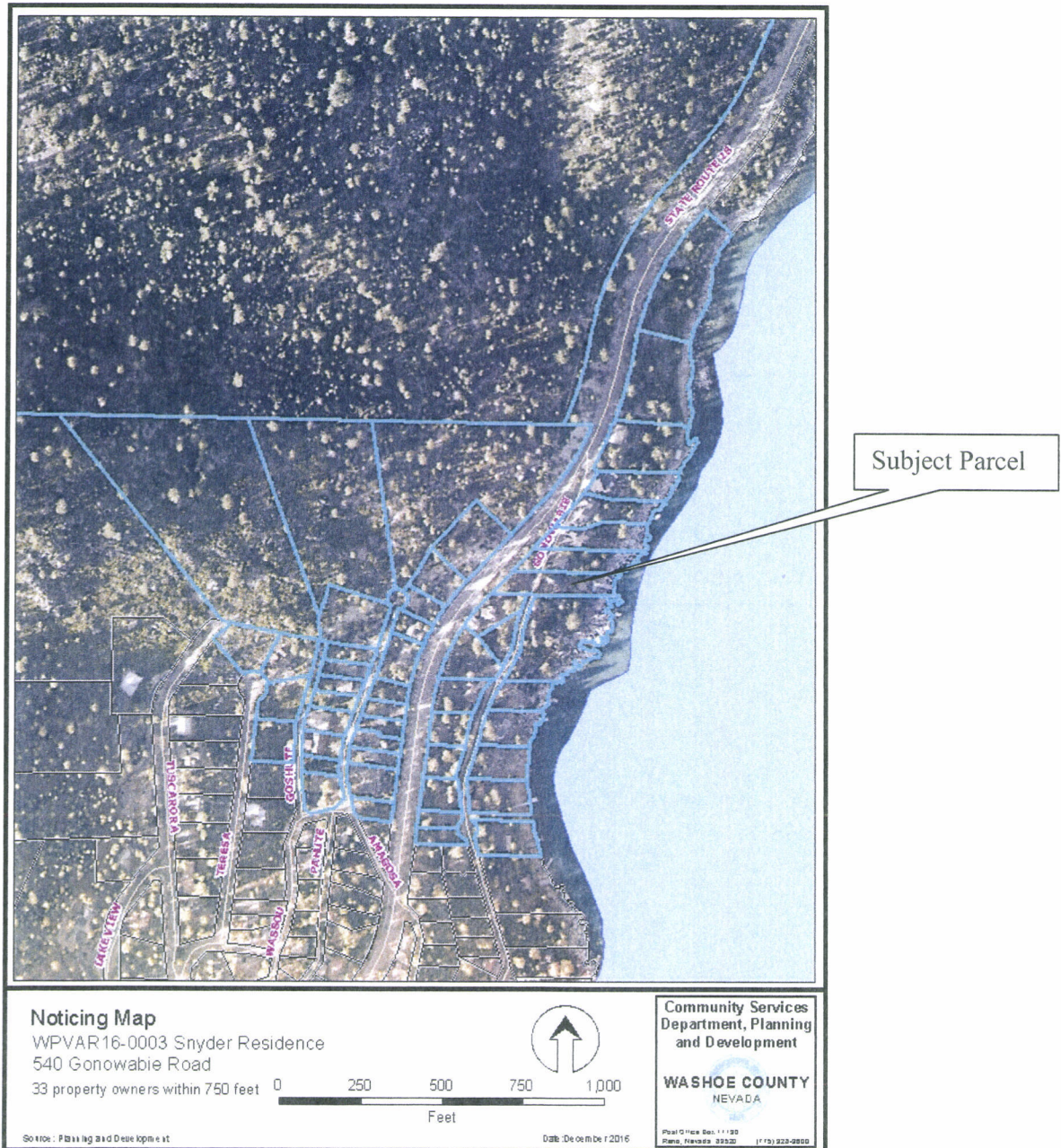
From: [Lawson, Clara](#)
To: [Krause, Eva](#)
Subject: 540 Gonowabie
Date: Tuesday, January 03, 2017 11:31:18 AM
Attachments: [image001.png](#)
[image003.png](#)

I recommend a minimum 7' clear zone be maintained between the edge of the travel way and any structure per AASHTO guidelines. This doesn't include snow storage.

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

Public Notice

Pursuant to Washoe County Development Code Section 110.804.20 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was noticed within a 750-foot radius of the subject property, noticing 33 separate property owners.



NOTICING MAP

Community Services Department
Planning and Development
VARIANCE APPLICATION



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

Telephone: 775.328.3600

Washoe County Development Application

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

| | | | |
|--|-------------------|--|-----------------|
| Project Information | | Staff Assigned Case No.: _____ | |
| Project Name: FPSN - Snyder Residence - 540 Gonowabie | | | |
| Project Description: Remodel and garage addition to an existing single family residence that does not have covered parking. The proposed detached garage will have living space below. | | | |
| Project Address: 540 Gonowabie Rd. Crystal Bay, NV 89402 | | | |
| Project Area (acres or square feet): | | | |
| Project Location (with point of reference to major cross streets AND area locator): Located near the exit, on the one-way street, Gonowabie, that intersects with State Route 28. | | | |
| Assessor's Parcel No.(s): | Parcel Acreage: | Assessor's Parcel No.(s): | Parcel Acreage: |
| 123-101-04 | 0.563 (24,536 SF) | | |
| Section(s)/Township/Range: S19/T16/R18 | | | |
| Indicate any previous Washoe County approvals associated with this application: Case No.(s). n/a | | | |
| Applicant Information (attach additional sheets if necessary) | | | |
| Property Owner: Snyder 1998 Family Trust | | Professional Consultant: Elise Fett & Associates Ltd. | |
| Name: Patrick and Filomena Snyder | | Name: Elise Fett | |
| Address: 6285 Crooked Stick Cir. | | Address: PO Box 5989 | |
| Zip: 95219 | | Zip: 89450 | |
| Phone: 209-481-1501 | Fax: n/a | Phone: 775-833-3388 | Fax: 833-2388 |
| Email: snyderp6@comcast.net | | Email: elise@elisefett.com | |
| Cell: | Other: | Cell: | Other: |
| Contact Person: Patrick or Fil Snyder | | Contact Person: Elise Fett or Julie | |
| Applicant/Developer: | | Other Persons to be Contacted: | |
| Name: same as consultant | | Name: n/a | |
| Address: | | Address: | |
| Zip: | | Zip: | |
| Phone: | Fax: | Phone: | Fax: |
| Email: | | Email: | |
| Cell: | Other: | Cell: | Other: |
| Contact Person: | | Contact Person: | |
| For Office Use Only | | | |
| Date Received: | Initial: | Planning Area: | |
| County Commission District: | | Master Plan Designation(s): | |
| CAB(s): | | Regulatory Zoning(s): | |

Variance Application Supplemental Information

(All required information may be separately attached)

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

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

The front yard set-back, Article 406-Building Placement Standard 110.406.30. In order to create a detached garage with living space below, we are requesting that the front yard set-back be reduced to 1.7' (at the closest point) from the edge of pavement. The steepness and narrowness of the lot, as well as the existing structure, make pushing the proposed structure further from the edge of pavement unfeasible.

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

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

The lot is divided by the existing paved road, Gonowabie. The existing structure is on the lakeside of the lot, where the slope from the edge of pavement to the high water line is 43%. Currently, there is no off-street parking on the lakeside of the lot, which means residents must cross the street every time they enter or exit the property from a car. Additionally, there is no covered parking as required by current development code section 110.410.10 Required Parking Spaces. The steepness of the lot along with the location of the existing residence prohibits the structure from being set further back from the road on the lakeside of the property. Were the garage structure to be placed on the opposite side of Gonowabie from the residence, a variance would still be required as the existing off-street, paved parking is within the set-back and the slope is steeper on that side of the lot.

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?

As mentioned previously, there is currently no parking on the same side of the road as the residence, therefore, the proposed project improves the current situation by lessening the pedestrians crossing the road. The parcel itself is bisected by Gonowabie, there are no upslope neighbors and no impact on the view from state route 28. The view from Gonowabie will be impacted, but the finishes selected will be consistent with the other residences along Gonowabie and the visual magnitude from the street will be less than that of most neighboring properties as the existing residence is not being increased and is 1.5 stories below road level. The garage structure will appear as a single story from the road.

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 approval of this variance will provide enclosed parking, thus eliminating clutter in view of the neighbors and reducing the number of vehicles parked on the road. There is currently a health and safety issue with residents having to cross the road, which year round impacts traffic and in the winter can be slick car packed ice. The natural slope and vegetation across the road is preserved and the lake side slope will be better stabilized with BMP's around the garage structure minimizing run off into Lake Tahoe.

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

The owners would be denied enclosed parking and access to their residence without having to cross the street if the variance were not approved. Most residences on Gonowabie (at least 90%) have a reduced set-back for garage structures because of the steepness of the lots and narrowness of the roadway. We have enclosed an aerial photo that depicts the proximity of the immediate neighbors to the edge of pavement, all of which are approximately 5' or less from edge of pavement.

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

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

7. What is your type of water service provided?

Water service is provided by IVGID.

8. What is your type of sewer service provided?

Sewer service is provided by IVGID.

Property Owner Affidavit

Applicant Name: Eise Fett & Associates Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Patrick Snyder
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Development.

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

Assessor Parcel Number(s): 123-101-04

Printed Name Patrick Snyder

Signed *Patrick Snyder*

Address 6285 Crooked Stick Circle

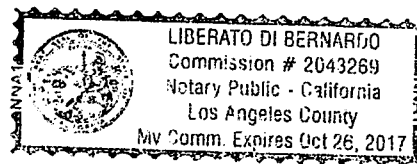
Stockton, CA 95219

Subscribed and sworn to before me this
6TH day of December, 2016

(Notary Stamp)

Liberato Di Bernardo
Notary Public in and for said county and state

My commission expires: 10-26-2017



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

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

October 2016

Property Owner Affidavit

Applicant Name: Elise Felt & Associates Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Filomena Snyder Filomena Snyder
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Development.

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

Assessor Parcel Number(s): 123-101-04

Printed Name Filomena Snyder

Signed Filomena Snyder

Address 6285 Crooked Stick Circle

Stockton, CA 95219

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

(Notary Stamp)

Liberto Di Bernardo
Notary Public in and for said county and state



My commission expires: 10-26-2017

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

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Washoe County Treasurer
Tammi Davis

Account Detail

[Back to Search Results](#)

[Change of Address](#)

[Print this Page](#)

Pay Online

No payment due for this account.

Washoe County Parcel Information

| Parcel ID | Status | Last Update |
|-----------|--------|----------------------|
| 12310104 | Active | 12/2/2016 2:09:51 AM |

\$0.00

Current Owner:

SNYDER 1998 FAMILY TRUST, PATRICK & FILOMENA

6285 CROOKED STICK CIR
STOCKTON, CA 95219

SITUS:

540 GONOWABIE RD
INCL NV

Taxing District

5200

Geo CD:

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Legal Description

SubdivisionName CRYSTAL BAY PARK 1 UNOFFICIAL Township 16 Block 14 Range 18 Lot 34

Tax Bill (Click on desired tax year for due dates and further details)

| Tax Year | Net Tax | Total Paid | Penalty/Fees | Interest | Balance Due |
|----------|-------------|-------------|--------------|----------|-------------|
| 2016 | \$11,711.58 | \$11,711.58 | \$0.00 | \$0.00 | \$0.00 |
| 2015 | \$11,689.46 | \$11,689.46 | \$0.00 | \$0.00 | \$0.00 |
| 2014 | \$11,370.26 | \$11,370.26 | \$0.00 | \$0.00 | \$0.00 |
| 2013 | \$11,060.34 | \$11,060.34 | \$0.00 | \$0.00 | \$0.00 |
| 2012 | \$10,759.46 | \$10,759.46 | \$0.00 | \$0.00 | \$0.00 |
| Total | | | | | \$0.00 |

Payment Information

Special Assessment District

Installment Date Information

Assessment Information

Important Payment Information

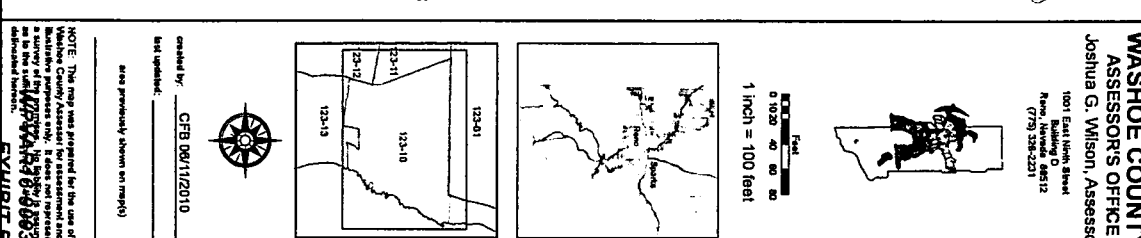
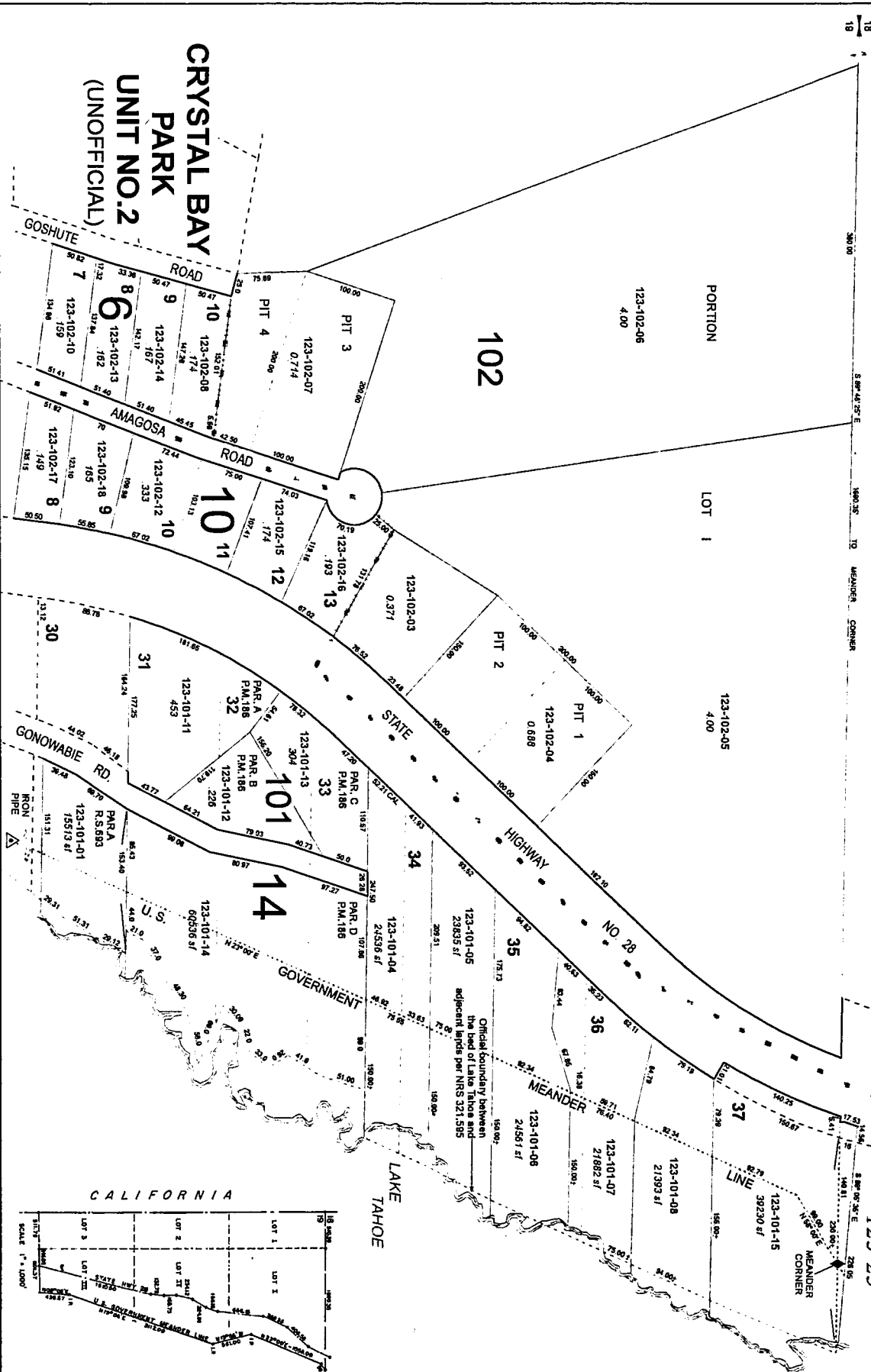
- **ALERTS:** If your real property taxes are delinquent, the search results displayed may not reflect the correct amount owing. Please contact our office for the current amount due.
- For your convenience, online payment is available on this site. E-check payments are accepted without a fee. However,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

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

PORTION SEC. 19, T16N - R18E

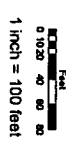
CRYSTAL BAY PARK UNIT NO. 1
(UNOFFICIAL)



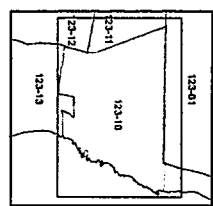
Assessor's Map Number

123-10

STATE OF NEVADA
WASHOE COUNTY
 ASSESSOR'S OFFICE
 Joshua G. Wilison, Assessor
 1001 East Lake Street
 Reno, Nevada 89512
 (775) 328-2211



1 inch = 100 feet

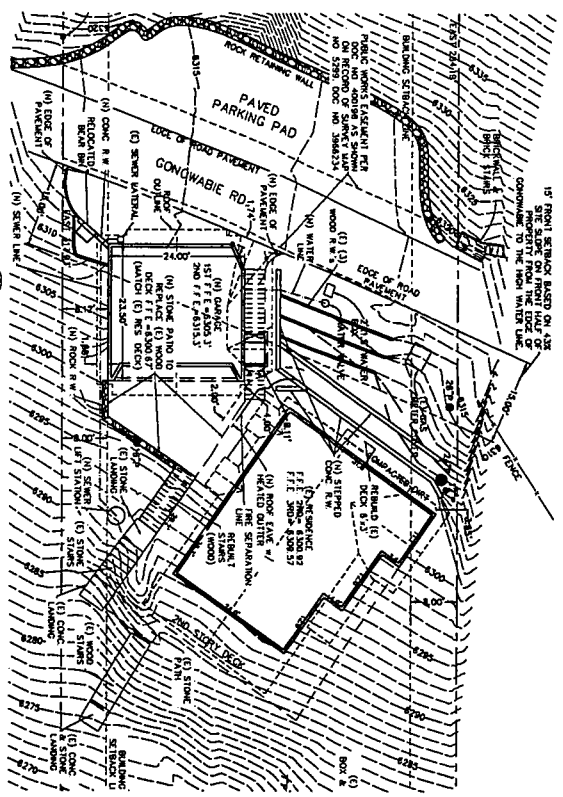
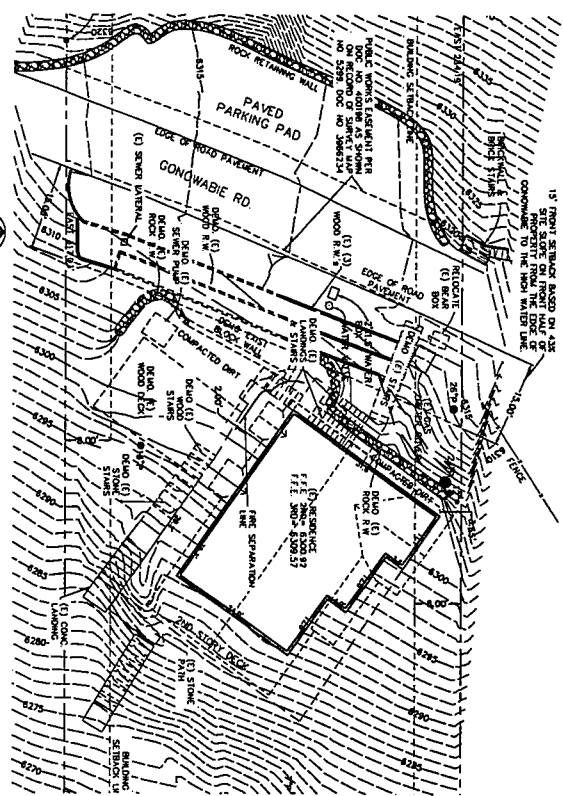
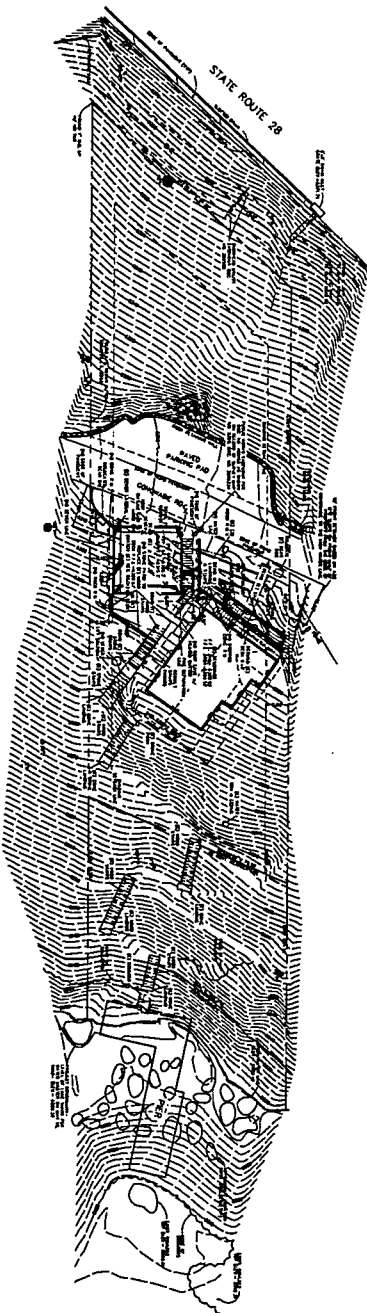
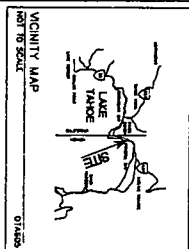


created by: **CFB DR/11/2010**

last updated: _____
 also previously shown on map(s)

NOTE: This map was prepared for the use of the Washoe County Assessor for assessment and is not intended for any other purpose. It is a survey of the land and should not be used as a legal document. The assessor is not responsible for any errors or omissions. The assessor's office is not a law firm and does not provide legal advice.

EXHIBIT E



15' FRONT SETBACK BASED ON 4:12 SITE SLOPE ON FRONT HALF OF SITE. SLOPE ON FRONT HALF OF SITE TO BE RECONSTRUCTED TO THE NEAR WATER LINE.

15' FRONT SETBACK BASED ON 4:12 SITE SLOPE ON FRONT HALF OF SITE. SLOPE ON FRONT HALF OF SITE TO BE RECONSTRUCTED TO THE NEAR WATER LINE.

LEGEND

- EXISTING CONTAINS
- CONTAINS TO BE REMOVED
- PROPOSED CONTAINS
- NEAR EXIST. TRYS

PARTIAL EXISTING / DEMOLITION / GRADING SITE PLAN
 SCALE: 1"=10'
 DATE: 11-28-13
 SHEET NO. 1 OF 2
 CALL FOR PRELIMINARY INSPECTION PRIOR TO ANY CHANGES.

PARTIAL PROPOSED SITE PLAN
 SCALE: 1"=10'
 DATE: 11-28-13
 SHEET NO. 1 OF 2

OWNER
 SNYDER RESIDENCE
 540 GONOWABE ROAD, CRYSTAL BAY, NV
 APN: 123-101-04

CONTACT PERSON
 ELISE FETT
 ARCHITECTURE
 ENGINEERING

LAND AREA
 2.42 AC. ±
 2.42 AC. ±
 2.42 AC. ±

CODE ANALYSIS
 R-100
 1.5' FRONT SETBACK
 4:12 SITE SLOPE
 15' FRONT SETBACK
 4:12 SITE SLOPE

NOTE:
 1. EXISTING STRUCTURE TO BE DEMOLISHED AND RECONSTRUCTED TO THE NEAR WATER LINE.
 2. PROPOSED STRUCTURE TO BE RECONSTRUCTED TO THE NEAR WATER LINE.
 3. PROPOSED STRUCTURE TO BE RECONSTRUCTED TO THE NEAR WATER LINE.

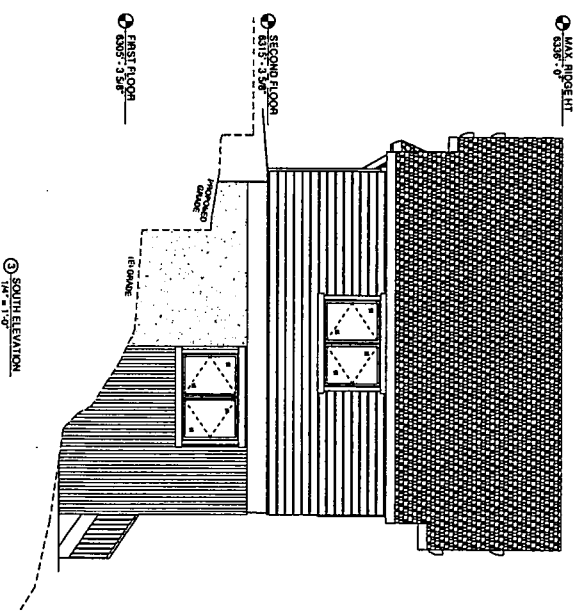
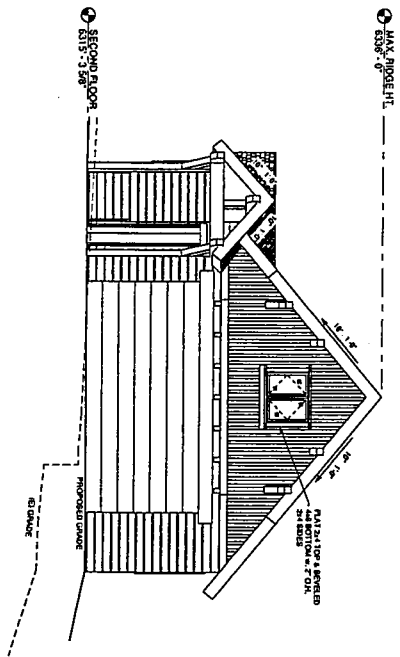
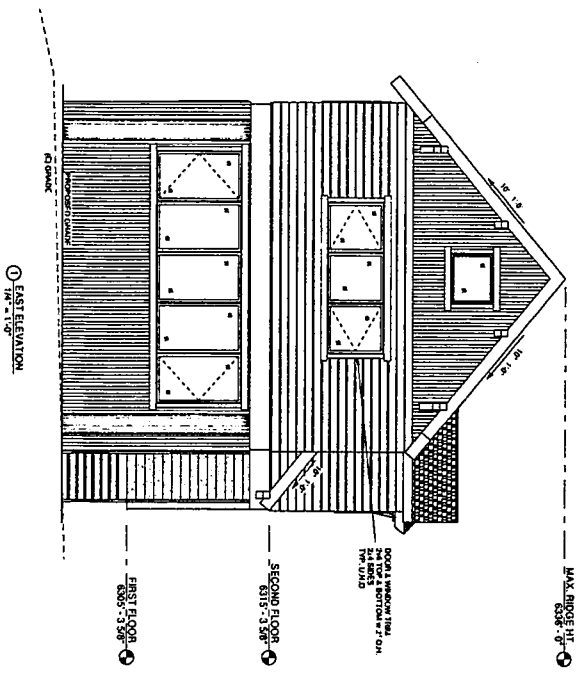
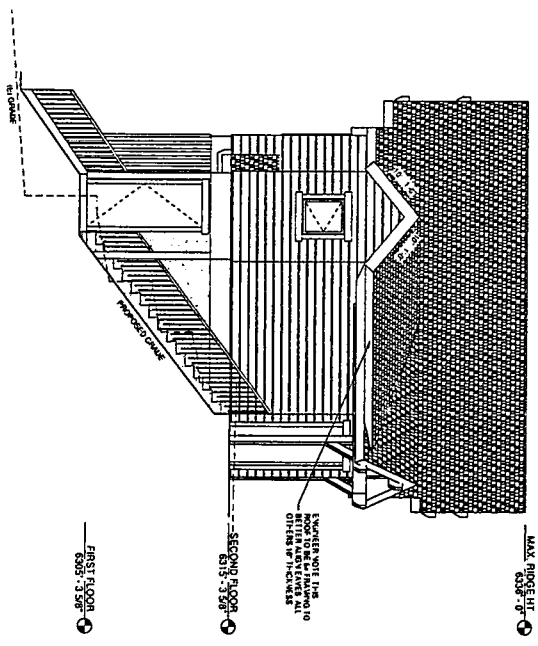
| | |
|------------------|---------|
| OWNER | PROJECT |
| DATE: 11-28-13 | |
| SHEET NO. 1 OF 2 | |
| SHEET | |

SNYDER RESIDENCE
 CRYSTAL BAY PARK 1, FR. LT. 33 & 34, BLK. 14
 540 GONOWABE ROAD, CRYSTAL BAY, NV
 APN: 123-101-04

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

P.O. BOX 5989
 INCLINE VILLAGE
 NEVADA 89450
 PHONE: (775)633-3388
 FAX: (775)633-2388
 eliseanne@aol.com

| | |
|-----------|----|
| REVISIONS | BY |
| | |
| | |
| | |
| | |



| | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
| NO. 1 | NO. 2 | NO. 3 | NO. 4 | NO. 5 | NO. 6 | NO. 7 | NO. 8 | NO. 9 | NO. 10 |
| | | | | | | | | | |

SNYDER RESIDENCE
 CRYSTAL BAY PARK 1, FE. LT. 33 & 34, BLK. 14
 540 GONWALD ROAD, CRYSTAL BAY, NV
 APN: 123-101-04

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

P.O. BOX 3088
 INCLINE VILLAGE
 NEVADA 89450
 PHONE: (775) 833-3388
 FAX: (775) 833-2300
 elise@elisefett.com

| | | | |
|------|----|------|-------|
| DATE | BY | CHKD | APP'D |
| | | | |

DRAWN BY: ELISE FETT



Neighboring
Properties
all have
Paddock
Set-backs

540 Gonowable Road
4 min walk - work

Lakeshore Blvd

Gonowable Rd

Gonowable Rd

Lakeshore Blvd

28

4 min walk

WPVAR16-0003
EXHIBIT E



















WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

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

Thursday, February 2, 2017
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, February 2, 2017, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

(EXCERPT OF WPVAR16-0003)

Variance Case Number WPVAR16-0003 (Snyder Residence) – Hearing, discussion, and possible action to approve a variance to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement (2.5 feet from the recorded Public Works easement) to facilitate the construction of a garage with living space below.

- Applicant: Patrick and Filomena Snyder
- Property Owner: Snyder 1998 Family Trust
- Location: 540 Gonowabie Road, Crystal Bay
- Assessor's Parcel Number: 123-101-04
- Parcel Size: 0.563 acres
- Master Plan Category: Medium Density Suburban (MDS)
- Regulatory Zone: Suburban Residential (SR)
- 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
- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3628
- Email: ekrause@washoecounty.us

Eva Krause, Planner, presented her Staff Report. Chair Toulouse opened up questions to the Board. Hearing none, he called the Applicant forward. Elise Fett, Architect Engineer, stated Ms. Krause was not able to do a site visit because of the storms. She presented several pictures for the Board to review and said Gonowabie Road had a history of being a unique narrow, tight, steep development with zero to two foot setbacks for detached garages. She showed several pictures of

neighboring garages with zero to two foot setbacks. She said there was no easement or right-of-way through their property; only a utility easement. The request they were asking for was two and a half feet from the utility easement, or 1.74 feet from the edge of pavement.

Chair Toulouse asked Ms. Fett if she was not happy with the seven-foot setback and was asking for a 1.7 foot setback. Ms. Fett stated that was correct. Chair Toulouse stated what was on the request was seven feet, so the Board could not address or change that to more than what was on the Variance Request. Ms. Fett stated that was not on the Variance Request, it was on the Variance Recommendation by Ms. Krause. Ms. Krause stated the Variance Project Summary was to reduce a 15 foot setback on a County maintained roadway to 1.7 feet for the construction of the garage. She said they were recommending approval to change that from 1.7 feet to 7 feet. She said it was advertised at 1.7 feet because that was what they requested; it was just not recommended.

Member Hill said it seemed like they were recommending to modify the condition from 15 feet to 7 feet for the setback, but the Applicant wanted 1.7 feet. Ms. Krause said that was correct and based on what Engineering's recommendation was, they were willing to give them a Variance but not to 1.7 feet. Member Hill asked if they would deny the approval for 1.7 feet and approve the 7 foot setback. DDA Edwards stated if the Board's intent was to approve Staff's recommendation they could do a motion to approve the Variance to 7 feet. The Board did not need to deny the request to 1.74 feet. Member Hill asked if the Applicant would rather this Board deny the request so that they could appeal to the Board of County Commissioners. Ms. Fett said the Engineer had not visited the site and disregarded that this was not a County road, and it did not have an easement, and it was private property.

Mr. Webb said that when the Applicant was interrupted she had approximately six minutes left and he suggested she finish her presentation and then open up questions to the Applicant. Chair Toulouse said the Applicant was repeating herself and the Board knew there were a lot of other properties that were in violation of the Code. Ms. Fett showed an Assessor's Map depicting homes that had two feet or less setbacks, two to seven feet setbacks, and garage setbacks that were more than seven feet. Therefore, she did not see this as being a special privilege. She showed the garage site plan and parking area and the corner where the setback would be. The garage would be six feet from the edge of the pavement and it was over seven feet from the utility easement. She showed the one-hour wall requirement they would have to do for the corner of the garage. If they were forced to do seven feet, they would have to squish this as close as they could. She showed where they were going to have guest parking and they had not had any problem with the management plan requested by Ms. Krause. She said there was more room to get around the corner of the garage than anywhere else on Gonowabie Road. She stated the property dropped 15 feet from the edge of pavement down to the patio that was going under the proposed garage. The snow storage was easily accommodated; it would go over the existing accessed areas.

Member Thomas asked if this was a one or two car garage. Ms. Fett stated it was a two-car garage. Member Hill asked if it was set at seven feet, what kind of hardship would that create. Ms. Fett stated they would not be able to fit the two-car garage in without doing a side setback to zero and even then it would be narrower than the 23 feet they were asking for. Member Hill said she drove down the street and was threading the needle between cars, but that was the way it was on Gonowabie Road. She said it was an old cabin that needed a garage and she thought it should have one because parking on the parking pad would be a disaster.

Member Stanley said staff's recommendation was based on the Engineering Study. Ms. Krause said the Engineering Department made a recommendation and that was the only reason she made the change from the request to what the Engineering Department recommended. Member Stanley

asked if the Engineering recommendation was Exhibit C and if the Applicant had been involved in those discussions. Ms. Krause said not until towards the end when she was finishing up her Staff Report and that was why they did not have those comments.

Member Thomas asked if it was a hardship that they did not have a garage. Ms. Fett said the hardship was they were trying to work with the existing house and there was an extremely steep drop off. The edge of pavement was corroding away because there was drainage through their property creating a canyon and it took out the edge of pavement, so they built the retaining wall.

Member Lawrence said he did not notice anything from the CAB. Ms. Krause said they sent the application to the CAB members, but there were no meetings between September and February.

Chair Toulouse said they had done a bunch of these over the years on Gonowabie Road as well as on other roads and he had never seen one with a request for 1.7 feet. He said just because everyone else did it, did not mean they had to approve this one. He said he had difficulty granting 1.7 feet when we had statements in the Staff Report that it would create a safety hazard and would be a significant detriment to the public good. He said he could not go anywhere beyond the seven feet that was recommended by Staff.

Chair Toulouse opened Public Comment. Hearing none, he brought it back to the Board for disclosures. Hearing none, he opened the discussion period. Chair Toulouse said in the modified Approval of Conditions it stated seven feet from the edge of the roadway pavement. Ms. Krause said she defined the edge of the travel way as the edge of the pavement.

Member Hill said she could not see how the Board could approve the setback when that was not what the Applicant requested. She said would the Applicant have to go to the Board of County Commissioners and appeal our approval of the seven foot setback. DDA Edwards stated since it was less than what the Applicant was requesting and within the scope of the notice that was given for this item, the Board could approve staff's recommendation to seven feet, or the Board could also approve what the Applicant wanted. The follow up to that point was if the Applicant obtained approval of a seven foot Variance but not a 1.74 foot setback as requested, the Applicant would be able to appeal that and ask the County Commissioners to grant the full extent of the Variance request.

Member Lawrence asked what the issue would be of having one more home close to the road and being consistent with everything else that had been approved before. He believed all the people who lived there knew about the conditions of the road, the narrowness and the snow, they were used to it. He said he did not think this was more of a safety issue than any other property. He said he would support the 1.74 foot request. Member Hill said it was practical and people lived with it and it was an old cabin that needed a garage. Chair Toulouse said he had trouble because they had a written statement within the Staff Report that said it was a significant detriment to public safety. He asked legal counsel what the liability would be to the County if something happened. DDA Edwards said he could not answer that because if someone wanted to pin liability on the County it would involve all kinds of facts that he did not have in front of him. He thought the Board could take into account that concern, but he also thought the Board had enough in the record to make a judgement call. Chair Toulouse said they had the standard language asking for the encroachment permit and revocable encroachment permit and a hold harmless agreement by the DA's Office and he asked how much weight those carried in a legal action. DDA Edwards stated they would carry a lot of weight. He said the property owner executed the hold harmless and if there was damage during road maintenance work or snow removal that was the type of scenario when the hold harmless would come in to play.

Member Thomas asked if the footprint of the garage was the exact same for the patio they wanted to remove. Ms. Fett stated it was not; the garage would be larger and go over the existing retaining walls. Member Thomas said the property owner was proposing to remove an existing deck and build a garage at street level. He asked if the garage was going to be bigger than the deck that was being removed. Ms. Fett stated there was a deck at the level of the house that went through about half of what the proposed footprint of the garage was. Member Thomas said then the garage would be about double the size of the deck. Ms. Fett said that was correct because they could not get any closer to the house with the garage.

Member Stanley said from the edge of the roadway to where the edge of the garage would be was extremely narrow and a full-sized vehicle or fire truck could not get through there during an evacuation. He agreed they had an Engineer who stated it would be a public safety issue if they went too close to the road and he gave a lot of weight to that.

Chair Toulouse called for a motion. Member Hill moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Variance Case Number WPVAR16-0003 (Snyder Residence) to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement for Patrick and Filomena Snyder with the Conditions of Approval as included as Exhibit A for this matter having made all four findings in accordance with the Washoe County Development Code Section 110.804.25; Special Circumstances, No Detriment, No Special Privileges and Use Authorized. Ms. Krause asked if she could add to her motion that she was striking Condition 2a from the Conditions of the Approval. Member Hill agreed and modified her motion to include striking Condition 2a. Member Lawrence seconded the motion, which failed with Members Stanley and Thomas and Chair Toulouse voting nay.

Member Thomas moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Variance Case Number WPVAR16-0003 (Snyder Residence) to reduce the setback from 15 feet to 7 feet from the edge of the roadway pavement for Patrick and Filomena Snyder with the conditions of approval as included as Exhibit A for this matter having made all four findings in accordance with the Washoe County Development Code Section 110.804.25. Special Circumstances, No Detriment, No Special Privileges and Use Authorized. Member Stanley seconded the motion, which carried unanimously with Members Hill and Lawrence voting nay.

Washoe County Appeal of Decision to Board of County Commissioners

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

| Appeal of Decision by (Check one) | |
|---|---|
| Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20. | |
| <input type="checkbox"/> Planning Commission | <input checked="" type="checkbox"/> Board of Adjustment |
| <input type="checkbox"/> Hearing Examiner | <input type="checkbox"/> Other Deciding Body (specify) _____ |
| Appeal Date Information | |
| Note: This appeal must be delivered in writing to the offices of the Planning & Development Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant. | |
| Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule). | |
| Date of this appeal: _____ | |
| Date of action by County: <u>February 2, 2017</u> | |
| Date Decision filed with Secretary: <u>February 6, 2017</u> | |
| Appellant Information | |
| Name: Patrick & Filomena Snyder | Phone: 209-481-1501 |
| Address: | Fax: |
| 6285 Crooked Stick Circle | Email: snyderp6@comcast.net |
| City: Stockton State: CA Zip: 95219 | Cell: |
| Describe your basis as a person aggrieved by the decision: We are the owners of the subject property and the decision prevents us from building a 2 car garage on our property as has been allowed by our many neighbors. | |
| Appealed Decision Information | |
| Application Number: WPVAR16-0003 | |
| Project Name: FPSN - Snyder Residence - 540 Gonowabie | |
| State the specific action(s) and related finding(s) you are appealing: Specifically, we are appealing the modification which requires a 7' set-back from the edge of a roadway pavement. | |

| Appealed Decision Information (continued) | |
|---|---|
| <p>Describe why the decision should or should not have been made: The requirement of a 7' setback from edge of pavement is inconsistent with previous variances on our street. Furthermore, the street was built through our property without a legal easement or other description that defines the exact location of the road, so using the edge pavement as a reference is both arbitrary and subjective. Finally, one of the reasons given for voting to approve with modification rather than as requested was that the CAB</p> | |
| <p>Cite the specific outcome you are requesting with this appeal: <u>did not meet. It is our understanding that the plans were sent to CAB members for comment so whether or not there was a mtg. is irrelevant.</u></p> | |
| <p>Approval of the original variance as it was requested, without modification, is the outcome we are requesting.</p> | |
| <p>Did you speak at the public hearing when this item was considered?</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>Did you submit written comments prior to the action on the item being appealed?</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| Appellant Signature | |
| <p>Printed Name: Patrick & Filomena Snyder</p> | |
| <p>Signature:</p> | <p><i>Patrick Snyder</i> <i>Filomena Snyder</i></p> |
| <p>Date:</p> | <p>2/8/2017</p> |

The attached document was submitted to the **Washoe County Board of Commissioners** during the meeting

held on APRIL 11, 2017

by EVA KRAUSE

for Agenda Item No. 17

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.



Variance WVAR16-0003

Snyder Residence 540 Gonowabie Road Crystal Bay

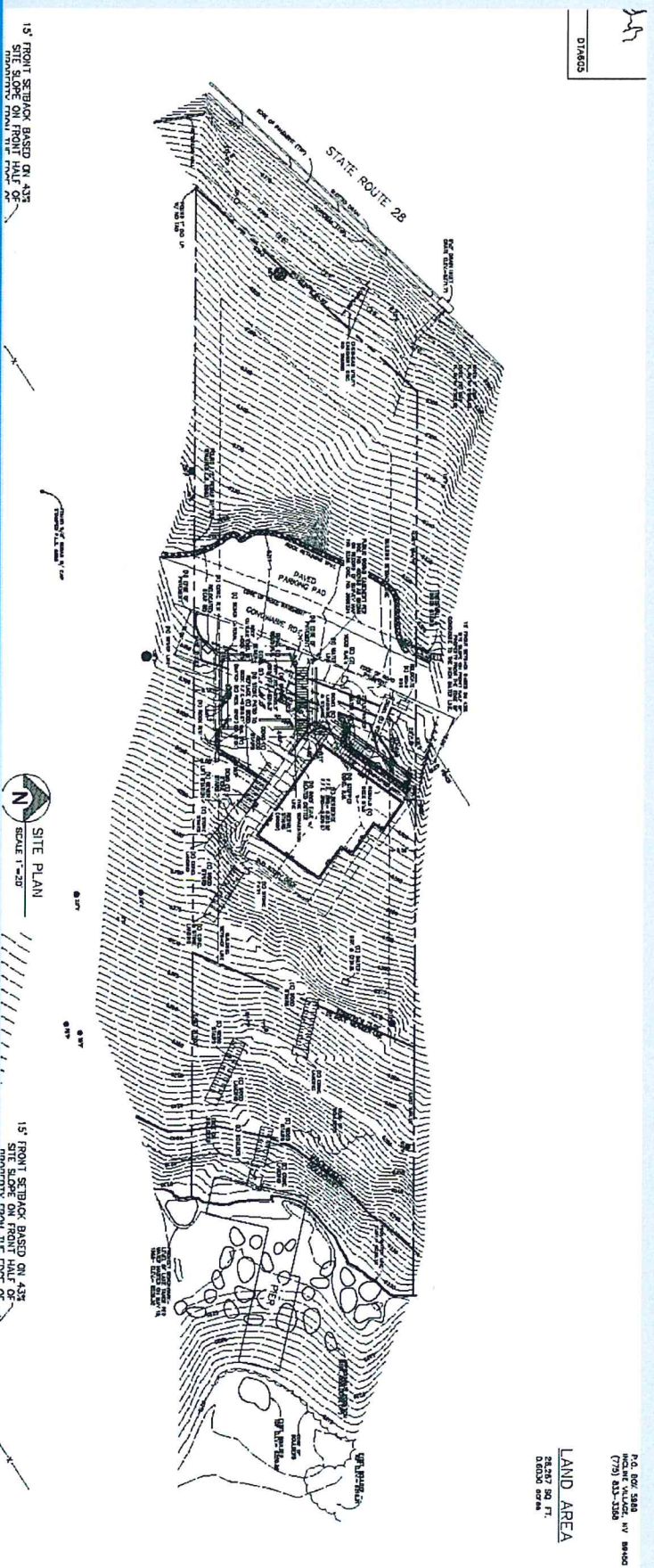
Requesting to reduce the setback from the road, from 15 feet to 1.7 from edge of road to construct a garage





Analysis

- Property is bisected by the road
- No easement or right-of-way for existing road





Public Notice

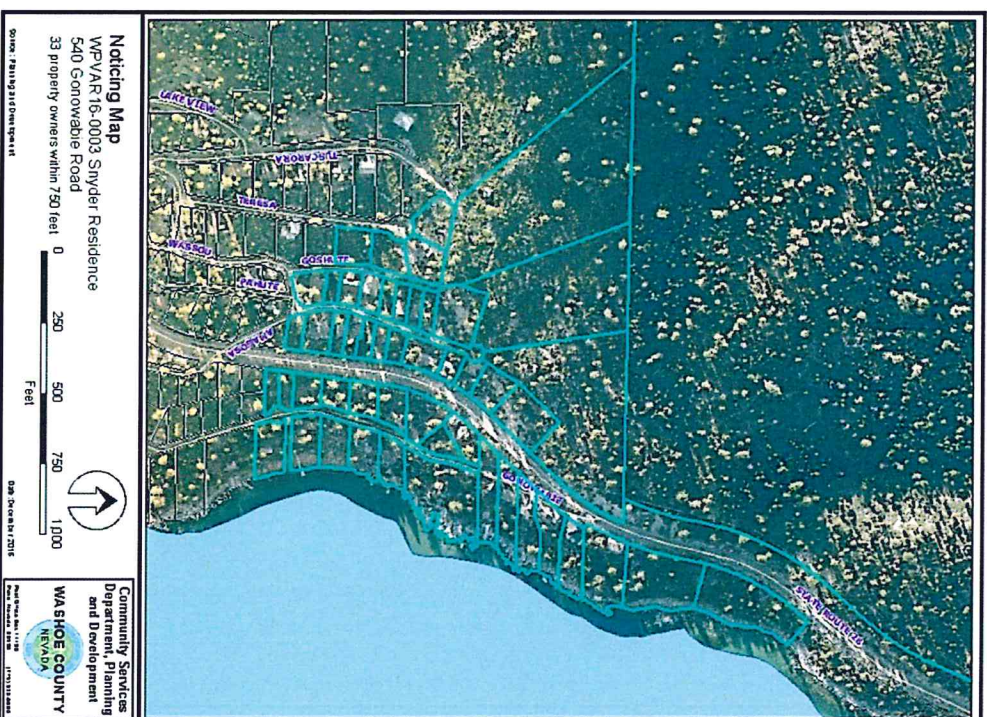
Incline Village/Crystal Bay

CAB

- ❖ No CAB meetings are held between November and February
- ❖ Application was sent to CAB members

Public Notice

- ❖ 33 separate property owners notified
- ❖ No comments were received from CAB or public





Reviewing Agencies

- **Washoe County Community Services Department**
 - Planning and Development
 - Engineering and Capital Projects
 - Traffic
 - Land Development



Conditions of Approval

- **Standard Planning requirements**
- **7 foot separation from edge of pavement to structure**
- **Parking management during construction**
- **Hold Harmless agreement**
- **Garage door opener required**



Findings

1. **Special circumstances**
 - *Exceptional slope and the road crossed private land without a recorded easement*
2. **No detriment**
 - *Conditions of approval mitigate detriment*
3. **No special privileges**
 - *Adjacent properties have been granted similar setback reductions*
4. **Use authorized**
 - *Proposed garage is permitted in MDS*



Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number WPVAR16-0003 to reduce the set back from fifteen feet to seven feet from the edge of the roadway pavement for Patrick and Filomena Snyder, with the Conditions of Approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Development Code Section 110.804.25.



Discussion

Questions?



Motion (as requested)

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case No. WVAR17-0003 Snyder Residence, with the conditions included in Exhibit A to the staff report for this matter, deleting condition 2.a., having made all four required findings in accordance with Washoe County Code Section 110.804.25.

The attached document was submitted to the **Washoe County Board of Commissioners** during the meeting

held on APRIL 11, 2017

by PATRICK & FILOMENA SNYDER

for Agenda Item No. 17

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.

FPSN Snyder Appeal

WPVAR16-0003



525 AND 534
ARE IN ROW.

550' FROM EP 552

570 @ EDGE
OF PAVEMENT

580 @ 2' SETBACK FROM
PL



520 River of water zone is rd
 The backstreet with
 around edge is at 57'

490 64 21' from 57' Road edge is with
 curve is with 1/4 way to 57'

514 is just 75' from 57'

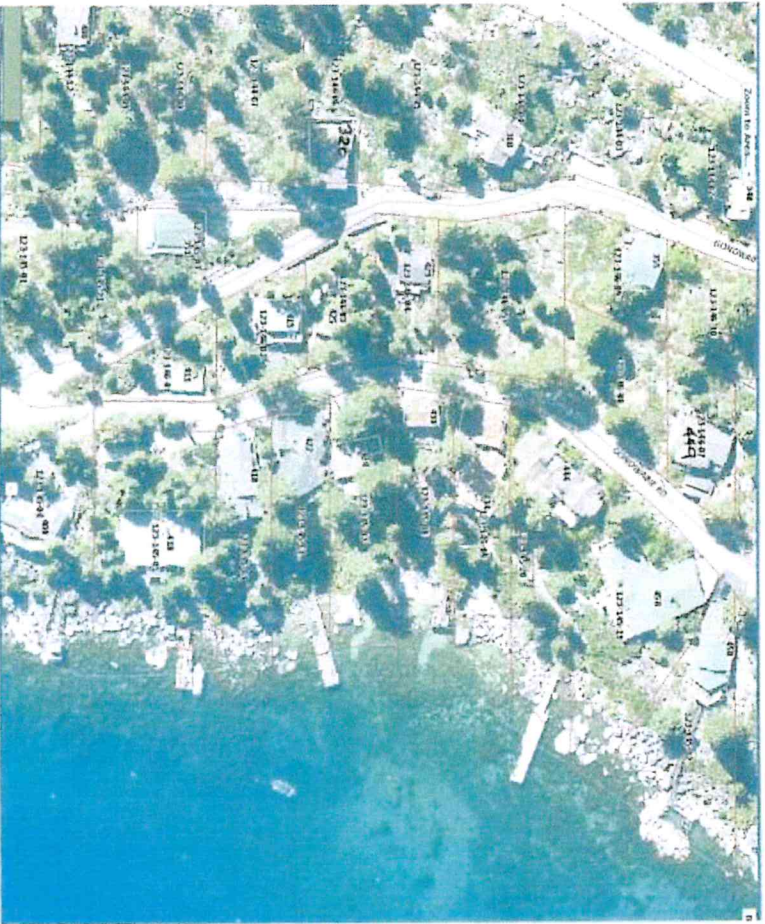
510 is 21' from 57'

495 is 0 0 1' setback



515 is 0' 534 in right of way

520 is 0' setback



- 340 0' SETBACK VARIANCE
- 355 0' SET BACK VARIANCE
- 304 15' SETBACK VARIANCE
- 351 15' SETBACK @ 50' SET BACK
- 410 20' SETBACK 7
- 415 0' SETBACK 7
- 422 0' SETBACK VARIANCE
- 424 1' SETBACK VARIANCE
- 430 1' SET BACK VARIANCE
- 434 1' SETBACK VARIANCE
- 449 1' SETBACK 4F1



- 450 16' SETBACK AND VARIANCE W/OUT DIMENSION FOR 1225/1231
- 459 15' IN HEIGHT OF WALL
- 458 20' SET BACK

- BLUE OUTLINE = DEVELOPED LOT W/STEBACKS > 7' BUT < 7'
- GREEN = EXISTING 2' OR LESS STEBACK
- NG = NO GARAGE
- X = 7' OR GREATER STEBACK

