



Appeal of Denial of Variance Case Number WPVAR20-0004

(Merritt Rear Yard Setback Reduction)

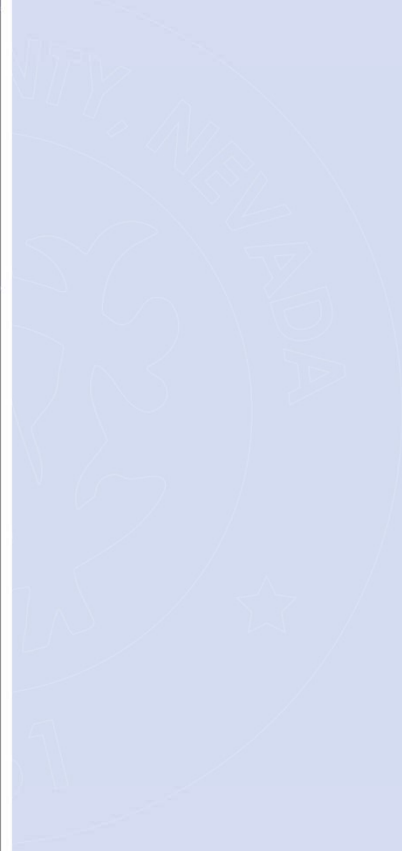
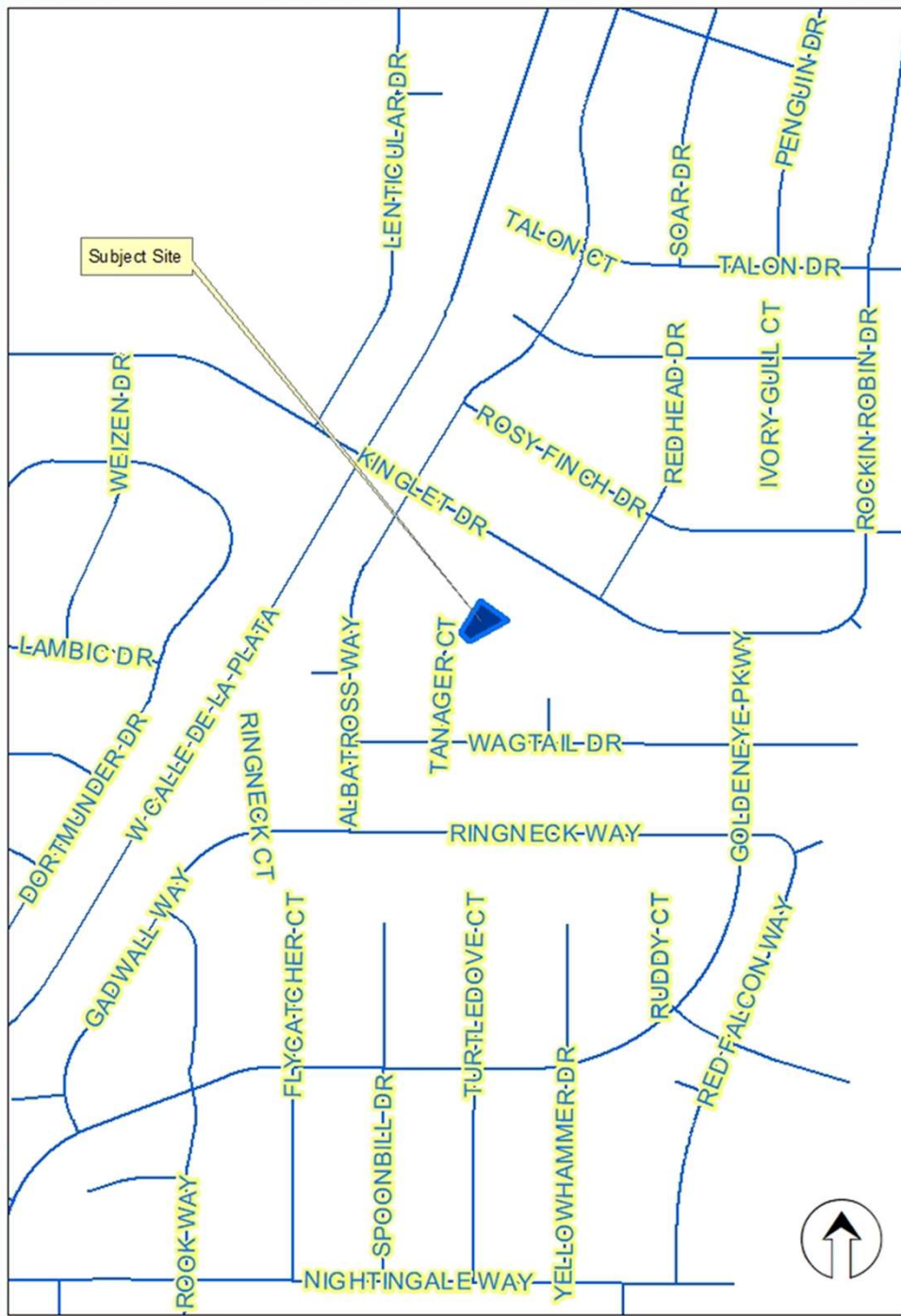
Washoe County Board of Commissioners
November 17, 2020



Request

Appeal of the denial, by the Washoe County Board of Adjustment of Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) which sought approval of a variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence. This constitutes a reduction of 10 feet, 3 inches.

Vicinity Map



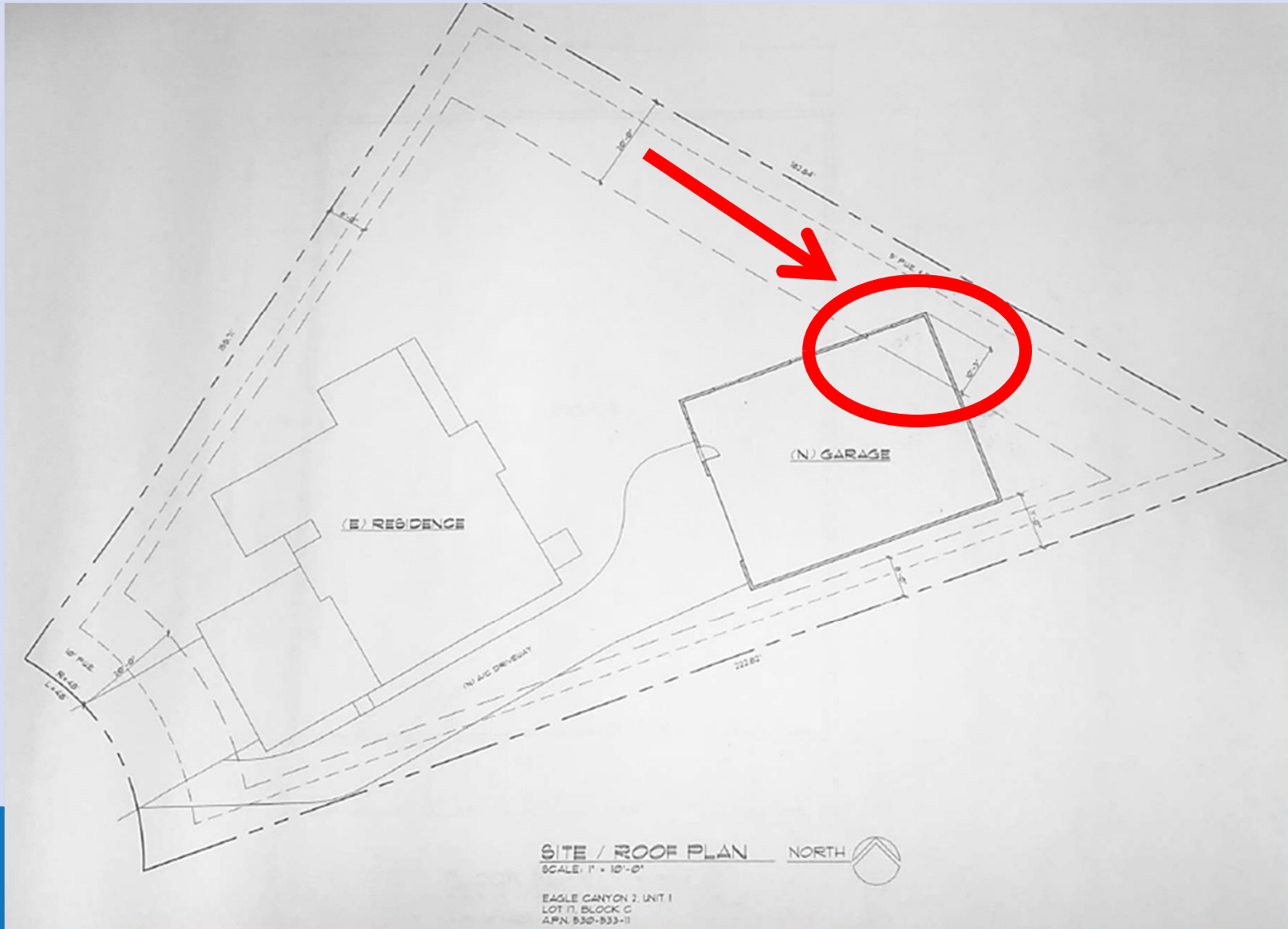


Overhead Photo



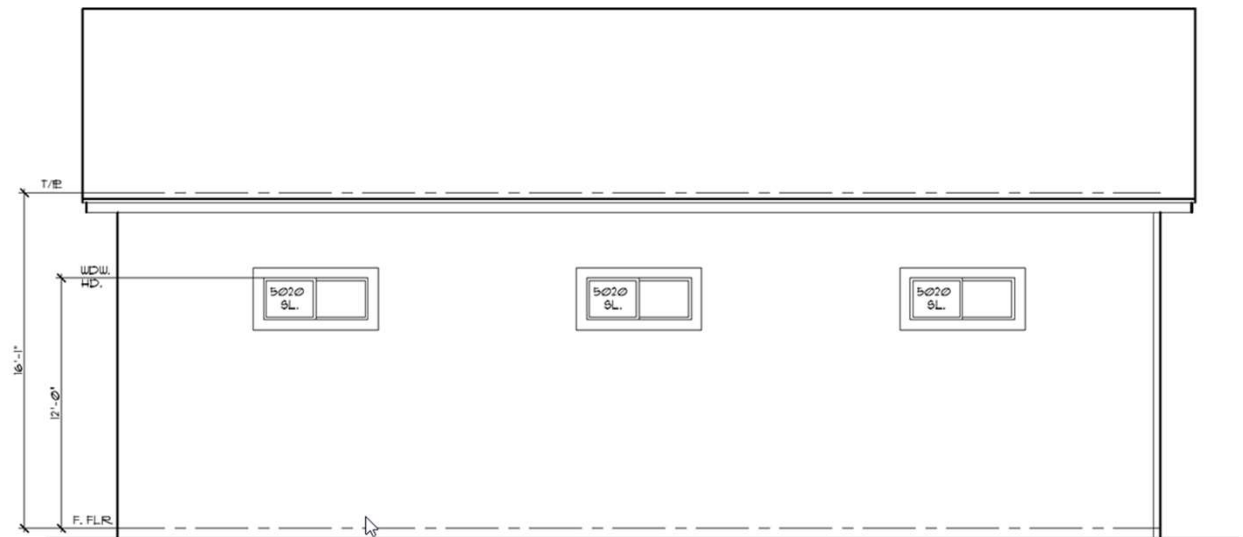
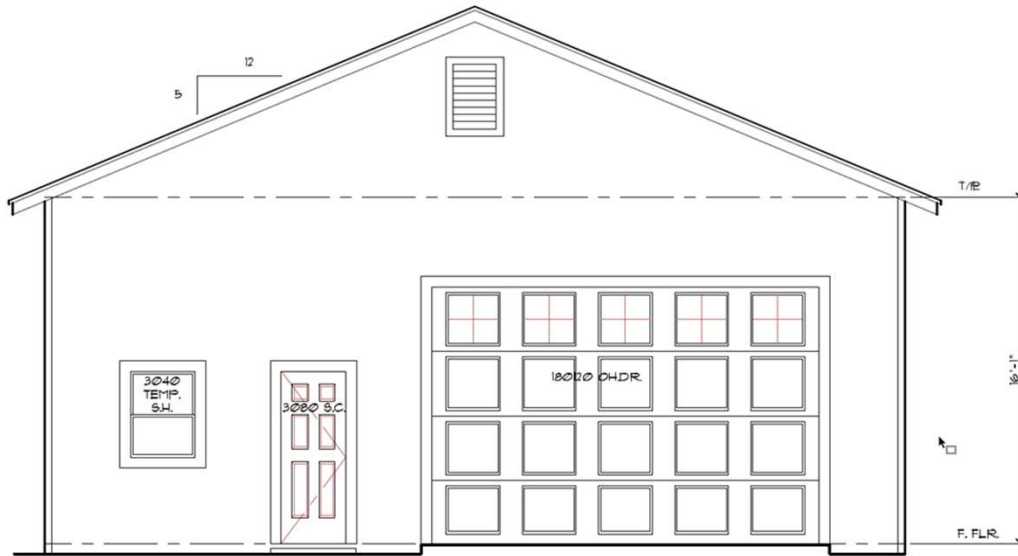


Proposed Site Plan





Proposed Structure





Variance Requirements / Findings of Fact

Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances 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 show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.



Variance Findings of Fact

Exceptional Narrowness:

Minimum Lot dimension for the MDS zone is 80 feet.

Parcel is approximately 115 feet in width.

The subject parcel is not exceptionally narrow.



Variance Findings of Fact

Exceptional Shallowness:

Minimum Lot dimension for the MDS zone is 80 feet.

Parcel is approximately 189 feet in depth.

The subject parcel is not exceptionally shallow.



Variance Findings of Fact

Exceptional Shape:

“Pie-slice” shape.

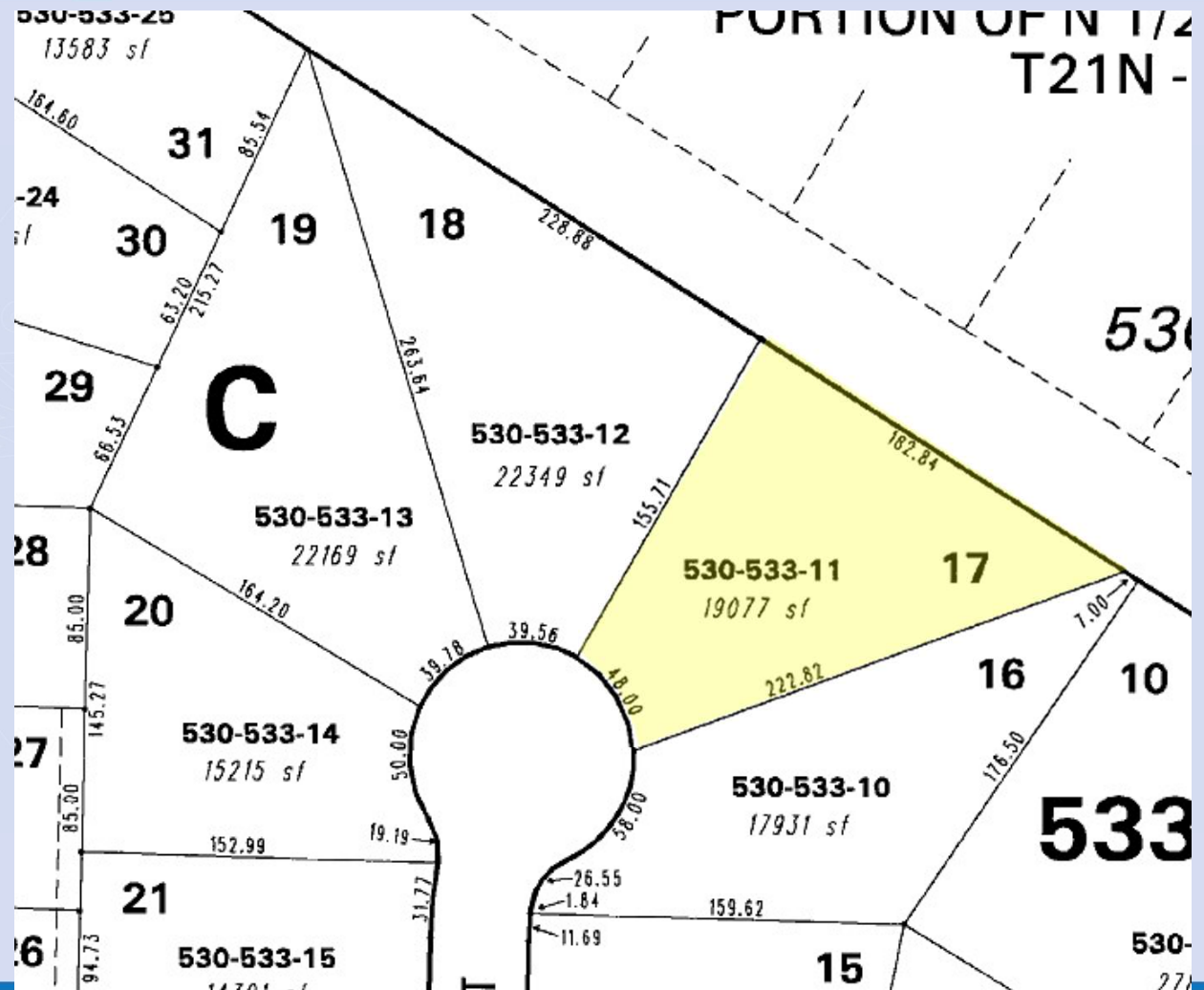
- Common, particularly on cul-de-sac streets.

The parcel is not exceptionally shaped.



Variance Findings of Fact

The appeal application (Attachment E to the staff report) indicates that the shape of the parcel is exceptional because west property line is 67 feet shorter than the east property line.





Variance Findings of Fact

Exceptional Topography:

The subject parcel is essentially flat.

The parcel does not contain exceptional topographic conditions.



Subject site, with proposed location of the garage shown by the stakes and paint.



Reviewing Agencies

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects – Land Development
- Washoe County Health District
 - Air Quality
 - Environmental Health 
 - Emergency Medical Services
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe Storey Conservation District



Recommendation

Planning staff is bringing forward the decision of the Board of Adjustment to the Board of County Commissioners. The decision of the Board of Adjustment is the denial of Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction), being unable to make the required findings of fact.

Should the Board find an exceptional hardship and choose to approve the variance request, staff has prepared possible conditions of approval.



Possible Motions (Pages 3 & 4)

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners affirm the decision of the Board of Adjustment, and deny Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) for Jamey and Jennifer Merritt, being unable to make all five findings in accordance with Washoe County Code Section 110.804.25, including:

“Move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of County Commissioners reverse the decision of the Board of Adjustment, and approve Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) for Jamey and Jennifer Merritt, with conditions included at Attachment D to the staff report, being able to make all five findings in accordance with Washoe County Code Section 110.804.25, including: