



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: May 28, 2019

**DATE:** May 8, 2019

**TO:** Board of County Commissioners

**FROM:** Julee Olander, Planner, Planning and Building Division,  
Community Services Department, 328-3627,  
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**THROUGH:** Mojra Hauenstein, Architect, AICP Planner, LEED AP,  
Director of Planning and Building, 328-3619,  
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**SUBJECT:** Public hearing: Appeal of the Washoe County Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The project is for a variance to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area.

The Board of County Commissioners may affirm, reverse, or modify the decision of the Board of Adjustment.

The applicant and property owner is Greenview HOA. The address is 692 Palmer Ct. in Incline Village. The Assessor's Parcel Number is 128-310-05. The Master Plan Category is Urban Residential (UR) and the Regulatory Zone is Low Density Urban (LDU). The project is located within the Tahoe Area Plan and within the Incline Village Crystal Bay Citizen Advisory Board boundary. The variance request comes under WCC Chapter 110, Article 804, Variances. (Commission District 1.)

### SUMMARY

The appellant, Greenview HOA, is seeking to overturn the Washoe County Board of Adjustment's (BOA) denial on March 7, 2019. The appellant has appealed the denial providing justification to support the second finding (No Detriment) and third finding (No Special Privileges), which were the findings that the Board of Adjustment was unable to make.

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

AGENDA ITEM # \_\_\_\_\_

## **PREVIOUS ACTION**

On February 4, 2019, the variance was to be heard by the Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB); however the meeting was canceled due to weather issues.

On March 7, 2019, the variance was considered, in a public hearing, before the BOA. The BOA took action to deny the variance unanimously. The board was unable to make the second finding (No Detriment) and the third finding (No Special Privileges).

## **BACKGROUND**

The Washoe County Board of Adjustment denied the proposed variance based on the inability to make all of the findings required by Washoe County Code (WCC) Section 110.804.25; specifically, the BOA was unable to make the second and third finding for approval of the Variance request [WCC Section 110.804.25(b), stated below:

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.

The appellant's application (see Attachment C) addresses the BOA's concerns regarding Findings 2 and 3 with the following comments:

### No Detriment

The appellant states that the garages will not be a detriment and will not impact the neighbors or their views.

### No Special Privileges

The appellant states that all the other units on the street have garages.

The BOA staff report (see Attachment B) deemed the construction of the garages as bringing the property closer to conformance with current parking requirements, per Article 410 of the Washoe County Development Code which requires one enclosed garage per dwelling unit. Staff was able to make all the findings, including Findings 2 and 3, with the following comments:

### No Detriment

The construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.

### No Special Privileges

The construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.

**FISCAL IMPACT**

No fiscal impact.

**RECOMMENDATION**

It is recommended that the Board of County Commissioners affirm the decision of the Board of Adjustment and uphold the denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages).

**POSSIBLE MOTIONS**

Should the Board agree with the Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages), staff offers the following motion:

“Move to deny the appeal and affirm the decision of the Board of Adjustment to deny Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The denial is based upon the inability to make the findings required by WCC Section 110.804.25, *Findings*.

Should the Board disagree with the Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages), staff offers the following motion:

“Move to approve the appeal and reverse the decision of the Board of Adjustment and approve Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The approval is based on the Board's ability to make all four of the findings required by WCC Section 110.804.25, *Findings*.

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Attachments:

Attachment A: Board of Adjustment Action Order dated 3/7/19

Attachment B: Board of Adjustment Staff Report dated 3/7/19

Attachment C: Appeal Application dated 3/11/19

Attachment D: Board of Adjustment Minutes of 3/7/19

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cc: Appellant/ Property Owner: Greenview HOA, 692 Palmer Ct, Incline Village, NV 89451, Email: jh1nsa@gmail.com