



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 19, 2018

DATE: April 20, 2018

TO: Board of County Commissioners

FROM: Trevor Lloyd, Planning Manager, Planning and Building Division, Community Services Department, 328-3617, tlloyd@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP, Director of Planning and Building, 328-3619, mahuenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Board of Adjustment's denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe). The project includes a variance 1) to reduce the front yard setback along State Line Road from 20 feet to 0 feet; 2) to reduce the front yard setback along State Route 28 from 20 feet to 8 feet and 3) to reduce the side yard setback from 10 feet to 3 feet to allow for a commercial building on a $\pm 2,000$ square foot property.

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

The applicant and property owner is Evo Real Estate, Inc. The address is 2 North Lake Avenue in Crystal Bay. The Assessor's Parcel Number is 123-043-01. The Master Plan Category is Commercial (C) and the Regulatory Zone is Tourist Commercial (TC). The project is located within the Tahoe Plan Area 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, Evo Real Estate, Inc., applied for a Variance request. That variance request was denied by the Washoe County Board of Adjustment (BOA) on April 5, 2018. The appellant has appealed that denial providing justification to support the second finding (No Detriment) for approval of the Variance request, which was the only finding 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 September 25, 2017, the variance was considered by the Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB). The IVCB CAB took action to recommend approval of the project with a vote of three in favor and none opposed.

On April 5, 2018, the variance was considered, in a public hearing, before the BOA. The BOA took action to deny the variance, with a vote of three in favor and one opposed. Board member Thomas moved for denial, Board member Stanley seconded, and Board member Toulouse opposed.

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 finding for approval of the Variance request [WCC Section 110.804.25(b)], and instead made the finding as stated below:

- (b) Detriment. The relief may 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. The Board specifically identified unresolved concerns relating to pedestrian safety, traffic, parking and snow removal;

Please see the Board of Adjustment staff report, included as Attachment B, for discussion of each of these findings.

The appellant addresses the BOA's concerns regarding pedestrian safety, traffic, parking and snow removal in their appeal dated April 13, 2018 (see Attachment C). Below is a summary of the appellant's responses to these issues:

Pedestrian Safety

The appellants indicate that existing pedestrian conditions are currently in very poor condition. The proposed project includes plans for significant pedestrian improvements near the subject property that will greatly improve pedestrian safety. These improvements include areas of pedestrian refuge at endpoints of the crosswalk; curb gutter and sidewalk; applicable signage, striped bike lane; traffic calming because of increased pedestrian activity and visual indicators and increased site distance with compliant vegetation.

Traffic

The proposed use is not expected to generate appreciable number of unique trips that could affect daily traffic volumes. Also, the appellants will be required to satisfy engineering standards of Washoe County and NDOT. The project proposes public improvements in NDOT right of way and the applicants anticipate a collaborative and iterative approach with NDOT, TRPA and Washoe County.

Parking

The appellants have indicated a multi-modal approach to parking that includes among other things, pedestrian improvements, public transportation access, bicycle parking, shuttle service and valet service. Also the appellants will provide a parking management plan that is consistent with the goals of the Tahoe Regional Planning Agency – Regional Plan Update, specifically involving redevelopment in Town Centers.

Snow Removal

Onsite snow removal will be managed by use of roof design and selection of roofing materials to hold the snow on the roof and not shed to the project area; Also, the appellants will use landscape areas to store snow generated from the hardscape areas.

Please see the appeal application, included as Attachment C, to this report for a more complete discussion regarding each of these issues.

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 WPVAR17-0007 (Izakaya Tahoe).

POSSIBLE MOTIONS

Should the Board agree with the Board of Adjustment's denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe), staff offers the following motion:

“Move to deny the appeal and affirm the denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe). 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 WPVAR17-0007 (Izakaya Tahoe), staff offers the following motion:

“Move to approve the appeal and reverse the denial of Variance Case Number WPVAR17-0007 (Izakaya Tahoe). The approval is based on the Board's ability to make all four of the findings required by WCC Section 110.804.25, *Findings*.

Attachments:

Attachment A: Board of Adjustment Action Order dated 4/9/2018

Attachment B: Board of Adjustment Staff Report dated 3/20/2018

Attachment C: Appeal Application dated 4/18/18

Attachment D: Board of Adjustment Minutes of 4/5/2018

Attachment E: Technical Memorandum

Cc: Appellant: Andrew Ryan, 8889 N. Lake Blvd, Kings Beach, CA 96

Property Owner: Evo Real Estate, Inc., Attn: Brent Norton, 2 N. Lake Avenue, Crystal Bay, NV 89402