

Attachment E

Community Services Department
Planning and Building
APPEAL TO BOARD OF COUNTY
COMMISSIONERS (BCC)
APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

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 Building staff at 775.328.6100.

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 and Building 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: <u>10/06/2020</u>	
Date of action by County: <u>10/01/2020</u>	
Date Decision filed with Secretary: <u>10/05/2020</u>	
Appellant Information	
Name: Jamey & Jennifer Merritt	Phone: 775-287-0201
Address: 2152 Tanager Ct.	Fax: _____
Email: jrmerritt@charter.net	
City: Sparks State: NV Zip: 89441	Cell: 775-691-9784
Describe your basis as a person aggrieved by the decision: Was absent from Board of Adjustment October 1, 2020 BOA meeting to give testimony as to why our property should be considered for a variance approval.	
Appealed Decision Information	
Application Number: WPVAR20-0004	
Project Name: Merritt Rear Yard Setback Reduction	
State the specific action(s) and related finding(s) you are appealing: See Attached Letter	

Appealed Decision Information (continued)

Describe why the decision should or should not have been made:

See Attached Letter

Cite the specific outcome you are requesting with this appeal:

See Attached Letter

Did you speak at the public hearing when this item was considered?

☐ Yes
☒ No

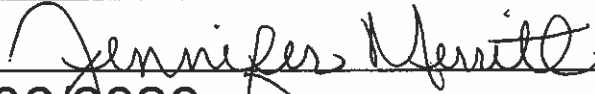
Did you submit written comments prior to the action on the item being appealed?

☒ Yes
☐ No

Appellant Signature

Printed Name: **Jennifer Merritt**

Signature:



Date: **10/06/2020**



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

Attachment E
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1001 EAST STREET
RENO, NEVADA 89512-2845
PHONE (775) 328-6100
FAX (775) 328.6133

Board of Adjustment Action Order

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction)

Decision: Denial

Decision Date: October 1, 2020

Mailing/Filing Date: October 5, 2020

Property Owner: Jamey and Jennifer Merritt

Assigned Planner: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Building Division
775.328.3622
rpelham@washoecounty.us

Variance Case Number WPVAR20-0004 (Merritt Rear Yard Setback Reduction) – For possible action, hearing, and discussion to approve 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.

- Applicant/Property Owner: Jamey and Jennifer Merritt
- Location: 2152 Tanager Court, at the northern terminus of Tanager Court, approximately 400 feet north of its intersection with Wagtail Drive.
- APN: 530-533-11
- Parcel Size: ± 0.44 acres (± 19,166 square feet)
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make findings, as required by Washoe County Code (WCC) Section 110.804.25, the Board was unable to make findings #1 (Special Circumstances) and #2 (No Detriment) below.

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;



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Memo to: Jamey and Jennifer Merritt
Subject: Variance Case Number WPVAR20-0004
Date: October 5, 2020
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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;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at 775.328.6100. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Trevor Lloyd

Trevor Lloyd, Planning Manager
Secretary to the Board of Adjustment
Planning and Building Division
Washoe County Community Services Department

TL/rp

Applicant/Owner: Jamey and Jennifer Merritt
2152 Tanager Court
Sparks, NV 89441

Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck,
Assessor's Office; Rigo Lopez, Assessor's Office; Mojra Hauenstein, Planning and
Building

October 06, 2020

Washoe County
Attn: Trevor Lloyd, Planning Manager
1001 E. Ninth St. Bldg. A
Reno, NV 89512-2845

Re: Request to Appeal to BCC; WPVAR20-0004

Dear Mr. Lloyd,

We, Jamey and Jennifer Merritt recently applied for a variance to request for an adjustment/variance of the rear yard setback from 20 ft. to 9 ft. 9 in., more specifically approximately 221 sf. of the NW corner of the proposed detached garage (drawings were provided with variance application; plot drawing includes the variance setback). We believe our property falls under Washoe County Section 110.804.25 Special Circumstance due to the shape of our property. Our application was reviewed by the Board of Adjustments on October 1, 2020 and was denied. Unfortunately, neither of us was present to provide our testimony and answer questions that we feel would have potentially changed the outcome of the hearing. We are requesting to appeal the Board of Adjustments decision to the Washoe County Board of County Commissioners per Washoe County Section 110.912.20.

Our property as you can see from the images and parcel map provided in our application is pie shaped and situated within a cul-de-sac. Our property is unique because our side yard property lines are not equal; we have approximately 67 ft. less on our west side than we do on our east side; east side being where we would like to construct our garage. Looking at other properties in cul-de-sacs, above and below us, that are situated similar to our property, they have equal or close to equal side yard property lines.

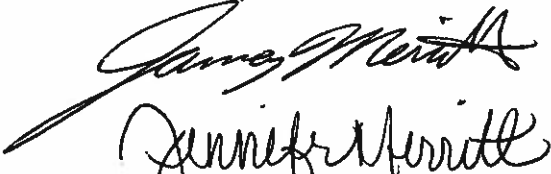
Prior to applying for a variance, we requested approval from our HOA. Approval letter comments include that we must obtain necessary permits from Washoe County and garage must be constructed with similar material as home and color scheme, all of which are our intentions. Following HOA approval we submitted our variance application; it has been reviewed by Washoe County Engineering Projects Division that recommended approval with the following comments and conditions of approval which supplement applicable County Code. We would like to note that there were NO comments or conditions from General Engineer, Drainage, Traffic/Roadway, Utilities, Fire, or Health departments. We did receive 1 comment back from Washoe-Storey Conservation District; that our paint color palette must match existing building including roof material.

Our variance application has also been reviewed and approved unanimously by the Spanish Springs CAB on September 2nd. During that meeting there was discussion regarding our property and its surroundings. This particular community is known for its bigger lots to accommodate detached garages in various sizes. It has been determined that our property and the proposed site location for the garage does not have any view obstructions nor will there be any sunlight obstructions. The CAB members acknowledged that we have a 50 ft. storm drain on the backside of our property that separates our lot from other lots on the north side, this being where we are requesting for the variance. We have spoken with multiple neighbors and they didn't have a problem with our request. Our east side neighbor actually said he appreciated us wanting to move it back some because it would take it out of view from his bedroom window. During the Spanish Springs CAB meeting Commissioner Hartung was in attendance and inquired if other variances have been given in our community and if there have been any precedent set for allowing this type of variance. Washoe County Planner, Mr. Pelham reported variances are unique, one variance does not set a precedent, there for we do not see our variance approval as receiving any kind of special privileges. Our opinion is that the review process by the different committees, departments and neighbors should have had more weight with consideration with the Board of Adjustments decision.

In closing we purchased this property 19 years ago to raise our family. We selected this lot in hopes of building a garage one day. The proposed garage will provide adequate storage for personal property, classic and recreation vehicle (camp trailer) in efforts to eliminate clutter and keep out of view from surrounding neighbors. Looking at what defines a Hardship; there are multiple definitions of a hardship including one that is "a lack of comfort". Our hardship is with the standard setback, it will not provide enough separation between our home and the proposed garage. We would feel more "comfortable" with the additional space for garage access, especially trying back in a recreation vehicle and most importantly additional separation in the event of a fire.

We are trying to abide by County Codes; receiving an Adjustment/Variance is part of the Washoe County Code Process. We didn't want to ask for forgiveness and create an unnecessary hardship if we had constructed prior to realizing the setbacks for taller structures.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is for Jamey Merritt and the second is for Jennifer Merritt. Both are written in a cursive, flowing style.

Jamey and Jennifer Merritt
2152 Tanager Ct.
Sparks, NV 89441