



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: February 9, 2021

DATE: January 12, 2021

TO: Board of County Commissioners

FROM: Julee Olander, Planner, Planning and Building Division, Community Services Department, 328-3627, jolander@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Division, Community Services Department, 328-3619, mhauenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute) for the abandonment of Washoe County's interest in $\pm 1,197$ square feet (± 31 feet) of public right-of-way at the end of Pahute Road (APN:123-143-11), 175 feet west of Nevada State Route 28. If approved, the property will be abandoned to the abutting property owner at 425 Pahute Road. The request to abandon is pursuant to NRS 278.480 and related provisions in the Washoe County development code. The appellant is Victor Elgohary and the applicant for the abandonment is the Kurt D. Callier Living Trust, owner of 425 Pahute Road (APN:123-143-11). (Commission District 1.)

SUMMARY

The appellant, Victor Elgohary, is seeking to overturn the Washoe County Planning Commission's approval on September 1, 2020, based on the contention that the abandonment will seriously harm the appellant's property at 450 Pahute Road and the use of the turnaround area at the end of Pahute Road.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PREVIOUS ACTION

The appeal was originally scheduled to be heard by the Board of County Commissioners on November 24, 2020; however, the meeting on that date was canceled. The appeal was re-scheduled for January 12, 2021. The appellant requested to continue that hearing date, and the appeal was scheduled for February 9, 2021.

On September 1, 2020, the abandonment was considered, in a public hearing, before the Planning Commission. The Planning Commission approved the abandonment, with six Commissioners approving and one dissenting.

AGENDA ITEM # _____

BACKGROUND

The owner (Kurt D. Callier Living Trust) of 425 Pahute Road (APN:123-143-11) requested to abandon 1,197 sq. ft. of public right-of-way (ROW) at the terminus of Pahute Road, approximately 31 feet adjacent to the parcel. There is a residential house, that was built in 1941, located on the public ROW. The proposed abandonment will move the property line to ensure that the existing house is located out of the public ROW.

Pahute Road is a 776 foot long road with basically a 10-12 foot wide one-lane of roadway. The ROW is approximately 25 feet; however, most of the properties have built into the ROW which has created a much narrower street. There are parking areas and pull-out areas along the road to enable two vehicles to pass each other if simultaneously on the road. The end of Pahute is a cul-de-sac and is used by vehicles as a turnaround area. The abandonment is for approximately 31 feet, removing the existing house from the ROW. The cul-de-sac will remain as a turnaround area for the neighborhood to use. No physical changes will be made to the road as a result of this abandonment. Staff concluded that the proposed abandonment would not deprive access to the abutting properties.

The parcel's regulatory zone is high density suburban (HDS) and the setbacks are 20 feet in the front and rear and 5 feet on the sides. The current house is a legal non-conforming structure because the house does not meet the front 20-foot setback requirement. Any new additions of 10% or more to the house will require the house to meet the 20 feet front setback requirement or the owner will need to obtain a variance for the setback requirement.

The proposed project is in the Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB) area; however, abandonments are not required to be presented at CAB meetings. Notices were mailed per WCC 110.806.15(c)(1), "to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment" and "published at least once in a newspaper of general circulation in the County not less than 10 business days prior to the date of the Planning Commission's public hearing."

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners review the record and take one of the following two actions:

1. Affirm the decision of the Planning Commission and approve Abandonment Case Number WAB20-0003 (Pahute Abandonment); or
2. Reverse the decision of the Planning Commission and deny Abandonment Case Number WAB20-0003 (Pahute Abandonment).

POSSIBLE MOTIONS

Should the Board agree with the Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute Abandonment), staff offers the following motion:

"Move to deny the appeal and affirm the decision of the Planning Commission to approve Abandonment Case Number WAB20-0003 (Pahute Abandonment). The approval is based upon the ability to make the findings required by WCC Section 110.806.20, Findings."

or

Should the Board disagree with the Planning Commission's approval of Abandonment Case Number WAB20-0003 (Pahute Abandonment), staff offers the following motion:

"Move to approve the appeal and reverse the decision of the Planning Commission and deny Abandonment Case Number WAB20-0003 (Pahute Abandonment). The approval is based on the Board's inability to make all the findings required by WCC Section 110.806.20, Findings."

With the exception of Attachment E, which has been included for the Board's consideration at the request of appellant, the following Attachments constitute the Record on Appeal:

Attachment A: Appeal Application dated 9/11/20

Attachment B: Planning Commission Signed Action Order

Attachment C: Planning Commission Staff Report dated 9/1/20

Attachment D: Planning Commission Minutes dated 9/1/20

Attachment E: Recording of Planning Commission Meeting dated 9/1/20, with WAB20-0003 beginning at 05:24

Attachment F: Public Comments

Attachment G: Washoe County Staff PC PowerPoint 9/1/20

Attachment H: Applicant PC PowerPoint 9/1/20

Cc:

Appellant: Victor Elgohary, 6406 Arcadia Bend Ct, Houston, TX 77041
Email: victor@vselgohary.com

Property Owner: Kurt D. Callier Living Trust, 4621 Teller Ave., Newport Beach, CA, 92660, Email: ANichols@assocrmc.com

Applicant Representative: Gilanfarr Architecture, 22 State Route 28 #202, Crystal Bay, NV, 89402, Email: phil@gilanfarrarchitects.com