

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>February 18, 2022</u>	
Date of action by County: <u>February 3, 2022</u>	
Date Decision filed with Secretary: <u>February 8, 2022</u>	
Appellant Information	
Name: Granite Place Owners Association	Phone: 775-687-0202
Address: c/o Allison MacKenzie, Ltd. (Its attorneys)	Fax: 775-882-7918
402 N. Division St.	Email: jtownsend@allisonmackenzie.com
City: Carson City State: NV Zip: 89703	Cell: (Direct) 775-886-2251
Describe your basis as a person aggrieved by the decision: Granite Place Owners Association is a Nevada non-profit association of owners of the 18 condominium units located at 1 Big Water Drive in Incline Village, which is Phase 1 of the Boulder Bay development. The subject of the decision being appealed is the grading of the remainder of the Boulder Bay development, including a proposed roadway which appears to encroach on the Granite Place residences (a fact not disclosed in the EKN application) and/or would otherwise require a variance that unreasonably impacts these residences. Granite Place is a person aggrieved by the decision as both a property owner and an association of adjacent property owners.	
Appealed Decision Information	
Application Number: WSUP21-0035	
Project Name: The Resort at Tahoe and Residences	
State the specific action(s) and related finding(s) you are appealing: Granite Place appeals the approval of a special use permit for major grading, including variances from Washoe County standards, granted by the Board of Adjustment (BOA) to EKN Development Group. Granite Place specifically objects to the BOA's finding that granting the special use permit would not be significantly detrimental or injurious to the property or improvements of adjacent properties as required by Washoe County Code Section 110.810.30 (d).	

Appealed Decision Information (continued)

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

The grading of the proposed roadway called "Wellness Way" presents at least three issues for consideration with respect to injury to Granite Place. First, the original decision to abandon Reservoir Road and replace it with Wellness Way was improvidently granted without input from Granite Place or consideration of its impact on Granite Place. Second, the physical boundaries of Granite Place have not yet been finalized and the original developer, EKN's predecessor, owes a deed to Granite Place outlining the boundaries and the association's common areas. A portion of the proposed Wellness Way lies approximately six feet from the southwest corner of the southernmost Granite Place units. Granite Place expects the boundaries of the association's property to extend into that portion of the roadway and, therefore, the road could not be dedicated to the County without the consent of Granite Place, which consent would be withheld. The location of a public roadway so close to a residence is, without question, detrimental to the safety and right to quiet enjoyment to which the occupants thereof are entitled. Third, the original plan for the Boulder Bay development was approved more than a decade ago, did not include Wellness Way, and changed circumstances in the housing market, traffic, and other affected realms in the intervening years should be reevaluated. See additional comments in an addendum attached hereto.

Cite the specific outcome you are requesting with this appeal:

Granite Place requests that the BOA's granting of a special use permit for major grading be reversed with directions to commission additional studies regarding traffic and other potential impacts to the community as presently constituted.

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: **Justin Townsend, Esq, Counsel to Appellant**

Signature:

Date: **February 18, 2022**

**Addendum to Granite Place Owners Association's
Appeal of Board of Adjustment's approval of WSUP21-0035**

This appeal is not meant to discourage the general development of Boulder Bay, which, if appropriately modified, Granite Place believes is in the best interests of the community.

Granite Place requests a hearing on this appeal and an opportunity to be heard therein, as allowed by Washoe County Code Section 110.912.20(b).

In connection with this appeal, and to assure that it may be adequately considered, Granite Place requests a briefing schedule to fully develop the arguments outlined in the appeal form to which this addendum is attached as allowed by the Washoe County Code Section 110.912.20(b)(5)(2). Granite Place suggests a schedule that would allow Granite Place 20 days within which to file an opening brief; 20 days for EKN and planning staff to file a response to Granite Place's opening brief; and 20 days for Granite Place to file a reply to any responses to its opening brief.

Lastly, Granite Place requests an opportunity to conduct reasonable discovery, pursuant to Washoe County Code Section 110.912.20(b)(5)(2), prior to a hearing on the issues relative to this matter, including ancillary matters and applications filed previous to the one at issue here, which may and/or should have had some bearing on the BOA's consideration of EKN's application.