



# WASHOE COUNTY

Integrity Communication Service

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|             |       |
|-------------|-------|
| CM/ACM      | _____ |
| Finance     | _____ |
| DA          | _____ |
| Risk Mgt    | N/A   |
| HR          | N/A   |
| Comptroller | _____ |

## STAFF REPORT

BOARD MEETING DATE: January 24, 2017

**DATE:** December 28, 2016

**TO:** Board of County Commissioners

**FROM:** Roger Pelham, Senior Planner, Planning and Development Division,  
Community Services Department, 328-3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

**THROUGH:** Dave Solaro, Arch., P.E., Director  
Community Services Department, 328-3600, [dsolaro@washoecounty.us](mailto:dsolaro@washoecounty.us)

**SUBJECT:** Hearing and possible action to affirm, modify, or reverse the Board of Adjustment's denial of Variance Case Number VA16-005 (Thomas Lypka), which sought approval of variances: 1) reducing the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances were requested to facilitate the expansion of the existing dwelling.

The property is located at 755 Judith Court at the southeast corner of its intersection with Harper Court in Incline Village and within Section 9, Township 16 North, Range 18 East, MDM. The Assessor's Parcel Number is 125-231-19. The parcel is 6,460 square feet in size. The Master Plan Category is Suburban Residential and the zoning is High Density Suburban (HDS). (Commission District 1.)

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### SUMMARY

The appellant is seeking approval of variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances were requested to facilitate the expansion of the existing dwelling.

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

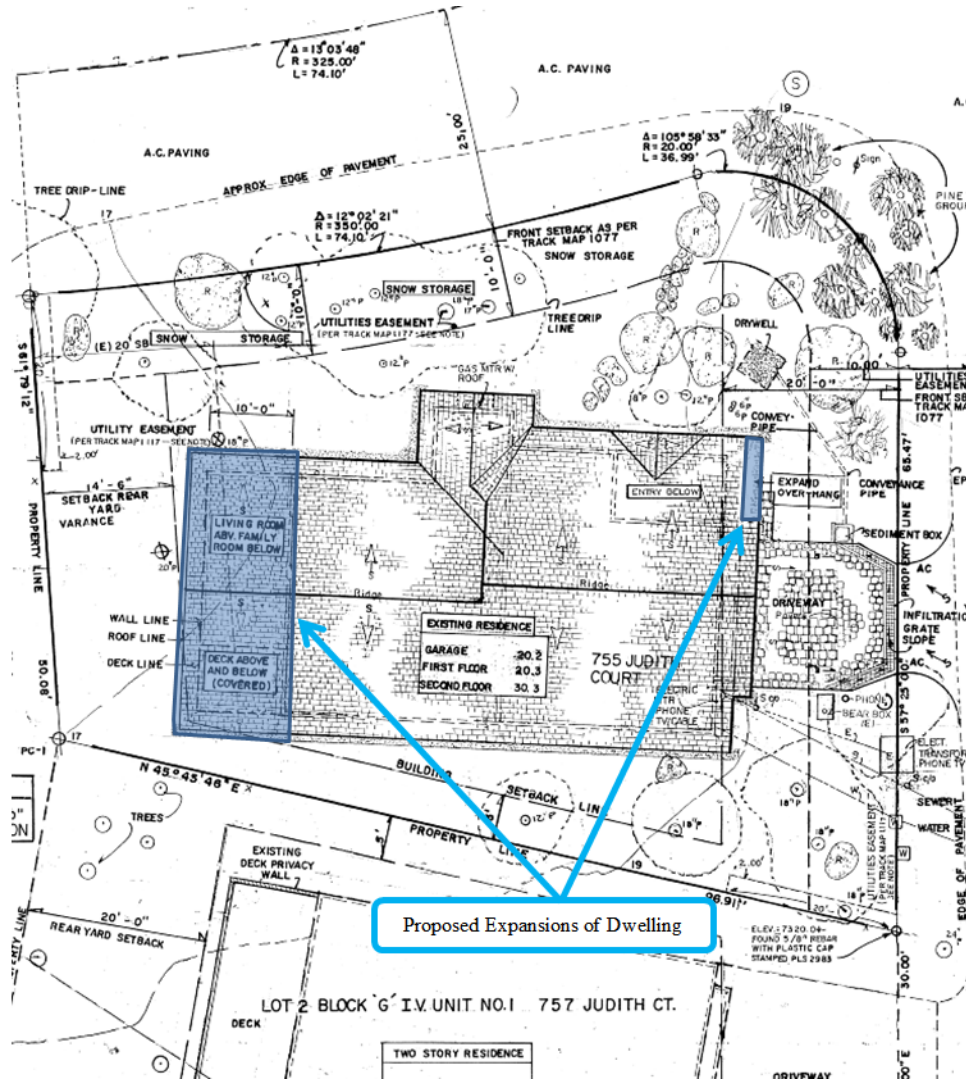
### PREVIOUS ACTION

On December 1, 2016 the Washoe County Board of Adjustment (BOA) held a duly noticed public hearing on Variance Case Number VA16-005 (Thomas Lypka). The Board of Adjustment denied that Variance, being unable to make the findings of fact required by Washoe County Code Section (WCC) 110.804.25, Variances.

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

## **BACKGROUND**

The applicant requested to reduce the required front yard and rear yard setbacks to facilitate expansion of the existing dwelling. The expansion was proposed to consist of additional living area on two levels in the rear as well as expanding the overhang in the front an additional 2 feet 6 inches to a total of 4 feet 6 inches.



Approval of any variance is jurisdictional, that is to say, Nevada Revised Statutes (NRS) limits the power of the Board of Adjustment to grant variances only under particular circumstances. Among those circumstances are: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact can be made the BOA must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

Evaluation of the request to vary standards by the BOA followed the criteria as required above.

**1) Special Circumstances:**

Exceptional Narrowness: The parcel is located within the High Density Suburban (HDS) regulatory zone. The minimum lot size in that zone is 5,000 square feet. The subject parcel is 6,460 square feet in size. The minimum lot width in that zone is 60 feet. The subject parcel is approximately 65 feet in width at the front property line on Judith Court and is approximately 74 feet in width at the front property line on Harper Court. There are approximately 37 additional feet of frontage in an arc at the corner of the two streets. The shape of the parcel is generally rectangular, although slightly wider on one end, the lot width is consistent with the regulatory zone in which it is located.

The BOA did not find that subject parcel is exceptionally narrow.

Exceptional Shallowness: The depth of the property from Judith Court to the opposite property line is approximately 95 feet. The depth of the property from Harper Court to the opposite property line is approximately 68 feet.

The BOA did not find that the subject parcel is exceptionally shallow.

Exceptional Topographic Conditions: The subject parcel is essentially flat with a change in elevation of two feet across the 95 feet of the parcel depth.

The BOA did not find that the topography of the subject parcel is exceptional.

**Other Extraordinary and Exceptional Situation or Condition of the Piece of Property:**

The BOA did not identify any characteristic of the property that creates an extraordinary or exceptional situation or condition. The applicant presented the lot sizes of many other parcels and makes the assertion that this parcel, being smaller than “average” in this area is therefore exceptional. The subject parcel is 6,460 square feet in size, as noted previously. The minimum lot size in the High Density Suburban (HDS) regulatory zone is 5,000 square feet so the parcel contains approximately 29% more area than the minimum for the zone. The minimum lot size for the next larger regulatory zone, Medium Density Suburban (MDS) is 12,000 square feet. Thus, any parcel size between 5,000 and 12,000 square feet is appropriate in the HDS zone.

The BOA did not find that the size of the parcel is extraordinary or exceptional.

**2) No Detriment:**

As the BOA did not find any identifiable special circumstances, granting the variance will impair the intent and purpose of the Development Code by allowing development that does not conform to generally applicable Code requirements.

**3) No Special Privileges:**

As the BOA did not find any identifiable special circumstances, granting the variance will 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 by allowing development that does not conform to generally applicable Code requirements.

**4) Use Authorized:**

Granting the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property. Expansion of the dwelling is allowed within the limitations of the required setbacks.

### **5) Effect on a Military Installation:**

There is no military installation in the vicinity of the proposed variance; therefore this finding is not required to be made.

The appeal application and explanation is included at Attachment B to this report. The Appellant asserts that the variance should be granted because the BOA hearing did not take place within the required time allowed by the Code. This was due to an error in noticing of the surrounding property owners and the appellant agreed to that delay, as shown below:

**From:** Wayne Ford [mailto:waynefordresidentialdesigner@yahoo.com]  
**Sent:** Thursday, September 29, 2016 1:32 PM  
**To:** Pelham, Roger  
**Cc:** tplypka@gmail.com; DAG; Webb, Bob; Whitney, Bill  
**Subject:** RE: VA16-005 (Thomas Lypka) Variance Notice to Property Owners notsent out correctly.

Roger Pelham ; Based on discussions with my client Mr. Lypka we are requesting that the scheduled hearing for VA16-005 on October 6,2016 be given a continuance until the hearing date of December 1<sup>st</sup>. It is understood this was because of a legal deficiency in the legal notices sent out by Washoe County to the property owners, who needed to know about our request.

Wayne Ford Residential Design

The appellant further asserts that the appeal should be approved for other reasons including:

- 1) The variance was recommended for approval by the Citizen Advisory Board.
- 2) The shape of the parcel is a “funnel.”
- 3) Issues involving freezing of exits.
- 4) Impact of snow storage.
- 5) That other variance requests have been approved in the area and this denial equates to unequal treatment.

Again, the appeal application and explanation is included at Attachment B to this report.

### **FISCAL IMPACT**

No fiscal impact.

### **RECOMMENDATION**

Staff recommends that the Board of County Commissioners affirm the decision of the BOA and deny Variance Case Number VA16-005 (Thomas Lypka) which sought approval of variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances were requested to facilitate the expansion of the existing dwelling. The denial is based upon the inability to make the findings required by WCC Section 110.804.25, Variances.

### **POSSIBLE MOTIONS**

Should the Board agree with staff’s recommendation, a possible motion would be: “I move that the Board of County Commissioners affirm the decision of the BOA and deny Variance Case Number VA16-005 (Thomas Lypka) which sought approval of variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6

inches, into the front yard setback. The variances were requested to facilitate the expansion of the existing dwelling. The denial is based upon the inability to make the findings required by WCC Section 110.804.25, Variances.”

Should the Board of County Commissioners disagree with the BOA the following motion is provided: “I move that the Board of County Commissioners reverse the decision of the BOA and approve Variance Case Number VA16-005 (Thomas Lypka) which sought approval of variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback, subject to the Conditions of Approval included at Attachment D to the staff report. The variances facilitate the expansion of the existing dwelling. The approval is based upon the following findings required by WCC Section 110.804.25, Variances:

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;
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; and
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. The variance will not have a detrimental effect on the location, purpose and mission of a military installation.”

Attachments:

Attachment A: Board of Adjustment Staff Report dated 9/15/2016

Attachment B: Appeal Application dated 12/12/2016

Attachment C: Board of Adjustment Meeting Minutes of 12/1/2016

Attachment D: Possible Conditions of Approval



# Board of Adjustment Staff Report

Meeting Date: December 1, 2016

Subject: Variance Case Number VA16-005  
 Applicant: Thomas Lypka  
**Agenda Item Number: 8C**  
 Project Summary: Request for variances reducing in the rear yard setback from 20 feet to 14 feet, 6 inches and increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches  
**Recommendation: Denial**  
 Prepared by: Roger D. Pelham, MPA, Senior Planner  
 Washoe County Community Services Department  
 Division of Planning and Development  
 775.328.3622  
 Phone: 775.328.3622  
 E-Mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

## Description

**Variance Case Number VA16-005 (Thomas Lypka)** – Hearing, discussion, and possible action to approve variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances are requested to facilitate the expansion of the existing dwelling.

- Applicant/Property Owner: Thomas Lypka  
PO Box 6683  
Incline Village, NV 89450
- Location: 755 Judith Court at the southeast corner if its intersection with Harper Court
- Assessor's Parcel Number: 125-231-19
- Parcel Size: 6,460 square feet
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 9, T16N, R18E, MDM,  
Washoe County, NV

**Staff Report Contents**

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Project Application .....Exhibit B  
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Public Comments.....Exhibit D

**Variance Definition**

The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical Regulatory Zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts.

NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

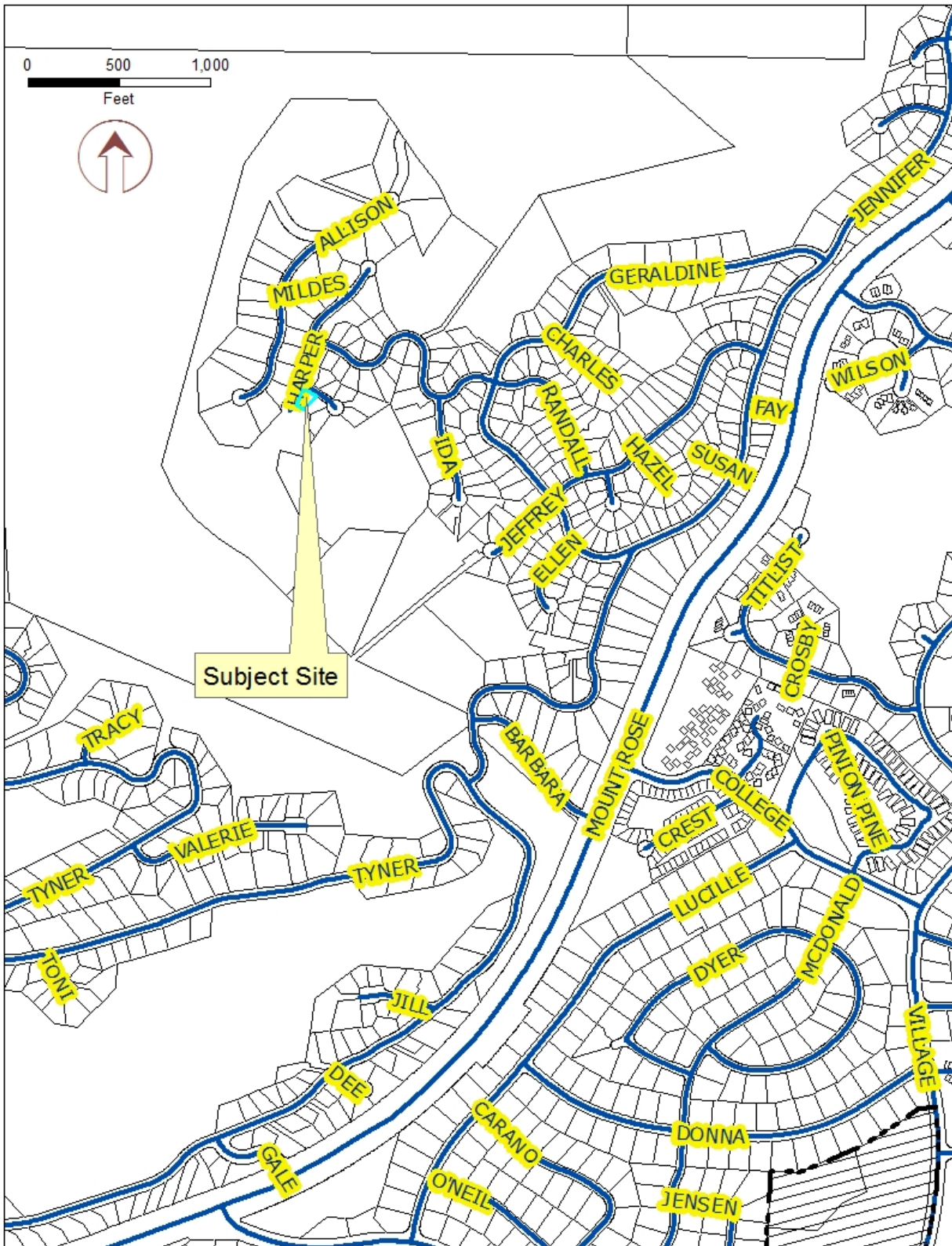
The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC Section 110.804.25, the Board must make four findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

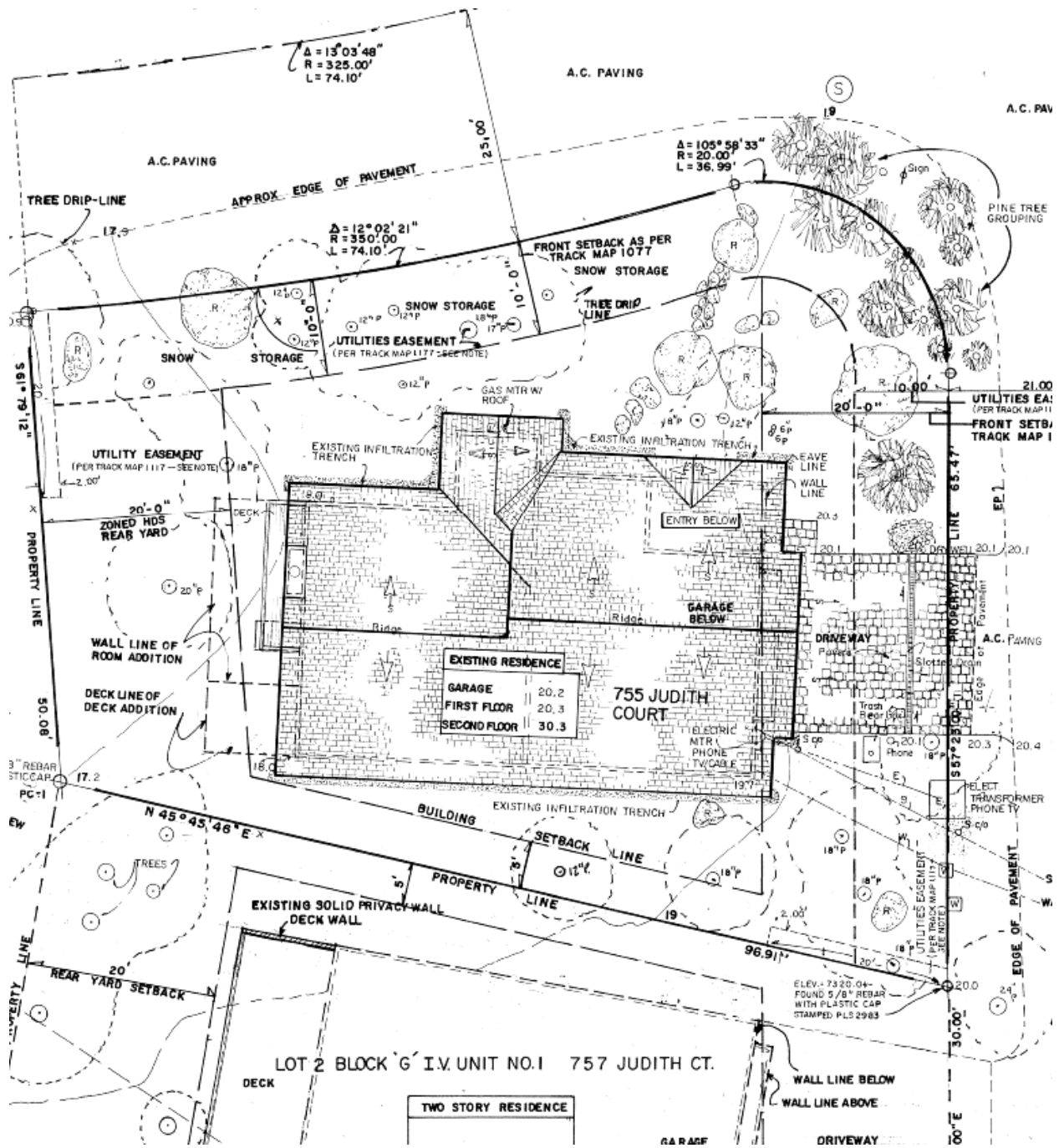
- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

Since a recommendation of denial has been made, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance; staff will provide Conditions of Approval at the public hearing.

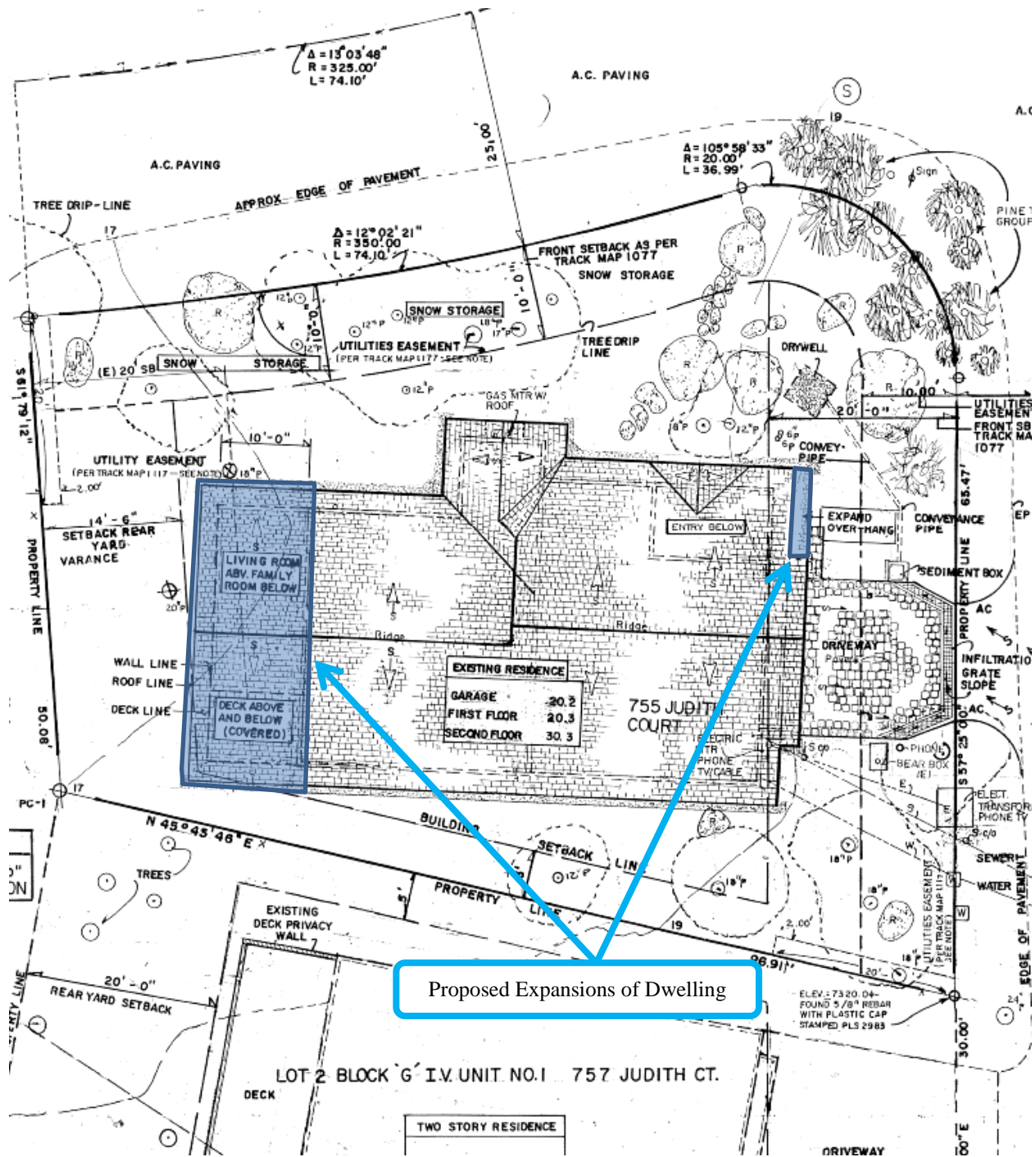




**Vicinity Map**



**Existing Site Plan**



Proposed Expansions of Dwelling

**Proposed Site Plan**

**Project Evaluation**

The applicant is requesting to reduce the required front yard and rear yard setbacks to facilitate expansion of the existing dwelling. The expansion is proposed to consist of additional living area on two levels in the rear as well as expanding the overhang in the front an additional 2 feet 6 inches to a total of 4 feet 6 inches.

It is important to recognize that the approval of any variance is jurisdictional, that is to say that Nevada Revised Statutes (NRS) limits the power of the Board of Adjustment to grant variances only under particular circumstances. Among those circumstances are: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact can be made the Board must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

Evaluation of the request to vary standards will follow the criteria as required above.

**Exceptional Narrowness:** The parcel is located within the High Density Suburban (HDS) regulatory zone. The minimum lot size in that zone is 5,000 square feet. The subject parcel is 6,460 square feet in size. The minimum lot width in that zone is 60 feet. The subject parcel is approximately 65 feet in width at the front property line on Judith Court and is approximately 74 feet in width at the front property line on Harper Court. There are approximately 37 additional feet of frontage in an arc at the corner of the two streets.

The subject parcel is not exceptionally narrow.

**Exceptional Shallowness:** The depth of the property from Judith Court to the opposite property line is approximately 95 feet. The depth of the property from Harper Court to the opposite property line is approximately 68 feet.

The subject parcel is not exceptionally shallow.

**Exceptional Topographic Conditions:** The subject parcel is essentially flat with a change in elevation of just two feet across the 95 feet of the parcel depth. In the following overhead photo the distance between the yellow contour lines represent a change in elevation of two feet.

The topography of the subject parcel is not exceptional.





Other Extraordinary and Exceptional Situation or Condition of the Piece of Property: Staff has not been able to identify any characteristic of the property that creates an extraordinary or exceptional situation or condition. The applicant presents the lot sizes of many other parcels and makes the assertion that this parcel, being smaller than “average” in this area is therefore exceptional. The subject parcel is 6,460 square feet in size, as noted previously. The minimum lot size in the High Density Suburban (HDS) regulatory zone is 5,000 square feet so the parcel contains approximately 29% more area than the minimum for the zone. The minimum lot size for the next larger regulatory zone, Medium Density Suburban (MDS) is 12,000 square feet.

Thus, any parcel size between 5,000 and 12,000 square feet is appropriate in the HDS zone. The size of the parcel is neither extraordinary nor exceptional.

The existing dwelling, according to Washoe County Assessor's records, contains 2,388 square feet of living space and includes a two-car garage. Denial of the variance does not deprive the property owner of any reasonable use or enjoyment of the property.

Staff recommends denial of the variance requests being unable to make the necessary findings of fact as required by both NRS and the Washoe County Development Code.

### **Incline Village/Crystal Bay Citizen Advisory Board**

The proposed project will be presented by the applicant(s) or the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on September 26, 2016. Because the staff report is required to be finished prior to that date, staff will provide any comments made by the CAB to the Board of Adjustment at the public hearing.

### **Public Comment**

One letter in support of the variance request was received from Pete Todoroff, and is attached to this report as Attachment D.

### **Reviewing Agencies**

The following agencies received a copy of the project application for review and evaluation:

- Washoe County Community Services Department
  - Planning and Development
  - Engineering and Capital Projects
  - Traffic
- Washoe County Health District
  - Air Quality Management Division
  - Vector-Borne Diseases Division
  - Environmental Health Division
- Regional Transportation Commission
- Washoe County Regional Animal Services
- Washoe-Storey Conservation District
- Incline Village General Improvement District
- Nevada Tahoe Conservation District
- North Lake Tahoe Fire Protection District
- Tahoe Transportation District
- US Forest Service

Four out of the fourteen above listed agencies/departments responded that they had no comments on the proposed variance.

**Staff Comment on Required Findings**

Section 110.804.25 of Article 804, *VariANCES*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is not in compliance with the required findings as follows.

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.

Staff Comment: As noted previously, there are no identifiable special circumstances, as required by Code, that results in any hardship.

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.

Staff Comment: As there are no identifiable special circumstances, granting the relief will impair the intent and purpose of the Development Code by allowing development that does not conform to generally applicable Code requirements.

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.

Staff Comment: As there are no identifiable special circumstances, granting the relief will 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 by allowing development that does not conform to generally applicable Code requirements.

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.

Staff Comment. Granting the relief 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. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment: There is no military installation in the vicinity of the proposed variance; therefore this finding is not required to be made.

**Recommendation**

After a thorough analysis and review, due to the lack of any special circumstances applicable to the property that result in any exceptional or undue hardships upon the owner of the property, Variance Case Number VA16-005 is being recommended for denial. Staff offers the following motion for the Board's consideration.

**Motion**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number VA16-005 for Thomas Lypka, being unable to make the four applicable findings in accordance with Washoe County Development Code Section 110.804.25:

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;
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; and
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.

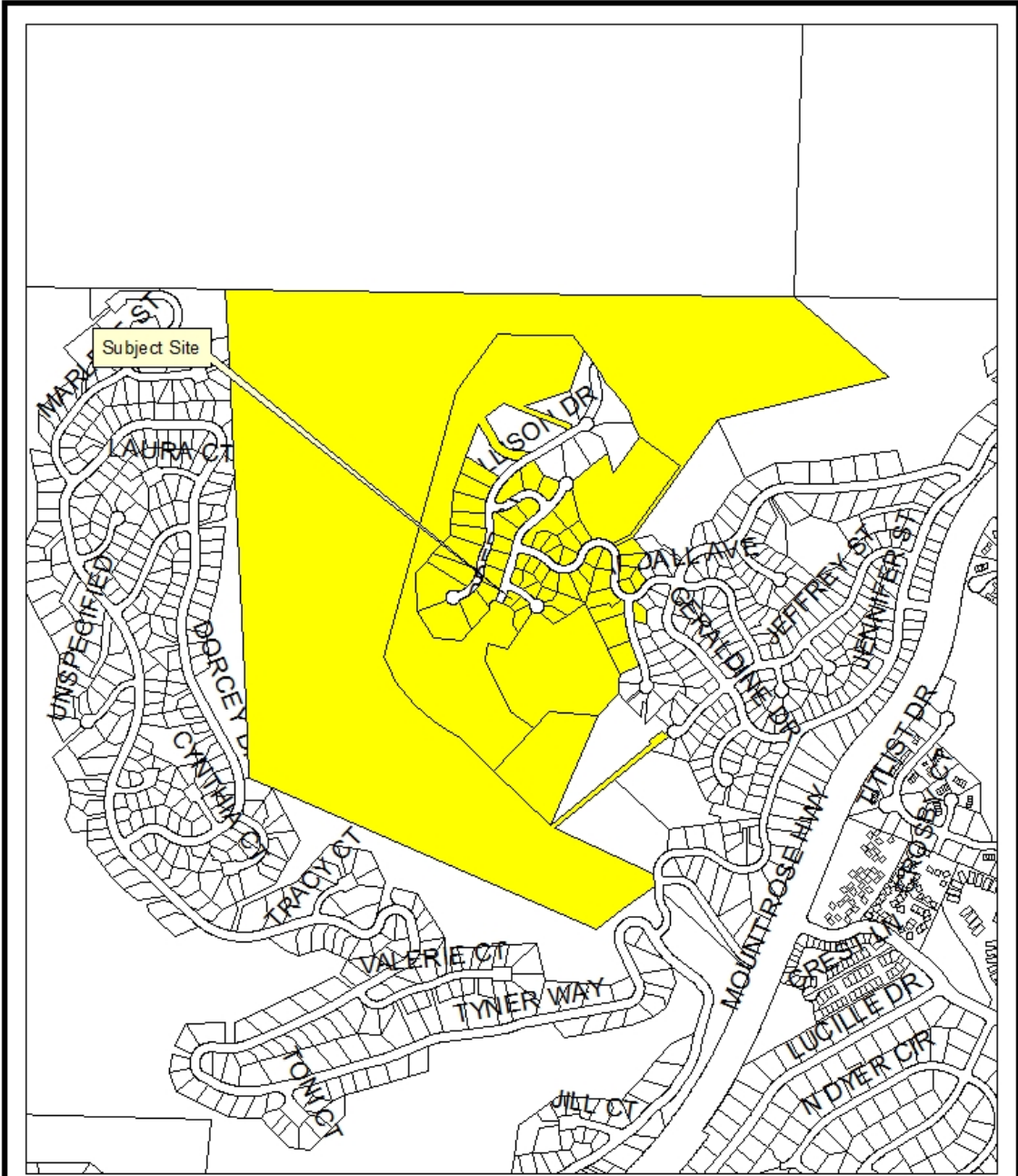
**Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc:    Property Owner:     Thomas Lypka  
                                  PO Box 6683  
                                  Incline Village, NV 89450

          Representatives:   Wayne Ford  
                                  PO Box 4775  
                                  Incline Village, NV 89450





Mailing Label Map

**Variance Case No VA16-005**  
**Thomas Lypka Front and Rear Yard Setback Reduction**

62 Parcels selected at 700 feet.



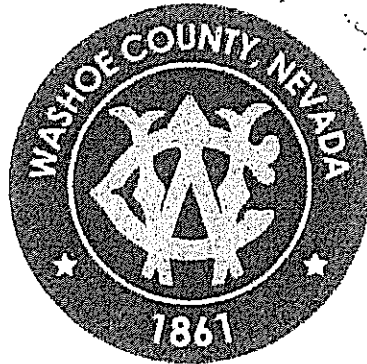
Community Services  
 Department  
 Planning and  
 Development Division  
 WASHOE COUNTY  
 NEVADA

Plan Office Box 11130  
 Reno, Nevada 89522  
 (775) 325-2600

Source: Planning and Development Division

Date: August 2016

Community Services Department  
Planning and Development  
VARIANCE  
APPLICATION



Community Services Department  
Planning and Development  
1001 E. Ninth St., Bldg A  
Reno, NV 89520

Telephone: 775.328.3600

## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

|  |                 |   |                 |
|--|-----------------|---|-----------------|
| <b>Project Information</b>   |                 | Staff Assigned Case No.: _____                |                 |
| Project Name: <span style="float: right;">Lypka Remodel and Addition</span>  |                 |   |                 |
| Project Description: Expand living area on south side of residence.<br>Add deck south side of residence<br>Two story Add/ Add to front eave of roof ovhg.  |                 |   |                 |
| Project Address: <span style="float: right;">755 Judith Court</span>   |                 |   |                 |
| Project Area (acres or square feet): <span style="float: right;">Parcel area 6,460 SF</span>   |                 |   |                 |
| Project Location (with point of reference to major cross streets AND area locator):<br><span style="text-align: center;">Corner of Harper Court and Judith Court<br/>Incline Village, NV.</span> |                 |   |                 |
| Assessor's Parcel No.(s):  | Parcel Acreage: | Assessor's Parcel No.(s):                     | Parcel Acreage: |
| 125-231-19   | 0.148 Acre      |   |                 |
| Section(s)/Township/Range: <span style="float: right;">Lot 1 Block G IV No.1</span>  |                 |   |                 |
| Indicate any previous Washoe County approvals associated with this application:<br>Case No.(s).  |                 |   |                 |
| <b>Applicant Information (attach additional sheets if necessary)</b>   |                 |   |                 |
| Property Owner: Thomas Lypka   |                 | Professional Consultant:                      |                 |
| Name: Thomas Lypka   |                 | Name: Wayne Ford                              |                 |
| Address: P.O.Box 6683  |                 | Address: P.O.Box 4775                         |                 |
| Incline Vill. Nv. Zip: 89450   |                 | Incline Vill. Nv. Zip: 89450                  |                 |
| Phone: (408) 460-4722 Fax: Na.   |                 | Phone: (775) 772-2495 Fax: Na                 |                 |
| Email: tplyka@gmail.com  |                 | Email: waynefordresidentialdesigner@yahoo.com |                 |
| Cell: Same Other: Na   |                 | Cell: Same Other: Na                          |                 |
| Contact Person: Thomas Lypka   |                 | Contact Person: Wayne Ford                    |                 |
| Applicant/Developer:   |                 | Other Persons to be Contacted:                |                 |
| Name:  |                 | Name:   |                 |
| Address:   |                 | Address:                                      |                 |
| Zip:   |                 | Zip:  |                 |
| Phone:   |                 | Phone:  |                 |
| Fax:   |                 | Fax:  |                 |
| Email:   |                 | Email:  |                 |
| Cell:  |                 | Cell:   |                 |
| Other:   |                 | Other:  |                 |
| Contact Person:  |                 | Contact Person:                               |                 |
| <b>For Office Use Only</b>   |                 |   |                 |
| Date Received:   | Initial:        | Planning Area:                                |                 |
| County Commission District:  |                 | Master Plan Designation(s):                   |                 |
| CAB(s):  |                 | Regulatory Zoning(s):                         |                 |

Property Owner Affidavit

Applicant Name: Thomas Lypka

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA )  
COUNTY OF WASHOE )

I, THOMAS P LYPKA  
(please print name)

being duly sworn, depose and say that I am the owner\* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Development.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 125-231-19

Printed Name Thomas Lypka

Signed [Signature]

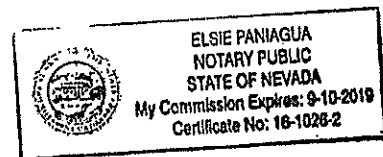
Address 755 Judith Court

Incline Village NV 89451

Subscribed and sworn to before me this 18 day of July, 2016

(Notary Stamp)

Elsie Paniagua  
Notary Public in and for said county and state



My commission expires: 9-10-2019

\*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

## Variance Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

SEE ATTACHED

**You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.**

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

SEE ATTACHED

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

SEE ATTACHED

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

SEE ATTACHED

5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

|              |
|--------------|
| SEE ATTACHED |
|--------------|

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

|                              |  |                               |
|------------------------------|--|-------------------------------|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | If yes, please attach a copy. |
|------------------------------|--|-------------------------------|

7. What is your type of water service provided?

|                               |  |
|-------------------------------|--|
| <input type="checkbox"/> Well | <input checked="" type="checkbox"/> Community Water System IVGID |
|-------------------------------|--|

8. What is your type of sanitary waste disposal?

|   |  |
|---|--|
| <input type="checkbox"/> Individual Septic System | <input checked="" type="checkbox"/> Community Sewer System IVGID |
|---|--|

THOMAS LYPKA VARIANCE 755 JUDITH COURT INCLINE VILLAGE NV.

1. Rear Yard Setback . Existing is 20 feet Per Washoe County Development Code. Parcel is HDS. Reduce rear yard setback from 20 feet to 14 feet 6 inches, for the expansion of the rear of the residence. Add first and second level decks on rear of residence.

Vary : Washoe County Development Code 110.406.30 Front Yards Architectural Features may extend into front yard not to exceed 2 feet. Request is to allow for architectural feature, eave to be allowed to extend 4 feet 6 inches .

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2. The shape of the parcel is the hardship. The parcel is small as compared to other parcels in the same regulatory zone . A study was done and it was found that in the review of 96 parcel in the same area and the same regulator zone the average parcel size was 9,652 SF. The parcel at 755 Judith Court is 6,461 Square feet. ( see exhibit 4).

The added restriction is the parcel is a corner lot. The setbacks further restrict the parcel and the area of allowed for development, thus the need to reduce the rear yard setback.

The neighbors parcel is at 757 Judith Court is 6,201 sf and has a allowed area to build in of 3,081 sf. The applicants parcel at 755 Judith Court has a lot area of 6,461 Sf yet due to the corner parcel and the setbacks only has a allowed building area of 2,787 Sf. This is some 294 square feet less area to build in on the parcel, than the next door neighbor to the east.

The variance request is only asking for 203 +/- square feet to expand the allowed building area to offset the loss of area due to the small corner parcel.

The small parcel and the shape of the area to building within created by the current setbacks have created a hardship.

When the maps for this area were recorded in 1968, no rear yard setbacks were put on this parcel. That was based on the fact that the property owner to the south is IVGID land and will never have development on it.

The street of Harper Court also has added impacts on the parcel . When snow is removed and plowed from Harper Court it is pushed into the front yard on the parcel at 755 Judith Court. This area that has some room to expand has a recorded 10 foot setback, yet is area that if built on would greatly limit the snow storage even more for the County.

The area we have selected will keep the snow removal as available as it has been sense the home was built in 2001. It should be noted that this area is known for very heavy snows due to the topography of the area .

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3. The neighbor at 757 Judith Court understands the hardship due to the restricted building area on 755 Judith Court. He presently has a similar home and has a rear deck off the rear. In looking at any impacts that could take place for this request non was found due to the neighbor having any loss or privacy or loss of view.

The owner at 757 Judith Court has submitted a letter supporting the request being made to reduce the rear yard from 20 feet to 14 feet 6 inches at 755 Judith Court. (See exhibit 1 for site plans of both parcels and locations of current development.

By not building on the Harper side of the parcel we will maintain the existing safety for snow storage off of the street. Thus keeping as safe a travel rout for Harper to other homes and not reducing any safety.



4. The proposed expansion is on the end of the residence. The area of where this takes place will maintain the same volume of the home. The expansion is a modest one of only 10 feet on the upper level and a deck of 12 feet. The total homes area now is 2388 SF with a two car garage of 460 SF. The addition on the second level is 185 SF / the lower floor is addition is 129 SF = 314 added living area. The new total for the residence will be 2702 SF. The added deck area for both levels will be 228 SF. Keeping the same ridge line and development width will allow for the existing room , living and family room to have the proper depth . Keeping all the glass facing south will make the existing architecture of the home the same. This will keep the scale of the home the same as most homes in the neighbor hood which have parcels that are much larger , yet in the same regulator zone ( HDS) .

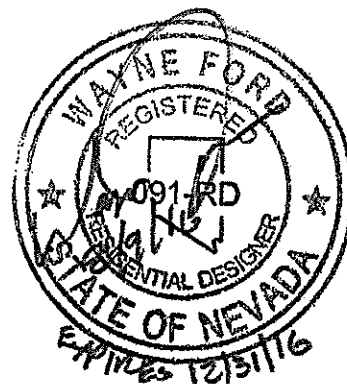
Note : The current deck is only a small balcony and has no ability to be used due to a vent system for the fireplace that encroaches into the hear room for the deck. A chair cannot even be place on the deck for there is not room.

The new covered decks will allow for a use that other in the area enjoy for home that have more allowed building area due to not being on a corner parcel .

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5. See question 4 for other areas that currently the neighbors have and this residence does not. The current home meets the off street parking needs due to the 20 foot setback on Judith Court. Then there is a two car garage of 460 SF. The rest of the residence is modest in size as it is built from the north to the south. What was eliminated due to the 20 foot rear yard setback was proper depth for the family and living rooms. Along with this is no deck area on the upper or lower levels. By making a small change to the rear yard setback the home will now have what other owners have for homes of similar size , yet build on parcels with more area to develop.

WAYNE FORD RESIDENTIAL DESIGN  
P.O.BOX 4775  
INCLINE VILLAGE, NV. 89450  
LIC NO. 091-RD  
(775) 772-2495  
EMAIL ; [waynefordresidentialdeisgner@yahoo.com](mailto:waynefordresidentialdeisgner@yahoo.com)



THOMAS LYPKA VARIANCE 755 JUDITH COURT.

Note : Add to front overhang. The current drip from the jog in the roof falls over the entry walk . It causes ice and a dangerous situation when it freezes . Attempts have been made to install a heated gutter system , yet the location being on the North Side of the residence the area gets very little sun . Gutters do not work.

The final solution needs to be to expand the roof so no drip will take place at this location. To move the path below is not possible for this is the most efficient use of coverage, which is very limited on the site.

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Coverage: The current parcel is limited to 1800 square feet. Due to the new coverage program for making sure the BMPs are up to date, some coverage credits now can be gotten with a new pervious driveway system.

To: Thomas Lypka  
755 Judith Court  
Incline Village, NV, 89451

From: Tom Annese  
757 Judith Court  
Incline Village, NV, 89451

Date: July 16, 2016

Subject: Comments on addition to rear of 755 Judith Court

My name is Tom Annese and I live next door to Thomas Lypka.

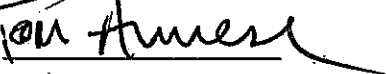
On Thursday, July 14, 2016, Thomas Lypka showed me the architectural drawings for a proposed extension of approximately 8 feet to the rear of his house at 755 Judith Court. This is the side that faces the IVGID land and has a view of Lake Tahoe.

This proposed extension does not have any affect my own view of the IVGID lands.

In fact, I support this extension because it blocks part of my view of Harper Court giving me more privacy.

Thus, I support this extension and any variance necessary for Mr. Lypka to build according to the proposed architectural drawings.

Sincerely,

A handwritten signature in black ink that reads "Tom Annese". The signature is written in a cursive style and is underlined with a single horizontal line.

Tom Annesse

THOMAS LYPKA VARIANCE : 755 JUDITH COURT INCLINE VILLAGE , NEVADA

CHECK OF PARCLE AREA FOR HDS ZONING IN INCLINE VILLAGE NO 1.

CHECK 96 PARCELS FOR AVERAGE SIZE OF PARCEL IN HDS ZONING NEAR AND AROUND  
PARCEL : Lot 1 block "G" Incline Village No 1.

List of Parcels

| APN        | Square Footage | Address        |
|------------|----------------|----------------|
| 125-231-19 | 6,461          | 755 Judith Ct. |
| 125-231-18 | 6,197          | 757            |
| 125-231-17 | 10,879         | 759            |
| 125-231-15 | 9,744          | 764            |
| 125-231-14 | 14,985         | 762            |
| 125-231-13 | 7,865          | 760            |
| 125-231-12 | 6,627          | 758            |
| 125-231-11 | 7,744          | 756            |
| 125-231-10 | 6,539          | 752 Harper     |
| 125-253-01 | 7,318          | 753            |
| 125-253-02 | 6,882          | 757            |
| 125-253-03 | 8,320          | 759 Randall    |
| 125-253-04 | 10,149         | 761            |
| 125-231-09 | 14,443         | 763            |
| 125-231-08 | 14,734         | 765            |
| 125-253-05 | 9,017          | 767            |
| 125-253-06 | 10,542         | 769            |
| 125-253-07 | 9,496          | 771            |
| 125-253-08 | 14,505         | 773            |
| 125-231-21 | (17,885 )      | 775 Not used   |
| 125-231-22 | 18,413         | 779 Ida        |
| 125-231-05 | 30,143         | 781            |
| 125-231-04 | 23,954         | 783            |
| 125-231-03 | 10,701         | 789            |
| 125-231-02 | 11,169         | 791            |
| 125-232-26 | 9,911          | 793            |
| 125-232-22 | 12,980         | 794            |
|            | <hr/>          |                |
| total      | 263,044 SF     |                |
| 125-232-27 | 14,944         | 792 Ida        |
| 125-232-20 | 13,201         | 790            |
| 125-232-19 | 10,235         | 788            |
| 125-232-18 | 9,102          | 786            |
| 125-232-17 | 8,345          | 784            |
| 125-232-16 | 8,665          | 782            |
| 125-232-15 | 9,381          | 780            |
| 125-232-14 | 6,815          | 779            |

Review Continued page 2

|            |               |               |
|------------|---------------|---------------|
| 125-232-12 | -----not used |               |
| 125-232-13 | 7,012         | 785 Ida       |
| 125-232-11 | 13,629        | 799 Geraldine |
| 125-232-10 | 11,018        | 803           |
| 125-232-09 | 11,516        | 805           |
| 125-232-08 | 11,932        | 807           |
| 125-232-07 | 11,842        | 809           |
| 125-232-06 | 14,040        | 811           |
| 125-232-28 | 6,849         | 818 Jeffery   |
| 125-232-29 | 11,163        | 816           |
| 125-232-03 | 10,796        | 814           |
| 125-232-24 | 10,343        | 812           |
| 125-232-25 | 11,192        | 810           |
| 125-223-32 | 10,309        | 807           |
| 125-223-31 | 11,187        | 809           |
| 125-223-30 | 10,050        | 811           |
| 125-223-29 | 8,056         | 813           |
| 125-223-28 | 7,041         | 815           |
| 125-223-27 | 6,432         | 817           |

total 265,095 SF

|            |        |               |
|------------|--------|---------------|
| 125-223-26 | 6,554  | 819 Jeffery   |
| 125-223-25 | 6,936  | 819 Geraldine |
| 125-223-24 | 7,274  | 821           |
| 125-223-23 | 6,429  | 831 Ellen Ct. |
| 125-223-22 | 6,014  | 830           |
| 125-223-21 | 6,192  | 828           |
| 125-223-20 | 9,995  | 826           |
| 125-223-19 | 8,469  | 824           |
| 125-223-18 | 9,000  | 822           |
| 125-223-17 | 10,107 | 820           |
| 125-223-16 | 9,810  | 818           |
| 125223-15  | 13,159 | 815           |
| 125-223-14 | 9,757  | 819           |
| 125-223-13 | 13,604 | 821           |
| 125-223-12 | 9,187  | 823           |
| 125-223-11 | 7,334  | 825           |
| 125-223-10 | 7,338  | 829           |
| 125-223-09 | 7,800  | 831           |
| 125-223-08 | 6,763  | 825 Geraldine |
| 125-223-07 | 8,068  | 827           |
| 125-223-06 | 7,176  | 829           |
| 125-223-05 | 8,131  | 828 Jennifer  |
| 125-223-04 | 8,235  | 826           |
| 125-223-03 | 7,388  | 824           |

|            |        |              |
|------------|--------|--------------|
| 125-223-02 | 9,133  | 822 Jennifer |
| 125-223-01 | 11,588 | 820          |

|       |                     |  |
|-------|---------------------|--|
| total | -----<br>221,441 SF |  |
|-------|---------------------|--|

|            |        |               |
|------------|--------|---------------|
| 125252-07  | 8,886  | 754 Randall   |
| 125-252-06 | 8,712  | 756           |
| 125-252-05 | 7,405  | 758           |
| 125-252-04 | 9,017  | 760           |
| 125-252-03 | 12,981 | 762           |
| 125-252-02 | 11,892 | 764           |
| 125-251-14 | 12,240 | 770           |
| 125-251-13 | 11,238 | 772           |
| 125-251-12 | 7,654  | 774           |
| 125-251-11 | 7,449  | 778           |
| 125-251-10 | 7,884  | 782           |
| 125-251-09 | 9,583  | 784           |
| 125-251-08 | 14,418 | 786           |
| 125-251-07 | 10,890 | 793 Geraldine |
| 125-251-04 | 10,498 | 787           |
| 125-251-02 | 12,676 | 783           |
| 125-251-01 | 13,591 | 781           |

|       |                     |  |
|-------|---------------------|--|
| total | -----<br>177,014 SF |  |
|-------|---------------------|--|

totals 263,044  
 265,095  
 221,441  
 177,014  
 -----

total 926,594 SF / 96 Properties = 9,652 Square foot average for a parcel in this area of HDS Zoning

# Property Tax Reminder Notice

WASHOE COUNTY  
 PO BOX 30039  
 RENO, NV 89520-3039  
 775-328-2510

PIN: 12523119  
 AIN:

|   |                   |
|---|-------------------|
| Balance Good Through:                             | 08/10/2016        |
| Current Year Balance:                             | \$5,004.40        |
| Prior Year(s) Balance:<br>(see below for details) | \$0.00            |
| <b>Total Due:</b>                                 | <b>\$5,004.40</b> |

AUTO  
 :894513:  
 THOMAS P LYPKA  
 755 JUDITH CT  
 INCLINE VILLAGE NV 89451

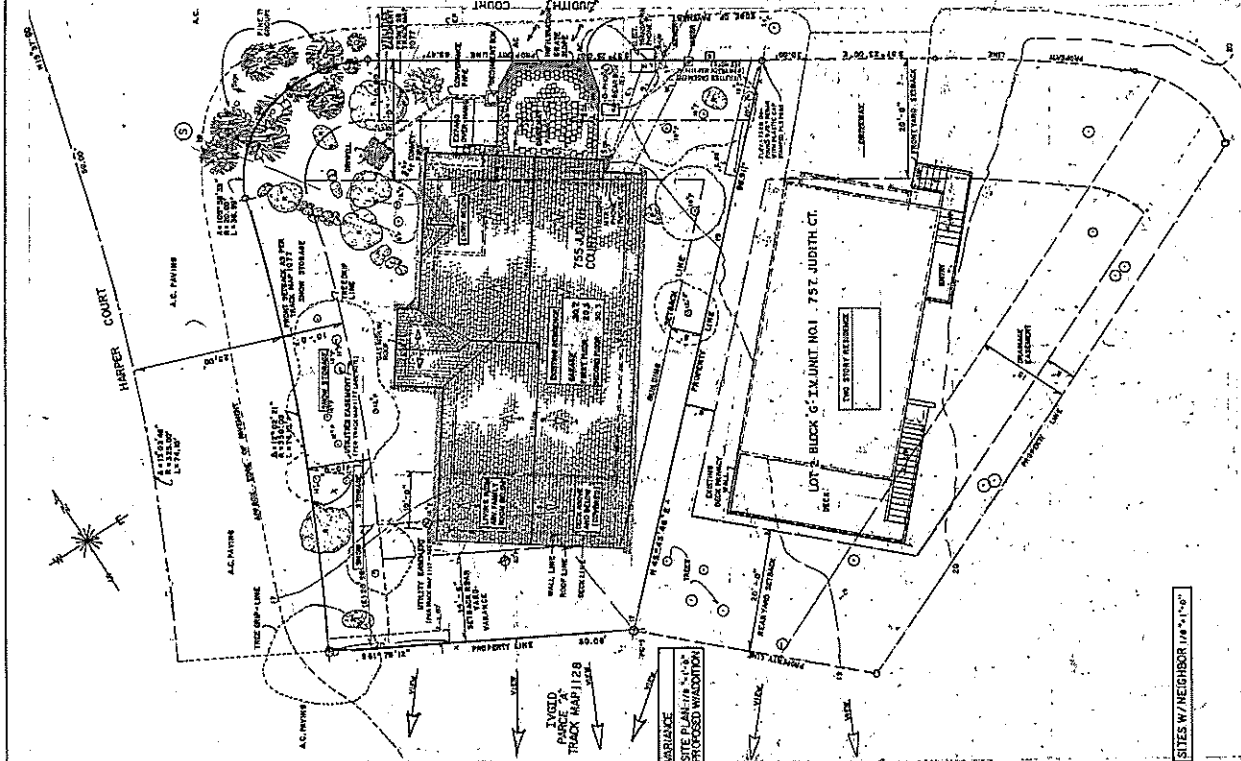
Description: SubdivisionName INCLINE VILLAGE 1  
 Block G Lot 1

Situs: 755 JUDITH CT  
 INCL

This is a courtesy notice. If you have an impound account through your lender or are not sure if you have an impound account and need more information, please contact your lender directly. Please submit payment for the remaining amount(s) according to the due dates shown. Always include your PIN number with your payment. Please visit our website: [www.washoecounty.us/treas](http://www.washoecounty.us/treas)

| Current Charges     |      |             |      |            |          |          |          |          |          |
|---------------------|------|-------------|------|------------|----------|----------|----------|----------|----------|
| PIN                 | Year | Bill Number | Inst | Due Date   | Charges  | Interest | Pen/Fees | Paid     | Balance  |
| 12523119            | 2016 | 2016098241  | 1    | 08/15/2016 | 1,668.14 | 0.00     | 0.00     | 1,668.14 | 0.00     |
| 12523119            | 2016 |             | 2    | 10/03/2016 | 1,668.14 | 0.00     | 0.00     | 0.00     | 1,668.14 |
| 12523119            | 2016 |             | 3    | 01/02/2017 | 1,668.13 | 0.00     | 0.00     | 0.00     | 1,668.13 |
| 12523119            | 2016 |             | 4    | 03/06/2017 | 1,668.13 | 0.00     | 0.00     | 0.00     | 1,668.13 |
| Current Year Totals |      |             |      |            | 6,672.54 | 0.00     | 0.00     | 1,668.14 | 5,004.40 |

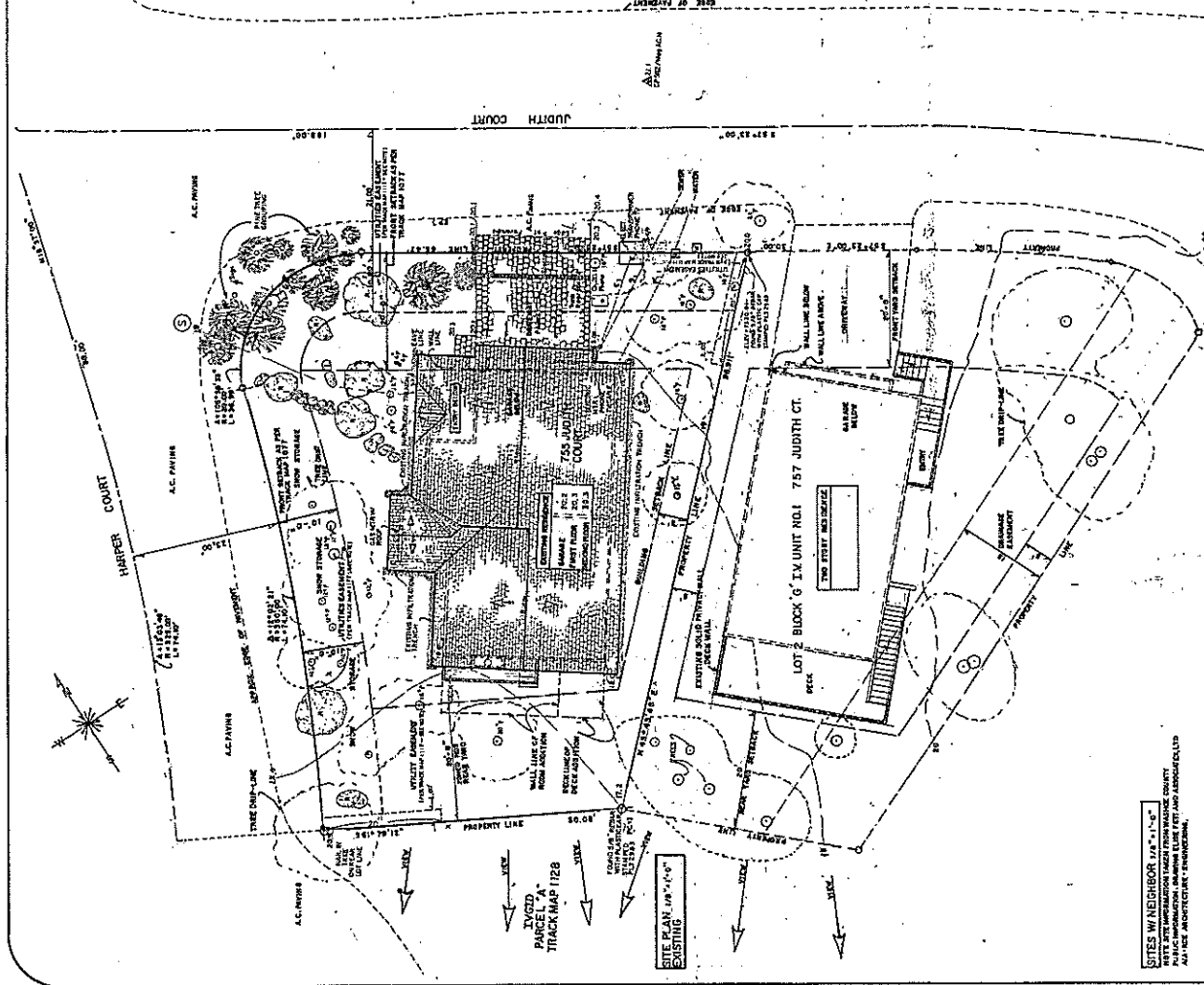
| Prior Years       |      |             |         |          |          |      |         |  |  |
|-------------------|------|-------------|---------|----------|----------|------|---------|--|--|
| PIN               | Year | Bill Number | Charges | Interest | Pen/Fees | Paid | Balance |  |  |
|                   |      |             |         |          |          |      |         |  |  |
| Prior Years Total |      |             |         |          |          |      |         |  |  |



**SITES W/ NEIGHBOR 1/8" = 1'-0"**

VARIANCE: REAR YARD REDUCE FROM 20'-0" TO 14'-0"  
 CHANGES LINES OF OTHERS' ARCHITECTURAL FEATURES MAY EXCEED INTO A FRONT YARD NOT TO EXCEED 10' 0" FEET  
 RECORDED MAP OFFICIAL KAT INCLINE VILLAGE NO. 1077 RECORDED 1968 LOT 1 BLK 6 = 10' HARPER SET BACK 20' JUDITH CT NO REAR OR SIDE YARDS  
 ZONING ADOPTED WASHOE COUNTY HSS (HIGH DENSITY SUBURBAN) 1988 • IMPOSED 20'-0" REAR YARD 5'-0" SIDE YARD  
 TREES TO BE REMOVED 2 - (018' P (1) 20' P

RESIDENCE: 755 JUDITH COURT INCLINE VILLAGE, NEVADA. A.P.N. 125-231-19 WASHOE COUNTY  
 RESIDENCE BUILT 2001  
 IPES SCORE 746 BASE LAND COVERAGE 20% LOT AREA 6,461 SQ. FT. X 20% = 1,292.0 SQ. FT.  
 TRPA 30.4.2 TRANSPIRENT LAND  
 LOT AREA 4,701 - 3,000 SF = 1,800.5 SF  
 CRITICAL AREA SENSITIVE TO DISTURBANCE  
 MUST INSTALL PERMANENT BEST MANAGEMENT PRACTICES (BMP)  
 25% GREAT PERVIOUS DRIVEWAY WALKWAY (PTO) & STOP  
 OVERHANG ALLOWANCE HEIGHT REDUCTION 3' 6" MAX.



**SITES W/ NEIGHBOR 1/8" = 1'-0"**

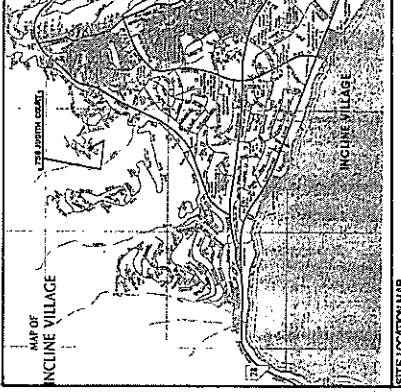
VARIANCE: REAR YARD REDUCE FROM 20'-0" TO 14'-0"  
 CHANGES LINES OF OTHERS' ARCHITECTURAL FEATURES MAY EXCEED INTO A FRONT YARD NOT TO EXCEED 10' 0" FEET  
 RECORDED MAP OFFICIAL KAT INCLINE VILLAGE NO. 1077 RECORDED 1968 LOT 1 BLK 6 = 10' HARPER SET BACK 20' JUDITH CT NO REAR OR SIDE YARDS  
 ZONING ADOPTED WASHOE COUNTY HSS (HIGH DENSITY SUBURBAN) 1988 • IMPOSED 20'-0" REAR YARD 5'-0" SIDE YARD  
 TREES TO BE REMOVED 2 - (018' P (1) 20' P



OWNER: THOMAS R LYRKA  
PROJECT LOCATION: 755 JUDITH COURT  
WASHOE COUNTY  
A.R.N. 125-231-19  
PROJECT: ROOM AND DECK ADDITION, NEW PERVIOUS PAVED DRIVEWAY,  
LEGAL: LOT 1, BLOCK 9, 1/4 UNIT, MOUNTAIN TOWNSHIP 16, RANGE 18



**As-Built Survey Map**  
Lot 1, Block 9, Incline Village Unit No. 1, Sheet  
A.P.N. 125-231-19 / Washoe County  
755 Judith Court, Incline Village, Nevada  
Scale: 1/2" = 1'-0"  
Date: 11/19/2018



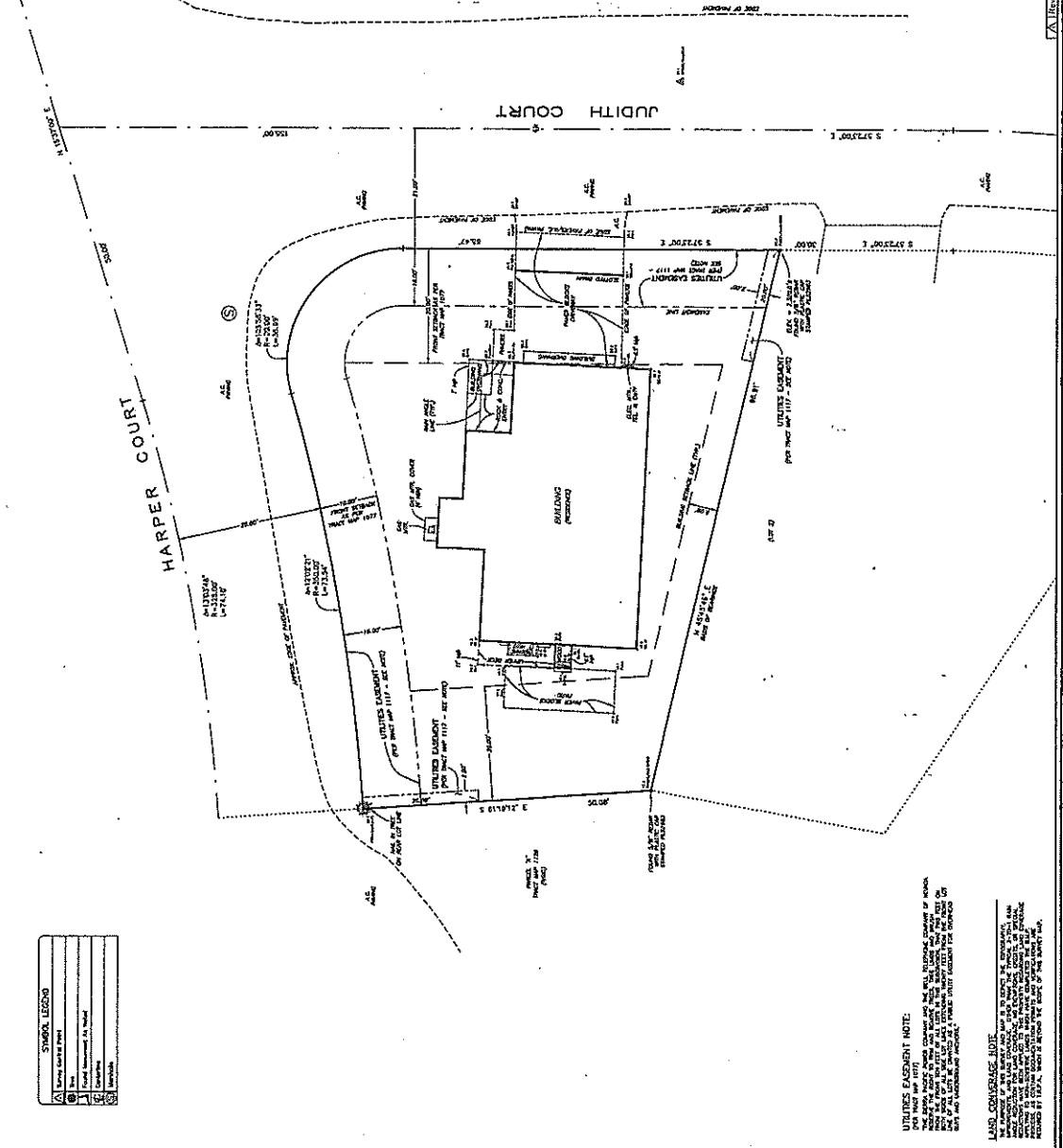
PROPERTY SURFACE AREA (Approximate)

|                        |                      |
|------------------------|----------------------|
| Building (Footprint)   | 1,411 SQ. FT.        |
| Driveway               | 11                   |
| Deck & Stairs          | 203                  |
| Concrete & Stone Entry | 112                  |
| Other                  | 112                  |
| <b>Total</b>           | <b>1,859 SQ. FT.</b> |

LOT AREA: 6,118 SQ. FT.



**MAP OF INCLINE VILLAGE**  
Lancaster Land Surveys  
Robert D. Lancaster, P.L.L.C.  
P.O. Box 72277, Reno, NV 89452  
Phone: 775.781.1818  
Email: Lancaster.LandSurveys.com

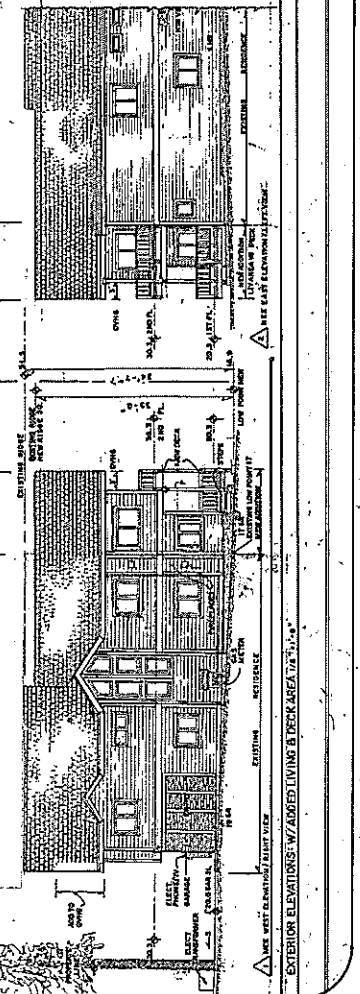
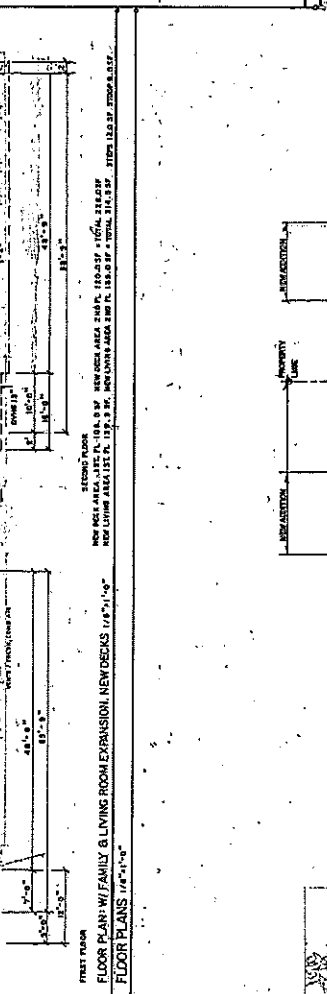
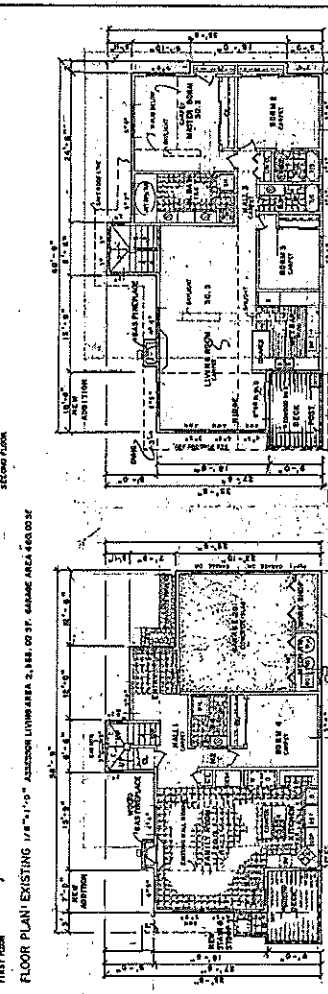
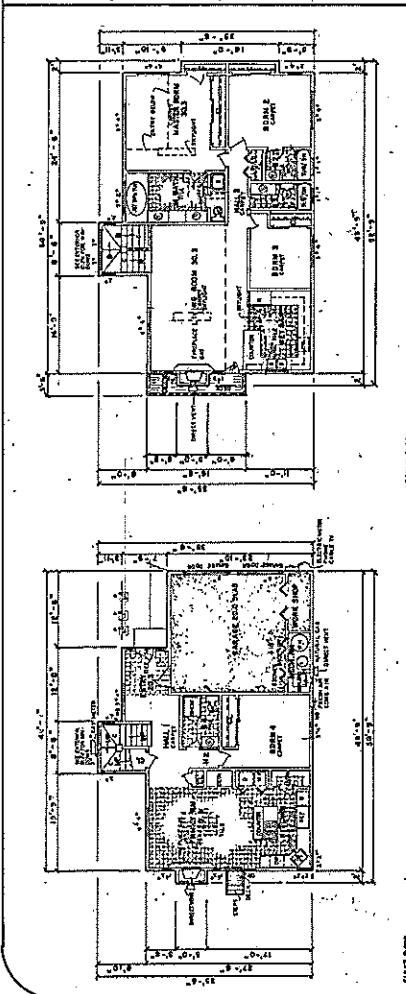
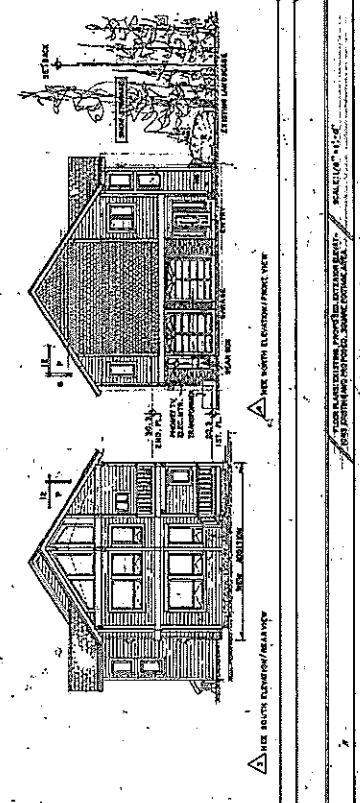
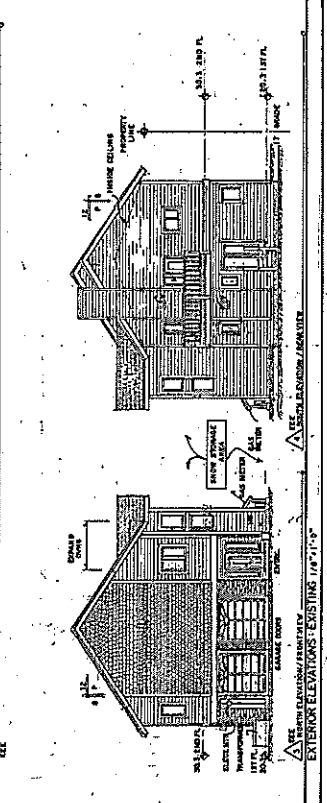
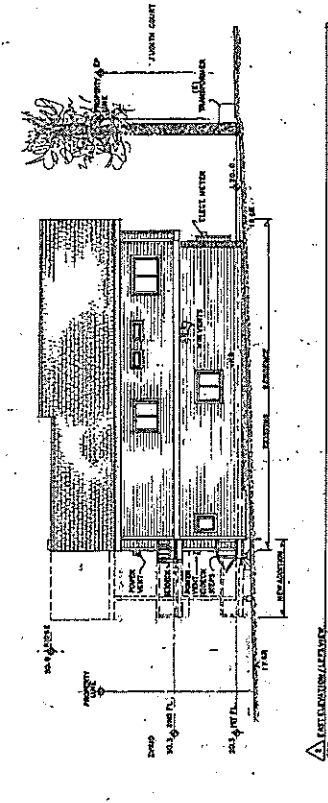
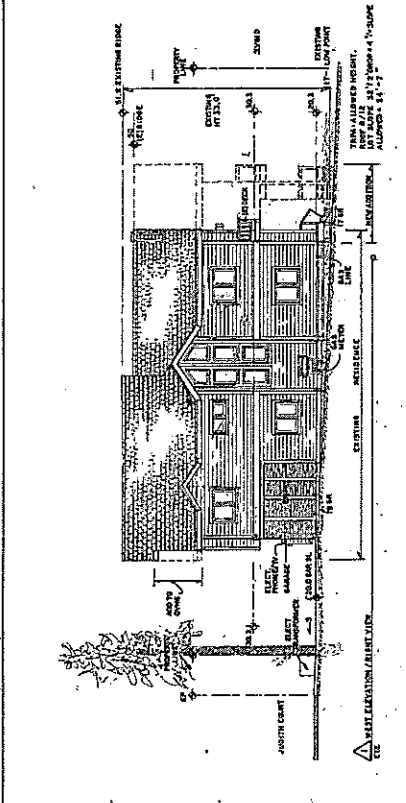


STANDARD LEGEND

|          |                      |
|----------|----------------------|
| [Symbol] | Survey Control Point |
| [Symbol] | Property Boundary    |
| [Symbol] | Utility Easement     |
| [Symbol] | Other                |

**UTILITIES EASEMENT NOTE:**  
THIS PLAN SHOWS THE LOCATION OF UTILITIES EASEMENTS AS SHOWN ON THE AS-BUILT SURVEY MAP. THE LOCATION OF UTILITIES EASEMENTS IS BASED ON THE AS-BUILT SURVEY MAP AND IS SUBJECT TO CHANGE. THE LOCATION OF UTILITIES EASEMENTS IS NOT GUARANTEED AND IS NOT TO BE USED AS A BASIS FOR ANY CLAIMS OR DAMAGES. THE LOCATION OF UTILITIES EASEMENTS IS NOT TO BE USED AS A BASIS FOR ANY CLAIMS OR DAMAGES.

SITE PLAN EXISTING 1/8" = 1'-0"



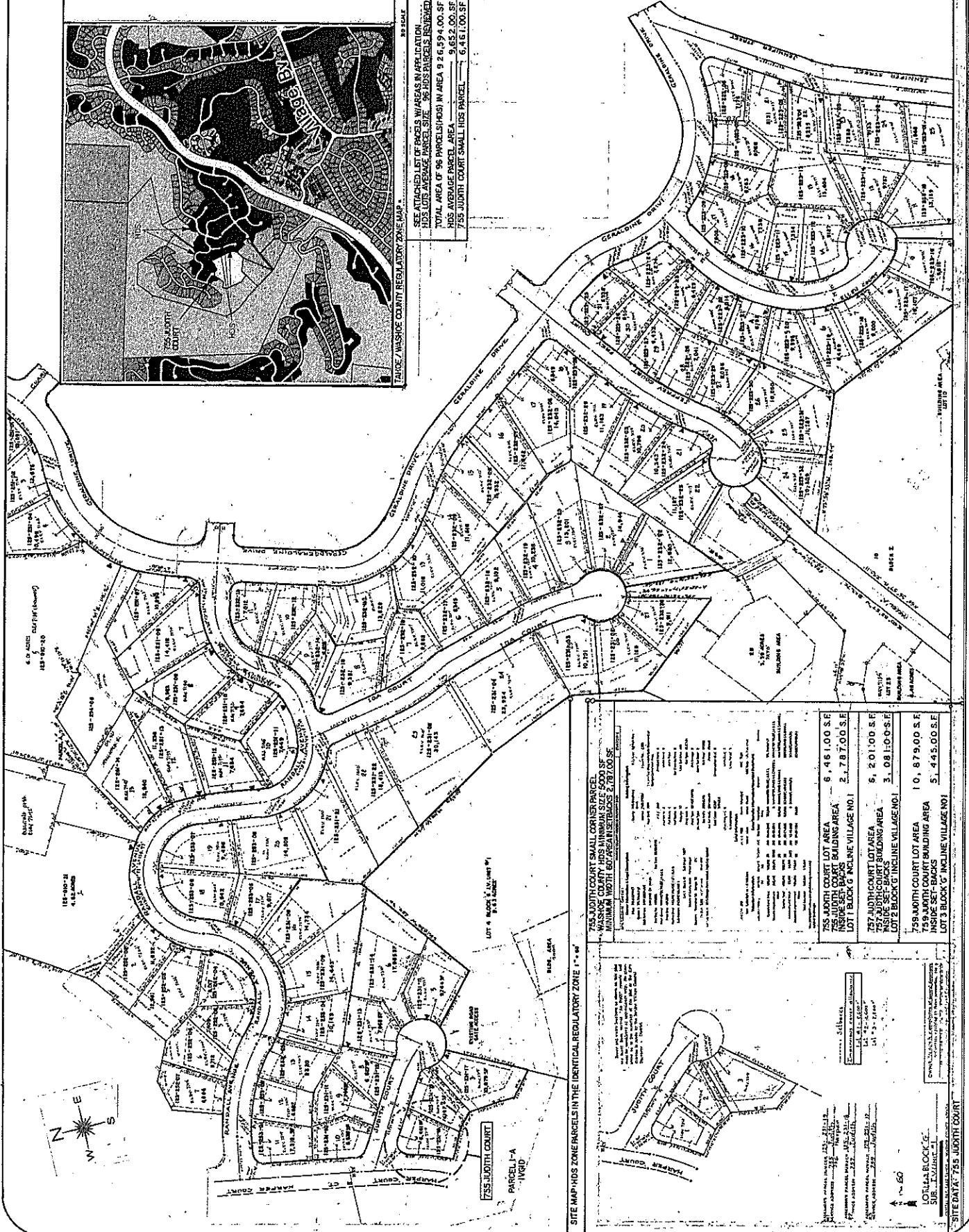


OWNER: THOMAS P LYRKA  
 PROJECT LOCATION: 755 JUDITH COURT, INCLINE VILLAGE, NEVADA 89451  
 A.P.N.: 125-231-19 WASHOE COUNTY  
 PROJECT: ROOM AND DECK ADDITION, NEW PERVIOUS PAVED DRIVEWAY,  
 EXTEND FRONT ROOF LINE  
 LEGAL: LOT 1 BLOCK 5 IN JUDITH COURT, TOWNSHIP 16 RANGE 18

4



SEE ATTACHED LIST OF PARCELS WITH AREAS IN APPLICATION  
 HDS LOTS AVERAGE PARCEL SIZE: 96 HDS PARCELS REVIEWED  
 TOTAL AREA OF 96 PARCELS (HDS) IN AREA: 9,265,944.00 SF  
 HDS AVERAGE PARCEL AREA: 9,652,000 SF  
 755 JUDITH COURT SMALL HDS PARCEL: 6,416,100 SF



755 JUDITH COURT SMALL CORNER PARCEL  
 755 JUDITH COURT HDS JUDITH SIZE 5000 SF  
 MINIMUM NORTH SIDE DRIVEWAY WIDTH

|                                |                |
|--------------------------------|----------------|
| 755 JUDITH COURT LOT AREA      | 6,416.00 S.F.  |
| 755 JUDITH COURT BUILDING AREA | 2,787.00 S.F.  |
| 755 JUDITH COURT LOT AREA      | 6,201.00 S.F.  |
| 755 JUDITH COURT BUILDING AREA | 3,081.00 S.F.  |
| 755 JUDITH COURT LOT AREA      | 10,879.00 S.F. |
| 755 JUDITH COURT BUILDING AREA | 5,445.00 S.F.  |

SITE DATA - 755 JUDITH COURT

LOT 1 AREA: 6,416.00 S.F.  
 LOT 2 AREA: 6,201.00 S.F.  
 LOT 3 AREA: 10,879.00 S.F.

755 JUDITH COURT

Parcel A

**WASHOE COUNTY  
HEALTH DISTRICT**  
ENHANCING QUALITY OF LIFE

August 22, 2016

Roger Pelham  
Washoe County Community Services Department  
1001 E. Ninth Street, Bldg. A  
Reno, NV 89512

Dear Mr. Pelham:

I received your email dated August 19, 2016, requesting a review of the August Agency Review Memo III regarding the variance application (Item 2).

Based on the submitted documentation, it is anticipated that there will be minimal impacts concerning EMS responses to the residential parcel. Additionally, it is not anticipated that there will be impacts concerning access to healthcare services and facilities. Should you need a complete Environmental Impact Assessment, please contact the Washoe County Health District's Division of Environment Health Services at (775) 328-2434.

Advanced Life Support (ALS) fire and ambulance services are provided by the North Lake Tahoe Fire Protection District. The closest station to the residential parcel is approximately 1 mile away.

There is also a hospital within proximity to the Judith Court site, should residents require such services. The Incline Village Community Hospital is approximately 2.5 miles away from the residence. There are also several other acute care hospitals and healthcare resources available in Washoe County.

It is recommended the residential structure has the house number clearly marked on the curb and the dwelling so the residents can be quickly located by public safety agencies.

Please feel free to contact me if you have any questions.

Sincerely,



Christina Conti  
EMS Program Manager  
[cconti@washoecounty.us](mailto:cconti@washoecounty.us)  
(775) 326-6042

From: Corbridge, Kimble  
Sent: Tuesday, August 23, 2016 3:35 PM  
To: Pelham, Roger  
Cc: Vesely, Leo; Smith, Dwayne E.  
Subject: VA16-005 Thomas Lypka

Roger,  
I have reviewed the referenced variance for Engineering and have no conditions or comments.  
Thx,  
Kimble

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Development Review Status Sheet

|   |                               |        |
|---|-------------------------------|--------|
| Date: 8-25-16   |                               |        |
| Attention: Roger Pelham   |                               |        |
| RE:   | Variance Case Number VA16-005 |        |
| APN:  | 125-231-19                    |        |
| Address:  | 755 Judith                    |        |
| Owner:  | Thomas Lypka                  |        |
| Phone:  | Fax:                          | Email: |
| Mailing Address: N/A  |                               |        |
| <p>Hearing, discussion, and possible action to approve: 1) a reduction in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) to allow and increase at the front eaves of the existing dwelling to extend 4 feet, 6 inches, from the existing 2 feet, into the front yard setback. The variances are requested to facilitate the expansion of the existing dwelling.</p> <p>Applicant: Thomas Lypka PO Box 6683 Incline Village, NV 89450<br/> Property Owner: Thomas Lypka PO Box 6683 Incline Village, NV 89450<br/> Location: 755 Judith Court at the southeast corner of its intersection with Harper Court</p> <p>Assessor's Parcel Number: 125-231-19<br/> Parcel Size: 6,460 square feet<br/> Master Plan Category: Suburban Residential (SR)<br/> Regulatory Zone: High Density Suburban (HDS)<br/> Area Plan: Tahoe<br/> Citizen Advisory Board: Incline Village/Crystal Bay<br/> Development Code: Authorized in Article 804, Variances<br/> Commission District: 1 – Commissioner Berkbigler<br/> Section/Township/Range: Section 9, T16N, R18E, MDM, Washoe County, NV<br/> Staff: Roger Pelham, MPA, Senior Planner Washoe County Community Services Department Planning and Development Division<br/> Phone: 775-328-3622</p> |                               |        |
| Comments: No impact to the Incline Village General Improvement District.  |                               |        |

Completed by: Tim Buxton, Chief Inspector

Phone: (775) 832-1246 Fax: (775) 832-1260

Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via US Postal Service. We will reimburse you for your postage. Thank you.



**REGIONAL TRANSPORTATION COMMISSION**

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

August 24, 2016

FR: Chrono/PL 183-16

Mr. Chad Giesinger, AICP, Senior Planner  
Community Services Department  
Washoe County  
P.O. Box 11130  
Reno, NV 89520

RE: **SB16-004 (Verizon Arrowcreek Golf Course)**  
**VA16-005 (Thomas Lypka)**  
**VA16-006 (Eget Residence)**

Dear Mr. Giesinger,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 775-332-0174 or [rkapuler@rtcwashoe.com](mailto:rkapuler@rtcwashoe.com) if you have any questions or comments.

Sincerely,

Rebecca Kapuler  
Planner

RK/jm

Copies: Bill Whitney, Washoe County Community Services  
Roger Pelham, Washoe County Community Services  
Trevor Lloyd, Washoe County Community Services  
Daniel Doenges, Regional Transportation Commission  
Julie Masterpool, Regional Transportation Commission  
Tina Wu, Regional Transportation Commission  
David Jickling, Regional Transportation Commission

Washoe County no comment 090716



# Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: Incline Village / Crystal Bay Nevada

Meeting Date (if applicable): September 20, 2016

Topic or Project Name (include Case No. if applicable): VA16-006

Please check the appropriate box:

My comments  were (or)  were not discussed during the meeting.

Identified issues and concerns:

SEE WORD ATTACHMENT

Suggested alternatives and/or recommendations:

SEE WORD ATTACHMENT

Name Pete Todoroff Date: 08/29/2016

(Please Print)

Signature: Pete Todoroff

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: \_\_\_\_\_

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to: Washoe County Manager's Office  
Attention: CAB Program Coordinator  
Post Office Box 11130, Reno, NV 89520-0027  
Fax: 775.328.2491  
Email: [stone@washoecounty.us](mailto:stone@washoecounty.us)



**Lypka Variance Request 755 Judith Court Incline Village NV.**

**Request to vary the rear yard set back from 20 feet too 14 feet 6 inches to construct a remodel to the rear living room and family room. Add a deck on the first and second floor.**

**Request to vary the W. C. Development Code Section 110.406.30 to allow for addition overhang into the front yard to prevent the dripping and freezing of water below on the entry walk.**

**To deny the rear yard variance would deprive the property owner of privileges enjoyed by other properties with the identical regulatory zone because of the constraints unique to the property.**

**In reviewing the site data submitted of the review of over 96 parcels in the same regulatory zone the applicant found that the average parcel size is 9,652 square feet and on a corner with the restriction of the corner lot setbacks needs to be allowed to vary the rear yard to have the building area like other parcels in that regulatory zone.**

**It was submitted that even though the neighbors parcel is 6,201 square feet, smaller than the applicants the neighbor to the east has a 294 square foot more area to build in because of not being a corner parcel.**

**The modest size home now is set on the parcel and has the 20 foot setback at the garage that now allows for two covered parking spaces and two off – street spaces. This is at the current sacrifice of not having any rear yard area for decks and the normal area for a family room and living room.**

**In addition to this restraint where some parcel area appears available on the west side the area is used by Washoe County for snow storage from Harper Court.**

**I support the request for there are no impacts that affect the neighbors which are to the east. The parcel to the south is who's owner is IVGID and will not have any development on it in the future. The neighbor Tom Annese supports the request. The parcel is restrained due to the small size and corner lot set backs which come from the County Zoning of HDS and the recorded track**

**map 1077. There is a demonstrated hardship because of the small side of the parcel and the corner lot setbacks imposed.**

**Request to allow for more overhang in front yard. The site is restricted in coverage only allowing for 1800 Square Feet. The walk cannot be moved to avoid this drip for there is no coverage left to make it longer. Due to safety I support the request.**

**Pete Todoroff Chairman of the CAB.**

**Angres & Axelrod, Ltd.**  
Attorneys and Counsellors at Law  
2650 Friesian Ct., Reno, NV 89521  
Facsimile: (888) 840 2736

**Robert J. Angres, Esq.**  
Licensed in Nevada, California  
United States Supreme Court  
Tel. (775) 852 5244  
Email: rjangres@gmail.com

**Irina Axelrod-Angres, Esq.**  
Licensed in Nevada  
United States Supreme Court  
Tel. (775) 852 5211  
Email: angreslaw@gmail.com

**NOTICE OF APPEAL TO COUNTY COMMISSION  
FROM DENIAL OF VARIANCE 16-005/755 Judith Court**

**Thomas P. Lypka is the aggrieved party lodging this Appeal as a result of the denial by the Board of Adjustment of his request for Variance VA16-005 which was heard on December 01, 2016, the decision of which was transmitted (mailed/filing date) as of December 05, 2016.**

**Appeal to the Washoe County Commissioners is hereby made pursuant to WCC 110.912.20.**

**It is asserted that Appellant is entitled to the grant of his variance on both a compelling statutory/procedural basis and an even more compelling, substantive basis:**

**This Appeal is arguably unnecessary on the procedural statutory basis that the Board of Adjustment's determination to deny the variance request is void and *ultra vires* as having followed a hearing which failed to comply with the mandatory procedures set forth in WCC 110.804.15(c) which dictates that a hearing must be held within 65 days of the acceptance of a completed application. The consequence of such failure, per WCC 110.804.15(e) is that the variance application is deemed approved. The problem arose because the County, after properly sending out notices of the CAB hearing, entirely fumbled the required notices to neighboring properties by sending such notices to persons in different counties! When the applicant was notified of this County error and that the Board of Adjustment was ready to hear the variance case in a context which would be useless because it could be challenged by any third party with standing due to the county error, Mr. Lypka requested that the hearing be postponed to permit proper statutory notice. Thus it can be clearly seen that staff implicitly**

**misled the CAB, committed significant, inexplicable error in its notice procedures and intended to move the applicant to a defective hearing using the applicant's unwillingness to participate as some sort of estoppel from challenging the failure under WCC110.804(c). The WCC has no provision for the failure of a timely hearing other than a "deemed" approval. It specifically does not recite that if the County makes a serious error, but is willing to railroad the applicant into a defective hearing, that the provisions of WCC110.804(c) and (e) are somehow waived.**

**Assuming, *arguendo*, that these manifest procedural defects were later judicially determined to be somehow not dispositive of the matter, there are numerous substantive errors in the analysis, presentation of staff findings and demonstrable failure to accord equal treatment with other variance applications that will make palpable the need for the County Commission to reverse the findings of the Board of Adjustment and grant the relatively modest variance request of the Appellant.**

## **ERRORS IN BOARD OF ADJUSTMENT DETERMINATION**

**The areas of substantive error resulting in inadequacy of the findings made by the Board of Adjustment include and are aggravated by the staff's failure to properly and timely communicate its determination/recommendation that the variance should be denied:**

- 1. While giving palpably insincere lip service to the input of the Incline Village Crystal Bay Advisory Board (CAB) (as "the experts") Roger Pelham attended their meeting after already drafting his staff report recommending denial! Mr. Pelham avoided all contact with CAB members (and appellant and his representative which is his prerogative) however he was disingenuous with the CAB members by failing to reveal and discuss his predetermination of denial of the cause they unanimously championed. He further delayed transmitting his report to any third party until the very last minute contrary to established procedure. It should be noted for the record that the CAB unanimously supported granting of the variance and**

that neighbors wrote the Board of Adjustment to voice their unequivocal support.

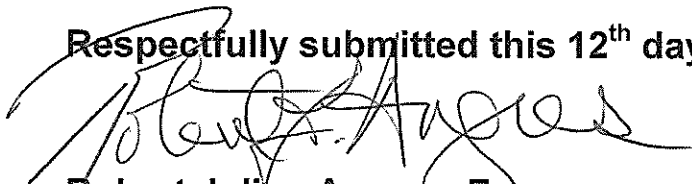
2. Once at the fatally delayed hearing, Mr. Pelham mischaracterized the shape of the lot owned by Appellant in a manner which directly impacted the proper analysis of the critical issue of hardship. Mr. Pelham represented to the Board that the lot was a rectangle, even when presented with the dimensions proving it was trapezoidal, and well under the minimum requirements of 60 feet where the proposed construction was located, that it had the smallest buildable area of any lot in the subdivision and was significantly burdened by its funnel shape at that key and only location available for building. This alone can be seen as a fatal, substantive defect in the inappropriate and inaccurate effort to support a denial of the modest variance.
3. Appellant's representative properly presented the manifest life/safety issues driving the variance request pertaining to freezing moisture, significant danger to occupants, first responders and pedestrians, and clear potential for fire-exit danger. One Board member's comment of "live with it" would not be so objectionable if the issues were not actually possible matters of life and death.
4. Moreover, issues of the impact of county snow storage, setback issues and other factors militating towards the obvious need for the variance, were each ignored by the Board under the inappropriate presentation of the staff.

The most obvious and overarching defect in the determination rests with the unequal treatment manifested by the denial. Other adjacent neighboring properties have the necessary decks with coverage to achieve the safety purposes requested; others have received variances to achieve even lesser goals. The undersigned has a file replete with necessary failures of equal protection suffered by Incline residents at the hands of the staff and Board of Adjustment. This is yet another case of such failure to accord equal treatment. Head scratching gives way to upset and with the mount-

ing passage of time, enduring another winter with unsafe conditions with no rational basis for the denial and the increasing costs of pursuing a modest variance, anger smolders on its way to outrage.

It is submitted that a cursory review of the record reveals this to be another instance where justice was not accorded to a taxpayer/constituent and it is urged that the Commission simply determine and swiftly acknowledge that the procedural defects in the process, notice and conduct of the timing of the hearing are subject to the regulatory remedy that the variance is deemed approved and hence order its issuance with normal conditions. If such a determination is not forthcoming in a timely fashion and the appeal hearing is set, a more detailed brief will be filed in support of the appeal and counsel will attend such hearing and advocate the substantial legal case for the Commission reversing the determination of the Board of Adjustment in this case, or, in the alternative, exercising its powers to hear the matter *de novo*.

Respectfully submitted this 12<sup>th</sup> day of December, 2016.



Robert Julian Angres, Esq.  
Attorney for Thomas P. Lypka



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

Kim Toulouse, Chair  
Clay Thomas, Vice Chair  
Kristina Hill  
Brad Stanley  
Lee Lawrence  
William Whitney, Secretary

Thursday, December 1, 2016  
1:30 p.m.

Washoe County Administration Complex  
Commission Chambers  
1001 East Ninth Street  
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, December 6, 2016, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

## 1. \*Determination of Quorum

Chair Toulouse called the meeting to order at 1:32 p.m. The following members and staff were present:

### Members present:

Kim Toulouse, Chair  
Clay Thomas, Vice-Chair  
Kristina Hill \*\*  
Lee Lawrence  
Brad Stanley

### Members absent:

None

### Staff present:

Trevor Lloyd, Senior Planner, Planning and Development  
Eric Young, PhD, Planner, Planning and Development  
Chad Giesinger, Senior Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Donna Fagan, Recording Secretary, Planning and Development

## 2. \*Pledge of Allegiance

Member Stanley led the pledge to the flag.

## 3. \*Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

## 4. \*Appeal Procedure

Mr. Whitney recited the appeal procedure for items heard before the Board of Adjustment.

## 5. \*Public Comment

Chair Toulouse opened the public comment period. Garth Elliott stated as a Board member of the Sun Valley General Improvement District (SVGID) he knew his function and he knew this Board's function. He stated there was a situation where the County had been working on a sign code for two years and not one time did they consider the wishes of the 25,000 people making up Sun Valley. He said they were not asked to be part of it until it was too late and the decisions had been made. He reported the people had a problem with the six-foot height requirement and electronic part of it. He noted there was a sign located in Sun Valley that they had to manually open up and place the letters or numbers on it and they needed a faster way to do that. With an electronic sign they could change it immediately, which they needed for emergency purposes.

Chair Toulouse closed the public comment period.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of December 6, 2016. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

## 7. Approval of October 6, 2016 Draft Minutes

Member Thomas moved to approve the minutes of October 6, 2016 as written. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

## 8. Public Hearings

**C.Variance Case Number VA16-005 (Thomas Lypka)** – Hearing, discussion, and possible action to approve variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances are requested to facilitate the expansion of the existing dwelling.

- Applicant/Property Owner: Thomas Lypka  
PO Box 6683  
Incline Village, NV 89450
- Location: 755 Judith Court at the southeast corner of its intersection with Harper Court
- Assessor's Parcel Number: 125-231-19
- Parcel Size: 6,460 square feet
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 9, T16N, R18E, MDM, Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Toulouse opened the public hearing. Mr. Pelham identified the property and presented his Staff Report. Chair Toulouse opened discussion to the Board. Hearing none, he opened discussion to the Applicant.



Wayne Ford, Residential Design, stated he was the Applicant's representative. He gave his presentation to the Board and said they felt the request for a Variance was well within the privy of the Board to grant it based on the fact that the lot was narrow, shallow and had an issue of shape. He stated the residence was a simple home, two-story and did not need front yard setbacks; it had a two-car garage and two off-street parking spaces. He noted that approximately 43 percent of the lot's area was left for building and 57 percent of it was restricted. He said they wished to add 336 square feet to the home and from 20 feet to 14 feet, 6 inches was only for one portion of the rear yard setback. Mr. Ford continued with his presentation stating the minimal lot width in this zoning was 60 feet and that was their problem; if it had remained 60 feet as a rectangle they would not have to make this request. He believed the narrowing of the lot lines represented a hardship especially with the setbacks. He showed the Board photos of the property and snow storage which restricted addition. He said this was a small lot under TRPA Guidelines and Development Code because they allowed for additional coverage to be transferred in.

Mr. Ford stated the backyard was a small portion of the property and they were just asking for a 14 foot, 6 inch setback on one side. He noted their neighbor had no objection and wrote a letter of support. He said the proposal would alleviate dangerous ice formations on the sidewalk in front. He showed the snow that happened last year and how much got pushed down the side of the home.

Mr. Ford said they tried gutter systems, heat tape and it was found to be better if the eave would be allowed to come down and drain the water and ice away from the walkway. He stated this would allow the Applicant to have the uses that the other neighbors had, such as the deck expansion. He noted the NRS stated by reason of exceptional narrowness, which this parcel had, or shape of a specific piece of property of which the lot was not a rectangle, the strict application of any regulation under this Code would result in difficulties and undue hardship. Based on those facts and findings, they were requesting the approval of the setback change. He reiterated this would not impact any other neighbors and because of the shape of the property they could make the finding that the shape of the property was the primary hardship of this request.

Chair Toulouse opened questions to the Board. Member Thomas asked how long had the Applicant been residing at this address. Mr. Ford stated about a year and a half. Thomas Lypka, 755 Judith Court, stated he purchased the property in June 2015 and after going through the first winter he discovered how the ice formed in the front and the danger of trying to walk on the ice. He discovered he could not go out the back door because it was frozen. He said he would have to take a sledge hammer to the glass door to get out, which he believed would be the only way out in a fire. He said the back extension was only so they could turn it and stop the weather from hitting it directly and freezing it shut. Member Thomas said it appeared the front of the house was covered and it was not until he got out on to the driveway before he would experience ice and snow. Mr. Lypka said that was correct but he showed the Board how the ice and snow formed closer to the house. He said water came down from Judith Court and it funneled into his area and the Nubian piece would stop that water from coming in and take care of the roof problem.

Member Hill asked if it would be possible to move the sliding glass door to the other wall without doing the expansion. Mr. Ford stated it did not solve the problem; it would just go from being iced up and frozen to a bad headache. He said going to the west side was real close to the neighbor and they would walk right underneath the shed of the roof and all the snow would come off from above. That was the side that Mr. Lypka had to put plywood up on the east side to protect the windows during the heavy snow. He said the west side was where the County shoved all the snow and he would walk right out the door into that. Member Hill asked why the Applicant needed this expansion to alleviate the issue with the sliding glass door. Mr. Ford showed the Board the door and the deck explaining how the roof did not protect the door. He explained where the neighbor's house was and where the addition would be located. He said the only encroachment was in the corner and they would stay within the five feet requirement. Member Hill stated it looked like the neighbor's home was smaller. Mr. Ford stated it was about the same size but he had a drainage easement and more building area. Mr. Lypka stated he has already had to put the plywood up this year due to the County moving the snow.

Chair Toulouse opened public comment. Hearing none, he brought it back to the Board for discussion. Member Lawrence asked about dedicated snow storage and he wondered if it was measurable and could be

found as a hardship. Mr. Pelham said he did not know the answer but he understood that unless there was a snow storage easement, it was not legally encumbered. Dwayne Smith, County Engineer, said it appeared by the map that there was a snow storage easement along the edge of the property. He noted it was not uncommon for the area as they needed places to put volumes of snow for traffic safety. Member Lawrence asked if an easement such as a snow storage easement constituted a special circumstance. Mr. Whitney stated no because a special circumstance was exceptional narrowness, shallowness and shape of the parcel.

Member Thomas stated NRS 278.301.c identified the requirements that the Board of Adjustment must find to grant the Variance. He said there was testimony earlier that said protection from the snow, but when you live in Incline Village you were going to get snow. He said the Applicant wanted to expand the deck because the neighbor had a deck and the Applicant wanted to be out back and enjoy it, but that did not constitute a hardship.

Member Stanley said he knew Mr. Pelham wanted to work with the Applicants to find compromises and he wondered if any suggestions were made to work around this. Mr. Pelham stated he did not make any suggestions. He said as in most situations, Staff did not have the luxury of helping with the design, but rather they were limited to evaluation of what was submitted. Member Stanley asked if the Applicant was aware that Staff was going to recommend denial. Mr. Pelham stated they were and noted there was an error made on the part of the County in noticing or this would have been heard about two months ago.

Member Hill said she was having a hard time finding that it was a hardship. She lived in Incline Village and got a lot of snow, but she thought it might be prudent to allow him to extend the roof over the walkway. However, she did not see that the rear addition was necessary or that there was a hardship if the Applicant did not get it.

Chair Toulouse stated he found it difficult to find a hardship for something that commonly occurred in Incline Village and if the Board granted the Variance it would be granting a special privilege. Chair Toulouse called for a motion.

Member Thomas moved that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number VA16-005 for Thomas Lypka, being unable to make the four applicable findings in accordance with Washoe County Development Code Section 110.804.25. Member Lawrence seconded the motion, which carried unanimously.

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;
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; and
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.

Mr. Whitney explained the denial procedures for the record.

## 9. Chair and Board Items

- \*A. Future Agenda Items.

There were none.

**\*B. Requests for Information from Staff.**

There were none.

**10. Director's Items and Legal Counsel's Items**

**\*A. Report on Previous Board of Adjustment Items.**

Mr. Whitney reported that at the October meeting the Board approved the Variance for the Eget residence on Tuscarora and Wassau in Crystal Bay. It was appealed by the neighbors to the County Commissioners, but it had not yet been heard. He said it would be coming back to this Board because the notification of the original Variance was not correct regarding a half bathroom.

**\*B. Legal Information and Updates.**

Mr. Edwards stated he had nothing to provide.

**11. \*General Public Comment**

There was no response to the call for public comment.

**12. Adjournment**

The meeting adjourned at 5:15 p.m.

Respectfully submitted by

*Jaime Deller, Independent Contractor*

Approved by Board in session on \_\_\_\_\_, 2017

---

William H. Whitney  
Secretary to the Board of Adjustment



# ATTACHMENT D

## Conditions of Approval

Variance Case Number: VA16-005

The project approved under Variance Case Number VA16-005 shall be carried out in accordance with the Conditions of Approval granted by the Board of County Commissioners on January 24, 2017. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

**Unless otherwise specified**, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Variance may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions”. These conditions must be continually complied with for the life of the project or business.

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

### **Washoe County Planning and Development Division**

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

**Contact Name – Roger Pelham, 775.328.3622, rpelham@washoecounty.us**

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- c. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.
- d. Prior to issuance of a building permit, the applicant execute Hold Harmless Agreement with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.
- e. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

\*\*\* End of Conditions \*\*\*