

Washoe County Appeal of Decision Application

AX15-001

Appeal of Decision by (Check one)

<input checked="" type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Hearing Examiner
<input type="checkbox"/> Design Review Committee	<input type="checkbox"/> Parcel Map Review Committee
<input type="checkbox"/> Director of Building & Safety (NRS 278.310)	<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Director of Planning and Development	<input type="checkbox"/> Code Enforcement Officer

Appellant Information

Name: Frank Bouchard KC custom for Kimberly Kline	Phone: 775-671-1160
Address: 173 EL Dorado Ave.	Fax: —
	Email: frankbouchard@gmail.com
City: Dayton. State: Nev. Zip: 89403.	Cell: same as above.
Original Application Number: VA15-002 (KLINE)	
Project Name: KLINE	
Project Location: 250 Monarch Drive, Washoe Valley NV	
APN# 050-371-46	
Date of decision for which appeal is being filed: APRIL-02-2015.	

State the specific action you are appealing: DENIAL OF THE REQUEST FOR A CHANGE FROM 30 FEET TO 20 FEET FRONT YARD SETBACK FOR VARIANCE CASE NUMBER VA15-002 SUBMITTED BY CUSTOM CONCEPTS FOR KIMBERLY KLINE AT 250 MONARCH DRIVE IN WASHOE VALLEY NEVADA APN# 050-371-46 ON .92 ACRES.

State the reasons why the decision should or should not have been made:

Please see page 1 ITEM 1

For Staff Use Only

Appeal Number:	Date Stamp
Notes:	Staff: _____

Appellant Information (continued)	
Cite the specific outcome you are requesting under the appeal: Please see page 1 item 2.	
State how you are an affected individual entitled to file this appeal: ms. kline is the property owner and I Frank Boultard MARSANO from KC Customs (Developer) am assisting her in this process. IT'S her property that is being affected by the incorrect decision made by the Board of Adjustment.	
Did you speak at the public hearing when this item was considered? KC custom concepts spoke on behalf of ms kline	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No

For time limitations imposed for the various types of appeals, please refer to the Washoe County Development Code (WCC Chapter 110) and Nevada Revised Statutes Chapter 278 (NRS 278).

APPELLANT AFFIDAVIT

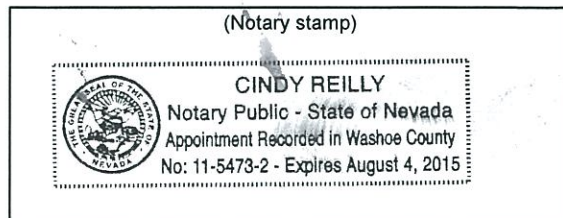
STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Kimberly M Kline
being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition 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 staff of the Planning and Development.

Signed Kimberly Kline
Address 305 Puma Dr
Washoe Valley, NV 89704

Subscribed and sworn to before me this 7th day of April, 2015.

Cindy Reilly
Notary Public in and for said county and state
My commission expires: 8/4/2015





NVLic#B1508/CaLic#971488
JohnCo Ent NVLic#8853A

5084 Washoe Cir
Stagecoach, NV 89429

Presented by Frank Bouchard Marsano of KC Custom Concepts

WASHOE COUNTY APPEAL OF DECISION APPLICATON (page 1

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(Item 1)

State the reasons why the decision should or should not have been made:

The denial on variance VA15-002 should never have been made! The Board of Adjustment based their decision on us not meeting code section 110.804.25 finding #2 which states no detriment or substantially impair affected natural resources. They never agreed that the setback changes would cause this, because there are no detriments or impairment caused by the setback change. What they based their decision on was that a well was going to be drilled on the subject property, which Ms. Cline has every legal right to do on her property located at 250 Monarch Dr. This legal right is shown by the letter written on April 9 2015 by the Department of Conservation and Natural Resources Division of Water Resources which state under NRS 534-120 Ms. Cline has the lawful right to drill a domestic well to use in her manufactured home that she wants to place on her private property as long as she meets all the county requirement to develop the property. How the Board of Adjustments came up with this WRONG decision baffles all the agencies I've contacted in Washoe County, the State of Nevada, Ms. Cline and myself. WHAT DOES SETBACKS HAVE ANYTHING TO DO WITH DRILLING A WELL OR WATER CONDITIONS? These are two distinct items, even Mr. Edwards, the legal advisor for the board stated to the board and I quote "to not get drawn into a decision that's separate from the actual request". His warning was completely ignored by Kristina Hill and Kim Toulouse, this act must be thrown out as it is WRONG!

(Item 2)

Cite the specific outcome you are requesting under the appeal:

I'm requesting that you throw out the denial given by the Board of Adjustment on April 2nd of 2015 and give Ms Kline an approval for the variance of setback changes from 30 feet in the front to 20 feet. I'm also requesting that you do not add any additional conditions (added landscape etc.) to her developing her property outside of the normal conditions that the Washoe county agencies have in place. This variance is in place in Washoe county for the exact circumstances that Ms. Kline has on her property and has agreed and stated by Lee Lawrence chair to the board.

-----Nothing follows-----

BRIAN SANDOVAL
Governor

STATE OF NEVADA

LEO DROZDOFF
Director



JASON KING, P.E.
State Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>**

April 9, 2015

VIA ELECTRONIC AND U.S. MAIL

Frank Bouchard
Casey Custom Concepts
173 Eldorado Ave.
Dayton, NV 89403

RE: Domestic Well for APN 050-371-46

Dear Mr. Bouchard:

Thank you for your inquiry concerning information on the ability to drill a domestic well for the above-reference parcel number. In our telephone conversation yesterday, I confirmed that you should first ascertain whether the parcel is located within the service area of the Truckee Meadows Water Authority (TMWA), and you indicated that it was not within TMWA's service area. If that is the case, Nevada law allows a property owner to drill a well on the property for domestic use.¹ Domestic wells whose use does not exceed 2 acre-feet per year do not require a water right from the Division; however, any draught over 2 acre-feet requires a water right obtained through the Division.

Notwithstanding the ability to drill a domestic well on the property, this parcel is located in a basin that has been designated by the State Engineer pursuant to NRS 534.120; therefore, any licensed well driller retained to drill the well must adhere to the requirements applicable to designated basins found in NRS and NAC Chapter 534.

I hope you find this information helpful. If you require additional information, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink, appearing to read "Kristen Geddes".

Kristen Geddes
Chief, Hearings Section

¹ Domestic use is defined by NRS 534.120, and is limited to not more than 2 acre-feet per year pursuant to NRS 534.180.



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5084 Washoe Cir
Stagecoach, NV 89429

Ref: Variance Case number VA15-002 (Kline)

Dear Ms Sannazzaro

This is in response to a letter written by Ed Smith

We do not have a misperception that some in the neighborhood are against Ms. Kline for having plans for a proposed 2015 manufactured home to be placed at 250 Monarch Drive. It's a fact demonstrated by some of the neighbors own statements at the Citizens Advisory Board

(Jakon Tolhurst) He wrote that they live next to the proposed property. They rebutted the statements on the proposal to change the mandatory 30' to 10' setback. It would not complete the neighborhood, it would be **THE ONLY MANUFACTURED HOME AND LOWER HOME VALUES** and it would be adding a well to the already drying aquifer.

(Dianne Beaty) She stated that she lives across from the property. She said it's a narrow shoulder of land. **15 foot setbacks of the MANUFACTURED HOME IS NOT CONGRUENT WITH THE HOMES IN THE AREA.**

(Roy Ruth) He stated that he has lived there since 1988. That ground has been filled The ground has been filled with horse manure. There was a flood in 1985, the ravine filled with two thirds with water and washed out the bank. The neighbor at 240 Monarch was concerned with his pool. This lot wasn't intended to be built on because it was part of another lot. He said he is concerned for safety. The land shouldn't be built on. All the houses are centered on one acre lots. This house will fill the lot. It will be in your face. **IT WILL TAKE AWAY FROM THE ENTIRE NEIGHBORHOOD. HE SAID HE IS OPPOSING IT AND IT WILL AFFECT THE REAL ESTATE PRICE'S.** There already isn't enough water out there. Get a structural engineer out there to look at the land.

Mr. Ed Smith may not be verbally stating that he is against a manufactured home . As you can see on his suggestion on #3. *If a set back variance of any distance is approved, require (not just suggest) a substantial amount of landscaping.* But yet he didn't have that suggestion on a two story design home.

I would like to rebut, Mr. Smith's claim that I have something to gain by selling a home to Ms. Kline First of all, I am not selling her anything. Clayton Homes is the company that is selling her a home. I am an Employee of KC Custom's who was asked by Clayton Homes to assist Ms. Klein in developing the property on her behalf. My passion does not come from making a house commission or earning an hourly wage. But from being involved with Don Korson, one of the few people responsible for the law that pasted allowing Manufactured homes to be placed on residential properties. During my time with him I've seen the discrimination from many people towards this type of housing. I am involved assisting Ms. Kline because I understand this type of housing better then most who are in this field. From sales, to construction to the engineering process, everything involved from start to finish. I have seen in Lemmon Valley after the law was passed, neighbors in a stick built residential neighborhood tried to burn down a manufactured home and did burn down the garage. Because they assumed it would dis value their area. Years later, it has not de valued anything and actually improved it.



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Mr. Smith is correct that Ms. Kline does have the right (legal Right) to build on her own property. Whatever limitations arise is no concern of the neighbors or Mr. Smith. But are the concern of the county agencies, private engineers, the contractor but most important, the client Ms. Kline. As I have mentioned many times, what we are asking for is a variance of the setbacks, once we receive that then our work will commence to determine what the best course of action is and what will work on the property. Whether it's the home Ms. Kline has chosen or something else. Mr. Smith stated that he and others have concerns about the construction, as you can see he knows nothing about manufactured homes. If he were to put his home on a trailer and transport it 300-500 miles, by the end of the trip his home would have crumbled and he might still have a floor if he was lucky. Like I stated at the board, manufactured homes are built and engineered differently, this type of home is perfect for these conditions. Mr. Smith also raised concerns about the soil decomposing, leaving voids under the foundation etc.. But yet, he is suggesting that a two story site built home be put there. He truly doesn't understand the weight that a two story home has to the soil conditions he keeps stating about. He also stated, that if a variance is given on the setbacks, that a substantial amount of landscaping must be done, but yet at the Board of Adjustments he clearly stated that water would be an issue. Substantial landscaping = normally substantial water usage. Mr. Smith needs to understand that Ms. Kline is only asking for the same rights that he and other neighbors have and she should have, to live on her own property without other neighbors telling her what she can and can't do.

Suggestion

1. Mr. Smith's advice is not needed, warranted or appreciated. It is like asking for advice on heart surgery from a Podiatrist They both may be doctors but are not good outside their fields. If we require a rock specialist we will contact Mr. Smith. But for now we will stay with the true professionals in this field.

Sincerely,
Frank Bouchard

From: Ed Smith
Sent: Thursday, April 02, 2015 9:31 PM
To: Sannazzaro, Grace
Subject: Variance Case VA15-002 (Kline)

Reference: Variance Case Number VA15-002 (Kline)

Dear Ms. Sannazzaro --

Thank you for your presentation on the above set-back variance request today. I am the geologist living in the subject neighborhood who spoke briefly during the public comments.

I think that there is a misperception that the neighborhood is against Ms. Kline's plans because the proposed home is a "manufactured" unit. This seems to be continually espoused by the builder, who obviously hopes to sell her one. I don't believe that's an accurate assessment of the neighbors, some of whom may have expressed concern about that type of construction. I think their e-mails or calls were colored by understandable disbelief that someone would actually try to build *any* type of home on such an extremely marginal piece of property.

Let's be clear, Ms. Kline obviously has a right to build on her land, but what has alarmed the neighborhood is the size of her proposed home given the parcel's severe limitations. As a geologist -- or anyone for that matter -- those limitations are readily apparent and pose a significant structural risk to a home of the proposed size. The land is unconsolidated, infilled sand mixed with a large amount of horse manure and debris. Organic matter will decompose and leave a void, causing surface collapse. As such, without a significant investment in site engineering (e.g., piers or pilings) that sand will continue to erode away, down the cliff face and along with it, part of her foundation. The builder's explanation of how the foundation would be so massive as to prevent this demonstrates a clear lack of knowledge of what happens when foundations are undercut by erosion -- they collapse under their own weight.

No one appears to be concerned that the size of the proposed home vs. the lot limitations poses a safety risk to the occupants. I see mentioned several times in Staff Report comments that variances in setback requirements are allowed when "... safety and welfare are not at risk...". A 2,318 square foot home built to the very edge of "...a cliff with massive elevation changes/drop... as well as being in a Flood Way/Flood Zone." (applicant's words) is inviting eventual structural failure.

Suggestions:

1. Ms. Kline should seriously consider a home with a smaller footprint or a two-story design. This would also minimize other concerns about the proximity of her proposed well and septic systems to neighbors' property.
2. Require, in the interest of safety, a *mandatory* geotechnical report on the building site given its proximity to "the cliff".
3. If a set-back variance of any distance is approved, require (not just suggest) a substantial amount of landscaping.

Thank you,
Ed Smith