



Board of Adjustment Staff Report

Meeting Date: October 1, 2015

Subject: Variance Case Number: VA15-009
Applicant: William Van Leuven
Agenda Item Number: 9D
Project Summary: Reduce the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage
Recommendation: Denial
Prepared by: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
Phone: 775.328.3622
E-Mail: rpelham@washoecounty.us

Description

Variance Case Number VA15-009 (William Van Leuven Garage) – Hearing, discussion, and possible action to approve a variance reducing the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage.

- Applicant/Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441
- Location: southwest corner of Aguilar Court and Valle De Sol Boulevard in Spanish Springs
- Assessor's Parcel Number: 076-381-28
- Parcel Size: ± 9.4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 30, T21N, R21E, MDM,
Washoe County, NV

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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:

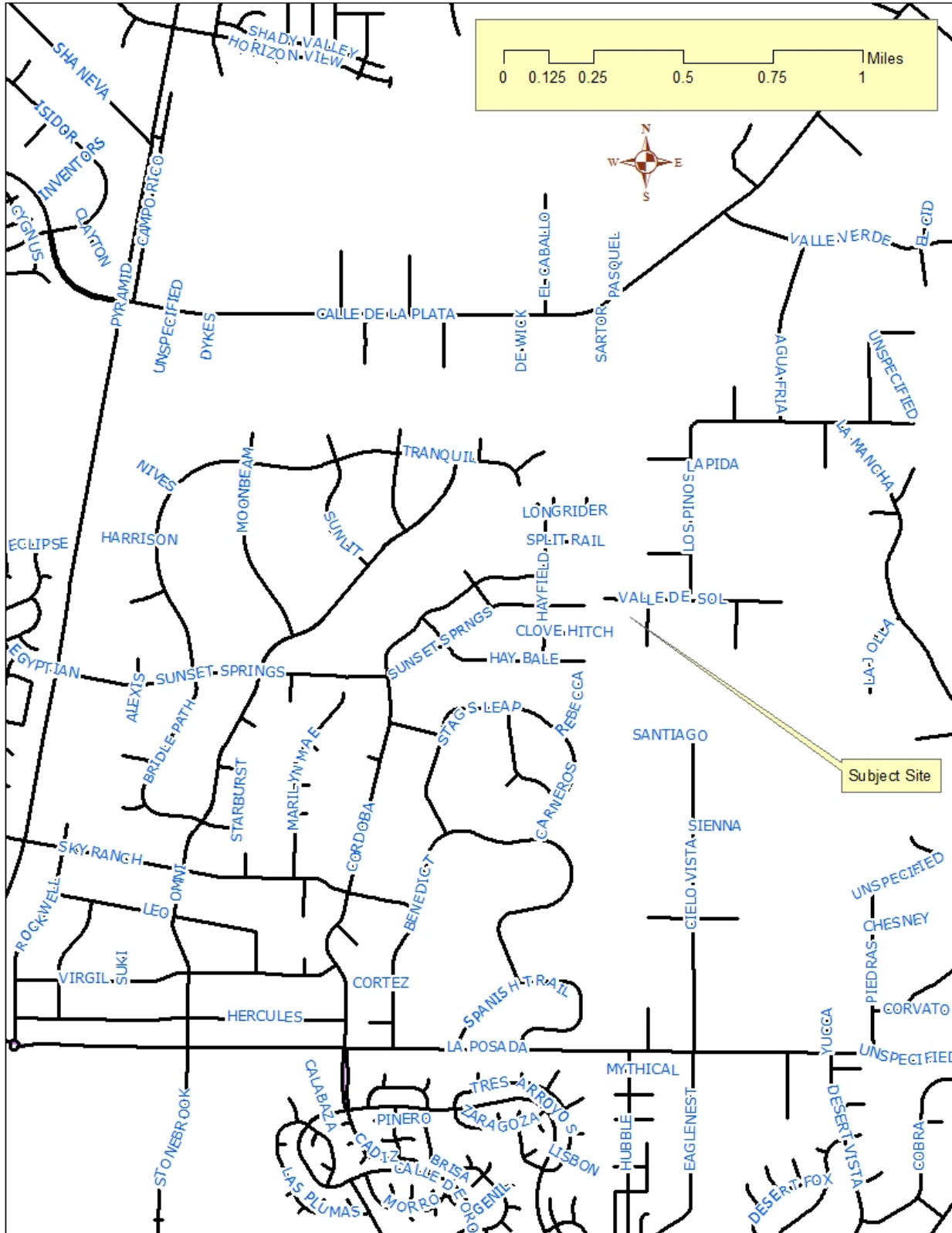
Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application 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 Washoe County Code Section 110.804.25, the Board must make four findings which are discussed below.

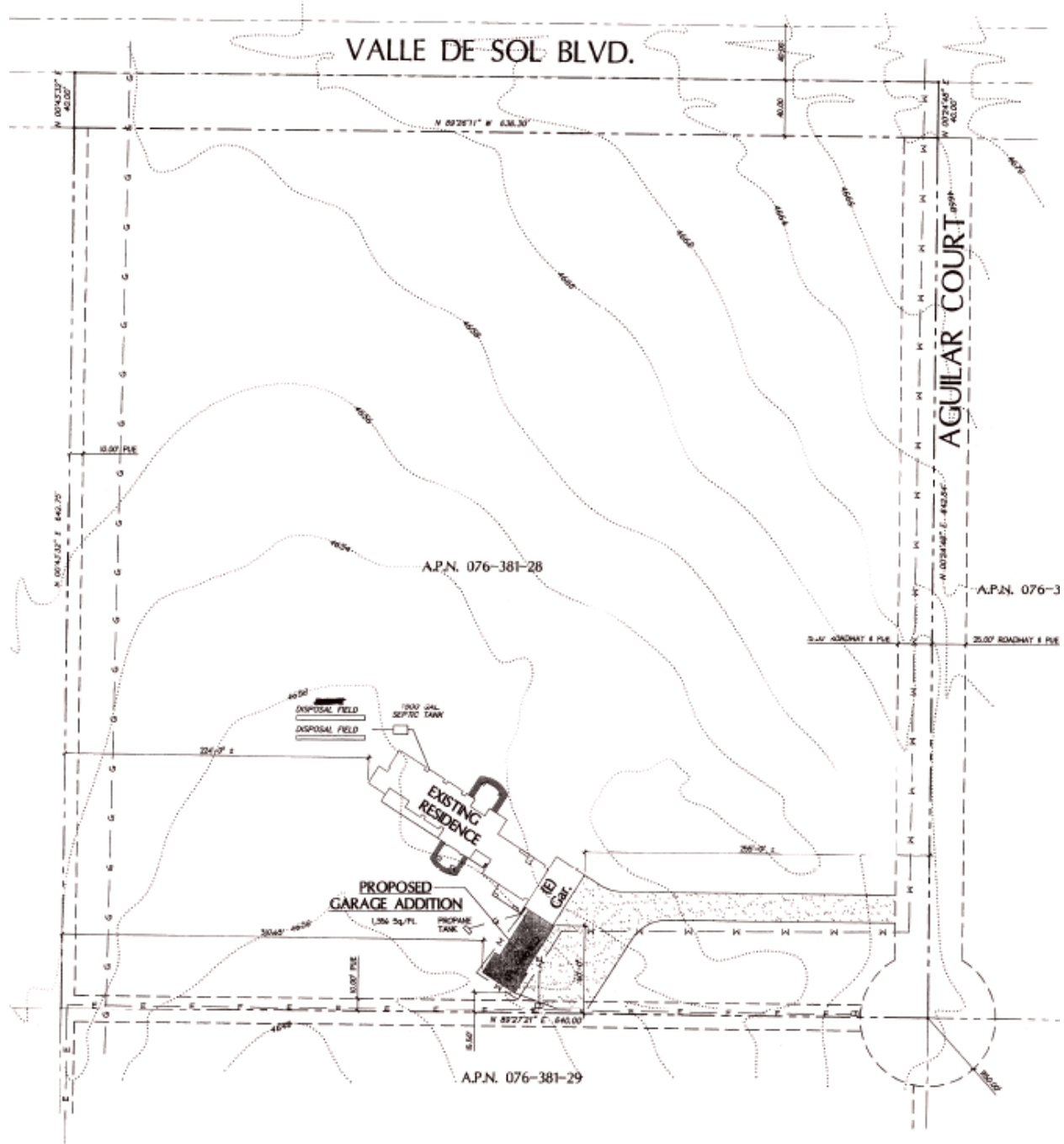
If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- 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.

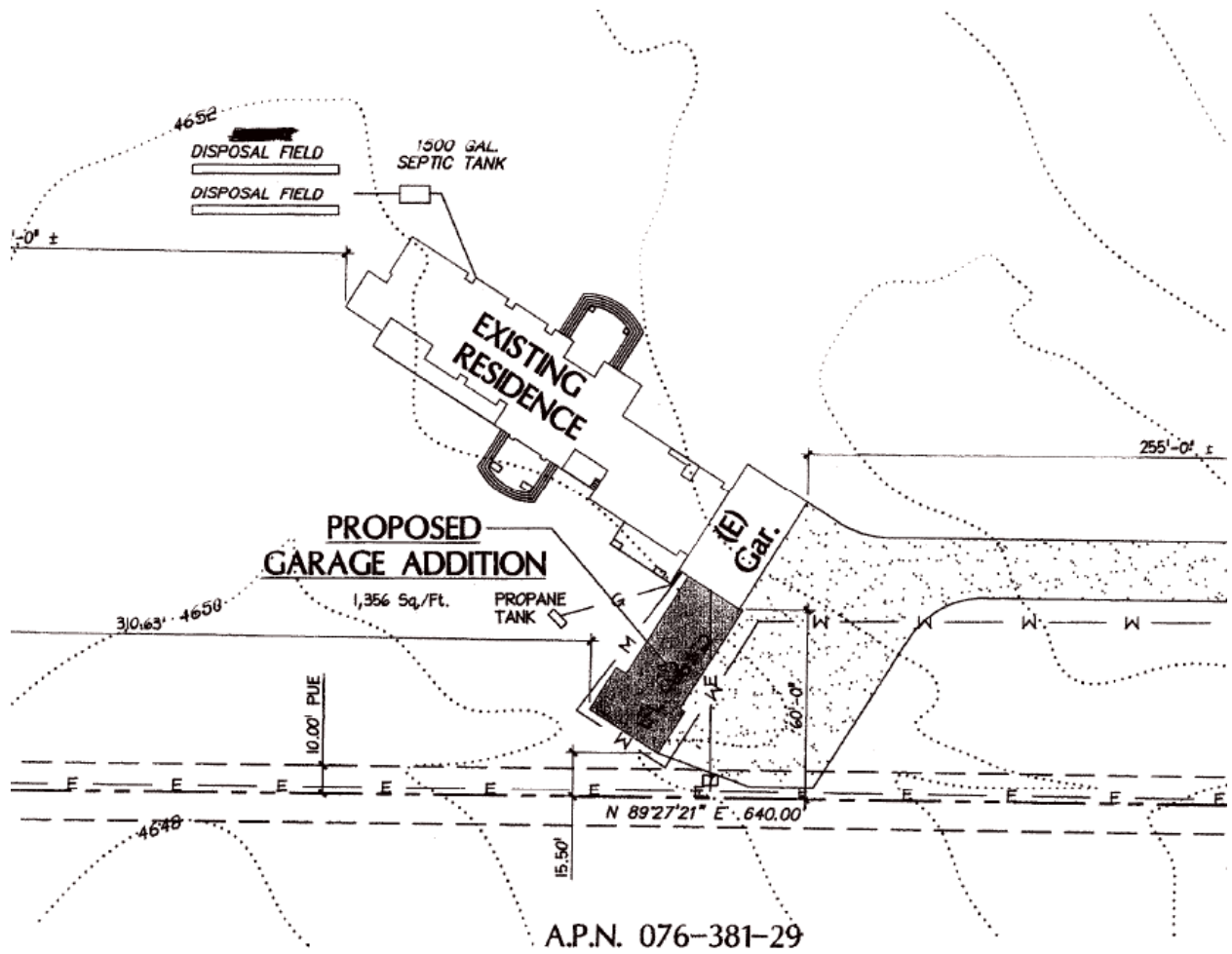
Since a recommendation of denial has been made, in this case, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance, staff will provide Conditions of Approval at the public hearing.



Vicinity Map



Proposed Site Plan



Detail of Proposed Site Plan

Project Evaluation

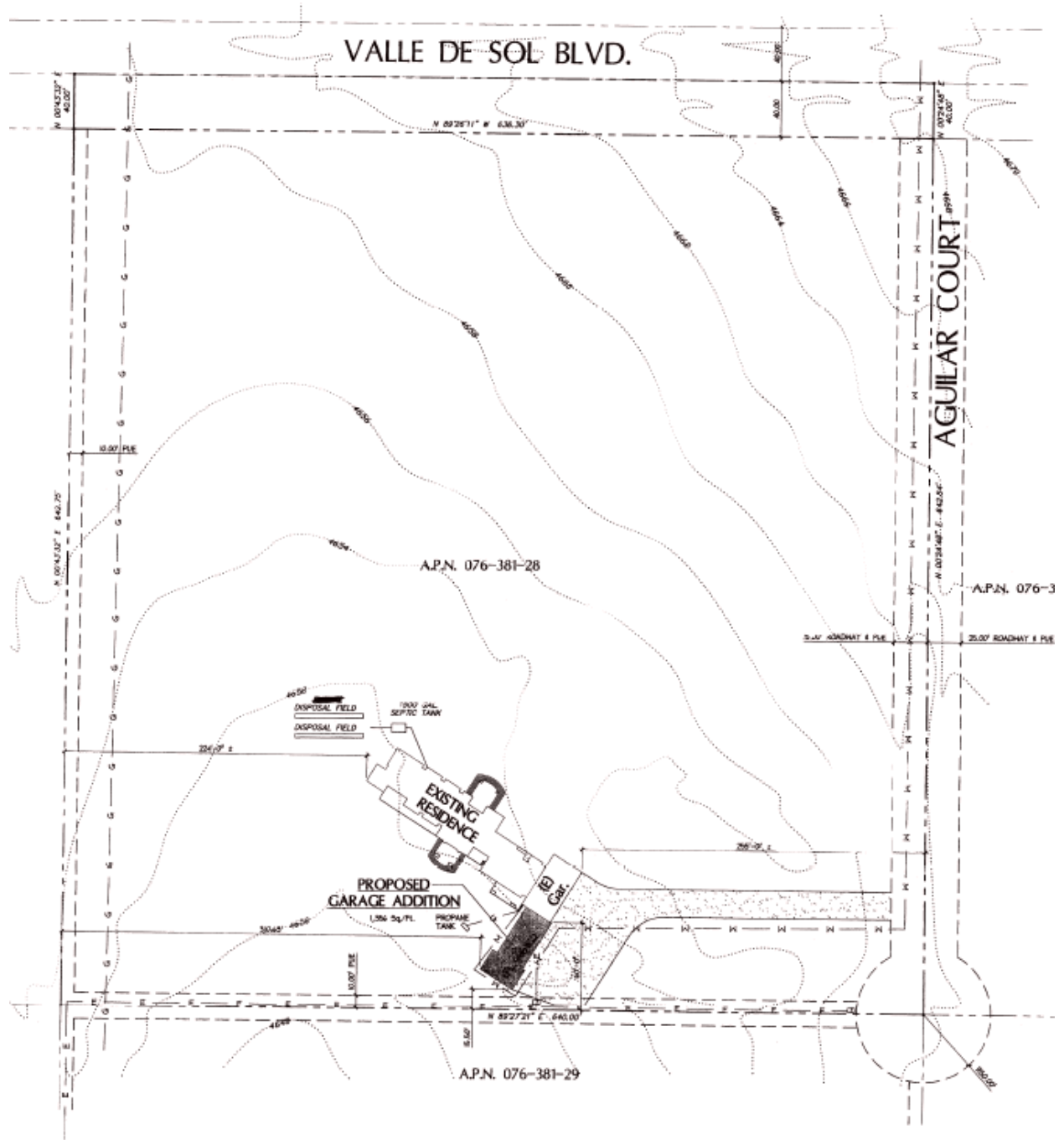
In late May of this year the applicant submitted a building permit application for a garage addition to an existing dwelling. That building permit application showed a side yard setback of approximately 15 feet. The subject site is located within the General Rural (GR) zone which has a required side yard setback of 50 feet. The applicant then submitted for a variance to allow the construction of the garage addition as it was submitted for the building permit.

For a variance to be approved, the Board of Adjustment must find that “Special Circumstances” exist on the parcel that result in exceptional and undue hardships upon the owner of the property. If it is determined that “Special Circumstances” resulting in exceptional and undue hardships do exist on the parcel, then several other findings of fact must also be determined. Those findings of fact are derived from Nevada Revised Statutes as follows:

*NRS 278.300(1)(c) 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, 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. [emphasis added]*

“Special Circumstances” applicable to the property are limited by Code to the following:

Exceptional narrowness, shallowness or shape of the specific piece of property: As can be seen in the following site plan the subject parcel is essentially square, approximately 640 feet on each side. The parcel is not exceptionally narrow, shallow or exceptionally shaped.

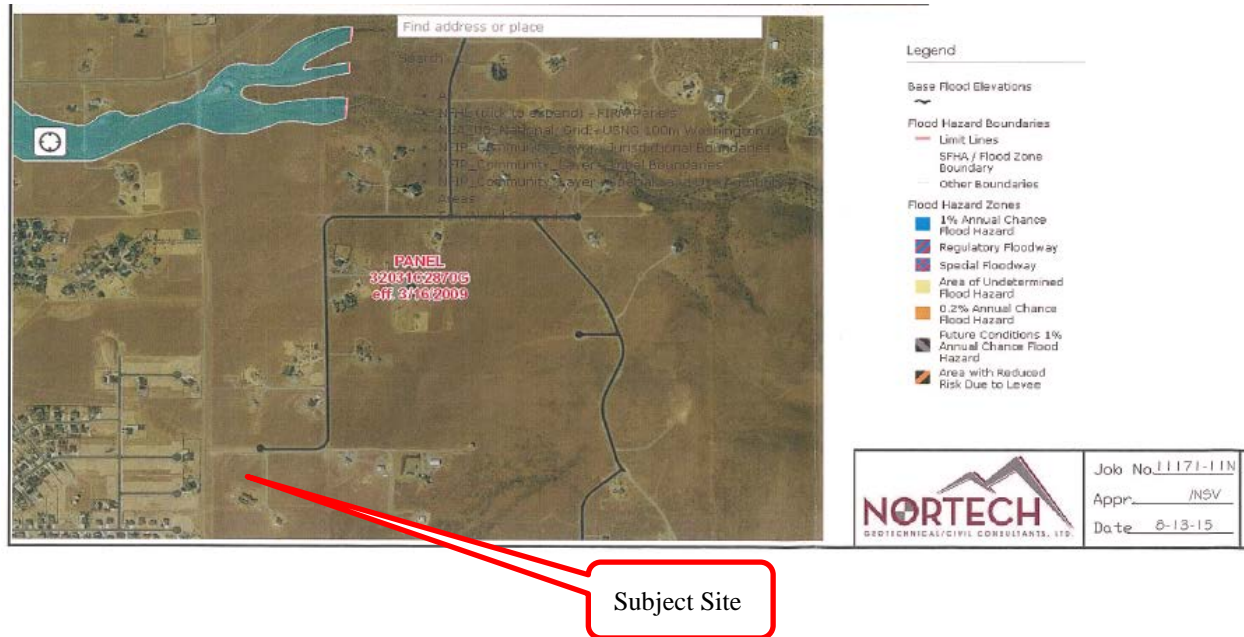


By reason of exceptional topographic conditions: The topography is a gradual and consistent rise from the southwest corner to the northeast corner with a change in elevation of approximately 18 feet over a distance of approximately 900 feet, resulting in an average slope of approximately 2%. There are no exceptional topographic conditions on the subject parcel. The applicant notes that the combination of the location of the dwelling, the slope of the land, and occasional heavy rainfall combine to create occasional heavy sheet-flow of runoff water.

Other extraordinary and exceptional situation or condition of the property and/or location of surroundings: The applicant contends that the parcel is subject to occasional flooding which creates such a situation. Like all property in Washoe County, the subject parcel is subject to

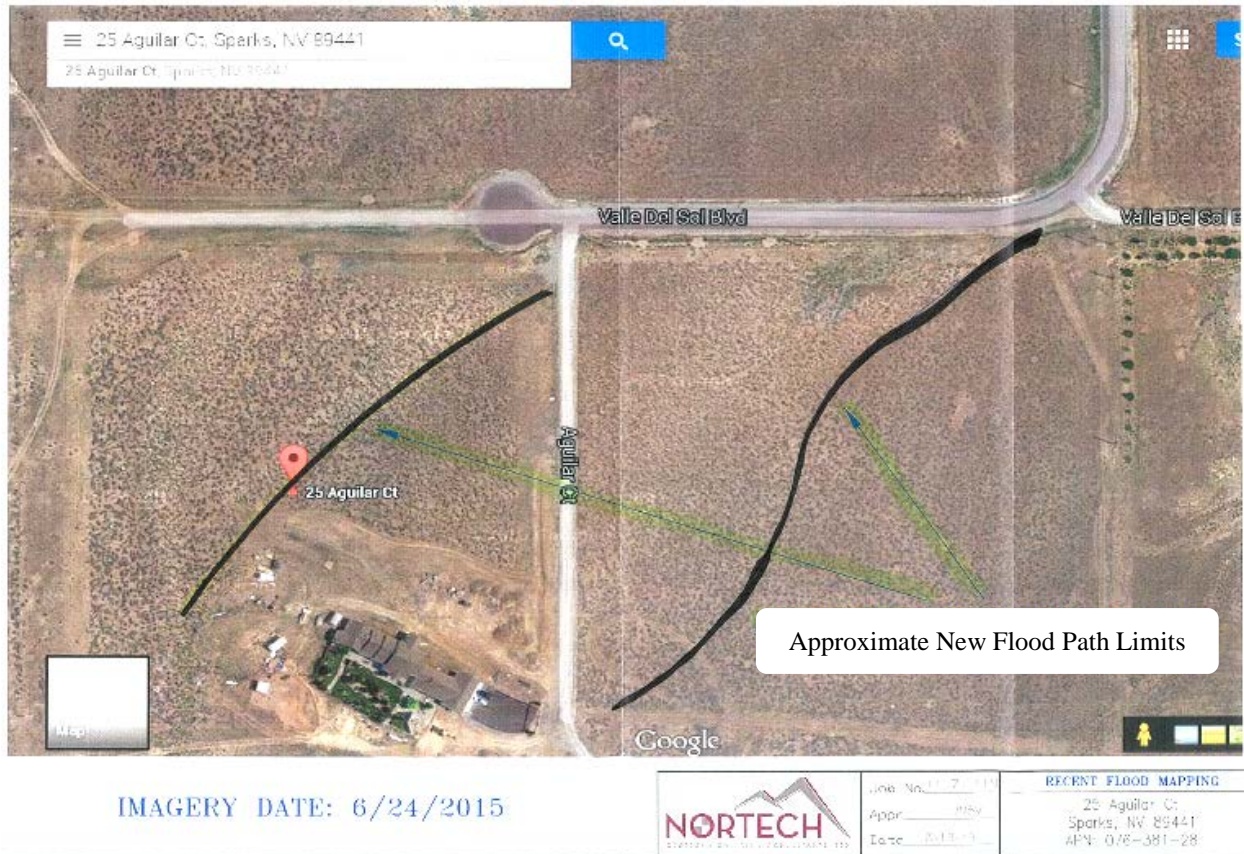
locally heavy rainfall during thunderstorms and other rain events. This is neither extraordinary nor exceptional.

The parcel is not within the “1% Annual Chance Flood Hazard” as shown on the graphic below, provided in the project application. The flood hazard area, sometimes known as the “100 year flood zone” is shown in blue on the following graphic, in the upper left portion of the graphic. The subject parcel is indicated by the red call-out and is located in the lower left portion of the graphic.



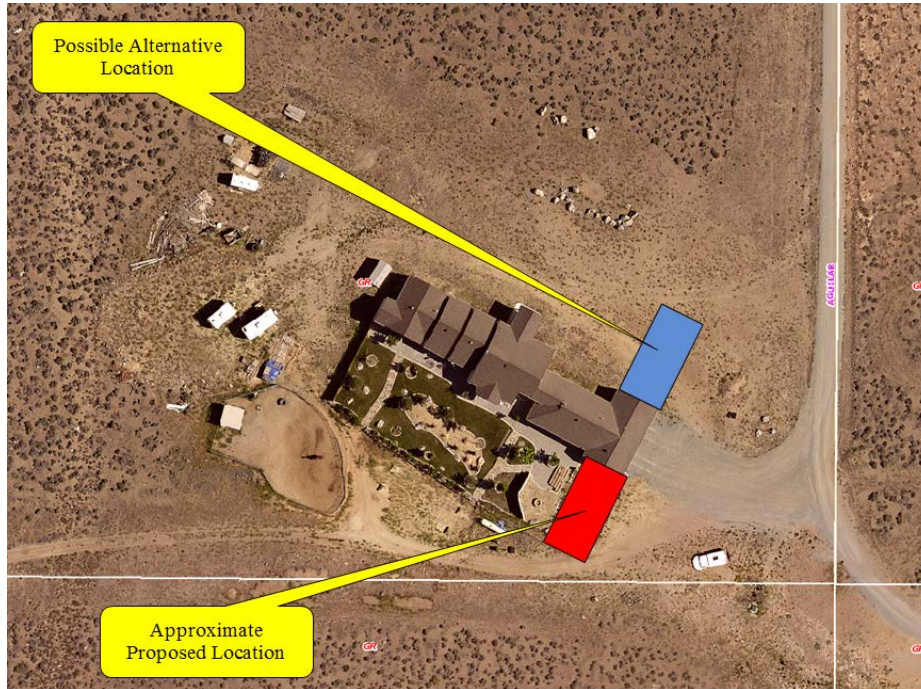
According to the variance application, “the subject property is in Zone X, a zone of the 0.2% annual chance flood hazard (500 year flood zone). This is a zone of flooding with a return period as 500 years. However, the owners are supplying pictures of the flood conditions that occurred and inundated their property about 3 years ago.”

The applicant contends that there is no practical location on the parcel for construction of additional garage space other than connected to the southeast end of the existing dwelling and extending further south into the side yard setback, as shown on the project proposed plans, due to the dwelling being located within the “approximate new flood path limits” as shown on the following graphic provided by the applicant. While there is no definition under the Development Code for “flood path limits,” staff recognizes that occasional heavy rainfall may create run-off in this area.

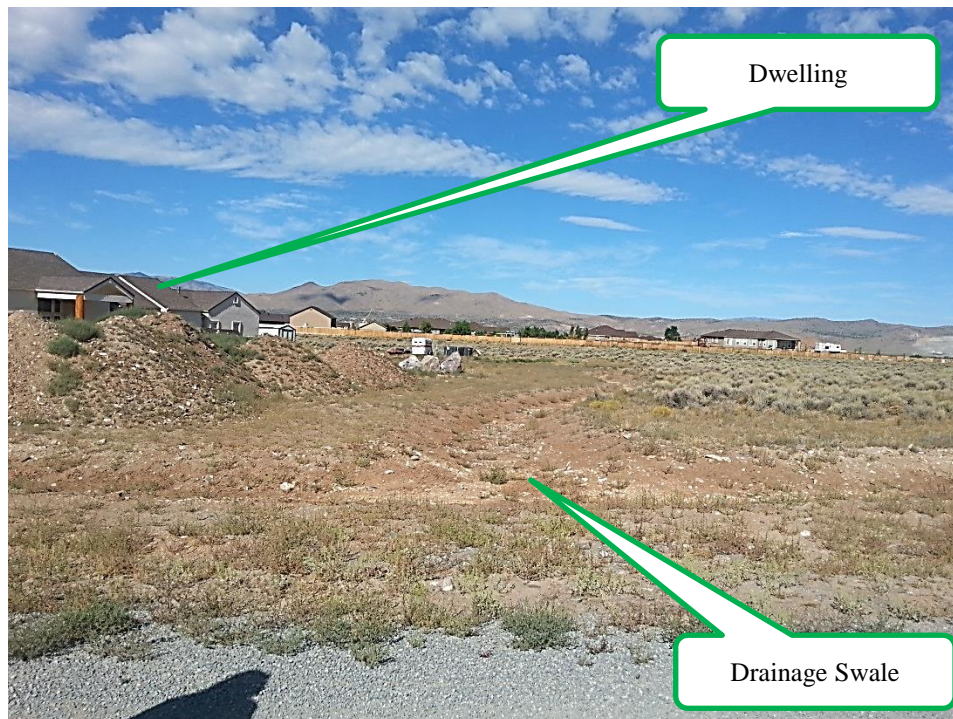


There are, however, many options available to the applicant, for construction of an attached or detached garage, without violating the required building setbacks for the parcel. The following is a sample of the options that might be designed for this parcel:

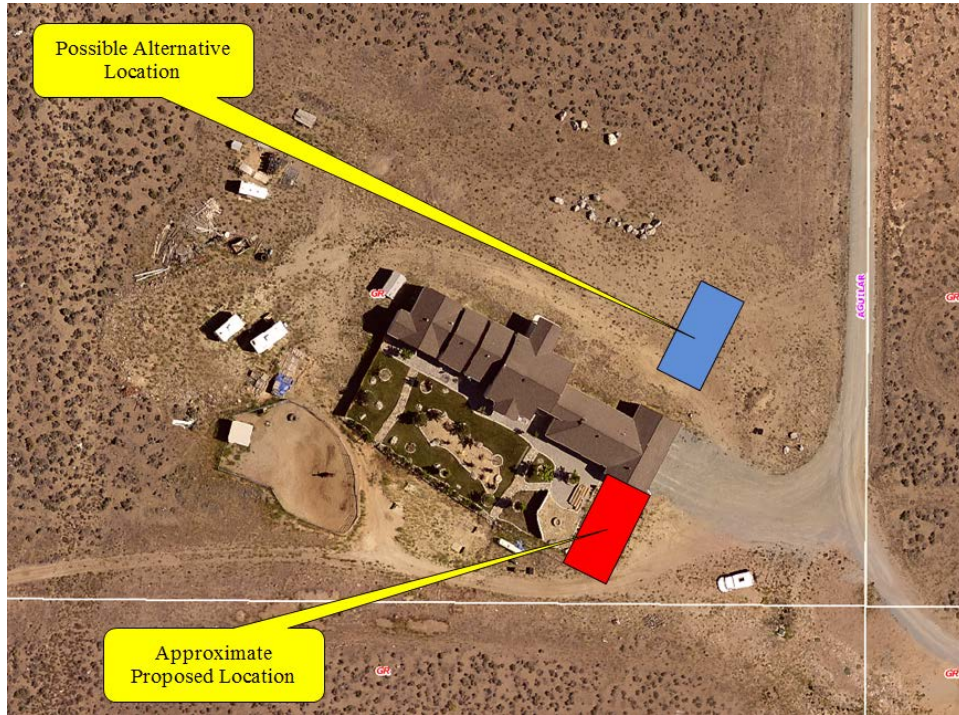
One alternative might be to construct a drainage swale or berm to redirect storm flow away from the dwelling and any additional garage space that may be constructed on the north side of the dwelling as approximately shown below;



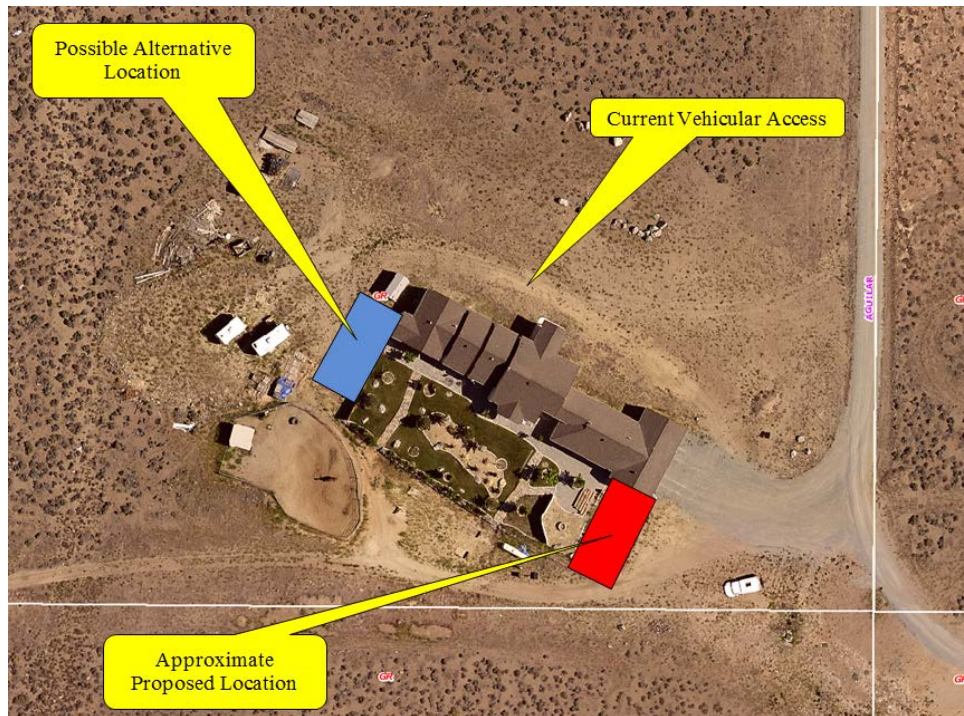
Upon inspection of the site Staff noticed that a channel has already been created, which may divert some of the intermittent run-off, during a storm event, away from the dwelling. That channel is shown in the following photo.



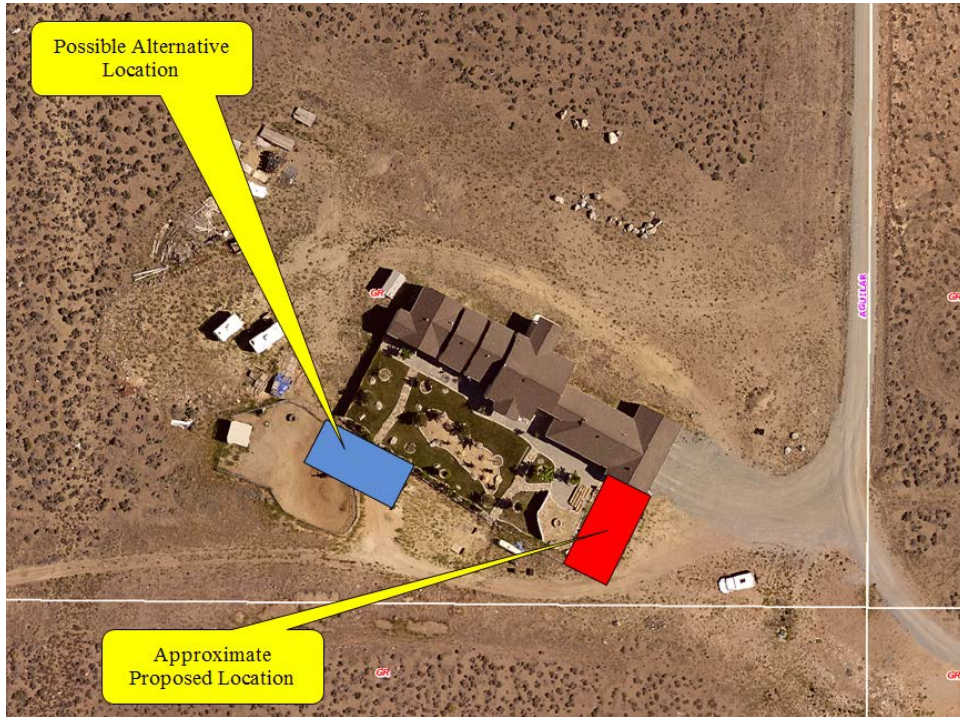
A related alternative would be to construct additional garage space to the north of the existing dwelling but simply detach the garage from the dwelling such that any occasional storm flow is not captured to the north of the dwelling as approximately shown below.



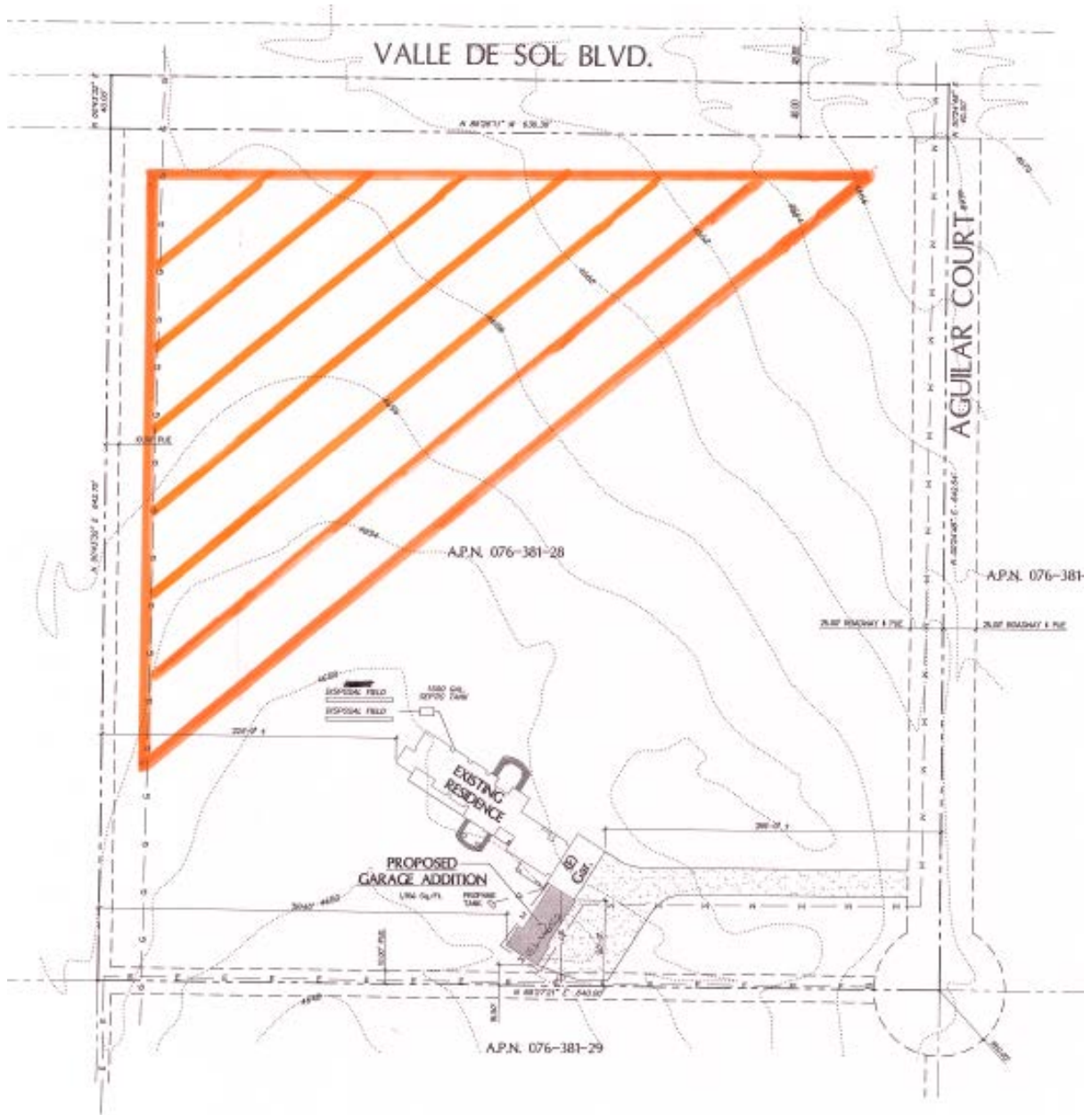
Another alternative might be, as there is vehicular access to the north end of the dwelling, an attached garage located on the north end of the dwelling, proper setback from the septic field would be required. That location is approximately shown below.



Another alternative might include construction of a garage located parallel (rather than perpendicular) to the south side of the dwelling within allowable building area, as approximately shown below.



Yet another alternative includes an area of approximately 3 acres on the subject parcel [shown in orange on the following site plan] that is outside of the “approximate new flood path limits” identified by the applicants engineer, that is within the required setbacks and suitable for development of a garage. Again, while there is no definition under the Development Code for “flood path limits,” staff recognizes that occasional heavy rainfall may create occasional run-off in this area. For this reason, it may be more desirable to location additional development on the parcel outside of the area identified by the Applicants representative.



While the alternatives outlined above are not exhaustive, they demonstrate that the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property. But rather, that any difficulties presented by development are a function of the desire of the applicant to build in relationship to the existing development on the parcel, not the nature of the landform itself or any unique characteristics of the surroundings.

Staff is in agreement with the applicant’s representative when, in response to question 5 of the variance application, they state that, “People typically buy these large properties, specifically for the reason of gaining privacy and, sometimes even more importantly, to allow the construction of attached or detached garages and shops...” It has been demonstrated that sufficient options exist on the subject site for construction of both attached and detached garage space within the established building setback requirements.

Citizen Advisory Board

The proposed project was discussed at the regularly scheduled Citizen Advisory Board meeting on September 9, 2015. Staff attended that meeting. The CAB voted 4 in favor with one abstention to recommend approval of the variance as no other property owners attended to voice opposition.

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 Capitol Projects
 - Utilities
 - Roads
 - Parks and Open Spaces
 - Building and Safety
 - Traffic
- Washoe County Health District
 - Vector-Borne Diseases Division
 - Environmental Health Division
 - Air Quality Management Division
 - Emergency Medical Services
- US Army Corps of Engineers
- Washoe-Storey Conservation District
- Nevada Department of Environmental Protection
- Nevada Department of Water Resources
- Nevada State Historic Preservation Office
- Truckee Meadows Fire Protection District

None of the seventeen above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application, other than to note that compliance with generally applicable codes would apply to construction of the proposed garage.

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 detailed in this report, there are no special circumstances applicable to the subject 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.

Staff Comment: As there are no special circumstances applicable to the property, approval of the requested variance has the potential to impair the intent and purpose of the Development Code which includes, "Section 110.406.25, Unobstructed Yards. Any yard required by the Development Code shall be open and unobstructed from the ground to the sky ..."

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 special circumstances applicable to the property, approval of the requested variance has the potential to grant special privileges by allowing the garage portion of a dwelling to be constructed within the required side yard setback, which is inconsistent with the limitations upon surrounding property owners.

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: Approval of the variance would not authorize a use that is otherwise not allowed.

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 subject site.

Recommendation

Those agencies which reviewed the application recommended no conditions. Staff believes that the necessary findings of fact in support of an approval cannot be made. Therefore, after a thorough analysis and review, denial of Variance Case Number VA15-009 is recommended. 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 VA15-009 for William Van Leuven, being unable to make all five findings in accordance with Washoe County Development Code Section 110.804.25:

1. No Special Circumstances. Because of the lack of 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 does not result in exceptional and undue hardships upon the owner of the property;
2. Detriment. The relief may 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. Special Privileges. The granting of 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;
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 the military installation.

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, 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.

xc: Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441

Consultant: Nortech Consultants
Attn: Nicholas Vestbie
300 Western Road
Reno, NV 89506

Washoe – Storey Conservation District (applicable portion):

Variance Case Number VA15-009 (William Van Leuven Garage)

The proposed project is to approve a variance to the side yard building setback distance for a new planned garage addition on the southwest side of the existing garage on a 9.4424 acre parcel. The project is located at 25 Aguilar Court, Sparks, NV. We have the following comments on this proposed project.

1. The proposed project in itself has **no impact to the environmental concerns of the Washoe/Storey Conservation District**, but we are concerned that any erosional patterns that resulted from the last flooding event may be a source of sediment load in future events. Because these flows add to the potential downstream impacts from increased sediment load, we recommend that as part of the variance approval, the County require the applicant to regrade the areas on their property to remove any flood related channels and establish channels that will handle any estimated flood flows.
2. We also recommend that the County suggest the applicant to contact the Washoe/Storey Conservation District for assistance with developing erosion control methods.

These are our comments and recommendations for the subject projects. We appreciate the opportunity to provide comments and recommendations on projects that may have impacts on our natural resources. Should you have any further questions please contact Kevin J. Roukey by phone at 775-232-1571 or email kevinjr_51@att.net.

Washoe County Engineering and Capital Projects (Roads):

From: Corbridge, Kimble
Sent: Tuesday, September 01, 2015 3:54 PM
To: Pelham, Roger
Cc: Vesely, Leo
Subject: Variance Case Number VA15-009 (William VanLeuven Garage)

Roger,
I have reviewed the referenced Variance and have no comments from a Roads standpoint.
Thx,
Kimble



REGIONAL TRANSPORTATION COMMISSION

Public Transportation · Streets and Highways · Planning

August 25, 2015

FR: Chrono/PL 183-15

Mr. Bill Whitney, Division Director
Community Services Department
Washoe County
P.O. Box 11130
Reno, NV 89520

- RE: AB15-004 (Botick/Bowering)
- AB15-005 (MK III Holdings, LLC)
- SB15-004 (LeFriant Family Trust)
- SB15-005 (Verizon Arrowcreek)
- SB15-006 (Booth Accessory Dwelling)
- SB15-007 (Tahoe's Connection for Families)
- VA15-006 (Yarhi Estate)
- VA15-007 (Miller)
- VA15-008 (Myers)
- VA15-009 (William VanLeuven Garage)

Dear Bill,

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 335-1918 if you have any questions or comments.

Sincerely,

Debra Goodwin
Planning Administrator

DG/jm

- Copies:
- Kelly Mullin, Washoe County Community Services Department
 - Trevor Lloyd, Washoe County Community Services Department
 - Grace Sannazzaro, Washoe County Community Services Department
 - Roger Pelham, Washoe County Community Services Department
 - Eva M. Krause, Washoe County Community Services Department
 - Eric Young, Washoe County Community Services Department
 - Chad Giesinger, Washoe County Community Services Department
 - Marchon Miller, Regional Transportation Commission
 - Tina Wu, Regional Transportation Commission
 - David Jickling, Regional Transportation Commission
 - Julie Masterpool, Regional Transportation Commission

Washoe County no comment 090315

RTC Board: Neoma Jardon (Chair) · Ron Smith (Vice Chair) · Bob Lucey · Paul McKenzie · Vaughn Hartung
PO Box 30002, Reno, NV 89520 · 2050 Villanova Drive, Reno, NV 89502 · 775-348-0400 · rtcwashoe.com



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: September 03, 2015
TO: Roger Pelham, Planning and Development Division
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division
SUBJECT: **VA15-009**
APN 076-381-28
VANLEUVEN GARAGE

I have reviewed the referenced variance case and have no conditions or comments.

LRV/lrx

Amy Ray
Fire Marshal



Tim Leighton
Deputy Fire Chief

Charles A. Moore
Fire Chief

September 3, 2015

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Variance Case VA 16-009 (William VanLeuven Garage)

The Truckee Meadows Fire Protection District (TMFPD) will approve the above Special Use Permit with the following conditions:

- This project shall meet the requirements of Washoe County Code 60.
 - This will include the requirements for the *International Wildland Interface Code*, which could impact the exterior construction of the project with a reduced set-back.
- Plans shall be submitted for review and approval for this project.

Please contact me with any questions at (775) 326-6005.

Thank you,

Amy Ray
Fire Marshal

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

September 8, 2015

Roger Pelham MPA, Senior Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: William Van Leuven Garage; 25 Aguilar Ct, Sparks, NV
Variance; VA15-009

Dear Mr. Pelham:

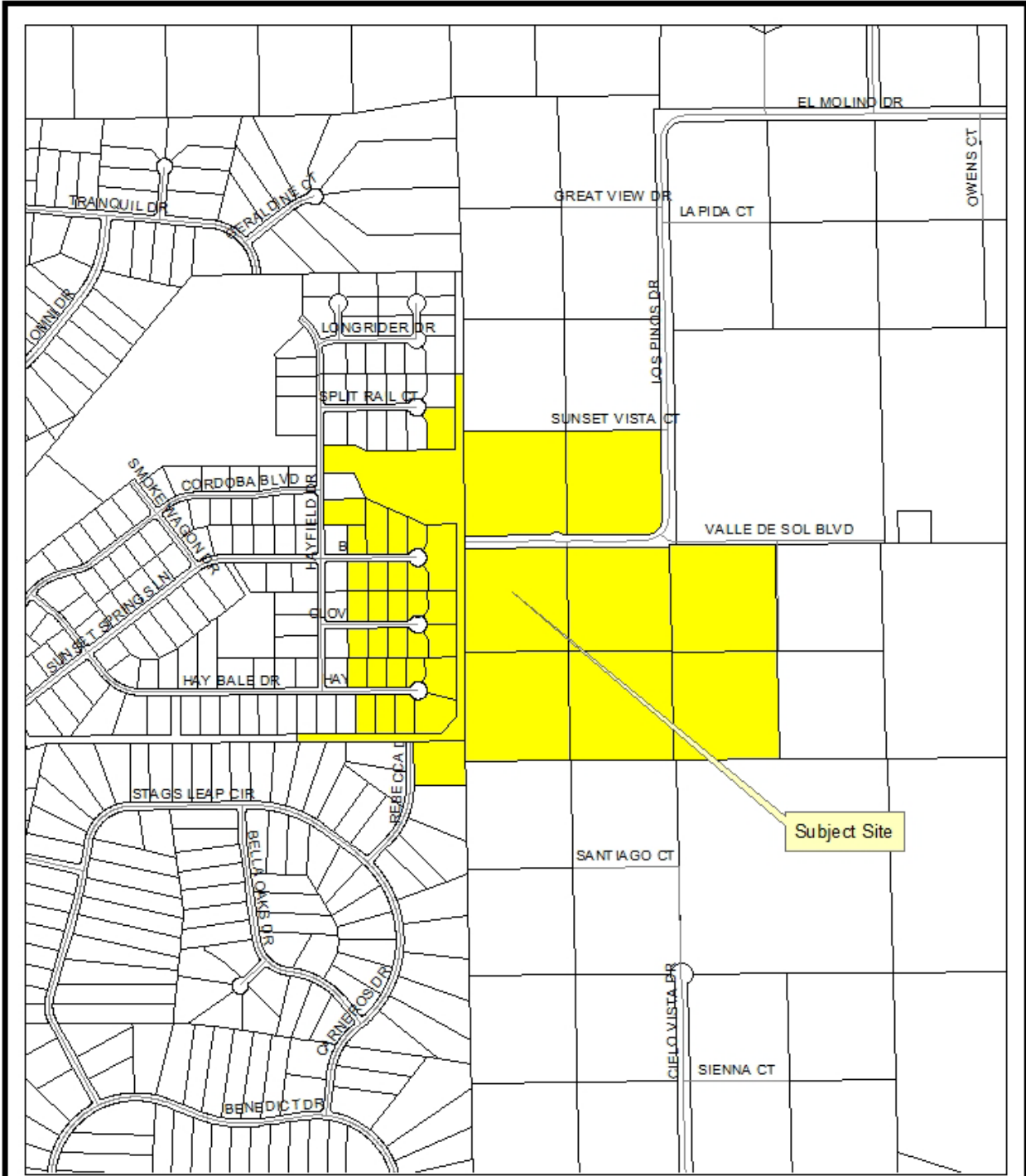
The Washoe County Health District, Environmental Health Services Division (Division) Engineering has reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. The subject property is currently under review by this Division for onsite sewage disposal and domestic well setbacks for a proposed garage addition per Washoe County Building Permit 15-1493.
 - a. This Division requires that any changes to Building Permit 15-1493 resulting from this Variance VA15-009 be resubmitted for review under said building permit.

If you have any questions regarding the foregoing, please call Chris Anderson at 328-2632.

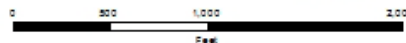
Sincerely,

Chris Anderson, P.E.
Registered Engineer
Land Development Program
Environmental Health Services



VA15-0069, Van Leuven
 43 parcels selected at 650 feet

Mailing Map



Source: Planning and Development Division

VPATH to map

Date: 6/19/2015

Community Services
 Department



Post Office Box 11120
 Reno, Nevada 89520 (775) 325-2600

VA15-009

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.

Project Information		Staff Assigned Case No.: <u>15-009</u>	
Project Name: <u>VAN LEUVEN Residence - GARAGE ADDITION</u>			
Project Description: <u>SEE PLAN - GARAGE ADDITION</u>			
Project Address: <u>25 AGUILAR CT, SPARKS, NV 89441</u>			
Project Area (acres or square feet): <u>NEW PROJECT 1,356 SQ FT</u>			
Project Location (with point of reference to major cross streets AND area locator): <u>CORNER OF AGUILAR CT & VALLE DE SOL BVD.</u>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
<u>076-381-28</u>	<u>9.4424</u>		
Section(s)/Township/Range: <u>T.21N, R.21E.</u>			
Indicate any previous Washoe County approvals associated with this application: Case No.(s). <u>NIA</u>			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: <u>WILLIAM VAN LEUVEN</u>		Name: <u>NORTECH CIVIL CONSULTANTS</u>	
Address: <u>25 AGUILAR CT</u>		Address: <u>300 WESTERN RD</u>	
<u>SPARKS, NV</u> Zip: <u>89441</u>		<u>RENO, NV</u> Zip: <u>89506</u>	
Phone: <u>775-813-7890</u> Fax:		Phone: <u>775-852-7475</u> Fax:	
Email: <u>SKIBUCKAROO@YAHOO.COM</u>		Email: <u>NICK@NORTECHLTD.COM</u>	
Cell: <u>SAME</u> Other:		Cell: <u>775-690-1703</u> Other:	
Contact Person: <u>WIM "BUTCH" VAN LEUVEN</u>		Contact Person: <u>NICHOLAS S. VESTHIE - 5173</u>	
Applicant/Developer: <u>NIA</u>		Other Persons to be Contacted: <u>NIA</u>	
Name:		Name:	
Address:		Address:	
Zip:		Zip:	
Phone:		Phone:	
Fax:		Fax:	
Email:		Email:	
Cell:		Cell:	
Other:		Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

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.
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7. What is your type of water service provided?

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

8. What is your type of sanitary waste disposal?

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



300 Western Road, #3, Reno, NV 89506 • (775) 852-7475 FAX (775) 852-7488

August 17, 2015
11171-11N

Mr. and Mrs. Van Leuven
25 Aguilar Court
Sparks, Nevada 89411

RE: Building Addition Setback Variance
Site and Flood Evaluation
25 Aguilar Court
Sparks, Nevada 89411

Herein we are addressing our evaluation of the site and vicinity conditions in an attempt to aid the Van Leuven's (property owners) in obtaining a variance to the side yard building setback distance for a new planned garage addition on the southwest side of the existing garage. For this addition, we (Nortech) understand that the building designer, Aesthetic Engineering, has shown the set back as 15.50 feet on the plans. This is an error, as the actual set back is to be 50 feet. Therefore, the variance involves allowing the 15.50 foot set back to remain.

We further understand that the Washoe County Variance Board believes that the addition should be moved to the northeast side of the existing garage, where the setback can be met. The owners believe that this is not feasible and we are providing flooding, topographic, drainage and access evidence and hardship considerations to aid in building their case for the variance to be granted.

The document entitled "Variance Application Supplemental Information" contains eight queries addressing information needed for Washoe County to fully evaluate the variance request. Nortech will respond to the first five queries and the owners will respond to queries six through eight. Our response to the five are as follows:

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

Response 1: The side yard building setback is shown as 15.50 feet on the design plans and the Development Code setback is 50.00 feet. We are requesting that the 15.50 foot setback be approved and the addition be built at the design location.

Question 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?

Response 2: The topography shown on Sheet C-1 of the Aesthetic Engineering plans indicates that if the garage was placed on the northeast side, then a minimum cut of about 2 feet would be required to attain the slab subgrade elevation. This would mean that for surface drainage the around the northeast side of the residence, another one foot or so of cut would be needed to channel the drainage away. This would result in a large, deep cut and could impact the existing septic system.

However, this is of concern, but not the major concern. The major concern is in regard to the new floodway that has been created, apparently as a result of drainage changes along Valle Del Sole Boulevard. Plate 1 attached shows the FEMA Flood Insurance Rate Map of the site vicinity indicating that the subject property is in Zone X, a zone of the 0.2 % annual chance flood hazard (500 year flood zone). This is a zone of flooding with a return period as 500 years. However, the owners are supplying pictures of the flood conditions that occurred and inundated their property about 3 years ago. The flood water scouring with rock deposits and washed sand deposits are visible in the zone shown on Plate 2 (Google map dated 6/24/15). As shown in the pictures, the flood that occurred can be classified as a major event.

The ramifications of this flooding condition is, if the garage is built on the northeast side, it would essentially "dam up" the flood waters, raising the flood level and possibly causing water to enter the residence above the floor level. Major interior damage would result. The owners have pictures indicating that their garage was flooded in the referenced event, but the water did not rise to the living space floor level. We believe that this would not be the case if the dam condition was created.

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

Response 3: There is no need for any steps to be taken as the addition will not result in any of the above negative impacts. In fact, the only negative impact for the addition to be relocated to the northeast side would be that the access to the residence front door would be blocked. The owners would have to walk around a 28 foot long, 19 foot wide appendage to enter their front door from their driveway.

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

Response 4: This variance will have no affect on the scenic or environmental character of the neighborhood.

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

Response 5: The enjoyment of adding a large new garage that will house equipment and/or vehicles other than the automobiles that would be housed in the existing garage. People typically buy these large properties, specifically for the reason of gaining privacy and, sometimes even more importantly, to allow construction of attached or detached garages and shops for sport, gardening, etc. equipment and vehicles and/or for increased work place and hobby shop use.

Mr. and Mrs. Van Leuven
Project: 25 Aguilar Court
Project No.: 11171-11N
August 17, 2015 - Page 3

As can be seen by the reviewing Board, there is ample justification in granting this variance. We trust that this fulfills satisfactory response to the above stated queries, if you have any questions, please contact our office.

Yours very truly,

NORTECH Geotechnical/Civil Consultants, Ltd.



Nicholas S. Vestbie
Civil Engineer - 5173

NSV/llm

Enclosures: Plate 1: FEMA Flood Mapping
Plate 2: Recent Flood Mapping

APN. 076-381-69

VALLE DE SOL BLVD.

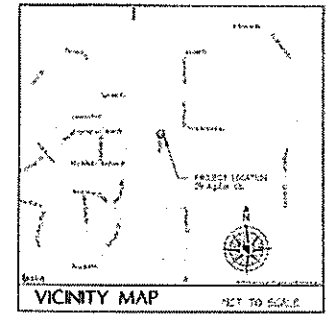
AGUILAR COURT

APN. 076-381-28

APN. 076-381-29

APN. 076-381-29

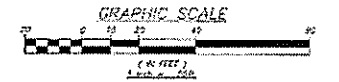
PROJECT INFORMATION:	
OWNER Wilson Von Leuven 15 Aguilar Court Sparks, Nevada 89430	SITE DATA: A.P.N. 076-381-28 (9.424 Acres) 4-BEDROOM 3-BATH 1.0 STORY LAND USE: RES (SINGLE FAMILY) ZONING: RS DATED: NONE OWNER: SEPTIC
ENGINEER AESTHETIC ENGINEERING 140 N. Buffalo Lane Sparks, NV Phone: (775) 359-3355 Fax: (775) 359-3352	CODES: 200 INTERNATIONAL BUILDING CODE (I.B.C.) 200 UNIFORM PLUMBING CODE (U.P.C.) 200 NATIONAL ELECTRIC CODE (N.E.C.)



SITE PLAN NOTES:

THE SOILING, THE PREPARATION AND TREATMENT ARE BEING DONE BY THE HOME OWNER. THE ENGINEER HAS REVIEWED THE SOILING AND TREATMENT AND HAS APPROVED THE SOILING AND TREATMENT. THE ENGINEER HAS NOT REVIEWED THE SOILING AND TREATMENT FOR THE EXISTING RESIDENCE PROVIDED ON THE ACCURACY OF THIS INFORMATION.

LEGEND	
---	PROPERTY LINES
---	SEPTIC TANK
---	SEPTIC EXHAUSTS
---	ELECTRICAL LINE
---	NATURAL GAS LINE



ACCEPTED
5/29/2008
TREVOR J. ANNETT, P.E.

AESTHETIC ENGINEERING
 (775) 329-4355
 (775) 379-2382 fax
 140 N. Buffalo Lane
 Sparks, NV 89430
 APN. Nevada 0020
 www.aeseng.net

Proposed Garage Addition For:
Van Leuven Residence
 Sparks, Nevada
 25 Aguilar Court
 APN. 076-381-28

Engineer Of Record
 Trevor J. Annett, PE



Revisions
 Date: 5/29/2008
 Drawn: JAS
 Checked: JAS
 Project No. 15015

Site Plan

C-1



WATER LEVEL DURING FLOOD

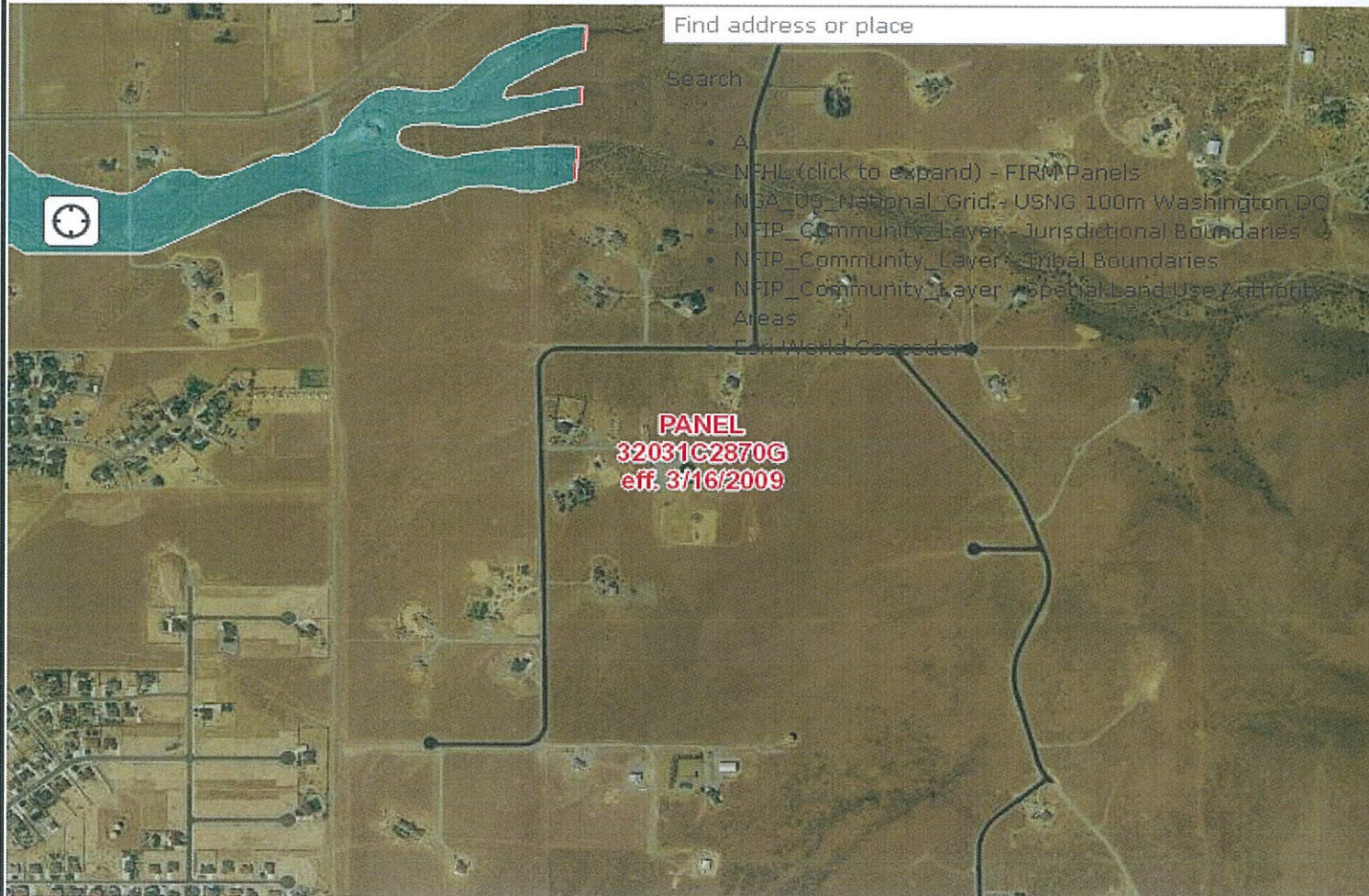
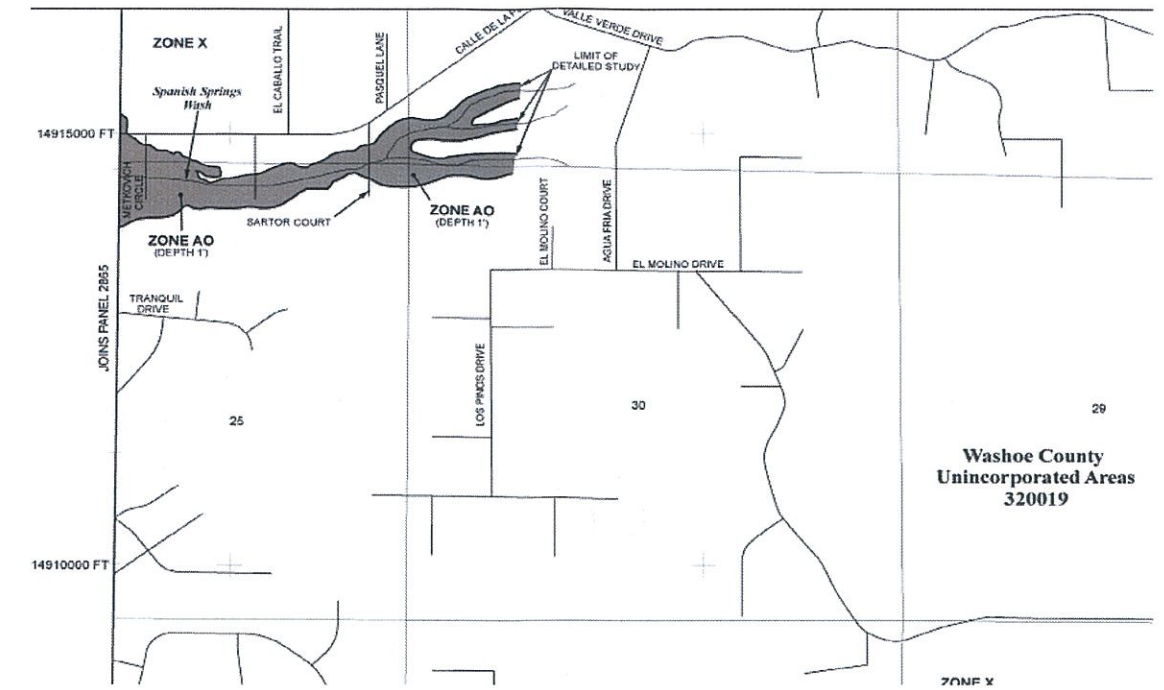
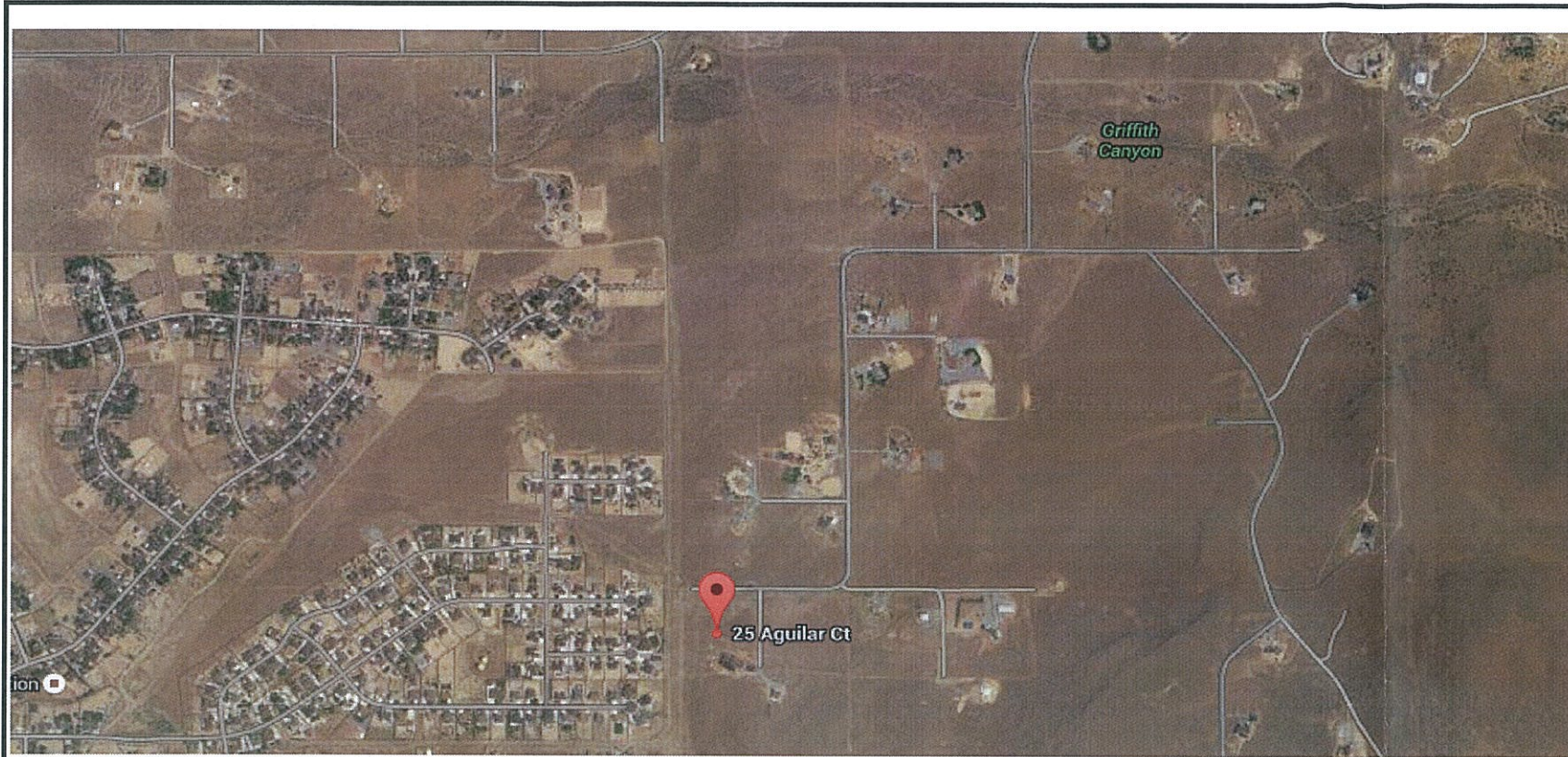


☞ PURPOSED GARAGE SITE.





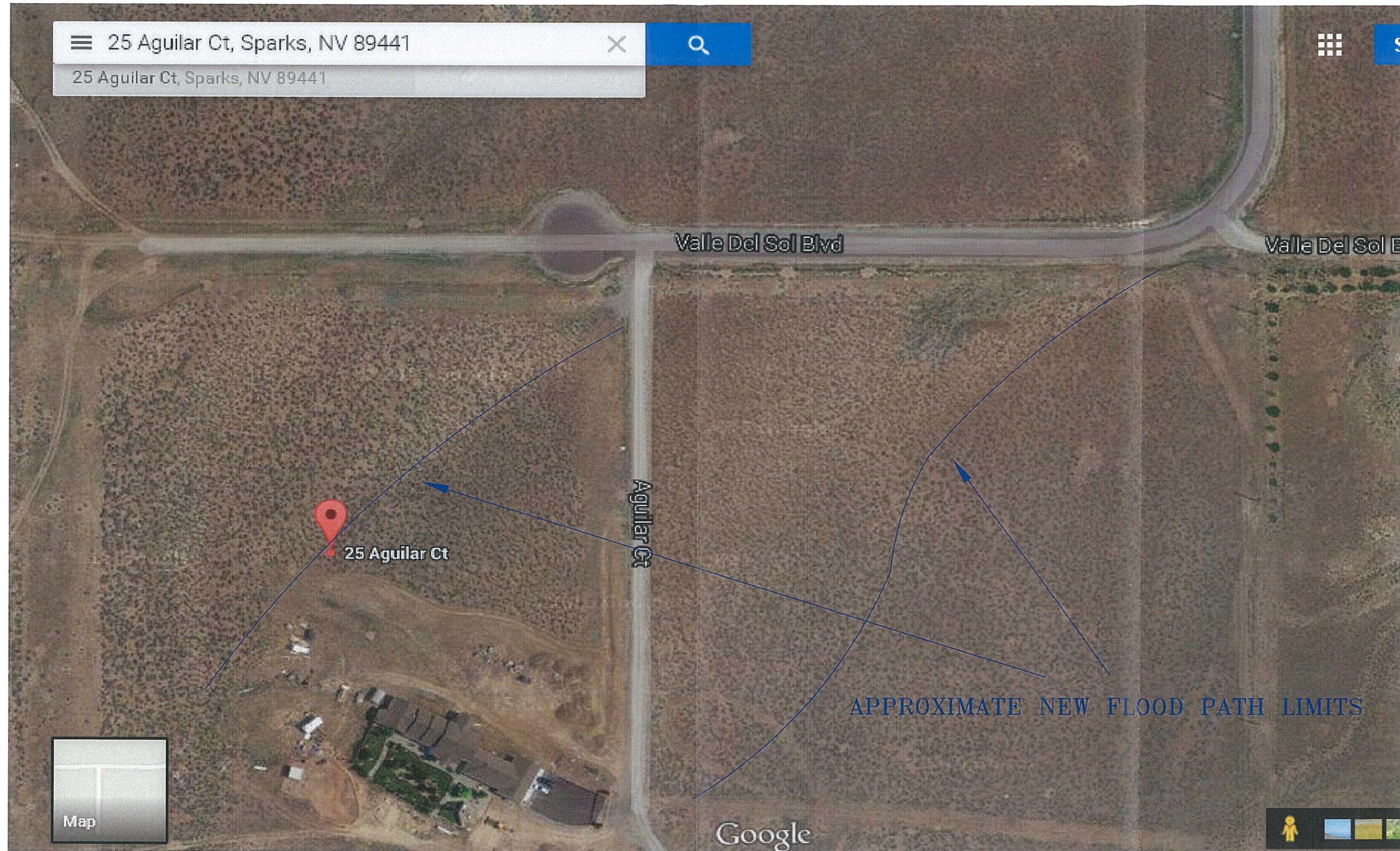




Legend

- Base Flood Elevations
- Flood Hazard Boundaries
 - Limit Lines
 - SFHA / Flood Zone Boundary
 - Other Boundaries
- Flood Hazard Zones
 - 1% Annual Chance Flood Hazard
 - Regulatory Floodway
 - Special Floodway
 - Area of Undetermined Flood Hazard
 - 0.2% Annual Chance Flood Hazard
 - Future Conditions 1% Annual Chance Flood Hazard
 - Area with Reduced Risk Due to Levee

	Job No. 11171-11N	FEMA FLOOD MAPPING	PLATE
	Appr. /NSV	25 Aguilar Ct Sparks, NV 89441 APN: 076-381-28	1
	Date 8-13-15		



IMAGERY DATE: 6/24/2015



Job No. 11171-11N
 Appr. /NSV
 Date 8-13-15

RECENT FLOOD MAPPING

25 Aguilar Ct
 Sparks, NV 89441
 APN: 076-381-28

PLATE

2



VA15-009
EXHIBIT C





VA15-009
EXHIBIT C



VA15-009
EXHIBIT C





VA 15-000
EXHIBIT O