



Board of Adjustment Staff Report

Meeting Date: April 5, 2018

Agenda Item: 8A

VARIANCE CASE NUMBER: VA16-001 (Collins)

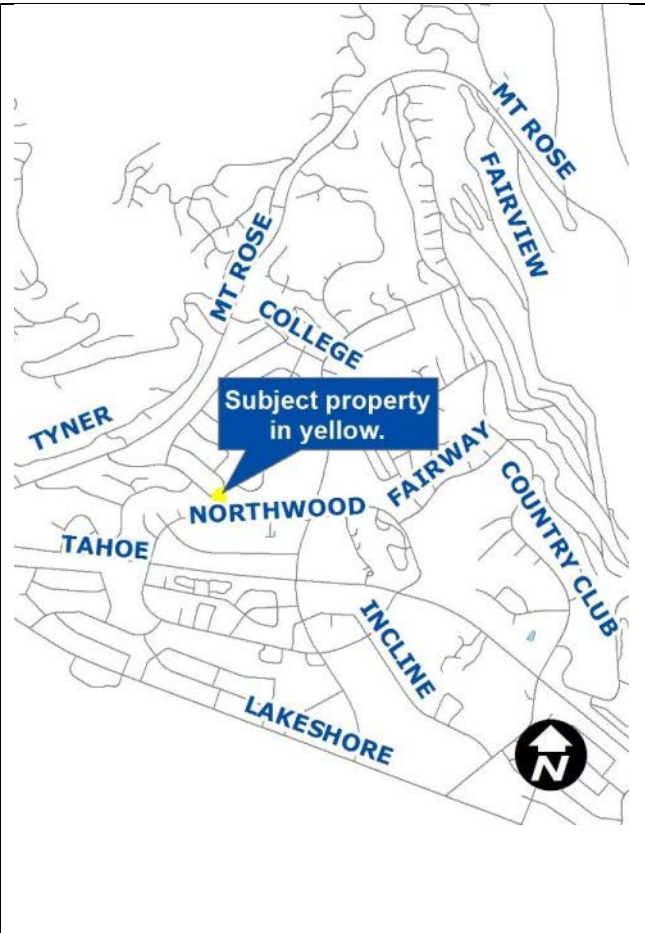
BRIEF SUMMARY OF REQUEST: To extend for 12 months, until April 7, 2019, the approval of Variance Case Number VA16-001

STAFF PLANNER: Kelly Mullin, 775.328.3608, kmullin@washoecounty.us

CASE DESCRIPTION

For possible action, hearing and discussion to approve a 12-month extension of time, until April 7, 2019, for Variance Case Number VA16-001. The variance was approved by the Board of Adjustment April 7, 2016, reducing the rear yard setback from 20-feet to 2.5-feet for an addition to the existing residence, and reducing the same rear yard setback from 20-feet to 5-feet for an attached garage.

- Applicant: Susan and Rob Collins
- Property Owner: Susan M. Collins Trust
- Location: 506 McDonald Drive
- APN: 124-071-01
- Parcel Size: ±0.41-acre
- Master Plan : Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- CAB: Incline Village/Crystal Bay
- Dev. Code: Authorized in Article 804, *Variances*
- Commission District: 1 – Commissioner Berkgigler
- Sec./Town./Range: Section 16, T16N, R18E, MDM, Washoe County, NV



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Washoe County Board of Adjustment approve a 12-month extension of time, until April 7, 2019, for Variance Case Number VA16-001, with the original Conditions of Approval remaining intact. This extension is authorized by Washoe County Development Code Section 110.804.55.

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Exhibit Contents

Letter requesting extension of time.....Exhibit A
Original Conditions of ApprovalExhibit B
Original staff report to Board of Adjustment, dated March 22, 2016..... <http://bit.ly/2p9WAxo>

Evaluation of Request

On April 7, 2016, the Board of Adjustment approved with conditions Variance Case Number VA16-001 for Susan Collins. This variance authorized the reduction of the rear yard setback from 20-feet to 2.5-feet for an addition to the existing residence, and a reduction of the same rear yard setback down to 5-feet for an attached garage. The primary purpose of the request was to allow the homeowner to create a wheelchair-accessible living space on the first floor of the home.

The original conditions of approval required that building permits be obtained within 2 years of the Board of Adjustment's April 7, 2016 approval. Shortly after the variance was granted, the project was put on hold due to medical reasons and related expenses (see Exhibit A for letter from applicant). The applicant is now able to move forward with plans; however, the variance will expire before these permits can be issued. Therefore, the applicant has requested a 12-month extension of time, in accordance with the provisions of Washoe County Development Code Section 110.804.55:

Section 110.804.55 Expiration. A variance shall expire as provided in this section.

- (a) **Time Period.** A variance shall expire and become null and void at the time specified therein. If no time is specified, the following shall apply:
 - (1) The variance shall expire and become null and void in eighteen (18) months after its effective date except where construction and/or use in reliance on such variance has commenced prior to its expiration; or
 - (2) The variance shall expire and become null and void in five (5) years if any required building permit associated with the variance has not been extended or has lapsed and become void.
- (b) **Extension.** The time period in subsection (a) of this section may be extended for an addition of twelve (12) months by the Board of Adjustment or hearing examiner. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall state the reason for the extension.

Recommendation

It is recommended that the Board of Adjustment approve the request for a 12-month extension of time for Variance Case Number VA16-001. The original conditions of approval (attached as Exhibit B) would remain intact. 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 received during the public hearing, the Washoe County Board of Adjustment approve a 12-month extension of time, until April 7, 2019, for Variance Case Number VA16-001, with the original Conditions of Approval remaining intact. This extension is authorized by Washoe County Development Code Section 110.804.55.

Applicant: Susan Collins, 506 McDonald Drive, Incline Village, NV 89451

Representative: Elise Fett & Associates, Ltd., Attn: Julie Rinaldo, P. O. Box 5989, Incline Village, NV 89450

Sue & Rob Collins
506 McDonald Dr.
Incline Village, NV 89451

February 12, 2018

Washoe County Board of Adjustment
1001 E. 9th Street, Building A
Reno, NV 89512

RE: Extension of VA16-001


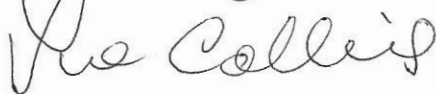
To whom it may concern:

Per section 110.804.55 (b) we are writing to request an extension for the above variance which is scheduled to expire April 11, 2018.

We had to put the project on hold for medical reasons and related expenses that arose shortly after the variance was approved. We are now able to move forward with the permitting of our project and expect plans to be ready for plan review before the expiration date. However, with the MOU between Washoe County and the TRPA currently suspended, the plans will have to be submitted to the TRPA for review prior to being submitted to Washoe County. For this reason, we do not expect to be able to pull the permit before the variance expiration date and are requesting an extension.

Thank you for your consideration in this matter.

Best Regards,

Sue and Rob Collins



Board of Adjustment Action Order

Variance Case Number VA16-001

Decision: Approval with Conditions

Decision Date: April 7, 2016

Mailing/Filing Date: April 11, 2016

Property Owner: Susan M. Collins Trust
506 McDonald Drive
Incline Village, NV 89451

Assigned Planner: Kelly Mullin, Planner
Washoe County Community Services Department
Planning and Development Division

Phone: 775.328.3608

E-Mail: kmullin@washoecounty.us

Variance Case Number VA16-001 (Collins) – Hearing, discussion, and possible action to approve a variance reducing the rear yard setback from 20-feet to 2.5-feet for an addition to the existing residence, and reducing the same rear yard setback from 20-feet to 5-feet for an attached garage.

- Applicant: Elise Fett & Associates, Ltd.
- Property Owner: Susan M. Collins Trust
- Location: 506 McDonald Drive, at the southeast corner of its intersection with McCourry Boulevard in Incline Village
- Assessor's Parcel Number: 124-071-01
- Parcel Size: ±0.41-acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- 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 16, T16N, R18E, MDM,
Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 804, *Variances*. If no appeals have been filed within 10 calendar days after the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following findings in accordance with Washoe County Development Code Section 110.804:25:

To: Susan M. Collins Trust
Subject: Variance Number VA16-001
Date: April 11, 2016
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1. Special Circumstances. Because of the special circumstances applicable to the property, including either the: exceptional narrowness, shallowness or shape of the specific piece of property, or; by reason of exceptional topographic conditions, or; other 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;
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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division


William Whitney
Secretary to the Board of Adjustment

WW/KM/df

Attachments: Conditions of Approval

Property Owner: Susan M. Collins Trust
506 McDonald Drive
Incline Village, NV 89451

Applicant: Elise Fett & Associates, Ltd.
Attn: Julie Rinaldo
P.O. Box 5989
Incline Village, NV 89450

To: Susan M. Collins Trust
Subject: Variance Number VA16-001
Date: April 11, 2016
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Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office (CAAS); Josh Wilson, Assessor's Office; John Cella, Utilities; Leo Vesely, Engineering Division.
Tahoe Regional Planning Agency, Post Office Box 5310, Stateline, NV 89449-5310; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board, Chair; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451



Conditions of Approval

Variance Case Number: VA16-001

The project approved under Variance Case Number VA16-001 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 7, 2016. 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.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the Health District must be appealed to the District Board of Health.

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: Kelly Mullin, 775.328.3608, kmullin@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. 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.

Washoe County Health District – Emergency Medical Services

2. The following conditions are requirements of the Washoe County Health District – Emergency Medical Services Program, which shall be responsible for determining compliance with these conditions.

Contact: Christina Conti, 775.326.6042, cconti@washoecounty.us

- a. Prior to a Final Inspection or Certificate of Occupancy being issued, the street address number shall be clearly marked on both the curb (if applicable) and dwelling.

*** End of Conditions ***