



Board of Adjustment Staff Report

Meeting Date: August 3, 2023

Agenda Item: 9A

AMENDMENT OF CONDITIONS CASE NUMBER:

WAC23-0007 (Greenview Garage) for WPVAR19-0001

BRIEF SUMMARY OF REQUEST:

To amend a condition to extend the date of when the building permit may be issued

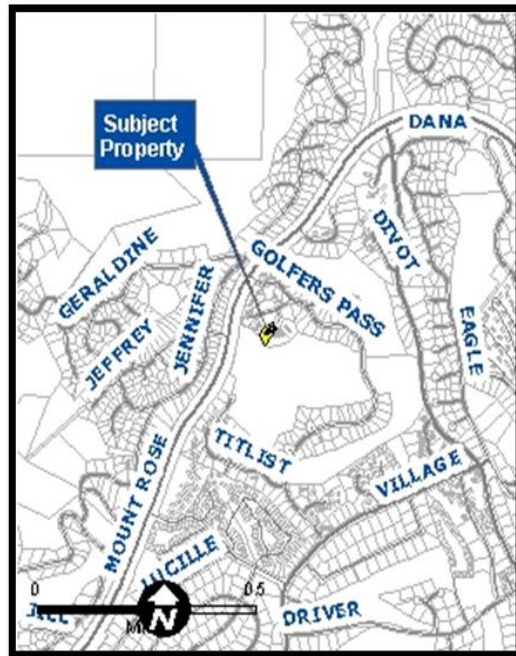
STAFF PLANNER:

Julee Olander, Planner
Phone Number: 775.328.3627
E-mail: jolander@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment to conditions of approval condition 1(b) for Case Number WPVAR19-0001, to extend for one year the requirement that the building permit shall be issued on or before June 4, 2024.

Applicant:	Greenview HOA
Property Owner:	Malinowski Family Living Trust et al
Location:	692 Palmer Ct.
APN:	128-310-05
Parcel Size:	4,356 sq. ft.
Master Plan:	Tahoe
Regulatory Zone:	TA_IV3
Area Plan:	Tahoe
Development Code:	Authorized in Article 804 (Variances)
Commission District:	1 – Commissioner Hill



Vicinity Map

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 information received during the public hearing, the Washoe County Board of Adjustment approve Amendment of Conditions Case Number WAC23-0007 for Greenview HOA, with the conditions included as Exhibit A to this matter, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25

(Motion with Findings on Page 8)

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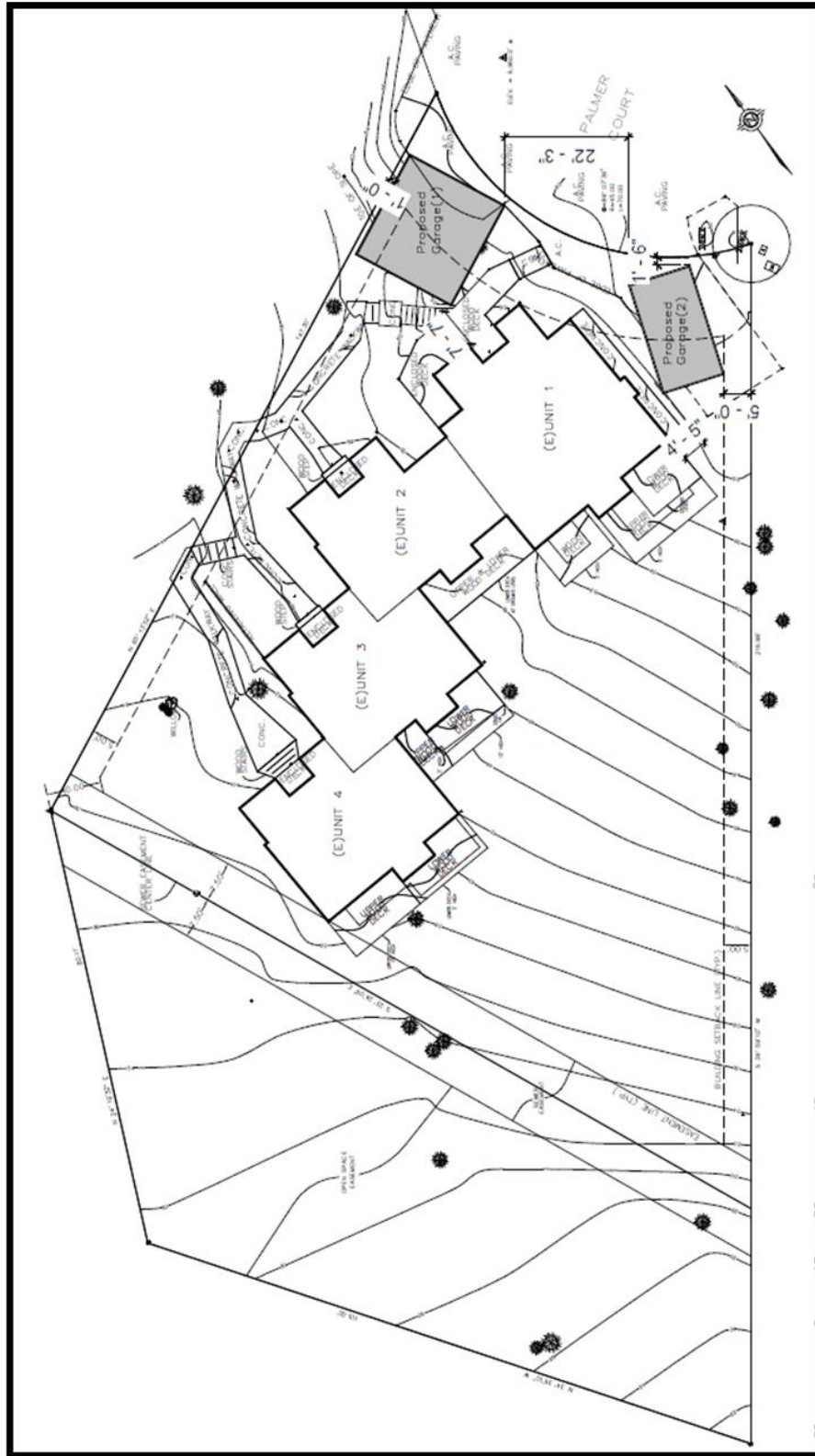
Amendment of Conditions

An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

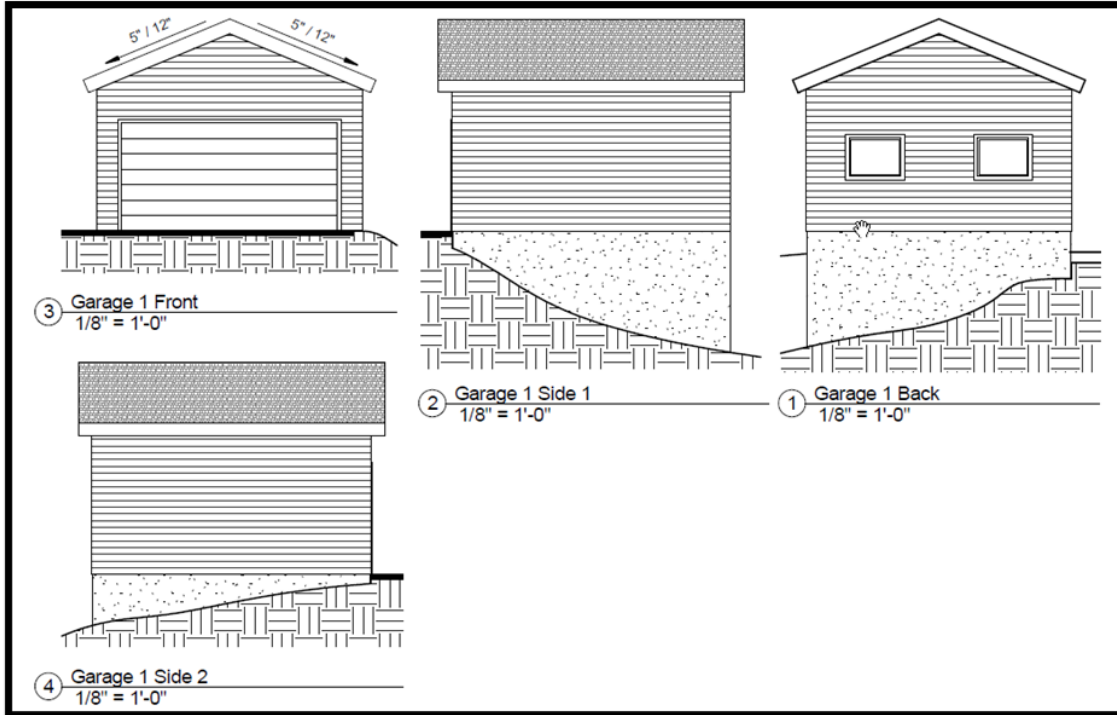
- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The amendment of conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

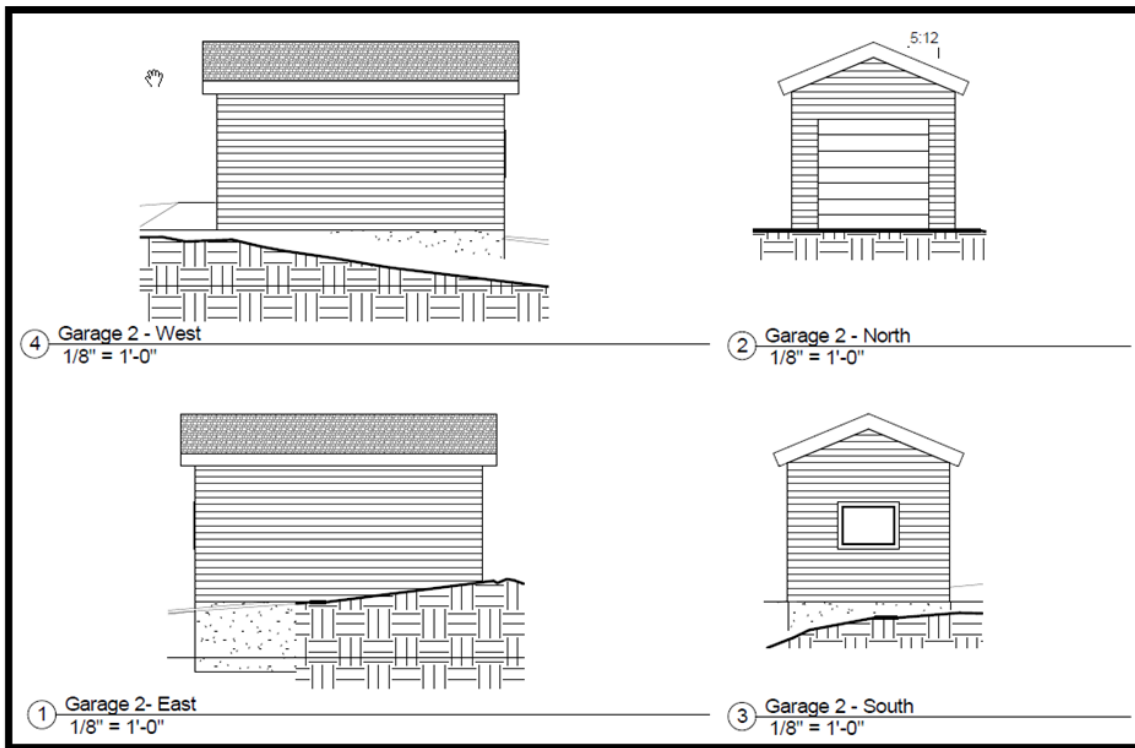
The conditions of approval for Amendment of Conditions Case Number WAC23-0007 is attached to this staff report and will be included with the amended action order.



Site Plan



Two-car Garage Elevations



One-car Garage Elevations

Background and Evaluation of Amendment Request

On March 7, 2019 the Board of Adjustment (BOA) heard and denied the variance case number WPVAR19-0001. The variance was to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area. The applicant appealed the denial and on May 28, 2019 the Board of County Commissioners overturned the BOA’s denial.

On August 5, 2021, the BOA approved a 2-year extension to June 4, 2023 (WAC23-0004), in order for the applicant to continue to secure all agency approvals, including the Tahoe Regional Planning Agency project application. The applicant started the building permit process just prior to the Covid outbreak and found the process delayed as the pandemic escalated.

The applicant is now requesting to amend the conditions of approval for item 1b to read as follows:

The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued on or before ~~June 4, 2023~~ **June 4, 2024**. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.

The request is for a further extension to allow the applicant time to finalize the building permit for the garages with Washoe County. The applicant has had various issues with permitting with Tahoe Regional Planning Agency (TRPA), the North Lake Fire Protection District (NLFPD) and Washoe County Engineering and the additional time is needed so that the applicant may comply with all agency requirements.

Tahoe Area Plan

The subject parcel is located within the Tahoe Area Plan. There are no other relevant policies related to amending a special use permit condition to extend the date of when the building permit is issued.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Sewer	X			
Washoe County Water Rights Manager (All Apps)	X			
Washoe County Engineering (Land Development) (All Apps)	X	X		Robert Wimer, rwimer@washoecounty.gov
North Lake Tahoe FPD	X			

All conditions required by the contacted agencies can be found in Exhibit A, Conditions of Approval.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variations*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment

before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the proposal is 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: The BOA previously reviewed Variance Case Number WPVAR19-0001 and was able to make this finding. The property was found to meet this requirement as it is constrained by the wedge shape of the property, slope, easements in the rear of the property, and the surrounding properties, which will not allow access to the property by other means than by the front of the property which requires the variance to build the garages. The applicant is now only requesting an extension of time to obtain an issued building permit.

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: The BOA previously reviewed Variance Case Number WPVAR19-0001 and was able to make this finding. The property was found to meet this requirement as the construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area. The applicant is now only requesting an extension of time to obtain an issued building permit.

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: The BOA previously reviewed Variance Case Number WPVAR19-0001 and was able to make this finding. The property was found to meet this requirement as the variance was for the front yard setback and the side yard setback that is adjacent to vacant land. Neighboring properties have garages. The applicant is now only requesting an extension of time to obtain an issued building permit.

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: The BOA previously reviewed Variance Case Number WPVAR19-0001 and was able to make this finding. The property was found to meet this requirement as the Washoe County Code currently requires garages for residences and this will bring the property into closer conformance with the code. The applicant is now only requesting an extension of time to obtain an issued building permit.

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 are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC23-0007 is being recommended for approval with conditions. 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 approve Amendment of Conditions Case Number WAC23-0007 for Greenview HOA, with the conditions included as Exhibit A to this matter, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25:

- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or 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 Planning Commission and mailed to the 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 Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Planning Commission and mailed to the applicant.

Applicant/Owner: Greenview HOA., Attn: John Hash
 jh1nsf@icloud.com



Amended Conditions of Approval

Amendment of Conditions Case Number WAC23-0007 for Variance
Case Number WPVAR19-0001

The project approved under Amendment of Conditions Case Number WAC23-0007 for Variance Case Number WPVAR19-0001 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on August 3, 2023. 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 amendment of conditions approval regarding the Variance Case Number WPVAR19-0001 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 Building Division.

Compliance with the amended conditions of approval related to the Variance Case Number WPVAR19-0001 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 amended conditions imposed regarding the approved Variance Case Number WPVAR19-0001 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this Variance Case Number WPVAR19-0001 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 Building Division

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

Contact Name – Julee Olander, Planner, 775.328-3627, jolander@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this approval.**
- b. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued on or before **June 4, 2024**. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- c. The applicant shall also meet all conditions of approval previously approved on March 7, 2019 by Variance WPVAR23-0001 (Greenview Garage).

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of Engineering and Capitol Projects, which shall be responsible for determining compliance with these conditions.

Contact Name – Robert Wimer, P.E., 775.328.2310, rwimer@washoecounty.gov

- a. **HOLD HARMLESS AGREEMENT:** The Applicant shall provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property or person(s) which might arise out of any County related activities and operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.

*** End of Amended Conditions ***



Date: June 26, 2023

To: Julee Olander, Planner

From: Robert Wimer, P.E., Licensed Engineer

Re: Amendment of Conditions Case WAC23-0007 –for Greenview Garages
APN: 128-310-05

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of Conditions case is to approve an Amendment of Conditions to extend the approval of Administrative Permit Case Number WPVAR19-0001 for one additional year. The Engineering and Capital Projects Division recommends approval with the following comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by John A. Hash.

1. **HOLD HARMLESS AGREEMENT:** The Applicant shall provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property or person(s) which might arise out of any County related activities and operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.



QUALITY
PUBLIC SERVICE



INTEGRITY



EFFECTIVE
COMMUNICATION



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Planning Program

1001 EAST 9TH STREET
 RENO, NEVADA 89512
 PHONE (775) 328-6100
 FAX (775) 328.6133

June 4, 2019

Nancy Parent, County Clerk
 Washoe County
 1001 East Ninth Street
 Reno, NV 89512

SUBJECT: Appeal Case WPVAR19-0001(Greenview HOA Garages)

Appeal of the Board of Adjustment's decision to deny Variance Case No. WPVA19-001, which requested a reduction of the required front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot to allow for the construction of one single car garage and one two-car garage in the common area at 692 Palmer Ct. in Incline Village. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the variance; or modify the variance's conditions and issue the variance.

Dear Ms. Parent:

Pursuant to NRS 278.0235, please be advised of final action on May 28, 2019, by the Washoe County Board of County Commissioners in the above referenced case. The County Commission's final action overturned the Board of Adjustment's denial (3/7/2019). After the public hearing was closed, Commissioner Berkbigler made a motion and Commissioner Lucey seconded the motion to overturn the Board of Adjustment's denial, and approve with conditions Variance Case No. WPVA19-0001.

In its motion the County Commission included the following findings:

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. There is no detriment to the surrounding lands or neighbors; and no visibly issues to seeing the lake or trees around the site;
3. No Special Privileges. There are garages in the area; and will help keep cars off the public right-of-way during the winter months to help with snow removal and safety issues.



Subject: WPVAR19-0001

Date: May 30, 2019

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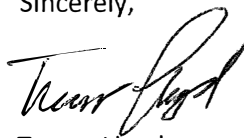
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Commission from the Washoe County Board of Adjustment, and the information received during the Washoe County Commission's public hearing.

The Board's action was unanimous and all five board members were present: Commissioner Berkbigler; Vice Chair, Commissioner Lucey; Commissioner Jung; Chair, Commissioner Hartung; and Commissioner Herman.

Please provide a copy of this letter to our department indicating when this letter was received by your office.

Sincerely,



Trevor Lloyd

Planning Manager, Planning and Building Division
Washoe County Community Services Department

Attachments: Conditions of Approval Case # WPVAR19-0001

Cc: Dave Solaro, Assistant County Manager
Michael Large, Deputy District Attorney
Mojra Hauenstein, Director, Planning and Building Division
Greenview HOA, email: jh1nsa@gmail.com



Conditions of Approval

Variance Case Number WPVAR19-0001

The project approved under Variance Case Number WPVAR19-0001 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on March 7, 2019. 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 Building 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 institution 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 Building Division

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

Contact: Julee Olander, Planner, 775.328-3627, jolander@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- 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 and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Building.
- c. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- d. Prior to submission of a building permit for the approved garage, the front and both side property line shall be surveyed and marked by a surveyor licensed in Nevada. Approval of the variance shall not convey any rights or approval to construct on any portion of a structure across the property line, or in the county right-of-way. Neither shall any roof eaves, light fixtures or other structural or architectural elements project over a property line.
- e. The garages are being built within the common area of the Greenview HOA. Each property owner within the development has an equal shared interest in the garages. To maintain common ownership, the variance is granted to the Greenview Home Owners Association (HOA). The HOA is responsible for obtaining all permits, construction, maintenance and ownership of the garages. Individual property owners within the development shall not own said garages.
- f. During construction of garages no construction material and/or equipment shall be located on the adjacent properties without the property owner's permission and notification to the Planning and Building Division.
- g. 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 Engineering and Capital Projects

2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

Contact: Leo Vesely, 775.328.2313, lvesely@washoecounty.us

- a. Provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property which might arise out of normal snow removal operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.

Washoe County Conditions of Approval

- b. The applicant shall install automatic garage door openers prior to the issuance of a Certificate of Occupancy or building permit final sign-off.

Incline Village General Improvement District

3. The following conditions are requirements of the Incline Village General Improvement District (IVGID), which shall be responsible for determining compliance with these conditions.

Contact: Tim Buxton, 775.832.1246, tim_buxton@ivgid.org

The following will be required by the owner before approval of the Washoe County Building Permit:

- a. Relocation of existing Fire Hydrant to IVGID and North lake Tahoe Fire District (NLTFD) regulations/specifications.
- b. Relocation of existing water meters, utility, and services line.
- c. Relocation of existing sewer services utility lines.
- d. All work is borne to owner.
- e. All work would require approved Plans wet stamped by a Nevada Licensed Engineer.
- f. All work must conform to all IVGID specifications and Nevada State law.

*** End of Conditions ***



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 RENO, NEVADA 89512-2845
 PHONE (775) 328-6100
 FAX (775) 328.6133

Board of Adjustment Action Order

Amendment of Conditions Case Number WAC21-0004 (Greenview Garages)

Decision: Approval with Conditions
 Decision Date: August 5, 2021
 Mailing/Filing Date: August 8, 2021
 Applicants: Greenview HOA
 Assigned Planner: Julee Olander, Planner
 Washoe County Community Services Department
 Planning and Building Division
 Phone: 775.328.3627
 E-Mail: jolander@washoecounty.us

Amendment of Conditions Case Number WAC21-0004 (Greenview Garages) – For hearing, discussion, and possible action to approve an amendment of conditions for the Greenview Homeowners Association (HOA), Case Number WPVAR19-0001 to extend the approval for two additional years, until June 4, 2023. The original approval was to reduce the required front and side yard setback at 692 Palmer Court, Incline Village to allow for the construction of two car garages, a 2-car garage and a 1-car garage.

- Applicant: Greenview HOA
- Property Owner: Malinowski Family Living Trust
- Location: 692 Palmer Ct.
- APN: 128-310-05
- Parcel Size: 4,356 sq. ft.
- Master Plan: Residential
- Regulatory Zone: Incline Village #3
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Hill

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, Variance. If no appeals have been filed within 10 calendar days from 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 Code Section 110.804.25:



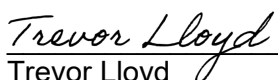
To: Greenview HOA
Subject: Amendment of Conditions Case Number WAC21-0004
(Greenview Garages)
Date: August 9, 2021
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1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness 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;
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. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

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 Planning and Building Division.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Board of Adjustment

TL/JO/df

Attachments: Conditions of Approval

Applicant: Greenview HOA
Email: jh1nsa@gmail.com

Representatives: Kevin Agan
Email: kevin@aganconsulting.com

To: Greenview HOA
Subject: Amendment of Conditions Case Number WAC21-0004
(Greenview Garages)
Date: August 9, 2021
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Action Order xc: Michael Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Nevada State Lands, Sherri Barker, 901 South Stewart Street, Suite 5003, Carson City, NV 89701-5246



Amended Conditions of Approval

Amendment of Conditions Case Number WAC21-0004
For Greenview HOA Permit Case Number WPVAR19-0001

The project approved under Amendment of Conditions Case Number WAC21-0004 for Greenview HOA Permit Case Number WPVAR19-0001 shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on August 5, 2021. 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 amendment of conditions approval regarding the WVAR19-0001 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 Building Division.

Compliance with the amended conditions of approval related to the WVAR19-0001 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 amended conditions imposed regarding the approved WVAR19-0001 may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this WVAR19-0001 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.

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 Building Division

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

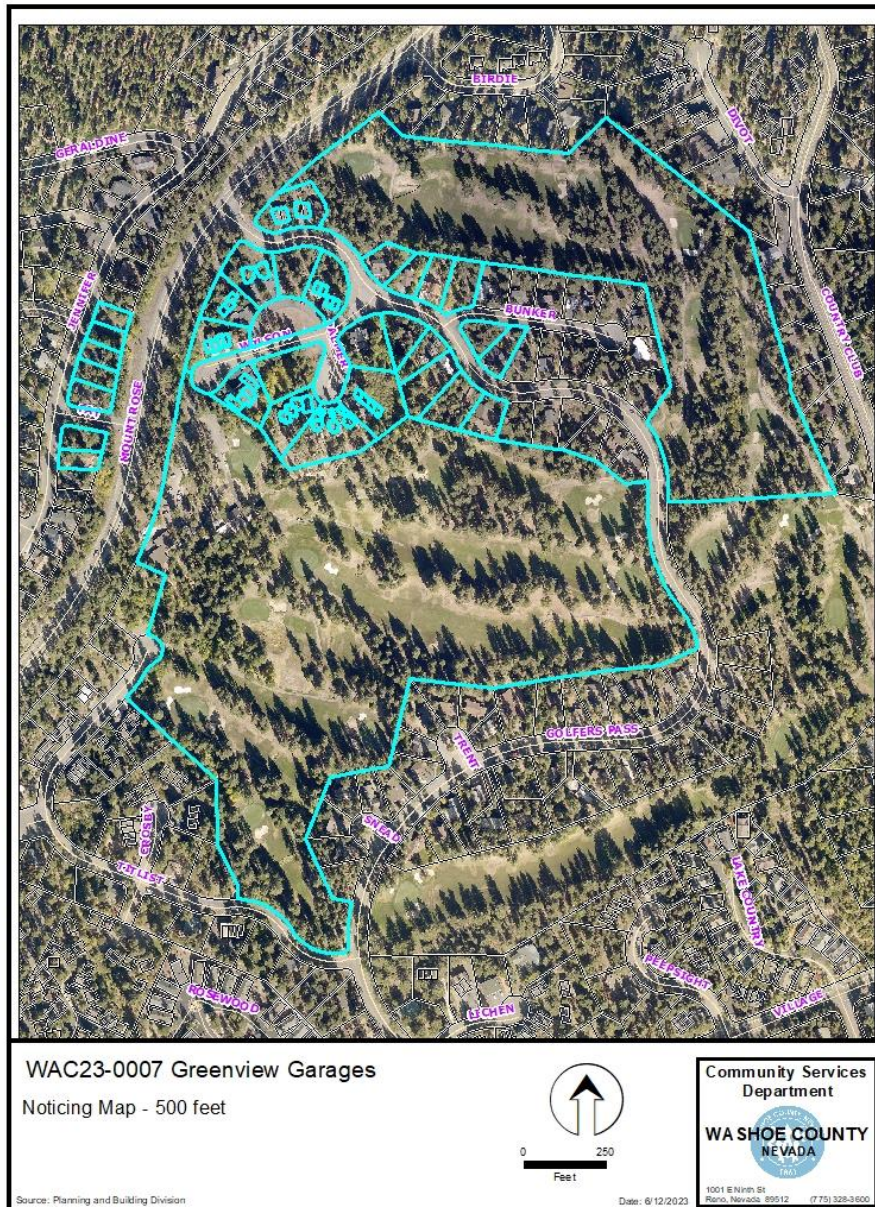
Contact Name – Julee Olander, 775.328.3627, jolander@washoecounty.us

- a. The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this approval.
- b. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued on or before June 4, 2023. The applicant shall complete grading within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- c. All prior conditions of approval for this project that are not modified by this action and shall remain in full force and effect.

*** End of Amended Conditions ***

Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 500-foot radius of the subject property. A total of 48 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map

WAC23-0007 for Variance Case Number WPVAR19-0001

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: <u>GREENVIEW HOA - GARAGES</u>			
Project Description: <u>Construct 1-2 CAR and 1-1 CAR garage on HOA common property</u>			
Project Address: <u>692 PALMER Ct Incline Village Nv 89451</u>			
Project Area (acres or square feet): <u>600 SQ FT</u>			
Project Location (with point of reference to major cross streets AND area locator): <u>692 PALMER Ct at end of cul de sac - Cross st Wilson off of Golfers PASS Rd.</u>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
<u>128-310-05</u>	<u>less than 1/2 Acre</u>		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner: <u>GREENVIEW HOA</u>		Professional Consultant:	
Name: <u>JOHN A. HASH</u>		Name:	
Address: <u>692 PALMER Ct</u>		Address:	
<u>INCLINE VILLAGE</u> Zip: <u>89451</u>		<u>N/A</u> Zip:	
Phone: <u>530-318-3139</u> Fax:		Phone: Fax:	
Email: <u>JHINSA@gmail.com</u>		Email:	
Cell: <u>530-318-3139</u> Other:		Cell: Other:	
Contact Person: <u>JOHN A. HASH</u>		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: <u>JOHN A. HASH</u>		Name:	
Address: <u>692 PALMER Ct</u>		Address:	
<u>INCLINE VILLAGE</u> Zip: <u>89451</u>		<u>N/A</u> Zip:	
Phone: <u>530-318-3139</u> Fax:		Phone: Fax:	
Email: <u>JHINSA@gmail.com</u>		Email:	
Cell: <u>530-318-3139</u> Other:		Cell: Other:	
Contact Person: <u>JOHN A. HASH</u>		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

Required Information

1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the **existing** and **proposed condition(s)**.

Because of changes to plans by NLTFFD - of Adding Sprinklers to the garages, it will require a change in Plans and delay issue of permit past our DATE of Lot Line Adjustment to begin project. We request a 6 month extension to accommodate NLTFFD

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

There are NO impacts to public health, safety or welfare in granting the amendment. In fact by extending our DATE to accommodate NLTFFD will increase public safety with the addition of sprinklers to the Garage.