

Washoe County Citizen Advisory Boards CAB Member Worksheet



Citizen Advisory Board: Incline Village/Crystal Bay

Meeting Date: 01/06/2020

Topic or Project Name (include Case No. if applicable): wpvar19-0002
460 Gonowabie

Please check the appropriate box:

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

Identified issues and concerns:

See attached

Suggested alternatives and/or recommendations:

See attached

Name Judy Miller
(Please Print)

Date: 1/7/2020

Signature: Judy Miller

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

You may also complete this worksheet and send it separately to your County Commissioner.

Commissioner's Name: Marsha Berkbigler

Use additional pages, if necessary.

Worksheets may be mailed to:

Washoe County Community Development
Attn: CAB Program
Post Office Box 11130
Reno, NV 89520-0027

Revised September 2010

WPVAR19-0002
SUBMISSIONS

Attachment to IV/CB CAB Worksheet re wpvar19-0002 submitted by CAB member Judy Miller

Identified Issues or Concerns:

The variance does not comply with the finding (b) No detriment. The application as presented is a substantial detriment to the public in that it further exacerbates the lack of parking in an area already known for its lack of parking and effectively denies the public the use of a larger than needed portion of the public right of way.

Placement of the structure with little or no setback means there will be only 2 onsite (garaged) parking spaces for a 6000 square foot home. It would be reasonable to expect a home this size would require more parking than the two closest neighboring homes of 2300 or less square feet. Yet, if this variance is approved, the only possible guest/visitor parking for this residence would be within the public right of way.

The proposed location of the garage at the greatest possible distance from the paved Gonowabie road (the widest part of the triangle) would prevent other members of the public or the County from using much of the right of way for any purpose including public parking or snow storage since it would interfere with access to applicant's planned garage.

Suggested alternatives/recommendations

- 1) Move the structure. Applicant's assertion that it would be harmful to move the structure back from the road was not adequately proven. Architect, Wayne Ford, spoke during public comment that in his opinion, there was nothing to prevent moving the building back on the lot, thus providing the required setback. He also indicated that with some design modifications and changing the driveway/garage location, the driveway could be located in such manner that the required setback could be achieved.
- 2) Come up with another way to mitigate the lack of parking on the site. Two neighbors spoke and said they thought a compromise could be reached given more time. The Board of Adjustment must render a decision within 45 days from receipt of the completed application, so staff advised the CAB that it would not be possible to request more time. If a reasonable compromise cannot be found that mitigates the detriment, then I believe the variance should be denied by the Board of Adjustment on the basis that it does create a substantial detriment to the public. There are a number of options available to the applicant without the need for a variance including, but not limited to repositioning the structure, taking a different approach to the proposed lot line adjustments, dedicating another area for off street parking.

The purpose of planning is to learn from the past and encourage better solutions for the future. Granting this variance as presented does not accomplish that goal.

Pelham, Roger

From: kristina hill <tahoehills@att.net>
Sent: Wednesday, February 5, 2020 1:52 PM
To: Pelham, Roger
Subject: Fw: 460 Gonowabie Variance - WPVAR19-0002 – Gonowabie Properties LLC
Attachments: Comment Letter to Board of Adjustments - Variance Case Number WPVAR19-0002 (Gonowabie Properties LLC).pdf

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Roger,
I didn't see county staff listed in this email so forwarding to you in hopes you can print it out for our meeting tomorrow.
Thanks,
Kristina

Kristina Hill
Hill Planning, Inc.
P.O. Box 6139
Incline Village, NV 89450
o: 775.832-5235
c: 775.544-4345
<http://www.hillplanning.com>

----- Forwarded Message -----

From: Greg Gatto <greg@sierralanduselaw.com>
To: tahoehills@att.net <tahoehills@att.net>; bstanley@washoecounty.us <bstanley@washoecounty.us>; cthomas@washoecounty.us <cthomas@washoecounty.us>; llawrence@washoecounty.us <llawrence@washoecounty.us>; ktoulouse@washoecounty.us <ktoulouse@washoecounty.us>
Cc: Robert Goldberg <rtgoldberg@gmail.com>; Reuben Richards <reubr@aol.com>
Sent: Wednesday, February 5, 2020 01:39:59 PM PST
Subject: 460 Gonowabie Variance - WPVAR19-0002 – Gonowabie Properties LLC

Honorable Members of the Board of Adjustment:

For your consideration, please see the attached comment letter related to Variance Case Number WPVAR19-0002, on the Agenda for the Board's Thursday, February 6, 2020 hearing. Thank you for your consideration of our comments.

Respectfully,

Greg Gatto

Greg C. Gatto
Law Office of Greg Gatto
PO Box 85 | Calpine, CA 96124 | Direct: (530) 205-6503

greg@sierralanduselaw.com | www.sierralanduselaw.com

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any unauthorized review, use, or distribution is prohibited and may be unlawful.



GREG GATTO
PO Box 85
Calpine, CA 96124
D. 530.205.6503
greg@sierralanduselaw.com
www.sierralanduselaw.com

February 5, 2020

VIA EMAIL ONLY

Washoe County
Board of Adjustment
Washoe County Administrative Complex
1001 E. Ninth Street
Reno, NV 89512

Re: 460 Gonowabie Variance - WPVAR19-0002 – Gonowabie Properties LLC

Dear Honorable Members of the Board of Adjustment:

This firm represents Robert Goldberg and Reuben Richards, owners of the residences located at 459 and 458 Gonowabie, respectively. We submit the following comment letter for the Board's consideration, and for the reasons set forth below, respectfully request that the Board deny the applicant's proposed variance to front setback requirements (the "Project") at 460 Gonowabie (the "Property").

Initially, we apologize for any delay in providing comments on the Project. Mr. Goldberg, Mr. Richards, and other neighbors have made multiple attempts since first receiving the variance notification in late December to meet with the owner and/or design professionals of the Property, but were repeatedly rebuffed, and informed that the applicant likes the plans the way they are and has no interest in meeting. However, on Friday January 31, Mr. Goldberg received an email from the applicant informing him that the applicant was "planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion," with Mr. Goldberg. On this basis, Mr. Goldberg redirected resources towards a future meeting with the applicant to discuss the community's issues with the Project.

In what can only be described as sandbagging, on the afternoon of February 4th, less than two days prior to the scheduled hearing, the applicant abruptly emailed Mr. Goldberg to inform him that "[a]fter further review and consideration, we've decided to proceed with the hearing...." A copy of the applicant's correspondence is enclosed for your reference.

As explained further below, there is no basis for the granting of the requested setback variance. Indeed, rather than producing substantial evidence that complying with the front setback will result in undue hardship on the applicant, the applicant has concocted their own relaxed standard for the grant of a variance, and argues that the front setbacks should not apply to the Project because a variance would allow for a "more efficient" location of a garage. If the applicant's "more efficient" standard was adopted by the Board, it would virtually negate any setback requirements within the County.



Washoe County
Board of Adjustment
February 5, 2020
Page 2

Moreover, Tahoe Regional Planning Agency (“TRPA”) has previously rejected the segmented height calculations proposed by the applicant. It would therefore be a futile exercise to grant a variance to a Project to that cannot be approved by TRPA, and a resultant drain on the County’s and community’s resources.

Given the lack of any hardship to the applicant if the variance were denied, and the substantial public detriment that would result if the variance were granted, the Incline Village Crystal Bay Citizens Advisory Board chose not to recommend approval of the Project. Several CAB members including Judith Miller and Sara Schmidt have also submitted letters opposing the Project.

As further explained below, the applicant has not met its burden to produce substantial evidence establishing the necessity for a relief from zoning standards, and accordingly, we respectfully request that the Board deny the variance.¹

I. Legal Standard For Grant of Variance

Variations are treated as an exemption from a local government’s established standard, and are authorized only under very limited circumstances. NRS 278.300(1)(c) limits the Board of Adjustment’s authority to can grant variations only in cases:

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.

In addition to NRS 278.300(1)(c), Washoe County Code section 110.804.25 further concribes the circumstances under which a variance may be granted, requiring five specific findings to be established: (1) special circumstances applicable to the property would result in “*exceptional and*

¹ We have submitted a public records request to the County for the administrative record relating to the Project. As of the submittal of this comment letter, not all responsive records have been received. We hereby incorporate by reference the complete administrative record of proceedings in this matter and reserve the right to submit additional information.



undue hardships” upon the owner of the property if the zoning ordinance were strictly applied; (2) the variance will not create a substantial detriment to the public good; (3) the variance will not constitute a grant of special privileges; (4) the variance will not authorize a use or activity which is not expressly authorized; and (5) the variance will not have a detrimental effect on a military installation.

The burden is on the applicant to prove, with substantial evidence², the undue hardship that would be suffered if a variance is not granted. Enterprise Citizens Action Committee v. Clark County Bd. of Com'rs, 112 Nev. 649, 654 (1996). The Nevada Supreme Court has defined hardship as a situation where the owner of the property would be deprived of all beneficial uses absent a variance, the value of the property would decrease significantly if the variance were not granted, and/or a reasonable return on the property would not be realized unless the variance was granted. Id. at 656. Variances are not intended to relieve hardships that are solely personal, self-created or financial in nature. (Nevada Planning Guide, p. 16 (Nevada APA 2017).)

Further, because a variance affords relief from the literal enforcement of a zoning ordinance, it must be strictly construed to limit relief to the minimum variance which is sufficient to relieve the hardship. Clark County Bd. of Com'rs v. Taggart Const. Co., Inc., 96 Nev. 732, 735 (1980)

Neither the applicant nor staff have provided *any* evidence that an exceptional or undue hardship exists which warrants the granting of the setback variance, much less the substantial evidence necessary for the Board to approve the applicant’s request. Indeed, the record is devoid of any evidence that a reasonable residence with garage could not be constructed with adherence to the front setbacks, and absent such showing, the variance cannot be granted.

II. Substantial Evidence Does Not Support the Granting of the Variance

A. Compliance With Front Sethbacks Would Not Result In Undue Hardship

The conclusory comments provided in the staff report in support of the Board’s required findings do not constitute substantial evidence necessary to approve the variance. Tellingly, the staff comment on the variance finding requiring that strict application of the setback regulations results in exceptional and undue hardships upon the owner of the property contains no mention of “hardship.” Instead, the applicant and staff utilize a non-existent standard, arguing that setback regulations should not apply in cases where it’s “more efficient” to locate buildings within a setback. (February 6, 2020 Board of Adjustment Staff Report, Agenda Item: 9F, p. 12. (“Staff Report”).) The Board has no authority to abrogate setback requirements merely because it would be more efficient for a property owner to locate buildings within a setback. Such a

² Substantial is evidence that a reasonable mind might accept as adequate to support a conclusion. Enterprise Citizens Action Committee v. Clark County Bd. of Com'rs, 112 Nev. 649, 653 (1996).



Washoe County
Board of Adjustment
February 5, 2020
Page 4

standard would result in a variance in virtually every case, as it is always more efficient for a property owner to increase the developable area of the property by building within setback areas.

Rather than the “more efficient” standard set forth by staff and the applicant, the Nevada Supreme Court holds that it is incumbent on the applicant to prove the exceptional hardship it would face if the variance were not granted, i.e. that absent the requested variance, the property would be deprived of all beneficial uses or the value of the property would decrease significantly. Enterprise Citizens Action Committee, 112 Nev. at 656. The applicant has utterly failed to carry this burden. Nor has the applicant provided any evidence the requested setback reduction is the minimum departure from setback requirements necessary to relieve any alleged hardship. Clark County Bd. of Com'rs, 96 Nev. at 735.

The applicant is seeking to develop a 5,671 sf five-bedroom residence. Naturally, a smaller more reasonable residence could be developed within the required setbacks without creating an undue hardship on the applicant, or depriving the applicant of all beneficial use or value of the property. Accordingly, because there is no hardship to the applicant from complying with setback standards, the variance cannot be granted.

B. The Variance Will Result in Substantial Detriment to the Public Good

Extensive public comment from the community was received at the January 6, 2019 Incline Village Crystal Bay Citizens Advisory Board detailing the substantial public detriment that would result if the Project were approved. Members of the Advisory Board themselves expressed serious concerns regarding safety, emergency vehicular access, off-street parking, and snow removal.

The reduction in front setbacks practically eliminates existing street parking adjacent to and in front of the Property, which parking is already in limited supply. In fact, this is currently one of the only on-street parking areas on Gonowabie. A five-bedroom 5,671 sf residence with only two onsite parking spaces only exacerbates the situation, and will invariably lead to parking and access conflicts.

Further, crowding the front setback limits staging and access for emergency personnel. It also results in additional combustible material within fire safe setbacks, in close proximity to property lines and public rights of way, increasing the risk of structure to structure fire spread.

The applicant makes representations that the variance will improve the privacy for 458 Gonowabie and the view for 459 Gonowabie, but offers no proof. After careful review of the plans, and discussions with and walking the site with the applicant’s representatives, Mr. Richards and Mr. Goldberg have come to the informed opinion that the applicant is



misrepresenting the facts. The current plans do not mitigate view or privacy, but actually exacerbate impacts, whereas plans conforming to front setback requirements could address view, privacy, and other concerns such as parking, health and safety.

These and other detriments to the public good mandate that the variance be denied.

C. The Granting of the Variance Will Constitute a Special Privilege

While the applicant and staff focus on the “exceptional slopes” of the Property as the basis for granting the variance, many of the parcels within the vicinity face similar topographic constraints. The residences in closest proximity to the south of the Property, 458 and 450 Gonowabie have been built on similarly shaped lots with similar slopes and both appear to conform to front setback requirements.

The Staff Report also misleadingly cites the exceptional narrowness of the parcel (approximately 62 feet in width), as yet another reason why the variance should be granted. (Staff Report, p. 10.) However, the applicant recently received approval for a lot line adjustment from TRPA between the Property and two adjoining parcels owned by the applicant (470 and 480 Gonowabie), increasing the width of the Property to approximately 90 feet -- 10 feet above the minimum width required by the zoning ordinance.³ Any constraints associated with the particular lot configuration can and have been easily remedied via the applicant’s lot line adjustment, which has already greatly increased the developability of the Property.

The variance also frees up coverage for the applicant to build an even larger structure than could be constructed if standard setbacks were observed. By eliminating the need for a driveway to access the garage at the standard setback, the applicant may gain enough coverage to increase the residence by as much as 1,000 sf, certainly a special privilege not afforded other properties within the vicinity. The residences on the two neighboring properties to the south, 458 and 450 Gonowabie, are approximately 2,322 sf and 3,994 sf, respectively. Per the applicant’s testimony at the CAB meeting, the Project proposes a 5,621 sf residence, nearly two and a half times larger than the adjoining residence to the south.

The applicant was well aware of the claimed constraints associated with this Property when it was purchased, similar constraints of which are endemic to many of the properties in the area. The applicant’s ability to reconfigure the Property via lot line adjustment has already mitigated these issues and maximized the developability of the Property. Any further concessions in the form of a setback reduction would result in the grant of a special privilege to this Property.

³ A similar lot line adjustment application is pending with Washoe County (WBLA19-0019).



Washoe County
Board of Adjustment
February 5, 2020
Page 6

III. The Project as Designed Violates TRPA Height Standards

While current building plans for 460 Gonowabie have not been submitted to TRPA, the applicant has submitted two similar plans, for 470 and 480 Gonowabie, and both have been rejected as incomplete for failure to comply with TRPA height standards. The TRPA incomplete letters for 470 and 480 Gonowabie are attached hereto.

In plans for both 470 and 480 Gonowabie, as with the 460 Gonowabie plans, the applicant attempted to take advantage of TRPA's allowance for segmentation of buildings in up to three distinct segments, for purposes of measuring height on sloping parcels (greater than 10% slope). (TRPA Code of Ordinances § 37.4.2.) The purpose of this Code section is to allow for height on downslopes of parcels away from the street, relocating mass to the rear of the parcels, enhancing public and private viewsheds, and maintaining scenic thresholds. In furtherance of this policy, the Code limits the height of the building segment closest to the street (Segment 1) to 28 feet. (TRPA Code of Ordinances § 37.4.2.B.)

In the applications for 470 and 480 Gonowabie, as with the 460 Gonowabie plans, the applicant attempted to limit Segment 1 to roof overhangs and projections, rather than the entire roof pitch of the structure closest to the street. TRPA rejected the applicant's proposal stating that "the building closest to the street be segment 1", and "the height for segment 1 shall not exceed 28 feet, as measured from the lowest point of the structure *to the highest point of the roof pitch.*" (Emphasis added.) Because the applicant's plans did not conform to TRPA height standards, TRPA stated it was "unable to approve as proposed."

The plans for 460 Gonowabie suffer from the same infirmity. The applicant attempts to define Building Segment 1 solely as the overhang/projection off the garage, whereas TRPA requires the entire garage to be treated as Segment 1, and the highest point of the roof pitch of the garage is limited to 28 feet from the ground level. The 460 Gonowabie plans place the roof pitch of what TRPA has defined as Segment 1 at 39'7", over ten feet above TRPA's maximum height standard. See plans below (note that the applicant's designated Building Segment 2 would be defined as Building Segment 1 under the TRPA Code):

Greg Gatto

From: Nick Exline <nick@midkiffandassoc.com>
Sent: Tuesday, February 4, 2020 2:56 PM
To: 'Hayes Parzybok'; Robert Goldberg
Cc: Brian Helm; Greg Gatto; reubr@aol.com
Subject: RE: 460 Gonowabie


Hi All,

Just to confirm, the meeting is actually this Thursday, February 6th at 1:30 PM at the Washoe County offices in Reno.

Thanks,

Nick Exline, AICP

Senior Planner
Midkiff and Associates, Inc.
Office: (775) 588-1090
Fax: (775) 588-1091
nick@midkiffandassoc.com
P.O. Box 12427
Zephyr Cove, NV 89448

 Please consider the environment before printing this email.

From: Hayes Parzybok <hparzybok@paradigm8.com>
Sent: Tuesday, February 04, 2020 2:52 PM
To: Robert Goldberg <rtgoldberg@gmail.com>
Cc: Brian Helm <bhelm@paradigm8.com>; Greg Gatto <Greg@sierralanduselaw.com>; reubr@aol.com; Nick Exline <nick@midkiffandassoc.com>
Subject: Re: 460 Gonowabie

Hi Rob,

After further review and consideration, we've decided to proceed with the hearing next week. That said, we continue to welcome the opportunity to meet with you and the project owner, and understand your issues.

Yes, Brian will be at the hearing.

Thanks,

Hayes Parzybok | PARADIGM8
p: (530) 448-9310
hparzybok@paradigm8.com

On Feb 4, 2020, at 10:58 AM, Robert Goldberg <rtgoldberg@gmail.com> wrote:

Brian,
I'm copying Greg Gatto our legal counsel. Based on your representation that you are asking for a continuance, we have asked him to stand down on preparing opposition to the variance request. We have also notified concerned neighbors they will not need to attend. Please advise when you have made that formal request.

In the interest of making progress on a number of time sensitive issues including scheduling a meeting with Dave, we should find a time to talk or meet soon. Will you be at the hearing on Thursday? If so perhaps we can talk then, if not please suggest a few times that might be convenient for you to meet or talk on the phone.

Best,
Robert

On Mon, Feb 3, 2020 at 1:38 PM Robert Goldberg <rtgoldberg@gmail.com> wrote:

Nick as of the last hour, staff had not received the request. When are you intending on making it?

Also we understand it is too late to be pulled from the agenda.

Robert

On Mon, Feb 3, 2020 at 12:38 PM Brian Helm <bhelm@paradigm8.com> wrote:

Robert,
Nick was going to request the deferral. I have copied him to confirm.

thanks
Brian

From: Robert Goldberg <rtgoldberg@gmail.com>
Sent: Monday, February 3, 2020 6:52:12 AM
To: Brian Helm <bhelm@paradigm8.com>
Cc: reubr@aol.com <reubr@aol.com>; Hayes Parzybok <hparzybok@paradigm8.com>
Subject: Re: 460 Gonowabie

Brian, thanks for reaching out. Have you formally requested the postponement? It looks like the item is still on the agenda for Thursday.

We are open to meeting, but not certain those dates will work for us.

Robert

On Fri, Jan 31, 2020 at 5:54 PM Brian Helm <bhelm@paradigm8.com> wrote:

Reuben and Robert,

11/11/2016 10:11:11 AM

I received your contact information from Nick Exline at Midkiff & Associates. He provided me with some background from your previous discussions. As a follow-up, we would like to coordinate a time for a meeting with the property owner to discuss your comments on the 460 Gonowabie Residence.

We are planning to postpone the Washoe County Board of Adjustment 460 Variance item until the April hearing to allow for further discussion with you both.

Please let me know if you have any availability on Feb 11 or 12 and we will schedule the meeting.

Thanks and have a nice weekend,

Brian

<image001.png>

Brian Helm

Principal

p: (775) 313-6903

w: www.paradigm8.com e: bhelm@paradigm8.com



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

December 18, 2019

Nick Exline
Midkiff & Associates
P.O. Box 12427
Zephyr Cove, NV 89448

RE: UNABLE TO APPROVE AS PROPOSED

**NEW SINGLE-FAMILY DWELLING, 480 GONOWABIE ROAD, WASHOE COUNTY, NEVADA, ASSESSOR'S
PARCEL NUMBER (APN) 123-131-06, TRPA FILE NUMBER ERSP2019-1471**

Dear Mr. Exline:

Thank you for submitting the above-referenced application. Upon preliminary review, it was determined that the proposed project is inconsistent with several sections of the TRPA Code of Ordinances. Please make the requested corrections and provide additional information, as detailed below.

1. Land Capability and Coverage

- a. The metal grate driveway and walkway are not eligible for exemptions from coverage (other than 3:1 height reduction). Please revise the coverage table to reflect the correct amount coverage. Please note, pervious pavers may be used for the driveway for a 25% reduction in coverage.
- b. Provide clear calculations for coverage exemptions (allowed and proposed). A sample coverage table is enclosed.
- c. Revise the coverage table as follows:
 - i. Remove reference to existing and proposed parcel size- the lot line adjustment will be completed prior to issuance of this permit so the post-LLA parcel size shall be used.
 - ii. Remove reference to existing allowable coverage. There is no existing coverage verified on-site.
 - iii. Clarify the correct location of the backshore boundary line and clearly label all sheets. Please note that there is no additional setback from the backshore boundary line.

2. Grading

- a. The terracing for creation of flat turf yards in not consistent with TRPA design standards in Section 36.5, which requires that the natural slope of the project site be maintained. Please revise the grading plan accordingly.

3. Height

- a. **The proposed use of segmented height calculations does not meet Code Section 37.4.2.** As proposed, the structure is not divided into distinct segments. Since there are three distinct separate buildings attached by a bridge, it would make sense that **the building**

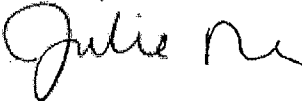
closest to the street be segment 1, the middle building be segment 2, and the building closest to the lake be segment 3. As such, the height for segment 1 shall not exceed 28 feet, as measured from the lowest point of the structure to the highest point of the roof pitch. Segments 2 and 3 shall not exceed the maximum height in table 37.4.1-1. Revise the height calculations for each segment based on the revised segments.

4. Special Use- single-family dwellings are a special use in Plan Area Statement Crystal Bay due to potential avalanche hazard. Therefore, this project is subject to Hearings Officer review.
 - a. Submit special use findings
 - b. Provide noticing materials:
 - i. List of addresses of affected property owners within 300 ft.
 - ii. Stamped addressed envelopes
 - iii. Reduced size plan set (electronic submittal ok)

Please be advised that we are not denying or withdrawing your application at this time but will hold your application until January 31, 2020 to allow you to either submit the requested revisions or withdraw the project.

If you have any questions regarding the contents of this letter, please contact me by phone at (775) 589-5247 or by email at jroll@trpa.org.

Sincerely,



Julie Roll
Senior Planner
Current Planning Department



**TAHOE
REGIONAL
PLANNING
AGENCY**

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.org

December 18, 2019

Nick Exline
Midkiff & Associates
P.O. Box 12427
Zephyr Cove, NV 89448

RE: INCOMPLETE APPLICATION

**SINGLE-FAMILY DWELLING REBUILD, 470 GONOWABIE ROAD, WASHOE COUNTY, NEVADA,
ASSESSOR'S PARCEL NUMBER (APN) 123-131-05, TRPA FILE NUMBER ERSP2019-1453**

Dear Mr. Exline:

Thank you for submitting the above-referenced application. Upon preliminary review, it was determined that the proposed project is inconsistent with several sections of the TRPA Code of Ordinances. Please make the requested corrections and provide additional information, as detailed below.

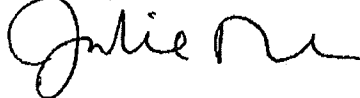
1. Land Capability and Coverage
 - a. Revise the coverage table and allowable coverage calculations to reflect post-lot line adjustment conditions, as the lot line adjustment will be approved prior to issuance of this permit.
 - b. Clearly delineate the backshore boundary and land capability districts on each applicable plan sheet.
 - c. Clarify if remaining allowable coverage is to be banked or used for other projects within the project area.
2. Scenic
 - a. The glass reflectance for windows and glass railings shall be labeled 0-3% to match the contrast rating calculations (sheet TRPA1.1)
3. Height
 - a. **The proposed use of segmented height calculations does not meet Code Section 37.4.2. The height for segment 1 shall not exceed 28 feet, as measured from the lowest point of the structure to the highest point of the roof pitch. This segment is not measured from the street.**
4. Special Use- single-family dwellings are a special use in Plan Area Statement Crystal Bay due to potential avalanche hazard. Therefore, this project is subject to Hearings Officer review.
 - a. Submit special use findings
 - b. Provide noticing materials:
 - i. List of addresses of affected property owners within 300 ft.
 - ii. Stamped addressed envelopes
 - iii. Reduced size plan set (electronic submittal ok)

Wendy J. Givens, Director

Please be advised that we are not denying or withdrawing your application at this time but will hold your application until January 31, 2020 to allow you to either submit the requested revisions or withdraw the project.

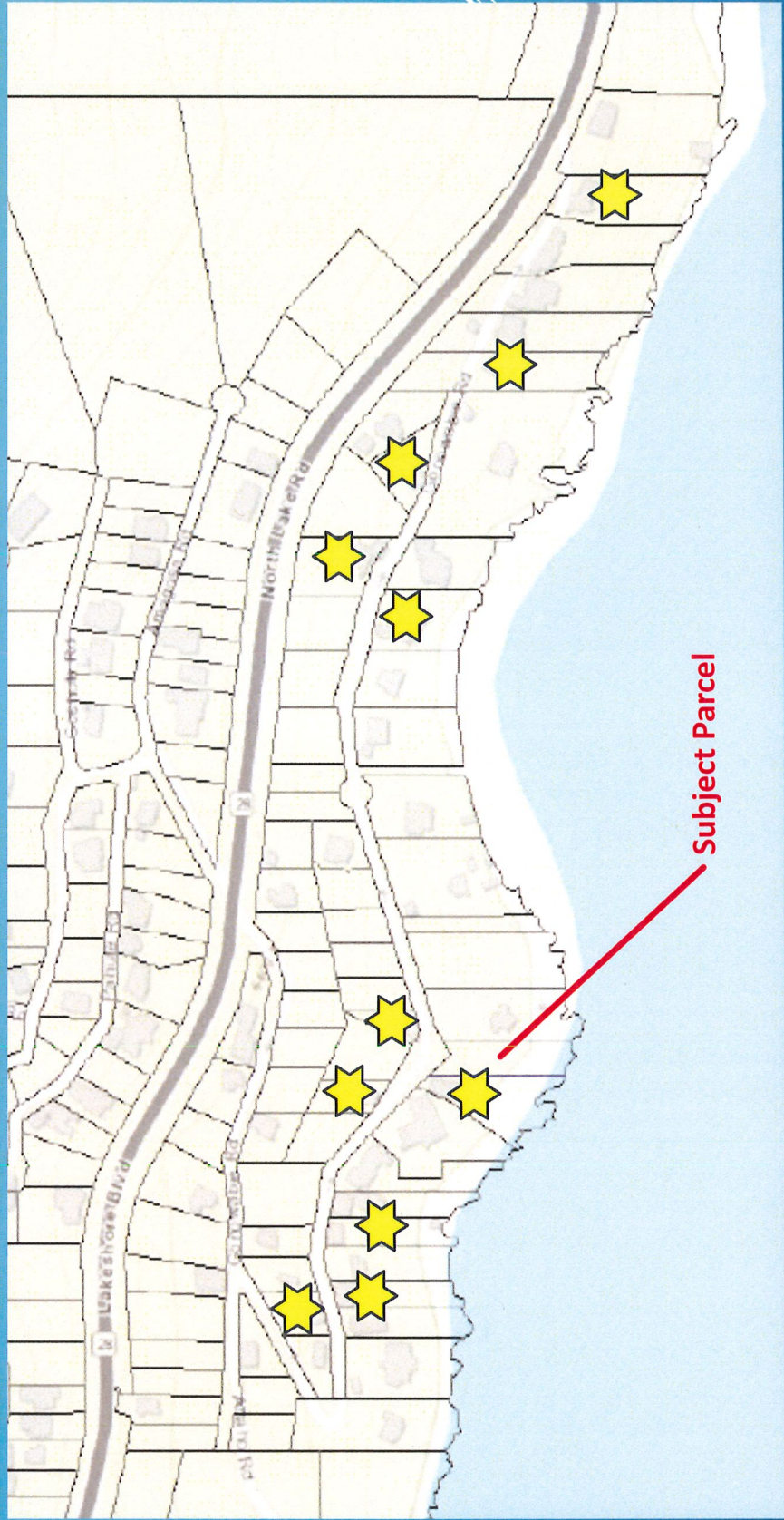
If you have any questions regarding the contents of this letter, please contact me by phone at (775) 589-5247 or by email at jroll@trpa.org.

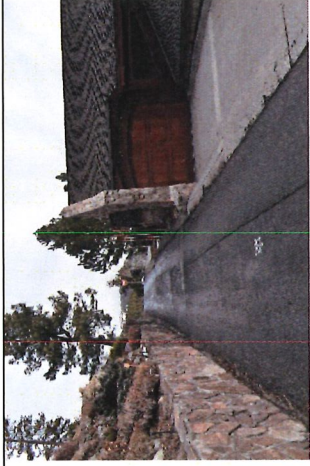

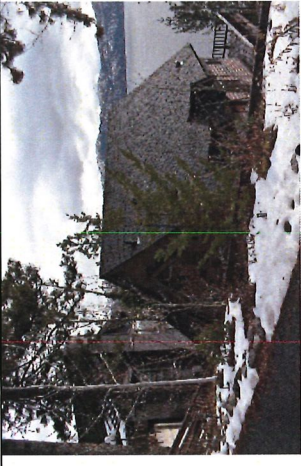

Sincerely,



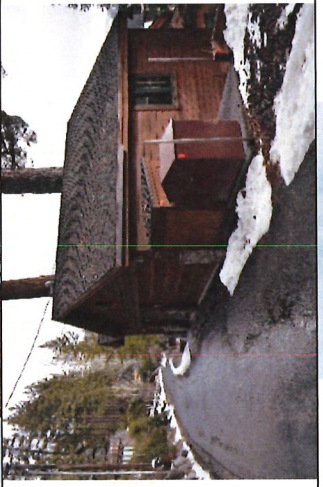
A handwritten signature in black ink, appearing to read "Julie Roll". The signature is fluid and cursive, with the first name "Julie" being more prominent and the last name "Roll" following in a similar style.



Julie Roll
Senior Planner
Current Planning Department

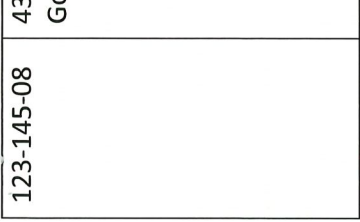
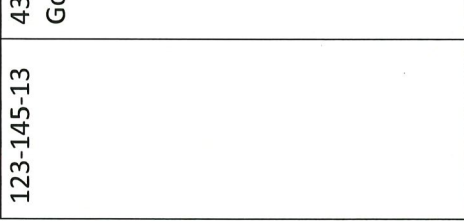
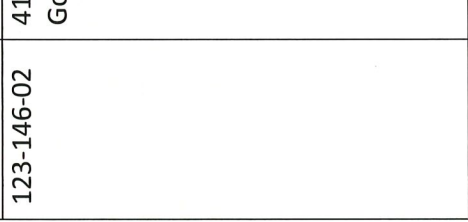
GONOWABIE: A HISTORY OF VARIANCES



Parcel	Address	Variance Number	Variance Information	Picture	Picture
123-101-08	580 Gonowabie	VA04-014	VARIANCE CASE NO VA04 014 DAVID AND LINDA SHAHEEN To vary the front yard setback from 15 feet to 0 feet and the side yard setback from 8 feet to 2 foot 4 inches to facilitate the construction of a two-car garage.		
123-101-04	540 Gonowabie	V12-59-82	To reduce the required side yard setbacks from 7 to 2 and from 7 to 5 for an existing residence and deck.		
123-101-04	540 Gonowabie	WPVAR16-0003	Hearing, discussion, and possible action to approve a variance to reduce the front yard setback from 15 feet to 1.74 feet from the edge of the roadway pavement (2.5 feet from the recorded Public Works easement) to facilitate the construction of a garage with living space below.	See Above.	See Above.
123-101-12	525 Gonowabie	V4-29-96	To reduce the required front yard setback from 20 feet to 1 foot to facilitate the construction of an addition to an existing home.	NA	NA

123-133-13	515 Gonowable	VA02-034	To vary the front yard setback from 15 feet per Section 110 406 30 b to 0 feet and to reduce the side setback from 8 feet to 1 foot as authorized in Section 110 804 of the Washoe County Development Code.	See Below	See Below
123-133-13	515 Gonowable	VA05-032	To increase the allowable overhang of an architectural feature in a front yard setback from two feet to four feet.		
123-132-03	520 Gonowable	V12-63-93	To reduce the required front yard setback from 15 feet to 1 foot to allow the construction of a detached garage.		
123-133-07	459 Gonowable	V4-15-95	Reduction of the front setback from 15 feet to 0 feet and the side setback from 5 feet to 1 foot to utilize the existing foundation to reconstruct a residence.		

123-146-07	449 Gonowable	V12-82-96	To increase the height of a detached accessory building from 12 feet to 22 feet to facilitate the construction of a detached garage.	NA	NA
123-146-07	449 Gonowable	V3-11-99	To reduce the side yard setback from 5 feet to no less than 3 feet in order to construct an addition to the existing home.	NA	NA
123-145-12	458 Gonowable	VA0010-029	To vary the required setbacks within Section 110 406 05 1 to reduce the front setback from 15 feet existing 13 feet to 7 feet to reduce the south side setback from 5 feet to 3 feet existing 2 feet and to reduce the north side setback from 5 feet to 3 feet to replace a one car garage to a two car garage.	See Below	See Below
123-145-12	458 Gonowable	V11-62-93	To reduce the required side yard setback from 5 feet to 1 foot to bring an existing deck into compliance and further to reduce the required front yard setback from 20 feet to 13 feet 6 inches to bring an existing garage into conformance.		

123-145-08	430 Gonowable	V4-24-98	<p>To reduce the north side setback from 5 feet to 2 1/2 feet and the south side setback from 5 feet to 3 feet to bring an existing residence constructed in 1957 into conformance with code to facilitate the construction of a detached accessory structure.</p>	
123-145-13	433 Gonowable		<p>To allow the conversion of a basement into habitable space Variance Case No V4 31 96 allowed the reduction of the required side yard setback within Section 110 406 05 1 from 5 feet to 3 feet and the required front yard setback from 15 feet to 0 feet to facilitate the construction of an attached single car garage.</p>	
123-146-02	415 Gonowable	V8-37-92	<p>To allow the conversion of a basement into habitable space Variance Case No V4 31 96 allowed the reduction of the required side yard setback within Section 110 406 05 1 from 5 feet to 3 feet and the required front yard setback from 15 feet to 0 feet to facilitate the construction of an attached single car garage.</p>	

Washoe County Board of Adjustment Meeting 2/6/2020 Public Comment on Item 9F

Relying in good faith that a compromise with neighbors would be reached, I had sent my CAB worksheet to staff (which I hope you have now all received) on Jan. 7 noting that I would recommend denial if their concerns were not addressed.

I respectfully disagree with staff's assertion that this project meets all 5 requirements for a variance.

Requirement 1: Special Circumstances. The applicant has not demonstrated that special circumstances create any undue hardship.

I'd also like to point out that the application/staff report is confusing in that it is missing some pertinent information, specifically regarding the lot size and width. Applicant has a conditional permit from TRPA for a lot line adjustment which according to TRPA planner, Julie Roll, will increase the width to approximately 85 feet (no exceptional narrowness), and increase the lot size by more than 4000 square feet. The plans you see before you reflect the lot line adjustment, but the narrative does not.

I'm no architect, but a suggestion was made by an architect at the Jan. 6 CAB meeting that the building could be "flipped" so the garage would be on the eastern side of the lot (where the northern boundary is 10 to 20 feet closer to the road) and moved slightly south. I did a little experimenting and it appears that moving the garage to the eastern property setback line would provide a much greater area of the public roadway for public use and possibly eliminate the need for a variance (see attached drawing).

Requirement 2: No detriment to the public. The current location of the garage all but eliminates any use by the public of the publicly owned land between the road and the subject parcel. In other parts of Washoe County, this proposal might not create a problem. But on Gonawabie Road, an incredibly narrow one way street, this is one of the few places where public land is available for parking, snow removal, emergency vehicles, etc. Without placing any undue hardship on the applicant, I believe that with a slightly different approach, a significant portion of the public's land could be preserved for public use

Conclusion:

I recommend denial of this variance as applicant has not demonstrated undue hardship and the proposal **does** present a significant detriment to the health, safety and welfare of the neighbors.

Respectfully submitted,

Judy Miller

Incline Village, NV

PARCEL 1
APN: 123-131-06

5' (RED-DOT)

10'P (BARK-BEETLE)

32'P

KEY BOULDER

12'P (LEANS'S)

10'P

6300

6290

6280

6270

PROPOSED ADJUSTED PROPERTY LINE

8' BUILDING SETBACK LINE

Structure flipped from western boundary to eastern boundary

Driveway location/length flipped

Driveway location/length original

Contour line 6240' elevation

Northern edge of parcel

EDGE OF PAVEMENT

DI

MH

WM

18'P
30'P

6280

6270

6270

8' BUILDING SETBACK LINE

14'P
9'P
6281.50' T.O.W. SLOPING

PROPOSED ADJUSTED PROPERTY LINE

6275.75' 40'P T.O.W.

6281.00' LOWEST NATURAL GRADE @ SEGMENT 2

6300.00' E.O.P.

18'P
30'P

(E) TOP OF WALL

6% SLOPE 12" (E) CMP

PERVIOUS PAVERS TO EDGE OF PAVEMENT

OUTLET

LINE OF (E) PAVERS

(N) CONC. RETAINING WALL BELOW

1% SLOPE

DRIVEWAY PERVIOUS PAVERS ON DRIVEWAY DECK

6287.00' LOWEST NATURAL GRADE @ SEGMENT 1

6274.25' LOWER LEVEL

6288.00' LOWEST NATURAL GRADE @ SEGMENT 3

55.0

30'P GUY

584'25"08"E
38.14'

6290

6280

6270

6260

ADJACENT RESIDENCE

36'-6" MAX. TO E.O.P.

57'-0" MAX. TO E.O.P.

208'±

Washoe County Board of Adjustments
Washoe County Administrative Complex
1001 E. Ninth Street Reno, NV 89512

February 6, 2020

Members of the Board:

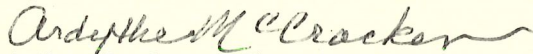
I, Ardythe McCracken resident of 418 Gonowabie road, read/write this letter in strong objection to the ***proposed setback variance at 460 Gonowabie, WPVAR19-0002.***

Aside from the applicant's impertinence and attempt to mislead the residence of Gonowabie, there is NO evidence that the applicant will experience undue "hardship" if the variance is denied. This conclusion has been explained clearly by Robert Goldberg, Reuben Richards, and Greg Gatto.

What is evident is that the setback variance if approved will negatively impact the safety and health of this Gonowabie neighborhood. In particular, but not exclusive, the reduced parking will adversely obstruct traffic flow and hinder emergency vehicular access on this narrow one-way road.

Furthermore, the entire project threatens the scenic views and environmental health of this lake side community. Thus, I and my neighbors respectfully request that this application for variance be denied.

Dr. Ardythe McCracken


Foundation Professor Emeritus
University of Nevada, Reno
mccracke@unr.edu