



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Thursday, March 7, 2019
1:30 p.m.

Board of Adjustment Members

Clay Thomas, Chair
Kristina Hill, Vice Chair
Lee Lawrence
Brad Stanley
Kim Toulouse
Trevor Lloyd, Secretary

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, March 7, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Thomas called the meeting to order at 1:30 p.m. The following members and staff were present:

Members present:

Clay Thomas, Chair
Kristina Hill, Vice-Chair
Lee Lawrence
Brad Stanley
Kim Toulouse

Members absent:

None

Staff present:

Roger Pelham, Senior Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division

2. *Pledge of Allegiance

Chair Thomas led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Michael Large recited the Ethics Law standards.

4. *Appeal Procedure

Roger Pelham recited the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment and Discussion Thereof

As there was no response to the call for public comment, Chair Thomas closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Lawrence moved to approve the agenda of March 7, 2019, as written. The motion, seconded by Member Toulouse, passed five in favor and none opposed.

7. Possible action to approve February 7, 2019 Draft Minutes

Member Stanley moved to approve the minutes of February 7, 2019, as written. The motion, seconded by Member Toulouse, passed five in favor and none opposed.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

A. Administrative Permit Case Number WADMIN19-0001 (Bussell Detached Accessory Structure)– For possible action, hearing, and discussion to approve an Administrative Permit to allow the construction of a Detached Accessory Structure 2000 square feet in size, that is larger than the main dwelling on the parcel, which is 1538 square feet in size. The proposed structure is a “Kit Pole Building for Agricultural and Storage Use.” The structure is proposed to be located on the western portion of the parcel, to the south of the existing dwelling.

- Applicant: Matt and Angie Bussell
- Property Owner: Matt and Angie Bussell
- Location: 16400 Red Rock Road, approximately 300 feet north of its intersection with Appaloosa Circle
- APN: 078-212-02
- Parcel Size: ± 11.98 Acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 306, Accessory Uses and Structures
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Washoe County Planning and Building, provided a staff report presentation.

Chair Thomas asked if the accessory dwelling will have water and electricity. Mr. Pelham said no water, but there may be electricity.

Matt Bussell, applicant, said the current plan is not to have electricity, but possibly in the future. It's not meant to be living quarters.

Member Lawrence asked about the poles that go into the ground; he asked if they are wood or metal. Mr. Bussell said they are 6 by 6 and 6 by 8 timber posts that are pressure treated engineered lumber. He spoke about the specs and engineering. Member Lawrence asked if he is required to cut the poles; Mr. Bussell said he hadn't received a clear answer regarding the requirement to cut them. Member Lawrence

said a pole barn was erected out by him in Spanish Springs. Member Lawrence advised Mr. Bussell to make sure the treated end of the posts goes into the ground, not the cut end.

With no request for public comment, Chair Thomas closed the public comment period.

Member Toulouse move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0001 for Matt and Angie Bussell, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which passed unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a detached accessory structure, larger than the dwelling on the same parcel of land, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
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.

B. Variance Case Number WPVAR19-0001 (Greenview HOA Garages) – For possible action, hearing, and discussion to approve a variance 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.

- Applicant: Greenview HOA
- Property Owner: Jean Venneman, John & Doreen Maria Hash, Tao Fung, and George & Nancy Learmonth
- Location: 692 Palmer Ct.
- APN: 128-310-05
- Parcel Size: 4,356 sq. ft.
- Master Plan: Urban Residential (UR)
- Regulatory Zone: Low Density Urban (LDU)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3627
- E-mail: jolander@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Member Toulouse said in the staff report it's mentioned it was built in 1979 and that all parking is on public street adjacent to unit one. Ms. Olander apologized. It was an error. She said they have two parking pads. She showed a picture of parking pad partially on the street and partially in the HOA common area. Member Toulouse asked about the parking provisions in 1979; Ms. Olander said she didn't research the parking requirements for 1979. Since 1993, one enclosed parking space and one parking space on the property is required. He asked if it's standard to require parking for residential development. Ms. Olander said yes, that is standard. She wasn't clear if parking was required in the '70s. Numerous people have requested variances for parking in this area.

Chair Thomas said adequate parking doesn't need to include covered parking. The parking pads are adequate. Ms. Olander said she doesn't believe the pad is completely off the cul-de-sac. She said they will have to do significant fill to support the garage near the State Lands. There is a portion in the public right-of-way and partially on the property. Chair Thomas asked if where the boat is parked in the picture is where the single garage is proposed. She said yes, they are requesting a one foot setback.

Member Hill said there is a car parked in front of the boat. Ms. Olander said she believe the car was in the public right-of-way. Ms. Olander put the picture on the screen for the public to view. Member Hill said she believes that parking was required in the 1979.

Member Stanley asked Ms. Olander if this would bring this closer to code. He asked how it is currently out of code. Ms. Olander said the current code requires two parking spaces per dwelling unit and one space must be in an enclosed garage. It's a four unit HOA; they would need four one-car garages and four parking spaces. Member Stanley asked about other disadvantaged lots that needed garages. Ms. Olander said the nearby units have garages. Those were built with garages. Member Stanley asked how this request is different than the August 17, 2017 request. Ms. Olander said they aren't asking for side setback on both sides. They are asking for a double car garage with a setback. Member Stanley said he wanted a State Lands report the last time it came forward. This time, the report provided by State Lands wasn't positive. He asked if it's conditioned. She said they made it clear they don't want variances on properties adjacent to Nevada State Lands.

Member Stanley asked legal counsel about the letter from Mr. Hash, Greenview HOA member, asking the Board to forget about the previous application, meeting minutes, and package from the past; how are we to address that. DDA Large said the February 4, 2019 CAB meeting was cancelled; the CAB members were given worksheets. Two CAB member worksheets were submitted with comments. The worksheets are part of the staff report along with other emails. The Board can review this information. CAB worksheets were submitted by the individual members, not by the CAB as a whole.

Member Toulouse asked about the reference to the Stream Environment Zone (SEZ), and if that zone is on State land. Ms. Olander said she wasn't aware of the SEZ; the State land's people didn't indicate it was on their land. It's not on the HOA property. Ms. Olander said she wasn't aware of SEZ adjacent to this project.

Chair Thomas spoke about current code. He asked if they were in violation of code because they were constructed in 1979 prior to current code coming into effect. He was concerned with snow removal. He asked if the snow will fall onto other people's property. Ms. Olander said any run off has to be maintained on your own property.

Member Hill asked where the State Land was in regards to this property. Ms. Olander said property to the northwest corner of the property where the two car garage is being proposed. Member Hill said there may be more ability to park more vehicles on the west side and one to two on east side. A two-car garage and one-car garage is limited for a four-unit complex. Ms. Olander said you couldn't park two cars on the pad; the cars are parking in the public right-of-way. Member Hill said at least there is parking regardless if it sticks out of the property. Member Hill asked where the other resident parks. Member Olander said not all four owners are there at the same time. If they were, one would be parking in public right-of-way.

Member Stanley asked if on-street parking is allowed. Ms. Olander said yes except in the winter on red days during snow removal. Member Stanley asked how many times a year can they not park on the street. Ms. Olander said she couldn't speculate that. He said in the August 17, 2017 application, there was concern

with sewer lines. Ms. Olander said the GID requires the sewer lines be moved; they would be moved prior to construction. He asked if this was mentioned by State Lands. She said no. Member Stanley asked about roofline, eaves proximity to State Land. Ms. Olander said it would be one-foot setback. They would have to construct something to prevent runoff into other property. It's a code requirement. The one-car garage has to put in a fire retardant wall with being one foot from another building, per fire regulations. Member Stanley asked about hold harmless for snow removal; Ms. Olander said that isn't in place now.

Member Lawrence referenced the snow picture. The two-car garage would be to the right of the walkway. He said the snow would shed onto the walkways. Ms. Olander said they will have to develop some relief to prevent snow shedding onto the walkway or State Lands. It's a challenging area. Member Lawrence asked if that plan will be presented to Washoe County. Ms. Olander said the Board is only reviewing the variances. The building permit process is different; it will identify other issues. This Board reviews the variance.

John Hash, the applicant and HOA representative, said this is their second attempt at submitting this application; there has been a lot of opposition. He said he was previously approved with conditions but it was overruled. He said you cannot receive a special privilege if everyone else has what you are asking for. He used the overhead to review the pictures from the staff report. The lots in this basin are TRPA approved after the lot line adjustment is approved. He spoke about roof line snow shed – there is tons of snow sitting on the Nevada Conservancy lot (State Lands). The snow doesn't finish melting until late spring. He said they have a 25-foot berm surround the lot. He referenced the snow picture. The garage would sit five feet from the neighbors' lot. The left lot would hold a single car garage. Not everyone will have a garage; one will have to do off street parking. He said it's not a Stream Environmental Zone. This is off of Route 431, the plow guy stores snow here. That snow load sits in the stream zone but melts onto their property, but not into the stream zone. TRPA allows for dry wells and roof drip trenches as per Best Management Practices (BMPs) requirements. An engineer would size it. He said they have tried to accommodate the neighbors. His neighbors have complained.

Member Hill asked how many of the four owners are full-time residents. Mr. Hash said just him. He said he has a residence in San Francisco. Member Hill said she wondered who else was full time. He said he lived there since 1996. He said he leaves when the tourists come.

Chair Thomas asked for clarification; four separate condos, but you are asking for garages for only three cars. Chair Thomas said not all four owners will have a garage, but you spoke about special privilege and how everyone has it. Mr. Hash said it's a first come first serve basis; it's in the common area. Mr. Hash said we haven't ever had all four people there. The plow guys leave berms because they cannot tell where we park; garages will help. Garages help with run-off from the street. Tahoe plans include garages to prevent oil run-off.

Member Stanley asked who owns the boat. Mr. Hash said it was a friend's boat. Nobody in the units owns a boat. There won't be room for a boat if we get a garage.

Public comment:

Pete Todoroff, Chairman of CAB, said there are four units with three vehicles accommodated. They knew there were no garages when they purchased the units in 1979. Pete Todoroff spoke about snowload on the structure. He said he has been a resident for 38 years. Garages will block the view and block access to the neighbor. He said he doesn't understand how the association will benefit. The Nevada State Land near the proposed two-car garage is a watershed. He said Wayne Ford, designer, knows a lot about this. Member Toulouse asked Mr. Todoroff about his CAB worksheet. There wasn't a meeting on February 4, 2019. It was cancelled, but the worksheet indicated the meeting was held. Mr. Todoroff said he submitted prior to meeting being cancelled. It's an error.

Member Stanley asked Mr. Todoroff about the stream zone. Mr. Todoroff indicated Mr. Ford is the expert.

Member Toulouse asked about the garage requirements. Mr. Todoroff said the other units had garages built; plus, the laws weren't as strict, in the past. It needs to be fair and equitable for everyone.

Wayne Ford said he sympathizes with the HOA. The TRPA code under life and safety indicates 400-feet is available for parking, if minimal parking can be demonstrated. If you can show the coverage is lacking, you can apply to purchase from Nevada State Lands to transfer. Just because there is limited coverage, that's not the end-all, be-all. There could be a parking deck or asphalt. TRPA cares about off street parking. He said he made that argument for coverage for an elevator. Coverage is available, but it's not cheap at \$40 per square-foot. The applicant feels they are put in a box, but there is a way out of it. They could make the findings for more options. As far as the stream zone, the parcel is Nevada State Lands. It's a high water table.

Mr. Hash (inaudible) spoke from the audience. Chair Thomas asked that Mr. Hash not shout from the audience.

Mr. Ford said you can transfer coverage with Nevada State Lands for any parcel. That is a 1-A resorted coverage. Member Lawrence clarified they could apply to TRPA to get coverage on Nevada State Lands to expand parking.

Member Hill, a planning consultant and previous planner for TRPA said this is a Sensitive Environmental Area. The residence property is steep. State Lands purchases properties to prevent them from being developed. It's a sensitive piece of land. Any additional coverage could cause runoff, additional erosion, saturation in the sensitive areas.

Member Toulouse said nothing has changed since August 2017, other than the letter from State Lands, which casts issues on proceeding further. It's additional reinforcement that it's not appropriate.

Member Stanley agreed with other members. It's difficult to make the findings, even more than last time.

Member Hill said there are numerous residential properties in Incline that do not have garages. The HOA at Tyrolian Village, most units do not have garages. It's part of the lifestyle up there.

Member Stanley said the motivator is to bring a site into code compliance. In this case, it's different. It will bring it 'closer' to code. We kind of solve a problem. We aren't solving a problem completely. Bringing it 'closer' isn't sufficient.

Chair Thomas agreed with colleagues; nothing has changed since the last time we saw this application.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR19-0001 for Greenview HOA, being unable to make finding numbers 2 and 3 in accordance with Washoe County Development Code Section 110.804.25. Member seconded the motion which carried unanimously.

2. No Detriment. The relief will 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 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.

Roger Pelham read the appeal procedures.

9. Chair and Board Items

***A. Future Agenda Items**

Member Hill said the phone number listed for appeal procedure is different than what Mr. Pelham recited. Roger Pelham said one is front desk for Community Services and other is for Planning Department.

***B. Requests for Information from Staff**

There were no requests for information.

10. Director's and Legal Counsel's Items

*A. Report on Previous Board of Adjustment Items

There were no items to report.

*B. Legal Information and Updates

There were no items to report.

Member Toulouse wanted to address the July 4th meeting. We need to reconsider that date. Member Toulouse said we could cancel the July meeting unless we have a time-sensitive application. Mr. Pelham said we should pick a date for July. We won't know if we have a pressing item to be heard until the May 15, 2019 intake day. Donna Fagan said July 11 is unavailable due to Parcel Map Committee meeting. Mr. Pelham said we have to stay within the review period for the applications. Tentative date set for Wednesday, July 10, 2019. We could cancel if there aren't any applications. Member Toulouse said he won't be available in July.

11. *General Public Comment and Discussion Thereof

As there was no response to the call for public comment, Chair Thomas closed the public comment period.

12. Adjournment

The meeting adjourned at 2:53 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on April 4, 2019

Trevor Lloyd
Secretary to the Board of Adjustment