



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

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

Thursday, October 3, 2019  
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, October 3, 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 1:31 p.m. The following members and staff were present:

Members present: Clay Thomas, Chair  
Brad Stanley  
Kristina Hill, Vice-Chair  
Kim Toulouse

Members absent: Lee Lawrence

Staff present: Trevor Lloyd, Planning Manager, Planning and Building Division  
Chad Giesinger, Planning Manager, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Chris Bronczyk, Planner, Planning and Building Division  
Sophia Kirschenman, Park Planner, Planning and Building Division  
Donna Fagan, Recording Secretary, Planning and Building Division

### 2. \*Pledge of Allegiance

The pledge was recited.

### 3. \*Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

### 4. \*Appeal Procedure

Trevor Lloyd 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 Toulouse moved to approve the agenda of October 3, 2019. The motion, seconded by Member Stanley, passed four in favor and none opposed.

## 7. Possible action to approve September 5, 2019 Draft Minutes

Chair Thomas noted on item C, page 10, 3<sup>rd</sup> paragraph, he wanted the record to reflect Mr. Schmidt's questions should be addressed through Chair Thomas, not to the Board's legal counsel. Member Hill moved to approve the minutes of September 5, 2019, with correction. The motion, seconded by Member Stanley, passed four 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. Case Number WVIO-PLA18-0379 (Hilbert)** – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's confirmation of a code enforcement violation concerning an alleged violation of WCC Section 110.306.35(c), outdoor storage of a commercial vehicle on residentially zoned property.

- Appellant/Property Owner: Amanda and Kelly Hilbert
- Location: 17690 Roper Ct.
- APN: 087-044-59
- Parcel Size: ±1.044 acre (± 45,476 square feet)
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys
- Development Code: Authorized in Articles 306, 910, and 912
- Commission District: 5 – Commissioner Herman
- Staff: Chad Giesinger, Planning Manager  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775.328.3626
- E-mail: [cgiesinger@washoeCounty.us](mailto:cgiesinger@washoeCounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. There were no Member disclosures.

Chad Giesinger, Planning Manager, provided a staff report and presentation.

Member Stanley noted the dialogue in the packet regarding new code and how it may impact this case. Mr. Giesinger said the appellant spoke at several the Board of County Commissioner meetings arguing that the semi-trailer is a cargo container and the Commissioner for that district wanted to shoe-horn in changes regarding cargo containers to allow the semi-trailer commercial vehicle as a cargo container/accessory structure. He said they do plan to do a code update in the future. We don't know what that looks like yet.

Kelly Hilbert, the appellant, was present to provide information. He said he was asked by Commissioner Herman to attend the Board of County Commissioner meeting. He said he never said his commercial vehicle container was the same as a cargo container, he said he just wanted to know the difference. He said he wouldn't have bought it if he knew there was a code against having it on my property. He said Ms. Barretta, former code enforcement, encouraged him to discuss this matter with Commissioner Herman. He said no one was living in his RV. The pop-out was out and it looked like someone was living in it. He said Commissioner Herman advised him they were allowing trailers without wheels and to keep his commercial vehicle container. He said the Commissioners were considering the idea and changing the code. They asked code enforcement to revise the code and put it off until February. They never revised the code. He

said he didn't want to purchase a cargo container if they were going to allow for the truck trailer. He said he doesn't have a problem with painting it. He is asking to put this on hold until code enforcement can come back in February, to see if the code changes are made by then.

Chair Thomas said under the current code it cannot be on the property. He wants to know how this Board can take another course of action. He asked what additional piece of information could help change the Board's view. He understands pending changes of code, but in the meantime, it's current code. Mr. Hilbert said Commissioner Herman advised him to keep it and he was fine, but wasn't sure about keeping the tires on it. Mr. Hilbert said the trailer is not hazardous and cheaper than the cargo container. He said at the second meeting, the Commissioners asked him if this code enforcement case can be put on hold until February. He asked if it can be on hold until February until the Commissioners make a decision.

Member Toulouse asked for clarification; asking for deferring action on removal of the trailer until February. Mr. Hilbert confirmed. Member Toulouse asked if Mr. Lloyd was aware of any pending action with Commissioners to allow for semi-trailers in the code. Mr. Lloyd said they have been directed by County Commissioners to begin reviewing this very matter and provide analysis to the Commission. He said we are looking at early next year. There is no guarantee. That process will be initiated soon.

Member Stanley asked Mr. Lloyd about options such as remand. Mr. Lloyd said if there was something to workout with the hearing officer, the Board could remand it back to the hearing officer. He doesn't believe this is the preferred option. DDA Michael Large said if the findings were inaccurate and needed factual development to be done; it could be remanded back to hearing officer. If there is more clarification needed, the Board can remand to get more clarification but if the facts were not in dispute the BOA should decide the matter.. Member Stanley asked about fines; does the Board of Adjustments have input regarding the fines. Mr. Lloyd said no, it's not the purview of this Board.

Member Toulouse said it's often left up to the Board to modify or change an order or motion. He asked if the Board has latitude to put a time limit. He said we can affirm the decision but put a timeline on. DDA Large said it is the Board's power to affirm the decision and hold that enforcement of the decision until a specific time.

Public Comment:

Jeanne Herman, County Commissioner District 5, said she has been working with these folks for quite a while. Mr. Hilbert explained it well. She said the timeframe would be excellent. They assured them as County Commissioners and hoped the code change would come sooner.

Member Hill asked if she is still a County Commissioner. Jeanne Herman said yes, second term.

There were no further requests for public comment; Chair Thomas closed public comment.

Member Toulouse disclosed that Commissioner Herman is his Commissioner in District 5, but hasn't spoken with her. He said he sympathize with the appellant and hearing officer. The County Commission may be willing to change in February. He said he would like to affirm the decision and extend the removal date. Member Stanley agreed and said it could be extended until all decisions have been decided. He agrees with the code officer decision. Member Hill said it's a good idea. Chair Thomas said he has some issues. He said this was brought to the Commissioner's attention in November 2018 and nothing has been addressed; it's been almost a year. He said he has an issue with waiting until February to see if it may change or not. He asked what does this do to other violations out there. DDA Large said this is a specific case; other situations are dealt with separately. He said there is no telling when this will go back to Board of County Commissioner and would recommend not making it date specific, but rather until code amendments go before County Commissioners. Member Toulouse said he considered that, but is not willing to extend it indefinitely and that is what we are doing if we are not date specific. Member Toulouse recommended February 29, 2020. It may or may not go before February 29. He doesn't want to give it an indefinite amount of time. Mr. Lloyd said this item was high priority and put before the County Commission for review. He does anticipate the modification but doesn't know what it looks like at this time. He said this process would start in the New Year, but not time certain is set. We have staffing issues and we will fill those needs soon.

Member Stanley asked if it's likely the code amendment would happen before the end of February. Mr. Lloyd said that is cutting it close; it typically takes 3 months. March would be better.

Chair Thomas said we are considering setting a date. We could rule on this with that information. The appellant has the right to appeal. Mr. Giesinger stated appealing it would be to judicial court.

Member Hill said Mr. Giesinger noted that they get anonymous calls specifically complaining about this trailer being used in this zone as storage.

Mr. Hilbert said not one of his neighbors has a problem. He questions the complaint. He said he knows his neighbors and they don't have a problem with it.

Member Stanley asked about other code enforcement issues. Mr. Hilbert said there were no other code enforcement issues. He said someone thought someone was living in his RV. No one was living in it. He said he responded within days of the complaint.

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 this appeal and affirm the decision of the Administrative Hearing Officer that the appellant is in violation of Washoe County Code Section 110.306.35(c), and uphold the hearing officers' order to remove the subject commercial vehicle by *March 30, 2020* and authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant. Member Stanley seconded the motion which carried unanimously.

**B. Special Use Permit Case Number WSUP19-0018 (Foothill Storage)** – For possible action, hearing, and discussion to approve a special use permit to allow for the storage of operable vehicles on a 0.9 acre site at 1525 Geiger Grade.

- Applicant/Property Owner: Mark & Melanie Hain
- Location: 1525 Geiger Grade
- APN: 017-051-04
- Parcel Size: 0.9 acres
- Master Plan: Commercial
- Regulatory Zone: General Commercial (GC)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in 302, Allowed Uses & 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-mail: [jolander@washoeCounty.us](mailto:jolander@washoeCounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for member disclosures. There were no member disclosures.

Julee Olander, planner, provided a staff report and presentation.

Member Stanley said we are considering King Lane versus Geiger Grade and paving versus non-paving of the storage lot. He asked are we considering the staff recommendation. Ms. Olander noted the conditions of approval with paving where there are vehicles with motors and gravel for storage of non-motors such as trailers; and the possibility of paving King Lane, if the applicant wishes to use it. Chair Thomas asked about access. Ms. Olander showed on the map the access off of King Lane for the new business location and exit to Geiger Grade from the old business. Ingress from King Lane and egress to Geiger Grade.

Member Hill asked if they are required to merge the property. Ms. Olander said no, they just need to get a business license for the new location.

Mark Hain, Foothill Storage owner/applicant, provided a PowerPoint slideshow.

Member Toulouse asked who the road belongs to. Ms. Olander said its unknown who owns King Lane. It was never dedicated to the County. She said it's recorded as a parcel and being used as a roadway. She said the land surveyor said when it was created it was supposed to be dedicated to the County. Member Toulouse asked if King Lane is a legal easement for Mr. Hain to use. Ms. Olander said she isn't aware of a document that has given any of any individuals to use it that way; she said he said he could have prescriptive rights. She said she isn't aware of any document. Member Toulouse asked if the County would be ok if the Board made a condition regarding maintenance agreement with the County. Ms. Olander said she would have to ask Engineering or perhaps Mr. Lloyd would know. Mr. Lloyd said we don't have enough knowledge to change the condition. Chair Thomas said NDOT allows access from Geiger Grade. It's a legal access. Member Stanley asked if the condition can be met. Ms. Olander said if King Lane could be brought up to standards and dedicated, then we could move forward with the documentation. Member Stanley asked if she didn't recommend King Lane. She said that her approach is to use Geiger since it's a public right-of-way but Mr. Hain has to reconfigure the driveways. King Lane can be used for emergency access. Member Toulouse asked if the County would be ok to change condition d until the King Lane legal easement can be established. Ms. Olander said King Lane is an unimproved road; even if we could resolve the ownership of King Lane, it would need to be brought up to County standards for trucks to use. Commercial sites don't typically use dirt roads for access. Member Toulouse asked if Mr. Hain would be ok with updated condition. Mr. Hain said no. He explained how he was advised to use King Lane. He wanted to know why he is the only one not allowed to use King Lane. He wondered if it's discrimination. He said it's been used as a road since 1957.

Chair Thomas made it clear that the Board isn't looking to discriminate against Mr. Hain. Chair Thomas asked the percentage of the lot to be paved in asphalt. Mr. Hain said they would install pavers to help with water flow and spoke about gravel. He added if he is required to have a certain percentage of pavers it would limit the number of different vehicles that can be parked there. He recommended oil pans. It would alleviate problems. Chair Thomas asked what percentage of his current inventory has motors. Mr. Hain said 4 out of 40 vehicles.

Melanie Hain spoke about the access lane. She said there would a lot of traffic entering the old property from Geiger Grade. She said they are asking for one way ingress access from King Lane and egress from the old property onto Geiger Grade. NDOT cannot voice an opinion.

Public Comment:

Bruce Bacon said he lives on King Lane, directly behind the proposed storage. He said there are a lot of incorrect statements being made. He said there are embellishments. He said he wrote a letter to the CAB. He said it's detailed and addresses the issues. He said the SUP from 2006 was not properly completed. NDOT has never received an application from Mr. Hain. Washoe County's review of the 2019 SUP is not adequate. He said Washoe County's report said it's an empty lot and but has been illegally operating for a year. He said it's operating without a building permit. It has been bulldozed. He objects based on article 2 and 4. He said Mr. Hain filled in the drainage ditches and they have had to be re-dug. He said he dedicated 25 foot strip to Washoe County. He said this needs to be continued until it can be addressed.

There were no requests for public comment; Chair Thomas closed the public comment.

Richard Oujevolk, 'OJ', NDOT District 2 Traffic Engineer Supervisor, was present to answer questions. Chair Thomas asked if NDOT approves access from Geiger Grade. OJ said a property cannot be land locked per NRS. Geiger Grade can be used if King Lane cannot be used. He showed the parcel map. Chair Thomas asked if there were considerations given to safety. OJ said they reviewed the crash data and it doesn't raise any concerns. It's lower than the crash rate. OJ said because the lots are 108 feet commercial lots, there is land locking issues and they have to afford everyone access. OJ said this portion of the road were part of the LRTP upgrade for 2027. He said we cannot deny access due to their land lock issue.

Member Stanley asked if OJ has an opinion on King Lane. OJ said secondary access would be great but he said they cannot address land use. He said they have to afford them access.

Member Stanley said after hearing everyone and reviewing information, King Lane seems too ambiguous to use and recommend not allowing it. He asked if they are voting to approve this with the use of Geiger Grade only until King Lane is resolved for access. Member Hill said that is how the staff wrote it. King Lane is just a parcel; they cannot give permission to access from there. They need to change their layout for Geiger Grade access. Member Toulouse agreed and added there isn't enough evidence regarding King Lane legal access. He would like to see legal documentation first before approving; he indicated he would like to approve it as staff presented it.

Ms. Olander requested direction regarding pavement of asphalt/cement or pavers. Mr. Lloyd said this Board can vary the standards; if you decided on pavers, it will vary the concrete/asphalt standards. Member Toulouse asked if the County is ok to change condition 1(g) to insert word 'pavers' instead of paved. Mr. Lloyd said there is nothing in code, but rather a preference by this Board to decide to choose pavers. Member Toulouse said he wasn't sure if they have the same environmental protection because you typically don't see pavers at commercial. Mr. Pelham, senior planner, said in his experience, concrete pavers have been accepted as an approved standard. Member Hill said pavers are not conducive to plowing snow. She said she didn't believe it was appropriate for commercial use, but Mr. Hain is a paver contractor.

Chair Thomas said the current site has 10% vehicles with motors. He wondered if the Board wanted to put a number on the pavement on the new site. Member Hill said runoff can be mitigated with asphalt with drainage.

Member Stanley 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 approve with conditions Special Use Permit Case Number WSUP19-0018 for Mark & Melanie Hain, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows 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 the storage of operable vehicles 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.

**C. Administrative Permit Case Number WADMIN19-0019 (Incline Village Pumpkin Patch)** – For possible action, hearing, and discussion to approve an administrative permit and outdoor community event business license for the Incline Village Pumpkin Patch. The event will be held on October 19, 2019 from 11:00 am – 3:00 pm. Set up is expected to begin at 7:00 am and tear down is expected to be complete by 6:00 pm. The event organizer estimates that there will be a maximum of 540 people at the event.

- Applicant: Incline Village Nursery School
- Property Owner: Incline Village General Improvement District

- Location: Incline Park, Field #3; 939 Southwood Blvd.
- APN: 127-030-15
- Parcel Size: 20.6 Acres
- Master Plan: Rural (R)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Berkbigler
- Staff: Sophia Kirschenman, Park Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3623
- E-mail: [skirschenman@washoeCounty.us](mailto:skirschenman@washoeCounty.us)

Chair Thomas opened the public hearing.

Sophia Kirschenman, park planner, provided a staff report and presentation.

Nicole Sterling, applicant, was available to answer questions. She addressed a question regarding approved parking.

There were no requests for public comment; Chair Thomas closed the public comment.

Member Hill said it's a fabulous event every year.

Member Hill moved 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 WADMIN19-0019 for the Incline Village Nursery School, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 an outdoor community event, 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.

3:26 p.m. – 3:35 p.m. The Board took a 5-minute recess.

**D. Administrative Permit Case Number WADMIN19-0016 (DeMartini Garage)** – For possible action, hearing, and discussion to approve a 9,000 sq. ft. accessory structure to be used as a garage for antique cars. The new structure will have a larger building footprint than that of the existing residence and will replace an existing barn.

- Applicant/Property Owner: James R. DeMartini Trust
- Location: 2400 Kinney Lane  
Reno, NV 89511
- APN: 222-073-03
- Parcel Size: 5 Acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley  
(STM/WV)
- Development Code: Authorized in Article 808, Administrative Permits  
and Article 306, Accessory Uses and Structures
- Commission District: 2 – Commissioner Lucey
- Staff: Sophia Kirschenman, Park Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3623
- E-mail: [skirschenman@washoeCounty.us](mailto:skirschenman@washoeCounty.us)

Chair Thomas opened the public hearing. Chair Thomas asked for Member disclosures. There were no Member disclosures.

Sophia Kirschenman, park planner, provided a staff report and presentation.

Member Stanley asked Ms. Kirschenman if she visited the site. She confirmed and noted the sightline view of the neighbors would be maintained. They spoke about screening by replacing the removed tree with two smaller trees.

Chair Thomas said the removed barn is only 6 feet lower than the proposed garage.

Member Toulouse referenced the CAB minutes and asked if what was being presented to the CAB is the same that is being presented to Board of Adjustment. Member Stanley said he attended the CAB and didn't hear any different information presented at the CAB than is being presented here.

Chuck Matetich, applicant representative, spoke about the size of the existing barn. He hopes that answers the questions. He said the proposed garage has always been 9,000 sq feet. Member Toulouse said as long as the information is the same as what was presented to the CAB, he is ok.

Public Comment:

Susan Baker said this is a warehouse and we don't have warehouses in our area. This is a deceptive picture. She said she lives above this proposed site. This is larger than the house. She said the tree is not larger than the height of the structure. This would begin the destruction of an area. We are there for the rural beauty. We live in the country. She asked the Board not to approve the project. She said the picture is not accurate and doesn't explain the neighborhood. Please don't change the area. The area is built out as much as it needs to be.

Carol Tripp, Kinney Lane resident, lives within the proximity of the proposed garage. She said it looks like a garage; it doesn't look like part of a house. She said her husband has an antique car garage that isn't on her property. She said she doesn't want to lose the integrity of the area. The lots are large and don't want to lose it.

There were no further requests for public comment; Chair Thomas closed the public comment.

Member Stanley said he attended the CAB and they expressed concerns that the garage was going to be a commercial enterprise and asked about conditioned hours of operations behind that. He said it was clear throughout the conversation at the CAB meeting, it was 9,000 sq. feet and the height was explained.



Member Toulouse said he has concerns similar to Mr. Stanley's concern. The building footprint for the garage is not suitable for the area. The square feet and height is not suitable. If we were to approve this, it would be detrimental for the other properties in the area. Member Hill agreed. It looks like a warehouse. It could be similar in size and less obtrusive in relationship with existing property. It's a detriment to the neighborhood.

Chair Thomas said the existing barn and rendering is similar, but the size is not. It's 3 times the size of the existing barn. He agreed with Member Toulouse regarding the detriment. He said he isn't sure he can approve it if it's not site suitable and detrimental to the area.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment deny Administrative Permit Case Number WADMIN19-0016 for Mr. and Mrs. James DeMartini having been unable to make the findings of site suitability and issuance not detrimental in accordance with Washoe County Development Code Section 110.808.25 and the required finding in accordance with the Southwest Truckee Meadows Area Plan. Member Hill seconded the motion which carried unanimously.

**E. Special Use Permit Case Number WSUP19-0017 (Cold Springs Elementary Grading)** – For possible action, hearing, and discussion to approve a special use permit to allow for grading of a ±10.07-acre area, including excavation of ±1,617 cubic yards of earthen material and importation of ±93 yards of fill material to facilitate the construction of Cold Springs Elementary School.

- Applicant: Washoe County School District
- Property Owner: Woodland Village Phase 22 LLC
- Location: Northeast of the intersection of Briar Dr. and New Forest Dr. in Cold Springs
- APN: 556-290-32
- Parcel Size: ±10.07 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Sophia Kirschenman, Park Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3623
- E-mail: [skirschenman@washoeCounty.us](mailto:skirschenman@washoeCounty.us)

Chair Thomas opened the public hearing.

Sophia Kirschenman, park planner, provided a staff report and presentation.

Andy Durling, with Wood Rodgers, applicant representative, provided a brief presentation.

Member Toulouse said he would love to see the Washoe County School District take a small portion to be restored to natural habitat or community garden. He encourages them to do that.

Member Stanley asked about condition 2(f) from Washoe County Engineering. Mr. Durling addressed his question and said DG is 6 inch cover, it's considered ground cover and covers dust control. Due to depth of DG, it also qualifies as dust control for air quality stipulations. Frank, Odyssey Engineering, confirmed it helps keeps the dust down.

There were no requests for public comment; Chair Thomas closed the public comment.

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 approve with conditions Special Use Permit Case Number WSUP19-0017 for the Washoe County School District, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs 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 grading to facilitate the development of a public elementary school, 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.

**F. Special Use Permit Case Number WSUP19-0014 (Columbia Hill Grading)** – For possible action, hearing, and discussion to approve a Special Use Permit to allow for grading of a driveway, building pad and arena associated with a single family residence. The total graded area proposed is 130,921 square feet, 4,031 cubic yards of cut, and 4,147 cubic yards of fill.

- Applicant: Rubicon Design Group
- Property Owner: Teru Langsdale
- Location: 120 Columbia Court
- APN: 079-342-09
- Parcel Size: 55.44 Acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits;  
Article 438, Grading Standards
- Commission District: 5 – Commissioner Hermann
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3612
- E-mail: [cbronczyk@washoeCounty.us](mailto:cbronczyk@washoeCounty.us)

Chair Thomas opened the public hearing.

Chris Bronczyk, planner, provided a staff report and presentation.

Chair Thomas asked the distance of the driveway and slope. Mr. Bronczyk said 15% with some areas 22-30%. The engineering department didn't have any issues and had appropriate conditions for approval. Chair Thomas said there will be a horse barn and arena in the future. Mr. Bronczyk said the grading is for

the building pad which is part of this but they will come back for an admin permit or SUP if not constructed within a timeframe. This application currently permits it all.

Member Stanley asked for clarification regarding roadway elevation and site slopes that triggered this. Mr. Bronczyk said the site has portions of 30% slope. Member Stanley asked the gross grading that trigger this. Mr. Bronczyk said grading square feet of moved earth, fill, and slopes are what triggered this SUP.

Chair Thomas said in the past, the TMFPD has had conditions regarding slopes greater than 15% requiring a certain width of the road. Mr. Bronczyk said this was sent to agency review to TMFPD and they didn't respond with conditions. Mr. Lloyd said grading plans will be routed to TMFPD for approval.

Derek Wilson, Rubicon Design Group, the applicant's representative, provided a brief presentation. He noted the family has no interest in making this site commercial, but for horse use only. He spoke about adopting the alignment with some deviation and additional grading. The existing road is not built to existing standards. This will bring the road into compliance. He said in response to the Board's question, there will be 3 acres of total disturbance. The road is minimal length for access. Chair Thomas asked the distance of the road. Mr. Wilson said 1500 feet. Chair Thomas asked about the construction of the barn and horse arena. Chair Thomas said he is concerned with the openended-ness of this. Mr. Wilson said if they wait too long, it will expire.

There were no requests for public comment; Chair Thomas closed the public comment.

Member Stanley said it looks well thought out and designed.

Member Hill 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 approve with conditions Special Use Permit Case Number WSUP19-0014 for Teru Langsdale, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

The motion was based on the following findings:

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 the grading of 15% or greater slopes, grading of a driveway and building pads, 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.

**G. Special Use Permit Case Number WSUP19-0015 (Broken Hill Grading)** – For possible action, hearing, and discussion to approve a special use permit to allow major grading of an area of approximately 2.5 acres with 8,871 cubic yards of cut and 7,680 cubic yards of fill to construct a paved 1,600 foot long access road to a proposed 325,000 gallon water tank.

- Applicant/ Property Owner: Barker-Coleman Investments
- Location: off Kinglet Drive in the common area of the Broken Hills subdivision
- APN: 089-621-01
- Parcel Size: 249.8 acres

- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Low Density Suburban (LDS) & General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-mail: [jolander@washoeCounty.us](mailto:jolander@washoeCounty.us)

Chair Thomas opened the public hearing.

Julee Olander, planner, provided a staff report and presentation.

Carl Matzoll, the applicant was present and there were no questions.

There were no requests for public comment; Chair Thomas closed the public comment.

Member Stanley asked Mr. Matzoll about the water tank and road. Mr. Matzoll said the road will be 1,600 feet long. The tank will serve 170 units in the Broken Hills Subdivision only. Member Stanley asked about the transmission line. Mr. Matzoll said it will be a 12 inch ductile iron pipe. It's infrastructure will be designed, built, and dedicated to TMWA. Member Stanley asked about grade of the road. Mr. Matzoll said TMWA design guideline allows for 12% grade but internal policies recommend 10%; the road doesn't exceed 10%.

Chair Thomas asked about the tank pad and maximum wall height of 6 feet of the tank. Mr. Matzoll said it's designed at 4 feet but wanted to ensure he included 6 feet just in case he needed to adjust. He said it would be a keystone wall. It would be no higher than 6 feet at the tank.

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 approve with conditions Special Use Permit Case Number WSUP19-0015 for Barker-Coleman Investments, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 proposed grading 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.

**H. Administrative Permit Case Number WADMIN19-0018 (Hebert Garage)** – For possible action, hearing, and discussion to approve an administrative permit to allow the construction of a detached accessory structure of approximately 2,400 square feet on a parcel of land with a main dwelling of approximately 1,152 square feet.

- Applicant/Property Owner: Scott Hebert
- Location: 11537 Sitka Street, approximately 500 feet east of its intersection with Arizona Street
- APN: 080-311-04
- Parcel Size: ± 1.049 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 306, Accessory Uses and Structures and Article 808, Administrative Permits
- 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](mailto:rpelham@washoeCounty.us)

Chair Thomas opened the public hearing.

Roger Pelham, senior planner, provided a staff report and presentation.

Member Stanley asked if Mr. Pelham found similar structures in the area. Mr. Pelham said large detached accessory dwelling are common in that area, which include barns.

Scott Hebert, applicant, said this has been a dream of his to build this. He said he likes a tidy yard and wanted to improve the property and neighborhood.

There were no requests for public comment; Chair Thomas closed the public comment.

Member Hill said it looks like a fine project.

Member Stanley moved 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 WADMIN19-0018 for Scott Hebert, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Hill seconded the motion which carried unanimously.

The motion was based on the following findings:

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 of approximately 2,400 square feet on a parcel of land with a main dwelling of approximately 1,152 square feet, 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.

I. **Special Use Permit Case Number WSUP19-0016 (Boneyard Flat Grading)** – For possible action, hearing, and discussion to approve a special use permit to allow the excavation of approximately 500,000 cubic yards of earthen material from the Boneyard Flat area to be used as fill material throughout the Eagle Canyon residential area and the Spanish Springs Business Part industrial area. The project is also intended to increase the holding capacity of the Boneyard Flat flood pool.

- Applicant: Spanish Springs Associates, LP.
- Property Owner: Spanish Springs Associates, LP.
- Location: North of the terminus of the Sha-Neva haul road and south and west of the Pebble Creek Subdivision
- APN: 538-020-01 & 538-010-12
- Parcel Size: ±262 and ±128 acres
- Master Plan: Rural (R) and Open Space (OS)
- Regulatory Zone: General Rural (GR) and Open Space (OS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- 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.

Roger Pelham, senior planner, provided a staff report and presentation. He noted the request to revise condition 1(c).

Member Toulouse asked about the modified condition. He said it's pretty significant change in language. Mr. Pelham said the applicant was concerned about language regarding complete construction plans that would make them complete the project in two years. Mr. Pelham said the project would take longer than two years. Mr. Lloyd added its improved language that we may want to use in the future.

Member Stanley asked if he wanted to use both words. Mr. Pelham said it may be a touch redundant but might not make a difference. Chair Thomas asked DDA Large's opinion. DDA Large said he believe it's redundant.

Member Toulouse asked the distance from Pebble Creek boundary to the proposed grading boundary. Mr. Pelham said approximately 50 feet in the north east corner between the rear property lines and beginning of grading on slope from north to south.

Chair Thomas said the Board received a letter expressing concern. Mr. Pelham showed on the overhead the slopes, grading, and holding pond. Mr. Pelham said it's a two-fold approach for fill material and to let water go where it use to be.

Jesse Haw, applicant, Hawco Property Representative, provided a presentation. He requested an extension to the grading plan.

Member Toulouse asked about hours of operation. Mr. Lloyd said Conditions 1(h)(ii) stated 'daylight hours only.' Member Toulouse indicated he would be more comfortable to restrict it to 7:00 a.m. to 7:00 p.m., Monday through Saturday with no work on Sunday. Member Toulouse said he would be uncomfortable extending grading permit to 2038. He said he would be comfortable with extending it to 5 years. Mr. Haw said there is a good chance this will become a County Project.

Member Stanley asked if Mr. Pelham has an issue with an extension to 2038. Mr. Pelham said no, but it's up to the Board.

Public Comment:

Angela Applegate said she lives near this site. She said there is no flooding. Boneyard Flats get 2 feet of water. She doesn't understand why they need to dig and interrupt the wildlife. She said she enjoys the beautiful scenery. She is concerned with machinery running. It was open property and at no point did she realize they were going to run machinery all day.

Holly Cortez said she lives in Pebble Creek. The developer did the drainage ditches in the associations. The HOA had engineering reports and the drainage ditches weren't done properly and won't drain into Boneyard Flats. You are allowing the developer to do the storm drainage retention pond over time as they find a place to put the dirt. It's inconvenient. She said the ditches don't properly drain into the pond for storm drainage. The association receive reports that it will cost \$750-800,000 of which the residents will have to pay for if the County doesn't help pay for it. We have a drainage mess. Things weren't done properly. She asked why extend this out? Don't string it out over 10-20 years.

There were no further requests for public comment; Chair Thomas closed the public comment.

Chair Thomas said he agrees with additional language that Mr. Lloyd supports moving forward and he agrees with Member Toulouse about not extending this out. We need to take into consideration the homeowners. He said he wouldn't want to hear construction on and on.

Member Toulouse said he agrees. He said he agrees with 2025 and if it's not long enough they will have to come back to extend it. He said he is concerned with work going on 6 days a week and might want to make it 5 days a week. 7:00 a.m. to 7:00 p.m. is appropriate.

Member Stanley said he agrees. He asked what the standard operating procedure for operating in the winter. Mr. Pelham said daylight hours (no earlier than 7:00 a.m. and not later than 7:00 p.m.). Mr. Pelham said noise and lighting standards isn't typically applicable in this case, that is why there is a condition of approval, in this case. Member Stanley asked about wildlife. Mr. Pelham said the wet soils with vegetation will be stockpiled on site; vegetation will be reestablished. Wildlife mitigation will take place. Member Toulouse said he is concerned with noxious and invasive species but can't get into that right now. Member Toulouse said he is concerned with the complication of the hours of operation.

Chair Thomas summarized the changed language regarding submitting completed plans and changing the grading permit date to 2025; operating hours would be daylight hours, no earlier than 7:00 a.m. and not later than 7:00 p.m., Monday through Friday.

Ms. Cortez said she is concerned with mosquito abatement. Member Toulouse noted Washoe County Vector Control can address mosquito issues if they arise.

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 approve with conditions Special Use Permit Case Number WSUP19-0016 for Spanish Springs Associates, LP, with the change to conditions 1(c), removing the word "complete" and 1(h)ii, hours of operation to 'daylight hours not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday', having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish Springs 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 major grading for excavation of fill material and to increase flood water storage capacity, 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.

**9. Chair and Board Items**

**\*A. Future Agenda Items**

None

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

None

**10. Director's and Legal Counsel's Items**

**\*A. Report on Previous Board of Adjustment Items**

Mr. Lloyd noted the Regional Planning Commission adopted the updated Regional Plan.

**\*B. Legal Information and Updates**

None

**11. \*General Public Comment and Discussion Thereof**

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

**12. Adjournment**

Meeting adjourned at 5:17 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on \_\_\_\_\_, 2019

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Trevor Lloyd  
Secretary to the Board of Adjustment