



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

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

Thursday, August 6, 2020
1:30 p.m.

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

No members of the public were allowed in the Commission Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate, in which case this meeting was held by teleconference only. **If the Governor's Emergency Declaration and associated directives concerning public meetings and gatherings of more than 10 people were not still in effect at the time of this meeting, then the meeting would have been held at the above location at the above date and time. Attendance at any physical meeting location will be limited in accordance with any applicable Statutes, Declarations, Directives, Regulations, or Ordinances concerning the COVID-19 pandemic, including any applicable social distancing requirements and limits on the number of persons permitted to be physically present within the meeting room at the same time.**

The meeting was televised live and can be replayed on Washoe Channel at: <https://www.washoecounty.us/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>

1. *Determination of Quorum

Chair Thomas called the meeting to order at 1:30 p.m. Trevor Lloyd provided announcements regarding the teleconference. The following members and staff were present:

Members present:	Clay Thomas, Chair Kristina Hill, Vice-Chair (via teleconference) Brad Stanley
Members absent:	Lee Lawrence
Staff present:	Trevor Lloyd, Planning Manager, Planning and Building Michael Large, Washoe County Deputy District Attorney Chris Bronczyk, Planner, Planning and Building Division Donna Fagan, Recording Secretary, Planning and Building Division Katy Stark, Recording Secretary, Planning and Building Division

2. *Pledge of Allegiance

Chair Thomas led the pledge.

3. *Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

4. *Appeal Procedure

Trevor Lloyd read the appeal procedure for items heard before the Board of Adjustment.

5. *General Public Comment and Discussion Thereof

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

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of August 6, 2020. Chair Thomas seconded the motion which carried unanimously.

7. 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 WADMIN20-0007 (Kurtz Garage) – For possible action, hearing, and discussion to approve an administrative permit for the construction of a 6,000 square foot detached accessory structure which is larger than the primary residence.

- Applicant: Monte Vista Consulting
- Property Owner: Chris and Freda Kurtz
- Location: 2150 Rhodes Road
- APN: 017-390-22
- Parcel Size: 15 Acres
- Master Plan: Suburban Residential (SR) and Rural (R)
- Regulatory Zone: Medium Density Rural (MDR); Low Density Suburban (LDS); and General Rural (GR)

- Area Plan: South Valleys Area Plan
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits; Article 306, Detached Accessory Structures

- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
Washoe County Community Services
Department
Planning and Building Division

- Phone: 775-328-3612
- E-mail: cbronczyk@washoecounty.us

Chair Thomas opened the public hearing item and called for disclosures. There were none.

Chris Bronczyk reviewed his staff report dated July 14, 2020.

Chair Thomas asked within exhibit H, if the schematic for the house, is that a current house or a future residence. Mr. Bronczyk noted the schematic is for the current house that is allowed by right. It's their primary home going through permit stages. It's not part of this process. Mr. Bronczyk said the lot is vacant. Chair Thomas asked if there is a residence. Mr. Bronczyk said no. Chair Thomas asked how they are asking for a size exemption if there isn't currently a residence on the property. Mr. Bronczyk said they are proposing a 1,400 sq. ft. house. Chair Thomas asked if this is the proper process the applicant should be requesting. Mr. Lloyd confirmed it's the correct process. They cannot final a garage without a primary main residence. It's very common. An inspection is a requirement of the house prior to issuance of a final on the garage. Chair

Thomas asked if they will build the house first. Mr. Bronczyk noted they already submitted for permits for the main structure. They can submit a building permit for garage and main permit at the same time. Chair Thomas asked what material would be used for the garage. He asked if it will match what is being used in the area. Mr. Bronczyk said it will be a solid color metal structure. He said it won't be glaring metal. Mr. Bronczyk said that can be added to the conditions.

Member Stanley asked why the property is multi-zoned. Mr. Bronczyk said topography. The general rural is the steeper slope. Mr. Bronczyk didn't know why there were three zones on the property. Member Stanley asked about specialized fire code for the area since its in the Wildland Urban Interface area. Mr. Bronczyk said this was reviewed by Truckee Meadows Fire Protection District (TMFPD) who provided a list of conditions. Mr. Lloyd said TMFPD didn't place any conditions on building materials but may do so during the building permit process.

Member Hill noted it's unusual to approve an accessory dwelling prior to the primary house being constructed. To let them start construction without primary use is a little backwards. It's a cart before the horse.

Member Stanley asked about the sequencing of the project.

Chair Thomas asked if the Board leaves in condition 1(e), 1(f), 3(g) and 5(g), does that create a problem or just leaving in as a place holder. Mr. Bronczyk said it's cleaner to be removed. They are specific to landscaping and this isn't a commercial use type associated with those conditions. It may cause a stricter interpretation down the road. Mr. Lloyd agreed with Mr. Bronczyk.

Chair Thomas said his concern is with the 6,000 sq. ft garage being built prior to residence. If they don't get a certificate of occupancy the property owner may store equipment used to build the main residence, is that a violation of county code. Mr. Lloyd said we see this all the time with building permits. Typically, the garage is built first which is staging for the construction of the house. It's common the applicant will get permits at the same time. We rarely see issues. The Board is seeing this because the size of the garage, not the sequence.

Michael Vicks, the applicant representative, provided a PowerPoint presentation.

Member Hill said the future building pad is not part of this application, but Mr. Vicks said it is. Mr. Vicks said the grading is not before the Board as part of this application, but part of site plan for a building permit. He said grading will balance the earth work on site. They won't be importing materials for the garage or exporting for the residence. No grading is before the Board. Mr. Vicks wanted to provide a full picture of the project.

Member Stanley asked the length of the access road leading to the project. Mr. Vicks stated 840 feet and it will be in compliance with fire code when reviewed by the TMFPD.

Chair Thomas asked Mr. Vicks if he has issues with the landscape requirements and conditions. Mr. Vicks requested those be cleaned up and omitted. Chair Thomas asked if it will be used for any commercial activity. Mr. Vicks said there is no commercial intent. It's a residential property.

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

Mr. Lloyd notified the public using Zoom to use the hand icon to indicate their desire to make a public comment.

Chair Thomas asked Mr. Bronczyk about language for conditions or materials. He stated the accessory dwelling color and materials should be similar to primary residence.

Chair Thomas 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, with amended conditions removal of conditions: 1(e), 1(f), 3(g) and 5(g) along with color and material for this project be similar to that of the main residence, Administrative Permit Case Number WADMIN20-0007 for Chris and Freda Kurtz, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South 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 that has a larger building footprint than that of the main dwelling on the parcel, 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.

8. Chair and Board Items

A. For Possible Action and Discussion to Elect Officers, Chair, and Vice Chair

Mr. Lloyd noted that Chair Thomas has served two terms. Member Stanley asked if they delay this item until a new member has been chosen. Mr. Lloyd requested to hold election of officers at this meeting instead of pushing it off until fall. Chair Thomas agreed with Member Stanley, however, there is a quorum. Member Stanley recommended Kristina Hill as Chair and Clay Thomas as Vice Chair. Member Hill noted she doesn't feel comfortable attending the meetings as Chair via Zoom. DDA Large explained the NRS and compliance in timing with hosting election of officers. Chair Thomas agreed with Member Hill about the Chair being present in attendance for the ease of running the meeting. Member Stanley asked about recommending Member Lawrence for Chair. Member Hill stated he isn't in attendance today. DDA Large noted everyone is eligible to be chair. COVID has created challenges. The Chair can serve remotely, however, the Vice Chair could be present and coordinate with the Chair to run remotely until we resolve the COVID issues. It's unprecedented times.

Member Stanley moved to nominate Kristina Hill for Chair. Chair Thomas seconded the motion, which carried unanimously.

Member Stanley moved to nominate Clay Thomas for Vice Chair. Member Hill seconded the motion, which carried unanimously.

***B. Future Agenda Items**

Member Stanley inquired about his previous request for the definition of 'substantial compliance.' He noted Member Hill had also provided TRPA definitions such as 'substantial.' Chair Thomas noted DDA Large and Mr. Lloyd had provided feedback regarding the language was not to box them in. DDA Large noted substantial compliance is a term used by other boards such as TRPA and City of Reno. DDA Large noted he will bring that language back to this Board.

***C. Requests for Information from Staff**

None

9. Director's and Legal Counsel's Items

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

None

***B. Legal Information and Updates**

None

10. *General Public Comment and Discussion Thereof

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

11. Adjournment

Meeting adjourned at 2:26 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on October 1, 2020

Trevor Lloyd

Trevor Lloyd

Secretary to the Board of Adjustment