



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

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

Thursday, March 4, 2021

1:30 p.m.

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

No members of the public will be 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. This meeting will be held by teleconference only.

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

The Washoe County Board of Adjustment met in regular session on Thursday, March 4, 2021, via Zoom.

1. Determination of Quorum [Non-action item]

Chair Hill called the meeting to order at 1:31 p.m. The following members and staff were present:

Members Present: Kristina Hill, Chair
Clay Thomas, Vice-Chair
Rob Pierce
Brad Stanley (arrived at 1:33 p.m.)

Members Absent: Lee Lawrence

Staff Present: Dan Cahalane, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Roger Pelham, Senior Planner, alternate for Trevor Lloyd
Michael Large, Deputy District Attorney, District Attorney's Office
Donna Fagan, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance [Non-action item]

Rob Pierce led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure [Non-action item]

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

5. Public Comment [Non-action item]

There were no requests for public comment.

6. Approval of the Agenda [For possible action]

In accordance with the Open Meeting Law, Member Thomas moved to approve the agenda of March 4, 2021. Member Pierce seconded the motion which carried unanimously.

7. Approval of the February 4, 2021 Draft Minutes [For possible action]

Chair Hill noted, on page 13, Member Thomas thought it was a duplicate of last month’s item, not herself. Member Thomas noted a typo on page 1, should be “Chair” Hill. Member Thomas moved to approve the minutes of February 4, 2021 with the noted changes. Member Pierce seconded the motion which carried unanimously.

8. Public Hearing Items [For possible action]

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. Variance Case Number WPVAR20-0008 (Rushing) [For possible action] – For possible action, hearing, and discussion to approve a variance for to modify the front yard setback from 15ft to 1ft.

- Applicant: GilanFarr Architecture
- Property Owner: Heath and Amanda Rushing
- Location: 27 Somers Loop, Crystal Bay
- APN: 123-031-04
- Parcel Size: 0.102 acres (4,443.12sf)
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804
- Commission District: 1 – Commissioner Hill
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning Division
- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Dan Cahalane reviewed his staff report dated February 12, 2021

Quina Williams, applicant representative from GilanFarr Architecture, provided a PowerPoint presentation.

Chair Hill referenced the elevations in the staff report. She asked if there will be a slider and deck. Ms. Williams noted it would be windows on the front. She said the rest of deck would be removed except for in front of the entrance. Chair Hill asked they would still be building a little pop out in the kitchen. Ms. Williams said yes, it would allow for more cabinet space.

Member Thomas said considering this property is non-conforming, the setback wouldn’t be 30 feet as listed on the overview. Ms. Williams said the site plans shown have a 30 ft. setback but that is incorrect. She said it’s a 15 ft. setback. Member Thomas asked if it’s zoned Low Density Urban, you have over 2,500 sq. ft. within the setbacks, why wouldn’t you prefer to stay within the setbacks

on the property. Ms. Williams said the cabin is historic and doesn't allow the walls to be pushed out in any particular way. The existing bedroom is on the front. Moving the position of the wall is not feasible due to the hand milled timber that is holding up the walls. She said relocating the bedroom to the back of the house is not feasible for the structure of the house.

Chair Hill asked if they were going to tear it down and rebuild or just do an addition. Ms. Williams said it's an add-on. She said it's important to the homeowners to maintain the historic aspects of the home.

Public Comment letters were read into the record.

Phil GilanFarr submitted a letter. He is the architect on the project. The recording secretary read the letter into the record:

The request is to reduce the front yard setback to one foot and the amount of existing encouragement into an over the front property line. The second request is to reduce the rear yard setback from 20 feet and 14 foot 7 inches. The current structure extends into the rear set back seven feet. #1. This is a small parcel with the limited building footprint property size. The existing home was built in 1936 at the front edge of the property. The small sleeping cottage extends 7 feet into the rear property. This parcel slip is 20 to 24% upslope from the street. The living space inside the historic cabin and cottages limited and in order to preserve the original cabin we're proposing to extend the bedroom and dining room space into a portion of the front deck. The existing house currently sits 4 foot 8 inches back from the front property and a portion of the deck in front of the addition will be removed. In order to achieve the addition we are requesting and one foot front set back. This does not change the parking or the access to the property. The second request allows the cottage to have a slightly larger sleeping space while maintaining the historic structure. There no other way to provide ample living space without damaging or removing the existing structure. #2. The proposal will not create a substantial detriment by enclosing a portion of the deck in the front set back and we're reducing the amount of current encroachment in the set back in over the property line. #3. This variance request does not create a special privilege as other properties in the vicinity benefit from having larger living spaces and multiple bedrooms. #4. This property is zoned as a single family residence and we are not changing its use.

Marianne Pearsall submitted a letter. The recording secretary read the letter into the record:

Hi Dan. I'm writing to get clarification on the application for 1 ft setback variance. We live in 29 Somers Loop. We are sulphureously against such a close proximity to the property line. Somers Loop is a one-way, narrow street with little off street parking without encroaching on other properties parking areas. Lots are small. It practically straddles the property line. We encourage you to decline to keep the existing footprint. Thank you for your time and consideration of the above. Marianne and Steve Pearsall.

There were no further requests for public comment. The public comment period was closed.

Chair Hill said an addition was proposed to the guest house. She asked the size of the expansion. She asked if that was within the setbacks even within the LDU configuration. Mr. Cahalane said the expansion for the guest house would be within the setbacks; however, it's 50 feet wide, so it would not meet the 10% legal non-conforming under Article 904. Mr. Cahalane said this location is already within it. He said he wouldn't try to move forward a variance application that doesn't require a variance.

Member Stanley asked if there is heritage or other designation for this structure. Ms. Williams said this is the first change to the structure that has been proposed in a long time. There isn't currently a designation. She said she is confident it would be designated by TRPA. They don't have interest in tearing down the cabin.

Chair Hill asked if TRPA approved this application yet. Ms. Williams said they are still waiting on the variance results. Chair Hill asked if they have done a historical determination. Ms. Williams said she is confident TRPA would have a historical determination. Chair Hill said then it would go through the State Historical Preservation Office (SHPO). Any modifications made to the structure; they like it

to look separate from the historic structure. She asked if they had any additional feedback from TRPA or SHPO. Ms. Williams said she wasn't aware.

Chair Hill said she has a hard time approving it. She attended the CAB meeting. She said Phil did a great presentation, but after hearing Dan's presentation, there is a world of difference. We cannot make the findings for a variance. Even though the CAB approved it, they didn't hear the presentation by staff due to being locked out by Zoom. Mr. Cahalane said he would have been available for questions but wouldn't have presented. Mr. Pelham, Senior Planner, said during CAB meetings, staff is there to gather information from community. It's inappropriate to give an opinion because we don't have comments from agencies. He said staff is there to answer questions about code, policy, and procedure. Opinion is not given until the staff report is complete. Chair Hill thanked him.

Member Thomas 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 WPVAR20-0008 for Heath and Amanda Rushing, having been unable to make two of the five required findings in accordance with Washoe County Development Code Section 110.804.25. Those being #1: 'special circumstance' and #3: 'no special privilege.' Member Pierce seconded the motion which passed 3-0. Member Stanley lost internet connection and was not in attendance during the vote.

Roger Pelham read the appeal process.

B. Special Use Permit Case Number WSUP21-0002 (Sage Ridge School Gym) [For possible action] – For hearing, discussion and possible action to approve a special use permit to allow the use of Education, Private School Facilities, to permit a 24,000 sq. ft. gym, in accordance with Washoe County Code (WCC) Table 110.302.05.2 on a 33.42 acres site at the terminus of Crossbow Ct.

- Applicant/Property Owner: Sage Ridge School
- Location: at the terminus of Crossbow Ct
- APN: 152-021-09
- Parcel Size: 33.42 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning Division
- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Julee Olander reviewed her staff report dated February 16, 2021. She noted two conditions that were duplicates and recommend removing them. Those being 1(g) and 1(i).

Chair Hill asked if it's a separate parcel. She said the staff report doesn't show entire the project area. She asked if the parcels will be merged together. Ms. Olander said they will be two separate parcels. Chair Hill said it's an accessory use to the primary use which is the school. Ms. Olander said it can be a standalone building. It doesn't need to be an accessory structure. She said residential parcels require a primary uses and accessory.

Paul Slocum, applicant representative, said once the facility has been completed and Certificate of Occupancy (C of O) has been issued, they do plan to do a boundary line adjustment which would bring the gym and parking lot within the schools existing footprint. Putting an encumbrance on the existing school is not feasible right now. The bank likes to see a clean title which will be cleaned up once the C of O is issued. Mr. Slocum didn't have an additional presentation. He said Ms. Olander covered it in her presentation.

Member Thomas asked how much space, of the 33-acre property, will the gym take up. Mr. Slocum said the gym will take 3.2 - 3.4 acres of the property. Member Thomas asked if they have a design for the rest of the property. Mr. Slocum said when the school's Phase 1 was built in the early 90's, there was a master plan created by CFA consultants for the board to establish the Sage Ridge School. The gym was the next phase. They added more classrooms in phase 2. This is just the next step to add an athletics complex to the school.

Member Thomas said it's a dead-end that the school is located on. He asked if they are required to extend the street further or will it be the terminus and turn in for the parking lot. Mr. Slocum said the County codes for dead ends doesn't exceed 1,500 lineal feet and we are at that threshold. If you look at the APN, Crossbow Road ends at the terminus or start of parking lot. Staff has added a condition to require a bulb be installed at the end which will allow for public safety and meet all requirements for dead end streets.

With no request for public comment, Chair Hill closed public comment.

Chair Hill said this is a pretty straight forward project. Every school needs a gym.

Member Stanley rejoined the meeting. His connection was inaudible. Member Stanley asked about construction and grading working hours 7a-7p Monday through Saturday. Mr. Slocum said they recognize the work hours that staff has conditioned and find they are acceptable. Member Stanley asked if these hours are standard or could be modified. Ms. Olander said management noted these are standard 7a-7p. There are no surrounding residential houses in the area. Member Stanley said the last school in the County that was constructed, the hours were modified. Ms. Olander noted grading may have had specific hours, but construction would not have come before BOA. Member Stanley said it went before the CAB. Ms. Olander said she didn't believe that was under Arrowcreek School. She said it's at the discretion of the Board. Member Stanley said he sat in on all the Arrowcreek meetings. Mr. Pelham said if this Board felt there are impacts that are being created and could be mitigated with a different set of hours, then it's within the Board's authority to set those conditions; however, the hours are standard to other projects that have come before this Board. Member Stanley said he felt it should be modified to 5:30 p.m. at least on Saturday. Member Stanley said interior work was acceptable until 7 p.m. He asked if that could be a modification in the conditions. Mr. Slocum said the applicant wouldn't have any objections to the requested modification. Member Stanley asked about status of emergency access on Crossbow Court. Ms. Olander said she isn't aware of Crossbow connecting to any other street at this time. Member Stanley asked about the road on the eastern side of Sage Ridge. He said that was secondary access for emergency use. He said he believes that has changed and he asked if that has been looked at. Mr. Slocum said there is an emergency access road on the left side of Sage Ridge down to Rockhaven. It's locked, but the Fire Department could use it for secondary access for emergency purposes. Mr. Slocum said they are looking to extend a 24 ft drive aisle through the parking lot which would eventually connect to Rockhaven as future builds come online. There are no plans in the immediate future to allow access across privately owned land. He said there are on-title, emergency easements that have been granted to the County. Member Stanley said that partially answered his question.

Member Pierce 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 amended condition 1(e) working hours M-F, 7a-7p, and Saturday work ending at 5:30 p.m. and delete the repeated conditions 1(g) and (i), Special Use Permit Case Number WSUP21-0002 for Sage Ridge School, having made all five findings in accordance with Washoe County Code Section 110.810.30. Chair Hill 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 Southwest 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 type of development, Education, Private School Facilities, 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 [Non-action item]

A. Future Agenda Items

Mr. Pelham said the BOA training has been rescheduled for March or April.

B. Requests for Information from Staff

None

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on Previous Board of Adjustment Items

None

B. Legal Information and Updates

None

11. Public Comment [Non-action item]

None

12. Adjournment [Non-action item]

The meeting adjourned at 2:44 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on April 1, 2021



Trevor Lloyd
Secretary of the Board of Adjustment