



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, May 6, 2021

1:30 p.m.

Zoom Teleconference Meeting Only

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, May 6, 2021 via Zoom.

1. Determination of Quorum [Non-action item]

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

Members Present: Kristina Hill, Chair
Lee Lawrence
Rob Pierce

Members Absent: Brad Stanley
Clay Thomas

Staff Present: Roger Pelham, Senior Planner, Planning and Building Division
Courtney Weiche, Senior Planner, Planning and Building Division
Dan Cahalane, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Trevor Lloyd, Planning Manager, 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 [Non-action item]

Member Lawrence led the pledge of allegiance.

3. Ethics Law Announcement [Non-action item]

Trevor Lloyd recited the Ethics Law standards.

4. Appeal Procedure [Non-action item]

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

5. Public Comment [Non-action item]

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

6. Approval of the Agenda [For possible action]

In accordance with the Open Meeting Law, Member Pierce moved to approve the agenda of May 6, 2021. Member Lawrence seconded the motion which carried unanimously.

7. Approval of the April 1, 2021 Draft Minutes [For possible action]

Member Pierce moved to approve the minutes of April 1, 2021 as written. Member Lawrence 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. Amendment of Conditions Case Number WAC21-0002 (Extension of Time for WSUP19-0003, Vya Monopole) [For possible action] – For hearing, discussion and possible action to approve an amendment of conditions to extend the approval of Special Use Permit Case Number WSUP19-0003 for one additional year, until June 6, 2022. The original approval was for a new wireless cellular facility consisting of a 150-foot-high monopole structure, equipment shelter, outdoor generator and LP tank.

- Applicant: Commnet of Nevada
- Property Owner: United States of America – Bureau of Land Management
- Location: On the south side of Dugway Road, approximately 1.5 miles southwest of its intersection with County Road 34, in the area of Vya, Northern Washoe County
- APN: 061-010-49
- Parcel Size: ± 774 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Roger Pelham provided a staff report presentation.

Julie Krekeler, the applicant’s representative with Commnet Wireless, was available for questions.

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

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 Amendment of Conditions Case Number WAC21-0002 for Commnet of Nevada with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30 and in accordance with the High Desert Area Plan. Member Lawrence 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 High Desert 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 telecommunications facility (monopole), 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.
6. High Desert Area Plan Policy 2.3. The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

B. Variance Case Number WPVAR21-0002 (Spencer Front Yard Setback) [For possible action] – For hearing, discussion, and possible action to approve a variance to reduce the required front yard building setback from 20' to 15' to allow for an expansion of a single-family dwelling at 842 Jennifer Street (APN 125-221-20) within the High Density Suburban (HDS) regulatory zone, as required by Washoe County Code Section 110.804.25.

- Applicant/Property Owner: Gil Spencer & Deidre Toner
- Location: 842 Jennifer Street
- APN: 125-221-20
- Parcel Size: 6,016 sf
- Master Plan: Suburban
- Regulatory Zone: High Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Development Code: Authorized in Article 804 Variances
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3608
- Email: cweiche@washoecounty.us

Trevor Lloyd introduced new Senior Planner, Courtney Weiche

Courtney Weiche provided a staff report presentation.

Member Pierce asked if there are other homes with SUPs encroaching in the setback and have been allowed variances. Ms. Weiche stated she wasn't aware of any other homes with discretionary approvals for setbacks. Mr. Lloyd stated that is a good question; however, there are a number of variances as Incline Village has the predominant number of variances requested and issued because

many of those properties have steep constraints in terms of the topography and unique shapes to the properties.

Member Lawrence asked the length or distance to the street. Ms. Weiche said the applicant's site plan shows 35 ft from the structure to the edge of the street, which is not uncommon. She said there is a 10-15 foot right-of-way people think is part of their property; however, it's an extension of the roadway and not where we would measure the applicable setbacks.

Member Lawrence said he is concerned with fire truck accessibility.

Gil Spencer, the owner, provided a PowerPoint slideshow. He addressed the question raised earlier; the edge of pavement is 43 feet to the garage door. The proposal is just with the second and third story.

Member Lawrence asked about the over coverage. He asked if TRPA has monitored this. Mr. Spencer said TRPA has coverage conditions in Incline Village that allows you to build on your property, including decks, but not greenhouses. He said there is some process that can be done including using certain pavers. He said they are already over coverage. He noted there is an open space easement in the back. Member Lawrence asked if TRPA has any issues. Mr. Spencer said the project would be built over existing coverage. The driveway is already considered coverage.

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

Chair Hill disclosed she visited the site. She said she ran into Gil and they discussed the project. She said she doesn't believe it will impact her decision.

Member Pierce said the plan looks good, but per NRS, this request may have to be heard by County Commission.

Member Lawrence said its unfortunate the shape, topography, shallowness, and other extenuating condition doesn't apply directly in the code. He said he hasn't seen a cantilevered project like this above the ground.

Chair Hill asked DDA Large regarding granting variances concerning statutory conditions and extraordinary circumstances. DDA Large stated this Board could decide on their own to determine if those conditions or circumstances exist.

Mrs. Spencer said they believe the hardship is that their lot is the largest lot with the smallest setback requirements. They are held to a different standard than the other properties, and that is the hardship. There weren't uniform standards when these lots were laid out.

Member Lawrence said we are held to a regulatory standard which changed overtime. The fact that yards have different setbacks does not necessarily meet the findings of a hardship. It isn't discriminatory to the owner. Per code, per designation, this property doesn't meet any of the required findings that we have discussed and he cannot find support for it. He said he is in a position of denial based on that.

Member Pierce said it is a great plan, but unfortunately, it is not making the hardship rule; however, the County Commissioners could overrule.

Chair Hill stated the owners had mentioned other properties with variances, and those actually have different zoning. Ms. Weiche stated they have stricter zoning.

Mr. Spencer stated the Citizen Advisory Board unanimously approved the project. Chair Hill explained the BOA's responsibilities for making the statutory findings. Mr. Spencer said Mr. Pelham was in favor of it at the CAB meeting. Mr. Lloyd noted this is the time for the Board to deliberate or to ask questions. Mr. Pelham noted for the record that he is not a voting member of the Citizen Advisory Board and did not express any opinion on the matter. Mr. Pelham said he had a lengthy conversation with the applicant on the matter when it was first submitted.

Chair Hill moved that, after giving reasoned consideration to the information contained in the staff

report and the information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR21-0002 to reduce the required front yard building setback from 20' to 5', being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25. Member Pierce seconded the motion, which carried 2 to 1. Member Lawrence opposed the motion.

Mr. Lloyd read the appeal procedures.

C. Special Use Permit Case number WSUP21-0005 (Duarte Grading) [For possible action]

– For hearing, discussion, and possible action to approve a special use permit for a major grading permit to build a road across slopes greater than 30%, 3040cy of cut and 30,40cy of fill on slopes greater than 15% with 2.42 acres of disturbance.

- Applicant/Property Owner: Mark Duarte
- Location: 120 Cobalt Ln, Reno
- APN: 079-371-23
- Parcel Size: 99.21
- Master Plan: Rural Residential
- Regulatory Zone: Low Density Rural
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 438, 810
- Commission District: 5 - Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3628
- Email: dcahalane@washoecounty.us

Dan Cahalane provided a staff report presentation.

Member Pierce asked if there are plans for building homes in the area or is this just for personal use. Mr. Cahalane said this is part of an approved parcel map. There was an approved subdivision of four parcels that was approved in 2019. This is just to bring the road up to standards for those four parcels.

Mark and Patty Duarte, the applicants, were present and available for questions.

Member Pierce inquired about the purpose. Mr. Duarte said we want to build our dream home. We don't want to build a subdivision. He said we have an existing home. We want to build our home on the top of the hill.

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

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 conditions Special Use Permit Case Number WSUP21-0005 for Mark Duarte, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110. Member Lawrence 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 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 major 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.

D. Special use Permit Case Number WSUP21-0008 (Walker Guest House) [For possible action] – For hearing, discussion, and possible action to approve a special use permit to approve a special use permit to allow a ±765 sq. ft. detached accessory dwelling unit on a parcel at 4837 Idlewild Drive; the regulatory zoning of the parcel is Medium Density Suburban (MDS), and a special use permit is required per Washoe County Code Table 110.302.05.1. and 110.306.25.

- Applicant/ Property Owner: Walker Family Trust
- Location: 4837 Idlewild Drive
- APN: 009-802-04
- Parcel Size: ±0.47
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: West Truckee Meadows/Verdi Township
- Development Code: Authorized in Article 302, Allowed Uses; Article 306, Accessory Uses and Structures; and Article 810, Special Use Permits

- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Service Department
Planning and Building Division

- Phone: 775.328.3627
- Email: jolander@washoecounty.us

Julee Olander provided a staff report presentation.

Allyson Wong, the applicant’s representative, was available to answer any questions.

Chair Hill asked how many feet is it from the river. She asked if there was possibility the project would be in the river flow. She said they are about 38 feet from the property line that borders the river. Parks has added a condition that keep them from the river. Chair Hill asked if the Army Corp needs to review this. Has there been a flood plain analysis? Ms. Olander stated that Washoe County Parks submitted conditions addressing the Truckee River. The condition requires keeping the building back from the river and up on elevation. This protects the home and river. Ms. Olander said these houses were built in the 1960s or 70s when there weren't as many regulations. Ms. Wong said we are well above the elevation for flooding. Chair Hill asked if the materials for the guest house will match the main house. Ms. Wong said the roof would be the same. The existing house is brick. Stone will be used on the guest house in order to blend in with the landscape near the river.

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

Member Lawrence asked about the drainage off of the structure. He asked if a rain gutter will be installed on project or how the water will drain off of the asphalt shingles away from the river. He said he is curious if anything shuffling from the house would end up in the river. Ms. Olander said they

are 38 feet from the river and the land is relatively flat, so they don't expect anything to end up in the river. Ms. Wong said the project wouldn't make a significant impact. We will manage run-off as much as possible on site. Member Lawrence inquired about the downstream user and any issues that this could possibly create. He asked if there are any guttering or drainage system that would diverge water from entering the river. Ms. Wong said there would be a rock swell designed, with construction. She said there is a civil engineer involved. Ms. Olander said they could not have water crossing property lines and it would be reviewed by Building and Engineering during the building permit process. Chair Hill said she hopes all run-off of impervious surfaces will be contained onsite.

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 conditions Special Use Permit Case Number WSUP21-0008 for Walker Family Trust, with the conditions included as exhibit A to this matter, having made all five findings in accordance with Washoe Code Section 110.810.30. Member Lawrence seconded the motion, which carried unanimously.

1. 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 detached accessory dwelling unit 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

Member Pierce stated he would not be available for the June BOA meeting.

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

Mr. Lloyd said due the Governor's directive; BOA meetings will again be held in the Board of Commission chambers starting in June. They will be a hybrid Zoom-public meeting. Chair Hill inquired if the meetings will continue to be monthly. Mr. Lloyd stated due to the amount of applications, the BOA will continue to meet monthly.

B. Legal Information and Updates

None

11. Public Comment [Non-action item]

Chair Hill and Member Lawrence expressed their condolences for Bob Webb.

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

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 June 3, 2021

Trevor Lloyd

Trevor Lloyd

Secretary of the Board of Adjustment