



WASHOE COUNTY BOARD OF ADJUSTMENT **DRAFT** Meeting Minutes

Board of Adjustment Members

Rob Pierce, Chair
Don Christensen, Vice Chair
Kathie Julian
Peter Ghishan
Leo A. Horishny

Thursday, May 2, 2024
1:30 p.m.

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

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

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

Members Present: Rob Pierce, Chair
Don Christensen, Vice-Chair
Kathie Julian
Peter Ghishan
Leo A. Horishny

Members Absent: None

Staff Present: Tim Evans, Planner, Planning and Building Division
Christopher Bronczyk, Senior Planner, Planning and Building Division
Courtney Weiche, Senior Planner, Planning and Building Division
Elizabeth Hickman, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Chair Pierce led the pledge of allegiance.

3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Elizabeth Hickman recited the Ethics Law standards and instructions for providing public comment via Zoom/telephone.

4. Appeal Procedure

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

5. Public Comment

There was no response to the request for public comment.

6. Approval of the May 2, 2024 Agenda

Chair Pierce noted Agenda Item 8.D. was pulled from the agenda.

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of May 2, 2024. Member Horishny seconded the motion, which carried unanimously.

7. Approval of the April 4, 2024 Draft Minutes

Member Julian moved to approve the minutes of April 4, 2024 as written. Vice Chair Christensen seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Amendment of Conditions Case Number WAC24-0002 (Project Max) – For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0005 to allow for an extension of time, and to remove a Board of Adjustment condition related to Volunteer Court.

- Applicant: Panattoni Development Company, Inc.
- Property Owner: Project Max Land, LLC
- Location: 0 Reno Park Blvd
- APN: 081-121-32; 081-121-35; 081-121-39; 081-121-43; 081-121-46; 081-121-50; 081-121-51; 081-131-24;
- Parcel Size: 13.9 ac; 0.057 ac; 14.4 ac; 32.7 ac; 58 ac; 5 ac; 7.3 ac; 4 ac;
- Master Plan: Rural (R); Industrial (I); Suburban Residential (SR)
- Regulatory Zone: Public and Semi-Public Facilities (PSP); General Rural (GR); Industrial (I); Medium Density Suburban (MDS)
- Area Plan: Cold Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3612
- E-mail: cbronczyk@washoecounty.gov

Senior Planner Chris Bronczyk conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Background; Site Plan; Evaluation of Amendment of Conditions (4 slides); Noticing; and Possible Motion for Amendment of Conditions.

Mr. Bronczyk remarked that, while this hearing was taking place after the April 11, 2024 deadline, the applicant had submitted the request before that date. He indicated there were public concerns about the condition imposed by the Board of Adjustment to pave South Avenue, though that condition would still remain. South Avenue would serve as fire and emergency access for the development, but truck and employee access would not be permitted.

John Krmpotic with KLS Planning, representing the applicant, conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request summary;

maps (2 slides); Project Max; C Rieger; E Rieger; K Wilson; Ficarrota Family Trust; D Dunbar; letter; and Board of Adjustment Action Order (2 slides).

Mr. Krmpotic agreed with staff's recommendation to approve the extension of time and remove the Volunteer Court paving condition. He said Volunteer Court was a private easement, and there was no nexus between the property owners and the special use permit (SUP), though the applicant was still committed to the property owners even if the condition were removed. He pointed out the senior development manager committed in writing to paving Volunteer Court and to individual property improvements. He reviewed the areas where improvements were promised to each owner.

On the call for public comment, Mr. David Dunbar noted the original proposal was for Volunteer Court to be paved with turnarounds for emergency vehicles, but he did not believe that was ever put in writing. He said he would have signed off on a Scope of Work, but he had not yet received one. Additionally, another property owner wished to have the prohibition on warehouse traffic in writing before approving the paving of South Avenue. One resident who opposed the paving, he continued, was a renter, not a property owner.

Ms. Marylou Yocum stated she had no issue providing the easement on her portion of South Avenue but wished to have in writing the condition that South Avenue be designated only for emergency traffic. She further requested signage prohibiting truck access on that portion of road.

Member Julian asked for clarification about why the condition was initially proposed. Mr. Bronczyk responded the original concerns were related to the impacts to South Avenue and Volunteer Court caused by the warehouse. Substantial public input was received, the applicants agreed to pave the driveway, and the condition was then memorialized by the Board. The condition was not placed by Engineering or Planning, so no analysis was performed regarding such a condition. He confirmed that staff believed it was an inappropriate condition because it dealt with a piece of private property over which the County had no oversight.

Member Julian said she understood the Board had the purview to suggest modifications that would alleviate community impacts and requested a legal opinion. Deputy District Attorney Elizabeth Hickman replied the County could not authorize the developer to access property not owned by either party. Additionally, any approval of conditions required consideration of the nexus between the project and the proposal. Here, the paving was a courtesy offer rather than something connected to the grading SUP. Without that nexus, the condition was inappropriate.

Member Julian asked whether a nexus was established regarding South Avenue. Ms. Hickman remarked her understanding was South Avenue was an emergency access.

Member Ghishan inquired about any documentation that might be forthcoming, and whether the applicants felt they had done everything legally required to fulfill the request. Mr. Krmpotic noted he was shown a written agreement committing to the steps outlined in his presentation.

Member Julian's asked about any comments made by other residents of Volunteer Court. Mr. Bronczyk stated staff met with neighbors and concerns were voiced about why the condition was being removed. He felt staff addressed the concerns, and those residents had received notification of this meeting.

Mr. Bronczyk confirmed Chair Pierce's assertion that South Avenue would be paved to allow better emergency access and noted there would be no emergency or employee access to Volunteer Court.

Chair Pierce wondered about roadway signage. Senior Engineer Janelle Thomas replied a request would need to be made for installation of any new signage, and it would need to meet certain standards. Those requests could be made by residents, depending on where they lived and where the sign would be placed.

In response to the Chair's request, Mr. Krmpotic displayed a copy of the paperwork provided to the residents. Chair Pierce confirmed it was the same documents that were provided to the Board, and that there had been a good-faith effort to remedy the issue in a private manner.

Member Horishny asked for clarification about the property with a renter. Mr. Krmpotic explained that individual was the one with a dispute, stated the individual's mother was the property owner, and that the issue had been resolved to the owner's satisfaction.

If the item were to be approved, Member Julian posed, she wished to receive an update in a year to illustrate how these types of agreements could be made.

Member Horishny asked whether staff foresaw any issues with a property owner asking to install Private Road or Emergency Use Only signs. Ms. Thomas stated she did not.

Chair Pierce indicated he would support the item because of the good-faith effort.

Vice Chair Christensen felt the initial imposition of the condition was appropriate at the time but agreed it was not in the Board's purview because it involved private property. He agreed with the removal of the condition and the extension of time.

Vice Chair Christensen moved that Amendment of Conditions Case Number WAC24-0002 be approved in order to amend conditions of Special Use Permit Case Number WSUP22-0005 for Panattoni Development Group, 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: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried unanimously.

B. Variance Case Number WPAR24-0003 (Marelich Variance) – For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from four and one-half (4.5) feet to six (6) feet for security and aesthetic purposes.

- Applicant/Property Owner: Mark & Megan Marelich
- Location: 511 Jensen Circle
- APN: 124-072-06
- Parcel Size: 0.42 acres
- Master Plan: Wood Creek
- Regulatory Zone: Wood Creek
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Tim Evans, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: 511 Jensen Circle; Vicinity Map; Request; Site Plan; Evaluation (5 slides); Reviewing Agencies; Public Notice; Findings; and Possible Motion. He corrected the information on one slide by saying five public comments were received, four in support and one against.

Applicant Mark Marelich stated the primary reason for the request was to keep his children and dog safe. Additionally, access to his yard with a 4.5-foot fence would be easy in high snow. He mentioned the proposed fence would be see-through and set back eight feet from the edge of the street. He indicated there was also an approved landscaping plan as required by Tahoe standards, and his neighbors were either supportive of or indifferent to the proposal. Additionally, no streams, land, or plant life would be impacted more than by a 4.5-foot fence, and snow storage would not be impacted by the change.

In response to the call for public comment, Ms. Wendy Brenes stated via Zoom that she lived across the street and expressed support for the proposal, adding bears often walked in their neighborhood.

In response to Member Julian's query about fence heights, Mr. Evans confirmed the 4.5-foot limit pertained to fences in the front setback; fences beyond that could be up to six feet tall.

Citing a comment made by the applicant, Member Horishny asked about the approval seal given to the proposal in 2020. Mr. Evans stated it was approved with a note specifying that the fence needed to be 4.5 feet in height. Secretary Trevor Lloyd added there was a separate site plan submitted which showed a 4.5-foot fence in the front yard setback.

Mr. Marelich confirmed the setback referenced by Mr. Lloyd came from his first engineer, but he hired another engineer due to discrepancies like this. He said he submitted a new fence-specific site plan.

Member Ghishan asked whether snow had ever been considered an extraordinary situation. Mr. Lloyd stated he could not recall one such instance, though it could be a possibility. Mr. Evans concurred, saying he never experienced that in any of the jurisdictions in which he had worked.

Member Julian commented she had toured the area and there were very few fences in front yards. She pointed out the examples of taller fences provided by the applicant were from properties not near the subject property.

Member Ghishan asked for details about the retaining wall which was quoted in staff's presentation. Mr. Marelich clarified there would be posts in concrete every eight feet, and the fence would serve as a snow retaining wall. Member Ghishan questioned whether a fence could be placed on a berm. Mr. Evans stated any artificial berm would count towards the total fence height; the height would be measured from the finish grade.

Member Ghishan inquired about the intent of the fence height requirement. Mr. Evans explained it was likely included as a safety measure to prevent accidents. Mr. Lloyd mentioned there was an aesthetic component because 6-foot tall fences in front yards created a compound appearance that the community opposed.

Member Julian added one of the characteristics of Incline Village was the absence of front yard fences, and in some areas the absence of fences altogether.

Chair Pierce indicated he saw no special circumstance and would support the County's recommendation.

Member Ghishan disagreed, saying Incline Village itself was an extraordinary place, and he could make each of the findings. He indicated the fence would not create a compound effect because it would be see-through wrought iron with a lot of landscaping.

Member Julian stated she could not make the findings, citing a prior application which she felt would be beneficial to the neighborhood. She believed a denial of this application would not cause any damage to the applicant, and the proposal caused aesthetic concerns given that the property was on a long curve.

Vice Chair Christensen agreed with Member Julian.

Mr. Marelich pointed out his property was only 19 degrees from being considered a corner lot. He noted installing a 6-foot fence on the 20-foot setback would take away 18 percent of his property use. He suggested the Board consider his property as a corner lot, which would allow him to install a 6-foot fence on half the arc.

Chair Pierce opined approval of this proposal could be considered a special privilege. Mr. Marelich responded the approved landscaping would block the view regardless of the fence height; this proposal was meant to protect his family.

Member Horishny moved that Variance Case Number WPVAR24-0003 for Mark and Megan Marelich be denied, having been unable to make all four (4) required findings in accordance with Washoe County Development Code Section 110.804.25. Specifically, the Board is unable to make a finding of special circumstances either due to the exceptional property dimensions or shape, extraordinary topographical features, or an extraordinary and exceptional situation specific to the property. Vice Chair Christensen seconded the motion, which carried on a 4 to 1 vote with Member Ghishan voting no.

Secretary Trevor Lloyd recited the appeal procedure.

C. Administrative Permit Case Number WADMIN24-0001 (Gambler's Run Music Festival)

– For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event business license for the Gamblers Run Music Festival. The event will be held at Crystal Bay Casino, 14 State Route 28, and approximately 850 people will be in attendance on each day of the festival. The dates of the festival are July 26-28, 2024, with outdoor activities being held from noon to 10:00 PM.

- Applicant: Crystal Bay Casino
- Property Owner: Miracle Investments LLC
- Location: 14 State Route 28
- APN: 123-042-15
- Parcel Size: 2.923 acres
- Master Plan: Tahoe – Crystal Bay Tourist
- Regulatory Zone: Tahoe – Crystal Bay Tourist
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Via Zoom, Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Project Location; Request; Background & Analysis; Site Plan; Background Analysis – Food & Beverages; Security/Safety; Medical Coverage; Sanitation; Parking/Traffic; Tahoe Area Plan Policies; Reviewing Agencies; Public Notice; Findings; Recommendation; and Possible Motion.

Ms. Weiche noted that, while no comments were received opposing the application, the Health District made the applicant aware that they needed to pull the appropriate food vendor permits by the applicable date. She added one public comment was received related to noise concerns. Noise was regulated by Tahoe Regional Planning Agency Code of Ordinances Chapter 68, and conditions of approval required that the event shut down at 10:00 p.m. She said no noise complaints were received following the previous year's event.

Eric Roe with Crystal Bay Casino remarked there was a misunderstanding with the catering license but the appropriate changes had been made. He described the event, held for the first time the prior year, as a great event which he hoped to make a staple in Incline Village. He said the music was selected to appeal to locals and tourists, and bands were required to be off the stage by 9:15 p.m.

On the call for public comment, Mr. Andy Chapman, president of Travel North Tahoe Nevada, spoke via Zoom in support of the festival, which he said promoted longer lengths of stay and unique destination offerings, as well as supporting a vibrant economy. He encouraged the Board to support the event.

Member Julian inquired about the location of the music. Mr. Roe replied music would alternate between indoors and outdoors throughout the day, and the event would move fully indoors at 10:00 p.m.; only the outdoor portion of the event would end at 10:00 p.m.

Member Julian asked about the impacts of the Waldorf Astoria construction on the event. Mr. Roe stated the construction in the area the prior year impacted their business every day, but the developer of the Waldorf Astoria was allowing him to use that property as overflow parking lot if needed. He already had a plan to deploy parking attendants and security personnel there. Because of that permission, he believed they were not planning construction in the summer.

Member Julian moved that Administrative Permit Case Number WADMIN24-001 for Crystal Bay Casino be approved with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25: Consistency, Improvement, Site Suitability, Issuance Not Detrimental, and Effect on Military Installation. Member Ghishan seconded the motion, which carried unanimously.

D. Special Use Permit Case Number WSUP24-0002 (Hodnefield Single Family Dwelling)

– For hearing, discussion, and possible action to approve a special use permit for a 6,637-sf single family dwelling, with an existing 10,000 square foot retail commercial building, defined as a mixed-use project, at 250 Village Blvd. A special use permit is required for single family dwellings in the Incline Village Commercial (IV-C) regulatory zone. The applicant is also requesting to reduce the front and side yard setbacks.

- Applicant: GilanFarr Architecture
- Property Owner: Hodnefield Community Property Trust
- Location: 250 Village Blvd., Incline Village NV
- APN: 132-232-01
- Parcel Size: .826 acres (35,979-sf)
- Master Plan: Tahoe Incline Village Commercial (Tahoe IV-C)

- Regulatory Zone: Tahoe Incline Village Commercial (Tahoe IV-C)
- Area Plan: Tahoe
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Item 8.D was pulled from the agenda.

9. Chair and Board Items

A. Future Agenda Items

There were no future agenda items.

B. Requests for Information from Staff

There were no requests.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Secretary Trevor Lloyd indicated the Cobble Hill Grading special use permit had been appealed, but that appeal was withdrawn as the appellant and the applicant worked it any issues. Additionally, the lighting portion of the Sky Tavern application was appealed by some of the neighbors, and that would be heard by the Board of County Commissioners (BCC) on May 28, 2024.

B. Legal Information and Updates

Deputy District Attorney Elizabeth Hickman stated the BCC's decision on the Pro Pony matter was appealed to the Second Judicial District Court, and a Petition for Writ of Mandamus and a Petition for Judicial Review were filed by the neighbor.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 3:01 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on June 6, 2024

Trevor Lloyd
Secretary of the Board of Adjustment