



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

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

Thursday, June 6, 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 (via Zoom)
Peter Ghishan
Leo A. Horishny

Members Absent: None

Staff Present: Katy Stark, Planner, Planning and Building Division
Courtney Weiche, Senior Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Tim Evans, 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 the 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 June 6, 2024 Agenda

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of June 6, 2024. Member Horishny seconded the motion, which carried unanimously.

7. Approval of the May 2, 2024 Draft Minutes

Member Horishny moved to approve the minutes of May 2, 2024 as written. Member Ghishan seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Administrative Case Number WADMIN24-0002 (Community Pancake Breakfast) – For hearing, discussion, and possible action to approve an administrative permit for an Outdoor Entertainment Event, specifically a pancake breakfast ±500 attendees at the North Lake Tahoe Fire Protection District Station, at 875 Tanager Street, on July 2, 2024, from 8:00 a.m. to 10:00 a.m.

- Applicant/Property Owner: North Lake Tahoe Fire Protection District
- Location: 866 Tanager Street
- APN: 132-223-14
- Parcel Size: 37,284 sf
- Master Plan: Tahoe
- Regulatory Zone: TA_IVC
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Chair Pierce noted this item came before the Board each year. He asked whether any members needed a presentation or whether a vote could be taken without one.

No members requested a presentation.

Deputy District Attorney Elizabeth Hickman pointed out the vote would be made based on the information presented to the Board through the staff report.

There was no response to the call for public comment.

Member Julian moved that Administrative Permit Case Number WADMIN23-0002 for North Lake Tahoe Fire Protection District 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. Member Horishny seconded the motion, which passed unanimously.

B. Administrative Case Number WADMIN24-0003 (League to Save Lake Tahoe Fashion Show and Luncheon) – For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event with associated conditions. The application was submitted by the League to Save Lake Tahoe for the League to Save Lake Tahoe Annual Fashion Show and Luncheon, scheduled to be held on August 3, 2024, from 10 a.m. until 3 p.m. The event is proposed to consist of an invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe. The event organizer estimates a maximum of 475 people, which includes 50 support persons, will take part in the event.

- Applicant: League to Save Lake Tahoe
- Property Owner: KWS Nevada Residential LLC and Lakeshore Trust
- Location: 1047 and 1055 Lakeshore Boulevard, Incline Village, NV
- APN: 130-230-14, -16 & -17
- Parcel Size: ±6.18 acres, ±3.58 acres and ±1 acre
- Master Plan: Tahoe
- Regulatory Zone: Mill Creek
- 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

Chair Pierce noted this item came before the Board each year. He asked whether any members needed a presentation or whether a vote could be taken without one.

No members requested a presentation.

Chair Pierce stated any decision would be based on what the Board read on this matter.

There was no response to the call for public comment.

Member Horishny moved that Administrative Permit Case Number WADMIN24-0003 for League to Save Lake Tahoe 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. Member Ghishan seconded the motion, which passed unanimously.

C. Administrative Case Number WADMIN24-0004 (Pederson Care of the Infirm) – For hearing, discussion, and possible action to approve an administrative permit to allow a recreational vehicle (RV) to be occupied by an infirm resident on the property located at 6210 Lundy Road, Sun Valley, NV (APN: 508-056-02). The caretaker resides in the dwelling on the parcel.

- Applicant/Property Owner: Justin & Nicole Pederson
- Location: 6210 Lundy Road, Sun Valley, NV 89433
- APN: 508-056-02
- Parcel Size: 0.381 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)

- Area Plan: Sun Valley
- Development Code: Authorized in Article 310, Temporary Uses and Structures & Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3618
- E-mail: krstark@washoecounty.gov

Planner Katy Stark conducted a PowerPoint presentation and reviewed slides with the following titles: Project Request; Vicinity Map; Site Plan; Project Evaluation; Project Evaluation - Code Enforcement; Project Evaluation - Setbacks/Screening; Site Plan; RV Images from Street (4 slides); Project Evaluation; Agency Review; Public Notice; Findings; Recommendation; and Possible Motion.

Ms. Stark noted previous cases involving care of the infirm referenced Washoe County Code 110.310.35(g), which required a Nevada-licensed physician. Staff recognized the Code was old and many individuals' care was provided by other licensed medical practitioners, so staff's practice was to accept affidavits from them as well. She pointed out that approval of this administrative permit would help solve the resident's current code enforcement violation.

Via Zoom, Applicant Nicole Pederson stated she was available for questions.

There was no response to the call for public comment.

Member Ghishan asked for a legal interpretation of the statute requiring a licensed physician affidavit. Deputy District Attorney Elizabeth Hickman replied the statute clearly required the affidavit of a licensed physician.

Member Ghishan asked for examples where the Board of Adjustment (BOA) approved a permit without that. Ms. Stark responded a couple of such cases had come through within the last couple of years. Chair Pierce noted the BOA had made exceptions in cases where they could not get a physician to sign off, but the sign-off needed to come from someone higher up than a nurse.

Member Horishny stated his understanding was any nurse practitioner had to be licensed and connected with a practicing licensed physician, so he did not have any concern if a nurse practitioner was the one treating an individual.

Secretary Lloyd recognized the need to amend the code because the intent was for an affidavit by a licensed physician or their assistant. He agreed with Ms. Hickman's interpretation but added the BOA had given authority to assistants acting underneath licensed physicians in the past.

Member Horishny stated he visited the subject parcel, which was a smaller parcel, and he expressed no concern about things being done improperly. Member Julian and Chair Pierce conveyed their support for the item.

Member Ghishan moved that Administrative Permit Case Number WADMIN24-0004 for Justin and Nicole Pederson 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. Member Julian seconded the motion, which passed unanimously.

D. Special Use Permit Case Number WSUP24-0004 (SVGID Main Pumping Station) – For hearing, discussion, and possible action to approve a special use permit for the construction and operation of a new main pumping station (Utility Services Use Type). An existing pumping facility (located on a different parcel) will be replaced with a new main pumping station. The project will include construction of a new pumping station on a vacant, previously cleared parcel and the addition of parking spaces and landscaping.

- Applicant / Property Owner: Sun Valley General Improvement District (SVGID)
- Location: 5095 Prosser Way, Sun Valley, NV 89433
- APN: 085-050-25
- Parcel Size: 0.344 acres
- Master Plan: Commercial
- Regulatory Zone: General Commercial (GC)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Garcia
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3618
- E-mail: krstark@washoecounty.gov

Planner Katy Stark conducted a PowerPoint presentation and reviewed slides with the following titles: Project Request; Vicinity Map; Site Plan; Site Plan - Project Site & Surrounding; Project History & Evaluation; Project Site; Parking; Landscaping; Sun Valley Vision Statement; Priority Principles & Policies; Agency Review; Public Notice; Findings; Recommendation; and Possible Motion.

Ms. Stark noted some mapping sites still showed the residence on the property, but she confirmed by a site visit that no home currently existed, thus there was no need to provide additional buffering for residential uses. She pointed out the applicants were present for questions, though they did not intend to make a presentation.

There was no response to the call for public comment.

Member Horishny expressed concern that, given the steep grade transitions near the perimeter of the property, the existing drain on the north part of the property line became overcome with runoff. He believed the planned landscaping that was discussed during the presentation could cause additional runoff onto the road.

Nick O'Connor with Shaw Engineering stated there were drainage and grading plans, and the site would be graded to facilitate proper draining. He was aware of the portion of the drain that Member Horishny brought up and said they would go through the building permit process with the County when the time came.

Member Horishny moved that Special Use Permit Case Number WSUP24-0004 for Sun Valley General Improvement District be approved 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. Member Julian seconded the motion, which passed unanimously.

E. Variance Case Number WPVAR24-0005 (Juniper Hill Variance) – For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from four and a half (4.5) feet to six (6) feet for security, privacy, and aesthetic purposes.

- Applicant / Property Owner: Mike and Stacey Crawford
- Location: 160 Juniper Hill Road
- APN: 009-131-51
- Parcel Size: 2.18 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- 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: 160 Juniper Hill Road; Vicinity Map; Request; Site Plan; Evaluation (5 slides); Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Mr. Evans indicated a second site visit showed that certain portions of the privacy walls at 155 and 345 Juniper Hill Road were six feet tall. The fence for 155 Juniper Hill Road was constructed on or before 1991, when he suspected requirements were likely different. The existing fence at 345 Juniper Hill Road was a replacement of a fence that had been on that property since at least 1996.

Applicant Mike Crawford stated the intent was to build a new home on the subject parcel, fitting in aesthetically while addressing security and sound concerns. His goal was to use the exact same fence that was on 345 Juniper Hill Road. He pointed out the majority of houses along the west side of Juniper Hill Road were walled. He said he understood the reason for the denial, but a nearby wall that he estimated to be seven feet tall, bounced sound back onto his property. Additionally, the increased height in his proposal would prevent people from jumping the fence. He pointed out neighbors had contacted him to try to help him because they also supported his proposal.

There was no response to the call for public comment.

Chair Pierce inquired about the height of the fence across his street, to which Mr. Crawford replied it was at least 78 inches tall.

Developer Randy McReynolds noted the wall on 345 Juniper Hill Road was the exact same wall made by the same manufacturer, which he illustrated with photographs.

Mr. Crawford believed his ultimate fence height if approved would be around 5.5 feet, so people could still see the house. Mr. McReynolds added that the fence would be placed in a location between 16 and 20 inches below the road height.

In response to the Chair's further queries, Mr. Evans stated the 30-foot setback was from the front property boundary, not from the center of the road. The reasons for that setback requirement

were to facilitate utilities and to address aesthetics. In order for the applicant to install the fence without a special use permit (SUP), it would need to be 30 feet from the property line.

Mr. Crawford stated the fence at 155 Juniper Hill Road was only 5 feet from the road, creating a sound bounce. He believed his fence was about around 15 feet from the road. He spoke about needing to move an irrigation ditch if the fence were moved 30 feet east. Mr. McReynolds said the gate to the property was about 28 feet from the edge of asphalt, though it was recessed from the rest of the wall.

Member Ghishan remarked there had been a fence request in each of the last four meetings, but the Nevada Revised Statutes laid out specific conditions for SUPs. He did not believe he could find an extraordinary situation in this application.

Member Julian noted she could make that finding for a Crystal Bay issue but could not here. If this problem were systemic, she continued, the community should take the issue to the legislature to change the rules.

Chair Pierce asked about placing a fence on a retaining wall. Mr. Evans confirmed the height would be measured from the base of the wall, not the fence.

In response to the Chair's request for any other reasons why the Board should approve this, Mr. McReynolds compared this application to the fence on 345 Juniper Hill Road. Member Horishny pointed out the wall on 345 Juniper Hill Road was notably further back from the road than the fence on the subject property. Additionally, there were topographic differences between the two properties.

Mr. McReynolds noted the lower grading on the property would mean that a 6-foot fence would actually stand less than 4.5 feet high. He asked whether that would be a consideration. Secretary Trevor Lloyd responded that would be taken in consideration by measuring the wall height compared to the road surface. He said he would talk to the applicant offline.

Mr. Crawford stated another exceptional circumstance was the sound that reflected off the wall across his street. The contractor and design for the wall would be the exact same as the one at 345 Juniper Hill Road, matching the neighborhood, but the one across his street was close to the road and nearly seven feet tall.

Member Ghishan asked for further clarification about Mr. Lloyd's previous statement about the recessed wall height since it seemed like it would be close to the required height given the description he was given.

Mr. McReynolds said they would verify the heights. He also suggested that, since there was still grading to do on the parcel, they could grade down a bit from the road so the 6-foot wall would remain under the required height. Mr. Lloyd said that might work.

Member Horishny asked about landscaping requirements when fences were being replaced. Mr. Evans explained most landscaping requirements regarding walls were primarily for creating barriers between commercial and residential properties. Member Horishny opined landscaping could have helped address the applicant's sound concerns.

Vice Chair Christensen stated he did not think this proposal met the requirements for the Board to approve. However, the Board was often overridden by the Board of County Commissioners, which would be the next step in the appeal process, especially with the changes to the specifications mentioned earlier.

Member Horishny moved that Variance Case Number WPVAR24-0005 for Mike and Stacey Crawford be denied, having been unable to make all four 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. Additionally, the Board is unable to make a finding of no special privileges granted. Member Julian seconded the motion, which passed unanimously.

Mr. Crawford asked whether it would be possible to change the request to a 5-foot fence. Mr. Lloyd replied there was an option that did not require an applicant to meet all the stringent findings of a variance as long as it was less than a 10 percent deviation. He suggested Mr. Crawford speak with Mr. Evans. That would be handled administratively.

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

9. Chair and Board Items

A. Future Agenda Items

Chair Pierce requested a count of how many applications the Board of Adjustment had denied that were overridden by the Board of County Commissioners over the prior year.

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

There were no reports.

B. Legal Information and Updates

Deputy District Attorney Elizabeth Hickman stated the Board of County Commissioners upheld the Board of Adjustment's ruling in the Sky Tavern lighting appeal. She was not aware of any further petitions of appeal at this time.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 2:37 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on July 8, 2024



Trevor Lloyd
Secretary of the Board of Adjustment