



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, July 8, 2024
1:00 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 1:00 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: Chad Giesinger, Planning Manager, Planning and Building Division
Chris Bronczyk, Senior Planner, Planning and Building Division
Julee Olander, 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 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

Mr. Roger Edwards detailed his history on the Planning Commission and the Regional Planning Commission. He expressed frustration that many of these projects could be handled with some discussion with the resident, and he reminded Board members they were public servants who should interrupt the public's life as little as possible. He felt one of the items on the agenda involved a bully and should be thrown out.

Mr. Gary Schmidt stated he had an item on the agenda for which he had previously filed an appeal application to be heard by the Board of Adjustment (BOA). He was told the issue was not appealable, so he appealed that decision and was told to take the issue before a hearing officer, which he did. He was informed this morning that this issue was not appealable to the Board of County Commissioners (BCC), so he requested a continuance of the item. He believed State law required that he be allowed the opportunity to be heard by the BCC.

Mr. Kris Swanson noted he was working on a documentary on Mr. Schmidt for several years, starting with an issue he had with the Gerlach General Improvement District. He believed Mr. Schmidt's issue on today's agenda was a misreading of the law, and the two parcels involved had been sold together three times. He did not believe they should be classified as two parcels. He presented an argument that the use of the property was a legal, non-conforming use.

Via Zoom, Ms. Sara Hadden expressed support for the Catholic and Christian schools in Incline Village to provide educational foundation for adults in the community. Providing it to students, she believed, would add to their impact.

6. Approval of the July 8, 2024, Agenda

In accordance with the Open Meeting Law, Member Julian moved to approve the agenda of July 8, 2024. Member Horishny seconded the motion, which carried unanimously.

7. Approval of the June 6, 2024, Draft Minutes

Member Ghishan moved to approve the minutes of June 6, 2024, meeting as written. Chair Pierce seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Case Number WVIO-PLA23-0127 (Schmidt – 345 Main St) – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's order affirming a code enforcement violation of WCC Section 110.306.35(b), outdoor storage of an RV on a vacant residentially zoned property without the required existing principal use.

- Appellant / Property Owner: Gary Schmidt
- Location: 345 Main St., Gerlach, NV
- APN: 071-281-01
- Parcel Size: ± 0.233 acre (± 10,149 sf)
- Master Plan: Suburban Residential
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: High Desert
- Development Code: Authorized in Articles 306, 910, and 912

- Commission District: 5 – Commissioner Herman
- Staff: Chad Giesinger, Planning Manager
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3626
- E-mail: cgiesinger@washoecounty.gov

Chair Pierce asked Appellant Gary Schmidt whether he wanted a continuance on the item. Mr. Schmidt confirmed he would like a continuance based on information he received earlier this morning. He believed County Code was not in compliance with State law, citing NRS 278.3195 which stated appeals could be made to a governing body. Without that ability, he felt he was at a disadvantage. Had he known of this earlier, he would have sought a restraining order against the hearing, and he would have had his attorney present to represent him. He did not believe this issue should ever go to the District Court, nor did he think it should be heard here.

On the call for public comment regarding the request for a continuance, Mr. Roger Edwards asked whether the Board members cared what the applicant was doing on his co-joined lot in Gerlach. That lot, he stated, had always been used for storage, which he felt was a public service. He did not feel the applicant was impacting anyone.

Chair Pierce asked whether the Board could continue the item to some time within 30 days. Deputy District Attorney Elizabeth Hickman felt it would be appropriate to continue the item to the next meeting.

Mr. Schmidt agreed to a continuance, adding that he believed the Board was in violation of State law. The issue regarding the appeal to the Board of County Commissioners also needed to be settled. He said the Board of Adjustment (BOA) had more authority than they were exercising, and it should be able to decide which appeals they could hear.

Secretary Trevor Lloyd noted the appeal process through judicial review was included in the staff report, and that was sent to the applicant as well.

Vice Chair Christensen moved to continue the item for at least 30 days until the next BOA meeting, and Member Julian seconded the motion.

Planning Manager Chad Giesinger pointed out this matter had already dragged on for an extremely long time, and all that was needed was a recordation of a deed restriction which he had with him. He provided a history of the case, including a continuance before the judicial officer and another before the BOA. They were now past the June 30th compliance date listed in the hearing order issued by the administrative hearing office. He said the County was trying to give Mr. Schmidt expedited due process, as was his right.

Chair Pierce asked for a vote, noting this would be the last continuance if granted.

Vice Chair Christensen moved to continue Agenda Item 8.A. for a maximum of 30 days, to be reheard by the Board of Adjustment. Member Julian seconded the motion, which carried unanimously.

B. Amendment of Conditions Case Number WAC24-0006 (Highway 34 Storage) for WSUP22-0003) – For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit WSUP22-0003 to allow for an extension of time for an addition of two years to May 5, 2026.

- Applicant / Property Owner: Bright-Holland Co.
- Location: 0 State Route 34, Washoe County, NV 89412
- APN: 071-372-02
- Parcel Size: 51.03 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Background; Site Plan; Evaluation of Amendment of Conditions; Noticing; Reviewing Agencies & Findings; and Possible Motion for Amendment of Conditions. She noted the applicant was available to answer any questions.

There was no response to the call for public comment.

Arlo Stockham, representing the applicant, said the recommendation in the staff report was to approve an extension until 2026, which they supported, but pointed out the presentation said 2025.

Chair Pierce recognized the change and opened public comment again in light of the change. There was no response to the further call for public comment.

Vice Chair Christensen inquired about the reason for the delay. Mr. Stockham replied the team had difficulty preparing final building plans in time for the deadline, so they filed for an extension.

Member Horishny moved that Amendment of Conditions Case Number WAC24-0006 for Bright-Holland Co. be approved with the conditions included as Exhibit A to this matter, having made the findings that the request for extension was made in writing prior to the expiration date, that the circumstances have not appreciably changed since the original approval, and that the original findings remain valid. Member Julian seconded the motion, which carried on a vote of 4 to 1, with Vice Chair Christensen voting no.

C. Special Use Permit Case Number WSUP24-0005 (St. Clare’s) – For hearing, discussion, and possible action to approve a special use permit to establish a "daycare center/preschool" and "schools - kindergarten through secondary" as permitted uses at 701 Mount Rose Highway with a combined maximum occupancy of 60 students for both uses.

- Applicant: AnnMarie Lain of Juniper & Sage Consulting on behalf of Saint Claire’s
- Property Owner: St Francis of Assisi Real Property LLC

- Location: 701 Mt. Rose Highway, 665 Kelly Drive
- APN: 124-031-62, 124-032-01
- Parcel Size: 3.327 acres (124-031-62)
9.219 acres (124-032-01)
- Master Plan: Tahoe – Wood Creek
- Regulatory Zone: Tahoe - Wood Creek
- 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

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; Vicinity Map; aerial view; Background; Site Plan; Access and Traffic Circulation; Applicable CofA's; Noise; Amended Conditions of Approval; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Ms. Weiche explained the existing structures on the property were set back more than 60 feet from Mt. Rose Highway, between which there was a buffer of vegetation and a significant elevation change. The nearest residential use was more than 200 feet from any potential school use. She noted the proposal did not require any expansion of the existing building, and appropriate permits would be required to make any modifications to the interior. She stated the applicant submitted a Development Code amendment in 2023 to add 'schools – kindergarten through secondary' as a permitted use within the Wood Creek regulatory zone on parcels three acres or greater. The amendment was approved and became effective April 24, 2024.

Ms. Weiche said the Tahoe Area Plan (TAP) did not distinguish between public and private schools. There would be no changes to the existing access, driveway, or parking lot, and the number of spaces met the demand for this use type. She explained elements of the proposal, including the use of parking cones, supervision of school children, and the flow of traffic. Because the number of trips generated would remain under the limits, the project would not require the completion of a traffic impact report. She noted additional public comment was received after the presentation was made.

AnnMarie Lain, representing St. Clare's, conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: St. Clare's Tahoe; St. Clare's; Project Request; Location; Request; Public Engagement; Neighborhood Meeting; Traffic; Parent Handbook; map and photos; Conditions of Approval Traffic; Parking; Conditions of Approval Parking; Fire Safety; Environmental Impacts; Noise (2 slides); Conditions of Approval Noise; Impact to Public Schools; Impact to Property Values; and Summary.

Ms. Lain remarked St. Clare's served the North Tahoe area for more than six years and it was managed by parishioners of St. Frances of Assisi Catholic Church. She stated the TAP was the authority on which uses were allowed on each property, highlighting the three areas in Tahoe which allowed schools; they were allowed in the Wood Creek regulatory zone with a special use permit (SUP). She said the proposed parking design provided for adequate parking area

circulation as well as access for service and emergency vehicles. Addressing a parking concern she had heard, she indicated on-street parking was not utilized during school hours.

Ms. Lain continued by noting all private schools must be licensed by the Nevada Department of Education and the County. The business license application and renewal process for private school required annual fire safety inspections by the North Lake Tahoe Fire Protection District (NLTFPD) prior to operation. She said emergency service providers were confident in their ability to respond to emergencies. She reviewed the environmental benefits of operating in an underutilized, existing building. Though future expansion was not anticipated, she noted any future expansion would be prohibited without amending the SUP, which would require public noticing and a public hearing.

Regarding noise, Ms. Lain stated that, of the six complaints received during the 2023-2024 school year, two were related to events hosted by the church and the other four were addressed in a timely manner. She noted private school enrollment did not include charter schools, and school choice offered diverse educational opportunities that met the needs of families and students. She summarized the proposal was compatible with the TAP and the applicant addressed the concerns of the neighborhood. She requested that the Board of Adjustment (BOA) approve the SUP.

On the call for public comment, Mr. Will Philips supported approval of the SUP to the maximum number of students for both schools, saying this would be the only option for faith-based education in Incline Village. He believed this was about religious freedom and asked the BOA to approve the SUP.

Ms. Paige Roodhouse, executive director of St. Clare's, indicated that approval would allow them to provide a Catholic education to children in the community. She listed some of the components of Catholic education that took place in the Church, which was a nonprofit organization. She noted the proposal would expand enrollment from 45 to 60 students, and all but three of the families with students enrolled lived in the Tahoe area. She spoke about offering childcare, the benefits of the Montessori methods, tuition, and financial aid.

Ms. Debbie Larson, a parishioner at St. Frances, noted the church had a capacity of 300 people. She noted many large church events did not raise complaints from neighbors, and those generated more traffic than the school would. She pointed out the Hebrew congregation did not renew the release because of an increase in their own attendance. The church had existed longer than many of the area's residents.

Ms. Eugene Gumah, a teacher at St. Clare's and a parishioner at St. Frances, commented that the school positively impacted his life. He urged the BOA to approve the SUP.

Mr. Erik Brockman expressed support for the proposal, adding that the school provided a hands-on, faith-based learning environment that he could not find elsewhere. He hoped the Board would approve the item.

Ms. Katie Stevenson said she supported St. Clare's, which provided education not available anywhere else within a reasonable commute. She emphasized the school's importance on her family and urged the Board to approve the SUP.

Mr. Alex Roodhouse stated St. Clare's was a Catholic school that just wanted to exist. He reviewed the years-long process to get a temporary use permit and the Development Code amendment. He emphasized the church wanted to be a good neighbor and they planned to not only follow any special conditions but go above and beyond them to rebuild relationships with

neighbors. He asked the Board to approve the SUP with any conditions they felt were appropriate.

Mr. D. A. Griscom pointed out the noticing on this item was not in compliance with Code, saying his neighborhood was only notified of one of the twelve community meetings. He expressed concern about traffic impacts and life safety, particularly in the case of wildfires, and he thought there was no enforcement mechanism contained in the traffic acknowledgment parents would have to sign. He thought the collective traffic impact of both schools needed to be considered. He asked the Board to vote no and begin the process again with proper noticing.

Ms. Shaun Comstock explained she represented 50 neighbors who opposed the project. She urged the Board to visit the parcels before approving the SUP. She stated the school and church used commercial containers to store supplies, which would only increase with more students. She expressed concern about the location of the playground and the lack of no-parking signs on Mt. Rose Highway near these properties. She expected a request for modular units would be needed to house the additional students, which she felt should be disallowed. She felt 200 students between the two schools was too dangerous on an evacuation route.

Chair Pierce reminded the Board they were only considering St. Clare's and no other proposal at this time, and it was only for the SUP.

Member Julian requested clarification about the proposed number of students. Ms. Lain responded it was for a total of 60 students. Member Julian asked about the process for using modular units. Ms. Weiche replied that the SUP did not consider any possible expansion or placement of modular units or storage containers. In addition, placement of modular units or storage containers had its own permitting process. She noted that any proposal larger than the statutory 10 percent deviation would need to be approved by the BOA, following the process this item underwent.

Member Julian pointed out pedestrian traffic was not addressed in this proposal, and Kelly Drive had no sidewalks to accommodate bicyclists or pedestrians. Ms. Lain responded the applicant was required to submit a safe-route-to-school plan to be approved by the County Engineer. She said sidewalk issues in the area were known by many agencies, and since the proposal stayed within the existing facility's blueprint, sidewalk requirements were not part of this proposal, though it could become part of a future expansion request.

Ms. Roodhouse noted six students currently walked or biked to school, none of whom crossed Kelly Drive, and they were met by school staff at the entrance to the school parking lot. She noted they had 20 preschool children, and the proposal would allow up to 40 additional children in the K-12 program.

Member Horishny inquired about the triggers for public signage for all schools and any potential differences in that signage for private, public, or charter schools. Mr. Lloyd said public safety signs would be under the purview of the Roads Division, and any school identification signage would need to conform to the Development Code. Senior Licensed Engineer Janelle Thomas confirmed one condition of approval was completion of a traffic analysis, which could contain recommendations for necessary safety signage.

Member Horishny asked about specific standards that would trigger the need for signage. Ms. Thomas replied she could not name specifics, but there were standards for school zones, trips generated, and identification of school hours. She was unsure whether this increase in school population would trigger that measure, but staff would consider that before issuance of the business license.

Member Horishny asked about plans for students as they aged up through the school system and about whether there was a desire to someday start a secondary school. Ms. Roodhouse said there were plans to expand to the 12th grade but within the 60-student maximum. There were discussions about establishing a St. Clare's campus in Reno for high school students, but there were no concrete plans yet, nor were there plans to build a high school on the current property. She noted the church bought fluorescent school zone signs to put up on Kelly Drive.

Member Julian wondered why the circulation study was not completed before consideration of this item by the BOA, adding that there had not been any response from the Nevada Department of Transportation (NDOT). Ms. Thomas replied that the increase in number of vehicles was limited, so the expectation was that the recommended improvements would also be limited. Regarding NDOT, she was unsure why no comments were received. She agreed with Chair Pierce's assumption that NDOT typically did not comment on requests with such small increases in vehicle traffic. She confirmed staff would reach out to NDOT if it was determined that their facilities would be impacted.

Member Horishny opined NDOT might not respond until traffic became an issue. Ms. Thomas did not want to speak on NDOT's behalf, but she opined the lack of response might be a product of busy workloads.

Citing member concerns, Member Horishny asked about instances of bear encounters in the school area. Ms. Weiche did not see a record of any incidents in the document required by the Tahoe Regional Planning Authority (TRPA), adding that bear behavior was often curtailed by proper refuse storage.

Vice Chair Christensen asked about storage containers. Ms. Lain answered that the church had storage units on the property. In response to the public's concerns, she added, the applicant would remove their storage container during the school year.

Member Julian asked about the scope of complaints in the document referenced by Ms. Weiche, who responded the application required that all complaints be documented. Ms. Lain clarified all complaints received by the school were documented in those documents, which were public. The most recent year's list, she remarked, was included in the Board's packet. Member Julian asked whether this requirement would remain if the project were no longer under a temporary SUP but a regular SUP. Ms. Weiche said she could not speak for conditions that the TRPA might impose, but she assumed TRPA would still require it.

Chair Pierce inquired about any written complaints about parking, traffic, or safety. Ms. Lain stated the majority of all complaints were related to noise, and the majority of those came from four people. She stressed the applicant was diligent in working with neighbors to address those concerns. There were safety concerns, but there had only been two written complaints, one of which related to the church and not the school.

Member Ghishan supported the SUP, noting the largest portion of this item had already been addressed with the approval of the Code amendment. He agreed there should be no out-of-compliance containers on the property and that Mt. Rose Highway should not be used for parking for events. He was comfortable making the findings necessary for approval.

Member Julian expressed support for the concept of the application but expressed concern about the potential for students to walk or bike to school on a road without sidewalks, even if they were not doing it currently. She felt the proposal would be improved with a condition that all complaints be recorded and available to the public if requested.

Vice Chair Christensen did not believe the roadway improvements were being addressed, especially on Mt. Rose Highway, nor did he feel the site was suitable for the proposed intensity. Issuance of the SUP, he continued, would be detrimental to the character of Crystal Bay/Incline Village. He said he could not support the request based on not being able to make those three findings.

Chair Pierce felt he could make all the findings, saying that the applicant had proven over the past couple of years they could proceed in a safe and efficient manner. He pointed out the applicant needed to obtain other permits and go through more processes even after a potential approval by the BOA. He thought the SUP should be approved.

Member Horishny indicated he approached this item with concerns but, given the school's track record and their proposal to increase the use of their existing facilities, he was more supportive. He believed his concerns over signage would be addressed and pointed out the area was not particularly quiet. He remarked that the character of neighborhoods changed over time, and this was one of those scenarios.

Member Julian wished the Board had been provided with traffic circulation information so a full assessment of the site's suitability could have been made. Absent that information, she could not support the SUP. Chair Pierce pointed out that information was not required by law. Member Julian felt the Board could not make the site suitability finding without it. Vice Chair Christensen mentioned he disagreed with staff's determinations that adequate roadway improvements existed and that the approval would not be detrimental to the character of the surrounding area.

Member Ghishan moved that Special Use Permit Case Number WSUP24-0005 for Saint Clare's 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. Chair Pierce seconded the motion, which carried on a vote of 3-2, with Vice Chair Christensen and Member Julian voting no.

3:02 p.m. The Board recessed.

3:14 p.m. The Board reconvened with all Members present.

D. Special Use Permit Case Number WSUP24-0006 (Village Church) – For hearing, discussion, and possible action to approve a special use permit to establish "schools - kindergarten through secondary" as a permitted use at 736 McCourry Blvd. for an elementary school with a maximum enrollment of 116 students.

- Applicant: AnnMarie Lain of Juniper & Sage Consulting
- Property Owner: Village Church
- Location: 736 Mccourry Blvd
- APN: 124-061-19
- Parcel Size: 4.090 acres
- Master Plan: Tahoe – Wood Creek
- Regulatory Zone: Tahoe – Wood Creek
- 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

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; Vicinity Map; aerial view; Background; Maximum Enrollment; Site Plan; Access and Traffic Circulation; Applicable CofA's (2 slides); Noise; Neighborhood Meeting; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Ms. Weiche explained the existing structures and all associated uses of the property were set back more than 60 feet from Mt. Rose Highway. The 14,000 square foot church building on the site was constructed in 1966, and the application did not propose any expansion of the building. She indicated appropriate permits would be required to make any modifications to the inside of the building. She stated the applicant submitted a Development Code amendment in 2023 to add 'schools – kindergarten through secondary' as a permitted use within the Wood Creek regulatory zone on parcels equal to or greater than three acres. The amendment was approved and became effective April 24, 2024.

Ms. Weiche reviewed the standards for parking, loading, and circulation, and how this proposal met the exception provision for shared parking facilities. She said the applicant would be required to record a reciprocal agreement for shared parking, which would need to be approved by the Board of Adjustment (BOA) and the Truckee Regional Planning Authority before issuance of a business license. All parents would need to sign an acknowledgment of receipt of the school's official drop off and pickup requirements. She mentioned that all public comments received after submission of her presentation were sent to all BOA members.

AnnMarie Lain, representing Village Church, conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Project Request; Location; Request; Estimated 8-12 Students Enrolling the First Year; Public Engagement; Neighborhood Meeting; Traffic (2 slides); Conditions of Approval Traffic; Parking; Conditions of Approval Parking; Conditions of Approval Fire Safety; Environmental Impacts; Noise; Conditions of Approval Noise; Impact to Public Schools; Impact to Property Values; and Summary.

Ms. Lain explained Village Church ran a Christian daycare/preschool for 20 years and was pursuing a special use permit (SUP) to operate a faith-based K-7 grade school. She believed schools belonged in residential areas, and the request for a maximum occupancy of 116 students was to plan for potential future growth without needing to repeatedly go through the permitting process. Additionally, that maximum would ensure that the school's infrastructure would meet future needs regarding space, safety, and accessibility.

Ms. Lain noted a traffic impact report was included for conditional approval of the SUP, and it would be provided to Washoe County if the SUP were approved. She said the Engineering department, the Fire department, and the Capital Facilities department all recommended approval with conditions, all of which the applicant was willing to meet. Regarding traffic impacts, she pointed out there were more than 20 permits in the neighborhood for short-term rental properties, which she argued changed the character of a neighborhood.

Ms. Lain stated utilizing buildings that would otherwise be vacant promoted responsible land use and conserved resources. While no future expansion was anticipated, any that might be proposed would be prohibited without amending the SUP, which would require public noticing

and a public hearing before the BOA. She commended the two churches for their proactive approach in addressing education needs in their community. She felt the proposal supported the goal and policies of the Tahoe Area Plan (TAP) and was compliant with the long-range regulations governing the request. She requested approval of the SUP.

On the call for public comment, D. A. Griscom reiterated that the noticing for this project was inadequate. He expressed concern about adding traffic to McCourry Boulevard, especially since the school would only have one ingress and egress point. He suggested inviting the County to change the process so that the BOA received all reports before making decisions. He contested the appellant owned a residential structure adjacent to this lot which was being used illegally as office space.

Ms. Shaun Comstock noted she made several noise and trash complaints during the school's temporary SUP periods. She expressed concerns that the Board was not seeing all information regarding traffic and safety concerns with snow berms, as well as concerns that there was more bear traffic because of the increase in trash. She pointed out other schools were located in the center of Incline Village for evacuation purposes.

Mr. Don Ferrell, an elder at the Village Church, noted that the church was commanded to submit to government authority as long as it did not violate their values. He spoke about the expense of amending the Development Code and argued the school would comply with all State and local regulations. He said the closest Christian school alternative was in Carson City, and this proposal was an extension of what they were doing in the preschool.

Mr. Jeff Ogden, pastor of the Village Church, said the church looked for opportunities for homeschooling and alternatives to secular education during the pandemic. He believed the education of children was part of their faith, and he wanted to do so in a safe way that made them good neighbors.

Ms. Sara Stanton expressed support for the application, noting she was baptized by Mr. Ogden. She discussed some of the programming offered by the Village Church and reiterated her desire to have a school there.

Mr. Tim Gilbert said the church believed in following the rules, noting engineers were hired to ensure safety. He noted many residents planned to have their children and grandchildren attend the school, and he hoped for a positive vote from the Board.

Ms. Paige Roodhouse acknowledged there were other areas in Incline Village zoned for schools, but astronomical rents made them untenable for nonprofit organizations. She said the school would not add to the traffic or change the character of the neighborhood, which had already transformed from a retirement community. She believed the school would be a sign of growth.

Ms. Debbie Larson opined Incline Village was a vacation and destination community, so traffic and population fluctuated wildly. Though cars parked on the highway during weekend events, that would not happen on school days at either of the churches. She added that school would not be in session during the summer, the high season for the area. She argued bear encounters were increasing everywhere in Incline Village and not because of the school.

Ms. Sara Hadden stated via Zoom that her children biked to Village Church during the spring and were driven during the winter. She spoke about a homeschooling group at the church that started during the pandemic which she felt fostered students' curiosity. She agreed that the

school would enhance the community and described some of the events students participated in throughout the Tahoe area.

Ms. Nancy Leonard stated she attended Village Church, whose congregations were about the size of the projected school population, and she had no issues leaving the site. She said having more children attend this school would lessen the traffic impact at other schools and hoped the Board would approve the proposal.

Ms. Ruth Jensen highlighted the intangible benefits of approving the school, such as raising children with Christian values and creating good members of the community. She hoped the item would be approved.

Member Julian asked whether all McCourry Boulevard residents down to the McCourry/Village intersection were noticed regarding this item. Ms. Weiche first addressed earlier concerns about noticing by saying those neighborhood meetings were for the Development Code amendment, which took place before there was an application and had different noticing requirements. Regarding the Member's query, she said all parcels within 500 feet of the subject parcel were noticed, and going above and beyond that could be considered arbitrary. Neighborhood meetings, by contrast, required noticing of all parcels within 750 feet.

Member Julian believed providing noticing all the way down to McCourry/Village intersection would have been appropriate because that area would be most impacted by the SUP while the residents north of Mt. Rose Highway would not be affected. She inquired about pedestrian access to the Village Church from Mt. Rose Highway. Mr. Gilbert responded there was an outdoor worship area on the property which could be accessed from the highway, though that was not a regular access route. He indicated children would enter the property via McCourry for safety reasons. In response to Member Julian's query about enrollment, he replied there were 25 to 30 children currently enrolled in the daycare program, and around 35 kids were typically enrolled during the school year.

Responding to Member Julian's prior query, Ms. Weiche said any parent who pulled over on Mt. Rose Highway to drop their child off would be in violation of the drop off policy. Member Julian pointed out there was no enforcement mechanism. Ms. Weiche stated there could be code enforcement mechanisms in place given the condition of approval requiring all parents to acknowledge receipt of the drop off policy, which Secretary Trevor Lloyd confirmed.

Member Horishny wondered whether the enrollment here was also predominantly from Incline Village. Ms. Lain said the church responded to community need, but she did not have school-specific statistics since the school was not currently in operation.

Member Ghishan assured the public that the Board received all public comments, and he visited sites multiple times to observe traffic patterns and site conditions. He asked about the house across the street. Ms. Lain confirmed Village Church acquired the adjacent property. The decision to include just one parcel in the application was due to the defined project scope and in an effort to minimize impact to residential neighbors. She noted there were no plans to use that space for school activities, but should that need arise, a separate review and approval process would be required. Ms. Weiche added that any non-conforming use of the single-family dwelling would be addressed by code enforcement.

Member Ghishan wondered whether any project had ever been rejected because of the results of a traffic impact analysis (TIA). Senior Licensed Engineer Janelle Thomas said she could not recall one, nor could Mr. Lloyd. Ms. Thomas likened that scenario to someone not being able to satisfy a condition of approval on a building permit, and not only would staff ensure that all

safety measures were implemented, but the County Engineer would need to sign off. Member Julian asked whether the TIA would be open to public input. Ms. Thomas responded it would not go back through the public process at that point.

Member Horishny moved that Special Use Permit Case Number WSUP24-0006 for Village Church be approved, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Ghishan seconded the motion, which carried on a vote of 3-2, with Vice Chair Christensen and Member Julian voting no.

E. Special Use Permit Case Number WSUP24-0008 (Biggest Little Bike Park) – For hearing, discussion, and possible action to approve a special use permit for major grading to legalize unpermitted grading for the use of an unsanctioned bike park, and to permit further grading up to 20,000 cubic yards of cut, and up to 5,000 cubic yards of import which is required to upgrade the bike park. The special use permit includes requests to modify standards within the grading code.

- Applicant: Washoe County Regional Parks and Open Space
- Property Owner: Washoe County
- Location: 5905 Sidehill Drive
- APN: 508-020-55
- Parcel Size: 343 Acres
- Master Plan: Rural (R); Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR) 34%; General Rural (GR) 66%
- Area Plan: Sun Valley
- 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: Vicinity Map; Parcel Background; Requests; Variance Requests; Site Plan; Reviewing Agencies; Public Notice; and Possible Motion.

Mr. Bronczyk noted the bike park had been created by community members before Washoe County took ownership of the parcel, and it had been operating unsanctioned for 20 years. Staff recommended approval of the two grading variance requests while the three other requests for parking, lighting, and ornamental landscaping could be addressed through a director's modification in the future. Staff did not recommend approval of those three variance requests. He said a community meeting was held in April, where concerns about existing access and the construction of dust fencing were voiced.

Ryan Switzer of Sierra Vista Engineering, representing the applicant, conducted a PowerPoint presentation and reviewed slides with the following titles: Overview / History; SUP Requirements; Topography & Existing Features; Proposed Features; Noticing; and Variance Requests.

Mr. Switzer stated the plan was to utilize the existing access pending a trip generation study to try to minimize impacts to the neighbors. As part of the grading permit process, he continued, a stormwater pollution plan and a dust control plan would be provided. It was not anticipated that the variance requests for parking, lighting, or landscaping would be needed because of the decision to use the existing parking lot.

On the call for public comment, Mr. Gary Schmidt noted the application for the SUP came 17 years after approval by the Board of County Commissioners. He wondered whether he would be given that sort of allowance, referencing a citation he received for having an antique fire truck on his property. He expressed frustration about abuse from the County.

Member Julian asked why it took so long to act on this. Park Operations Superintendent Colleen Wallace Barnum replied there was no funding to legitimize the bike park, and it did not proceed until funds were received through the American Rescue Plan.

Member Julian inquired about the traffic analysis. Senior Licensed Engineer Janelle Thomas said it was needed to legalize this use type of the park by determining the number of users and ensuring there would be sufficient access.

Vice Chair Christensen expressed support for the project.

Mr. Bronczyk clarified for Member Horishny that the existing infrastructure and improvements were located west of the bike park and not visible on the map.

Member Julian believed the impact of this project would be minimal, even without the traffic study, whereas she had concerns about impacts from the prior two projects without a study.

Member Julian moved that Special Use Permit Case Number WSUP24-0008 for Washoe County Regional Parks and Open Space 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: Consistency; Improvements; Site Suitability; Issuance Not Detrimental; and Effect on a Military Installation, and 110.804.25: Special Circumstances; No Detriment; No Special Privileges; Use Authorized; and Effect on a Military Installation. Vice Chair Christensen seconded the motion, which carried unanimously.

9. Chair and Board Items

A. Future Agenda Items

There were no requests for future agenda items.

B. Requests for Information from Staff

Member Julian requested more information about the notification process, particularly when people further away from a subject site would be greatly impacted. Secretary Trevor Lloyd responded that would take a Code amendment, and the County would want the standards to be consistent.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Secretary Trevor Lloyd recalled Chair Pierce's request to get statistics on prior appeals. He noted that, since July of 2023, there had only been four appeals heard by the Board of County Commissioners, only one of which – the Greenview garage – was overturned. The Sky Tavern lighting decision was upheld, and the other two were split decisions that failed on votes of 2 to 2.

B. Legal Information and Updates

There were no updates.

11. Public Comment

Mr. Roger Edwards displayed pictures of Gary Schmidt's property in Gerlach, which he felt was cleaner than other Gerlach lots. He pointed out some of the debris was on a neighbor's property, not Mr. Schmidt's. He said the lot in question had always been used for storage.

Mr. Gary Schmidt stated he successfully sued the Gerlach General Improvement District and compared the storage of materials on their property to the storage of materials on his. He contested comments made by Planning Manager Chad Giesinger about his previous request of a continuance, which he thought was a violation of Nevada Revised Statutes.

12. Adjournment

The meeting adjourned at 5:03 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on August 1, 2024

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment