



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, October 3, 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
Peter Ghishan
Kathie Julian
Leo A. Horishny

Members Absent: None

Staff Present: Tim Evans, Planner, Planning and Building Division
Julee Olander, 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.

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 October 3, 2024 Agenda

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of October 3, 2024. Chair Pierce seconded the motion, which carried unanimously.

7. Approval of the September 5, 2024 Draft Minutes

Member Horishny moved to approve the minutes of September 5, 2024, as written. Member Julian seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Variance Number WPVAR24-0007 (Angella Barn Variance) – For hearing, discussion, and possible action to approve a variance for the reduction of a front yard setback from 30 feet to 0 feet to allow the construction of an accessory structure (barn).

- Applicant/Property Owner: Peter and Amy Angella
- Location: 6745 Rock Farm Road
- APN: 150-260-42
- Parcel Size: 2.474 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Clark
- 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: 6745 Rock Farm Road; Vicinity Map; Request; Site Plan; Evaluation (5 slides); Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Mr. Evans noted both a variance and a building permit were approved in 2004 for this structure, and an existing foundation was constructed between 2006 and 2007. Variances, he explained, were approved on a case-by-case basis, and one would not automatically be approved just because one was approved in the past. He noted the property had a 33-foot access easement on three of the property boundaries, another factor requiring the placement of the building where the applicant proposed. Of the four public comments received, two were in favor, one was in opposition, and one only requested general information about the request.

Applicant Amy Angella confirmed they received permission in 2005 and 2006 to build a 3,900 square foot barn. She reviewed the steps they took on the project until the recession hit, forcing them to halt work on the project. She said they reapplied after their kids were grown, and they had invested \$90,000 in the project. She referenced letters of support from neighbors and hoped the Board would approve their variance request.

There was no response to the call for public comment.

Member Julian inquired about the public comment that was received late. Mr. Evans read the letter, which stated the barn would not eliminate the view of neighbors though it posed a water runoff risk given the encroachment into the setback. The letter included an excerpt from the staff report, which he also read. Regarding drainage, he said the project was reviewed by engineering staff, who voiced no concerns. Member Ghishan indicated the author of that comment owned the property directly north of the applicants' property. Member Horishny believed the property to the north was level and should not be impacted by drainage.

Member Ghishan asked for clarification about the easements. Mr. Evans stated the three access easements were all considered front yards and would be subject to 33-foot setbacks. To be in compliance, any building would need to be constructed 63 feet from the edge of the property line. He confirmed the fire department had no concerns with the project.

Citing the conditions, Member Julian noted there was a grading plan with appropriate building permits. Mr. Evans confirmed her assertion that any drainage issues were covered within the building permit, and the condition was standard for this type of project.

Member Horishny moved that Variance Case Number WPVAR24-0007 for Peter and Amy Angella be approved with the conditions of approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25: Special Circumstances, No Detriment, No Special Privileges, and Use is Authorized. Member Ghishan seconded the motion, which carried unanimously.

B. Special Use Permit Case Number WSUP24-0009 (Misty Blu Training Center) – For hearing, discussion, and possible action to approve a special use permit to bring into conformance an existing commercial stable for the boarding of horses for riding lessons and horse training. A maximum of forty (40) horses will be boarded, thirty-three (33) boarders and seven (7) personal horses. The applicants are also requesting to modify applicable parking and landscaping requirements as specified in this staff report.

- Applicant/Property Owner: Jerry L & April D Scollard
- Location: 11065 Chestnut Street
11125 Chestnut Street
- APN: 080-262-07, 080-262-11
- Parcel Size: 1.048 Acres (APN 080-262-07)
2.097 Acres (APN 080-262-11)
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: North Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Vicinity Map; Request; Requests to Vary Standards; Background; Site Plan; Request to Vary Standards; Requires (sic) to Vary Standards; Examples of Existing Landscaping; Requires (sic) to Vary Standards; Existing Landscaping Along Chestnut; Requires

(sic) to Vary Standards (2 slides); Neighborhood Meeting; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant April Dinan-Scollard stated Misti Blu training center was a State-licensed business in operation at this location since 1996. She discussed the history of the business, her rationale for choosing the location she chose for her business, some of the services her business offered, and her volunteerism in the community. She said her facility showcased horsemanship at a national level. In her time in business, she never received a complaint regarding noise, pollution, or insect infestation.

Ms. Dinan-Scollard said no changes would be made to the property, and she described the boarding stables, the riding arena, and the pen. Further, no changes to the current activity or usage were proposed. She estimated 6 people on average visited the property each day, with a maximum number of around 10. She remarked the horse park generated more traffic during competitions than she generated in a month. She confirmed she sought neither an expansion in the number of animals to be housed on the property or an increase in the number of paddocks or shelters. The goal of the project was to bring the facility into compliance with Washoe County Code.

Ms. Dinan-Scollard reviewed the variances being requested and the reasons for those variances. She went over the conditions she had already met and those which were currently in progress. She reminded the Board that the community's response to the application was entirely positive, and she hoped the Board would allow the facility to continue providing husbandry services to the community.

On the call for public comment, Ms. Dawn Beattie stated Ms. Dinan-Scollard trained numerous horses for her, and the facility offered warmth, care, and friendship. Not granting the application would be detrimental to the community, she opined, and she urged the Board to approve the application.

Ms. Dovie Pickering, a neighbor of Ms. Dinan-Scollard's, said she never had a problem with the business. She said it was a privilege to have a facility like Misty Blu in such an urbanized area. She thought the business promoted Reno as a great place to live.

Ms. Jane Wardlaw said she chose to board her horses at Misty Blu for the quality of the care they received, not to mention the education, healing, and camaraderie she experienced. She described some of the lessons she observed at Misty Blu and the sportsmanship Ms. Dinan-Scollard taught. She said Misty Blu was a community where people shared ideas and interacted with those who shared their love of horses.

Ms. Christina Semmler commented Misty Blu was the best place she ever used to board her horse, and she hoped the Board would vote in Ms. Dinan-Scollard's favor.

Ms. Katherine Yriarte, co-owner of Team Yriarte Horsemanship, expressed support for Misty Blu, which she called an asset to the region. She quoted the Envision Washoe 2040 Master Plan about the North Valleys' equestrian character. She indicated \$177 billion was generated in 2023 by the equine industry, up from \$122 billion in 2017, and the industry provided more than 2.2 million jobs. She wanted the Board to help the county maintain its rich equestrian history.

Ms. Marty Counts reviewed her 35 years of experience breeding and showing horses. She praised Ms. Dinan-Scollard's quality of care and training expertise, along with her commitment to her horses and her customers. She urged the Board to approve the request.

Ms. Linda Houghton noted she had been a client since 1989 and was very happy with the results. She believed Ms. Dinan-Scollard prioritized safety, and she was careful with people's feelings and horses' needs. She discussed the impact Misty Blu had on children, opining that many kids chose horses over drugs. She pointed out the Nevada quarter had depictions of horses on it.

Ms. Karen Shrimph commented she was a 30-plus-year client and reviewed the lessons taught to her daughter by Ms. Dinan-Scollard, such as how to lose graciously. She spoke about attending a show where Ms. Dinan-Scollard received an award for being the kindest trainer. She noted Ms. Dinan-Scollard happily volunteered to board her horse during the Davis Fire.

Member Julian inquired about how the business' noncompliance was discovered. Ms. Olander replied that code enforcement investigated an anonymous report alleging that the establishment was operating as a boarding stables without a special use permit (SUP). A violation was then sent to the property owner. Member Julian asked about limits on the number of horses allowed on a property. Secretary Trevor Lloyd said there were restrictions on parcels under one acre, but there were no code restrictions on lots larger than that. He confirmed the applicant must obtain an SUP before applying for a business license.

Member Julian asked how a request to have 60 horses on a property would be regulated. Should the Board approve this application, Mr. Lloyd replied, and the applicant choose to board more horses than was listed in the application, a violation would occur and it could then become an enforcement issue. Before the Board was a request to have 40 horses boarded. The SUP, he explained, would impose a maximum on the number of horses; Washoe County Code did not.

Member Horishny wondered about the business license aspect of this item. Mr. Lloyd responded every commercial operation required a business license, and the lack of an SUP would invalidate any current business license, which was why this was needed. Ms. Olander added that the applicant held a Nevada state business license but did not realize a local jurisdiction license was also required. Member Horishny thought there was a failure in the process that owners did not know of the local license requirement.

Member Horishny corrected a mispronunciation made by Ms. Olander in the presentation, pointing out the property was on Chestnut Street, not Chester Street. He expressed appreciation that some of the landscaping requirements would remain in effect. He recommended the Washoe Nursey as a good source for cost-effective, local vegetation that would put minimal demand on the applicant's water rights.

Chair Pierce asked whether the applicant had an active manure mitigation plan. Ms. Dinan-Scollard responded most manure was hauled away weekly to the dump, though some was given to neighbors requesting it for compost.

Member Ghishan moved that Special Use Permit Case Number WSUP24-0009 for Jerry L. & April D. Scollard 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. He further moved that the development code applicable parking and landscaping requirements be modified as specified in the staff report. Chair Pierce seconded the motion, which carried unanimously.

C. Special Use Permit Case Number WSUP24-0011 (TMWA Wellhouse) – For hearing, discussion, and possible action to approve a special use permit for a utility services use type for a wellhouse. The applicants are also requesting to vary applicable parking, screening and landscaping requirements as specified in this staff report.

- Applicant: Truckee Meadows Water Authority
- Property Owner: Washoe County
- Location: 0 Horizon View Ave
- APN: 534-450-05
- Parcel Size: 11.4 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Andriola
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles or descriptions: Request; Vicinity Map; lot map; Background; Site Plan; aerial view; Elevations; Request to Vary Standards; Requires (sic) to Vary Standards (2 slides); Neighborhood Meeting; Reviewing Agencies; Public Notice; Findings; Amed Conditions of Approval; and Possible Motion.

Thomas Speer, senior design engineer with Truckee Meadows Water Authority (TMWA), noted the agency conducted a public meeting where most of the public comments addressed topics outside of the scope of the special use permit (SUP). The presentation would focus on the information relevant to the SUP.

Eric Hasty with Wood Rodgers Inc., representing the applicant, conducted a slideshow presentation and reviewed slides with the following titles: Location; Proposed Request – Special Use Permit; Project Background (2 slides); Project Site; Site Improvements; Proposed Request – Modification of Standards; renderings; Proposed View of the Wellhouse...; SUP: Meets All Findings in Section 110.810.30; and Spanish Springs Wellhouse SUP.

There was no response to the call for public comment.

Vice Chair Christensen disclosed he lived near the property and was the secretary of the landscape maintenance association (LMA). He pointed out that a photograph on page 7 was looking east, not north. He expressed concern about who would pay to water the proposed landscaping. Mr. Speer replied TMWA would be responsible for purchasing, installing, and maintaining the landscaping, adding that they would use a separate irrigation line from the LMA.

Vice Chair Christensen requested that a condition be imposed requiring landscaping on the west side so as not to impact the visuals from Pyramid Highway. Mr. Speer stated TMWA did not feel it was necessary to landscape the west or south sides because the adjacent parcels to those sides were currently undeveloped. The proposed landscaping on the north and east sides would hopefully screen some noise for the residents who lived on those sides.

Member Ghishan wondered if access to the north had been considered. Mr. Speer said that was evaluated but it was determined to be better to have the vehicles access the parcel via paved roads so dust from the dirt road did not make its way into the neighborhood. Because the existing trail was bad for vehicle traffic when it got wet, he continued, TMWA planned to improve the trail

to a more drivable gravel surface to prevent ruts and tripping hazards. He said the plan was to use the gate belonging to the Truckee Meadows Fire Protection District (TMFPD) as their main gate access. The split rail fencing located there would need to be removed.

Member Ghishan inquired about a potential existing development agreement for the unoccupied parcel to the west. Secretary Trevor Lloyd said he was not aware of any. Ms. Olander responded there had been discussions about developing many parcels along Pyramid Highway down to Calle De La Plata, but no specific plans had been received. Regarding ownership of the parcel, Mr. Speer stated TMWA owned many of the properties on which its equipment stood, but the subject parcel was an easement dedicated by the County as a utility easement.

Vice Chair Christensen moved to approve the SUP with the condition that landscaping be provided on the west border of the property.

Ms. Olander stated the applicant sought clarity on the specifics of the landscaping in the Vice Chair's extra condition. She also pointed out that imposing that condition would make it so TMWA would need to provide landscaping on more than the standard 20 percent requirement. Because the adjacent undeveloped property was zoned neighborhood commercial, she went on, they would be need to screen the east side of that property when it was developed.

Mr. Lloyd clarified that landscaping was not required along the west side per code. Vice Chair Christensen confirmed the intent of his condition was to have the western landscaping be consistent with what was already proposed. There was no assurance that development would ever take place to the west, and he was fine with asking the applicant to exceed the standard 20 percent coverage requirement. In response to Ms. Olander's ask, the Vice Chair expressed no opposition to TMWA keeping the landscaping at 15 percent but spreading it out around the parcel. Member Julian opined the residents to the east would not want TMWA's landscape buffer to be decreased on that side.

Mr. Lloyd offered another alternative: the Board could reject the proposal and require the full 20 percent in keeping with the existing landscape plan. Ms. Olander said the applicant was willing to screen three sides of the property at 20 percent landscaping, essentially removing their request to vary the landscape requirements. Discussion ensued between Mr. Lloyd, Ms. Olander, and Deputy District Attorney Elizabeth Hickman about a possible appropriate motion.

Vice Chair Christensen rescinded his motion and moved that Special Use Permit Case Number WSUP24-0011 for Truckee Meadows Water Authority 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. He further moved that the development code applicable parking and screening requirements be varied as specified in the staff report, and an additional condition be added that the applicant landscape to 20 percent of the property, including on the west-facing side of the parcel. He further moved that conditions 1.d. and 1.f. be removed. Member Horishny 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

There were no requests for information.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

There were no items to report.

B. Legal Information and Updates

Deputy District Attorney Elizabeth Hickman noted a petition for judicial review was filed on the Board of County Commissioners' approval of a single-family residence on Pahute Road in Crystal Bay.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 3:18 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on November 7, 2024



Trevor Lloyd
Secretary of the Board of Adjustment