



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Richard "R.J." Cieri
Lee Lawrence
William Whitney, Secretary

Thursday April 4, 2013
1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

April 4, 2013

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, April 4, 2013 at 1:30 p.m., in the Washoe County Health Department Conference Rooms, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Robert Wideman, Chair
Richard "R.J." Cieri
Lee Lawrence

Members absent: Kim Toulouse
Philip Horan

Staff present: William Whitney, Director, Planning & Development
Eva Krause, Planner, Planning & Development
Grace Sannazzaro, Planner, Planning & Development
Roger Pelham, Senior Planner, Planning & Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Planning & Development

2. Pledge of Allegiance

Chair Wideman led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney (DDA) Salter recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public Comment

As there was no response to the call for public comment, Chair Wideman closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Cieri moved to approve the agenda of April 4, 2013 as written. The motion, seconded by Member Lawrence, passed by a vote of three in favor and none against.

7. Approval of Minutes

Member Cieri moved to approve the minutes of February 7, 2013. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none against.

8. Planning Items and Public Hearings

Agenda Item 8A

PUBLIC HEARING: Variance Case No VA13-001 - Friedrich – To allow a reduction in the front yard setback from twenty (20') feet to five feet nine inches (5' 9") to facilitate construction of a single-family residence on a currently undeveloped parcel.

- Applicant / Developer Gary R. Taylor, PO Box 1715, Crystal Bay, NV 89402
- Property Owner Felix Friedrich, 175 Pinetree Circle, Alpharetta GA, 30009
- Location: 400 Tuscarora Road approximately 300 feet south of the intersection with Teresa Court
- Assessor's Parcel No: 123-142-07
- Parcel Size: ±0.164 acres
- Master Plan Category: Suburban
- Regulatory Zone: High Density Suburban
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Development Code: Article 804
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated March 19, 2013. He noted a detached garage would be allowed by right up to the front property line. He stated staff recommended denial based on the fact the lot was 88 feet wide and therefore was not exceptionally narrow. If it was, that would be a special circumstance which would justify the variance. He reviewed other aspects of the lot, opining it was unremarkable when judged against standards and similar parcels in the area.

Chair Wideman noted nearby lots seemed to have the same general shape. He asked if any of them were developed, if any had been granted variances and if the circumstances were similar. Mr. Pelham replied they were developed, some had variances and that he could not

speak regarding the circumstances, as each case was evaluated on its own merits and limitations.

Applicant's Representative Gary Taylor opined the variance should be granted. Applicant Felix Friedrich noted it was their opinion an approval would not grant a special privilege. Mr. Taylor stated the lot was 59.89 feet wide by 117 feet long for a total square footage of 7,132 square feet. The location selected for the home was the safest and most logical considering the site constraints. He noted that Variance Case No. VA07-014 had been approved on the lot in 2007 for a setback of 5 feet 6 inches, but the planned home had not been constructed. He displayed a map which showed the surrounding parcels in the area that had been granted variances.

Mr. Friedrich stated he and his family would reside in the home and a detached garage would not be safe.

Chair Wideman asked if the home would be built within the setbacks previously approved, and Mr. Taylor stated it was three inches closer to the lot line and six feet wider. Discussion ensued regarding other potential locations for the garage and Mr. Taylor explained why they would not work.

Member Cieri noted a condition requiring the roof pitch to assure snow load did not fall towards the driveway and roadway. Mr. Taylor explained the structure was already designed to accommodate that request.

Mr. Pelham replied he had not, but it was possible he had been mistaken regarding that fact. He pointed out the applicant had not requested the variance based on special circumstance due to the shape or width of the lot.

Member Cieri asked Mr. Pelham, if the footage was as Mr. Taylor claimed, there was still a special circumstance. Mr. Whitney verified the lot was 60 feet wide and suggested it would be prudent to continue the item so staff would have an opportunity to reanalyze the department's position. Alternatively, if the Board felt they had enough information, they could proceed with a decision.

Chair Wideman closed the public hearing and asked if the members had anything to disclose. None did.

Member Cieri recommended sending the case back to staff for re-evaluation. Member Lawrence stated his support for that approach. Chair Wideman agreed that idea had merit, but felt he had enough information to make a decision. He proposed they consider the facts that in 2007 a reasonably similar variance was approved and a number of nearby properties had been granted variances for similar situations. He stated he was prepared to support the variance.

Mr. Pelham distributed proposed conditions of approval to the Board and applicant. Mr. Taylor reiterated Condition 3C, requiring the roof to pitch away from the front of the house, had already been addressed.

Chair Wideman asked staff if the case could be continued and DDA Salter stated it could.

Member Cieri moved to approve Variance Case No VA13-001 - Friedrich, amended by the removal Condition 3C, based on testimony received at the hearing. The motion was seconded by Member Lawrence and passed three in favor and none against.

Member Cieri stated he was able to make all five of the following findings:

1. Special Circumstances.
2. No Detriment.
3. No Special Privileges.
4. Use Authorized.
5. Effect on a Military Installation.

Agenda Item 8B

PUBLIC HEARING: Administrative Permit Case No AP13-001 – Saint Rose of Lima Catholic Parish - To allow the expansion of an existing church of 2,372 square feet by an additional 700 square feet to construct an office for the pastor and an area to serve refreshments.

- Applicant / Property Owner Saint Rose of Lima Catholic Parish
- Location: 695 US Highway 395, Washoe Valley
- Assessor's Parcel No: 046-070-60
- Parcel Size: 2.42 acres
- Master Plan Category: Commercial and Rural
- Regulatory Zone: General Commercial and Public and Semi-Public Facilities

- Area Plan: South Valleys
- Citizen Advisory Board: West Washoe Valley
- Development Code: Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 23, T17N, R18E, MDM, Washoe County, NV

- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated March 19, 2013.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Board members agreed no discussion was required.

Member Cieri moved to approve conditionally Administrative Permit Case No AP13-001 – Saint Rose of Lima Catholic Parish. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none against.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a chapel and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation.

Agenda Item 8C

PUBLIC HEARING: Special Use Permit Case No SB13-004 - Wild West Motorsports Park – Request approval of for the mass grading done to create a race track and grandstand areas, and to operate the site as a commercial outdoor entertainment venue for off-road racing and other outdoor entertainment activities.

- Applicant: Hayfed, LLC
- Property Owner: Lockwood Investment Co. Ltd
- Location: 12005 East I-80
- Assessor's Parcel No: 084-060-13
- Parcel Size: 170.53 acres of a 624-acre parcel
- Master Plan Category: Rural
- Regulatory Zone: Parks and Recreation
- Area Plan: East Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Article 810, Special Use Permit
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 9, T19N, R21E, MDM, Washoe County, NV
- Staff: Eva M. Krause - AICP, Planner
- Phone: 775.328.3796
- E-Mail: ekrause@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated, March 21, 2013. She explained the conditions of approval were quite extensive as they were meant to address any type of outdoor entertainment that may occur on the property. She noted Granite Construction had expressed concerns regarding accesses. Condition 1P addressed this. It clarified the applicant agreed to not take action to limit or restrict Granite Construction or their successors from any mineral extraction activities, and the applicant is encouraged to work with the surrounding property owners to avoid any conflicts of use.

Ms. Krause explained Condition 1O gives the Director of Planning and Development the right to determine hours of operation for events. Condition 2D limits the number of spectators based on the number of parking spaces. It states the Director of Planning and Development,

with the approval of the traffic engineer, may increase the number of spectators if the applicant increases the number of parking spaces. She also pointed out the maximum number of spectators allowed without further review was 9,999.

Applicant's Consultant Phil Bowman explained he had miscounted the number of parking spaces on the plans and there are actually 5,056. Based on the calculation of two people per car, he opined the site could handle 9,999 people. Ms. Krause had no objections but requested the Board require the approval of the County engineer regarding traffic flows. She explained the Board would be approving the condition as opposed to the Director doing so, as the condition currently stated.

Member Cieri expressed concern with over 5,000 cars merging onto an uncontrolled highway. Ms. Krause replied the Nevada Highway Patrol (NHP) had conditioned that if there were over 1,600 people expected, the applicant would be required to hire NHP for traffic control. This arrangement had occurred during past events and worked very well. Member Cieri asked about water availability and Ms. Krause replied it would all be brought in. None would be pumped at the site.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Ms. Krause proposed Condition 2D be revised to state: "The number of spectators and participants is limited to 9,999 based on the parking plan once it has been approved by the traffic engineer."

Member Cieri moved to approve conditionally Special Use Permit Case No SB13-004 - Wild West Motorsports Park with the deletion of Condition 2D being replaced by Condition 2E, composed of language as read by staff. The motion was seconded by Member Lawrence and passed by a vote of three in favor and none against.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for Outdoor Entertainment events, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 8D

PUBLIC HEARING: Special Use Permit Case No. SB13-003 - Traditional Mexican Rodeo - To establish an equestrian facility for the hosting of "Traditional Mexican Rodeos" also known as "Charreada". Proposed events will consist of horse competition, team roping, and Mexican Charreada events. No boarding stables or new structures are proposed.

- Applicant Adalberto Ortega-Peralta
- Property Owner Claudia Ortega
- Location: 6505 Ernie Lane, Reno, NV 89510
- Assessor's Parcel No: 076-200-10
- Parcel Size: ±40.33
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs
- Development Code: Article 302, Allowed Uses and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Section 23, T23N, R20E, MDM, Washoe County, NV
- Staff: Grace Sannazzaro, Planner
- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated March 20, 2013. She explained the applicant had self-imposed a number of conditions designed to minimize any negative impacts. She found the site clean and well-maintained.

Ms. Sannazzaro reviewed concerns submitted by neighbors and what she had done in an attempt to alleviate them. She suggested commercial parking design and landscaping standards were inappropriate for the area and noted Condition 10 removed the requirements.

Member Cieri asked if the Nevada Department of Transportation (NDOT) had responded to the request for review and Ms. Sannazzaro stated they had not, but the Washoe County Traffic Engineer responded that she had no comments. Member Cieri discussed the dangers of the intersection of Winnemucca Ranch Road and Pyramid Highway.

Sharon Spencer suggested the applicant did not control his site and provided examples of situations she had witnessed and experienced.

Hugh Ezzell opined the applicants had worked with the neighbors to make the events tolerable. He explained dust was still a problem.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Cieri further expounded upon the dangers of the intersection of Winnemucca Ranch Road and Pyramid Highway. He reiterated his disappointment in the lack of response from NDOT and the County.

Member Cieri moved to approve conditionally Special Use Permit Case No. SB13-003 - Traditional Mexican Rodeo. The motion was seconded by Member Lawrence. DDA Salter

recommended the motion approve reference to the Second Amended Conditions as submitted. Member Cieri modified his motion, Member Lawrence agreed with the change, and the motion passed by a vote of three in favor and none against.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Warm Springs Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for Rodeo equestrian events, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area, and;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

9. Chair and Board Items

A. Discussion and possible action on revised Rules, Policies and Procedures for the Board of Adjustment regarding the conduct of meetings, hearings, and appeals to the Board, and governance matters such as quorum, voting, record keeping, and the duties, responsibilities and ethical rules for Board members.

DDA Salter told the Board he would have a staff report ready for the June meeting which would compare the current rules with the proposed rules so the changes were clear.

B. Report on Previous Board of Adjustment Items.

Mr. Whitney informed the Board that David Wood, Applicant for Case No. AP12-009 which the Board had denied, had decided not to develop his property.

10. Director's Items

None

11. Public Comment

As there was no response to the call for public comment, Chair Wideman closed the public comment period.

12. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 3:32 p.m.

Respectfully submitted,

/s/
Dawn Spinola, Recording Secretary

Approved by Board in session on June 6, 2013

/s/
William Whitney
Secretary to the Board of Adjustment