



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Lee Lawrence, Chair

Robert F. Wideman, Vice Chair

Kristina Hill

Clay Thomas

Kim Toulouse

William Whitney, Secretary

Thursday, February 5, 2015

1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, February 5, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

Chair Lawrence called the meeting to order at 1:32 p.m. The following members and staff were present:

Members present: Lee Lawrence, Chair
Robert F. Wideman, Vice Chair
Kristina Hill
Clay Thomas

Members absent: Kim Toulouse

Staff present: William Whitney, Division Director, Planning and Development
Eva Krause, AICP, Planner, Planning and Development
Roger Pelham, MPA, Senior Planner, Planning and Development
Grace Sannazzaro, Planner, Planning and Development
Paul Lipparelli, Assistant District Attorney, District Attorney's Office
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development
Donna Fagan, Recording Secretary, Planning and Development

2. Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

3. Ethics Law Announcement

Assistant District Attorney Lipparelli 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 Lawrence closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Hill moved to approve the agenda of February 5, 2015. The motion, seconded by Member Wideman, passed four in favor and none opposed.

7. Planning Items and Public Hearings

Agenda Item 7A

PUBLIC HEARING: Variance Case Number VA14-006 (Romiti Carport/Garage) – To reduce the front yard setback from 1-foot to 0 feet, extend the front of the carport and enclosing the structure, converting it to a garage.

- Applicant/Property Owners: Lawrence and Judith Romiti
- Location: 594 Rockrose Court
Incline Village NV
- Assessor's Parcel Number: 125-482-09
- Parcel Size: +0.21 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 Variance
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 16 T18E, R16N, MDM
Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3796
- E-mail: EKrause@Washoecounty.us

Chair Lawrence opened the public hearing.

Ms. Krause reviewed the staff report dated January 21, 2015. Ms. Krause indicated that the Applicant was out of the Country and the Applicant's Representative, Drew Peters was not present for comments. Mr. Peters said he'd not received the staff report in time to attend the meeting. The Applicant had given Ms. Krause the wrong email address for Mr. Peters resulting in him receiving it later than the normal time frame. The Romiti's declined to have their item postponed.

Member Wideman confirmed the Applicant nor the Applicant's Representative was present to answer questions. Member Wideman asked how accurate the property line was. Ms. Krause said the Applicant had an unofficial survey done which concluded that the garage was six square-feet over the property line. There was a variance granted previously to extend the garage one foot but actually extended it two feet.

Chair Lawrence asked if the map represented the building footprint or did it include the roof overhang. Ms. Krause believed it was the building footprint.

Member Wideman commented that he would have liked the Applicants to be present as he had some questions for them. He said he would consider a denial without prejudice so that the Applicant could come back and state their case.

Member Thomas indicated that he wasn't sure what the Applicant could say that would make building over the property line acceptable.

Chair Lawrence voiced concern about snow in the area, backing out of the garage and general safety.

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

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number VA14-006 for Judith and Lawrence Romiti having made only one of the required four findings in accordance with Washoe County Development Code Section 110.804.25. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Special Circumstances. **No special circumstances applicable to the property**, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings have been found;
2. No Detriment. **The relief will create a substantial detriment** to the public good, and will impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance **will constitute a grant of special privileges** inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

Agenda Item 7B

PUBLIC HEARING: Special Use Permit Case Number SB14-017 (Sierra Nevada College) –
To allow the construction of a single-family dwelling on the college campus for use of the college president (employee housing).

- Applicant/Property Owner: Sierra Nevada College
- Location: 291 Country Club Drive,
Incline Village, NV 89451
- Assessor's Parcel Numbers: 127-040-04, 127-040-09, 127-040-10
- Parcel Size: 19.63
- Master Plan Category: Rural (R)
- Regulatory Zone: Public and Semi-Public Facilities (PSP)

- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Sections 14, 15, 22 and 23, Township 16 North, Range 18 East, MDM
Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3796
- E-mail: EKrause@Washoecounty.us

Note: Member Kristina Hill disclosed that she is an employee of Sierra Nevada College and will abstain from voting on this item.

Chair Lawrence opened the public hearing.

Ms. Krause reviewed the staff report dated January 21, 2015.

Applicant's Representative, Dianne Severance, indicated that after reviewing the staff report and Conditions of Approval, she and the Applicant agreed with the Conditions. Ms. Severance stated that the President's residence being housed on campus would enable him to be more readily involved in campus activities; more personally connect with the students, would help in meeting some of the College's objectives and provides a long term solution to the college renting his residence.

Chair Lawrence closed public comment as there was none.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included as Exhibit A, Special Use Permit Case Number SB14-017 for Sierra Nevada College, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Thomas seconded the motion which passed with three in favor and one abstaining.

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 Tahoe 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 employee housing (President's residence), 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;
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 7C

Note: Member Kristina Hill resumed her position on the Board for the remainder of the agenda.

PUBLIC HEARING: Administrative Permit Case Number AP14-006 (Low Cost Tire and Recycling) – To allow a retail tire store and remote collection facility for the purpose of buying recyclable materials from the public, such as aluminum cans, scrap metal, and appliances such as washing machines, clothes dryers, and kitchen stoves. This facility will not process the recyclables on-site.

- Applicant: Low Cost Tire and Recycling (Rob Fryling)
- Property Owners: Shaheen Khan and Asmina Ali
- Project Name: Low Cost Tire and Recycling
- Project Address: 5365 Sun Valley Boulevard; Located on the west side of Sun Valley Boulevard between Gepford Parkway and 4th Avenue in Sun Valley

- Assessor's Parcel Number: 085-842-16
- Total Project Size: ±.58 acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Sections 19, T20N, R20E, MDM, Washoe County, NV

- Staff: Grace Sannazzaro, Planner
- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Lawrence opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated January 13, 2015.

Member Thomas asked what type of container would be used to store tires outside the building. The Applicant, Rob Fryling, stated that his intent is to use a semi-trailer or shipping container. He is working with the Health Department as the tires are not allowed to be stored outside as they can collect water and be a breeding ground for mosquitos.

Chair Lawrence confirmed that the recyclables will be removed one to four times a day and will not be stored at the site.

Schoen Charley, with Silver Crown Mobile Home Park, voiced concern about noise at the Mobile Home Park. Mr. Fryling stated that the work area was well over 100 feet from the edge of the Mobile Home Park. He also stated that they will be using electric or battery operated impact guns to reduce noise.

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

Member Thomas voiced concern about trucks and trailers' ability to move around in the parking lot area when bringing in large appliances, etc. Mr. Fryling said the traffic flow will be

“circular”, around the building. There will be no need to back up. He stated there will be enough room to have tire installation and driveway between the building and the fence.

Member Thomas moved that, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Administrative Permit Case Number AP14-006, having made all four findings in accordance with Washoe County Development Code Section 110.808.25, Administrative Permits. Member Wideman seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. The proposed use is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plan;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be 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. The site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. 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;

Agenda Item 7D

PUBLIC HEARING: Administrative Permit Case Number AP15-001 (Chris Burgarello Detached Accessory Dwelling) – To allow the construction of a detached accessory structure that is larger than the main dwelling on the parcel.

- Applicant / Property Owner: Chris Burgarello
17624 Northridge Ave.
Reno, NV 89508
- Location: 17624 Northridge Ave, Reno; approximately 400 feet north of the intersection of Northridge Avenue and South Avenue
- Assessor's Parcel Number: 081-191-05
- Parcel Size: ±1 acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 29, T21N, R18E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, Senior Planner
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing.

Mr. Pelham reviewed the staff report dated January 13, 2015.

Member Hill asked what the proposed use for the building was. Mr. Pelham said he didn't know for sure but he thought the Applicant had mentioned storage.

Mr. Pelham wanted to clarify that the application was for a "detached accessory structure" not a "detached accessory dwelling" as mistakenly stated in the case description.

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

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number AP15-001 for Chris Burgarello, having made all four findings in accordance with Washoe County Development Code Section 110.808.25. Member Thomas seconded the motion that carried unanimously.

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 Cold 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 a detached accessory dwelling, 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.

Agenda Item 7E

PUBLIC HEARING: Development Code Amendment Case Number DCA14-010 – To review an ordinance amending Washoe County Code, Chapter 110, Development Code, at various Sections in Divisions Six, Eight and Nine to change the procedures for appealing certain decisions to the Board of Adjustment; and for appealing decisions of the Board of Adjustment, the Planning Commission, and Hearing Examiners to the Board of County Commissioners; and, to correct the terminology of the Planning and Development Division at Article 914. The Board of Adjustment will provide comments to the Washoe County Planning Commission for their consideration when making recommendations on the ordinance to the Washoe County Board of County Commissioners.

Member Thomas asked why when originally discussed, the number of days to appeal was agreed to as 15 and now during the presentation the number of days to appeal is being recommended to be only ten (10). Mr. Webb said that the number of days to appeal was never really discussed but a larger number of Boards have a ten day appeal period so he thinks that's consistent and adequate. Member Wideman agreed that ten days was appropriate.

Member Hill asked who the Administrative Hearing Officers are. Mr. Webb said they are appointed by the Board of County Commissioners from a pool of pro-tem judges. Judges who have experience in civil and administrative law would be in the pool.

Chair Lawrence opened public comment. Chair Lawrence closed public comment as there was none.

Member Wideman moved that, after giving reasoned consideration to the information contained in the staff report, information received during the public hearing, and discussion among members of this Board, the Washoe County Board of Adjustment directs that the following comments be provided to the Washoe County Planning Commission for their consideration when making recommendations on DCA14-010 to the Washoe County Board of County Commissioners:

1. Board will support whatever limits for the appeal period as reached by consensus.

Member Thomas seconded the motion which carried unanimously.

8. Chair and Board Items

A. *Report on Previous Board of Adjustment (BOA) Items

Mr. Whitney informed the Board that the STMWRF items they approved in October and December for expansion and an additional building have been approved by BCC and construction should start in March.

Mr. Whitney informed the Board that the HealthCap facility, which was approved in December, was not appealed to the County Commission by the neighbors.

B. *Future Agenda Items and Staff Reports

None

9. Director's Items

A. *Legal Information and Updates

Chief Deputy District Attorney, Paul Lipparelli announced that our previous Deputy District Attorney, Greg Salter took another job and will be replaced by Nate Edwards, prior legal council to Planning and Development.

Mr. Whitney congratulated Member Hill on her appointment to Tahoe Advisory Planning Commission.

Mr. Whitney reported that the department held new member training on January 27, 2015, for the Board of Adjustment and Planning Commission. Kathy Emerson announced that a new binder has been assembled for each Member/Commissioner as a tool to help with their positions. Ms. Emerson also noted that thumb drives were passed out at the training containing all pertinent policies, procedures, code, etc. and asked if any of the other Members would like one.

10. Public Comment

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

11. Adjournment

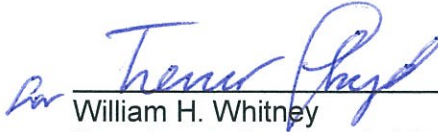
The meeting adjourned at 3:12 p.m.

Respectfully submitted,



Donna Fagan, Recording Secretary

Approved by Board in session on June 4, 2015



William H. Whitney
Secretary to the Board of Adjustment


Dan and Patty Beadle
581 Rockrose Court
Incline Village, NV 89451

October 28, 2014

Washoe County Building Department

Regarding: Judith and Lawrence Romiti, 594 Rockrose Court

In order to install a garage door on an existing car port, we are in support of a variance for this property. It will be a visual improvement to the neighborhood, and we believe will provide additional safety.



Dan and Patty Beadle

VA14-006
Feb 5, 2015

Krause, Eva

From: info@romitiart.com
Sent: Wednesday, January 28, 2015 11:59 AM
To: Krause, Eva
Subject: Re: Romiti garage Variance

Importance: High

Thank you for your email. We are out of the country at the moment and have representation in Incline. We do not want a deferral as this variance is important to our wellbeing and safety and we have the support of our neighbors and this is not an unusual variance on other properties on our cul de sac.

Thank you for your concern.

Sincerely,

Judith and Lawrence Romiti

594 Rockrose Court.

Info@romitiart.com

On Jan 28, 2015, at 12:18 PM, Krause, Eva <EKrause@washoecounty.us> wrote:

<image001.jpg>

Dear Mr. Romiti,

I called and left you a voice mail last week, hoping the you would respond.

Attached is the staff report for your garage variance. The Planning Director has suggested that you may want to request a deferral until you can be present to state your case. It is important the you contact me right away, if you choose to postpone the Public Hearing.

Sincerely,

Eva M. Krause, AICP

Planner

Washoe County Community Services

Planning and Development Division

775.328.3796

ekrause@washoecounty.us

<VA14-006 Staff Rpt.docx>

Krause, Eva

From: Krause, Eva
Sent: Thursday, February 05, 2015 11:24 AM
To: 'Drew Peters'
Cc: 'info@romitiart.com'; Whitney, Bill
Subject: RE: Romiti Variance Request

Good Morning Mr. Peters,

I am sorry about you not getting the staff report in advance. I sent it to Mr. Romiti and you on January 23. Unfortunately, the contact email Mr. Romiti provided for you was incorrect, so I was not aware that you did not get it.

Thank you for forwarding the letters of support. All the letters, except the one from the Beadles, are included in the staff report. I will provide a copy of the Beadles and your email to the Board this afternoon for their consideration.

Sincerely,

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3796
ekrause@washoecounty.us

From: Drew Peters [<mailto:idrewp@gmail.com>]
Sent: Thursday, February 05, 2015 10:45 AM
To: Fagan, Donna; Krause, Eva
Subject: Romiti Variance Request

Hello,
I am trying to help Larry and Judy Romiti with their efforts to get a garage door in place at their house across the street from ours in Incline Village. Unfortunately I did not receive any of the notifications about the hearing today until very recently as my email address was misspelled on the messages that were sent and I will not be able to attend the meeting as I have to pick my daughter up from pre-school.

I was able to read the staff report and have a couple of comments:

- i) Exhibit C indicates 5 letters from neighbors voicing support for the approval of the variance. I believe that several others are missing and have attached the ones I think are the missing ones.
- ii) I feel that you are interpreting NRS 278.300 (1) (c) in a very strict manner as I believe that forcing the Romitis to implement a much more rigorous and expensive solution to the problem of installing a garage door for the sake of six square feet of county easement does in fact constitute "exceptional and undue hardships upon, the owner of the property". Incline Village certainly has its share of very wealthy people but the Romitis are, in fact, semi-retired artists. Judy spent most of her life as a school teacher and Larry as an artist.

They live in a modest “dome” home here in Incline Village for most of the year as they draw inspiration for their art from the beautiful natural surroundings.

iii)

I would ask that you reconsider the application of this phrasing “exceptional and undue hardships upon the owner of the property” and instead approve their modest request. All of the neighbors on our small street support this and all already have doors on their garages and would like for the Romitis to be able to have one as well in an affordable manner.

Thank you,
Drew Peters