



# Board of Adjustment Staff Report

Meeting Date: October 1, 2015

Subject: Variance Case Number: VA15-006  
Applicant: John Lundy  
**Agenda Item Number: 9G**  
Project Summary: Request to reduce the front yard setback on two properties in order to construct structures to enclose accessory generators and switching gear at 4880 and 4910 Franktown Road  
**Recommendation: Denial**  
Prepared by: Eva M. Krause - AICP, Planner  
Washoe County Community Services Department  
Division of Planning and Development  
Phone: 775.328.3628  
E-Mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

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## Description

**Variance Case Number VA15-006 (Yarhi Estate)** – Hearing, discussion, and possible action to grant a variance to reduce the front yard setback from 30 feet to 11 feet on the property at 4880 Franktown Road, and to reduce the front yard setback from 30 feet to 24 feet on the property at 4910 Franktown Road to enclose the generators and switching gear located in the front yard of each property. The properties are located on the east side of Franktown Road approximately 3500 feet south of the north intersection of Franktown Road and Old 395 highway.

- Applicant: John R. Lundy Architect
- Property Owner: Robert Yarhi
- Location: 4880 and 4910 Franktown Road
- Assessor's Parcel Number(s): 055-060-37 and 055-060-38
- Parcel Size: 10 acres each
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: Medium Density Rural (MDR)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 10, T16N, R19E, MDM, Washoe County, NV

**Staff Report Contents**

Variance Definition..... 3

Analysis ..... 5

South Truckee Meadows/Washoe Valley Citizen Advisory Board ..... 8

Reviewing Agencies..... 8

Recommendation.....10

Motion.....10

Appeal Process.....11

**Exhibits Contents**

Health District Letter.....Exhibit A

Public Notice Map .....Exhibit B

Project Application ..... Exhibit C

### **Variance Definition**

The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts.

NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

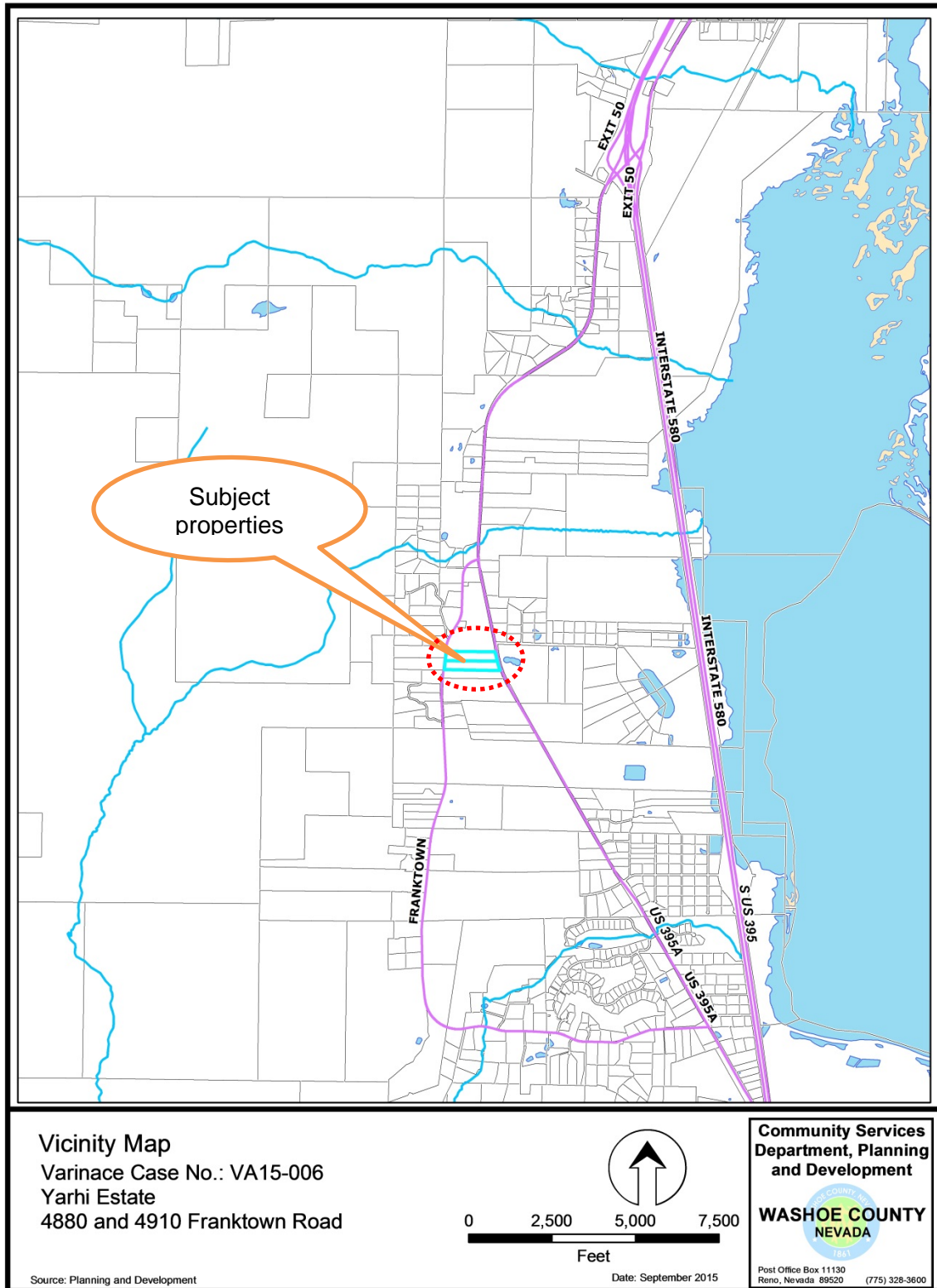
Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under WCC Section 110.804.25, the Board must make four findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

Since a recommendation of denial has been made, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance, staff will provide Conditions of Approval at the public hearing.



**Vicinity Map**

**Analysis**

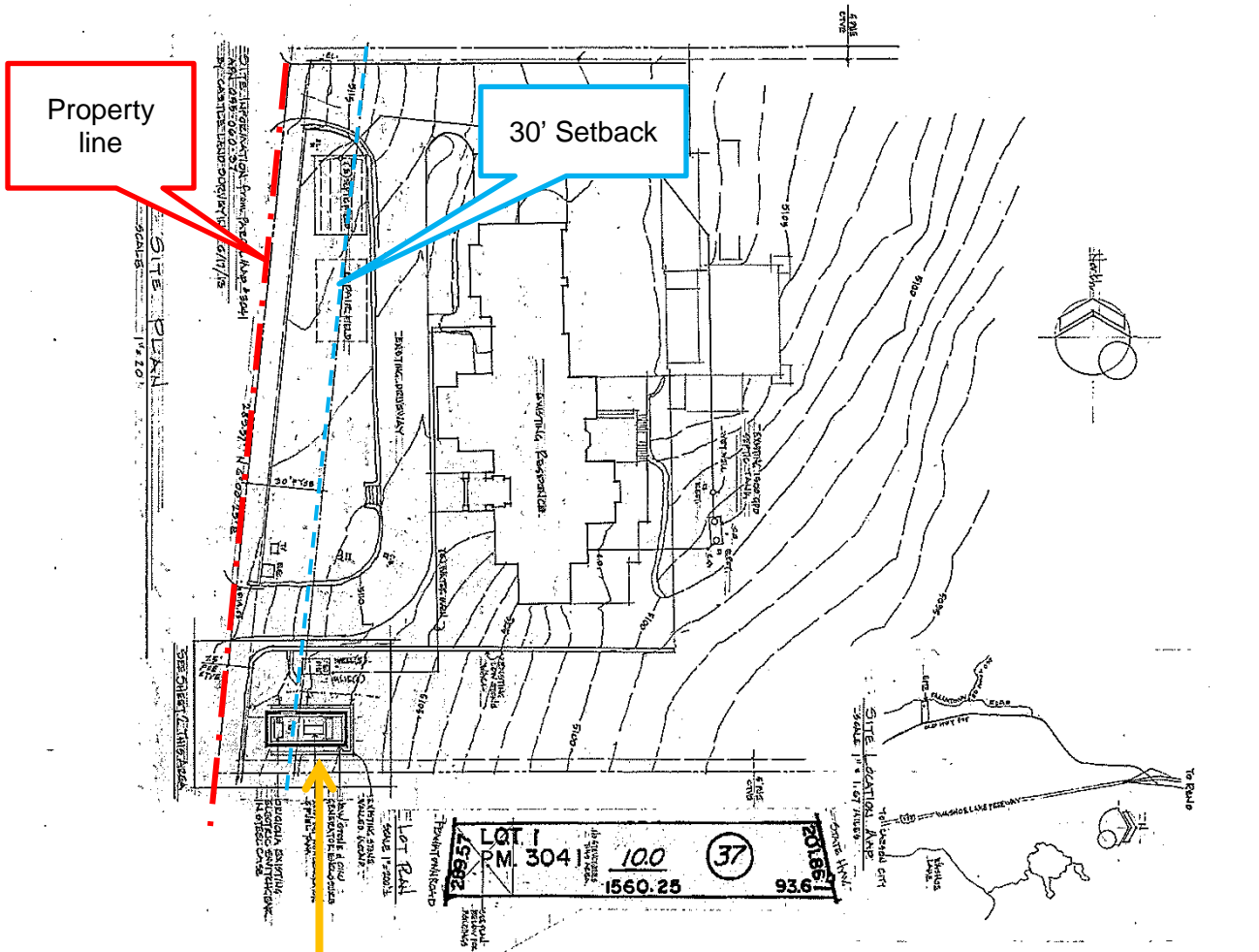
The applicant owns two ten acre lots on Franktown Road. Each lot is developed with a single family residence built in 2002. Each lot has split zoning, with of Medium Density Rural (MDR) zoning abutting Franktown Road extending to the ditch behind residences (2.3 acres on 4880, and 1.7 acres on 4910), and General Rural (GR) zoning between the ditch and old Highway 395. There is a switchgear cabinet, a large generator and fuel tank (equipment) in the front yard on each of the properties. The applicant is requesting to enclose the equipment in buildings on both the subject parcels. Washoe County Development Code’s Building Placement standards require a 30 foot front yard setback for structures. The equipment installed in the front yard are not defined as structures in the County Development Code, therefore the Building Placement standards do not apply to the equipment, but would apply to the proposed buildings.

Both lots are relatively flat and unencumber by physical feature that would prevent locating the equipment outside of the front yard setback. If the height of each structure is less than twelve feet to mid-peak, the structure could be located anywhere on the properties outside of the front yard and at least five feet from the side or rear yard.

In order to enclose the equipment in its present location, the building on 4880 Franktown Road would extend 19 feet into the front yard setback (reducing the setback to eleven feet). The building on 4910 would extend six feet into the setback (setback would be 24 feet). While the buildings would be more aesthetically pleasing and would help to dampen the sound of the generators, the applicant requires a variance because equipment was installed without consideration to the required front yard setback, or any forethought to appearance or impact of installing the equipment between the homes and the road.

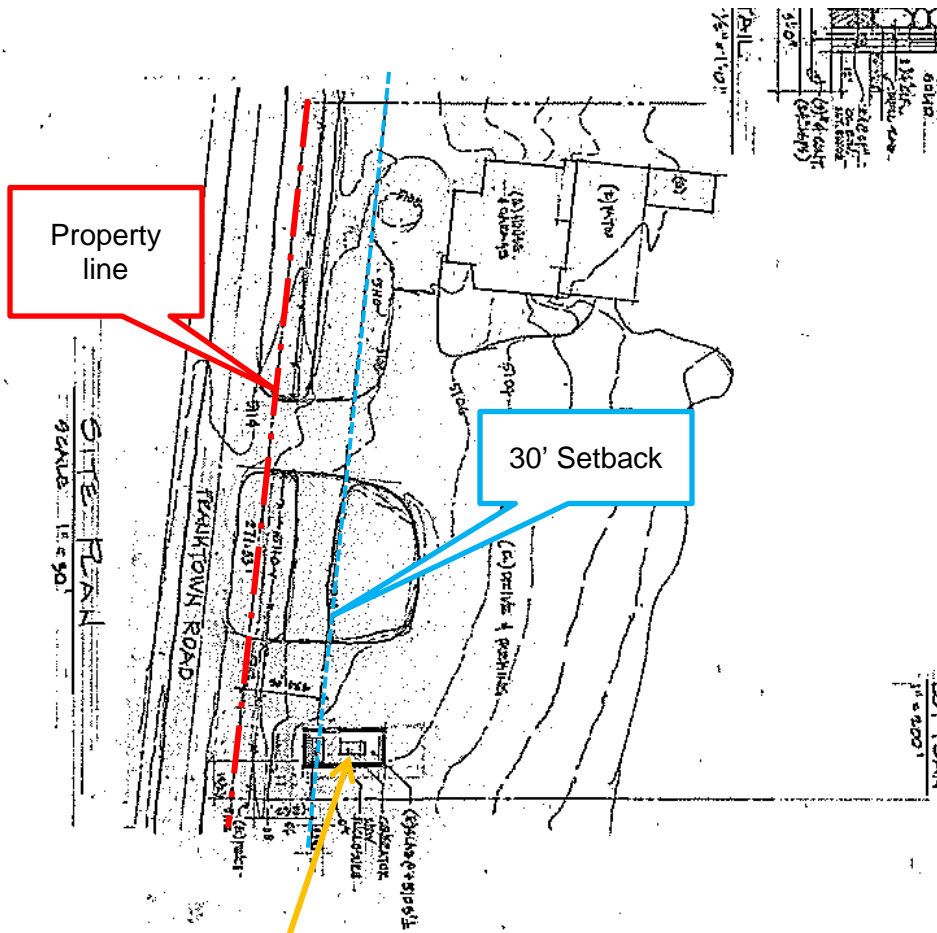






**Site Plan for 4880 Franktown Road**

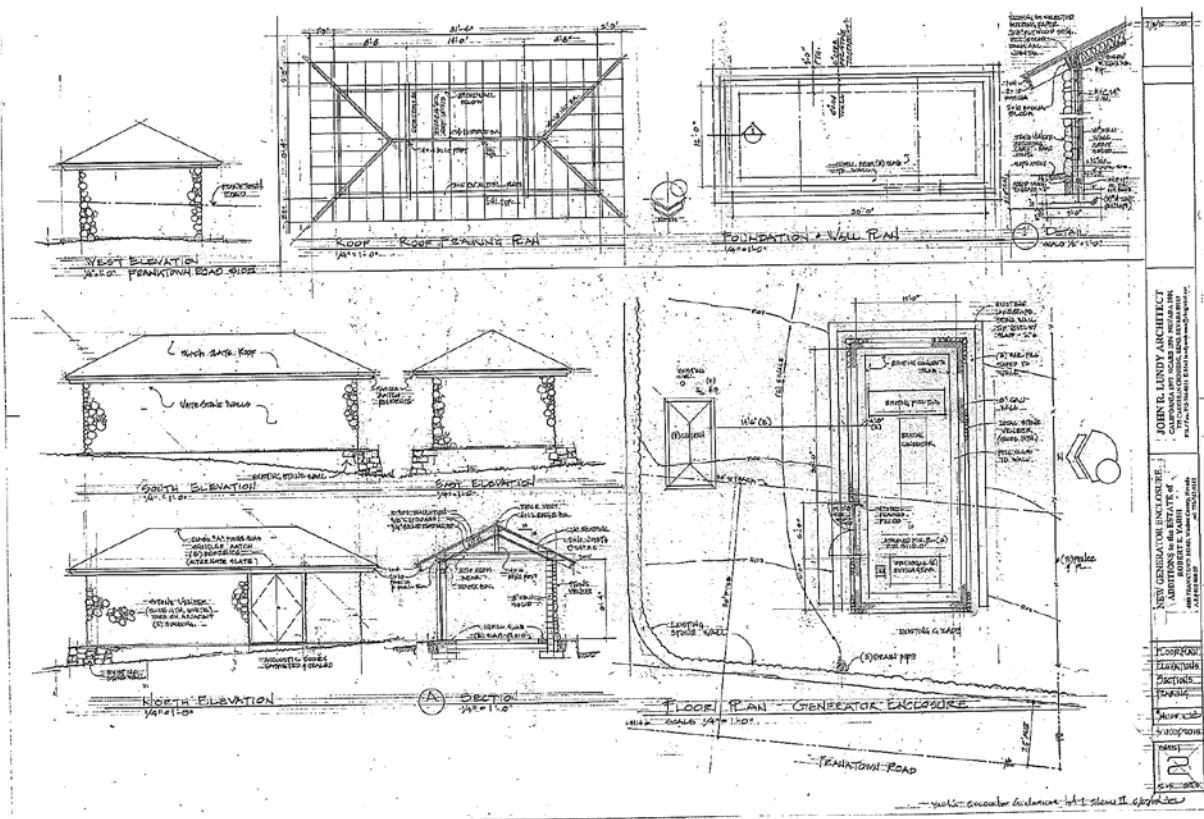




**Site plan for 4910 Franktown Road**



Equipment at 4940 Franktown Road is not included in this request



The equipment buildings are proposed to be 30 feet by 12 feet, with nine foot stone veneer walls, a 6/12 gable roof.

**South Truckee Meadows/Washoe Valley Citizen Advisory Board**

The proposed project was discussed at the regularly scheduled Citizen Advisory Board meeting on September 10, 2015. Trevor Lloyd (Senior Planner) was in attendance at the meeting and reported that the CAB recommended approval of the variance.

The CAB summary was not ready in time for inclusion in this report. Staff will report on CAB comments at the Board meeting.

**Reviewing Agencies**

The following agencies received a copy of the project application for review and evaluation:

- Regional Transportation Commission
- Truckee Meadows Fire Protection District
- Nevada Department of Transportation
- Washoe County Community Services Department
  - Planning and Development



- Engineering and Capital Projects
- Building and Safety
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
  - Air Quality

Two out of the nine above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided.

- Planning and Development addressed the location of the existing switchgear and generators.

**Contact: Eva Krause, 775.328.3628, [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)**

- Health District responded stating that both properties have Onsite Sewage Disposal Systems (OSDS) and Domestic wells. All plans will have to be approved by the Health District.

**Contact: Chris Anderson, 328-2632 [canderson@washoecounty.us](mailto:canderson@washoecounty.us)**

The remaining agencies responded that they did not have comments or concerns.

### **Staff Comment on Required Findings**

Section 110.804.25 of Article 804, *VariANCES*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. Special Circumstances. Because of the 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; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

*Staff Comment: While the proposed structures would screen the equipment and reduce the noise of the generator when in use, the special circumstance was self-induced when the equipment was installed in the front yard. Both parcels are 10 acres, fairly level and there are large areas of undeveloped land where the equipment could have been located. Staff cannot make a finding of a hardship or special circumstance of the land.*

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.

Staff Comment: Approval of the variance would impair the intent and purpose of the Development Code.

3. No Special Privileges. The granting of the variance will not 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.

Staff Comment: Granting this variance would bestow a special privilege that is not shared by other property owners in the vicinity and the identical regulatory zone.

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.

Staff Comment: A generator and electrical equipment is accessory to the existing residence and is permitted.

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Staff Comment: No military instantiations are located within 3,000 feet of the proposed project; therefore this finding does not have to be made.

### **Recommendation**

Those agencies which reviewed the application provided conditions for the project, if approved. Planning staff was not able to make all the finding required for approval of a variance, therefore, after a thorough analysis and review, Variance Case Number VA15-006 is being recommended for denial. Should the Board agree with staff's recommendation the following motion is offered for consideration.

### **Motion**

I move 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 VA15-006 for Robert Yarhi, having not made findings 1, 2 or 3 of the four required findings in accordance with Washoe County Development Code Section 110.804.25

1. Special Circumstances. Because of the 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; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or 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 not 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.

### **Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

xc: Property Owner: Robert Yarhi  
11005 Stead Blvd.  
Reno, NV 89506  
[ryarhi@sprintmail.com](mailto:ryarhi@sprintmail.com)

Representatives: John Lundy  
775 Caughlin Crossing  
Reno, NV 89519  
[lundyarchreno@sbcglobal.net](mailto:lundyarchreno@sbcglobal.net)

Contact: [Mark@amerigenpower.com](mailto:Mark@amerigenpower.com)

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

September 4, 2015

Eva Krause AICP, Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Yarhi Estate; APN's 055-060-37 & -38  
Variance; VA15-006

Dear Ms. Krause:

The Washoe County Health District, Environmental Health Services Division (Division) Engineering has reviewed the above referenced project. Both properties are served by domestic wells and onsite sewage disposal systems (OSDS). Approval by this Division is subject to the following conditions:

1. The building permit application shall be routed to this Division and shall show the specific locations of all domestic wells and OSDS for both properties. The OSDS locations shall include the location of repair areas.
2. The improvements shall meet all setback requirements per the Washoe County Health District Regulations Governing Sewage, Wastewater and Sanitation and Washoe County Health District Regulations Governing Well Construction.

If you have any questions regarding the foregoing, please call me at 328-2632.

Sincerely,

Chris Anderson, P.E.  
Registered Engineer  
Land Development Program  
Environmental Health Services

CA/JE:ca

Cc: File - Washoe County Health District

**Public Notice**

Pursuant to Washoe County Development Code Section 110.804.20 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was in excess of 1000-foot radius of the subject property, noticing 45 separate property owners.





## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

<b>Project Information</b>		Staff Assigned Case No.: <u>VA15-006</u>	
Project Name: <u>YARH ESTATE GENERATOR &amp; SWITCHGEAR ENCLOSURES</u>			
Project Description: <u>NEW STONE CLAD BUILDINGS TO HIDE &amp; SOUND REDUCE GENERATORS &amp; SWITCHGEAR</u>			
Project Address: <u>1880 FRANKTOWN ROAD, WASHOE COUNTY NEVADA</u>			
Project Area (acres or square feet): <u>2 @ 463 sq EACH LOT</u>			
Project Location (with point of reference to major cross streets AND area locator): <u>A910 FRANKTOWN ROAD, Washoe County Nevada</u>			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
<u>055-060-37</u>	<u>10 AC</u>		
<u>055-060-38</u>	<u>10 AC</u>		
Section(s)/Township/Range:			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: <u>MR. ROBERT YARHI</u>		Name: <u>JOHN LUNDY ARCHITECT</u>	
Address: <u>11005 STEAD BLVD. RENO, NV</u>		Address: <u>775 CAUGHAN CROSSING RENO NV</u>	
Zip: <u>89506</u>		Zip: <u>89519</u>	
Phone: <u>(775) 331-8221</u> Fax: <u>(775) 331-8385</u>		Phone: <u>775 746 8214</u> Fax:	
Email: <u>ryarhi@sprint mail.com</u>		Email: <u>lundyarchreno@sbcglobal.net</u>	
Cell: <u>(775) 742-9142</u> Other:		Cell: Other:	
Contact Person: <u>CORA ROLDAN</u>		Contact Person: <u>JOHN</u>	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: <u>JOHN R. LUNDY ARCHITECT</u>		Name:	
Address: <u>775 CAUGHAN CROSSING RENO NV</u>		Address:	
Zip: <u>89519</u>		Zip:	
Phone: <u>775 746 8214</u> Fax:		Phone: Fax:	
Email: <u>lundyarchreno@sbcglobal.net</u>		Email:	
Cell: Other: <u>. net</u>		Cell: Other:	
Contact Person: <u>JOHN LUNDY</u>		Contact Person:	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

one on Both lots

## Variance Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

FRONT YARD SETBACK: MINOR INTRUSION

You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

THE SWITCHGEAR FOR THESE PROPERTIES were installed @ & in the FRONT YARD SETBACKS. THE GENERATORS WERE PLACED OUT OF THE SETBACK BUT ADJACENT TO THE SWITCHGEAR WHICH THEY MUST connect to. we want to ENCLOSE THE SWITCHGEAR & GENERATORS TO LOUDS & SOUND SUPPRESSION - THEY ARE NOISY WHEN THEY RUN. & UNSITE BY NEXT TO THE ROAD,

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

THE SWITCHGEAR IS PLACED BELOW THE STREET SO THE ENCLOSURE WILL BE MOSTLY BELOW ROAD LEVEL. THE BUILDINGS WILL BE IN LOCAL STONE & SET TO FIT IN WITH THE EXISTING HOUSES.

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

ELIMINATING THE VIEW OF THE SWITCHGEAR & GENERATORS WITH A STONE HOUSE (USED ON OTHER BUILDINGS ON LOT) WITH A SLATE ROOF TO LOOK LIKE A BLOCK HOUSE WILL BE MORE ATTRACTIVE & ELIMINATE NOISE.

5. What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

NONE; THEY CAN SET THEIR GENERATORS OUTSIDE IF THEY WANT TO & WE CAN LISTEN TO THEM WHEN THEY START UP IN THE MIDDLE OF THE NIGHT ON THE NEXT POWER OUTAGE IN WASHOE VALLEY.

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
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7. What is your type of water service provided?

<input checked="" type="checkbox"/> Well	<input type="checkbox"/> Community Water System
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8. What is your type of sanitary waste disposal?

<input checked="" type="checkbox"/> Individual Septic System	<input type="checkbox"/> Community Sewer System
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VA15-006  
EXHIBIT C



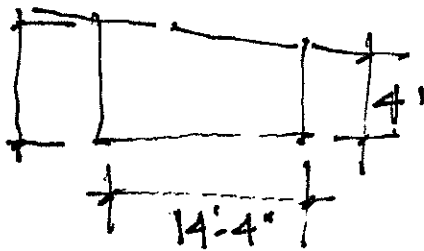
Generator

Eva.

EM EKRAUSE

Washington County, VA

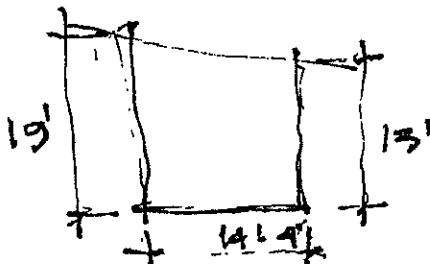
Lot 38  
Main Hts. 5'-6"



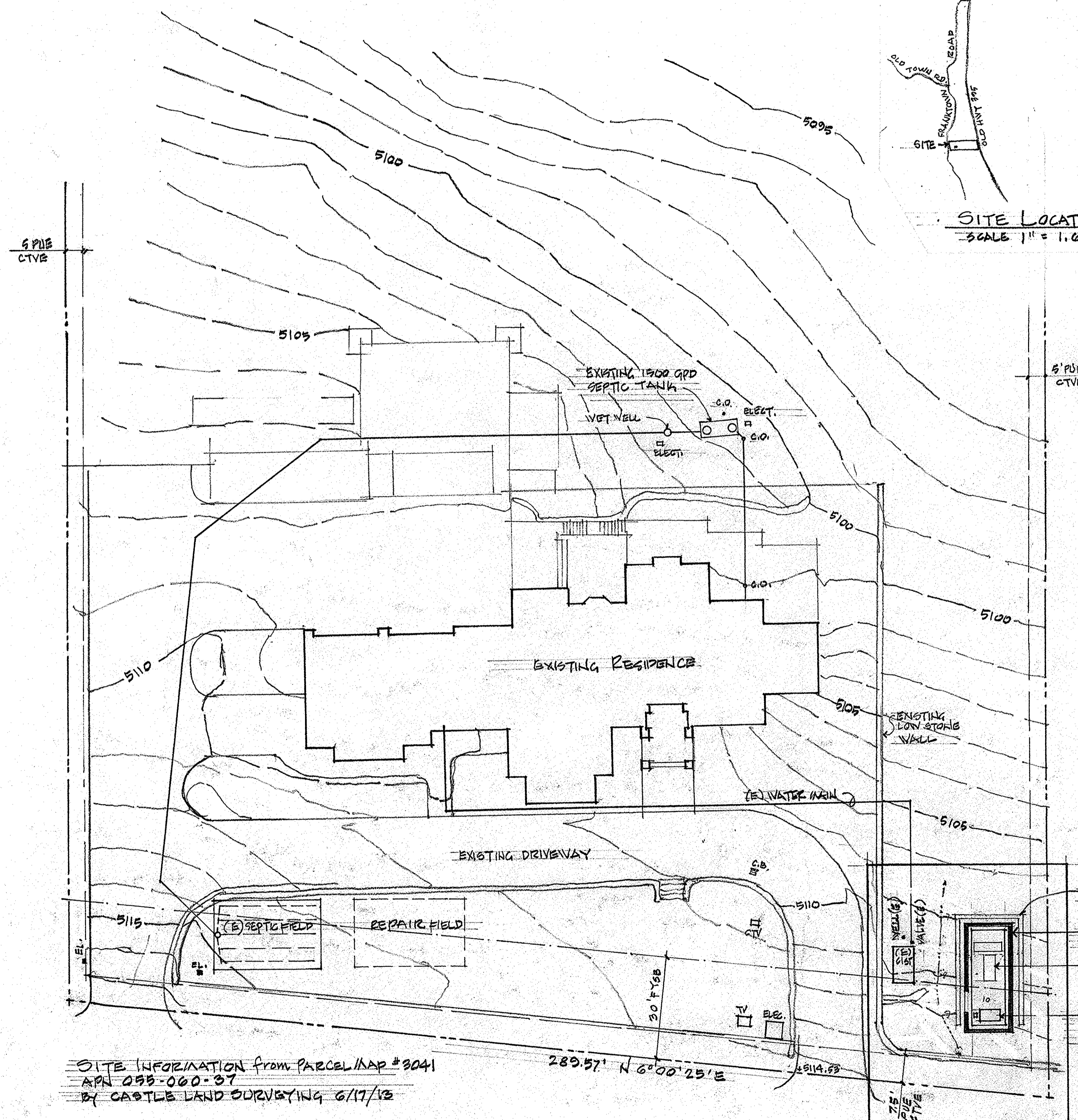
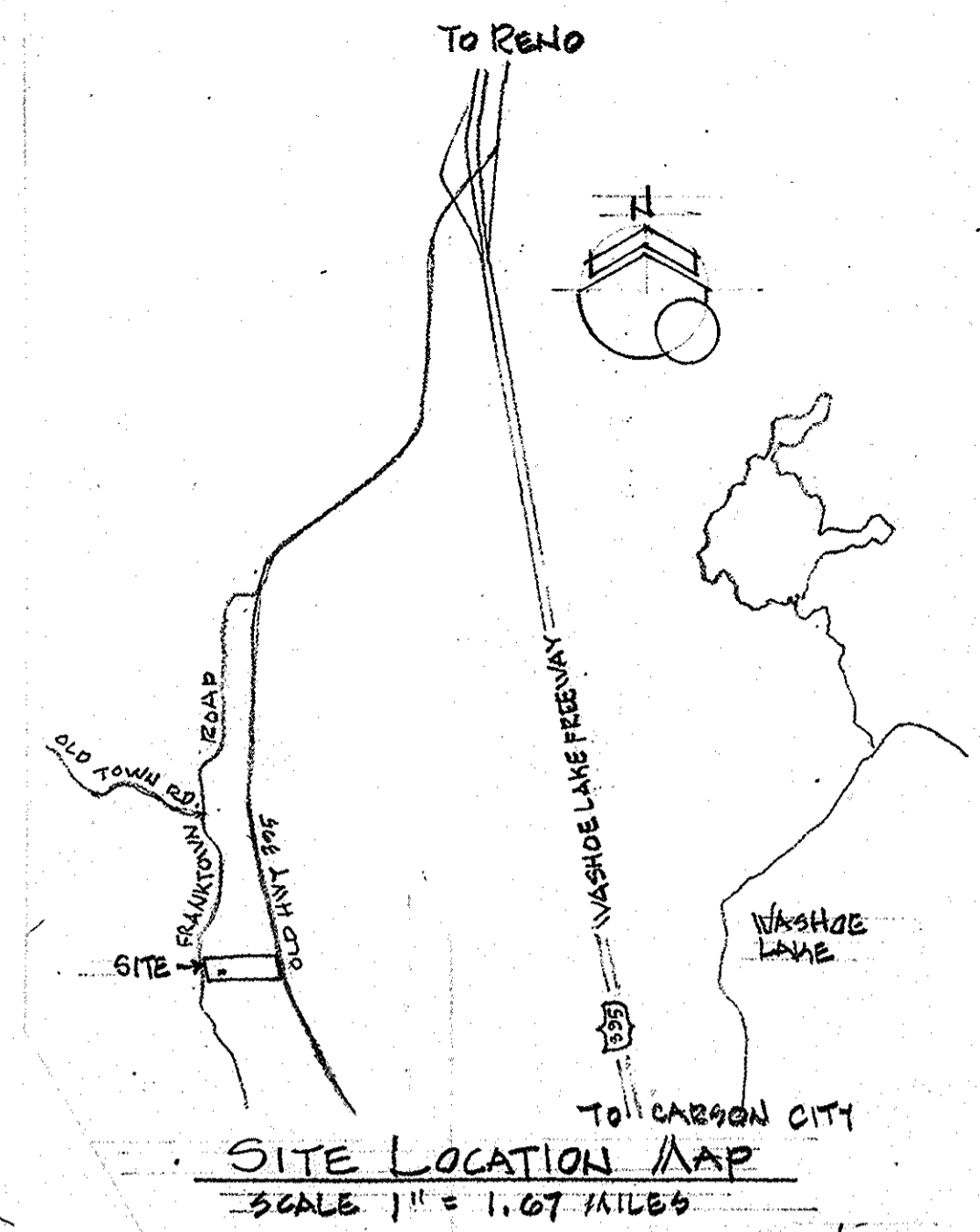
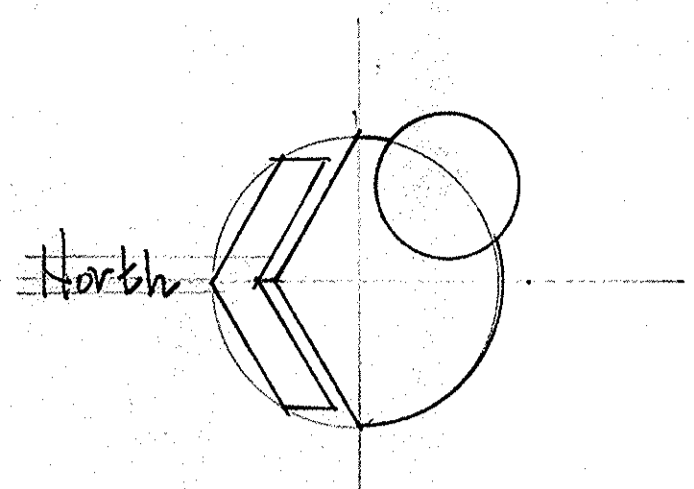
Max Encroachment into 30' SB.

6' To wall face.

Lot 37  
Main Hts.



Max Encroachment is 13'



STATE HWY. 201.867  
 93.67  
 37  
 100  
 1560.25  
 289.57  
 LOT 1 R.M. 3041  
 NO STRUCTURES THIS AREA  
 SEE PLAN BELOW FOR BUILDINGS  
 FRANKTOWN ROAD

LOT PLAN  
SCALE 1" = 200' ±

SITE INFORMATION from PARCEL MAP #3041  
APN 055-060-37  
BY CASTLE LAND SURVEYING 6/17/13

SITE PLAN  
SCALE 1" = 20'

SEE SHEET 2 THIS AREA

JOHN R. LUNDY ARCHITECT  
CALIFORNIA 1977 NCARB 1996 NEVADA 2001  
775 CAUGHLIN CROSSING, RENO, NEVADA 89519  
PH./Fax: 775-746-5214 E-Mail: lundyarchreno@sbcglobal.net

NEW GENERATOR ENCLOSURE  
ADDITIONS to the ESTATE of  
ROBERT E. YARHI  
4880 FRANKTOWN ROAD, Washoe County, Nevada  
A.P.# 055-060-37 cel. 775-742-9142

SITE PLAN

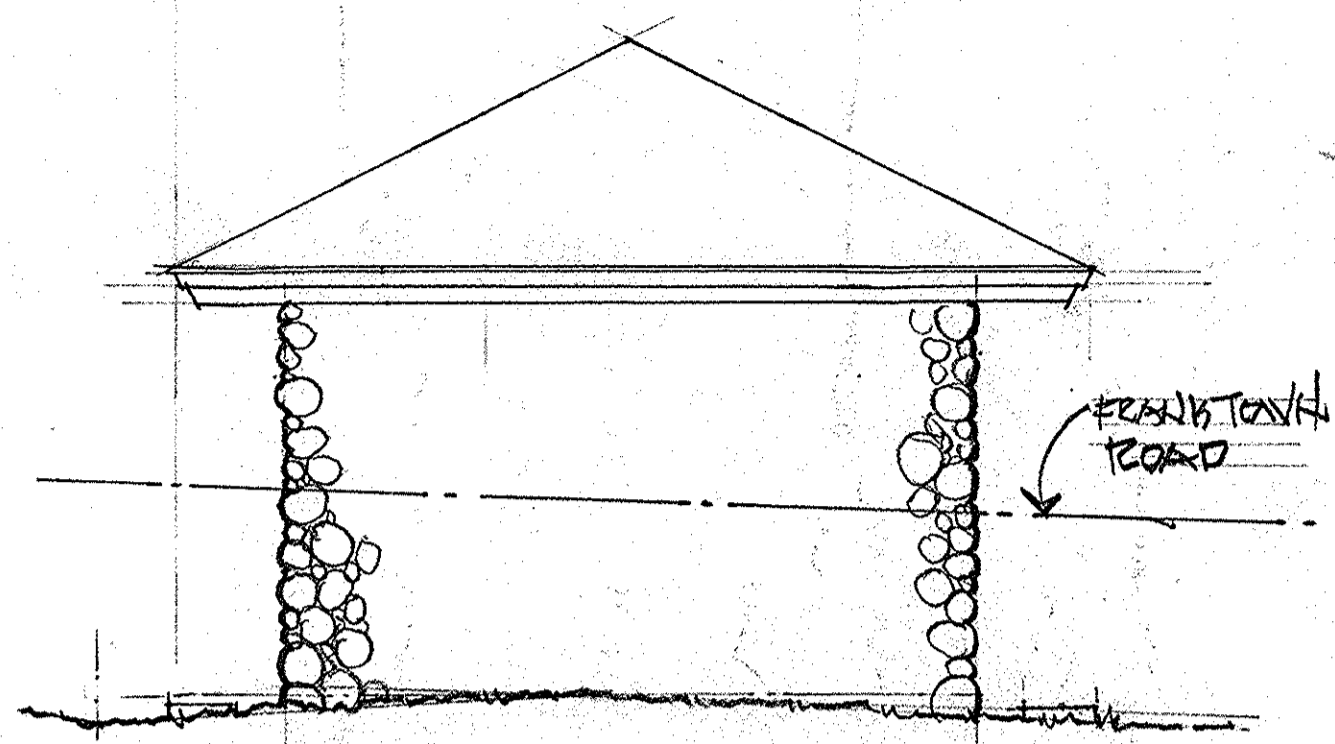
#141105 CD

3 JULY, 2015

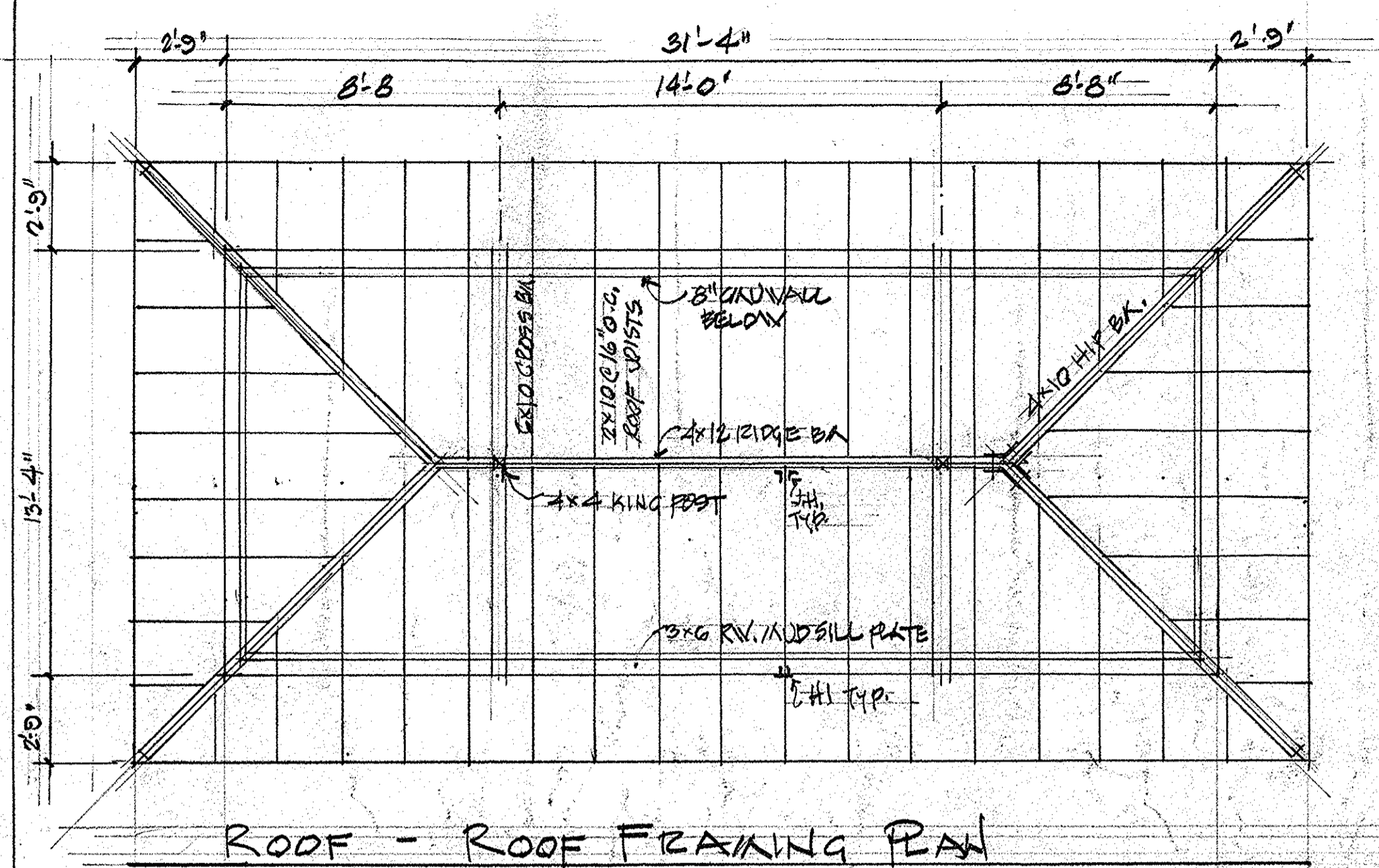
SHEET

1 of 51'S

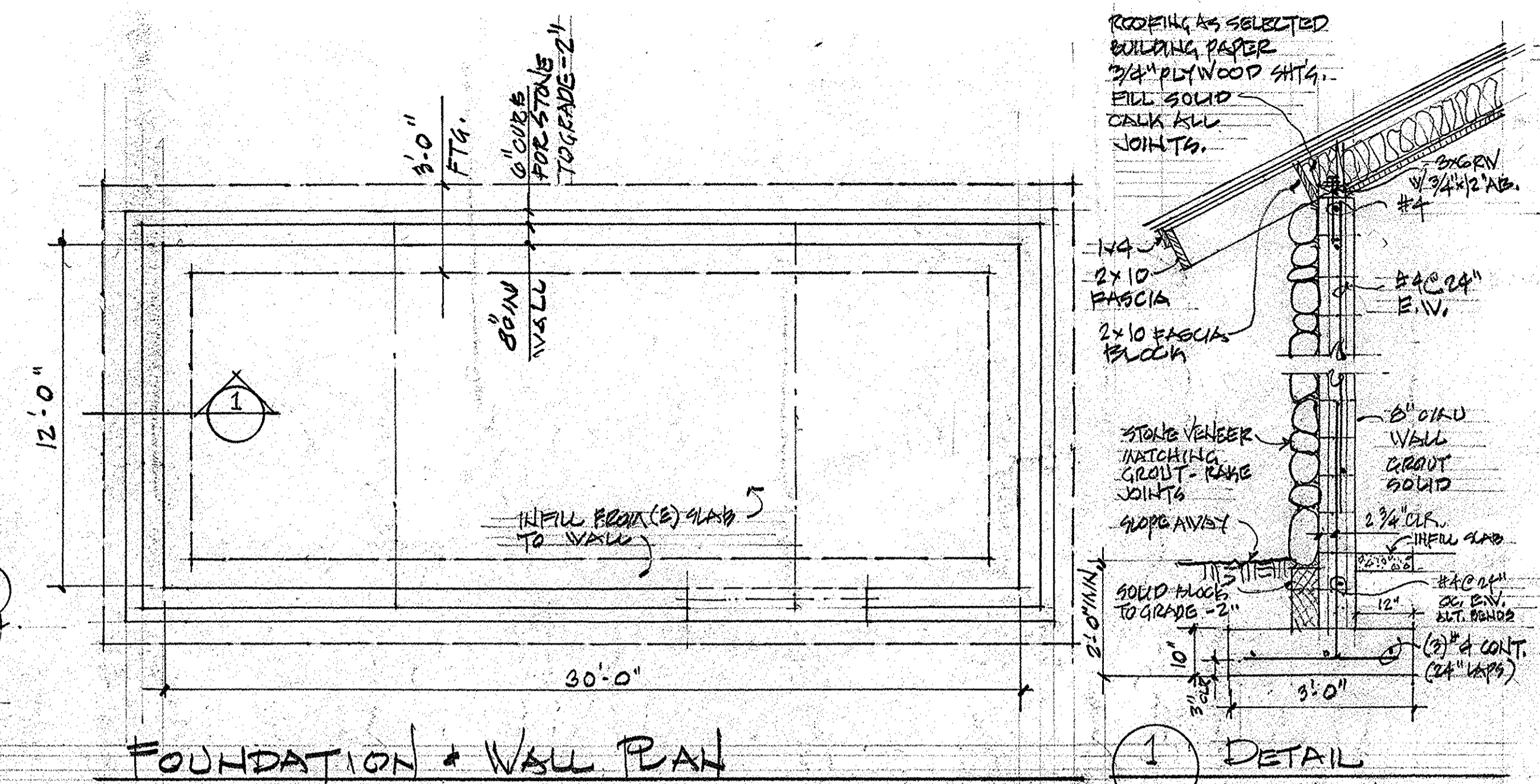




WEST ELEVATION  
1/4" = 1'-0" FRANKTOWN ROAD SIDE

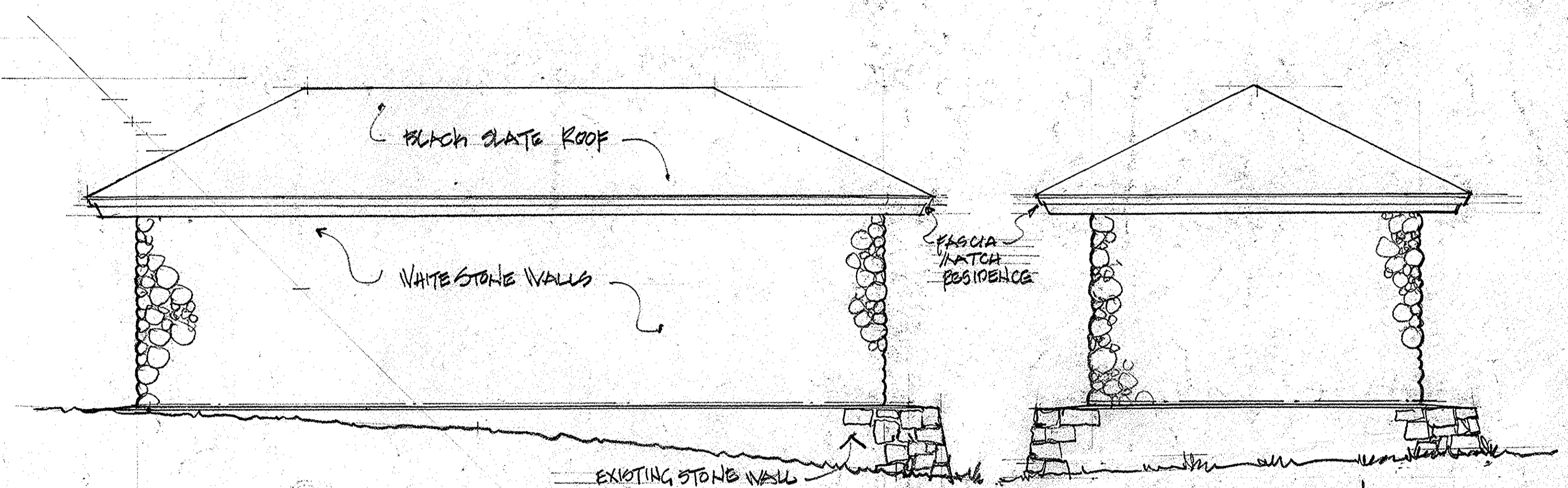


ROOF - ROOF FRAMING PLAN  
1/4" = 1'-0"



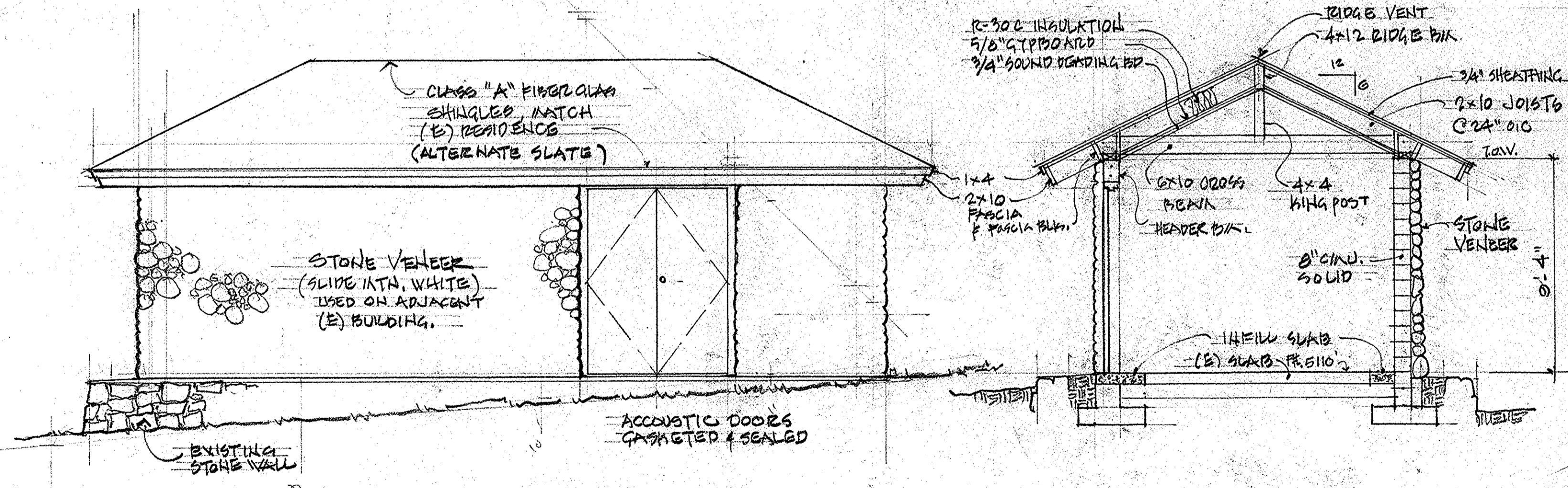
FOUNDATION & WALL PLAN  
1/4" = 1'-0"

1 DETAIL  
SCALE 1/2" = 1'-0"



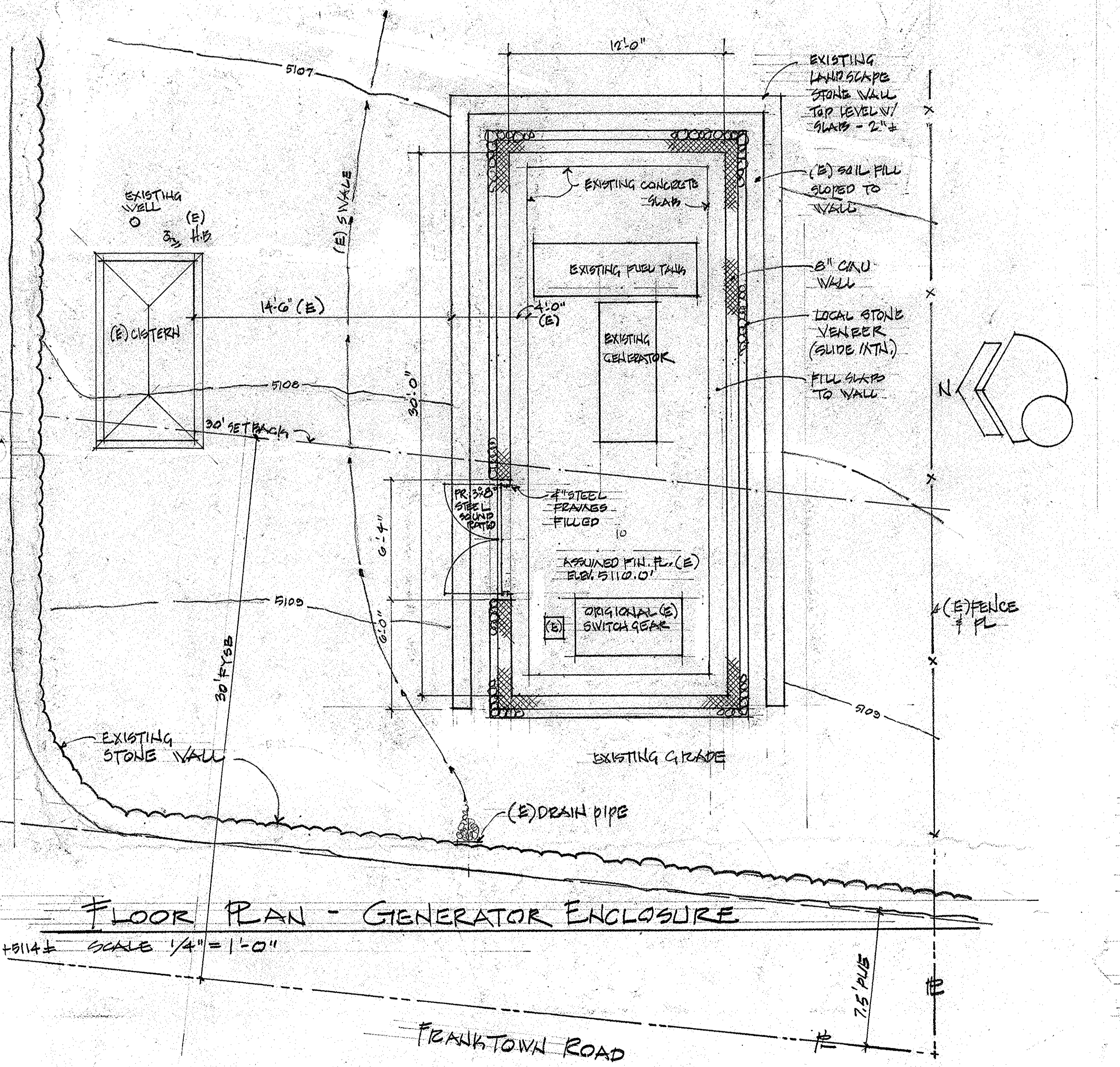
SOUTH ELEVATION  
1/4" = 1'-0"

EAST ELEVATION  
1/4" = 1'-0"



NORTH ELEVATION  
1/4" = 1'-0"

A SECTION  
1/4" = 1'-0"



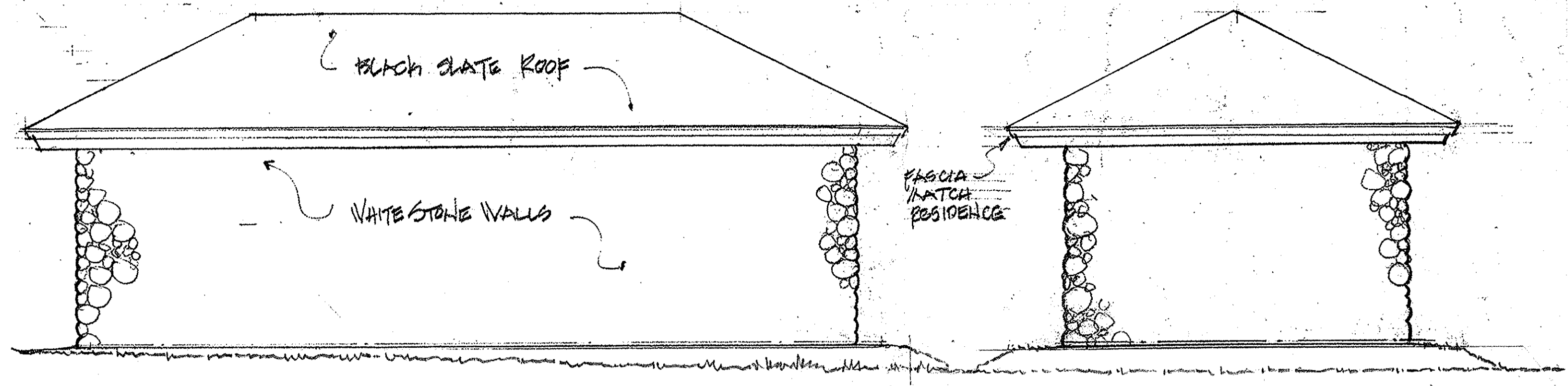
FLOOR PLAN - GENERATOR ENCLOSURE  
SCALE 1/4" = 1'-0"

JOHN R. LUNDY ARCHITECT  
CALIFORNIA 1977 NCARB 1996 NEVADA 2001  
775 CAUGHLIN CROSSING, RENO, NEVADA 89519  
PH. / Fax. 775-746-8214 E-Mail [lundyarchreno@bcglobal.net](mailto:lundyarchreno@bcglobal.net)

NEW GENERATOR ENCLOSURE  
ADDITIONS to the ESTATE of  
ROBERT E. YARHI  
4880 FRANKTOWN ROAD, Washoe County, Nevada  
A.P.# 055-060-37 cel. 775-742-9142

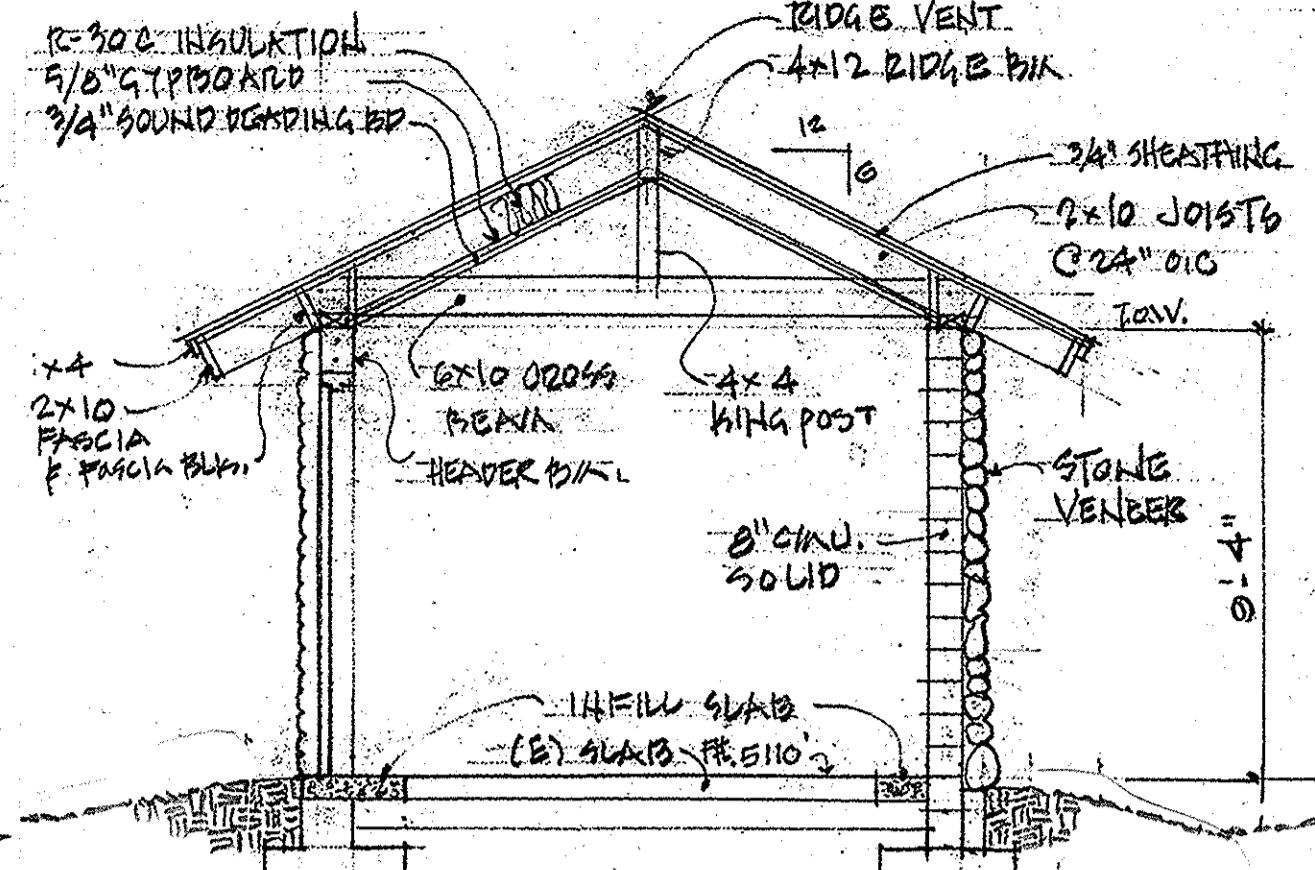
FLOOR PLAN  
ELEVATIONS  
SECTIONS  
FRAMING  
\*14105 J2  
3 JULY, 2015  
SHEET  
2 of 5 HTS



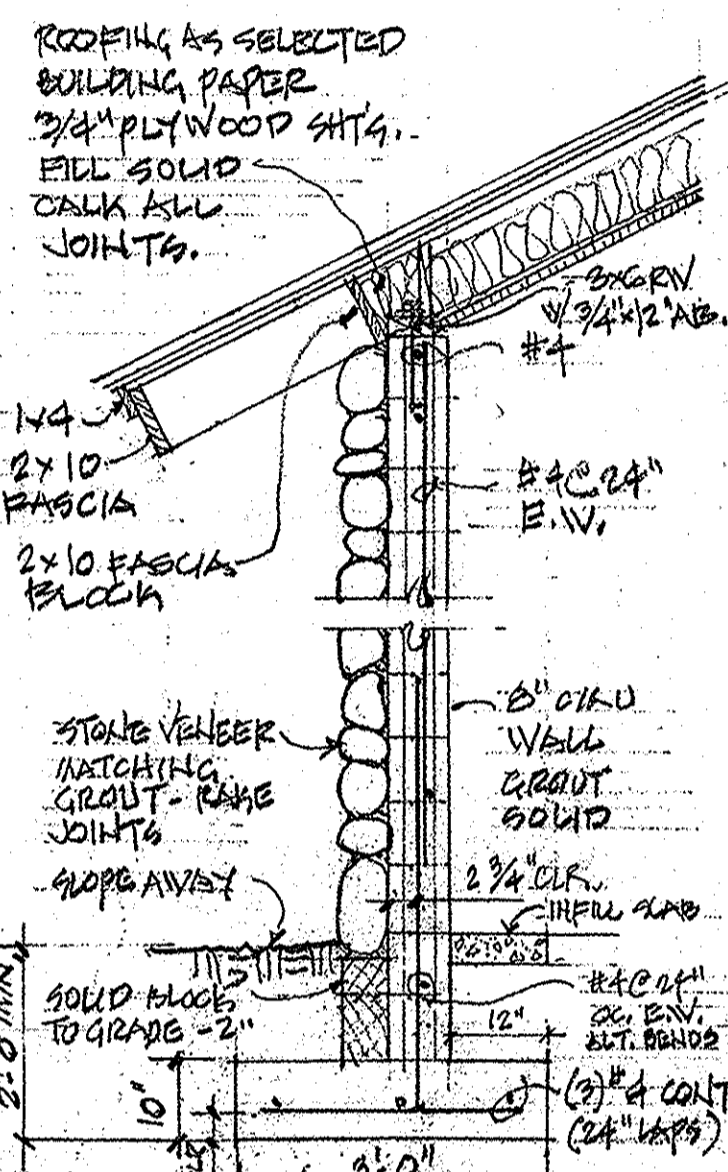


**SOUTH ELEVATION**  
1/4" = 1'-0"

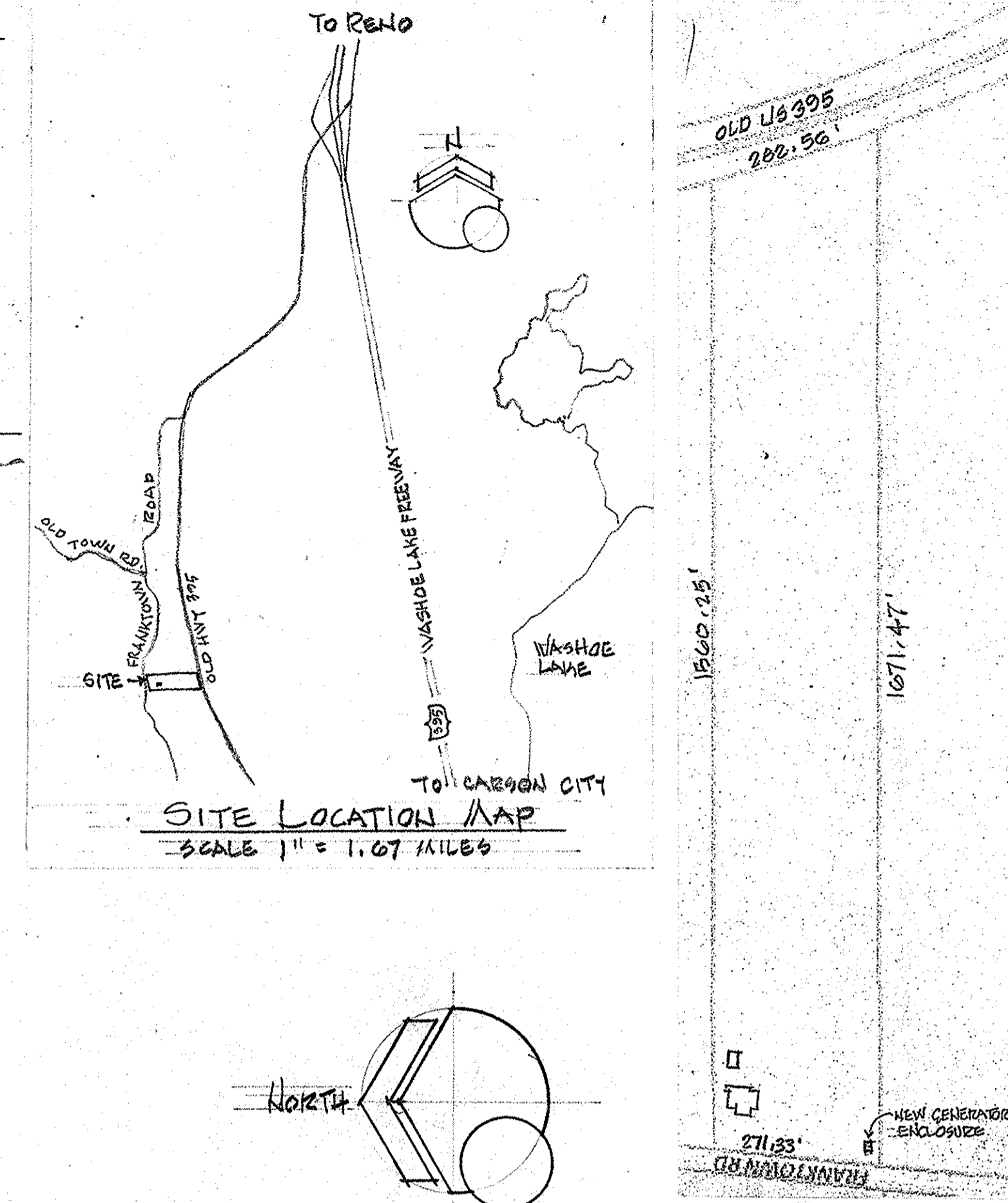
**EAST ELEVATION**  
1/4" = 1'-0"



**A SECTION**  
1/4" = 1'-0"

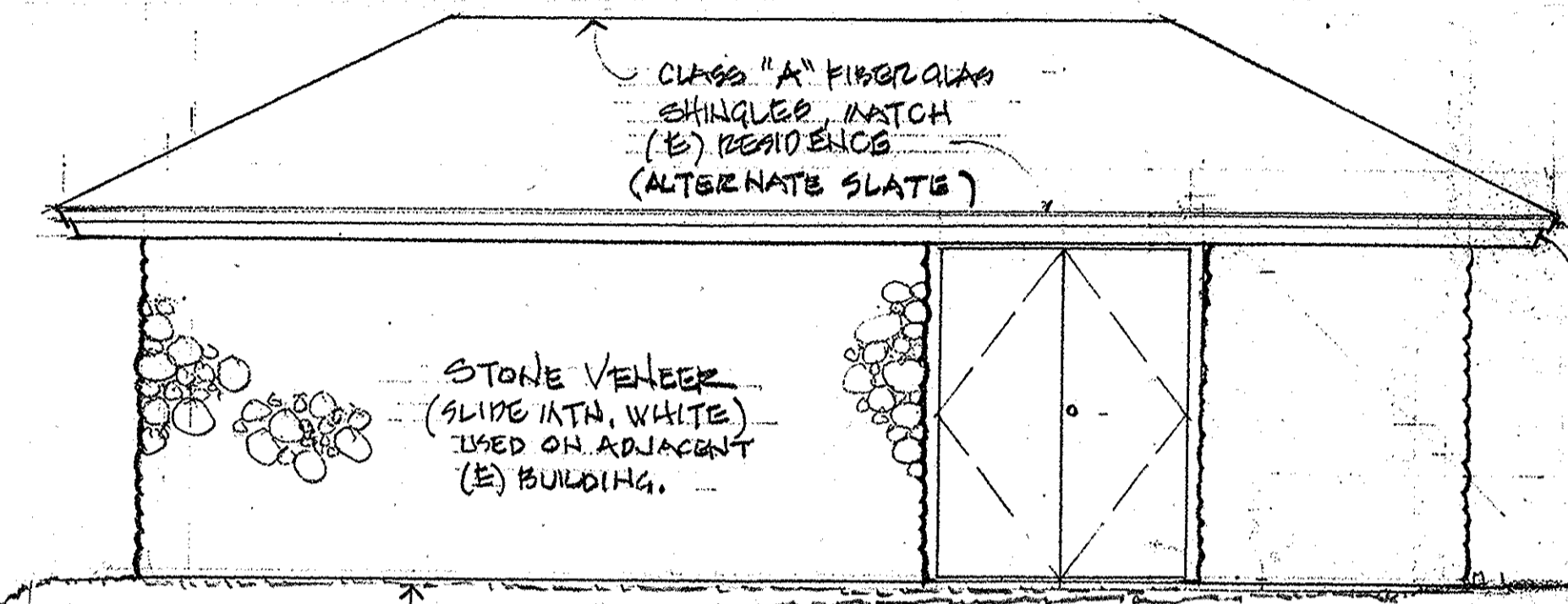


**1 DETAIL**  
SCALE 1/8" = 1'-0"



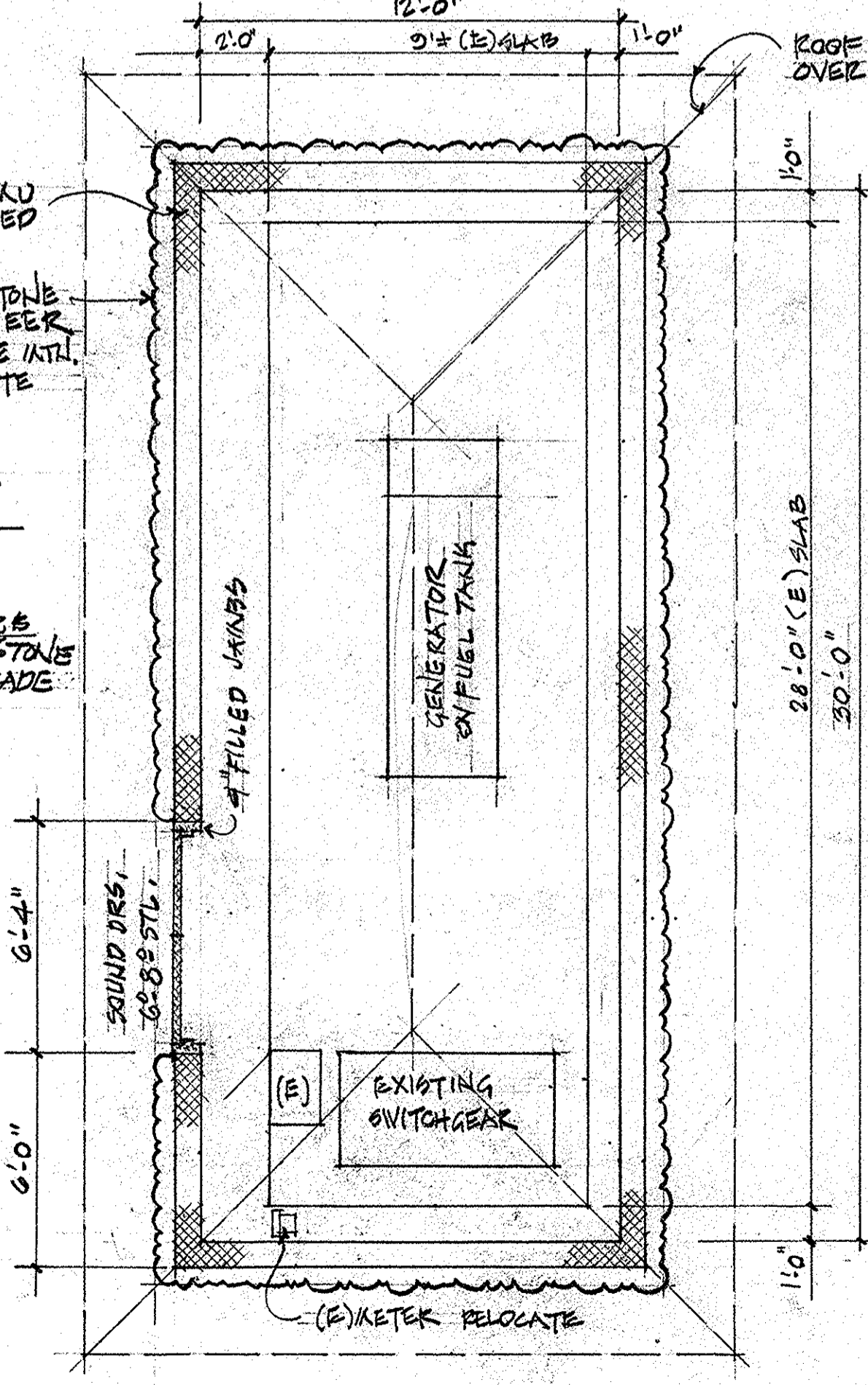
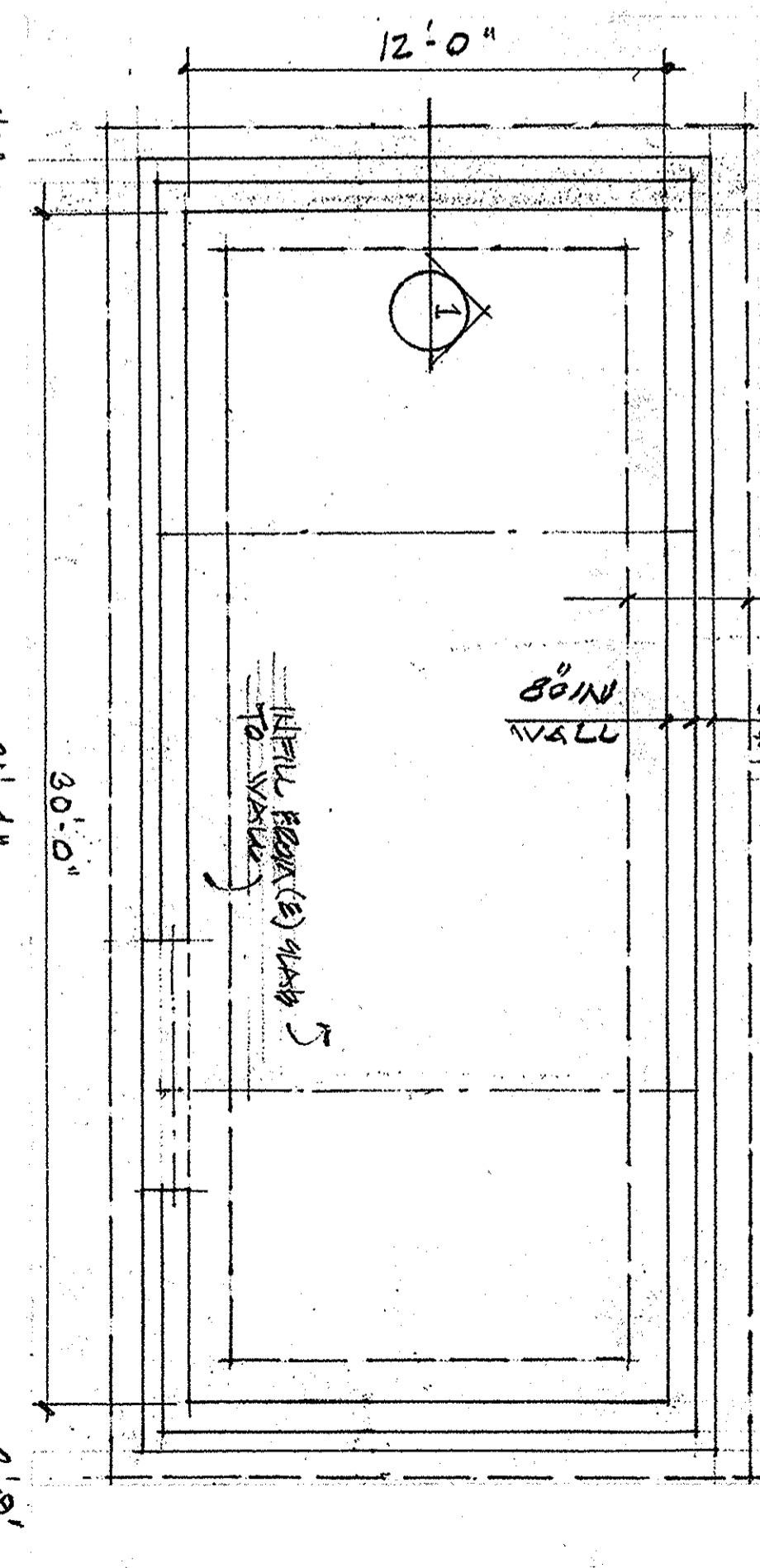
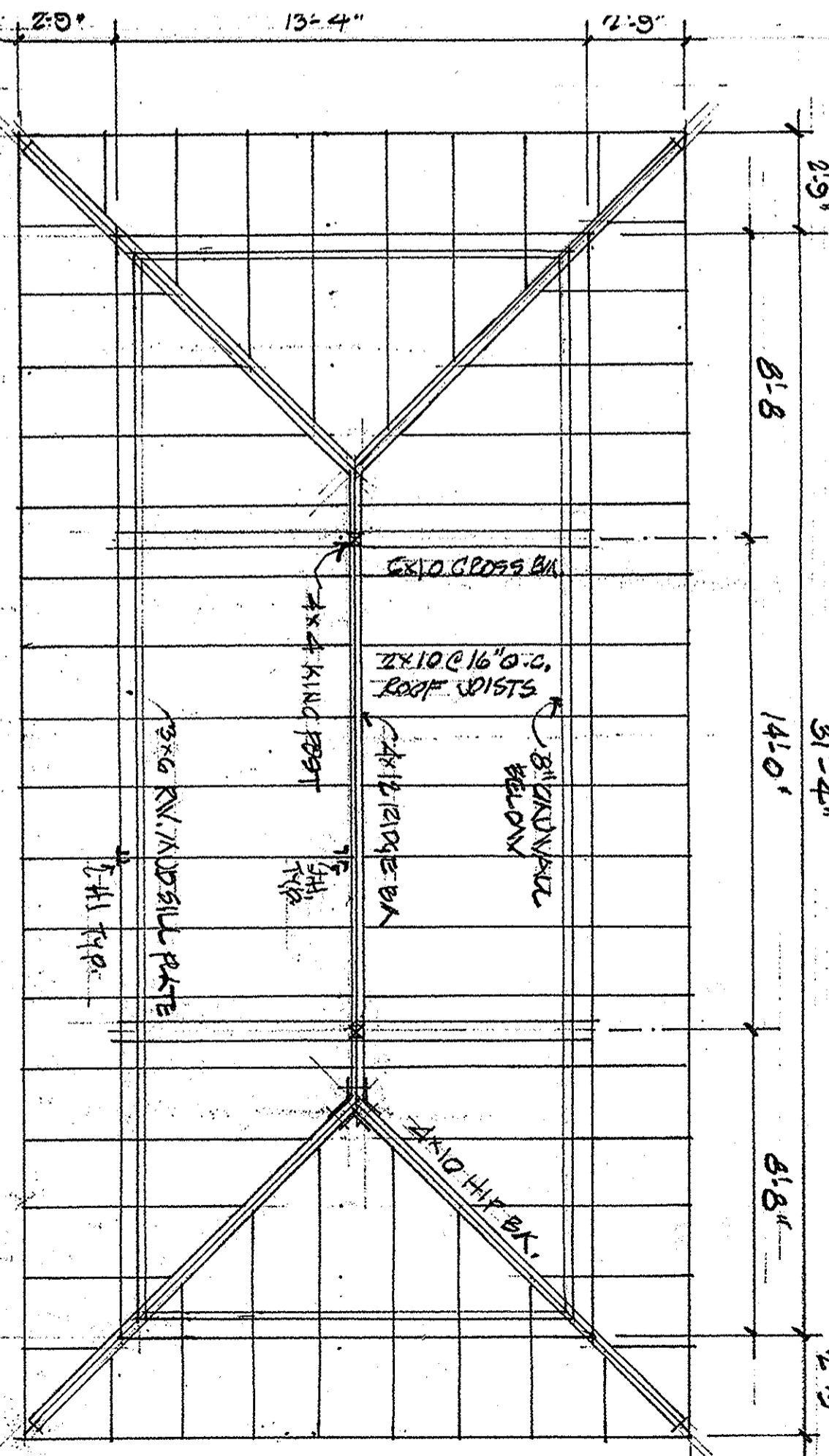
**SITE LOCATION MAP**  
SCALE 1" = 1.07 MILES

**LOT PLAN**  
1" = 120'

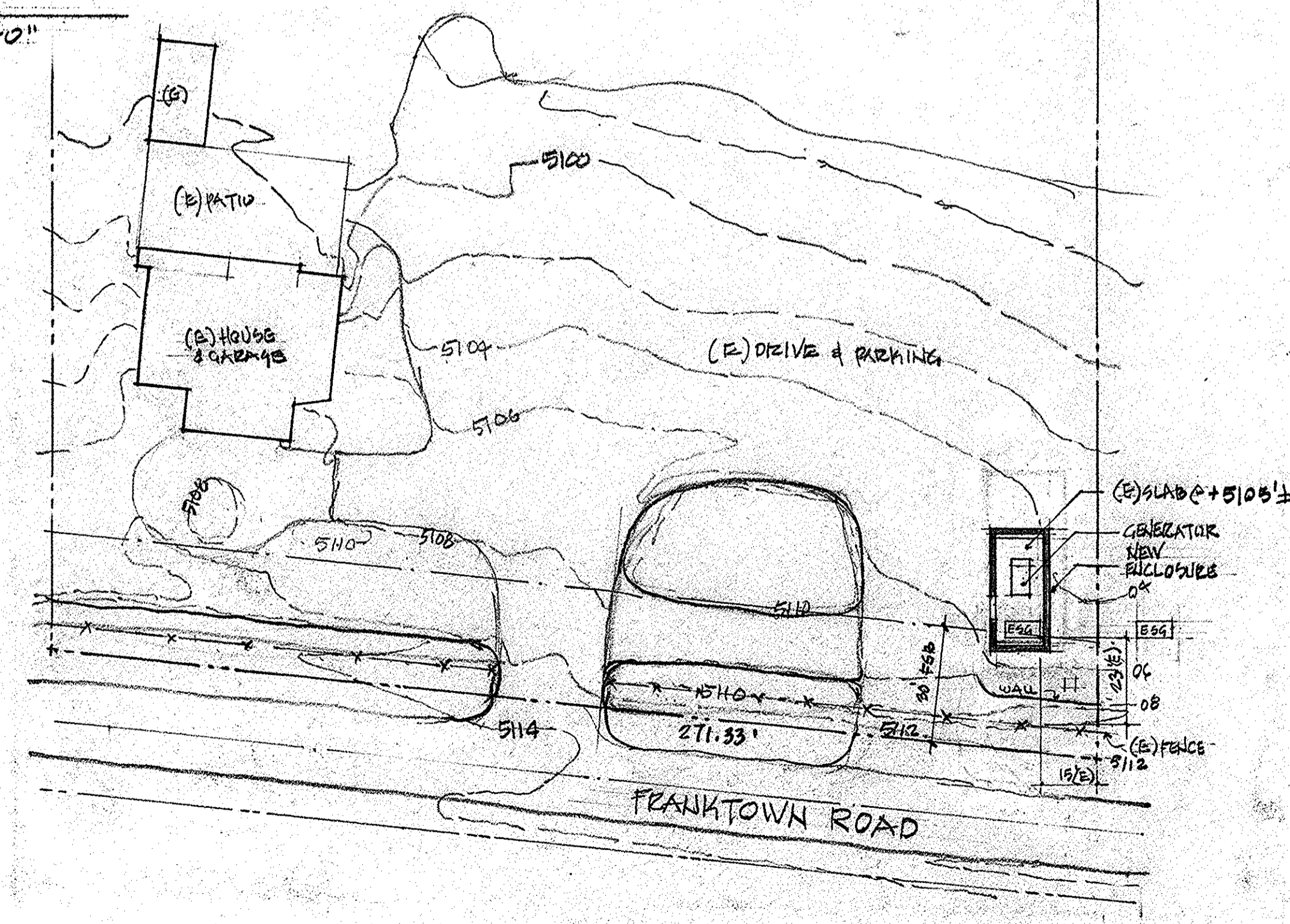


**NORTH ELEVATION**  
1/4" = 1'-0"

**WEST ELEVATION**  
1/4" = 1'-0" FRANKTOWN ROAD SIDE



**FLOOR PLAN**  
SCALE 1/4" = 1'-0"



**SITE PLAN**  
SCALE 1" = 30'

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**GENERATOR ENCLOSURE # 2**  
ADDITIONS TO THE ESTATE OF ROBERT E. YARHI  
4660 FRANKTOWN ROAD, Washoe County, Nevada  
A.P. # 055-060-38 cel. 775-742-9142

**SITE PLAN**  
**FLOOR PLANS**  
**ELEVATIONS**  
**SECTION**  
**DETAIL**  
**1" = 30'**  
**10 AUGUST 2015**  
**SHEET**  
1 of 1 SHEETS