



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Kim Toulouse, Chair  
Clay Thomas, Vice Chair  
Kristina Hill  
Lee Lawrence  
Brad Stanley  
Carl R. Webb, Jr., Secretary

Thursday, August 3, 2017  
1:30 p.m.

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

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The Washoe County Board of Adjustment met in regular session on Thursday, August 3, 2017, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Toulouse called the meeting to order at 1:34 p.m. The following members and staff were present:

Members Present: Kim Toulouse, Chair  
Clay Thomas, Vice-Chair  
Kristina Hill  
Lee Lawrence  
Brad Stanley

Staff Present: Bob Webb, Planning Manager, Planning and Building  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Trevor Lloyd, Senior Planner, Planning and Building  
Kelly Mullin, Planner, Planning and Building  
Chad Giesinger, Senior Planner, Planning and Building  
Roger Pelham, Senior Planner, Planning and Building  
Julie Olander, Planner, Planning and Building  
Eva Krause, Planner, Planning and Building  
Donna Fagan, Recording Secretary, Planning and Building

### 2. \*Pledge of Allegiance

Member Lawrence led the pledge to the flag.

### 3. \*Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, recited the Ethics Law standards.

### 4. \*Appeal Procedure

Bob Webb, Planning Manager, recited the appeal procedure for items heard before the Board of Adjustment.

### 5. \*Public Comment

Chair Toulouse opened public comment. Cathy Brandhorst spoke on issues of concern to herself.

## 6. Approval of Agenda

Member Thomas moved to approve the agenda for the August 3, 2017 Board of Adjustment meeting. Member Hill seconded the motion, which carried on a vote of five for, none against.

## 7. Approval of April 6, 2017 Draft Minutes

Member Hill moved to approve the draft minutes of April 6, 2017. Member Stanley seconded the motion, which carried on a vote of five for, none against.

## 8. Planning Items

- \*A. Presentation and possible discussion of the Nevada Chapter of the American Planning Association's (NVAPA) 2017 Nevada Planning Guide. Presentation will include an overview of the Nevada Leadership Program at the University Center for Economic Development at the University of Nevada, Reno. Julie Hunter, NVAPA Planning Official Development Officer and Frederick Steinman, NVAPA Chapter Secretary.

Fred Steinman, Secretary for NVAPA, gave a presentation to the Board. He said on behalf of the Chapter and the University Center for Economic Development he would discuss development, volunteer writers, goals, development opportunities, the Mission and the Nevada Leadership Program.

Mr. Steinman said the Board would find a variety of other materials within the Guide including background information about the Center, the Chapter's Annual Conference in October and the upcoming Global Climate Change Summit.

Julie Hunter, Planning Official Development Officer and Planner with the Washoe County Health District, explained her role as a reference to elected and appointed officials. She noted she could set up specific sessions at the upcoming State Conference as well as hold workshops for the Board.

Chair Toulouse thanked Mr. Steinman and Ms. Hunter for their hard work.

- B. For possible action and discussion to change the public comment procedure during Board of Adjustment meetings by removing the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment. If approved, direct staff to make changes to Board meeting agendas consistent with this change, in public comment procedures.

- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775.328.3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Julee Olander, Planner, presented the agenda item. Chair Toulouse opened public comment. Hearing none, he called for disclosures from the Board. There were no disclosures.

Chair Toulouse stated there had always been a five-minute public comment time limit for a representative of a group. He said he was in favor of changing it to three-minutes because the Board did not have a way to verify an individual had the authority to represent a group.

Member Thomas moved to change the public comment procedure during Board of Adjustment meetings by removing the five minute time limit for speakers representing a group, allow three minutes for all speakers during public comment; and direct staff to make changes to board meeting agendas consistent with this change in public comment procedures. Member Lawrence seconded the motion, which carried on a vote of five for, none against.

- C. Announcement of the addition of three regular meetings to the 2018 Board of Adjustment (BOA)

meeting calendar: March 1, 2018; May 3, 2018; and, July 5, 2018. These additional regular meetings are to accommodate the trend of increased applications during the winter/spring/early summer time frame and to allow applicants more flexibility in planning for scheduled BOA meeting dates. These three new regular meeting dates will continue into the foreseeable future, with the possible future inclusion of additional regular meeting dates, if warranted. Staff requests that BOA members notify the Chair and staff if these new additional regular meeting dates cause conflicts with BOA member's personal calendars.

Chair Toulouse stated there may be a conflict with the meeting scheduled for July 5, 2018. He thought there might not be a quorum. There was no action taken.

## 9. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

**A. Appeal Case Number WBLD17-101171 (Richard Stone)** – For possible action, hearing, and discussion on an appeal of the Planning and Building Division Director's decision to deny a building permit application for a retractable private communication antenna taller than 45-feet tall. The antenna was proposed to be retractable, and was less than 45 feet tall in its retracted mode, but the antenna could be raised up to 72-feet tall when fully extended.

- Owner/Appellant: Richard Stone
- Location: 4765 Giles Way
- Assessor's Parcel Number: 050-530-30
- Parcel Size: ±1.55 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 912, Establishment of Commissions, Boards and Hearing Examiners
- Commission District: 2 – Commissioner (Lucey)
- Section/Township/Range: Section 31, T17N, R20E, MDM,
- Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Toulouse opened the public hearing. Richard Stone stated he would like to request this item be continued to the next regular meeting. Chair Toulouse asked if Mr. Stone was waiving the 50 day requirement to hear the item. Mr. Stone confirmed he was waiving the required schedule.

Chair Toulouse opened public comment. Cathy Brandhorst spoke on issues of concern to herself.

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 continue Appeal Case Number WBLD17-101171 for Richard Stone to the October 5, 2017 Board of Adjustment meeting. Member Stanley seconded the motion, which carried on a vote of five for, none against.

**B. Variance Case Number WPVAR17-0005 (McLendon)** – For possible action, hearing and discussion to approve a variance to reduce the required front yard setback from 20-feet to 3-feet for the garage portion of a new residence.

- Applicant/Developer: Walton AE  
Attn: Tara Santos
- Property Owner: Bryon and Tania McLendon 2006 Trust
- Location: 487 Eagle Drive, approximately 600 feet south of its intersection with Cross Bow
- Assessor's Parcel Number: 131-224-07
- Parcel Size: ±0.64-acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, *Variances*
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 14, T16N, R18E, MDM, Washoe County, NV
- Staff: Kelly Mullin, Planner
- Phone: 775.328.3608
- Email: kmullin@washoecounty.us

Chair Toulouse opened the public hearing. Kelly Mullin, Planner, presented the Staff Report. Chair Toulouse opened up questions from the Board. Member Hill asked what would prohibit the applicant from complying with the 20 foot yard setback.

Clare Walton, Walton Architecture and Engineering, representing the applicant, gave her PowerPoint presentation.

Chair Toulouse opened questions for the Board. Member Hill asked if it was the TRPA height restrictions that would prevent them from being further back. Ms. Walton stated that was correct. She explained the terrain sloped down at 25 percent and the TRPA measured the height from the lowest natural grade, which would create a hardship of steepness into the garage. Member Hill asked if she knew what the slope of the driveway would be if they conformed to the setback. Ms. Walton stated around 15 percent.

Member Thomas wondered what the square footage of the home and the garage would be. Ms. Walton stated the home was approximately 7,000 square feet with a four-car garage. She noted only two doors would face the street, which would make it look like a two-car garage.

Member Hill wondered if there was any consideration to access the site from Driver Road. Ms. Walton stated it was even steeper and there was a retaining wall along that lower property line, which would create a slope of over 20 percent.

Chair Toulouse called for public comment. Kevin Agan, Incline Village, said he was a consultant representing the next door neighbors and while he advocated for well-planned projects, he had an objection to this one. He said granting this setback variance would constitute a special privilege. He noted the property next door had a 13 percent driveway slope and met the 20-foot setback. He stated there had been significant tree removal, which was not reflected on the site plan and he was concerned about how things had been represented to the Board. He explained the subject would have almost 8,000 square feet of living space, including the garage, which was quite different from the rest of the neighborhood. The representation that it was consistent with all the other properties that had short driveways was not quite true, because those were steeper lots and had a small development envelope. He said they were concerned about trees and portions of the Code that had not taken advantage of. He thought there would be an opportunity for the applicant to reassess and they were asking for a continuance or a denial.

Pete Todoroff, Incline Village, questioned if the architectural engineering firm had a license to practice in Nevada. He thought the subject could be put farther south, because it looked like it was encroaching on the next door neighbor's property. He reported the CAB was not in favor of this because they did not think the consultants practiced in Nevada, only California.

Wayne Peterson, 483 Alpine View, stated his property was across the street from the subject and he thought the setback ordinance was established for a good reason and saw no reason to change it.

Chair Toulouse closed public comment and called for any disclosures. Hearing none, he opened up discussion to the Board. Member Hill asked what is the maximum driveway slope allowed by County Code? Member Thomas said he drove to the property and looked at the slope and it appeared the homes on either side were in compliance with the Code. He said they should have known about the steepness of the property when they purchased it; then to come forward and make a request to put an almost 7,000 square foot home and claim it was a hardship, he did not quite understand. He said NRS 278.300.1c gave the Board direction for narrowness, shallowness and the shape of the property regarding a hardship.

Member Stanley was curious to hear the slopes that are acceptable to the County particularly if they are not modified by the TRPA. He was curious why one of the arguments for the Variance was a safety issue in terms of steepness of the driveway, because the adjoining homes were at 13 percent and he would be very interested to hear if those properties had encountered any safety issues over the years. Ms. Mullin stated the maximum driveway slope allowed by the Code was 14 percent.

Bill Simmons, 485 Eagle, stated he owned the home next to the subject and his driveway was at a 13 percent grade. He said the home had been there for 12 years and they had never had a car slide into the garage. He kept a boat in his garage and he had never had any issues putting it in the garage or taking it out. He felt there were no safety issues.

Member Stanley said Mr. Todoroff had mentioned an issue regarding trees and he wondered if any consideration had been given regarding that information from the CAB. Ms. Mullin said Washoe County did not have any requirements in terms of tree removal; that was something that would be governed through the TRPA.

Chair Toulouse closed the public hearing and called for a motion.

Member Thomas 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 WPVAR17-0005 for the Bryan and Tania McLendon 2006 Trust. He further moved that there were no special circumstances that would warrant the Variance and there would be a special privilege if the Variance was granted. Member Stanley seconded the motion, which carried with Member Lawrence voting nay. **(Member Toulouse – Denial, Member Thomas – Denial, Member Hill – Denial, Member Stanley – Denial, Member Lawrence - Approval)**

**C. Special Use Permit Case Number WSUP17-0011 (Star Farms Stables)** – For possible action, hearing, and discussion to approve a special use permit to allow the continuing operation of an existing commercial stable that was previously approved by Administrative Permit case number AP12-8-99, but expired due to the failure to maintain a business license. The previously approved use permit allowed a maximum of 19 horses to be boarded and prohibited special events. As part of this special use permit application, the owner / operator is requesting authorization to board up to 34 horses and to host small, members only, training clinics.

- Applicant: Erin Spohr  
Star Street Farms, Inc.
- Property Owner: Erin Spohr
- Location: 1115 N. Cantlon Lane

- Assessor's Parcel Number: Reno, NV 89521
- Parcel Size: 017-380-25
- Master Plan Category: 9.58 acres
- Regulatory Zone: Rural Residential (RR)
- Area Plan: High Density Rural (HDR)
- Citizen Advisory Board: South Valleys
- Development Code: South Truckee Meadows/Washoe Valley
- Commission District: Authorized in Article 810, Special Use Permits
- Section/Township/Range: 2 – Commissioner Lucey
- Staff: Section 4, T17N, R20E, MDM, Washoe County, NV
- Phone: Chad Giesinger, AICP, Senior Planner
- Email: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Toulouse opened the public hearing. Chad Giesinger, Senior Planner, presented the Staff Report. He noted the comments from the Health District were received too late to be included in the Staff Report or as a Condition of Approval. Staff believed those comments could be addressed during the review of the business license process.

Chair Toulouse opened up questions from the Board. Member Stanley thanked the applicant for the additional trees. He asked if there was any coordination between Animal Services and Planning. Mr. Giesinger stated the last time this was brought forward, Animal Services had time to do an inspection; however, this time they did not. He took their condition from the last application and put it in as a Condition of Approval. Mr. Webb said Regional Animal Services had been busy with the fires for livestock sheltering, which was why they had been unable to respond to this application. He confirmed Planning did have a close coordination with Animal Services and he explained an Animal Welfare Permit was now required.

Member Stanley asked about the water to the property. Mr. Giesinger stated because the original Administrative Permit was approved so long ago, he did not have a lot of detail regarding the water rights. He noted they had to meet, or go beyond, the domestic allocation of two-acre feet for any commercial use. Member Stanley asked if there was an assumption being made about the success of that. Mr. Giesinger stated the applicant thought they had ground water rights, but he could not be certain. He explained they might have to purchase water rights, change the point of diversion and go through that entire process, which could take three to six months.

Member Stanley said Wildlife Urban Interface was mentioned and he wondered what that Statute covered. Mr. Giesinger stated he believed it required a certain amount of additional defensible space as well as a water source, because it could take longer for fire response to get to those locations that were in the Urban Interface.

Member Lawrence thought planting additional pasture may be beyond the capability of the domestic well and he wondered if there was a formula to determine that. Mr. Giesinger said the pasture issue was separate from the commercial use part of providing bathroom and water resources to paying customers. He noted most of those properties had irrigation water rights for irrigated pasture. Member Lawrence asked if they were separating commercial use versus agricultural use for the water. Mr. Giesinger stated that was his understanding and would be the point of meeting to figure out the demand. Member Lawrence said the Water Manager would have to determine whether or not they had the necessary agricultural water contained in their domestic use permit to be able to put in a pasture, as well as commercial use. Mr. Giesinger stated he believed that would have to be reviewed by the Water Manager. Member Lawrence stated that concerned him.

Chair Toulouse called the applicant forward. Danny Serafini, owner, stated when they purchased the property they received 2.2 acre-feet of water rights and the previous owner had also purchased extra water

rights, which was also transferred to them. Mr. Serafini explained grass pastures, the indoor barn and the 19 horses would only need the 2.2 acre-feet. He said when he bought the property, there was more water purchased to accommodate 50 horses, including agriculture and commercial use. Member Lawrence asked if he had a meter on the well to show how much was being used and was it being monitored by any agency. Mr. Serafini said it was monitored six months ago, but he did not know by whom.

Member Thomas asked how many people would be attending the training clinics. Mr. Serafini said they usually only had 10 students. He explained his wife was the backup on the US Olympic Team for three-day equestrian events and she liked to keep the clinics as intimate as possible for safety purposes and teaching techniques. Member Thomas said there was only one bathroom facility for all those people. Mr. Serafini said one bathroom was sufficient; however, they held two clinics already and had ordered Sani-Huts.

Chair Toulouse called for public comment. Cathy Brandhorst spoke on issues of concern to herself. Chair Toulouse closed public comment and brought the hearing back to the Board for disclosures and discussion.

Member Lawrence disclosed that Mr. Serafini was his neighbor on Alamosa Drive about 10 years ago. DDA Edwards asked if there was any kind of friendship or business relationship that existed between him and Mr. Serafini. Member Lawrence said they talked only one time at the mailbox and there was no business relationship. DDA Edwards asked if Member Lawrence felt he could act impartially on this subject and Member Lawrence stated he could.

Member Stanley stated he had the opportunity to attend several CAB meetings where this was discussed and he thought it was an excellent example of the process working where the Planner and the applicant listened to the concerns of the neighborhood. He thought this was a good project.

Member Lawrence said he had faith in the Water Manager regarding the water rights and determining enough water was available. He supported the project.

Member Thomas commended Mr. Serafini for allowing his facility to be used for animals during all the fires.

Chair Toulouse called for a motion.

Member Stanley 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 Special Use Permit Case Number WSUP17-0011, with the Conditions of Approval included as Exhibit A for this matter and including the partial variance of landscaping and parking requirements, for Star Street Farms Stables, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion, which carried unanimously with five for, none against.

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 the type of development 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.

**3:08 pm** The Board recessed.

**3:14 pm** The Board reconvened with all members present.

**D. Special Use Permit Case Number WSUP17-0012 (Sun Valley Middle School Grading) –**

For possible action, hearing, and discussion to approve major grading of an area of approximately 25.5 acres and excavation of approximately 175,000 cubic yards of earthen material to facilitate construction of a new Middle School. The grading requested and possible action to be taken also includes a request for a variance to allow the creation of slopes greater than ten feet in height.

- Applicant: Washoe County School District  
Attn: Pete Etchart  
14101 Old Virginia Road  
Reno, NV 89521
- Property Owner: United States of America  
Bureau of Land Management  
Attn: Bryant Smith  
5665 Morgan Mill Road  
Carson City, NV 89701
- Location: On the north side of Donatello Drive, approximately 500 feet northeast of its intersection with Fantasia Court
- Assessor's Parcel Number: 508-010-01
- Parcel Size: ±642 acres
- Master Plan Category: Rural (R) and Open Space (OS)
- Regulatory Zone: General Rural (GR) and Open Space (OS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 438, Grading and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 5, T20N, R20E, MDM,  
Washoe County, NV
- Staff: Roger Pelham, AICP, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham, Senior Planner, presented the Staff Report. Chair Toulouse opened up questions from the Board.

Member Stanley said the Board was not deciding on anything other than the grading, but he wondered if he could give the Board a little more information on the 640 acres in terms of possible usage. Mr. Pelham said his understanding was the School District would obtain a portion of that parcel from the BLM and the remainder would be open for whatever use they determined. He noted only about 25 acres of the lot would be graded in preparation for the school.



Member Thomas asked if there were any comments from the CAB meeting. Mr. Pelham stated there were none.

Chair Toulouse called the applicant forward. Angela Fuss, Lumos and Associates, stated she was representing the School District. She said she had a presentation, but they had already attended many meetings, took all the comments into consideration and were in agreement with the Conditions of Approval. She noted the CAB did not meet during the month of July, so in place of that meeting the School District held a community meeting to discuss the school and invited everyone from the Sun Valley area to attend.

Chair Toulouse opened up questions from the Board. Member Thomas said he was concerned with the walls that would be over eight-feet tall. Ms. Fuss said quite a few would be taller than 10 feet and one wall as high as 20 feet. She noted the area on the north side was open space, because the school would block the single-family development from the south to the open space to the north. They thought it would make more sense in some of the areas that were more visible. She explained they would have landscaped benches between all the walls to help screen.

Member Stanley said the issue of trees was brought up and he wondered if there was any mention of trying to retain some of the native trees. Ms. Fuss stated they had and a tree preservation plan was part of the Conditions of Approval, which would be provided prior to the building permit. She said the area they were looking at preserving the most was on the southern side, which would help to screen the existing houses from the school. They also would do a landscape replacement plan and she thought, based on the site plan, they would remove about 100 juniper trees, but it was a fairly large site that was being disturbed. She explained there were certain areas where trees had to be removed because of either drainage, construction or a field being put in, but there were things that could be done specifically in those areas to bring those trees back.

Chair Toulouse called for public comment. Cathy Brandhorst spoke on issues of concern to herself. Chair Toulouse closed public comment and called for disclosures. Hearing none, he opened up discussion to the Board.

Member Thomas stated he was concerned because this was a middle school and there would be 10 foot high walls and children would try to climb those walls. He did not want to create a potential danger at a middle school by allowing the walls.

Chair Toulouse said he agreed with Member Thomas' concerns, but he thought the project should move forward. He called for a motion.

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 approve with the conditions of approval included at Exhibit A to this matter, Special Use Permit Case Number WSUP17-0012 for the Washoe County School District, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Lawrence seconded the motion, which carried unanimously on a vote for five in favor, none against.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley 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 grading to facilitate a public Middle School, 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 a military installation.

**E. Variance Case Number WPVAR17-0004 (Greenview HOA)** – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15 feet to 1 foot and reduce both side yard setbacks from 5 feet to 1 foot to construct 2 double car garages in the common area.

- Applicant: Greenview HOA
- Property Owner: Jean Venneman, John & Doreen Maria Hash, Tao Fung, and George & Nancy Learmonth
- Location: 692 Palmer Ct.  
Incline Village, NV 89450
- Assessor's Parcel Number: 128-310-05
- Parcel Size: 4,356 sq. ft.
- Master Plan Category: Urban Residential (UR)
- Regulatory Zone: Low Density Urban (LDU)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 - Commissioner Berkbigler
- Section/Township/Range: Section 10, T16N, R18E, MDM,  
Washoe County, NV
- Staff: Eva Krause, Planner and Julee Olander, Planner
- Phone: 775.328.3628 (Eva), 775.328.3627 (Julee)
- Email: ekrause@washoecounty.us  
jolander@washoecounty.us

Chair Toulouse opened the public hearing. Julee Olander, Planner, presented the Staff Report. Chair Toulouse opened up questions from the Board.

Member Thomas said Exhibit A #1F addressed an issue of carports and the Chalet Condominium and he thought that was an error. Mr. Webb said if that common area was still owned by the HOA, then it should be Greenview HOA instead of Chalet. Ms. Krause stated she wanted to make sure the HOA was responsible for the garages if they were not individually owned, because they were built in the common area. Member Thomas wanted to be clear and reiterated the language should be changed to read garages were being built within the common area and everything needed to be corrected to maintain common ownership to the Greenview HOA. Mr. Webb stated any reference to carports in Item 1F would be changed to garages.

Member Hill asked if there was a Washoe County Code that required garages for residential use and if so, was it one covered garage per residence. Ms. Olander stated that was the reason for the Variance, to bring it into compliance with the Code.

Member Stanley asked if staff attended the CAB meeting. Ms. Olander stated she did not, but noted there were people in attendance that voiced their opposition and asked for denial. Mr. Webb stated a copy of the discussion and motion from the CAB meeting was in the Board's packet.

Chair Toulouse called the applicant forward. John Hash, Greenview HOA, stated this was a separate parcel with its own Assessor's Parcel Number and when the garages were constructed they would be taxable. He said he made the presentation to the CAB and it was defeated four to one and the primary reason was they felt they had never issued a one-foot variance. He said that was incorrect because Ms. Krause stated there had been numerous instances where a one-foot side variance had been issued.

Chair Toulouse opened up questions from the Board. Hearing none, he called for public comment. D.J. Smith, 687 Palmer Court #1, stated the garage would be put right in front of his home, and there were many reasons the CAB voted against this; the closeness of the structures, fire hazards and snow removal. He said he represented the President of the Cottages on the Green HOA and they totally opposed the project, but not the two-car garages to the right of the condominiums. He thought there was adequate room for a four-car garage at that location and not the one that would replace two parking spaces. He lived in the area for 18 years without garages; there were condo units across Wilson Way from them that had no garages and everyone who lived there understood they were not going to get a garage because it was not part of the original deal. He showed the Board some photos where the two car garages would be and there was 26.5 feet between the corner of his garage and the condo unit. He said it was opposed by all the neighbors in the area and it was going to have a detrimental and safety effect on his property.

John Bronson, 680 Wilson Way #1, stated his property was directly across from the Palmer Court cul-de-sac where the garages were being proposed. He said he bought his home because of the ambiance and greenery of the neighborhood as well as the opportunity of living in the Lake Tahoe Basin. He said they were full-time residents and the structures would just be jammed in the space. He did not want his view to be negatively altered. He stated it looked like they had the parking pads not on the street and he would like that clarified. The other issue was the special privilege; he was in the Wilson HOA and they did not have garages and they were directly across from Palmer Court. He felt the Variance should be denied.

Cathy Brandhorst spoke on issues of concern to herself.

Pete Todoroff, Incline Village CAB Chairman, stated Member Wolf recommended denial of the Variance and only one member voted in favor. He said these units were built in 1979 and when people bought them, they bought with the knowledge there would be no garages. He stated there was a home behind the unit and the snow on the roof would go right down by the fire hydrant and if they built it to within one foot of the property, the fire department would not be able to take care of the house in the back. He recommended denial of the Variance because it would impose a detriment to the house located behind the project.

Chair Toulouse closed public comment and called for disclosures. Hearing none, he opened up discussion to the Board. Member Thomas stated he went to the site and thought there were pads and off-street parking. He thought it would be extremely tight where the garages were scheduled to be placed and he questioned if there was enough room to do it. He said on the other side to the east, it sloped down and there was more open area that would not be right in front of the other homes. He did not believe it was an issue for parking; however, if they wanted garages he felt there were other places for them.

Member Stanley said he found it interesting that the appropriate jurisdictional fire group did not comment on the fire danger. He said he was having a difficult time finding there was a compelling need.

Member Lawrence said this was a difficult issue and he could see where the hardship was evident whereby there was a restriction to access the rear of the property due to a sewer easement. Essentially he could see where this would meet the definition for a Variance and he wondered if there was another suitable location to build the garages. He said jamming this in there and the snow shed between the properties was definitely a concern and he did not support the proposal because it would be a detriment by creating a risk of fire and snow damage to the adjacent property.

Member Hill asked if any consideration had been given to designing a garage next to the property owners who were objecting to it and pitch it in a different direction to allow the snow to fall away from the garages. She asked what the distance was between the proposed garage and the existing garage on

Palmer Court. Ms. Olander explained this was just a request for a Variance and the applicant would have to get a building permit and it was possible it would not be granted due to it not meeting the Fire Codes. She said it would be through the building permit process that a lot of those details would be answered. She said it could end up being only a one-car garage.

Chair Toulouse said that the applicant bought the property knowing there wasn't a garage, and if the Board was to grant the Variance, they would be granting a special privilege and he did not think they could do that. He also noted he could not make the required findings. Chair Toulouse called for a motion.

Member Thomas 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 WPVAR17-0004 based on there would be detriment if approved and it would grant special privilege. Member Stanley seconded the motion, which carried unanimously on a vote of five in favor, none against.

**F. Variance Case Number WPVAR17-0006 (The Chalets)** – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15 feet to 3 feet, 8 inches to construct a 5 vehicle carport.

- Applicant/Property Owner: The Chalets HOA
- Location: 944 Northwood Blvd.  
Incline Village, NV 89450
- Assessor's Parcel Number: 131-290-00
- Parcel Size: 31,755 sq. ft.
- Master Plan Category: UR
- Regulatory Zone: LDU
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 - Commissioner Berkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM,  
Washoe County, NV
- Staff: Eva Krause, Planner
- Phone: 775.328.3628
- Email: ekrause@washoecounty.us

Chair Toulouse opened the public hearing. Eva Krause, Planner, presented the Staff Report. Chair Toulouse said under the Conditions of Approval, #1E the word garage should be changed to carport. Ms. Krause stated that was correct. Chair Toulouse opened up questions and disclosures from the Board. Member Hill stated she needed to recuse herself due to her working with the Homeowner's Association. She explained she reviewed the applications for the site assessment and the land capability and land cover verifications. DDA Edwards asked if she had been compensated for the work and Member Hill responded she had. Member Hill left the meeting.

Chair Toulouse called the applicant forward. Wyatt Ogilvy, Ogilvy Consultants, presented their PowerPoint presentation. Chair Toulouse opened up questions to the Board. Member Thomas asked how big the parking lot was. Mr. Ogilvy stated they were proposing 11 parking spaces for five units because of the SEZ limitation and TRPA limits and existing driveway approach. He explained the majority of the parking would be in the same location and the surface parking lot would be closer to Northwoods Boulevard. He showed the Board exactly where it would be located on the PowerPoint presentation. Member Thomas asked how many trees would need to be removed. Mr. Ogilvy said they would not have to take out too many because most of the trees were on the slope. Member Thomas stated he looked at the site and thought most of the people were parking on the right side of the parking lot because that was where the homes were. He was concerned about the golf balls traveling over the netting and he wondered why the cars were

not being parked further back by the trees on the left-hand side. Mr. Ogilvy said the golf balls were coming from the north and he thought the residents would tend to use the structured parking spaces first.

Brent Terry, HOA President, stated the presentation showed where cars were parking now and the nets were located where most of the golf balls were coming from. He said they were trying to move the cars out of harm's way, but they would still have people walking back and forth across that could be hit. He said the net went all the way around, but depending on where the balls were being hit, they could enter the property most anywhere.

Chair Toulouse opened public comment. Hearing none, he called for discussion from the Board. Member Thomas said he understands what they are saying, if he came out and his car was damaged and it was a recurring event and he would want to find some way to mitigate those circumstances. He said he did not know if flying golf balls was an actual undue hardship.

Member Stanley said that if his car's window was broken or he had to dodge golf balls it would be a hardship.

Mr. Webb explained an undue hardship was not a finding; staff's finding was special circumstances. He said there was no undue hardship finding for this project.

Member Lawrence said he thought the Board had to do something to help protect people from flying golf balls.

Chair Toulouse stated he thought this was a public safety issue for people and not only vehicles. He did not see any other issues with this project. He called for a motion.

Member Lawrence 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 Variance Case Number WPVAR17-0006, with the conditions included as Exhibit A with the modification to the language in Condition #1E for this matter, for The Chalets HOA, having made all four of the following findings in accordance with Washoe County Code Section 110.804.25. Member Stanley seconded the motion, which carried unanimously on a vote of four in favor and Member Hill recusing herself.

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.

Member Hill returned to the meeting.

## 10. Chair and Board Items

### A. For possible action and discussion to elect officers; chair and vice chair.

Mr. Webb stated the terms for the office of chair and vice chair were one year and there was a term limit of two years. Chair Toulouse called for nominations.

Member Thomas moved to reappoint Kim Toulouse as the chair. Member Hill seconded the motion, which carried on a vote of five in favor, none against.

Member Stanley moved to reappoint Clay Thomas as vice-chair. Member Lawrence seconded the motion, which carried on a vote of five in favor, none against.

### \*B. Future Agenda Items

There was no request to place any items on future agendas.

### \*C. Requests for Information from Staff

Member Thomas requested staff research how many Board of Adjustment denials were appealed to the Board of Commissioners and overturned. Member Stanley requested the report be specific to the type and location that were appealed.

## 11. Director's and Legal Counsel's Items

### \*A. Report on Previous Board of Adjustment Items

Mr. Webb reported Case WPVAR16-0002 (Fisher/Kintz) was brought before the BCC on July 25, 2017 and the BCC reversed the BOA's denial.

Mr. Webb noted the Development Application Process flowcharts that were handed out to the members.

Mr. Webb noted handouts to the members for the State Planning Conference and Economic Development Conference and discussed the process for registering.

### \*B. Legal Information and Updates

DDA Edwards stated he did not have any legal updates.

## 12. Public Comment

Chair Toulouse opened public comment. Cathy Brandhorst spoke on issues of concern to herself.

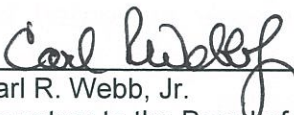
## 13. Adjournment

The meeting adjourned at 4:43 p.m.

Respectfully submitted,

*Jaime Deller, Independent Contractor*

Approved by Board in session on October 5, 2017

  
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Carl R. Webb, Jr.  
Secretary to the Board of Adjustment