



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

Kim Toulouse, Chair  
Clay Thomas, Vice Chair  
Kristina Hill  
Lee Lawrence  
Brad Stanley  
Trevor Lloyd, Secretary

Thursday, August 2, 2018  
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, July 11, 2018, 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 1:30 p.m. The following members and staff were present:

### Members present:

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

### Members absent:

None

### Staff present:

Chris Bronczyk, Planner, Planning and Building Division  
Kelly Mullin, AICP, Senior Planner, Planning and Building Division  
Chad Giesinger, Senior Planner, Planning and Building Division  
Trevor Lloyd, Planning Manager, Planning and Building Division  
Mike Large, Deputy District Attorney, District Attorney's Office  
Donna Fagan, Recording Secretary, Planning and Building Division  
Katy Stark, Planning and Building Division

## 2. \*Pledge of Allegiance

Member Lawrence led the pledge to the flag.

## 3. \*Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

## 4. \*Appeal Procedure

Mr. Lloyd 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 Toulouse closed the public comment period.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of August 2, 2018. The motion, seconded by Member Thomas, passed five in favor and none opposed.

## 7. Approval of July 11, 2018 Minutes

Chair Toulouse had some corrections for July 11, 2018:

Vice Chair Thomas called meeting to order, not Chairman Toulouse.

Vice Chair Thomas had corrections:

He said on page 4, a board member needs to be identified. He said he believe the sentence spoken by Member Hill regarding undisturbed land where the 98 homes were proposed needed clarification. He would like to identify the board member who spoke on page 8, 4<sup>th</sup> paragraph. Mr. Snelgrove was the De Facto project manager. On page 10, 3rd paragraph, wanted to clarify the sentence by the Vice Chair regarding grading.

Member Thomas moved to approve the minutes of July 11, 2018 as amended. The motion was seconded by Member Stanley and passed five in favor, none opposed.

## 8. 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. Special Use Permit Case Number WSUP8-0008 (Arconic)** – For possible action, hearing, and discussion to approve a special use permit for Schlosser Forge Company (operating as Arconic) to allow for the expansion of an existing legal, non-conforming use classified as General Industrial – Heavy within the Industrial regulatory zone. Arconic produces components for aerospace engine manufacturers. Forging of products on site will remain within current structures and is not proposed to be expanded. As proposed, the project will add 109,470 square feet of building space, primarily for the heat treatment, machining, storage and shipping portions of the operation, which is proposed to proceed in four phases. Phase 1 would include the construction of a new heat treatment building (12,750 square feet), as well as a storage building (8,355 square feet), to be located north of the existing heat treatment building. Phase 2 includes a machine shop (12,255 square feet), and a post-forge inspection building (4,800 square feet), to be located at the eastern portion of the site. Phase 3 includes a second heat treatment facility (12,750 square feet) to be identical to Phase 1 and to be located adjacent to the Phase 1 expansion. Phase 4 includes an additional machine shop (11,760 square feet), covered waste storage (4,800 square feet), and a shipping and storage building (42,000 square feet). Order of phasing is subject to change.

- Applicant: Rubicon Design Group
- Property Owner: Schlosser Forge Co.
- Location: 1 Eric Circle, Verdi
- APN: 038-060-36
- Parcel Size: 21.38 Acres
- Master Plan: Industrial
- Regulatory Zone: Industrial
- Area Plan: Verdi
- Citizen Advisory Board: West Truckee Meadows/Verdi

- Development Code: Authorized in Article 810, Special Use Permits; Article 904, Non-Conforming Uses
- Commission District: 5 – Commissioner Herman
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division  
775-328-3612
- Phone: 775-328-3612
- E-mail: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chair Toulouse opened the public hearing.

Chris Bronczyk, Washoe County Planner, provided a staff report presentation.

Applicant representative, Derek Wilson, Rubicon Design Group, provided a project presentation. He said this operation of manufacturing aerospace parts has been in place for several decades. It is master planned and zoned for the current uses. There is space to expand on the 22 acre site. Mr. Wilson showed pictures of the current site. He said some parts of the site aren't updated and this project will bring things up to current code during the expansion. He spoke about a public member's concern of light pollution at the CAB meeting; he said they will update the light fixtures. He also addressed concerns of machinery noise; there are ways to mitigate the noise. He said Arconic hosted an open house for the public to ask questions. Routine noise studies are conducted and sound levels are within Washoe County Code. He said one reading is 66 decibels which is on the industrial side of the property. Residential noise limit is 65 decibels. He said they will continue to conduct sound studies. They plan to install sound proofing in the building, and to keep the doors closed prior to 9 a.m.

Mr. Wilson proposed an amended condition: Forging operation on the RW125-3000 1399 radial axial rolling mill shall maintain a normalized schedule between the hours of 6:00 a.m. and 6:00 p.m. He said we weren't precise enough during initial discussions. There is only one machine that we are discussing in regards to noise. Project engineer and Arconic staff is available to address questions as well.

Chair Toulouse asked about lighting. Mr. Wilson said one light will be replaced during Phase 1. Chair Toulouse said he was out there fishing, he said he noticed 3 exterior lights that could be addressed – one on the eastern side and one on the northern side that is visible from more than ½ mile away.

The project engineer, Ian, said they plan to identify lights that don't conform to the dark sky compliance. He said they may need a flood light with sensor for the team members.

Chair Toulouse said he was a ¼ mile away from the facility and could hear the noise. Mr. Bronczyk said according to condition 1(e), before any grading permit is issued, the existing and future light must be brought into code. The lights would be updated prior to Phase 1. Additionally, Condition 1(f) requires a thorough noise study and compliance with noise code 414.

Member Stanley asked about the 30 foot landscape berm and how it can help with noise. Mr. Bronczyk said nothing has been identified, but landscaping has to meet fire code. Low water, evergreen, and shrubbery will provide a visual barrier to nearby neighborhood. The berm would be for visual screening, not necessarily for sounding.

Member Lawrence asked if forging operations will increase. Mr. Wilson said they are forging 24 hours a day. There are no new impacts from forging itself.

Member Thomas asked about the different phases and timeframes. The project engineer, Ian, said Phase 1 is immediate; Phase 2 is contingent on a few things; Phase 3 is expected to happen in 3 years, Phase 4 is expected to happen in 5 years from issuance of first permit.

Member Thomas said there are 107 parking spots but there will be a lot of overflow parking during additional phasing. Mr. Wilson said parking will keep pace with additions. Peak shift employment is 95. There hasn't been spill over into the neighborhood. It will be reviewed at each phase. There is space to be added. Member Thomas said there is concern there will be adequate parking when the construction workers are also onsite.

Chair Toulouse asked about amending the condition. Mr. Bronczyk said the applicant's proposed language for the condition is too specific and they could get off on technicalities. Mr. Bronczyk said he recommended the proposed language 'radial axial milling operations shall operate from 6 a.m. to 6 p.m.'

Mr. Wilson said he agreed with Mr. Bronczyk. He said they can live with Mr. Bronczyk's language with one edit, 'Radial Axial Milling without height control.' It's the one old machine that isn't as sophisticated as the new machines. It has no height control which is the reason why it makes a screeching sound during titanium milling.

Chair Toulouse said we need to reach an agreement with language; otherwise, we will go with the language provided by the County.

Mr. Stanley asked about expansion of 109,000 square feet, and if there are plans for further expansion after this is completed. Mr. Wilson said if there is still strong demand in 15 years, they could consider it. He said there won't be large remaining open areas after these proposed expansions.

Mr. Lloyd noted Member Thomas' question regarding phasing and condition 1(b); the timeframe of phasing of two years and whether this was sufficient time for the applicant's needs. Mr. Wilson said the applicant is satisfied with that.

There was no request for public comment.

**2:13 p.m. – 2:18 p.m. The board took a 5 minute recess so Mr. Bronczyk and the applicant could construct language agreeable to both.**

Mr. Bronczyk agreed upon language: "Radial rolling mill operation shall operate between 6 a.m. and 6 p.m.; Washoe County Planning reserves the right to revisit and review this condition through Board of Adjustment should complaints about noise be received."

Revision to Condition 1(b) – revised it to be 5 years instead of 2 years.

There were no disclosures made by the board members.

Member Hill said this project will improve the subject site. It will bring it up to code; improve it for neighbors, and the environment. Member Stanley said he agreed. It was a detailed and comprehensive report. He said he was impressed with multiagency approach. Member Lawrence agreed; he said the report was detailed. He said he is glad TWMA and NDEP are involved. He also appreciated things moving indoors. The CAB moved to approve this project as well. Chair Toulouse said he appreciated Arconic hosting an open house.

Motion: Member Thomas 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 approve, with the conditions included as Exhibit A to this matter, Special Use Permit Case Number WSUP18-0008 for Arconic, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the one finding in accordance with the Verdi Area Plan to include the corrected amendments in condition 1.b and amendment to 1(o)(vi).

Required Special Use Permit Findings (WCC Section 110.810.30)

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi 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 this 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.

Required Findings for Special Use Permits within the Verdi Area Plan

**V.27.15:** The approval of all Special Use Permits and administrative permits must include a finding that the community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Mr. Bronczyk requested to rescind the motion; he said he provided an addendum with additional conditions 1(p), 1(q) and 2(ee) that need to be included in the motion. Chair Toulouse rescinded the previous motion and action.

**MOTION:** Member Thomas 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 approve, with the conditions included as Exhibit A to this matter, Special Use Permit Case Number WSUP18-0008 for Arconic, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the one finding in accordance with the Verdi Area Plan to include the corrected amendments in condition 1(b) and amendment to 1(o)(vi). This approval includes additional conditions 1(p), 1 (q) and 2 (ee). Member Stanley seconded the motion to approve Special Use Permit Case Number WSUP18-0008 for Arconic. The motion carried unanimously.

Required Special Use Permit Findings (WCC Section 110.810.30)

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi 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 this 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.

Required Findings for Special Use Permits within the Verdi Area Plan

**V.27.15:** The approval of all Special Use Permits and administrative permits must include a finding that the community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

**B. Special Use Permit Case Number WSUP18-0014 (Madole Construction)** – For possible action, hearing, and discussion to approve a Special Use Permit for Madole Construction to allow for Operable Vehicle Storage and Construction Sales and Services within the General Commercial Regulatory Zone. The applicant is also requesting a modification of standards set forth in Article 412: Landscaping, to place required trees and other landscape buffering closer to the developed portion of the project rather than adjacent to the area abutting the right-of-way near the project or other parcels nearby. The proposed plan includes constructing a proposed office building with an attached garage/shop. The shop space is intended to be used as storage of supplies and tools and is not intended to be used as a warehouse for receiving and storing goods for resale.

- Applicant: Madole Construction
- Property Owner: Gurnea Family Trust
- Location: 0 Joy Lake Road
- APN: 046-170-24
- Parcel Size: 5.61 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner  
Washoe County Community Services Department  
Planning and Building Division
  
- Phone: 775-328-3612
- E-mail: [cbronczyk@washoecounty.us](mailto:cbronczyk@washoecounty.us)

Chair Toulouse opened the public hearing.

Disclosures: Member Stanley said he attended the CAB meeting when this was heard. DDA Large said he didn't see any issues with that.

Chris Bronczyk, Washoe County Planner, provided a staff report presentation.

Member Stanley asked about the trees. Mr. Bronczyk said he wants to modify the part of the condition regarding planting the trees around the development. He said they would be planted along the 150-200 foot frontage right-a-way.

Sean Madole introduced himself. Member Lawrence asked if his business was to repair crawl spaces. Mr. Madole confirmed that was the nature of his business.

There was no request for public comment.

**Motion:** Member Stanley 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 approve with the conditions contained in Exhibit A to this matter, and the modifications to WCC Section 110.412.40 (b) Required Yards Adjoining Streets, WCC Section 110.512.40 (c) *Landscape Buffers Adjoining Residential Uses*, and WCC Section 110.412.40 (d) *Screening Adjoining Residential Uses*, for Special Use Permit Case Number WSUP18-0014 for Madole Construction, having made all five findings in accordance with Washoe County Code Section 110.810.30, and the two findings in accordance with the South Valleys Area Plan. Member Thomas seconded the motion to approve Special Use Permit Case Number WSUP18-0014 (Madole Construction). Motion carried unanimously.

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.

**Required Findings for the South Valleys Area Plan:**

**SV.2.16** - The approval of all special use permits and administrative permits must include a finding that the community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.

**SV.18.3** - The granting of special use permits in the South Valleys must be accompanied by a finding that no significant degradation of air quality will occur as a result of the permit. As necessary, conditions may be placed on special use permits to ensure no significant degradation of air quality will occur. The Department of Community Development will seek the advice and input of the Air Quality Division of the Department of Health in the implementation of this policy.

**C. Administrative Permit Case Number WADMIN18-0009 (Lodge at Galena)** – For possible action, hearing, and discussion to allow for two separate uses, each of which requires an administrative permit, on the subject property: (1) Snowind Sports, classified under the Retail Sales – Specialty Stores use type; and (2) a wine/coffee bar, classified under the Liquor Sales – On-Premises use type. If approved, the uses would be undertaken by 2 of the 3 tenants expected to occupy the building on-site, which is approximately 4,135 square feet. The retail sales use type is proposed to occupy 1,700 square feet, while the wine and coffee bar is proposed to occupy 800 square feet. A 740 sq. ft. outdoor, uncovered concrete patio is also proposed to be added adjacent to the existing structure, primarily for the use of the coffee and wine bar patrons. The Board of Adjustment may choose to approve or deny either use independent of the other.

- Applicant/Owner: Burkhart Management Group LLC
- Location: 17025 Mt. Rose Hwy (formerly known as the Lodge at Galena restaurant)
- APN: 047-161-13
- Parcel Size: ±.99-ac.
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial
- Area Plan: Forest
- Citizen Advisory Board: So. Truckee Meadows/Washoe Valley
- Development Code: Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3608
- E-mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Toulouse opened the public hearing.

Kelly Mullin, Washoe County Planner, provided a staff report presentation.

Tom Burkhart, applicant, said he purchased the property 2 years ago. It's been there for 40 years as a number of different restaurants. He said he hired a designer and builder and the builder said nothing was in compliance. He said he tore everything out, posted a sign 'built to suit,' and a doctor responded, and Bud Heishman with the sports shop had interest. He said he asked Debbie Bullentini to manage a wine/coffee bar. He said he has been openly communicating with the neighborhood on Nextdoor.com.

Member Thomas said at the STM/WV CAB meeting, it was suggested the operating hours were 3 p.m. – 9 p.m. for wine, 7 a.m. for coffee. He asked for specific times. Bud Heishman said 7 a.m. – 7 p.m. for the sport shop, Debbie Bullentini said 7 a.m. – 7 p.m. on weekdays, 7 a.m. – 8 p.m. on weekends for the

coffee/wine bar. Member Thomas asked about adequate parking for 3 operations. Greg Erny, the project architect, said parking is based on requirement of the uses in the building.

Kelly Mullin said in regards to parking and landscaping; a complete analysis will be completed to meet the scenic corridor standards prior to issuing a business license.

Member Stanley asked about the Mt. Rose Scenic Area Plan and Forest Area Plan lighting standards. Ms. Mullin said the lighting standards would be compliant with dark skies standards. Member Stanley asked the speed limit. The applicant said its 50 mph.

Chair Toulouse opened public comment.

Tom Burkhart said there have been enormous delays. We started two years ago. He said we were hoping to be open July 1<sup>st</sup>, but now maybe July 1<sup>st</sup>, 2019. He said Bud is eager to move-in in September. He said they are currently working on the floors, lighting, and landscaping. He said he hopes to be done in less than 6 weeks.

Greg Erny, project architect, showed the site plan. He spoke about NDOT one-way in and out; he said they met with NDOT and spoke about one driveway access. He showed the upper driveway as the entrance, and the other driveway as the exit. He said they may need to re-design the angle of the north driveway.

Jim Ruthuen, owner of Galena Sports, the sports rental shop next door, said his concern was with the traffic situation. He said both businesses proposed – wine/coffee and ski shop will be successful. He said it's been a dangerous little stretch of road. He said he is retiring, but will have his shop managed. He said having another ski shop next door will draw more business. He said he believes the wine bar will max out the parking spots. He said we are looking forward to it.

Ray Ehly said he has a concern; he said he has a house across the street from the restaurant. There have been two roll-overs on that road. It's a dangerous strip of road. He said he would like to see the speed limit reduced to 45 mph. He said people are doing 70 mph or more. NHP said it's not their jurisdiction, its Washoe County's. He said all we need is drunk drivers coming out of there. It's an accident waiting to happen. Look at the statistics. It's icy across the highway. The drainage is clogged and water flows across the highway. He said the left turn into the rental shop next door is dangerous. The driveway set-up needs to be addressed. It's a critical safety factor.

Karen Mullen said she lives across the street. She said she speaks for Ray Callahan who couldn't be in attendance. She spoke about accidents on the road. Mt. Rose Highway narrows from 4-lanes to 2-lanes. We have met with NDOT about turn movements and storm drain. She said the upper driveway; the water comes over past the slot drains onto the driveway. They are not clearing the culverts and icing has created an issue. She said she spoke with the hydrologist from NDOT and they have cleaned the ditches, opened the culvert, but they say it's a County problem and the County said it's an NDOT issue. She is asking to take care of issue: storm water needs to be contained on site; the parking is undersized; and there is a turn pocket issues. She said she is concerned with water and sewer connections. She said snow removal and water containment should be located on the property to prevent icing issues on the road. Chair Toulouse advised Ms. Mullen to read the addendum from NDOT.

With no more requests for public comment, Chair Toulouse closed public comment and opened Member discussion.

Member Stanley said he echoed what Member Thomas said about the parking lot and the speed limit. He said he is concerned with size of parking lot and speed limit. He said it's a safety concern. He would like to know if the NDOT addressed those particular items. Ms. Mullin said conditions of approval from NDOT address those concerns – drainage condition and no parking in the right-a-way – it must meet parking conditions. These conditions need to get sorted prior to issuance. The engineering team looks at drainage. Ms. Mullin said 50 mph is the speed limit; there isn't a condition of approval from NDOT regarding the speed limit. Member Stanley said he has concerns with parking and speed limits. He said other than that, it's a great project.

Member Hill said we need to consider that it was a restaurant; it's been vacant for so many years. She said she applauds the applicant for trying to put something there. She said it's a good project.



Member Thomas said he echoed Ms. Hill's comment. He said he patronized the old restaurants in the past. He said he is concerned with the parking lot; serving wine with the speed limit. But it's nice to see something come in to revitalize the area instead of sit empty.

Chair Toulouse said he has sympathy and empathy for Mr. Ehly and Ms. Mullen. He said hopefully the conditions by NDOT can mitigate some of the issues such as drainage. He said those may help to alleviate some of those issues. He said he believes it will benefit the community.

**MOTION:** Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and received during the public hearing, the Board of Adjustment approve, with conditions, Administrative Permit Case Number WADMIN18-0009 for Burkhart Management Group, for both of the proposed uses, having made all four findings in accordance with Washoe County Code Section 110.808.25, and the additional finding required by the Forest Area Plan. This approval includes additional conditions 5(a) through 5(l), as provided with the staff report addendum. Member Lawrence seconded the motion to approve Administrative Permit Case Number WADMIN18-0009 for Burkhart Management Group. The motion carried unanimously.

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

**F.2.13 - The community character as described in the Character Statement can be adequately conserved through mitigation of any identified potential negative impacts.**

**D. Variance Case Number WPVAR18-0001 (Taylor)** – For possible action, hearing, and discussion to approve a variance to reduce the required 15-foot front yard setback along Drake Way to 0-feet. The variance would allow for the construction of a driveway bridge and walkway bridge of up to 6-feet in height connecting a proposed home to the property line on a parcel with slopes of over 20%. The variance request is for the bridges only, as the proposed home location meets Washoe County Code Chapter 110 standards.

- Applicant/Owner: Gary and Melanie Taylor, Taylor Living Trust
- Location: 4340 Drake Way, approximately, ¼ mile north of its intersection with Jumbo Grade in east Washoe Valley
- APN: 050-435-08
- Parcel Size: 0.96-acres
- Master Plan: 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 804, Variances
- Commission District: 2 – Commissioner Lucey
- Staff: Kelly Mullin, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3608

- E-mail: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Toulouse opened the public hearing.

Kelly Mullin, Washoe County Planner, provided a staff report presentation.

No disclosures were made by the board members.

Gary Taylor, applicant and property owner, said we are requesting this so we can access the house safely from Drake Way. He said because of the overhead powerline, we need to purchase a new pole. He said they had restrictions with well and septic as well.

There was no request for public comment.

**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 approve Variance Case Number WPVAR18-0001 for Gary and Melanie Taylor, with the Conditions of Approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25. Member Stanley seconded the motion. The motion carried unanimously.

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.

3:25 p.m. – 3:30 p.m. The board took a brief recess.

**E. Variance Case Number WPVAR18-0004 (Eekhoff Residence)** – For possible action, hearing, and discussion to approve a variance to reduce the eastern front yard setback from 30 feet to 20 feet, to reduce the western front yard setback from 30 feet to 20 feet and to reduce the northern side yard setback from 15 feet to 8 feet. The setback reductions are needed to bring a home into conformance with Washoe County Code requirements. The home has already been issued a building permit by Washoe County and is currently under construction.

- Owner/Applicant: Todd and Marci Eekhoff
- Location: 5545 E. Hidden Valley Dr.
- APN: 051-293-07
- Parcel Size: .58 Acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Southeast Truckee Meadow
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey

- Staff: Trevor Lloyd  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3617
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Chair Toulouse opened the public hearing.

Disclosures: Chair Toulouse disclosed that he is an acquaintance of Mr. Eekhoff; he use to work with Mr. Eekhoff's wife. There was no contact with the applicant regarding the project. DDA Large said he felt this wasn't a conflict.

Disclosures: Member Lawrence said Marcie Eekhoff is his ex-niece and Presley is the grandniece. He said he wishes to recuse himself. DDA Large agreed. Member Lawrence left the meeting at 3:39 p.m.

Trevor Lloyd, Washoe County Planning Manager, provided a staff report presentation.

Member Stanley asked about the timing and how the grading issue will be handled. He asked how the issues came to light and how will it be corrected. Mr. Lloyd said it's up to the applicant to show how they will meet those requirements; a certificate of occupancy will not be issued until those requirements are met. He said we don't do the designing. Member Hill asked about their progress. Mr. Lloyd said they are far along in the project. There wasn't a stop work order issued. The applicant understands they are taking a risk.

Member Thomas spoke about the distance from the north property line and the stem wall; he said there isn't enough room, especially with the steepness of the area. Mr. Lloyd said the slope likely won't be there. There is 8 feet to the property line. He said the fence is within the property line. Eight feet is sufficient amount of space. It's adequate room to plant and stagger trees.

Chair Toulouse said he doesn't like these types of requests. He said he understands the mistake with modifiers. He asked about the grading. Mr. Lloyd said the grading doesn't match the code or the approved plans, and that's why we are asking for a revised planned. It wasn't approved grading per the plan.

Member Stanley asked at what point this would become an enforcement issue. Mr. Lloyd said we are attempting to rectify it through this process. If not approved, it will go to code enforcement. Member Stanley asked if the sloping will be reduced or will there be a retaining wall. He asked what the options will be for them to resolve it. Mr. Lloyd said it's up to the applicant as long as they meet the grading requirements.

Jeff Frame, project architect for the applicant, provided a project presentation. He showed the assessor's parcel map, Hidden Valley modifiers, survey of the lots, original Hidden Valley subdivision, and original site plan. He said the north face of the property is not parallel with the property line. He showed the amount of space to the property line, between 8-15 feet. He spoke about preliminary grading. He said the view from the house is straight on to the golf course. He showed the orientation in regards to the neighbor's house. He said it's rough grading to be mitigated – proposing a retaining wall parallel to property line. There is a public utility easement and they are speaking to NV Energy to abandon the easement. He said the retaining wall is a preliminary design. He showed the front and north property elevation. He said there aren't a lot of windows on the north side of the property to overlook the neighbor and there will be landscaping for screening.

Chair Toulouse asked how the grading wasn't depicted on the plans. Mr. Frame said he isn't sure since he isn't the grader. He said it can be mitigated with retaining walls.

Member Stanley asked what happens if the NV Energy utility easement abandonment isn't granted. Mr. Frame said they aren't counting on it anyway.

Member Thomas asked if the area plans were overlaid. Mr. Frame said it was designed for the same location per the area plans. Member Thomas said if MDS setbacks were considered, then the Hidden Valley setbacks were an oversights. Mr. Frame said he wasn't aware of the more restrictive setback. Mr. Frame said Hidden Valley did away with their reviewing committee.

Todd Eekhoff said he purchased the property in 2013 in hopes to build a dream retirement home. He said they submitted for a permit in 2017, got the permit, and started building in the spring of 2018 and then

got notification of the mistake. He said they continued to build under that permit. He said the views are of the golf course. He said he has been turned into the Fire Marshal. It's one thing after another. It's been tough.

Member Thomas asked about the meeting with Mr. Lloyd regarding the setbacks. Mr. Eekhoff said we assumed the permit was to code. He said he wasn't issued a stop work order. He said he was told it needs to be brought into compliance. He said he trusted he was being guided in the right direction. He said he didn't intend to go into this and not comply. Member Thomas asked how far along in the project was he when he was notified. Mr. Eekhoff said they had installed the stem walls. Since the notification, the sub floors, concrete, garage, and ¾ of framing of the house has been completed.

Chair Toulouse opened public comment.

Todd Bader spoke on behalf of the Shaver Trust which is the property to the north of applicant's property. He provided photographs of condition of property prior to construction in 2013, pictures of the state of construction when the issue came up, and picture of the view from neighbor's property, and of encroachments on northeast and southwest. There are encroachments on all 4 sides of the home. He showed the setback violations of 3 feet contrary to what had been presented earlier. He said the Board needs to make special findings. He said there are none. The Board needs to find this is detrimental to his client. There is 900 square feet of encroachment. The Board cannot make the findings it's supposed to make. Please deny.

Carl Cahill said he opposes this variance application. He said he speaks on behalf of other neighbors. He spoke about the Hidden Valley modifiers and required setbacks. This will result in major deviations. We oppose this variance request. He said he retired from the Health Department. He asked how they didn't recognize these violations. He asked if they knew of the violations prior to construction. He said these violations were known by professionals; it's a blaring case to seek forgiveness rather than permission. He asked why construction was rushed. He said he believes there was an effort to install viable investment which will make your decision harder.

Deane Shaver said he was a general building contractor and registered civil engineer. He said he dealt with codes and ordinances all of his life. He said in mid May, he saw a pad, footing, and stem walls. He said he went to the County Planning Department and it took him 10 minutes to find that the building was not up to code. The architect has a professional team who are responsible; they needed to do their due diligence. It was a problem error. The code should be complied with. He asked why we have codes, ordinances, or the Hidden Valley Area Plan if we don't follow it. It's a dangerous situation. He said you cannot grow trees within 8-10 feet. He said there is a slope. There needs to be fill on top of the footing. He said it will be hard to get trees to fit in that space.

Chair Toulouse closed public comment.

Chair Toulouse asked the architect if he ever built anything in Hidden Valley. The architect said no.

Member Thomas asked if the floorplan fit in the original footprint or would a variance be required. Mr. Lloyd said it would fit within the standard MDS setbacks.

Member Stanley asked about process in regards to variances. Mr. Lloyd explained the process of issuing a variance. He said there must be unique circumstances of the property itself. This is a procedural matter more than a special circumstance.

Member Hill asked how we are supposed to make those findings for those special circumstances. Mr. Lloyd said this falls under the category of 'other unique circumstance' at the discretion of this board.

Member Thomas asked Mr. Eekhoff when he was noticed on May 25, why he continued to move forward. Mr. Eekhoff said he had a permit and he asked if he was supposed to stop. He said he wasn't issued a stop work order, the County said he would have to get a variance. He said his attorney advised him to continue to work. The construction slowed down because of these issues. He said it's taking longer; it's not being rushed. He said we are paying money on construction loan interest. He said he is presenting his case – he said this wasn't his intention. It's been modified several times prior to building. He said he is taking the advice of attorney, architect, building manager, and contractor.

Member Hill said this is an exceptional hardship on the owner if we don't approve.

Member Thomas said he hates these situations to bring it into compliance. We are dealing with a situation that has already taken place. He said he has difficulty with these things. It was a series of errors by homeowner and the County.

Member Stanley said he agrees. He said the Hidden Valley modifiers have been around for 15 years. He said he is troubled that the information wasn't more obvious and readily available. He said it's difficult because there isn't a good solution.

Member Toulouse said he has a great deal of distaste for these types of situations. We are not bringing it into compliance, but rather granting a variance. He said he cannot make the findings.

**MOTON: 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 Variance Case Number WPVAR18-0004 for Eekhoff residence, with the Conditions of Approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Code Section 110.804.25. Member Stanley seconded the motion. Member Hill, Stanley, and Thomas were in favor of the motion to approve. Chair Toulouse opposed the motion. The motion carried 3 to 1.**

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.

4:25 p.m. Member Lawrence re-entered the meeting.

Mr. Lloyd read the appeal process.

**F. Special Use Permit Case Number WSUP18-0013 (Discoveries Preschool)** – For possible action, hearing, and discussion to approve a 1,408 square foot addition to the existing 4,752 square foot child daycare facility. The addition will include expansion of classroom space and 2 new bathrooms with a total of 4 toilets. The facility is currently licensed for a maximum of 106 students and 15 staff.

- Applicant: Robert Menzer
- Property Owner: Rudolf James Blaine, LLC
- Location: 253 Egyptian Drive in Spanish Springs
- APN: 089-432-08
- Parcel Size: 1.05 acre
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung

- Staff: Chad Giesinger, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3626
- E-mail: [cgiesinger@washoecounty.us](mailto:cgiesinger@washoecounty.us)

Chair Toulouse opened the public hearing.

Chad Giesinger, Washoe County Planner, provided a staff report presentation.

Member Stanley asked if there will be any new students. Mr. Giesinger said no additional students will be added, but rather they are following new requirements.

The applicant, Rob Menzer, was available for questions.

No public comment was requested.

**MOTION: Member Lawrence 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 approve, with conditions, Special Use Permit Case Number WSUP18-0013 for Discoveries Preschool, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Thomas seconded the motion. The motion carried unanimously.**

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Spanish 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 child daycare facility 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.

**G. Administrative Permit Case Number WADMIN18-0010 (Children’s Cabinet)** – For possible action, hearing, and discussion to approve the application for an Outdoor Community Event business license for the annual fundraising gala for the Children’s Cabinet. The event will be held on the Montreux Golf Course, near the third practice hole on the evening of August 24, 2018, from 4:30 p.m. till 8:30 p.m. with approximately 650 people in attendance. Parking will be located on one side of De Chardin Lane and at the Montreux Clubhouse at 18000 Bordeaux Drive. Set-up for the event will commence on August 22, 2018 and take-down and clean-up will be completed on August 25, 2018. If approved, authorize the Director of the Planning and Development Division to issue the license when all pre-event conditions are completed.

- Applicant: Children’s Cabinet
- Property Owner: Montreux Golf and Country Club Inc.
- Location: Third Practice Hole, approx. 600 ft. north of the intersection of Bordeaux Dr. and De Chardin Ln. on De Chardin Ln.
- APN: 148-010-55
- Parcel Size: 56 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban

- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Articles 310 and 808
- Commission District: 2 - Lucey
- Staff: Eva Krause, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3628
- E-mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Chair Toulouse opened the public hearing.

Eva Krause, Washoe County Planner, provided a staff report presentation.

Applicant, Amy Riley, said they have a partnership with Grand Sierra Resort and Peppermill on this event. This event is a unique circumstance. She said they normally host this event at the Governor's Mansion in Carson City. They had to find a new venue this year and couldn't host it at a casino. Montreux approached them and expressed interest to host this event. She explained her fundraising goals for their services. She said it's a private fundraising event. There is no live music this year. There will be a silent and live auction, testimonials, acknowledgement by the board. There will be private valet service with their own liability coverage. She said they comply with fire code for safety and ADA compliance. Event will take place on the fairway. There will be an event tent, a stage, and a generator. She said they will have security with volunteers, a security gate, designations, parking identification, and all preconditions will be met.

There was no request for public comment.

**MOTION: Member Stanley move 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 with conditions, as attached in Exhibit A of this report, Administrative Permit Case Number WADMIN18-0010 to approve the application for an Outdoor Community Event business license for the Children's Cabinet, having made all four findings in accordance with Washoe County Development Code Section 110.808.25. I further move to authorize the Director of the Planning and Building Division to issue the license when all pre-event conditions are completed. Member Lawrence seconded the motion. The motion carried unanimously.**

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. **Site Suitability.** That the site is physically suitable for Outdoor Event 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.

## 9. Planning Item

**\*A. Presentation on Washoe County's code enforcement process.** Presentation by Bob Webb, Planning Manager, and discussion by the Board, on Washoe County's code enforcement process. Information provided will include an overview of the administrative enforcement process for violations of WCC Chapters 100 and 110, to include building and grading violations, and the number of building and grading related violations.

Chair Toulouse said there seems to be a gap where there is no effort by the County to make sure the applicant is in compliance. He asked if there is someone who goes out to check if the grading is in

compliance. Mr. Webb said yes, the engineers do. However, the engineers are behind on their workload. The field inspector informs the applicant they need to take corrective action if they find something is out of compliance. He explained the steps for bringing the project into compliance. Chair Toulouse said somewhere along the process, someone with the County should have noticed these problems. He said he has the issue with that. Mr. Webb said unfortunately some things get overlooked.

Member Hill asked about recent grading corrective actions. Mr. Webb said they would have to be supervised. We have methods to make sure it's corrected.

Member Lawrence said it's not so cut and dry. He said he appreciates staff handling the amount of complaints submitted. He said he appreciates the presentation. He said the County has to handle industry and public compliance.

Member Thomas said he struggles with a person who blatantly violates the code and then comes and ask for forgiveness. He asked how we can levy fees and bring them into compliance. Mr. Webb said the Board of Adjustment focuses on their findings and stay on their specified course. Board of Adjustment needs to stay in their lane in regards of their duties.

Member Stanley said he has the same discomfort as the other members. He said there must be something downstream of Planning that needs to be looked at. It's Planning that has to clean it up. He wants to know what we can do to reduce the amount of these applications. He said the issue is with Engineering not going out to check the work – how do we remedy that. Mr. Webb said Mr. Lloyd will work with Mojra on those issues. He said he understands it's uncomfortable, but the Board of Adjustment needs to focus on the findings. Member Lawrence said he would like to know the number of permits that have been issued this year.

Mr. Lloyd said Planning, as well as the Engineers, are frustrated and we are continuously looking for improvements and resolutions to issues. He said there is an overlap with Engineering and Planning department. He said we cannot eliminate issues completely.

Chair Toulouse said the process needs to be reviewed for improvement. He said he appreciates the presentation. Mr. Webb said the Board members can always discuss concerns with Staff and himself prior to a hearing.

## 10. Chair and Board Items

### \*A. Future Agenda Items

There were no request for future agenda items.

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

There was no request for information from Staff.

### C. Discussion and possible action to elect officers, chair, and vice chair.

Chair Toulouse said he cannot serve in the capacity as chair since he has already served for 2 years.

**Motion: Chair Toulouse moved to nominated Member Thomas as Chair. Member Stanley seconded the nomination. The motion carried unanimously.**

**Member Hill volunteered and nominated herself to be Vice Chair. Motion passed unanimously.**

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

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

Mr. Lloyd said there was an item heard back in May, WPVAR17-0007 Izakaya, at Stateline in Crystal Bay which the BOA denied and was overturned by the Board of County Commissioners and granted approval.

### \*B. Legal Information and Updates

No items were discussed.



## 12. \*General Public Comment

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

## 13. Adjournment

The meeting adjourned at 5:25 p.m.

Respectfully submitted by Misty Moga, Independent Contractor.

Approved by Board in session on September 6, 2018

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Trevor Lloyd  
Secretary to the Board of Adjustment

DRAFT