



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Clay Thomas, Chair  
Rob Pierce, Vice Chair  
Don Christensen  
Kathie Julian  
Brad Stanley

Thursday, July 7, 2022

1:30 p.m.

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

## Secretary

Trevor Lloyd

and available via  
Zoom Webinar

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### 1. Determination of Quorum [Non-action item]

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

Members Present: Clay Thomas, Vice-Chair  
Don Christensen  
Kathie Julian  
Rob Pierce  
Brad Stanley

Members Absent: None

Staff Present: Mitch Markey, Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Michael Large, Deputy District Attorney, District Attorney's Office  
Lacey Kerfoot, Recording Secretary, Planning and Building Division  
Adriana Albarran, Recording Secretary, Planning and Building Division

### 2. Pledge of Allegiance [Non-action item]

Member Thomas led the pledge of allegiance.

### 3. Ethics Law Announcement [Non-action item]

Deputy District Attorney Large recited the Ethics Law standards.

### 4. Appeal Procedure [Non-action item]

Secretary Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

**5. Public Comment [Non-action item]**

There was no response to the request for public comment.

**6. Approval of the July 7, 2022 Agenda [For possible action]**

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of the July 7, 2022 meeting. Member Pierce seconded the motion which carried unanimously.

**7. Approval of the June 2, 2022 Draft Minutes [For possible action]**

Member Pierce moved to approve the minutes of June 2, 2022 as written. Member Christensen seconded the motion which carried unanimously.

**8. Planning Items [For possible action]**

**A. For Possible Action and Discussion to Elect Officers, Chair, and Vice-Chair [For possible action]**

**MOTION: Member Stanley nominated Member Thomas as Chair and Member Pierce as Vice Chair. Member Pierce seconded the motion which carried unanimously.**

**MOTION: Member Stanley nominated Member Pierce as Vice Chair. Member Thomas seconded the motion which carried unanimously.**

**B. Resolutions of Appreciation [For possible action] - Possible action to approve resolutions of Appreciation of Service for Kristina Hill and to authorize the Chair to sign the resolutions on behalf of the Board of Adjustment.**

Chair Thomas read the resolution. The Board members and staff thanked and commended Ms. Hill for her service.

**9. Public Hearing Items [For possible action]**

**A. Administrative Permit Case Number WADMIN22-0013 (Keithley Garage) [For possible action]** – For hearing, discussion, and possible action to approve an administrative permit for a detached accessory structure larger than the primary residence. The proposed pre-manufactured detached metal garage is 2,400 square feet, and the primary residence is 1056 square feet.

- Applicant: Michael Tribble
- Property Owner: Russel Keithley & Michael Haase
- Location: 11895 Fir Drive, Reno, NV 89506
- APN: 080-385-02
- Parcel Size: 1.098 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys (NV)
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Staff: Mitch Markey, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2722

- Email: mmarkey@washoecounty.gov

Planner Markey provided a presentation.

Questions for the Planner/Applicant:

Member Stanley asked for clarification about usage on the site. Planner Markey said there was a concern shared about commercial usage on the property. This administrative permit only allows the structure. For commercial usage for a property zoned LDS, it would have to go through a special use permit. In this case, using the garage as a shop is not permitted in an LDS zone.

Owner, Michael Haase clarified that he does not plan on using the garage for commercial use. He said he wanted to fix the vehicles in the yard to get rid of them. Chair Thomas asked where the driveway would be to access this garage. Mr. Haase showed the driveway on Ohio Street where there is a gate. The driveway will be the whole yard, an additional entrance will not be added.

Public Comment:

There were no requests for public comment. Member Thomas noted the board received two letters.

Member Discussion:

Member Pierce commented it looks like a good project that would help the owner going forward. Member Stanley agreed. He said he appreciated hearing there are additional steps for commercial use and that it isn't the owner's intent.

**MOTION:**

**Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0013 for Russel Keithley and Michael Haase, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:**

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;**
- (b) 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;**
- (c) Site Suitability. That the site is physically suitable for a detached metal garage and for the intensity of such a development;**
- (d) 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;**
- (e) 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.**

**Member Christensen seconded the motion which carried unanimously in favor five to zero.**

**B. Special Use Permit Case Number WSUP22-0013 (Cold Springs Communication Tower) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for an Emergency Service Communication Facility with a 2,400 square-foot fenced**

enclosure, 110-foot tall 4-legged self-support lattice tower and ancillary generator, as part of the Nevada Shared Radio System. The proposal also requests varying the landscaping and parking requirements by not requiring any additional landscaping and not requiring a paved parking space.

- Applicant/ Property Owner: Washoe County
- Location: 1805 Mud Springs Drive
- APN: 556-290-04
- Parcel Size: 73.47
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Public Semi-Public Facility (PSP)
- Area Plan: Cold Springs
- Development Code: Authorized in Article 324, Communication Facilities; and Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- Email: jolander@washoecounty.gov

Planner Olander provided a presentation.

Questions for the Planner/Applicant:

Chair Thomas inquired about construction times. Planner Olander said they weren't added because of the location's remoteness, but a condition stating 7 a.m. - 7 p.m. could be added. Planner Olander added there isn't a lot of noise with this type of project, and it is 2,500 feet from the nearest neighbors.

Member Julian asked if the fence would be slated with 75% opacity. Planner Olander confirmed.

Member Stanley asked if there was water at the site. Planner Olander said there is water on the southern end of the property for the reclamation plant. There is no water on the north end. She said this is a tower, and it's nothing we could screen. She said a tree would be unusual. She showed on the overhead projector where the tower is located. She spoke about the potential housing development.

Member Stanley asked about the distance to the edge of the MDS zoned property. Applicant Representative, Stacey Huggins said it's approximately 1,500 feet from the tower site to the nearest parcel zoned PSP. It's 2,300 feet to the nearest existing residence. Member Stanley asked about the terrain. Ms. Huggins said it's relatively flat and won't require significant grading.

Member Julian inquired about the ancillary generator. She asked if there would be noise related to this generator and how long that noise would last. She said she understands it's for emergency backup. Melissa Lawney, Washoe County Regional Communications Coordinator, said the generator would be housed in the second room of the 26x12 building. No one should be able to hear it outside of the concrete walls.

Member Christensen asked if the residents were notified about this project. Ms. Olander showed the noticing slide and the residents who were noticed.

Member Christensen asked about the distance from the California border. Ms. Lawney explained the location in proximity to highway 395 and Doyle. She added the hill would block any RF communications towards the valley. She said we are talking about public safety and trying to cover anywhere Peavine mountain doesn't cover. She said the public safety radios are the lifeline. She said we decided not to put it on that hill because we didn't want it going into California and wanted to stay on this side of Nevada. It will cover 395, Cold Springs, Spanish Springs, and Hungry Valley.

Member Christensen said he is concerned that there might not be a more appropriate site. Simple propagation is 360-degree matter. Your coverage for this important function might be optimized if you moved it south along the 395 corridor. He asked who performed the studies for this site. Ms. Lawney said we use contractor L3 Harris, Radio Manufacture, who performs the radio propagations studies, and they initially identified the location. We originally went further south on 395 on a fire station. However, a hill blocks Peavine and the water reclamation area and high school. The goal is to cover that particular area. When we proposed putting it at the fire station, it overlapped with the Peavine coverage and did not hit the dry lakes.

Member Christensen asked if Washoe County is satisfied and not objected to by anyone. Planner Olander noted no emails, phone calls, or questions had been submitted for this location.

Public Comment:

There were no requests for public comment; Chair Thomas closed the public comment period.

Member Discussion:

Member Pierce said this is an important function and supports this project.

Member Stanley agreed. He said he is familiar with L3 Harris. He said he is concerned about screening even in remote areas because they have become developed. This is very well placed and set in such a way that it's a non-issue with screening.

Member Julian suggested construction hours. She said there would be dump trucks in the area, so it would be helpful to have construction hours. Planner Olander said it's at the discretion of this board to set the time and days.

Member Stanley asked if the PSP property was always the selected property amongst the bidders on the project, such as L3 Harris. Planner Olander said this was the application they submitted and wasn't aware they were looking at other properties. They looked at other locations but weren't part of the application.

**MOTION:**

**Chair Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approved with conditions (to include the standard Washoe County code for hours of operation for construction) Special Use Permit Case Number WSUP22-0013 for Washoe County Cold Springs Communication Tower with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:**

- (a) Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Cold Springs Area Plan;**
- (b) 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;

- (c) **Site Suitability.** That the site is physically suitable for the development of a communication facility and for the intensity of such a development;
- (d) **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;
- (e) **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.

**Member Stanley seconded the motion which carried unanimously in favor five to zero.**

**C. Administrative Permit Case Number WADMIN22-0014 (Kapperman Metal Building) [For possible action]** – For hearing, discussion, and possible action to approve an administrative permit for a detached accessory structure larger than the dwelling on the same parcel. The detached accessory structure is a 3,200 square foot metal garage and the dwelling is 924 square feet.

- Applicant: Ken Kapperman
- Property Owner: Kapperman Family Trust
- Location: 500 East Fifth Ave., Sun Valley, NV on the SE corner of E. Fifth Ave. and Yukon Dr
- APN: 085-142-22
- Parcel Size: ± 0.35 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article in 306, Accessory Uses and Structures
- Commission District: 3 – Commissioner Jung
- Staff: Mitch Markey, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2722
- Email: mmarkey@washoecounty.gov

Planner Markey provided a presentation.

Questions for the Planner/Applicant:

Chair Thomas asked if the property line adjustment was within the conditions. Planner Markey said it's condition 2C, engineering conditions.

Member Stanley asked about the sizes of the two parcels. Planner Markey said the parcel to the south is the same owner. We are not splitting the parcels but rather increasing the acreage to the parcel to the north and decreasing the acreage to the parcel to the south. It's a boundary line adjustment, not a split. The remaining parcel will be approximately 0.2 acres.

The applicant was available on zoom for questions but didn't have a presentation.

Public Comment:

There were no requests for public comment; Chair Thomas closed the public comment period.

**MOTION:**

Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN22-0014 for Ken Kapperman, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

- (a) **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;
- (b) **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;
- (c) **Site Suitability.** That the site is physically suitable for a detached metal garage, and for the intensity of such a development;
- (d) **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;
- (e) **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.

Member Thomas seconded the motion which carried unanimously in favor five to zero.

**D. Special Use Permit Case Number WSUP22-0014 (Vater DADAR) [For possible action] –** For hearing, discussion, and possible action to approve a special use permit to allow a ±768 sq. ft. detached accessory dwelling unit at 505 E 1st Street with an existing ±1,568 sq. ft. residence; the regulatory zone of the parcel is Medium Density Suburban (MDS), and a special use permit is required per Washoe County Code Table 110.302.05.1. and 110.306.25.

- Applicant / Property Owner: Ben Vater
- Location: 505 East Fifth Ave., Sun Valley, NV
- APN: 085-182-08
- Parcel Size: 0.35 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 306, Accessory Uses and Structures; and Article 810, Special Use Permits
- Commission District: 3 – Commissioner Jung
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3627
- Email: jolander@washoecounty.gov

Planner Olander provided a presentation.

Questions for the Planner/Applicant:

Member Julian asked if this was on a slope. She said she noticed that the 22 ft. height implies a slope is happening here. Planner Olander showed it on the overhead. It's sloped after the fence. The accessory dwelling would be built to accommodate the slope.

Chair Thomas said the parcel has a 1,568 sq. ft. residence, and now you want to build 768 sq. ft. with two bedrooms, a kitchen, and a bathroom. Is this going to be used for commercial purposes? What is your intent? The applicant, Ben Vater (Zoom), said his father just turned 80 and will potentially house him there in the future. So, this would be a space for him.

Public Comment:

There were no requests for public comment; Chair Thomas closed the public comment period.

Member Discussion:

Member Stanley said it's a clean, organized staff report and a good project that he would support.

**MOTION:**

**Member Stanley moved 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 Special Use Permit Case Number WSUP22-0014 for Ben Vater, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30:**

- (a) 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;**
- (b) 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;**
- (c) Site Suitability. That the site is physically suitable for a detached accessory dwelling unit and for the intensity of such a development;**
- (d) 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;**
- (e) 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.**

**Member Pierce seconded the motion which carried unanimously in favor five to zero.**

**10. Chair and Board Items**

**A. Future Agenda Items -**

None

**B. Requests for Information from Staff -**

None

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

**A. Report on Previous Board of Adjustment Items -**

Secretary Lloyd reported the County Commission heard the appeal to the Reno-Tahoe gateway grading project; they approved the appeal, overturning the BOA decision. He noted



a new survey is available for the EnvisionWashoe2040 Master Plan. He encouraged everyone to take the survey and share with neighbors and friends. The address to take the survey is: [www.envisionwashoe2040.org](http://www.envisionwashoe2040.org). Member Stanley asked if there were additional conditions placed on the approved appeal. DDA Large said the conditions included grading couldn't be pulled until the master plan amendment had been approved. Next Tuesday, the master plan amendment will be heard before the Board of County Commissioners. Member Stanley asked about the item that required a physician's signature. He asked for an update. Secretary Large said Jen Gustafson is the legal counsel who is re-writing the code. It's an intricate process. Member Stanley thanked them. Member Julian asked if the EnvisionWashoe2040 survey covers the Tahoe Basin. Secretary Lloyd said it doesn't. The Tahoe Basin is under a completely different category of uses. He said the area plan was just recently amended for the Tahoe basin, Incline Village/Crystal Bay.

**B. Legal Information and Updates -**

None

**12. Public Comment**

There was no response to the request for public comment.

**13. Adjournment**

The meeting adjourned at 2:38 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on August 4, 2022

*Trevor Lloyd*

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Trevor Lloyd  
Secretary of the Board of Adjustment