



# WASHOE COUNTY BOARD OF ADJUSTMENT **DRAFT** Meeting Minutes

## Board of Adjustment Members

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

Thursday, October 6, 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

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

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

Members Absent: None

Staff Present: Chris Bronczyk, Senior Planner, Planning and Building Division  
Mitch Markey, Planner, Planning and Building Division  
Kat Oakley, Planner, Planning and Building Division  
Julee Olander, Planner, Planning and Building Division  
Courtney Weiche, Senior 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

Member Pierce led the pledge of allegiance.

### 3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

### 4. Appeal Procedure

Sr. Planner Bronczyk recited the appeal procedure for items heard before the Board of Adjustment.

## 5. Public Comment

There was no response to the request for public comment.

## 6. Approval of the October 6, 2022 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of October 6, 2022 with the amendments of withdrawing item 8C and moving item 8H to proceed item 8A. Member Pierce seconded the motion which carried unanimously.

## 7. Approval of the August 4, 2022 Draft Minutes

Member Pierce moved to approve the minutes of August 4, 2022 as written. Member Christensen seconded the motion which carried unanimously.

## 8. Public Hearing Items

**A. Amendment of Conditions Case Number WAC22-0007 (Connect Neighborhood Center) [For possible action]** – For hearing, discussion, and possible action to approve an amendment of conditions authorizing a two-year extension of time for Special Use Permit Case Number WSUP20-0009 (Connect Neighborhood Center), WSUP20-0009 was approved by the Board of Adjustment on July 24, 2020 and included a 16,015 sq. ft. neighborhood commercial center.

- Applicant/Property Owner: Sage Property Ventures LLC
- Location: 2500, 2540 Crossbow Court, located immediately northeast of the junction of Crossbow Court and Arrowcreek Parkway
- APN: 152-921-01; 152-921-02
- Parcel Size: 0.774 Acres; 1.073 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Chair Thomas asked for no presentation for this item. Sr. Planner Bronczyk was available to answer questions. Applicant Jen Hutter was available via Zoom to answer questions.

There was no response to the call for public comment.

Member Stanley stated his concern for a two-year extension since there has been so much change in that area already. Since approved in 2020, a large Washoe County School District project has occurred which draws a great deal of traffic and security concerns. The location of the item in question backs up to one of the schools emergency exits. If the two-year extension is shortened, we can determine how to handle this next time, as we see development in the area. Sr. Planner Bronczyk said the applicant requested a two-year extension. When this came in, it came in during the construction of the school, which the school reviewed. Unless the applicant is

agreeable to a one-year, we should keep to a two-year request. Member Stanley asked about the mechanics to request the applicant to amend their request to one year instead of two. Chair Thomas suggested Member Stanley make his request in the motion. DDA Large said the Board had the discretion to make any changes they wanted to the extension length of time as conditions of approval. The applicant doesn't need to consent to that. DDA Large said there is a method to their request for a two-year extension. Member Stanley said there are changes and developments in the area. Most recently, the Board authorized a request by Engineering for a big water transfer station on that very same road. There was some question about the traffic on that road and how we would do cut-outs for safety because they're children on that road. And so, additional traffic was our concern at the time and the types of traffic. Therefore, Member Stanley had a serious concern as more projects enter the area. Member Stanley wanted to entertain the notion that the extension of time be reduced to a one-year extension because of the speed of growth.

Chair Thomas said he looked at it a little bit differently. He was more in favor of the two-year extension. Suppose the Board gives these individuals an opportunity of two years out. In that case, the Board's really not compressing a lot of activity simultaneously, creating more traffic as they're hauling dirt and bringing materials and anything like that. Chair Thomas stated that it smooths the water a little bit by allowing a two-year extension.

Member Stanley said he may have misunderstood; DDA Large said it was a matter of two years before they began. Sr. Planner Bronczyk said the two-year extension approves the proposed use type, so within this timeframe, they have two years to submit complete building plans to start the build-out process. This just extends their ability to complete the permitting process. Member Stanley said that doesn't impact the grading with compressed time.

Member Julian said that the reason given for the extension was that the applicant needed time to raise money. Consequently, a one-year extension might not be sufficient enough for the applicant to bring the project to successful completion. Secondly, the project does appear to be very community oriented. Although Member Julian doesn't live in that area, the project is oriented toward people of all ages, including children. The project also mentions walkways being integrated with the schools. So, in a sense they're trying to provide a community resource. For all of those reasons, Member Julian would support giving the two-year frame they are asking for.

Member Pierce said he supported giving the applicant a two-year extension for the exact same reasons as Member Julian's.

**MOTION: Member Pierce moved that after giving reasonable consideration of the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustments approve an amendment of conditions case number WAC22-0007 for Sage Property Ventures LLC, with the conditions included in Exhibit A to this matter, having made all five findings in accordance with Washoe County code section 110.810.30.**

**Member Christensen seconded the motion which carried 4 to 1. Member Stanley opposed the motion.**

- (a) 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;**
- (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 neighborhood center use type, 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.

**H. Special Use Permit Case Number WSUP22-0021 (O'Neal Grading)** – For hearing, discussion, and possible action to approve a special use permit for major grading associated with ponds intended for landscape purposes. The total grading proposed is 7,420 cy of cut and 5,250 cy of fill, with a total site disturbance area of 0.9 acres (39,204 sf). The proposal also includes a request to vary grading standards, specifically 110.438.45 (c).

- Applicant / Property Owner: C & S O'Neal Family Trust
- Location: 650 feet north of the intersection of Thomas Creek Road and Foothill Road
- APN: 044-391-27
- Parcel Size: 18.13 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: 82% High Density Rural (HDR) and 18% General Rural (GR)
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3612
- Email: cbronczyk@washoecounty.gov

Sr. Planner Bronczyk provided a presentation.

Member Stanley said he appreciated the NDOW and RTC feedback. He said he visited the site, and it looks like a nice project. He said the only concern he has is Thomas Creek is narrow where the equipment would come in and out. Mr. Bronczyk said he didn't have concerns. The proposal they have related to specific grading is narrow. Member Stanley said given the neighborhood, has Sr. Planner Bronczyk stipulated times of operation? Sr. Planner Bronczyk said it's in code; which the applicant is required to meet regardless if it is a condition of approval or not. The code is 7 a.m. – 7 p.m., Monday through Saturday, with no construction on Sundays.

Member Julian said she does see 7 a.m. to 7 p.m. in the conditions. The staff report shows that Washoe-Storey Conservation District provided conditions about landscaping. Has Staff captured those adequately on page 12 under point F, where it talks about every vegetation plan? Member Julian assumes that their conditions are captured there?

Sr. Planner Bronczyk said with the Storey Conservation District; there's no mechanism for them to enforce their conditions. Staff, whether it's through planning or various other agencies, do try to capture them. We did try to capture their conditions specifically with the revegetation. Typically,

Washoe County's Parks and Engineering divisions would capture additional conditions from the Storey Conservation District.

Chair Thomas said maybe Sr. Planner Bronczyk could clarify the request for the variance of the 18 feet. Does that mean that the depth of the pond then is going to be 18 feet below grade? Sr. Planner Bronczyk said that was his understanding, but the applicant is present and can speak to that.

Applicant Michael Vicks provided a presentation.

Chair Thomas said thank you. Getting back to his original question of the pond's depths, what would be the average depth, deepest part of the pond, or ponds? Mr. Vicks said he think it's 12 to 14 feet, based on his recollection, that the reason they've got that differential is that the site is kind of sloping, but , the water is obviously going to lay flat. To get the depth, the applicant had to pull that slope back. It's not a hillside, but the applicant is creating a 3:1 slope into the pond. The necessary depth resulted in an 18-foot differential between the existing grade and the bottom of the pond. But the water surface elevation, is much less than that Mr. Vicks stated.

Chair Thomas said his second question is that Mr. Vicks said that a building permit was already issued, which included the ponds, and now the applicant is back before the Board today for a SUP to increase the size of the ponds?

Mr. Vicks said that was correct. A portion of each of the ponds conformance with the grading standards that do not require a special use permit. So there are no more than 10 feet of the differential between the existing proposed grade. And then, all of the earthwork volumes are in accordance with the grading standards that do not require a special use permit. These green areas are the areas that are intended for the expansion of the pond and then the necessary grading associated outside of the pond to create a natural look to it. The upper pond, shows the contours on the left-hand side, it's now more of a peanut shape than just a circle. Similarly, the lower pond had a smaller Southern expansion. It grows with the expansion. The goal is to get the upper pond; the landscape look and specifically, in the lower pond, get the depth for that aquatic life because the applicant intends to stock it with fish.

Chair Thomas asked if there was anything that would prevent the applicant from staying within the original building permit for the size of the ponds. Mr. Vicks said the building permit is approved, and they can stick with that, but the intent is to expand it, which is why they are before the Board. The applicant cannot expand those ponds without triggering a special use permit. The applicant wanted to keep everything aboveBoard and approve all of the proposed grading. Most of the work is already approved. Like Sr. Planner Bronczyk mentioned, 2700 cubic yards of material remain between the two ponds of excavation, and all of that will be balanced on site ultimately. Approval of the request should reduce the amount of trucking and offsite movement of material because without the approval of this special use permit, the applicant would need to bring in that 2700 cubic yards of material to fill the remainder of the site, which is again already approved and in conformance with code.

Chair Thomas said his last question for Mr. Vicks is just trying to get an actual visual of how big these two ponds are. Does Mr. Vicks happen to know about the gallons each pond would contain? Mr. Vicks said he is unsure. Chair Thomas said an Olympic-sized swimming pool is 640,000 gallons. And it looks like between these two ponds; they'll be bigger than that. Mr. Vicks said he doesn't want to venture a guess and be incorrect on that. He can pull up AutoCAD and do a volume analysis real quick.

Member Christensen said, just for simplification, that the main reason for the SUP is that the main depth of the pond is not necessarily the perimeter but the actual depth. Mr. Vicks said it's the

volume earthwork, they came very close to the threshold of grading special use permit with the approved building permit. And so, to expand it, the earthwork volume triggers the special use permit. Then again, the depth is the variation of standards, also a trigger for granting a special use permit. So both, volume and depth.

Member Christensen continued to say, in his reading, it seems there's not really an impound on Thomas Creek; it's not a dam. It's not free-flowing. Mr. Vicks said there is no dam; there's no earthen structure created. This is a hole in the ground. It's not a levee above that could pose a risk if it was built incorrectly, flooding downstream, or anything. This is below the existing ground surface for the entirety of it. Member Christensen said that satisfies him.

Member Julian asked where does water come from for this pond. Mr. Vicks said the applicant had already reached out to the water master. Some of that water is diverted from Thomas Creek. He has water rights. The applicant also has some groundwater rights. The main source will be Thomas Creek and his existing water rights. The plans also show that the creek fill the pond and then goes back into Thomas Creek. So, it's retaining the water. It's not stealing it forever after it initially fills up anyway.

Member Stanley requested Mr. Vicks put up a map of Thomas Creek Road. Member Stanley asked where the access would be for the construction equipment. Mr. Vicks showed two driveways. It's been approved as part of the building permit. Member Stanley asked if he believed the creeks were downhill from Thomas Creek Road. Mr. Vicks confirmed.

#### Public Comment:

Ski Shields (Chambers) : "I live on the corner of Thomas Creek and Foothill. And we've spent the last three to four years under heavy construction regarding the property adjacent to this property and the adjacent property to ours, across Thomas Creek. We've got several concerns. Number one, what they said, about when they start and when they finish, there's a whole line of garbage at 4:45; you've got Campbell's guys going in and filling up and starting their engines and doing all that raising a lot of ruckus. And that's well before seven o'clock in the morning. These guys have been working on the foundation for this particular property here. But what no one is addressing is where the water goes. We've been there for 50 years. This is all in a 100-year floodplain. And so the grading that you guys are talking about is great, when it's dry, but there wetlands on the adjacent property, and there has been a history of when it comes down. We're not even sure that with the new properties, they subdivided the properties across the street that were a huge pasture. It was the Sharmeen Cliff Harris property that they bought that originally had no house; they spent lots of time building that concrete structure and then spent a lot of time ultimately selling it. The things that concern me, our property and the people downstream, is there's a lot of runoff. We had two or three days of significant rain a month ago, it all runs somewhere, and because they didn't really deal with grading as much as they dealt with lifting the structures above the water plane, we now have houses sitting at four and five feet above the road line. But there's nothing to stop it from coming around. We see it every time on Thomas Creek when there is a spring rain and snow melt."

John Sheilds (Chambers), Ski Sheilds's father: "One concern is when you're talking about stocking this pond with various wildlife, does anybody have concerns about the fact that any of that is going to escape into Thomas Creek? Certain types of fish and wildlife can be dangerous if it goes through into Thomas Creek. Is any of the water that's being used coming from a well? Or is it just all going to be coming from Thomas Creek? There's not a lot of flow at Thomas creek right now. Or even in the water in the ditches, there's not a whole lot of flow. And so there needs to be recirculation. There are major concerns about standing water where you'd have a lot of insects like mosquitoes, which could be a major problem. So I don't know whether any of that has been answered. Unfortunately, I didn't know anything about the ponds and the issues that would affect the environment, the creek, and flow of water in the area, and the water level. You're going

down 18 feet, that's very deep area, which would be a concern, I mean, other wildlife straight in and guided into the pond for drowning, even a person. I don't know whether any of those things are pretty common. That is my concern. Mainly where's the water going? And is there any control for how the wildlife in that pond will be contained? I know there are certain types of trout you don't want to go into Thomas Creek. And I've had that before because I have a little pond myself. So those are all questions. I feel it's a very big pond. Thank you."

Ann Rodewald (Chambers): "I live directly across from the end of Foothill on Thomas Creek Road, and we have had a lot of construction next door to us. And now this one that's opened up, and they're doing all the construction, my concerns are also about the water and how it flows because it's an alluvial plain, which flows downhill. The last time we had the "100-year flood," it went down in our part of the property, it goes directly down the driveway, but with the construction next door to us, they put like 10 feet of fill in there just to build up the barn and the house. And we're looking at it, and we're like, so where's the water going to go? Well, it will go down the road next door to us and probably flood our house. And the other thing about the wildlife and stuff is that we get bears in the fall. If they put a lot of fish in that pond, you will attract more bears before they go into hibernation. The other thing is, with those big ponds, you will get a lot of water evaporation. Where is this water coming from? That they're going to fill into the ponds? I don't know. But I sure would like to know. We live not exactly next door to Thomas Creek, but our neighbor next to us does, and we get ditch water. Well, the ditch water channel is next to Thomas Creek as you go further up the creek towards the west. And quite frankly, it has holes in it. And sometimes, it dumps into the creek, and sometimes the creek dumps into the ditch. So water is definitely an issue. We're talking Nevada; it's dry here. When they come and build, we actually went next door to the people next door to us and asked the guy who was head of construction, can you please start at seven? Not at 6:30. And they were very nice about it. And they've done that all along. And occasionally, they work Saturday, but it depends on what part they're putting on. Are they putting in Windows? Are they doing fill, then they get it there early, early. I know that. And actually the people were very nice. And they came over and said, we're sorry about all our construction, dirt, and everything, and so we got to gift basket. They were trying. But I still feel that the biggest issue is the water, and it better not be coming out of Thomas Creek or the ditch. Do they even have ditch rights.?"

David Emmil (Chambers): "That was my wife. So, we live on the west side of Thomas Creek Road from this project and next door to the one that's been built on the west side. Basically, the same thing as everybody else has been saying, My biggest concern is from what I could see on the map, and I have a construction engineering degree. So I can kind of read grade lines. And it looks like the bottom part of that pond. Yes, it's gonna be dug in. But they're still there. They're retaining. So what's going to happen when you get a flood, it's gonna wash that out, and it's not going to affect me because I'm uphill from it. I have friends that live below that. And they'll probably going to have issues. And when we first bought our property back in 2013, we came to the County, and we were going to do an addition, and we were told, hey, we're in a flood zone that we'd have to bring the whole house up to code in order to get this addition, well, I haven't figured out how to bring the basement up out of the flood zone yet. So I'm still working on that. But if that's the case, I don't see how to build an extra retaining dam with what's going to happen to hold this water back for this larger pond. I think it's just a danger for everybody downstream because the County told us that everybody, especially down along the freeway 395, is a big dam down there that's going to flood all those people. None of those areas considered a flood zone. Like my wife said, we've talked to the previous owners; they said they had a 100-year flood back in the 50s when this our house was built in 1948, and the water just runs down the driveway and doesn't go anywhere in your basement, but we're still in the flood zone because that's how the Corp engineers did it back whenever and it's a little expensive to try and change that. Again, like everybody else said as far as what's going to happen, in case of a flood. I'm all for someone trying to have their own fishing pond. That's great. I wish I had one. It's very rocky around there. They'll have to import some sort of material or something to line the pond so it doesn't leak. Typical Nevada. It's extremely Rocky. So I don't know if they're bringing in the liner or if they're going to haul in like some clay soil to

impact the road. We've had some issues with the road kind of deteriorating from the one next to us. And it's a narrow road, and I see when they're having fences and everything put up next door, including this property, that they're holding the fences way back from Thomas Creek Road. I assume that's for future development when the road may or may not get approved."

There were no further requests for public comment.

Chair Thomas said one of his concerns was the issue of water, but within the staff report, it does indicate the Washoe County Water Resource Manager was contacted. The Nevada Division of Water Resources was also contacted. And evidently, at least as far as he can tell within the body of the report that, in fact, there are water rights for that property. And that's basically what would be used to fill the two ponds. He agreed, water is a scarcity around here, but as the Board had these discussions before, the ability to secure water rights would allow one to go ahead and implement the project.

Member Stanley said he agreed with Chair Thomas about the water issue, but it's gone through the process, and we're acting on the information that they have on the staff report. He thanked Sr. Planner Bronczyk again, for adding NDOW to the list; who will be very strict about invasive species and that kind of thing. So the concern, at least for Member Stanley, is substantially reduced. They're an exemplary agency. The area where he thought they can positively affect the community might be a time limit of construction work. In the past, the Board has made a stipulation or suggested a condition that mobilization begins at seven rather than hammers fly, engine kickoff, or actual digging. And that's been successful a number of times. That also eliminates that five o'clock in the morning mobilization noise as everybody rolls in and gets their gear setup. That's the most racket you'll get out of construction anyway. I'll defer to the experts here. But if we have more mobilization, seven will help with noise concerns. So he would suggest that as a condition.

Member Julian said, for Staff, the recommended conditions that the water resource people set say that some permits have already been obtained for water rights. Was that with respect to the previous design of the smaller ponds, or does that also apply to the larger pond, the deeper pond? Sr. Planner Bronczyk said water resources at the state and county level reviewed this proposal for the larger ponds. The water rights would have been obtained before the permits were submitted to the discretionary action. Member Julian said it was sent to NDOW, but I don't see that they responded. Sr. Planner Bronczyk said NDOW as a recipient, and he did not receive any comments of concern or conditions of approval from NDOW.

Member Julian asked if Staff was sure they reviewed the application and understood what was happening here. That gets back to the issue of the fish perhaps somehow getting back into the creek. Sr. Planner Bronczyk said most of our specific area plans do require NDOW to be a reviewer. So we do spend quite a lot of cases over to NDOW. If there are concerns within specific projects, we do receive comments back from NDOW. This is one of those cases in that we did not receive any.

Member Stanley asked whether silence from agencies is generally considered acquiescence or positive. No concerns. Sr. Planner Bronczyk said that's typically how the Staff has taken it. He doesn't want to speak for those agencies, though.

Member Stanley said he's going to suggest a condition that mobilization takes place at 7 a.m. and then start formal construction at 7 a.m. The Board has done that in the past. Does Sr. Planner Bronczyk see an issue with that? Sr. Planner Bronczyk said that's at the Board's discretion. They have seen that in the past.

Chair Thomas said a point of clarification on here, 16 agencies were contacted. A wide variety of agencies that could have added comments that were included, whether they choose to or not, is something different. I can tell you that Nevada Water Resources provided conditions, Washoe County Land Development provided conditions, Washoe County Water Rights manager provided conditions. Washoe County Health District, Environmental Health provided conditions. A couple



more were also there. He thought it was well reviewed. Everybody had a chance to give their input on this project.

Member Pierce said just for clarification, they've already got a permit to build ponds, right? They're just asking for a little bit bigger of a pond. So, they've already gone through all the permit processes and all that. Sr. Planner Bronczyk confirmed.

Member Julian asked, is Sr. Planner Bronczyk aware that in the original application for this in the approval of the ponds that NDOW commented, and provided perhaps some conditions? Sr. Planner Bronczyk said building permits typically do not get routed to state, so this would have been their time to comment.

Chair Thomas said it looks like the applicant did so in order to expedite this process; what he did is he submitted his building permits that were well within the specifications to include the ponds, and then after the fact, and maybe that was his original intent, we do not know or at least to start the process was to get that going with ponds their size and then come back before this committee to put in a special use permit to expand that. The appropriate agencies were probably contacted by doing a special use permit. I'm not too sure if like Sr. Planner Bronczyk said a building permit would not contact state agencies. Thank you for clarifying.

Member Christensen said at face value, he didn't really like this project, but he thought the applicant has done a great job, and Staff has done an equally good job, and it's in his opinion that the Board should, without a lot of fanfare, go ahead and approve this special use permit. He likes it. Member Stanley agreed. He said the site visit did a lot for him. And it seems in keeping. Member Stanley liked the fact that all the water was downhill from the road. And his concern was getting the gear in and out. He thought the one concern that still remains is the hours of construction for the folks that are neighbors. Other than that, it seems like all the boxes have been checked within NDOW when doing their job when they get called to do so.

Member Pierce said the water goes in and then goes back out. So it's continually being recirculated through there.

Based on Member Stanley's request, DDA Large recommended that the Board state, mobilization to begin at 7 a.m., and construction to cease on-site by 7 p.m. And with that modification, the Board could, for the record, incorporate it in the conditions of approval.

Member Julian asked if it would be appropriate to say construction subsequent to mobilization or some reference like that. DDA Large said yes, they could incorporate construction subsequent to mobilization.

**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 approved with conditions special use permit case number WSUP22-0021 for C & S O'Neal Family Trust, with the conditions included in Exhibit A to this matter, including the (amendment to Section 1.d.) changes to hours operation to read: on-site mobilization to begin no earlier than 7 a.m. and construction work to be seized by 7 p.m. Monday through Saturday. Having made all five findings in accordance with Washoe County Code Section 110.810.30.**

**Member Christensen seconded the motion which was carried unanimously.**

- (a) 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;**
- (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 major grading, 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.

**B. Administrative Permit Case Number WADMIN22-0019 (Burch Care of the Infirm)** – For hearing, discussion, and possible action to approve an administrative permit to allow a recreational vehicle to be occupied by an infirm resident at APN 080-531-06. The caretaker resides in the dwelling on the parcel.

- Applicant/Property Owner: Kalii Burch
- Location: 385 Vagabond Ct.
- APN: 080-531-06
- Parcel Size: 0.220 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: North Valleys
- Development Code: Authorized in Article 808, Administrative Permits& Article 310, Temporary Uses and Structures
- 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. Applicant Nicole Burch was available via Zoom to answer questions.

Chair Thomas said the code enforcement violation is if someone was living on the property in the RV. Evidently, that is the infirmed person, and if this is approved, will this resolve the code enforcement violation?

Mr. Markey said that was correct. As long as they meet all the conditions and relocate the RV, they'll be in compliance.

Chair Thomas said the only other question is regarding the picture that Planner Markey had presented of where the RV currently is and where it will go. Will it fit in the back corner? The picture Chair Thomas has shows that it's a fairly large RV. That should be in the lower right-hand corner there. Mr. Markey said he conducted a site visit and walked the property line with the applicant. And he measured it out while on site, it will indeed fit in that corner.

Member Julian said then, as part of this, will Planner Markey be removing the condition on page 12, which says that there will be a requirement for the recreational vehicle to either be hard

plumbed to the septic system discharge point or only have a flexible hose attached, between the recreational vehicle and discharge point when actively discharging grey or black water? That seems to me to be inconsistent with hard plumb; it's either hard plumbing or not. Member Julian was a little unclear on that. It seems inconsistent with what was recommended by WCHD on page 17 in their letter, where they said no temporary connections, hoses, or flexible would not be permitted.

Planner Markey said the condition is meant to be consistent with the Health District condition. So yes, he would remove the flexible hose language. It requires it to be hard plumbing.

DDA Large said the Board could make that notation if the approval is what is appropriate in this case. He would say that that condition of approval to under Washoe County Health District 2.a., the reference to the flexible hose will be removed. And when the motion is made, state, with the amendment as stated by counsel.

Member Julian said she might also suggest on page 11, under item six, any temporary electrical utility connection shall be to the satisfaction of the Planning and Building Division. So, then it's explicit that the only temporary connections are the electrical if that would be amenable to the Board. Her last question was, is it possible in all of these staff reports to have a simple notation as to how many residents nearby were consulted? And, what and any response, if any?

Mr. Markey said that is included in the staff report under the noticing. For this case, 72 separate parcels within a 500-foot radius of the property were contacted.

Public Comment:

Margaret Hoffmann (Chambers), "I just want to let you know that the Birch family is fantastic. Their mom and dad are fantastic people. The dad is a veteran purple star recipient. They have never bothered anybody. They are clean people. You only see them when they come out once or twice during the day. Their RV does not bother me. I've lived there for 30 years and never had a problem with any neighbors. And this is the first time anything has come around in our neighborhood. Thank you."

There were no further requests for public comment.

Member Stanley said it's a well-thought-through project that was one of the few times where the Board didn't have a lot of heartburn, or at least an item about correcting a code enforcement problem with a solution.. This looks like maybe the exception to that rule. He thought it is extremely well laid out. He would be in support of it.

**Motion: Member Julian 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 Administrative Permit case number WADMIN22-0019 for Kalii Burch with conditions included as Exhibit A to this matter with modifications of conditions 2.a. to remove the reference to the flexible hosts and modifications to 1.c. to include any temporary electrical utility connections having made all five findings in accordance with the Washoe County Development Code Section 110.808.25.**

**Member Stanley seconded the motion which carried unanimously.**

- (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 recreational vehicle to be occupied by a care of the infirm patient, 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.

The Board took a 5-minute recess. The meeting resumed at 3:07 p.m.

**D. Variance Case Number WPVAR22-0004 (Rushing Variance)** – For hearing, discussion, and possible action to approve a variance for a 14' encroachment into the 15' front yard setback for an addition to an existing single-family dwelling.

- Applicant/Property Owner: GilanFarr Architecture
- Property Owner: Heath & Amanda Rushing
- Location: 27 Somers Loop
- APN: 123-031-04
- Parcel Size: 0.102 acres (± 4,459 sf)
- Master Plan: Stateline Point
- Regulatory Zone: Stateline Point
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Kat Oakley, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Oakley notified the members of the Board that the applicant requested a postponement of their item to next month. Applicant, Quina Williams was available via Zoom to answer questions.

There were no requests for public comment. The Board accepted the request for a continuance.

For Item 8E, Planner Olander was not in Chambers at the time of her item, the Board continued to item 8F: WSUP22-0015 (Worthen Truck Turn Around).

**F. Special Use Permit Case Number WSUP22-0015 (Worthen Truck Turn Around)** – For hearing, discussion, and possible action to approve a special use permit for major grading of 1,094 cubic yards of cut material and 4,980 cubic yards of fill material, with a net of 3,886 cubic yards to be imported, disturbing a total of 41,382 square feet (.95 acres) to provide for additional turn around area for an existing truck repair shop. The applicant is also seeking to vary the following standards from Article 438; Section 110.438.45(a); 110.438.45(b); 110.438.45(c).

- Applicant / Property Owner: Richard and Lorraine Worthen
- Location: 8640 Canyon River Ct
- APN: 084-090-46
- Parcel Size: 2.56 acres
- Master Plan: Industrial
- Regulatory Zone: Industrial
- Area Plan: Truckee Canyon
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- Email: cweiche@washoecounty.gov

Sr. Planner Weiche provided a presentation. Applicant Representative Nathan Robison was available via Zoom to answer questions.

Chair Thomas said he had just one quick question. Within the staff report, the applicant indicated that 80% of the grading has already occurred. So, what is the 20% that is left?

Sr. Planner Weiche said she didn't know if she had drawings or anything stating what's existing versus proposed or what remains to be done. She did believe either the applicant was in the room or on the call that might be able to further clarify what exactly is left to be done. Sr. Planner Weiche would say just in visiting the site, there are needed improvements to the proposed berm, including revegetation and the requirements for landscaping at a minimum.

Member Julian said she had a generic question. If 80% of the project has been done, then how are some of the general conditions that are laid out here? How are they to be done? It seemed like it is a done deal and they're not applicable? Or are these conditions still applicable? Or which one of these conditions here are not applicable because, essentially, it's already done?

Sr. Planner Weiche said part of it would be remediating or kind of going backwards, to assure that the conditions of approval have been met. It kind of depends on which condition is being looked at. In looking at this, she thought there would be additional documentation provided, additional inspections going forward, subject to the conditions of approval if this were to be approved.

Member Julian had a second question, and would perhaps need more clarification on why Washoe-Storey Conservation District comments are not formally incorporated in the condition? Perhaps Sr. Planner Weiche could tell Member Julian to what extent other comments are included in the conditions and if they have a revegetation plan. She assumed there is a revegetation requirement here in the conditions, and if Sr. Planner Weiche could point that out.

Sr. Planner Weiche said she agreed and may defer this to Sr. Planner Bronczyk. When she first started, she included Washoe-Storey Conservation District's comments as formal conditions and as the direction, which was not common practice, and Staff included them as an attachment. However, maybe DDA Large or Sr. Planner Bronczyk wanted to provide any clarification as to why that is?

DDA Large said the revegetation aspect of it is within the condition of approval, number General Conditions C, 2.c, under Capital Engineering, which discusses the revegetation. It's from the

Washoe County Engineer with technical assistance from Washoe-Storey Conservation District, and the applicant shall submit a revegetation plan to the Washoe-Storey Conservation District for review. So that's where it is incorporated.

Member Julian said if she could follow up, it's submitted to them just for review. If it's inadequate, it doesn't say that it needs to be acceptable. The applicant can submit a revegetation plan to the Washoe-Storey Conservation District for review, but this statement itself doesn't imply that it has to be approved by them to be acceptable. How does Staff get compliance with the vegetation?

Sr. Planner Bronczyk said we, as Staff provide Washoe-Storey Conservation District with almost all of our applications, they are a reviewing agency that provides suggestions, and our Engineering, Planning, Parks divisions will try to take those conditions and enforce them. So with one other condition with a 2:1 rock slope protection that would violate certain sections of our code, Engineering provided different conditions. The revegetation and the noxious weeds aspects is captured within that 1.c. And so, while they may be in cooperation with the Washoe-Storey Conservation District, these conditions are ultimately approved and enforced by the specific Washoe County agencies. They have every right to submit to the Conservation District, but at this point, Engineering and Open Space will be the ones regulating that revegetation plan.

Member Julian said that's captured in methods, and seed mix must be approved by the county engineer, right?

Sr. Planner Bronczyk said that is correct. DDA Large said the Washoe-Storey Conservation District is not a regulatory agency with adopted regulations. They are advisory only. So that's why they don't show. That's why they go through engineering.

Member Stanley said he was a little confused about some things. To follow up on the question that Chair Thomas asked. 80% of the grading is completed per the applicant. Sr. Planner Weiche confirmed. Member Stanley said the 15-inch culvert is already completed. Sr. Planner Weiche confirmed. Member Stanley said since those are already done, are they compliant with the code at this point. Sr. Planner Weiche said not at this point, for several reasons. She said their current application is to try to remediate and come into compliance. Member Stanley asked when the code violation came to light? Sr. Planner Weiche said February 2022. Member Stanley said the applicant requested county codes waved. He asked for clarification of why or whether or not that was a good idea. Sr. Planner Weiche said those were the three code sections out of article 438 that was reviewed during the presentation that they are allowed to request to vary from those specific standards with approval of a special use permit. She could go over those three standards. She referenced slide 4 of her presentation. Member Stanley asked if those need to be waived for them to come into compliance. Sr. Planner Weiche said without it, the applicant is indicating the project may not be feasible. In some of the renderings. The applicant has indicated that to achieve the purpose of widening the truck turnaround for safer vehicular access, they need to expand into the setback for those three. There's three standards that they need to vary from. Typically referring quite a bit to Engineering on specifically the 3:1 slope, the max of 10 feet fill. With Engineering's review, they did not provide any comments of concern or opposition as proposed.

Member Stanley said the SUP, as requested, does not, on the face of it, include the dismissal of these other conditions. The client is asking for those in addition to the SUP that we are considering here? Sr. Planner Weiche said the initial special use permit is for exceeding the maximum grading thresholds for grading without. As part of the special use permit, they also have the ability to, in addition, request the standards be varied. So, the first component is a special use permit. Second, is determining whether or not the Board agrees with allowing those standards to be varied. The code does allow a special use permit to vary.

Nathan Robison was available via zoom. Mr. Robison said he was the professional engineer with Robison engineering, and was the applicant's representative in this case. He'd be happy to respond in just a little bit more depth to the questions that were raised. But he was available if there are other questions the Board would like to ask.

Member Stanley said he just wanted to hear his concurrence with the answer that was given by planning.

Mr. Robison said thank you. He concurred substantially with the clarification because the two conditions characterized as voluntary are due to an existing ditch, and that is a little bit of a gray area in that it's not 10 feet of fill over natural grade. It's 10 feet of fill over an excavation. And so he doesn't think without the existence of a drainage channel, they would be up against the code questions with a 10-foot fill or 40 inches of fill within the setback location. So those are technical things they require to be as complete and transparent as possible that they're not really advantageous to the owner. If that were a strict application, they'd need a SUP to backfill it every time they dug a septic test a bit of 14 feet deep. They're not asking for much there. That 2.5:1 slope ratio is steeper than Washoe County's 3:1, and he agrees, generally speaking, that a 3:1 threshold that protects against erosion makes revegetation much easier. But as an engineer, they apply to the Washoe County engineering division in cases where a slightly steeper slope doesn't detract from the environment where the soils are strong enough to support it without the additional risk of erosion. He believes that is the case here. And it's not uncommon for a 2.5:1 or even 2:1 slope to be approved by engineering. In discussion with Sr. Planner Weiche, he agreed with the health department's comment that the riprap would be less advantageous than a revegetation stabilization, largely for vector control. It's a condominium for ground squirrels, is the way he likes to say it. But that extra slope is it's a nuance of request, not a complete overhaul. And he thought that's the only one that really provides extra area for the operations in a very industrial area, and is a, in his years of experience, pretty reasonable request for this type of project. He would like to speak to the Washoe-Storey Conservation District. He greatly respects that institution; they coordinated with them several years ago in detail. And to this day, they have the exact language that they requested to be put in our plans as part of the incorporation into civil plans. Now, that's kind of a backdoor to enforcement because if it is in the plans, and those plans are approved, the contractor has to do it. So, I would say that voluntarily by hiring Robison engineering, the owner has opted into compliance with Washoe-Storey Conservation District as he understood was their intent. And then the very last thing that was great, thanks to Sr. Planner Weiche for doing a good job presenting this, the 20% characterization of that's almost a spitball of economic work remaining to do, cleaning up the berm, adding revegetation, and tidying things up. They did not have access to the conditions of approval because the approval hasn't occurred yet. But the way he understand it is, if the Board votes in favor of this application, those conditions become an additional requirement that they must comply with, mostly to bring them back into compliance with all of the development code, except for these three variances requested. And they have no trouble with that. And they're grateful for the process. It's not the first clients I've had who did a little recreational bulldozing, and then had to get back in line. This is the appropriate format for it; written conditions to which we can comply and enforce. He thanked the Board and hoped that cleared a few things up.

Member Stanley said some of these variances requested were pitched for more of a better term as necessary for financial viability. Which of the three would that be? Mr. Robison said if he could retract that statement, he would. Member Stanley said we would look past that.

Chair Thomas said the only question he had left was the elephant in the room. The applicant representative was in front of the Board after 80% of the grading had already taken place, and code enforcement had come out there. What was the failure to comply in the first place with getting the SUP? Mr. Robison said he couldn't look into another person's soul. But the adjacent property was an AMK Earthmovers, and Robinson Engineering designed, almost identical ditch

infill in coordination with TMWA several years ago. His interpretation was that the westerly neighbor to that easterly parcel said, 'that looks like a good idea, let's kind of continue it,' and in good faith, again, because the ditch infill is not intuitive as triggering that 10 feet of fill over natural grade, he thought they just proceeded to make the parcel match what the neighbor's were in both usefulness and character. It's not uncommon. Most don't walk around knowing that there's a 10-foot threshold the same way most know they shouldn't be jaywalk. Mr. Robison stated there was no ill intent. Perhaps commercial or industrial parcel owners should have anticipated permitting would be required and failed to in this case.

There was no response to the call for public comment.

**Motion: Member Pierce moved that after giving reasonable consideration to the information contained in a staff report and information received during the public hearing, the Washoe County Board of Adjustments approve with conditions special use case permit WSUP22-0015 For Richard and Lorraine Worthen, with the conditions included in Exhibit A to this matter, having made all five findings in accordance with Washoe County code section 110.810. 30:**

**Member Christensen seconded the motion which carried unanimously.**

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon 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 major grading, 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.

Planner Olander was available and in Chambers.

**E. Variance Case Number WPVAR22-0005 (Cernoch/Ruefer Barn)** – For hearing, discussion, and possible action to approve a variance to reduce the side yard setback from 50 feet to 40 feet in order to facilitate the conversion of an existing permitted barn into a new detached accessory dwelling.

- Applicant / Property Owner: Barry M. Cernoch and Jeanne M. Ruefer
- Location: 3095 Lakeshore Drive
- APN: 050-340-06
- Parcel Size: 9.657 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: South Valleys
- Development Code: Authorized in Article 804, Variances



- Commission District: 2 – Commissioner Lucey
- 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. Applicant, Barry Cernoch was in Chambers and available to answer questions.

Member Stanley asked if the DAD's footprint would be the same as the barn. Planner Olander confirmed. Member Stanley said he appreciated her reviewing the exception. Member Pierce asked about a grandfather clause. Planner Olander said there was none. This was the only option the applicant had to move forward because the barn was converted to the accessory dwelling unit.

There was no response to the call for public comment.

Member Stanley said it looked very well explained and clean to him. The harm, if there was one, was not the applicant's fault but by rezoning. The footprint exceeded, and there are examples of that, so he would vote in favor.

Member Pierce said he was in favor also.

Chair Thomas said the barn was built in 1991. There was a code change in 1993. It was as if the County was moving the goalposts; the applicant had the structure there already, all they wanted to do now was make it an accessory building. Which was now in violation when before it was within the parameters, so Chair Thomas had no problem with this request.

**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 approved variance case number WPVAR22-0005 for Barry M. Cernoch and Jeanne M. Ruefer with the conditions of approval included as Exhibit A for this matter, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25 :**

**Member Pierce seconded the motion which carried unanimously.**

- (a) **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;
- (b) **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;
- (c) **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;
- (d) **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;

**(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.**

**G. Special Use Permit Case Number WSUP22-0017 (Montgomery/Lee DADAR) –** For hearing, discussion, and possible action to approve a special use permit to allow a ±702 sq. ft. detached accessory dwelling unit on a parcel with the regulatory zoning of Medium Density Suburban (MDS) as required by Washoe County Code 110.306.25.

- Applicant / Property Owner: Andrea Lee Trust
- Location: 15220 Kivett Ln
- APN: 017-072-01
- Parcel Size: 1.030 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Southeast Trucke Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- Email: cweiche@washoecounty.gov

DDA Large noted that he needed to disclose that the applicant, Ms. Lee, works in his office, however, there was no discussion of this matter or any type of conflict.

Senior Planner Weiche provided a presentation. Applicant, Andrea Lee was in Chambers and available to answer questions.

Member Stanley asked if Sr. Planner Weiche saw any issues during the site visit? Kivett Lane is notoriously thin, like Thomas Creek Road. Sr. Planner Weiche stated she did not see any difficulty there from a roadway standpoint for grading equipment.

Member Stanley said on page seven, under the Washoe County Engineering and Capital Projects, there is a typo with Dwayne Smith's name. Sr. Planner Weiche said that would be corrected.

Member Stanley asked if this goes back to the advisory nature of the conservancy group. Were they any mentioned in the landscaping that an added tree would be required in the conditioning? Sr. Planner Weiche said not that she was aware of. DDA Large referenced the condition of approval 2.b. Washoe-Storey District.

Member Julian said thank you for mentioning it in your oral presentation; it would be helpful to have the public notice section in this report, reporting how many people were contacted with no reply. That would be great. And also, Sr. Planner Weiche mentioned that the design of the accessory dwelling unit would be consistent with the existing house, but Member Julian couldn't find it in the conditions. Sr. Planner Weiche said the staff report references it, but it does not appear to be a specific condition of approval; that could be something, if agreed upon, that could be added as a condition of approval. Member Julian said she would support doing that simply because it would make it consistent with what was recommended in the staff report. Member Julian had a general question, how big was the ADU? How many square feet? Sr. Planner Weiche said 702 square feet. DDA Large said Exhibit C in the staff report does reference the notice

requirements because that is consistent in all our staff reports of who's been noticed. If there are comments, they are incorporated by the Staff.

Member Stanley asked if it is a problem with adding the condition recommending a tree be added to the landscaping plan.

Sr. Planner Weiche said she believe the condition could very well be added. She understood that DDA Large's comments were incorporated somewhat by reference to the Washoe-Storey comments, but if the Board wanted to make it clearer, she didn't see any reason why they couldn't add it. Member Stanley asked if it had to be cleared with the applicant. Sr. Planner Weiche said they could ask Ms. Lee who was available. Chair Thomas noted that could be added to the motion. It's the Board's decision to add to conditions.

Andrea Lee, applicant, was available to answer questions.

Member Stanley asked if she would be amendable to adding a condition about adding a tree.

Ms. Lee said there are probably already maybe 6-10 trees over in that area. She could add another tree if that's important, but there are a lot of trees already, and they are very healthy.

Member Stanley said he did a site visit and was very proud of the trees. She said they were ignored, and they are bringing them back. She said there is a variety of trees. She agreed to adding another tree if conditioned.

Member Christensen said in the SUP application submittal, item 4, the answer was the ADU is intended to be used by family members; there are no impacts on the proposed use. He asked her to explain her intent.

Ms. Lee said she has a disabled sister. Who she lives in Carson City. Ms. Lee makes a lot of trips down there. It would be easier for both of them if the sister were living on the property, but still had some of their own privacy home. From her perspective, there were no negative impacts to anyone.

There was no response to the call for public comment.

Member Stanley asked Sr. Planner Broczyk if he could get a recommendation for a tree from the conservancy group, does it stipulate type or size? Sr. Planner Bronczyk said typically it does not.

Member Julian said her only comment was to have the consistency of color roofing with the main dwelling in the motion. The consistency with the existing property is an aesthetic issue, but that's what matters to neighbors, the aesthetic issues. She didn't want to be too prescriptive, but that's where the conservation group comes from.

**Motion: Member Julian 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 approved with conditions to include an addition of one tree and that the accessory dwelling has architectural compatibility with the surrounding dwelling, the adjacent building, Special Use Permit case number WSUP22-0017 for Andrea Lee Trust 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,**

**Member Stanley seconded the motion which carried unanimously.**

- (a) **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows 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, 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.

## 9. Chair and Board Items

- A. **Future Agenda Items** – Member Stanley stated the new Board member brought up concerns of his. There needs to be more precision from the conservancy group and some real recommendations. Issue number two, from non-responding agencies, a no-response means we have no problem or they concur. The hole in the matrix has been a problem for him. It seems like a logic problem. DDA Large said we could put that on a future agenda for discussion by Staff.
- B. **Requests for Information from Staff** – Follow up on the Board of County Commissioners overturning BOA's decision. DDA Large noted Mr. Lloyd is compiling data to provide at a future meeting.

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

- A. Report on Previous Board of Adjustment Items - None
- B. Legal Information and Updates - None

## 11. Public Comment

There was no response to the request for public comment.

## 12. Adjournment

The meeting adjourned at 4:06 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on November 3, 2022

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Trevor Lloyd  
Secretary of the Board of Adjustment