



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, December 1, 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

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: Julee Olander, Planner, Planning and Building Division
Roger Pelham, Sr. Planner, Planning and Building Division
Kat Oakley, Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Chair Thomas led the pledge of allegiance.

3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure

Secretary Lloyd 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 December 1, 2022 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda for December 1, 2022. Member Pierce seconded the motion which carried unanimously.

7. Approval of the November 3, 2022 Draft Minutes

Member Pierce moved to approve the minutes of November 3, 2022 as written. Member Stanley requested that wording on page 23, line 8 be changed from "the Board do better" to "this Board be better." Member Julian seconded the motion which carried unanimously.

8. Public Hearing Items

A. Administrative Permit Case Number WADMIN22-0024 (Dach Garage) - For hearing, discussion, and possible action to approve an administrative permit for a 4,800 SF detached accessory structure that is larger than the existing 2,144 SF main residence.

- Applicant / Property Owner: Kevin Dach
- Location: 150 Hercules Dr.
- APN: 534-121-02
- Parcel Size: 1.08 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Spanish Springs
- Development Code: Authorized in Article 306, Accessory Uses and Structures; and Article 808, Administrative Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Member Pierce disclosed he knows the applicant but has not discussed this item with them. DDA Large said there is no conflict.

Planner Olander provided a presentation. The applicant, Kevin Dach, was present and available for questions.

Questions for Staff/Applicant and Member Discussion:

Member Julian asked how tall the building would be. Chair Thomas said, according to the staff report, it's within the 35 ft. height requirement. Mr. Dach said the height is 16 feet at the peak and slopes down to 14 feet at the eaves. The garage doors would be less than that.

Public Comment:

Joanne Silva (Chambers), "I own 140 Hercules, which is right next door. The only reason why I purchased that house is for the view, and when I sit on my back patio and look at the mountains and everything, I don't know if that's going to be so tall that I won't be able to see my view anymore. I don't want to feel boxed in like I'm in an industrial park. I thought it was going to be too huge for our neighborhood, and I believe that my property value would go down as well. I do have a petition

started with a few of our neighbors. I didn't get enough because nobody would answer their door. I want to know if I can get a continuation on that. So, I don't know if that matters for me to get a petition from the neighbors that do not want this there.”

Ms. Silva asked if it mattered that she got a petition from the neighbors. DDA Large said she could submit any documentation for the record.

John Schultheis (Zoom), “I'm a neighbor one street over. I'm certainly not averse to the idea of somebody building a large shop. I want to build a large shop myself, but not anything nearly that large, and that concerns me. I saw in the notes that it said it would be used for storing RVs and other vehicles. And I'm just curious whether that's Mr. Dach, being a collector, or whether this will be a commercial venture where he will be renting space to people for storing vehicles. If he's a collector, I want to meet him and become his friend. If he's trying to start a commercial venture, then I have concerns about a massive building in the neighborhood for that purpose.”

Member Stanley said there were concerns about the building being too tall and too high. Mr. Dach had said it's 16 feet at the peak and 14 at the eaves. Mr. Dach responded yes. Member Stanley asked roughly how that compares with the height of your primary residence? Mr. Dach said he hadn't measured the primary residence. It's close to 12 feet, so it's probably four feet higher. Mr. Dach said he could answer the question from the gentleman on Zoom if the Board would like as well. Mr. Dach said he doesn't have any RVs right now. He is not using it as a business. He collects classic cars. So, it would be for classic car collections. The trailers mentioned are car trailers to hold these classic cars and pick them up and things of that nature. It's purely for storing vehicles inside, so they're not getting ruined by the weather. Also, He doesn't want to have a bunch of vehicles and garbage outside. One can make their place look a lot better when everything is put away.

Member Christensen asked if Mr. Dach's house was a single story. Mr. Dach confirmed. Member Christensen said, looking at the illustration on page four, he saw two trailers on the east side of the property. One of them appears to be an RV. Mr. Dach said he previously owned an RV but doesn't currently have one.

Member Christensen said that the illustration looks like an aluminum car trailer. Mr. Dach said there's an enclosed car trailer and a motorcycle trailer used to take things to the dump. Member Christensen said that answered his third question about anyone inhabiting that trailer, but it's not there anymore. Mr. Dach said nobody is living on the property except he and his wife at the time.

Mr. Dach said he could answer the other question from the lady in the audience. Obviously, he doesn't want to interfere with any of her views and things like that. He understands the neighbors. If he's not mistaken, she is the house to the west of him, so his house would be in the opposite direction of all the views of the mountains. And he believes that house is possessed by renters right now too. Mr. Dach has also talked to the renters in the past.

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 WADMIN22-0024 for Kevin Dach, 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 Spanish 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 detached accessory structure 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.

B. Special Use Permit Case Number WSUP22-0022 (Dahlin SFD Grading) - For hearing, discussion, and possible action to approve a special use permit for major grading associated with the construction of a single-family dwelling. The total grading proposed is 1,573 cubic yards of cut and 3,698 cubic yards of fill, with 34,277 square feet of disturbance.

- Applicant/Property Owner: Stan & Debra Dahlin
- Location: 65 Will Sauer Rd
- APN: 172-010-05
- Parcel Size: 5.0009 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: South Valleys
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Oakley provided a presentation. The applicant representative, Rob Anderson, was present and available for questions. Applicant, Debra Dahlin was available via Zoom.

Questions for Staff/Applicant and Member Discussion:

Member Julian asked if Planner Oakley had a photograph of the area with the Jeffery pines that are more mature that are trying to be saved. Planner Oakley said, looking at the grading plans, they indicate the locations of some existing trees and the ones they intend to remove with the grading as proposed. Planner Oakley recommend asking the applicant's representative for more details on that. The applicant was also available on Zoom to answer any questions.

Member Stanley asked for clarification, in the case description, for grading associated with the construction, it says major grading special use for a new single-family dwelling. What the members were looking at today is approving or not approving a SUP for the grading, and everything is a step down the line, correct? Planner Oakley said, that is correct.

Member Christensen said he realized the members are not looking at all the permits in total. How many trees are they planning on removing? How many are going to be replaced? Planner Oakley said she did not state the number as she was unsure. The applicant's representative might have an exact number. Planner Oakley offered to look at the plans and get a number.

Member Christensen asked if he missed the actual comment cards? Were there copies of those from the neighbors? Planner Oakley said the comments from the neighbors were included in Exhibit C. Planner Oakley understood how he got lost among the technical information that was required by the hillside standards. Member Christensen said his biggest concern would be then the neighbor's comments. He would read those before voting.

Chair Thomas asked about Exhibit F, page 91. The second photo has a red area, assuming that is the actual area they're looking at for grading. That would also cover some of the discussion about the number of trees or the location of the area that will have an impact. Planner Oakley said that is correct. Chair Thomas said that kind of gives everyone an opportunity to see where the grading will be.

Member Stanley said there was a mention of trying to save the mature trees. He asked a ballpark on what mature means. Planner Oakley said having conducted a site visit, there are a number of trees that are quite tall and generally look very established. For more details, she would refer to the applicant.

The applicant representative, Mr. Anderson, provided a brief update and answered the board member's questions.

Member Pierce asked about the number of trees that would be removed. Mr. Anderson said he thought there were 11 that could be removed. Member Pierce asked if the applicant would be willing to add more trees to match what is being taking out. Mr. Anderson said yes, it can be part of the landscaping plan. They will landscape and replace some of the trees.

Member Julian said she would like to compliment the staff for including in the conditions the reference to machinery not starting until seven in the morning which is following on some good practice that was established at an earlier meeting. She appreciated the addition to the conditions.

Public Comment:

There was no response to the request for public comment.

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 Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0022 for Stan & Debra Dahlin 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 South 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 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.

Member Pierce seconded the motion which carried unanimously in favor.

C. Special Use Permit Case Number WSUP22-0023 (Rose DADAR) - For hearing, discussion, and possible action to approve a special use permit to allow a 768 sq. ft. detached accessory dwelling unit on the parcel with the regulatory zoning of Medium Density Suburban (MDS) as required by Washoe County Code 110.306.25.

- Applicant/Property Owner: Kenneth G. Rose Family Trust
- Location: 35 Riata Court
- APN: 140-051-16
- Parcel Size: 0.508 Acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

Senior Planner Pelham provided a presentation. Applicant, Kenneth Rose provided a presentation and was available for questions.

Questions for Staff/Applicant and Member Discussion:

Chair Thomas said in Exhibit A, under the Washoe County development plan, it says this is an amended application. Sr. Planner Pelham said yes. Initially, the plans submitted included turning the first floor into a dwelling and then having a stairwell up to a second floor that they were calling storage. But with the way that was configured, the storage area would have been included in the dwelling unit, which is bigger than is allowed in the regulatory zone. In the MDS zone, detached accessory dwelling is limited to a maximum of 800 square feet. This one's about 768. The notice was for 800.

Chair Thomas said reading the documentation, it said that they wanted to convert the attic space basically into a living space. So, does that mean that the height of this structure will not exceed what it already is? Sr. Planner Pelham said he believes that this is currently a one-story structure. And it will end up a two-story, but the applicant can confirm.

Member Julian said this is a very congested neighborhood or it's not a rural neighborhood. The timing of construction is 7 a.m. to 7 p.m., but there's no reference to starting of the equipment. Was there a reason that was not suggested, given the neighborhood's density? Sr. Planner Pelham said the construction hours are limited to 7 a.m. to 7 p.m. it is a code requirement. When they are included as a condition, it's more of a courtesy for the applicant to make them aware of that. However, it's already a code requirement. Generally, code is not conditioned.

Member Julian asked if the structure would continue to be a garage in the lower half, with the accessory dwelling unit existing above the garage? Sr. Planner Pelham responded, yes.

Member Stanley said, to follow up on the earlier question being asked, the 7 a.m. to 7 p.m., He realized the information regarding the timeframe but, in the last couple of months, there was an amendment that mobilization will not begin before 7 a.m. Sr. Planner Pelham said if the Board

would like, it could be added as a condition. Member Stanley said the Board has heard complaints about the gear starting out at 5:30 a.m. Sr. Planner Pelham said he could add that condition per the Board's direction, should they approve.

Member Christensen said he's reading the neighbors' letters in opposition and is a little concerned. Considering the staff report he took it to understand that there is not an underlying Homeowners Association involved. Sr. Planner Pelham said there is not, to the best of his understanding. Generally speaking, Washoe County does not involve itself with CC&Rs. Those are private agreements between private property owners.

Member Julian said she wanted to follow up on that. If a CC&R has a restriction on short-term rentals or accessory dwelling units, those CC&Rs are superseded by any County regulation.

DDA Large said, as Sr. Planner Pelham stated, the CC&Rs are a private agreement between the homeowner, and the neighborhood in which they live. The question before this Board is whether the findings can be made for an accessory dwelling. What that is used for and whether that would violate a business code or CC&R is solely the purview of the owner and the relationship with the neighborhood. Not for this Board to consider.

Member Stanley thanked Mr. Rose for his presentation. He said he could certainly relate to the issue of the multifamily or multi-generational use. He asked what the height of the current primary home is. Mr. Rose said it's about 29.5 feet, and a chimney goes higher than that. It's a two-story dwelling. There are three bedrooms upstairs. A kitchen, and a master bedroom downstairs, that's the only reason he bought that house.

Member Stanley asked what the current height of the garage plus the cupola was. Mr. Rose said the current cupola height above the garage is about 21 feet above grade. Member Stanley asked building the proposed until will be what? Mr. Rose said he believed two feet higher. They'll replicate the slopes but extend them out to the side. The Board can see that on the drawings of the elevations. It's just slightly higher. But now there's going to be an exterior stairway. There's a place on the site plan underneath those stairs to put in an elevator in the future, should he require one. Mr. Rose said he's 75 years old, and his plan is to build this mostly out of his labor. But he's been a contractor in the past. He's worked with his hands. He's a cabinet maker, and an architect. This is a passion for him. This is my forever home. It's not Airbnb. Thank you.

Member Christensen said in reading this last week, the negative comments from neighbors bothered him very much but, Mr. Rose successfully clarified. Member Christensen asked, who came up with this notion of an Airbnb? Mr. Rose said he received the same packet. There were four letters in that packet and the very first letter was from someone anonymous. Their first statement was, "I was told they plan to use it as an Airbnb." Of course, they didn't give their name; they didn't get their address; it was synonymous. That rumor took root as a fact; unfortunately, what seems to be the social norm nowadays is to assume that a rumor does have a basis in fact. Mr. Rose didn't know where it started. It's not a bad idea, but that's not what he will do. He doesn't want to do that. Mr. Rose has friends in other parts of the country who would like to come and visit him for Hot August Nights, the Balloon races, and the Air Races. They would like to stay with him. He would love that because he wants to go and stay at their place in New Mexico, in Santa Barbara, and San Diego. But can't get away unless his kids are there to help us look after the house. Member Christensen said thank you for that. Mr. Rose dispelled any concerns for the benefit of the rest of the Board. That makes some of these comments disingenuous for Member Christensen.

Mr. Rose said he applauded that the members were exercising their civic duty to express their opinions. He's a veteran of the Vietnam War. He was a medic. He doesn't condone the idea of using an unsubstantiated rumor of fact.

Member Pierce said he thought this was a good plan. Mr. Rose dispelled the letters, the rumors, and the theories and cleared up a lot of questions. He was in favor of it. Member Stanley said he agreed with that opinion. And the difference between the current and the proposed is three feet.

Member Christensen said he agreed completely with his colleagues. He liked the project.

Member Julian said she also appreciated the explanation given about the use of the property. In proposing a motion, she would like the Board to consider having the timing of the equipment mobilization be 7 a.m. because the neighborhood looks congested. She thought that would be helpful to the neighbors. Member Stanley said he believed Sr. Planner Pelham pointed out that mobilization at 7 a.m. would be easily done and accepted as a condition, is that correct? Sr. Planner Pelham said yes. He would duplicate the condition of approval that Planner Oakley had in her previous project.

Public Comment:

There was no response to the request for public comment.

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 Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0023 for Kenneth G. Rose Family 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, with the addition of the agreed upon mobilization hours provided by Sr. Planner Pelham:

- (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.

Member Stanley seconded the motion which carried unanimously in favor.

D. Special Use Permit Case Number WSUP22-0030 (Rabe Grading) - For hearing, discussion, and possible action to approve a special use permit for major grading associated with the construction of a single-family dwelling. The proposal also includes a request to vary grading standards, specifically 110.438.45 (c).

- Applicant/Property Owner: Jonathan & Amanda Rabe
- Location: 2410 La Mancha Dr.
- APN: 076-381-53
- Parcel Size: 10.025
- Master Plan: Rural
- Regulatory Zone: General Rural

- Area Plan: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Staff: Kat Oakley, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3628
- E-mail: koakley@washoecounty.gov

Planner Oakley provided a presentation. The applicant representative, Mike Vicks provided a presentation. Applicants, Jonathan and Amanda Rabe were present and available for questions.

Questions for Staff/Applicant and Member Discussion:

Member Julian said there is a reference in the conservation district comment “if roadside ditches are constructed lining the flow line with four-to-six-inch rock will minimize transport and sedimentation.” Member Julian asked if that was covered somewhere in the conditions or the design? Planner Oakley said, engineering provides conditions regarding drainage and those sorts of considerations. They provide conditions that were sufficient to meet their standards. She did not add anything additional outside of the conditions that they proposed.

Secretary Lloyd said oftentimes, these comments from the Washoe Storey Conservation District are received but, they're more of a recommendation or suggestion and staff is very cautious about conditions that may overlap with the review requirements of the county's engineering department. The last thing staff wants is to impose conditions that may be in violation of engineering standards. That's why this condition was not added.

Member Stanley said the recently received modified condition of approval, essentially based around the rockery walls again. So, there is a comment from the conservation group about rockery walls, there is the original spec and the amended spec, would Planner Oakley consolidate those? To have a takeaway about what's going to be suggested, please.

Planner Oakley said the conservation districts comments about the walls were about smaller rocks in the voids, she believed that was included under a separate condition. In terms of the landscaping in relation to the walls, essentially there is the four-foot upper wall, which will be shielded at least 90% by either the building or landscaping, that's the code requirement. And then some additional landscaping required to shield at least 50% for the six-foot lower walk rockery wall before below the residents.

Member Christensen said on page five, the project evaluation, quote ‘largest difference between unfinished natural greatest 19 feet, which is over the 10-foot limit required by code. The applicant has therefore requested to vary the standard.’ Member Christensen said he hasn't seen anything compelling in this application to grant that variance. 19 feet versus the 10-foot standard is significant. Then, when combined with the fact that this thing is visible for over a mile away, when completed; unless he heard something compelling to grant this variance, frankly, he was not in favor of it. These rules or standards are made for reason. He saw nothing compelling in this application unless someone could enlighten him.

Secretary Lloyd said there's a request to vary the standard with most of the large grading projects that is received these days. Much of that has to do with the fact that the only available lands now are steep, hillside sloped properties like this one. We find that this 10-foot elevation difference in terms of grade separation, it's very common to see this request to vary the standards on steep terrain property. A code amendment request will likely be going forward to the Planning

Commission to address that very issue in the near future. A request to vary the standards is becoming more common. What that's showing is that the standards are maybe a little too stringent and need to be relaxed. Secretary Lloyd said he just wanted to bring this Board up to date with the discussions that is happening with engineering.

Member Julian said going back to Secretary Lloyd's comment there. If the differential set at 10 is to discourage erosion, the aesthetic issue of rock faces and so forth. She understands landscaping is being done here. Her understanding is 90% of this exposure will be covered either by landscaping or the building. Is that correct? Planner Oakley said that is correct for the cut slope behind the house. That's where that 90% rule comes into play.

Member Stanley said he had one final question. There was a note in the Fire District's response that mentioned the property is in the WUI which is Wilderness Urban Interface which is high fire danger. Did staff stipulate and were they satisfied that there was a 50-foot defensible perimeter there and conditioned from the fire as well? Planner Oakley said she had the same concern. That's why as part of that condition, 1.F. there is a statement essentially saying if anything proposed contradicts those standards required by fire, that staff would consider alternative proposals that accomplish the same impact on the visual.

Member Stanley said the variance in terms of the depth of the cut, does that have any impact on the WUI parameters? Planner Oakley said not to her knowledge, but that it falls under the area of expertise of fire, and so she's not able to completely speak to it.

Member Julian asked what the alternatives would be? What happens if the condition with that landscaping is added, but then the Fire District say there can't be landscaping that close to the house? Then what be done? Planner Oakley said it could depend on the circumstances. It's her understanding that there are some types of vegetation that have different flammability classifications. And so, it might be different types of vegetation for below the house. It might mean putting it further downslope but having enough height on that vegetation to still provide shielding for that wall. It would be assessed on a case-by-case basis, so she can't speak to specifics of it. But essentially, the reason that was put in the condition is to allow for staff to still have some ability to find something that works and to be able to enforce that condition if down the line, there is a conflict with fire code.

Member Julian asked how far the planting area for the landscaping is from the house right now?

Planner Oakley said she would defer to the applicant.

Mr. Vicks provided a PowerPoint slideshow. The applicant, Jonathan Rabe answered questions.

Public Comment:

Randy Ferguson (Chambers), "I'm a resident right below where they're going to be building the home. I got some pretty grave concerns as far as the water impact and environmental. The road that's next to me is a dirt road. And with construction, it is going to destroy it. There are not enough culverts. Three years ago, we had a rainstorm, I had a foot of water in my backyard. And with that size of a project it's going to bring in a bunch more. Not only that, but you get a built-in pool. I don't know how the aquifers are measured or weighed out with that kind of thing. But when you get a built-in pool, you're pulling off the water, and not only that, but I've also got three other neighbors that are in that same vicinity. My main concern is the welfare of my home. This is a large home. I am a contractor here and in California. I know how it works. I want to be on extreme side of caution when it comes to runoff. Because it only takes one of those 10-year storms to wipe me out."

Robert Long (Chambers), "I'm the next-door neighbor of the proposed residence. I'm at 2440 La Mancha and I just want to say my colleague, Randy has some good points regarding runoff. I've sat down with the Rabes. They were kind enough to come over because will be our next door neighbors. They came over with the plans. And we talked about lines of sight, drainage. One thing that he mentioned that I want to amplify that is very important. They're going to be building that retaining wall in the back out of natural stone. We didn't build the house somebody else did. We have the giant white cement blocks right behind our house. I think that's a fantastic thing. So, line of sight, you're going to have a beautiful panoramic. The house is large, there's no doubt about it. But behind the house, it's not going to be like a dugout eyesore. It's going to be just natural rock. I think that's very important. I do believe there is a drainage issue. We have a very nice drainage ditch in front of our houses all the way down at the road on La Mancha. I think as long as that drainage is continued up the road. It isn't there now. It's there, small, but it needs to be a little bigger. As long as that's continued down. I think that the drainage is going to be fine. The only issue is any drainage that runs down his road and maybe he can address that. But other than that, these folks seem to be like they're excellent neighbors. We went over a bunch of other things as well when they came over and laid out the plans for us, and I think overall, they'll take care of anything that needs to be taken care of in terms of being a good neighbor, and being careful, not only about fire, but we did talk about drainage. And we also talked about water usage. We're very concerned about people using wells and so on because we're all on wells and who knows where that's going to go. But I support their application."

Amanda Rabe (Chambers), "I will be the future homeowner, hopefully. I did want to address our potential new neighbors, I absolutely understand the fears that come from a house being built directly above you, and it is directly above. We do own into the road. Also, our property extends further than what you guys see. It does cross La Mancha itself. So, part of our plan, and hopes, is to join up, if the neighbors want but we will be paving that road all the way up. So, dust, noise, all those sorts of things. And I don't want to drive down a dirt road. So that will be addressed. Our home will have fire sprinklers in it as well. That is part of our plan. Obviously, that will go into a different version of where we are permitting through. But that is part of our initial plan. And it's a big part of my plan alone. I will address that. If my neighbors do have questions for us, I will give them my phone number. We will explain whatever questions come about. It is very important to us to be good neighbors. We moved out of our former neighborhood because we just were not the right demographic for our neighborhood. And we were not happy, so we sold. We bought land, we hope to build our forever home there with our three children. And the large size of the home can be contributed to, we have multiple family members, including two sets of elderly parents. So, one day, my family might have to move down from North Idaho, so that I can take care of my dad who was shot in the line of duty. My mom currently takes care of him, but if she can't, I will be taking care of my father, as well as my husband's elderly parents. They will be taken care of in our home with us. So that's a big factor of what we want and to be comfortable with each other. So have them downstairs is a big deal for me. But if there's any questions, we are happy to answer those. And happy to expand on anything that you might have hesitations on."

Member Julian asked if staff wanted to address how the engineers will address the question of the drainage that was mentioned?

Planner Oakley said the engineering department are the ones who regulate that. They have their own standards. They reviewed this and provided their conditions.

Member Christensen said he's a real law and order guy when something is written and is codified. He's talking about the 19-foot cut versus a 10-foot maximum. He was having a real hard time getting over that. He said he might be the only guy that will vote in opposition to this measure. He didn't like such an extreme difference between 10 and 19 foot of that cut. This is an application for grading. In other words, this is supposedly an application for a permit and variance for grading. And he appreciated the illustrations of the house. It's beautiful. But he thought the Board needed

to narrow the scope a little bit and say yes or no to the grading, as presented. He was in opposition to it. They can come back either modified in the grading or wait until this planning department makes their necessary changes and update the requirements of the maximum cut. So again, for technical reasons, he was in opposition to this.

Chair Thomas said Mr. Ferguson brought up an interesting point about the water runoff. And perhaps the representative could come up and address that issue. It is a concern because there is a house right above and then right below. Chair Thomas would like to know what is being done to mitigate or address that issue.

Mr. Vicks said yes, that is an absolute concern. It's his concern as well, as he's just stamping the plans. The engineering condition G specifically addresses that issue, and they will be preparing a hydraulic report and designing all of the improvements to the 100-year storm event. The drainage that happens above will be collected in a drainage swale above the upper retaining wall routed around the house. Any erosive velocities will be addressed. The differential between the existing development and the proposed development will be detained, slowed down, and emitted into the downstream drainage facilities at or below the existing condition. So, with the proposed improvements, all of the drainages it generates will be addressed. It is already a condition of approval as engineering condition letter G. That will address that concern.

Member Julian asked at what point does the detailed hydrology report get reviewed and approved by the engineering division? Secretary Lloyd said those conditions, such as like the hydrology report, other required reports or studies need to be included in the submittal when the permit or the request for the permit is submitted to the Building Department and at that time engineering will do a thorough review of all of the studies, all of the reports, as well as the plans that are submitted.

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 Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0030 for Jonathan and Amanda Rabe, with the conditions included as Exhibit A to this matter, and the modified 1.f condition; 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 Spanish 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 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.**

Chair Thomas seconded the motion, Member Christensen voted, nay. Member Stanley voted, aye with related concerns to those previously stated by Member Christensen. The motion passed with four in favor and 1 opposed.

The Board took a 5-minute recess.

E. Special Use Permit Case Number WSUP22-0031 (Looking Stone Farm Commercial Stables) - For hearing, discussion, and possible action to approve a special use permit for a commercial horse boarding stable for 31 horses. The applicant is also requesting modifications of paved parking surfaces to allow non-paved surface (110.410.25 (e)), reduction of landscape standards for a commercial use (110.412.40 (c)) and waive screening requirements for commercial properties adjacent to residential properties (110.412.40 (d)).

- Applicant/Property Owner: ATJ Holdings LLC
- Location: 300 William Brent Road
- APN: 055-060-43
- Parcel Size: 20 acres
- Master Plan: 8% (1.6 acres) Rural Residential (RR) & 92% (18.4 acres) Rural (R)
- Regulatory Zone: 8% (1.6 acres) High Density Rural (HDR) & 92% (18.4 acres) General Rural (GR)
- Area Plan: South Valleys
- Development Code: Authorized in in Article 302, Allowed Uses and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. The applicant representative, Eric Hasty provided a presentation. Applicant, Ana Jayne was present and available for questions.

Member Julian said there was a reference to a bio-retention facility in the conservation district's comments. She asked Planner Olander to explain where this was and the significance of it. Planner Olander said she was unfamiliar with what they were requesting. She didn't reach out to them specifically on that. The conservation provides comments, but we cannot condition them. Member Julian asked if there was a bio-retention facility in this project. Planner Olander said not that she was aware of. Planner Olander was a little confused by that comment.

Member Stanley said one of the questions that some of the folks had in the neighborhood meeting was, does this SUP allow for events. Would Planner Olander go ahead and elaborate on that for the record? Planner Olander said they are not requesting to have events, so that's not part of their application. And as explained earlier, if they choose to do that in the future, they will have to come in for a temporary events license which is managed through our business license department. Depending on the number of attendees that might come before you, it might be internally reviewed and processed that way.

Chair Thomas said he had a question on page 14 about the eight-foot screening element. It addresses a commercial property adjoining residential property. He was curious about what is classified as an eight-foot screening element? Is that trees? Is that a fence? What does that mean?

Planner Olander said typically it's a wall. So, staff would see this and would not modify that requirement if it was a significant commercial use adjacent to residential. This kind of significant screening would be seen throughout the community where, for example, there's a shopping center next to residential area. It would depend on the type of commercial use. It might be

appropriate for it to be landscaping or a wood fence. It would vary on the type of commercial use and what would be appropriate at that location. Staff wants some significant screening when you have commercial use that will impact the neighbors. The reason for this situation is that these neighbors are a distance away from this facility. The facility is not an unusual type of facility to have in that location. It's not going to be something that's going to generate a lot of traffic, a lot of people coming and going. So that's where we start looking at what is appropriate to modify or if it's appropriate to modify. And in this situation, I could support modifying that requirement, along with the necessary landscaping requirement that we have, typically in commercial areas, because this is not your typical commercial use. One wouldn't think horse boarding in a pasture area is offensive or challenging for the neighboring properties.

Chair Thomas said thank you for clarifying that. He agreed. This is a very rural area, and to put up an eight-foot fence, the whole distance on one side of the property wouldn't fall in line with what the area looks like. He could understand the request to remove that condition.

Member Christensen said he's a stickler. This is a rural residential area zone, and this project is talking about clearly a commercial boarding stable. He saw a dichotomy. He understood there will not be any events, but there could be with a permit. Is it because of the sheer number of animals present that it becomes a commercial enterprise? Or is it because they are taking money to board horses? What makes this commercial? And why is that okay in a residential zone or rural zone?

Planner Olander said this is a commercial facility because there's an exchange of money. It can go in certain areas with a special use permit. And that's the reason this item is before the Board. It's allowed per code with a special use permit. There's certain commercial uses that have been deemed appropriate in residential areas. A riding stables like this is not that unusual to have in a more rural setting like this. They do need to get a special use permit. And that's why this application is before you. It's not permitted by right. A special use permit has been deemed to be necessary. But there is an exchange of money and that's how it's rated as commercial.

Member Christensen said he's not a horseman, but he does own an acre on another part of the county, and he wants his grandchildren to ride. They don't have riding trails in his neighborhood. He'd have to go some distance. Is that what this facility is going to encourage people to come that might own horses and they have a place where they can groom their horse and take care of it and have the enjoyment of the animal and then ride in that area. Is there sufficient riding trails and things that might not be considered a commercial use but for the convenience of the patrons of the stable, could they come and ride there, not in competition.

Planner Olander said the horses are boarded at this facility. People are not going to be trailering in with a horse. The horses live on this site. They're going to be in stalls and they're going to be in training. So, whatever the applicant chooses to train such as dressage or 100 jumpers or roping or whatever they're doing, then that's the kind of training that is going to go on there. Those horses live there. The people that own the horses will come and visit and ride their horses at that facility. They might have some areas to ride the horses around on the acreage, but that's not the prime reason those horses are there. Those horses are being trained primarily for competitions that are going to be located elsewhere. They'll ride the horses on site there and possibly take them elsewhere. But those horses live there. They have an indoor arena facility for year-round use.

Applicant Representative, Eric Hasty provided a PowerPoint presentation.

Member Julian said one of the slides referenced a retention facility. She asked for elaboration on that a bit. Mr. Hasty said the detention facility is for onsite flows to help collect everything and make sure that it's not going to overburden the other properties. It's collecting runoff that will be generated by the improvements to the site. Member Julian asked if Mr. Hasty had comments on the recommendations that the bioretention facility be two feet wide, have a three foot infiltration

trench, at the length of the basin to encourage recharge and prevent water runoff from entering the downstream natural drainage. Mr. Hasty said he didn't have any concerns with it, this will have to go through an engineering process. But he didn't see any reason why they wouldn't be able to accommodate that.

Member Stanley referenced Mr. Hasty's slideshow. He said the building or the object at the top of the screen, what is that? Mr. Hasty said that is a single-family residence. Member Stanley asked how far away is that? Mr. Hasty said from the building, he would assume that it's over 300 feet. From the property line it's probably over 100 feet.

Member Stanley said Planner Olander and he spoke a bit about the 459 trees down to 79 trees. It's a dramatic reduction. He understood the rationale no parameter is required. That makes sense. It's nice pastureland. What concerned him was this graphic, with the nearby home and a lack of screening trees in that sightline area. Was that on purpose? Can that be augmented? Member Stanley said he is concerned about the screen between the proposed structure and the sight line to the nearest resident. It was not landscaped it for more trees, in the line-of-sight area, and he was wondering why. Mr. Hasty said these landscaping plans are preliminary. It can be revisited going forward with the final design.

Member Stanley said the primary reason he mentioned it is because there's such a drastic reduction already and for good reason. Mr. Hasty said in the final design, they can concentrate a majority of the trees around the actual building itself to help screen it.

Member Stanleys said for example if the entry way had a the nice kind of English style tree line on both sides or at least something like that to help the sightline for the adjoining property. Mr. Hasty said they can we can definitely look into that and try to provide that.

Member Stanley asked how to condition that. Planner Olander said she didn't know if they needed to make it a condition. It had been stated in the meeting. She would say to ask the applicant to beef up that area with more trees. The Board had that situation come up before, when the landscaping plan comes in, they've moved trees around a little bit for various reasons. This is conceptual. They've asked for trees to be surrounded and be next to the structures as best they can. The Board can do that when they come in for building permits and make sure trees are there. Planner Olander wanted to point out that she found that sometimes adding trees out around these houses, brings more attention to them. So that's trying to balance having enough trees to screen but not bringing more attention to the site because it's maybe over-landscaping to some degree.

Member Stanley said he understood that the code versus discretion issue, but since there's a fixed number of trees identified, he would want to augment that fixed number. Planner Olander said she didn't count how many trees they have on this plan versus what they proposed in their application. It's just one of those things that we can ask them to move trees around to make sure that there is more screening. Member Stanley he was pointedly asking for an augmentation of that number and increasing that number.

Chair Thomas said if the Board wants more landscaping, to make the decision. Chair Thomas didn't know if staff can give that number. He thought it rests more with the members. And if that's an issue we want to address, it comes back to the Board, and it'll be done with them. Member Stanley said he agreed. When they do this, they typically ask the applicant if they'd be amenable to that. Chair Thomas said the members could ask, but the discretion still lies with the Board in making that decision.

Planner Olander requested a recess to discuss this further. Chair Thomas said before we do that, he would like to collectively get all the information, and if they need a break, it can be discussed all at once. He was interested in speaking to the applicant themselves.

Chair Thomas asked the applicant, Anastasia Jane, about grazing versus horse fed. He said he was going to assume that because this is stable, their primary diet will be hay. Ms. Jane confirmed. Chair Thomas said the reason he asked that is because of the size of the pastures and how much land is needed if you're strictly grazing a horse. He always likes to get this on record, in case of a natural disaster, such as a fire, you would be willing to open your facility to house some of the livestock if it became an issue. Ms. Jane said absolutely. Chair Thomas asked if she would have some enforcement to get the livestock out in a timely manner, and is that a process already put in place? Ms. Jane said yes, she already has four trailer parking spaces on site. And that is because there will be four horse trailers which can get all of the horses that are on site off at one time.

Chair Thomas said he appreciated the enclosed arena because that does cut down on noise in the surrounding area if using whistles or shouting things or something like that, so it kind of dampens that, so it's not as apparent to the surrounding individuals there.

Member Stanley asked if the decision to have 31 horses was economically driven or physically driven by the number of resources they have? Ms. Jane said a little bit of both. Her husband and she have their own horses that they produce, and they have a son who will also have ponies. And there is a number between where one is actually making money in a business, and one is just working harder and hiring more people. And that's kind of that was the magic number that was arrived at.

Chair Thomas asked Mr. Stanley if he was looking to propose something to have staff and the applicant discuss ahead of time? Member Stanley said his concern was the dramatic reduction of trees. The explanation was no parameter trees were needed. And he noticed there were a limited number of trees on the sight line of the nearest residence. He thought he read in the proposal, there were 79 trees being suggested. He asked that number physically be augmented and be placed in that section as appropriate. He would like to hear the applicant suggest a number, but I was thinking as few as 10 extras.

Mr. Hasty said they've been having a discussion, and right now, they're proposing to have one tree per 25 feet, which is what typically what code requires, along all the developed areas. The 73 trees mentioned, that's the minimum. So, this can be added. And they were willing to go one tree every 20 feet along the developed area. The issue is the applicant had conversations with a neighbor, and they don't want to see their view obstructed too significantly. There is this fine balance that we're trying to achieve between preserving these open views and then as well as providing screenings.

Chair Thomas said Mr. Hasty stated that they did talk to the neighbors, and neighbors are concerned about their loss of a view in the areas where you wanted to add more trees. So that will come back to the Board for discussion.

Member Pierce asked if the neighbors didn't want the trees there. Mr. Hasty confirmed.

Member Julian said for clarification on this issue of line of sight. She understood and sympathized with not having the buildings in the line of sight and therefore landscaping would soften that. But then it sounds like a critical issue if the landscaping is tall trees, it obstructs the view. It's a little more complicated. Could a condition that says that there will be effort made to soften the line of sight between the neighbor and the buildings and leave it at that be included?

Chair Thomas said that's something they could do. But that's a very open ended and vague statement. Nobody would know what that would be. If the distance between one property to the other is great enough, and they're seeing something small in the distance, he would caution from

adding trees along the border, or the property lines that would then become more of a barrier for them to look further out and over in the distance.

Member Pierce said in order to do that they would need elevations and sightlines and all that stuff. He agreed, just leave that out.

Member Stanleys said he's generally concerned about the reduction in requirements, particularly for trees. And this was pretty dramatic. Speaking to Planner Olander, she mentioned and made the compelling case that the perimeter fence trees would be non-productive and would in fact, decrease the attractiveness of the site. He was a buyer of that concept. Looking at that last graphic with the sight line directly across to the house. His concern was that after such a dramatic reduction in the requirement for trees, that some should be added there. The counter argument was the neighbor would just assume not have the trees. If they didn't want it, then there's no reason to impose gratitude on them or a nicety that they don't need.

Public Comment:

There was no response to the request for public comment.

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 Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0031 for ATJ Holdings LLC, 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 and 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 South 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 commercial stables, 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.

F. Special Use Permit Case Number WSUP22-0032 (St. Nicholas Orthodox Christian Academy) - For hearing, discussion, and possible action to approve a special use permit for a private school and major grading resulting in a disturbance of up to ±3.8 acres of the overall site, with ±9,930 cubic yards of cut and ±14,090 cubic yards of fill.

- Applicant: St. Nichols Orthodox Academy
- Property Owner: JLC Realty, LLC
- Location: 16255 South Virginia Street

- APN: 045-210-01
- Parcel Size: 13.96 acres
- Master Plan: Rural residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: South Valleys
- Development Code: Authorized in in Article 302, Allowed Uses, Article 438, Grading Standards and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

Planner Olander provided a presentation. Applicant representative, Mike Railey was available for questions.

Member Pierce asked to view slide six. He referenced where Planner Olander accidentally put that marker of the existing residents. It looks like they're getting access from the property. Was there' some kind of agreement that Planner Olander could speak to as to how they're going to get to their property?

Ms. Olander said she didn't include it in the PowerPoint, but it is included in the staff report. That access will be maintained for that property, the access will be maintained for both those properties. So that's an agreement that the applicant has already established with that resident.

Chair Thomas asked if the resident would have to drive through the school's parking lot to get out to Virginia St.

Planner Olander said yes, that's currently how they're accessing their house right now. Their access won't change. There's no alteration to that access.

Chair Thomas said he noticed on the report under utilities that the applicant's previously approved SUP was with commercial septic and well, and he did not see that under conditions. He would assume that would fall under the Health Department. Planner Olander confirmed. She said they will still have to establish that the existing well and septic on the property will work for this new facility. The Health Department conditions that.

Member Christensen referenced the report and illustration that a building to the far left, bottom corner, is still within the property line. Is that a residence? Planner Olander said she believed that is a residence. The applicant can probably explain a little bit more, but her understanding is all those buildings are going to have to be removed because they are not stable, livable, or usable anymore. They haven't been maintained. Member Christensen said he understands that for the ones on the right, but what about the house on the left? Planner Olander said it's on the other property. It's a house. The parcel to the south will be maintained. There's no change on those parcels. We're only looking at the parcels that are within the blue line. Member Christensen asked what the one lonely building is. The one house within the blue line is in the lower left-hand corner.

Mike Railey said it was constructed as a house. However, for years it's been used for office and storage space. That building will not be removed. It's going to continue to function as a storage building for the school.

Member Stanley said he wanted to applaud the package. It was very interesting to hear the history and was glad Planner Olander put that in and how it's evolved to a higher purpose. Also, the graphic shows what construction might look like. It looks great.

Chair Thomas spoke about the house right there down by the road. It looks like it's occupied. Are there any that are occupied?

Mr. Railey said this site has a rich history. At one point, it served as the divorce motel. And so there are little apartments. Those have all been deemed unfit for inhabitants. So anything on our site down the highway, on that east side of the site, will be demolished. And it's actually in the process of being demolished. The outbuilding will be demolished, too. There is a house further to the south, but that does not have access through our site. They have their own access. It's not on our property.

Chair Thomas asked if there was any discussion about any type of heritage since some of those buildings were built in the 1800s. Mr. Railey said it was investigated during the last use permit. However, they were so heavily modified over the years from what originally happened that very little of the original structures were left and what was done was probably likely done without permits years and years ago, and it was just not in good condition. And then recently, with those kinds of operations ceasing within those, it became kind of a nuisance area with vagrancy. It's going to be a huge improvement.

Member Pierce said no disrespect intended. But regarding that house where the school is going to give future access, is there going to be a written agreement so those owners could always have access? Mr. Railey said it's already in place. They have an access easement across the property.

Member Julian asked if this facility will be used at all for Sunday services. Mr. Railey said at this point, there's no plan to; however, he wouldn't rule it out. It could happen in the future. He believed that's a separate permit through the code. They would have to demonstrate that they are in compliance with NDOT conditions related to traffic and parking and that sort of thing. The intent is that the chapel is integrated into the school for school purposes.

Chair Thomas asked if they were going to be using any buses to get students in. Mr. Railey said no, at this point, if there were, it would be more like a standard van, no commercial buses or large-scale busing. Chair Thomas said drop off and pickup will be done by relatives, parents, or someone authorized to do that. Mr. Railey confirmed. He would assume a few of the high school kids of driving age may have their own cars that they drive. But that's part of why there's additional parking to ensure that's accommodated for.

Chair Thomas said he noticed that there's a traffic part. He thought it is going to be needed because classes start at 9 a.m. and end at 3 p.m. There'll be a lot of traffic during that time.

Member Pierce said he thought it was a good project and put his full support behind it.

Member Julian said she supported this, but because there are a couple of houses nearby, she'd like to enhance the requirement that no mobilization of vehicles starts before 7 a.m. She'd be happy if they could add that language to the conditions.

Chair Thomas asked Secretary Lloyd for clarification regarding the conditioning code regarding construction. Secretary Lloyd said he thought Sr. Planner Pelham made that point clear. They don't typically condition code. However, for this project, it might be appropriate. It will avoid construction noise early in the morning and avoid sending our code enforcement staff out there early in the morning.

Planner Olander said it's 1.e. of the conditions.

Member Julian said no, what she was saying is in areas where there are neighbors, it's not appropriate that the construction workers gather at 6:00-6:30 a.m. and start revving up their motors and beginning their equipment with perhaps dump trucks or whatever rolling in. It would be helpful if that began at 7 a.m.

Mr. Railey said they read the condition from the Dahlin item, no mobilization before 7 a.m., and had no objection to adding that condition.

Public Comment:

There was no response to the request for public comment.

MOTION: Member Christensen moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP22-0032 for St. Nicholas Orthodox Academy, with the conditions included as Exhibit A to this matter, and the added, restricted mobilization condition, 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 South 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 private school and 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.

Member Stanley seconded the motion which carried unanimously in favor.

9. Chair and Board Items

- A. Future Agenda Items – None
- B. Requests for Information from Staff – Board members thanked Secretary Lloyd and DDA Large for providing the previously requested appeal statistics from the Board of County Commission.

The members welcome Brandon Roman to the team.

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 4:35 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on January 5, 2023

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment