



WASHOE COUNTY BOARD OF ADJUSTMENT Notice of Meeting and Agenda

Thursday, June 1, 2023
1:30 p.m.

Board of Adjustment Members

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

Secretary

Trevor Lloyd

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street, Building A
Reno, NV 89512

and available via
Zoom Webinar

This meeting will be held in the County Commission Chambers and via Zoom teleconference. To attend this meeting via Zoom teleconference, please log into the Zoom webinar at the following link: <https://us02web.zoom.us/j/87215675749> or you can join the meeting by typing zoom.us into your computer browser, clicking "Join a Meeting" on the ZOOM website, and entering this **Meeting ID: 872 1567 5749**. NOTE: This option will require a computer with audio and video capabilities.

Alternatively, you can join the meeting via telephone only by dialing +1 669-900-9128, entering the **Meeting ID: 872 1567 5749** and pressing #.

The meeting will be televised live and replayed on Washoe Channel at: <https://www.washoecounty.gov/mgrsoff/Communications/wctv-live.php> also on YouTube at: <https://www.youtube.com/user/WashoeCountyTV>.

PUBLIC HEARING ITEMS

(Complete case descriptions are provided beginning on page three of this agenda)

- **Amendment of Conditions Case Number WAC23-0004 (Rose DADAR) for Special Use Permit WSUP22-0023**
- **Administrative Permit Case Number WADMIN23-0006 (Community Breakfast)**
- **Administrative Permit Case Number WADMIN23-0007 (League to Save Lake Tahoe Fashion Show and Luncheon)**
- **Administrative Permit Case Number WSUP23-0008 (Beach Boy Concert)**
- **Variance Case Number WPVAR23-0001 (Harold Drive)**
- **Variance Case Number WPVAR23-0002 (Eget)**
- **Special Use Permit Case Number WSUP23-0002 (IVGID Tank - Updated)**
- **Special Use Permit Case Number WSUP23-0014 (Bordertown Casino Expansion)**

Possible Changes to Agenda Order and Timing. Discussion may be delayed on any item on this agenda, and items on this agenda may be taken out of order, combined with other items and discussed or voted on as a block, removed from the agenda, moved to the agenda of another later meeting or moved to or from the consent section. Items designated for a specified time will not be heard before that time but may be delayed beyond the specified time.

Public Comment. Public comments are welcomed during the public comment periods at the beginning and end of the meeting and during public hearing and planning items and are limited to three (3) minutes per person. Persons may not allocate unused time to other speakers.

During the general public comment periods at the beginning and end of the meeting, speakers may address any matter either on or off the agenda, including items heard on the consent section of the agenda. For the remainder of the agenda, public comment will only be heard during public hearing and planning items and should be about the specific item being considered by the Board. If an item is continued, then public comment will not be heard for that item until the date of the continued hearing.

Presentations and public comment for individual agenda items are limited as follows: fifteen minutes each for staff and applicant presentations and three minutes for individual speakers unless extended by questions from the Board or by action of the Chair. All comments are to be directed to the Board as a whole and not to one individual. Emails will be included in the record but will only be read aloud during the meeting subject to the chair's discretion and if time permits.

Public Participation. Any public wishing to present printed materials at the hearing must bring six (6) printed copies. Any public wishing to show digital materials at the hearing (photos, presentation, etc.) must email the materials to Recording Secretary Adriana Albarran (AAlbarran@washoecounty.gov) by 4:00 p.m. the business day immediately preceding the meeting. Staff cannot accept thumb drives.

Members of the public may submit public comment by either attending the meeting in person, attending the meeting via teleconference or attending by telephone only. To provide public comment via Zoom, log into the ZOOM webinar at the above link and utilize the "Raise Hand" feature during any public comment period. To provide public comment via telephone only, press *9 to "Raise Hand" and *6 to mute/unmute.

Additionally, public comment can be submitted via email to washoe311@washoecounty.gov. The County will make reasonable efforts to send all email comments received by 4:00 p.m. on May 31, 2023, to the Committee members prior to the meeting.

Responses to Public Comments. The Board of Adjustment may deliberate or take action only if a matter has been listed on an agenda properly posted prior to the meeting. The Open Meeting Law does not expressly prohibit responses to public comments by the Board. However, responses from Board members to unlisted public comment topics could become deliberation on a matter without notice to the public. To avoid this situation and to ensure that the public has notice of all matters the Board will consider, members may choose not to respond to public comments, except to correct factual inaccuracies, ask for County staff action, or to ask that a matter be listed on a future agenda.

Forum Restrictions and Orderly Conduct of Business. The Board of Adjustment conducts the business of Washoe County and its citizens during its meetings. The presiding officer may order the removal of any person whose statement or other conduct disrupts the orderly, efficient or safe conduct of the meeting. Warnings against disruptive comments or behavior may or may not be given prior to removal. The viewpoint of a speaker will not be restricted, but reasonable restrictions may be imposed upon the time, place and manner of speech. Irrelevant and unduly repetitious statements and personal attacks which antagonize or incite others are examples of speech that may be reasonably limited.

Posting of Agenda. Pursuant to NRS 241.020(4)(b), the Agenda for the Board of Adjustment has been posted at the following location: Washoe County Administration Building (1001 E. 9th Street, Bldg. A); and has been electronically posted at https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/index.php and <https://notice.nv.gov>.

How to Get Copies of Agenda and Support Material. Copies of this agenda and supporting materials for the items on the agenda provided to the Board of Adjustment may be obtained on the Planning and Building Division's website at https://www.washoecounty.gov/csd/planning_and_development/board_commission/board_of_adjustment/index.php or at the Planning and Building Division Office (contact Adriana Albarran, 1001 E. Ninth Street, Building A, phone 775.328.2721 or e-mail aalbarran@washoecounty.gov). If you make a request, we can provide you with a link to a website, send you the material by email or prepare paper copies for you at no charge. Support material is available to the public at the same time they are available to Board members. If material is distributed at a meeting, it is available within one business day after the meeting.

Special Accommodations. The facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language

interpreters or assisted listening devices) at the meeting should notify the Washoe County Planning and Building Division at (775) 328-6100 at least two working days prior to the meeting.

Appeal Procedure. Most decisions rendered by the Board of Adjustment are appealable to the Board of County Commissioners. If you disagree with the decision of the Board of Adjustment and you qualify as an aggrieved person/party, you may appeal the decision in writing within ten (10) calendar days from the date that the decision being appealed is reduced to writing, filed with the Secretary of the Board of Adjustment, and mailed to the original applicant in the proceeding being appealed, in accordance with Washoe County Code. Please call the Planning staff immediately at (775) 328-6100 for information on the appeal procedure and application fee.

AGENDA

1:30 p.m.

1. **Determination of Quorum** [Non-action item]
2. **Pledge of Allegiance** [Non-action item]
3. **Ethics Law Announcement** [Non-action item]
4. **Appeal Procedure** [Non-action item]
5. **Public Comment** [Non-action item]

Comments heard under this item will be limited to three minutes per person and may pertain to matters both on and off the agenda. However, action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item. Comments are to be made to the Board of Adjustment as a whole.

6. **Approval of the June 1, 2023 Agenda** [For possible action]
7. **Approval of the [May 4, 2023](#) Draft Minutes** [For possible action]

Board members may identify any additions or corrections to the draft minutes as transcribed.

8. **Public Hearing Items** [For possible action]
 - A. **[Amendment of Conditions Case Number WAC23-0004 \(Rose DADAR\) for Special Use Permit WSUP22-0023](#)** [For Possible Action] – For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0023 (Rose Detached Accessory Dwelling) to amend the approved special use permit to allow the detached accessory dwelling on the first floor, rather than the second floor of the existing detached accessory structure.

- 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 Clark
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.gov

B. Administrative Permit Case Number WADMIN23-0006 (Community Breakfast) [For Possible Action] – For hearing, discussion, and possible action to approve an administrative permit for an Outdoor Community Event business license; for a pancake breakfast at the North Lake Tahoe Fire Protection District Station, at 875 Tanager Street, on July 2, 2023 from 8:00 a.m. to 10:00 a.m. with approximately 500 people in attendance.

- Applicant/Property Owner: North Lake Tahoe Fire Protection District
- Location: 875 Tanager Street
- APN: 132-223-14
- Parcel Size: 37,284 SF
- Master Plan: Incline Village
- Regulatory Zone: TA_IVC
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

C. Administrative Permit Case Number WADMIN23-0007 (League to Save Lake Tahoe Fashion Show and Luncheon) [For Possible Action] – For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event for League to Save Lake Tahoe for their Annual Fashion Show and Luncheon, scheduled to be held on August 5, 2023 from 11am until 2pm. The event is proposed to consist of an invitation-only fashion show and luncheon within a temporary tent structure located on the beach adjacent to Lake Tahoe. The event organizer estimates a maximum of 400 people, which includes 50 support persons.

- Applicant: League to Save Lake Tahoe
- Property Owner: KWS Nevada Residential LLC and Lakeshore Trust
- Location: 1047 and 1055 Lakeshore Boulevard, Incline Village, NV
- APN: 130-230-14, -16 & -17
- Parcel Size: ±6.18 acres, ±3.58 acres and ±1 acre
- Master Plan: Tahoe
- Regulatory Zone: Mill Creek
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Courtney Weiche, Senior Planner

Washoe County Community Services Department
Planning and Building

- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

D. **Administrative Permit Case Number WSUP23-0008 (Beach Boy Concert) [For Possible Action]** – For hearing, discussion, and possible action to approve an administrative permit for an outdoor community event for the Incline Village Hospital Foundation with a Beach Boys Benefit and Fundraising Concert. The event will be held at 1047 Lakeshore Blvd. on July 22, 2023, from 11:00 a.m. to 6:00 p.m. with approximately 400-500 people in attendance.

- Applicant: Karli Epstein
- Property Owner: KWS Nevada Residential LLC
- Location: 1047 Lakeshore Blvd.
- APN: 130-230-16, 17 & 18
- Parcel Size: 3.5, 1.0, 1.0 acres
- Master Plan: Mill Creek
- Regulatory Zone: TA_MC
- Area Plan: Tahoe
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

E. **Variance Case Number WPVAR23-0001 (Harold Drive) [For Possible Action]** – For hearing, discussion, and possible action to approve a variance of a 20-foot front yard setback to 3 feet and 5 ½ inches to allow for the construction of a two-story building with a two-car garage with a master suite on the second floor.

- Applicant/Property Owner: Eric Ostertag
- Location: 940 Harold Drive
- APN: 131-132-06
- Parcel Size: 6,000 SF
- Master Plan: Fairway
- Regulatory Zone: Fairway (TA_F)
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

F. **Variance Case Number WPVAR23-0002 (Eget)** [For Possible Action] – For hearing, discussion, and possible action to approve a variance to vary two (2) front yard setbacks from 20' to 4' and 1' 6", a side yard from 5' to 3' to construct a garage with living space and to increase the maximum height of a front yard fence from 4' to 6'.

- Applicant/Property Owner: Wayne Ford
- Location: Jeffery D Eget 1990 Trust
- APN: 45 E. Tuscarora Road
- Parcel Size: 123-36-02
- Master Plan: .197 acres
- Regulatory Zone: Crystal Bay
- Area Plan: Crystal Bay
- Development Code: Tahoe
- Commission District: Authorized in Article 804, Variances
- Staff: Courtney Weiche, Senior Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

G. **Special Use Permit Case Number WSUP23-0002 (IVGID Tank)** [For Possible Action] – For hearing, discussion, and possible action to approve a special use permit for the use type public utility center per Washoe County Code (WCC) 110.220.165 and major grading per WCC 110.438 for ±8,900 cubic yards (CY) of cut, ±9,000 CY of fill, and disturbing ±100,000 SF of the site for the construction of a road and pad for a 2-million gallon effluent water storage tank. The request includes modifying standards to allow slopes greater than 3:1 (110.438.45(a)), revegetation to preserve erosion control (110.438.70), preservation of significant trees (110.412.25(c)) and reduction of landscape standards for a civil use (110.412.40(a)).

- Applicant/Property Owner: Incline Village General Improvement District (IVGID)
- Location: 1250 Sweetwater Road
- APN: 130-010-08
- Parcel Size: 87.3 acres
- Master Plan: Tunnel Creek & Ponderosa Ranch
- Regulatory Zone: 67% TA_TC & 33% PR
- Area Plan: Tahoe
- Development Code: Authorized in Article 438, Grading; and Article 810, Special Use Permits
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

H. **Special Use Permit Case Number WSUP23-0014 (Bordertown Casino Expansion)** [For Possible Action] – For hearing, discussion, and possible action to approve a special use permit for expansion of an existing casino in two phases: Phase 1 involves the construction

of a new 23,078 SF building; and Phase 2 involves demolishing the existing 18,284 SF building and constructing a 23,078 SF addition for a building totaling of 34,783 SF.

- Applicant: Frank Lepori Construction
- Property Owner: Bordertown Properties LLC
- Location: 19575 US Highway 395 N
- APN: 081-140-16
- Parcel Size: 12.37 acres
- Master Plan: Commercial (C)
- Regulatory Zone: Tourist Commercial (TC)
- Area Plan: Cold Springs
- Development Code: Authorized in Article 302, Allowed Uses & Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.gov

9. Planning Items

A. Neighborhood Meeting Processes [Non-action item]

Planning Manager, Trevor Lloyd, will brief the Board on the Planning Program's neighborhood meeting process and how staff incorporates neighborhood meetings, results, and suggestions into the staff report.

10. Chair and Board Items [Non-action item]

A. Future Agenda Items

B. Requests for Information from Staff

10. Director's and Legal Counsel's Items [Non-action item]

A. Report on Previous Board of Adjustment Items

B. Legal Information and Updates

11. Public Comment [Non-action item]

Any person is invited to speak on any item on or off the agenda during this period. Action may not be taken on any matter raised during this public comment period until the matter is specifically listed on an agenda as an action item.

12. Adjournment [Non-action item]