



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Richard "R.J." Cieri
Lee Lawrence
William Whitney, Secretary

Thursday February 7, 2013
1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

February 7, 2013

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, February 7, 2013 at 1:30 p.m., in the Washoe County Health Department Conference Rooms, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Robert Wideman, Chair
Kim Toulouse
Philip Horan
Richard "R.J." Cieri
Lee Lawrence

Members absent: None

Staff present: William Whitney, Director, Planning & Development
Eva Krause, Planner, Planning & Development
Grace Sannazzaro, Planner, Planning & Development
Roger Pelham, Senior Planner, Planning & Development
Trevor Lloyd, Senior Planner, Planning & Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Planning & Development

2. Pledge of Allegiance

Chair Wideman led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney (DDA) Salter recited the Ethics Law standards.

4. Appeal Procedure

Mr. Whitney recited the appeal procedure for items heard before the Board of Adjustment.

5. Public Comment

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

Chair Wideman welcomed the newest member to the Board of Adjustment, Lee Lawrence.

6. Approval of Agenda

Chair Wideman announced staff had requested Item 8E be heard first.

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of February 7, 2013, amended as requested. The motion, seconded by Member Horan, passed unanimously.

7. Approval of Minutes

Member Cieri moved to approve the minutes of December 6, 2012. The motion was seconded by Member Toulouse and passed unanimously.

8. Planning Items and Public Hearings

Agenda Item 8E

PUBLIC HEARING: Administrative Permit Case No AP12-011 – Baca – To permit the temporary use of a recreational vehicle as a residence for the care of the infirm at 5672 Lupin Drive, Sun Valley, in conjunction with the existing single family residence.

- Applicant: Richard and Tamera Baca
- Property Owner: George W. Paine Jr.
- Location: 5672 Lupin Drive
- Assessor's Parcel No: 504-042-05
- Parcel Size: 0.35 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: 110.310.35(g)
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 17, T20N, R20E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated January 18, 2013.

Chair Wideman asked if the applicants were renters or property owners. Ms. Krause explained the applicants were related to a person who is living in the home, but is not the

- Project Location: 14085 Bihler Road, Reno, NV 89511
- Assessor's Parcel No: 142-241-19
- Parcel Size: ± 2.5 Acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 306, Accessory Uses and Structures
Article 808, Administrative Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 30, T18N, R20E, MDM, Washoe County

Chair Wideman opened the public hearing.

Ms. Sannazzaro reminded the Board the case had been continued so the applicant could have the opportunity to speak to Amy Ray of the Truckee Meadows Fire Protection District (TMFPD) about the required residential fire sprinkler system. Ms. Ray had since amended the condition to allow a water supply for fire suppression and/or the sprinkler system.

Ms. Sannazzaro stated she had received nine letters and emails of opposition from the neighbors, expressing concerns about the design being inconsistent with the neighborhood, potential for commercial use, wear and tear on the private road, degradation of property values and over consumption of water. Staff had also received a petition of opposition signed by 148 people and a shared statement of core values in opposition with 39 signatures.

Ms. Sannazzaro explained the citizens had submitted seven additional requests for conditions if the project was approved:

1. Restrict lighting to the height of a one-story building;
2. Install a sound-proof roof on the accessory structure;
3. Limit of one bathroom;
4. Post a bond for damage and maintenance of road;
5. Require a monitored fire alarm system;
6. Applicant must move into residence before construction of the accessory structure, and;
7. Plans to be reviewed by Washoe County Design Review Committee.

Member Cieri noted the applicant had sent an email with pictures of large metal buildings in the area. Ms. Sannazzaro explained there were a wide variety of structures in the area. She could not verify that the accessory buildings were larger than the associated main dwelling units.

Applicant David Wood approached the lectern and Chair Wideman asked if Mr. Wood had had the opportunity to work with TMFPD to resolve his concerns. Mr. Wood stated he was happy with what the county had decided. He acknowledged the neighbor's concerns regarding the manufactured home and noted the structures were allowed anywhere there was not a restrictive covenant. He stated he understood a manufactured home by itself would bring down property values, which was why he was proposing the accessory structure. Together they

would increase the value of the property. He stated his willingness to post a bond for the roads and said the building would not be used for commercial purposes. He showed a series of pictures of large accessory structures in the neighborhood, emphasizing the freedom enjoyed by the residents as there were no Covenants, Conditions or Restrictions or a Homeowners Association.

Kurt Spencer, Jan Sluchak, Ed Yenick, Karen Dickerson, Todd Tressider, Nora Boisselle, Carol Phillips, Lyn Mundt and Gail Ferrell all spoke in opposition, reiterating the concerns Ms. Sannazzaro had outlined for the Board in her opening presentation.

Mr. Yenick suggested TMFPD's alternative water source may be a pond, and expressed concerns about freezing, water rights and potential mosquito problems.

Member Cieri asked if the property had additional water rights to support a pond and landscaping. Ms. Sannazzaro explained the property owner is entitled to 2.2 acre-feet (af) of water rights. The project was conditioned to require a water meter, and if the usage exceeded 2.2 af, the owner would be required to purchase additional water rights.

Member Toulouse pointed out the applicant could install either a sprinkler system or provide the additional water source in the form of a tank or a pond. He opined the pond could be used as a dip site in case of fire, so was a positive addition for the neighborhood. He stated the sprinkler system was a standard requirement and asked for clarification as to why the applicant had been offered a choice. Ms. Sannazzaro had not been informed of the reasoning. Applicant's Architect Joe Snider explained TMFPD required a minimum of 300 gallons of static storage.

Chair Wideman asked if the decision had been made between the tank or pond and Mr. Wood stated it had not. Member Lawrence asked how many af of water would be needed to maintain a pond and Ms. Sannazzaro stated she did not know. Discussions with Water Resources had revealed it would be more economically feasible to utilize a tank, due to evaporation loss with a pond. Member Lawrence asked if any soils studies had been done or if there would be a pond liner installed. Ms. Sannazzaro did not have that information.

Member Lawrence asked what kind of foundation the mobile home would have. Ms. Sannazzaro explained he would be required to have a full foundation, the structure was allowed by right and that was not part of the application.

Member Cieri asked how it would be possible for them to approve the permit if the owner would not be able to obtain sufficient water rights. DDA Salter pointed out one of the Findings required adequate infrastructure which would include the water supply.

Member Horan asked Ms. Sannazzaro to confirm that all the pictures the applicant had shown were of properties that were part of the community. Ms. Sannazzaro stated they were, but could not confirm whether or not the neighbors considered them to be.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. All members stated they had received correspondence from the neighboring property owners but had not had direct contact.

Chair Wideman thanked the participants. He pointed out they were faced with the classic dilemma of choosing between the rights of the property owner versus the wishes of the surrounding property owners. He explained they were obliged to follow the rules as they existed at the time, and reiterated the mobile home was not under consideration.

Member Cieri stated he would not be able to make the Findings of adequate infrastructure and the project not being detrimental to the neighborhood. Member Toulouse agreed, adding his inability to be able to find the structure consistent with the surrounding property types. He stated 300 gallons was not enough water to fight a fire.

Member Horan stated he would be able to overlook the water concerns as that was the purview and responsibility of the TMFPD, and expressed concerns about putting conditions on an otherwise rural area. Member Lawrence stated he would not support the project due to all of the questions surrounding the potential pond, and he also did not feel a 300-gallon tank would provide adequate water for fire.

Chair Wideman noted there had been a fair amount of speculation regarding the case. He pointed out the Administrative Permit requested to build a building, not determine its use. Any commercial use would require a separate permitting process and there are enforcement processes in place to deal with that aspect. From the point of land use, he did not consider that to be a relevant issue. The same applied to traffic on the road. Regarding the fire suppression issue, he trusted the fire professionals to make the determination what was fair and adequate protection.

Chair Wideman acknowledged the return of Fire Marshall Amy Ray and reopened the public hearing to accept her testimony.

Member Toulouse asked if the option of a residential sprinkler system or adequate water supply was the direction TMFPD was moving for fire suppression in rural areas. He expressed concern that 300 gallons of water was not enough for adequate fire protection. Ms. Ray explained Fire Code requires water supply for fire suppression, and that can be obtained in several different ways, which she reviewed. She explained how a 300-gallon tank of water can supply enough for a residential sprinkler system and supplemented by water the fire department would bring to the site in case of an emergency.

Further discussion ensued regarding details of the requirements and Ms. Ray explained nothing was set in stone because the applicant had not made the final decision about what type of water supply he wanted to use yet.

Chair Wideman closed the public hearing. He clarified that if a pond were supportable, it appeared that TMFPD felt it was sufficient, but other departments had to sign off on it.

Member Cieri reiterated he felt the structure was a detriment. Chair Wideman pointed out the difficulty was that the people who had come to the neighborhood had chosen to build a higher class of home, but that did not change the rules for what could be built there 40 years ago and what could be built there now.

Member Toulouse noted Ms. Ray had stated the size of the building caused it to be regulated under a commercial code and that concerned him. He also felt it was detrimental and was struggling with the consistency finding.

DDA Salter advised they needed to find that the project was consistent with the Master Plan, not the surrounding neighborhood. The finding of No Detriment applies to the neighborhood.

Mr. Whitney clarified Fire Code was separate from the Development Code, and according to the Development Code, the project was still considered residential.

Member Toulouse moved to deny Administrative Permit Case No. AP12-009 – David Wood, based on his view that he could not make Finding Number 4 regarding no detriment. The motion was seconded by Member Cieri and passed three in favor of denial and two against, Chair Wideman and Member Horan voting in favor of the applicant.

Mr. Whitney read the appeal procedure for the record.

Chair Wideman called a 10-minute recess at 3:25 p.m. The meeting reconvened at 3:35 p.m.

Agenda Item 8B

PUBLIC HEARING: Olson-Olson Architects Case No. AC13-001, amending Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC – To increase the area of livable space by 291 square feet for a Detached Accessory Dwelling that was previously approved under Special Use Permit Case No. SB09-002. The original approval granted 1,200 square feet of livable space, and the new request is asking for 1,491 square feet of livable space.

- Property Owner: Tahoe Estates, LLC
- Applicant: Olson-Olson Architects
- Project Address/Location: 1019 Lakeshore Boulevard, Incline Village, South side of Lakeshore Boulevard, approximately 600 feet west of its intersection with Selby Drive
- Assessor's Parcel No.: 130-230-05
- Parcel Size: ± 2.17 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Suburban (HDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 306, Accessory Uses and Structures
Article 810, Special Use Permits
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 23, T16N, R18E, MDM, Washoe County

Chair Wideman opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated January 24, 2013. She explained there would be no changes to the outside of the structure; the interior was being redesigned to allow for more living space. She explained changes to the code that had occurred since the structure was originally approved, which legalized the increased living area.

Applicant's Representative Lori Shannon reiterated the points Ms. Sannazzaro had made and stated the only affected neighbor had been contacted and had no concerns.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Cieri moved to approve conditionally Olson-Olson Architects Case No. AC13-001, amending Special Use Permit Case No. SB09-002 for Tahoe Estates, LLC. The motion was seconded by Member Toulouse and passed unanimously.

The motion was based on the following findings:

1. Consistency. The proposed amendment is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe Area Plan;
2. Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven.;
3. Site Suitability. The site is physically suitable to accommodate this proposal and for the intensity of such development;
4. Issuance Not Detrimental. Approval of the proposed amendment 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; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the safety, security, location, purpose or mission of the military installation.

Agenda Item 8C

PUBLIC HEARING: Special Use Permit Case No. SB12-014 – Sierra Nevada College – To allow the operation of a “Schools-College” in a currently unoccupied commercial building, within the Incline Village Tourist Community Plan.

AND

Variance Case No. VA12-005 – Sierra Nevada College – To allow the construction of an outdoor kiln area on the east end of the building. Construction of this area requires reduction of the side yard setback from ten (10) feet to one (1) foot and an increase in the height of a retaining wall from a maximum of eight (8) feet to a maximum of sixteen (16) feet, as required by Article 406, Building Placement Standards; and the reduction of the slope setback from three (3) feet to one (1) foot as required by Article 438, Grading.

- Applicant/Property Owner: Sierra Nevada College
- Location: 1008 Tahoe Boulevard
- Assessor’s Parcel No.(s): 130-050-11
- Parcel Size: ± .404 Acres
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village / Crystal Bay
- Commission District: 1 – Commissioner Berkbigler
- Development Code: Article 810, Special Use Permits
- Section/Township/Range: Within T16N, R18E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated January 18, 2013. He explained the applicant had agreed to building modifications that satisfied the requirements of the Special Use Permit, and an additional requested condition made the Variance unnecessary. The condition which would be numbered 1L, would read:

“The applicant shall construct two covered front entry features on the first floor of the side of the existing structure facing State Route 28. The covered front entry features shall be designed and constructed to the front lot line, no other portion of the structure shall extend to the front lot line. The covered front entry features shall be designed and constructed to meet or exceed all requirements of the Americans with Disabilities Act (ADA) and shall be located to provide as

much protection from snow and other natural elements as possible. The covered front entry features shall be designed and constructed to provide a safe entrance to enhance the safety and general welfare of all users of the building. The lot standards approved in variance case number VA06-021 are hereby changed to allow the foregoing, as authorized by WCC 110.810.20(e).”

Mr. Pelham explained parking would be reduced but the main campus was 300 feet away and the applicant was proposing to build an asphalt pathway between the buildings. The building had been a commercial office and had been donated to the college, so the use would not cause more intensity to the area.

Member Horan asked if the parking that had existed in the lower level of the building would be eliminated and Mr. Pelham replied it would. He added a letter from a Traffic Engineer would be required showing that the college has sufficient parking. Member Horan noted the parking was already stretched, as students parked on Country Club Drive. He asked where the new pathway would be located and Mr. Pelham pointed out the location in the Nevada Department of Transportation (NDOT) right of way along the property line of the church to be constructed next door. Mr. Pelham added the number of students would not increase, as they were relocating one of the programs to the new building.

Applicant’s Representative Phil Gilan Farr explained the building was originally designed for industrial use and that was why the redesign had changed the lower-floor parking into usable classroom space. Laws do not restrict street parking, except in the case of snowy days. He explained the school was planning additional parking.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Cieri moved to approve conditionally as amended Special Use Permit Case No. SB12-014 – Sierra Nevada College. The motion was seconded by Member Toulouse and passed unanimously.

The motion was based on the following findings:

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

No action was taken on Variance Case No. VA12-005 – Sierra Nevada College, as the amended condition added to the Special Use Permit had made it unnecessary.

Chair Wideman called a 5-minute recess at 4:10 p.m. at Ms. Spinola's request. The meeting reconvened at 4:15 p.m.

Agenda Item 8D

PUBLIC HEARING: Variance Case No VA12-006 - Kurosh Moassessi – To vary the required front yard setback from 30 feet to 28 feet to allow the existing garage to remain as it was constructed in 1956.

- Applicant/Property Owner: Kurosh Moassessi
- Location: 12755 Valley Springs Road, at the northwest corner of Valley Springs Road and Cottonwood Road
- Assessor's Parcel No: 049-355-01
- Parcel Size: 1 acre
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Article 804
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 20, T18N, R20E, MDM, Washoe County, NV

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated January 18, 2013. He explained the home had undergone a remodel and it was discovered at time of building permit in 2008 that the garage encroached two feet into the setback. The building plans at the time showed the front two feet of the garage would be removed. The applicant was attempting to legalize the encroachment instead.

Member Horan noted the applicant had agreed to correct the problem in 2008 and had not addressed it. Mr. Pelham suggested there were options for correction, one of which was the Variance.

Applicant Kurosh Moassessi stated they had been granted a building permit for expansion with no restrictions in 2007. In 2008 they submitted new plans and were then informed the garage had to be moved. The house was in its original state, and neither title insurance nor the county had informed them of the problem up to that point. It had been bought and sold several times since original construction in 1956, and the issue had never been brought up or disclosed.

Mr. Moassessi stated he was told by county employees that County Building Code was changing, most likely in their favor, and they should wait to see what happened before going ahead with the construction. In November 2012 they decided not to wait any longer and asked for the Variance. He suggested the issue may no longer be valid due to rules regarding adverse possession and that the other property owners in the neighborhood should be informed of the situation as they were likely to be in the same circumstance as he was.

Member Horan reiterated in 2008 the applicant agreed to reduce the size of the garage. Mr. Moassessi stated that was correct and said that in 2009, after construction had begun, he was told Code was going to change, so chose to wait based on the advice of staff.

Neighbor Marvin Spiker stated the encroachment did not concern him and he didn't feel it was necessary to reduce the size of the garage.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan stated he had issues with the fact the problem was discovered in 2008 and had not yet been dealt with. Member Cieri pointed out the applicant had been led by county officials to believe changes would be made to the regulations of his area addressing the problem.

Chair Wideman expressed sympathy for the applicant, as it was not something of his doing and had been there for a very long time. He explained it was the Board's job to make findings based on specific criteria outlined in Code having to do with unique characteristics of the lot. In this case, none of the criteria applied, so he couldn't make the finding. If they granted this, then it could be construed as a special privilege.

Member Cieri opined it could be considered a hardship, since the only other remedies were for the applicant to move the house or cut the garage down, limiting its use. Member Toulouse agreed they must follow the law but felt this was a special circumstance.

Member Toulouse moved to approve conditionally Variance Case No VA12-006 - Kurosh Moassessi. The motion was seconded by Member Cieri and passed by a vote of four in favor and one against, Member Horan voting to deny.

The motion was based on the following findings:

1. Special Circumstances. Because of the special circumstances applicable to the property, including an exceptional situation or condition of the property, particularly that shortening the garage to meet the required setback would result in a garage less than 18 feet in length; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of any military installation.

Agenda Item 8F

PUBLIC HEARING: Amendment of Conditions Case No. AC12-006 – Sierra Nevada Teen Ranch - To amend condition #7 of the Special Use Permit case number SB07-019 to extend the time for completion of each phase of the project by two additional years such that phase one will be extended to February 12, 2015, phase two will be extended to February 12, 2017, phase three will be extended to February 12, 2019 and phase four will be extended to February 12, 2022 as authorized in Section 110.810 of the Washoe County Development Code. The facility comprises a teen group care facility that will include housing, counseling, education and recreational opportunities for up to 40 at-risk teenagers, as authorized in Article 810 of the Washoe County Development Code. The proposed facility will include the phased construction of four 5,200-square-foot residential buildings, one 1,500-square-foot vocational building, one 4,000-square-foot multi-purpose building, one 1,000-square-foot reception area, one 1,500-square-foot barn and an obstacle course.

- Property Owner/Applicant: Sierra Nevada Teen Ranch, Marvin Neal
- Location: The project is located in Bedell Flat, east of the Sierra Ranchos/Rancho Haven communities.
- Assessor's Parcel No.: 079-210-15
- Parcel Size: 29.03 acres
- Regulatory Zone: General Rural (GR)
- Master Plan Designation: Rural (R)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Commission District: 5 - Commissioner Weber
- Development Code: Article 810, Amendment of Regulatory Zone
- Section/Township/Range: Within Section 4, T23N, R19E, MDM
Washoe County, NV

Chair Wideman opened the public hearing and read the case description for the record.

Mr. Lloyd reviewed the staff report dated January 24, 2013. He noted the Board had already granted two extensions, one on February 1, 2010 and another on February 3, 2011. The reasons given each time were the funding challenges created by the downturn in the economy. He noted Code provided little direction for staff or the Board when determining whether or not additional extensions were appropriate. He requested the Board provide direction moving forward so that in the event the applicant were to apply for another extension, perhaps there would be some measure of progress required in the interim.

Member Cieri asked if any construction had taken place and Mr. Lloyd stated there had not. He clarified there was a well on the property and maybe a fence. Member Lawrence asked what the maximum number of children living at the site would be and Mr. Lloyd said it would be 40.

Applicant Marvin Neal reiterated the recession had slowed funding of the project, and fundraisers had not brought in enough money to complete the first phase. He explained they intended to pay cash in full for each portion and not incur any debt.

Chair Wideman pointed out the Board agreed it was a worthy cause, as evidenced by the approval of the project and the two extensions. He asked Mr. Neal to explain how close they were to their goals. Mr. Neal replied he felt they were over halfway there and explained the upcoming fundraising plans and anticipated support. Chair Wideman encouraged them to proceed with all due speed.

Member Cieri expressed concern that funding would dry up partway through construction and the project be dropped, leaving a ghost town. Mr. Neal reiterated they would not start until they had the funding to complete what they were working on.

Brent Johnson introduced himself as speaking for the Sierra Ranchos Property Owners (SRPOA). Mr. Johnson, speaking for himself and not the SRPOA, suggested Mr. Neal was not actually representing a not-for-profit entity. He opined the Board should request legal documentation establishing its existence. On behalf of the property owners and himself, Mr. Johnson stated they did not feel the project was feasible and did not want it in their neighborhood.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. All members acknowledged they had received a letter from the SRPOA and Member Toulouse stated he had been to the area recently.

Member Horan noted he had been on the Board during the entire process and had supported the project. Due to the lack of progress, he felt it was best to let the SUP expire and the applicant could come back with a new request when they were ready to proceed with construction. Members Cieri, Lawrence and Toulouse, as well as Chair Wideman, concurred. Chair Wideman emphasized the denial of the extension should not be construed as a lack of support for the project or as being prejudicial.

Member Horan asked if they were required to make findings for a denial. After a short break and discussion with Counsel, it was determined the denial did not require findings.

Member Horan moved to deny Amendment of Conditions Case No. AC12-006 – Sierra Nevada Teen Ranch. The motion was seconded by Member Toulouse and passed unanimously.

Mr. Whitney read the appeal procedure for the record.

Agenda Item 8G

Draft Ordinance Amending Articles 912 and 914 - Review proposed text of an ordinance establishing general rules governing appeals to the Board of Adjustment and provide direction to staff and recommendations to the Planning Commission for drafting and proposing the ordinance. Proposed ordinance generally covers what matters can be appealed to the Board of Adjustment, the timelines and procedures for such appeals (including what evidence may be reviewed and who has the burden of persuasion), and the right to either seek judicial review of the decisions of the Board of Adjustment or appeal them to the Board of County Commissioners.

Mr. Salter reviewed the staff report dated January 23, 2013. He pointed out the changes made at the request of the Board regarding pre-hearing procedures and what items could or could not be approved unilaterally by the Chair.

Member Toulouse moved that the changes discussed by the Board of Adjustment concerning this matter be included within the draft ordinance and, further, moved to recommend to the Planning Commission that the draft ordinance, as amended, be submitted to the Board of County Commissioners for adoption. The motion was seconded by Member Horan and passed unanimously.

9. Chair and Board Items

A. Discussion and possible action to adopt the revised Rules, Policies and Procedures – Member Toulouse requested a staff report and a copy of the draft so the members could review them and discuss the item on a future agenda. DDA Salter opined the staff report could be compiled fairly quickly as it would primarily be describing the changes. Chair Wideman requested the item be heard at the April meeting.

10. Director's Items

None

11. Public Comment

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

12. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 5:30 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on April 4, 2013

William Whitney
Secretary to the Board of Adjustment