



WASHOE COUNTY BOARD OF ADJUSTMENT Draft Meeting Minutes

Board of Adjustment Members

Lee Lawrence, Chair

Robert F. Wideman, Vice Chair

Kristina Hill

Clay Thomas

Kim Toulouse

William Whitney, Secretary

Thursday, April 2, 2015

1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, April 2, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Lee Lawrence, Chair
Kristina Hill
Kim Toulouse

Members absent: Robert F. Wideman
Clay Thomas

Staff present: Carl Webb, Planning Manager, Planning and Development
Roger Pelham, MPA, Senior Planner, Planning and Development
Trevor Lloyd, Senior Planner, Planning and Development
Sandra Monsalve, AICP, Senior Planner, Planning and Development
Grace Sannazzaro, Planner, Planning and Development
Nathan Edwards, Deputy District Attorney, District Attorney's Office
Kathy Emerson, Administrative Secretary Supervisor, Planning and Development
Donna Fagan, Recording Secretary, Planning and Development

2. Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

4. Appeal Procedure

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

5. Public Comment

Chair Lawrence opened public comment.

Cathy Brandhorst said that her eviction list had been stolen and she would like it returned. She also said she's had a payroll check stolen off of her debit card.

Chair Lawrence closed public comment.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of April 2, 2015. The motion, seconded by Member Hill, passed with three in favor and none opposed.

7. Approval of October 2, 2014, December 4, 2014 and February 5, 2015 Draft Minutes.

Member Toulouse moved to approve the October 2, 2014 and December 4, 2014 draft minutes. Member Hill seconded the motion which passed unanimously.

The February 5, 2015 draft minutes will be moved to the June 4, 2015 agenda for approval as Member Toulouse was not at the February 5, 2015 meeting and would not vote on the draft minutes, and without Member Toulouse's vote there wasn't a quorum to approve those draft minutes.

8. Planning Items and Public Hearings

Agenda Item 8A

PUBLIC HEARING: Amendment of Conditions Case Number AC15-002 (Evans Greenhouses) – Hearing, discussion and possible re-approval of the expired Administrative Permit Case Number AP12-003 that allowed the construction of two greenhouse buildings, both of which are larger than the existing dwelling unit and to extend the time for submission of complete construction permits for the one remaining greenhouse until October 2017.

- Applicant: Spencer Scott
31850 Cantlon Drive
Wadsworth, NV 89442
- Property Owner: Don Evans
5555 Tancho Drive
Madison, WI 53718
- Location: 31850 Cantlon Drive, approximately one mile west
of its intersection with State Route 427
- Assessor's Parcel Number: 084-282-16
- Parcel Size: ±5.94 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: Medium Density Rural (MDR)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 18, T20N, R24E, MDM
Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing.

Mr. Pelham reviewed the staff report dated March 15, 2015. Mr. Pelham said in his presentation that he attended the East Truckee Canyon Citizens Advisory Board meeting on April 1, 2015 and they requested an additional condition, recorded as condition 1 (o), "the easement for the Gregory Ditch shall be shown on all plans. The easement shall be respected and flow of the ditch water shall not be impeded in any way".

Member Toulouse asked since the old permit had been expired, was this just a new permit? Mr. Pelham answered that essentially it was a new permit.

Member Hill asked if the new condition, 1 (o), needed to be reference in the motion. Mr. Pelham answered, yes, the decision to add the condition came late last evening. Mr. Pelham also noted that he received a fax from William McQuatters on Cantlon Drive, in support of the applicant.

Spencer Scott, the applicant, indicated he agreed with the new condition and that he and his neighbors were going to research the easement and position of the Gregory Ditch. He indicated that the ditch was not on his deed and there is not a lot of documentation.

Chair Lawrence noted that in Exhibit A, 1(f), says that the development is depended on the applicant securing water rights. He asked Mr. Scott if he had the water rights for this project yet. Mr. Scott said the packet should have the water rights from Washoe County Department of Water Resource. Chair Lawrence asked if it was a domestic or agricultural well. Mr. Scott said they would be using surface water rights from the Gregory Ditch. They are in the process of buying ground water rights for the longevity of their water needs.

Chair Lawrence opened public comment.

Cathy Brandhorst indicated that she thinks the project is really a townhouse being covered up saying it's a "greenhouse". You can paint it green and call it a green townhouse.

Mr. Webb wanted to clarify which letter the new condition would be assigned. It was decided that it would be "o".

Chair Lawrence closed public comment. There were no disclosures made.

Member Hill asked if the Washoe – Storey Conservation District's comments were included in the conditions. Mr. Pelham said yes they were included.

Member Toulouse 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 Amendment of Conditions Case Number AC15-002 to re-approve Administrative Permit Case Number AP12-003 with supplemental amended conditions of approval as included in Exhibit A, to include condition 1(o), that allows the construction of two greenhouse buildings, both of which are larger than the existing dwelling unit and to extend the time for issuance of complete construction permits until April 1, 2017, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Hill seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That, as conditioned, the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the East Truckee Canyon Area Plan;

2. Improvements. That, upon compliance with the conditions of approval imposed by the Board of Adjustment, 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. That the site is physically suitable for two greenhouse structures for the commercial production of crops, and for the intensity of such a development;
4. Issuance Not Detrimental. That, as conditioned, 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; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation.

Agenda Item 8B

PUBLIC HEARING: Special Use Permit Case Number SB15-001 (Mustang Industrial Grading) – Hearing, discussion, and possible approval of a special use permit to allow the grading of approximately 81 acres and excavation of a total of approximately 355,417 cubic yards of earth in preparation of construction of two industrial buildings and associated driveways and parking areas.

- Applicant: Scannell Properties
Attn: Dan Salzer
800 East 96th Street, Suite 175
Indianapolis, IN 46240
- Property Owner: Hiatt Land and Development Company
Attn: Bart Hiatt
515 Windmill Drive
Fallon, NV 89406
- Location: South of Mustang Road, between the railroad tracks and the Truckee River
- Assessor's Parcel Number: 084-370-02
- Parcel Size: ±117.76 acres
- Master Plan Category: Industrial (I)
- Regulatory Zone: Industrial (I)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 438, Grading
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 15 and 16, T19N, R21E, MDM
Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing.

Mr. Pelham reviewed the staff report dated March 20, 2015.

Member Toulouse asked if we were going to require bio-engineering instead of rip-rap, or how is it going to be addressed, referring to Washoe – Storey Conservation District's condition 7(b). Mr. Pelham answered that our grading code no longer allows rip-rap, with a very limited number of exceptions. This project not being one of them, he's recommended re-vegetation or using the large rocks that already exist on the property.

Derek Wilson with Rubicon Design Group, the applicant's representative, agreed with the staff report. He believes that the application was reviewed by many agencies, thus well scrutinized and is zoned Industrial so it's well sited. Mr. Wilson wanted to clarify that there will only be a small amount of import or export of fill as the property is pretty equal, in that the dirt can be moved from one area of the property to the other to lower or increase the grade. He called the project a clean-up of an industrial site. Along with that, control of erosion into the Truckee River. As far as specific users of the site, Mr. Wilson said the developer has spoken with national distributors but didn't have contracts and wasn't ready to name names.

Dan Salzer with Scannell Properties, the applicant, said they had one user of the property lined up but they wanted to remain confidential at this time. Other users would be for light industrial use but there are no specific tenants at this time.

Member Toulouse indicated that he agreed with condition 7(e), that three months is not a sufficient amount of time in a monitoring plan. The standard he is familiar with is 90% coverage over three years. Member Toulouse asked Mr. Pelham if the 90% in three years is what was going to be used in the conditions. Mr. Pelham said yes, the more restrictive standard would apply.

Chair Lawrence opened public comment.

Cathy Brandhorst commented that animal barns were being stolen along with the properties. She said the evictions were in the South Meadows area and there were no more barns for the horses and nowhere for them to go.

Chair Lawrence closed public comment. There were no disclosures made.

Member Toulouse expressed concern about the mitigation plans in the flood plain and how that would be addressed.

Chair Lawrence was happy to hear that the County would be following up with the applicant and making sure remediation is done on the site. He hopes it will include tall white top and noxious weed control.

Member Hill 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 SB15-001 for Scannell Properties, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Toulouse seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan;
2. 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;

3. Site Suitability. That the site is physically suitable for grading to accommodate an industrial development, and for the intensity of such a development;
4. 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;
5. 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.

Agenda Item 8C

PUBLIC HEARING: **Administrative Permit Case Number AP15-002** – Hearing, discussion, and possible approval of an administrative permit to allow the construction of a detached accessory structure that is larger than the primary residence on the parcel.

- Applicant/Owner: Gary Owens
3983 S. McCarran, #258
Reno, NV 89502
- Location: 8895 Lakeside Drive, at the southwest corner of its intersection with Holcomb Ranch Road
- Assessor's Parcel Number: 041-130-57
- Parcel Size: 5.73 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: Authorized in Article 306, Accessory Uses and Structures and Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 11, Township 18 North, Range 19 East, MDB&M, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

Chair Lawrence opened the public hearing.

Mr. Lloyd reviewed the staff report dated March 16, 2015. Mr. Lloyd noted in his presentation that there is an additional condition which came late in the process, 1(i), "the applicant shall utilize muted earth tone colored paint for the accessory structure. Light grey colors are acceptable".

Member Toulouse asked Mr. Lloyd if he had received any comments from the South Truckee Meadows/Washoe Valley Citizens Advisory Board. Mr. Lloyd answered, no.

James Molder, the applicant's representative, said that he spoke with the applicant regarding the brightness of existing building. The applicant's concern about painting the

building was that it is metal with insulated metal panels and if it is painted it would void the warranty. They've agreed to adding additional landscape on the east side of the building on the property line to soften the brightness of the building.

Chair Lawrence wanted to clarify which building would be painted grey. Mr. Molder indicated that the new building to the west would be grey concrete.

Chair Lawrence opened public comments. Chair Lawrence closed public comment as there was none. There were no disclosures made.

Member Toulouse 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 AP15-002 for Gary Owens, having made all five findings in accordance with Washoe County Development Code Section 110.808.25, and to include all other conditions and new condition 1(i). Member Hill seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. 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;
3. Site Suitability. That the site is physically suitable for a Detached Accessory Structure, and for the intensity of such a development;
4. 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;
5. 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.

Agenda Item 8D

PUBLIC HEARING: Variance Case Number VA15-001 (Moraine Trust) – To reduce the required side yard setback from eight (8) feet to ±3.96 feet to allow for a 240 square foot addition to the existing residence.

- **Property Owner:** The Moraine Trust
Attention: D.A. Griscom, Trustee
- **Applicant:** The Moraine Trust
- **Consultant:** Wayne Ford, Residential Designer
P.O. Box 4775
Incline Village, NV 89450
- **Location:** 453 Winding Way
Incline Village, NV 89451
- **Assessor's Parcel Number:** 124-042-08
- **Parcel Size:** 0.448 acres

- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 16, Township 16N, Range 18E, MDM, Washoe County, NV
- Staff: Sandra Monsalve, AICP, Senior Planner
- Phone: 775.328.3608
- Email: smonsalve@washoecounty.us

Chair Lawrence opened the public hearing.

Ms. Monsalve reviewed the staff report dated March 20, 2015.

Chair Lawrence asked Ms. Monsalve if the TRPA was involved in the application. Ms. Monsalve said they were but no comments were received.

Chair Lawrence opened public comment.

D.A. Griscom, the applicant's representative, indicated that the project was within TRPA rules. Mr. Griscom said he wanted to pursue the variance because he didn't want to remove "old growth" trees, the addition will cover existing lawn lowering need for water usage, the neighbor to the east is fine with the project, and he wants to pursue the most minimal impact.

Wayne Ford, Residential Design, explained about the old growth trees that would be preserved in this project.

Chair Lawrence closed public comment. There were no disclosures made.

Member Hill said that considering the Incline Village/Crystal Bay Citizens Advisory Board's approval and the neighbor thinking this a better alternative than going towards the rear of the property, she thinks it's a good proposal.

Member Toulouse appreciates the applicant has taken steps and measures to save the trees.

Deputy District Attorney Nathan Edwards wanted to clarify, for the record, that the comment regarding the Incline Village/Crystal Bay Citizens Advisory Board approving the project was incorrect. The staff had not actually received an official approval from the CAB but had not received any negative comments and had received remarks in support of it. An individual CAB member had submitted those remarks.

Member Hill 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 Variance Case Number VA15-001 for Moraine Trust, having made all required findings in accordance with Washoe County Development Code Section 110.804.25. Including the conditions attached in the staff report. Member Toulouse seconded the motion which carried unanimously.

The motion was based on the following findings:

1. Special Circumstances. That due to slopes greater than 10-15% across the rear portion of the property, the narrowness of the front portion of the lot, the mature old-growth trees, and encumbrance of various large sized boulders; 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 the military installation.

Mr. Webb called Ms. Monsalve to the lectern to announce that she has accepted a job with the City of Beaverton, Oregon, in a Planning Management position. She will be leaving the department as of April 17, 2015. He wanted to thank her for her service and wish her good luck.

Agenda Item 8E

PUBLIC HEARING: Variance Case Number VA15-002 (Kline) – To reduce the required front yard setback from 30 feet to 15 feet to allow for the placement of a ± 2,318 square foot manufactured home and a single car garage.

- Property Owner: Kimberly Kline
- Applicant: KC Custom Concepts
- Location: 250 Monarch Drive, in Washoe Valley; approximately one-third mile northeast of the East Lake Boulevard/Monarch Drive intersection
- Assessor's Parcel Number: 050-371-46
- Parcel Size: .92 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 32, Township 17N, Range 20E, MDM Washoe County, NV
- Staff: Grace Sannazzaro, Planner
- Phone: 775.328.3771
- Email: gsannazzaro@washoecounty.us

Chair Lawrence opened the public hearing.

Ms. Sannazzaro reviewed the staff report dated March 12, 2015.

Frank Bouchard with K.C. Custom Concepts, the applicant's representative, wanted to emphasize information regarding the inspections. The home will be inspected by Manufactured Housing and Washoe County Building Department would be inspecting the garage, the utilities, the water system and sewer system. Washoe County will issue a permit for the foundation and Washoe County Inspections will inspect it.

Member Hill asked if it had been determined that the water supply was adequate. Mr. Bouchard responded that if one home with one well was going to cause a problem in that valley, the valley had a lot more problems than the manufactured home. But no, he said it's in the law that allows them to drill for a well.

Chair Lawrence opened public comment.

Jimmy Vanlandingham lives next door at 240 Monarch Drive and is concerned as his property and the subject property were once one property and the well was drilled in the center of the property. The previous owner subdivided the property putting his well close to the property line. The developer of the subject property wants to put their well within ten feet of his well and says they'll both be pumping out of the same hole. He's afraid that in the latter part of summer neither one of them will have water. Member Hill asked Mr. Vanlandingham if there was an alternative to put the well in another location. He said they could put it someplace else just fine but within ten feet of his well? They'll both be out of water. Water is getting scarce out there. He said now he's got someone coming in to build next door to him without any respect for where his well is and they're going to stick another well right by it. Chair Lawrence agreed that it was a concern; another well, being so close to Mr. Vanlandingham's. Chair Lawrence asked how deep Mr. Vanlandingham's well is. He said 300 and something feet. Chair Lawrence said that Mr. Vanlandingham would need to take his concern to the Nevada Water Engineer and ask their assistance with his concerns.

Edward Smith is a neighbor of the applicant and is a Geologist. He said when you sink a well in the ground it creates a cone, and if you have another well adjacent to that it creates a "cone of depression" where both wells sucking out of the water table will dry out both wells. Mr. Smith said, the land is very steep, per the applicant, "the entire 2/3 of the property is a cliff with massive elevation changes/ drops from the front of the property as well as being in a floodway flood zone". Mr. Smith said he has walked the area many times and it consists of a lot of fill and horse manure. He said the last thing you should do is to use organic material as fill because over time it becomes a crater. With the width of the home and a 20 foot setback the rear of the home is going to be on a precipice and when the rain returns there will be erosion and his fear is for the safety of the house and occupants. He thinks the property owner will find that in a couple of years there will be foundation problems and eventual collapse of the building. Most people build a home to last for decades and he thinks with how close the rear of the house is to the cliff; that is not going to happen. Mr. Smith also said the neighborhood is very friendly and they would welcome a new neighbor but they think the home is the wrong size for that restrictive of a property. He suggests that, if approved, there be a geotechnical report and significant landscaping.

Mr. Bouchard replied to Mr. Smith's worry about the home crumbling; he said they would make sure they had the right compaction tests, the right engineering, also manufactured homes are constructed a little different than a site built home. They have a little more flexibility and strength where most of the support will go towards the middle of the home not towards the outer walls. Mr. Bouchard agreed that they do have concerns about the steepness of the property and will have engineers take a look at that. He thinks the biggest problem with the neighbors is that they are putting a manufactured home on the property. He thinks that's the basis for a majority of the complaints. Member Hill asked if there was going to be a septic system on the property. Mr. Bouchard said the septic system was going to be to the west side of the property.

Chair Lawrence asked if Mr. Bouchard had spoken with the State regarding the well location. Mr. Bouchard said he had spoken to the Health Department and they were going to determine the well location, and it needed to be at least 100 feet from the septic system. He said the site plan is a proposal and they may have to work it around a little bit as long as they meet the requirements. Today, they are asking for the approval of the change in the setbacks. They weren't looking at if the house was a manufactured home, where they were going to put the septic, where they were going to put the well, etc. That's going to be addressed by the actual agencies that are here in Washoe County. Chair Lawrence said he wanted to bring that matter up as it was a concern of the neighbors. He strongly advised Mr. Bouchard to talk with the State Water Engineer regarding the well.

Chair Lawrence closed public comment. There were no disclosures.

Member Toulouse said that this case represented a real conundrum. When you look at the definition of granting a variance and why we do these things, the shape of the lot, etc., it's a given. But when he looks at the big picture, he can't make the findings. He finds it is detrimental to the existing homeowners and to the neighborhood out there. It has nothing to do with the manufactured home. He feels it is detrimental and he can't support it.

Member Hill tends to agree with Member Toulouse. She said you obviously can't have a 30 foot setback and still have a house there so the 20 foot setback seems reasonable. But she doesn't like the idea of the impact on the neighbors especially when it comes to their livelihood of having water. Member Hill said maybe that isn't their concern but they have to make the finding that there is no detriment and that can affect a natural resource such as water.

Chair Lawrence said he saw it as meeting the requirements for a variance because of the unusual topography of the lot, etc. His biggest concern is about the water situation. He understands it's between the County and Mr. Bouchard but he thinks given what they are supposed to do here by determining whether this is a true variance he actually thinks it does with the 20 foot setback. He does support the variance.

Member Toulouse appreciated Chair Lawrence's opinion and agreed it meets the definition of the law and the definition of a variance. However, finding #2 is "no detriment" and he finds it will create a detriment to the public good particularly when they are talking about the natural resources in the area. Member Toulouse could not make that finding and cannot support it.

Mr. Edwards advised the Board that during public comment an issue was raised about the location of the well but the question before the Board is whether the variance, which is the setback alteration, would cause a public detriment. Mr. Edwards said the Board could reach whatever decision it would reach on the issue, but he wanted to remind the Board not to get drawn into an issue that's separate from the actual request. And the request is to decrease the setback. It's not to approve the placement of a home or to allow the construction of a domestic well. Mr. Edwards wanted the Board to be mindful of that as they continue their discussion and make their final decision.

Member Toulouse thanked Mr. Edwards but stated it was not going to change his mind. He thinks it still has a substantial detriment on the neighborhood and the natural resources as written into finding #2.

Member Toulouse 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 deny the request for a 20 foot front yard setback for Variance Case Number VA15-002 for KC Custom Concepts, having not made the four required findings in

accordance with Washoe County Development Code Section 110.804.25, particularly item #2, he finds it will cause a detriment to the natural resources in the area. Member Hill seconded the motion. Two members were in favor, Chair Lawrence was opposed. The motion carried two to one.

Mr. Webb re-read the appeal process.

9. Chair and Board Items

A. Future Agenda Items

None

B. Requests for Information from Staff

None

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

A. *Report on Previous Board of Adjustment Items

Bob Webb had the following three updates from the February 5, 2015 meeting:

- AP14-006 (Low Cost Tire and Recycling) heard on February 5, 2015, has been no action to issue a business license yet as they are working to resolve some code compliance issues with the Health District.
- AP15-001 (Burgarello Detached Accessory Dwelling) no permit drawn.
- DCA14-010 was recommended by the Planning Commission for approval at the March 3, 2015 meeting. And will go before the BCC for a first reading on April 14, 2015 and for a second reading and possible adoption on April 28, 2015.

B. *Legal Information and Updates

Mr. Edwards introduced himself to the Board. This is his second time as legal counsel with Planning and Development.

11. *Public Comment

Chair Lawrence opened public comment.

Cathy Brandhorst spoke about eviction for people who never pay their rent and the consequences to the ones who refuse to move out.

Chair Lawrence closed public comment.

12. Adjournment

The meeting adjourned at 3:20 p.m.

Respectfully submitted,

Donna Fagan, Recording Secretary

Approved by Board in session on _____, 2015

William H. Whitney
Secretary to the Board of Adjustment