

WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Lee Lawrence, Chair
Kim Toulouse, Vice Chair
Kristina Hill
Brad Stanley
Clay Thomas
William Whitney, Secretary

Thursday, April 6, 2017
12:30 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 6, 2017, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Toulouse called the meeting to order at 12:34 p.m. The following members and staff were present:

Members present:	Kim Toulouse, Chair Clay Thomas, Vice-Chair Lee Lawrence Brad Stanley
Members absent:	Kristina Hill
Staff present:	Bob Webb, Planning Manager, Planning and Development Roger Pelham, Senior Planner, Planning and Development Chad Giesinger, Senior Planner, Planning and Development Nathan Edwards, Deputy District Attorney, District Attorney's Office Eva Krause, Planner, Planning and Development Donna Fagan, Recording Secretary

2. *Pledge of Allegiance

Member Lawrence led the pledge to the flag.

3. *Ethics Law Announcement

Bob Webb, Planning Manager, recited the Ethics Law standards.

4. *Appeal Procedure

Bob Webb, Planning Manager, recited the appeal procedure for items heard before the Board of Adjustment.

12:36 p.m. – DDA Nathan Edwards entered the meeting.

5. *Public Comment

Chair Toulouse opened the Public Comment period. Tamara Baren, 735 S Verdi Road, said she received an official notice of a public hearing regarding a change of designation for Mr. Pierczyk's property from General Commercial (GR) to Custom Manufacturing. She said she was interested in what the manufacturing would entail, such as hours of operation, noise and the type of business. She said in the past Mr. Pierczyk had people in that space that maybe were in commercial compliance, but operated outside the regular business hours and had an impact on her property.

Chair Toulouse closed the Public Comment period.

6. Approval of Agenda

Chair Toulouse stated there was a change to the agenda. He noted Item 9E was going to be pulled from the Agenda and sent to the Planning Commission. He noted it would be moved to the beginning of the meeting to allow for public comment. In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda for April 6, 2017 as amended. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

7. Approval of February 2, 2017 Draft Minutes

Member Thomas moved to approve the minutes of February 2, 2017 as written. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

8. Planning Items

- A. Possible action to approve a resolution of Appreciation of Service for Bill Whitney and to authorize the Chair to sign the resolution on behalf of the Board of Adjustment.

Chair Toulouse read the resolution into the record. He opened public comment. Hearing none, he closed public comment. The resolution was unanimously adopted by the Board and attached hereto and made a part hereof.

9. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

- E. **Special Use Permit Case Number WSUP17-0004 (Lake Tahoe School)** – For possible action, hearing, and discussion to approve a modification of Special Use Permit SB13-004, which approved the operation of a kindergarten through 9th grade private school in an existing commercial building. The modification will permit the construction of a 13,906 square foot multi-purpose building. As propose the new building will require the relocation of the access road that serves Lake Tahoe School and provides access to the Tahoe Racquet Club subdivision from Tahoe Boulevard. The current access located approximately 725 feet northwest from the intersection of Country Club Boulevard and Tahoe Boulevard. The easement is proposed to be relocated approximately 200 feet further to the northwest (the access will be approximately 925 feet northwest of the same intersection).

- Applicant: Lake Tahoe School
- Property Owner: Lake Tahoe School
- Location: 955 Tahoe Boulevard
- Assessor's Parcel Numbers: 127-581-01 and 127-030-21
- Parcel Size: 4.11 acres (total)
- Master Plan Category: Commercial (C)
- Regulatory Zone: Tourist Commercial

- Area Plan: Incline Village Tourist Commercial
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 810, Special Use Permit
- Commission District: 1– Commissioner Birkbigler
- Section/Township/Range: Section 15, T16N, R18E, MDM,
Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
- Phone: 775.328.3628
- Email: ekrause@washoecounty.us

Chair Toulouse reminded the Board that this item was being pulled and forwarded to the Planning Commission. He opened public comment. Hearing none, he closed public comment.

A. Special Use Permit Case Number WSUP17-0002 (Ceja Second Home) – For possible action, hearing, and discussion by the Washoe County Board of Adjustment to approve a special use permit to allow an existing 800 square foot dwelling unit to become a detached accessory dwelling unit to a new 1,680 (approx.) square foot manufactured home which will be placed on the same lot.

- Applicant/Property Owner Carmelo Barajas-Ceja
1260 Russell Way
Sparks, NV 89431
- Location: 5439 Woods Drive, Sun Valley
- Assessor's Parcel Number: 085-770-54
- Parcel Size: 0.347 acres (15,115 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS – maximum allowed density – 3 units per acre)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 810, *Special Use Permits*
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 19, T20N, R20E, MDM,
Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
- Phone: 775.328.3620
- Email: tlloyd@washoecounty.us

Chair Toulouse opened the public hearing. Trevor Lloyd, Senior Planner, read the Staff Report. Chair Toulouse opened up questions to the Board. Member Lawrence asked if this was well, septic, or sewer. Mr. Lloyd stated the water and sewer was served by the Sun Valley GID. Chair Toulouse stated under the conditions it stated a minimum of one off-street parking space would be added. Mr. Lloyd stated they had plenty of space for off-street parking.

Chair Toulouse offered for the Applicant to come forward. There was no one to speak, so the Chair opened up public comment. Hearing none, he closed public comment and opened up discussion to the Board. There was no discussion so Chair Toulouse called for a motion.

Member 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 Special Use Permit Case Number WSUP17-0002 for Carmelo Barajas-Ceja, with the conditions of approval included as Exhibit A to this matter, having made all five findings in accordance with Washoe

County Code Section 110.810.30. Commissioner Stanley seconded the motion, which carried unanimously with Member Hill absent.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley 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 WSUP17-0002 CEJA SECOND HOME Washoe County Board of Adjustment Staff Report Date: March 13, 2017 Special Use Permit Case Number WSUP17-0002 Page 10 of 10 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 dwelling, 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.

B. Variance Case Number WPVAR17-0001 (Meyer-McSherry) – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 20 feet to 10 feet 8 inches to allow for the construction of a 2 car garage and associated bedroom/hallway connection.

- Applicant: Charles Meyer and Suzanne McSherry
- Property Owner: Meyer-McSherry Family Trust
- Location: 380 Tuscarora Road, Crystal Bay, 89402
- Assessor's Parcel Number: 123-142-15
- Parcel Size: .16 acres
- Master Plan Category: Suburban (S)
- Regulatory Zone: High Density Suburban (HDS)
- 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 19, T16N, R18E, MDM, Washoe County, NV
- Staff: Chad Giesinger, AICP, Senior Planner
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Toulouse opened the public hearing. Chad Giesinger, Senior Planner, presented his Staff Report. Chair Toulouse opened up discussion to the Board; hearing none, he opened public comment. Dale Smith stated Chuck Meyer and Suzanne McSherry were also present. He said he did not have much to add to the Staff Report; however, the Applicants had reviewed the conditions of approval and were in accord with those. Chair Toulouse closed public comment.

Chair Toulouse asked for any disclosures from the Board; hearing none, he opened up discussion to the Board. Member Lawrence stated he thought the Applicants made a wise decision. He mentioned at the last hearing about his concerns regarding the potential disappointments of trying to keep a 300-year old tree and changing its environment so dramatically with improvements. He thought the Applicants were going to be much happier with this decision.

Member Thomas thanked the Applicants for removing the tree, which eliminated the side yard variance issue with the neighbor, and by moving it back an additional 3.6 feet from the road and increasing the parking availability would enhance the neighborhood.

Member Stanley said it was wonderful to see the process being executed this way.

Chair Toulouse called for a motion.

Member Stanley moved that after giving reasoned consideration to the information contained in the Staff Report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number WPVAR17-0001 for Meyer-McSherry, with the Conditions of Approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25. Member Lawrence seconded the motion, which carried unanimously with Member Hill absent.

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.

C. Special Use Permit Case Number WSUP17-0006 (Verizon Rolling Thunder) – For possible action, hearing, and discussion(1) to approve a special use permit for the construction of a new wireless cellular facility consisting of a 150 foot high slim monopole tower with 9 panel antennas and associated ground mounted outdoor equipment cabinets, all enclosed within a 50' x 50' (2,500 square foot) lease area surrounded by a 6' tall chain link fence; and (2) to vary the landscaping requirements by waiving them so that no landscaping is required. The proposed site for placement of the tower would be approximately in the center of the subject parcel.

- Applicant: Sacramento Valley LP/Complete Wireless Consulting, Inc. (dba Verizon Wireless)
- Property Owner: Brian Akre
- Location: 5205 Wayside Road, Warm Springs
- Assessor's Parcel Number: 077-350-01
- Parcel Size: 42.46 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Article 324 Communication Facilities; and Article 810, Special Use Permits

- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 33, T23N, R21E, MDM,
Washoe County, NV
- Staff: Chad Giesinger, AICP, Senior Planner
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Toulouse opened the public hearing. Chad Giesinger, Senior Planner, presented his Staff Report. Chair Toulouse opened up questions to the Board. Member Stanley said the tower appeared to be white and yet there were comments about it being neutral. He said there was a lot of discussion about what colors should be used to blend in, but he wondered what sort of follow-up monitoring was done around that color selection. Mr. Giesinger stated there would be a condition of approval requiring a neutral color. He stated the way it would be enforced was when they came in for a building permit, he would enter a required inspection and staff would go to the site to ensure the pole was painted and met the condition.

Member Stanley said that landscaping was not called for but with a Special Use Permit and particularly with utility towers, the conditions in the areas tended to change. He wondered what the process was to revisit this in three years in case it changed. Mr. Giesinger stated once it was approved, he did not think they had a mechanism to go back and require them to install landscaping unless it was approved with an open-ended condition to that effect. Member Stanley stated if it was not waived what would the landscaping be. Mr. Giesinger said it would only require 20 percent of the lease area (disturbed area) to be landscaped, so they were talking only a couple of bushes around the outside of the fenced area. He said the project site was quite some distance from the nearest public traveled road. Mr. Giesinger stated staff was including a condition for revegetation of any disturbed area that was not going to be enclosed in the screened area.

Member Stanley said he mentioned a couple of times that Code remained silent on anything over 100 feet; in other words was it something they kind of had to check the box and say maybe we have to cycle back to that at some point for Code. Mr. Giesinger stated it was something they should probably have discussion about but this was the first time he encountered it.

Chair Toulouse opened up discussion to the Applicant. Michelle Ellis, Complete Wireless Consulting, said this site was designed to address coverage along Highway 445 to Pyramid Lake. She stated they actually had a couple of sites in development in this area and they were trying to bring the whole corridor up to 4G LTE coverage for uninterrupted data coverage for drivers and residents. She noted they designed this site to be close enough to the surrounding area, but further enough away that the facility would be out of site. She explained part of the reason for the height was to reach as far as possible and cover as much area as they could; the lower they went the more sites they would need.

Ms. Ellis stated the Code prohibited lattice towers and guide towers and those were what they would need to go above 150 feet with a monopole, which was about as tall as they could go. The color they were proposing was a dark-mat tan, which they generally sent to staff before putting it in the plans. She noted they preferred not to do landscaping because of the maintenance; it was an unmanned facility and a technician would go out to the site once or twice a month. She said if the Board was concerned about the aesthetics of the ground, they could do a fancier type of fencing other than the chain link being proposed.

Ms. Ellis stated there was one modification to the conditions of approval; 9b asked for proof of permanent easements. She said they did not have permanent easements; they had a lease with the landlord which meant they were temporary easements. She spoke with the Engineer who put this together and he suggested they change the word "permanent" to "proof of."

Chair Toulouse opened up questions to the Board. Member Stanley asked how the Board would make the change to the conditions of approval. Mr. Giesinger stated he did not believe changes to the fencing would rise to the level of changing the motion, but on the condition of approval the Board would definitely make that note. Mr. Webb stated if the Board was considering waiving the standard for landscaping then they should include that in the motion as well.

Member Stanley asked if the easement would stay with the land if the parcel was sold. Ms. Ellis stated yes, but it was subject to a lease term which Verizon had the option to renew. The initial lease was for 25 years and then it was up for renewal. She said there was a provision in the lease that if Verizon stopped using the site they had to remove all of their equipment within a certain period of time.

Chair Toulouse opened public comment. Brian Akre, site land owner, stated cell phone coverage in the area had been spotty and inconsistent for the 20 years that he lived there and this tower would increase the quality of life for everyone who lived in the valley. Chair Toulouse closed public comment and called for any disclosures from the Board. Members Thomas and Stanley stated their cell phone carrier was Verizon and Member Stanley disclosed he used to be employed by Verizon.

DDA Edwards asked if Member Stanley had any ongoing commitments to Verizon based on the fact that he used to be an employee. Member Stanley stated nothing other than his 401k. DDA Edwards asked Member Thomas and Member Stanley asked if the connections either one of them had would prevent them from being impartial. Both Members stated no. DDA Edwards asked with regard to Member Stanley's retirement benefits with Verizon, would the outcome of these proceedings affect those benefits in any way. Member Stanley responded he thought no.

Chair Toulouse opened discussion to the Board. He said at this time he was not willing to change the requirement for landscaping in the disturbed areas; especially since they did not have a grading plan. He clarified that he was speaking about restoration of disturbed areas with the proper seed mix, which was a plan within the Development Code. Member Lawrence stated there was a definite distinction between landscaping (bushes) versus any reclamation for disturbed areas and erosion. He said he would be against putting a couple bushes around the structure and he was also against putting anything but a chain link fence around it. Chair Toulouse stated the disturbed areas should have some reclamation with something like native seeding; he was not talking about juniper bushes. Mr. Webb stated these were two separate issues and what the Chair was speaking about was Condition 1i, which was the restoration of a disturbed area. He noted there was no proposal by staff nor the Applicant to remove that condition. The discussion was the second point, which brought up landscaping at the project site itself, which would be landscaping around the fenced area. He said that was a request by the Applicant and staff supported to waive the landscaping requirements at the project site. After that clarification, Chair Toulouse stated he was comfortable with it.

Member Stanley stated he knew the Chair had an expertise in ground disturbance and the appropriate kind of ground coverage being used, but he wondered if it was explicit in the Code that specific vegetation be used. Mr. Webb stated Condition 1i stated that seed mixes native and/or adaptive to the area would be used.

Member Stanley stated he heard everyone say that no one would be close to the site and they would not see a chain link fence anyway. Member Lawrence stated that was correct and he thought it would be more of an eyesore to put a different type of fencing.

Chair Toulouse called for a motion.

Member Lawrence moved that after considering the information contained within the Staff Report and the information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included as Exhibit A in the Staff Report, Special Use Permit Case

Number WSUP17-0006 for Verizon Wireless, being able to make the findings required by Washoe County Code Section 110.810.30 and Section 110.324.75 for approval of Special Use Permits: Findings from WCC Section 110.810.30 as follows. He said he also moved that modification of condition 2b to read: that the applicant shall provide "proof of" easements for the lease area rather than permanent easements and modify no landscaping required at the project site and that no requirement of slats or screening in the chain link fence. Member Stanley seconded the motion, which carried unanimously with Member Hill absent.

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 wireless communications facility 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. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation; Findings from WCC Section 110.324.75:

D. Administrative Permit Case Number WADMIN 17-0002 (Curtis Beck) – For possible action, hearing, and discussion to approve an administrative permit under WCC Section 110.310.20 and a temporary business license under WCC 25.272 for the Incline Village Fine Arts Festival, an Outdoor Community Event. The event will be held on August 11 through August 13, 2017, from 10:00 a.m. until 5:00 p.m. at Preston Field, 700 Tahoe Boulevard, Incline Village, NV. Event set-up is proposed to begin at 7:00 a.m. on August 11, 2017, and event takedown and dismantle to be completed by 9:00 p.m. on August 13, 2017. The event organizer estimates the maximum number of attendees at the event will not exceed 900 persons on any one day of the event. If approved, authorize the Director of Planning and Development Division, Community Services Department to issue the license when all pre-event conditions have been completed.

- Applicant CWB Events, LLC, Curtis Beck
- Property Owner: Incline Village General Improvement District
- Location: 700 Tahoe Blvd., Incline Village (Preston Field)
- Assessor's Parcel Number: 124-032-33
- Parcel Size: 5.09 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, *Administrative Permits*
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 16, T16N, R18E, MDM, Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner

- Phone: 775.328.3628
- Email: ekrause@washoecounty.us

Chair Toulouse opened the public hearing. Eva Krause, Planner, presented her Staff Report. Chair Toulouse opened up questions to the Board. Member Thomas stated wondered if the Sheriff's Office had been contacted about this event and what issues or concerns had they encountered in the past. Ms. Krause stated she contacted the NHP and the Sheriff's Office, the Fire Department and emergency services. She noted all of them said they had no comment at this time, but they were on top of it. Member Thomas stated two years ago there was a concern about people parking on the road and crossing the street when the estimated crowd was at 500; now the estimated crowd would be as high as 800 to 900. Ms. Krause stated that was true, but she did not hear that from any of the other agencies. She explained that was why she contacted traffic control and the condition of approval was added that before the business license would be issued, they would have to submit a traffic plan to Engineering showing how they would control traffic and where they would be posting signs for not parking on the highway and where they would have off-site parking. She said if they could not control the traffic this year, it would have a definite effect on the project next year.

Member Stanley asked if there were 33 parking spaces. Ms. Krause stated it was between 30 and 33. Member Stanley stated there seemed to be some kind of an algorithm that was a sufficient number if the same number of people came every hour and he wondered if that was a rule of thumb. Ms. Krause stated that was the Applicant's statement and that was why they were requiring the traffic study and parking plan. Member Stanley asked if there was a letter from the CAB making a suggestion that there should be off-site parking with some kind of shuttle arrangement. Ms. Krause stated that was Engineering and staff's recommendation. Member Stanley wondered if this was approved and the traffic study was done, but it did not work well and was not sufficient, how would that work. Ms. Krause explained the traffic report had to be approved by the County Traffic Engineer and if they did not feel it was adequate, they would not be issued a business license to hold the event. Member Stanley asked if the Applicant was aware of the concerns from the citizens at the CAB meeting. Ms. Krause said she told them about it and the Applicant stated he appreciated hearing the concerns.

Chair Toulouse asked what happened if they ended up with 900 people at the event; would the event stop. Ms. Krause stated they said 900 they were reviewing it as an Administrative Permit this year and if they exceeded year then next year they would have to apply for an Outdoor Festival Permit which would go to the Board of County Commissioners (BCC). Mr. Webb stated the threshold would be 999 and 1,000 would trigger the requirement to go to the BCC.

Member Thomas said there was going to be a couple of food trucks there but under Condition H it said the food trucks or the vendors would not be permitted to park on the field at the time of the event. Ms. Krause clarified it would be on the parking lot and they would be on the grass or in the playground area.

Chair Toulouse asked if the Applicant wanted to come forward; it was determined the Applicant was not present. He opened public comment. Cathy Brandhorst spoke on issues of concern to herself. Chair Toulouse closed public comment and called for any disclosures from the Board. Hearing none, he opened up discussion to the Board.

Member Thomas stated it was a popular event and the community enjoyed it; however, his concern was the traffic and the amount of pedestrians that would be on or near the road. He did some quick calculating and using the Applicant's Outdoor Event application, he listed the approximate number of customers and spectators to be 800 and at the peak it might be as high as 900. If you take 800 people over a seven-hour period, that would be 114 per hour coming through the event and there was only 30 parking spaces available, which would exceed the number of available parking. He said if they did not park on the road, they would have to park off-site and walk

in and the vendors were estimated at 40 and they could not park on site either. The event was growing to a point where he thought the infrastructure could not handle it at this level. Mr. Webb stated that one aspect that staff could do was to provide those concerns to the County Traffic Engineer who would be reviewing the traffic plan to be submitted by the Applicant.

Chair Toulouse stated the traffic and pedestrian concerns had been an issue for the last few years that this Board had heard this project. He closed the public hearing and called for a motion.

Member Thomas 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, subject to the conditions contained as Exhibit A in the Staff Report, Administrative Permit Case Number WADMIN17-0002 for Curtis Beck, an administrative permit under WCC Section 110.310.20 and a temporary business license under WCC 25.272 for the Incline Village Fine Arts Festival, an Outdoor Community Event. The event will be held on August 11 through August 13, 2017, from 10:00 a.m. until 5:00 p.m. at Preston Field, 700 Tahoe Boulevard, Incline Village, NV. Event set-up is proposed to begin at 7:00 a.m. on August 11, 2017, and event takedown and dismantle to be completed by 9:00 p.m. on August 13, 2017. The event organizer estimates the maximum number of attendees at the event will not exceed 900 persons on any one day of the event. If approved, authorize the Director of Planning and Development Division, Community Services Department to issue the license when all pre-event conditions have been completed; having made all five findings in accordance with Washoe County Code Section 110.808.25 as follows. He also moved that the Traffic Engineer to conduct some further research based upon the number of available parking spaces against the number of anticipated vehicles that would attend the event and whether those spaces would adequately hold the number of those vehicles. as an additional condition of approval under Finding #3(b)(i)(i) – Site Suitability. Member Stanley seconded the motion, which carried unanimously with Member Hill absent.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Tahoe 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 outdoor community event, 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; and

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.

1:59 p.m. The Board recessed.

2:07 p.m. The Board reconvened with Member Hill absent.

F. Amendment of Conditions Case Number WAC17-0002 (Evans Greenhouses) – For possible action, hearing and discussion to approve an amendment to the conditions of approval for Administrative Permit Case Number AP12-003 (as previously amended by Amendment of Conditions Case Number AC15-002) which approved the construction of two large greenhouses for commercial purposes on the subject site. Only one of the greenhouses

was actually constructed. The second greenhouse will not be constructed and a proposed condition of this approval is that the applicant remediates the site of the second greenhouse. Additionally, the current amendment of conditions requests: 1) to remove all conditions of approval that apply to the previously approved commercial use of the project because the greenhouse will be used only as an accessory use to the residential dwelling; 2) to prohibit commercial use of the greenhouse that has already been constructed on the subject site; and 3) to allow the greenhouse that has already been constructed to remain as a detached accessory structure that is larger than the existing residential dwelling unit.

- Applicant: Brian Bishop Parise
1991 Morning Grove Court
Reno, NV 89523
- 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 Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham, Senior Planner, presented his Staff Report. Chair Toulouse opened up questions from the Board. Member Stanley asked if any letters had been received from the CAB or from property owners. Mr. Pelham stated he did not receive any comments.

Chair Toulouse opened up discussion to the Applicant. Brian Bishop Parise, representative, stated in 2011 the Applicant asked Mr. Parise to look for a piece of property to grow produce to supply to the local market. At that time, the Applicant was 88 years old and today he was 94. He got the first 4,000 square foot house and they tried to grow some things in it and they never got the larger one up. In the process he and his wife became ill and they were flown back to Wisconsin and were currently living in an assisted living facility. Mr. Parise said they asked him to tamper everything down and use it for storage or a workshop, but the family had not decided whether to rent the property or sell it. He said they wanted to restore it back and get rid of all of the commercial aspects they were pursuing.

Chair Toulouse opened public comment. Hearing none, he closed public comment and called for any disclosures. Hearing none, he opened up discussion to the Board. Member Stanley said it sounded like this was the best and highest use of the property. Chair Toulouse called for a motion.

Member Lawrence 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 WAC17-0002 for Administrative Permit Case

Number AP12-003 with amended conditions of approval as included at Exhibit A, having made all four findings in accordance with Washoe County Code Section 110.808.25 as follows. Member Stanley seconded the motion, which carried unanimously with Member Hill absent.

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 WAC17-0002 EVANS GREENHOUSES Washoe County Board of Adjustment Staff Report Date: March 20, 2017 Amendment of Conditions Case Number: WAC17-0002 Page 10 of 10 or improvements of adjacent properties; or detrimental to the character of the surrounding area.

G. Administrative Permit Case Number WADMIN17-0001 (Instant Smog) – For possible action, hearing, and discussion to approve an administrative permit for an Auto Repair use in the General Commercial zoning district. The proposed Auto Repair use would be within a 405 square foot smog check building located in the southwest corner of the parcel.

- Applicant/Property Owner: FDM LLC
Frank Lepori
1580 Hymer Ave., Suite 100
Sparks, NV 89431
- Location: 310 Lemmon Drive
- Assessor's Parcel Number: 552-190-08
- Parcel Size: 0.98 acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: North Valleys (Reno-Stead Corridor Joint Plan Area)
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 9, T20N, R19E, MDM,
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham, Senior Planner, presented his Staff Report. Chair Toulouse called for any questions from the Board. Member Thomas said Exhibit C talked about not building the wall and he wondered what that referenced. Mr. Pelham stated directly to the right of the site there were single-family dwellings and one of those property owners said they did not want a hard buffer zone in between the commercial use and their residential use because in the future they thought they may be able to change their zoning to commercial. He noted the basic Code requirement was that there be a solid fence between commercial and residential uses and include a buffer with a certain number of trees and landscaping. Generally speaking, they would

specify that be a block wall, because that would be a permanent type of construction versus something like a wooden fence, which was basically temporary. He said they changed it to durable materials such as chain link with slats.

Chair Toulouse opened up discussion to the Applicant. Angela Fuss, CFA, stated the property owner to the east also reached out to the Applicant and said it was being used as a rental property, but down the road he wanted to do something with it. His preference was not to build a fence or a wall because it would obstruct the view and it would block connectivity to the other commercial properties. She stated the landscape Code required a 10-foot landscape strip with trees and the property owner preferred that.

Chair Toulouse opened up questions to the Board. Member Stanley asked what happened if the residential owner sold and the new resident wanted a wall. Mr. Pelham stated it was a quirk of the Code that someone could modify standards with a Variance and with a Special Use Permit, but that same provision did not exist for an Administrative Permit that was why he put in something that was more easily modified down the road.

DDA Edwards stated a property owner in that situation would be deemed to have been on notice and accept the property in that condition, which not pose any significant issues for the County.

Chair Toulouse opened public comment. Cathy Brandhorst spoke on issues of concern to herself. Chair Toulouse closed public comment and called for any disclosures or discussion. Hearing none, he called for a motion.

Member Thomas 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 WADMIN17-0001 for FDM LLC, Frank Lepori, having made all five findings in accordance with Washoe County Development Code Section 110.808.25 as follows. Member Stanley seconded the motion, which carried unanimously with Member Hill absent.

1. Consistency. That the proposed use is consistent with the policies, action programs, standards and maps of the Master Plan and the North Valleys 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 an auto repair use, and for the intensity of such a development; and
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.

H. Special Use Permit Case Number WSUP17-0001 (Verdi Reclaimed Lumber – Custom Manufacturing) – For possible action, hearing, and discussion to approve a special use permit to allow custom manufacturing [industrial] use type.

- Applicant: Alex James Gonzalez
PO Box 6264
Tahoe City, CA 96145
- Property Owner: Michael Pierczyk

- Location: PO Box 1216
Verdi, NV 89439
801 Bridge Street, at the southeast corner of Bridge Street and 2nd Street in Verdi, NV
- Assessor's Parcel Number: 038-392-01
- Parcel Size: ±0.51 acres
- Master Plan Category: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: Verdi
- Citizen Advisory Board: West Truckee Meadows/Verdi
- Development Code: Authorized in Article 810 Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 17, T19N, R18E, MDM,
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. He disclosed that he was friends with Michael Pierczyk, property owner, and he spoke with him infrequently. He disclosed he had no financial interest in the property or partnership with Mr. Pierczyk and he did not feel anything would impact his decision in this case. DDA Edwards asked if the Chair had any type of business relationship with Mr. Pierczyk or only a social friendship. Chair Toulouse said it was just a social friendship. DDA Edwards asked how often they were in contact. Chair Toulouse said maybe a couple of times a month. DDA Edwards asked if the Chair had made any commitments to the Applicant. Chair Toulouse stated he had not spoken with Mr. Pierczyk regarding this permit and he did not know it was coming up until he received his package. DDA Edwards asked if the Chair would feel any kind of pressure to act one way or the other from the Applicant. Chair Toulouse said he did not feel there would be any pressure one way or the other in his decision making ability. He said he was of the opinion that he must maintain the highest, ethical standard on the Board and in order to prevent any appearance of any impropriety he would recuse himself from this case. DDA Edwards stated the Vice Chair would take over the meeting and Chair Toulouse would leave the room until the matter was handled.

Vice Chair Thomas assumed the gavel. Roger Pelham, Senior Planner, presented his Staff Report. Vice Chair Thomas opened up questions to the Board. Member Lawrence said there was a concern from one of the people attending the meeting today regarding the hours of operation and he asked exactly what those hours would be. Mr. Pelham stated 8:00 am to 5:00 pm.

Member Stanley stated there was some mention of noise and sound and he thought there was something in the package that addressed toxic or hazardous materials. Mr. Pelham stated this was a thick brick building and he could not imagine any noise problems. He said on the specifics regarding the types of chemicals, he wanted to leave that to the Applicant to address.

Member Lawrence asked if there was any air conditioning planned for the building. Mr. Pelham stated it was not addressed specifically in the application.

Vice Chair Thomas opened up discussion to the Applicant. Alex Gonzalez, Applicant, stated the hours of operation would be from 8:00 am to 5:00 pm, Monday through Friday. He said with the building being made of concrete it did not get very hot inside and he had not made any provisions for air conditioning. Member Lawrence stated he understood it was a brick building, but if the doors and windows were left open noise might spill out. Mr. Gonzalez said in the original application he mentioned they ran a series of air filters and he was planning on keeping the doors shut and he was not too concerned if he was in the shop and it was warm inside.

Member Stanley asked if the toxic materials and such would be vented out through the air filters. Mr. Gonzalez stated early on in his career he decided to gravitate away from atomizing finishes and doing anything with VOC. He said he used natural oil on all of his pieces, which was buffed on by hand. He said he was getting into this industrial kind of category and he did not feel that he was operating on that level; they were not banging out table after table, he was kind of hand-crafting and noodling on these tables. He said he would build a table and chair set over the course of a month and be content. As far as the dust, he could go weeks without using a table saw and just be chiseling. He was not a huge, industrial manufacturer. He asked if it would be unreasonable to ask for an amendment to the conditions of operations at this time. Mr. Webb stated it was appropriate at this time. Mr. Gonzalez stated he would like to visit the Truckee Meadows Fire Protection District Condition 2a regarding the sprinkler system. He did not believe it was necessary considering his scope of work and the construction of the building.

DDA Edwards stated the Board was free to make judgment calls regarding the conditions. He said once the Applicant got his operation close to up and running and the Fire Department inspected it, the Applicant could explain how the operation would work and if the Fire Department decided that it was not necessary, they could sign off on it and waive it.

Member Lawrence said the Applicant mentioned that the Fire Code was inconceivable but he wondered why he would not want fire protection when he was working with wood and causing fine dust to get in the air and using oil. Mr. Gonzalez said the main reason would be the lack of volume, he was not standing behind a saw all day and pushing lumber through it; it was very intermittent that they would be using the machines that created dust. He said there would be chunks of wood from chiseling, but he would only have about two bags of dust a week.

Vice Chair Thomas opened public comment. Tamara Baren, 735 S Verdi Road, said she applauded Mr. Gonzalez's vision. She said he would build furniture by hand in an historic building, but those large doors did not close properly and previous tenants opened them the minute it got hot and then all of the noise leaked out. She lived directly across the street and she would be the primary recipient of the noise. She said the previous tenant was someone who did not maintain normal business hours and worked late at night grinding granite and it was disturbing. She said she wanted some assurance that the Applicant was not going to move out on to the concrete platform in front of the big doors and that he would not work on the side of the building or store materials directly opposite the building on the railroad property.

Vice Chair Thomas closed public comment and opened up discussion to the Board. He said it was noted this would be an inside operation, meaning that the electrical equipment was going to be used inside the structure. Mr. Pelham stated that was correct and they were not to be storing anything outside. He said the Board could draft another condition that stated all of the work would take place within the structure with the door closed. Member Lawrence stated he would be amiable to that and more apt to approve the application with some assurances to that fact.

Member Stanley asked what staff's feeling was towards the fire/sprinkler system. Mr. Pelham stated he gave it no thought and that was provided by the Fire Department. Vice Chair Thomas stated he was willing to agree with Mr. Gonzalez to leave the final decision up to the Fire Department to determine whether a sprinkler system was required. Mr. Pelham stated he wrote up a condition (1n) if the Board chose to go that way. Vice Chair Thomas stated the additional condition should state doors and windows would be closed.

Vice Chair Thomas closed the public hearing and brought it back to the Board for discussion. The members talked about a proper motion to include the additional conditions; how it could adversely impact the Applicant with the condition of not allowing opening doors or windows and the fire sprinkler system. Member Stanley stated an air conditioner may be an answer instead of putting limitations on windows and doors. Member Lawrence stated they could say all power tool work shall

take place within the structure will all windows and doors closed. Mr. Gonzalez stated the additional condition was acceptable to him and he would do his best to keep the community happy.

Vice Chair Thomas called for a motion.

Member Stanley moved that after giving reasoned consideration to the information contained in the Staff Report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case Number WSUP17-0001 for Alex James Gonzalez, with conditions of approval included at Exhibit A to this report with inclusion of Condition 1n and modify Condition 2a to read "this business shall meet the requirements of Washoe County Code 60 and the International Fire Code. The International Fire Code requires that an automatic fire sprinkler system be installed in all occupancies that contain woodworking operations that exceeded 2,500 square feet. Therefore, a fire sprinkler system shall be installed for the business unless an adequate fire suppression system was approved by the Truckee Meadows Fire Protection District. The Plan shall be submitted for the fire sprinkler system for review and approval prior to occupancy. New Condition 1n would read all work with power tools shall take place within the structure with the doors and windows closed. And having made all five findings in accordance with Washoe County Development Code Section 110.810.30 as follows. Member Lawrence seconded the motion, which carried unanimously with Chair Toulouse and Member Hill absent.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Verdi 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 custom manufacturing use type, 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; and
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.

Chair Toulouse returned to the meeting and assumed the gavel.

- I. **Special Use Permit Case Number WSUP17-0003 (UDS Barn, LLC – Commercial Stables)**
– For possible action, hearing and discussion to approve a special use permit for commercial stables for training of up to 25 horses at one time and for construction of an indoor riding arena of approximately 20,000 square feet.

- Applicant/Property Owner: Kirsten Sorensen
430 Anitra Drive
Reno, NV 89511
- Location: 2955 Rhodes Road at the northeast corner of its
intersection with Paddlewheel Lane
- Assessor's Parcel Numbers: 017-380-19, 017-380-20, and 17-380-12
- Parcel Size: ± 30 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: Low Density Rural (LDR)

- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 4, T17N, R20E, MDM,
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Toulouse opened the public hearing. Roger Pelham, Senior Planner, presented his Staff Report. Chair Toulouse opened up questions to the Board. Member Stanley stated he recalled a question about after hours and observation of animals after hours. He also questioned the grounds keeper and what his job would entail. Mr. Pelham explained the comments were for the other commercial stables that were heard at the same CAB meeting and this project had a caretaker on the grounds at all times to care for the animals.

Member Lawrence said it looked like a Washoe County Business License was obtained by the Applicant in 2002 for the commercial stables; however, water rights were not obtained pursuant to Washoe County Code 110. He wondered if they were speaking about the water rights dedication requirement. Mr. Pelham stated that was correct. He noted that when a property was used for commercial use they would use more water than a home. Each of these parcels had a domestic privilege for a well that would support a house, but for commercial use they would have to purchase water rights and transfer them to that well to allow enough water to keep the pasture green and horses watered. He was not sure how that slipped by the first time, but they would make sure it happened this time prior to the issuance of a business license.

Chair Toulouse opened up discussion to the Applicant. The Applicant was not present. Chair Toulouse opened public comment. Hearing none, he brought it back to the Board for disclosures. There were no disclosures.

Member Stanley stated this looked straight forward. Member Thomas said where they had been in operation before, he had no problem with the amendments and conditions. Chair Toulouse called for a motion.

Member Stanley moved that after giving reasoned consideration to the information contained in the Staff Report and information received during the public hearing, the Washoe County Board of Adjustment approve Special Use Permit Case Number WSUP17-0003 for UDS Barn, LLC, with the conditions of approval included as Exhibit A for this matter, having made all five findings in accordance with Washoe County Development Code Section 110.810.30 as follows. Member Thomas seconded the motion, which carried unanimously with Member Hill absent.

1. 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;

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 WSUP17-0003 UDS BARN, LLC - COMMERCIAL STABLES Washoe County Board of Adjustment Staff Report Date: March 20, 2017 Special Use Permit Case Number WSUP17-0003 Page 19 of 19 adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for commercial stable, 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; and

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.

10. Chair and Board Items

***A. Future Agenda Items**

There were none.

***B. Requests for Information from Staff**

Chair Toulouse stated he felt staff continued to do an awesome job and the Board would be lost without all the help from staff.

11. Director's Items and Legal Counsel's Items

***A. Report on Previous Board of Adjustment Items.**

Mr. Webb stated there was nothing to report.

***B. Legal Information and Updates**

DDA Edwards stated he did not have any updates.

12. *General Public Comment

Chair Toulouse opened Public Comment. There was no response.

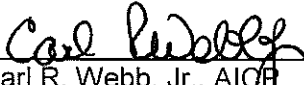
13. Adjournment

The meeting adjourned at 3:30 p.m.

Respectfully submitted,

Jaime Deller, Independent Contractor

Approved by Board in session on June 1, 2017.



Carl R. Webb, Jr., AIQP
Secretary to the Board of Adjustment