

Washoe County Board of Adjustment / Planning Commission



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**COMMUNITY  
SERVICES DEPARTMENT**

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**WPVAR22-0005**  
**(Cernoch-Ruefer Barn )**

October 6, 2022

# Request



- To approve a variance to reduce the side yard setback from 50 feet to 40 feet in order to facilitate the conversion of an existing permitted barn into a new detached accessory dwelling.

# Vicinity Map- off Lakeside Drive



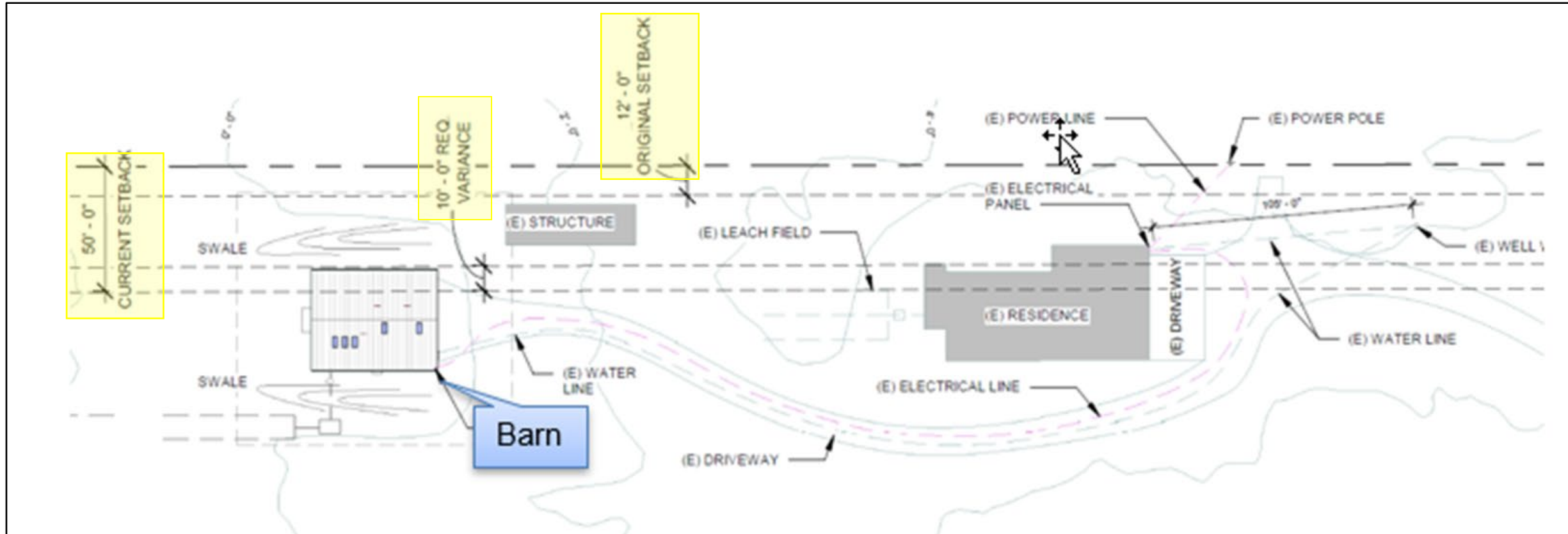
# Background

- The property owner submitted a permit to convert the existing 1,253 SF barn on the property into a 2-bedroom detached accessory dwelling unit, permit WDADAR22-0005 and during the review of the permit it was found that the barn was approximately 40 feet from the side property line.
- The property has a regulatory zoning of Low Density Rural (LDR) and side setback is 50-feet.
- The property's zoning was changed in 1993 with the updated Development Code from A-1, First Agriculture District and the required side yard setbacks were 12 feet.
- The barn was constructed in 1991 and is now a non-conforming structure

- The applicant is requesting a variance to reduce the side yard setback on the north side of the parcel of land from 50 feet to 40 feet, to convert the barn into a detached accessory dwelling unit.
- Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship:
  - 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or
  - 2) by reason of exceptional topographic conditions; or
  - 3) other extraordinary and exceptional situation or condition of the piece of property.

- The applicant is requesting the variance based on item 3 - other extraordinary and exceptional situation or condition of the piece of property.
- The property owner indicates the change of the setback from 12 feet to 50 feet is an exceptional situation and that the property owner should be allowed to convert a legally built structure into a detached accessory dwelling.
- Staff did advise the applicant that they could apply for a variance, based on the fact that the regulatory zone had been changed and could possibly be deemed to meet the characteristics of “other extraordinary and exceptional situation or condition of the piece of property”.

# Site Plan



- The proposed request to reduce the side yard setback from 50 feet to 40 feet is in keeping with the general development of the area as neighboring properties have similarly been developed utilizing the 12-foot side yard setbacks as allowed in the old A-1 regulatory zone.
- Currently, other properties have outbuildings that do not meet the current required 50-foot sideyard setbacks.
- Staff does not believe that the 10-foot reduction will be determinantal to neighboring properties.



# Elevation of Proposed Detach Accessory Dwelling



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# Reviewing Agencies & Findings



- Various agencies reviewed the application; their comments are included in the staff report.
- Agencies with conditions are included in the Conditions of Approval.
- Staff is able to make all the findings as explained in the staff report.

# Possible Motion



I move 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 WPVAR22-0005 for Barry M. Cernoch and Jeanne M Ruefer, 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

# Thank you

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