



# BOARD OF ADJUSTMENT MEETING MINUTES

## Board of Adjustment Members

Robert F. Wideman, Chair  
Mary S. Harcinske, Vice Chair  
Philip J. Horan  
Richard "R.J." Cieri  
Kim Toulouse  
Kimberly H. Robinson, MUP, Secretary

Thursday December 1, 2011  
1:30 p.m.

Washoe County Commission Chambers  
1001 East Ninth Street  
Reno, NV

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## WASHOE COUNTY BOARD OF ADJUSTMENT

### Minutes

December 1, 2011

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, December 1, 2011 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

#### 1. Determination of Quorum

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

Members present: Robert Wideman, Chair  
Mary Harcinske, Vice Chair  
Richard "R.J." Cieri  
Kim Toulouse

Members absent: Phil Horan

Staff present: Trevor Lloyd, Senior Planner, Community Development  
Eva Krause, Planner, AICP, Community Development  
Roger Pelham, Senior Planner, Community Development  
Greg Salter, Deputy District Attorney, District Attorney's Office  
Dawn Spinola, Recording Secretary, Community Development

#### 2. Pledge of Allegiance

Member Cieri led the pledge to the flag.

#### 3. Ethics Law Announcement

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

#### 4. Appeal Procedure

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

## 5. Public Comment

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

## 6. Approval of Agenda

Chair Wideman informed the Board Item 12C would be heard prior to 12A and 12B.

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of December 1 2011 with changes as requested. The motion, seconded by Member Harcinske, passed four in favor and none against, Member Horan absent.

## 7. Approval of Minutes

Member Harcinske moved to approve the minutes of October 6, 2011 as written. The motion was seconded by Member Cieri and passed four in favor and none against, Member Horan absent.

## 8. Consider and Adopt a Resolution Commending Kimberly H. Robinson for her service to Community Development and the Board of Adjustment.

Chair Wideman expressed disappointment that Kim had been unable to attend the meeting and hear the comments of appreciation from Board members. He then read the Resolution of Appreciation into the record. Chair Wideman added his personal thanks and recognition of Kim's contributions. He stated that she had made his job much easier, had always been completely professional and had exhibited true competency.

The Board members agreed with the statements made by Chair Wideman and expressed in the Resolution. Member Harcinske expressed her appreciation for Kim's efforts to ensure smooth transitions and wished her well in her future endeavors.

Member Cieri moved to adopt the Resolution. The motion was seconded by Member Toulouse and passed four in favor and none against, Member Horan absent.

## 9. Chair and Board Items

None

## 10. Director's Items

None

## 11. Consent Items

None

## 12. Project Review Items

### Agenda Item 12C

PUBLIC HEARING: Administrative Permit Case No AP11-006 - Keith and Lyn Hamilton - To add on to an existing detached accessory structure resulting in a detached accessory structure with a larger footprint and more square footage than the main dwelling unit on the parcel.

- Property Location: 15924 Caswell Lane, at the terminus of Caswell Lane, approximately 1000 feet south of its intersection with Mount Rose Highway Forest
- Area Plan: Galena/Steamboat
- Citizen Advisory Board: 3.69 Acres
- Parcel Size: Low Density Suburban (LDS)
- Regulatory Zone(s): 148-043-03
- Assessor's Parcel No(s): Within Section 3 T17 R19 MDM
- Section/Township/Range: Washoe County, NV
- Development Code: Authorized in Article 800, Administrative Permits
- Commission District: 4 – Commissioner Larkin
- Staff: Roger Pelham, Senior Planner  
Phone: 775.328.3622  
Email: rpelham@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report dated November 17, 2011. He explained the neighbor to the north had agreed to a boundary line adjustment so the new structure would not encroach on the setbacks.

Applicant's Representative Don Mackey stated the applicant agreed with all of the conditions.

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

Member Toulouse moved to approve conditionally Administrative Permit Case No AP11-006 - Keith and Lyn Hamilton. The motion was seconded by Member Harcinske and passed four in favor and none against, Member Horan absent.

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 Forest Area Plan; and
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; and
3. Site Suitability. That the site is physically suitable for a detached garage, 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; 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 12A

PUBLIC HEARING: Variance Case No. VA11-007 – Tim Sauer - To reduce the front yard setback from 20 feet to 0 feet to facilitate the construction of an attached 2-car garage and front entry addition.

- Location: 155 Wassou Road, Crystal Bay
- Assessor's Parcel No.: 123-071-05
- Parcel Size: 0.322 acres
- Current Regulatory Zone(s): Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Commission District: 1 – Commissioner Breternitz
- Development Code: Authorized in Article 804, Variances
- Section/Township/Range: Within Section 19, T16N, R18E, MDM  
Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner  
Phone: 775.328.3796  
Email: ekrause@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Krause reviewed the staff report dated November 18, 2011. She noted the lot and driveway were steep and the property had no garage. Tahoe modifiers allow for a detached garage but were not intended to be applicable in all cases. Due to the steepness of the lot, the garage would be lower than the house, requiring outside stairs to access the first floor of the house. Outdoor stairs are dangerous and inconvenient in the winter, so the variance proposed the garage be attached to the house, enclosing the stairs and creating a new front entry.

Ms. Krause explained there had been some discussion at the Citizen Advisory Board (CAB) meeting regarding the property's close proximity to the Boulder Bay resort. She showed the current and proposed roadways crossing the Boulder Bay property and explained Mr. Sauer's property and Boulder Bay would not be in any way detrimental to one another. She noted Wassou Road had a 28-foot right of way so there was plenty of space if it needed to be improved or widened.

Member Harcinske asked if there was room to the south if it was necessary to widen the road beyond 28 feet. Ms. Krause explained that the hillside dropped off approximately 40 feet at the edge of the road, down to Boulder Bay property.

Chair Wideman thanked Ms. Krause for her clear and helpful presentation.

Applicant Tim Sauer noted this was the second time his request had been presented to the Board and he felt he was better prepared as he had had time to adequately research his options with his architect and the county. He reiterated the property line was 28 feet from the existing road and even if it were widened it would still be a significant distance from the proposed garage. The garage would be constructed so the driveway leading to it would be virtually level with the road, reducing the possibility a vehicle would lose traction, slide across the road and go over the 40-foot drop on the other side. He expressed appreciation for Ms. Krause's time and guidance through the process and her recommendation for approval.

Member Cieri asked Mr. Sauer for clarification regarding if the road edge he had mentioned was the same as the right of way. Mr. Sauer explained the right of way extended all

the way to his property line. The civil engineer responsible for the planned road widening had stated he did not see any effect on where the driveway entrance will be and could see no impact or reason for concern. Member Cieri asked how it would affect parking and Mr. Sauer explained it would be improved due to the fact two cars could now be parked in the garage and the driveway could now be utilized due to the fact it would be level. He reiterated that even if the road was widened 10 feet that would still leave 18 feet between the road and the garage for additional parking.

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

Member Harcinske stated her concerns had been addressed and she was in support of the project.

Member Cieri noted the safety and welfare of the residents would be greatly enhanced by the addition so he was also in favor.

Member Toulouse concurred as his concerns regarding the road had also been addressed.

Chair Wideman pointed out the issues regarding parking and road widening were valid but the item before them was the connection between the garage and the house. He reiterated the garage could be built under the Tahoe modifier with or without their approval. He felt that the proposed solution, even though it required a variance, was better than any solution that did not require a variance. He did not see any detrimental effect and stated he also supported the project.

Member Cieri moved to approve conditionally Variance Case No. VA11-007 – Tim Sauer. The motion was seconded by Member Toulouse and passed four in favor and none against, Member Horan absent.

The motion was based on the following findings:

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

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

### Agenda Item 12B

PUBLIC HEARING: Special Use Permit Case No SB11-013 - Granite Creek Ranch Recreational Cabins – To allow the placement of five cabins on a 1,080-acre parcel for the establishment of a destination resort.

- Location: 84785 State Route 34, approximately 16 miles north of Gerlach on County Road 34
- Assessor's Parcel No: 071-211-65
- Parcel Size: ±1,080 acres
- Regulatory Zone: General Rural
- Area Plan: High Desert
- Citizen Advisory Board: Gerlach/Empire CAB
- Development Code: Authorized in Article 302, Allowed Uses & Article 810, Special Use Permits
- Commission District: 5 – Commissioner Weber
- Section/Township/Range: Within Section 36, T34N R23E MDM Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner  
Phone: 775.328.3620  
Email: tlloyd@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Lloyd reviewed the staff report dated November 17, 2011. He noted the property would be developed to include a private water and septic system. Staff had recommended the applicant submit a Director's Modification for relief of landscaping and paving standards due to the remote location.

Mr. Lloyd noted the Department of Water Resources (DWR) had recently added a new condition requiring the applicant to demonstrate availability of necessary water rights by providing an inventory of rights appurtenant to the ranch. He also pointed out an amendment made to Condition 1e clarifying owners or licensees may periodically occupy the units for recreational purposes.

Member Toulouse asked if the water rights for the private water system were surface or ground water, and if they were surface, would they be coming from Granite Creek? Mr. Lloyd stated his understanding was there were rights available but some additional surface creek water may also be used. He pointed out these were issues that would have to be settled with DWR before a building permit would be issued. He indicated his understanding that the rights currently appurtenant to the property were both ground and surface and that the applicant planned on using surface creek water for the new system.

Member Harcinske also wanted to know how removal of more water would affect the creek and the area.

Applicant's Representative Eric Anderson thanked Mr. Lloyd for his thoroughness while working with them on the project. He explained they were currently working with the state for a change of use for two acre feet of the surface water from domestic to commercial. The ranch currently owns over 1,000 acre-feet of surface water rights.

Mr. Anderson explained a water quality consultant had completed a report regarding contaminants and they will be doing a point-of-use treatment for the water.

Member Harcinske noted having the water rights and using them were not the same thing and was concerned use could upset a balance. She acknowledged that issue was probably outside the scope of the Board's decision since the State Engineer would be decide if the diversion would be approved. Mr. Anderson replied he did not clearly understand the approval process required by the state but emphasized they would be complying with DWR requirements as well.

Member Toulouse acknowledged they would be working with the state but expressed concern that the diversion, if approved, might affect vegetation and wildlife. Overall, he was in favor of the project.

Mr. Anderson noted it was unlikely the full two acre feet would be utilized each year due to the intermittent nature of the occupation of the cabins. He explained they would be constructing a fully engineered mechanized water system that would also be approved by the state.

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

In answer to a question posed by Member Cieri, Member Toulouse explained the creek could be classified as "intermittent." There were sections of the creek that run year-round, including within the area being discussed, but it becomes intermittent downstream.

Member Harcinske reiterated the water departments would address those issues and opined two acre feet is a relatively small amount. She felt it was a good project and was in favor of it.

Chair Wideman agreed. He noted that, absent that concern, he had not heard anything that presented an obstacle to the project and would support it as well.

Member Harcinske moved to approve conditionally as amended Special Use Permit Case No SB11-013 - Granite Creek Ranch Recreational Cabins. The motion was seconded by Member Toulouse and passed four in favor and none against, Member Horan absent.

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 High Desert 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 small destination resort/hunters cabins, 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.

**13. Other Items**

None

**14. Public Comment**

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

**15. Adjournment**

There being no further business to come before the Board of Adjustment, the meeting adjourned at 2:31 p.m.

Respectfully submitted,

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Dawn Spinola, Recording Secretary

Approved by Board in session on February 2, 2012

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William Whitney,  
Secretary to the Board of Adjustment