



# WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

## Board of Adjustment Members

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

Thursday, December 1, 2016  
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, December 6, 2016, 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 1:32 p.m. The following members and staff were present:

Members present: Kim Toulouse, Chair  
Clay Thomas, Vice-Chair  
Kristina Hill \*\*  
Lee Lawrence  
Brad Stanley

Members absent: None

Staff present: Trevor Lloyd, Senior Planner, Planning and Development  
Eric Young, PhD, Planner, Planning and Development  
Chad Giesinger, Senior Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Donna Fagan, Recording Secretary, Planning and Development

## 2. \*Pledge of Allegiance

Member Stanley led the pledge to the flag.

## 3. \*Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

## 4. \*Appeal Procedure

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

## 5. \*Public Comment

Chair Toulouse opened the public comment period. Garth Elliott stated as a Board member of the Sun Valley General Improvement District (SVGID) he knew his function and he knew this Board's function. He stated there was a situation where the County had been working on a sign code for two years and not one time did they consider the wishes of the 25,000 people making up Sun Valley. He said they were not asked to be part of it until it was too late and the decisions had been made. He reported the people had a problem with the six-foot height requirement and electronic part of it. He noted there was a sign located in Sun Valley that they had to manually open up and place the letters or numbers on it and they needed a faster way to do that. With an electronic sign they could change it immediately, which they needed for emergency purposes.

Chair Toulouse closed the public comment period.

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of December 6, 2016. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

## 7. Approval of October 6, 2016 Draft Minutes

Member Thomas moved to approve the minutes of October 6, 2016 as written. The motion was seconded by Member Lawrence, which carried unanimously with Member Hill absent.

## 8. Public Hearings

**A. Special Use Permit Case Number SB16-010 (Truckee Meadows Fire Protection District, Station Number 14)** – Hearing, discussion, and possible action to approve a special use permit for the construction and operation of a new fire station (Safety Services Civic Use Type).

- Applicant: Truckee Meadows Fire Protection District  
Attn: Chief Moore  
PO Box 11130  
Reno, NV 89520
- Property Owner: Truckee Meadows Fire Protection District  
Attn: Chief Moore  
PO Box 11130  
Reno, NV 89520
- Location: Northeast corner of Foothill Road and Broken Hill Road
- Assessor's Parcel Number: 044-300-19
- Parcel Size: ± 3 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southwest Truckee Meadows
- 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 8, T18N, R20E, MDM,  
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Toulouse called for any disclosures. Member Thomas stated he had a family member that was an employee of the Truckee Meadows Fire Protection District (TMFPD). Deputy District Attorney Edwards asked Member Thomas if that family member was an immediate family member in the household. Member Thomas responded he was not. Deputy District Attorney Edwards asked Member Thomas if his household income was dependent upon that person's income in any way. Member Thomas said it was not. Deputy District Attorney Edwards asked if that person would affect his ability to be impartial for making a decision on the following item. Member Thomas responded no.

Chair Toulouse opened the public hearing. Roger Pelham, Planner, identified the property and presented his Staff Report. He said issuance of the Special Use Permit was a judgement call and he knew there were some people who were opposed to this and that was why he attempted to craft the Conditions of Approval to mitigate those impacts.

Chair Toulouse opened up questions to the Board. Member Thomas asked if Mr. Pelham was privy to any other site location options for this facility. Mr. Pelham stated he was not. Member Thomas asked if Chief Moore and his team happened to mention why they selected this site. Mr. Pelham stated he did not know why and Planning was hobbled by the fact that they got the application once the Applicant figured out what they wanted to do and where they wanted to do it. Then staff would look at it and determine if it met certain qualifications. Mr. Whitney stated he felt that question was more appropriate for Chief Moore who was present via telephone conference.

Mr. Edwards stated Chief Moore was present via telephone and that he acknowledged and understood the meeting was being recorded.

Member Thomas stated there was a comment in the CAB findings about a school and another fire station. He wondered where the school was in conjunction with the new fire station and where the old fire station was located. Mr. Pelham stated there were schools in the area to the west on Foothill Road. He noted traffic went west on Foothill Road and he believed the Applicant's representative did a traffic study.

Dwayne Smith, Director of Engineering, noted there were some changes to the Engineering Conditions. He said the first condition he wanted to add was to widen Foothill Road along the southeast side from the intersection of Broken Hill Road to the northern property line to accommodate three lanes; 11 feet wide and one foot wide with paved shoulders on each side of the road. The second condition was to provide a street light at the corner of Broken Hill Road and Foothill Road located in the County right-of-way. He said the street light would have to comply with certain conditions. He stated he would also like to remove two conditions. The first would be Condition I, page 5; the driveway access off Broken Hill should align with the intersection of Raintree Court. The second would be Condition N, page 3, street lights shall be installed at the two fire truck driveway intersections with the County rights-of-way. He said the last condition he would like to modify was Condition L, page 3, sidewalk, curb and gutter shall be installed along the entire length of the parcel adjacent to Broken Hill Road. He wished to change the condition to read: sidewalk, curb and gutter shall be installed along Broken Hill Road in front of the developed area and extending 10 feet passed the proposed driveway to the southeast; future development shall be conditioned to extend the sidewalk, curb and gutter to the property line.

Chair Toulouse asked if Mr. Smith had a written copy of all of those changes so the Board could make an accurate motion. Mr. Smith stated he did. Chair Toulouse opened up questions to the Board.

Member Stanley asked if there had been any community feedback on the one light arrangement versus the two-light condition. Mr. Smith stated he did not have any.

**\*\*1:57 p.m.** Member Hill arrived at the meeting.

Member Lawrence wanted to know about Condition L which originally proposed to go the entire length of the street and was he proposing less curb and gutter. Mr. Smith stated he was proposing less since the development was only going to extend to the driveway. Instead of installing curb, gutter and sidewalk that could possibly have

to be removed in the future for driveways, they decided not to extend in front of the undeveloped parcel at this time. He said any future development that came in would be required to extend the curb, gutter and sidewalk. Mr. Smith stated all emergency vehicles coming off of Foothill Road would drive on to Broken Hill and enter the facility then they would exit on to Foothill Road. What he was proposing was to only bring the curb, gutter and sidewalk to the right and southeast of that driveway. He further explained there would be curb, gutter and sidewalk on that side of the driveway and extended along Broken Hill Road as well as Foothill Road. He said that was where the emergency vehicle movements would occur.

Chair Toulouse opened up discussion to the Applicant. Angela Fuss, CFA and Representative for the Truckee Meadows Fire Protection District (TMFPD), said she wanted to give the Board a history of why Fire Station 14 was no longer viable and why they were relocating it. She said the apparatus bay was originally built in the 1960's and it had been a fire station for about 30 years. During the last 30 years, development took place and the fire station was now in the middle of a commercial shopping center, which made it challenging to provide effective and timely service. She said they tried to find a location that would be more appropriate and because this was not a Reno or Sparks fire station they had to make sure it would be on Washoe County property. She said they purchased three acres for the station and it had two access points, one off of Broken Hill Road and one off of Foothill Road. She said they had people ask why they would put a fire station in a residential neighborhood and there were a couple of reasons. As the community grew they had to build new fire stations and the bulk of the community was residential. She said to be able to serve those areas they had to put fire stations amongst them and it was very common to have them by schools.

Ms. Fuss stated they had a 10,000 square foot building and were planning for future expansion and they were looking at potentially adding a second fire crew if needed. She was not certain when or if that would happen, but they were working proactively to be prepared. She explained they were putting sidewalks on Foothill Road and Broken Hill Road as currently there were none. She said they had signal lighting on both sides of the driveway, which was about 60 feet wide. She thought about 84 percent of the calls would be going east, which meant they would be going towards Virginia Street and about 6 percent of the calls would be required to go left. She said they were also putting in some striping, which would say "keep clear" so the driveway would not be blocked.

Ms. Fuss commented there were not very many questions or concerns raised at the CAB meeting. She said in addition to the CAB meeting, they sent out letters to everyone in the noticing areas and some of those people attended and gave some very good feedback.

Ms. Fuss discussed concerns regarding noise, lighting, parking and response. She noted it was up to the Captain when sirens would be appropriate. She said they changed their lighting plan so they would not have any light pollution beyond their property lines. She explained they had ten parking spaces and she produced a map showing all the calls that Station 14 responded to.

Ms. Fuss stated the other concerns they heard were related to traffic and a school bus stop at the corner of Foothill Road and Broken Hill Road. She said they had been in contact with the School District about putting in sidewalks and a pad or shelter. She said there were two schools in the area and she showed pictures to give a better idea of what the traffic would look like. She said the traffic did not backup to where their driveway was or to the intersection. They also had a traffic study completed and based on that study; Foothill Road was operating at a Level Service C. She explained Level Service C was pretty average and would not trigger or warrant widening of the roads. She said the County Engineer asked that they widen Foothill Road in front of the parcel and the Applicant was in agreement to do that.

Ms. Fuss concluded her presentation. Member Thomas stated the current facility they were in would be shut down and they would move to the new facility. Ms. Fuss stated that was correct; the parcel was owned by TMFPD and they would be selling it. Member Thomas stated that part of the reason for moving to the new parcel was for quick access to Virginia Street and the Highway. He thought the current station sat right next to the Highway. Ms. Fuss said the biggest issue with the existing fire station was that it was located in the middle of a commercial shopping center. Member Thomas said he was familiar with Foothill Road and there was no shoulder on that road and when he had been on it even bicyclists had trouble. Leaving from Broken Hill Road going north to the

intersection was one lane until you got to the Foothill Shopping Center. When you get four cars at the red light everyone was blocked. He had a concern for egress/ingress if an event happened. If they had to go up the street, the opposite direction on Foothill Road, it was a 15 mph zone and when people dropped their children off at the schools it really got backed up. His concern was whether this would create a problem or issues because of the narrowness of the road and the close proximity to the schools. Ms. Fuss stated from the intersection of Virginia Street and Foothill Road was a fairly close distance to the schools. On a busy night at that intersection or even during the school zone, they noticed there were about six to eight cars backed up at that light.

Ms. Fuss stated they had been talking about the concept of an Opticom so that the fire truck would have the ability to change the lights to move traffic along and move through the lights. She said that was not something that was part of the Conditions of the Approval, it was just more of an internal discussion they had.

Member Thomas asked where the bus stop was at Broken Hill Road and Foothill Road. Ms. Fuss said she believed they stopped on Foothill Road. She said that could potentially change with the School District, because if they widened Foothill Road there would be a shoulder and room for them to pull out.

Chief Moore addressed the comment about the station and its current proximity to the highway; at our current location we are in the City of Reno so any calls in that area we don't respond to. as a matter of practice because it isn't in our jurisdiction so it makes sense to move closer to the properties we are responsible for and our studies show this was an ideal situation and location for them to protect people in this jurisdiction and support responses to other locations within their boundary, such as Caughlin Ranch and Hidden Valley and down south.

Chair Toulouse opened public comment. Robert Ginocchio, said the proposed fire station would be in the same identical trap that the existing fire station was in. It had traffic all around it, more buildings moving in, and a WalMart. He said they wrote a check for it so it was in the Board's lap to make the decision. He said they pulled a traffic study during Thanksgiving week, which would have been when there was less traffic. He noted they paid \$435,666 per acre and he wondered where that would leave the rest of them because it would elevate everyone's taxes.

Joe Theaman, 10050 San Clemente Drive, stated he and some of his neighbors were opposed to the fire station going in right next to their homes. He said it was a residential area and all of the roads were residential around the fire station. There was not good access down Foothill Road and as Member Thomas pointed out he tried to walk along the edge of it and it was a danger to pedestrians or bicyclists. He noted there was no right-hand turn onto Virginia Street from Foothill Road and it all backed up because of the Foothill's Mall. He believed that was one of the narrowest roads in the valley. He saw a semi-truck coming down this week and a full-sized pickup decided he was going to stop and let the semi pass him. He and his family were concerned that once a fire truck rolled out there, they would not have any place to go and they were very conscientious about letting fire and emergency vehicles get around them. He said the CAB did not notify them that there was going to be a meeting and had they known they would have attended and made negative comments. He said he talked at the community meeting and he spoke with the Fire Chief who said they could not go over 25 mph on residential streets without the lights and sirens.

J.W. Lazzari, 11000 Raintree Court, stated he was not completely opposed to a fire station in the neighborhood, but he had concerns about traffic on Foothill Road. He said Foothill Road was narrow with no shoulder or sidewalk and there was nowhere to pull off if a fire truck came up behind them. He was happy to hear that part of the road would be widened, but he did not believe that solved the problem when you got down to the bottom of Foothill Road. He noted response times would be compromised if the fire truck was stuck on Foothill Road, which he thought was the same as the problem now with the fire truck being stuck in the WalMart parking lot. He urged the Board to look at Foothill Road and possibly widen it to make sure this was an appropriate place for a fire station. He said it was mentioned there would be improved response times, but he had not seen a study to say that was the case. He wondered if it was the best location or just the right price at the right time.

Kenneth Krater, 901 Dartmouth Drive, said he was a lifetime Reno resident and formerly the Reno Traffic Engineer and he had done a ton of work by the existing station on Old Virginia Road. He said he watched Chief

Moore over the last three years work diligently to find a site that would best serve the community and he clearly could have found much cheaper land. He believed the existing station was a disaster especially during the hours of noon to 6:00 pm and on Saturdays because there was tremendous traffic in and out of the WalMart Shopping Center. He said there were often times when a fire truck could not even make a left turn to go on Old Virginia Road and south to Damonte Ranch Parkway. He said there were concerns about traffic on Foothill Road, but the "call-for-service" map presented earlier showed a huge number of the calls were at Foothill Road. He believed the way they oriented the station with trucks coming in on Broken Hill Road and exiting on Foothill Road would not impact the neighborhood. It was almost 100 feet away from the street and at least 150 feet away from the nearest residence and they left a lot of room for landscaping. He thought the architecture was fine; it was not a residential building and he would rather see a little bit of money put in to additional trees to buffer the station. He said if there was one medical emergency in this neighborhood, they would be forever grateful that it was located where it was. He urged the Board to support this project.

Chris Russ, 10080 Broken Hill Road, said he was opposed to this project. He wanted to cover some things that were being represented from Staff that were incorrect. He noted the traffic survey was done after the last public meeting. They had not considered their pre-emption device until it was mentioned at that meeting. No traffic study was done, no calls-for-service study was done and no examinations on where the calls for service were. The Fire Chief did not even know the number of calls that came out, did not know where those calls were located, but today we have a view of those calls and he questioned that. A traffic survey needed to be properly done so the Board could see the impact on Foothill Road. There had been no evaluation of whether or not this location would actually improve response times other than a GIS, which looked at roadway width, business locations and had a lot of data, but it did not provide real time traffic flow or what traffic flow looked like. In addition, they asked for things like the generator to be moved to the other side of the building because there was no reason for that generator to be on the residential side. They did a study of noise with a decibel reader; however, there were sounds during the daytime that you could hear that would not register on the decibel reader. He said they were talking about expanding the firehouse; however, this design would not accommodate that kind of growth without doing what someone mentioned, which was to add another driveway. He said those were things not disclosed to the residents. He requested the Board hold off on their decision until they had further meetings with the community members who would be impacted by this and get more information from Staff.

Kathy Russ, 10080 Broken Hill Road, said the correct location for the bus stop was on Broken Hill Road and not on Foothill Road. The concern they had over parking was where the overflow parking would be. She thought they would hold training drills and they did not want Broken Hill Road being the overflow parking for fire station personnel that would be there for training. The pictures of Foothill Road and Broken Hill Road that were provided had a timeframe from 2:00 pm to 2:30 pm which were not applicable to that neighborhood when they talked about traffic. The bus dropped kids off at 3:15 pm on Broken Hill Road and if there was going to be any information provided as to what the traffic looked like it needed to be during those times and morning times as well. She said at the November 16<sup>th</sup> meeting they had 16 people in attendance and the Fire Chief took a show of hands and all but one opposed the project. Chief Moore said the current station was about location, but she would like the Board to know the proposed location of Foothill Road was about 100 feet from the City of Reno boundary. The questions she had was whether or not the current location was evaluated for new entry, new exits, stripping and blinking lights to indicate that you could or could not block their entrance. She said they heard a lot of statements that it would improve response to priority calls, which was hard to evaluate when you had a fire department that did not distinguish between priority and non-priority calls. She said in the report it stated that Special Use Permits and Administrative Permits for the community's sake would also include relevant CAB's and she would like to know how relevant that CAB could be for their neighborhood when it did not include anyone from their neighborhood to the meeting. She asked to have an unimproved walkway on Foothill Road if they were not willing to do curb, gutter and sidewalk.

Chair Toulouse closed public comment and opened up discussion to the Board.

Member Stanley stated there had been some questions about the use of the tower and whether or not there would be trainings. Chief Moore stated he did not think there would be an overwhelming number of vehicles. They would be mostly single engine and dual engine company trainings and not necessarily any burning. Member

Stanley asked when they would happen. Chief Moore stated they would likely be held on the weekend and when they could get volunteers there to train, but they still used the public safety training center on Parr Boulevard for the larger drills.

Member Lawrence asked if the generator was used every day or only when the power went out. Also, he heard an individual mention moving the generator to a quieter side. Chief Moore stated it was generally only used when the power went out. They were tested monthly and they would schedule those during the day when it would not bother people. He explained the generator was very quiet and with a screening wall he did not think that citizens would even know when it was on. Member Lawrence asked if the screening wall was a concrete structure. Chief Moore stated it was CMU or some other type of sound material. He said putting it on the east side with the open facing towards the west would cause more noise not less.

Member Stanley said there had been a lot of discussion from the Members and the local residents regarding the impact on Foothill Road and particularly concerning the width of it, response times and responsibilities. He asked if there was a backup plan to widen all of Foothill Road down to Virginia Street and do something about the access. Chief Moore stated he discussed with Commissioner Lucey the concerns of the citizens about the width. He could not say there was a firm plan to widen it but Commissioner Lucey told him that he would engage in discussions with the County Manager to talk about improvements to the intersection and accelerating improvements towards the fire station.

Chair Toulouse stated the Chief said the training tower would be used primarily for single-company evolutions. He asked the Chief to explain that. Chief Moore stated a single-company was one engine comprised of a crew of three. He said they could have an engine company plus volunteers to train, but the maximum would be about nine. Member Thomas stated there was already a training facility at Parr Boulevard and he wondered if there was a need for a tower at this location. Chief Moore stated the problem with using Parr Boulevard was taking their resources from the south all the way up to the north. When they did that they would leave holes in the southern area, and this would allow them to not relocate engines all the way to the north and close stations. Chief Moore added there was not a time table for building the training tower; however, it was contemplated not to be built in this phase.

Member Stanley asked what the criticality was for having a decision at this time on this particular project. He wondered about that because there had been last minute bits of information coming in from Engineering and the public. Chief Moore responded that it would be a big impact to them to not have this started now because construction costs were on the rise and it was important to start construction in the spring. He explained the location in Damonte Ranch was dilapidated and anytime it rained the truck bays flooded. He said the traffic was worse at the current location more so than anyone realized. He stated they had a difficult time of getting out of that site whether they were going north, south, east or west.

Chair Toulouse brought discussion back to the Board. Member Lawrence stated he was happy to hear that the generator would be used infrequently. He thought it would be nice if they located it on the east side facing away from the people on Raintree Road.

Member Thomas stated he understood the location they picked because they could go up Foothill Road which would give them access to Holcomb Ranch and Lakeside. He noted the issues he was still concerned about was that Foothill Road was a rural road with no shoulder. He knew there was talk about widening it as they moved toward Virginia Street, but looking at the zoning map as they got closer to the intersection that became the City of Reno and the County would have no say over it. He understood the situation with the sirens but when they got a call, especially as a first responder, they would not know what they were going to until they got there, so they would go with lights and sirens. He said he found it interesting that the CAB had nothing but support for it and yet today there were people in the audience that were not in favor of it. He was not sure if the CAB notified everyone properly.

Member Stanley stated he echoed a lot of Member Thomas' comments. He noted the road was not wide enough and he was concerned that there was not a backup analysis addressing that problem. He said he served

on the CAB for almost 12 years and those meeting agendas were posted well and it was a tradition that people did not attend unless it affected them. He stated there were a series of questions raised by the CAB and some were around these issues; traffic on a rural roadway, safety relationships and proximity to schools. He noted one of the Members was talking about the idea of people walking down the road and then having to find a place to jump if someone came by. He said that sounded like they could be creating problems they would have to deal with if they were on an emergency call. He believed the demand and the requirement was huge and Chief Moore and his team had been incredible. He was concerned about the idea of different kinds of lighting arrangements without them going through a community review process.

Member Hill stated she supported public service and was a big believer in fire protection. She said there was a lot of it in Incline Village amongst residential neighborhoods and it was an asset to the neighborhood. She said they had great relationships with the schools, with kids, with the community, and Incline Village was of the opinion that the more fire protection the better. She was in support of this project.

Chair Toulouse stated he agreed that fire protection was very important and not solely from the perspective of fire, but also for the emergency medical calls. He did have some questions and some concerns similar to Member Stanley's that there were multiple changes proposed in the Conditions that were not presented to the CAB and had not been thoroughly vetted or reviewed by the public. He was surprised to see the number of people present today who were opposed to the project. He suggested adding a Condition of Approval of moving the generator to the east side of the building. Also, he said the Applicant may consider a continuance until next month's meeting to meet with the neighbors and go over the proposed changes and see if they could get more of a consensus.

Member Lawrence said he was in support of the Chair's recommendation because he did not believe the issues were being treated fairly. He stated he did not understand Mr. Smith's description of Condition L regarding the length of the sidewalk. He thought when additional information was brought forward, the public should have an opportunity to review and discuss it in a CAB environment.

Ms. Fuss stated one of the reasons they proposed to put the generator on the west side of the building was because of the location of the transformer and the electrical component. She noted that was coming off of Broken Hill Road not Foothill Road and to move it to the other side would be a huge cost. She said when they agreed to add the eight-foot wall to surround it was because of the concerns heard at the CAB meetings. They also came up with a type of generator that would have a very small impact on the neighborhood.

Member Stanley stated there had been some suggestions that a continuance be considered so that the new information coming out in this meeting could go through the process of community meetings. Ms. Fuss stated when they presented this project to the community by holding their own community meeting, the first and foremost issue was traffic and they wanted them to widen Foothill Road, so they agreed to that. This site was purchased and there were a lot of constraints they were stuck with, but they could widen Foothill Road. She did not think anything would change by continuing this item for a couple of months.

Member Thomas asked if their recommendation to widen Foothill Road was only for the length of the property they owned. Ms. Fuss stated that was correct as that was the condition proposed by the County Engineer. She said the length was about 240 feet.

Chair Toulouse asked if the Applicant would oppose the condition of moving the generator to the east side of the building. Ms. Fuss stated they would because when that issue came up at the neighborhood meeting their response was to go back and meet with their engineer to find a generator that would produce the least amount of noise.

Chair Toulouse brought the discussion back to the Board and called for a motion.

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 the conditions of approval included as Exhibit A, including condition #2M to require streetlights to be installed at each



driveway as per the added Staff recommendation to approve a street light at the corner of Broken Hill Road and Foothill Road and eliminating the streetlight on Broken Hill Road; Special Use Permit Case Number SB16-010 for Truckee Meadows Fire Protection District, having made the five findings required in accordance with Washoe County Code Section 110.810.30 and one finding in accordance with the Southwest Truckee Meadows Area Plan, including those conditions that were provided by Staff (Engineer Smith) on the document and the following:

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;
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 fire station (safety services civic 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;
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,

and

Southwest Truckee Meadows Area Plan Required Finding. Community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Chair Toulouse called for a second to the motion. Hearing none, he opened up discussion. Mr. Pelham stated he heard the motion to approve the project. The project would include modifications to the Conditions such that there would not be street lights at the two driveways, but rather one street light at the corner; that Foothill Road would be widened; that Condition 2I regarding the alignment would be removed; and, Condition 2M would be removed regarding the two street lights. He said it was also mentioned to modify Condition 1L to not require curb, gutter and sidewalk from the driveway south to the property line. Member Hill stated that was her motion.

Mr. Edwards stated the document that was provided by Engineer Smith could be identified as an exhibit and made an official document of the meeting, and then a Member could refer to it in their motion. Chair Toulouse marked the document as Exhibit 1 which would eliminate Item I and Item M from the original Conditions of Approval and include them as modified in Exhibit 1. Member Hill amended her motion to contain Exhibit 1.

Chair Toulouse said the motion died for a lack of a second. He called for another motion.

Member Stanley stated given everything they had heard today and the difficulty of the motion, he moved for continuance of the item for 60 days. Chair Toulouse stated they could not force a continuance on the Applicant; they could only approve or deny the project. Mr. Edwards stated that was correct. He said the Code and Statutes provided that if a decision was not rendered within 90 days of receipt of the complete application packet it would be deemed approved by default.

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 **DENY**, with the conditions of approval included as Exhibit 1, Special Use Permit Case Number SB16-010 for Truckee Meadows Fire Protection District, having made the five findings required in accordance with Washoe County Code Section 110.810.30 and one finding in accordance with the Southwest Truckee Meadows Area Plan. He said the denial was predicated on Finding #3 - Site Suitability and Finding #4 - Issuance Not Detrimental. Member Stanley seconded the motion, which carried on a vote of three to two with Members Hill and Toulouse voting nay.

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;
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 fire station (safety services civic 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;
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,

and

Southwest Truckee Meadows Area Plan Required Finding. Community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Mr. Whitney read the appeal procedure to the Applicant.

**3:20 pm** The Board recessed.

**3:28 pm** The Board reconvened with all Members present.

**B. Administrative Permit Case Number AP16-008 (Sun Valley General Improvement District Electronic Message Display)** – Hearing, discussion, and possible action to approve an Administrative Permit to allow the construction and operation of an Electronic Message Display. The overall height of the proposed sign is six feet. The overall width of the proposed sign is eight feet. The electronic message display area is approximately two feet in height and seven-and-a-half feet in width (15 square feet).

- Applicant/Property Owner: Sun Valley General Improvement District  
Attn: Darrin Price  
5000 Sun Valley Boulevard  
Sun Valley, NV 89433
- Location: 115 W. 6<sup>th</sup> Avenue, at the Sun Valley Regional Park
- Assessor's Parcel Number: 085-211-03
- Parcel Size: ± 26.1 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 505, Sign Regulations
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 18, T20N, R20E, MDM,  
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Toulouse opened the public hearing. Roger Pelham, Planner, identified the property and presented his Staff Report. He noted the Sign Code was relatively new and the County went through a very long process and many meetings to replace the Sign Code in its entirety. He explained that under the previous Code a digital sign at this location would not have been allowed under any circumstances. He said at this time, the sign would not be allowed where it was being proposed because one of the criteria for placement of an electronic message display (EMD) was that it not be placed within 200 feet of a residential regulatory zone. Based on that, Staff was recommending denial of the project.

Chair Toulouse called for any disclosures. Chair Toulouse stated he received an email in support of the SVGID sign. He opened discussion to the Board. Member Lawrence wondered if going further up from the intersection to a park would that 200 foot radius would it not also include the east side and the residents on that side or were there no residents there. Mr. Pelham stated the zoning in that area was zoned commercial and they could put an EMD within 200 feet of commercial. He noted the residential zone on the east side of Sun Valley Boulevard went about halfway up the park going north.

Chair Toulouse called for the Applicant to come forward. Darrin Price, General Manager SVGID, showed the Board photos of the existing marques. He said they inherited that from Washoe County when they took over the parks about seven years ago and it was put in in 1996. He said their challenge with the current sign was that they could only put up four lines of text. The plastic letters had to be replaced by hand and the existing sign did light up. He showed a photo of the sign they were going to put in and it was shorter than the current sign. He said they could put multiple messages on the sign and it was not just for all the programs at the park, it was a joint partnership with the County. Mr. Price stated Commissioner Herman was present and he explained they had acquired \$20,000 from the County for installation of the sign. He showed the map included in the application and the existing marques site and the one that met the Code toward the north. He stated that site would not work. He said the first challenge was landscaping and Sun Valley Boulevard was not a County road, it was a State Highway. He said right behind the landscaping was the sidewalk that went all the way around the park and then right behind the sidewalk was the fence. He said they needed the fencing that surrounded that portion of the park because they had amenities in the drainage area. That meant they would have to go behind the landscaping, behind the sidewalk, behind the fence to the area that was a 45 degree slope running from the fence down to the drainage area. In order to comply with the Sign Code they would have to have a structural engineer come in to do an assessment, build a retaining wall with proper compaction just to start to do the pedestal portion before they could put in the sign. He said in order to comply with the Code, the sign could not be higher than six foot, which meant no one would be able to see it at the proposed location.

Mr. Price said only three homes would be affected by this and commercial location. The other two were undeveloped lots, which could be developed residential in the future. He said he had been with the District 30 years and there were two homes on the parcels that were torn down and the owner lived in Alaska and the lots had been vacant for 20 years. He said those people who would be affected were in favor of putting the sign in this location. He noted that on the corner of 6<sup>th</sup> Street and Sun Valley Boulevard was pedestrian crossing sign that blinked 24/7 and at night time.

Mr. Price suggested the Board approve replacing the sign that was already in place with a new sign. He said they could do Amber Alerts, boil water notices, and emergency alerts for the community. It was not going to be used to advertise events and programs being held, it would be used as notification for neighborhood emergencies. He said they were a non-profit governmental entity that did bill inserts, newsletters, Facebook, and press releases to reach their residents. He said there were over 20,000 people in Sun Valley and thousands of cars that passed that area every day would view the sign, just like they do now. He encouraged the Board to pass the permit so they could replace the existing sign.

Chair Toulouse opened questioning to the Board. Member Hill asked if there were two letters in support. Mr. Price said that was correct. Member Hill said one letter was from Day Spring Lane and she did not think that was located in Sun Valley. Mr. Price stated page 6 of the Staff Report showed it was one of the homes affected.

Member Hill said the only homes that were affected were in the High Density Suburban zone across the street and the other side were zoned commercial.

Chair Toulouse opened public comment. Carol Burns, 15 Columbine Court, stated she was a member of the CAB and for the past year she had appeared before the County Commissioners asking for better notification for the residents in Sun Valley. She had also brought this matter up at their CAB meetings; all to no avail. Years ago a resident published a newsletter that was distributed throughout the community keeping them current on news; however, it was terminated. The Sun Valley GID notified their customers in their bills, but she and many others on the fringe of Sun Valley received their water from TMWA and never saw that information. As fast as they put the CAB meeting notices they were taken down so they had to repeatedly put new ones up. She said both of the medical marijuana dispensaries that blossomed in Sun Valley had lighted signs and it seemed more appropriate to her that the residents of Sun Valley be advised of news. She felt this sign was sorely needed for people in Sun Valley without Internet availability or GID notification.

Garth Elliott, 6160 Rams Horn, stated he contacted the three residents mentioned earlier that would be affected and they were not opposed. He said he attended all the County Commissioner meetings and spoke as much as could about the new Sign Code and how it would affect them. He said they were not asked to be at the working group meetings or involved in the process. He stated he was told that if they wanted to challenge the Code they could put in an Area Plan Amendment, but the last time he tried that it took five years. He thought there should have been a way to get a Variance or something outside of coming to the Board of Adjustment and the County Commissioners. He stated the sign had to be in the current position because they advertised things that happened at Washoe County property such as the Pool, the Community Center and the Elber Center.

Chair Toulouse closed public comment and brought the discussion back to the Board. Member Hill stated it appeared the Board could not approve this because it conflicted with the Code. Mr. Edwards, Legal Counsel, stated Article 804 specifically cross-referenced the new Sign Code and said that the Variance Article was not useable for purposes of varying the provisions of the Sign Code. Therefore, the Board had to rely simply on the Sign Code itself, Article 505. He said within Article 505 there was a reference which provided that variances could only be made by the Planning Commission or the County Commissioners and even then only on written legal opinion from the District Attorney's Office that it was required to comply with the Constitution, Laws or Decisions of the United States or the State of Nevada. He agreed with Staff; he thought they articulated the correct position, which was a problem with the Sign Code in terms of this Applicant and what they wanted. He said the only way he could see under the current Sign Code that this was possibly somehow not restricted or prohibited because of the 200 foot rule, would be in Section 505.05 which provided a list of exemptions from the Sign Code. He noted the Board would have to conclude that one of those exemptions applied to this project. Under that exemption (subsection (b)) said if they were not prohibited by 110.505.35 which was the section that dealt with traffic safety, the Board could not approve a sign that would be a traffic hazard, or subject to special standards. The Board would have to decide that this sign was not subjected to special standards. His opinion was that it was subject to special standards, that was why they were present seeking a Special Use Permit. The Board would have to conclude that it was not subject to special standards and that it was listed in the exempt provisions. He said the first on the list was signs owned and/or maintained by a governmental agency for the purposes set out in subparagraph D and I of 110.505.00. Subsection D covered signs to promote traffic safety, the free flow of traffic and to prevent injury and property damage that may be fully or partially contributable to cluttered and distracting signage. Subsection I referred to signs that limited signage on County property only for locational, directional, traffic control and public safety health and welfare purposes and allowing the expression of ideas in traditional public forums. He said if the Board concluded this not subject to special standards and if the Board concluded that it was one of those types of signs owned and/or maintained by a governmental agency, which SVGID was, then that would be the only route he could conceivably argue that the Sign Code would not prohibit the sign in question. He reiterated he did not believe that was the prevailing argument or analysis here, but if the Board were to consider any basis for it, the Board would need to make those conclusions.

Chair Toulouse asked Mr. Price if this sign would be used to promote traffic safety and public safety and health. Mr. Price said public safety and health yes, but no for traffic safety. He said when they held events they might put an arrow on the sign to show direction where they could enter the park safely.

Member Stanley said since they were both governmental agencies he wondered what efforts were used to try and reach any sort of compromise that would be workable. Mr. Price stated he met with Staff several times discussing this project and it came down to one thing, they complied with all the other elements associated with the Permit, it was the 200 foot radius that would stop them. He noted the amount of residents it would affect was why they were arguing today. He said thousands of people would benefit from the sign and only two or three would not.

Member Thomas stated he knew where Mr. Price was coming from but he thought he was in agreement that it did not meet the 200 foot rule. He agreed that when rules, laws and statutes were developed, some time there were unintended consequences and he thought that was what happened with this. It was not for a good reason, but they came up with a distance and this fell within that. Mr. Price stated if someone had suggested governmental agencies be exempt from the Sign Code, because they were not in it for the money they were in it for the community, this would be going through.

Chair Toulouse brought it back to the Board for discussion. Member Lawrence concurred the SVGID was a governmental agency and it was clear that this was a public, health and welfare safety issue, but not necessarily a traffic issue, so it did not quite check all the boxes where an exemption or an acceptance of the sign would be an easy decision for the Board. He was not against it and he saw the benefit to the community, which to him would override the regulation's intent that was developed in making the location for signs.

Member Thomas stated there were unintended consequences by establishing the boundaries for the Sign Code and he understood where Mr. Price, Ms. Burns and Mr. Elliott were coming from but his concern was that attempting to get creative to make this work with the information he received from Legal Counsel, it appeared the Board was not in a position to make a decision other than to deny.

Member Stanley said he agreed with what had been said, but it seemed this Board was in a test case scenario where both sides wanted the right thing done. He did not see any other way to vote other than to deny and allow other agencies to review this.

Chair Toulouse stated he tried to find a way to make this work, but the fact was that this Board was bound by law and Code and did not have the authority to make the affirmative for this particular sign. He encouraged the Applicant to take this to the County Commissioners on appeal if the Board voted to deny.

Chair Toulouse called for a motion.

Member Hill 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 **DENY** Administrative Permit Case Number AP16-008 for the Sun Valley General Improvement District being unable to make required findings number three and four, in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence seconded the motion, which carried unanimously.

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 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 EMD 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.

Mr. Whitney read the appeal procedures into the record.

**C.Variance Case Number VA16-005 (Thomas Lypka)** – Hearing, discussion, and possible action to approve variances: 1) reducing in the rear yard setback from 20 feet to 14 feet, 6 inches; and 2) increasing the allowed overhang of the front eaves of the existing dwelling from 2 feet to 4 feet, 6 inches, into the front yard setback. The variances are requested to facilitate the expansion of the existing dwelling.

- Applicant/Property Owner: Thomas Lypka  
PO Box 6683  
Incline Village, NV 89450
- Location: 755 Judith Court at the southeast corner if its  
intersection with Harper Court
- Assessor's Parcel Number: 125-231-19
- Parcel Size: 6,460 square feet
- Master Plan Category: Suburban Residential (SR)
- 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 9, T16N, R18E, MDM,  
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3622
- Email: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Toulouse opened the public hearing. Mr. Pelham identified the property and presented his Staff Report. Chair Toulouse opened discussion to the Board. Hearing none, he opened discussion to the Applicant.

Wayne Ford, Residential Design, stated he was the Applicant's representative. He gave his presentation to the Board and said they felt the request for a Variance was well within the privy of the Board to grant it based on the fact that the lot was narrow, shallow and had an issue of shape. He stated the residence was a simple home, two-story and did not need front yard setbacks; it had a two-car garage and two off-street parking spaces. He noted that approximately 43 percent of the lot's area was left for building and 57 percent of it was restricted. He said they wished to add 336 square feet to the home and from 20 feet to 14 feet, 6 inches was only for one portion of the rear yard setback. Mr. Ford continued with his presentation stating the minimal lot width in this zoning was 60 feet and that was their problem; if it had remained 60 feet as a rectangle they would not have to make this request. He believed the narrowing of the lot lines represented a hardship especially with the setbacks. He showed the Board photos of the property and snow storage which restricted addition. He said this was a small lot under TRPA Guidelines and Development Code because they allowed for additional coverage to be transferred in.

Mr. Ford stated the backyard was a small portion of the property and they were just asking for a 14 foot, 6 inch setback on one side. He noted their neighbor had no objection and wrote a letter of support. He said the proposal would alleviate dangerous ice formations on the sidewalk in front. He showed the snow that happened last year and how much got pushed down the side of the home.

Mr. Ford said they tried gutter systems, heat tape and it was found to be better if the eave would be allowed to come down and drain the water and ice away from the walkway. He stated this would allow the Applicant to have

the uses that the other neighbors had, such as the deck expansion. He noted the NRS stated by reason of exceptional narrowness, which this parcel had, or shape of a specific piece of property of which the lot was not a rectangle, the strict application of any regulation under this Code would result in difficulties and undue hardship. Based on those facts and findings, they were requesting the approval of the setback change. He reiterated this would not impact any other neighbors and because of the shape of the property they could make the finding that the shape of the property was the primary hardship of this request.

Chair Toulouse opened questions to the Board. Member Thomas asked how long had the Applicant been residing at this address. Mr. Ford stated about a year and a half. Thomas Lypka, 755 Judith Court, stated he purchased the property in June 2015 and after going through the first winter he discovered how the ice formed in the front and the danger of trying to walk on the ice. He discovered he could not go out the back door because it was frozen. He said he would have to take a sledge hammer to the glass door to get out, which he believed would be the only way out in a fire. He said the back extension was only so they could turn it and stop the weather from hitting it directly and freezing it shut. Member Thomas said it appeared the front of the house was covered and it was not until he got out on to the driveway before he would experience ice and snow. Mr. Lypka said that was correct but he showed the Board how the ice and snow formed closer to the house. He said water came down from Judith Court and it funneled into his area and the Nubian piece would stop that water from coming in and take care of the roof problem.

Member Hill asked if it would be possible to move the sliding glass door to the other wall without doing the expansion. Mr. Ford stated it did not solve the problem; it would just go from being iced up and frozen to a bad headache. He said going to the west side was real close to the neighbor and they would walk right underneath the shed of the roof and all the snow would come off from above. That was the side that Mr. Lypka had to put plywood up on the east side to protect the windows during the heavy snow. He said the west side was where the County shoved all the snow and he would walk right out the door into that. Member Hill asked why the Applicant needed this expansion to alleviate the issue with the sliding glass door. Mr. Ford showed the Board the door and the deck explaining how the roof did not protect the door. He explained where the neighbor's house was and where the addition would be located. He said the only encroachment was in the corner and they would stay within the five feet requirement. Member Hill stated it looked like the neighbor's home was smaller. Mr. Ford stated it was about the same size but he had a drainage easement and more building area. Mr. Lypka stated he has already had to put the plywood up this year due to the County moving the snow.

Chair Toulouse opened public comment. Hearing none, he brought it back to the Board for discussion. Member Lawrence asked about dedicated snow storage and he wondered if it was measurable and could be found as a hardship. Mr. Pelham said he did not know the answer but he understood that unless there was a snow storage easement, it was not legally encumbered. Dwayne Smith, County Engineer, said it appeared by the map that there was a snow storage easement along the edge of the property. He noted it was not uncommon for the area as they needed places to put volumes of snow for traffic safety. Member Lawrence asked if an easement such as a snow storage easement constituted a special circumstance. Mr. Whitney stated no because a special circumstance was exceptional narrowness, shallowness and shape of the parcel.

Member Thomas stated NRS 278.301.c identified the requirements that the Board of Adjustment must find to grant the Variance. He said there was testimony earlier that said protection from the snow, but when you live in Incline Village you were going to get snow. He said the Applicant wanted to expand the deck because the neighbor had a deck and the Applicant wanted to be out back and enjoy it, but that did not constitute a hardship.

Member Stanley said he knew Mr. Pelham wanted to work with the Applicants to find compromises and he wondered if any suggestions were made to work around this. Mr. Pelham stated he did not make any suggestions. He said as in most situations, Staff did not have the luxury of helping with the design, but rather they were limited to evaluation of what was submitted. Member Stanley asked if the Applicant was aware that Staff was going to recommend denial. Mr. Pelham stated they were and noted there was an error made on the part of the County in noticing or this would have been heard about two months ago.

Member Hill said she was having a hard time finding that it was a hardship. She lived in Incline Village and got a lot of snow, but she thought it might be prudent to allow him to extend the roof over the walkway. However, she did not see that the rear addition was necessary or that there was a hardship if the Applicant did not get it.

Chair Toulouse stated he found it difficult to find a hardship for something that commonly occurred in Incline Village and if the Board granted the Variance it would be granting a special privilege. 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 deny Variance Case Number VA16-005 for Thomas Lypka, being unable to make the four applicable findings in accordance with Washoe County Development Code Section 110.804.25. Member Lawrence seconded the motion, which carried unanimously.

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; and
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.

Mr. Whitney explained the denial procedures for the record.

**D. Administrative Permit Case Number AP16-007 (Lair & Corral)** – Discussion and possible action to approve an administrative permit to construct a 3,000 square-foot metal building on a ±1.049 acre lot. The administrative permit is required because the metal building is larger than the main residence which is 1,152 square-feet in size.

- Owners/Applicants: Reed Lair and Jeniffer Corral
- Location: 11825 Chesapeake Dr., several hundred feet east of Ohio Road
- Assessor's Parcel Number: 080-351-06
- Parcel Size: 1.049 Acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 15, T21N, R19E, MDM, Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3620



- Email: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Toulouse opened the public hearing. Mr. Lloyd identified the property and presented his Staff Report to the Board. Chair Toulouse opened up questions for the Board. Hearing none, he called for public comment. There was no public comment. 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 Board of Adjustment approve Administrative Permit Case Number AP16-007 for Reed Lair and Jeniffer Corral, having made all four findings in accordance with Washoe County Development Code Section 110.808.25. Member Lawrence seconded the motion, which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, 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 a detached accessory structure, 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.

**E. Variance Case Number VA16-008 (Puccinelli)** – Hearing, discussion, and possible action to approve a variance for a front yard setback reduction from 30-feet to 10-feet to allow for the construction of a single-family residence and attached garage. This structure will replace the prior home that was lost to a fire in August 2016.

- Applicant/Property Owner: Roger and Sandy Puccinelli
- Location: 345 Lakeview Drive, approximately 1,000 feet south of Lakeview Drive's intersection with Bridge Street
- Assessor's Parcel Number: 038-042-26
- Parcel Size: ±1.148 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Verdi
- Citizen Advisory Board: West Truckee Meadows
- Development Code: Authorized in Article 804, *Variances*
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 7, T19N, R18E, MDM, Washoe County, NV
- Staff: Kelly Mullin, Planner  
Washoe County Community Services Department  
Division of Planning and Development
- Phone: 775.328.3608
- Email: [kmullin@washoecounty.us](mailto:kmullin@washoecounty.us)

Chair Toulouse opened the public hearing. Ms. Mullin identified the property and presented her Staff Report. She noted the previous structure was lost to a fire earlier this year and the owner was seeking to rebuild. Chair Toulouse opened discussion to the Board.

Member Hill asked what the length of the garage was because it seemed as if the garage was 40 feet long. Sandy Puccinelli, 345 Lakeview, stated the reason for the large garage was they had a trailer and a boat they needed to cover. Member Hill wondered if the garage was being built for two cars, a boat and a trailer. Ms. Puccinelli responded two cars, a boat and a trailer, an antique car and the center part of the garage was a shop.

Chair Toulouse opened up discussion for the Applicant. Member Hill asked if they lived in the house when it caught fire. Ms. Puccinelli stated she was the only one home. She explained the reason they wanted to move forward with the house in the same location was for the slope. Member Hill said the garage was the only thing encroaching in the setback, but it could be moved to the side of the house. Ms. Puccinelli stated they could not because there would not be access into the house from the garage. Member Hill said they could if they put a door into each one. Ms. Puccinelli stated it would not work with the floor plan of the home. She noted the reason they did not want to move the garage sideways to the south was because they already lost 200 year-old trees; there were two in the back of the house now that might have to come down too. If they moved the house any more south they would have to take down more vegetation, take down a shed and they would lose the side door which worked with the new house design. She said they were trying to keep as much vegetation as possible for the deer and other wildlife.

Chair Toulouse opened public comment. Hearing none, he opened discussion to the Board. Member Lawrence stated he was happy there was no recommendation given to the Board. He said he lived on a hill and his percentage of slope was 17 percent and it was difficult. He said he understood this slope was 36 percent back to the River and he saw that as an exceptional circumstance. He noted that on page 12 of the Staff Report showed topographic restraint and he felt this was definitely a topographical restraint and should go forward.

Member Stanley stated he agreed and felt there were special requirements. He said it was important what the CAB had to say and they voted unanimously for this project.

Member Hill stated she concurred there were exceptions for homes lost to fire and the CAB approval was very supportive.

Chair Toulouse stated he agreed and had been associated with the Verdi CAB and he knew where the home was located. He offered condolences to the Applicant for the loss of their home. 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 Washoe County Board of Adjustment approve Variance Case Number VA16-008 for Roger and Sandra Puccinelli, having made all four findings in accordance with Washoe County Code Section 110.804.25. Member Hill seconded the motion, which carried unanimously.

5. 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;
6. 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;
7. 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;
8. 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.

**9. Chair and Board Items**

**\*A. Future Agenda Items.**

There were none.

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

There were none.

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

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

Mr. Whitney reported that at the October meeting the Board approved the Variance for the Eget residence on Tuscarora and Wassau in Crystal Bay. It was appealed by the neighbors to the County Commissioners, but it had not yet been heard. He said it would be coming back to this Board because the notification of the original Variance was not correct regarding a half bathroom.

**\*B. Legal Information and Updates.**

Mr. Edwards stated he had nothing to provide.

**11. \*General Public Comment**

There was no response to the call for public comment.

**12. Adjournment**

The meeting adjourned at 5:15 p.m.

Respectfully submitted by

*Jaime Deller, Independent Contractor*

Approved by Board in session on \_\_\_\_\_, 2017

\_\_\_\_\_  
William H. Whitney  
Secretary to the Board of Adjustment