

# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Kim Toulouse, Chair  
Clay Thomas, Vice Chair  
Kristina Hill  
Lee Lawrence  
Brad Stanley  
Trevor Lloyd, Secretary

Thursday, December 7, 2017  
1:30 p.m.

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

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The Washoe County Board of Adjustment met in regular session on Thursday, December 7, 2017, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Toulouse called the meeting to order at 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

Staff Present: Trevor Lloyd, Planning Manager, Planning and Building  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Chris Bronczyk, Planner, Planning and Building  
Julee Olander, Planner, Planning and Building  
Donna Fagan, Recording Secretary, Planning and Building

### 2. \*Pledge of Allegiance

Clay Thomas led the pledge to the flag.

### 3. \*Ethics Law Announcement

Nathan Edwards, Deputy District Attorney, recited the Ethics Law standards.

### 4. \*Appeal Procedure

Trevor Lloyd, Planning Manager recited the appeal procedure for items heard before the Board of Adjustment.

### 5. \*Public Comment

Public comment was opened. There was no response to the call for public comment. Public comment was closed.

### 6. Approval of Agenda

Ms. Hill moved to approve the agenda for the December 7, 2017 Board of Adjustment meeting. Mr. Stanley seconded the motion. The motion carried unanimously.

## 7. Possible action to approve October 5, 2017 Draft Minutes

Mr. Stanley moved to approve the draft minutes for October 5, 2017. Ms. Hill seconded the motion. The motion carried unanimously.

## 8. Public Hearings

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

The members had no disclosures on any of the items on the agenda.

**A. Administrative Permit Case Number WADMIN17-0009 (Crossley)** – For possible action, hearing, and discussion to approve an Administrative Permit to allow the applicant/property owner, Sandra Crossley, to construct a detached accessory structure that is larger than the main dwelling on the parcel. The proposed detached accessory structure is a 4,000 square foot pre-fabricated metal building and the existing main dwelling is a 1,700 square foot single story structure.

- Applicant: Sandra Crossley
- Location: 401 Calle De La Plata, approximately 3/4 mile east of Pyramid Hwy.
- APN: 534-561-14
- Parcel Size: 9.47 acres
- Master Plan: Rural
- Regulatory Zone: General Rural
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 306 and Article 808
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 21, T19N, R20E  
MDM, Washoe County, NV
- Staff: Chad Giesinger, AICP, Senior Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3626
- E-mail: [cgiesinger@washoecounty.us](mailto:cgiesinger@washoecounty.us)

Mr. Toulouse opened the item and introduced a new planner, Chris Bronczyk. Mr. Bronczyk introduced the case and the property location. It's a mile east of Pyramid Highway. The subject property is approximately 9.47 acres located at 401 Calle De La Plata. The applicant proposes to construct a 4,000 square foot detached accessory structure which is significantly larger than the existing residence on the property. The existing main dwelling is 1,700 square feet and doesn't include the existing garage. The proposed location is in the center of the lot, nearly 730 feet from the nearest building on the adjoining property.

Mr. Bronczyk provided an existing zoning map for the members. All the surrounding properties are zoned as General Rural; however, further west you go, the more diverse the zoning becomes.

The applicant provided a hand-drawn site plan; the Staff replicated it into a digital format to show the building footprint and location with this digital rendering. The applicant also provided elevations upon submittal.

Please note, this application was sent out to several reviewing agencies. One thing to note is that the site is in a FEMA 100-year floodplain, all grading and construction shall be in conformance with the Washoe County Code Article 416.

During the application process for this project, there was no Spanish Springs Citizen Advisory Board meeting (CAB). The application was distributed to all CAB members. No CAB members provided any comments. Staff has not received any comments or objections from adjacent neighbors.

Proper notice was provided; Mr. Bronczyk showed a map of all the noticed areas. The required findings were Washoe County Code 110.808.25, Administrative permits – Staff was able to find all the required findings. Consistency with Master Plans; Improvements adequate infrastructure has been provided or is available; site suitability; issuance not detrimental; effect on military installation. Staff Analysis is available on page 10 of the staff report.

Staff recommendation – after a thorough analysis and review, Administrative Permit Case Number WADMIN17-0009 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration: I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the board of Adjustment approve Administrative Permit Case number WADMIN17-00098 for the Crossley Garage, with the conditions of approval included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.808.25, and consistency with the Spanish Springs Area Plan.

Mr. Bronczyk entertained any questions from the board members. Mr. Lawrence said he drives up Calle De La Plata at least once a day, he said there must be hundreds of yards of fill; he asked if there was a permit acquired for the import of the fill or site preparation of sage brush or debris from the area in order to make it a proper building site for the slab. Mr. Bronczyk said he is unaware of that; the applicant, Jonathan Crossley introduced himself. He said he is the husband of Sandra Crossley. Yes, all the sage brush was removed. He said as far as the dirt permit, he said he did some road improvements; he said they are on a FEMA flood area. A lot of water comes through there and wiped out the road. He said the dirt he removed, he screened and staged for fill dirt. A lot of it came from the property as well as dirt brought in; however, there was no dirt permit. He said if he needs a dirt permit or if any it needs to be looked at, he said he is happy to comply. Mr. Lawrence asked about a permit to remove the sage brush and prep the land. Mr. Crossley said he wasn't aware he needed a permit as he was trying to improve access to his property. He said the flood took out the road, and the adjacent neighbors had to use his land to access their property. Mr. Crossley said he had to clear sage brush for access. He said he is willing to get a permit. It's approximately 1/3 of an acre. Mr. Lawrence said his concern is for Mr. Crossley. He said the organic matter will decay and if you have a slab on it, you will have issues with cracking. Mr. Crossley said the proposed location was cleared. He said he nearby neighbors were dumping fill dirt in his yard, and he had to put up signs to indicate no trespassing, no fill dirt. He said they were dumping dirt onto sage brush. He said he tried to move it. He said the proposed site was cleared, no sage brush was buried. Mr. Lawrence said he couldn't see that far into the property, and saw the screening material. Mr. Crossley said he tried to do what he could with the compact issues. Mr. Lawrence said he recognizes the issues and understands why he is doing this. Mr. Lloyd said staff will require a grading permit for 10,000 sq. feet in size. If more than 50 cubic feet of dirt is excavated or imported, a permit is required, so Staff will follow up on that. Mr. Crossley said he appreciate Mr. Lawrence's concerns. Mr. Crossley said with condition of approval, he is willing to comply with any stipulations.

No questions from the other board members. Mr. Toulouse opened up public comment; hearing none.

No further discussion. Chair entertained the motion.

**MOTION: Mr. Thomas moved to approved with conditions Case Number WADMIN17-0009 (Crossley) for Sandra Crossley; all findings of the Washoe County Code 110.808.25; Consistency with Master Plans; Improvements adequate infrastructure has been provided or is available; site suitability; issuance not detrimental; effect on military installation. Mr. Lawrence seconded the motion for approval. The motion passed unanimously.**

**B. Variance Case Number WPVAR17-0008 (Jennings) – For possible action, hearing, and discussion by the Washoe County Board of Adjustment to approve a variance to reduce the front yard setback**

from 20 feet to 2 feet and reduce the side yard setback from 8 feet to 3 feet to allow for the construction of a two car attached garage.

- Applicant/Owner: Michael & Corinne Jennings
- Location: 423 Fairview Blvd., Incline Village
- APN: 131-221-02
- Parcel Size: ±.56 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkgigler
- Section/Township/Range: Section 14, T16N, R18E, MDM, Washoe County, NV
- Staff: Julee Olander, Planner  
Washoe County Community Services Department  
Planning and Building Division
- Phone: 775-328-3627
- E-mail: [jolander@washoecounty.us](mailto:jolander@washoecounty.us)

Mr. Toulouse opened the item and introduced Ms. Olander. Julie Olander introduced the property and location, 423 Fairview Blvd. located in Incline Village. This case is requesting a reduced setback of front and side yard. Front yard reduced from 20 feet to 2 feet; and side yard from 5 to 3 feet to construct a garage and entry way.

The subject property is zoned for MDS which requires 20 ft. front and 8 ft. side setback. The property is approximately 3,556 sq feet and was built in 1973. Two previous variance on this case were issued in 1986 and 1993; both were approved, but never moved forward and expired. The property surrounding properties are also zoned MDS and have similar garages like the one being proposed. The property across the street is zoned General Rural is part of US Forest Service land. The variance would allow for the construction of a two car garage and enclosed entry way.

There is an existing driveway that accesses the garage at a 16% slope which only a 14% slope is allowed by code. The applicant said it difficult to keep the driveway clear of ice and snow. With the construction of the proposed garage, 2 additional parking spaces will be provided on the parking deck between the street and the proposed garage.

She showed a picture of the existing parking deck and view of Fairview blvd. and the existing 16% slope driveway. She showed the residence, garage and parking deck. She showed the proposed site plan – garage, entry, and current driveway, deck, and residence. She showed the elevation of the proposed garage.

Analysis: Reviewing this site, the slope is steep on the parcel of 44%. The proposed garage will not block neighboring views. The current garage is off a steep 16% slope driveway that is difficult to use in the winter months. Neighboring properties have similar garages. Garages are an allowed accessory use on the property.

Public notice – The Incline Village/Crystal Bay Citizen Advisory Board (CAB) did not meet during the review period. Two CAB members did provide comments which are included in the staff report; one in favor and another concerned about guest parking. There will be parking between the proposed garage and on the parking deck. No other comments were received.

Agency review – 5 out of the 13 reviewing agencies provided comments and 2 agencies provided conditions of approval. Washoe County Planning and Building Division and Engineering and Capitol Projects Division, Land Development. See Exhibit A of the staff report for the recommended conditions of approval.

Required findings – Staff analysis is provided in the staff report starting on page 12; staff is able to make all the required findings.

Staff recommendations – after a thorough analysis and review, Variance Case number WPVAR17-0008 for Michael and Corinne Jennings is being recommended for approval with conditions. Possible motion: I move that, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included at Exhibit A to the staff report for this item, Variance Case Number WPVAR17-0008 for Michael and Corinne Jennings, being able to make the findings required by Washoe County Code Section 110.804.25 for approval of Variances.

Ms. Olander said she is available for questions as well as the applicant.

Mr. Lawrence asked about the distance from the garage door to the curb. Ms. Olander said she believed it was 16.5 feet. She showed a map of the property line; she said there was concern with the parking deck and the stairway being in the public right-a-way, and one of the conditions staff is requiring is that the property is being surveyed and they obtain an encroachment permit. She said because of the slopes, it's not unusual up there.

Ms. Hill asked about the existing garage. Ms. Olander said the existing garage is under the parking deck. That garage will remain, and then there will be a garage built above that garage. There will be two garages. As mentioned earlier, that existing garage can be difficult to access during the winter months. Ms. Olander clarified the parking deck, garage, and entry way.

Mr. Stanley asked about the concerns the CAB member had about guest parking. Ms. Olander said where the garage will go is on the parking deck. You can park four cars on that deck. There will still be enough parking in the garage. There will be parking in the driveway as well. It isn't pictured well. They may have more parking than other neighbors. Mr. Lloyd mentioned the parking code of two required – one inside, one outside. Mr. Stanley said it's well covered. Mr. Stanley asked about the previous expired variances. He asked if there were any changes in code. Ms. Olander said it was –due to change in ownership. Mr. Stanley asked about the easement on the public right-a-way. Ms. Olander said it goes through engineering, and it stays with the land. It's required to be recorded. Mr. Thomas asked about the underground parking garage car capacity. Ms. Olander said it was built in 1973, and the garage is smaller to accommodate the smaller vehicles of the time. And the parking deck accommodates possibly 4 cars. She showed the picture. The proposed garage will house two vehicles with a long apron which will allow for two more vehicles. Mr. Thomas said the garage that is added is the footprint of the deck. She said the portion of the parking deck, but not bigger. Ms. Olander showed the proposed site plan. Mr. Thomas asked about the structure on an existing parking deck. The parking deck is the footprint. She said it's MDS, which requires 20 feet set-back, which will change to 2 ft. set-back.

The representative for the applicant, Nick Exline, gave a presentation. He said we aren't expanding the footprint. The structure is already there, but we are going up with it. It's about health and safety. He said especially during the winter. He said it maintains the common character of the surrounding properties. It's a steep slope which is difficult to access during the winter. He briefly spoke about past approvals. The development of the garage has no scenic impacts. The onsite parking will be substantially improved.

There were no requests for public comment. Mr. Toulouse closed public comment for this item. There was no board discussion.

**MOTION:** Mr. Lawrence said after giving consideration to information received during the staff report and received during this public hearing, the Washoe County Board of Adjustments move to approve variance case number WPVAR17-008 (Jennings) with conditions included in exhibit A for this matter for Michael and Corrine Jennings for all 4 of the findings in accordance with Washoe County Code Section 110.804.25 those being for special circumstances, no detriment, no special privileges, and use authorized. Mr. Stanley seconded the motion of approval. The motion passed unanimously.

## 9. Chair and Board Items

### \*A. Future Agenda Items

No future items were discussed by the board.

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

No items were discussed by the board.

Mr. Toulouse said he appreciates the new format of the staff reports.

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

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

Mr. Lloyd said we had several items in the past few months. The Gail Willey case was unanimously denied by this board. That was taken to County Commission where they upheld the decision of this board and unanimously denied the case. The other item was an appeal to a staff decision to deny a private communication radio tower. The applicant appealed, and it will be heard at the January 9<sup>th</sup> County Commissioner meeting.

Mr. Toulouse said the Gail Willey case was partially approved by this board. Mr. Lloyd said he wanted to correct that. This board also made partial approval. The appeal was for a complete allowance of all requested uses and that was denied. The partial approval was for the whole sale nursery, but not the entire approval.

### \*B. Legal Information and Updates

Mr. Lloyd reminded them about the holiday feast on December 20<sup>th</sup>. You are all invited.

## 11. \*General Public Comment

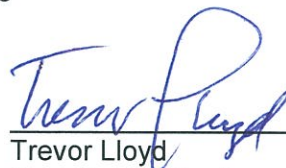
Cathy Brandhorst spoke about items that were important to her.

## 13. Adjournment

The meeting adjourned at 2:14 p.m.

Respectfully submitted,  
*Misty Moga, Independent Contractor*

Approved by Board in session on February 1, 2018



Trevor Lloyd  
Secretary to the Board of Adjustment