



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Philip J. Horan, Chair

Robert F. Wideman, Vice Chair

Mary S. Harcinske

Richard "R.J." Cieri

Kim Toulouse

Bill Whitney, Secretary

Thursday February 2, 2012

1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

February 2, 2012

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, February 2, 2012 at 1:30 p.m., in the Washoe County Health Department Conference Rooms, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Robert Wideman, Chair
Philip Horan
Richard "R.J." Cieri
Mary S. Harcinske

Members absent: Kim Toulouse

Staff present: Bill Whitney, Acting Community Planning Services Manager, Community Development
Roger Pelham, Senior Planner, Community Development
Trevor Lloyd, Senior Planner, Community Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Community Development

2. Pledge of Allegiance

Member Cieri led the pledge to the flag.

3. Ethics Law Announcement

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

4. Appeal Procedure

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

5. Public Comment

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

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Horan moved to approve the agenda of February 2, 2012. The motion, seconded by Member Harcinske, passed by a vote of four in favor and none against, Member Toulouse absent.

7. Approval of Minutes

Member Cieri moved to approve the minutes of December 1, 2011. The motion was seconded by Member Harcinske and passed three in favor and none against, Member Horan abstaining as he had not been present at the meeting and Member Toulouse absent.

8. Chair and Board Items

None

9. Director's Items

Mr. Whitney introduced himself to the members and told them he was looking forward to working with them. He went on to explain Grace Sannazzaro was dealing with a family medical emergency so Mr. Pelham and Mr. Lloyd would be presenting her cases.

Mr. Whitney then asked the members to consider the possibility of holding 12 meetings a year rather than six in order to spread out their workload and expedite service to the public. He noted budgetary constraints may cause the rate of pay to be \$40 instead of \$80 if they do decide to hold the 12 meetings. All of the members present indicated they would do what was necessary to provide good service to the citizens. Member Horan and Chair Wideman indicated they did not feel that the current workload was burdensome. Mr. Whitney asked they consider the matter and told them an item would be placed on the April agenda for discussion and action.

10. Consent Items

None

11. Project Review Items

Agenda Item 11A

PUBLIC HEARING: Special Use Permit Case No SB11-015 - Mount Rose Ski Tahoe – To allow the phased improvements to the Mt. Rose Ski Tahoe ski resort. The proposed improvements include the removal of two existing ski lifts (Ponderosa and Galena) and the replacement with a new single ski lift, the extension of an existing ski lift (Lakeview lift), expansion of the mountain terrain to include new ski trails and a new surface lift, the expansion of the existing Rose lodge by approximately ±30,000 square feet, the relocation of a ±5,000 square foot maintenance building, the construction of two snowmaking ponds, the construction of a relocated access road off of Mt. Rose Hwy., the construction of a new ±3,000 square foot on mountain restaurant, the construction of a ±15,000 seasonal locker building and the construction of a new terrain park ski lift on the slide side of the resort. The proposed improvements are projected to be phased over a 15-year timeframe.

- Location: 22222 Mt. Rose Highway near the top of the Highway
- Assessor's Parcel No: 048-112-12; 048-112-13; 048-112-14; 048-112-15; 048-112-04; and 048-120-22
- Parcel Size: ±1,009 acres
- Regulatory Zones: Parks and Recreation & Tourist Commercial
- Area Plan: Forest
- Citizen Advisory Board: Galena/Steamboat CAB & West Washoe Valley CAB
- Development Code: Authorized in Article 302, Allowed Uses & Article 810, Special Use Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Sections 19, 20, 29 & 30 T17N R19E, MDM Washoe County, NV

Chair Wideman opened the public hearing and asked if any Board members wished to provide disclosures. Chair Wideman, Member Horan and Member Harcinske stated they had received invitations to tour the property and had declined.

Mr. Lloyd reviewed the staff report dated January 19, 2012. He noted that both CABs were very supportive of the project and had voted for unanimous approval. He noted each phase of construction would be over the course of five-year increments.

Member Horan noted it appeared as though the new access road was under construction and wanted to know if the county had already received Nevada Department of Transportation (NDOT) approval. Mr. Lloyd stated he would defer to the applicant on that subject.

Member Cieri noted Condition 1f revoked the Special Use Permit (SUP) if it were inactive for one year. Mr. Lloyd replied that condition referred to Operational functions, not construction. As an example, if the restaurant were inoperable for more than 12 months the SUP would be revoked. Mr. Lloyd pointed out the Operational Conditions section was separate from the construction requirements.

Applicant's Representative Lisa Foster reiterated much of What Mr. Lloyd had described, and expounded upon the resort's benefits to the community. She explained the SUP request for the road improvement referred to a realignment of the road in the Rose parking area. A secondary access road off the Mount Rose Highway had already been approved by NDOT and construction had begun. Member Horan asked why an internal realignment would require NDOT approval. Mr. Lloyd explained the intent was to be sure NDOT had no objections.

Ms. Foster noted the resort was surrounded primarily by Forest Service land and therefore had very little impact on neighboring property owners.

Member Harcinske asked if Forest Service denial of any piece of the project would affect the overall plan. Ms. Foster said the Forest Service had reviewed the documents and indicated they agreed with all of the elements of the plan. They have not given specific approval for each piece.

Applicant Paul Senft explained both ponds and two lift extensions were on Forest Service property. Their Engineering Division will provide final design approval at time of construction.

Chair Wideman reiterated Member Harcinske's concern regarding failure of the overall plan if a portion of it were denied by the Forest Service. Mr. Senft stated that if one piece was not approved it would not affect the other pieces.

Member Harcinske expressed concern they were being asked to approve a change to a road already approved by the County. Mr. Lloyd explained it was not uncommon for the county to approve conceptual design and then the applicant or their engineers determining an alteration of the original plan would be the preferred alternative so they then request the change through the Board.

Chair Wideman clarified the alignment of the roadway was a separate issue from its connection to the highway and that NDOT's interest ended at the end of the right-of-way. Mr. Lloyd stated that was correct.

Bill Henderson spoke in favor of the project.

Chair Wideman closed the public hearing.

Member Horan moved to approve conditionally Special Use Permit Case No SB11-015 - Mount Rose Ski Tahoe. The motion was seconded by Member Cieri and passed by a vote of four in favor and none against, Member Toulouse absent.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Forest Area Plan;
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 type of development, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Agenda Item 11B

PUBLIC HEARING: Variance Case No. VA11-006 - Thomas R. Potter – A request to vary the maximum 4.5-foot fence height standard within the front yard setback to a fence height of 6 feet.

- Location: 25 and 35 Bargary Way, Reno
- Assessor's Parcel Nos.: 144-231-02 and 144-231-03
- Parcel Size: +2.48 acres (both parcels combined)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southwest Truckee Meadows Area Plan
- Citizen Advisory Board: Galena-Steamboat CAB

- Development Code: Authorized in Article 804, Variances, to vary the standards in Article 214, Southwest Truckee Meadows Area and Article 406, Building Placement Standards
- Commission District: 2– Commissioner Humke
- Section/Township/Range: Within Section 30, T18, R20, MDM Washoe County, NV

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

Mr. Pelham reviewed the staff report dated January 20, 2012. He showed images of the difference between the allowable fence height and what was requested. He demonstrated it was proposed to be located along a public access easement, rather than behind the 20-foot setback, where a fence of that height was allowed by right. He demonstrated there was no hardship justifying a variance, there were other reasonable alternatives, so staff was recommending denial.

Applicant's Representative Richard Wood explained why the applicant wanted the wall to be constructed at that location and explained the property line along the access easement was not the front of the property. He reiterated a side yard was allowed a six-foot fence and showed pictures of other fences of that height along the same easement. He noted the lack of objection to the fence from the neighbors and opined it was not a detriment to anyone.

Member Cieri asked if the owner had considered placing the fence 20 feet back from the property line, making it legal, and Mr. Wood replied the owner had considered and rejected the idea.

Member Horan requested that Mr. Pelham address the six-foot fences on the opposite side of the lane. Mr. Pelham pointed out the fences were part of a separate subdivision that was accessed through a different roadway and the fences were legally constructed on the rear of the properties.

Chair Wideman asked how a front is determined and Mr. Pelham replied it is along the property line that abuts the access. A corner lot has two fronts, as there are potentially two accesses. He clarified a highway is not an access, so although the lot in question was a corner lot, it only had one legal access.

Member Cieri asked Mr. Wood which of the five required findings for approval of a Variance he claimed he could make a case for. Mr. Wood reiterated the property faced an easement, not a street, and there was only one other affected property. He viewed the situation as an exception to subdivision standards.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing.

Member Harginske stated a self-induced condition did not create a hardship and agreed with the staff determination.

Member Cieri stated he empathized with the property owner but pointed out the Board was bound by Code. He didn't feel a case was made that allowed them to make the required findings to grant the variance.

Member Horan acknowledged they needed to be reasonable and look at ways to make exceptions to the code in certain cases but this was not one of them.

Chair Wideman noted the Board was there to interpret the Code as adopted, not re-write it. He reiterated they were required to support all five Findings, not four. The issue was the question about what was the issue with the property itself that created the hardship. He stated he could not articulate what that was and find a hardship. If they were to approve the variance without that finding, they placed themselves in jeopardy of setting a precedent.

Member Horan moved to deny Variance Case No. VA11-006 - Thomas R. Potter. The motion was seconded by Member Harcinske and passed by a vote of four in favor and none against, Member Toulouse absent.

The motion was based on the following findings:

1. Special Circumstances. Because there are no special circumstances applicable to the two subject properties, such as exceptional narrowness, shallowness or shape of the specific properties; exceptional topographic conditions; extraordinary and exceptional situation or condition of the properties and/or location of surroundings; the strict application of county code does not result in an exceptional and undue hardship upon the owner of the two subject properties.
2. No Detriment. The relief, if granted, would impair the intent and purpose of the Development Code and the applicable policies under which the variance would be granted due to the fact that there are other options available in meeting the benefit of privacy and security that the property owner is seeking.
3. No Special Privileges. Granting of the variance would be granting special privileges and would be inconsistent with the limitations upon other properties in the vicinity with the identical regulatory zone of Medium Density Suburban (MDS). The property owner has not exhausted other options available, such as constructing a 4 ½ foot high wall within the front yard setback or constructing a 6 foot high wall outside the front yard setback. There are no 6 foot high fences or walls within front yard setbacks in the surrounding neighborhood.
4. Use Authorized. Granting of the variance would not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the subject two parcels.
5. Effect on a Military Installation. Granting of the variance would not have a detrimental effect on the location, purpose, and mission of the military installation.

Ms. Spinola read the appeal language for the record.

Agenda Item 11C

PUBLIC HEARING: Variance Case No. VA11-008- Arrowcreek Homeowners Association – A request to reduce the side yard setback on the east side of the subject property from 15 feet to 3 feet to facilitate construction of a maintenance building.

- Location: Northeast corner of the Alpine Frost Court/
West Arrowcreek Parkway intersection
- Assessor's Parcel No: 152-472-03
- Parcel Size: ±0.78 acres
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows Area Plan
- Citizen Advisory Board: Southwest Truckee Meadows Citizen Advisory
Board
- Development Code: Authorized in Article 804, Variances, to vary the
standards in Article 406, Building Placement
Standards
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 23, T18N, R19E, MDM
Washoe County, NV

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

Mr. Lloyd reviewed the staff report dated January 20, 2012. He explained the potential building sites were severely limited due to a utility corridor and accompanying setbacks running down the entire length of the property. He stated the project was able to meet all five findings for the variance.

Mr. Lloyd explained the applicant had requested Condition 1c be changed to allow two years to complete construction rather than the 18 months required by Code. Additionally, the applicant was requesting amendments to Conditions 6a and 6b, allowing completion of the required Fire conditions prior to the Certificate of Occupancy rather than prior to issuance of the building permit.

Applicant's Representative Steve Morton clarified the amendments were being requested to assist with the timing of the various phases of the project.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing.

Member Harcinske moved to approve conditionally as amended Variance Case No. VA11-008- Arrowcreek Homeowners Association. The motion was seconded by Member Cieri and passed by a vote of four in favor and none against, Member Toulouse absent.

The motion was based on the following findings:

1. Special Circumstances. There are special circumstances applicable to the subject property which include an 80 foot utility corridor easement with required 10 foot setbacks on each side and a 20-foot waterline and sewer easement on a 0.78 acre parcel, which leaves little room for practical development; the strict application of county code results in an exceptional and undue hardship upon the subject property.
2. No Detriment. Granting the relief will not create a substantial detriment to the public good, nor will it 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 easements running through the subject property create a significant hardship; therefore, granting of the variance will not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity that have the identical High Density Rural (HDR) regulatory zone as the subject property.
4. Use Authorized. Granting of the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the subject two parcels.
5. Effect on a Military Installation. Granting of the variance will not have a detrimental effect on the location, purpose, and mission of the military installation.

Agenda Item 11D

PUBLIC HEARING: Special Use Permit Case No SB11-014 - Steamboat Hills, LLC - To allow approximately 16,000 cubic yards of grading with a surface disturbance of approximately 2.7 acres to create a new well pad to allow the drilling of a geothermal well to augment fluid and temperature at the existing geothermal power plant facility.

- **Location:** The property is located adjacent to the new I-580 right-of-way, approximately 3 miles south of its intersection with State Route 431 (Mount Rose Highway), at the existing Steamboat Hills Power Plant site. The property is accessed by way of an unnamed private access beginning between the UNR Redfield Campus and Galena High School
- **Citizen Advisory Board:** Galena-Steamboat
- **Area Plan:** South Valleys
- **Parcel Size:** 199.65 acres
- **Regulatory Zone(s):** General Rural (GR)
- **Assessor's Parcel No(s):** 144-020-04
- **Development Code:** Authorized in Article 438 Grading and 810 Special Use Permits
- **Commission District:** 2 – Commissioner Humke
- **Section/Township/Range:** Within Section 5, T17N, R20E, MDM
Washoe County, NV

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

Mr. Pelham reviewed the staff report dated January 17, 2012. He explained the applicant had worked with staff to come up with a plan that created a more visually appealing result than originally proposed.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing.

Member Cieri moved to approve conditionally Special Use Permit Case No SB11-014 - Steamboat Hills, LLC. The motion was seconded by Member Horan and passed by a vote of four in favor and none against, Member Toulouse absent.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That, as conditioned, the site is physically suitable for a construction pad for a well, and for the intensity of such a development;
4. Issuance Not Detrimental. That, as conditioned, issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property 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.

Agenda Item 11E

PUBLIC HEARING: Special Use Permit Case No SB11-016 - Rugged 3R Ranch Commercial Stables - To allow the operation of a commercial equestrian stables including boarding of up to 44 horses (22 in stables and 22 in pastures) training, lessons, clinics, timed events, trail course rides and horse shows.

- Location: 3625 Lakeshore Drive, Washoe Valley
- Assessor's Parcel No: 050-320-03
- Parcel Size: 9.52 acres
- Regulatory Zone: Low Density Rural (LDR)
- Area Plan: South Valleys
- Citizen Advisory Board: East Washoe Valley
- Development Code: Authorized in Article 302, Allowed Uses and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Within Section 6, T16N, R20E, MDM
Washoe County, NV

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

Mr. Pelham reviewed the staff report dated January 20, 2012. He explained there would be no new construction and activities would be restricted to daylight hours. Lighting, noise and number of participants would be limited.

Applicant Matthew Richard described reasons why the property was optimal for the use requested.

As there was no response to the call for public testimony, Chair Wideman closed the public hearing.

Member Horan moved to approve conditionally Special Use Permit Case No SB11-016 - Rugged 3R Ranch Commercial Stables. The motion was seconded by Member Harcinske and passed by a vote of four in favor and none against, Member Toulouse absent.

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the South Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for commercial stables, and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of any military installation.

12. Other Items

13. Public Comment

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

14. Adjournment

There being no further business to come before the Board of Adjustment, the meeting adjourned at 3:02 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on April 5, 2012

Bill Whitney
Secretary to the Board of Adjustment