



Board of Adjustment Staff Report

Meeting Date: April 3, 2014

Subject: Special Use Permit Case Number SB14-003
Applicants: Steven and Nancy Kennedy
Agenda Item Number: 8F
Project Summary: To allow for the construction of a ±799 square foot detached accessory dwelling.
Recommendation: Approval with Conditions
Prepared by: Trevor Lloyd - Senior Planner
Planning and Development Division
Washoe County Community Services Department
Phone: 775.328.3620
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Description

Special Use Permit Case Number SB14-003 (Kennedy) – To allow for the construction of a ±799 square foot detached accessory dwelling (total structure size is 1,149 square feet) with an existing 3,742 square foot main residence on a ±0.47 acre parcel.

- Applicant/Property Owner: Steven and Nancy Kennedy
- Location: 1095 High Chaparral Drive near Geiger Grade
- Assessor's Parcel Number: 140-091-03
- Parcel Size: ±0.47 acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Article 810, *Special Use Permits*
- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 27, T18N, R20E, MDM Washoe County

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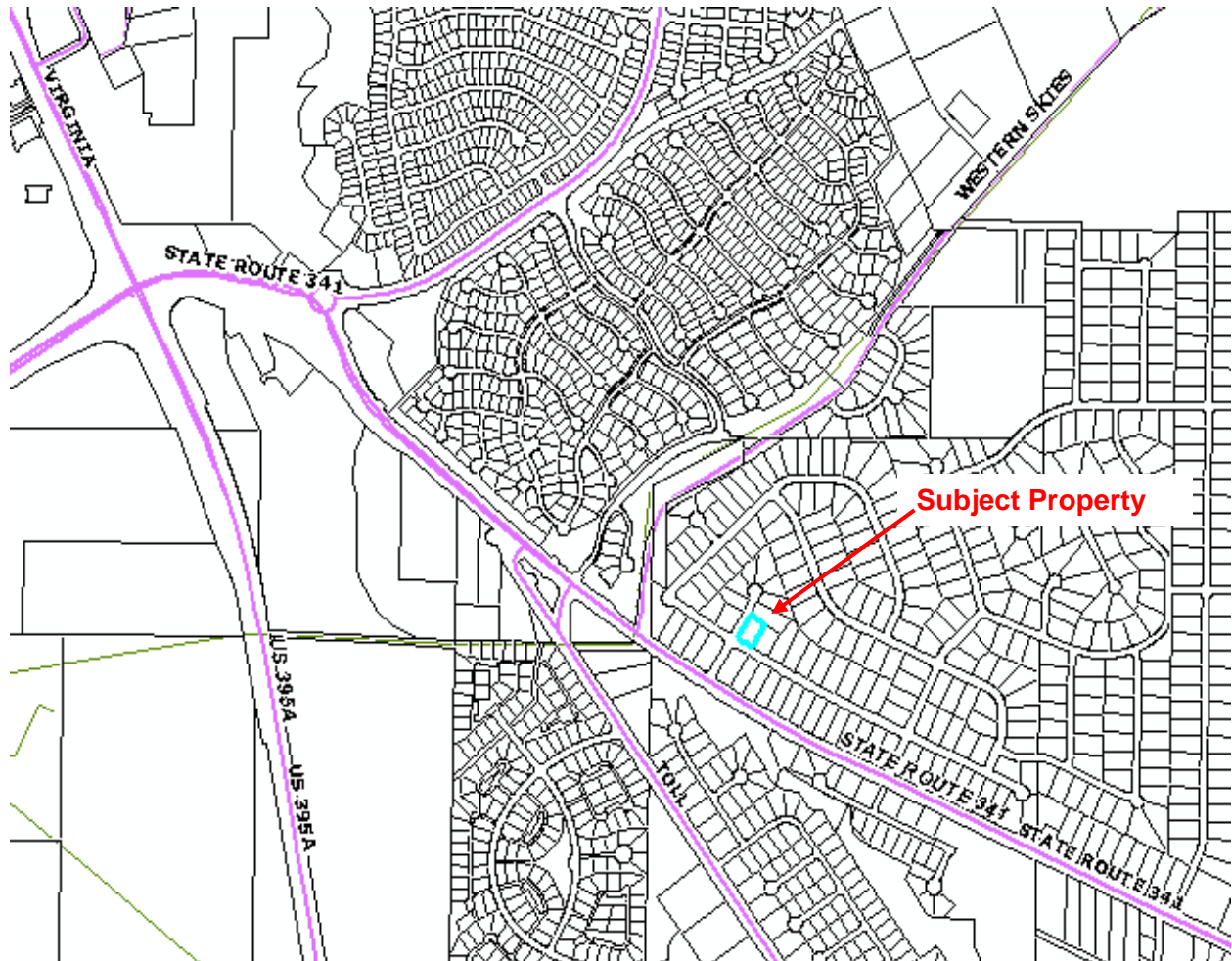
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Special Use Permit

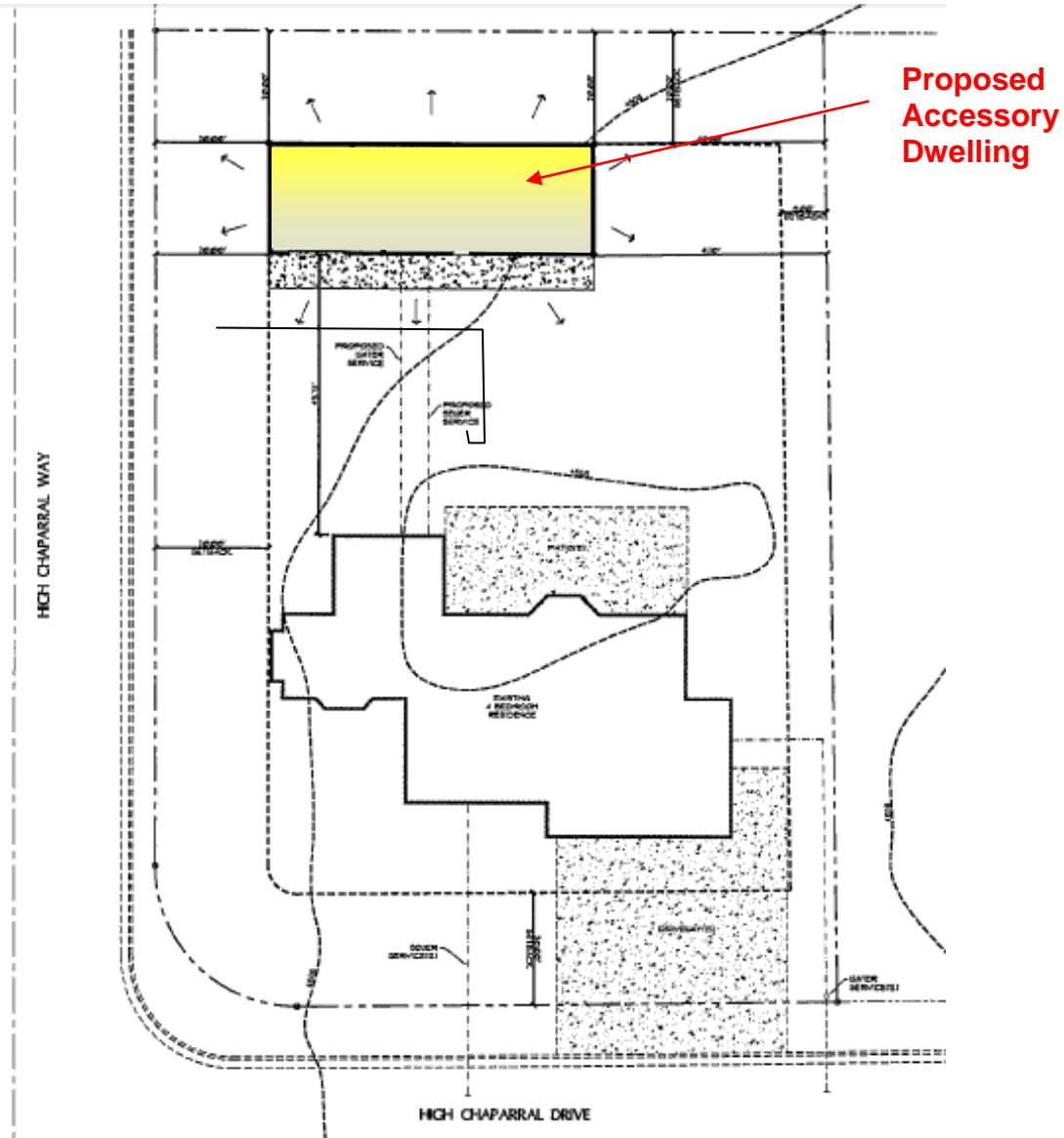
The purpose of a Special Use Permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Special Use Permit, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as “*Operational Conditions.*” These conditions must be continually complied with for the life of the business or project.

The Conditions of Approval for Special Use Permit Case Number SB14-003 are attached to this staff report and will be included with the Action Order.



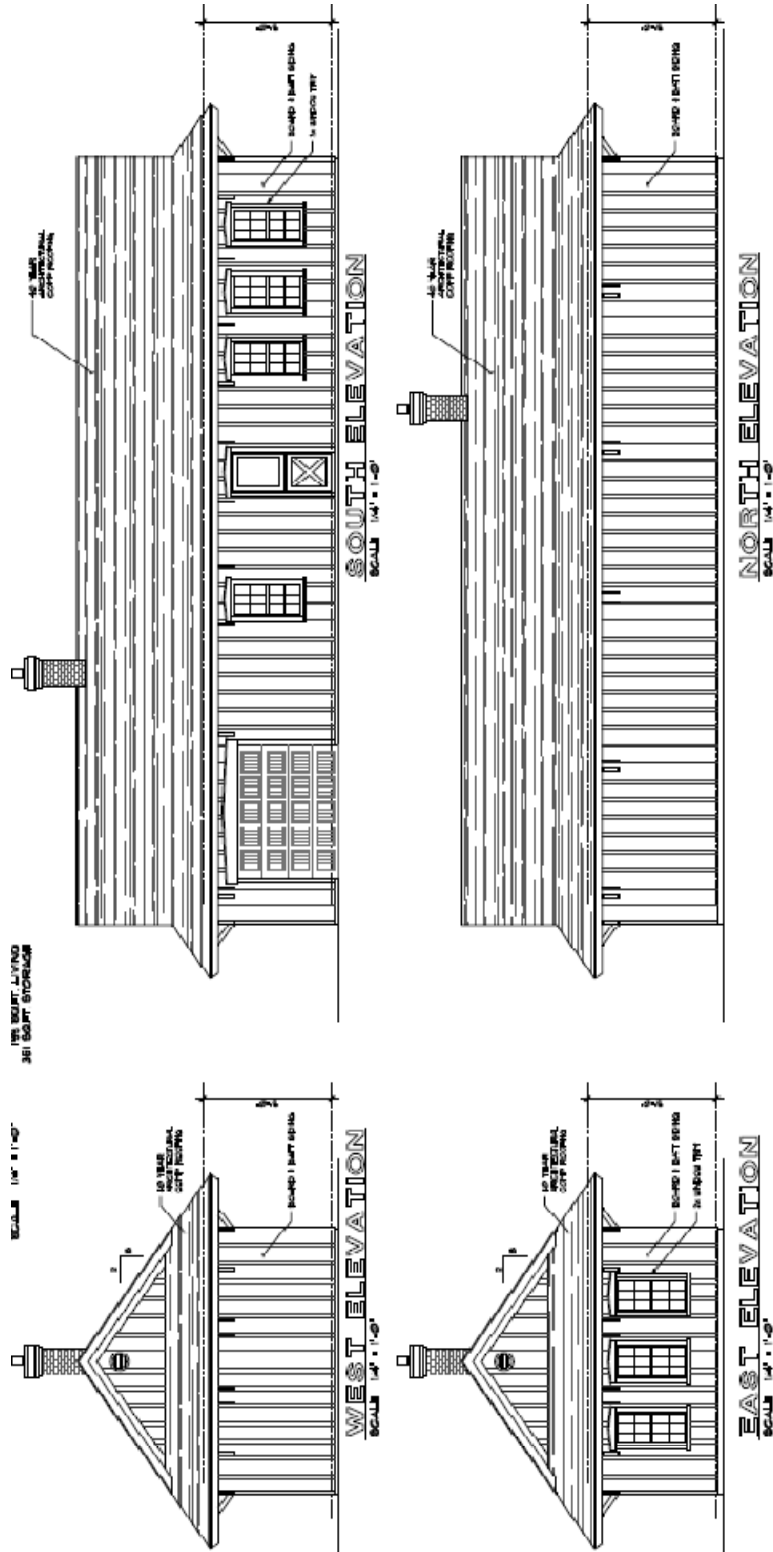
Vicinity Map



Site Plan



Overhead Photo



Project Evaluation

The applicant is asking to construct a 799 square-foot detached accessory dwelling. There is an existing $\pm 3,742$ square foot main residence on a $\pm .47$ acre property that is zoned Medium Density Suburban. The proposed accessory dwelling structure/building will include 799 square feet of living area and 350 square feet of storage area. There are very few impacts associated with their request. The proposed accessory dwelling will be uniquely designed to house a model train within the structure. Additionally, the exterior of the building will be designed to look like a small train station. The accessory dwelling will meet all of the required minimum setbacks and will be screened by a large number of mature trees that line much of the perimeter of the property.

Section 110.306.25 Detached Accessory Dwellings. Detached accessory dwellings are defined in Article 304, Use Classification System, under Section 110.304.15, Residential Use Types. Detached accessory dwellings are allowed in the General Rural (GR) and General Rural Agricultural (GRA) Regulatory Zones, and are permitted in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones pursuant to the administrative review process and requirements of this section. A detached accessory dwelling is permitted in the Medium Density Suburban (MDS) Regulatory Zone subject to a special use permit reviewed by the Board of Adjustment. Any detached accessory dwelling unit must adhere to the following requirements:

- (a) A main residential unit exists and no other accessory dwelling unit has been established.
- (b) A minimum lot area of twelve thousand (12,000) square feet exists.
- (c) Compliance with the setback and height standards of the regulatory zone and the lot coverage standards enumerated in Section 110.306.10(a).
- (d) Except for in the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet, or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. The maximum permitted square footage of a detached accessory dwelling unit shall not be increased by use of the variance process contained in Article 804, Variances, except for conversion of a guest house, that was legally constructed prior to May 26, 1993, to a detached accessory dwelling unit.
- <(e) omitted>
- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking

beyond the one (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.

(g) Only one (1) accessory dwelling unit is allowed per parcel.

<(h-j) omitted>

South Truckee Meadows/Washoe Valley Citizen Advisory Board

The proposed project was presented by the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on March 13, 2014. There was no opposition presented and the CAB unanimously recommended approval.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Planning and Development
- Washoe County Engineering and Capital Project
- Washoe County Water Resources
- Washoe County Environmental Health Division
- Truckee Meadows Fire Protection District
- Regional Transportation Commission

Five out of the six above listed agencies/departments provided a response to their evaluation of the project application, however only Engineering and Capital Projects and Planning & Development provided any comments or conditions. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order

- Washoe County Planning and Development addressed the zoning and design of the proposed accessory dwelling.
Contact – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us
- Washoe County Engineering and Capital Projects addressed the requirement for construction improvement drawings and the Regional Road Impact Fees (RRIF).
Contact – Leo Vesely, 775.325.8032, lvesely@washoecounty.us

Staff Comment on Required Findings

Section 110.810.30 of Article 810, *Special Use Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the special use permit application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.

Staff Comment: The proposed detached accessory dwelling does not violate any of the goals and policies of the Washoe County Master Plan or the Southeast Truckee Meadows 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.

Staff Comment: The proposed detached accessory dwelling will connect to existing municipal water, sewer and electric and natural gas connections.

3. Site Suitability. That the site is physically suitable for type of development, such as a detached accessory dwelling, and for the intensity of such a development.

Staff Comment: The proposed detached accessory dwelling will be located on a large residential property which has adequate screening and services to support an accessory dwelling.

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.

Staff Comment: The low intensity of use together with the proposed location meeting all setbacks, the exterior design and existing screening will ensure that the proposed detached accessory dwelling does not result in a significant detriment to the public health, safety or welfare.

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.

Staff Comment: There are no military installations within 3,000 feet of the development or use, therefore the use is not detrimental to location, purpose or mission of any military installation.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Special Use Permit Case No. SB14-003 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number SB14-003 for Steven and Nancy Kennedy, having made all five findings in accordance with Washoe County Development Code Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast Truckee Meadows 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, such as a detached accessory dwelling, 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 the military installation; and

Appeal Process

Board of Adjustment action will be effective 10 days after the public hearing date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Owner/Applicant: Steven and Nancy Kennedy, 1095 High Chaparral Drive, Reno, NV 89521

Representatives: K2 Engineering and Structural Design, Attn: Brandt Kennedy, 3100 Mill Street #107, Reno, NV 89502



EXHIBIT A

Conditions of Approval

Special Use Permit Case Number SB14-003

The project approved under Special Use Permit Case Number SB14-003 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 3, 2014. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes.

Unless otherwise specified, all conditions related to the approval of this Special Use Permit shall be met or financial assurance must be provided to satisfy the Conditions of Approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the Conditions of Approval related to this Special Use Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Special Use Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the Conditions of Approval related to this Special Use Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.**

Any conditions set by the District Health Department must be appealed to the District Board of Health.

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Trevor Lloyd, Senior Planner, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this special use permit.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

Washoe County Engineering and Capital Projects Division

2. The following conditions are requirements of Engineering, which shall be responsible for determining compliance with these conditions.

Contact Name – Leo Vesely, 775.328.2040, lvesely@washoecounty.us

- a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), and slope stabilization. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed to exit the property.
- b. The Regional Road Impact Fee will be required for the accessory dwelling. The additional fee shall be charged at the multi-family rate.

*** End of Conditions ***



South Truckee Meadows/Washoe Valley Citizen Advisory Board

MEMORANDUM

To: Trevor Lloyd, Staff Representative
Re: South Truckee Meadows/Washoe Valley CAB Election of Officers
From: Allayne Donnelly-Everett, Administrative Recorder
Date: March 19, 2014

Special Use Permit SB14-003 (Kennedy) - Michael Vicks, representing the applicant presented the request to construct a ± 799 square foot detached accessory dwelling with an existing 3,742 square foot main residence on a ± 0.47 acre parcel located at 1095 High Chaparral Drive near Geiger Grade. Applicants: Steven and Nancy Kennedy. Contact Trevor Lloyd, Staff Representative at 775-328-3620 tlloyd@washoecounty.us

MOTION: Eric Scheetz moved to recommend approval of SB14-003 Kennedy as presented. Jim Rummings seconded the motion. The motion carried unanimously

Comments and Concerns

- In response to questions raised, Mr. Vicks stated that the applicant plans to construct a kitchen. There would not be a bathroom in the structure.
- Nancy Kennedy stated that this is not a dwelling but a hobby room.
- There was no opposition heard from the community or CAB.

cc: Commissioner David Humke
Tom Judy, Acting Chair
Sarah Tone, County Liaison
Nancy Leuenhagen, Community Relations Manager
Andrea Tavener, Program Assistant

OFFICIAL NOTICE OF PUBLIC HEARING

DATE: March 21, 2014

You are hereby notified that the **Washoe County Board of Adjustment** will conduct a public hearing at the following time and location:

1:30 p.m., Thursday, April 3, 2014

County Commission Chambers, 1001 East Ninth Street, Reno, NV 89512

RE: **Public Hearing: Special Use Permit Case Number SB14-003 (Kennedy)** – To allow for the construction of a ±799 square foot detached accessory dwelling (total structure size is 1,149 square feet) with an existing 3,742 square foot main residence on a ±0.47 acre parcel.

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- Location: 1095 High Chaparral Drive near Geiger Grade
- Assessor's Parcel Number: 140-091-03
- Parcel Size: ±0.47 acre
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
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- Commission District: 2 – Commissioner Humke
- Section/Township/Range: Section 27, T18N, R20E, MDM
Washoe County, NV
- Staff: Trevor Lloyd, Senior Planner
Washoe County Community Services Department Planning and
Development Division
- Phone: 775.328.3620
- E-mail: tlloyd@washoecounty.us

As an owner of property in the vicinity, you are invited to present testimony relative to these matters.

To access additional information about this item, please visit our website at www.washoecounty.us/comdev/, choose **Boards and Commissions**, then **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**. A staff report related to this public hearing will be posted on Friday, six days prior to the meeting.