



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

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

Thursday, December 3, 2015  
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 3, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Lawrence called the meeting to order at 1:34 p.m. The following members and staff were present:

Members present: Lee Lawrence, Chair  
Kristina Hill  
Brad Stanley  
Clay Thomas

Members absent: Kim Toulouse, Vice Chair

Staff present: William Whitney, Division Director, Planning and Development  
Grace Sannazzaro, Planner, Planning and Development  
Eva Krause, AICP, Planner, Planning and Development  
Roger Pelham, MPA, Senior Planner, Planning and Development  
Trevor Lloyd, Senior Planner, Planning and Development  
Lora R. Robb, Water Management Planner, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Katy Stark, Office Support Specialist, Planning and Development  
Donna Fagan, Recording Secretary, Planning and Development

### 2. \*Pledge of Allegiance

Chair Lawrence 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

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

## 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Hill moved to approve the agenda of December 3, 2015. The motion was seconded by Member Stanley and passed unanimously. **(four in favor, one absent)**

## 7. Approval of October 1, 2015 Draft Minutes

Member Hill moved to approve the minutes of October 1, 2015 as written. The motion was seconded by Member Thomas and passed unanimously. **(four in favor, one absent)**

## 8. Public Hearings

**A. Variance Case Number VA15-010 (Jason S. Walters)** – Hearing, discussion, and possible action on a variance requesting to vary Washoe County placement standards for Cargo Containers as provided in Washoe County Code Section 110.306.10(g)(9) to allow existing Cargo Containers to be located between an existing residence and adjoining road right-of-way (State Route 34) that provides primary access to the residence.

- Applicant/Property Owner: Jason S. Walters
- Location: 1287 State Route 34, Gerlach, NV
- Assessor's Parcel Number: 071-332-03
- Parcel Size: ±54.71 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: High Desert
- Citizen Advisory Board: None
- Development Code: Authorized in Article 804, Variances
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 11, T34N, R23E, MDM, Washoe County, NV
- Prepared by: Grace Sannazzaro - Planner  
Washoe County Community Services  
Department  
Division of Planning and Development
- Phone: 775.328.3627
- E-Mail: [gsannazzaro@washoecounty.us](mailto:gsannazzaro@washoecounty.us)

Chair Lawrence opened the public hearing. Grace Sannazzaro reviewed her staff report dated November 20, 2015.

Jason Walters, the applicant, stated he doesn't have a business plan involving shipping containers. He's willing to limit the amount of shipping containers to the six that are currently there. He got a good deal and finds them useful. He's a permanent resident who has lived in the area for 10 years. The property is flat in one area and slopes up to where his home and modular offices are now and getting them up there was pretty difficult. In order to get the containers up to that area the road would need to be graded and widened. One area up near his home slopes to an area that floods about every two years as the water comes down off the lower Granite Mountain into the Fly Geyser system. He's not enthusiastic about putting anything in that area. There is also a small flat area near the house where he would like to plant

trees, has a garden, and plans to install a solar array. He doesn't want to knock it all down. Mr. Walters would have to make a flat area to the north of his home to put the containers which, if the containers are placed there, would be more visible to his neighbor, Mr. Cole, than they are now. He has spoken to Mr. Cole about this. Moving the containers will be time consuming, impractical, and pretty expensive.

Derek Wilson, Rubicon Design Group, opined that the findings in the staff report are fairly narrow. He noted that the cargo containers would have to be moved all the way to the other side of the 54 acre parcel. There are no further uses planned, as mentioned in Mr. Cole's letter. Mr. Wilson argued there would be no detriment to the public good and moving the containers would create impairment to the natural resources (ie: grading a new site and road improvement), considerations for a variance stated in Finding 2. He believes the county code for shipping containers was written for smaller residential lots but that standard is unnecessarily prohibitive and a hardship on this size parcel. Mr. Wilson showed a photo shopped picture of the view of Mr. Walter's property if the containers were moved to the west and closer to the home, where they would be just as or more visible than they are currently.

Chair Lawrence opened public comment.

Cathy Brandhorst spoke about bears and garbage containers.

Chair Lawrence closed public comment.

There were no disclosures made.

Chair Lawrence read an email submitted by Arlo Stockham.

Member Stanley said he couldn't see much difference between the Quonset hut and the cargo containers. He questioned if the code was written for smaller parcels as well as 40 acre parcels, that aside, the code should be enforced.

Member Thomas noted the language in Finding #2, "...impair the intent and purpose of the Development Code or applicable policies under which the variance is granted." He feels this portion of the finding has not been met. He is unable to support the variance.

Chair Lawrence agreed with Member Stanley's statement about the Quonset hut but feels one approved structure opposed to six or twelve does effect the visual impact. He believes the area is special and the visual appeal should be preserved. He believes the application should be denied.

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 deny Variance Case Number VA15-010 for Jason S. Walters, not making all of the required findings as provided in WCC Section 110.804.25. Member Thomas seconded the motion which carried unanimously. **(four in favor, one absent)**

The motion was based on the following findings:

1. Special Circumstances. Because of the special circumstances applicable to the property, including either the exceptional narrowness, shallowness or shape of the specific piece of property or by reason of exceptional topographic conditions or other 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 read the appeal procedures.

**B. Variance Case Number VA15-011 (Dick-Billman Remodel)** – Hearing, discussion, and possible action to approve a variance reducing the front yard setback from 15 feet to 9.39 feet to construct a garage with a deck above.

- Applicant: Elise Fett and Associates, LTD
- Property Owner: Dick-Billman Living Trust
- Location: 964 Chipmunk Court
- Assessor's Parcel Number: 128-032-13
- Parcel Size: 0.285 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: As authorized in Article 804, Variance
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 10 and 03, T16N, R18E, MDM, Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner  
Washoe County Community Services  
Department  
Planning and Development Division
- Phone: 775-328-3628
- E-mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Chair Lawrence opened the public hearing. Ms. Krause reviewed her staff report dated November 16, 2015.

Elise Fett, the applicant's representative, clarified that the residence is at a higher elevation and a less steep driveway with a double garage is necessary and common in the neighborhood. Due to the contour of the property they're asking for the maximum allowable variance. The change will make the entrance to the home more noticeable.

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

There were no disclosures made.

Member Hill said she believes the variance is warranted. It will improve the circulation of the street and will keep parked cars off the road.

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 Variance Case Number VA15-011 for Dick – Billman Living Trust, having made all four findings in accordance with Washoe County Code Section 110.804.25. Member Stanley seconded the motion which carried unanimously. **(four in favor, one absent)**

The motion was based on the following findings:

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

**C. Special Use Permit Case Number SB15-009 (D’Andrea Water Tank #2)** – Hearing, discussion, and possible action to approve a special use permit for the construction of a 300,000-gallon, welded-steel, above-ground water tank and grading for the associated access road.

- Applicant: Lennar Homes  
Attn: Tim Scheideman  
10345 Professional Circle, Suite 100  
Reno, NV 89521
- Property Owner: Truckee Meadows Water Authority  
1355 Capital Boulevard  
Reno, NV 89502
- Location: Approximately 800 feet southwest of the terminus of Vecchio Drive (currently graded but not paved) in the eastern part of the D’Andrea subdivision and approximately two miles east of the intersection of D’Andrea Drive and Vista Boulevard
- Assessor’s Parcel Number: 084-020-03
- Parcel Size: ±528
- Master Plan Category: Open Space (OS)
- Regulatory Zone: Open Space (OS)
- Area Plan: Northeast Truckee Meadows
- Citizen Advisory Board: None
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 4 – Commissioner Hartung

- Section/Township/Range: Section 31, T20N, R21E, MDM,  
Washoe County, NV
- Prepared by: Roger Pelham, MPA, Senior Planner  
Planning and Development Division  
Washoe County Community Services  
Department
- Phone: 775.328.3622
- E-Mail: [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)

Chair Lawrence opened the public hearing. Mr. Pelham reviewed his staff report dated November 12, 2015.

Member Hill asked if notices had been sent to the surrounding property owners and, if so, were there any comments. Mr. Pelham replied, yes notices were sent out and there were no comments received. Member Stanley asked if the City of Sparks was noticed. Mr. Pelham said yes.

Member Thomas asked Mr. Pelham if the road in the subdivision below the tank would be extended to supply access to the water tank. Mr. Pelham noted the map in the staff report, page 4, that the cul-de-sac on Vecchio Drive would be extended for access to the tank.

Chair Lawrence inquired if slats go into the chain link fence, will the property owner not be required to vegetate. Mr. Pelham responded that it was his recommendation as it would be enough visual mitigation. In either case, the applicant will need to seek modification of those standards from the Director subsequent to the decision made today. Chair Lawrence opined that it would make more sense to use the slats than try to grow landscaping in the area.

Chris Baker, Manhard Consulting, clarified that the roads are mass graded now but there are no homes built yet. The tank will service the future homes. There will be a locked gate in the cul-de-sac of Vecchio Drive which will permit access to the water tank. There will be no public access. There has been extensive discussion along with site visits with BLM, City of Sparks, Washoe County and the Tribe to determine placement of the tank and reduce visual impact. Mr. Baker, on behalf of TMWA, requests modification of condition 1(j) as TMWA's standards don't require slats on the fencing. They want to have direct line of sight for security purposes along with the fact no one is going to be able to see the tank due to its placement. TMWA's standard is a vinyl coated chain link fence to match the color of the tank.

Chair Lawrence opened public comment.

Cathy Brandhorst spoke about water tanks.

Chair Lawrence closed public comment.

There were no disclosures made.

Member Hill, Member Stanley, and Chair Lawrence all agreed that slats in the fencing were not necessary and would impede line of site for security reasons.

Member Stanley 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 conditions Special Use Permit Case Number SB15-009 for Lennar Homes, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Hill seconded the motion which carried unanimously. **(four in favor, one 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 Northeast 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 a water tank, 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.

Member Stanley moved to removed condition 1(j) from the Conditions of Approval as discussed during the public hearing. Member Hill seconded the motion which carried unanimously. **(four in favor, one absent)**

**D. Special Use Permit Case Number SB15-008 (Jorgenson Family Cemetery) –** Hearing, discussion, and possible action to approve a special use permit to allow the placement of a ¼ acre family cemetery in the middle of a 200 acre property.

- Applicant: Jorgenson Living Trust
- Location: Off Ironwood Road, 4 miles east of State Route 445
- Assessor's Parcel Number: 077-140-30
- Parcel Size: ±40.34 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural Agricultural (GRA)
- Area Plan: Warm Springs
- Citizen Advisory Board: Warm Springs/Rural
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 21, T22N, R21E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd - Senior Planner  
Planning and Development Division  
Washoe County Community Services  
Department
- Phone: 775.328.3620
- E-Mail: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Lawrence opened the public hearing. Mr. Lloyd reviewed his staff report dated November 11, 2015. Mr. Lloyd stated today he received a condition from Palomino Valley General Improvement District (PVGID) which will be added to the Conditions of Approval as 1(f).

Anthony Jorgenson, the applicant, stated he and his family would like to be buried together in the cemetery and the family trust has enough money set aside to maintain it forever. The easement road going to the proposed site was used to access the 40 acre parcel behind Mr. Jorgenson's parcel. Then Mr. Jorgenson bought that parcel along with surrounding parcels.

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

There were no disclosures made.

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 approve with conditions, to include PVGID's recommended condition 1(f), Special Use Permit Case Number SB15-008 for the Jorgenson Family Cemetery, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Hill seconded the motion which carried unanimously. **(four in favor, one 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 Warm Springs 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 the type of development, a small family cemetery, 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.

**E. Administrative Permit Case Number AP15-006 (Snyder Shop/Apartment)** – Hearing, discussion, and possible action to approve an administrative permit to allow the construction of a detached accessory structure of 2,585 square feet – for the purpose of creating personal use auto and wood shop space, additional garage space, and living space – on a 2.097 acre parcel that already has an existing 1,344 square foot main dwelling.

- Applicant/Property Owner                      Cynthia and John Snyder
- Location:    10830 Red Pine Road in Lemmon Valley
- Assessor's Parcel Number:                      080-288-06
- Parcel Size:     ±2.097 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, and Article 306 Accessory Uses and Structures
- Commission District: 5 – Commissioner Herman
- Section/Township/Range: Section 26, T21N, R19E, MDM, Washoe County, NV
- Prepared By: Lora R. Robb, Water Management Planner  
Washoe County Community Services  
Department
- Phone: 775-954-4636
- E-mail: [lrobb@washoecounty.us](mailto:lrobb@washoecounty.us)

Chair Lawrence opened the public hearing. Ms. Robb reviewed her staff report dated November 16, 2015.

John Snyder, the applicant, noted the three small structures to the south of the house will be moved to open up the area. He also noted, a lot of houses in the area have detached buildings for workshops/garages. Member Thomas asked Mr. Snyder if the small structures he planned to move were out buildings. Mr. Snyder said yes, one is an old horse stall which will probably be removed the other two are for storage.

Chair Lawrence opened public comment.

Glenn Waddell, a neighbor, spoke in favor of the applicant stating many structures in the area don't look very nice but this one will be a nice addition to the area.

Chair Lawrence closed public comment.

There were no disclosures made.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report, information received during the public hearing, and subject to the conditions outlined in the staff report including but not limited to those recommended by Engineering concerning the identification of the flood plain, the Board of Adjustment approve Administrative Permit Case Number AP15-006 for Cynthia and John Snyder, having made all four findings in accordance with Washoe County Development Code Section 110.808.25. Member Hill seconded the motion which carried unanimously. **(four in favor, one 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 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 church, 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.

## 9. Planning Items

- A. Discussion and possible action to direct staff on the content of the revised Rules, Policies and Procedures for the Board of Adjustment regarding the conduct of meetings, hearings, and appeals to the Board, and governance matters such as quorum, voting, record keeping, and the duties, responsibilities, and ethical rules for Board members.

Ms. Robb noted to the Board exhibits F and G of the Rules, Policies, and Procedures (RPPs) staff report dated September 17, 2015, are the documents which show the proposed changes being incorporated since 2011, especially sections 2 and 5 regarding appeals.

Mr. Whitney suggested the Board review exhibit G. It is the "draft" and possibly easier to read.

Chair Lawrence asked for DDA Edwards' guidance to which specific items the Board should take note of. The most significant item to note is the addition of appeal procedure due to the changes in Article 900 of the Development Code. Another issue of concern is whether a reversal by this Board of an appeal would require a majority vote of the entire membership or simply a majority vote of the Members present at the meeting. That issue arises under section 2.02 of the RPPs. Language was added to Appendix A, the American Planning Association's (APA) Ethical Principles in Planning, to unbind the Board from those guidelines while still allowing the Board to consult them for direction. DDA Edwards said the next step is for the Board to give some direction, as a Board to staff, to come back at the next meeting with a formal version of the new RPPs for the Board to vote on and approve.

Member Stanley noticed the language added regarding conduct and security, Section 3.07, page 6 of exhibit G.

Member Stanley asked if part of the new language means the minutes will indicate which Member voted for or against an item, by name. DDA Edwards answered, under Nevada Revised Statutes (NRS) Chapter 241 (open meeting law), the general approach is to include that information in minutes.

Member Stanley asked about the "subpoena power" language. DDA Edwards said it could be clarified more in the final version. Member Stanley wanted to clarify that the Members are allowed to suggest small changes to the RPPs approval, as an ongoing process. DDA Edwards said he believes yes.

Mr. Whitney confirmed that appeals would come from decisions made by a Hearing Examiner, department head, or Division Director, such as himself. The language is being updated to include the process in the event an appeal does happen.

Mr. Whitney said the RPPs have been a work in progress since 2011. He asked the Board to provide input, today, so the RPPs can be approved at the next meeting. He asked staff to review Section 2.02 and items mentioned and make changes as necessary. DDA Edwards indicated he had been making notes of the Boards remarks for changes before the next meeting. DDA Edwards suggested an additional change to Section 2.02 so it leads off with; "unless otherwise required by law", which leaves the issue alone until it comes up as it is a conflict between the County code and NRS. DDA Edwards thinks the simple majority of Members present is the better approach as it tracks the Statute more closely.

**3:28 p.m.** – Member Hill left.

Member Stanley asked council if the changes to the RPPs increases or decreases legal exposure to the Board members. DDA Edwards said his goal is to improve the Boards position regarding legal exposure.

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

- B.** Possible action to appoint Lee Lawrence, Kim Toulouse, Kristina Hill, Clay Thomas, or Brad Stanley to Primary and Alternate members from the Washoe County Board of Adjustment to the Washoe County Design Review Committee.

Mr. Lloyd reviewed his staff report dated November 16, 2015.

Mr. Lloyd recommended postponing this item until the February 4, 2016 meeting as Member Toulouse's appointment has expired; he is absent and unable to say whether he would like to be reappointed. Mr. Lloyd gave a short overview of the responsibilities.

Member Stanley said he would like to be considered as a member or alternate depending on Member Toulouse's decision.

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

## **10. Chair and Board Items**

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

None

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

None

## **11. Director's Items and Legal Counsel's Items**

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

Mr. Whitney gave an update on the following items:

- On August 6, 2015 the Board denied case VA15-004 (Nudleman) which was appealed to and approved by the BCC on October 27, 2015.
- On October 1, 2015 the Board denied case VA15-009 (William Van Leuven) which has been appealed to the BCC and will be heard on December 8, 2015.

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

None


## **12. \*General Public Comment**

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

## **13. Adjournment**

The meeting adjourned at 3:57 p.m.

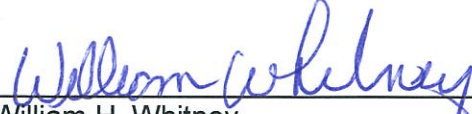
Respectfully submitted,



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Donna Fagan, Recording Secretary

Approved by Board in session on February 4, 2016



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William H. Whitney  
Secretary to the Board of Adjustment