



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

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

Thursday, February 6, 2020
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, February 6, 2020, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Members present: Clay Thomas, Chair
Brad Stanley (Arrived at 1:35 p.m.)
Kristina Hill, Vice-Chair
Kim Toulouse

Members absent: Lee Lawrence

Staff present: Trevor Lloyd, Planning Manager, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Chris Bronczyk, Planner, Planning and Building Division
Roger Pelham, Senior Planner, Planning and Building Division
Dan Cahalane, Planner, Planning and Building Division
Donna Fagan, Recording Secretary, Planning and Building Division
Michael Large, Deputy District Attorney

2. *Pledge of Allegiance

The pledge was led by Member Hill.

3. *Ethics Law Announcement

DDA Michael Large recited the Ethics Law announcement.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

Judy Miller, Incline Village/Crystal Bay Citizen Advisory Board (CAB) member, said, in recent years, our agenda has changed so we can no longer recommend approval or denial of a project. She said she is hopeful the agenda language is reversed for a unified CAB voice. She said individual members submit worksheets and said her worksheet was left out of the staff report. She said she hopes to vote as a board. She has made that request. She said she is speaking as an individual.

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

6. Approval of Agenda

Chair Thomas noted items 9A and 9E have been moved to March. He stated any members of the public wishing to speak on those items can still speak.

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of February 6, 2020 as amended. The motion seconded by Member Hill passed unanimously.

Chair Thomas opened public comment for 9A and 9E. There were no requests for public comment.

7. Possible action to approve December 5, 2019 Draft Minutes

Member Hill had a question regarding a public comment on page 4 of 18, 'at Par 5'. Members discussed that perhaps it meant the commenter lived on the 5th hole of the golf course. Member Toulouse moved to approve the minutes of December 5, 2019. The motion seconded by Member Hill passed unanimously.

8. *Planning Item

Update to Board of Adjustment on **Special Use Permit Case WSUP18-0017 (Soule Grading)**

Julee Olander, Planner, presented her update on the conditions.

Member Hill asked if Ms. Olander will continue to provide updates. Ms. Olander said Mr. Soule has accomplished the Counties required conditions. She said he is still working on the conditions for Nevada Department of Environmental Protection. Some of the engineering comments were in regard to State and Federal agencies. She said the grading permit is still open. There are things he still needs to complete. She said they will make sure all the conditions are completed before issuing building permit.

Member Toulouse said he disagrees that conditions have been met. There is a fence that exists on the property. There is no way he has completed conditions of approval. What has been presented in the prior meeting have not happened such as planting a certain number and variety of trees. That information was supposed to be provided to us. Member Toulouse asked what was the caliper of the trees that were planted on the property. He said it's nowhere close to what was presented. The applicant was not present. Member Toulouse noted the applicant himself was supposed to come back in October. He said the Board recommends turning this back to code enforcement. It's nowhere near what was represented. The conditions have been willfully violated. DDA Michael Large noted this item is not an action item. Member Toulouse would like to have this item back on the agenda as an action item. Mr. Lloyd stated it's at the pleasure of the Board to bring this back for discussion. Member Toulouse stated that the applicant was supposed to come back to give an update per conditions of approval. If conditions have not been met, we should revoke the approved special use permit. Member Toulouse said he would like an in-depth discussion regarding each condition. Mr. Soule isn't able to restore the site to pre-condition. It was to stabilize and bring it as much as possible to the pre-disturbance condition. Member Toulouse said that isn't satisfactory and he requested this item be brought back as an action item.

Chair Thomas echoed Member Toulouse's sentiments. He said the various trees that were promised to be planted have not been planted. He said it doesn't appear many of the conditions have been met.

Member Stanley asked about the conditions by NDEP. Ms. Olander said they conduct weekly inspections, but NDEP should speak to those specific details. Member Stanley asked about pecking order from the partnering agencies. Mr. Lloyd said we can include those details and we can invite those representatives. Mr. Lloyd said we cannot speak for those agencies but can provide information regarding their responsibilities and the County responsibilities.

Member Hill said she visited the site but was concerned with trespassing. Ms. Olander said the bridge is public right-a-way.

Member Toulouse said his comments aren't directed at Ms. Olander. He said he is very unhappy with how this project has transpired.

The applicant nor representative were present.

As there were no requests for public comment, Chair Thomas closed the public comment period.

Chair Thomas said this has been an ongoing situation. He reviewed the timeline of events. He said he was surprised and disappointed when this first came to the attention of code enforcement, the gentleman blatantly disregarded the notices. Chair Thomas reviewed the timeline of notices and violations. He said it appears this individual had not intended to comply with what is set forth through regulations and statutes. He said he echoes Member Toulouse's sentiment regarding the applicant's absence.

Member Stanley said with the understanding there was a noble attempt to work with the agencies and it fell short. He asked who is the lead on this. Mr. Lloyd said Washoe County has responsibilities; NDEP requires the SWIP permit; Corp of Engineers have their processes. There are three different processes occurring. Member Stanley asked if there is conflict regarding degree of remediation, how is that resolved. Mr. Lloyd said he doesn't have a specific answer. There are requirements that conditions are met before issuing permits. Mr. Lloyd said revegetation takes years. The end result won't be known for quite some time.

Chair Thomas thanked Mr. Lloyd and his staff for trying to get compliance and working with individuals involved in this process. He said the staff has done an excellent job.

Mr. Lloyd asked for specific conditions for further discussion. He asked the Board to follow up and email Ms. Olander with the specific conditions they are concerned about.

9. 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.

A. Special Use Permit Case Number WSUP19-0029 (Summit Christian Church) – For possible action, hearing, and discussion to approve a special use permit to allow for the expansion of religious assembly uses to include the construction of a 34,225 sq. ft. worship center at 7075 Pyramid Highway. The proposed expansion will also involve grading which includes ±50,000 cubic yards of cuts from the site with ±30,000 cubic yards to be placed on the north end of the site and ±20,000 cubic yards to be exported.

- Applicant/Property Owner: Summit Christian Church
- Location: 7075 Pyramid Highway
- APN: 083-730-13
- Parcel Size: 36.7 acres
- Master Plan: Suburban Residential (SR) & Rural (R)
- Regulatory Zone: Medium Suburban Density (MDS) and General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 810, Special Use Permits and Article 438, Grading
- Commission District: 4 – Commissioner Hartung
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3627
- E-mail: jolander@washoecounty.us

This item was moved to March 5, 2020.

B. Special Use Permit Case Number WSUP19-0023 (DDC Enterprises) – For possible action, hearing, and discussion to approve a construction sales and services use type and to allow for Operable Vehicle

Storage within the General Commercial Regulatory Zone in Washoe Valley. The application also seeks to approve 1.6 acres (69,696 sq. ft) of previously completed grading. The project location is found within the Old Washoe City Historic District (OWCHD) in the South Valleys Area Plan. The OWCHD has its own allowed uses, both construction sales and services, and storage of operable vehicles require a special use permit.

- Applicant/Property Owner: DDC Enterprises
- Location: 470 Old US Highway 395
- APN: 050-234-62
- Parcel Size: 1.6 Acres
- Master Plan: Commercial (C)
- Regulatory Zone: General Commercial (GC)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810
- Commission District: 2 – Commissioner Lucey
- Staff: Chris Bronczyk, Planner
Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775-328-3612 (Chris)
775.328.3628 (Dan)

- E-mail: cbronczyk@washoecounty.us
dcahalane@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Chris Bronczyk, Planner, reviewed his staff report dated January 21, 2020.

Member Toulouse asked when the illegal grading happen. Mr. Bronczyk said it happen in 2018. Member Toulouse said we are here again, retroactively fixing something. There needs to be a penalty on retroactive issues. He has made this request before.

Chair Thomas asked if there is vehicle storage or commercial sales on the site. Mr. Bronczyk said the applicants are here to answer questions. They will be storing vehicles and equipment at this site with their main site located down in Gardnerville. This is secondary staging for them.

Member Stanley said with the undocumented grading are there are any provisions to ensure this will go well. Mr. Bronczyk said the illegal grading was to clear the site. The amount of grading would not have triggered a special use permit. He said when the application was submitted, staff caught the grading. We pushed this out months to allow the applicants to provide as-builts and previous grading plans. Mr. Bronczyk showed a map on the overhead, the significant landscaping buffers adjacent to other lots.

Member Toulouse asked about the grading threshold requiring a special use permit. Mr. Bronczyk said over 1 acre, under 15% slope within 6 acres. What they had done triggered the SUP. Mr. Bronczyk said the area triggered it, the volumes did not.

Doug Curtis, the applicant, said ‘illegal grading’ sounds worse than what was done. He said they cleared trash, knocked the weeds down, and cleared a dirt pile. He said they found out after they did it and went through the right channels to do it properly. He said they were just doing some clean up. He said they will store equipment in a shop. No commercial sales. The shop will be 40 feet x 60 feet and will have drive-in like a garage. He said they will store reels of cables. The hours of operations are 7 a.m. - 4 p.m. with not a lot of work on the weekends.

Member Stanley asked if the grading was called a scape. He asked the blade depth. Mr. Curtis said 3 - 4 inches deep. It wasn't virgin earth removed; it was stuff that was dropped there.

As there were no requests for public comment, Chair Thomas closed the public comment period.

Member Toulouse said it fits the area plan, other than the retroactive grading. He said it's a bone he likes to pick.

Member Stanley said regarding the retroactive issues, there are some not conducted purposefully and some that are blatantly ignored, as we heard earlier. He said we may want to differentiate the two.

Member Toulouse 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 WSUP19-0023 for DDC Enterprises, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

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

C. Special Use Permit Case Number WSUP19-0028 (Saving Grace Academy) – For possible action, hearing, and discussion approve a child daycare facility for up to 49 children within a 30 ft x 52 ft area of the existing footprint at New Life Assembly of God church.

- Applicant: Sue Wolcott-Whitten
- Property Owner: New Life Assembly of God
- Location: 11000 Lemmon Drive, Reno, 89506
- APN: 080-289-01
- Parcel Size: 1.0 acre
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: North Valleys
- Citizen Advisory Board: North Valleys Citizen Advisory Board
- Development Code: Authorized in Article 302, Article 810
- Commission District: 5 – Commissioner Herman
- Staff: Dan Cahalane, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3628
- E-mail: dcahalane@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Dan Cahalane, Planner, reviewed his staff report dated January 21, 2020.

Member Stanley asked about parking spaces. Mr. Cahalane said the applicant is providing 49; they are utilizing the churches parking capacity.

Chair Thomas asked about the number of staff on-site. He asked about the legally non-conforming situation. Mr. Cahalane said it was legal when it was installed but the code has been updated since then making it non-conforming.

Sue Wilcott-Whitten, the applicant, answered questions. Ms. Wilcott-Whitten said they will have at least two staff on site and three staff during peak hours. In response to a Member's question regarding space, she said it is a 30' x 52' area which includes a kitchen and restroom. She said she was advised to put the maximum number of children for this application. She said the space wouldn't accommodate 49 children.

Member Stanley asked if this was driven by a need from the community. She said she did a lot of research; there aren't any licensed facilities in this area. In the North Valleys area, this is desperately needed. Member Stanley asked how many children she anticipates having within the first year. Ms. Wilcott-Whitten said she hoped to have 30 children. But she said she conducted a Facebook survey and there are 39 families who are interested.

As there were no requests for public comment, Chair Thomas closed the public comment period

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP19-0028 for Saving Grace Academy, having made all five findings in accordance with Washoe County Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys;
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 child daycare, 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.

D. Administrative Permit Case Number WADMIN19-0022 (Lullaby Nursery) – For possible action, hearing, and discussion to approve a child daycare facility for up to 15 children in an existing commercial building.

- Applicant: Lullaby Nursery LLC
- Property Owner: WVC Commercial LLC
- Location: 18705 Village Center Drive, directly northeast of its intersection with Village Parkway
- APN: 556-390-14
- Parcel Size: ± 5.57 acres
- Master Plan: Commercial (C)
- Regulatory Zone: Neighborhood Commercial (NC)
- Area Plan: Cold Springs
- Citizen Advisory Board: North Valleys
- Development Code: Authorized in Article 808 Administrative Permits

- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Roger Pelham, Senior Planner, reviewed his staff report dated January 10, 2020.

Katrina Jackson, applicant/owner/acting director, was available to answer any questions. She noted the building is already built and she's requesting to utilizing the space in the existing building. There are two other tenants in the building – an herb shop and a village grille. She said she will have 3 - 4 staff members with a 1:4 ratio of staff to children. Food for the children will be brought by the parents. She said she has a waitlist of 13 but hopes to stay closer to 12 children.

Member Stanley said he believes it's a great project.

Member Stanley moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Board of Adjustment approve Administrative Permit Case Number WADMIN19-0022 for Lullaby Nursery LLC, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for Child Daycare, 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. Special Use Permit Case Number WSUP19-0026 (Sun Valley North Cellular Communication Tower)
– For possible action, hearing, and discussion to approve the expansion of the ground area of an existing telecommunications facility, to install additional equipment on the ground and to install additional antennas on the existing tower.

- Applicant: New Cingular Wireless PCS
dba AT&T Mobility
- Property Owner: Affordable Storage Solutions
- Location: 5465 Sun Valley Blvd, Sun Valley, NV
- APN: 085-582-36
- Parcel Size: ±1.4 acres
- Master Plan: Commercial
- Regulatory Zone: General Commercial (GC)
- Area Plan: Sun Valley

- Citizen Advisory Board: Sun Valley
- Development Code: Authorized in Article 324, Communication Facilities
- Commission District: 3 – Commissioner Jung
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3622
- E-mail: rpelham@washoecounty.us

This item was moved to March 5, 2020.

F. Variance Case Number WPVAR19-0002 (Gonowabi Properties LLC) – For possible action, hearing, and discussion to approve a variance to reduce the required front yard setback on the subject site from 20 feet to 6.6 feet to facilitate the construction of a new dwelling with a two-car garage.

- Applicant/Property Owner: Gonowabi Properties, LLC
- Location: 460 Gonowabi Road, between the road and the shore of Lake Tahoe.
- APN: 123-131-04
- Parcel Size: ± .33 acres (±14,375 square feet)
- 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 Berkbigler
- Staff: Roger Pelham, Senior Planner
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- Phone: 775.328.3622
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Chair Thomas opened the public hearing.

Chair Thomas asked for Member disclosures. There were none.

Roger Pelham, Senior Planner, reviewed his staff report dated January 13, 2020.

Member Hill asked if the applicant requested an alternative design with regards to the exceptional characteristics of the site. Mr. Pelham said they don't have that luxury. He said we only look at what is submitted. He said they cannot ask to see other configurations. Member Hill asked if they can build a dwelling while keeping the front yard setback. Mr. Pelham said he isn't a design professional.

Chair Thomas asked if there is sufficient space for off-site parking for guests. He said he understands the garage; that may be full. If friends come over, he asked if there is adequate parking. Mr. Pelham said this has been the crux of the conversation. He said it's not a requirement of code. He said this particular area is utilize for off-street parking and some of that will remain. It's in front of this parcel owners' garage and will become part of the driveway. It is an area that neighbors are using to park off the right-a-way.

Member Toulouse referred to the parcel map. He said when he looks at the map, the only portion that is oddly shaped is the front part that abuts the road. He said there are other parcels that have more odd shapes.

Member Stanley asked if there will be signage to prohibit parking in front. Mr. Pelham said the driveway is two cars in width, so there will be public right-a-way. There are no signs required. Member Stanley asked about sightlines. Mr. Pelham said that is outside his purview. He said his review is determining special

circumstances. He said he cannot consider views. Member Stanley said some may argue detriment to someone personally.

Member Toulouse (no microphone) asked, if the structure was moved down the hill, would they still lose the two off-street parking spots. Mr. Pelham said yes.

Nick Exline, the applicant's representative, provided a presentation. He provided insight to the design and slope challenges.

Member Toulouse asked what is stopping the applicant from pushing the structure down 13 feet. He asked what the obstacle is. Mr. Exline said coverage, sightline, scenic implications, neighbors, and community. He said they want to use existing vegetation as screening. Member Toulouse asked if they moved down the hill there won't be any vegetation and screening. Mr. Exline spoke about TRPA view angle and screening visible facade. Member Toulouse asked about the view angle. Mr. Exline said it's a northern view aspect. He showed a photo. He said they want to reduce disturbance with grading volumes and slope cuts.

Chair Thomas said nobody is guaranteed a view corridor. He said his concern is with fire safety and the difference variances approved in the neighborhood, reducing setbacks, and defensible space. He said there is no house on the property. There is steepness and narrowness on the property. If there is no house on the property now, how is there a hardship when you choose the size of house that encroaches into the setback. Mr. Exline spoke about neighboring variances and challenges. He said they could build without a variance; however, it takes away from the enjoyment of the property.

Clare Walton, project designer, spoke to the hardship component. She said there is a height requirement for the garage that must be 28 feet from grade. In the segmented height approach, the garage would slope down, they would have to create a bridge, and they would be dealing with a steeper grade driveway. The further away from the road, the longer the driveway bridge. It's challenging and visually doesn't fit in with the neighborhood.

Chair Thomas spoke about other properties who experience hardships that require variances. Mr. Exline said it's arduous to build on Lake Tahoe. DDA Large said the hardship is the property, not with the individual owner. Chair Thomas said it becomes a hardship when someone wants to build. Mr. Lloyd said it's the physical constraints of the property – developability, steepness, shape. Mr. Pelham said state law lays it out – narrow, shallow, shape, topography – limits our evaluation of the application. Member Hill asked if they are asking for a side yard setback. Mr. Pelham said no. She said then narrowness shouldn't be considered. He said it goes into their design element.

Member Toulouse referenced the parcel map. He said it says 'exceptional' narrowness. He said the surrounding properties have approximately similar narrowness. He asked what exceptional narrowness means. He asked if there is something more finite to reference. Mr. Pelham said it's an objective standard, minimum requirement within the medium density zone. The minimum lot size is 80 ft. We have those minimum dimensions. It's an objective standard based on regulatory zoning. Slope is an objective standard of 30%. Above 30% is constraint. It's not subject to opinion.

Member Stanley asked about a boundary line adjustment. Mr. Exline said the applicant is contemplating one. There are some unknown factors. He said it would be minor. It would not change any findings. It would be 20 feet +/- . Member Stanley if sightlines were open to discussion with the neighbors. Mr. Exline said the neighbor engagement was challenging. He said at the CAB, recommendation was don't develop on the parcel because they want to park there. He said he reached out to the neighbors for suggestions. He said the neighbors asked him for 5 choices to choose from.

Member Hill (no microphone) asked the status of the boundary line adjustment with TRPA. Mr. Exline said until this piece is done, they haven't applied for the single-family residence.

Mr. Exline said 26 feet is the boundary line adjustment. It would change Mr. Pelham's report.

Member Stanley asked about definitions of what is required with a variance and if it runs with the land. He asked if it's like a deed that runs with the land. Mr. Lloyd said typically you don't list all the constraints within a deed. If a property owner does their due diligence, it becomes evident through the process. A

variance would not be subjected to a property owner. It runs with the land. He asked if it would be mentioned in a deed. Mr. Lloyd said a variance would be identified through a deed and record search.

Public Comment:

Judy Miller said she relied in good faith that a compromise with the neighbors could be reached. She said she sent in her CAB worksheet. She said she disagrees this project meets all requirements for a variance. For instance, special circumstances, it's the applicant's responsibility to show special circumstances create undue hardship. Slope by itself or narrowness by itself doesn't satisfy its requirement. She said she spoke to Julie and there is a lot line adjustment that will increase lot size by more than 4,000 sq. ft. This application shows an 80-foot width; it doesn't show 62 ft. She said she tried to flip the map she showed on the overhead. She showed the contour line. It wouldn't hurt to move the house back 10 feet. It doesn't take a lot to not require a variance. Member Toulouse asked Ms. Miller if the CAB is not supposed to make recommendation. She said Alice McQuone changed the language on the agenda. Ms. Miller said the action would be recommend forwarding citizens and CAB comments to staff. We couldn't forward a voted upon recommendation. Other CABs are still making recommendations. Member Toulouse said he will discuss this with Mr. Lloyd.

Greg Gatto said he is the attorney representing the neighbor and the neighbor across the street from the subject property. He asked for extra time to provide clarification. He said there weren't any answers from the representative. He said it was a misrepresentation. He said a boundary line adjustment has been submitted with the County. There is an application pending concurrent with the variance request. He clarified that a boundary line adjustment has been approved by TRPA and submitted to Washoe County. He addressed the hardship question. The applicant has a burden to prove with evidence there are extraordinary and special circumstances unique to the property; adherence to setback requirements would result in exceptional and undue hardships. The Nevada Supreme Court set a hard standard for variance requirements. They would have to prove the setbacks would deprive them of uses of the property or decrease the value of the property. He said the applicant recently purchased the property with the setbacks. The price reflected the value with the setbacks. Denial of the variance would not decrease the value of the property at all, nor deny beneficial uses of the property. There is no evidence of undue hardship. He addressed one hardship that was brought up with the garage. He said that is common to have a bridge design. The applicant failed to prove the special circumstances to deviant from the setbacks. The property has identical slopes and were able to construct a home. The lot line adjustment was approved by TRPA but pending in Washoe County. Special privilege should be denied. The design will not be approved by TRPA. He said the building plans were rejected due to height standards. The building segment may not exceed 28 feet. The roof pitch is 40 feet and cannot be approved. We respectfully request denial of the request.

Monica Decker said she emailed the Board last night which outlines the opposition to this as a neighbor on Gonowabie. She wanted to be present to show support with the other neighbors who had concerns. Her concerns are around access for emergency and public parking.

Ruben Richards, owner of a house south of the subject property, said he will be most significantly impacted. He said the CAB's impression was for the developer and community to work out a solution that would be acceptable. He said he understands the developer wants to squeeze in homes on a tight road. He said we engaged with developer's representative. He said they asked for feedback. He said we aren't architects. The property has been for sale for a long time. He said we don't know what the developer wants. We aren't designers. He said the representative was disingenuous. He was told this was going to be tabled in order to have a meeting. He said there has been difficulties with the developer. We understand his right to build, but we need to consider the safety of the community. That road hasn't seen development like this. We started this process not knowing if we supported it or not; we didn't know enough. We aren't at that point to find a solution.

Lee Reynolds said she is a neighbor. She spoke about speed limit concerns. She said the road has a sharp curve. People have to back up to allow cars to go by. Safety of the residents is the concern. Moving the front yard setback could create a hazard on the street. The average SUV is 15 feet. They have to maneuver and backup to get around. Approving this deviation would be a safety hazard. Keep the standard setback enforced.

David Ehrlich, neighbor above the proposed development, said he changed his plans to attend the meeting. He said he reviewed the application and spoke to Roger and reviewed the attorney's letter. He thanked Member Toulouse for his question. They don't want a longer driveway because they want a bigger house. The developer bought the property knowing the setback. This will be a monster house. He said it's not fair. They haven't acted in good faith. He said he wonders what will happen when they start building.

Will Adler, Silver State government relations, said he used to be a contractor. This is a simultaneous development. He said you can move around the lines to build. He said they applied for a lot line adjustment at the same time but lied and said they didn't know about it. It's in the plan. He said he has been a lobbyist. He said he never used a staff member's name in a report before. They filed for this application on Christmas Eve but then say they want community feedback. You don't apply on Christmas Eve and bury it if you want feedback. They aren't acting in good faith. They misrepresented. This cannot be taken as a solo project.

Robert Goldberg thanked the Board for their service. He said he serves on EDAWN and UNR boards. He said he is about thoughtful development. He said he wanted to cover two points. Everything has been covered by the other speakers. He said we are not against development and their ability to make money on the project. He said we reached out to the developer early in the project to understand it but were stiff armed from the beginning when we submitted our ideas and concerns. He said meeting with the architect never happened. The plans were magically produced today. He said the lot line adjustment is made, there is enough room on the far side of the property to not impede the current parking pad at all, but they want to maximize the building envelope of the property. He said you could design this with a single width driveway. He said there were misstatements made during applicant's presentation.

Ardythe McCracken, resident on Gonowabie, apologized for not getting her letter to them earlier. She read from a prepared statement. She said she is opposed to the variance. There is no evidence that the applicant will experience undue hardships by not having this variance. It's evident that the negative impact of this variance affects the parking on Gonowabie. It would remove the only parking space we have on this road which would lead to visitors and guests parking someplace that would impede the use of the road for public safety and emergency vehicles. In case of fire, there would be extreme problems. She said the neighbors have expressed their concerns. This is a neighborhood concerned for each other. We feel this variance should not be approved.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse addressed something Mr. Adler said. He said staff is honest and hardworking. There should be no question of Roger's or anyone else's integrity and they do a good job. He said he is struggling to make the findings to approve this request. We do a lot of variances in Lake Tahoe and on Gonowabie. He struggles with special circumstances and how it won't be detrimental to the public. He said if we grant this, it would grant a special privilege.

Member Stanley said he heard Mr. Alder's comment about staff differently than Member Toulouse. He said he has concerns about the boundary line adjustment and other information not available initially. He said he thought he heard the plans in packet are inaccurate in some way. He said he didn't receive the email as mentioned in public comment. Staff noted the email was handed out before the meeting and they have copies.

Member Hill echoed concern about the lot line adjustments. If plans were design for an 80 ft wide lot, that seems to discount the special circumstances because of narrowness. She said as representative of Incline Village, she uses to go down Gonowabie as a kid. She said she doesn't see many 6,000 square foot houses. They are old-timey cabins. She said she has a hard time approving a 6,000 sq. ft. house on a narrow road. It's not a hardship. It could be a modest home to fit within the setback. There are alternatives to meet the setback requirements.

DDA Large said a boundary line adjustment is not before this Board. Decisions for this application, the findings need to be separate from the boundary line adjustment. Member Hill said if the plans show 80-foot-wide lot, but it's only 62 feet, then we don't know. Chair Thomas said for us to make accurate decisions, we need accurate facts. If there are inaccurate facts, we need clarification from the applicant. DDA Large suggested bringing the applicant or Mr. Pelham to discuss that, as we cannot consider a boundary line adjustment.

Chair Thomas said there is a discrepancy with a lot line adjustment. Mr. Exline said he hasn't had a chance to review. He guessed they wanted to show the project per completion of the lot line adjustment was approved. He said most of these things happened concurrently. If alterations take place that don't conform, we will have to come back. The plans show boundary line adjustment to 84 feet.

Chair Thomas concurred with fellow Board members. The owner of the property has the right to take away parking because they own it and have decided to do something with it. He said he doesn't believe the requirements have been met to move this forward.

Member Toulouse 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 WPVAR19-0002 for Gonowabi Properties, with conditions of denial included for this matter, having been unable to make the finding of Special Circumstances, No Detriment, and No Special Privileges. Member Hill seconded the motion which carried unanimously.

10. Chair and Board Items

A. *Future Agenda Items

Member Toulouse requested Soule Grading be agenized. He stated he had issues with conditions of approval (1(c), 1(e), 1(f), 2(c), 2(g)(a), 2(g), 2(h)(a)). He said he doesn't believe the conditions have been met. He would like to see it on the agenda so action can be taken. Mr. Lloyd stated staff feels these conditions have been met and requested an email from Member Toulouse outlining his concerns with the conditions. Member Toulouse stated he will clarify his concerns and forward but the condition that required the applicant to come back was not met. Member Hill requested to go by the site and review it. She said from the pictures, not much has changed, but understands it takes a while for things to grow. Chair Thomas concurred and asked the rest of the Board to review and get concerns to staff. Member Stanley asked for a follow-up review from staff and jurisdictions with state and federal. DDA Large advised not to email the entire Board in order to prevent a serial meeting. Mr. Lloyd suggested submitted questions and concerns to staff to gather and they will disseminate to the entire Board.

Chair Thomas spoke about the CAB action on topics. DDA Large stated that will be addressed with staff and the CAB. They are empowered to provide recommendations of approval or denial. Chair Thomas noted he pays attention to the CAB's direction.

B. *Requests for Information from Staff

Chair Thomas said as the county grows, the need for communication grows. We have had several wireless services requesting monopoles. He said we are faced with the term 'significant' gap. He requested a presentation regarding that topic. DDA Large said it's a presentation for legal counsel. He said our code was written 20 years ago. Regulations are not reflected in it. It may be a few months before it can come back because it needs analysis. Chair Thomas said they will rely on his expertise until an update can be provided.

11. Director's and Legal Counsel's Items

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

None

***B. Legal Information and Updates**

None

12. *General Public Comment and Discussion Thereof

Will Adler thanked Member Toulouse for his comment regarding staff. He said he noted he used to be a developer and has worked with county staff. He said he was trying to say a smaller house could be built. Member Toulouse thanked him for clarifying and will always stick up for staff in those situations.

With no further requests for public comment, Chair Thomas closed the public comment period.

Chair Thomas asked members to keep their packets for the items that have been moved to March.

13. Adjournment

Meeting adjourned at 4:23 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on April 16, 2020



Trevor Lloyd
Secretary to the Board of Adjustment