



Community Development

"Dedicated to Excellence in Public Service"

Adrian P. Freund, AICP, Community Development Director
Blaine Cartledge, Legal Counsel



Washoe County Board of Adjustment
Richard "R.J." Cieri, Chair
Mary S. Harcinske

Philip J. Horan
Andrea Manor

WASHOE COUNTY BOARD OF ADJUSTMENT

MINUTES

July 3, 2008

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, July 3, 2008 at 1:30 p.m., in the Washoe County District Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

DETERMINATION OF QUORUM

Chair Cieri called the meeting to order at 1:30 p.m. He introduced Andrea Manor, the new member of the Board of Adjustment. The following members and staff were present:

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

Members absent: None

Staff present: Kimberly H. Robinson, Planning Manager, Community Development
Roger Pelham, Senior Planner, Community Development
Sandra Monsalve, Senior Planner, Community Development
David Creekman, Chief Deputy District Attorney, District Attorney's Office
Cathi Moldenhauer, Recording Secretary, Community Development

PLEDGE OF ALLEGIANCE

Member Harcinske led the pledge of allegiance to the flag.

APPROVAL OF AGENDA

In accordance with the Open Meeting Law, Member Horan moved to approve the agenda of July 3, 2008. The motion, seconded by Member Harcinske, passed unanimously.

APPROVAL OF MINUTES

Member Harcinske moved to approve the minutes of June 5, 2008. The motion was seconded by Member Horan and passed unanimously.

PUBLIC COMMENT

None

CHAIR AND BOARD ITEMS

- a. Report on Previous Board of Adjustment Actions

The Washoe County Board of Commissioners upheld the appeal of the Bear Beach Properties variance and remanded the case to the Board of Adjustment. The case will be heard on August 5, 2008.

DIRECTOR'S ITEMS

None

CONSIDER AND ADOPT A RESOLUTION COMMENDING GARY FEERO FOR HIS SERVICE TO WASHOE COUNTY

Chair Cieri read the Resolution in appreciation of Gary Feero for his service to Washoe County from June, 2000 through June, 2008. Member Horan moved to adopt the Resolution. The motion was seconded by Chair Cieri and passed unanimously.

CONSENT ITEMS

None

PROJECT REVIEW ITEMS

AGENDA ITEM 1

PUBLIC HEARING: VARIANCE CASE NO. VA08-007 (BRIEN AND MIRTA WALTERS) – To reduce the front yard setback on a government tract lot from 30 feet to 10 feet for the purpose of constructing a residence, as authorized under Article 804 of the Development Code. The project site is located approximately 1,250 feet north of Rock Farm Road and 950 feet northwest of the western terminus of Melarkey Way, on the north side of Thomas Creek. The ±2.5-acre property is zoned High Density Rural (HDR) in the Southwest Truckee Meadows Area Plan, and is situated within Section 27, T18N, R19E, MDM, Washoe County, Nevada. The property is located in the Southwest Truckee Meadows Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APN 049-040-02)

Chair Cieri opened the public hearing.

Roger Pelham reviewed the staff report dated June 20, 2008. Because of the topography of the property, which includes a significant hydrologic resource running through the property, steep slopes, and 33-foot government access easements, staff recommended approval of the variance with conditions.

Member Harcinske asked if an avigation easement was executed. Mr. Pelham replied he felt no rational nexus existed that would require an avigation easement.

As no one wished to speak, Chair Cieri closed the public hearing.

Member Harcinske moved to approve with conditions Variance Case No. VA08-007. The motion was seconded by Member Horan and passed unanimously.

The motion was based on the following findings:

1. Special Circumstances: The lot is limited in buildable area due to constraints associated with Thomas Creek crossing the property and by steep slopes;
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. Use Authorized: The variance will not authorize a use or activity that is not otherwise expressly authorized by the regulation governing the parcel of property;
4. No Special Privileges: The granting of the variance would 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
5. Reasoned Consideration: That the Planning Commission gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

AGENDA ITEM 2

PUBLIC HEARING: VARIANCE CASE NO. VA08-008 (ALVIS F. DAVIS, JR.) – To vary the eastern side yard setback from eight feet to six feet in order to legalize an existing encroachment by a detached garage, as authorized in Article 804 of the Washoe County Development Code. The project is located at 8055 Blackfoot Way, approximately 250 feet west of its intersection with Seneca Drive. The ±.518-acre parcel is designated Specific Plan (SP) in the North Valleys Area Plan, Medium Density Suburban (MDS) in the Reno-Stead Corridor Joint Plan and is situated in a portion of Section 17, T20N, R19E, MDM, Washoe County, Nevada. The property is located in the North Valleys Citizen Advisory Board boundary and Washoe County Commission District No. 5. (APN 082-232-03)

Chair Cieri opened the public hearing.

On behalf of Kelly Mullin, Sandra Monsalve reviewed the staff report dated June 23, 2008. The subdivision in which the property is located, Horizon Hills, was built in the 1960s. When the garage was built in 1999, it was assumed that the property line was the same as the fence line. A subsequent survey revealed this was not the case. Many properties in the area have the same situation. This variance would bring the property into compliance with the Development Code and would clear the title to the property.

Subsequent to the filing of this application, it was discovered that the compressor shack was not included in the setback variance, and a new Condition No. 4 was proposed. It read: "Within one year of the date of approval of this variance, the applicant shall relocate the 'compressor shack' portion of the structure that is attached to the garage and that was not

included as part of this variance request. It shall be relocated to an area where it will not encroach into any setbacks and shall be done so with the appropriate building permits. Compliance with this condition shall be determined by the Department of Community Development.” In addition, Condition No. 3 was revised to require relocation of fencing only along the eastern parcel boundary rather than the eastern and western parcel boundaries.

Chair Cieri asked what prompted the recent survey of the property. Ms. Robinson replied that the property owner wished to construct a new fence and had the property surveyed.

Member Harcinske asked, assuming the fence was placed on the property line, if the garage met the setback requirement.. Ms. Robinson replied affirmatively.

Member Horan clarified that the surveys on the properties in the subdivision were not incorrect but that the fences were not built on the property lines. Ms. Monsalve stated the property owners made the incorrect assumption that the fences were on the property lines. Ms. Robinson noted this mistake has been going on for over thirty years. She volunteered to do additional research on the issue and report to the Board of Adjustment.

Member Horan asked, if this variance were granted, would it be recorded on the deed and appear on any future title transfer. Ms. Monsalve replied the title would be cleared by issuance of this variance. Ms. Robinson clarified that the Action Order was conditioned to be recorded.

Alvis F. Davis, Jr., 8055 Blackfoot Way, the applicant, explained that many properties in Horizon Hills need to be surveyed. His reason for applying for this variance was simply to assure that his title to the property is clean when he decides to sell the property sometime in the future.

Gary Feero, 8275 Chippewa Avenue, a neighboring property owner, stated there were many abandoned utility easements in Horizon Hills, which would also require new surveys to determine accurate property lines. He also noted that no fences in Horizon Hills last 30 years; they blow down almost yearly.

Chair Cieri closed the public hearing.

Discussion ensued regarding the possibility of continuing this hearing to allow staff to perform research and bring further information about previous similar cases to the Board of Adjustment. Ms. Robinson agreed to research this issue.

Member Horan moved to approve with conditions Variance Case No. VA08-008, including the revision proposed by staff to Condition No. 3 and the addition of Condition No. 4. The motion was seconded by Member Harcinske and passed unanimously.

The motion was based on the following findings.

1. Special Circumstances. Because of the special circumstances applicable to the property, including the exceptional situation and condition of the property and location of surroundings due to survey inconsistencies, whereby the strict application of the regulation would result in an exceptional and undue hardship upon the owner of the property;

2. No Detriment. That the request 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. That 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. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
5. Effect on a Military Installation. That the variance will not have a detrimental effect on the location, purpose and mission of any military installation; and
6. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

OTHER ITEMS

Member Horan requested that an item be agendaized to elect a Vice Chair. Ms. Robinson recommended that, in anticipation of the appointment of a fifth member, the August 7, 2008 agenda contain an election of officers.

ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting adjourned at 2:08 p.m.

Respectfully submitted,

Cathi Moldenhauer, Recording Secretary

Approved by Board in session on August 7, 2008

Adrian P. Freund, FAICP, Director
Secretary to the Board of Adjustment