



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, FAICP, Community Development Director  
Blaine Cartlidge, Legal Counsel



**Washoe County Board of Adjustment**  
Richard "R.J." Cieri, Chair  
Philip J. Horan, Vice Chair

Mary S. Harcinske  
Andrea Manor

## WASHOE COUNTY BOARD OF ADJUSTMENT

### MINUTES

August 7, 2008

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, August 7, 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. 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  
Grace Jensen, Planner, Community Development  
Blaine Cartlidge, Deputy District Attorney (arrived at 1:37 p.m.)  
Cathi Moldenhauer, Recording Secretary, Community Development

#### PLEDGE OF ALLEGIANCE

Member Manor 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 August 7, 2008. The motion, seconded by Member Harcinske, passed unanimously.

#### APPROVAL OF MINUTES

Member Harcinske moved to approve the minutes of July 3, 2008. The motion was seconded by Member Horan and passed unanimously.

**ELECTION OF OFFICERS:** Board of Adjustment Chair and Vice Chair

Upon nomination by Member Horan, seconded by Member Harcinske, Chair Cieri was again approved unanimously as Chair.

Member Harcinske nominated Member Horan as Vice Chair. Upon second by Chair Member Manor, the nomination was unanimously approved.

**PUBLIC COMMENT**

None

**CHAIR AND BOARD ITEMS**

- a. Report on Previous Board of Adjustment Actions

None

**DIRECTOR'S ITEMS**

Ms. Robinson provided the Board with a new schedule of meetings for the ensuing year, which reflected the reduced number of meetings necessitated by budget constraints. She reported that, on July 22, 2008, the Board of County Commissioners approved a new fee schedule for discretionary permits that reflected the actual staff time required rather than based on the Consumer Price Index increase. The new fees became effective August 1, 2008.

**CONSENT ITEMS**

- A. **EXTENSION OF TIME FOR VARIANCE CASE NO. VA06-009 (HIDEAWAY PROPERTIES, LLC)** – To extend for one year, until July 27, 2009, the approval of Variance Case No. VA06-009 to reduce the front yard setback from fifteen feet to one and one-half feet to construct a detached garage as authorized in Articles 406 and 220 of the Washoe County Development Code. The project is located at 434 Gonowabie Road, approximately 1,300 feet from the western (entrance) intersection of State Route 28 and Gonowabie Road, Crystal Bay, Nevada. The ±0.191-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 123-145-09)

Member Harcinske moved to approve Consent Item A. The motion was seconded by Member Manor and passed unanimously.

**PROJECT REVIEW ITEMS**

**AGENDA ITEM 1**

**PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-008 (HOLT FAMILY TRUST)** – To legalize a previously constructed detached accessory dwelling that is ±1,080 square feet as authorized in Section 110.306.25 of the Washoe County Development Code. The parcel has an

existing 2,264-square-foot main dwelling. The project is located at 1210 Antelope Valley Road, approximately ¼ mile east of its intersection with Red Rock Road. The ±41.18-acre parcel is designated General Rural (GR) in the North Valleys Area Plan, and is situated in a portion of Section 32, T22N, 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 079-341-01)

Chair Cieri opened the public hearing.

Grace Jensen reviewed the staff report dated July 18, 2008. She explained that the applicant built the smaller dwelling first along with a barn. The barn was then converted into the main dwelling; however, no permits were issued or inspections completed. If this application were denied, the larger main dwelling would have to be rendered uninhabitable. Staff recommended approval with conditions.

Chair Cieri asked about water rights. Ms. Jensen stated that the Department of Water Resources (DWR) did not provide any conditions for this application. DWR advised that the proposed Condition 6 was redundant as water rights were in existence; however, a water meter was required by the State Water Engineer. Deputy District Attorney Cartlidge suggested deleting Condition No. 6.

Member Harcinske asked how this application came to be filed. Ms. Jensen deferred the question to the applicant. Member Harcinske asked if any permits were pulled for the dwelling. Ms. Jensen replied that the original single-family dwelling, the smaller house, received a certificate of occupancy; the barn received a final inspection but did not receive a certificate of occupancy for a habitable dwelling. No permits were pulled for the installation of heating or plumbing for the barn.

Deputy District Attorney Cartlidge suggested that, rather than delete Condition No. 6, it be reworded to state, "Applicant shall comply with any water right requirements, if any, provided by the Department of Water Resources." Ms. Jensen concurred.

Deputy District Attorney Cartlidge asked James Holt, 1210 Antelope Valley Road, the applicant, if the new condition was acceptable. He indicated it was.

In response to Member Harcinske, Mr. Holt stated a building inspector came to his house and issued a stop work order. He was performing the work himself and not contracting it. He added the bathroom and kitchen over a period of three years, and he allowed his sister to move into the smaller dwelling. The barn conversion was approximately 85% complete.

Member Manor asked if both dwellings would use the same septic system. Mr. Holt replied that he was working with the District Health Department to approve his septic tanks and extended leach field.

Chair Cieri closed the public hearing.

Member Harcinske was not able to support this application. She expressed consternation that the applicant had not gone through the proper permitting process.

Member Horan noted that the pertinent permits would be obtained, including any penalties or late application fees. Therefore, he would support the application.

Member Manor stated she was not comfortable with approving a situation where the applicant would have completed his work without the permits if he had not been caught. She asked if the Board of Adjustment could impose any fines. Deputy District Attorney Cartledge advised this Board could not; Ms. Robinson stated that the Department of Building and Safety would impose penalties at the time the appropriate permits were issued.

Member Horan moved to approve with conditions Special Use Permit Case No. SB08-008, changing Condition No. 6 to read, "Applicant shall comply with any water right requirements, if any, provided by the Department of Water Resources." The motion was seconded by Chair Cieri and passed by a vote of three to one (Member Harcinske opposed).

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 Comprehensive 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 detached accessory dwelling and for the intensity of the proposed development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

## AGENDA ITEM 2

PUBLIC HEARING: SPECIAL USE PERMIT CASE NO. SB08-009 (GILLIAN E. RAINOLDI) – To develop a 640-square-foot detached accessory dwelling on a parcel with an existing main dwelling of 1,856 square feet as authorized in Article 302 of the Washoe County Development Code. The project is located at the southwest corner of Broili Drive and DeAnza Drive, and is addressed as 15180 Broili Drive. The ±1.01-acre parcel is designated Low Density Suburban (LDS) in the Southwest Truckee Meadows Area Plan, and is situated in a portion of Section 18, T20N, R18E, 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 162-053-08)

Chair Cieri opened the public hearing.

Roger Pelham reviewed the staff report dated July 24, 2008. He reported that this application was not heard by the Southwest Truckee Meadows Citizen Advisory Board (CAB) as meeting at which it was agendaized was cancelled, and no comments were received from any of the members of the CAB. Staff recommended approval with conditions.

Discussion ensued regarding the requirements of size of property relative to septic systems.

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

Member Harcinske moved to approve with conditions Special Use Permit Case No. SB08-009. The motion was seconded by Member Horan and passed unanimously.

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 Comprehensive Plan and the applicable 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 and for the intensity of the development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

### **AGENDA ITEM 3**

PUBLIC HEARING: VARIANCE CASE NO. VA08-009 (THOMAS MAGEE) – To vary the front yard setback from 15 feet to 5 feet for the construction of a 625-square-foot detached garage as authorized in Article 804 of the Washoe County Development Code. The project is located at 1225 Sky Tavern Road, approximately 1,582 feet west of the Mount Rose Highway (SR 431). The ±.779-acre parcel is designated Medium Density Suburban (MDS) and Open Space (OS) within the Forest Area Plan and is situated in a portion of Section 17, T17N, R19E, MDM, Washoe County, Nevada. The property is located in the Galena-Steamboat Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 048-092-13)

Chair Cieri opened the public hearing.

Grace Jensen reviewed the staff report dated July 11, 2008. She noted that the Assessor's Office listed Thomas Magee as the property owner; however, the owners are, in fact,

Frank and Timothy Magee She emphasized that the road upon which the parcel is located is a private road not maintained by Washoe County and is very lightly traveled. The property is steeply sloped. Placement of the garage at the required 15-foot setback would require the removal of large trees and retaining walls over six feet high. Staff recommended approval with conditions.

Chair Cieri noted there would be no driveway between the road and the garage. He was concerned about guest parking. Ms. Jensen stated that currently persons parked at the base of Sky Tavern Road and either snowshoe or snowmobile up to the property.

Member Horan asked to be shown the location of the road relative to Sky Tavern. Frank Magee, the applicant, indicated the location on the overhead display. In reply to Member Horan, Mr. Magee indicated that fewer than half of the fifteen lots along the private road had dwellings on them. The road was recently improved during the installation of a sewer line.

Member Harcinske asked if the U.S. Forest Service was contacted with regard to this application. Ms. Jensen indicated that it was, indeed, notified.

Mr. Magee advised there would be an approximately 13-foot-long driveway from the edge of the road to the garage, because the current edge of road was eight feet from the end of the right-of-way. In other words, there is a 15-foot-wide road on a 30-foot easement. If the road were expanded, the driveway would then be only five feet back from the property line.

In response to Deputy District Attorney Cartlidge, Mr. Magee stated he anticipated building the main dwelling next summer, and the garage would be built at roughly the same time.

Member Horan asked if any other variances would be required to build the proposed dwelling. Ms. Jensen stated the proposed plans for the house were within the prescribed setbacks.

Chair Cieri closed the public hearing.

Deputy District Attorney Cartlidge noted that the garage was separate from the main dwelling, and he recommended the addition of Condition No. 8, stating, "Construction of this garage shall not commence prior to construction of the main dwelling on the property."

Chair Cieri expressed concern about the possibility of congestion created by guest parking on the road.

Member Horan moved to approve with conditions Variance Case No. VA08-009, adding Condition No. 8, as recommended by Deputy District Attorney Cartlidge. The motion was seconded by Member Harcinske and passed by a vote of three to one (Chair Cieri opposed).

The motion was based on the following findings.

1. Special Circumstances. Because of the special circumstances applicable to the property, including topographic conditions consisting of a steep slope, which present an extraordinary and exceptional circumstance of the property; the strict application of the regulation results in exceptional and undue hardships upon the owners 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 zones 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; and
5. Reasoned Consideration. The Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

**OTHER ITEMS**

None

**ADJOURNMENT**

There being no further business to come before the Board of Adjustment, the meeting adjourned at 2:37 p.m.

Respectfully submitted,

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Cathi Moldenhauer, Recording Secretary

Approved by Board in session on September 4, 2008

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