



BOARD OF ADJUSTMENT MEETING MINUTES

Board of Adjustment Members

Robert F. Wideman, Chair
Kim Toulouse, Vice Chair
Philip J. Horan
Lee Lawrence
William Whitney, Secretary

Thursday, October 3, 2013
1:30 p.m.

Washoe County Health Department
1001 East Ninth Street
Reno, NV

WASHOE COUNTY BOARD OF ADJUSTMENT

Minutes

October 3, 2013

The regular meeting of the Washoe County Board of Adjustment was scheduled for Thursday, October 3, 2013 at 1:30 p.m., in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. Determination of Quorum

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

Members present: Robert Wideman, Chair
Kim Toulouse, Vice Chair
Lee Lawrence
Philip Horan

Members absent: None

Staff present: Carl R. Webb, Jr., AICP, Planning Manager, Planning and Development
Sandra Monsalve, AICP, Senior Planner, Planning & Development
Roger Pelham, Senior Planner, Planning & Development
Greg Salter, Deputy District Attorney, District Attorney's Office
Dawn Spinola, Recording Secretary, Planning & Development

2. Pledge of Allegiance

Chair Wideman led the pledge to the flag.

3. Ethics Law Announcement

Deputy District Attorney (DDA) Salter recited the Ethics Law standards.

4. Appeal Procedure

Mr. Webb 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 Wideman closed the public comment period.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Lawrence moved to approve the agenda of October 3, 2013. The motion, seconded by Member Horan, passed four in favor and none opposed.

7. Approval of Minutes

Member Horan moved to approve the minutes of August 1, 2013 as written. The motion was seconded by Member Lawrence and passed three in favor, none opposed and Member Toulouse abstaining as he had not been in attendance at the meeting.

8. Planning Items and Public Hearings

Agenda Item 8A

PUBLIC HEARING: Variance Case No. VA13-007 - Ward-Young Architecture and Planning - To vary the maximum allowable square footage for a detached accessory structure situated within the front yard setback in the Tahoe planning area.

- Applicant: Ward-Young Architecture and Planning
- Property Owner: Danz Family Trust
- Location: 701 Fairview Blvd., Incline Village, NV
- Assessor's Parcel No: 126-241-01
- Parcel Size: ±5 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Article 220, Tahoe Area
Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 10, T16N, R18E, MDM
Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.328.3608
- Email: smonsalve@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Monsalvè reviewed the staff report. She noted the unique shape of the lot and the topography created a special circumstance applicable to the site.

Member Horan asked if the addition would require fill and Ms. Monsalvè deferred to the project architect.

Applicant's Representative Don Fulda explained the proposed site was already fairly level, requiring only minimal fill. He pointed out alternate locations not requiring a permit that had been considered and rejected and the reasoning behind the decisions.

Member Horan noted the roof of the addition was higher than the existing garage and Mr. Fulda assured Member Horan the roofing material would be composition shingle, would blend in and would not impede views.

Chair Wideman closed the public hearing and asked if the members had anything to disclose. None did.

Member Toulouse moved to approve conditionally Case No. VA13-007 - Ward-Young Architecture and Planning. The motion was seconded by Member Horan and passed by a vote of four in favor and none opposed.

The motion was based on the following findings:

1. Special Circumstances. That due to slopes greater than 40% and the unusual shape of the property; 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;
5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Agenda Item 8B

PUBLIC HEARING: Special Use Permit Case No. SB13-018 - Dream Valley Stables – To establish a new commercial stables facility for horse boarding, training, breeding, and lessons, in addition to providing 4H activities, as authorized in Article 808 of the Washoe County Development Code. The proposed facility is anticipated to be constructed over three (3) phases, and will include the construction of two stable buildings, ±1,200 square feet each (Phase 1); the construction of a ±4,800 square foot barn (Phase 2); and the construction of a Mare breeding center consisting of a ±4,800 square foot stable structure (Phase 3). The facility anticipates accommodating up to 50 horses maximum. No equestrian events and/or shows are anticipated under this special use permit. The property is currently developed with a residence, existing outdoor arena, pastures/corrals, stables, and barn.

- Applicant/Property Owner: Don Gephart
- Consultant: Rubicon Design Group, LLC, Attn: Mike Railey
- Location: 2940 Barranca Drive, Sparks, NV 89441, near Encanto Drive and Calle de la Plata, approximately 3.9 miles east of Pyramid Hwy (SR445)
- Assessor's Parcel No: 076-300-82
- Parcel Size: ±40.41 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)

- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Article 302 Allowed Uses, and Article 810 Special Use Permits
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 8, T21N, R21E, MDM, Washoe County, NV
- Staff: Sandra Monsalvè, AICP, Senior Planner
- Phone: 775.328.3608
- Email: smonsalve@washoecounty.us

Chair Wideman opened the public hearing.

Ms. Monsalvè reviewed the staff report.

Applicant's Representative Mike Railey clarified there were no breeding facilities proposed. He opined that since the lot was over 40 acres, 50 horses would not create more density than some other horse properties in the area. He noted that since there would be no events, the traffic would be light. He reiterated there would be no lighting or public announcement system. In response to negative comments received he stated they would not be offering trail rides. Concerns related to manure removal had been addressed by the Health Department and the applicant was in concurrence with all conditions.

Member Toulouse asked if Mr. Railey knew what the size was of the current well on the property. Mr. Railey did not have the information but acknowledged it was likely a domestic well and not a production well.

Member Lawrence asked how far the well was from the proposed stables, if it were uphill or downhill and what the depth was. Mr. Railey stated it was uphill, displayed the site plan for review and stated the depth was approximately 850 feet, gallons per minute were 45-50.

Member Lawrence requested an explanation of the manure management plan. Mr. Railey explained it would be collected, put into a dumpster and covered. A contract would be established with a disposal company to empty the dumpster on a regular basis, frequency to be determined according to the number of horses. Member Lawrence asked about average neighborhood horse density and Mr. Railey said that after touring the neighborhood, they would be about the same proportionally per acre with a number of properties in the area.

Mike Robbins, Paul Christensen and Gail Townsend all spoke against the project, citing concerns with the potential commercial applications of the property, the excessive number of horses proposed, manure removal, flies, hours of operation, number of attendees at the 4H events and the project's effect on the water table. Mr. Robbins noted a substantial amount of grading had taken place that had not been permitted. He and Mr. Christensen requested the Board continue the item for the purposes of obtaining more information.

Chair Wideman asked Ms. Monsalvè to comment about the excavation without permits. She replied there had been no complaints or grading permits issued and that up to 50 cubic yards of grading was allowed without permits.

Mr. Webb explained he had received an email regarding the grading. He had referred it to the Engineering Division, who investigates grading complaints and determines if a permit is required. He emphasized that was a separate action from the approval of the stables.

Member Lawrence asked if any of the proposed structures were to be built on areas that had already been graded without permits. Mr. Railey stated they were not, but grading would need to occur for those structures and would be included in any required building permits.

Chair Wideman asked if the illegal grading would have any impact on the application under consideration. Ms. Monsalvè stated it should have no bearing, as it was a separate issue. Mr. Webb told the Board he had informed the complainant that the grading and the stable approval were two separate issues and explained the process the applicant would need to pursue to come into compliance if it was determined a violation had occurred.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan opined the grading issue did not require consideration with regards to the request for the stable. He noted the Washoe County Health and Water Resources Departments had properly conditioned the case and that the Board relies on their expertise to be sure those items are handled properly. He indicated he would support the application.

Member Lawrence asked who was responsible for determining the potential for groundwater contamination by nitrate loading. 50 animals in a small area concerned him, as that created potential of 1,000 gallons a day of liquid waste.

Wes Rubio from Environmental Health stated he oversees all of the drinking water for Washoe County. Nitrate loading is not something they specifically watch. He pointed out the waste management plan covered manure removal. Nitrate loading questions would be referred to the State Engineer. If the project achieved a certain size level, the water system would be considered public, which would trigger additional permitting through the State.

Mr. Rubio opined the solid waste would carry most of the nitrates, so the removal would alleviate any potential for loading. Regarding the specifics, he reiterated he would have to check with the State Engineer.

Vahid Behmaram, Water Resources, explained the State Engineer has regulations regarding well construction and sanitary seals. He did not think their jurisdiction covers a scenario like the one being discussed. He opined that the Nevada Department of Environmental Protection (NDEP) had jurisdiction over septic systems and percolation of nitrates and other pollutants into the groundwater.

Mr. Behmaram pointed out that County Code has long recognized the Spanish Springs water basin as being over appropriated. The Spanish Springs Area Plan has policies in place to deal with that. He discussed the water needs for the property and explained those would determine the net project demand. The applicant will be required to acquire ground water rights and dedicate them to the County. The County will lease the rights back to the applicant. The applicant will also be required to acquire Truckee River water rights to offset the demand on the groundwater.

Member Lawrence opined 50 horses was excessive and abusive to the intent of the area. He reiterated his concerns about the potential nitrate problem and stated he could not support the request.

Member Toulouse agreed and stated he could not make the finding that this was not detrimental to the character and the uniqueness of the area.

- Location: 5245 Honey Bear Drive, approximately 300 feet west of its intersection with Lupin Drive.
- Assessor's Parcel No: 085-081-01
- Parcel Size: 14,039 square feet
- Master Plan Category: Suburban Residential
- Regulatory Zone: Medium Density Suburban
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Development Code: Article 306, Accessory Uses and Structures and Article 810, Special Use Permits
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 19, T20N, R20E, MDM, Washoe County, NV
- Staff: Roger D. Pelham, MPA, Senior Planner
- Phone: 775.328.3622
- Email: rpelham@washoecounty.us

Chair Wideman opened the public hearing.

Mr. Pelham reviewed the staff report. He explained a portion of the accessory structure would be walled off so the living area would not exceed the maximum of 524 square feet.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures.

Applicant Sydney Van Assche indicated a desire to speak and Chair Horan reopened the public hearing. Mr. Van Assche had researched the building's history and learned it had been permitted as a playhouse, but wanted to make the best use of it within current limitations.

Chair Wideman closed the public hearing and asked if any Board members wished to provide disclosures. None did.

Member Horan moved to approve conditionally Special Use Permit Case No. SB13-019 - Van Assche Detached Accessory Dwelling. The motion was seconded by Member Lawrence and passed by a vote of four in favor and none 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 Master Plan and the Sun Valley 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 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, and

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.

9. Chair and Board Items

A. Election of Officers: Board of Adjustment Chair and Vice Chair

Member Horan moved to appoint Kim Toulouse as Chair of the Board of Adjustment and Member Toulouse accepted. The motion was seconded by Member Lawrence and passed by a vote of four in favor and none opposed.

Outgoing Chair Wideman passed the gavel to incoming Chair Toulouse, who thanked the Board. He said it had always been a pleasure to work with the fellow Board members and staff.

Member Horan moved to appoint Lee Lawrence as Vice Chair of the Board of Adjustment and Member Lawrence stated he would be honored. The motion was seconded by Member Wideman and passed by a vote of four in favor and none opposed.

B. *Report on Previous Board of Adjustment (BOA) Items

Mr. Webb informed the Board the BCC had overturned the BOA's denial of Skyway Towers, allowing a slimline monopole in the Spanish Springs Industrial Park.

C. Future Agenda Items and Staff Reports

Chair Toulouse complimented the new staff report formats, saying they smoothed the process and streamlined the meetings.

10. Director's Items

A. *Legal Information and Updates

None.

11. Public Comment

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

12. Adjournment

The meeting adjourned at 2:50 p.m.

Respectfully submitted,

Dawn Spinola, Recording Secretary

Approved by Board in session on _____, 2013

William Whitney
Secretary to the Board of Adjustment