



# Board of Adjustment Staff Report

**Meeting Date: April 2, 2015**

Subject: Administrative Permit Case Number: AP15-002  
Applicant: Gary Owens  
**Agenda Item Number: 8C**  
Summary: To allow the construction of a detached accessory structure that is larger than the dwelling on the parcel  
**Recommendation: Approval with Conditions**  
Prepared by: Trevor Lloyd - Senior Planner  
Washoe County Community Services Department  
Planning and Development Division  
Phone: 775.328.3620  
E-Mail: tlloyd@washoecounty.us

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## **Description**

**Administrative Permit Case Number AP15-002** – To allow the construction of a detached accessory structure that is larger than the primary residence on the parcel.

- Applicant/Owner Gary Owens  
3983 S. McCarran #258  
Reno, NV 89502
- Location: 8895 Lakeside Drive, at the southwest corner of its intersection with Holcomb Ranch Road
- Assessor's Parcel Number: 041-130-57
- Parcel Size: 5.73 acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: Southwest Truckee Meadows
- Development Code: Authorized in Article 306, Accessory Uses and Structures and Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 11, Township 18 North, Range 19 East, MDB&M, Washoe County, NV

**Staff Report Contents**

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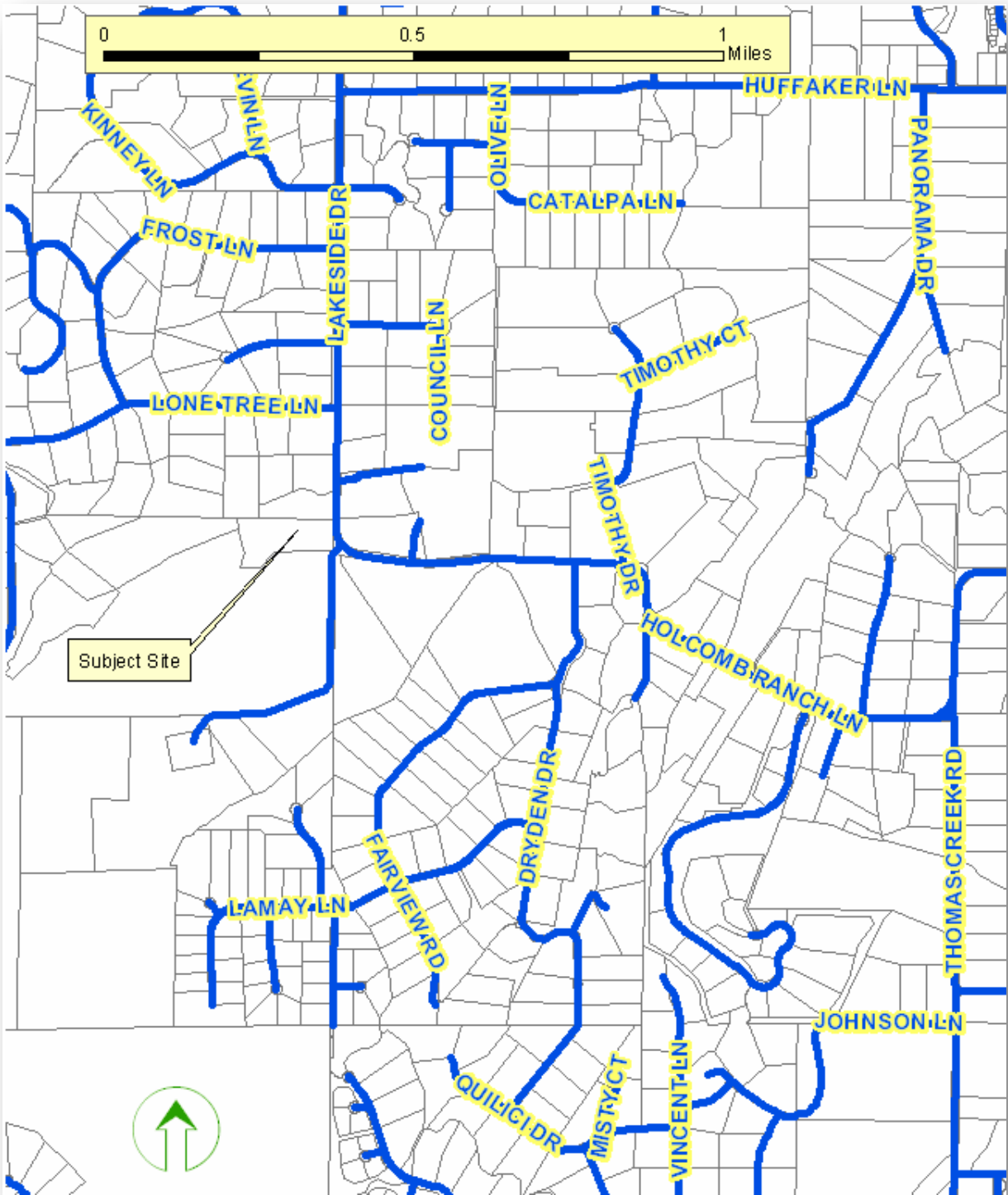
**Exhibits Contents**

Conditions of Approval.....Exhibit A  
Public Notice Map.....Exhibit B  
Health Letter Dated March 13, 2015 ..... Exhibit C  
Engineering Letter Dated March 12, 2015..... Exhibit D

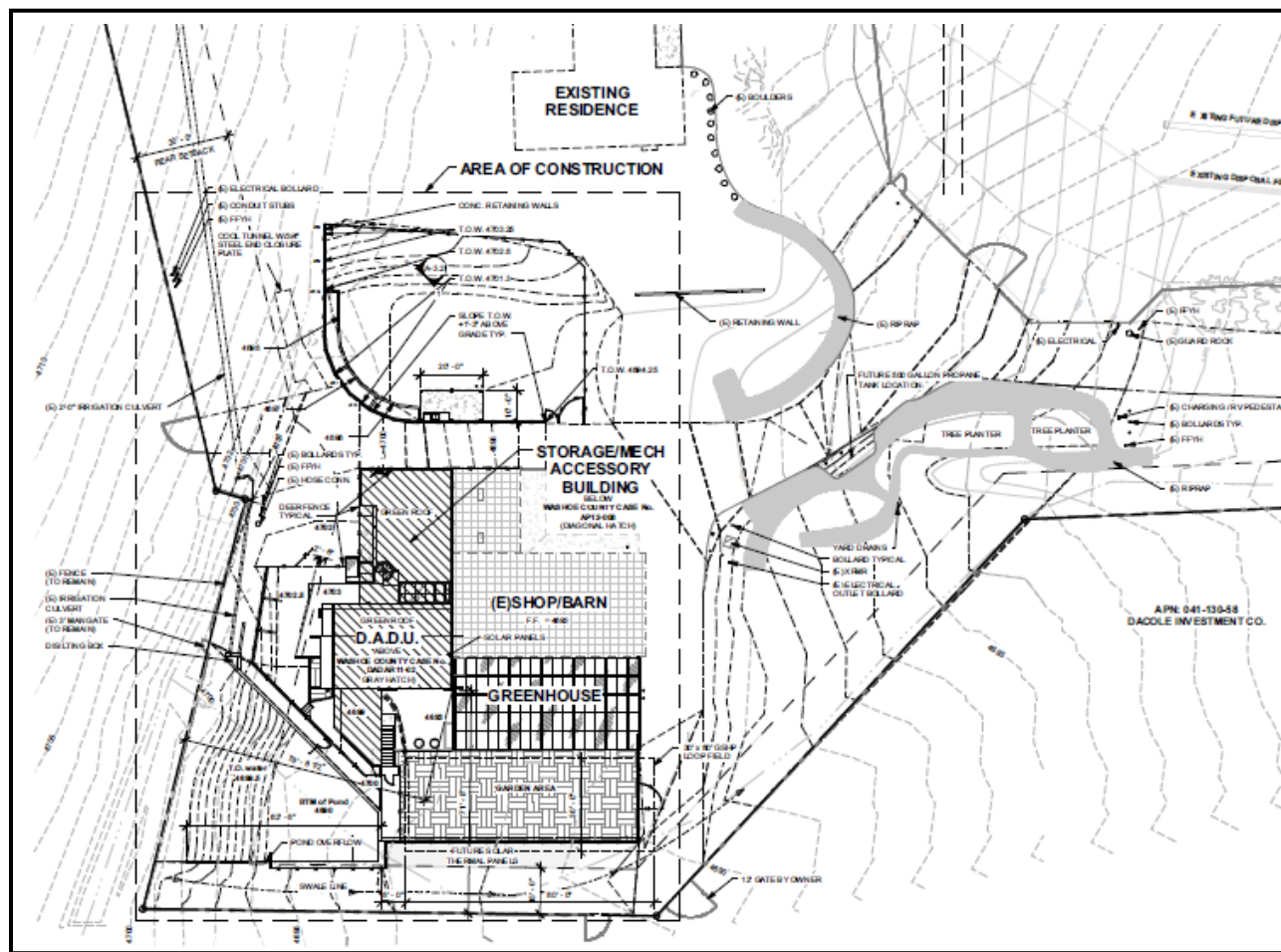
**Administrative Permit Definition**

The purpose of an Administrative Permit is to provide a method of review for a proposed use which possess characteristics that requires a thorough appraisal in order to determine if the use has the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of Adjustment or the Hearing Examiner may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use, or to specify the terms under which commencement and operation of the use must comply. Prior to approving an application for an administrative permit, the Hearing Examiner or the Board of Adjustment must find that all of the required findings, if applicable, are true.

The Conditions of Approval for Administrative Permit Case Number AP15-002 are attached to this staff report and will be included with the Action Order.



**Vicinity Map**



**Site Plan**

**Project Evaluation**

On December 6, 2012, the Board of Adjustment approved an administrative permit for an accessory structure on the subject property. The applicant did not construct the structure as approved by the Board of Adjustment and the time period required for the construction of this structure has expired. The applicant is asking to reapply for approval, however, the applicant has also made a few changes to the original design that includes a new greenhouse and garden area within the footprint of the accessory structure which increases the overall size of the accessory structure to  $\pm$ 4,400 square feet.

There is an approved detached accessory dwelling that was approved as part of a different permit application identified as Case Number DADAR11-02. The applicant has submitted a separate application to amend DADAR11-02 in order to extend the time frame for construction of the accessory dwelling. The amendment to DADAR11-02 is being processed concurrently with this application and may be granted following approval of this administrative permit.

The applicant has a single family main dwelling unit approximately 2320 square feet in size (not including garage space) that is located in the west-central portion of the 5.73-acre property. The applicant is seeking approval of a Detached Accessory Structure (DAS) in conjunction with a previously-approved Detached Accessory Dwelling (DAD). The previously-approved DAD portion of the building will be the second floor and consist of 1160 square feet of living space (50% of the square footage of the main dwelling). The DAS portion of the building is proposed to

consist primarily of the first floor of the structure, the overall structure will be built into the hillside and adapt to the existing topography, as can be seen in the proposed building elevations on page 6 of this report.

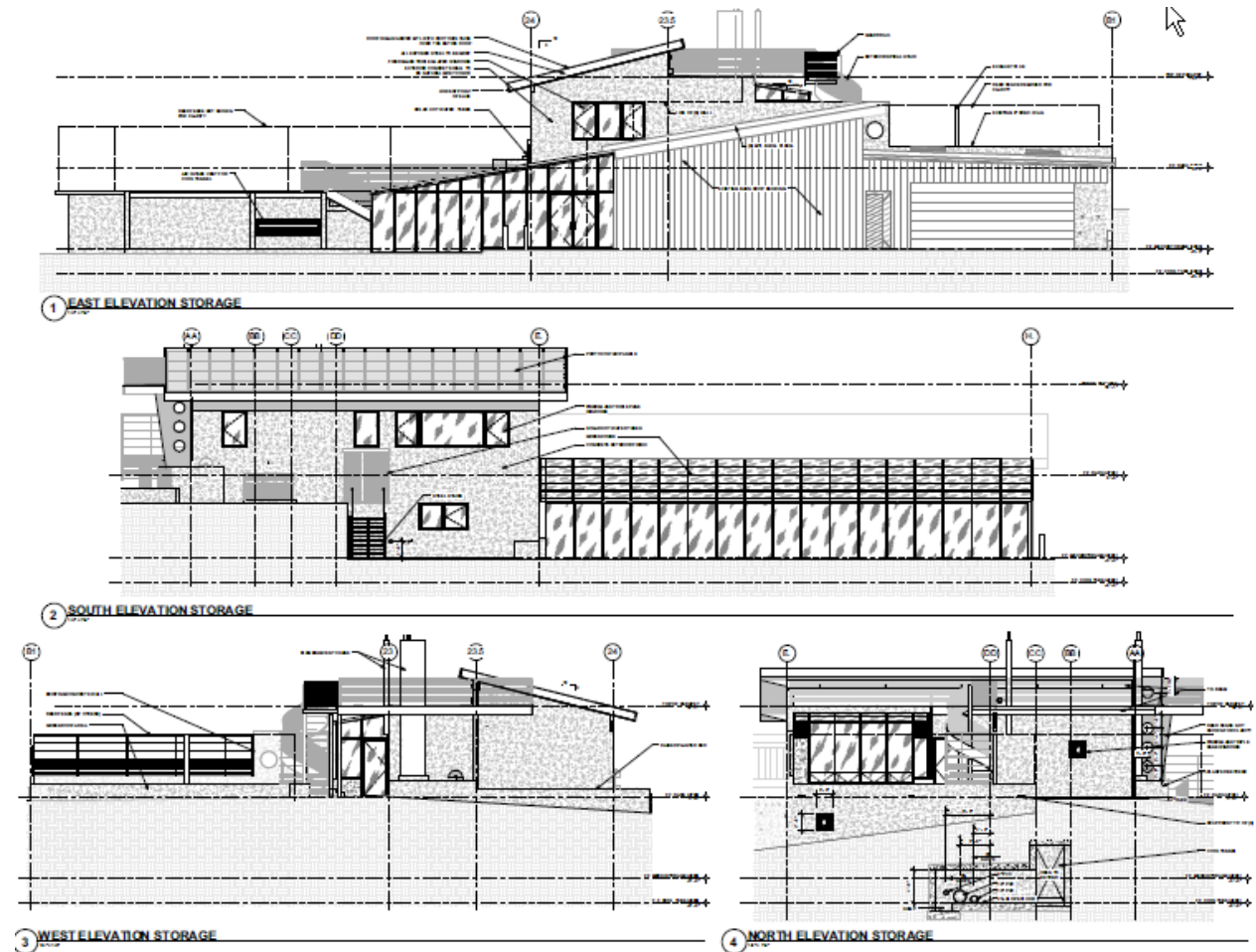
The proposed structure is primarily concrete construction with flat roofs. The existing dwelling is a typical "old ranch" style of structure. The applicant's representative has indicated that the existing dwelling is planned to be replaced by a new dwelling that will match the proposed DAD in style, color and building materials. There are no easements, CC&R's, or other encumbrances that affect the proposed use.

The northwest portion of the subject parcel is within a sensitive stream buffer zone area as defined by Article 418 of the Development Code, however the proposed DAS is completely outside that zone.

The Development Code at section 110.306.10(d) requires an administrative permit for approval of a DAS that is larger than the main dwelling unit. This Administrative Permit request is an effort to comply with the conditions of approval placed upon the approval of the DAD.

Because neighboring property owners were notified and had the chance to comment upon the previous application, which was approved and clearly indicated the structure proposed by this application, it seems unlikely that any additional impacts will be identified during this process. For this reason, staff is comfortable in recommending approval of the Administrative Permit, with standard conditions of approval.

**Building Elevations**



**South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)**

A copy of the Administrative Permit application was provided to all members of the CAB and responses were requested to be provided to staff by March 20<sup>th</sup>. At this time, no comments have been received.

## **Reviewing Agencies**

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
  - Engineering Division
  - Planning and Development Division
- Washoe County Health District
  - Air Quality Management Division
  - Environmental Health Services
- Truckee Meadows Fire Protection District

Three out of the five above-listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Washoe County Community Services Department, Planning and Development Division addressed landscaping and lighting standards and imposed general conditions that will be in effect for the life of the project.  
Contact: Roger Pelham, 775.328.3622, [rpelham@washoecounty.us](mailto:rpelham@washoecounty.us)
- Washoe County Community Services Department, Engineering Division required standard construction drawings be submitted for the project.  
Contact: Leo Vesely, 775.328.2040, [lvesely@washoecounty.us](mailto:lvesely@washoecounty.us)
- Truckee Meadows Fire Protection District provided the requirement for residential fire suppression sprinklers to be installed in the structure.  
Contact: Amy Ray, 775.326.6005, [aray@washoecounty.us](mailto:aray@washoecounty.us)

## **Staff Comment on Required Findings**

Section 110.808.25 of Article 808, *Administrative Permits*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the administrative permit request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan.

*Staff Comment: There are no Policies and Action Programs within the Southwest Truckee Meadows Area Plan that are particularly applicable to the request for the proposed Detached Accessory Structure.*

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.



*Staff Comment: Adequate improvements have been conditioned and will be ensured upon approval of a building permit.*

3. Site Suitability. That the site is physically suitable for a Detached Accessory Structure, and for the intensity of such a development.

*Staff Comment: The structure is proposed to be set into a hillside and will be partially screened from nearby neighbors and will be located as far as possible from the public right-of-way.*

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.

*Staff Comment: Detached Accessory Structures of many types including garages, barns and riding arenas are common throughout the Southwest Truckee Meadows Area Plan. Approval of the proposed Detached Accessory Structure is unlikely to create any significant detriment.*

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.

*Staff Comment: There is no military installation in the vicinity of the proposed Detached Accessory Structure.*

### **Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Administrative Permit Case Number AP15-002 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

### **Motion**

I move 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 AP15-002 for Gary Owens, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest 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 Detached Accessory Structure, 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.

**Appeal Process**

Board of Adjustment action will be effective 10 days after the public hearing and decision date, unless the action is appealed to the County Commission, in which case the outcome of the appeal shall be determined by the Washoe County Commission.

xc: Applicant / Property Owner: Gary Owens  
3983 S. McCarran #258  
Reno, NV 89502

Representatives: James Molder  
11512 Chesapeake Drive  
Reno, NV 89506



# Conditions of Approval

Administrative Permit Case Number AP15-002

The project approved under Administrative Permit Case Number AP15-002 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on April 2, 2015. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act.

**Unless otherwise specified**, all conditions related to the approval of this Administrative Permit shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Administrative Permit is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Administrative Permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Administrative Permit should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- Prior to the issuance of a business license or other permits/licenses.
- Some “Conditions of Approval” are referred to as “Operational Conditions”. These conditions must be continually complied with for the life of the project or business.

**The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.**

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the District Health Department must be appealed to the District Board of Health.**

- **The RENO-TAHOE AIRPORT AUTHORITY is directed and governed by its own Board. Therefore, any conditions set by the Reno-Tahoe Airport Authority must be appealed to their Board of Trustees.**
- **The REGIONAL TRANSPORTATION COMMISSION (RTC) is directed and governed by its own board. Therefore, any conditions set by the Regional Transportation Commission must be appealed to that Board.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

**Washoe County Planning and Development**

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Trevor Lloyd, 775.328.3620, tlloyd@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. The Planning and Development Division shall determine compliance with this condition.
- b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Development Division.
- c. The applicant shall attach a copy of the action order approving this project to all administrative permit applications (including building permits) applied for as part of this administrative permit.
- d. Best practice design guidelines shall be implemented to mitigate visual impacts. Architectural articulations shall be used to break-up long blank walls.
- e. Landscaping plans shall be submitted with the building permit application and shall include trees placed to provide visual breaks to long blank walls.
- f. There shall be complete screening of roof mounted HVAC equipment.
- g. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

- h. All exterior lighting on the structure shall be down-shielded such that light is emitted downward only.

**Washoe County Engineering and Capital Projects**

- 2. The following conditions are requirements of the Engineering Division, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Leo Vesely, 775.325.8032, lvesely@washoecounty.us

- a. The Regional Road Impact Fee will be required for the accessory dwelling. The additional fee shall be charged at the multi-family rate.

**Washoe County Health District**

- 3. The following conditions are requirements of Health District, which shall be responsible for determining compliance with these conditions. The District Board of Health has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.

**Contact Name** – Chris Anderson, 775.328.2434, canderson@washoecounty.us

- a. There is an existing onsite sewage disposal system (OSDS) on the property. The proposed project must conform to the Washoe County Health District Regulations Governing Sewage, Sanitation and Wastewater (SWS Regulations) with regards to the existing OSDS.
- b. There is an existing domestic well on the property. The project proposes to connect the new accessory structure to the existing domestic well. A waiver must be obtained from the Nevada Division of Water Resources per Washoe County Health District Regulations Governing Well Construction prior to connection to the accessory dwelling. All conditions of the Waiver must be met.
- c. The proposed accessory dwelling must have a new and separate OSDS meeting all requirements of the SWS Regulations prior to occupation. A Sewage Disposal Construction Permit application is currently in review with this Division.

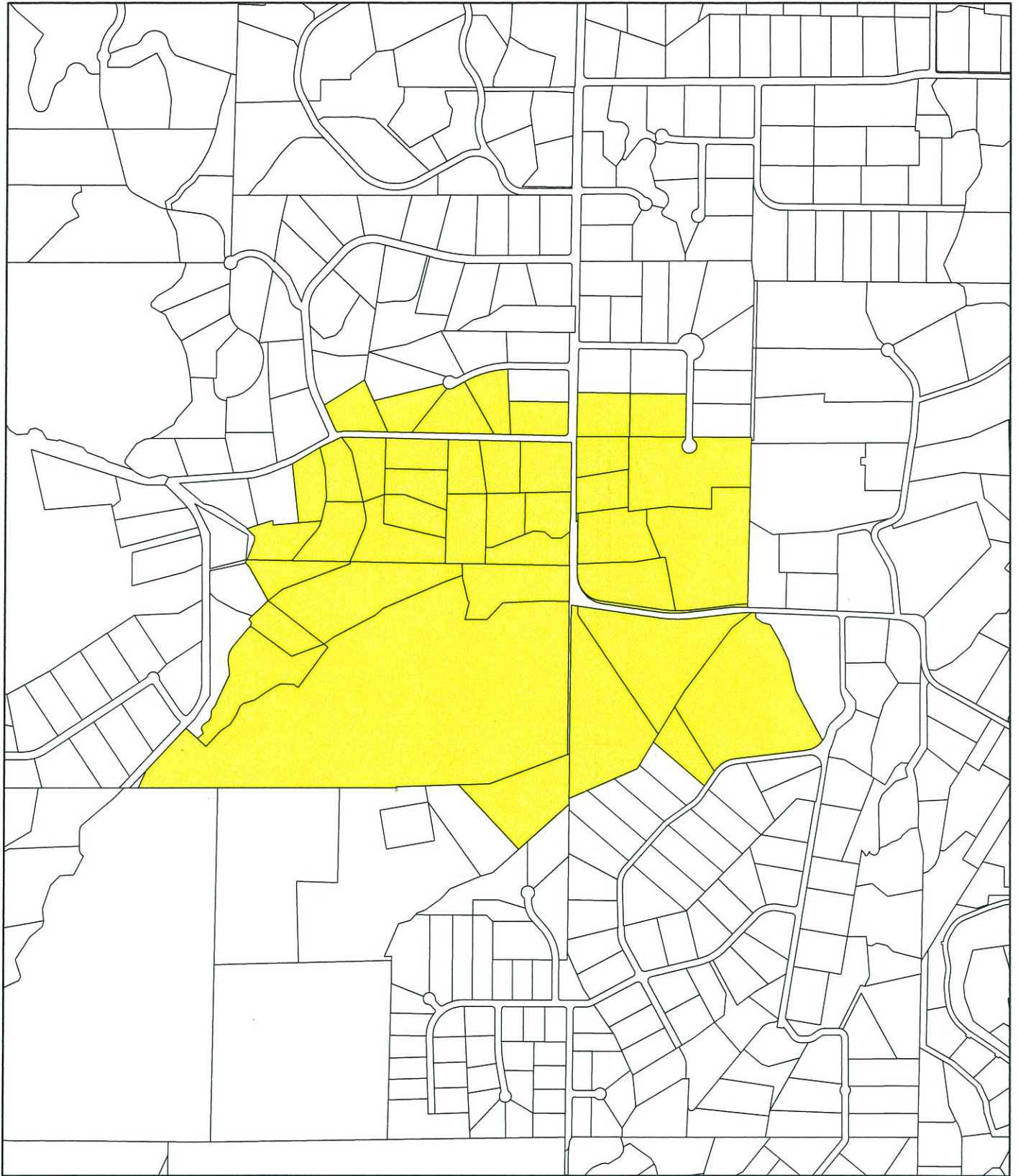
**Truckee Meadows Fire Protection District**

- 4. The following conditions are requirements of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

**Contact Name** – Amy Ray, 775.326.6005

- a. A residential fire sprinkler system and/or water for fire suppression shall be installed in the proposed structure due to the use and lack of water for fire suppression, per the Washoe County Code 60 and the IFC, in the area.
- b. Plans and/or permits for the residence shall be obtained and approved prior to the construction in accordance with Washoe County Code 60.

\*\*\* End of Conditions \*\*\*



# MAILMAP

AP15-002  
Gary Owens



Department of  
Community  
Development

WASHOE COUNTY  
NEVADA

Post Office Box 11130  
Reno, Nevada 89520  
(775) 328-3600

Source: Current Planning Program

Date: March 2015

**AP15-002**  
**EXHIBIT B**

# WASHOE COUNTY HEALTH DISTRICT

ENHANCING QUALITY OF LIFE

March 13, 2015

Trevor Lloyd, Senior Planner  
Washoe County Community Services  
Planning and Development Division  
PO Box 11130  
Reno, NV 89520-0027

RE: Gary Owens Accessory Structure; 8895 Lakeside Dr.; APN 041-130-57  
Administrative Permit; AP15-002

Dear Mr. Lloyd:

The Washoe County Health District, Environmental Health Services Division (Division) has reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. There is an existing onsite sewage disposal system (OSDS) on the property.
  - a. The proposed project must conform to the Washoe County Health District Regulations Governing Sewage, Sanitation and Wastewater (SWS Regulations) with regards to the existing OSDS.
2. There is an existing domestic well on the property.
  - a. The project proposes to connect the new accessory structure to the existing domestic well. A waiver must be obtained from the Nevada Division of Water Resources per Washoe County Health District Regulations Governing Well Construction prior to connection to the accessory dwelling. All conditions of the Waiver must be met.
3. The proposed accessory dwelling must have a new and separate OSDS meeting all requirements of the SWS Regulations prior to occupation.
  - a. A Sewage Disposal Construction Permit application is currently in review with this Division.

If you have any questions regarding the foregoing, please call me at 328-2632.

Sincerely,

Chris Anderson, P.E.  
Registered Engineer  
Environmental Health Services

CA:ca

Cc: Division File  
Gary Owens-Owner  
James D. Molder, RD - James Dean Molder



# WASHOE COUNTY

## COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

*"Dedicated to Excellence in Public Service"*

1001 East 9<sup>th</sup> Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

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### INTEROFFICE MEMORANDUM

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DATE: March 12, 2015  
TO: Trevor Lloyd, Planning and Development Division  
FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division  
SUBJECT: **AP15-002**  
**APN 041-130-57**  
**OWENS ACCESSORY STRUCTURE**

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I have reviewed the referenced administrative permit case and have the following comment:

Comment:

1. The Regional Road Impact Fee will be required for the accessory dwelling. The additional fee shall be charged at the multi-family rate.

LRV/lrv

**AP15-002**  
**EXHIBIT D**