

Washoe County Board of Adjustment



**WADMIN22-0003**  
**(Rushing Care of the Infirm)**

May 5, 2022

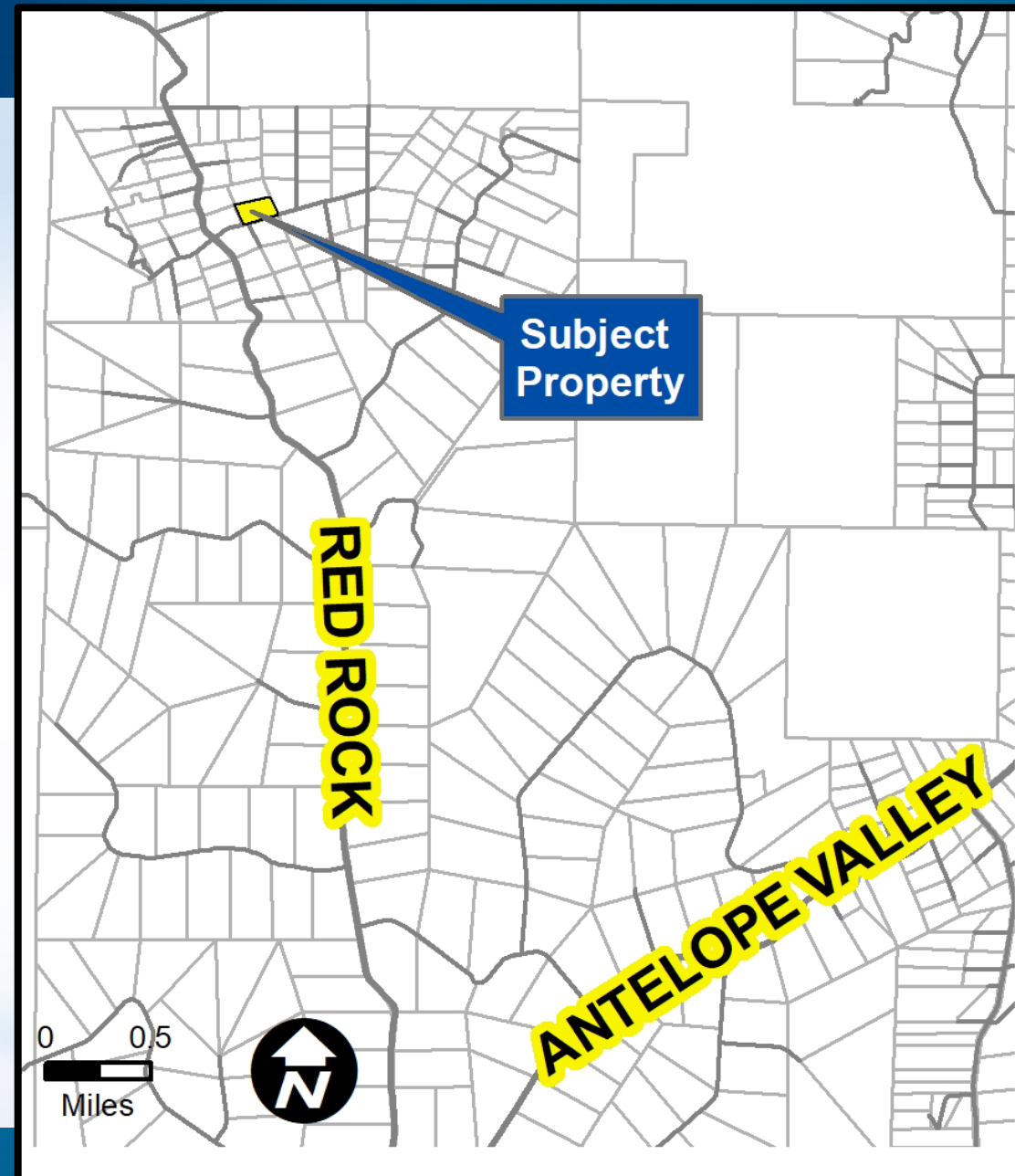
# WADMIN22-0003

## Rushing Care of the Infirm



# Vicinity Map

The parcel (APN: 079-382-61) is located in the North Valleys Area, on Bedell Road, east of Red Rock Road.

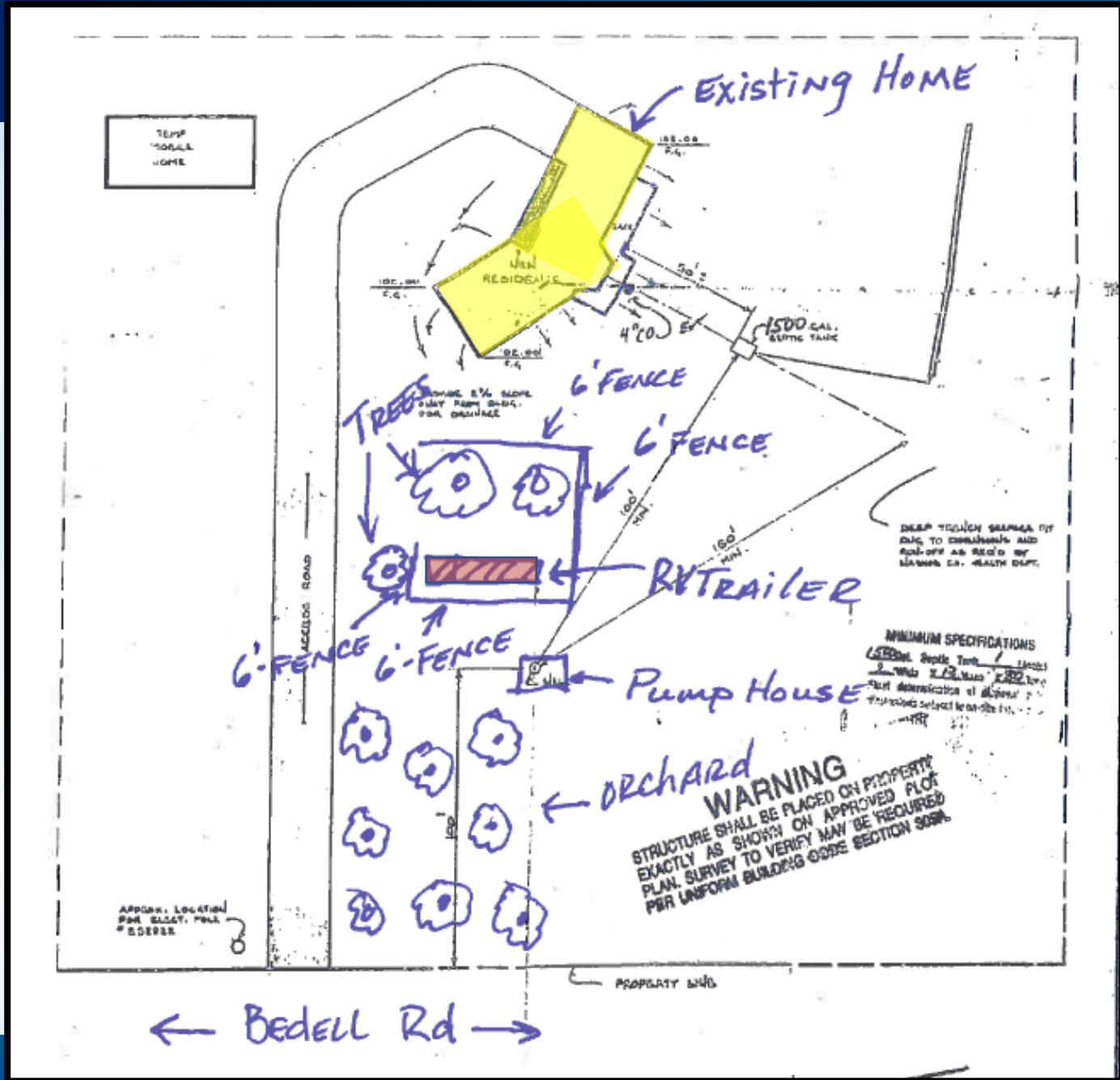


# Request



- The request is for:
  - An administrative permit to allow a self-contained travel trailer to be occupied on parcel 079-382-61 to be used for the care of an infirm resident.
  - The infirm resident is the applicant's/property owner's mother.
  - The infirm resident will be living in the travel trailer, and the property owner will be living in the house.

# Site Plan



# Background & Analysis



- A self-contained travel trailer to be used for the care of an infirm resident is allowed with an approved administrative permit per WCC Section 110.310.35(g), Temporary Occupancy for the Care of the Infirm.
- This temporary occupancy is reserved for properties containing a permanent single-family dwelling occupied by either the infirm person or the person responsible for the care of the infirm person.
- A signed affidavit is required from a Nevada licensed physician identifying the need for on-premise care.
- The administrative permit must be renewed annually.

# Background & Analysis



- The infirm resident's medical practitioner completed a signed and notarized affidavit stating that the resident needs to have a person living on the premises/property where she lives in order to provide care & assistance to her.
- The licensed Physician Assistant also provided a letter, dated February 22, 2022, further stating the infirm resident's need for supervision & assistance.
- The Physician Assistant's letter & a letter from the infirm resident are included in the application (Exhibit D).

# Background & Analysis – Violation



- There is an open planning/code enforcement violation (WVIO-PLA21-0188) on this property.
- A complaint was submitted on Nov. 16, 2021, stating that the property owner “has had multiple travel trailers parked on the property with people living in them for some time. They now have also added a 60ft single wide trailer with people living in it.”
- A Washoe County code enforcement officer found a manufactured home on the property without a placement permit (violation of WCC Section 110.306.25) & unpermitted RV living.
- The individual living in the RV/travel trailer is the infirm resident under consideration in this administrative permit.



# Background & Analysis – Screening



- WCC Section 110.310.35(g) requires that the travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street.
- The parcel has a regulatory zone of Low Density Rural (LDR) with 30 ft. front & rear yard setbacks & 50 ft. side yard setbacks.
- The trailer is located 140 ft. from the front yard property line, 380 ft. from the west side yard property line & 640 ft. from the east side yard property line.

# Travel Trailer Placement

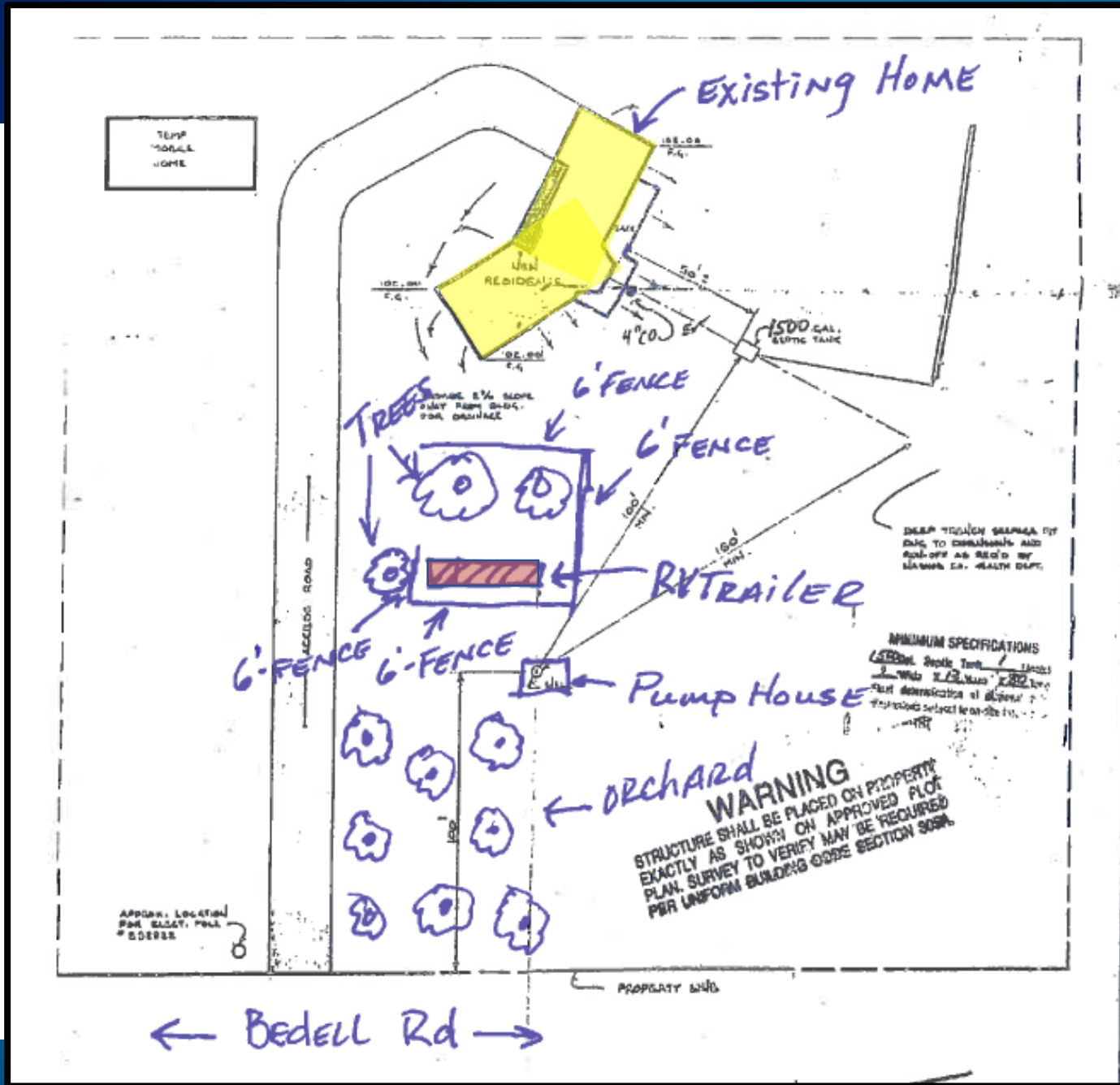


# Background & Analysis – Screening



- The applicant planted fruit trees between the street and the travel trailer 2 years ago.
- A six-foot high cedar fence is being installed on 3 sides for additional screening.
- The applicant intends to plant 6 new poplars & 2 new weeping willows to provide further screening.
- Truckee Meadows Fire Protection District (TMFPD) has provided a condition in the conditions of approval (Exhibit A) requiring the applicant to maintain defensible space with their tree placement, as this property is located in a HIGH WUI zone.

# Site Plan





# Background & Analysis – Utilities

- WCC Section 110.310.35(g) requires that no discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material.
- The subject property is served by well water, an existing septic tank for sewage disposal & Waste Management for garbage collection. The property has existing electric and natural gas service.
- Washoe County Health District provided a condition requiring the travel trailer to be hard line plumbed to the on-site sewage disposal system. (Exhibit A)
- Washoe County Water Rights provided a condition related to domestic water well use. (Exhibit A)

# Amended Condition

- Staff is recommending modification of two of the Washoe County Planning & Building Division conditions: **1.c.3.** and **1.c.4.** (Exhibit A)
- Purpose: to clarify the process for yearly renewal of the administrative permit

3. This permit shall be renewed on an annual basis to ensure the need for on premise care is still needed. Failure to renew this permit by May 5, 2023, and each year following, shall render this permit null and void. **The annual renewal shall require the applicant to provide the Community Services Department with the status of the permit and submit a signed affidavit from a Nevada Licensed physician identifying the need for continued care.**

~~4. A signed affidavit from a Nevada Licensed physician identifying the need for continued care shall be submitted with the annual review.~~

# Reviewing Agencies



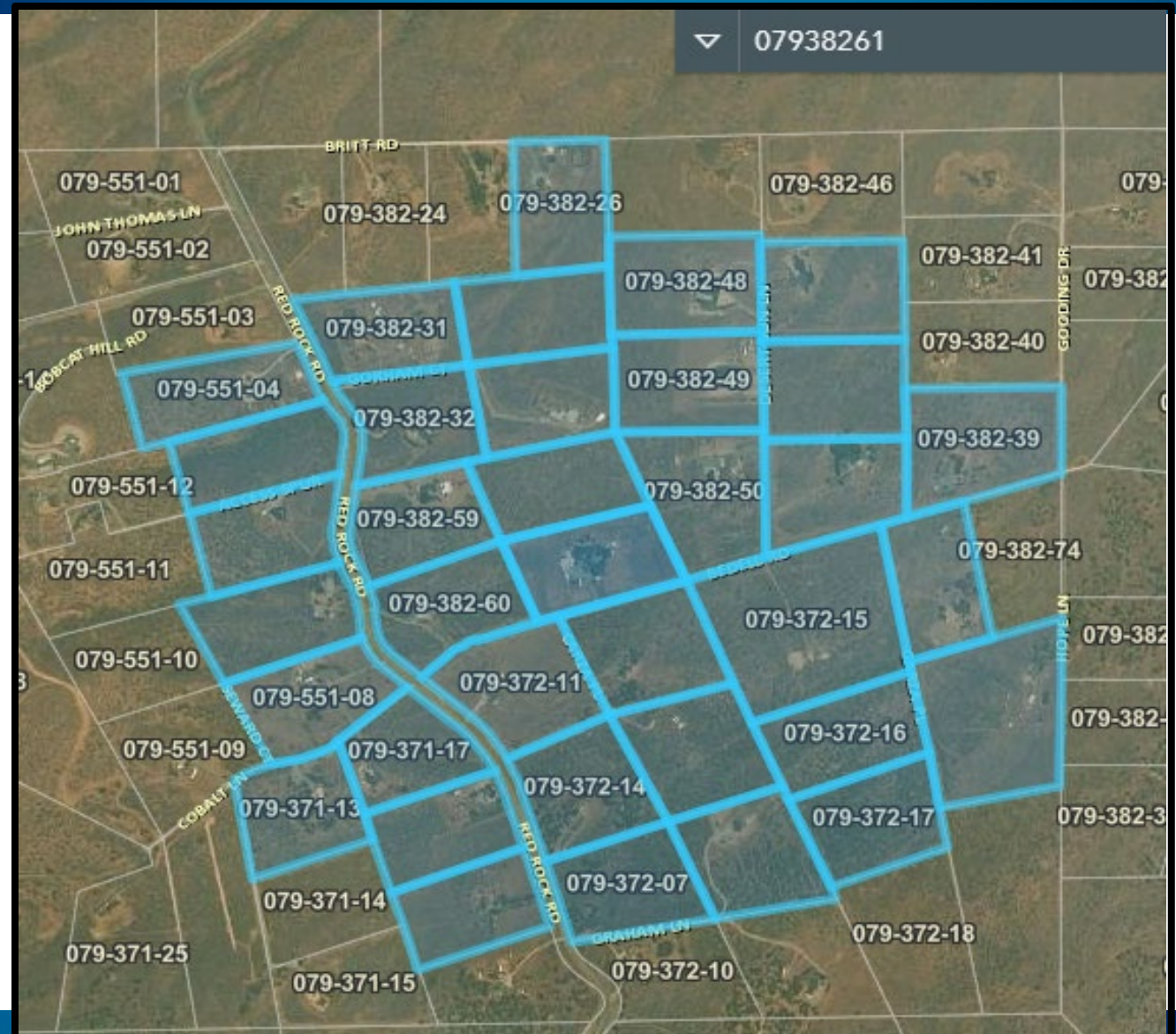
Various agencies reviewed the application.  
Conditions are included in Exhibit A.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
Environmental Protection	X			
Washoe County Building & Safety	X			
Washoe County Engineering & Capital Projects	X	X		Robert Wimer, rwimer@washoecounty.gov
Washoe County Land Development	X			
Washoe County Planning & Building Director	X			
Washoe County Water Rights Manager	X	X	X	Timber Weiss, tweiss@washoecounty.gov
WCHD EMS	X	X		Sabrina Brasuell, sbrasuell@washoecounty.gov
WCHD Environmental Health	X	X	X	James English, jenglish@washoecounty.gov
TMFPD	X	X	X	Brittany Lemon, blemon@tmfpd.us
Regional Transportation Commission (All Apps)	X			
Washoe-Storey Conservation District (All Apps)	X	X		Jim Shaffer & Bret Tyler / shafferjam51@gmail.com & bretttyler2@gmail.com

# Public Notice



Notices were sent to 34 separate property owners within 1,500 feet of the subject property.





# Findings



Staff is able to make all 5 required findings, as detailed on pages 6 & 7 in the staff report.

- a) 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;
- b) 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;
- c) Site Suitability. That the site is physically suitable for a self-contained travel trailer to be used for the care of an infirm resident, and for the intensity of such a development;
- d) 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;
- e) 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.

# Recommendation



Those agencies which reviewed the application recommended conditions to address applicable codes and impacts associated with the project. After a thorough analysis and review, staff recommends that the Board of Adjustment carefully consider all aspects of Administrative Permit Case Number WADMIN22-0003 and the nature of the stringent recommended conditions of approval and approve the requested Administrative Permit.

# Possible 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 WADMIN22-0003 for Thomas Rushing, with the conditions included as Exhibit A to this matter and with amended Condition 1.c.3. and the removal of condition 1.c.4., having made all five findings in accordance with Washoe County Development Code Section 110.808.25.

# Thank you

Katy Stark, Planner  
Washoe County CSD – Planning Division  
krstark@washoecounty.gov  
775-328-3618

