



WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

Board of Adjustment Members

Kristina Hill, Chair
Clay Thomas, Vice Chair
Don Christensen
Rob Pierce
Brad Stanley

Thursday, March 3, 2022

1:30 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

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

Members Present: Kristina Hill, Chair – via Zoom
Clay Thomas, Vice-Chair
Don Christensen
Rob Pierce
Brad Stanley

Members Absent: None

Staff Present: Roger Pelham, Sr. Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Lacey Kerfoot, Recording Secretary, Planning and Building Division
Adriana Albarran, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Chair Hill led the pledge of allegiance.

3. Ethics Law Announcement

Deputy District Attorney Large recited the Ethics Law standards.

4. Appeal Procedure

Secretary Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. General Public Comment

There was no response to the request for public comment.

6. Approval of the March 3, 2022 Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of March 3, 2022. Member Pierce seconded the motion which carried unanimously.

7. Approval of the February 3, 2022 Draft Minutes

It was noted that Chair Hill had recused herself during item 8a at the February 3, 2022 meeting. Thomas moved to approve the minutes of February 3, 2022 as amended. Member Pierce seconded the motion which carried unanimously.

8. Public Hearing Items

A. Variance Case Number WPVAR22-0001 (Herz-Callahan Side Yard Setback Reduction) [For possible action] – For hearing, discussion, and possible action to approve a variance to reduce the required side yard setback on the north side of the parcel from five (5) feet to one (1) foot in order to enlarge the existing bedroom wing of the current home on the property and add a second level bedroom.

- Applicant: GilanFarr Architecture
- Property Owner: Susan Herz-Callahan Family Trust et al.
- Location: 1710 Lakeshore Blvd., Incline Village, NV 89451
- APN: 130-332-12
- Parcel Size: 0.192 acres
- Master Plan: Tahoe – East Shore
- Regulatory Zone: Tahoe – East Shore
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Katy Stark, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3618
- Email: krstark@washoecounty.gov

Senior Planner Roger Pelham provided a presentation in place of planner Katy Stark.

Applicant Representative Philip GilanFarr provided a presentation.

Discussion with Applicants:

Chair Hill said she wondered why there aren't alternatives to move the addition to the south side of the property. The land coverage TRPA hardship is all 1A. You can relocate coverage from one area to another area. Mr. GilanFarr said not in this case because we cannot make the relocation findings work according to TRPA. We did look at relocating it to the southside, but there is no capacity for the driveway and parking on that side. Right now, there is a very steep driveway to a parking space. The area is smaller than on the opposite side of the house. It would change the positioning of the entering and exiting of the house, requiring a major change to the existing historic structure. The bedroom wing is currently on the northside of the house. TRPA would not recognize relocation findings except for areas that are already disturbed. Chair Hill said it looks like most of the encroachment is taken up by a staircase. Mr. GilanFarr spoke about the slide that shows the bedroom/bathroom with a staircase for access to the second floor. We cannot accommodate a staircase in the existing structure. Chair Hill asked if they could do a spiral staircase that wouldn't take up so much space. Mr. GilanFarr said a spiral staircase would take up more space on the side setback because there is no other place to install it, and technically you aren't supposed to use a spiral for a sleeping space, exiting from a second level. He said we attempted to minimize the footprint with the minimum amount needed. The bathroom and bedrooms don't have a lot of extra space. We attempted to minimize the impact with the staircase being 3-feet wide. Member Stanley asked about the distance from the proposed roof overhang to

the adjoining property line? Mr. GilanFarr said we have a 6-inch overhang. It would end prior to the property line in order to control the drainage on that side of the house. We would install a gutter to contain the drainage within the property line. Mr. GilanFarr said it's 6-inches just in that corner. The overhang extends past the corner of the house by 6-inches. It's within the property line. He showed the site plan to show the angle of the building. The front corner comes within 6-inches of the property line. You are within the setback in the bedroom space.

Member Stanley asked what the percentage of the total proposed additions would be. He asked if it was less or greater than 10%. Mr. GilanFarr said we have an existing bedroom wing there, and we are adding an existing bedroom; the additional space would add 10-15% to the existing house.

Member Thomas asked if there was a variance granted for the original house? Mr. GilanFarr said he wasn't part of the abandonment of Romance Ave. Perhaps a variance was included to bring the existing structure into compliance. He said he couldn't find variances with the County. Mr. Pelham said no, there was no variance granted. This dwelling was constructed over the property line. We took away the chunk of Romance Ave. adding it to this parcel, making it larger. The dwelling is existing non-conforming. The house was built prior to existing codes. The degree of expansion by 100%; you have a bedroom getting bigger with a bedroom being built on top. So you are doubling or tripling. The exacerbation of the degree of non-conformance is 3x more. If a variance is granted, then its no longer non-conforming because they would have this exception.

Member Stanley asked why the slope is not a hardship in this case. Mr. Pelham showed the slide with the site plan with topography. He said the north and south; the contour lines are widely spaced, it's relatively flat. The extraordinary topography is located to the right side of the photo, to the east, uphill. That topography isn't forcing the need to push into the setback area.

Member Stanley said correspondence was mentioned that was not consistent with the recommendation. Mr. Lloyd said the question centered around the ability to build within the Romance Ave area. He said in his response that Romance was abandoned, and you can certainly build in that area. He said Mr. GilanFarr took that as he could build in the setback area. He said Phil has been doing this for 25 years. He said the abandonment would not remove an area of a setback. He said he thought the question was regarding building within the previously abandoned area.

Member Christensen asked about the block wall. Member Christensen said it's page 4, site plan of the Staff report. Mr. GilanFarr said a wood retaining wall runs behind the back of the house, and as it comes around, it becomes a block wall. He showed the existing edge and bedroom wing. Mr. Christensen asked if he intended to extend it. Mr. GilanFarr said it would be removed, but he showed the natural contour to the side of the building. He said the block wall would become the retaining wall of the foundation of the house.

Chair Hill asked about the BMP dripline. Mr. GilanFarr said BMPs go over the property line, which isn't the intent. He spoke about a gutter and downspout into a dry well. He said the email expressly stated removing the old bedroom wing and reconstructing it. The current bedroom wing and the improvements are in the new setback created by the abandonment of Romance Ave. The current building and improvements are within the setbacks created by the abandonment of Romance Ave. Will this proposal be acceptable? We were asked to provide an easement document, and we received a response that appears to be acceptable. He said part of the confusion on our part, even though we have worked 32 years in Incline Village, is we have not dealt with an abandonment of a previous road, so we were trying to find out if the setback still stood the same way. There was confusion due to the abandonment of Romance. He said Roger indicated this would be a 100% increase. He said I'm not sure we have a 1,100 sq. ft. facility, while adding 100 sq ft. is 100%. The slope starts at the highway and goes average of greater than 30% straight up.

The home built created a ledge. Historically, this property went straight up. The next ledge is the East Shore Trail, which is higher above us. They had to create a driveway that "V" s into the property, which is a 25% slope up. The entire property is extremely steep.

Public Comment:

Matt Callahan said he is a part-owner. He said his grandfather built this home back in the 50's. It's a small house. We have had an increased need for the sleeping area through the generations. We are requesting a small extension of the home to enjoy the area. We aren't asking for a crazy building or extensions like what is happening in Incline Village. It's a steep, unique area, and I feel this is the only place to do it. Thank you for your consideration.

Recording Secretary Albarran noted she received two written public comments from Matt Dunlap and Richard and Lilian Dixon. Those comments were distributed to the board as well as posted online. Both were in favor of the project.

Discussion by Members:

Chair Hill said this area is steep and old. It's unbelievable that someone can live there. It's a challenging site to have more than one or two cars. She said she hoped they could expand somewhere else that wouldn't require encroachment into the setback so it wouldn't be a variance. They are limited in their parking and access. They could expand straight up instead of the side yard setback.

Member Pierce said he is looking at the property on google maps. He said it appears that they wouldn't have any issues if they went up. He said he could see the steepness.

Member Stanley said maintaining the runoff seems optimistic. He said he was concerned with interfering with neighboring property.

Member Thomas asked Mr. Lloyd about TRPA and if it should be taken into account as we decide this matter. He asked for guidance. Mr. Lloyd said TRPA has oversight and jurisdiction over all the properties in the basin. He said the question is about the lack of available coverage on this property and whether that justifies meeting the first finding, of a hardship on the property. Mr. Pelham had noted that all the properties are faced with the same constraint. Based on that, it's not a special privilege or unique hardship specific to this property. Member Thomas said his concern is with slope. Where the existing house sits and the area where they want to include, it doesn't affect the slope. He said the contour lines don't seem to be a condition. TRPA is not an issue as to the decisions this board makes. He said he appreciates the input from the neighbors. They aren't the deciding factor. The Board of Adjustment is guided by NRS and County Code. Staff's presentation was thorough. There were no exceptional topography exceptions for this to be approved.

Member Christensen said he concurs with Member Thomas.

MOTION: Member Pierce moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR22-0001 for Susan Herz-Callahan Family Trust et al, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

(a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional

situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

- (b) **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;
- (c) **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;
- (d) **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;
- (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

Member Pierce could not make finding (a) as he does not believe there is a special circumstance for this. Member Christensen seconded the motion which carried unanimously.

B. Special Use Permit Case Number WSUP21-0028 (Dethmers Major Grading) [For possible action] – For hearing, discussion, and possible action to approve a special use permit for Major Grading (WCC110.438.35) to allow approximately 2.1 acres of land disturbance and 1,800 cubic yards of excavation of earthen material, to rectify illegal grading done within the past year, without obtaining appropriate grading and building permits.

- Applicant/ Property Owner: Jordan and Chelsea Dethmers
- Location: 4145 Lone Tree Lane, Reno, on the north side of Lone Tree Lane, approximately 150 feet northeast of its intersection with Bellhaven Road.
- APN: 041-120-11
- Parcel Size: ± 2.29 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest Truckee Meadows
- Development Code: Authorized in Article 438, Grading
- Commission District: 2 – Commissioner Lucey
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3622
- Email: rpelham@washoecounty.gov

Senior Planner Roger Pelham provided a presentation.

Applicant Representative Stacie Huggins provided a presentation. Jordan and Chelsea Dethmers provided background.

Discussion with Applicants:

Member Christensen thanked the Dethmers for putting in the work, albeit without the proper permit. He said our job is to look at the applications for a grading permit. We aren't averse to what you are doing. He said with his background in lending; there were two criteria in requesting a

adequate public facilities determination has been made in accordance with Division Seven;

- (c) **Site Suitability.** That the site is physically suitable for a wellhouse and an infiltration basin 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. Southwest Truckee Meadows Area Plan Finding SW.2.14 The community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

Member Thomas seconded the motion, which passed unanimously.

9. Planning Items

A. Neighborhood Meeting Process [Non-action item]

Secretary Lloyd gave a presentation.

Member Thomas asked if that is for any SUP. Mr. Lloyd said not necessarily for every SUP. He said pre-application is a time for vetting. Those that impact a neighborhood or community, those would have a neighborhood meeting. Member Thomas asked about a setback; Mr. Lloyd said probably not. The board members requested the PowerPoint slideshow. He wanted that sent out to the neighborhood groups. Mr. Lloyd thanked Ms. Kerfoot for all of her efforts with the website. Chair Hill asked if this pre-application meeting costs money; is there a filing fee. Mr. Lloyd said the only fee comes with application submittal. The responsibility is on the applicant to provide the meeting location. The document and application will be put on the website. He said we will assist the applicants along the way. There will be areas for improvement through the process. Chair Hill said she hopes the developers consider the public comment. She said she wished this process was in place for the Boulder Bay process. She said the public comments were positively received during a neighborhood meeting held at the Chateau for the condo proposal for downtown Incline Village.

10. Chair and Board Items

A. Future Agenda Items

None

B. Requests for Information from Staff

None

11. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

Member Pierce inquired about last month's item William-Scotsman which was set to come to the board during the March meeting. Secretary Lloyd clarified that the applicant had requested an additional month. He said it would likely come back in April. It will be re-noticed and come back to the board.

B. Legal Information and Updates

None

12. Public Comment

Clay Thomas said he took a moment to recognize Donna Fagan. She will be missed. She was helpful and a pleasure to work with.

Chair Hill shared her challenges with a recent broken arm and is grateful for using zoom for the board meeting.

13. Adjournment

The meeting adjourned at 5:18 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in Session on April 7, 2022

Trevor Lloyd

Trevor Lloyd
Secretary of the Board of Adjustment