



Board of Adjustment Staff Report

Meeting Date: December 7, 2017

Agenda Item: 8A

STAFF REPORT CASE NUMBER: WADMIN17-0009 (Crossley Garage)

BRIEF SUMMARY OF REQUEST: To allow the construction of a metal building, without electricity or plumbing, that is larger than the main dwelling

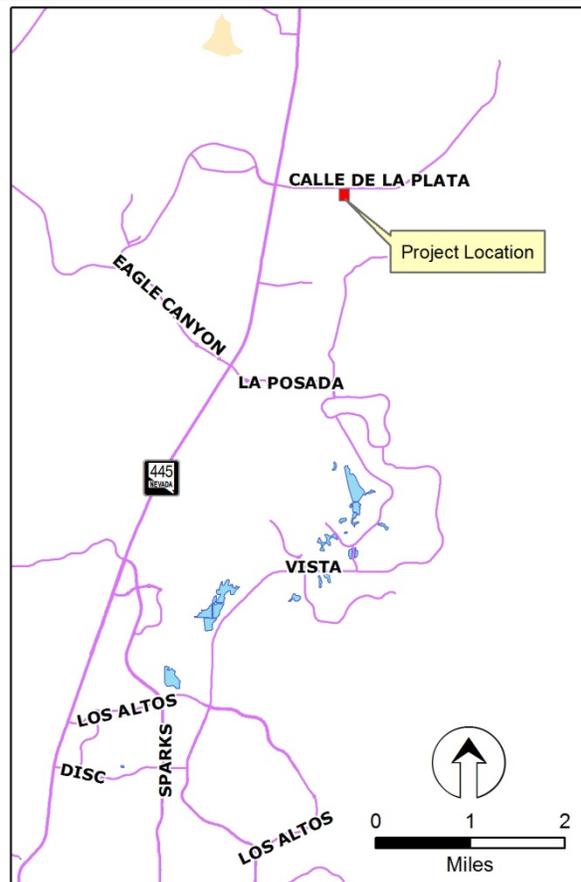
STAFF PLANNER: Planner's Name: Chad Giesinger, AICP, Senior Planner
Phone Number: 775.328.3626
E-mail: cgiesinger@washoecounty.us

APPLICANT / PROPERTY OWNER: Sandra Crossley

CASE DESCRIPTION

For possible action, hearing, and discussion to approve an Administrative Permit to allow the applicant/property owner, Sandra Crossley, to construct a detached accessory structure that is larger than the main dwelling on the parcel. The proposed detached accessory structure is a 4,000 square foot pre-fabricated metal building and the existing main dwelling is a 1,700 square foot single story structure.

- ◆ Applicant: Sandra Crossley
- ◆ Location: 401 Calle De La Plata, approximately 3/4 mile east of Pyramid Hwy.
- ◆ APN: 534-561-14
- ◆ Parcel Size: 9.47 acres
- ◆ Master Plan: Rural
- ◆ Regulatory Zone: General Rural
- ◆ Area Plan: Spanish Springs
- ◆ CAB: Spanish Springs
- ◆ Dev Code: Authorized in Article 306 and Article 808
- ◆ Comm. District: 4 – Commissioner Hartung
- ◆ Sec/Town/Range: Section 21, T19N, R20E MDM, Washoe County, NV



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

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 Washoe County Board of Adjustment approve with conditions Administrative Permit Case Number WADMIN17-0009 (Crossley Garage), having made all five findings in accordance with Washoe County Code Section 110.810.30.

(Motion with Findings on Page 11)

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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 subject property has a regulatory zone of General Rural (GR) and is located within the Rural Character Management Spanish Springs Area Plan. The applicant is seeking to construct a detached accessory structure that is larger than the main dwelling on the parcel. The proposed detached accessory structure is a 4,000 square foot pre-fabricated metal building and the existing main dwelling is a 1,700 square foot single story structure. Per Washoe County Code (WCC) section 110.306.05, accessory uses and structures that are incidental and subordinate to existing principal uses and established main structures are allowed in all regulatory zones; however, per WCC 110.306.10(d), a proposal to construct an accessory structure that is larger than the main dwelling on the parcel requires the approval of an Administrative Permit.

The Conditions of Approval for Administrative Permit Case Number WADMIN17-0009 are attached to this staff report and will be included with the Action Order.

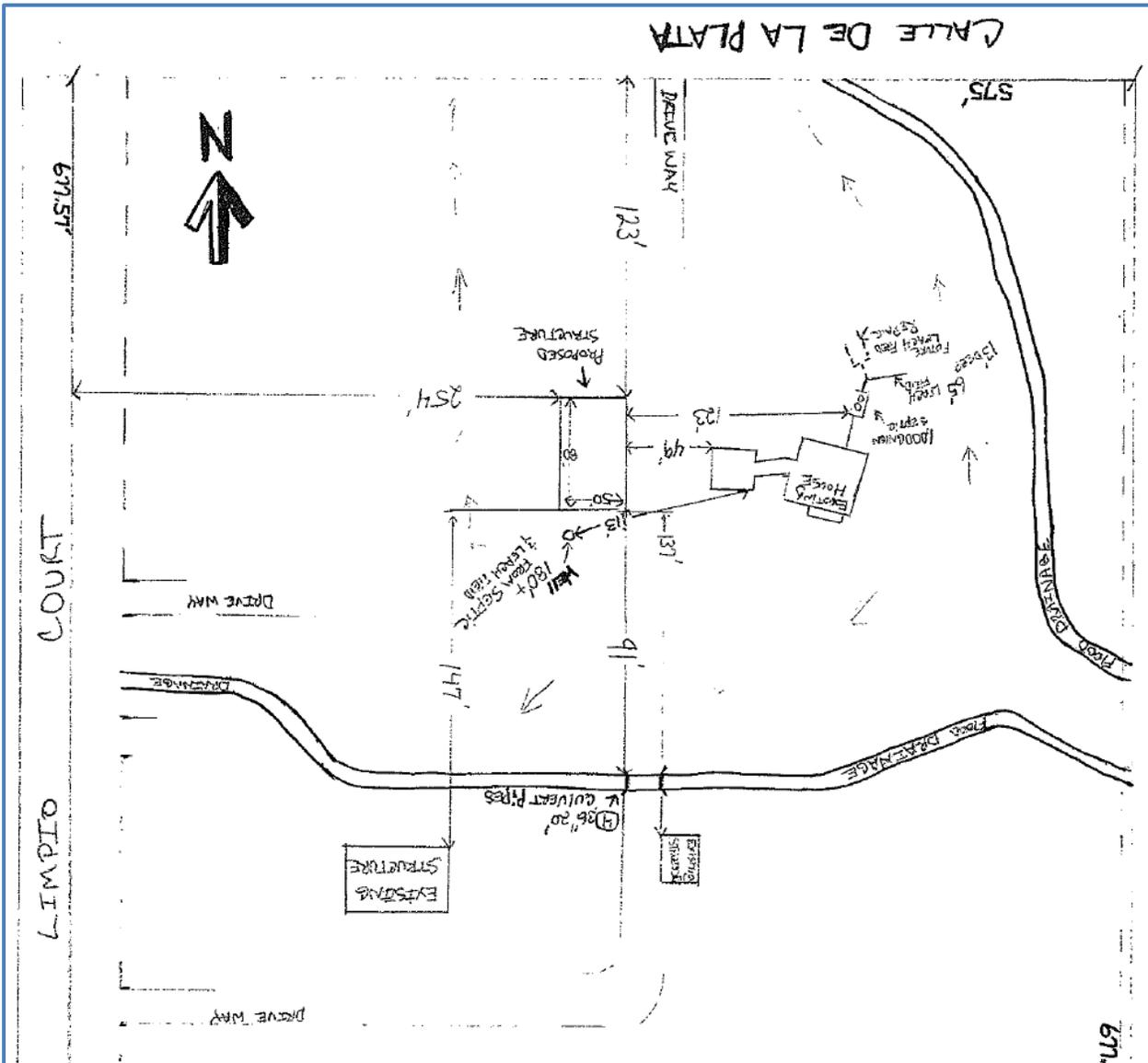
Project Location



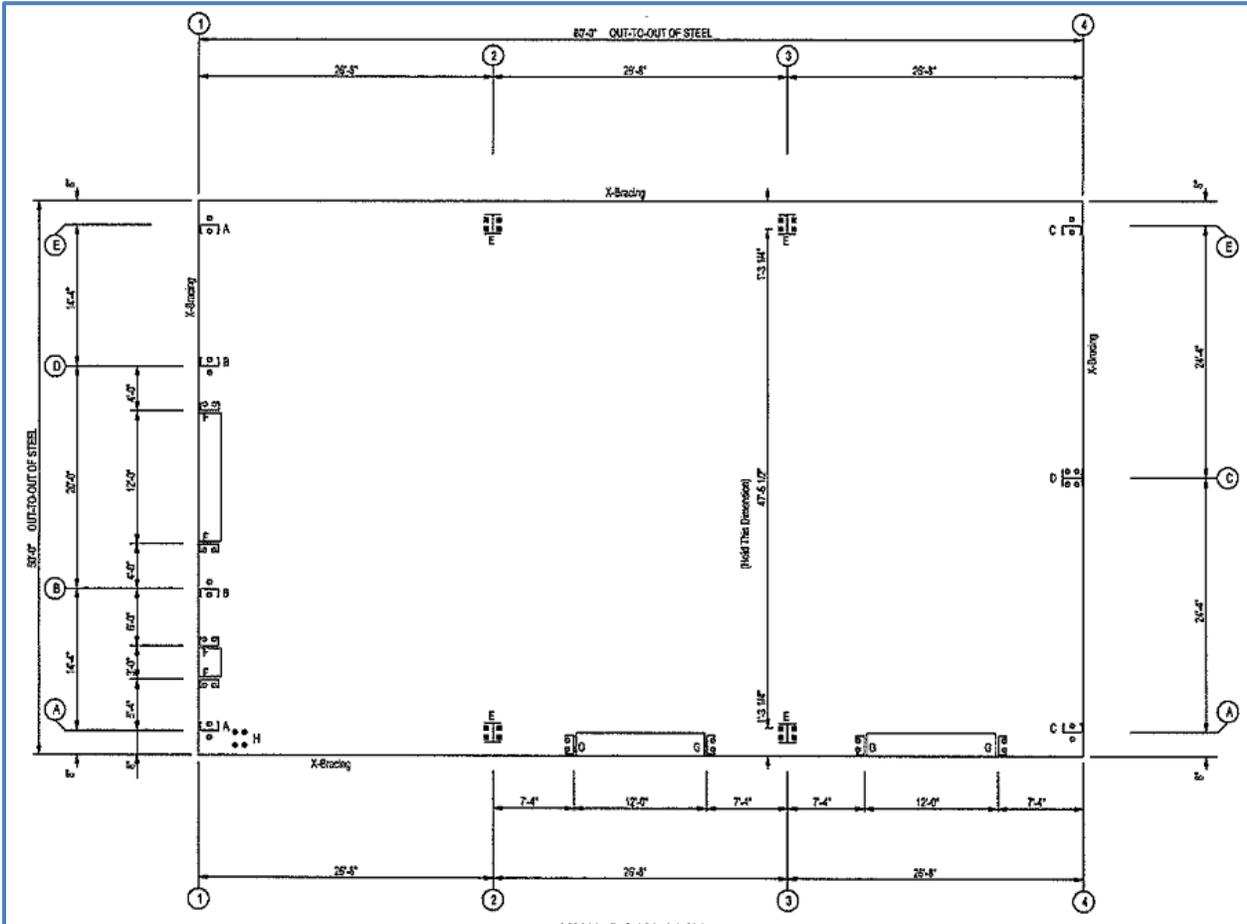
Aerial Site Photos



Site Plan



Floor Plan



Project Evaluation

The applicant is seeking to construct a detached metal building (i.e. a detached accessory structure, or DAS) adjacent to the existing main dwelling approximately in the center of the 9.47 acre property at 401 Calle De La Plata. The building is proposed to be a shell; no plans have been submitted for electrical connection or plumbing fixtures (i.e. water or sewer). The detached accessory structure is proposed to be 50 feet by 80 feet (4,000 square-feet) in size and approximately 20 feet high at its peak. The dwelling on the parcel is 1,700 square-feet in size. Per Washoe County Code (WCC) section 110.306.10(d), a proposal to construct an accessory structure that is larger than the main dwelling on the parcel requires the approval of an Administrative Permit.

Large detached accessory structures are relatively common in the vicinity of the subject site, which is located east of Pyramid Highway, and just South of RT Donovan Co. property. Several surrounding properties either have large barns or similar metal buildings. The intended use of the building is for storage of a number of large vehicles.

The topography of the subject site and most of the surrounding area is essentially flat. Visual impacts should be minimal as there are no significant views from adjacent properties in jeopardy of being blocked. The proposed location of the building is in the center of the property and is nearly 730 feet from the nearest building on adjoining property. The subject property has a regulatory zone of General Rural (GR) which requires structure setbacks of 30 feet in the front and rear yards, and 50 feet in the side yards. The proposed location of the building satisfies the required structure setbacks.

The applicant is not proposing to paint the building with neutral colors nor screen the structure in any way, such as through the planting of trees along the west and north sides of the building that face street right of ways. Staff is proposing a condition of approval that the exterior of the structure be treated, either by painting or other method, to eliminate any potential reflecting glare. At present, the sides of the building are proposed to be light gray and the roof would be a charcoal color.

It is the opinion of staff that any potential impacts associated with the construction of the proposed detached accessory structure are minimal (with the exception of potential glare, which is to be addressed by the aforementioned condition of approval). The entire subject parcel is located within the FEMA designated 100-year floodplain; however, this does not preclude the ability to construct structures provided appropriate mitigation is provided. The project will be required to comply with Washoe County Code Article 416, *Flood Hazards*, which requires mitigation of flood storage displacement. Staff believes that with these mitigation measures and conditions of approval, the requisite findings can be made for approval of the Administrative Permit request.

Spanish Springs Citizen Advisory Board (SS CAB)

Administrative permits are not required by Washoe County Code to be presented at a Citizen Advisory Board meeting. Additionally, staff does not typically schedule project requests of this nature (i.e. a simple detached accessory structure not connected to electricity, water, or sewer) for CAB review. The Spanish Springs CAB was provided a copy of the application for comment in lieu of placing the item on a meeting agenda. Staff has not received any comments from CAB members.

Public Comment

Staff has not received any public comment from noticed properties, the general public, or adjacent neighbors.

Reviewing Agencies

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

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects – Land Development
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe-Storey Conservation District

Two 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 Planning and Building Division is recommending approval of this application subject to standard development conditions, to include prohibiting reflective exterior finishes that would create light and glare.
Contact: Chad Giesinger, AICP, Senior Planner, 775.328.3626, cgiesinger@washoecounty.us
- Washoe County Engineering and Capitol Project Division, Land Development has the following proposed conditions of approval:
The site is in a FEMA 100-year floodplain, all grading and construction shall be in conformance with the Washoe County Code Article 416.
Contact: Leo Vesely, P.E., 775.328.2313, Lvesely@washoecounty.us

Staff Comment on Required Findings

WCC Section 110.808.25 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 Spanish Springs Area Plan.
Staff Comment: There are no action programs, policies, standards and maps of the Master Plan or the Spanish Springs Area Plan that prohibit the construction of a detached accessory structure (DAS) or which limits the size and/or materials used in the construction of a DAS.
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: The requested detached accessory structure does not create additional demand for utilities, roadway improvements, sanitation, or water supply. Drainage and other necessary facilities will be provided at the time of issuance of a building permit, and the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made.
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 9.47 acre site contains ample room to accommodate the building and the site is essentially flat without identified drainage issues or flood concerns. In addition, detached accessory structures are common in the general area.

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: As there are several similar structures located in the immediate vicinity, 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.

Staff Comment: There is no military installation within the required noticing distance for this application; therefore, this finding is not required to be made.

Public Notice

NRS 278.315 and WCC Section 110.808.40 require a minimum 500 foot notice radius from the subject parcel and notice of the public hearing to a minimum of 30 separate property owners. The notices must be mailed at least 10 days prior to the public hearing date. Selection of properties within a 500 foot radius did not result in the minimum of 30 separate property owners; therefore, staff manually selected additional properties to ensure at least 30 properties were selected. Staff attempted to select properties that were near the sight line of the proposed project or which were developed / occupied with dwellings.

A courtesy notification of Administrative Permit Case Number WADMIN17-0009 was mailed on November 3, 2017 to a minimum of 30 separate property owners. The notice advised of the tentatively scheduled December 7, 2017, public hearing date before the Washoe County Board of Adjustment (BOA). All notices included a telephone number and email address for the assigned staff planner. Additional legal notices will be mailed to these same properties at least 10 days prior to the public hearing.

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 WADMIN17-0009 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 Washoe County Board of Adjustment approve with conditions Administrative Permit Case Number WADMIN17-0009 for Sandra Crossley, having made all five findings in accordance with Washoe County 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 Spanish Springs 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 proposed 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 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Sandra Crossley
401 Calle De La Plata
Sparks, NV 89441



Conditions of Approval

Administrative Permit Case Number WADMIN17-0009

The project approved under Administrative Permit Case Number WADMIN17-0009 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on December 7, 2017. 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 or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

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 Planning and Building.

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.

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 Building Division

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

**Contact Name – Chad Giesinger, AICP, Senior Planner, 775.328.3626,
cgiesinger@washoecounty.us**

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit.
- 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.
- 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. There shall be complete screening of roof mounted HVAC equipment, if any.
- e. The exterior of the metal building shall be finished / treated or painted a muted neutral color to prevent reflecting light and glare.
- f. 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.

- g. The following **Operational Conditions** shall be required for the life of the development:
 1. This administrative permit shall remain in effect until or unless it is revoked or is inactive for two years.
 2. Failure to comply with the conditions of approval shall render this approval null and void. Compliance with this condition shall be determined by the Planning and Building Division.
 3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the administrative permit to meet with the Planning and Building Division to review conditions of approval prior to the final sale of the site and/or the administrative permit. Any subsequent purchaser/operator of the site and/or the administrative permit shall notify the Planning and Building Division of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

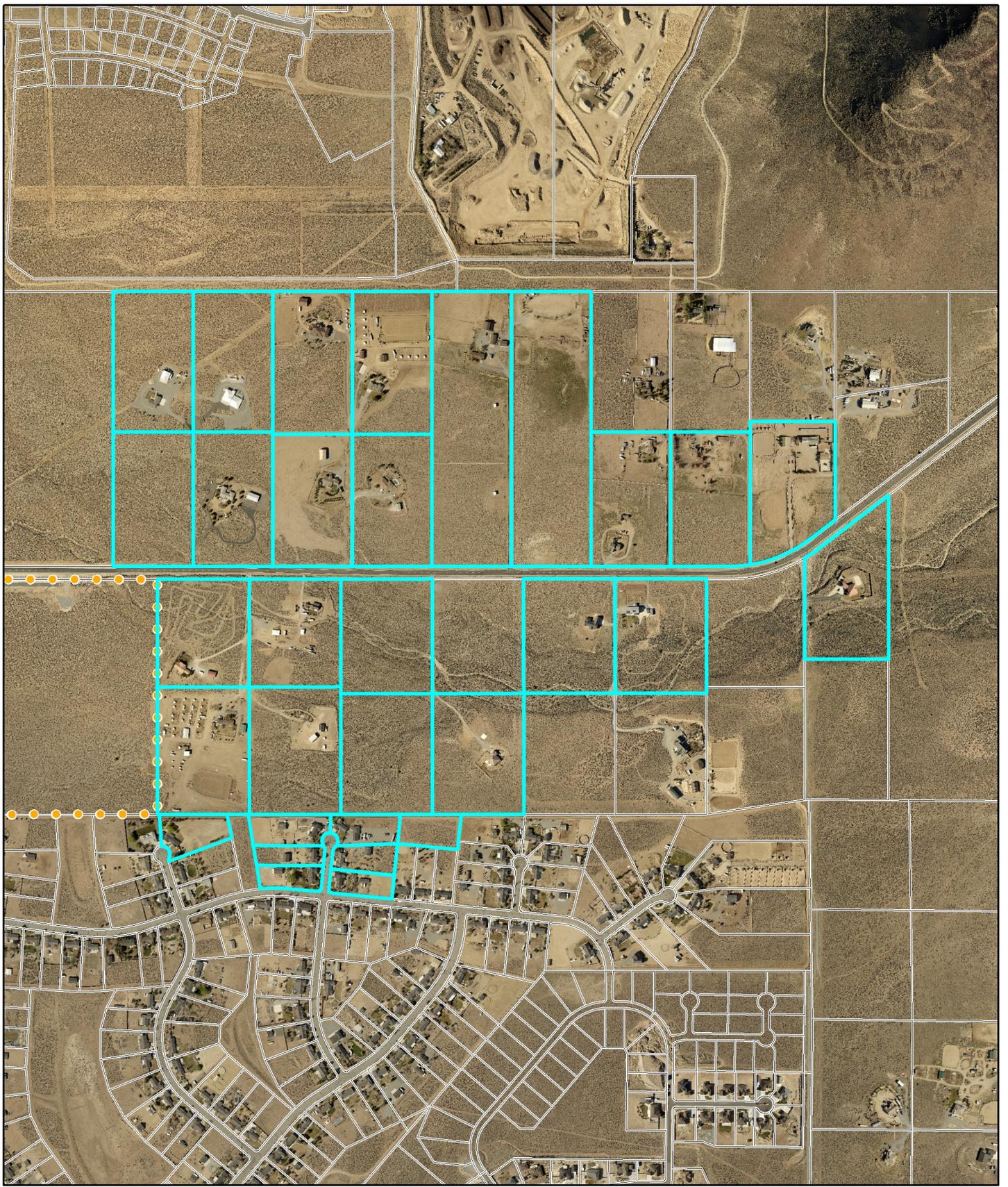
Washoe County Engineering and Capitol Projects

2. The following conditions are requirements of the Engineering and Capitol Projects Division, Land Development which shall be responsible for determining compliance with these conditions.

Contact: Leo Vesely, P.E., 775.328.2313, Lvesely@washoecounty.us

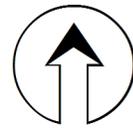
- a. The site is in a FEMA 100-year floodplain, all grading and construction shall be in conformance with the Washoe County Code Article 416.

*** End of Conditions ***



WADMIN17-0009 (Crossley Garage)
PUBLIC NOTICE MAP

 Noticed Parcels



0 250 500
Feet

Community Services
Department



Post Office Box 11130
Reno, Nevada 89509