



WASHOE COUNTY BOARD OF ADJUSTMENT DRAFT Meeting Minutes

Board of Adjustment Members

Clay Thomas, Chair
Kristina Hill, Vice Chair
Lee Lawrence
Brad Stanley
Kim Toulouse
Trevor Lloyd, Secretary

Thursday, May 2, 2019
1:30 p.m.

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

The Washoe County Board of Adjustment met in regular session on Thursday, May 2, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

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

Members present: Clay Thomas, Chair
Kristina Hill, Vice-Chair
Brad Stanley
Kim Toulouse

Members absent: Lee Lawrence

Staff present: Roger Pelham, Senior Planner, Planning and Building Division
Michael Large, Deputy District Attorney, District Attorney's Office
Julee Olander, Planner, Planning and Building Division
Chris Bronczyk, Planner, Planning and Building Division
Kelly Mullin, Planner, Planning and Building Division
Chad Giesinger, Senior Planner, Planning and Building Division
Donna Fagan, Recording Secretary, Planning and Building Division

2. *Pledge of Allegiance

Member Stanley led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Michael Large recited the Ethics Law standards.

4. *Appeal Procedure

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

5. *General Public Comment and Discussion Thereof

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

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda of May 2, 2019. The motion, seconded by Member Hill, passed four in favor and none opposed.

7. Possible action to approve April 4, 2019 Draft Minutes

Chair Thomas said on page 10 of the minutes, during the hearing on Special Use Permit Case Number WSUP19-0001, please note that Ms. Hill 'opposed' approval instead of 'denied' approval. Member Toulouse moved to approve the minutes of April 4, 2019 with correction. The motion, seconded by Member Hill, passed four in favor and none opposed.

8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

- A. Amendment of Conditions/Administrative Permit Case Number WAC19-0003 (Lodge Coffee + Wine) for Administrative Permit Case Number WADMIN18-0009** – For possible action, hearing and discussion to approve an administrative permit with an expanded scope of operations beyond what was approved as part of the original administrative permit, Case WADMIN18-0009, approved August 2, 2018. The original permit allowed for the Liquor Sales – On-Premises and Retail Sales – Specialty Stores use types. If approved, this new permit would supersede the original permit and would be the same as the original permit, except that it would also allow indoor and outdoor live entertainment at the Lodge Coffee + Wine, involving live music and other similar forms of audio and visual artistic performances. To ensure continuity in the enforcement of original and new permit conditions, the original administrative permit case number will carry forward, supplemented with an amendment of conditions case number.

- Applicant/Owner: Burkhart Management Group LLC
- Location: 17025 Mt. Rose Hwy
- APN: 047-161-13
- Parcel Size: ±.99-ac.
- Master Plan: Commercial
- Regulatory Zone: Neighborhood Commercial
- Area Plan: Forest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 2 – Commissioner Lucey
- Staff: Kelly Mullin, AICP, Senior Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3608
- E-mail: kmullin@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Kelly Mullin, Washoe County Senior Planner, stated that the applicant requested this item to be deferred to June 6, 2019 Board of Adjustment meeting. There are additional changes to be considered.

Tom Burkhart, applicant, said there is misinformation regarding times. He said he would like to get that corrected and work with the four homeowners who have concerns. Mr. Burkhart said he purchased a decibel meter to measure music volume.

Public Comment:

Karen Mullen said she has lived in the neighborhood for a long time, and Mr. Burkhart has never come out to speak with them. She said she opposes this case.

With no further public comment, Chair Thomas closed the public comment period.

Member Toulouse moved that Administrative Permit Case Number WADMIN18-0009 be continued to the June 6, 2019, Board of Adjustment meeting at 1:30 p.m. in this venue. Member Stanley seconded the motion which carried unanimously.

B. Code Enforcement Appeal Case Number WVIO-BUI17-0106 (George Pizarro) – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer’s confirmation of a code enforcement violation concerning an alleged violation of WCC Section 100.105.1, which requires that the applicant obtain a building permit to, “move...a building or structure...” greater than 200 square feet in size to the subject site.

- Appellant/Property Owner: George Pizarro
- Location: 11945 Chesapeake Dr.
- APN: 080-351-04
- Parcel Size: ±0.932 acre (± 40,597 square feet)
- Master Plan: Suburban Residential
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: North Valleys
- Development Code: Authorized in Articles 406, 910, and 912
- Commission District: 5 – Commissioner Herman
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775-328-3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Washoe County Senior Planner, provided a staff report presentation.

Member Toulouse asked if George has applied for permitting and was turned down. He said the staff presentation reflected he hadn’t applied for a permit. Mr. Pelham said no actual plans have been submitted for consideration for a permit for either of the structures.

Member Stanley asked what it would take for the shed to be permitted. Mr. Pelham said a set of plans that show it’s in compliance with the code, including a foundation. Member Stanley said the mobile home may or may not be a vehicle, and that we are only speculating since no plans have been submitted. Member Stanley asked what the process is for planners to work with the applicant to come into compliance with permits after assessing the situation. Mr. Pelham said planning and building staff do that on a daily basis; work with applicants regarding codes and how they can get through the process and make corrections. It happens a lot. Member Stanley asked if there has been any effort to do that for the applicant to date. Mr. Pelham said there have been a number of conversations and our attempt to help but not perceived by the applicant as being helpful.

George Pizzaro, the appellant, and Mr. Pizzaro’s legal counsel were present. Mr. Pizzaro provided a powerpoint presentation. He said he has requested a permit 10 times, but was told to remove his buildings. He said he, his wife, and father-in-law are retired veterans. He said he doesn’t think it is right that he has to remove his structures based on an anonymous complaint. He wasn’t told he needed a permit when he purchased the shed; he said he would have made sure to get a permit if he had known. He moved a construction trailer there in 2016. He said he has sold the trailer and it will be removed from the property in two weeks. He had a bill of sale to prove the sale. He said he feels he is being persecuted. Lemmon Valley

is being messed with by the County. He said he needs the additional storage space because he downsized from five acres to one acre. The weather has been a challenge. Nothing was constructed or modified on the property. Mr. Pizzaro reviewed the codes for commercial vehicles. He said he has a right to know his accuser under the 14th Amendment. He said he feels he is being harassed. It's been an unpleasant and stressful situation and believes this is an infringement on his constitutional rights and feels he is being targeted. This creates distrust in the community. He showed pictures of other violations in the same neighborhood. He said they are safety hazards. It's selective enforcement.

Donna Pizzaro said we have sold the construction trailer; it will be removed. She said we are trying to comply and be good neighbors. She said the trailer is safer, not visible from the front yard, and sitting on footings.

Mr. Pizzaro's legal counsel said his clients are frustrated and have attempted to get permits. They were of the understanding they didn't need a permit when they purchase the shed.

Member Toulouse thanked Mr. Pizzaro for his service and understands his frustration. Member Toulouse asked who he spoke with in the building department. Mr. Pizzaro said he spoke with Mr. Farmer and Mr. Webb. Nothing was offered in giving direction on what he needed to do in order to get a permit. Member Toulouse said getting a permit is a simple process. Member Toulouse asked when he requested the permit. Mr. Pizzaro said when they received notice and several times after. He said he has witnesses. Mr. Pizzaro said his shed is more visually appealing than shipping containers.

Member Stanley asked if he is interested in getting a permit. Mr. Pizzaro said he is not interested it's going to cost thousands of dollars to create a foundation and raise the building. He said he can't afford it. Member Stanley said the trailer is not the issue since it's been sold. The shed is the subject matter.

Member Toulouse asked Mr. Pelham what it would take to get a permit issued. Mr. Pelham said a set of plans demonstrating that the structure meets the applicable code requirements. He said there is a misunderstanding with the appellant. Mr. Pizzaro was not favorable towards what would be necessary to get a permit such as a foundation and construction methods used.

Member Stanley asked for the exceptions. Mr. Pelham said as it applies to situation, he isn't qualified to address it. Its building code and the construction techniques utilized. He said it's out of his area of expertise. The Fire District would have to approve drainage and other such matters. Member Stanley said 200 sq. ft. and under are exempt, but 200 sq. ft. and over have to meet codes. He asked if there are any exceptions or remedies that are appropriate. Mr. Pelham said he isn't aware of any variances. Mr. Lloyd said planning and building requirements are different. We are under the purview of planning. There may be opportunity to appeal some building code requirements; but he said he isn't aware of any waivers for building structures of this size. Mr. Pelham said the code enforcement officer is available. The original complaint was anonymous. We don't have a contact for the complaint.

Chad Giesinger, Planning Manager, said if the violation has been corrected, code enforcement can dismiss the violation. If trailer is removed, that portion of the violation will be closed, but the other part needs to be resolved.

Chair Thomas asked if Chad Giesinger was part of the conversation with Mr. Pizzaro. Mr. Giesinger said he was present at the hearing but not part of the long conversation with the building department staff. They worked extensively with Mr. Pizzaro regarding the plans; extensions were granted due to hardships. It's dragged on for some time. Mr. Giesinger said Stephanie, the plans examiner supervisor, said there is no waiver process for the foundation. Chair Thomas said he was made aware of what is required of him and never submitted the plans. Mr. Giesinger confirmed that was correct.

Brian Farmer, Code Enforcement Officer, said he was part of this case from the beginning. He said he spoke with Mr. Pizzaro at the beginning and at the hearing. Chair Thomas said the commercial coach doesn't have a motor – it's a commercial coach. Mr. Farmer said he wasn't cited for that. He was cited for having two structures over 200 sq. ft.

Member Stanley said there are other code violations displayed in the photos presented by the appellant. He asked Mr. Farmer if he noticed the other violations. Mr. Farmer said yes, but code enforcement is complaint based and isn't allowed to act unless a complaint is filed.

Chair Thomas asked Mr. Farmer, as a code enforcement officer, does he pick and choose which violations he enforces. Mr. Farmer said absolutely not. Mr. Farmer noted, going through the administrative hearing, Mr. Pizzaro was given two smaller sheds that don't require permits in lieu of the larger one.

Chair Thomas asked Mr. Pizzaro about the two smaller structures. He said two 12 ft. x16 ft. sheds don't meet his needs for his equipment. Donna Pizzaro said we acquired the two sheds and made adjustments. She said they took in her father and needed the additional place to store her father's possessions in a safe place. She said the buildings are movable on skids and are portable structures.

Chair Thomas asked if the Pissarro's went back to the man who they purchased the building from and told him it required a permit. Ms. Pizzaro said yes, and he never said they needed a permit. She said they went to the manufacture in Fallon in order to trade for two smaller sheds. She said they currently have three buildings from the same company. The larger shed remains and they picked up two smaller sheds. She said they want to build a cover to block the sight of the larger building. She said it looks nice; it's a beautiful building in the back yard. She said she receives compliments about that building. Mr. Pizarro said anything constructed on the property needs a permit, but it wasn't constructed, it was dropped off on the property. He said pouring a stem wall foundation is too costly. He said we are still dealing with the floods that impacted that valley.

Member Stanley asked for the dimensions for the two smaller building. Mr. Pizzaro said 12 ft. X16 ft. which don't meet his needs. It's not reasonable. The large shed is already on a concrete pad and could anchor it to get into compliance but he cannot get help. Mr. Pizzaro said he has a degree in construction technology and this process is not clear.

There were no requests for public comment, Chair Thomas closed the public comment period.

Member Stanley said they currently have 192 sq. ft. with the smaller buildings. He asked Mr. Pelham if they can have another one. Mr. Pelham said the code states they can have up to 50% coverage of the area in Low Density Suburban (LDS) zoning. They could have several smaller sheds. It would be a work around.

Member Stanley said there are potential remedies that can be explored by working with the planning department. Action is taking place for issues that were identified by the code enforcement officer. Remedies include smaller sheds. Member Toulouse said he wants to help Mr. Pizzaro and understands his frustration. He said he has been on the Board for 11 years and most of the time we can find a way to help someone, but with this particular situation, we cannot see a way to correct it. We have to follow the code and law and make the best judgment based on the information presented. Chair Thomas echoed Member Toulouse's comments. He wanted to seek a reasonable solution. There are no exceptions for this. The codes are in place for a reason. There are several other violations happening in the area but we are reviewing the case before us. There doesn't appear to be at solution and he would hesitate going against the original decision.

Member Stanley said we have explored solutions within the code. He asked if a continuance would serve the process and appellant best in order to remediate it and work with planning for a resolve it. Chair Thomas said this came to the attention of Code Enforcement in 2017; he said there has been more than enough time to come to a solution. Member Toulouse agreed with the chair; it doesn't serve anyone to continue to another meeting. If Mr. Pizzaro wants to appeal it to the Court, that's his decision. Member Toulouse said he has no desire to continue.

Member Toulouse 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 affirm the decision of the Administrative Hearing Officer that the appellant has "move[d]...a building or structure..." greater than 200 square feet in size to the subject site and has violated WCC Section 100.105.1; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant. Member Hill seconded the motion to affirm the decision of the Administrative Hearing Officer which carried unanimously.

Mr. Lloyd read the appeal process.

2:42 p.m. – Board took a 5 minute recess.

2:48 p.m. – Board reconvened.

C. Administrative Permit Case Number WADMIN19-0004 (Wilder Detached Accessory Structure) – For possible action, hearing, and discussion to approve an Administrative Permit to allow the construction of a 5,000 square foot Detached Accessory Structure, that is larger than the main dwelling, which is 3,107 square feet in size. The proposed structure is a rectangular metal building intended for storage. The structure is proposed to be located on the northeastern portion of the parcel, to the south of Capistrano Drive.

- Applicant/Owner: Matthew S. Wilder
- Location: 615 Capistrano Drive, immediately southwest of its intersection with Encanto Drive
- APN: 076-361-47
- Parcel Size: ± 8.59 Acres
- Master Plan: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 306, Accessory Uses and Structures
- Commission District: 4 – Commissioner Hartung
- Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775-328-3622
- E-mail: rpelham@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Washoe County Senior Planner, provided a staff report presentation.

Mr. Pelham said a neighbor requested the structure be moved to another location on the property.

Matt Wilder, the property owner, was present to answer questions.

Member Toulouse asked if Mr. Pelham has seen the alternative location request submitted by the neighbor. Mr. Pelham said he received a phone call, but hadn't seen their request. Mr. Wilder said no, he hasn't seen the request for an alternative location. Member Toulouse asked for a recess to get copies to the public and applicant. DDA Large said any subsequent changes to the request would have to come back to the Board on a later date.

2:54 p.m. – Board took a 5 minute recess to make copies.

3:00 p.m. – Board reconvened.

Mr. Wilder reviewed the alternative location request. Chair Thomas said we can rule on this application as it's presented today; however, if there are other locations considered, we can request a continuance. Mr. Wilder said the proposed alternative location requires significantly more grading due to the steep area. The original location is the flattest spot with least amount of dirt work. Chair Thomas said the Board will proceed with the original request.

Public Comment:

John and Christine Bokelmann, adjacent neighbor to this property, submitted the alternative location proposal. He said he is concerned with the current location. It's a large metal building. He said it could be a potential eye sore. It may impact his property values. He requested an alternative location on Mr. Wilder's multiple acre property.

With no further public comment, Chair Thomas closed the public comment period.

Member Hill said you would be looking downhill to view the current building location. The owner has a point about the amount of grading required for the alternative location. She thought it was a beautiful location and didn't have a problem with it.

Member Hill moved 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 WADMIN18-0004 for Matthew Wilder, having made the four findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously.

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 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 a detached accessory structure that is larger than the dwelling on the same parcel of land, and for the intensity of such a development; and
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.

Mr. Lloyd read the appeal process.

D. Administrative Permit Case Number WADMIN19-0007 (Incline Village Fine Arts Festival)

– For possible action, hearing, and discussion to approve an administrative permit under WCC Section 110.310.20 for the Incline Village Fine Arts Festival, an Outdoor Community Event. The event will be held on August 9 through August 11, 2019, from 10:00 a.m. until 5:00 p.m. at Preston Field, 700 Tahoe Boulevard, Incline Village, NV. Event set-up is proposed to begin at 6:00 a.m. on August 9, 2019, and event takedown and dismantle to be completed by 8:00 p.m. on August 11, 2019. The event organizer estimates the maximum number of attendees at the event will not exceed 400 persons on any one day of the event.

- Applicant: CWB Events, LLC, Curtis Beck
- Property Owner: Incline Village General Improvement District
- Location: 700 Tahoe Blvd., Incline Village (Preston Field)
- APN: 124-032-33
- Parcel Size: 5.09 Acres
- Master Plan: Rural (R)
- Regulatory Zone: Parks and Recreations (PR)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 1 – Commissioner Berkbigler
- Staff: Chris Bronczyk, Planner
Washoe County Community Services Department

- Phone: Planning and Building Division
775.328.3612
- E-mail: cbronczyk@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Chris Bronczyk, Washoe County Planner, provided a staff report presentation.

Member Toulouse said we receive this application every year. He asked if they were required to make a daily count of attendees. Mr. Bronczyk said that has been a condition every year but the requirement has been removed because the numbers were not accurate. Member Toulouse said he was concerned about numbers last year.

Member Toulouse asked the applicant about making daily tallies. Curtis Beck, the applicant, said pictures of the crowd were taken which was an option and is the easiest way to capture attendee counts. Those pictures were submitted to the planner. Mr. Beck said there aren't that many people who attend; it's a low key event. Chair Thomas wanted to ensure the counts are accurate.

Member Toulouse asked Mr. Bronczyk who counts the people in the pictures. Mr. Bronczyk said that is why the conditions were removed because the counts were not accurate. There has been a drop in attendance; therefore, we felt that condition could be removed.

Member Stanley asked if event tickets were an option to help with counts. Mr. Bronczyk said in the past, the applicant was given two options to capture head counts: physical counts or taking pictures. Member Hill said it's been a lovely event every year. She said she wished they could get a blanket approval instead of required to get a permit every year. She said she applauded their efforts of going through this process every year.

Chair Thomas said this event took place in the same location for the past 6 years; he asked if they have historical data. Mr. Beck said it wasn't a requirement until last year, but he said he had historical data. He invited the Board to attend to see how low key it is. The town loves it. Chair Thomas said it's a condition. The applicant said he took pictures which was a requirement for the conditions. Chair Thomas said one of the conditions, if approved, is providing written daily attendance records within 5 working days. The applicant said that will be satisfied.

Member Toulouse said it's a cool and low key event. He said we have asked for the data and we never received it. We need to enforce the condition or get rid of the condition. He said he doesn't have a problem with the event, just needs the data. Member Stanley said the condition needs to be satisfied if it's in place, otherwise get rid of it. He recommended other solutions to gather the data. It's a minor concern given the overall success of the event over the years.

Member Hill moved 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 WADMIN19-0007 for Curtis Beck for the Incline Village Fine Arts Festival, an Outdoor Community Event. I further move to authorize the Director of Planning and Building Division to issue the outdoor community event business license when all pre-event conditions have been completed. I make this motion having made the five findings in accordance with Washoe County Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

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 Tahoe 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 an outdoor community event, 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.

E. Administrative Permit Case Number WADMIN19-0006 (Esslin Barn) – For possible action, hearing, and discussion to approve a 7,185 sq. ft. accessory structure to be used for indoor volleyball and basketball practice facility and garage/storage area. The new structure will be larger than the existing 2,942 sq. ft. residence and will remove an existing 2,520 sq. ft. barn.

- Applicant: Sage River Development
- Property Owner: Scott D & Kerry L Esslin Trust
- Location: 1600 Holcomb Rd.
- APN: 044-270-08
- Parcel Size: 2.99 acres
- Master Plan: Rural Residential (RR)
- Regulatory Zone: High Density Rural (HDR)
- Area Plan: Southwest
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 808, Administrative Permits and Article 306, Accessory Uses and Structures
- Commission District: 2 – Commissioner Lucey
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building Division
- Phone: 775.328.3627
- E-mail: jolander@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Scott Esslin, owner and applicant, was present to answer questions. Chair Thomas asked if the barn was taken down. Mr. Esslin said yes, it was taken down yesterday and today.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Hill asked if there were concerns for commercial use to host camps. Mr. Esslin said this is just for the use for his daughter and her friends, not for camps.

Member Stanley moved 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 WADMIN19-0006 for Scott and Kerry Esslin, having made all five findings in accordance with Washoe County Development Code Section 110.808.25. Member Toulouse seconded the motion which carried unanimously.

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

F. Administrative Permit Case Number WADMIN19-0005 (Zweifel Garage Addition) – For possible action, hearing, and discussion to approve an administrative permit for the enlargement of an accessory structure used as a garage and shop, which resulted in an accessory structure of ±2790 sq. ft., a building foot print larger than the primary residence.

- Applicant/Property Owner: Jerry and Adrienne Zweifel
- Location: 2405 Walnut Street Reno, NV. 89502
- APN: 021-132-04
- Parcel Size: 1.12 acres
- Master Plan: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Southeast Truckee Meadows Area Plan
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 306, Accessory Uses and Structures; Article 808 Administrative Permits

- Commission District: 2 – Commissioner Lucey
- Staff: Jacob Parker, Planner
Washoe County Community Services Department
Planning and Building Division

- Phone: 775.328.3628
- E-mail: jparker@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Roger Pelham, Washoe County Senior Planner, provided a staff report presentation.

Member Toulouse said we are retroactively approving what has already occurred. He said he has distaste for these cases.

Chair Thomas asked about hours of operation. Mr. Pelham said it's a private residence, and a typo in the application. Chair Thomas said we are asked to approve an already built structure with an addition. Member Stanley asked how long the structure has been in place. Jerry Zweifel, owner/applicant, said the building has been there 5 years. He said he had a permit to add onto the existing shop. The company sent the wrong trusses. He decided to use the trusses without a permit. He said he did everything within the structural requirements except for requesting a permit. He said he has beautified the neighborhood. He said it is not a horse hut.

Member Toulouse asked if Mr. Zweifel knew he was supposed to apply for a permit. Mr. Zweifel said yes. Mr. Zweifel said a neighbor wanted to purchase the property because of the shop, and Mr. Zweifel said no, and that same neighbor filed the complaint. Chair Thomas said it's a nice shop. Mr. Zweifel said he is before the Board because a neighbor, who is now deceased, brought it to the attention of the County, that he needed a permit.

With no requests for public comment, Chair Thomas closed the public comment period.

Member Toulouse said these cases put the Board in an awkward position. He appreciates the applicant's honesty. He said he has asked staff to look into preventing these kinds of cases and adding penalties. We need to deal with these retroactive permits.

Member Stanley agreed with Member Toulouse. None of these come to us clean and that is the reason why they come to us. In this particular case, there seems to be a resolution. It's been around for four years. Chair Thomas echoed Member Toulouse's comments. It may have been approved if he came before the Board prior to being built and now we have to deal with it.

Member Toulouse moved 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 WADMIN19-0005 for Jerry and Adrienne Zweifel, having made the four findings in accordance with Washoe County Development Code Section 110.808.25. Member Stanley seconded the motion which carried unanimously.

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southeast 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 an accessory structure larger than the primary 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.

9. Chair and Board Items

*A. Future Agenda Items

Chair Thomas confirmed the July 11, 2019 Board of Adjustment meeting.

*B. Requests for Information from Staff

Member Toulouse asked Mr. Lloyd for a short session of Sphere of Influence. Additionally, Member Toulouse requested a workshop to address retroactive permits. Member Hill said other agencies charge double the filing fee for retroactive permits.

10. Director's and Legal Counsel's Items

*A. Report on Previous Board of Adjustment Items

Mr. Lloyd said they received an appeal for the wireless facility in Incline Village, it will go before the Board of County Commissioners in late May.

*B. Legal Information and Updates

There were no legal updates.

11. *General Public Comment and Discussion Thereof

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

Member Hill suggested keeping the Lodge Coffee + Wine staff report for the next meeting so it doesn't have to be reprinted. Madam Secretary said there may be updates. Mr. Lloyd said perhaps a new staff report can be provided and the attachments would remain the same.

12. Adjournment

Meeting adjourned at 3:45 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on _____, 2019

Trevor Lloyd
Secretary to the Board of Adjustment

DRAFT