

Board of Adjustment Staff Report

Meeting Date: June 1, 2023

Agenda Item: 8A

AMENDMENT OF CONDITIONS CASE NUMBER:	WAC23-0004 (Rose Detached Accessory Dwelling) for Special Use Permit Case Number WSUP22-0023
BRIEF SUMMARY OF REQUEST:	To amend the approved special use permit to allow the detached accessory dwelling on the first floor, rather than the second floor of the existing detached accessory structure.
STAFF PLANNER:	Roger Pelham, Senior Planner Phone Number: 775.328.3622 E-mail: rpelham@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve an amendment of conditions for Special Use Permit Case Number WSUP22-0023 (Rose Detached Accessory Dwelling) to amend the approved special use permit to allow the detached accessory dwelling on the first floor, rather than the second floor of the existing detached accessory structure.

Applicant:	Kenneth G. Rose Family Trust
Location:	35 Riata Court
APN:	140-051-16
Parcel Size:	0.508 acres
Master Plan:	Suburban Residential (SR)
Regulatory Zone:	Medium Density Suburban (MDS)
Area Plan:	Southeast Truckee Meadows
Development Code:	Authorized in Article 810, Special Use Permits
Commission District:	2 – Commissioner Clark



STAFF RECOMMENDATION

APPROVE	APPROVE WITH CONDITIONS	DENY
POSSIBLE MOTION		
information received during the Amendment of Conditions Case Number WSUP22-0023 for Kenne	d consideration to the information public hearing, the Washoe Count Number WAC23-0004 (Rose DADA eth G. Rose, with the conditions inc cordance with Washoe County Code	AR) for Special Use Permit Case luded as Exhibit A to this matter,

(Motion with Findings on Page 7)

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Amendment of Conditions

An amendment of conditions application is necessary in order to change a condition(s) of an approved discretionary permit, such as a special use permit, a variance, an abandonment of an easement or a tentative subdivision map. Some examples of why an amendment of conditions application is submitted are listed below:

- Change in operating hours
- Physical expansion
- Extend the expiration date of the discretionary permit
- Extend the time to complete phases of the approved project

The amendment of conditions request is required to be heard by the same board that approved the original application and only the specific amendment may be discussed and considered for approval. The amendment of conditions application is processed in the same manner as the original discretionary permit application, including a public hearing, noticing, possible involvement of a citizen advisory board, agency review and analysis, and satisfying the required findings. If the Board of Adjustment grants an approval of the amendment of conditions request, an amended Action Order is created along with amended conditions of approval.

The subject property is designated as Medium Density Suburban (MDS). The SUP approved a detached accessory dwelling unit which is classified as a residential use and is permitted in MDS with a special use permit per WCC Table 110.302.05.1. and WCC 110.306.25. The current amendment seeks to allow the detached accessory dwelling on the first floor, rather than the second floor of the existing detached accessory structure

The conditions of approval for Amendment of Conditions Case Number WAC23-0004 are attached to this staff report and will be included with the amended action order, if approval is granted.



Site Plan

Background and Evaluation of Amendment Request

The BOA approved WSUP22-0023 for the applicant in November of 2022. That approval included the expansion of the second floor of an existing detached accessory structure to be remodeled into a detached accessory dwelling (DAD). The approved elevation follows:



The applicant now seeks to essentially maintain the existing exterior elevations of the accessory structure and remodel the ground-level of the structure into the detached accessory dwelling. The existing elevation (with the addition of an external stairway) follows:



The proposed floor plans for the DAD follow:



The proposed amendment represents less construction and less change to the existing structure, while still allowing the DAD to be constructed. Any impact to the surrounding area has been considered during the initial approval of the DAD, this amendment request results in fewer impacts. For this reason, staff believes that the proposed amendment results in a benefit to the surrounding area and should be approved.

Reviewing Agencies

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

Agencies 🗸	Sent to Review	Responded	Provided Conditions	Contact
Washoe County Building &	×			
Safety				
Washoe County Sewer	×			
Washoe County Water	×	×		
Rights Manager (All Apps)	^	^		
Washoe County Engineering & Capital Projects Director	x	x		
Washoe County Engineering (Land Development) (All Apps)	×			
TMFPD	x	x	x	Brittany Lemon, 775.326.6079, blemon@tmfpd.us

All conditions required by the contacted agencies and all original conditions of approval can be found in Exhibit A, Conditions of Approval.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the Amendment of Conditions request. Therefore, after a thorough review and analysis, Amendment of Conditions Case Number WAC23-0004 is being recommended for approval with conditions. Staff offers the following motion for the Board's consideration.

<u>Motion</u>

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 Amendment of Conditions Case Number WAC23-0004 (Rose Detached Accessory Dwelling) for Special Use Permit Case Number WSUP22-0023 for Kenneth G. Rose, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Code Section 110.810.30.

- (a) 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;
- (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 detached accessory dwelling, 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.

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(s), 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 from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant(s).

Applicant / Owner: Kenneth G. Rose <u>krse101@gmail.com</u>



Amended Conditions of Approval

Amendment of Conditions Case Number WAC23-0004 for Special Use Permit Case Number WSUP22-0023

The project approved under Amendment of Conditions Case Number WAC23-0004 (Rose Detached Accessory Dwelling) for Special Use Permit Case Number WSUP22-0023 for Kenneth G. Rose, shall be carried out in accordance with the Amended Conditions of Approval granted by the Board of Adjustment on June 1, 2023. 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.

<u>Unless otherwise specified</u>, all conditions related to the amendment of conditions approval regarding the special use 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 Building Division.

Compliance with the amended conditions of approval related to special use 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 amended conditions imposed regarding the approved special use permit may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the amended conditions of approval related to this special use 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 Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact Name – Roger Pelham, Senior Planner, 775.328-3622, <u>rpelham@washoecounty.gov</u>

- a. The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this special use permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this amended special use permit.
- c. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval of this amended special use permit, by Washoe County. The applicant shall complete construction within the time specified by the building permits.
- d. A note shall be placed on all construction drawings and grading plans stating:

NOTE: Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. The accessory dwelling shall match the main dwelling in color, general architectural style and choice of building and roofing materials.
- f. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Any construction machinery activity or any noise associated with the construction activity and also limited to these hours.

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 – Robert Weimer, 775.328-2059, rwimer@washoecounty.gov

- a. The following note shall be added to the construction drawings; "All properties, regardless if they are located within or outside of a FEMA designated flood zone, may be subject to flooding. The property owner is required to maintain all drainage easements and natural drainages and not perform or allow unpermitted and unapproved modifications to the property that may have detrimental impacts to surrounding properties."
- b. The Regional Road Impact Fee (RRIF) will be charged at the multi-family rate for one unit with the building permit.

Truckee Meadows Fire Protection District

3. The following condition is a requirement of the Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with this condition.

Contact Name – Dale Way, Deputy Fire Chief, 775.326.6000, dway@tmfpd.us

- a. This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply. <u>https://tmfpd.us/fire-code/</u>
- b. The detached accessory dwelling must meet the requirements for a dwelling in the 2018 IRC, 2018 IWUIC, and 2018 Northern Nevada Amendments. This project is in a moderate fire risk area with what appears to be a conforming water source. Please have the applicant contact Truckee Meadows Fire Protection District to confirm the water source and determine the amount of defensible space that can be provided. The applicant can use the information provided to determine the appropriate WUI IR classification. (Moderate w/ conforming water IR2 with non-conforming defensible space, IR3 with 30' of defensible space, WUI construction not required with 45' of defensible space.)

*** End of Conditions ***

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects

Date: April 25, 2023

To: Roger Pelham, Senior Planner

From: Robert Wimer, P.E., Licensed Engineer

Re: Amendment of Conditions Case WAC23-0004 for Rose DADAR WSUP22-0023 APN: 140-051-16

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Amendment of Conditions case is to approve an Amendment of Conditions to relocate the approved DADAR from the second floor to ground level. The Engineering and Capital Projects Division recommends approval with no comments and conditions of approval which supplement applicable County Code and are based upon our review of the site and the application prepared by Summit Engineering Corporation.

No comment on Item #1, WSUP23-0023.

The subject property lies within the Truckee Meadows Water Authority service area. Municipal water service is subject to Truckee Meadows Water Authority rules and regulations.

As of June 1, 2021, the Office of the State Engineer is open to the public. Please call 684-2800 upon arrival and a representative will come down to escort you to our office.

Steve Shell Nevada Division of Water Resources **77**5-684-2836

WAC23-0004 Exhibit B

From:	Lemon, Brittany
To:	Pelham, Roger
Cc:	Way, Dale
Subject:	WAC23-0004 (Rose DADAR) Conditions of Approval
Date:	Monday, April 17, 2023 2:17:17 PM
Attachments:	image001.png

Hi Roger,

"This project shall meet and comply with all requirements of currently adopted TMFPD fire codes, ordinances, and standards at the time of construction to include infrastructure for fire apparatus access roads and water supply."

https://tmfpd.us/fire-code/.

The parcel is located in a moderate WUI zone and it does not appear that the applicant will be able to meet the required 30 feet of defensible space. The ignition resistant construction required will be Class 2 (IR2).

The detached accessory dwelling will also require fire apparatus access in compliance with the 2018 IFC Section 503 and Appendix D.

Thank you,

Brittany Lemon

Fire Captain - Fire Prevention | Truckee Meadows Fire & Rescue blemon@tmfpd.us | Office: 775.326.6079 | Cell: 775.379.0584 3663 Barron Way, Reno, NV 89511



"Committed to excellence, service, and the protection of life and property in our community"

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Public Notice

Washoe County Code requires that public notification for a special use permit must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 750-foot radius of the subject property. A total of 110 properties were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map WAC23-0004 Rose DAD for WSUP22-0023

Community Services Department Planning and Building AMENDMENT OF CONDITIONS APPLICATION



Community Services Department Planning and Building 1001 E. Ninth St., Bldg. A Reno, NV 89512-2845

Telephone: 775.328.6100

April 9, 2023 submittal of Amendment of Conditions to WSUP23-0023 (Rose DADAR)

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	S	staff Assigned Case No.:		
Project Name: Rose Residence Detached Accessory Dwelling				
		ed 768sf Garage wit Detached Accessor		
Project Address: 35 Riata	Court. Reno	. Nv. 89521		
Project Area (acres or square fee				
Project Location (with point of re	ference to major cross	streets AND area locator):		
Virginia Foothills, 1/	4mi. east of V	Veterans Parkway a	nd Hwy 341	
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
140-051-16	0.508			
Indicate any previous Washo Case No.(s). WSUP22-0023		s associated with this applicat 12-1-2022	ion:	
Applicant Info	ormation (attach	additional sheets if necess	sary)	
Property Owner:		Professional Consultant:		
Name: Kenneth G. Ro	se Trust	Name: Ken Rose Architect		
Address: 35 Riata Ct., Reno, Nv.		Address: 35 Riata Ct. Reno, Nv.		
Zip: 89521		Zip: 89521		
Phone: 775-560-8935 Fax:		Phone: 775-560-8935 Fax:		
Email: krse101@qmai	I.com	Email: krse101@gmail.com		
Cell: 775-560-8935 Other:		Cell: 775-560-8935 Other:		
Contact Person: Ken Rose	Э	Contact Person: Ken Rose		
Applicant/Developer:		Other Persons to be Contacted:		
Name: same as above		Name: Kate Rose		
Address:		Address: same as above		
	Zip:		Zip:	
Phone: Fax:		Phone: 775-750-2306	Fax:	
Email:		Email: kateinreno@aol.com		
Cell: Other:		Cell: 775-750-2306 Other:		
Contact Person:		Contact Person:		
	For Office	Use Only		
Date Received:	Initial:	Planning Area:		
County Commission District:		Master Plan Designation(s):		
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Amendment of Conditions Application Supplemental Information

(All required Information may be separately attached)

Required Information

- 1. The following information is required for an Amendment of Conditions:
 - a. Provide a written explanation of the proposed amendment, why you are asking for the amendment, and how the amendment will modify the approval.
 - b. Identify the specific Condition or Conditions that you are requesting to amend.
 - c. Provide the requested amendment language to each Condition or Conditions, and provide both the *existing* and *proposed* condition(s).

The proposed amendment will relocate the approved DADAR from a 2nd floor to ground level. Construction cost estimates indicate 50% savings for the same features. This amendment also improves architectural compatibility with the main house.

2. Describe any potential impacts to public health, safety, or welfare that could result from granting the amendment. Describe how the amendment affects the required findings as approved.

This amendment has no potential impacts to public health, safety. or welfare beyond the findings and approval of WSUP22-0023.

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All parcel data on this page is for use by the Washoe County Assessor for assessment purposes only. The summary data on this page may not be a complete representation of the parcel or of the improvements thereon. Building information, including unit counts and number of permitted units, should be verified with the appropriate building and planning agencies. Zoning information should be verified with the appropriate planning agency. All parcels are reappraised each year. This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 10-05-2022

If you have questions or corrections about our property data you can call us at 775-328-2277 or email us at exemptions@washoecounty.gov