Board of Adjustment Staff Report



Meeting Date: February 2, 2023

Agenda Item: 8B

ADMINISTRATIVE PEI	RMIT CASE NUMBER:	WADMIN22-0028 (Wyndham Shop)
BRIEF SUMMARY OF	REQUEST:	To allow a detached accessory structure larger than the main residence
STAFF PLANNER:		Courtney Weiche, Senior Planner Phone Number: 775.328.3608 E-mail: cweiche@washoecounty.gov
CASE DESCRIPTION		
approve an administra detached accessory str existing ±1,932 sf main		DR UNITED STATES
Applicant/ Owner: Location: APN: Parcel Size: Master Plan:	Paul and Gail Wyndham 11675 Mistletoe St 080-332-07 1.04 acres Suburban Residential	
Regulatory Zone: Area Plan:	Low Density Suburban North Valleys	MISTLETOE ST
Development Code:	Authorized in Article 808, Administrative Permits	
Commission District:	5 – Commissioner Herman	
Property Owner:	Paul and Gail Wyndham	470 600 ft
		Vicinity Map

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 Board of Adjustment approve Administrative Permit Case Number WADMIN22-0028 for Paul & Gail Wyndham, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

(Motion with Findings on Page 7)

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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 Board of Adjustment must find that all of the required findings, if applicable, are true.

The conditions of approval for Administrative Permit Case Number WADMIN22-0028 is attached to this staff report and will be included with the action order.

The subject property is designated as Low-Density Suburban (LDS) and is located in the North Valleys Area Plan. Accessory structures that are larger than the main residence are permitted within the LDS regulatory zone subject to approval of an administrative permit per WCC 110.306.10 (d).



Site Plan



Elevation Rendering

Project Evaluation

The applicant is requesting an administrative permit to approve a 2,400 square foot detached accessory structure larger than the existing primary residence. The residence on the parcel is 1,932 square feet. An administrative permit is required per Washoe County Code 110.306.10 (d), for accessory structures that are larger than the main residence.



Aerial Image of Subject Parcel

The property is in the Low-Density Suburban (LDS) regulatory zone, which allows accessory structures so long as the overall lot coverage of all buildings does not exceed 25% of the total lot acreage (WCC 101.306.10 (a) 2). The subject property is 1.04 acres and therefore would allow up to 10,890 square feet of lot coverage. The proposed structure complies with that requirement. The proposed structure is a prefabricated metal building, with a plate height of 16 feet, and a ridge height of 20 feet, the structure also falls within the maximum height allowance. The proposed metal detached accessory structure is required to have the metal siding painted similarly to the residence (Condition 1f). Additionally, the roof is required to be non-reflective (Condition 1g).

As shown on the site plan, the structure is placed 35 feet away from the rear property line. In response to Truckee Meadows Fire Protection District comments, the applicant revised the site plan to meet defensible space requirements. The structure is now 30 feet away from both side property lines. The revised location meets all applicable setbacks of the LDS regulatory zone and defensible space requirements. The subject property is generally flat. Adjoining lots are generally developed with single-family dwellings and contain several accessory buildings. Existing and proposed development on the subject parcel is consistent with the development in the surrounding area.

The proposed structure will not include any plumbing. Limited outdoor lighting is proposed; however, no landscaping is currently proposed, and none is required by the Washoe County Development Code. The proposed structure is consistent with all relevant regulations and plans, in keeping with existing development in the area, and should not pose any detriment.

North Valleys Area Plan

The subject parcel is located within the North Valleys Area Plan. There are no pertinent policies related to detached accessory structures within the Area Plan.

Reviewing Agencies

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

Agencies 🚽	Sent to Review	Responded	Provided Conditions
Washoe County Building & Safety	x	x	x
Washoe County Engineering & Capital Projects	x	x	
Washoe County Land Development (All Apps)	х		
Washoe County Sewer	х		
Washoe County Water Rights Manager (All Apps)	x		
WCHD Environmental Health	x	x	
TMFPD	х	X	X

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

Staff Comment on Required Findings

WCC 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.

(a) <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan.

<u>Staff Comment:</u> The proposed structure doesn't conflict with any parts of the Master Plan or North Valleys Area Plan.

(b) <u>Improvements.</u> 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.

<u>Staff Comment:</u> The proposed detached accessory structure shall be accessory to the existing residential use and is not expected to create any substantial impact on utilities, roadways, sanitation, water supply, drainage, or other facilities. The only utility proposed to service the proposed structure is electrical.

(c) <u>Site Suitability.</u> That the site is physically suitable for detached accessory structure, and for the intensity of such a development.

<u>Staff Comment:</u> The building site is relatively flat and suitable for the proposed detached accessory structure.

(d) <u>Issuance Not Detrimental.</u> 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.

<u>Staff Comment:</u> The proposed use is residential and is consistent with the residential zoning of the parcel. The proposed structure is consistent with development on surrounding parcels and will not be detrimental to public health, safety, or welfare.

Recommendation

After a thorough analysis and review, Administrative Permit Case Number WADMIN22-0028 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 Board of Adjustment approve Administrative Permit Case Number WADMIN22-0028 for Paul Wyndham, with the conditions included as Exhibit A to this matter, having made all five findings in accordance with Washoe County Development Code Section 110.808.25:

- (a) <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the North Valleys Area Plan;
- (b) <u>Improvements.</u> 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) <u>Site Suitability.</u> That the site is physically suitable for detached accessory structure., and for the intensity of such a development;
- (d) <u>Issuance Not Detrimental.</u> 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.

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 original 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 from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the original applicant.

Applicant/Owner: Paul Wyndham paulw@builditgarage.com



Conditions of Approval Administrative Permit Case Number WADMIN22-0028

The project approved under Administrative Permit Case Number WADMIN22-0028 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on February 2, 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. <u>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>

<u>Unless otherwise specified</u>, 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 the Planning and Building Division.

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.

Operational conditions are subject to review by the Planning and Building Division prior to the renewal of a business license each year. Failure to adhere to the operational conditions may result in the Planning and Building Division recommending that the business license not be renewed until conditions are complied with to the satisfaction of Washoe County.

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.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies:

• The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District.

Any conditions set by the Health District must be appealed to the District Board of Health.

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 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 – Courtney Weiche, Senior Planner, 775.328.3608, <u>cweiche@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 administrative permit.
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative permit. Planning and Building shall determine compliance with this condition.
- 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 by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- 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. Construction activities shall be limited to the hours between 7am to 7pm, Monday through Saturday only. Construction machinery or construction personal gatherings are also limited to these hours. No construction activities shall take place on Sundays.
- f. The structure shall be painted to match the existing residence and additional landscaping will be installed, including trees.
- g. The roof of the accessory structure shall be non-reflective.

Washoe County Building Division

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

Contact Name – Rosa Landis, Plans Examiner, 775.328.2034, <u>rlandis@washoecounty.gov</u>

a. The structure shall meet the requirements of the 2018 IRC, 2018 IWUIC, and 2018 Northern Nevada Amendments.

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 – Brittany Lemon, Title, 775.326.6079, <u>blemon@tmfpd.us</u>

- 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. If non-conforming for defensible space, Ignition Resistant Construction 2 (IR2) shall be required.

*** End of Conditions ***

From:	Landis, Rosa
To:	Weiche, Courtney
Cc:	Holly, Dan
Subject:	December Agency Review - Item 2, Memorandum 1
Date:	Thursday, December 29, 2022 3:56:09 PM
Attachments:	image001.png
	image002.png
	image003.png
	image004.png
	image005.png
	image006.png

Good afternoon Courtney,

Please find Budling's comments for item 2 of memorandum 1 below.

Item 2 – WADMIN22-0028 (Wyndham Shop)

The shop must meet the requirements of 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.) Please note that special inspections are required for metal buildings and a Special Inspection agreement will need to be submitted prior to permit issuance.

TABLE 503.1 IGNITION-RESISTANT CONSTRUCTION							
			Fire Hazard Se	everity (Chapter 4)			
	Moderate Hazard		High Hazard		Extreme Hazard		
DEFENSIBLE SPACE	Wate	Water Supply		Water Supply		Water Supply	
(Chapter 6)	Conforming	Nonconforming	Conforming	Nonconforming	Conforming	Nonconforming	
Nonconforming	IR 2	IR 1	IR 1	IR 1 NC	IR 1 NC	Not Permitted	
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 NC	
1.5 Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1	

Note: IR 1 NC shall have exterior walls of 1 hour fire resistive construction <u>and</u> exterior siding material shall be noncombustible.

Thank you and please let me know if you have any questions,



Rosa Landis

ICC Certified Plans Examiner | Community Services Department <u>RLandis@washoecounty.gov</u> | Direct Line: 775.328.2034 In-Office Hours: Mon & Tues, 7:30 am – 4:30pm Visit us online: <u>www.washoecounty.us/csd</u> For Building call: 775.328.2020 Building Email: <u>building@washoecounty.gov</u> 1001 E. 9th Street, Reno, NV 89512

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Have some kudos to share about a Community Services Department employee or experience? $\sum Submit a Nomination \sum$



INTEROFFICE MEMORANDUM

DATE: December 27, 2022TO: Courtney Weiche, Senior Planner, Planning and Building DivisionFROM: Robert Wimer, P.E., Engineering and Capital Projects Division

SUBJECT: WADMIN22-0028 APN 080-332--07 Wyndham Detached Shop

GENERAL PROJECT DISCUSSION

Washoe County Engineering staff has reviewed the above referenced application. The Engineering and Capital Projects Division recommends approval.





EFFECTIVE COMMUNICATION WADMIN22-0028 EXHIBIT B

From:	Lemon, Brittany
To:	Weiche, Courtney
Cc:	Way, Dale
Subject:	WADMIN22-0028 (Wyndham Shop) Conditions of Approval
Date:	Monday, December 19, 2022 2:54:19 PM
Attachments:	image001.png

Hi Courtney,

"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/.

This parcel is located in a MODERATE Fire Hazard Severity Zone and has conforming water. It does not appear that 30 feet of defensible space will be attainable on all sides of the building to the lot line. With conforming water and non-conforming defensible space, Ignition Resistant Construction 2 (IR2) is required.

Thank you,

Brittany Lemon

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



December 27, 2022

Washoe County Community Services Planning and Development Division

RE: Wyndham Shop; 080-332-07 Administrative Permit Case; WADMIN22-0028

Dear Washoe County Staff:

The following conditions are requirements of the Washoe County Health District, Environmental Health Services Division, (WCHD), which shall be responsible for determining compliance with these conditions.

Contact Name – James English - jenglish@washoecounty.us

- a) Condition #1: The WCHD has reviewed the above referenced project and notes the proposed project is located on a parcel served by a domestic well and onsite sewage disposal system (OSDS).
- b) Condition #2: The WCHD has no issues with the approval of the administrative permit to construct an accessory structure larger than the main residence, provided: the design provides for all necessary setbacks for the OSDS, including repair field, and that no driveways are placed over any portion of the OSDS.

If you have any questions or would like clarification regarding the foregoing, please contact James English, EHS Supervisor at jenglish@washoecounty.us regarding all Health District comments.

Sincerely,

Jarhes English REH

EHS Supervisor **Environmental Health Services** Washoe County Health District



Public Notice

Washoe County Code requires that public notification of an Administrative Permit 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. This proposal was noticed within a 500-foot radius of the subject property, noticing 35 separate property owners a minimum of 10 days prior to the public hearing date.

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Public Notice Map Administrative Permit Case Number WADMIN22-0028

Washoe County Development Application

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1.1

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: Wyndł	nam Shop			
Project 40x60 foot s	shop in the backyard	- Steel building with red irc	on posts	
Project Address: 11675 Mist	letoe St. Reno, NV 89506			
Project Area (acres or squar	re feet): 2400 sqft			
Project Location (with point	of reference to major cross	streets AND area locator):		
Lemmon Valley in Re	eno with Lemmon	Valley Dr. and Idaho St. a	as cross streets	
Assessor's Parcel No.(s)	: Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
080-332-07	1			
Case No.(s).		s associated with this applicat		
		additional sheets if necess	saly)	
Property Owner:	sil	Professional Consultant: Name:		
Name: Wyndham, Paul & Ga Address: 11675 Mistletoe St.		Address:		
Reno, NV	Zip: 89506	Address.	Zip:	
Phone: 425-248-8243	Fax:	Phone:	Fax:	
Email: paulw@builditgarage.		Email:		
Cell: 425-248-8243	Other:	Cell:	Other:	
Contact Person: Paul Wynd	ham	Contact Person:		
Applicant/Developer:		Other Persons to be Contacted:		
Name: Paul Wyndham		Name:		
Address: 11675 Mistletoe St.		Address:		
Reno, NV	Zip: 89506		Zip:	
Phone:	Fax:	Phone:	Fax:	
Email: paulw@builditgarage.	com	Email:		
Cell: 425-248-8243	Other:	Cell:	Other:	
Contact Person: Paul Wynd	ham	Contact Person:		
	For Office	e Use Only		
Date Received:	Initial:	Planning Area:		
County Commission Distric	x:	Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

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Administrative Permit Application Supplemental Information

(All required information may be separately attached)

1. What is the type of project or use being requested?

Shop/Garage for personal projects

2. What section of the Washoe County code requires the Administrative permit required?

WCC 110.306.01 (d)

3. What currently developed portions of the property or existing structures are going to be used with this permit?

This permit is for a new structure on an unused portion of the property

4. What improvements (e.g. new structures, roadway improvements, utilities, sanitation, water supply, drainage, parking, signs, etc.) will have to be constructed or installed and what is the projected time frame for the completion of each?

New metal building in the backyard with a new electrical connection. The expected completion would be within the 18 months of the building permit - by end of June 2024

5. Is there a phasing schedule for the construction and completion of the project?

We would build the foundation/slab and then proceed erecting the building

6. What physical characteristics of your location and/or premises are especially suited to deal with the impacts and the intensity of your proposed use?

Several of the properties around us have shops and the should structure would allow me to work in there instead of outside.

7. What are the anticipated beneficial aspects or effect your project will have on adjacent properties and the community?

This project will allow me to use the backyard and move my project vehicles into the shop. This will increase the street appeal and the building will increase property value.

8. What will you do to minimize the anticipated negative impacts or effect your project will have on adjacent properties?

The shop will be insulated to help reduce any sounds from my project work

 Please describe any operational parameters and/or voluntary conditions of approval to be imposed on the administrative permit to address community impacts.

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Washoe County Planning and Building

ADMINISTRATIVE PERMIT DEVELOPMENT SUPPLEMENTAL INFORMATION

December 2018

10. How many improved parking spaces, both on-site and off-site, are available or will be provided? (Please indicate on site plan.)

There are 3 existing parking spots in the driveway. There could be a couple extra gravel spots in the backyard in front of building.

11. What types of landscaping (e.g. shrubs, trees, fencing, painting scheme, etc.) are proposed? (Please indicate location on site plan.)

Building will be Grey with Blue trim. No new fencing, trees or shrubs are planned.

12. What type of signs and lighting will be provided? On a separate sheet, show a depiction (height, width, construction materials, colors, illumination methods, lighting intensity, base landscaping, etc.) of each sign and the typical lighting standards. (Please indicate location of signs and lights on site plan.)

No signs will be included in this project, so no lighting of signs either.

13. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the administrative permit request? (If so, please attach a copy.)

🛛 Yes	☑ No
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14. Utilities:

a. Sewer Service Not connected to sewer	
b. Water Service	Not connected to water

For most uses, the Washoe County Code, Chapter 110, Article 422, Water and Sewer Resource Requirements, requires the dedication of water rights to Washoe County. Please indicate the type and quantity of water rights you have available should dedication be required:

c. Permit #	acre-feet per year	
d. Certificate #	acre-feet per year	
e. Surface Claim #	acre-feet per year	
f. Other, #	acre-feet per year	

Title of those rights (as filed with the State Engineer in the Division of Water Resources of the Department of Conservation and Natural Resources):

8



