

Board of Adjustment Staff Report

Meeting Date: June 6, 2024 Agenda Item: 8E

VARIANCE CASE NUMBER: WPVAR24-0005 (Juniper Hill Variance)

BRIEF SUMMARY OF REQUEST: Request to vary fence height from 4.5 feet

to six (6) feet

STAFF PLANNER: Tim Evans, Planner

Phone Number: 775.328.2314 E-mail: TEvans@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from four and a half (4.5) feet to six (6) feet for security, privacy, and aesthetic purposes.

Applicant/Owner: Mike and Stacey Crawford

Location: 160 Juniper Hill Road

APN: 009-131-51 Parcel Size: 2.18 acres

Master Plan: Rural Residential (RR)
Regulatory Zone: High Density Rural (HDR)

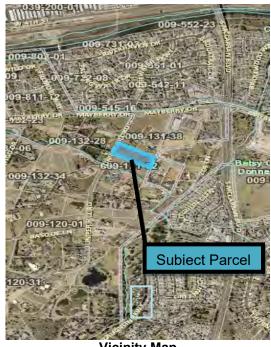
Area Plan: Southwest Truckee

Meadows

Development Code: Authorized in Article 804,

Variances

Commission District: 1 – Commissioner Hill



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 Washoe County Board of Adjustment deny Variance Case Number WPVAR24-0005 for Mike and Stacey Crawford, having been unable to make all four (4) required findings in accordance with Washoe County Development Code Section 110.804.25. Specifically, the Board is unable to make a finding of special circumstances either due to the exceptional property dimensions or shape, extraordinary topographical features, or an extraordinary and exceptional situation specific to the property. Additionally, the Board is unable to make a finding of no special privileges granted.

(Motion with Findings on Page 11)

Staff Report Contents

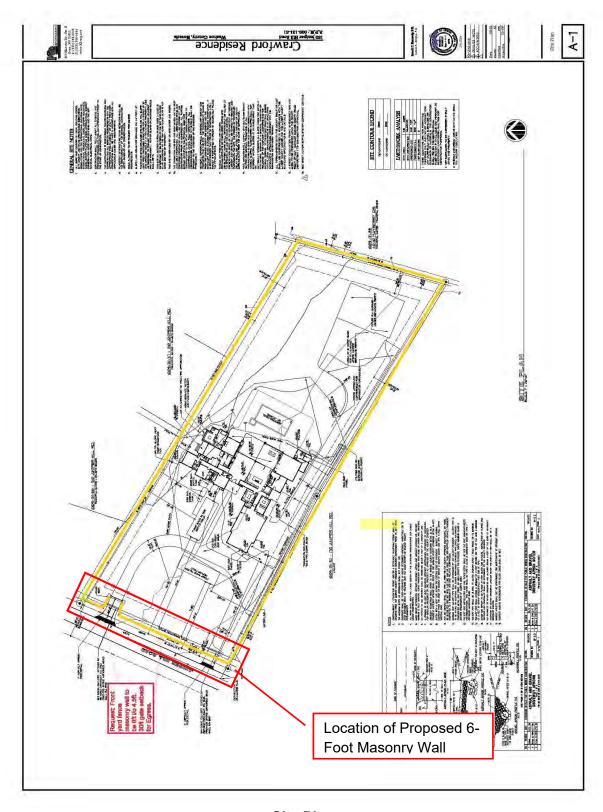
Variance Definition	3
Site Plan	4
Elevations and Floor Plan	5
Project Evaluation	6
Reviewing Agencies	10
Staff Comment on Required Findings	10
Recommendation	11
Motion	11
Appeal Process	12
Exhibits Contents	
Agency Comments	Exhibit A
Public Notice	Exhibit B
Project Application	Exhibit C

Variance Definition

The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the variance, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- 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 business or project.

The subject property has a regulatory zone of High Density Rural (HDR) and the parcel size is 2.18 acres. Pursuant to Article 406, *Building Placement Standards*, Section 110.406.50, *Fences, Walls, or Perimeter Plantings*, the maximum height allowed for a fence within the front yard setback is four and one-half (4.5) feet. As shown on the site plan on page 4, the proposed six (6) foot fence will be located within the front yard setback of the parcels, necessitating the request for a variance.



Site Plan



Elevation

Project Evaluation

The applicant is requesting to increase the maximum fence height limit from four and one-half (4.5) feet to six (6) feet to allow the construction of a six (6) foot tall masonry wall along the front property line adjacent to Juniper Hill Road.

Pursuant to Washoe County Code Article 902, Definitions, Section 110.902.15, General Definitions, a fence is defined as the following:

"Fence means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts."

Therefore, the construction of a masonry wall is subject to the applicable requirements for fencing within Washoe County Code.

Pursuant to Article 406, *Building Placement Standards*, Section 110.406.50, *Fences, Walls, or Perimeter Plantings*, subsection (a), *Residential Fences*:

"The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards."

Assessor Parcel Number	Required Front Yard Setback Pursuant to WCC Sec. 110.406.05.1
009-131-51	30 feet

Therefore, as the proposed masonry wall will be located along the front property line, it will be within the front yard setback and cannot be taller than four and one-half (4.5) feet by code.

As stated in the variance application (Exhibit C), the applicant provides the following rationale for requesting the variance:

"Privacy wall similar to other properties in the area."

"Enhance neighborhood with comparable front yard walls similar to the other properties in the area."

"Sound barrier, security and privacy. Existing wall across street bounces sounds (ex. Car traffic) off that wall and into property requesting variance."

Approval of a variance is limited to particular circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship:

- 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or
- 2) by reason of exceptional topographic conditions; or
- 3) other extraordinary and exceptional situation or condition of the piece of property.

If such a finding of fact can be made, then the Board must determine that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the subject property.

Hardships

Exceptional narrowness and shape of the property

The narrowest width of the rectangular-shaped parcel is 184.31 feet as detailed in the figure below. Pursuant to Washoe County Code Article 406, *Building Placement Standards*, Table

110.406.05.1, *Standards*, *Part Two: Lot Size*, the minimum width for the HDR zoning is one hundred and fifty (150) feet.



Therefore, narrowness and shape of the parcel are not limiting factors in the applicant being able to meet the setbacks required for the MDS zoning.

Topographic

As shown on the on the figure below, the contour lines indicate that the property has gently sloping topography. Therefore, the subject property does not have special circumstances due to exceptional topography.



Extraordinary and exceptional situation or condition of the property and/or location of surroundings.

The applicant states the following on the application:

"Privacy wall similar to other properties in the area."

And

"Sound barrier, security and privacy. Existing wall across street bounces sounds (ex. Car traffic) off that wall and into property requesting variance."

Therefore, the extraordinary and exceptional situation or condition of the property per the application is the need for a sound barrier and the level of privacy and security compared to that afforded to other properties in the area. To demonstrate the level of privacy and security of other properties in the area, the applicant states there are similar privacy walls along the front property line of other parcels in the area (Exhibit C).

Upon investigation by staff, it was found that there are properties on Juniper Hill Road with masonry walls along the front property line, specifically the properties located at 155 Juniper Hill Road (APN 009-132-21) and 345 Juniper Hill Road (APN 009-132-08). As indicated in the following figures, the masonry walls on both properties are four and one-half (4.5) feet tall with six (6) foot gates, which are in conformance with the requirements of Washoe County Code.



Masonry Wall Located at 155 Juniper Hill Road (Across the Street from Subject Parcel)



Masonry Wall Located at 345 Juniper Hill Road (Down the Street from Subject Parcel)

As indicated by the figures above, there are parcels within the vicinity of the subject property that are also zoned High Density Rural and that have built masonry walls that meet the applicable height requirement of 4.5 feet.

Per NRS 278.300, the Board may grant a variance only by reason of the exceptional shape of the property, exceptional topographic conditions, or other extraordinary situations. As detailed above, staff does not find that this request falls within any of those three categories. However, if the Board does find that the request meets one of those special conditions, additional findings of fact are required for the Board to approve the requested variance; such findings include 1) that the relief will not create a substantial detriment to the public good, 2) the relief will not substantially impair affected natural resources, and 3) the relief will not impair the intent and purpose of the Development Code or applicable policies under which a variance could be granted.

Although the fence would be a solid masonry wall, staff is able to make the finding that the proposed fence will not be a detriment to the public good as even though the proposed masonry wall would be six (6) feet tall, it would setback, per the site plan on page 4, approximately five (5) feet from the front property line that is completely straight, which would have little to no impact on the line of sight for vehicles entering or exiting the property.

An additional finding requires that the granting of the variance will not constitute special privileges inconsistent with the same limitations applicable for properties in the same regulatory zone and within the vicinity of the subject parcel.

Staff is unable to make this finding as the approval of the variance would result in the granting of special privileges as the maximum allowable fence height within the front yard setback for all residential properties in the High Density Rural (HDR) regulatory zone is four and one-half (4.5) feet tall. None of the residential properties within this regulatory zone enjoy the privilege of erecting a six (6) foot fence within the front yard setback. The granting of this variance would result in a granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone and would therefore result in a violation of the 'no special privileges' finding.

Staff finds that the applicant has not demonstrated that the subject property exhibits one or more of the criteria needed to make the first finding of special circumstances or the third finding of no special privileges as required by Nevada Revised Statutes and recommends denial of the variance. Staff is able to make the additional findings as required by Washoe County Code, Article 804, Variances Required Findings: No Detriment and Use Authorized.

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 &	Х			
Safety	^			
Washoe County Sewer	Х			
Washoe County Traffic	Х			
Washoe County Water	.,	х х		
Rights Manager (All Apps)	X			
WCSO Law Enforcement	Х			
Washoe County Engineering				
(Land Development) (All	X	Х		
Apps)				
Washoe County Engineering				
& Capital Projects Director	X			
(All Apps)	Apps)			
NNPH Air Quality	Х			
NNPH EMS	X	Х		
NNPH Environmental Health	X			
TMFPD	Х	Х		
NV Energy	Х			
Truckee Meadows Water	Х			
Authority	٨			

All comments provided by the contacted agencies can be found in Exhibit A, Agency Comments.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the proposal is in compliance with the required findings as follows.

- (a) <u>Special Circumstances</u>. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.
 - <u>Staff Comment:</u> There are no special circumstances applicable to the property, as demonstrated in this report. The parcel has no exceptional narrowness, shallowness or shape of the specific piece of property; no exceptional topographic conditions; no extraordinary and exceptional situation or condition of the property and/or location of surroundings. The strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property, as the owner is not being deprived of developing the property in the same manner as surrounding properties.
- (b) <u>No Detriment.</u> The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.

<u>Staff Comment:</u> The project will not be a detriment to the public good, substantially impair affected natural resources, or impair the intent and purpose of Washoe County Code or applicable policies as the proposed six (6) foot masonry wall would be setback approximately five (5) feet from the front property line that is completely straight, having little to no impact on the line of sight for vehicles entering or exiting the property.

- (c) <u>No Special Privileges.</u> The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.
 - Staff Comment: Because there are no special circumstances applicable to the property, approval of the requested variance would grant special privileges to the applicant by allowing a fence height greater than that permitted by Washoe County Code. Allowing development that does not conform to generally applicable Code requirements, such as fence height, with no special circumstances, means a finding of 'no special privileges' cannot be made to support approval of the variance request. Additionally, the applicant has not identified any residential properties within this regulatory zone that enjoy the privilege of erecting a 6' fence within the front yard setback. The granting of this variance would result in a granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and within the identical regulatory zone and would therefore result in a violation of this finding.
- (d) <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
 - <u>Staff Comment</u>: The variance will not authorize a use or activity which is not expressly authorized by the regulatory zone as a fence is an allowable use in the High Density Rural (HDR) regulatory zone.

Recommendation

After a thorough analysis and review, Variance Case Number WPVAR24-0005 is being recommended for denial. Staff offers the following motion for the Board 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 deny Variance Case Number WPVAR24-0005 for Mike and Stacey Crawford, having been unable to make all four (4) required findings in accordance with Washoe County Development Code Section 110.804.25. Specifically, the Board is unable to make a finding of special circumstances either due to the exceptional property dimensions or shape, extraordinary topographical features, or an extraordinary and exceptional situation specific to the property. Additionally, the Board is unable to make a finding of no special privileges granted.

(a) <u>Special Circumstances</u>. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

- (b) <u>No Detriment.</u> The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
- (c) <u>No Special Privileges.</u> The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- (d) <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

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

Applicant/Owner: Mike and Stacey Crawford; mcrawford56@gmail.com

Representative: Artistry Building Group, <u>lpavitt@artistrynv.com</u>

From:	Program, EMS
Го:	Evans, Timothy
Cc:	Program, EMS

Subject: FW: April Agency Review Memo I - Variance Case Number WPVAR24-0005 (Juniper Hill)

Date: Monday, April 22, 2024 10:33:14 AM

Attachments:

Good Morning,

The EMS Program has reviewed the April Agency Review Memo I - Variance Case Number WPVAR24-0005 (Juniper Hill), and has no concerns or questions at this time based on the information provided.

Thank you,





Engineering and Capital Projects

Date: April 24, 2024

To: Tim Evans, Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Variance Case Number WPVAR24-0005 (Juniper Hill)

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from four and a half (4.5) feet to six (6) feet for security, privacy, and aesthetic purposes.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No water rights conditions for this variance.



Engineering and Capital Projects

Date: April 25, 2024

To: Tim Evans, Planner

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

Janelle Thomas, P.E., Senior Licensed Engineer

Re: Variance Case WPVAR24-0005– Juniper Hill

APN 009-131-51

GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff have reviewed the above referenced application. The application, prepared by Artistry Building Group, is for a variance to allow the replacement of a 4.5-foot-tall masonry fence wall with a 6.0-foot-tall masonry fence wall around the perimeter of the property.

The Engineering and Capital Projects Division recommends approval of this variance case with no additional comments or conditions.

 From:
 Lemon, Brittany

 To:
 Evans, Timothy

 Cc:
 Way, Dale

Subject: WPVAR24-0005 (Juniper Hill) Conditions of Approval

Date: Thursday, April 25, 2024 8:38:02 AM

Attachments: <u>image001.png</u>

Good Morning Tim,

TMPPD has no specific conditions for this request.

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



[&]quot;Committed to excellence, service, and the protection of life and property in our community"



May 2, 2024

Washoe County Community Services Planning and Development Division

RE: Juniper Hill; 009-131-51

Administrative Variance; WPVAR24-0005

Dear Washoe County Staff:

The following conditions are requirements of Northern Nevada Public Health (NNPH), Environmental Health Division, (EHS) which shall be responsible for determining compliance with these conditions.

Contact Name - James English - jenglish@washoecounty.us

- a) Condition #1: EHS has reviewed the application as submitted and has no concerns with the approval of the application as submitted.
- b) Condition #2: The project is proposed on a parcel served by community water and onsite sewage disposal system, (ISDS) since the fence is on the perimeter of the property there should be no adverse impact to the ISDS.

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

Sincerely,

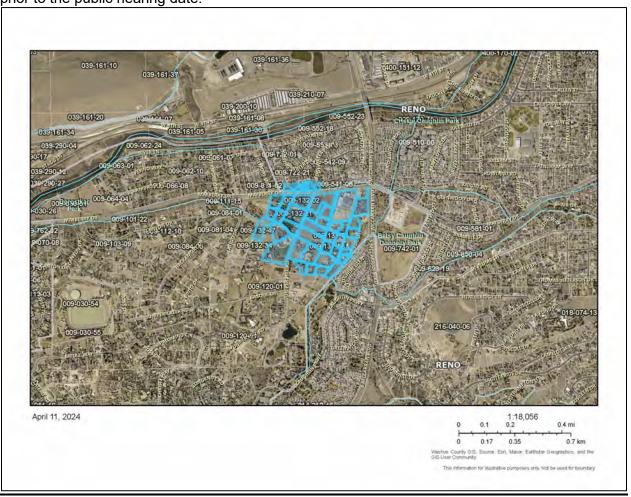
James English, REHS, CP-EHS Supervisor

Environmental Health Services Northern Nevada Public Health



Public Notice

Washoe County Code requires that public notification for a variance 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 600-foot radius of the subject property. A total of 45 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map
Variance Case Number WPVAR24-0005

Community Services Department Planning and Building VARIANCE APPLICATION



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

Telephone: 775.328.6100

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 St		taff Assigned Case No.:		
Project Name: 160 Juniper Hill, Setback Variance				
Project 160 Juniper HIII Road, Setback Variance. We are asking for a variance to the front of the Description: property 30" setback to change from 4.5ft masonry wall to 6ft masonry wall. We are submitting this variance for a privacy fence height of 6ft at the front of the property.				
Project Address:160 Juniper H	ill Road			
Project Area (acres or square fee	et):2.18 Acres Total			
Project Location (with point of re	ference to major cross	streets AND area locator):		
NW of Mayberry	Dr on Jur	niper Hill Road		
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
009-131-51	2.18			
Indicate any previous Washo Case No.(s). WBLD24-1005		s associated with this applicat	ion:	
Applicant Info	ormation (attach	additional sheets if necess	ary)	
Property Owner:		Professional Consultant:		
Name:Crawford Family Trust, I	Mike & Stacey	Name:		
Address:4250 Truckee River T	rail	Address:		
Reno, NV	Zip: 89523		Zip:	
Phone: 775-247-6816 Fax:		Phone:	Fax:	
Email:mcrawford56@gmail.com		Email:		
Cell:	Other:	Cell:	Other:	
Contact Person:		Contact Person:		
Applicant/Developer:		Other Persons to be Contacted:		
Name:Artistry Building Group		Name:		
Address:539 Riverside Drive, S	Suite 200	Address:		
Reno, NV	Zip: 89503		Zip:	
Phone: 775-440-1982 Fax:		Phone:	Fax:	
Email:lpavitt@artistrynv.com		Email:		
Cell: 775-338-0903 Other:		Cell:	Other:	
Contact Person: Lisa Pavitt Contact Person:				
For Office Use Only				
Date Received:	Initial:	Planning Area:		
County Commission District:		Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

Variance Application Supplemental Information

(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) mus varied to permit your request?						
	Section 110.406.50 Fences, Walls or Perimeter Planting: Fence Height Variance Request - Front yard max ht from 4.5ft to 6ft for masonry fence wall. See site plan.					
	You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.					
2.	What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?					
	Privacy wall similar to other properties in the area. See Exhibit A.					
3.	What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?					
	Privacy wall will not impact blocking views, reduce privacy, decrease pedestrian or traffic safety. There is a 30' Gate setback for egress. See site plan.					
4. How will this variance enhance the scenic or environmental character of the neighbor eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clof neighbors, etc.)?						
	Enhance neighborhoo with comparable front yard walls similar to the other properties in the area.					
5.	What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?					
	Sound barrier, security and privacy. Existing wall across street bounces sounds (ex. car traffic) off that wall and into property requesting variance.					
6.	Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?					
	☐ Yes ☐ No If yes, please attach a copy.					
7.	How is your current water provided?					
	Municipal Water					
8.	How is your current sewer provided?					
	On-Site Sewer					

5

Residence Washoe County, I Crawford



Checked BTK Project No. 22-326

WPVAR24-0005 EXHIBIT C

A-1

EXHIBIT A

