

# **Board of Adjustment Staff Report**

Date: April 4, 2024

Agenda Item: 8F

SPECIAL USE PERMIT CASE NUMBER:		WSUP24-0003 (Romero)	
		To permit a detached accessory dwelling	
STAFF PLANNER:		Courtney Weiche, Senior Planner Phone Number: 775.328.3608 E-mail: cweiche@washoecounty.gov	
CASE DESCRIPTION For hearing, discussion, a approve a special use p accessory dwelling of 729 with an existing 1,620 squar Applicant / Property Owner: Location: APN: Parcel Size: Master Plan: Regulatory Zone: Area Plan: Development Code:	permit for a detached square feet on a parcel	Image: Constrained state       Image: Constate       Image: Constrained state	

### STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

#### POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions Special Use Permit Case Number WSUP24-0003 for Jose Romero, 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.

(Motion with Findings on Page 8)

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### Special Use Permit

The purpose of a special use permit is to allow a method of review to identify any potential harmful impacts on adjacent properties or surrounding areas for uses that may be appropriate within a regulatory zone; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the special use permit, 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 conditions of approval for Special Use Permit Case Number WSUP24-0003 are attached to this staff report and will be included with the action order.

The subject property is designated as medium density suburban (MDS). The proposed use of an accessory dwelling unit is permitted in MDS regulatory zone with approval of a special use permit per WCC Table 110.302.05.1. Therefore, the applicant is seeking approval of this SUP from the Board of Adjustment.

Additionally, Article 810, Special Use Permits, allows the Board of Adjustment to vary development code standards in conjunction with the approval process per WCC 110.810.20(e). The Board of Adjustment will be ruling on the request(s) to vary standards below:



Site Plan



Floor Plan



**Elevations** 

## Project Evaluation

The applicant is requesting a special use permit for a detached accessory dwelling (DAD). The applicant is proposing to construct a new 729 sq. ft. second dwelling. The existing main residence on the property is 1,620 sq. ft. The architectural style of the proposed dwelling will be compatible with the existing residence using matching paint colors and materials. The proposed dwelling will have a living room, a kitchen, two bedrooms, one bathroom and a laundry room. The parking requirements for WCC Section 110.410.10 are met by providing off-street parking on the paved driveway. In addition, there is an existing, detached garage on the property.

The 14,801 square foot parcel has a regulatory zone of Medium Density Suburban (MDS). The setback requirements are 20 feet from the front and rear yard property lines and 8 feet from the side yard property lines. The proposed DAD will be located in the southwest portion of the parcel. No public comments were received in response to the requested application.

WCC Section 110.306.25, Detached Accessory Dwellings requires compliance with the following:

	Proposal Complies
A main dwelling exists and no other accessory dwelling is on site	Yes
A minimum lot area of 12,000 square feet	Yes
Standard building setbacks are maintained	Yes
1,500 square feet or smaller (& 50% or smaller than the size of main dwelling)	Yes
Manufactured home is constructed within 6 years and over 1,200 sq. ft. in size	N/A
One off-street parking space added	Yes
One accessory dwelling only on site	Yes

### **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	x			
Washoe County Parks & Open Space	х			
Washoe County Sewer	х			
Washoe County Traffic	х			
Washoe County Water Rights Manager (All Apps)	x	x	x	Timber Weiss, tweiss@washoecounty.gov
Washoe County Engineering (Land Development) (All Apps)	x	x	x	Rob Wimer, rwimer@washoecounty.gov; Janelle Thomas, jkthomas@washoecounty.gov
WCHD Air Quality	х			
WCHD EMS	х	X		
WCHD Environmental Health	x	x		
TMFPD	х	X	x	Dale Way, dway@tmfpd.us; Brittany Lemon,
Sun Valley GID	х	-		
NV Energy	х			
Truckee Meadows Water Authority	x			

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

### Staff Comment on Required Findings

WCC Section 110.810.30, Article 810, *Special Use Permits*, 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 special use permit 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 Sun Valley Planning Area. <u>Staff Comment:</u> The application request is consistent with Master Plan and the Sun Valley Planning Area.
- (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> Northern Nevada Public Health reviewed the proposed application and provide no opposition or concerns. The subject parcel is served by community water and sewage.

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

<u>Staff Comment</u>: The parcel is being used for residential housing and the proposed detached accessory dwelling unit will be constructed to meet all Washoe County codes. The detached dwelling unit will meet the setbacks for the MDS regulatory zone.

(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 parcel is being used for residential housing and the proposed detached accessory dwelling unit will be constructed to meet all Washoe County codes. The detached dwelling unit will meet the setbacks for the MDS regulatory zone.

(e) <u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation. <u>Staff Comment</u>: There are no military installations in the area.

### **Recommendation**

After a thorough analysis and review, Special Use Permit Case Number WSUP24-0003 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 with conditions Special Use Permit Case Number WSUP24-0003 for Jose Romero, 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) <u>Consistency.</u> That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Planning Area;

- (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 accessory dwelling unit 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;
- (e) <u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

### Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant:	Steven Sheldrup <u>steven.lspe@gmail.com</u>
Property Owner:	Jose Romero joseluisromero1979@yahoo.com



Conditions of Approval

Special Use Permit Case Number WSUP24-0003

The project approved under Special Use Permit Case Number WSUP24-0003 shall be carried out in accordance with the conditions of approval granted by the Board of Adjustment on April 4, 2024. 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.

<u>Unless otherwise specified</u>, all conditions related to the approval of this 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 conditions of approval related to this 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 conditions imposed in the approval of the special use permit may result in the institution of revocation procedures.

Washoe County reserves the right to review and revise the 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.

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

• The DISTRICT BOARD OF HEALTH, through Northern Nevada Public Health (NNPH), has jurisdiction over public health matters. Any conditions set by NNPH 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 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 – 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 detached accessory dwelling administrative review.
- b. The applicant shall include a condition response memorandum with each subsequent permit application. That memorandum shall list each condition of approval, shall provide a narrative describing how each condition has been complied with, and the location of the information showing compliance with each condition within the improvement plan set that has been submitted.
- c. The applicant shall demonstrate substantial conformance to the plans approved as part of this administrative review permit. Planning and Building shall determine compliance with this condition.
- d. 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.
- e. 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 are also limited to these hours.
- f. 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.

### Washoe County Engineering and Capital Projects

2. The following conditions are requirements of Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

### Contact Names – Janelle K. Thomas, P.E., 775.328.3603, jkthomas@washoecounty.gov

### Robert Wimer, P.E., 775.328.2059, rwimer@washoecounty.gov

- a. The Regional Road Impact Fee (RRIF) will be charged at the multi-family rate for one unit with the building permit for the accessory dwelling.
- b. The following note shall be added to the construction drawings; "All properties, regardless of 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."

### **Truckee Meadows Fire Protection District**

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

# Contact Name – Brittany Lemon, Fire Captain – Fire Prevention, 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. https://tmfpd.us/fire-code/

### Washoe County Water Rights

4. The following conditions are a requirement of Washoe County Water Rights, which shall be responsible for determining compliance with these conditions.

# Contact Name – Timber Weiss, Licensed Engineer, 775.954.4626, tweiss@washoecounty.gov

- a. The parcel is currently receiving water service from the Truckee Meadows Water Authority (TMWA). The applicant shall provide a letter of acknowledgement from TMWA which will indicate the adequacy of water rights to support the Detached Dwelling.
- b. TMWA may require additional water rights or if there is sufficient water rights to support the Detached Dwelling, TMWA will simply issues a letter indicating no additional water rights are necessary.

\*\*\* End of Conditions \*\*\*



January 16, 2024

Washoe County Community Services Planning and Development Division

RE: Romero; 085-182-14 Administrative Review; WDADAR23-0013

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 sewerage systems.

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,

lames **B**nglish, RÉ

EHS Supervisor Environmental Health Services Northern Nevada Public Health



## Weiche, Courtney

From:	Lemon, Brittany
Sent:	Friday, December 22, 2023 11:45 AM
То:	Weiche, Courtney
Cc:	Way, Dale
Subject:	WDADAR23-0013 (Romero) Conditions of Approval

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." <a href="https://tmfpd.us/fire-code/">https://tmfpd.us/fire-code/</a>.

This parcel is located in a low WUI area and will have no requirements from the WUI code.

Have a great holiday!

### **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"



- Date: December 20, 2023
- To: Courtney Weiche, Senior Planner
- From: Janelle K. Thomas, P.E., Senior Licensed Engineer Robert Wimer, P.E., Licensed Engineer
- Re: WDADAR23-0013 Romero APN: 085-182-14 530 Big Knob Drive

### **GENERAL COMMENTS**

Washoe County Engineering staff has reviewed the referenced DADAR and have the following comments:

1. The Regional Road Impact Fee (RRIF) will be charged at the multi-family rate for one unit with the building permit for the accessory dwelling.

### DRAINAGE (COUNTY CODE 110.416, 110.420, and 110.421)

Contact Information: Robert Wimer, P.E. (775) 328-2059

#### **Conditions:**

The following note shall be added to the construction drawings; "All properties, regardless
of 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."

1001 E. 9th Street Reno, NV 89512 | P: (775) 328-2040 | F: (775) 328-3699 | washoecounty.gov



- Date: December 20, 2023
- To: Courtney Weiche, Senior Planner
- From: Timber Weiss, P.E., Licensed Engineer
- Re: Detached Accessory Dwelling Administrative Review Case Number WDADAR23-0013 (Romero) APN 085-182-14

### **GENERAL PROJECT DISCUSSION**

For possible action by the Washoe County Director of Planning and Building to approve an administrative review permit for a detached accessory dwelling of 729 square feet on a parcel with an existing 1,620 square feet dwelling unit.

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

The parcel is currently receiving water service from the Truckee Meadows Water Authority (TMWA). The applicant shall provide a letter of acknowledgement from TMWA which will indicate the adequacy of water rights to support the Detached Dwelling.

TMWA may require additional water rights or if there is sufficient water rights to support the Detached Dwelling, TMWA will simply issues a letter indicating no additional water rights are necessary.

1001 E. 9th Street Reno, NV 89512 | P: (775) 328-3600 | F: (775) 328-3699 | washoecounty.gov

### **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 500-foot radius of the subject property. A total of 72 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



Public Notice Map WSUP24-0003 previously for Case Number (WDADAR23-0013)

# 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: Romero	Accessory	Dwelling		
Project 729 S.F. Detac Description:	hed Accessory D	welling at the rear of prope	rty	
Project Address: 530 Big Knob Dr.	Reno, NV 89433			
Project Area (acres or square fe	et): 0.340 Acre Parcel, Ma	in Residence = 1620 SF, Detached Acces	sory Dwelling = 729 SF	
Project Location (with point of re	ference to major cross	streets AND area locator):		
530 Big Knob Dr. Reno, NV 89433				
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
085-182-14	0.340			
Indicate any previous Washo Case No.(s).	be County approva	s associated with this applicat	tion:	
Applicant Information (attach additional sheets if necessary)				
Property Owner:		Professional Consultant:		
Name: Jose Romero		Name: Lumber, Steel and Precast E	ngineering, LLC	
Address: 530 Big Knob Dr		Address: 3100 Mill St. Suite 112C		
Reno, NV	Zip: 89433	Reno, NV	Zip: 89502	
Phone: 775-338-5928	Fax:	Phone: 775-378-7904	Fax:	
Email: joseluisromero1979@yahoo.com		Email: steven.lspe@gmail.com		
Cell: 775-338-5928 Other:		Cell: 775-378-7904	Other:	
Contact Person:		Contact Person:		
Applicant/Developer:		Other Persons to be Contacted:		
Name:		Name:		
Address:		Address:		
Zip:			Zip:	
Phone: Fax:		Phone: Fax:		
Email:		Email:		
Cell: Other:		Cell: Other:		
Contact Person:		Contact Person:		
	For Office	e Use Only		
Date Received:	Initial:	Planning Area:		
County Commission District:		Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

# Administrative Review Permit Application for a Detached Accessory Dwelling Supplemental Information

(All required information may be separately attached)

1. What is the size (square footage) of the main dwelling or proposed main dwelling (exclude size of garage)?

1620 S.F. Main Dwelling

2. What is the size of the proposed detached accessory dwelling (exclude size of garage)? If a manufactured or modular home is the secondary dwelling, list the age and size of the unit.



3. How are you planning to integrate the main dwelling and secondary dwelling to provide architectural compatibility of the two structures?

# Owner to match exterior finish materials as desired

5. How many off-street parking spaces are available? Parking spaces must be shown on site plan. Are any new roadway, driveway, or access improvements be required?

10+, no new roadway or driveway required.

6. What will you do to minimize any potential negative impacts (e.g. increased lighting, removal of existing vegetation, etc.) your project may have on adjacent properties?

Clear away dry brush and provide adequate drainage swales to remove any excess water build up

7. Is the subject property part of an active Home Owners Association (HOA) or Architectural Control Committee?

🛛 Yes	🖬 No	If yes, please list the HOA name.

8. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that may prohibit a detached accessory dwelling on your property?

	Yes	🖬 No	If yes, please attach a copy.
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9. Only one accessory dwelling unit, whether attached or detached, is allowed per parcel. Is there a guest apartment, mother-in-law unit, next-gen addition with kitchen or any other type of secondary dwelling on the subject property?

🗆 Yes	🖬 No	If yes, please provide information on the secondary unit.

10. List who the service providers are for the main dwelling and accessory dwelling:

	Main Dwelling	Accessory Dwelling
Sewer Service	Municipal	Municipal
Electrical Service	NV Energy	NV Energy
Solid Waste Disposal Service	Waste Management	Waste Management
Water Service	Truckee Meadows Water Authority	Truckee Meadows Water Authority

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WSUP24-0003 EXHIBIT D



#### WSUP24-0003 EXHIBIT D

PROPOSED FLOOR PLAN



#### WSUP24-0003 EXHIBIT D



WSUP24-0003 EXHIBIT D



Construction
 C

¥.

10 Water Heater

Not Used

**KEYNOTES** 

ELECTRICAL NOTES

►

-

TELEPHONE OUTLET

T V CABLE OUTLET



PROPOSED ELECTRICAL PLAN

WSUP24-0003 **EXHIBIT D** 

NUMBER OF ST

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121.00.1

4 Footing @ Grade

7 Typical Eave

Proposed

Electrical Plan &

Section A-A

A-4

12/8/2023