



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Rob Pierce, Chair  
Don Christensen, Vice Chair  
Kathie Julian  
Peter Ghishan  
Leo A. Horishny

Thursday, January 2, 2025

1:30 p.m.

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

## Secretary

Trevor Lloyd

and available via  
Zoom Webinar

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### 1. Determination of Quorum

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

Members Present: Rob Pierce, Chair  
Don Christensen, Vice-Chair  
Kathie Julian  
Peter Ghishan  
Leo A. Horishny

Members Absent: None

Staff Present: Courtney Weiche Senior Planner, Planning and Building Division  
Tim Evans, Planner, Planning and Building Division  
Elizabeth Hickman, Deputy District Attorney, District Attorney's Office  
Adriana Albarran, Recording Secretary, Planning and Building Division  
Brandon Roman, Recording Secretary, Planning and Building Division

### 2. Pledge of Allegiance

Vice Chair Christensen led the pledge of allegiance.

### 3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Elizabeth Hickman recited the Ethics Law standards and the instructions for providing public comment via Zoom/Telephone.

### 4. Appeal Procedure

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

## 5. Public Comment

There was no response to the request for public comment.

## 6. Approval of the January 2, 2025, Agenda

Chair Pierce indicated Agenda Item 8.F. would be continued.

In accordance with the Open Meeting Law, Member Ghishan moved to approve the agenda of January 2, 2025, with the removal of Agenda Item 8.F. Chair Pierce seconded the motion, which carried unanimously.

## 7. Approval of the December 5, 2024, Draft Minutes

Member Horishny moved to approve the minutes of December 5, 2024, as written. Member Ghishan seconded the motion, which carried unanimously.

## 8. Public Hearing Items

### A. Appeal of Decision Case Number WSTR21-0283 (STR Appeal – 916 Harold Drive #36)

– For hearing, discussion, and possible action to affirm, modify, reverse, or remand a decision of the Washoe County Director of Planning and Building to reduce the appellant's short-term rental (STR) occupancy from eight (8) persons to four (4) persons based on a reduction in designated parking from two (2) spaces to one (1) space. The appellant is requesting an occupancy of eight (8) persons with two (2) parking spaces.

- Applicant: Matthew Castagnola
- Property Owner: Matthew J & Bernadette M Castagnola
- Location: 916 Harold Dr, Unit #36
- APN: Incline Village, NV 89451
- Parcel Size: 131-140-36
- Master Plan: 0.001 acre
- Regulatory Zone: Tahoe – Fairway
- Area Plan: Tahoe – Fairway
- Development Code: Tahoe
- Commission District: Authorized in Article 912, Establishment of Commissions, Boards and Hearing Examiners
- Staff: 1 – Commissioner Hill
- Phone: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- E-mail: cweiche@washoecounty.gov

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Appeal Request; Vicinity Map; Summary; Previous Action; Background - WCC - STR Parking (2 slides); Background - WCC - STR Occupancy; Background - Code Analysis; photo; Analysis Cont.; Response; Public Comment; Recommendation; and Possible Motion.

Ms. Weiche explained the subject property was one of 24 non-garage units in the complex, each of which was assigned a parking space in the common parking areas. They can also utilize any unassigned spaces, but those spaces could not be used in the calculation of maximum occupancy. She continued that Code did not permit an increase in occupancy based on arrangements with neighbors to use their assigned parking spaces.

Appellant Matthew Castagnola corrected that they were the owners of unit 36, not 46. He mentioned that, in addition to renting his property out, they also donated use of it to UCSF Family House families. He pointed out he was seeking a permit to operate his short-term rental (STR), unlike many in Incline Village who operated without them. He said an onsite manager oversaw the cabin, and local businesses were hired to clean and repair the home.

Mr. Castagnola argued he had two parking spaces, a numbered space and a permitted space. He displayed four photos. He remarked the board for the complex consisted of five owners who had garage spots, and they were trying to remove access to the permitted spots. Additionally, he had written agreements with neighbors to use their numbered spots if needed. He noted only nine residents lived in the complex full-time, eight of whom had garage parking spaces. There had never been a parking issue. He wondered whether the public comments received were from owners at the complex specifically.

Mr. Castagnola felt having a blanket rule when there were no specific parking complaints was punitive towards him and his wife. He mentioned there was no overflow parking and no one without a permit was allowed to park in the numbered spots. He spoke about a survey which showed an overwhelming desire to leave STRs alone. Not allowing for both parking spots, he continued, would reduce the property value of his home.

Mr. Castagnola stated everyone should be allowed to do whatever they wanted with their personal property. However, this rule prevented them from using the property the way they envisioned.

Ms. Bernadette Castagnola expressed frustration that their liberties were being taken away. Other owners were renting their units without permits, yet her liberties were being removed because she and her husband were being honest. She was disheartened that they would have to tell UCSF families they could not stay in their house anymore. She said they paid property taxes for two parking spots for 21 years, and if the second spot were eliminated, she wondered how that would affect those tax monies.

Chair Pierce directed Mr. Castagnola to where he could learn more about the public comments received in this matter.

Member Ghishan inquired whether there were unlabeled parking spaces in the complex. Mr. Castagnola replied all spots were labeled as either permitted spaces or with a number with garage units having two parking spaces. He mentioned his unit was a three-bedroom home.

Member Ghishan asked how many occupants the unit could have without considering parking restrictions. Ms. Weiche replied eight occupants.

In response to Member Ghishan's further queries, Mr. Castagnola said that even though they only rented to six people at a time, they sought an occupancy level of eight in case they and their friends wanted to stay there. Plus, six people could arrive in one SUV. Secretary Trevor Lloyd clarified anyone staying in a property with an STR permit would be required to follow STR rules, meaning Mr. Castagnola had to abide by the same occupancy limits. Mr. Castagnola pointed out that a limit of four people in the home would make it so they could not stay in the house with his daughter and her friends. He expressed concern that owners were held to the same occupancy standards as renters.

Chair Pierce asked about the agreements with neighbors. Mr. Castagnola replied he was not prepared to present that information but could provide it later. Ms. Castagnola expressed frustration about the situation, again commenting on people in the area who did not follow the rules.

On the call for public comment, Mr. Greg Erfani, president of Tyrolian Village Homeowners Association (HOA), said the deed itself permitted only one parking spot. He believed four occupants usually required two cars, and eight occupants could result in as many as six cars. He agreed the County did not have sufficient resources to enforce STR rules, especially on the weekends. He reviewed the laborious process the HOA needed to go through to document occupancy violations. He pointed out their HOA oversaw 278 units and 278 parking spots.

Via Zoom, Ms. Christina Hill concurred that only one parking space should be counted to determine STR occupancy. She felt approval of the appeal could set a precedent that would allow more parking than would be allowed by the HOA. She spoke about her concerns with STRs in Incline Village and pointed out that the parking spaces in Cedar Crest were in the communal area, which was owned by all the property owners. This should not be viewed as an infringement on anyone's rights.

Mr. Castagnola reiterated owners of non-garage units were assigned parking spots in the common areas that they used. Those spots were for the use of those owners only. He was unsure why there was a change in the rule since there had been no parking conflicts. He felt this should be an issue for the HOA to work out, not the County.

Ms. Castagnola agreed it should be up to the HOA, and their HOA has not experienced any issues. She believed there were six STR units in the complex, and several of them, including theirs, were not rented out very often. She thought this topic could be revisited if problems occurred.

Member Julian noted the Board previously upheld an appeal for a similar appeal, and going against staff's recommendation would set a precedent. She explained the process by which STR ordinances were approved and the public input sought at that time. If there were a desire to change the occupancy standards, it should not be done on an HOA-by-HOA basis. She recognized that enforcement is costly and cumbersome, and while she empathized with the frustration over making owners abide by the same occupancy limits as renters, it was essential to provide an enforcement mechanism.

Member Julian did not believe verbal agreements were appropriate because they could put extra pressure on the communal parking spaces, particularly in the wintertime. She urged the Board not to make an exception in this case and encouraged STR owners to voice their concerns when the Board of County Commissioners (BCC) reconsidered the STR ordinance.

Vice Chair Christensen recognized the unique challenges in Incline Village. He agreed with Ms. Julian's comments, adding that anyone who chose to turn their residential property into a commercial venture created a unique situation. The government was not taking away rights, he contested, and he recommended that the Board affirm staff's recommendation. He said the BCC worked hard to create the ordinance and he did not feel it was this board's right to alter it.

Member Ghishan inquired about the number of non-garage units and the number of communal area parking spaces. Ms. Weiche responded each of the 24 non-garage units were assigned a parking space in the common-element parking area, and they were also able to utilize the remaining 16 common-element spaces. Mr. Castagnola argued those spaces were not overflow spaces; they were assigned to the non-garage unit owners.

Member Horishny pointed out there were not enough common-element spaces to accommodate each of the non-garage units. Because of this, he felt sympathy for their plight but could not justify approval of the appeal. He felt the unique circumstances of the applicants' situation presented the foundation for an appeal to the BCC. Mr. Castagnola indicated he would appeal the decision to the BCC if necessary.

Knowing that the applicants themselves could only have four people stay in the home and that the home was not often rented, Chair Pierce opined they might want to consider whether to keep the STR permit at all. Mr. Castagnola said many people, not just the appellants, would be hurt by this decision.

Member Horishny said there would be no way for the applicant to enforce that renters only bring one car. Mr. Castagnola replied that he had cameras and had in the past told renters that they brought too many cars. Plus, he added, there was a manager who helped manage the number of vehicles and occupants.

In response to Member Ghishan's questions, Mr. Lloyd said the STR ordinance was adopted in 2021 and had been amended twice. Member Ghishan noted he differed from the Board in the prior STR appeal ruling, and he disagreed with the four-people-per-car calculation. Member Ghishan did not think the Board would be amenable to his suggestion of a modification to allow six occupants, adding that it was draconian that STR permit holders were held to the same occupancy standards as renters.

Member Julian thought the decision needed to be made in accordance with the bigger picture, and the cost of enforcement needed to be considered. She felt County Code addressed some of the impacts of having commercial enterprises in neighborhoods. She moved to deny the appeal and thought these issues could be addressed with the BCC when it next reconsidered the ordinance. She mentioned increasing STR fees to better cover the cost of enforcement.

Deputy District Attorney Elizabeth Hickman said the Board had the ability to affirm, deny, or modify the director's decision. However, the Code specified that no standards listed in Article 319.15 could be waived unless permitted under that article.

Member Julian moved that this appeal be denied and the decision of the Washoe County Director of Planning and Building to reduce the appellant's short-term rental (STR) occupancy from eight persons to four persons and reduce the parking from two spaces to one space be affirmed. Vice Chair Christensen seconded the motion, which carried on a vote of 3 to 2, with Chair Pierce and Member Ghishan voting no.

**B. Amendment of Conditions Case Number WAC24-0011 (Rose ADU for WSUP22-0023)**

– 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 an increase in floor area square footage from 800 square feet to 1,200 square feet.

- Applicant/Property Owner: 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: Tim Evans, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2314

- E-mail: [tevens@washoecounty.gov](mailto:tevens@washoecounty.gov)

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: Background; Request; Site Plan; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant Ken Rose spoke about the history of the project, noting cost was the main driver for moving the accessory dwelling unit to the first floor. The County then changed their limits, allowing him to construct a more appropriate accessory dwelling unit. He understood there would be several conditions they would have to meet to complete this project, which was to be used not as a rental but by his family. He agreed with the conditions that would need to be met.

There was no response to the call for public comment.

Member Horishny moved that Amendment of Conditions Case Number WAC24-0011 (Rose ADU Expansion) for Special Use Permit Case Number WSUP22-0023 for Kenneth G. Rose be approved 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: Consistency; Improvements; Site Suitability; Issuance Not Detrimental; and Effect on a Military Installation. Member Julian seconded the motion, which carried unanimously.

**C. Administrative Permit Case Number WADMIN24-0011 (Gwin Care of the Infirm)** – For hearing, discussion, and possible action to approve an administrative permit to allow a recreational vehicle (RV) to be occupied by a caretaker for the care of an infirm resident on the property located at 216 Blanco Circle, Sun Valley, NV (APN 506-050-47). The infirm resident will live in the existing dwelling on the property.

- Applicant: Thomas Gwin
- Property Owner: Mary Taylor
- Location: 216 Blanco Circle
- APN: 506-050-47
- Parcel Size: 0.36 acres
- Master Plan: Suburban Residential
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Sun Valley
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 3 – Commissioner Garcia
- Staff: Tim Evans, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2314
- E-mail: [tevens@washoecounty.gov](mailto:tevens@washoecounty.gov)

Planner Tim Evans conducted a PowerPoint presentation and reviewed slides with the following titles: 216 Blanco Circle; Vicinity Map; Request; Site Plan; Background & Analysis (2 slides); Screening; Utilities; Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant Thomas Gwin noted the application was already filed and the one issue needing correction was being addressed.

Member Ghishan asked whether registered nurses were allowed to sign affidavits. Mr. Evans informed him that the County Code update allowing this recently went into effect, and he read

from that Code to demonstrate who was allowed to sign affidavits. Member Ghishan suggested updating the County's form since it only listed "physician" as an option.

There was no response to the call for public comment.

Member Julian moved that Administrative Permit Case Number WADMIN24-0011 for Thomas Gwin be approved 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: Consistency; Improvements; Site Suitability; Issuance Not Detrimental; and Effect on a Military Installation. Member Horishny seconded the motion, which carried unanimously.

**D. Variance Case Number WPVAR24-0011 (Manha Variance)** – For hearing, discussion, and possible action to approve a variance to reduce the front yard setback from thirty (30) feet to zero (0) feet to bring an existing legal nonconforming dwelling that was constructed in 1951 into conformance with current setback requirements in order to allow the construction of an addition on an existing dwelling.

- Applicant/Property Owner: Matt and Amanda Manha
- Location: 2580 Holcomb Ranch Lane
- APN: 230-060-05
- Parcel Size: 1.05 acres
- Master Plan: Rural Residential
- Regulatory Zone: High Density Rural
- Area Plan: Southwest
- Development Code: Authorized in Article 804, Variances
- Commission District: 2 – Commissioner Clark
- Staff: Tim Evans, Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.2314
- E-mail: tevans@washoecounty.gov

Planner Tim Evans reviewed a PowerPoint presentation and reviewed slides with the following titles: 2580 Holcomb Ranch Lane; Vicinity Map; Request; Site Plan; Elevations; Evaluation (3 slides); Reviewing Agencies; Public Notice; Findings; and Possible Motion.

Applicant Matt Manha discussed the challenges associated with improving the house on this piece of property. He said they intended to live in the home, not flip it or rent it.

On the call for public comment, Mr. John Klacking noted he lived at the end of Holcomb Ranch Lane. He did not know how this variance, which would remove the front yard setback, might someday impact his property. He expressed concern about receiving a partial abandonment of easement and a quitclaim deed.

Mr. Evans clarified the 27-foot access easement would not be touched. The applicant was requesting a reduction of the 30-foot setback, which was measured from the edge of the easement. Should the application be approved, the home would be quite close to the road. Member Julian expressed concern that emergency vehicles needed unfettered access to the homes at the end of the street. Mr. Evans said access would not change at all as the addition would be made to the rear of the building.

Vice Chair Christensen asked for further clarification about the easement. Mr. Evans replied the easement provided roadway access to the parcels located beyond the subject parcel. He opted not to provide a legal opinion on who could use that easement. No one made any objections to the setback request, though he noted he met with Mr. Klacking to address his concerns.

Member Horishny said he visited what he thought was the property where the building had been torn down, though he might have been visiting the wrong address. He did not think the setback variance was unreasonable. Chair Pierce showed Vice Chair Christensen and Member Horishny the Assessor's property map.

Member Horishny moved that Variance Case Number WPVAR24-0011 for Matt and Amanda Manha be approved with the conditions of approval included as Exhibit A for this matter, having made the required findings in accordance with Washoe County Development Code Section 110.804.25: Special Circumstances; No Detriment; No Special Privileges; Use Authorized; and Effect on a Military Installation. Member Julian seconded the motion, which carried unanimously.

**3:21 p.m. The Board recessed.**

**3:32 p.m. The Board reconvened with all Members present.**

**E. Administrative Permit Case Number WADMIN24-0012 (North Valleys Geothermal Groundwater Monitoring Wells)** – For hearing, discussion, and possible action to approve an administrative permit for the construction and drilling of up to 5 groundwater monitoring wells associated with an existing geothermal plant. The construction will involve improvements and grading of an access road(s) and for the grading of the well pads for a total of 3.73 acres of land disturbance. The applicants are also requesting to vary applicable parking, screening and landscaping requirements as specified in this staff report.

- Applicant: Orni 36, LLC
- Property Owner: Bureau of Land Management
- Location: 0 State Route 447
- APN: 071-030-06 (38,205 acres)  
074-290-06 (20,676 acres)
- Parcel Size: Rural
- Master Plan: General Rural (071-030-06)
- Regulatory Zone: General Rural 84% DL 15% and RDS 1%
- Area Plan: High Desert
- Development Code: Authorized in Article 808, Administrative Permits
- Commission District: 5 – Commissioner Herman
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

Senior Planner Courtney Weiche conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Background; Site Plan; Grading (2 slides); Traffic and Parking; Landscaping; Neighborhood Meeting; Reviewing Agencies; Public Notice; Findings; and Possible Motion.



Ms. Weiche indicated the closest a well pad would be placed from a residence would be six miles. The wells would be drilled to varying depths to collect depth-to-groundwater and water quality measurements, as well as water quality samples. During the estimated 90 days of construction, she continued, up to ten workers could be present at each well site. She recommended removing condition 1.f. regarding hours of operation from any motion to approve. She reviewed the grading and road improvements that would be carried out in the construction of the well pads.

Stacie Huggins with Wood Rogers opted to forgo her presentation and said she was available to answer any questions on behalf of the applicant.

Member Ghishan asked why the monitoring was being constructed after the plant was already established. Ms. Huggins said there was an existing geothermal plant, but part of the approval of that plant was the establishment of a monitoring program to ensure the plant would not impact water resources south of the site.

Member Horishny spoke about his attempt to visit the site and said he wished pictures of monitoring wells were included in the materials. Erica Freese with Ormat Technologies described the look of monitoring wells, saying they collected pressure and temperature data.

There was no response to the call for public comment.

Chair Pierce wondered about the relationship between Ormat and the North Valleys geothermal groundwater monitoring wells. Ms. Freese replied Orni 36, the entity that owns the plant, was a subsidiary of Ormat.

Member Horishny expressed frustration about using assessor's parcel numbers to visit rural sites, saying the addition of GPS coordinates would be very helpful. Secretary Trevor Lloyd responded that township section and range numbers used to be provided, and staff would attempt to use better location descriptors in the future. Ms. Weiche admitted many rural parcels were not even assigned physical addresses and suggested Member Horishny use Washoe County's online GIS mapping program to help him navigate. Member Horishny replied he tried that, but it was not helpful.

Member Horishny noted that page 54 of the agenda packet for this item was related to a Washoe Valley monopole, not the geothermal plant.

Member Ghishan moved that Administrative Permit Case Number WADMIN24-0012 for Orni 36, LLC, be approved with the amended conditions included as Exhibit A to this matter, except condition 1.f., having made all five findings in accordance with Washoe County Development Code Section 110.808.25. He further moved that the development code applicable parking and landscaping requirements be modified as specified in the staff report. Member Julian seconded the motion, which carried unanimously.

**F. Special Use Permit Case Number WSUP24-0012 (US-NV- 5071 Sun Valley 65' Monopole) –** For hearing, discussion, and possible action to approve a special use permit for a 65-foot-high monopole structure defined as a wireless communication facility. The proposal also requests to waive all landscaping standards in Washoe County Development Code Article 412 and to modify the parking requirements in Article 410 by not requiring a paved parking space.

- Applicant: Vertical Bridge
- Property Owner: Robin L. & Wanda K. Madison
- Location: 700 Apple Blossom Dr

- APN: 508-030-27
- Parcel Size: 5 acres
- Master Plan: Rural and Suburban Residential
- Regulatory Zone: LDS 92% / GR 8%
- Area Plan: Sun Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 3 – Commissioner Garcia
- Staff: Courtney Weiche, Senior Planner  
Washoe County Community Services Department  
Planning and Building
- Phone: 775.328.3608
- E-mail: cweiche@washoecounty.gov

This item was continued until a future meeting.

## **9. Chair and Board Items**

### **A. Future Agenda Items**

Chair Pierce requested a presentation on the safety of the Council Chambers.

Chair Pierce wanted additional information about reconsidering the vehicle requirements for short-term rentals in Incline Village. Deputy District Attorney Elizabeth Hickman replied the four-person limit was set in Code and had nothing to do with how many people could fit in a vehicle. Secretary Trevor Lloyd added that there had been significant discussion on that particular topic when the Board of County Commissioners drafted the ordinance.

### **B. Requests for Information from Staff**

There were no requests.

## **10. Director's and Legal Counsel's Items**

### **A. Report on Previous Board of Adjustment Items**

There was nothing to report.

### **B. Legal Information and Updates**

There were no updates.

## **11. Public Comment**

There was no response to the request for public comment.

## **12. Adjournment**

The meeting adjourned at 4:03 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on February 6, 2025

  
Trevor Lloyd  
Secretary of the Board of Adjustment