

**ADMINISTRATIVE HEARING EXAMINER MEETING**  
**Minutes of the Wednesday, September 25, 2019 Meeting**  
**Carson City Community Development Conference Room A**  
**108 East Proctor Street, Room A, Carson City, Nevada**

An Administrative Hearing Examiner meeting was scheduled for 1:15 p.m. on Wednesday, September 25, 2019, in the Carson City Community Development Conference Room A, 108 East Proctor Street, Carson City, Nevada.

**PRESENT**

**APPLICANT:** Keith Shaffer – Applicant Representative, *Manhard Consulting, LTD*  
Travis Phillips – Applicant Representative, *Manhard Consulting, LTD*

Thomas Dake – Applicant, *KR-Carson & Appion*  
Mark Johnson – Applicant Representative, *Stanka Consulting, LTD*  
Christopher Moltz – Applicant Representative, *Stanka Consulting, LTD*

**STAFF:** Hope Sullivan, Planning Manager – Administrative Hearing Officer  
Kathe Green, Assistant Planner  
Steven Pottéy, Development Engineer  
Tamar Warren, Deputy Clerk

**NOTE:** A recording of these proceedings and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours. The hearing materials are on file in the Planning Division, and are available for review during regular business hours.

**A. CALL TO ORDER**

Ms. Sullivan called the meeting to order at 1:15 p.m.

**B. MODIFICATION TO THE AGENDA – None**

**C. PUBLIC COMMENT – None**

**D. PUBLIC HEARING: ACTION ITEM**

**D-1 ADM-19-140 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN ADMINISTRATIVE PERMIT APPLICATION TO ALLOW FOR A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 50 PERCENT OF THE SIZE OF THE PRIMARY STRUCTURE ON PROPERTY ZONED SINGLE FAMILY 2 ACRE, LOCATED AT 4000 HOBART ROAD, APN 007-151-19.**

Ms. Sullivan introduced the item, and Ms. Green presented the overview of the Staff Report, which is incorporated into the record. Mr. Shaffer introduced himself and Mr. Phillips and informed Staff that the applicant, John Elverum, was unable to appear. Mr. Shaffer clarified that the development would not be built over or disrupt the waterline referred to in the Staff Report, that the city's requirements were being met, and that the structure would strictly to

store vehicles. Mr. Shaffer responded to clarifying questions from Ms. Sullivan regarding Condition #10 and Condition #11 in the Staff Report as well as the Carson City Fire Department's comment on the driveway turnaround, which Mr. Shaffer ensured would not be incorporated if it would surpass the 150 foot limit. Mr. Shaffer suggested adding this point in as one of the Conditions of Approval so it "doesn't get lost somewhere."

Ms. Sullivan entertained public comment. Bruce Kittess introduced himself and stated that he was opposed to the size and location of the building as "a resident of Lakeview" and "as a member of the Architectural [Control] Committee for the Lakeview property owners." He stated that the building is "obtrusive" for and incompatible with the Lakeview neighborhood.

Gill Yanuck introduced himself as the Chairman of the Architectural Control Committee and indicated that, pursuant to the Covenants, Conditions and Restrictions (CC&Rs), the homeowner is to present a complete set of drawings, which Mr. Yanuck indicated he had not received. Mr. Yanuck also indicated that the structure exceeds 50 percent, which is inconsistent with the other property owners' structures.

Dan O'Donnell introduced himself as a Lakeview homeowner and expressed opposition with the structure, as he was concerned for the property and architectural value and did not understand why the applicant would choose to build a structure of the indicated size in the chosen location.

Phyllis Hanmer introduced herself and expressed that she "would have no difficulty with a detached building in certain areas" based on "where it is and how it fits in with the rest of the neighborhood."

Mr. Kittess referred to the zoning ordinances, 18.02.025 – Jurisdiction, Interpretation and Application, reading "when this title imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings than is required by existing provisions of law, or by private covenant or other restriction, the provisions of this title shall prevail. Private covenants or deed restrictions which impose more restrictive conditions than herein contained are not superseded by this title."

Ms. Sullivan entertained further public comment; however, none was forthcoming. Mr. Shaffer provided the overall size of the structure as 2,184 square feet, the setbacks as the city recorded setbacks for the lot, which he reported as being thirty feet, with the structure placed at thirty-two feet from the property line, and the maximum height as twenty-five feet, three inches. Mr. Shaffer indicated that he was previously not aware that there were CC&Rs on the property" and reassured that "it is our intent to meet the conditions of the CC&Rs" and "contacted our client and the owner to try and provide us with those CC&Rs, and there is no intent to do anything that would be adverse to the community or property."

Mr. Shaffer and Mr. Phillips responded to questions from the public regarding the waterline, to which Ms. Sullivan expressed concern and suggested addressing the following:

1. A plan that shows where the waterline is and the building will be in relation to each other.
2. A visit with the Architectural Control Committee of the Homeowners Association (HOA).

Ms. Sullivan requested continuing this item to allow time for the Architectural Control Committee's input, for Mr. Shaffer and Mr. Phillips to provide a drawing that shows the position of the waterline, and to give the "development engineering folks the chance to understand where the building is, the driveway is ... and the [waterline]."

**ACTION: Ms. Sullivan continued this item with the expectation that the plans reflect what the HOA's Architectural Control Committee signed off on, and have the plans include the physical location of the waterline.**

**D-2 ADM-19-143 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN ADMINISTRATIVE PERMIT APPLICATION TO ALLOW FOR A COFFEE SHOP WITH A DRIVE-THRU WINDOW THAT FACES THE STREET OR FRONTAGE OF THE PROPERTY ZONED GENERAL COMMERCIAL LOCATED AT 211 APPION WAY, APN 009-268-02.**

Ms. Sullivan introduced the item, and Ms. Green presented an overview of the Staff Report, which is incorporated into the record, and responded to Ms. Sullivan's clarifying questions. Mr. Dake introduced himself and expressed concern with how Condition #10 of the Staff Report was written, as Mr. Dake states that he feels that the properties should be contributing to the costs of the S. Carson Street/Appion Way traffic signal and not just properties that are currently under development. Mr. Pottéy clarified that more projects coming forward would affect the percentage of the Mr. Dake's project. Mr. Dake clarified his concern in having to potentially contribute to a \$1.2 million project to realign a different road, Snyder Avenue, which is not referenced in Condition #10, as he was already being tasked to contribute to the cost of the traffic signal. Mr. Moltz and Mr. Johnson introduced themselves. Mr. Johnson pointed out wording in Condition #11 of the Staff Report that he disagreed with, and Ms. Sullivan agreed to reword the Condition to read:

*"Landscape plan must be provided with the improvement plans. Additional landscaping may be needed to screen headlights from Carson Street and traffic adjacent to the east end of the drive-thru. An encroachment permit must be obtained if landscaping must extend into the Carson Street right-of-way."*

Mr. Dake and Mr. Johnson asked clarifying questions regarding Condition #17, which Ms. Sullivan ensured Mr. Pottéy would research for an answer along with the previously discussed questions.

Ms. Sullivan presented an issue with the positioning of the order board in the graphic illustrated in the permit application, incorporated into the record, as the graphic's portrayal conflicted with Condition #9.

Ms. Sullivan entertained public comment. Stacia Twedell introduced herself and asked about the influence the project would have on the traffic study discussed in January and whether the traffic signal would be completely privately funded by property owners. Mr. Pottéy stated that the funding would depend on how many projects came forward to contribute.

Mark Beutner introduced himself and asked about whether construction or heavy equipment would be blocking Cochise Street, as that would hinder access to his property as well as posed a safety hazard. Mr. Dake reassured Mr. Beutner that most utilities would be occurring on-site but did not have knowledge on Charter or AT&T and gave Mr. Beutner his business card to contact him if the project blocked access on Cochise Street.

Mr. Pottéy and Mr. Moltz responded to further clarifying questions from Mr. Beutner and Ms. Twedell.

Mr. Dake asked about the budgeted cost of the estimated \$1.2 million project wished to know when it would go from an estimate to a firm cost. Ms. Sullivan added a clarifying sentence to Condition #10 to read:

*"The pro rata share shall be the proportional share of the pending improvements are installed."*

Mr. Dake inquired about the addition of reimbursement to Condition #10, to which Ms. Sullivan responded with adding an additional sentence to Condition #10 to roughly read:

*"If the applicant's pro rata share at the time of payment exceeds the pro rata share at the time of improvement, the delta shall be returned to the applicant."*

Ms. Sullivan recessed the hearing to allow for a break to decide on whether to approve the item or to continue and reconvened the hearing upon Mr. Dake's decision to continue the hearing.

**ACTION: Ms. Sullivan continued this item until information is retrieved for the Applicant.**

**E. PUBLIC COMMENT – None**

**F. ADJOURNMENT**

Ms. Sullivan adjourned the meeting at 2:41 p.m.

The Minutes of the September 25, 2019 Administrative Hearing Examiner meeting are respectfully submitted on this 17<sup>th</sup> day of October, 2019.

AUBREY ROWLATT, Clerk - Recorder

By:

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Tamar Warren, Deputy Clerk