



Storey County Planning Commission

Meeting Agenda

Thursday, September 1, 2016 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South "B" Street, Virginia City, Nevada

Larry Prater – Chairman

Virgil Bucchianeri – Planning Commissioner

Pamela Smith – Planning Commissioner

John Herrington – Planning Commissioner

Jim Hindle – Vice-Chairman

Kris Thompson – Planning Commissioner

Ron Engelbrecht – Planning Commissioner

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **Call to Order at 6:00 p.m.**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Discussion/Possible Action:** Approval of Agenda for September 1, 2016.
5. **Discussion/Possible Action:** Approval of Minutes for June 16, 2016.
6. **Presentation (Annual SUP Update):** By Comstock Mining, LLC. (Gold Hill/American Flat) Special Use Permit Holder to present its annual compliance review in accordance with the conditions of Special Use Permit No. 2000-222-A-5.
7. **Discussion/Possible Action: Variance 2016-021 by Jason and Pauline Yasmer.** The Applicants are requesting a Variance for a reduced setback to ten feet from the required 30 feet front setback for the placement of a proposed garage on the property located at 21440 Delta Dr., Virginia City Highlands, Storey County, Nevada, APN: 003-014-29.
8. **Discussion/Possible Action: Variance 2016-023 by John and Liz Huntington.** The Applicants are requesting a Variance for a reduced setback to zero feet from the required eight feet side setback and 20 feet rear setback for the placement of a proposed garage on the property located at 166 S E Street, Virginia City, Storey County, Nevada, APN: 001-141-08.
9. **Discussion Only/No Possible Action:** Public workshop to discuss possible updates to Title 17 Storey County Zoning Ordinance and/or other Storey County Codes, as applicable, establishing design standards for certain residential and multi-family residential land uses in Storey County. Public participation is encouraged. Preliminary concept drafts and other correspondence may be obtained from the Planning Department website at www.storeycounty.org/521/Updates, at 775.847.1144, or from planning@storeycounty.org.
10. **Discussion Only/No Possible Action:** Public workshop to discuss possible updates to Title 16 Subdivisions, Title 17 Zoning, and/or other Storey County Codes, as applicable, pertaining to applications, procedures, public hearings, and actions for land subdivisions, tentative and final maps, fees, and other such related matters. Public participation is encouraged. Preliminary concept drafts and other correspondence may be

obtained from the Planning Department website at www.storeycounty.org/521/Updates, at 775.847.1144, or from planning@storeycounty.org.

11. **Discussion/Possible Action:** Determination of next Planning Commission meeting.

12. **Discussion/Possible Action:** Approval of Claims.

13. **Correspondence** (no action)

14. **Public Comment** (no action)

15. **Staff** (no action)

16. **Board Comments** (no action)

17. **Adjournment**

Notes:

Note: Additional information pertaining to any item on this agenda may be requested from the Planning Department (775-847-1144).

- Note: There may be a quorum of Storey County Commissioners in attendance, but no action or discussion will be taken by the Commissioners.
- Note: Public comment will be allowed after each item on the agenda (this comment should be limited to the item on the agenda). Public comment will also be allowed at the end of each meeting (this comment should be limited to matters not on the agenda).

Certification of Posting

I, Lyndi Renaud, on behalf of the Storey County Planning Commission, do hereby certify that I posted, or caused to be posted, a copy of this Agenda at the following locations on or before August 23, 2016: Virginia City Post Office; Storey County Courthouse; Virginia City Fire Station 71; Virginia City RV Park; Mark Twain Community Center; Rainbow Bend Clubhouse; Lockwood Community Center; Lockwood Fire Station; Virginia City Highlands Fire Station; and the Virginia City Highlands mailbox buildings.

By Lyndi Renaud, Secretary



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday, June 16, 2016 6:00 p.m.

Rainbow Bend Clubhouse

500 Ave de la Bleu de Clair in Lockwood, Nevada

MEETING MINUTES

CHAIRMAN: Larry Prater

VICE-CHAIRMAN: Jim Hindle

COMMISSIONERS:

Virgil Bucchianeri, John Herrington, Pamela Smith, Ron Engelbrecht, Kris Thompson

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1. **Call to Order:** The meeting was called to order by the Vice Chairman at 6:02 P.M.
 2. **Roll Call:** Jim Hindle, Virgil Bucchianeri, John Herrington, Kris Thompson, Pamela Smith, and Ron Engelbrecht.
Absent: Larry Prater.

Also Present: Planning Director Austin Osborne, County Commissioner Marshall McBride, and Contract Attorney Bob Morris.

3. **Pledge of Allegiance:** The Chair led those present in the Pledge of Allegiance.
4. **Discussion/Possible Action:** Approval of Agenda for June 16, 2016.

Motion: Approve Agenda for June 16, 2016 **Action:** Approve, **Moved by** Commissioner Smith, **Seconded by** Commissioner Herrington, **Vote:** Motion carried by vote (**summary:** Yes=6).

No public comment.

5. **Discussion Only/No Possible Action (Master Plan Amendments):** Discussion and comments from the commission, staff, and public regarding existing and potential future land uses and development patterns in the county and its communities. Discussion will include a review of draft Master Plan elements including Land Uses; Population; Housing; Transportation; and other elements of the draft master plan. Public participation is encouraged. Copies of the master plan draft may be obtained from the Planning Department website at <http://www.storeycounty.org/521/Updates>, at 775.847.1144, or from planning@storeycounty.org.

Planning Director Osborne: Began by explaining that the master plan has taken seven years to get where it is today and about seven meetings have been held in Lockwood. The master plan is not anybody's master plan; it is everybody's master plan. The master plan is not an ordinance, but a guideline for leaders to follow. It

is a binding document with three parts: narrative text, goals and objectives, and maps. Planning Director Osborne then focused on the goals and objectives specific to the Lockwood-Mustang area.

Goal 1 Maintain a community with a diversity of uses.

Objective 1 To implement zoning, regulations, and practices that diversify uses.

Policy 1 By encouraging commercial and residential uses which are compatible with existing uses and community character and scale.

Policy 2 By promoting and directing commercial activity along Canyon Way, Avenue of the Colors, and within the eastern portions of former Peri Ranch.

Goal 2 Reduce and prevent use compatibility conflicts.

Objective 1 To promote uses and performance measures which mitigate known and potential conflicts between existing and new uses.

Policy 1 By actively engaging county leaders and officials with commercial interests, residents, and local stakeholders in order to assure conformance with local regulations and this master plan.

Policy 2 By supporting proposals for zone changes that lessen or mitigate known conflicts.

Policy 3 By maintaining buffering between residential and non-residential uses.

Policy 4 By applying density transitions and compatible uses between existing residential uses and new uses, including new residential and non-residential uses.

Policy 5 By directing heavy industrial activity away from Lockwood and east toward Mustang Road, south toward the Lockwood Regional Landfill, and west toward Avenue of the Colors and its existing heavy industrial uses and zones.

Policy 6 By encouraging zone changes in transition areas that are consistent with the master plan map.

Objective 2 To prevent and mitigate inconsistent uses on vacant land located across the Truckee River immediately north of Lockwood.

Policy 1 By participating in the public process for master planning, zoning, special uses, variances, or other land use actions involving the subject land.

Policy 2 By requesting to the State Land Use Planning Advisory Council (SLUPAC) review regarding neighboring county master plan inconsistencies involving the subject land.

Policy 3 By collaborating with the subject property owner and neighboring jurisdictions to determine the possibility of annexing the land into Storey County, and any terms that may come with such an annexation.

Policy 4 By following the legislative process for transfer of land from Washoe County to Storey County.

Policy 5 If annexation occurs, applying zoning that is compatible with Lockwood and the adjacent Rainbow Bend community.

Objective 3 To prohibit brothels and adult entertainment uses.

Policy 1 By prohibiting brothels, adult entertainment, and adult material retail in Mustang and Lockwood.

Goal 3 Better integrate the Truckee River into Lockwood and Mustang.

Objective 1 To enhance the river environment for local residents.

Policy 1 By improving access to the Truckee River for local residents.

Policy 2 By improving recreation opportunity along the Truckee River for local residents.

Policy 3 By preserving and enhancing natural river alignment and riparian alignment.

Policy 4 By requiring integration of the river environment into abutting new residential and non-residential uses.

Vice-Chairman Hindle: Invited questions from the audience.

John Potter, Lockwood resident: Expressed concern for water availability. How does Storey County plan to allocate the water for new development?

Planning Director Osborne: Explained that the Water and Natural Resources chapter and the Public Facilities chapter of the master plan both discuss water. The Tahoe Reno Industrial Center (TRI) and Rainbow Bend are serviced by their own water systems with their general improvement districts. The TRI General Improvement District has capacity for much more growth, and their reclaimed water system adds to their conservation efforts. The Lockwood GID has a smaller defined community that it supports. Growth prospects for this general improvement district are limited. Mr. Osborne pointed out that in 2009 Storey County residents voted for ballot questions 1 and 2 which advise the board of county commissioners and the master plan to require that developers prove that they not only have paper water rights but also actual water associated with those water rights. He explained that the ballot question provisions have been integrated throughout the master plan.

Larry Nelson, Lockwood Resident: Explained that the Lockwood residents are at this meeting because they want to know what the plans are for the area.

Frank Lepori, Lepori Construction: Introduced himself as one of the partners of the former Peri Ranch, now the Truckee River Business Park. He reiterated that they don't have plan. He has been talking with the local GID, NV Energy and FEMA to find out just what they can build in the area with existing geographical and other conditions. They want to build something that works for everyone, maybe a gas station, some restaurants, and residential uses, but there is no plan. They just want the right to make a plan.

Rose Austin, Lockwood Resident: Explained that the Lockwood residents do not want apartment complexes. They don't want renters. Another concern is access to the river.

Frank Lepori, Lepori Construction: Explained his desires to see a park along the river and to keep traffic on Mustang Road away from Rainbow Bend and the Lockwood residences. Any plans would be brought before the community.

Robert Curran, Lockwood Resident: Asked what the water source would be and would the sewage plant have to be rebuilt.

Frank Lepori, Frank Lepori Construction: The current capacity of the GID and sewage plant is big enough for both industrial and residential growth. The water and sewage systems are underused, and development would actually help the Lockwood systems run better. But there is no plan. Explained that he's looking into their options and once they decide on a direction to go, they will begin working with Austin Osborne from Planning.

Unknown, Lockwood Resident: How many acres do you have out there?

Frank Lepori, Lepori Construction: A total of 114 acres, maybe 70 of them are buildable.

Phil Hilton, Lockwood Resident: Expressed concerns about the noise level coming from the land owned by Washoe County. It will only get worse with light industrial moving in next door to us. There is already a lot of debris and dust that comes from back there when the wind kicks up.

Denise Fuller-Hilton, Lockwood Resident: Are you considering having local residents acts as advisories?

Frank Lepori, Frank Lepori Construction: We will work with Austin Osborne from Planning. It will be an open, public process.

Nida Mir, Lockwood Resident: The school here needs a lot of improvement. Also this area could benefit from an after school program such as the Boys and Girls Club. And if you are thinking of building a gas station, you could attach it to the Lockwood Market.

Frank Lepori, Lepori Construction: We are all for improving schools. And my wife was a past president of the Boys and Girls Club.

Planning Director Osborne: Explained that the group needed to steer the conversation back to the master plan as it is on the agenda. There is a school component in the Facilities and Land Use chapters. I've been working with the Storey County School District for six years. We know this area needs a high school, but there is not enough population to support that use. However the significant potential growth in Painted Rock could support a high school serving the county's northern communities. The master plan also supports vocational and post-secondary education services in Painted Rock. The school district wants to keep the elementary school in this community, and possibly build a second elementary school in Painted Rock when the time is right.

Back to Frank's property, there will be a public process that this community for any zone change, master plan amendment, or other uses not currently allowed.

Phil Hilton, Lockwood Resident: This property is not going to be a commercial tax-free zone like it is in Patrick is it?

Planning Director Osborne: Tax-free zones and economic development districts are outside of the master plan process.

Larry Austin, Lockwood Resident: Is multi-family use still on the table for this area?

Planning Director Osborne: At the last meeting we held in Lockwood, the master plan maps said that multi-family use was a potential use for the Peri Ranch area. Those maps and master plan text now say industrial, which is consistent with the current zoning of the land. If Frank wanted to do a multi-family project he would have to apply for a master plan amendment if the master plan does not support that use in the area. He would then have to apply for a zone change. For certain residential uses, he would also have to apply for a tentative map or planned unit development. All of these would be heard at the planning commission as part of a public process, and that would be held in this community.

John Potter, Lockwood Resident: Concerned about the water supply for Painted Rock. Will they have to take it from other areas?

Planning Director Osborne: Right now there is not a planned development unit application in for Painted Rock. Per 2009 ballot questions 1 and 2, the owner must prove paper water rights and actual "wet" water at the application stage.

Mitch Andrini, Canyon GID: Explained that any plans to expand would have to go through an engineer and be approved by two different state entities. Right now they can only go to 85% of capacity. Lockwood is in wonderful shape with water. Even with the drought, the wells show no sign of depletion. But he is not aware of any plans of development.

Bob Morris, Storey County Contract Attorney: Advised that the Nevada Open Meeting Law requires us to stick to the agenda item, which is the master plan amendment.

Anonymous, Lockwood Resident: I would like to know who the attorney is.

Bob Morris, Storey County Contract Attorney: Introduced himself as a contracted attorney with Storey County to help on civil matters. He's been helping Austin Osborne with the master plan for the last couple of years.

Dante Perano, Peri Ranch Property Partner: He introduced himself as a partner of the Peri Ranch property and ensured the residents that his team is very community-oriented. They want to do something that is good for both the community and them. He reassured them they don't have a plan in place, but felt that integrating a little industrial, a little commercial, and a little residential in that area would be good for the community.

Nida Mir, Lockwood Resident: Expressed interest in bigger single-family homes being built in the area.

Planning Director Osborne: Explained the size and types of the homes would be developer-driven through the application process.

Douglas Truhill, Lockwood Resident: Explained that he was skeptical of what he was hearing. He doesn't want Storey to go from a rural county to an urban county. Development will bring crime and traffic. We are willing to stand up and we are willing to fight for our community.

Planning Director Osborne: Reminded everyone that there has not been an application submitted and that we are only considering the master plan for the entire county and Lockwood. Frank Lepori is only presenting what he potentially wants to do with the land eventually. He is a land owner like everyone else in the room. There is no application for a particular development on the land submitted at this time.

Vice-Chairman Hindle: Recessed at 7:35; reconvened at 7:45.

Frank Lepori, Lepori Construction: On the map, it only shows industrial for our property. I would like to see it say industrial, commercial and residential.

Unknown: Can residential be labeled different types of residential?

Planning Director Osborne: The text in the master plan says that Lockwood is a mixed-use community. As with most parts of the county, the text says that Lockwood is a completely integrated community with residential and commercial uses that support each other. Frank Lepori could present an application for single-family residential or multi-family residential or other types of residential, and he would have to come before the planning commission and apply for a zone change under the proposal discussed.

John Miller, Lockwood Resident: Wanted to know if it were possible to have an urgent care in Lockwood.

Planning Director Osborne: That is allowed in the zones marked commercial, commercial residential, and industrial.

Frank Lepori, Lepori Construction: Asked when the master plan will be adopted and how many more meetings there will be.

Planning Director Osborne: The adoption date will be prior to August 31st.

Denise Hilton, Lockwood Resident: Stressed that she would like to see a citizens advisory panel put together.

Frank Lepori, Lepori Construction: Said he has no problem working with an advisory board. Explained that he would like to see the zoning residential, commercial, and industrial and not be limited to just one zone until they get the overall plan done.

Unkown, Lockwood Resident: How much usable acreage do you have?

Frank Lepori, Lepori Construction: About 60 to 70 acres.

John Potter, Lockwood Resident: Asked if they are considering condominiums.

Frank Lepori, Lepori Construction: We want to have flexibility and not limit ourselves. I don't know if residential works out there. Whatever plans we come up with, we will share them with your advisory board.

Planning Director Osborne: Reminded everyone that Frank Lepori does not have an application submitted at this time, and that he will have to go through a public process if he applies for a zone change.

John Potter, Lockwood Resident: Stated that once the door is open for multi-residential, it will be very hard to close.

Rose Austin, Lockwood Resident: Stressed that the community is OK with commercial and light industrial, but no residential.

Vice-Chairman Hindle: There's always the opportunity to come back and ask for a zone change. Are there any questions from the board?

Commissioner Herrington: If it's zoned industrial now, I'd like input from this community about what you really want. Mixed-use might be more attractive than light industrial.

Commissioner Smith: Wanted clarification that the area is zoned industrial, not light industrial.

Planning Director Osborne: They could not put heavy industrial or residential there based on the text in the master plan being proposed at this time. They could apply for a master plan amendment in the public process if they chose to apply.

Edna Cudworth, Lockwood Resident: Hopes that the Lockwood Community Corporation is also included in the resident advisory committee. Our community is on the main road to his property.

Planning Director Osborne: Explained that the master plan says that the planning commission meetings and decisions need to be made in the community most affected, and that provision is more effective than an advisory board since Storey is such a small county.

John Miller, Lockwood Resident: Frank Lepori wants industrial, commercial, and residential. That does not mean that an application will be approved. He should have the right to go through the process.

Frank Lepori, Lepori Construction: We want this community involved.

Bob Morris, Storey County Contract Attorney: Reminded the audience that this is the staff recommendation of the master plan. It's going to come in front of the planning commission for a vote. So if you want to make sure it's the way you want it, come to the planning commission meeting where they vote on the master plan. After that it goes to the board of county commissioners where you will have an opportunity to comment as well to make sure it's the way you want. Come to the next two meetings.

Planning Director Osborne: If you can't come to the next meetings, the master plan is posted online. You can submit letters, and emails. They will be forwarded to the planning commission and county commission. You can ask for something to be put into the record and submit it to the planning department.

Jennifer Agnew, Lockwood Resident: Thanked staff and the planning commission for listening to the residents. She encouraged everyone to view the master plan on online.

Planning Director Osborne: Explained that he plans on putting a clean copy of the master plan on the website. He went on to discuss the Lagomarsino Planning Area in the draft master plan. The Lagomarsino Planning Area consists of the petroglyphs, open land between Lockwood and Washoe County, and the Sunny Hill Ranchos 40 acre estates. This is a very important area in the master plan. The plan takes it seriously as that area is going to face great pressure for residential and other development. There is no housing in the Lagomasino Area now – the only exception is the already existing Sunny Hills Ranchos 40 acre estates, which

are currently zoned one house per 40 acres with a special use permit. The draft master plan supports continuing that 40 acre pattern.

Vice-Chairman Hindle: Encouraged everyone to look at the master plan on the website and to send additional comments to the planning commission. Asked for an informal show of hands of preference for the suggested wording of industrial/ commercial/ residential/ and mixed-use. Eight for and Seven against.

Larry Huddleson, Lockwood Resident: Wanted further clarification of what happens when the master plan goes in for editing. Will things be changed?

Planning Director Osborne: The master plan is being edited for grammar, sentence structure, etc., and to make sure it's legal and compliant. Substantive changes will come back to the planning commission for consideration.

6. **Discussion/Possible Action:** Determination of next Planning Commission meeting.

Motion: Next Planning Commission Meeting to be held on Thursday July 7, 2016 at 6:00 p.m. at the Storey County Courthouse in Virginia City, NV **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Smith, **Vote:** Motion carried by vote (**summary:** Yes=6).

7. **Discussion/Possible Action:** Approval of Claims: None

8. **Correspondence (No Action):**

Vice-Chairman Hindle: Read an email from Lockwood resident Faith St. Clair into the record:

Commissioners,

I recently heard the decision to change the master plan to include rental development, possibly in Lockwood. I, and every resident I have spoken with about it, are against any decision made to include Lockwood/Peri Ranch/Mustang in this type of expansion.

The reasons resonate.

- *An increase in crime rate, due to lack of pride of ownership. Transient renters.*
- *Tax increases to home owners to pay for new roads and repairs to existing roads.*
- *Where will the water come from for these units? By tapping into our aquifer and running it dry?*
- *Sewer?*
- *Schools will need to be built to accommodate the influx of transient renters.*
- *Increased traffic at already dangerous freeway on ramps.*
- *It will create gridlock on I-80, since none of this development was ever in any previous master plan. Painted Rock was the designated area for development because it would have a lesser impact on I-80.*

Thank you,

*Faith St. Clair
Lockwood, NV*

9. **Public Comment (No Action):** None.

10. **Staff (No Action):**

Planning Director Osborne: Informed the community about the Fulcrum Sierra Biofuels plant that is being built to the east of Lockwood. It is a waste separation plant.

11. Board Comments (No Action):

Commissioner Smith: Thanked everyone for attending and stressed how important it is to here from the community. The planning staff and planning commission are working very hard for the county.

Vice-Chairman Hindle: Expressed thanks for allowing the meeting to be held at the Rainbow Bend Clubhouse.

12. Adjournment (No Action) - The meeting was adjourned at 8:25 P.M.

Respectfully Submitted, By Lyndi Renaud

**STOREY COUNTY
PLANNING DEPARTMENT**

Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, NV 89440
Phone (775) 847-1144 – Fax (775) 847-0949
planning@storeycounty.org



To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: September 1, 2016 at 6:00 p.m.

Meeting Location: Storey County Courthouse - 26 South B Street, Virginia City, Nevada 89440

Staff Contact: Jason VanHavel, Planner

File: 2016-021

Applicant: Jason and Pauline Yasmer

Property Owner: Jason and Pauline Yasmer

Property Location: 21440 Delta Dr., Virginia City Highlands, Storey County, Nevada
APN: 003-014-29

Figures: Figure 1: Area Map, Figure 2: Subject Parcel Information, Figure 3: Site Photo, Figure 4: Abutting Land Uses Compatibility

Appendix: Appendix 1: Justification of the Proposal Submitted by the Applicant

Guiding Documents: Storey County Code-Sections 17.03.140 Variances; 17.40 E Estate Zone and the Storey County Master Plan

Request: The Applicant requests a Variance for a reduced setback to ten feet from the required 30 feet front setback for the placement of a proposed garage on the property located at 21440 Delta Dr., Virginia City Highlands, Storey County, Nevada, APN: 003-014-29.

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1. BACKGROUND & ANALYSIS

1.1 Site Location and Characteristics. The subject property is located at 21440 Delta Dr., Virginia City Highlands, Storey County, Nevada, APN: 003-014-29. The property is approximately 1.00 acres and is owned by Jason and Pauline Yasmer, the Applicant. The property is located in the Virginia City Highlands on Delta Drive and is approximately 0.3 miles off Cartwright Road (Figure 1: Vicinity Map). The subject property is zoned Estate (E-1-VCH).



Delta Drive has a 50 foot easement which starts at the southern edge of the applicant's property and then extends northward. The entire Delta Drive easement is on the applicant's land.

The subject property is also a bit narrow for a one acre lot. It is only about 120 feet wide. The lot also has about 60 feet of elevation different from the front to the back of the property. The easement for Delta Drive, at the front of the property, is the high end, with the back of the property being about 60 feet lower.

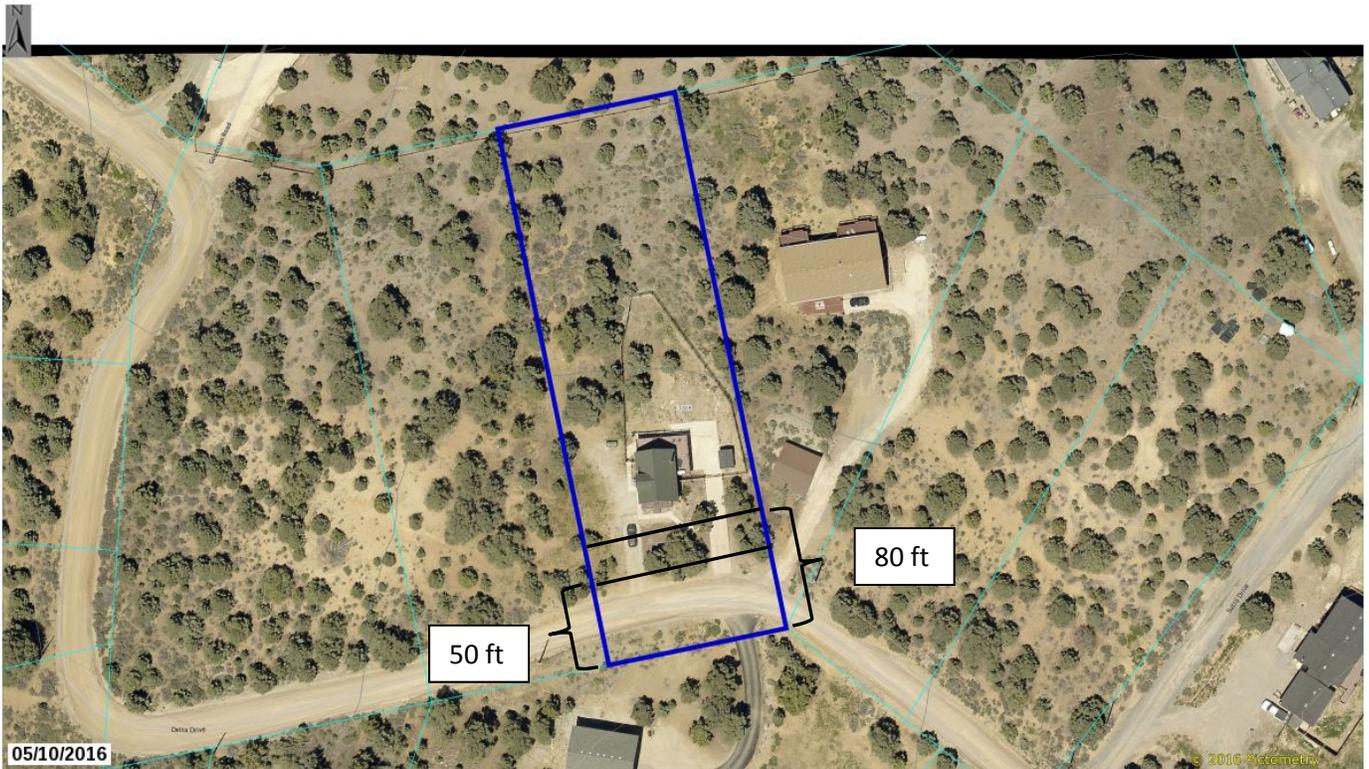


Figure 2: Subject Parcel Information

1.2 Proposed Use

The applicant wishes to install a garage. With the Delta Drive easement, the required setback from the property line is 80 feet (50 ft Delta + 30 ft front setback). The required side setback is 15 feet. This limits the area to 90 feet in width that the garage may be installed.



Figure 3: Site Photo

The sight photo above was taken from Delta Drive. Notice that the property falls off quickly. If the garage were to be built with the normal setback, then the grade of the driveway would be problematic in the winter. Another option would be to bring in fill. The added cost of the fill and needed stabilization would make the effort cost prohibitive.

Another potential problem is the roofline of the house. Notice the roofline in the sight photo above. If the detached garage were next to the house, not only would the side setback become a problem, but the water from the house would be trapped between the two structures. This extra water could damage the foundations of the structures.

It seems that because of the unique geographic features of this lot and the location of the house that the applicant is deprived of the ability to construct a usable, and economical detached garage.

1.3 Application for a Variance

The Applicant has developed tentative plans for the garage and the site plan extends into the required setback by about 10 feet.

1.4 Variances

The SCC 17.03.140 Variances states that a Variance to the provisions of its title may be granted by the Storey County Board of County Commissioners (the Board) with action by the Storey County Planning Commission (the Planning Commission)where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the lot or parcel, the strict application of the regulations

enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of property.

Within section SCC 17.03.140 (F) it states: The Board’s approval, approval with conditions, or denial of a Variance must be based on Findings that indicate that the proposed use is appropriate in the location for which it is approved. The Findings listed in this subsection are the minimum to be cited in an approval; the body may include additional Findings in their decision. The Board and Planning Commission must cite Findings of fact in the motion for approval, approval with conditions, or denial.

At a minimum, an approval must be based on Findings that the proposal:

1. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; and
2. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
3. That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

1.5 Abutting Properties Existing Land Uses and Zoning

The abutting properties in the area are one acre Virginia City Highlands Estate parcels. The subject parcel is one acre and is part of Virginia City Highlands Property Owners Association. The property to the south could be the greatest impacted by this variance. That property owner was onsite during a conversation with the applicant. The property owner to the south seemed accepting of the variance (See Figure 4).

1.6 Comstock Historic District

The subject property is not located within the Comstock Historic District. Therefore, a Certificate of Appropriateness from the Comstock Historic District Commission (CHDC) does not apply.

2. GENERAL COMPLIANCE WITH STOREY COUNTY’S GUIDING DOCUMENTS

2.1 Figure 4: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land abutting the proposed garage. There are no evident conflicts between the proposal and SCC Title 17 Zoning Code or the Master Plan. The proposed use is also consistent with the surrounding estate uses and vacant parcels.

Figure 4: Abutting Land Use Compatibility			
Land	Existing Land Use	Master Plan	Zoning
Applicant's Land	Single Family Residential	Residential	Estate
Land to the north	Single Family Residential	Residential	Estate
Land to the west	Vacant	Residential	Estate
Land to the south	Single Family Residential	Residential	Estate
Land to the east	Single Family Residential	Residential	Estate

3. COMPLIANCE WITH THE STOREY COUNTY CODE

3.1 Storey County Code 17.40 Estate Zone

The E estates zone is established for areas particularly suited for low density residential use, to further enhance the quality of life for residents, to prohibit the development of uses which are incompatible and detrimental to a rural residential environment, and to allow for the keeping of a limited number of large domestic animals for non-commercial purposes.

3.2.1 Accessory Uses. The applicant wishes to construct a garage. This is an accessory use and is allowable in the Estate zone.

3.2.2 SCC 17.40.050 Setback Requirements. The E zoning has a minimum front setback of 30 feet from the property line or roadway easement.

Staff finds the proposal is consistent with Estate zone uses and the subject Variance is not incompatible or detrimental to the surrounding area or environment.

4. COMPLIANCE WITH THE STOREY COUNTY MASTER PLAN

Page 120, section 3.5.3 Goals and Objectives, under Chapter 3 – Land Use, goal number 1 reads to preserve the rural residential character of the Highlands area. Objective 1 is to implement zoning and other regulations in and around the Highlands planning area that conforms to historic use patterns. Approval of this variance will support desired land use and general direction of the Highlands.

The proposed Variance does not seem to conflict with any piece of the 2016 Master Plan and the spirit of the Master Plan supports the intent of the proposed Variance.

5. PUBLIC COMMENT

As of posting date (8/22/16), no public comment had been received by Staff.

6. FINDINGS

The Planning Commission shall cite Findings in a motion for approval, approval with conditions, or denial. The approval, approval with conditions or denial of the requested Variance must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The

Planning Commission may include additional Findings in their decision.

6.1 Motion for Approval

The Findings listed in this subsection are the minimum to be cited in an approval or approval with conditions. The following Findings are evident with regard to the requested Variance when the recommended conditions in Section 7 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; and

6.1.2 That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and

6.1.3 That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property; and

6.1.4 The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations; and

6.1.5 The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.40 Estate Zone when all Conditions of Approval are met; and

6.1.6 The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

6.2 Motion for Denial

Should a motion be made to deny the Variance request, the following Findings with explanation of why should be included in that motion.

6.2.1 That there are no special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance that would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; or

6.2.2 That the granting of the application is not necessary for the preservation and enjoyment of substantial property rights of the applicant; or

6.2.3 That the granting of the application will, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property; or

6.2.4 The proposed Variance is not in substantial compliance with all Federal, Nevada State, and Storey County regulations; or

6.2.5 The proposed Variance is not in substantial compliance with and does not support the goals, objectives and recommendations of the Storey County Master Plan; or

6.2.6 The conditions of approval under the Variance do not adequately mitigate potential

adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses; or

6.2.7 No reasonable level of conditions of approval imposed on this Variance would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

7. RECOMMENDED CONDITIONS OF APPROVAL

All conditions must be met to the satisfaction of each applicable County Department.

- 1. Description.** This Variance is to allow the construction of a garage that can encroach into the setback requirement by up to ten feet.
- 2. Compliance.** The Variance must comply with County Codes, and submitted plans and reports, as approved. The Applicant must provide the Planning and Building Departments site plans drawn to scale prior to obtaining a Building Permit.
- 3. Null and Void.** If the Variance is not exercised within 12 months of the date of approval, unless additional time is granted by the Board with action by the Planning Commission, based upon consideration of the specific circumstances of the project, then without further action, the Variance will be null and void and no non-conforming development activity may be made on the property except on the granting of a new Variance.
- 4. Hold Harmless.** The Variance Holder agrees to hold Storey County, its Officers and Representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Variance.
- 5. Permits and Expiration.** The Applicant shall apply for all Building and Fire permits for the structure within 12 months from the date of Board approval for this Variance, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
- 6. Taxes Paid.** Before obtaining a Building Permit, the Applicant must show the Planning Department evidence that all property taxes on the land are paid to-date.
- 7. Distances.** The reduced front setback for the proposed garage is for a distance down to 20 feet. All other setbacks for the proposed and existing structures must be in compliance with the SCC.
- 8. Building and Fire Requirements.** The Storey County Building Department and Storey County Fire District may require additional requirements; the Applicant shall comply with these requirements. All existing and proposed infrastructure must comply with Building and Fire Codes.
- 9. Easement.** The granting of this Variance will not affect any existing easements on the subject property. No building may be constructed over an easement, ROW within a building setback area not otherwise allowed by this Variance.

8. POWER OF THE BOARD & PLANNING COMMISSION

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the Findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Variance is advisory only to the Board and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

9. PROPOSED MOTIONS

This section contains two options from which to choose. The motion for approval with conditions is recommended by Staff in accordance with the Findings under section 6.1 of this Staff Report. Those Findings should be made part of that motion. A motion to deny the proposed Variance may be made and that motion should cite one or more of the Findings shown in section 6.2. Other Findings determined appropriate by the Planning Commission should be made part of either motion.

9.1 Recommended Motion (motion for approval with conditions)

In accordance with the recommendation by Staff, the Findings under Section 6.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission and in compliance with all Conditions of Approval, I [Planning Commissioner] recommend approval with conditions for Variance Number 2016-021 for a reduced front setback for down to 20 feet from the required 30 feet front setback for the placement of a proposed garage on the property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada (APN: 003-014-29).

Summary: Approval of variance with conditions.

9.2 Alternative Motion (motion for denial)

Not in accordance with the recommendation by staff, but in accordance with the Findings under Section 6.2 of the Staff Report and other Findings deemed appropriate by the Planning Commission, I [Planning Commissioner] recommend denial for Variance Number 2016-021 for a reduced front setback for down to 20 feet from the required 30 feet front setback for the placement of a proposed garage on the property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada (APN: 003-014-29).

Summary: Denial of variance.

Prepared by: Jason VanHavel
Storey County Planner

APPENDIX 1:

Justification of the Proposal Submitted by the Applicant

I am requesting authorization for a front variance of approximately 8' to construct a free standing garage of 24' x 24' on the Southwest corner of my 1 acre lot. This property has no type of garage currently. As seen on the map, my lot has a front easement and setback of 80'. This easement/setback presents a hardship since there is no alternative location on the lot to construct the garage due to steep elevation change on both the East and North sides of the house. Placement of the garage along the West side of the house would make for inadequate snow run off as the 2 roofs would be too close to each other. After careful consideration I have downsized from initial plans for a 30' x 24' structure.

**STOREY COUNTY
PLANNING DEPARTMENT**

Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, NV 89440
Phone (775) 847-1144 – Fax (775) 847-0949
planning@storeycounty.org



To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: September 1, 2016 at 6:00 p.m.

Meeting Location: Storey County Courthouse - 26 South B Street, Virginia City, Nevada 89440

Staff Contact: Jason VanHavel, Planner

File: 2016-023

Applicant: John and Elizabeth Huntington

Property Owner: John and Elizabeth Huntington

Property Location: 166 S E Street, Virginia City, Storey County, Nevada
APN: 001-141-08

Figures: Figure 1: Area Map, Figure 2: Site Photos, Figure 3: Area Map with proposed garage and driveway, Figure 4: Site Photos, Figure 4: Abutting Land Uses Compatibility

Appendix: Appendix 1: Justification of the Proposal Submitted by the Applicant

Guiding Documents: Storey County Code-Sections 17.03.140 Variances; 17.30 CR Commercial Residential Zone and the 2016 Storey County Master Plan

Request: The Applicant requests a Variance for a reduced setback to zero feet from the required eight feet side setback and 20 feet rear setback for the placement of a proposed garage on the property located at 166 S E Street, Virginia City, Storey County, Nevada, APN: 001-141-08.

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1. BACKGROUND & ANALYSIS

1.1 Site Location and Characteristics. The subject property is located at 166 South E Street, Virginia City, Storey County, Nevada, APN: 001-141-08. The property is approximately 0.33 acres and is owned by John and Elizabeth Huntington, the Applicant. The property is located in Virginia City on South E Street, on the east side, and is between the Virginia City Middle School and Hugh Gallagher Elementary School (Figure 1: Vicinity Map). The subject property is zoned CR Commercial Residential.

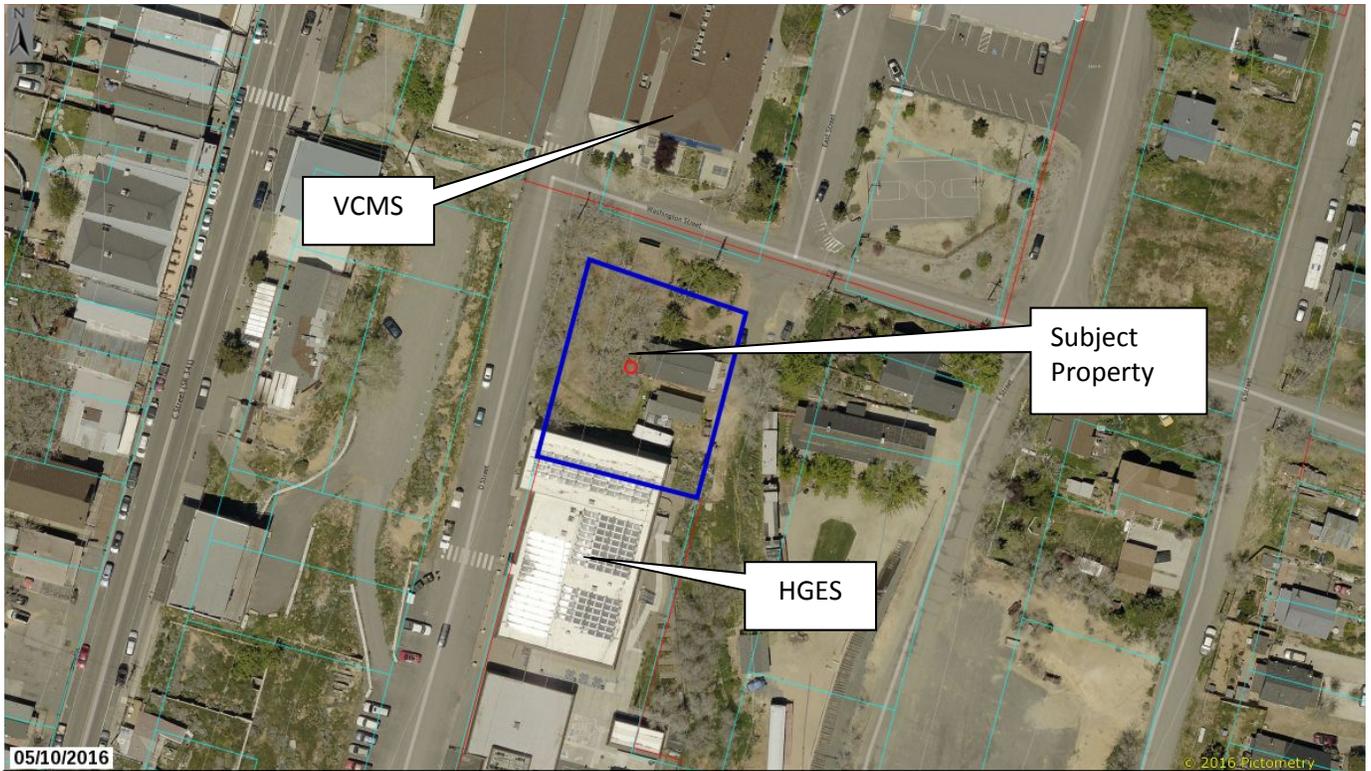


Figure 1: Area Map

The subject property has a 2,128 square foot single family residence with a basement. The property also has a one car garage that faces Washington Street. There is another structure to the south of the main residence that is being developed into an additional unit.

The house, existing garage and additional unit all appear to have about zero setbacks. The front setback for the residence and additional unit should be 20 feet. The side setback for the garage should be eight feet. These structures all predate the current zoning so they are legal nonconforming.

The subject property is adjacent to the downtown CR zone which allows zero setbacks which the schools enjoy. Many other structures in the area also enjoy zero setbacks. These historical zero setbacks exist in the CR and R1 zones.



Figure 2: Site Photos. Top left, looking south from Washington St, just east of D St. Top right, looking east from Washington St. Bottom left, looking north from D St, south west corner of property. Bottom right, looking east from south west property corner.

1.2 Proposed Use

The applicant wishes to install a garage in the south west corner of the property. The drive way will extend north from the proposed garage to connect with Washington Street.

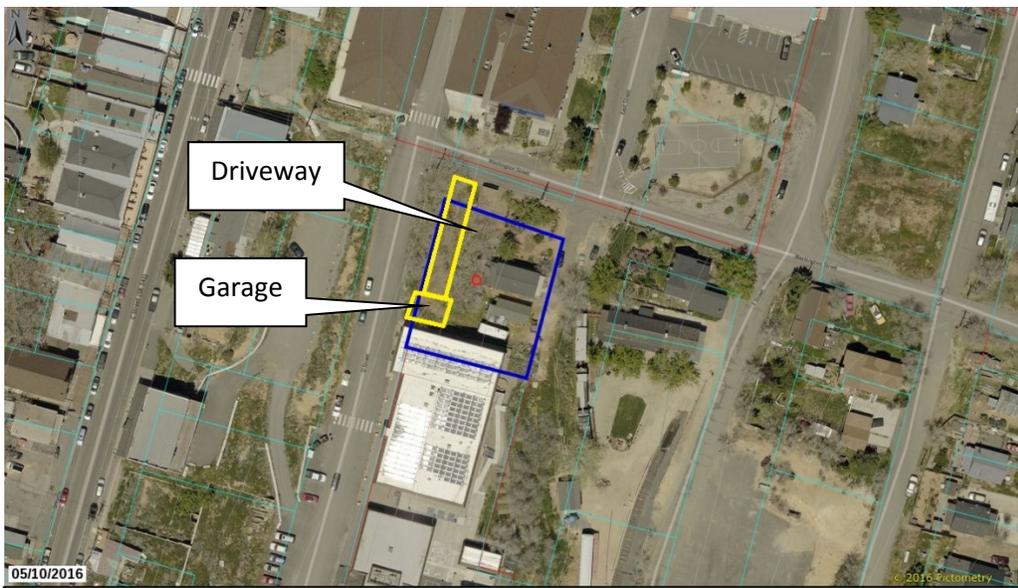


Figure 3: Area Map with proposed garage and driveway



Figure 4: Site Photos. Top left, looking west from Washington St, just by E St. Top right, looking south from Washington St and E St. Bottom left, looking East from E St. Bottom right, looking west from south east property corner.

The proposed garage will be about 35 feet deep (north to south) and 30 feet wide (east to west). To the south of the proposed garage is the HGES. There is a sidewalk on the north edge of the school which the applicant believes is partly on their property. There is a steep down grade next to the sidewalk with no railing. The ground under the sidewalk also is being eroded away because of the steep grade. As seen in figure 2 above, the sidewalk is currently closed. The applicant wishes to help the school and make the sidewalk usable.

The applicant wishes to build the garage a foot or two to the north of the sidewalk and provide slope stability and safety to the sidewalk. Staff has not contacted the school to verify the reason for the sidewalk closure, however the applicant assumes these upgrades will assist the school.

To the west of the proposed garage, there is D Street. Currently off the edge of D Street, there is a steep grade. The applicants know of at least two vehicles that have gone over the edge while trying to park along D Street. According to the applicant, the proposed garage and driveway will provide more area for safe parking along D Street. This should be an improvement to the parking situation.

It seems that because of the unique geographic features of this lot and the location of the property that the applicant is deprived of the ability to fully utilize the property. Strict

application of the zoning only slightly excludes this property from the downtown Virginia City area which allows for zero setbacks.

1.3 Application for a Variance

The Applicant is working with Collins Construction. Together and based on the outcome of this variance application, they will finalize the plans for the garage and driveway. This application is based on tentative plans.

1.4 Variances

The SCC 17.03.140 Variances states that a Variance to the provisions of its title may be granted by the Storey County Board of County Commissioners (the Board) with action by the Storey County Planning Commission (the Planning Commission)where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the lot or parcel, the strict application of the regulations enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of property.

Within section SCC 17.03.140 (F) it states: The Board’s approval, approval with conditions, or denial of a Variance must be based on Findings that indicate that the proposed use is appropriate in the location for which it is approved. The Findings listed in this subsection are the minimum to be cited in an approval; the body may include additional Findings in their decision. The Board and Planning Commission must cite Findings of fact in the motion for approval, approval with conditions, or denial.

At a minimum, an approval must be based on Findings that the proposal:

1. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; and
2. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
3. That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

1.5 Abutting Properties Existing Land Uses and Zoning

The abutting properties in the area are a mixture of land uses. The subject parcel is one third acre CR zoned, not in the downtown zone, and is a single family residential use. The property to the south is Hugh Gallagher Elementary School, and Public zoning. The property to the north is the Virginia City Middle School, and Public zoning. The two schools will probably be the greatest impacted by this variance. As mentioned above, approval of this variance could improve the sidewalk and parking situations (See Figure 5).

1.6 Comstock Historic District

The subject property is located within the Comstock Historic District. Therefore, a Certificate of Appropriateness from the Comstock Historic District Commission (CHDC) is required.

2. GENERAL COMPLIANCE WITH STOREY COUNTY’S GUIDING DOCUMENTS

2.1 Figure 5: Land Use Compatibility

The following table shows land uses, Storey County Master Plan (Master Plan) designations and zoning for the land abutting the proposed garage. There are no evident conflicts between the proposal and SCC Title 17 Zoning Code or the Master Plan. The proposed use is also consistent with the surrounding uses and vacant parcels.

Figure 5: Abutting Land Use Compatibility			
Land	Existing Land Use	Master Plan	Zoning
Applicant's Land	Single Family Residential	Residential or Commercial	CR
Land to the north	Middle School	School	Public
Land to the west	Retail Commercial	Commercial	CR
Land to the south	Elementary School	School	Public
Land to the east	Single Family Residential	Residential or Commercial	CR

3. COMPLIANCE WITH THE STOREY COUNTY CODE

3.1 Storey County Code 17.30 CR Commercial Residential Zone

The commercial-residential zone is intended to serve as a community focal point and provide for a center of mixed uses including single-family and multi-family residences which are integrated with commercial businesses, culture and entertainment amenities, and uses related to tourism. It is also intended to become a transportation center in the form of a destination for vehicular, public transit, and rail traffic supporting all allowable uses. In general, the zone provides for centers and uses of regional importance and provides an integrated and attractive environment for visitors and residents. It is intended to be an area of high intensity uses in which a full range of public facilities (including water, sewer, schools, law enforcement, fire protection, etc.) will generally be focused in accordance with the county master plan and connected to the immediate surrounding residential uses.

3.2.1 Accessory Uses. The applicant wishes to construct a garage. This is an accessory use and is allowable in the CR zone.

3.2.2 SCC 17.40.050 Setback Requirements. The CR zoning has a minimum side setback of eight feet and a rear setback of 20 feet from the property line or roadway easement.

Staff finds the proposal is consistent with CR zone uses and the subject Variance is not incompatible or detrimental to the surrounding area or environment.

4. COMPLIANCE WITH THE STOREY COUNTY MASTER PLAN

Page 115, section 3.5.2 Goals and Objectives, under Chapter 3 – Land Use, goal number 1 reads to maintain historic use patterns on the Comstock. Objective 1 is to implement zoning, regulations, and practices and to maintain conformance with historic use patterns. Approval of this variance will support desired historic land use and frequent zero setback standards.

The proposed Variance does not seem to conflict with any piece of the 2016 Master Plan and the spirit of the Master Plan supports the intent of the proposed Variance.

5. PUBLIC COMMENT

As of posting date (8/22/16), no public comment had been received by Staff.

6. FINDINGS

The Planning Commission shall cite Findings in a motion for approval, approval with conditions, or denial. The approval, approval with conditions or denial of the requested Variance must be based on Findings. The Findings listed in the following subsections are the minimum to be cited. The Planning Commission may include additional Findings in their decision.

6.1 Motion for Approval

The Findings listed in this subsection are the minimum to be cited in an approval or approval with conditions. The following Findings are evident with regard to the requested Variance when the recommended conditions in Section 7 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; and

6.1.2 That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and

6.1.3 That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property; and

6.1.4 The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations; and

6.1.5 The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.30 CR Commercial Residential Zone when all Conditions of Approval are met; and

6.1.6 The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

6.2 Motion for Denial

Should a motion be made to deny the Variance request, the following Findings with explanation of why should be included in that motion.

6.2.1 That there are no special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance that would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification; or

6.2.2 That the granting of the application is not necessary for the preservation and enjoyment of substantial property rights of the applicant; or

6.2.3 That the granting of the application will, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property; or

6.2.4 The proposed Variance is not in substantial compliance with all Federal, Nevada State, and Storey County regulations; or

6.2.5 The proposed Variance is not in substantial compliance with and does not support the goals, objectives and recommendations of the Storey County Master Plan; or

6.2.6 The conditions of approval under the Variance do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses; or

6.2.7 No reasonable level of conditions of approval imposed on this Variance would be sufficient to reasonably mitigate visual, safety or other potential impacts on adjacent and surrounding residences and land uses.

7. RECOMMENDED CONDITIONS OF APPROVAL

All conditions must be met to the satisfaction of each applicable County Department.

1. Description. This Variance is to allow the construction of a garage and driveway that can encroach into the side (south) setback and the rear (west) setback requirement resulting in zero setbacks in those directions.

2. Compliance. The Variance must comply with County Codes, and submitted plans and reports, as approved. The Applicant must provide the Planning and Building Departments site plans drawn to scale prior to obtaining a Building Permit.

3. Null and Void. If the Variance is not exercised within 12 months of the date of approval, unless additional time is granted by the Board with action by the Planning Commission, based upon consideration of the specific circumstances of the project, then without further action, the Variance will be null and void and no non-conforming development activity may be made on the property except on the granting of a new Variance.

4. Fence/Guardrail. The variance holder will construct a fence or guardrail along the west side of the property to help prevent any cars and people from falling down into the applicant's

driveway.

- 5. Comstock Historic District Commission.** The Variance Holder must obtain a Certificate of Appropriateness from the Comstock Historic District and submit the Certificate to the Building Department prior to obtaining the associated Building Permit.
- 6. Hold Harmless.** The Variance Holder agrees to hold Storey County, its Officers and Representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Variance.
- 7. Permits and Expiration.** The Applicant shall apply for all Building and Fire permits for the structure within 12 months from the date of Board approval for this Variance, and continuously maintain the validity of those permits, as appropriate, or this approval will become null and void.
- 8. Taxes Paid.** Before obtaining a Building Permit, the Applicant must show the Planning Department evidence that all property taxes on the land are paid to-date.
- 9. Distances.** The reduced side (south) and rear setback for the proposed garage and driveway is for a distance down to zero feet. All other setbacks for the proposed and existing structures must be in compliance with the SCC.
- 10. Building and Fire Requirements.** The Storey County Building Department and Storey County Fire District may require additional requirements; the Applicant shall comply with these requirements. All existing and proposed infrastructure must comply with Building and Fire Codes.
- 11. Easement.** The granting of this Variance will not affect any existing easements on the subject property. No building may be constructed over an easement, ROW within a building setback area not otherwise allowed by this Variance.

8. POWER OF THE BOARD & PLANNING COMMISSION

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the Findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Variance is advisory only to the Board and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

9. PROPOSED MOTIONS

This section contains two options from which to choose. The motion for approval with the conditions is recommended by Staff in accordance with the Findings under section 6.1 of this Staff Report. Those Findings should be made part of that motion. A motion to deny the proposed Variance may be made and that motion should cite one or more of the Findings shown in section 6.2. Other Findings determined appropriate by the Planning Commission should be made part of either motion.

9.1 Recommended Motion (motion for approval)

In accordance with the recommendation by Staff, the Findings under Section 6.1 of the Staff Report and other Findings deemed appropriate by the Planning Commission and in compliance with all Conditions of Approval, I [Planning Commissioner] recommend approval with conditions for Variance Number 2016-023 for a reduced setback to zero feet from the required eight feet side setback and 20 feet rear setback for the placement of a proposed garage on the property located at 166 S E Street, Virginia City, Storey County, Nevada, APN: 001-141-08.

Summary: Approval of variance with conditions.

9.2 Alternative Motion (motion for denial)

Not in accordance with the recommendation by staff, but in accordance with the Findings under Section 6.2 of the Staff Report and other Findings deemed appropriate by the Planning Commission, I [Planning Commissioner] recommend denial for Variance Number 2016-023 for a reduced setback to zero feet from the required eight feet side setback and 20 feet rear setback for the placement of a proposed garage on the property located at 166 S E Street, Virginia City, Storey County, Nevada, APN: 001-141-08.

Summary: Denial of variance.

Prepared by: Jason VanHavel
Storey County Planner

APPENDIX 1:

Justification of the Proposal Submitted by the Applicant

Detail Description/Justification of Project

Attached additional pages as necessary

Need to be on property line to fit the Building on the lot. It will also help parking for the school as two cars have already slid at the Road down the hill onto their Property. we will back fill the roadside making a couple of safe parking areas pluss backfill behind the building helping the side walk not to Fall along side the school.

N-S E-W

35 x 30, generally in SW corner of lot

Driveway off Washington

Zero setback west edge

One foot Setback south edge, not remove any sidewalk