



# Storey County Planning Commission

## Meeting Agenda

Thursday, October 6, 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*

*Laura Kekule – Planning Commissioner*

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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 October 6, 2016
5. **Discussion/Possible Action:** Approval of Minutes for June 2, 2016 due to continuance at August 4, 2016 meeting (lack of quorum to approve at meeting where initially agendized).
6. **Discussion/Possible Action:** Approval of Minutes for August 4, 2016.
7. **Town Hall Meeting Regarding USGS Water Study - Discussion/No Possible Action:**  
Presentation by the United States Geological Survey (USGS) on preliminary findings from monitoring of the quantity and quality of underground water in the Mark Twain Estates and the Highlands, Storey County. County staff has and will continue to collaborate with the USGS and other federal, state, and/or local agencies, as well as residents and stakeholders of Mark Twain and the Highlands to develop recommendations based on findings, and to prepare to report findings and recommendations to the board and planning commission upon conclusion of the study. The meeting will occur at the Storey County Courthouse, District Courtroom, 26 South "B" Street, Virginia City, Nevada. Public questions and comments are encouraged. The Planning Department may be reached at 775.847.1144 or [planning@storeycounty.org](mailto:planning@storeycounty.org) with questions.
8. **Discussion/Possible Action: Variance 2016-021 by Jason and Pauline Yasmer.** The applicants request a variance allowing the required 60 foot front setback (or 50 percent of the lot's depth) distance between an accessory building and the property easement line to be reduced to 10 feet for the placement of an accessory garage on the subject property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada, APN: 003-014-29.
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](http://www.storeycounty.org/521/Updates), at 775.847.1144, or from [planning@storeycounty.org](mailto: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](http://www.storeycounty.org/521/Updates), at 775.847.1144, or from [planning@storeycounty.org](mailto: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 September 27, 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 Staff Report

**CASE NO.:** 2016-021

**APPLICANTS:** Jason and Pauline Yasmer

**PROPERTY OWNERS:** Jason and Pauline Yasmer

**PROPERTY DESCRIPTION:** 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada APN 003-014-29

**REQUEST:** The applicant requests a variance allowing the required 60 foot front setback (or 50 percent of the lot's depth) distance between an accessory building and the property easement line to be reduced to 10 feet for the placement of an accessory garage on the subject property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada, APN 003-014-29.

**MEETING LOCATION:** Storey County Courthouse  
26 South "B" Street, Virginia City, Nevada

**MEETING TIME & DATE:** 6:00 pm, Thursday, October 6, 2016

**STAFF CONTACT:** Austin Osborne, Planning Director

## **I. BACKGROUND & ANALYSIS**

### **1.1 Site characteristics**

The subject property is located in the E-1-VCH zone. This zoning designation exists only in the Virginia City Highlands one-acre parcels. The property is located at 21440 Delta Drive approximately 0.3 miles southwest from Cartwright Road. The parcel is approximately one acre and includes an existing single-family residential dwelling owned by the applicants. The two-story dwelling has an approximately 1,500 square-foot base footprint and is situated toward the front southwest corner of the parcel facing parallel to Delta Drive. Two driveways for vehicular access exist on the property, the principal driveway located to the west side of the residence and a secondary driveway located on its east side. Both driveways approach from the front of the property and terminate alongside the residence at a point of 40 feet or less. The remaining property is vacant except for several small accessory storage structures located to the immediate east of the principal residence. The undeveloped areas of the property are of steep topography that decline from Delta Drive in a northerly direction. It appears that substantial grading, filling, and other construction would be required in order to build on much of the remaining property.

Local street access (Delta Drive) is facilitated within a 50-foot-wide easement that encroaches into the subject property. This is a typical situation for properties throughout the Virginia City Highlands. For parcels having this encroaching easement, the required front building setback distance is from the easement line, not the front property line. This setback requirement was ratified as part of the 2012 Storey County Zoning Ordinance update in order to prevent structures from being built near or on access roads. Figures 1 - 3 illustrate this easement configuration and how it potentially affects existing and proposed uses on the property. The principal residence despite being constructed prior to 2012 appears to meet current setback distance requirements.

### **1.2 Proposed use**

The applicant proposes to construct a detached accessory two-car garage over an existing unpaved driveway adjacent to the southwest corner of the principal residence. The structure as proposed will encroach approximately 50 feet into the required front setback area for accessory structures, which is approximately 20 feet into the required front setback area for principal structures. This will cause the remaining distance between the new garage and the Delta Drive easement to be approximately 10 feet, and the distance between the structure and the actual roadway to be approximately 15 feet. It should be noted that a typical single-family residential zone front setback distance is a minimum of 20 feet. Accordingly, staff recommends that the garage not be permitted to have vehicle access openings facing Delta Drive.

### **1.3 Abutting uses**

The west and north abutting parcels are vacant. Single-family residences and their detached accessory multi-car garages exist on the east and south abutting parcels. The abutting residences and detached garages are relatively similar to that proposed by the applicant. Overhead electrical utility lines run along the south shoulder of Delta Drive. Their proximity to the propped garage, however, will exceed 30 feet and do not appear to conflict with the proposed structure. There are

no other known above or below ground utilities existing in the immediate area. Delta Drive, like most local access roads in the area, is unpaved; therefore, special improvements to prevent mud-tracking from the driveway to Delta Drive do not appear to be necessary.

#### **1.4 Safety**

The International Residential Building Code (2012) requires one-hour fire resistive construction for structure walls located less than 3 feet of a property line or other building. The proposed structure may be located closer than 10 feet, but does not appear to be located less than 3 feet, to the existing principal residence on the subject property. The Storey County Building Department and Fire Protection District may require fire resistive construction if the garage is built in close proximity to the existing residence. The code will require application of Class A roofing materials such as asphalt composition shingles.

#### **1.5 Area impacts**

The proposed use appears to impose minimal impacts on the surrounding uses. The building appears to have no adverse visual impact on the area, including for vehicles and pedestrians on Delta Drive, and it will not obstruct the viewshed of any abutting use. Despite the 50 foot encroachment into the required front setback area for accessory structures, the garage will remain 15 feet or more from the actual Delta Drive roadway. As such, all vehicle access openings should be situated to the east or west respectively into the front and side yard of the principal residence and not to the south into Delta Drive.

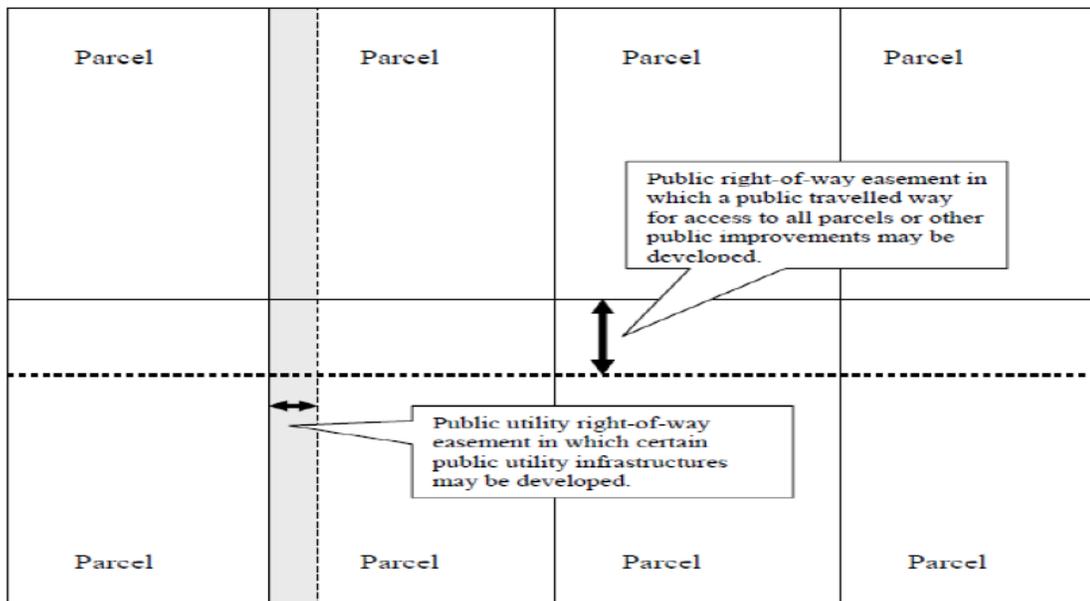
The garage may include outdoor lighting typical to non-commercial single-family residences in the area. Outdoor lighting must comply with SCC Chapter 8.02 Dark Skies in order to prevent light trespass adjacent properties.

Lastly, the driveway to the garage and its immediate surroundings should be graded such as to mitigate any increase in stormwater caused by the development. Increased stormwater should be detained on-site, directed toward existing drainages along Delta Drive, or otherwise directed away from abutting private properties not owned by the applicant.

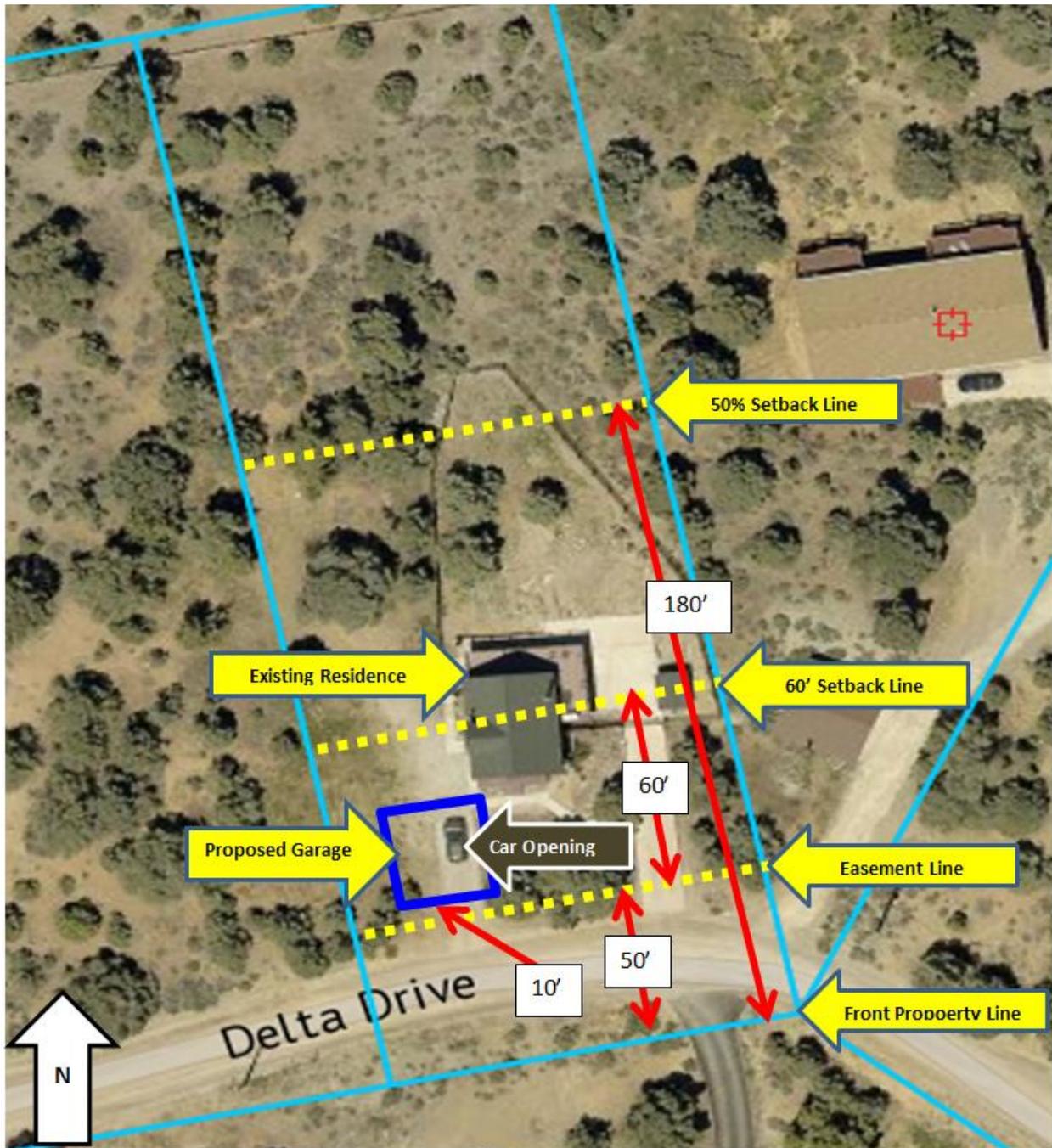
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**Figure 1: Vicinity Illustration.** General vicinity and illustration of Delta Drive easement boundary.



**Figure 2: Excerpt from SCC 17.12.090 Access and Right-of-Ways.** The illustration is described in the code as follow: “Only the lower parcels include easemetns for public right-of-way development. Required building setbacks must be from that easement line in accordance with Section 17.40.050.”



**Figure 3: Existing and Proposed Conditions.** The required front setback between the accessory garage is 60' from the Delta Drive easement boundary or 50 percent of the lot's depth, whichever is less. Setback distances for accessory structures are different than for the principal structure such as the primary residence. The primary residence may be located up to 30' of the Delta Drive Easement boundary.

## II. USE COMPATIBILITY AND COMPLIANCE

### 2.1 Compatibility with surrounding uses and zones

The following table shows uses, zoning classifications, and master plan designations for the land at and surrounding the proposal. There are no evident conflicts between the proposal and SCC Title 17 Zoning or the county master plan. The proposed use is also consistent with the surrounding single-family residential uses.

AREA DESCRIPTION			
	LAND USE	MASTER PLAN DESIGNATION	ZONING
APPLICANT'S LAND	Single-family residence	Estate Residential with one-acre minimum.	Estate 1-acre (E-1-VCH)
LAND TO NORTH	Vacant	Estate Residential with one-acre minimum.	Estate 1-acre (E-1-VCH)
LAND TO SOUTH	Single-family residence with detached garage toward Delta Dr.	Estate Residential with one-acre minimum.	Estate 1-acre (E-1-VCH)
LAND TO EAST	Single-family residence with detached garage toward Delta Dr.	Estate Residential with one-acre minimum.	Estate 1-acre (E-1-VCH)
LAND TO WEST	Vacant	Estate Residential with one-acre minimum.	Estate 1-acre (E-1-VCH)

### 2.2 Compatibility with required setback regulations

Required setback distances for principal structures (i.e., the existing residential dwelling) in the E-1-VCH Zone (Virginia City Highlands) are established in SCC 17.40.050. The required setback distances are 30 feet front, 15 feet side, and 40 feet rear. However, the required front setback distance for accessory structures in the E-1-VCH Zone (established in SCC 17.12.045) is 60 feet or 50 percent of the depth of the lot, whichever is less, to the property line. For parcels similar to that of the applicants that have an encroaching front access easement, the setback distance is from this easement line, not the front property line. Figures 1-3 illustrate this condition.

Under the proposed setback variance, there will remain approximately 10 feet distance between the garage and the Delta Drive easement boundary. Note that there will remain approximately 15 feet of actual distance between the garage and the Delta Drive roadway. The proposed garage appears to conform to the required side and rear setback distances.

### 2.3 Compatibility with distances between buildings

The Storey County Code requires a minimum 6 feet separation between the principal and accessory buildings. The draft plot plans provided in the application (see Exhibit B) shows approximately 10 feet separation between the existing and proposed structures.

## **2.4 General variance allowances and restrictions**

A variance to the required building setback distances may be granted by the board with action by the planning commission as allowed by SCC 17.03.140 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 the extraordinary and exceptional situation or condition of the lot or parcel, the strict application of the regulations enacted under the regulations would result in peculiar and exceptional practical difficulty to, or exceptional and undue hardship upon the owner of the property. The approval, approval with conditions, or denial of the variance request must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum findings to be cited in a motion for approval.

1. Because of the 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. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
3. 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 improvements in the neighborhood of the subject property.

These findings appear to apply to the situation that necessitates the proposed variance and the recommended motion for approval cites these findings as part of that motion.

## **2.5 Conformance with the 2016 Storey County Master Plan**

The 2016 Storey County Master Plan designates the Virginia City Highlands as a Rural Residential community with parcels no less than one-acre. Section 3.5.3 Goals and Objectives for land uses in the Highlands (p. 120) states in Goal 1 that land use decisions, including the implementation of zoning and regulations in and around the Highlands area must preserve the rural residential character and conform to historic use patterns in the Highlands area. The proposed garage variance does not appear to conflict with this provision of the master plan.

## **III. USE COMPATIBILITY AND COMPLIANCE**

The Storey County Planning Department and to its knowledge all other departments and offices of Storey County has received no public comment as of 09/23/16. Planning staff was approached by the south abutting neighbor during a site visit. The neighbor expressed satisfaction with the proposed variance allowing the reduced front setback for the garage. Additionally, a hearing of this variance request occurred at the 08/01/16 regularly scheduled hearing of the Storey County Planning Commission. The meeting was attended by the south abutting neighbor, but no public comment from them was made at the meeting.

## **IV. PLANNING COMMISSION AND BOARD ACTION**

The Storey County Planning Commission heard and took action approving the variance subject to this report at its regularly scheduled meeting on 08/01/16. The motion of approval was scheduled to be heard on 09/20/16 by the Storey County Board of County Commissioners. However, at the board meeting the applicant expressed to staff a possible discrepancy between planning commission action and the staff report and agenda language to the board. Staff with agreement of the applicant requested the board to continue the item until the matter at-hand could be resolved. During further investigation staff also found that the required front setback to the Delta Drive easement boundary, not the front property line, applies to this case because the variance is for an accessory structure. Despite the circumstances causing no changes to the use as initially proposed by the applicant, staff finds it appropriate to allow the planning commission opportunity to review all of the facts and take corrective action before the application proceeds to the board.

## **V. FINDINGS OF FACT**

### **5.1 Motion for approval**

The following findings of fact are evident with regard to the requested variance when the recommended conditions of approval in Section VI Recommended Conditions of Approval, are applied.

1. The variance complies with all federal, state, and county regulations.
2. The variance will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area.
3. The conditions of the variance adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.
4. The conditions under this variance do not conflict with the minimum requirements in Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions; and 17.40 E-1-VCH Zone, or any other federal, state, or county regulations, including building and fire codes.
5. Because of the 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.
6. Granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
7. 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 improvements in the neighborhood of the subject property.

**5.2 Motion for denial.** Should a motion be made to deny the variance request, the following findings with explanation why should be included in that motion.

1. Substantial evidence shows that the variance may conflict with the purpose, intent, and other specific requirement of Storey County Code Sections 17.03 Administrative Provisions, 17.12 General Provisions; and 17.40 E-1-VCH Zone, or any other federal, state, or county regulations, including building and fire codes.
2. The conditions under the variance do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding uses.

## **VI. RECOMMENDED CONDITIONS OF APPROVAL**

All conditions must be met to the satisfaction of each applicable county department, unless otherwise stated.

### **1. Purpose**

This variance is granted for the purpose of allowing the required 60 foot front setback distance between a building and the property easement line to be reduce to 10 feet for the placement of a detached accessory garage on property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada APN 003-014-29. The placement and location of the subject garage must conform approximately to the illustration attached hereto as Exhibit A. The variance does not modify the existing required side (east and west) or rear (north) setback distances, or the required distance between the principal structure and accessory structure on the property.

### **2. Compliance**

The variance must comply with federal, state, and county codes and regulations and the submitted plans and reports, as approved. The applicant must provide the Building division site plans drawn to scale prior to obtaining a building permit.

### **3. Permits and expiration**

The holder of the variance must apply for all building and fire permits for the structure subject to this variance within 24 months from the date of board (Board of Storey County Commissioners) approval, and continuously maintain the validity of those permits, as appropriate, or this variance approval will become null and void.

### **4. Garage opening configuration**

Due to the reduced setback distance to Delta Drive, the garage shall not have vehicle access openings on the south side facing Delta Drive. The structure shall be situated such that vehicles must enter from the west, east, or north facing sides only. The south exterior wall may have human access doors (“man-doors”) and windows as desired.

**5. Property Owners Association Approval**

The holder of the variance must obtain a Certificate of Architectural Appropriateness, or equivalent approval, from the Virginia City Highlands Property Owners Association and submit a copy of the certificate to the Building division prior to obtaining a building permit for the structure subject to this variance.

**6. Record of survey**

The holder of the variance must submit with the building permit application to the Building division a Record of Survey or valid evidence from a licensed surveyor illustrating the correct location of the west and south property lines of the subject property. The evidence must also show existing parcel boundaries, easements, and right-of-ways. No building may be constructed over an easement or right-of-way other than that expressly allowed by this variance.

**7. Existing easements and right-of-ways**

The granting of this variance will not affect any existing easements or right-of-ways on the subject property.

**8. Taxes paid**

Before obtaining a building permit, the holder of the variance must show the Building division valid evidence that all property taxes on the land are paid to-date.

**9. Stormwater management**

The holder of the variance must grade the driveway and area around the garage such as to mitigate any increase in stormwater caused by the development. Increased stormwater must be detained on-site, directed toward existing drainage ways along Delta Drive, or otherwise directed away from abutting private properties not owned by the variance holder.

**10. Indemnification**

The holder of the variance agrees to hold Storey County, its officers and representatives harmless from the cost 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.

**VII. 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 of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

## **VIII. PROPOSED MOTIONS**

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the findings under section 5.1 of this report. Those findings should be made part of that motion. A motion for denial may be made and that motion should cite one or more of the findings shown in section 5.2. Other findings of fact determined appropriate by the planning commission should be made part of either motion.

### **A. Recommended motion**

In accordance with the recommendation by staff, the findings of fact under Section 5.1 of this report, and other findings deemed appropriate by the planning commission, and in compliance with the conditions of approval, I [planning commissioner] recommend approval with conditions Variance No. 2016-021 allowing the required 60 foot front setback (or 50 percent of the lot's depth) distance between an accessory building and the property easement line to be reduced to 10 feet for the placement of an accessory garage on the subject property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada, APN 003-014-29.

### **B. Alternative motion**

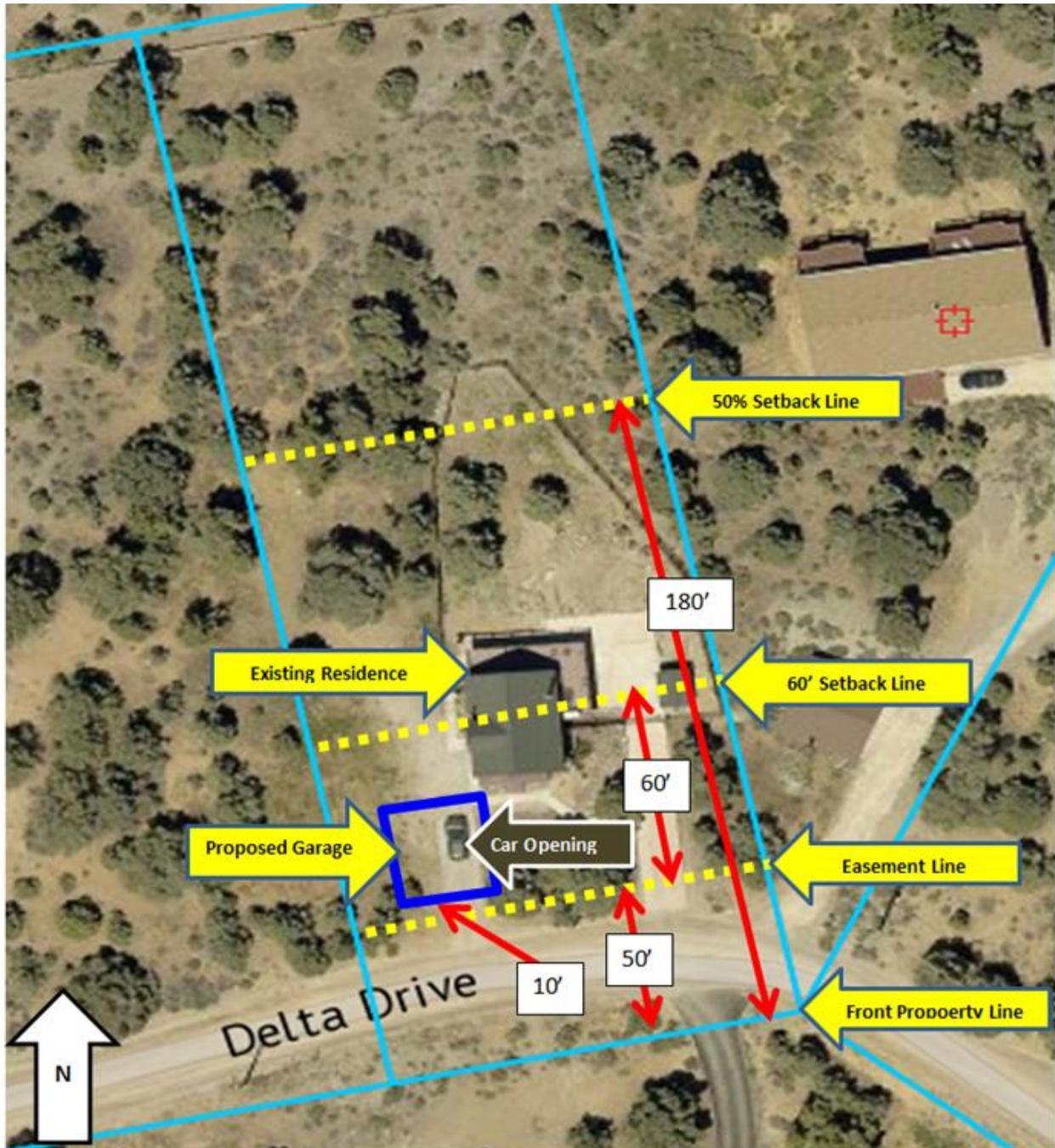
Against the recommendation by staff, but in accordance with the findings of fact under Section 5.2 of this report, and other findings deemed appropriate by the planning commission, I [planning commissioner] recommend denial of Variance No. 2016-021 to allow the required 60 foot front setback (or 50 percent of the lot's depth) distance between an accessory building and the property easement line to be reduced to 10 feet for the placement of an accessory garage on the subject property located at 21440 Delta Drive, Virginia City Highlands, Storey County, Nevada, APN 003-014-29.

Prepared by Austin Osborne, Planning Director

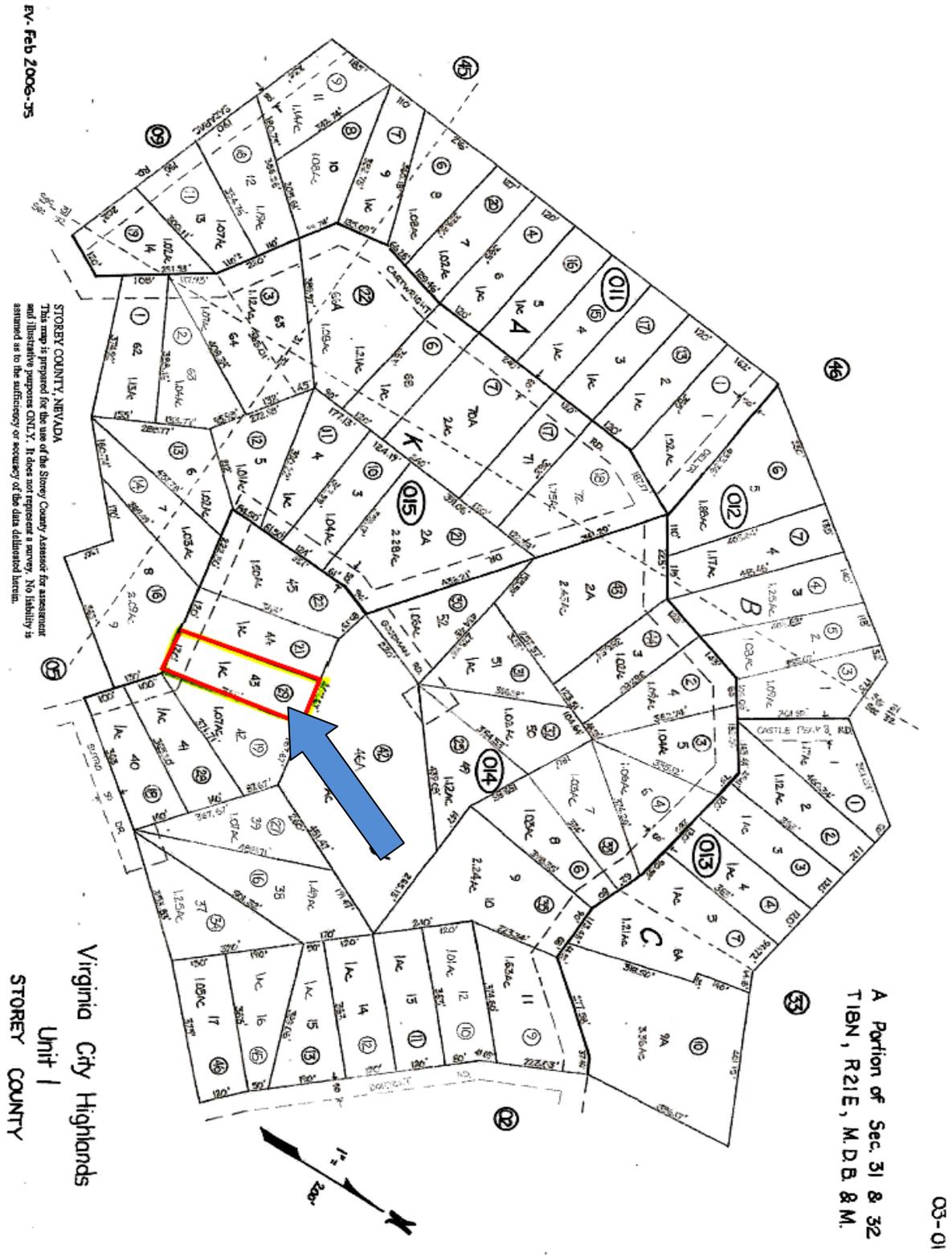
### **Enclosures:**

- Exhibit A – Plot plan with setbacks
- Exhibit B – Assessor's vicinity map

**Exhibit A: Plot plan with setbacks\***



# Exhibit C: Assessor's vicinity map



STOREY COUNTY, NEVADA  
This map is prepared for the use of the Storey County Assessor for assessment and illustrative purposes ONLY. It does not represent a survey. No liability is assumed as to the sufficiency or accuracy of the data delineated herein.

Virginia City Highlands  
Unit 1  
STOREY COUNTY

A Portion of Sec. 31 & 32  
T18N, R21E, M.D.B. & M.

03-01