



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

## Board of Adjustment Members

Lee Lawrence, Chair  
Kim Toulouse, Vice Chair  
Kristina Hill  
Brad Stanley  
Clay Thomas  
William Whitney, Secretary

Thursday, August 4, 2016  
1:30 p.m.

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

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The Washoe County Board of Adjustment met in regular session on Thursday, August 4, 2016, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

### 1. \*Determination of Quorum

Chair Lawrence called the meeting to order at 1:33 p.m. The following members and staff were present:

Members present: Lee Lawrence, Chair  
Kristina Hill  
Brad Stanley  
Clay Thomas

Members absent: Kim Toulouse, Vice-Chair

Staff present: Eva Krause, AICP, Planner  
Trevor Lloyd, Senior Planner, Planning and Development  
William Whitney, Director, Planning and Development  
Nathan Edwards, Deputy District Attorney, District Attorney's Office  
Donna Fagan, Recording Secretary, Planning and Development

### 2. \*Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

### 3. \*Ethics Law Announcement

Deputy District Attorney Edwards recited the Ethics Law standards.

### 4. \*Appeal Procedure

Mr. Whitney recited the appeal procedure for items heard before the Board of Adjustment.

### 5. \*Public Comment

Cathy Brandhorst spoke on items of interest to her.

### 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Stanley moved to approve the agenda of August 4, 2016. The motion, seconded by Member Thomas, passed four in favor and none opposed.

## 7. Possible action to approve June 2, 2016 Draft Minutes

Member Hill moved to approve the minutes of June 2, 2016 as written. The motion was seconded by Member Thomas and passed four in favor, none opposed.

## 8. Public Hearings

**A. Special Use Permit Case Number SB16-008 (Tracy Ecosystem Restoration Phase II)** – Hearing, discussion, and possible action to approve a special use permit to allow grading in connection with a river restoration project to restore a flood plain area to a more natural state, including ±107,000 cubic yards of excavation and approximately 24 acres of disturbed area.

- Applicant: The Nature Conservancy
- Property Owner: The Nature Conservancy,  
Sierra Pacific Power Company,  
United State of America
- Location: Along the Truckee River downstream from the  
Tracy Power Plant, via USA Parkway
- Assessor's Parcel Number: 084-212-06, 084-120-27, 084-212-05
- Parcel Size: ±89.34 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Truckee Canyon
- Citizen Advisory Board: East Truckee Canyon
- Development Code: Authorized in Article 436 Grading
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Sections 27, 28, 33, and 34, T20N, R22E, MDM,  
Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3628
- E-mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Chair Lawrence opened the public hearing. Eva Krause reviewed her staff report dated July 15, 2016.

Member Stanley asked what affects can be expected downstream. Ms. Krause said it would improve the water quality, restore the natural habitat and increase accessibility to the river bank.

Chair Lawrence asked, who specifically, the United States of America agency is. Ms. Krause answered the Bureau of Land Management (BLM).

Mickey Hazelwood, with the Nature Conservancy, invited any questions regarding the project. Chair Lawrence asked if "live" willows would be used to revegetate. Mr. Hazelwood responded, yes. Chair Lawrence asked if there was a gravel pit in the area. Mr. Hazelwood said yes that is one of the things that happened over the years at the site and has since filled with ground water. He noted about 90% of the excavated material would be going into that pit to fill a portion of it to return it to flood plain level so native vegetation can be restored and shade what is remaining of the pond. Chair Lawrence commended the Nature Conservancy on their job in controlling the white top and revegetating in that area.

Member Hill asked when the project would begin, how long it would take, and if they were doing anything to mitigate impacts to the fisheries. Mr. Hazelwood said as soon as they have the permit they will begin and they expect the project to last about three months, ending in December, and the in stream work will involve riffle structure which will create white water in the area.

Mr. Whitney thanked the Nature Conservancy for the work they do in our area. Indicating the lower Truckee River has gone through a huge transformation and it is great to see.

With no response to the call for public comment, Chair Lawrence closed public comment.

There were no disclosures made.

Member Hill moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve with conditions of approval included as Exhibit A in the staff report, Special Use Permit Case Number SB16-008 for The Nature Conservancy, having made all five findings in accordance with Washoe County Development Code Section 110.810.30. Member Stanley seconded the motion which carried unanimously. **(four in favor, none opposed)**

The motion was based on the following findings:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Truckee Canyon Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for flood plain restoration and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

**B. Administrative Permit Case Number AP16-003 (Denny) –** Hearing, discussion, and possible action to approve the construction of a 3,500 square foot accessory structure that will be larger than the existing 1,771 square foot primary residence. The accessory structure is a 50 foot by 70 foot metal building and will have plumbing (sink/toilet).

- Applicant: Wayne Denny
- Property Owner: Wayne Denny
- Location: 500 Washoe Drive, Washoe Valley, NV
- Assessor's Parcel Number: 050-235-06
- Parcel Size: 1.019 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Washoe Valley
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized Article 306 Accessory Uses and Structures
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 24, T17N, R19E, MDM, Washoe County, NV
- Staff: Eva Krause, AICP, Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775-328-3628
- E-mail: [ekrause@washoecounty.us](mailto:ekrause@washoecounty.us)

Chair Lawrence opened the public hearing. There were no disclosures. Eva Krause reviewed her staff report dated July 15, 2016. Ms. Krause noted an email that was submitted by Collette Teuscher at 605 Washoe Drive, in which she voices her concern about the potential use of the proposed building. Ms. Krause indicated the Board is being asked to approve the size of the building not the use of the building.

Member Hill asked Ms. Krause if the building could be used for commercial/industrial use. Ms. Krause said no, but home occupation is allowed enabling Mr. Denny to use 30% of the house size within the building. The rest would be for his personal use. Member Hill confirmed that Mr. Denny was going to use a portion of the building for his research and development office. Ms. Krause answered, Mr. Denny has stated he is a hobbyist and he would use the area to pursue his hobby. Ms. Krause stated, you can do those types of things at your own home but you can't do it for another person, on a commercial basis. Member Hill asked if the County is responsible for making sure Mr. Denny conforms to that use. Ms. Krause indicated if the County receives a complaint that Mr. Denny is doing business it will be investigated. Member Stanley referred to the letter that was submitted and what sort of noticing took place and asked if the application had gone to the South Truckee Meadows/Washoe Valley Citizen Advisory Board (CAB). Ms. Krause stated an Administrative Permit does not have to go before the CAB and notices were sent to 33 property owners in a 500 foot radius, per County code.

Member Stanley asked Wayne Denny, the applicant, if he had spoken with any of his neighbors regarding his request to build the proposed structure and, if so, what were their reactions. Mr. Denny said he didn't get much feedback. The neighbor behind him, who wrote a letter, is making an assumption that he will manufacture there. He isn't, he makes a universal cooking lid. He imports the pieces, put one screw in it, put it in a box, and ship it. He ships under 20 cases a month. Member Stanley noted there are several scenic type organizations that are active in that area and asked Mr. Denny if he'd spoken with any of them. Mr. Denny said no. Member Thomas asked if the business Mr. Denny spoke of is why he needs a 3,500 square-foot structure or is it unrelated. Mr. Denny said he didn't need the whole structure. He needs a bench, a drill motor, and a couple of boxes in the 500 – 600 feet he's allowed to use. Member Thomas asked what the intent is of the building. Mr. Denny said he currently has a 1,500 square-foot garage which contains three cars, tools, and a little bit of storage. He has no room to do projects. He'd like extra space to possibly build a wooden boat which would be another 1,500 square-feet and an additional 500 square-feet for his little business.

Chair Lawrence asked what the home based business rules are. Ms. Krause said, basically, they can use up to 30% of the house or the same square footage in another building, can have one employee, can have up to three vehicles a day visit the site, no advertising, no noxious fumes or chemicals. When applying for a business license a waiver has to be signed agreeing to meet the conditions. Mr. Denny's use would be allowed.

DDA Edwards noted he had not researched the home based business issues as the application is for an accessory structure for hobby activities not to put products together and sell them.

Mr. Whitney advised the Chair that the application is for an administrative permit for the building that is larger than his house not for the use in it. A business license would be required for a home based business.

Chair Lawrence opened public comment.

Judy Price, the neighbor directly behind Mr. Denny, has major concerns about the project. She submitted a powerpoint presentation. She wants Mr. Denny to know no one contacted her. She is concerned about possible noise and the possibility of headlights shining in her window due to the driveway. Ms. Price reiterated these are residential properties and requests commercial business be kept on property near the highway.

Elaine Martin, a neighbor, said she is the neighbor Mr. Denny spoke with. She didn't realize how huge the structure was going to be. She feels it is going to ruin her property value. And is afraid he is going to try and have his property rezoned as commercial. Ms. Martin asked why Mr. Denny requires five parking spots. She feels the whole thing is setting up for commercial and she is against it. She lives in a residential area and wants it to remain that way. Her barn is 960 square-feet and 9 feet high. It's nothing close to what Mr. Denny is proposing. Member Stanley asked Ms. Martin if the five parking spaces were made clear to her

when she spoke with Mr. Denny. She said no. Ms. Martin also stated she was concerned when Mr. Denny had his driveway made huge and buried the electrical lines. She thinks it's so he can have large trucks drive in without hitting the electrical lines.

Susan Biegler, a neighbor, opined that a barn is a barn not a 3,800 square-foot building. The location doesn't impact her view; however, she wants their neighborhood to be left residential. She doesn't want their area to go commercial and asks the Board to not approve this. Member Hill asked if there was any evidence that construction was already under way. Ms. Biegler said the staking and underground utilities. Ms. Biegler also noted she does not like the picture of the train.

Cathy Brandhorst spoke about Denny's in a garage.

Chair Lawrence closed public comment.

Mr. Denny clarified this is a big building but it is only 14 feet high. His house is 20 feet high. His neighbors to the rear are two-story houses about 30 feet high. The lighting around the proposed building is only two lights that point to the driveway. The parking is really not parking it's just a driveway so he can turn and drive into the building. The sign, he considers it artwork. It doesn't face the street.

Chair Lawrence asked Mr. Denny if he was living on the property now. Mr. Denny said no but he will be on Friday night. Chair Lawrence asked Mr. Denny if he had been putting things together there now. Mr. Denny said no. Member Thomas asked Mr. Denny why the design on the building. Mr. Denny answered he had a friend make it, he likes it, and wants to put it there. He never thought it would be an issue. It is on three sheets of sign board and will be attached to the building, not painted on it.

DDA Edwards wanted to clarify with Mr. Denny; will he be living there Friday night or just going to be there. Mr. Denny will be living here.

Member Hill said she thought the rear fence of Mr. Denny's property was wood and asked if that was part of the project. Mr. Denny said half of it is. Half is six foot wood fence and the other half is welded two by four screen. Member Thomas asked what the dimensions of his property are. Mr. Denny said approximately 200 feet by 210 feet.

Member Stanley asked Ms. Krause, in light of some of the public comment and email, how far and what the use is of a similar building in the area. Ms. Krause said Ms. Teuscher, at 605 Washoe Drive, has an 80 foot x 36 foot metal building in her rear yard which is zoned Low Density Suburban (LDS), and another residence that has a building that is 80 feet x 50 feet zoned General Commercial (GC). Both of which are similar in size to Mr. Denny's proposed building. Mr. Denny's property is zoned LDS.

Member Stanley asked Ms. Price what input she had regarding the size and zoning of the two buildings Ms. Krause spoke of. Ms. Price said the second one, 420 Washoe Drive, is a residential home. They also have General Commercial (GC) zoning with the building. Ms. Price doesn't know if they have access from behind to the highway. That property is not zoned residential. The property Mr. Denny is moving on is a single family residence. He's using this as a way to do zoning creep.

Member Hill opined this project needs an administrative determination to decide if the use has potential to adversely affect other land uses in the vicinity. She thinks it adversely affects other land uses in the vicinity it isn't really a use appropriate in the neighborhood due to the scale of the building.

Member Stanley opined the project should be supported but his concerns are consistency, view impact, and traffic.

DDA Edwards added, for the Board's clarification, they are not here today deciding whether or not this is a home based business that should have a business license. But, you are called upon to consider the proposed use and whether or not that is suitable for the property in question.

Member Thomas mentioned his concern regarding the size of the building in relation to the size of the property.

Member Stanley stated his desire of the applicant and neighborhood to go over how they might be able to work together on this project.

Chair Lawrence supports the project.

Mr. Whitney noted the Board has the option of continuing the item, if the applicant agrees; referring to Member Stanley's request for the applicant and neighbors to work together on the project.

Chair Lawrence asked Mr. Denny if he would consider continuing this item to the October 6, 2016 meeting so he can work with his neighbors to amend portions of his project. Mr. Denny said he would like to work with his neighbors. Mr. Denny agreed to continue the item to the next Board of Adjustment meeting.

Chair Lawrence moved to continue item AP16-003 to October 6, 2016 at 1:30 p.m. The motion carried unanimously. **(four in favor, none against)**

**C. Variance Case Number VA16-004 (Powers Residence)** – Hearing, discussion, and possible action to approve a variance to reduce the front yard setback from 20 feet to 0 feet and to reduce the south side yard setback from 8 feet to 0 feet and the north side yard setback from 8 feet to 4 feet to allow for the remodel of an existing four story residence abutting Lake Tahoe.

- Applicant: Ken Brown
- Property Owner: John Powers III
- Location: 1707 State Route 28, South of Incline
- Assessor's Parcel Number: 130-331-02
- Parcel Size: 0.072 Acres (±3,136 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 26, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Trevor Lloyd - Senior Planner  
Washoe County Community Services Department  
Planning and Development Division
- Phone: 775.328.3620
- E-Mail: [tlloyd@washoecounty.us](mailto:tlloyd@washoecounty.us)

Chair Lawrence opened the public hearing. There were no disclosures. Trevor Lloyd reviewed his staff report dated July 14, 2016. Mr. Lloyd noted he addressed concerns from the neighbors to the north and south by adding conditions. Condition 1(i), to ensure continued access, by that neighbor, to the dock. Conditions 1(j), regarding vegetation and trees being placed along the front of the house.

Member Hill asked Mr. Lloyd how he measured the height of the house. Mr. Lloyd said there is a diagram in Washoe County Code section 110.902.15. Member Hill asked Mr. Lloyd if, without the variance, development of the parcel would be impossible. Mr. Lloyd said if not impossible, pretty close. Member Hill asked if a structure could be built over the existing footprint. Mr. Lloyd said yes, it would still require a variance. Member Hill asked if the existing pier is multi-use. Mr. Lloyd believes there is a shared agreement with the property owner to the south. Member Thomas asked Mr. Lloyd, if they grant the 0 setback to the south how close would the side of the proposed house be to the neighbor. Mr. Lloyd responded it would be the stairway. The house will be four feet from the property line and another three to four feet from the property to the house on the south, so, about seven feet between the houses. Member Hill noted; if you're on the stairway you are three to four feet from the house next door. Mr. Lloyd answered very close, yes. Member Stanley asked how many stories the house is from the lake sides. Mr. Lloyd said four stories plus the daylight basement. Member Thomas referred to Nevada Revised Statute (NRS) 278.300, noting one of the requirements "would result in peculiar or an exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property." Member Thomas said there is already a livable 2,100 square-foot house on the property and they want to tear it down and build a bigger house. He asked; where is the undue

hardship to the owner, if there is already an existing house there. Mr. Lloyd answered if the applicant wanted to remodel and build in the same exact location as the existing house they would have to go through the same process. Since they are building a bigger house is more a function of the height of the house both down the hill and two stories above grade. Every time there is an exterior expansion, exterior change, or remodel they would have to go through a very similar process. The applicants are asking to clean up certain things, like the stairway and house being placed on the property. In doing that they have to modify or realign where the house would be located so it is more in line with the property lines.

Kurt Brown, the applicant's representative, stated the proposed house is well within the guidelines of Washoe County. They have begun the preliminary meetings with Tahoe Regional Planning Agency (TRPA). They want to get the variance approved before they get too far with the TRPA. Mr. Brown says he realizes there may be reductions in the amount of glass, etc. He wants to show what the owner would like and there will probably be some changes to the lakeshore façade. He has met with both neighbors. The owner to the north's issue was his privacy would be encroached when in fact he didn't understand the proposed house would be rotated away from his home and there are wing walls created off the decks. After finding this out, his issues were resolved. He met Mr. Wilbur, the neighbor to the south, at the meeting and they will make a time to meet to discuss his concerns. Mr. Wilbur indicated to Mr. Brown, with the conditions Mr. Lloyd has added they have addressed his concerns. Mr. Brown went on to say with rotating the proposed house the view corridor has been opened up, it has been brought parallel with the houses to the north and south. He noted the eight foot setbacks proposed by County is not consistent with what is out there. Everyone is a lot closer to their property lines. Member Thomas wanted to confirm the neighbor to the north was John Miller. Mr. Brown said yes. Member Hill asked where the owner of the property was. Mr. Brown said he is in Phoenix running a large business. Member Hill asked if the owner was going to live in the proposed house. Mr. Brown said it isn't his primary residence. Member Hill asked if he was ever going to live there or sell it. Mr. Brown said this is a home he'd really like to stay in.

With no response to the call for public comment, Chair Lawrence closed public comment.

Member Stanley confirmed the Board is being asked to make a determination based on the variance and less on the structure itself. Mr. Lloyd said yes along with the potential impacts. Member Stanley asked if the Board's decision would take precedence over the TRPA. Mr. Lloyd said it will have to meet the other agencies standards, as well, so this doesn't supersede those standards.

Member Hill, as the representative of Incline Village, stated she has a hard time saying this project does not create a detriment to the natural resources in the area, including the lake. Viewing it from the lake she feels it is the most massive structure she's ever seen on the lake. It doesn't fit the character of the neighborhood or community.

Chair Lawrence asked Mr. Lloyd if there were any complaints on this application request. Mr. Lloyd said he's spoken to the neighbor to the south, received the email that was submitted from the neighbor to the north, Mr. Miller, and had a phone call from a neighbor three houses down. The email from Mr. Miller is the only complaint he's received and that was received prior to Mr. Miller's discussion with Mr. Brown.

Member Stanley asked if the application was seen by the Incline Village/Crystal Bay Citizen Advisory Board (CAB). Mr. Lloyd said yes and there was unanimous approval.

Member Thomas noted the current residence is 2,116 square-feet and the proposed house will be 5,036 square-feet; more than doubling the size of the existing home.

Chair Lawrence opined the proposed house is not that large for a home at Lake Tahoe. He agrees with the CAB, if they don't have a problem with it, Chair Lawrence doesn't either.

Member Thomas moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve Variance Case Number VA16-004 for John Powers III, having made all five findings in accordance with Washoe County Development Code Section 110.804.25. Member Stanley seconded the motion which carried. **(three in favor, one opposed)**

## 9. Chair and Board Items

**\*A. Future Agenda Items**

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

Member Hill requested a copy of the application be included in the staff report.

**C. Discussion and possible action to elect officers, chair, and vice chair.**

Mr. Whitney recommended, in Member Toulouse's absence, the Board continue this item to the October 6, 2016 meeting. Chair Lawrence will remain in his position until the election can take place.

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

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

Mr. Whitney gave the following updates from the June 2, 2016 meeting:

- Variance case VA16-003 (Fleming) which was denied has been appealed to the Board of Commissioners tentatively at the end of August.

- Appeal of Administrative Decision case AX16-002 (Mil Drae Lane) which was denied has been appealed to the Board of Commissioners and will be heard August 9, 2016.

- Mr. Whitney added, the applications should be contained in the staff reports but can also be found on the Planning and Development website under "applications".

**\*B. Legal Information and Updates**

**11. \*General Public Comment**

Cathy Brandhorst spoke about machines.

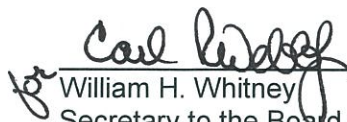
**12. Adjournment**

The meeting adjourned at 3:49 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Donna Fagan, Recording Secretary

Approved by Board in session on October 6, 2016

  
\_\_\_\_\_  
William H. Whitney  
Secretary to the Board of Adjustment



**From:** [Collette Teuscher - A+ Paralegals.com](mailto:Collette.Teuscher@A+Paralegals.com)  
**To:** [Krause, Eva](#)  
**Subject:** RE: Administrative Permit Case Number AP16-003 (Denny)  
**Date:** Wednesday, July 27, 2016 1:50:15 PM

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I am unable to make the hearing on August 4 at 1:30. I work in Carson City and cannot be there in the middle of the day.

However, I do have concerns regarding this permit. I wrote to you once before regarding this issue, but would appreciate my concerns being voiced at the hearing. I live at 605 Washoe Drive, across the street from this project. It is obvious that the structure is already in progress as there has been ongoing construction equipment there for about a month or two. My concern is that Mr. Denny spoke with his neighbor behind him and told her he was going to have a manufacturing plant there with employees and lighting around the property, etc. Although, no one in the neighborhood cares about a barn and a tinkerer, but if he is simply claiming to be an inventor and he is actually manufacturing a product to sell from his structure, then we all have problems with that. To wit: water contamination, air contamination, traffic, safety of his product to the neighborhood...etc. I know you indicated that Mr. Denny claims to just be an inventor per his application, and I do not know how you can vet out what his true intent is, but it is my hope that the county will be watching this process closely since he is the one who told neighbors his true purpose for the use of the building. I appreciate your bringing this to the attention of the Board of Adjustment in my absence.

*Sincerely,*

*Collette' Teuscher*

*A+ Paralegals, Inc.*

*411 W. Third Street-Suite 1*

*Carson City, NV 89703*

*775-830-7998*

BOA  
8/4/16  
11-2-16 62

# IMPACTS

WASHOE COUNTY

APPLICATION: APN 050-235-06

ADMINISTRATIVE PERMIT CASE NUMBER AP16-003 (DENNY)

(NO STAFF-ASSIGNED CASE NO.)

REF: 500 WASHOE DRIVE

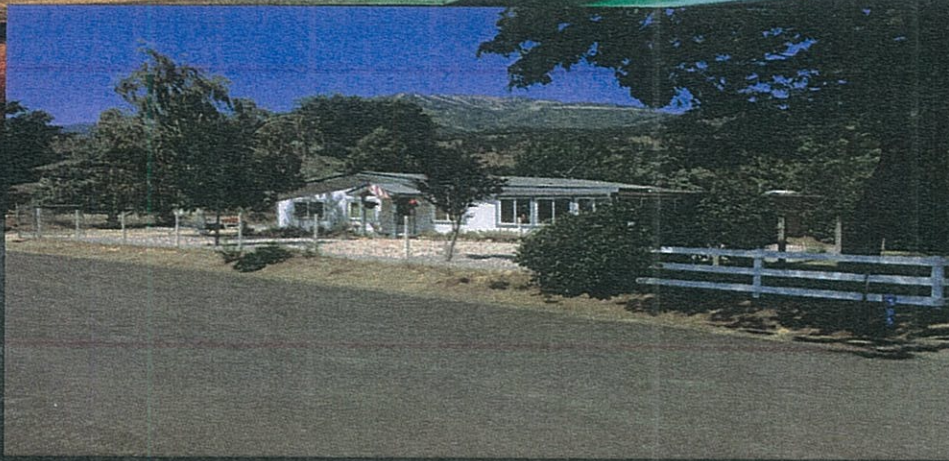
WASHOE VALLEY, NV 89704

Please Consider IMPACTS To:

Larry & Judy Price (Retirement Home)

555 Oro Loma Road

Washoe Valley, NV 89704



## DIRECT IMPACT POTENTIAL

\* WE OWN: LEFT OVER COUNTY PARCEL 1/3 ACRE

\* PRODUCT: WELL/SEPTIC (OUR HOME ORIGINAL BUILT 1960'S) - INFRASTRUCTURE IMPACTS

\* PRODUCT: NOISE LEVELS

\* PRODUCT: NO CLUE? UNDERSTANDING PRIVACY ISSUES

\* PRODUCT ACTIVITY: WATER/LIGHTING USAGE CONCERNS (1800 GPM SINGLE-FAM RESIDENTIAL WATER)

\* 5-PAVED PARKING SPACES: WHAT TYPE OF VEHICLE(S) INVOLVED WITH INGRESS/EGRESS TRAFFIC  
REGARDING SPECIFIC REQUEST TO INCREASE PARKING BY (5) ADDITIONAL PAVED SPACES?

(PARKING REQUESTED TO BE 20' EXTENSION OFF FRONT OF BUILDING - ENVELOPES OUR ENTIRE VIEW SHED)

\* 5-ADDITIONAL PAVED SPACES ... HEADLIGHTS RIGHT INTO THE KITCHEN WINDOW?

\* SIGNIFICANT IMPACTS

\* SIERRA MOUNTAIN VIEW SHED: IMPACTS



Other immediately Adjacent - Potentially Impacted - Single-Family-Residential Property  
NEIGHBORS

505 ORO LOMA ROAD (THE MARTIN FAMILY)  
575 ORO LOMA ROAD (THE FARRAR FAMILY)  
550 WASHOE DRIVE (THE FAITH FAMILY)  
405 OLD OPHIR ROAD (THE WATTS FAMILY)  
485 WASHOE DRIVE (THE STITELER FAMILY)



## 3750+/- SQ. FT. WORKSHOP (BARN) BRINGS:

- 1) Seemingly: No "prior-to" communication for "possible action" excepting hearing Aug 4, 2016 by Washoe Co. commissioners from applicant or Co. regarding:  
**INFRASTRUCTURE Improvements/Permitting**  
@ 500 Washoe Drive  
OR  
@ 420 Washoe Dr. (understandable) where applicant got the impression/idea to bring the US-395 activity just ever so "slightly off of ... the US-395 Alt commercial frontage... (420 Washoe Drive ZONED
- 2) Seemingly: No effort from applicant to find solutions and/or suggestions outside of new ownership personal agenda and/or the contractors/new property owner's personal perspective @ 500 Washoe Dr.... Which is ... his prerogative!

WASHOE COUNTY is hereby advised; This feels *very pressing* from the perspective of potential

LOSS ...

of the ... RIGHT ... to

Quiet Enjoyment @

the 555 Oro-Loma Road Retirement Home

*How Many People in the Retirement Home?*

- **We Disapprove** of Application (As Submitted)
- **We are Inclusive NOT Exclusive People** - Welcoming any/all reasonable change
- **We Respect** all ownership property rights of Individuals
- **We continue** to press for... ANY/ALL business smelling endeavors be pressed by the Authorities; Washoe County; back up to the US 395 Alt
- **Sign:** This 'neighbor' needs to understand the REASONING behind the sign? We are all about the historic V&T in this area... but???
- **We Disapprove** Outdoor Lighting page #3
- **We Disapprove** being given a "decision day" by the County, **without the appropriate Notarized "Property Owner Affidavit"** being attached to the County's application
- **We're Open** to dialog re: resubmittals
- **We Desire** to Cooperate
- **We Ask** for consideration of **our** Existing Rights - given Mrs. Judy Price has resided in Old Washoe City, at 675 Oro-Loma Road, since 1958. At 555 Oro Loma for approx 18 years. Mr. Price since the 1970's.
- **We Desire** the County be **responsible to make certain** the application is complete **prior to** mailing for response. Item #12 page 4 regarding CC&R's - omitted?? No reply required by County?
- **We Request** the same consideration given by the Co. of Washoe; relative to the Applicant's identification on the application of contractor; given our residential-homeowner status. "They" have the upper-hand
- **We respectfully request** further discussion regarding item #7 on page #2 of application ref: screening for visual impacts

WHAT'S A GOOD NEIGHBOR?????



BACK OF 555 ORO-LOMA LOOKING DIRECTLY ONTO SUBJECT SITE

Little Miss Sierra Moon

It **is** the responsibility of our “Elected” Officials and “citizen employees” to do all they can to assure the rights to quiet enjoyment – through various avenues... **one perhaps being** ... the building and permitting department of ... Washoe County, NV.

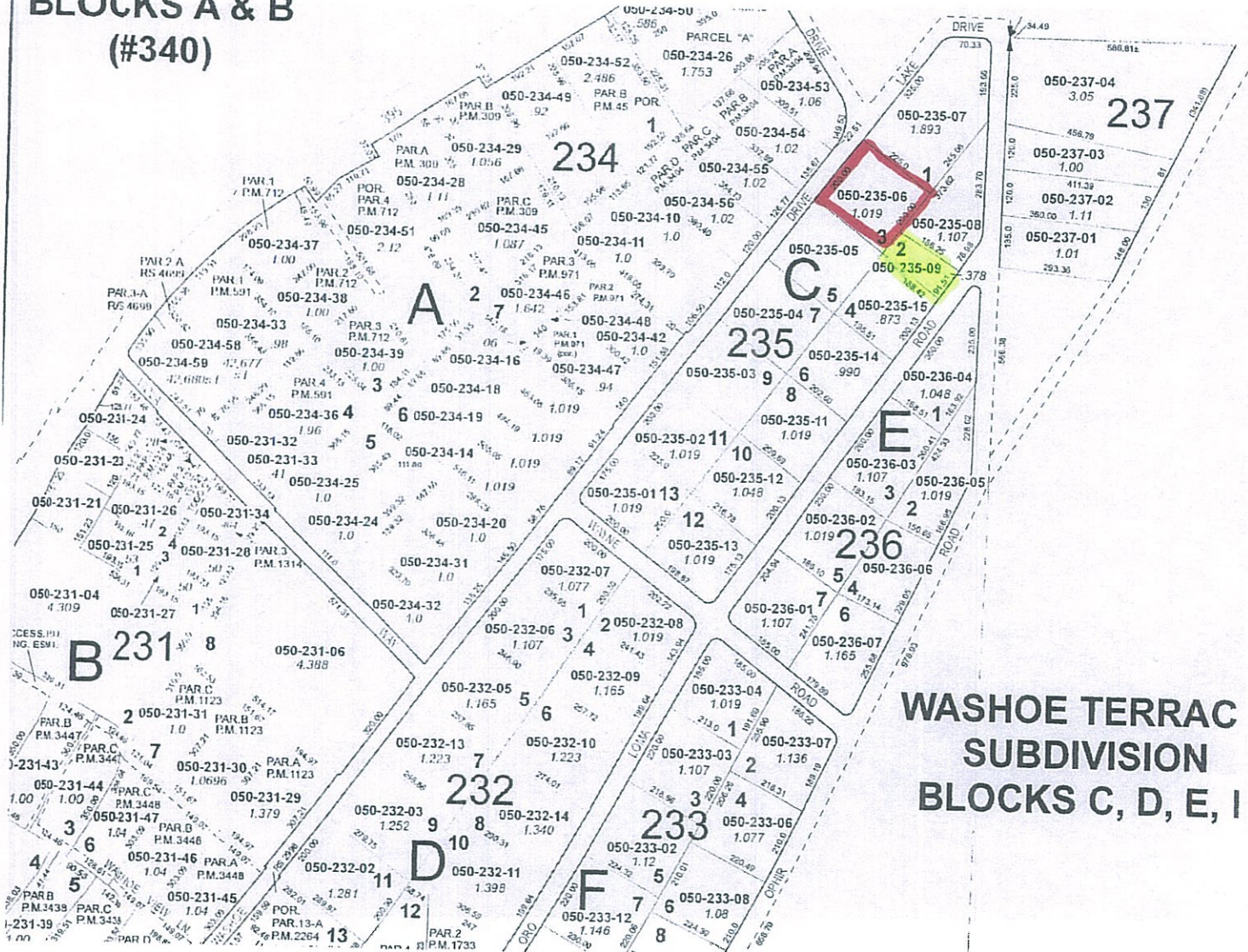
We *adamantly* reject the plans... as submitted.  
Thank you for the opportunity to present!

Respectfully Submitted for Consideration by:

Larry Sr. & Judy M. Price  
555 Oro-Loma Road  
Washoe Valley, NV 89704



# BLOCKS A & B (#340)



Plat Map

# WASHOE TERRAC SUBDIVISION BLOCKS C, D, E, I

Area shown along US-395 Alternate Corridor are Zoned Commercial



# Uniform Residential Appraisal Report

215120  
File # 150319104

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

Property Address **555 Oro Loma Rd** City **Washoe Valley** State **NV** Zip Code **89704**  
 Borrower **Larry Price** Owner of Public Record **Larry R & Judy M. Price** County **Washoe**  
 Legal Description **Lot 2, Block C, Washoe Terrace Subdivision**  
 Assessor's Parcel # **050-235-09** Tax Year **2014** R.E. Taxes \$ **584**  
 Neighborhood Name **Washoe Valley** Map Reference **MLS Area 177** Census Tract **0032.04**  
 Occupant  Owner  Tenant  Vacant Special Assessments \$ **0**  PUD HOA \$ **0**  per year  per month  
 Property Rights Appraised  Fee Simple  Leasehold  Other (describe)  
 Assignment Type  Purchase Transaction  Refinance Transaction  Other (describe)  
 Lender/Client **American Pacific Mortgage** Address **3000 Lava Ridge Ct #200 Roseville CA 95661**  
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal?  Yes  No  
 Report data source(s) used, offering price(s), and date(s). **The property has not been listed for sale in MLS during the past 12 months.**

I  did  did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.

Contract Price \$ \_\_\_\_\_ Date of Contract \_\_\_\_\_ Is the property seller the owner of public record?  Yes  No Data Source(s) \_\_\_\_\_  
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower?  Yes  No  
 If Yes, report the total dollar amount and describe the items to be paid.

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics		One-Unit Housing Trends		One-Unit Housing		Present Land Use %	
Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	PRICE	AGE	One-Unit	100 %		
Built-Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply	\$ (000)	(yrs)	2-4 Unit	%		
Growth <input type="checkbox"/> Rapid <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Slow	Marketing Time <input type="checkbox"/> Under 3 mths <input checked="" type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths	125	Low	0	Multi-Family	%	
Neighborhood Boundaries <b>Pleasant Valley to the north, Carson City to the south, Interstate 580 to the west and open mountain ranges to the east.</b>		1,500	High	75	Commercial	%	
Neighborhood Description <b>The subject is located in a bedroom community of Carson City &amp; Reno in an area known as Washoe Valley. The area consists of average to good quality homes on to 10 acre sites some with good mountain views. Bussing to all school levels. It is a 10-15 minute drive to major shopping and service centers. Country Atmosphere. No known detrimental conditions.</b>		225	Pred.	20	Other	%	

Market Conditions (including support for the above conclusions) **General market conditions for the subject are similar to conditions for the overall marketing area. Current market conditions are favorable as long as interest rates remain at their present level. The market has recently had a correction from the rapid market activity experienced during 2004-2006. Market activity has increased during 2012-13**

Dimensions **91.51 x 186.25** Area **17044 sf** Shape **Near Rectangular** View **B: Mtn**  
 Specific Zoning Classification **LDS** Zoning Description **Low Density Rural - Single Family Residential**  
 Zoning Compliance  Legal  Legal Nonconforming (Grandfathered Use)  No Zoning  Illegal (describe)  
 Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use?  Yes  No If No, describe \_\_\_\_\_

Utilities Public Other (describe) \_\_\_\_\_ Public Other (describe) \_\_\_\_\_ Off-site Improvements - Type Public Private  
 Electricity  \_\_\_\_\_ Water  \_\_\_\_\_ Well  \_\_\_\_\_ Street Asphalt  \_\_\_\_\_  
 Gas  \_\_\_\_\_ Propane  \_\_\_\_\_ Sanitary Sewer  \_\_\_\_\_ Septic  \_\_\_\_\_ Alley None  \_\_\_\_\_  
 FEMA Special Flood Hazard Area  Yes  No FEMA Flood Zone **X** FEMA Map # **32031C3333G** FEMA Map Date **03/16/2009**  
 Are the utilities and off-site improvements typical for the market area?  Yes  No If No, describe \_\_\_\_\_  
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)?  Yes  No If Yes, describe \_\_\_\_\_  
 Typical lot for the neighborhood with no major adverse conditions noted at the time of appraisal & only usual public utility easements considered.  
 Private wells, septic systems and propane gas are typical in the area. Good views of Washoe Lake and mountains to the east. Fully fenced and landscaped. \*\*

General Description	Foundation	Exterior Description	materials/condition	Interior	materials/condition
Units <input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input checked="" type="checkbox"/> Concrete Slab <input type="checkbox"/> Crawl Space	Foundation Walls	<b>Poured Concrete</b>	Floors	<b>Hardw/Crpt/Vin/Cg</b>
# of Stories <b>1</b>	<input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	Exterior Walls	<b>Vinyl/Gd</b>	Walls	<b>Drywall/Ave</b>
Type <input checked="" type="checkbox"/> Det <input type="checkbox"/> All <input type="checkbox"/> S-Det/End Unit	Basement Area <b>0 sq ft</b>	Roof Surface	<b>Comp/Ave</b>	Trim/Finch	<b>Wood/Ave</b>
<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const	Basement Finish <b>0 %</b>	Gutters & Downspouts	<b>Eaves/Ave</b>	Bath Floor	<b>Vinyl/Ave</b>
Design (Style) <b>Ranch</b>	<input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump	Window Type	<b>Sliders/Ave</b>	Bath Wainscot	<b>Fiberglass</b>
Year Built <b>1950</b>	Evidence of <input type="checkbox"/> Infestation	Storm Sash/Insulated	<b>Dual Pane/Ave</b>	Car Storage	<input type="checkbox"/> None
Effective Age (Yrs) <b>12</b>	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement	Screens	<b>Yes</b>	<input checked="" type="checkbox"/> Driveway # of Cars <b>2</b>	
Attic <input checked="" type="checkbox"/> None	Heating <input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities	<input checked="" type="checkbox"/> Woodstoves # <b>1</b>	Driveway Surface	<b>Gravel</b>
<input type="checkbox"/> Drop Star <input type="checkbox"/> Stairs	<input type="checkbox"/> Other <input type="checkbox"/> Fuel Gas	Fireplaces # <b>0</b>	<input checked="" type="checkbox"/> Fence <b>Full</b>	Garage # of Cars <b>0</b>	
<input type="checkbox"/> Floor <input type="checkbox"/> Scuttle	Cooling <input checked="" type="checkbox"/> Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck Encl	<input checked="" type="checkbox"/> Porch <b>Front</b>	Carport # of Cars <b>0</b>	
<input type="checkbox"/> Finished <input type="checkbox"/> Heated	<input type="checkbox"/> Individual <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Pool <b>0</b>	<input type="checkbox"/> Other <b>None</b>	Att. <input type="checkbox"/> Det. <input type="checkbox"/> Built-in	

Appliances  Refrigerator  Range/Oven  Dishwasher  Disposal  Microwave  Washer/Dryer  Other (describe) \_\_\_\_\_

Finished area above grade contains **4 Rooms** **2 Bedrooms** **1.0 Bath(s)** **1,074** Square Feet of Gross Living Area Above Grade  
 Additional features (special energy efficient items, etc.) **Typical-see attached comments**

Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.) **C3:Kitchen-remodeled-one to five years ago;Bathrooms-remodeled-one to five years ago;Kitchen and bathroom have been remodeled within recent years. Kitchen features Formica counters, painted wood cabinets, vinyl flooring, new plumbing & lighting fixtures. Bath has been remodeled. New hot water heater, vinyl slider windows, comp roof. There is an enclosed patio/sun room. Property is in good condition having been well maintained and updated.**

Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property?  Yes  No If Yes, describe \_\_\_\_\_  
 Utilities were on and functional at the time of inspection. No physical deficiencies were noted upon inspection. Normal & typical depreciation was noted for a structure of this economic age.

Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)?  Yes  No If No, describe \_\_\_\_\_  
 Property is conforming to the area.

# Market Conditions Addendum to the Appraisal Report

215120

File No. 150319104

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **555 Oro Loma Rd** City **Washoe Valley** State **NV** ZIP Code **89704**

Borrower **Larry Price**

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	25	9	12	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	4.17	3.00	4.00	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	23	22	24	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Ab.Rate)	5.5	7.3	6.0	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	277,500	259,900	290,500	<input checked="" type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	65	91	154	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	289,950	299,000	299,000	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	100	145	130	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	100.00	98.11	98.84	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller-(developer, builder, etc.) paid financial assistance prevalent?				<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.). **Seller concessions are typical in new home subdivision in all of the Northern Nevada market area. The typical concessions range from 1 to 5% of buyers closing costs. Bank owned properties have the same type of concessions.**

Are foreclosure sales (REO sales) a factor in the market?  Yes  No If yes, explain (including the trends in listings and sales of foreclosed properties).

**Bank owned and short sales were the primary inventory in many market segments in 2009 - 2011. Short sales and REO properties are now reasonable priced selling with minimal marketing times which has brought the market back into balance. Many market segments are have experienced a increase from late 2012 into 2013.**

Cite data sources for above information. **MLS, FNMA statistical data and appraisers market experience.**

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions


**Active and pending sales were taken into consideration. Statistical data was reviewed. The sale list price ratio for the market area and DOM were taken from MLS statistical data for the market area of 177. Search parameters were as follows - Single family homes built in the MLS marketing area of 177, Washoe Valley. Sale list price ratio is 100.00+ for this market area over the past 12 months. It is typical for the market to slow slightly during the winter months. From the active listings under these search parameters all but 5 are currently pending sales.**

If the subject is a unit in a condominium or cooperative project, complete the following: Project Name:

Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Unit Supply (Total Listings/Ab.Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project?  Yes  No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

Signature   
 Appraiser Name **Lita Scott**  
 Company Name **Scott Price Appraisals**  
 Company Address **PO BOX 19323, RENO, NV 89511-1648**  
 State License/Certification # **A.0000445-CR** State **NV**  
 Email Address **litascott@charter.net**

Signature \_\_\_\_\_  
 Supervisory Appraiser Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Company Address \_\_\_\_\_  
 State License/Certification # \_\_\_\_\_ State \_\_\_\_\_  
 Email Address \_\_\_\_\_

## Photograph Addendum

Borrower	Larry Price & Judy Price				
Property Address	555 Oro Loma Rd				
City	Washoe Valley	County Washoe	State NV	Zip Code 89704	
Lender/Client	Appraisal Zone				



**Street View 2**



**Views**



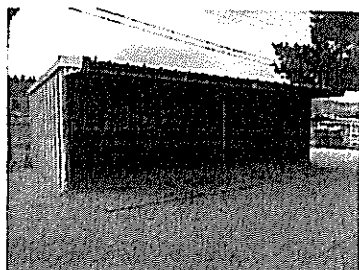
**south side front view**



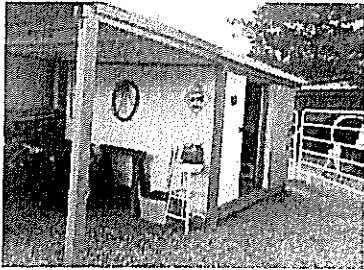
**storage/tack shed**



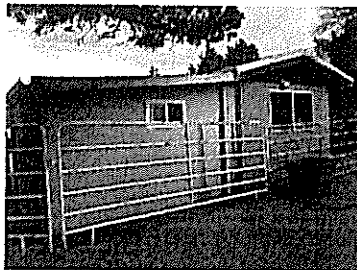
**south side storage shed**



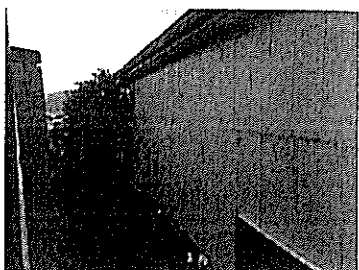
**horse shelter**



**north side storage/tack**



**rear of storage/tack shed**



**north side rear view**



**rear yard**



**south side rear view**



**views**



**propane tank**

## Comparable Photo Page

Borrower	Larry Price & Judy Price				
Property Address	555 Oro Loma Rd				
City	Washoe Valley	County	Washoe	State	NV Zip Code 89704
Lender/Client	Appraisal Zone				



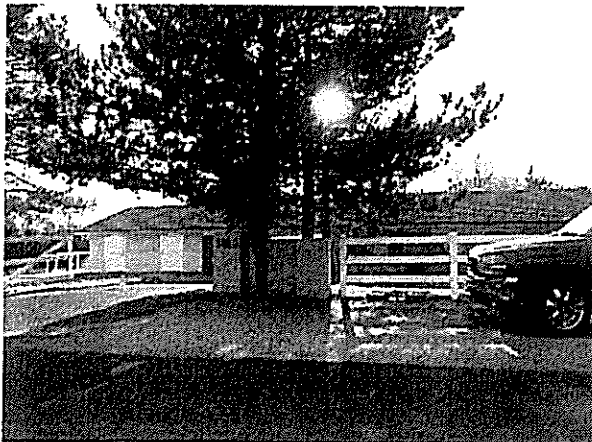
### Comparable 1

**4090 Eastlake Blvd**  
 Prox. to Subject 3.41 miles SE  
 Sale Price 187,000  
 Gross Living Area 1,038  
 Total Rooms 5  
 Total Bedrooms 3  
 Total Bathrooms 2.0  
 Location N;Res;  
 View B;Mtn;  
 Site 1.00 ac  
 Quality Q4  
 Age 72



### Comparable 2

**885 Old Ophir Rd**  
 Prox. to Subject 0.41 miles SW  
 Sale Price 255,000  
 Gross Living Area 1,480  
 Total Rooms 5  
 Total Bedrooms 3  
 Total Bathrooms 2.0  
 Location N;Res;  
 View B;Mtn;  
 Site 1.00 ac  
 Quality Q4  
 Age 22



### Comparable 3

**3015 Sydney Cir**  
 Prox. to Subject 2.91 miles SE  
 Sale Price 279,000  
 Gross Living Area 1,344  
 Total Rooms 4  
 Total Bedrooms 2  
 Total Bathrooms 2.0  
 Location N;Res;  
 View B;Mtn;  
 Site 43124 sf  
 Quality Q4  
 Age 36

## Subject Photo Page

Borrower	Larry Price & Judy Price						
Property Address	555 Oro Loma Rd						
City	Washoe Valley	County	Washoe	State	NV	Zip Code	89704
Lender/Client	Appraisal Zone						



### Subject Front

555 Oro Loma Rd  
Sales Price  
Gross Living Area 1,074  
Total Rooms 4  
Total Bedrooms 2  
Total Bathrooms 1.0  
Location N;Res;  
View B;Mtn;  
Site 17044 sf  
Quality Q4  
Age 64



### Subject Rear



### Subject Street

## Interior Photos

Borrower	Larry Price & Judy Price		
Property Address	555 Oro Loma Rd		
City	Washoe Valley	County Washoe	State NV Zip Code 89704
Lender/Client	Appraisal Zone		



**living room**



**dining**



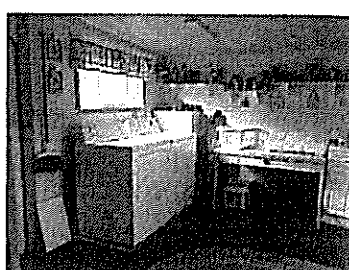
**living room view 2**



**Hall**



**Kitchen**



**Laundry in Enclose Patio**



**Enclosed Patio/Sun Room**



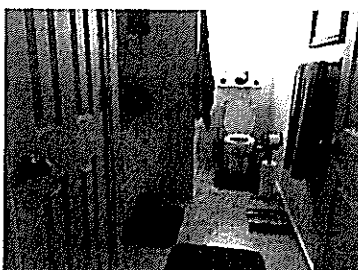
**Kitchen View 2**



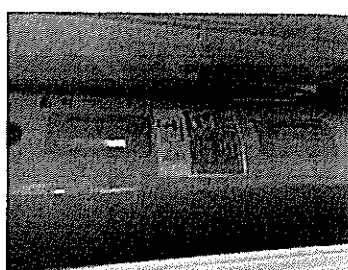
**Kitchen view 3**



**hall**



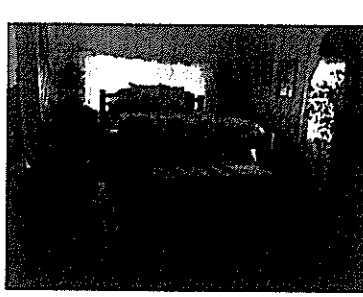
**bathroom**



**HWH**



**bedroom**



**bedroom**



# quiet enjoyment

Also found in: [Dictionary](#), [Thesaurus](#), [Medical](#), [Financial](#), [Encyclopedia](#), [Wikipedia](#).

Related to quiet enjoyment: [Right to quiet enjoyment](#)

## Quiet Enjoyment

A **Covenant** that promises that the grantee or tenant of an estate in real property will be able to possess the premises in peace, without disturbance by hostile claimants.

Quiet enjoyment is a right to the undisturbed use and enjoyment of real property by a tenant or landowner. The right to quiet enjoyment is contained in covenants concerning real estate. Generally a covenant is an agreement between two parties to do or refrain from doing something.

Courts read a covenant of quiet enjoyment between the **Landlord and Tenant** into every rental agreement, or tenancy. Thus a renter, or tenant, has the right to quiet enjoyment of the leased premises regardless of whether the rental agreement contains such a covenant.

In the covenant of quiet enjoyment, the landlord promises that during the term of the tenancy no one will disturb the tenant in the tenant's use and enjoyment of the premises. Quiet enjoyment includes the right to exclude others from the premises, the right to peace and quiet, the right to clean premises, and the right to basic services such as heat and hot water and, for high-rise buildings, elevator service. In many respects the implied covenant of quiet enjoyment is similar to an **Implied Warranty** of habitability, which warrants that the landlord will keep the leased premises in good repair. For example, the failure to provide heat would be a breach of the implied covenant of quiet enjoyment because the lack of heat would interfere with the tenant's use of the premises and would also make the premises uninhabitable, especially in a cold climate.

Other rights related to quiet enjoyment may be tailored to specific situations. For example, at least one court has found that the ringing of smoke alarms for more than a day is an interference with a tenant's quiet enjoyment of leased premises (*Manzaro v. McCann*, 401 Mass. 880, 519 N.E.2d 1337 [1988]).

Tenants have at least two remedies for a landlord's breach of the covenant of quiet enjoyment: the tenant can cease to pay rent until the problem is solved, or the tenant can move out. A tenant who moves out may be liable for any rent owing under the agreement if a court decides that the landlord did not breach the covenant of quiet enjoyment.

A covenant of quiet enjoyment may be included in an exchange, or conveyance, of land ownership at the option of the parties to the deed. Quiet enjoyment has a slightly different scope in the context of land ownership than it has in the context of a tenancy. When a seller gives a deed to the land to another party, the seller no longer has control over the property. The covenant of quiet enjoyment, when contained in a deed to real estate, warrants that the title to the land is clear, meaning that it has no encumbrances, or claims against it by other persons.

A warranty deed includes a covenant of quiet enjoyment. By contrast, a quitclaim deed makes no warranties regarding the title and contains no covenant of quiet enjoyment.

### Further readings

Kroll, David G. 1992. "The Landlord/Tenant Warranty of Habitability and the Covenant of Quiet Enjoyment." *Colorado Lawyer* 21 (June).

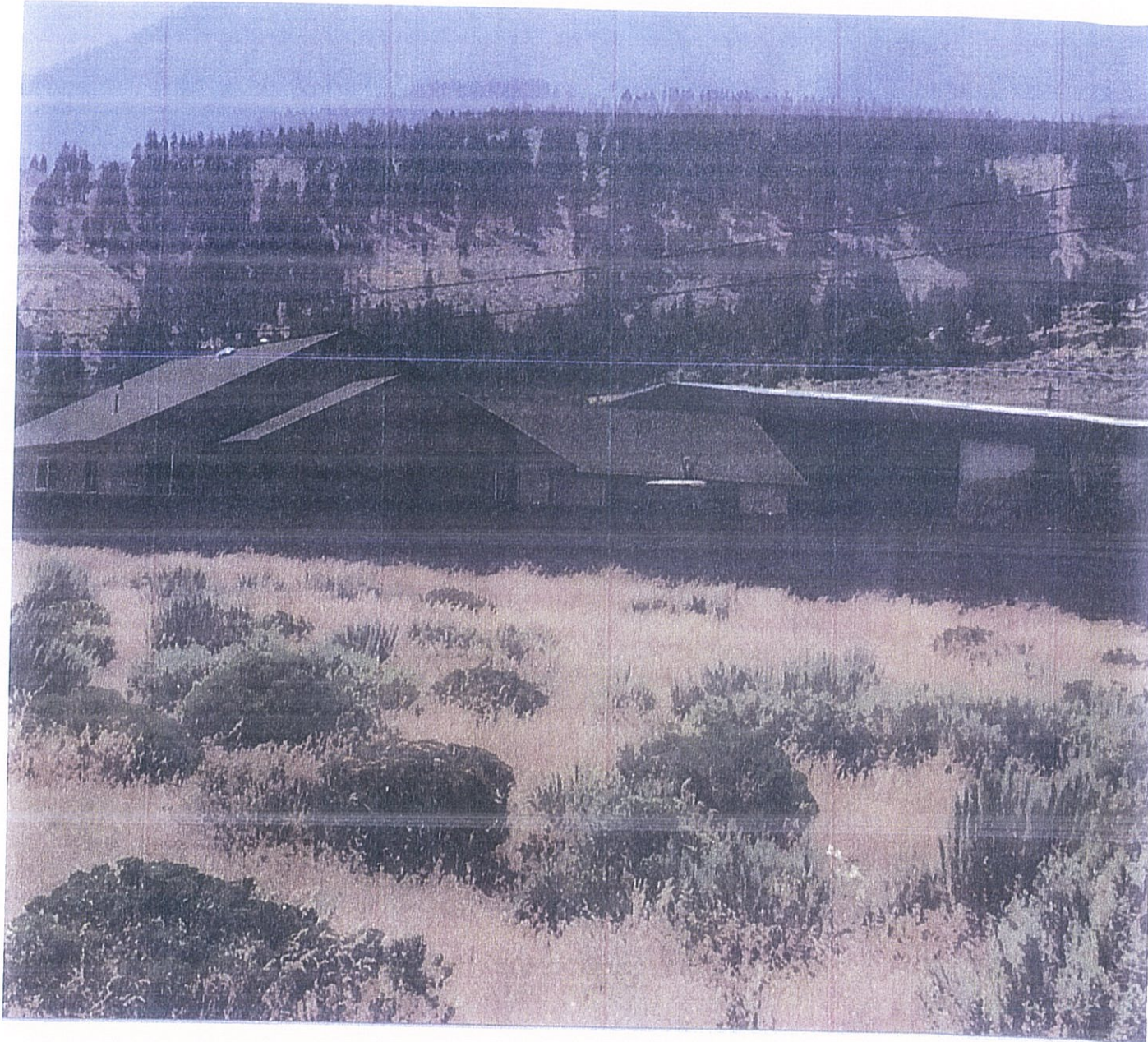
"Real Property." 1994. *SMH Bar Review*.

West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All rights reserved.

## quiet enjoyment

BoA  
8/4/14  
Item 8B

n. the right to enjoy and use premises (particularly a residence) in peace and without interference. Quiet enjoyment is often a condition included in a lease. Thus, if the landlord interferes with quiet enjoyment, he/she may be sued for breach of contract. Disturbance of quiet enjoyment by another can be a "nuisance" for which a lawsuit may be brought to halt the interference or obtain damages for it. (See: **nuisance**)



420 Washoe Drive

(Idea!!!! Property??/)

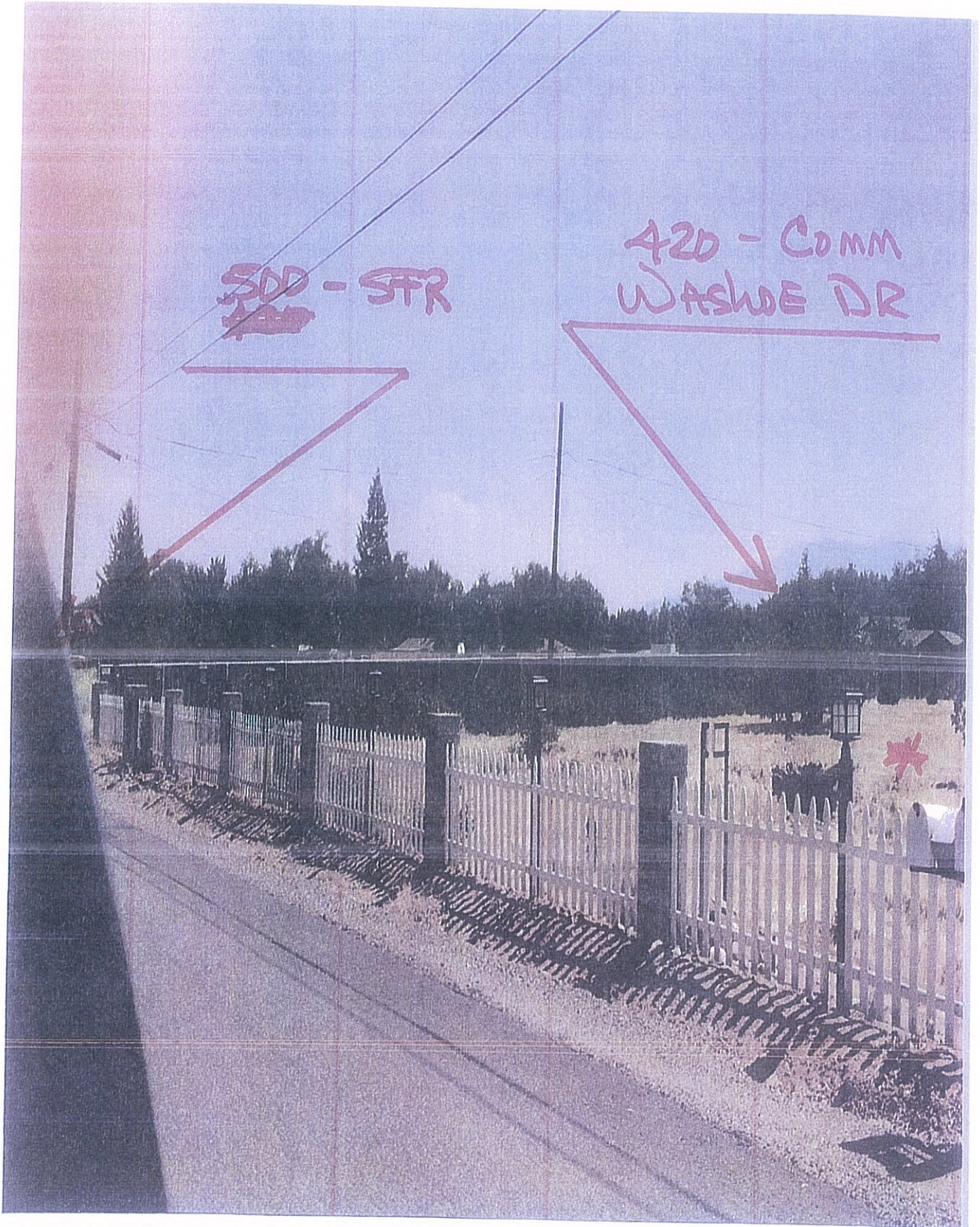
Washoe Drive FIRE Washoe County Approved Re-Build

Shop HAS <I believe US-395 Access>

REMARKS: ZONE =

BoA  
8/4/16  
Item 8B

Proximity Picture of Subject site and 420 Washoe Drive (Commercial Zonning)-Hwy Frontage?



**Building.** "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

**Building Envelope.** "Building envelope" means the area to be occupied by any structure and associated development.

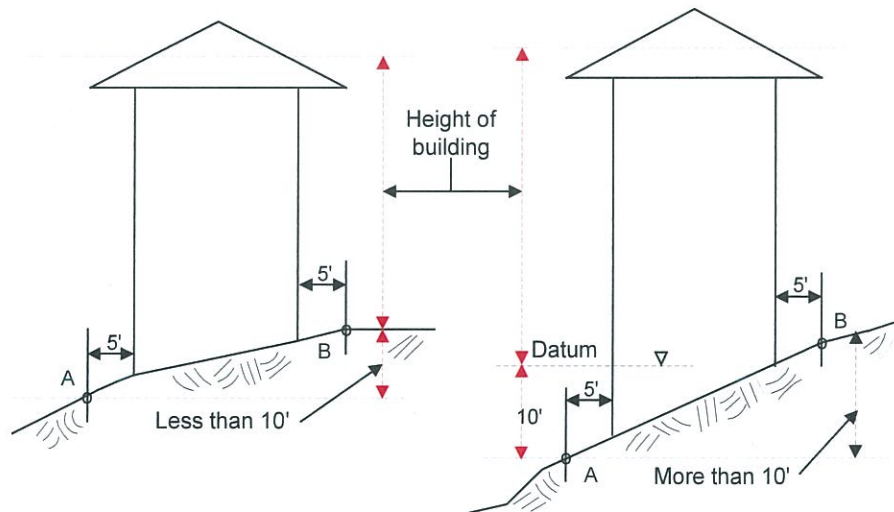
**Building Height.** "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
- (b) An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Figure 110.902.15.BH1

**DETERMINATION OF BUILDING HEIGHT IN FEET**



Source: International Building Code Interpretation Manual.

**Building Intensity.** "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

**Cellar.** "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

## Lloyd, Trevor

---

**From:** jeskaross@comcast.net  
**Sent:** Thursday, July 21, 2016 10:15 AM  
**To:** Lloyd, Trevor  
**Subject:** Re: VA16-004

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Trevor-can you present this to the commission on our behalf as we are unable to attend. Thank you, John and Ellen Miller, 1705 State Route 28, Incline Village, Nevada

*Commission-we are writing in response to the variance request from John Powers and Ken Brown Design at 1707 State Route 28, Incline Village, Nevada. We are the next door neighbor on the north side of the property. Our primary concern is privacy and we believe the rotation of the house will provide a view from the balconies into our home, including into our master bedroom. While the proposed house is rotated, our house remains as is, pointing the balconies in the direction of our home. Accordingly, we don't believe the rotation of the house should be allowed.*

We are also concerned about the five stories proposed. As proposed, the house would be out of sync with the neighborhood, and block the views from the neighbors across the street.

John and Ellen Miller, 1705 State Route 28, Incline Village, Nevada