



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director  
Blaine Cartledge, Legal Counsel



**Washoe County Board of Adjustment**  
Richard "R.J." Cieri, Chair  
Philip J. Horan, Vice Chair

Mary S. Harcinske  
Andrea Manor

**AGENDA**  
**MEETING OF**  
**WASHOE COUNTY BOARD OF ADJUSTMENT**  
**Washoe County Commission Chambers**  
**1001 East Ninth Street, Reno, Nevada**  
**Thursday, 1:30 p.m., September 4, 2008**

1:30 p.m. **DETERMINATION OF QUORUM**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

August 7, 2008

**PUBLIC COMMENT** (Limited to items not on this agenda; three-minute time limit, however the Board reserves the right to reduce this three-minute time limit, as well as limit the total time for public comment, if more than 10 people request to speak. The same applies to public comment on each agenda item.)

**CHAIR AND BOARD ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

a. Report on Previous Board of Adjustment Actions

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*Agendas and staff reports are posted to the Washoe County website at [www.washoecounty.us/comdev/](http://www.washoecounty.us/comdev/), on Friday, six days prior to the meeting. To access the agenda and staff reports, choose **Boards and Commissions**, and click on **Board of Adjustment Agendas, Staff Reports, Minutes and Roster**.*

Notes: Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The Board may take action on any of the items listed.

Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify the Washoe County Department of Community Development, at 328-3600, 24 hours prior to the meeting.

In accordance with NRS 241.020, this agenda closes three (3) days prior to the meeting date. Only items of interest and not requiring Board action may be added to the agenda within the three-day period. This agenda has been posted at the following locations: Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office-Courthouse (Court and Virginia Streets), Washoe County Library (301 South Center Street), and Sparks Justice Court (630 Greenbrae Drive).

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Post Office Box 11130, Reno, NV 89520-0027 – 1001 E. Ninth St., Reno, NV 89512

**Telephone: 775.328.3600 – Fax: 775.328.6133**

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***"Your Community Development Department"***

**DIRECTOR'S ITEMS** (Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements, discussion of items proposed for action at future meetings, and reports on planning issues and/or activities of organizations in which individual members may be involved.)

### **CONSENT ITEMS**

### **PROJECT REVIEW ITEMS**

- 1:30 p.m. 1. **PUBLIC HEARING: VARIANCE CASE NO. VA08-012 (BEAR BEACH PROPERTIES LLC)** - To vary the side yard setback from 8 feet to 6.5 feet on the north side, in order to build a single-family residence with an attached garage as authorized in Article 804 of the Washoe County Development Code. A previous request to vary the front yard setback from 15 feet to 0 feet has been approved. **The project is located at 1709 State Route 28, Lot 3, Block G, of the Rocky Point Subdivision. The property is approximately four hundred feet north of the Lake Tahoe State Park boundary.** The 0.84-acre property is designated as Medium Density Suburban (MDS) in Tahoe Area Plan, being part of the Washoe County Comprehensive Plan, and is situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 130-331-03)  
Staff Representative: Eva M. Krause, AICP, Planner, 775.328.3796
2. **PUBLIC HEARING: VARIANCE CASE NO. VA08-010 (IRA RODMAN)** – To reduce the front yard setback from 20 feet to 15 feet for a corner lot to facilitate construction of a new home with attached garage. **The project is located at 517 Cross Bow Court in Incline Village at the intersection of Cross Bow Court and Eagle Drive.** The ±0.75-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 14, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 131-224-13)  
Staff Representative: Don Morehouse, Planner, 775.328.3632
3. **PUBLIC HEARING: ADMINISTRATIVE PERMIT CASE NO. AP08-002 (KEVIN AND RONDA BARNES)** - To continue the operations of an established Equestrian facility which includes up to 60 stalls, four riding arenas, turnout area, barn, hot walkers, obstacle and trail course, dressage area, BBQ pit, and a single-family residence. **The subject property is located at 454 Calle De La Plata, approximately 1.25 miles east of Pyramid Highway (SR 445).** The subject parcel totals ±9.70 acres, is designated General Rural (GR) in the Spanish Springs Area Plan, and is situated in portions of Sections 24 and 25, T21N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN 534-582-04)  
Staff Representative: Sandra Monsalve, AICP, Senior Planner, 775.328.3608

### **OTHER ITEMS**

### **ADJOURNMENT**



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, FAICP, Community Development Director



Agenda Item No: 1

Staff Recommendation: **DENY**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Board of Adjustment

**Re:** Variance Case No. VA08-012

**Date:** 26 August 2008

**Prepared By:** Eva Krause, AICP, Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** BEAR BEACH PROPERTIES, LLC

Requested Action: To vary the side yard setback from 8 feet to 6.5 feet on the north side, in order to build a single-family residence with an attached garage as authorized in Article 804 of the Washoe County Development Code. A previous request to vary the front yard setback from 15 feet to 0 feet has been approved. The project is located at 1709 State Route 28, Lot 3, Block G, of the Rocky Point Subdivision. The property is approximately four hundred feet north of the Lake Tahoe State Park boundary. The 0.84-acre property is designated as Medium Density Suburban (MDS) in Tahoe Area Plan, being part of the Washoe County Comprehensive Plan, and is situated in a portion of Section 26, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 130-331-03)

**RECOMMENDATION/FINDINGS**

Based upon the staff analysis, comments received, and the site inspection, staff recommends denial of the side yard setback reduction with conditions and offers the following motion for your consideration:

The Washoe County Board of Adjustment denies the reduction of the side yard setback for Variance Case No. VA08-012 having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. There are no special circumstances that prevent building the house to the maximum width of the property,

To: Board of Adjustment  
Re: VA08-012 (Bear Beach Properties LLC)  
Date: 27 August 2008  
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and being that the property is not unique in its size or unusually narrow or odd shaped, there is no exceptional or undue hardship upon the owner of the property to justify the granting of the side yard variance;

2. No Detriment. The relief will create a substantial detriment to the public good, reducing the defensible space between the house and its neighboring residence and impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

Should the Board of Adjustment disagree with the staff's recommendation and can make all four hardship findings, staff will have conditions of approval available for the Board's and applicant's consideration. No unique or extraordinary conditions of approval are requested. All of the conditions are related to the service needs and/or development impacts resulting from the variance proposal.

<b>ANALYSIS</b>
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**Background:**

The Board of Adjustment heard a case for this property on May 1, 2008. The request had been to reduce the front yard setback to zero feet and the south side yard to five feet (a three-foot reduction of the setback). The applicant was late for the public hearing and missed the opportunity to discuss her issues with the Board. The Board supported the staff's recommendations and approved the front yard setback and denied the side yard setback.

The applicant re-evaluated the building plans and determined that they could accomplish what they were proposing with a smaller reduction of the setback, but not without some reduction, so she appealed the denial and sought relief from the Board of County Commissioners. The Board heard the appeal, and the applicant's modified setback request. Because the request had been modified the Board felt the applicant should have an opportunity to present the proposal and make her case to the Board of

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Adjustment. The Board denied the appeal without prejudice and asked the applicant to return to the Board of Adjustment for reconsideration.

Because the adjoining property owner to the south (Nevada State Lands) objects to the variance, the applicant is requesting that the north side yard setback be reduced to accommodate the house and garage.

The subject property is located in the Rocky Point Subdivision. This subdivision, developed in 1933, was laid out with no consideration given to topography or access to the parcels. Many of the older structures in this area were small summer cabins with no garage, and many required stairs from the street to reach the house. As these homes have been updated into year-round residences, many have been enlarged and placed close to the road in order to construct attached garages.

The subject parcel and the adjoining parcel to the north were developed as a house and parking deck. Since both properties were owned by the same party, it was assigned one parcel number and assessed as one lot. The current owner has decided to re-establish the property as two parcels and is proposing to construct a new home on the location of the parking deck. The applicant is requesting a variance to reduce the north side yard from eight feet to 6.5 feet to build a new house with a garage.

**Special Circumstances/Hardship or Self-Induced Hardship:**

The steep slope of the lot prevents the applicant from locating the garage behind the setback line. Since garages are required by the Development Code, and providing an area to park along the highway is a health and safety concern, staff recommended and the Board of Adjustment approved the front yard setback reduction.

The side yard setback reduction is a self-induced hardship created when the house was designed larger than the lot permits. The lots along the highway in this subdivision were platted at fifty feet wide. The buildable area and setbacks have been in place for many years, and the property owner and the architect are aware of these standards. By granting the front yard setback reduction, the size of the buildable area has increased by fifteen feet in depth. The request for a 1.5-foot side yard reduction would allow for a larger house. While that is a nice design, it is not needed to build on the lot. A variance is not intended to increase the square footage of the house. Reducing the size of the house so it fits within the confines of side yard setback does not create a hardship on the property owner or take away the ability to use and enjoy the property in a manner similar to other property owners with the same limitations.

**Impacts:**

Granting the side yard setback without a hardship would imply that variances are a right rather than a special exception to the code intended to relieve a hardship of the land.

The side yard setback provides a consistency and predictability in the neighborhood and creates a small buffer between properties. It prevents trespass on the neighboring property during construction, maintenance and uses of the subject property. The setback creates a buffer protecting tree root systems from foundation cuts, allows for soil

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Re: VA08-012 (Bear Beach Properties LLC)  
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stabilization on the applicant's property and prevents property damage to the neighboring lot during construction. The setback also provides the homeowner with an opportunity to clear some defensible space on their property. Granting a variance to the setback will impact the look, design and consistency planned into the neighborhood. It will also reduce the buffers between properties that protect the natural amenities and provide privacy between neighbors found in Medium Density Suburban neighborhoods.

**Site Analysis:**

The property is located between State Route 28 and the shore of Lake Tahoe. The lot is a standard width of fifty feet, but it is shallow due to the irregularity of the shoreline and the alignment of the highway. In addition the buildable area of the property is reduced by the high-water mark and the back shore area established by the Tahoe Regional Planning Agency. The property is very rocky and steep with some native vegetation and three mature trees. All three trees will have to be removed to build the proposed house.

**Development Suitability Constraints:**

The Tahoe Area Suitability Map identifies the site as having slopes greater than 15%. The site is quite steep with a slope in excess of 30%; therefore, it has development constraints that must be taken into consideration when building on the site.

**Parking Required/Provided:**

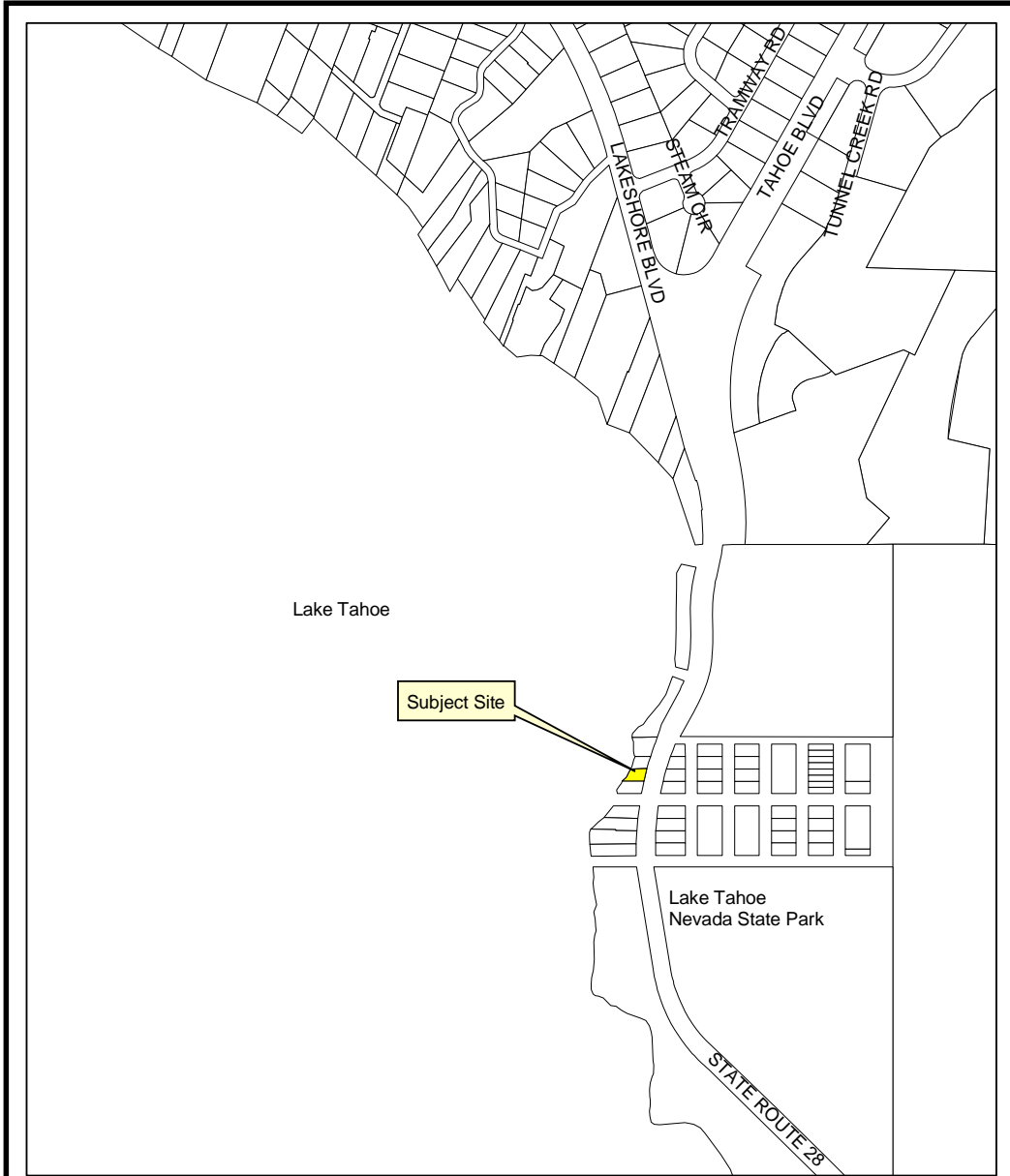
Single-family detached dwelling units require two parking spaces per dwelling unit, one of which must be in an enclosed garage. The proposed development includes a two-car garage on site. There will be additional parking on the road shoulder between the garage and the edge of the road pavement.

**Landscaping Required/Provided:**

There are no landscaping requirements for single-family residences. No landscaping is proposed.

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**LOCATION MAP**



Mailing Label Map	<b>Z</b>	<b>Department of Community Development WASHOE COUNTY NEVADA</b> <small>Post Office Box 11130 Reno, Nevada 89520 (775) 328-3600</small>
Variance Case No. VA08-005 Bear Beach Properties LLC Parcels selected at 500 feet.		
<small>Source: Advanced Planning Program</small>	<small>Date: March 2008</small>	

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Re: VA08-012 (Bear Beach Properties LLC)  
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### SITE PHOTOGRAPH



The existing parking deck and under deck storage area will be removed to build a new residence.



The existing parking deck abuts the edge of State Route 28. The new house will be located approximately the same distance from the road as the neighboring residence.

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Looking at the south side of the property from the highway shows how steep the parcel is and why setting the house back from the street would be extremely difficult.

#### **AGENCY COMMENTS**

The revised plans were submitted to involved agencies. No new concerns or conditions were forwarded for inclusion in the staff report.

Nevada State Lands objected to any reduction of setbacks next to their property on the south. Due to that objection, the applicant is requesting to vary the setback on the north side of the property.

No unique or extraordinary conditions of approval were requested

#### **CITIZEN ADVISORY BOARD COMMENTS**

The original request was submitted to the Incline Village/Crystal Bay Citizen Advisory Board at the April 2, 2008 meeting. The CAB voted unanimously to recommend that the request be approved.

The revised proposal was submitted to the Incline Village/Crystal Bay Citizen Advisory Board for the September 3, 2008 meeting. Minutes of the meeting will be presented at the Public Hearing.

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Re: VA08-012 (Bear Beach Properties LLC)  
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<b>APPLICABLE REGULATIONS</b>
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.406 and 802

VA08-005 (EMK)

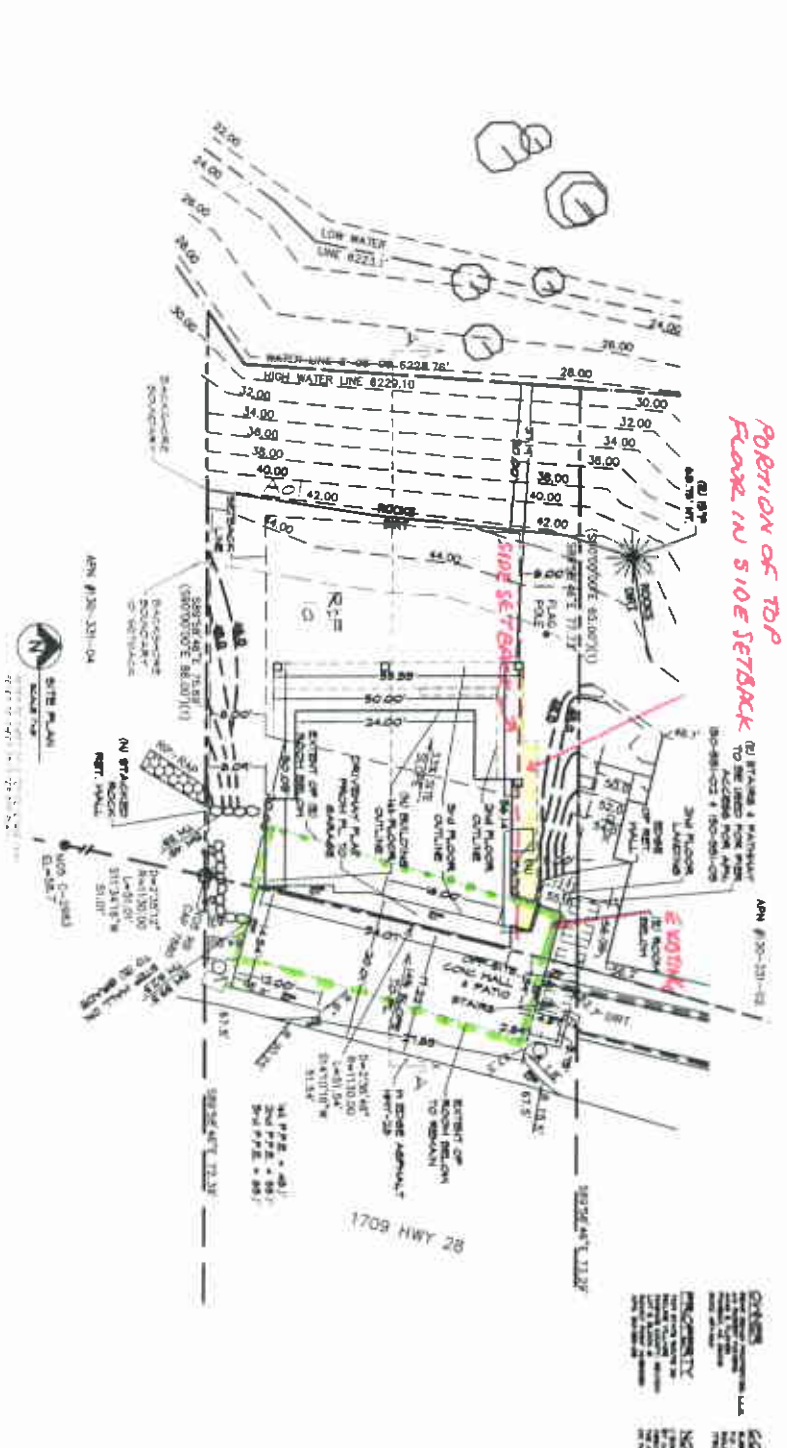
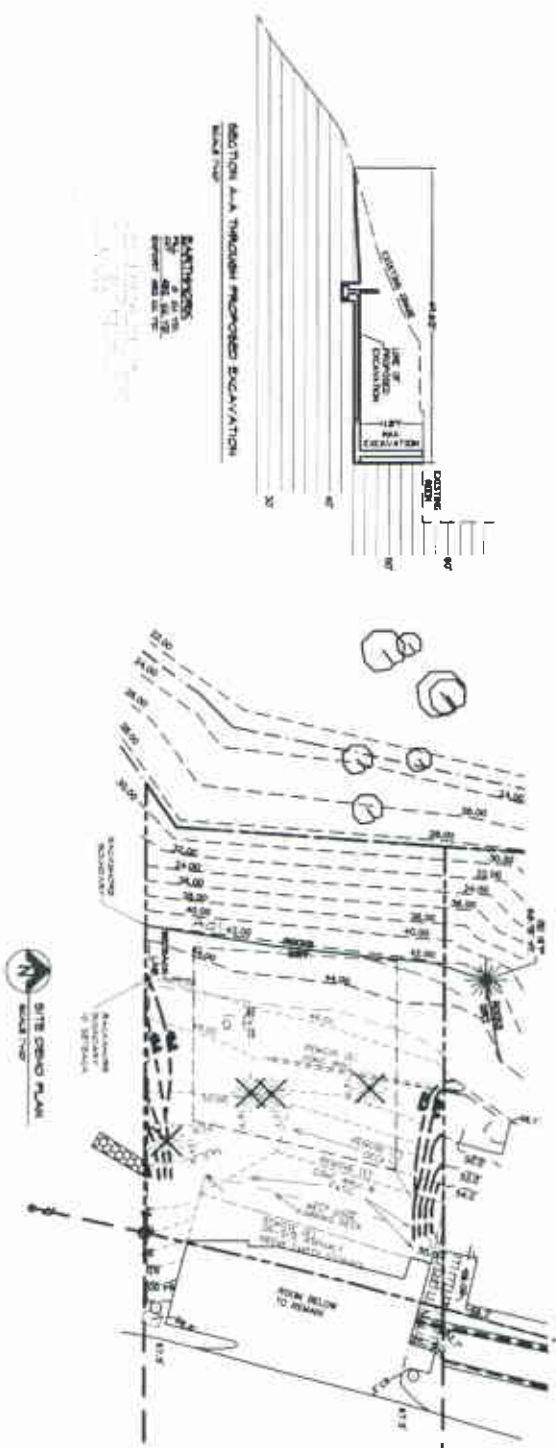
Attachments: Site Plan; Elevations, Floor Plans; Division of State Lands letter dated July 7, 2008

xc:

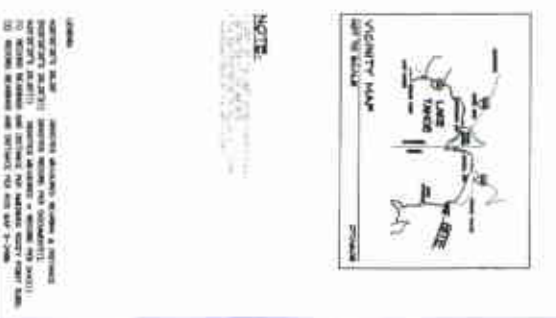
Property Owner/Applicant: Bear Beach Properties, LLC, 4446 East Flower, AZ 85018

Professional Consultant: Elise Fett & Associates, P.O. Box 5989, Incline Village, NV 89450

Agencies: Liz Harrison, Nevada State Lands, 901 S. Stewart Street, Ste. 5003  
Carson City, NV 89701-5246



*PORTION OF TDP  
 FLOOR IN SIDE SETBACK*



*PORTION OF TDP  
 FLOOR IN SIDE SETBACK*

NO.	DATE	DESCRIPTION
1	08/15/08	ISSUED FOR PERMIT
2	08/15/08	ISSUED FOR PERMIT
3	08/15/08	ISSUED FOR PERMIT
4	08/15/08	ISSUED FOR PERMIT
5	08/15/08	ISSUED FOR PERMIT
6	08/15/08	ISSUED FOR PERMIT
7	08/15/08	ISSUED FOR PERMIT
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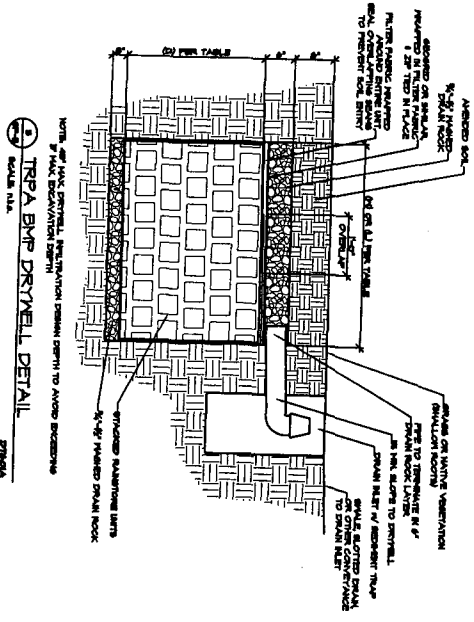
**BEAR BEACH PROPERTIES LLC.**  
 ROCKY POINT AMENDED, LOT 3, BLOCK G  
 1709 STATE ROUTE 28, INCLINE VILLAGE, WASHOE COUNTY, NV.  
 APN# 130-331-03

**ELISE FETT & ASSOCIATES, LTD.**  
 ARCHITECTURE  
 ENGINEERING

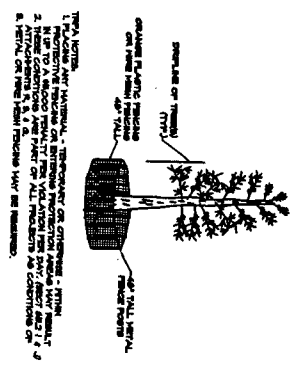
P.O. BOX 5084  
 INCLINE VILLAGE  
 NEVADA 89450

PHONE: (775) 853-2566  
 FAX: (775) 853-2566  
 elise@elisefett.com

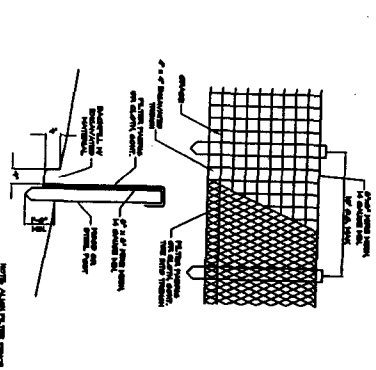
ALL DIMENSIONS AND SPACING UNLESS OTHERWISE SPECIFIED. THIS DOCUMENT IS THE PROPERTY OF ELISE FETT & ASSOCIATES, LTD. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.



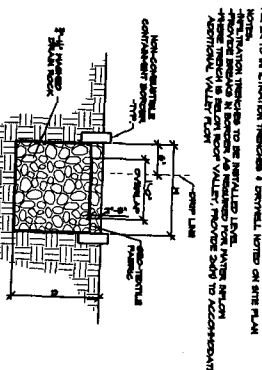
**1.2 VEGETATION PROTECTIVE FENCING**  
SCALE: 1/4" = 1'-0"



**1.3 FILTER FABRIC FENCE**  
SCALE: 1/4" = 1'-0"



**1.4 TRSPA BMP INFILTRATION TRENCH**  
SCALE: 1/4" = 1'-0"

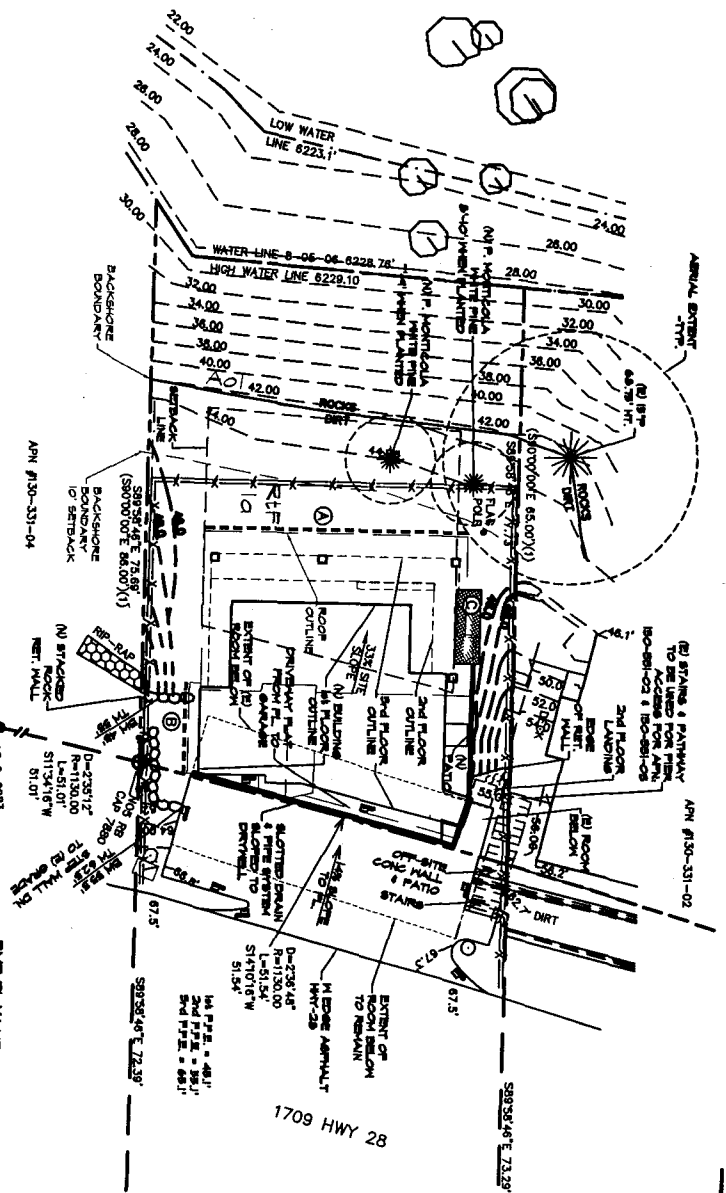


**TRSPA BMP DESIGN TABLE**

TRSPA BMP	DESIGN	NO.	LOCATION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL BMP AREA
1.1	1	1	DRYWELL	100	100%
1.2	1	1	VEGETATION PROTECTIVE FENCING	100	100%
1.3	1	1	FILTER FABRIC FENCE	100	100%
1.4	1	1	INFILTRATION TRENCH	100	100%

**TRSPA BMP NOTES:**  
1. TRSPA BMP DESIGN TABLE TO BE INSTALLED PER PLAN.  
2. TRSPA BMP DESIGN TABLE TO BE INSTALLED PER PLAN.  
3. TRSPA BMP DESIGN TABLE TO BE INSTALLED PER PLAN.  
4. TRSPA BMP DESIGN TABLE TO BE INSTALLED PER PLAN.

**TRSPA BMP & LANDSCAPE PLAN**  
SCALE: 1/4" = 1'-0"



**BLP NOTES:**  
1. BLP NOTES TO BE INSTALLED PER PLAN.  
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**PLANTING & IRRIGATION:**  
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**BLP PLAN KEY:**  
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**REVISIONS**

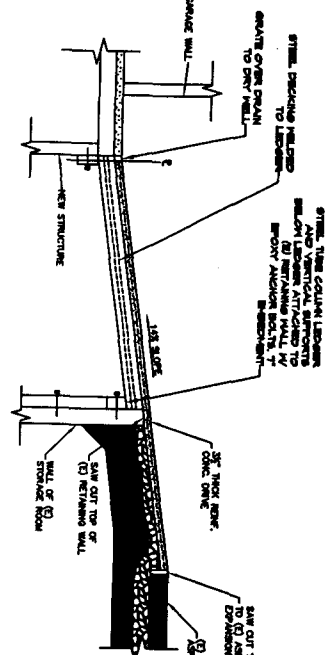
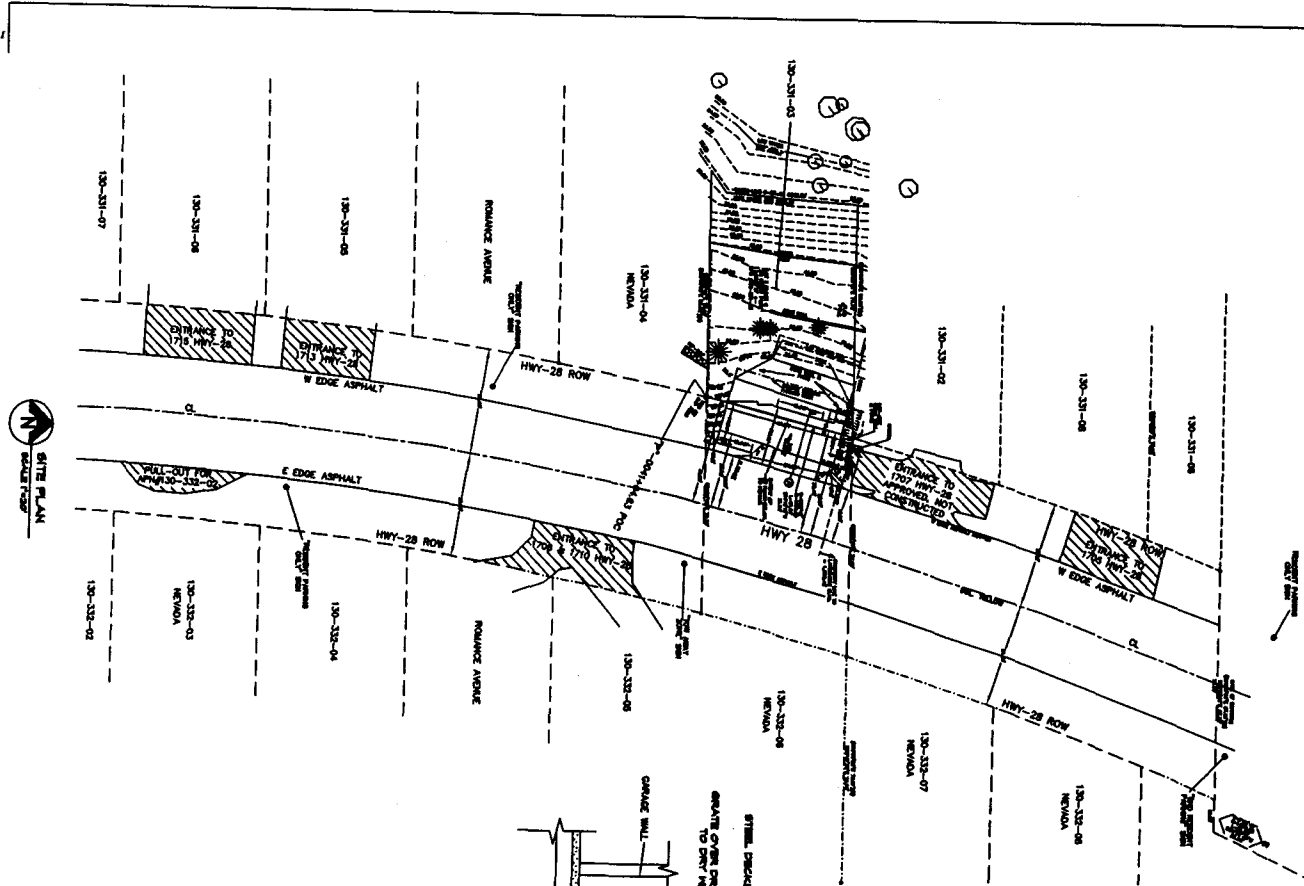
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9	7/15/08	ISSUED FOR PERMIT
10	7/15/08	ISSUED FOR PERMIT

**BEAR BEACH PROPERTIES LLC.**  
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ARCHITECTURE & ENGINEERING  
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INCLINE VILLAGE  
NEVADA 89460  
PHONE: (775)633-3368  
FAX: (775)633-2368  
elise@elisefett.com

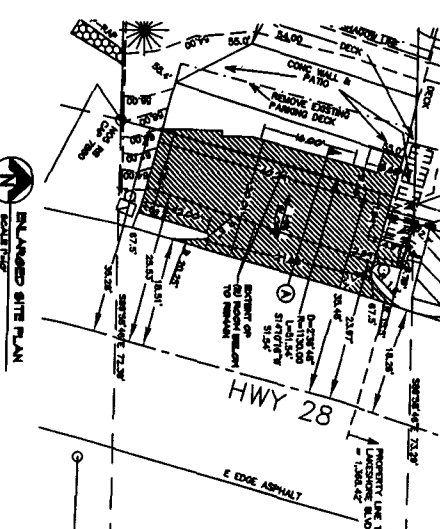
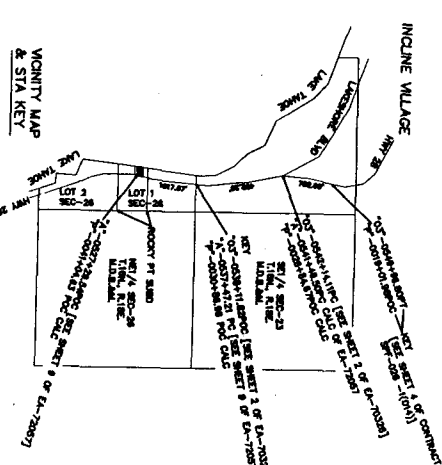
**SP-3**

NO.	DATE	DESCRIPTION
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7	7/15/08	ISSUED FOR PERMIT
8	7/15/08	ISSUED FOR PERMIT
9	7/15/08	ISSUED FOR PERMIT
10	7/15/08	ISSUED FOR PERMIT



**LEGEND**

- FACILITIES TO BE INSTALLED
- NEW DRIVE
- EXISTING FACILITIES
- FACILITIES TO BE REMOVED, RELOCATED OR ELIMINATED
- ALBERT AND DISTRICT PROPERTY BOUNDARIES



**OWNER**  
 BEAR BEACH PROPERTIES, LLC  
 1709 STATE ROUTE 28, INCLINE VILLAGE, NV 89450

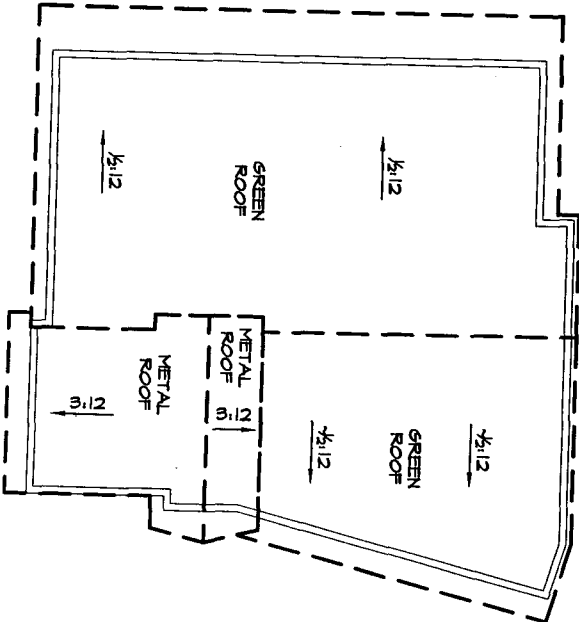
**PROPERTY CONTACT PERSON**  
 ELISE FETT  
 775-633-3368  
 elise@ellsfett.com

**NOTE:**  
 THIS PLAN IS A PART OF A SET OF CONTRACT DOCUMENTS. IT IS TO BE READ IN CONJUNCTION WITH THE OTHER DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AND STATE AUTHORITIES.

<p>SP-4</p>	<p><b>BEAR BEACH PROPERTIES, LLC</b>                  ROCKY POINT AMENDED, LOT 3, BLOCK G                  1709 STATE ROUTE 28, INCLINE VILLAGE, WASHOE COUNTY, NV.                  APN# 130-331-03</p>	<p><b>ELISE FETT &amp; ASSOCIATES, LTD.</b>                  AIA • RCE                  ARCHITECTURE                  ENGINEERING</p>	<p>P.O. BOX 6888                  INCLINE VILLAGE                  NEVADA 89450                  PHONE: (775)633-3368                  FAX: (775)633-3368                  elise@ellsfett.com</p>									
<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION									
NO.	DATE	DESCRIPTION										

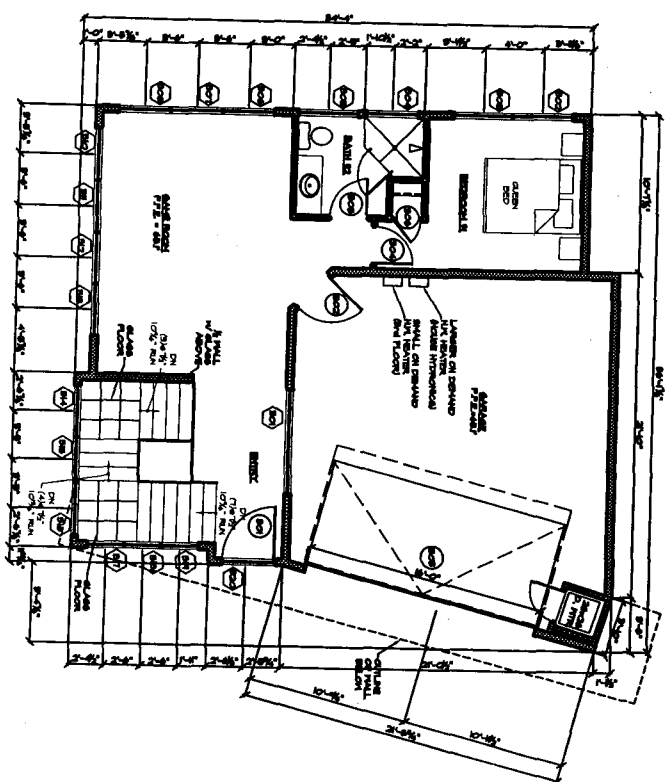
ALL DIMENSIONS AND OTHER MATERIALS, UNLESS OTHERWISE SPECIFIED, SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS AND SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS AND SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS.





ROOF TOTAL AREA, SF	10,000
GREEN ROOF AREA, SF	6,000
METAL ROOF AREA, SF	4,000
TOTAL AREA, SF	10,000

ROOF PLAN



2ND FLOOR PLAN

MARK	NO.	DOOR	SIZE	STYLE	REMARKS
101	101	101	3'-0" x 7'-0"	Standard	
102	102	102	3'-0" x 7'-0"	Standard	
103	103	103	3'-0" x 7'-0"	Standard	
104	104	104	3'-0" x 7'-0"	Standard	
105	105	105	3'-0" x 7'-0"	Standard	
106	106	106	3'-0" x 7'-0"	Standard	
107	107	107	3'-0" x 7'-0"	Standard	
108	108	108	3'-0" x 7'-0"	Standard	
109	109	109	3'-0" x 7'-0"	Standard	
110	110	110	3'-0" x 7'-0"	Standard	

DOOR SCHEDULE

MARK	NO.	WINDOW	SIZE	STYLE	REMARKS
201	201	201	3'-0" x 4'-0"	Standard	
202	202	202	3'-0" x 4'-0"	Standard	
203	203	203	3'-0" x 4'-0"	Standard	
204	204	204	3'-0" x 4'-0"	Standard	
205	205	205	3'-0" x 4'-0"	Standard	
206	206	206	3'-0" x 4'-0"	Standard	
207	207	207	3'-0" x 4'-0"	Standard	
208	208	208	3'-0" x 4'-0"	Standard	
209	209	209	3'-0" x 4'-0"	Standard	
210	210	210	3'-0" x 4'-0"	Standard	

WINDOW SCHEDULE

\\Server\acad\dwgs\JPO4\JPO-4 proposed 7-15-08\X-3rd.dwg, 7/15/2008 12:22:08 PM

A-2 SHEET	<b>BEAR BEACH PROPERTIES LLC.</b> ROCKY POINT AMENDED, LOT 3, BLOCK G 1709 STATE ROUTE 28, INCLINE VILLAGE, WASHOE COUNTY, NV. APN# 130-331-03	<b>ELISE FETT &amp; ASSOCIATES, LTD.</b> AIA - RCE <b>ARCHITECTURE ENGINEERING</b> P.O. BOX 5900 INCLINE VILLAGE NEVADA 89450 PHONE: (775)633-2388 FAX: (775)633-2388 elise@elisefett.com	REVISIONS BY DATE
	PROJECT: 130-331-03 DATE: 7-15-08 DRAWN BY: JPO CHECKED BY: JPO APPROVED BY: JPO	SHEET NO. 1 OF 1 TOTAL SHEETS: 1	130-331-03

ALL DIMENSIONS AND MATERIALS UNLESS OTHERWISE SPECIFIED SHALL BE IN ACCORDANCE WITH THE ARCHITECT'S NOTES AND ANY NOT BE SHOWN, USED OR BELIEVED WITHOUT WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.





RECEIVED

JUL 14 2008

ALLEN BIAGGI  
Director  
Department of Conservation  
and Natural Resources

WASHOE COUNTY  
COMMUNITY DEVELOPMENT

JIM GIBBONS  
Governor



Nevada Tahoe Resource Team

Address Reply to

Division of State Lands  
901 S. Stewart St. Suite 5003  
Carson City, Nevada 89701-5246  
Phone (775) 684-2720  
Fax (775) 684-2721  
Web [www.lands.nv.gov](http://www.lands.nv.gov)

JAMES R. LAWRENCE  
Administrator

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Division of State Lands

July 7, 2008

Eva M. Krause, AICP, Planner  
Washoe County Department of Community Development  
P.O. Box 11130  
Reno, NV 89520-0027

**RE: WASHOE COUNTY DEVELOPMENT APPLICATION FOR BEAR BEACH PROPERTIES, LLC  
ASSESSOR'S PARCEL NUMBER (APN) 130-331-03, WASHOE COUNTY, NEVADA**

Dear Ms. Krause:

I am writing to provide comments on the above referenced application that is to be heard before the Washoe County Board of Adjustment. This application requests a variance to the Washoe County setback standards to construct a new single family residence. The State of Nevada owns a parcel (APN 130-331-04) which is located directly south of the above referenced parcel. The Nevada Division of State Lands ("NDSL") staff has identified issues associated with the proposed development that should be considered as part of the County's review.

According to documentation provided to NDSL by Washoe County, the applicant is requesting a side yard setback variance from 8 feet to 5 feet. In an email sent to State Lands on June 19<sup>th</sup> by Elise Fett, who represents the applicant, the proposed construction of a stairwell would encroach 0.6 feet into the setback. NDSL has historically taken a firm stance against the granting of any variances by Washoe County that may affect our sensitive lands in the Tahoe basin. As recently as June 27<sup>th</sup>, 2008, NDSL documented an unauthorized use of State property on this very parcel in the form of kayaks being stored on State lands.

The State of Nevada parcel was purchased with public funds made available under the 1986 Tahoe Bond Act and as such is deemed a sensitive property, to be managed in its natural state. Therefore, construction access, disturbance, or BMP installation on the State of Nevada parcel cannot be authorized. The area is steep and therefore construction of the proposed residence may require large cuts directly adjacent to the parcel owned by the State of Nevada. These large cuts have the potential to destabilize the State of Nevada parcel. Other construction activities may include the excavation for the foundation, general construction access to the site, staging areas and the installation of Best Management Practices. NDSL is unwilling to grant authorization for any trees, vegetation or rock outcrops to be removed, modified or damaged in any way on State Lands to facilitate construction of residential structures.

NDSL requests that the Washoe County Board of Adjustment adopt the Staff Recommendation to uphold the decision to not grant the side yard variance out of consideration of potential damage during construction and future unauthorized use of State land.

Thank you for the opportunity to comment on this project. If you have any questions, please call me at (775) 684-2735.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elyse Randles".

Elyse Randles  
State Land Agent II  
Nevada Tahoe Resource Team

cc. Elise Fett & Associates



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, AICP, Community Development Director



Agenda Item No: 2

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Board of Adjustment

**Re:** Variance Case No. VA08-010

**Date:** August 26, 2008

**Prepared By:** Don Morehouse, Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** Ira Rodman

**Requested Action:** To reduce the front yard setback from 20 feet to 15 feet for a corner lot to facilitate construction of a new home with attached garage. **The project is located at 517 Cross Bow Court, in Incline Village at the intersection of Cross Bow Court and Eagle Drive.** The ±0.75-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 14, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN: 131-224-13)

**RECOMMENDATION/FINDINGS**

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions and offers the following motion for your consideration:

I move that the Washoe County Board of Adjustment approves with conditions Variance Case No. VA08-010 having made the following findings in accordance with Washoe County Development Code Section 110.804.25:

1. Special Circumstances. Because of the special circumstances applicable to the property due to exceptional topographic conditions with the steep slope and driveway causing a safety hazard, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or

impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

<b>ANALYSIS</b>
-----------------

**Background:**

The project is a developed single-family (existing structure will be torn down) corner lot in Incline Village. The developer is requesting a variance to reduce the front yard setback from 20 feet to 15 feet in order to facilitate construction of a new home with attached garage on a lot with slope greater than 20%. The variance will allow construction of a driveway with a slope in conformance with the Washoe County Development Code.

**Special Circumstances:**

Under Section 406 of the Washoe County Development Code (Building Setbacks):

Interior Lots. On any interior lot in any residential land use category or general rural or general rural residential zone, the front yard requirement shall be fifteen (15) feet where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) above (or below) the established street grade for every ten (10) feet of horizontal distance. Plans submitted must be specific enough to establish conformance with these provisions.

The slope of the property is greater than 20% creating a hardship for installing a driveway at less than 14% slope. This corner lot is similar to the adjacent interior lots in that it has a steep slope but the Washoe County Development Code does not allow the reduction in front yard setback to 15 feet on a corner lot without a variance. In reviewing the possible impacts of the variance request, the intersection visibility is of primary concern. Staff visited the site and determined the intersection visibility to be adequate.

**Impacts:**

A reduction in the front yard setback from 20 feet to 15 feet would not block any views and would not encroach upon any existing structures.

To: Washoe County Board Of Adjustment

Re: Ira Rodman

Date: August 26, 2008

Page: 3

**Site Analysis:**

The property is forested with mature trees and natural vegetation.

**Development Suitability Constraints:**

The Tahoe Area Suitability Map identifies the site as having slopes greater than 15%.

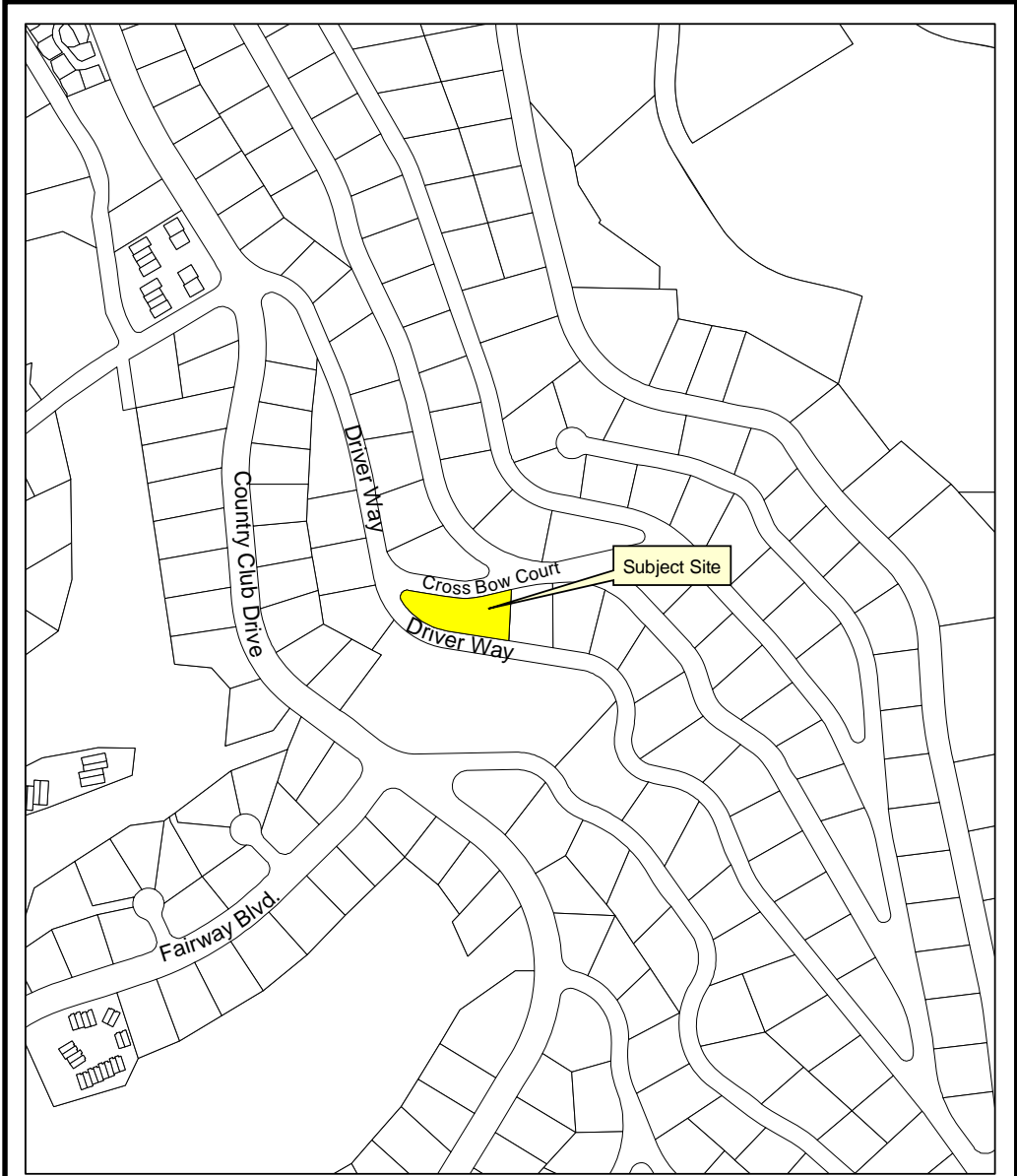
**Parking Required/Provided:**

Single-family detached dwelling units require two parking spaces per dwelling unit, one of which must be in an enclosed garage. This requirement has been met.

**Landscaping Required/Provided:**

There are no landscaping requirements for single-family residences. No landscaping is proposed.

**LOCATION MAP**




Location Map  
Variance Case Number VA08-010  
Ira Rodman

0 500  
Feet

August 2008

**Z**

  
Department of  
Community Development  
WASHOE COUNTY  
NEVADA  
Post Office Box 11130  
Reno, Nevada 89520 (775) 328-3600

**AGENCY COMMENTS**

The plans were submitted to involved agencies. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the variance proposal.

**CITIZEN ADVISORY BOARD COMMENTS**

The proposed plans were submitted to the Incline Village/Crystal Bay Citizen Advisory Board and were discussed during the August 6, 2008 meeting. A report will be presented at the Public Hearing.

**APPLICABLE REGULATIONS**

Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.406 and 110.804

VA08-010(DM)

Attachments: Site Plan, Elevations, Memos from North Lake Tahoe Fire Protection District dated July 29, 2008, Incline Village General Improvement District dated July 24, 2008, and Washoe County Engineering dated July 28, 2008

xc: Incline Village/Crystal Bay Citizen Advisory Board

Applicant: Ira Rodman, PO Box 426, Crystal Bay NV 89402

Representatives: (Same as above)

**CONDITIONS OF APPROVAL FOR  
VARIANCE CASE NO. VA08-010  
(As recommended by Department of Community Development  
and attached to Staff Report dated August 26, 2008)**

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

**GENERAL CONDITIONS**

**UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.**

**ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.**

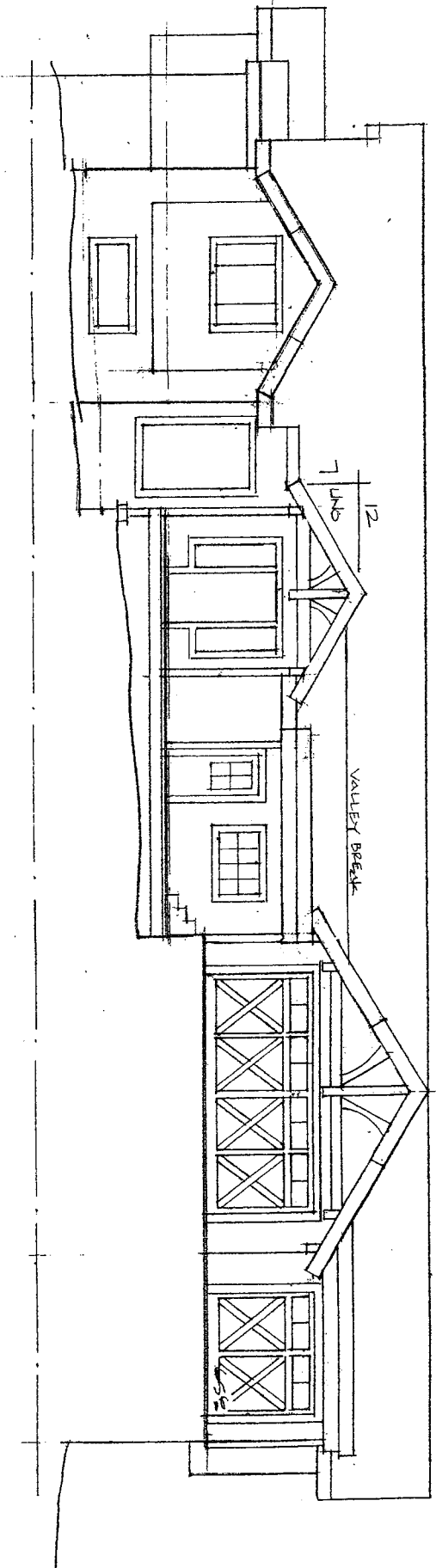
**WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**SPECIFIC CONDITIONS FOR VARIANCE CASE NO. VA08-010**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.
2. The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.
3. The applicant shall demonstrate substantial conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
4. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
5. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control. The staff of the Department of Community Development shall determine compliance with this condition.
6. The applicant shall execute a hold-harmless agreement with the Community Development office for road maintenance purposes. A copy of the agreement shall be recorded prior to the issuance of a building permit. The staff of the Department of Community Development shall determine compliance with this condition.
7. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. The staff of the Department of Community Development shall determine compliance with this condition.



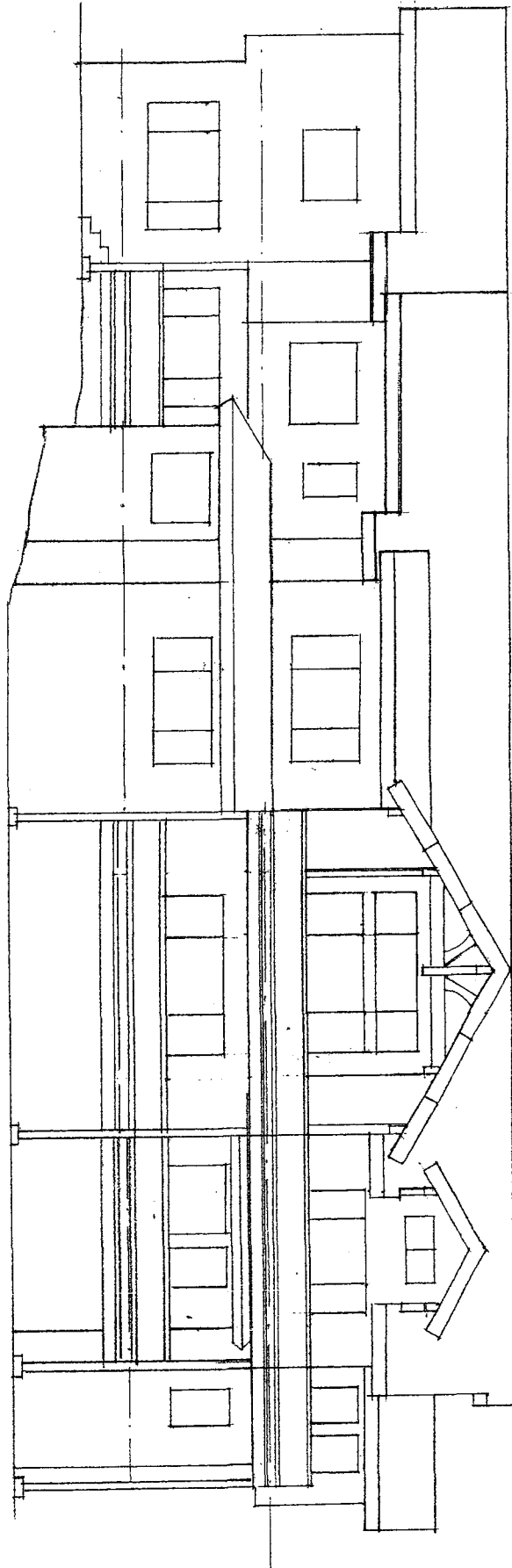
FRONT ELEVATION - NORTH



1/8" = 1'-0"

ALLOWABLE = 33%  
FOR 7:12 & 26%

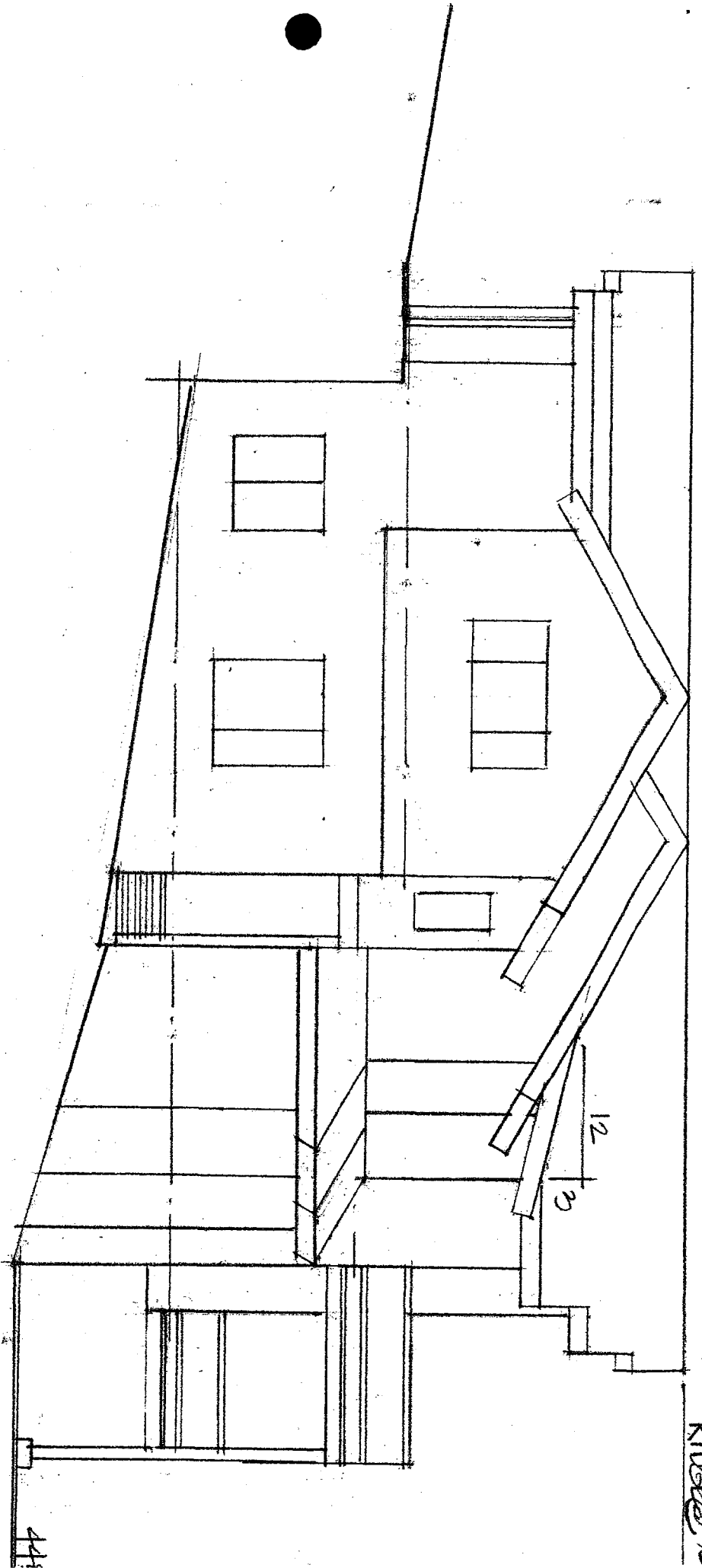
REAR ELEVATION - SOUTH



1/8" = 1' 0"

RIGHT ELEVATION - WEST

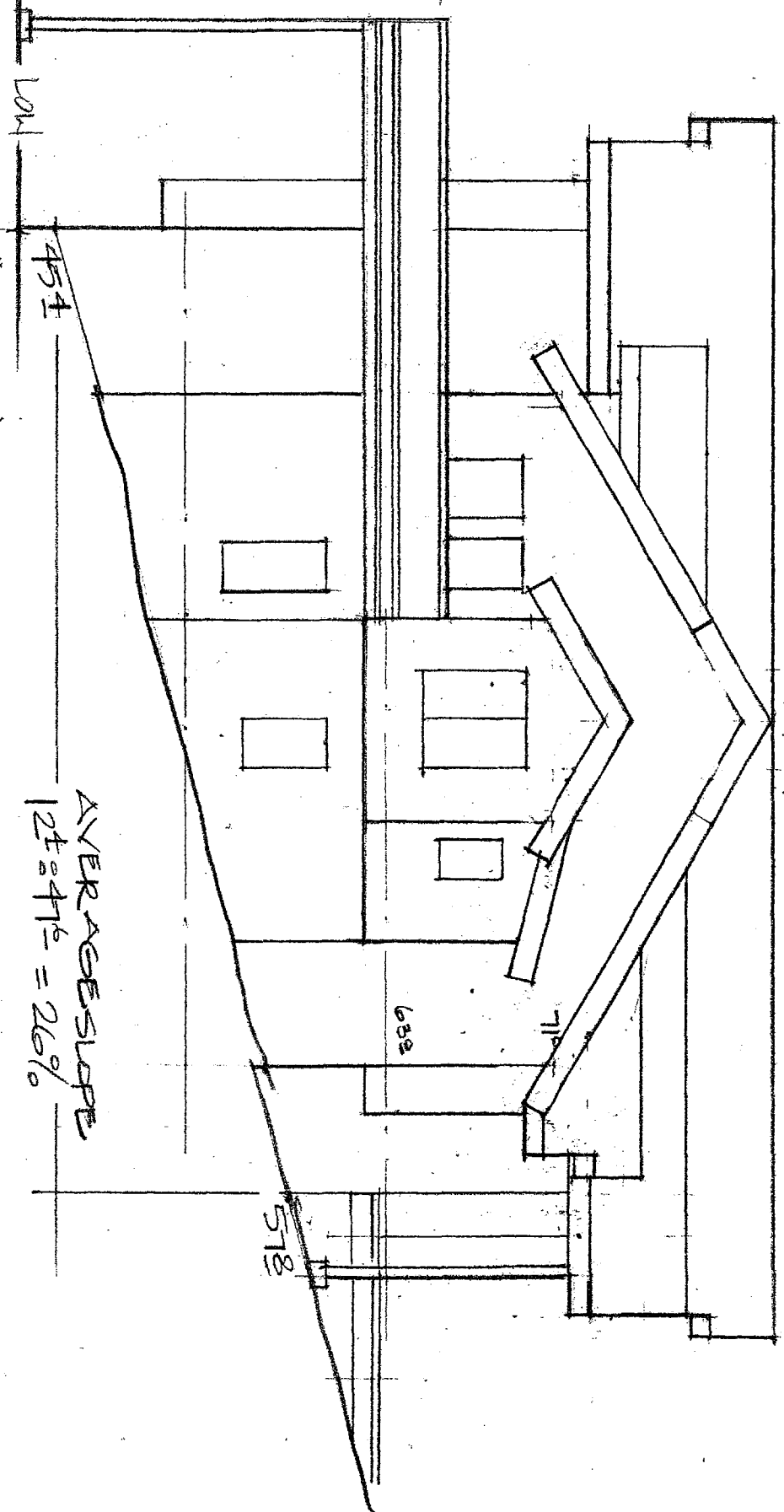
1/8" = 1'0"



KIDSE

44

LEFT ELEVATION - EAST 1/8" = 1'-0"



AVERAGE SLOPE  
125.47' = 26%

LOW

454

632

710

518



RECEIVED

JUL 30 2008

WASHOE COUNTY  
COMMUNITY DEVELOPMENT

July 29, 2008

Washoe County Department of Community Development  
P.O. Box 11130  
Reno, NV 89520-0027

### AUGUST 2008 AGENCY REVIEWS

The following applications have been reviewed by the North Lake Tahoe Fire Protection District with comments as noted below:

**VARIANCE CASE NO. VA08-010 (IRA RODMAN)**, 517 Crossbow, Incline Village. There are no adverse impacts to fire protection for this application.

**VARIANCE CASE NO. VA08-012 (BEAR BEACH PROPERTIES LLC)**, 1709 State Route 28, Incline Village. There are no adverse impacts to fire protection for this application.

Prepared by:  
NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

Peter J. Mulvihill, P.E.  
Assistant Fire Marshal

Fire/DCserver/Prevention/Devel Apps/August 2008 packet

North Lake Tahoe  
Fire Protection  
District

866 Oriole Way  
Incline Village, NV  
89451

775/831-0351  
Fax 775/831-2072  
www.nltfpd.net

Michael D. Brown  
Fire Chief

**Incline Village General Improvement District  
Development review Status Sheet**

**From: Tim Buxton, Chief Inspector, Ph. (775)832-1246 Fax:(775)832-1260  
1220 Sweetwater Road, Incline Village Nevada 89451**

<b>Date</b>	<b>Fax No.</b>	<b>Re:</b>	<b>APN</b>
7-24-08	E-MAIL	VA08-010	131-224-13

**Washoe County Dept. of Community Development  
P.O. Box 11130  
Reno, Nevada 89520**

**Attention:**

**Don Morehouse**

<b>Service Address:</b>	<b>Lot:</b>	<b>Blk:</b>	<b>Subdivision</b>
517 Cross Bow			

<b>Owner:</b>	<b>Ph.</b>	<b>Fax</b>
Ira Rodman		

**Mailing Address:**

P.O. Box 426 Crystal Bay
Nevada 89402

<b>Contact Person:</b>	<b>Ph.</b>	<b>Fax</b>
Don Morehouse	775- 328-3632	

Request:

**VARIANCE CASE NO. VA08-010 (IRA RODMAN)** – To reduce the front yard setback from 20 feet to 15 feet for a corner lot to facilitate construction of a new home with attached garage. **The project is located at 517 Cross Bow Court in Incline Village at the intersection of Cross Bow Court and Eagle Drive.** The ±0.75-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 14, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the **Incline Village/Crystal Bay Citizen Advisory Board** boundary and Washoe County Commission District No. 1. (APN 131-224-13)  
Staff Representative: Don Morehouse, Planner (775) 328-3632.

Property Owner/Applicant: Ira Rodman, P.O. Box 426, Crystal Bay, NV 89402

**Comments and Conditions: No Impact to the Incline Village General Improvement District.**

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via U.S. Postal Service We will reimburse you for your postage. Thank You.



# WASHOE COUNTY

## Department of Public Works

*"Dedicated to Excellence in Public Service"*

DAN ST. JOHN, P.E., Public Works Director

1001 East 9<sup>th</sup> Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

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### INTEROFFICE MEMORANDUM

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DATE: July 28, 2008  
TO: Don Morehouse, Department of Community Development  
FROM: Leo R. Vesely, P.E., Engineering Division  
SUBJECT: **VA08-010**  
**APN 131-224-13**  
**RODMAN**

---

I have reviewed the referenced variance case and recommend the following conditions:

1. Provide a hold-harmless agreement to the satisfaction of the District Attorney and the Engineering Division.
2. The applicant shall provide automatic garage door openers.

LRV/lrv



# Community Development

*"Dedicated to Excellence in Public Service"*

Adrian P. Freund, FAICP, Community Development Director



(September 4, 2008)

Agenda Item No: **3**

Staff Recommendation: **APPROVE WITH CONDITIONS**

**WASHOE COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT  
STAFF REPORT**

**To:** Washoe County Board of Adjustment

**Re:** Administrative Permit Case No. AP08-002

**Date:** August 27, 2008

**Prepared By:** Sandra Monsalve, AICP, Senior Planner

**GENERAL INFORMATION SUMMARY**

**Applicant:** Kevin Barnes (Rocking 6-B Ranch)

**Requested Action:** To continue the operations of an established Equestrian facility which includes up to 60 stalls, four riding arenas, turnout area, barn, hot walkers, obstacle and trail course, dressage area, BBQ pit, and a single-family residence. **The subject property is located at 454 Calle De La Plata, approximately 1.25 miles east of Pyramid Highway (SR 445).** The subject parcel totals ±9.70 acres, is designated General Rural (GR) in the Spanish Springs Area Plan, and is situated in portions of Sections 24 and 25, T21N, R20E, MDM, Washoe County, Nevada. The property is located in the Spanish Springs Citizen Advisory Board boundary and Washoe County Commission District No. 4. (APN 534-582-04)

**RECOMMENDATIONS / FINDINGS**

Based upon the staff analysis, comments received, and the site inspection, staff recommends approval of the request with conditions, and offers the following motion for your consideration:

I move that the Washoe County Board of Adjustment approve with conditions Administrative Permit Case No. AP08-002 for Rocking 6-B Ranch, having made the following findings in accordance with Washoe County Development Code Section 110.808.25

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the Spanish Springs Area Plan;

To: Washoe County Board of Adjustment  
Re: Administrative Permit Case No: AP08-002 (Rocking 6B Ranch)  
Date: August 27, 2008  
Page: 2

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 commercial stables, and for the intensity of the 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; and
5. Due Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting.

<b>ANALYSIS</b>
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**Background:**

This is a request to continue the operations of an established equestrian facility, thereby bringing the facility into conformance with the current Washoe County Development Code. The applicant states that the facility has been utilized as a commercial stable intermittently over the last 25 years, however unverifiable prior to 1992. The facility includes up to 60 stalls for 60 horses, four riding arenas, hot walkers, turnout area, a barn, an obstacle and trail course, and a single family residence.

This request is a result of code enforcement notifying the owner that the business license for the commercial stable is not current and has lapsed for more than 12 consecutive months, thereby requiring the stables to meet the requirements of the current code. Prior to the existing development code (pre-1992), commercial stable facilities did not require an administrative permit, or a business license. The facility has had several owners over the last 25-years, with the most recent business license issued in 1997.

At this time the applicant does not anticipate holding riding events, however will be available by appointment for private riding lessons between the hours of 8:00 a.m. until 8:00 p.m. daily.

**Development Suitability Constraints:** The project site is located on Calle de la Plata, within the Spanish Springs Rural Character Management Plan. The Development Suitability Map identifies the parcel as "Most Suitable for Development."

To: Washoe County Board of Adjustment  
Re: Administrative Permit Case No: AP08-002 (Rocking 6B Ranch)  
Date: August 27, 2008  
Page: 3

### **Use Types:**

**Section 110.304.25:** Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types.

- (c) Animal Sales and Services. Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 330, Domestic Pets and Livestock. The following are animal sales and services use types:
  - (1) Commercial Stables. Commercial stables refer to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.

### **Parking and Landscaping:**

The applicant has indicated that there are approximately 25 parking spaces on the ±10-acre parcel for the commercial use. The development code requires 1 parking space per employee during peak shift, and .25 per horse. The required parking, therefore, is 15 spaces, plus additional spaces for employees. The applicant indicates there are 25-parking spaces on-site, which sufficiently meets the parking requirements of the development code.

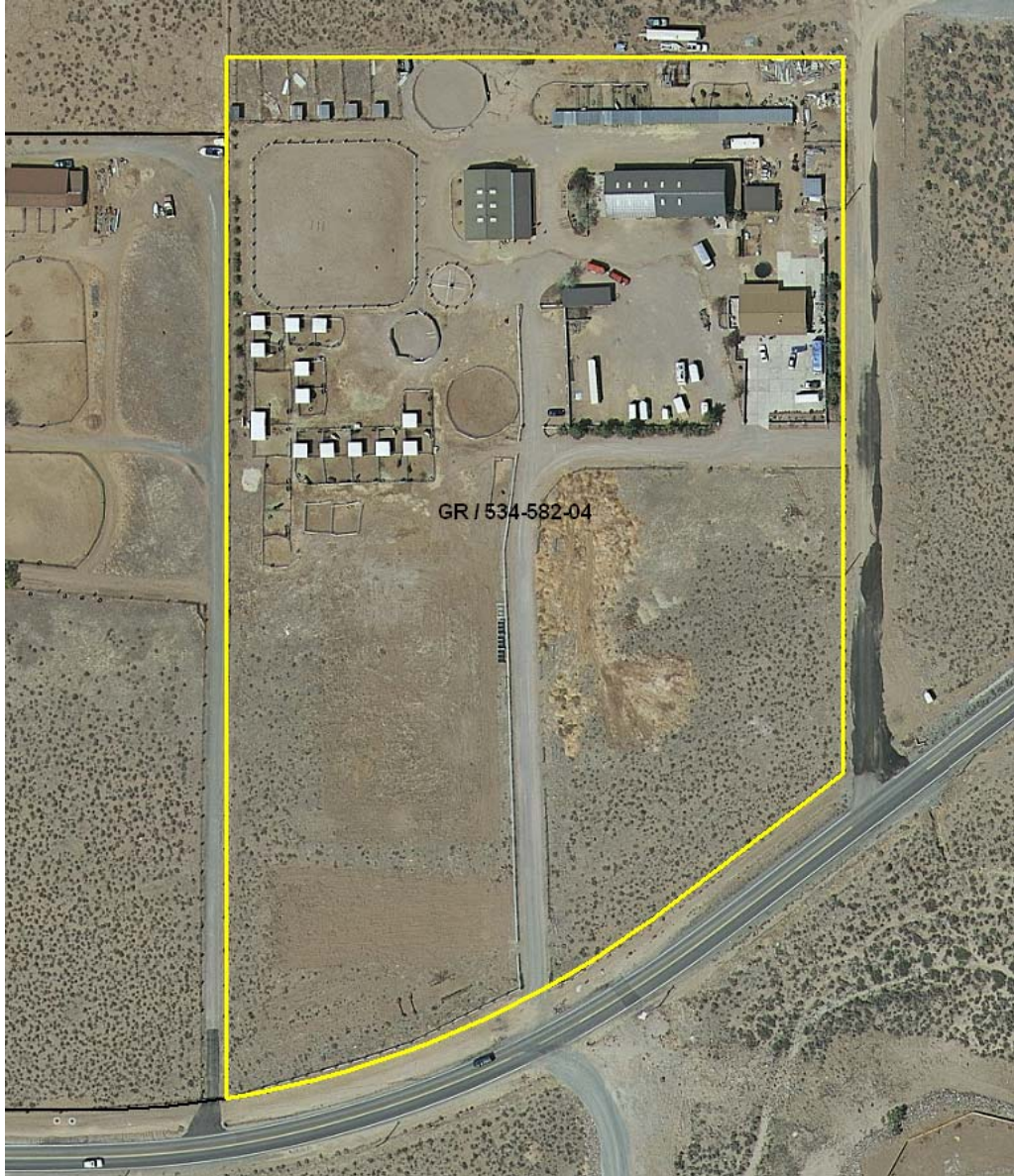
#### *Landscaping:*

The code requires 20% landscaping of the developed area. The existing facility has established trees and shrubs on-site, consequently per Section 110.412.25 Existing Vegetation of the Development Code, the existing landscaping can be calculated into the 20% requirement. The subject parcel is part of an old lava bed; therefore making additional landscaping difficult at this point in time, consequently, the applicant has filed for a Director's Modification to the Landscaping requirements, citing extenuating circumstances or physical conditions on the project site. Additionally, by adding more landscaping to the site, the resulting increase of water usage may require additional water rights. The Department of Water Resources has determined that the site presently has relatively low water consumption, and has determined that the use is in compliance with *Section 110.422.10* of the Development Code. Staff also feels that due to the desert environment of the area, additional water usage is not in the best interest to the preservation of our natural resources.

### **Signage:**

The applicant has submitted a preliminary signage plan. It consists of one (1) sign in the shape of a boot, measuring approximately 5 ½ feet high by 2 ½ feet wide. It will be made out of natural materials and will not have lighting. This is the only sign proposed.

**OVERHEAD SITE PHOTO**



**AGENCY COMMENTS**

The application was submitted to appropriate agencies for review. Comments and/or conditions were received from the Department of Water Resources. No unique or extraordinary conditions of approval were requested. All of the conditions are related to the service needs and/or development impacts of the reviewing agencies resulting from the Administrative Permit request.

To: Washoe County Board of Adjustment  
Re: Administrative Permit Case No: AP08-002 (Rocking 6B Ranch)  
Date: August 27, 2008  
Page: 5

The applicant should be aware that if any applicable District Health Department conditions are imposed, compliance with those conditions is strictly reviewed by the Health Department. Any appeal of applicable conditions must be made to the District Board of Health.

#### **CITIZEN ADVISORY BOARD COMMENTS**

Although this project is located within the Spanish Springs Citizen Advisory Board (CAB) boundaries, Administrative Permits are not required by Code to be reviewed by Citizen Advisory Boards. Therefore, this project was not presented to the Spanish Springs CAB.

#### **SPANISH SPRINGS AREA PLAN MODIFIERS**

The following Spanish Springs Area Plan Regulations (Article 216 of the Washoe County Development Code) are relevant to the proposed Administrative Permit:

Section 110.216.45 Water Rights Requirements. Residential and commercial development in the Spanish Springs planning area shall provide proof of sufficient water rights based upon the following:

- (a) Decreed Truckee River water rights when used in an appropriate drought yield discount as determined by the State Engineer.
- (b) Imported groundwater from a source that is replenished in sufficient quantity to meet demands placed upon a source without groundwater mining; and
- (c) Certificated groundwater rights or permitted quasi-municipal groundwater rights (that existed as of May 22, 1990) matched by imported, decreed surface water, from a source such as the Truckee River, equal to one-half (1/2) of the groundwater rights.

Staff's Comment: The Department of Water Resources has addressed this with a condition attached to the end of this report.

#### **RELEVANT SPANISH SPRINGS AREA PLAN POLICIES AND ACTION PROGRAMS**

In addition to the Washoe County Development Code Article 218, Spanish Springs Area Plan Modifiers, the following policies contained in the Spanish Springs Area Plan are relevant to the proposed Administrative Permit:

There are no applicable Policies within the Spanish Springs Area Plan for this project.

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Staff has reviewed the submitted application for compliance with the Development Code, and finds the application and request in conformance with all applicable regulations.

Additionally, the applicant will be required to obtain a business license within one (1) of the approval of this request.

<b>APPLICABLE REGULATIONS</b>
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Nevada Revised Statutes Chapter 278; Washoe County Code Chapter 110.

Attachments:                      Vicinity Map  
   Site Plan  
   Sign Detail

xc:  
Property Owner:                      Kevin and Ronda Barnes, 454 Calle de la Plata, Sparks,  
   NV 89441.

Applicant:                              Kevin and Ronda Barnes, 454 Calle de la Plata, Sparks,  
   NV 89441.

xc:      Blaine Cartlidge, DA's Office; District Health Department; Marge Clausen, Assessor's Office (CAAS); Steve Churchfield, Chief Appraiser, Assessor's Office; David Lindsey, Department of Water Resources; Engineering Division; Reno Fire Department, Spanish Springs CAB, Chair.

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**CONDITIONS FOR  
ADMINISTRATIVE PERMIT CASE NO. AP08-002  
Rocking 6B Ranch  
(As recommended by Department of Community Development  
and attached to Staff Report dated August 26, 2008)**

**\*\*\*IMPORTANT—PLEASE READ\*\*\***

**UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**COMPLIANCE WITH THE CONDITIONS OF THIS ADMINISTRATIVE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS/HER SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE ADMINISTRATIVE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ANY OPERATION CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.**

**WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.**

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, “MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

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### **GENERAL CONDITIONS**

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this Administrative Permit. The Department of Community Development shall determine compliance with this condition.
2. A copy of the Final Action Order stating conditional approval of this Administrative Permit shall be attached to all applications for administrative permits, including building and grading permits, issued by Washoe County.
3. The applicant and any successors shall direct any potential purchaser/operator of the Administrative Permit to meet with the Department of Community Development to review conditions of approval of the Administrative Permit prior to the final sale. The subsequent purchaser/operator of the Administrative Permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within thirty (30) days of the final sale.
4. The hours of operation for the proposed business shall be limited to 8:00 a.m. until 8:00 p.m. seven (7) days per week. The Department of Community Development shall determine compliance with this condition.
5. The applicant shall obtain a Washoe County business license within one (1) year from the date of approval by the Board of Adjustment, or if appealed and approved, by the Washoe County Commission. The Department of Community Development shall determine compliance with this condition.
6. The following conditions shall be completed to the satisfaction of the Department of Water Resources (DWR):
  - a. The applicant shall be required to file an appropriation of 2.00 acre-feet of ground water rights for Domestic and Commercial purposes. The application to the State Engineer should indicate that the water rights filings is to bring an existing commercial activity into compliance and the quantity of water rights applied for is not in excess of the quantity currently allowed from the domestic well on the property. The Department of Water Resources shall determine compliance with this condition.

**\*\* END OF CONDITIONS \*\***



Mailing Label Map

Administrative Permit Case No. AP08-002  
 534 Calle de la Plata, Spanish Springs



Department of  
 Community  
 Development

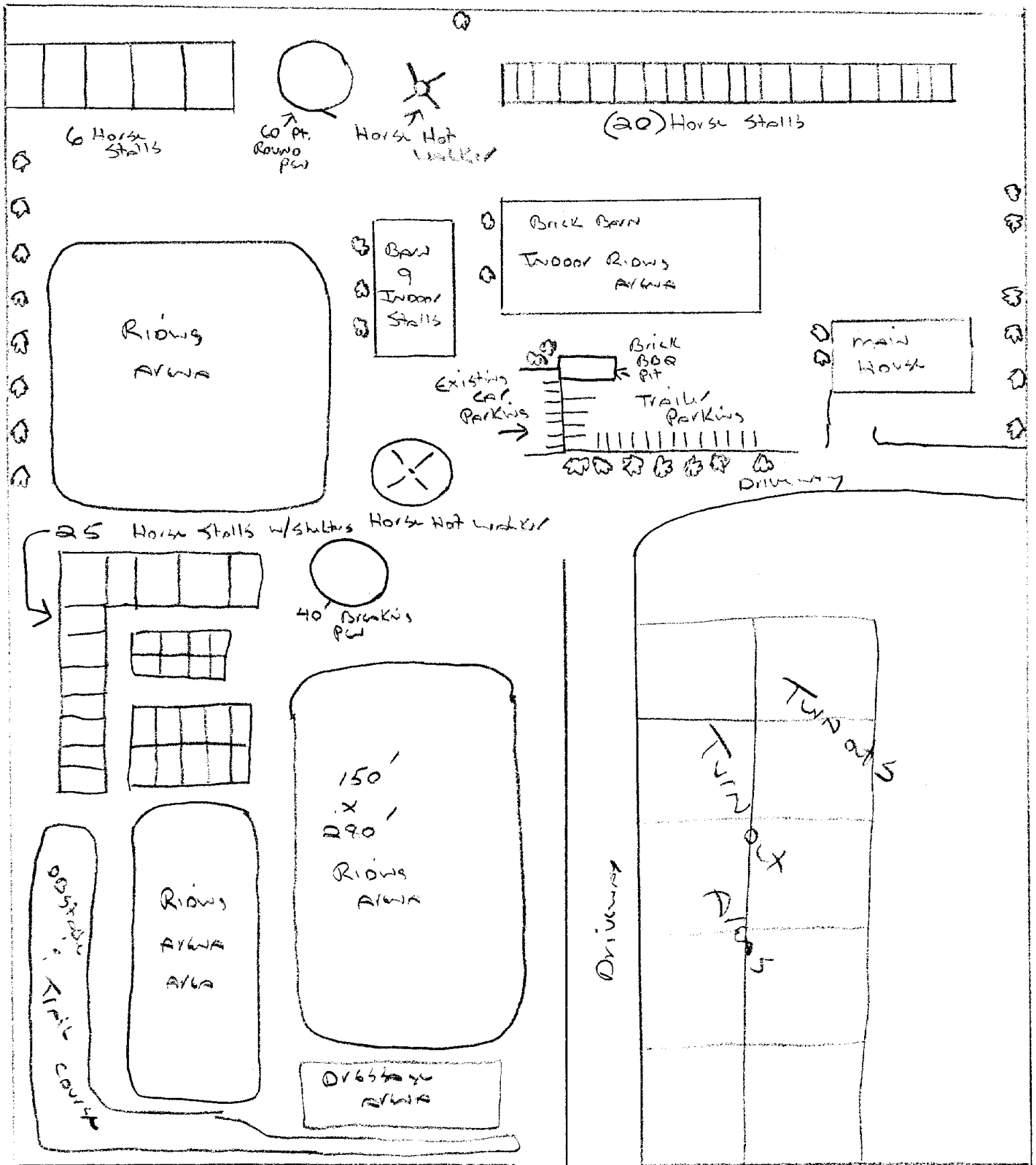
WASHOE COUNTY  
 NEVADA


Post Office Box 11110  
 Reno, Nevada 89521  
 (775) 784-1600



# Rocking 6B Ranch

454 Calle de la Plata Sparks, NV.



( = Trees) Trees are mostly pine & Junipers not regularly watered

Rocking LB ranch

454 call: 06 La Plata

Ranch Sign

Front of driveway

cowboy boot cutout

