

# Summertime

Application to Washoe County for a:

***Variance***

**Prepared by:**



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**October 9, 2023**

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## Project Request

This application contains a request for a **Variance** for increased height of a residential fence.

## Project Location

The site is located about .2 miles east of the intersection of State Route 28 and Stateline Road. It is accessed via Calaneva Drive. The site includes six parcels (APNs: 123-041-24, -25, -26, -27, -28, -29) and consists of 5.398 acres as shown in Figure 1 (below).



Figure 1 – Vicinity Map

### Land Use and Zoning

The site currently contains single-family residential lots. The site is part of the Washoe County Tahoe Area Plan (WCTAP). The zoning is Stateline Point, and the Master Plan Land Use is Crystal Bay Residential, as seen in Figures 2 and 3 below.

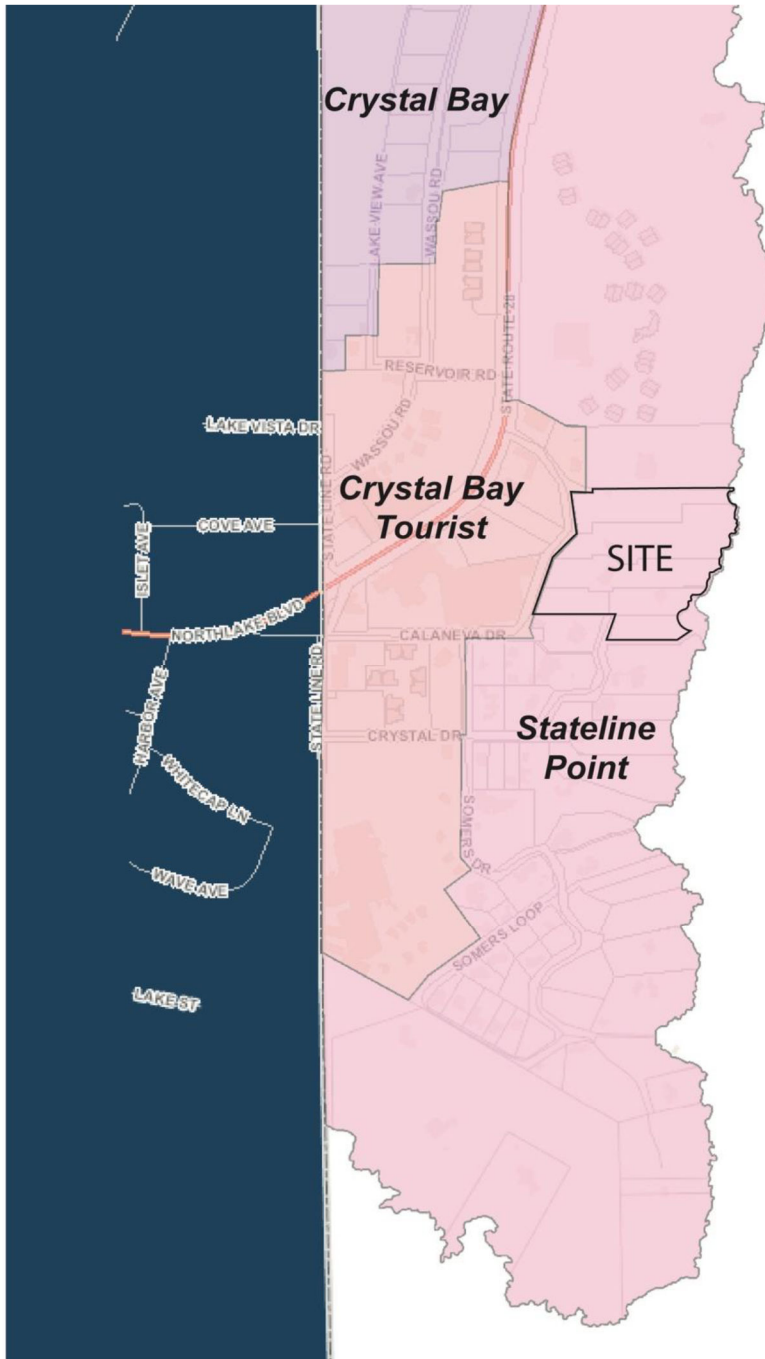


Figure 2 – Regulatory Zoning



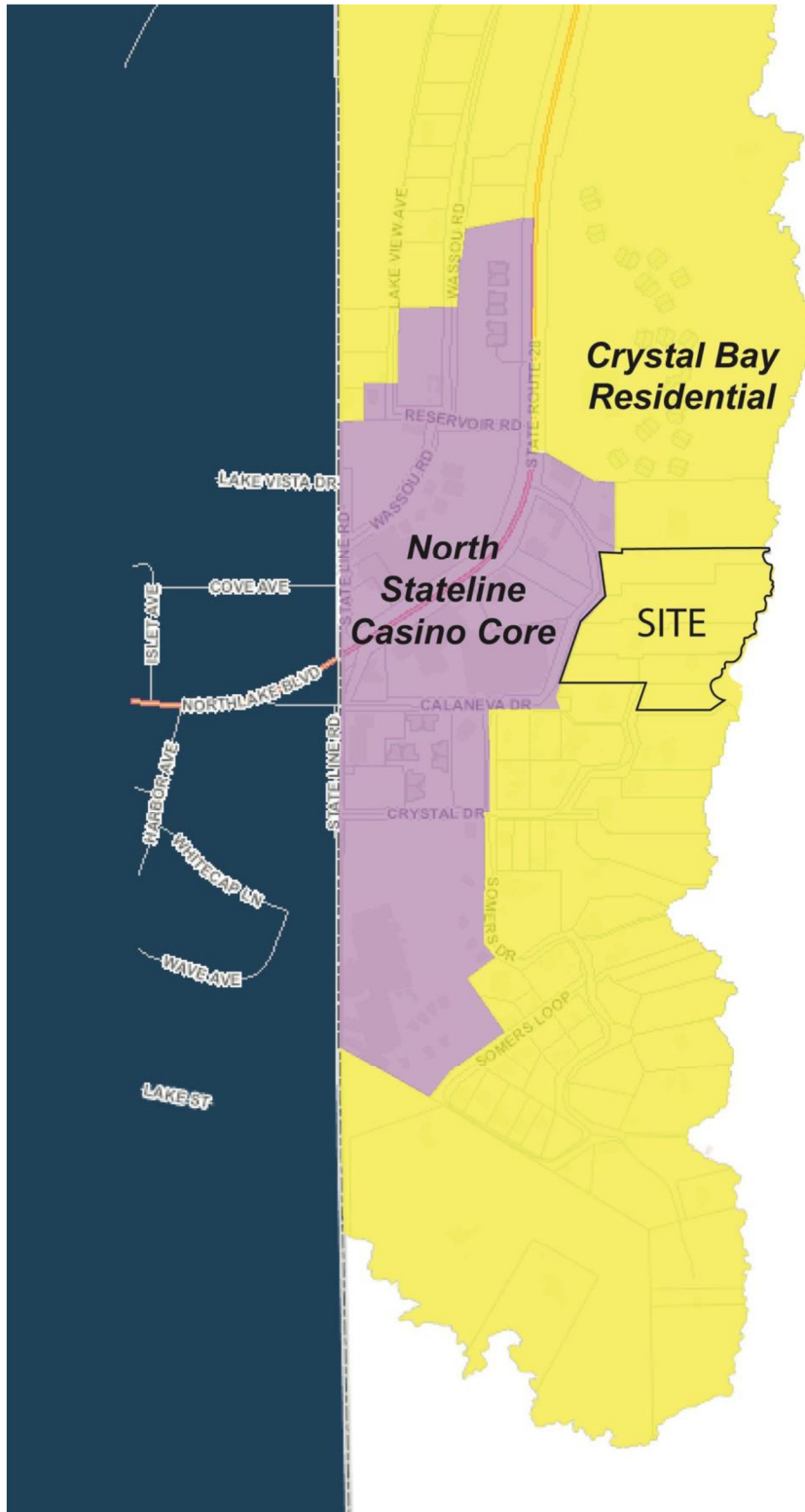


Figure 3 – Master Plan Land Use

## Variance Rationale

This property owner would like to upgrade the quality, height, and transparency of an existing 6' tall "solid screen" wood fence fronting the street to an 8' tall, welded wire fence with a 6' setback from the street. By combining open view fencing and a planting strip, it makes for a substantially improved streetscape and more pleasant pedestrian experience along Calaneva Drive. The street serves as transition between the Crystal Bay Tourist area and private single-family residential lots.

The visual impact of the increased fence height will be negligible (and predictably a positive visual impact) given the relative scale of adjacent casinos, the 80% openness of the proposed fence, and the landscaping in the increased setback area. Increased transparency of the new fence will provide added security by allowing people on each side to "see through" the fence with glimpses of Lake Tahoe and the mountain ridge lines across the lake. In addition, added height helps to restrict illegal access via "jumping over" the fence. The color of the metal fence will blend more into the natural environment of Lake Tahoe given its rustic appearance as another merit of deviating from the standard.

This variance request is also based on the unique condition of tall commercial structures adjacent to this natural residential site and the desire to improve the site in the context of community design and to be more aligned with the Tahoe Area Plan. More rationale for this request includes:

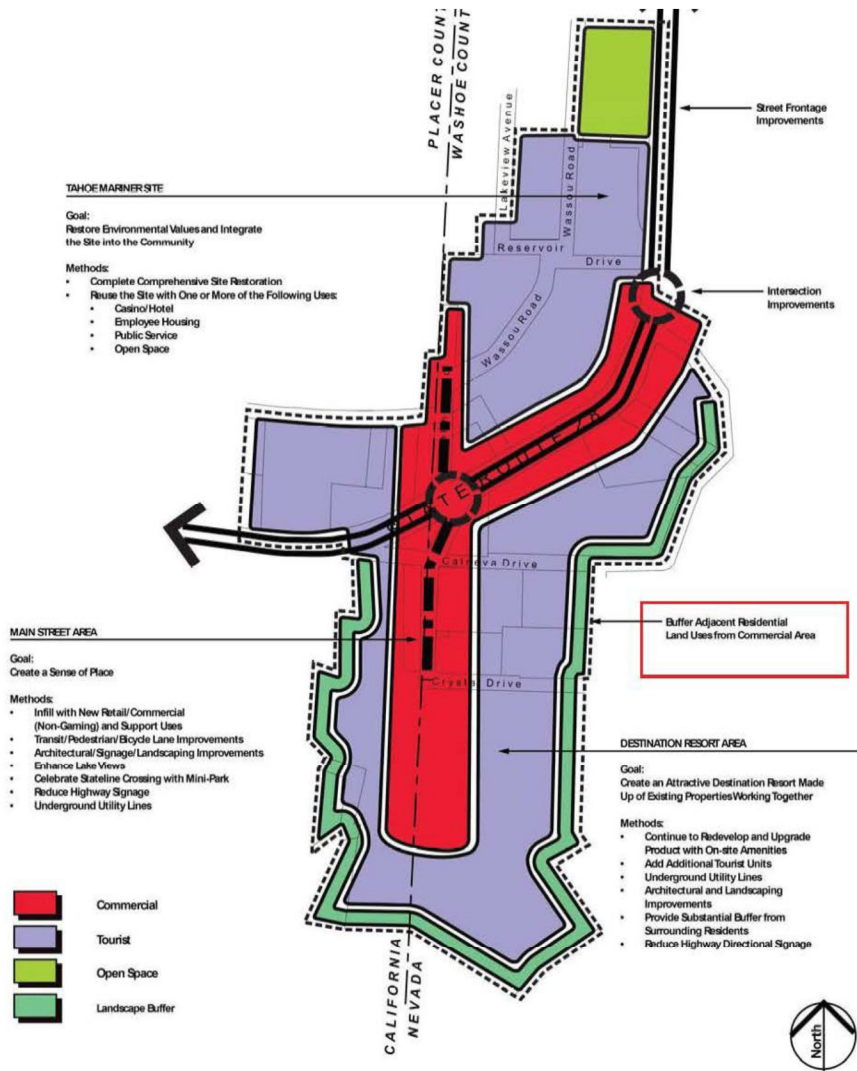
1. The existing fence makes for an uninviting street experience. It is opaque and is very close to the street curb with no ability to soften with landscape. The proposed 6' setback from the street is a basic design feature to soften the streetscape and make it appealing to the eye. This variance will allow for a major improvement in the street experience along with a more code-compliant fence setback/location along 4 lots of residential frontage that abut the Crystal Bay Tourist area.
2. There are provisions of the code that allow for and encourage taller fences between commercial and residential properties (see 110.406.50(b) below). Given the unique proximity and scale of the adjacent commercial structures, the requested fence is generally in line with current code provisions and scale of the site (while not directly applicable in this case).

### **Section 110.406.50 Fences, Walls or Perimeter Planting**

b. Commercial and Industrial Use Types. The fences, walls or perimeter planting in commercial and industrial development adjoining residential uses shall be at least six (6) feet but not more than eight (8) feet in height, in accordance with

Article 412, Landscaping. The fences, walls or perimeter planting adjoining a street may be a maximum of six (6) feet in height. The fences, walls or perimeter planting adjoining non-residential uses may be a maximum of eight (8) feet in height.

- The proposed design along with plantings would serve as a meaningful Landscape Buffer as called for in the Crystal Bay Tourist Concept Plan (Page 2-12 of the Washoe County Tahoe Area Plan).



MAP 2.3. CRYSTAL BAY TOURIST CONCEPT PLAN



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**Variance Findings Summary**

**Section 110.804.25 Findings.** Prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner shall find that findings (a) through (d) apply to the property and, if a military installation is required to be noticed, finding (e):

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:
- (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or
  - (2) By reason of exceptional topographic conditions, or
  - (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,
- the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

*There is an extraordinary and exceptional situation or condition of the property and/or location of surroundings given the unique land use relationship of the existing SF zone being next to and across the street from a 4-story commercial parking garage in a Tourist Commercial zone. Strict application of the fence height regulation results in an exceptional and undue hardship upon the owner of the property because of the imposing height/intensity of that commercial use and building without regard for adjacent low intensity residential.*

- (b) 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;

*There is no conceivable detriment to the public good upon granting of the Variance for increased fence height, quite opposite in fact. While the existing fence could be left in place and maintained, it would be less desirable to the community in comparison to the proposed design. It is reasonably argued that the increased fence height and design makes for a more pleasant aesthetic “on the eye” given the 80% transparency in the metal fencing, the additional trees, and the landscaping between the road and fence.*

*The Variance will not have any measurable effect on the natural resources, nor will it impair the intent and purpose of the code. Construction of the fence requires a minimal area of disturbance that supports the finding in terms of minimally impairing the natural resources, i.e., trees, shrubs, soils, etc.*

*Similarly with respect to impairing the intent and purpose of applicable policies, just the opposite is true in terms of the implementing the Crystal Bay Tourist Concept Plan as a significant policy applied to this request. This site is shown on that Concept Plan and calls out the relationship of Tourist to Residential land use with the landscape buffer as a part of it. It is the proposed landscape buffer that specifically supports and advances the policy document.*

- (c) 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; and

*This is a unique circumstance and must be treated on a case-by-case basis. This does not constitute a granting of special privileges inconsistent with the limitations on other properties in the area. We would be hard pressed to find a similar situation involving this land use relationship, imposing scale of adjacent buildings, the applicable code in the Tahoe Area Plan (with respect to the desire for landscape buffering), and the fundamental basis of the increased fence height not desired for screening.*

- (d) 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.

*This request does not in any fashion authorize a use or activity that is already expressly authorized. The zoning allows for the use as proposed. And, fences are allowed in the subject residential zone. It is the fencing type, setback, and height that are the unique characteristics of this request.*

- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

*This is not applicable in this case.*

## Appendix

### Application Materials

WC Development Application

Variance – Supplemental Information

Records Project Plan Set:

A1 – Existing Site Diagram

A2 – Existing Site Aerial Image

A3 – Existing Site Images

A4 – Site Section

A5 – Site Fence Comparison

A6 – Proposed Site Diagram

A7 – Front Fence

A8 – Side Fence

Fence Landscape Study

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## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

<b>Project Information</b>		Staff Assigned Case No.: _____	
Project Name: <b>Summertide</b>			
Project Description: A variance to increase the height and transparency of an existing fence and add landscape buffer.			
Project Address: 24, 26, 28, 32 Calaneva Drive, Crystal Bay, NV			
Project Area (acres or square feet): 5.398 ac			
Project Location (with point of reference to major cross streets <b>AND</b> area locator): East of the intersection of Stateline Road and State Route 28 / North Lake Blvd			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-041-24, 25, 26, 27, 28, 29	5.398		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
<b>Applicant Information</b> (attach additional sheets if necessary)			
<b>Property Owner:</b>		<b>Professional Consultant:</b>	
Name: Deep Blue Water LLC		Name: John Krmpotic, KLS Planning & Design	
Address: 750 E. 5th St		Address: 201 W. Liberty St, Suite 300	
Reno, NV	Zip: 89512	Reno, NV	Zip: 89501
Phone: 612-991-8081	Fax:	Phone: 775-857-7710	Fax:
Email:		Email: johnk@klsdesigngroup.cmo	
Cell:	Other:	Cell: 775-857-7710	Other:
Contact Person: Wyatt Ogilvy		Contact Person: John Krmpotic	
<b>Applicant/Developer:</b>		<b>Other Persons to be Contacted:</b>	
Name: same as above		Name: Ogilvy Consulting	
Address:		Address: Post Office Box 6315	
	Zip:	Tahoe City, CA	Zip: 96145
Phone:	Fax:	Phone: 530-583-5800	Fax: 583-5858
Email:		Email: Wyatt@ogilvylanduse.com	
Cell:	Other:	Cell: 530-362-0757	Other: N/A
Contact Person:		Contact Person: Wyatt Ogilvy	
<b>For Office Use Only</b>			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

# Variance Application Supplemental Information

(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

Fence height

**You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.**

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

Proximity and scale of adjacent commercial structures (see narrative)

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Create 6' Landscape Buffer from Commercial and eliminate existing blocked view (see narrative)

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Visibility through fence for enhanced visuals, added security, and increased landscape along a community road (see narrative)

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

Improved street experience, view to Lake Tahoe scenery (see narrative)

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

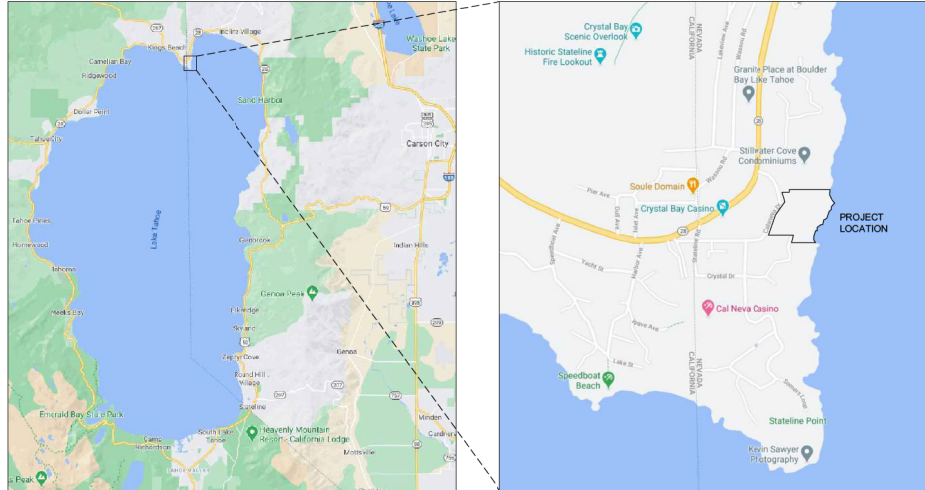
Yes     No    If yes, please attach a copy.

7. How is your current water provided?

IVGID

8. How is your current sewer provided?

IVGID



VICINITY MAP NTS SOURCE: GOOGLE MAPS

# SUMMERTIDE FENCE VARIANCE

24, 26, 28, 32 CALANEVA DRIVE, CRYSTAL BAY, NV

## PROJECT TEAM

**OWNER**  
DEEP BLUE WATER LLC  
CONTACT: DARIN SZABO  
612-991-4081

**ARCHITECT**  
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2732 W 43RD STREET  
MINNEAPOLIS, MN 55410  
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lawinger@rehkamlarson.com  
612-285-7275

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DAVID ROTHME  
DROTHME@SCHOMMER-SOMS.COM  
503-966-1744

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775-787-4316

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775-329-5559

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JANE HANSEN  
503-295-2437

**LAND USE CONSULTANT**  
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850 NORTH LAKE BLVD, SUITE 17  
TANHJE CITY, CA 94745  
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630-583-6800

**LAND USE CONSULTANT**  
KLS PLANNING & DESIGN GROUP  
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RENO, NV 89501  
CONTACT: JOHN KRMPOTIC  
775-852-7609

## DRAWING INDEX

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A2	EXISTING - SITE AERIAL IMAGE
A3	EXISTING - SITE IMAGES
A4	EXISTING & PROPOSED - FENCE ELEVATION COMPARISON
A5	EXISTING & PROPOSED - SITE & FENCE SECTIONS
A6	PROPOSED - SITE DIAGRAM
A7	PROPOSED - FENCE & GATE ELEVATIONS
A8	PROPOSED - FENCE ELEVATIONS
-	PROPOSED - FENCE DESIGN RENDERING WITH PLANTINGS

**REHKAMP LARSON ARCHITECTS INC.**  
2732 West 43rd Street, Mpls, MN 55410  
Tel. 612-285-7275 Fax. 612-285-7274

**SUMMERTIDE FENCE**  
24-26-28-32 Calaneva Drive  
CRYSTAL BAY, NV 89503

**PROJECT PHASE:**  
VARIANCE  
REQUEST

**PROJECT NUMBER:**  
18-041

**ISSUE DATE:**  
OCT 9, 2023

**DRAWN BY:**  
ML, RL

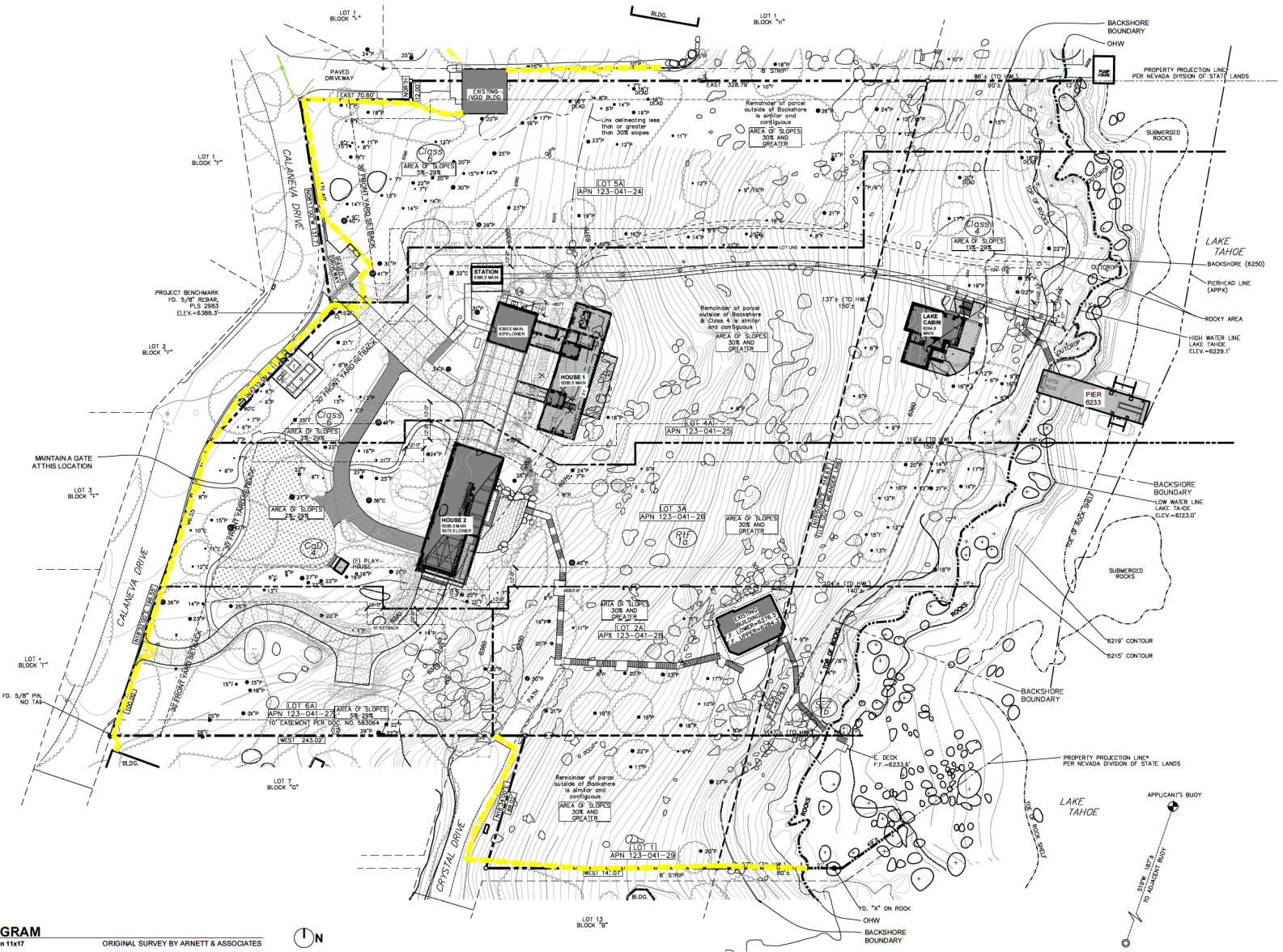
**A0**

COVER



**EXISTING FENCING KEY**

--- EXISTING SITE FENCE & GATE



**1 EXISTING SITE DIAGRAM**  
 1/32" = 1'-0" on 24x36 1/64" = 1'-0" on 11x17

ORIGINAL SURVEY BY ARNETT & ASSOCIATES



**REHKAMP LARSON ARCHITECTS INC.**  
 2/32 West 43rd Street, Mpls, MN 55410  
 Tel. 612-285-7275 Fax. 612-285-7274

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**SUMMERTIDE FENCE**  
 24-26-28-32 Calanueva Drive  
 CRYSTAL BAY, NV 89503

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DRAWN BY:

**A1**  
 EXISTING SITE DIAGRAM









1 STREET VIEW LOOKING NORTH SHOWING TALL PARKING RAMP WALL - 3.5 STORIES TALL  
SOURCE: GOOGLE MAPS



2 STREET VIEW LOOKING SOUTH SHOWING COMMERCIAL WALL & FENCE - APPX 17' TALL



3 EXISTING SITE FENCE ALONG STREET (24-26-28-30 CALA NEVA DRIVE) - APPX 5.5' TO 6' TALL



4 EXISTING NEIGHBOR STREET FENCE AT 20 CALANEVA DRIVE - APPX 9' TALL

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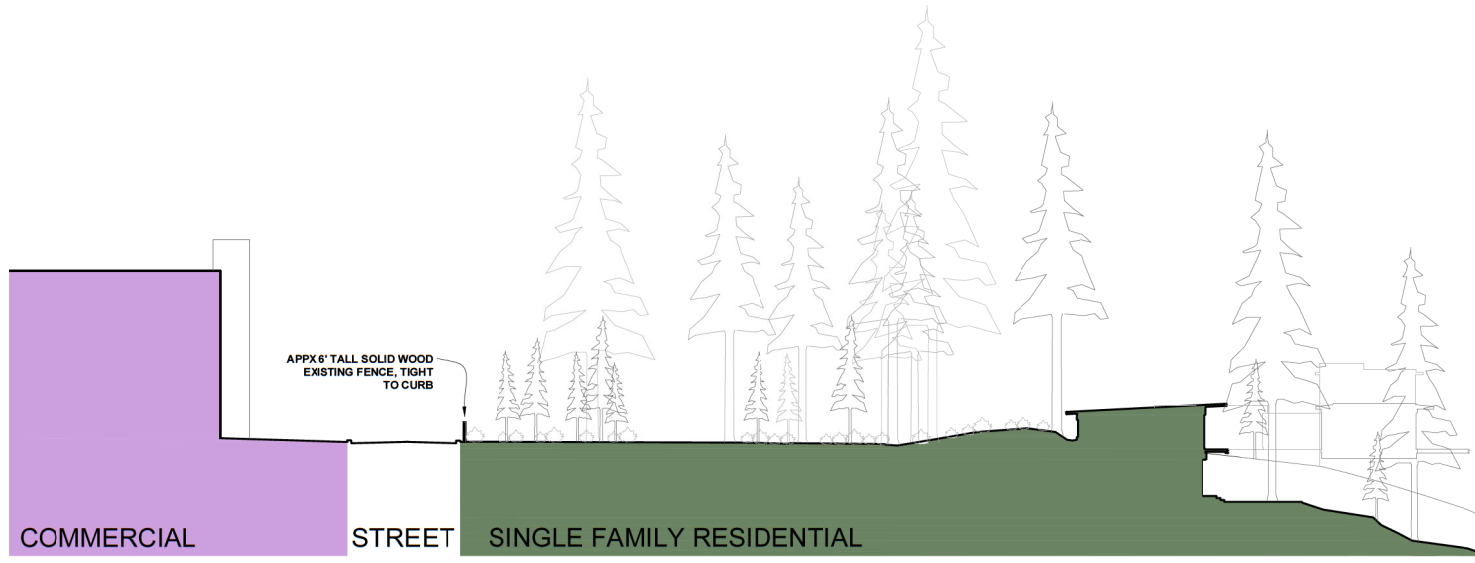
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**A3**

EXISTING SITE  
 IMAGES



**1 EXISTING SITE SECTION**  
 1/8" = 1'-0" on 24x36 1/32" = 1'-0" on 11x17



**2 SITE SECTION SHOWING PROPOSED FENCE & LANDSCAPE BUFFER**  
 1/8" = 1'-0" on 24x36 1/32" = 1'-0" on 11x17

**REHKAMP LARSON ARCHITECTS INC.**  
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**SUMMERTIDE FENCE**  
 24-26-28-32 Calanava Drive  
 CRYSTAL BAY, NV 89503

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**A4**

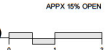
SITE  
 SECTION





1 EXISTING FENCE - SILHOUETTE (ILLUSTRATING TRANSPARENCY)

1" = 1'-0" on 24x36 1/2" = 1'-0" on 11x17

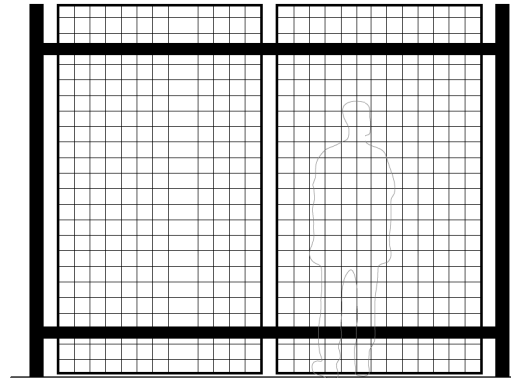


APPROX 15% OPEN



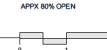
1 IMAGE OF EXISTING FENCE

1" = 1'-0" on 24x36 1/2" = 1'-0" on 11x17

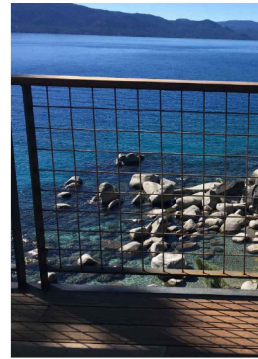


2 PROPOSED FENCE - SILHOUETTE (ILLUSTRATING TRANSPARENCY)

1" = 1'-0" on 24x36 1/2" = 1'-0" on 11x17



APPROX 80% OPEN



4 IMAGES SIMILAR TO PROPOSED FENCE

1" = 1'-0" on 24x36 1/2" = 1'-0" on 11x17



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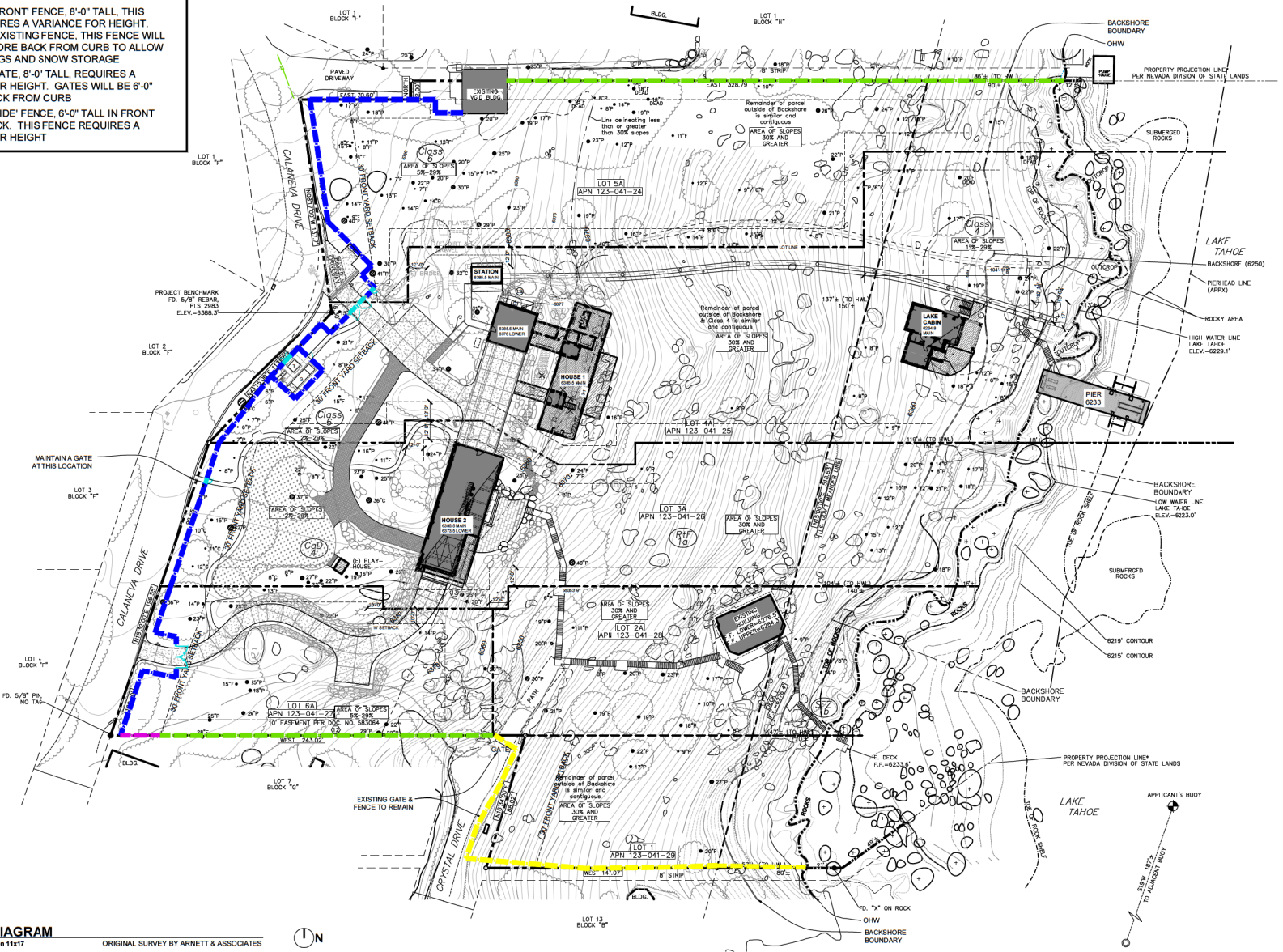
ISSUE DATE:  
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DRAWN BY:  
 RL, ML

**A5**

SITE FENCE  
 COMPARISON

- PROPOSED FENCING KEY**
- EXISTING SITE FENCE & GATE TO REMAIN
  - PROPOSED 'SIDE' FENCE, 8'-0" TALL, THIS FENCE WILL MEET CODE & DOES NOT REQUIRE A VARIANCE
  - PROPOSED 'FRONT' FENCE, 8'-0" TALL, THIS FENCE REQUIRES A VARIANCE FOR HEIGHT. UNLIKE THE EXISTING FENCE, THIS FENCE WILL BE 6'-0" OR MORE BACK FROM CURB TO ALLOW FOR PLANTINGS AND SNOW STORAGE
  - PROPOSED GATE, 8'-0" TALL, REQUIRES A VARIANCE FOR HEIGHT. GATES WILL BE 6'-0" OR MORE BACK FROM CURB
  - PROPOSED 'SIDE' FENCE, 6'-0" TALL IN FRONT YARD SETBACK. THIS FENCE REQUIRES A VARIANCE FOR HEIGHT



**1 PROPOSED SITE DIAGRAM**  
 1/32" = 1'-0" on 24x36 1/64" = 1'-0" on 11x17 ORIGINAL SURVEY BY ARNETT & ASSOCIATES

**REHKAMP LARSON ARCHITECTS INC.**  
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**SUMMERTIDE FENCE**  
 24-26-28-32 Calanueva Drive  
 CRYSTAL BAY, NV 89503

PROJECT PHASE:  
 VARIANCE REQUEST

PROJECT NUMBER:  
 18-041

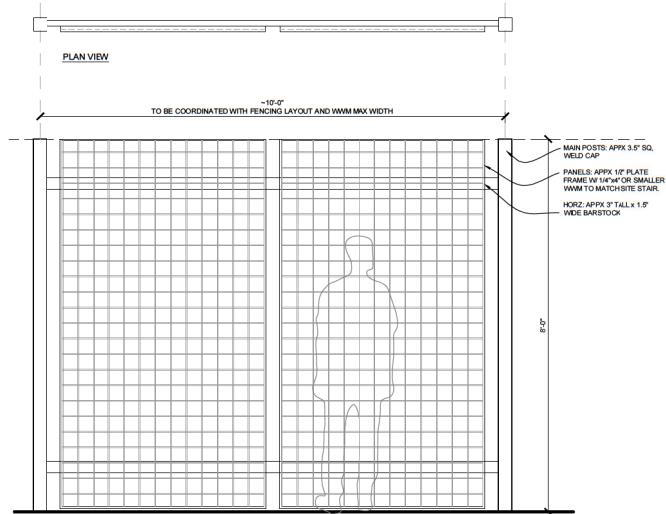
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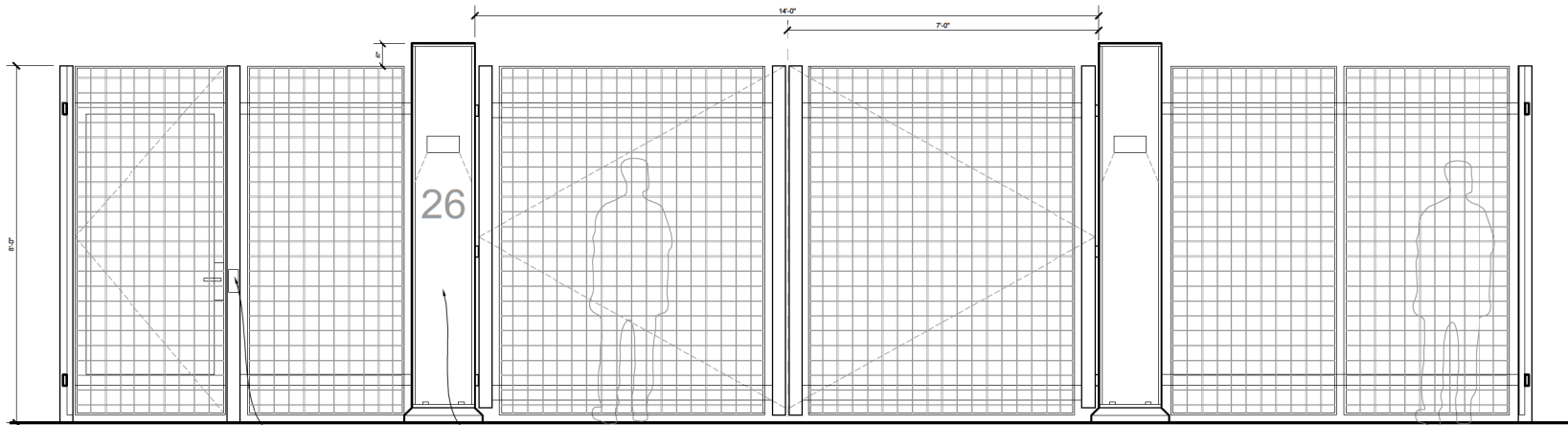
**A6**

**PROPOSED SITE DIAGRAM**



1 FRONT YARD FENCE - WELDED WIRE MESH  
 1" = 1'-0" on 3/16" 1/2" = 1'-0" on 1/8"

X LINETYPE AND COLOR ASSOCIATED WITH THIS FENCE AS SHOWN ON THE PROPOSED SITE DIAGRAM



2 MAIN GATE (OTHER GATES SIMILAR)  
 1" = 1'-0" on 3/16" 1/2" = 1'-0" on 1/8"

X LINETYPE AND COLOR ASSOCIATED WITH GATES AS SHOWN ON THE PROPOSED SITE DIAGRAM

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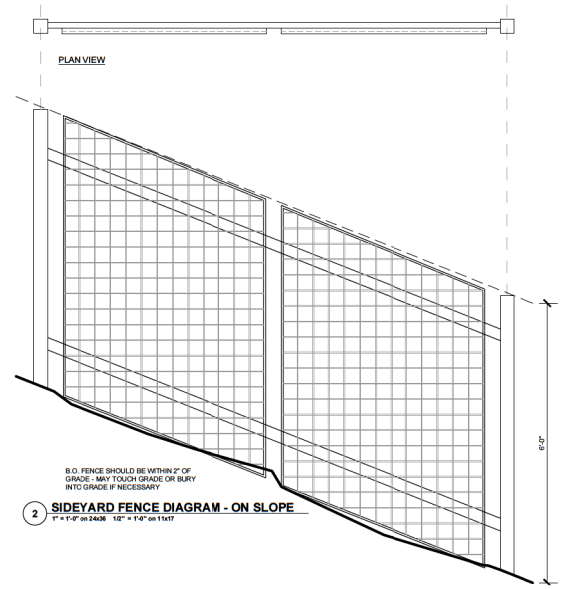
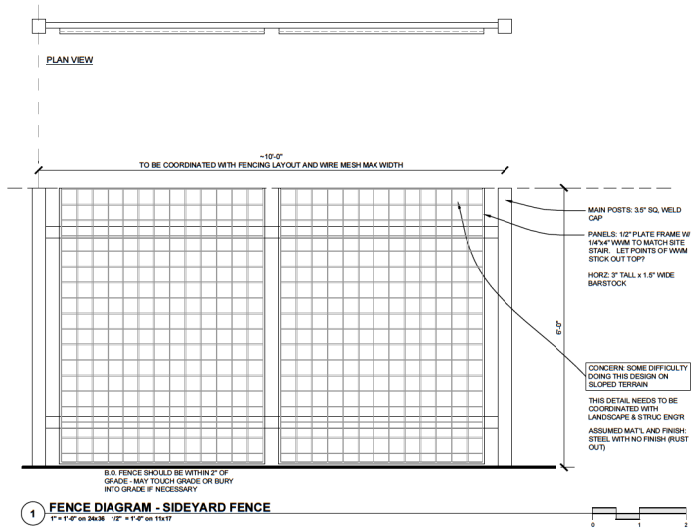
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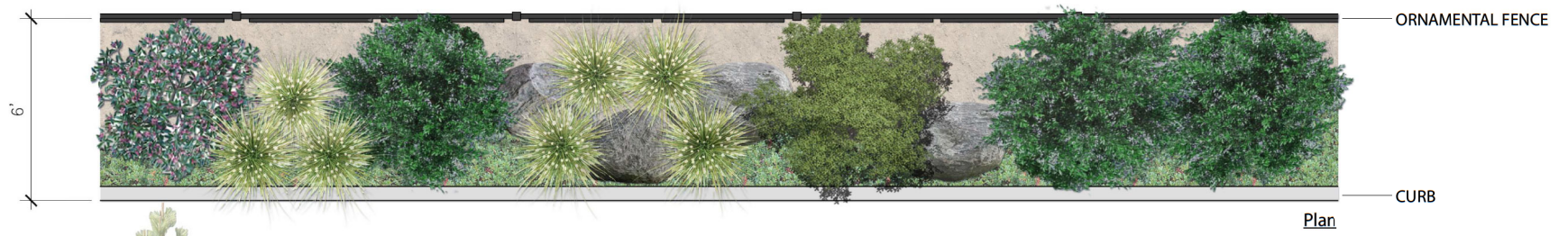
**A7**

FRONT FENCE



— X LINETYPE AND COLORS ASSOCIATED WITH THIS  
— X FENCE AS SHOWN ON THE PROPOSED SITE DIAGRAM





Fence Landscape Study

Lake Tahoe Residence July 05, 2023