

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information		Staff Assigned Case No.: _____	
Project Name: Midian Ranch - Storage Container Variance			
Project Description: A request to vary the locational requirements for storage containers on a 55-acre parcel in the (GR zone).			
Project Address: 1287 State Route 34, Gerlach, NV			
Project Area (acres or square feet): approximately 1.5 acres of 55 acre site			
Project Location (with point of reference to major cross streets AND area locator): The property is located on the west side of Highway 34, approximately 15 miles north of Gerlach, NV.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
071-332-03	54.71		
Section(s)/Township/Range: Section 11, T34N, R23E			
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Jason S. Walters		Name: Rubicon Design Group, LLC	
Address: PO Box 247		Address: 100 California Ave., Suite 202	
Gerlach, NV	Zip: 89412	Reno, NV	Zip: 89509
Phone:	Fax:	Phone: 775-425-4800	Fax:
Email: midianranch@gmail.com		Email: dwilson@rubicondesigngroup.com	
Cell: 775-690-3286	Other:	Cell: 775-527-6710	Other:
Contact Person: Jason Walters		Contact Person: Derek Wilson	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Same as Above		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
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)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

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

This application request to vary standards contained within Article 306 - Accessory Uses and Structures. Specifically, it is requested to vary the cargo container placement standards identified in Section 110.306.10(g)(9). Refer to attached report for a detailed description.

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?

The parcel is over 1900' in depth. The existing house is set back approximately 1500' from the property front (in effect, from State Highway 34). There is a graded pad area near the front of the lot that is suitable for storage containers. Code requires these containers be placed to the rear of the house (western end of the lot). However, compliance with Code will require extensive grading of both a new building pad and an access road.

The lot has little slope at the eastern end, where the existing storage site is located. The lot steepens to the west. The result is that the further west the storage containers are located, the more road and pad grading that will be required.

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?

The requested variance results in no measurable impacts to existing homes in the area. The nearest developed site is over two miles away and is primarily used as an industrial storage yard although it also contains a single family residence.

None of the adjacent parcels are occupied. The property is bordered on two sides by Federal land.

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.)?

The variance will reduce grading, road building, and overall site disturbance. A strict application of the code will result in significant alterations to the site that can be avoided by allowing the placement of the storage structures in the front part of the lot.

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

It is common practice to review suburban development standards for appropriateness in the overwhelmingly rural High Desert Area. In general, the High Desert Area Plan, and the local population, support a development pattern that minimizes grading and land disturbance, paving, landscaping, and building placement standards that may be well suited to suburban areas but are not always applicable to outlying areas.

In practice, the suburban standards are not always applied to large parcels in outlying areas of the County as the rationale for these standards is highly diminished on large lots that are widely separated from residential development.

Relocating the storage containers would prevent the property owner from using almost his entire 55 acres and would force substantial grading and site disturbance.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
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7. What is your type of water service provided?

<input checked="" type="checkbox"/> Well	<input type="checkbox"/> Community Water System
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8. What is your type of sanitary waste disposal?

<input checked="" type="checkbox"/> Individual Septic System	<input type="checkbox"/> Community Sewer System
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APPLICATIONS	DEPARTMENT FEES							
	PLANNING	NOTICING	ENGINEERING	ENVIRON.	VECTOR	PARKS	WATER	TOTAL
TRUCKEE MEADOWS REGIONAL PLANNING AGENCY								
NOTICING FEE								
VARIANCE - RESIDENTIAL/COMMERCIAL/INDUSTRIAL								
Not Tahoe	\$1,060	\$200	\$65	\$71	\$155	-	\$26	\$1,577
Tahoe	\$1,060	\$200	\$65	\$71	\$155	-	-	\$1,561

See Note 4

NOTE 1: \$5,000 deposit on time and materials. Additional \$5,000 increments may be required.

NOTE 2: \$750 fee capped by NRS for Division of Land into Large Parcels only.

NOTE 3: \$50 per hour after first 1/2 hour for Planner; \$20 per hour after first 1/2 hour for Clerk, Public Records Research/Copying.

NOTE 4: Fee to be established by Truckee Meadows Regional Planning Agency.

NOTE 5: The Engineering Department will require a separate check for technical map fee. Please check with Engineering for the current fee amount.

NOTE 6: Separate checks are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.

In accordance with Nevada Revised Statutes, application fees must be deposited the day of receipt.
This does not guarantee the application is complete.

*The following are major permit applications: bed and breakfast inns; commercial animal slaughtering; convention and meeting facilities; destination resorts; eating and drinking establishments; gasoline sales and service stations - convenience and full service; gaming facilities; limited and unlimited; hostels; hotels and motels; liquor sales on premises; lodging services; major public facilities; recycling centers; full service and remote collection and residential hazardous substances; vacation time shares. All other uses constitute minor permits.

Order No. 012110619
Escrow No.
APN: 071-210-40
Real Property Transfer Tax: \$ 164.25

WHEN RECORDED MAIL TO AND
ADDRESS TO WHICH TAX STATEMENTS
MAY BE MAILED:

Grantee: JB
Jason Walters and Tina Walters
c/o Loni Kowalski
Cyndi Cain
165 West Main Street
Fernley, NV 89408

GRANT, BARGAIN & SALE DEED

THIS GRANT, BARGAIN & SALE DEED is made and entered into this 1st day of October, 2001 by and between BRIGHT-HOLLAND CO., a Nevada corporation (Grantor") and MIDIAN DEVELOPMENT LLC, a Nevada limited liability company ("Grantee").

WITNESSETH:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), lawful money of the United States of America, to Grantor in hand paid by Grantee, and for other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell to Grantee that certain real property in Washoe County, Nevada, described on Exhibit "A" attached hereto and made a part hereof (the "Real Property").

RESERVING THEREFROM, any and all water and water rights belonging thereto or in any way appertaining thereto, but together with all and singular, all other tenements, hereditaments and appurtenances belonging thereto or in any way appertaining thereto, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances unto Grantee and to its successors and assigns forever.

GRANTING UNTO Grantee and Grantee's heirs, successors, assigns, tenants, lessees, subleases, employees, agents and licensees (collectively "Grantee and Assigns"), the following easements:

1. Easement For 1/2 Inch Pipeline.

An easement for the existing one-half (1/2) inch pipeline, and any and all (1/2) inch or lesser pipelines in replacement thereof, which pipeline extends from the pond which is the outlet from Barker Spring on Grantor's property described on Exhibit "B" attached hereto to the Real Property, with the following terms and conditions:

- (a) Grantee and Assigns shall have the right to maintain and replace the 1/2 inch pipeline;
- (b) Grantor and its heirs, successors, tenants, lessees, subleases and assigns (collectively "Grantor and Assigns") shall not relocate the terminus of the 1/2 inch pipeline from its existing source nor shall they relocate any other portion of the 1/2 inch pipeline, in both

GrantBargain&SaleDeed 092001



2603582
10/05/2001
1 of 4

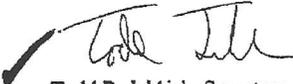
P.13

SEP 28 01 05:33PM TITLE SERVICES ESC

cases without the written consent of Grantee and Assigns, which permission shall not be unreasonably withheld.

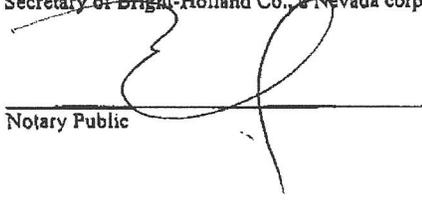
IN WITNESS WHEREOF, Grantor has executed this Grant, Bargain & Sale Deed on the day and year described above.

BRIGHT-HOLLAND CO.,
a Nevada corporation

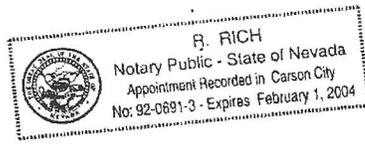
By 
Todd B. Jaksick, Secretary

State of Nevada
County of Washoe

The above instrument was acknowledged before me this 1st day of October, 2001 by Todd B. Jaksick, as Secretary of Bright-Holland Co., a Nevada corporation.



Notary Public



GrantBargain&SaleDeed 092001



2503582
18/05/2001
2 of 4

SEP. 28. 2001 3:09PM

NO. 1044 P. 3

Order No.: 012110619

EXHIBIT "A"
LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada,
County of Washoe, described as follows:

PARCEL 1:

A parcel of real property located in Washoe County, Nevada,
being a portion of the northwest one-quarter of Section 11,
Township 34 North, Range 23 East, Mount Diablo Base and
Meridian, as set forth as "Parcel 1" in Quitclaim Deed for
Boundary Line Adjustment recorded September 27, 2001, as
Document No. 2600488 of Official Records, more particularly
described as follows:

Beginning at the west quarter-corner of said Section 11, thence
North 02°08'50" East 1191.42 feet;

Thence South 87°57'49" East 1817.78 feet;

Thence along the westerly right-of-way for Nevada Highway 34
South 11°37'18" East 1268.62 feet;

Thence North 86°50'48" West 2120.04 feet to the true point of
beginning.

PARCEL 2:

An easement for the operation and maintenance of a water line
as set forth in an instrument recorded September 27, 2001, as
Document No. 2600488.

APN: portion of 071-210-40

Document Number 2600488 is provided pursuant to the
requirements of Section 1. NRS 111.312



2603582
18/05/2001
3 of 4

SCHEDULE A
CLTA PRELIMINARY REPORT

(12/02)
P.15

STEWART TITLE
Guaranty Company

SEP 28 05:33PM TITLE SERVICES ESC

OCT. 5. 2001 11:05AM

NO. 1429 P. 4

SENT BY:

20- 1 : 4:50PM

M .d-

5755544:#10/10

Grant; Bargain & Sale Deed
Bright-Holland Co. to Midian Development LLC

EXHIBIT B

A easement for the operation and maintenance of a water line over parcel of real property located in Washoe County, Nevada, being a portion of the northwest one-quarter of Section 11, Township 34 North, Range 23 East, Mount Diablo Base and Meridian, twenty feet in width and centered about the following described line:

Commencing at the west quarter-corner of said Section 11, thence North 02°08'50" East 1191.42 feet;

Thence South 87°57'49" East 359.20 feet to the true point of beginning;

Thence North 19°08'19" West 306.42 feet;

Thence North 35°33'28" West 513.02 feet;

Thence North 35°00'31" West 170.26 feet;

Thence North 46°05'30" West 156.28 feet;

Thence North 53°57'02" West 98.65 feet;

Thence North 74°16'24" West 137.02 feet;

Thence North 68°07'29" West 108.87 feet;

Thence North 69°11'18" West 123.47 feet, more or less, to the upstream face of a dam for a pond and the end of this description.

Reference Doc # 2600488

DOC # 2603582
10/05/2001 01:48P Fee:17.00
BK1
Requested By
STEWART TITLE OF NORTHERN NEVADA
Washoe County Recorder
Kathryn L. Burke - Recorder
Pg 4 of 4 RPTT 184.25



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Appendices:

Washoe County Development Application
Variance Application
Property Owner Affidavit
Title Report

MIDIAN RANCH STORAGE CONTAINER VARIANCE

Introduction

This application includes the following request:

- A **Variance** to allow for an alternative placement of storage containers in the General Rural (GR) zone.

Project Location

The project site is located at 1287 State Route 34 in Gerlach. Specifically, the property (APN 071-332-03) consists of 54.71± acres and is located on the west side of State Highway 34, approximately 15 miles north of Gerlach. The property adjoins other GR-zoned property and is bordered on two sides by Federal land. Figure 1 (below) depicts the project location. Note: the parcel is highlighted in yellow.

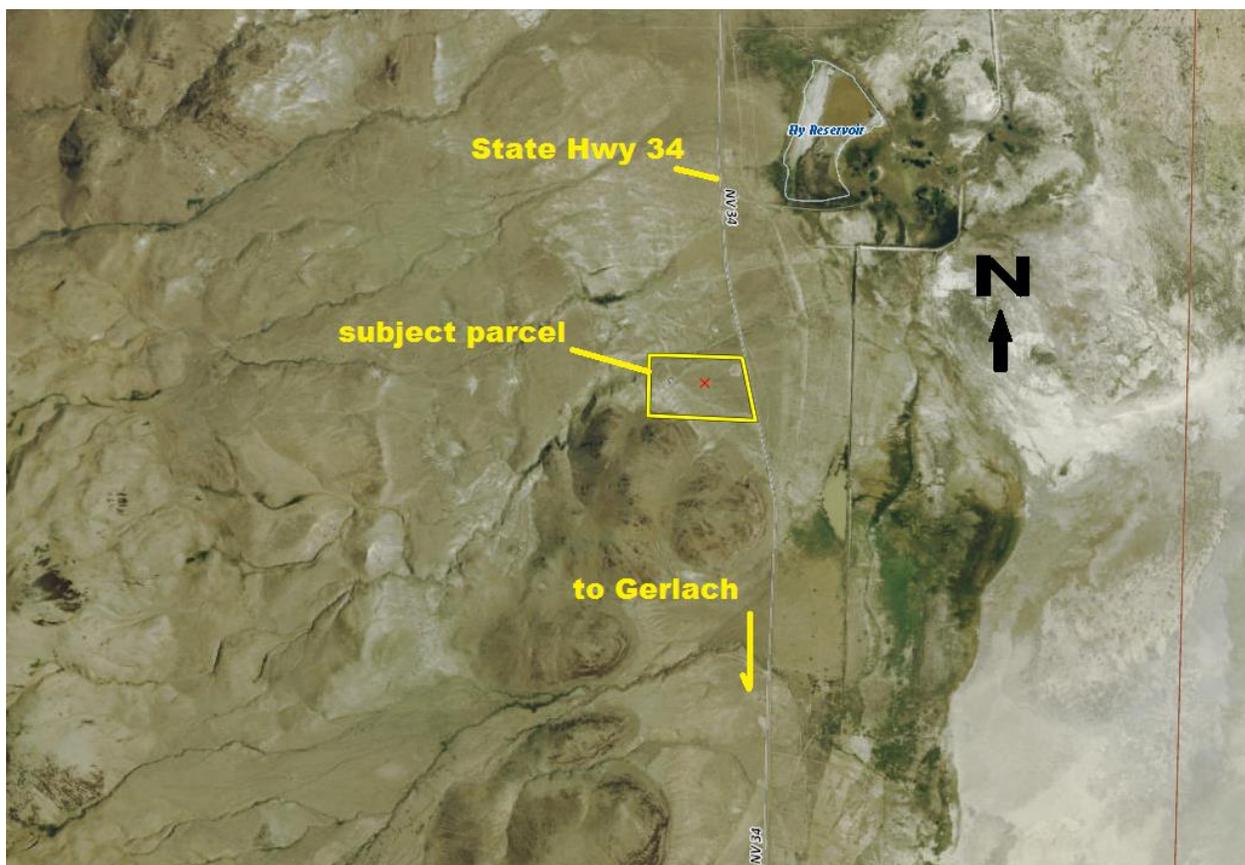


Figure 1 – Vicinity Map

MIDIAN RANCH STORAGE CONTAINER VARIANCE

Existing Conditions

The subject property is zoned General Rural (GR) and is developed with a single family residence and accessory buildings. This residence is located towards the western end of the property, approximately 1500' from the property front along State Highway 34. Surrounding parcels are all vacant, including a large Bureau of Land Management parcel on the west and south sides. The nearest developed site is an industrial storage yard (with single family residence) to the northeast, approximately 2 miles away.

The site also contains two Quonset hut-type storage buildings located near the eastern end of the property, roughly 200' from the highway frontage. Adjacent to the Quonset hut-type buildings are several storage containers that have been added in recent years. While storage containers are allowed in this zone, the Code contains locational criteria for where they can be placed. It is this location of the storage containers that is the subject of this variance.

Figure 2 (below) provides an aerial view of the site while Figure 3 (following pages) depicts the existing onsite conditions.

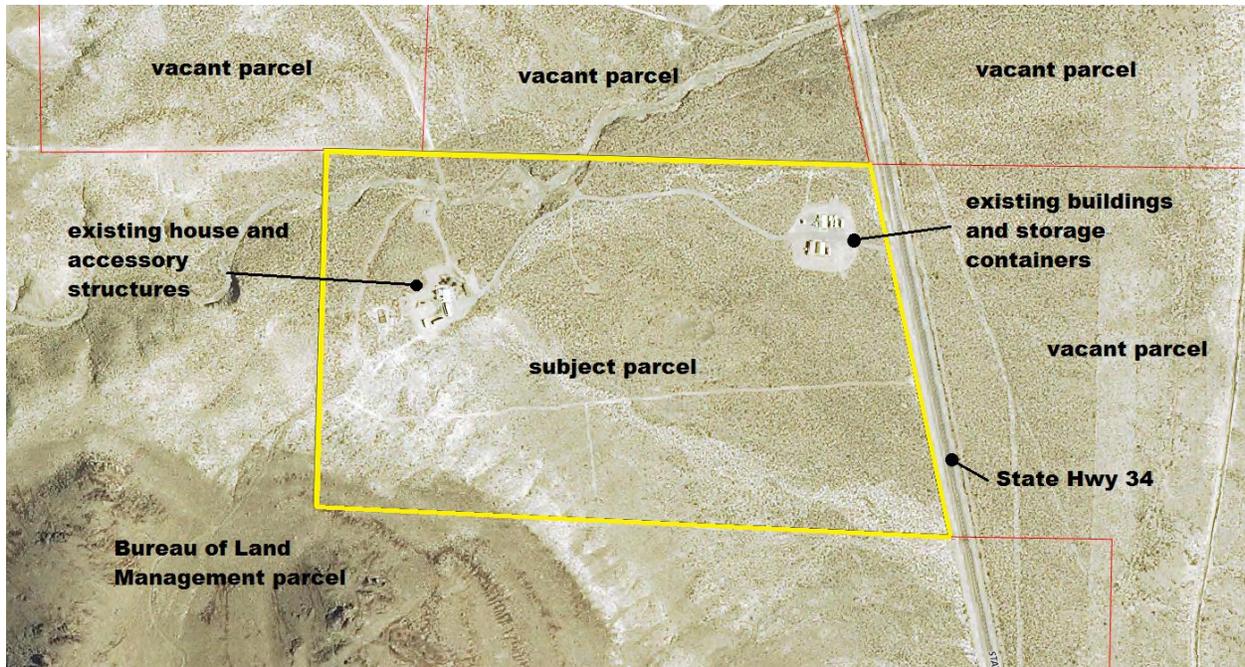


Figure 2 – Aerial View

MIDIAN RANCH STORAGE CONTAINER VARIANCE

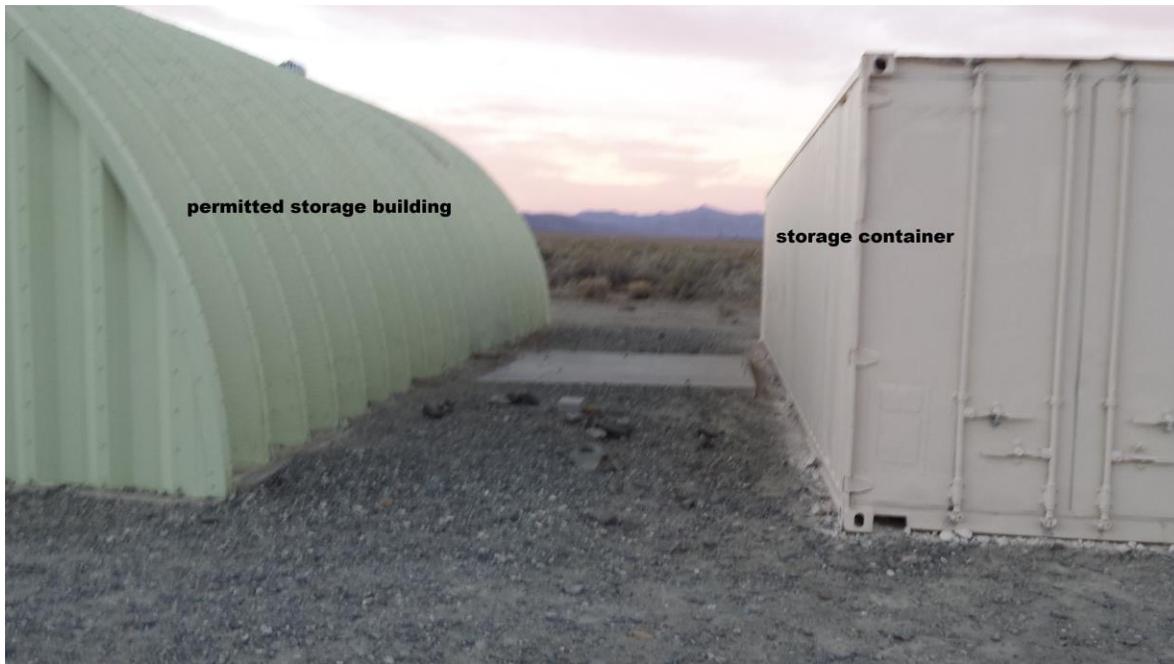


Figure 3 – Existing Conditions

MIDIAN RANCH STORAGE CONTAINER VARIANCE



Figure 3 – Existing Conditions (continued)

MIDIAN RANCH STORAGE CONTAINER VARIANCE

Project Request

This application includes a request for a Variance to allow for a deviation in the locational criteria for storage containers. Specifically, Article 306 - Accessory Uses and Structures, Section 110.306.10(g)(9) requires that storage containers be placed to the rear of a residence. The storage containers that are currently on-site are placed in front of the residence and are therefore subject to relocation under a strict application of the Code.

The subject parcel present unique and unusual circumstances in the placement of storage containers that were probably not contemplated when the locational criteria were developed. At 55 acres, the parcel is generously sized to contain storage buildings without impacting neighboring parcels. It is not a typical suburban parcel that requires strict regulation of building/container placement.

The site also contains permitted, permanent storage buildings near the front of the parcel (see Site Plan below). The storage containers that are the subject of this application are adjacent to these storage buildings.

Site topography does not facilitate compliance with the Code. As noted, this is a large lot. Moving from east to west across its 2000' depth, it rises steadily. Toward the west end, the slope increases in steepness. Therefore, moving the storage containers to the west end will result in them being relocated from a flat area that is already graded and served by a driveway, to a steeper area that will require road grading and pad construction. In other words, a substantial amount of site disturbance will have to occur in order to move the containers to a location that will never be as functional as their present location. Figure 4 shows the slope at the present and potential locations.

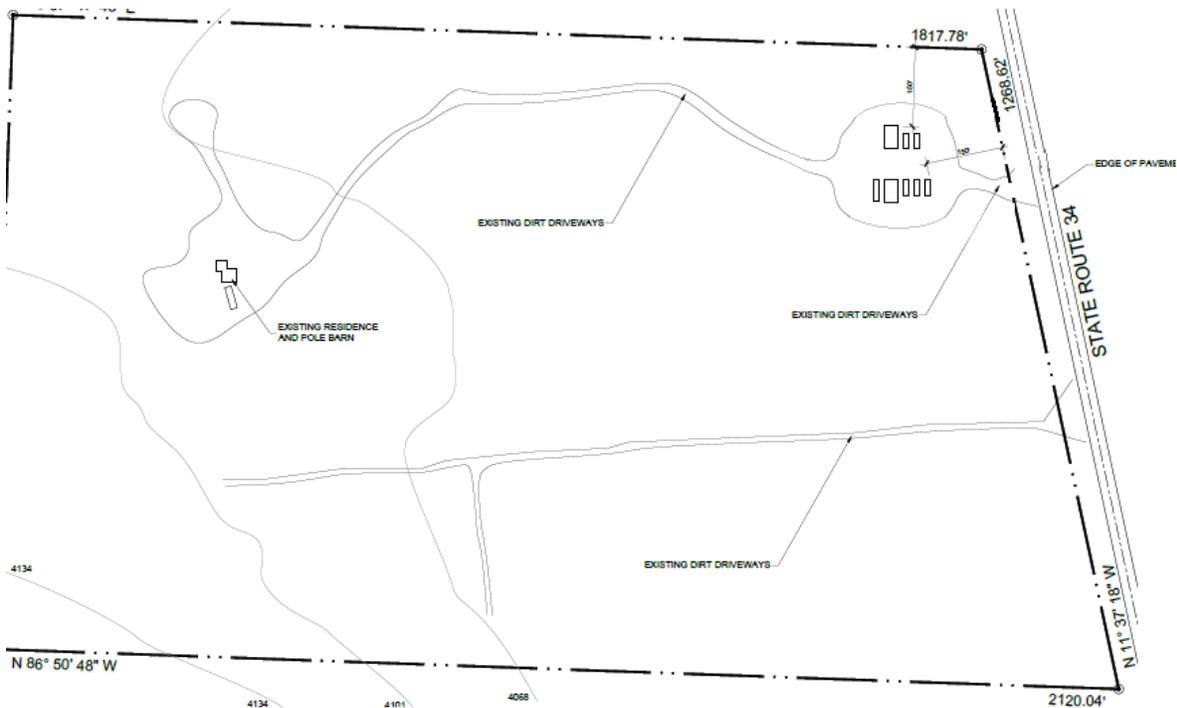


Figure 4 – Slope Exhibit

MIDIAN RANCH STORAGE CONTAINER VARIANCE

The existing location of the storage containers is set back approximately 125' from the property front. This is a generous setback as it is greater than the total depth of many housing parcels. For example, downtown Gerlach contains housing lots that do not exhibit this depth. Placing a storage container to the rear of a suburban-style lot has an obvious function in terms of screening the container from other houses that are likely to be nearby. This function is reduced or entirely absent on large parcels in outlying areas and suggests that lots of this type were not fully considered when this Code requirement was adopted.

There is no guarantee that relocating the storage containers will result in them being screened from view. The Code-designated location, while far from the road, is also higher up and therefore more visible to the surrounding area. The residence will not necessarily act as a screen in that the containers would not be clustered close to the house. They would be dispersed to the rear, thereby losing most of the screening capability of the house. Figure 5 depicts the proposed site plan.



Note: A full size site plan is included in the attached map pocket.

Figure 5 – Proposed Site Plan

MIDIAN RANCH STORAGE CONTAINER VARIANCE

This variance request will have no impact on surrounding properties. It is unlikely that any other residence will be constructed close to the proposed storage site. The containers are smaller than the existing permitted storage buildings. The containers will be limited to an area close to these existing buildings. Relocating the containers will create impacts in the form of site disturbance, grading, and road construction, without providing increased screening or other mitigation.

Variance Findings

The Washoe County Development Code (Section 110.804.25) establishes legal findings that must be made by the Board of Adjustment or Planning Commission in order to approve a Variance request. These findings are listed below and are addressed in **bold face** type.

- (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,

As noted previously, the unique circumstance is that the present location of the storage containers is better suited than the strictly Code-compliant area. To relocate the containers to the west would result in greater impacts in terms of grading and in possibly in visual impacts.

A strict application of the Code would result in the containers being relocated to an area that is steeper and requires substantial grading to create the required pad area and driveway. The current site requires no additional site disturbance.

- (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.

This request results in a zero impact to the general public. The proposed location does not present any increased visual impact to an existing or likely residential site. Compliance with Code would have a greater impact on natural resources in that substantial grading and road construction would be required.

The nearest developed property to the subject site is an industrial storage yard (with a single family residence). This development is approximately two miles from the subject site and will therefore not be affected by the variance.

- (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

MIDIAN RANCH STORAGE CONTAINER VARIANCE

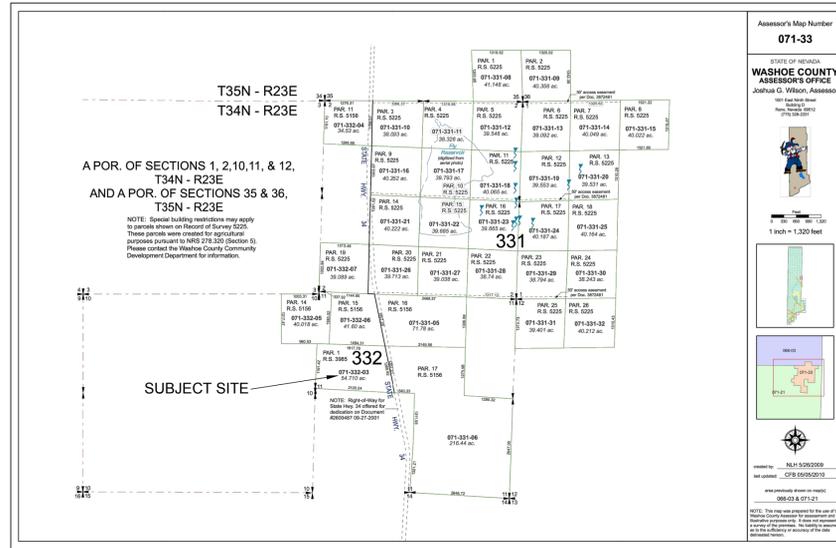
The relevance and appropriateness of suburban design standards are frequently questioned for developments in Gerlach. The High Desert Area Plan and the local population both express a desire to not strictly apply suburban standards to this area. It is therefore common to amend County development standards for Gerlach-area projects, especially for large parcels that are clearly not of a suburban subdivision type. Granting this request is therefore not a special privilege but is an accepted practice for the area.

- (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.

The proposed use (storage containers) is expressly allowed in the GR zone. Only the location of the containers is to be varied with this request.

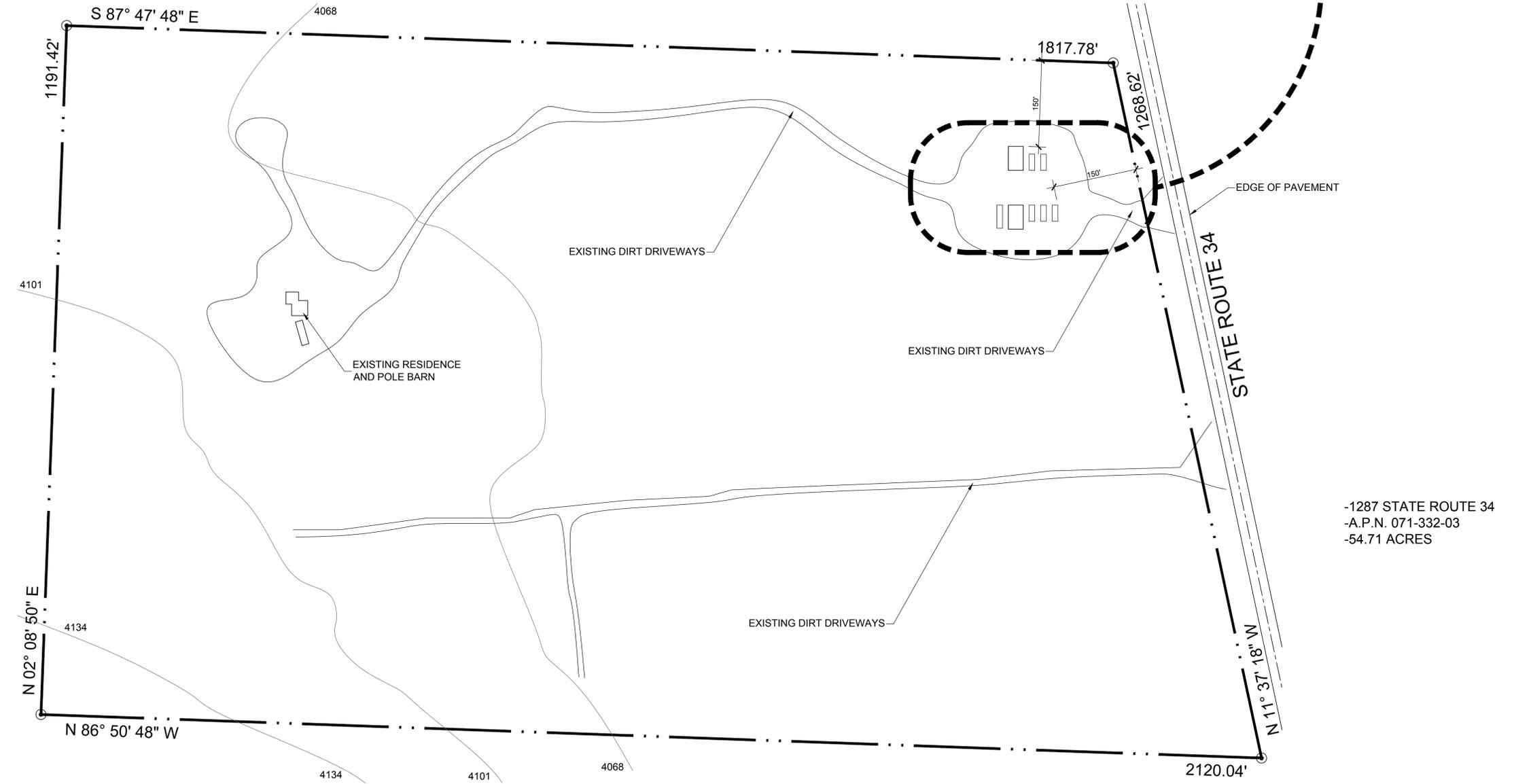
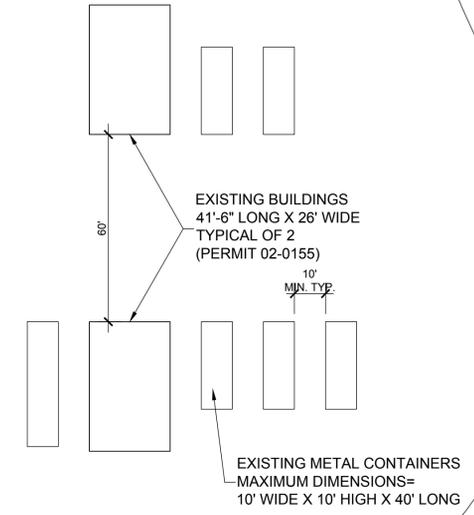
- (e) Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.

Not applicable.



WASHOE COUNTY ASSESSOR'S PARCEL MAP - NO SCALE

ENLARGED AREA - NO SCALE



PRELIMINARY SITE PLAN

SCALE: 1"=100'-0" (WHEN ON 24" X 36" PAPER)
0 50' 100' 150' 200'



NO.	REVISIONS	DATE

DATE: 10-12-2015
SCALE: 1"=100'-0"
DRAWN BY: [Signature]
DESIGNED BY: [Signature]
CHECKED BY: [Signature]



1287 STATE ROUTE 34 PRELIMINARY SITE PLAN
A.P.N. 071-332-03

ELECTRONIC FILE/
PROJECT NO.

SHEET NO.
A1.0