



Board of Adjustment Staff Report

Meeting Date: April 4, 2024

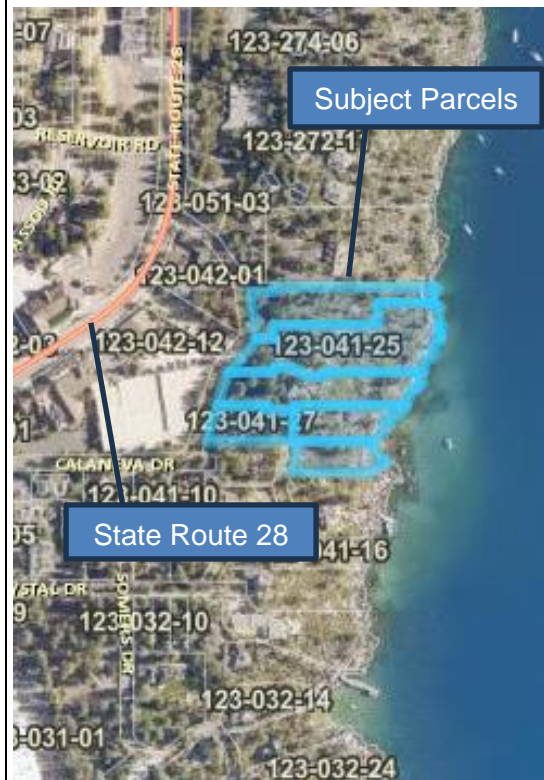
Agenda Item: 8D

VARIANCE CASE NUMBER:	WPVAR23-0005 (Summertide)
BRIEF SUMMARY OF REQUEST:	Request to vary fence height from four and one-half feet (4.5) to eight (8) feet
STAFF PLANNER:	Tim Evans, Planner Phone Number: 775.328.2314 E-mail: TEvans@washoecounty.gov

CASE DESCRIPTION

For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from four and one-half (4.5) feet to eight (8) feet for security and aesthetic purposes on four parcels along Calaneva Drive.

Applicant: Deep Blue Water LLC
 Location: 24, 26, 28, 32 Calaneva Drive, Crystal Bay, NV
 APN: 123-041-24; 123-041-25; 123-041-26; 123-041-27; 123-041-28; 123-041-29
 Parcel Size: 1.042 acres; 1.692 acres; 1.156 acres; 0.472 acres; 0.591 acres; 0.445 acres
 Master Plan: Stateline Point
 Regulatory Zone: Stateline Point
 Area Plan: Tahoe
 Development Code: Authorized in Article 804, Variances
 Commission District: 1 – Commissioner Hill



Vicinity Map

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR23-0005 for Deep Blue Water LLC, having been unable to make all five (5) required findings in accordance with Washoe County Development Code Section 110.804.25.

(Motion with Findings on Page 14)

Staff Report Contents

Variance Definition 3
Site Plan..... 4
Elevations 6
Project Evaluation 7
Hardships 9
Reviewing Agencies..... 13
Neighborhood Meeting..... 13
Staff Comment on Required Findings 13
Recommendation 14
Motion 14
Appeal Process 15

Exhibits Contents

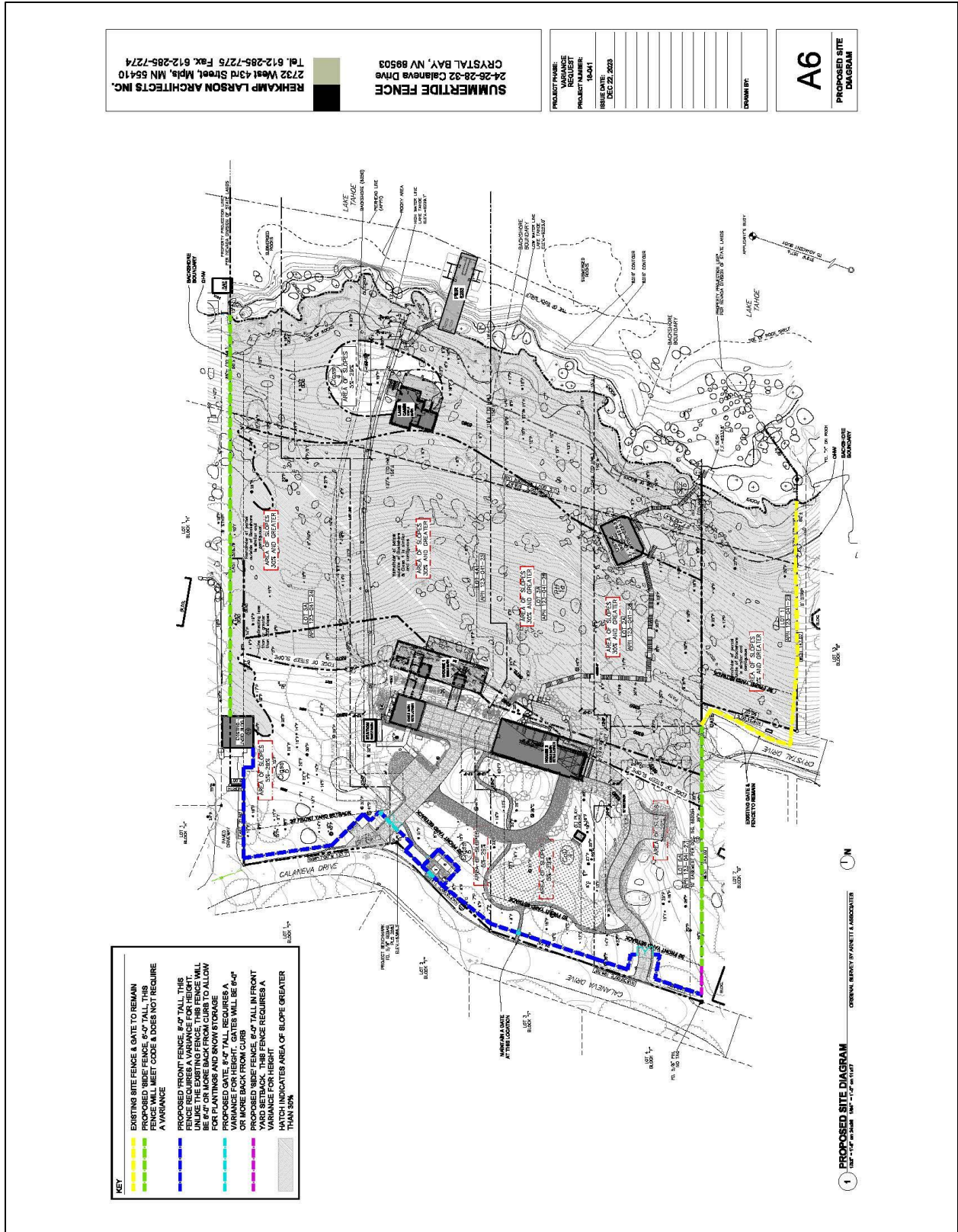
Agency Comments..... Exhibit A
Public Notice Exhibit B
Public Comment.. Exhibit C
Project Application Exhibit D

Variance Definition

The purpose of a variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the variance, that approval is subject to conditions of approval. Conditions of approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some conditions of approval are referred to as “Operational Conditions.” These conditions must be continually complied with for the life of the business or project.

The subject properties have a regulatory zone of TA_SP (Stateline Point) and the parcel sizes are 1.042 acres, 1.692 acres, 1.156 acres, 0.472 acres, 0.591 acres, and 0.445 acres. Pursuant to Article 220.1, *Tahoe Design Standards*, Chapter 3, *Setbacks of Structures*, Section I, *Visual Obstructions*, the maximum height allowed for a fence within the front yard setback is four and one-half (4.5) feet. As shown on the site plan on page 4, the proposed eight (8) foot fence will be located within the front yard setback of the parcels, necessitating the request for a variance.



Site Plan

<p>REHKAMP LARSON ARCHITECTS INC. 2732 West 43rd Street, Mpls, MN 55410 Tel. 612-285-7275 Fax. 612-285-7274</p> <p>SUMMERTIDE FENCE CRYSTAL BAY, NV 89503</p>	<p>PROJECT NAME: SUMMERTIDE FENCE PROJECT NUMBER: 18-041 ISSUED FOR: PERMITS DATE: OCT 9, 2023</p> <p>DRAWN BY:</p>	<p>A3</p> <p>EXISTING SITE IMAGES</p>	
	<p>2 STREET VIEW LOOKING SOUTH SHOWING COMMERCIAL WALL & FENCE - APPX 17' TALL</p>		<p>4 EXISTING NEIGHBOR STREET FENCE AT 20 CALANEVA DRIVE - APPX 9' TALL</p>
	<p>1 STREET VIEW LOOKING NORTH SHOWING TALL PARKING RAMP WALL - 3.5 STORIES TALL <small>SOURCE: GOOGLE EARTH</small></p>		<p>3 EXISTING SITE FENCE ALONG STREET (24-26-28-30 CALA NEVA DRIVE) - APPX 5.5' TO 6' TALL</p>

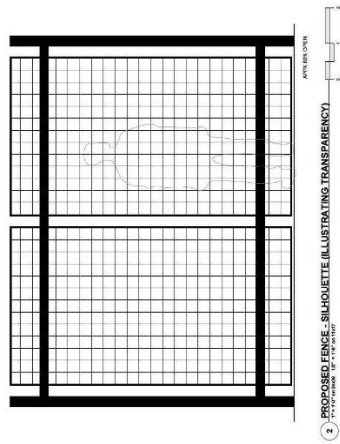
REHKAMP LARSON ARCHITECTS INC.
 2732 West 43rd Street, Mpls, MN 55410
 Tel. 612-285-7275 Fax. 612-285-7274

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

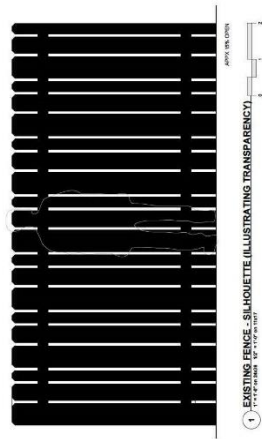
PROJECT TYPE: VARIANCE REQUEST
 PROJECT NUMBER: 24-011
 ISSUE DATE: OCT 9, 2023

DRAWN BY: RL ML

A5
 SITE FENCE COMPARISON



4 IMAGES SIMILAR TO PROPOSED FENCE
1\"/>



1 IMAGE OF EXISTING FENCE
1\"/>

Elevations

Project Evaluation

The applicant is requesting to increase the maximum fence height limit from four and one-half (4.5) feet to eight (8) feet to allow the construction of an eight (8) foot tall welded wire fence which is proposed to be setback six (6) feet from the front property line adjacent to Calaneva Drive and along a portion of the northern property line. In addition to the eight (8) foot welded wire fence, the applicant is proposing a landscape buffer within the six (6) foot area the fence will be setback from the front property line.

As detailed on the site plan on page 4 of this staff report, the property is comprised of six (6) different parcels, with dwellings on three of the parcels (APNs ending in -25, -26, and -28) and an existing six (6) foot tall solid wooden fence fronting the street and located along the front property line of the parcels with APNs ending in -24, -25, -26, and -27). It shall be noted that the variance application lists all six APNs comprising the property, but the variance for the fence will on be on four of the six parcels - specifically, the APNs ending in -24, -25, -26, and -27.

Pursuant to Article 220.1, *Tahoe Design Standards*, Chapter 3, *Setbacks of Structures*, Section I, *Visual Obstructions*, “Walls, fences, planting and other visual obstructions not over six (6) feet in height may be erected, placed or grown on lot lines, except in required front yard areas. Walls, fences, planting and other visual obstructions not over four-and-one-half (4-1/2) feet in height may be erected, placed or grown anywhere on the lot except as provided in Section F, Front Yards.”

Assessor Parcel Number	Required Front Yard Setback Pursuant to WCC Sec. 110.220.55
123-041-24	30 feet
123-041-25	30 feet
123-041-26	30 feet
123-041-27	20 feet

Therefore, as the proposed fence will be located six (6) feet from the front property line of each parcel, it will be within the front yard setback for each parcel and cannot be a height greater than four and one-half (4.5) feet.

As stated in the variance application (Exhibit D), the applicant provides the following rationale for requesting the variance:

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. Following are points to support this request:

Given the relative scale of adjacent casinos, the 80% openness of the fence, and the landscaping in the increased setback area the additional height requested is appropriate and results in a positive visual impact to the street. Increased transparency will provide added security, while allowing people on the street 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. Added privacy is significant and necessary given the competing and unique land use issues in this transitional area of Lake Tahoe.

Approval of a variance is limited to special circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship:

- 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or

- 2) by reason of exceptional topographic conditions; or
- 3) other extraordinary and exceptional situation or condition of the piece of property.

If such a finding of fact can be made, then the Board must determine that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the subject property.

Tahoe Area Plan

The following section of the Tahoe Area Plan are applicable to the requested variance.

Article 220.1, *Tahoe Area Design Standards*, Chapter 1, *Site Design*, Section 25, *Landscaping*:

“All fences, walls and other structural landscape features should be accompanied by landscaping to better integrate the structures with the site and to reduce their visual impacts. An exception to this is in urban areas where the wall is to be used as an architectural feature. See Chapter 6, *Landscaping*, for guidelines regarding landscaping.”

Staff Comment: To address this Code requirement, the applicant is proposing a landscape buffer within the six (6) foot area the fence will be setback from the front property line. Below is a rendering showing the type of landscaping that is proposed and how it would look with the eight (8) foot wire mesh fence as shown in the figure below.



Article 220.1, *Tahoe Area Design Standards*, Chapter 6, *Landscaping*, Section J, *Parking and Loading Areas*, subsection (2), *Required Yards Adjoining Street*:

“When a parking or loading area adjoins a street, a landscaped berm and/or decorative wall or fence shall be provided within all required yards adjacent to the parking or loading area.”

Staff Comment: The landscape berm and/or decorative wall or fence required by the Code serves to address compatibility of a commercial parking area in relation to the street and surrounding area. The 4-story parking garage, as evidenced by the pictures on page 5, does not have a landscape berm or decorative wall or fence. A fence, with landscaping, being placed on the subject property would individually address the compatibility between the subject property and the commercial parking garage. However, other properties in the vicinity are subject to the same view as the subject property. Therefore, the compatibility issue is not unique to the subject property.

Article 220.1, *Tahoe Area Design Standards*, Chapter 6, *Landscaping*, Section K, *Other Screening Requirements*, subsection (7), *Opacity*:

“Plants used for screens shall be:

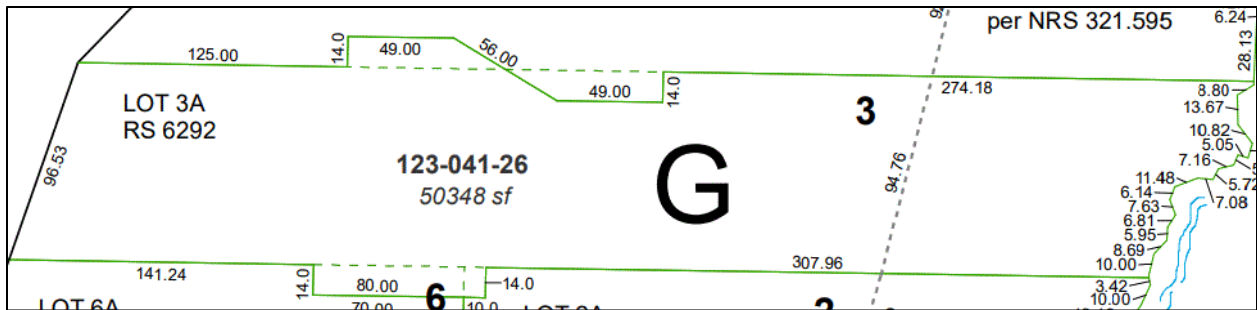
- (a) Of a type which will provide a year-round barrier at the prescribed height;
- (b) Planted at a spacing necessary to achieve one hundred (100) percent opacity within five (5) years; and
- (c) Supplemented or replaced with other dense landscaping or an appropriate fence of wall, if it fails to retain such opacity any time after the initial two (2) year period.”

Staff Comment: Per the applicant, the landscape buffer would serve to address privacy of the property and would be designed such that it would achieve one hundred (100) percent opacity within five (5) years.

Hardships

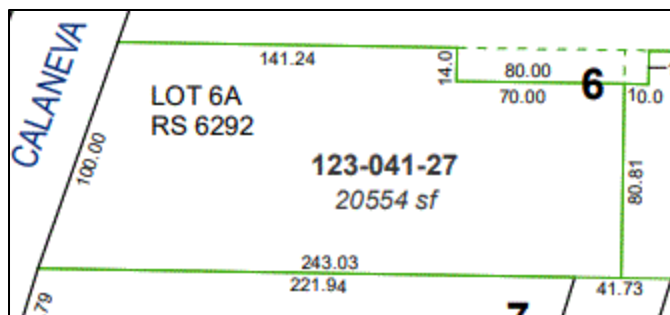
Exceptional narrowness and shape of the property

There are six (6) parcels that are part of this requested variance. Of the six (6) rectangular shaped parcels, the narrowest parcel that would have the proposed fence along its front property line is APN 123-041-26 with a width of 96.53 feet (as detailed in the figure below). The minimum parcel width required by WCC Section 110.220.55 for a parcel of 50,348 square feet (1.16 acres) is 80 feet.



Narrowness of a parcel is not a limiting factor in the applicant being able to construct a fence to meet the height requirement of 4.5 feet.

Of the six (6) parcels, the shallowest parcel that would have the proposed fence along its front property line is APN 123-041-27 with a length of 243.03 feet (as detailed in the figure below). The length is related to the parcel size; this parcel is 20,554 square feet (0.472 acres). Pursuant to WCC Section 110.220.55, *Yard and Lot Standards*, the minimum parcel size for a residential zoning such as Stateline Point is 3,700 square feet. The parcel size being 20,554 square feet is 5.5 times greater than that required by the Code.



Therefore, the parcels’ width, shallowness, or shape is not a limiting factor in the applicant being able to construct a fence to meet the four and one-half (4.5) foot requirement and does not meet the criteria for an exceptional situation or condition of the property. Further, the parcels are already developed with an existing six (6) foot wooden fence along the front property lines.

Topographic

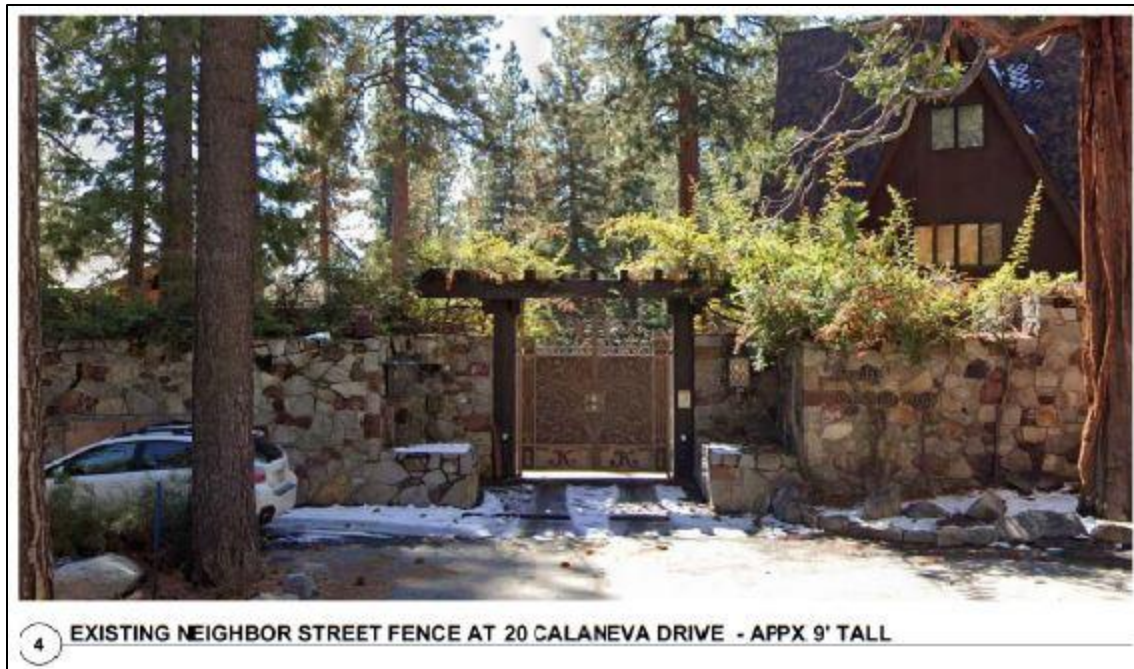
The applicant states the following on the application:

“The site topography and compromised size of the building envelope proves this to be an exceptional situation for this Variance. Only 1/3rd of the property is usable because of the steep slope that falls at 30% slope from the back of the home to Lake Tahoe. This forces the structure to be setback near the street (and commercial zone). The fence is needed to help mitigate this proximity and provide privacy and safety.”

As shown on the site plan on page 4, due to steep topography on approximately 66.7% of the property, the building area is limited to the front 33.3% of the property, which is the area closest to the commercially zoned property with the 4-story parking garage. Topography on the subject property forced the existing dwelling to be located in the front of the property and the application states that an eight (8) foot fence would provide much needed security and privacy that other properties in the vicinity enjoy. However, other properties in the area have similar topography and do not have an eight (8) foot fence, except for the property located at 20 Calaneva Drive (APN 123-041-07).



As indicated by the figure above, the property at 20 Calaneva Drive also has steep topography and as indicated in the application (Exhibit D), has an approximate nine (9) foot tall solid rock wall, with entry gate, along the front property line. Below is a picture of the rock wall provided with the application (Exhibit D).

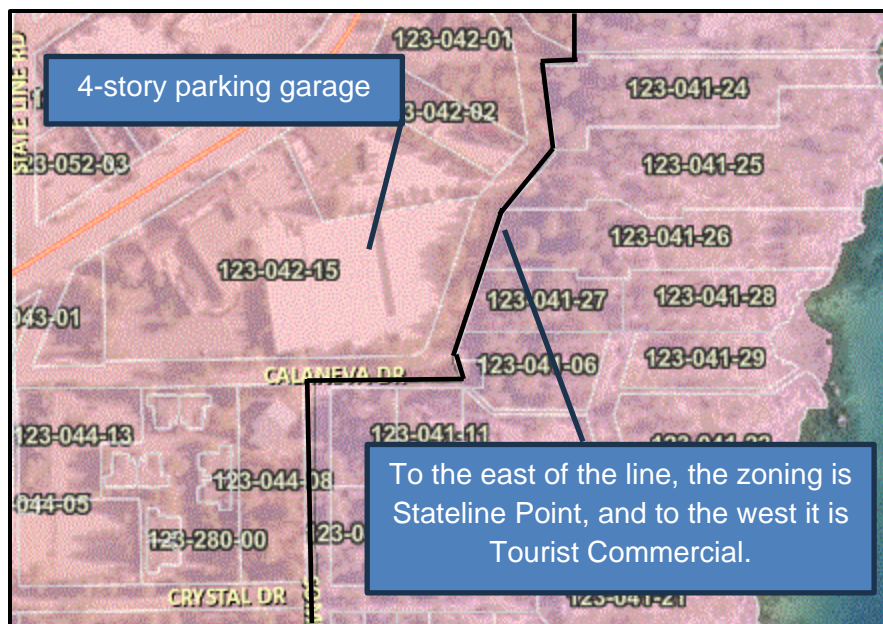


However, it should be noted that the topography at 20 Calaneva Drive is not as extreme as that of the subject property and the existing nine (9) foot wall was constructed prior to the current zoning regulations – the exact date of wall construction is unknown, but the dwelling was constructed in 1952. While staff acknowledges the existence of the wall at 20 Calaneva Drive, it does not factor into the ability to make the findings for a variance on the subject parcels.

Extraordinary and exceptional situation or condition of the property and/or location of surroundings.

The applicant states the following on the application:

“There is an extraordinary and exceptional situation given the unique land use relationship of the existing SF zone being directly 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 undue hardship upon the owner of the property because of the imposing height/intensity of that commercial scale without regard for adjacent low intensity residential.”



As indicated by the figure above, there are multiple parcels within the vicinity of the subject property that are also zoned “Stateline Point” and are subject to the view of the 4-story parking garage. Therefore, the zoning compatibility relationship between the subject property and the commercial property is not unique as other properties in the area are also subject to the same view.

Per NRS 278.300, the Board may grant a variance only by reason of the exceptional shape of the property, exceptional topographic conditions, or other extraordinary situations. As detailed above, staff does not find that this request falls within any of those three categories. However, if the Board does find that the request meets one of those special conditions, additional findings of fact are required for the Board to approve the requested variance; such findings include 1) that the relief will not create a substantial detriment to the public good, 2) the relief will not substantially impair affected natural resources, and 3) the relief will not impair the intent and purpose of the Development Code or applicable policies under which a variance could be granted.

Staff is able to make the finding that the proposed fence will not be a detriment to the public good as it will be in compliance with the design requirements of the Tahoe Area Plan and will be setback six (6) feet from the front property line, unlike that of the existing six (6) foot fence which is on the front property line. Due to the location of the fence and combination of wire mesh fence and landscaping, there would be a better environment for snow storage during the winter months, an improved line of sight on the roadway, and will be overall more aesthetically appealing.

An additional finding requires that the granting of the variance will not constitute special privileges inconsistent with the same limitations applicable for properties in the same regulatory zone and within the vicinity of the subject parcel.

Staff is unable to make this finding as the approval of the variance would result in the granting of special privileges as there are no special circumstances applicable to the subject property due to properties within the surrounding area having similar topographic restrictions, land use relationship, and imposing scale of adjacent buildings.

Staff finds that the applicant has not demonstrated that the subject property exhibits one or more of the criteria needed to make the first finding of special circumstances and third finding of no special privileges as required by Nevada Revised Statutes and recommends denial of the variance. Staff is able to make the additional findings as required by Washoe County Code, Article 804, Variances Required Findings: No Detriment and Use Authorized.

Reviewing Agencies

The following agencies/individuals received a copy of the project application for review and evaluation.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NV Water Resources	X			
Washoe County Building & Safety	X			
Washoe County Sewer	X			
Washoe County Traffic	X			
Washoe County Water Rights Manager (All Apps)	X	X		
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov; Janelle Thomas, jkthomas@washoecounty.gov
Washoe County Engineering & Capital Projects Director (All Apps)	X			
NNPH Air Quality	X			
NNPH Environmental Health	X			
AT&T	X	X		
NV Energy	X			
Incline Village Roads	X			
IVGID	X			
North Lake Tahoe FPD	X			
Tahoe Regional Planning Agency	X			

All comments provided by the contacted agencies can be found in Exhibit A, Agency Comments.

Neighborhood Meeting

No neighborhood meeting was required for this residential variance application.

Public Comment

As a result of the noticing, two (2) public comments were received, one by email and one by phone. The public comment received by phone was from a member of the public that received notification of the project and questioned the ability to approve a variance for the proposed fence height. Planning staff informed the commenter that in order to approve the variance, specific findings must be made by the Board of Adjustment.

The comment received by email was inquiring if a variance could be approved for a fence on the commenter’s property and the reasoning for the installation of electrical transformers across the street from their property. Planning staff informed the commenter that specific findings must be made in order to approve a variance and that they should speak with the power company for the reasoning behind locating the electrical transformers across the street from his property.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the proposal is not in compliance with the required findings as follows.

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; 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.

Staff Comment: There are no special circumstances applicable to the property, as demonstrated in this report. The parcel has no exceptional narrowness, shallowness or shape of the specific piece of property; no exceptional topographic conditions; no extraordinary and exceptional situation or condition of the property and/or location of surroundings. The strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property, as the owner is not being deprived of developing the property in the same manner as surrounding properties.

- (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.

Staff Comment: There will be no detriment to the public as the proposed eight (8) foot tall wire mesh fence will be more aesthetically pleasing compared to the existing six (6) foot solid wood fence, will be in compliance with the Tahoe Area Plan, and more importantly, will not be located on the front property line as the existing fence, but will rather be setback from the property line six (6) feet, which will allow for a better environment for snow storage during the winter months, improved line of sight on the roadway, and will be overall more aesthetically appealing.

- (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.

Staff Comment: There are no special circumstances applicable to the property, approval of the requested variance has the potential to grant special privileges by allowing a fence height greater than that permitted by Washoe County Code. Allowing development that does not conform to generally applicable Code requirements, such as fence height, with no special circumstances, means a finding of 'no special privileges' cannot be made to support approval of the variance request.

- (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.

Staff Comment: The variance will not authorize a use or activity which is not expressly authorized by the regulatory zone as a fence is an allowable use in the Stateline Point regulatory zone.

- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: There are no military installations within the required noticing area. This variance would not have an impact on military installations.

Recommendation

After a thorough analysis and review, Variance Case Number WPVAR23-0005 is being recommended for denial. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny

Variance Case Number WPVAR23-0005 for Deep Blue Water LLC, having been unable to make all five (5) required findings in accordance with Washoe County Development Code Section 110.804.25. Specifically, the Board is unable to make a finding of special circumstances either due to the exceptional property dimensions or shape, extraordinary topographical features, or an extraordinary and exceptional situation specific to the property.

- (a) Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; 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;
- (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;
- (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;
- (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;
- (e) Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Deep Blue LLC; Wyatt@ogilvylanduse.com

Representative: John Krmptic, KLS Planning and Design; johnk@klsdesigngroup.com

From: [COOPER, CLIFFORD E](#)
To: [Evans, Timothy](#)
Subject: October Agency Review Memo 1
Date: Tuesday, October 17, 2023 1:49:26 PM

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AT&T does not have any adverse comments regarding these locations:

Variance Case Number WPVAR23-0005 (Summertide) –

CLIFF COOPER
SR SPECIALIST-OSP DESIGN ENGINEER
AT&T NEVADA
1375 Capital Blvd rm 115
Reno, NV 89502
ROW Office: 775-453-7578
Email: cc2132@att.com
TEXTING and DRIVING...It Can Wait



Date: October 19, 2023

To: Tim Evans, Planner

From: Timber Weiss, P.E., Licensed Engineer

Re: Variance Case Number WPVAR23-0005 (Summertide)
APN 123-041-24; 123-041-25; 123-041-26; 123-041-27; 123-041-28; 123-041-29

GENERAL PROJECT DISCUSSION

For hearing, discussion, and possible action to approve a variance to vary the fence height along the front property line from six (6) feet to eight (8) feet for security and aesthetic purposes.

The Community Services Department (CSD) recommends approval of this project with the following Water Rights conditions:

No water right comments for this permit.



Date: October 24, 2023

To: Tim Evans, Planner, Planner
From: Janelle Thomas, P.E., Senior Licensed Engineer
Robert Wimer, P.E., Licensed Engineer

Re: Variance Case WPVAR23-0005 – Summertide
APN 123-041-24; 123-041-25; 123-041-26; 123-041-27; 123-041-28; 123-041-29

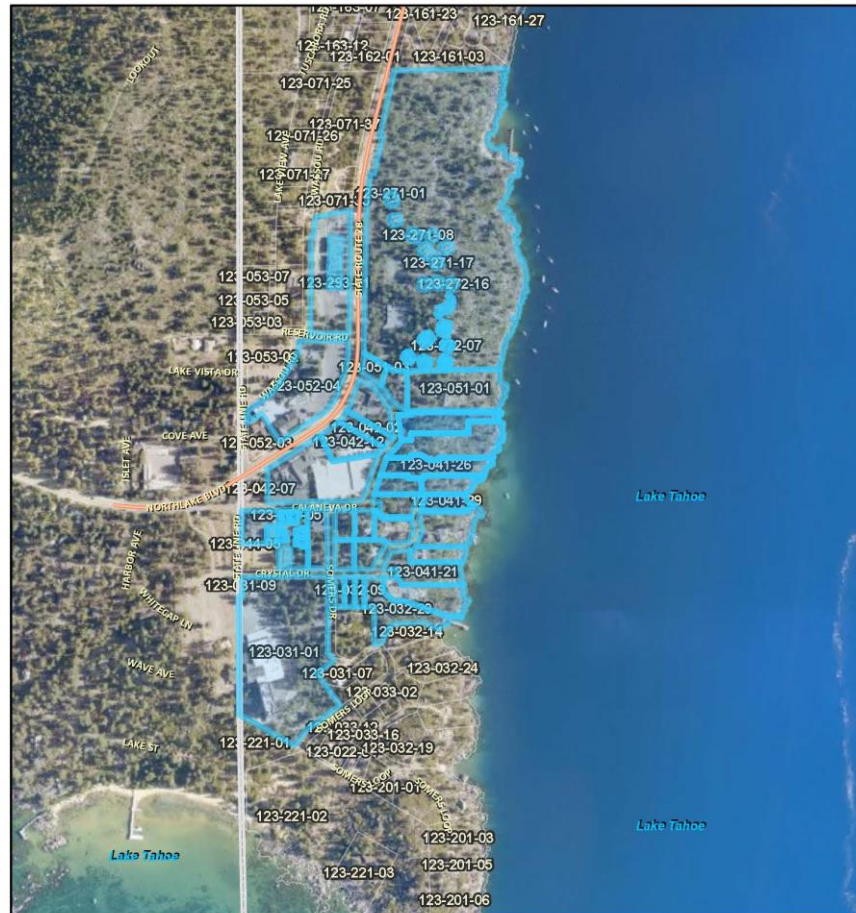
GENERAL PROJECT DISCUSSION

Washoe County Engineering and Capital Project staff have reviewed the above referenced application. The application, prepared by KLS Planning & Design, is for a variance to increase the height and transparency of an existing fence, and add a landscape buffer.

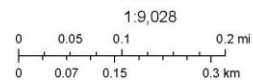
1. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the County Engineer's Office for carrying out County-related activities within the County owned right-of-way. The applicant shall request this document from the Engineering Department's Permit Reviewer for owner signature with the application of a building permit. This document shall be recorded in the County Recorder's Office prior to issuance of a building permit.
2. The applicant shall provide approach sight distance triangle analysis, per the American Association of State and Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets (Green Book) requirements, to verify that vehicles approaching the property intersections will have an unobstructed view of any conflicting vehicles or pedestrians with the fence variance request.

Public Notice

Washoe County Code requires that public notification for a variance must be mailed to a minimum of 30 separate property owners within a minimum 500-foot radius of the subject property a minimum of 10 days prior to the public hearing date. A notice setting forth the time, place, purpose of hearing, a description of the request and the land involved was sent within a 500-foot radius of the subject property. A total of 62 separate property owners were noticed a minimum of 10 days prior to the public hearing date.



October 12, 2023



Washoe County GIS, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

This information for illustrative purposes only. Not to be used for boundary.

Public Notice Map

Variance Case Number WPMAR23-0005

From: [Ryan](#)
To: [Evans, Timothy](#)
Subject: **Re: Courtesy Notice - CASE#WPVAR23-005**
Date: **Monday, October 23, 2023 10:00:13 AM**
Attachments: [image001.png](#)

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Nevermind. Nothing can be done about either of it. Appreciate the reply Tim thx

On Mon, Oct 23, 2023 at 9:40 AM Evans, Timothy <TEvans@washoecounty.gov> wrote:

Hi Ryan,

Thank you for your comments and questions. Concerning the ability to obtain a variance for an eight (8) foot fence, the property must have special circumstances and the specific findings in Washoe County Code have to be made by the Board of Adjustment in order to approve the variance. Planning staff usually tries to steer the public away from applying for variances due to the difficulty in being able to make the findings.

I'm assuming your referring to the three large, what appears to be electrical transformers, near the upper-left of the picture (above the parking garage). Unfortunately, as for why the power company placed those in that location, I can't speak to why they chose that location. The power company would be able to provide more background on that. As for how it was permitted in that location, I may be able to review the background documents we have but I would need an address for that property to see what we have on file.

Thanks,



Tim Evans

Planner, Planning & Building Division | Community Services Department

CSD Main Phone: 775-328-3600 Direct Line: 775-328-2314

Visit us first online: www.washoecounty.gov/csd

From: Ryan <rygule@gmail.com>
Sent: Sunday, October 22, 2023 2:10 PM
To: Evans, Timothy <TEvans@washoecounty.gov>
Subject: Courtesy Notice - CASE#WPVAR23-005

[**NOTICE:** This message originated outside of Washoe County -- **DO NOT CLICK** on links or open **attachments** unless you are sure the content is safe.]

Hello Tim. thx for the courtesy notice regarding the neighbor who wants to put in 8 foot fence along multiple addresses. If this neighbor is approved can we use this as precedence to have a fence put along our cornering property? We dont' have deep pockets like our neighbor so I am trying to see if we would get pushback because we don't have lawyers to help us out.

We have to stair at a horrific parking garage (Crystal Bay Casino) that gives nothing but light pollution, noise pollution and just plain unsightly and noisy activity. I have worked with the local commissioner Alexis Hill to get help with the casino's parking lot. She along with Washoe county has done their best to advocate for us and I appreciate that. I would also like to put in a fence one day.

I would like to ask one more thing...I am also am very saddened that the power company chose to put these massive electrical things that buzz on the side of our property (residential) instead of simply going one more property over and installing them at the side of the fire department property (Commercial) See attached picture. Why on earth did they decide to put these things to give us cancer on the side of our lot and not the commercial lot next door? I feel like we are a punching bag. We use this home as a second home and every time we go there we have a broken metal fence, somebody stealing boulders along our fenceline...on the outside...these electrical huge things installed so we hear them buzzing all day. Why on earth would anybody allow them to install it on our lot and not a commerical lot next door? We just showed up to our house one day and these massive electrical things were humming outside our house.

--

Ryan

--

Ryan

Summertime

Application to Washoe County for a:

Variance

Prepared by:



John F. Krmpotic, AICP
KLS Planning & Design
201 W Liberty Street, Suite 300
Reno, NV 89501

Wyatt Ogilvy
Ogilvy Consulting | Land Use & Development Strategies
www.ogilvylanduse.com
Phone: (530) 583-5800

Rehkamp Larson Architects Inc.
2732 W 43rd St
Minneapolis, MN 55410
Ryan Lawinger

Prepared for:

DEEP BLUE WATER LLC
Darin Szabo
612-991-8081

December 22, 2023

Table of Contents

Project Request 1
Property Location 1
Land Use and Zoning 2
Variance Rationale 4
Variance Findings 6

List of Figures

Figure 1 – Vicinity Map 1
Figure 2 – Regulatory Zoning 2
Figure 3 – Master Plan Land Use 3
Figure 4 – Crystal Bay Concept Tourist Map 5

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

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).

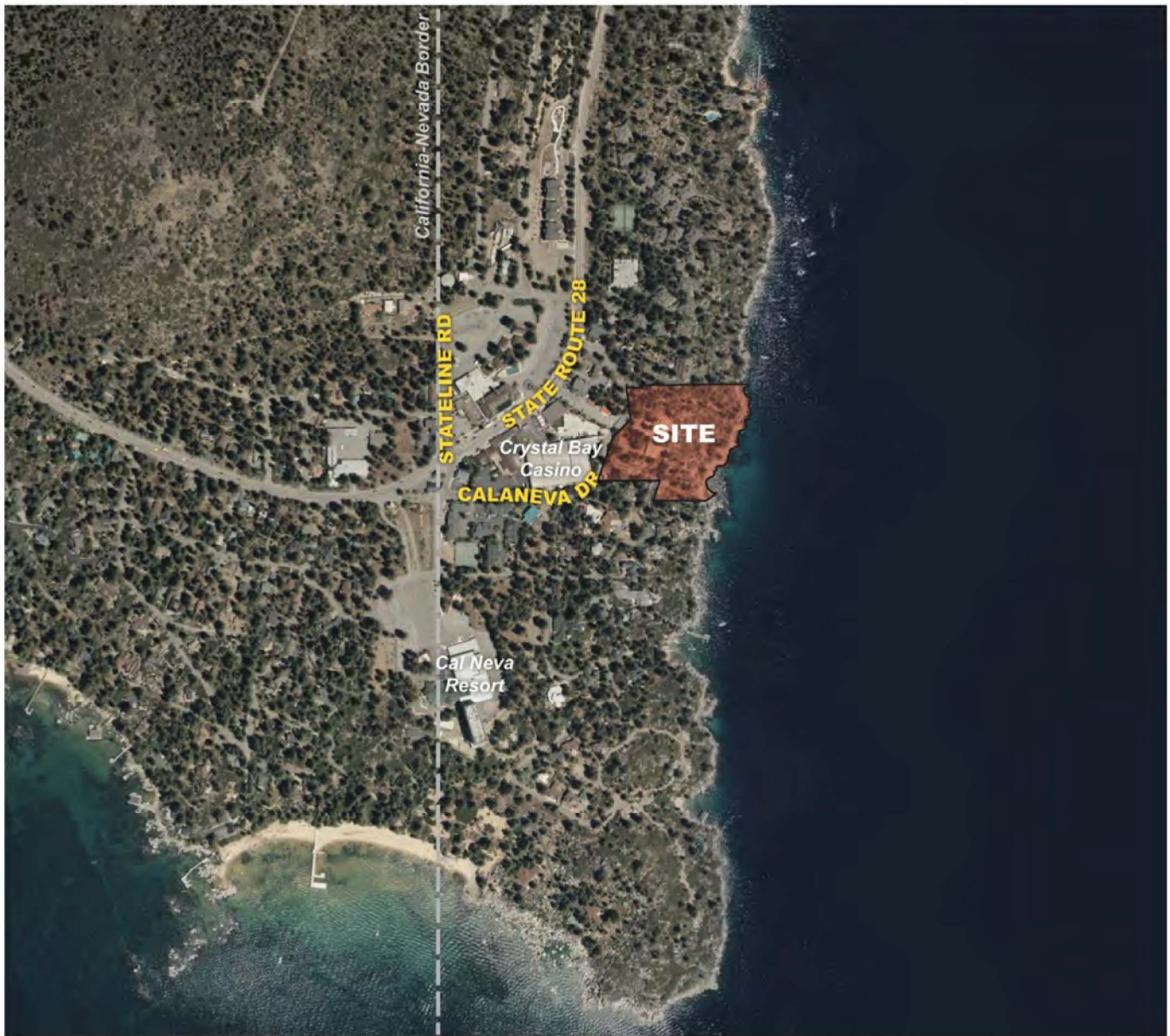


Figure 1 – Vicinity Map

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.

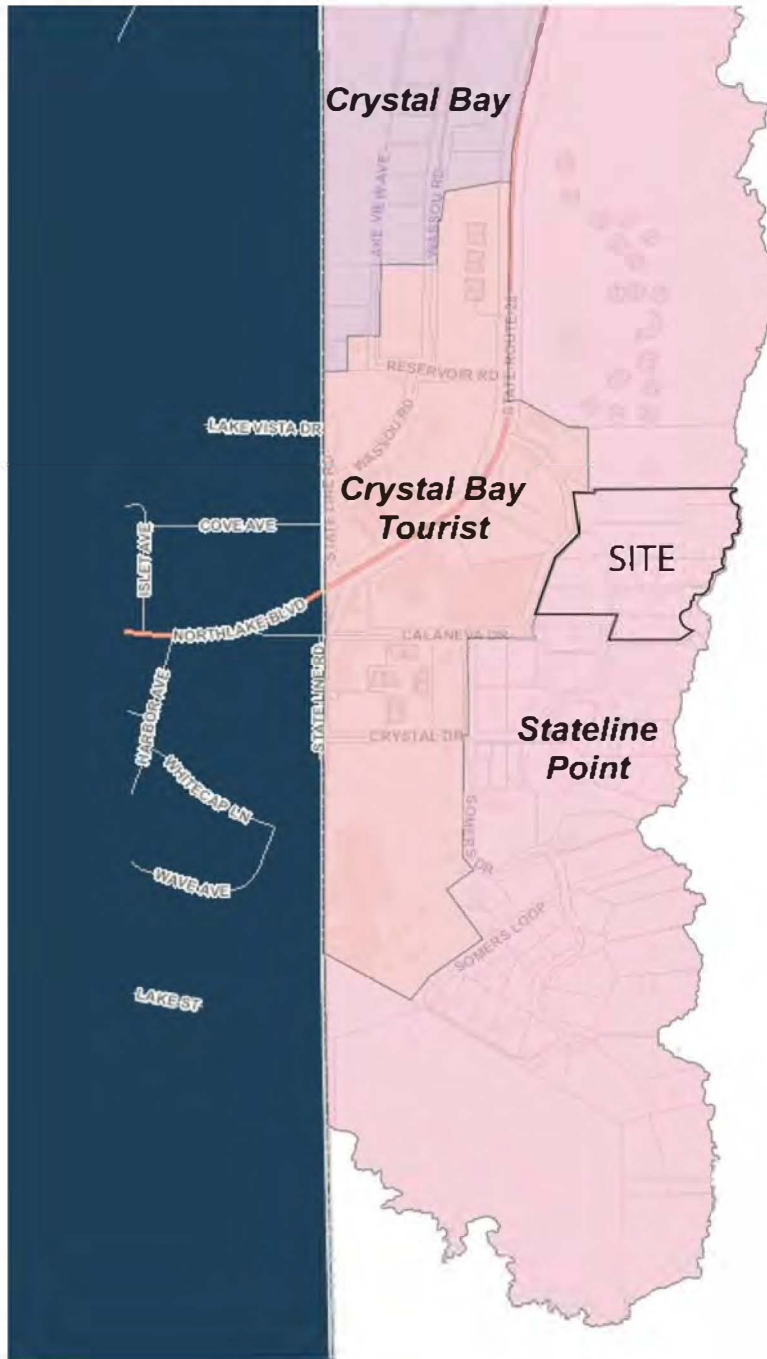


Figure 2 – Regulatory Zoning

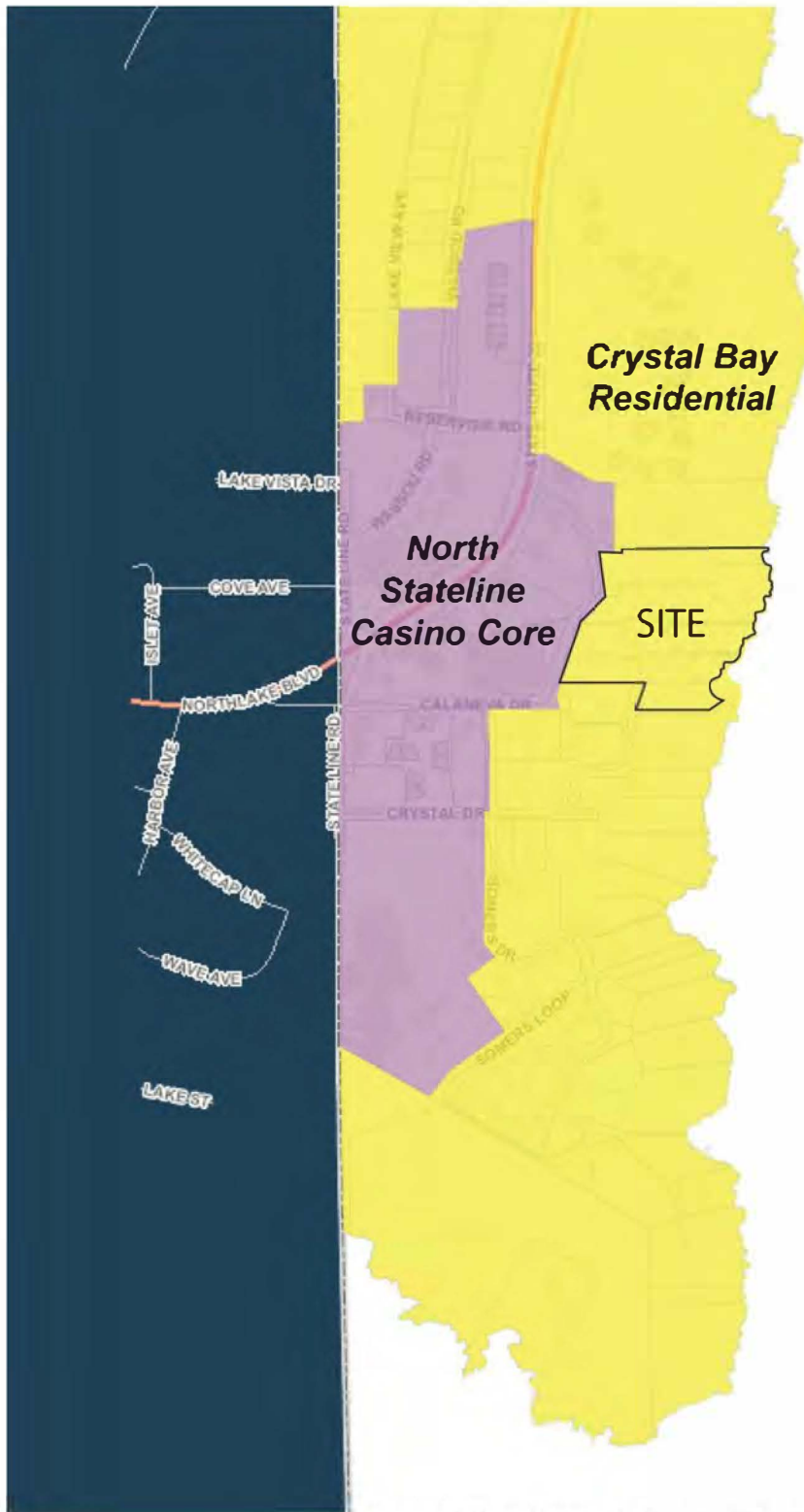


Figure 3 – Master Plan Land Use

Summertide Variance Rationale

This property owner is requesting approval to upgrade the quality, height, and transparency of an existing 6' tall "solid screen" wood fence fronting the street to an 8' tall, wire mesh fence, that is setback 6' from the street. Following are points to support this request:

Given the relative scale of adjacent casinos, the 80% openness of the fence, and the landscaping in the increased setback area the additional height requested is appropriate and results in a positive visual impact to the street. Increased transparency will provide added security, while allowing people on the street 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. Added privacy is significant and necessary given the competing and unique land use issues in this transitional area of Lake Tahoe.

Combining open view fencing and a planting strip makes for an improved streetscape and pleasant pedestrian experience along Calaneva Drive. The street serves as transition between the Crystal Bay Tourist area and private single-family residence (including 6 residential lots).

This variance request considers the unique tall commercial structures adjacent to this natural single-family residential environment and the desire to improve the street to be more aligned with the Tahoe Area Plan. This approach brings the property more in conformance with the Crystal Bay Plan jointly adopted by Washoe County and TRPA. Other rationale for this request includes:

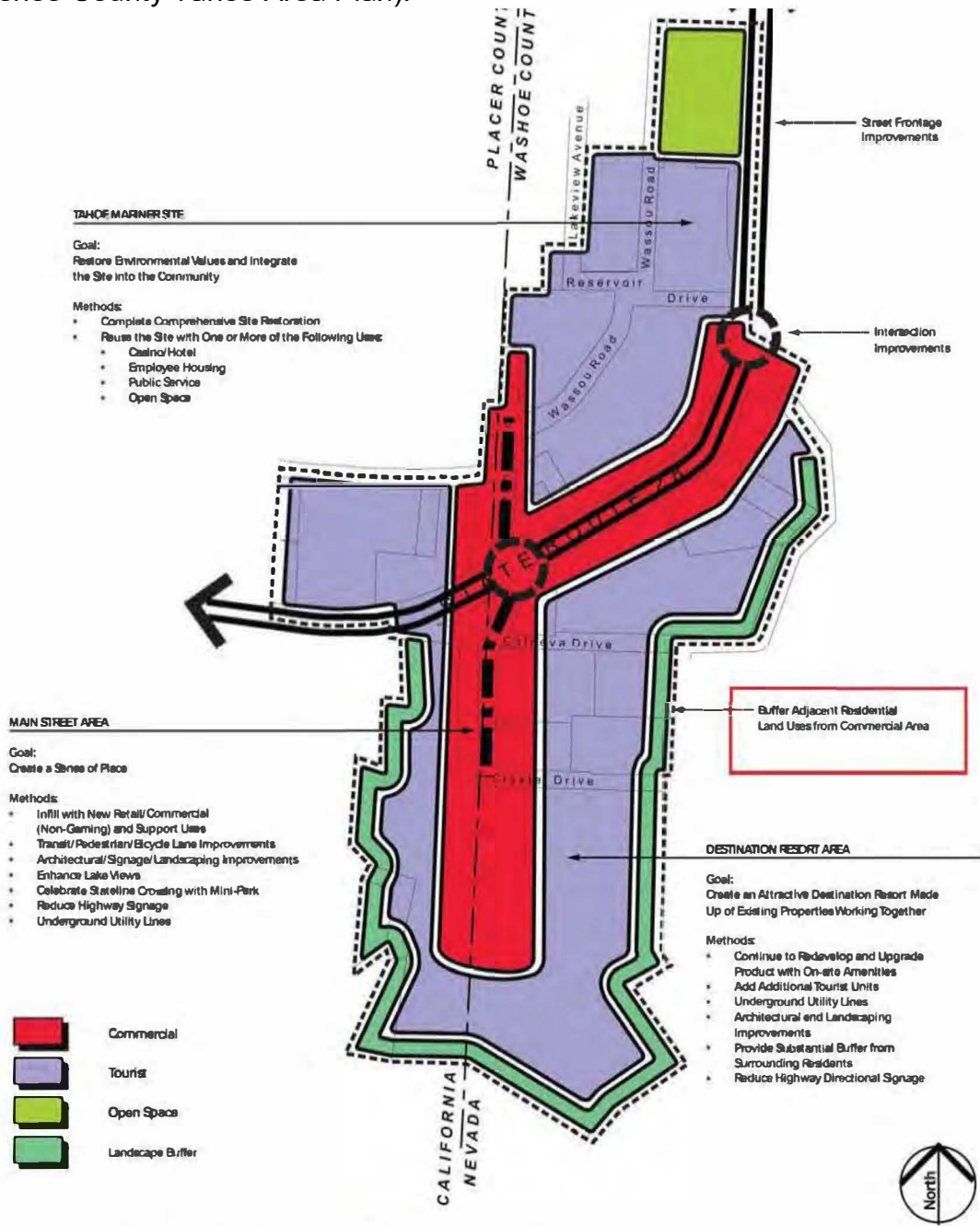
1. The existing fence creates a closed-off feel and street experience. It is opaque and near the street curb with no ability to soften with landscape. The proposed 6' setback is a basic design feature to soften the streetscape and make it appealing to the eye. This variance will allow for a major improvement 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)). 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.

3. 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



MAP 2.3. CRYSTAL BAY TOURIST CONCEPT PLAN

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;

The site topography and compromised size of the building envelope proves this to be an exceptional situation for this Variance. Only 1/3rd of the property is usable because of the steep slope that falls at 30% slope from the back of the home to Lake Tahoe. This forces the structure to be setback near the street (and commercial zone). The fence is needed to help mitigate this proximity and provide privacy and safety.

There is an extraordinary and exceptional situation given the unique land use relationship of the existing SF zone being directly 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 undue hardship upon the owner of the property because of the imposing height/intensity of that commercial scale 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 these topographic restrictions, 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 desired and appropriate for privacy and security purposes.

- (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
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- A5 – Site Fence Comparison
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- A7 – Front Fence
- A8 – Side Fence
- Fence Landscape Study

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.

Project Information		Staff Assigned Case No.: _____	
Project Name: Summertide			
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 AND 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).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
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	
Applicant/Developer:		Other Persons to be Contacted:	
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	
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)

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?

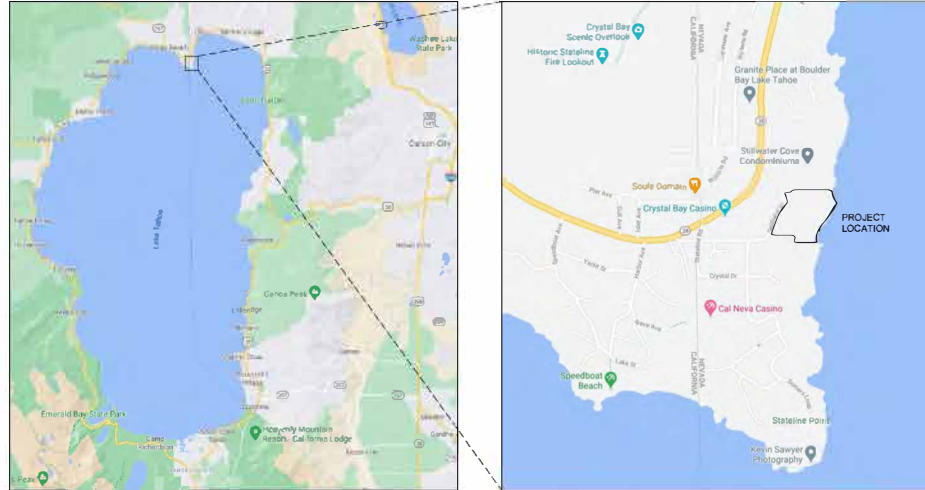
Yes No If yes, please attach a copy.

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
612-991-0081

ARCHITECT
REHKAMP LARSON ARCHITECTS
2732 W 43RD STREET
MINNEAPOLIS, MN 55410
CONTACTS: MARK LARSON
RYAN LAWINGER
rlawinger@rehkamlarson.com
612-285-7275

BUILDER
SCHOMMER & SONS
6621 NE COLWOOD WAY
PORTLAND, OR 97218
CONTACT: PAUL SCHOMMER
DAVID ROTHME
DROTHME@SCHOMMER-SONS.COM
503-956-1744

SURVEYOR
SUMMIT ENGINEERING CORPORATION
5465 MARIANNE AVENUE
RENO, NV 89523
CONTACT: RYAN COOK
775-787-4316

CIVIL ENGINEERING
SHAW ENGINEERING
20 VINESTREET
RENO, NV 89503
CONTACT: MARC BELANGER
775-329-5559

LANDSCAPE ARCHITECTURE
LANDSCAPE ARCHITECTS
1100 GILSAN STREET #30
PORTLAND, OREGON 97209
CONTACT:
JANE HANSEN
503-295-2437

LAND USE CONSULTANT
OGLIVY CONSULTING
850 NORTH LAKE BLVD, SUITE 17
TAMPE CITY, CA 96145
CONTACT: WYATT OGLIVY
800-363-5600

LAND USE CONSULTANT
KLS PLANNING & DESIGN GROUP
1 EAST 1ST STREET, SUITE 1400
RENO, NV 89501
CONTACT: JOHN KRMPOTIC
775-852-7609

DRAWING INDEX

A0	COVER SHEET
A1	EXISTING - SITE DIAGRAM
A2	EXISTING - SITE AERIAL IMAGE
A3	EXISTING - SITE IMAGES
A4.1	EXISTING & PROPOSED - SITE & FENCE SECTION DETAIL
A4.2	EXISTING SITE SECTION
A5	EXISTING & PROPOSED - FENCE ELEVATION COMPARISON
A6	PROPOSED - SITE DIAGRAM
A7	PROPOSED - FENCE & GATE ELEVATIONS
A8	PROPOSED - FENCE ELEVATIONS
A9	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:
DEC 22, 2023

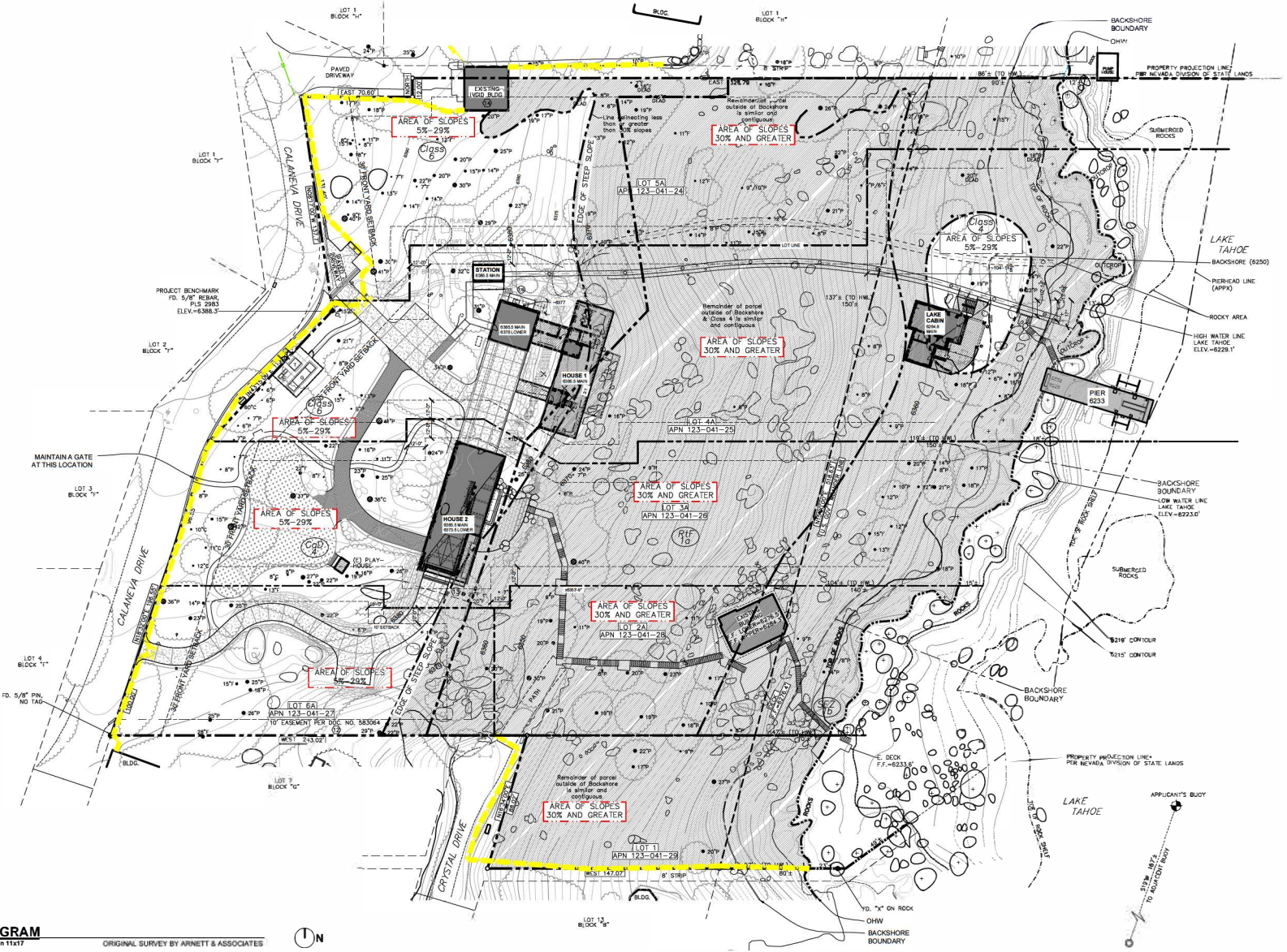
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ML, RL

A0
COVER

KEY

--- EXISTING SITE FENCE & GATE

▨ HATCH INDICATES AREA OF SLOPE GREATER THAN 30%



1 EXISTING SITE DIAGRAM
 1/2" = 1'-0" on 24x36 1/4" = 1'-0" on 11x17 ORIGINAL SURVEY BY ARNETT & ASSOCIATES

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:
 DEC 22, 2023

DRAWN BY:

A1

EXISTING SITE DIAGRAM

 = TALL WALLS OR FENCING NEAR THE PROPERTY

SEE FOLLOWING PAGE FOR CORRESPONDING IMAGES

LOCATION OF SOLID 17.5' TALL COMMERCIAL RETAINING WALL AND FENCE

WALL OF 3.5 TO 4 STORY CASINO PARKING RAMP

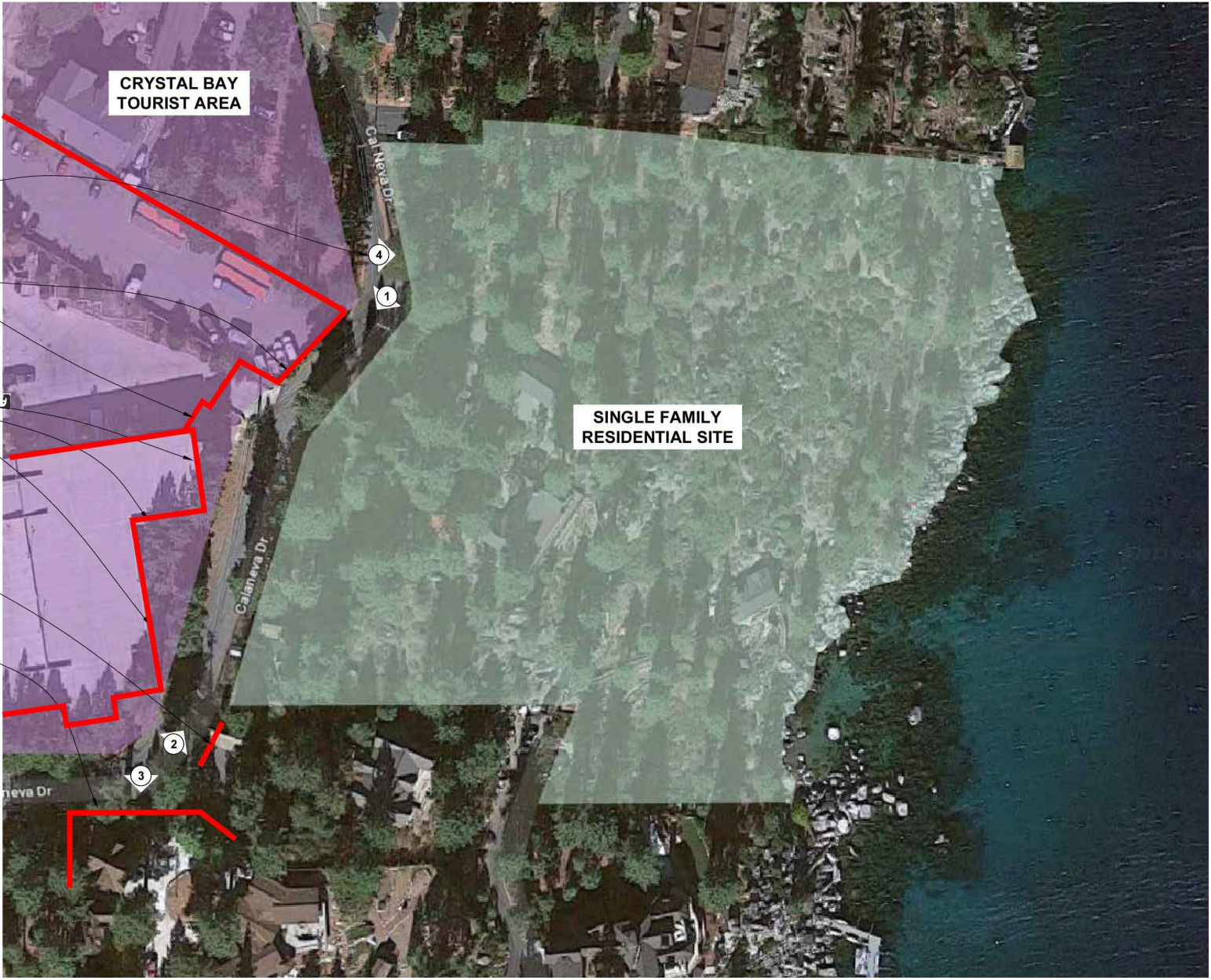
1.5 STORY NEIGHBORING STRUCTURE ADJACENT TO THE STREET PROPERTY LINE

NEIGHBOR'S STONE PRIVACY WALL AT 9' TALL

LOCATION OF THE SITE, ADJACENT TO THE TOURIST AREA & LANDSCAPE BUFFER ON THE CRYSTAL BAY CONCEPT PLAN



CRYSTAL BAY TOURIST CONCEPT PLAN, MAP 2.3 OF THE WASHOE COUNTY TAHOE AREA PLAN




 EXISTING SITE AERIAL IMAGE SHOWING THE SITE'S ADJACENCY TO THE TOURIST AREA AND TALL STRUCTURES

IMAGE SOURCE: GOOGLE MAPS

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 Calanave Drive
 CRYSTAL BAY, NV 89503

PROJECT PHASE:
 VARIANCE REQUEST
 PROJECT NUMBER:
 18-041
 ISSUE DATE:
 DEC 22, 2023

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A2
 EXISTING SITE AERIAL IMAGE



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

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:
DEC 22, 2023

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A3
EXISTING SITE
IMAGES



1 EXISTING SITE SECTION DETAIL SHOWING EXISTING FENCE
 1/16" = 1'-0" on 24x36 1/32" = 1'-0" on 11x17



2 SITE SECTION DETAIL SHOWING PROPOSED FENCE & LANDSCAPE BUFFER
 1/16" = 1'-0" on 24x36 1/32" = 1'-0" on 11x17

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 Calanava Drive
 CRYSTAL BAY, NV 89503

PROJECT PHASE:
 VARIANCE
 REQUEST
 PROJECT NUMBER:
 18-041
 ISSUE DATE:
 DEC 22, 2023

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A4.1

SITE
 SECTION

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

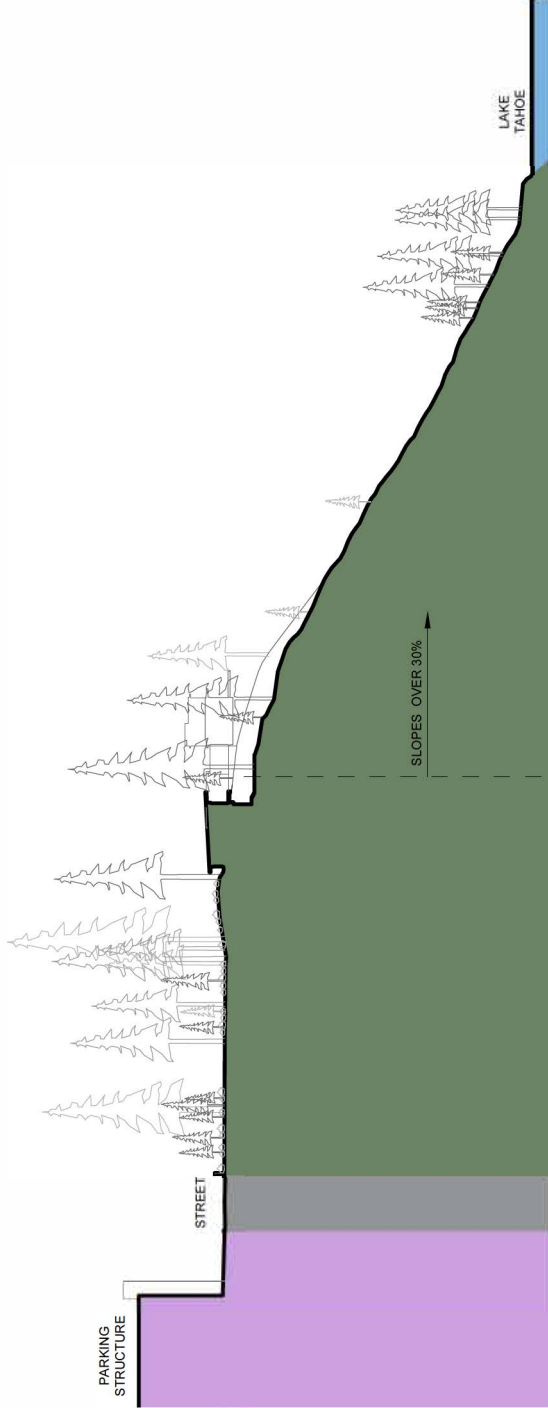
SUMMERTIDE FENCE
 24-26-28-32 Calaneva Drive
 CRYSTAL BAY, NV 89503

PROJECT PHASE:
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 PROJECT NUMBER:
 19-041
 ISSUE DATE:
 DEC 22, 2023

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A4.2

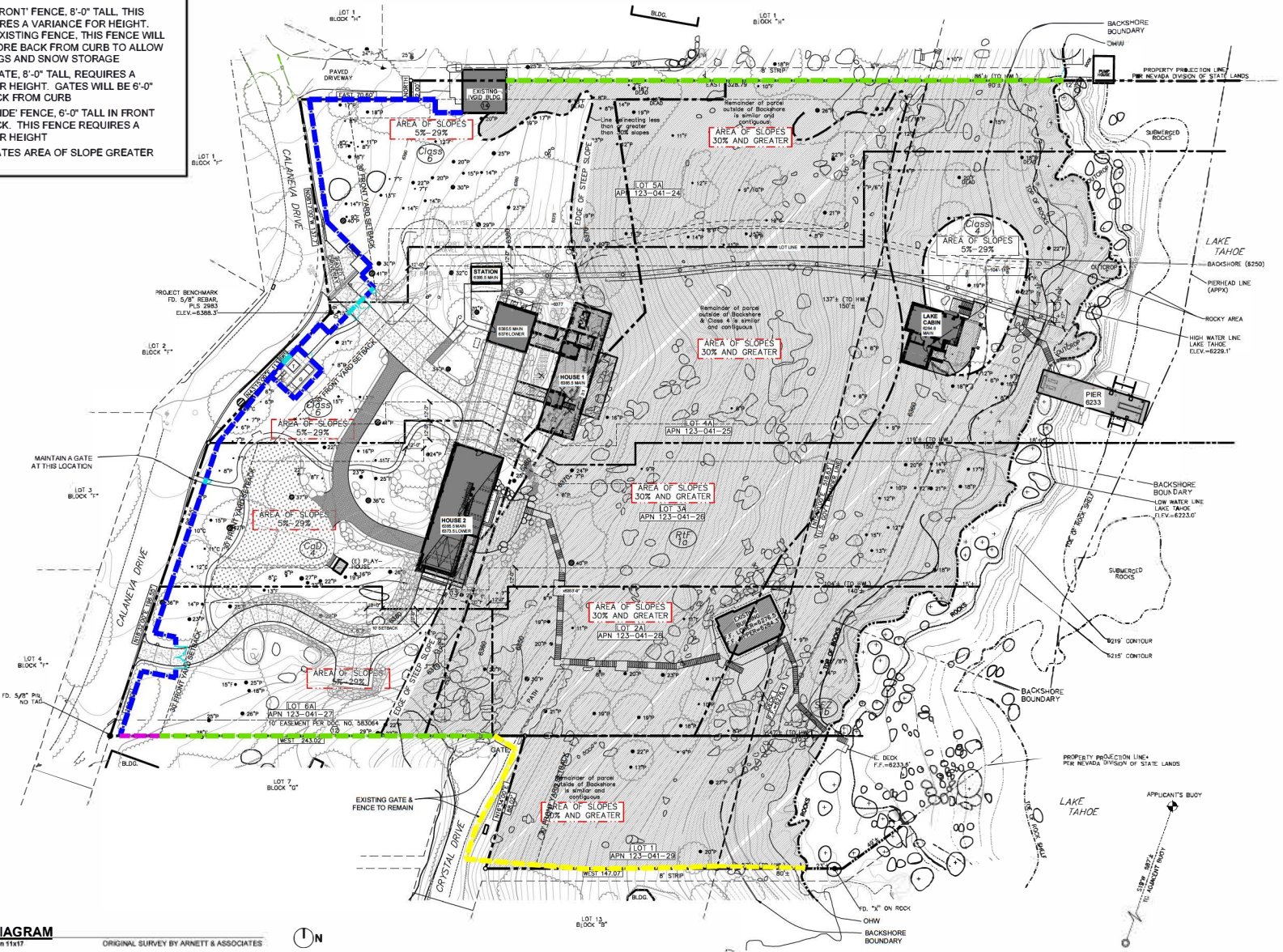
SITE
 SECTION



1 EXISTING SITE SECTION SHOWING ENTIRE SITE

1/32" = 1'-0" on 24x36 1/8" = 1'-0" on 11x17

- KEY**
-  EXISTING SITE FENCE & GATE TO REMAIN
 -  PROPOSED 'SIDE' FENCE, 6'-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
 -  HATCH INDICATES AREA OF SLOPE GREATER THAN 30%



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.
 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:
 DEC 22, 2023

DRAWN BY:

A6
 PROPOSED SITE DIAGRAM

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

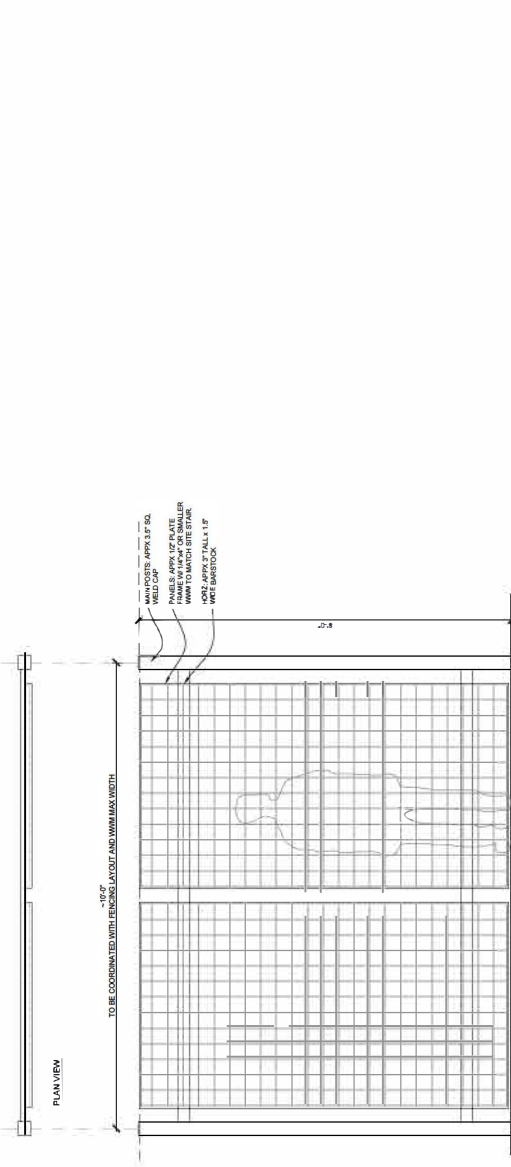
SUMMERTIDE FENCE
 24-26-28-32 Calaneva Drive
 CRYSTAL BAY, NV 89503

PROJECT PHASE: VARIANCE REQUEST
 PROJECT NUMBER: 19-041
 ISSUE DATE: DEC 22, 2023

DRAWN BY: RL, ML

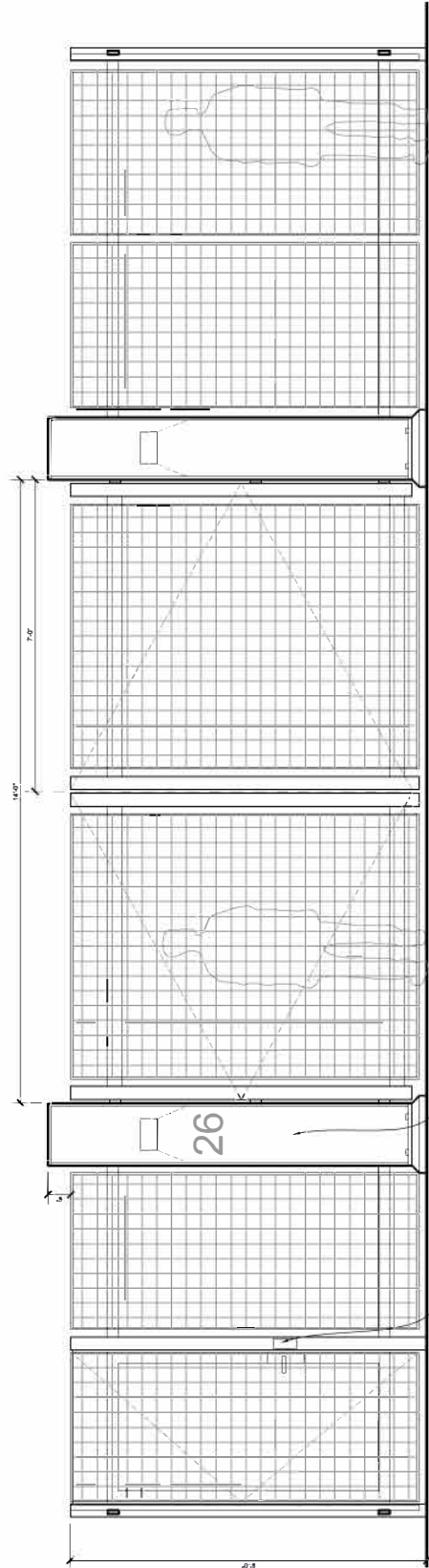
A7

FRONT FENCE



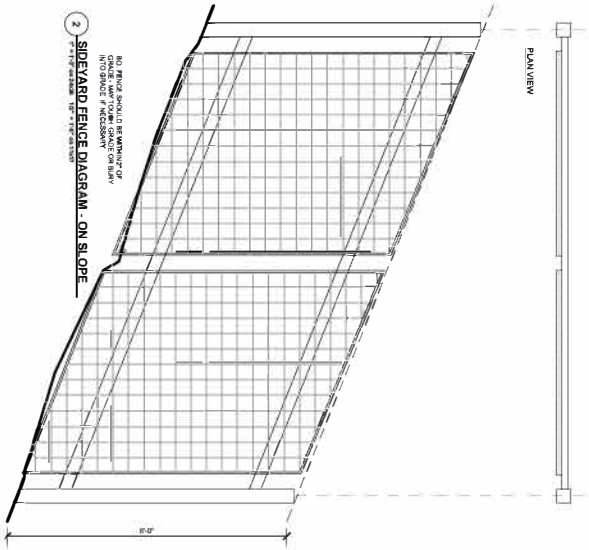
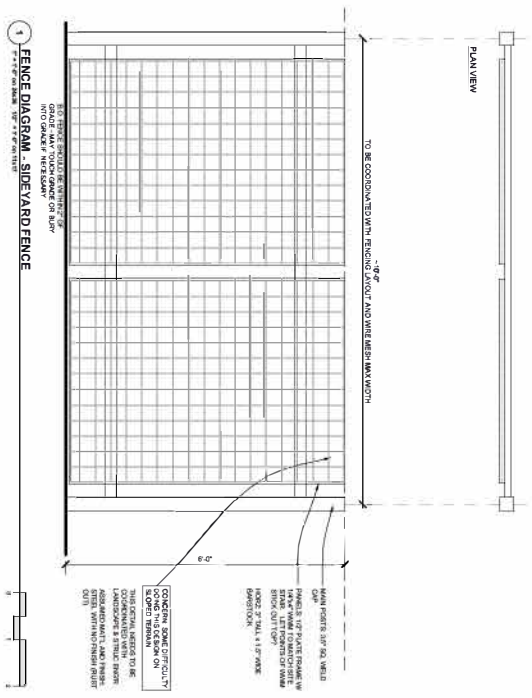
1 FRONT YARD FENCE - WELDED WIRE MESH
 1/2" x 1/2" SQUARE

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



2 MAIN GATE (OTHER GATES SIMILAR)
 1/2" x 1/2" SQUARE 1/2" x 1/2" SQUARE

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



LINE TYPE AND COLORS ASSOCIATED WITH THIS
 FENCE AS SHOWN ON THE PROPOSED SITE DIAGRAM

**WPVAR23-0005
EXHIBIT D**

PROJECT PHASE	VARIANCE REQUEST	PROJECT NUMBER	ISSUE DATE	SHEET NUMBER
		18-041	DEC 22, 2023	
DRAWN BY:	RL, ML			

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

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SIDE FENCE



Fence Landscape Study
 Lake Tahoe Residence July 05, 2023



Section 110.804.00 Purpose. The purpose of this article, Article 804, Variances, is to provide a means of altering the requirements of this chapter in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved. This article does not give the power to take action which, in effect, allows a land use in contravention of the applicable regulatory zone or in any other way changes the applicable regulatory zone. This article cannot be used to vary the standards contained in Division Five, Signs, of this Development Code. Additionally, this article cannot be used to vary the maximum size of a detached accessory dwelling except as stipulated in Article 306, Accessory Uses and Structures.

The owner is requesting approval to upgrade the quality, height, and transparency of an existing 6' tall "solid screen" wood fence immediately adjacent to the street curb to a more pleasing 8' tall mostly transparent welded wire fence, proposed with a 6' set back from the street curb and incorporate landscaping (the landscaping would allow for privacy where needed). This request is being made based on

- A) security,
- B) preexisting conditions,
- C) physical limitations of the site due to topography, and
- D) aesthetics as called out for in the county-approved Tahoe Area Plan.

Of note, while the county has very few instances of supporting fence height variances, this request deserves the same consideration as any other variance given that article 110.804.00 (above) in no way specifically excludes fences from the variance process. Following are the variance-specific points to support this request, and further supporting evidence can be found in response to the specific Variance Findings that follow:

- Security & enjoyment: This property is directly adjacent to the Crystal Bay Casino; this provides ample opportunity for patrons in a state of poor judgement to wander and trespass onto this property. A 4.5' or 6' fence on sloping topography in this case is not much of a psychological or physical deterrent. The owner requests an 8' fence that will deter and allow them the security to enjoy the property similar to other properties in the residential regulatory zone.
- Pre-existing conditions in the immediate vicinity of this property: As is common in many variance requests, the historic norms and context of structures or buildings in the area often justify a variance. In this case, there is a strong precedent of tall built structures immediately adjacent to Calaneva drive near the property (likely due to the desire for security as noted above). The residence directly south of this property has 9' tall solid stone walls, and the casino property on this street and directly opposite has 17' high solid walls within a few feet of the curb line. Other instances include the 1.5 story garage at the street on the property to the south (appx 3 to 4 feet from the property line), and the 4-story parking garage for the casino across the street looms over Calaneva drive. (refer to illustrations for images).
- Tahoe Area Plan: The Tahoe Area Plan, which was recently adopted by Washoe County gives guidance on the aesthetic and materials of fences in the Tahoe Area. The proposed fence would a dramatic improvement that would be more in line with the Tahoe Area Plan in two ways specifically:

- Site Design: the Plan encourages consideration for the following: the use of vegetation, views to and from the site, natural features, places attractive to people, View Corridors, etc (See Chapter 1). It also specifically encourages welded wire fencing and the use of landscaping and discourages long straight walls that obstruct views. The proposed welded wire fence would fit these guidelines while eliminating the discouraged ugly existing solid wood fence.
- Crystal Bay Tourist area: The planning for this area specifically calls for a landscape buffer along Calaneva Drive (See map 2.3, the Crystal Bay Tourist Concept Plan). The landscaping along with the relocation of the fence to a 6' setback is a part of this proposal and will be much more in line with this guideline versus the existing condition.
- Topography: Extreme slopes on this site have reduced the available building footprint. These slopes forced the house to be closer to Calaneva Drive than might otherwise be necessary on a normal residential lot of this size. For this reason, the owner would like to maintain the enjoyment of the front yard similar to the existing condition while still being able to build a tall fence for security.

Aside from the reasoning above and below, which satisfies the code, it makes sense to support this proposal because, frankly, it could be a mistake to pass up this opportunity; it is a private investment in an up-and-coming community that will make for a marked improvement in the built landscape for the owner, tourists, and inhabitants of the Crystal Bay area.

Responses to Findings:

- (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;

This Special Circumstance finding applies to this site in three ways:

- Topography: The site topography compromises the size of the building envelope and proves this to be an exceptional situation. Only 1/3 of the property is usable because of the steep 30% slope between the back of the home and Lake Tahoe (see drawings). This slope forced the structure to be nearer the street and commercial zone that might otherwise happen on properties of similar size in this zoning. The fence is needed to help mitigate this forced proximity and provide privacy and security.
- Exceptional surroundings (1): There is an extraordinary and exceptional situation given the unique land use of a Single-Family property being directly across from a Tourist Commercial Zone casino (specifically the 4-story parking garage of the casino). This fence would be more in line

with the scale of this garage and provide security in this unusual zoning condition that currently provides no buffer between properties whose zoning would not normally be in such close proximity.

- Exceptional Surroundings (2): As previously mentioned and as shown in the illustrations, there is plenty of built context that gives precedent for a tall fence in this area. There are an abundance of tall walls, fences, and structures immediately adjacent to Calaneva Drive; this fence would be among the shortest and, due to its transparency and setback, would arguably be the least obtrusive structure along this Drive.

- (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 this variance request, in fact the opposite is true. While the existing fence could remain in place and be maintained, it would be far less desirable to the community given its solid nature and close proximity to the street which does not allow for views, natural landscaping, snow storage, and makes parking difficult when cars are parked up against the curb. The proposed fence would be set back 6' and would be 80% open – this would make for a superior experience for the public including views to the lake and mountains, a landscape buffer along the side of the road, snow storage opportunities for the community, etc.

This improved design would be more in line with the policy as called out in the Tahoe Area Plan in materiality, vegetation, and the inclusion of a landscape buffer in the Crystal Bay Tourist Zone

The approval will not have any measurable effect on natural resources. It will improve the natural environment over the existing condition by allowing for natural air flow and increased sunlight to vegetation. No significant trees or boulders will be impacted by the construction of this fence.

- (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

The granting of this variance will not constitute a special privilege that would not be acceptable for any other property that exhibits the same set of restrictions. The Variance is reasonably justified because it would be nearly impossible to find another property with this unique combination of limitations! There is a combination of four extraordinary circumstances / limitations here:

- (1) the precedent or existing context of tall walls along the same road in the immediate vicinity of this property,
- (2) the zoning mismatch of tourist casino next to single family residential which justifies the need for security for the enjoyment of the property,
- (3) the limitation of building envelope due to topography which only increased the proximity of casino to single family home and reduced the buildable envelope in which a fence could be placed, and

(4) the somewhat conflicting code guidance between the Washoe County code (which allows the owner to maintain the solid fence with no landscaping) and Tahoe Area Plan (which encourages transparent fences and view and advocates for a landscape buffer along Calaneva).

Approving this would not be a special privilege that could not be enjoyed by any other same property simply because there probably is no 'other' property like this; it is a property whose combination of circumstances is rare and unique.

- (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 in this case.