

**Rusk Family Trust**  
**Agricultural Equipment Covering/Shed**  
**Variance Request**

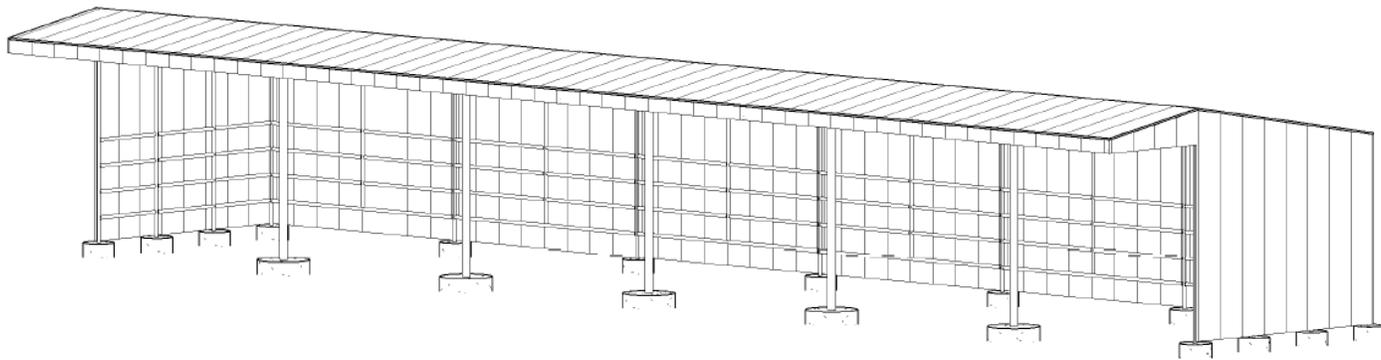
**Washoe County Planning Commission Presentation**  
**January 5, 2021**



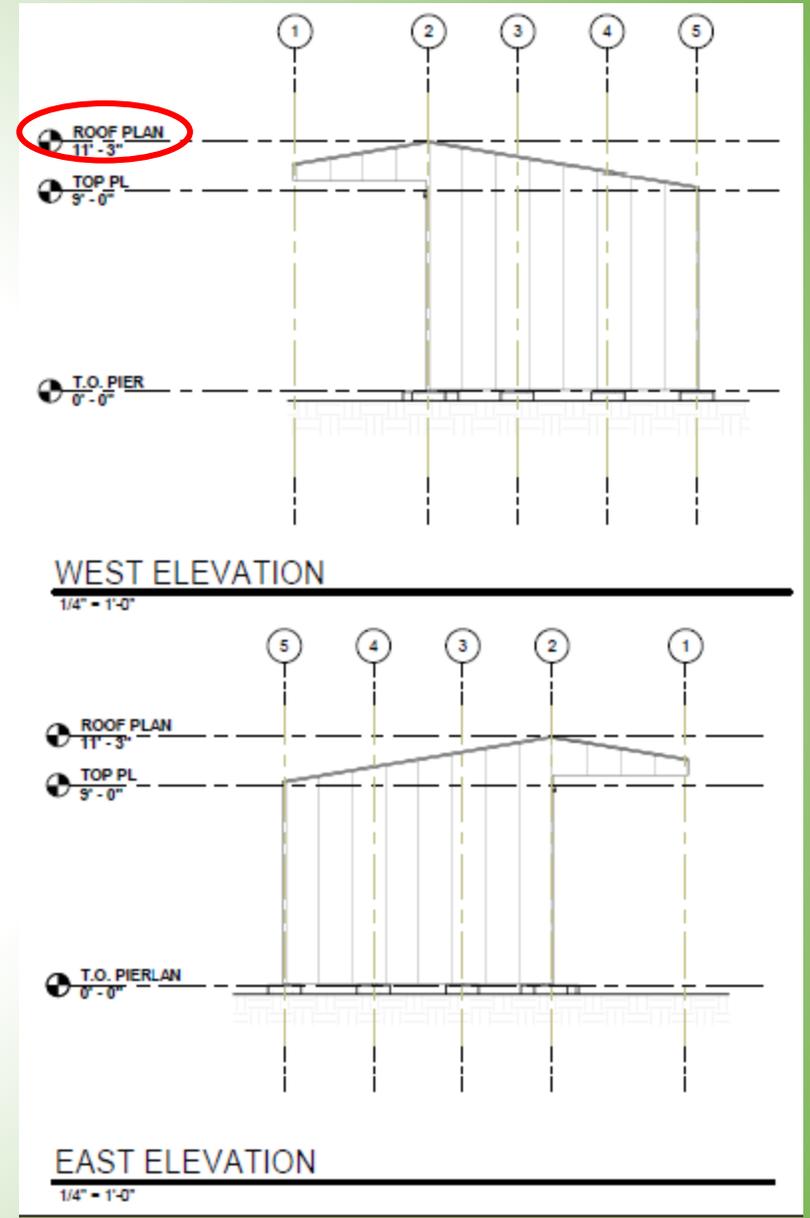
# Surrounding Characteristics



# Proposed Structure



72'x12' SHELTER



# Legal Finding Review (Hardship)

Section 110.804.25 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 YES

(2) By reason of exceptional topographic conditions, or NO

(3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, YES

the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

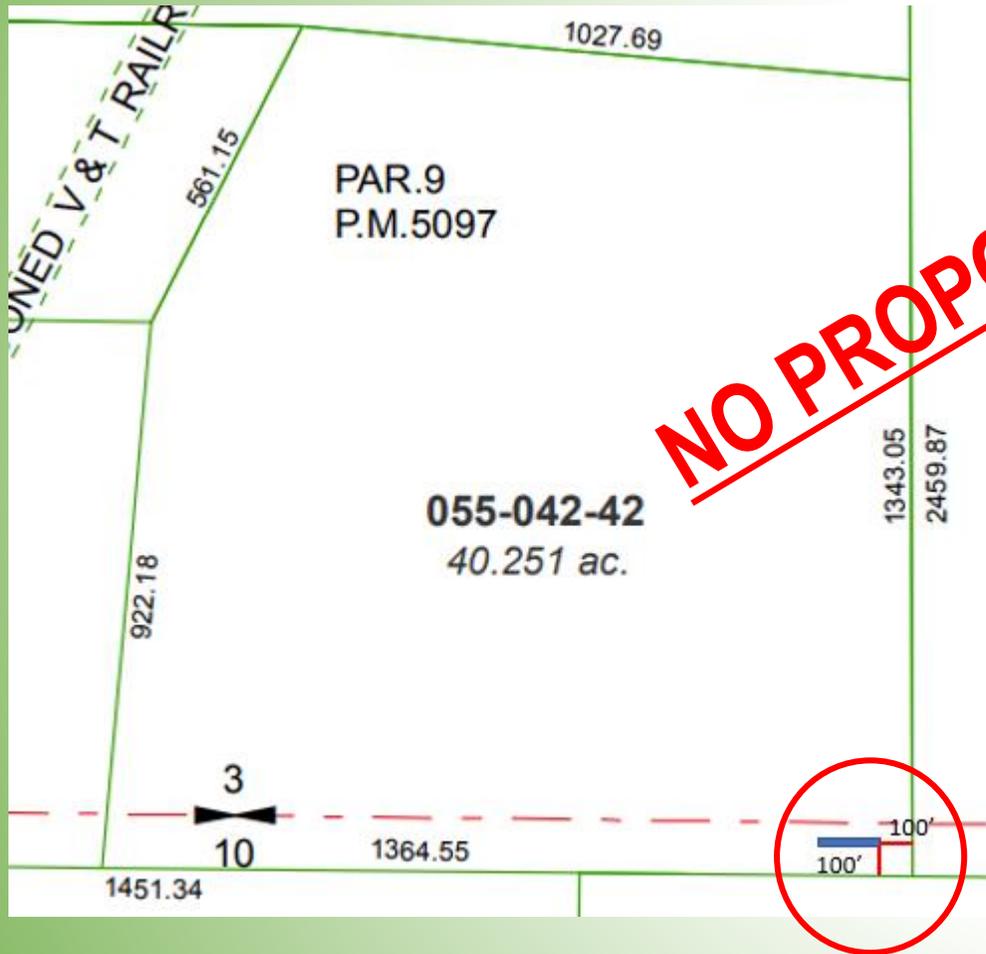
The staff report does not present the Red text in the review of hardship findings, but it is very important.

Section 110.804.25 (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;

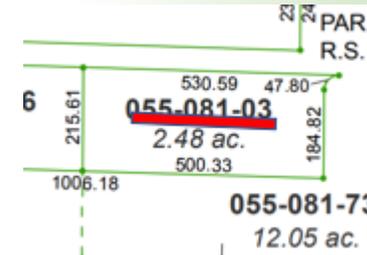
# Legal Finding Review (Hardship) - Shallowness

40-acre parcel example



**NO PROPORTIONALITY**

2.5-acre parcel example



Above example shows remaining buildable area after 100' setback is applied.

- Requires placement of any Ag Only Structure to be directly in the center of the property.

# Hardship Finding

If covering/shed is placed in middle of property to meet 100' setback requirement:

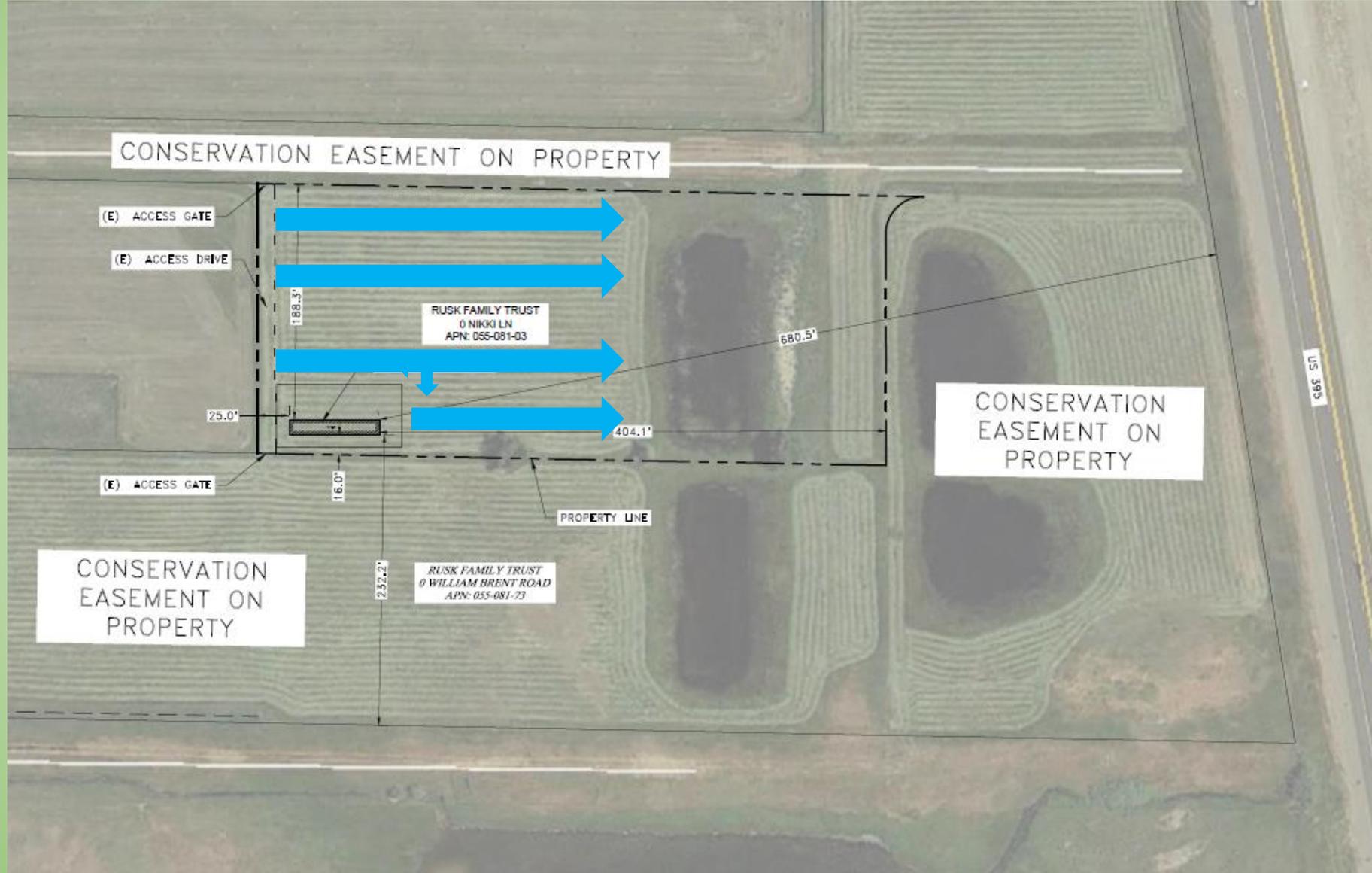
Disruption of surface irrigation and harvesting  
➡ = Irrigation/harvest path

Crop area loss due to need of non-planted access road  
■ = Non-crop Access

This is not a matter of Convenience.



# Proposed Location of Equipment Covering/Shed



# Standard Setbacks/Allowances

As recognized in the Staff Report, the property is zoned GR (40-acre lot) but is a legally established parcel with only 2.48 acres in size. Setbacks s be provided to the closest conforming zoning designation (HDR):

- Front Yard – 30 feet
- Side Yard – 15 feet
- Rear Yard – 30 feet

An accessory building under 12 feet in height with a primary use on the parcel can be located 5-feet from property line, per Article 110.306.10(b)(1)

(b) Setbacks.

- (1) Accessory structures 12 feet in height or less may be located within the required rear and side yard setbacks provided they are five feet or more from the rear and side property line. The height of an accessory structure located within the required rear and side yard setback as provided in this subsection shall be measured from the lowest finished grade of the structure to the average height of the highest gable of a pitched or hipped roof. Except as otherwise specifically provided, all accessory structures are prohibited within the required front yard setback.



# Legal Finding Review (Hardship) – Location of Surroundings

(3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,

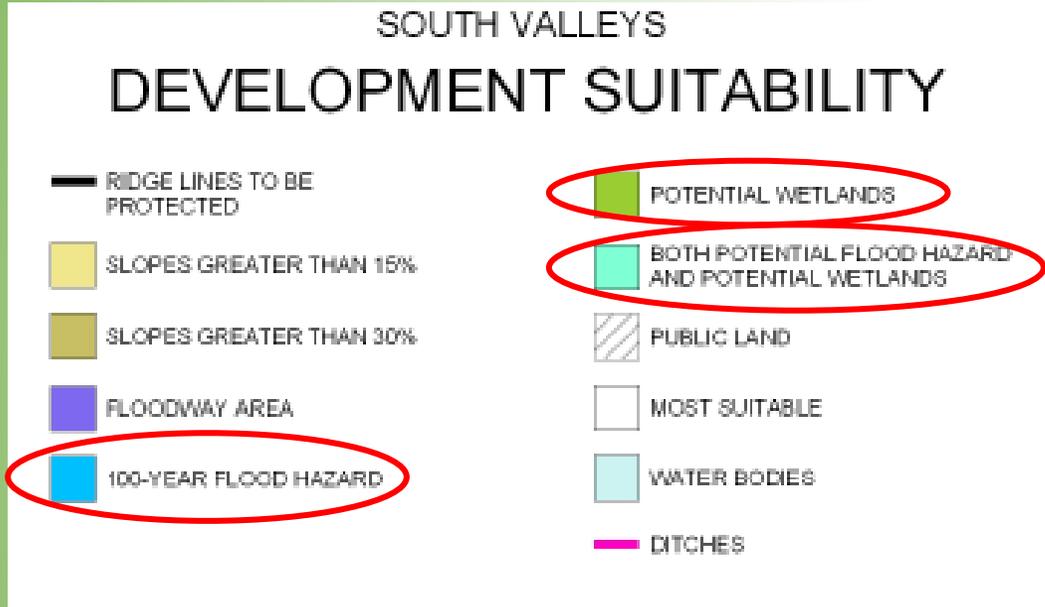
The conservation easement on directly adjacent, Rusk Family Trust owned properties presents and extraordinary and exceptional situation in the provision of additional no-build areas that create an added buffer around the property. This needs to be considered relative to the location of the surroundings.

Development Suitability (as defined and presented by Washoe County in the South Valleys Area Plan Development Suitability Map) shows the existence of flood hazards and potential wetlands in the area the subject parcel. Additionally, a high groundwater table also exists in the area and creates an extraordinary and exceptional situation that you do not find in many places. These constraints limit the reasonably established uses on the parcel to primarily Agriculture.

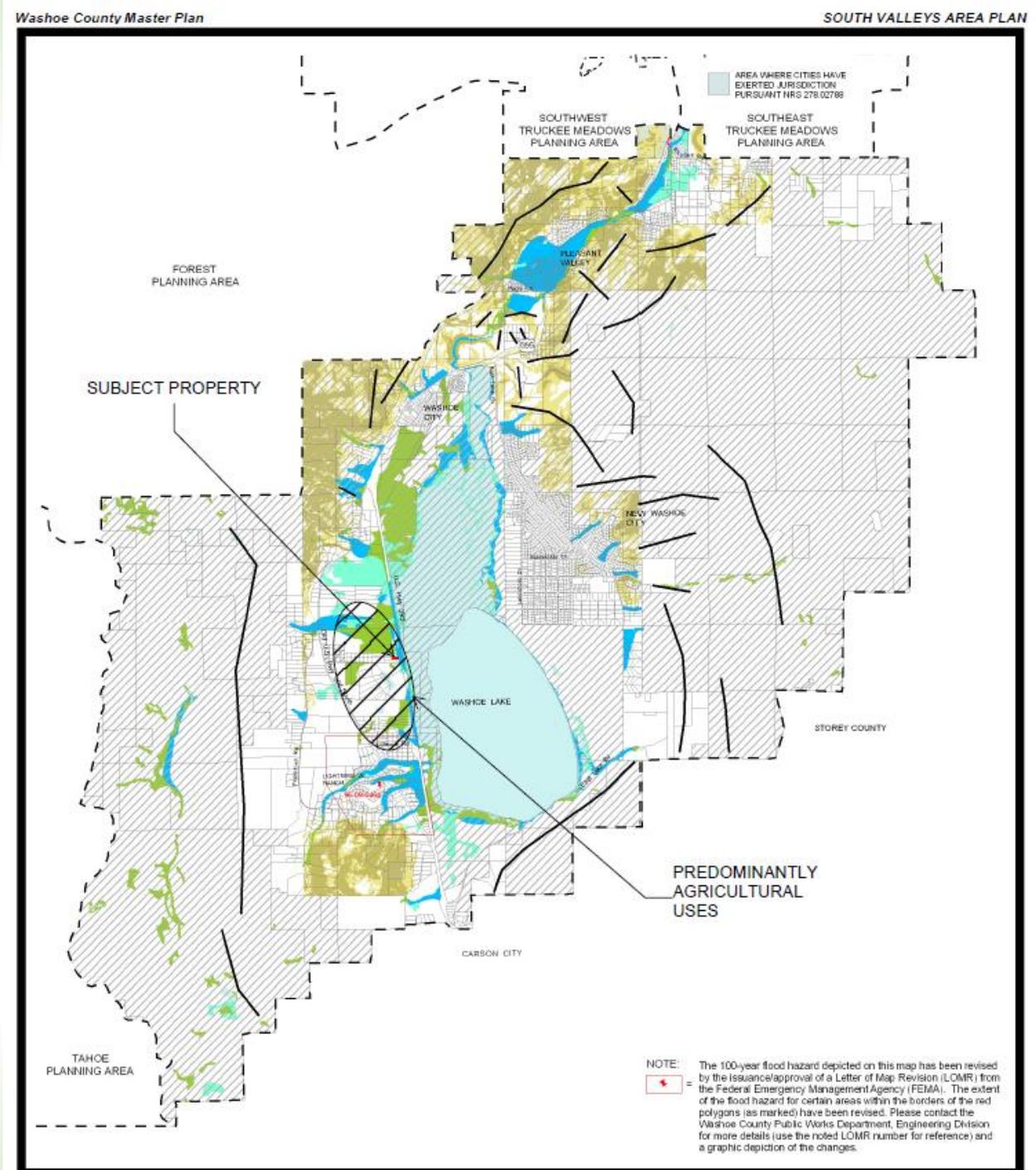
# Conservation Easement on Surrounding Properties



# South Valleys Area Plan Development Suitability Map



Generally, a high groundwater table exists in the area, which makes for excellent agricultural land and presents significant challenges to other, more intensive types of land uses (residential, commercial or other development)



# CAB Review

The variance request was reviewed by the STM/WV CAB on December 3, 2020 and was unanimously recommended for approval. At the close of the item, the Chairman commented that the request “seemed like a no-brainer.”

**We Agree.**



**We believe that all of the necessary legal findings can be made for this request and Mr. Rusk and I are available for any questions or to review any of the findings that have not already been addressed as part of this presentation or in the application materials.**

**Questions?**



Legal Findings Review (if necessary)

# Variance Findings

(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;

*Due to the constraints identified in this presentation, agricultural or very low-intensity development is likely to continue in the area. This 864 s.f., 11'-3" tall agricultural equipment covering/shed presents a silent use and will not present any significant noise, dust, odor, light or other nuisance to surrounding properties – keeping in mind that farm equipment is already used on the property, it will just have a place to be stored neatly and appropriately in a covered 3-sided shed when not in use.*

## Variance Findings (Cont.)

(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

*As was noted in the text of this narrative, if a residential use were on this parcel, a 5-foot setback would be allowed, rather than 100-feet. For the constraint reasons noted in the Hardship finding presentation, the development of a residential use in this area and on this parcel is particularly challenging. The high ground water table requires that engineered septic systems be incorporated into development and no community sewer or water exists in reasonable proximity to the site. In short, no special privileges would be provided with the approval of this variance request.*

## Variance Findings (Cont.)

(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.

*Agricultural uses are specifically allowed in the GR zone and the proposed covering/shed fits within the agricultural use allowance.*

(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 as no military installation exists in proximity to the subject property.*