
APPEAL OF WSUP23-0029 (PRO PONY LLC)

Presented by

Michaela G. Jones, Esq.

on behalf of Appellant Jill Brandin and Neighboring Property Owners

JANUARY 16, 2024 – WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS

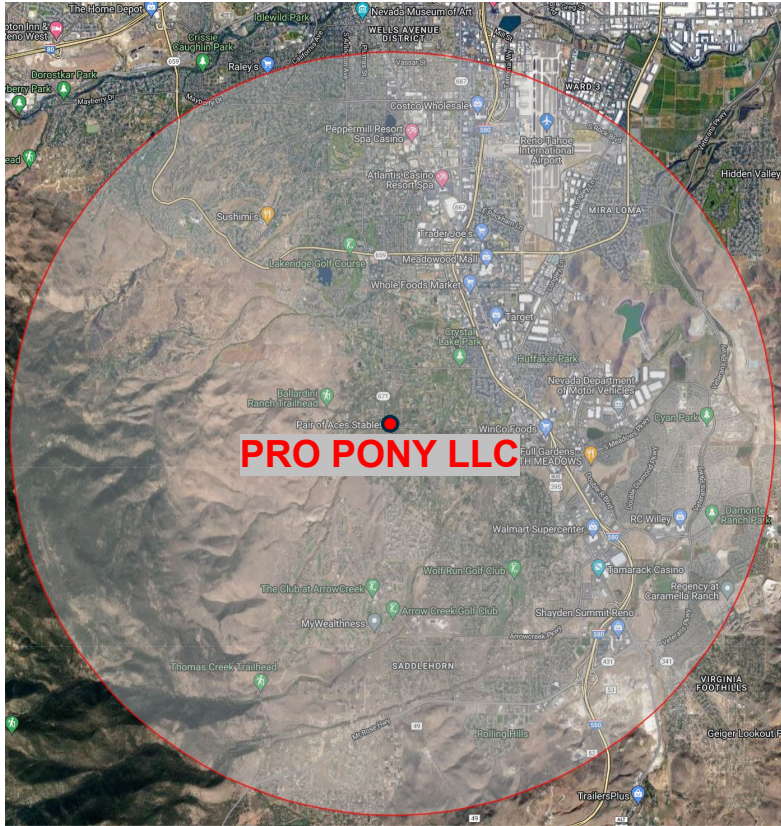
INTRODUCTION

- Jill Brandin and more than forty-five neighboring property owners oppose WSUP23-0029
- This is not a new request: Pro Pony seeks the same approvals it sought in 2021: (1) to operate a commercial stable in HDR zone; and (2) to construct an indoor arena in FEMA Special Flood Hazard Area (SFHA) Zone AE
- The Board of Adjustment denied Pro Pony's request on February 3, 2022, and again on November 2, 2023.



ALL NEIGHBORS IMMEDIATELY ADJACENT TO PRO PONY'S PROPERTY OPPOSE THE APPLICATION

THE IMPORTANCE OF PERSPECTIVE



APPLICANT CLAIMS HUNDREDS OF “NEIGHBORS” WITHIN A FIVE-MILE RADIUS SUPPORT THE APPLICATION



ALL NEIGHBORS IMMEDIATELY ADJACENT TO PRO PONY’S PROPERTY OPPOSE THE APPLICATION

THE REQUIRED LEGAL FINDINGS CANNOT BE MET (WCC 110.810.30)

(a) Consistency. The proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the applicable area plan;

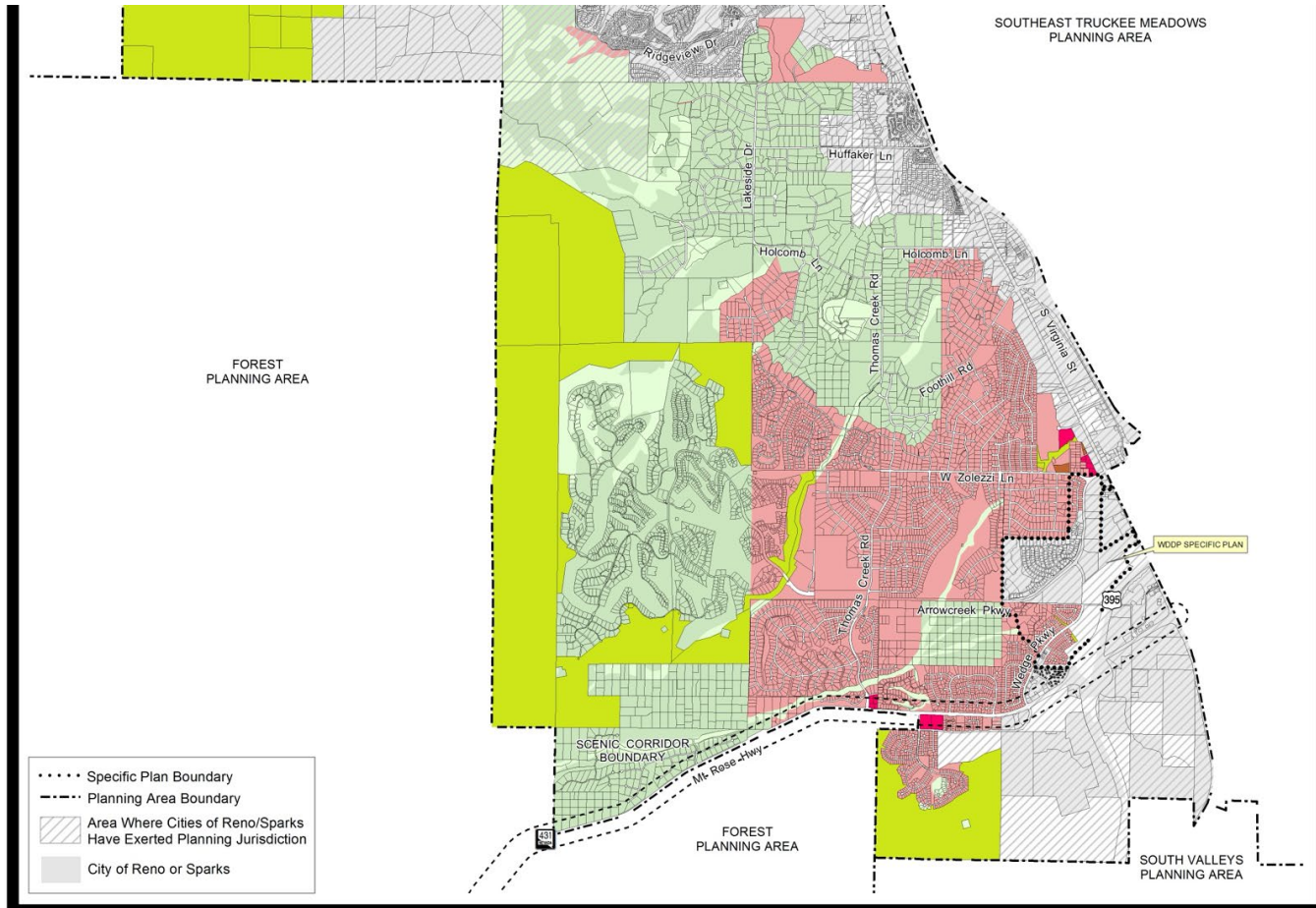
(b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

(c) Site Suitability. The site is physically suitable for the type of development and for the intensity of development;

(d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

**WCC 110.810.30(e) regarding the effect on a military installation is not applicable to this matter

THE PROPOSED COMMERCIAL USE IS NOT CONSISTENT WITH THE MASTER PLAN



SOUTHWEST MASTER PLAN MAP

- RURAL
- RURAL RESIDENTIAL
- SUBURBAN RESIDENTIAL
- URBAN RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- OPEN SPACE

PC Date: December 1, 2015
 BCC Date: January 12, 2016
 BPC Date: January 28, 2016
 Resolution Adoption Date: February 4, 2016

NOTE: THE SCALE AND CONFIGURATION OF ALL INFORMATION SHOWN HEREON ARE APPROXIMATE ONLY AND ARE NOT INTENDED AS A GUIDE FOR DESIGN OR SURVEY WORK. REPRODUCTION IS NOT PERMITTED WITHOUT PRIOR WRITTEN PERMISSION FROM THE WASHOE COUNTY PLANNING AND DEVELOPMENT DIVISION.

0 500 1,000 1,500 2,000 Feet

CERTIFICATION: THIS DOCUMENT HAS BEEN REVIEWED AND APPROVED AS AN ACCURATE REPRESENTATION OF THE ADOPTED MASTER PLAN MAPS OF WASHOE COUNTY, NEVADA, BY THE WASHOE COUNTY PLANNING AND DEVELOPMENT DIVISION.
DATE: 2/11/16 DIRECTOR: William Anthony

Community Services Department

WASHOE COUNTY NEVADA

Planning and Development Division
 Post Office Box 11130
 Reno, Nevada 89520
 (775) 328-3600

ADEQUATE IMPROVEMENTS HAVE NOT BEEN MADE

DECEMBER 19, 2023, LETTER TO
APPLICANT FROM NDOT:

“AN **ILLEGAL** USE HAS BEEN
DISCOVERED TO SR 671 FROM
YOUR PROPERTY, LOCATED
APPROXIMATELY 125 FEET WEST
OF THE PERMITTED APPROACH.”

APPLICANT’S CHARACTERIZATION
OF NDOT LETTER:

“NDOT IS AWARE OF THE SECOND
ENCROACHMENT.”



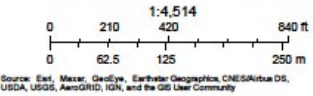
**ILLEGAL ENCROACHMENT UTILIZED BY PRO PONY
SINCE ITS PURCHASE OF THE PROPERTY**

THE FLOOD PLAIN SITE IS NOT PHYSICALLY SUITABLE FOR THE CONSTRUCTION OF AN INDOOR ARENA

Dry Creek Critical Flood Zone



April 9, 2022
Critical Flood Zone 1



This information is for illustrative purposes only. Not to be used for boundary resolution or location and not intended to be used for measurement, calculation, or delineation.
Washoe County Technology Services - Regional Services Division, 1001 E. 9th St, Building C-200, Reno, NV 89512 www.washoecounty.us/gis (775) 328-2345

THE SITE IS NOT PHYSICALLY SUITABLE FOR THE INTENSITY OF PRO PONY'S COMMERCIAL USE—WHICH ONLY CONTINUES TO INCREASE!

- **January 2019:** Nelson Family had four horses at Silver Circle Ranch
- **February 2022:** Pro Pony represents that 23 horses are kept at Pro Pony's Property at the February 3, 2022, Board of Adjustment Meeting
- **December 2022:** Pro Pony admits that it keeps 25 horses at the Property—even though the Board of Adjustment denied the SUP for that number of horses
- **May 2023:** The Business License Division issues a business license to Pro Pony to operate a commercial stable with 35 horses with (1) no restrictions on the number, length, or participants of daily lessons; (2) no hours of operation specified; and (3) no proof as to the "level of use" when the horse-boarding use became non-conforming

NOW, PRO PONY COMES TO THIS BOARD CLAIMING IT HAS A "RIGHT" TO OPERATE A COMMERCIAL STABLE WITH 35 HORSES BASED ON A NONCONFORMING OR "GRANDFATHERED USE"—WHEN THAT ALLEGED "RIGHT" WAS ONLY JUST OBTAINED FROM COUNTY STAFF MONTHS AGO.

**ISSUANCE OF THE PERMIT WILL BE
SIGNIFICANTLY DETRIMENTAL TO THE PUBLIC
HEALTH, SAFETY OR WELFARE; INJURIOUS TO
THE PROPERTY OR IMPROVEMENTS OF
ADJACENT PROPERTIES; OR DETRIMENTAL TO
THE CHARACTER OF THE SURROUNDING AREA**

THE PROPOSAL TO WAIVE CODE REQUIREMENTS IS UNLAWFUL AND UNJUSTIFIED

Section 110.904.60 Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code. Except as provided for in this article, a nonconforming use of land or a nonconforming use of a structure shall be brought into conformance with the provisions of this Development Code at the time that a ministerial permit (e.g. building permit) is issued, or at the time that an approved discretionary permit (e.g. special use permit) becomes effective.

**BECAUSE THE REQUIRED
FINDINGS CANNOT BE MET, THE
APPLICATION MUST BE DENIED.**

THANK YOU!