



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: June 16, 2016

Staff Contact: Susan Pansky, Special Projects Planner (spansky@carson.org)

Agenda Title: For Possible Action: To consider an appeal of the Historic Resources Commission's denial of a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office (RO), located at 210 North Minnesota Street, APN 003-192-08. (HRC-16-020)

Staff Summary: The applicant recently installed a new 36-inch high picket fence made of vinyl in the front yard of the subject property without first receiving approval from the Historic Resources Commission. In response to a letter sent by the Planning Division, the applicant submitted an application to request approval of the previously installed fence. The Historic Resources Commission denied the request at their meeting on April 14, 2016. An appeal of the Historic Resources Commission's denial was filed by the applicant's attorney, Andrew A. List, Esq. The Board of Supervisors may uphold or reverse the Historic Resources Commission's decision.

Agenda Action: Formal Action/Motion

Time Requested: 45 minutes

Proposed Motion

I move to uphold the Historic Resources Commission's denial of HRC-16-020, a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office, located at 210 North Minnesota Street, APN 003-192-08 because vinyl fencing does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines and is not consistent with Historic Resources Commission policies, specifically:

- 1) Vinyl fencing does not enhance the overall visual presentation of a building of this age;
- 2) A fence made of vinyl does not contribute to the character defining features of the building in a positive manner because of the age and historic nature of the building within the Historic District.

Board's Strategic Goal

Quality of Life

Previous Action

The Historic Resources Commission denied the request by a vote of 4 ayes and 1 nay with 2 absent at their April 14, 2016 meeting.

Background/Issues & Analysis

Please see the attached staff memo with attachments for a complete explanation.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.06.070 (Appeals of HRC Action), CCMC 18.06.015 (Historic District Procedure for Proposed Project), CCDS Division 5 (Historic District Design Guidelines)

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

1) If the Board of Supervisors finds that the Historic Resources Commission erred in denying HRC-16-020, reverse the Historic Resources Commission's decision and approve the application with the conditions of approval recommended in the staff report.

2) If additional information is submitted to the Board of Supervisors that the Board believes warrants further review and consideration of the application by the Historic Resources Commission, refer the matter back to the Historic Resources Commission.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

MEMORANDUM

Board of Supervisors Meeting of June 16, 2016

TO: Board of Supervisors

FROM: Susan Pansky, AICP
Special Projects Planner

DATE: June 2, 2016

SUBJECT: MISC-16-045 – Appeal of the Historic Resources Commission’s denial of a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office (RO), located at 210 North Minnesota Street, APN 003-192-08. (HRC-16-020)



DISCUSSION

On February 23, 2016, Planning Division staff received a complaint that a vinyl fence had been constructed across the front yard of 210 N. Minnesota Street without Historic Resources Commission (HRC) approval. In response to this complaint, staff sent a certified Notice of Violation letter to the property owner on February 24, 2016 stating that an application for HRC approval was required because the subject property is located in the Carson City Historic District. This letter instructed the property owner to submit an application within 14 days of the receipt of the letter, but also stated that vinyl has generally not been approved by the HRC as an acceptable fencing material. This letter is attached to the original HRC staff report for reference.

The property owner complied with the requirement to submit an application within the timeframe given, and it was heard by the HRC at their meeting on April 14, 2016. As a part of the staff report and during the HRC meeting, Planning Division staff indicated that a specific recommendation for approval or denial of the vinyl fence was not given, as the code could be interpreted either in favor of the applicant, or against the applicant, depending on the situation.

The staff report specifically states the following:

“Staff believes that the Historic District Design Guidelines are clear as it relates to the materials of historic fences being reconstructed. However, the guidelines are less clear on new fences as it relates to material, but focus more on the visual presentation of the fence versus the building. Because the fence is the same style and meant to mimic a wood picket fence, it could be argued that the vinyl fence in question meets the requirement. However, the HRC has typically not approved vinyl fencing in the Historic District because it is not a historic material. As a result, staff has provided two motions for the HRC to consider – one to approve and one to deny – and has not made a specific recommendation.”

Staff then instructed that if the HRC chooses to deny the application, the specific reasons for the denial should be noted in the motion for the denial.

After extensive discussion, the HRC voted to deny the request for a vinyl fence by a vote of 4 ayes and 1 nay with 2 absent. The motion for denial specifically stated that *“vinyl fencing does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines and is not consistent with Historic Resources Commission policies, specifically:*

- 1) Vinyl fencing does not enhance the overall visual presentation of a building of this age;*
- 2) A fence made of vinyl does not contribute to the character and defining features of the building in a positive manner because of the age and historic nature of the building within the Historic District.”*

The findings above are based on the Carson City Development Standards for the Historic District, Section 5.24.2, Guidelines for New Fences.

On April 25, 2016, the Planning Division received an appeal from the applicant, Dr. Michele Chase (appellant) via her attorney, Andrew A. List, Esq. The appellant’s grounds for appeal are listed in the pages that follow with responses from staff for each item.

1. *The fence is in compliance with Guideline 5.24 in that its intended use is to define the property line and provide protection from trespass. This is important to the appellant because the property was recently robbed. In addition, the fence is low profile and picket-styled. Furthermore, it matches the “critical elements” of scale, material and style in that it matches other fences in the neighborhood, particularly the two vinyl picket-style fences of the very same block. It is compatible with the building in that the pickets of the fence match and enhance the look of the picket-style front porch on the structure. Finally, while the guideline makes note that fences were typically made of wood, it also makes note of masonry and metal fences. Most importantly the guidelines do not mandate a wooden fence nor prohibit a vinyl fence.*

Staff Response:

The appellant states that the vinyl fence in question matches the “critical elements” of scale, material and style because it matches other fences in the neighborhood, particularly the two vinyl picket fences on the same block. Staff and the HRC agree that the fence does match other fences in the neighborhood in scale and style, but does not agree that it matches the critical element of material. Neither of the two vinyl picket fences noted received approval from the HRC.

The guidelines do specifically make mention that fences were typically made of wood, or sometimes masonry or metal as these are the historic materials that were prominent in the Historic District when the various structures were originally constructed. While the guidelines do not specifically prohibit vinyl fencing, this was not a product that was available when the home was originally constructed somewhere in the date range of 1875 to 1877. As a result, vinyl has generally been considered an inappropriate fencing material.

The HRC is charged with maintaining the overall architectural character of the Historic District and properties listed or eligible for the National Register of Historic Places within the guidelines recommended by the U.S. Department of the Interior, National Park Service. To preserve the historic integrity of the Historic District, the HRC has very specifically not approved inappropriate materials for historic structures and properties when those materials may be seen from the public right-of-way. Vinyl is not specifically precluded because the HRC reviews requests on a case-by-case basis and makes a determination based on the unique circumstances of the request. For example, the HRC has allowed vinyl fencing in some rear yards, but only when the fencing is not visible to the general public. While it may not seem so to some, there is a visual difference between vinyl and wood picket fencing, which the HRC has deemed would not enhance the visual presentation of a building.

2. *The fence requested is in compliance with Guideline 5.24.1 in that it emulates the historic styles and designs found in the district. There are five structures on North Minnesota Street between West Telegraph Street and West Musser Street. The two structures located directly north of the appellant’s property (216 N. Minnesota and 302 N. Minnesota) have vinyl fences that are nearly identical to the appellant’s fence. The property located directly south of the appellant’s property does not have a fence. The structure at 340 N. Minnesota has a wooden picket fence. Thus, in this case, the fence on the subject property emulates perfectly the styles and designs (being a white picket*

fence) within the district. Again, it should be noted that there are several, if not several dozen, vinyl fences within Carson City's historic districts.

Staff Response:

Guideline 5.24.1 reads as follows:

5.24.1 Guidelines for Historic Fences. *Original fences shall be retained and repaired when at all possible. When reconstruction must occur the original shall be matched in color, material, size, scale, texture and composition. New fences for historic houses should emulate historic styles and designs found in the district. (Standard Number: 2, 4, 5, 6)*

It's important to note that this guideline is for historic fences and properties with historic fences that are potentially in need of replacement. Referencing the last sentence related to new fences by itself is out of context for this guideline because the guideline relates to new fences being reconstructed in place of an original historic fence. This is not the case with the subject property, as it's a new fence that replaces a hedge. Furthermore, the guideline states that when reconstruction must occur the original fence shall be matched in color, material, size, scale, texture and composition. These requirements must be met in addition to emulating historic styles and designs found in the district when a new fence is being considered to replace a historic fence. Finally, this guideline references specific standards from the Secretary of the Interior's Standards for Rehabilitation that are incorporated into the Historic District Design Guidelines under Section 5.13. These standards are as follows:

Standard 2: *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.*

Standard 4: *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Standard 5: *Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the property will be preserved.*

Standard 6: *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.*

The reference to these standards further supports that Guideline 5.24.1 is related specifically to retaining or replacing historic fences, rather than constructing new fences in the Historic District where fences did not exist previously. This guideline does not apply to the subject property.

3. *The fence requested is in compliance with Guideline 5.24.2. Recall that prior to construction of the fence in question, a hedge over four feet high bordered the property. The hedge was unsightly, overgrown, and encroached on the sidewalk. The new fence, complying with 5.24.2, is less than four feet in height and thus enhances the view of the structure, especially compared to the hedge that existed before. It also contributes to the character and defining features of the structure because the pickets in the fence emulate the pickets on the front porch of the structure.*

Staff Response:

Guideline 5.24.2 reads as follows:

5.24.2 Guidelines for New Fences. *The appropriate design for a fence will be determined by its intended function and its location. No fence shall be constructed which adversely effects the primary view(s) of any building. A fence design should enhance the overall visual presentation of a building. A fence should also contribute to the character and defining features of any building in a positive manner. (Standard Number: 9)*

The HRC determined during its evaluation of the fence that the vinyl composition versus wood does not enhance the overall visual presentation of the building and does not contribute to the character and defining features of the subject building in a positive manner. The reason for this is because vinyl is not a historic material that would have been used when the building was originally constructed. The HRC has never approved a front yard vinyl fence as a result of this interpretation because its members feel strongly that vinyl is not an appropriate front yard fencing material in the Historic District. In fact, there have been at least two instances within the last 5-8 years where the HRC was made aware of vinyl fences that had either been recently constructed or were in process of being constructed without HRC approval. In both of these cases, the HRC was able to work with the property owners to remove the fences and replace them with appropriate material. The HRC's position on the importance of material type is further supported by the Secretary of Interior's Standards for Rehabilitation, specifically Standard Number 9 that is referenced in Guideline 5.24.2. This standard states the following:

Standard 9: *New additions, exterior alterations, or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property and its environment.*

In the case of the subject property, the HRC does not believe the vinyl fencing material is compatible with the historic materials used elsewhere on the property and, as a result, does not protect the integrity of the property and its environment.

4. *The guideline regarding fences in the Carson City historic district also issues regarding constitutionality. A statute can be found unconstitutional because it does not give the appellant fair notice and adequate warning that his or her conduct runs afoul of the law. See, e.g. Smith v. Goguen, 415 U.S. 566, 572-573, 94 S.Ct. 1242, 1246-1247, 39 L.Ed.2d 605 (1974); Cohen v. Kentucky, 407 U.S. 104, 110, 92 S.Ct. 1953, 1957, 32 L.Ed.2d 584 (1972). In particular, the guideline does not give any adequate warning that*

vinyl fences would be disallowed. The guideline states only that “Typically front yards in the district were delineated by low provide, wood picket style fences. A few metal and/or masonry fences can be found as well.” This does not preclude a fence made of vinyl.

Staff Response:

Carson City Municipal Code (CCMC) expressly requires a person to obtain approval from the HRC prior to making exterior improvements:

CCMC Section 18.06.015 Procedure for Proposed Project. *Any proposed project to construct, alter, remodel, restore, renovate, rehabilitate, demolish, remove or change the exterior appearance of a building or structure; or to place signs, fences, or lighting or to construct parking areas or site improvements; or which affects the exterior landscape features and spaces that characterize a property and its environment shall not be started without prior approval of an application submitted to the Historic Resources Commission (HRC) as provided for by this chapter.*

Although the appellant alleges that the relevant guidelines pertaining to the construction of fences within the historic district are unconstitutionally vague because those guidelines fail to sufficiently provide a person with fair notice and adequate warning of prohibited conduct, based upon a review of relevant case law, counsel for the Commission has determined that the appellant’s claim is without merit and that the historic guidelines would likely withstand a constitutional challenge in a court of law.

5. *The Historic Resource Commission spoke frequently during the meeting about their dislike of vinyl fences and the need to “make an example” of the structure at 210 N. Minnesota Street. It was noted that several property owners have constructed vinyl fences, but this Historic Resources Commission did not have a hearing with these property owners. It is suggested that the Historic Resources Commission revisit their guidelines and enforcement in the future so that if vinyl fences are prohibited that this is stated clearly within the Commission guidelines.*

Staff Response:

The HRC has set a precedent for not approving vinyl fences in the Historic District because they believe the material is not appropriate as has been discussed in the previous responses. By stating that they felt it necessary to make an example of the subject property, their intention was to maintain the precedent already set, not to specifically make an example of this particular property. Because that precedent exists, it would be arbitrary and capricious to approve the vinyl fence for this property owner, when other property owners in the district have been denied the same request.

While it would be ideal to have enforcement capabilities such that every unapproved exterior improvement in the Historic District is identified in a timely manner, the reality in Carson City (and in most jurisdictions across the country) is that the resources required to monitor at such a level are unrealistic. Had other unapproved vinyl fences been brought to the Planning Division’s or the HRC’s attention when they were newly constructed or in process, a hearing would certainly have occurred for those as well.

Staff recommends that the Board of Supervisors uphold the Historic Resources Commission's denial of the front yard vinyl fence.

If you have any questions, please contact Susan Pansky at 283-7076 or spansky@carson.org.
Thank you.

Attachments:

Appeal Letter from Andrew A. List, Esq. dated April 25, 2016

HRC-16-020 Notice of Decision

Draft Minutes from April 14, 2016 HRC Meeting

Case Record from April 14, 2016 HRC Meeting

Staff Report from April 14, 2016 HRC Meeting including all original attachments

ANDREW A. LIST, ESQ.

111-B RICE STREET
CARSON CITY, NEVADA 89703
(775) 220-8967

April 25, 2016

Carson City Planning Division
Attn. Susan Pansky
108 E. Proctor Street
Carson City, NV 89701



**Re: 210 N. Minnesota Street (APN 003-192-08)
Appeal of Historic Resources Commission Decision of 4/14/2016**

Dear Ms. Pansky:

Pursuant to NRS 18.02.060, this letter is an appeal of the Historic Resources Commission decision dated April 14, 2016 to deny construction of a vinyl fence located at 210 N. Mountain Street. The appellant to this action is Michele Chase, who represents the James Teegarden Revocable Trust. The home is located at 210 North Minnesota Street, Carson City, Nevada, 89703. Ms. Chase's address is P.O. Box 222681, Anchorage, AK 99522.

This appeal is requested because the decision of the Historic Resources Commission is (1) Contrary to the Historic District Development Standards and (2) Constitutionally vague.

Applicable Historic District Development Standards under which this matter is to be considered read:

5.24 Guidelines for Fences

Fences serve a variety of purposes for a property owner. They can define property lines, provide security and protection from trespass, furnish safety for children and pets, provide visual screens for privacy and serve as protection from the elements. The design of a fence is a critical element in the overall visual quality of a property and how it relates to its neighbors. It can also be important from a public safety standpoint, particularly on corner lots. Typically front yards in the district were delineated by low profile, wood picket style fences. A few metal and/or masonry fences can be found as well.

A fence design needs to be considered in context. Scale, rhythm, material and style are the critical design elements of the fence. The fence design needs to be compatible to the building as well as to the surrounding property. A fence can provide a delicate design element which will greatly enhance the property.

5.24.1 Guidelines for Historic Fences

Original fences shall be retained and repaired when at all possible. When reconstruction must occur the original shall be matched in color, material, size, scale, texture and composition. New fences for historic houses should emulate historic styles and designs found in the district. (Emphasis added).

5.24.2 Guidelines for New Fences

The appropriate design for a fence will be determined by its intended function and its location. No fence shall be constructed which adversely affects the primary view(s) of any building. A fence design should also contribute to the character and defining features of any building in a positive matter.

This fence is in compliance with Guideline 5.24 in that its intended use is to define the property line and provide protection from trespass. This is important to the appellant because the property was recently robbed. In addition, the fence is low profile and picket-styled. Furthermore, it matches the “critical elements” of scale, material and style in that it matches other fences in the neighborhood, particularly the two vinyl picket-style fences on the very same block. It is compatible with the building in that the pickets of the fence match and enhance the look of the picket-style front porch on the structure. Finally, while the guideline makes note that fences were typically made of wood, it also makes note of masonry and metal fences. Most importantly, the guidelines do not mandate a wooden fence nor prohibit a vinyl fence.

The fence requested is in compliance with Guideline 5.24.1 in that it emulates the historic styles and designs found in the district. There are five structures on North Minnesota between West Telegraph Street and West Musser Street. The two structures located directly north of the appellant’s property (216 N. Minnesota and 302 N. Minnesota) have vinyl fences that are nearly identical to the appellant’s fence. The property located directly south of the appellant’s property at 204 N. Minnesota does not have a fence. The structure at 340 N. Minnesota has a wooden picket fence. Thus, in this case, the fence on the subject property emulates perfectly the styles and designs (being a white picket fence) within the district. Again, it should be noted that there are several, if not several dozen, vinyl fences within Carson City’s historic district.

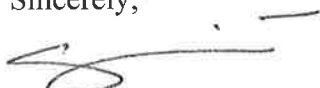
The fence requested is in compliance with Guideline 5.24.2. Recall that prior to construction of the fence in question, a hedge over four feet high bordered the property. The hedge was unsightly, overgrown, and encroached on the sidewalk. The new fence, complying with 5.24.2, is less than four feet in height and thus enhances the view of structure, especially compared to the hedge that existed before. It also contributes to the character and defining features of the structure because the pickets in the fence emulate the pickets on the front porch of the structure.

The guideline regarding fences in the Carson City historic district also issues regarding its constitutionality. A statute can be found unconstitutional because it does not give the appellant fair notice and adequate warning that his or her conduct runs afoul of the law. See, e.g., *Smith v. Goguen*, 415 U.S. 566, 572-573, 94 S.Ct. 1242, 1246-1247, 39 L.Ed.2d 605 (1974); *Colten v. Kentucky*, 407 U.S. 104, 110, 92 S.Ct. 1953, 1957, 32 L.Ed.2d 584 (1972). In particular, the guideline does not give any adequate warning that vinyl fences would be disallowed. The guideline states only that “*Typically front yards in the district were delineated by low profile, wood picket style fences. A few metal and/or masonry fences can be found as well.*” This does not preclude a fence made of vinyl.

Finally, the Historic Resource Commission spoke frequently during the meeting about their dislike of vinyl fences and the need to “make an example” of the structure at 210 N. Minnesota Street. It was noted that several property owners have constructed vinyl fences, but this Historic Resources Commission did not have a hearing with these property owners. It is suggested that the Historic Resources Commission revisit their guidelines and enforcement in the future so that if vinyl fences are prohibited that this is stated clearly within the Commission guidelines.

Please call me at your convenience when a hearing is set regarding this appeal or if you have questions or concerns regarding this matter

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew A. List". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew A. List, Esq.

Attorney for Appellant James Teegarden Revocable Trust and Michele Chase



Carson City Planning Division
108 E Proctor St
Carson City, Nevada 89701
(775) 887-2180
www.carson.org
www.carson.org/planning

★ CLERK ★
FILED
Time 3:13pm
APR 21 2016
By C. Eggert
Deputy
Carson City, Nevada

**HISTORIC RESOURCES COMMISSION
APRIL 14, 2016**

NOTICE OF DECISION

A Historic Resources Commission application, HRC-16-020, was received from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office (RO), located at 210 N. Minnesota Street, APN 003-192-08, pursuant to the requirements of the Carson City Municipal Code, Chapter 18, Section 18.06.

The Historic Resources Commission conducted a public hearing on April 14, 2016 in conformance with City and State open meeting requirements, and the Historic Resources Commission moved to deny the request for a vinyl picket fence because vinyl fencing does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines and is not consistent with Historic Resources Commission policies, specifically:

- 1) Vinyl fencing does not enhance the overall visual presentation of a building of this age;
- 2) A fence made of vinyl does not contribute to the character and defining features of the building in a positive manner because of the age and historic nature of the building within the Historic District.

The decision was made on a vote of 4 ayes, 1 nays and 2 absent.

Susan Pansky, AICP, Special Projects Planner
Planning Division

SP/rt

cc: Shawn Keating - Building Division
Rory Hogen - Development Engineering

Mailed By: _____

Date Mailed: _____

PLEASE SIGN AND RETURN THIS NOTICE OF DECISION WITHIN 10 DAYS OF RECEIPT.

This is to acknowledge that I have read and will comply with the Conditions of Approval as approved by the Historic Resources Commission.

SIGNATURE OF OWNER/APPLICANT

DATE

PRINTED NAME OF OWNER/APPLICANT

RETURN TO:

Carson City Planning Division
108 E Proctor Street
Carson City NV 89701

DRAFT MINUTES
Regular Meeting
Historic Resources Commission
Thursday, April 14, 2016 ● 5:30 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Jed Block	Vice Chair – Mike Drews
Commissioner – Robert Darney	Commissioner – Karyn de Dufour
Commissioner – Gregory Hayes	Commissioner – Donald Smit
Commissioner – Lou Ann Speulda	

Staff

Hope Sullivan, Planning manager
Susan Dorr Pansky, Special Projects Planner
Dan Yu, Deputy District Attorney
Kathleen King, Chief Deputy Clerk
Minutes by: Tamar Warren, Deputy Clerk

NOTE: A recording of these proceedings, the board’s agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk-Recorder’s Office, and available for review during regular business hours.

An audio recording of this meeting is available on www.Carson.org/minutes.

A. CALL TO ORDER AND DETERMINATION OF QUORUM

(5:30:16) – Chairperson Drews called the meeting to order at 5:30 p.m. Roll was called and a quorum was present.

Attendee Name	Status	Left
Mike Drews	Present	
Robert Darney	Absent	
Jed Block	Present	
Karyn de Dufour	Absent	
Gregory Hayes	Present	
Donald Smit	Present	
Lou Ann Speulda	Present	

B. PUBLIC COMMENTS

(5:31:06) – Chet Hayes, who introduced himself as the Immediate Past Master (2015 President) of Carson Lodge Number One, announced a Public Rededication Cornerstone Ceremony at the Nevada State Museum, commemorating the 150th anniversary of laying out the first brick at the Carson City Mint. Mr. Hayes noted that the ceremony will take place on Saturday, September 24, 2016 at 2 p.m. He also announced an upcoming open house event.

(5:33:10) – Ms. Pansky introduced Hope Sullivan, Carson City Planning Manager, and Dan Yu, Deputy District Attorney.

C. ACTION ON APPROVAL OF MINUTES FROM THE JANUARY 6, 2016 MEETING.

(5:34:16) – MOTION: I move to approve the minutes of the January 6, 2016 meeting as presented.

RESULT:	APPROVED (5-0-0)
MOVER:	Speulda
SECONDER:	Hayes
AYES:	Drews, Block, Hayes, Smit, Speulda
NAYS:	None
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

D. MODIFICATION OF AGENDA

(5:34:48) – None.

E. DISCLOSURES

(5:34:59) – Commissioner Smit disclosed that he had spoken to Jim de Arrieta, applicant representative and a friend, regarding agenda item F-1, adding that the conversation would not impact his decision on the item. Chairperson Drews disclosed that he had met with the contractors regarding the CLG [Certified Local Government] program grant at the Nevada State Prison last month.

F. PUBLIC HEARING MATTERS

F-1 HRC-16-020 POSSIBLE ACTION TO APPROVE A REQUEST FROM MICHELE CHASE (PROPERTY OWNER: JAMES TEEGARDEN REVOCABLE TRUST) FOR A PICKET FENCE, ON PROPERTY ZONED RESIDENTIAL OFFICE (“RO”), LOCATED AT 210 NORTH MINNESOTA STREET, APN 003-192-08.

(5:36:08) – Chairperson Drews introduced the item.

(5:36:50) – Ms. Pansky presented the agenda materials which are incorporated into the record and indicated that the applicant was present to answer the Commissioners’ questions. Commissioner Hayes noted that many vinyl fences had been placed in the Historic District without permission, and once built, they are difficult to remove. Commissioner Smit expressed concern over the education of property owners in the District prior to any repairs being done. Commissioner Block cited several projects using vinyl fences that had been replaced by wooden ones. Discussion ensued on existing vinyl fences in the District and the notification process of the guidelines. Mr. Yu advised that approval of the application could open the door to “challenges” by property owners who have already complied by tearing down their fences. Further discussion ensued regarding the deteriorating wooden fence separating the residence from a nearby business. Dr. Michele Chase, applicant, explained that she was not amenable to having a vinyl fence on the side of the house and a wooden fence in the front.

(6:15:09) – There were no public comments.

(6:15:20) – Chairperson Drews reminded the Commission that a motion to deny this request would require specific reasons per the Staff Report. Commissioner Smit inquired about the communication process to the property owners in case of a denial. Ms. Pansky clarified that Staff was notified about this property via a complaint and “had to respond to it”, adding that they would respond to complaints about the other properties as well, should they be brought forward. Mr. Yu noted that since the other properties had added their fences over ten years ago, a statute of limitations might apply to the possible complaints.

(6:121:25) – MOTION: “I move to deny HRC-16-020, a request from Michele Chase (property owner: James Teegarden Revocable Trust) for a vinyl picket fence on property zoned Residential Office (RO), located at 210 North Minnesota Street, APN 003-192-08 because vinyl fencing does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic Guidelines, and is not consistent with Historic Resources Commission Policies. Specifically, vinyl to me, looking at Standard Number 9 - Guidelines for new fences, does not enhance the overall visual presentation of a building of this age. A fence made of vinyl also does not contribute to the character and defining features of the building in a positive manner, again because of the age and historic nature of the building within the Historic District.”

RESULT:	APPROVED (4-1-0)
MOVER:	Hayes
SECONDER:	Block
AYES:	Drews, Block, Hayes, Speulda
NAYS:	Smit
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

(6:23:35) – Ms. Dorr Pansky advised Dr. Chase of the requirements for appeal.

F-2 HRC-16-030 FOR POSSIBLE ACTION: TO APPROVE A REQUEST FROM THE CHILDREN’S MUSEUM (PROPERTY OWNER: CARSON CITY LIBRARY) TO PAVE IN AND OVER EXISTING PARKING SPACES TO CREATE A FENCED-IN OUTDOOR PLAY/PICNIC AREA ON PROPERTY ZONED PUBLIC COMMUNITY (PC), LOCATED AT 813 NORTH CARSON STREET, APN 002-164-01.

(6:23:52) – Chairperson Drews introduced the item.

(6:24:17) – Ms. Pansky presented the agenda materials, incorporated into the record, along with subject property photographs. She also suggested approving the project with a series of Recommended Conditions of Approval outlined in the Staff Report and incorporated into the record.

(6:29:09) – Applicant representative Luana Olsen clarified how the parking spaces would be moved closer to the museum, providing additional safety for patrons. Commissioner Smit received clarification that the Commission’s approvals will only encompass the fence and, in concept, the Special Use Permit items such as the landscaping and the structures within the fence. Discussion ensued regarding a shade structure such as an awning, or a stage, and Chairperson Drews noted that tonight’s approval would not include the awning. Ms. Pansky suggested that any deviation from the Recommended Conditions of Approval must be specified in the motion.

There were no public comments.

(6:35:55) – MOTION: “I move to approve a request from The Children’s Museum (property owner: Carson City Library) to pave in and over existing parking spaces to create a fenced-in outdoor play/picnic area on property zoned Public Community (PC), located at 813 North Carson Street, APN 002-164-01, based on the findings and subject to the Conditions of Approval outlined in the Staff Report, the Standards and Guidelines of Rehabilitation, Carson City Historic District Guidelines, and consistent with Historic Resources Commission Policies. This [motion] is just for the fence and the play area, and that the awning shown on the building, the playground equipment and the stage would have to come back for further review and approvals.”

RESULT:	APPROVED (5-0-0)
MOVER:	Smit
SECONDER:	Speulda
AYES:	Drews, Block, Hayes, Smit, Speulda
NAYS:	None
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

F-3 HRC-16-031 FOR POSSIBLE ACTION: TO APPROVE A REQUEST FROM PROPERTY OWNER JASON JUSTICE TO REMOVE A PORCH/STOOP COVERING AND TO DEMOLISH A LEAN-TO STRUCTURE ATTACHED TO THE EXISTING ACCESSORY STRUCTURE, INCLUDING ASSOCIATED IMPROVEMENTS, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT 1001 NORTH NEVADA STREET, APN 001-183-05.

(6:37:12) – Chairperson Drews introduced the item.

(6:37:44) – Ms. Pansky presented the Staff Report and accompanying photographs which are incorporated into the record. She also recommended approval with the outlined Conditions of Approval in the Staff Report.

(6:40:55) – Jason Justice, applicant, introduced himself and gave additional detail on the project. Commissioner Block commended Mr. Justice for the renovations.

There were no public comments.

(6:43:10) – MOTION: “I move to approve HRC-16-031, a request from property owner Jason Justice to remove a porch/stoop covering and to demolish a lean-to structure attached to the existing accessory structure, including associated improvements, on property zoned Residential Office (RO), located at 1001 North Nevada Street, APN 001-183-05, based on the findings and subject to the Conditions of Approval outlined in the Staff Report, the Standards and Guidelines of Rehabilitation, Carson City Historic District Guidelines, and consistent with Historic Resources Commission Policies.”

RESULT:	APPROVED (5-0-0)
MOVER:	Block
SECONDER:	Speulda
AYES:	Drews, Block, Hayes, Smit, Speulda
NAYS:	None
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

F-4 HRC-16-015 FOR POSSIBLE ACTION: ACTION RECOMMENDING TO THE BOARD OF SUPERVISORS A PROCLAMATION DECLARING THE MONTH OF MAY AS HISTORIC PRESERVATION AND ARCHAEOLOGICAL AWARENESS MONTH.

(6:44:09) – Chairperson Drews introduced the item.

(6:44:23) – Ms. Pansky presented the agenda materials and the attached proclamation, both of which are incorporated into the record.

There were no public comments.

(6:45:24) – MOTION: “I move to recommend to the Board of Supervisors a Proclamation declaring the month of May as Historic Preservation and Archaeological Awareness Month.”

RESULT:	APPROVED (5-0-0)
MOVER:	Block
SECONDER:	Speulda
AYES:	Drews, Block, Hayes, Smit, Speulda
NAYS:	None
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

(6:45:40) – Ms. Pansky believed that this item will be heard by the Board of Supervisors on May 5, 2016.

F-5 HRC-15-183 FOR POSSIBLE ACTION: TO SELECT RECIPIENTS FOR THE 2016 HISTORIC PRESERVATION AWARD FOR OUTSTANDING ACHIEVEMENTS IN HISTORIC PRESERVATION.

(6:45:51) – Chairperson Drews introduced the item.

(6:46:11) – Ms. Pansky presented the agenda materials including the nominations for the award from the previous meeting. Commissioner Block recommended the home on 603 West Robinson Street. Discussion ensued regarding the number of awards in a given year and Ms. Pansky clarified that it would be up to the Commission to determine that number.

There were no public comments.

(6:52:26) – MOTION: “I move to select Chris de Witt, Restoration Supervisor for Nevada State Railroad Museum, and his team and the historic Glenbrook Locomotive for the 2016 Historic Preservation Award in celebration of Historic Preservation and Archaeological Awareness Month.”

RESULT:	APPROVED (5-0-0)
MOVER:	Smit
SECONDER:	Block
AYES:	Drews, Block, Hayes, Smit, Speulda
NAYS:	None
ABSTENTIONS	None
ABSENT:	Darney, de Dufour

(6:53:45) – Ms. Pansky clarified that this agenda item would be presented at the May 5, 2016 Board of Supervisors meeting.

F-6 DISCUSSION ONLY REGARDING AN UPDATE OF THE 2015 HISTORIC PRESERVATION FUND (HPF) GRANT PROJECT.

(6:54:04) – Chairperson Drews introduced this item, and Ms. Dorr Pansky reviewed the agenda materials which are incorporated into the record, and expected to have a further update in the next meeting. Commissioner Speulda offered to volunteer for additional hours for the matching portion of the grant. Chairperson Drews encouraged the remaining commissioners to follow suit.

G. STAFF REPORTS

PLANNING DIVISION STAFF REPORT TO THE HISTORIC RESOURCES COMMISSION.

(6:58:29) – Ms. Pansky expected at least one application to be heard in the May meeting.

COMMISSIONER REPORTS/COMMENTS

(6:59:11) – There were no commissioner reports.

FUTURE AGENDA ITEMS

(6:59:20) – Previously discussed

H. PUBLIC COMMENTS

(6:59:24) – None

I. ACTION ON ADJOURNMENT

(6:59:45) – Commissioner Hayes moved to adjourn. The motion was seconded by Commissioner Speulda. The meeting was adjourned at 7:00 p.m.

The Minutes of the April 14, 2016 Carson City Historic Resources Commission meeting are so approved this 12th day of May, 2016.

MICHAEL DREWS, Chair

**CARSON CITY HISTORIC RESOURCES COMMISSION
CASE RECORD**

MEETING DATE: APRIL 14, 2016

AGENDA ITEM NO.: F-1

APPLICANT(s) NAME: Michele Chase
PROPERTY OWNER(s): James Teegarden Rev Trust

FILE NO. HRC-16-020

ASSESSOR PARCEL NO(s): 003-192-08
ADDRESS: 210 North Minnesota Street

APPLICANT'S REQUEST: To approve a request for a vinyl picket fence on property zoned Residential Office (RO)

COMMISSIONERS PRESENT: SMIT SPEULDA-DREWS DREWS
 HAYES de DUFOUR BLOCK DARNEY

STAFF REPORT PRESENTED BY: Susan Pansky **REPORT ATTACHED**
STAFF RECOMMENDATION: **CONDITIONAL APPROVAL** **DENIAL**
APPLICANT REPRESENTED BY: Michele Chase

APPLICANT/AGENT PRESENT **APPLICANT/AGENT SPOKE** **APPLICANT/AGENT NOT PRESENT** **APPLICANT/AGENT DID NOT SPEAK**

APPLICANT/AGENT INDICATED THAT HE/SHE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

PERSONS SPOKE IN FAVOR OF THE PROPOSAL **PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL**

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Hayes – There are other plastic fences in the area. But the reality is that some get built without HRC approval. Once it's completed, we rarely take them away. But it is not a material typically appropriate.

Smit – issue is how people are notified about this. What are the triggers?

Drews – The fencing contractors should be well aware of the approved materials. We had a special meeting and invited them to discuss this issue.

Smit – Want to see Planning notify everyone in the Historic District once so people are aware of the requirements.

Hayes – Can't recall ever approving a vinyl fence.

Speulda-Drews – Do you plan to replace the wood fence on the side?

Dr. Chase – Didn't replace a fence, there was a hedge that was overgrown and dying.

Speulda-Drews – The siding on this house is asbestos, which is not historic. Maybe there is room.

Drews – Dr. Chase, are you willing to move this vinyl fence to the side and put wood in the front?

Dr. Chase – No.

Block – Whether you need a building permit or not isn't really the issue. Notification would be nice. But one call to the Planning Division would be nice. Perhaps they did didn't know but the District has been around since 1982.

Dr. Chase – House has been in our family for 40 years. It belonged to my father-in-law, then my husband. I chose this fence because it was a seamless transition to the neighbors to the north.

MOTION WAS MADE TO RECOMMEND DENIAL.

MOVED: Hayes **SECOND:** Block **PASSED:** 4 /AYE 1 /NO 0 /ABSTAIN 2 /ABSENT

Reason for denial: Because vinyl fencing doesn't comply with Standards. Specifically it does not enhance overall presentation of a building of this age.

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE:

H:\PIngDept\HRC\Forms and Templates\HRC Case Record.frm

STAFF REPORT FOR THE HISTORIC RESOURCES COMMISSION MEETING OF
APRIL 14, 2016

FILE NO: HRC-16-020

AGENDA ITEM: F-1

STAFF AUTHOR: Susan Pansky, AICP, Special Projects Planner

REQUEST: Approval of a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office (RO).

APPLICANT: Michele Chase

OWNER: James Teegarden Rev Trust

LOCATION: 210 North Minnesota Street

APN: 003-192-08

MOTION FOR APPROVAL: "I move to approve HRC-16-020, a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office, located at 210 North Minnesota Street, APN 003-192-08, based on the findings and conditions of approval contained in the staff report, the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines and consistent with Historic Resources Commission Policies."

MOTION FOR DENIAL: "I move to deny HRC-16-020, a request from Michele Chase (property owner: James Teegarden Rev Trust) for a vinyl picket fence on property zoned Residential Office, located at 210 North Minnesota Street, APN 003-192-08, because (insert reason for denial here) does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines and consistent with Historic Resources Commission Policies."



RECOMMENDED CONDITIONS OF APPROVAL (if applicable):

1. All development shall be substantially in accordance with the attached site development plan.
2. All on and off-site improvements shall conform to City standards and requirements.
3. The use for which this permit is approved shall commence within 12 months of the date of final approval. An extension of time must be requested in writing to the Planning Division 30 days prior to the one year expiration date. Should this request not be initiated within one year and no extension granted, the request shall become null and void.
4. The applicant must sign and return the Notice of Decision within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Historic Resources Commission meeting for further consideration.
5. The fence height shall not exceed four feet and shall meet all requirements of Carson City Development Standards, Section 1.13 – Fences, Walls and Hedges, where applicable.
6. HRC approval is based upon the project complying with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines, the Historic Resources Commission Policies and that the plans as submitted are in general conformance with the Secretary of the Interiors Standards.

LEGAL REQUIREMENTS: CCMC 18.06.015 (Procedure for Proposed Project)

MASTER PLAN DESIGNATION: Mixed-Use Residential (MUR)

ZONING: Residential Office (RO)

PREVIOUS REVIEWS:

None

DISCUSSION:

The subject property is known as the Cary House and was built in 1877, according to the Occupational and Residential Historic Survey 1860-1948. According to the 1875 Bird's Eye View of Carson City, the house sits on property that was formerly an orchard located on the edge of town.

Carson City Planning Division staff was recently made aware that a new picket fence had been constructed in the front yard of the subject property without first receiving Historic Resources Commission (HRC) approval. Staff sent a Notice of Violation/Order to Comply Letter to the property owner on February 24, 2016 stating that the submittal of an HRC application was required within 14 days of the receipt of the letter. This Notice of Violation Letter is attached for reference.

In response to the Notice of Violation, the property owner authorized that a HRC application be submitted by Mr. Jim de Arrieta, as the applicant's representative acting on the property owner's behalf. The application was received by the Planning Division on March 16, 2016, which was in compliance staff's request. Staff also notes that Mr. de Arrieta is the owner of the property immediately to the north at 216 N. Minnesota Street.

In the letter, staff noted that it had not yet been determined what the picket fence was made of, but that typical fencing materials permitted in the Historic District include wood, metal and, in some rare cases, masonry. Staff also noted in the letter that if the fence is made of vinyl, it will not likely be approved by the HRC. Staff has since determined that the fence is made of vinyl. This will be discussed with additional detail in the guidelines section below.

In the HRC application submitted by the applicant's representative, it is indicated that the property owner was not trying to circumvent Carson City Municipal Code pertaining to Historic District requirements. Staff appreciates this statement, and has no reason to believe otherwise. In researching the ownership of the property, staff noted that the property has not changed ownership since the late 1970s. Staff assumes that this property was possibly inherited recently by the current property owner, but that the official ownership remains in the Teegarden Trust as indicated by the Assessor's records.

When property within the Historic District changes ownership, the Assessor's office notifies the Planning Division. The Planning Division staff then sends a letter to the new property owners welcoming them to the Historic District and provides information regarding the design guidelines of the Historic District, as well as the requirement to obtain approval by the HRC prior to proceeding with exterior improvements to the property. Because this property did not change ownership as it relates to the City's records, the Planning Division did not have the opportunity to notify the current owner of the Historic District requirements. Unfortunately, not being notified by the Planning Division does not relieve property owners of their requirements to comply with Carson City Municipal Code. This is a courtesy that the Planning Division extends to help new owners understand the additional requirements for properties located within the Historic District.

The applicant is requesting approval for a previously installed 36-inch vinyl picket fence in the front yard of the subject property as shown on the pictures included with this staff report. As indicated in the letter provided by the applicant's representative, a building permit is not required for a fence of this height.

Below, staff identifies the section of the Carson City Development Standards, Division 5 (Historic District) that is applicable to the fence and will discuss the fence style and material as it relates to that section.

5.24 Guidelines for Fences

Fences serve a variety of purposes for a property owner. They can define property lines, provide security and protection from trespass, furnish safety for children and pets, provide visual screens for privacy and serve as protection from the elements. The design of a fence is a critical element in the overall visual quality of a property and how it relates to its neighbors. It can also be important from a public safety standpoint, particularly on corner lots. Typically front yards in the district were delineated by low profile, wood picket style fences. A few metal and/or masonry fences can be found as well.

A fence design needs to be considered in context. Scale, rhythm, material and style are the critical design elements of a fence. The fence design needs to be compatible to the building as well as to the surrounding property. A fence can provide a delicate design element which will greatly enhance a property.

5.24.1 Guidelines for Historic Fences

Original fences shall be retained and repaired when at all possible. When reconstruction must occur the original shall be matched in color, material, size, scale, texture and composition. New fences for historic houses should emulate historic styles and designs found in the district. (Standard Number: 2, 4, 5, 6).

5.24.2 Guidelines for New Fences

The appropriate design for a fence will be determined by its intended function and its location. No fence shall be constructed which adversely effects the primary view(s) of any building. A fence design should enhance the overall visual presentation of a building. A fence should also contribute to the character and defining features of any building in a positive manner. (Standard Number: 9)

Fencing in the Historic District may take several different forms depending upon the architecture of the structure that it surrounds. The Development Standards indicate that typical front yard fences are low profile, wood picket style fences but other fencing may be appropriate as well. The applicant is proposing a vinyl picket fence in the front yard that has already been constructed. While there are several examples in the Historic District of wood picket fences, discussions with members of the HRC indicate that vinyl fences have not typically been approved because the material is not a material that was historically used.

The applicant's representative states that the fence constructed by the property owner is similar in style and material as the two properties to the north, including his own property, and that these fences have been in place for over 10 years. Staff's review of the archived HRC applications on both of those properties, 216 N. Minnesota Street and 302 N. Minnesota Street, found that approval of vinyl picket fencing was not requested. This indicates that the vinyl fences on those properties were also constructed without HRC approval. Staff notes that approval for a picket fence was obtained for 216 N. Minnesota Street in 1989, but the archived application does not state what the material was.

Staff believes that the Historic District Design Guidelines are clear as it relates to the material of historic fences being reconstructed. However, the guidelines are less clear on new fences as it relates to material, but focus more on the visual presentation of the fence versus the building. Because the fence is the same style and meant to mimic a wood picket fence, it could be argued that the vinyl fence in question meets the requirement. However, the HRC has typically not approved vinyl fencing in the Historic District because it is not a historic material. As a result, staff has provided two motions for the HRC to consider – one to approve and one to deny – and has not made a specific recommendation.

If the HRC chooses to deny the application, the HRC should note in the motion the reason for denial. In this case, the property owner will be required to remove the vinyl picket fence.

If the HRC chooses to approve the application, staff has provided recommended conditions of approval.

PUBLIC COMMENTS:

Public notices were mailed to the adjacent property owners to the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045 on April 1, 2016. As of the completion of this staff report, no comments have been received in response to the proposed improvements. Any comments that are received after this report is completed will be submitted prior to or at the Historic Resources Commission meeting, depending on their submittal date to the Planning Division.

Attachments:

- Notice of Compliance Letter dated February 24, 2016
- Site Photos
- Historic Survey 1860 – 1948, Occupational and Residential Application (HRC-16-020)



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

NOTICE OF VIOLATION ORDER TO COMPLY

February 24, 2016

Certified Mail #7011 2970 0000 0867 4233

James W. Teegarden Rev Trust
Box 222681
Anchorage, AK 99522

Re: Fencing Installation without Historic Resources Commission Approval
Location: 210 N. Minnesota Street
APN: 003-192-08

To Whom It May Concern:

The Carson City Planning Division has recently noted that new fencing has been installed on your property located at 210 N. Minnesota Street as shown in the attached pictures. This property is located in the Carson City Historic District. All exterior improvements, including fencing, on properties located within the Historic District require approval by the Historic Resources Commission prior to the start of construction pursuant to Carson City Municipal Code, Section 18.06 – Historic District as follows:

18.06.015 Procedure for Proposed Project. *Any proposed project to construct, alter, remodel, restore, renovate, rehabilitate, demolish, remove or change the exterior appearance of a building or structure; or to place signs, fences, or lighting; or to construct parking areas or site improvements; or which affects the exterior landscape features and spaces that characterize a property and its environment shall not be started without prior approval of an application submitted to the Historic Resources Commission (HRC).*

Required Action: Provide a completed Historic Resources Commission application for the exterior improvements to your property within 14 days of receipt of this letter. A blank application has been enclosed for your convenience.

While our staff has not determined the type of material the new fencing is made of, I would like to make you aware that the typical fencing materials permitted in the Carson City Historic District include wood, metal and, in some rare cases, masonry. Vinyl fencing has generally not been approved as an acceptable fencing material. If your new fencing is made of vinyl, it will likely not be approved by the Historic Resources Commission and will be required to be removed.

Failure to comply with these requirements may result in a citation and/or penalties assessed per Carson City Municipal Code, Section 18.06.120 – Penalties and Remedies, which states:

It is unlawful for any person to construct, convert, alter or use any facility, equipment, or operation in violation of any provision of this Title. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this Title or violating or failing to comply with any order or regulation made under this Title, is guilty of a misdemeanor, and upon conviction thereof is punishable as provided in the Carson City Municipal Code. Such person, firm or corporation is guilty of a separate offense for each and every day during which such violation of this Title or failure to comply with any order or regulation is committed, confined or otherwise maintained.

If you have any questions regarding Carson City's Historic District requirements, please contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you for your immediate attention to this matter.

Sincerely,
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION


Susan Dorr Pansky, AICP
Planning Manager

Attachment – Property Photos taken 2/23/16
Enclosure – Historic Resources Commission Application

Cc: Kevin McCoy, Senior Code Enforcement Officer
Michael Drews, Historic Resources Commission Chairman



02/23/2016



02/23/2016

SEPTEMBER 1998

Historic Survey 1860-1948

Occupational & Residential

**HISTORICAL SURVEY
CARSON CITY HISTORICAL DISTRICT
CARSON CITY COMMUNITY DEVELOPMENT**



NAME: Cary House

ADDRESS: 210 N. Minnesota

LOCATION: West side N. Minnesota between W. Telegraph and W. Musser

CONSTRUCTION DATE: 1901 (assessor), ca. 1877

HISTORICAL BACKGROUND

In the 1875 Bird's Eye View of Carson City, it appears that this site where a house now sits was part of an orchard, on the very edge of town. The property had been purchased in 1872 by A. W. Pray, who was a lumber dealer, living across town on the corner of Second and Fall Streets.

The next owner was **William Cary**, in 1877, who had a hay and grain business on King Street. He had no street address, but in 1878 Cary was living on N. Minnesota, between Musser and Proctor. **John Vass** purchased the house in 1889, and an 1895 directory indicates he was living at 214 N. Minnesota

James Torreyson bought the house in 1895, then the property

was associated with several individuals. In 1905, W. J. Douglas purchased the property and Mrs. W. H. Douglas resided there in 1907. Miss Genevieve Cook, who was a dressmaker, was also living there.

By 1919 the property had been sold to Moses and Clara Anderson. Anderson was a watchman at the Carson Brewing Company in 1933. The first year the directories indicate that the Anderson's were living at the house on Minnesota is 1929-30. Clara Anderson was still living on the property in 1948, but was a widow by that time.

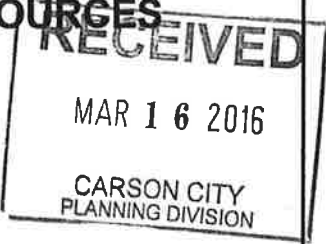
OTHER NAMES ASSOCIATED WITH PROPERTY:

1899, P. H. Petersen; 1905, Vallie Torreyson

SOURCES:

Stewart Title; Carson City Directories; 1875 Bird's Eye View of Carson City

Carson City Planning Division 108 E. Proctor Street- Carson City NV 89701 Phone: (775) 887-2180 • E-mail: planning@carson.org		FOR OFFICE USE ONLY:	
FILE # HRC – 15 - 20		HISTORIC RESOURCES COMMISSION	
APPLICANT Dr. Michele Chase		PHONE # 	
MAILING ADDRESS, CITY, STATE, ZIP 211 East Northern Lights, Anchorage, AK 99508		FEE: None	
EMAIL ADDRESS n/a		SUBMITTAL PACKET	
PROPERTY OWNER Rev James W Teegarden Trust		<input type="checkbox"/> Application Form with signatures <input type="checkbox"/> Written Project Description <input type="checkbox"/> 16 Completed Application Packets-Application form, maps, supporting documentation (1 Original + 15 Copies) <input type="checkbox"/> CD containing application data (pdf format) <input type="checkbox"/> Documentation of Taxes Paid-to-Date	
MAILING ADDRESS, CITY, STATE, ZIP Same		Application Reviewed and Received By: <hr/>	
EMAIL ADDRESS n/a		Submittal Deadline: See attached HRC application submittal schedule.	
APPLICANT AGENT/REPRESENTATIVE Jim de Arrieta		PHONE # 883-2809	
MAILING ADDRESS, CITY, STATE, ZIP 216 Mountain Street, Carson City, Nevada 89702			
EMAIL ADDRESS 			
<u>Project's Assessor Parcel Number(s):</u> 003-192-08		<u>Street Address</u> 210 North Minnesota Street	
		<u>ZIP Code</u> 89702	
<u>Project's Master Plan Designation</u> Do not know		<u>Project's Current Zoning</u> RO	
		<u>Nearest Major Cross Street(s)</u> Musser Street	
Briefly describe the work to be performed requiring HRC review and approval. In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. NOTE: The Historic District Ordinance and Historic District Design Guidelines, as well as Policy Statements, are available in the Planning Division to aid applicants in preparing their plans. If necessary, attach additional sheets.			
Dr. Chase replaced her dilapidated front yard fence with a new fence similar in style and material to the two properties directly adjacent to her property to the north. She was unaware of any requirement to request permission to remove and install a fence until receipt of Mrs. Pansky's letter of "Notice of Compliance".			
Supporting documentation is not provided, not fully aware of what to provide, since the fence has been installed for several months.			



Does the project require action by the Planning Commission or the Board of Supervisors? Yes No If Yes, please explain

Are not aware of any requirements

Will the project involve demolition or relocation of any structure within or into the Historic District? Yes No If Yes, please describe:

Reason for project:

The property was in a state of disrepair and Dr. Chase wanted to make needed improvements.

SUPPORTING DOCUMENTATION

Each application requires 16 copies, folded to 8 1/2 x 11 inches, of quality site plan and drawings showing work to be performed on the subject project which requires HRC approval. Basically, this is any work which will affect the exterior of any structure and any modifications to the site, i.e., fences, walls, or major landscaping. The name of the person responsible for preparation of the plans and drawings shall appear on each sheet.

Attached is a Plan Checklist to aid preparation of plans and architectural drawings. It is understood that all checklist items will not be included in all projects. The list is intended to give the applicant an idea of the breadth of review by the Commission on those items which are included in the subject project. Photographs can be used for illustration and discussion, but are not acceptable as substitutes.

Owner's Signature

James A. de Amieles
Applicant's/Agent's Signature

Owner's Printed Name

Applicant's/Agent's Printed Name



March 16, 2016

Community Development Department, Planning Division

**Mrs. Susan Dorr Pansky, AICP
108 E. Proctor Street
Carson City, Nevada 89701**

Mrs. Pansky,

Please accept this letter on behalf of the James W. Teegarden Rev Trust; refer to attached Letter of Authorization for me to forward you this letter and sign the attached Historic Recourses Commission Application.

Dr. Michele Chase recently received your letter dated February 24, 2016 regarding a "Notice of Violation" associated with their property located at 210 North Minnesota Street.

Dr. Chase is very distraught over the letter, and in no way was attempting to circumvent Carson City laws. She assured me she knew nothing of the requirements of the Carson City Municipal Code pertaining to the Historic District. In fact, she and her husband traveled from their home in Alaska to make needed improvements to the property, they were just trying to be good neighbors.

She had no way of knowing she could not install the 36 inch high fence, and believed building permit was not necessary. She installed the fence in question, painted the building and made some needed landscape improvements. She installed a fence similar in style, and material, as the two properties to the north, which she was lead to believe have been in place for over 10 years..

She was, honestly, was unaware of any requirements to seek permission to install the new fence.

Dr. Chase intends to travel from Alaska to attend the next Historic Commission meeting to fully address the issue. If you could please notify me when the next meeting will be scheduled, Dr. Chase will make the necessary plans to attend.

Sincerely,

A handwritten signature in black ink that reads "James A. de Arrieta". The signature is written in a cursive, flowing style.

Jim de Arrieta, just a friend

**216 Mountain Street
Carson City, Nevada 89703**

March 9, 2016

Dr. Michele Chase
2211 E Northern Lights Blvd.
Anchorage, AK 99508

RE: Teegarden Violation Letter

To Whom It May Concern:

I, Dr. Michele Chase, do hereby give permission to Jim de Arrieta, to sign the Historic Resources Commission Application on my behalf. This is in response to the Notice of Violation Order to Comply, sent to me by the Carson City Planning Division.

Sincerely,

Michele Chase

Subscribed and sworn to before me, this 9th [day of month] day of MARCH [month], 2016.

[Notary Seal:]

Kim Landers

[signature of Notary]

KIM LANDERS
[typed name of Notary]



NOTARY PUBLIC

My commission expires August 12, 2016.

Rea Thompson

HRC-16-020

From: Trevor Robinson <clay6747@gmail.com>
Sent: Sunday, April 10, 2016 11:38 AM
To: Planning Department
Subject: HRC-16-020 Approval of Request for Picket Fence at 210 N Minnesota

Late Info

Planning Commission.

As the next door neighbor of 210 N. Minnesota Street, we see do problem with the 36 inch picket fence of low maintenance vinyl. The design is within the character of the neighborhood.

Your time is my time.

Peace, Health and Happiness Always,
Clayton Trevor R & Jack C K

urt

Owners of Edwards House
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