



AGENDA

BOARD OF ADJUSTMENT MEETING

55 West Williams Avenue Fallon, NV

July 26, 2023 at 6:00 PM

The City of Fallon Board of Adjustment will meet on July 26, 2023 at 6:00 p.m. in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada.

Items on the agenda may be taken out of order. The Board of Adjustment may combine two or more agenda items for consideration. The Board of Adjustment may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. Unless otherwise allowed by the Board of Adjustment, public comments by an individual will be limited to three minutes.

1. Certification of Compliance with Posting Requirements
2. Public Comments
General in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken. **(For discussion only)**
3. Consideration and possible approval of Board of Adjustment meeting minutes for June 15, 2022. **(For possible action)**
4. Nomination and Election of Board Chairman. **(For possible action)**
5. Consideration and possible approval of an application by Kelli Brothers, 538 Keddie Street (APN #001-029-12), for a variance in an R-1 zone to operate a massage business out of her home. **(For possible action)**
6. Public Comments **(For Discussion Only)**

This agenda has been posted on or before 9:00 a.m. on July 21, 2023 at City Hall, District Court Building, Churchill County Office Complex, Churchill County Public Library and posted to the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>). Members of the public may request the supporting material for this meeting by contacting Elsie M. Lee, Deputy City Clerk, City Clerk's Office, City Hall, 55 West Williams Avenue, Fallon, Nevada, 775-423-

5104. The supporting material for this meeting is also available to the public on the City's website (<https://fallonnevada.gov>) and the State of Nevada public notice website (<https://notice.nv.gov/>).

/s/ Elsie M. Lee

NOTICE TO PERSONS WITH DISABILITIES: Reasonable effort will be made to assist and accommodate physically handicapped persons desiring to attend the meeting. Please call the City Clerk's Office at 775-423-5104 in advance so that arrangements may be conveniently made.

MINUTES
CITY OF FALLON – BOARD OF ADJUSTMENT
55 West Williams Ave
Fallon, Nevada
JUNE 15, 2022 - 6:00 p.m.

The City Board of Adjustment met on the above date in the Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada.

Present:

City Engineer Derek Zimmey
 Deputy City Attorney Sean Rowe
 Board Member Kim Barrenchea
 Board Member Sheila Scholz
 Board Member Charlie Arciniega
 Board Member Chris Webb
 Board Member Dusty Casey (absent)

The meeting was called to order by Board Member Kim Barrenchea at 6:00 p.m.

Board Member Kim Barrenchea inquired if the agenda had been posted in compliance with NRS requirements.

City Engineer Derek Zimmey advised that the agenda was posted in compliance with the NRS requirements.

Public Comments

Board Member Barrenchea inquired if there were any public comments. She noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No comments were noted.

Nomination and Election of Board Chairman. (For possible action)

Board Member Barrenchea said that at the decision of the Board, this item would be tabled for the next meeting.

Consideration and possible approval of Board of Adjustment meeting minutes for February 9, 2021. (For possible action)

Chris Webb made a motion to approve the Board of Adjustment meeting minutes for February 9, 2021; seconded by Sheila Scholz and the motion carried with a 3-0 vote by the City of Fallon Board of Adjustment.

Consideration and possible approval of an application by Tim Tooker and Eileen Evens, 1020 Andrew Lane (APN #001-452-14), for a variance in an R-1 zone to encroach approximately 8 feet into the 20-foot rear setback and 3.5 feet into the 5 feet side set back in order to install a patio cover. (For possible action)

City Engineer Derek Zimney said that he included a memo in the packet, explaining how they had got to this point as this patio structure has been mostly complete to this point. It came down to the Tim and Eileen didn't know that permits were required for such a project and in general. The City Engineering and Building Department is supportive of people doing things in their yards and are trying to help them through this process, properly and meeting code. At this juncture, we have sufficient plans and a building permit submitted and everything is in compliance, with the exception the encroachments on these setbacks. I have sent out letters to everybody within 300 feet. I have received no feedback from any neighbors and at this point, myself, Tim, and Eileen are here, and we are willing to answer any questions that you might have.

Board Member Kim Barrenchea asked if anyone had any questions.

Board Member Chris Webb said she did not have any questions but asked if anyone wanted them to talk about their project or maybe the packet was sufficient.

Board Member Sheila Scholz said that she had driven by the property and said that it was hard to see the back yard, but she is mostly interested if the neighbors are okay with this and said that if they she assumes that they would come to this meeting if they had an issue. She also said that she assumes that the near neighbors know what is going on and they are okay with the project.

Board Member Barrenchea said that she had seen the back yard and the materials are just perfect.

Board Member Arciniega said that he drove by and saw the rear setback and the side setback and feels that if the city is okay with the plans, and the neighbor on the side with the encroachment to 3 ½ feet hasn't said anything, then I don't have any issues.

There was no further discussion.

Board Member Kim Barrenchea made a motion to approve the application by Tim Tooker and Eileen Evens, 1020 Andrew Lane (APN #001-452-14), for a variance in an R-1 zone to encroach approximately 8 feet into the 20-foot rear setback and 3.5 feet into the 5 feet side set back in order to install a patio cover; seconded by Board Member Sheila Scholz and the motion carried on a 3-0 vote by the City of Fallon Board of Adjustment.

Public Comments

Board Member Barrenchea inquired if there were any public comments. She noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No comments were noted.

Adjournment

There being no further business to come before the Board of Adjustment, Board Member Kim Barrenchea adjourned the meeting at 6:06 p.m.

Board Member Kim Barrenchea

Attest: _____
Derek Zimney, City Engineer

DRAFT

Ken Tedford
MAYOR



Kelly Frost
Councilwoman

Karla Kent
Councilwoman

Paul Harmon
Councilman

July 3, 2023

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the City of Fallon Board of Adjustment will hold a public hearing on **Wednesday, July 26, 2023 at 6:00 p.m.** in the City Council Chambers, 55 West Williams Avenue, Fallon, Nevada in order to consider an application by Kelli Brothers, 538 Keddie Street (APN #001-029-12), for a variance in an R-1 zone to operate a massage business out of her home.

The Board of Adjustment may vary the strict application of Title 21 of the Fallon Municipal Code in appropriate cases and under certain conditions and safeguards in harmony with its general intent and purpose, in accordance with the rules and regulations set forth therein and under the provisions of Chapter 278 of the Nevada Revised Statutes.

In accordance with Section 21.76.020 of the Fallon Municipal Code, there is a 10-day period in which to appeal the Board of Adjustment's decision, in writing, to the City Council. Said appeal shall be filed with the City Clerk's Office.

NOTICE IS HEREBY FURTHER GIVEN that you are invited to attend the public hearing and to be heard regarding the variance application. Prior to the public hearing, written comments may be filed with the City Clerk to be considered by the Board of Adjustment. Copies of the application are available for inspection at the City Clerk's Office, 55 West Williams Avenue, Fallon, Nevada. If you have any questions, please feel free to contact Derek Zimney, City Engineer, at (775) 423-5107 or dzimney@fallonnevada.gov.

Sincerely,

Elsie Lee
Deputy City Clerk

City of Fallon

VARIANCE APPLICATION FOR: Business or Home Improvement

Please check one

Applicant: Kelli Brothers DBA High Desert Massage Therapy

Address: 538 Keddie St Fallon NV 89406

Telephone Number: (775) 315-6503

Owner In Escrow Leasehold

Purchasers in escrow must file proof of title with Variance Board before granted variances are effective.

Legal Description of Property Involved: Lot 12, Blk 7A Subdivision Meadow Valley
Street and Number 538 Keddie St.

(Attach sheet for Metes & Bounds Description)

Variance Requested: operate massage business in R1 zoning

Ordinance Provisions: _____ Zoning _____

Deed Restrictions _____

Former Restrictions _____

Expiration Date: _____

Applicants must present evidence of ability and intent to proceed with actual construction within six months of the above filing date.

It is not possible for me to use the above described property in the way it is zoned because: Businesses are not allowed in R1

My inability to use the above described property in the way I desire causes an undue hardship on me because: (Financial hardship is not considered valid). repeated loss of connection space. one client at a time

The above described property is different from other properties in the same area zoned the same classification because: N/A

Use of the above-described property in the manner proposed by this application will not be detrimental to surrounding properties because: parking in driveway, all business conducted inside, quiet in nature.

PLOT PLANS MUST ACCOMPANY THIS APPLICATION

I, Kelli Brothers owner in fee of the above described property state that this application for a variance has been made with my full knowledge and consent and the facts stated above are true to the best of my knowledge and belief.

Owner: Kelli Brothers

Address: 538 Keddie St

Fallon NV 89406

Phone # 775.315.6503

Signature: [Handwritten Signature]

{Nevada

{County of Churchill

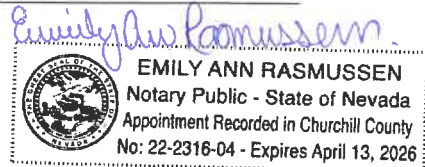
Signed and sworn to before me on July 6, 2023

by Kelli Brothers

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All the above facts as stated herein are correct to my knowledge and belief.

Applicant: _____

Address: _____

Phone # _____

Signature: _____

{Nevada

{County of _____

Signed and sworn to before me on _____

by _____

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To whom it may concern,

I, Kelli Brothers, am the owner of High Desert Massage Therapy. Due to recent rental leasing complications, I am seeking a zoning variance for 538 Keddie St, Fallon NV. My previous location was sold and I was forced to relocate to a new office space. After settling into the new office space, again the building was sold and I am forced to relocate. I would like to run my business out of the house I own at 538 Keddie St, Fallon NV.

Due to the nature of my business, it will not be a disruption to the neighborhood. I work quietly with only one client at a time. Clients are only seen during normal business hours. I have sufficient parking in my driveway as to not take up street space. There will be no external signage or advertisement as a business on the outside of the home. I also do not intend to add the address to google maps for my business. The address will only be given to clients.

Kind Regards,

A handwritten signature in black ink, appearing to read "Kelli Brothers", written in a cursive style.

Kelli Brothers

DECLARATION OF MAILING

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct:

1. That I am a citizen of the United States of America, over the age of twenty-one (21) year; and
2. That on the date below, I mailed, by U.S. Mail, with postage fully prepaid, for 538 Keddie Street APN #001-029-02, Proposed Board of Adjustment Letter to the following persons:

GINE, RUDOLF
729 MEGAN WAY FALLON, NV, 89406-5505

WEISS, ROLAND H TRUSTEE
3512 CHEROKEE DR CARSON CITY, NV, 89705-6929

PICKETT LOUIS &, GORDON ELIZABETH
738 KINSLI ST FALLON, NV, 89406-4104

ARCHAMBAULT, JARED T & BRIANNA L
641 MEGAN WAY FALLON, NV, 89406-3157

CORTES, G N & RAMIREZ D N
617 MEGAN WAY FALLON, NV, 89406-3157

CAPPS, HARLEY J & CHERIE A
603 MEGAN WAY FALLON, NV, 89406-3157

F & K KROLL LLC
PO BOX 1634 FALLON, NV, 89407-1634

ONEY, CLINT JUSTIN
733 NOEL LN FALLON, NV, 89406-5758

ANDHAVARAPU, GIRIDHAR & ARAVINDA
296 W HAROLD GRISWOLD WAY HANFORD, CA, 93230-8310

ISBISTER KAREN &, BASSHAM BENJAMIN S

- 1 712 DANI ST FALLON, NV, 89406-5763
- 2 DILL, ERIK & LACYDEE
- 3 937 W ENCORE DR HANFORD, CA, 93230-6775
- 4 CANTU, RUBEN A
- 5 2343 PINE VALLEY GLEN ESCONDIDO, CA, 92026-1478
- 6 HEINTZ, NOAH
- 7 544 DANI ST FALLON, NV, 89406-5757
- 8 BARTON, BRAD & DANA
- 9 520 DANI ST FALLON, NV, 89406-5757
- 10 FERRENBURG, JACK L & SUSAN
- 11 498 DANI ST FALLON, NV, 89406-5755
- 12 SAVALA, SUSAN RAE TRUSTEE
- 13 717 NOEL LN FALLON, NV, 89406-5758
- 14 TROXEL, GARY & CYNTHIA & RYAN
- 15 943 W WILLIAMS AVE FALLON, NV, 89406-2631
- 16 THOMAS, MARK R & TERESA V
- 17 719 DANI ST FALLON, NV, 89406-5764
- 18 PEARCE, KIRBY N & GOETSCH CONOR
- 19 701 DANI ST FALLON, NV, 89406-5764
- 20 FOUSS, MICHAEL C & KATHY A
- 21 653 DANI ST FALLON, NV, 89406-5762
- 22 BYRNE, FRANK W & BEATRICE J
- 23 591 DANI ST FALLON, NV, 89406-5756
- 24 JOHNSON TRUSTEES, RANDOLPH M & NANCY J
- 25 537 DANI ST FALLON, NV, 89406-5756
- 26 BARKLEY, DAVID C
- 27 485 DANI ST FALLON, NV, 89406-5754
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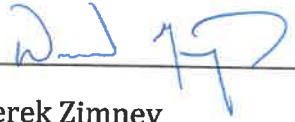
- 1 SWEENEY, CHAD E & HEIDI A
471 DANI ST FALLON, NV, 89406-5754
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- 3 PALLUDAN, COLLEEN A
457 DANI ST FALLON, NV, 89406-5754
- 4
- 5 MC MILLIN ANNE TRUSTEE
678 KEDDIE ST FALLON, NV, 89406-5741
- 6
- 7 MARSAN, TWAIN B & BRENDA J
654 KEDDIE ST FALLON, NV, 89406-5741
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- 9 RIOS, HECTOR & JENNY S
628 KEDDIE ST FALLON, NV, 89406-5741
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- 11 REEDER, GEORGE R
602 KEDDIE ST FALLON, NV, 89406-5741
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- 13 CRAIG, VICKI A
584 KEDDIE ST FALLON, NV, 89406-5741
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- 15 ROAT, JOLIE L
562 KEDDIE ST FALLON, NV, 89406-5741
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- 17 BROTHERS, KELLI
538 KEDDIE ST FALLON, NV, 89406-5741
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- 19 STAFFORD, JOHN EDWARD & SHARON L
506 KEDDIE ST FALLON, NV, 89406-5741
- 20
- 21 PAUL & MICHELLE HERZBRUN TRUSTEES
492 KEDDIE ST FALLON, NV, 89406-5740
- 22
- 23 FAUGHT, SHANNON MARIE & HADLEY DOYLE
474 KEDDIE ST FALLON, NV, 89406-5740
- 24
- 25 LE FORT, MICHEL J & OLIVIA D
458 KEDDIE ST FALLON, NV, 89406-5740
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- 27 PORTER, ETHEL VARONA
400 MEADOW GLEN DR FALLON, NV, 89406-5746
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- 1 KUANG WEIMING &, LI WENCHAN
- 2 150 VAN NESS AVE SAN FRANCISCO, CA, 94012-5200
- 3 JARSCHKE, BOWIE J & FELISHA H
- 4 481 KEDDIE ST FALLON, NV, 89406-5743
- 5 POMEROY TRUSTEE, CARLA
- 6 4882 HARRIGAN RD FALLON, NV, 89406-3223
- 7 MAYS, MICHAEL & JENNIFER
- 8 12421 160TH ST E PUYALLUP, WA, 98374-9256
- 9 MC CONNELL LYMAN F & SANDRA K
- 10 1247 RICE RD FALLON, NV, 89406-9440
- 11 MENDOZA-MICHEL, JOSE M ET AL
- 12 571 MEADOW GLEN DR FALLON, NV, 89406-5749
- 13 ADAMS, MICHELLE
- 14 621 KEDDIE ST FALLON, NV, 89406-5745
- 15 LOUIE, STEVEN E
- 16 550 MICHAEL DR FALLON, NV, 89406-5726
- 17 RADEN, WILLIAM J JR & SHEILA M
- 18 540 MICHAEL DR FALLON, NV, 89406-5726
- 19 COTTLE TRUSTEE, GARY ROSS
- 20 530 MICHAEL DR FALLON, NV, 89406-5726
- 21 ANDHAVARAPU, GIRIDHAR
- 22 296 W HAROLD GRISWOLD WAY HANFORD, CA, 93230-8310
- 23 HERT, SCOTT S & KATHERINE M
- 24 PO BOX 590 LUCERNE VALLEY, CA, 92356-0590
- 25 KESSEY, THOMAS K
- 26 561 MEADOW GLEN DR FALLON, NV, 89406-5749
- 27 MC ALLISTER KATHLEEN A
- 28

- 1 530 MEADOW GLEN DR FALLON, NV, 89406-5748
- 2 MILLER, JARED & KIMBERLY
- 3 520 MEADOW GLEN DR FALLON, NV, 89406-5748
- 4 LOWER HEIDEMARIE & SHOUN DENNIS
- 5 500 MEADOW GLEN DR FALLON, NV, 89406-5748
- 6 CONWAY, DEBORAH S
- 7 PO BOX 5082 FALLON, NV, 89407-5082
- 8 LOPEZ, JOHN-HENRY
- 9 460 MEADOW GLEN DR FALLON, NV, 89406-5746
- 10 HURSTAK, RICHARD E & KATHLEEN B
- 11 440 MEADOW GLEN DR FALLON, NV, 89406-5746
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DATED this 5th day of July, 2023.



Derek Zimney

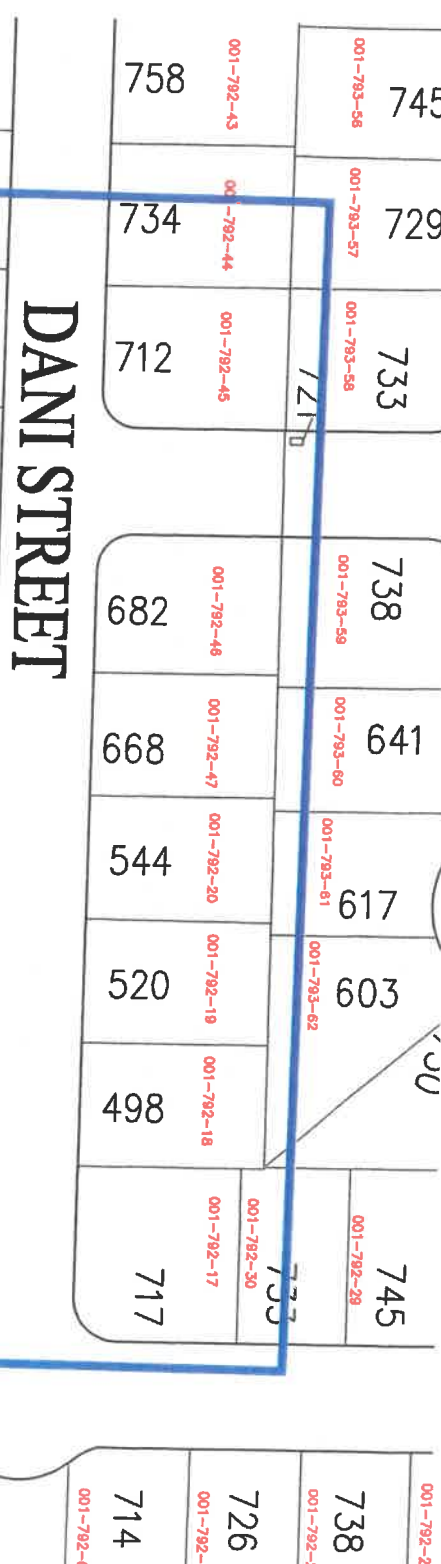
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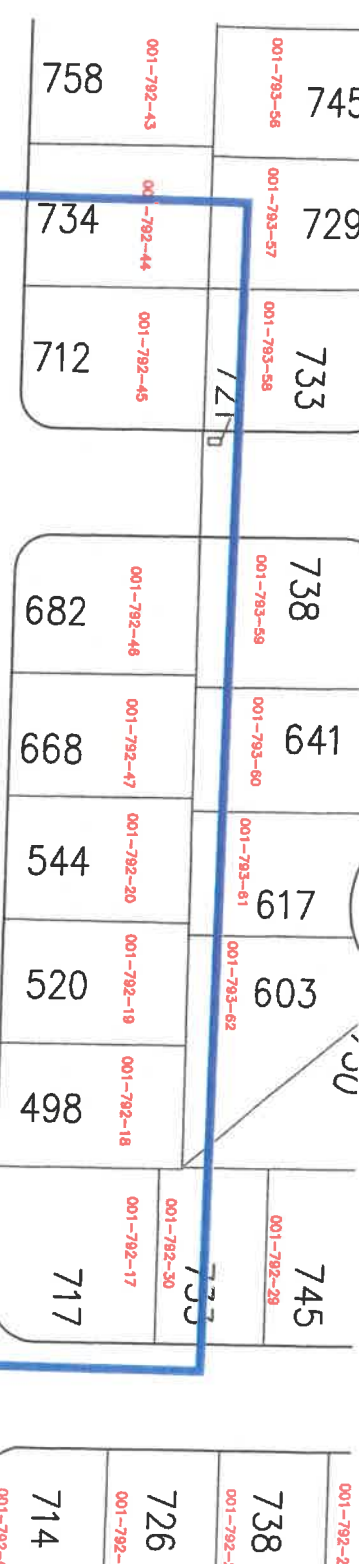
KEDDIE STREET



DOVE WAY



DANI STREET



From: apmcmillin@charter.net <apmcmillin@charter.net>
Sent: Wednesday, July 19, 2023 12:42 PM
To: Derek Zimney <dzimney@fallonnevada.gov>
Subject: [EXTERNAL] - Board of Adjustment on July 26, 2023

Hi Derek,

Thank you for your time last week to discuss the variance application of Kelli Brothers to operate a massage business out of her home on Keddie Street.

I remain opposed to this variance for the reasons I stated in your office.

Primarily, I'd like to see the neighborhood remain strictly residential. Seeing all the commercial vacancies in the business areas of the city, I expect Ms. Brothers could find a suitable location for her business.

Secondly, I oppose the variance application due to the expected increase in traffic on Keddie Street which is already heavily used as a thoroughfare between Venturacci and Maine Streets. I understand that the proposed massage business would only have 1-2 customers at a time, but I am opposed to any additional traffic, however small.

Finally, the occupants of the homes around Ms. Brothers' residence have multiple cars parked on Keddie Street and on their property and adding customers for her business would add to the congestion already on the street.

For these reasons, I am opposed to the request to operate a customer-based business in the residential area of Keddie Street.

Sincerely,

Anne McMillin
678 Keddie Street
Fallon, Nevada
775-423-0919