

**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

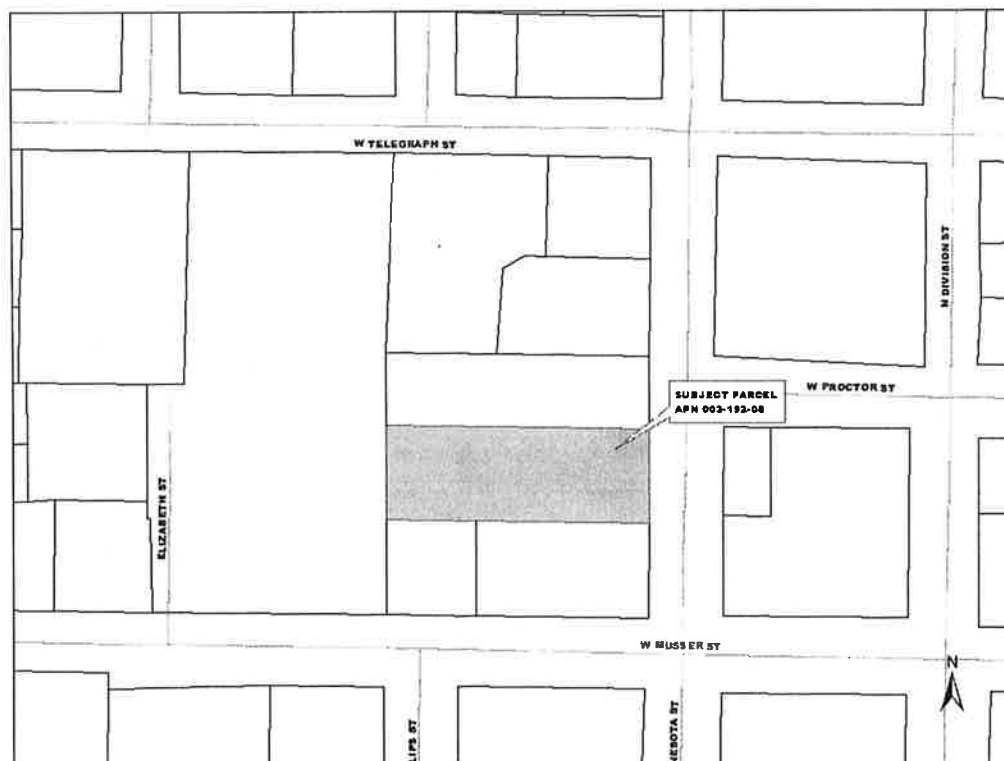
OWNER: James Teegarden Rev Trust

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

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

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| 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: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">HISTORIC RESOURCES COMMISSION</div> <div style="position: relative; height: 150px;"> <div style="position: absolute; top: 0; right: 0; border: 2px solid black; padding: 5px; transform: rotate(-5deg);"> <div style="text-align: center; font-weight: bold; font-size: 1.1em;">RECEIVED</div> <div style="text-align: center; margin-top: 5px;">MAR 16 2016</div> <div style="text-align: center; margin-top: 5px; font-size: 0.8em;">CARSON CITY PLANNING DIVISION</div> </div> </div> <div style="margin-top: 10px;"> FEE: None </div> <div style="margin-top: 10px;"> SUBMITTAL PACKET <div style="margin-left: 20px;"> <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 </div> </div> <div style="margin-top: 10px;"> Application Reviewed and Received By: <div style="border-bottom: 1px solid black; height: 1.2em; width: 100%;"></div> </div> <div style="margin-top: 10px;"> Submittal Deadline: See attached HRC application submittal schedule. </div> | |
| FILE # HRC – 15 - 20 | | | |
| APPLICANT Dr. Michele Chase | PHONE # | | |
| MAILING ADDRESS, CITY, STATE, ZIP 211 East Northern Lights, Anchorage, AK 99508 | | | |
| EMAIL ADDRESS n/a | | | |
| PROPERTY OWNER Rev James W Teegarden Trust | PHONE # | | |
| MAILING ADDRESS, CITY, STATE, ZIP Same | | | |
| EMAIL ADDRESS n/a | | | |
| 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. | | | |
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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 ½ 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



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 cursive script that reads "James A. de Arrieta".

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.