

ADMINISTRATIVE HEARING EXAMINER MEETING
Minutes of the Tuesday, November 14, 2023 Meeting
Carson City Community Development Conference Room A
108 East Proctor Street, Room A, Carson City, Nevada

An Administrative Hearing Examiner meeting was scheduled for 1:30 p.m. on Tuesday, November 14, 2023, in the Carson City Community Development Conference Room A, 108 East Proctor Street, Carson City, Nevada.

PRESENT

PROPERTY OWNERS: Teresa and Richard Fozard

STAFF: Heather Ferris, Planning Manager
Ken Sandage, Administrative Hearing Officer
Bill Kohbarger, Code Enforcement Officer
Briana Munoz, Public Meetings Clerk

NOTE: A recording of these proceedings 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. The hearing materials are on file in the Planning Division and are available for review during regular business hours.

1. CALL TO ORDER

Mr. Sandage called the meeting to order at 1:30 p.m.

2. PUBLIC COMMENT – None

3. PUBLIC HEARING: ACTION ITEM

3.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A NOTICE OF VIOLATION CONSISTENT WITH CARSON CITY MUNICIPAL CODE 8009.340809.460 FOR A PROPERTY LOCATED AT 4445 E. NYE LANE, CARSON CITY, NV 89706.

Mr. Sandage introduced the item. Ms. Ferris provided background on the violation and referenced Carson City Municipal Code (CCMC) 18.05.03 Subsection 1b. which prohibits the use of tents, trains, boxcars, semi-truck trailers, passenger coaches, busses, streetcar bodies or similar enclosures and rolling stock in all residential zoning districts.

Ms. Ferris stated that Staff first received a complaint regarding the presence of a conex box on the property at 4445 E. Nye Lane, Carson City, NV 89706 on August 28, 2020. She noted that

Staff verified the presence of the container and issued a letter to the Property Owners, Teresa and Richard Fozard, providing them with 30 days to remove it.

Ms. Ferris reported that an extension was granted to allow Mr. and Mrs. Fozard to attend the October 7, 2020 Planning Commission meeting where possible changes to Title 18 were discussed including amendments to the Code relating to the allowance of conex boxes in residential districts.

Ms. Ferris noted that after the October 7, 2020 Planning Commission meeting, former Community Development Director Lee Plemel directed Staff to stay enforcement on complaints related to Title 18 and the original case was closed.

Ms. Ferris stated that as of now the Code has not changed and Code Enforcement was directed to pursue enforcement on complaints related to Title 18. She noted that on September 11, 2023, Staff received a complaint regarding the conex box and after verifying the complaint, a courtesy notice was issued on September 13, 2023.

Ms. Ferris stated that after the case was not resolved by September 29, 2023, an administrative citation, a notice of violation, a notice to abate, and a notice of intent to record was sent to the Property Owners. She said that the Property Owners subsequently filed a report for an administrative hearing and a notice was sent on October 30, 2023 advising them of the time and date of the hearing.

Mr. Fozard stated that he was under the assumption that Code Enforcement was “supposed to come up with some kind of a plan” in 2020 to bring the conex box into compliance. He said that he had informed Staff that he was willing to comply to make the conex box appear more presentable but hadn’t “heard anything back for three years.”

In response to Mr. Sandage’s question, Mr. Kohbarger confirmed that he had taken photos of the property.

Ms. Ferris noted that the Property Owners were on record at the October 7, 2020 Planning Commission meeting. She added that she was unable to find record of any public comments made during a subsequent Planning Commission meeting on November 4, 2020 regarding possible changes to Title 18 of the CCMC.

In response to Mr. Sandage’s question, Ms. Ferris noted that Staff has worked towards updating Title 18 for several years but there have not been any changes adopted thus far. She reported that a public joint workshop of the Board of Supervisors and Planning Commission was held on October 19, 2023 with discussion for Staff to move forward with the Title 18 update. She added that during the meeting the Boards indicated that they were “leaning more towards keeping the Code as is and conex boxes, in that case, would continue to be prohibited.”

Mrs. Fozard inquired about “grandfathering in” the conex box.

Mr. Sandage tabled the item until April 2024 to allow him more time to review the previous meetings concerning Title 18 “to apply a fair disposition to the case.”

4. PUBLIC COMMENT – None.

5. FOR POSSIBLE ACTION: ADJOURNMENT

Mr. Sandage adjourned the meeting at 1:49 p.m.

The Minutes of the November 14, 2023, Administrative Hearing Examiner meeting are respectfully submitted on this 13th day of December 2023.

William Scott Hoen, Clerk-Recorder

By: _____
Briana Munoz, Public Meetings Clerk