



Board of Adjustment Staff Report

Meeting Date: February 7, 2019

Agenda Item: 8B

CASE NUMBER:

WVIO-PLA18-0259 (Carol Drive)

BRIEF SUMMARY OF REQUEST:

To hear an appeal of an administrative hearing officer's decision on a code enforcement action regarding the height of a fence in the front yard setback

STAFF PLANNER:

Planner's Name: Julee Olander, Planner

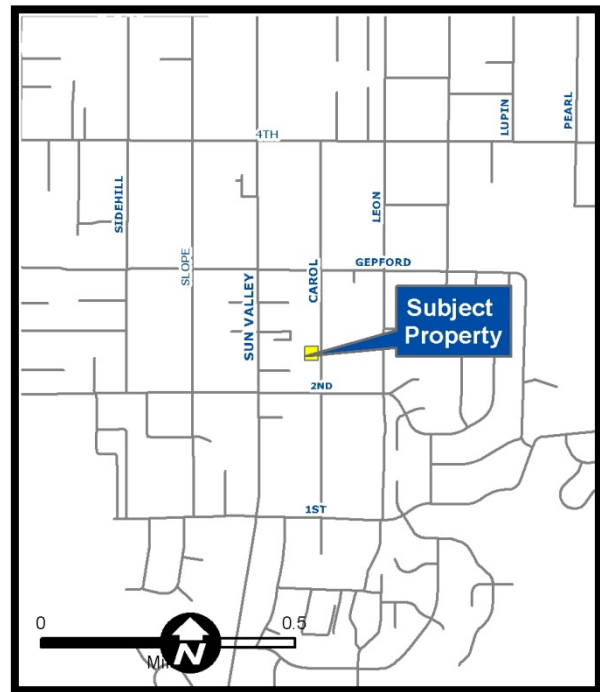
Phone Number: 775.328.3627

E-mail: jolander@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's dismissal of a code enforcement case concerning an alleged violation of WCC Section 110.406.50(a), *Fences, Walls or Perimeter Planting, Residential Use Types*, occurred due to an existing fence that is over 4.5 feet high in the front yard setback on the subject property.

Appellant:	Washoe County
Property Owner:	Jessica Richards
Location:	5235 Carol Drive
APN:	085-043-18
Parcel Size:	31,039 square feet
Master Plan:	Suburban Residential
Regulatory Zone:	Medium Density Suburban (MDS)
Area Plan:	Sun Valley
Citizen Advisory Board:	Not Applicable
Development Code:	Authorized in Articles 406, 910, and 912
Commission District:	3 – Commissioner Jung



STAFF RECOMMENDATION

MODIFY

REVERSE

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve this appeal and reverse the decision of the Administrative Hearing Officer that the appellant had not violated WCC Section 110.406.50(a), *Fences, Walls or Perimeter Planting, Residential Use Types*; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant.

(Motion with Findings on Page 9)

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Complete Administrative Hearing PacketExhibit A
Sparks Justice Court Document.....Exhibit B
Washoe County Legal Opinion Email..... Exhibit C

Appeals of an Administrative Hearing Officer's Decision to the Board of Adjustment

Washoe County Code (WCC) Section 110.910.15 *Enforcement Procedures* sets forth various enforcement procedures that may be utilized to enforce violations of any development regulation. WCC Section 110.910.15(d) *Administrative Enforcement Proceedings* provides an administrative enforcement option/procedure that enables an enforcement official to construe the violation of any provision in a development regulation as an administrative offense and pursue all procedures and remedies in WCC Chapter 125, *Administrative Enforcement Code*, subject to the following provisions:

- (1) Appeal to Board of Adjustment. Any aggrieved person may appeal a decision or order of an administrative hearing officer to the Board of Adjustment in accordance with the Rules of the Board of Adjustment.

WCC Chapter 125 provides administrative enforcement procedures that include a process for warnings and then escalating penalties if a violation is not corrected. These procedures also allow a violator that has received an administrative penalty notice to appeal the penalty to an administrative hearing officer in lieu of paying the penalty. The administrative hearing officer is then responsible for determining, based on the evidence presented and testimony provided at the hearing, if a violation of WCC occurred as alleged by the code enforcement officer. Administrative hearings are presided over by Washoe County Board of County Commissioner (BCC) appointed hearing officers. The hearings are informal in nature, and the hearing officer is vested by WCC Chapter 125 to dispose of the case which includes affirming, dismissing, remanding or modifying the administrative penalty notice. Hearings procedures are limited to two matters:

125.250 Administrative hearing procedures.

2. Matters and evidence to be considered at the hearing must be relevant to:
 - a. Whether the conditions described in the administrative penalty notice, stop activity order, or remediation order violate the Code, and in the case of an abatement notice, solely whether the cited violations are repeating or continuing without required compliance or remedy; and
 - b. Whether the enforcement official afforded the respondent due process by adhering to the notice requirements set forth in this administrative enforcement code.

WCC Section 110.910.15(i) *Appeals to the Board of Adjustment* further states that pursuant to NRS 278.310, an aggrieved person may appeal an interpretation or decision of an administrative hearing officer to the Board of Adjustment subject to the following provisions:

- (1) Notice. The administrative hearing officer's decision or order shall explain the right to appeal, the appeal procedure, and how to obtain forms.
- (2) Forms and Deadline. Unless a different time for appeal is provided in this article or another code or regulation, the appellant shall have twenty (20) calendar days from the date of service of the administrative hearing officer's decision to file an appeal. The appeal shall be prepared on forms provided by and shall be turned in to the Community Development Department or Building Official as the case may be. If an appeal is not received by the Community Development Department or Building Official by the deadline, the right to appeal is deemed waived, and the administrative proceeding may proceed.
- (3) The burden to establish appellant as an aggrieved party is on the appellant, and the appellant must in his/her appeal request establish by affidavit the nature and location of his or her property interest and the manner in which the property interest will be affected by the decision being appealed. The Board of Adjustment shall first determine standing to bring the appeal, and may schedule a separate public hearing for that purpose.

- (4) Hearing Procedures. The timelines and procedures set out herein and the rules of the Board of Adjustment govern the appeal, except that following the public hearing, the Board of Adjustment shall either affirm, modify, reverse or remand the decision being appealed or any combination thereof, but may not award damages. A written order shall be prepared, executed by the Board of Adjustment Chair, and filed with the Secretary of the Board of Adjustment and a copy of the order shall be served on the appellant.
- (5) Judicial Review of Board of Adjustment Decisions. The appellant shall have twenty-five (25) days from the later of:
 - (i) Filing of the order with the secretary of the Board of Adjustment, or
 - (ii) The date the order is mailed to the appellant.
- (6) When a petition for judicial review is filed, the court rules shall govern the proceeding. This judicial review is in lieu of appeal to the Board as authorized by NRS 278.310 (3)(b).

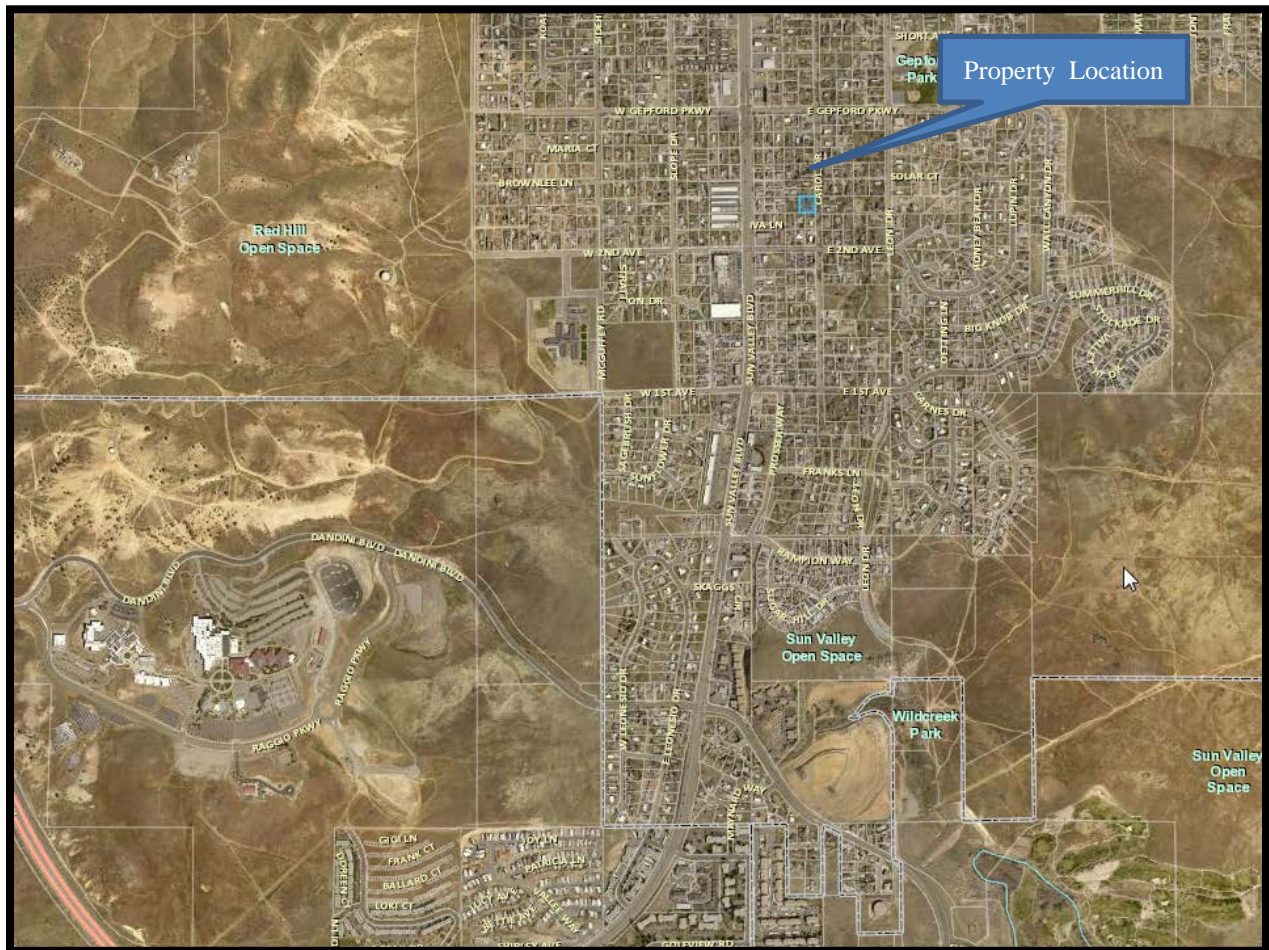
WCC 110.912 *Establishment of Commissions, Boards, and Hearing Examiners* sets forth the powers and duties of the Board of Adjustment. WCC 110.912.10(j)(2) establishes matters that may be appealed to the Board or Adjustment and includes the following sub-section:

- (iii) A decision of an administrative hearing officer if an administrative enforcement proceeding is completed in accordance with Article 910 of the Development Code.

WCC 110.912.10(j)(6) and (7) provide the following parameters for Board of Adjustment review of appeals:

- (6) Record on Appeal; Additional Evidence. A record on appeal shall be prepared by the County (including either a transcript of or a copy of the recording of the proceeding, at the discretion of the Chairman of the Board) and the Board:
 - (i) Shall review the record on appeal and all evidence, testimony, documents, information and arguments introduced and the decision in the proceedings being appealed;
 - (ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal even if it is new evidence;
 - (iii) Shall conduct a public hearing, and hear and consider relevant information and comments by members of the public, even if they did not appear in the proceeding under appeal;
 - (iv) May consider, upon disclosure, information and comments communicated to Board members before the hearing; and
 - (v) May consider maps, adopted master plans to include area plans, and its own knowledge of conditions that exist.
- (7) Burden of Proof and Persuasion; Reasons for Reversal of Underlying Decisions; Limitations on Awards.
 - (i) Decisions of administrative officials, hearing officers, and the technical review boards for building code and fire codes are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board otherwise.
 - (ii) On an affirmative vote of a majority of the members present at the hearing, the Board may affirm the decision being appealed,

- (iii) On a majority vote of all its members [as required by NRS 278.300 (2)], the Board may reverse, modify or remand a decision if the decision:
 - (A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;
 - (B) Exceeds the jurisdiction or statutory authority of the deciding official or body;
 - (C) Was made on unlawful procedure;
 - (D) Is affected by an erroneous interpretation or other error of law;
 - (E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
 - (F) Is arbitrary or capricious or characterized by abuse of discretion.
- (iv) The Board may not award, allocate or direct the payment of money damages, attorney’s fees or costs of the proceeding to any party.



Vicinity Map

Background

An anonymous complaint was received by Code Enforcement staff on May 25, 2018, alleging that the following code violations were occurring at 5235 Carol Drive:

- junk vehicles were being stored on the property;
- someone was living in a Recreational Vehicle (RV); and,
- there was a dangerous looking structure that appeared unsafe.

Upon receiving the complaint, Code Enforcement staff created complaint case number WCMP18-01725 and began an investigation of the alleged complaint.

On May 30, 2018, Code Enforcement Officer (CEO) Brian Farmer investigated the complaint by visiting the property. CEO Farmer inspected the site and found a 6-foot fence surrounding the property, a gate was open so that we could see the some of the items that were in the complaint, but the 6-foot fence prohibited CEO Farmer from being able to confirm all of the items in the complaint. CEO Farmer issue a violation for the 6-foot fence located along the front property line within the front yard setback, which is a violation of WCC Section 110.406.50(a), *Fences, Walls or Perimeter Planting, Residential Use Types*. On June 8, 2018, Violation Case # WVIO-PLA18-0259 was opened for a 6-foot high fence within the front yard setback and an Administrative Warning was mailed to the property owner. The warning notified the property owner of the violation and provided the necessary corrective measures and the time frame to respond before a penalty notice would be issued, which in this case was 30 days. A copy of the Administrative Warning, with pictures of the violation, is found at Tab 5A of Exhibit A (Administrative Hearing Packet). The property owner, in the meantime, did start removing the items that were in the original complaint from the property.

On July 9th the property owner Jessica Richards spoke to Planning and Building staff and stated that the previous owner John Mouchou had obtained a variance in the 1980's which allowed for a 6-foot fence in the front yard, however, Ms. Richards was not able to locate any documentation for the variance and no such documentation was found by County staff, as well. The Code Enforcement Officer left voice messages to discuss the case, but did not receive any returned calls. The Officer also visited the property and found that no alterations had been made to the 6 foot fence. On July 18, 2018, a Penalty Notice was posted on the property, citing the violation (See Tab 5C & D of Exhibit A).

On July 23, 2018, the property owner appealed the 1st Penalty Notice, stating that the previous property owner John Mouchou was ordered in 1987, by Judge Irma Volk, Sparks Justice Court to install the 6-foot fence, to screen the property. Ms. Richards was not the property owner in 1987 (See Tab 1of Exhibit A).

On August 15, 2018, the case was heard by Hearing Officer Elizabeth Byer. She required the following:

1. To allow the property owner 60 days to locate the records from Sparks Justice Court, concerning the requirement of the 6-foot fence; and
2. To go back to the complaint to find if there was still any issue on the property.

The case was subsequently scheduled to be heard 60 days later on October 14th, however, there was a scheduling issue and the hearing was re-scheduled to October 24th. At the hearing on October 24th the property owner was not able to provide the record from the Sparks Justice court and Washoe County Code Enforcement testified that the property had been cleaned up to the satisfaction of the anonymous compliant. The Hearing Officer requested time to make a decision and also requested a legal opinion from Washoe County to confirm that CEOs had the authority to cite a property for a violation that was not part of the original complaint. Washoe County legal counsel, Nathan Edwards, provided a legal opinion that when a CEO visits a property after a complaint is reported and other violations are found, those violations can be cited. (See Exhibit B).

On November 5, 2018, without any advance notice or discussion with code enforcement staff, the Hearing Officer issued an Administrative Order to dismiss the violation. The order stated that the original complaint of debris on the property had been removed and the anonymous complainant was resolved. The citation for the fence was stated as, "merely Washoe County Code Enforcement's bootstrap method to have the property owner clean-up the property." (See Exhibit A, Tab 1, page 6)

After the decision was made, Code Enforcement recommended appealing the Hearing Officer's decision to clarify that a 6-foot fence is not allowed within the front yard setback and, therefore, violates County code. It is the opinion of staff that a Hearing Officer cannot render a decision or remedy that violates County code. This recommendation was supported by management and an appeal to the Board of Adjustment was requested by the Planning and Building Division. Since that time, the records allegedly requiring the fence by Sparks Justice Court were located; however, it only stated that a fence was advised to be installed for screening purposes and to get the proper permits from local government (See Exhibit C- on date July 7th).

Site Photos





Photo taken on 6/8/18



Taken on 12/13/18



Taken on 12/13/18



Fence Location

Analysis

WCC Chapter 110, Development Code, provisions specific to residential fences is contained within Article 406, Building Placement Standards. WCC Section 110.406.50(a) states the fencing requirements (emphasis added in bold text) and Section 110.403.30 for requirements for front yards, which is referred to in Section 110.406.50(a):

Section 110.406.50 Fences, Walls or Perimeter Planting

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is **limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards.** The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

Section 110.406.30 Front Yards

Front yards shall comply with the provisions of this section.

- (a) Through Lots. On through lots, either end lot line may be considered the front line, except when the access would be from a street classified as a collector or an arterial. The minimum rear yard shall not be less than the required front yard in the regulatory zone in which such lot is located. After development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot.
- (b) Interior Lots. On any interior lot in any residential land use category or, in General Rural or General Rural Agricultural land use categories, the front yard requirement shall be fifteen (15) feet where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) above (or below) the established street grade for every ten (10) feet of horizontal distance. Plans submitted must be specific enough to establish conformance with these provisions.
- (c) Corner Lots. On a corner lot, all yards abutting streets, other than collectors or arterials, shall be considered as front yards. Corner lots are required to have a side yard.
- (d) Obstructions to Vision. There shall be no fences or other obstruction to vision more than eighteen (18) inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety.
- (e) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required front yard not to exceed two (2) feet.
- (f) Detached Garages. Detached garages may be located behind the required front setback.
- (g) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for front yard setback purposes.

Reviewing Agencies and Citizen Advisory Board

No other agencies have been involved the administrative enforcement of the alleged WCC violation. Citizen Advisory Board review is not part of an administrative enforcement proceeding.

Staff Recommendation

Based upon staff analysis, evidence presented, and testimony received, staff recommends that the Board of Adjustment approve this appeal and reverse the decision of the Administrative Hearing Officer, that the appellant is not in violation of *WCC Section 110.406.50(a), Fences, Walls or Perimeter Planting, Residential Use Types*.

Possible Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment approve this appeal and reverse the decision of the Administrative Hearing Officer, that the appellant had not violated WCC Section 110.406.50(a), Fences, Walls or Perimeter Planting, Residential Use Types; and, authorize the Chair of the Board of Adjustment to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant.

Written Decision and Appeal Process

A written order of the Board of Adjustment's decision shall be prepared, executed by the Board of Adjustment Chair, and filed with the Secretary of the Board of Adjustment and a copy of the order shall be served on the appellant. The appellant has the right to appeal the written order by filing a petition for judicial review in the Second Judicial District Court for the State of Nevada within 25 days from the date the order is mailed to the appellant. Per WCC Section 110.910.15(i)(6), when a petition for judicial review is filed, the court rules shall govern the proceeding and the requested judicial review is in lieu of an appeal to the Board of County Commissioners as authorized by NRS 278.310(3)(b).

Property Owner: Jessica Richards
 448 Washington St. # H
 Reno, NV 89503



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-002
PHONE (775) 328-6106
FAX (775) 328.6133

ADMINISTRATIVE HEARING PACKET
FOR THE
**CODE ENFORCEMENT
STAFF**



WASHOE COUNTY CODE COMPLIANCE
1st ADMINISTRATIVE PENALTY NOTICE

CASE #: WVIO-PLA18-0259
Address: 5235 CAROL DR.
APN: 085-043-18

HEARING DATE: 08/15/2018, 1:00PM

WVIO-PLA-0259
EXHIBIT A



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-6106
FAX (775) 328.6133

August 15, 2018

Case Summary

Case#: WVIO-PLA18-0259
Address: 5235 CAROL DR.
APN: 085-043-18

1.) 05/25/2018 - Complaint Received (Tab 3B)

- Anonymous walk-in complaint received by Code Enforcement (Tab 3B)
- Complainant stated that junk vehicles coming back onto the lot, RV Living on the property, structure looks dangerous (Tab 3B)
- WCMP18-01725 created with WC Code Enforcement (Tab 3A)

2.) 05/30/2018 – CEO Farmer investigated property

- CEO verifies the anonymous complaint and becomes the complainant
- All possible violations listed in original complaint are screened by a 6ft fence surrounding the property on the property line which is against WCC 110.406.50 (Tab 8B)
- Property zoned MDS (Medium Density Suburban) (Tab 2A, 2C, and 2D)
- Fence does not meet property setbacks Table 110.406.05.1 (Tab 2D and 8A)

3.) 06/08/2018 – Violation created, WVIO-PLA18-0259 (Tab 4A)

4.) 06/08/2018 – 1st Administrative Warning (Tab 5A and 5B)

- Mailed to property and posted to property (Tab 5A and 5B)

5.) 07/09/2018 – Property owner spoke with Building Division

- New property owner, Jessica Richard, and former property owner, John Mouchou, came into CSD and spoke with WC Permit Tech, Kory Paloke, in the Building Division (Tab 4B and Tab6)
- Ms. Richard stated that former property owner, John Mouchou obtained a variance in the 1980's for the 6' fence.

6.) 07/10/2018 & 07/11/2018 – Communication with Property Owner

- CEO Farmer left voicemails for Ms. Richard asking for a call back to discuss the case, but did not receive a return call (Tab 4B)

7.) 07/18/2018 – 1st Penalty Notice (Tab 5C and 5D)

- No communication from property owner (Tab 4B)
- 07/18/2018 CEO Inspection revealed no fence permit had been obtained and that the fence was still up (Tab 4C)
- 07/18/2018 1st Penalty Notice posted to the property (Tab 5C and 5D)

8.) 07/23/2018 –Property owner, Jessica Richard, appeals the 1st Penalty Notice (Tab 1)

- Fence put up in 1987, ordered by Judge Iarma Volk, Sparks Justice Court
- Fence was built with permit
- Jessica Richard was not property owner at the time the fence was constructed
- Former property owner looking into obtaining records from Sparks Justice Court



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

WVIO-PLA-0259
EXHIBIT A



WASHOE COUNTY
ADMINISTRATIVE HEARING OFFICE

1001 East Ninth Street, Bldg A, Room #A201
Reno, Nevada 89512
Phone: (775) 328-2001

Please Legibly Print All Information

****REQUEST FOR ADMINISTRATIVE HEARING****

Today's Date: 7/23/18

Case Number: WV10-PLA18-0259

I appeal and request an administrative hearing on the administrative enforcement case noted above. For later use by the assigned Administrative Hearing Officer, the following provides the basis for my appeal (continue on the back of this page or attach additional pages if needed):

Fence was put up in "87" orderd by Judge Larma Volk
verience issued by Sparks justice court. built with
permit. Jessica Richard was not the property owner
when fence was orderd to be put up. I contacted
property owner who put fence up. He's looking into getting
records of court orderd fence.

If you are found to be in violation of Washoe County regulations, you will be assessed a \$50 administrative hearing fee in addition to any other fine the Administrative Hearing Officer orders. Unless ordered otherwise by the Hearing Officer, this fee is payable at the conclusion of the hearing.

Printed Name: Jessica Richard
Daytime phone: (75)440-0730 E-mail Address: theshortky1987@gmail.com
Address: 448 Washington St #H
Signature: [Handwritten Signature]

****DATE AND TIME OF ADMINISTRATIVE HEARING****

Administrative Hearing Date and Time: August 15, 2018 at 1:00PM.

Administrative Hearings are conducted in the Washoe County HR Large Conference Room A210, Building A (upstairs), 1001 East Ninth Street, Reno, NV. The HR Large Conference Room A210 is located across from the County Manager's Office. Proceed in the hallway across the County Manager's Office and do NOT enter. Please wait outside until your case has been called.



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building
 Code Compliance

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6106
 FAX (775) 328-6133

ADMINISTRATIVE PENALTY NOTICE
 July 19, 2018

Jessica Richard
 5235 Carol Dr
 Sun Valley, NV 89433

Penalty Amount: **\$100**
 Payment Due by: 8/17/2018

Case Number: WVIO-PLA18-0259
 Subject Property: 5235 Carol Dr, Sun Valley, NV 89433
 Parcel Number: 085-043-18

Dear Respondent,

An inspection and an Administrative Enforcement Warning issued on 6/8/2018 revealed the violations noted below on the subject property. Washoe County Code Section 125.160(4) provides for issuance of an Administrative Penalty when violations noted on the Administrative Enforcement Warning are not corrected. This Administrative Penalty Notice is not a criminal proceeding.

The property was inspected on 7/18/2018 and remains in violation of the County Codes cited below. **You are hereby charged an administrative penalty of \$100.** Payment of the administrative penalty does not release you from correcting the code violation that currently exists on the subject property.

Washoe County will accept one-half of the administrative penalty amount as payment in full if received by the payment due date shown on this notice. If an appeal is filed before the payment due date or if you pay the penalty after the payment due date, no reduction of the penalty is available. After the payment due date, any unpaid penalties will be turned over to the Washoe County Collections Office. A County Code required \$50 collections fee will be added to the penalty and you may also be subject to additional fees, interest and all collection remedies allowed by law. All penalties and fees assessed are cumulative. Each and every instance the code violation exists constitutes a separate and distinct offense. **County Code Violations must be corrected or additional penalties may be assessed without future warnings being issued.**

The code violation(s) found on the property and the action(s) you must take to correct the situation(s) is: **VIOLATION:**

WCC Section 110.406.50 Fences, Walls or Perimeter Planting.

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or



INTEGRITY



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PUBLIC SERVICE

Memo to: Jessica Richard
Subject: WVIO-PLA18-0259
Date: 7/19/2018
Page: 2

more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

The actions you must take to correct this violation are:

Remove the fence, reduce the height to 4.5 feet or move the fence back to the allowed setback distance.

RIGHTS OF APPEAL:

You have a right to appeal this notice as described on the Right to Appeal instructions attached to this notice. Failure to respond to this notice by **8/18/2018** shall be deemed an admission of liability and a waiver of any right to an administrative hearing.



Brian Farmer
Code Enforcement Officer II
bfarmer@washoecounty.us
(775) 328-2312

Memo to: Jessica Richard
Subject: WVIO-PLA18-0259
Date: 7/19/2018
Page: 3

RIGHT TO APPEAL

YOU MAY APPEAL THIS Administrative Penalty Notice by requesting an administrative hearing.

You must appear in person at the Administrative Hearing Office with the accompanying Administrative Penalty Notice to request an administrative hearing. The Office is located within the County Manager's Office on the 2nd floor (east end) of Building A, 1001 East Ninth Street, Reno, NV.

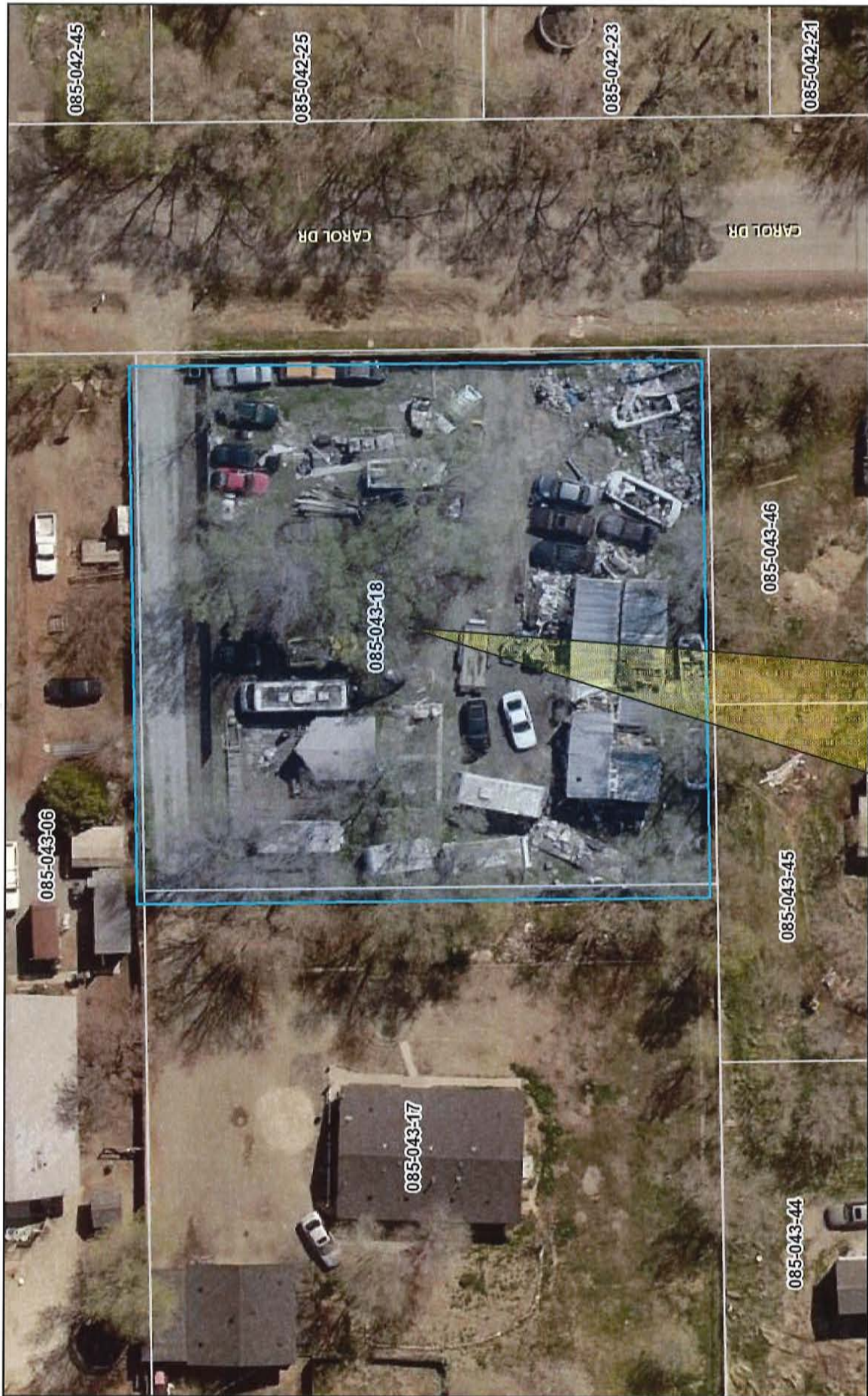
Please contact the Administrative Hearing Office at 775.328.2001, or by e-mail at aho@washoecounty.us, for more information and/or directions to their Office.

The fee for an administrative hearing is \$50.00 payable at the conclusion of the administrative hearing if you have been found in violation of the Washoe County Code. The hearing officer may impose additional administrative penalties, costs, and/or fees. A request for an administrative hearing shall stay the required payment of the penalty until the hearing is completed.

An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal. Failure to obey the Administrative Order is a misdemeanor criminal offense, which may be pursued separately from this Notice.

Any deadlines, actions, and/or remedies included in this Notice will be placed on hold until your appeal is concluded. Failure to correct the violation pursuant to any Administrative Order may also result in additional civil or criminal remedies after consultation with the District Attorney's office.

Property Map - 5235 CAROL DR

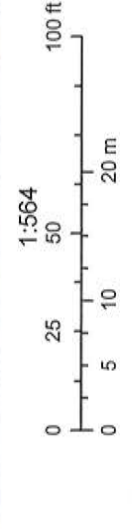


August 7, 2018

polygonLayer

Override 1

APN

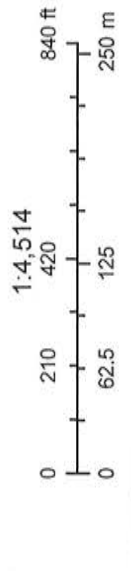
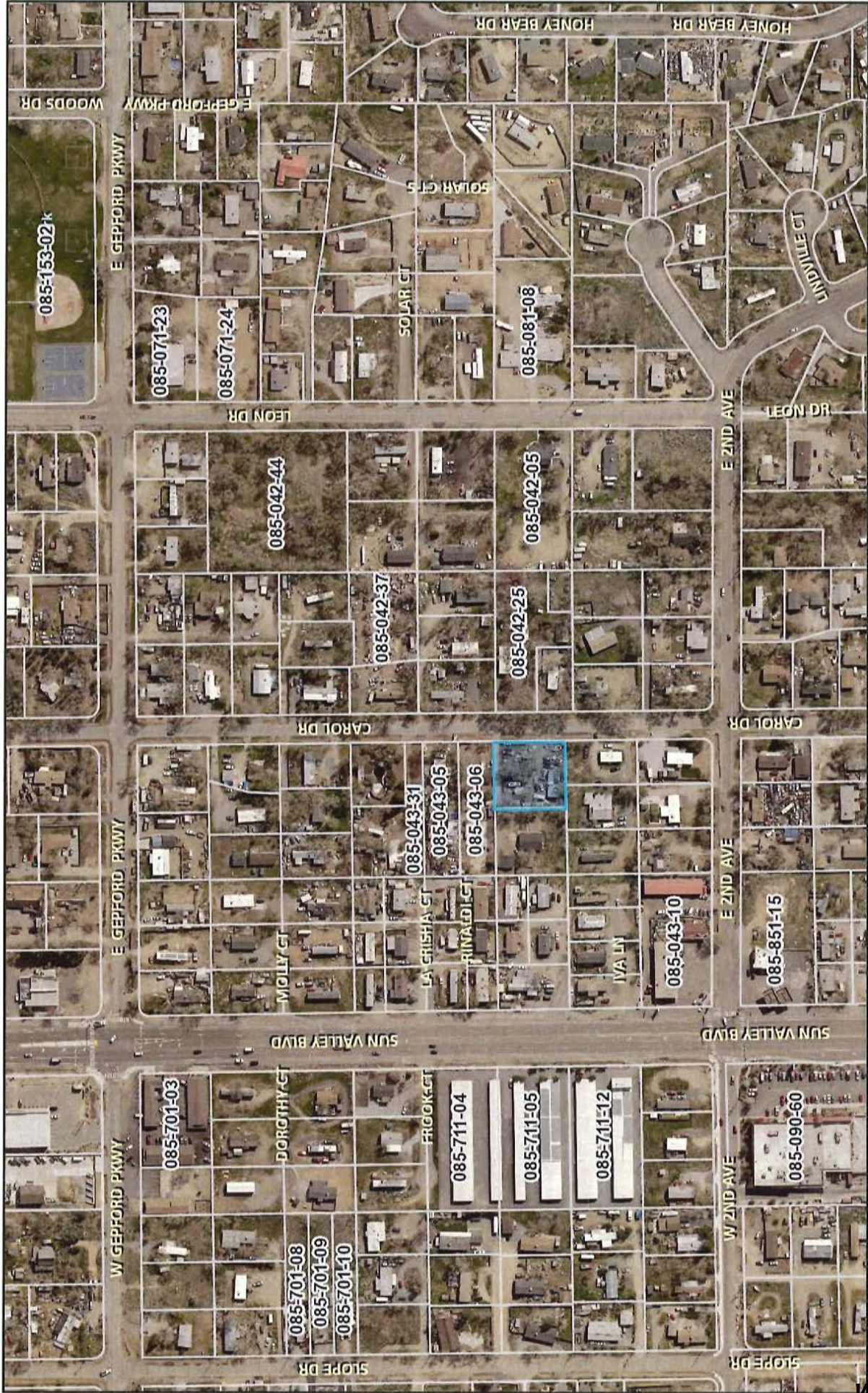


Washoe County
Washoe County GIS

5235 CAROL DR
SUN VALLEY, NV 89433
ZONED: MDS (Medium Density Suburban)

This information is for illustrative purposes only. Not to be used for boundary resolution or location and not intended to be used for measurement, calculation, or delineation. Washoe County Technology Services - Regional Services Division, PO Box 111730, Reno, NV 89520-0027 www.washoecounty.us/gis (775) 328-2345

Neighborhood Map - Sun Valley, NV - 5235 CAROL DR



Washoe County
Washoe County GIS

August 7, 2018
PolygonLayer
Override 1

APN

This information for illustrative purposes only. Not be used for boundary resolution or location and not intended to be used for measurement, calculation, or delineation.

WASHOE COUNTY QUICK INFO (Summary data may not be complete representation of property)	08/07/2018
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All data on this form is for use by the Washoe County Assessor for assessment purposes only.

Owner Information & Legal Description			Building Information	
APN	085-043-18	Card 1 of 1	Property Name:	
Situs	5235 CAROL DR		Quality	Building Type
Owner 1	RICHARD, JESSICA L		Stories	
Owner 2 or Trustee			Year Built	0 Square Feet 0
Owner 3 or Trustee			Weighted Average Year	0 <small>Square Feet does not include Basement or Garage Conversion Area.</small>
Mail Address <small>Copy to Clipboard</small>	448 WASHINGTON ST #H		Bedrooms	0 Click here for Improvement Details (building sq ft, Yard Items, etc).
	RENO NV 89503		Full Baths	0 Finished Bsmt 0
Keyline Desc	SUN VALLEY FR LT 12 BLK A		Half Baths	0 Unfin Bsmt 0
Subdivision	SUN VALLEY SUBDIVISION		Fixtures	Bsmt Type
Lot 12 Block A	Section	Township	Fireplaces	0 Gar Conv Sq Feet 0
	Range	20	Heat Type	Total Garage Area 0
Record of Survey Map	Parcel Map#	Sub Map#	2nd Heat Type	Garage Type
			Exterior Walls	Detached Garage 0
			2nd Ext Walls	Basement Gar Door 0
2018 Tax Dist	4020	Special Property Code	Roof Cover	Sub Floor
		075	% Complete	0 Frame
2017 Tax Dist	4020	Prior APN	Obso/Bldg Adj	0 Units/Bldg 0
		--	Construction Modifier	0 Units/Parcel 0
Tax Cap Status	Use does not qualify for Low Cap, High Cap Applied			
Last Activity/ Last Permit				

Up to 7 Sales/Transfer Records/Recorded Document (additional information/records)								
Grantor	Grantee	Doc #	Doc Date	DOR	Value/Sale Price	Adjusted Sale Price	Code	Notes
MOUCHOU, JOHN D	RICHARD, JESSICA L	4603822	06/27/2016	120	51,503	51,503	2XD	
MOUCHOU, JOHN D	MOUCHOU, JOHN D	3565917	08/16/2007	230	0	0	3BCT	
MOUCHOU, JOHN D	MOUCHOU,JOHN D	3114706	10/18/2004	230	0	0	3BGG	
	MOUCHOU,JOHN D	1162208	05/13/1987		0	0		
	CHK		05/01/1987	200	35,000	0	2D	

To view sale/transfer/or other recorded documents use [EagleRecorder](#) on the Recorder's web site.

Land Information (additional land information)	DOR Code	120	Close Code	0	CA Neighborhoods Map
Land Use	120	Sewer	Municipal	Street	Paved
Size	21,039 SqFt	Water	Muni	Value Year	2018
				Zoning Maps	Page 085-04 Book 085
				2019 Neighborhood	CAAD JW
				2018 Neighborhood	CAAD

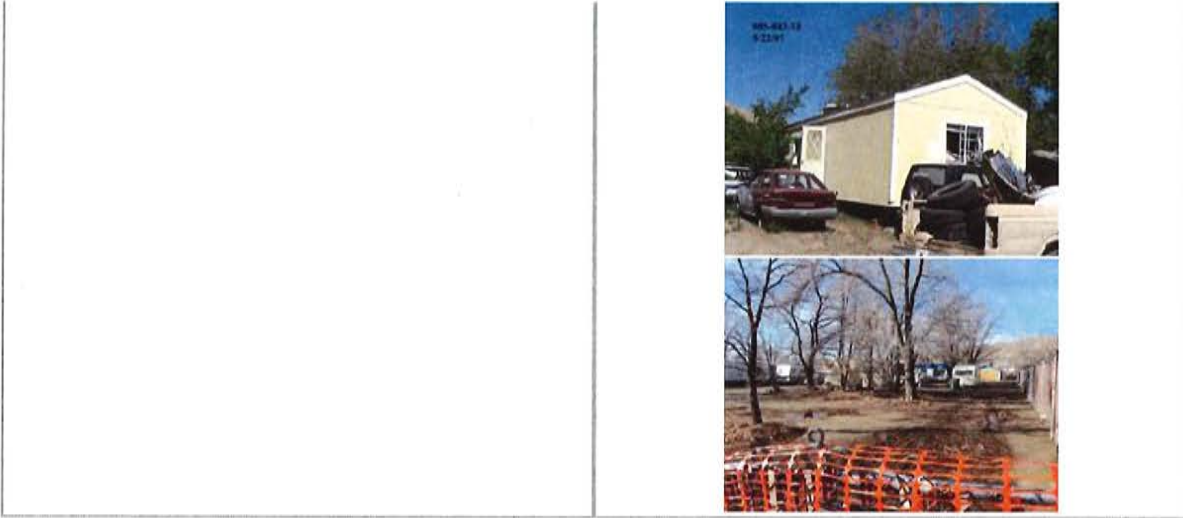
Zoning information should be verified with the appropriate planning agency.

Valuation Information (additional valuation information)									
2018 VN	Taxable Land	Taxable Improvement	Secured PP (rounded)	Taxable Total	Assessed Land	Assessed Improvement	Assessed Pers. Prop	Total Assessed	Supplemental New Const
2018/2019 FV	63,000	6,519	0	69,519	22,050	2,282	0	24,332	0
2017/2018 FV	49,000	6,551	0	55,551	17,150	2,293	0	19,443	0

Sketch Is Not Available On-Line.



085-043-18 05/12/2016



This is a true and accurate copy of the records of the Washoe County Assessor's Office as of 08/06/2018.



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6100
 FAX (775) 328.6133

August 9, 2018

To: Brian Farmer, Code Enforcement Officer II
 From: Kelly Mullin, Senior Planner *km*
 Subject: Allowable fencing at 5235 Carol Drive, Sun Valley

Mr. Farmer,

Washoe County Code Section 110.406.50 (a) identifies fencing standards for residential uses in Washoe County as follows [highlight added]:

Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

The property at 5235 Carol Drive has a residential regulatory zone of Medium Density Suburban and is subject to the standards identified above. The required front yard setback is 20-feet. Fencing located within the front yard setback along Carol Drive is limited to 4.5-feet in height. Outside of the front yard setback, fencing is limited to 6-feet in height.

These standards are depicted on Exhibit A attached to this memo. If you have any questions, I can be reached at kmullin@washoecounty.us or 775.328.3608.

Enclosure: Exhibit A

xc: Bob Webb, Planning Manager
 Johnna Chism, Office Support Specialist



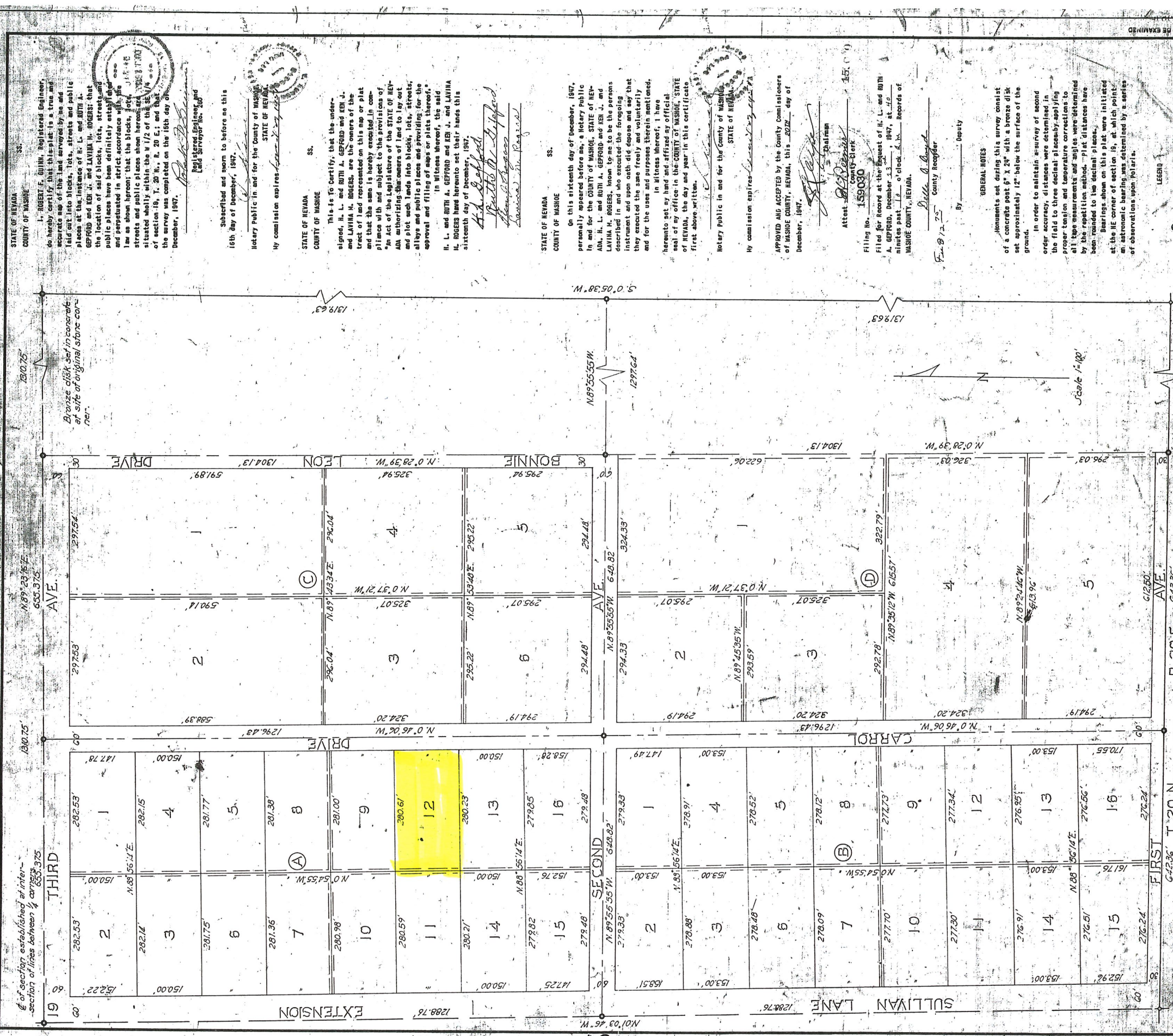
Memo to: Brian Farmer
Subject: Allowable fencing at 5235 Carol Drive, Sun Valley
Date: August 8, 2018
Page: 2

EXHIBIT A
Aerial photo of 5235 Carol Drive (APN: 085-043-18)
(Property boundaries outlined in blue.)

Note: *Although this open area appears to function as access to the property to the west, I was unable to definitively identify a recorded access easement at this location.*



Solid red outline represents approximate boundaries of front yard setback along Carol Drive. Within this area, fencing is limited to 4.5-feet in height. Outside of front yard setback, fencing is limited to 6-feet in height.



STATE OF NEVADA
COUNTY OF WASHOE

I, ROBERT F. GUINN, Registered Engineer, do hereby certify that this plan is a true and accurate map of the land surveyed by me and laid out into blocks, lots, streets and public places at the instance of H. L. and RUTH A. GEPFORD and KEH J. and LAVINA H. ROGERS; that the location of said blocks, lots, streets and public places have been definitely established and perpetuated in strict accordance with the law as above recited; that the blocks, lots, streets and public places shown hereon are situated wholly within the 1/2 of the 1/4 of section 19, T. 20 N., R. 20 E.; and that the survey was completed on the 15th day of December, 1947.



Subscribed and sworn to before me this 16th day of December, 1947.

Notary Public in and for the County of Washoe, State of Nevada.

STATE OF NEVADA
COUNTY OF WASHOE

This is to certify, that the undersigned, H. L. and RUTH A. GEPFORD and KEH J. and LAVINA H. ROGERS, are the owners of the tract of land represented on this map or plat and that the same is hereby executed in compliance with and subject to the provisions of "An Act of the Legislature of the STATE OF NEVADA authorizing the owners of land to lay out and plot such lands into blocks, lots, streets, alleys and public places and providing for the approval and filing of maps or plats thereof."

In Witness Whereof, the said H. L. and RUTH A. GEPFORD and KEH J. and LAVINA H. ROGERS have hereunto set their hands this sixteenth day of December, 1947.

H. L. Gepford
Ruth A. Gepford
Kej J. Rogers
Lavina H. Rogers

STATE OF NEVADA
COUNTY OF WASHOE

On this sixteenth day of December, 1947, personally appeared before me, a Notary Public in and for the County of Washoe, State of Nevada, H. L. and RUTH A. GEPFORD and KEH J. and LAVINA H. ROGERS, known to me to be the persons described in and who executed the foregoing instrument and upon oath did depose and say that they executed the same freely and voluntarily and for the uses and purposes therein mentioned, in Witness Whereof, I have hereunto set my hand and affixed my official seal of my office in the County of Washoe, State of Nevada, the day and year in this certificate first above written.

Notary Public in and for the County of Washoe, State of Nevada.

My commission expires January 23, 1951

APPROVED AND ACCEPTED by the County Commissioners of WASHOE COUNTY, NEVADA, this 20th day of December, 1947.

Attest Robert F. Guinn County Clerk
Filing No. 159030

Filed for record at the request of H. L. and RUTH A. GEPFORD, December 13, 1947, at 10:00 a.m. past 12 o'clock P.M. records of WASHOE COUNTY, NEVADA.

By Robert F. Guinn Deputy
County Recorder

GENERAL NOTES

Monuments set during this survey consist of a concrete post 6" x 24" with a bronze disk set approximately 12" below the surface of the ground. In order to maintain accuracy of second order accuracy, distances were determined in the field to three decimal places by applying proper tension and temperature corrections to all tape measurements and angles were determined by the repetition method. Plat distances have been rounded to two decimal places. Bearings shown on this plat were initiated at the NE corner of section 18, at which point an astronomic bearing was determined by a series of observations upon Polaris.

LEGEND
○ Monument set by this survey
--- --- --- Easement lines

Pipe in concrete, set by County, at site of original corner stone.

This plat approved by the Washoe County Planning Commission on the 20th day of DECEMBER 1947.

SUN VALLEY SUBDIVISION

Robert F. Guinn
Witness

Robert F. Guinn - Registered Engineer - License No. 658

CUMULATIVE INDEXES SHOULD BE EXAMINED FOR ANY SUBSEQUENT CHANGES TO THIS MAP

DOC #4293825

10/28/2013 04:36:14 PM

Electronic Recording Requested By
ETRCO LLC

Washoe County Recorder

Lawrence R. Burtness

Fee: \$19.00 RPTT: \$608.85

Page 1 of 3

APN#: 085-043-17

RPTT: \$608.85

Recording Requested By:

Western Title Company

Escrow No.: 060869-DJA

When Recorded Mail To:

Gaudencio Hernandez Barajas and

Alma Villanueva

5239 Carol Drive

Sun Valley, NV

89433

Mail Tax Statements to: (deeds only)

Same as Above

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons.

(Per NRS 239B.030)

Signature



Diane J. Allen

Escrow Officer

Title

Grant, Bargain, and Sale Deed

This page added to provide additional information required by NRS 111.312
(additional recording fee applies)

WVIO-PLA-0259
EXHIBIT A

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Atlas Investors, LLC, a Nevada limited liability company

do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to

Gaudencio Hernandez Barajas and Alma Villanueva, husband and wife, as joint tenants with
right of survivorship
and to the heirs and assigns of such Grantee forever, all the following real property situated in the City
of Sun Valley, County of Washoe State of Nevada bounded and described as follows:

All that certain real property situate in the County of Washoe, State of Nevada, described as
follows:

The West 1/2 of Lot 12, in Block A, of SUN VALLEY SUBDIVISION, according to the map
thereof, filed in the office of the County REcorder of Washoe County, State of Nevada, on
December 23, 1947.

TOGETHER WITH an easement for ingress and egress and public utility purposes across the
north 20 feet of the East 1/2 of Lot 12, of the herein described property for the benefit of the
west 1/2 of said Lot 12 in Block A of SUN VALLEY SUBDIVISION.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or
appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: 10/15/2013

Grant, Bargain and Sale Deed – Page 2

Atlas Investors, LLC

John E. Spinola
By John E. Spinola, Managing Member

STATE OF Nevada


COUNTY OF Washoe

This instrument was acknowledged before me on

Oct. 24, 2013

By John E. Spinola.

Barbara Davis
Notary Public

 BARBARA DAVIS
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 07-4659-2 - Expires July 13, 2015

APN# 08504318

DOC # 3565917

08/16/2007 09:26:16 AM

Requested By
BARBARA MOUCHOU
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$17.00 RPTT: \$0.00
Page 1 of 4



(for Recorder's use only)

Recording Requested by:

Name: BARBARA MOUCHOU
Address: 655 EMERSON WY
City/State/Zip: SPARKS NV
89431

When Recorded Mail to:

Name: SAME AS ABOVE
Address: _____
City/State/Zip: _____

Mail Tax Statement to:

Name: SAME AS ABOVE
Address: _____
City/State/Zip: _____

QUIT CLAIM DEED
(Title of Document)

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law:

(State specific law)

Signature

Title

Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

(Additional recording fee applies)

QUITCLAIM DEED

THIS INDENTURE, made and entered into this 7th day of April, 2003, by and between BARBARA JOANNE MOUCHOU, party of the first part, hereinafter referred to as "Grantor", and JOHN DAVID MOUCHOU, party of the second part, hereinafter referred to as "Grantee".

WITNESSETH:

That the said Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other good and valuable consideration, receipt of which is hereby acknowledged, do by these presents remise, release and forever quitclaim unto the Grantee and to his successors and assigns forever all of her right, title and interest in and to all of that certain lot, piece or parcel of land situate, lying and being in the County of Washoe, State of Nevada, together with all of the improvements thereon, and more particularly described as follows:

The East ½ of Lot 12, in Block A, of SUN VALLEY SUBDIVISION, according to the map thereof, filed in the office of the County Recorder of Washoe County, State of Nevada, on December 23, 1947.

BARBARA JOANNE MOUCHOU, known to me to be in the person described in and who executed the foregoing instrument, and who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Dorothy KUIKEN
NOTARY PUBLIC

DOROTHY KUIKEN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-74775-2 - Expires March 27, 2008



COPY

WCMP18-01725

A notice was added to this record on 2016-10-29.
 Condition: Condition from Permits Plus : No permits should be issued without approval of Code Enforcement-illegal mobile hom
 Total conditions: 1 (Notice: 1)

[View notice](#)

[Menu](#) [Help](#)

File Date: [05/25/2018](#)

Case Status: [Violation Found](#)

Description of Work: [RV living, junk vehicles, dangerous building](#)

Case Detail: [Detail](#)

Total Fee Invoiced: [\\$0.00](#)

Total Fee Assessed: [\\$0.00](#)

Case Type: [Complaint](#)

Address: [5235 CAROL DR, WASHOE COUNTY, NV 89433](#)

Owner Name: [RICHARD, JESSICA L](#)

Owner Address: [RENO, NV 89503](#)

Parent Record:

Parcel No: [085-043-18](#)

Contact Info:	Name	Organization Name	Contact Type
	ANONYMOUS UNKNOWN		Complainant

Custom Fields: [Complaint Details](#)

Violator's Name	Detailed description of the location of the complainant
-	-

COMPLAINT TYPES

Department	Complaint Type
Planning & Development (Code Enforcement)	RV Living
Planning & Development (Code Enforcement)	Junk Vehicle
Building & Safety	Dangerous Building

Workflow Status:	Task	Assigned To	Status

Task	Assigned To	Status
Initial Investigation		
Building and Safety Re...		
Engineering Review		
Planning and Developme...		Violation
AQM Review		
EHS Review		
Violation Coordination		
Closure		

Condition Status:	Name	Short Comments	Status
	Condition from Permits...	No permits should be i...	Applied

Case Comments:	View ID	Comment
	JCHISM	05-24-18 Anonymous walk-in complainant stating ...

Initiated by Product: AV360

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector

Resulted Inspections:	Inspection Type	Inspection Date	Inspector
	Planning and Developme...	05/30/2018	Brian Farmer



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-002
PHONE (775) 328-6106
FAX (775) 328.6133

WCMP18-01725
COMPLAINT COMMENTS
DATE PRINTED: 08/07/2018

Date	Comment	View ID
05/25/2018	05-24-18 Anonymous walk-in complainant stating that WC removed several vehicles (more than 10) about 5-6 years ago, but now they're coming back onto the lot. RV living on the property, also, main structure looks very dangerous and uninhabitable.	JCHISM



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-002
PHONE (775) 328-6106
FAX (775) 328.6133

WCMP18-01725
INSPECTION COMMENTS
DATE PRINTED: 08/07/2018

Insp Date	Department	Inspector	Result Comment
05/30/2018	Code Enforcement	Brian Farmer	Junk cars screened by 6 foot fence, however, 6 foot fence is not allowed per code, admin warning sent regarding the fence which will force correction of junk vehicle violation as vehicles cannot be screened by a 4.5 foot fence. Mobile on property is in such deteriorated condition to be considered a public nuisance after 6 months.

WVIO-PLA18-0259 - Created by WCMP18-01725; Planning and Development - Code Enforcem...

Menu

Help

File Date: [06/08/2018](#)

Case Status: [Open](#)

Description of Work: [RV living, junk vehicles, dangerous building](#)

Case Detail: [Detail](#)

Total Fee Invoiced: [\\$0.00](#)

Total Fee Assessed: [\\$100.00](#)

Case Type: [Violation - Planning/Code Enforcement](#)

Address: [5235 CAROL DR, WASHOE COUNTY, NV 89433](#)

Owner Name: [RICHARD, JESSICA L](#)

Owner Address: [RENO, NV 89503](#)

Parent Record: [Created by WCMP18-01725; Planning and Development - Code Enforcement Investig](#)

Parcel No: [085-043-18](#)

Contact Info:	Name	Organization Name	Contact Type
	JOHN MOUCHOU		Other
	ANONYMOUS UNKNOWN		Complainant
	ANONYMOUS UNKNOWN		Complainant

Custom Fields: **ENF-VIO-A Screen**

Violator's Name

-

Detailed description of the location of the complaint or violation

-

Complaint Inspection Comments

[Junk cars screened by 6 foot fence, however, 6 foot fence is not allowed per code, adr](#)

INSPECTOR INFO

Default Inspector

[Bert Bracy](#)

COMPLAINT TYPES

Department	Complaint Typ
Planning & Development (Code Enforcement)	RV Living
Planning & Development (Code Enforcement)	Junk Vehicle

Workflow Status:	Task	Assigned To	Status
	Process Selection		Route
	Civil		
	Criminal		
	Abatement		
	Administrative Enforce...		
	Stop Activity Order		
	Remediation Order		
	Criminal - EHS		
	Closure		
	Request Civil Injunction		
	1st NOV		
	Abatement Process Sele...		
	Administrative Warning		Non Compliance
	Administrative Penalty		Issue Penalt...
	Stop Activity Order		
	Remediation Order		
	NOV		

Condition Status:	Name	Short Comments	Status
-------------------	------	----------------	--------

Case Comments:	View ID	Comment
	BFARMER	7/11 - Left 2nd message for p/o Jessica Richard...
	BFARMER	7/10 - left a message for p/o Jessica Richard a...
	JCHISM	07-09-18 New property owner came into CSD and s...
	BFARMER	1st warning was mailed to property address sinc...

Initiated by Product: EMSE

Scheduled/Pending Inspections:	Inspection Type	Scheduled Date	Inspector
	Investigation	08/20/2018	Brian Farmer

Resulted Inspections:	Inspection Type	Inspection Date	Inspector
	Investigation	07/18/2018	Brian Farmer



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-002
PHONE (775) 328-6106
FAX (775) 328.6133

WVIO0PLA18-0259
VIOLATION COMMENTS
DATE PRINTED: 08/07/2018

Date	Comment	View ID
07/12/2018	7/11 - Left 2nd message for p/o Jessica Richard at 775-440-0730, stated in message penalty will be issued if no callback as the 30 days given for compliance in the admin warning is up.	BFARMER
07/12/2018	7/10 - left a message for p/o Jessica Richard at 775-440-0730	BFARMER
07/09/2018	<p>07-09-18 New property owner came into CSD and spoke with Permit Tech, Kory Paholke. Email copied below and uploaded to "Documents" tab.</p> <p>From: Paholke, Kory Sent: Monday, July 09, 2018 3:04 PM To: Farmer, Brian; Chism, Johnna Subject: 5235 Carol Dr. Contact info:</p> <p>Former owner is John Mouchou that stated a variance was obtained in the 80's for a 6 foot fence: 775-219-8606, j.mouchou@gmail.com</p> <p>Current owner is Jessica Richard at 775-440-0730</p> <p>They stated that there intent is to clean up the property entirely and then set a home for the new owner to reside in.</p> <p>Thanks.</p> <p>Kory Paholke</p> <p>Building Permit Technician Washoe County Community Services Department Planning & Building Division</p> <p>kpaholke@washoecounty.us (775) 328-2022 F(775) 328-6132 1001 E. Ninth St., Bldg. A, Reno, NV 89512</p>	JCHISM
06/08/2018	1st warning was mailed to property address since address on assessor's page is incorrect. I went to the Washington street address earlier this week and Jessica did not reside there. Warning was also posted on the property.	BFARMER



WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building Division
Code Compliance

1001 EAST 9TH STREET
PO BOX 11130
RENO, NEVADA 89520-002
PHONE (775) 328-6106
FAX (775) 328.6133

WVIO-PLA18-0259
INSPECTION COMMENTS
DATE PRINTED: 08/07/2018

Insp Date	Department	Inspector	Result Comment
TBD	Code Enforcement	Brian Farmer	
07/18/2018	Code Enforcement	Brian Farmer	No fence permit, fence is still up. No response to the two messages I left to discuss resolutions to the violation. 1st penalty issued.

CEO Photos_Fence Measurements at 5235 Carol Drive.





WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
Planning and Building

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6106
 FAX (775) 328-6133

ADMINISTRATIVE ENFORCEMENT

****WARNING****

June 8, 2018

Jessica Richard
 5235 Carol Dr
 Sun Valley, NV 89433
 Please comply by July 11, 2018

Case Number: **WVIO-PLA18-0259**
 Subject Property: **5235 Carol Dr, Sun Valley, NV 89433**
 Parcel Number: **085-043-18**

Dear Respondent:

Based on a complaint received by this office, and a subsequent inspection of subject property, I have determined that a violation of Washoe County code exists on the property. This notice serves as a warning about the code violation and seeks your voluntary action to correct, mitigate, or remedy the code violation.

The code violation(s) found on the property and the action(s) you must take to correct the situation(s) is:

VIOLATION:
WCC Section 110.406.50 Fences, Walls or Perimeter Planting.

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

Please correct the violations by **7/11/2018**. You may contact me to request an extension of time to correct the violation. Any such request for an extension of time may be in writing to the address shown on this letter, by fax at **775-328-6133**, or orally at **775-328-2312**. I will only grant an extension of time if you have demonstrated reasonable progress in correcting the violation, or there are extenuating circumstances that prevent you from correcting the violation by the stated deadline. If I grant an extension of time, we will mutually develop a plan with time frames for you to correct the violation.



INTEGRITY



EFFECTIVE
COMMUNICATION



QUALITY
PUBLIC SERVICE

Memo to: Jessica Richard

Subject: Code Violation

Date: 6/8/2018

Page: 2

An administrative penalty notice will be issued if the violations are not corrected by 7/11/2018, or by the date agreed upon by me with an approved extension of time. **The administrative penalty notice will result in an automatic penalty of \$100.** Further Administrative Penalty Notices with increased penalty amounts and additional fees may be issued without further warning if the violation is not corrected. Failure to pay the penalty may cause further action by the County Collections Office, which may include an additional \$50 collection fee, potential penalties and interest, and may result in a lien on the property to recover all unpaid penalties, fees or costs.

Failure to correct the violation by the compliance date may also result in additional civil or criminal remedies after consultation with the District Attorney's office.



Brian Farmer

Code Enforcement Officer II

bfarmer@washoecounty.us

(775) 328-2312



WVIO-PLA18-0259

1st Administrative Warning Posted to Property on 06/08/2018





WASHOE COUNTY
COMMUNITY SERVICES DEPARTMENT
 Planning and Building
 Code Compliance

1001 EAST 9TH STREET
 PO BOX 11130
 RENO, NEVADA 89520-0027
 PHONE (775) 328-6106
 FAX (775) 328-6133

ADMINISTRATIVE PENALTY NOTICE
 July 19, 2018

Jessica Richard
 5235 Carol Dr
 Sun Valley, NV 89433

Penalty Amount: **\$100**
 Payment Due by: 8/17/2018

Case Number: WVIO-PLA18-0259
 Subject Property: 5235 Carol Dr, Sun Valley, NV 89433
 Parcel Number: 085-043-18

Dear Respondent,

An inspection and an Administrative Enforcement Warning issued on 6/8/2018 revealed the violations noted below on the subject property. Washoe County Code Section 125.160(4) provides for issuance of an Administrative Penalty when violations noted on the Administrative Enforcement Warning are not corrected. This Administrative Penalty Notice is not a criminal proceeding.

The property was inspected on 7/18/2018 and remains in violation of the County Codes cited below. **You are hereby charged an administrative penalty of \$100.** Payment of the administrative penalty does not release you from correcting the code violation that currently exists on the subject property.

Washoe County will accept one-half of the administrative penalty amount as payment in full if received by the payment due date shown on this notice. If an appeal is filed before the payment due date or if you pay the penalty after the payment due date, no reduction of the penalty is available. After the payment due date, any unpaid penalties will be turned over to the Washoe County Collections Office. A County Code required \$50 collections fee will be added to the penalty and you may also be subject to additional fees, interest and all collection remedies allowed by law. All penalties and fees assessed are cumulative. Each and every instance the code violation exists constitutes a separate and distinct offense. **County Code Violations must be corrected or additional penalties may be assessed without future warnings being issued.**

The code violation(s) found on the property and the action(s) you must take to correct the situation(s) is: **VIOLATION:**
WCC Section 110.406.50 Fences, Walls or Perimeter Planting.

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or



INTEGRITY



EFFECTIVE COMMUNICATION



QUALITY PUBLIC SERVICE

Memo to: Jessica Richard
Subject: WVIO-PLA18-0259
Date: 7/19/2018
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more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

The actions you must take to correct this violation are:

Remove the fence, reduce the height to 4.5 feet or move the fence back to the allowed setback distance.

RIGHTS OF APPEAL:

You have a right to appeal this notice as described on the Right to Appeal instructions attached to this notice. Failure to respond to this notice by **8/18/2018** shall be deemed an admission of liability and a waiver of any right to an administrative hearing.



Brian Farmer
Code Enforcement Officer II
bfarmer@washoecounty.us
(775) 328-2312

Memo to: Jessica Richard
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RIGHT TO APPEAL

YOU MAY APPEAL THIS Administrative Penalty Notice by requesting an administrative hearing.

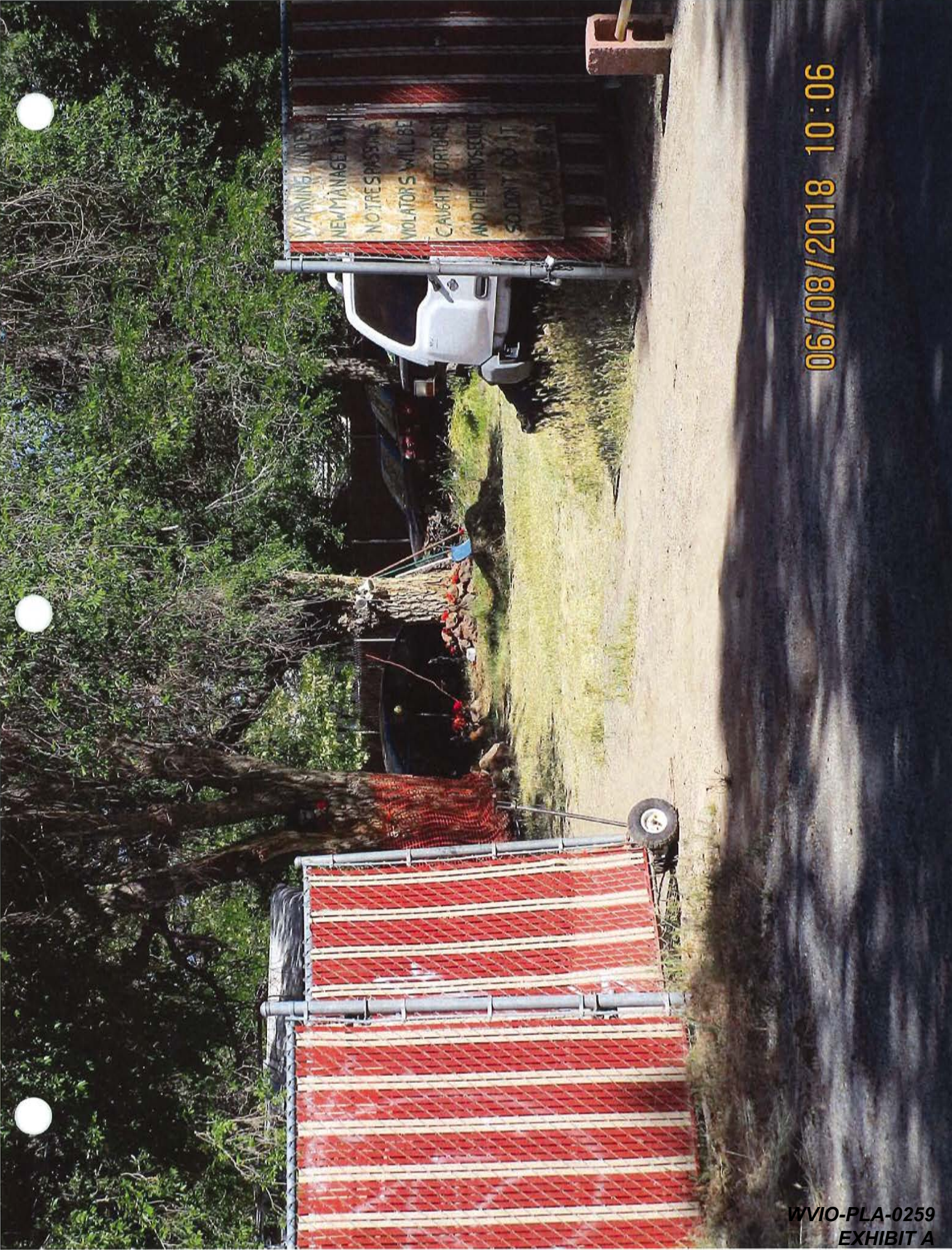
You must appear in person at the Administrative Hearing Office with the accompanying Administrative Penalty Notice to request an administrative hearing. The Office is located within the County Manager's Office on the 2nd floor (east end) of Building A, 1001 East Ninth Street, Reno, NV.

Please contact the Administrative Hearing Office at 775.328.2001, or by e-mail at aho@washoecounty.us, for more information and/or directions to their Office.

The fee for an administrative hearing is \$50.00 payable at the conclusion of the administrative hearing if you have been found in violation of the Washoe County Code. The hearing officer may impose additional administrative penalties, costs, and/or fees. A request for an administrative hearing shall stay the required payment of the penalty until the hearing is completed.

An administrative hearing officer will be assigned to your case by the Washoe County Administrative Hearing Office. The Administrative Hearing Office will notify you of your hearing date. The administrative hearing officer will issue an Administrative Order at the conclusion of your appeal. Failure to obey the Administrative Order is a misdemeanor criminal offense, which may be pursued separately from this Notice.

Any deadlines, actions, and/or remedies included in this Notice will be placed on hold until your appeal is concluded. Failure to correct the violation pursuant to any Administrative Order may also result in additional civil or criminal remedies after consultation with the District Attorney's office.



WVIO-PLA18-0259
1st Penalty Notice Posted to Property on 07/19/2018



WWIO-PLA18-0259
1st Penalty Notice Posted to Property on 07/19/2018



Chism, Johnna

From: Paholke, Kory
Sent: Monday, July 09, 2018 3:04 PM
To: Farmer, Brian; Chism, Johnna
Subject: 5235 Carol Dr.

Contact info:

Former owner is John Mouchou that stated a variance was obtained in the 80's for a 6 foot fence: 775-219-8606, j.mouchou@gmail.com

Current owner is Jessica Richard at 775-440-0730

They stated that their intent is to clean up the property entirely and then set a home for the new owner to reside in.

Thanks.

Kory Paholke

Building Permit Technician | Washoe County Community Services Department | Planning & Building Division
kpaholke@washoecounty.us | (775) 328-2022 | F(775) 328-6132 | 1001 E. Ninth St., Bldg. A, Reno, NV 89512



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CHAPTER 125

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4. Court action. As set out in NRS 244.3603(3), if the court finds that a chronic nuisance exists and action is necessary to avoid a serious threat to the public welfare or the safety or health of the occupants of the property, it may:

- (a) Order the county to secure and close the property until the nuisance is abated;
- (b) Order the owner to pay the county for the cost incurred by the county in abating the condition;
- (c) Impose chronic nuisance civil penalties in an amount not to exceed the amounts specified in the master administrative enforcement penalty and fee schedule adopted by the board; and
- (d) Order any other appropriate relief.

5. Collection of costs, assessments and penalties. As authorized by NRS 244.3603(2)(c) and (4), the board hereby designates that the costs of abatement may be collected as specified in subsection 125.195(7)(a), and that chronic nuisance civil penalties may be assessed and collected as provided in subsection 125.195(7)(b).

[§21, Ord. No. 1518]

Administrative Hearing Procedures

125.220 Administrative hearing office.

1. The county manager shall establish an administrative hearing office.
2. The administrative hearing office shall have the authority to:
 - (a) Supervise the administrative hearing process;
 - (b) Prepare appropriate procedures relating to administrative hearings; and
 - (c) Manage the administrative hearing officer contracts and training.
 - (d) Prepare reports regarding special assessments required by NRS 244.3603(6).

[§22, Ord. No. 1518]

125.225 Appointment and powers of hearing officer.

1. The board will approve a list of and all contracts for persons to serve as hearing officers. A hearing officer shall:
 - (a) Be licensed to practice law in the State of Nevada or be a graduate of an accredited 4-year college and have at least two years consecutive experience in administrative hearings in the State of Nevada, or
 - (b) Have a quality, level and length of experience deemed acceptable to the board and two years of administrative hearing experience.
 - (c) Not have been an employee of Washoe County within the last two years.
2. Compensation of hearing officers will be set at an hourly rate by resolution of the board.
3. The administrative hearing office has the authority to and will assign a hearing officer to each case. Assignment of hearing officers will be on a rotation basis. The hearing officer will be chosen from the list of hearing officers approved by the board. The hearing office may establish a specialized list of hearing officers to hear specific cases based on education, experience, and/or the type of case. The assigned hearing officer has discretion to determine if he/she should be disqualified for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law, and the next hearing officer on the list shall be assigned. The hearing officer shall not have, at the time of hearing assignment, any personal interest, or expectation in any matter with the county except general county tax and business license matters and service as a hearing officer.
4. The hearing officer shall have the power to render a proper disposition of the matter, including without limitation, dismissal (with or without prejudice), remand to the enforcement official for further information or action, modification, assessment of administrative penalties, or any other action deemed appropriate, including the application of any administrative

enforcement remedy authorized pursuant to this chapter. The hearing officer shall have the power to administer oaths to all witnesses and impose such rules of decorum upon the proceeding as will promote the decent, fair, and efficient consideration of matters before the hearing officer.

5. The hearing officer may continue a hearing as provided in section 125.240.

6. The hearing officer does not have the power to render monetary judgments or award damages against the county.

7. The hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purpose of granting a continuance, ensuring compliance with an administrative order, modifying an administrative order, or where extraordinary circumstances exist, granting a new hearing.

[§24, Ord. No. 1419; A. Ord. No. 1518]

125.240 Request and scheduling administrative hearing.

1. A respondent may request a hearing regarding an administrative penalty notice, stop activity order, remediation order, or an abatement notice by filing a request with the administrative hearing office for an administrative hearing within the time frames set forth in this chapter. The request may either be on a form provided by the county or made in person at the administrative hearing office. The respondent requesting such a hearing shall pay an administrative action fee as contained in the master administrative enforcement penalty and fee schedule adopted by the board if found in violation at the end of the case.

2. The failure of any respondent to request an administrative hearing in accordance with this administrative enforcement code shall be deemed an admission of liability and shall constitute a waiver of the right to a hearing.

3. Upon receiving a request for an administrative hearing, the hearing office shall schedule a date, time and place for the hearing, which must commence no more than 60 calendar days from the hearing office's receipt of the request for an administrative hearing. Continuances based on good cause may be granted by the hearing office or hearing officer.

4. The administrative hearing office shall notice the department or agency that issued the administrative penalty notice, stop activity order, remediation order, or notice of abatement of the date, time, and place of the administrative hearing.

5. Notice of the scheduling of the hearing shall be served upon the respondent pursuant to this chapter at least 14 calendar days prior to the date of the hearing.

[§27, Ord. No. 1419; A. Ord. No. 1518]

125.245 Deadline postponed for administrative hearing. When a respondent requests a hearing in conformance with this chapter regarding an administrative penalty notice, an abatement notice, or a remediation order, the deadline date specified in the notice and other enforcement or collection efforts is postponed until the hearing officer's administrative order is served pursuant to this chapter.

[§28, Ord. No. 1419; A. Ord. No. 1518]

125.250 Administrative hearing procedures.

1. Administrative hearings are intended to be informal in nature. The receipt of evidence and the conduct of the hearing shall be in the sole discretion of the hearing officer. Each party shall have the opportunity to cross-examine witnesses and to present evidence in support of the case. Each proceeding shall be audio recorded, constitute a public record, and the recording made available to all parties within five calendar days after the hearing.

2. Matters and evidence to be considered at the hearing must be relevant to:

a. Whether the conditions described in the administrative penalty notice, stop activity order, or remediation order violate the Code, and in the case of an abatement notice, solely whether the cited violations are repeating or continuing without required compliance or remedy; and

b. Whether the enforcement official afforded the respondent due process by adhering to the notice requirements set forth in this administrative enforcement code.

3. Written briefs may be required or permitted before or after the hearing by written order of the hearing officer.

4. Neither the rules of evidence nor the rules of discovery of courts of the State of Nevada apply in these administrative hearings. Matters of evidence and the weight to be given evidence received at the hearing are in the sole discretion of the hearing officer. No informality in any proceeding or in the manner of taking testimony will invalidate any decision of the hearing officer.

5. An objection to the admissibility of evidence may be made by any party of record and the objection will be ruled on by the hearing officer. The hearing officer, with or without objection, may exclude inadmissible, incompetent, repetitious, or irrelevant evidence. Any evidence offered at the hearing must be material and relevant to the issues of the hearing.

6. All evidence received during the hearing shall be retained by the county as part of the record of the hearing, to include an authenticated copy of any recording or transcription by a court reporter of the hearing at the sole expense of the party recording or reporting the hearing.

7. Any party may be represented at the hearing by counsel, but the hearing officer may limit or deny the representation by a person who is not licensed to practice law if such representation impairs the efficiency, effectiveness, or decorum of the hearing. Counsel will not be appointed to represent any party at County expense.

8. If the hearing officer finds that the violation of code has not occurred or a violation of code has been committed but the respondent asserts and proves one or more legal defenses to the administrative penalty notice, stop activity order, or remediation order, the hearing officer may dismiss the administrative penalty notice, stop activity order, or remediation order, and release the respondent from liability.

9. In a contested hearing, the respondent against whom the hearing officer has entered a finding of liability and has assessed a penalty, by default or otherwise, may seek judicial review thereof by filing a petition for judicial review in the district court in conformance with section 125.275 et seq of this Administrative Code.

[§29, Ord. No. 1419; A. Ord. No. 1518]

125.255 Standard of proof. The county bears the burden of proof at an administrative hearing to establish the existence of all elements required for the respective hearing pursuant to this administrative enforcement code. The standard of proof is by a preponderance of the evidence.

[§30, Ord. No. 1419; A. Ord. No. 1518]

125.260 Failure to attend administrative hearing. Any respondent who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and all objections to an administrative penalty notice, stop activity order, remediation order, or abatement notice, provided that the hearing was properly noticed, unless there are extenuating circumstances as determined by the hearing officer.

[§31, Ord. No. 1419; A. Ord. No. 1518]

125.265 Administrative order; compliance with administrative order.

1. The decision of the hearing officer shall be deemed to be an administrative order and shall be entitled "administrative order."

2. Upon completion of the hearing, the hearing officer shall issue an administrative order that affirms, modifies or dismisses the enforcement official's action, including any penalties assessed or to be assessed, or that requires any other action deemed reasonable under all of the circumstances by the hearing officer. The administrative order may also refer the matter back to the enforcement official for further specified action.

3. The hearing officer may require the respondent to cease violating or cause the cessation of any violation of the Code and to make necessary corrections, repairs, or to complete any other reasonable act requested by the enforcement official, which may be modified by the hearing officer, to be in compliance with the Code. The hearing officer shall include a specific time frame to complete the requested act.

4. The hearing officer may establish specific deadlines for the payment of penalties, fees, and costs, and may condition the total or partial assessment of administrative penalties on the respondent's ability to complete compliance by specific deadlines.

5. The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative order.

6. The administrative order shall become final on the date of service of the order upon all parties as provided in this chapter.

[§32, Ord. No. 1419; A. Ord. No. 1518]

125.270 Failure to comply with the administrative order; misdemeanor. A person who fails to comply with an administrative order is guilty of a misdemeanor and upon conviction shall be punished as provided for misdemeanors in NRS 193.150. This penalty, however, shall not excuse the failure to comply with the order and to correct the violations, nor shall it bar further enforcement action by the county.

[§33, Ord. No. 1419]

125.275 Judicial review; requirements for petition; statement of intent to participate; petition for rehearing.

1. Any party who is:

(a) Identified as a party of record in an administrative hearing; and

(b) Is aggrieved by a final decision in a contested case, is entitled to judicial review of the decision. Any preliminary, procedural, or intermediate act or ruling in an administrative hearing in a contested case is reviewable if review of the final decision of the administrative hearing would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondent Washoe County and all parties of record to the administrative proceeding. It shall not name the administrative hearing office or the hearing officer;

(b) Be instituted by filing a petition in the Second Judicial district court in and for the County of Washoe; and

(c) Be filed by petitioner within 30 calendar days after service of the administrative order.

Cross-petitions for judicial review must be filed within 10 calendar days after service of a petition for judicial review.

3. Any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon every party within 20 calendar days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 calendar days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least five calendar days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon Washoe County and every other party within 45 calendar days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning, a final decision in a contested case.

[§23, Ord. No. 1518]

125.2751 Transmittal of record of proceedings to reviewing court by administrative hearing; additional evidence; modification of findings by administrative hearing.

1. Within 30 calendar days after the service of the petition for judicial review or such time as is allowed by the court, the administrative hearing office shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review, including a transcript of the evidence resulting in the administrative order. The record may be shortened by stipulation of the parties to the proceedings. A party unreasonably refusing to stipulate to limit the record, as determined by the court, may be assessed by the court any additional costs. The court may require or permit subsequent corrections or additions to the record.

2. If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the administrative hearing, the court may order that the additional evidence and any rebuttal evidence be taken before the administrative hearing officer upon such conditions as the court determines.

3. After receipt of any additional evidence, the administrative hearing officer:

(a) May modify its findings and decision; and

(b) Shall file the evidence and any modifications, new findings or decisions with the reviewing court.

[§24, Ord. No. 1518]

125.2752 Memoranda of points and authorities: time for filing memorandum and reply; request for hearing; required form.

1. A petitioner or cross-petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 40 calendar days after Washoe County gives written notice to the parties that the record of the proceeding under review has been filed with the court.

2. The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 calendar days after service of the memorandum of points and authorities.

3. The petitioner or cross-petitioner may serve and file reply memoranda of points and authorities within 30 calendar days after service of the reply memorandum.

4. Within seven calendar days after the expiration of the time within which the petitioner is required to reply, any party may request a hearing. Unless a request for hearing has been filed, the matter shall be deemed submitted.

5. All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

6. The court, for good cause, may extend the times allowed in this section for filing memoranda.

[§25, Ord. No. 1518]

125.2753 Judicial review: manner of conducting; burden of proof; standard for review.

1. Judicial review of an administrative order must be:

- (a) Conducted by the court without a jury; and
- (b) Confined to the record. In cases concerning alleged irregularities in procedure before an administrative hearing officer that are not shown in the record, the court may receive evidence concerning the irregularities.

2. The final decision of the administrative hearing officer shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 3.

3. The court shall not substitute its judgment for that of the administrative hearing officer as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the administrative hearing officer is:

- (a) In violation of constitutional or statutory provisions;
- (b) In excess of the statutory authority of the administrative hearing officer;
- (c) Made upon unlawful procedure;
- (d) Affected by other error of law;
- (e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or
- (f) Arbitrary or capricious or characterized by abuse of discretion.

4. The Nevada Rules of Civil Procedure (NRCP) apply to these judicial review proceedings to the extent that the NRCP are not inconsistent or in conflict with these ordinances.

[§26, Ord. No. 1518]

125.2754 Procedure for stay of final decision; ruling by court.

1. A petitioner who applies for a stay of the final decision in a contested case shall file and serve a written motion for the stay on the administrative order to all parties of record to the proceeding at the time of filing the petition for judicial review.

2. In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.

3. In making a ruling, the court shall:

- (a) Give deference to the trier of fact; and
- (b) Consider the risk to the public, if any, of staying the administrative order. The petitioner must provide security before the court may issue a stay.

[§27, Ord. No. 1518]

125.2755 Award of costs. The district court shall award cost of the proceedings to the prevailing party including but not limited to the cost of preparation of the transcript of the administrative proceedings required in WCC 125.2752.

[§28, Ord. No. 1518]

125.280 Exhaustion of administrative remedies. Appeal of an administrative order shall not be allowed without first exhausting the administrative process set forth in this chapter.

[§35, Ord. No. 1419; A. Ord. No. 1518]

125.285 Time limits for repair, correction, or abatement. Unless otherwise provided by the order of an enforcement official or hearing officer, the respondent shall complete all actions necessary to achieve compliance with the Code within the time established pursuant to this administrative enforcement code.

[§36, Ord. No. 1419; A. Ord. No. 1518]

125.287 Judicial enforcement. Judicial enforcement of an administrative order must be by way of civil suit in the appropriate Justice's Court. A certified copy of the administrative order constitutes a prima facie showing that an administrative infraction occurred.
[§29, Ord. No. 1518]

125.288 Commencement of civil action - procedure. The civil action authorized in section 125.287 may be commenced at any time after the expiration of 60 calendar days following the date on which the administrative penalty notice was served pursuant to section 125.160 or 30 calendar days following the enforcement official's findings, by the filing of a complaint in the name of Washoe County and the issuance of a summons with respect thereto. Service of such complaint and summons on the defendant must be made by certified mail, return receipt requested, addressed to the respondent having ownership, control, or responsibility of the property of record as stated on the assessor's records, and mailed to the respondent's address as contained on the assessor's records.
[§30, Ord. No. 1518]

125.290 Extension of time; court order. When the Court has entered an order relating to matters governed by this administrative enforcement code, jurisdiction relating to the matter shall remain with the Court unless otherwise ordered by the Court. Any extension of time or other relief must be sought, in the first instance, by application to the Court for an order allowing an extension of time or any other relief.
[§37, Ord. No. 1419; A. Ord. No. 1518]

Penalties, Fees and Costs

125.300 Administrative action fees.

1. When a violation has been found to occur and not have been corrected in the prescribed time, the board finds there is a need to recover costs incurred by the county in its Code enforcement efforts by assessing certain reasonable administrative fees. Administrative action fees are based on time spent by county personnel re-inspecting properties found to remain in violation, abating violations or disposing of abated items, as well as costs incurred in investigation, hearing work, service of notices, recording of notices, and liens, title search, and other processing costs associated with the violations specified on the administrative penalty notice, stop activity order, remediation order, or abatement notice. All such fees shall be placed into the county's general fund.

2. Any fee schedule imposed under this administrative enforcement code shall be adopted by, and may be modified at any time by, resolution of the board and may be found in the master administrative enforcement penalty and fee schedule adopted by the board. The master administrative enforcement penalty and fee schedule shall be filed in the county clerk's office.
[§39, Ord. No. 1419; A. Ord. No. 1518]

125.305 Administrative enforcement penalties, fees and costs.

1. Where the assessment of administrative enforcement penalties, fees and costs are authorized under this chapter, the enforcement official's notice shall contain the following information:

- a. The case number;
- b. The amount of penalties, fees and costs charged;
- c. The administrative enforcement action for which the penalties, fees and costs are charged;
- d. The date(s) of such administrative enforcement action; and
- e. A deadline by which the administrative enforcement penalties, fees and costs must be paid.

2. Administrative enforcement penalties, fees and costs may be assessed as part of any administrative enforcement action as provided for in this chapter.
3. Administrative enforcement penalties, fees and costs collected pursuant to this chapter shall not be duplicated in any other action to recover these identical penalties, fees and costs.
4. The failure of any respondent to receive notice of the administrative enforcement penalties, fees and costs shall not affect the validity of any penalties, fees and costs imposed under by this chapter.

[§40, Ord. No. 1419; A. Ord. No. 1518]

125.310 Recovery of penalties, fees and costs; and lien.

1. Collection or satisfaction of any administrative penalties, fees, and costs allowed under this chapter, and which are not paid in the time specified in a notice or permitted under this chapter, whichever is later, shall be made and provided for by Washoe County by turning the amount over to the county collections office. The collections office may collect any subsequent fees or penalties, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid administrative fees, penalties, and/or costs. As part of the recovery process, the collections office may place a lien against the property to ensure that the amount owed by the respondent is recovered. The lien shall be referred to as a "code enforcement lien." The respondent shall receive a copy of the recorded lien document.

2. The recorded code enforcement lien shall include the name and address of the served respondents, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest amounts due the county.

3. Any costs and fees associated with recording the code enforcement lien or removal thereof may be assessed against the property as provided in this chapter.

4. Payment of all monies due under this administrative enforcement code shall be by cash, money order, credit or debit card, personal check, or cashier's check only on or before the date listed in the administrative penalty notice or other notice.

5. The collections office has the authority to grant a schedule for payment of penalties, fees, and costs.

[§41, Ord. No. 1419; A. Ord. No. 1518]

125.315 Cancellation of code enforcement lien. Once payment in full is received in satisfaction of the code enforcement lien, or once the amount is deemed satisfied pursuant to a subsequent administrative order, and upon correction of the violation, the collections office shall, within ten business days from the date payment is made or decision is final, record and serve upon the respondent pursuant to this chapter, a notice of satisfaction with the Washoe County Recorder's office. The notice of satisfaction shall cancel the code enforcement lien and all liens pursuant to this action shall be removed by Washoe County.

[§42, Ord. No. 1419; A. Ord. No. 1518]

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remediation order by contacting the administrative hearing office within 30 calendar days from the date the stop activity order or remediation order was served. Because of their injunctive nature, if the person who is served with a stop activity order or remediation order asks for a hearing, an administrative hearing officer will expeditiously be appointed and a hearing will be conducted within 30 calendar days of the receipt of the appeal by the administrative hearing office. A stop activity order remains in effect pending the hearing. The deadline for a remediation order is suspended pending the hearing. The hearing will be conducted in accordance with the provisions for hearings, and the issuance, enforcement, and appeal of administrative orders as set out in this chapter. The decision of the administrative hearing officer may be taken directly to judicial review in accordance with this chapter at the option of the appellant. If appeal is made to the Board of Adjustment for violation of WCC chapters 100 and 110, the decision of the Board of Adjustment is subject to judicial review in accordance with this chapter.

9. A stop activity order or remediation order may be rescinded by the enforcement official that issued it, by the Director of the Community Services Department, by the County Engineer, by the County Building Official, by an administrative hearing officer, and/or by the Board of Adjustment.

10. Enforcement. If a hearing is held before an administrative hearing officer or the Board of Adjustment as provided in this chapter, then the decision or order shall be enforced as provided for in this chapter. If a hearing is not held, the enforcement official may proceed to enforce the stop activity order or remediation order through any of the administrative, civil, or criminal remedies provided in this chapter.

[§16, Ord. No. 1518]

125.160 Complaints, warning, and administrative penalty notice, procedures.

1. Any person who observes a possible violation of the Code may notify the appropriate agency or department in person or by written communication, telephone contact, fax, or e-mail. Such a complaint is considered a public record under the law. After receipt of a complaint, the enforcement official will investigate the complaint if it is warranted.

2. Warnings. Whenever it is determined by the enforcement official that a violation of the Code exists, that is not a serious risk to public health, safety or welfare, the enforcement official shall start the formal enforcement process by providing to the respondent either an oral or a written warning seeking correction, mitigation, or remedy within a time frame specified by the enforcement official, but no more than 30 calendar days from the date the warning was served. The enforcement official may extend this time frame at the official's discretion to provide additional time to complete acts required for compliance with the Code. The enforcement official may also grant a request by the respondent for additional time to complete acts required for compliance with the Code. Extensions of time by the enforcement official are allowed if reasonable progress in the repair, correction, or abatement of violations is underway or there are extenuating circumstances that prohibit compliance within the established timeline, and a plan of action with accompanying time frames is made between the enforcement official and the respondent.

(a) The warning shall state:

- (1) That respondent is in violation of the Code and the nature of the alleged violation, to include the Code citation of the violation;
- (2) The action(s) needed to correct the alleged violation;
- (3) The time given to correct the alleged violation, and that an extension of this time period may be requested of the enforcement official either orally or in writing:

(i) If reasonable progress in the repair, correction or abatement of violations is underway, or there are extenuating circumstances that prohibit compliance within the established timeline; and

(ii) A plan of action with accompanying time frames is made between the enforcement official and the respondent;

(4) That an administrative penalty notice will be issued at the end of that period if the violation is not corrected;

(5) That an administrative penalty will be assessed at the time of issuance of an administrative penalty notice in the amount set forth in the master administrative enforcement penalty and fee schedule adopted by the board; and

(6) That the collections office may charge and collect any subsequent fees, penalties, and costs, to include interest, or follow any administrative actions authorized by state law and/or Washoe County Code, necessary to collect unpaid fees, penalties and costs. The amount of any unpaid fee(s), penalty(ies), and/or costs may be sent to the county collections office for further action, and may result in a lien being placed on the property to recover unpaid fee(s), penalty(ies) and/or costs.

(b) If no action is taken to correct the alleged violation within the time allocated by the enforcement official under the warning, the enforcement official shall issue an administrative penalty notice in conformance with this section or, upon consultation with the district attorney's office, seek civil or criminal remedies.

(c) The enforcement official shall determine if the alleged violation has been corrected within the time stated in the warning.

3. If, in the opinion of the enforcement official, a more urgent action is needed to safeguard public health, safety, or welfare, the official may, in lieu of a warning, issue an administrative penalty notice, issue a stop activity order and/or remediation order, or proceed with summary abatement in accordance with this chapter.

4. Administrative penalty notice. If the Code violation is not resolved as set forth in subsection 2 above, the enforcement official shall issue an administrative penalty notice to the respondent except when a summary abatement, stop activity order, and/or remediation order is required in accordance with this chapter. Service of this administrative penalty notice shall be made pursuant to this chapter.

5. The administrative penalty notice shall include the following information:

(a) The name and address of the respondent in violation. The notice shall contain the address, and may contain the assessor's parcel number of the real property, when applicable.

(b) If not contained in the warning, a statement from the enforcement official identifying the conditions or conduct that violate the Code and the specific Code citation of the Code which the respondent violated.

(c) If applicable, and not contained in the warning, a list of recommended corrections to bring the property or violation into compliance.

(d) A statement that the respondent who has received an administrative penalty notice may request an administrative hearing regarding the administrative penalty notice by contacting the administrative hearing office within 30 calendar days from the date the administrative penalty notice was served. The administrative penalty notice shall also inform the person served that failure to respond to the administrative penalty notice within 30 calendar days of the date the administrative penalty notice was served shall be deemed an admission of liability and a waiver of any right to an administrative hearing.

(e) A statement of the penalty amount and that Washoe County will accept as payment in full for the administrative penalty, one-half of the authorized penalty indicated on the administrative penalty notice if payment is received within 30 calendar days of service. A respondent filing an appeal of an administrative penalty notice or paying the penalty after 30 calendar days of

service shall not be entitled to reduction of the administrative penalty provided for in this subsection. A request for an administrative hearing shall stay the required payment of the administrative penalty until the hearing is completed. Any unpaid penalties shall be turned over to the county collections office, and a collections fee, payable to the collections office for cost recovery of the unpaid penalties, shall apply. The amount of the administrative penalty and collections fee is set forth in the master administrative enforcement penalty and fee schedule adopted by the board. The penalties and any fees assessed are cumulative.

(f) The name, address, phone number, email address, and signature of the enforcement official, and any person who may be contacted to discuss or resolve the administrative penalty notice.

(g) A statement that the administrative penalty notice is not a criminal proceeding.

(h) A statement that each and every instance the act or omission exists after the deadline together with any granted extensions constitutes a separate and distinct offense.

6. The administrative penalty notice and/or an electronic facsimile thereof, must be filed with and retained by the issuing department and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein.

7. A peace officer or enforcement official may issue an administrative penalty notice to the same respondent for a second or subsequent violation of the same ordinance within a two-year period without being required to issue a warning.

8. A peace officer or enforcement official may issue a criminal citation for a second or subsequent violation by the respondent of the same ordinance within a two-year period.

9. The administrative penalty notice may be issued by peace officer or enforcement official based upon a written and signed statement of a complaining party. In such a case, the complaining party must appear at any hearing subsequently scheduled pursuant to this chapter to testify. If the complaining party does not appear at the hearing in the case, the administrative penalty notice will be dismissed and the respondent released from liability.

10. An appeal to an administrative hearing may be requested during an administrative proceeding only after the enforcement official issues an administrative penalty notice.

[§11, Ord. No. 1419; A. Ord. No. 1518]

125.163 Service. Documents requiring service shall be made to the respondent by personal service; by affixing the notice to the place of residence in a conspicuous place; regular U.S. Postal Service mail to the last known address of the respondent as contained on the records of the county assessor; or, if required by law, certified mail, return receipt requested, to the last known address of the respondent as contained on the records of the county assessor. Service by mail or affixation has the same force and effect and is subject to the same penalties for the disregard thereof as if the documents were personally served on the respondent. The failure of the respondent to receive any documents served in accordance with this section shall not affect the validity of any proceedings taken under this administrative enforcement code.

[§17, Ord. No. 1518]

125.165 Administrative penalties.

1. Once the enforcement official has issued an administrative penalty notice, the enforcement official shall collect the administrative penalties as listed in the notice and pursuant to the provisions of this administrative enforcement code. The respondent served is liable for all of the penalties which are imposed pursuant to this chapter. Each and every instance that such an act or omission exists constitutes a separate and distinct offense.

2. Administrative penalties shall be imposed, enforced, collected, and reviewed in compliance with the provisions of this chapter. Administrative penalties shall be payable directly to the

Washoe County department or agency that issued the administrative penalty notice or to the administrative hearing office, unless otherwise provided in that notice. All such collected penalties shall be placed into the county's general fund.

[§12, Ord. No. 1419; A. Ord. No. 1518]

125.170 Administrative fees, penalties and costs.

1. Administrative penalties will be assessed for a first, second or subsequent violation of the same ordinance, as contained in the master administrative enforcement penalty and fee schedule adopted by the board.

2. Administrative action fees may be assessed as contained in the master administrative enforcement penalty and fee schedule adopted by the board as part of any administrative enforcement process as set forth in this chapter.

3. If any administrative fees, penalties, or costs remain unpaid after the date stated on the notice, the amount shall be sent to the collections office. A collections fee for cost recovery of the unpaid fees, penalties or costs shall be added to the fee, penalty and cost amount. The amount of the collections fee is contained in the master administrative enforcement penalty and fee schedule adopted by the board.

4. Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the county.

[§13, Ord. No. 1419; A. Ord. No. 1518]

Abatement

125.195 Abatement and procedures.

1. Purpose and authority. The board determines that a necessary and proper enforcement power is the county abatement of nuisances and chronic nuisances as defined in this chapter, and that it is necessary to establish appropriate procedures for the board, judicial, non-judicial, summary, and chronic nuisance abatement of such nuisances as contemplated by NRS 244.360, 244.3601, 244.3603, and 1244.3605 as may be amended.

2. Alternatives; general procedures.

(a) The following procedures are available to abate nuisances:

(1) Board abatement. Complaint to and actions by the board under NRS 244.360(1) through (5);

(2) Judicial abatement. Action filed by the District Attorney under NRS 244.360(6) as set out in section 125.200 below;

(3) Non-judicial abatement. Abatement of dangerous structures or conditions, rubbish, noxious plant growth and other public nuisances as authorized in NRS 244.3605 and set out in section 125.205 below;

(4) Summary abatement. Abatement of a dangerous structure or condition posing imminent danger as authorized in NRS 244.3601 and set out in section 125.210 below; and

(5) Chronic nuisance abatement. Abatement of chronic nuisances as authorized in NRS 244.3603 and set out in section 125.215 below.

(b) Except as otherwise stated or supplemented in the specific sections dealing with each type of abatement, the following provisions are intended to provide general requirements for abatements as applicable.

(c) The abatement proceedings in this section are intended to implement the provisions of the authorizing statutes specified above and shall not be construed or applied in a manner that conflict with the statutes as amended.



Washoe County Development Code

Article 406

BUILDING PLACEMENT STANDARDS

Sections:

110.406.00	Purpose
110.406.05	General
110.406.10	TRPA Standards
110.406.15	Double Counting Yards
110.406.20	Combining Lots
110.406.25	Unobstructed Yards
110.406.30	Front Yards
110.406.35	Side Yards
110.406.40	Rear Yards
110.406.45	Lot Width
110.406.50	Fences, Walls or Perimeter Planting

Section 110.406.00 Purpose. The purpose of this article, Article 406, Building Placement Standards, is to set forth the regulations governing the placement of buildings on a lot.

Section 110.406.05 General. The yard requirements and setback dimensions are set forth in Part Three of Table 110.406.05.1. These requirements may be modified pursuant to Article 408, Common Open Space Development. All required yard setbacks are measured from the property line with the following exceptions: (1) when an access easement traverses a portion of a property and has a total width of more than twenty (20) feet, the required yard setback is measured from the edge of the easement closest to the proposed structure; or, (2) when a Washoe County-maintained road is located outside of a recorded right-of-way or easement, regardless of the roadway width, the required yard setback shall be measured from the edge of the road.

Table 110.406.05.1

STANDARDS

Part One: Density/Intensity Standards										
	LDR	MDR	HDR	LDS	LDS 2	MDS	MDS 4	HDS	LDU	MDU
Dwelling Unit Per Acre (du/ac)	0.1	0.2	0.4	1	2	3h	4h	7a	10b	21c
Height (feet)	35	35	35	35	35	35	35	35	40	70

Part One: Density/Intensity Standards (continued)										
	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Dwelling Unit Per Acre (du/ac)	42c	n/a	5	n/a	n/a	n/a	n/a	n/a	0.025	0.025
Height (feet)	70	80	60	45	65	65	65	n/a	35	35

Notes:

- a - 7 dwelling units per acre single-family detached; 9 dwelling units per acre for attached single-family and mobile home parks
- b - 10 dwelling units per acre for single-family detached; 14 dwelling units per acre for multi-family and 12 units per acre for mobile home parks
- c - Multi-family
- h - 3 dwelling units per acre single-family detached; 5 dwelling units per acre for both single-family attached and manufactured home parks within areas designated as Trailer (TR) Overlay zone in effect prior to May 26, 1993

Part Two: Lot Size										
	LDR	MDR	HDR	LDS	LDS 2	MDS	MDS 4	HDS	LDU	MDU
Minimum Lot Area (1,000's of sq. ft. unless otherwise indicated)	8ac	4ac	2ac	35	17.5	12	9	5	3.7d	8e
Minimum Lot Width (feet)	250	200	150	120	100	80	70	60	60	60

Part Two: Lot Size (continued)										
	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Minimum Lot Area (1,000's of sq. ft. unless otherwise indicated)	8f	10	10	10	10	n/a	n/a	n/a	40ac	40ac
Minimum Lot Width (feet)	60	75	75	100	100	100	n/a	n/a	660	660

Notes:

- d - 3,700 square feet for single-family detached and 8,000 square feet with two (2) attached single-family dwelling units
- e - 3,700 square feet for single-family detached and 8,000 square feet with four (4) multi-family units
- f - 3,700 square feet for single-family detached and 8,000 square feet with eight (8) multi-family units
- g - 40 acres nominally = 1/16 section

Table 110.406.05.1 (continued)

STANDARDS

Part Three: Yard and Setback Dimensions										
	LDR	MDR	HDR	LDS	LDS 2	MDS	MDS 4	HDS	LDU	MDU
Front Yard (feet)	30	30	30	30	30	20	20	20	15	15
Side Yards (feet)	50	15	15	12	10	8	7	5	5	5
Rear Yard (feet)	30	30	30	30	30	20	20	20	10	20

Part Three: Yard and Setback Dimensions (continued)										
	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Front Yard (feet)	20	10	15	20	15	20	20	n/a	30	30
Side Yards (feet)	5	10	15	10	10	15	15	n/a	50	50
Rear Yard (feet)	20	10	20	10	15	20	20	n/a	30	30

Source: Sedway Cooke Associates

[Amended by Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98; Ord. 1140, provisions eff. 12/31/01; Ord. 1290, provisions eff. 3/24/06; Ord. 1447, provisions eff. 9/9/10; Ord. 1458, provisions eff. 2/4/11; Ord. 1475, provisions eff. 1/12/12; Ord 1618, provisions eff 5/4/18.]

Section 110.406.10 TRPA Standards. Requirements for development occurring in the Tahoe area including, but not limited to, building placement standards shall be the most restrictive of Tahoe Regional Planning Agency standards and Washoe County standards.

Section 110.406.15 Double Counting Yards. No required yard or open space around any building shall be considered a yard or open space for any other building on an adjoining lot or parcel.

Section 110.406.20 Combining Lots. If two (2) or more lots must be combined to meet the minimum yard requirements of this article, the lots shall be legally merged into one (1) lot before a building permit will be issued.

[Amended by Ord. 876, provisions eff. 7/7/93.]

Section 110.406.25 Unobstructed Yards. Any yard required by the Development Code shall be open and unobstructed from the ground to the sky except as provided in this article.

Section 110.406.30 Front Yards. Front yards shall comply with the provisions of this section.

- (a) **Through Lots.** On through lots, either end lot line may be considered the front line, except when the access would be from a street classified as a collector or an arterial. The minimum rear yard shall not be less than the required front yard in the regulatory zone in which such lot is located. After development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot.
- (b) **Interior Lots.** On any interior lot in any residential land use category or, in General Rural or General Rural Agricultural land use categories, the front yard requirement shall be fifteen (15) feet where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) above (or below) the established street

grade for every ten (10) feet of horizontal distance. Plans submitted must be specific enough to establish conformance with these provisions.

- (c) **Corner Lots.** On a corner lot, all yards abutting streets, other than collectors or arterials, shall be considered as front yards. Corner lots are required to have a side yard.
- (d) **Obstructions to Vision.** There shall be no fences or other obstruction to vision more than eighteen (18) inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety.
- (e) **Architectural Features.** Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required front yard not to exceed two (2) feet.
- (f) **Detached Garages.** Detached garages may be located behind the required front setback.
- (g) **Decks.** Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for front yard setback purposes.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95; Ord. 899, provisions eff. 5/31/94; Ord. 1023, provisions eff. 7/1/98; Ord. 1475, provisions eff. 1/12/12.]

Section 110.406.35 Side Yards. Side yards shall comply with the provisions of this section.

- (a) **Outside Stairs.** Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
- (b) **Architectural Features.** Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required side yard not to exceed two (2) feet.
- (c) **Accessory Structures.** Accessory structures may be located in a side yard as provided in Article 306, Accessory Uses and Structures, except that a guest building shall not be located in a side yard.
- (d) **Decks.** Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for side yard setback purposes.
- (e) **Prior Zoning.** Side yard requirements for lots created under the zoning in effect prior to May 26, 1993, may use the setbacks of the land use category comparable to the parcel size.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95; Ord. 1023, provisions eff. 7/1/98.]

Section 110.406.40 Rear Yards. Rear yards shall comply with the provisions of this section.

- (a) **Outside Stairs.** Outside stairs or landing places, if unroofed or unenclosed, may extend into a required rear yard for a distance of not to exceed five (5) feet.

- (b) Architectural Features. Cornices, canopies, chimneys, eaves or other similar architectural features may extend into a required rear yard not to exceed two (2) feet.
- (c) Accessory Structures. Accessory structures may be located in a rear yard as provided in Article 306, Accessory Uses and Structures.
- (d) Decks. Decks which are less than eighteen (18) inches in height from the finished grade are not counted as a structure for rear yard setback purposes.

[Amended by Ord. 876, provisions eff. 7/7/93; Ord. 939, provisions eff. 11/1/95.]

Section 110.406.45 Lot Width.

- (a) Modification of Standards. The Community Development Director may modify the standards of lot width to a lesser standard when, in his determination, there are compelling environmental considerations of topography or geology which necessitate a minor variation and do not result in parcel configurations inconsistent with the intent of these regulations. Such constraints may include: hillsides, creeks, wetlands, faults, rock outcroppings or other major constraints. The modification of the standard must facilitate superior building sites. This modification may not be granted for subsequent divisions of the same parcel.
- (b) Flag Lots. The "pole" portion of any lot shall not be included either in the required minimum lot size or width calculations. The "pole" portion shall be a minimum of twenty (20) feet in width and a maximum of thirty (30) feet in width.

[Added by Ord. 1140, provisions eff. 12/31/01.]

Section 110.406.50 Fences, Walls or Perimeter Planting.

- (a) Residential Use Types. The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.
- (b) Commercial and Industrial Use Types. The fences, walls or perimeter planting in commercial and industrial development adjoining residential uses shall be at least six (6) feet but not more than eight (8) feet in height, in accordance with Article 412, Landscaping. The fences, walls or perimeter planting adjoining a street may be a maximum of six (6) feet in height. The fences, walls or perimeter planting adjoining non-residential uses may be a maximum of eight (8) feet in height.
- (c) Specialty Fences. Specialty fences are permitted in all regulatory zones with the following provisions:

- (1) A specialty fence shall only be for the purposes of enclosing a tennis court, racquetball court, basketball court or other court-type recreational activity, and for exotic animals when a fence is pursuant to the issuance of a permit from the Washoe County Exotic Animal Board.
- (2) A specialty fence shall comply with the following provisions:
 - (i) The court or enclosure for which the fence is erected shall be located entirely to the side or rear of the main structure permitted on the property.
 - (ii) The fence may not be greater than ten (10) feet in height.
 - (iii) The fence may not prevent viewing through the fence. It may not be solid.
 - (iv) The fence must be of a color that blends with the background and in no instance may it be of a reflective material.
 - (v) The fence shall not be located closer than five (5) feet to the side or rear property lines.
- (d) Entry Gate and Entry Columns. An entry gate and entry columns are permitted in all regulatory zones and are subject to the following provision:
 - (a) An entry gate and entry columns may exceed the allowable height of the fencing on adjacent fence panels by a maximum of eighteen (18) inches. Lighting fixtures may be placed on top of the entry column in excess of the height limitation.

[Added by Ord. 939, provisions eff. 11/1/95. Amended by Ord. 959, provisions eff. 7/26/96; Ord. 1023, provisions eff. 7/1/98.]

[Section 110.406.45 entitled "Visual Obstructions" amended by Ord. 876, provisions eff. 7/7/93; Ord. 899, provisions eff. 5/31/94 and repealed by Ord. 939, provisions eff. 11/1/95.]

From: [Webb, Bob](#)
To: [Salas, Fidel](#)
Cc: [Chism, Johnna](#); [Farmer, Brian](#)
Subject: FW: Memo designating enforcement official is attached
Date: Thursday, October 25, 2018 2:51:14 PM
Attachments: [memo from P&B Director, CEOs enforce regulations, Sept 2018.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
Importance: High

Fidel:

1. Please provide to Elizabeth Byer, hearing officer for the hearing on WVIO-PLA18-0259. This e-mail suffices for her request of a one page memo from the County's legal counsel on the case (requested at the hearing on October 24, 2018).
2. Also, Mr. Edwards requested you provide a copy of this e-mail and attachment to the appellant (Ms. Richard).

Brian: For inclusion into the case file.



Bob Webb

Planning Manager, Planning and Building Division | Community Services Department

bwebb@washoecounty.us | Office: 775.328.3623 | Fax: 775.328.6133

P.O. Box 11130, Reno, NV 89520-0027

1001 East Ninth Street, Reno, NV 89512



From: Edwards, Nathan
Sent: Thursday, October 25, 2018 2:33 PM
To: Webb, Bob
Cc: Hauenstein, Mojra
Subject: FW: Memo designating enforcement official is attached
Importance: High

Yesterday you asked for my legal opinion about whether an enforcement official could initiate enforcement proceedings against a property owner for an apparent violation even though no complaint had been received by the official about the violation. More specifically, if an enforcement official receives a complaint about alleged violation X, but upon visiting the property observes violation Y instead, can the official initiate enforcement proceedings against the property owner for violation Y? The answer is yes.

Under Washoe County Code (WCC) section 110.910.10(d), enforcement officials are empowered to enforce development regulations "through administrative, civil or criminal remedies ..." This includes a wide range of measures, such as stop activity orders, remediation orders, chapter 125 administrative enforcement proceedings, chapter 125 abatement proceedings, certain injunctive relief, cancellation of development agreements, criminal citations, revocation of permits, and "[a]ny

other remedy authorized by law.” See WCC 110.910.10(d)(1)-(9). More importantly, the “enforcement official in his/her discretion may enforce a development regulation in any manner provided in this article.” WCC 110.910.15(b).

In the scenario you have posited, it would be within the discretion of the enforcement official whether to proceed with any of the listed measures in order to address a violation of a development regulation, regardless if that violation was the reason for a complaint in the first place. Thus while complaints certainly can serve as the basis for the initiation of enforcement proceedings (see WCC 110.910.15(a)), the code does not prohibit enforcement action against violations for which no complaint has been received. Rather, that is left to the enforcement official’s discretion.

Lastly, authority to designate enforcement officials is found in WCC 110.910.05(b). The memo attached to this email functions as the official designation of the listed individuals as enforcement officials within their fields for Washoe County. Accordingly, those individuals would be vested with the discretion to exercise the enforcement powers discussed in this email.

Please let me know if you have any other questions. Thank you.

Nathan J. Edwards
Deputy Washoe County District Attorney, Civil Division

From: Webb, Bob
Sent: Thursday, October 25, 2018 9:26 AM
To: Edwards, Nathan <nedwards@da.washoecounty.us>
Subject: Memo designating enforcement official is attached

Pursuant to our conversation yesterday afternoon. Thank you for your assistance!!!



Bob Webb

Planning Manager, Planning and Building Division | Community Services Department

bwebb@washoecounty.us | Office: 775.328.3623 | Fax: 775.328.6133

P.O. Box 11130, Reno, NV 89520-0027

1001 East Ninth Street, Reno, NV 89512



In the Justice Court of Sparks Township, County of Washoe,
STATE OF NEVADA

The State of Nevada

VS.

JOHN D. MOUCHOU

PLAINTIFF

DEFENDANT

COMPLAINT OF RICHARD KISPAUGH

WC PLANNING

ATTORNEY FOR PLAINTIFF
DISTRICT ATTORNEY KARLA BUTKO

ATTORNEY FOR DEFENDANT KEVIN KARP

CHARGING:

UNLAWFUL USE OF AN E-1 FIRST ESTATES RESIDENTIAL DISTRICT, a misdemeanor

DATE

19 89

PROCEEDINGS

Mar. 6 Complaint filed on the above charge having occurred on or between the 15th day of November, 1988, and the 30th day of January, 1989. Affidavit in Support of Complaint and Warrant of Arrest filed. Warrant of Arrest issued to Washoe County planning. Bail set at \$500.00.

10 Cash bail in the sum of \$500.00 posted on behalf of the defendant to appear in Sparks Justice Court on the 16th day of March, 1989 at 8:30 A.M.

16 Defendant appeared in Court with Atty. Kevin Karp. Defendant advised of his rights. Defendant waived the reading of the Complaint. Defendant entered a plea of NOT GUILTY. Trial set for the 15th day of May, 1989 at 3:00 P.M. Defendant released on his own recognizance.

May 4 Per stipulation between Deputy D.A. Butko, and Atty. Karp, Trial reset for the 7th day of July, 1989 at 2:00 P.M.

July. 7 This being the time of the Trial of the above entitled matter, the State present represented by Deputy D.A. Karla Butko, the defendant present with Atty. Kevin Karp, and the Honorable Judge Larma M. Volk presiding, the following proceeded:
Defendant entered a plea of NO CONTEST.
Sentencing set for the 9th day of November, 1989 at 2:00 P.M.
Defendant advised to put fence up, and get proper permits.

Nov. 9 Defendant and Attorney failed to appear for Trial. Bench Warrant to be issued.

16 Attorney Karp advised the Court that the District Attorneys office stipulated for a continuance, therefore sentencing reset for the 14th day of December, 1989 at 2:00 P.M.

Dec. 14 This being the time of the sentencing of the above entitled matter, the State present represented by Deputy D.A. Art Noxon, the defendant present with Atty. Joseph Kelly, and the Honorable Judge Larma M. Volk presiding, the following proceeded:
Sentencing reset for the 4th day of January, 1990 at 2:00 P.M. for the defendant to comply with the above agreement.

1990
Jan. 4 Due to the fact that Attorney Karp is ill, sentencing reset for the 29th day of January, 1990 at 2:00 P.M.

29 This being the time of the sentencing of the above entitled matter, the State present represented by Deputy D.A. Maynard McRee, the defendant present with Atty. Kevin Karp, and the Honorable Judge Larma M. Volk presiding, the following proceeded:
Per Deputy D.A. McRee defendant has complied with agreement, therefore the following is imposed:
IT IS THE JUDGMENT of the Court that this matter be and is herewith dismissed.

DONE IN OPEN COURT on this 29th day of January, 1990.



JUSTICE OF THE PEACE