

Washoe County Board of County Commissioners

Appeal WBLD17-101171

Richard Stone, 4765 Giles Way, Washoe Valley NV
89704

Agenda Item

9 January 2018

Why am I here?

- To appeal the denial of a building permit for a "Personal Communication Antenna" by the Planning Department that meets current code.
- I'm here to get a permit, either one for a retractable antenna or a fixed tower

Issue in dispute:

- Interpretation of applicable ordinance for standard Building Permit.

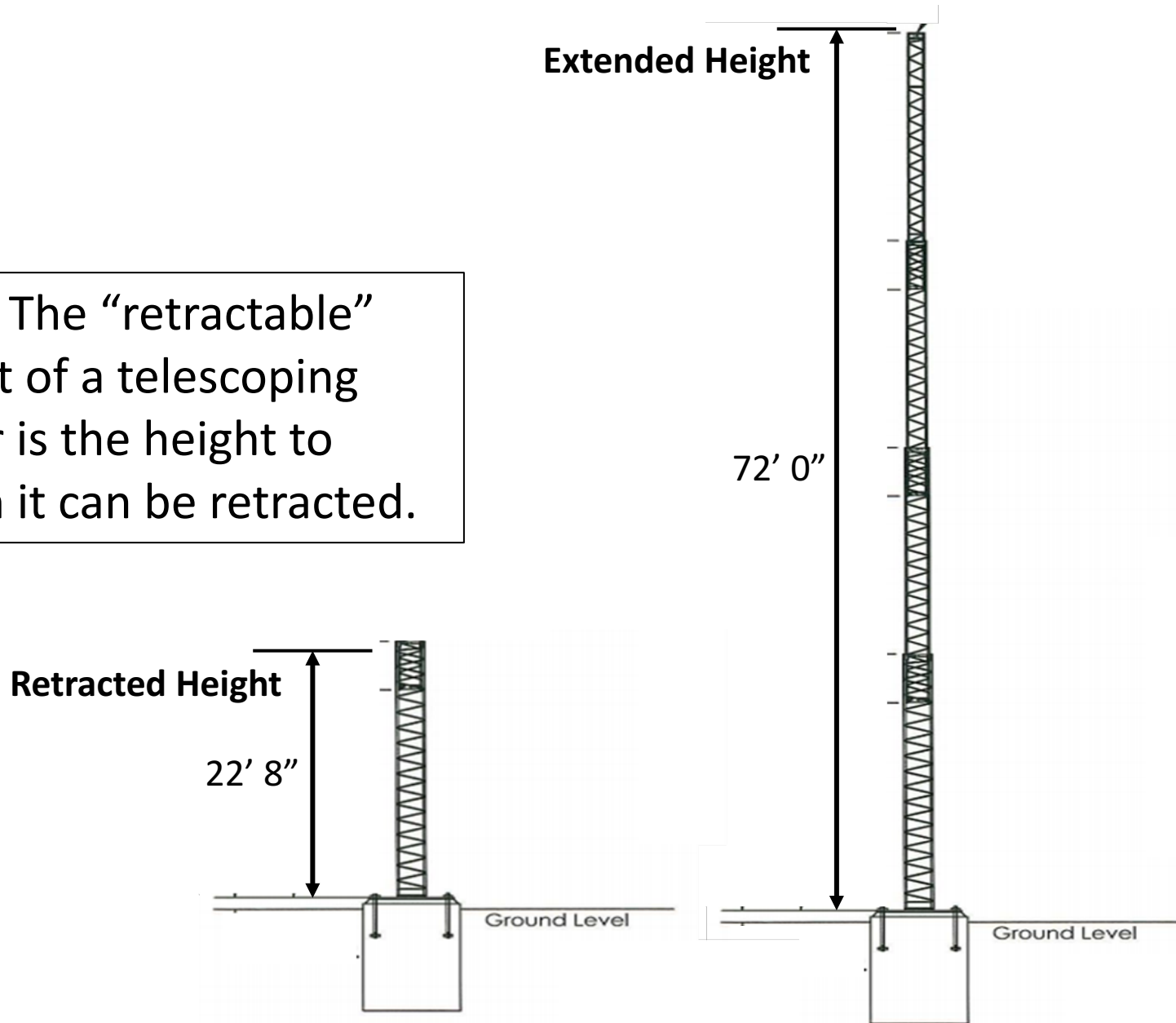
Section 110.324.20 Private Communication Antennas:

General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

(a) Height. The ***retractable*** height of a private communication antenna is limited to the height limitation of a main structure allowed in the regulatory zone in which the antenna is erected with a bonus of up to ten (10) feet.

US Tower Model HDX-572

Note: The “retractable” height of a telescoping tower is the height to which it can be retracted.



Nature of Dispute

- Planning's interpretation of ordinance different than previously applied to all other applicants since 2004.
- County attorney has been unable to consistently define "retractable" as evidenced by their communications with applicant's counsel.

“ As you noted, for purposes of simplification, the “retractable height” is limited to 45 feet. This means that the maximum height that is “able to be drawn back or back in,” to borrow your definition, is 45 feet. A simpler way to say it is that the height that is “capable of being retracted” is 45 feet. In this case, the 45 foot antenna is the base height--in other words, the “retracted” height, not the height that is “capable of being retracted.” Therefore 45 feet is the maximum under the plain language of the code provision.”

Excerpt of email: From Nathan Edwards, Attorney for the County to applicant's counsel

Planning Staff Advice to Applicant

- Planning staff has indicated that applicant can receive approval for the current project through the Administrative Permit process vs the current Standard Permit process.
- This is an expensive and onerous process with indeterminate outcome.
 - The Administrative Permit process violates both Nevada statutes and Federal Regulation requiring minimum practicable regulation to effect the goals of the Planning Department.
- Applicant is willing to accept reasonable conditions of use if applied to building permit process.

Request to Board

- The Applicant requests a favorable vote on this possible motion:
- Move to reverse the decision of the Board of Adjustment and approve the appeal of the Planning and Building Division Director's decision to deny Building Permit number WBLD17-101171. This reversal of the Board of Adjustment's decision is based on the Board's review of the written materials provided for this item, as well as the oral testimony at the public hearing. **In accordance with § 110.912.20(b)(6)(iv), the building permit is granted.**