

Washoe County Appeal of Decision to Board of Adjustment

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Development staff at 775.328.3600.

Appeal of Decision by (Check one)	
<p>Note: Appeals to the Washoe County Board of Adjustment are governed by WCC Section 110.910.15(i) and WCC Section 110.912.10(j).</p>	
<input type="checkbox"/> Administrative Hearing Officer	<input type="checkbox"/> County Building Official
<input checked="" type="checkbox"/> Director, Planning and Development Division	<p>Fire Code Official</p> <input type="checkbox"/> North Lake Tahoe Fire Protection District <input type="checkbox"/> Truckee Meadows Fire Protection District
Appeal Date Information	
<p>Note: This appeal must be delivered in writing to the offices of the Planning and Development Division or the Washoe County Building Official within 10 (ten) calendar days from the date that the decision being appealed is communicated in writing to the appellant.</p>	
<p>Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).</p>	
Date of this appeal: <u>18 MAY 2017</u>	
Date of action by County: <u>Building permit is on "hold"</u>	
Date of decision for which appeal is being filed: _____	
Project Location: <u>4765 GILES WAY WASHOE VALLEY NV</u>	
Appellant Information	
Name: <u>RICHARD STONE</u>	Phone: <u>(775) 849-7935</u>
Address: <u>4765 GILES WAY</u>	Fax: _____
	Email: <u>KD6BR@ATT.net</u>
City: <u>Washoe Valley</u> State: <u>NV</u> Zip: <u>89704</u>	Cell: _____
Specific action by the County being appealed: <u>New interpretation of Working in 110.324.20(A) making the maximum height of all antenna structures 45 feet. Planning Department holding up permit pending outcome of BOR decision</u>	
Describe why the decision should or should not have been made: <u>This is a change in interpretation of code that in the past allowed for retractable towers to extend beyond 45 feet as long as they could retract to less than 45' when not in use. The code has not changed only the interpretation by staff</u>	

Cite the specific outcome you are requesting with this appeal: Granting of Permit to proceed with installation of Private Communication Antenna Structure As proposed in Building Permit Application WBLD17-101171

Describe your basis as an aggrieved party. The basis must include the nature and location of your property interest and the manner in which the property interest will be affected by the appealed decision.
owner of property @ 4765 Giles Way current decision prevents effective use of amateur radio station for which I have a federal license to build & operate

Did you speak at the public hearing when this item was considered?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>NA</u>
Did you submit written comments prior to the action on the item being appealed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>NA</u>

Appellant Affidavit

STATE OF NEVADA)
)
 COUNTY OF WASHOE)

I, RICHARD STONE being duly sworn, depose, and say that I am an appellant
 (print name)

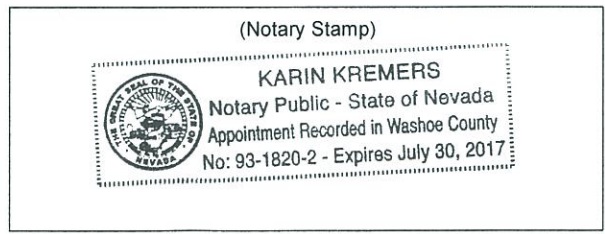
seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Development Division.

Signed [Signature]
 Address 4765 Giles Way
Washoe Valley, NV 89729
 Phone: (775) 849-1735

Subscribed and sworn to before me this
18 day of May, 2018.

Karin Kremers
 Notary Public in and for said county and state

My commission expires: 7-30-17



Division Director, Planning and Development

Thank you, Mojra, for sending some time Thursday to meet with me. I know you are busy and didn't have a lot of time available. Unfortunately in the time available we didn't have a chance to get much beyond "my opinion is this and our opinion is that". Most of the options forward presented were either very expensive or time consuming or both. I would still like to try and resolve this at our current level and move forward if possible. I'll try to explain my perspective and maybe we can find some common ground to negotiate a solution.

Your comment about a six story structure makes me think I should explain the beauty of a retractable antenna tower. The antenna only has to be up when in use and can be retracted down when not in use. It would only need to be operated at the maximum height when needed and could be operated at a lower height when conditions (signal propagation) allows. This means that the antenna would only occasionally need to be operated at the fully extended height. Lowering the antenna when not in use is a win/win for both the amateur radio station and the County.

To help the planning department understand why 45 feet is not enough I left a paper with Trevor giving the basic technical reasons certain antenna heights are necessary. Federal and Nevada State law requires local jurisdictions to make accommodation for amateur antennas and use the minimum necessary regulation possible. I believe that the wording of 110.324.20 (a) was expressly written that way to encourage a retractable antenna as a solution for this. It is my intention to only have the antenna extended when in use and extended to the maximum height only when necessary.

I would also mention that there are Utility poles all over the valley that are also the same height or more than my maximum tower height. Most people don't complain about them. In fact after a while they don't even see them anymore.

You mentioned the need to protect neighborhoods and neighbors rights. I'm not a contractor who is building a structure and then collecting my money and leaving. I live here in Washoe valley, I'm part of the neighborhood and my rights need protection as well. Rural areas commonly can have cattle, horses, chickens, Parked RV's, trailers, boats, antennas, junk vehicles and unkept yards. We have all of these things in my neighborhood. People who object to living around these things have the option of living in a place where there are CC&R's and HOA's that protect them from such things.

My long held dream for retirement included building and operating a decent amateur radio station so when looking for my retirement home I specifically choose to live in an unincorporated rural area. I rejected several nice homes because of local HOA's and CC&R's preventing outdoor antennas. I did due diligence in looking up county building codes and talking to other local amateur radio operators about antennas in this area. One of whom had just been through the process, with Washoe county, of obtaining the necessary the permits and putting up an antenna of the same type as I'm planning.

Last May I went to the county planning and development office and talked with engineers and planners to find out what I needed to submit for a private communications antenna permit. We went through the codes together talked about the design requirements, the need for engineering calculations being stamped by a Nevada certified engineer, site plans, easements set backs and antenna heights. I was told at the time that a retractable tower that extended beyond 45 feet would meet the code as long as it could be retracted below that when not in use. I submitted my permit application according to everything I was told and expected the permit to sail right through the process. I was shocked when Trevor called to say there was an issue with my permit application. I was very surprised to find that it wasn't a simple misunderstanding. I found that the code has not been changed only the way it is being interpreted.

Since this is a serious impact on my retirement I'm willing to go the extra mile to try and resolve this. I would be happy to come down again to the county offices and discuss with the planning department the counties concerns and see if we can find a reasonable compromise to resolve this before escalating it up to higher levels. In the mean time I respectfully request that you allow me to proceed with the foundation for a tower while we resolve the final height question.

Please let me know your decision as soon as you can.

Thank You

Richard Stone