



City Clerk's Office
1 E First Street
2nd Floor
Reno, NV 89501
775-334-2030
CityClerk@reno.gov

For Office Use: Date Stamp

RECEIVED

OCT 31 2023

CITY CLERK

City of Reno Notice of Appeal Form

Please complete this form to appeal a decision made by a City official, a hearing examiner, or the Planning Commission.

To be considered complete, the appeal must: (1) be in writing; (2) provide information addressing all of the items below; (3) be accompanied by the required appeal fee adopted by the City Council; and, (4) submitted to the City Clerk's Office or emailed to cityclerk@reno.gov.

An incomplete form will be returned to you, and may result in a delay in scheduling your appeal.

In addition, all appeals must be filed within the applicable period of limitations. For example, an appeal of a Planning Commission decision must be submitted to the City Clerk's Office within ten business days after the date of filing of notice of the decision with the City Clerk. (The City Clerk's Office maintains a list of common periods of limitations available upon request.)

Untimely appeals will be rejected by the City Clerk, and any appeal fees paid will be returned.

1. Type of Appeal (please select only one)

RMC: Title 18 Code

- ☐ Planning Commission Decision
- ☐ Hearing Examiner Decision
- ☐ Minor Deviation
- ☐ Minor Conditional Use Permit
- ☐ Site Plan Review
- ☐ Administrative Interpretation

RMC: Administrative Code

- ☐ Code Enforcement Citation
- ☐ Business License
- ☒ Building Permit
- ☐ Sign Permit
- ☐ Other:

2. Appellant Information:

Appellant Name: Michael Powell

Authorized Representative: _____

Address: 2640 Outlook Dr., Reno, NV 89509

Telephone No.: 512-351-2494

Email Address: michael-powell@earthlink.net

3. Brief description of the action, decision, or order being appealed. (Please reference the project name, address, case number, citation number, or permit number, as applicable. Attach additional sheets, as necessary.)

I am appealing building permit BLDG23-03075 and grading permit application BLDG23-05279, which pertain to 2600 Outlook Dr., Reno, NV 89509 (which is owned, via a family trust, by Mrs. Carol Reno).

-BLDG23-03075 is for a fence on top of a retaining wall, and the permit has been issued.

-BLDG23-05279 is an application for a grading permit, and includes the movement of fill and construction of retaining wall upon which the already-issued fence permit depends.

The permit for the fence depends on the grading permit, so I am appealing both of them.

(Continued on attached pages.)

4. Describe in detail how the action, decision, or order being appealed impacts you or your property, as applicable. (Attach additional sheets, as necessary.)

The property that my wife and I own, 2640 Outlook Drive, shares an approximately 150-foot property line with 2600 Outlook Drive. (See photo.)

The Planning Department has issued a permit for the owner of 2600 Outlook Drive to build along the length of this property line the following:

"Proposed fence on top of a rockery retaining wall. Fence is four feet tall on top of the two foot wall between the front property line and the front face of the house. From there back, the fence transitions to a six foot fence. Fill has been provided in the side yard to satisfy the comment about the proposed wall not being retaining." (This verbiage is quoted from the Planning Department's Application Status Trail Report, accessed 26 Oct 2023.)

In addition, the Planning Department has approved that the fence can be constructed by hanging shade fabric between wooden fence posts. (The Planning Department's Joseph Marynak told me this is the first time this type of fence has been approved.)

In addition to violating numerous provisions of the Reno Municipal Code (RMC), this retaining wall and fence will harm my property interests in at least the following ways:

- 1) Stormwater flow will be disrupted causing erosion, sedimentation, and damage to my fence.
- 2) A six-foot tall fence will obstruct my view of traffic in the street from my driveway.
- 3) A fence constructed of shade fabric will look bad, and will negatively affect my property value.

Stormwater flow: Although the two lots are generally flat at the property line (i.e. there is no grade separation, see attached photos 3 thru 7), 2640 Outlook Drive (my house) is slightly higher in elevation than 2600 Outlook Drive. Storm water flows diagonally across my property then under the fence to the 2600 Outlook Drive lot. During heavy rainfalls, stormwater from Outlook Drive flows down my driveway, across my side yard, and under the fence. (See photo 1) If a retaining wall is built on the property line, storm water flow will be disrupted increasing erosion at the property line and base of the proposed retaining wall. This will increase sedimentation in Last Chance Ditch (which crosses the east side of both lots). Eventually, the base of the proposed retaining wall will be undercut, and the "rockery retaining wall" will fall into my fence and damage it.

(Continued on attached pages.)

5. Describe in detail the reason(s) why the action, decision, or order being appealed should be reversed, modified or set aside. (Attach additional sheets, as necessary.)

The approved building permit violates the following provisions of RMC (and possibly others):

1) RMC paragraph 18.04.809(c)(3) states that "walls or fences shall not exceed four feet in height within 20 feet of each side of a primary driveway." The entirety of my driveway is within 20 feet of the property line, so a wall, fence, or combination of the two cannot exceed four feet in height from the front of my garage to the street.

2) RMC paragraph 8.22.30 - Defines a "retaining wall" as "bank retention between grade separations," but there is no grade separation between the lots of 2600 Outlook and 2640 Outlook. (Also, the Planning Department's Joseph Marynak has cited the International Residential Code (IRC) definition of "retaining wall" as a wall that supports a lateral load.) The land here is flat and only very slightly sloped from 2640 Outlook to 2600 Outlook. In other words, my house is slightly uphill from Mrs. Reno's house. There is no grade separation or lateral load to support.

3) RMC paragraph 18.04.1404(a)(1) - In order to classify a rock wall as a retaining wall, there must be a grade separation and lateral load to support. In order to create a grade separation and lateral load on these flat lots, fill would have to be moved to the property line. This would be a direct violation of RMC paragraph 18.04.1404(a)(1), which clearly states that fill cannot be placed within 5 feet of a shared property line.

(Continued on attached pages.)

6. Please identify and attach all documentation/evidence that you would like considered supporting your appeal. (Attach additional sheets, as necessary.)

The following are attached:

1) Appeal form continuation sheet

2) Photographs - Ten photographs are also attached. Most of these have previously been provided to the Planning Department. The photos include an aerial photo of 2600 and 2640 Outlook Dr., a photo of the ten-foot fence posts that were installed in July 2022, a series of five photos showing that the land at the property line is flat, two photos excavation and excess soil, and a photo of a shade fabric structure at 334 Moran St. built by Tony Reno in 2022

3) E-mail string with the Planning Department's Joseph Marynak. (I have also had one phone conversation with him.)

7. Relief or action sought. (Attach additional sheets, as necessary.)

1) Rescind the approved building permit for the fence (BLDG23-03075) immediately.
2) Require brand new submissions for both the fence and the grading permit applications. Thus far, six and five revisions to the original applications for the fence and grading permits, respectively, have been submitted, so it's difficult to tell exactly what is being considered/approved. Reading the Application Status Trail Reports, it seems that it's confusing even for the Planning Department staff. Some clarity is needed.

(Continued on attached pages.)

Appellant or Authorized Representative

Signature (Print Name):

Michael R. Powell 31 Oct 2023

☒ By checking this box, I agree information is complete and I have authority to sign this form.

For Office Use:

Hearing Date: 11-14-2023

Hearing Time: 9am

Hearing Location: Via Zoom

☒ Via Zoom (Link emailed to information indicated above at least 5 business days prior to hearing)

Received by: BT

PAYMENT DATE
11/01/2023
COLLECTION STATION
7947- Front Desk 1
RECEIVED FROM
MICHAEL POWELL
DESCRIPTION
APPEAL BLDG23-03075

City of Reno
1 East First Street
Reno, NV 89501

BATCH NO.
2024-00001805
RECEIPT NO.
2024-00086897
CASHIER
Urbina-Tapia Janet

| PAYMENT CODE | RECEIPT DESCRIPTION | TRANSACTION AMOUNT |
|--------------|---|--------------------|
| 6901 | Copies/Miscellaneous APPEAL BLDG23-03075 00100-0000-5780-1099 Other income \$68.00 | \$68.00 |
| | Total Cash \$0.00 Total Check \$0.00 Total Charge \$68.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$68.00 Change \$0.00 Total Received \$68.00 | |
| | PAID NOV 01 2023 CITY OF RENO | |
| | Total Amount: | \$68.00 |

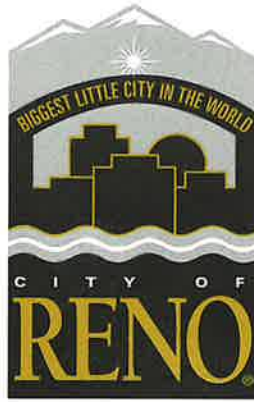
Customer Copy

Printed by: Urbina-Tapia Janet

Page 1 of 1

11/01/2023 10:59:32 AM

Mikki Huntsman
City Clerk
(775)334-2030
HuntsmanM@reno.gov



Office of the City Clerk
Central Cashiering (775)334-2032
Public Records (775)348-3932

November 2, 2023

Via: ___ personal service **XXX** U.S. first class mail and certified mail – return receipt requested.

Re: **Property: 2640 Outlook Dr, Reno, NV 89509**
 Mailing Address: 2600 Outlook Dr, Reno, NV 89509
 Case No.: BLDG23-03075/05279

Your appeal will be conducted on November 14, 2023, at 9 am, over Zoom. You will receive an email regarding your Zoom link for your appeal at this email address:

michael-powell@earthlink.net

If you have any questions regarding the hearing or its scheduling, please contact the respective Division for your matter. Business Licensing can be reached at (775) 334-2090, and Code Enforcement can be reached at (775) 334-2229. Please ask to speak with the City officer who provided you with notice of the City's action against you.

Sincerely

for Mikki Huntsman
Mikki Huntsman
City Clerk

One East First Street, Second Floor P.O. Box 7, Reno, NV 89504

Continuation of Notice of Appeal Form

3. Brief description of the action, decision, or order being appealed. (Please reference the project name, address, case number, citation number, or permit number, as applicable.)

(Continued)

Some background is required to explain how the separate building permit applications for the fence and the grading have become interrelated and must be considered concurrently. Please bear with me:

In July 2022 (15 months ago), Tony Reno, the adult son of Mrs. Carol Reno (the owner of 2600 Outlook Drive), installed 13 ten-foot fence posts on the property line. (See attached photo number 2.) Even after I spoke to him and Mrs. Reno about fence height maximums and provided a copy of the City's "General Standards for Fences and Walls" (which excerpts Reno Municipal Code), he insisted he could build whatever he wanted. Mrs. Reno was subsequently cited for building without a permit.

After his first permit application for a too-tall fence was approved then rescinded by the Planning Department, Tony Reno realized the only way to get a taller-than-code fence is if he put it on top of a "retaining wall" (since, per RMC para 18.04.809(c)(4), the fence height would then be measured only from the top of the retaining wall).

There are at least two problems with this: 1) The fence posts are already in the ground, and are not, in fact, on top of a retaining wall, and 2) the land at the property line is essentially flat between the two lots of 2640 Outlook (my house) and 2600 Outlook (Mrs. Reno's house), which means there is no grade separation at the property line and no soil to retain.

Attached is an aerial view of the two lots with slope and water drainage indicated (photo 1), as well as a series of photos (photos 3 through 7) showing that the lots are essentially flat at the property line.

Meanwhile, in October 2022 Mrs. Reno was cited for grading without a permit, in November 2022 the initial application for a grading permit was submitted, and in December 2022 the Planning Department put that application "on hold" for multiple reasons including lack of information about proposed retaining walls.

Back to the fence permit: Since the fence posts are already in the ground, Tony Reno can't actually build the fence on a retaining wall. Instead, he wants to build a rock wall around the bottoms of the posts, push soil against that rock wall, and call it a retaining wall.

On 7 January 2023 (10 months ago), that is exactly what he proposed: a 4-foot fence in the front yard, a six-foot fence in the back yard, both built on a two- to three-foot high retaining wall.

Despite the grading permit application still being “on hold,” the Planning Department approved this version of the fence building permit. However, after I sent photos showing that the lots at the property line are nearly flat with no grade separation, the Planning Department rescinded the building.

In order for a rock wall to be a retaining wall, a grade separation and a lateral load of soil/fill must be present. This is simply not the case here (as described in Section 5 of this form), so fill must be dumped on the property line to create a grade separation and lateral load for the rock wall to support. However, moving fill within five feet of a shared property line is a clear violation of Reno Municipal Code (paragraph 18.04.1404(a)(1)).

Over the past year, according to the Planning Department’s Application Status Trail Reports, a total of six revisions to the original application for the fence permit (BLDG23-03075) and a total of five revisions (so far) to the original application for the grading permit (BLDG23-05279) have been submitted.

Apparently, this persistence has worn down the Planning Department staff enough that they’ll call a rock wall built around the bottom of the fence posts a retaining wall. Even though the grading permit application remains in a “revisions required” status and even though the ground between the lots is still flat and even though moving fill to the property line to build a retaining wall still violates Reno Municipal Code, on 17 October 2023, the Planning Department issued a building permit for a fence on top of a retaining wall:

“Proposed fence on top of a rockery retaining wall. Fence is four feet tall on top of the two foot wall between the front property line and the front face of the house. From there back, the fence transitions to a six foot fence. Fill has been provided in the side yard to satisfy the comment about the proposed wall not being retaining.” (This text is excerpted from the Planning Department’s Application Status Trail Report for BLD23-03075, accessed 26 October 2023.)

This is essentially the same permit that was issued in January 2023, then rescinded in February 2023 after I pointed out the numerous code violations such a permit entails. Even worse, the Planning Department now seems to be approving the movement of fill to the property line, which is an unambiguous violation of RMC paragraph 18.04.1404(a)(1).

Also, it is important to note that, as of 31 October 2023, fill has not, in fact, been “provided in the side yard.” (This is, perhaps, another example of untruthful information in the documents submitted to the Planning Department.) It is true, however, that Tony Reno has a large quantity of fill available.

In October 2022 (a year ago), using a full-size backhoe, Tony Reno dug out dozens of cubic yards of soil from around the back foundation of 2600 Outlook. I estimate that more than 50 cubic

yards of soil were excavated. Most of this was spread out between the Last Chance Ditch and the excavation at the back of the house, but a 10- to 12-foot pile remains. (See photos 8 and 9.)

There are probably 10 to 20 cubic yards in the pile, which might be enough to build a fake retaining wall along the property line. It is likely that Tony Reno is attempting to use the fill on-site instead of exporting it to a landfill or other location since it would reduce the complexity of the grading permit as well as the cost. Nevertheless, it is a violation of RMC to move it within five feet of the shared property line.

So, he's got lots of soil he needs to get rid of and wants to use it as fill along the property line. Since he's moving fill around the property, he's got to reference the retaining walls he wants to build on *both* the fence permit application *and* the grading permit application. That is why the two permits are interrelated and should be considered and approved/disapproved at the same time.

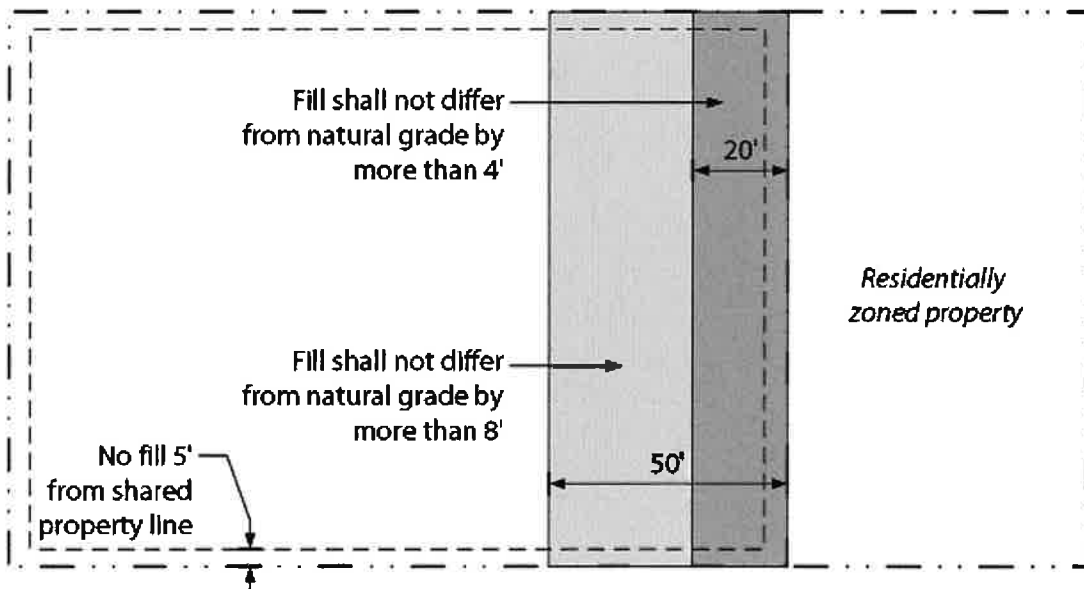


Figure 4-42 Grading Near Property Line (from RMC para 18.04.1404)

4. Describe in detail how the action, decision, or order being appealed impacts you or your property, as applicable.

(Continued)

Obstruction of view of street: At the garage, my driveway is thirteen feet from the property line. At the street, my driveway is nineteen feet from the property line. If a six-foot high wall/fence is

constructed on the property line, the view of traffic in the street when backing out of the driveway will be obstructed creating a safety hazard.

Decreased property value: A six-foot tall fence constructed of shade fabric will be visible from the street, my driveway, and my front yard. In the back yard, an eight-foot-tall fence will be visible above the existing four-foot wooden fence from the back yard, my living room window, kitchen window, and upstairs hallway window. Shade fabric is not a construction material. It will look cheap and half-assed even when new. It will degrade from UV exposure in a few years, and, hung between posts like a sail, it will tear in high winds. This will decrease the value of my home and will cause a material financial loss when we sell the house. (Other property values on the street will also be negatively affected.)

5. Describe in detail the reason(s) why the action, decision, or order being appealed should be reversed, modified or set aside.

(Continued)

4) RMC paragraph 18.04.809(a) - Requires that fences “enhance the visual appearance of the built environment, establish an attractive streetscape, ensure visual compatibility with public spaces, [and] promote street and neighborhood character.” A fence made by hanging shade fabric between posts does not meet these requirements. Every fence in this neighborhood is made of wood, metal, or a combination of both.

The Planning Department's Joseph Marynak told me two things about the appearance of new fences: First, the city does not regulate fence materials unless they are a life safety issue. How does the city enforce the aesthetic requirements of paragraph 18.04.809(a) if it will allow the use of any material so long as it's not dangerous?

Second, Joseph Marynak told me that this would be the first time a fence made of shade fabric has been approved by the Planning Department. This is a precedent the city may not want to set.

In early 2022, Tony Reno built a structure made of shade fabric at 334 Moran St., a rental property owned by Mrs. Reno. (See photo 10.) It's not really a fence since, except for the posts, it does not come close to the ground on the other side of the wooden fence. It relies on the old wooden fence to close off the boundary near the ground. It will look awful when the owner of the wooden fence takes that fence down.

Does the city want these types of structures instead of wooden or metal fences?

5) RMC paragraph 14.18.080 requires that fences be of “sound” construction. A fence made of shade fabric is not sound construction. It will not last long in the intense sunshine and strong winds of northern Nevada.

6. Please identify and attach all documentation/evidence that you would like considered supporting your appeal.

No additional comments.

7. Relief or action sought.

(Continued)

3) Inform Mrs. Reno and Tony Reno clearly and in writing inform that:

a) No fill can be moved to within five feet of the shared property line, and neither permit application (fence or grading) will be approved if fill and/or retaining walls on the property line are included.

b) A retaining wall cannot be built on the shared property line.

c) The maximum fence height cannot exceed four feet in their front yard and six feet in their back yard.

d) The fence must be constructed with wood, metal, or both, but not with shade fabric.

I have talked to Tony Reno about items a, b, and c, but he's going to keep pushing unless the Planning Department clearly communicates to him all code requirements.

4) Evaluate and disapprove/approve the two permit applications together to ensure that one doesn't conflict with the other. It seems to me that the fence permit was twice issued in violation of the Reno Municipal Code grading because this wasn't done.

Finally, I want to be clear that I am not now, and I have never been, opposed to Mrs. Reno and Tony Reno building a new fence on the property line. It just needs to meet code.

Had they asked me about replacing my existing four-foot wood fence with a new four-foot wood fence in front and six-foot wood fence back, I would have split the materials cost and helped Tony build it. Instead, he started on a 10-foot-tall fence without even knowing what the code requirements are, and he can't seem to let it go.

Thank you for your assistance in resolving this matter.

Photographs

Photo 1

Aerial photograph of 2600 Outlook (at top) and 2640 Outlook (at bottom). 2600 Outlook is owned by Mrs. Carol Reno. 2640 Outlook is owned by Michael and Susan Powell.

Yellow arrows indicate the approximate slope and surface water flow.

The blue line indicates the approximate location of the Last Chance Ditch. The blue arrows indicate the direction of water flow in Last Chance Ditch.

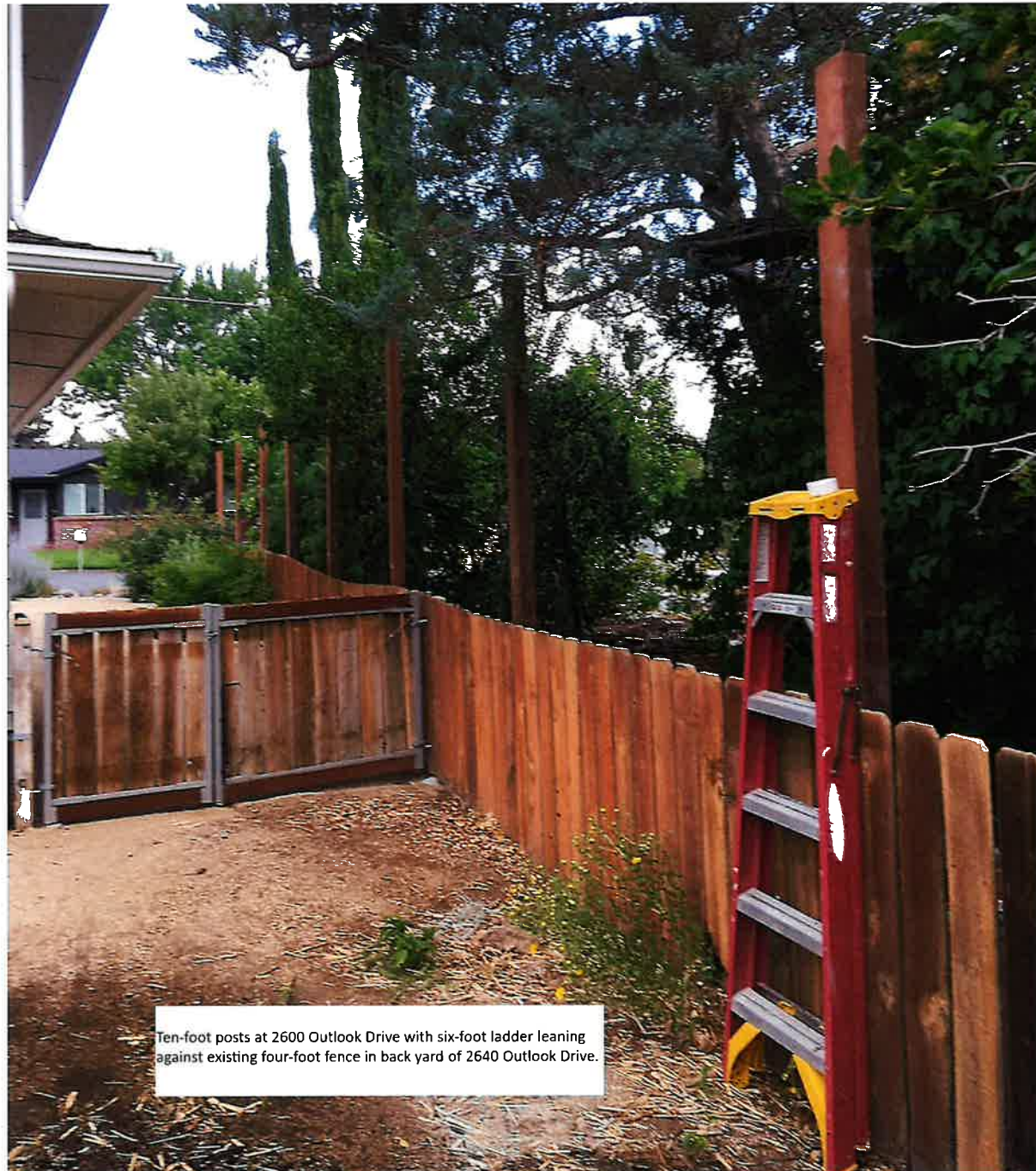
Last Chance Ditch cuts across the east sides of 2600 Outlook, 2640 Outlook, and the other properties on the east side of Outlook Drive.



Photo 2

Shows eight of the thirteen ten-foot-tall fence posts that were installed in July 2022 (15 months ago) without a permit. The posts are 4-inch by 6-inch by 12-foot beams, stood on end, and concreted into two-foot-deep holes. The existing wooden fence, which is part of 2640 Outlook, is four feet in height. A six-foot ladder is leaning against the fence.

This photo is taken from the back yard of 2640 Outlook facing west toward Outlook Drive. The house at 2640 Outlook is to the left, and Outlook Drive is straight ahead.



Ten-foot posts at 2600 Outlook Drive with six-foot ladder leaning against existing four-foot fence in back yard of 2640 Outlook Drive.

Photos 3 through 7

The following five photographs show that the ground is flat at the property line between 2640 Outlook and 2600 Outlook. There is no grade separation between the two properties, and there is no soil to retain at the property line.

The photos start at Outlook Drive and progress the length of the existing four-foot wooden fence, which ends before both properties slope down to Last Chance Ditch. The first three photos are looking east, the last two are looking west.

The photos were taken in late-January 2023 but nothing has changed since then (meaning no additional work on the fence has been done as of 31 Oct 2023).

Photo 3

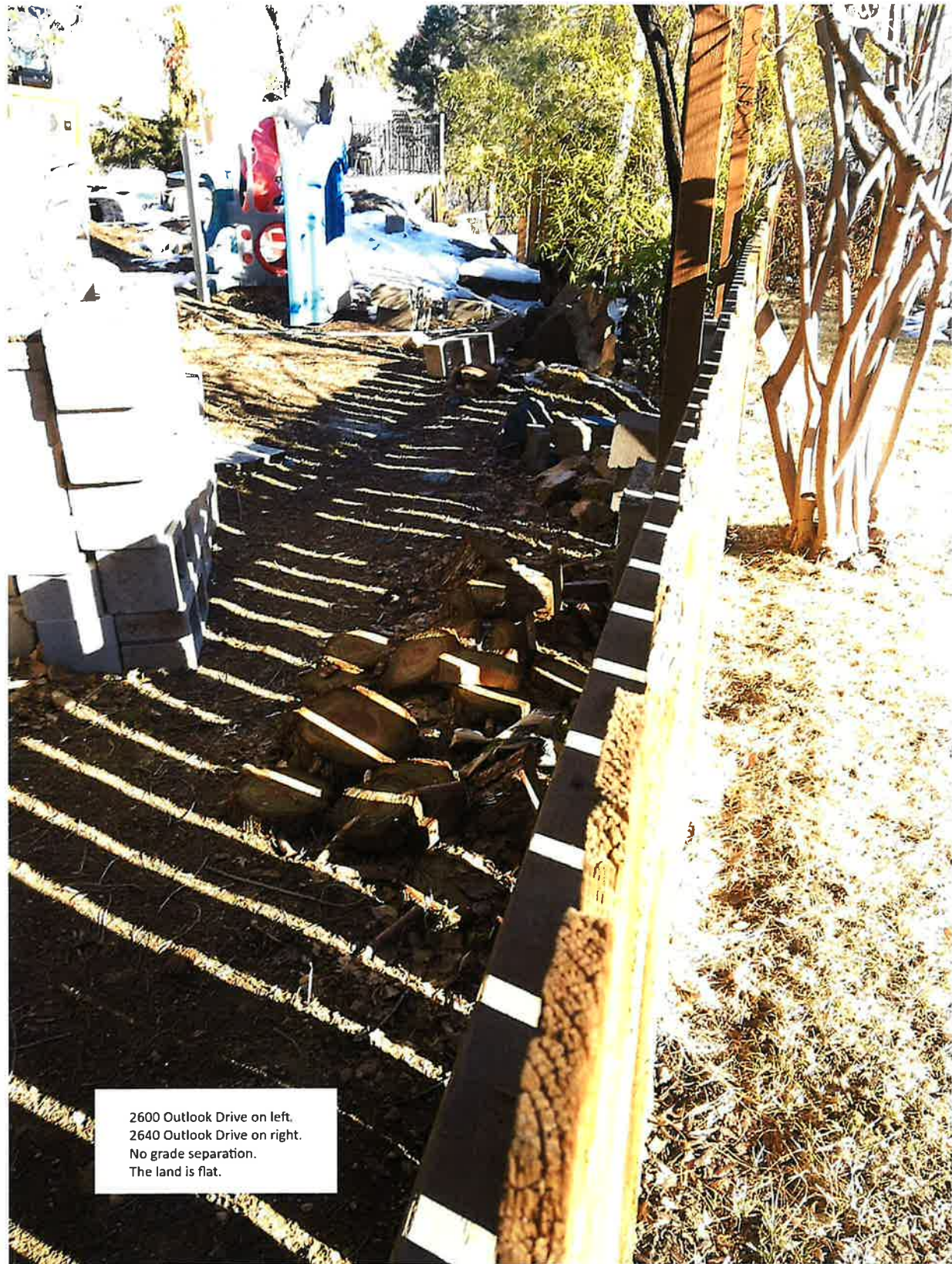


Photo 4



2600 Outlook Drive on left.
2640 Outlook Drive on right.
No grade separation.
The land is flat.

Photo 5



2600 Outlook Drive on left.
2640 Outlook Drive on right.
No grade separation.
The land is flat.

Photo 6



2600 Outlook Drive on right.
2640 Outlook Drive on left.
No grade separation.
The land is flat.

Photo 7



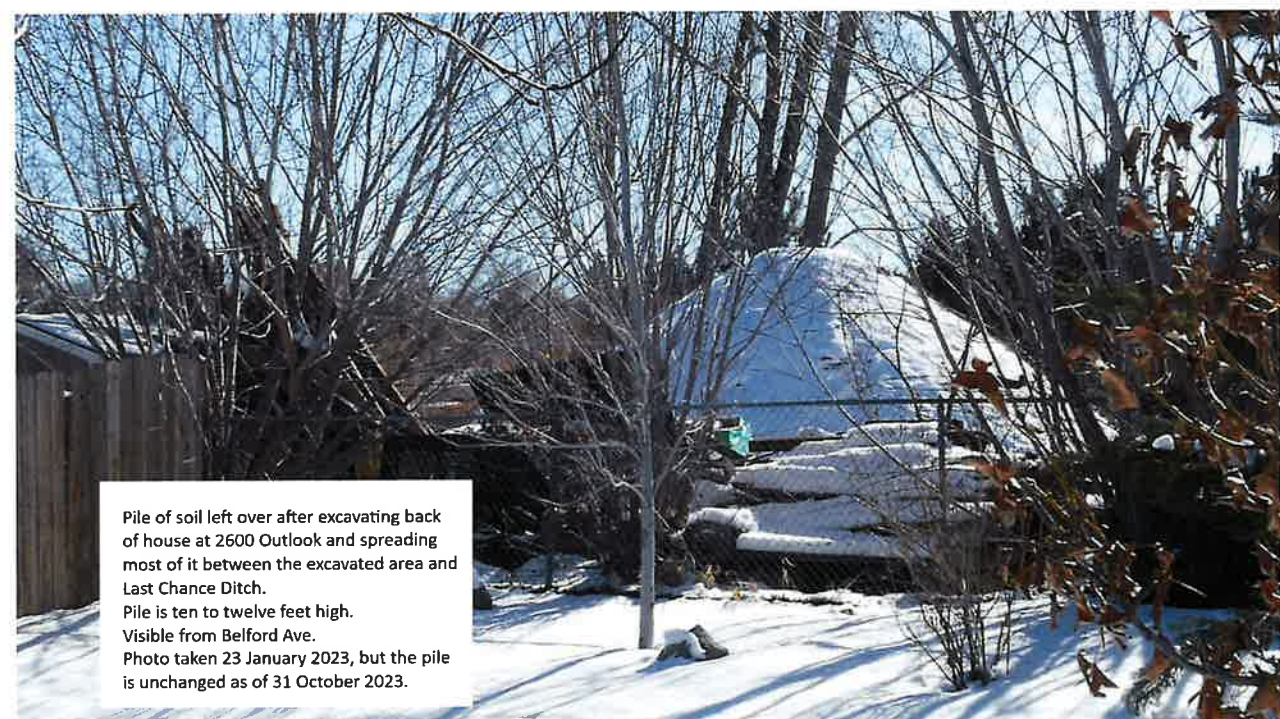
2600 Outlook Drive on right.
2640 Outlook Drive on left.
No grade separation.
The land is flat.
(The concrete block and plywood structure
to the right is three feet from the property
line and was built on fill without a permit.)

Photo 8 Shows the excavation at the back of 2600 Outlook Dr.



Excavation at back of 2600 Outlook Dr.
Depth of excavation at house foundation is
five to six feet.
This is visible from Belford Ave.
Photo taken 23 January 2023.

Photo 9 Shows the mountain of soil left over after excavation and spreading in back yard.



Pile of soil left over after excavating back
of house at 2600 Outlook and spreading
most of it between the excavated area and
Last Chance Ditch.
Pile is ten to twelve feet high.
Visible from Belford Ave.
Photo taken 23 January 2023, but the pile
is unchanged as of 31 October 2023.

Photo 10

This is the shade fabric structure at 334 Moran St., Reno (a rental property owned by Mrs. Carol Reno). It was built by Tony Reno in 2022.



Shade fabric structure at 334 Moran St., Reno.
Built by Tony Reno in 2022.
It does not extend to ground behind the existing
fence, but acts only to block view above existing
fence. It relies on existing fence to separate the
two yards at ground level.

-----Original Message-----

From: Michael Powell <michael-powell@earthlink.net>

Sent: Oct 26, 2023 4:16 PM

To: Joseph Marynak <marynakj@reno.gov>

Cc: <PetersonD@reno.gov>, <MillerH@reno.gov>, <LeonA@reno.gov>, <hardingt@reno.gov>, Jason Garcia-LoBue <garcia-lobuej@reno.gov>, Nathan Gilbert <gilbertn@reno.gov>, Chris Pingree <pingreec@reno.gov>

Subject: BLDG23-03075 violates RMC

Mr. Marynak,

You have approved a permit in violation of RMC para 18.04.1404 - Grading (see attached). Specifically, in the Planning Review section of the Application Status Trail Report, it states the following:

"Proposed fence on top of a rockery retaining wall. Fence is four feet tall on top of the two foot wall between the front property line and the front face of the house. From there back, the fence transitions to a six foot fence. Fill has been provided in the side yard to satisfy the comment about the proposed wall not being retaining."

This violates RMC which explicitly states that fill cannot be placed within five feet of a shared property line.

The property line is between 2600 Outlook Drive and my house. As you know (because I have told you and sent photos to you), the land here slopes slightly downhill from my lot to 2600 Outlook Drive, so there is nothing to retain on either side of the property line. And it is illegal to bring in fill within five feet of the property line.

Please rescind permit BLDG23-03075 immediately.

Do you need me to send you additional photos?

Thank you.

Michael Powell

2640 Outlook Dr, Reno, NV 89509

(512)351-2494

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Mar 6, 2023 7:44 AM

To: Michael Powell <michael-powell@earthlink.net>

Cc: <PetersonD@reno.gov>, <MillerH@reno.gov>, <LeonA@reno.gov>, <hardingt@reno.gov>, Jason Garcia-LoBue <garcia-lobuej@reno.gov>, Nathan Gilbert <gilbertn@reno.gov>, Chris Pingree <pingreec@reno.gov>

Subject: Re: External - Inaccurate, deceptive, and fraudulent building permit application (BLDG23-03075)

Good morning Mr. Powell,

The associated permits have been put on hold pending review from my management team. We are working diligently to make sure that this permit is reviewed appropriately.

Best regards,



Joseph Marynak

(He/Him/His)

Assistant Planner

Planning Department

o: 775.393.4172

c: 775.741.4064

marynakj@reno.gov

1 E. First St., Reno, NV 89501

Working Hours: M, W-F 7:00 a.m. - 5:30 p.m.

Reno.Gov | Connect with us: 

On Wed, Mar 1, 2023 at 7:34 PM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

After five public records requests, the city finally provided a copy of the building permit application and supporting documents submitted by Mrs. Carol Reno and her adult son Tony Reno in pursuit of building permit BLDG23-03075.

In addition to many factual errors, the application and associated documents contain significant material misrepresentations whose intent was to deceive the employees of the City of Reno Planning Department. The fence, if built as described in the building permit application and associated documents, will cause harm to my property interests and will violate numerous provisions of the Reno Municipal Code (RMC).

Therefore, I request that building permit BLDG23-03075 be rescinded immediately.

Please see the attached letter and attachments to that letter for the specifics.

Be advised that I have opposed this fence project since Mrs. Reno's son began building it (without a permit) in July. I have communicated my opposition to the issuance of the building permit to the Planning Department numerous times. I will continue to oppose the issuance of the building permit until it meets all of the requirements of the Reno Municipal Code (RMC).

This permit was issued based on inaccurate, deceptive, and fraudulent information submitted by Mrs. Carol Reno and her adult son Tony Reno. The permit should be rescinded immediately.

I have been very patient thus far, but am ready to elevate this issue up the chain of command if the Planning Department cannot resolve this matter in a way that complies with RMC.

Thank you,

Michael Powell

2640 Outlook Dr., Reno, NV 89509

512-351-2494

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Feb 2, 2023 2:47 PM

To: Michael Powell <michael-powell@earthlink.net>

Cc: <PetersonD@reno.gov>, <MillerH@reno.gov>, <LeonA@reno.gov>, <hardingt@reno.gov>, Jason Garcia-LoBue <garcia-lobuej@reno.gov>, Nathan Gilbert <gilbertn@reno.gov>

Subject: Re: BLD23-03075 Fence and BLD23-05279 Grading

Good afternoon Mr. Powell,

Thank you for your patience and for bringing these issues to our attention. We have reviewed them and have updated our permit comments accordingly to require plan revisions where necessary.

Best regards,



Joseph Marynak

(He/Him/His)

Assistant Planner

Planning Department

o: 775.393.4172

c: 775.741.4064

marynakj@reno.gov

1 E. First St., Reno, NV 89501

Working Hours: M, W-F 7:00 a.m. - 5:30 p.m.

Reno.Gov | Connect with us: [f](#) [t](#) [@](#) [in](#) [d](#)

On Mon, Jan 30, 2023 at 6:00 PM Joseph Marynak <marynakj@reno.gov> wrote:
Good evening Mr. Powell,

I was able to have some brief discussions with my management team today, but will need some additional time to follow up with them and come up with a comprehensive answer to your questions. Unfortunately I do not work on Tuesdays, so that will need to wait until Wednesday.

Thank you for your patience,



Joseph Marynak

(He/Him/His)

Assistant Planner

Planning Department

o: 775.393.4172

c: 775.741.4064

marynakj@reno.gov

1 E. First St., Reno, NV 89501

Working Hours: M, W-F 7:00 a.m. - 5:30 p.m.

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On Sun, Jan 29, 2023 at 11:41 AM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

Before you meet with your management team, I wanted to ask where the delineation point between the front yard (4-ft fence allowed) and side yard (6-ft fence allowed) is on the property line between 2600 Outlook and 2640 Outlook. The way I read RMC, it would be at the point on the property line where a line perpendicular to the property line meets the southwest corner of Mrs. Reno's house. The yellow "X" on the attached image is roughly where it would be. (A tree obscures the existing fence/property line at this point, but you get the idea.)

I point this out because the delineation point between the front and side yards, which is probably where Mrs. Reno's son will transition the fence from four feet high to six feet high, is much further back on the property line than the end of my driveway. If the transition from 4-ft to 6-ft fence is at the southwest corner of Mrs. Reno's house, then the most visible part of the shade fabric "fence" would be observable only from my back yard and not to the general public (and not from the curb for potential future buyers of my house).

So, if you decide to modify the permit, please specify that the front yard 4-ft fence must go to that spot on the property line, not just to the end of my driveway. (Where my driveway ends, obviously, has nothing to do with where my neighbor's front yard changes to side yard.)

Yesterday, I saw and overheard Mrs. Reno's son discussing moving in four feet of fill along the property line. He transposed this measurement to the side of the house, so he seems to be planning to fill the entire area between my existing 4-foot fence and Mrs. Reno's house with fill. (A quick calculation of the amount of fill needed to do this: ~30ft width of house x ~15ft avg distance between house and property line x 4ft depth of fill = 1,800 cu ft which is 67 cubic yards of fill. That's for only 30 feet of fence; there's another 120 feet of fence planned.)

I attached five additional photos to show that these lots are flat, there are no retaining walls, and no retaining walls are needed. (In all of the photos, the sunny side of the fence is my yard, which is to the south. The photos are in order from the street to the back of the lots.)

Finally, I wanted to let you know that Mrs. Reno's son set another post this weekend, this one about six feet from the curb. In July, one of the 13 posts he set is less than four feet from the curb, so I assume this one will have to be removed since it's in the right-of-way for a sidewalk. Which leads me to ask, will the estimated \$35,000 value of the grading (application BLD23-05279) trigger a requirement for Mrs. Reno to install sidewalk along Outlook Drive? (Per RMC para 18.04.502(a)(1): Sidewalks ... shall be required on all lots or parcels of land that are improved or upon which any building or construction is taking place.)

Thank you for your help.

Michael Powell

2640 Outlook Drive

512-351-2494

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Jan 27, 2023 2:17 PM

To: Michael Powell <michael-powell@earthlink.net>

Cc: <PetersonD@reno.gov>, <MillerH@reno.gov>, <KruseK@reno.gov>, <LeonA@reno.gov>,

<hardingt@reno.gov>, Jason Garcia-LoBue <garcia-lobuej@reno.gov>

Subject: Re: BLD23-03075 Fence and BLD23-05279 Grading

Good afternoon Mr. Powell,

Thank you for including these images. I need some time to review your concerns with my management team before I follow up. Expect to hear from me on Monday.

Best regards,



Joseph Marynak

(He/Him/His)

Assistant Planner

Planning Department

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On Fri, Jan 27, 2023 at 2:07 PM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

This e-mail pertains to permit applications BLD23-03075 (Fence), which was issued 26 Jan 2023, and BLD23-05279 (Grading), which has not been issued, yet. The property in question is 2600 Outlook Dr. The trustee/owner is Mrs. Carol Reno. My wife and I own the adjacent property to the south, 2640 Outlook Dr.

According to your notes in the Application Status Trail Report for the fence permit, you have issued a permit for a "4 foot fence on top of a retaining wall in the front yard. 6 foot fence on top of a retaining wall in the side and rear yard."

According to your notes in the Application Status Trail Report for the grading permit, "retaining walls four feet and under do not require planning review."

Yet, on the Engineering Review of the grading permit application, Mr. Harding asks for additional information, such as "a clear site plan that depicts the whole property with boundary line dimensions," "the location of the proposed construction," "wall details," and "additional grading, flow lines grades/slopes."

These lots are nearly flat. Like all the lots on this section of Outlook Drive (i.e. those between the street and Last Chance Ditch), the 2600 Outlook Dr. lot slopes very

gradually to the north, towards Belford Rd. Therefore, my lot (2640 Outlook Dr.) is very slightly uphill from the 2600 Outlook Dr. lot. The very back of both lots slope toward Last Chance Ditch, but the front ~3/4s of the lots, where the houses and yards are, are nearly flat. (Attached photo 3707 shows the front yards of 2600 Outlook on the left, 2640 Outlook on the right.)

On the lowest side of the 2600 Outlook Dr. lot, there is an approximately 2-foot high retaining wall between the north side of the house and the sidewalk along Belford Rd. There are no retaining walls anywhere else on the property. At the property line between 2600 Outlook Dr. and my house, the lots are flat. (Attached photo 4057 shows the yard of 2600 Outlook Dr. at the property line. My existing four-foot fence and Mrs. Reno's son's ten-foot fence posts with concrete on three sides is also shown.)

No retaining wall is required on the lot line. These houses have been here for over 60 years and there has never been a retaining wall. Besides, my property is ever so slightly uphill, so why would a retaining wall on the downhill side needed?

Reno Municipal Code defines retaining walls as "bank retention between grade separations." There is no "grade separation" along the property line between 2600 Outlook Dr. and my property (2640 Outlook Dr.). I guess that it would technically be possible to create a grade separation and retaining wall on the property line by grading and moving fill. However, Reno Municipal Code (18.04.1404(a)(1)), forbids the placement of "fill for a distance of 5 feet from the shared property line."

Reno Municipal Code also states that: "Walls or fences shall not exceed four feet in height within 20 feet of each side of a primary driveway." If the owner of 2600 Outlook Dr. builds a retaining wall, then puts a four foot fence on top of it, the fence along the entire length of my driveway will exceed four feet in height.

Given all of that, I have a few questions:

- 1) Why was a permit issued to build a retaining wall on the property line when it is not legal to build a retaining wall there?
- 2) Why was a permit issued to build a fence on top of a retaining wall when the retaining wall does not exist and would require extensive grading and movement of fill to build when the grading permit has not been issued?
- 3) Why was a permit issued for a fence that will block my view of the street from my driveway in violation of RMC?

Today, Mrs. Reno's son commenced work on the fence that he started in July (without a permit). As you can see from the photos, the fence is not "on top of a retaining wall:" the posts are already in the ground. I suspect he wants to build a sort of fake retaining wall at the bottom so the measurement of the fence can begin at the top of the retaining

wall. The posts are ten feet tall (12-foot 4x6s set in a shallow hole with concrete), and he wants his fence to be as high as possible.

I don't know if the information on the permit application was fraudulent and/or misleading, or if you just didn't understand what the owner's son intended to build. If you believe the permit application was fraudulent and/or the permit was issued erroneously, you should consider rescinding the permit and informing the owner to stop work.

I invite you to call me at 512-351-2494 to discuss this. Better yet, come over and you can look at the lots and we can talk.

Enjoy your weekend.

Michael Powell

512-351-2494

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Jan 25, 2023 7:37 AM

To: Michael Powell <michael-powell@earthlink.net>

Subject: Re: BLD23-03075

Good morning Mr. Powell,

In order to get a copy of the plans, you will need to submit a public records request through the City Clerk. Click on the link below to access their records portal.

<https://reno.streamlinegov.us/>

Best regards,



Joseph Marynak

(He/Him/His)

Assistant Planner

Planning Department

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On Tue, Jan 24, 2023 at 11:05 AM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

How do I get a copy of the approved building permit? (I have previously asked eplans@reno.gov, but have gotten no reply.) There doesn't seem to be a way to get it on-line. If I need to come to an office other than City Hall, please tell me where to go.

Thank you,

Michael Powell

-----Original Message-----

From: Michael Powell <michael-powell@earthlink.net>

Sent: Nov 9, 2022 9:21 AM

To: Joseph Marynak <marynakj@reno.gov>

Subject: Re: BLD23-03075

Mr. Marynak,

Thanks for the reply, and, also, sorry about my email program taking all the paragraph breaks out of my original e-mail.

I'm mostly concerned about the fence on the south property line, since that's also my property line. Where is the delineation between the front yard (4-foot fence) and back yard (6-foot fence) on the south property line?

Thanks again,

Michael Powell

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Nov 8, 2022 3:41 PM

To: Michael Powell <michael-powell@earthlink.net>

Subject: Re: BLD23-03075

Good afternoon Mr. Powell,

Planning uses the section you pointed out to review fences. I have included a PDF of that section below for your reference. The front yard ends at the blue X on the following image. Keep in mind that a fence along the north property line up until the X is on a secondary front yard and can be six feet tall if placed five (5) feet away from the back of the sidewalk per the code section noted in my previous email. If placed less than 5 feet from the back of the sidewalk, it would need to be four (4) feet tall. A fence placed on the west property line could only be four feet tall as this is the primary front yard.



I reached out to the building department to see if they have any standard details for fences. Fences six (6) feet or less in height are exempt from the building code so they do not have any standards for development like footings, fasteners, and post selections. Plans for permits in review are not public record until the permit has been issued.

Best regards,



Joseph Marynak
([He/Him/His](#))
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On Fri, Nov 4, 2022 at 7:09 PM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

First, thank you for the quick reply.

I reported the ten-foot fence posts to Code Enforcement on July 27th (

case number ENF23-C00332). Mrs. Reno's son stopped construction of the fence by September, then in October started grading the entire back yard without a permit, and was then cited by Code Enforcement for another violation (case number ENF23-C01315). Thirteen ten-foot fence posts remain on the property line, and, at the back of the lots, several two-foot deep post holes without any fencing at all are in the ground waiting for someone to step into them and get hurt. If Code Enforcement is doing anything, it is not apparent to me. (By the way, the ten-foot fence post height is not an exaggeration - the posts actually measure a few inches taller than that.) Your statement that the city does not regulate fence materials concerns me. Shade fabric is obviously not a construction material. When used in a fencing application, it is put ON an existing fence as a privacy measure - it is not the fence itself. A quick search of "shade fabric fence" will show this. Shade fabric is NOT a fence material. Hanging shade fabric between two fence posts makes a sail, not a fence. Would you approve a "fence" that is constructed of blankets hung between fence posts? Shade fabric is not much different. A few questions: 1) Can you send me, or where can I find, the guidelines that your department uses to evaluate fence designs? (I already have the Reno Municipal Code Section 18.04.809. - General Standards for Fences and Walls and the Residential Fence Permit Checklist, and I can't find any other information of the City of Reno website.) What I'm looking for is design criteria such as fence post specifications, fence post depth, distance between posts, top and bottom rail specifications, fastener requirements, etc. If the design criteria are in the IRC or some other building code, what sections and paragraphs? 2) Are the building permit application and associated plans public record? If yes, how do I get a copies? (When I use OneNV.us and search this application number (BLD23-03075), I do not see this information.) 3) This proposed fence is on the property line, perpendicular to the street. The front corner of Mrs. Reno's house (the corner closest to my house) is approximately seventy feet from the street. Is that the point at which the front yard becomes the back yard? In other words, is this the point at which Mrs. Reno can change the fence height from four feet in the front yard to six feet in the back yard? 4) At the back of both Mrs. Reno's lot and my lot is the Last Chance

irrigation ditch. How close to the ditch can Mrs. Reno build her fence? (My fence stops fifty or so feet from the ditch then turns 90 degrees to fence-in only a portion of my back yard. There used to be about thirty feet of six foot chain link fence between the end of my fence and to about twenty feet from the ditch, but Mrs. Reno's son tore it down so now there is no fence at all on this part of the property line, only open holes.) Sorry again for the length of the e-mail. I appreciate your help. Michael Powell 2640 Outlook Dr.

-----Original Message-----

From: Joseph Marynak <marynakj@reno.gov>

Sent: Nov 4, 2022 9:48 AM

To: Michael Powell <michael-powell@earthlink.net>

Subject: Re: BLD23-03075

Good morning Mr. Powell,

Thank you for your patience. The fencing permit would not be approved for the 10 foot fence height you are showing. See my breakdown of allowed fence heights below:

Per RMC 18.04.809(d)(1), fences in residential zones can be no taller than six feet.

Per RMC 18.04.809(d)(2), fences in front yards can be no taller than four feet, except that Per RMC 18.04.809(d)(3), fences in secondary front yards can be six feet as long as they are setback five feet from any sidewalk.

Once the fence permit has been issued, inspections would need to occur where the City's inspector would field verify that the fence matches the plans for both construction and for height. Since work is already being conducted without a permit, I recommend that you contact Code Enforcement with your concerns. You can reach their office by calling (775)334-4636.

Also, we do not regulate fence materials unless they are a life safety issue. Once a permit has been issued, you do have the opportunity to appeal it through the City Clerk. There is a \$55 appeal fee and the appeal must be submitted within ten business days of permit issuance. Please contact the City Clerk's office for additional information about the appeal process. They can be reached at (775)334-2030.

Best regards,



Joseph Marynak
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On Wed, Nov 2, 2022 at 3:34 PM Joseph Marynak <marynakj@reno.gov> wrote:
Good afternoon Mr. Powell,

I will bring these issues up during my team meeting tomorrow morning and reply in the afternoon. If you don't hear from me, please reply here Friday morning.

Best regards,



Joseph Marynak
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On Wed, Nov 2, 2022 at 3:18 PM Michael Powell <michael-powell@earthlink.net> wrote:

Mr. Marynak,

First, I apologize in advance for the length of this e-mail.

I have been dealing with my neighbors, Mrs. Carol Reno (owner) and Tony Reno (adult son who still lives at home), of 2600 Outlook Dr., Reno, since late-July when they installed ten-foot-tall fence posts directly against my existing four-foot fence. (See attached photo number 1. That is a six-foot ladder leaning against the post.) I believe the City of Reno has cited Mrs. Reno for a code violation for this. (See case number ENF23-C00332 for details and ENF23-C01315 for a subsequent violation.)

After I told Tony his 12-foot 4x6 posts weren't buried deep enough, he poured a two-foot high, unreinforced concrete "collar" around three sides of each post; the fourth side is my fence. (See attached photo number 2.) This is not to code. The "collars" are going to disintegrate over time, and will also prevent him from building the fence down to ground level.

I see that Mrs. Reno submitted a building permit application (case number BLD23-03075). In the "Application Status Trail Report," you ask about the "choice of UV fabric fencing." I don't know if you've received an answer from Mrs. Reno or her son, but I can show you what they've got in mind. The third attached photo is of a smaller fence that Mrs. Reno's son built (without a permit) at her rental property (334 Moran St., Reno) this summer. This shade fabric "fence" does not even go to the ground; it simply blocks the view above the old fence.

This shade fabric "fence" might not have attracted much attention at 334 Moran St. since it's a sort of run-down neighborhood, but a similar structure is not appropriate for the Outlook Drive neighborhood. This is not an agricultural area; it is not a construction zone; and it is not a sports field.

The ten-foot posts that Tony Reno already installed on my property line are spaced approximately ten feet apart, and he has already purchased 2x4s to hang the shade cloth between these posts. Even if he were to use 2x6s or larger, at ten-feet on-center, these boards will warp and sag over time, and the structure will be even uglier.

Paragraph 18.04.809 the City of Reno's Annexation and Land Development Code states that fences should "enhance the visual appearance of the built environment," should "establish an attractive streetscape," should "ensure visual compatibility with public spaces," and should "promote street and neighborhood character." A fence made of shade fabric will do none of these things.

I urge you to reject Mrs. Reno's request to build a fence out of shade fabric. Instead, like nearly every other fence in this neighborhood, the fence should be made of wooden boards. And, obviously, the fence needs to be built to code in terms of height (4 ft in front so as not to block the view of the street from my driveway, and 6 ft max in back), structural requirements, construction techniques, etc.

Thank you for your time and consideration. Do you need any other information from me at this time?

Michael Powell

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