

BLD23-03075 and BLD23-05279

2600 Outlook Drive

Appeal of Hearing Officer's Decision

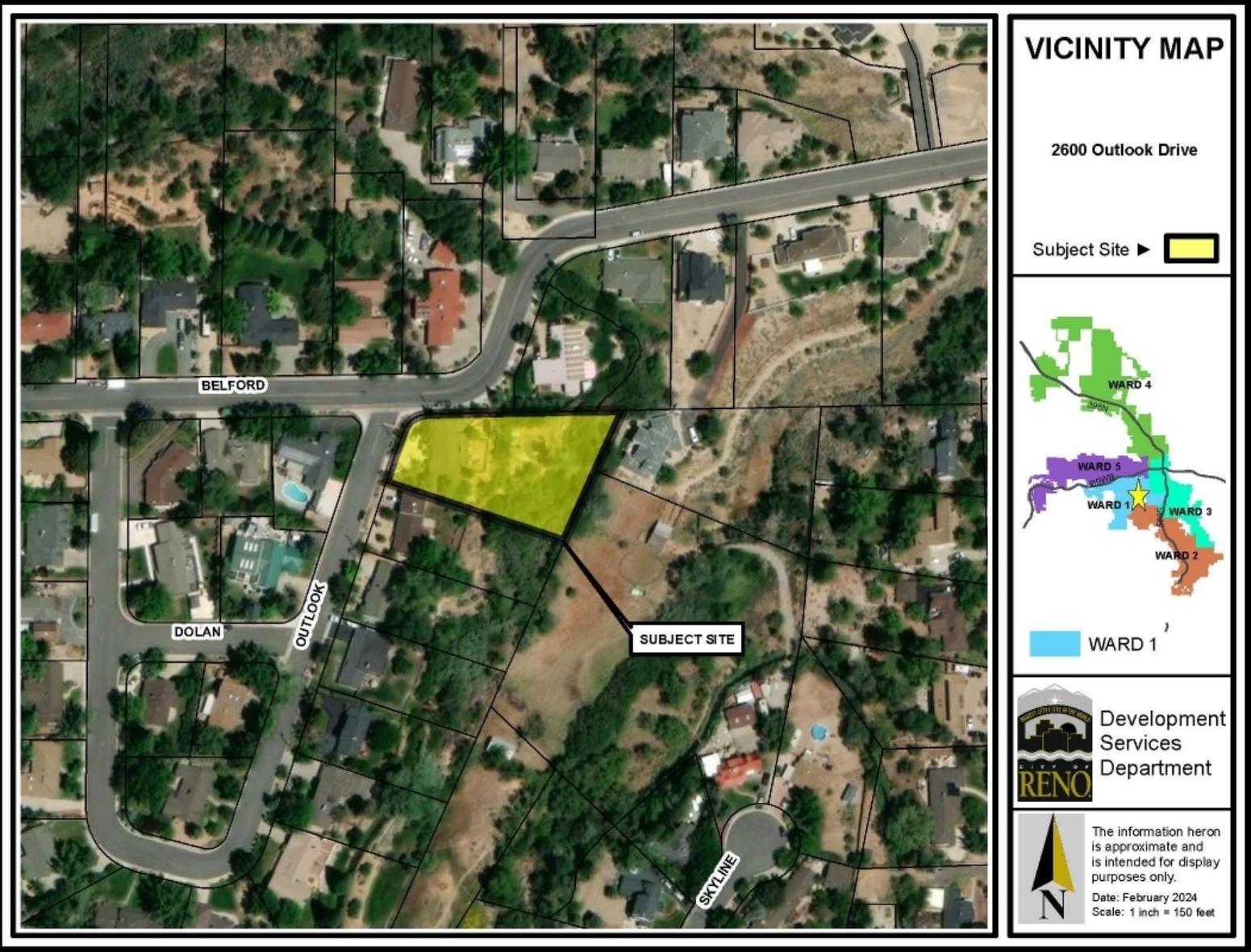
Reno City Council

March 13, 2024

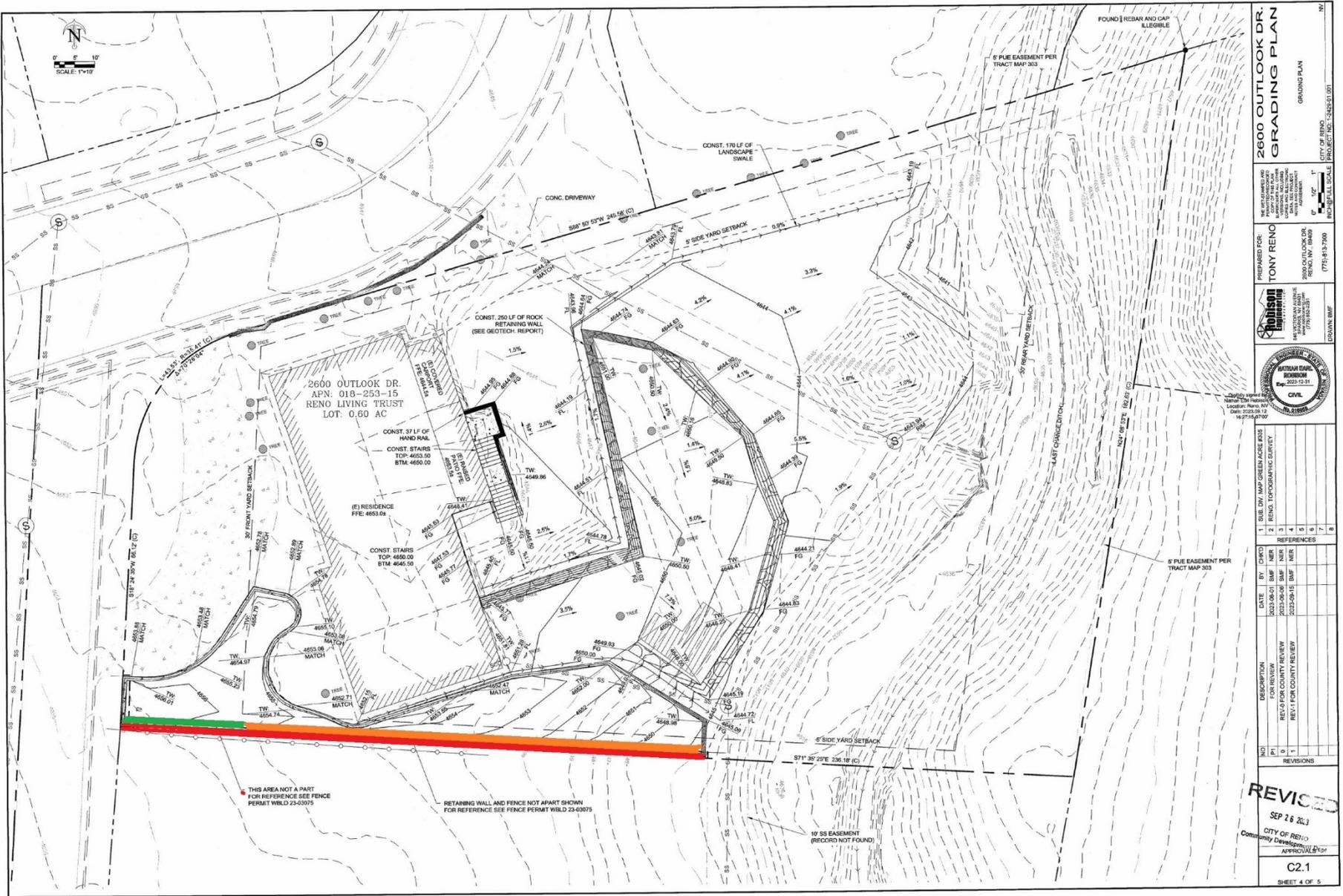


C I T Y O F
RENO

2600 Outlook Drive



- **Site size:** ±0.60 acres
- **Zoning:** Single Family - 3 Units per Acre (SF-3)
- **Use:** Developed with one single family residence.
- **Notes:** Home is oriented towards Outlook Drive with driveway access from Outlook Drive and Belford Road.



Site Plan

-  RETAINING WALL
-  4-FOOT FENCE ATOP WALL
-  6-FOOT FENCE ATOP WALL

BLD23-03075 and BLD23-05279 allow for a retaining wall (creation of a garden bed) ranging from 2-feet on the west to 4-feet on the east with a solid fabric fence to be located atop.

Improvements subject to appeal are located along the southern shared property line.





**Fence Location
(looking east from Outlook Drive)
Powell Residence to Right**



**Fence posts indicate location of proposed
wall/fence (looking north along Outlook Drive).
Posts to be cut down to fence height with
construction.**

Permit History

- **October 17, 2023** – BLD23-03075 issued to allow construction of ±150 lineal feet of solid fence 4 to 6 feet in height (wood with fabric).
- **October 31, 2023** – Appeal of BLD23-03075 filed by Michael Powell.
- **November 4, 2023** – Administrative appeal hearing held for BLD23-03075 – continued to January 9, 2024 to allow Michael Powell time to review additional plans submitted by the applicant.
- **December 6, 2023** – BLD23-05279 issued to allow construction of ±200 lineal feet of rock and concrete retaining wall less than 4-feet in height.
- **December 18, 2023** – Appeal of BLD23-05279 filed by Michael Powell.
- **January 9, 2024** – Appeal hearing held for both permits. Hearing Officer upholds issuance of the permits by the City of Reno.
- **February 5, 2024** – Appeal of Hearing Officer’s decision filed by Michael Powell.

Appellant Claim:

RMC 18.04.1404 prohibits fill from being placed within five feet of a residential property line.

City Response:

Article 14 – Residential Adjacency (of which Section 18.04.1404 is contained) does not apply to the subject property, as defined in 18.04.1401 below:

Article 14 Residential Adjacency

18.04.1401 Purpose

The purpose of this article is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when mixed-use and nonresidential development is located near residential zoning districts.

Appellant Claim:

RMC 18.04.302(e)(2) prohibits fill from being placed within five feet of a residential property line for “all use types.”

City Response:

(2) **Fill Slopes**

Fill slopes adjacent to residentially zoned property shall comply with the standards in Section 18.04.1404, *Grading*, for all use types.

This section of code specifically references RMC 18.04.1404 (Residential Adjacency Standards). Thus, “all use types” is taken out of context. When reviewed in context with 18.04.1404, “all use types” refers to nonresidential uses, not residential use types.

Appellant Claim:

Appellant states that the proposed wall/fence will block surface drainage from his property, conflicting with RMC 18.04.301 and Public Works Design Manual (202.2.2.2 part 1). Appellant claims that existing surface drainage from his property onto the Reno (applicant) property shall be perpetuated.

City Response:

RMC standards prevent drainage from Mr. Powell's property onto the Reno (applicant) property without a drainage easement. Evidence of a drainage easement has not been presented.

Appellant Claim:

Permits violate RMC 18.04.301 and Public Works Design Manual (202.2.2.2 part 1), stating *“at the southeast corner of the planned project, water from a drainage pipe in the planned concrete wall and water from a shallow drainage channel (the designed flow line) is being directed southeast across the property onto the 2640 Outlook parcel.”*

City Response:

This condition is not reflected on the approved plans prepared by a Nevada licensed civil engineer. All drainage is routed to the Last Chance Ditch, away from Mr. Powell’s property. This was verified with City of Reno Engineering review and presented to the Hearing Officer.

Appellant Claim:

Permits violate RMC 18.04.301 and Public Works Design Manual (202.2.2.6) which state *“all plans adjacent to or containing an irrigation or water supply ditch shall require the signature of the ditch company on the face of the plans.”*

City Response:

The owner of 2600 Outlook Drive provided documentation to the City from the Last Chance Ditch Company acknowledging the planned improvements with no objections/conditions.

Appellant Claim:

Issuance of the permits will create “an unattractive neighborhood feature: on top of the concrete wall on the property line, a fence constructed of hanging shade fabric between posts will be ugly and will be visible from my property as well as Belford Rd. and Outlook Dr. The wall/fence will be six feet in total height in the front yard and will range from eight feet to ten feet total height in the back yard. This will negatively affect my property value.”

City Response:

RMC does not regulate fence materials other than barbed wire, razor wire, etc. Code does not prevent the use of fabric, as proposed. Per RMC 18.04.809(c)(3), where a fence or wall is constructed on top of a retaining wall, the height of such fence or wall shall be measured from the top of the retaining wall.