

**PLANNING COMMISSION
STAFF REPORT**

Date: June 5, 2025

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action): Case No. LDC25-00053 (Swartz Major Deviation) – A request has been made for a major deviation to exceed the allowed fence height standard of six feet by less than 50 percent, allowing for an existing unpermitted six-foot-nine-inch fence to be permitted. The ±0.14-acre site is located on the east side of Side Saddle Trail, ±150 feet south of its intersection with Falabella Way (5412 Side Saddle Trail). The site is located in Village 6 of the Rancharrah Planned Unit Development (PUD) and has a Master Plan land use designation of Single-Family Neighborhood (SF).

From: Leah Piccotti, Associate Planner

Ward #: 2

Case No.: LDC25-00053 (Swartz Major Deviation)

Applicant: Deanne Swartz

APN: 226-151-03

Request: **Major Deviation:** To exceed the allowed fence height standard of six feet by less than 50 percent

Location: See Case Maps (**Exhibit A**)

Proposed Motion: Based upon compliance with the applicable findings, I move to approve the major deviation, subject to the conditions listed in the staff report.

Summary: The applicant has requested a major deviation to increase the allowed six-foot fence height by nine inches, allowing for a six-foot-nine-inch tall fence. Both adjacent property owners submitted letters of support and the request has been approved by the Rancharrah Planned Unit Development (PUD) Architectural Review Committee (ARC). Approval of the major deviation will allow the applicant to legally permit the existing fence and resolve an open building compliance case. Key issues analyzed in this request are general code compliance, and compatibility with surrounding uses and structures. With all the recommended conditions of

approval, the increased fence height appears to address the applicable findings. Staff recommends approval, subject to all conditions listed in this staff report.

Background: An existing senior living facility is located to the east of the subject site, adjacent to the applicant's rear yard. On July 9, 2024, the City received a code enforcement complaint asserting that a strong odor was emanating from the senior living facility dumpster, adjacent to the applicant's residence. Staff reviewed the complaint and was able to determine that the dumpster was permitted in that location in 2017 (BLD18-01890). At that time, the area where the applicant's home is located was designated for commercial use. Thus residential adjacency standards did not apply when the senior living site was developed. The applicant's residence was built in 2023.

City Staff performed several site visits and met with the manager of the senior living facility. The management agreed to implement additional mitigation measures such as increasing the frequency of cleaning and emptying. Staff visited the site after the mitigation measures were implemented and did not find that the odor constituted a violation. The code enforcement case related to the dumpster was closed on August 29, 2024.

Discussion: In residential zoning districts, fence heights are generally limited to a maximum height of six feet. Per Reno Municipal Code (RMC) 18.08.02, major deviations provide an opportunity for adjustments to quantifiable development standards when modifications enabled by the approval are not impactful to nearby properties or the general public. This is not a general waiver of regulations. Rather, this authorizes targeted deviations from standards when the changes benefit the overall project design. Staff supports this request since the 2018 Rancharra PUD amendment allowed residential development adjacent to an existing commercial establishment.

Analysis:

General Code Compliance: The subject six-foot-nine-inch fence runs parallel to the existing perimeter wall extending approximately ± 22 feet along the east property line (rear) and ± 28 feet along the north (side) property line (**Exhibit B**). On July 12, 2024, the City received a code enforcement complaint asserting that a tall fence had been erected on the applicant's property, behind the existing six-foot wall (**Exhibit C**). Staff reviewed the complaint and met with the property owner/applicant. The applicant asserts that the fence was built to mitigate the impact of odors from the adjacent dumpster. Approval of this major deviation will allow the applicant to obtain the required building permit and resolve the compliance case (COM25-00011).

Compatibility with Surrounding Development: The parcels most affected by the increased fence height are those to the north and east. Both of these property owners have submitted letters in support of the major deviation, and the Rancharra ARC has approved the fence design (**Exhibit D**). The applicant worked with the property owner to the north and paid for improvements to the backside of the fence visible above the wall. The applicant has agreed to paint the backside of the

fence along the eastern perimeter white, as requested in the letter of support (**Condition No. 5**). To the west and south of the subject site are single-family residences. Staff does not anticipate any impact to these units as a result of this request. As conditioned, the proposed nine-inch height increase appears to be compatible with the surrounding development.

Public Services: No noted concerns were received from either the Reno Fire Department or Reno Police Department in regards to this request. The closest fire station is Station 3 located at 580 W. Moana Lane. The current response time from Station 3 is seven minutes.

Master Plan Conformance: The project site has a Master Plan land use designation of Single-Family Neighborhood (SF) and is located within an Outer Neighborhood per the Structure Plan Framework of the Reno Master Plan. The proposed increase in fence height will provide a smoother transition between varying housing types. As proposed, and with the recommended conditions, the project is in substantial conformance with the Master Plan land use designation and the following applicable Master Plan goals and policies:

Neighborhoods - General Policy N-G.21: Transitions

Neighborhoods – Outer Neighborhood N-ON.1: Mix of Housing Types

Public and Stakeholder Engagement: The project was reviewed by various City divisions and partner agencies. Courtesy notices and hearing notices were out to surrounding property owners and one comment has been received in opposition of increased fence heights in general (**Exhibit E**). The application was scheduled for the April Ward 2 Neighborhood Advisory Board; however, the applicant had a family emergency and could not attend. Any future comments will be forwarded to the Planning Commission.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services staff, unless otherwise noted.

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The owner or developer shall obtain a building permit for the entire project within six months of the date of approval of the major deviation review application and maintain the validity of that permit, or the major deviation approval shall be null and void.
3. Prior to the issuance of any building permit, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.

4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Prior to the issuance of a building permit, the applicant shall demonstrate that the back of the east side of the fence, adjacent to the senior living facility, has been painted white.

Findings:

General Review Criteria and Considerations: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

General Review Criteria: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve and application that provides a public benefit even if the development is contrary to some of the foals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan. If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Major Deviation: In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a major deviation:

- (1) Granting the major deviation will not significantly impact nearby property;
- (2) Project changes enabled by the major deviation enhance the overall design of the project, operations of the project or the public benefits resulting from the project;

- (3) Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located; and
- (4) Granting the major deviation will not be materially detrimental to the public health, safety, or welfare.

Attachments:

Exhibit A – Case Maps

Exhibit B – Fence Plan & Photos

Exhibit C – Building Compliance Photos

Exhibit D – Letters of Support & ARC Approval

Exhibit E – Public Comment