

CITY OF FALLON
BOARD OF ADJUSTMENT MINUTES
55 West Williams Ave
Fallon, Nevada
July 21, 2025

The City Board of Adjustment met on the above date in the Council Chambers, City Hall, 55 West Williams Avenue, Fallon, Nevada.

Present:

Chairwoman Kim Barrenchea
Board Member Charlie Arciniega
Board Member Chris Webb
Board Member Sheila Scholz
Board Member Toby Thomas
City Engineer Derek Zimney
Deputy City Attorney Sean Rowe

The meeting was called to order by Chairwoman Kim Barrenchea at 6:00 p.m.

Chairwoman Kim Barrenchea inquired if the agenda had been posted in compliance with NRS requirements.

City Engineer Derek Zimney advised that the agenda was posted in compliance with the NRS requirements.

Public Comments

Chairwoman Kim Barrenchea inquired if there were any public comments. She noted that comments are to be general in nature, not relative to any agenda items. No action may be taken on a matter raised under this item until the matter has been specifically included on an agenda as an item upon which action will be taken.

No comments were made.

Consideration and possible approval of Board of Adjustment meeting minutes for June 26, 2025. (For possible action)

Board Member Toby Thomas made a motion to approve the Board of Adjustment meeting minutes for June 26, 2025, without any corrections or additions; seconded by Board Member Sheila Scholz and the motion carried with a 5-0 vote by the Board.

Consideration and possible approval of an application by David and Nanci Pigeon, 805 Adobe Road (APN #001-302-16), for a variance in an E-1 zone to construct a 6-foot fence in the front yard clear vision zone. (For possible action)

City Engineer Derek Zimney stated that David and Nanci Pigeon have filed for a variance in an E-1 zone to construct a 6-foot fence in the front yard clear vision zone. Title

21.28.081 of the City of Fallon Municipal code specifies that fences located within the required front yard of any lot or the clear vision zones of a corner lot shall not exceed three feet in height; however, a four-foot nonvisual barrier (e.g., chain link) may be substituted for a three-foot fence whenever a three-foot fence is stipulated in requirements. David and Nanci have already constructed the proposed fence. If this item is not approved, the fence will need to be removed or modified to meet the provisions set forth in the Fallon Municipal Code. For the record, this was installed without a building permit. Neighbors called me to inform me of the fence. City Staff are recommending against the approval of this application as we feel that there could be some safety issues blocking the clear vision zone. I received one phone call from a neighbor who did not want to disclose their identity but was largely against it for safety purposes. My idea, backing out of a driveway and not being able to see pedestrians or cars coming is a huge safety concern. I also received a letter from K. Lee Smith at 1905 Manchester which states; Not only no, but hell no. What a terrible precedence to set. What do they plan to abuse behind a six-foot fence? Cows, horses or many children? David is here tonight to answer questions.

David Pigeon stated that there would be no cows or horses behind the fence. I have two 30-foot gaps on either side of it. If you look at the pictures, there is no way that he could block somebody from coming from down the street with a clear view vision because the fence sits 14-feet off the road, back. The neighbor to the right of me has trees covering everything farther out than my fence goes. On the other side, they also have trees and bushes that go out farther than my fence goes. The neighbors to the left of me, on the way they exit their property, are on the far side, which is probably 60-feet from our boundary line to their exit. On the other side, all they do is park their dump trailer there and from what you see in the pictures, there is yard waste. I also put pictures in there of the fences on the side where I have done it where I could do it tapered and also, pictures of other houses in the immediate area that have tapered fences going down to the property line at the front. The house across from me has five or six cars, they park in the front, parallel, and at certain times of the day, the sun reflects off the windows of the house, which you can't really avoid but the cars do.

Board Member Sheila Scholz inquired if they had spoken to their neighbors. I am assuming you have spoken to your neighbors about what you want to do and see what their thoughts are.

David Pigeon stated he had not spoken to his neighbors. I drove around and saw people who had fences up that would be similar to mine. At the end of the street when you come into Manchester, they put two fences in front of their house, close to their house, but they still have six or seven-foot fences in the front. There is one on Whitaker, just past the Ford Dealership, that has a full wrap around fence that is six foot. There is precedence that people had put fences out there, so I just put a fence up. But now, I realize that there is a code for doing that. I put a fence where an existing fence was. I didn't add a fence.

Board Member Sheila Scholz stated that she understood. At the same time, the fence should have come to this Board as when it was fixed.

David Pigeon stated that he would have done that had he known he needed to. If you don't know that, you don't do it. With the trees and bushes on both sides of my house, you can't see down the street. They project further into the street than mine does.

Board Member Charlie Arciniega inquired as to when the fence was constructed.

David Pigeon stated that it was at the end of June. It was right before we went down to southern California to visit family for the fourth of July. In between the time I did that and came back to Fallon, Google has already driven by and taken a picture of the fence up.

Board Member Charlie Arciniega asked about the complaints from neighbors regarding the construction of the fence. I drove by there once I received my Board packet and the fence

had already been removed.

David Pigeon stated that he had taken the panels out of the fence. All that remains are the posts and I have added lights to those and now they are light posts and not a fence post anymore.

Board Member Charlie Arciniega inquired about the reason behind constructing the front fence.

David Pigeon stated that it was due to the reflection of the glare off the vehicles across the street. I don't care how many vehicles they park along there, but if the glare intrudes on my things and if I can do something to mitigate that, then I wouldn't have to ask them not to park there.

Board Member Charlie Arciniega inquired about the openings on the fence of their circular drive.

David Pigeon referred to the maps he handed out.

Board Member Charlie Arciniega stated that it seemed to sit back off the property line. Is the fourteen feet an issue on the property line?

City Engineer Derek Zimney stated that he believes that he is in line with the other properties.

David Pigeon stated that the neighbor to the right has a brink fence that sticks out two feet farther than his.

Board Member Sheila Scholz stated a concern. Even though what you just said about your neighbors' fence, I wonder if that was done under protocol.

City Engineer Derek Zimney stated that he was not aware of the bricks for the right-of-way. Without having a survey done, I could not answer that.

Board Member Sheila Scholz stated that that was not surveyed. For what this gentleman was asking, would that upset the other neighbors who might want to do the same thing but they haven't had to come and do it.

City Engineer Derek Zimney reminded everyone that the variance today is asking for a 6-foot fence in the clear vision zone. What has been brought before us was there long before I was in office so I go under the assumption that these things were permitted. This one has been brought to my attention, recently constructed, without a permit. I would like to direct everybody back to the question at hand. Do we want to allow a 6-foot fence in the clear vision zone?

David Pigeon gave mention of the statute for the clear vision zone. The statute which he stated at the beginning refers to a corner lot. I don't live on a corner lot, I don't have an alley, I don't have an access way to the back on either side of my house, so the clear vision view says; refers to corner lots, intersections, alley slopes, graduating 3-foot. I don't have an alley on either side or a street, so the clear vision zone doesn't apply to me.

Chairwoman Kim Barrenchea addressed Mr. Pigeon. On this picture with all the saw dust and wood, would this be the neighbors?

David Pigeon stated that that was the neighbor to the right.

Chairwoman Kim Barrenchea asked if that was what he was trying to avoid looking at.

David Pigeon agreed. I don't care if they have it there, I just don't feel I should have to look at it and I'm not going to tell them they have to move it because there is nothing I can do to make them move it.

Board Member Charlie Arciniega inquired about the side fence. Is it a 6-foot fence and is it an issue?

Deputy City Attorney Sean Rowe read the code mentioned. Title 21.28.081 of the City of Fallon Municipal Code specifies that fences located within the required front yard of any lot

or the clear vision zones of a corner or shall not exceed three feet in height.

David Pigeon read his copy of the code. Fences located within the required front yard of any lot and clear vision zone of a corner, shall not exceed three feet in height; however...

Deputy City Attorney Sean Rowe stated that there was an *OR* in that code.

David Pigeon referred to his code again. It's not on the thing I took off your website.

Deputy City Attorney Sean Rowe read the code. It specifically states *or*.

David Pigeon conceded.

Board Member Sheila Scholz stated that she lives on a corner lot. I would love to have a fence all the way around my house. We are on a long cul-de-sac. We can't do that. We asked when we first were building the house. We were told by the developers and this group that we could not do that in the front. We can have backyard fences but we can't have front fences. If that is still true, I don't see any reason how we can modify that.

David Pigeon asked for clarification on the front or the sides.

Board Member Sheila Scholz asked if this was for the front of the house.

David Pigeon stated that it would be the front and the sides. I have given you the references where I can show over a dozen other houses within my little area that have tapered fences on the sides.

Board Member Chris Webb referred to the picture with the tapered fence. Are you asking about that today? Today, we are voting on the 6-foot fence on the sides, the 6-foot in the front and then if that gets denied, would he come and meet with you, Derek, about meeting code?

City Engineer Derek Zimney stated that there are provisions into the front yard that we could permit.

Board Member Charlie Arciniega asked for some clarification. A variance to construct a 6-foot fence in the front yard clear vision zone; is the side fence affected by this?

City Engineer Derek Zimney confirmed. The front yard area, anything from the front of the home, in your front yard setbacks; in E-1 it is a 30-foot setback, would be considered your front yard clear vision zone. Sean, I believe that there is a section on tapering that allows you to taper from 6 feet down to the 3-foot measure. It doesn't require a variance and is something I can approve through the Building Department.

Board Member Toby Thomas asked for clarification. If that fence was set back another 15 feet or so, we wouldn't be having this discussion and there wouldn't be an issue.

City Engineer Derek Zimney stated that it couldn't be verified at this time. There is a way to taper down to get to your 3-foot that is acceptable to the building department that would not require a variance.

No further comments were made.

Board Member Chris Webb made a motion to deny the approval of the application by David and Nanci Pigeon, 805 Adobe Road (APN #001-302-16), for a variance in an E-1 zone to construct a 6-foot fence in the front yard clear vision zone; seconded by Board Member Toby Thomas and the motion carried with a 5-0 vote by the Board.

Chairwoman Kim Barrence addressed David Pigeon. I suggest that you get with Derek and figure something out as far as the tapered fence issue.

Consideration and possible approval of an application by Charlie and Carol Arciniega, 645 Nadine Drive (APN #001-433-04), for a variance in an R-1 zone to encroach twenty feet into a twenty-foot front setback and four feet into a five-foot side setback. (For possible action)

City Engineer Derek Zimney stated that Charlie and Carol Arciniega, 645 Nadine Drive, have filed for a variance in an R-1 zone to encroach twenty feet into a twenty-foot front setback and four feet into a five-foot side setback. The Arciniega's are proposing a carport to cover their driveway. The building plans have been reviewed by the City of Fallon Building Department and are attached. I have received curious inquiries but no negative feedback. Neighbors had called to ask what the letter meant but there was no negative feedback.

Board Member Charlie Arciniega stated that he would recuse himself from discussion and voting on this item. I will take a seat in the audience. If anyone has questions, I will be happy to answer.

Board Member Sheila Scholz asked if there had been any complaints from neighbors. Have you talked to them at all?

Homeowner Charlie Arciniega stated that he had talked to several neighbors. As Derek mentioned, everyone was inquisitive as to the purpose of the plans but I have no negative feedback. I did hear from a few of them who asked if they should show up and support us and I told them I didn't believe it was necessary. I don't have anything in writing to verify that though.

Board Member Chris Webb asked for further explanation. Will this look exactly like the house, as far as the roof line and architecturally blend?

Homeowner Charlie Arciniega agreed. There will be four posts that will be set in the concrete of the existing driveway and will have a peaked roofline. It will be the same style, constructed of lumber, with a finished roof of asphalt shingles, matching the shingles on the roof of the house and painted to match the home as well.

Board Member Sheila Scholz inquired about the location. Is it going to be in the front yard or the back yard?

Homeowner Charlie Arciniega stated that it was in the front yard.

Board Member Toby Thomas asked a question of Derek. We are showing a one foot offset on the side of the structure. Do you build on the property line?

City Engineer Derek Zimney stated that fence lines can be either joint or right on the property. A lot of people, not wanting to infringe, will pull it back and both are acceptable.

Board Member Toby Thomas inquired about the driveway. Would it be any kind of issue for the neighbors or person pulling in or backing out of the adjacent property.

City Engineer Derek Zimney stated that people should not be pulling over the property line to get into their own home.

There were no further comments or questions.

Board Member Chris Webb made a motion to approve the application by Charlie and Carol Arciniega, 645 Nadine Drive (APN #001-433-04), for a variance in an R-1 zone to encroach twenty feet into a twenty foot front setback and four feet into a five foot side setback; seconded by Board Member Toby Thomas and the motion carried with a 3-1 vote by the Board with Board Member Sheila Scholz voting nay.

Board Member Sheila Scholz explained her vote. If we are going to do the letter of law of what we are saying, nothing against you guys at all, I am just concerned about that and that there might be other people who want to do a similar thing. We drove there today too, and I think I've got the idea but all is good.

Public Comments

Chairwoman Kim Barrencea inquired if there were any public comments.
No further comments were made.

Adjournment

There being no further business to come before the Board of Adjustment, Chairwoman Kim Barrenchea adjourned the meeting at 6:25 p.m.

Chairwoman Kim Barrenchea

Attest: _____
Derek Zimney, City Engineer

DRAFT