

CITY OF FALLON – BOARD OF ADJUSTMENT
MINUTES
55 West Williams Ave
Fallon, Nevada
November 7, 2023

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

Present:

Board Member Kim Barrenchea
Board Member Sheila Scholz
Board Member Charlie Arciniega
Board Member Dusty Casey
Board Member Chris Webb
City Engineer Derek Zimney
Deputy City Attorney Trent deBraga
Deputy City Attorney Sean Rowe

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

Board Member 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

Board Member 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 noted.

Consideration and possible approval of Board of Adjustment meeting minutes for July 26, 2023. (For possible action)

Board Member Chris Webb made a motion to approve the Board of Adjustment meeting minutes for July 26, 2023, without any corrections or additions; seconded by Board Member Dusty Casey and the motion carried with a 5-0 vote by the Board.

Nomination and Election of Board Chairman. (For possible action)

Board Member Chris Webb motioned to nominate Board Member Kim Barrenchea as the Board Chairman of the City of Fallon Board of Adjustment; seconded by Board Member Sheila Scholz and approved with a 4-1 vote with Board Member Barrenchea abstaining.

Continuation, consideration, and possible approval of an application by Kelli Brothers, 538 Keddie Street (APN #001-029-12), for a variance in an R-1 zone to operate a massage business out of her home. (For possible action)

Kelli Brothers, 538 Keddie Street, stated that since the last meeting, she has gone through the whole neighborhood and talked to almost everyone. I have also continued to seek commercial spaces to rent. I have printed out several listings of commercial spaces in the area and made notes on each of them of why they are not suitable for me to rent. I listed them in order of price range with the first one down next to the Middle School. They had two units available, one upstairs and one downstairs. I have several clients that can't do stairs so that eliminated the top floor. The bottom floor had so much noise transfer from the upper floor that it was not suitable for the quietness needed for my business. There was a spot downtown that was really small, 1/3 smaller than my current space, down a long hall, close to the bars and the door is always open to the public. I like to lock my doors when I have a client so that I know who is in the building, for safety purposes. Most of the other places that are listed are either large plots, like multi-acres or they are a couple thousand square feet and about twice what I am able to pay without not paying myself at all. These are the commercial listings that I have looked into that are available. I also have 105 (one hundred five) signatures of support. The first page is from my immediate neighbors and the rest are from clientele. I am hoping that once you look at what is available, especially with my type of specific workspace, you will take all of that into consideration.

Chairwoman Kim Barrenchea asked Kelli Brothers to go over the traffic situation since there is one person that is saying that traffic has increased since you came on July 26, 2023.

Kelli Brothers stated that she doesn't know how she can control how many people drive on the street. I only have one person at a time and only see about five people a day. I schedule ½ hour in between each person so there shouldn't be any overlap of clients. I won't be adding to the morning commute time because I don't start until later in the morning. I think that if you would approve it, that the traffic influence would be very minimal.

Board Member Sheila Scholz asked when she stopped, clarifying, by asking when her last client of the day was.

Kelli Brothers stated that her last client of the day arrives at 5:00 p.m. and leaves by 6:15 p.m.

Board Member Sheila Scholz inquired about most of her day, assuming that most of the traffic is there. I don't live in the part that we are doing, but I live very close to there. I walk on Keddie every day. It is a busy street with cars and other things so that is a concern that I have.

Board Member Chris Webb stated that she missed the previous meeting. Before I make comments about what I reviewed, I wanted to know if there is any public comment.

Chairwoman Kim Barrenchea asked if there was anybody in the audience that had any comments about this situation.

Sharon Stafford, 506 Keddie Street, stated that she lives right next door to Kelli Brothers. She is extremely quiet. She is well kept. I have been next to her for years and there has never been any wild music coming from her house. She doesn't have parties. I am not trying to contradict you, but I think that the traffic on Keddie Street is about the same as always. The only reason we get more traffic is because people come flying down our street because they are trying to avoid Williams Avenue so they can get around faster. I called the Police Department one time to try and stop this mess and they installed a speed meter for a

period of time. As far as Kelli goes, I don't have any problem with her doing this business next door to me. There is no reason why she should not be able to do this because I know what kind of person that she is and she is not going to disturb the neighborhood. She's not going to cause any kind of problem because she is just quiet.

Board Member Chris Webb stated that after reading the July 26, 2023, meeting minutes, she had two thoughts related to the variance request. One, I don't have any concerns regarding precedence as I agree with Kim's comments stating that we review and make variance determinations on an individual basis. My second thought is, due to the nature of this business, which provides a serene environment conducive to healing and a negligible impact to the neighbors, I am in favor of granting the variance with a few conditions; No signage, no on-site employees, and Ms. Brothers is to be the only therapist. I don't think we need to stipulate hours, number of clients, or cars. She is not teaching trombone lessons. It is one person at a time. This is a much smaller footprint on this neighborhood than someone have a weekly Bunco party or Bible study. I have a neighbor that lives across the street from me that has a weekly Bridge game that takes up the parking of our entire neighborhood.

Board Member Charlie Arciniega asked Ms. Brothers regarding her current place of business.

Kelli Brothers stated that she is located at 131 North Maine Street across from the Post Office.

Board Member Charlie Arciniega asked if her current space is more in line with the price of the property across from the Middle School.

Kelli Brothers agreed. My current rent is \$500.00 plus utilities and my lease ends December 15, 2023.

Board Member Charlie Arciniega stated this variance request is in regard to the fact that you're wanting to have your business conducted in an R-1 neighborhood, so that is why we are discussing this here today. I agree with Chris that there really isn't a precedence in this for down the road, or anything like that because as a Board, we would look at each individual request on its' own merit. As I stated before, I do have concerns about a business being run in a residential area.

Board Member Sheila Scholz asked a question, coinciding with the letter in the packet. I am concerned that it is an R-1 neighborhood. Especially in Fallon, I think it is important to keep those. I understand, completely, what you are saying. You also said, in the past, that you have two parking places and you are adding a third. Where will that parking place be?

Kelli Brothers stated that she took out some of her grass between her house and her neighbor's house. I put in gravel to make a third parking space in my driveway.

Board Member Sheila Scholz asked if that project was completed yet.

Kelli Brothers stated that she would be working on it this coming Saturday. It will be completed by the time it is needed.

Board Member Sheila Scholz stated for the record that her concern has nothing to do with what the business is doing. That area is congested a lot with cars at certain times of the day. I have been in contact with some people that are in the mix of the school that is being built on Venturacci and I am concerned about that. I think that there are going to be a whole lot more teenagers driving cars and my reticence has nothing to do with you and your business. I feel very firmly that R-1 property should remain that way. If you have any comments, I would like to hear them.

Kelli Brothers stated that she can't control how many people drive on the road. A lot of people do use it as a cut-off, but as for things that I can control, none of those things I am able to do.

Board Member Sheila Scholz stated that she is concerned that that is the situation. That part is not your fault, you have nothing to do with that. I understand your need and your want to do your business in your home.

Sharon Stafford stated that Kelli only has one client at a time. That is similar to one person driving up to your house and visiting you. I can't say that my friends are coming to visit me because there is too much traffic on our road. I have a huge driveway and she is welcome to use it, if necessary. I know that she is not going to cause any problems. It is just like having someone coming and visiting your house. I would appreciate it if you would take that into consideration.

Andrew Ritson greeted the Board and addressed the congestion. With Ms. Brother's hours, seeing that she starts later in the day, that does miss the morning traffic with students, with buses, and with any other traffic. As she ends at 6:00 p.m., that typically does miss a lot of the rush hour traffic and after school traffic as well.

Board Member Dusty Casey reiterated some of what he said at the last meeting. We asked you to do a couple of things and do some due diligence, which was talk to your neighbors and look at some other real estate places. Thank you, you did well. We have one letter from a concerned resident but the signatures that you gathered of twenty-two immediate neighbors in the area who are in support of you, is very impressive. Once you complete your new parking space, you will have a total of five parking spaces. Clients per day, with transition time, is a total of four to five clients with more than 15 minutes of transition time. I feel that that impact on this neighborhood will not be felt as greatly as once thought. I agree with the stipulations but I cannot see how one car every hour and a half and parking in a spot that is designated, is really going to disrupt anything in this neighborhood. With the stipulations that we have outlined previously, I don't see any reason to keep Kelli from making a living with her business that is that quiet in that neighborhood. Clearly, her neighbors support her. I don't see any reason not to approve this variance.

Board Member Chris Webb reviewed the stipulations. I don't want to tie her hands regarding her hours or days, especially if a client needs a massage at 6:00 a.m. or 8:00 p.m. or even on a Saturday.

Board Member Dusty Casey agreed. We had discussed those earlier and the biggest point was for her to not have any on-site employees, no additional therapists, or renting out a room to another therapist that is technically not an employee. It will be you and you only. I agree with no signage and those sorts of things.

No further comments were noted.

Board Member Dusty Casey motioned to approve the application by Kelli Brothers, 538 Keddie Street (APN #001-029-12) for a variance in an R-1 zone to operate a massage business out of her home with stipulations that there are no on-site employees, no signage, no subcontracting of services; seconded by Chirs Webb and the motion was approved on a 4-1 vote by Board, with Board Member Sheila Scholz abstaining from the vote.

Public Comments

Chairwoman Barrenchea inquired if there were any public comments.
No comments were noted.

Adjournment

There being no further business to come before the Board of Adjustment, newly elected Board Chairwoman Kim Barrenchea adjourned the meeting at 6:27 p.m.

Attest:



Derek Zimney, City Engineer



Chairwoman Kim Barrenchea