



CITY OF ELY

501 Mill Street Ely, Nevada 89301

City Hall (775) 289-2430

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ELY CITY PLANNING COMMISSION REGULAR MEETING

June 27, 2019 2:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street-Ely, Nevada.

1. Chairman Jed Peeler called the regular meeting to order at **2:03 p.m.**, Member Brown led in the pledge of allegiance and Chairman Peeler asked for Roll Call.

Members present:

- Chairman Jed Peeler
- Member John Charchalis
- Member Leah Brown
- Member Maureen Otzelberger

City Officials and Staff present:

- Councilman Ernie Flangas
- City Clerk Jennifer Lee

Members of the public also in attendance (as shown below)

City Planning Commission **ATTENDANCE LIST**

DATE: 6-27-17

Print name below _____

Print name below _____

Cynthia Schiewer

Samuel Klein

David Lyndis

Dilbera Cozman

Mike Crosswell

Janie Ceiliano

Pete Lopez

Eric Lawrence

George Chackar

Linda Durbidge

Dale Durbidge

2. PUBLIC COMMENT:

Linda Derbidge stated at last month's Planning Commission meeting you voted to recommend approval of a Special Use Permit for the property at 1400 E. 13th street. There was a stipulation added that a traffic study would need to be done. Is this requirement something that can be looked at again? We would have time if you would agree to revisit this issue.

George Chachas stated at the Ethics in Government presentation at the City Council meeting by Yvonne Goodsen, you made the comment that I complained about violations by the members of the Planning Commission and the Council. In the case of Gary Shielke, he planted a tree outside of his property line which should have been for a sidewalk. Ernie Flangas is obstructing the sidewalk area with a block wall and a tree that is probably ten or twenty years old. You cannot selectively enforce the law. Janeal Mathews didn't live in town, but claimed she had a home on Murry Street. I checked and that address belonged to another person; she then claimed that she rented a room. If she was renting a room, then she should have had a home occupation and should have been collecting room tax. I complained about the new construction on the 400 block Murry where the sidewalk was put in; there is no ADA access. I recently spoke with Peter Shaw of NDOT who said these were city concerns.

3. THE CITY PLANNING COMMISSION WILL RECESS THE REGULAR CITY PLANNING COMMISSION MEETING FOR A PUBLIC HEARING AT 2:00 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Peeler – Public Hearing – Discussion Only – Consideration of an application for Reclassification of Property Zoning. The applicants wish to re-zone the property from the current C-2 Zone (General Commercial District) to an R-M-50 Zone (Residential District). The location of the property is 920 Avenue E (APN 002-055-02) in Ely, Nevada. The applicants are Constance Kliewer, Charles Heusser and Dennis Heusser.

City Clerk Lee read the following letter from the applicant aloud:

Dependent was home
 constant name
 same to use
 9000

Need gas in use as
 as Residential - gas
 of pump station
 house was moved from
 Reptamer in Oct of 1950
 but Mr. Hall to our
 Property on 720 Ave E,
 which was in East Ely,
 the property was moved to
 a empty lot - which the only
 thing on the land of that
 block was 2 houses on the
 East end and one next to our
 house - so it was not zone
 at all at that time and it
 should be re-zoned
 in Residential.
 The church is Residential
 so our 720 should be also.
 We have a buyer but it
 has to be zoned Residential
 period that it has been
 it was my grand mother's
 house, stored for long living
 places to children, gas
 now constant, chucks, & come in
 Why was this zoned
 to Commercial property
 when it was always
 a home home.
 Residential Taxes

Ken Kliever stated like the letter presented, we never heard of this house being commercial. Upon the death of Adrienne Heusser last December, the house was given to the three children. We learned upon trying to sell the house that it was set up for a commercial zone, which doesn't allow for regular mortgages. The house is in a residential area across from the LDS church.

Betsy Lopez stated we have a housing crunch in Ely and this zoning issue is preventing the sale of this home unless it's cash. You can't get a residential loan unless it's zoned residential.

David Loudon stated when I decided I would buy the house; my next contact was the lender. The zoning happened to pop up and that was the end of my venture there; the banker would not consider it.

George Chachas stated I would like to speak in favor of this consideration. We've got a lot of property zoned commercial that is residential. Ever since the financial crisis that this Country went through, if a

loan is not matched up with a proper zone, you get no funding. Councilman Sam Hanson went through the same thing with his son on Aultman when they bought that home.

Connie Kliewer stated I hope that you do consider this as I grew up in that house.

Betsy Lopez stated that the property is taxed as a residence.

2. Chairman Peeler – Public Hearing – Discussion Only – Consideration of an application for a Variance. The applicants, Mike E and Kathleen Crossman, desire to construct a 20' x 30' garage on the corner of their property located at 849 Avenue H, Ely, Nevada (APN 002-092-06).

City Clerk Lee read the following letter aloud:

June 17, 2019

To The Ely City Planning Commission,

This letter is in regards to the "Variance Application" for the property located at 849 Avenue H, Ely, NV (APN-002-092-06). Please read this letter at the regular scheduled Ely Planning Commission Public Hearing meeting to be held on June 27, 2019 at 2PM, also any other applicable meetings or hearings for this application and enter it into the official minutes of said meetings.

I Adam E. Tytell as a neighboring property owner and neighbor would like to endorse this Variance request for a new garage to be built on said property owned by Mike & Kathleen Crossman. The Ely City Planning Commission, as well as the Ely City Council should be grateful to the Crossman's, as well as any other property owners with in the city whom are willing to make a substantial investment in their property. All Ely City residents benefit from this type of investment!

I would like to Thank the Planning Commission in advance for approving this Variance and assisting the Crossman's with navigating this Variance process. Mostly Thank You to the Crossman's!

Sincerely,

Adam E. Tytell
848 Avenue G
P.O. Box #151726
Ely, Nevada 89315

George Chachas stated Mr. Chairman I would like to encourage you to pass this. It will be a nice addition. They are going to take down an older building. It's going to improve the tax base and it's going to improve the community. Consideration should be given that they be allowed to use the same footprint that they have now.

Kathleen Crossman stated as a owner of the property, I feel that this will be an added enhancement to the property, the tax base and give appeal to the entire neighborhood by improving it.

4. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Chairman Peeler – Discussion/For Possible Action – Consideration of an application for Reclassification of Property Zoning. The applicants wish to re-zone the property from the current C-2 Zone (General Commercial District) to an R-M-50 Zone (Residential District). The location of the property is 920 Avenue E (APN 002-055-02) in Ely, Nevada. The applicants are Constance Kliewer, Charles Heusser and Dennis Heusser.

Member Charchalis stated I drove by there yesterday and the whole block is residential.

Member Charchalis moved to recommend approval of the application to rezone 920 Avenue E from C-2 to R-M-50. Member Brown seconded the motion. The motion carried unanimously.

The City of Ely is an equal opportunity provider and employer.

2. Chairman Peeler – Discussion/For Possible Action – Consideration of an application for a Variance. The applicants, Mike E and Kathleen Crossman, desire to construct a 20' x 30' garage on the corner of their property located at 849 Avenue H, Ely, Nevada (APN 002-092-06).

City Clerk Lee read the following e-mail aloud:

Good-Afternoon everyone,

Just a note for the upcoming Planning Committee and City Council Mtgs. I feel that the rezoning is a correction to something that should have never been changed. This house has always been used as a residence and therefore should be zoned residential. As for the variance, please read carefully the Finding of Facts, I have put some notes that I feel are required if this is to be approved. Most importantly is to have a Nevada licensed Surveyor locate the corners for the proper placement of the new garage. We do not know if the original garage that was torn down was actually located within the property. You must also note that the eaves are part of the structure and cannot hang over the property line.

Jed can you be present at the City Council Meeting at 5:30p the same day as the Planning Commission Mtg.?

I will be out of town for this meeting as will Chuck Odgers.

Please do not reply all when confirming this. Only answer me directly in keeping with the Open Meeting Laws.

Regards,

Brad Christiansen
City of Ely / White Pine County
Building Official
501 Mill St.
Ely, Nevada 89301

Kathleen Crossman stated that property was built before 1956. I feel it should be grandfathered in. It was surveyed not too long ago on the west side. I have a property stake underneath 9th and H. The actual property line from the garage is 4" in. When Mr. Hiatt passed away, they did a survey of their property and they gave us the back corner.

Member Brown moved to recommended approval to grant a variance for Mike and Kathleen Crossman to construct a 20 x 30 ft. garage at 849 Avenue H. Ely Nevada with the stipulation that they have the property surveyed prior to construction. Member Otselberger seconded the motion. The motion carried unanimously.

5. ITEMS FOR DISCUSSION/POSSIBLE ACTION OF THE PLANNING COMMISSION.

1. Chairman Peeler – Discussion/For Possible Action – Approval of Home Occupation permit to Eric Lawrence to conduct a consultant firm business, d.b.a. Lawrence Grant Consultation located at 14 Reno Road, Ely, Nevada.

Eric Lawrence stated I'm an approved and educated grant consultant from Vegas. I am trying to open a business to help provide a service to write grants and research grants for the residents of White Pine County. I will not be receiving any employees or customers in my home. My home will only be where I do my writing.

Member Charchalis moved to recommend approval of the Home Occupation for Lawrence Grant Consultation. Member Brown seconded the motion. The motion carried unanimously.

6. REPORTS

• MEMBERS

Member Otzelberger stated we have to do something about the Norcross Gas Station. Children could get hurt and it needs to be fenced off.

7. PUBLIC COMMENT:

George Chachas stated I have a rental property on Stevens Avenue; I'm losing that renter because of selective enforcement on that property. A few blocks down from me there are other people who have been doing the same thing for years now. Three years ago I went through the same problem and I lost three different renters. Now there's a housing shortage, so I let this person in. I asked for a variance and an appeal. The people were cited \$350.00 for being in a non-zoned property. I'm not just mad, I'm livid. I'm losing money. I'm watching others use their property or rent it but I can't do the same thing. That ticket needs to be negated. That man is a veteran. I want that ticket thrown out. I should have had the opportunity to come before you. There are air bnbs in this community renting out homes that are not licensed. At 790 Avenue I the new curb/gutter was put in with no ADA access.

Chairman Peeler stated we have always treated George fair and in some cases, we've approved his projects; the City Council didn't agree with us.

8. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE PLANNING COMMISSION.

Member Charchalis moved to adjourn the June 27, 2019 meeting of the City Planning Commission at 2:44 p.m.. Member Brown seconded the motion. The motion carried unanimously.

CHAIRMAN

ATTEST