



SPRING CREEK ASSOCIATION COMMITTEE OF ARCHITECTURE REGULAR MEETING MINUTES

Spring Creek Association (“SCA”) Committee of Architecture
Monday, September 11, 2023, 5:30 PM, PST
Fairway Community Center Meeting Room
401 Fairway Blvd, Spring Creek, Nevada

The meeting was held telephonically through Zoom.com due to the COVID-19 Pandemic

PRESENT: Kevin Martindale – Chair, Nick Czegledi, Bonnie Bawcom, Elex Vavrick, Kenny Kelly

ABSENT:

STAFF PRESENT: COA Secretary Cheri Duncan

CORPORATE ATTORNEY: Katie McConnell

CALL TO ORDER: Chair Martindale called the meeting to order in person and telephonically at 5:30 PM.

PLEDGE OF ALLEGIANCE

NOTICE:

- 1. Items may be taken out of order**
- 2. Two or more items may be combined**
- 3. Items may be removed from agenda or delayed at any time**
- 4. Restrictions regarding Public Comment:** Pursuant to N.R.S. 241.020(c) (3), this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item. Comments during this public comment period are limited to items NOT listed on the agenda and shall be limited to not more than three (3) minutes per person unless the Board of Directors elects to extend the comments for purposes of further discussion. Persons making comment will be asked to begin by stating their name for the record and to spell their last name. The Chair may prohibit comment, if the content of that comment is a topic that is not relevant to, or within the authority of, the Spring Creek Association or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers.

D. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241 this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken on a matter raised under this item of the agenda until

the matter itself has been included specifically on an agenda as an item upon which action will be taken.

NON-ACTION ITEM

Public Comment: Sheila Davis-Merritt stated she had received violation letters three weeks after the pictures were taken and issues were already addressed. The letters dates were very inconsistent. She talked to the neighbors, and they did not receive letters. The skeet/shoot and Spring Creek Association owned land has not been mowed and there is no defensible space. She said she would be in tomorrow with documentation to close out the violations.

Attorney McConnell explained that neighboring properties could have received letters from the Spring Creek Association and mail could have been returned for improper addresses.

E. UNFINISHED BUSINESS

F. NEW BUSINESS

- F.1 Review, discussion, and possible action to approve a variance for the shop to be 21.6' to the peak instead of 20' at **415 Bluecrest Lane., (Tract 105, Block 005, Lot 019)**
1.620 acres. ***FOR POSSIBLE ACTION***

The property owner, Graeme Stroker, is requesting a variance to build a shop taller than the allowed elevation. He is asking for the elevation to be 21.6' at the peak instead of the twenty feet. Stroker said he is building a shop to park campers, so the doors need to be 14' to get 16' eaves that makes the peak 21.6'. The building is against Lower Lamoille Road and doesn't have any impact on the neighbors.

No Public Comment

Member Vavruck asked regarding the snow load and there was a general discussion about him going through the proper steps as needed.

Member Bawcom moved/Member Czeglédi seconded to approve the variance for moving the elevation from 20' to 21.6' shop at 415 Bluecrest Lane., (Tract 105, Block 005, Lot 019) 1.620 acres. Motion carried 5-0.

- F.2 Review, discussion, and consideration to approve a Conditional Use Permit for **Eden Tree Nursery** type of business: **TREE NURSERY**: located at **855 White Oak Drive., (Tract 402 Block 003 Lot 012) 1.450 acres.** ***FOR POSSIBLE ACTION***

The property owner is applying for a Conditional Use permit for Eden Tree Nursery. The property owner, Don Purper, said there are a lot of dying trees in the area. He will be bringing in trees that are resistant to the diseases for this area. The hours would be Monday-Friday 10 am to 5 pm and weekends by appointment only. There will be a privacy fence with live foliage around the corner of the property. Pots will be placed in the ground and will look like they are planted there. We will have appropriate signage that fits the requirements.

Public Comment: Property owner Cameron Collins asked if this would be indoor or outdoor. He asked what street they would be using as an entrance to the business.

Attorney McConnell stated this is not a Home Occupation, so the best choice was a Conditional Use Permit for an AR zoning Non-Commercial business with greenhouses. It's the board's discretion to put conditions on it that is zoning plan consistent, is it good for the community or just the homeowner.

Discussion regarding ways to make sure that they abide by all rules and regulations with conditions. Semi-truck loads are limited to 1x per month and there is no parking on the road. General planting will be consistent with the Application statement and adhere to the conditions.

Attorney McConnell stated that Conditional Use Permits are subject to an appeal process if necessary.

Member Czegledi moved/Member Bawcom seconded to approve the Commercial Use Permit with conditions that they abide by all rules and regulations, semi-truck loads are limited to 1x per month and there is no parking on the road for Eden Tree Nursery located at 855 White Oak Drive., (Tract 402 Block 003 Lot 012) 1.450 acres. Motion carried 5-0.

- F.3 Review, discussion, and consideration to approve a Home Occupation Permit for **Revival Wellness** type of business: **Mobile IV Therapy**: located at **911 Oakmont Drive., (Tract 402 Block 017 Lot 011) 1.150 acres.** **FOR POSSIBLE ACTION**

The property owner is requesting a Home Occupation permit for mobile IV therapy. Property Owner said that she is a RN at the hospital and would be seeing homebound patients so they wouldn't have to leave home to get treated. All supplies will be stored securely in a locked office. Biohazards will be properly disposed of in containers following OSHA rules.

Public comment: Billy Gustin said this is an excellent idea as a parent with a chronic illness.

Public comment: Sheila Davis-Merritt asked what kinds of IV therapy will you be supplying? The property owner said IV therapy offers better absorption than vitamins and pills. It's like a mobile med spa.

Chair Martindale moved/Member Bawcom seconded to approve the Home Occupation Permit for Revival Wellness at 911 Oakmont Drive., (Tract 402 Block 017 Lot 011) 1.150 acres.

- F.4 Review, discussion, and possible action regarding property violation of the COA Rules and Regulations: **Nuisance** located at **611 Hayland Drive, (Tract 202, Block 009, Lot 041) 1.320 acres** **FOR POSSIBLE ACTION**

Secretary Duncan stated that the staff has received a complaint regarding dogs running at large from this property. The property owner was not present.

Public comment: Sheila Davis-Merritt said she sees multiple posts about animals running at large in Spring Creek.

Attorney McConnell stated that there needs to be evidence to collaborate that a nuisance does exist. No one is present to prove a nuisance exists.

Discussion on whether animal control has been contacted. We need more time to get more information regarding this nuisance complaint. Table until October to get more information.

Member Vavrack moved/Member Bawcom seconded to table the nuisance at 611 Hayland Drive., (Tract 202, Block 009, Lot 041) until October COA meeting. Motion carried 5-0.

- F.5 Review, discussion, and possible action regarding property violation of the COA Rules and Regulations: **Nuisance located at 672 Holiday Drive., (Tract 202, Block 003, Lot 017) 1.140 acres** **FOR POSSIBLE ACTION**

Secretary Duncan stated that the staff has received a complaint regarding dogs running at large from this property. The property owner not present.

No public comment.

Discussion to reach out to get additional information. Need proof to prove a nuisance exists.

Member Czegledi moved/Member Kelly seconded to table the nuisance at 672 Holiday Drive., (Tract 202, Block 003, Lot 017) until October COA meeting. Motion carried 5-0.

- F.6 **Review, discussion, and possible action to approve the first reading of the revised Committee of Architecture Rules and Regulation #30: Commercial Business Permit.** **FOR POSSIBLE ACTION**

Attorney McConnell provided comment that the permit should be changed so that commercial businesses do not need to come before the COA for approval. The zoning rules provide clarification on what types of business can be on a specific parcel.

Public Comment: Sheila Davis-Merritt asked what the difference is between a Commercial and a Residential business.

Attorney McConnell stated that a Commercial Business is on Commercial property only and there is no need to send to the Committee.

Public Comment: Graemme Stroker stated that he would like to see the text of the rule changes on the website to read before the meetings.

Member Bawcom moved/Member Czegledi seconded to approve the 1st reading of the revised Committee of Architecture Rules and Regulation #30: Commercial Business Permit. Motion carried 5-0.

- F.7 **Review, discussion, and possible action to consider revising the Committee of Architecture Rules and Regulation #16: Fencing and Walls.** **FOR POSSIBLE ACTION**

A new rule is proposed that includes language from previous fence/wall rules. There was general discussion that there needed to be more emphasis on using traditional fencing materials subject to the discretion of the COA.

Public comment: Sheila Davis-Merritt asked if her fence would be grandfathered in due to it being barbed wire and has been there since 1982.

Attorney McConnell stated they are not going to ask you to tear it down.

Public comment: Graemme Stroker asked if he needs barbed wire fence up against rangeland.

Attorney McConnell stated no it's not permissible but, you can with a variance.

Discussion regarding electric fence restrictions.

Attorney McConnell stated that you cannot make it a rule.

Member Vavrck moved/Member Czegledi seconded to approve the 1st reading of the revised Committee of Architecture Rules and Regulation #16: Fencing and Walls. Motion carried 5-0.

G. VIOLATIONS

- G.1 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **672 Holiday Drive, (Tract 202 Block 003 Lot 017) 1.140 acres.** **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since May 2023 and has had no contact from the property owner. The property owner was not present.

No public comment.

Member Czegledi moved/Member Kelly seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 672 Holiday Drive, (Tract 202 Block 003 Lot 017). Motion carried 5-0.

- G.2 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **257 Edgewater Court, (Tract 201 Block 003 Lot 022) 2.640 acres.** **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since May 2023 and has had no contact from the property owner. The property owner was not present.

No public comment

Member Kelly moved/Member Bawcom seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 257 Edgewater Court, (Tract 201 Block 003 Lot 022). Motion carried 4-0-1- Member Vavrck abstained.

- G.3 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures, SCA DOR's: Unsightly: Storage of Tools and Trash** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **593 Empress Drive, (Tract 202 Block 036 Lot 004) 2.000 acres.**

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since May 2023. Last contact with the property owner was July 2023. The property owner was not present.

No public comment.

Chair Martindale moved/Member Kelly seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 593 Empress Drive, (Tract 202 Block 036 Lot 004). Motion carried 5-0.

- G.4 Review, discussion, and possible action regarding **SCA DOR's: Unsightly: Storage of Tools and Trash** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **428 Cedarlawn Drive, (Tract 202 Block 030 Lot 034) 1.090 acres.**

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since April 2023. Last contact with the property owner was July 2023.

The property owner Daniel Fermoye was present and asked about what specifically was in violation.

Secretary Duncan stated that the far-right side of the property needed to be cleaned up.

The property owner said he doesn't have the funds to have someone clean up the property and he has medical disabilities.

Public Comment: Billy Gustin spoke and said he work's hard on keeping yards up to date and qualified for the defensible space program. He asked if the SCA has grants to help with hiring someone to help people with disabilities.

Attorney McConnell stated that SCA does not have grants but, there are a couple programs for people 55 & over who need assistance.

Member Czegledi moved/Member Kelley seconded to table the violations at regarding 428 Cedarlawn Drive, (Tract 202 Block 030 Lot 034) until October 2,2023 and come back to the October COA meeting if not in compliance. Motion carried 5-0.

- G.5 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures, SCA DOR's: Unsightly: Storage of Tools and Trash** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **511 Lynx Drive, (Tract 202 Block 018 Lot 060) 1.300 acres.**

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since June of 2021. Last contact with the property owner was April 2022. The property owner was not present.

No public comment.

Member Czegledi moved/Member Bawcom seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 511 Lynx Drive, (Tract 202 Block 018 Lot 060). Motion carried 5-0.

- G.6 Review, discussion, and possible action regarding COA R&R: Exterior Condition of Structures and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding 924 Spring Valley Parkway, (Tract 202 Block 029 Lot 027) 1.030 acres. **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since May 2021. Last contact with the property owner was May 2023. The property owner was not present.

No public comment.

Member Vavrick moved/Member Czegledi seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 924 Spring Valley Parkway, (Tract 202 Block 029 Lot 027). Motion carried 5-0.

- G.7 Review, discussion, and possible action regarding **SCA DOR's: Unightly: Storage of Tools and Trash** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **764 Thorpe Drive, (Tract 403 Block 019 Lot 006) 1.000 acres.** **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since July 2021 and has had recent contact with the property owner and they are making progress asking for more time to complete the violations. The property owner was not present.

No public comment.

Member Czegledi moved/Chair Bawcom seconded to table the violations at regarding 764 Thorpe Drive, (Tract 403 Block 019 Lot 006) until October 2,2023 and come back to the October COA meeting if not in compliance. Motion carried 5-0.

- G.8 Review, discussion, and possible action regarding **COA R&R's Excessive Brush/Weeds or Dead Trees/Shrubs** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **754 Wolcott Drive, (Tract 401 Block 020 Lot 006) 2.010 acres.** **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since July 2021 and has had no contact from the property owner. The property owner was not present.

No public comment.

Member Kelly moved/Member Vavrick seconded to refer to the SCA Board of Directors to take legal action and uphold all fines regarding 754 Wolcott Drive, (Tract 401 Block 020 Lot 006). Motion carried 5-0.

- G.9 Review, discussion, and possible action regarding **SCA DOR's: Unightly: Storage of Tools and Trash, COA R&R's Excessive Brush/Weeds or Dead Trees/Shrubs** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding 534 Croydon Drive, (Tract 101 Block 005 Lot 024) 1.260 acres. **FOR POSSIBLE ACTION**

Secretary Duncan stated the property has been in violation since May 2023 and there has been no contact from the property owner. The property owner was not present.

No public comment.

Member Bawcom moved/Member Kelly seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 534 Croydon Drive, (Tract 101 Block 005 Lot 024). Motion carried 5-0.

- G.10 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **304 Oakshire Drive, (Tract 106A Block 003 Lot 016) 1.080 acres.** ***FOR POSSIBLE ACTION***

Secretary Duncan stated the property has been in violation since May 2023 and has had no contact with the property owner. The property owner was not present.

No public comment.

Member Bawcom moved/Member Kelly seconded to refer to the SCA Board of Directors to take legal action and uphold all fines at 304 Oakshire Drive, (Tract 106A Block 003 Lot 016). Motion carried 5-0.

- G.11 Review, discussion, and possible action regarding **COA R&R: Exterior Condition of Structures** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **397 Westby Drive, (Tract 202 Block 011 Lot 034) 1.240 acres.** ***FOR POSSIBLE ACTION***

Secretary Duncan stated the property has been in violation since July 2019 and had been in contact with the property owner and asking to table until October. The property owner was not present.

No public comment.

Member Kelly moved/Member Vavrlick seconded to table the violations at 397 Westby Drive, (Tract 202 Block 011 Lot 034) until the October COA meeting. Motion carried 5-0.

- G.12 Review, discussion, and possible action regarding **COA R&R's Inoperative, Unregistered, Unlicensed Vehicles, SCA DOR's: COA R&R: Exterior Condition of Structures** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **531 Lynx Lane, (Tract 202 Block 018 Lot 066) 1.270 acres.** ***FOR POSSIBLE ACTION***

Secretary Duncan stated the property has been in violation since March 2021 upon review of the property the violations have been completed and asked to dismiss. The property owner was not present.

No public comment.

Member Kelly moved/Member Czeglédi seconded to dismiss the Inoperative Unregistered, Unlicensed Vehicles.

Member Kelly amended/Member Czegledi seconded to include the exterior structure and dismiss violations at 531 Lynx Lane, (Tract 202 Block 018 Lot 066). Motion carried 5-0.

- G.13 Review, discussion, and possible action regarding **SCA DOR's: Unsightly: Storage of Tools and Trash, COA R&R's Excessive Brush/Weeds or Dead Trees/Shrubs** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **520 Gypsum Drive, (Tract 202 Block025 Lot 033) 1.230 acres.**

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since June 2023 and has been in contact with the property owner, property is making progress and is asking for more time The property owner was not present.

No public comment.

Member Czegledi moved/Member Kelly seconded to table the violations at 520 Gypsum Drive, (Tract 202 Block025 Lot 033) until October 2, 2023, and come back to the October COA meeting if not in compliance. Motion carried 5-0.

- G.14 Review, discussion, and possible action regarding **SCA DOR's: Unsightly: Storage of Tools and Trash, COA R&R's Excessive Brush/Weeds or Dead Trees/Shrubs** and refer to the SCA Board of Directors requesting to take legal action and uphold all fines regarding **642 Spring Creek Parkway, (Tract 101 Block 005 Lot 034) 1.780 acres.**

FOR POSSIBLE ACTION

Secretary Duncan stated the property has been in violation since July 2022 and has had no contact with the property owner. The property owner was not present.

No public comment.

Member Vavrck stated he drove by the residence, and they were out working on the property.

Member Kelly moved/Member Vavrck seconded to table violations.

Member Kelly amended/Member Vavrck seconded to direct staff to review property October 2,2023 at 642 Spring Creek Parkway, (Tract 101 Block 005 Lot 034) and come back to the October COA meeting if not in compliance. Motion carried 5-0.

H. LEGAL REPORT

Review and discussion regarding the monthly update on property violations turned over to McConnell Law per SCA Board approval. **NON-ACTION ITEM**

Attorney McConnell provided a verbal update on the properties currently in legal status. She stated that there are two properties for sale, but the USDA will not cooperate with one of the sales.

I. REVIEW AND APPROVAL OF MINUTES

Approval of minutes from the August 14,2023 Regular meeting.

FOR POSSIBLE ACTION

No public comment was received.

Member Czegledi moved/Member Bawcom seconded to approve the minutes from the August 14,2023 Regular Meeting. Motion carried 5-0.

J. REPORTS

- J.1 Approval of the Committee of Architecture Revenue Report for August 2023.
FOR POSSIBLE ACTION
- J.2 Approval of the Committee of Architecture Occupancy Report for August 2023.
FOR POSSIBLE ACTION
- J.3 Approval of the Committee of Architecture Violation Report for August 2023.
FOR POSSIBLE ACTION

Secretary Duncan provided a general update on permits and violation reviews.

No public comment was received.

Chair Martindale moved/Member Bawcom seconded to accept the reports in the binder for August 2023. Motion carried 5-0.

K. PUBLIC COMMENT

Pursuant to NRS 241 this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken on a matter raised under this item of the agenda until the matter itself has been included specifically on an agenda as an item upon which action will be taken.
NON-ACTION ITEM

Member Kelly asked if we could start up a donation account to help the elderly/disabled.

Attorney McConnell stated that there is a neighbor-to-neighbor program. We started a new non-profit for Spring Creek to get grants for Spring Creek. She stated that she does have specific resources for elderly. If they agree to let us on the property with permission, we can get a contractor to help them.

Discussion to refer to other resources for help.

Discussion regarding creating a Spring Creek Association map with zoning to give to the public.

Attorney McDonnell stated this would be a good item for the Board of Directors as money would be needed to create these maps.

Member Kelly asked what we are going to do about the existing structures that don't meet the setbacks, are we requiring them to go back and get a variance? Can we change the rule?

Attorney McDonnell stated we cannot change the rule due to the DOR's.

L. NEXT REGULAR MEETING

The next regular meeting of the Committee of Architecture scheduled for Monday, October 9,2023 was moved to Wednesday, October 11, 2023, due to the Columbus Day Holiday.

FOR POSSIBLE ACTION

No Public Comment

Chair Martindale moved/Member Kelly seconded to approve moving the Monday, October 9,2023 meeting to Wednesday, October 11, 2023. Motion carried 5-0.

Chair Martindale moved/Member Kelly seconded to approve the time for the meeting to be at 5:30 p.m. Motion carried 5-0.

M. ADJOURN MEETING

FOR POSSIBLE ACTION

Chair Martindale adjourned the meeting at 8:12 p.m.