



AMERICAN CIVITAS

Board: Douglas County, Nevada County Planning Commission

Date: December 09, 2025

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Item	Description	Outcome	Vote Count
1	CALL TO ORDER	Called to Order	N/A
2	PLEDGE OF ALLEGIANCE	Stated	N/A
3	PUBLIC COMMENT (No Action)	N/A	N/A
4	APPROVAL OF AGENDA	Approved	(6-0)
5	APPROVAL OF PREVIOUS MINUTES	Approved	(6-0)
6	MAJOR VARIANCE APPLICATION DP25-0141	Denied	(6-0)
7	Ordinance 2025-1661 and 1662	Continued	(6-0)
8	CLOSING PUBLIC COMMENT (No Action)	N/A	N/A
9	ADJOURNMENT	Adjourned	N/A

Executive Summary

The Douglas County Planning Commission convened on December 9, 2025, with Chair Casey presiding, unanimously approving the agenda and October 14, 2025, minutes. Major Variance DP25-0141 for a zero-foot west side-yard setback on a 534-square-foot second-story addition above an existing garage at 239 Engine House Circle in Glenbrook was denied after extensive discussion on procedural noncompliance, building code issues, and failure to meet required findings. Ordinances 2025-1661 and 2025-1622 to implement Assembly Bill 241 by allowing multifamily and mixed-use in commercial zones were unanimously continued to January 13, 2026, to incorporate town board feedback on preserving commercial corridors and resolving use conflicts. Public comments addressed the variance's precedent and zoning impacts on local infrastructure and plans. No non-agenda public comments were received.

Highlights

1. Major Variance DP25-0141 was denied (5-1, Klutz absent) for a zero-foot west side-yard setback on a 534-square-foot second-story addition above an existing garage at 239 Engine House Circle, due to lack of exceptional hardship from the pie-shaped lot, potential prejudice to neighboring properties through massing and shading, unverified construction quality including wall penetrations, and deliberate procedural bypass by constructing without prior approval.
2. Ordinances 2025-1661 and 2025-1622 were unanimously continued to January 13, 2026, to refine implementation of Assembly Bill 241, balancing state-mandated multifamily allowances in commercial zones with local concerns for requiring commercial components in all districts to preserve town corridors and address use discrepancies between zoning categories.

Public Comment (Non-Agenda Items)

Public Comments: None Received.

Approval of Agenda and Previous Minutes

The Douglas County Planning Commission considered the adoption of the agenda and previous meeting minutes.

Commissioners' Comments: None received.

Public Comments: None received.

Vote: Vote unanimous to approval agenda and previous minutes.

Major Variance Application DP25-0141, a request to reduce the west side-yard setback from 7 foot to 0 feet for a 534 square foot second-story addition above an existing garage located at 239 Engine House Circle in the R-058 residential zoning district, in the Glenbrook Plan Area of the Tahoe Region

Lucille Rayo, Community Development, presented the application, noting it was continued from the October meeting after discovering the addition had already been constructed without prior approval. Staff received a neighbor's inquiry about noticing for a completed project, confirmed the build, met with the neighbor on site, and incorporated his supplemental letter detailing concerns. The background indicated a building permit submission on September 20, 2024, with a correction report on October 18, 2024, requiring the variance, but no response until the variance application on August 18, 2025. Rayo added Tahoe Douglas Fire Protection District conditions for approval: a fuel modification and defensible space plan with recorded maintenance agreement for the 30- to 100-foot zone, a recorded deed restriction covenant for ongoing defensible space maintenance, access parking restrictions against blocking fire lanes, and acknowledgment of conditions; an NFPA 13D automatic fire sprinkler system; and fire-resistant upgrades including non-combustible siding, ember-resistant vents, dual-pane tempered glazing, and rated eave soffits per IWUIC code. Zach Wood, certified planner and land surveyor in training with Wilson Engineers, presented on behalf of applicant Nielsen Separate Property Trust 2007, agreeing with staff's analysis and recommendation. He described the single-family residence with prior additions, focusing on the second-floor addition above the existing garage, highlighting stakeholder approvals including fire district conditions, HOA plan set approval, and past TRPA approvals. Wood noted agreement with wildland-urban interface code requirements and potential ongoing reviews by community development. He provided basic statistics: a 0.1-acre lot with limited setbacks, no floodplain or TRPA coverage issues. Presentations included elevations showing the addition above the garage, site plans, and a requested reduction from seven feet to zero for the addition and eaves.

The 1979 garage was legally nonconforming at its location. Exhibits featured 1979 context (rendering), pre-construction photo with gable-end roof facing north, current representation and photo showing the addition's gable-end facing the street, and neighboring property. Findings emphasized the nonconforming garage limiting horizontal expansion, necessitating vertical build; a 2004 variance application not followed through; 2025 survey showing 0.1-foot setback; cul-de-sac lot constraints with limited frontage for driveway and garage; 4- or 5-to-1 width-to-depth imbalance; TRPA and Glenbrook land coverage limits; and similar county approvals for vertical second-story variances. An additional 2020 survey exhibit, distributed during the hearing, showed coincident property line and building, supporting the Wilson survey. Consistent site plans for permit and variance showed zero setback. John Geslin, attorney from Reno representing Robert F. Nielsen and the Nielsen Family Trust, addressed the neighbor's letter from Jack Traynor and Greg Peterson, focusing on their five points, particularly the alleged encroachment, which he refuted with 2020 and 2025 surveys showing the garage wholly on Nielsen's property (coincident in 2020, within 0.01 foot inside in 2025), provided to Traynor in October 2025. He noted the 1979 garage as nonconforming without issues. Geslin dismissed precedent, willful disregard, and public policy concerns as outside the commission's purview, acknowledging prior variance needed but committing to rectification, fines, certificate of occupancy, building reviews, and compliance with county health/safety, fire, TRPA (qualified exempt, no further action), and HOA approvals (noticed without objections). He argued no jurisdiction for boundary adjustment absent encroachment or violation. Findings met: exceptional lot shape (pie-shaped) creating peculiar hardship; conditions not general (not all Glenbrook lots pie-shaped); no material damage/prejudice, as neighbors had HOA objection opportunity and no encroachment. Staff recommended approval, which he reinforced. Jack Traynor, co-owner of 237 Engine House Circle, opposed the variance, highlighting 28 years of good neighborliness but compelled by Nielsen's willful disregard. He noted lack of prior approval deprived objection opportunity, referencing 2004 variance requiring setback and unobtained TRPA approval. Corrections: garages do not abut (separate properties); pie-shaped lots common in Glenbrook; HOA plans informational only, no objections allowed. Survey confusion cited, with prior unlocatable survey showing line inside garage. Strategy of building then seeking forgiveness unconscionable given Nielsen's National Association of Home Builders presidency. Precedent risks disastrous, suggesting boundary line adjustment for equidistant positioning, as building fails 2004 two-and-a-half-foot setback and signals disregard for regulations favors power/wealth.

Commissioner Comments

- **Commissioner McKalip:** Disclosed knowing contractor Paul Aveda from prior work on his Ranchos home; confirmed no effect on impartiality. Asked if the second story was discussed as set back from the garage line. Rayo said in 2004, staff recommended and commission conditioned a three-foot setback, likely why not built. Jim stated this was not an unaware individual but professionals purposefully avoiding rules, shocked at post-build approach, highly offended, and opposed to setting ugly precedent.

- **Commissioner Walder:** Questioned Wood on retention (mid-2025 for variance/surveying), informing Nielsen of permit/variance needs (no direct contact), construction/deconstruction start (October 2024 deconstruction, spring 2025 completion), added space use (library, office, bathroom), recent survey (Wilson, August 2025, in packet), garage abutting (incorrect; common boundary, facing, not touching, ~10 feet apart per estimate, no living spaces facing). Questioned Geslin on Douglas County approval (2004 variance, expired). Questioned Traynor on his garage setbacks (believed conforming, no variance), construction period (14 months, late summer 2024 to mid-summer 2025), county contact (none, assumed approvals). Focused on building code as public welfare measure, November 14, 2025 Wilson letter stating no west side penetrations (corrected to include windows post-application), access to R.O. Anderson plans showing west wall windows (unaware). Visited site, confirmed five windows (one larger) on second story.
- **Commissioner Paul Bruno:** Stated discussions with Wood and Traynor highlight timing and process difficulties. He agreed with most staff observations and reviewed the 2004 application approved with conditions. He found it strains credulity that the applicant was unaware, placing the commission in a terrible position mocking daily processes. He understood denial might require costly removal but balanced against community and rule damage. Referencing code 20.698.030 for nonconforming remedies, he proposed conditional approval adding to staff's excellent conditions: all construction gets a building permit compliant with Uniform Building Code, no left-side penetrations including upper-floor windows on zero-lot line; and satisfaction of Douglas County Fire conditions. Granting with these avoids forcing destruction while penalizing via fines, not placing appellate bodies in ignoring rules. He disagreed with denial motion and would vote against it for conditional granting.
- **Commissioner Lyle:** Asked Wood what plans were used for construction, noting R.O. Anderson's June 6, 2024, set had errors like eave extensions over the property line and did not match the built addition. Wood said he did not know certainly, but the presented set was as planned, and an as-built set exists. Lyle asked about separation from Traynor's garage. Wood deferred, and Traynor said three feet at one point, 3.5 feet further due to pie shape. Lyle asked Traynor about his property's side, noting a deck or rear yard. Traynor said a deck off the living room, but windows do not overlook living space, viewing over the garage roofline.
- **Commissioner St. John:** asked Rayo if it is normal not to have 1970s variance or permit records. Rayo said records are spotty; she searched but found no 1979 permit, noting only site plans were kept historically. Dan asked if zero-lot lines are normal in Glenbrook. Rayo said seven-foot setbacks are general, with building envelopes allowing to edges but requiring fire and building code distances; she is unaware of property line builds personally. Dan noted the deck appeared at zero setback on site plan. Rayo confirmed from review. Dan asked if Traynor's garage needed a variance, being closer than seven feet. Rayo said she researched but

found nothing, unclear why built close second. Dan questioned exceptional difficulty for additions versus initial construction, noting owners have full use. Rayo agreed it's a good point but relied on lot shape with existing garage.

- **Chair Casey:** Impressed by Nielsen's credentials as 2017 National Housing Hall of Fame inductee requiring upholding codes and permits, she noted violations contradict promoting professionalism and ethics protecting consumers, neighbors, safety, and industry. This changed her view, adding to unrest over disregard for county rules and Title 20. It sealed her opposition. Important not to set precedent allowing such behavior by exception or loop (no permit without variance, no variance without permit). Findings one and three unmet as commissioners stated. Unclear timeline and plans; does not feel right, preferring facts over feelings but holes remain. Cannot support at this time. Opposed continuance, favoring clean denial with appeal rights.

Public Comment: Jack Traynor reiterated 2004 two-and-a-half-foot setback would change character, most relevant issue.

Vote: Motion to deny Major Variance Application DP25-0141 passed (5-1, Bruno opposed; Klutz absent).

Ordinance 2025-1661, a zoning text amendment amending Douglas County Code Title 20 by revising Chapters 20.650, 20.658, 20.660, 20.662, 20.664, 20.666, and 20.668, and repealing Chapter 20.675

And

Discussion of Ordinance 2025-1662, a Zoning Map Amendment changing the zoning for properties within Douglas County zoned Mixed-Use Commercial (MUC), in order to implement the requirements of Assembly Bill 241, which was passed by the Nevada State Legislature during the 2025 legislative session, and which requires the allowance of mixed-use or multi-family residential development in all commercial zones. The applicant is Douglas County. Affected properties are those which are within MUC zoning districts outside the Tahoe Basin

Kate O'Neill, Planning Manager, requested continuance to January Planning Commission meeting after presenting to Genoa, Minden, and Gardnerville town boards for feedback, providing Gardnerville's letter. She presented PowerPoint for insights and direction. Assembly Bill 241 (passed May 2025) requires ordinances authorizing by-right multifamily or mixed-use in commercial districts. Referenced 2020 Master Plan action allowing multifamily in commercial land-use, similar to AB 241 intent. Proposed eliminating mixed-use commercial zoning (implemented 2007 for commercial-residential mix) since AB 241

allows it by-right, updating Title 20 to allow multifamily in all commercial zones. In general/tourist commercial, multifamily without commercial component; in neighborhood/office commercial, commercial component required. Rationale: fewer general/tourist commercial parcels (mostly undeveloped, surrounded by neighborhood/office), vast neighborhood commercial along 395. Clarified property owners can still do pure commercial. Zoning map amendment addresses existing mixed-use parcels by rezoning. For Gardnerville: pink parcels zoned mixed-use (near Waterloo/Burger King/gun store with cement pads; Judy's Blinds across Rayleigh's; empty at curve). Rezoned to neighborhood commercial (surrounded by it, retains component). Town feedback: concern over general commercial vacant lots (e.g., across Sharkey's/Overland) becoming pure multifamily, losing corridor commercial per Plan for Prosperity. Ideal: mixed-use with ground commercial, upper housing for old-town feel vs. large apartments. AB 241 intent for attainable housing, but statewide scale challenges small towns; perhaps aimed at abandoned big-box stores. Better: require commercial component in all districts, especially 395 corridor for multifamily with commercial. Heard from owners preferring multifamily in neighborhood over mixed-use. For Minden: pink parcels (movie theater/housing; top right next neighborhood commercial). Inconsistencies: pink sliver in multifamily residential (MFR) parcel rezoned fully MFR; public facility bleeding into mixed-use rezoned fully public. Occurs from boundary adjustments/metes and bounds. Minden Village off Lucerne (offices/residential) rezoned neighborhood commercial. For Tahoe: one parcel with three zonings (parking lot, some multifamily); mixed-use portion rezoned neighborhood commercial for consistency. Quandary: mixed-use and neighborhood nearly identical but differences (e.g., large group care SUP in mixed-use not neighborhood; independent congregate senior living in neighborhood not mixed-use; indoor gun range in neighborhood not mixed-use). Example: near Minden movie theater residential, adjacent LabCorp out could become gun range if rezoned neighborhood. Options: keep mixed-use (no map amendment, text adds multifamily); or proceed as proposed. Continuance for research/feedback. Commissioner Kim asked why not keep mixed-use for simplicity. O'Neill said intent to eliminate as unnecessary post-AB 241, but use disconnects challenge. Asked about moving uses. O'Neill noted bidirectional allowances, can't remove (e.g., gun ranges) without affecting intent, no spot zoning. Commissioner Lyle asked about orphan uses in other zones: gun ranges SUP in private recreation, neighborhood/general/tourist commercial, not office/mixed-use; senior living in neighborhood/office/general, not mixed/tourist. Commissioners noted endless mismatches; neighborhood seemed best mostly, few changes. O'Neill agreed initial comfort with components in neighborhood/office, not general/tourist (fewer parcels, surrounded), but town feedback on corridor vacancies (e.g., hotel interest potentially shifting to multifamily). General near Walmart good for apartments but outside towns; can't pick/choose.

Commissioner Comments

Integrated into presentation.

Public Comment: Eric Nielsen, Gardnerville Town Manager, appreciated discussion; provided board position letter from last Tuesday; main concern general commercial sans component—corridor High School Street to S-curve general, redevelopment could mean apartments along Main, losing feel/vision per Plan for Prosperity (develop/renovate extending downtown historic storefront). Supports mixed-use/residential components (ground insurance/accountants, top apartments); not pure multifamily. Walmart area general but appropriate multifamily; can't have general one/two. Requested all commercial require component; town tourist (Sharkey's, Oxoby mobile home—residential) minimally affected sans component; return January if continued. Alan Rapkin, Quaking Aspen Association (Tahoe Village sub-association, mostly outside TRPA), concerned AB 241/Title 20 integration; rumors Stagecoach commercial multi-use taxing Quaking Aspen/Tramway loop under USFS Heavenly permit. Tramway project (40 units) soon; overtaxed, burdens on HOA vs KGID/county; parking issues. Referenced 30 years ago opposing American Skiing multi-use, shelved post-Vail sale; Vail plans could impact Title 20; high VHR concentration problems for family/second homes. Submitted letter; unsure master Tahoe Village HOA comment but interested. O'Neill responded no development proposed; Quaking property currently mixed-use, could develop today sans AB 241; rezoning to single-family requires master plan amendment; bill affects only commercial, sensible to neighborhood but keeping mixed-use leaves as is.

Vote: Motion to continue items two and three to January 13, 2026, at Historic Courthouse Minden passed unanimous.

Closing Public Comments (Non-Agenda Items)

Public Comments: Commissioner Kirk thanked Chair Casey for outstanding leadership, dedication, excellent meetings, time invested, attending other meetings for knowledge. Thanked Vice Chair Bryce Klutz, fellow commissioners for service. Thanked Community Development (Tom, Andrea, Kate, Lucille, Linda, Colleen, Minden/Stateline support). Thanked County Engineer Jeremy Hutchings/team, VHR Manager Ernie Strelow/staff. Thanked Clerk-Treasurer Amy Burgans' group (Nikki, Amber, Michelle, Tanya, entire staff) for meeting support. Thanked SoSuTV for broadcasting. Thanked County Manager Jenifer Davidson/team leadership. Thanked Kurt Hildebrand/Record Courier for informing on county actions; free press fortunate. Merry Christmas, Happy New Year, wonderful holidays. Chair Casey echoed sentiments, thanked all, public, town managers, each (AJ), Merry Christmas; announced first Title 20 Consolidated Development Code update workshop Tuesday December 16, 4:30-6:30 p.m. CVIC Hall—rule book for building/land use/development combining zoning/subdivisions/construction; staff three-year revisions, 2026 results.

Meeting Adjourned.