



WASHOE COUNTY BOARD OF ADJUSTMENT **DRAFT** Meeting Minutes

Board of Adjustment Members

Peter Ghishan, Chair
Rob Pierce, Vice Chair
Kathie Julian
Patrick Caldwell
Leo A. Horishny

Thursday, March 5, 2026
1:30 p.m.

Washoe County Administrative Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

Secretary

Trevor Lloyd

and available via
Zoom Webinar

1. Determination of Quorum

Chair Pierce called the meeting to order at 1:30 p.m. The following members and staff were present:

Members Present: Peter Ghishan, Chair
Rob Pierce, Vice Chair
Patrick Caldwell* (via Zoom)
Kathie Julian
Leo A. Horishny

Members Absent: None

Staff Present: Jolene Bertetto, Planner, Planning and Building Division
Julee Olander, Planner, Planning and Building Division
Chaz Lehman, Deputy District Attorney, District Attorney's Office
Adriana Albarran, Recording Secretary, Planning and Building Division
Brandon Roman, Recording Secretary, Planning and Building Division

2. Pledge of Allegiance

Chair Ghishan led the pledge of allegiance.

3. Ethics Law Announcement and Instructions for Providing Public Comment via Zoom/Telephone

Deputy District Attorney Chaz Lehman recited the Ethics Law standards and the instructions for providing public comment via Zoom/Telephone.

4. Appeal Procedure

Secretary Trevor Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

5. Public Comment

There was no response to the call for public comment.

***1:33 p.m. Member Caldwell arrived.**

6. Approval of the March 5, 2026 Agenda

Chair Ghishan announced that Agenda Item 8B would be postponed.

In accordance with the Open Meeting Law, Vice Chair Pierce moved to approve the agenda of March 5, 2026, as amended. Member Horishny seconded the motion, which carried unanimously.

7. Approval of the February 5, 2026 Draft Minutes

Vice Chair Pierce moved to approve the minutes of February 5, 2026, as written. Member Julian seconded the motion, which carried unanimously.

8. Public Hearing Items

A. Variance Case Number WPVAR25-0006 (Marcotte Funicular) [For Possible Action] – For hearing, discussion, and possible action to approve a variance for side yard setback from 8 feet to 1'5" for the installation of the funicular track at 552 Gonowabie Road (APN 123-101-06), Crystal Bay.

- Applicant / Property Owner: Rene & Margaret Marcotte Family Trust
- Location: 552 Gonowabie Road
- APN: 123-101-06
- Parcel Size: .564 acres
- Master Plan: Crystal Bay
- Regulatory Zone: TA_CB
- Area Plan: Tahoe
- Development Code: Authorized in Article 804, Variances
- Commission District: 1 – Commissioner Hill
- Staff: Julee Olander, Planner
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3627
- E-mail: JOlander@washoecounty.gov

Planner Julee Olander conducted a PowerPoint presentation and reviewed slides with the following titles: Request; Vicinity Map; Overall Site Plan; Enlarged Site Plan; Funicular & House; Evaluation (2 slides); Optional Locations; Cart Evaluation; Cart Design; Variance Evaluation; Requirement 1 & 2; Requirement 3; Noticing; Reviewing Agencies; Findings; and Possible Motion.

Responding to Board member queries, Secretary Trevor Lloyd explained that variances do not require neighborhood meetings as they typically only impact one or two neighbors. Ms. Olander said she was not familiar with the Truckee Meadows Planning Agency's (TRPA's) requirements regarding funicular tracks, but they were not involved in the variance process. Mr. Lloyd added that TRPA approval will ultimately be required.

Kelly Martensen with Elise Fett & Associates stated they held a meeting with TRPA, who voiced concerns about the applicant accounting for the coverage. A visual review will also need to be conducted to determine the view from the lake.

In response to Board member questions, Mr. Martensen stated the review will be done after a decision is rendered by the Board of Adjustment. TRPA approval will be obtained before a permit review process is done by the Building Department. He stated there are no plans to remove any trees, and the area currently has low-lying vegetation. The coverage that the TRPA expressed concern about was in relation to hard surfaces like the footprint of the residence and paving for Gonowabie Road. He noted the applicant planned to screen the track as much as possible while being mindful of defensible space concerns.

Mr. Martensen conducted a slideshow presentation and reviewed slides with the following titles or descriptions: This funicular is proposed...; Visibility concern – view from road; Visibility concern – neighbor parcel; Screening approach; Noise; Alternate Locations; Options studies; Structural constraints; and Existing circulation constraints.

Responding to additional Board member queries, Mr. Martensen indicated the funicular track would be about a foot from the property line and about nine feet from the adjacent home at its closest point. Property owner David Marcotte said the track would not be used often, and he expected its use would be during reasonable hours by him, his wife, and his son. He stated his neighbor's home has a nine-inch wall. One of the motivators for putting in the funicular track, he continued, was his wife's health problems. He did not anticipate the need to add lights along the track, which he believed would violate TRPA's visual guidelines. He explained that the cart would be accessed at the top of the track via the garage.

On the call for public comment, Mr. Steven Kroll thought the installation of the track would be a profound problem for him given its close proximity to his home. Approving this would essentially remove the entire setback. Since he had to cut down the vegetation next to his house to obtain insurance, there would be no visual protection between his home and the track. He pointed out that approval of this project would eliminate any ability for him to request a similar setback variance. He said he treasured quiet and privacy, and this track would take them away.

Vice Chair Pierce inquired about the structure. Ms. Olander said the track itself would take up most of the setback as the cart would not extend much beyond the track. She reiterated that the track would be higher than 30 inches for the topmost 10 feet. Regarding the height of the structure and cart, she noted that the County would allow the applicant to install a six-foot fence on the property line if it were feasible, though the slope would not permit it. She noted the applicants do not live at the property full-time.

In response to Member Julian's follow-up questions, Ms. Olander said the track would be situated one and a half feet from the property line. Mr. Martensen described the track, which he indicated was three feet wide, as a ladder laying 30 inches off the ground supported by columns. The cart would overhang about six inches off each side, and the track needed to be placed away from the house to ensure a straighter trajectory. He expected the cart itself would be just under a foot from the property line.

Vice Chair Pierce expressed support for the project, which he did not feel would create any issues.

Responding to additional queries, Mr. Martensen indicated the cart would be approximately a foot and a half from the property line. He confirmed that the applicant's house already encroached on the setback. Ms. Olander acknowledged that many of the houses on Gonowabie Road were a little unusual. She said that when the subject home was built, certifications on the setbacks were not required. Mr. Lloyd added that the County has issued many variances for properties on Gonowabie Road as many of them were highly constrained.

Chair Ghishan remarked he was also supportive of the request as he could make the findings regarding special circumstances and no detriment.

Member Caldwell asked about access. Ms. Olander indicated that most property owners accessed the shoreline via stairs. Member Caldwell wondered whether installing a funicular track that could impede the neighbor was the proper solution for these property owners to access the water. Mr. Lloyd noted the County has approved several funiculars, though he was unsure how many. Ms. Olander believed those did not need variances, but Gonowabie Road lots had constraints with their setbacks.

Member Julian felt that TRPA's visual requirements would ensure that there would not be funiculars on every property. Member Horishny thought a partial-use visual distraction would be less impactful than a six-foot fence.

Vice Chair Pierce moved that Variance Case Number WPVAR25-0006 for Rene & Margaret Marcotte Family Trust be approved with the conditions of approval included as Exhibit A for this matter, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25. Member Horishny seconded the motion, which carried on a 4-1 vote with Member Caldwell voting no.

Mr. Lloyd reported that a variance was approved for this property in 1979. He recited the appeal procedure for items heard before the Board of Adjustment.

C. Case Number WVIO-PLA24-0100 (Belfort – 300 Pah Rah Springs) [For Possible Action] – For possible action, hearing, and discussion to affirm, modify, reverse, or remand an Administrative Hearing Officer's hearing order affirming a code enforcement violation of WCC Section 110.306.35(b), outdoor storage of an RV on a vacant parcel without the required existing principal use.

- Appellant / Property Owner: Jonathan Belfort
- Location: 300 Pah Rah Springs Rd, Warm Springs, NV
- APN: 077-450-06
- Parcel Size: ± 104.58 acres
- Master Plan: Rural
- Regulatory Zone: General Rural Agriculture (GRA)
- Area Plan: Warm Springs
- Development Code: Authorized in Articles 306, 910, and 912
- Commission District: 5 – Commissioner Herman
- Staff: Chad Giesinger, Planning Manager
Washoe County Community Services Department
Planning and Building
- Phone: 775.328.3626
- E-mail: CGiesinger@washoecounty.gov

Secretary Trevor Lloyd indicated that the appellant has requested to continue this item to a future hearing. Planning Manager Chad Giesinger recommended moving forward as the matter has been ongoing for some time. Deputy District Attorney Chaz Lehman noted that the Chair has the ability to remove, move, or continue an item at any time. It was the consensus of the Board to move forward with the item.

Mr. Giesinger conducted a PowerPoint presentation and reviewed slides with the following titles: Background (2 slides); Location; Background; Site Photos; Background (4 slides); Analysis; Public Notice; Findings; Recommendation; and Possible Motion.

Deputy District Attorney Chaz Lehman said a continuance can happen at any time before any action takes place. According to the Board of Adjustment's Rules and Procedures, a continuance could still take place with a vote of the Board.

Vice Chair Pierce moved that the item be heard, seconded by Member Horishny. A brief discussion ensued regarding the motion and whether witnesses should be able to speak before the vote is taken. The motion carried unanimously.

In response to the Board member questions, Mr. Giesinger explained that the Board should consider whether to uphold the second penalty notice that was issued. He confirmed that the applicant is eligible to obtain a new building permit, but that would be conditioned on the applicant removing everything on the property and returning it to its natural state; the prior building permit would not be reinstated. The only violations were storage related, so vegetation would not need to be reseeded. He mentioned that staff does not know how the appellant is dealing with things like sewage, partially because they have not been allowed on the property. He could not opine whether the appellant might be polluting the aquifer, which would be an environmental health concern. He stated there are no active permits for anything on this property.

Appellant Jonathan Belfort indicated that an audience member has a cease-and-desist order requiring that he be 100 yards away from him. He expressed concern about the failure of the Board to acknowledge his written notice to postpone the hearing until the meeting happened and the lack of a file stamp, notarized acknowledgment, and evidence packet in the copy of the County's appeal presented to him with respect to his 2025 appeal.

Regarding the 2025 administrative hearing, Mr. Belfort expressed frustration that jurisdiction was not established before enforcement authority was exercised, and he felt it was improper that the Administrative Hearing Office was suggested to be a court-like authority when they functioned within a limited delegated authority. He brought up related litigation he filed against Mr. Giesinger, Brian Farmer, and Officer Beyer, but his jurisdictional challenge was not ruled on. He renewed his objection about jurisdiction. He said the exhibits he submitted at the hearing were not addressed, adding that exhibits 1 through 13 are not a part of the record. One of those exhibits proved that an engineered septic system was constructed on his property using valid permits.

Mr. Belfort spoke about the disruption of construction timelines due to COVID-19, and he felt that period of time should not be ignored when evaluating compliance. He said that Governor Steve Sisolak had issued a three-year stay on all statutes of limitations and evictions, during which he recovered from COVID-19.

Mr. Belfort brought up liens he had discovered against Wilcox Ranch Property Owners Association, which have resulted in a lack of clarity regarding his title. He thought it would

be financially and legally imprudent to resume construction while title and access issues were still unresolved. He thought an appeal without pause was not meaningful review, and he requested a stay of enforcement pending resolution of the appeal, a ruling on jurisdiction, confirmation of filing integrity, and clarification of overlapping litigants.

Mr. Belfort said public safety standards needed to apply consistently, and he mentioned approval of subdivision activity near his property. He believed the District Attorney's (DA's) Office needed to be independent and neutral. He reiterated his concerns about the first administrative hearing, saying he felt his due process was violated, and he summarized his requests in this matter.

On the call for public comment, Mr. James Shreck said that nine years ago Mr. Belfort swore that 300 Pah Rah Springs was his primary residence, but his residence is a travel trailer without a water source or septic system. He noted the first appeal for the same code violation took place a year ago, and since then, the appellant has filed numerous lawsuits, posted slanderous YouTube videos, and submitted dozens of Freedom of Information Act requests. He thought Mr. Belfort's legal actions were a drain on the court system, and he wanted him to face consequences for frivolous lawsuits. He said Mr. Belfort has been living illegally on his property for nine years, and the matter needs to be resolved.

Mr. Belfort indicated he removes his waste properly and pays for garbage removal. He provided a definition for racketeering and described death threats he has received over this matter. He felt his civil rights were violated. He expressed frustration that the DA's Office has not addressed criminal allegations he made against the Shreck Family Trust. He wanted the Board members to abstain from any rulings. He spoke about a project at 0 Pah Rah Springs that blocked a waterway and engaged in illegal grading, but his complaints about that have not yet been resolved. He said he acted in good faith in this matter.

Vice Chair Pierce asked whether the appellant had receipts for his sewer or trash service, to which Mr. Belfort responded he did not. He said he disposed of his septic waste himself. He wanted his permits reinstated.

Member Caldwell asked whether the appellant has applied for any additional permits. Mr. Belfort stated he attempted to contact Washoe County by February 28, 2025, but they said he had no more extensions. He said \$50,000 to \$70,000 worth of work was done on his property, and he planned to continue work if his permits can be reinstated. He thought the County's intention was not to get him into compliance but to prevent him from building a small cabin on his large parcel. He confirmed he did not reapply for permits through the County because he felt he should not have to pay again.

Chair Ghishan indicated the Board of Adjustment was strictly tasked with ensuring compliance with Washoe County Code 110.306.35(b).

Member Horishny moved that the Washoe County Board of Adjustment affirm the decision of the Administrative Hearing Officer and uphold the violation of WCC 110.306.35(b). Respondent shall have 25 days to remove the stored RVs and any other items illegally stored on the vacant property. The Chair of the Board of Adjustment is authorized to prepare a written order of the decision and file it with the Secretary of the Board of Adjustment, a copy of which shall be served to the appellant. Member Julian seconded the motion, which carried unanimously.

Mr. Lloyd recited the appeal procedure for items heard before the Board of Adjustment.

9. Chair and Board Items

A. Future Agenda Items

There were none.

B. Requests for Information from Staff

There were none.

10. Director's and Legal Counsel's Items

A. Report on Previous Board of Adjustment Items

There were none.

B. Legal Information and Updates

There were none.

11. Public Comment

There was no response to the request for public comment.

12. Adjournment

The meeting adjourned at 3:06 p.m.

Respectfully submitted by Derek Sonderfan, Independent Contractor

Approved by Board in Session on April 2, 2026

Trevor Lloyd
Secretary of the Board of Adjustment