



State of Nevada  
Department of Conservation and Natural Resources  
Joe Lombardo, *Governor*  
James A. Settelmeyer, *Director*  
Rebecca Palmer, *Administrator*  
Joseph Curtis, *Chair*

## MINUTES OF THE COMSTOCK HISTORIC DISTRICT COMMISSION

**DATE:** Tuesday, May 7, 2024

**PLACE:** Comstock Historic District Commission Office, 20 N. E Street, Virginia City, Nevada

**WORKSHOP MEETING:** None

**REGULAR MEETING TIME:** 5:00 PM

**CALL TO ORDER:** 5:03 PM

### PLEDGE OF ALLEGIANCE

**COMMISSIONER ROLL CALL:** Quorum achieved

Calvin Dillon – present

Tammy Hendrix – **absent**

Julie Workman – present

Clay Mitchell – present

John Cassinelli – **absent**

Joe Curtis – present

Nancy Cleaves – present

Mercedes de la Garza – present

(Deputy Attorney General Nicole N. Ting also present)

### AGENDA ITEM 3, APPROVAL OF MAY 7, 2024 AGENDA (FOR POSSIBLE ACTION):

Mercedes de la Garza moved to approve the May 7, 2024 agenda as written, and Calvin Dillon seconded the motion. A vote was taken and the May 7, 2024 agenda was unanimously approved.

**PUBLIC COMMENT, AGENDA ITEM 4** (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendized): None

### ADMINISTRATIVE ITEMS, AGENDA ITEM 5:

*a. Chair's Report* – Chair Joe Curtis noted that people appear to be residing in a trailer near Union Street.

*b. Staff Report* – Comstock Preservation and History Officer Kristen Brown referred the Commissioners to her staff report that was sent to them along with the meeting materials. In addition, she sent a letter to the owner of the parcel next to Roasting House that has a chain link fence along C Street, and she did hear back from the owner who said he would address the issue. She is also in communication with the Silver Mountain/Remember When motel on S. C Street regarding their unapproved sign.

*c. Commissioner Comments* – Julie Workman said that she appreciates the advance information and visual aids in the meeting materials packet and the chance to ask questions during a workshop. The museum in Dayton is open Saturdays and Sunday afternoons. Calvin Dillon noted that on the coming weekend, there would be actors performing at Silver Terrace Cemeteries at 10:00 and 1:00.

*d. Correspondence (FOR POSSIBLE ACTION)* – None.

*e. Fill Commissioner Vacancy Pursuant to NAC 384.030(2) (FOR POSSIBLE ACTION)* – Kristen Brown summarized the need to fill a vacancy since Commissioner de la Garza’s term has ended and her reappointment has not been formalized. Joe Curtis believes that the Commission should appoint Mercedes de la Garza to temporarily fill the vacancy due to her expertise.

*Motion #1* – Julie Workman moved to temporarily fill the vacant position with Mercedes de la Garza. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

Kristen Brown asked if her appointment would apply to previous votes taken tonight, such as the approval of the agenda. DAG Nicole Ting recommended that the votes could be applied retroactively.

*Motion #2* – Julie Workman moved that the votes taken by Mercedes de la Garza from earlier in the proceedings be counted retroactively. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 6, APPROVAL OF MINUTES FROM APRIL 2, 2024 MEETING (FOR POSSIBLE ACTION):**

Calvin Dillon moved to approve the April 2, 2024 minutes as written. Clay Mitchell seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 7, BUILDING ALTERATION, CHOLLAR MANSION BALCONIES (FOR POSSIBLE ACTION):**

Architect Greg Erny gave a summary of the proposed work via a phone call placed in speaker mode. Kristen displayed the PowerPoint slides supplied by Mr. Erny that depicted the existing conditions and proposed work. Building owner Requa House, LLC (Garrett Sutton) proposes to extend the balcony three feet to the east and to rebuild the damaged and missing upper and lower balcony balustrades in kind, with additional handrails and wire cable added to meet current code requirements.

The presentation stated that if the balconies did not extend to the east but stayed in their current location, work to reinforce the foundations may affect the foundation of the house itself. Kristen Brown showed an image of the foundations and two sketches she created showing possible solutions for supporting the balconies in place without affecting either the house foundation or the historic brick wall that runs along the edge of the lower balcony. Structural engineer Paul Ferrari agreed that the support could be retrofitted in that manner to take the load off of the historic brick wall, but said that an additional horizontal beam would need to be installed to support additional vertical supports, and that beam would be visible. He noted that it is not his place to opine on whether the balconies should or should not be extended the three feet, but he did want to point out that if they will remain in place, the appearance will be altered in that manner.

Mercedes de la Garza asked about the additional handrail detail, and why it doesn't connect to the columns. Paul Ferrari said that the actual design would be similar to that found in the loft at St. Mary in the Mountains. Mercedes de la Garza noted that as currently depicted, the gaps between the new railing and columns don't meet code and the design will need to be addressed in the final drawing set. However, she is in support of this type of design. Greg Erny acknowledged that these drawings are not final and that the correction would be made to the final set.

Joe Curtis asked if the existing balustrades could be repaired or if they will be rebuilt. Greg Erny answered that they have been inspected and are in poor condition, with many dry and cracked to the point where they are not strong enough to be safely and solidly attached. Furthermore, many are missing. Joe Curtis asked if their appearance would change, and Greg Erny answered no, they will be rebuilt in kind. Clay Mitchell stated that he appreciated the responsiveness of the owner and architect to address the Commission's comments from the April workshop. Joe Curtis asked if adding the vertically-strung wire cable between balusters meets the Secretary of the Interior's Standards for Rehabilitation (Standards), and Kristen Brown answered yes, that does meet the Standards.

*Public comment* – Member of the public Marshall McBride asked if the balusters could be placed closer together to eliminate the vertical cable, and Kristen Brown answered no, that would not meet the Standards as it would lend a false sense of history.

*Motion (Motion regarding balustrades)* – Mercedes de la Garza moved to approve the rebuilt upper and lower balusters as presented, with the railing connection to the columns corrected on the drawings, with the note that the design meets the Standards. Clay Mitchell seconded the motion. A vote was taken and the motion passed unanimously.

The discussion then turned to the proposed three-foot extension of the east side of the upper and lower balconies. Mercedes de la Garza stated that she does not support the extension. Although she appreciates the owners' efforts to rehabilitate the building, she does not feel the extension meets the Standards as it would not be the original design and would give a false sense of history. She feels that the additional beam Mr. Ferrari described earlier would be a good compromise and an acceptable level of visual change. Calvin Dillon agreed and stated that three feet is going to change the appearance significantly. He thinks we can properly shore up the support wall and keep the building's appearance original.

Nancy Cleaves asked if the existing brick porch support wall needs to be rebuilt or if it can simply be stabilized. Paul Ferrari answered that it would need to be redone with a new concrete wall behind the brick wall (as pictured in the sketches Kristen developed).

Clay Mitchell stated that he respects the expertise of Mercedes de la Garza, but as more of a layperson on the Commission he has a goal of balancing our design and appearance goals with usability and practicality. If both options (extending the balconies to the east or keeping them in place but adding the additional beam) result in visual changes, he would lean toward the option that provided the most usability. Mercedes de la Garza noted that although she doesn't disagree, the CHDC's role is to uphold the Standards, so where do we draw the line in the sand? If the balcony extension is approved, it will set a precedent and soon all buildings will be altered in ways that do not meet the Standards.

Owner Garrett Sutton spoke and said that he feels historic preservation should include stabilization, so that the building can last another 168-ish years. The original builders in Virginia City didn't know the town would have this much staying power.

*Public Comment* - Member of the public Lane Puckett spoke and said that the project will make the building look better than it does now, so he is OK with it.

Architect Greg Erny noted that the effort it will take to bring this building back is significant, and that the balconies are an important part, but not the only part. They need to find cost-effective solutions to make the money go further.

Julie Workman asked if the balconies could be extended only slightly, less than three feet. Engineer Paul Ferrari answered no, as if they were only extended slightly, the new foundations would overlap with the existing.

Mercedes de la Garza asked about the proposed retaining wall reconstruction, another component of this rehabilitation project that is not related to the balconies. Kristen Brown summarized that project, which entails grading, building a correct retaining wall with modern materials, and facing it in stone to match the rest of the walls at the site.

*Motion #1 (extension)* – Mercedes de la Garza moved to deny the three-foot extension as it does not meet the Secretary of the Interior's Standards and is not reversible. Calvin Dillon seconded. A vote was taken and there were three in favor of the denial – Calvin Dillon, Mercedes de la Garza, and Julie Workman. There were three against the denial – Clay Mitchell, Joe Curtis, and Nancy Cleaves.

Joe Curtis stated that he does have concerns with setting a precedent, but he would like to see this building fixed up.

DAG Nicole Ting stated that the motion failed because we did not have the requisite four votes. Julie Workman stated that she would like to change her vote.

*Motion #2 (extension)* – Clay Mitchell moved to approve the three-foot balconies extension. Nancy Cleaves seconded the motion.

*Additional discussion before vote* – Julie Workman said that our guidelines do discuss both the financial and technical feasibility of a project, but they also say to not change the historic buildings, so the decision is difficult. Joe Curtis said that he did not think the extension would be a big visual impact. Mercedes de la Garza said that it isn't about visual impact, it is about historic impact. This will also lead to precedent, and the CHDC has already allowed too many changes and this will lead to even more changes in the future. Clay Mitchell acknowledged that that is likely true. Julie Workman said that they will need to review everything in a case-by-case manner in the future.

*Vote* – A vote was taken and the motion to allow the three-foot extension passed, with Clay Mitchell, Nancy Cleaves, Julie Workman, and Joe Curtis voting in favor. Mercedes de la Garza and Calvin Dillion voted against the extension.

Kristen Brown asked if the Commissioners were allowed to discuss their preference between the two metal railing designs that were presented as part of architect Greg Erny's presentation. DAG Nicole Ting said no, since the railings weren't agendaized.

**AGENDA ITEM 8, NEW CONSTRUCTION, HOUSE (FOR POSSIBLE ACTION):**

This agenda item pertains to a proposed new house at 580 E. Mill St. in Virginia City. Calvin Dillion stated that we do not currently have enough information about the design to be able to review it. Mercedes de la Garza, Nancy Cleaves, and Joe Curtis agreed. Julie Workman pointed out that we do have a lot of information already that we could review. Clay Mitchell asked if we had enough to be able to discuss the overall design. Joe Curtis noted that we have done that in the past, but it adds difficulty when the entire design is not known, and that even staff member Kristen Brown doesn't yet know all of the details. Mercedes de la Garza noted that Storey County recently adopted new codes for new construction that will affect how buildings will look, particularly in regard to eaves, trim, and materials, such as for fire safety. She said that the design will have to address that, and that we require a list of materials before we can review. Joe Curtis stated that the Commission needs to make the decision on approving the design, not Kristen, as it is the Commission's job.

*Public comment* – None

*Motion* – Clay Mitchell moved to continue this item at the next meeting, and that the applicant is to provide additional details. Julie Workman seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 9, NEW CONSTRUCTION, GARAGE (FOR POSSIBLE ACTION):**

This item pertains to a proposed new metal garage behind the house at 246 N. D Street in Virginia City. Owner Ted Elswick gave an update on the design. He is unable to get the galvalume finish on the walls as he originally proposed. He can obtain gray. He will ask the company if they can reverse the panels as the gray siding is galvalume on the back side. He is also willing to camouflage the building in corrugated metal panels, plain or rusted, although that would add expense.

Mercedes de la Garza said that it appears that the roof peak of the new garage will be taller than the roof peak of the house, and that a garage should be subservient to its house and not loom over it. Clay Mitchell noted that the height of the garage may also stick up above the level of C Street, which is directly behind the lot. Mercedes de la Garza asked if the wall height could be lowered to 10 or 12 feet instead of 15, which would bring the roof peak height down without requiring the roof to take a shallower pitch. Owner Ted Elswick said that he already ordered the garage, but if he isn't allowed to build it he can utilize it on his property in Fernley. Joe Curtis said that when people order buildings before we approve them, it puts us in a tough spot. Clay Mitchell noted that the proposed placement of the garage is a very visible spot in town. Owner Ted Elswick said that he would talk to the company and see if the design could be altered. Mercedes de la Garza noted that they may not be able to alter it, since these buildings are pre-manufactured. She asked for more information about wall plate height, options for lowering the ridge line, confirmation on the color, and the dimensions of both the house and garage.

*Public comment* – Member of the public Lane Puckett said that it is confusing to people when the CHDC says that something should look historic and fit in, but also says that it should not look like a historic building. Kristen Brown acknowledged that this is likely true, but that our job is to help identify the fine

line between fitting in and being appropriate for the district, with some historic elements, but avoiding the false sense of history that is created when something is built to look exactly like a historic building. We want to avoid fooling people into thinking something is historic when it's not.

*Motion* – Clay Mitchell moved to continue this item at the next meeting when more information is known. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 10, NEW CONSTRUCTION, CAMOUFLAGED SHIPPING CONTAINER (FOR POSSIBLE ACTION):**

This item pertains to a proposed shipping container to be placed within the lot at 166 S. Q Street in Virginia City, and camouflaged with corrugated metal on its visible sides. Owner Gary Hames provided additional information, that in addition to the corrugated metal he intends to add a faux gabled roof to the container. Clay Mitchell asked if the container would be used for storage only, and Mr. Hames said yes. There was a brief discussion among several Commissioners and staff member Kristen Brown regarding the fact that the container will not be visible at all other than to one neighbor, who is OK with its placement.

*Public comment* – None.

*Motion* – Nancy Cleaves moved to approve the application as presented, with the corrugated metal panels on the shipping container. Calvin Dillon seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 11, NEW CONSTRUCTION, GARAGE (FOR POSSIBLE ACTION):**

This item pertains to a proposed new garage in front of 416 S. C Street, the altered stone and brick building at the Sugarloaf Mountain Motel. Owner Charles Pitts spoke and explained that the reason the design is a flat roof with roof deck is that they will be losing their patio/grilling area adjacent to their house once this garage is constructed, and that the flat roof will not block views from the upper floor window in the building behind the garage.

Mercedes de la Garza said that our design guidelines require that a building's setback be the same as the nearby buildings, and that the proposed setback of this garage does not meet those guidelines. In addition, the flat roof does not meet our design guidelines for roof form. Owner Charles Pitts pointed out that the motel has had a flat roof since its original section was constructed in the 1940s. There was discussion with Mercedes de la Garza and other Commissioners about whether the garage would be an accessory to the motel or to the gabled house, and that a garage is generally related to a house, and that this one is to be used for parking and storage for the residents of the house, not the motel.

Kristen Brown asked if the garage's footprint could be smaller, and if the building could be pushed backwards to comply with the setback requirements. Owner Charles Pitts said yes, they could push it back a bit. Mercedes de la Garza noted that there are County rules about the minimum number of feet allowed between buildings. Clay Mitchell stated that even if moved back, the garage's design still does not match the house.

*Public comment* – Member of the public Mike Workman asked if this was one large lot, or several lots. Owner Charles Pitts answered that his property is four lots, and that the lot proposed for the garage is the

same lot as the altered 1800s brick building. Member of the public Gary Hames pointed out that the fire station has a flat roof, and that he feels the design of this garage goes well with the motel. Kristen Brown explained that fire stations and commercial buildings have traditionally had different building forms than houses, and that flat roofs are common for certain building types like that.

*Motion* – Mercedes de la Garza moved to deny the application since the proposed garage does not meet our design guidelines for setback and roof shape. Clay Mitchell seconded the motion.

*Additional discussion before vote* – Clay Mitchell asked for clarification on our setback guidelines. Kristen Brown explained the goals of a consistent setback, and also discussed the evolution of garages and how garages were originally not needed, then were historically small, unattached buildings set back behind and to the side of the house, and then eventually in the mid-20<sup>th</sup> century garages became incorporated into the house itself in the modern fashion. Clay Mitchell said that the purpose of a garage is to serve a residence, as this one. Joe Curtis asked the owner if he could change the roof design to a peaked roof, and owner Charles Pitts said yes. Julie Workman asked for clarification on whether it can even be built there with the setback required by our design guidelines. Joe Curtis said that we need more information on the design of this garage. Kristen Brown said that we do need additional information, including a clear site plan showing exact footprint, placement on lot, and setback.

*Vote* - A vote was taken and the motion to deny the application as presented passed unanimously. Joe Curtis stated that the vote should be taken to mean that we don't have enough information at this time and that we can work with the owner to amend the design.

**AGENDA ITEM 12, BUILDING ADDITION (FOR POSSIBLE ACTION):**

This agenda item pertains to the demolition of an existing garage and the construction of a garage addition to the house at 450 S. E Street in Virginia City. Kristen Brown asked the owner to clarify the history of the existing garage and where it was originally. Owner Jon Dietrich stated that the garage was originally located even further out into E Street. Storey County Planning Manager Kathy Canfield said that the building was originally a historic carriage house and was located in what was to be a right-of-way. It was moved backwards during a land swap, in exchange for land behind it. This was done to save the historic carriage house. Kristen Brown asked where the historic carriage house is now. Owner Jon Dietrich answered that the garage in question is the carriage house, it was just resided. Kristen Brown noted that the garage appears to be no longer historic, as it now has all of its historic fabric replaced with new – new foundation, siding, garage doors, and roof, such that it has the appearance of a new building.

Owner Jon Dietrich explained that the existing garage has a setback of 7 ½ feet, and that the new garage addition will retain the same setback and that the footprint will be extended to connect to the house. Mercedes de la Garza asked about variance rules, and owner Jon Dietrich said that if the existing garage were to be removed, they would be required to push the garage back to a setback of 20 feet, and so he's asking for a variance. Kristen Brown asked if it was possible to push the garage back on the lot at all, and owner Jon Dietrich said yes, to an extent, but they would lose the only patio and yard area that his small lot has.

Mercedes de la Garza discussed the design of the addition, and noted that there were two garage doors of different sizes, and living space above. She asked if the addition could be changed to become a single-story form instead of a two-story form. That could be accomplished by lowering the wall plate height,

creating a steeper roof pitch, and adding dormers to allow for the second floor living space. She explained that the current form of the addition is a dominant garage, which violates our design guidelines. She also noted that the garage doors could be broken up differently to become three separate small doors instead of the mismatched appearance.

Clay Mitchell said that if this was just a garage, its design would be way out of proportion, but this is also living space. He asked if this design could be tweaked to comply with our guidelines. Mercedes de la Garza said that the current massing does not meet the design guidelines. Also, this design is trussed, which limits the design. If it was stick-built instead, it would have more flexibility.

*Motion #1* – Mercedes de la Garza moved to deny the proposed garage demolition and garage addition because the addition does not meet the district design guidelines for massing. There was no second. Chair Joe Curtis confirmed that the motion died.

*Additional discussion* – Julie Workman displayed a page from the district design guidelines depicting a gabled addition and asked why the proposed addition isn't appropriate since there is one with similar massing in the guidelines. Mercedes de la Garza explained that this addition is a garage addition to a primary structure, and that if this was not a garage but an addition to extend the house, it would be treated differently and might be OK.

Julie Workman asked if there was a way for the Commission to at least approve the plan for the setback to remain at 7 ½ feet and to approve the footprint of the proposed addition. Mercedes de la Garza said that we try not to approve something if we don't know what it will look like, and that it would be a denial either way as we would not be approving this design.

Storey County Planning Manager Kathy Canfield noted that the County's variance process isn't dependent on the issue of a COA from the CHDC, only the future building permit for construction is. Kathy is interested to know if the CHDC will be approving the demolition of the existing garage and whether the CHDC is generally OK with the addition being situated further forward on the lot that the house.

*Motion #2* – Clay Mitchell moved to continue this item at the next meeting, with the acknowledgement that the CHDC has no concerns with the proposed footprint, setback, and connection to the house. Julie Workman seconded the motion.

*Public Comment* – Member of the public Mike Workman asked what the difference is between us potentially approving this, and the garage near C Street that we turned down earlier. Julie Workman replied that it has to do with placement and clear view from C Street, and Joe Curtis shared his concern that we may be being too picky. Clay Mitchell said that the massing is different and that this project involves an existing structure.

*Vote* – A vote was taken and the motion passed unanimously. A brief discussion followed regarding the fact that the motion also implies that the Commission has no concerns about the demolition of the existing garage.



**AGENDA ITEM 13, DISTRICT VIOLATIONS (FOR POSSIBLE ACTION):**

At the April meeting, the Commission voted to have staff prepare a resolution forming an advisory committee to assist Kristen in addressing district violations. Kristen summarized the conversation and decisions made regarding the district violation process during the April meeting. In addition, Kristen summarized the new method that the State Historic Preservation Office would like her to use instead of the previous idea that did not receive CHDC support. The new method of addressing district violations will be to develop a violation reporting form that the Commissioners or members of the public can use to formally report violations. Once Kristen receives a formal report, she will then address that violation within a certain, predetermined number of days, and she will keep a log of actions taken.

Kristen then summarized the draft resolution that the Commissioners received as part of the meeting materials packet, and reminded the Commission that they must vote to approve its language before it can be signed by the Chair. Clay Mitchell suggested that the resolution be edited to remove the names of the Commissioners that had volunteered for the committee, so that this resolution can be used in the future without needing to amend it with different names. DAG Nicole Ting said that would be fine. Joe Curtis stated that he would be comfortable signing district violation warning letters as Commission Chair.

*Public comment* – None

*Motion* – Clay Mitchell moved to approve the resolution, with the following amendments – to eliminate the whereas clause referencing the April meeting, and to change the last “resolve further” clause to state that members will be appointed by the Chair at their discretion. Further, the motion includes the authorization for Kristen to finalize the wording on the resolution and to have the Chair sign it. Nancy Cleaves seconded the motion. A vote was taken and the motion passed unanimously.

**AGENDA ITEM 14, PUBLIC COMMENT:** (Comment limited to 3 minutes per speaker, no action will be taken until it is properly agendaized): None

**AGENDA ITEM 15, ADJOURNMENT (FOR POSSIBLE ACTION):**

Nancy Cleaves moved to adjourn the meeting. Clay Mitchell pointed out that an adjournment motion does not need a second. A vote was taken and the motion passed unanimously. Meeting adjourned at 8:36 PM.