

**Fred Hopengarten**  
*Attorney at Law*  
**Six Willarch Road \* Lincoln, MA 01773-5105**  
**781/259-0088 \* FAX 419/858-2421 \* e-mail: hopengarten@post.harvard.edu**

Admitted only in DC and ME

August 13, 2008

Storey County Building Department  
Attn: Dean Haymore, Director,  
Storey County Planning Commission  
P. O. Box 526  
Virginia City, NV 89440

scbd@storeycounty.org  
F: 775/847-0935  
T: 775/847-0966

***In re: 370 Panamint Road, VC Highlands, APN 003-43-18***

Dear Mr. Haymore:

I represent Mr. Taormina and his wife in their accompanying application, with attachment, for a building permit. Mr. Taormina is the Amateur Radio Emergency Services Emergency Coordinator for Storey County, and an active radio amateur. Also included with this cover letter is a supplement which is designed to respond to every concern of which they are aware, including those of your department and the office of the County Attorney.

As some of the Supplement refers to matters of law, I recommend that you refer a copy to the County Attorney for additional review, as we think that review of the relevant cases will prove useful to the County, and reflect well on the position of Mr. & Mrs. Taormina.

In addition to the application for a building permit, and the supplement, you will also find a technical study of Mr. Taormina's needs for communications effectiveness. This Needs Analysis shows the communications results which may be obtained under the illegal and void firm, fixed and unvarying 45-foot maximum height limit of the Storey County Code that is found at §17.12.044, and the communications effectiveness when employing the heights of antenna support structures for which the building permit application is made. (The Supplement explains why **NRS 278.02085 – Amateur radio**, and related cases, make void the 45-foot maximum height limit.)

Should you or the County Attorney have any questions about these documents, I would, of course, welcome them.

Sincerely,



Fred Hopengarten

Enclosures:

Building Permit Application

Attachment to Building Permit Application (describing each structure)

Supplement (providing background and legal analysis)

Needs Analysis (technical showing of need for height)

Cc: Brian McMahon, Esq.