



City of Las Vegas

Agenda Item No.: 126.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 15, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT
VARIANCE

VAR-21621 PUBLIC HEARING - APPLICANT/OWNER: LARRY BUCHANAN Appeal of the denial by the Planning Commission of a request for a Variance TO ALLOW ZERO FOOT SIDE AND REAR YARD SETBACKS FOR AN EXISTING GARAGE (CLASS II ACCESSORY STRUCTURE) WHERE THREE FOOT SETBACKS ARE THE MINIMUM REQUIRED AND TO ALLOW A ZERO FOOT REAR YARD SETBACK FOR AN EXISTING CARPORT (CLASS II ACCESSORY STRUCTURE) WHERE A THREE FOOT SETBACK IS THE MINIMUM REQUIRED AND TO ALLOW THE TOTAL FLOOR AREA OF ALL ACCESSORY STRUCTURES TO BE 202 PERCENT OF THE FLOOR AREA OF THE PRINCIPAL DWELLING UNIT ON THE LOT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED FOR ALL EXISTING ACCESSORY STRUCTURES (CLASS II) on 0.47 acres at 715 Clarkway Drive (APN 139-28-301-021), R-E (Residence Estates) Zone, Ward 5 (Barlow). NOTE: The Applicant requests this item be held in abeyance to the 10/17/07 City Council Meeting. The Planning Commission (5-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

8

Planning Commission Mtg.

5

City Council Meeting

6

City Council Meeting

1

RECOMMENDATION:

The Planning Commission (5-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Appeal Letter filed by Larry Buchanan
6. Abeyance request from Larry Buchanan
7. Protest postcards
8. Submitted after final agenda- Protest/support postcards
9. Submitted at meeting Photographs by Elwin C. Slack
10. Backup referenced from the 06-14-07 Planning Commission Meeting Item 55

Motion made by RICKI Y. BARLOW to Deny and applicant must correct all violations within 90 days

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Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 2; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, STEVE WOLFSON; (Against-None); (Abstain-None); (Did Not Vote-GARY REESE, STEVEN D. ROSS); (Excused-None)

NOTE: An initial motion by COUNCILMAN BARLOW for approval was rescinded. Subsequent motion by COUNCILMAN BARLOW for denial was made with COUNCILMAN REESE and COUNCILMAN ROSS not voting.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

Regarding Item 126, COUNCILMAN BARLOW stated the applicant sent in a letter requesting an abeyance, and he would not be in attendance at this meeting. The Councilman informed him that he preferred to go forward and hear the item, even without his presence at the meeting.

TOM DEMARCO, 651 Clarkway Drive, adjacent property owner, expressed opposition to the applicant's request. He could not understand why the applicant was requested a two-month extension when he was already granted a previous one-month extension. He commented on the 10-year history and ongoing issues with the applicant. A portion of the applicant's property encroaches onto his property. He has received a court order giving him the right to take back his property. The applicant continues to work as a paint and body repairman without a license, and there are existing complaints and lawsuits pending regarding his unethical business practices. MR. DEMARCO stressed it is time for the City to put an end to this nuisance.

ELWIN SLACK, contractor, reiterated some of MR. DEMARCO'S concerns. He also stressed that there continues to be vehicular traffic in and out of the 715 Clarkway property. The applicant is deceitful, as he purposely cleans his property at inspection time; thereafter, vehicular traffic builds up again. He showed photos of the property and its ongoing nuisance.

COUNCILMAN REESE stated that this property was previously within his ward, but he never had the opportunity to meet the applicant on site. He has visited the site many times during that period, and he can vouch that the problem is even worse than what the photos depict. Residents have told him that the applicant likes to rebuild vehicles but many on site have not been touched in over 30 years. The previous speakers are not exaggerating, and this has been a terrible nuisance that the residents have had to put up with.

MAYOR GOODMAN accepted the representations made by residents and COUNCILMAN REESE. He requested that staff follows up on this and speak with the applicant.

ASSISTANT CITY ATTORNEY BRYAN SCOTT recommended that the photos shown be submitted for the record, as MR. SLACK concurred.

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MARGO WHEELER, Director of Planning and Development, stated that in staff's report, background is listed concerning this property and the pending issues.

COUNCILWOMAN TARKANIAN added that there are some properties in her ward that are possibly running a business without a license. MS. WHEELER explained to her that it can be difficult to prove, but staff can work with Code Enforcement to continue compliance. She also informed the Councilwoman that garage and accessory structures can be built with a building permit, if in compliance with the Code, but repairing vehicles is not allowed.

COUNCILMAN BARLOW added that he did express to the applicant his concerns with these ongoing issues and history at the subject address, such as the complaints and code violations. He then confirmed with ASSISTANT CITY ATTORNEY SCOTT that the applicant will be required to clear the property within 90 days of all issues and wants staff to work with his office to ensure they remain timely as they move forward.

After voting on Items 96-101, Item 126 was reconsidered. COUNCILMAN BARLOW'S request. He desired to retract the word "one month" that he used relative to the applicant's property and clarified that he would like the applicant to correct all violations within 90 days. Should the applicant not follow through with this requirement, the Councilman requested that Code Enforcement and Building and Safety be instructed to move forward with further legal action at that time.

MAYOR GOODMAN declared the Public Hearing closed.

