



City of Las Vegas

Agenda Item No.: 92.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 19, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:
VARIANCE

VAR-26243 PUBLIC HEARING APPLICANT/OWNER: ALLEN TELES REVOCABLE TRUST County Review of Application for a Variance TO ALLOW AN EIGHT-FOOT FRONT YARD WALL WHERE FIVE FEET IS ALLOWED on 1.1 acres at 1500 Rancho Circle (APN 139-32-601-023), R-A (Ranch Acres) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

8

City Council Meeting

49

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

8

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/support postcards
7. Submitted after final agenda Protest letter and protest/support postcards
8. Submitted at meeting Various documentation, photos, protest petition and updated protest petition by Vicki Wille
9. Submitted after meeting Support postcard and Verbatim Transcript
10. Backup referenced from the 02-14-08 Planning Commission Meeting Item 51

Motion made by LOIS TARKANIAN to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

NOTE: MAYOR GOODMAN disclosed that his son, Ross, owns property in Rancho Circle and has signed the protest petition. For the record, the Mayor did not feel there would be any impartiality relative to his voting. Upon discussing the matter with the applicant, the Mayor decided he would allow the applicant discretion in deciding whether or not he should vote on this

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item. The applicant, JOSEPH MILLER, had no objections to the Mayor voting on the item.

NOTE: COUNCILWOMAN TARKANIAN disclosed that her daughter resides within the Rancho Circle neighborhood but not immediately or adjacent to the subject property. She has not spoken to her daughter regarding the specifics nor has her daughter attempted to lobby the Councilwoman regarding the requested variance. The Councilwoman did not believe the proposed wall height on the subject lot will affect her daughter's property value any differently than other homeowners within Rancho Circle nor did she see a conflict in voting on the item. The Councilwoman verified with MR. MILLER that he had no objections to her voting on the item as well.

Minutes:

Subsequent to the finalization of the Minutes, a Verbatim Transcript was made a part of the Final Minutes.

By way of reading the item, MAYOR GOODMAN declared the Public Hearing open.

COUNCILWOMAN TARKANIAN noted a staff member told some individuals who called her office to arrive at 7:00 p.m. this meeting, not knowing how the items would be held in abeyance without discussion. Because of that, she was concerned that some would not hear the item and asked that the item be trailed. MAYOR GOODMAN concurred.

After trailing the item, MAYOR GOODMAN read the item into the record.

JOSEPH MILLER, Co-trustee of subject property, explained that the subject lot is a corner property and faces into the circle. The house was built in 1954, and he lived in it for three months to see if renovations were possible. He believes the property is worth renovating; he and his partner have been working on renovations and have been advised by City staff that because it is a corner lot, the shorter portion is considered the front and the longer portion is considered the side. Responding to MAYOR GOODMAN'S inquiry, he was unsure of the City representative's name. MR. MILLER stated that permits were pulled for the wall on the longer portion and construction began. During construction, someone contacted Code Enforcement and he was advised to cease construction, only later to confirm with the City that they were in compliance with the Code. MR. MILLER emphasized that he could have built a corridor type wall, but he wanted to maintain the beauty and historic nature of Rancho Circle. Hoping to alleviate the residents' concerns, a lot of vertical open space was incorporated to maintain a park-like nature, as there will be four to six feet of wrought iron between each portion of wall. The wall also sits back four to 16 feet off the curb. In addition, he has a swimming pool and is trying to avoid any liability issues relative to possible injuries.

MR. MILLER pointed out that the proposed wall for the shorter portion of his lot will be set back 50 feet. His front yard is 120 feet, with approximately 60 feet being part of the requested variance. He also believed that a precedent has already been set, given that there are other properties within Rancho Circle that have solid block walls without any character or mitigating factors, such as the case with the properties at 725 Rancho Circle, 745 Rancho Circle, 250

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Rancho Circle, 1415 Rancho Circle and 701 Rancho Circle. He is not asking for anything different than what already exists within the community. He does not feel that he is creating a prison look with the proposed wall but would like some privacy just like these other homeowners have. For the record, MR. MILLER clarified that both the existing home and garage will be demolished; the new home will face south as indicated in his photo and will be his primary residence upon completion.

MR. MILLER added that he is a owner/builder and takes pride in his developments, including his recent property on Pinto Lane and two other properties he has in Ward 1. The home on Pinto Lane is beautiful and the most expensive one sold within that particular community, and has increased the property values of other homeowners. He would like the opportunity to do the same with the subject property. He concluded that the Planning Commission voted unanimously in support and only one resident appeared in protest. His property and one other property are unusual in that there are the only two properties that can be seen when entering/exiting the community. He believed the Council supported development in Ward 1 and asked for their support in approving his request.

COUNCILMAN WOLFSON verified with ASSISTANT CITY ATTORNEY BRYAN SCOTT that the existing eight foot wall was constructed with permits as per Code. Council's action at this meeting deals solely with whether or not to grant MR. MILLER a variance to have an eight foot wall along the front portion of the home, as the Code only allows five feet. MARGO WHEELER, Director of Planning and Development, confirmed that the front lot line is set by both Title 18 and Title 19, and that was the issue at this meeting. She also clarified for COUNCILWOMAN TARKAN that the lot is simply the lot, whether or not there is a structure on it or the direction in which the property faces. Relative to Title 18 and 19, with corner properties, the shorter side is the front. MAYOR GOODMAN added that MR. MILLER could build a five foot wall without appearing before Council; his request is to build an eight foot wall, which requires the variance for the desired additional three feet and is the issue at hand.

COUNCILMAN BROWN commented that he believed there was a breakdown in communication relative to MR. MILLER, the neighborhood and staff. The Code and the fact that deference is given to homeowners within a gated community and having CC&R's can sometimes complicate the issue even more. The Councilman asked MR. MILLER if he had submitted the plans for the remodeled home to the City, to which MR. MILLER stated the plans are with the architecture but the plans shown are current. COUNCILMAN BROWN noted a concern for construction traffic during redevelopment and desired to see some type of landscaping. MR. MILLER agreed that there was a breakdown in communication. If necessary, he would tear down a portion of the wall in the back to accommodate equipment entering and exiting. He is not sure of what type of ground covering there will be, as the goal is to be mindful of water conservation. Some of the Elm trees have died within the community, but he plans to add additional trees between each opening of the newly built wall. MR. MILLER showed additional photos of the wall built on his Pinto Lane property. He was also given a copy of the submitted petition as requested.

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COUNCILMAN BROWN added that the residents he spoke with do not question the quality of MR. MILLER'S developments. After discussing and quoting some of the Code with MS. WHEELER, the Councilman felt this was an opportunity to review the Code relative to unusual lots. MS. WHEELER recognized that single family homes are allowed the greatest latitude and least amount of review because traditionally they have the least amount of development and design standards. COUNCILMAN BROWN agreed and added that in his tenure on the Council, deference has been given to the neighborhood CC&R's, as many times it is not up to the City but the association and neighborhood. MS. WHEELER noted that which address the house takes is entirely up to the homeowners; the land use refers to where the house faces.

VICKI WILLE, 920 Rancho Circle, appeared on behalf of the Rancho Circle residents and expressed opposition to the proposal. She showed photos of additional homes in the development and the current condition of MR. MILLER'S home. She submitted an updated opposition petition and expressed that the residents do not believe MR. MILLER has complied with the associations of laws and asked that Council deny his request. ASSISTANT CITY ATTORNEY BRYAN SCOTT explained to MS. WILLE that, when dealing with CC&Rs, that issue is private and rests upon the residents within the association.

JIM VENTMAN, architect/planner, 1601 South Rainbow Boulevard, stated MS. WILLE solicited his opinion concerning the subject proposal. He is well informed of the subject area and realized it is an historic preservation area. He noted that the walls that do show up along the circle are extensions of the side walls and the majority of houses do not have walls in front of them and are open to the circle. The proposed location of the driveway will be a traffic problem but not significant for the residents. Upon his review, it was his opinion that MR. MILLER did not follow the CC&R's nor consider the differences of opinion about the front of the lot, as it is subject to interpretation.

JEAN GEORGES, 701 Rancho Circle and ELIZABETH BONGIOVI, 1450 Rancho Circle, believe MR. MILLER and his partners have been misleading. Residents were informed that a temporary wall would be constructed along his property to lessen the view of a construction site. The existing wall is an eight-foot tall. In addition, the nature of Rancho Circle is open and spacious, so there is concern for traffic backup on Rancho Drive during demolition and construction. In response to the Mayors query, MS. BONGIOVI explained that there is concern as to the impact on the surrounding properties.

Given the proposed height and location of the wall, ANTHONY HODGES believed the request should be denied.

SHARON GREENBAUM, 950 Rancho Circle and RICHIE CLYNE, 840 Rancho Circle, both noted it was interesting that the residents have seen the subject lot in disarray for approximately 15 years. There are other properties within Rancho Circle that need improvements yet nothing has been done. MR. MILLER has been wonderful and is spending millions of dollars in upgrades. They support anyone trying to upgrade their property, which can only increase the value of their homes. In addition, MS. GREENBAUM has viewed MR. MILLER'S other properties and complimented him on beautiful developments. MR. KLEIN added that MR.

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MILLER could have chosen to remove the power pole that controls the access gate, which is on his property, but he has agreed to let it remain there for security purposes.

PHYLLIS McGUIRE, 100, 200 and 300 Rancho Circle, expressed support and excitement for the improvements. Her only concern was regarding the sole entrance/exit and the impact relative to traffic congestion. MR. KLEIN and MS. McGUIRE both preferred the home be razed and all construction vehicles utilize the rear gate during construction. MS. McGUIRE also offered to contribute in taking down a portion of her side wall to accommodate MR. MILLER during the construction phase.

JODIE DIAMANT, 330 Rancho Circle, clarified that they are happy MR. MILLER wants to build but would like the development to be within the character of the neighborhood. In addition, the proposed wall would block the view of the neighborhood.

JULIE HENDERSON, 601 Rancho Circle, noted that the community consists of open yards, which makes Rancho Circle a desired place to reside.

After further discussion relative to the dimensions of the wall and possible setbacks, MR. MILLER explained to COUNCILMEN WOLSON and BROWN that he desired the additional three feet, as it is an architectural feature that complements the house. MR. MILLER emphasized that the wall is an expensive imported wall, columns will be covered in slate with lights, and wrought iron will be between each column. He understands the value of this neighborhood and wants to build a master architectural masterpiece.

MR. MILLER explained to COUNCILMAN BROWN that if approved, the existing house would be demolished within a couple of weeks with an asbestos study done. Construction of the new house is pending permits from the City.

After showing several photos of the wall, COUNCILWOMAN TARKANIAN commented that she visited the subject site. Depending on which direction someone comes from, a straight wall with no landscaping can be seen; from the opposite direction, the wall cannot be seen, so it is an optical illusion.

The Councilwoman met with MR. MILLER to address the residents concerns. She pointed out that the wall on MR. MILLER'S Pinto Lane property is not the same as what is being currently requested. In addition, some of the homes within Rancho Circle face the rear and only two have walls at eight feet and others are not pertinent to this request. She was disappointed that MR. MILLER was not open to Council's suggestion in having a three foot block wall with two feet wrought iron and landscaping. She agreed that suggestion would allow for additional height. It was her understanding that a variance cannot be granted to relieve a hardship that is self-created in nature as MR. MILLER has other options. As a result, she did not support his request.

MAYOR GOODMAN declared the Public Hearing closed.