



*City of Las Vegas*

Agenda Item No.: 30.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: JUNE 26, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
**VAR-2808 - VARIANCE - PUBLISHING - APPLICANT/OWNER: DAVID MADDON**  
Request for a Variance to allow a 0.5-FOOT SETBACK WHERE 10 FEET IS REQUIRED FOR AN EXISTING BUILDING on 0.48 acres at 3220 North Rancho Drive (APN 138-12-810-0000) (General Commercial Zone, Ward 6 (Ross))

C.C. 08/06/08

PROTESTS RECEIVED BEFORE

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

**DENIAL**

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted After Final Agenda Protest Postcards for Items 30 and 31

Motion made by SAM DUNNAM to Approve subject to conditions

Passed For: 4; Against: 3; Abstain: 0; Did Not Vote: 0; Excused: 0  
SAM DUNNAM, RICHARD TRUESDELL, BYRON GOYNES, GLENN TROWBRIDGE;  
(Against-DAVID STEINMAN, STEVEN EVANS, VICKI QUINN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR GOYNES declared the Public Hearing open for Items 30 and 31.

DOUG RANKIN, Planning and Development Department, stated that there was no evidence to support the setback variance as the property is not an unusual shape. He recommended denial of both applications.

DAVID MADDOX was present and stated that approving the items would allow his business to continue operating. He explained that he had been operating out of this location for nine years and that the nature of the property has not changed in over 65 years. He agreed to all conditions and requested approval.

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MARK CERBIN, 832 Butch Cassidy Lane, property owner to the north appeared in opposition. He explained that he had been ordered to drain his flood waters over the property by the City of Las Vegas and stated the applicant's subsequent improvements prevented that drainage and was causing damage to his property.

BART ANDERSON, Planning and Development Department, explained that no drainage study had been required when MR. CERBIN submitted the grading plans for his property. MR. ANDERSON noted that MR. MADDOX's plan did not indicate anything that would prevent drainage and disputed the suggestion that the City of Las Vegas required MR. CERBIN to drain onto his neighbor's property.

COMMISSIONER EVANS questioned MR. CERBIN regarding the impact of the drainage on this project. MR. CERBIN explained that if the applicant does not install his edge-of-property improvements, there is not opportunity to address the drainage issues.

PATRICK GUFNEY, 6742 Arville Street, appeared on behalf of a business owner also affected by the drainage issue and stated the applicant had constructed the parking lot without a permit. He expressed his opposition to the zero lot line request and a variance request.

COMMISSIONER STUNNMAN observed that the building is situated below the parking lot and any disabled person would have challenges accessing the building. He questioned the applicant regarding the razor wire and the continued profit of the building.

MR. RANKIN clarified that the applicant was requesting the variance and site plan review for the metal building on the site.

COMMISSIONER EVANS noted that the applicant has been cited for green water in the spas, warehousing and manufacturing on site and non-permitted fences and structures. MR. MADDOX explained that he was trying to maintain the property as it has existed for many years. Regarding the citations, he stated that the onset of the summer months causes algae to bloom in his display spas. He emphasized his efforts to obtain all the necessary permits and approval to operate his business.

COMMISSIONER DUNNAM observed that the zero lot line request does not affect MR. GUFNEY'S or MR. CERBIN'S drainage issue, but he invited MR. GUFNEY and MR. CERBIN to speak to him after the meeting. He expressed his support with added conditions to Item 31. MARGO WHEELER, Director of the Planning and Development Department, assisted in the crafting of the additional conditions.

CHAIR GOYNES declared the Public Hearing closed.