



*City of Las Vegas*

Agenda Item No.: 26.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: AUGUST 28, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
VAR-2901 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MICHAEL FEDERICO - Request for a Variance to allow a 10 FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED FOR PROPOSED GARAGE ADDITION on 0.48 acres at 2061 Diamond Boulevard (APN 164 04-715-003), R-E (Residence Estates) Zone, Ward 2 (Wolfson)

**P.C.: FINAL ACTION (Unless Appealed Within 10 Days)**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	7	Planning Commission Mtg.	4
City Council Meeting	0	City Council Meeting	0

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda Protest/Support Postcards
8. Submitted at Meeting Support Letters by Michael Federico, Protest letter with photographs and Protest Postcard by Celeste Downey

Motion made by GLENN TROWBRIDGE to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
SAM DUNNAM, DAVID STEINMAN, RICHARD TRUESDELL, BYRON GOYNES,  
GLENN TROWBRIDGE, STEVEN EVANS, VICKI QUINN; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

NOTE: CHAIR GOYNES disclosed that DR. WILLIAM DOWNEY, the applicants neighbor, was his childrens pediatrician, but he did not feel that relationship would have any impact on this matter and he would vote on this application.

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Minutes:

CHAIR GOYNES declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development Department, stated the requested 10-foot front yard setback would represent an 80 percent deviation from the 50-foot front yard setback. He noted the request is a self-imposed hardship and recommended denial. He added that additional letters of protest and support had been received.

MICHAEL and SYLVIA FEDERICO were present. MR. FEDERICO stated that he and his wife had put a lot of work and effort into improving the property. He stated the home was over 4000 square feet with only a two-car garage and was one of the few homes with a sidewalk. Noting the private street and sidewalk, he suggested that staff had made an error and that the requested front yard setback would be less than a 50 percent deviation from the requirements. He also pointed out that approximately 25 percent of homes in the neighborhood have some form of front yard setback variance and MRS. FEDERICO displayed several photos of different homes in the neighborhood.

MRS. FEDERICO explained that they were expecting a child and the proposed garage would be needed for her mother who would be helping with the new baby. MR. FEDERICO added that their adjacent neighbors were in support and submitted 13 signed letters which he had collected.

COMMISSIONER EVANS observed that the issue was that the proposed garage would be too close to the street. MRS. FEDERICO explained that the proposed garage would look similar to the existing garage, but it would be 10 feet from the street if the sidewalk were included. MR. FEDERICO stated the home would have two garages on either side when completed. He also expressed his surprise that the Public Works Department had suggested a five-foot driveway rather than the ten-foot driveway they were proposing. COMMISSIONER EVANS explained that the suggestion was intended to prevent any vehicles from sticking out into the street or sidewalk.

COMMISSIONER EVANS expressed his concern with the aesthetics of the project and suggested that using a garage as the most prominent architectural feature for a home was short-sighted and a poor design.

DR. WILLIAM DOWNEY, 2100 Diamond Bar Drive, appeared in opposition. He stated the neighborhood was unique and placing this garage at this location would result in the convergence of three driveways. He argued that it would look strange and pointed out the neighbors who supported the application lived further down the street.

CELESTE DOWNEY, 2100 Diamond Bar Drive, appeared in opposition. She submitted an opposition packet from which she also read. She added that she had not received any notification of this project. She stated the proposed garage would look out of place in the neighborhood and displayed photos of homes in the neighborhood. MRS. DOWNEY expressed

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concern with the vehicle safety and suggested this project would negatively impact home values and potential sales.

TODD FARLOW, 240 North 19th Street, wondered if curb cuts would be required for this project. BART ANDERSON, Public Works Department, stated that the curb is rolled at this location and curb cuts would not be required. He added that if curb cuts were required, a permit would be needed.

PETER PAPAS, 2060 Diamond Bar Drive, appeared in opposition, stating this proposal would ruin the home and the look of the block.

CHRISTINE GIAGLIA, 2131 Diamond Bar Drive, appeared in opposition. She expressed concern about vehicle safety and stated the proposal would be unattractive.

MR. FEDERICO observed that his neighbors' homes had three-car garages or variances while his home only had a two-car garage. MRS. FEDERICO explained that she had walked the neighborhood, gathering letters of support. MR. FEDERICO stressed that they were not trying to hide anything and pointed out the support of the neighbors.

MRS. FEDERICO added that they also had plans for a side-loading garage rather than a front-loading garage, noting a 10-foot setback would still be needed. CHAIR GOYNES explained that the alternate plan was not before the Commissioners and therefore, could not be considered. MRS. FEDERICO explained that she mentioned the alternate plan in an effort to address the neighbors' concerns.

MR. FEDERICO concluded by stating that the addition needed by his family and the proposed location was the only logical way to add a garage. CHAIR GOYNES suggested MR. FEDERICO find another home more suitable to his needs. While MR. FEDERICO acknowledged that moving was an option, he expressed his preference for staying in the neighborhood.

COMMISSIONER STEINMAN stated that he had visited the neighborhood and expressed his reluctance to get involved in neighbor disputes. He acknowledged that the houses on the cul-de-sac appeared to have variance setback issues and side-loaded garages. He commended MR. and MRS. FEDERICO for rescuing the property from bankruptcy, but stated he could not support their request because it would be inappropriate for the neighborhood.

CHAIR GOYNES echoed the comments of COMMISSIONER STEINMAN, stating the request was a self-induced hardship and would be an eyesore in a well-established neighborhood.

CHAIR GOYNES declared the Public Hearing closed.