



City of Las Vegas

Agenda Item No.: 40.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 14, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VAR-2868 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DOMINGO GARCIA - request for a Variance to allow a THREE-FOOT REAR YARD SETBACK WHERE 10 FEET IS REQUIRED AND FOR A 53 PERCENT LOT COVERAGE WHERE 50 PERCENT IS REQUIRED FOR AN EXISTING ROOM ADDITION on 0.08 acres at 1844 Ann Greya Drive (APN: 17-312-066), R-CL (Single Family Compact-Lot) Zone, Ward 5 (Barlow)

C.C.: 08/17/2008

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	<input type="text" value="5"/>	Planning Commission Mtg.	<input type="text" value="5"/>
City Council Meeting	<input type="text" value="0"/>	City Council Meeting	<input type="text" value="0"/>

RECOMMENDATION:
DENIAL

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/Support Postcards

Motion made by DAVID STEINMAN to Deny

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

Minutes:
CHAIR GOYNES declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development, recommended denial as the applicant created a self-imposed hardship by building a room addition without building permits.

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DOMINGO GARCIA, 1844 Ann Greta Drive, explained that he constructed a room addition and wanted to make it legal by obtaining the Variance. He referred to plans and described the location of the structure on his property. He indicated to CHAIR GOYNES that he unknowingly built the structure.

TODD FARLOW, 240 North 16th Street, said he could not understand why the building permits were not pulled when the applicant had the plans. He asked if the neighbors are in approval and if the structure meets City Code.

MR. LOWENSTEIN replied that Code Enforcement visited the site and referred the owner to Planning and Development. Also, Building and Safety staff has a record of an inspection and was in attendance at the pre-application conference where the owner was made aware of the issues involved in obtaining a building permit.

CHAIR GOYNES asked MR. GARCIA if he was aware of the requirements and that a Variance would be necessary. MR. GARCIA answered that he built the structure for his son and daughter-in-law, noting that many people advised him to build the structure first and then pull the permits.

CHAIR GOYNES advised MR. GARCIA that he should have called the City first to obtain information about the process.

COMMISSIONER DUNHAM said he could not support this variance and pointed out that the owner has a levee overhanging the structure encroaching into the utility easement.

MR. GARCIA explained to COMMISSIONER STEINMAN that he had a contractor draw up the plans and that he and his sons built the structure. CHAIR GOYNES confirmed with MR. GARCIA that no licensed contractors were hired.

COMMISSIONER EVANS pointed out that, according to the staff report, staff was not certain that the structure meets public safety standards and the issue of the structure being too close to the neighbors, whose insurance premiums might be affected, still remains. He stated that he felt uncomfortable voting on the application without assurances that the structure is safe.

MARGO WHEELER, Director of Planning and Development, advised the Commissioners that they had the option to deny or approve the application. If denied, the structure would have to be torn down; if approved, the owner would have to apply for all required permits and go through the process, which might require adjustments to the structure in order to ensure compliance with building, fire and electrical codes.

COMMISSIONER EVANS said that many unpermitted structures are built and approved after they have been built without any knowledge of their safety, but he assessed that this structure is not a storage shed for tools; it is an addition almost the size of a house.

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CHAIR GOYNES expressed concern about the structure being a potential fire hazard. MR. GARCIA assured CHAIR GOYNES that an inspector checked the structure and thought it would pass the parameters for all the utilities. CHAIR GOYNES pointed out that, according to the report, staff found during a routine check that the addition to the rear was not finished to match the existing house; therefore, he could not be sure that it would pass inspection.

MR. GARCIA said that he could make all the required changes. CHAIR GOYNES advised him that if this application were approved, an inspector would have to conduct an inspection of the structure and inform MR. GARCIA that he would have to bring the structure into compliance.

COMMISSIONER STEINMAN pointed out to MR. GARCIA that his neighbors on either side submitted protests. MR. GARCIA stated that his neighbors never expressed any concerns to him.

CHAIR GOYNES declared the Public Hearing closed.

