



City of Las Vegas

Agenda Item No.: 103.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF NOVEMBER 5, 2008**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT:
VAR-2901 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING -
APPLICANT/OWNER: MICHAEL REESE Appeal filed from the denial by the Planning Commission of a request for a variance to ALLOW A 10-FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED FOR A PROPOSED GARAGE ADDITION on 0.48 acres at 2001 Diamond Bar Lane (APN 163-04-715-003), R-1 (Residence Estates) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

28

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

16

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal Letter filed by Michael Federico
7. Protest/Support Postcards
8. Submitted after Final Agenda Protest/Support Postcards
9. Submitted at Meeting Email from Alan Feldman by Mayor Goodman, Support Petition by Michael Federico, Protest Postcards by Chris Ciaglia, Photographs, Explanation for Denial, Realty Information Listings and Protest Postcard by Celeste Downey, and Protest/Support Map by Councilman Reese
10. Submitted after Meeting Protest Postcard
11. Backup Referenced from the 08-28-2008 Planning Commission Meeting Item 26

Motion made by GARY REESE to Deny

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

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

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NOTE: COUNCILMAN WOLFSON disclosed that he would be abstaining because he regularly appears before MR. FEDERICO, who serves as a pro tem judge.

COUNCILMAN BARLOW also disclosed that DR. WILLIAM DOWNEY is his sons pediatrician, but he would be voting.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

COUNCILMAN REESE noted that with the permission of COUNCILMAN WOLFSON, he has been handling this matter, and only contacted COUNCILMAN WOLFSON'S office about this matter to obtain directions to the property.

MAYOR GOODMAN read and submitted a protest e-mail he received from ALAN FELDMAN, Senior Vice President of Public Affairs at the MGM Hotel.

MICHAEL FEDERICO congratulated COUNCILMAN BROWN on his election to the County Commission. MR. FEDERICO submitted support letters obtained from 13 adjacent residents, and he submitted copies. He showed a drawing of the proposed addition and a picture of the property. He assured the Council that, contrary to what his neighbors in opposition believe, his wife and he are not speculating on this property. They moved into this neighborhood because of its large unique properties, no traffic and the quiet cul-de-sac. The house was an eyesore when purchased, but they completely restored it. It is very large, but only has a two-car garage, which has hindered their numerous attempts to sell the home.

He disagreed with staffs assessment regarding a self-imposed hardship, pointing out that there are at least two inherent hardships, the automatic setback requirements and a power box that intrudes onto his driveway. He argued that the actual deviation being requested is 42 percent instead of 65 percent when accounting for the sidewalk and the street. He showed pictures of the surrounding properties that do not meet the setback requirements and have more than two garages. COUNCILMAN REESE noted that the properties MR. FEDERICO referenced are not located in the same cul-de-sac.

MR. FEDERICO was puzzled that some residents in his cul-de-sac are opposed to them making improvements, which would increase the value of his property and surrounding properties. He alleged that one of the persons in opposition does not even reside in the neighborhood.

LOU PAPAS, 2060 Diamond Bar Drive; WILLIAM and CELESTE DOWNEY, 2100 Diamond Bar Drive; AL and CHRIS CIAGLIA, 2131 Diamond Bar Drive; and EXIE SEASTRUNK, 2100 Americas Cup Circle, opposed this application. They felt that the true intent is to sell the home and not because MR. FEDERICO'S household is expanding. He listed his home for sale only after the Planning Commission denied his application in August 2008. The FEDERICOS failed to speak with the residents after requesting an abeyance at the 10/1/2008 Council meeting. The garage addition is incompatible and they urged the Council to help them maintain their pristine

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community.

MR. PAPAS stated that his parents reside on Diamond Bar Drive. He pointed out MR. FEDERICO did not add a casita to his home, as he alleged; it was build when the FEDERICOS purchased the home.

MR. CIAGLIA disagreed with MR. FEDERICOS comment that he grew bushes on the side of his home so that he would not have to deal with his neighbors to the left. They were there when he purchased the home 11 years ago. The proposed garage would create a safety issue because there are three driveways from which cars could back out at the same time.

MRS. CIAGLIA submitted opposition letters and MRS. DOWNEY submitted a packet of information, including pictures and opposition postcards, which are made a part of the minutes.

MS. SEASTRUNK clarified that she resides nearby, and that although the communities are not gated and there is no association, there were CC&Rs put in place. She suggested that MR. FEDERICO build a tandem garage.

COUNCILMAN REESE verified with MR. FEDERICO that the community in which he resides did not have an architectural review board, nor a homeowners association. COUNCILMAN REESE then noted that there was no way for him to discern whether or not the homes MR. FEDERICO showed in the pictures obtained setback variances for their garages. MARGO WHEELER, Director of Planning and Development, advised that setbacks are by Zoning Code, regardless of CC&Rs or a homeowners association.

RON TIBERTI, 2030 Diamond Bar Drive, clarified that the community has an architectural review committee and CC&Rs, which do not allow four-car garages facing the front. Even three-car garages have to face the side.

In rebuttal, MR. FEDERICO insisted that his neighbors in opposition have personal issues with him and his wife. He assured the Council that his home was on the market for an extended period of time, that he was unaware of an architectural review committee and that he would not make misrepresentations just to obtain a variance.

After confirming with MR. FEDERICO that the power box existed when he purchased his property, COUNCILMAN BARLOW advised him that it was not a hardship as MR. FEDERICO purchased the property fully aware that it was on his property.

COUNCILWOMAN TARKANIAN confirmed with MS. WHEELER that the subject property lies within a rural preservation overlay district, in which case the homes cannot be too close to the sidewalks. The Councilwoman suggested MR. FEDERICO consider adding a one-car garage, given that it is more common in the area to have a three-car garage. However, MR. FEDERICO said that it would not be feasible.

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COUNCILMAN REESE stated that he visited the FEDERICOS and was led to believe that the home was for sale. After viewing the property, he concluded that he would not want it in front of his property for many reasons, including people backing their cars out of driveways. The FEDERICOS purchased an existing home with a two-car garage, and allowing the variance would be against City Code and set a precedent for the area. He referred to and submitted a support petition. Lastly, COUNCILMAN REESE stated he could not support the variance as he did not feel any hardship was proven.

Before consideration of Item 108, COUNCILMAN WOLFSON stated that many of the speakers on this matter were under the impression that the Planning Commissions action was final; he asked MS. WHEELER if a comment is made regarding the applicants right to appeal at the Planning Commission meetings. MS. WHEELER replied that she makes an announcement in such cases that the Planning Commissions action is final in the absence of an appeal to the City Clerk within ten days. COUNCILMAN WOLFSON then asked if the notice postcards include a clause informing the public that applicants have the right to an appeal. MS. WHEELER indicated that she could look into adding such a clause in the future, but pointed out that a second notice is mailed for every matter that goes to City Council from the Planning Commission.

MAYOR GOODMAN declared the Public Hearing closed.