



City of Las Vegas

Agenda Item No.: 88.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF DECEMBER 3, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-3026 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BRENT AND SUZANNE BELL FAMILY TRUST - Request for a Variance TO ALLOW A 1.5-FOOT SIDE-YARD SETBACK FOR AN EXISTING PATIO COVER WHERE TEN FEET IS REQUIRED on 0.11 acres at 2500 E. Trade Way (APN 163-05-319-003), R-PD4 (Residential Planned Development - 4 Units Per Acre) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission 6-0 vote recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

2

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

17

City Council Meeting

8

RECOMMENDATION:

Staff recommends DENIAL. The Planning Commission (6-0 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. Submitted after Final Agenda Protest Letter by Richard and Deanna Remark and Protest/Support Postcards
7. Backup Referenced from the 11-06-2008 Planning Commission Meeting Item 18

Motion made by STEVE WOLFSON to Approve subject to conditions

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)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

BRENT BELL was present and explained that he loves this property that he purchased about three years ago. However, it faces east/west and sits on an irregular lot. The purpose of the variance was to legalize the extended patio to supply more shade. He noted that his homeowners

CITY COUNCIL MEETING OF: DECEMBER 3, 2008

association approved the patio.

TOM McGOWAN, Las Vegas resident, recommended approval after assessing that the home is located in Canyon Gate.

COUNCILMAN WOLFSON confirmed with MR. BELL that he was living in the house three years ago when prior complaints regarding zoning issues were made and stated that there was only one opposition raised in this matter. MR. BELL explained that the three-year-old complaints were from his neighbor in opposition to a basketball hoop he was installing for his son.

MR. BELL showed a picture depicting the patio in relation to his neighbors property and stated that the patio would not be visible to his neighbor because the patio is concealed by the trees. MR. BELL affirmed to COUNCILMAN WOLFSON that he obtained approval from the Canyon Gate Golf Course and the homeowners association.

MARGO WHEELER, Director of Planning and Development, clarified for COUNCILMAN WOLFSON that setting rules of homeowner association is under the purview of the City and have no bearing on City Code.

COUNCILMAN WOLFSON opted for approval as there was only one opposition, but he requested that in the future MR. BELL obtain approval before going forward with any building project.

MAYOR GOODMAN declared the Public Hearing closed.

