



City of Las Vegas

Agenda Item No.: 38.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 9, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-3352 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: DENNIS WHITE AND SUSAN SCHABT - Request for a Variance TO ALLOW A SEVEN-INCH SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR EXISTING ADDITIONS ALONG THE EAST PERIMETER AND A ZERO-FOOT SIDE YARD SETBACK ALONG THE WEST PERIMETER WHERE THREE FEET IS REQUIRED FOR AN EXISTING ACCESSORY STRUCTURE (CLASS II) on 0.16 acres at 4601 Evergreen Place (APN 139-31-410-010), R-1 (Single Family Residential) Zone, Ward 1 (Tarkanian)

C.C.: 05/06/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

3

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

15

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Condition and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Survey by Baughman and Turner, Inc.
7. Protest/Support Postcards and Support Petition
8. Submitted after Final Agenda Protest/Support Postcards
9. Submitted at Meeting Revised Table for Code Enforcement Actions and Property Sales Information

Motion made by STEVEN EVANS to Approve subject to conditions and amending Condition 1 as read for the record:

1. All construction on premises without permit must be permitted and finaled within 90 days.

Passed For: 5; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 1

VICKI QUINN, STEVEN EVANS, GLENN TROWBRIDGE, RICHARD TRUESDELL, BYRON GOYNES; (Against-MICHAEL E. BUCKLEY); (Abstain-None); (Did Not Vote-None); (Excused-KEEN ELLSWORTH)

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Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

PETER LOWENSTEIN, Planning and Development, stated there was a Code enforcement action pertaining to a structure that was built without proper permits. Therefore, the requested variances are preferential in nature creating a self-imposed hardship. Staff recommended denial.

SUSAN WHITE, 4601 Evergreen Place, stated she has lived at this location for 22 years and takes pride in maintaining her property, despite the neighborhood changes and foreclosed properties. When the custom tool shed was built, her understanding was anything fewer than 200 square feet did not require a permit. The structure is non-habitable without electricity. Lawn equipment, ladders and tools are stored in the tool shed, which is 56 square feet with a fire extinguisher attached to it. It will also be a security measure to avoid theft, as there have been 15 burglaries in her neighborhood within the last month. She clearly was open to suggestions and committed to ensuring her honest mistake was rectified.

MS. WHITE informed CHAIR TROWBRIDGE there were two residents in opposition; however, they reside approximately five blocks away. A signed letter from nearby residents affected all support the structure. She indicated that a signed petition had been submitted to Planning and Development, which was made a part of the backup. She submitted a duplicate copy, which was already included in backup. She also obtained a certificate letter from an engineering company who surveyed her property.

MARGO WHEELER, Director of Planning and Development, recommended an amendment to Condition 1, with MS. WHITE'S concurrence. MS. WHEELER clarified for COMMISSIONER BUCKLEY that the issue is with the setbacks on both sides of the property.

COMMISSIONER EVANS felt that the amended condition would address public safety and protect the City. He appreciated MS. WHITE'S sincerity in taking responsibility and being diligent in correcting her mistake.

CHAIR TROWBRIDGE declared the Public Hearing closed.