



City of Las Vegas

Agenda Item No.: **90.**

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 1, 2009**

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

☐ Consent ☒ Discussion

SUBJECT: VAR-3299 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: OSCAR SIGUENZA. Request for a Variance to ALLOW A 9-FOOT REAR YARD SETBACK WHERE 30 FEET IS THE MINIMUM REQUIRED FOR THE CONVERSION OF AN EXISTING CARPORT INTO HABITABLE SPACE on 0.33 acres at 4460 Marlena Circle (APN 139-19-412-009) - (Single Family Residential-Restricted) Zone, Ward 5 (Barlow). The Planning Commission 7-0 vote and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend 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 Postcards
8. Backup Referenced from the 02-26-2009 Planning Commission Meeting Item 40

Motion made by RICKI Y. BARLOW to Deny

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

The applicant/owner was present and requested approval. He explained that he purchased the property four years ago as is. The addition was done in 1969. COUNCILMAN ROSS was perplexed that the owner was being required to obtain permits more than 30 years later. MARGO WHEELER, Director of Planning and Development, stated that the carport was built in 1979 and converted into habitable space in 1981. It came to the attention of Code Enforcement, and that is why the variance is needed. Any home that is purchased with non-permitted structures is brought

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to the attention of the City and the onerous is on the proprietor to bring the property into compliance; it is not a City issue. ASSISTANT CITY ATTORNEY SCOTT mentioned that many properties with non-permitted casitas are brought to the attention of the City and have to be brought into compliance.

DAVID WOOLMAN and YESSICA ACOSTA, 4446 Marlana Circle, OWEN NITZ, who owns the property at 4465 Marlana Circle but has an office at 601 South 10th Street, BRIAN WARD, 4428 Marlana Circle, ROBERT MCGEE, 4474 Marlana Circle, and MARSHALL LEWIS 4410 Marlana Circle, complained about the applicant not taking care of the property, renting it as a duplex by allowing two different families to reside in it and creating more traffic for the neighborhood. They urged the Councils denial as they want the property to remain single-family residential.

MR. NITZ stated that his daughter resides in his home at 4465 Marlana Circle, and he showed pictures to demonstrate that the neighborhood is very nice, noting that the applicant does not take care of his home and had devalued his property.

COUNCILMAN ROSS stated the neighborhood has always been considered to be very nice and was surprised about the issues presented.

MR. SIGUENZA stated that he is fully aware that the neighborhood consists of single-family homes, assured the Council that he is not trying to convert his home to multi-family and presented his rental agreement which he claimed stated that he rents to four people. Regarding the allegation that he does not take care of his property, he commented that he painted the property and he cleans the pool. He assured COUNCILMAN REESE that he did not install a wall through the middle of his property, that it is as is and that the setbacks are only nine feet.

COUNCILMAN BARLOW agreed with COUNCILMAN ROSS that the neighborhood is very nice, which is why he was appalled at all the information given to him by the surrounding residents about what goes on at this property. He could not verify that multiple families are living in the home, but he would like Code Enforcement to monitor that situation. He stated he could not support approval due to the many concerns and outstanding issues; however, he encouraged MR. SIGUENZA to meet with him and to try to meet with the residents in order to try to resolve the problems.

CITY CLERK BRIDGES explained to COUNCILWOMAN TARKANIAN that the protest/support sheet represents protests/supports received between the Planning Commission and City Council meetings.

ASSISTANT CITY ATTORNEY SCOTT questioned the timeline for the applicant to rectify the situation. MS. WHEELER stated that the action is already open under the Code Enforcement Office.

MAYOR GOODMAN declared the Public Hearing closed.