



*City of Las Vegas*

Agenda Item No.: 161.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
CITY COUNCIL MEETING OF: JUNE 17, 2009**

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

☐ Consent ☒ Discussion

**SUBJECT:** VAR-3398 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARP TRUST  
Appeal file from the denial by the Planning Commission of a request for a Variance TO ALLOW  
AN EXISTING 3,785 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) WHERE  
2,029 SQUARE FEET IS THE MAXIMUM SIZE ALLOWED; TO BE 17 FEET IN HEIGHT  
WHERE A HEIGHT OF 13.25 FEET IS PERMITTED; NOT TO BE AESTHETICALLY  
COMPATIBLE (MATERIAL) WITH THE PRINCIPAL DWELLING UNIT; AND TO ALLOW  
FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.94  
acres at 3048 Ashli Avenue (CPN 67-05-115-006), R-E (Residence Estates) Zone, Ward 1  
(Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**31**

**City Council Meeting**

**23**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**18**

**City Council Meeting**

**1**

**RECOMMENDATION:**

The Planning Commission (6-0 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. Appeal Letter filed by Henry Sanchez
7. Protest Postcards
8. Submitted after Final Agenda - Abeyance Letter by Henry Sanchez and Protest Postcards/Letter and Support Postcard
9. Submitted at Meeting - Protest E-mail to Mayor Goodman
10. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 26

Motion made by LOIS TARKANIAN to Hold in abeyance to 8/19/2009

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

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

NOTE: Item 161 was initially part of the motion on Item 119, but was subsequently reconsidered.

## CITY COUNCIL MEETING OF: JUNE 17, 2009

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

With respect to the applicants request, COUNCILWOMAN TARKANIAN agreed to the abeyance; however, she specifically noted for the record that she had visited the property in early June 2009 and had recommended to the applicant that in order to move forward with the construction of this project, it was necessary to submit the building plans to the Building Department in order to obtain a building permit. Following up on her recommendation, she learned that the applicant failed to obtain the necessary permits and placed a mandatory requirement that the permit be obtained no later than June 19, 2009.

For clarification, MARCO WHEELER, Director of Planning and Development, stated that to obtain the permits, it is necessary for the variance to be approved, despite the fact that the dwelling was already constructed. If the variance is not approved, the building would have to be torn down.

COUNCILMAN WILSON questioned what alternative is available, knowing someone has constructed a building without permits. MS. WHEELER explained that the following circumstances are taken into consideration: (1) Do you have a permit, although the setbacks and zoning requirements are met; and (2) building constructed without a permit where the zoning and setback requirements are not met. In this case, it falls within the second criteria and a variance is required. ASSISTANT CITY ATTORNEY BRYAN SCOTT affirmed that the variance enables the applicant to cure any defects.

MAYOR GOODMAN declared the Public Hearing closed.