



City of Las Vegas

Agenda Item No.: 72.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 19, 2009**

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

☐ Consent ☒ Discussion

SUBJECT: VAR-3398 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANARPT TRUST Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW TO EXIST A 1768 SQUARE FOOT ACCESSORY STRUCTURE (CLASS II) WHERE 2029 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 COMPLEMENTARY (METAL) WITH THE PRINCIPLE DWELLING UNIT; AND TO ALLOW FOR TWO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED on 0.4 acre at 3015 Asbury Avenue (APN 162-05-115-006), R-E (Residence Estates) Zone, Ward 11 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

31

City Council Meeting

24

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

18

City Council Meeting

20

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, Letter and Email and Support Postcard
8. Submitted after Final Agenda - Abeyance Letter by Kaempfer Crowell Renshaw Gronauer and Fiorentino
9. Submitted at Meeting Support Petition with 19 Signatures by Henry and Shirley Sanchez
10. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 26

Motion made by LOIS TARKANIAN 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, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)



Minutes:

MAYOR GOODMAN declared the Public Hearing open.

HENRY SANCHEZ remarked that he had requested his application be held for two weeks.

MAYOR GOODMAN explained that COUNCILWOMAN TARKANIAN asked for the item to be brought forward for discussion.

MR. SANCHEZ referred to a support petition signed by residents of his neighborhood, which was submitted for the record. He explained the difficulty he has endured since purchasing the property in 2007. In 2007, he was told by the Building Department that it would take up to a year to obtain a building permit. In the interim, he proceeded with laying the foundation for the structure.

KEVIN EFROYMSON, a long-time resident of the neighborhood, appeared in opposition. He mentioned that approximately five years ago, a neighbor proposed a similar steel structure which was met with much opposition by the residents, the neighborhood association, the Planning Commission and the City Council. He noted that MR. SANCHEZ, nevertheless, proceeded to build his structure without a permit. MR. EFROYMSON described the building as a large steel warehouse located amidst a residential neighborhood. He asked the Council to deny the application and require the property owner to tear down the structure.

COUNCILWOMAN TARKANIAN recalled her visit to the residence of MR. SANCHEZ and expressed several concerns. Over sixty days ago, the applicant appeared before the City Council requesting an abeyance in order to correct outstanding issues in addition to obtaining the necessary permits. She repeatedly informed MR. SANCHEZ that the structure was too large for the neighborhood and, most importantly, that he needed to get the building permit. During her visit in July of 2009, there was minimal construction so she emphasized the necessity of getting the permit. Disregarding her advice, MR. SANCHEZ deliberately proceeded to build, resulting in infractions cited by code enforcement officers.

COUNCILWOMAN TARKANIAN stressed that this is a self-imposed hardship created by the applicant. In addition, she referenced backup documentation showing the proposed structure to be similar in size to the primary residence. Referring to the support petition that MR. SANCHEZ spoke of, the Councilwoman mentioned that her office had received a number of protest postcards that included comments strongly protesting the proposed structure.

MR. SANCHEZ responded that when he visited the Building Department after being cited by Code Enforcement, he was told that a variance needed to be approved before they would issue the permit.

MARGO WHEELER, Director of Planning and Department, explained that if an applicant submits plans to the Building Department but does not meet the code, he must go through the process of requesting a variance. She stated that records indicate the structure has since been completed.

AUGUST 19, 2009

COUNCILWOMAN TARKANTIAN strongly emphasized that the structure is too intense for the neighborhood and she would not support the variance request.

COUNCILMAN WOLFSON stressed that rules are established for a purpose. He questioned why MR. SANCHEZ, a contractor, chose to circumvent the process by proceeding to build his structure.

ASSISTANT CITY ATTORNEY BRYAN SCOTT requested that it might be feasible to indicate a date for the removal of the structure. Response: MS. WHEELER stated that the matter would be turned over to Neighborhood Response for follow up.

MAYOR GOODMAN declared the Public Hearing closed.

See item 63 for related information.