



Las Vegas

Agenda Item No.: 64.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2010

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:
ABEYANCE ITEM - Hearing to consider appeal regarding the Nuisance Notice and Order to Comply located at 409 Santa Fe Street. PROPERTY OWNER: MICHAEL E. PAVICH - Ward 1 Tarkanian

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisance. A Nuisance Notice and Order to Comply was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code, Title 9.04.010 (10) Classic Vehicles; 9.04.010 (11) Vehicle Inspection/Enforcement; 9.12.030 Stored Materials. A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Nuisance Notice and Order to Comply filed by George E. Graziadei, Esquire of Graziadei & Cantor, Ltd. on behalf of Michael E. Pavich, owner and responsible party.

RECOMMENDATION:

That the City Council approve the Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply
4. Appeal Letters from Appellant
5. Notices of Appeal
6. Notice of Abeyance

Motion made by LOIS TARKANIAN to Approve the Nuisance Notice and Order thereby denying the appeal, and allowing four weeks for compliance

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)

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Minutes:

DEVIN SMITH, Manager of Neighborhood Response, read the Purpose/Background and Recommendation sections, adding that the structures need to be permitted and/or removed in order to remain. The classical vehicle code requires that vehicles stored must be undergoing restoration or be considered a rarity. Only one vehicle is operable.

A videotape was shown, but a copy was not submitted.

The property owner was present, accompanied by ATTORNEYS SCOTT CANTOR and GEORGE GRAZIADEI.

COUNCILWOMAN TARKANIAN ascertained with MR. SMITH that no changes had been made, except that the vehicles on site need to be removed and/or permitted.

ATTORNEY CANTOR alleged that MR. PAVICH started receiving notices posted on his door, which resulted in the appeal. He explained that MR. PAVICH has been preoccupied with a matter before small claims court because a collection agency is trying to break up the parcels. He asserted that after meeting with MR. SMITH, he inferred that the only remaining issue is the structure on the property, as documentation was provided to the City evidencing the age of the vehicles. Thought was given to obtaining a variance, should the immediate neighbors not be in opposition.

ATTORNEY CANTOR suggested MR. PAVICH is being targeted since other proprietors in the neighborhood have been reported to have violations and they have not been cited, yet MR. PAVICH is facing a \$14,000 fine. ATTORNEY CANTOR requested this matter be held in abeyance to allow him time to work with the City.

MAYOR GOODMAN wondered if the vehicles could be moved until this matter is resolved, to which COUNCILWOMAN TARKANIAN responded that this complaint-driven problem has been ongoing since 2007. It gravely concerns her that MR. PAVICH has failed to comply when ample time has been given. MR. SMITH interjected that although MR. PAVICH fits the definition by age, he does not meet the restoration requirement, adding that one of the structures is made from pure wood, which is a life-safety issue.

ATTORNEY CANTOR offered to store the vehicles temporarily until this matter is resolved, and urged the Council not to consider MR. PAVICH'S lack of response as a lack of disrespect in any way. He requested more than two weeks to obtain the necessary permits, should the Council be inclined to follow staff's recommendation.

COUNCILWOMAN TARKANIAN indicated that the wall could be heightened to shield the stored vehicles from the public right-of-way.