



City of Las Vegas

Agenda Item No.: 20.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: JULY 23, 2009**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:
VAR-3466 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: REBECCA GARR - Request for a Variance to Allow for an 11-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND A FOUR-FOOT ENCROACHMENT FOR AN ARCHITECTURAL FEATURE (DOOR LEAVE) WHERE TWO FEET IS THE MAXIMUM PERMITTED FOR EXISTING CARPORT on 0.25 acres at 521 Byrnes Avenue (APN 139-22-410-133), R-1 (Single-Family Residential) Zone, Ward 5 (Barlow)

C.C.: 08/19/2009

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

0

RECOMMENDATION:

DENIAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Final Agenda Support Postcard
7. Submitted at Meeting Photos

Motion made by BYRON GOYNES to Approve subject to conditions

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

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

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning and Development, indicated the carport was built without building permits in the front yard setback area. The applicant has since applied for the building permits, which were denied by the Planning and Development pending the result of this Variance request.

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A denial of the request would require that the structure be removed or redesigned to meet the minimum requirements of Title 19. Staff recommended denial as the applicant has provided no evidence of a unique circumstance and has created a self-imposed hardship by constructing a carport prior to obtaining permits.

TOM SCOTT, Tom Scott Construction, appeared on behalf of REBECCA CARR. MR. SCOTT submitted photos of existing carports located in the vicinity and asked that MS. CARR be given the same consideration as given to the other existing carports. His client is requesting a 16-foot deep carport to accommodate a car.

TODD FARLOW stated that the variance should not be approved if it does not meet the minimum requirements.

Having a handicap, MS. CARR indicated she would like to have the carport in case of inclement weather when waiting outside to be picked up. BENNIE PICKLIN stated that his mother has resided in this neighborhood since 1971 and would like to upgrade her property. He asked for the Commission's approval.

COMMISSIONER GILLES pointed out this is an older neighborhood, and he could support the request as long as the structure is structurally sound. COMMISSIONER EVANS agreed with the Commissioner's comments but these variances are looked at on a case-by-case basis. He noted that a building permit for room addition was previously issued and asked if the carport was an afterthought. MR. SCOTT responded that the addition was completed a few months ago.

COMMISSIONER EVANS was sympathetic to MS. CARR'S dilemma and pointed out that many of the existing carports might not have been built to Code. He found it objectionable that the contractor did not know permits are required, thus built the structure without permits. The Commissioner supported the request, not due to the contractor's representation, but because he understood MS. CARR'S situation.

CHAIR TROWBRIDGE declared the Public Hearing closed.