



City of Las Vegas

Agenda Item No.: 31.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: MAY 27, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARCO WHEELER

☐ Consent ☒ Discussion

SUBJECT: VAR-3783 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SANDRA HIPPINCO - Request for a Variance to ALLOW AN EXISTING 316 SQUARE-FOOT ACCESSORY STRUCTURE CLASS 1B WITH A ZERO-FOOT SIDE YARD SETBACK WHERE THE MINIMUM IS REQUIRED on 0.46 acres at 6791 Sierra Trail (APN 163-02-311-006), R-1 (Residence Single-Family Zone, Ward 1 (Tarkanian)). Staff recommends DENIAL.

C.C.: 07/07/2010

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

Staff recommends 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. Submitted at Meeting Support Petition

Motion made by VICKI QUINN to Approve subject to conditions

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

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

DOUG RANKIN, Planning and Development, indicated that staff was unable to find any evidence of a permit for the accessory structure. As a result the variance is required for a zero foot setback. Staff finds this is a self-imposed hardship and recommended denial. If denied, the

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accessory structure would have to be relocated in order to meet the requirements of Title 19.

BRENT CONRAD indicated that the house was built in 1977 and the shed was built in 1978. The property was part of Clark County, and it was annexed into the City in 1986. In 1996 a building permit was issued to reroof the house. A complaint was filed in 2009, and he has been trying to correct this matter since then. His wife went to neighbors and obtained support from three residents, which he submitted for the record. The shed is not visible from the street. His mother-in-law has owned the property since 1977.

CHAIR TRUESDELL asked if the shed was built according to Clark County codes. MR. CONRAD was not certain, as his father-in-law passed away in 2005.

BRIAN and DON'S LANDSBERGER appeared in opposition because they are primarily impacted as the shed is located on the property line, and it extends three feet above the block wall. They bought their house in 1990 and were never happy about the shed. It was only recently after researching the code, that they discovered there was a recourse. The County codes revealed that the shed was not in violation at the time it was built.

COMMISSIONER ELLSWORTH asked MR. LANDSBERGER if a row of trees could be planted between his property and the subject property. MR. LANDSBERGER responded that because of the zero setbacks any migration would have to occur on his property. MRS. LANDSBERGER added that the shed is 28 feet long and does not obstruct the view. MR. CONRAD indicated that the setback requirement is only three feet, and the view would not change if it were moved three feet. MR. LANDSBERGER rebutted that the City obviously agrees that the zero setback is not compatible.

COMMISSIONER ELLSWORTH verified the shed is stucco with similar tile roof as the house. He asked MARGO WHEELER, Director of Planning and Development, if the wall and or building are fire resistant, the wall does not require being three feet away. ASSISTANT CITY ATTORNEY SCOTT added that the closer the wall is to a property line the greater the fire rating has to be.

COMMISSIONER ELLSWORTH noted that the wall appears to be well done and he does not have a problem with supporting the request.

COMMISSIONER QUINN stated she looked over the wall and found it appealing because it matches the color of the house, the stucco and roof tiles.

CHAIR TRUESDELL stated this house is well-maintained and the structure has been there longer than the neighbors have owned their home. This is a great opportunity for neighbors to communicate, and there is some mutual solution that might be beneficial to all, such as installing trees.

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COMMISSIONER TROWBRIDGE stated that he will support the request because the home was built in 1977 and the shed built in 1978. The parcel was annexed into the City in 1986, when City codes were becoming applicable. Therefore, it did not violate any City codes at the time it was built. MR. LANDSBERGER bought his property in 1990 knowing the structure was there. MR. LANDSBERGER reiterated that he knew there was a violation and it was only recently he found out that it could be removed. MRS. LANDSBERGER pointed out that the side of the shed facing their property is not stuccoed or painted. CHAIR TRUESDELL was certain that the applicant would make the shed visually appealing on their side as well.

CHAIR TRUESDELL declared the Public Hearing closed.

