



City of Las Vegas

Agenda Item No.: 28.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: AUGUST 9, 2011**

**DEPARTMENT: PLANNING
DIRECTOR: FLINN BAGO**

☐ Consent ☒ Discussion

SUBJECT: VAR-4217 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SHIRLEY RITZ TRUST - For possible action on a request for a Variance TO ALLOW A FOUR-FOOT REAR YARD SETBACK FOR A PRIMARY STRUCTURE WHERE 15 FEET IS REQUIRED, TO ALLOW AN ACCESSORY STRUCTURE (CLASS II) TO BE LOCATED IN THE FRONT YARD AREA WHERE SUCH IS NOT PERMITTED AND TO ALLOW A THREE-FOOT, SIX-INCH HIGH SOLID WALL WITH A THREE-FOOT, SIX-INCH WROUGHT IRON TOP WHERE FIVE FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD on 0.20 acres of 2222 Las Vegas Avenue (APN 59-35-713-035), R-1 (Single Family Residential) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

C. C: 09/07/2011

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

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APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

19

City Council Meeting

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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 Postcard
7. Submitted at Meeting Support Petition by Stephanie Allen

Motion made by RICHARD TRUESDELL to Approve

Passed For: 5; Against: 1; Abstain: 1; Did Not Vote: 0; Excused: 0

GUS FLANGAS, BYRON GOYNES, RICHARD TRUESDELL, GLENN TROWBRIDGE, VICKI QUINN; (Against-TRINITY SCHLOTTMAN); (Abstain-TODD L. MOODY); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER MOODY abstained as his law firm represents the applicant/owner, Shirley Ritz Trust.

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

PLANNING COMMISSION MEETING OF: AUGUST 9, 2011

DOUG RANKIN, Planning, explained that additions to the property were built without permits and the variance request is to allow these structures to remain on the property. The applicant has created a self-imposed hardship as there is no unusual shape to the parcel. Therefore, staff recommended denial.

ATTORNEY STEPHANIE ALLEN, 8345 West Sunset Road, appeared on behalf of the applicant and stated the applicant was cited by Code Enforcement because the block wall was not in conformance with the code requirements as well as the laundry room addition. The property was built in 1948 and her client purchased it in 1978, so the laundry room addition was in existence. The back of the property is an alleyway, so there is no residential impact to the south. The property owner has had issues with graffiti and crime and decided to construct a wall that is aesthetically pleasing. Her client understands that if the City needed the right-of-way on Ash Avenue, she would be responsible for removing the wall. The property owner has spent a lot of money in improvements and plans to remain in the home.

COMMISSIONER SCHOTTSMAN noted the many violations on the property. The property was built in 1948 and a permit was obtained in 1951 to remodel the north end of the structure. There is no record of a final inspection. He does not have an issue with the laundry room and agrees that the property fronts on 23rd Street and not Ash Avenue. He was concerned about the electrical meter and how it is situated because if the applicant hired a licensed contractor, she could have had an expense reimbursement fund through the Nevada State Contractors Board. The house is the best looking house in the neighborhood but it lacks the curb appeal and looks like a compound. The fence in the back of the property could have been extended as well. He suggested cutting down the live oak and fencing off the top and make it compatible with the other properties. ATTORNEY ALLEN responded that her client would prefer not to but understands that if the variance is denied, she would have to remove the wall. The Commissioner was also concerned about the footing and the wall not passing inspection. ATTORNEY ALLEN realized her client would have to obtain permits, if this application is approved to bring the wall into compliance. COMMISSIONER GOYNES indicated this is an older neighborhood and was not sure if a precedent would be set regarding the wall. He was more inclined to have a structural engineer inspect the wall and if solid wood properly support it, as this situation could be a one-time deal for this neighborhood. CHAIR TROWBRIDGE pointed out that typically the structural engineer will have to inspect the wall when permits are pulled rather than the applicant incurring those expenses.

COMMISSIONER QUINN was concerned about children's safety, and ATTORNEY ALLEN responded that she does not believe there are safety issues with the laundry room. She understood that the wall needs to be inspected by a structural engineer.

COMMISSIONER FLANGAS concurred with COMMISSIONER GOYNES' comments but felt comfortable that the wall and the railing only breaks at certain spots. He supported the request and preferred the Building Department address the concerns regarding the proper permits.

CHAIR TROWBRIDGE declared the Public Hearing closed.