



City of Las Vegas

Agenda Item No.: 20.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011**

DEPARTMENT: PLANNING
DIRECTOR: FLINN RAGO

☐ Consent ☒ Discussion

SUBJECT: BEYANET - VAR-41882 - VARIANCE PUBLIC HEARING - APPLICANT/OWNER: DONALD NEWBY - For possible action on a request for a Variance TO ALLOW A FRONT YARD SETBACK OF 5 FEET WHERE 5 FEET IS REQUIRED FOR AN EXISTING PORCH ON THE MAIN DWELLING AND TO ALLOW AN EXISTING ACCESSORY STRUCTURE (CLASS II) THAT IS AESTHETICALLY COMPATIBLE (METAL) WITH THE MAIN DWELLING (STUCCO) TO BE 14 FEET IN HEIGHT WHERE TEN FEET SIX INCHES IS ALLOWED, TO BE LOCATED FOUR FEET FROM THE MAIN DWELLING WHERE SIX FEET IS REQUIRED AND FOR THE TOTAL BUILDING AREA OF ALL ACCESSORY STRUCTURES TO BE 2,250 SQUARE FEET WHERE 854 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.98 acres at 5312 Elkhorn Road (APN 125-13-802-006), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL.

FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

12

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

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 and Protest/Support Letters
7. Submitted after Meeting Recordation Notice of the Planning Commission Action and Conditions of Approval

Motion made by TODD L. MOODY to Approve subject to conditions

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

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

PLANNING COMMISSION MEETING OF: SEPTEMBER 13, 2011

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

STEVE GEBEKE, Planning, noted staff's recommendation for denial, as the applicant has not provided justification regarding extraordinary circumstances for such a request.

MR. and MRS. DONALD NEWBY appeared and MR. NEWBY noted that he was not able to attend the previous meeting, as he was out of town. A neighborhood meeting was held with two in attendance, and he was not aware of any opposition. He admitted his lack of due diligence in acquiring permits prior to construction. However, he was baffled that his structure was considered an accessory structure when he was simply trying to provide shade for his horses. They have invested substantial funds in ensuring their property is aesthetically pleasing and will be amenable to any of staff's or the Commission's recommendations to ensure the structure is acceptable.

TODD FARLOW believed the existing tree near the structure would provide additional shade as it matures.

COMMISSIONER MOODY referred to the overhead, as it was displayed depicting the resident near the NEWBYS that stood in support of the structure. The Commissioner agreed with MR. FARLOW'S comment, and MR. NEWBY explained to the Commission the difficulty in providing additional trees along the side of his property. COMMISSIONER MOODY was satisfied that this was an appropriate land use.

CHAIR TROWBRIDGE declared the Public Hearing closed.

