



*City of Las Vegas*

Agenda Item No.: 74.

**AGENDA SUMMARY PAGE - PLANNING  
CITY COUNCIL MEETING OF: SEPTEMBER 17, 2014**

DEPARTMENT: PLANNING  
DIRECTOR: TOM PERRIGO, ACTING

Consent  Discussion

**SUBJECT:**  
VAR-5435 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING -  
APPLICANT/OWNER: SHARON AND WIMMS - For possible action on a request for a Variance  
TO ALLOW ZERO-FOOT SIDE YARD SETBACK WHERE 5 FEET IS REQUIRED AND A  
FOUR-FOOT REAR YARD SETBACK WHERE 15 FEET IS REQUIRED FOR AN EXISTING  
ROOM ADDITION WITH NO INTERNAL ACCESS AND TO ALLOW AN EXISTING 10-  
FOOT TALL SIDE WALL (FENCE) WHERE EIGHT FEET IS THE MAXIMUM ALLOWED  
on 0.15 acres at 4420 Mark Avenue (APN 139-19-112-034), R-1 (Single Family Residential)  
Zone, Ward 5 (Barlow) (IR# - 4076). The Planning Commission (5-0 vote) and Staff recommend  
DENIAL.

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	4	Planning Commission Mtg.	0
City Council Meeting	4	City Council Meeting	2

**RECOMMENDATION:**

The Planning Commission (5-0 vote) and Staff recommend DENIAL. If Approved, subject to conditions:

**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 at Meeting - Site Photos by Jeffrey Owens and Previously Submitted Abeyance Request from the 8/20/2014 City Council Meeting by Mayor Goodman
8. Backup Referenced from the July 8, 2014 Planning Commission Meeting

Motion made by RICKI Y. BARLOW to Hold in abeyance to 10/1/2014

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0  
BOB COFFIN, RICKI Y. BARLOW, LOIS TARKANIAN, STAVROS S. ANTHONY,  
STEVEN D. ROSS, BOB BEERS; (Against-None); (Abstain-None); (Did Not Vote-CAROLYN  
G. GOODMAN); (Excused-None)

Minutes:

## PLANNING COMMISSION MEETING OF: September 17, 2014

MAYOR GOODMAN declared the Public Hearing open.

JEFFREY OWENS appeared on behalf of the applicant.

TOM PERRIGO, Acting Director of Planning, explained that no evidence of unique or extraordinary circumstances has been presented; therefore, the applicant has created a self-imposed hardship by constructing an addition without meeting setback requirements or building permits. Therefore, staff recommended denial.

MR. OWENS submitted updated photos showing that all issues have been corrected.

COUNCILMAN BARLOW stated that he visited the property and it appears that units have been built and are being leased to a number of individuals. The backup report does not indicate that the applicant has obtained permits for this type of renovation and all work completed was done illegally. MR. OWENS replied that they are trying to correct all issues. His understanding is that the addition already existed when the property was purchased by SHARON WILLIAMS.

MR. PERRIGO informed COUNCILMAN BARLOW that in July 2013 a Quit Claim Deed was recorded for a change of ownership to SHARON WILLIAMS and her husband, MR. WILLIAMS. Staff records indicate a number of Code Enforcement cases but there are no records of building permits obtained or issued.

COUNCILMAN BARLOW felt this item could not be approved without ensuring that the structure is safe and built to code. Licensed contractors would know that building permits are required. Given the lack of information, he would have to deny the application and direct Code Enforcement to make sure the structure is returned to its original state.

ASSISTANT CITY ATTORNEY BRYAN SCOTT reminded that the applicant would have to dismantle all of the structures not permitted and give the applicant a certain amount of time in which to accomplish this. In the event this is not done, Code Enforcement would then issue violations. COUNCILMAN BARLOW stated that he will allow Code Enforcement to do that because the structure could be a hazard to those living there. ASSISTANT CITY ATTORNEY SCOTT stated that all those people residing there would have to vacate the property immediately because the structure could collapse.

COUNCILMAN BARLOW requested a two-week abeyance so that CHRIS KNIGHT, Director of Building and Safety, and Code Enforcement could be part of this conversation. In the meantime, he asked that the structure be red-tagged to ensure no one is affected from this point on and evaluate the structure accordingly. He asked for MR. OWENS' commitment to ensure residents are vacated from the property.

CITY MANAGER ELIZABETH FRETWELL added that she is not sure if the property has been declared as an eminent hazard for relocation purposes. COUNCILMAN BARLOW directed staff to red tag only the illegal unpermitted structures.

**PLANNING COMMISSION MEETING OF: September 17, 2014**  
MAYOR PRO TEM ANTHONY declared the Public Hearing closed.

