



City of Las Vegas

Agenda Item No.: 66.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JUNE 13, 2017**

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

Consent Discussion

SUBJECT: VAR-6966 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ANGELA MURILLO For possible action on 6/13/17 for a Variance TO ALLOW A TWO-FOOT REAR YARD SETBACK AND A FOUR FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED PER THE EXISTING ZONING COVER on 0.06 acres located at 5663 Foxglove Fields Street (APN 125 2 072000), R-PD8 (Residential Planned Development - 8 Units per Acre) Zone, Ward 6 (Ross) [Item # 6770]. Staff recommends DENIAL.

P.C.: FINAL ACTION Unless Appeared Within 10 Days)

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	1	Planning Commission Mtg.	1
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Submitted after Final Agenda - Protest/Support Postcards

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

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0
TODD L. MOODY, VICKI QUINN, TRINITY HAVEN SCHLOTTMAN, GLENN TROWBRIDGE, CEDRIC CREAR, DONNA TOUSSAINT; (Against-SAM CHERRY); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

PETER LOWENSTEIN, Planning Section Manager, reported this item was before the Commission as a result of an open Code Enforcement case. The request is the result of a self-imposed hardship that would have been mitigated by the submittal and review of a building permit; as such staff recommended denial of the variance request. He noted additional letters of

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protest and support were received after publication.

CESAR GODINEZ, son of the applicants, explained the positioning of the structure with relation to the side yard setbacks. He stated the contractor that built the structure said everything was okay, but they received a notice that a permit was needed for the patio cover.

COMMISSIONER MOODY asked if the applicant had spoken to their neighbors. MR. GODINEZ stated some commented that they liked it, and they had heard no complaints. They tried to match it to the aesthetics of the house. COMMISSIONER MOODY stated one protest had been received after the final agenda had been submitted, so there was one neighbor that did not support it, but he was not sure how many houses away that person lived. The Commissioner agreed that the applicant did a good job matching the structure to the house, but it is close to the wall. He is sympathetic because there is not much room to begin with, and he can see what the applicant was trying to do.

COMMISSIONER QUINN also agreed that the applicant did a great job matching the house. She indicated she could support the request because it was next to a street and not right on top of a neighbor.

MR. GODINEZ confirmed for COMMISSIONER CREAR that they hired a contractor to build the structure who said no permit was needed. He explained they used the same contractor that did some concrete work for them. COMMISSIONER CREAR commented that this applicant received some bad advice from their contractor as did the previous applicant. He concurred with COMMISSIONER QUINN in that he could support this request because it backed up to the street.

CHAIR SCHLOTTMAN thought every applicant for a variance was now going to say they had a contractor build their project. If a licensed contractor does not obtain a permit, then they do not know what they are doing, and if they are unlicensed, then they should be turned into the State Contractors Board. He stated he was going to direct the City to start reporting these individuals to help avoid these issues. Although he does not like it when projects are built prior to obtaining the appropriate permits, he agreed with COMMISSIONERS QUINN and CREAR in that this is more acceptable since it backs up to the street.

CHAIR SCHLOTTMAN declared the Public Hearing closed.