



City of Las Vegas

Agenda Item No.: 15.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: APRIL 9, 2013**

**DEPARTMENT: PLANNING
DIRECTOR: FLINN BAGO**

☐ Consent ☒ Discussion

SUBJECT: VAR-4749 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM BIRTHISEL - For possible action on a request for a Variance TO ALLOW AN EXISTING ACCESSORY STRUCTURE CLASS 1B TO BE LOCATED IN THE FRONT YARD WHERE SUCH IS NOW PROHIBITED AND TO ALLOW SETBACKS OF NINE FEET IN THE FRONT YARD AND ZERO FEET IN THE SIDE YARDS WHERE 20 FEET AND FIVE FEET ARE REQUIRED, RESPECTIVELY on 0.19 acres at 1243 Barnard Drive (APN 162-05-114-009), R-1 (Single Family Residential) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

**MAY GO TO CITY COUNCIL ON 05/15/2013
OR MAY BE FINAL ACTION (Unless Appealed Within 10 Days)**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

10

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

10

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 Letters
6. Protest Postcards and Support Letters
7. Submitted after Final Agenda - Protest and Support Postcards
8. Submitted at Meeting Photos and Postcard Documentation by William Birthisel

Motion made by RICHARD TRUESDELL to Hold in abeyance to 05/14/2013

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

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

Minutes:

VICE CHAIR MOODY declared the Public Hearing open.

PLANNING COMMISSION MEETING OF: APRIL 9, 2013

PETER LOWENSTEIN, Planning Supervisor, read staff's report and recommended denial because of the self-imposed hardship created by the property owner.

WILLIAM BIRTHISEL, Applicant, submitted photos for the record depicting existing properties with similar additions. He reviewed a revised site plan, discussed some of the obstacles he is facing in order to obtain a special use permit and requested approval.

TODD FARLOW, Las Vegas resident, voiced his opposition.

COMMISSIONER QUINN reminded the Commissioners that this is a 60-year old division and most of the homes were not built with garages. She explained that she had driven through the neighborhood and stated that he is not doing anything different from the other 60 homes with similar structures. She voiced her complete support not only because the property is impeccable, but also because the applicant has the full support of his neighbors.

COMMISSIONER TRUESDELL voiced concern with what he interpreted as a lack of apology from the applicant in light of his blatant disregard for code requirements.

COMMISSIONER SCHLOTTMAN, having reviewed the submitted photos, stated that many of those homes appear to be in compliance with setback requirements.

COMMISSIONER BONAR received confirmation from MR. BIRTHISEL that there is a livable area that was added without the appropriate permits.

COMMISSIONER MOODY voiced concern that a contractor informed MR. BIRTHISEL that a variance would be required, yet MR. BIRTHISEL chose to ignore that advice.

COMMISSIONER MOODY had MR. RANKIN explain the process that the applicant is facing. MR. RANKIN stated that the process would be to grant a variance and then apply for a special use permit.

COMMISSIONER QUINN received clarification from MR. RANKIN that this is the easiest method for the applicant to meet code requirements.

MR. BIRTHISEL confirmed for COMMISSIONER GOYNES that he has construction experience and that he is confident with the safety of the structures.

MR. BIRTHISEL agreed to an abeyance.

VICE CHAIR MOODY declared the Public Hearing closed.