



City of Las Vegas

Agenda Item No.: 47.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT: VAR-7372 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: NILI NEU - For possible action on a request for a variance to ALLOW A FIVE-FOOT TALL SOLID FENCE ALONG PORTIONS OF THE FRONT AND SIDE PROPERTY LINES WITHIN THE FRONT YARD SETBACK AREA WHERE SUCH IS NOT ALLOWED on 0.68 acres at 1925 Silver Avenue (APN 162-110-076) R-E (Residence Estates) Zone, Ward 1 (Tarkanian) [PRJ-73715]. Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

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 Postcards and Protest/Support Documentation Not Vetted Protest Comment Form (1) and Support Comment Form (1)

Motion made by CHRISTINA ROUSH to Deny

Passed For: 4; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 1

CHRISTINA ROUSH, DONNA TOUSSAINT, TRINITY HAVEN SCHLOTTMAN, SAM CHERRY; (Against-LOUIS DE SALVIO, BRENDA J. WILLIAMS); (Abstain-None); (Did Not Vote-None); (Excused-VICKI QUINN)

NOTE: An initial motion for Approval by DE SALVIO failed due to a tie vote with ROUSH, SCHLOTTMAN and CHERRY voting No and QUINN excused.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

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STEVE SWANTON, Sr. Planner, reported that the applicant has fastened metal panels to the existing wrought iron fence along the driveway portions of the front fence and on a portion of the western side yard fence within the front yard setback area. Prior to the installation of the solid metal panels, the existing wrought iron fence was in conformance with Title 19. The hardship is self-imposed as the request is preferential and not related to the physical characteristics of the site; therefore, staff recommended denial. Additional protest and support documents were submitted after publication.

NILI NEU, applicant, stated that she wanted to have her gate locked due to the crime in the neighborhood and for privacy. She noted that a neighbor said that the fence on the property line belonged to him; however, she claimed that was not true as her home was built in 1959, and the fence on the side and the front are the same. MS. NEU added that the gates have keypads on the exterior, and she was willing to share that code with emergency personnel should they need to get inside the property.

KIRBY WELLS said he is the neighbor MS. NEU referred to. The application is to allow a five-foot tall solid fence along the front and sides of her property, and she has already affixed 10 panels to the wrought iron fencing, including the fence in front. He noted that he could show it was his fence as he had a permit from the previous owner to erect the fence. MR. WELLS claimed that MS. NEU ejected the panels in March to fence her short-term rental business. He thought that the fence looked terrible.

DOUG LAIDLAW stated that this is a historical neighborhood and is comprised exclusively of single family dwellings with either very open wrought iron fencing. This alteration is not in character with the intent of the design of the neighborhood or the specific zoning ordinance. He did not think that allowing a single resident to address a city-wide crime issue like this was a good solution. MR. LAIDLAW was opposed to this application and supported staff's recommendation for denial. He also hoped the removal of the panels takes place in a timely manner.

MS. NEU stated that there are five houses in the Scotch 80s neighborhood that have solid gates.

COMMISSIONER DE SALVIO stated that there are numerous houses in the area with similar fences. He was in support.

CHAIR CHERRY asked about the issue between the neighbors. ASSISTANT CITY ATTORNEY BRYAN SCOTT replied that a surveyor would have to survey the property and determine whose property line the fence lies on. That is a neighbor to neighbor dispute that cannot be solved at this meeting.

COMMISSIONER ROUSH asked if there were any short-term rental violations at this location, and MARY McELHONE, Deputy Director of Planning, replied that this is the location the City Council fined \$72,500 in February or March for running an illegal short-term rental operation. Staff went through a search warrant process through Airbnb, HomeAway and VRBO who

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provided the documentation shared with the City Council. COMMISSIONER ROUSH asked if the City had collected on that fine, and MS. McELHONE thought a small portion may have been recovered.

COMMISSIONER TOUSSAINT stated that the only issue for consideration is the fence. She agreed with COMMISSIONER DE SALVIO that there are many properties that have similar fences. Even though she does not like this type of fencing, she would support the application. She also mentioned that if there is a problem with the neighbor, there is a Neighborhood Justice Center that could help resolve that situation.

CHAIR CHERRY stated that the backup includes information regarding issues at the subject location and he was sitting with staff's recommendation.

Following the initial vote for Approval that failed, MR. SCOTT explained that if no alternate motion was made, this would move to the City Council with no recommendation. ROBERT SUMMERFIELD, Director of Planning, stated that this item would be final action at this meeting and wished to determine if the item failed. MR. SCOTT advised that an alternate motion should be made and if the item was denied, she would appeal to the City Council. Subsequently, the motion to deny carried and MS. SUMMERFIELD explained to MS. NEU that she could appeal the denial to the City Council within 10 days.

CHAIR CHERRY declared the Public Hearing closed.

