



City of Las Vegas

Agenda Item No.: 58.

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: SEPTEMBER 12, 2017

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD ACTING

☐ Consent ☒ Discussion

SUBJECT:

VAR-7123 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JAMES WULFF -
for possible action on a request for a variance TO ALLOW A THREE-FOOT SIDE YARD
SETBACK WHERE 10 FEET IS REQUIRED FOR A PROPOSED 944 SQUARE-FOOT
ACCESSORY STRUCTURE (CLASS 1) [GARAGE] on 0.40 acres at 4001 Tyler William Lane
(APN 138-01-810) - R-PD2 (Residential Planned Development - 2 Units per Acre) Zone,
Ward 5 (Barlow) [P] [12/13/17] Staff recommends DENIAL.

C.C.: 10/18/2017

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

7

City Council Meeting

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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. Support Postcards
7. Submitted after Final Agenda - Protest Postcards/Comment Forms and Support Postcards
8. Submitted at Meeting - Support Postcard Submitted by James Wulff

Motion made by SAM CHERRY to Approve subject to conditions

Passed For: 5; Against: 2; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

SCOTT RUEDY, Sr. Management Analyst, reported that the application is for the construction
of a 944 square-foot accessory structure three feet from the side property line. No evidence of a

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unique or extraordinary hardship to justify the variance has been presented. Staff recommended denial.

JAMES WULFF, the applicant, stated that his truck is too long to fit in the garage, and the configuration of the lot is difficult. A neighbor was approved for a three-foot setback, and he thought he would get approved as well. He wants to secure his truck and RV, given recent incidents with people going through the neighborhood and into backyards.

The following individuals, who are area residents, appeared in support of this request because they feel the garage fits with the neighborhood: CAROL WICKLEAKER, GREG (Art Committee member) and JERRY (Board of Directors member for Rancho San Miguel Homeowners Association) HALVERSON, JERRY McGRATH, BARRY SCHULTZ, RAY GODFREY, BARRY SCHULTZ and CHET KOEHLER (President of the Board of Rancho San Miguel Homeowners Association).

MR. HALVERSON mentioned that the Art Committee approved the design. MR. McGRATH agreed that the lot is odd shaped, making it difficult to back up an RV with which MR. SCHULTZ agreed, adding that the owner is trying to secure his belongings. MR. KOEHLER pointed out there are no homes in the neighborhood with full-size casitas and garages, including his property, and that the addition is in accordance with NR 700. He commented that denial of Item 38 (VAR-71002) is an injustice. MS. HALVERSON said this structure is nothing out of the ordinary for the neighborhood and indicated that the neighborhood association members volunteer and are voted in to serve, and the residents know who the members are. She has served for many years.

COMMISSIONER ROUSH stated that homeowners associations are for the purpose of protecting neighborhoods. She wondered if the CC&Rs (Covenants, Conditions and Restrictions) for this neighborhood allow casitas because according to what she saw in the file, they are not allowed. She commented that they are an epidemic and wondered if they are being rented out. She does not believe it is fair to take away neighbors' views by constructing accessory structures. She expressed her opposition to this application and to the distance from the neighbors.

MR. WULFF assured the Commissioners that he has the neighbors' support, and he submitted a support postcard for the record from one of his neighbors who could not be present. CHAIR SCHLOTTMAN noted that this involves an irregular shaped lot.

COMMISSIONER CREAR requested the issue of the CC&Rs be addressed. MR. KOEHLER commented that there are three different documents and started to explain; however, ASSISTANT CITY ATTORNEY BRYAN SCOTT interjected that this matter involves the garage, not the casitas and that the City cannot enforce CC&Rs. They are a private matter and discussion on the topic is out of line. COMMISSIONER CREAR said he would like to know. ASSISTANT CITY ATTORNEY SCOTT insisted that there would be no bearing on the Commission's decision even if accessory structures are not allowed because the Commission does not enforce the CC&Rs, but said it was up to the Chair to allow further discussion on this topic.

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MR. KOEHLER stated that they are allowed through Thoroughbred Management who maintains the homeowners association. He added that there is no coercion, and he volunteers as president because no one else has volunteered. COMMISSIONER TOUSSAINT emphasized that association documents cannot be interpreted by this body and agreed with MR. KOEHLER that it is very difficult to get people to serve on boards and not uncommon to have husband and wife serving.

COMMISSIONER CLEAR discussed with MR. WOLFF that he could not meet the required setback because he would have to make his structure smaller and would not be able to fit his recreational vehicles in the structure. The structure will be the same height as the house.

COMMISSIONER CHERRY supported this application because the lot is oddly shaped and the applicant has done everything within his power to obtain the neighbor support.

See Item 4 and 28 for related discussion.

CHAIR SCHLOTTMAN declared the Public Hearing closed.

