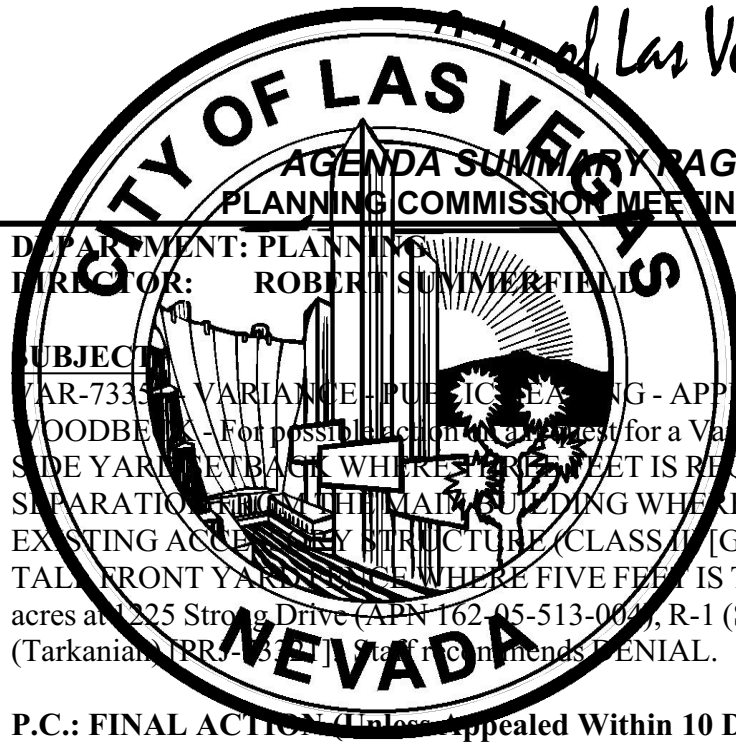




City of Las Vegas

Agenda Item No.: 67.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JULY 10, 2018**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: VAR-7335 - A VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: FRANK R. WOODBEN - For possible action on a request for a Variance TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED; A ZERO-FOOT SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR AN EXISTING ACCESSORY STRUCTURE (CLASS II [GARAGE]); AND A SEVEN-FOOT TALL FRONT YARD FENCE WHERE FIVE FEET IS THE MAXIMUM ALLOWED on 0.32 acres at 225 Strong Drive (APN 162-05-513-004), R-1 (Single Family Residential) Zone, Ward 1 (Tarkenton) [RR-13371]. Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

6

Planning Commission Mtg.

6

City Council Meeting

0

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 Postcard
7. Documentation Not Vetted - Support Comment Forms (2)
8. Submitted after Final Agenda Protest/Support Postcards and Documentation Not Vetted Altered Support Postcards (5), Protest Comment Form (1), Support Comment Forms (26), Faxed Support Postcards (4), Support Letter (1) and Support Telephone Log (1)

Motion made by VICKI QUINN to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

PLANNING COMMISSION MEETING OF: JULY 10, 2018

Minutes:

This item was called forward and heard after Item 91.

CHAIR CHERRY declared the Public Hearing open.

NICOLE EDDOWES, Senior Planner, stated that staff made the requested Variance to be a self-imposed hardship as there is no evidence of a unique or extraordinary circumstance to warrant no direct access to the garage or a front yard fence that exceeds the height allowed by Title 19.06; therefore, staff recommended denial of the application. MS. EDDOWES noted that additional letters of support and protest have been received since publication.

FRANK WOODBECK, applicant, stated he purchased the subject property with his wife five years ago in this historic McNeil Neighborhood. In following the due diligence of their realtor, Title Company and the Veterans Administration, they thought their home was without encumbrances. However, on January 23, 2018, Code Enforcement informed them that the garage and surrounding fence were out of compliance and needed to be removed. In response, MR. WOODBECK wrote a detailed letter to the Code Enforcement Department and City leadership requesting clarity as to why action was being taken, as well as for the documentation on which these findings were based. He then received a letter dated February 12, 2018 stating that the violation needed to be corrected by February 27, 2018. He felt this was an unfair finding because there was no building on the property, yet they were being cited for alleged violations they had not performed. MR. WOODBECK explained that since living there, they have worked to improve the property value with landscaping and additional security lighting and believe they have been good, responsible neighbors. Finally, he stated that in reviewing the Clark County Accession Documents, including the diagram of their property, he believed they include structures just as they exist today.

Referencing a residential appraisal record on the other side, which was not submitted for the record, MR. WOODBECK explained that their garage was constructed 41 years ago under the permit noted on the residential appraisal record. MR. WOODBECK explained that when he consulted with the previous owner who ordered the construction of the fence, this owner reported that he obtained a permit for construction and constructed the fence in 2003, which was considered aesthetically consistent with the home and neighborhood. In regard to the garage, MR. WOODBECK pointed out that it currently goes to the lot-line rather than the prescribed three-foot setback, and the neighbors garage comes to the property line as well.

Further, he reported that they have an application from October 1976 in which ARTHUR ADAMS requested a Variance for a five-foot setback for construction of the garage; however, the application was withdrawn. MR. WOODBECK then displayed a subsequent letter from MR. ADAMS dated October 26, 1976 that was addressed to RICHARD WILLIAMS in the City Planning Department. In the letter, MR. ADAMS requested to withdraw the application for the Variance and indicated that he understood he could build a garage as long as there was a breezeway between the garage and house since the house was a corner home. MR. ADAMS then asked that his check for \$100 be returned to him. At the bottom of the letter was a

PLANNING COMMISSION MEETING OF: JULY 10, 2018

handwritten note signed by a gentleman known as RICK, which stated that he had informed MR. ADAMS to come in and pick up his money. Given these events, MR. WOODBECK considered this to be an attestation of the agreement to the contents of the letter.

In the interest of time, CHAIR CHERRY asked MR. WOODBECK to continue with information specific to the application. MR. WOODBECK then displayed photos of the fencing around the property and respectfully requested approval without restrictions and conditions.

ASSEMBLYMAN CHRIS BROOKS, BRIAN KNUDSEN, JEFF ROGAN, TAMMY FERNANDEZ, LAURA McSWAIN, RICHARD KOSZEGI, SHAWN WALDMAN, MARK WINER, BOB APPLE and SCOTT SWANK all spoke in support of MR. WOODBECK, noting that the construction of the fence and garage both fit in well with the neighborhood, and that they are beautiful additions to the neighborhood.

COMMISSIONER QUINN thanked MR. WOODBECK for taking the time to come to the meeting and for bringing his neighbors. She stated that this was nothing more than a house keeping item that needed to be addressed.

See Item 6 for related discussion.

CHAIR CHERRY declared the Public Hearing closed.

