



City of Las Vegas

Agenda Item No.: 26.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: JANUARY 22, 2019**

DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD

Consent Discussion

SUBJECT: MVR-752 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: MICHAEL ERIC CATMULL. For possible action on the part of a Waiver TO ALLOW A THREE-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED AND ZERO PARKING SPACES WHERE FOUR ARE REQUIRED FOR A PROPOSED TWO-FAMILY DWELLING at 415 North 9th Street (Area 2) (79-34-312-096) R-3 (Medium Density Residential) Zone, Ward 5 (Crear) [PRJ 74918]. Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	0	Planning Commission Mtg.	0
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

Motion made by BRENDA J. WILLIAMS to Deny

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

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

Minutes:

CHAIR CHERRY declared the Public Hearing open.

STEVE GEBEKE, Planning Supervisor, stated the applicant is proposing to convert a single family residence into a duplex residence. The existing structure does not meet the required setbacks from the side and rear property line, and no parking is provided on site. As the site is located within Area 2 of the Downtown Las Vegas Overlay District, these discrepancies are addressed through a Waiver, rather than the usual Variance. As a Waiver, it is not necessarily

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subject to the determinations required for a Variance; however, the applicant has provided no evidence of hardship related to the site for the request, and staff recommended denial as a self-imposed hardship.

MICHAEL CATMULL, applicant/owner, explained he was requesting approval due to the squatters inside his property who are conducting drug dealings and leaving copious amounts of trash. He displayed photos of such which were not submitted for the record. He indicated Code Enforcement continually charges him fines because of this trash. Additionally, there are noise issues and transients coming and going from the property. He described the attempts he has made to have the squatters removed and stated they are illegally stealing power from NV Energy.

His goal is to finish plans and start construction on a low-income rent duplex which he estimated would take approximately one month. He bought the property in 2017 and has had several issues with regard to the right-of-way and some of the property owned by the City of Las Vegas; that has since been resolved. He reiterated he has made continued efforts to resolve the squatter problem including plans to go to the Constables Office.

COMMISSIONER WILLIAMS expressed confusion why MR. CATMULL was discussing squatters when the agenda item related to parking. MR. CATMULL explained if the Commission approved this item, he could then move forward with the plans he mentioned.

COMMISSIONER WILLIAMS stated based on what she has read and seen, she cannot support this request. She wondered if the structure was in compliance and why it had not been torn down. MR. CATMULL stated his plans are in compliance if he can get them approved. The Commissioner reiterated she could not support this request.

MR. CATMULL stressed the importance of parcel lines and made reference to his neighbors side yard being his property. If the Commission voted to deny his request, he asked how he would go about addressing this with his neighbor. CHAIR CHERRY informed MR. CATMULL that matter was not something the Commission dealt with.

COMMISSIONER SCHLOTTMAN commented this area is where his and COMMISSIONER WILLIAMS wards meet. It is a unique house with exterior stone that was built in the 1940s. The six to eight lots in the area are awkward, with this particular parcel having nine different sides. Due to how the house is situated with regard to the right-of-way and the highway, the Commissioner thought there would always be parking in the area and he could support the request.

COMMISSIONER WILLIAMS thanked COMMISSIONER SCHLOTTMAN for his comments but indicated she could not support building a duplex with no parking.

Subsequent to the vote for denial and ROBERT SUMMERFIELD, Planning Director, announcing this was final action, MR. CATMULL asked what that meant. CHAIR CHERRY explained the application did not pass, but he could appeal to the City Clerk within 10 days if he

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wished for it to be heard before the City Council. He referred MR. CATMULL to staff for further direction.

CHAIR CHERRY declared the Public Hearing closed.