



City of Las Vegas

Agenda Item No.: 30.

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

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: VAR-7521 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SARAH AND DANIEL MASONZALES - 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; AN ACCESSORY STRUCTURE THAT IS NOT AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT AND A HEIGHT THAT EXCEEDS THE MIDPOINT BETWEEN THE EAVES AND RIDGELINE OF THE PRINCIPAL DWELLING FOR AN EXISTING ACCESSORY STRUCTURE [PATIO COVER] at 5036 Maverick Street, APN (125-35-714-013), Zone R-D (Single Family Residential-Restricted), Ward 4 (Anthony) [PRJ-75113]. Staff recommends DENIAL.

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

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

Planning Commission Mtg.

6

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
6. Submitted after Final Agenda - Support Postcards and Documentation Not Vetted - Protest/Support Comment Forms (2)
7. Submitted at Meeting - RV Cover Photographs and Support Documentation Not Vetted - Petition (25) and Letter (1)

Motion made by DONNA TOUSSAINT 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, LOUIS DE SALVIO, VICKI QUINN, BRENDA J. WILLIAMS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

PLANNING COMMISSION MEETING OF: JANUARY 22, 2019

Minutes:

CHAIR CHERRY declared the Public Hearing open.

ERIC McCAMMOND, Senior Management Analyst, stated the applicant is requesting a Variance to allow an existing accessory structure (patio cover) to have a zero-foot side yard setback where three feet is required, a zero-foot separation from the main building where six feet is required, and to not be aesthetically compatible with the principal dwelling as required. As no evidence of a unique or extraordinary circumstance was presented, staff concluded that the hardship is preferential in nature and recommended denial. He noted additional letters of protest and support were received since publication.

DANIEL and SARAH GONZALEZ, applicants, were present. MR. GONZALEZ stated because of what they were told by the developer and there was no Homeowners Association where they purchased their home, they thought everything was good, but after having the structure built, Code Enforcement cited them. He apologized for not realizing they were noncompliant. He realized ignorance of the law was not acceptable, but asked for leniency. This is an extensive cover for their RV that cost a lot of money and for which they would like a Variance.

COMMISSIONER TOUSSAINT stated she spoke to MR. GONZALEZ on the phone and drove by the property, noting the structure is even bigger than what it appears in the photograph. The Commissioner stated she is a rule follower, and rules are put in place to protect the public. When they spoke on the phone, she had asked the applicant to get the neighbors to sign off on their request. The neighbor on the side of the property did not appear to have a problem with it; she was unsure of the neighbor behind. There are other structures in the area that are not quite as large as this, and unfortunately, the applicant was led to believe something that was not true. After talking to MR. GONZALEZ, seeing the application, emails and communication from the neighbors, she stated she could support a one-time Variance.

CHAIR CHERRY added based on the testimony, the backup provided, the approval of the neighbor and that the structure is aesthetically pleasing, he would support the Variance as well.

CHAIR CHERRY declared the Public Hearing closed.