



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

DEPARTMENT: PLANNING

DIRECTOR: ROBERT SUMMERFIELD

☐ Consent ☒ Discussion

SUBJECT:

VAR-7468 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: TOMAS RAMIRO RECHE-A. MAC ET AL. For possible action on a request for a Variance TO ALLOW A ZERO-FOOT SIDE AND REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING 500 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS II) [CASITA] on 0.14 acres at 713 Digger Lane (APN 138-36-711-013), R-1 (Single Family Residential) Zone, Ward 1 (Tarkanian) [PRJ-74523]. Staff recommends DENIAL.

C.C.: 1/16/2019

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

3

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/Support Postcards

Motion made by SAM CHERRY to Approve subject to conditions

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

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

Minutes:

CHAIR CHERRY declared the Public Hearing open.

ERIC McCAMMOND, Sr. Management Analyst, reported that the applicant is requesting a Variance for an existing Accessory Structure (Class II). The original structure was constructed as a workshop with permits but has been expanded with the addition of a full kitchen, bedroom, and

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bath. This request would allow the expanded structure to remain, subject to building permits, but the kitchen would have to be removed as it is not part of the request and would require the approval of an additional Special Use Permit. The structure is the subject of an open Code Enforcement case. Staff recommends denial as there are no unique or extraordinary circumstances presented. MR. McCAMMOND noted that additional letters of protest and support have been submitted since publication.

ADAM CASTILLO, on behalf of the applicant, stated that the property was purchased by the applicant the way it is, who learned of this violation after Code Enforcement came to check on the property. MR. CASTILLO explained that the applicant needs the space for the parts and is willing to work with the City in order to move forward.

MR. CASTILLO affirmed for CHAIR CHERRY that the kitchen portion of the structure had already been taken out of the building.

COMMISSIONER DE SALVIO wondered why Code Enforcement had to come to the applicant's home, and MR. CASTILLO explained that in 1993, a permit was approved for the kitchen, and he affirmed for the Commissioner that the permit was never finalized. After noticing the error, Code Enforcement followed up with the revision, which resulted in this public hearing.

CHAIR CHERRY felt that he could approve this request since the applicant was proactive in taking out the kitchen. He understood that this item would need to go through another inspection to ensure the plumbing, electrical, and structural work if approved.

STEVE GEBERT, Planning Supervisor, affirmed for CHAIR CHERRY and ASSISTANT CITY ATTORNEY BRYAN SCOTT that Condition 2 states the existing full kitchen facility shall be removed and that the building permits are covered under Condition 5. In response to MR. SCOTT'S reference that the word kitchen seems a little vague, ROBERT SUMMERFIELD, Planning Director, clarified that a kitchen is defined by Title 19 code.

CHAIR CHERRY declared the Public Hearing closed.