



**LAS VEGAS  
CITY COUNCIL**

CAROLYN G. GOODMAN  
*Mayor*

BRIAN KNUDSEN  
*Mayor Pro Tem*

CEDRIC CREAR  
VICTORIA SEAMAN

OLIVIA DIAZ  
FRANCIS ALLEN-PALENSKE  
NANCY E. BRUNE

MIKE JANSSEN  
*City Manager*

OFFICE OF THE  
CITY CLERK

**LUANN D. HOLMES**  
CITY CLERK

**CITY HALL**

495 S. MAIN ST.  
LAS VEGAS, NV 89101  
702.229.6011 | VOICE  
702.382.4803 | FAX  
711 | TTY



cityoflasvegas | lasvegasnevada.gov

August 26, 2024

Dean Allen  
1420 Marina Del Rey Court  
Las Vegas, Nevada 89117

RE: Planning Commission Appeal Confirmation  
24-0040-VAR1 and 24-0040-SUP1

Dear Mr. Allen:

The City of Las Vegas has received your request for appeal of the Planning Commission decision on August 13, 2024. The notification fee of \$1,000 (\$500 for 24-0040-VAR1 and \$500 for 24-0040-SUP1) for the appeal has been collected and the item is scheduled to be heard at the September 18, 2024 City Council Meeting. You will also receive a postcard confirming this date.

Please contact the City Clerk's office at 702-229-6311 or the Community Development Department at 702-229-6301 in the event you have any questions.

Sincerely,

**LUANN D. HOLMES, MMC**  
City Clerk

/gpb

cc: Community Development Department

Koshir Melissa and Margalit Jonathan  
1421 Marina Del Rey Court  
Las Vegas, Nevada 89117

Joey Deblanco  
Las Vegas Civil Engineering  
2251 North Rampart Boulevard, No. 418  
Las Vegas, Nevada 89128

DEL REY ESTATES HOMEOWNERS ASSOCIATION

RECEIVED

2024 AUG 26 AM 8:21

OFFICE OF THE CITY CLERK

Dean Allen  
President  
Anthony Mark  
Secretary  
Gren Norris  
Treasurer

Re: City Council Appeal for:  
Variance Request 24-0040 VARI1 and 24-0040 SUP1  
Jonathan Margalit & Melissa Koshir  
1421 Marina Del Rey Ct  
Las Vegas, Nevada 89117

To: THE CITY OF LAS VEGAS COUNCIL MEMBERS

The Homeowners Association and Homeowners are applying for an appeal to Las Vegas Planning Commission approval to the Variance Request by waiving the City of Las Vegas set-back requirements.

The applicants have requested a waiver to the set-back to nine (9) feet on side property facing Del Rey Avenue and a five (5) feet corner set-back to the rear property boundary, expanding to six (6) feet along the proposed building structure. The set-back requirements for the City of Las Vegas are fifteen (15) feet.

The original application requested a six (6) feet variance for the side property to be heard on April 9, 2024 Planning Commission Meeting. It was postponed at the last minute. It was again postponed on May 14 and June 18, 2024. Since the Homeowners petition was not presented on April 9, a two copies of the letter, petition and 11 pictures were sent to Commissioner Rogan on the morning of April 10, 2024. Jonathan Margalit sent a text notice to Homeowners on May 14 inviting a meeting with Commissioner Rogan on May 18 at his home driveway which Mr. Margalit did not attend. Commissioner Rogan was seeking some form of compromise which the four homeowners attending the meeting stated they would look at a proposal but adamantly opposed to location proposed. Commissioner Rogan has had no conversation with the Homeowners until August 7 when he was emailed wanting to know what is the changes as he was very aware and had been aware for nearly two months. He had been in communication with the applicant or the consultant (Las Vegas Engineering) between June and the week prior to August 13 meeting. No communication with the Homeowners.

The new modification of nine (9) feet street Facing wall but no change to rear set-back (5 feet corner and 6 feet rear) was recommended approval by Commissioner Rogan and it was approved. The Homeowners are firmly opposed to the approved set-back and the location of the Casita. The Casita could easily be placed on the North side of the residence with no variations needed (see picture). The is entirely a case of "because the homeowner wants it there". This is a one-half acre property with more than adequate space. The Staff recommendation of Denial was ignored. We fully understand the Commission can approve reasonable variance requests as they should have that flexibility. They cannot ignore the homeowners in the ten-home development. The neighbors surrounding this property have expressed opposition and including Mr. Kenneth Ho whose home is adjacent to back wall of the Margalit property.

To City of Las Vegas Council Members  
Page two

The Approval by the Planning Commission in violation of Title 19.16.140 (B).

It is undisputed that the location of the proposed Casita is purely a personal preference.

There is no hardship issue with the desired location meaning limited space available, other restrictions on the half-acre property that would restrict placement of Casita, only because the homeowner "wants" it there. Again, there is space for the Casita on this property without a variance

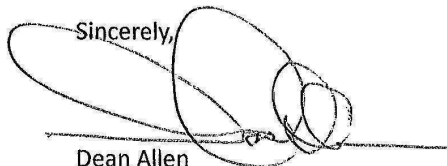
Attached you will find the Staff Report Page Three which specifically states:

In accordance with the provisions of Title 19.16140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. **Relieve a hardship which is solely personal, self-created or financial in nature.**

The Las Vegas City Council should honor the Appeal and deny the Planning Commission approval for Casita in homeowner's personal preference location.

Thank you for your review of this matter that extremely important to homeowner in the development.

Sincerely,  


Dean Allen  
1420 Marina Del Rey Ct.  
Las Vegas, Nevada 89117  
(702) 210-6619  
deanallen897@gmail.com

Attachments:

1. Picture of Margalit/Koshir property on north side of residence
2. Planning staff picture of south side of residence
3. Kenneth Ho letter
4. Page three of Planning Commission Staff report
5. Diagram of Casita location
6. Letter from Las Vegas Civil Engineering









24-0040 [VAR1 AND SUP1] - APPLICANT/OWNER: MELISSA KOSHIR AND JONATHAN MARGALIT  
1421 MARINA DEL RAY COURT

02/28

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site is not physically suitable for the intensity of the proposed Residential, Accessory Dwelling Unit use. This is evidenced by the requested Variance (24-0040-VAR1) of corner side yard setback requirements, which staff cannot support.

Gentlemen,  
We are the owners of 7140 Del Rey Avenue. This is the property immediately to the west of 1421 Marina del Rey Court. Initially, we indicated to Mr. Margalit that we did not oppose the casita, but he told us that it would be 15 feet from our property and that the trees would remain. We have now learned of the application for a waiver making the casita 6 feet from our property. Had we known this, we would have not agreed.

We oppose application 24-0040, 24-0040 Var1 and 24-0040 Sup1.



Kenneth Ito

RECEIVED  
CITY OF LOS ANGELES  
PLANNING DEPARTMENT  
JUL 10 2024

Item 24  
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**Staff Report Page Three**  
**August 13, 2024 - Planning Commission Meeting**

Staff finds the subject site to not be physically suitable for the intensity of the land use proposed as evidence by the requested Variance. No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff is recommending denial of the Special Use Permit and associated Variance. If approved, both entitlements will be subject to conditions.

**FINDINGS (24-0040-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

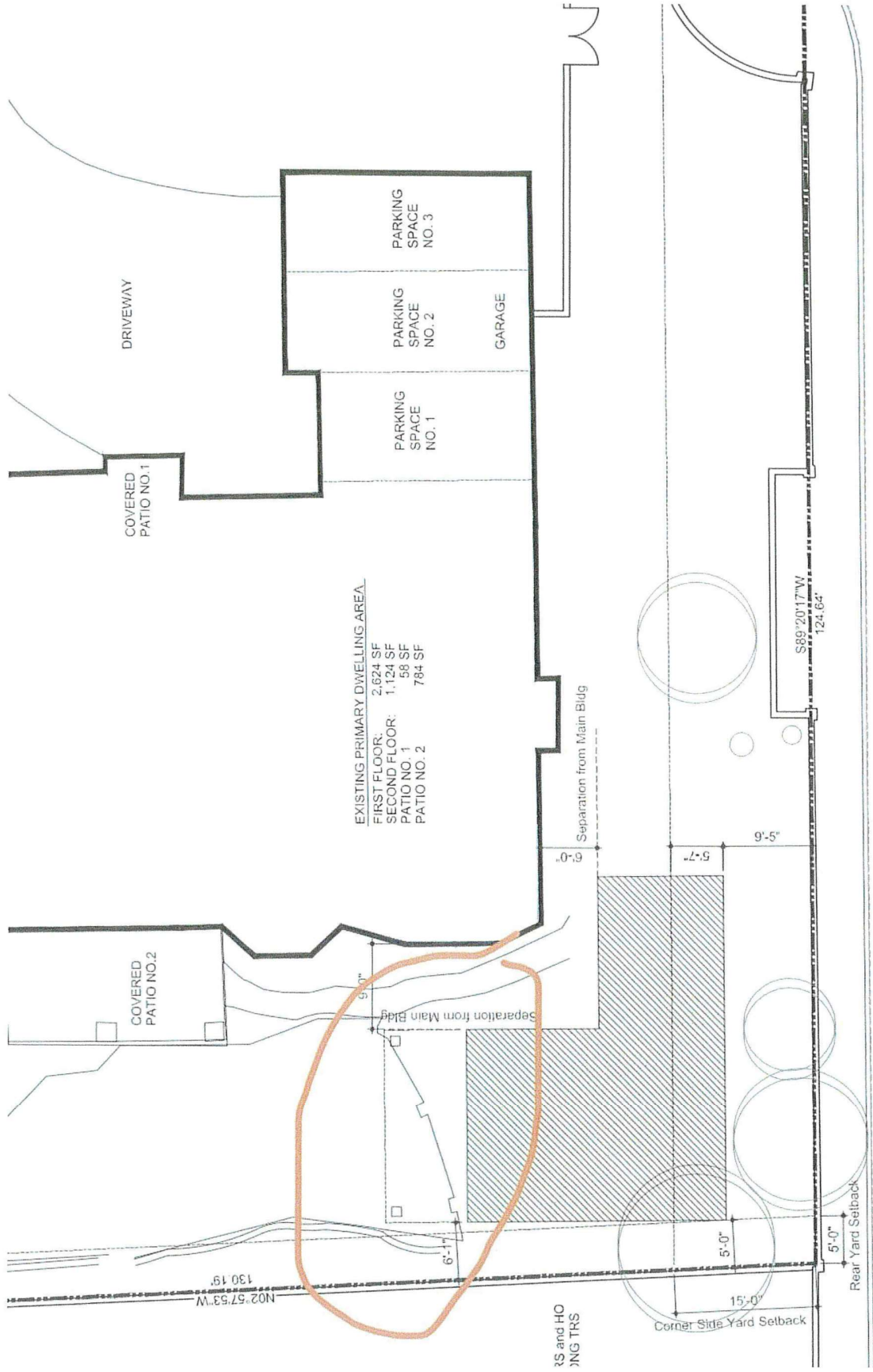
"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a Residential, Accessory Dwelling Unit within the corner side yard and Patio Cover within the rear yard setback. Moving the Residential, Accessory Dwelling Unit and Patio Cover such that setbacks are met would meet Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

**FINDINGS (24-0040-SUP1)**

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

CG



DEL REY AVE.



Wednesday, June 12, 2024

City of Las Vegas Planning Department  
495 S Main St,  
Las Vegas, NV 89101

Re: *Abeyance Letter*  
*Application 24-0040*



To Whom It May Concern,  
The applicant wishes to push this application to the August 13th Planning Commission meeting so that changes made from the neighborhood meeting may be re-notified.

Warmest Regards,

Joey DeBlanco  
Las Vegas Civil Engineering

*Submitted after final agenda*

RECEIVED 06/12/24  
06/18/24 PC MEETING  
ITEM 22, 22a, 22b



CITY OF LAS VEGAS  
DEPARTMENT OF CITY CLERK

Operator ID: SMAYS

Transaction: 399699

Reference #:

Today's Date: 08/26/2024 8:25:03 AM

Posting Date: 08/26/2024

Account Description	Account Number	Amount Due
GENERAL FUND.Meeting Management.Miscellaneous Fees.Meeting Services	100000.04401.270100.C21000.000.000	\$ 1,000.00
Total Amount Due		\$ 1,000.00

Method of Payment	Number	Authorization	Amount Paid
Check	104		\$ 1,000.00
Tendered			\$ 1,000.00
Change			\$ .00

Customer Information:

Dean Allen  
1420 Marina Del Rey Ct  
Las Vegas, NV 89117

Comments:

8-13-2024 PC APPEAL 24-0040 VAR1 & SUP1



CITY OF LAS VEGAS

Date

August 26, 2024

INTER-OFFICE MEMORANDUM

<b>TO:</b> DEPARTMENT OF COMMUNITY DEVELOPMENT	<b>FROM:</b> CITY CLERK
<b>SUBJECT:</b> APPEAL OR CITY COUNCIL REVIEW INFORMATION ON PLANNING COMMISSION ACTIONS	<b>COPIES TO:</b>

This is to certify that the following action relative to the Planning Commission decision on the application of:

**FILE NO.:** 24-0040 [VAR1 AND SUP1]

**APPLICANT:** APPLICANT/OWNER: MELISSA KOSHIR AND JONATHAN MARGALIT

**WARD:** Ward 1 (Knudsen)

Appeal by applicant or any other aggrieved person:

☒ Yes

☐ No

Review requested by City Council:

☐ Yes

☒ No

August 26, 2024  
DATE

  
DEPUTY CITY CLERK

DEPARTMENT OF COMMUNITY DEVELOPMENT INFORMATION:

Date of Planning Commission Action

August 13, 2024

Last day for filing an appeal by applicant or any other aggrieved person. (Appeal period is 10 days after the date of the PC decision).

August 26, 2024

Last day for a review being requested by the City Council. (Review period is 10 days after the date of the PC decision.)

August 26, 2024

Set Date: 9/4/2024  
C.C. Date: 9/18/2024