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Date: April 10, 2025

BY ELECTRONIC MAIL &

U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Paul Harvey

2980 Harbor Cove Dr.

Las Vegas, NV 89128

paul@servicesnevada.com

pandppropertyservicesllc@gmail.com

Re: Harbor Cove HOA / Our File No. 2462.001 / Planning Commission Decision and Cease & Desist Demand of Front Yard Wall Construction

Mr. Harvey:

As you know, the City of Las Vegas Planning Commission approved your variance request at the April 8, 2025 hearing for the construction of the front yard wall at 2980 Harbor Cove Dr. This approval was granted despite significant opposition from the Harbor Cove community, and I trust you are already aware of the key arguments presented during the hearing.

While the Planning Commission has made its decision, the Harbor Cove Homeowners Association ("Association") continues to have serious concerns regarding the procedural issues surrounding the approval process. Specifically, the failure to secure the necessary approvals from both the Harbor Cove Architectural Review Committee ("ARC") and the Desert Shores Master Association is a significant point of contention. According to Section 8.2 of the Harbor Cove CC&Rs, no improvement or alteration may be commenced until the plans have been submitted and approved by the ARC. Furthermore, approval from the Desert Shores Master Association is required for exterior improvements within the community, as outlined in Section 19 of the Rules and Regulations:

*Any exterior work, (including landscaping and exterior painting), done to the property **must be approved in writing by the Board of Harbor Cove and the Architectural Review Committee of Desert Shores PRIOR TO the start of the work.** No building, structure or improvement may be erected, restored, repaired or altered upon any lot until the location and complete plans and specifications have been approved in writing by the Board." (emphasis added).*

Submitted at City Council

Date 5/21/25 Item 47

By: David Brown

Additionally, the Association believes there is a lack of supporting evidence for the claimed hardship that the Planning Commission relied upon for its decision. In light of these concerns, the Association has decided to pursue an appeal of the Planning Commission's decision to the Las Vegas City Council. This will allow the Association to further challenge the variance and address the procedural and legal issues that remain unresolved.

As such, the Association is formally demanding that you cease and desist from any construction or alterations related to the proposed front yard wall until the proper approvals from both the Harbor Cove ARC and the Desert Shores Master Association are obtained. Continuing the project without these approvals could lead to enforcement actions by the Association, including the assessment of fines and other remedies as provided in Section 15.1, which states:

Breach of any of the provisions contained in this Declaration or the Bylaws and the continuation of any such breach may be enjoined, abated or remedied by appropriate legal proceedings instituted by any Owner, including Declarant so long as Declarant owns a Lot, by the Association or the successors-in-interest of the Association. Any judgment rendered in any action or proceeding pursuant hereto shall include a sum of attorneys' fees in an amount as the court may deem reasonable, in favor of the prevailing party, as well as the amount of any delinquent payment, interest thereon, costs of collection and court costs. (emphasis added).

Please confirm, in writing, your compliance with this cease and desist request by **April 17, 2025**.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

/s/ David M. Bray

David M. Bray, Esq.

Corporate Counsel for Harbor Cove Homeowners Association



04-10-2025

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DECLARATION OF THE BOARD OF DIRECTORS
FOR THE HARBOR COVE HOMEOWNERS ASSOCIATION
IN OPPOSITION TO VARIANCE REQUEST 24-0640-VAR1

We, the undersigned members of the Board of Directors of the Harbor Cove Homeowners Association ("Association"), declare and state as follows:

1. We are current members of the Board of Directors for the Harbor Cove Homeowners Association and submit this declaration in our official capacities in response to the pending appeal of Variance Request No. 24-0640-VAR1, submitted by Alan Paul Harvey ("Applicant") for the construction of a front yard wall at 2980 Harbor Cove Drive, Las Vegas, NV 89128.

2. The Harbor Cove Board of Directors is composed of five (5) members. Mr. Harvey, the applicant, has been recused from all discussions, votes, and official actions concerning this matter. Of the remaining four directors, three (3) have reviewed the variance request and executed this declaration in opposition, which constitutes a formal majority of the Board and reflects the official position of the Association.

3. As outlined in the Association's formal opposition letter submitted to the City of Las Vegas Planning Department on March 26, 2025, a majority of the Board of Directors opposes the Applicant's variance request for the following reasons:

a. The Architectural Review Request submitted by the Applicant in May 2024 was not properly approved under the Association's Governing Documents. At the time, the Board consisted of three (3) members (including Mr. Harvey, who recused himself), and the remaining two members—Mr. Patrick Sampson and Mr. David Giudici—split their votes. Mr. Sampson opposed the request. As no majority vote occurred, the application failed.

b. Despite the failed vote, an approval letter was mistakenly issued due to administrative error. That approval was later revoked by management after further review.

1 c. The Applicant did not submit a required application to the Desert Shores Master Association
2 ("Master Association") and did not obtain approval. This was confirmed by the Master
3 Association's community manager. Accordingly, the request remains deficient under the
4 Master Association's governing requirements.

5
6 4. In our collective judgment, the variance request is procedurally defective, lacks required
7 approvals, and undermines both the Harbor Cove and Desert Shores architectural and planning
8 standards.

9
10 5. Further, the Association has received strong community opposition to this variance.
11 Over seventy (70) homeowners, representing at least fifty (50) addresses, have submitted
12 signed objection letters to the Planning Department.

13
14 6. Based on the foregoing, the undersigned confirm that a majority of the Board, and
15 therefore the Association as a whole, formally opposes Variance Request No. 24-0640-VAR1
16 and respectfully requests that the Las Vegas City Council overturn the City of Las Vegas
17 Planning Department approval of the variance request.

18
19 We declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
20 true and correct.

21 Executed on this 18th day of May, 2025.

22
23 PATRICK SAMPSON

21 Executed on this 18th day of May, 2025.

22 ELLEN SCHUNK
23

24
25 Executed on this 18 day of May, 2025.

26 KAREN ANDREWS
27 KAREN ANDREWS
28