

August 13, 2024 Planning Commission Meeting

Opposition to 24-0004 Margalit Variance

Brief History: HOA created in 1995 with development of 10 one-half acre lots. Home mostly constructed by Sun West Homes. The Homes in the one million dollar and above range. All the home are unique in appearance and design. Homeowners are diligent in maintaining appearance and upkeep.

1421 Marina Del Rey Court: located at the front of the neighborhood, facing Del Rey Avenue and adjacent to the gated entrance. The lot size of this property is 22,215 sq. ft (.51 acre). The residence main level and 3 car garage occupy 3401 sq. ft. The exterior wall is 5 feet block wall facing the street with a sidewalk and approximately 5 feet from the street edge.

Application for Variance: the Homeowners and Association first learned of the proposed location when receiving the Post Card from the Planning Commission. We learned the design and variance request by the Commission online posting. After discovery of the 6 feet variance application, it was communicated with the homeowners who absolutely oppose the request.

April 9, 2024 Planning Commission. Homeowners and Association attended the meeting to oppose the request. The Variance Request was postponed when it was nearing the case discussion on the agenda. **April 10, 2024.** Since the matter was postponed, a letter was sent to Commissioner Jeff Rogan along with 2 copies of the presentation packet for the meeting. At a later date a copy was hand carried to the Planning Commission office to ensure the information was in the file.

Show Del Rey Opposition Letter

May 14, 2024 Planning Commission Meeting. A slight blue line addition of hedge or trees placed along the wall. That language is contained in the document for this meeting. The application was postponed. Let's read the language.

Vague and ambiguous is a good description. If you wanted to detail what they would entail, it would not what this language says. Show picture- that qualifies live hedge or trees.

On May 16, Commissioner Rogan met with 3 Board members and 1 resident in the Margalit driveway. While the conversation centered looking a compromise to satisfy all parties, nothing was discussed in terms of changes at this meeting. The residents are adamantly opposed to the requested location of the Casita. Following conversation, Rogan met with Margalit who was in his house and did not attend the meeting.

Submitted at Planning Commission

Date 8/13/24 Items 25a and 25l

By: Dean Allen

June 10, 2024 Planning Commission Meeting. The application was again postponed until the August 13, 2024 meeting.

On June 12, 2024, Joey DeBlanco representing Jon Margalit sent a revised print to the Planning Commission. At no time has there been any communication or documents shared with the Homeowners Association.

It wasn't until last week we could the language in the portal and a print was sent to us from Commissioner Rogan that we could the "modified" plan.

Show the February print, the June print and address the changes.

9 Feet side, 5 feet at corner and 6 feet to rear wall. Floor plan revision and added Patio.

A duck is still a duck. Nothing has change except adjusting the Casita plan to get from 6 feet to 9 feet. The location is visibly negative at the front of our development. It is still ugly with additional 3 feet.

Show picture where it would be located. Marked picture. This will be at least 8 feet above the wall including roof and more when you consider the elevation difference to street level and a 5-foot wall.

We understand the reason the Variance option available to the Commission and is very logical for minor variance especially where there is a hardship due space. Location a carport or want to cover a patio when many homes are on space restricted property. Your Staff will give you information based on the strict code and regulation language. You should have the authority for reasonable modifications that are not adverse to the surrounding area or property restrictions that may need some adjustments.

This is not a minor request and there is no reason for the proposed location. The staff mentions reasons for denial six times in their study.

The most compelling the paragraph it says the hardship is preferential in nature.

Read paragraph.

Margarlit has stated in text to neighbors "I am the homeowner, this is private property"

In other word "I can do what I want". While that may be true for many things, not when it violates codes and architectural standards. This is not a reason to approve a Variance.

Show picture of the other side of patio. There is plenty of options that do not require a This is what I want variances.

Kenneth Ho Letter

Del Rey Estates Homeowners Petition Opposing the Variance Request 24-0040-VARI1 to allow a six (6) foot corner side yard setback where fifteen (15) feet is required for a proposed residential, accessory dwelling unit (Casita)

Brief history: Del Rey Estates and the Del Rey Estates Homeowners Association was created in 1995. The development of 10 homes on half (1/2) acre parcels was constructed in mid-late 1990's to early 2000's.

The homes in Del Rey Estates are presently in the one million dollar or higher range. All of the homeowners have been diligent in maintaining the residences to a high standard. All of the homes have been in compliance to the Homeowners Association in terms of favorable presentation and maintenance. Homeowners have complied with the C, C & R's and Architectural Standards. There are no homes with setback variances. There are no homes with accessory dwellings.

1421 Marina Del Rey Court. The residence is a two-story home with an attached three car garage. The home footprint is 3401 square feet on the main level including the garage. The total square footage of the home is 3985 square feet. The lot is 22,215 square feet. The south border is Del Rey Street and the west border is a private residence not a part of the Homeowners Association.

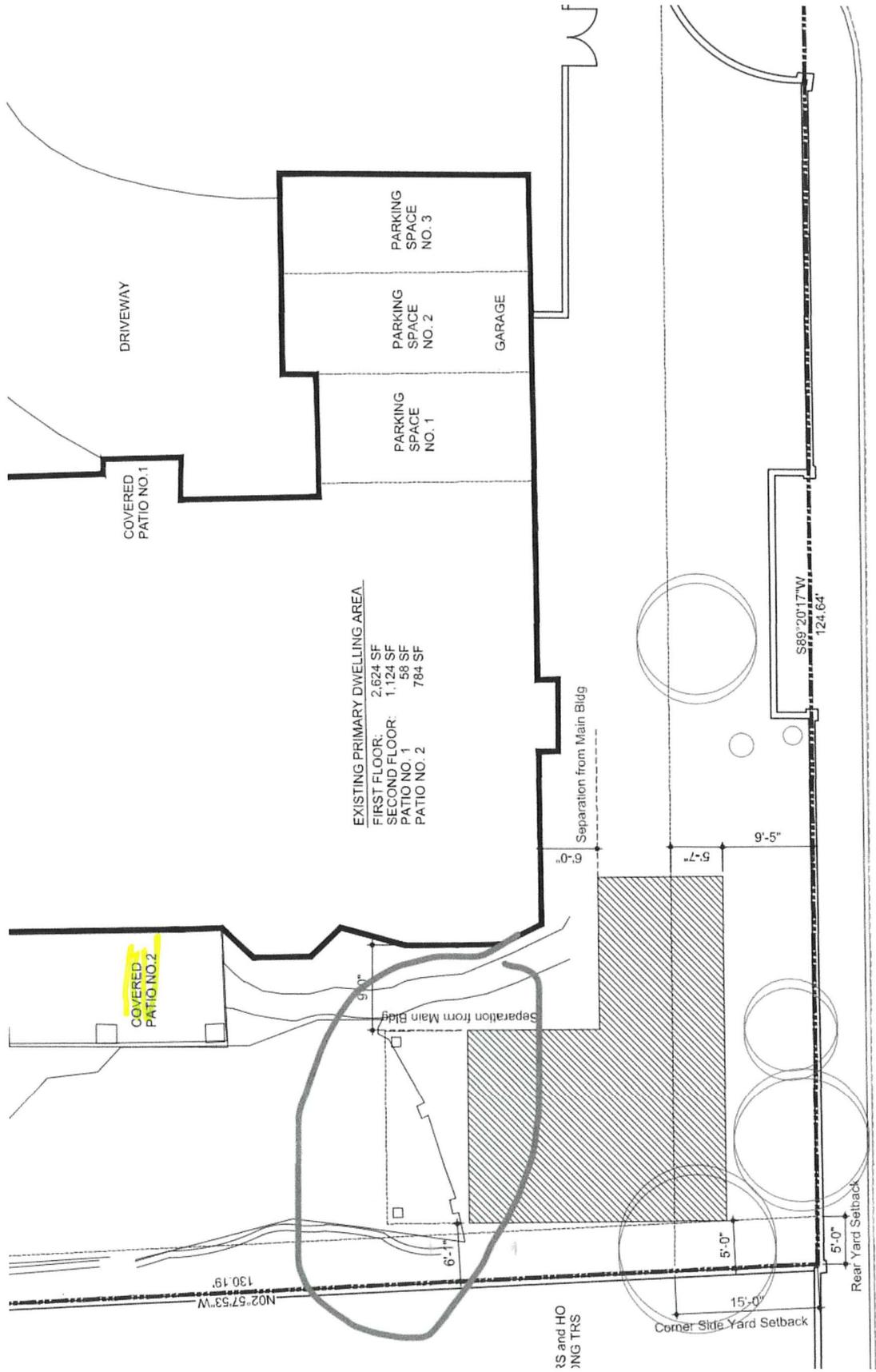
Impact of a six (6) foot variance. First it would create an "eyesore" appearance as you have a building next to the wall with only a "wingspan" separating the two. The distance between the building wall and the street would be approximately 11 ½ feet which includes the wall thickness and the sidewalk. Currently there are mature trees along the wall on the property giving some level of privacy and a favorable appearance. Those trees would have to be removed with a six-foot variance. The property is elevated from the street, so the building structure would be highly visible giving an undesirable appearance.

It should be noted the homeowners have NOT communicated with the Homeowners Association in any manner regarding the planned "Accessory Dwelling". There has been no discussion, no building plans and no architectural information. This is in violation of the CC&R's and the Architectural Standards. The Association does not know what is being built other than "Casita" as described in your notice. All construction is prohibited until there is an Association approval.

We are strongly opposed to the Variance Request and ask that it be denied.

1300 Marina Del Rey Court


Anthony Mark



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

1301 Marina Del Rey Court



David Hand

1320 Marina Del Rey Court



Gren Norris

1321 Marina Del Rey Court



Rudy Washington

1340 Marina Del Rey Court



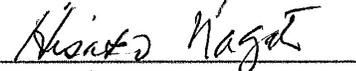
Brian Berman

1341 Marina Del Rey Court



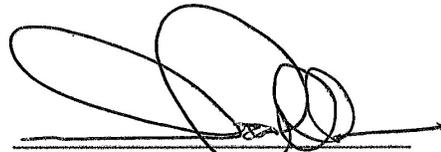
Scott Aney

1400 Marina Del Rey Court



Hisako Nagata

1420 Marina Del Rey Court



Dean Allen

**** CONDITIONS ****

24-0040-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a nine-foot corner side yard setback where 15 feet is required for a proposed Residential, Accessory Dwelling Unit.
2. A Variance is hereby approved, to allow a six-foot rear yard setback where 15 feet is required for a proposed Patio Cover.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Division.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

24-0040-SUP1 CONDITIONS

Planning

1. Landscaping such as a live hedge or trees, shall be planted to screen the Residential, Accessory Dwelling Unit [Casita] along the south and east property lines.
2. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Residential, Accessory Dwelling Unit use.



2021

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. Margilft 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 Ho

RECEIVED
APR 08 2024
Dept. of Planning
City of Los Angeles

Item 24
P

**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



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

02/28/24



Letter to Support the Margalit Family Casita Special Use and Variance Application 24-0040.

I live near the Margalit Residence and I am in support of the casita being built in the southwest corner of their property within their southerly setback.

First Name: Anne Ho

Last Name: Ho

Address: 7140 Del Rey Ave Las Vegas, 89117



Submitted at Planning Commission

Date: 8/13/24 Items: 25a and 25b

By: Joey DeBlanco

Letter to Support the Margalit Family Casita Special Use and Variance Application 24-0040.

I live near the Margalit Residence and I am in support of the casita being built in the southwest corner of their property within their southerly setback.

First Name: Jeremiah P. Carroll II

Last Name: Carroll II

Address: 7185 Del Rey Ave

Jeremiah P. Carroll II

Letter to Support the Margalit Family Casita Special Use and Variance Application 24-0040.

I live near the Margalit Residence and I am in support of the casita being built in the southwest corner of their property within their southerly setback.

First Name: BUDDHADEB

Last Name: DANN

Address: 1401 Marina Del Rey Ct.
Las Vegas, NV 89117



Letter to Support the Margalit Family Casita Special Use and Variance Application 24-0040.

I live near the Margalit Residence and I am in support of the casita being built in the southwest corner of their property within their southerly setback:

First Name: *Cathy Kelly*

Last Name: *Sasha Hume*

Address: *7195 Del Rey Ave*

A handwritten signature in cursive script, appearing to read "Cathy Kelly".