

City of Las Vegas

AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: JULY 19, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: KRIVICKAS CONSTRUCTION

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0246-HPC1	Staff recommends DENIAL, if approved subject to conditions.	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

NOTICES MAILED Newspaper Notification Only

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0246-HPC1 CONDITIONS

Historic Preservation Commission

1. The property owner shall obtain a Certificate of Appropriateness application prior to receiving a building permit for exterior work visible from the public right-of-way.
2. If the appeal is granted, 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is appealing the decision of the Historic Preservation Commission (HPC) to deny an application for a Certificate of Appropriateness application for an addition to the residence located at 1819 Beverly Way, which is within the boundaries of the Beverly Green Historic District.

ISSUES

The unapproved addition introduced different materials that are inconsistent from the house as it appeared in 2016 when it was included within the historic district:

- The height of the addition is taller than the original doorway.
- The asphalt shingles do not match the color of the shingles on the house.
- The gabled roof does not match the hipped roof on the house.
- The stone cladding does not match the size or color of the stones on the house.
- The black iron gates do not match the existing doors and windows on the house.
- The scrollwork design on the black iron gates do not match the color or design elsewhere on the house.
- The site does not meet Title 19 corner-side yard setback requirements.

ANALYSIS

Owners of properties listed on the City of Las Vegas Historic Property Register must submit a Certificate of Appropriateness application prior to receiving a building permit for exterior work. This requirement is cited in the City of Las Vegas Unified Development Ordinance Title 19.10.150: HD-O Historic Designation Overlay District:

- Section K (1): A pre-application conference with the Historic Preservation Officer (HPO) is required prior to submitting a building permit or other required development or zoning permit whenever it is proposed to alter, remodel, build, or otherwise develop an Historic Landmark, District, Site, Building, Structure or Object, or an Historic Landmark, Site, Building, Structure or Object located within a designated Historic District, and a building permit or other development or zoning permit is required for such work, the applicant must first obtain the approval of the Historic Preservation Commission (HPC) in accordance with this Section.

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- Section K (2): In order to obtain review pursuant to this Subsection, the applicant must submit to the HPO the following: An application for a Certificate of Appropriateness on such form(s) as may be established for the purpose, which shall be signed, notarized and acknowledged by the owner of record or the owner's authorized agent of the property where review of alteration or new construction is sought.
- Section K (4) b: The HPC may deny an application upon determining "That proposed work on any portion of a contributing Historic Landmark, District, Site, Building, Structure or Object within an Historic District will not be compatible with the recognized distinctive character of the Historic Landmark, District, Site, Building, Structure or Object itself, with the character of the entire District, or with the Design Guidelines that have been adopted for the District."

The Beverly Green Historic District was added to the Las Vegas Historic Property Register on September 21, 2016. All properties located within the Beverly Green Historic District must submit a Certificate of Appropriateness application before embarking on any alterations, remodeling, additions, development or removal of materials from the exterior features and characteristics of the residence as can be viewed from the public-right-of-way. A Certificate of Appropriateness application must be approved before building permits are issued.

A wood, stone and metal addition measuring approximately 10 feet in height and 62 square feet in size was added to the south side of the residence sometime in April 2022. The addition has the appearance of a vestibule or entryway fronted by metal gates. A Certificate of Appropriateness application was not submitted for 1819 Beverly Way prior to the construction of the addition to the residence.

Code Enforcement received citizen complaints for unpermitted and unapproved construction on the residence starting on April 27, 2022. Code Enforcement Case Number CE22-02173 was opened and the property owner was advised of the requirements of completing and submitting a Certificate of Appropriateness application, as well as building permits.

The Historic Preservation Officer advised the property owner via phone, email, in-person, and through the citizen building permit on-line portal on ten separate occasions between June 6, 2022 and March 23, 2023 of the requirement to complete and submit a Certificate of Appropriateness application.

Construction was started and completed without the submission of a Certificate of Appropriateness application or building permits.

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A Certificate of Appropriateness application was submitted on April 22, 2023 and was heard at the May 24, 2023 Historic Preservation Commission meeting where the application was denied as the addition is not compatible with the recognized distinctive character of the Beverly Green Historic District.

Staff is recommending the applicant remove the existing addition and request a pre-application meeting with the Historic Preservation Officer to discuss the submittal for a new Certificate of Appropriateness for improvements that are reflective of a Mid-Century Modern design and materials that conform to the historic character of the Beverly Green Historic District. The Construction should not begin until the Certificate of Appropriateness is approved and all building permits are issued.

In addition, the existing entry addition is located approximately seven feet from the corner side-yard property line where 15 feet is the minimum required. This encroachment into the established setback area further demonstrates the inappropriateness of the applicant's request. If the appeal is granted and the addition is allowed to remain, the applicant will be required to submit a Variance application prior to the issuance of building permits.

FINDINGS (23-0246-HPC1)

The applicant did not meet with the HPO prior to starting construction, nor was an application for a Certificate of Appropriateness submitted prior to starting construction. As a result, the unapproved and unpermitted constructed addition is not compatible with the recognized distinctive character of the Beverly Green Historic District. Therefore, staff is recommending denial of the appeal.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/24/23	Applicant appeared at the Historic Preservation Commission meeting for the Certificate of Appropriateness application (Case Number: 23-0246-HPC1). The Commission did not approve the application as the work did not conform to requirements in Title 19.10.150.
12/02/22	Property owner submitted a pre-application meeting for a planning variance (101782-PRE). That case was closed and the applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a pre-meeting with a Planning Case Officer can take place.
11/08/22	Property owner submitted building permit for same work (Case Number R22-18331). Applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.
11/03/22	Inspection Number: 873551 and 881033 (Part Passed)
07/27/22	Inspection Number: 871993 (Fail)
07/11/22	Inspection Number: 871032. Posted Notice and Order at front door.
07/05/22	Notice and Order Request for Case Number CE22-02173 issued.
06/27/22	Inspection Number: 869688.
06/15/22	Property owner submitted building permit for same work (Case Number R22-09299). Applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.
06/10/22	Property owner submitted building permit for same work (Case Number R22-09001). Applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.
06/10/22	Property owner submitted building permit (Case Number R22-08988). Applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.

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Related Relevant City Actions by Planning, Fire, Bldg., etc.	
06/07/22	Code Enforcement (Inspection Number 866967) observed an addition attached to the residence constructed without a permit. Applicant was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.
06/07/22	Property owner was advised that the property is registered as a historic property on the Las Vegas Historic Property Register and a Certificate of Appropriateness application is required before a building permit can be approved.
04/27/22	Citizen complaint filed. Code Enforcement Case Number CE22-02173 opened regarding citizen complaint of possible unpermitted two-story extension to the front of the home. Three additional citizen complaints were filed for the same unpermitted and unapproved construction on 05/13/22, 05/16/22 and 05/31/22.

Most Recent Change of Ownership	
09/10/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/24/20	Installation of second driveway approved (Case Number L20-0030).
09/28/18	Installation of a replacement Heating, Ventilation, Air Conditioning Unit approved (Case Number R18-12999).

Pre-Application Meeting	
12/01/22	A pre-application request (101782-PRE) was received for a security door at 1819 Beverly Way. The applicant was advised to contact Dr. Diane Siebrandt to discuss the requirements for a Certificate of Appropriateness for a security door and the pre-application request was closed.

Field Check	
05/18/23	Staff preformed a routine field check and photo documented the addition. No further changes observed on the addition.
11/03/22	Staff preformed a routine field check. No changes observed on the addition.
07/27/22	Staff preformed a routine field check. No changes observed on the addition.

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Field Check	
07/11/22	Staff preformed a routine field check. Posted Notice and Order at front door.
06/27/22	Staff preformed a routine field check. The addition looks to be completed with a roof, shingles, a window, stone cladding, metal gates and a stucco finish on the upper portion of the addition painted yellow.
06/07/22	Staff preformed a routine field check and photo documented the addition. Further work has been completed on the addition, stone cladding is now covering the wood up to the bottom of the window.
05/16/22	Staff preformed a routine field check and photo documented the addition. The addition is under construction but appears to be near completion. Addition is constructed of wood, drywall, a window installed near the top of the addition, a roof and metal gates.

Details of Application Request	
Site Area	
Net Acres	0.2

Surrounding Property	Address	Historic Designation
Subject Property	Single Family Residential	Beverly Green Historic District
North	Single Family Residential	Beverly Green Historic District
South	Single Family Residential	Beverly Green Historic District
East	Single Family Residential	Beverly Green Historic District
West	Single Family Residential	Beverly Green Historic District

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Beverly Green	N*
Special Area and Overlay Districts	Compliance
HD-O (Historic Designation Overlay) District	N*

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

* The existing house entry is not compatible with the recognized distinctive character of the Beverly Green Historic District.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply for the R-1 Zoning District:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	8,712 SF	Y
Min. Lot Width	60 Feet	70 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	15 Feet	Y
• Corner	15 Feet	7 Feet	N*
• Rear	15 Feet	15 Feet	Y

*If the appeal is approved, the applicant will be required to obtain a Variance for corner-side yard setback encroachment prior to the issuance of a building permit.

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Beverly Way	Local Street	Title 13	50	Y
Canosa Avenue	Local Street	Title 13	50	Y