



Clark County Department of Development Services
Building Division
4701 W. Russell Road
Las Vegas, NV 89118-2231

CLARK COUNTY COMBINED BOARD OF BUILDING APPEALS

MINUTES of July 5, 2012

MEMBERS PRESENT: Chairman Larry Nelson, P.E.
Brock Fraser
Ed Kittrell, Arch.
John A. Martin, Jr., P.E.
Rob Finnegan, P.E.
Robert Potter
Rocco Prock
Sam Palmer, P.E.

STAFF PRESENT: Clifford Jeffers, Deputy District Attorney
Ron Lynn, Building Department
Greg Franklin, Building Department
Amy Cheng, Building Department
Gabrielle Schilling, Building Department

APPELLANTS PRESENT: Frank E. Stafford, So. Nevada Regional Housing Authority
Vicki Hainsworth King, Mountain Vista Development Inc.
Ken Small, SSA Architecture
Ernie Podaca, SSA Architecture
Malcolm Hunt, Creative Play LLC
Suzanne Thomas, ADA & Disability Consultant

A. Call to Order

The meeting was called to order at 9:04 a.m. by Chairman Larry Nelson, P.E.

1. Introductions were made around the table.
2. It was determined by Chairman Nelson that a quorum was present.

B. Public Comment.

There was no public comment forthcoming.

C. Approval of Minutes.

Minutes of the January 10, 2012 hearing were approved as written.

D. Simmons Manor Shade Structure, Alternate Materials and Methods Request.

Ken Small, Architect of Record presented for the owner, Southern Nevada Regional Housing Authority. He had assumed when they got the plans back red stamped that the shade structure, which he believed to be of Type II-B construction, was included in the approval and covered by the permit. However, the permits clearly state the scope is for Tenant Improvement only. When the sub-contractor applied for his permit, he was informed the shade structure was not authorized to be constructed nor was there authorization to do a deferred submittal. The materials had already been ordered and received before it came to their attention that the shade structure was not approved. Mr. Small requested that the Board treat the shade structure as a carport rather than a cabana and requested the material be accepted, as it complies with ASTM E84-06 with a rating of "0" and "0" test results.

Amy Cheng presented for the Building Department and noted that the shade structure had in fact not been approved and could not be considered as a carport rather than a cabana by the department's interpretation of the codes. The structure's size and setback were factors in this determination. The shade structure would require sprinklers and a 10 ft. separation from the building. Director/Building Official Ron Lynn suggested there were three possible options to resolve the issue:

1. Move the structure to comply with the required separation from the building;
2. Predicate upon the fire department's acceptance; or
3. Build the shade structure out of another material.

Suzanne Thomas, ADA & Disability Consultant, suggested an additional option would be to look at this from the ADA/disability point of view. Children with handicap disabilities would not be able to use the play area without protection from the sun, which would be discrimination.

Referring to the plans, Chairman Larry Nelson suggested if they cut the canopy back on one corner it would reduce the size and setback. It would require engineering calculations, etc. Following additional suggestions and feedback, Chairman Nelson closed the public portion of the hearing and opened the floor to Board discussion. After a brief period, the hearing was again opened to the public.

Board member Ed Kittrell made the following motion:

- The structural components of the shade structure may be placed as indicated upon the plans. No portion of the roofing material may be less than 10 feet from the adjacent structure. Signage is to be placed that there is to be no BBQ or open flames under the shade structure. The owner is to confirm in writing that the shade structure shall not be used for storage of combustible or non-combustible items.
- The above information, accompanied by the proposed plans, is to be submitted to the Fire Department.
- Predicated upon Fire Department approval, this is a one-time acceptance.

- It is noted that an additional mitigating factor is the work was required through a settlement with the Department of Justice for ADA compliance.

The motion was seconded by Board member Sam Palmer, P.E., and was passed with a vote of 7 ayes and 1 nay.

- E. Receive updates from Clark County Department of Development Services-Building Division. Ex Officio member Ron Lynn announced the department is now officially the “Building Department.” The Board of County Commissioners agreed that it would be less confusing to the public/our customers if we changed the name from Development Services. Since offsites and zoning plans examination are no longer part of this department, it better reflects our true role. Permits and inspections are up slightly, and through some cutbacks in expenditures we are now running in the black. Our IT Manager, Dan Owens, retired recently. However, we are tendering an offer to a replacement for him. The department sold the 2nd story of the building to the County and it is now occupied by Air Quality. We are also renting space to Risk Management and Public Works.
- F. Public Comment.
No public comments were forthcoming.
- G. Set Next Meeting Date and Location
Unless there is an appeal to be heard, the next meeting will take place approximately six months from the date of this meeting, in January 2013. The meeting will be held at the Clark County Department of Development Services offices located at 4701 W. Russell Road, Las Vegas, NV 89118, in Conference Room 1116a. Gabrielle Schilling will coordinate dates with members of the Board.
- I. Adjournment
The meeting was adjourned at approximately 10:34 a.m. by Chairman Nelson.

Respectfully submitted,

Ronald L. Lynn
Director/Building Official
Ex-Officio Member, Combined Board of Building Appeals

RLL:gjs