



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-15657 - APPLICANT/OWNER: IAN ROBINS

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. The applicant shall acquire all necessary permits from the Department of Building and Safety.
3. This property is listed on the Las Vegas Historic Property Register and is therefore subject to additional review by the City of Las Vegas Historic Preservation Commission per LVMC Title 19.06.090.
4. The applicant may construct the attached garage and rear addition behind the building as shown in the applicants site plan.
5. The applicant may not construct any addition to the front façade.
6. The applicant may construct an addition to the west façade of the building provided the south wall of the addition is set back no less than fifteen (15) feet from the southwest corner of the existing front façade.
7. The applicant may not remove and replace any windows and doors on the front façade or that may be viewed from the street.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant requests for a Variance to allow a rear yard setback of seven feet where 15 feet is the minimum setback required for a proposed room addition at 831 Park Paseo.

EXECUTIVE SUMMARY

The applicant is adding a new garage and room additions to their existing historically designated house. The garage expansion of the existing house encroaches into the 15-foot rear yard setback by seven feet. The hardship is self-imposed and staff cannot make a finding for approval.

BACKGROUND INFORMATION

A) Related Actions

- 08/23/06 The Historic Preservation Commission approved with conditions the applicants request for an addition to their historically designated house at 831 Park Paseo. The conditions were the following: the applicant may construct the attached garage and rear addition behind the building as shown in the applicants site plan; the applicant may not construct any addition to the front façade; the applicant may construct an addition to the west façade of the building provided the south wall of the addition is set back no less than fifteen (15) feet from the southwest corner of the existing front façade; the applicant may not remove and replace any windows and doors on the front façade or that may be viewed from the street.
- 09/21/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #34/jm).

B) Pre-Application Meeting

- 07/21/06** **In addition to a discussion with the applicant on the** standard elements of a Variance application, the applicant was asked to explain in their justification letter why the encroachment into the setback area is necessary for their expansion. As well, the applicant was asked to provide a site plan, a floor plan and show elevations of each side of the expansion.

C) Neighborhood Meetings

A neighborhood meeting is not required for a Special Use Permit, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.18

B) Existing Land Use

Subject Property: Single Family Residential
 North: Office Building
 South: Single Family Residential
 East: Single Family Residential
 West: Single Family Residential

C) Planned Land Use

Subject Property: L (Low Density Residential)
 North: C (Commercial)
 South: L (Low Density Residential)
 East: L (Low Density Residential)
 West: L (Low Density Residential)

D) Existing Zoning

Subject Property: R-1 (Low Density Residential)
 North: P-R (Professional Office and Parking)
 South: R-1 (Low Density Residential)
 East: R-1 (Low Density Residential)
 West: R-1 (Low Density Residential)

E) General Plan Compliance

The subject property is shown on the Southwest Sector Land Use Plan of the General Plan. The Plan designates the future land use for this property as L (Low Density Residential). The property is zoned R-1 (Single Family Residential), which is a zoning permitted in the Low Density Residential designation. There are no specific General Plan policies directly related to this Variance request.

| SPECIAL DISTRICTS/ZONES | Yes | No |
|---|------------|-----------|
| Special Area Plan | | X |
| Special Overlay District | X | |
| John S. Park Historic District | X | |
| Trails | | X |
| County/North Las Vegas/HOA Notification | | X |
| Development Impact Notification Assessment | | X |
| Project of Regional Significance | | X |

The property is located in the John S. Park Historic District and designated a historic structure by the Las Vegas Historic Property Register. Therefore, per LMVC 19.06 the following applies:

Whenever it is proposed to alter, remodel, build, or otherwise develop or landscape property that is designated as a Landmark or Historic Property, or that is 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 HPC in accordance with this Subchapter.

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

| Standards | Required | Requested | Compliance |
|----------------------|---------------------|------------------|-------------------|
| Min. Lot Size | 6,500 sq. ft | 7,841 sq. ft | Y |
| Min. Lot Width | 65 Feet | 80 Feet | Y |
| Min. Setbacks | | | |
| • Front | 20 Feet | 38 Feet | Y |
| • Side | 5 Feet | 5 Feet | Y |
| • Corner | 15 Feet | NA | Y |
| • Rear | 15 Feet | 7 Feet | N |
| Max. Lot Coverage | 50 % | 41% | Y |
| Max. Building Height | 2 Stories / 35 Feet | 14 Feet | Y |

The subject deviation is to reduce the rear (north) yard setback to seven feet, where a minimum setback of 15 feet is the standard.

B) General Analysis and Discussion

The property is in the Historic John S. Park Neighborhood and has been designated a historic structure by the Historic Planning Commission. The applicant is proposing to expand their existing 1,266 square foot house built in 1942 to 3,243 square feet. The applicant is adding a new garage and room additions to their existing historically designated house. The garage expansion of the existing house encroaches into the 15-foot rear yard setback by seven feet.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070L 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. An alternative site configuration would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 273 by City Clerk

APPROVALS 0

PROTESTS 0