

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-16497 - APPLICANT/OWNER: KEN BERRYDANE

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/ld) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-16498), if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval to allow a 14-foot setback in the front yard where 25 feet is the minimum required per the site plan date stamped 10/30/06.

**** STAFF REPORT ****

PROJECT DESCRIPTION

As part of the construction of a new single-family residence, the applicant is seeking to build a porte-cochere and a Habitable Accessory Structure (pool house). The porte-cochere in the front yard does not meet the setback standards of the Rancho Bel Air Development Agreement. The standards were established by Site Development Plan Review (Z-0057-78) and states that a 25-foot setback is required in the front yard. The applicant is seeking a 44 percent deviation from setback standards in the front yard.

Revised plans were submitted depicting that the portion of the variance dedicated to the rear yard setback is no longer required. The applicant has rotated the Habitable Accessory Structure (pool house) to accommodate the required setback.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/02/78	The City Council approved a Site Development Plan Review (Z-0057-78) for the Rancho Bel Air subdivision. The Planning Commission recommended approval.
10/19/06	A companion Special Use Permit (SUP-16498) was held in abeyance.
11/16/06	A companion Special Use Permit (SUP-16498) will be heard concurrently with this item.
11/16/06	The Planning Commission recommended approval of companion item SUP-16498 concurrently with this application. The Planning Commission voted 6-0-1/d to recommend APPROVAL (PC Agenda Item #23/ng).
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related to this site.	
<i>Pre-Application Meeting</i>	
05/16/06	A pre-application meeting was held and elements of this project were discussed. Submittal requirements were noted.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this project, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.48

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)
North	Undeveloped	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)
South	Single-Family Residential	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)
East	Single-Family Residential	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)
West	Single-Family Residential	L (Low Density Residential)	R-PD4 (Residential Planned Development 4 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		
A-O Airport Overlay District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance		X	Y

DEVELOPMENT STANDARDS

Per Z-57-78 and Title 19.08 the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	25 Feet	14 Feet	N
• Side	7.5 Feet	9 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	15 Feet	15 Feet	Y
Min. Distance Between Buildings	6 Feet	16 Feet	Y
Max. Building Height	30 Feet	30 Feet	Y

ANALYSIS

The rules concerning accessory structures in the Rancho Bel Air development were established by Z-0057-78. The process requires that the applicant gain the permission of the Home Owners Association/Architectural Committee first and then take appropriate action with the City of Las Vegas. This Variance application and the related Special Use Permit (SUP-16498) are intended to satisfy those requirements.

The porte-cochere in the front yard is being added as an aesthetic feature. The location of the porte-cochere is a design choice on the part of the applicant and is considered a self-imposed hardship. Denial of this request is recommended.

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 through the applicants design choices. Alternative design 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 17

ASSEMBLY DISTRICT 3

SENATE DISTRICT 6

NOTICES MAILED 170 by City Clerk

APPROVALS 0

PROTESTS 7