

## AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-18179 - APPLICANT/OWNER: KAYLA J. WELLS

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### **\*\* 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, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

#### **Public Works**

2. The existing carport must remain open on all sides such as not to create sight visibility problems.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to allow a carport to be 10 feet from the front property line where 20 feet is the minimum setback allowed on an R-1 (Single Family Residential) Zoned property at 345 Wisteria Avenue. The applicant states that she had replaced the carport after the previous structure had been damaged from a windstorm. There is no record-of-date for the previous carport thus making it difficult to establish the existence of a non-conforming building.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/11/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #31/mh).
<b><i>Related Building Permits/Business Licenses</i></b>	
1958	1206 square-foot single family dwelling constructed.
1967	441 square-foot conversion/addition.
2/17/04	Plan Check #M-979-04. Iron security bars. Permit expired 9/11/04.
8/16/06	Code Enforcement Citation #45580: Building carport w/o permits. Case open.
<b><i>Pre-Application Meeting</i></b>	
11/8/06	Planning staff met with the applicant regarding the request for a front-yard setback variance stemming from a Code Enforcement citation on an existing carport.
<b><i>Neighborhood Meeting</i></b>	
NA	A neighborhood meeting was not held nor was required.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.14 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)

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

**A-O Airport Overlay District**

The request for a Variance to the Front Yard Setback has no affect on the established 175-foot Airport Overlay height restriction.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sq. ft.	6,124 sq. ft.	N
Min. Lot Width	65 feet	60 feet	N
Min. Setbacks			
• Front	20 feet	10 feet	N
• Side	5 feet	10 feet	Y
• Corner	NA	NA	NA
• Rear	15 feet	20 feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	2 stories or 35 feet, whichever is less	Single story	Y

## ANALYSIS

The applicant wishes to decrease the required front yard setback from 20 feet to 10 feet to allow the usage of a recently constructed carport located at the front of the property. The carport is made of an aluminum metal with a painted finish that aesthetically matches the house. The applicant states that the carport was a replacement from an existing carport that had been recently damaged during a windstorm.

During the installation of the replacement carport, the applicant was cited for a non-permitted structure. This led to the discovery of non-compliance at which the applicant requested a Variance from the front yard setback. Although the carport complies with the 5-foot side yard setback, the structure encroaches 10 feet into the 20-foot front yard setback as established by Title 19.08.040 for the R-1 (Single Family Residential) Zoning District.

The hardship is personal and self-created; therefore, Planning must recommend denial.

## 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 not created a self-imposed hardship installing a carport within the established front yard setback. An alternative arrangement of a five-foot carport 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.

**PLANNING COMMISSION ACTION**

There was one speaker in favor at the Planning Commission meeting.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 16

**ASSEMBLY DISTRICT** 3

**SENATE DISTRICT** 3

**NOTICES MAILED** 431 by City Clerk

**APPROVALS** 9

**PROTESTS** 0