

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: NOVEMBER 29, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-24820 - APPLICANT/OWNER: GIL MARTINEZ**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. This approval shall be void one year from the date of final approval, unless an approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

2. Coordinate with the Department of Building and Safety to determine if existing property lines have any impact on further development of this site.
3. The existing patio cover/carport must remain open on all sides such as not to create sight visibility problems.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow an existing carport eight feet five inches from the front property line where twenty feet is the minimum allowed at 1821 Walnut Avenue. This addition was illegally constructed without a building permit or planning review. This illegal construction has created a self-imposed hardship; denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/08/2007	A Code Enforcement violation (50812) was issued for the Construction of a carport without a permit. This case was resolved 03/20/2007. This case was incorrectly resolved, Current Planning never reviewed building permit 84020.
09/26/2007	A Variance (VAR-24820) application was submitted to allow the existing carport eight-feet five-inches from the front property line where twenty-feet is the minimum required.
<i>Related Building Permits/Business Licenses</i>	
03/19/2007	A building permit (84020) to construct a new thirty-five by nine-foot patio cover in the front yard was approved. The plans provided with the permit indicated it would comply with the setback requirements of the Zoning Code. If this Variance is denied, the applicant can construct a setback-compliant patio cover under this building permit.
03/27/2007	Building Permit Issued #19390: Driveway expansion.
<i>Pre-Application Meeting</i>	
06/20/2007	A pre-application meeting was held with staff to discuss the requirements of adding a carport to an existing single family house. The location of the carport requires a Variance because of intrusion into the front setback. The requirements for a Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
10/30/2007	The proposed addition is already constructed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.14

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	Low Density Residential (L)	Single Family Residential (R-1)
North	Single Family Residence	Low Density Residential (L)	Single Family Residential (R-1)
South	Single Family Residence	Low Density Residential (L)	Single Family Residential (R-1)
East	Single Family Residence	Low Density Residential (L)	Single Family Residential (R-1)
West	Single Family Residence	Low Density Residential (L)	Single Family Residential (R-1)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6500 SF	6350 SF	N*
Min. Lot Width	65 feet	50 feet	N*
Min. Setbacks			
• Front	20 feet	8.5 feet	N
• Side	5 feet	6 feet	Y
• Corner	15 feet	7 feet	N*
• Rear	15 feet	63 feet	Y
Max. Lot Coverage	50%	29%	Y
Max. Building Height	2 stories or 35 feet	1 story	Y

* This house was built in 1953 as part of the Boulder Dam Homestead Subdivisions, the lot width, lot size and corner side yard setbacks are all legally non-conforming.

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ANALYSIS

The existing addition provides only an eight-foot five-inch front yard setback where a twenty-foot setback is required. This setback provides a 57.9% deviation from the required twenty feet. Staff is not in support of this Variance request, as this is a self-imposed hardship. Staff recommends denial of this request.

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 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 11

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 378

APPROVALS 2

PROTESTS 0