



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-24207 - APPLICANT/OWNER: SUZAN BAUCUM

**** 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 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Variance to allow a ten foot rear yard setback where 35 feet is required for an addition to an existing single family home at 3017 Campbell Circle. The size of the existing home is 3,867 square feet. An additional 1,344 of living space is being proposed and would increase the size of the house to 5,211 square feet. The proposed addition will be constructed on the back side of the house and extend 56 feet into the rear yard, encroaching 25 feet into the 35 feet rear setback, leaving a rear setback of 10 feet.

To provide living quarters for a family member the proposed addition will consist of a bedroom, bathroom, combined kitchen / family room and storage area. This is a large lot which could accommodate an addition if it were reduced in size and configuration to fit within the required setbacks. There is not an apparent physical hardship. Because the lot is being overbuilt staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
Month/date/year	Action
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) for the Charleston / Rancho Plan area.
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
1976	Construction of house
<i>Pre-Application Meeting</i>	
Month/date/year	Description
08/14/07	Discussed issues of Variance and submittal requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
09/07/07	Existing home on large lot and is surrounded by homes on half acre lots.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.53

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential	DR(Desert Rural)	R-E (Residence Estates)
North	Residential	DR(Desert Rural)	R-E (Residence Estates)
South	Residential	DR(Desert Rural)	R-E (Residence Estates)
East	Residential	DR(Desert Rural)	R-PD2(Residential Planned Development 2 dua)
West	Residential	DR(Desert Rural)	R-E (Residence Estates)

<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 (140)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Applicable code section here 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000	23,099	Y
Min. Lot Width	100	120	Y
Min. Setbacks			
• Front	50	50	Y
• Side	10	10	Y
• Corner	15	15	N/A
• Rear	35	10	N*
Max. Lot Coverage	N/A		
Max. Building Height	2 Stories or 35 Feet	12.2 Feet	Y

* If approved, this variance would allow a rear setback of 10 feet where 35 feet is required.

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<i>Deviations from Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Percent Deviation</i>
Min. Setbacks <ul style="list-style-type: none"> Rear 	35 Feet	10 Feet	71% Reduction

ANALYSIS

- Zoning**

The project site is designated with the underlying R-E (Residence Estates) Zone. The purpose of the R-E (Residence Estates) District is to provide for low density residential units on large lots and convey a rural environment. The R-E zone is consistent with the General Plan land use designation of R (Rural Density Residential). The project site is a flat developed lot adjacent to existing single-family residential homes. Development standards require homes within the R-E zone to provide a 35 foot rear yard setback.

- Site Plan**

Shown on the site plan is an existing one-story 3,867 square foot single family residential structure on a .53 acre lot. The proposed 1,344 square foot addition will be attached to the back of the primary dwelling and extend 56 feet into the back yard. Twenty-five feet of the addition will encroach into the 35 foot rear yard setback, leaving a 10 foot rear yard setback. The portions of the proposed structure that overlap into the setback include a 192 square foot storage area and a 1,152 square foot living area. A physical hardship to allow a setback variance is not apparent on this parcel. The site is being overbuilt given the expansive amount of square footage shown in the proposed addition. The large lot could accommodate a smaller addition to fit within the required setbacks.

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.

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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 by overbuilding the site. An alternative design that reduces the square footage and observes the required setback 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 6

SENATE DISTRICT 3

NOTICES MAILED 146

APPROVALS 0

PROTESTS 0