



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 8, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SCD-24733 - APPLICANT/OWNER: DEBBIE AND JOE HONRATH

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the conditions for Rezoning (Z-119-96), and Site Development Plan Review (SV-42-97) if approved.
2. All development must be in conformance with Summerlin Development Standards; except as provided by this approval.
3. All development must be in conformance with the submitted plot plans.
4. This approval shall be void one year from the date of final approval, unless a building permit 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.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Major Deviation and Summerlin Certificate of Deviation (SCD-24733) from the Summerlin Design Standards to allow a two-foot separation distance between a proposed detached accessory structure in the rear yard and the primary dwelling where a six-foot minimum separation is required at 11218 Blanc Vineyard Court, lot 66, block B within Belle Vista at the Vistas, Unit 1.

It is the applicants intent to construct a 190 square-foot (10 X 19) free standing patio cover in the back yard of 1,884 square-foot single family dwelling located on a 7,581 square-foot lot. As depicted on the submitted site plan the west corner of the proposed detached accessory structure (patio cover) encroaches three feet into the required six-foot distance separation from the post of the structure to the house, and the overhang of the structure is two feet from the house, thus, encroaching four feet into the distance separation area. Because this proposal is the result of a self-imposed hardship, staff recommends denial

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/19/96	The City Council approved the Annexation (ANX-20-96) for this portion of the site.
01/27/97	The City Council approved a Development Review Agreement (DA-1-96) for the proposed Summerlin West Planned Community, approved an amendment to the Southwest Sector of the General Plan (GPA-52-96), establishing land uses for Summerlin West, approved a Rezoning (Z-119-96) from U(Undeveloped) to P-C(Planned Community) on this site as part of a larger request.
02/09/98	The City Council approved a request to establish a Development Plan (SV-42-97) for Summerlin West Village 20.
02/12/98	The Planning Commission approved a Tentative Map [TM-0002-98] for 39 lots on this site.
05/13/99	The Planning Commission approved an Extension of Time [TM-0002-98(1)] on the Tentative Map, which expired on May 13, 2000.
07/27/00	The Planning Commission approved the Tentative Map (TM-0026-00), the Vistas at Summerlin Village 20) for 47 lots and 40 common lots on this site.

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08/16/07	The Summerlin West Community Association approved with conditions the construction of a free-standing patio cover at 11218 Blanc Vineyard Court. The following conditions were noted: Must match the existing house; minimum setback of 5 feet from all property lines; ensure all municipality codes and setbacks are adhered to and obtain required city permits.
<i>Related Building Permits/Business Licenses</i>	
06/20/02	Single Family Dwelling (Permit 2004046)
08/15/02	Pool / Water Feature / 387 decking (Permit 2012429)
06/09/07	Wall Fence per CLV design #83572
<i>Pre-Application Meeting</i>	
09/13/07	Discussed application procedure and submittal requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
10/09/07	The subject property is located on a corner lot where the corner side property line extends beyond the existing block wall. The lot is located in a single family subdivision.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential	SF3 (Single Family Residential 10 units per gross acre)	PC (Planned Community)
North	Residential	SF3 (Single Family Residential 10 units per gross acre)	PC (Planned Community)
South	Residential	SF3 (Single Family Residential 10 units per gross acre)	PC (Planned Community)
East	Residential	SF3 (Single Family Residential 10 units per gross acre)	PC (Planned Community)
West	Residential	SF3 (Single Family Residential 10 units per gross acre)	PC (Planned Community)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
P-C Planned Community District	X		Y
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

Summerlin Development Standard for SF3 and Title 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Minimum Separation Distance Between House and Accessory Structure <ul style="list-style-type: none"> • Summerlin Development Standards • Title 19.08 	6 feet from house 6 feet from house	3 feet from patio post to house and 2 feet from overhang to house.	N N

ANALYSIS

According to the specifications provided by the applicant the proposed 10 X 19 freestanding Alumawood patio cover will be constructed on four footings with steel beams and posts and with ten inch square stucco columns. Headers and fascia of the structure will also be of a stucco finish and will match the house aesthetically. The required side and rear yard setbacks of five feet and the corner side yard setback of 15 feet are shown on the site plan.

As previously noted the Summerlin West Community Association has approved with conditions the construction of a free-standing patio cover on the property. The following conditions were specified in the approval letter:

1. Must match the existing house;
2. Minimum setback of 5 feet from all property lines;
3. Ensure all municipality codes and setbacks are adhered to and obtain required city permits.

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The Summerlin Development Standards specifies *detached accessory structures including cabanas, pool houses, gazebos, carports and storage structures may be located in the side or rear yard area. Such accessory structures must be located at least five feet from the property line and maintain a minimum separation of six feet from the principal dwelling.*

A Major Deviation within the Summerlin Master Planned Community requires the application be referred to the Planning Commission for review and decision. *The Commission shall hold a public hearing within 65 days after the application is properly filed. If approved a Certificate of Deviation shall be issued to the requesting party. Said certificate shall state the name and address of the owner, legal description of the property, and a reasonably detailed description of the deviation granted. All deviations must be exercised within one year from the date of approval, or the deviation shall be null and void.*

As established by Summerlin Development Standards for accessory structures, the proposed patio cover does not meet the required six foot distance separation to the primary dwelling, nor does the request comply with all the conditions set forth in the approval by the Summerlin West Community Association. This proposal is the result of a self-imposed hardship, staff recommends 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.

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing a detached accessory structure within the required six foot distance separation area from the primary dwelling. Alternative is to reduce the size of the structure to which would allow conformance to the Summerlin Development Standards and 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 1

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 361

APPROVALS 2

PROTESTS 2