

City of Las Vegas

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-25967 - APPLICANT/OWNER: RICHARD P. BROOKS**  
**AND GRACHELLE G. NESCHKE**

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**\*\* 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 is a request for a variance to allow a six foot, 10 inch rear yard setback where a 20 foot setback is required for a proposed single-story, 1435 square foot, attached pool/guest house on an existing 28 acre residential property.

The applicant has created a self-imposed hardship by proposing to overbuild the site. As there is no indication of a hardship associated with the sites physical characteristics, the recommendation is for denial.

**BACKGROUND INFORMATION**

| <i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i> |   |
|--|---|
| 12/15/99   | The City Council approved a rezoning (Z-0069-99) to R-PD3 (Residential Planned Development - 3 units per acre) on the subject property.   |
| 3/22/2001  | Z-0069-99(2) - Request for a Site Development Plan Review for a proposed 27 lot subdivision, on 9.59 acres on the northeast corner of Elkhorn Road and Boyd Lane.   |
| <i>Pre-Application Meeting</i>                                     |   |
| 11/16/2007   | A pre-application was held. The applicant was informed that his request to build a house addition in the backyard would require a Variance. Staff then discussed the required materials needed to apply for the Variance. |
| <i>Neighborhood Meeting</i>  |   |
| N/A  | A neighborhood meeting was not held, nor is one required.   |

| <i>Details of Application Request</i> |     |
|---------------------------------------|-----|
| <i>Site Area</i>                      |     |
| Gross Acres                           | .28 |
| Net Acres                             | .28 |

| Surrounding Property | Existing Land Use         | Planned Land Use        | Existing Zoning         |
|----------------------|---------------------------|-------------------------|-------------------------|
| Subject Property     | Single Family Residential | Low density residential | RPD-3                   |
| North                | Single Family Residential | Low density residential | R-E (Residence Estates) |

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|       |                           |                         |       |
|-------|---------------------------|-------------------------|-------|
| South | Single Family Residential | Low Density Residential | RPD-3 |
| East  | Single Family Residential | Low Density Residential | RPD-3 |
| West  | Single Family Residential | Low Density Residential | RPD-3 |

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

**DEVELOPMENT STANDARDS**

*Pursuant Title 19.08 the following standards apply:*

| <i>Standard</i>      | <i>Required/Allowed*</i> | <i>Provided</i> | <i>Compliance</i> |
|----------------------|--------------------------|-----------------|-------------------|
| Min. Lot Size        | 8200                     | 11877           | Y                 |
| Min. Lot Width       | N/A                      | N/A             |                   |
| Min. Setbacks        |                          |                 |                   |
| • Front              | 25                       | 25              |                   |
| • Side               | 5                        | 6.11            |                   |
| • Corner             | 15                       | 15              |                   |
| • Rear               | 20                       | 6.10            |                   |
| Max. Lot Coverage    | NA                       | NA              | NA                |
| Max. Building Height | Single story home        | Single story    | Y                 |

\*Per development conditions (Z-69-99).

**ANALYSIS**

The applicant is proposing to expand their 2476 square-foot house by adding 1,435 square feet for a total square footage of 3911 square feet. Per the site plans received, the house addition is in the backyard and forms an L-shape positioned between the existing home and pool. The home would be adjoined to the addition via an added basement. This is the section of the house that the applicant is requesting a Variance for a six-foot 10 inch rear yard setback where 15 feet is required.

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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. The applicant has overbuilt their site and 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**

6

**ASSEMBLY DISTRICT**      13

**SENATE DISTRICT**            9

**NOTICES MAILED**            164

**APPROVALS**                    5

**PROTESTS**                      3