



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-26108 - APPLICANT/OWNER: MARK CHAPMAN AND
BETTY F CHAPMAN LIVING TRUST

**** 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 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 application is to allow a 14.09 foot high Accessory Structure, Class II (garage), with a 2.47 foot rear yard setback where Title 19.08.040 would allow for a 13.27 foot high accessory structure with a three-foot rear yard setback on 0.23 acres at 1620 Curtis Drive. The applicant is requesting this Variance in order to complete a partially constructed 1,000 square foot metal garage located at the rear of the subject property. If approved, the finished garage will be set back behind two existing screened wrought iron gates and finished with metal siding painted in a color similar to that of the existing residence on site.

The placement of a shed of this size on the subject property is a self-imposed hardship, therefore staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/07/07	Code Enforcement responded to a neighborhood complaint regarding a building being constructed without permits at the subject property. Case #57632 was resolved 09/26/07.
10/04/07	Code Enforcement responded to a neighborhood complaint that a building under construction was still standing at the subject property and not torn down. Case #58509 was still open as of 01/17/08.
<i>Related Building Permits/Business Licenses</i>	
02/21/97	An application was received (#0282275) at the Department of Building and Safety for a concrete pad with a shed above. The application was never fully processed or a permit issued.
<i>Pre-Application Meeting</i>	
12/17/07	A pre-application meeting was held with staff to discuss the Title 19.08.040 requirements for an Accessory Structure (Class II). Conditional requirements for the Accessory Structure (Class II) and submittal requirements for a Variance request were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held nor was one required.	
<i>Field Check</i>	
01/10/08	A field check was performed by staff at the subject property. The Accessory Structure, Class II was noted as being partially built at the east side of the property.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.23

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	ML (Medium Low Density Residential)	R-2 (Medium-Low Density Residential)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

<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	6,500 sq ft	10,236 sq ft	Y
Min. Lot Width	65 feet	65.75 feet	Y
Min. Setbacks			
• Front	N/A	N/A	N/A
• Side	3 feet	3 feet	Y
• Corner	N/A	N/A	N/A
• Rear	3 feet	2.47 feet	N
Min. Distance Between Buildings	6 feet	6 feet	Y
Max. Lot Coverage	50% maximum lot coverage 50% of rear yard	9.7% 15.7%	Y

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Max. Building Height	13.27 feet	14.09	N
Trash Enclosure	N/A	N/A	N/A
Mech. Equipment	Screened	Screened	Y

ANALYSIS

The applicant is seeking approval to complete construction of a 1,000 square foot Accessory Structure (Class II) in the rear yard area of 1620 Curtis Drive. The applicant is requesting a Variance to allow a rear yard setback of 2.47 feet where three feet is required and to allow a height of 14.09 feet where 13.27 feet is permitted by Title 19.08.040. This accessory structure is intended to replace both a 607 square foot carport which has been demolished to make room for the new structure and a 147 square foot storage shed which will be removed when construction on the accessory structure is complete. The applicant can not remove the existing shed currently as the only electrical panel for the single family home is attached to it; once the new accessory structure is complete the applicant intends to relocate the electric meter from the shed to the new accessory structure and demolish the shed. The applicant intends for this new location of the electric panel to serve as the only means of electrical service to the entire property.

The applicant has used industry standard dimensions to save costs on the construction of the accessory structure. As a result, the applicant states that this has created some positioning problems in the placement of the garage, resulting in the requested Variance to allow a 2.47 rear yard setback. In addition, the applicant also requests a Variance as the height of the accessory structure is greater than that of the primary structure by 0.82 feet using the Title 19.20 method of calculating building height (the average height level between the eaves and ridge line of a gable, hip, or gambrel roof). The height of the primary structure is 13.27 feet while the height of the accessory structure is 14.09 feet. If approved, the accessory structure will be a metal-clad building painted in a neutral tan color similar, but not identical, to the color of the existing single family home on the subject property.

The request for the Variance is a result of a self-imposed hardship. The placement and height of the structure was determined before consulting Title 19 standards. Construction commenced before obtaining the necessary permits from the Department of Building and Safety. Had the applicant consulted with the City prior to construction to determine allowable heights and setbacks the need for a Variance could have been eliminated. Therefore, 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:

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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 by commencing construction on an Accessory Structure, Class II, prior to consulting with the City of Las Vegas. Reducing the height and length of the structure by one foot each 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 14

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 251

APPROVALS 0

PROTESTS 0