

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-26226 - APPLICANT/OWNER: VINCENT J. ROTH

**** 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 a request to allow a 1.5 foot side yard setback for an existing Accessory Structure, Class II (shed) where Title 19.08.040 allows for a three-foot side yard setback. The existing shed is located in the side yard area of the subject property at 612 Ordreich Place. The shed is a pre-manufactured Tuff Shed approximately 10 feet by 16 feet in size, measuring 164.37 square feet, eight feet in height, and finished with a wood paneling that has been painted to match the color of the residence on the subject property.

The placement of a shed 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>	
Month/date/year	Action
<i>Related Building Permits/Business Licenses</i>	
09/18/07	An OTC Building Permit (#98101) was issued to allow a 10 x 6 Tuff Shed on the subject property. Final review pending approval of this Variance request (VAR-26226).
<i>Pre-Application Meeting</i>	
11/30/07	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 existing on the subject property behind the block wall of the open carport.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.05

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development 9 Units Per Acre)
North	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development 9 Units Per Acre)
South	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development 9 Units Per Acre)
East	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development 9 Units Per Acre)
West	Single Family Residential	MLA (Medium Low Attached Density Residential)	R-PD9 (Residential Planned Development 9 Units Per Acre)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
R-PD Residential Planned Development 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

Pursuant to Title 19.08.040, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	N/A	N/A	N/A
Min. Setbacks			
• Front	N/A	N/A	N/A
• Side	3 feet	1.5 feet	N
• Corner	N/A	N/A	N/A
• Rear	3 feet	13 feet	Y
Min. Distance Between Buildings	6 feet	6.67 feet	Y

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	50% maximum lot coverage	7%	Y
Max. Lot Coverage	50% of rear yard	12%	
	2 stories or 35 feet, whichever is less. No greater than primary dwelling. (15 feet main dwelling)		
Max. Building Height		8 feet	Y
Trash Enclosure	N/A	N/A	N/A
Mech. Equipment	Screened	Screened	Y

ANALYSIS

The applicant is seeking approval of the placement of a 102 x 162, 164.37 square foot Accessory Structure (Class II) in the side yard area of 612 Ordric Place. Per Title 19.08.040, detached accessory structures in the rear yard area must be located a minimum distance of three feet from the side and rear property lines. The existing structure placed on the property is located 1.5 feet from the side yard property line.

The applicant originally obtained building permits for the Accessory Structure (Class II) on 09/18/07. The permits had indicated that this shed was to be a 60 square foot, ten foot by six-foot shed. After pulling the permits the applicant determined that this size of shed did not fit his needs and purchased a larger shed. During inspections performed by the Department of Building and Safety it was noted that the shed sat closer to the side yard property line than what was originally approved. In addition, the home immediately south of the subject property serves as the southern wall of the subject property, and the applicant was asked by the Department of Building and Safety to provide a one-hour rated firewall.

The one-hour rated fire wall has been installed and inspected by the Department of Building and Safety. The applicant has painted the wood paneled shed to match the exterior of the home on the subject property and provided letters of support concerning the placement of the shed from the neighbor to the south at 616 Ordric Place and from the Jonathan Glen Homeowners Association.

The request for the Variance is a result of a self-imposed hardship. The applicant originally obtained building permits for a Title 19 compliant accessory structure. Had the applicant consulted with the Department of Building and Safety before purchasing a larger shed the need for a Variance could have been eliminated. Therefore, staff recommends denial.

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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 by placing an Accessory Structure, Class II that is within the side yard setback of the subject property. An alternative design or placement of a slightly smaller shed on site 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 9

ASSEMBLY DISTRICT 3

SENATE DISTRICT 8

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NOTICES MAILED 743

APPROVALS 4

PROTESTS 0