



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 16, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: VAR-26747 - APPLICANT/OWNER: MORTON FOX**

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**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy 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 application is a request for a Variance to allow a 25-foot front yard setback for a proposed Porte Cochere, where 30 feet is required at 2020 Silver Avenue. A previous building permit (#103579) was approved for a Porte Cochere that satisfied all of the Title 19 requirements, including the front yard setback. The applicant redesigned the Porte Cochere, which encroaches into the required 30-foot setback requirement. As this is a self imposed hardship due to a design preference, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map generally located at Charleston Boulevard and Rancho Drive from: SC (Service Commercial) to: O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from: O (Office) to: DR (Desert Rural Density Residential) and from: L (Low Density Residential) to: DR (Desert Rural Density Residential. The Planning Commission was unable to obtain a supermajority vote therefore it was forwarded with a recommendation of denial. Staff recommended denial of this request.
03/13/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #32/ed).
<b><i>Related Building Permits/Business Licenses</i></b>	
01/04/08	A Building Permit (#103579) was issued for a Porte Cochere at the above location. This plan satisfied all of Title 19 requirements.
<b><i>Pre-Application Meeting</i></b>	
02/01/08	A pre-application meeting was held for a Variance to construct a Porte Cochere within the setback area. The application submittal requirements and timeline were discussed.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
02/22/08	A field check was conducted and found that there has been no construction of a Porte Cochere on the subject property.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.64

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Vacant Land	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District 200 Feet	X		Y*
<b>Trails</b>		X	N
<b>Rural Preservation Overlay District</b>	X		Y**
<b>Development Impact Notification Assessment</b>		X	N
<b>Project of Regional Significance</b>		X	N

\* This property is in the North Las Vegas Airport Overlay, which designates a height limitation of 175 feet. The existing house and wall are below this height limitation and therefore complies with this overlay district.

\*\* The above location is within the Rural Preservation Overlay District, this district is intended to preserve the rural character of the neighborhood. Density is not affected by this project and does not require application of the requirements of the Rural Preservation District.

## DEVELOPMENT STANDARDS

*Per 19.08.040, the following development standards are required:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000	28,006	Y
Min. Lot Width	100		Y
Min. Setbacks			
• Front	30	25	N*
• Side	10	20	Y
• Corner	15	20	Y
• Rear	35	80	Y
Max. Building Height	2 stories or 35 feet	18 feet	Y

## **ANALYSIS**

The project proposes to construct a Porte Cochere as an addition to an existing single family residential house. This proposed Porte Cochere is located 25-feet from the property line where Title 19.08.40 requires a minimum of 30-feet. The applicant received a building permit (#103579) for a Porte Cochere that conformed to all the requirements of Title 19, including the front yard setback. The applicant re-designed the Porte Cochere, which encroaches into the required 30-foot setback requirement. As this is a self-imposed hardship due to a design preference, staff recommends denial of this request.

## **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 locating the Porte Cochere addition within the front yard setback. Alternatively, locating this structure at the required 30-foot front yard setback would allow conformance to 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** 18

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 165 by City Clerk

**APPROVALS** 8

**PROTESTS** 2