



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE - VAR-28916 - APPLICANT/OWNER: JULIETA DILUNA

**** 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.
2. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 14-foot front yard setback where a 20-foot setback is required. The property owner is proposing a 14-foot by 16-foot carport extending from the front of the home into the existing driveway. The site is located at 124 Rancho Vista Avenue and the home was constructed in 1959. As the proposed carport does not conform to Title 19.08 front yard setback standards staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no relevant city actions related to this property.	
<i>Related Building Permits/Business Licenses</i>	
Single-family home built in 1959.	
<i>Pre-Application Meeting</i>	
07/08/08	The requirements for submitting an application for a Variance for the proposed carport were discussed.
<i>Neighborhood Meeting</i>	
A meeting was not required, nor was one held.	

<i>Field Check</i>	
07/10/08	Staff conducted a site visit and found the property to be well maintained single-family home.

<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	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single-Family Residential	L (Low Density Residential)	R-1 (Single Family 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)

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<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			
A-O (Airport Overlay) District (140-foot)*	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

* The subject property is located within the North Las Vegas Airport Overlay within the 140-foot height limitation contour. None of the buildings on the subject property extend beyond this limitation.

DEVELOPMENT STANDARDS

Per Title 19.08 Development Standards

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 square feet	6,990 square feet	Y
Min. Lot Width	65 feet	68 feet	Y
Min. Setbacks			
• Front	20 feet	14 feet	N*
• Side	5 feet	5 feet	Y
• Corner	15 feet	23 feet	Y
• Rear	15 feet	24 feet	Y
Max. Lot Coverage	50%	28%	Y
Max. Building Height	2 stories or 35 feet whichever is less	17 feet	Y

*This application is a request for a Variance to allow a 14-foot front setback where 20 feet is required.

ANALYSIS

This is a request for a Variance to allow a 14-foot front yard setback where a 20-foot setback is required. The property owner is proposing a 14-foot by 16-foot car port extending from the home into the existing driveway. The subject site is within a residential subdivision, and the applicant has indicated there are many homes with existing carports in the area. As the proposed car port does not conform to Title 19.08 front yard setback standards, staff recommends denial of this request.

Title 19.08 requires a twenty-foot front yard setback. As it is the applicants choice to build a structure that is not in compliance with the zoning standards for the R-1 (Single Family Residential) district, this is a self imposed hardship. No physical site constraints exist on the subject parcel that prevents the project from meeting zoning requirements, as the lot is not a narrow lot and there are no topographical issues on the site. Alternative design of the home and proposed car port would allow the proposal to comply with Title 19 standards; therefore, staff recommends denial of this request.

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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 proposing a 14-foot front setback request for a car port. 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 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 215

APPROVALS 34

PROTESTS 0