

*City of Las Vegas***AGENDA MEMO**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 25, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: 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.

Submitted after final agenda

Date 9/25/08 Item #13

LEH

VAR-28916 - Staff Report Page One
September 25, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a 9-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.

Staff notes that on the resubmitted plans stamped 09/25/08 a front setback of 30 feet is depicted based on a geographical information system review the structure is closer to 25 feet from the property line.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/28/08	The Planning Commission approved a request to hold a request for a Variance (VAR-28916) in abeyance to the 09/25/08 Planning Commission meeting.
<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)

LEH

VAR-28916 - Staff Report Page Two
September 25, 2008 - Planning Commission Meeting

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			
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	9 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 9-foot front setback where 20 feet is required.

ANALYSIS

This is a request for a Variance to allow a 9-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.

LEH

VAR-28916 - Staff Report Page Three
September 25, 2008 - Planning Commission Meeting

Title 19.08 requires a twenty-foot front yard setback. As it is the applicant's 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.

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 9-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 site's physical characteristics, it is concluded that the applicant's 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

LEH

VAR-28916 - Staff Report Page Four
August 28, 2008 - Planning Commission Meeting

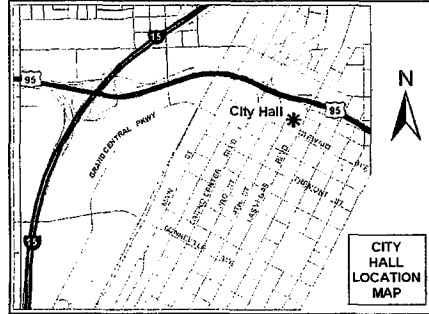
NOTICES MAILED 215

APPROVALS 28

PROTESTS 0

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

**Return Service Requested
Official Notice of Public Hearing**



if you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

I SUPPORT
this Request

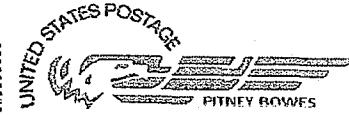
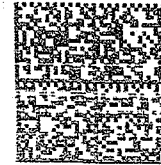
I OPPOSE
this Request

Please use available blank space on card for your comments.

VAR-28916

Planning Commission Meeting of 9/25/2008

PRESORTED
FIRST CLASS



02 1M
0004239954 SEP 12 2008
\$ 00.39
MAILED FROM ZIP CODE 89101

Case: VAR-28916
13929812079
URBANO JOHN C & HELEN L TRUST
104 AZALEA CIR
LAS VEGAS NV 89107-2302

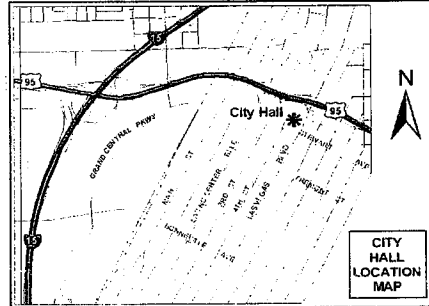
CAVDF11 89107



RECEIVED
SEP 24 2008

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

I SUPPORT
this Request

I OPPOSE
this Request

Please use available blank space on card for your comments.

VAR-28916

Planning Commission Meeting of 9/25/2008

PRESORTED
FIRST CLASS



02 1M \$ 00.39⁴
0004239954 SEP 12 2008
MAILED FROM ZIP CODE 89101

Case: VAR-28916
13932514001
DILUNA JULIETA G LIVING TRUST
124 RANCHO VISTA DR
LAS VEGAS NV 89106-3932

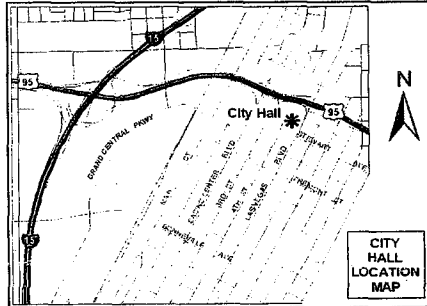
GAVDP 11 89108



RECEIVED
SEP 22 2008

City of Las Vegas
Planning & Development Department
Development Services Center
731 S. Fourth Street
Las Vegas, Nevada 89101-2986

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Planning & Development Department at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.



I SUPPORT
this Request



I OPPOSE
this Request

Please use available blank space on card for your comments.

VAR-28916

Planning Commission Meeting of 9/25/2008

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
Eagle logo
FITNEY BOWES
02 1M \$ 00.39⁴
0004239954 SEP 12 2008
MAILED FROM ZIP CODE 89101

13933110066 Case: VAR-28916
DRASKOVIC LJUBISA & LAURA FAM TR
2013 SUNLAND AVE
LAS VEGAS NV 89106-3922

RECEIVED
SEP 22 2008

092511 09106

