



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-28686 - APPLICANT/OWNER: DOMINGO GARCIA

**** CONDITIONS ****

The Planning Commission (4-0 vote) and staff recommend DENIAL.

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. The addition must be aesthetically compatible with the principal dwelling unit.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request to allow a three-foot rear yard setback where 10 feet is required, and to allow for 53 percent lot coverage, where 50 percent is the maximum allowed. The applicant has constructed a 398.47 square-foot addition to the rear of his existing single-family home at 1844 Ann Greta Drive. The addition provides the applicant an additional bedroom, bathroom, and seating area. The original square footage of the home was 1,115 square feet with a 363 square-foot attached garage, for a total of 1,478 square feet. Once the 398.47 square-foot addition was built to the rear of the existing single-family home, the total square-footage became 1,876 square feet, or 53 percent of the 3,548 square-foot lot. The addition of this size to the rear of a single-family home located within an R-CL (Single Family Compact-Lot) zone is a self-imposed hardship. The applicant was able to construct an addition of lesser size in order to comply with the Title 19 rear yard setback and 50 percent lot coverage requirements. Therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/15/08	Code Enforcement issued a citation (#64486) for an addition to the rear of a home at 1844 Ann Greta Drive with no building permits. This case is still open.
04/15/08	Code Enforcement issued a citation (#64538) for an addition to the rear of a home at 1844 Ann Greta Drive with no building permits. This case was resolved on 04/18/08.
08/14/08	The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #40/ne).
<i>Related Building Permits/Business Licenses</i>	
No building permits or business licenses have been issued for this address.	
<i>Pre-Application Meeting</i>	
05/14/08	A pre-application meeting was held where the requirements for a variance application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
07/10/08	During a routine field check, staff noted that the addition to the rear (west) of the existing home was not finished to match the existing home.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
North	Single-Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Single-Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Single-Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single-Family Residence	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<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 70 feet	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

Airport Overlay District

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 70-foot contour limitations of the North Las Vegas Airport Overlay Map and does not violate the height limitations. The proposed use does not alter the structure in any way and is in compliance with the Airport Overlay District.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	3,500 sf.	3,548 sf.	Y
Min. Lot Width	35 ft.	35.1 ft.	Y
Min. Setbacks			
• Front	14 ft.	14 ft.	Y
• Side	10 ft.	10 ft.	Y
• Corner	10 ft.	N/A	Y
• Rear	10 ft.	3 ft.	*N
Max. Lot Coverage	50%	53%	*N

**The applicant has constructed a non-permitted rear addition to the existing single-family home that altered the original rear setback from 18 feet to 3 feet and has increased the total lot coverage from 42 percent to 53 percent.*

ANALYSIS

This application is a request to allow a three-foot rear yard setback where 10 feet is required, and to allow for 53 percent lot coverage where 50 percent is allowed. The applicant has constructed a 398.47 square-foot addition to the rear of his existing single-family home at 1844 Ann Greta Drive. The addition provides the applicant an additional bedroom, bathroom, and seating area. The original square footage of the home was 1,115 square feet with a 363 square-foot attached garage, for a total of 1,478 square feet. Once the 398.47 square-foot addition was built to the rear of the existing single-family home, the total square-footage became 1,876 square feet, or 53 percent of the 3,548 square-foot lot. In addition, no effort was made by the applicant to make the addition match the single-family home, nor was the addition properly permitted by Building and Safety.

There is some question whether or not this addition was constructed to building code standards, or if it is structurally sound or not. Even if this Variance application is approved, the addition would still have to be permitted, inspected, and approved by the City of Las Vegas Building and Safety Department. The addition of this size to the rear of a single-family home located within an R-CL (Single Family Compact-Lot) zone has also made the lot appear to be much denser than the 53 percent implies. In relation to the surrounding single-family residences that are also on R-CL (Single Family Compact-Lot) zoned lots, this site gives the illusion of 80 percent lot coverage. The addition of this size to the rear of a single-family home is a self-imposed hardship. The applicant was able to construct an addition of lesser size in order to comply with the Title 19 rear yard setback and 50 percent lot coverage requirements. Therefore, staff is recommending 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 constructing a 398.47 square-foot addition within the required 10-foot rear yard setback of the existing single-family home located within an R-CL (Single Family Compact-Lot) zone. Alternatively, the applicant could have reduced in size the proposed addition to be in conformance to the Title 19 rear yard setback 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.

PLANNING COMMISSION ACTION

There were both protesters and supporters appearing at the Planning Commission Meeting. If approved, the Planning Commission discussed a condition requiring all building permits and final inspection approvals be obtained within 90 days.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 603 by City Clerk

APPROVALS 6

PROTESTS 5