



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 6, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: JOHNNY PAPPAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 15, 2011 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILWOMAN TARKANIAN

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-41321	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-41321 CONDITIONS

Planning

1. An administrative review shall be required one year after issuance of a building permit.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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

The applicant is requesting to install a carport adjacent to the north side of the residence at 1125 Cashman Drive. This is a single-family residence in an R-E (Residence Estates) zoning district. The property has a previously approved Variance for reduced side yard setbacks on the south side of the property for the expansion of a garage. The applicant states that he has a large collection of classic automobiles and requires the structure to protect them from the elements. He also states that this request would improve the appearance of his residence by removing automobiles from the semi-circular front driveway.

No evidence of a hardship has been presented to justify the requested variance. A variance has already been approved for a similar reason on the south side of the property. For these reasons, staff recommends denial. If denied, the existing structure would need to be removed.

ISSUES

- A Variance is required to permit a zero-foot side yard setback where three feet is the minimum required and to allow zero feet between buildings where a minimum of six feet is required.
- A side yard setback Variance has previously been approved for a garage expansion on the south side of the property.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection 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 and staff recommended approval.
10/27/92	The Board of Adjustments approved Variance (V-0144-92) for the addition of a garage with a four-foot side yard setback where 10 feet was the minimum permitted at 1125 Cashman Drive. Staff recommended denial.
01/04/11	The City of Las Vegas Code Enforcement issued a notice of violation (#97078) for building a carport without a building permit. The case is currently open and pending the results of a Variance request.

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05/10/11	The Planning Commission voted (6-1/tm) to recommend APPROVAL (PC Agenda Item 23/yk).
06/15/11	The City Council voted to hold item VAR-41321 in abeyance to the July 6, 2011 City Council Meeting.

Most Recent Change of Ownership

04/08/09	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

No relevant activity on file.

Pre-Application Meeting

03/04/11	Staff reviewed the requirements for a Variance application with the applicant for an Accessory Structure (Class II) with reduced side yard setbacks.
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Neighborhood Meeting

No neighborhood meeting was required, nor was one held.

Field Check

03/31/11	Staff visited the site and found several vehicles parked in the driveway with one on jacks being repaired. A steel framed structure has been installed without permits where the setback Variance is needed.
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Details of Application Request

Site Area

Net Acres	0.48
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<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Medical Office	O (Office)	C-D (Designed Commercial)
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	Single Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)

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<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
A-O (Airport Overlay) District-175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		N
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.060 , the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	20,800 SF	Y
Min. Lot Width	100 Feet	130 Feet	Y
Min. Setbacks (Accessory Structures)			
• Front	N/A	N/A	N/A
• Side	3 Feet	0 Feet	N
• Corner	N/A	N/A	N/A
• Rear	3 Feet	70 Feet	Y
Min. Distance Between Buildings	6 Feet	0 Feet	N
Max. Building Height	35 Feet or two stories but no higher than primary structure	12 Feet	Y

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Cashman Drive	N/A	N/A	50	N/A

Pursuant to Title 19.04 and 19.10, the following parking standards apply:

<i>Parking Requirement</i>							
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		<i>Compliance</i>	
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family Residential	One Unit	Two unimpeded spaces	2				
TOTAL SPACES REQUIRED			2		3		Y

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ANALYSIS

The proposed project will not impact the Airport Overlay that exists. The property is also in the Rural Preservation Overlay District where the intent is to maintain less intense residential uses than normally found in urban areas. Reducing the side yard setback does not foster this goal as reduced setbacks will provide an appearance of greater density in the area.

This property has already been granted a Variance to reduce the side yard setback to expand the garage on the south side of the property. That Variance was to allow a three-foot setback where 10 feet was the minimum permitted. The reason given at the time was to house the applicant's collection of classic cars. Ownership has since changed to the current applicant who is applying for a similar Variance for the north side of the property for the same reason.

The steel frame of the proposed structure has already been installed without a building permit. The applicant was cited for installing a structure without the proper permits. When the applicant applied for the permits, he was denied due to not providing the minimum side yard setback of three feet nor the minimum six-foot distance separation from the primary dwelling. The applicant is requesting a Variance for both.

If the request were to be granted, it would leave only a three-foot wide path to the rear of the property. This could become problematic in case of an emergency. The proposed structure will also have an industrial aesthetic that does not match the primary dwellings architectural style and will be visible from the public right-of-way.

An alternative would be to extend the driveway along the north side of the property to the rear yard and install the structure where all setbacks could be maintained and would not be visible from the right-of-way. Therefore, staff recommends denial, since an alternative is available and no evidence of hardship has been provided.

FINDINGS (VAR-41321)

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."

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Additionally, Title 19.18.070(L) 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 an accessory structure that does not meet the minimum side yard setback and is not aesthetically compatible with the primary structure. 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 21

NOTICES MAILED 203 (By City Clerk)

APPROVALS 2

PROTESTS 1