



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 7, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GUOLIANG PANG

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-43315	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-43315 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. 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 installed several accessory structures, carports and patio covers without the required building permits and not to minimum Title 19 standards and was cited by City of Las Vegas Code Enforcement. To address the citations, the applicant is applying for an eleven-part variance to allow the structures to remain. The property is located at 1912 Pink Ice Court and is an R-1 (Single Family Residential) zoned property. If approved, the existing stucco residence will be surrounded by metal fabricated structures that are not aesthetically compatible with the neighborhood and negatively impact the residential nature of the area. In addition, the applicant has presented no evidence of a unique or extraordinary circumstances pursuant to Title 19.16.140(B)2 for granting a variance; therefore, staff recommends denial of all requests. If denied, the structures added without building permits and not meeting minimum setback requirements shall be removed.

ISSUES

A Variance is needed for the following deviations from Title 19.06:

- To allow a zero-foot front yard setback where 20 feet is required for an existing 354 square-foot carport;
- To allow a 59% lot coverage where 50% is the maximum allowed in a residential district;
- To allow Accessory Structures (Class II) to cover 28% more square footage than the 50% primary structure square-footage permits;
- To allow a zero-foot side yard setback where three feet is required for an existing 720 square-foot Accessory Structure (Class II);
- To allow a zero-foot side yard setback where three feet is required for an existing 315 square-foot Accessory Structure (Class II);
- To allow a zero-foot rear yard setback where three feet is required for an existing 270 square-foot Accessory Structure (Class II);
- To allow a zero-foot, two and one-half foot, and three-foot building separation where a minimum six feet is required.
- To allow an accessory structure to be two and one-half foot taller than the principal dwelling; and
- To allow building material that is not aesthetically compatible (metal) with the principal dwelling (Stucco).

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/20/95	The City Council approved a Rezoning (Z-0096-95) to R-1 (Single Family Residence) on the subject site as part of a larger request. The Planning Commission and staff recommended approval.
02/20/10	A Code Enforcement case (#86639) was processed regarding a boat and trailer on gravel in the side yard. The case was resolved 03/05/10.
08/25/11	A Code Enforcement case (#105179) was processed regarding unpermitted structures at 1912 Pink Ice Court. The case remains unresolved.
11/08/11	The Planning Commission voted (7-0) to deny (PC Agenda Item #24/yk).
11/09/11	The applicant filed an appeal of the Planning Commission's denial.

<i>Most Recent Change of Ownership</i>	
01/05/96	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/19/95	A building permit (#95875113) was issued for a single-family dwelling at 1912 Pink Ice Court. A final inspection was approved 10/30/95.
04/29/02	A building permit (#02007686) was issued for installation of a pole mounted solar electrical system at 1912 Pink Ice Court. A final inspection was approved 05/16/02. The pole mounted panels are located in the rear of the lot.

<i>Pre-Application Meeting</i>	
09/14/11	A pre-application meeting was held with the applicant, where submittal requirements for a Variance application were discussed. The following issues were also discussed: • All of the structures requiring a variance have been built without permits. The rear yard patio cover is partially constructed. • Plans with engineering will be required to obtain permits if variance is approved. Construction must be one-hour fire rated within setback areas. • The applicant was advised that the variance may not be approved with the result being removal of the structures.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

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Field Check	
09/29/11	A field check was conducted on the site, with the following items noted: • The property was clean and well maintained. • All of the additions and structures added are not aesthetically harmonious with the primary structure or the neighborhood. • There was a foundation for a front patio designed for a similar metal structure as the previously installed patios and carports.

Details of Application Request	
Site Area	
Net Acres	0.15 (6,760 SF)

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)

Master Plan Areas	Yes	No	Compliance
Master Plan Area			
West Las Vegas Plan	X		Y
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 105 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06.070 Table 1, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	6760 SF	Y
Max. Lot Coverage	50%	59%	N
Min. Front Yard Setback	20 Feet	0 Feet	N
Min. Side Yard Setback	5 Feet	0 Feet	N
Min. Rear Yard Setback	15 Feet	21 Feet	Y

Pursuant to Title 19.06.070 Table 2, the following standards apply for Accessory Structures:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Separation from Main Building	6 Feet	0 Feet	N
Min. Rear Yard Setback	3 Feet	0 Feet	N
Min. Side Yard Setback	3 Feet	0 Feet	N
Max. Building Height (accessory structures)	14 Feet	16.5 Feet	N
Size and Coverage	635 SF	990 SF	N

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Pink Ice Court	N/A	N/A	51	N/A

ANALYSIS

The applicant has created a self-imposed hardship by installing patios, carports and accessory structures without the required building permits and setback requirements on an R-1 (Single Family Residential) zoned property. The result is the need to obtain eleven variances in order to allow the applicant to pull building permits for these structures to remain. Metal is the material used for all structures and is not harmonious with the stucco style of the primary dwelling. The result is an industrial aesthetic in the center of a residential neighborhood, making the property incompatible with the surrounding development.

The large 720 square-foot accessory structure on the west side of the property dominates the subject parcel and negatively impacts the adjacent parcel due to the tall, blank wall of the structure. It is approximately three feet taller than the primary dwelling and built adjacent to the property line. In addition, it doesn't meet the six-foot separation requirement from the primary dwelling. The accessory structure on the east side of the property is smaller in size, but is also built right up to the property line and doesn't meet the building separation requirement.

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A 354 square-foot carport has been added to the front of the primary dwelling and extends to the front property line at the back of the sidewalk. The entire structure is located within the required front yard setback. A 110 square-foot front patio is also planned to be installed. Although this patio will meet the setback requirements, it will use the same metal material that is not harmonious and compatible with the primary dwelling, resulting in a southwestern stucco residence that is surrounded by metal structures.

A 270 square-foot accessory structure has been installed in the rear yard. This structure doesn't meet the required three-foot rear yard setback. The total of all the accessory structures exceeds the maximum square footage allowed by 28%. The result is a clearly visible, over developed residential parcel.

A total of eleven variances are being requested with this application. Each request has been reviewed on its own merits and determined to be a self-imposed hardship. The scale of the request overwhelms the parcel and creates a distracting, visually unappealing aesthetic that is not harmonious with the residential nature of the neighborhood. Staff recommends denial of all requested variances.

FINDINGS (VAR-43315)

In accordance with the provisions of Title 19.16.140(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 19.16.140(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."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by installing patios, carports and accessory structures without building permits and not to code. Alternative design and placement 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 20

NOTICES MAILED 493 (By City Clerk)

APPROVALS 0

PROTESTS 6