

**AGENDA MEMO - PLANNING**

CITY COUNCIL MEETING DATE: DECEMBER 7, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MANUEL HERNANDEZ

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-43331	Staff recommends DENIAL. If Approved, subject to conditions:	None

**** CONDITIONS ****

VAR-43331 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

This is a request to allow an existing carport that is located within the front yard setback area to remain at 5517 Bromley Avenue. The carport was constructed without first obtaining the required building permits. The proposed Variance is self-imposed and does not meet the minimum standard for the zoning district, therefore; staff recommends denial. If the application is denied the existing structure will have to be removed or altered to meet the minimum R-1 (Single Family Residential) front yard setback of 20 feet.

ISSUES

- A Variance to allow an existing carport to be eight feet from the front property line where 20 feet is the required minimum setback is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
04/27/06	The Planning Commission approved a Variance (VAR-12081) for a front yard setback of 14.5 feet where 20 feet is required at 5517 Bromley Avenue.
10/17/08	A Code Enforcement case (#70750) was processed regarding building addition without permits at 5517 Bromley Avenue. The case was closed on 10/22/08.
11/08/11	The Planning Commission voted (7-0) to recommend APPROVAL (PC Agenda Item 25/ded).

<i>Most Recent Change of Ownership</i>	
11/01/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
06/13/08	A building permit (#117758) was under review for a block wall at 5517 Bromley Avenue. The permit has not been issued.
02/23/09	A building permit (#127467) was issued for a block wall along the side of the property at 5517 Bromley Avenue. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
08/07/11	A pre-application meeting was held and issues concerning the application submittal of a Variance for setbacks were discussed with the applicant.

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<i>Neighborhood Meeting</i>
A Neighborhood Meeting is not required for this application, nor was one held.

Field Check	
09/29/11	Staff conducted a field check of the subject property. Staff noted the site was a well maintained residential home.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family Detached	R-1 (Single Family Residential)	L (Low Density Residential)
North	Single Family Detached	R-CL (Single Family Compact-Lot)	ML (Medium Low Density Residential)
South	Single Family Detached	R-1 (Single Family Residential)	L (Low Density Residential)
East	Single Family Detached	R-1 (Single Family Residential)	L (Low Density Residential)
West	Single Family Detached	R-1 (Single Family Residential)	L (Low Density Residential)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (140 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 19.06.070, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	6,534 SF	Y
Min. Lot Width	65 Feet	68 Feet	Y
Min. Setbacks			
• Front	20 Feet	8 Feet	N
• Side	5 Feet	5 Feet	Y
• Corner	5 Feet	N/A	Y
• Rear	15 Feet	15 Feet	Y

<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>
Bromley Avenue	Local	N/A	60	N/A

ANALYSIS

The Planning Commission approved Variance (VAR-12081) to allow a 14.5-foot front yard setback at 5517 Bromley Avenue. Condition Number 1 of Variance (VAR-12081) required the variance to be exercised of within two years of approval. The applicant did not secure a building permit for the construction of the carport, which exceeded the previously approved variance. Therefore, a new variance is required.

The carport is eight feet nine-inches from the front yard property line and is a deviation of 60% from the R-1 (Single Family Residential) setback of 20 feet. The intent of the R-1 (Single Family Residential) district is to provide low density residential setting with a buffer from the street. The proposed addition is inconsistent with the intent of the district and the request is a self-imposed hardship. The existing structure does not meet the minimum standard for the zoning district; therefore, staff recommends denial.

This property is located within the A-O (Airport Overlay) District and is in compliance with the standards of the district.

FINDINGS (VAR-43331)

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:

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing a structure within the front yard setback area. To meet Title 19 requirements the structure must be removed or altered. 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

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NOTICES MAILED 438 (By City Clerk)

APPROVALS 0

PROTESTS 0