

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 27, 2010**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: DEBRA D. MAZZA TRUST OF 2008**

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

| <i><b>CASE<br/>NUMBER</b></i> | <i><b>RECOMMENDATION</b></i>                                | <i><b>REQUIRED FOR<br/>APPROVAL</b></i> |
|-------------------------------|-------------------------------------------------------------|-----------------------------------------|
| <b>VAR-37927</b>              | Staff recommends DENIAL, if approved subject to conditions: |                                         |

**\*\* CONDITIONS \*\***

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**VAR-37927 CONDITIONS**

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**Planning and Development**

- 1.All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all code as required by the Building and Safety Department
- 2.This approval shall be void two years from the date of final approval, unless a building permit has been issued for the subject addition. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow an 11 foot rear yard setback where 15 feet is required for a proposed addition to a single-family residence at 316 Brighton Road. The proposed room addition will encroach 4 feet into the required 15-foot rear yard setback of the property. Staff is recommending denial as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18 that would justify the Variance request. If denied, construction of the addition will not be allowed in its proposed configuration.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc</i></b> |                                                                                                                                                                                                    |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/19/65                                                                 | The Board of City Commissioners approved a request for Annexation (A-0005-65) of section 34 of Township 20.                                                                                        |
| 03/01/72                                                                 | The Board of City Commissioners approved a request for Reclassification (Z-0008-72) of a property generally located northeast of the intersection of Alta Drive and Buffalo Drive from R-E to R-1. |

| <b><i>Most Recent Change of Ownership</i></b> |                                                |
|-----------------------------------------------|------------------------------------------------|
| 12/09/08                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                                                                                                                                                                                               |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/27/10                                                 | An application for building permit (#155432) was submitted for a room addition at 316 Brighton Road. The permit has been denied by Planning and Development pending approval of this request. |

| <b><i>Pre-Application Meeting</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/10/10                              | <p>A pre-application meeting was held with the applicant where elements of submitting a Special Use Permit were discussed. Topics included:</p> <ul style="list-style-type: none"> <li>• The addition is encroaching 4 feet into the 15-foot setback.</li> <li>• The submittal requirements were explained, and the applicant was provided with other options that would allow for a rectangular shaped room that would not encroach into the setback.</li> </ul> |

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

| <b><i>Field Check</i></b>                                                            |
|--------------------------------------------------------------------------------------|
| 04/22/10      Staff conducted a site visit and observed a well-maintained residence. |

| <b><i>Details of Application Request</i></b> |
|----------------------------------------------|
| <b><i>Site Area</i></b>                      |
| Net Acres      .17                           |

| <b><i>Surrounding Property</i></b> | <b><i>Existing Land Use Per Title 19.04</i></b> | <b><i>Planned or Special Land Use Designation</i></b> | <b><i>Existing Zoning District</i></b> |
|------------------------------------|-------------------------------------------------|-------------------------------------------------------|----------------------------------------|
| Subject Property                   | Single Family Residence                         | L (Low Density Residential)                           | R-1 (Single Family Residential)        |
| North                              | Single Family Residence                         | L (Low Density Residential)                           | R-1 (Single Family Residential)        |
| South                              | Single Family Residence                         | L (Low Density Residential)                           | R-1 (Single Family Residential)        |
| East                               | Single Family Residence                         | L (Low Density Residential)                           | R-1 (Single Family Residential)        |
| West                               | Single Family Residence                         | L (Low Density Residential)                           | R-1 (Single Family Residential)        |

| <b><i>Master Plan Areas</i></b>                     | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
|-----------------------------------------------------|-------------------|------------------|--------------------------|
| <b>Master Plan Area</b>                             |                   | X                | N/A                      |
| <b><i>Special Purpose and Overlay Districts</i></b> | <b><i>Yes</i></b> | <b><i>No</i></b> | <b><i>Compliance</i></b> |
| <b>Special Purpose and Overlay Districts</b>        |                   | X                | N/A                      |
| <b>Trails</b>                                       |                   | X                | N/A                      |
| <b>Rural Preservation Overlay District</b>          |                   | X                | N/A                      |
| <b>Las Vegas Redevelopment Plan Area</b>            |                   | X                | N/A                      |
| <b>Development Impact Notification Assessment</b>   |                   | X                | N/A                      |
| <b>Project of Regional Significance</b>             |                   | X                | N/A                      |

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**DEVELOPMENT STANDARDS**

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-----------------|-------------------------|-----------------|-------------------|
| Min. Setbacks   |                         |                 |                   |
| • Front         | 20 Feet                 | 35 Feet         | Y                 |
| • Corner        | 5 Feet                  | 15 Feet         | Y                 |
| • Rear          | 15 Feet                 | 11 Feet         | N                 |

**ANALYSIS**

The proposed addition will be 15 feet wide by 17 feet long, or approximately 255 square feet, and will be completely enclosed. Submitted plans indicate that internal access to the addition from the primary dwelling will be provided.

Research of the building permit activity found that the applicant has submitted plans for the addition via the Building and Safety Department in order to obtain the necessary building permits to construct the structure. An alternative option, such as the relocation and reconfiguration of the proposed addition would allow conformance to the requirements of Title 19. Staff is recommending denial of this request for a Variance as the applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18 that would justify the Variance request.

**FINDINGS (VAR-37927)**

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 19.18.070(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.”

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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 proposing to encroach four feet into the required setback area. Alternative design and repositioning of the proposed addition 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** 14**NOTICES MAILED** 377**APPROVALS** 3**PROTESTS** 0