



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JUNE 24, 2010
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: MARK SNAVELY

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38135	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-38135 CONDITIONS

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a final inspection is approved. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. Prior to occupancy, 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 Building and Safety Department.
3. These Conditions of Approval shall be affixed to the cover sheet of the 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 subject site consists of a 1,446 square-foot single family residence with a 440 square-foot garage on 0.15 acres at 3812 Sunrise Avenue. The applicant is proposing to expand the existing garage to 660 square feet with a 220 square-foot addition. The proposed addition will extend five feet into the front yard setback; therefore, a Variance is required. Staff recommends denial, as there is no hardship associated with the physical characteristics of the site. The proposed garage is subject to the current code, which requires a front yard setback of at least 20 feet. Denial of this request would not allow the expansion of the existing garage to encroach within the front yard setback.

ISSUES

- The proposed addition is not in compliance with Title 19.08 setback requirements.
- The proposed single family detached dwelling meets all other Title 19 development standards.
- There is adequate space on the lot to expand the garage five feet north instead of 10 feet and still be in conformance with the required front yard setback line.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
There is no related case history associated with the subject site.	

<i>Most Recent Change of Ownership</i>	
12/30/97	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c.1964	The existing residence was constructed.
10/04/96	A building permit was issued (96020164) for a 370 square-foot room addition at 3812 Sunrise Avenue. The permit expired on 03/14/98.
04/06/10	The Planning and Development Department denied a building permit (160158) for a garage addition. The front yard setback would be reduced to 15 feet with the proposed garage addition where 20 feet is the minimum setback allowed in the R-1 (Single Family Residential) zone. The review triggered this request for a Variance.

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<i>Pre-Application Meeting</i>	
04/19/10	The following items were discussed at the pre-application meeting: A Variance is required to encroach within the required 20 foot front yard setback. The submittal requirements for a Variance application were discussed.

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

Field Check	
05/20/10	A field check was completed on the indicated date. The following items were noted: • Staff observed a well maintained single family residence.

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

<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	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)

<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		X	N/A
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
			GK

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	6,800 SF	Y
Min. Lot Width	65 Feet	68 Feet	Y
Min. Setbacks • Front • Side • Rear	20 Feet 5 Feet 15 Feet	15 Feet 7 Feet 15 Feet	N Y Y
Max. Lot Coverage	50%	31%	Y
Max. Building Height	Two stories or 35 Feet, whichever is less	One Story, or 10 Feet	Y

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	1,446 SF	2 per dwelling unit	2	0	2	0	
TOTAL	1,446 SF		2		2		Y

ANALYSIS

Title 19.08.040 Table 1 requires a front yard setback of 20 feet in R-1 (Single Family Residential) zoning districts. The placement of the proposed 220 square-foot addition to the existing garage is five feet closer to the front property line than allowed by code, a 25 percent deviation. The applicant is requesting a Variance to allow a 15-foot front yard setback where 20 feet is required. The existing single family detached dwelling meets all other Title 19 development standards.

Currently, the existing garage is set back 25 feet from the front property line. The applicant could reduce the proposed addition by 50% and maintain compliance with the minimum 20-foot front yard setback requirement. As the size and shape of the lot do not hinder conformance with the front yard setback requirement and reducing the proposed expansion could maintain compliance with Title 19 setback requirements, staff recommends denial of the request.

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FINDINGS (VAR-38135)

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.”

No evidence of a unique or extraordinary circumstance has been presented. The size and shape of the lot do not hinder conformance with the front yard setback standard. The applicant has created a self-imposed hardship by proposing to expand an existing garage into the required front yard setback area. Reducing the proposed expansion to be at least 20 feet from the front property line would allow conformance to 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

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NOTICES MAILED 375

APPROVALS 0

PROTESTS 0