

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 21, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: YADIDIA SARAF

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-39361	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

VAR-39361 CONDITIONS

Planning and Development

- 1.This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. 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.All necessary building permits shall be obtained for all existing accessory structures within 60 days of final approval or the structures shall be removed.
- 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 subject site contains an existing 1,040 square-foot single family dwelling with a carport. The applicant enclosed the carport without permits, creating a 312 square-foot room addition, which encroaches into the corner side yard setback area. A variance is therefore required to allow an eight-foot corner side yard setback where 15 feet is required. Staff recommends denial, as this a self-imposed hardship. If denied, the applicant will be required to return the carport to its original condition.

ISSUES

- A 312 square-foot carport was enclosed without permits.
- An unpermitted detached patio cover and three portable sheds are located in the rear yard.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
No land use entitlements are associated with the subject property.	
<i>Most Recent Change of Ownership</i>	
04/23/10	A deed was recorded for a change in ownership.
<i>Related Building Permits/Business Licenses</i>	
C.1961	The Single-Family Residence was constructed.
03/24/10	A building permit (159044) for a carport enclosure at 4805 Apawana Lane was denied by the planning department for encroaching into the corner side yard setback area. Approval of this Variance is required to approve the permit.
<i>Pre-Application Meeting</i>	
07/28/10	A pre-application meeting was held with the applicant where the submittal requirements for a Variance were discussed.

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Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	
Field Check	
09/16/10	A single family residence, with an unpermitted carport enclosure, detached patio cover and graffiti on the perimeter wall, was noted during a field check.

Details of Application Request	
Site Area	
Net Acres	.15

Surrounding Property	Existing Land Use Per Title 19.04	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family Residential	L (Low-Density Residential)	R-1 (Single Family Residential)
North	Single Family Residential	L (Low-Density Residential)	R-1 (Single Family Residential)
South	Single Family Residential	L (Low-Density Residential)	R-1 (Single Family Residential)
East	Office, Medical or Dental	SC (Service Commercial)	P-R (Professional Office and Parking)/C-1 (Limited Commercial)
West	Single Family Residential	L (Low-Density Residential)	R-1 (Single Family Residential)

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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	6,594 SF	Y
Min. Lot Width	65 Feet	65 Feet	Y
Min. Setbacks			
• Front	20 Feet	25 Feet	Y
• Side	5 Feet	6 Feet	Y
• Corner	15 Feet	8 Feet	N
• Rear	15 Feet	47 Feet	Y
Max. Lot Coverage	50 %	21 %	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 Unit	2 Spaces Per Unit	2	0	2	0	Y
TOTAL SPACES REQUIRED			2		2		Y

Functional Classification of Street(s)	Governing Document	Street Width (Feet)	Compliance with Street Section
<i>Apawana Lane: Local Street</i>	N/A	50	Y

ANALYSIS

Title 19.08.040 Table 1 requires a corner side yard setback of 15 feet in R-1 (Single Family Residential) zoning districts. The placement of the existing 312 square-foot addition to the existing single family home is seven feet closer to the corner side yard property line than allowed by code, a 47 percent deviation. The applicant is requesting a Variance to allow an eight foot corner side yard setback where 15 feet is required. Additionally, a detached patio cover and three unpermitted portable sheds are located in the rear yard. A condition of approval requires that permits be obtained for these structures within 60 days of final approval. Staff recommends denial, as the requested Variance is self-imposed.

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FINDINGS (VAR-39361)

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, in that the applicant has created a self-imposed hardship by enclosing an existing carport that encroaches seven feet into the established 15 foot corner side yard setback without first obtaining required building permits. The alternative of returning the carport to its original condition 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

25

NOTICES MAILED

205

APPROVALS

1

PROTESTS

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