

COOPER LEVENSON
ATTORNEYS AT LAW

6060 Elton Avenue, Suite A
Las Vegas, NV 89107-0126
Phone 702-366-1125
Fax 702-366-1857
www.cooperlevenson.com

TREVOR HAYES
EMAIL: thayes@cooperlevenson.com

Direct Phone (702) 366-1125
Direct Fax (702) 366-1857

FILE NO.: 56080.1

October 5, 2010

City of Las Vegas
Planning and Development
731 South Fourth Street
Las Vegas, NV 89101

RECEIVED
OCT 19 2010

Re: Variance application for 305 Rosemary Lane

Dear Planning Department:

My client, Charles "Dee" Hopper, is applying for a variance at his residence to build a carport attached to his home at 305 Rosemary Lane (APN: 139-32-214-034). We are requesting a waiver for the side building setback to 1.5 feet where 15 feet is required.

Mr. Hopper would like to build a carport attached to the south side of his property that would match the existing roofline of the home and would extend to 1.5 feet of his neighbor to the south. The home is zoned R-E.

I was informed by the planning department that this carport would fall under the category of "Patio Cover" in the Las Vegas Municipal Code.

Section 19.08.040(4)(a) of the LVMC requires a patio cover to have a side yard setback of five feet in most residential areas, however in R-E it calls for a 15-foot setback.

The home is located in the Rancho Nevada Estates neighborhood, north of Alta between Rancho Drive and Valley View Boulevard. This neighborhood differs significantly from many R-E zoned areas. LVMC 19.02.040(A)(2) defines the purpose of R-E districts as "to provide for low density residential units located on large lots and conveying a rural environment."

This neighborhood is located near the center of the City of Las Vegas and does not convey a rural environment. It is a conventional neighborhood of primarily single-story ranch-style houses on lots of approximately 18,000 square feet or greater that was developed in the 1960s. The homes were built long before the R-E designation and requirements were imposed on the neighborhood.

VAR-39816

COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.

NJ Offices: ATLANTIC CITY • CHERRY HILL • NEWARK • PRINCETON • TRENTON

HARRISBURG, PA • BEAR, DE • LAS VEGAS, NV

REVISED

COOPER LEVENSON APRIL NIEDELMAN & WAGENHEIM, P.A.

City of Las Vegas

October 5, 2010

Page 2

Currently, more than 90 homes in the neighborhood have less than a 15-foot side yard setback from neighboring properties. In many instances, it is actually the home itself, rather than a garage, carport or accessory structure, which is built closer than 15 feet from its neighbor.

You will notice the plans also call for a porte cochere to be built in the front of the home. This porte cochere conforms with the Code's requirement for a 15-foot front yard setback.

Allowing a carport to be built within 1.5 feet of the home's southern neighbor would not be incompatible with neighborhood. In fact, the property to the immediate south, which would be most affected by this carport, has a carport on its southern side that is less than 15 feet from the neighboring property and is at a height well above the home's roofline.

If Mr. Hopper were to build the carport, or a garage, with a six-foot separation from his home, LVMC 19.08.040(B) would allow him to build to a height of 35 feet and with a three-foot side yard setback. However, separating the carport from the home could be less aesthetically pleasing to the neighbors and less compatible with the community.

Because the addition of a carport 1.5 feet from the southern property line and with a roofline matching the home would be consistent with the other homes in the neighborhood, we ask your support in granting these variances.

Regards,


Trevor Hayes

TH/os

CLAC; 490862.1

RECEIVED
OCT 19 2010

VAR-39816
REVISED