



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MARCH 11, 2014
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: JOSHUA HAMILTON AND LYNN HOLT

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-52650	Staff recommends DENIAL, if approved subject to conditions:.	N/A

**** CONDITIONS ****

VAR-52650 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 for a Variance to allow a detached front loaded Accessory Structure (Class II) [Garage] to be constructed in the front yard where such is not permitted, to allow said structure to be constructed with a five-foot front yard setback where 21 feet is the minimum required and to allow a five-foot distance separation from the principal structure where six feet is the minimum required. The site is located at 4 Crescent Drive, in an R-E (Residence Estates) zoning district. The site has an existing front and rear yard setback Variance because of the unique shape; however, the proposed structure and additional setback Variance will overbuild the site. For these reasons, staff recommends denial of this request.

ISSUES

- A Variance is required to allow a five-foot front yard building setback for the principal structure where 21 feet is the minimum required.
- A Variance is required to allow a five-foot building separation from the principal structure, where six feet is the minimum required.
- A Variance is required to allow a front loaded detached Accessory Structure Class II [Garage] to be constructed in front yard, where such a structure is not allowed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
02/24/77	The Board of Zoning Adjustment approved a Variance (V-0012-77) request to allow the Crescent Street side of the property to be the legal front of the lot and to allow the front and rear setback to be applicable from the said street; to allow a front yard setback of 21 feet and a rear yard setback of 40 feet where 50 feet is required and to allow an 8-foot south side yard setback where 10 feet is required at 4 Crescent Drive.

<i>Most Recent Change of Ownership</i>	
06/20/08	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
1975	The principal structure was constructed.

<i>Pre-Application Meeting</i>	
11/27/13	A pre-application meeting was held with the applicant to discuss the submittal requirement for a variance to construct a detached Accessory Structure (Class II) [Garage] in the front yard.

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

<i>Field Check</i>	
01/30/14	A field check was conducted on the subject property and revealed that the property is clean and well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.53

<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	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Major Collector	Right-of-Way	N/A

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
Rural Preservation Overlay District	Y

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to (19.06.060), the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	23,087 SF	Y
Min. Lot Width	100 Feet	184 Feet	Y
Min. Setbacks			
• Front	21 Feet ¹	5	N ²
• Side			
South	8 Feet ¹	N/A	N/A
West	10 Feet	11 Feet	Y
• Corner	15 Feet	Feet	N/A
• Rear	10 Feet	N/A	N/A
Min. Distance Between Buildings	6 Feet	5 Feet	N2
Max. Building Height	10 Feet	10 Feet	Y

1. Variance (V-0012-77) reduces the front, side and rear yard setbacks.
2. This application is to allow the reduced front yard setback and distance separation requirements.

ANALYSIS

This application is a request for a Variance to allow a 575 square-foot Accessory Structure Class II [Front Loaded Garage] to be constructed in the front yard. The proposed structure will create a multi-car garage to safely house the owner's vehicles. The structure will encroach 16 feet (or a 76 percent reduction) into the existing reduced 21-foot front yard setback.

The size and placement of the proposed Accessory Structure (Class II) [Garage] is driven by size and placement of the existing principal structure and the ameba shaped lot with a disproportionate lot frontage.

The applicant has taken care to ensure that the proposed structure's architectural character is consistent with the surrounding neighborhood; however, the existing front and rear yard setback illustrate that the site is built to capacity. The required additional setback Variance reinforces the unsuitability of any additional structures on this site.

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Per Title 19.06.040(C) a detached garage is permitted in the front yard provided the structure is side loaded and meets the minimum setbacks for the property. Also, a front loaded garage is permitted in the front yard provided the garage is attached to the principal structure and the required setback is met.

In summation, this proposed structure's architectural character is consistent with the surrounding neighborhood; however, due to the lot size and shape the proposed structure cannot be built in a harmonious manner with the existing neighborhood. For these reasons, staff recommends denial of this Variance.

FINDINGS (VAR-52102)

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:

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 proposing an additional Accessory Structure (Class II) [Garage] on a site that is already built to capacity. 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

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APPROVALS 0

PROTESTS 1