



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2014
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: LAURIE NADY FAMILY TRUST

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-54820	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

VAR-54820 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 [within 180 days](#).
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.

Staff Report Page One
September 17, 2014 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a zero-foot side yard setback where five feet is required for an existing patio cover located at 4530 Dover Place. The site is in an R-1 (Single Family Residential) zoning district. The hardship is self-imposed. The structure does not conform to code and was built without permits. For these reasons, staff recommends denial of this request. If this request is denied, then the patio cover must be reconfigured to conform to current code requirements or be removed.

ISSUES

- A Variance is required to allow a zero-foot side yard building setback for an existing patio cover where five feet is the minimum required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
11/13/51	The Board of City Commissioners approved a Rezoning (Z-0001-51) from R-A (Ranch Estates) to R-1(Single Family Residence) for the Hyde Park Tract for the property described as the SW1/4 of Section 31 Township 20 South Rang 61 East MDB& M. The Regional Planning Commission recommended approval.
05/22/52	The Board of City Commissioners approved a Tentative Map request for approximately 645 single-family homes on 160 acres of the land described as the SW1/4 of Section 31 Township 20 South Rang 61 East MDB& M.
12/23/52	The Board of City Commissioners approved a Final Map request for a portion of Hyde Park Subdivision #3. The Planning Commission recommended approval.
03/07/11	A complaint (#98672) was filed with Code Enforcement for the front yard covered in weeds and a broken window. The complaint was resolved on 08/02/11.
01/26/12	A complaint (#109747) was filed with Code Enforcement for work being performed without permits. The complaint was resolved on 08/07/12.
10/15/12	A complaint (#121068) was filed with Code Enforcement for work being performed without permits and conversion of a single family structure to multi-family dwelling. The complaint was resolved on 12/13/12.

Staff Report Page Two
September 17, 2014 - City Council Meeting

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/16/12	A complaint (#121080) was filed with Code Enforcement for work being performed without permits and conversion of a shed to an Accessory Structure (Class II). The complaint was resolved on 10/16/12.
12/18/12	A complaint (#123347) was filed with Code Enforcement for a rubble pile of concrete stored in the front yard. The complaint was resolved on 08/07/12.
02/04/13	A complaint (#124589) was filed with Code Enforcement for overgrown weeds in the front yard. The complaint was resolved on 02/05/13.
04/02/14	A complaint (#139545) was filed with Code Enforcement for construction of a patio cover and carport with permits. The complaint has not been resolved as of 07/23/14.
08/12/14	The Planning Commission voted to recommend APPROVAL.

<i>Related Building Permits/Business Licenses</i>	
06/03/09	A building permit (#140759) was issued for two storage sheds. The permit was finalized on 12/29/09.
08/06/12	A building permit (#215677) was issued for an interior remodel and Accessory Structure (Class II) [laundry room]. The permit was finalized on 05/28/13.
11/08/12	A building permit (#223551) was issued for plumbing to the laundry room. The permit was finalized on 11/08/12.
04/04/13	A building permit (#232969) was issued for block wall repairs. The permit was finalized on 05/29/13.

<i>Most Recent Change of Ownership</i>	
10/25/11	A deed was recorded for a change in ownership.

<i>Pre-Application Meeting</i>	
06/24/14	A pre-application meeting was held with the applicant's designated representative to discuss the submittal requirements for two setback Variances for an existing patio cover and Accessory Structure (Class II) [Shed].

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

Staff Report Page Three
September 17, 2014 - City Council Meeting

Field Check	
07/03/14	A field inspection was conducted on the subject site revealed that the carport/patio cover exists and is close to if not over the existing property line.

Details of Application Request	
Site Area	
Net Acres	0.15

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 feet)	Y
Meadows Walkable Community Plan	Y
Other Plans or Special Requirements	Compliance
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 19.060.040 and 19.060.070 for a Patio Cover the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks			
• Side	5 Feet	0 Feet	N
• Rear	5 Feet	59 Feet	Y
Max. Building Height	12 Feet	8 Feet	Y

Staff Report Page Four
September 17, 2014 - City Council Meeting

ANALYSIS

There was some confusion to what the residential development standards are for this property. The development standards for the Hyde Park Tract were established over a half-century ago in 1951 when a tract of land was Rezoned from R-A (Ranch Estates) to R-1 (Single Family Residence). Chapter 24 of "The code of the City of Las Vegas Nevada 1949" determined the permitted uses and building requirements for this development. The required building setback for a building in an R-1 (Single Family Residential) zoning district was "ten percent of the width of the lot, but such side yard not exceed twenty-five feet and shall not be less than five feet in width." Chapter 24 Section 12 (D)(b) states: "Cornices, canopies, eaves or other similar feature not providing additional floor space within the building may extend into a required yard not to exceed two feet." The zoning code has changed a number of times over year since the original approval. This patio cover/carport was constructed within the last year and therefore; Title 19.060.040 and 19.060.070 detail the development standards (setbacks) for this patio cover/carport.

This application is a request for a Variance to allow an existing patio cover on the east property line where five feet is required. The patio cover is on the side yard property line, which represents a 100 percent setback reduction. The requested Variance does not comply with the minimum side yard setback for a R-1 (Single Family Residential) zoning district and is not consistent with the characteristics of single-family homes throughout the valley.

Several patio covers exist in the required setback area on Dover Place; however, only one received approval of a setback Variance. Every Variance is evaluated separately and the approval of one Variance does not guarantee the approval of another. This requested setback Variance is on a lot that is not irregular in shape and there are no unique site characteristics. The patio cover was constructed without permits and fails to meet code. This is a self-imposed hardship. Staff recommends denial of this request. If this Variance is denied, then the patio cover must be removed or reconfigured to conform to current code requirements.

FINDINGS (VAR-54820)

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."

**Staff Report Page Five
September 17, 2014 - City Council Meeting**

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 constructing a patio cover on the property line without permits. Alternatively, the patio cover could be reduced in size and in a manner that 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 27

NOTICES MAILED 313 (By City Clerk)

APPROVALS 47

PROTESTS 3