



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: DONNER 2002 TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-54750	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-54750 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.

Staff Report Page One
August 12, 2014 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a five-foot rear yard building setback where 10 feet is the minimum requirement for a proposed 540 square-foot Accessory Structure (Class II) [pool house]. The site is located at 3020 Campbell Circle, in an R-E (Residence Estates) zoning district. No substantial evidence has been presented to warrant the requested Variance. As such, the hardship is self-imposed and staff must recommend denial of this request.

ISSUES

- A Variance is required to allow a five-foot rear yard building setback for an (Accessory Structure (Class II) [pool house] structure where 10 feet is the minimum required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) request form R (Rural Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission and staff recommended denial.

<i>Most Recent Change of Ownership</i>	
03/12/14	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1976	The principal dwelling was constructed.
12/13/05	A complaint (#36906) was filed with Code Enforcement for the construction of a block wall without permits. The complaint was resolved on 12/30/05.
03/17/14	A building permit (#256359) was issued for interior demo. The permit has not been finalized as of 07/16/14.
04/09/14	A building permit (#257834) was issued for a room addition and patio cover. The permit has not been finalized as of 07/16/14.

Staff Report Page Two
August 12, 2014 - Planning Commission Meeting

<i>Related Building Permits/Business Licenses</i>	
04/09/14	A building permit (#257835) was issued for a block wall. The permit has not been finalized as of 07/16/14.
04/28/14	A building permit (#258970) was issued for a block wall. The permit has not been finalized as of 07/16/14.
06/04/14	A building permit (#261732) was issued to raise the wall height of the rear wall from five-foot, six-inches to seven feet. The permit has not been finalized as of 07/16/14.
05/22/14	A building permit (#260819) was issued for a 540 square-foot pool house with a rear yard setback of 10 feet. The permit has not been finalized as of 07/16/14.

<i>Pre-Application Meeting</i>	
06/17/14	A pre-application meeting was held with the applicant's designated representative to discuss the submittal requirements for a setback variance.

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

<i>Field Check</i>	
07/03/14	A field inspection was conducted on the subject site, which revealed the foundation for the proposed structure is formed approximately five-foot from the property line and the entire site is under construction.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.68

<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)

Staff Report Page Three
August 12, 2014 - Planning Commission Meeting

<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>
East	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<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>
Rural Preservation Overlay District	Y
<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 19.060.060 for Accessory Structures, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Side	10 Feet	34 Feet	Y
• Rear	10 Feet	5 Feet	N
Min. Separation Distance	6 Feet	32 Feet	Y
Max. Lot Coverage of side and rear yard	50 %	6 %	Y

ANALYSIS

This application is a request for a Variance to allow a 540 square-foot Accessory Structure (Class II) [pool house] to be constructed five-foot from the rear property line. The pool house will cover approximately six percent of the rear and side yard area. As proposed, the structure will encroach five feet into the side yard setback, which represents a 50 percent setback reduction. Building Permit (#260819) was issued with a rear yard setback of 10 feet for this proposed pool house. If this Variance is approved, then Building Permit (#260819) may be revised to reflect the reduced setback.

Staff Report Page Four
August 12, 2014 - Planning Commission Meeting

This application has been properly noticed to governmental and outside agencies. The Las Vegas Valley Water District (LVVWD) was the only agency that responded with the comments below:

“The property is currently served but plumbing calculations for the proposed pool house/casita will need to be submitted to LVVWD to determine if the existing meter can meet the additional demand.”

The requested Variance does not comply with setbacks for R-E (Residence Estates) zoning district and the reduced setback is not consistent with the characteristics of single-family homes on large lots in the Rural Preservation Overlay District. Additionally, the lot is not irregular in shape and there are no unique site characteristics. This application is the result of a self-imposed hardship; therefore, staff recommends denial this request.

FINDINGS (VAR-54750)

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 to construct an Accessory Structure (Class II) [pool house] in the required rear yard setback. Alternatively, the pool could be constructed with the required 10-foot rear yard setback as approved by Building Permit (#260819) and in conformance with 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.

Staff Report Page Five
August 12, 2014 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 140

APPROVALS 0

PROTESTS 0