



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GARRY ORANGE

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-66428	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 259

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

VAR-66428 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
October 11, 2016 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow the construction of a proposed home addition that will have a seven-foot corner side yard setback where 15 feet is the minimum required in the R-1 (Single Family Residential) zoning district.

ISSUES

- The R-1 zoning district requires structures on corner lots to have a minimum corner side yard setback of 15 feet. The applicant is proposing a seven-foot corner side yard setback.
- The applicant has created a self-imposed hardship by proposing to construct an addition that does not meet Title 19 requirements. Therefore, staff recommends denial of this request.

ANALYSIS

The applicant has proposed to construct a 160 square foot addition to the northern side of their single family dwelling. Per the applicant's justification letter, the addition will be used for a home theater. The subject site is zoned R-1 (Single Family Residential) and is a corner lot that requires a 15-foot corner side yard setback. The applicant is proposing a corner side yard setback of seven feet for the home addition.

Since this is a self-imposed hardship created by the owner, staff recommends denial of the request. If approved, the applicant will be able to construct their home addition with a seven-foot corner side yard setback.

FINDINGS (VAR-66428)

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 Two
October 11, 2016 - Planning Commission 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 proposing to construct a home addition within the required corner side yard setback. 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
10/06/92	The City Council approved a Rezoning (Z-62-92) in order to allow a reclassification from R-E (Residence Estates) to R-1 (Single Family Residential).

<i>Most Recent Change of Ownership</i>	
02/04/10	A deed was recorded for a change in ownership.

<i>Pre-Application Meeting</i>	
08/09/16	A meeting was held with the applicant where the submittal requirements and deadlines were reviewed.

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

<i>Field Check</i>	
09/01/16	Staff conducted a routine field check and found the site to be well maintained.

Staff Report Page Three
October 11, 2016 - Planning Commission Meeting

<i>Site Area</i>	
Net Acres	.179

<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	R (Rural Density Residential)	R-1 (Single Family Residential)
North	Single Family, Detached	R (Rural Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	R (Rural Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	R (Rural Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	R (Rural Density Residential)	R-1 (Single Family Residential)

<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 Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	N/A	Y
Min. Lot Width	60 Feet	N/A	Y
Min. Setbacks			
• Front	20 Feet	31 Feet	Y
• Side	5 Feet	N/A	Y
• Corner	15 Feet	7.4 Feet	N
• Rear	15 Feet	N/A	Y
Max. Lot Coverage	50 %	40 %	Y