



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: NOVEMBER 1, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: RALPH SERVIDO - OWNER: RALPH SERVIDO
FAMILY TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-66741	Staff recommends APPROVAL, subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 250

APPROVALS 15

PROTESTS 0

**** CONDITIONS ****

VAR-66741 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

The applicant is requesting a Variance to allow an existing accessory structure (Class II) [detached patio cover] with a 10-foot corner side yard setback where 15 feet is the minimum required in the R-1 (Single Family Residential) zoning district at 7703 Calm Waters Street.

ISSUES

- The R-1 zoning district requires accessory structures to have a minimum corner side yard setback of 15 feet. The applicant is proposing a 10-foot corner side yard setback for an existing detached patio cover.

ANALYSIS

The existing accessory structure is located in the southwest corner of the subject property. While the applicant fails to meet the corner side yard setback requirement, the existing accessory structure does meet the setback requirement from the property line shared by the adjacent landowner. The existing accessory structure is not visible from the street and is buffered by an existing wall and landscaping. Approval of the applicant's request will not negatively affect the subject site or surrounding area. As such, the variance request is reasonable and staff recommends approval with conditions.

FINDINGS (VAR-66741)

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

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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.”

The applicant has provided sufficient evidence that the need for a setback variance is a unique situation and that its approval will not pose any nuisance to the subject property or the surrounding area. The existing accessory structure meets the setback requirement from the shared property line of the adjacent landowner, and the structure is buffered from the street by an existing wall and landscaping. Therefore, staff finds that the applicant’s request is within the realm of NRS Chapter 278 for granting of Variances.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/04/16	A code enforcement citation (#169687) was issued for an unpermitted accessory structure. The citation remains unresolved.

<i>Most Recent Change of Ownership</i>	
04/13/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 2003	The existing single-family dwelling was constructed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.22

<i>Pre-Application Meeting</i>	
09/13/16	Staff conducted a pre-application meeting where the submittal requirements and deadlines were discussed.

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

<i>Field Check</i>	
09/26/16	Staff conducted a routine field check and found the site to be well maintained.

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<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	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

<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>
No Applicable Special Purpose or Overlay Districts	N/A
<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	9,583 SF	Y
Min. Lot Width	60 Feet	66 Feet	Y
Min. Setbacks (Accessory Structures)			
• Side	3 Feet	66 Feet	Y
• Corner	15 Feet	11 Feet	N
• Rear	3 Feet	4 Feet	Y
Min. Distance Between Buildings	6 Feet	13 Feet	Y
Max. Lot Coverage	50 %	32 %	Y
Max. Building Height	35 Feet	10 Feet	Y
Max. Size of Accessory Structures	50% of principal du.	3%	Y