City of Las Vegas

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2017
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: ANGEL ATILIO & KARA SANCHEZ

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69167	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 531

PROTESTS 0

APPROVALS 4

**** CONDITIONS ****

VAR-69167 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. All necessary building permits shall be obtained within 90 days of final approval of the Variance (VAR-69167).

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant began construction of a 568 square-foot, one-story addition to the existing 1,530 square-foot single family home at 6104 Kimberly Circle prior to obtaining building permits. They received a citation from Code Enforcement for construction without a permit and for the addition being within the five-foot side yard and 15-foot rear yard setback areas. The applicant then submitted this variance request.

ISSUES

- A citation (#172493) was issued for construction without a building permit, and for encroachments into the side and rear yard setback areas. That citation is still open.
- The addition has already been partially constructed and is one foot from the side property line, where five feet is required; and two feet from the rear property line, where 15 feet is required. Staff does not support this variance request.

ANALYSIS

The applicant began construction on a room addition prior to the issuance of permits and located that addition within the side and rear setback areas. The addition is sided with stucco and is roofed with asphalt shingles as is the existing dwelling. The addition is below the maximum height and maximum lot coverage allowed in the R-1 (Single Family Residential) zoning district per UDC 19.06.

The addition is one foot, ten inches from the eave to the side property line, and two foot, ten inches from the eave to the rear property line. Typically, setbacks are measured to the addition wall, and eaves are allowed to overhang up to two feet; however, the addition in questions is within three feet of the property line so all setbacks are measured to the eave as the leading edge of the addition. As such, the deviation proposed is 80% for the side setback and 94% for the rear setback.

As the proposed deviations are extreme and there appears to be an absence of hardship, staff is recommending denial of this request. Staff has included conditions if approved.

FINDINGS (VAR-69167)

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 electing to size the addition and locate the addition inappropriately for the lot configuration. Alternative design or location on the lot 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.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/20/2016	A citation (#172493) was issued by Code Enforcement for construction without a permit and setback encroachments. The case is still open pending the outcome of this request.

Most Recent Change of Ownership	
08/01/01	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
1960	The existing Single Family Dwelling was constructed.

Pre-Application Meeting	
01/30/17	A preapplication meeting was held with the applicant, where the submittal requirements were discussed.

Neighborhood Meeting
A neighborhood meeting was not required, nor held.

Field Check	
03/02/17	Staff completed a routine site visit and found a typical single family residential property, with a partially completed addition.

Details of Application Request	
Site Area	
Net Acres	0.19

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
North	Public Utility (LVVWD)	PF (Public Facility)	C-V (Civic)
South	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
East	Multi-Family Residential	M (Medium Density Residential)	RPD-15 (Residential Planned Development – 15 units per acre)
West	Single Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)

Master and Neighborhood Plan Areas	***Compliance***
No Applicable Master Plan Area	N/A

Special Purpose and Overlay Districts	***Compliance***
A-O (Airport Overlay) District	Y
Other Plans or Special Requirements	***Compliance***
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Standard	***Required/Allowed***	***Provided***	***Compliance***
Min. Lot Size	6,500 SF	8,275 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20 Feet	24 Feet	Y
• Side	5 Feet	1 Feet	*N
• Corner	15 Feet	N/A	Y
• Rear	15 Feet	2 Feet	*N
Min. Distance Between Buildings	6 Feet	N/A	Y
Max. Lot Coverage	50 %	26 %	Y
Max. Building Height	35 Feet	30 Feet	Y

*The applicant has requested a variance to allow the addition to be one foot from the side property line and two feet from the rear property line.

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Actual Street Width (Feet)***	***Compliance with Street Section***
Kimberly Circle	Local Street	Title 13	52	Y