



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 11, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MAJORIE A POLLY LIVING TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69204	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 207

PROTESTS 0

APPROVALS 2

**** CONDITIONS ****

VAR-69204 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
April 11, 2016 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to construct a house addition within a required front yard setback area. The house is located at 3210 Ashby Avenue.

ISSUES

- The R-E zoning district requires principal buildings to have a minimum front yard setback of 50 feet. The applicant is proposing a 40-foot front yard setback for a house addition. Staff recommends denial of this request.

ANALYSIS

The subject site is located within the R-E (Residence Estates) zoning district, which requires principal buildings to have a minimum front yard setback of 50 feet. The applicant is requesting a variance to construct a 253 square-foot addition on the southwest corner of the existing house with a front yard setback of 40 feet. Per the submitted justification letter, the additional space is needed in order to provide a secure home for the owner's vehicles. Originally, the existing house was built with a two car garage. This garage was later converted into an entertainment room. The applicant intends to convert this room back into a garage. Aesthetically, the garage will match the exterior of the existing dwelling.

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 a house addition with a front yard setback of 40 feet. If denied, the applicant will have to redesign the proposed addition in order to meet Title 19 requirements.

FINDINGS (VAR-69204)

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
April 11, 2017 - 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 house addition that does not meet Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, Staff finds 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>	
There are no related relevant city actions on file.	

<i>Most Recent Change of Ownership</i>	
08/22/16	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits or business licenses on file.	

<i>Pre-Application Meeting</i>	
02/22/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

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

Staff Report Page Three
April 11, 2017 - Planning Commission Meeting

Field Check	
03/02/17	Staff conducted a routine field check and found a well maintained single family residence.

Details of Application Request	
Site Area	
Net Acres	0.75

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Office, Medical or Dental	O (Office)	C-D (Designed Commercial)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
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)

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
Rural Preservation 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

Staff Report Page Four
 April 11, 2017 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	32,670 SF	Y
Min. Lot Width	100 Feet	116 Feet	Y
Min. Setbacks			
• Front	50 Feet	40 Feet	N
• Side	10 Feet	10 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	35 Feet	14 Feet	Y