



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 9, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: WILLIAM ZUK

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69638	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 192

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-69638 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.

Public Works

5. Contact the Southern Nevada Health District (SNHD), Environmental Health Division, to obtain written approval showing compliance with a temporary permit for an individual sewage disposal system (ISDS or septic tank system), prior to the issuance of any building permits. Alternatively, connect to public sewer and abandon the ISDS according to SNHD regulations.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to construct a garage within a required corner side yard and rear yard setback area. The subject site is located at 5951 North Bronco Street.

ISSUES

- The R-E (Residence Estates) zoning district requires accessory structures to have a minimum corner side yard setback of 15 feet and a rear yard setback of 10 feet. The applicant proposes to construct a garage with a corner side yard setback of 10 feet and rear yard setback of six feet. Staff recommends denial of the request.

ANALYSIS

Per Title 19, accessory structures located within the R-E (Residence Estates) zoning district are required to maintain a minimum corner side yard setback of 15 feet and a rear yard setback of 10 feet. The proposed accessory structure will be located in the northeast corner of the subject property, with a corner side yard setback of 10 feet and a rear yard setback of six feet. The structure will maintain a 19-foot distance from the principal dwelling. The subject parcel is adjacent to other single family dwellings to the north, south and west. There is also a single family dwelling to the east, separated by a 60-foot public right-of-way. Per the submitted justification letter, the structure will have stucco over metal studs with a tile roof which will complement the aesthetic of the principal dwelling. The accessory structure will be utilized as a multi-purpose storage building. The submitted floor plan did not show any kitchen facilities associated with the structure.

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 garage as proposed.

FINDINGS (VAR-69638)

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:

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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 that does not meet 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

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
There are no relevant city actions on file.	

<i>Most Recent Change of Ownership</i>	
07/15/10	A deed was recorded for a change in ownership.

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

<i>Pre-Application Meeting</i>	
03/09/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

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

Field Check	
03/30/17	Staff conducted a field check where a well maintained single family dwelling was found.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.45

<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-E (Residence Estates)
North	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development- 3 units per acre)
West	Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)

<i>Master and Neighborhood 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
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	19,602 SF	N
Min. Lot Width	100 Feet	139 Feet	Y
Min. Setbacks			
• Corner	15 Feet	10 Feet	N
• Rear	10 Feet	6 Feet	N
Min. Distance Between Buildings	6 Feet	19 Feet	Y
Max. Lot Coverage (Rear and Side Yard areas)	50 %	12 %	Y
Max. Building Height	35 Feet	18 Feet	Y