



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT/OWNER: JEFFREY M. AND MICHELLE D. MUEHLEISEN

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-69628	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 403

PROTESTS 1

APPROVALS 1

**** CONDITIONS ****

VAR-69628 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.
4. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant constructed a detached carport at 1320 Maplegrove Circle, without a building permit. The carport was constructed within the front and side setback areas and too close to the house.

ISSUES

- The existing carport is detached and therefore cannot be located within the front yard according to Title 19.06.080.
- The existing carport's eaves is at the side property line, while the support posts are within one-foot of the side property line; where three feet is the minimum required pursuant to Title 19.06.080.
- The distance between the accessory structure and dwelling roof structures is three inches, where six feet is the minimum required pursuant to Title 19.06.080.
- This request is the result of an open Code Enforcement case (#172981) for non-permitted Accessory Structure (Class II) [Carport].

ANALYSIS

The subject property is located in an R-CL (Single Family Compact-Lot) zoning district and is subject to the requirements of Title 19.06.080. The subject property contains a single-family dwelling and a 560 square-foot Accessory Structure (Class II) [Carport] that was constructed without a building permit. Code Enforcement case (#172981) was opened on the subject property on 12/12/16. The subject property is located in the Airport Overlay District and the existing accessory structure does not affect said overlay district.

The accessory structure is within in the front yard setback, 18 feet from the front property line. The accessory structure's eaves project into the side yard setback at zero feet from the side property line, while the supporting posts are within one-foot of the side property line. The distance between the accessory structure and dwelling roof structures are separated by three inches. The R-CL zoning district specifies the accessory structure side yard setback as three feet with a six-foot distance separation. Furthermore, an accessory structure is not permitted within the front yard setback.

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The applicant is requesting a Variance to allow the existing accessory structure to remain as it is currently configured. There are no unique circumstances present with this Variance request and staff recommends denial, if approved it is subject to conditions. If this request is denied, the existing structure shall be removed.

FINDINGS (VAR-69628)

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 constructing the Accessory Structure (Class II) [Carport] without the necessary building permit. 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.

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BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc.	
06/15/83	The Board of City Commissioners approved a request for a reclassification of property (Z-0049-83) generally located west of Jones Boulevard, south of Vegas Drive and north of Washington Avenue, from N-U (Non-Urban) to R-1 (Single Family Residence), R-CL (Residential Compact Lot), R-PD18 (Residential Planned Development) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
12/12/16	A Code Enforcement case (#172981) was initiated for a shade structure against the property line at 1320 Maplegrove Circle. The case is still active.

Most Recent Change of Ownership	
11/12/04	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
1989	The single-family dwelling at 1320 Maplegrove Circle was constructed.

Pre-Application Meeting	
01/25/17	A pre-application meeting by staff was conducted with the applicant. The setback and placement requirements per Title 19.06 for the existing Accessory Structure (Class II) [Carport] were discussed. The application submittal process for a Variance was discussed.

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

Field Check	
03/30/17	A field check was conducted by staff and observed that the single-family residence is well maintained with an existing carport.

Details of Application Request	
Site Area	
Net Acres	0.17

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single-Family Compact-Lot)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single-Family Compact-Lot)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single-Family Compact-Lot)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single-Family Compact-Lot)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single-Family Compact-Lot)

Master Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
A-O (Airport Overlay) District (140 Feet)	Y
Other Plans or Special Requirements	Compliance
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:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	3,000 SF	7,405 SF	Y
Min. Lot Width	35 Feet	79 Feet	Y
Min. Setbacks (Accessory Structure) <ul style="list-style-type: none"> • Front • Side (South) 	Not Allowed 3 Feet	Proposed 0 Feet	N* N
Min. Distance Between Buildings	6 Feet	0 Feet	N
Max. Lot Coverage	70 %	22 %	Y
Max. Building Height	35 Feet or 2 stories whichever is less	12 Feet	Y

*Accessory Structures are not permitted in front of the primary structure unless the structure is a side-loading garage.

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Maplegrove Circle	Local Street	Title 13	50	Y