



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: MICHAEL AND MARSHA VENDETTI

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
VAR-70118	Staff recommends DENIAL, if approved subject to conditions:	N/A

**\*\* NOTIFICATION \*\***

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      33

NOTICES MAILED    544

PROTESTS    0

APPROVALS    1

**\*\* CONDITIONS \*\***

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**VAR-70118 CONDITIONS**

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**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 \*\***

**PROJECT DESCRIPTION**

The applicant is requesting a Variance to allow a two-foot rear yard setback for a proposed attached patio cover on a single-family residential property located at 10411 Lilac Square Avenue.

**ISSUES**

- Pursuant to Cliff's Edge Master Development Plan and Design Guidelines, Section 3.2.5 Site Planning Guidelines for Medium Low Density Residential, the setback requirement for a rear patio cover is 10 feet.

**ANALYSIS**

The subject property is located within the Cliff's Edge Special Plan Area with an underlying special land use designation of ML (Medium Low Density Residential). The proposed attached patio cover is subject to the Cliff's Edge Master Development Plan and Design Guidelines.

Pursuant to Section 3.2.5, the rear setback is 10 feet. The proposed attached patio cover would be set back two feet, which would be an 80 percent deviation from the development standards.

The applicant has proposed an attached patio cover that cannot meet the rear yard setback. The applicant has presented no evidence of a unique or extraordinary circumstance for the Variance request. The proposed two-foot rear setback for the attached patio cover will create a self-imposed hardship; therefore, staff recommends denial. If approved, staff recommends it be subject to the conditions included in this report.

**FINDINGS (VAR-70118)**

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 a two-foot rear yard setback for an attached patio cover. 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**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/26/02	The Planning Commission approved a request for an Annexation (A-0035-02) to annex parcels of land generally located adjacent to the southeast corner of Grand Teton Drive and Puli Road. The Ordinance #5568 was adopted by the City Council on 02-14-03
07/16/03	The City Council approved a request for a Rezoning (ZON-2184) from: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to: PD (Planned Development) on a property located to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.

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<b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b>	
08/03/05	The City Council approved a request for a Modification (MOD-6279) for a Major Modification to the Cliff's Edge Master Development Plan to change land use designations from: ML (Medium Low Density Residential) to: L (Low Density Residential) and RSL (Residential Small Lot); from: L (Low Density Residential) and ML (Medium Low Density Residential); and from: RSL (Residential Small Lot) to: ML (Medium Low Density Residential); and to modify the following sections of the Master Development Plan: Sections 2.2, 2.3.5, 2.3.6 and 2.3.7; to modify or add to the design guidelines as follows: Section 3.1.1, 3.2.3B, 5.10, 5.10.1, 6.2.1, 6.2.2, 6.2.3, 7 and exhibits 2, 7a, 7b, 8a, 14a, 14b, 14c, 15 and 17 on the property generally located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
07/20/05	The City Council approved a request for a Waiver (WVR-6704) of Title 18.12.160 to allow a minimum of 51 feet between internal street intersections where 125 feet is the minimum distance separation required for a proposed single-family residential development on a property located to the northwest corner of Hualapai Way and Elkhorn Road. The Planning Commission and staff recommended approval.
08/11/05	The Planning Commission approved a request for a Tentative Map (TMP-6845) for a 612-lot single-family residential subdivision on a property located to the west side of Hualapai Way, between Severence Lane and Elkhorn Road. Staff recommended approval.
11/16/05	The City Council approved a request for a Modification (MOD-9174) for a Major Modification to the Cliff's Edge Master Development Plan and Design Guidelines to establish standards for rear loaded residential small lot housing products and to add Section 3.2.5B to the Design Guidelines on a the property located adjacent to the south side of Grand Teton Drive, between Hualapai Way and Puli Road. The Planning Commission and staff recommended approval.
06/30/06	The Final Map (FMP-10587) was recorded for a 205-lot single-family residential located adjacent to the west side of Egan Crest Drive, south of Severence Lane.

<b>Most Recent Change of Ownership</b>	
10/19/16	A deed was recorded for a change in ownership.

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<b>Related Building Permits/Business Licenses</b>	
09/29/09	A building permit (#148194) was issued for a single-family dwelling at 10411 Lilac Square Avenue. The permit was finalized on 10/01/10.
03/27/17	A building permit (#338647) was processed for a building permit review for a patio cover at 10411 Lilac Square Avenue. The review was denied by the Department of Planning, because it does not meet the minimum rear setback of 10 feet.

<b>Pre-Application Meeting</b>	
04/11/17	At a pre-application meeting staff discussed the submittal process and requirements for the Variance application with the applicant.

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

<b>Field Check</b>	
05/04/15	A field check was conducted by staff and observed a well maintained single-family residence.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.05

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Single Family, Detached	ML (Medium Low Density Residential – Cliff's Edge)	PD (Planned Development)
North	Single Family, Detached	ML (Medium Low Density Residential – Cliff's Edge)	PD (Planned Development)
South	Single Family, Detached	ML (Medium Low Density Residential – Cliff's Edge)	PD (Planned Development)

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<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
East	Common Element	ML (Medium Low Density Residential – Cliff's Edge)	PD (Planned Development)
West	Single Family, Detached	ML (Medium Low Density Residential – Cliff's Edge)	PD (Planned Development)

<b>Master Plan Areas</b>	<b>Compliance</b>
Cliff's Edge	N*
<b>Special Purpose and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Purpose or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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

\*Applicant is requesting a Variance from the Cliff's Edge Master Development Plan and Design Guideline.

**DEVELOPMENT STANDARDS**

***Pursuant to Cliff Edge Master Development Plan and Design Guidelines, the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	2,200 SF	2,200 SF	Y
Min. Lot Width	40 Feet	40 Feet	Y
Patio Cover Min. Setbacks			
• Rear	10 Feet	2 Feet	N*

\*Applicant is requesting a Variance from the Cliff's Edge Master Development Plan and Design Guideline.

<b>Street Name</b>	<b>Functional Classification of Street(s)</b>	<b>Governing Document</b>	<b>Actual Street Width (Feet)</b>	<b>Compliance with Street Section</b>
Lilac Square Avenue	Private Street	N/A	39	Y

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