



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: KOBYJAKE FAMILY TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-70190	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 213

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-70190 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 ****

PROJECT DESCRIPTION

This is a request to construct an accessory structure within a required rear yard and side yard setback area. The subject structure is also proposed to be positioned too close to the principal dwelling at 7421 Mystic Stream Street.

ISSUES

- This is a request to allow a four-foot side yard and a seven-foot rear yard setback where 10 feet is required and to allow a five-foot separation from the primary dwelling where six feet is required for a proposed accessory structure (class ii) [recreation room]. Staff recommends denial of the request.

ANALYSIS

The subject site is located in a R-PD2 (Residential Planned Development - 2 Units per Acre) zoning district. This district does not specify development standards for accessory structures. Per Title 19, whenever development standards are not provided within the corresponding Site Development Plan Review of a Residential Planned Development, proposed development shall be required to meet the development standards of the closest equivalent residential zoning district found in Title 19. The subject accessory structure must therefore adhere to the R-D (Single Family Residential-Restricted) zoning district standards, which require a 10-foot rear yard and side yard setback area. Accessory structures are also required to have a minimum separation of six feet from the principal dwelling. The applicant proposes to construct an Accessory Structure (Class II) with a side yard setback of four feet, a rear yard setback of seven feet and with a five-foot separation from the principal dwelling.

Per the submitted justification letter, the accessory structure will be used as a recreation room. The submitted floor plan shows that the structure will have a living room area, bar area, wine cellar and bathroom. No kitchen facilities are proposed. The exterior façade will match the façade of the principal dwelling on the subject site. 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 accessory structure as proposed.

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FINDINGS (VAR-70190)

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 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>	
07/14/97	The City Council approved a Rezoning (Z-0043-97) on property located on the southwest corner of Farm Road and Tenaya Way, from U (Undeveloped) to R-PD2 (Residential Planned Development – 2 Units per Acre).
09/15/99	The City Council approved a Site Development Plan Review [Z-0043-97(2)] on property located on the southwest corner of Farm Road and Tenaya Way to allow a 25-foot front yard setback for casitas where 30 feet is required in conjunction with a proposed single family residential development.

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Most Recent Change of Ownership	
11/17/04	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
04/10/17	Building Permit (#339605) was issued for a patio cover. The permit remains open.

Pre-Application Meeting	
02/21/17	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed.

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

Field Check	
05/04/17	Staff conducted a routine field check and found a well maintained single family dwelling within a gated residential subdivision.

Details of Application Request	
Site Area	
Net Acres	0.43

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-PD2 (Residential Planned Development 2 units/acre)
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 units/acre)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 units/acre)

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<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>
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development 2 units/acre)
West	Single Family, Detached	PCD (Planned Community Development)	R-E (Residence Estates)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Centennial Hills Sector Plan	Y
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Rural Preservation Overlay	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

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Side	10 Feet	4 Feet	N
• Rear	10 Feet	7 Feet	N
Min. Distance Between Buildings	6 Feet	5 Feet	N
Max. Lot Coverage	50 %	16 %	Y
Max. Building Height	35 Feet	16 Feet	Y