



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: GEORGE AND SHERI BRINKMAN - OWNER:
BRINKMAN FAMILY TRUST, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-70289	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 161

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-70289 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow an existing shed located on the north side of the primary residence and to allow an existing detached patio cover located in the far northeast corner of the rear yard of a single-family detached residence located at 7520 Stone Lake Street. The shed is one foot from the primary residence where six feet is required, and the detached patio cover has a side yard setback of four feet and a rear yard setback of five feet where 10 feet is required for both.

ISSUES

- This Variance request is the result of a complaint (#175379) made to Code Enforcement for a shed that was built within the setback area at 7520 Stone Lake Street.

ANALYSIS

The subject site is a detached single family residence located within the R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning district. As stated by the applicant in the justification letter, both structures were constructed in 2002 by a contractor hired by the applicant. The applicant is requesting a Variance to allow both the shed and the detached patio cover to remain in place as both were designed to match the existing primary dwelling.

Staff was unable to locate building permits for either of the structures and is recommending denial of this application.

FINDINGS (VAR-70289)

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.”

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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 a shed and patio cover within the required setbacks. Alternative placement for both the shed and patio cover would allow conformance to the 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 request for Rezoning (Z-0043-97) of 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) for 80 Single Family Dwellings on 39 acres. The Planning Commission recommended approval.
09/15/99	The City Council approved a request for a Variance [Z-0043-97(2)] to allow a 25-foot front yard setback for Casita’s where 30 feet is required in conjunction with a proposed Single-Family Residential Development on 39 acres on the southwest corner of Farm Road and Tenaya Way.
03/02/17	Code Enforcement processed a complaint (#175379) for a shed that is in violation of the setback requirements located at 7520 Stone Lake Street. The case remains open.

<i>Most Recent Change of Ownership</i>	
12/16/15	A deed was recorded for a change in ownership.

NE

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Related Building Permits/Business Licenses	
12/06/05	A building permit (#55431) was issued for a water heater replacement at 7520 Stone Lake Street. The building permit expired on 09/06/06.
08/20/15	A building permit (#295428) was issued for roof mount solar panels at 7520 Stone Lake Street. The building permit has not received its final inspection.
02/08/16	A building permit (#310834) was issued for a water softener at 7520 Stone Lake Street. The building permit received its final inspection on 04/28/16.

Pre-Application Meeting	
04/27/17	Staff conducted a pre-application meeting where the submittal requirements for a Variance were discussed for both the existing patio cover and the shed.

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

Field Check	
05/04/17	Staff performed a routine field check where the subject shed was observed on the north side of the primary dwelling. The shed is aesthetically compatible with the primary dwelling. Staff was unable to observe the patio cover from the street (Stone Lake Street).

Details of Application Request	
Site Area	
Net Acres	0.36

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 Per Acre)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)
East	Single Family, Detached	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units Per Acre)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
No Applicable Special Purpose or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Centennial Hills Sector Plan	Y
Northwest Open Space Plan	Y
Rural Preservation Overlay	Y
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 19.06, the following standards apply for the existing Accessory Structure (Shed):

Standard	Required/Allowed	Provided	Compliance
Min. Distance Between Accessory Structure and Primary Structure	6 Feet	1-Foot	N*

NE

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Pursuant to 19.06, the following standards apply for the existing Accessory Structure (Patio Cover):

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Distance Between Accessory Structure and Primary Structure	6 Feet	19 Feet	Y
Rear Yard Setback	10 Feet	5 Feet	N
Side Yard Setback	10 Feet	4 Feet	N