



**AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: ALON ELIAS

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
VAR-74068	Staff recommends DENIAL, if approved subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 563

PROTESTS 0

APPROVALS 0

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

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**VAR-74068 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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to keep an existing house addition within a required side yard setback area at 4000 San Joaquin Avenue.

**ISSUES**

- The R-1 (Single Family Residential) zoning district requires principal dwellings to have a minimum side yard setback of five feet. The applicant proposes to keep an existing addition with a side yard setback of two feet. Staff does not support the request.
- This application was initiated due to Code Enforcement Case #179029, which was opened on 05/23/17.

**ANALYSIS**

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The Department of Planning - Code Enforcement Division opened Case #179029 on 05/23/17 due to a failed Short-Term Residential Rental inspection. During the inspection, staff discovered the subject addition that was constructed without a building permit and does not meet Title 19 requirements. Per the submitted justification letter, the previous owner converted a carport and attached storage room into livable space. The carport was converted into a family/dining room and walk-in closet.

Staff conducted a routine field check on 08/02/18 and found that while it appears there is a zero-foot side yard setback from the addition, there is actually a block wall that extends from the addition to the side property line block wall. It has stucco and has been painted to match the color of the house but the addition itself does not go up to the property line.

Staff finds this hardship to be self-imposed by the owner; therefore, staff recommends denial of the request. If approved, the applicant will be able to keep the house addition as constructed, subject to proper building permits. If denied, the addition will have to be reconfigured to bring into conformance with Title 19 requirements.

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**FINDINGS (VAR-74068)**

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 previous property owner has created a self-imposed hardship by constructing an addition 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**

<b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b>	
05/06/15	A Code Enforcement Case (#154403) was opened for high weeds and vegetation at 4000 San Joaquin Avenue. The case was resolved on 05/29/15.
09/07/16	A Code Enforcement Case (#170417) was opened for unpermitted remodel work at 4000 San Joaquin Avenue. The case was resolved on 10/11/16.

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<b>Related Relevant City Actions by Planning, Fire, Bldg., etc.</b>	
05/23/17	The Department of Planning – Code Enforcement Division inspected the subject site for the purpose of a Short-Term Residential Rental business license. Case #179029 was issued for code violations observed during the inspection including an unpermitted AC/water heater replacement without a permit and the subject addition without a permit.
06/26/17	The Planning Department denied a Conditional Use Verification (CUV-70466) for a proposed Short-Term Residential Rental at 4000 San Joaquin Avenue.
01/09/18	The Planning Commission denied Special Use Permit (SUP-71214) to allow a Short-Term Residential Rental use at 4000 San Joaquin Avenue. Staff recommended denial.

<b>Most Recent Change of Ownership</b>	
04/14/17	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>	
There are no related building permits/business licenses.	

<b>Pre-Application Meeting</b>	
04/19/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance.

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

<b>Field Check</b>	
08/02/18	Staff conducted a routine field check and found a single-family dwelling. No issues were noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.20

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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>
Subject Property	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
No Applicable Master Plan Area	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (200 Feet)	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Setbacks			
• Front	20 Feet	26 Feet	Y
• Side	5 Feet	2 Feet	*N
• Rear	15 Feet	26 Feet	Y
Max. Lot Coverage	50 %	31 %	Y

\*The applicant has requested the subject Variance to allow a reduced side yard setback.

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<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>
San Joaquin Avenue	Local Street	Title 13	50	Y
Arenas Street	Local Street	Title 13	50	Y