



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018
 DEPARTMENT: PLANNING
 ITEM DESCRIPTION: APPLICANT/OWNER: EVANS FAMILY TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-74025	Staff recommends DENIAL, if approved subject to conditions:	

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 229

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-74025 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 to keep an existing patio cover located within required rear and side yard setback areas at 6281 Bullring Lane.

ISSUES

- The R-E (Residence Estates) zoning district requires patio covers to have a rear and side yard setback of 15 feet. The applicant proposes to keep an existing patio cover with a rear yard setback of three feet and a side yard setback of nine feet. Staff does not support the request.
- The subject structure was constructed without a building permit.

ANALYSIS

The subject site is zoned R-E (Residence Estates) and is subject to Title 19 development standards. Building Permit (#287951) was issued for a detached workshop in conjunction with a single family dwelling on 06/03/15. The permit was finalized on 05/05/16. Per the submitted justification letter, the patio cover was later added to the accessory structure (class II) [workshop] without a building permit.

The submitted site plan and elevation photos depict a patio cover wrapped around the north and west side of the accessory structure. It is situated three feet from the rear property line and nine feet from the side property line, including a one-foot overhang. Per the submitted justification letter, the columns and beams will be wrapped in Type-X sheetrock and stucco to create a one hour fire rating in order to comply with the 2012 IRC Building Code.

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 keep the existing patio cover with a three-foot rear yard setback and a nine-foot side yard setback, subject to building permit review. If denied, the applicant will have to reconfigure the structure to meet Title 19 requirements.

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FINDINGS (VAR-74025)

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 a patio cover 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 Planning, Fire, Bldg., etc.</i>	
There are no related relevant city actions of note.	

<i>Most Recent Change of Ownership</i>	
02/29/16	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
06/03/15	Building Permit (#287951) was issued for a single family dwelling and detached workshop at 6281 Bullring Lane. The permit was finalized on 05/05/16.

Pre-Application Meeting	
03/06/18	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed setback Variance request.

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

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

Details of Application Request	
Site Area	
Net Acres	1.00

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-E (Residence Estates)
North	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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Master and Neighborhood Plan Areas	Compliance
No applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
R-PO (Rural Preservation Overlay)	Y
Other Plans or Special Requirements	Compliance
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:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks for Patio Cover			
• Side	15 Feet	9 Feet	*N
• Rear	15 Feet	3 Feet	*N

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

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Bullring Lane	Local Street	Title 13	60	Y