



**AGENDA MEMO - PLANNING**

**SPECIAL PLANNING COMMISSION MEETING DATE: AUGUST 2, 2016**  
**DEPARTMENT: PLANNING**  
**ITEM DESCRIPTION: APPLICANT/OWNER: JESSICA FRY**

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
<b>VAR-64848</b>	Staff recommends DENIAL, if approved subject to conditions:	

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

NEIGHBORHOOD ASSOCIATIONS NOTIFIED                      20

NOTICES MAILED    126

APPROVALS    0

PROTESTS    0

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

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**VAR-64848 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 for a Variance to allow a proposed 1,380 square-foot Accessory Structure (Class II) [Garage] to be located three feet from the southern side property line where ten feet is the minimum required by Title 19.06.060. The subject site is located at 4830 Von Leidner Street, in the R-E (Residence Estates) zoning district.

**ISSUES**

- A Variance is required to allow an Accessory Structure (Class II) [Garage] to be located three feet from the side property line where ten feet is the minimum required by Title 19.06.060.

**ANALYSIS**

The submitted elevations and site plan indicate that the structure will be 15 feet in height measured to the mid-point of the roof eaves. The applicant has indicated in the justification letter that the structure will be utilized as a detached garage. The submitted floor plan indicates there are no kitchen facilities associated with the proposal. The accessory structure has been designed with painted exterior cement plaster and roof tiles to aesthetically match the roof and trim of the principal dwelling. The applicant has submitted a letter from the Aviana Homeowners Association in support of the requested Variance.

Accessory structures in this residential development must adhere to Title 19.06.060 Development Standards. The subject property lot size is 20,001 square feet in size, which is consistent with the R-E (Residence Estates) zoning district. Title 19.06.060 requires accessory structures in the R-E (Residence Estates) zoning district to maintain a minimum setback of ten feet from the rear and side property lines.

The proposed garage is located on the southern perimeter of the principal dwelling and maintains a 14-foot separation from the principal dwelling where six feet is required and a three-foot setback from the southern property line where 10 feet is required. Staff has determined that the proposed structure could be reconfigured on the subject site to meet all Title 19.06.060 setback requirements. There is an existing 15-foot wide drainage easement located on the subject site adjacent to the rear property line which prevents development in this area; however, the proposed garage does not encroach into this area.

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No substantial evidence has been presented to warrant the requested Variance; therefore, this is considered a self-created hardship that NRS 278 does not permit. As the applicant has provided no compelling evidence of a unique or extraordinary circumstance related to the site itself, staff recommends denial.

**FINDINGS (VAR-64848)**

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 building setbacks that do not meet the Title 19.06 requirements. An alternative design would allow conformance to Title 19.06 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&amp;D, Fire, Bldg., etc</i>	
01/03/96	The City Council approved a petition for Annexation [A-0019-95(A)] of approximately 30.52 acres generally located on the west side of Cimarron Road, between La Madre Way and Lone Mountain Road. Annexation became effective on 01/12/96.
07/12/16	Due to a notification error this item was not acted upon as a part of the 07/12/16 Planning Commission meeting and has been scheduled for a Special Planning Commission meeting date.

<b><i>Most Recent Change of Ownership</i></b>	
07/21/09	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
03/19/96	A building permit (#96005244) was issued for a single family residence at 4830 Von Leidner Street. The permit has not been finalized.
07/26/96	A building permit (#96014969) was issued for a masonry wall at 4830 Von Leidner Street. The permit has not been finalized.
03/31/06	A building permit (#62701) was issued for a 10 x 10 wood shed at 4830 Von Leidner Street. The permit was finalized on 02/11/07.
05/01/06	A building permit (#64670) was issued for a gas tag and test at 4830 Von Leidner Street. The permit was finalized on 07/20/06.

<b><i>Pre-Application Meeting</i></b>	
05/23/16	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance. The Variance is required for a proposed Accessory Structure (Class II) [Garage] that is located three feet from the side yard property line where ten feet is minimum required by Title 19.06.060.

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

<b><i>Field Check</i></b>	
06/02/16	A field check was conducted on the subject property and revealed a well maintained single-family residence.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.46

<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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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>
North	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Rural Preservation Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06.060, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks (Accessory Structure)			
• Side	10 Feet	3 Feet	N
• Rear	10 Feet	35 Feet	Y
Min. Distance from the principal dwelling	6 Feet	14 Feet	Y
Size and Coverage	Not to exceed 50% of the rear and side yard areas	15%	Y