



AGENDA MEMO - PLANNING

SPECIAL PLANNING COMMISSION MEETING DATE: AUGUST 2, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CHARLES S. AND TAMI R. CUMMINS TRUST

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-64716	Staff recommends DENIAL, if approved subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 214

APPROVALS 3

PROTESTS 0

**** CONDITIONS ****

VAR-64716 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning and Site Development Plan Review (Z-0050-01).
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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

The applicant is requesting a Variance to allow a proposed 1,070 square-foot Accessory Structure (Class II) [Garage] to be located within six feet from the side yard setback. The property contains a single family residence located at 9112 Ghost Mountain Avenue.

ISSUES

- The Variance request is allow the proposed garage at six feet from the side yard setback, where 10 feet is required. Redesign could meet code – no unique circumstances.

ANALYSIS

The property is located in an R-PD2 (Residential Planned Development – 2 Units per Acre) zoning district and is subject to the requirements of Title 19.06. The subject property contains a single family residence.

The proposed accessory structure will be located at the northwest corner of the subject property with a side yard setback of six feet from the west property line and is separated from the principal dwelling by six feet. The proposed structure will be served as garage for vehicles. The color of the garage will match the existing residence.

The applicant is requesting a Variance to allow the proposed Accessory Structure (Class II) to be at six feet from the west property line. There are no unique circumstances with this Variance request and staff recommends denial, if this application is approved it is subject to conditions.

FINDINGS (VAR-64716)

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:

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“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 site’s physical characteristic does not create a hardship that would warrant the proposed Accessory Structure (Class II) [Garage] within the side yard setback. An alternative to this Variance is redesign the proposed accessory structure by reducing the width or size and shifting the location within the rear yard; 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>	
09/19/01	The City Council approved a request for a Rezoning (Z-0050-01) from U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] to R-PD2 (Residential Planned Development – 2 Units per Acre) on approximately 52.5 acres on the northeast corner of the intersection of Alexander Road and Fort Apache Road. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review [Z-0050-01 (1)] for a proposed 105 lot single family subdivision on approximately 52.5 acres on the northeast corner of the intersection of Alexander Road and Fort Apache Road. The Planning Commission recommended approval and staff recommended denial.
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.

<i>Most Recent Change of Ownership</i>	
12/16/09	A deed was recorded for a change in ownership.

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<i>Related Building Permits</i>	
11/19/02	A building permit (#02020668) was issued for a single family dwelling at 9112 Ghost Mountain Avenue. The building permit was finalized on 06/19/03.
07/06/04	A building permit (#04016873) was issued for patio cover and bath addition at 9112 Ghost Mountain Avenue. The building permit was finalized on 11/05/04.
05/19/16	A building permit (#318112) was processed for a Detached Structure for a building review at 9112 Ghost Mountain Avenue. The building review was denied requiring an approval of a Variance.

<i>Pre-Application Meeting</i>	
04/28/16	A pre-application meeting was conducted with the applicant and discussed the submittal requirements for a setback Variance application. Discussed also options to avoid application for setback Variance, by allowing the proposed Accessory Structure (Class II) [Garage] to decrease the width and size of the proposed garage to meeting Title 19 requirements.

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

<i>Field Check</i>	
06/02/16	A field check conducted by staff observed the subject property to be neat and well maintained.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.42

<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>
Subject Property	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per 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>
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	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
West	Single Family, Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)

<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>
No Applicable Special Purpose or Overlay Districts	N/A
<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, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	15,198 SF	18,432 SF	Y
Min. Lot Width	102 Feet	128 Feet	Y
Min. Setbacks for Accessory Structure (Class II)			
• Side	10 Feet	6 Feet	N*
• Rear	10 Feet	15 Feet	Y
Min. Distance Between Buildings	6 Feet	6 Feet	Y
Max. Building Height	35 Feet or 2 stories max	17 Feet	Y

*Variance (VAR-64716) was applied for.

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Ghost Mountain Avenue	Local Street	N/A	36	Y