



AGENDA MEMO - PLANNING

SPECIAL PLANNING COMMISSION MEETING DATE: AUGUST 2, 2016

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: SHARI L. AND JEFFREY L. YOUNG

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-64652	Staff recommends DENIAL, if approved subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 170

APPROVALS 0

PROTESTS 0

**** CONDITIONS ****

VAR-64652 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning (Z-0118-96).
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 144 square-foot Accessory Structure (Class II) [Shed] with an attached patio cover to be located within the corner side yard setback and a zero-foot distance separation from the main dwelling. This property is located at 6228 Old Tradition Street with an existing Single Family, Detached structure.

ISSUES

- The proposed Accessory Structure with attached patio cover will have a nine-foot corner side yard setback where 15 feet is required pursuant to an approved Rezoning (Z-0188-96).
- The proposed Accessory Structure has a distance separation of zero feet where six feet minimum required by Title 19.06 between structures.

ANALYSIS

The property is located in an R-PD3 (Residential Planned Development – 3 Units per Acre) zoning district and is subject to the requirements of Rezoning (Z-0118-96) and Title 19.06 standards.

The applicant is proposing a 144 square-foot Accessory Structure (Class II) with an attached patio cover. The applicant is also proposing an attached patio cover on the north side of the existing dwelling. The applicant is requesting a Variance to allow the accessory structure with attached patio cover within nine feet of the corner side yard setback where 15 feet is required. Also, a Variance request to allow a zero-foot distance separation from primary dwelling where six feet is the minimum required. The proposed patio cover and the proposed shed with attached patio cover are separated by two inches.

The applicant is requesting a Variance to allow the proposed Accessory Structure (Class II) [Shed] with attached patio cover to encroach within the required corner side setback and distance separation from the primary dwelling. There are no unique circumstances with this Variance request and staff recommends denial, if approved it is subject to conditions.

FINDINGS (VAR-64652)

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:

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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 locating the proposed Accessory Structure (Class II) [Shed] with attached patio cover within the corner side yard setback and within a distance of zero feet from the primary dwelling. An alternative is to relocate the propose shed with 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>	
11/24/97	The City Council approved a request for a General Plan Amendment (GPA-0051-96) to amend a portion of the Northwest Sector of the General Plan on property located on the south side of Centennial Parkway (Proposed Beltway), between Jones Boulevard and Torrey Pines Drive, from: DR (Desert Rural Density Residential), to: R (Rural Density Residential). The Planning Commission denied this request. Staff recommends approval.
11/24/97	The City Council approved a Rezoning (Z-0118-96) on property located on the west side of Jones Boulevard and the south side of Centennial Parkway, from: R-E (Residence Estates) to: R-PD3 (Residential Planned Development – 3 Units Per Acre). The Planning Commission recommended denial and staff objects.
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.

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<i>Most Recent Change of Ownership</i>	
05/13/04	A deed was recorded for a change in ownership.

<i>Related Building Permits</i>	
04/25/03	A building permit (#03008040) was issued for a single-family dwelling at 6228 Old Tradition Street. The permit was finalized on 08/14/03.
12/10/12	A building permit (#225603) was issued for a patio cover to the rear of the existing single-family dwelling at 6228 Old Tradition Street. The permit was finalized on 01/31/13.

<i>Pre-Application Meeting</i>	
05/04/16	A pre-application meeting was conducted with the applicant regarding Variance submittal requirements and public hearing process. A discussion on options to relocate the proposed Accessory Structure (Class II) anywhere in the rear yard to comply with Title 19, without need a Variance application.

<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	0.22

<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	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
North	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 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>
South	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre)
East	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre) R-PD3 (Residential Planned Development – 3 Units Per Acre)
West	Single Family, Detached	R (Rural Density Residential)	R-PD3 (Residential Planned Development – 3 Units Per Acre) R-PD3 (Residential Planned Development – 3 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	6,500 SF	9,431 SF	Y
Min. Lot Width	70 Feet	82 Feet	Y
Accessory Structure Min. Setbacks			
• Corner	15 Feet	9 Feet	N*
Min. Distance Between Buildings	6 Feet	0 Feet	N*
Max. Building Height	2 stories or 35 Feet	12 Feet	Y

*Variance (VAR-64652) application has been 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>
Old Tradition Street	Local Street	N/A	51	Y