



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**CITY COUNCIL MEETING DATE: SEPTEMBER 18, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT: DINA MAJANO - OWNER: ELEINE LIVING TRUST**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0314-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**NOTICES MAILED** 344 (by City Clerk)

**PROTESTS** N/A

**APPROVALS** N/A

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

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**24-0314-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow a proposed Patio Cover [Carport] to encroach into the front yard setback area where such is not allowed.
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 Building and Safety Division.
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**

This is a Variance request for a proposed Patio Cover [Carport] that doesn't meet Title 19 front yard setback requirements at 4305 El Pasada Way.

**ISSUES**

- A Variance (24-0314-VAR1) is requested, to allow a proposed Patio Cover [Carport] to encroach into the front yard setback area where such is not allowed. Staff does not support this request.
- Per the submitted site plan, there is an existing Residential Accessory Structure [Casita] located in the rear yard that fully complies with Title 19.06.070 development standards. However, no building permits are on file for the existing structure. A building permit will need to be obtained for the existing unpermitted structure if it were to remain.

**ANALYSIS**

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The subject site is developed with an existing single family dwelling and Residential Accessory Structure [Casita] located in the rear yard. Surrounding the subject property are other existing single family dwellings with a R-1 (Single Family Residential) zoning designation. While the existing Residential Accessory Structure [Casita] meets Title 19.06.070 development standards, no building permits are on file for the existing structure. A building permit will need to be obtained for the existing, unpermitted structure if it were to remain.

The applicant is proposing to construct a 10-foot tall Patio Cover [Carport] that will be located in the front yard setback area. Pursuant to Title 19.06.070, Patio Covers may not extend into the required front yard setback area for the principal dwelling unit, with the exception of an overhang to not exceed two feet. The proposed Patio Cover is well beyond the required front yard setback area as the submitted site plan depicts a six-foot front yard setback, where 20 feet is required.

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Per the submitted justification letter, the applicant proposes to place the Patio Cover [Carport] in the front yard setback to protect their personal vehicles from extreme heat, and reduce the risk of heat exposure. No evidence related to the physical characteristics of the property have been presented to warrant the requested Variance. As such, the hardship is self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

**FINDINGS (24-0314-VAR1)**

In accordance with the provisions of Title 19.16.140(B), the 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 to place a Patio Cover [Carport] within the required 20-foot front yard setback. 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.

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## BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
08/13/24	The Planning Commission (6-0 vote) and Staff recommend DENIAL on 24-0314-VAR1. For possible action on an Appeal of the Denial by the Planning Commission of the Land Use Entitlement project request TO ALLOW A PROPOSED PATIO COVER [CARPORT] TO ENCROACH INTO THE FRONT YARD SETBACK AREA WHERE SUCH IS NOT ALLOWED on 0.15 acres at 4305 El Pasada Way (APN 162-06-810-119), R-1 (Single Family Residential) Zone, Ward 1 (Knudsen).

<b><i>Most Recent Change of Ownership</i></b>	
01/17/23	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
03/18/20	A building permit (#R20-03972) was issued to install a 11x23 patio cover in the rear yard at 4305 El Pasada Avenue. The building permit was finalized on 04/08/20.

<b><i>Pre-Application Meeting</i></b>	
06/11/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<b><i>Field Check</i></b>	
07/03/24	Staff conducted a routine field check of the subject site and observed an existing single-family dwelling. Nothing of concern was noted.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.15

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

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Area or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></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 19.06.070, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	6500 SF	6534 SF	Y
Min. Lot Width	60 Feet	62 Feet	Y
Min. Setbacks (Patio Cover)			
• Front	20 Feet	6 Feet	N*
• Side	5 Feet	7 Feet	Y
Max. Lot Coverage	50 %	34%	Y
Max. Building Height	12 Feet	10 Feet	Y

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