



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: MARCH 11, 2025**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: MARTIN MENDEZ NOLASCO**

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

| <b>CASE NUMBER</b>  | <b>RECOMMENDATION</b>                                       | <b>REQUIRED FOR APPROVAL</b> |
|---------------------|---|------------------------------|
| <b>24-0638-VAR1</b> | Staff recommends DENIAL, if approved subject to conditions: |                              |

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      20

**NOTICES MAILED**                      285

**PROTESTS**                      0

**APPROVALS**                      0

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

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**24-0638-VAR1 CONDITIONS**

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**Planning**

1. A Variance to allow a zero foot side yard setback for an existing patio cover [carport] where five feet is required is hereby approved.
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**

The applicant is requesting a Variance of Title 19.06 development standards to allow an existing carport and a proposed front porch at 4921 Elmhurst Lane.

**REVISION**

- ***This application was abeyed at the 02/11/25 Planning Commission with requested changes. The applicant has submitted revisions to the plan as requested, depicted in the site plan, building elevations, and floor plan date stamped***
  - ***A Variance is no longer requested to allow an 11-foot front yard setback for a proposed patio cover [porch] where 20 feet is required.***
    - ***The front yard patio cover was revised to meet the 20-foot required setback.***
  - ***A Variance is no longer requested to allow the aggregate accessory structure floor area to be 60 percent of the floor area of the principal dwelling unit where 50 percent is the maximum allowed.***
    - ***The aggregate accessory structure floor area was revised to be only 668 square feet where 743 square feet is 50-percent of the primary dwelling unit and the maximum allowed.***

**ISSUES**

- A Variance is requested to allow an existing zero foot side yard setback for a patio cover [carport] where five feet is required. Staff recommends denial.

**ANALYSIS**

This Variance request is for an existing carport at 4921 Elmhurst Lane. The subject site is zoned R-1 (Single Family Residential). A front yard porch is also proposed, that meets Title 19 requirement.

The existing carport was constructed without an approved building permit. That carport is encroaching the entire five-foot side yard setback area. A Variance is requested to allow a zero foot side yard setback for the side patio cover where five feet is required.

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A revised set of plans provided after the February Planning Commission abeyance has negated the need for other deviations. The proposed patio will be located in the front yard area. Under Title 19.06, a Patio Cover may not extend into the required front yard setback area for the principal dwelling unit, with the exception of an overhang not to exceed two feet. The proposed patio area was revised to not encroach into the 20 foot front yard setback. The combined floor area of the proposed front patio and the existing accessory structures located on the subject site is 668 square feet. Under Title 19.06, the total accessory structure floor area cannot exceed 50 percent of the primary dwelling. The primary dwelling is 1,486 square feet, so the maximum coverage is compliant with Title 19.

**FINDINGS (24-0638-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 constructing improvements that encroach into the required side yard setback. Relocating the improvements 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.

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## BACKGROUND INFORMATION

| <b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b> |  |
|---|--|
| 02/11/25  | The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW AN EXISTING PATIO COVER [CARPORT] AND A PROPOSED PATIO COVER [PORCH] THAT DO NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SETBACKS, PLACEMENT, SIZE AND LOT COVERAGE on 0.14 acres at 4921 Elmhurst Lane (APN 138-25-612-030), R-1 (Single Family Residential) Zone, Ward 5 (Summers-Armstrong). |

| <b><i>Most Recent Change of Ownership</i></b> |  |
|---|--|
| 07/12/16                                      | A deed was recorded for a change in ownership. |

| <b><i>Related Building Permits/Business Licenses</i></b> |                             |
|--|-----------------------------|
| 1961   | Original construction year. |

| <b><i>Pre-Application Meeting</i></b>                         |  |
|---|--|
| A pre-application meeting was not required, nor was one held. |  |

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

| <b><i>Field Check</i></b> |  |
|---------------------------|--|
| 01/06/25                  | During a routine site visit, staff observed the existing carport cover. The site was otherwise well maintained with no concerns of note. |

| <b><i>Details of Application Request</i></b> |      |
|--|------|
| <b><i>Site Area</i></b>                      |      |
| Gross Acres                                  | 0.14 |

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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: Twin Lakes       | Y                        |
| <b><i>Special Area and Overlay Districts</i></b>  | <b><i>Compliance</i></b> |
| A-O (Airport Overlay) District (105 Feet)         | Y                        |
| <b><i>Other Plans or Special Requirements</i></b> | <b><i>Compliance</i></b> |
| Trails  | Y                        |
| Las Vegas Redevelopment Plan Area                 | Y                        |
| Interlocal Agreement                              | Y                        |
| Project of Significant Impact                     | Y                        |
| Project of Regional Significance                  | Y                        |

## **DEVELOPMENT STANDARDS**

***Pursuant to 19.06, 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. Setbacks [Patio Cover] <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> </ul> | 20 Feet<br>5 Feet              | 20 Feet<br>0 Feet      | Y<br>N*                  |
| Max. Lot Coverage [As a portion of the primary dwelling]  | 50%                            | 45%                    | Y                        |

*\*A Variance is requested to allow a zero foot side yard setback for a patio cover [carport] where five feet is required.*

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| <b><i>Variances</i></b>                                   |   |                                    |
|---|---|------------------------------------|
| <b><i>Requirement</i></b>                                 | <b><i>Request</i></b>   | <b><i>Staff Recommendation</i></b> |
| Title 19.06.070 R-1 (Single Family Residential) Standards | A Variance is requested to allow a zero foot side yard setback for a patio cover [carport] where five feet is required. | Denial                             |