



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: MAY 21, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT/OWNER: CHARLES EDWARD GROHS AND
CAREY RENEE GROHS LIVING TRUST**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
25-0043-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 136 (by City Council)

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

25-0043-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a five-foot side yard setback where 10 feet is required for a proposed patio cover.
2. A Variance is hereby approved, to allow a 14-foot tall proposed patio cover where 12 feet is the maximum height allowed.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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 that does not meet the side yard setback and exceeds height requirements at 6235 North Eula Street.

SURROUNDING AREA CHARACTERISTICS

<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	Residential, Single Family, Detached	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
North			
South			
East			
West			

ISSUES

<i>Structure</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Governing Document</i>	<i>Staff Recommends</i>	<i>Justification Provided</i>
Proposed Patio Cover	10-foot side yard setback	To allow a five-foot side yard setback	Title 19.06.060	Denial	Space for RV
Proposed Patio Cover	Maximum height of 12 feet	To allow a height of 14 feet	Title 19.06.060	Denial	Space for RV

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ANALYSIS

The subject site is zoned R-E (Residence Estates) and is subject to Title 19 development standards. The site is developed with a single-family dwelling and a permitted detached shade structure and shed in the rear yard. Per the submitted justification letter, the applicant is proposing to construct a patio cover to provide shade for RV parking.

Per Title 19.06.060, patio covers are required to have a 10-foot side yard setback measured to the posts. According to the submitted site plan, the proposed patio cover is setback five feet to the posts. Additionally, Title 19.06.040 states that the height of patio covers shall not exceed 12 feet. The submitted elevation plans depict the proposed patio cover will be approximately 14 feet tall. Therefore, the applicant requests a Variance of these development standards.

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

FINDINGS (25-0043-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."

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a patio cover that will not meet Title 19 development standards. 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 Planning, Fire, Building, Code Enforcement, etc.</i>	
09/02/15	The City Council approved a Petition to Annex (ANX-59773) 5.00 acres on the south side of Regena Avenue, 300 feet east of Hualapai Way.
01/20/16	The City Council approved a Variance (VAR-61859) to allow no offsite improvements where complete street standards require a five-foot wide sidewalk, a five-foot wide amenity zone and other amenities for 60-foot wide minor collector streets on 10.0 acres on the west side of Eula Street north and south of Azure Drive. The Planning Commission recommended approval.
	The City Council approved a Waiver (WVR-61858) to allow a gated 37-foot wide private residential street with no sidewalk or amenity zone where a gated 47-foot wide residential street with a three-foot wide amenity zone and sidewalk, and other amenities are required on 5.0 acres on the southwest corner of Azure Drive and Eula Street.
	The City Council approved a Waiver (WVR-61857) to allow no streetlights where such are required on 10.0 acres on the west side of Eula Street north and south of Azure Drive.
11/28/16	A Final Map (FMP-63707) was recorded for a 17-lot residential subdivision on 10.18 acres generally located at the northwest and southwest corner of Azure Drive and Eula Street.
04/08/24	The Planning Commission voted (7-0) to recommend APPROVAL For possible action on a Land Use Entitlement project request TO ALLOW A PROPOSED PATIO COVER THAT DOES NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SETBACKS AND HEIGHT on 0.46 acres at 6235 North Eula Street (APN 125-30-113-004), R-E (Residence Estates) Zone, Ward 4 (Allen-Palenske). Staff recommends DENIAL.

<i>Most Recent Change of Ownership</i>	
06/11/19	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
12/04/17	A permit (#R17-06621) was issued for a pool/spa at 6235 North Eula Street. The permit was finalized 04/04/18.
05/25/22	A building permit (#R22-07802) was issued for a freestanding patio cover at 6235 North Eula Street.
12/04/24	A building permit (#R24-19004) was processed for a patio cover at 6235 North Eula Street. A permit has not been issued.

Pre-Application Meeting	
01/22/25	A pre-application meeting was held with the applicant.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
02/27/25	Staff conducted a routine field check and observed an existing single-family dwelling.

Details of Application Request	
Site Area	
Net Acres	0.46

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: La Madre Foothills	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	Y
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Patio Cover Setbacks			
• Side	10 Feet	5 Feet	N*
• Rear	15 Feet	89 Feet	Y
Max. Height	15 Feet	14 Feet	N*

*Refer to Issues table.