



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: JEFF WHITTLE - OWNER: L&E IRREVOCABLE TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0041-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 295

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0041-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a 40-foot front yard setback where 50 feet is required.
2. A Variance is hereby approved to allow a vehicular and pedestrian gate to be six feet in height where five feet is the maximum 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

The applicant is proposing a 40-foot front yard setback with a six-foot tall vehicle and pedestrian gate for the construction of a new home located on a half-acre lot on the west side of Thom Boulevard, approximately 165 feet north of Grand Teton Drive.

ISSUES

- The subject site is zoned R-E (Residence Estates) where the minimum required front yard setback is 50 feet. The applicant is requesting a Variance to allow a 40-foot front yard setback, which staff does not support.
- Title 19.06 allows front yard walls and fences a maximum height of five feet, with the bottom two feet being solid, and the upper three feet being open such as the proposed fence along the front property line that consists of two feet of block topped with two feet of wrought iron for a total height of four feet. The vehicle and pedestrian gates are triangular in shape with a peak height of six feet, which exceed the allowed five feet. The applicant is requesting a Variance to allow the vehicle and pedestrian gate to be six feet in height which staff does not support.

ANALYSIS

The purpose of the R-E District is to provide for low density residential units located on large lots and conveying a rural environment. The required setbacks were established to reflect a rural environment, rather than a higher density, compact environment.

Title 19.16.140 states Variances are to be granted to relieve property owners of hardships such as 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. In this instance, the subject site is square shaped vacant lot that does not exhibit exceptional topographic conditions. Therefore the applicants request is solely personal, and self-created which is not within the realm of granting a Variance per Title 19.16.140. As this is a self-created hardship, staff is recommending denial of the Variance.

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FINDINGS (24-0041-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 the construction of a home that does not meet the minimum front yard setback, or maximum height limits for front yard fences and walls. A 50-foot front yard setback with a five-foot tall vehicle and pedestrian gate 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 Planning, Fire, Building, Code Enforcement, etc.</i>	
10/09/23	A Parcel Map (100348-PMP) was released for recordation for a two-lot parcel map on 1.06 acres at 5100 Grand Teton Drive.

<i>Most Recent Change of Ownership</i>	
06/16/23	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses

There are no related Building Permits or Business Licenses for the subject parcel.

Pre-Application Meeting

01/17/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.
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Neighborhood Meeting

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

Field Check

02/01/24	Staff conducted a routine field check of the subject site and observed an existing single-family dwelling. Nothing of concern was noted.
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Details of Application Request

Site Area

Gross Acres	0.49
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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>
Subject Property	Residential, Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-E (Residence Estates)
West	Residential, Single Family, Detached	R (Rural Density Residential)	R-E (Residence Estates)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Tule Springs	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
RP-O (Rural Preservation Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	18,000 SF	21,344 SF	Y
Min. Lot Width	100 Feet	128 Feet	Y
Min. Setbacks			
• Front	50 Feet	40 Feet	N
• Side	10 Feet	10 Feet	Y
• Corner	N/A	N/A	N/A
• Rear	35 Feet	35 Feet	Y
Min. Distance Between Buildings	6 Feet	9 Feet	Y
Max. Building Height	35 Feet	29 Feet	Y