



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: LAURA MCSWAIN - OWNER: DUGGANNY HOLDINGS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0423-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 197

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0423-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a five-foot corner side yard setback where 15 feet is required for a proposed addition.
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 addition that does not meet the corner side yard setback requirement at 1200 Darmak Drive.

ISSUES

- A Variance is requested to allow a five-foot corner side yard setback where 15 feet is required for a proposed addition. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is within the Charleston area of the City of Las Vegas 2050 Master Plan. The subject site has the L (Low Density Residential) General Plan Special Land Use Designation, which is intended to allow for single-family detached housing and manufactured homes on individual lots, along with appropriate community gardens, family child care, and home occupation uses. The existing land use at this location is a single-family detached residence, which is consistent with the L (Low Density Residential) General Plan Special Land Use Designation and R-1 (Single Family Residential) zone.

The submitted site plan depicts the home addition encroaching into the required corner side yard setback; a five-foot setback is provided where the required corner side yard building setback is 15 feet. The submitted site plan and floor plan depict a new bedroom, a bathroom and a walk-in closet at the rear of the house. Notably, a section of these additions does not align with the prescribed side yard setback requirement mandated by Title 19.06. This regulation explicitly prohibits the construction of any structures within the specified setback area. As such, the applicant is requesting a Variance to allow a five-foot corner side yard setback where 15 feet is required for the proposed addition.

The subject property is a rectangular lot that exceeds the required minimum lot area for the R-1 (Single Family Residential) zoning district and provides adequate space for a primary dwelling unit to be located on the lot in compliance with Title 19.06 requirements. There are no hardships to the applicant as a result of the physical characteristics of the site, and staff finds the request to be a self-imposed hardship. Therefore, staff recommends denial of the requested Variance.

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FINDINGS (23-0423-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 building a home addition that fails to adhere to minimum 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

Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.

There are no related City Actions by Planning, Fire, Code Enforcement, etc.

Related Building Permits/Business Licenses

There are no related Building Permits/Business Licenses.

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

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
Airport Overlay District (175 Feet)	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan	N/A
Interlocal Agreement	N/A
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. Lot Size	6,500 SF	6,534 SF	Y
Min. Lot Width	60 Feet	64 Feet	Y
Min. Setbacks			
• Rear	15 Feet	18 Feet	Y
• Side	5 Feet	10 Feet	Y
• Corner Side Yard	15 Feet	5 Feet	N*
Max. Lot Coverage	50 %	24%	Y
Max. Building Height	35 Feet	15 Feet	Y

*The applicant is requesting a Variance to allow for a five-foot corner side yard building setback where 15 feet is required.