



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: MARTIN MENDEZ NOLASCO

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

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

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 285

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0638-VAR1 CONDITIONS

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. A Variance to allow an 11-foot front yard setback for a proposed patio cover [porch] where 20 feet is required is hereby approved.
3. A Variance to allow the aggregate accessory structure floor area to be 60% of the floor area of the principal dwelling unit where 50% is the maximum allowed is hereby approved.
4. 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.
5. 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.
6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
7. 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.

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.
- A Variance is requested to allow an 11-foot front yard setback for a proposed patio cover [porch] where 20 feet is required. Staff recommends denial.
- A Variance is 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. Staff recommends denial.

ANALYSIS

This Variance request is for an existing carport and a proposed front yard porch at 4921 Elmhurst Lane. The subject site is zoned R-1 (Single Family Residential).

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.

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 encroaches nine feet into the 20-foot front yard setback area. A Variance is requested to allow an 11-foot front yard setback where 20 feet is required for the front patio cover.

The combined floor area of the proposed front patio and the existing accessory structures located on the subject site is 874 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 exceeded by 131 square-feet. A Variance is 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.

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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 exceed the allowable development area. Reducing and 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
No relevant City actions by Planning or Code Enforcement.	

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

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

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<i>Pre-Application Meeting</i>

A pre-application meeting was not required, nor was one held.

<i>Neighborhood Meeting</i>

A neighborhood meeting was not required, nor was one held.
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<i>Field Check</i>

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.
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<i>Details of Application Request</i>
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<i>Site Area</i>

Gross Acres	0.14
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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	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)

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Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	Y
Other Plans or Special Requirements	Compliance
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:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks [Patio Cover] <ul style="list-style-type: none"> • Front • Side 	20 Feet 5 Feet	11 Feet 0 Feet	N* N**
Max. Lot Coverage [As a portion of the primary dwelling]	50%	58%	N***

**A Variance is requested to allow an 11-foot front yard setback for a patio cover [porch] where 20 feet is required.*

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

****A Variance is 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.*

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<i>Variances</i>		
<i>Requirement</i>	<i>Request</i>	<i>Staff Recommendation</i>
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
	A Variance is requested to allow an 11-foot front yard setback for a patio cover [porch] where twenty feet is required.	Denial
	A Variance is requested to allow the aggregate accessory structure floor area to be 60% of the floor area of the principal dwelling unit where 50% is the maximum allowed	Denial