



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: OCTOBER 16, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: JESSIE L. SCOTT

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0341-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

NOTICES MAILED 400

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

24-0341-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow an existing residential accessory structure [Detached Carport] to be located within the front yard where such is not allowed.
2. A Variance is hereby approved to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Detached Carport].
3. A Variance is hereby approved to allow a one-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Shed B].
4. A Variance is hereby approved to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A].
5. A Variance is hereby approved to allow all residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required.
6. 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.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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 several Variances to allow their existing detached carport and two sheds at 1608 Manhattan Drive. This application is a result of Code Enforcement Case (#CE23-02066).

ISSUES

- This application is a result of Code Enforcement Case (#CE23-02066).
- A Variance is requested to allow an existing accessory structure [Detached Carport] to be located within the front yard where such is not allowed. Staff does not support this request.
- A Variance is requested to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Detached Carport]. Staff does not support this request.
- A Variance is requested to allow a one-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Shed B]. Staff does not support this request.
- A Variance is requested to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A]. Staff does not support this request.
- A Variance is requested to allow all residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19.06 development standards. The accessory structures and detached carport do not meet the required distance separation from the primary dwelling [Detached Carport and Shed B], the required front yard setback [Detached Carport], the required rear yard setback [Shed A], and none of the structures are aesthetically compatible with the primary dwelling as required by Title 19.06.040(C). The provided one-foot rear yard setback where three feet is required is a 66-percent deviation from the code requirement.

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In order to recommend approval of, or to approve a Variance application, the Planning Commission or City Council must determine that the Variance is warranted both under State law and Title 19.16.140. No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing the subject structures without a building permit. Therefore, staff recommends denial of the application, subject to conditions if approved.

FINDINGS (24-0341-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 the accessory structures without permit review. Locating the accessory structures within the required setbacks 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

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
04/13/23	A Code Enforcement Case (#CE23-02066) was started for accessory structures and a carport constructed without a permit at 1608 Manhattan Drive. The Code Enforcement Case is open, pending results of this Variance request.
09/10/24	The Planning Commission voted (6-0) to recommend DENIAL on the following Land Use Entitlement project request TO ALLOW AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED CARPORT] TO BE LOCATED WITHIN THE FRONT YARD WHERE SUCH IS NOT ALLOWED; A ONE-FOOT SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED B]; A ONE-FOOT REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED A]; AND TO ALLOW ALL RESIDENTIAL ACCESSORY STRUCTURES TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED on 0.16 acres at 1608 Manhattan Drive (APN 139-20-811-034), R-1 (Single Family Residential) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
04/20/00	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
No relevant actions by Building Permits/Business Licensing.	

<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.	

<i>Field Check</i>	
07/30/24	During a routine site visit, staff observed the subject property and the existing accessory structures and carport.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.16

<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)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: West Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (105 Feet)	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	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks [Shed A]*****			
• Side	3 Feet	37 Feet	Y
• Side	3 Feet	15 Feet	Y
• Rear	3 Feet	1 Feet	N*
Min. Setbacks [Shed B]*****			
• Side	3 Feet	20 Feet	Y
• Side	3 Feet	30 Feet	Y
• Rear	3 Feet	37 Feet	Y
Min. Distance Between Buildings	6 Feet	1 Feet	N**
Min. Setbacks [Detached Carport]			
• Front	20 Feet	3 Feet	N***
• Side	3 Feet	8 Feet	Y
• Side	3 Feet	36 Feet	Y
• Rear	3 Feet	60 Feet	Y
Min. Distance Between Buildings	6 Feet	4 Feet	N****
Max. Lot Coverage	50 %	38 %	Y
Max. Building Height	35 Feet	9 Feet	Y
Mech. Equipment	Screened	N/A	Y

* A Variance is requested to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A].

** A Variance is requested to allow a one-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Shed B].

***A Variance is requested to allow an existing patio cover [detached carport] to be located within the front yard where such is not allowed.

**** A Variance is requested to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [detached carport].

***** A Variance is requested to allow the residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Manhattan Drive	Local Street	Title 13	51	Y