



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: J CHRISTOPHER DAPPER AND JAIME M. DAPPER

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0448-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 194

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0448-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a three-foot side yard setback on the east side where 10 feet is required.
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

As part of a larger renovation to an existing single-family dwelling, the applicant is proposing to expand a master bedroom closet into a portion of an existing Residential Accessory Structure, prompting a request for a Variance to reduce the east side yard setback.

ISSUES

- The applicant requests a Variance to allow a three-foot side yard building setback in the R-A (Ranch Acres) zoning district where 10 feet is required. Staff recommends denial.
- There was a previous approval for a four-foot side yard setback on this site in 1981; however, it is unclear from prior records as to which side was approved or whether the Variance was exercised. Regardless, the current request is more intense than the previous approval (the setback is further reduced), necessitating a new setback variance.

ANALYSIS

A Variance (22-0572-VAR1) was approved December 13, 2022 to allow a zero-foot separation between the house and an existing, unpermitted garage, as well as floor area of accessory structures exceeding 50 percent of the floor area of the dwelling.

The existing garage is located on the east side of the dwelling near the front of the house. A building permit (R23-05836) was issued on May 15, 2023 to make the existing garage conforming. The garage is approximately three feet from the east property line. This setback meets standards for Residential Accessory Structures; however, with the proposed expansion of the master bedroom into a portion of the garage, that portion of the garage would become part of the main dwelling and must meet setbacks for the dwelling. The rest of the garage would be walled off and remain a Residential Accessory Structure. The existing house currently meets the side yard setback requirement.

The site is zoned R-A (Ranch Acres), a legacy district similar to R-E (Residence Estates) that provides for low density residential units on large lots in a rural environment, with a minimum lot size of 40,000 square feet. Standards for the R-A zoning district are archived in a 2011 version of Title 19 that predates the Unified Development Code. The side yard setback requirement in the R-A District is 10 feet. The three-foot setback request is a 70 percent deviation from this standard.

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The Fire Engineering Section of the Department of Fire & Rescue comments that the existing fire sprinkler system is to be modified as required by Code.

The site consists of a rectangular-shaped lot that does not cause a difficulty with regard to building setbacks. Staff concludes that the hardship in this case is self-created and does not fall within the scope of a Variance from the Zoning Code as described in Title 19.16.140.B. Staff therefore recommends denial, subject to conditions if approved.

FINDINGS (23-0448-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 a single-family room addition that does not meet the side yard setback for an R-A (Ranch Acres) zoned lot. Reducing the depth of the expansion by seven feet 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>	
08/15/63	The City Council approved a request for a Rezoning (Z-0092-63) from R-E (Residence Estates) to R-A (Ranch Acres) on property generally located on Palomino Lane on the north, Charleston Boulevard on the south, Campbell Drive on the west and a line drawn parallel with and located 301.40 feet west of Shetland Road on the east, excepting therefrom the West Charleston School site, which is zoned C-V (Civic).
11/23/81	The Board of Zoning Adjustment approved a request for a Variance (V-0083-81) to allow a four-foot side yard setback where five feet is required on property located at 2500 Pinto Lane. Staff recommended approval.
02/25/88	The Board of Zoning Adjustment approved a request for a Variance (V-0011-88) to allow a porte cochere to be 25 feet from the front property line where 50 feet is required on property located at 2500 Pinto Lane.
06/19/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan from SC (Service Commercial) to O (Office), from R (Rural Density Residential) to DR (Desert Rural Density Residential) and from L (Low Density Residential) to DR (Desert Rural Density Residential) in the general vicinity of the Charleston Boulevard/Rancho Drive intersection.
12/13/22	The Planning Commission approved a request for a Variance (22-0572-VAR1) to allow the total floor area of all accessory structures to be 88 percent of the primary dwelling floor area where 50 percent is the maximum allowed and a zero-foot separation from the primary dwelling where six feet is required for an existing Detached Accessory Structure (Class II) [Garage] on 0.99 acres at 2500 Pinto Lane. Staff recommended denial.

<i>Most Recent Change of Ownership</i>	
09/21/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
07/13/89	A building permit (#89031559) was issued for a patio cover at 2500 Pinto Lane. The permit was marked inactive on 11/18/92.
02/05/90	A building permit (#90055561) was issued for a wall at 2500 Pinto Lane. The permit was finalized on 02/12/92.
02/22/90	A building permit (#90058113) was issued for a recreation room at 2500 Pinto Lane. The permit was finalized on 07/06/90.

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<i>Related Building Permits/Business Licenses</i>	
04/12/90	A building permit (#90064328) was issued for a guest room addition at 2500 Pinto Lane. The permit was finalized on 07/06/90.
01/15/99	A building permit (#99000897) was issued for a detached family room at 2500 Pinto Lane. The permit was finalized on 04/21/99.
06/06/00	A building permit (#10915) was issued for a free standing carport at 2500 Pinto Lane. The permit was expired on 02/09/01.
09/27/21	Application (R21-15694) was made for a building permit for interior demolition of the main residence and north and east casitas for future improvements at 2500 Pinto Lane. The permit has not been issued.
08/03/22	A building permit (R22-11503) was issued for pool, spa and heater at 2500 Pinto Lane. The permit has not been finalized.
03/27/23	A building permit (R22-13427) was processed for remodel of a 7,410 square-foot residential dwelling at 2500 Pinto Lane. A final inspection has not been approved.
	A building permit (R22-13428) was processed for remodel of a 1,353 square-foot detached casita at 2500 Pinto Lane. A final inspection has not been approved. A final inspection has not been approved.
	A building permit (R22-13429) was processed for conversion of a 1,002 square-foot detached casita to a gym at 2500 Pinto Lane. A final inspection has not been approved.
	A building permit (R22-13430) was processed for remodel of a 937 square-foot detached garage at 2500 Pinto Lane. A final inspection has not been approved.
04/26/23	City of Las Vegas staff approved a plan check review revision (PRR22-0002-R001) at 2500 Pinto Lane that included a tandem detached garage and outdoor kitchen.
05/15/23	A building permit (R23-05836) was issued for a 571 square-foot tandem garage on the east side of the dwelling at 2500 Pinto Lane. A final inspection has not been approved.
	A building permit (R23-06215) was issued for a 955 square-foot outdoor kitchen on the east side of the dwelling at 2500 Pinto Lane. A final inspection has not been approved.

Pre-Application Meeting

A pre-application was not held for this request, as the request was deemed to be similar to a recent Variance request made by this applicant.

Neighborhood Meeting

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

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Field Check	
08/23/23	The site is developed with an existing single-family dwelling, which is undergoing interior and exterior modifications. No work was observed to be taking place during the field inspection.

Details of Application Request	
Site Area	
Net Acres	0.99

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Rancho Charleston Land Use Study	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.08 (2011 version), the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	40,000 SF	43,124 SF	Y
Min. Lot Width	100 Feet	145 Feet	Y
Min. Setbacks <ul style="list-style-type: none">• Side	10 Feet	3 Feet	N