

**AGENDA MEMO - COMMUNITY DEVELOPMENT****PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: MARIA HERNANDEZ**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0527-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 23**NOTICES MAILED** 426**PROTESTS** 0**APPROVALS** 0

**** CONDITIONS ****

24-0527-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow to allow a zero-foot side yard setback for an existing Patio Cover where five feet is required.
2. A Variance is hereby approved to allow a zero-foot corner side yard setback for an existing Patio Cover [Carport] where 10 feet is required.
3. A Variance is hereby approved to allow a six-foot tall front yard fence where five feet with a two-foot solid base is the maximum height allowed.
4. A Variance is hereby approved to allow two patio covers that are not aesthetically compatible with the existing single-family dwelling onsite.
5. 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.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

9. Submit a License Agreement for landscaping and private improvements (existing wall) in the Crestwood Avenue and Bracken Avenue public right(s)-of-way prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460).

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request to allow two existing patio covers within required setback areas and to allow an existing front yard fence that exceeds maximum height requirements at 1415 Crestwood Avenue.

ISSUES

- A Variance is requested to allow a zero-foot side yard setback for an existing Patio Cover where five feet is required. Staff does not support the request.
- A Variance is requested to allow a zero-foot corner side yard setback for an existing Patio Cover [Carport] where 10 feet is required. Staff does not support the request.
- A Variance is requested to allow a six-foot tall front yard fence where five feet with a two-foot solid base is the maximum height allowed. Staff does not support the request.
- The subject patio covers are not aesthetically compatible with the existing single-family dwelling where such is required.
- These Variance requests are the result of an open Code Enforcement Case #CE23-01912.
- This Variance request is made in conjunction with the City of Las Vegas Safe Home Improvements Funding and Training (SHIFT) program.

ANALYSIS

The subject 0.13-acre site is zoned R-1 (Single Family Residential) and subject to Title 19 development standards. It is developed with an existing single-family dwelling. The applicant requests Variances to keep two existing patio covers and a front yard fence that fail to comply with Title 19 development standards. The subject structures were constructed without building permits. The following table depicts the applicable development and design standards concerning a front yard fence and Patio Covers in the R-1 Zoning District:

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<i>Requirement</i>	<i>Request</i>	<i>Applicable code section</i>	<i>Staff Recommendation</i>
Five-foot side yard setback – Patio Cover (East)	To allow a zero-foot side yard setback for an existing Patio Cover.	19.06.070	Denial
Ten-foot corner side yard setback – Patio Cover (West)	To allow a zero-foot corner side yard setback for an existing Patio Cover [Carport].	19.06.070	Denial
Maximum height of five feet with a two-foot solid base	To allow a six-foot tall front yard fence	19.06.070	Denial

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

FINDINGS (24-0527-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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing patio covers and a front yard fence that fail to comply with Title 19 development standards without permits. 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>	
04/05/23	Code Enforcement Case #CE23-01912 was opened regarding an unpermitted patio cover. The case remains open.

<i>Most Recent Change of Ownership</i>	
06/01/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related building permits/business licenses of note.	

<i>Pre-Application Meeting</i>	
10/07/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance request.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
10/24/24	Staff conducted a routine field check and found an existing single-family dwelling. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.13

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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)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<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. Patio Cover Setbacks			
• Front	20 Feet	23 Feet	Y
• Side	5 Feet	0 Feet	N*
• Corner	10 Feet	0 Feet	N*
• Rear	5 Feet	27 Feet	Y
Max. Lot Coverage	50%	33%	Y
Max. Front Yard Fence Height	5 Feet with a 2-foot solid base	6 Feet	N**

*Variances are requested to allow reduced side yard and corner side yard areas for two existing patio covers.

**A Variance is requested to allow a front yard fence that exceeds the maximum height allowed.

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