



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: NOVEMBER 15, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DAYSI D. SOSA SALGUERO ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0407-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

19 (BY CITY CLERK)

NOTICES MAILED 409

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0407-VAR1 CONDITIONS

Planning

1. A Variance (23-0407-VAR1) is hereby approved, to allow a zero-foot side yard setback where five feet is required for an existing Patio Cover [Carport].
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 an existing Patio Cover [Carport] that does not meet side yard setback requirements at 2016 Hassett Avenue.

ISSUES

- A Variance (23-0407-VAR1) is requested to allow a zero-foot side yard setback where five feet is the minimum required for an existing Patio Cover [Carport]. Staff does not support this request.
- A Code Enforcement Case (CE23-04613) is open citing a patio cover attached to the house and within side yard setbacks.

ANALYSIS

This request is the result of a Code Enforcement Case (CE23-04613) citing a patio cover within the side yard setback. The subject property is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. Per Title 19.06.070, patio covers shall have a five-foot side yard setback when measured from the patio cover post. The applicant has requested to maintain the existing patio cover with a zero-foot side yard setback, prompting this Variance request. The submitted justification letter dated 08/16/23, states that the patio cover was constructed to protect vehicles and the applicant's family from the weather.

There are no permits on file for the existing structure. The patio cover was constructed sometime after June 05, 2023 as publically available aerial imagery of the subject site does not show the unpermitted patio cover. 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, including a requirement for the necessary building permits to be obtained and final inspections completed.

FINDINGS (23-0407-VAR1)

In accordance with the provisions of Title 19.16.140(B), the Planning Commission and City Council, in considering the merits of a self-created or financial in nature."

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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 a patio cover without permits and within required setbacks. 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>	
07/06/23	A Code Enforcement Case (CE23-04613) is open citing an attached patio cover within side yard setbacks. This Code Enforcement Case remains open, pending the results of this Variance (23-0407-VAR1) request.
10/10/23	The Planning Commission (6-0) and Staff recommend Denial on a Land Use Entitlement project request TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS THE MINIMUM REQUIRED FOR AN EXISTING PATIO COVER [CARPORT] on 0.14 acres at 2016 Hassett Avenue (APN 162-02-713-071), R-1 (Single Family Residential) Zone, Ward 3 (Diaz).

<i>Most Recent Change of Ownership</i>	
05/04/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses.	

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Pre-Application Meeting

08/02/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.
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Neighborhood Meeting

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

08/30/23	Staff conducted a routine field check of the subject site and observed an existing Patio Cover [Carport]. There were no issues of concern.
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Details of Application Request

Site Area

Net 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)

<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>
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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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	N/A
<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. Lot Size	6,500 SF	6,098 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Side	5 Feet	0 Feet	N*
• Rear	5 Feet	24 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height	12 Feet	8 Feet	Y

*A Variance (23-0407-VAR1) is requested to allow a zero-foot side yard setback where five feet is required.