



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: KIMIKE CARR

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0558-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 374

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0558-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a three-foot side yard setback where five feet is required for an existing building addition to a single-family dwelling.
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.

Staff Report Page One
April 9, 2024 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for an existing home addition that does not meet side yard setback requirements at 5613 Evergreen Avenue.

ISSUES

- The submitted Variance application is a result of an open Code Enforcement case (#CE23-07114) for the subject property.
- A Variance (23-0558-VAR1) is requested to allow a three-foot side yard setback where five feet is required for an existing building addition to a single-family dwelling. Staff does not support this request.

ANALYSIS

The subject property is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The applicant has constructed an addition to an existing residential dwelling that encroaches into the required side yard setback. Per Title 19.06.070, buildings shall maintain a five-foot side yard setback. The applicant is requesting a Variance (23-0558-VAR1) to allow a three-foot side yard setback where five feet is required for an existing addition.

According to the submitted site plan, the addition is located on the east side of the residential dwelling. A building permit (#R21-15382) for the addition was issued on 03/24/22, but failed inspections on 03/31/22 noting the structure was constructed with a three-foot side yard setback where the approved building plans showed a five-foot side yard setback. A Code Enforcement case (#CE23-07114) was processed on 10/11/23 for the subject property to ensure a building permit will be obtained for the noncompliant addition that was constructed.

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

Staff Report Page Two
April 9, 2024 - Planning Commission Meeting

FINDINGS (23-0558-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 a building addition that does not meet side yard setback requirements. Constructing the building addition as shown on the approved building plans (#R21-15382) 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>	
10/11/23	A Code Enforcement case (#CE23-07114) was processed for a building addition constructed within three feet of the property line located at 5613 Evergreen Avenue. This case remains open.

<i>Most Recent Change of Ownership</i>	
10/16/15	A deed was recorded for a change in ownership.

Staff Report Page Three
April 9, 2024 - Planning Commission Meeting

Related Building Permits/Business Licenses	
03/23/21	A business license application (G69-01966) was submitted for a residential facility at 5613 Evergreen Avenue. A license was not issued.
03/24/22	A building permit (#R21-15382) was issued for a proposed 95 square-foot home addition at 5613 Evergreen Avenue.
05/18/22	A building permit revision (#R21-15382-R001) was submitted for revised setbacks to a home addition at 5613 Evergreen Avenue. A permit has not been issued. A Code Enforcement case (#CE23-07114) is open for this building addition.

Pre-Application Meeting	
10/17/23	A pre-application meeting was held and the submittal requirements for a Variance were discussed.

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

Field Check	
02/28/24	Staff conducted a routine field check and observed an existing single family dwelling. No other issues were noted.

Details of Application Request	
Site Area	
Net Acres	0.14

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
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	ML (Medium 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)

Staff Report Page Four
April 9, 2024 - Planning Commission Meeting

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - 175 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 (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06.070, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks <ul style="list-style-type: none"> • Side 	5 Feet	3 Feet	N*
Max. Lot Coverage	50 %	25 %	Y
Max. Building Height	35 Feet	8 Feet	Y

*A Variance (23-0558-VAR1) is requested to allow a three-foot side yard setback where five feet is required for an existing building addition.