



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: GEORGES TANNOURY

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0242-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 10

NOTICES MAILED 267

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0242-VAR1 CONDITIONS

Planning

1. Building permits and final inspections for all unpermitted structures shall be obtained no later than 60 days from the date of final approval of this Variance.
2. A Variance is hereby approved to allow mechanical equipment [air conditioning units] to not be screened from abutting lots and streets by fences, walls or landscaping where such is required.
3. A Variance is hereby approved to allow a zero-foot side yard setback where five feet is required for a patio cover.
4. The patio cover shall remain open on all sides; any materials utilized in enclosing the patio structure, including doors shall be removed within 30 days of final approval.
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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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting Variances to put air conditioning units on top of metal trellises within both side yards of a single family dwelling at 3144 Beach View Court.

ISSUES

- This request is a result of the Code Enforcement Case (CE23-02710) for unpermitted construction.
- A Variance is requested to allow mechanical equipment [air conditioning units] to not be screened from abutting lots and streets by fences, walls or landscaping where such is required.
- A Variance is requested to allow a zero-foot side yard setback where five feet is required.
- A building permit (#R24-00107) was processed in on 01/03/24 for the accessory structures and platforms on the side of the building. That permit is pending based on this Variance application.

ANALYSIS

The subject site, 3144 Beach View Court, is zoned R-PD4 (Residential Planned Development - 4 Units per Acre). The site is subject to Title 19 requirements. The applicant is requesting to deviate from the required mechanical equipment screening and the required side yard patio cover setback so that they can lift their air conditioning condensers on top of metal trellises. In the justification letter, the applicant explains that due to numerous break-ins at the property, they were forced to escape through the side yards with limited accessibility due to the air conditioners located on the ground.

As set forth in Title 19.06.040(B), “mechanical equipment such as air-conditioning units, pool filtering and heating equipment, water softeners, and similar mechanical equipment may occupy the required rear and side yard setback areas if totally screened from abutting lots and streets by fences, walls or landscaping, and if such mechanical equipment does not restrict required access through such setback areas as determined by the Department.”

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The R-PD4 (Residential Planned Development - 4 Units per Acre) zoning district is equivalent to the R-1 (Single Family Residential) zoning district based on the lot size, with R-1 (single family residential) requiring a minimum 6,500 square-foot lot size and the subject lot being 7,645 square feet in area. The patio cover setback requirements are therefore applied from Title 19.06.070. The required minimum side yard setback is five feet to the patio cover post. As reflected in ton the submitted Site Plan, the proposed patio cover would have a zero-foot side yard setback, providing zero percent of the required setback.

FINDINGS (24-0242-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 locating their Air Conditioning units where they are not screened as required by Title 19.06.040, and where they encroach into the side yard setback. Relocating the Air Conditioning units 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>	
08/15/84	The City Council approved a rezoning (Z-0054-84) to R-PD was approved for the Lakes development including the subject site.
05/10/23	A Code Enforcement Case (CE23-02710) for the unpermitted construction of metal trusses used to raise the air conditioning units at 3144 Beach View Court. That code enforcement case is pending based on this Variance application.
07/09/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE on a Land Use Entitlement project request TO ALLOW MECHANICAL EQUIPMENT [AIR CONDITIONING UNITS] TO NOT BE SCREENED FROM ABUTTING LOTS AND STREETS BY FENCES, WALLS OR LANDSCAPING WHERE SUCH IS REQUIRED; AND TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING PATIO COVER on 0.18 acres at 3144 Beach View Court.

<i>Most Recent Change of Ownership</i>	
04/02/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/03/24	A building permit (#R24-00107) was processed in in for the accessory structures and platforms on the side of the building. That permit is pending based on this Variance application.

<i>Pre-Application Meeting</i>	
04/30/24	A preapplication meeting was held to discuss the submittal requirements for a Variance.

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

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Field Check	
05/30/24	During a routine site visit, a well maintained single family home was observed. The code violations for Code Enforcement Case (CE23-02710) are still in place, with the air conditioning units on top of metal structures that are visible above the side yard walling.

Details of Application Request	
Site Area	
Gross Acres	0.18

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Single Family Detached	L (Low Density Residential)	R-PD4 (Residential Planned Development - Four Units per Acre)
North			
South			
East	Lake	PR-OS (Parks/Recreation/Open Space)	R-PD4 (Residential Planned Development - Four Units per Acre)
West	Private Drive; Single Family Detached	PR-OS (Parks/Recreation/Open Space)	R-PD4 (Residential Planned Development - Four Units per Acre)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Angel Park	Y
The Lakes	Y
Special Area and Overlay Districts	Compliance
R-PD (Residential Planned Development) 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	N/A

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DEVELOPMENT STANDARDS

Pursuant 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Patio Cover Setback to Post • Side	5 Feet	0 Feet	N*
Max. Lot Coverage	N/A	46 %	Y
Mech. Equipment	Screened	Not Screened	N**

*A Variance is requested to allow a zero-foot side yard setback where five feet is required.

**A Variance is requested to allow mechanical equipment [air conditioning units] to not be screened from abutting lots and streets by fences, walls or landscaping where such is required.