



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 8, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: ALICIA PFAU - OWNER: NICHOLAS CHARLES PFAU

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
25-0013-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 212

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

25-0013-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a zero-foot side yard setback where five feet is required for an existing Residential Accessory Structure [Shed].
2. A Variance is hereby approved, to allow a five-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Shed].
3. A Variance is hereby approved, to allow a three-foot separation from the detached garage to the attached trellis patio cover where six feet is required.
4. A Variance is hereby approved, to allow a 31-foot front yard setback where 50 feet is required for a proposed Patio Cover.
5. A Variance is hereby approved, to allow a 44-foot front yard setback where 50 feet is required for a proposed Home Addition.
6. 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.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

10. Contact the Southern Nevada Health District to determine if the existing septic system permit will accommodate the proposed action. If the existing septic system is not acceptable, contact the Sanitary Sewer Engineering Section of the Department of Public Works regarding connection to public sewer prior to the issuance of permits.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to maintain an existing Residential Accessory Structure [Shed], a proposed patio cover, and home addition that do not meet required setback and separation requirements at 5513 Rebecca Road.

SURROUNDING AREA CHARACTERISTICS

<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	R (Rural Density Residential)	R-E (Residence Estates)
North			
South			
East	Undeveloped		
West	Residential, Single Family, Detached	L (Low Density Residential)	R-PD4 (Residential Planned Development – 4 Units per Acre)

ISSUES

<i>Structure</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Governing Document</i>	<i>Staff Recommends</i>	<i>Justification Provided</i>
Existing Residential Accessory Structure [Shed]	Five-foot side yard setback	To allow a zero-foot side yard setback	Title 19.06.060	Denial	None provided
Existing Residential Accessory Structure [Shed]	Six-foot separation from main building	To allow a five-foot separation from the primary dwelling	Title 19.06.060	Denial	None provided

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ISSUES *continued*

Structure	Requirement	Proposed	Governing Document	Staff Recommends	Justification Provided
Proposed Patio Cover	50-foot front yard setback	To allow a 31-foot front yard setback	Title 19.06.060	Denial	None provided
Proposed Trellis Patio Cover	6 feet from existing detached garage	To allow three feet from the existing detached garage	Title 19.06.060	Denial	None Provided
Proposed Home Addition	50-foot front yard setback	To allow a 44-foot front yard setback	Title 19.06.060	Denial	None provided

- The existing primary dwelling is deemed legal non-conforming in regards to front yard setback requirements in the R-E (Residence Estates) zoning district.

ANALYSIS

The subject site is developed with an existing single family dwelling and was constructed with multiple, unpermitted, and structurally failing structures. The applicant is proposing to renovate the property, including the construction of a patio cover and home addition within the front yard setback, an attached trellis patio cover in the side yard, and an additional patio cover and home addition in the rear yard. The applicant cites enhancing functionality of the single-family residence, and repairing unpermitted and improper renovations from previous owners as justification for these Variance requests.

The subject site is also located in the Rural Preservation Overlay (RP-O) pursuant to Title 19.10.180. The intent of the district is to maintain the rural character of the neighborhood and providing adequate buffer areas for screening. As proposed, the reduced setbacks of the proposed Patio Cover, Home Addition, and Residential Accessory Structure [Shed] will detract from the intent of the RP-O of maintaining a rural environment with large setbacks.

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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, it will be subject to conditions.

FINDINGS (25-0013-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 to construct a Home Addition, Patio Cover and maintain an existing Residential Accessory Structure [Shed] that do not meet separation or setback 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>	
05/12/64	The City Council adopted Ordinance 1137 to Annex (A-0003-64) and make part of the City of Las Vegas, certain specifically described territory adjoining and contiguous to the corporate limits of the City of Las Vegas, including the subject property.
03/11/25	The Planning Commission voted (6-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW EXISTING RESIDENTIAL ACCESSORY STRUCTURES [SHED AND DETACHED GARAGE], A PROPOSED PATIO COVER, AND HOME ADDITION THAT DO NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SEPARATION AND SETBACKS on 0.47 acres at 5517 Rebecca Road (APN 125-35-102-014), R-E (Residence Estates) Zone, Ward 6 (Brune).

<i>Most Recent Change of Ownership</i>	
01/05/24	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.	

<i>Pre-Application Meeting</i>	
01/08/25	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<i>Field Check</i>	
01/27/25	Staff conducted a routine field check of the subject property and observed an existing single family dwelling with multiple Residential Accessory Structures [Detached Garage and Shed]. Nothing of concern was noted.

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Details of Application Request	
Site Area	
Net Acres	0.47

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Rancho	Y
Special Area and Overlay Districts	Compliance
RP-O (Rural Preservation Overlay) District	N*

* The subject site is also located in the Rural Preservation Overlay (RP-O) pursuant to Title 19.10.180. The intent of the district is to maintain the rural character of the neighborhood and providing adequate buffer areas for screening. As proposed, the reduced setbacks of the proposed Patio Cover, Home Addition, and Residential Accessory Structure [Shed] will detract from the intent of the RP-O of maintaining a rural environment with large setbacks.

DEVELOPMENT STANDARDS

Pursuant to Title 19.06., the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	18,000 SF	20,473 SF	Y
Min. Lot Width	100 Feet	123 Feet	Y
Min. Setbacks Primary Dwelling			
• Front	50 Feet	43 Feet	Y*
• Side	10 Feet	15 Feet	Y
• Rear	35 Feet	35 Feet	Y
Max. Lot Coverage	N/A	24%	N/A
Max. Building Height	35 Feet	15 Feet, 3-inches	Y

*The existing primary dwelling is legal-nonconforming in regard to front yard setback requirements.

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks Patio Cover			
• Front	50 Feet	31 Feet	N*
• Side	10 Feet	55 Feet	Y
Max. Building Height	12 Feet	8 Feet	Y

*A Variance is requested to allow the reduced setback.

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<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks Residential Accessory Structure [Shed]			
• Side	5 Feet	0 Feet	N*
• Rear	5 Feet	51 Feet	Y
Min. Distance Between Buildings	6 Feet	5 Feet	N*

* A Variance is requested to allow the reduced setback.

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Distance Separation from Trellis Patio Cover (Rear Yard) to Detached Garage	6 Feet	3 Feet	N*

*A Variance is requested to allow the reduced setback.