



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 13, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: MARKO STEVANOVIC - OWNER: NIKOLINA STEVANOVIC, ET AL

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 25-0089-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 615

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

25-0089-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow an accessory structure with a zero-foot side yard setback where three feet is required and to allow a five-foot separation from the main building where six feet is required.
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 outdoor grill and storage structure located within a required setback area on 0.10 acres at 144 Jon Belger Drive.

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 | ML (Medium-Low Density Residential) | R-CL (Single Family Compact-Lot) |
| North | | | |
| South | | | |
| East | | | |
| West | | | |

ISSUES

- A Variance is requested to allow an existing accessory structure (outdoor grill) with a zero-foot side yard setback where three feet is required and a five-foot separation from the principle dwelling where six feet is required. Staff does not support the request.
- This request is the result of an open Code Enforcement Case #CE25-00523.
- Per Clark County Assessor records, the existing patio cover onsite was constructed in conjunction with the existing single-family dwelling onsite.

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ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and subject to Title 19 development standards. It is developed with an existing single-family dwelling. The applicant requests a Variance of the following Title 19 development standards:

| <i>Requirement</i> | <i>Request</i> | <i>Applicable code section</i> | <i>Staff Recommendation</i> |
|--|---|---------------------------------------|------------------------------------|
| Min. Accessory Structure side yard setback of three feet. | Zero-foot side yard setback | 19.06.080 | Denial |
| Min. six-foot Accessory Structure separation from main building. | Five-foot separation from main building | 19.06.080 | Denial |

Per the submitted justification letter, the grill is needed to cook for religious holidays. 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 (25-0089-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 an accessory structure without permits that fails to comply with Title 19 development standards. 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> | |
|---|--|
| 01/28/25 | Code Enforcement Case #CE25-00523 was opened for possible unpermitted construction at the subject site. The case remains open. |

| <i>Most Recent Change of Ownership</i> | |
|---|--|
| 07/03/19 | A deed was recorded for a change in ownership. |

| <i>Related Building Permits/Business Licenses</i> | |
|--|--|
| c. 1983 | Per Clark County assessor records, the subject house onsite was constructed. |

| <i>Pre-Application Meeting</i> | |
|---------------------------------------|--|
| 02/19/25 | Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance. |

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

| <i>Field Check</i> | |
|---------------------------|---|
| 04/03/25 | 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 | 0.10 |

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| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|--|--------------------------|
| Las Vegas 2050 Master Plan Area: Angel Park | 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. Lot Size | 3,000 SF | 4,356 SF | Y |
| Min. Lot Width | 35 Feet | 40 Feet | Y |
| Min. Setbacks for Accessory Structures <ul style="list-style-type: none"> • Side | 3 Feet | 0 Feet | N* |
| Min. Distance Between Buildings | 6 Feet | 5 Feet | N* |
| Max. Lot Coverage | 70% | 43% | Y |
| Max. Accessory Structure Size and Coverage | Not to exceed 50% of the floor area of the principal dwelling unit (826 SF) | 220 SF | Y |
| | The aggregate total of the ground floor areas of all accessory buildings shall not cover more than 50 percent of the rear yard area. | Zero Percent | Y |
| Max. Accessory Structure Building Height | Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less | 9 Feet | Y |

*A Variance is requested to allow a reduced side yard setback and separation from the principle dwelling unit.