



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: AUSTIN GARDNER

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0517-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 280

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0517-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a 30-foot front yard setback where 50 feet is required for a proposed single-family residence.
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.

Fire Prevention

6. Applicant shall install an approved fire sprinkler system in all buildings / dwelling units in accordance with 2021 IFC Section 903. (as amended).

Staff Report Page One
December 12, 2023 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed single family residence that does not meet the front yard setback requirement at the southeast corner of Fisher Avenue and Mustang Street.

ISSUES

- A Variance is requested to allow a 30-foot front yard setback where 50 feet is required for a proposed single-family residence. Staff does not support this request.

ANALYSIS

The subject site is zoned R-E (Residential Estates) and is within the Rancho area of the City of Las Vegas 2050 Master Plan. The subject site has the R (Rural) General Plan Special Land Use Designation. The purpose of the R-E district is to provide for low density residential units located on large lots and conveying a rural environment. This District is consistent with the policies of the Desert Rural Density Residential category of the General Plan. The subject site is currently vacant.

The submitted site plan depicts the proposed single-family residence encroaching into the required front yard setback; a 30-foot front yard setback is provided where the required front yard building setback is 50 feet. The submitted site plan and floor plan depict a portion of the proposed house (garages) does not align with the prescribed front yard setback requirement mandated by Title 19.06.060. This regulation explicitly prohibits the construction of any structures within the specified setback area. As such, the applicant is requesting a Variance to allow a 30-foot front yard setback where 50 feet is required for the proposed single family-residence.

The subject property is a rectangular lot that exceeds the required minimum lot area for the R-E (Residential Estates) zoning district and provides adequate space for a primary dwelling unit to be located on the lot in compliance with Title 19.06.060 requirements. There are no hardships to the applicant as a result of the physical characteristics of the site, and staff finds the request to be a self-imposed hardship. Therefore, staff recommends denial of the requested Variance.

Staff Report Page Two
December 12, 2023 - Planning Commission Meeting

FINDINGS (23-0517-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 a home that fails to adhere to minimum Title 19 front yard 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Code Enforcement, etc.</i>	
1964	The Board of City Commissioners approved an Annexation (A-0003-64) with approximately 5,000 acres located north of Lone Mountain Road and west of Decatur Boulevard.
03/02/81	The planning commission approved an administrative Variance (AV-0001-82) to allow a deviation in the required frontage (Requesting 95.65 feet frontage where 100’ is required) on property generally located on the southeast corner of Mustang Road and Fisher Avenue.

Staff Report Page Three

December 12, 2023 - Planning Commission Meeting

Related Building Permits/Business Licenses

There are no related Building Permits/Business Licenses.

Most Recent Change of Ownership

09/22/22	A deed was recorded for a change in ownership.
----------	--

Pre-Application Meeting

09/26/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance request.
----------	--

Field Check

11/15/23	Staff conducted a routine field check; nothing was noted of concern.
----------	--

Details of Application Request**Site Area**

Net Acres	0.46
-----------	------

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	R (Rural Density Residential)	R-E (Residential Estates)
North	Single Family, Detached	L (Low Density Residential)	R-D (Single Family Residential-Restricted)
South	Single Family, Detached	R (Rural Density Residential)	R-E (Residential Estates)
East	Single Family, Detached	R (Rural Density Residential)	R-E (Residential Estates)
West	Public or Private School, Primary	PF (Public Facility)	C-V (Civic)

Staff Report Page Four
December 12, 2023 - Planning Commission Meeting

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
2050 Master Plan Area: Rancho	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan	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 19.06.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	18,000 SF	20,037 SF	Y
Min. Lot Width	100 Feet	101 Feet	Y
Min. Setbacks			
• Front	30 Feet	50 Feet	N*
• Side	10 Feet	10 Feet	Y
• Corner Side Yard	15 Feet	24 Feet	Y
• Rear	35 Feet	91 Feet	Y
Max. Building Height	35 Feet	20 Feet	Y

*The applicant is requesting a Variance to allow for a 30-foot front yard setback where 50 feet is required.