



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 10, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: JESUS DORAME-MENDIAS AND MARIA DEL BONILLA-DE-ACEVEDO

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0410-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	27
<u>NOTICES MAILED</u>	292
<u>PROTESTS</u>	2
<u>APPROVALS</u>	1

**** CONDITIONS ****

24-0410-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 Patio Cover [Carport].
2. A Variance is hereby approved, to allow a zero-foot separation from the main building where six feet is required for an existing Residential, Accessory Structure [Storage Garage].
3. A Variance is hereby approved, to allow a one-foot side yard setback where three feet is required for an existing Residential, Accessory Structure [Casita].
4. A Variance is hereby approved, to allow all existing Residential, Accessory Structures to exceed the floor area of the principal dwelling by 150 percent where 50 percent is the maximum allowed.
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

This is a Variance request for two existing Residential Accessory Structures [Casita and Storage Garage] and an existing Patio Cover [Carport] that do not meet Title 19 requirements for setbacks, separation, and size at 1615 Chapman Drive.

ISSUES

- The requested Variance is the result of a Code Enforcement case (#CE24-00608) for unpermitted structures at the property. The case remains open pending the result of this Variance application.
- A Variance is requested to allow a zero-foot side yard setback where five feet is required for an existing Patio Cover [Carport]. Staff does not support this request.
 - The existing Patio Cover [Carport] has a garage door facing Chapman Drive and is not enclosed in the rear.
- A Variance is requested to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita]. Staff does not support this request.
- A Variance is requested to allow a zero-foot separation from the main building where six feet is required for an existing Residential Accessory Structure [Storage Garage]. Staff does not support this request.
- A Variance is requested to allow all existing Residential Accessory Structures to exceed the floor area of the principal dwelling by 150 percent where 50 percent is the maximum allowed. Staff does not support this request.
- This Variance request is made in conjunction with the City of Las Vegas Safe Home Improvements Funding and Training (SHIFT) program.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. A Code Enforcement case (#CE24-00608) was opened 02/06/24 for unpermitted structures at the subject property. A Variance (VAR-1746) was approved in 2003 for an existing carport and a detached accessory structure; however, building permits were not issued and the approval has expired. Now, the applicant is requesting a Variance to allow an existing Patio Cover [Carport] and two Residential Accessory Structures [Casita and Storage Garage] that do not meet Title 19 development standards.

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The following table depicts the applicable development and design standards concerning Residential Accessory Structures and Patio Covers with the requested deviations included in this Variance request:

<i>Requirement</i>	<i>Request</i>	<i>Applicable code section</i>	<i>Staff Recommendation</i>
Three-foot side yard setback – Accessory Structure	To allow a one-foot side yard setback for an existing Residential Accessory Structure [Casita].	19.06.070	Denial
Six-foot separation from the main building – Accessory Structure	To allow a zero-foot separation from the main building for an existing Residential Accessory Structure [Storage Garage].	19.06.070	Denial
Five-foot side yard setback – Patio Cover	To allow a zero-foot side yard setback for an existing Patio Cover [Carport].	19.06.070	Denial
Size and coverage not to exceed 50% of the floor area of the principal dwelling unit	To allow a total accessory structure size of 150% of the primary dwelling floor area.	19.06.070	Denial

According to the submitted floor plan, the existing Residential Accessory Structure [Casita] is a 400 square-foot building with no kitchen facilities. The existing Residential Accessory Structure [Storage Garage] has interior access between rooms and is a total of 722 square feet. Both Residential Accessory Structures appear to be aesthetically compatible with the main dwelling with similar material and colors.

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, the Variance will be subject to conditions.

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FINDINGS (24-0410-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 two existing Residential Accessory Structures [Casita and Storage Garage] and a Patio Cover [Carport] without permits and that do not conform to 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>	
04/16/03	The City Council approved the Variance (VAR-1746) to allow an existing carport a 0.3-foot side yard setback where five feet is the minimum required and to allow a detached accessory structure one foot from the side property line where three feet is the minimum required at 1615 Chapman Drive. The Planning Commission recommended approval and staff recommended denial.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., (cont.)	
02/06/24	A Code Enforcement case (#CE24-00608) was processed for unpermitted structures at 1615 Chapman Drive. The case remains unresolved pending this Variance request.
10/08/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE on a Land Use Entitlement project request TO ALLOW TWO EXISTING RESIDENTIAL ACCESSORY STRUCTURES [STORAGE GARAGE AND CASITA] AND A PATIO COVER [CARPORT] THAT DO NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SEPARATION FROM THE MAIN BUILDING, SETBACKS, AND BUILDING SIZE on 0.17 acres at 1615 Chapman Drive (APN 162-02-116-021), R-1 (Single Family Residential) Zone, Ward 3 (Diaz).

Most Recent Change of Ownership	
12/13/18	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no related building permits/business licenses.	

Pre-Application Meeting	
07/31/24	The submittal requirements for a Variance application were provided to the applicant.

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

Field Check	
08/21/24	Staff conducted a routine field check and observed an existing single family dwelling with a carport with a garage door attached on the east of the dwelling.

Details of Application Request	
Site Area	
Net Acres	0.17

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<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	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	L (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)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	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

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DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks [Casita] <ul style="list-style-type: none"> • Side • Rear 	3 Feet 3 Feet	1 Feet 3 Feet	N* Y
Min. Setbacks [Carport] <ul style="list-style-type: none"> • Side 	5 Feet	0 Feet	N*
Min. Setbacks [Storage Garage] <ul style="list-style-type: none"> • Side • Rear 	3 Feet 3 Feet	6 Feet 3 Feet	Y Y
Min. Separation From Main Building [Storage Garage]	6 Feet	0 Feet	N*
Max Accessory Structure Size and Coverage	50% of the floor area of the principal dwelling (1,050 SF)	150% (1,580 SF)	N*
Max. Lot Coverage – All Structures	50%	35%	Y
Max. Rear Yard Area Coverage – Accessory Structures	50%	35%	Y
Max. Building Height [Casita and Storage Garage]	Not to exceed the height of the principal dwelling	11 Feet	Y
Max Patio Cover Height [Carport]	12 Feet	8 Feet	Y

*A Variance is requested to allow deviations of Title 19 development standards.