



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: LETICIA GONZALEZ AND SALOMON GONZALEZ MONTES**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0652-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 19

**NOTICES MAILED** 261

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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**24-0652-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Shed 1].
2. A Variance is hereby approved, to allow a zero-foot rear yard setback where three feet is required for an existing Residential Accessory Structure [Shed 1].
3. A Variance is hereby approved, to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Carport].
4. A Variance is hereby approved, to allow a zero-foot separation from the principal dwelling where six feet is required for an existing Residential Accessory Structure [Carport].
5. A Variance is hereby approved, to allow a seven-foot tall front yard fence with a three-foot solid wall base where a five-foot tall fence with a two-foot solid wall base is the maximum allowed.
6. A Variance is hereby approved, to allow a total accessory structure size of 111 percent of the floor area of the principal dwelling where 50 percent is the maximum allowed.
7. A Variance is hereby approved, to allow existing Residential Accessory Structures to not be aesthetically compatible with the principal dwelling unit where such is required.
8. 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.
9. 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.

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10. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
11. 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 existing Residential Accessory Structures [Shed and Carport] and an existing front yard fence that do not conform to Title 19 development standards at 1809 Bonita Avenue.

**SURROUNDING AREA CHARACTERISTICS**

<b><i>Surrounding Property</i></b>	<b><i>Existing Land Use Per Title 19.12</i></b>	<b><i>Planned or Special Land Use Designation</i></b>	<b><i>Existing Zoning District</i></b>
Subject Property	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North			
South			
East			
West			

**ISSUES**

- The requested Variance is the result of a Code Enforcement case (#CE24-05103) for an unpermitted patio cover. The case remains open pending the result of this Variance application.
- This Variance request is made in conjunction with the City of Las Vegas Safe Home Improvements Funding and Training (SHIFT) program.

<b><i>Structure</i></b>	<b><i>Requirement</i></b>	<b><i>Proposed</i></b>	<b><i>Governing Document</i></b>	<b><i>Staff Recommends</i></b>	<b><i>Justification Provided</i></b>
Existing Residential Accessory Structure [Shed 1]	Three-foot side yard setback	To allow a zero-foot side yard setback	Title 19.06.070	Denial	Storage
Existing Residential Accessory Structure [Shed 1]	Three-foot rear yard setback	To allow a zero-foot rear yard setback	Title 19.06.070	Denial	Storage

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<b>Structure</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Governing Document</b>	<b>Staff Recommends</b>	<b>Justification Provided</b>
Existing Residential Accessory Structure [Carport]	Three-foot side yard setback	To allow a zero-foot side yard setback	Title 19.06.070	Denial	Sun protection
Existing Residential Accessory Structure [Carport]	Six-foot separation from the principal dwelling	To allow a zero-foot separation from the principal dwelling	Title 19.06.070	Denial	Sun protection
Existing Front Yard Fence	Maximum height of five feet with a two-foot solid wall base	To allow a seven-foot tall front yard fence with a three-foot solid wall base	Title 19.06.070	Denial	N/A
Accessory Structure size	Not to exceed 50% of the floor area of the principal dwelling unit	To allow a total accessory structure size of 111%	Title 19.06.070	Denial	N/A
Existing Residential Accessory Structures [Shed 1 and Carport]	Accessory structures must be aesthetically compatible with the principal dwelling unit	To allow accessory structures to not be aesthetically compatible	Title 19.06.040	Denial	N/A

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## **ANALYSIS**

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. According to the submitted site plan, the applicant constructed Residential Accessory Structures [Shed 1 and Carport] within the required side yard and rear yard setback areas. The detached carport is not attached to the principal dwelling; however, it was constructed abutting the principal dwelling. As depicted in the submitted elevations, the shed is made of CMU block material and the detached carport is constructed of metal material, which are not aesthetically compatible with the principal dwelling.

Additionally, the property has an existing front yard fence that ranges in height from six to seven feet tall. The height of the front yard fence along the south property line is six feet tall, with a three-foot solid wall base. The height of the front yard fence along the side property lines is approximately seven feet tall.

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 (24-0652-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 Residential Accessory Structures [Shed 1 and Carport] and a front yard fence that does not comply with Title 19 development standards for height, setbacks, aesthetic compatibility and separation. 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**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
10/19/22	A Code Enforcement case (#CE22-05629) was processed for an unpermitted patio cover at 1809 Bonita Avenue. The case was resolved on 10/24/22.
07/09/24	A Code Enforcement case (#CE24-05103) was processed for an unpermitted patio cover at 1809 Bonita Avenue. The case remains open.

<b><i>Most Recent Change of Ownership</i></b>	
07/22/03	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
c. 1954	The existing single-family residence was constructed.

<b><i>Pre-Application Meeting</i></b>	
12/05/24	A pre-application meeting was held with the applicant.

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

<b><i>Field Check</i></b>	
01/08/25	Staff conducted a routine field check and observed an existing single-family residence with a front yard fence and carport.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.15

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Downtown South	N/A
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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 19.06.070, the following standards apply:***

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	6,534 SF	Y
Min. Setbacks [Carport]			
• Side	3 Feet	0 Feet	N*
Min. Setbacks [Shed 1]			
• Side	3 Feet	0 Feet	N*
• Rear	3 Feet	0 Feet	N*
Max. Front Yard Fence Height	5 Feet with a 2-Foot solid wall base	7 feet with a 3-foot solid wall base	N*
Min. Separation from Main Building [Carport]	6 Feet	0 Feet	N*
Max. Accessory Structure Size	50% of the floor area of the principal dwelling unit	111%	N*
Max. Building Height	2 stories/35 Feet	10 Feet	Y

\*The applicant is requesting a Variance of the development standards.



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<b><i>Street Name</i></b>	<b><i>Functional Classification of Street(s)</i></b>	<b><i>Governing Document</i></b>	<b><i>Actual Street Width (Feet)</i></b>	<b><i>Compliance with Street Section</i></b>
Bonita Avenue	Local Street	Title 13	45	Y