



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DAVID MAIORANA

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0520-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 420

PROTESTS 0

APPROVALS 0

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**** CONDITIONS ****

23-0520-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a zero-foot corner side yard setback where ten feet is required for an existing Patio Cover [Carport].
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.

Public Works

6. Submit a License Agreement for landscaping and private improvements (wall and portion of carport) in the public right-of way adjacent to this site prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-4836).

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for an existing, unpermitted Patio Cover [Carport] that does not meet corner side yard setback requirements at 1825 East Oakey Boulevard.

ISSUES

- The submitted Variance application is a result of an open Code Enforcement case (CE23-01911). The case is still open pending the result of this Variance application.
- A Variance (23-0520-VAR1) is requested to allow a zero-foot corner side yard setback where ten feet is the minimum required for an existing Patio Cover [Carport]. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The applicant has constructed a patio cover, without permits, that fails to comply with Title 19 development standards pertaining to corner side yard setbacks. Per Title 19.06.070, patio covers shall have a ten-foot corner side yard setback. The existing patio cover maintains a zero-foot corner side yard setback, prompting this Variance request. The submitted justification letter states that the patio cover was constructed to provide security and protection for the applicant's vehicles.

There are no permits on file for the existing structure. No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. Staff therefore recommends denial of the Variance request. If approved, the Variance will be subject to conditions, including a requirement to obtain building permits for the existing structure.

FINDINGS (23-0520-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."

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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 a patio cover without permits that does not comply with Title 19.06 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, Building, Code Enforcement, etc.</i>	
04/05/23	A Code Enforcement case (CE23-01911) was processed for an unpermitted patio cover at the subject site, 1825 East Oakley Boulevard. The case remains open pending the results of this Variance (23-0520-VAR1) request.

<i>Most Recent Change of Ownership</i>	
07/19/12	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1960	Per the Clark County Assessor, the subject single-family dwelling was constructed.

<i>Pre-Application Meeting</i>	
09/28/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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Neighborhood Meeting

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

Field Check

11/01/23

Staff conducted a routine field check and observed an existing Patio Cover [Carport]. No other issues were noted.

Details of Application Request**Site Area**

Net Acres

0.17

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
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)

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

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	7,405 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Corner	10 Feet	0 Feet	N*
• Rear	5 Feet	5 Feet	Y
Max. Lot Coverage	50 %	39 %	Y
Max. Building Height	12 Feet	9 Feet	Y

*A Variance (23-0520-VAR1) is requested to allow a zero-foot corner side yard setback where ten feet is required.