



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: THE PERRY C. ROGERS AND NICOLE P. ROGERS FAMILY TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0021-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 114

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0021-VAR1 CONDITIONS

Planning

1. A Variance (24-0021-VAR1) is hereby approved, to allow a proposed Residential Accessory Structure [Casita] to be placed in the front yard setback where such is not allowed
2. A Variance (24-0021-VAR1) is hereby approved to allow a proposed Patio Cover to be placed in the front yard setback where such is not allowed and to allow a 10-foot side yard setback where 15 feet is required for a proposed Patio Cover.
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

7. Contact the Southern Nevada Health District to determine if the existing septic system permit will accommodate the proposed action. If not, contact the Sanitary Sewer Engineering Section of the Department of Public Works regarding connection to Public Sewer prior to the issuance of permits.

Staff Report Page One
April 9, 2024 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed Residential Accessory Structure [Casita] and Patio Cover that do not meet Archived Title 19.08 setback requirements.

ISSUES

- A Variance (24-0021-VAR1) is requested to allow a proposed Residential Accessory Structure [Casita] and Patio Cover to be placed in the front yard setback where such is not allowed and to allow a 10-foot side yard setback where 15 feet is required. Staff does not support this request.

ANALYSIS

The subject site is zoned R-A (Ranch Acres) with a DR (Desert Rural Density Residential) land use designation and is subject to the Archived Title 19 development standards. The subject site is developed with an existing single-family dwelling and is surrounded by other single-family dwellings on all sides. Previously, the Board of Zoning Adjustment approved a Variance (V-0028-98) for a Residential Accessory Structure, which allowed the structure to encroach into the front yard and side yard setback areas. This Residential Accessory Structure has since been demolished through Demo permit (#R23-04617) finalized on 07/14/23. The applicant is now requesting to place a new Residential Accessory Structure [Casita] and patio cover in place of the demolished structure. Per the submitted justification letter, the applicant intends to utilize the casita for extended family to occupy during the holidays.

Pursuant to archived Title 19.08, Residential Accessory Structures and patio covers are not allowed within the front yard setback area. In the R-A (Ranch Acres) zoning district, the front yard setback area is 30 feet. Additionally, patio covers must maintain a setback of at least 15 feet from the side yard property lines. The submitted site plans indicate that the proposed patio cover will have a front yard setback of 15 feet, and a side yard setback of 10 feet where the Residential Accessory Structure [Casita] would have a front yard setback of 26 feet.

No evidence of a unique or extraordinary circumstance has been presented to warrant the requested Variance. As such, the hardship is self-imposed, and staff recommends denial of the requested Variance (24-0021-VAR1). If approved, the Variance will be subject to conditions.

Staff Report Page Two
April 9, 2024 - Planning Commission Meeting

FINDINGS (24-0021-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 Residential Accessory Structure [Casita] and Patio Cover within the front and side yard setback. 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>	
07/26/79	The Board of Zoning Adjustment approved a Variance (V-0048-79) to allow the addition of an enlarged family room to an existing non-conforming residence at 3000 Arabian Road.
11/24/92	The Board of Zoning Adjustment approved a Variance (V-0159-92) to allow a proposed detached garage in the front yard area where such accessory structures are not allowed at 3000 Arabian Road.
03/08/72	The Board of Zoning Adjustment approved a Variance (V-0011-72) to allow the construction of a bedroom addition to an existing non-conforming single family dwelling unit at 3000 Arabian Road.

Staff Report Page Three
April 9, 2024 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/02/98	The Board of Zoning Adjustment approved a Variance (V-0028-98) to allow a proposed single family dwelling 14 feet from the front property line where 30 feet is the minimum required, and to allow a proposed detached accessory structure 16 feet from the front property line and on the side property line where 30 feet and 10 feet are the minimum setbacks required at 3000 Arabian Road.
06/09/02	The City Council approved a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential) and from L (Low Density Residential) to DR (Desert Rural Density Residential).
03/12/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests TO ALLOW A PROPOSED RESIDENTIAL ACCESSORY STRUCTURE [CASITA] AND PATIO COVER TO BE PLACED IN THE FRONT YARD SETBACK WHERE SUCH IS NOT ALLOWED AND TO ALLOW A 10-FOOT SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED PATIO COVER

<i>Most Recent Change of Ownership</i>	
08/17/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/10/21	A building permit (#R21-01072) was issued for the construction of an addition to the home and remodeling of an existing kitchen. The permit was finalized on 02/17/22.
07/11/23	A demolition permit (#R23-04617) was issued for the demolition of one single story wood/stucco three-car garage, including concrete slab and footings. The permit was finalized on 07/14/23.

<i>Pre-Application Meeting</i>	
A pre-application meeting was not required, nor was one held.	

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

Staff Report Page Four
April 9, 2024 - Planning Commission Meeting

Field Check	
01/30/24	Staff conducted a routine field check of the subject site. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.98

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y
RP-O (Rural Preservation Overlay) District	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

Staff Report Page Five
April 9, 2024 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Archived Title 19.08 development standards, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	40,000 SF	42,688 SF	Y
Min. Lot Width	100 Feet	331 Feet	Y
Min. Setbacks (Residential Accessory Structure)			
• Front	Not allowed	28 Feet	N*
• Side	10 Feet	10 Feet	Y
• Rear	15 Feet	33 Feet	Y
Min. Setbacks (Patio Cover)			
• Front	Not allowed	15 Feet	N*
• Side	15 Feet	10 Feet	N*
• Rear	15 Feet	107 Feet	Y
Min. Distance Between Buildings	6 Feet	96 Feet	Y
Max. Lot Coverage	N/A	31%	N/A
Max. Building Height	35 Feet	31 Feet	Y

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