



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

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

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: ALEX AVO HARUTYUNYAN**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0649-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      27

**NOTICES MAILED**                      229

**PROTESTS**                      1

**APPROVALS**                      1

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

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**24-0649-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow a three-foot corner side yard setback where 15 feet is required for a proposed Residential Accessory Structure [Garage].
2. A Variance is hereby approved, to allow a three-foot rear yard setback where five feet is required for a proposed Residential Accessory Structure [Garage].
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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to construct a Residential Accessory Structure [Garage] that does not meet corner side yard and rear yard setback requirements at 1600 South Valadez Street.

**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	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North		R (Rural Density Residential)	R-D (Single Family Residential - Restricted)
South		DR (Desert Rural Density Residential)	R-E (Residence Estates)
East			
West			

**ISSUES**

- A Variance is requested, to allow a three-foot corner side yard setback where 15 feet is required. Staff does not support this request.
- A Variance is requested, to allow a three-foot rear yard setback where five feet is required. Staff does not support this request.
- The subject site is located in the Rural Preservation Overlay (RP-O).

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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>
Rear Yard Setback (Accessory Structures)	5-foot rear yard setback	3 Feet	Title 19.06.060	Denial	Preservation of existing, shared driveway
Corner Side Yard Setback (Accessory Structures)	15-foot corner side yard setback	3 Feet	Title 19.06.060		

## **ANALYSIS**

The applicant has proposed to construct a Residential Accessory Structure [Garage] within the 15-foot corner side yard and five-foot rear yard setback area for the R-E (Residence Estates) zoning district. As depicted on the submitted plans, the proposed Residential Accessory Structure [Garage] would have a bay door facing the existing single family residence and will utilize the existing driveway for ingress and egress. The subject site is located in the Rural Preservation Overlay (RP-O) pursuant to Title 19.10.180. The intent of the district is to maintain the rural character of the neighborhood and providing adequate buffer areas for screening. As proposed, the reduced setbacks of the proposed Residential Accessory Structure [Garage] will detract from the intent of the RP-O of maintaining a rural environment.

The applicant has provided no justification relating to the physical characteristics of the property. As no evidence of a unique or extraordinary circumstance relating to the physical characteristics of the property have been presented to warrant the requested Variance, staff finds the hardship to be self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

## **FINDINGS (24-0649-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 proposing to construct a Residential Accessory Structure [Garage] within the required corner side yard and rear yard setbacks. Reducing the size or relocating the proposed Residential Accessory Structure [Garage] would allow conformance to the Title 19 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**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
03/28/96	The subject property was Annexed (A-0009-85) into the City of Las Vegas.
02/11/25	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW A PROPOSED RESIDENTIAL ACCESSORY STRUCTURE [GARAGE] THAT DOES NOT CONFORM TO TITLE 19.06 DEVELOPMENT STANDARDS FOR SETBACKS on 1.07 acres at 1600 South Valadez Street (APN 163-04-605-011), R-E (Residence Estates) Zone, Ward 2 (Seaman).

<b><i>Most Recent Change of Ownership</i></b>	
05/09/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
c.2002	The subject property was constructed

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<b>Pre-Application Meeting</b>	
12/05/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<b>Field Check</b>	
01/06/24	Staff conducted a routine field check of the subject property and observed an existing single family dwelling. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	1.07

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Residential, Single Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
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<b>Master and Neighborhood Plan Areas</b>		<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Angel Park		Y
<b>Special Area and Overlay Districts</b>		<b>Compliance</b>
RP-O (Rural Preservation Overlay) District		N*
<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

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\*The subject site is located in the Rural Preservation Overlay (RP-O) pursuant to Title 19.10.180. The intent of the district is to maintain the rural character of the neighborhood and providing adequate buffer areas for screening. As proposed, the reduced setbacks of the proposed Residential Accessory Structure [Garage] will detract from the intent of the RP-O of maintaining a rural environment.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06.060, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	18,000 SF	46,609 SF	Y
Min. Lot Width	100 Feet	167 Feet	Y
Min. Setbacks			
• Corner	15 Feet	3 Feet	N*
• Rear	5 Feet	3 Feet	N*
Min. Distance Between Buildings	6 Feet	50 Feet	Y
Max. Lot Coverage	N/A	13%	N/A
Max. Building Height	2 Stories/35 Feet	22 Feet	Y

\*The applicant is requesting a Variance to allow the reduced setbacks.