



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DEANNA J. GRENKOW

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 24-0106-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 281

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0106-VAR1 CONDITIONS

Planning

1. A Variance (24-0106-VAR1) is hereby approved, to allow a zero-foot side yard setback where five feet is required for an existing patio cover.
2. A Variance (24-01016-VAR1) is hereby approved, to allow a zero-foot side yard setback where five feet is required for an existing addition to a single-family dwelling.
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

This is a Variance request for an existing patio cover and home addition that does not meet Title 19 development standards at 1601 Bryn Mawr Avenue.

ISSUES

- A Variance is requested, to allow a zero-foot side yard setback where five feet is required for an existing patio cover. Staff does not support this request.
- A Variance is requested, to allow a zero-foot side yard setback where five feet is required for an existing addition to a single-family dwelling. Staff does not support this request.
- A Code Enforcement case (#CE23-07930) is open citing unpermitted additions that extend to the property line with no visible setback clearance. The Code Enforcement case remains open, pending the results of this Variance (24-0106-VAR1) 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. The applicant has constructed both a patio cover and home addition without permits and that fails to comply with Title 19 development standards. Pursuant to Title 19.06.070, patio covers shall be at least five feet from the side property line. The submitted site plan depicts a zero-foot side yard setback. Additionally, Title 19.06.070 stipulates that primary buildings shall be placed at least five feet from the side yard property line. Similarly, the applicant is proposing to maintain a zero-foot side yard setback for an existing addition to the primary dwelling.

The applicant has provided no justification relating to the physical characteristics of the property. As no evidence of a unique or extraordinary circumstances 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 request. If approved, it will be subject to conditions.

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FINDINGS (24-0106-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 a patio cover and home addition without permits and within the required setbacks. 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> | |
|---|---|
| 11/01/23 | A Code Enforcement case (#CE23-07930) is open citing unpermitted additions within the side yard setback area. The Code Enforcement case remains open, pending the results of this Variance (24-0106-VAR1) request. |
| 6/18/24 | The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING PATIO COVER AND TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING ADDITION TO A SINGLE-FAMILY DWELLING |

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| <i>Most Recent Change of Ownership</i> | |
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| 06/22/17 | A deed was recorded for a change in ownership. |
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| <i>Related Building Permits/Business Licenses</i> |
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| There are no related Building Permits or Business Licenses |
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| <i>Pre-Application Meeting</i> | |
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| 02/22/24 | A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance. |
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| <i>Neighborhood Meeting</i> |
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| A neighborhood meeting was not required, nor was one held. |
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| <i>Field Check</i> | |
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| 05/07/24 | Staff conducted a routine field check of the subject property and observed an existing single-family dwelling with unpermitted additions in the side yard. Nothing additional of concern was noted. |
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| <i>Details of Application Request</i> | |
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| <i>Site Area</i> | |
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|-----------|------|
| Net Acres | 0.28 |
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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) |

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| <i>Master and Neighborhood Plan Areas</i> | <i>Compliance</i> |
|---|--------------------------|
| Las Vegas 2050 Master Plan Area: Downtown Las Vegas | Y |
| <i>Special Area and Overlay Districts</i> | <i>Compliance</i> |
| A-O (Airport Overlay) District (200 Feet) | Y |

| <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 |

DEVELOPMENT STANDARDS

Pursuant to Title 19.06.070, the following standards apply:

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-------------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size | 6,500 SF | 12,198 SF | Y |
| Min. Lot Width | 60 Feet | 80 Feet | Y |
| Min. Setbacks (Home Addition) | | | |
| • Side | 5 Feet | 0 Feet | N* |
| • Rear | 15 Feet | 73 Feet | Y |
| Max. Lot Coverage | 50 % | 19% | Y |
| Max. Building Height | 12 Feet | 7 Feet | Y |

| <i>Standard</i> | <i>Required/Allowed</i> | <i>Provided</i> | <i>Compliance</i> |
|-----------------------------|--------------------------------|------------------------|--------------------------|
| Min. Setbacks (Patio Cover) | | | |
| • Side | 5 Feet | 0 Feet | N* |
| Max. Building Height | 12 Feet | 7 Feet | Y |

*A Variance is requested, to allow a zero-foot side yard setback where five feet is required for an existing patio cover and to allow a zero-foot side yard setback where five feet is required.