



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JANUARY 14, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: PJ BECKER & SONS CONSTRUCTION -
OWNER: WILLIAM BRENDAN GAUGHAN**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0577-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 116

PROTESTS 0

APPROVALS 0

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**** CONDITIONS ****

24-0577-VAR1 CONDITIONS

Planning

1. 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.
2. A Variance is hereby approved to allow a seven-foot side yard setback along the northern perimeter and a five-foot side yard setback along the southern perimeter where ten feet is required.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow additions to an existing single family residence that do not comply with Title 19.06.060 side yard setback development standards located at 225 Canyon Drive.

ISSUES

- A Variance is required to allow a single family residence to be located seven feet from the northern side yard property line and five feet from the southern side yard property line where ten feet is required by Title 19.06.060. Staff recommends denial of the request.

ANALYSIS

The subject site is located in an R-E (Residence Estates) zoning district. Per Title 19.06.060 this residential development is required to have a minimum ten-foot side yard building setback. The applicant has proposed to do a custom home remodel to an existing residence, which does not comply with the required ten-foot side yard setback. The existing 3,859 square foot single-story home will be remodeled to a larger footprint plus an additional second story level. The new first level will be 4,803 square feet and the second level is 1,957 square feet. The new 1,289 square-foot garage will include space for an RV to park.

The submitted site plan indicates the northern perimeter of the residence will provide a seven-foot side yard setback and the southern perimeter of the residence will provide a five-foot side yard setback at its most narrow segment. Staff notes, since this is new construction for a proposed remodel the residence can be redesigned to comply with current Title 19.06.060 side yard setback development standards. No evidence of unique or extraordinary circumstance has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this request.

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FINDINGS (24-0577-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 designing a remodel of an existing residence that does not comply with current Title 19.06.060 side yard setback development standards. Alternative design of the newly remodeled residence 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.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/19/02	The City Council approved a request for 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); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.

<i>Most Recent Change of Ownership</i>	
07/01/24	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/15/24	A building permit (#R24-05432) was issued to install a water heater at 225 Canyon Drive. The permit has not been finalized.
05/31/24	A building permit (#L24-01083) was processed to pullboxes, trenching, fiber pull and splice and handhold placement at 225 Canyon Drive. The permit has not been issued.
08/14/24	A building permit (#R24-13449) was processed to remodel an existing single-family dwelling and addition of second level at 225 Canyon Drive. The permit has not been issued. *The permit was denied by the Department of Community Development - Planning Division for non-compliance with required Title 19.06.060 building setbacks.
09/30/24	A building permit (#F24-01407) was issued to design and install fire sprinklers for a custom home at 225 Canyon Drive. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
10/30/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

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Field Check	
12/05/24	During a routine site inspection staff observed a well maintained single-family residence.

Details of Application Request	
Site Area	
Gross Acres	0.55

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-E (Residence Estates)
North	Residential, Single-Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single-Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Residential, Single-Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Residential, Single-Family Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Rancho Charleston Land Use Study	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (140 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
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 19.06.060, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	18,000 SF	23,958 SF	Y
Min. Lot Width	100 Feet	147 Feet	Y
Min. Setbacks			
• Front (west)	30 Feet	30 Feet	Y
• Side (north)	10 Feet	7 Feet	N*
• Side (south)	10 Feet	5 Feet	N*
• Rear (east)	35 Feet	107 Feet	Y
Max. Building Height	2 Stories or 35 Feet	2 Stories or 25 Feet	Y

*The applicant has requested a Variance (24-0577-VAR1) to allow a reduced side yard setbacks.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Canyon Drive	Private Street	Title 13	40	Y