



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT/OWNER: ROBERT P. KELLEY JR. AND
MARICELESTE MIMI GRANT KELLEY**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0560-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

NOTICES MAILED 356

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0560-VAR1 CONDITIONS

Planning

1. A Variance (23-0560-VAR1) is hereby approved to allow to allow a 15-foot front yard setback where 20 feet is required for a proposed porte cochere addition to an existing single-family dwelling.
2. Conformance to the approved conditions for Rezoning, Plot Plan and Review of Elevations (Z-0076-86), except where amended herein.
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 requesting a Variance to allow a proposed porte cochere addition to an existing single-family dwelling that does not comply with minimum front yard setbacks at 9900 Aspen Knoll Court.

ISSUES

- The applicant has requested a Variance to allow a 15-foot front yard setback where 20 feet is required for a proposed porte cochere addition to an existing single-family dwelling. Staff does not support this request.

ANALYSIS

The subject site is located in an R-PD6 (Residential Planned Development - 6 Units per Acre) zoning district. On April 15, 1987 the City Council approved a Plot Plan and Review of Elevations (Z-0076-86) to establish setbacks for the Lakes Estates on property located on the southeast corner of Grand Canyon Drive and Lake North Drive. Pursuant to Plot Plan and Review of Elevations (Z-0076-86) this residential development has a minimum 15-foot front yard, five-foot side yard, 10-foot corner side and 15-foot rear yard building setback for the primary dwelling.

The submitted justification letter dated stamped October 19, 2023 indicates, "After carefully redesigning the exterior of our home, our plan is to have a 12-foot wide arched driveway, with a columned porte cochere matching those that are currently in place on our porch and windows facing the front street. The driveway will be paved with gray stone pavers, purple sage bushes will be planted in the flower beds surrounding the house, artificial grass will cover the "lawn," with clusters of pygmy date and sago palm trees planted near the outer arch of the driveway (beyond the porte cochere), and on the small lawn on the "backyard side" of our main driveway. A lit walkway of concrete pavers will run from our property line to the driveway. Our only challenge is that the supporting pillars of our porte cochere would be 15 feet from the curb, not the 20 feet required." Therefore, the applicant has requested a Variance (23-0560-VAR1) to allow a 15-foot front yard setback where 20 feet is required for a proposed porte cochere addition.

However, no unique or extraordinary evidence 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 (23-0560-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, that would warrant the construction of the proposed porte cochere home addition within the front yard setback area. Alternative design of the proposed structure 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

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
11/05/86	The City Council approved a request for a Rezoning (Z-0076-86) from N-U (Non-Urban) to R-PD6 (Residential Planned Development - 6 Units per Acre), R-PD20 (Residential Planned Development - 20 Units per Acre) and C-1 (Limited Commercial) for a proposed Medium-Low and Medium density residential and retail commercial development on property located on the southeast corner of Grand Canyon Drive and Lake North Drive. The Planning Commission recommended approval of the request.
04/15/87	The City Council approved a request for a Plot Plan and Review of Elevations (Z-0076-86) to establish setbacks for the Lakes Estates on property located on the southeast corner of Grand Canyon Drive and Lake North Drive.

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Most Recent Change of Ownership

07/19/21	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

05/21/12	A building permit (#R-210722) was issued to install a water heater at 9900 Aspen Knoll Court. The permit was finalized on 07/05/12.
07/08/19	A building permit (#R19-09869) was issued to install a water heater at 9900 Aspen Knoll Court. The permit was finalized on 07/16/19.
09/07/22	A business license (G70-06044) was issued for Management or Consulting Services (Adaptive Business Leaders Organization) at 9900 Aspen Knoll Court. The license is still active.
11/17/22	A building permit (#R22-18783) was issued to install a water heater at 9900 Aspen Knoll Court. The permit has not been finalized.

Pre-Application Meeting

10/18/23	A pre-application meeting was conducted 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.
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Field Check

11/06/23	A field check was conducted on the subject property and revealed a well maintained single-family residence.
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Details of Application Request**Site Area**

Gross Acres	0.33
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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	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)
North	Residential, Single Family, Detached	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)
South	Residential, Single Family, Detached	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)
East	Residential, Single Family, Detached	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)
West	Residential, Single Family, Detached	ML (Medium-Low Density Residential)	R-PD6 (Residential Planned Development - 6 Units per Acre)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Angel Park	Y
The Lakes	N*
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<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

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DEVELOPMENT STANDARDS

Pursuant to Plot Plan and Review of Elevations (Z-0076-86), the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	20 Feet	15 Feet	N*
• Side	5 Feet	12 Feet	Y
• Corner	10 Feet	11 Feet	Y
• Rear	15 Feet	42 Feet	Y

<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Aspen Knoll Court	Local Street	Title 13	40	Y