



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 21, 2022

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: AMMCO CONSTRUCTION, LLC - OWNER: COX FAMILY TRUST AND COX ORLO E. JR

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0484-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

NOTICES MAILED 183 (by City Clerk)

PROTESTS 1

APPROVALS 6

**** CONDITIONS ****

22-0484-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a six-foot side yard setback where a 10-foot side yard setback is required.
2. 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.
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 Department of Building and Safety.
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 Department of Building and Safety.
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 a proposed addition to a single-family residence that does not meet the Rancho San Miguel Subdivision Development Standards at 4008 Tyler William Lane.

ISSUES

- A Variance is requested to allow a six-foot side yard setback where the Rancho San Miguel Subdivision Development Standards require a 10-foot side yard setback.

ANALYSIS

The subject site is zoned R-PD2 (Residential Planned Development - 2 Units per Acre) and is subject to the Rancho San Miguel Subdivision Development Standards which were established at the time of approval for the Residential Planned Development in 1993. The proposed subject building addition fails to comply with the Rancho San Miguel Subdivision Development Standards pertaining to side yard setbacks. Due to the proposed building addition not meeting the Rancho San Miguel Subdivision Development Standards, the applicant must obtain a Variance to allow the building addition. Title 19.10.060 allows the Director of Planning to determine that a Variance is needed.

No evidence of unique or extraordinary circumstance related to the physical characteristics of the site has been presented to warrant the requested Variance. As such, the hardship is self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

FINDINGS (22-0484-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 a three-foot side yard setback where 10 feet is required per Miguel Subdivision Development Standards. Staying within the required 10-foot side yard setback requirement 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, Bldg., etc.</i>	
10/06/93	The City Council approved a Rezoning request (Z-0082-90) to allow a Reclassification of Property located on the northwest corner of Gilmore Avenue and Thom Boulevard from R-E (Residence Estates) to R-PD3 (Residential Planned Development - 3 Units per Acre). The Planning Commission and staff recommended approval.
09/19/22	The City Council approved a Rezoning request (Z-0092-90) to allow a Reclassification of Property located on the northwest corner of Alexander Road and Thom Boulevard from R-E (Residence Estates) to R-PD2 (Residential Planned Development - 2 Units per Acre). The Planning Commission and staff recommended approval.
11/15/22	The Planning Commission voted (6-0) to recommend APPROVAL of a request TO ALLOW A PROPOSED SIX-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL BUILDING ADDITION at 4008 Tyler William Lane (APN 138-01-810-031), R-PD2 (Residential Planned Development - 2 Units per Acre) Zone, Ward 5 (Crear).

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<i>Most Recent Change of Ownership</i>	
01/12/18	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no related Building Permits or Business Licenses.

<i>Pre-Application Meeting</i>	
08/18/22	A pre-application meeting was held with the applicant to review the submittal process for a Variance.

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

<i>Field Check</i>	
10/04/22	A routine field check was conducted by staff. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.16

<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	Single Family, Detached	R (Rural - up to 3.59 du/ac)	R-PD2 (Residential Planned Development - 2 Unit Per Acre)
North	Single Family, Detached		
South	Park		
East	Single Family, Detached		
West	Single Family, Detached		

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Rancho	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (105 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 the Rancho San Miguel Subdivision Development Standards, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks <ul style="list-style-type: none"> Side 	10 Feet	6 Feet	N