

Carolyn G. Goodman, Mayor (At-Large)
Brian Knudsen, Mayor Pro Tem (Ward 1)
Victoria Seaman (Ward 2)
Olivia Díaz (Ward 3)
Francis Allen-Palenske (Ward 4)
Cedric Crear (Ward 5)
Nancy E. Brune (Ward 6)



City Manager Mike Janssen
City Attorney Jeff Dorocak
City Clerk LuAnn D. Holmes

City Council Agenda

Council Chambers · 495 South Main Street · Phone 702-229-6011
City of Las Vegas Internet Address: www.lasvegasnevada.gov

October 16, 2024
9:00 AM

51. 24-0009-VAR1 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ALFONSO E. SALINAS - For possible action on a Land Use Entitlement project request TO ALLOW A ONE-FOOT SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED PATIO COVER] on 0.09 acres at 2817 Sing Song Way (APN 139-20-417-036), R-CL (Single Family Compact-Lot) Zone, Ward 5 (Crear). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

Motion made by Brian Knudsen to Hold in Abeyance Items 29, 52, and 53 to 11/6/2024, Strike as Recommended by the Recommending Committee Items 32 and 33, and Withdraw without Prejudice Item 51

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 1

For-Nancy Brune, Victoria Seaman, Carolyn Goodman, Brian Knudsen, Francis Allen-Palenske; Did Not Vote-Cedric Crear; Excused-Olivia Diaz;



AGENDA SUMMARY PAGE
City Council
Meeting of: October 16, 2024

Agenda Item No.:
51

DEPARTMENT: Community Development
DIRECTOR: Seth Floyd

DISCUSSION

SUBJECT:

24-0009-VAR1 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: ALFONSO E. SALINAS - For possible action on a Land Use Entitlement project request TO ALLOW A ONE-FOOT SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED PATIO COVER] on 0.09 acres at 2817 Sing Song Way (APN 139-20-417-036), R-CL (Single Family Compact-Lot) Zone, Ward 5 (Crear). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

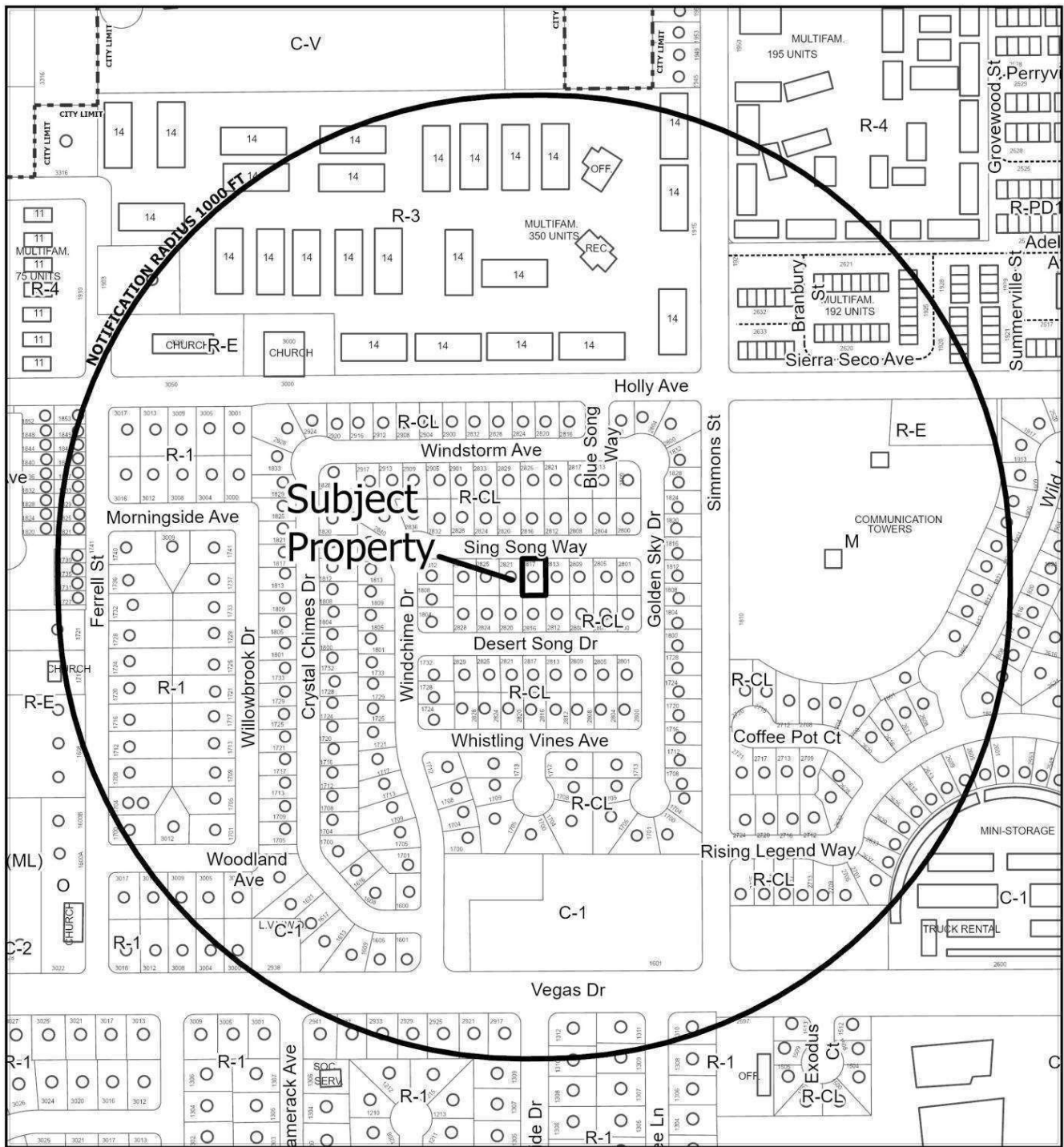
City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and Staff recommend DENIAL, if approved, subject to conditions

BACKUP DOCUMENTATION:

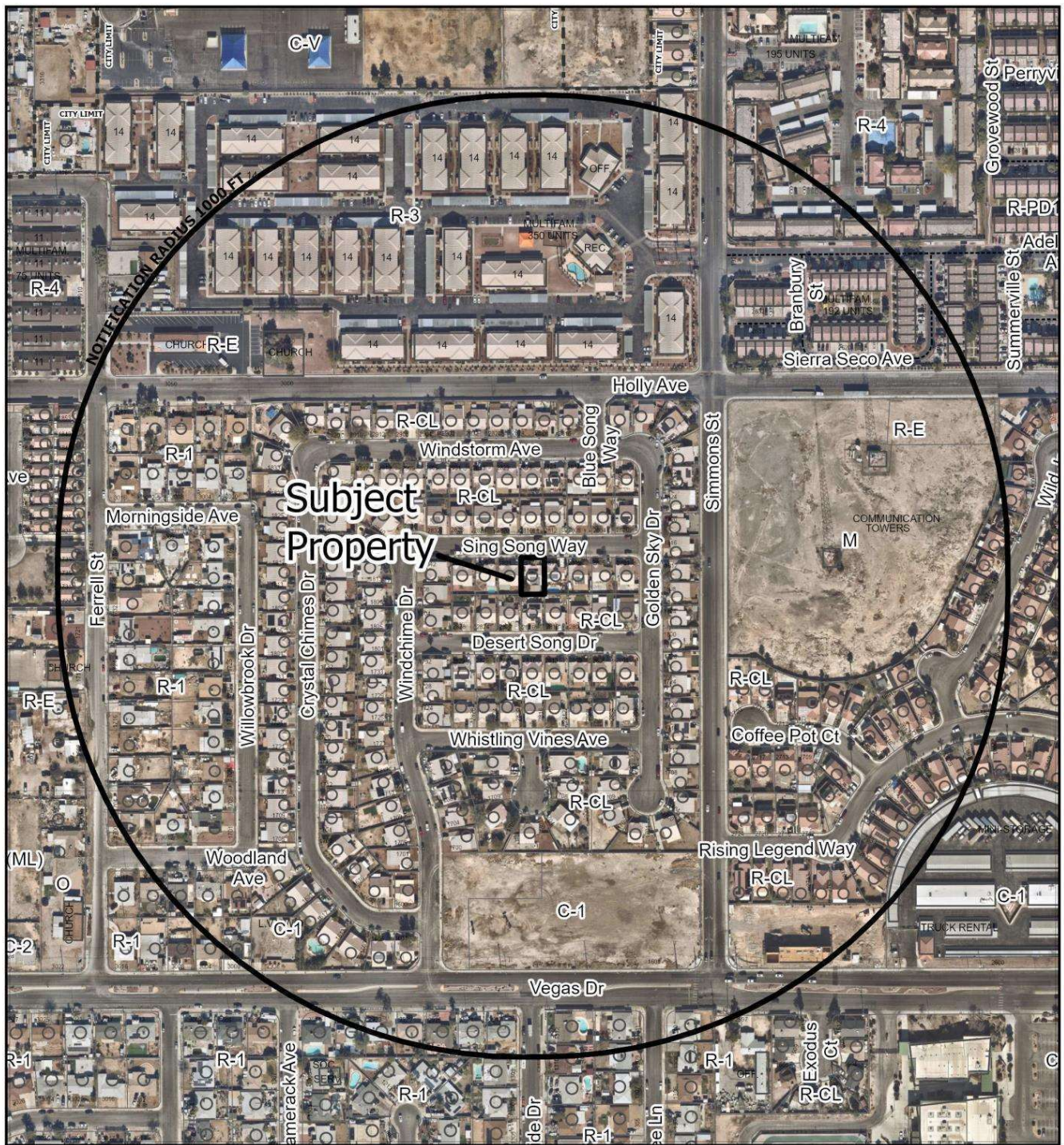
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Withdraw Without Prejudice Request by Keila Eustaquio
7. Backup Documentation Submitted for the May 14, 2024 Planning Commission Meeting



CASE: 24-0009-VAR1

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: R-CL (SINGLE FAMILY COMPACT-LOT)



CASE: 24-0009-VAR1

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: R-CL (SINGLE FAMILY COMPACT-LOT)

**AGENDA MEMO - COMMUNITY DEVELOPMENT****CITY COUNCIL MEETING DATE: OCTOBER 16, 2024****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: ALFONSO E. SALINAS**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0009-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED****7****NOTICES MAILED** 492**PROTESTS** 1**APPROVALS** 0

**** CONDITIONS ****

24-0009-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a one-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Detached Patio Cover].
2. The Residential Accessory Structure [Detached Patio Cover] shall be made aesthetically compatible with the primary dwelling unit.
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.

Staff Report Page One
October 16, 2024 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for an existing Residential Accessory Structure [Detached Patio Cover] that does not meet building separation requirements at 2817 Sing Song Way.

ISSUES

- A Code Enforcement Case (#CE23-08289) is open citing the subject unpermitted residential accessory structure that does not meet Title 19 requirements.
- A Variance is requested to allow a one-foot separation from the primary dwelling unit where six feet is required for an existing Residential Accessory Structure [Detached Patio Cover]. Staff does not support this request.

ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and is subject to Title 19 development standards. The purpose of the R-CL (Single Family Compact-Lot) zoning district is to provide for single family units and other customary residential uses on a smaller lot size. A Code Enforcement (#CE23-08289) was opened on 11/29/23 for the subject property and an onsite inspection conducted on 12/04/23 resulted in violations of an unpermitted structure in the rear yard. This case remains unresolved, pending the results of this Variance request.

Per Title 19.06.080, Residential Accessory Structures shall have a six-foot separation from the primary dwelling. The applicant is requesting to maintain an existing detached patio cover with a one-foot separation from the primary dwelling, prompting this Variance request. Aerial imagery of the subject property shows that the structure appeared after summer 2021, according to Clark County OpenWeb. The submitted elevations and justification letter indicate that the detached patio cover is approximately 14 feet tall and does not exceed the height of the primary dwelling. The applicant intends to make the Residential Accessory Structure [Detached Patio Cover] aesthetically compatible with the primary house.

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

Staff Report Page Two
October 16, 2024 - City Council Meeting

FINDINGS (24-0009-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 Residential Accessory Structure [Detached Patio Cover] without permits that does not meet distance separation requirements. Reducing the size or removing the 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>	
11/29/23	A Code Enforcement case (#CE23-08289) was processed for an unpermitted accessory structure in the rear yard area that does not comply with Title 19 requirements at 2817 Sing Song Way. The case remains unresolved pending the result of this Variance request.

Staff Report Page Three
October 16, 2024 - City Council Meeting

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/14/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW A ONE-FOOT SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED PATIO COVER]
6/18/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW A ONE-FOOT SEPARATION FROM THE MAIN BUILDING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED PATIO COVER]
07/09/24	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 on 0.28 acres at 1601 Bryn Mawr Avenue.
09/10/24	The Planning Commission voted (7-0) to recommend DENIAL on 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 on 0.28 acres at 1601 Bryn Mawr Avenue.

<i>Most Recent Change of Ownership</i>	
06/30/11	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
03/09/21	A business license (G69-01035) was issued for cleaning services at 2817 Sing Song Way. The license is listed as delinquent.

<i>Pre-Application Meeting</i>	
01/04/24	A pre-application meeting was held with the applicant and the submittal requirements for a Variance were discussed.

Staff Report Page Four
October 16, 2024 - City Council Meeting

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

04/02/24	Staff conducted a routine field check and observed an existing single family dwelling. The accessory structure was not visible from the street.
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Details of Application Request

Site Area

Net Acres	0.09
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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-CL (Single Family Compact-Lot)
North	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: West Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District – 70 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

Staff Report Page Five
October 16, 2024 - City Council Meeting

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	3,000 SF	3,920 SF	Y
Min. Setbacks – Accessory Structure [Detached Patio Cover]			
• Side (West)	3 Feet	20 Feet	Y
• Side (East)	3 Feet	6 Feet	Y
• Rear	3 Feet	6 Feet	Y
Min. Distance Between Buildings	6 Feet	1 Foot	N*
Max. Lot Coverage	70 %	37 %	Y
Max. Building Height	35 Feet	14 Feet	Y

*A Variance (24-0009-VAR1) is requested to allow a one-foot separation from the primary dwelling where six feet is required for a Residential Accessory Structure [Detached Patio Cover].



DEPARTMENT OF PLANNING

Application / Petition Form & Statement of Financial Interest

Department Use

Case #
Meeting Date
Total Fee
Received By/Date

Case Type (Special Use Permit, Rezoning, Variance, Site Development Plan Review, etc) Variance

Project Address (Location) 2817 Sing Song Way Las Vegas, NV 89106

Project Name Shady structure (Pergola) **Proposed Use** Shady

Assessor's Parcel #(s) 139-20-417-036 **Ward #** _____

General Plan: Existing _____ Proposed _____ **Zoning:** Existing _____ Proposed _____

Additional Information Back yard shade. no plumbing!

Property Owner Alfonso E Salinas **Contact** (702) 773-01-58

Address 2817 Sing Song way **City** Las Vegas **State** NV **Zip** 89106

E-mail keila e 1995@gmail.com **Phone** (702) 758 70 77

Applicant Alfonso E Salinas **Contact** _____

Address _____ **City** _____ **State** _____ **Zip** _____

E-mail _____ **Phone** _____

Representative _____ **Contact** _____

Address _____ **City** _____ **State** _____ **Zip** _____

E-mail _____ **Phone** _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company? ☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official _____ **Partner(s)** _____

Partner(s) _____

- I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in the application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.
- Application will not be deemed complete until the submitted materials have been reviewed by Department of Planning for consistency with the Zoning Ordinance.

Property Owner Signature X Alfonso E Salinas

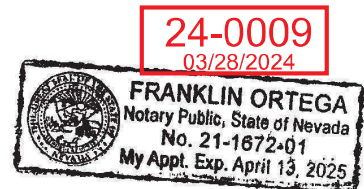
An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps and Parcel Maps

Print Name Alfonso Eusebio Salinas

Subscribed and sworn before me

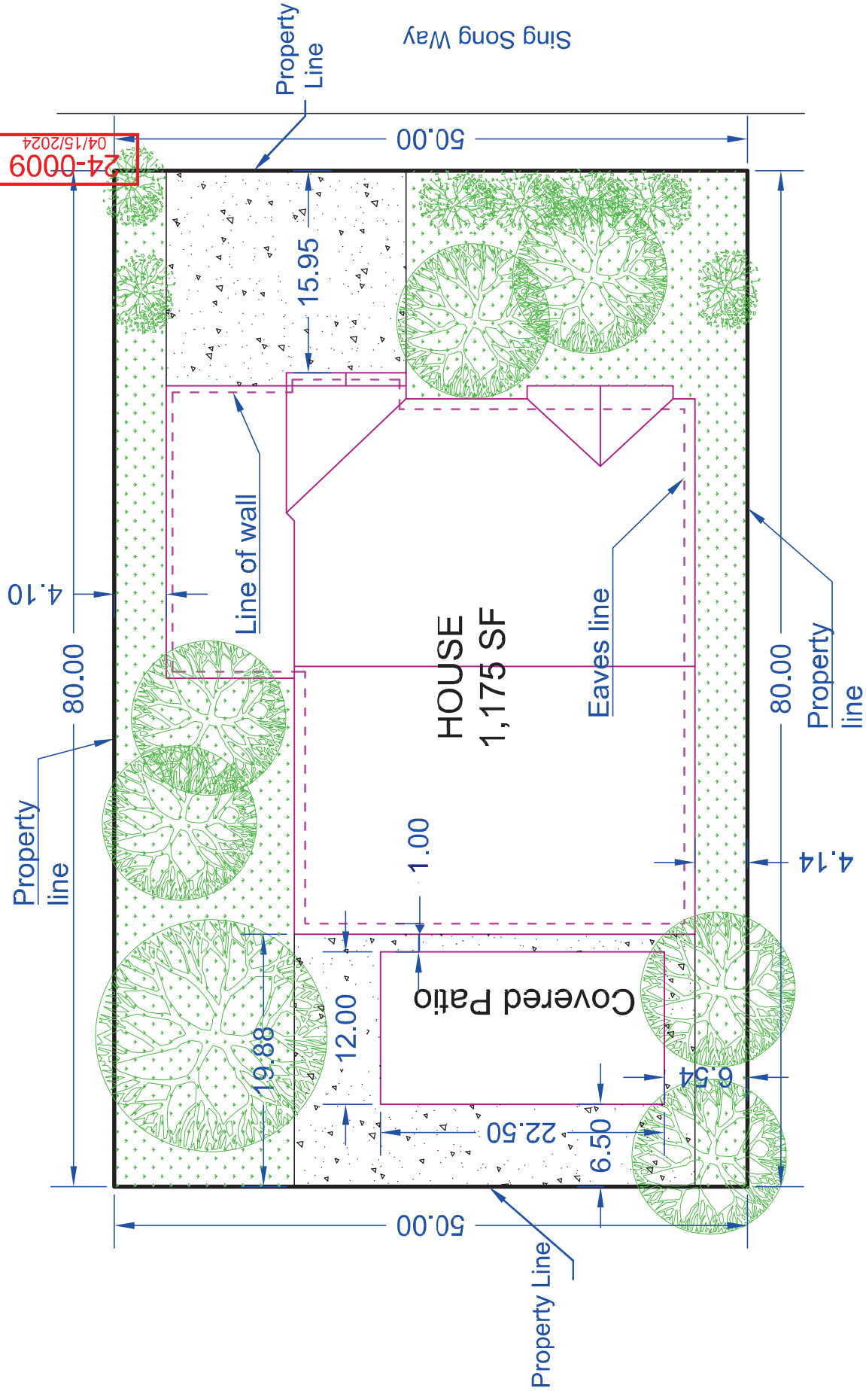
This 27 day of March, 2024

Notary Public in and for said County and State



North →

24-0009
04/15/2024



BUILDING HEIGHT: 13'-4"

1



24-0009
03/21/2024



24-0009-VAR1 - APPLICANT/OWNER: ALFONSO E. SALINAS
2817 SING SONG WAY

04/02/24

Justification Letter

Date: December 10,2023

To whom it may concern ,

I am writing this letter to obtain approval for the completion of the construction on my shade structure that I am building. It is located in my backyard at 2817 Sing Song way 89106. My existing residence is 1175 sqft.

My backyard is roughly 50 ft wide and 20 ft long. I was not able to meet the set back requirements because my yard is simply not long enough, although I was able to meet some of the set back requirements (I will add the site plan) .The distance between the existing residence and the shade structure is 2ft . The shade structure is not taller than my house.

My house is roughly 20 ft tall and the shade structure is 13 ft tall. The sole purpose of this shade structure is to provide shade during the hot 110 degree weather in the summertime. I am only planning on adding a ceiling fan later in the future but no intention of adding a kitchen or anything of that nature because it is not intended to be anything more than shade coverage. This will never be converted into a guesthouse or room of any sort. As for the design, we will be matching it to the primary house to meet aesthetic regulations.

Thank you and God Bless!

Signed : Alfonso Eustaquio Salinas (owner of the property

24-0009
03/28/2024

From: Keila Eustaquio <keilae1995@gmail.com>
Sent: Thursday, September 19, 2024 2:32 PM
To: Cassandra Serna <cserna@LasVegasNevada.GOV>
Subject: Re: Withdraw Request for 24-0009 Variance

CAUTION: This email originated from an **External Source**. Please use caution before opening attachments, clicking links, or responding to this email. **Do not sign-in with your City of Las Vegas account credentials.**

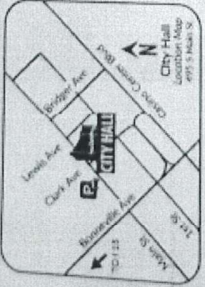
Hi Cassandra. I am requesting to withdraw the application for the variance because I will be proceeding with the building application

**NOTE: THE FOLLOWING DOCUMENTATION
WAS SUBMITTED FOR THE RECORD BEFORE
OR AT THE PLANNING COMMISSION HEARING
ON THIS ITEM WHICH IS NOW APPEARING
BEFORE THE CITY COUNCIL**

RECEIVED
MAY 13 2024
Dept of Planning
City of Las Vegas

City of Las Vegas, Department of Community Development
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



Scan or go to
www.lasvegasnevada.gov/meetings

For additional information, scan the QR Code, select the meeting date shown below and then find the referenced project. To file your protest or support on this request, check one box below and return this card in an envelope with postage to the Department of Community Development at the above address, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. To contact your Council Representative, please call (702) 729-6405.

☐ I SUPPORT
this Request

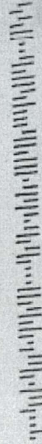
☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

24-0009-VAR1
Planning Commission Meeting of 05/14/2024

24-0009-VAR1
13920415028
LARKIN BONNIE S & EDWARD A JR
2813 SING SONG WAY
LAS VEGAS NV 89106

PERMIT
FIRST CLASS MAIL
U.S. Postage
PAID
Las Vegas, NV
Permit No. 1650



17 DRDFNP1 89105

Submitted after final agenda
Item 42
P