

Carolyn G. Goodman, Mayor (At-Large)
Brian Knudsen, Mayor Pro Tem (Ward 1)
Victoria Seaman (Ward 2)
Olivia Diaz (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

54. 24-0341-VAR1 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JESSIE L. SCOTT - For possible action on a Land Use Entitlement project request TO ALLOW AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED CARPORT] TO BE LOCATED WITHIN THE FRONT YARD WHERE SUCH IS NOT ALLOWED; A ONE-FOOT SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED B]; A ONE-FOOT REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED A]; AND TO ALLOW ALL RESIDENTIAL ACCESSORY STRUCTURES TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED on 0.16 acres at 1608 Manhattan Drive (APN 139-20-811-034), R-1 (Single Family Residential) Zone, Ward 5 (Crear). The Planning Commission (6-0 vote) and Staff recommend DENIAL.

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

SETH FLOYD, Community Development Director, reported that no evidence of a unique or extraordinary circumstance had been presented to warrant the requested Variance. As such, the hardship was self-imposed and outside the realm for granting Variances; therefore, staff recommended denial. He noted that they knew the applicant would not attend the meeting and had communicated with the Council Office.

COUNCILMAN CREAR confirmed he was in contact with the applicant.

MAYOR GOODMAN declared the Public Hearing closed.

Motion made by Cedric Crear to Approve subject to condition(s)

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

For-Nancy Brune, Victoria Seaman, Cedric Crear, Carolyn Goodman, Francis Allen-Palenske; Excused-Brian Knudsen, Olivia Diaz;



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

Agenda Item No.:
54

DEPARTMENT: Community Development
DIRECTOR: Seth Floyd

DISCUSSION

SUBJECT:

24-0341-VAR1 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JESSIE L. SCOTT - For possible action on a Land Use Entitlement project request TO ALLOW AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED CARPORT] TO BE LOCATED WITHIN THE FRONT YARD WHERE SUCH IS NOT ALLOWED; A ONE-FOOT SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED B]; A ONE-FOOT REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED A]; AND TO ALLOW ALL RESIDENTIAL ACCESSORY STRUCTURES TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED on 0.16 acres at 1608 Manhattan Drive (APN 139-20-811-034), R-1 (Single Family Residential) Zone, Ward 5 (Cresar). The Planning Commission (6-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

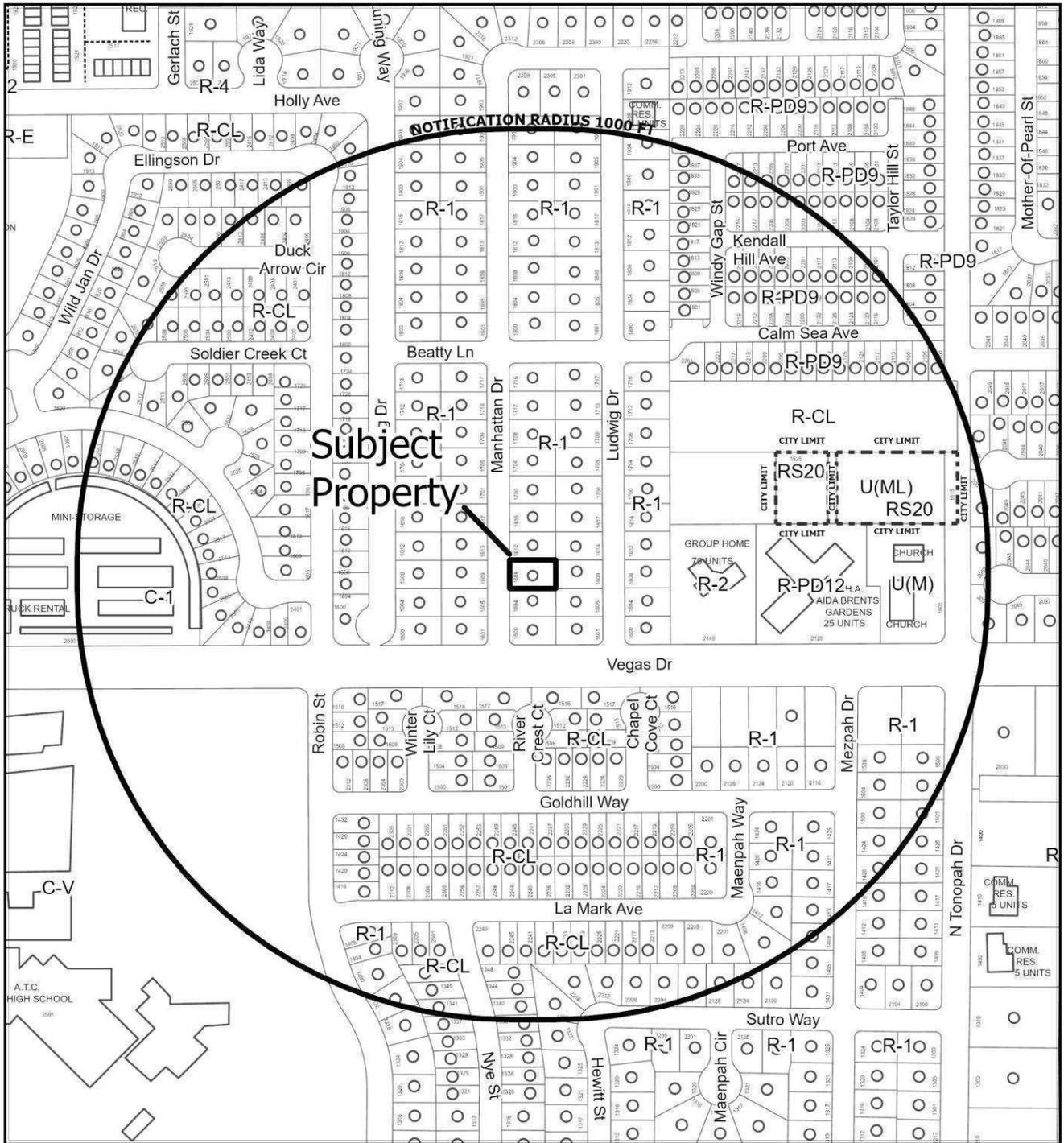
City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0 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. Submitted after Final Agenda - Protest Postcard
7. Backup Documentation Submitted for the September 10, 2024 Planning Commission Meeting

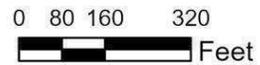


Subject Property

CASE: 24-0341-VAR1

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)



**** CONDITIONS ****

24-0341-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow an existing residential accessory structure [Detached Carport] to be located within the front yard where such is not allowed.
2. A Variance is hereby approved to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Detached Carport].
3. 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 [Shed B].
4. A Variance is hereby approved to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A].
5. A Variance is hereby approved to allow all residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required.
6. 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.
7. 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.
8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
9. 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

The applicant is requesting several Variances to allow their existing detached carport and two sheds at 1608 Manhattan Drive. This application is a result of Code Enforcement Case (#CE23-02066).

ISSUES

- This application is a result of Code Enforcement Case (#CE23-02066).
- A Variance is requested to allow an existing accessory structure [Detached Carport] to be located within the front yard where such is not allowed. Staff does not support this request.
- A Variance is requested to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Detached Carport]. Staff does not support this request.
- A Variance is requested to allow a one-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Shed B]. Staff does not support this request.
- A Variance is requested to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A]. Staff does not support this request.
- A Variance is requested to allow all residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19.06 development standards. The accessory structures and detached carport do not meet the required distance separation from the primary dwelling [Detached Carport and Shed B], the required front yard setback [Detached Carport], the required rear yard setback [Shed A], and none of the structures are aesthetically compatible with the primary dwelling as required by Title 19.06.040(C). The provided one-foot rear yard setback where three feet is required is a 66-percent deviation from the code requirement.

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

In order to recommend approval of, or to approve a Variance application, the Planning Commission or City Council must determine that the Variance is warranted both under State law and Title 19.16.140. No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing the subject structures without a building permit. Therefore, staff recommends denial of the application, subject to conditions if approved.

FINDINGS (24-0341-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 the accessory structures without permit review. Locating the accessory structures within the required setbacks 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

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.	
04/13/23	A Code Enforcement Case (#CE23-02066) was started for accessory structures and a carport constructed without a permit at 1608 Manhattan Drive. The Code Enforcement Case is open, pending results of this Variance request.
09/10/24	The Planning Commission voted (6-0) to recommend DENIAL on the following Land Use Entitlement project request TO ALLOW AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED CARPORT] TO BE LOCATED WITHIN THE FRONT YARD WHERE SUCH IS NOT ALLOWED; A ONE-FOOT SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED B]; A ONE-FOOT REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED A]; AND TO ALLOW ALL RESIDENTIAL ACCESSORY STRUCTURES TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED on 0.16 acres at 1608 Manhattan Drive (APN 139-20-811-034), R-1 (Single Family Residential) Zone, Ward 5 (Crear).

Most Recent Change of Ownership

04/20/00	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

No relevant actions by Building Permits/Business Licensing.	
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Pre-Application Meeting

A pre-application meeting was not required, nor was one held.	
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Neighborhood Meeting

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

07/30/24	During a routine site visit, staff observed the subject property and the existing accessory structures and carport.
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Staff Report Page Four
 October 16, 2024 - City Council Meeting

Details of Application Request	
Site Area	
Gross Acres	0.16

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
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)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: West Las Vegas	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (105 Feet)	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	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Setbacks [Shed A]*****			
• Side	3 Feet	37 Feet	Y
• Side	3 Feet	15 Feet	Y
• Rear	3 Feet	1 Feet	N*
Min. Setbacks [Shed B]*****			
• Side	3 Feet	20 Feet	Y
• Side	3 Feet	30 Feet	Y
• Rear	3 Feet	37 Feet	Y
Min. Distance Between Buildings	6 Feet	1 Feet	N**
Min. Setbacks [Detached Carport]			
• Front	20 Feet	3 Feet	N***
• Side	3 Feet	8 Feet	Y
• Side	3 Feet	36 Feet	Y
• Rear	3 Feet	60 Feet	Y
Min. Distance Between Buildings	6 Feet	4 Feet	N****
Max. Lot Coverage	50 %	38 %	Y
Max. Building Height	35 Feet	9 Feet	Y
Mech. Equipment	Screened	N/A	Y

* A Variance is requested to allow a one-foot rear yard setback where three feet is required for an existing residential accessory structure [Shed A].

** A Variance is requested to allow a one-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [Shed B].

***A Variance is requested to allow an existing patio cover [detached carport] to be located within the front yard where such is not allowed.

**** A Variance is requested to allow a four-foot separation from the primary dwelling where six feet is required for an existing residential accessory structure [detached carport].

***** A Variance is requested to allow the residential accessory structures to not be aesthetically compatible with the principal dwelling unit where such is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Manhattan Drive	Local Street	Title 13	51	Y



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) 1608 Manhattan Dr.

Project Name J. Scott Proposed Use Residential

Assessor's Parcel #(s) 139.20.811.034 Ward # 5

General Plan: Existing x Proposed _____ Zoning: Existing x Proposed _____

Additional Information Variance for an unpermitted curport per code enforcement case CE23-02066.

Property Owner Jessie Scott Contact _____
 Address 1608 Manhattan Dr. City Las Vegas State NV Zip 89106
 E-mail Jessiescott250@gmail.com Phone 702-260-2790

Applicant Jessie Scott Contact _____
 Address 1608 Manhattan Dr. City Las Vegas State NV Zip 89106
 E-mail Jessiescott250@gmail.com Phone 702-250-2790

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) _____

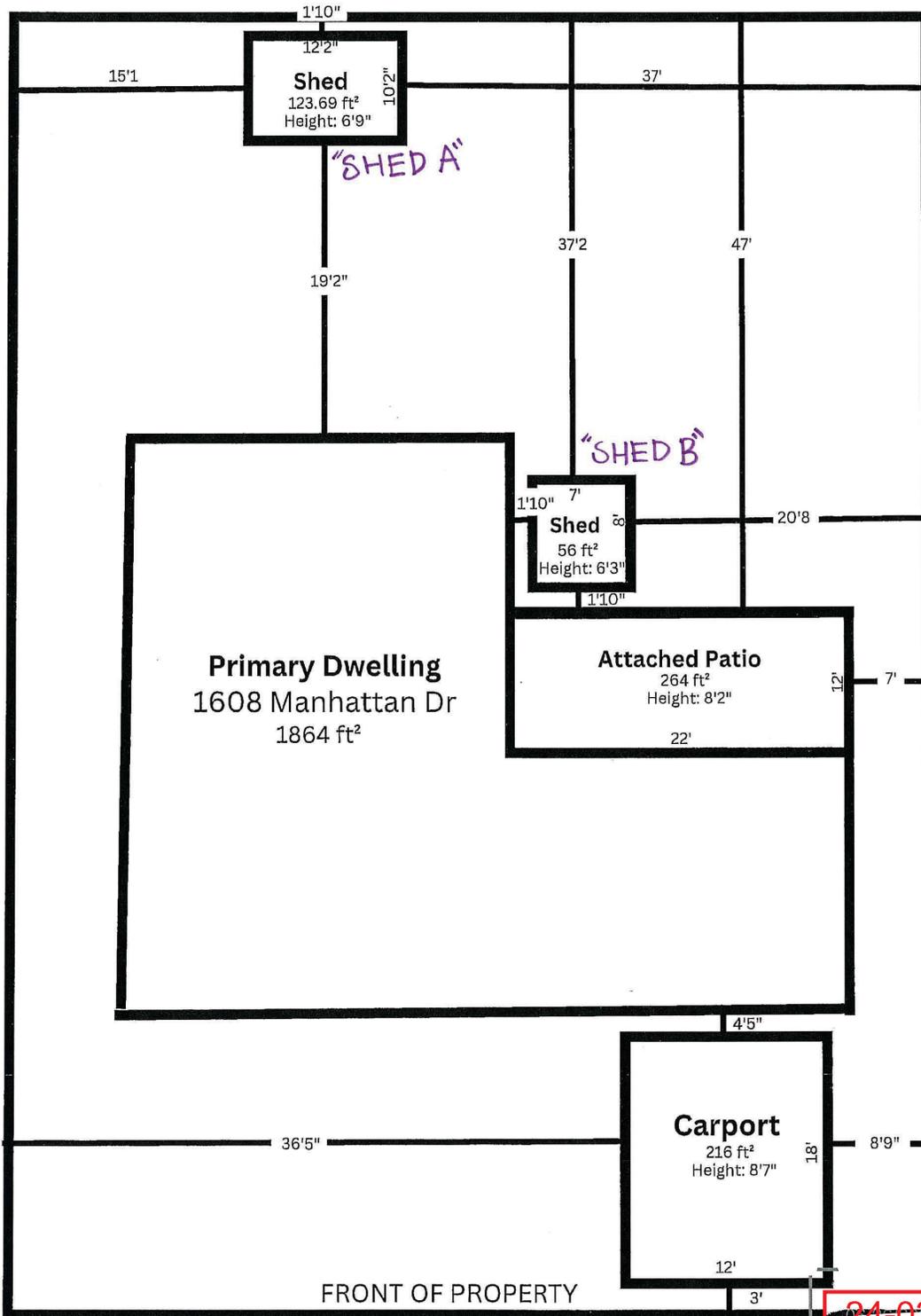
- I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application 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 Jessie Scott
 An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps and Parcel Maps
 Print Name x Jessie Scott



Subscribed and sworn before me
 This 24th day of June, 2024
Nicole Drinkwater
 Notary Public in and for said County and State
 State of Nevada, County of Clark

[Handwritten Signature]



Jessie Scott
 Jessie Scott

6/24/24
 Manhattan Dr

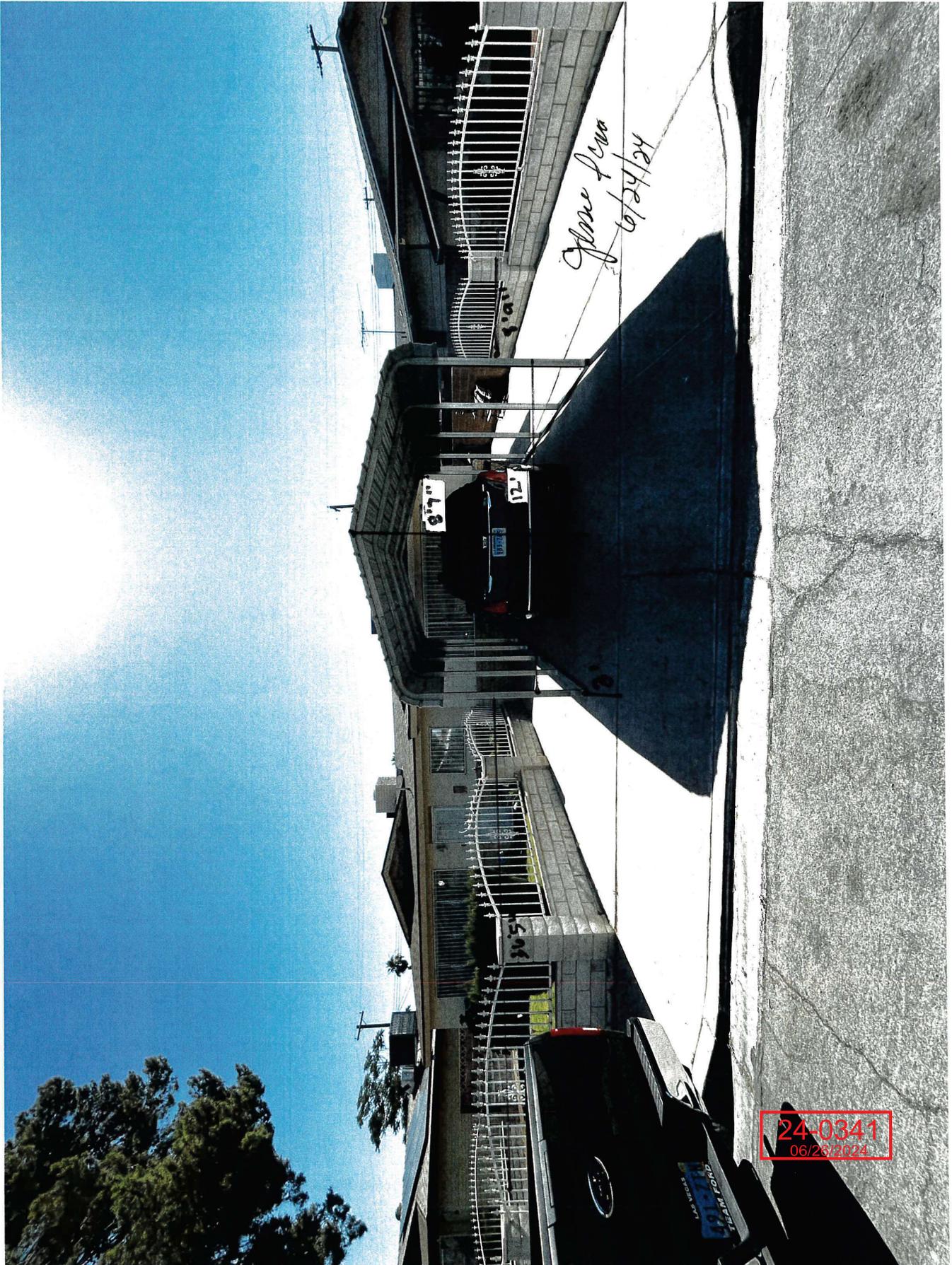
24-0341
 08/06/2024





Spence & Co.
06/26/24

24-0341
06/26/2024



*James Pava
6/24/24*

24-0341
06/26/2024

LA PRIDE
TEAM FORD



*Open Road
6/26/24*

24-0341
06/26/2024



*Glenn Acosta
6/24/24*

24-0341
06/26/2024

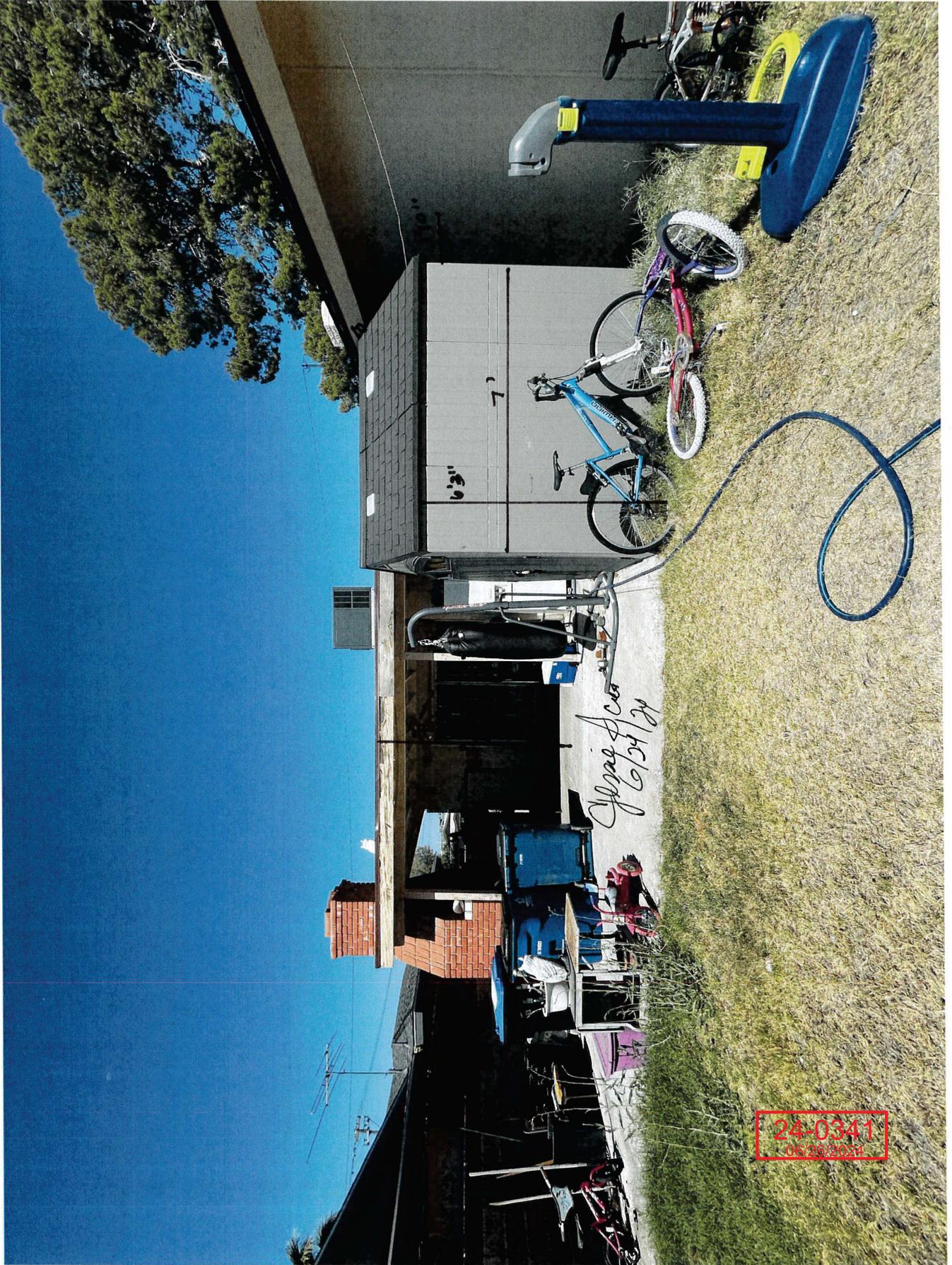


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24-0341
08/26/24

UT 70403

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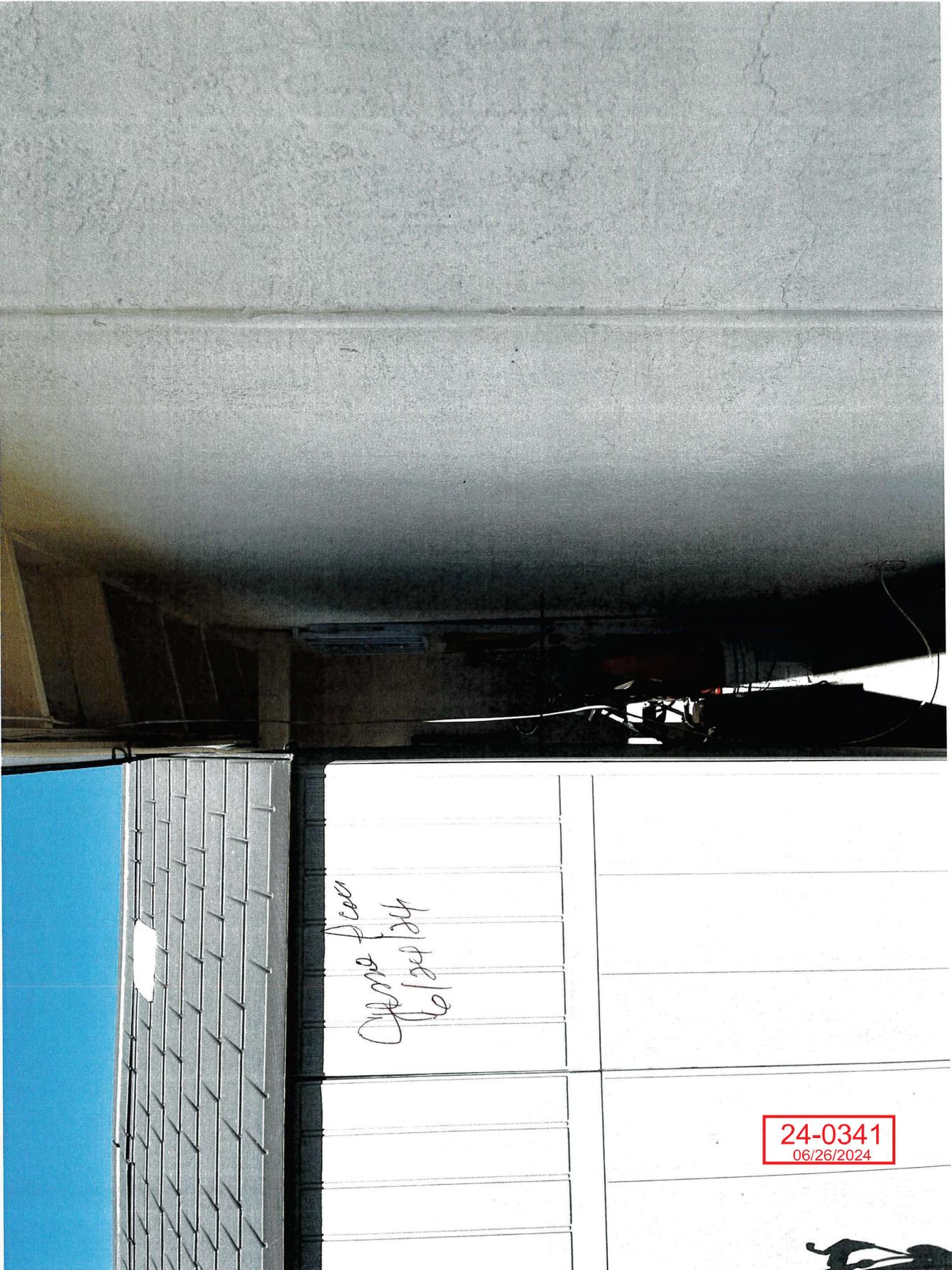
Jesse Acosta
6/24/20

24-0341
06/26/2024



Property of
06/24/24

24-0341
06/26/2024

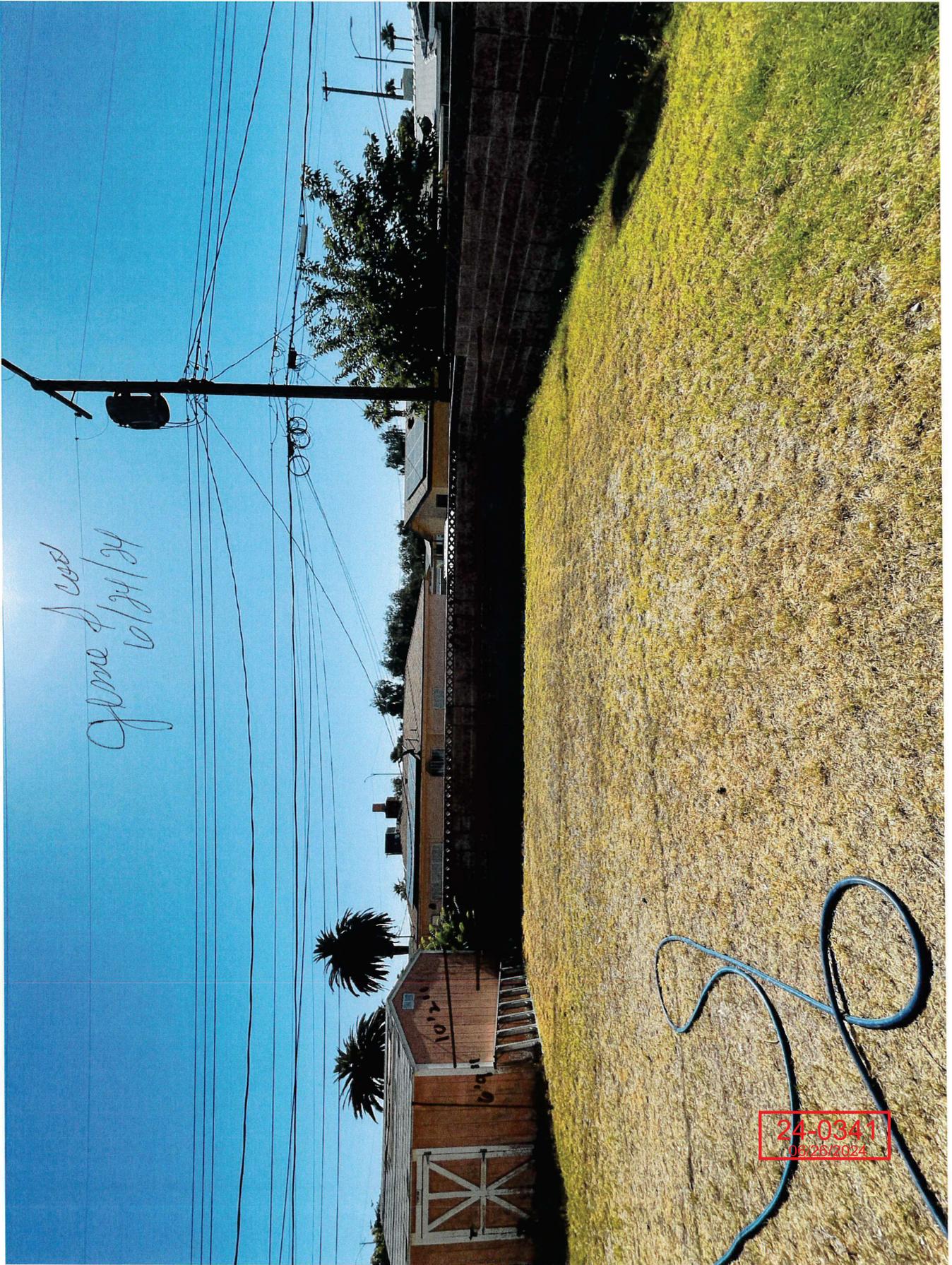


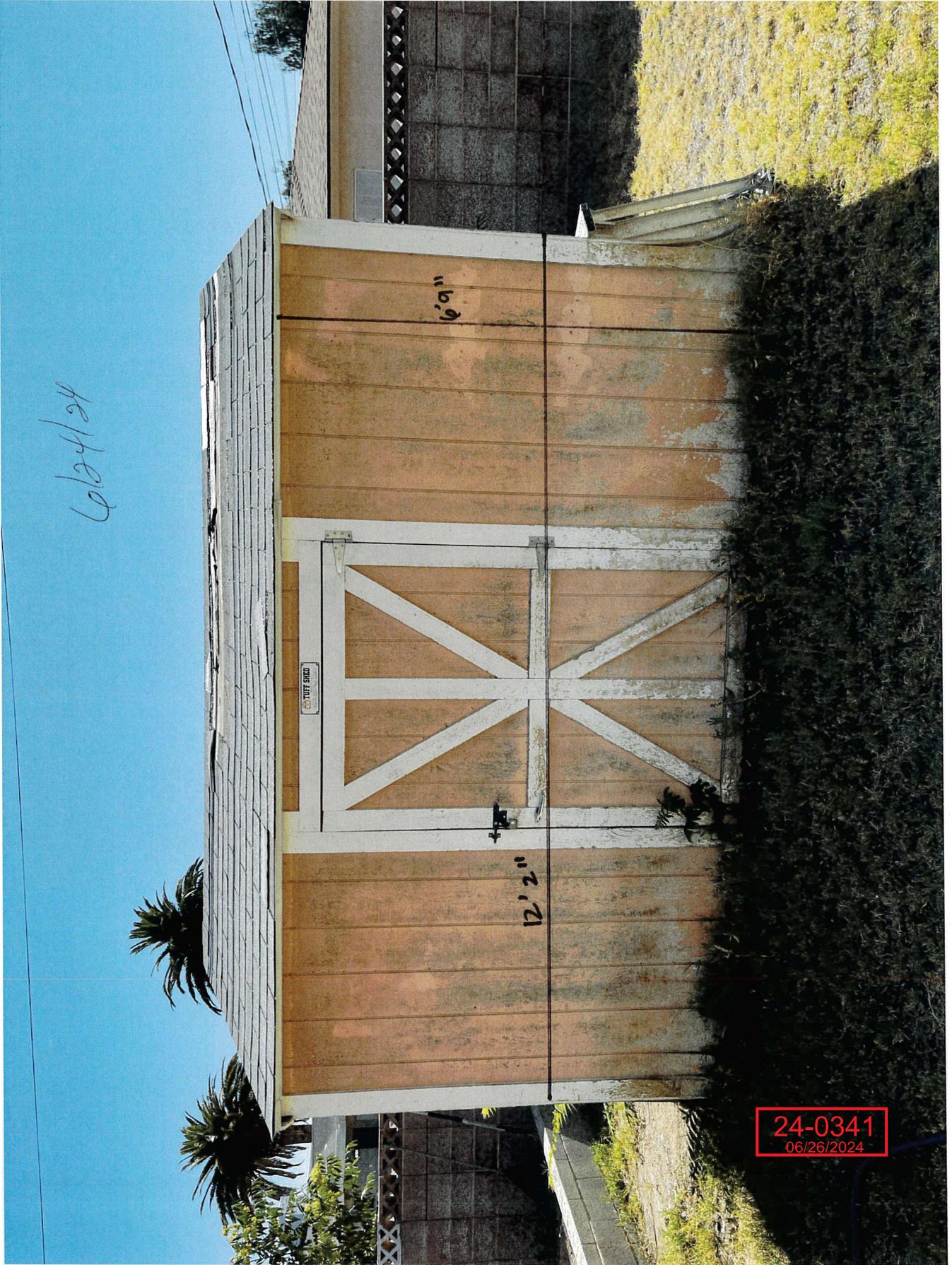
Open from
10/24/24

24-0341
06/26/2024

Gene & Carol
10/24/24

24-0341
05/25/2024





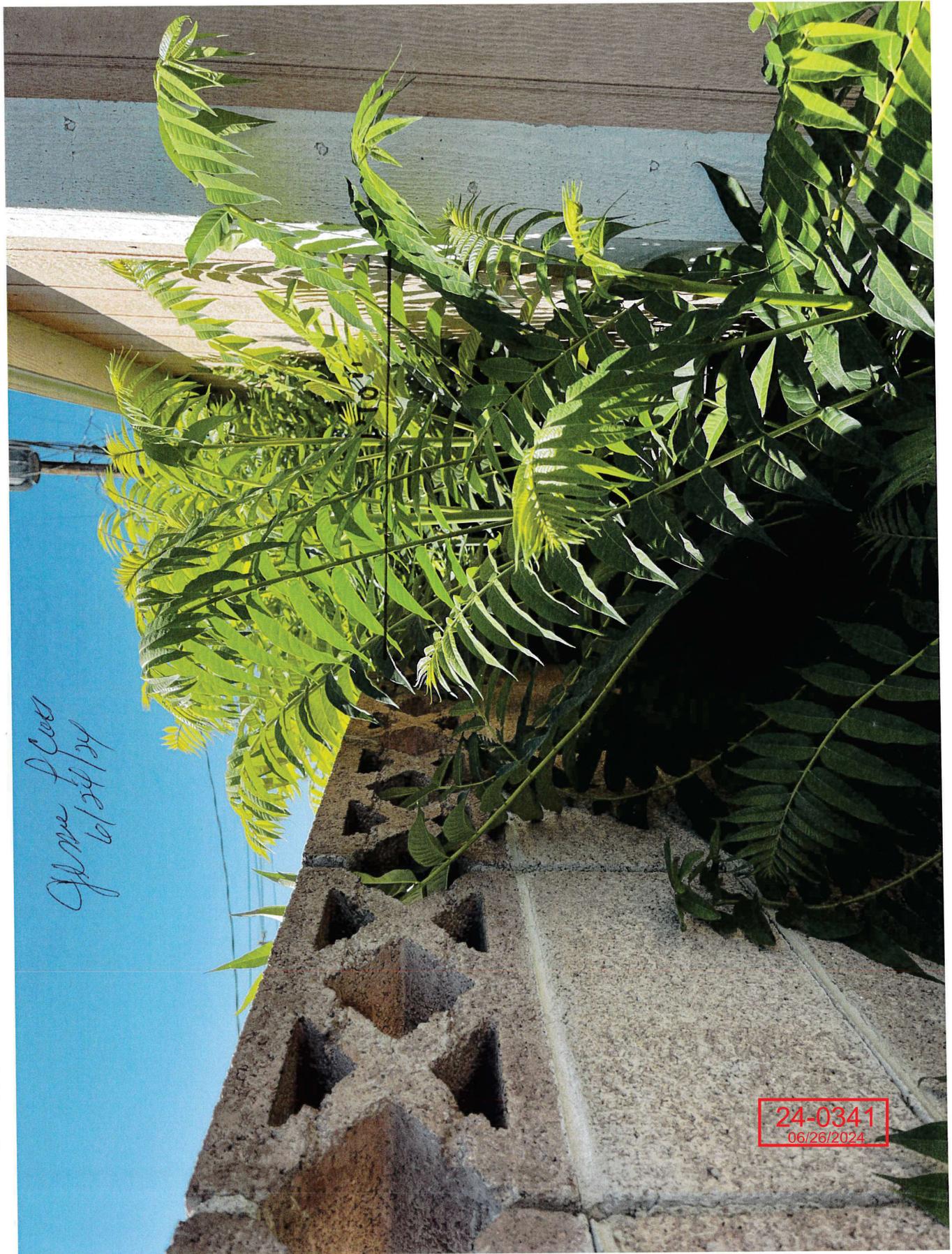
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24-0341
06/26/2024

Game Area
6/24/24



24-0341
06/26/2024



*John P. Lee
6/24/24*

24-0341
06/26/2024



**24-0341-VAR1 - APPLICANT/OWNER: JESSIE L. SCOTT
1608 MANHATTAN DRIVE**

07/30/24

Justification Letter

Jessie Scott
1608 Manhattan Dr.
Las Vegas, NV 89106

To Whom It May Concern,

I, Jessie Scott, am requesting my variance to be approved for the as-built carport per my Code Enforcement notice and my 2 storage sheds in my rear yard. The main reason I would like to maintain my carport is for shade and to protect my car. It has been there for over 30 years. I am also requesting to keep my sheds as it helps with storing my items.

Jessie Scott

Print Name

Jessie Scott

Signature

Date: 6/24/24

24-0341
06/26/2024

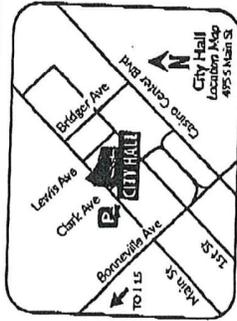
RECEIVED

2024 OCT -8 AM 9:35

OFFICE OF THE CITY CLERK

City of Las Vegas, Office of The City Clerk
495 South Main Street, 2nd Floor
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 Office Of The City Clerk at the above address or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

I SUPPORT this Request

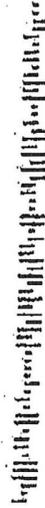
I OPPOSE this Request

Please use available blank space on card for your comments.

24-0341-VARI

City Council Meeting of 10/16/2024

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24-0341-VARI
13920810013
NARTER RITA Y REVOCABLE TRUST
NARTER RITA Y TRS
341 BRABANT AVE
LAS VEGAS NV 89183

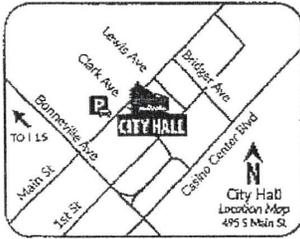
Submitted after final agenda

Item 54

**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**

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) 229-6405.

I SUPPORT
this Request

I OPPOSE
this Request

Please use available blank space on card for your comments.

24-0341-VAR1
Planning Commission Meeting of 09/10/2024

PRSR
FIRST CLASS MAIL
U.S. Postage
PAID
Las Vegas, NV
Permit No. 1630

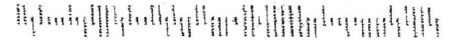
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SEP 09 2024

City of Las Vegas
Department of Planning

24-0341-VAR1
13920810013
NARTER RITA Y REVOCABLE TRUST
NARTER RITA Y TRS
341 BRABANT AVE
LAS VEGAS NV 89183

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Submitted after final agenda

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