



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 18, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-15455 - APPLICANT/OWNER: MICAELA MARTINEZ

**** CONDITIONS ****

The Planning Commission (5-2/ld/ds vote) and staff recommend DENIAL.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

APPLICATION REQUEST

The applicant requests a Variance to allow an existing non-habitable accessory structure with a streetside setback of 3 feet where 9 feet 2 inches is required on 0.17 acres at 2222 East Mesquite Avenue.

EXECUTIVE SUMMARY

According to the applicant, the subject non-habitable accessory structure is located up to the rear property line and existed at the time of the purchase of the property. The non-habitable accessory structure is being used as a garage. The application is not justified as the non-habitable does not meet the required conditions of 19.08.040. No hardship is shown; therefore, the recommendation is for denial.

BACKGROUND INFORMATION

A) *Related Actions*

09/21/06 The Planning Commission voted 5-2/1d/ds to recommend DENIAL (PC Agenda Item #33/jm).

B) *Pre-Application Meeting*

06/07/06 At the pre-application meeting, the applicant was informed of the requirements in LMVC Section 19.08 that require a non-habitable accessory structure in the rear yard of corner lots may not be located closer to the side property line than that required for the main dwelling, or the application requires a Variance.

C) *Neighborhood Meetings*

A neighborhood meeting was not held, nor is one required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.17

B) Existing Land Use

Subject Property: Single Family Residential
 North: Single Family Residential
 South: Single Family Residential
 East: Single Family Residential
 West: Single Family Residential

C) Planned Land Use

Subject Property: L (Low Density Residential)
 North: L (Low Density Residential)
 South: L (Low Density Residential)
 East: L (Low Density Residential)
 West: L (Low Density Residential)

D) Existing Zoning

Subject Property: R-1 (Single Family Residential)
 North: R-1 (Single Family Residential)
 South: R-1 (Single Family Residential)
 East: R-1 (Single Family Residential)
 West: R-1 (Single Family Residential)

E) General Plan Compliance

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	6,500	7,405 Feet	Y
Min. Setbacks			
• Corner Side	3 Feet	3 feet*	N
• Rear	0 Feet (Alley)	0 feet	Y
• From House	6 Feet	19 feet	Y
Max. Building Height	2 story/35 feet	9 feet	Y

The non-habitable accessory structure corner side setback is 3 feet where the main structure is 9 feet 2 inches. The building is not in compliance with Code requirements. This Variance request is intended to permit this deviation from standards.

B) *General Analysis and Discussion*

According to the applicant, the subject non-habitable accessory structure is located up to the rear property line and existed at the time of the purchase of the property. The non-habitable accessory structure is being used as a garage. The non-habitable structure is an existing structure built illegally before the applicant purchased the property.

LMVC Section 19.08 requires that a non-habitable accessory structure in the rear yard of corner lots may not be located closer to the side property line than that required for the main dwelling, or the application requires a Variance.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070L 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. An alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 284 by City Clerk

APPROVALS 0

PROTESTS 0