



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-16113 - APPLICANT/OWNER: RICHARD YOUNGBLOOD

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL.

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-16112) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant seeks approval for a Variance to allow a 2,800 sq. ft. non-habitable accessory structure where 1,670 sq ft is permitted. The structure is a single story, 14-foot tall metal building that will be painted to match the primary, 3,340 sq. ft house. The applicant seeks to consolidate four, smaller structures with the proposed structure.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/05/06	The Planning Commission recommended denial of companion item SUP-16112 concurrently with this application. The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #41/mh).
<i>Related Building Permits/Business Licenses</i>	
1/21/90	R-147-90: Single Family Dwelling completed at 8320 Washburn Rd.
1/23/97	M-6358-96: Swimming pool installed
3/19/02	M-1036-02: 2 x 200 sq. ft. partially covered horse corrals with breezeway.
<i>Pre-Application Meeting</i>	
Month/date/year	Description
<i>Neighborhood Meeting</i>	
N/A	N/A

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residential	DR	RE
North	Single Family Residential	DR	RE
South	Single Family Residential	DR & R	RE & R-PD3
East	Single Family Residential	DR	RE
West	Single Family Residential	DR	RE

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		N	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		N	NA
Rural Preservation Overlay District	Y		Y
Development Impact Notification Assessment			NA
Project of Regional Significance			NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following Development Standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 sq. ft.	29,451 sq ft	Y
Min. Lot Width	100 feet	100 feet	Y
Min. Setbacks			
• Front	50	50	Y
• Side	10	10	Y
• Corner	15	NA	Y
• Rear	35	190	Y
Min. Distance Between Buildings	6	160	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories or 35, whichever is less	14	Y
Trash Enclosure	N/A	N/A	N/A
Mech. Equipment	N/A	N/A	N/A

ANALYSIS

As the applicant has proposed a 2,800 sq. ft. non-habitable accessory structure where 1,670 sq. ft. is the maximum allowed. The structure, a single story 14-foot tall metal building, complies with the setback and height standards but exceeds the allowed 1,670 sq. ft size (50% of the 3340 sq. ft primary structure) by 1,130 sq ft. As this is a self-induced hardship, we recommend denial.

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 regarding the size limitation of the proposed non-habitable accessory structure. An alternative proposal 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 8

ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 145 by City Clerk

APPROVALS 9

PROTESTS 0