

City of Las Vegas

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: NOVEMBER 8, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-24776 - APPLICANT/OWNER: GEORGE AND KARLENE CANEPA**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. 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.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request for a Variance to Title 19.08.040 to allow a proposed 2,715 square foot Class II Non-Habitable Accessory Structure to exceed 50 percent of the floor area of the primary structure. The 2,668 square-foot primary structure, located at 6700 Buckskin Avenue on 0.52 acres, allows for a maximum 1,334 square foot accessory structure.

This is a self-imposed hardship due to the applicants design choice; therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
There are no recorded City Actions against the property located at 6700 Buckskin Avenue.	
<b><i>Related Building Permits/Business Licenses</i></b>	
8/20/07	The applicant applied for Building Permit #96362 for a detached garage/workshop. This application is pending review of the requested Variance (VAR-24776).
<b><i>Pre-Application Meeting</i></b>	
9/25/07	A pre-application meeting was held with staff to discuss the Title 19.08.040 requirements for a Class II Accessory Structure. The applicant was given instructions to submit a Variance request to exceed the size of the primary structure
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	
<b><i>Field Check</i></b>	
10/9/07	A field check of the site was made with the following observations: <ul style="list-style-type: none"> <li>• Existing single-story, single family dwelling.</li> <li>• No discernible change in grade.</li> <li>• Six-foot screen walls located along the rear sides and back yard.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.52

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Dwelling	DR (Desert Rural Density Residential)	U (Undeveloped)
North	Single Family Dwelling	DR (Desert Rural Density Residential)	R-D (Single Family Residential - Restricted)
South	Single Family Dwelling	DR (Desert Rural Density Residential)/ RE (Rural Estates Clark County)	R-E (Residence Estates)/Clark County
East	Single Family Dwelling	DR (Desert Rural Density Residential)	U (Undeveloped)
West	Single Family Dwelling	DR (Desert Rural Density Residential)	U (Undeveloped)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>		X	NA
A-O Airport Overlay District 140 feet	X		Y
<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

**A-O Airport Overlay District**

A single family dwelling exists on the subject site, at a height of 22 feet. The proposed detached accessory structure will be constructed at a finished height of 20 feet, seven inches and is not affected by the 140-foot height restriction.

**DEVELOPMENT STANDARDS**

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 sq. ft.	22,496 sq. ft.	Y
Min. Lot Width	100 feet	162 feet	Y
Min. Setbacks for Accessory Structure			
• Side & Rear Property Lines	3 feet	5 feet	Y
• Separation from Primary Structure	6 feet	6 feet	Y
Max. Accessory Structure Size (50% of 2,669 sq. ft. primary structure)	1,334 sq. ft.	2,715 sq. ft.	N
Max. Accessory Structure Height	1-story/22 feet (primary structure height)	20 feet, 7 inches	Y

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## **ANALYSIS**

The applicant is seeking approval to construct a 2,715 square-foot Class II Detached Accessory structure located in the backyard of the existing 2,669 square foot single family dwelling located at 6700 Buckskin Avenue. Although the proposal complies with required setbacks from the side property lines and primary structure, the proposal does not meet the size restrictions as listed in Title 19.08.040. The proposed 2,715 square foot Class II Detached Accessory structure exceeds the 2,669 square-foot primary structure gross floor area as shown on the provided site plan where Title 19.08.040 would permit only 1,334 square feet.

The request for the Variance stems from a self-imposed hardship that could be eliminated with alternative designs. Therefore, staff recommends 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 19.18.070(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 designing a Class II Detached Accessory Structure that is oversized in floor area in comparison to the existing primary structure. An alternative proposal in reduced size 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.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**            2

**ASSEMBLY DISTRICT**            1

**SENATE DISTRICT**            6

**NOTICES MAILED**            171

**APPROVALS**            1

**PROTESTS**            1