

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 5, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-23598 - APPLICANT/OWNER: DONNA DELACRUZ

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-23596) 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 project is a request for a Variance to allow a proposed 2,790 square foot accessory structure Class I (Habitable), where 528 square feet (50 percent of the floor area of the principal dwelling) is the maximum allowed; and to allow the height of the accessory structure to be 18 feet tall thereby exceeding the 14 foot height of the existing primary dwelling, at 5413 Hickam Avenue.

The proposed square footage and height are considered excessive and considered a self imposed hardship as no topographical constraints prevent the project from adhering to the Title 19.08 Residential Accessory Structure square footage and height restrictions. Staff recommendation is denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/08/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #13/ja).
<i>Related Building Permits/Business Licenses</i>	
Not applicable. There are no relevant building permits or business licenses issued for this site.	
<i>Pre-Application Meeting</i>	
07/17/07	A Pre-Application meeting was held where Planning staff advised the applicant of Title 19.08 regulations for accessory structures as well as the Special Use Permit and Variance requirements.
<i>Neighborhood Meeting</i>	
Not applicable. A Neighborhood Meeting is not required for this application nor was one held.	
<i>Field Check</i>	
08/22/07	A site visit was conducted and the project parcel is developed with an existing single-family residence within a rural density residential setting.
<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.7 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
North	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
South	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
East	Single-family residential	DR: Desert Rural	R-E (Residence Estates)
West	Single-family residential	DR: Desert Rural	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Centennial Hills Sector Plan	X		Y
Northwest Open Space	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		NA*
Trails		X	NA
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

DEVELOPMENT STANDARDS

Pursuant to Title 19.08 Residential Accessory Structures, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	NA	NA	NA
Min. Lot Width	NA	NA	NA
Min. Setbacks			
• Front	NA	NA	
• Side	3 feet	17 feet	Y
• Corner	NA	NA	
• Rear	3 feet	30 feet	Y
Min. Distance Between Buildings	6 feet	67 feet	Y
Max. Lot Coverage	50 percent of rear yard	16 percent	Y

Max. Floor Area	50 percent of floor area of Primary Dwelling (528 square feet)	528 percent (2,790 square feet) of 50 percent of floor area of Primary dwelling.	N
Max. Building Height	Two stories or 35 feet and no higher than primary dwelling	18 feet proposed accessory structure 14 feet for Primary Dwelling	N
Trash Enclosure	NA	NA	NA
Mech. Equipment	Screened	Screened	Y

ANALYSIS

The project parcel is a flat rectangular lot bordered to the east and west by existing single family development and Hickam Avenue to the south. Private property lies directly to the north running parallel to Doc Holiday Way. Access to the parcel exists along Hickam Avenue.

The proposed accessory structure will be situated at the rear lot of an existing developed R-E (Residence Estates) zoned lot. An existing one-story, 1,056 square foot single family dwelling is currently on the lot. The request for a 2,760 square foot accessory structure at a height of 18 feet where 528 square feet and 14 feet are allowed respectively, is considered a self-imposed hardship as no physical site constraints exist on the subject site that precludes the project from conforming to Title 19.08 Residential Adjacency Standards.

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 by proposing an accessory structure with the square footage and height in excess of the minimum square footage and height limitations under Title 19.08 for Residential Accessory Structures. An alternative design that reduces the square footage to 528 square feet or less with an overall height less than 14 feet tall, would allow conformance to 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 4

ASSEMBLY DISTRICT 1

SENATE DISTRICT 4

NOTICES MAILED 168 by City Clerk

APPROVALS 4

PROTESTS 2