



AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-25064 - APPLICANT/OWNER: LILLY B GUERRERO

**** CONDITIONS ****

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

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow four 56-foot wide lots, where 65-foot wide lots are the minimum required, on property adjacent to the east side of Pecos Street, approximately 125 feet south of Sunrise Avenue. The applicant is requesting the Variance in order to complete a four-lot residential Parcel Map. The applicant has provided demonstration of adequate setbacks, but has not shown the proposed dwellings on the site.

Staff finds that this request stems from the ratio of the property depth to the property width results in a unique circumstance that the anticipated four-lot subdivision will not meet the R-1 (Single Family Residential) Zoning District lot width standards, but will exceed the lot size and required setbacks. Therefore, staff recommends approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
1/09/03	The Planning Commission approved a Variance (VAR-1312) to allow four 56 foot wide lots where 65 foot wide lots are the minimum required on this site. Staff recommendation was for denial.
2/24/05	The Planning Commission approved a request for an Extension of Time (EOT-5921) of an approved Variance (VAR-1312) to allow four 56 foot wide lots where 65 foot wide lots are the minimum required on property adjacent to the east side of Pecos Road, approximately 125 feet south of Sunrise Avenue. This Extension of Time expired on 1/09/07
11/29/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #12/mh).
<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses associated with this property.	
<i>Pre-Application Meeting</i>	
9/21/07	A pre-application meeting was held with a designated representative of the applicant to discuss re-applying for a previously approved Variance that had expired. The applicant is seeking a four-lot parcel map and will require an approved Variance to allow a 56-foot wide lot where the R-1 (Single Family Residential) Zoning District requires a 65-foot wide lot.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held	

Field Check	
10/30/07	A field check was performed by staff with the following observations: <ul style="list-style-type: none"> • Existing Single Family Dwellings to the north and south of the site • Sidewalk located on the west side of property, no sidewalk along east side (Pearl Street)

Details of Application Request	
Site Area	
Net Acres	0.73 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)
North	Undeveloped/ Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
South	Undeveloped/ Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Dwelling	L (Low Density Residential)	R-1 (Single Family Residential)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

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

DEVELOPMENT STANDARDS

Per Title 19.08.040, the following standards apply for the R-1 (Single Family Residential) Zoning District:

Standards	Required	Proposed	Compliance
Min. Lot Size	6,500 Square Feet	7,600 Square Feet	Y

Min. Lot Width	65 Feet	56 Feet	N*
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	5 Feet	Y
• Rear	15 Feet	15 Feet	Y

**The applicant received previous approval for an identical Variance (VAR-1312) to allow 56-foot lot widths where 65 feet is the minimum width required. This approval was granted an Extension of Time (EOT-5921) that expired on 1/09/07.*

ANALYSIS

• **Land Use and Zoning**

The designated General Plan Land Use designation for site has been L (Low Density Residential) on the Southeast Sector Plan. This request is not affected by any General Plan policies, as approval of the Variance will not affect the maximum density of 5.49 dwelling units per acre. The existing R-1 (Single Family Residential) zoning is in conformance with this land use designation.

Although the applicant has requested a lot width that is narrower than what Title 19.08.040 allows, the resulting lots still exceed the minimum lot size required for the R-1 (Single Family Residential) Zoning District and have enough width at the street front to provide adequate site access.

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.

Based upon the particular shape of the site, the ability to maintain the L (Low Density Residential) land use of 5.49 units-per-acre, the ability to maintain the R-1 (Single Family Residential) Zoning District setbacks and lot size; and the previous approval, staff has no objection to this Variance request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

ASSEMBLY DISTRICT 11

SENATE DISTRICT 10

NOTICES MAILED 151 by City Clerk

APPROVALS 0

PROTESTS 4