



**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 22, 2008**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-27734 - APPLICANT/OWNER: BANI GRANADOS**

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

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a parcel map has been approved and recorded. An Extension of Time may be filed for consideration by the City of Las Vegas.

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

**PROJECT DESCRIPTION**

This is a request for a Variance to allow two 57-foot wide lots where 65-foot wide lots are the minimum required at 170 Pecos Street. The applicant is requesting this Variance in order to complete a three-lot residential Parcel Map. The applicant has provided demonstration of adequate setbacks, but has not shown the proposed dwellings on the site.

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

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/04/03	A Code Enforcement Case (#6436) was initiated to resolve numerous inoperable vehicles parked in the back yard of the subject property which were visible from the street. This case was resolved 01/16/04.
05/10/05	A Code Enforcement Case (#29823) was initiated to stop the operation of a Salvage/Auto Storage Yard in a residential area. This case was resolved 05/11/05.
06/08/05	A Code Enforcement Case (#30768) was initiated to stop the operation of a Salvage/Auto Storage Yard in a residential area. This case was resolved 08/10/05.
08/23/07	The Planning and Development Department received an application for a Parcel Map (PMP-24173) for a three-lot residential subdivision on 0.71 acres located approximately 225 feet south of Sunrise Avenue, between Pecos Street and Pearl Street.
04/02/08	The City Council approved a Variance (VAR-25459) to allow two 58.86-foot wide lots where 65 feet is required at 170 North Pecos Street. This request was incorrect and therefore a new Variance (VAR-27734) request for two 57-foot wide lots where 65 feet is required has been submitted.
<b><i>Related Building Permits/Business Licenses</i></b>	
1959	The existing single family residence was constructed at 170 North Pecos Street.
04/16/01	A building permit (#1006481) was issued for a wood fence at 170 North Pecos Street. This permit expired on 10/13/01 and has not received a final inspection.

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<b><i>Pre-Application Meeting</i></b>
A Pre-Application Meeting was held to discuss the process of submitting a Variance for lot width. The applicant is requesting a Variance for two 57- foot lot widths where 65 feet is required.

<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting was not required, nor was one held

<b><i>Field Check</i></b>	
01/25/08	<p>A field check was performed by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• There is an existing house on the west side of this property.</li> <li>• There are vacant lots to the north and south of this property.</li> <li>• A sidewalk is located on the west side of the subject property, but no sidewalk is located along east side (North Pearl Street) of the subject property.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.71

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

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

**DEVELOPMENT STANDARDS**

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

**Zoning District:**

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	7,654 SF	Y
Min. Lot Width	65 Feet	57 Feet	*N
Min. Setbacks			
• Front	20 Feet	20 Feet	TBD*
• Side	5 Feet	5 Feet	TBD*
• Rear	15 Feet	15 Feet	TBD*

\* This Variance, if approved, will allow a 57-foot wide lot where 65 feet is required by Title 19.08.040.

\*\* It is reasonable to meet the R-1 (Single Family Residential) standards, but the application has not provided any building footprints to validate conformity to Title 19.08.

**ANALYSIS**

• **Land Use and Zoning**

The General Plan Land Use designation is L (Low Density Residential) and lies within the Southeast Sector Plan. The existing R-1 (Single Family Residential) zoning is in conformance with the L (Low Density) Residential Land Use Designation. This request is not affected by any General Plan policies. If this Variance is approved the density would be 4.28 dwelling units an acre, which is below the maximum density of 5.49 dwelling units per acre for the L (Low Density Residential) 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 this property has adequate site access from Pecos Street and North Pearl Street.

**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.

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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.

This proposed three-lot residential subdivision has an unusually narrow parcel that is able to maintain the required density for the L (Low Density Residential) land use designation of 5.49 units per acre. This proposed subdivision is also able to maintain the R-1 (Single Family Residential) Zoning District standards for setbacks and lot size. The intent of the R-1 (Single Family Residential) Zoning District and the General Plan Designation of L (Low Density Residential) are satisfied with this request; staff recommends approval of this request.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      5

**ASSEMBLY DISTRICT**                      11

**SENATE DISTRICT**                              10

**NOTICES MAILED**                              285

**APPROVALS**                                      0

**PROTESTS**                                        4