



AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 1, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-29242 - APPLICANT/OWNER: FRANK SWEENEY

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-1/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-25031) shall be required, if approved.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, 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 one off-street parking space where three off-street parking spaces are required on 0.14 acres at 2621 Brady Avenue. In addition to this application, the applicant has submitted a Special Use Permit (SUP-25031) for a proposed Halfway House for Recovering Alcohol and Drug Abusers with Waivers to allow a 300-foot separation from an existing Group Residential Care Facility where 1,500 feet is the minimum separation distance required and to allow a 6,136 square-foot lot where 6,500 square feet is the minimum required.

The subject property is an early 1960s single-family residential home, which has been in operation for several years as a Halfway House for Recovering Alcohol and Drug Abusers without the required City of Las Vegas license. The applicant has indicated in their justification letter that they would like to bring the property into compliance with City code. The subject property will house a total of six individuals and one administrator, which requires three off-street parking spaces. The site currently provides only one off-street parking space, which is a parking shortage of 67%. The Variance requested, in addition to the Special Use Permit submitted with multiple Waiver requests, are indications that the subject single-family home is not suitable for the proposed use; therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 08/11/03 | A Code Enforcement inspection (#2498) was conducted at 2621 Brady Avenue for running a Halfway House without a license. The site passed the inspection and the case was closed 08/15/03. |
| 07/26/04 | A Code Enforcement inspection (#19132) was conducted at 2621 Brady Avenue for vehicles in the front yard of the property and trash and debris in the front yard. The site passed the inspection and the case was closed on 08/02/04. |
| 05/23/06 | A Code Enforcement Citation (#40086) was issued against 2621 Brady Avenue for operating a Halfway House without a permit. This case is still open pending resolution. |
| 08/28/08 | <p>The Planning Commission recommended approval of companion item SUP-25031 concurrently with this application.</p> <p>The Planning Commission voted 6-1/bg to recommend APPROVAL (PC Agenda Item #30/dc).</p> |
| <i>Related Building Permits/Business Licenses</i> | |
| 10/18/99 | A building permit application was received for a patio cover/carport addition at 2621 Brady Avenue. The application was never fully processed and building permits were never issued. |

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| 01/13/00 | A building permit application was received for a room addition at 2621 Brady Avenue. The application was never fully processed and building permits were never issued. |
| 08/15/07 | A business license application (#N34-94502) was received for a non-profit sober living facility with up to ten residents at 2621 Brady Avenue. The license was denied as the use is not in conformance with the requirement of the Planning Department. |
| <i>Pre-Application Meeting</i> | |
| 06/17/08 | A pre-application meeting was held with applicant where elements of submitting a Special Use Permit and a Variance were discussed. |
| <i>Neighborhood Meeting</i> | |
| A neighborhood meeting was not held, nor was one required. | |

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|---------------------------|--|
| <i>Field Check</i> | |
| 08/05/08 | A field check was performed by staff at the subject property. The site was observed to be a typical early 1960s single-family home in decent repair with a gravel front yard containing a single tree. A single-car driveway was noted on the east side of the home extending into the rear lot area of the property, with several chairs and tables in the driveway against the side of the home. |

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| <i>Details of Application Request</i> | |
| <i>Site Area</i> | |
| Gross Acres | 0.14 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|---------------------------|-----------------------------|---------------------------------|
| Subject Property | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single-Family Residential | L (Low Density Residential) | R-1 (Single Family Residential) |

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

DEVELOPMENT STANDARDS

| <i>Parking Requirement</i> | | | | | | | |
|---|--|--|-----------------|--------------|-----------------|--------------|-------------------|
| <i>Use</i> | <i>Gross Floor Area or Number of Units</i> | <i>Parking Ratio</i> | <i>Required</i> | | <i>Provided</i> | | <i>Compliance</i> |
| | | | <i>Parking</i> | | <i>Parking</i> | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Halfway House for Recovering Alcohol and Drug Abusers | 6 Residents, plus 1 administrator | One space per 5 residents plus 1 space for the administrator | 3 | | 1 | | |
| TOTAL | | | 3 | | 1 | | N* |
| Percent Deviation | | | | | 67% | | |

* The applicant has submitted this Variance to allow one off-street parking space where three off-street parking spaces are required.

ANALYSIS

The site plans submitted for the existing single-family home depict a single-car wide driveway on the east side of the property. The driveway measures over 60 feet in length and can accommodate three parked vehicles in a tandem configuration. Title 19.10.010 states that no parking space shall be located so as to require the moving of any vehicle on the premises in order to enter or leave another parking space, except where permitted in commercial and industrial uses, not to exceed more than 30% of the spaces. The subject property is residential, and is therefore not subject to permissible tandem parking.

Additionally, at the time staff performed a site inspection of the subject property, several chairs and tables were placed in the driveway area adjacent to the area surrounding driveway entry door. This is further evidence that the subject property, in addition to lacking the required amount of parking, also lacks an appropriate amount of useable outdoor space for the residents. The parking Variance requested in addition to the Special Use Permit requested with multiple Waivers are indications that the subject single-family home is not suitable for the intensity of use associated with a Halfway House for Recovering Alcohol and Drug Abusers; therefore, staff recommends denial of this request.

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 not complying with City Code at the time the choice was made to operate a Halfway House for Recovering Alcohol and Drug Abusers. If the applicant were to review the requirements of City Code and then select a site based on understanding of the safeguards set forth in Title 19, the applicant could successfully operate the proposed use in 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.

PLANNING COMMISSION ACTION

Written petitions were submitted at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

NOTICES MAILED 363 by City Clerk

APPROVALS 1

PROTESTS 8