

AGENDA MEMO**PLANNING COMMISSION MEETING DATE: NOVEMBER 6, 2008****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAR-30789 - APPLICANT/OWNER: ESMIE FRANCIS**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to the conditions for Special Use Permit (SUP-30250), 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.

Public Works

3. Approval of this Variance of Title 19.10.010(J)(1)(a)(i) constitutes a Waiver of residential driveway standards to allow a curb cut of sufficient width for three vehicles to access this site from the abutting public street.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow three parking spaces to back onto a public street where two spaces is the maximum permitted on 0.15 acres at 919 Hazard Avenue. In addition to this application, the applicant has submitted a Special Use Permit (SUP-30250) for a proposed Group Residential Care Facility (maximum six adults) with a Waiver to allow an 830-foot distance separation from another Group Residential Care Facility where 1,500 feet is the minimum separation distance required.

The applicant is proposing a Group Residential Care Facility on the subject site to house six elderly patients who need assistance with care and the activities of daily living. Per Title 19.04 parking requirements, this necessitates three parking spaces. The subject site currently contains two uncovered driveway parking spaces. In order to provide three parking spaces, the applicant is proposing to add an additional uncovered driveway parking space adjacent to the current two-car wide parking area which will create three parking spaces that will back out onto the public right-of-way. Title 19.10.010(J)(1)(a)(i) limits residential the backing of a motor vehicle onto a public street to two spaces per property. This Variance request, in addition to the Special Use Permit submitted with a Waiver request, indicates 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> | |
|---|---|
| There are no prior relevant City actions associated with this property. | |
| <i>Related Building Permits/Business Licenses</i> | |
| 08/22/05 | A building permit (#46266) was issued for a fire sprinkler system at 919 Hazard Avenue. The permit was finalized on 12/27/07. |
| 02/15/06 | A building permit (#06001211) was issued for a home/tenant improvement remodel. This permit also changed the occupancy type of the property from single-family R-3 to a residential care/assisted living facility R-4 International Building Code category. The permit was finalized on 12/31/07. |
| 01/08/08 | A Non-Work Certificate of Occupancy (#104947) was issued for 919 Hazard Avenue. |
| 08/25/08 | A business license application (#A21-93833) was received for a six-bed elderly Group Residential Care Facility. The business license was denied 08/28/08 as it was determined the applicant would need to submit a Special Use Permit before license approval. |
| <i>Pre-Application Meeting</i> | |
| 09/08/08 | A pre-application meeting was held with the applicant where elements of submitting a parking Variance for a Group Residential Care Facility were discussed. |

DC

VAR-30789 - Staff Report Page Two
November 6, 2008 - Planning Commission Meeting

| <i>Neighborhood Meeting</i> | |
|---|--|
| A neighborhood meeting was not held nor was one required. | |
| <i>Field Check</i> | |
| 09/30/08 | A field check was performed by staff at the subject property. The property was observed to be a well-kept, two-story single-family home with generally mature front yard landscaping. No Group Residential Care Facility activities were observed at the property at the time of the field check and the property appeared unoccupied. |

| <i>Details of Application Request</i> | |
|---------------------------------------|------|
| <i>Site Area</i> | |
| Gross Acres | 0.15 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|----------------------|-------------------------|-----------------------------|---------------------------------|
| Subject Property | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single-Family Residence | 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 | | | |
| A-O Airport Overlay District (105 Feet) | X | | Y* |
| 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 |

* The subject property is located within the North Las Vegas Airport Overlay Map within the 105-foot height limitation contour. The building located on the subject property does not extend beyond this limitation.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

| <i>Parking Requirement</i> | | | | | | | |
|---------------------------------|--|---|----------------|--------------|-----------------|--------------|-------------------|
| <i>Use</i> | <i>Gross Floor Area or Number of Units</i> | <i>Required</i> | | | <i>Provided</i> | | <i>Compliance</i> |
| | | <i>Parking Ratio</i> | <i>Parking</i> | | <i>Parking</i> | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Group Residential Care Facility | 6 Residents | 1 Space / 5 Residents, Plus 1 space for the Administrator | 3 | | 3 | | |
| TOTAL | | | 3 | | 3 | | N* |

* While the applicant has provided three off-street parking spaces where three are required, however the parking configuration does not meet Title 19.10 standards. Title 19.10 permits two spaces per residential property to back onto a public street, where the applicant provides three spaces which back out onto a public street. The applicant has filed this Variance to allow three parking spaces to back onto a public street where two spaces is the maximum permitted.

ANALYSIS

The site plan submitted for the existing single-family home indicates an existing two-car wide uncovered driveway parking area. The plan also indicates that a third parking space will be added adjacent to the south side of the existing driveway parking area, creating a three-car wide driveway. Title 19.10.010(J)(1)(a)(i) states that the backing of a motor vehicle onto a public street from a parking area shall be prohibited, except for residential parking facilities not exceeding two spaces per property. The code requirement exists to minimize the potential pedestrian conflict from vehicles crossing the sidewalk area, and allowing excessive driveway width may negatively impact pedestrian traffic. The applicant is attempting to meet Title 19.04 parking requirements for a six-person Group Residential Care Facility; however, the configuration is not in conformance with the requirements of Title 19.10. 010(J)(1)(a)(i). This Variance indicates that the proposed intensity of Group Residential Care Facility is not suitable for the existing single-family property; therefore, staff recommends denial of this application.

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;

VAR-30789 - Staff Report Page Four
November 6, 2008 - Planning Commission Meeting

- 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 a use which is too intense for the proposed site, and therefore, cannot meet the minimum requirements of Title 19. A reduction in scope of the proposed use to five adults would allow the existing two-car driveway parking configuration to conform to the Title 19 requirements, as only two parking spaces would be required for a five-person Group Residential Care Facility. 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 17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 274

APPROVALS 2

PROTESTS 2