



AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 5, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-29428 - APPLICANT/OWNER: ROBERT D. LAWSON

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (6-0-1/vq vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-15411), Variance (VAR-29430) and Site Development Plan Review (SDR-29426) shall be required, if approved.
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

This is a request for a Variance to allow an eight-foot rear yard setback where 15 feet is required, to allow a two-foot corner side yard setback where 10 feet is required, and to allow a 40-foot setback where Title 19.08.060 Residential Adjacency standards require 50 feet for a proposed 3,132 square-foot two-story Office on 0.17 acres, located at 1148 South Maryland Parkway. The proposed request has been deemed to be a self-imposed hardship resulting from the overbuilding of the subject site; therefore, staff is recommending denial of the Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/17/06	The City Council approved a General Plan Amendment (GPA-12043) to amend a portion of the Southeast Sector Plan from SC (Service Commercial) and L (Low Density Residential) to O (Office) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Rezoning (ZON-15411) request from R-1 (Single Family Residential) to P-R (Professional Office And Parking) at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval.
10/04/06	The City Council approved a Site Development Plan Review (SDR-15409) request for the conversion of a 1,051 square-foot residence to an office building and a Waiver of the landscape buffer requirements at 1148 South Maryland Parkway. Planning Commission and Staff recommended approval. The residence has since been demolished and this Site Development Plan no longer applies.
09/25/08	The Planning Commission recommended approval of companion item VAR-29430 and SDR-29426 concurrently with this application. The Planning Commission voted 6-0-1/vq to recommend APPROVAL (PC Agenda Item #26/sg).
<i>Related Building Permits/Business Licenses</i>	
08/14/07	A building permit was issued to demolish the existing single family dwelling (H#95978).
<i>Pre-Application Meeting</i>	
07/23/08	Discussed the parking and development standards based on the proposed use and existing zoning and General Plan designation. Also discussed the requirement for required Variances and Waivers required for the application.
<i>Field Check</i>	
08/19/08	A field check of the site was performed by staff. The site is noted to be undeveloped. Existing perimeter walls do not appear to meet the minimum requirements of Title 19.08.075.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.17

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned Land Use</i>	<i>Existing Zoning</i>
Subject Property	Undeveloped	O (Office)	R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking)
North	Single Family Residential and Office	L (Low Density Residential) and O (Office)	R-1 (Single Family Residential) and P-R (Professional Office and Parking)
South	Office	S-C (Service Commercial)	C-D (Designed Commercial)
East	Park	PR-OS (Parks / Recreation / Open Space)	C-V (Civic)
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

Pursuant to Title 19.08.050, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Front	20 Feet	57 Feet	Y
• Side	5 Feet	12 Feet	Y*
• Corner	15 Feet	2.1 Feet	N
• Rear	15 Feet	8 Feet	N
Max. Lot Coverage	50%	27.8%	Y
Max. Building Height	Lesser of 2 stories or 35 feet	19.75 Feet	Y
Trash Enclosure	Screened, Enclosed	Not Shown	N/A
Mech. Equipment	Screened	Screened	Y

**Submitted plans indicate development beyond the west property line of the subject site, onto the adjoining residential property for landscape only; the setback is measured to the property line.*

Pursuant to Title 19.08.06, the following Residential Adjacency Standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	50 Feet	40 Feet	N*
Adjacent development matching setback	5 Feet (side) 15 Feet (rear)	10 Feet (side) 8 Feet (rear)	Y N
Trash Enclosure	50 Feet	Not shown	N/A

**The applicant has requested a reduction of 10 feet, or a 20% deviation from, the Residential Adjacency setback requirement as part of this application.*

ANALYSIS

The applicant is requesting a Variance to allow an eight-foot rear yard setback where 15 feet is required, a two-foot corner side yard setback where 10 feet is required, and a 40-foot setback where 50 feet is required by Residential Adjacency standards for a proposed 3,132 square-foot two-story Office. A related Site Development Plan Review (SDR-29426) for a proposed 3,132 square-foot two-story Office will be heard concurrently with the subject Variance. An additional Variance (VAR-29430) will be heard concurrently, to allow seven parking spaces where 11 are required. The deviation for the associated parking Variance (VAR-29430) is 36%. The subject Variance has demonstrated that the applicant has created a self-imposed hardship; therefore, staff recommends denial of the subject Variance.

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 overbuilding the subject site. Alternative site design would allow 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.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 302 by City Clerk

APPROVALS 1

PROTESTS 2