



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 1, 2009
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-32541 - APPLICANT/OWNER: MARQUIS NAVE

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Only the rear yard setback as noticed is approved.
2. The development shall be in conformance with the submitted plans dated stamped 2/03/2009.
3. 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 a 10-foot rear yard setback where 20 feet is required for a proposed single-family home on 0.08 acres at the southeast corner of "C" Street and Jackson Avenue. The subject Variance represents a deviation of 50 percent. An associated Rezoning (ZON-33283) accompanies the subject Variance, which seeks to change the zoning from C-2 (General Commercial) to R-3 (Medium Density Residential). The subject lot is 0.08 acres in size or 3,485 square feet, whereas the typical lot size in an R-3 (Medium Density Residential) district is 6,500 square feet. The unusual lot size poses a hardship to the property owner. Construction of a single-family home would be difficult without approval of the subject Variance. Variances are necessary in these types of situations, as a 10-foot rear yard setback would provide relief from the required 20-foot setback. The applicant has demonstrated that the existing site presents a unique hardship and physical difficulty meeting Title 19 requirements; therefore, staff is recommending approval of the subject Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
04/14/04	A Citation (#12814) was issued by Code Enforcement for trash, debris, high weeds, outside storage, and inoperable vehicles. The issue was resolved on 08/05/04.
11/18/05	A Citation (#36424) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 12/02/05.
06/25/07	A Citation (#54694) was issued by Code Enforcement for raw sewage located in the side yard. The issue was resolved on 06/28/07.
08/14/07	A Citation (#56714) was issued by Code Enforcement for fire damage. The issue was resolved on 10/12/07.
09/25/08	A Citation (#70076) was issued by Code Enforcement for rubble and concrete on a vacant lot. The issue was resolved on 10/20/08.

01/22/09	The Planning Commission approved a request by the applicant to have the subject Variance (VAR-32541) to allow a five-foot side yard setback where 10 feet is required, to allow a 11-foot corner side yard setback where 15 feet is required and to allow a 10-foot rear yard setback where 20 feet is required; Special Use Permit (SUP-32543) for a proposed Mixed-Use development with a Waiver to allow no Architectural Differentiation of Uses and Site Development Plan Review (SDR-32540) for a proposed 2,212 square-foot mixed-use development with Waivers to allow a residential adjacency setback of five feet where 81 feet is required, to allow a Waiver of Building Placement and Orientation Standards and Waivers of the perimeter landscape buffer requirements to allow a portion of the north and west perimeter to be zero feet where 15 feet is required, to allow a portion of the east perimeter to be three feet where 15 feet is required and to allow a portion of the south perimeter to be 10 feet where 15 feet is required on 0.08 acres at the southeast corner of C Street and Jackson Avenue be held in abeyance until the February 26, 2009 Planning Commission meeting. The applicant has submitted a request to withdraw Special Use Permit (SUP-32543) and Site Development Plan Review (SDR-32540) without prejudice.
02/26/09	The Planning Commission recommended approval of companion item ZON-33823 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/bts).

<i>Related Building Permits/Business Licenses</i>	
12/24/07	A Building Permit (#104678) was issued for a demolition permit for an existing residence due to fire damage. The building was demolished and a final inspection was completed on 01/02/09. The building permits indicate that the house burned to the ground on 08/04/07.

<i>Pre-Application Meeting</i>	
01/29/08	A meeting was held to discuss the requirements of the subject Variance and the related Rezoning application.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
12/22/08	A field check was completed on the indicated date. The site is currently vacant. A single-family dwelling was once on the subject site, but has since been demolished.

Details of Application Request	
Site Area	
Net Acres	0.08

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	MXU (Mixed Use)	C-2 (General Commercial) Proposed: R-3 (Medium Density Residential)
North	Single-Family Dwelling	MXU (Mixed Use)	R-3 (Medium Density Residential)
South	Duplex	MXU (Mixed Use)	C-2 (General Commercial)
East	Single-Family Dwelling	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
West Las Vegas Plan	X		Y

Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District 175 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

Redevelopment Plan Area The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area. The proposed uses are in conformance with Redevelopment Plan goals and policies.

Airport Overlay District The site is within the 175-foot height limitation contour of the North Las Vegas Airport Overlay Map portion of the A-O (Airport Overlay) District. The proposed building is indicated at a height of 27 feet. The proposed building will not impact the 175-foot Airport Overlay height restriction.

West Las Vegas Neighborhood Plan The subject site is within the West Las Vegas Plan area. The proposed Rezoning conforms with the intent of the West Las Vegas Plan. Specifically, the West Las Vegas Plan, Goal 3, Recommendation 3.2 states: Encourage market rate infill housing consistent with the character of existing residential areas. The proposed Rezoning of the subject parcel and development of the proposed single-family home helps to further the goals and recommendations of the West Las Vegas Plan, by promoting the development of single-family homes in an area that is compatible with existing single-family homes.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards are proposed:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	3,485 SF	Y*
Min. Lot Width	N/A	51 feet	Y
Min. Setbacks			
• Front (north property line)	20 feet	22 feet	Y
• Side (east property line)	5 feet	5 feet	Y
• Corner (west property line)	5 feet	11 feet	Y
• Rear (south property line)	20 feet	10 feet	N*
Max. Lot Coverage	50%	35%	Y
Max. Building Height	2 stories or 35 feet, whichever is less	27 feet	Y
Trash Enclosure	Screened	Screened	Y
Mech. Equipment	Screened	Screened	Y

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>% of Deviation</i>
Percent Deviation			
• Rear (south property line)	20 feet	10 feet	50%

* The applicant has failed to meet the minimum development standards for rear yard setbacks in an R-3 (Medium Density Residential) district. The subject Variance represents a deviation of 50 percent. Also, the minimum lot size in an R-3 (Medium Density Residential) zoning designation is 6,500 square feet. The existing lot size is 3,485 square feet thereby making the lot legal non-conforming.

ANALYSIS

The applicant is requesting a Variance to allow a 10-foot rear yard setback where 20 feet is required for a proposed single-family dwelling. An associated Rezoning (ZON-33283) application accompanies the subject Variance, which proposes to change the existing zoning designation from C-2 (General Commercial) to R-3 (Medium Density Residential). The current C-2 (General Commercial) zoning designation does not allow single-family residences, whereas an R-3 (Medium Density Residential) zone would allow for a single-family residence. The subject lot size of 0.08 acres or 3,485 square feet would not adequately accommodate the proposed single-family dwelling. The proposed 10-foot Variance is appropriate given the current constraints of the subject site. The applicant has demonstrated that the existing site presents a unique hardship and physical difficulty meeting Title 19 requirements; therefore, staff is recommending approval 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.

The applicant has successfully presented evidence of a unique or extraordinary circumstance in that this site cannot physically accommodate a reasonable single-family residence due to the irregular size of the lot. The subject lot is 3,015 square feet smaller than the 6,500 square-foot minimum lot size in typical R-3 (Medium Density Residential) zoning districts. The relief granted will not create any substantial detriment to the public good, substantial impairment of affected natural resources or substantially impair the intent and purpose of any ordinance or resolution. Therefore, staff recommends approval of this request.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 and 2 as shown to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 147 by City Clerk

APPROVALS 1

PROTESTS 3