

**AGENDA MEMO****CITY COUNCIL MEETING DATE: MAY 5, 2010****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: DESERT FOREST, LLC**

THIS ITEM WAS HELD IN ABEYANCE FROM THE APRIL 21, 2010 CITY COUNCIL MEETING AT THE REQUEST OF COUNCIL

**** CONDITIONS ****

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

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-37415) shall be required.
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.
3. Building permits are required for all structures at the subject site. Permits shall be obtained prior to construction for the proposed accessory structure, and within 60 days of final approval for the existing structures.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance for multiple accessory structures, where the total floor area of the multiple accessory structures exceeds 50 percent of the floor area of the main dwelling unit on a developed single-family residential lot at 6832 Thom Boulevard. Two of the structures are existing Class II accessory structures that currently do not have building permits. A third structure is a proposed Class I accessory structure for guests. The subject site is a large lot zoned R-E (Residence Estates), which allows some rural uses, including horse corrals and livestock farming. These types of uses often require accessory structures that exceed maximum building area allowed by Title 19. As such, the applicant has presented evidence of an extraordinary circumstance, and staff is recommending approval.

ISSUES

- The combined area of all existing and proposed accessory structures is 6,876 square feet, which exceeds the 1,598 square feet allowed. These three accessory structures equal 6,876 square feet and is 330% larger than 50% of the floor area of the principal dwelling unit.
- Approval of this request is required to approve an associated request for a Special Use permit (SUP-37415) for a 1,360 square-foot Accessory Structure (Class I), and to allow the existing Accessory Structures (Class II) to remain as they are.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
05/12/64	The Board of City Commissioners approved a request for Annexation (A-0003-64) by Ordinance #1137 of 5,000 acres located north of Lone Mountain Road and west of Decatur Boulevard on 5/06/64.
07/23/08	A deed was recorded to show a change in ownership.
03/25/10	The Planning Commission recommended APPROVAL of companion item SUP-37415 concurrently with this application. The Planning Commission (7-0 vote) recommended APPROVAL (PC Agenda Item #18/jg).
<i>Related Building Permits/Business Licenses</i>	
05/12/93	A building permit (#93186617) was issued for a single family residence at 6832 Thom Boulevard. The permit was finaled on 9/02/93.
11/16/99	A building permit (#99022045) was issued for a garage conversion at 6832 Thom Boulevard. The permit was finaled on 12/15/00.
10/31/00	A building application (# 3895799) was submitted for a detached building; no permit was issued.

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01/16/01	A building permit (#01000717) was issued for a 373 square-foot patio enclosure at 6832 Thom Boulevard. The permit was finalized on 2/14/02.
12/17/09	A building application (# 153299) was submitted for an 840 square-foot Accessory Structure (Class I) at 6832 Thom Boulevard. The application was denied because a Special Use Permit is required.

<i>Pre-Application Meeting</i>	
1/25/10	A pre-application meeting was held with the applicant, where elements of a Variance for multiple accessory structures to exceed fifty percent of the size of the principal dwelling and a Special Use Permit for a Accessory Structure (Class I) were discussed. The topics included: The submittal of application materials, meeting dates, and deadlines were discussed at the pre-application meeting.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	
<i>Field Check</i>	
02/18/10	Staff conducted a site visit and noted a well maintained single family residence on a large rural lot.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)
North	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)
South	Undeveloped	ML (Medium-Low Density Residential)	R-E (Residence Estates)
East	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)/R-1 (Single Family Residential)
West	Single Family Residence	ML (Medium-Low Density Residential)	R-E (Residence Estates)

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<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		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08.040, the following development standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	109,723 SF	Y
Min. Lot Width	100 feet	338 feet	Y
Min. Setbacks (Accessory Structures)			
• Front	Not Allowed	N/A	N/A
• Side (N)	3 Feet	35 Feet	Y
• Side (S)	3 Feet	4 Feet	Y
• Rear	3 Feet	26 Feet	Y
Min. Distance Between Buildings	6 feet	96 feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	Lesser of 2 stories, 35 feet or the height of the principal building	21 Feet	Y
Max. Floor Area (Accessory Structures)	1,598 SF	6,876 SF	N

ANALYSIS

The applicant is requesting a Variance to allow three accessory structures (two non-permitted existing Accessory Structures, (Class II), that total 5,516 square feet and a proposed Accessory Structure (Class I) of 1,360 square feet) to exceed Title 19 requirements for floor area. Per Title 19.08.040, the total area of all accessory structures shall not exceed fifty percent of the principal dwelling, which is 3,196 square feet. This would allow a combined building area for accessory structures up to 1,598 square feet. The combined area of the three accessory structures is 6,876 square feet, which is a 330% increase in square-footage above what is permitted by code.

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The site is 2.52 acres and zoned R-E (Residence Estates). The purpose of the R-E District is to provide for low density residential units located on large lots and conveying a rural environment. Typical R-E uses may require accessory structures that could be larger than the main dwelling unit, such as for Animal Keeping & Husbandry, Horse Corrals or Stables (Private) and Livestock Farming (Bovines/Horses). The property has a round pen, fenced horse corral and a garage converted to living space. Building permits are required for all structures. Permits shall be obtained prior to construction for the proposed accessory structure, and within 60 days of final approval for the existing structures. With these types of uses available for an R-E property, staff recommends approval.

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 19.18.070(L) 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 subject site is a large lot that is zoned R-E (Residence Estates), which allows rural uses including horse corrals and livestock farming. These types of uses often require accessory structures that exceed the maximum building area allowed by Title 19. As such, the applicant has presented evidence of an extraordinary circumstance, and staff is recommending approval.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 255 (By City Clerk)

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