



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 20, 2011

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GINIE W. HARRIS

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-41565	Staff recommends APPROVAL, subject to conditions:	
SUP-41564	Staff recommends APPROVAL, subject to conditions:	VAR-41565

** CONDITIONS **

VAR-41565 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-41564) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-41564 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Accessory Structure (Class I) use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-41565) shall be required.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.18. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to convert an existing 528 square-foot detached garage to an Accessory Structure (Class I). The existing structure encroaches eight inches into the required three-foot side yard setback of the property. Since this request does not jeopardize the health, safety and general welfare of the citizenry and the applicant has provided evidence of a unique or extraordinary circumstance related to the size and width of the lot, staff is recommending approval of these requests for a Variance and Special Use Permit. If denied, the applicant may be required to remove the structure as a building permit will not be able to be issued without an approved Variance.

ISSUES

- An Accessory Structure (Class I) is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit.
- A Variance is required to allow a two-foot, two-inch setback where a three-foot setback from the side yard is required.
- In regards to the Title 19.08.040 Single-Family Residential District Development Standards, the existing lot is legally, nonconforming as the 11,000 square-foot size and 71-foot width does not meet the minimum 20,000 square-foot lot size or 100-foot lot-width for the R-E (Residence Estates) zoning district.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
06/14/11	The Planning Commission voted (7-0) to recommend APPROVAL of companion items VAR-41565 and SUP-41564 (PC Agenda Items 41-42/mh).

<i>Most Recent Change of Ownership</i>	
08/11/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
01/22/07	A building Permit (#80219) issued over-the-counter for relocation of existing garage from Henderson. This permit did not receive a final inspection.
07/31/07	A building Permit (#94960) processed for a 528 square-foot casita at 3324 Hastings Avenue. This permit was not issued.

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<i>Pre-Application Meeting</i>	
04/25/11	A pre-application meeting was held with the applicant to discuss the process of converting an existing detached garage to an Accessory Structure (Class I). The applicant was notified of the requirement for a Variance to allow a two-foot side yard setback where a three-foot setback is required.

<i>Neighborhood Meeting</i>
A Neighborhood Meeting is not required, nor was one held.

<i>Field Check</i>	
05/05/11	Staff visited the site and found a Single Family, Detached dwelling with extensive landscaping and fencing. The existing Accessory Structure is not visible from the public right-of-way. The site appears to have suitable parking for at least three spaces with no visible issues noted with the property.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.25

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Utility Installation, Other Than Listed	PF (Public Facilities)	C-V (Civic)

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<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</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
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	11,058 SF	N
Min. Lot Width	100 Feet	71 Feet	N
Min. Setbacks (Accessory Structure)			
• Side	3 Feet	2 Feet	N
• Rear	3 Feet	4 Feet	Y
• Primary Structure	6 Feet	20 Feet	Y
Max. Building Height	12 Feet	10 Feet	Y
50% of the 2,223 SF Primary Structure	1,111 SF	528 SF	Y

Pursuant to Title 19.04, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
Single Family, Detached	1 Unit	2 spaces	2	N/A		N/A	
Accessory Structure (Class I)	1 Unit	1 space	1				
TOTAL SPACES REQUIRED			3		3		

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ANALYSIS

The proposed Accessory Structure, Class I use requires a Special Use Permit in the R-E (Residence Estates) zoning district with the following Minimum Special Use Permit Requirements: (1) The size of the lot or parcel must exceed 6,500 square feet, and (2) Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit. The existing lot does exceed the minimum 6,500 square-foot requirement for the Accessory Structure (Class I) use. The principal dwelling is currently owner-occupied. In regards to the Title 19.08.040 Single-Family Residential District Development Standards, the existing lot is legally nonconforming, as the 11,000 square-foot size and 71-foot width do not meet the minimum 20,000 square-foot lot size or 100-foot lot-width for the R-E (Residence Estates) zoning district. The visual impact of the proposed use is minimized by its location and size and is not visible from the street. As such, staff recommends approval of the requested Variance and Special Use Permit for the requested Accessory Structure, Class I use.

FINDINGS (VAR-41565)

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.”

Evidence of a unique circumstance has been presented, in that the existing property is an irregularly shaped lot with a property width that is 71 feet wide where a minimum 100-foot width is typically required, thereby creating a lot which narrows significantly and impacts the ability for development on the lot. This condition was created prior to the development standard when the subject lot was subdivided from the parent lot to the east and does not jeopardize the health, safety and general welfare of the citizenry; therefore staff recommends approval of this request.

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FINDINGS (SUP-41564)

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1.The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

The proposed Accessory Structure (Class I) use will occur within an existing detached garage, and is compatible with the DR (Desert Rural Density Residential) General Plan designation and R-E (Residence Estates) zoning district. The proposed use can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2.The subject site is physically suitable for the type and intensity of land use proposed.

The subject site is physically suitable for the type and intensity of land use proposed. The 528 square-foot accessory structure is 23 percent of the 2,223 square-foot principal dwelling unit. The main aggregate total of the ground floor area of the proposed accessory structure covers 15 percent of the rear yard. The existing structure encroaches into the three-foot side yard setback by eight-inches. A Variance accompanies this request and is recommended for approval due to the unique narrowness of the lot created when the lot was subdivided.

3.Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

The site is accessed by Hastings Avenue, a 60-foot wide local street, located within a residential subdivision. The proposed use is not expected to affect traffic in the area and the right-of-way will be adequate to accommodate it and the existing uses on the property.

4.Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

Approval of the proposed Accessory Structure (Class I) use will not jeopardize the public health, safety or welfare, as it will be subject to permit review and inspection prior to completion.

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5.The use meets all of the applicable conditions per Title 19.04.

The proposed Accessory Structure (Class I) use meets the two conditions of Title 19.04, in that the 11,058 square-foot lot exceeds the minimum 6,500 square-foot lot-size requirement and that the property owner resides within the primary structure.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 109 (By City Clerk)

APPROVALS 1

PROTESTS 0