



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 27, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - VAR-35038 - APPLICANT/OWNER: GLEN A. BECKNER & CATHERINE BECKNER

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. The applicant shall obtain a demolition permit from the Building and Safety Department and remove the existing accessory structure within 30 days of final action.
2. This approval shall be void two years from the date of final approval, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance for a proposed metal Accessory Structure (Class II) with a height of 18 feet where 17 feet is the maximum height allowed, to allow a total area of 2,140 square feet where 1,226 square feet is the maximum area allowed for all accessory structures in the rear yard, and to allow an accessory structure to not be aesthetically compatible with the principle dwelling unit, which has a stucco finish. The subject site is a well-maintained single-family residence located at 638 Lacy Lane. If denied, the proposed accessory structure will have to be redesigned to comply with the requirements of Title 19 prior to the issuance of any building permit. The proposed structure will not be compatible with either the existing residence at the subject site, or the development on adjacent residential lots. The applicant has provided no evidence of unique or extraordinary circumstances and has created a self-imposed hardship by proposing a structure that does not meet the requirement of Title 19.08; therefore, staff is recommending denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/20/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) from L (Low Density Residential) to DR (Desert Rural Density Residential) on property located in the general vicinity of the Charleston Boulevard/Rancho Drive intersection. The Planning Commission and staff recommended approval.
08/13/09	The Planning Commission abeyed a request for a Variance (VAR-35038) for a proposed metal Accessory Structure (Class II) with a height of 18 feet where 17 feet is the maximum height allowed, to allow a total area of 2,140 square feet where 1,226 square feet is the maximum area allowed for all accessory structures in the rear yard, and to allow an accessory structure to not be aesthetically compatible with the principle dwelling unit, which has a stucco finish.
<i>Related Building Permits/Business Licenses</i>	
10/20/08	A building permit (#125370) was issued for a two-foot block wall located in the front yard at 638 Lacy Lane. The building permit received final approval on 10/20/08.
11/14/08	A building permit (#127220) was issued for a six-foot block wall located in the rear yard at 638 Lacy Lane. The building permit received final approval on 11/14/08.
03/13/09	A building permit (#135517) was issued for an electrical upgrade from the existing 200 amp to 400 amp for a future detached workshop. The building permit received final approval on 03/13/09.

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<i>Pre-Application Meeting</i>	
06/12/09	A pre-application meeting was held where the submittal requirements for a Variance were discussed.

<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
07/09/09	Staff performed a routine field check where a well-maintained single-family residence was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Las Vegas Valley Water District (Offices, Parking Lot, Park)	PF (Public Facilities)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O Airport Overlay District -175 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Per Title 19.08.040(B)(1) for Accessory Structures

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	21,004 SF	Y
Min. Lot Width	100 Feet	89 Feet	N*
Min. Setbacks • Front • Side • Corner • Rear	N/A 3 Feet N/A 3 Feet	N/A 5 Feet N/A 7 Feet	 Y Y
Min. Distance Between Buildings	6 Feet	17 Feet	Y
Max. Lot Coverage	50%	21%	Y
Max. Building Height	17 Feet	18 Feet	N

*The existing lot is legally non-conforming for lot width.

Variance			
Standard	Required/Allowed	Provided	Percent of Deviation
Per Title 19.08.040(B)(c) The total floor area of all accessory structures shall not exceed fifty (50) percent of the floor area of the principal dwelling unit constructed on the same lot.	1,226 SF Maximum	2,140 SF	75%
Per Title 19.08.040(B)(f) An accessory structure must be aesthetically compatible with the principal dwelling unit.	Stucco, Painted Same Color as Primary Residence.	Corrugated Metal, Painted to Match Primary Residence	N/A
Per Title 19.08.040(B)(b) A detached accessory structure shall not exceed two stories in height (with a maximum of 35 feet), or the height of the main building, whichever is less.	17 Feet Maximum	18 Feet	6%

ANALYSIS

The requested Variance for a proposed Accessory Structure (Class II) does not meet the requirements of Title 19 for total area, height and aesthetic compatibility. The applicant submitted photographs on 08/14/09 illustrating a 110 square-foot laundry room that had been

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converted from a portion of the existing garage. This laundry room can be calculated as part of the overall square-footage of the dwelling unit, increasing the size of the house from 2,342 square-feet to 2,452 square-feet. The increase has only reduced the percent of deviation and is still not in compliance with Title 19. Per Title 19.08.040, the total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit.

The structure will not be compatible or harmonious with development in the surrounding area, and the applicant has provided no evidence of unique or extraordinary circumstances to substantiate the request. As the applicant has created a self-imposed hardship by proposing a structure that does not meet the requirement of Title 19.08, staff is recommending denial of this request.

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 proposing an accessory structure that exceeds the allowable square-footage, height requirement, and is aesthetically incompatible with the principle dwelling unit, as required by Title 19. Alternative design for the proposed accessory structure 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.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 95

APPROVALS 6

PROTESTS 1