



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JULY 29, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: DENISE RICHARDSON

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38560	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-38560 CONDITIONS

Planning and Development

1. This approval shall be void two years from the date of final approval, unless a building permit has been issued for new construction. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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 Building and Safety Department.
3. The proposed fifteen-foot wide drive shall be constructed with either asphalt or concrete.
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.

Public Works

6. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance (VAR-38560) for a 1,400 square-foot Accessory Structure (Class II) on a single-family residential lot at 3304 Theresa Way. The proposed structure is a pre-fabricated metal building with a restroom, but no kitchen. It would be used as a garage. As the applicant has provided no evidence of a unique circumstance pursuant to Title 19.18.070 that would substantiate the requested Variance, staff is recommending denial. Staff cannot support this Variance request since the hardship is self-imposed by the design of the accessory structure. If this application is denied, the accessory structure would not be permitted.

ISSUES

- A Variance is required to allow an Accessory Structure (Class II) that exceeds 50 percent of the floor area of the main dwelling, exceeds the height of the main dwelling and is not aesthetically compatible with the main dwelling.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
No relevant city actions have occurred at this location.	

<i>Most Recent Change of Ownership</i>	
09/02/09	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
08/26/75	A building permit (3746) was issued for a one-story 1,592 square-foot single family residence at 3304 Theresa Way. The permit was finaled in 1976.
07/16/01	A building permit (1012874) was issued for 531-foot by 6-foot and 42-foot by 2-foot block walls at 3304 Theresa Way. The permit was finaled on 09/14/01.
08/13/01	A building permit (1014591) was issued for a 42-foot by 2-foot ornamental iron fence at 3304 Theresa Way. The permit was finaled on 09/18/01.

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<i>Pre-Application Meeting</i>	
05/10/10	A pre-application meeting was held with the applicant where elements of submitting a Variance to allow an Accessory Structure (Class II) which exceeds 50% of the floor area of the principal dwelling and Accessory Structure (Class II) which exceeds the height of the principal dwelling were discussed.

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

<i>Field Check</i>	
06/24/10	Staff conducted a site visit and noted a single family residence on a large rural lot that is storing a commercial dump trailer, two enclosed trailers, a flat-bed trailer and mounds of decorative rock.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	1.07

<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 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	Single Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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Master Plan Areas	Yes	No	Compliance
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (35 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Per Title 19.08.040

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	46,612 SF	Y
Min. Lot Width	100 feet	152 feet	Y
Min. Setbacks (Accessory Structure)			
• Front	Not Allowed	N/A	N/A
• Side (R)	3 Feet	15 Feet	Y
• Side (L)	3 Feet	100 Feet	Y
• Rear	3 Feet	125 Feet	Y
Min. Distance Between Buildings	6 Feet	40 Feet	Y
Max. Building [floor area] Accessory Structure (Class II)	796 SF	1400 SF	N
Percent Deviation	76%		N
Max. Building Height-Accessory Structure	12 Feet	18 Feet	N
Percent Deviation	50%		N

ANALYSIS

The applicant is proposing an Accessory Structure (Class II) that does not meet Title 19 requirements. Per Title 19.08.040, the total area of all accessory structures shall not exceed fifty percent of the principal dwelling, which is 1,592 square feet. This would allow a building area for accessory structures up to 796 square feet. The area of the proposed accessory structure is 1,400 square feet, which is a 76% increase in square-footage above what is permitted by code. The building height of the proposed accessory structure is 18 feet, which is a 50% increase in height above what is permitted by code. The proposed structure is not aesthetically compatible with the main dwelling, being a painted metal building where the main dwelling is stucco. The applicant is also proposing a 15-foot wide decomposed granite driveway from the street to the accessory structure, which is not permissible by code. As the deviations from code do not stem from characteristics of the existing site, staff cannot support this request and recommends denial.

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FINDINGS (VAR-38560)

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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by designing an accessory structure without consideration of Title 19.08 minimum requirements. Alternate design of the proposed Accessory Structure (Class II) with regard to building area, height and materials would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s 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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NOTICES MAILED

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APPROVALS

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PROTESTS

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