

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: AUGUST 26, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: RONALD AND KIMBERLY MARX

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-38840	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

VAR-38840 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.These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
- 4.All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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Public Works

5. Connect to the public sewer system and abandon the existing septic tank system concurrent with on-site development activities.
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

The subject site is zoned R-E (Residence Estates) and consists of a vacant 2,034 square-foot single family residence with an existing 520 square-foot casita in the side yard. The applicant is proposing an additional 1,500 square-foot garage to store tools and materials while they remodel the primary structure. Title 19.08 allows accessory structures to be up to one half of the building area of the primary structure, be constructed of similar material and not to exceed the height of the primary structure. The proposed garage will require a Variance for all of these requirements as the building area is 1,003 square feet larger than permitted, the material to be used is metal as opposed to wood and stucco and the proposed height is four feet higher than the primary structure.

The applicant has provided no evidence of unique or extraordinary circumstances pursuant to Title 19.18.070 that would substantiate the request. The structure could be designed to meet the requirements of Title 19. Alternatively, the applicant could use a temporary storage container while the home is being remodeled to secure their tools and material. Staff recommends denial. If denied, no permits can be obtained for the proposed accessory structure.

ISSUES

- This Variance application consists of three requests: to exceed the allowed square footage by 1,003 square feet; to use a building material (metal) that is not compatible with the primary wood/stucco structure; and to permit the accessory structure to stand four feet higher than the primary structure.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
No actions are on file for this address.	

<i>Most Recent Change of Ownership</i>	
03/05/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
No actions are on file for this address.	

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<i>Pre-Application Meeting</i>	
06/30/10	A pre-application meeting was held where the submittal requirements for a Variance were discussed with the following items: • All drawings shall be to scale • Provide a site plan that depicts all structures on site (provide dimensions, include elevations for each with height) • Provide the height of the main dwelling and of the accessory structures • Accessory structures must be aesthetically compatible with the principal dwelling unit • Metal buildings, no stucco

<i>Neighborhood Meeting</i>	
No neighborhood meeting is required nor was one held for this application. However, the applicant has submitted two signed approval letters from two of their neighbors.	

<i>Field Check</i>	
07/22/10	Staff inspected the site and took photographs. The property was vacant with both structures boarded and the grounds were found to be in an un-kept condition.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.48

<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 Residential	ML (Medium Low Density Residential)	R-E (Residential Estates)
North	Single Family Residential	ML (Medium Low Density Residential)	R-E (Residential Estates)
South	Undeveloped	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
East	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Single Family Residential	ML (Medium Low Density Residential)	R-2 (Medium-Low Density Residential)

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DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	20,473 SF	Y
Min. Lot Width	100 Feet	123 Feet	Y
Min. Setbacks			
• Front	50 Feet	38 Feet	N
• Side	10 Feet	22 Feet	Y
• Rear	35 Feet	70 Feet	Y
Min. Distance Between Buildings	6 Feet	10 Feet	Y
Max. Building Height (accessory structure)	10 feet	14 Feet	N

Pursuant to Title 19.10, 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 Residential	1 Units	2 spaces per Unit	2		2		Y
TOTAL SPACES REQUIRED			2		2		Y
TOTAL (With Handicapped)			2	0	2		Y

ANALYSIS

Title 19.08 requires accessory structures in residential areas not to exceed 50% of the building area of the primary structure. In addition, the accessory structure is to be built using similar material as the primary structure and not to exceed the height of the primary structure. This application is requesting a 200% deviation from the allowable square footage, a 100% deviation from the building material requirement and a 29% deviation from the allowed height of an accessory structure. All of these deviations are self-imposed hardships. The proposed structure could be designed to meet all Title 19.08 requirements. Therefore, staff recommends denial of the request.

FINDINGS (VAR-38840)

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:

YK

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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 proposing a 1,003 square foot larger accessory structure than permitted by Code. Design of a 497 square foot accessory structure 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 635

APPROVALS 2

PROTESTS 1