



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NELSON FAMILY TRUST

**** STAFF RECOMMENDATION ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-X48706	Staff recommends DENIAL, if approved subject to conditions:	N/A

**** CONDITIONS ****

VAR-48706 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. 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.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. The existing accessory structures (sheds) located at the northwest corner of the site shall be removed or relocated within 30 days of final action on this entitlement request.
5. 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. Contact the Southern Nevada Health District (SNHD), Environmental Health Division, to obtain written approval showing compliance with the existing individual sewage disposal system (ISDS or septic tank system), prior to the issuance of any building permits. Alternatively, connect to public sewer and abandon the ISDS according to SNHD regulations.
6. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this structure.
7. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths 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 drainage ways as recommended.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is seeking a Variance to allow a four-foot side yard setback for a proposed 900-square-foot Accessory Structure (Class II) where a 10-foot side yard setback is required. The proposed structure will function as a detached garage for the single-family dwelling located on a half-acre R-E (Residential Estates) zoned lot at 2221 Rosanna Street. Staff recommends denial of this request, as the location and the size of the proposed structure has created a self-imposed hardship.

ISSUES

- The side yard setback for the R-E (Residential Estates) zoning district was increased from three feet to 10 feet in relation to the animal use text amendments completed in 2012.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/19/12	The City Council adopted Ordinance #6229, which amended Tables 2 and 3 of the LVMC 19.06.050. This amendment was a component of a larger request to amend language regarding animal related uses. The amended tables affected the R-E (Residential Estates) District Accessory Structures and Building Height by increasing the previous three-foot side yard setback for Accessory Structures to 10 feet. The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
04/07/99	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/22/97	A building permit (#97-008096) was issued for a single family dwelling at 2221 Rosanna Street. The permit was complete with a final inspection on 08/04/97.

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<i>Pre-Application Meeting</i>	
02/25/13	A pre-application meeting was held with staff to discuss the submittal requirements for a requested Variance to the required side yard setback for a proposed detached garage.

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Field Check</i>	
04/09/13	A field check was conducted by staff and the site was found to be a clean and orderly single family residence located at the end of a cul-de-sac. There are two small unpermitted sheds located along the side property line where the proposed Accessory Structure will be located that are not compliant.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.55

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</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	Single Family, Detached	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	Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
Rural Preservation Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06.060, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	30 Feet	30 Feet	Y
• Side	10 Feet	4 Feet	N
• Rear	35 Feet	82 Feet	Y
Min. Distance Between Buildings	6 Feet	9 Feet	Y

ANALYSIS

The subject site was developed as a single family residence in 1997. The applicant is requesting to add a 900 square-foot Accessory Structure (Class II) (detached garage) in the northwest corner of the lot. The subject site is located on a private cul-de-sac with access to the proposed garage provided from the existing driveway. The proposed structure is located nine feet from the primary structure and does not exceed the height of the existing residence. The proposed side yard setback along the west property line is six-feet at its minimum and four-feet along the north property line where Title 19.06.060 requires a 10-foot side yard setback for accessory structures. The applicant had originally designed the structure to conform to the previous code requirement for a three-foot side yard setback in 2012, but did not submit permits prior to the adopted change in code. Staff recommends denial of the requested Variance, as the proposed nonconforming setbacks are a result of a self-imposed hardship. The applicant could meet the code requirements with a smaller structure located within the required setbacks.

FINDINGS (VAR-48706)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

