



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: AUGUST 12, 2014
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: DENNIS PRITCHARD

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

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-53871	Staff recommends DENIAL, if approved subject to conditions:	

**** CONDITIONS ****

VAR-53871 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. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a proposed 861 square-foot workshop/casita to be located nine feet from the rear property line where ten feet is minimum required; and five feet away from the side property line where ten feet is minimum required by Title 19.06. The site is located at 9109 Ghost Mountain Avenue, in an R-PD2 (Residential Planned Development – 2 Units per Acre) zoning district. No unique or extraordinary evidence has been presented to warrant the requested Variance. As such, the hardship is self-imposed and; therefore, staff recommends denial of this request.

ISSUES

- A Variance is required to allow an Accessory Structure (Class II) to be nine feet from the rear property line where ten feet is minimum required; and five feet away from the side property line where ten feet is minimum required by Title 19.06.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
08/15/01	The City Council approved a request for an Annexation (A-0020-01) to annex approximately 53.90 acres of land located on the northeast corner of Fort Apache Road and Alexander Road. The Planning Commission recommended approval of the request.
09/19/01	The City Council approved a request for a Variance (V-0055-01) to allow 0.88 acres of open space where 1.78 acres of open space is the minimum allowed on the northeast corner of the intersection of Alexander Road and Fort Apache Road. The Planning Commission recommended denial of the request.
	The City Council approved a request for a Rezoning (Z-0050-01) from U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] to R-PD2 (Residential Planned Development - 2 Units per Acre) on approximately 52.5 acres on the northeast corner of the intersection of Alexander Road and Fort Apache Road. The Planning Commission recommended denial of the request.
	The City Council approved a request for a Site Development Plan Review [Z-0050-01(1)] for a proposed 105-lot single-family subdivision on approximately 52.50 acres on the northeast corner of the intersection of Alexander Road and Fort Apache Road. The Planning Commission recommended denial of the request.

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<i>Most Recent Change of Ownership</i>	
11/24/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/27/02	A building permit (#2022893) was issued for a single family dwelling at 9109 Ghost Mountain Avenue. The permit was finalized on 06/19/03.
11/12/03	A building permit (#3024016) was issued for masonry work at 9109 Ghost Mountain Avenue. The permit was finalized on 12/03/03.
04/19/11	A building permit (#184808) was issued for a pool and spa at 9109 Ghost Mountain Avenue. The permit was finalized on 04/28/11.
04/15/14	A building permit (#258388) was processed for a casita. The permit is still in review and has not been issued.

<i>Pre-Application Meeting</i>	
04/22/14	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance. The Variance is required for a proposed Accessory Structure (Class II) that is located nine feet from the rear property line where ten feet is minimum required; and five feet away from the side property line where ten feet is minimum required by Title 19.06.

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

<i>Field Check</i>	
05/01/14	A field check was conducted on the subject property and revealed a well maintained single-family residence.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.36

<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-PD2 (Residential Planned Development – 2 Units per Acre)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
North	Single-Family Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
South	Single-Family Detached	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
East	Single-Family Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)
West	Single-Family Detached	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre)

<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>
No Applicable Special Purpose or Overlay Districts	N/A
<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 Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks (Accessory Structure)			
• Side	10 Feet	5 Feet	N
• Rear	10 Feet	9 Feet	N
Min. Distance from the principle dwelling	6 Feet	12 Feet	Y

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ANALYSIS

This application is a request for a Variance to allow a proposed 861 square-foot Accessory Structure (Class II) to be located nine feet from the rear property line where ten feet is minimum required; and five feet away from the side property line where ten feet is minimum required by code. The site is located at 9109 Ghost Mountain Avenue, in an R-PD2 (Residential Planned Development – 2 Units per Acre) zoning district. The submitted elevations and floor plan indicate that the structure will be 14 feet in height measured to the mid-point of the eave and be utilized as a workshop and casita with an outdoor shower. There are no kitchen facilities associated with the proposal. The accessory structure has been designed to aesthetically match the principle dwelling with exterior stucco a tile roof and decorative light fixtures to match the existing residence.

Accessory structures in this residential development must adhere to Title 19.06 Development Standards as the Site Development Plan Review [Z-0050-01(1)] conditions of approval omit minimum setback requirements for accessory structures. The subject property lot size is 15,682 square feet in size, which is consistent with the R-D (Single Family Residential-Restricted) zoning district. Title 19.06 requires accessory structures in the R-D (Single Family Residential-Restricted) zoning district to maintain a minimum distance separation of ten feet from the rear and side property lines. No substantial evidence has been presented to warrant the requested Variance. The proposed structure can be redesigned to meet current code requirements. As such, the hardship is self-imposed and; therefore, staff recommends denial of this request.

FINDINGS (VAR-53871)

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:

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 19.16.140(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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a 861 square-foot Accessory Structure (Class II) to be located nine feet from the rear property line where ten feet is minimum required; and five feet away from the side property line where ten feet is minimum required by code. The proposed Accessory Structure could be placed within an alternative location that will allow for conformance to 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 11

NOTICES MAILED 237

APPROVALS 4

PROTESTS 1