



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JUNE 13, 2017

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: GUERRERO AND MARIA DIAZ

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-70086	Staff recommends DENIAL, if approved subject to conditions:	N/A

** NOTIFICATION **

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 29

NOTICES MAILED 164

PROTESTS 1

APPROVALS 0

**** CONDITIONS ****

VAR-70086 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

The applicant is proposing to construct a single family home, detached gazebo and detached casita on a vacant parcel addressed as 1721 South Tioga Way.

ISSUES

- The front setback for a primary dwelling in the R-E (Residence Estates) zoning district is 20 feet (when on a cul-de-sac or street knuckle) from the private street or easement, the applicant is requesting a Variance (VAR-70086) to allow a 13-foot front setback. Staff does not support this request.
- The side setback for a detached accessory structure in the R-E (Residence Estates) zoning district is 10 feet, the applicant is requesting a Variance (VAR-70086) to allow a five-foot setback. Staff does not support this request.

ANALYSIS

The subject site, 1721 South Tioga Way, is zoned R-E (Residence Estates) which requires a 20-foot front setback for the primary dwelling and a 10-foot side setback for a detached accessory structure.

The applicant is proposing to construct a single family dwelling, with a 13-foot front setback, a detached gazebo that meets all setback requirements, and a detached accessory structure (casita) with a 5-foot side setback. As such, the applicant has requested a Variance (VAR-70086).

The applicant is constructing a primary dwelling and detached accessory structures on a vacant lot in excess of 20,000 square feet in size. The proposed improvements would not meet the setback requirements of the R-E (Residence Estates) zoning district, and the applicant has not supplied evidence of a unique or extraordinary circumstance. Therefore, staff is recommending denial as there are alternative building designs that would allow conformance with the ordinance.

FINDINGS (VAR-70086)

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:

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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 19.16.140(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.”

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 single family dwelling and detached accessory structure that are too large to fit on the subject site while meeting setback requirements. Alternative building designs 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
03/28/96	An Annexation (A-0009-85) was approved by the City Council, annexing this property into the city as part of a larger request.
11/23/98	A General Plan Amendment (GPA-0027-98) was approved by the City Council changing this property to DR (Desert Rural Residential). The Planning Commission and staff recommended approval.

<i>Most Recent Change of Ownership</i>	
05/01/10	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related permits or business licenses associated with this vacant parcel.	

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Pre-Application Meeting	
12/19/16	A preapplication meeting was held with the applicant, the specific setback measurement standards and submittal requirements were discussed.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held

Field Check	
05/04/17	Staff completed a routine site visit, finding a vacant residential lot.

Details of Application Request	
Site Area	
Net Acres	0.46

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Vacant	DR (Desert Rural Residential)	R-E (Residence Estates)
North	Single Family Dwelling	DR (Desert Rural Residential)	R-E (Residence Estates)
South	Single Family Dwelling	DR (Desert Rural Residential)	R-E (Residence Estates)
East	Single Family Dwelling	DR (Desert Rural Residential)	R-E (Residence Estates)
West	Vacant	DR (Desert Rural Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Purpose and Overlay Districts	Compliance
Rural Preservation Overlay District	Y

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Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	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:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	20,000 SF	20,037 SF	Y
Min. Lot Width	100 Feet	101 Feet	Y
Min. Setbacks			
• Front	20 Feet	13 Feet	*N
• Side (Accessory Structure)	10 Feet	5 Feet	*N
• Corner	15 Feet	N/A	Y
• Rear	10 Feet	10 Feet	Y
Min. Distance Between Buildings	6 Feet	6 Feet	Y
Max. Lot Coverage	N/A	60 %	Y
Max. Building Height	35 Feet	35 Feet	Y

* Applicant has requested a variance for the front and side setbacks.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Tioga Way	Local Street	Title 13	60	Y