



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: EVE ARAUZ-LAZO - OWNER: LEONEL CASTILLO & EVE GUADALUPE ARAUZ-LAZO

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0056-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 338

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0056-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita].
2. A Variance is hereby approved to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Detached Patio Cover].
3. A Variance is hereby approved to allow a one-foot side yard setback where five feet is required for an existing Patio Cover [Carport].
4. A Variance is hereby approved to allow a total accessory structure size of 162 percent of the primary dwelling floor area where 50 percent is the maximum allowed.
5. A Variance is hereby approved to allow a total accessory structure coverage of 60 percent of the rear yard area where 50 percent is the maximum allowed.
6. A Variance is hereby approved to allow all Residential Accessory Structures to not be aesthetically compatible with the principal dwelling unit where such is required.
7. 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.
8. 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 Division.
9. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
10. 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 Variance request for multiple existing Residential Accessory Structures that do not meet Title 19 development standards at 2105 Houston Drive.

ISSUES

- The requested Variance is the result of a Code Enforcement case (#CE22-04826) for unpermitted structures. The case remains open pending the result of this Variance application.
- A Variance is requested to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita]. Staff does not support this request.
- A Variance is requested to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Detached Patio Cover]. Staff does not support this request.
- A Variance is requested to allow a one-foot side yard setback where five feet is required for an existing Patio Cover [Carport]. Staff does not support this request.
- A Variance is requested to allow a total accessory structure size of 162 percent of the primary dwelling floor area where 50 percent is the maximum allowed. Staff does not support this request.
- A Variance is requested to allow a total accessory structure coverage of 60 percent of the rear yard area where 50 percent is the maximum allowed. Staff does not support this request.
- A Variance is requested to allow all Residential Accessory Structures to not be aesthetically compatible with the principal dwelling unit where such is required. Staff does not support this request.
- This Variance request is made in conjunction with the City of Las Vegas Safe Home Improvements Funding and Training (SHIFT) program.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The applicant has constructed Residential Accessory Structures [Casita and Detached Patio Cover] and a Patio Cover [Carport] without permits that fail to comply with Title 19 requirements. A Code Enforcement case (#CE22-04826) has been ongoing since September 2022, citing violations for unpermitted structures.

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According to the submitted justification letter, the accessory structures provide protection from the sun and additional storage. The submitted site plan depicts the multiple structures located on the subject site. The applicant is requesting to maintain the existing structures, prompting this Variance (24-0056-VAR1) request.

The following table depicts the applicable development and design standards concerning Residential Accessory Structures and Patio Covers with the requested deviations included in this Variance request:

<i>Requirement</i>	<i>Request</i>	<i>Applicable code section</i>	<i>Staff Recommendation</i>
Three-foot side yard setback – Accessory Structure	To allow a zero-foot side yard setback for an existing Residential Accessory Structure [Casita].	19.06.070	Denial
Three-foot side yard setback – Accessory Structure	To allow a one-foot side yard setback for an existing Residential Accessory Structure [Detached Patio Cover].	19.06.070	Denial
Five-foot side yard setback – Patio Cover	To allow a one-foot side yard setback for an existing Patio Cover [Carport].	19.06.070	Denial
Accessory Structures must be aesthetically compatible with the principal dwelling unit	To allow all Residential Accessory Structures to not be aesthetically compatible with the principal dwelling unit.	19.06.040	Denial
Size and coverage not to exceed 50% of the floor area of the principal dwelling unit	To allow a total accessory structure size of 162% of the primary dwelling floor area.	19.06.070	Denial
The total ground floor areas of all accessory buildings shall not exceed 50% of the rear yard area	To allow a total accessory structure coverage of 60% of the rear yard area.	19.06.070	Denial

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this Variance (24-0056-VAR1) request. If approved, it will be subject to conditions.

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FINDINGS (24-0056-VAR1)

In accordance with the provisions of Title 19.16.140(B), the 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."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by requesting to maintain multiple accessory structures that are not compliant with Title 19 development standards. Removing the structures 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 Planning, Fire, Building, Code Enforcement, etc.</i>	
09/01/22	A Code Enforcement case (#CE22-04826) was processed for unpermitted structures at 2105 Houston Drive. The resolution of this case is pending results of this Variance (24-0056-VAR1) request.

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Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc., cont.

06/18/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project request TO ALLOW A ZERO-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [CASITA]; A ONE-FOOT SIDE YARD SETBACK WHERE THREE FEET IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [DETACHED PATIO COVER]; A ONE-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS REQUIRED FOR AN EXISTING PATIO COVER [CARPORT]; A TOTAL ACCESSORY STRUCTURE SIZE OF 162 PERCENT OF THE PRIMARY DWELLING FLOOR AREA WHERE 50 PERCENT IS THE MAXIMUM ALLOWED; A TOTAL ACCESSORY STRUCTURE COVERAGE OF 60 PERCENT OF THE REAR YARD AREA WHERE 50 PERCENT IS THE MAXIMUM ALLOWED; AND TO ALLOW ALL RESIDENTIAL ACCESSORY STRUCTURES TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED on 0.19 acres at 2105 Houston Drive.
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Most Recent Change of Ownership

02/04/16	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

No Related Building Permits/Business Licenses.
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Pre-Application Meeting

01/30/24	A pre-application meeting was held with the applicant and the submittal requirements for a Variance were discussed.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

05/07/24	Staff conducted a routine field check and observed a single-family dwelling with a patio cover visible from the street.
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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.19

<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	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Office, Other than Listed	TOC-2 (Transit Oriented Corridor – Low)	P-R (Professional Office and Parking)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area 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
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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DEVELOPMENT STANDARDS

Pursuant to 19.06.070, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	8,276 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks [Casita]			
• Side (East)	3 Feet	0 Feet	N*
• Side (West)	3 Feet	17 Feet	Y
• Rear	3 Feet	6 Feet	Y
Min. Setbacks [Detached Patio Cover]			
• Side (West)	3 Feet	1 Foot	N*
Min. Setbacks [Carport]			
• Side (West)	5 Feet	1 Foot	N*
Min. Separation From Main Building [Casita]	6 Feet	38 Feet	Y
Min. Separation From Main Building [Detached Patio Cover]	6 Feet	15 Feet	Y
Max. Lot Coverage – All Structures	50%	44%	Y
Max. Rear Yard Area Coverage – Accessory Structures	50%	60%	N*
Max Accessory Structure Size and Coverage	50% of the floor area of the principal dwelling	162%	N*
Max. Building Height [Casita]	35 Feet	12 Feet	Y
Max. Patio Cover Height [Detached Patio Cover]	12 Feet	8 Feet	Y
Max Patio Cover Height [Carport]	12 Feet	9 Feet	Y

*A Variance (24-0056-VAR1) is requested for deviations of various Title 19 development standards.