



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: JULY 9, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: SHANNON GIDRON**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>24-0239-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      20

**NOTICES MAILED**                      408

**PROTESTS**                      0

**APPROVALS**                      0

**\*\* CONDITIONS \*\***

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**24-0239-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow a two-foot side yard setback where five feet is required for an existing Patio Cover.
2. A Variance is hereby approved, to allow a two-foot side yard and one-foot rear yard setback where three feet is required for an existing Residential, Accessory Structure [Casita].
3. 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.
4. 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.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. 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 a Residential Accessory Structure [Casita] and Patio Cover that do not meet Title 19 setback requirements at 2221 Constantine Avenue.

**ISSUES**

- A Variance is requested, to allow a two-foot side yard setback where five feet is required for an existing Patio Cover. Staff does not support this request.
- A Variance is requested, to allow a two-foot side yard and one-foot rear yard setback where three feet is required for an existing Residential, Accessory Structure [Casita]. Staff does not support this request.
- This Variance is the result of a Code Enforcement case (#CE24-01158) which cited an unpermitted garage conversion. The Code Enforcement case remains open, pending the results of this Variance request.
- This Variance request was made in coordination 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 subject site is currently developed as a single-family dwelling that is surrounded by other single-family dwellings zoned R-1 (Single Family Residential). In addition to the single-family dwelling, the subject property also consists of an unpermitted Residential Accessory Structure [Casita] within the required three-foot and rear side yard setback and a Patio Cover within the required five-foot side yard setback.

Per the submitted site plan, the applicant requests to maintain a two-foot side yard setback for both the Residential Accessory Structure [Casita] and Patio Cover where three feet and five feet are required respectively. Additionally, Residential Accessory Structures shall be placed at least three feet from the rear property line. The applicant proposes to maintain their one-foot rear yard setback.

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Per the submitted justification letter, the applicant indicates that the Residential Accessory Structure [Casita] was constructed prior to the applicant taking ownership of the property. No evidence of a unique or extraordinary circumstance relating to the physical characteristics of the land have been presented. Therefore, the hardship is self-imposed and outside the realm for the granting of Variances. As such, staff recommends denial of the requested Variance. If approved, it will be subject to conditions.

**FINDINGS (24-0239-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 maintaining a Residential Accessory Structure without permits and within the required setbacks. 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**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
03/04/24	A Code Enforcement case (#CE24-01158) was opened, which cited an unpermitted garage conversion to a casita. The Code Enforcement case remains open, pending the results of this Variance request.

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<b>Most Recent Change of Ownership</b>	
09/01/23	A deed was recorded for a change in ownership.

<b>Related Building Permits/Business Licenses</b>
There are no related building permits or business licenses.

<b>Pre-Application Meeting</b>
A pre-application meeting was not required, nor was one held

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

<b>Field Check</b>	
05/28/24	A routine field check was conducted by staff and observed an existing single-family dwelling. Nothing of concern was noted.

<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.14

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
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	Residential ,Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
No Applicable Special Area or Overlay Districts	N/A
<b><i>Other Plans or Special Requirements</i></b>	<b><i>Compliance</i></b>
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 19.06.070, the following standards apply:***

<b><i>Standard</i></b>	<b><i>Required/Allowed</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Min. Lot Size	6,500 SF	6,098 SF	Y*
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks (Patio Cover)			
• Side	5 Feet	2 Feet	N**
• Rear	5 Feet	26 Feet	Y
Min. Setbacks (Casita)			
• Side	3 Feet	2 Feet	N**
• Rear	3 Feet	1-Foot	N**
Min. Distance Between Buildings	6 Feet	7 Feet	Y
Max. Lot Coverage	50%	43%	Y
Max. Building Height (Accessory Structures)	35 Feet	7 Feet	Y
Max. Building Height (Patio Cover)	12 Feet	7 Feet	Y

\*The subject property is legal non-conforming in regards to lot size.

\*\*A Variance is requested, to allow a two-foot side yard setback where five feet is required for an existing Patio Cover and to allow a two-foot side yard and one-foot rear yard setback where three feet is required for an existing Residential, Accessory Structure [Casita].