



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: MARCH 12, 2024**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: DAVID JAMES ROBINS**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
<b>23-0384-VAR1</b>	Staff recommends DENIAL, if approved subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      24

**NOTICES MAILED**                      245

**PROTESTS**                      0

**APPROVALS**                      0

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

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**23-0384-VAR1 CONDITIONS**

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**Planning**

1. A Variance (23-0384-VAR1) is hereby approved to allow a Residential Accessory Structure [shed] to be located within the required front yard setback where such is not allowed.
2. 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.
3. 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.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. 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 requesting a Variance of residential development standards for an existing Residential Accessory Structure at 1257 Campbell Drive.

**ISSUES**

- The requested Variance is the result of a Code Enforcement Case (#CE23-03538) for the subject property. If approved, building permits must be obtained for the structure. If denied, the structure must be removed or brought into compliance with Title 19 and building codes.
- A Variance (23-0384-VAR1) is requested to allow an existing Residential Accessory Structure [Shed] to be located within the required front yard setback where such is not allowed. Staff does not support the request.

**ANALYSIS**

A Code Enforcement Case (#CE23-03538) has been ongoing since June 2023 to monitor the progress of either the removal or legalization of the subject Residential Accessory Structure [Shed].

Although the primary dwelling is addressed off of Campbell Drive, the lot frontage is on Burton Avenue. Per Title 19, Lot Frontage is “The side of the lot which fronts on a street or drive. In the case of a corner lot, the ‘front’ of the lot shall be considered to be the side which has the lesser dimension in width...” There is one existing and unpermitted structure that does not meet Title 19 requirements, which is a Residential Accessory Structures [Shed] that is located within the front yard area.

The subject site is zoned R-1 (Single Family Residential), which is intended to provide for the development of single family detached dwellings in a suburban setting. Title 19.06.070 requires the following concerning Residential Accessory Structures in the R-1 zoning district:

- Minimum rear yard setback: 3 feet
- Minimum rear yard setback: 3 feet
- Separation from primary dwelling: 6 feet

Based on the submitted plans, the following components are part of this Variance request, with the Title 19 code provision that applies:

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<b><i>Issue</i></b>	<b><i>Applicable code section</i></b>
A one-foot side yard setback where three feet is required for a Residential Accessory Structure [Shed].	19.06.070
A Residential Accessory Structure [Shed] to be located within the required front yard setback where such is not allowed.	19.06.040

There is no hardship related to the site's physical characteristics that would warrant deviation from Title 19 requirements. Staff therefore recommends denial of the Variance, with conditions if approved. If denied, the structure must be brought into conformance and permitted or removed from the property in a timely manner.

**FINDINGS (23-0384-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 allowing an existing unpermitted and noncompliant Residential Accessory Structure to remain on the property where the removal or placement within required setbacks 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.

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**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
06/06/23	Code Enforcement opened a Case (#CE23-03538) regarding an unpermitted structure at 1257 Campbell Drive. The case remains active, pending results of this Variance request (23-00384-VAR1).
01/09/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE TO ALLOW AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [SHED] TO BE LOCATED WITHIN THE REQUIRED FRONT YARD SETBACK WHERE SUCH IS NOT ALLOWED on 0.25 acres at 1257 Campbell Drive (APN 162-05-214-001), R-1 (Single Family Residential) Zone, Ward 1 (Knudsen).

<b><i>Most Recent Change of Ownership</i></b>	
02/25/21	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
08/07/21	A building permit (R21-13085) was finalized for a patio cover at 1257 Campbell Drive.
01/04/24	A building permit (R23-18802) was finalized for a patio cover at 1257 Campbell Drive.

<b><i>Pre-Application Meeting</i></b>	
07/18/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<b><i>Field Check</i></b>	
12/05/23	Staff conducted a routine field check in which the subject structure was observed. No other issues were noted.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	0.25

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

<b><i>Master and Neighborhood Plan Areas</i></b>	<b><i>Compliance</i></b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b><i>Special Area and Overlay Districts</i></b>	<b><i>Compliance</i></b>
A-O (Airport Overlay) District (200 feet)	Y
<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 19.06, 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. Setbacks - Residential Accessory Structures <ul style="list-style-type: none"> <li>Side (Shed)</li> </ul>	3 Feet	1-Foot	N*

*\*A Variance (23-0133-VAR1) has been requested to allow deviation of Title 19 residential development standards.*