



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: AUGUST 13, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: GERARDO DELEON AND
GUADALUPE I DELEON

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0316-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 356

PROTESTS N/A

APPROVALS N/A

**** CONDITIONS ****

24-0316-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a proposed Residential Accessory Structure [Casita] to exceed the floor area of the principal dwelling unit by 75 percent where 50 percent is the maximum allowed.
2. Existing Patio Cover shall be made compliant with Title 19.06 development standards or be removed.
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.

Public Works

7. Prior to the issuance of permits, coordinate with City of Las Vegas Sanitary Billing Section of the Department of Community Development regarding the initial sewer connection fee for additional living space. If it is determined that this addition requires an increase in sewer fees, comply with the regulations governing sewer fees for connection and usage.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed Residential Accessory Structure [Casita] that does not meet Title 19 development standards at 4628 Shoen Avenue.

ISSUES

- A Variance is requested to allow a proposed Residential Accessory Structure [Casita] to exceed the floor area of the principal dwelling unit by 75 percent where 50 percent is the maximum allowed. Staff does not support the request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The purpose of the R-1 (Single Family Residential) zoning district is to provide for the development of single family detached dwellings in a suburban setting. The subject property is developed with a single-family detached dwelling and is located in a residential neighborhood. The applicant is requesting to construct a Residential Accessory Structure [Casita] that will not comply with Title 19.06.070 requirements. Per the submitted justification letter, the proposed casita will provide additional living space and will not have full kitchen facilities.

Per Title 19.06.070, Residential Accessory Structures shall not exceed 50 percent of the floor area of the principal dwelling unit. The principal dwelling unit is 806 square feet and the proposed Residential Accessory Structure [Casita] will be 599 square feet, according to the submitted plans. Therefore, the applicant is requesting a Variance to allow the proposed Residential Accessory Structure [Casita] to exceed the floor area of the principal dwelling unit by 75 percent where 50 percent is the maximum allowed.

As depicted on the submitted site plan, there is an existing patio cover attached to the west of the primary dwelling that will be removed as it does not meet Title 19 development standards. A condition of approval has been added to ensure compliance.

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.

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FINDINGS (24-0316-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 proposing to construct a Residential Accessory Structures [Casita] that exceeds the allowable floor area. Reducing the size of the Residential Accessory Structure [Casita] 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

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

There are no related relevant City actions by Planning, Fire, Building, Code Enforcement, etc.

Most Recent Change of Ownership

11/17/20	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no related building permits/business licenses.

Pre-Application Meeting

06/11/24	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.

Field Check

07/03/24	Staff conducted a routine field check and observed an existing single-family residential dwelling.
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Details of Application Request

Site Area

Net Acres	0.15
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<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)

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<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>
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)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
<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

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. Lot Size	6,500 SF	6,582 SF	Y
Min. Setbacks			
• Side	3 Feet	5 Feet	Y
• Rear	3 Feet	5 Feet	Y
Min. Distance Between Buildings	6 Feet	16 Feet	Y
Size and Coverage	Not to exceed 50% of the floor area of the principal dwelling unit	75%	N*
Max. Lot Coverage	50%	21%	Y
Max. Building Height	12 Feet	11 Feet	Y

*A Variance is requested to allow a proposed Residential Accessory Structure [Casita] to exceed the floor area of the principal dwelling unit by 75 percent where 50 percent is the maximum allowed.