



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: FELIX ARELLANO - OWNER: THE FELIX R. ARELLANO AND ALIX M. MOLINA ANGULO REVOCABLE LIVING TRUST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0112-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 25

NOTICES MAILED 200

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0112-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a 30-foot front yard setback where 50 feet is the minimum required.
2. A Variance is hereby approved, to allow a five-foot side yard setback where 10 feet is the minimum required.
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. Contact the Southern Nevada Health District (SNHD), Environmental Health Division, to obtain written approval showing compliance with a temporary permit for an individual sewage disposal system (ISDS or septic tank system), prior to the issuance of any building permits. Alternatively, connect to public sewer and abandon the ISDS according to SNHD.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow for the demolition of the existing single family residence and construction of a new single family residence that does not comply with Title 19.06.060 side yard and front yard setback requirements at 818 Shetland Road.

ISSUES

- A Variance is required to allow a new single family residence to be located five feet from the southern side yard property line where 10 feet is required and 30 feet from the eastern front yard setback where 50 feet is required by Title 19.06.060 building setback development standards.

ANALYSIS

The subject site is located in an R-E (Residence Estates) zoning district. Per Title 19.06.060 this residential development is required to have a minimum 10-foot side yard building setback and 50-foot front yard setback. The applicant has proposed to demolish the existing single-family residence on the subject site and construct a new single-family residence which does not comply with the required 10-foot side yard setback and 50-foot front yard setback.

The submitted site plan indicates the southern perimeter of the residence will provide a five-foot side yard setback and the eastern perimeter of the residence will provide a 30-foot side front setback at the front of the proposed attached garage at the front of the residence. Staff notes the subject site is an existing lot with conforming lot width and size. Since this is new construction, the proposed new residence can be redesigned to comply to current Title 19.06.060 side yard and front yard setback development standards. No evidence of unique or extraordinary circumstance has been presented to warrant the requested Variance. As such, the hardship is self-imposed and therefore, staff recommends denial of this request.

FINDINGS (24-0112-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:

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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 designing a new residence for the subject site that does not comply with current Title 19.06.060 side and front yard setback development standards. Alternative design of the new residence 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>	
06/19/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.

<i>Most Recent Change of Ownership</i>	
02/22/23	A deed was recorded for a change in ownership.

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<i>Related Building Permits/Business Licenses</i>	
02/18/09	A building permit (#R-133840) was issued for a same for same 5tn 13se gas package unit at 818 Shetland Road. The permit has not been finalized.
02/15/12	A building permit (#R-204767) was issued for installation of a HVAC unit at 818 Shetland Road. The permit was finalized on 02/28/12.
04/23/14	A building permit (#R-258988) was issued for a block wall with conduit for future lights on wall at 818 Shetland Road. The permit was finalized on 09/09/14.
06/16/16	A building permit (#R-315028) was issued for a garage remodel, casita and patio at 818 Shetland Road. The permit was finalized on 11/19/20.
01/07/20	A building permit (#R20-00257) was issued of an electric meter tag, panel change or service change at 818 Shetland Road. The permit has not been finalized.
02/18/20	A building permit (#R-315028-R001) was issued for a revision for additional 225 square-foot addition to the second floor at 818 Shetland Road. The permit was finalized on 02/18/20.
06/16/20	A building permit (#R20-08378) was issued for installation of a photovoltaic system at 818 Shetland Road. The permit was finalized on 08/14/20.
01/30/24	A building permit (#R24-01505) was processed for demolishing the primary dwelling and building a new primary dwelling at 818 Shetland Road. The building permit has not been issued and is awaiting results of this Variance (24-0112-VAR1) request.

<i>Pre-Application Meeting</i>	
02/21/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance to allow setbacks from the property line that do not comply with Title 19.06.060 development standards.

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

<i>Field Check</i>	
03/28/24	During a routine site visit staff observed a well maintained single-family dwelling.

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Details of Application Request	
Site Area	
Gross Acres	0.68

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Convalescent Care Facility	TOC-1 (Transit Oriented Corridor - High)	R-E (Residence Estates)
East	Residential, Single-Family Residential	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Office Park	TOC-1 (Transit Oriented Corridor - High)	P-R (Professional Office and Parking)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	Y
Rancho Charleston Land Use Study	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District - (175 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
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

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DEVELOPMENT STANDARDS

Pursuant to 19.06.060, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	18,000 SF	29,621 SF	Y
Min. Lot Width	100 Feet	101 Feet	Y
Min. Setbacks			
• Front (east)	50 Feet	30 Feet	N*
• Side (north)	10 Feet	22 Feet	Y
• Side (south)	10 Feet	5 Feet	N*
• Rear (west)	35 Feet	160 Feet	Y
Max. Building Height	2 Stories or 35 Feet	One Story, 24 Feet	Y

*The applicant has requested a Variance (24-0112-VAR1) to allow a reduced front yard and side yard setback.

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