



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: JAIME GUIMAREY AND SERENA GUIMAREY

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0043-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 402

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0043-VAR1 CONDITIONS

Planning

1. A Variance (24-0043-VAR1) is hereby approved, to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Carport].
2. A Variance (24-0043-VAR1) is hereby approved, to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita].
3. A Variance (24-0043-VAR1) is hereby approved, to allow a five-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Carport].
4. A Variance (24-0043-VAR1) is hereby approved, to allow existing Residential Accessory Structures [Carport and Middle Shed] to not be aesthetically compatible with the primary dwelling where such is required.
5. 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.
6. 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.
7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. 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 6224 Budnick Circle.

ISSUES

- A Variance (24-0043-VAR1) is requested to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Carport]. Staff does not support this request.
- A Variance (24-0043-VAR1) is requested to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita]. Staff does not support this request.
- A Variance (24-0043-VAR1) is requested to allow a five-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Carport]. Staff does not support this request.
- A Variance (24-0043-VAR1) is requested to allow existing Residential Accessory Structures [Carport and Middle Shed] to not be aesthetically compatible with the primary dwelling where such is required. Staff does not support this request.
- A Code Enforcement case (CE22-01724) is open citing multiple Residential Accessory Structures without permits and within the required setbacks. The Code Enforcement Case (CE22-01724) remains open, pending the results of this Variance (24-0043-VAR1) request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. Pursuant to Title 19.06.070, Residential Accessory Structures shall maintain a side yard setback at three feet. The applicant has requested to maintain these existing, unpermitted Residential Accessory Structures at zero feet for the existing and Residential Accessory Structure [Carport] and one-foot for the existing Residential Accessory Structure [Casita].

Residential Accessory Structures must also be separated from the primary dwelling by at least six feet. The submitted site plan depicts an existing Residential Accessory Structure [Carport] placed at five feet where six feet is required. Additionally, Residential Accessory Structures shall be aesthetically compatible with the principal dwelling unit. Per the submitted building elevations, Residential Accessory Structures [Carport and Middle Shed] are constructed of corrugated metal and wood respectively – where the primary dwelling is constructed of stucco material.

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The applicant has provided no justification relating to the physical characteristics of the property. As no evidence of a unique or extraordinary circumstance relating to the physical characteristics of the property have been presented to warrant the requested Variance, staff finds the hardship to be self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance (24-0043-VAR1). If approved, it will be subject to conditions.

FINDINGS (24-0043-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 maintain multiple Residential Accessory Structures that do not comply with minimum setback, separation, and aesthetic compatibility 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

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
05/08/86	The City Council approved a Reclassification of Property (Z-0031-86) from R-E (Residence Estates) to R-1 (Single Family Residential). located on property on the southwest corner of Lone Mountain Road and Jones Boulevard.
04/07/22	A Code Enforcement case (CE22-01724) is open citing multiple Residential Accessory Structures without permits and within the required setbacks. The case remains open, pending the results of this Variance (24-0043-VAR1) request.

<i>Most Recent Change of Ownership</i>	
10/25/04	A deed was recorded for a change in ownership.

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

<i>Pre-Application Meeting</i>	
01/18/24	A pre-application meeting was held to discuss the submittal requirements for a Variance.

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

<i>Field Check</i>	
02/28/24	Staff conducted a routine field check of the subject property and observed an existing single-family residence with multiple Residential Accessory Structures. Nothing of concern was noted.

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

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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)
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: Rancho	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District – 140 Feet	Y
<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 19.06.070, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	10,890 SF	Y
Min. Lot Width	60 Feet	80 Feet	Y
Min. Setbacks [Carport] <ul style="list-style-type: none"> Side Rear 	5 Feet 3 Feet	0 Feet 64 Feet	N* Y
Min. Setbacks [Casita] <ul style="list-style-type: none"> Side Rear 	3 Feet 3 Feet	1 Feet 43 Feet	N* Y
Min. Distance Between Buildings [Carport]	6 Feet	5 Feet	N*

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<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Distance Between Buildings [Casita]	6 Feet	6 Feet	Y
Max. Lot Coverage	50%	27%	Y
Max. Building Height [Carport]	35 Feet	11 Feet	Y
Max. Building Height [Casita]	35 Feet	9 Feet	Y

*A Variance (24-0043-VAR1) is requested to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Carport]; to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita]; to allow a five-foot separation from the primary dwelling where six feet is required for an existing Residential Accessory Structure [Carport]; and to allow existing Residential Accessory Structures [Carport and Middle Shed] to not be aesthetically compatible with the primary dwelling where such is required.