



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MARCH 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: HENRRY GUTIERREZ SOSA - OWNER: ACELY
NAPOLES NAPOLES**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0657-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

NOTICES MAILED 471

PROTESTS 6

APPROVALS 0

**** CONDITIONS ****

23-0657-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a zero-foot separation from the principal dwelling unit where six feet is required for an existing residential accessory structure [casita].
2. A Variance is hereby approved to allow an existing residential accessory structure [casita] to not be aesthetically compatible with the principal dwelling unit where such is 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 Department of Building and Safety.
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

The applicant is requesting a Variance to keep an existing residential accessory structures [casita] that fails to comply with minimum Title 19 development standards at 6529 Orchid Hill Circle.

ISSUES

- A Variance is requested to allow zero-foot separation from the principal dwelling unit where six feet is required and to not be aesthetically compatible with the principal dwelling unit where such is required for an existing residential accessory structure [casita]. Staff does not support this request.
- A Code Enforcement case (#CE23-07456) was opened regarding the garage has been converted into a living space, and the residential accessory structure [casita] has been added to the back without permit. Both areas are being rented.

ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and is subject to Title 19 development standards. The existing residential accessory structure [casita] was built without obtaining building permits and fails to comply with Title 19 development standards. The residential accessory structure [casita] is located zero feet from the main building where six feet is required. At the same time, the existing residential accessory structure [casita] does not align aesthetically with the predominant architectural features of the primary building. This incongruity is evident in the choice of wood siding facade and a metal roof for the accessory structure, which contrasts with the hip tile roof and stucco wall utilized on the main building. Due to the existing residential accessory structures [casita] not meeting Title 19 Development Standards, the applicant has requested a Variance to keep the existing residential accessory structures [casita] as constructed.

A Code Enforcement case, identified as #CE23-07456, has been opened concerning the conversion of the garage into a living space and the addition of a residential accessory structure (casita) at the rear of the property without the required permit. Both areas are currently being rented.

No evidence of a unique or extraordinary circumstance related to the physical characteristics of the property has been presented to warrant the requested Variance. As such, the hardship is self-imposed, and staff recommends denial of this request. If approved, the sheds and fence are subject to conditions.

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FINDINGS (23-0657-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 building a residential accessory structure [casita] without obtaining building permits, which fail to meet the Title 19 development standards. If the applicant would have applied for building permits, they would have been informed of what is required, and conformance to the Title 19 requirements could have been met. Modifying the existing structures to conform to Title development standards 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, Bldg., etc.</i>	
01/16/63	The City Council approved an Annexation (A-0023-62) generally located South of Owens, West of Jones, North of Fremont, and East of Rainbow, comprising 560 acres. Planning commission recommended approved.
03/12/81	The City Council approved a Rezone (Z-0049-83) from R-1 (Single Family Residence) and R-3 (Limited Multiple Residence) to N-U (Non-Urban). Planning commission recommended approved.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
02/28/98	The City Council approved a Rezone (Z-0049-83) from N-U (Non-Urban) to R-CL (Single Family Compact-Lot). Planning commission recommended approved.
10/19/23	A Code Enforcement Case (CE23-07456) was opened regarding the garage has been converted into a living space, and the residential accessory structure [casita] has been added to rear yard without permit. Both areas are being rented.
02/13/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests TO ALLOW ZERO-FOOT SEPARATION FROM THE PRINCIPAL DWELLING UNIT WHERE SIX FEET IS REQUIRED AND TO NOT BE AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING UNIT WHERE SUCH IS REQUIRED FOR AN EXISTING RESIDENTIAL ACCESSORY STRUCTURE [CASITA] on 0.10 acres at 6529 Orchid Hill Circle (APN 138-26-111-049), R-CL (Single Family Compact-Lot) Zone, Ward 1 (Knudsen).

<i>Most Recent Change of Ownership</i>	
04/19/19	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no relevant Building Permits/Business Licenses.	

<i>Pre-Application Meeting</i>	
12/12/23	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance request.

<i>Field Check</i>	
01/03/24	Staff conducted a routine field check and found an existing single-family Dwelling with existing Casita.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.10

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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	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
North	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
South	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<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>
East	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Twin Lakes	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 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 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Distance Between Buildings	6 Feet	0 Feet	N*

* A Variance is requested to allow zero-foot separation from the principal dwelling unit where six feet is required.