



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ERNESTO ESCOTO VALDIVIA

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0402-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 35

NOTICES MAILED 317

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0402-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a total accessory structure coverage of 60 percent of the primary dwelling floor area where 50 percent is the maximum 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

This is a Variance request to allow an overall accessory structure coverage that exceeds 50 percent of the primary dwelling floor area for a proposed Residential Accessory Structure (Casita) at 215 South 15th Street.

ISSUES

- A Variance (23-0402-VAR1) is requested to allow a total accessory structure coverage of 60 percent of the primary dwelling floor area where 50 percent is the maximum allowed. Staff does not support the request.
- If the requested Variance (23-0402-VAR1) is approved, a building permit must be obtained for the proposed Residential Accessory Structure (Casita).

ANALYSIS

The subject 0.18-acre site is zoned R-1 (Single Family Residential) and subject to Title 19 development standards.

Per Title 19.06.070, the total square-footage of all Residential Accessory Structures located on a residential property shall not exceed 50 percent of the floor area of the principal dwelling unit. Per the submitted site plan, date stamped 08/16/23, the primary dwelling is 1,001 square feet and the proposed Residential Accessory Structure (Casita) is 599 square feet. The applicant is requesting to allow a total Residential Accessory Structure (Casita) coverage of 60 percent of the primary dwelling floor area where 50 percent is the maximum allowed.

There is a 100 square-foot shed located in the south perimeter of the property that is depicted on the submitted site plan, date stamped 08/16/23. There is a note located on the site plan that states the 100 square-foot will be removed. Therefore, the 100 square-foot shed is not included in the aggregate Residential Accessory Structure square-footage total.

Per the submitted building elevations, date stamped 08/16/23, the design and colors of the proposed Residential Accessory Structure (Casita) will match the primary dwelling unit by featuring the same colors and materials. The proposed height is 10 feet tall.

Per the submitted floor plan, date stamped 08/16/23, the proposed Residential Accessory Structure (Casita) will have two bedrooms, one bathroom, a living room, storage, and a wet

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bar. A full kitchen with presence within any food preparation area of a ventilation hood, gas stub, two hundred-twenty volt electrical outlet or wiring, or any combination thereof, is not indicated.

Per the submitted justification letter, date stamped 08/17/23, the Residential Accessory Structure (Casita) will be utilized for extra privacy. Staff finds the Variance request to be a self-imposed hardship and thereby recommends denial. If approved, it will be subject to conditions and required to obtain building permits.

FINDINGS (23-0402-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 Structure Coverage of 60 percent of the primary dwelling where 50 percent is the maximum allowed. Reducing the square-footage of the proposed Residential Accessory Structure to be only 50 percent of the primary dwelling 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, or Code Enforcement.

Most Recent Change of Ownership

12/29/10	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

There are no related relevant Building Permits or Business Licenses.

Pre-Application Meeting

08/01/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Variance request.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Field Check

08/30/23	A routine field check was conducted by staff. Nothing of concern was noted.
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Details of Application Request

Site Area

Net Acres	0.18
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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			
South			
East			
West			

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown 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 – Area 1	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. Setbacks – Residential Accessory Structures			
• Rear	3 Feet	10 Feet	Y
• Side (North)	3 Feet	10 Feet	Y
• Side (South)	5 Feet	17 Feet	Y
Min. Distance Between Buildings	6 Feet	38 Feet	Y
Max. Lot Coverage	50%	60%	N*

*A Variance (23-0402-VAR1) has been requested to allow a Residential Accessory Structure Coverage of 60 percent of the primary dwelling where 50 percent is the maximum allowed.