



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024
DEPARTMENT: COMMUNITY DEVELOPMENT
ITEM DESCRIPTION: APPLICANT/OWNER: CASABANNIE, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0077-VAR1	Staff recommends DENIAL, if approved subject to conditions:	24-0077-SUP1
24-0077-SUP1	Staff recommends DENIAL, if approved subject to conditions:	24-0077-VAR1

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 187

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0077-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow existing accessory structures [two casitas] on the lot prior to construction of the main building where such is not 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.

24-0077-SUP1 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Residential, Accessory Dwelling Unit use.
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. The Residential, Accessory Dwelling Unit shall not be rented out unless a principal dwelling unit is constructed onsite and is owner-occupied.

Conditions Page Two
May 14, 2024 - Planning Commission Meeting

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, as well as submitted as part of any business license application.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request to allow two existing residential accessory structures on a property prior to the construction of a principal dwelling and a Special Use Permit request for a Residential, Accessory Dwelling Unit use at 2019 Bannie Avenue.

ISSUES

- The Residential, Accessory Dwelling Unit use is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit.
- A Variance (24-0077-VAR1) is requested to allow existing accessory structures [two casitas] on the lot prior to construction of the main building where such is not allowed. Staff does not support the request.
- A Special Use Permit (24-0077-SUP1) is requested for a proposed Residential, Accessory Dwelling Unit use. Staff does not support the request.
- The subject site consists of two parcels that were previously one lot. The lot was subdivided in 2002 via a Parcel Map.
- Approval of this request will allow a future mapping action where the shared property line between APNs 162-04-210-107 and 162-04-210-108 will be adjusted.
- A Condition of Approval has been added to ensure the Residential, Accessory Dwelling Unit will not be rented out unless a principal dwelling unit is constructed onsite and is owner-occupied.
- The Las Vegas Valley Water District (LVVWD) has commented, "Water service needs to be established to parcel it will serve. One of the Parcels is not currently served. Civil plans will need to be submitted to LVVWD."

ANALYSIS

The subject site is located within the Scotch 80's Neighborhood and consists of two adjacent parcels that are zoned R-E (Residence Estates). The northern parcel (APN 162-04-210-107) is currently developed with a detached single-family dwelling and two residential accessory structures. The southern parcel (APN 162-04-210-108) is currently undeveloped. A swimming pool intersects the shared property line of both parcels. Per the submitted justification letter, the applicant requests the subject Variance in order to allow a mapping action that will result in the southern parcel having two accessory structures without a principal dwelling onsite. The intent will be to build a principal dwelling on the southern parcel in the future.

Staff Report Page Two
May 14, 2024 - Planning Commission Meeting

Per Title 19, a Residential Accessory Structure is defined as, “An accessory structure which is located on the same lot as a principal structure, is detached therefrom, is incidental or subordinate thereto, and does not qualify as an “Residential, Accessory Dwelling Unit.” The use is permitted in the R-E (Residence Estates) zoning district with the approval of a Conditional Use Permit.

Conditional Use Regulations:

1. The use shall comply with all applicable provisions of Chapters 19.06 and 19.09 that govern accessory structures.

This requirement is not met as the subject Variance is requested to allow existing accessory structures [two casitas] on the lot prior to construction of the main building where such is not allowed. Staff does not support the request.

2. Except as otherwise specifically provided regarding a particular use governed by Chapter 19.09, any use that does not comply may be permitted only by means of a Variance.

This requirement is met, as a Variance is requested to allow existing accessory structures [two casitas] on the lot prior to construction of the main building where such is not allowed. Staff does not support the request.

Per Title 19, the Residential, Accessory Dwelling Unit use is defined as, “An accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.” Per the submitted justification letter, one of the existing casitas onsite has a small kitchen with a standing fridge and freezer, sink, microwave and electric range/oven. The use is permitted in the R-E (Residence Estates) zoning district with the approval of a Special Use Permit.

Minimum Special Use Permit Requirements:

1. In the U, R-E, R-D and R-1 Zoning Districts, the minimum size of the lot or parcel must be at least 6500 square feet.

This requirement is met, as the subject site is zoned R-E (Residence Estates) and the proposed parcel lot size is 24,787 square feet.

Staff Report Page Three
May 14, 2024 - Planning Commission Meeting

2. No more than one Residential, Accessory Dwelling Unit is permitted on a single lot. The unit is subject to the development standards if the zoning district in which it is located; provided, however, that in no case shall the unit exceed the total gross floor area of the primary dwelling unit.

This requirement is met, as only one Residential, Accessory Dwelling Unit is proposed and the subject site does not currently have a principal dwelling unit.

3. Unless the principal dwelling is owner-occupied, a Residential, Accessory Dwelling Unit may not be offered or occupied as a rental unit.

This requirement is met, as the subject site does not currently have a principal dwelling unit. A Condition of Approval will be added to ensure the Residential, Accessory Dwelling Unit will not be rented out unless a principal dwelling unit is constructed onsite and is owner-occupied.

Staff finds the Variance request to be a self-imposed hardship and to be outside the realm of NRS Chapter 278 for granting of Variances. Therefore, staff recommends denial of both entitlement requests. If approved, they will be subject to conditions.

FINDINGS (24-0077-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."

Staff Report Page Four
May 14, 2024 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to create a lot with two accessory structures without a principal dwelling. Construction of a principal dwelling prior to a mapping action 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.

FINDINGS (24-0077-SUP1)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Residential, Accessory Dwelling Unit use cannot be conducted in a manner that is harmonious and compatible with the existing surrounding uses. This is evident by the requested Variance to allow accessory structures onsite prior to the construction of a principal dwelling unit.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site can physically accommodate the proposed Residential, Accessory Dwelling Unit use. However, the use is not appropriate for the site prior to the construction of a principal dwelling unit.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

Site access is provided by Silver Avenue, a 60-foot Local Street, which is adequate in size to accommodate the needs of the proposed use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

If approved, the proposed Residential, Accessory Dwelling Unit use will be subject to Building and Safety and Fire requirements, thereby protecting the public health, safety, and welfare.

Staff Report Page Five
May 14, 2024 - Planning Commission Meeting

5. The use meets all of the applicable conditions per Title 19.12.

The proposed Residential, Accessory Dwelling Unit use adheres to the requirements set forth by both Title 19.12.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
06/22/78	The Board of Zoning Adjustment approved Variance (V-0056-78) to allow the construction of a six-foot high wrought iron and block wall fence in the front yard where a four-foot high, top fifty percent open is permitted on property located at 2019 Bannies Lane.
11/18/82	The Board of Zoning Adjustment approved Variance (V-0097-82) to allow two existing guest houses with kitchen facilities where guest houses with kitchen facilities are not allowed on property located at 2019 Bannies Lane.
02/13/23	A Parcel Map (100304-PMP) request for a two-lot parcel map was submitted for review. The request was closed due to the need for entitlements.
01/23/24	A Boundary Line Adjustment Map (100395-BLA) request was submitted for review. The request was closed due to the need for entitlements.

<i>Most Recent Change of Ownership</i>	
07/01/22	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
c. 1949	Per the County Assessor, a single-family dwelling was constructed on APN 162-04-210-107.

<i>Pre-Application Meeting</i>	
02/07/24	Staff conducted a pre-application meeting with the applicant where the submittal requirements and deadlines were reviewed for a proposed Variance request.

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

Staff Report Page Six
May 14, 2024 - Planning Commission Meeting

Field Check	
04/04/24	Staff conducted a routine field check and found a fenced, undeveloped lot. No issues were noted.

Details of Application Request	
Site Area	
Net Acres	0.46

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Residential, Single Family, Detached		
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
Rancho Charleston Land Use Study	Y
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (200 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

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	18,000 SF	24,787 SF	Y
Min. Lot Width	100 Feet	151 Feet	Y
Min. Setbacks for Accessory Structures			
• Side	5 Feet	18 Feet	Y
• Rear	5 Feet	10 Feet	Y

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