



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: BLANCA I. GONZALEZ OROZCO

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0608-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 409

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0608-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a zero-foot separation from the primary dwelling where six feet is required.
2. A Variance is hereby approved, to allow an accessory structure to be located in front of the primary dwelling where such is not allowed.
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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant has requested a Variance (24-0608-VAR1) to convert an existing attached garage into a Residential Accessory Structure (Casita) at 312 Zion Drive.

ISSUES

- The applicant has requested a Variance (24-0608-VAR1) to allow an existing accessory structure in front of the primary structure where such is not allowed. Staff does not support the request.
- The applicant has requested a Variance (24-0608-VAR1) to allow an existing accessory structure to have a zero-foot separation from the primary dwelling where six feet is required. Staff does not support the request.

ANALYSIS

The subject single-family detached dwelling is zoned R-1 (Single Family Residential) with an L (Low Density Residential) General Plan Land Use designation within the Charleston area of the Las Vegas 2050 Master Plan. The site is subject to Title 19 development standards, which require two parking spaces for the dwelling.

The applicant has converted the existing two car garage attached to the front of the home into additional living space (casita). The submitted floor plan drawing, indicates the converted garage now contains an open floor area with a bathroom, closet and kitchenette/wet bar area that is not connected to the home by a doorway. The converted garage is accessed by a doorway on the north perimeter of the residence that accesses the side yard area of the property. Since there is no direct connectivity to the primary residence via hallway or doorway, the structure is now classified as a residential accessory structure.

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Pursuant to Title 19.06.040(C)(2), “No accessory structure is permitted in front of the primary structure unless the structure is a side-loaded garage that is used strictly as an ancillary use and does not encroach into the front setback area. Since the converted garage does not meet this criteria, the applicant has requested a Variance (24-0608-VAR1) to allow an existing accessory structure in front of the primary structure where such is not allowed. Also, pursuant to Title 19.06.070 an accessory structure is required to maintain a six-foot separation from the primary dwelling and three-foot setback from the side and rear yard property line. The submitted plans depict the converted garage is located zero feet away from the primary dwelling, six-foot setback from the side yard property line and 50-foot setback from the rear property line. In addition, the applicant has requested a Variance (24-0608-VAR1) to allow an existing accessory structure to have a zero-foot separation from the primary dwelling where six feet is required. Staff finds no evidence of a unique or extraordinary circumstance has been presented. The proposed development does not comply with Title 19.06 development standards, which may create a negative impact to surrounding properties. Staff has determined that the applicant has created a self-imposed hardship; therefore, staff recommends denial of this request.

FINDINGS (24-0608-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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by converting the garage to living space without providing direct access to the primary dwelling. An alternative design, that provides direct access to 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
There are no relevant City Actions by Planning, Fire, Code Enforcement, etc.	

<i>Most Recent Change of Ownership</i>	
02/07/24	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
09/03/20	A building permit (#R20-13197) was issued for heating, ventilation, air conditioning (HVAC) exact change outs/ repairs at 312 Zion Drive. The permit was finalized on 09/15/20.
10/01/20	A building permit (#R20-14803) was issued for re-roofing/residential (same for same tear off-only 2 layer of shingles allowed) at 312 Zion Drive. The permit has not been finalized.

<i>Pre-Application Meeting</i>	
11/14/24	A pre-application meeting was conducted where the submittal requirements for a Variance application were discussed to convert an existing attached garage into a Casita.

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

<i>Field Check</i>	
12/26/24	During a routine site inspection staff observed a well maintained single-family dwelling.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.14

<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: Charleston	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

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DEVELOPMENT STANDARDS

Pursuant to 19.06.070, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	6,098 SF	Y*
Min. Lot Width	60 Feet	60 Feet	Y
Accessory Structure Min. Setbacks - Garage Conversion			
• Front	20 Feet	25 Feet	Y
• Side (north)	3 Feet	6 Feet	Y
• Rear	3 Feet	50 Feet	Y
Min. Distance Between Buildings	6 Feet	0 Feet	N**
Max. Lot Coverage	50 %	34 %	Y
Max. Building Height	2 Stories or 35 Feet	One Story	Y

*Staff notes the subject site has a legal non-conforming lot size.

**The applicant has requested a Variance to allow a zero-foot separation from the primary dwelling where six feet is required.

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Zion Drive	Local Street	Title 13	50	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Residential, Single Family, Detached	1 dwelling	2 spaces per dwelling	2				
TOTAL SPACES REQUIRED			2		2		Y
Regular and Handicap Spaces Required			2	-	2	-	Y