



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: NOVEMBER 12, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: REBECCA HIRST AND MARK NICHOLSON HIRST

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0290-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 295

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0290-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a proposed Residential Accessory Structure [Garage] with a zero-foot separation from the main building where six feet is required.
2. A Variance is hereby approved to allow a proposed Residential Accessory Structure [Garage] to be located in front of the primary structure 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**

This is a Variance request for a proposed Residential Accessory Structure [Garage] in front of the primary dwelling that does not meet separation and placement requirements at 1312 South 7th Street.

SURROUNDING AREA CHARACTERISTICS

<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			

ISSUES

- A Variance is requested to allow a zero-foot separation from the main building for a proposed Residential Accessory Structure [Garage] where six feet is required. Staff does not support the request.
- A Variance is requested to allow a Residential Accessory Structure [Garage] to be located in front of the primary structure where such is not allowed. Staff does not support the request.
- The applicant is proposing to enclose the existing carport located at the front of the primary dwelling into the garage structure.

ANALYSIS

As described in the submitted justification letter, the applicant is proposing to convert an existing carport into a detached garage located in front of the primary dwelling. The site plan depicts the Residential Accessory Structure [Garage] will not have interior access to the primary dwelling, creating an accessory structure with a zero-foot distance separation between the garage and the primary dwelling where six feet is required. The proposed carport conversion will not encroach into the required 20-foot front yard setback. The colors and materials of the proposed Residential Accessory Structure [Garage] will be aesthetically compatible with the primary dwelling.

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The proposed carport conversion conforms to Title 19 development standards regarding building setbacks and height. If interior access between the proposed carport conversion and the primary dwelling were provided, this Variance request would not be necessary. 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 therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

FINDINGS (24-0290-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 [Garage] in front of the primary dwelling that does not meet separation requirements. Creating interior access between the proposed Residential Accessory Structure [Garage] and 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

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
No related relevant city actions by Planning, Fire, Building, Code Enforcement, etc.	

<i>Most Recent Change of Ownership</i>	
mm/dd/yy	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
04/11/24	A building permit (#R24-05274) was processed for a garage conversion at 1312 South 7 th Street. A permit has not been issued.

<i>Pre-Application Meeting</i>	
05/29/24	A pre-application meeting was held with the applicant.

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

<i>Field Check</i>	
10/03/24	Staff conducted a routine field check and observed an existing single-family dwelling with a carport. No issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.29

<i>Master and Neighborhood Plan Areas</i>		<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown South		Y
John S Park Neighborhood Plan		Y
<i>Special Area and Overlay Districts</i>		<i>Compliance</i>
A-O (Airport Overlay) District - 200 Feet		Y
<i>Other Plans or Special Requirements</i>		<i>Compliance</i>
Trails		N/A
Las Vegas Redevelopment Plan Area		N/A

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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. Setbacks			
• Front	20 Feet	30 Feet	Y
• Side	3 Feet	3 Feet	Y
Min. Distance Between Buildings	6 Feet	0 Feet	N*
Max. Lot Coverage	50 %	27 %	Y
Max. Building Height	35 Feet	11 Feet	Y

*Refer to Issues section