



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT: KARLI SINNOTT - OWNER: KARLI STENGER

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0531-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 294

PROTESTS 0

APPROVALS 0

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**** CONDITIONS ****

23-0531-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a five-foot corner side yard setback where fifteen feet is required for a proposed Residential Accessory Structure [Casita].
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 for a proposed Residential Accessory Structure [Casita] that does not meet setback requirements at 6516 Celeste Avenue.

ISSUES

- A Variance (23-0531-VAR1) is requested to allow a five-foot corner side yard setback where fifteen feet is required for a proposed Residential Accessory Structure [Casita]. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The subject site is located within the Charleston area of the City of Las Vegas 2050 Master Plan and has a General Plan Special Land Use designation of L (Low Density Residential). This zoning district is intended to provide for the development of single family detached dwellings in a suburban setting. The subject site is consistent with this purpose, as the existing land use at this location is a single family detached residence.

The applicant is requesting to construct a Residential Accessory Structure [Casita] which encroaches into the required corner side yard setback. Pursuant to Title 19.06.070 development standards, the minimum corner side yard setback for accessory structures is fifteen feet. The applicant is requesting a five-foot corner side yard setback where fifteen feet is required for a proposed Residential Accessory Structure [Casita]. This Variance request is a 67 percent deviation of the corner side yard setback requirement.

According to the applicant's justification letter, the proposed casita will provide additional living space for family members. Per the submitted floor plan, the proposed casita will not have a full kitchen, gas connection, or 220-volt electrical wiring. Per the submitted building elevations, the design and colors of the proposed casita will match the primary dwelling unit by utilizing the same colors and materials.

The subject site is a regularly shaped corner lot that exceeds the minimum lot size for the R-1 (Single Family Residential) zoning district. 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.

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FINDINGS (23-0531-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 within the minimum required corner side yard setback area. Relocating and reducing the square-footage of the proposed Residential Accessory Structure 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>	
09/20/72	The Board of City Commissioners approved the request for Reclassification Of Property (Z-0066-72) generally located on the east side of Lorenzi Boulevard between the Las Vegas Expressway (West Fremont) and Alta Drive from R-E (Residence Estates) to R-1 (Single Family Residential) and R-3 (Medium Density Residential) subject to the condition that the application be amended to R-1 for the entire parcel.

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Most Recent Change of Ownership

09/10/18	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

c. 1974	Per the Clark County Assessor, the subject single family residential dwelling was constructed.
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Pre-Application Meeting

10/03/23	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.
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Neighborhood Meeting

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

11/01/23	Staff conducted a routine field check and no issues were observed.
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Details of Application Request**Site Area**

Net Acres	0.19
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
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: Charleston	N/A
<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
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. Lot Size	6,500 SF	8,276 SF	Y
Min. Lot Width	60 Feet	60 Feet	Y
Min. Setbacks			
• Corner	15 Feet	5 Feet	N*
• Rear	3 Feet	5 Feet	Y
Min. Distance Between Buildings	6 Feet	6 Feet	Y
Max. Lot Coverage	50 %	36 %	Y

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