

**AGENDA MEMO - COMMUNITY DEVELOPMENT****CITY COUNCIL MEETING DATE: SEPTEMBER 18, 2024****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT/OWNER: KEVIN BRUNO AND ANGELICA MARIA GUERRERO**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0285-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

9

NOTICES MAILED

409 (by City Clerk)

PROTESTS

N/A

APPROVALS

N/A

**** CONDITIONS ****

24-0285-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a zero-foot separation from the primary dwelling where six feet is required for a proposed Residential Accessory Structure [Greenhouse].
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 request for a proposed Residential Accessory Structure [Greenhouse] that doesn't meet Title 19.06.080 separation requirements at 4424 Bristol Manor Drive.

ISSUES

- A Variance is requested to allow a zero-foot separation from the primary dwelling where six feet is required for a proposed Residential Accessory Structure [Greenhouse]. Staff does not support this request.

ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and is subject to Title 19 development standards. The subject property is currently developed with a single family dwelling. Surrounding the property are other R-CL (Single Family Compact-Lot) zoned properties that are developed with single family dwellings.

The applicant is proposing to construct a Residential Accessory Structure [Greenhouse] located in the side yard of the subject property in order to cultivate a variety of plants and vegetables on a year-round basis. Pursuant to Title 19.06.080, Residential Accessory Structures shall be placed at least six feet from the primary dwelling. The applicant has indicated in their submitted plans that the proposed Residential Accessory Structure [Greenhouse] will have a zero-foot separation, prompting this Variance request.

The submitted justification letter indicates the placement of the proposed Residential Accessory Structure [Greenhouse] is due to the layout and orientation of the applicant's residence, resulting in limited options for placement of the proposed Residential Accessory Structure [Greenhouse]. 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, the Variance will be subject to conditions.

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FINDINGS (24-0285-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 [Greenhouse] within the required distance of primary dwelling and Residential Accessory Structure. 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.

08/13/24	The Planning Commission voted (5-1) to recommend DENIAL on a Land Use Entitlement project request TO ALLOW A ZERO-FOOT SEPARATION FROM THE PRIMARY DWELLING WHERE SIX FEET IS REQUIRED FOR A PROPOSED RESIDENTIAL ACCESSORY STRUCTURE [GREENHOUSE] on 0.09 acres at 4424 Bristol Manor Drive (APN 139-19-111-047), R-CL (Single Family Compact-Lot) Zone, Ward 5 (Crear).
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Most Recent Change of Ownership

03/14/22	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

04/24/24	A building permit (#R24-06099) was issued for minor electrical work for a future greenhouse development. The permit was finalized on 06/24/24.
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Pre-Application Meeting

05/23/24	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

07/03/24	A routine field check was conducted by staff and observed an existing single family dwelling. Nothing of concern was noted.
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Details of Application Request

Site Area

Net Acres	0.09
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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	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
North	Residential ,Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<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>
South	Residential ,Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Residential ,Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	Residential ,Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<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 (140 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 Title 19.06.080, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	3,000 SF	4,040 SF	Y
Min. Lot Width	35 Feet	40 Feet	Y
Min. Setbacks			
• Side	3 Feet	4 Feet	Y
• Rear	3 Feet	16 Feet	Y
Min. Distance Between Buildings	6 Feet	0 Feet	N*
Max. Lot Coverage	70%	35 %	Y
Max. Building Height	Not to exceed 2 stories, 35 feet in height or the height of the principal dwelling unit, whichever is less	7 Feet	Y

*A Variance is requested to allow a zero-foot separation from the primary dwelling where six feet is required for a proposed Residential Accessory Structure [Greenhouse].