



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: FEBRUARY 11, 2025

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ERMEZ SANCHEZ

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0630-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 19

NOTICES MAILED 476

PROTESTS 0

APPROVALS 0

Conditions Page One
February 11, 2025 - Planning Commission Meeting

**** CONDITIONS ****

24-0630-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a four-foot side yard setback where five feet is required for an existing Patio Cover.
2. A Variance is hereby approved, to allow a one-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Shed 1].
3. A Variance is hereby approved, to allow a two-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Casita].
4. A Variance is hereby approved, to allow a two-foot rear yard setback where three feet is required for an existing Residential Accessory Structure [Casita].
5. A Variance is hereby approved, to allow a zero-foot side yard setback where three feet is required for an existing Residential Accessory Structure [Chicken Coop].
6. A Variance is hereby approved, to allow a zero-foot rear yard setback where three feet is required for an existing Residential Accessory Structure [Chicken Coop].
7. A Variance is hereby approved, to allow total accessory structure size of 134 percent of the floor area of the principal dwelling where 50 percent is the maximum allowed.
8. A Variance is hereby approved, to allow existing Residential Accessory Structures to not be aesthetically compatible with the principal dwelling unit where such is required.
9. 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.
10. 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.

Conditions Page Two
February 11, 2025 - Planning Commission Meeting

11. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
12. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
February 11, 2025 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for existing Residential Accessory Structures [Shed 1, Casita, and Chicken Coop] and Patio Cover that do not conform to Title 19 development standards at 321 Lehman 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

- The requested Variance is the result of a Code Enforcement case (#CE24-03821) for unpermitted structures. The case remains open pending the result of this Variance application.
- The applicant must apply for a Conditional Use Verification for the Animal Keeping and Husbandry use.
- This Variance request is made in conjunction with the City of Las Vegas Safe Home Improvements Funding and Training (SHIFT) program.

Staff Report Page Two
February 11, 2025 - Planning Commission Meeting

Structure	Requirement	Proposed	Governing Document	Staff Recommends	Justification Provided
Existing Patio Cover	Five-foot side yard setback	To allow a four-foot side yard setback	Title 19.06.070	Denial	Shade
Existing Residential Accessory Structure [Shed 1]	Three-foot side yard setback	To allow a one-foot side yard setback	Title 19.06.070	Denial	Storage
Existing Residential Accessory Structure [Casita]	Three-foot side yard setback	To allow a two-foot side yard setback	Title 19.06.070	Denial	Space for family
Existing Residential Accessory Structure [Casita]	Three-foot rear yard setback	To allow a two-foot rear yard setback	Title 19.06.070	Denial	Space for family
Existing Residential Accessory Structure [Chicken Coop]	Three-foot side yard setback	To allow a zero-foot side yard setback	Title 19.06.070	Denial	N/A
Existing Residential Accessory Structure [Chicken Coop]	Three-foot rear yard setback	To allow a zero-foot rear yard setback	Title 19.06.070	Denial	N/A

Staff Report Page Three
February 11, 2025 - Planning Commission Meeting

Structure	Requirement	Proposed	Governing Document	Staff Recommends	Justification Provided
Total Accessory Structure size and coverage	Not to exceed 50% of the floor area of the principal dwelling	To allow a total accessory structure size of 134%	Title 19.06.070	Denial	N/A
Existing Residential Accessory Structures [Casita and Shed 1]	Accessory structures must be aesthetically compatible with the principal dwelling unit	To allow accessory structures to not be aesthetically compatible	Title 19.06.040	Denial	N/A

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. According to the submitted site plan, the property has multiple Residential Accessory Structures and Patio Covers that were constructed without building permits and are included in this Variance request. The existing Residential Accessory Structure [Casita] does not have full kitchen facilities, as labeled in the submitted floor plan. Additionally, the submitted elevations also depict a five-foot tall front yard wall/fence that complies with Title 19 development standards.

The Animal Keeping and Husbandry use is allowed conditionally in the R-1 (Single Family Residential) zoning district. As shown in the submitted site plan, a chicken coop is located in the rear yard of the property. Therefore, a Conditional Use Verification must be obtained from the Department of Community Development - Planning Division to verify compliance with the conditions of the use.

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.

Staff Report Page Four
February 11, 2025 - Planning Commission Meeting

FINDINGS (24-0630-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 constructing multiple Residential Accessory Structures and a Patio Cover that does not meet Title 19 development standards. The removal and relocation of structures 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>	
05/28/24	A Code Enforcement case (#CE24-03821) was processed for unpermitted structures at 321 Lehman Street. The case remains unresolved.

<i>Most Recent Change of Ownership</i>	
04/29/14	A deed was recorded for a change in ownership.

Staff Report Page Five
February 11, 2025 - Planning Commission Meeting

Related Building Permits/Business Licenses	
10/01/23	A permit (R23-15938) was issued for rooftop solar installation at 321 Lehman Street. The permit was finalized on 04/03/24.

Pre-Application Meeting	
11/25/24	A pre-application meeting was held with the applicant.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
01/08/25	Staff conducted a routine field check and observed a single-family residence with a patio cover and front yard fence.

Details of Application Request	
Site Area	
Net Acres	0.17

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: East Las Vegas	N/A
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
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

Staff Report Page Six
February 11, 2025 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

Standard	Required/Allowed	Provided	Compliance
Min. Lot Size	6,500 SF	7,405 SF	Y
Min. Setbacks [Patio Cover 1]			
• Side	5 Feet	4 Feet	N*
Min. Setbacks [Shed 1]			
• Side	3 Feet	1 Foot	N*
Min. Setbacks [Shed 2]			
• Side	3 Feet	3 Feet	Y
Min. Setbacks [Casita]			
• Side	3 Feet	2 Feet	N*
• Rear	3 Feet	2 Feet	N*
Min. Setbacks [Chicken Coop]			
• Side	3 Feet	0 Feet	N*
• Rear	3 Feet	0 Feet	N*
Min. Distance from Main Building	6 Feet	10 Feet	Y
Max. Lot Coverage	50%	29%	Y
Max. Rear Yard Area Coverage - Accessory Structures	50%	28%	Y
Max. Accessory Structure Size and Coverage	50% of the floor area of the principal dwelling	134%	N*
Max. Building Height	35 Feet	10 Feet	Y
Max. Front Yard Wall/Fence Height	5 feet with a 2-foot solid wall base	5 feet with a 2-foot solid wall base	Y

*Refer to Issues table

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