

**AGENDA MEMO - COMMUNITY DEVELOPMENT****CITY COUNCIL MEETING DATE: MARCH 6, 2024****DEPARTMENT: COMMUNITY DEVELOPMENT****ITEM DESCRIPTION: APPLICANT: MARIA RODRIGUEZ - OWNER: RAUL GIL AND MARIA GIL**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0467-VAR1	Staff recommends DENIAL, if approved subject to conditions	

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

24

NOTICES MAILED

132 (by City Clerk)

PROTESTS

0

APPROVALS

0

**** CONDITIONS ****

23-0467-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a 38-foot lot width where 100 feet is required.
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

The applicant is requesting a Variance to allow a 38-foot wide lot where 100 feet is required at 1201 South Commerce Street.

ANALYSIS

The applicant is requesting to split the lot at 1201 South Commerce Street to separate the existing satellite parking lot used for Casa Don Juan Main Street located at 1204 South Main Street, from the existing building at 1201 South Commerce Street. The subject site is zoned C-M (Commercial/Industrial).

The subject parcel is an existing rectangular shaped non-conforming lot and is 50 feet in width by 140 feet in length. As set forth in Title 19.08.090, the minimum lot width in this zoning district is 100 feet. By splitting the existing non-conforming lot, this application would exacerbate the existing nonconformity by creating two nonconforming lots. The eastern lot would be 56 feet in width by 112 feet in length if approved, while the western lot would be 38 feet in width by 56 feet in length if approved.

This lot split would separate the existing building, on the eastern lot, from its current vehicle access to the rear alley. The two lots created through the requested Variance would result in a lot that is only 38-percent of the required lot width and a second lot that is 56-percent of the required lot width. Staff finds the proposed lot split to be a self-imposed hardship and recommends denial of the Variance. As an alternative to splitting the parcel, permanent easements running with the land could provide for permanent parking and access rights.

FINDINGS (23-0467-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."

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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 split a non-conforming lot resulting in two, nonconforming lots. Permanent easements conveying permanent parking and access 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

Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.

No relevant city actions to note.

Most Recent Change of Ownership

10/02/23	A deed was recorded for a change in ownership.
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Related Building Permits/Business Licenses

No relevant building permits or business licenses to note.

Pre-Application Meeting

09/05/23	A pre-application meeting was held and staff provided the submittal requirements for a Variance.
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Neighborhood Meeting

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

Field Check

10/04/23	During a routine site visit, staff observed a satellite parking lot for the nearby restaurant at 1204 South Main Street alongside an unoccupied building with signage for a gym. The site is free of debris with no concerns of note.
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Details of Application Request

Site Area

Gross Acres	0.19
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	<i>Land Use per Title 19.12</i>	<i>General Plan</i>	<i>Zoning District</i>
Subject Property	Health Club with Parking Facility	LI/R (Light Industrial/ Research)	C-M (Commercial/Industrial)
North	Auto Repair, Major	LI/R (Light Industrial/ Research)	C-M (Commercial/Industrial)
South	Parking Facility	LI/R (Light Industrial/ Research)	C-M (Commercial/Industrial)
East	Office, Other than listed	LI/R (Light Industrial/ Research)	M (Industrial)
West	General Retail with Alcohol, On-Premise Full	C (Commercial)	C-M (Commercial/Industrial)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
City of Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
LW-O (Live/Work Overlay) District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan (Area 1)	Y
Interlocal Agreement	N/A
Project of Significant Impact	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

<i>Pursuant to Title 19.08 and Appendix F. Downtown Las Vegas Interim Development Standards, the following standards apply:</i>			
<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	2,172 SF	Y
Min. Lot Width	100 Feet	38 Feet	N*

* A Variance is requested to allow for a 38 foot wide lot where 100 feet is required.

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Commerce Street	Major Collector	Master Plan of Streets and Highways	75	Y
		Title 13		
California Avenue	Local Street	Title 13	75	Y