

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: DECEMBER 16, 2020

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT: RYAN WOLFINGTON - OWNER: DO RIGHT
FEEL RIGHT HOLDINGS, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
20-0208-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 255 (By City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

20-0208-VAR1 CONDITIONS

Planning

1. Conformance to the approved conditions for Rezoning and Plot Plan Review (Z-0019-74).
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 Department of Building and Safety.
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 Variance to allow zero parking spaces where two parking spaces are required for a single family attached, dwelling at 727 Sea Pines Lane.

ISSUES

- The garage on the subject site was converted to living space without obtaining proper building permits. On 11/15/19 a building permit (R19-17673) was processed for a garage conversion to bedroom and bathroom at 727 Sea Pines Lane. The permit has not been issued.
- A Variance is required to allow zero parking spaces where two parking spaces are required. Staff recommends denial of the request.

ANALYSIS

The subject single family attached, dwelling is zoned R-PD8 (Residential Planned Development – 8 Units per Acre) with a ML (Medium Low Density Residential) General Plan designation within the Southeast Sector. The site is subject to Title 19 development standards, which require two parking spaces for the dwelling.

The applicant has converted the existing two car garage attached to the home into additional living space. The submitted floor plan drawing date stamped 09/21/20, indicates the converted garage now contains a living room, bedroom, bathroom and kitchenette area that is connected to the home by a doorway. Since the two required parking spaces have been removed, the applicant has requested a Variance (20-0208-VAR1) to allow zero parking spaces where two spaces are required.

Since the garage was converted without obtaining proper building permits, staff has determined that the proposed Variance is self-imposed; therefore, staff recommends denial.

FINDINGS (20-0208-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:

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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 converting the existing two car garage into living space, which has removed the required two parking spaces from the subject site. Converting the garage back to its original condition 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, Bldg., etc.</i>	
12/06/78	The City Council approved a request for a Rezoning (Z-0019-74) from R-E (Residence Estates) to R-PD8 (Residential Planned Development – 8 Units per Acre) for a proposed 169 one and two story Townhouse development on property located on the south side of Washington Avenue, east of Decatur Boulevard.
03/22/84	The Board of Zoning Adjustment approved a request for a Variance (V-0037-84) to allow three subdivision advertising signs where only one sign is permitted on property located on the 4600 block of Washington Avenue.
09/02/87	The City Council approved a request for a Rezoning (Z-0019-74) for a Plot Plan Review for a proposed 42 Unit patio home development on property located on the south side of Washington Avenue, east of Decatur Boulevard.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
05/30/19	A Code Enforcement case (CE-200535) was processed running business from residence (tennis camp? with children staying there - up to 10 - for months), garage converted without permits. The case has not been resolved.
11/10/20	The Planning Commission unanimously voted to recommend DENIAL on a Land Use Entitlement project (20-0208-VAR1) request for a Variance TO ALLOW ZERO PARKING SPACES WHERE TWO ARE REQUIRED on 0.05 acres at 727 Sea Pines Lane (APN 139-30-313-041), RPD-8 (Residential Planned Development – 8 Units Per Acre), Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
04/21/20	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
11/15/19	A building permit (R19-17673) was processed for a garage conversion to bedroom and bathroom at 727 Sea Pines Lane. The permit has not been issued.

<i>Pre-Application Meeting</i>	
09/16/20	A pre-application meeting was held with the applicant to discuss the submittal process for a parking Variance.

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

<i>Field Check</i>	
09/24/20	During a routine site visit staff observed a well maintained single family, attached dwelling unit.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.05

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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	Single Family, Attached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
North	Single Family, Attached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
South	Single Family, Attached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
East	Single Family, Attached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)
West	Single Family, Attached	ML (Medium Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units per Acre)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District - (105 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

<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>
Sea Pines Lane	Private Street	Title 13	40	Y

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Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Attached	One	Two spaces per Unit	2				
TOTAL SPACES REQUIRED			2		0		N*
Regular and Handicap Spaces Required			2	-	0	-	N*
Percent Deviation			100%				

* The applicant has requested a Variance (20-0208-VAR1) to allow zero parking spaces where two spaces are required.