



# AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: JULY 21, 2021

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: PATRICK BAILEY

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## **\*\* STAFF RECOMMENDATION(S) \*\***

| <i>CASE NUMBER</i> | <i>RECOMMENDATION</i>                                       | <i>REQUIRED FOR APPROVAL</i> |
|--------------------|---|------------------------------|
| 21-0231-VAR1       | Staff recommends DENIAL, if approved subject to conditions: |                              |

## **\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**NOTICES MAILED** 232 (By City Clerk)

**PROTESTS** 0

**APPROVALS** 0

**\*\* CONDITIONS \*\***

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## **21-0231-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved to allow a proposed Accessory Structure (Class II) [Garage and Workspace] that is not aesthetically compatible with the principal dwelling.
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**

The applicant is proposing to develop a 1,350 square-foot Accessory Structure (Class II) [Garage] at 5136 Lamarjon Court.

**ISSUES**

- A Variance is requested to allow a proposed Accessory Structure (Class II) [Garage and Workspace] that is not aesthetically compatible with the principal dwelling. Staff does not support this request.

**ANALYSIS**

The subject site is an existing 1,304 square-foot single-family, detached residence that is located within the R-PD3 (Residential Planned Development – 3 Units per Acre) zoning district. The development standards for this district were established upon the approval of Rezoning (Z-0048-96). Condition of Approval Number Three (3) of this application stated that “All lots shall conform to the R-D (Single Family Residence Restricted) zoning district standards for setbacks, building height, and accessory structures.”

The proposed structure complies with the accessory structure setbacks listed for the R-D (Single Family Residence Restricted) zoning district. The submitted justification letter and elevation plan date stamped on 04/14/21 show that the proposed Accessory Structure will utilize metal siding and roofing. Title 19.06.040 requires that accessory structures are to be aesthetically compatible with the principal dwelling unit. The proposed materials are industrial in nature and not compatible or harmonious with any residentially zoned properties.

In the submitted justification letter date stamped on 04/14/21, the applicant states that the metal building matches the character and compatibility of Lamarjon Court, as the neighboring property to the west has an accessory structure with metal siding in the rear yard.

No substantial evidence has been presented to warrant the requested Variance. Staff finds that the applicant has created a self-imposed hardship by proposing to develop an accessory structure with materials that are industrial and nature and not compatible or harmonious with surrounding residential development. Therefore, staff recommends denial of this request.

**FINDINGS (21-0231-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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| AS |
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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 proposing to develop an Accessory Structure with materials that do not conform with the Title 19.06 development standards. Alternative design materials 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**

| <b><i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i></b> |  |
|--|--|
| 06/19/96   | The City Council approved a Rezoning (Z-0048-96) FROM: R-E (Residence Estates) TO: R-PD3 (Residential Planned Development (3 Units per Acre) for 14 proposed single-family dwellings on 5.07 acres on the west side of Leonard Lane approximately 30 feet south of Lake Mead Boulevard. The Planning Commission recommended denial.  |
| 10/24/11   | A Code Enforcement Case (CE-107125) was reported for cars parked in the front yard on dirt for over a year at 5136 Lamarjon Court. The case was resolved on 11/07/11.  |
| 06/08/21   | The Planning Commission unanimously voted to recommend DENIAL on a Land Use Entitlement project request TO ALLOW A PROPOSED ACCESSORY STRUCTURE (CLASS II) [GARAGE AND WORKSPACE] THAT IS NOT AESTHETICALLY COMPATIBLE WITH THE PRINCIPAL DWELLING on 0.25 acres at 5136 Lamarjon Court (APN 138-24-713-010), R-PD3 (Residential Planned Development - 3 Units per Acre) Zone, Ward 5 (Crear). |

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| <b>Most Recent Change of Ownership</b> |  |
|--|--|
| 10/24/03                               | A deed was recorded for a change in ownership. |

|          |  |
|----------|--|
| 10/24/03 | A deed was recorded for a change in ownership. |
|----------|--|

| <b>Related Building Permits/Business Licenses</b> |  |
|---|--|
| 10/06/06  | A Building Permit (R-73889) was issued for a clv design block wall at 5136 Lamarjon Court. |

|          |  |
|----------|--|
| 10/06/06 | A Building Permit (R-73889) was issued for a clv design block wall at 5136 Lamarjon Court. |
|----------|--|

| <b>Pre-Application Meeting</b> |   |
|--------------------------------|---|
| 04/13/01                       | A pre-application meeting was held with the applicant to discuss the submittal requirements of a Variance pertaining to a proposed Accessory Structure (Class II) [Garage and Workspace]. |

|          |   |
|----------|---|
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|----------|---|

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

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|--|--|
| A neighborhood meeting was not required, nor was one held. |  |
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| <b>Field Check</b> |   |
|--------------------|---|
| 05/05/21           | A routine field check was conducted by staff, nothing was noted of concern. |

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|----------|---|
| 05/05/21 | A routine field check was conducted by staff, nothing was noted of concern. |
|----------|---|

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Net Acres                             | 0.25 |

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|------------------|------|
| Net Acres        | 0.25 |

| <b>Surrounding Property</b> | <b>Existing Land Use Per Title 19.12</b> | <b>Planned or Special Land Use Designation</b> | <b>Existing Zoning District</b>                                   |
|-----------------------------|--|--|---|
| Subject Property            | Single Family, Detached                  | R (Rural Density Residential)                  | R-PD3 (Residential Planned Development – 3 Units per Acre)        |
| North                       | Undeveloped                              | RN (Rural Neighborhood) – Clark County         | R-E (Rural Estates Residential [2 Units per Acre]) - Clark County |
| South                       | Single Family, Detached                  | R (Rural Density Residential)                  | R-PD3 (Residential Planned Development – 3 Units per Acre)        |
| East                        |  |  |   |
| West                        |  |  |   |

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| <b><i>Master and Neighborhood Plan Areas</i></b>  | <b><i>Compliance</i></b> |
|---|--------------------------|
| No Applicable Master Plan Area                    | N/A                      |
| <b><i>Special Area and Overlay Districts</i></b>  | <b><i>Compliance</i></b> |
| A-O (Airport Overlay) District (105 Feet)         | Y                        |
| R-PD (Residential Planned Development) District   | Y                        |
| <b><i>Other Plans or Special Requirements</i></b> | <b><i>Compliance</i></b> |
| Trails  | N/A                      |
| Las Vegas Redevelopment Plan Area                 | N/A                      |
| Interlocal Agreement                              | N/A                      |
| Project of Significant Impact                     | N/A                      |
| Project of Regional Significance                  | N/A                      |

**DEVELOPMENT STANDARDS**

***Pursuant to Title 19.06, the following standards apply:***

| <b><i>Standard</i></b>          | <b><i>Required/Allowed</i></b> | <b><i>Provided</i></b> | <b><i>Compliance</i></b> |
|---------------------------------|--------------------------------|------------------------|--------------------------|
| Min. Lot Size                   | N/A                            | 10,890 SF              | Y                        |
| Min. Lot Width                  | N/A                            | 71 Feet                | Y                        |
| Min. Setbacks                   |                                |                        |                          |
| • Front                         | 25 Feet                        | 25 Feet                | Y                        |
| • Side                          | 10 Feet                        | 10 Feet                | Y                        |
| • Rear                          | 25 Feet                        | 30 Feet                | Y                        |
| Min. Setbacks                   |                                |                        |                          |
| • Side                          | 3 Feet                         | 12 Feet                | Y                        |
| • Rear                          | 3 Feet                         | 5 Feet                 | Y                        |
| Min. Distance Between Buildings | 6 Feet                         | 6 Feet                 | Y                        |
| Max. Lot Coverage               | N/A                            | 28%                    | Y                        |
| Max. Building Height            | 2 Stories/ 35 Feet             | 1 Story                | Y                        |
| Max. Accessory Structure Height | 2 Stories/ 35 Feet             | 22 Feet                | Y                        |

| Open Space – R-PD only  |         |          |         |      |          |      |            |
|---|---------|----------|---------|------|----------|------|------------|
| Total Acreage   | Density | Required |         |      | Provided |      | Compliance |
|   |         | Ratio    | Percent | Area | Percent  | Area |            |
| Condition of Approval Number 1 (One) of Zoning Reclassification (Z-0048-96) waived the required open space standards of the R-PD (Residential Planned Development) zoning district. |         |          |         |      |          |      |            |

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| <b><i>Street Name</i></b> | <b><i>Functional<br/>Classification<br/>of Street(s)</i></b> | <b><i>Governing<br/>Document</i></b> | <b><i>Actual<br/>Street Width<br/>(Feet)</i></b> | <b><i>Compliance<br/>with Street<br/>Section</i></b> |
|---------------------------|--|--------------------------------------|--|--|
| Lamarjon Court            | Local Street   | Title 13                             | 50   | Y  |