

**CASE: VAR-9833**

**RADIUS: 1000 FT**

**ZONING OF SUBJECT PROPERTY: P-R (PROFESSIONAL OFFICE AND PARKING)**



**AGENDA MEMO**

CITY COUNCIL MEETING DATE: FEBRUARY 1, 2006  
DEPARTMENT: PLANNING AND DEVELOPMENT  
ITEM DESCRIPTION: ABEYANCE ITEM - VAR-9833 - APPLICANT/OWNER:  
CHARLES E. KELLY

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE JANUARY 4, 2006 CITY COUNCIL MEETING AT COUNCILMAN WEEKLY'S REQUEST.*

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

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-9831) and Variance (VAR-9832)
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

**A) *Action Requested***

This is a request for a Variance to allow a zero foot side yard setback where a five foot setback is required on 0.16 acres at 706 South 8th Street.

A related Site Development Plan Review SDR (9831) for a proposed 973 square foot addition to an existing office development and a variance (VAR-9832) to allow three parking spaces where nine spaces are required will also be considered.

**B) *Applicant's Justification***

The applicant indicates this request is justified because the proposed addition will be an enhancement to the city.

**BACKGROUND INFORMATION**

**A) *Related Actions***

02/15/95      The City Council approved a rezoning of this from R-1 (Low Density Residential) to P-R (Professional Offices and Parking) (Z-173-94).

12/01/05      The Planning Commission recommended approval of related items (VAR-9832 and SDR-9831).

12/01/05      The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #45/ar).

**B) *Pre-Application Meeting***

09/06/05      Staff explained the requirements for a Variance at the pre-application meeting.

**C) *Neighborhood Meetings***

A neighborhood meeting is not required for a Variance application.

**DETAILS OF APPLICATION REQUEST**

**A) *Site Area***

Net Acres:                      0.16 acre

**B) Existing Land Use**

Subject Property: Offices  
 North: Offices  
 South: Offices  
 East: Offices  
 West: Offices

**C) Planned Land Use**

Subject Property: MXU (Downtown Mixed Use)  
 North: MXU (Downtown Mixed Use)  
 South: MXU (Downtown Mixed Use)  
 East: MXU (Downtown Mixed Use)  
 West: MXU (Downtown Mixed Use)

**D) Existing Zoning**

Subject Property: P-R (Professional Offices and Parking)  
 North: P-R (Professional Offices and Parking)  
 South: P-R (Professional Offices and Parking)  
 East: P-R (Professional Offices and Parking)  
 West: P-R (Professional Offices and Parking)

**E) General Plan Compliance**

The subject site is designated MXU (Downtown Mixed Use) on the Southeast Sector Map of the General Plan, allowing for retail, office, and mixed-use residential projects. The existing P-R (Professional Offices and Parking) zoning district conforms to this General Plan designation

| <i>SPECIAL DISTRICTS/ZONES</i>  | Yes | No |
|---------------------------------|-----|----|
| <b>Special Area Plan</b>        |     | X  |
| Redevelopment Plan Area         | X   |    |
| <b>Special Overlay District</b> |     | X  |

This site is located in the Redevelopment Plan Area and is in conformance with the goals and objectives of that plan.

**ANALYSIS**

**A) Zoning Code Compliance**

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

| <b>Standards</b>     | <b>Required</b>    | <b>Provided</b>    | <b>Compliance</b> |
|----------------------|--------------------|--------------------|-------------------|
| Min. Lot Size        | None               | 7,000 SF           | Y                 |
| Min. Setbacks        |                    |                    |                   |
| • Front              | 20 Feet            | 23 Feet            | Y                 |
| • Side               | 5 Feet             | North side: 5 Feet | Y                 |
|                      |                    | South Side: 0 Feet | N                 |
| • Rear               | 15 Feet            | 33 Feet            | Y                 |
| Max. Lot Coverage    | 50 %               | 38 %               | Y                 |
| Max. Building Height | 2 Stories /35 Feet | 1 Story, 15 Feet   | Y                 |

The zoning code does not require a setback for detached accessory structures such as the one that is shown on the south property line of the subject site. However, since the applicant is proposing to construct an addition that attaches the accessory structure to the main building, the minimum five foot setback along the south property line is no longer met.

**B) General Analysis and Discussion**

A detached accessory structure is currently located on the south property line of the subject site. The applicant is proposing to construct an addition that attaches the accessory structure to the main building, thus creating a minimum five foot setback requirement from the south property line.

Staff finds that the inability to meet the setback requirement indicates that the site is being overbuilt.

**FINDINGS**

In accordance with the provisions of Title 19.18.070(B), 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 19.18.070L 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 overbuild the site. 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.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 21

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 224 by City Clerk

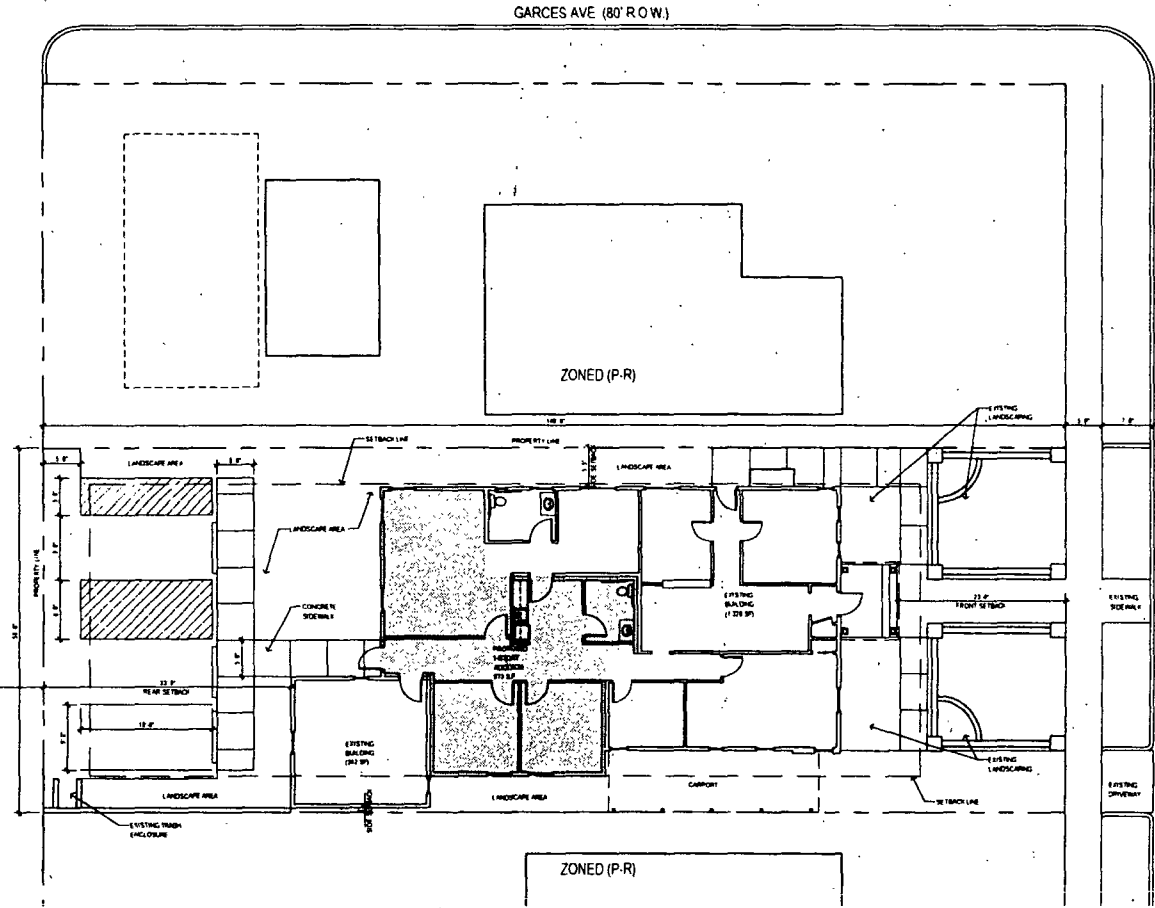
**APPROVALS** 0

**PROTESTS** 2





VICINITY MAP  
NOT TO SCALE



SITE PLAN  
1/8" = 1'-0"

**ACCESSOR'S PARCEL NUMBERS** 139-34-810-031

**SITE INFORMATION**

| BUILDING AREA       | REQ'D PARKING        | PROVIDED                            |
|---------------------|----------------------|-------------------------------------|
| Office              | 2 643 SF             | 1 300 = 9                           |
|                     | <b>Total Parking</b> | <b>9</b>                            |
|                     |                      | <b>3 Total (Variance Requested)</b> |
| Handicapped Parking | 1 to 25 = 1          | 1                                   |

**ZONING INFORMATION**

Jurisdiction: City of Las Vegas  
 Current Zoning District: "P-R"

Lot Size: 7,000 sq ft or 161 acres  
 Maximum Lot Coverage Allowed: 50 % = 3,500 SF  
 ("P-R") Lot Coverage Provided: 37.8 % = 2,643 SF

Maximum Occupancy per IBC = 2 643/100 = 27 Occupants

|            | REQUIRED | PROVIDED                |
|------------|----------|-------------------------|
| Front Yard | 20'      | 22'-0"                  |
| Side Yard  | 5'       | 0' (Variance Requested) |
| Rear Yard  | 15'      | 33'-9"                  |

Maximum Building Height Allowed: 2 stories and 35'  
 Actual Building Height: 15'-3"

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 Las Vegas, NV 89148

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 F: 702.879.1111  
 www.kellylaw.com

APTA PROJECT NO: 05.017  
 ARCHITECT

ENGINEER

NO. 15

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NO. DESCRIPTION DATE

ISSUED

TITLE: **SITE PLAN**

DRAWING NO: **A100**

KELLY LAW OFFICE

**VAR-9832**  
**VAR-9833**  
**SDR-9831**  
**12-01-05 PC**

**RECEIVED**  
 OCT 14 2005

September 20, 2005

City of Las Vegas  
Planning and Development Department  
731 S. 4<sup>th</sup> Street.  
Las Vegas, Nevada 89101

**RE: Kelly Law Office Building Expansion**  
**APN: 139-34-810-031**  
**Justification Letter**  
**Subject: Setback Variance**

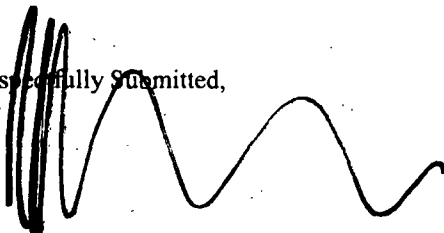
Dear Sirs:

The use for the property at 706 S. 8<sup>th</sup> Street (139-34-810-031) is a law office. The purpose of this Site Development Review is for a proposed addition of 973 square feet to the 1,328 square feet of building that exist on the property.

We are requesting a setback variance of 0 feet along the south property line where 5 feet is required. The location of the existing structure on the site does not allow for the required setbacks. Also, the additional square footage does not encroach into the required setback. Due to the existing site conditions and restraints we believe this to be an appropriate justification for the aforementioned variance.

Please consider this site development review as a positive impact on the City of Las Vegas and the surrounding neighborhood.

Respectfully Submitted,



R. Brandon Spragure (on behalf of Charles Kelly)  
APTUS Architecture

**VAR-9833**  
**12-01-05 PC**