



# Planning Commission Agenda Item

Date: December 09, 2020
Item No: 7.

**TO:** Planning Commission

**FROM:** Marc Jordan, Director Land Development & Community Services  
Prepared By: Robert Eastman

**Subject:** **VN-04-2020 ST. MARTIN'S ANGLICAN CHURCH (Public Hearing).**  
Applicant: St. Martin's Anglican Church. Request: A variance in an R-E (Ranch Estates District) to allow a 22 foot building setback where a 50 foot building setback is required for a religious institution. Location: 821 East Lone Mountain Road. (APN 139-02-101-007). (For possible action)

**RECOMMENDATION: APPROVED WITH CONDITIONS**

**PROJECT DESCRIPTION:**

The applicant is requesting consideration for a 22 foot building setback from a residential home where a 50 foot building setback is required in the R-E, Ranch Estates District for a religious institution. The site is located at 821 East Lone Mountain Road.

**BACKGROUND INFORMATION:**

Previous Actions
N/A

**RELATED APPLICATIONS:**

Application #	Application Request
<b>SUP-39-2020</b>	To allow a special use permit in an R-E (Ranch Estates District) to allow a religious institution (church).

**GENERAL INFORMATION:**

	Land Use	Zoning	Existing Use
<b>Subject Property</b>	Single-Family Low	R-E, Ranch Estates District	Single-Family Residential
<b>North</b>	Single-Family Low	R-1, Single-Family Low Density	Single-Family Residential
<b>South</b>	Single-Family Low	R-1, Single-Family Low Density	Single-Family Residential
<b>East</b>	Single-Family Low	PUD, Planned Unit Development District	Single-Family Residential
<b>West</b>	Single-Family Low	R-E, Ranch Estates District	Single-Family Residential

**DEPARTMENT COMMENTS:**

Public Works:	No Comments.
Police:	No Comments.
Fire:	No Comments.
Clark County School District:	No Comments.
Clark County Department of Aviation:	No Comments.

**ANALYSIS**

The applicant is requesting a variance to reduce the required side yard setback for a proposed religious institution from 50 feet to 22 feet. The proposed church is using an existing single-family home that was originally constructed in 1987. The proposed church requires a Special Use Permit in the R-E, Ranch Estates District (SUP-39-2020), which is also on tonight's agenda for consideration.

The existing home is in compliance with the setback requirements for a dwelling, but it does not meet the more restrictive set back requirements for a religious institution (church). The proposed church does meet the 20 foot front and corner side setbacks as well as the 50 rear setback. The lot is an approximate 1.16 acre (50,529 square feet) lot with a 4,791 square foot home. The applicant is not proposing any changes or expansions that increase the need for the variance. The site is constricted by the size of the existing structure. To comply with the setback requirements would require the existing building to be modified and approximately 28 feet of the structure would need to be removed.

## Requirements for Approval of a Variance

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a variance if the Planning Commission finds, from the evidence presented, that all of the following criteria has been met:

1. There are exceptional and extraordinary circumstances and conditions applicable to the property involved and that such circumstances and conditions do not apply generally to other properties in the same vicinity and zoning district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by property in the same vicinity and zoning district and denied to the property in question; and
3. The granting of such variance will not be materially detrimental to the public safety and welfare or injurious to other property or improvements in the same vicinity and zoning district.

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a Planning Commission is empowered to grant a variance:

*“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 regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application 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.”*

- **Are there exceptional and extraordinary circumstances that do not generally apply to other properties in the same vicinity?**
  - The site is an existing single-family home on a large lot. The intent is to convert it to a church. No modifications are proposed that would increase the degree of non-conformity.
- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**

- Yes, the variance is necessary to allow the development of the church, however, the site could remain as a single-family home without a variance.
- **Is the variance materially detrimental to the public safety and welfare, or does it damage property values?**
  - No, with proper mitigation, the proposed variance should not impact neighboring properties nor does the variance create a negative impact on the public safety or welfare.

Staff has no objections to the proposed variance request. The applicant is requesting a reasonable accommodation to allow them to utilize the property as a church. The proposed use could impact the adjacent neighbor. A decorative screen wall and landscaped buffer should be required to help mitigate any impact on the neighboring single-family homes. Staff recommends approval of the request subject to conditions.

#### **CONDITIONS:**

##### ***Planning and Zoning:***

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The applicant shall provide a minimum of a six foot tall decorative screen wall and 20 feet of landscaping with trees 20 feet on center and shrubs to provide 50% ground coverage within two years of planting adjacent to all residential property lines.

#### **ATTACHMENTS:**

Letter of Intent  
Site Plans  
Clark County Assessor's Map  
Location and Zoning Map