

03/04/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0755-FREEMAN, KENNETH B:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** allow an existing accessory structure prior to a primary building; and **2)** reduce setback for a proposed single-family residence on 0.29 acres in an RS80 (Residential Single-Family 80) Zone.

Generally located on the east side of Western Street and the south side of El Dorado Street within South County (Nelson). MN/my/kh (For possible action)

RELATED INFORMATION:

APN:

228-03-410-050

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow an existing accessory structure (existing accessory structure) prior to construction of a primary building per Section 30.03.01D.
2. Reduce the interior side setback for a proposed single-family residence to 10 feet where 15 feet is required per Section 30.02.02B (a 33% reduction).

LAND USE PLAN:

SOUTH COUNTY (NELSON) - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Acreage: 0.29
- Project Type: Single-family residential
- Number of Lots: 1
- Stories: 1
- Building Height (feet): 12 (existing accessory structure)
- Square Feet: 840 (existing accessory structure)

Site Plan

The site plan shows an existing concrete pad for a proposed residence that is located 45 feet from the front (north) property line adjacent to El Dorado Street, 50 feet from the south property line, 10 feet from the interior side(eastern) property line, and 38 feet from an existing accessory structure to the southwest. The applicant is requesting to reduce the interior side setback for the proposed residence to 10 feet where 15 feet is required per code. Per the applicant, the existing conex box that is on the concrete pad will be removed.

The existing accessory structure is located on the southwest corner of the site and is set back 11 feet from the west property line adjacent to Western Street, 5 feet from the south property line, and 54 feet from the east property line. Access to the site is provided via a driveway leading to the accessory structure from Western Street.

Elevations

The elevations show an existing accessory structure that has an overall height of 12 feet and is constructed of metal. The north side has an entry door, while the east side has a roll-up door.

Floor Plans

The floor plans show an existing accessory structure with an overall area of 840 square feet. There is also an existing conex box with an overall area of 180 square feet that will be removed. The applicant did not provide any proposed plans for the future residence to be constructed on the subject parcel.

Applicant's Justification

The existing accessory structure will be used for storage, and the intent is to build a future residence on the existing concrete pad on the east side of the subject parcel.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0937-05	Reduced front setback for a proposed single-family residence and proposed water tower, reduced the side (corner setback), reduced the right-of-way setback; and modifications to the architecture of a water tower	Approved by PC	July 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	RS80	Single-family residence
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS80, RS20	Single-family residences
East & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS80	Single-family residence

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Waiver of Development Standards #1

Title 30 establishes minimum standards for accessory structures that are incidental and subordinate to primary uses. These standards are intended to minimize adverse impacts on surrounding properties and the local community. Furthermore, per Section 30.03.01D, accessory structures must be in conjunction with a primary use or structure and shall not be established prior to a primary use. Staff does not support this request and staff recommends that the applicant obtain necessary permits for the existing accessory structure.

Waiver of Development Standards #2

The purpose of interior side setbacks is to provide for a safe distance between structures. The applicant can construct the proposed home in a manner which meets the interior side setback since the subject parcel is largely undeveloped. Staff also does not support this request.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- 1 year to remove the conex box;
- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time;
- 2 years to commence the primary residence or the application will expire unless extended with approval of an extension of time.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the

approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property appears to have an existing septic system; and to please contact the Southern Nevada Health District with regard to modifying existing plumbing fixtures.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: GEORGE ECROMER

CONTACT: GEORGE CROMER, LAW OFFICE OF GEORGE E. CROMER, 601 S. 10TH STREET, SUITE 107, LAS VEGAS, NV 89101