

12/03/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0541-TUFFANELLI AUGUSTINE 1994 TRUST ETAL & BANK WELLS FARGO
NA TRS FBO SJ TUFFANELLI:**

WAIVER OF DEVELOPMENT STANDARDS to eliminate setbacks for an existing accessory structure in conjunction with an existing single-family residence on 0.25 acres in an RS5.2 (Residential Single-Family 5.2) Zone within the Historic Designation Overlay.

Generally located on the north side of Mohigan Way at the intersection with Pima Lane within Paradise. TS/jm/kh (For possible action)

RELATED INFORMATION:

APN:

162-14-710-111

WAIVER OF DEVELOPMENT STANDARDS:

Eliminate the side setback for an existing accessory structure (carport) where 5 feet is required per Section 30.02.06.

LAND USE PLAN:

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2260 Mohigan Way
- Site Acreage: 0.25
- Project Type: Accessory structure (existing carport)
- Building Height: 9 feet, 5 inches
- Square Feet: 373.3

Site Plan

The plan depicts an existing single-family residence with an existing attached carport. The residence is roughly centered on the property and the attached carport, measuring 40 feet by 9 feet, 4 inches, is along the west side of the home 45 feet from the front property line and zero feet from the west property line. The carport is accessed from Mohigan Way via a circular driveway. There is an existing pool in the rear yard.

Landscaping

Landscaping is not a part of this request.

Elevations

The elevations for the carport depict a structure 9 feet 5 inches high and is 9 feet 4 inches by 40 feet in size. The carport is attached to the west side of the house and a new solid fire-rated wall will be added to the west side of the carport next to an existing block wall. The carport is a white painted structure attached to the house with a slotted covering allowing filtered light to pass through. The carport is supported by 4 columns on the west side.

Applicant's Justification

The applicant states that the request for the reduced setback is to come into compliance with current building code. They state that the carport has been there, and maintained, for nearly 50 years without incident. The issue came up due to Code Enforcement case (CE23-03252) for which they now have a building permit for (BD24-17182).

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0098	Reclassified 176.4 acres to a Historic Neighborhood Overlay District	Approved by BCC	April 2022

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	RS5.2	Golf course
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2 (HDO)	Single-family residential

Clark County Public Response Office (CCPRO)

CE23-03252 is an active Code Enforcement case for building without a permit.

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

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.

Staff typically does not support requests to reduce setbacks. The structure has no setback to the adjacent property, resulting in an encroachment that may result in drainage issues and quality of

life issues. Setbacks provide open areas for safety, aesthetic purposes, and more, and eliminating them is a self-imposed hardship. Therefore, staff cannot 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 complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: BRAZEN ARCHITECTURE

CONTACT: BRAZEN ARCHITECTURE, 900 LIBERACE AVENUE C111, LAS VEGAS, NV 89109