

SETBACKS
(TITLE 30)

UPDATE
TROPICANA AVE/SPANISH HEIGHTS DR

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-21-0282-AGASSI, ANDRE:

HOLDOVER APPEAL WAIVERS OF DEVELOPMENT STANDARDS for the following:
1) reduce side yard setback; and 2) reduce lot area in conjunction with an existing residence within a minor subdivision on 0.9 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the south side of Andre Drive and the west side of Agassi Court within Spring Valley. JJ/bb/jo (For possible action)

RELATED INFORMATION:

APN:
163-29-510-027; 163-29-510-055

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the side yard setback for a residential home to zero feet where 10 feet is the minimum per Table 30.40-1 (a 100% reduction).
2.
 - a. Reduce the minimum gross lot area to 11,078 square feet where 20,000 square feet is the minimum per Table 30.40-1 (a 45% reduction).
 - b. Reduce the minimum net lot area to 11,078 square feet where 18,000 square feet is the minimum per Table 30.40-1 (a 38% reduction).

LAND USE PLAN:

SPRING VALLEY - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 8904 Spanish Mountain Drive & 4944 Spanish Heights Drive
- Site Acreage: 0.62 (Spanish Mountain Drive)/0.31 (Spanish Heights Drive)
- Project Type: Setback
- Number of Stories: 1
- Square Feet: 2,091

History & Site Plan

The site plan depicts 2 single family homes on 2 lots in Spanish Hills Estates Unit 1 under the same ownership. The subdivision was developed as an R-E zoned planned unit development

(PUD). A PUD is not required to meet most on-site development standards and the development standards were established with the approved plans with the use permit. Title 30 allows amendments to the original plan subject to the underlying zoning district standards, including the procedure to modify the zoning district standards. The request is for a subdivision of 2 lots into a different layout with 2 resulting lots, leaving 1 of the lots (the subject property) not meeting the R-E setbacks. Currently Lot 2 of the existing subdivision consists of a single family residence on 0.3 acres fronting Spanish Heights Drive with a pool in the rear yard. This lot is 0.3 acres with streets on 2 sides. The second home (subject property), located on Lot 1 of the existing subdivision consists of a single family residence fronting Spanish Mountain Drive with a tennis court in the rear yard (north) on 0.6 acres. The proposed subdivision will combine the tennis court from the subject property with the lot on Spanish Heights Drive. The new lot line will be located on the north side of the building of the subject property and extend across the property from east to west, then north to join the south property line of the Spanish Heights Drive lot. The proposed irregular shaped lot creates a zero foot side yard setback (north) for the subject property. The lot area of the subject property is being reduced from 27,047 square feet to 11,078 square feet. The lot facing Spanish Heights Drive is currently 13,571 square feet and proposed to be 29,541 square feet.

Landscaping

There are no proposed or required modifications to the existing landscaping.

Applicant’s Justification

The applicant is requesting to reduce the setback on one of the newly revised lots to zero feet. The owner wishes to amend the lot lines to include the tennis court with the home addressed at 4944 Spanish Heights Drive. The new lot line will fall along the north face of the home addressed at 8904 Spanish Mountain Drive. The property is located in the gated community of Spanish Hills Estates, south of Tropicana Avenue and west of Durango Drive.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residential

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative. A majority of the lots within the immediate area are greater than 13,000 square feet. The proposed area of the

subject property will only be 11,078 square feet and will not be compatible with the surrounding area and existing neighborhood. In addition, staff does not support a zero foot setback. It appears the subdivision can be redesigned to add area to the subject property and distance between the home and new north property line.

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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

STAFF CONDITIONS:

Current Planning

If approved:

- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - denial.

APPROVALS: 1 card

PROTESTS: 3 cards, 1 letter

PLANNING COMMISSION ACTION: August 3, 2021 – DENIED – Vote: Aye: Stone, Frasier, Kilarski, Nguyen, Waltho, Castello Nay: Kirk

APPEAL: This item has been appealed by an interested party who believes the Planning Commission did not fully understand the intent of the waiver.

COUNTY COMMISSION ACTION: September 22, 2021 – HELD – To 10/20/21 – per the Board of County Commissioners.

APPLICANT: ANDRE AGASSI

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