

09/05/23 PC AGENDA SHEET

ACCESSORY APARTMENT  
(TITLE 30)

**UPDATE**  
PEACHY CT/RANCHO DESTINO RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-23-0345-PLASENCIA ZUBIN:**

**HOLDOVER WAIVER OF DEVELOPMENT STANDARDS** to reduce the side street corner setback in conjunction with an accessory apartment on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the northwest corner of Peachy Court and Rancho Destino Road within Enterprise. MN/nai/syp (For possible action)

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RELATED INFORMATION:

**APN:**  
177-33-110-001

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the side street corner setback for an accessory apartment to 5 feet where 10 feet is required per Table 30.40-1 (a 50% reduction).

**LAND USE PLAN:**

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 146 Peachy Court
  - Site Acreage: 0.5
  - Project Type: Accessory Apartment
  - Number of Stories: 1
  - Building Height (feet): 16 feet, 4 inches
- Square Feet: 4,348 (residence)/400 (pergola)/600 (pool)/700 (basketball court)/599 accessory apartment

Site Plan

The site plan depicts an existing 1 story single family residence on a 0.5 acres. The principal residence is centrally located on the parcel and the front of the home faces south towards Peachy Court.

The site includes an existing pergola, pool, and a basketball court. The pergola is 400 square feet and located on the northwest corner of the site. In addition, the pergola has an 8 foot, 8 inch separation from the primary residence and has an 11 foot rear setback. The pool is 600 square feet and is located on the north side of the property, behind the home. The pool has the same separation and rear setback distance as the pergola. Lastly, the basketball court is 700 square feet and is located on the east side of the property.

The applicant is proposing to build a new accessory apartment on the northeast corner of the property. The accessory apartment is 600 square feet with a 9 foot separation from the house. The applicant is requesting to reduce the side street corner setback to 5 feet where 10 feet is required per Title 30.

#### Landscaping

Landscaping is not a part of this application.

#### Elevations

The plans show that the accessory structure is 16 feet 4 inches high and the exterior materials are stucco with a concrete tile roof and a stone veneer.

#### Floor Plans

The accessory apartment has an overall area of 600 square feet. The proposed design will have 2 bedrooms that will each have 126 square feet of area. Between the bedrooms will be a shared bathroom. The floor plan shows a 193 square foot living room. Also, the accessory apartment will have a kitchen that is 92 square feet which will include a stove, oven, refrigerator, and a double sink.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

Per the justification letter, the applicant lives in the primary residence and would like to build an accessory apartment on the northeast corner of the property for his elderly parents to live in. The accessory structure will include a kitchen with a stove and oven for his parents to use. The applicant is requesting to waive the interior corner side setback to 5 feet where the required setback is 10 feet because without the waiver the site cannot accommodate adequate living space.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Reclassified 3,800 parcels from R-E to R-E (RNP-I) Zoning	Approved by BCC	October 2005

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VS-1182-03	Vacated patent easement and a portion of Levi Avenue, and relocated fire hydrant line onto Rancho Destino Road	Approved by PC	September 2003
TM-500320-03	10 single family residential lots on 5.1 acres	Approved by PC	September 2003

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

**STANDARDS FOR APPROVAL:**

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

**Analysis****Comprehensive 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.

There are no other structures within the 10 foot setback from a street in the immediate area. Setbacks create an aesthetically pleasing streetscape and provide visibility for safety along the street; therefore, staff does not support reductions to setbacks from the street.

**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:

- Until July 12, 2024 to commence.

- 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; and that 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.

**Public Works - Development Review**

- Drainage study and compliance.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Enterprise - approval.

**APPROVALS:**

**PROTESTS: 2 cards**

**PLANNING COMMISSION ACTION:** August 15, 2023 – HELD – To 09/05/23 – per the Planning Commission.

**APPLICANT:** ZUBIN PLASENCIA

**CONTACT:** ZUBIN PLASENCIA, 146 PEACHY CT, LAS VEGAS, NV 89183