

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0095-MCCAFFERTY DAVID A & KELLY L:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate and reduce separation; **2)** reduce setbacks; **3)** increase wall height; **4)** eliminate driveway separation; **5)** increase residential drive-way width; and **6)** waive off-site improvements in conjunction with an existing single-family residence and a proposed minor subdivision on 0.31 acres in an RS5.2 (Residential Single-Family RS5.2) Zone.

Generally located west of Mormon Peak Street and north of Bryner Avenue within Moapa Valley. MK/nai/kh (For possible action)

RELATED INFORMATION:

APN:

070-12-310-032; 070-12-310-117

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the separation between the detached garage and the playhouse to 3 feet where 6 feet is required per Section 30.02.06 (a 50% reduction).
 - b. Eliminate the separation between the playhouse and Shed #2 where 6 feet is required per Section 30.02.06.
 - c. Reduce the separation between Shed #2 and Shed #3 to 3 feet where 6 feet is required per Section 30.02.06 (a 50% reduction).
 - d. Reduce the separation between Shed #3 and the greenhouse to 1 foot where 6 feet is required per Section 30.02.06 (an 83% reduction).
 - e. Reduce the separation between the shade structure and the primary residence to 3 feet where 6 feet is required per Section 30.02.06 (a 50% reduction).
2.
 - a. Reduce rear setback of the playhouse to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
 - b. Eliminate the rear setback of Shed #2 where 5 feet is required per Section 30.02.06.
 - c. Eliminate the rear setback of Shed #3 where 5 feet is required per Section 30.02.06.
 - d. Reduce the rear setback of the greenhouse to 2 feet where 5 feet is required per Section 30.02.06 (a 60% reduction).
 - e. Reduce the interior side setback of the greenhouse to 2 feet where 5 feet is required per Section 30.02.06 (a 60% reduction).
 - f. Eliminate the interior side setback of the shade structure where 5 feet is required per Section 30.02.06.

3.
 - a. Increase the wall height along the north property line (not within 15 feet of the front setback) to 7 feet where 6 feet is the maximum allowed per Section 30.04.03 (a 17% increase).
 - b. Increase the wall height along the west property line to 7 feet where 6 feet is the maximum allowed per Section 30.04.03 (a 17% increase).
 - c. Allow a 7 feet high wall within 5 feet of the rear year setback where 6 feet is the maximum allowed per Section 30.04.03 (a 17% increase).
4. Eliminate the distance from the south property line to the driveway where 6 feet is required per Uniform standard drawing 222.
5. Increase the driveway width to 32 feet where 28 feet is the maximum per Uniform standard drawing 222.
6. Waive off-site improvements (sidewalk and streetlights) along Mormon Peak Street where required per Section 30.04.08C.

LAND USE PLAN:

NORTHEAST COUNTY (MOAPA VALLEY) - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 769 Mormon Peak Steet
- Site Acreage: 0.31
- Project Type: Single-family residence and proposed minor subdivision
- Building Height (feet): 12 (house)/ 11 feet (playhouse)/ 6 (shed #2)/ 6 (shed #3)/ 7 feet (greenhouse)/ 6 feet (shade structure)
- Square Feet: 1,248 (house)/ 64 (playhouse)/ 25 (shed #2)/ 11.25 (shed #3) 56.76 (greenhouse)/ 110 (shade structure)

Site Plan

The plan depicts 2 adjacent lots located on the west side of Mormon Peak Street. There is an existing single-family residence with accessory structures on the parcel to the north, where the parcel to the south is undeveloped. The accessory structures on the northern lot include a detached garage approved by BD07-11388, playhouse, 2 sheds, greenhouse, and a shade structure. A minor subdivision map (MSM-24-600118) is under review to combine the parcels.

There are existing walls, up to 7 feet tall, along the north, west, and south property lines of APN 070-12-310-032 (not within 15 feet of the front setback). After the minor subdivision map is recorded and the 2 lots are combined, the wall currently located along the south property line of APN 070-12-310-032 will be in the middle of the future parcel; therefore, it will be considered an accessory structure located out of setbacks. However, a waiver is needed for the wall height where located within 5 feet from the rear property line.

Elevation

The photos depict the following:

- A primary residence, 11 feet 8 inches high, made of wood, grey stucco, and a metal roof;

- A detached garage, 14 feet high, made of wood, grey stucco, and white roof.
- A playhouse, 11 feet 2 inches high, made of grey wood and grey metal pedestals.
- Shed #2, 6 feet high, made of light tan Rubbermaid plastic and brown roof cover
- Shed #3, 6 feet high, made of light tan Rubbermaid plastic and green roof cover
- Greenhouse, 6 feet and 6 inches high, made of clear plastic and aluminum frame
- Shade structure, 5 feet and 10 inches high, made of light tan wood base, silver metal posts, and brown sunshade.

Applicant’s Justification

The applicant is proposing to combine 2 lots into one parcel. A waiver of development standards is needed to waive partial off-sites requirement outlined in MSM-24-600118. The applicant also is applying to waive the setbacks and separation for the existing accessory structures and the height of the boundary wall. The applicant states that the waivers align with the character of the surrounding area, and due to the unique configuration and limited usable area of the parcel, adhering to a 6 foot separation between structures and the setbacks would significantly hinder the functional use of our backyard for recreational purposes.

Surrounding Land Use

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

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.

Waivers of Development Standards #1 & #2

Section 30.02.06 requires 6 feet of separation between accessory structures and 5-foot rear and side setbacks to ensure fire safety, maintenance access, reduce bulk and adequate spacing; yet several proposed structures are placed at half or less of the required separation or setbacks. These combined reductions over-intensify the rear yard and reverse the intent of maintaining safe, functional spacing, especially given that most of the structures are movable. The lot has ample

room to meet the required setbacks and separations, making the hardship self-imposed. Therefore, staff cannot support these requests

Waiver of Development Standards #3

Development standards for residences, including maximum wall heights, are established by Title 30 to maintain the character and aesthetics of neighborhoods, neither of which are accomplished with this request. The purpose of reviewing increases in wall height is to assure the increased height will not negatively impact the surrounding area. Staff finds that the increased wall height may have a negative impact on the surrounding properties. Therefore, staff cannot support this request.

Public Works - Development Review

Waivers of Development Standards #4 & #5

Staff cannot support the increased driveway width and reduced distance from the driveway to the property line for the residential driveway. The enlarged driveway will increase the potential for a collision while vehicles enter and exit the driveway. The decreased distances to the property line decrease sight visibility and increase potential conflicts between vehicles and pedestrians.

Waiver of Development Standards #6

Staff cannot support the request to not install sidewalks and streetlights along Mormon Peak Street. Sidewalks along streets provide a safe pathway for pedestrians within the neighborhood. Streetlights not only provide safety for motorists, but they also assist in improving security. Additionally, staff finds that with new technology, the light pollution from the streetlights can be mitigated so that the light does not impede into the adjacent parcels. Therefore, staff finds that it is imperative to provide the sidewalks and streetlights.

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:

- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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

- Applicant to provide an ALTA survey and submit it to Public Works - Development Review;
- If ALTA survey shows private improvements within the right-of-way, applicant must remove.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

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

TAB/CAC: Moapa Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: KELLY LEEANN MCCAFFERTY

CONTACT: KELLY MCCAFFERTY, 769 MORMON PEAK STREET, OVERTON, NV 89040