

07/16/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0255-CHEN, ENHUA & STEPHANIE:**

**WAIVER OF DEVELOPMENT STANDARDS** to increase the hardscape area within the front and side yards in conjunction with an existing single-family residence on 0.2 acres in a CP (Commercial Professional) Zone.

Generally located on the south side of Desert Inn Road, approximately 100 feet east of Frontier Street within Paradise. JJ/dd/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-18-110-010

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the hardscape area within the front and side yards to 100% where 60% is the maximum allowed per Section 30.04.01(D) (a 40% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4807 W. Desert Inn Road
- Site Acreage: 0.2
- Project Type: Single-family residence

History & Site Plan

In 2002, ZC-02-0604 was approved to convert the subject parcel and 16 others from RS5.2 (formerly R-1) to CP (formerly CRT). The subject parcel, however, has never been converted to a commercial use.

The plan depicts an existing single-family residence that was constructed in 1972 with direct access from Desert Inn Road. The residence is shown as being set back 60 feet from the front property line. According to aerial photographs, the front and side yards were completely paved sometime between 2010 and 2011. There are no other changes proposed to the property with this application.

Applicant’s Justification

The applicant states the property was purchased in 2019, and that at the time of purchase they were unaware of the previous land use history that changed the zoning of the property. Additionally, the applicant states that the other 16 properties related to the original land use approval lack front landscaping as well.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-0604-02	Reclassified from R-1 to CRT zoning to allow for commercial uses along Desert Inn Road	Approved by BCC	November 2002

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Corridor Mixed-Use	CG	Retail shopping center
South	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20	Single-family residential
East	Neighborhood Commercial	CP	Single-family residential
West	Neighborhood Commercial	CP	Financial office

**Clark County Public Response Office (CCPRO)**

There is an active Code Enforcement case (CE-21-07152) on the property for hardscape over 60% in the front yard.

**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**

Waiver 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.

The Code limits hardscape not to exceed 60% to minimize the heat island effect and storm water run-off by reducing the number of impervious surfaces, as well as to maintain an aesthetically pleasing streetscape. The addition of any landscaping would help the property come closer to the intent of Title 30 and the goals of the Master Plan, but the applicant has opted to attempt to waive it completely. For these reasons, 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:

- 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**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Paradise - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ENHUA CHEN

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