

SETBACKS
(TITLE 30)

MONTE CRISTO WAY/COLEY AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0153-JOHNSON, RICKEY L. LIVING TRUST, ET AL:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setbacks; and **2)** allow alternative screening in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the northwest corner of Monte Cristo Way and Coley Avenue within Spring Valley. JJ/jor/jd (For possible action)

RELATED INFORMATION:

APN:

163-10-303-007

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the front setback for an accessory structure (chicken coop) to 8 feet 6 inches where 40 feet is required per Table 30.40-1 (a 79% decrease).
- b. Reduce the rear setback of a principal structure building addition to 15 feet where 30 feet is required per Table 30.40-1 (a 50% decrease).
2. Allow a 6 foot high solid block wall (with a stucco finish) within 15 feet of the front property line where a 6 foot high decorative fence is permitted per Table 30.64-1.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 7440 Coley Avenue
- Site Acreage: 0.5
- Project Type: Reduced setbacks and allow an existing block wall
- Number of Stories: 2
- Building Height (feet): 14 (main residence)/19 feet, 6 inches (garage addition)
- Square Feet: 3,244 (main residence)/2,768 (proposed addition)/64 (existing chicken coop)/200 (existing playhouse)

Site Plan

The site plan depicts an existing residence built in the 1980's on the northwest corner of Monte Cristo Way and Coley Avenue. The front of the residence and the main driveway face south toward Coley Avenue. Currently, the main residence is set back 56 feet from the north property line, 30 feet from the east property line (adjacent to Monte Cristo Way), 54 feet from the south property line (Coley Avenue), and 21 feet from the west property line. The site also has 2 sheds on the northwest corner of the site, which will be removed once the garage addition is built. The site plan depicts a proposed garage addition on the north side (rear) of the existing residence, which will reduce the rear setback to 15 feet where 30 feet is required per Title 30. There is also an existing second driveway (circular in design) along the east property line. The applicant utilizes the entrance on the west side of the residence as the main entrance to the home.

In addition, there is an existing playhouse on the west side of the residence that is set back 7 feet from the west property line, 19 feet from front the south property line, also there is an existing chicken coop set back 8 feet from the south property line, but located behind the existing solid block wall. The applicant is requesting to waive the front setback for the existing chicken coop within the front yard to 8 feet where 40 feet is required per Title 30.

Lastly, there is an existing decorative fence with stucco columns along the east property line which wraps around to a portion of the south property line. There is an existing 6 foot high solid block wall with a stucco finish along the remainder of the south property line which extends north along the west side of the main driveway (adjacent to Coley Avenue). In addition, there is an existing 8 foot high (2 foot retaining/6 foot screening) solid block wall with a stucco finish along the west property line, and a 6 foot high solid block wall with a stucco finish along the north property line. The applicant is requesting to waive the existing screening along the south property line (front yard), because Title 30 does not allow a 6 foot high solid screen wall but does allow a 6 foot high decorative fence within 15 feet of the front property line.

Landscaping

The plans and submitted photos depict mature trees along the east, south, and west property lines. There are also existing shrubs, medium size trees, decorative rock, and ample amounts of desert style landscaping surrounding the entire property. Changes to the existing landscaping are not a part of this request.

Elevations

The submitted elevations show the existing residence has neutral colored stucco walls with a single story design and a shingled roof. The garage addition along the north side of the residence will match the exterior finishes and roofing material of the existing residence and the overall proposed height of the addition is 19 feet, 6 inches. The east facing elevation of the garage addition consists of an entrance, windows, and a garage door.

Floor Plan

The floor plan depicts a garage addition which includes RV parking, storage/work area, office, and closet.

Applicant's Justification

The applicant purchased the home 7 years ago, and due to the site's peculiar lay out the waivers are requested in order to build a garage addition and ensure that the entire site complies with Title 30 standards. Over the years, the interior of the home was redesigned by previous owners, so the main entrance faces Monte Cristo Way (east property line), even though the home is addressed from Coley Avenue (south property line). The applicant is requesting to waive the rear setback (north property line) for a garage addition and reduce the interior side setback of an existing playhouse and the front setback of an existing chicken coop located in the front yard. The site is well maintained, fully landscaped, has no current zoning violations, and is harmonious in design with the surrounding neighborhood.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0613-10	Reclassified portions of Section 9 thru Section 13 generally located between Cimarron Road and Decatur Boulevard, and between Spring Mountain Road and Sahara Avenue from R-E to R-E (RNP-I) zoning	Approved by BCC	February 2011

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 (RNP-I)	Residential

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Waivers of Development Standards

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.

Waiver of Development Standards #1a

Staff does not normally recommend approval of setback reduction requests; however, this situation is unique since the design of the site is uncommon. The current property owner added improvements and accessory structures (chicken coop and play house) to the site not knowing that the true rear yard of the home is the north portion of the parcel (not the west portion), and the front yard of the home is the south portion of the site (not the east portion). The existing chicken coop location does not negatively impact the site, and it does not impact the harmonious streetscape of the surrounding neighborhood. The plans show that the chicken coop is located

behind the existing solid block wall and cannot be seen from the right-of-way; and the existing landscaping adjacent to the wall provides another visual buffer. Staff supports this request.

Waiver of Development Standards #1b

The proposed garage addition will reduce the rear setback to 15 feet where 30 feet is required per Title 30. The plans show that the proposed garage addition is architecturally compatible to the site and is set back appropriately from the right-of-way to the east in order to continue the harmonious streetscape. Furthermore, the garage addition will improve the rear yard, because the property owner will remove the existing sheds and will continue to maintain the existing landscaping within the rear yard. The neighbor's residence to the north has an interior side setback of approximately 6 feet to 8 feet from the applicant's north property line (rear yard); therefore, reducing the rear setback to 15 feet still provides ample clearance between the applicant's garage addition and the neighbor's residence to the north. Mature landscaping around the majority of the perimeter of the subject property also supports the setback reduction request; however, staff recommends a condition that requires planting 3 Mondell pine trees 20 feet on center along the western half of the north property line. Staff is in support of this waiver with conditions.

Waiver of Development Standards #2

Photos show that the existing decorative fence along the east property line and a portion of the south property line, and the existing solid block wall with the stucco finish enhances the overall design of the site. Furthermore, the ample amounts of trees, shrubs, groundcover, and decorative rocks are aesthetically pleasing to the site, and complements the solid block wall with a stucco finish along the front property line (south). Code allows a 6 foot high decorative fence within 15 feet of the front yard. Although the existing solid block wall is not a decorative fence, the existing wall has a painted stucco finish to match the residence, and is also aesthetically pleasing; therefore, staff supports this request.

Staff Recommendation

Approval.

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.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Plant three, 24 inch box Mondell pine trees, 20 feet on center along the western half of the north property line;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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

- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

Building Department - Fire Prevention

- No comment.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement; so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: RICK JOHNSON

CONTACT: RICK JOHNSON, 7440 COLEY AVENUE, LAS VEGAS, NV 89117