

01/21/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0659-CEBALLOS, IVANA LAGONELL:**

**USE PERMIT** to allow a home occupation.

**WAIVER OF DEVELOPMENT STANDARDS** to increase hardscape area on 0.16 acres in an RS5.2 (Residential Single-Family 5.2) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the west side of Eastern Avenue, 575 feet north of Russell Road within Paradise. JG/tpd/kh (For possible action)

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RELATED INFORMATION:

**APN:**

162-26-810-055

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the hardscape area within the front and side yards to 88% where 60% is the maximum allowed per Section 30.04.01D.3 (a 47% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - NEIGHBORHOOD COMMERCIAL

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5603 S. Eastern Avenue
- Site Acreage: 0.16
- Project Type: Home occupation
- Number of Stories: 2
- Square Feet: 318 (office)/2,108 (entire building)

**Site Plans & Request**

The plans depict an existing single-family residence with access granted via Eastern Avenue. The residential site previously included front and rear yard landscaping that was partially converted to hardscape sometime between 2020 and 2022. Portions of the existing landscaping were retained at the front of the house in the courtyard area, and along the rear property line. There is an existing attached sidewalk along Eastern Avenue.

The request indicates that up to 4 nonresident employees will provide healthcare insurance services on site, and clients will go to this residence office to obtain healthcare insurance services.

### Landscaping

No landscaping is proposed with this request.

### Elevations

The photos depict an existing single-family residence that is 20 feet in height. There is a grey stucco exterior with an existing attached patio cover on the rear of the building. There are windows and a French door that face the rear of the parcel. The front of the building depicts 2 entry ways, 1 for the residential area, and 1 for the office conversion.

### Floor Plans

The plans depict an existing 2 story single-family residence. There are 5 bedrooms and 2 bathrooms on the second floor. Additionally, the first floor has an existing dining room, living room, kitchen, bathroom, and bedroom. There is an office space on the first floor that used to be the garage. The garage has been converted to an office area where the employees will conduct their business.

### Applicant's Justification

The applicant states that they are requesting a use permit to allow four employees in addition to customers on site for their home-based business. The business involves providing health insurance information to customers in need. A portion of the home is being rented to tenants, while the remaining portion, the former garage, will be used as an office space. Additionally, the applicant is requesting to allow an increased amount of hardscaping for the existing pavement and hardscape pavers on the parcel. The applicant indicates that there will be no business conducted outdoor and there will be no receipt of products or materials outside of normally delivery for the primary residential use.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0011-12	Overhead communication line	Approved by PC	March 2012
ZC-1821-02	Zone change and waivers of development standards for a conversion from residential to commercial - expired	Approved by BCC	February 2003
UC-1367-97	Overhead communication line	Approved by PC	September 1997

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Neighborhood Commercial	RS5.2 (AE-60)	Single-family residential
South & East	Neighborhood Commercial	CP (AE-60)	Office
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2 (AE-60)	Single-family residential

## **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**

##### Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff is concerned that the proposed use, allowing up to 4 employees plus customers at the subject site, may produce parking issues in addition to on-site and off-site traffic conflicts. The garage has been converted to an office, which means the tenants need to park their vehicles in the driveway. The site is not designed for the quantity of parking that may be needed for the employees and customers in addition to the existing residential tenants. Access to the site is from a residential 2-car pan driveway, with parking provided in the front and side yards, which was paved by a previous property owner. Aerial and street view evidence indicates that the south side yard is already used for parking. The potential for on-site and off-site vehicles entering or exiting the site, which is designed for vehicles backing onto Eastern Avenue due to insufficient room for vehicle for a safe on-site turnaround or maneuver, may cause a hazard for vehicles and pedestrians. Eastern Avenue is an arterial street with heavy pedestrian and vehicle traffic. Staff finds that the requested use will create an increased demand for on-site parking, which will negatively impact the property's residential character. Therefore, staff cannot support this request.

##### 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. The addition of any street facing 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 almost completely. The heat island effect is still prevalent in hard surfaces and the increase percentage of on-site hardscape is excessive. 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)**

- 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:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** SEGUROS LAGONELL

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