

ACCESSORY STRUCTURES  
(TITLE 30)

MOJAVE RD/ASTORIA DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0084-HILLSTEAD, CHARMAINE & KIP:**

**USE PERMIT** to allow an accessory structure (detached carport) not architecturally compatible with the principal structure.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce the building separation; and **2)** reduce setback in conjunction with an existing single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the west side of Mojave Road, 270 feet south of Astoria Drive within Winchester. TS/jor/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-12-711-062

**USE PERMIT:**

Allow an existing detached metal carport not architecturally compatible with the existing principal structure where architectural compatibility is required per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the building separation between the existing detached metal carport and the principal structure to 3 feet 9 inches where 6 feet is required per Table 30.40-2 (a 35% decrease).
2.
  - a. Reduce the front setback of an existing detached metal carport from the front (east) property line to 7 feet 5 inches where 20 feet is required per Table 30.40-2 (a 62% decrease).
  - b. Reduce the setback of an existing detached metal carport from the street (Mojave Road) to 7 feet 5 inches where 10 feet is required per Table 30.56.040 (a 25% decrease).
  - c. Reduce the rear setback of an existing accessory structure (southwest corner) to 1 foot 6 inches where 5 feet is required per Table 30.40-2 (a 70% decrease).
  - d. Reduce the interior side setback of an existing accessory structure (southwest corner) to 1 foot 6 inches where 5 feet is required per Table 30.40-2 (a 70% decrease).

**LAND USE PLAN:**

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:****Project Description**

## General Summary

- Site Address: 3009 S. Mojave Road
- Site Acreage: 0.2
- Project Type: Setback and separation reduction for existing accessory structures
- Number of Stories: 1 (existing principal structure)/1 (existing accessory structures)
- Building Height (feet): 10 (existing detached carport)/8 feet, 4 inches (accessory structure on southwest corner of the site)
- Square Feet: 1,396 (existing principal structure)/298 (existing detached carport)/213 (existing accessory structure on southwest corner of the site)

Site Plan & Request

The site plan depicts an existing single family residence with the front facing Mojave Road. Per the provided plans the site includes existing attached and detached accessory structures.

First, the east side of the residence includes an existing detached metal framed carport with a white tension fabric material installed as a top cover. This carport is set back 7 feet 5 inches from the front (east) property line and 3 feet 9 inches from property line of the existing residence to the west. The applicant is requesting a waiver of development standards to reduce the front setback to 7 feet 5 inches where 20 feet is required per Title 30. A second waiver is required to reduce the street setback to 7 feet 5 inches where 10 feet is required per Section 30.56.040. The applicant is also requesting to reduce the building separation from the detached carport to 3 feet 9 inches where 6 feet is required per Code. Lastly, the applicant is requesting a use permit to allow the carport to not be architecturally compatible to the existing residence.

The northern portion of the residence includes an existing attached patio cover that is set back 4 feet 6 inches from the north property line, where 3 feet is required per Title 30. The northwest corner of the site includes an existing accessory structure which will be removed by the property owner. The western portion (rear of residence) includes a second attached patio cover, which also meets the required setback per Code. The existing block wall along the north, west, and east property lines are approximately 5.5 feet to 6 feet high.

Lastly, the southwest corner of the site includes an existing accessory structure utilized for storage. This structure currently has a zero foot setback from the west and south property lines. The property owner will modify the accessory structure so that the structure will be set back 1.5 feet from the west and south property lines where 5 feet is required per Title 30. The applicant is requesting to reduce the rear and the interior side setback of an existing accessory structure (southwest corner) to 1 foot 6 inches where 5 feet is required per Table 30.40-2.

Landscaping

Landscaping is neither required nor a part of this request.

Elevations

The existing residence is a single story home with exterior finishes which include stucco and wood. The existing detached carport has an overall height of 10 feet, and includes a metal frame, with a white tension fabric cover. The accessory structure on the southwest corner of the site has an overall height of 8 feet 4 inches and includes wood siding.

Applicant’s Justification

The applicant states that the carport structure was constructed prior to the purchase of the property in September 2011. Photos from Google Earth show the carport in place in March 2011. The carport is bolted into the concrete and the applicant has not made additional revisions to the structure. The accessory structure in the southwest corner of the rear yard replaced a previous structure that was in the same location. Per the applicant, this accessory structure (southwest corner) will be cut back 1.5 feet on the west and south sides of building. In reference to the accessory structure in the northwest corner, this structure will be removed from the site.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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

CE21-20489 is an active zoning violation for building and or maintaining the accessory structures on-site without an approved building permit. The active violation also notes that required setbacks are not in compliance with Title 30.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Photos submitted by the applicant show that the carport is not architecturally compatible to the principal residence, and there are no similar structures within the adjacent streetscapes along Mojave Road. Although the carport is constructed of a metal frame and white fabric tension

cover, the carport does feature the same color scheme as the residence. Staff does not support this request since the carport's overall design is not harmonious to the existing residence, nor is it compatible to the surrounding residences along Mojave Road.

#### 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.

#### Waivers of Development Standards #1, #2a, & #2b

The applicant is requesting to reduce the building separation between the existing detached metal carport and the principal structure to 3 feet 9 inches where 6 feet is required per table 30.40.-2 (a 35% decrease). In addition, there is a request to reduce the setback of the existing detached metal carport from the front (east) property line to 7 feet 5 inches where 20 feet is required per Table 30.40-2 and reduce the street setback to 7 feet 5 inches where 10 feet is required per Section 30.56.040. Staff does not support the setback and separation reduction requests since staff does not support the use permit. To ensure that the carport is structurally sound and is safe to utilize at its current location staff advises the applicant to apply for and obtain proper permits from the Building Department.

#### Waiver of Development Standards #2c & #2d

Currently, the accessory structure has a zero foot setback from the west and south property lines. Per the applicant, the accessory structure will be modified so that that structure will have a 1.5 foot setback from the west and south property lines. The applicant is requesting to reduce the rear and interior side setback of an existing accessory structure (southwest corner) to 1 foot 6 inches where 5 feet is required per Table 30.40-2 (a 70% decrease). A shed is defined as an accessory structure which does not exceed 240 square feet and does not exceed 8 feet in height. Sheds are permitted to eliminate the accessory structure setbacks with approval of a minor deviation, provided all Building and Fire Code requirements are met. This accessory structure is slightly over the height allowed for a shed, as defined in Chapter 30.08. If there are no concerns with the neighbor, staff can support the waivers of development standards.

#### **Staff Recommendation**

Approval of waiver of development standards #2c and #2d; denial of the use permit and waivers of development standards #1, #2a, and #2b.

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:

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- Accessory structure in the northwest corner to be removed from the site.
- Applicant is advised that approval of this application does not guarantee issuance of any other permit; 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**

- No comment.

### **Fire Prevention Bureau**

- No comment.

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

- No comment.

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

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CHARMAINE HILLSTEAD

**CONTACT:** CHARMAINE HILLSTEAD, 3009 S. MOJAVE ROAD, LAS VEGAS, NV 89121