

ACCESSORY STRUCTURES
(TITLE 30)

HACIENDA AVE/NELLIS BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0420-KISELOVSKI WLADIMIR:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** reduce separation in conjunction with accessory structures and a single family residence on 0.1 acres in an R-1 (Single Family Residential) Zone.

Generally located on the north side of Hacienda Avenue, 270 feet east of Nellis Boulevard within Whitney. JG/bb/syp (For possible action)

RELATED INFORMATION:

APN:

161-28-216-005

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Eliminate the rear setback to an accessory structure (green house) where 5 feet is required per Table 30.40-2 (a 100% decrease).
 - b. Reduce the side setback to an accessory structure (green house) to 2 feet where 5 feet is required per Table 30.40-2 (a 60% decrease).
 - c. Eliminate the side setback to a shed where 5 feet is required per Table 30.40-2 (a 100% decrease).
 - d. Eliminate the side setback for a carport where 5 feet is required per Table 30.40-2 (a 100% decrease).
 - e. Reduce the front setback to a carport to 11 feet where 20 feet is required per Table 30.40-2 (a 45% decrease).
2. Reduce the building separation between a shed and residence to 1 foot where 6 feet is required per Table 30.40-2 (an 83% decrease).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 5040 Hacienda Avenue
- Site Acreage: 0.1
- Project Type: Setbacks for accessory structures and carport
- Height (feet): 7.5 greenhouse/6.2 (shed)/10 max (carport)

Site Plan

The site plan depicts a single family residence on 0.1 acres with a greenhouse, shed, and attached carport located on the property. The greenhouse is located on the northeast corner of the property on the north property line and 2 feet from the east property line. The shed is located between the patio cover and the west property line at the rear northwest corner of the house. The carport is built over the existing driveway and attached to the home, with a portion of the carport extending to the east property line. The front setback to the carport is 11 feet from the edge of the sidewalk.

Landscaping

There is existing landscaping in the front of the home. The tree appears to be dead in the front yard.

Elevations

The elevations depict a 7.5 foot high glass greenhouse with a hip roof oriented north to south, and a 6 foot 2 inch high metal shed with a hip roof. The 8 feet to 10 feet high attached carport is 24 feet wide by 20 feet long, has a metal roof, and is supported by painted metal posts.

Floor Plans

The residence is 1,472 square feet. Both the shed and greenhouse have 48 square feet of floor area. The carport is 480 square feet.

Applicant’s Justification

The previous owner constructed all three of the accessory structures prior to the current owner requesting this application for waivers. The greenhouse is used for growing food for use by the family and does not have a floor.

Surrounding Land Use

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

Clark County Public Response Office (CCPRO)

CE-22-25666 is an active violation for structures not meeting setback requirements and building without a permit (carport).

STANDARDS FOR APPROVAL:

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

Analysis

Comprehensive 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.

Waivers of Development Standards #1a through #1c and #2

The purpose of the greenhouse is entirely appropriate for residential personal use and is supported by Master Plan Policy 3.6.7 for green infrastructure, it's the location on the rear property line is a concern for staff. The shed and greenhouse do not require a building permit, since both are under 200 square feet in area but both structures are required to meet other aspects of Title 30, including setbacks and separations. The shed and greenhouse are both less than 2 feet above existing screen walls and mostly not visible to surrounding property if they were built with a 5 foot setback. However, a shed is permitted with reduced or eliminated setbacks and separation subject to approval of an administrative minor deviation and compliance with Building Code. Staff can support this portion of the request if no information is presented during the public hearing to indicate a negative impact to the neighbors from either the greenhouse or shed.

Waivers of Development Standards #1d & #1e

Appropriate setbacks help to preserve the appeal and integrity of an area and streetscape and moderate visual impacts and possible safety issues by creating a buffer space that can be used for landscaping to screen uses. Code allows intrusions which are less than 50% of the width of the building to intrude into the front setback up to 10 feet, provided decorative elements or 2 trees are planted within the front yard. In this case, there are no decorative elements to the carport and minimal landscaping within the front yard. In addition, the carport extends to the east property line, which is a visual impact from the street and possibly the neighbor. There does not appear that similar structures are located within the area. Staff cannot support these requests.

Staff Recommendation

Approval of waivers of development standards #1a, #1b, #1c and #2; denial of waivers of development standards #1d and #1e.

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;
- Replace the dead tree in the front yard with a 24 inch box large tree listed in the Southern Nevada Regional Planning Coalition approved plant list;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.

- Applicant is advised that approval of this application does not constitute or imply approval of a County issued 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: Whitney - approval.

APPROVALS:

PROTESTS:

APPLICANT: KEVIN KISELOVSKI

CONTACT: KEVIN KISELOVSKI, 19647 ROSEATE DR, LUTZ, FL 33558