

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0867-PHALEN, MONIQUE C.:

HOLDOVER USE PERMIT for architectural compatibility.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase wall height; and **2)** reduce setbacks for an existing accessory structure in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone within the Historic Neighborhood Overlay.

Generally located on the north side of Ottawa Drive and the east side of Spencer Street within Paradise. TS/jm/ng (For possible action)

RELATED INFORMATION:

APN:

162-14-610-011

USE PERMIT:

To allow an existing accessory structure not architecturally compatible with the single family residence where required per Table 30.44-1.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase wall height along the east property line to 8 feet where a maximum of 6 feet is allowed per Section 30.64.020 (a 33% increase).
2. Reduce the accessory structure setback to zero feet where 5 feet is required per Table 30.40-2 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 1818 Ottawa Drive
- Site Acreage: 0.2
- Project Type: Increased wall height & accessory structure setback
- Building Height: 8 feet (CMU wall along east)/6 feet (CMU wall along north)/8 feet (wooden screen structure along east & north)

Site Plan

The plan depicts a single family residence located on the northeast corner of Ottawa Drive and Spencer Street. The plan shows an existing CMU block wall along portions of the north and east property lines. The block wall on the north property line connects to another block wall with a curved/organic shape that screens the house from Spencer Street to the west. The block wall on the east property line connects to the garage on the southeast corner of the parcel. A decorative metal fence runs along the property line on the remaining street frontage on Spencer Street and Ottawa Drive.

There is also a wooden screen structure located along the existing block wall on the north and east property lines. The screen structure is 48 feet long along the north CMU block wall and 58 feet long along the east CMU block wall. The 2 sections of screen structure meet at the northeast corner of the property, and the entirety of the fence is set back 1.5 inches from the existing CMU wall.

Title 30 requires a fence to stand alone on its own structural frame system and cannot be supported by another structure. In this case, the wooden screen structure does not have a foundation, and is separated from the perimeter fence by a few inches, meeting the definition of an accessory structure rather than a fence.

Elevations

The existing CMU height varies as depicted on the plan and encloses the side and rear yards. The existing wall height is depicted as 6 feet along the north property line and 8 feet along the east property line. The wooden screen structure is 8 feet tall along the north and east CMU walls and is constructed of horizontal 1 inch by 4 inch wood slats affixed to 2 inch by 4 inch wood posts spaced 5 feet to 5.5 feet on center. The wooden screen structure is not architecturally compatible with the residence.

Applicant's Justification

The applicant states privacy concerns inspired the installation of the wooden screen structure. Additionally, the applicant states the 8 foot block wall was existing when the applicant purchased the property.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-22-0098	Reclassified the site from R-1 to R-1 zoning within a Historic Neighborhood Overlay District (Paradise Palms)	Approved by BCC	April 2022

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	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)

CE23-07042 is an active violation for building without a permit.

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.

Architectural compatibility is required by Title 30 in order to preserve a compatible look and feel of existing neighborhoods. While the wooden screen structure was added for privacy, it is visible from the right-of-way and from the property to the north and is not compatible with the residence. For these reasons, staff cannot support this request.

Waivers 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.

Waiver of Development Standards #1

The wall height was increased due to privacy reasons and Title 30 allows an increase in wall height with approval of a minor deviation, with letters of consent from the adjacent neighbors. While staff typically can support an increase in wall height to 8 feet, staff does not support the use permit; therefore, staff does not support this request.

Waiver of Development Standards #2

Setbacks are required to preserve the open space and safety within existing developments. This structure is unique in that acts as a fence but does not comply with the fence definition. The screen structure is not architecturally compatible with the residence and setting it back 5 feet to meet the Code for an accessory structure would also create a no-man's land between the wall and structure along the existing walls, which can. 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:

- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time.
- Applicant is advised that the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - denial.

APPROVALS: 2 cards

PROTESTS:

PLANNING COMMISSION ACTION: April 2, 2024 – HELD – To 04/16/24 – per the Planning Commission.

PLANNING COMMISSION ACTION: April 16, 2024 – HELD – To 05/07/24 – per the Planning Commission.

APPLICANT: MONIQUE PHALEN

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