

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0353-LEKAR, RUDY H. & MICHELLE M FAM TR & LEKAR RUDY H & MICHELLE M TRS:

USE PERMIT for a home occupation.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate access gate setback; **2)** reduce setback; **3)** reduce building separation; and **4)** residential adjacency standards in conjunction with an existing single-family residence on a portion of 1.17 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the south side of Serene Avenue, 675 feet east of Decatur Boulevard within Enterprise. JJ/rp/syp (For possible action)

RELATED INFORMATION:

APN:

177-19-302-002

USE PERMIT:

Allow a home occupation with outdoor storage where not permitted per Section 30.03.03A.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate front setback for an access gate along a collector street to zero feet where 20 feet is required per Section 30.04.03E (a 100% decrease).
2. Reduce side setback (accessory Structure B) to 1 foot 10 inches where 5 feet is required per Section 30.02.04B (a 64% decrease).
3.
 - a. Reduce the building separation between the primary dwelling and accessory Structure A to 5 feet where 6 feet is required per Section 30.02.04B (a 17% reduction).
 - b. Reduce the building separation between the primary dwelling and accessory Structure C to 5 feet where 6 feet is required per Section 30.02.04B (a 17% reduction).
4. Allow inconsistent building facades design for a building visible from a public street or residential district per Section 30.04.06G.

LAND USE PLAN:

ENTERPRISE - BUSINESS EMPLOYMENT

BACKGROUND:

Project Description

General Summary

- Site Address: 4695 W. Serene Avenue

- Site Acreage: 1.17
- Project Type: Home occupation with accessory structures and outside storage
- Building Height (feet): 11.5 (Structure A)/14.5 (Structures B & C)/14.5 (Structure D)/25 (Structure E)
- Square Feet: 256 (Structure A)/576 (Structure B)/990 (Structure C)/896 (Structure D)/2,270 (Structure E)/3,200 (primary dwelling)

Request & Site Plan

The plan depicts a 3,200 square foot single-family residence that is accessed via Serene Avenue. The plan shows 5 existing accessory structures and existing access gates. Accessory Structure A (shade structure) has a building separation of 5 feet from the primary dwelling. Structure B (shade structure) is set back 1 foot 10 inches from the east property line. Structure C (shade structure) is set back 5 feet from the west property line and has a building separation of 5 feet from the primary dwelling. Structure D (shade structure) is set back 18 feet from the west property line. Structure E (shade structure) is set back 19 feet from the west property line and 18 feet 2 inches from the south property line. The existing access gates along Serene Avenue are setback zero feet.

This request also includes a use permit to allow any storage associated with a home occupation to be located outside.

Landscaping

There are no proposed changes to the existing landscaping associated with this application.

Elevations

The plan depicts an accessory Structure A (shade structure) measuring 11 feet 6 inches in height with a fabric cover and steel materials. Structures B and C (shade structure) measure 14 feet 6 inches in height, structure D measures 14 feet 6 inches in height, and structure E measures 25 feet in height. The structures have a steel slope roof and sliding aluminum panels. The plan also depicts a 4 foot 6 inch high decorative masonry wall along a collector street to zero feet.

Floor Plans

The plan depicts accessory Structure A (shade structure) is 256 square feet, Structure B (shade structure) is 576 square feet, Structure C (shade structure) is 990 square feet, Structure D (shade structure) is 896 square feet, and Structure E (shade structure) is 2,270 square feet.

Applicant's Justification

The applicant states the proposed use for a home occupation with associated storage is in harmony with the purposed, goals, objective and standards set by Clark County, as it is consistent with the Master Plan for the area and is permitted within the existing zoning classification. The applicant indicated that the use is currently in existence, and uses less than 50% of the large lot for occasional storage of material used in his temporary structure business. The applicant is not aware of any complaints or objections at this location.

The applicant states although they request a reduction of the side setback from 5 feet to 1 feet 10 inches for the accessory Structure B, the landowner is prepared to move the structure to a 5 foot setback if required to do so.

The applicant indicated that there will be no fabrication, service or maintenance of equipment on the site. The site is screened by landscaping to the east, west, and south perimeters with an 8 foot landscape buffer with mature Modell Pine trees. The applicant states the inconsistent building façade designs have been in place for several years with no complaints and the neighbor to the immediate east of the site has a nearly identical shade structure near the shared eastern boundary wall.

The applicant stated that the access gates are more than 40 feet from the existing edge of pavement on the right-of-way.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Neighborhood Commercial	RS20 (AE-60)	Undeveloped
South	Business Employment	IP (AE-60)	Undeveloped
East	Business Employment	RS20 (AE-60)	Single-family residential
West	Business Employment	RS20 (AE-60)	Undeveloped

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

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 reviews use permit requests to ensure compatibility with existing development in the area and finds the outside storage will be visually obtrusive on adjacent properties. This type of outside storage should be done in industrial zoning districts. Staff finds this request constitutes as a self-imposed hardship; therefore, 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.

Waivers of Development Standards #1 through #3

Staff finds that the request for the access gate setback along a collector street to zero feet is a self-imposed hardship and could pose a potential safety risk. Staff understands the building separation between the accessory Structure B and accessory Structure C should not be detrimental to the aesthetics of the property and should not negatively impact the adjacent neighbors. However, staff finds that the accessory structures could have been designed to meet the minimum building separation requirements based on the size of the lot. Therefore, staff cannot support these requests.

Waiver of Development Standards #4

Building design standards are implemented to ensure that development within the urban area adjacent to residential development is visually appealing. Although the existing shade structure has been placed for several years with no complaints, the roofline and color for the shade structure is visible from a residential district and the materials do not match the primary residence. Staffs finds the canvas and aluminum material of the shade structures are not in harmony with the surrounding neighborhood and it will have a negative impact on adjacent properties and the character of the neighborhood. Therefore, 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 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.

Southern Nevada Health District (SNHD) - Engineering

- 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: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: RUDY LEKAR

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