

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0577-PREUS, JAMES PATRICK:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; **2)** reduce separation; and **3)** increase wall height in conjunction with an existing single-family residence on 0.55 acres in an RS20 (Residential Single-Family 20) Zone in the Neighborhood Protection (RNP) Overlay.

Generally located south of Palmyra Avenue and east of Montessori Street within Spring Valley.
JJ/lm/kh (For possible action)

RELATED INFORMATION:

APN:
163-10-803-001

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the side street setback for an existing accessory structure (Shade Structure A) along Montessori Street to 1 foot where 10 feet is required per Section 30.02.04 (a 90% reduction).
 - b. Reduce the interior side setback for an existing accessory structure (Shade Structure B) along the east property line to 3 feet where 5 feet is required per Section 30.02.04 (a 40% reduction).
2.
 - a. Reduce the separation between an existing accessory structure (Shade Structure A) and the primary residence to 5 feet where 6 feet is required per Section 30.02.04 (a 17% reduction).
 - b. Reduce the separation distance between an existing accessory structure (Shade Structure B) and a residence to 5 feet where 6 feet is required per Section 30.02.04 (a 16% reduction).
3. Allow a 7.5 foot high decorative wall along the east, west, and south property lines where a maximum of 6 feet is permitted per Section 30.04.03B (a 25% increase).

LAND USE PLAN:

SPRING VALLEY - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 7085 Palmyra Avenue
- Site Acreage: 0.55
- Project Type: Detached accessory structures and increase wall height
- Number of Stories: 1

- Building Height (feet): 14 feet 1 inch (existing Shade Structure A)/17 (existing Shade Structure B)
- Square Feet: 3,024 (primary residence)/624 (existing Shade Structure A)/1,008 (existing Shade Structure B)

Site Plans

The plans depict an existing single-family residence on a 0.55 acre corner lot. The primary residence is 3,024 square feet and has access to Palmyra Avenue to the north. There is a secondary driveway along the west property line which leads to an existing attached garage. The applicant is requesting to reduce the setback and separation distances for existing accessory structures on the site. West of the primary residence, there is an existing detached accessory building (Shade Structure A) that is 624 square feet and is set back 5 feet from the primary residence and 1 foot from the west property line (Montessori Street). East of the primary residence within the side yard, there is an existing 1,008 square foot detached accessory structure (Shade Structure B) which is set back 3 feet from the east property line and 5 feet from the primary residence. The applicant is requesting to maintain the existing wall height of 7.5 feet where 6 feet is allowed per Code. The subject walls associated with this waiver of development standards are located along the west, south, and east property lines, within the side and rear yards.

Elevations

The photos and plans depict that Shade Structure A is 14 feet 1 inch high and Shade Structure B is 17 feet high. Both buildings are constructed of metal and painted tan brown color. The existing accessory structures are not architecturally compatible to the residence which includes painted stucco. The paint colors of the accessory shade structures match the residence.

The photos depict that along the side and rear yards, property line boundary walls have a height of 7.5 feet. These walls are painted white and have a stucco finish. The 6 foot front yard decorative fence include white painted stucco pilaster with brown painted decorative metal.

Floor Plans

The 3,024 square foot existing residence is centrally located on the site with the front yard facing north toward Palmyra Street with driveway and garage access from Montessori Street (west). The detached accessory structure (Shade Structure A) consists of an open floor plan measuring 624 square feet. The detached accessory structure (Shade Structure B) consists of an open floor plan measuring 1,008 square feet.

Applicant's Justification

The applicant indicates that the west accessory structure is located where there is a stop sign at the intersection of Montessori Street and Palmyra Avenue and there is a gate that accesses the 3 car garage on the side where there is ample room to maneuver out of the shade structure on the property and exit safely. They also indicate that the reduction of 1 foot to the building separations will have no noticeable effect on the properties.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential & undeveloped

Clark County Public Response Office (CCPRO)

CE22-01614 is an active Code Enforcement violation for accessory structures without a building 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

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 & #2

The intent of establishing minimum setbacks and separations along with maximum wall height is to maintain consistent development standards along street frontages. In this case, multiple structures and walls have been constructed without permits on both sides of the residence. While the existing accessory structures are not architecturally compatible to the residence (metal versus painted stucco), the paint colors match the residence. Staff does not typically support structures that do not meet the setback and separation standards which are required for safety reasons. Furthermore, the detached structures are inconsistent with the surrounding area.

Waiver of Development Standard #3

The existing walls along the side and rear yards along the east, south, and west property lines create a compound effect around the residence. Staff is aware the request to increase the wall height is for security and privacy purposes and has been painted to be more decorative than the grey wall that appears to have existed for some time. Additionally, the front yard decorative fence was constructed without permits but does meet development standards. Staff finds the height of the existing rear and side yard walls is inconsistent with the surrounding single-family residences.

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 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: Spring Valley - approval.

APPROVALS:

PROTESTS:

APPLICANT: JAMES PREUS

CONTACT: LUCY STEWART, LAS CONSULTING, 1930 VILLAGE CENTER CIRCLE, BUILDING 3, SUITE 577, LAS VEGAS, NV 89134