

06/21/22 PC AGENDA SHEET

ACCESSORY STRUCTURE/SETBACKS  
(TITLE 30)

LINDEN AVE/FOGG ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0161-JOHNSON FAMILY TRUST & JOHNSON ROBERT D & GAYELLYN TRS:**

**USE PERMIT** to allow an accessory structure not architecturally compatible with the principal structure.

**WAIVER OF DEVELOPMENT STANDARDS** for setbacks in conjunction with a single family residence on 0.5 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the north side of Linden Avenue and the south and east sides of Fogg Street within Sunrise Manor. TS/nr/syp (For possible action)

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RELATED INFORMATION:

**APN:**

140-34-103-017

**USE PERMIT:**

Allow an accessory structure (metal carport) not architecturally compatible with the primary dwelling where required per Table 30.44-1.

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the side setback to 6 feet where 10 feet is required for an addition to the primary dwelling per Table 30.40-1 (a 40% reduction).

**LAND USE PLAN:**

SUNRISE MANOR - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 611 N. Fogg Street
- Site Acreage: 0.5
- Project Type: Accessory structure
- Building Height (feet): 12
- Square Feet: 952 (metal carport)/635 (addition)

### Site Plans

The plans show an existing 2 story single family residence with attached garage and a 6 foot high wall extending from the side yards to the rear of the site. A 635 square foot garage expansion is proposed on the west side of the attached garage which would encroach 4 feet into the 10 foot side setback. A 952 square foot, 12 foot high accessory structure (metal carport) is located on the east side of the site with access onto Fogg Street from the east through an existing gate.

### Landscaping

Landscaping is not part of this request.

### Elevations

The elevations show a garage expansion on the west side of the attached garage with architectural features matching the home with a stucco exterior and a tiled roof. The photo simulation of the accessory structure (metal carport) shows a 12 foot high structure with open sides and a metal roof.

### Floor Plans

The plans show an open floor plan for the addition with access from the existing garage attached to the home.

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant indicates that the proposed garage expansion will be used for storage and once constructed the existing sheds on the west side of the site will be removed. The metal carport will protect vehicles from the sun. The applicant requests approval of the use permit and the waiver of development standards.

### **Surrounding Land Use**

|              | <b>Planned Land Use Category</b>             | <b>Zoning District</b> | <b>Existing Land Use</b>  |
|--------------|----------------------------------------------|------------------------|---------------------------|
| North & East | Ranch Estate Neighborhood<br>(up to 2 du/ac) | R-E                    | Undeveloped               |
| South & West | Ranch Estate Neighborhood<br>(up to 2 du/ac) | R-E                    | Single family residential |

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

#### Use Permit & Waiver of Development Standards

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.

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.

Staff reviews use permits and waiver requests to ensure compatibility with existing and planned development in the surrounding area. Setbacks and separations help to preserve the appeal and integrity of a neighborhood as well as mitigate impacts and possible safety issues. The proposed garage expansion is architecturally compatible and would still comply with the 6 foot of building separation from the neighboring property to the west. The neighboring property has been developed with the home almost in the middle of the lot providing ample side yards. The accessory structure (metal carport) is a common structure within the surrounding residential area. Staff finds that the proposed encroachment and architecturally incompatible carport will not have a negative impact on surrounding properties and can support the requests.

### **Staff Recommendation**

Approval.

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 Statute

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- Applicant is advised that 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; 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; and that this application must commence within 2 years of approval date or it will expire.

#### **Public Works - Development Review**

- No comment.

#### **Fire Prevention Bureau**

- No comment.

**Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JOHNSON FAMILY TRUST & JOHNSON ROBERT D & GAYELLYN TRS

**CONTACT:** ROBERT JOHNSON, 611 N FOGG STREET, LAS VEGAS, NV 89110