

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0709-CISNEROS RUBEN H:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate and reduce setbacks; **2)** reduce building separation; and **3)** increase hardscape area within the front and side yards in conjunction with an existing single-family residence on 0.14 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located east of Miner Way and south of Olive Street within Sunrise Manor. TS/rp/cv
(For possible action)

RELATED INFORMATION:

APN:

161-06-612-045

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the front setback for an existing carport to 2 feet where 20 feet is the minimum required per Section 30.02.06B (a 90% reduction).
- b. Eliminate the side interior setback for an existing carport where 5 feet is the minimum required per Section 30.02.06B.
- c. Eliminate the rear setback for an existing shade structure where 5 feet is the minimum required per Section 30.02.06B.
2. Reduce the building separation between the carport and the principal dwelling to 6 inches where 6 feet is the minimum required per Section 30.02.06B (a 92% reduction).
3. Increase the hardscape area within the front and side yards to 71% where 60% is the maximum allowed per Section 30.04.01(D) (an 18% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 1514 Miner Way
- Site Acreage: 0.14
- Project Type: Accessory structures
- Building Height (feet):10 (existing carport)/10 feet, 3 inches (existing patio cover)/7 (existing shade structure)
- Square Feet: 288 (existing carport)/540 (existing patio cover)/130 (existing shade structure)

Site Plan

The site plan depicts an existing single-family residence with access from Miner Way to the west. Within the front yard there is an existing carport that is set back 2 feet from the front (west) property line and zero feet from the interior side (north) property line. This carport and existing residence have a separation distance of 6 inches. Since the carport does not meet the required setback and separation distance requirements per Title 30, waivers of development standards are requested by the applicant.

Within the rear yard, there is an existing patio cover attached to the existing residence and is set back 10 feet, 2 inches from the rear (east) property line, and 15 feet, 3 inches from the interior side (north) property line, and 14 feet, 7 inches from the interior side (south) property line.

The site plan also shows an existing shade structure on the northeast portion of the existing patio cover. Photographs show that there are attached metal poles which supports the blue shade fabric and extends east toward the existing rear wall. The applicant is requesting to eliminate the rear setback for this shade structure where 5 feet is the minimum required per Title 30.

Lastly, the site presents a total of 720 square feet of hardscape area within the front and side yards. The hardscape consists of concrete. The applicant is requesting to allow the existing hardscape to remain at 71% where 60% is the maximum allowed per Title 30.

Landscaping

No new landscaping is proposed with this request.

Floor Plan & Elevations

The existing residence has an overall area of 1,760 square feet. The photos show a 10 foot high carport with an overall area of 288 square feet and is constructed of dark metal post with a green fabric shade cover. The provided photos also show a 10 foot, 3 inch high attached patio cover consisting of an overall area of 540 square feet and is constructed of metal with a beige fabric shade cover. The photos also show a 7 foot high shade structure with an overall area of 130 square feet and is constructed with metal posts and a blue fabric shade cover.

Applicant's Justification

The applicant states that the primary purpose of the carport is to protect their vehicle from adverse weather conditions such as heavy rain, winds, and sun exposure. Per the applicant, the carport frees up on-street parking, thereby reducing congestion and improving the overall safety and accessibility of the neighborhood. In the rear yard, the patio cover protects the applicant's family members from the excessive sun exposure during the summer months. Given the geographical location and the unpredictable weather patterns, it has become essential to have a covered space to ensure the longevity and maintenance of the applicant's vehicle and their rear yard. The applicant also states that sustainable materials were used. Lastly, the construction materials and design have been chosen to blend harmoniously with the existing architecture of the neighborhood, ensuring that it does not detract from the aesthetic appeal of the area.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential
East	Neighborhood Commercial	CG	Shopping Center

Clark County Public Response Office (CCPRO)

CE25-01972 is an active violation for zoning violations (setbacks) and building accessory structures (carport) 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 #1a, #1b, & #2

The purpose of building separation and setback requirements is to ensure structures are spaced accordingly, to reduce the visual burden and other negative impacts that come from an over-clustering of structures on a single site. The existing structures are not architecturally compatible with the existing residence. Staff finds that these requests are a self-imposed burden. Also, it is not consistent with the surrounding neighborhood. Therefore, staff cannot support these requests.

Waiver of Development Standards #1c

Staff typically does not support setback reduction requests. However, since the proposed shade structure is entirely within the rear yard, and adjacent to a commercial zoned property to the east and is buffered by substantial existing landscaping, staff can support this request.

Waiver of Development Standards #3

Code limits hardscape within the 60% to minimize the heat island effect and storm water runoff. The addition of any landscaping would help the property come closer to the intent of Title 30 and the goals of the Master Plan. Staff understands that concrete may allow for some water percolation. However, the heat island effect is still prevalent in hard surfaces. For these reasons, staff cannot support this request.

Staff Recommendation

Approval of waiver of development standards #1c; denial of waivers of development standards #1a, #1b, #2, and #3.

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.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: RUBEN CISNEROS, 1514 MINER WAY, LAS VEGAS, NV 89104

CONTACT: , RUBEN CISNEROS, 1514 MINER WAY, LAS VEGAS, NV 89104