

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-26-0106-STANKOSKY, CHARLES:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce access gate setback; **2)** reduce setback; **3)** increase screen wall height; **4)** modify residential adjacency standards; **5)** eliminate street landscaping; **6)** eliminate buffering and screening; and **7)** waive full off-site improvements in conjunction with an existing single-family residence on 0.77 acres in a CG (Commercial General) Zone within the Airport Environs (AE-65) Overlay.

Generally located south of Cartier Avenue and west of Gateway Road within Sunrise Manor. WM/rp/cv (For possible action)

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RELATED INFORMATION:

**APN:**

140-18-810-028

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the setback for an existing access gate along the northwest property line adjacent to Cartier Avenue to 2 feet 3 inches where a minimum of 18 feet is required per Section 30.04.03 (an 88% reduction).
2.
  - a. Reduce the side street setback for an existing accessory structure (playhouse) to 5 feet 6 inches where 10 feet is required per Section 30.02.14 (a 45% reduction).
  - b. Reduce the side street setback for an existing accessory structure (Accessory Structure B) along the north property line to 4 feet 7 inches where 10 feet is required per Section 30.02.14 (a 54% reduction).
3.
  - a. Increase the height of the existing block wall (northwest portion) to 6 feet where 3 feet is the maximum allowed per Section 30.04.03 (a 100% increase).
  - b. Increase the height of the existing screen wall (6 foot CMU block wall with a 4 foot chain-link fence along a portion of the north property line) to 10 feet where 3 feet is the maximum allowed per Section 30.04.03 (a 233% increase).
4. Allow outdoor storage as an accessory use within the westernmost portion of the parcel adjacent to a residential use where not permitted per Section 30.04.06.
5. Eliminate street landscaping along a portion of the northwest property line adjacent to Cartier Avenue where required per Section 30.04.01.
6.
  - a. Eliminate buffering and screening along a portion of the west property line per Section 30.04.02.
  - b. Eliminate buffering and screening along a portion of the southwest property line per Section 30.04.02.
7. Waive full off-site improvements along the northwest portion of Cartier Avenue (curb, gutter, sidewalk, streetlights, and partial paving) where required per Section 30.04.08.

## **LAND USE PLAN:**

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

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 2585 N. Gateway Road
- Site Acreage: 0.77
- Project Type: Single-family residence/outdoor storage
- Building Height (feet): 8 (Accessory Structure B)/13 (playhouse)
- Square Feet: 303 (Accessory Structure B)/115 (playhouse)

#### History, Site Plan, & Request

The residence is located on the eastern half of the parcel and was constructed in the 1970's under the commercial zoning district. The property is surrounded by residential zoning districts. The CG zoning will remain while continuing the existing legal nonconforming residential use. The applicant is proposing outdoor storage on the western portion of the site. Outdoor storage may be permitted in a commercial zone when in conformance with the regulations within Title 30 or if a waiver of development standards is approved.

The site plan depicts that the driveway access is from Cartier Avenue to the north. The eastern two-thirds of the parcel include the residence and existing accessory structures. There is an existing north-south wall west of the existing playhouse that divides the residence to the east and outdoor storage use on the westernmost portion of the site.

The eastern portion includes a single-family residence, pool, patio covers, Accessory Structure A, and a playhouse set back 5 feet 6 inches from the north property line where 10 feet is required, and other miscellaneous shade structures.

The western portion of the site is used for outdoor storage, including Shade Structure B, a storage container (Conex box), and Accessory Structure B set back 4 feet 7 inches from the side street property line where 10 feet is required.

#### Landscaping

Landscaping exists throughout the parcel. However, since a non-residential use for outdoor storage exists on the western portion of the site street landscaping along a portion of Cartier Avenue is required. Since no street landscaping is provided a waiver of development standards is warranted.

Furthermore, the applicant is not providing the required buffering and screening along a portion of the west and south side of the site, abutting the residential zone since outdoor storage is present in this area. Per Title 30, buffering and screening is required. Buffering and screening include a 15 foot wide landscape area with a double row of evergreen trees with each row planted off-set from one another. In each row, trees shall be planted 20 feet apart on center. Since this is not provided and neither are off-site improvements, waivers of development standards are required.

Elevations

The 2 existing structures that do not meet the setback requirements are the playhouse and Accessory Structure B. The photos depict that the playhouse is 13 feet in height, constructed of beige stucco and matches the single-family residence, with a shingle roof. Accessory Structure B is 8 feet in height, constructed of beige metal siding and a metal pitched roof.

A 6 foot high CMU screen wall was constructed with an integrated beige-painted metal access gate, located along the northwest portion of the site. Along the remainder of the north property line there is a 6 foot CMU block wall and a portion of this wall includes a 4 foot high chain-link fence on top. Neither screen wall meet Title 30 standards; therefore, a waiver is required.

Floor Plans

The plan depicts a playhouse with 115 square feet and an accessory structure B with 303 square feet.

Applicant’s Justification

The applicant states that the property is located in a rural neighborhood with no street landscaping or off-site improvements and is therefore requesting a waiver of full off-site improvements to remain consistent with the surrounding area. Although the property includes commercial zoning, the applicant states that it has been used as a residence, no new construction is proposed, and all existing structures have been in place for 20 to 30 years and are consistent with the character of nearby homes. The rear storage area is used solely for personal RVs, trailers, and recreational equipment. Accessory Structure B is movable but has remained in its current location for more than 20 years.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Business Employment	RS20 (AE-65 & AE-70)	Single-family residence
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (AE-65)	Single-family residence
West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS20 (AE-65)	Single-family residence

**Clark County Public Response Office (CCPRO)**

CE25-08325 is an active zoning violation for setbacks and 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**

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 intent of the 18 foot minimum access gate setback is to provide adequate depth for a full-size vehicle to queue on-site without obstructing the right-of-way when gates are closed during non-business hours. Staff finds that this standard is primarily intended for commercial properties. If the site were zoned residential, the Code would allow an access gate to be placed without a required setback. However, because this site is zoned CG (Commercial General), the commercial setback standard applies. Since staff cannot support the other waivers requested in this application, staff is unable to support this request.

#### Waiver of Development Standards #2

Setbacks are intended to promote safety and aesthetically pleasing neighborhoods. The requests are self-imposed hardships, and the applicant has not provided a justification as to why the playhouse and accessory structure could not be relocated to meet the required setback since there is ample room to meet Title 30 standards. Therefore, staff cannot support this request.

#### Waiver of Development Standards #3

Although the site features an existing residential use, the existing 6 foot high block wall along the north property line and a 10 foot screen wall (6 foot CMU block wall with a 4 foot chain-link fence) does not follow the fence and wall standards for CG zoned parcels. Since the site is zoned CG, and Title 30 requires a 3 foot maximum fence or wall when located within a setback and along a street. Staff does not support the requested increase in height, because it is inconsistent with current development standards for the zoning district and may create negative visual impacts.

#### Waiver of Development Standards #4

Residential Adjacency standards promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when higher-intensity development is located near residential zoning districts. Where these Residential Adjacency standards apply, outdoor storage is not permissible as primary or accessory use. Outdoor storage within a residential neighborhood may negatively impact the streetscapes and the surrounding neighbors due to the unsightly storage of miscellaneous items; therefore, staff cannot support this request.

#### Waiver of Development Standards #5

Staff finds that eliminating the street landscaping along a portion of Cartier Avenue is consistent with surrounding development. However, because the outdoor storage portion of the request in the commercial zone, the applicable commercial landscaping standards must be met. The lack of landscaping also conflicts with Policy 3.6.1 of the Master Plan, which seeks to mitigate the urban heat island effect in existing and new development through site and building features that

provide shade, reduce the hardscaped areas, and otherwise help to reduce heat absorption by exterior surfaces. For these reasons, staff cannot support this request.

#### Waiver of Development Standards #6

The applicant is proposing to eliminate the Title 30 buffering and screening requirements required for the outdoor storage which consists of an 8 foot high decorative screen wall and 15 foot wide landscape buffer with a row of evergreen trees along a portion of the west and south property line, while also allowing outdoor storage adjacent to a residential zone where not permissible. Staff finds that the outdoor storage area is incompatible with the surrounding residential zoning, and the required buffering and screening are necessary to mitigate any visual and physical impacts. The applicant has not provided sufficient justification or alternatives; therefore, staff cannot support this request.

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

##### Waiver of Development Standards #7

Staff has no objection to the request to not install full off-site improvements on Gateway Road and Cartier Avenue as the subject site is residential in use and the commercial standards are not applicable. Applying commercial standards to this site would result in requirements that are disproportionate and inappropriate for a single-family residence. Should the site undergo future commercial redevelopment, staff will re-evaluate the applicability of commercial standards at that time.

#### **Staff Recommendation**

Approval of waiver of development standards #7; denial of waivers of development standards #1 through #6.

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:

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance, and payment of the tree fee-in-lieu is required for any required trees waived.
- Applicant is advised that certain uses are not permitted in the airport environs and certain other uses will require a special use permit; and that within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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**

- Execute a Restrictive Covenant Agreement (deed restrictions).

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

**TAB/CAC:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CHARLES J. STANKOSKY

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