

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0856-CLOAKE, CHANDRA L. & LEVEE, JOHN JOSEPH:**

**HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** setbacks; **2)** building separation; and **3)** parking in conjunction with an existing single family residence on 0.2 acres in an RS5.2 (Residential Single-Family 5.2) Zone within the Red Rock Overlay.

Generally located on the west side of Allegro Street, 75 feet south of Sage Place within Red Rock. JJ/dd/ng (For possible action)

RELATED INFORMATION:

**APN:**

175-07-711-026

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the front yard setback for an existing accessory building (detached garage) to zero feet where 20 feet is required per Section 30.02.06 (a 100% reduction).
- b. Reduce the interior side setback for an existing accessory building (storage) to 4 feet where 5 feet is required per Section 30.02.06 (a 20% reduction).
2. Reduce the building separation between an accessory building (detached garage) and the residence to 5 feet where 6 feet is required per Section 30.02.06 (a 17% reduction).
3. Allow for only 1 on-site parking space in conjunction with an existing single family residence where 2 are required per Table 30.04-2 (a 50% reduction).

**LAND USE PLAN:**

NORTHWEST COUNTY (REDROCK) - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 18 Allegro Street
- Site Acreage: 0.2
- Project Type: Detached garage & storage
- Number of Stories: 1 (garage)/1 (storage)
- Building Height (feet): 10.5 (garage)/10 (storage)
- Square Feet: 280 (garage)/324 (storage)

Site Plans

The plans depict an existing detached garage with a zero foot setback from the front property line and a 5 foot separation from the existing single family residence. One on-site parking space is provided with the detached garage, and there is no other on-site parking available due to an existing CMU wall that runs along the front property line. Additionally, the plans depict an existing storage building in the rear yard set back 4 feet from the interior side property line to the north.

Landscaping

Landscaping exists within the front yard and throughout the entirety of the property. No changes to the landscaping are proposed with this application.

Elevations

Photos of the site show the detached garage as being 10.5 feet tall at the peak of the structure, and the rear accessory storage as 10 feet at the peak of the structure. Both accessory buildings are made of wood panels with a vinyl shingle roof and have been painted to match the color of the existing single family residence.

Applicant’s Justification

The applicant states they built the accessory garage to protect their personal vehicles from the elements, and at the time were unaware that the building would not be compliant with current Code. The applicant also states their neighbors use the unpaved right-of-way as parking for their vehicles as well.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, South, East, & West	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2 (RRO)	Single family residential

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

Code enforcement case CE23-10009 is currently active on the site for 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.

#### Waivers of Development Standards #1 & #2

Title 30 development standards are set in place to ensure that the design and development of property is kept at a high standard to promote open area and safety along the street. In this case, setbacks have been reduced or eliminated entirely, which is counterproductive to the goals of Title 30. Additionally, the elimination of front setbacks may negatively impact surrounding properties, as there do not appear to be any other accessory structures within the front setbacks in the immediate area. For these reasons, staff cannot support these requests.

#### Waiver of Development Standards #3

Based on an aerial photograph, it appears that the garage was constructed within the last year and replaced the original on-site parking space. The applicant did not provide any justification as to why an additional on-site parking space could not be provided. The applicant states that the property and many of the surrounding properties utilize the street as parking, but the front yard of the property has room for an additional parking space to be added if a section of the existing wall was removed. Additionally, the garage was not built to Title 30 standards or with the necessary permits. For these reasons 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.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS: 14 cards, 1 letter**

**PLANNING COMMISSION ACTION:** May 21, 2024 – HELD – To 06/18/24 – per the applicant.

**APPLICANT:** CHANDRA CLOAKE

**CONTACT:** CHANDRA CLOAKE, 18 ALLEGRO STREET, BLUE DIAMOND, NV 89004