

08/06/24 PC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**WS-24-0228-UMANA WILLIAM & RAMIREZ FLORIDA:**

**HOLDOVER WAIVER OF DEVELOPMENT STANDARDS** for reduced setbacks in conjunction with an existing single-family residence on 0.14 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the south side of Newton Drive, approximately 200 feet west of Nellis Boulevard within Paradise. TS/rp/ng (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-20-811-023

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the front setback for an existing carport to 11 feet where a minimum of 20 feet is required per Section 30.02.06 (a 45% reduction).
- b. Reduce the interior side setback for an existing carport to 1 foot where a minimum of 5 feet is required per Section 30.02.06 (an 80% reduction).
- c. Reduce the rear setback for an existing storage building to 3 feet where a minimum of 5 feet is required per Section 30.02.06 (a 40% reduction).
- d. Reduce the interior side setback for an existing storage building to 3 feet where a minimum of 5 feet is required per Section 30.02.06 (a 40% reduction).

**LAND USE PLAN:**

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4953 Newton Drive
- Site Acreage: 0.14
- Project Type: Setback
- Number of Stories: 1
- Building Height (feet): 10 feet 6 inches (accessory storage building)/9 feet (carport)
- Square Feet: 225 (accessory storage building)/800 (carport)

Site Plan

The plan depicts an existing single-family residence with an existing attached carport to the front and side yards that is set back 1 foot from the east side property line and 11 feet, 6 inches from

the front property line. The plan also depicts an existing storage building in the back of the property that is set back 3 feet from the side and rear property lines. The carport is 800 square feet and the storage building is 225 square feet. The applicant indicates that the white tents in the front and rear of the residence will be removed. Both the carport and the accessory storage building were constructed without building permits

Landscaping

There are no proposed changes to landscaping associated with this application.

Elevations

The photo depicts a 10 feet 6 inches tall storage building with a pitched, shingle roof. The structure features stucco material and a gray tone. The photos show a wood 9 feet tall carport. The structures do not match the primary home. The photos depict the primary house was made of grey brick.

Floor Plans

The plan depicts an 800 square feet carport and a 225 storage building.

Applicant’s Justification

The applicant is requesting a waiver of development standards to reduce setbacks for the carport and the accessory structure. The applicant states that the existing landscaping will not be changed and the white tents in the front and rear yard will be removed.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Public Use	PF	Place of worship & school
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential

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

There is an active Code Enforcement case (CE-23-17178) on the property for building without permits.

**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**

Waiver 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.

Setbacks help preserve the appeal of a neighborhood as well as mitigate impacts and possible safety issues for adjacent properties. Staff finds that the location of the accessory structure and carport may have adverse effects on the adjacent properties to the east, south, and west. The proposed setback reductions are a self-imposed hardship, and the applicant has not provided a compelling justification for approval of these requests or alternatives to mitigate the negative impacts on the surrounding area. Also, the carport and storage building are not architecturally compatible with the primary house. Therefore, 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.

#### **Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Paradise - denial.

**APPROVALS:**

**PROTESTS:**

**PLANNING COMMISSION ACTION:** July 16, 2024 – HELD – To 08/06/24 – per the applicant.

**APPLICANT:** WILLIAM UMANA

**CONTACT:** WILLIAM UMANA, 4953 NEWTON DRIVE, LAS VEGAS, NV 89121