

03/17/21 BCC AGENDA SHEET

WATER CONNECTION/REDUCE SETBACK
(TITLE 30)

UPDATE
MAGGIE AVE/DURANGO DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0008-GUEVARA FREDIEE & EMILY & REGINO HERVEY & LETICIA:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) waive connection to public water service; and 2) reduce rear setback for a single family residential development on 2.3 acres in an R-A (Residential Agricultural) (RNP-III) Zone.

Generally located on the south side of Maggie Avenue, 258 feet west of Durango Drive within Lone Mountain. MK/lm/jd (For possible action)

RELATED INFORMATION:

APN:

125-08-507-001

WAIVERS OF DEVELOPMENT STANDARDS:

1. Waive connection to a public water service within 1,250 feet of a public water line per Title 30.52.100.
2. Reduce the rear setback to 49.5 feet where 50 feet is required per Table 30.40-1 (a 1% reduction).

LAND USE PLAN:

LONE MOUNTAIN - RESIDENTIAL AGRICULTURE (UP TO 1 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 8465 Maggie Avenue
- Site Acreage: 2.3
- Number of Lots/Units: 2
- Density (du/ac): 0.8
- Minimum/Maximum Lot Size (square feet): 51,309/51,314
- Project Type: Single family residential
- Number of Stories: 3 (existing)
- Square Feet: 2,238 (existing)

Site Plan

The plan depicts a proposed minor subdivision (MSM-18-600127) with 2 lots fronting Maggie Avenue. The easterly lot (Lot 2) includes an existing single family residence (geodesic dome) which was constructed in the 1970's and is located 49.5 feet from the south property line and 56 feet from the east property line. There is an existing well on the site and municipal water connection is located approximately 850 feet to the west near Homestead Road and Maggie Avenue.

Elevations

The existing residence is a geodesic dome home clad in a white elastomeric finish with asphalt shingle roofing over the entry and some of the windows.

Floor Plans

The 2,238 square foot existing residence consists of 3 levels with family room, bedrooms, kitchen, bathrooms, and a loft area.

Applicant's Justification

The applicant indicates that prior to purchasing the property they researched the availability for an additional domestic well on a second lot if they subdivided the property. They procured a letter from the Nevada Division of Water Resources (NDWR) indicating that the parcel would need to be greater than 360 feet from the closest connection to city water with a minimum of an acre of land to be eligible to drill a domestic well for a single family dwelling. The applicant also indicates that the property is 850 feet from the nearest water connection to the west meeting the NDWR requirement. Additionally, the proposed lots qualify to maintain septic systems as the property is over 300 feet to the closest sewer lines in Durango Drive. The family members have combined their resources to purchase and subdivide the property and find connecting to public water (and sewer) beyond their available resources. Lastly, the existing geodesic residence was constructed in the 1970's, and they would like to keep the residence as they have spent the last 2 years cleaning up the property and removing squatters and people from performing illicit activities at the site.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-0449-99	Vacate right-of-way (Bonita Vista Street)	Approved by PC	May 1999

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Residential Agricultural (up to 1 du/ac)	R-A (RNP-III)	Single family residential
East	Residential Agricultural (up to 1 du/ac)	R-A	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

Waivers of Development Standards

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.

Waiver of Development Standards #1

Staff typically does not support a request to waive the requirement for a development to connect to a public water system. Connecting developments into existing public water service help to ensure that the development will continuously have a safe and reliable water supply; therefore, staff recommends denial of this request.

Waiver of Development Standards #2

The existing residence was constructed by all accounts during the 1970's when the area was more rural in nature. The reduction of the rear setback is minimal compared to the accessory structures located on adjacent parcels, which are much closer to the property line, and should not have a negative impact on the surrounding properties; therefore, staff can support this portion of the request.

Staff Recommendation

Approval of waiver of development standards #2; denial of waiver of development standards #1.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- 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.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Lone Mountain - approval.

APPROVALS: 3 cards

PROTESTS: 1 card

COUNTY COMMISSION ACTION: March 3, 2021 – HELD – To 03/17/21 – per the Board of County Commissioners.

APPLICANT: FREDIEE GUEVARA

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