

12/03/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400112 (WS-18-0613)-HERRERA, ALICIA:

WAIVER OF DEVELOPMENT STANDARDS THIRD EXTENSION OF TIME to reduce the side setback for a partially constructed room addition in conjunction with an existing single-family residence on 0.5 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the east side of Firethorn Lane, 90 feet north of Buckboard Lane within Paradise. MN/tpd/kh (For possible action)

RELATED INFORMATION:

APN:

177-11-712-055

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the side yard setback for an attached room addition to 6 feet 6 inches where 10 feet is required per Table 30.40-1 (a 35% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 7812 Firethorn Lane
- Site Acreage: 0.49
- Project Type: Reduce side setback for a room addition
- Number of Stories: 1
- Building Height (feet): 12
- Square Feet: 430

History & Request

The initial staff report prepared for the original application in 2018 included a second waiver for reduced roof pitch for the room addition. This is no longer a Code requirement and is not needed with this request nor was it included in the previous extensions of time ET-22-400064 (WS-18-0613) and ET-21-400043 (WS-18-0613).

Site Plans

The original plans depict a partially constructed attached room addition on the north side of the existing single-family residence. The residence is centrally located on the site and the front of the house faces west toward Firethorn Lane. An existing block wall was shown located along

the side property lines. The addition is set back 6 feet, 6 inches from the north property line and approximately 50 feet from Firethorn Lane.

Landscaping

The approved plans show existing mature landscaping throughout the site that included trees, shrubs, and groundcover.

Elevations

The approved plans showed a 12 foot high room addition being added on the north side of the existing residence. The addition will have similar exterior materials, which includes asphalt shingles, decorative molding, and stucco finish to match the existing residence.

Floor Plans

The plans show an addition of 430 square feet. The rooms consist of a new bathroom, closet, and laundry room.

Previous Conditions of Approval

Listed below are the approved conditions for ET-22-400064 (WS-18-0613):

Current Planning

- Until May 4, 2024 to complete the building permit and inspection process.
- 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; and that 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.

Listed below are the approved conditions for ET-21-400043 (WS-18-0613):

Current Planning

- Until May 4, 2022 to complete the building permit and inspection process.
- 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; and that 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.

Listed below are the approved conditions for WS-18-0613:

Current Planning

- 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; and that this application must commence within 2 years of approval date or it will expire.

Applicant’s Justification

The applicant states that they were not able to complete their building inspection because of medical and financial problems. Subsequently, they are requesting this extension of time so that the inspection can be completed.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-22-400064 (WS-18-0613)	Second extension of time for a partially constructed room addition	Approved by PC	June 2022
ET-21-400043 (WS-18-0613)	First extension of time for a partially constructed room addition	Approved by PC	May 2021
WS-18-0613	Reduced side setback for a partially constructed room addition	Approved by PC	October 2018

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential
East	City of Henderson	RS-6	Single-family residential

Clark County Public Response Office (CCPRO)

CE-20-11315 has been closed because of a documented change of ownership in the Assessor’s records, although one change of ownership was nullified by a court order and the others involved different names related to the original and current owner. Additionally, there are still invoiced fees that need to be paid for that violation. CE-21-25443 is an active Code Enforcement case 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

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

The applicant submitted for building permits for the subject project (BD23-12358) and had the permit issued on July 11, 2023. Inspections was never completed, and the permit expired on January 7, 2024. However, the permit was renewed on July 30, 2024 and is awaiting inspections once again. Conversely, it has been more than 2 years since the last extension of time (ET-22-400064 (WS-18-0613)) was approved. During that time, staff indicated that there would not be support for another extension of time request. Furthermore, instead of correcting this issue that has been ongoing since 2018, the applicant constructed a new patio cover on the accessory living quarters in the rear of the property, with said living quarters converted from a detached garage and permitted (BD21-24694). The patio addition was permitted (BD22-42338) at the time of the last extension request (ET-22-400064 (WS-18-0613)). The applicant has prioritized completing other newer building permits for a new patio cover and accessory living quarters while there has been an active violation for the existing, unpermitted addition to the primary dwelling. Staff cannot support this request, since it has been more than 6 years since the original application was approved.

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:

- Until May 4, 2025 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; 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:

APPROVALS:

PROTEST:

APPLICANT: ALICIA HERRERA

CONTACT: ALICIA HERRERA, 7812 FIRETHORN LANE, LAS VEGAS, NV 89123