

06/04/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0150-TANAKA TRUST:**

**USE PERMIT** for accessory dwelling units.

**WAIVER OF DEVELOPMENT STANDARDS** to eliminate setbacks for a carport in conjunction with a single-family residence on 0.47 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located 100 feet west of Duneville Street and on the south side of Oakey Boulevard within the Spring Valley Planning Area. RM/rg/ng (For possible action)

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RELATED INFORMATION:

**APN:**

163-01-301-007

**WAIVER OF DEVELOPMENT STANDARDS:**

Eliminate the side yard setback for an existing carport to zero feet where a minimum of 7 feet is required per Table 30.02-4 (a 100% reduction).

**LAND USE PLAN:**

SPRING VALLEY - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5835 W. Oakey Boulevard
- Site Acreage: 0.47
- Project Type: 2 accessory dwellings
- Number of Stories: 2 (accessory dwellings)
- Building Height (feet): 24.5
- Square Feet: 2,196 (single-family dwelling)/384 (carport)/144 (detached shed)/2,280 (accessory dwelling first floor)/2,280 (accessory dwelling second floor)
- Parking Required/Provided: 4/4

**Site Plan**

The plan depicts a 0.47 acre lot with an existing 2,196 square foot single-family dwelling that was built in 1975, located on the north half of the lot with public street access on Oakey Boulevard. An existing, unpermitted attached carport is located on the west side of the single-family dwelling with no setback to the west property line. In addition, an existing accessory structure (detached shed) is located near the southwest corner of the property. Lastly, a 2 story building containing 2 accessory dwellings is proposed in the rear yard located between the

existing swimming pool and the southern property line. The proposed 2 story building setbacks are greater than 10 feet from the west and east property lines and 30 feet from the south property line.

Landscaping

The property has existing landscaping. No changes are required or proposed.

Elevations

The proposed accessory dwelling overall height is 24 feet 6 inches tall, which includes an exterior staircase entrance to the second floor on the east side of the building. The proposed color and exterior materials will match the primary dwelling, which has wood panel siding in beige color and gray roof shingles.

Floor Plan

The proposed accessory dwelling depicts 2,280 square feet, on each the first and second floors for a total of 4,560 square feet. The first floor includes 3 bedrooms, 2 full bathrooms, 2 powder rooms, dining room, living room, family room, and a kitchen. The second floor includes 4 bedrooms, 2 full bathrooms, 2 powder rooms, dining room, living room, family room, and a kitchen. The plan indicates an exterior stair access to the second floor as well as a staircase within the interior of the proposed building.

Applicant’s Justification

The owner is proposing to build the accessory dwelling with 2 units as an accessory apartment for family members to occupy. No justification was provided for the use permit.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential

**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**

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff reviews use permit requests to ensure compatibility with existing development in the area. The subject property is only 0.47 acres and the proposed 2 accessory dwellings exceed the size of the primary dwelling's floor area, thus intensifying the use occurring on the site. One accessory dwelling is permitted; however, having 2 units plus the primary dwelling appears more as a multi-family residential use. Therefore, the proposed 2 accessory dwelling units are not compatible and harmonious with the existing development on-site and in the surrounding area.

#### 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.

The existing carport was constructed without a building permit. As such, the structure was never reviewed to determine its setback. The applicant would otherwise have been notified of the setback requirements. Staff finds that the eliminated setback is a self-imposed hardship. Therefore, staff recommends denial.

#### **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 for the existing carport or the application will expire unless extended with approval of an extension of time.
- Applicant is advised within 2 years from the approval date the use permit 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**

- No comment.

**Fire Prevention Bureau**

- No comment.

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

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and for any sanitary sewer needs, to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

**TAB/CAC:**

**APPROVALS:** Spring Valley - denial.

**PROTESTS:**

**APPLICANT:** MINEO TANAKA

**CONTACT:** MINEO TANAKA, 5835 W. OAKLEY BOULEVARD, LAS VEGAS, NV 89146