

07/16/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0224-KONG, DARREL A L JR. & MICHELLE R.:

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for an accessory building (detached garage) in conjunction with an existing single-family residence on 0.47 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the west side of Decatur Boulevard, 150 feet south of Agate Avenue within Enterprise. JJ/mh/ng (For possible action)

RELATED INFORMATION:

APN:

176-24-601-012

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear setback for an existing accessory building (detached garage) to 2 feet where 5 feet is required per Section 30.02.04 (a 60% reduction).
- b. Reduce the side setback for an existing accessory building (detached garage) to 3 feet where 5 feet is required per Section 30.02.04 (a 40% reduction).

LAND USE PLAN:

ENTERPRISE - NEIGHBORHOOD COMMERCIAL

BACKGROUND:

Project Description

General Summary

- Site Address: 9145 S. Decatur Boulevard
- Site Acreage: 0.47
- Project Type: Accessory building (detached garage)
- Number of Stories: 1
- Building Height (feet): 20 (detached garage)
- Square Feet: 3,124 (residence)/1,320 (detached garage)

Site Plans

The plans depict a single-family residence accessed from a private cul-de-sac on the west side of Decatur Boulevard. The 2,340 square foot residence has a 784 square foot attached garage located in the front of the property, and a patio cover in the rear. There is a 120 square foot shed in the rear yard, set back 3 feet from the rear property line. A 1,320 square foot detached garage is also located in the rear yard, set back 3 feet from the side property line and 2 feet, 4 inches from the rear property line. The detached garage is 6 feet, 3 inches away from the residence.

There is also a trailer in the east side yard, which the applicant indicates will be moved inside of the detached garage.

Landscaping

The photos provided depict trees and shrubs in the front yard, with additional trees located in the rear yard. There are no proposed changes to landscaping associated with this application.

Elevations

The plans and photos depict a 20 foot high detached metal garage with a gray exterior and roof. There is a 14 foot high roll-up door and 6 foot, 8 inch high man door in the front of the garage, as well as a second man door on the east side of the garage. The 1 story residence features wood frame stucco painted gray with a concrete tile pitched roof.

Floor Plans

The plans depict the detached garage is 1,320 square feet with an open layout floor plan to be used for storage of personal vehicles.

Applicant’s Justification

The applicant states that the detached metal garage was purchased and constructed without building permits, not knowing that permits would be required. The design and color combination of the detached garage resemble the home, though the building materials are different. The garage will keep the property clean as no vehicles or trailers will be publicly visible. The trailer located in the east side yard will be moved inside the detached garage and there will be no other changes to the property. Letters of consent have been secured from all adjacent property owners.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Neighborhood Commercial	RS20	Single-family residential
East	Neighborhood Commercial	RS20	Undeveloped

Clark County Public Response Office (CCPRO)

There is an active Code Enforcement case (CE23-31140) on the property 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

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.

Although the adjacent property owners have indicated that they have no objection to the detached garage, staff still has concerns about such a large structure being located within the required setbacks. While the color of the detached garage matches the residence, the building materials are incompatible. There are no similar accessory buildings in the neighborhood, and the encroachment into the required setbacks creates safety concerns for the adjacent properties. 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.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: DARREL KONG

CONTACT: 9145 S. DECATUR BOULEVARD, LAS VEGAS, NV 89139