

TENNIS COURT
(TITLE 30)

UPDATE
TIOGA WAY/ACKERMAN AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-23-400145 (UC-22-0141)-BERGIN DAVID & CHRISTEL:

APPEAL USE PERMIT FIRST EXTENSION OF TIME to allow an accessory structure (enclosed tennis court with lights) prior to a principal use (residence) on a portion of 0.6 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the east side of Tioga Way and the north side of Ackerman Avenue (alignment) within Lone Mountain. MK/mh/syp (For possible action)

RELATED INFORMATION:

APN:

125-10-402-012

USE PERMIT:

Allow an accessory structure (enclosed tennis court with lights) prior to a principal structure (residence) where an accessory structure is permitted only with a principal structure per Table 30.44-1.

LAND USE PLAN:

LONE MOUNTAIN - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: n/a
- Site Acreage: 0.6
- Project Type: Tennis court
- Building Height (feet): 12 (chain-link fence)/18 (light pole)

Site Plan

The approved plan depicts an existing lot within a 4 lot cul-de-sac where all 4 lots face a private cul-de-sac adjacent to Tioga Way. The subject parcel is Lot 3, on the southeast corner of the cul-de-sac. The applicant constructed a private enclosed tennis court without permits and prior to the construction of their residence. The tennis court is set back 15 feet from the east property line, and 55 feet from the north property line. The tennis court is oriented in a north/south direction.

Elevations

The approved plan depicts a tennis court enclosed by a 12 foot high chain-link fence with 18 foot tall light poles for a total of 6 lights located on the east and west fence lines of the tennis court.

Previous Conditions of Approval

Listed below are the approved conditions for UC-22-0141:

Current Planning:

- 1 year to obtain building permits for the tennis court and primary residence with any extension of time to be a public hearing;
- Light poles to be a maximum of 18 feet and lights to be shielded;
- Applicant to diligently pursue construction of the primary residence by obtaining a certificate of occupancy.
- Applicant is advised to obtain all necessary approvals to meet Air Quality standards; 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.

Applicant's Justification

The applicant indicates that construction of the residence cannot proceed because there is no sewer available at this time. The Clark County Water Reclamation District does not service the property, leaving the City of Las Vegas as the only alternative but with no existing point of connection.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-22-0141	Allowed an accessory structure (enclosed tennis court with lights) prior to a principal use	Approved by PC	May 2022
VS-19-0468	Vacated and abandoned a right-of-way (Ackerman Avenue)	Approved by PC	August 2019
ZC-0296-01	Reclassified various parcels within Lone Mountain from R-U and R-E to R-E (RNP-I) and from R-A to R-A (RNP-I) and from R-A to R-A (RNP-II) zoning intended to preserve the residential character of the Lone Mountain Area	Approved by BCC	September 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped
South	City of Las Vegas	R-E	Undeveloped

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed 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 or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The original application was approved with a condition that the applicant obtain building permits for the tennis court and primary residence within 1 year. The applicant applied for a grading permit for the tennis court (BD22-25520) and a building permit for the residence (BD22-53553), though both applications have since expired without permits being issued. While staff has no objection to this extension of time request, any future extension of time request should demonstrate significant progress toward commencement of the residence as the lack of immediate sewer connection is not a compelling justification for additional extensions of time.

Staff Recommendation

Approval.

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.

PLANNING COMMISSION ACTION: February 20, 2024 – APPROVED – Vote: Aye: Castello, Kirk, Frasier, Stone Nay: Lee, Mujica, Kilarski

Comprehensive Planning

- Until February 20, 2025 to obtain building permits for the tennis court and primary residence with any extension of time to be a public hearing.
- Applicant is advised that the County has adopted a rewrite to Title 30, effective January 1, 2024, 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 the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Lone Mountain - denial.

APPROVALS: 2 cards

PROTEST: 1 card, 2 letters

PLANNING COMMISSION ACTION: December 19, 2023 – HELD – To 02/20/24 – per the applicant.

APPEAL: This item has been appealed by a neighbor who states that the item was denied at the Town Board meeting and does not agree with the Planning Commission action.

APPLICANT: DAVID BERGIN

CONTACT: LAS VEGAS CIVIL ENGINEERING, 2251 N. RAMPART BLVD, STE 418,
LAS VEGAS, NV 89128