

11/07/23 PC AGENDA SHEET

ACCESSORY STRUCTURES  
(TITLE 30)

BUFFALO DR/FORD AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0525-KELLIE AND MICHAEL NESTO:**

**WAIVER OF DEVELOPMENT STANDARDS** for reduced accessory structure side setback on 0.4 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the east side of Buffalo Drive, 200 feet south of Ford Avenue within Enterprise. JJ/bb/syp (For possible action)

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RELATED INFORMATION:

**APN:**

176-15-410-003

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the side yard setback for a detached accessory structure to 1 foot 5 inches where 5 feet is required per Table 30.40-1 (a 72% reduction).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 8741 Grand Pass Court
- Site Acreage: 0.4
- Project Type: Accessory structure setback (detached patio cover)
- Number of Stories: 1
- Building Height (feet): 11 feet 5 inches
- Square Feet: 200

Site Plan

The site plan depicts an existing 4,207 square foot single family house and detached patio cover on 0.4 acres at the end of Grand Pass Court located at the southeast corner of Buffalo Drive and Ford Avenue. The patio cover was constructed by the previous owner to protect an outdoor gas barbeque cooking area. Grand Pass Court is a cul-de-sac road that dead ends at this property. The property also backs up to Buffalo Drive. The west property line extends approximately 15 feet (5 feet landscaping/5 feet sidewalk/5 feet landscaping) west of the existing 7 foot high decorative wall. The patio cover is located adjacent to the north property line with eaves shown 1 foot 5

inches from the property line, and support beams 1 foot 7 inches from the property line. The patio cover is over 10 feet from the west wall. The patio cover is located approximately 7 feet north of the existing in-ground swimming pool.

#### Landscaping

Landscaping is existing along Buffalo Drive and is not a part of this waiver request.

#### Elevations

The elevations depict an architecturally compatible patio cover with stucco support beams and alumawood cover that is approximately 10 feet high on the north side and 11 feet 5 inches high on the south side.

#### Floor Plans

The patio cover is oriented east to west at 20 feet in length and 10 feet deep from north to south for a total of 200 square feet of area. The eaves only protrude a few inches beyond the support beams on the north and south, and up to a foot on the east and west sides of the patio cover.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The applicant explains that the purchase of the property included the patio cover as previously built by the seller. This application only includes the patio cover over the barbeque area and not the area now called a sports court. The sports court was previously envisioned as a covered bar area that is not being considered at this time. The barbeque patio cover is designed to match the home style and will not allow drainage directly onto the adjacent property.

#### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & East	Rural Estates Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential
South & West	Rural Estates Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Undeveloped

#### **Clark County Public Response Office (CCPRO)**

CE23-01489 is a current violation for constructing a patio cover without a building permit.

#### **STANDARDS FOR APPROVAL:**

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

#### **Analysis**

##### **Comprehensive Planning**

##### Waiver 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. The proposed patio cover is located within 2 feet of the adjacent property and has a sloped roof from a high side on the south to the low side on the north. The proximity to the property line will increase the bulk of the structure visible to the neighbor. The granting of the waiver request would not be in harmony with the intent of the general purpose of Title 30. Staff cannot support the waiver 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 with any extension of time to be a public hearing.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license, or approval; 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; 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.

#### **Public Works - Development Review**

- No comment.

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

- No comment.

**TAB/CAC:** Enterprise - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** CASHDOOR, LLC

**CONTACT:** CASHDOOR, LLC, 2510 W. HORIZON RIDGE PKWY, SUITE 100, HENDERSON, NV 89052