

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-24-0319-VAN DIEPEN, RICHARD & KATHRYN:**

**USE PERMIT** for an accessory living quarters.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; and **2)** reduce building separation.

**DESIGN REVIEW** for existing accessory structures in conjunction with an existing single-family residence on 0.23 acres in an RS5.2 (Residential Single-Family 5.2) Zone within the Historic Designation Overlay.

Generally located on the east side of Cochise Lane, 110 feet north of Geronimo Way within Paradise. TS/jm/syp (For possible action)

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RELATED INFORMATION:

**APN:**

162-14-612-046

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the front setback for an accessory structure (carport) to 10 feet where 20 feet is required per Section 30.02.06B (a 50% reduction).
2.
  - a. Reduce the separation between the gazebo and the residence to 5 feet 3 inches where a minimum of 6 feet is required per Section 30.02.06 (a 13% reduction).
  - b. Reduce the separation between the accessory living quarters building and the residence to 2 feet 6 inches where a minimum of 6 feet is required per Section 30.02.06 (a 59% reduction) (no longer needed).
  - c. Reduce the separation between a carport and the residence to 3 feet where a minimum of 6 feet is required per Section 30.02.06 (a 50% reduction) (no longer needed).

**LAND USE PLAN:**

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3586 Cochise Lane
- Site Acreage: 0.23
- Project Type: Accessory structures
- Number of Stories: 1

- Building Height (feet): 13 (existing accessory living quarters)/11.5 (existing carport)/10.75 (existing gazebo)/13.3 (existing residence)
- Square Feet: 480 (existing accessory living quarters)/562 (existing carport)/160 (existing gazebo)/2,196 (existing residence)

### Site Plans

The project site is located within the Paradise Palms Historic Designation Overlay for Paradise Palms. The plans depict an existing 2,196 square foot single-family residence that is accessed via Cochise Lane to the west. There is an existing 562 square foot carport located in the driveway in the northwest corner of the property, set back 5 feet from the side property line and 10 feet from the front property line. To the east of the carport, in the northeast corner of the property, is an existing 480 square foot accessory living quarters, set back 5 feet from the side property line, 7 feet, 6 inches from the rear property line, and 2 feet, 6 inches from the primary residence when measured from the roof eaves. The rear yard features an existing 160 square foot gazebo that is set back 7 feet, 10 inches from the rear property line and is 3 feet, 1 inch from the primary residence. The existing carport was constructed without permits and the accessory living quarters was constructed pursuant to an approved building permit; however, the permit was never finalized and expired.

### Landscaping

There are existing trees and shrubs located in the front, side, and rear yards of the property. There are no proposed changes to landscaping associated with this application.

### Elevations

The photos provided depict a 13 foot high accessory living quarters with a variable roofline consisting of 1 portion being a 1 sided pitched roof and the other being flat. The roof is constructed of metal and painted gray. The structure is painted 2 shades of blue, which resemble the colors of the primary residence. The roofline only partially matches the existing home and the roofing materials do not match the traditional shingles of the main home. The plans depict an 11.5 foot high carport that is supported by 4 metal posts and features solar panels on top of a sloped roof. There is also an 8 sided gazebo with a blue/gray fabric roof that is 10 feet 8 inches tall.

### Floor Plans

The plans depict a 480 square foot accessory living quarters featuring a bedroom, bathroom, living room, laundry room, and pantry. The structure is accessed via a door on the south side that opens to a porch and walkway area.

### Applicant's Justification

The applicant states that several other properties in the neighborhood have garage additions and carports that encroach into the front setback. The applicant adds that the carport is painted to match the residence, and the scale and design of the carport does not detract from the architectural aesthetic of the neighborhood. The accessory living quarters features exterior colors that match the residence, with the exception of a gray metal roof with a single slope design that was chosen for durability. The metal roof roughly matches the gray asphalt shingles on the roof of the residence, and the eaves were painted to match those of the residence.

### Prior Land Use Requests

| Application Number | Request   | Action          | Date       |
|--------------------|---|-----------------|------------|
| ZC-22-0098         | Reclassified 176.4 acres to a Historic Neighborhood Overlay | Approved by BCC | April 2022 |

### Surrounding Land Use

|                            | Planned Land Use Category                           | Zoning District (Overlay) | Existing Land Use         |
|----------------------------|---|---------------------------|---------------------------|
| North, South, East, & West | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RS5.2 (HDO)               | 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 finds that the accessory living quarters building features a roofline and roof materials that are inconsistent with the single-family residence on the property and with other residences in the Paradise Palms Historic Neighborhood. While staff can understand the desire to deviate from the roofline and roofing material of the residence with a 1 sided pitched metal roof, the overall design of the structure does not resemble any other structures in the neighborhood. However, when the building permit was initially issued for the structure, it was issued upon the understanding the applicant would permit the roof to match the residence. Additionally, the permit was issued prior to the designation of the Historic Neighborhood. For these reasons, staff can support the use permit.

##### Waivers 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.

Staff reviews waiver requests to ensure compatibility with existing developments in the area. Setbacks and separations help preserve the appeal and integrity of a neighborhood as well as mitigate impacts and possible safety issues. The proposed reduction in the setback for the unpermitted structures carport is a self-imposed hardship, and the applicant provided no alternatives to mitigate the negative impacts on the surrounding area. Staff can however, support the reduction to the separation for the gazebo to the residence since the reduction is negligible. Therefore, staff does not support this request.

### Design Review

Development of the subject property is reviewed to determine if 1) it is compatible with adjacent development and is harmonious and compatible with development in the area; 2) the elevations, design characteristics and others architectural and aesthetic features are not unsightly or undesirable in appearance; and 3) site access and circulation do not negatively impact adjacent roadways or neighborhood traffic.

The guest living quarters was constructed prior to the designation of the Historic District; therefore, staff can support the design review for that structure. The carport as designed and in its location materially affects the integrity of the Historic Paradise Palms neighborhood. Therefore, staff cannot support the design review for that structure.

### **Staff Recommendation**

Approval of the use permit; denial of waivers of development standards and the design review.

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;
- Paint roof of accessory living quarter to match the roof color of the residence.
- 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; 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)**

- No comment.

**TAB/CAC:** Paradise - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** KATHRYN VAN DIEPEN

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