

08/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400072 (WS-22-0199)-FLUET, ROBERT:

WAIVERS OF DEVELOPMENT STANDARDS SECOND EXTENSION OF TIME for the following: **1)** reduced setbacks; and **2)** reduced building separation in conjunction with an existing single-family residence on 0.2 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the west side of Horizon Street, 85 feet north of Wingrove Avenue, and 415 feet south of Desert Inn Road within Paradise. TS/dd/syp (For possible action)

RELATED INFORMATION:

APN:

161-18-111-018

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the rear setback (new building addition) to the principal residence to 6 feet where 20 feet is required per Table 30.40-2 (a 70% decrease).
- b. Reduce the interior side setback of an existing accessory building (northwest storage building) to zero feet where 5 feet is required per Table 30.40-2 (a 100% decrease).
2. Reduce the building separation between the principal residence and an accessory building (northwest storage building) to 3 feet 4 inches where 6 feet is the minimum required per Table 30.40-2 (a 43% decrease).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 3383 Horizon Street
- Site Acreage: 0.2
- Project Type: Reduced setbacks and reduced building separation
- Number of Stories: 2
- Square Feet: 90 (northwest accessory storage building)/75 (southwest accessory storage building)/1,935 (1,740 existing principal residence/195 building addition)

History & Request

The Planning Commission (PC) previously approved waivers of development standards to reduce setbacks and reduce building separation in conjunction with an existing single-family

residence. Building permits were submitted to the Building Department in February 2023 (BD23-08842). In August of 2023 the applicant was approved for their first extension of time (ET-23-400091) to allow extra time for the building permit process, and now the applicant is requesting a second extension for the building permits to be issued.

Site Plan

The approved plan depicts an existing residence centrally located on the subject parcel facing east toward Horizon Street. The southern portion of the home is 1 story and the northern portion is 2 stories. The applicant constructed a 1 story building addition at the rear portion of the northwest corner of the principal residence; hence, the request to reduce the principal structure rear setback to 6 feet where 20 feet is required per Title 30. The site plan also shows that the patio cover that was enclosed without permits in the middle portion of the rear of the principal residence will be demolished and converted back to a covered patio.

The applicant previously constructed 2 accessory storage buildings, 1 located on the northwest corner of the site, and the second located on the southwest corner of the site. The accessory storage building on the northwest corner is set back zero feet from the north property line (where 5 feet is required) and will be relocated 7 feet from the west property line (where 5 feet is required), 3 feet 4 inches from the principal residence to the south (where 6 feet is required), 77 feet from the east property line, and 78 feet from the south property line.

The accessory storage building on the southwest corner of the site will be relocated 7 feet from the west property line (where 5 feet is required), 13 feet from the principal residence to the northeast (where 6 feet is required), 2 feet from the south property line (where 5 feet is required), 65 feet from the north property line, and 88 feet from the east property line.

Lastly, portions of the north and south property lines include a 6 foot high CMU block wall, which reduces in height and includes wrought-iron on top as it leads towards the front yard. The west property line includes a 6 foot high CMU block wall with a 2 foot 4 inch retaining wall.

Landscaping

There is existing landscaping and rockscape in the front and side yards. New landscaping is neither proposed nor a part of this request.

Elevations

The approved photos depict the majority of the existing principal residence is 1 story except for the northern portion of the residence which is 2 stories. The photographs show that the west facing elevation of the home has a minimum roofline height of 7 feet. The northwest accessory storage building has an overall height which varies from 8 feet to 9 feet. The southwest accessory storage building has an overall height of 8 feet. The principal residence has exterior materials that consist of stucco walls, wood trim, and brick veneer. The accessory storage buildings are constructed of wood. All existing structures are painted to match the principal residence.

Floor Plan

The principal residence includes a typical residential floor plan layout, which includes bedrooms, a living room, bathrooms, and a kitchen. The building addition includes new bedrooms and bathrooms.

Previous Conditions of Approval

Listed below are the approved conditions for ET-23-400091 (WS-22-0199):

Current Planning

- Until June 7, 2024 to complete the building permit and inspection process with any extension of time to be a public hearing.
- Applicant is advised that 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; 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.

Listed Below are the approved conditions for WS-22-0199:

Current Planning

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- Accessory building height not to exceed 1 story.
- 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 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 regulation 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.

Applicant's Justification

The applicant states that they had hired a contractor to help them with the building permit process, but after their first extension of time application the hired contractor did not follow through with any of the work. The applicant states that they are now looking for a new contractor to help them through the permit process.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-23-400091 (WS-22-0199)	First extension of time for setback reductions and building separation	Approved by PC	August 2023

Prior Land Use Requests

Application Number	Request	Action	Date
WS-22-0199	Reduced setback and reduced building separation in conjunction with an existing single-family residence	Approved by PC	June 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	Single-family residential

Clark County Public Response Office (CCPRO)

CE21-12775 is an active zoning violation on the subject parcel 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**

Title 30 standards of approval for an extension of time state an application may be denied 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, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

A building permit application (BD23-08842) was submitted in February 2023. Two days after submittal, the applicant's contractor was notified by the Building Department that the plans and documents were insufficient and could not be reviewed. The applicant has not made any progress toward compliance with County Code. Therefore, staff recommends denial of 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:

- Until June 7, 2025 to complete the building permit and inspection process with any extension of time to be a public hearing.

- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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:

APPROVALS:

PROTEST:

APPLICANT: ROBERT LIONEL FLUET

CONTACT: G.C. GARCIA, INC., GEORGE GARCIA, 1055 WHITNEY RANCH DRIVE,
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