

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0026-VELAZQUEZ, RODOLFO & PEREZ, ARELYS ARJONA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setbacks; and **2)** exterior colors.

DESIGN REVIEWS for the following: **1)** an attached addition; and **2)** an accessory structure in conjunction with a single family residence on 0.2 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the north side of Desmond Avenue, 120 feet west of Skyland Drive within Paradise. JG/tpd/ng (For possible action)

RELATED INFORMATION:

APN:

162-24-714-051

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the interior side setback to zero feet where 5 feet is required per Section 30.02.06 (a 100% reduction).
- b. Reduce the rear setback to 17 feet where 20 feet is required per Section 30.02.06 (a 15% reduction).
- c. Reduce the rear setback to zero feet for an accessory structure (shed) where 5 feet is required per Section 30.02.25 (a 100% reduction).
2. Allow an accessory structure (shed) not compatible in exterior color to the primary structure as required per Section 30.02.25.

DESIGN REVIEWS:

1. Changes to a primary structure with an attached addition to a single family residential dwelling as required per Section 30.06.05B.
2. An accessory structure (shed) not compatible with the primary structure as required per Section 30.04.05.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 3144 Desmond Avenue
- Site Acreage: 0.2

- Number of Stories: 1
- Building Height (feet): 8 (shed)/17 (attached addition)/19 (existing dwelling)
- Square Feet: 40 (shed)/566 (attached addition)/2,646 (existing dwelling)

Site Plan & Request

The plans depict an existing single family dwelling with direct access off Desmond Avenue. There is an existing decorative wall in the front of the property, along the south property line, that was constructed without permits. The applicant has advised that they are in the process of obtaining a building permit for all construction that was done without permits. There is an existing shed in the rear of the property, along the north property line. An existing pool is located 18 feet east of the shed and north of the primary dwelling. Furthermore, there is an existing addition to the west of the primary dwelling along the west property line.

Landscaping

All landscaping is existing and there is no new landscaping proposed or required for this request.

Elevations

The plans depict an existing shed that is 8 feet in height and grey in color. The shed is constructed of plastic material with a dark grey roof and doors, while the side walls are light grey. The existing dwelling is 19 feet in height and has Spanish roof tiling, a tan stucco exterior, and masonry brick along the footing of the dwelling. Two roll-up doors face Desmond Avenue, towards the south property line. One roll-up door grants access to an existing 2 car garage while the other grants access to an addition used for storage. The applicant indicates the addition is 17 feet in height and has been constructed to match the exterior of the existing dwelling.

Floor Plans

The plans depict an existing 2,646 square foot dwelling with an attached 2 car garage, a primary bedroom, kitchen, 2 bathrooms, living room, and 2 spare rooms. The addition is a storage room with an attached bathroom.

Applicant’s Justification

The Building Department indicates it would be possible to obtain a permit for fire separation requirements per a 1 hour rated wall assembly condition. The applicant built the addition to their home to provide more secure storage space for equipment. There is a shed in the rear of the property that was purchased to also provide more storage space for various supplies. An attached bathroom was constructed to the addition to provide more accommodations for the property owner. The applicant has consulted with their neighbors and received no objections from this construction. There is a list of approval letters provided in this submittal package indicating that the surrounding property owners have no objections.

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)

There is an active violation for this parcel CE23-18873. The violation is for constructing an addition to the existing dwelling that is too close to the west property line.

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

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.

Design Reviews

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.

Waiver of Development Standards #1 & Design Review #1

Although the addition will be used for equipment storage only, it matches the existing dwelling, and a list of approval letters from the neighbors has been provided, staff has concerns with the addition. Pictures provided of the addition show that the structure has been constructed atop the existing wall to the west. Staff finds that this structure poses a safety hazard to the existing dwelling to the west.

Waiver of Development Standards #2 & Design Review #2

The applicant has indicated the shed is for storage purposes only. The accessory structure is plastic and movable, located in the rear of the property, and has a minor impact on the surrounding neighbors. A list of approval letters has been provided from the applicant indicating that the neighbors have no objection to this accessory structure not being complimentary in exterior color to the primary structure. Therefore, staff can support these requests.

Staff Recommendation

Approval of waiver of development standards #2 and design review #2; denial of waiver of development standards #1 and design review #1.

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 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)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Paradise - approval of waiver of development standards #2 and design review #2; denial of waiver of development standards #1 and design review 1.

APPROVALS:

PROTESTS:

APPLICANT: HENRRY GUTIERREZ-SOSA

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