

08/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0275-KRSHUL, REBECCA & JAMES:**

**WAIVER OF DEVELOPMENT STANDARDS** for alternative street landscaping in conjunction with an existing single-family residence and proposed accessory structure on 0.39 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the north side of Rush Avenue and the east side of Fairfield Avenue within Enterprise. MN/nai/syp (For possible action)

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RELATED INFORMATION:

**APN:**

177-28-811-015

**WAIVER OF DEVELOPMENT STANDARDS:**

Allow a block wall in front of the street landscaping area where not permitted per Section 30.04.01.

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 352 E. Rush Avenue
- Site Acreage: 0.39
- Project Type: Block wall
- Building Height (feet): 18 (garage)
- Square Feet: 3,348 (existing house)/1,600 (proposed garage)

**Site Plan**

The plan shows an existing 3,348 square foot single-family residence on the southern portion of the parcel facing Rush Avenue. The proposed 1,600 square foot accessory structure (garage) will be located 15 feet from the north property line and 5 feet from the east property line, with a 30 foot separation from the primary residence. The accessory structure will have a 12 foot wide and 53 foot long driveway from Fairfield Avenue. There is an existing CMU block wall with wrought iron fence, which will be demolished, placed behind the landscaping on Fairfield Avenue. A new 3 foot high retaining wall with a 6 foot high decorative screen wall front the street landscaping, on the property line along Fairfield Avenue.

### Landscaping

The plan shows new street landscaping with medium size trees. The trees will be planted every 20 feet along Fairfield Avenue, and 3 shrubs will be planted with each tree. The proposed wall along Fairfield Avenue will be 3 feet of retaining wall and 6 feet of decorative wall. It will be placed at the back of the gravel walkway, in front of the street landscaping.

### Elevations

The plans depict an 18 foot, 6 inch high proposed accessory building (garage) with a stucco exterior and a Spanish tile roof to match the existing residence. The west elevation shows 2 panelized roll-up garage doors and the south elevation shows an additional panelized garage door with an entry door.

### Floor Plans

The plans show a 1,600 square foot accessory structure (garage) with an open floor plan.

### Applicant's Justification

The applicant is building a new detached accessory structure (garage) and a new block wall. The accessory structure will be architecturally compatible with the house, and it meets all of the setback, separation, and height requirements. The applicant is applying for a waiver of development standards to allow a block wall in front of the street landscaping.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-21-0654	Increased the size of an accessory structure (garage) in conjunction with a single-family residence - expired	Approved by PC	January 2022
ZC-1026-05	Reclassified 3,800 parcels from R-E to R-E (RNP-I) zoning	Approved by BCC	October 2005

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, West, & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
South	Neighborhood Commercial	RS10	Single-family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

### **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**

#### Waiver 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 finds the applicant submitted a similar application in 2021. UC-21-0654 was a use permit approved by the Planning Commission in January 2022 for an accessory structure (garage) to exceed half of the footprint of the principal dwelling. The new retaining wall was also included in the original application. With the new adopted Title 30 code, an accessory structure can now exceed half of the footprint of the principal dwelling; a use permit is no longer required. However, a fence or wall within the landscaping area is not allowed. As a result, the applicant is applying for a waiver of development standards. The applicant will plant new medium size trees and each tree will provide 236 square feet of shade canopy. Since the new landscaping will match the existing landscaping for other properties on Fairfield Avenue, staff can support this request.

### **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.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Comprehensive Planning**

- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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:** Enterprise - approval (2 medium trees to be planted on the north side of the accessory garage).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JAMES KRSHUL

**CONTACT:** JAMES KRSHUL, 352 E. RUSH AVENUE, LAS VEGAS, NV 89183