

09/19/23 PC AGENDA SHEET

ACCESSORY USES/STRUCTURES
(TITLE 30)

GOMER RD/BELCASTRO ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0461-POLISH ASSET PROTECTION TRUST & POLISH LOUIS JR & TRACI M TRS:

USE PERMIT to allow accessory structures not architecturally compatible with the principal structure.

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks of a proposed accessory structure in conjunction with an existing detached garage and single family residence on 0.9 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the west side of Belcastro Street, 220 feet south of Gomer Road within Enterprise. JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

176-27-510-007

USE PERMIT:

1. a. Allow a proposed accessory structure (RV carport) not architecturally compatible with the principal structure.
- b. Allow an existing accessory structure (shed) not architecturally compatible with the principal structure.

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce rear setback (RV carport) to 2 feet where 5 feet is the standard per Title 30.40-3 (a 60% reduction).
- b. Reduce interior side setback (RV carport) to 2 feet where 5 feet is the standard per Title 30.40-3 (a 60% reduction).
- c. Reduce rear setback (shed) to zero feet where 5 feet is the standard per Title 30.40-3 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 9737 Belcastro Street

- Site Acreage: 0.9 acres
- Project Type: Accessory Uses/Structures
- Number of Stories: 1
- Building Height (feet): 14
- Square Feet: 660

Site Plans

The plans depict a flag lot with the “pole” of the flag having access from Belcastro Street to the east. The proposed structure will be attached to the north side of an existing garage located on the northwest corner of the property. The proposed accessory structure will be set back 2 feet from the north and west property lines. The structure will be made of Alumawood materials and measure 55 feet in length by 12 feet in width when completed. The existing detached garage is 36 feet long and 24 feet wide. There is a fire access easement between the proposed structure and existing driveway, directly in front of the existing residence, that allows for emergency vehicles to turn around. The accessory structure will be 27 feet west of the fire access easement when completed. A shed is located on the west property line, south of the garage.

Landscaping

The property has mature landscaping and groundcover throughout the site. No changes are proposed with this application.

Elevations

The plans depict a 1 story, 14 foot high, RV carport. The accessory structure will have a flat top that is elevated by 8 beams made of Alumawood materials.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant states the proposed structure would be appealing to the area because it would enclose the homeowner’s recreational vehicle and various tools. Also, there are other structures of the same use and appearance in the area. While undergoing the process of obtaining a building permit, the applicant was notified to seek land use approval. The proposed RV cover will be attached to an existing detached garage.

Prior Land Use Requests

Application Number	Request	Action	Date
VS-19-0242	Vacated and abandoned easements of interest to Clark County between Gomer Road and Le Baron Avenue	Approved by PC	May 2019
WS-18-0798	Multiple waivers and design reviews for single family residential subdivision	Approved by BCC	December 2018

Prior Land Use Requests

Application Number	Request	Action	Date
WC-0150-08	Waived conditions of a tentative map requiring the construction of off-site improvements to non-urban standards to include 50 feet of pavement on centerline to provide a travel lane in each direction	Approved by PC	July 2008
WS-1135-07	Multiple waivers for a single family subdivision	Approved by PC	November 2007

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP I)	Single family residential

STANDARDS FOR APPROVAL:

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

Analysis**Comprehensive Planning**Use Permit

A use permit is a discretionary land use application that is considered on a case-by-case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

The proposed accessory structure is not compatible or consistent with the architectural elements of the principal structure. The structure is not adequately buffered and can be seen from the adjacent neighbors' property. Due to the reduced setback, there is not enough space to plant landscaping which could help mitigate the impact to the neighbors. Therefore, staff cannot support this request.

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.

Staff finds that the reduction in the required side and rear yard setbacks are significant enough to potentially cause a negative impact to the surrounding area. Additionally, the applicant has the ability to relocate the RV cover to another on-site location. The proposed setbacks are a self-

imposed hardship. It is for these findings that staff cannot support the waiver of development standards 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:

- Paint the RV carport to match the existing detached garage.
- Applicant is advised that structures must meet all Building and Fire Codes; 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; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: KATHERINE ESTERON

CONTACT: KATHERINE ESTERON, 4270 W. PATRICK LANE, LAS VEGAS, NV 89118