

11/21/23 PC AGENDA SHEET

ACCESSORY STRUCTURES
(TITLE 30)

FORD AVE/MILLER LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0652-CATS MEOW TRUST & HETHERINGTON TRICIA M TRS:

USE PERMIT for accessory structure.

WAIVER OF DEVELOPMENT STANDARDS to reduce the setback for a rooftop balcony in conjunction with an existing single family residence on 0.7 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the west side of Miller Lane, approximately 270 feet north of Ford Avenue within Enterprise. JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

176-16-711-013

USE PERMIT:

1. a. Allow a proposed 3,612 square foot accessory building where a maximum of 1,829 square feet (half the footprint of the principal dwelling) is allowed per Table 30.44-6 (a 97.5% increase).
- b. Allow the cumulative footprint of accessory structures (4,204 square feet) to exceed the footprint of the principal dwelling (3,658 square feet) where not permitted per Table 30.44-6 (a 15% increase).

WAIVER OF DEVELOPMENT STANDARDS:

Reduce rear setback for a rooftop balcony to 9 feet 9 inches where 27 feet is required per Table 30.40-1 (a 64% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 8657 S. Miller Lane
- Site Acreage: 0.7
- Number of Lots: 1
- Project Type: Accessory Structures

- Building Height (feet): 6 (fence)/25 (multi-purpose building)/11 (accessory structure)
- Square Feet: 3,612 (multi-purpose building)/592 (accessory structure)/1,259 (rooftop balcony)

Site Plans

The submitted site plan depicts an existing single family residence on the eastern portion of the subject parcel. The central portion of the rear yard includes a proposed swimming pool, daybed area, fire pit, and hot tub. A new accessory structure is also proposed that will provide shade for the outdoor patio area with an attached bathroom, located on the southern edge of the central portion, approximately 5 feet from the south boundary line. The plans show that the accessory structure meets all required setbacks and building separation per Title 30. The plans also show a new multi-purpose building which is set back 5 feet from the west boundary line, 7 feet from the north boundary line, and 6 feet from the south boundary line. It will be located in the western portion of the rear yard.

Landscaping

Plans show artificial lawn and landscaping will be installed to separate the proposed multi-purpose building and shade structure.

Elevations

Staff finds that the existing principal dwelling includes materials such as stucco and wood, and concrete tile roof. The proposed shade structure will be 11 feet in height with an enclosed bathroom on the western edge of the outdoor patio area. The bathroom walls will be constructed of a smooth stucco finish, painted to match the existing home. The roof will be made of steel trellis.

The multi-purpose building will be 25 feet in height and have a roof top balcony that is enclosed on all sides. It will be constructed of a smooth stucco finish and painted to match the existing home. There will be stone veneer constructed along the north and east elevations to match the existing residence. The roof will be constructed of concrete tile that will match the existing residence. The plans depict 5 windows/openings along the eastern wall of the balcony that direct towards the existing principal dwelling.

Floor Plans

The plans depict the multi-purpose building consists of a 2 car garage, safe room, yoga room, spa, and a gym. Access to the proposed roof top balcony will be provided by a set of stairs adjacent to the yoga room. The accessory structure plans depict a barbeque area, patio area, seating area, and bathroom.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant would like to construct a multi-purpose accessory building in the rear of their property, as well as a detached patio cover with an attached bathroom. The design of all the proposed structures match the main existing residence in architectural style, color scheme, and

materials. The overall coverage of the site is at 26% where 50% is the maximum. Landscaping features will be incorporated into the construction as well.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-0851-13	Allowed a single family residence to have access from a collector street, waived full off-site improvements, with a design review for a single family residential development	Approved by BCC	February 2014

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

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Vacant
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 and Waiver of Development Standards

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.

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 although the proposed multi-purpose building is not going to be viewable from the right-of-way and will be architecturally compatible with the house, the request for increased square footage along with the rear setback reduction for the rooftop deck, is altogether excessive and no mitigation has been provided. Adequate setback for a rooftop balcony will preserve the R-E (RNP) zoned neighbors and their privacy. The requests are not compatible with the surrounding properties; for instance, the property to the west, which will be most impacted by these requests, has a similar accessory building; however, it meets all the Title 30 requirements. Staff cannot support these requests.

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:

- Applicant is advised that 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.

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 of the use permit; denial of the waiver of development standards (install 3 medium trees on the western boundary and delete the roof top deck).

APPROVALS:

PROTESTS:

APPLICANT: TRICIA HETHERINGTON

CONTACT: SIMONA STEPHENS, 960 HERITAGE COVE DR., HENDERSON, NV 89011