

11/19/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400108 (WS-23-0319)-BURGER CUSHINERY FAMILY TRUST ETAL & CUSHINERY CHARLES TRS:

WAIVERS OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME for the following: **1)** reduce setback for an existing addition; **2)** reduce setback for existing accessory buildings; and **3)** reduce the building separation in conjunction with an existing single-family residence on 0.31 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the northeast corner of Rosecrest South Circle and Woodcrest Road within Paradise. TS/mh/kh (For possible action)

RELATED INFORMATION:

APN:

161-19-111-086

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the setback for an addition to an existing single-family residence to 1 foot where 5 feet is required per Table 30.40-2 (an 80% reduction).
2.
 - a. Reduce the side setback for a shed to 0.5 feet where 5 feet is required per Table 30.40-2 (a 90% reduction).
 - b. Reduce the rear setback for an accessory building to 1 foot where 5 feet is required Table 30.40-2 (an 80% reduction).
 - c. Reduce the side setback for an accessory building to 1 foot where 5 feet is required Table 30.40-2 (an 80% reduction).
3. Reduce the building separation between a residence and accessory building to 4.5 feet where 6 feet is required per Table 30.40-2 (a 25% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 3654 Rosecrest South Circle
- Site Acreage: 0.31
- Project Type: Accessory buildings & addition
- Building Height (feet): 14 (addition)/8 (shed west side)/8 feet, 6 inches (accessory building northeast corner)
- Square Feet: 472 with a 124 square foot mezzanine (addition)/60 (shed west side)/96 (accessory building northeast corner)

Site Plan

The approved plans depict an existing single-family residence located on the north side of Rosecrest South Circle. Access to the subdivision is from Pearl Street and the lot is accessed from Rosecrest South Circle. The request is to allow for 2 existing accessory buildings and for an addition to the existing residential structure along the eastern portion of the house. The Title 30 definition of shed limits the area to 200 square feet. The accessory building on the west side of the site meets the definition of shed, but the accessory building in the northeast corner of the site is 8 feet 6 inches. The buildings are in the rear yard, and the shed is located adjacent to the pool. The shed is located 0.5 feet from the western property line. The accessory building is set back 1 foot from both the rear and side property lines. The garage addition is recessed approximately 8 feet behind the front of the residence and is also shown as being 1 foot to the side property line. The separation between the shed and the main residence is 4.5 feet. County records show the existing addition onto the single-family residence was built without permitting and this application is a result of those violations.

Landscaping

Landscaping is not a part of this application.

Elevations

The approved plans depict an addition to an existing single-family residence constructed with a stucco exterior finish with a pitched roofline and is compatible with the main residence. The garage door is facing the south and is screened by a gate. The existing accessory buildings as shown on the plans are constructed with wood panels, pitched roofline, and is painted white to match the existing residence. The shed is 8 feet high and the accessory building is 8 feet 6 inches high.

Floor Plans

The approved plans depict the main residence with bedrooms, bathrooms, kitchen, family room, closets, and utility rooms. The addition is for a garage and storage with a mezzanine. The accessory building has an open floor plan for storage of items.

Signage

Signage is not a part of this request.

Previous Conditions of Approval

Listed below are the approved conditions for WS-23-0319:

Comprehensive Planning

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing.
- Applicant is advised that approval of this application does not constitute or imply approval of a Building Permit or 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 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.

Applicant's Justification

The applicant states the extension of time is necessary due to a misunderstanding of the building permit and inspection process. A building permit (BD22-37066) has been in process, with a slab analysis, concrete crush analysis, and pull test performed. However, the final Building Department inspections were not completed by the expiration date of August 1, 2024, so an extension of time is needed.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-23-0319	Waiver for setbacks and building separations	Approved by PC	August 2023

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS5.2	Single-family residential

Clark County Public Response Office (CCPRO)

CE22-16591 is an active Code Enforcement case 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

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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.

Staff finds that the applicant has demonstrated progress toward finishing the inspection for a building permit (BD22-37066), completing several revisions requested by the Building Department. Staff believes that the applicant has made a good faith effort to complete the building permit and inspection process in a timely manner. Therefore, 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**

- Until August 1, 2025 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 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; 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTEST:

APPLICANT: CHARLES CUSHINERY

CONTACT: CHARLES CUSHINERY, 3654 ROSECREST SOUTH CIRCLE, LAS VEGAS, NV 89121