

ACCESSORY STRUCTURE
(TITLE 30)

UPDATE
TENAYA WAY/DARBY AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0502-TAKACH, ROBERT & CAYME:

APPEAL USE PERMIT to allow alternative design standards for an accessory structure (carport).

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce side street setback; and **2)** allow alternative driveway geometrics on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the west side of Tenaya Way, approximately 200 feet south of Darby Avenue within Spring Valley. JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

163-10-416-008

USE PERMIT:

Allow an accessory structure (carport) with a metal roof which is not architecturally compatible with the principal residence where required Table 30.56-2A.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a 2 foot side street setback where 10 feet is required per Section 30.56.040 and Table 30.40-1 (an 80% reduction).
2.
 - a. Allow an on-site residential driveway without a curb cut where a driveway with a curb cut per Uniform Standard Drawing 223 is required.
 - b. Reduce the distance from the back of curb radius to a residential driveway to 5 feet where a minimum of 12 feet is required per Uniform Standard Drawing 223 (a 58% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 3245 S. Tenaya Way
- Site Acreage: 0.5
- Project Type: Detached accessory structure (carport)

- Number of Stories: 1
- Building Height (feet): 13
- Square Feet: 555

Site Plan

The plan depicts a proposed accessory carport for use as a platform to house solar panels on the roof, located on the north side of an existing 3,625 square foot home. The carport is shown 2 feet from the northern private street (Tenaya Way) and 44 feet from the east property line along Tenaya Way public right-of-way. The carport is 6 feet from the residence. The applicant proposes access to the carport via Tenaya Way, the public right-of-way on the east side of the site. The public right-of-way currently has vertical curb along the east property line. The proposed driveway access requires the owner to remove and replace the vertical curb with rolled curb. The owner is requesting to keep the vertical curb at the east property line. The Tenaya Estates Plat shows a landscape easement at the corner of both streets.

Landscaping

No new landscaping is proposed.

Elevations

The elevations depict a 13 foot high carport with metal posts and roof with an opening on the east side facing Tenaya Way. The proposed post will be 13 feet in elevation and located directly adjacent to the existing wall on the north side of the parcel.

Floor Plan

The plan for the carport shows a 555 square foot area that is 37 feet by 15 feet with an open floor area. There is an existing septic tank that will be located underneath the proposed accessory structure.

Signage

Signage is not a part of this request.

Applicant’s Justification

The owner is proposing a new carport to provide a platform for renewable energy (solar panels) The owner does not want to alter the appearance of the front of the home with a new access driveway and prefers to have access taken from the Tenaya Way to the east of the garage, since this driveway is not proposed for vehicle parking and only intended to be used for boat storage. The applicant does not want to create a curb cut from the public street access at Tenaya Way. The applicant obtained signed approval of several neighbors for the proposed carport.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-20-0125	Use permits and waivers of development standards for a detached garage	Denied by BCC	July 2020

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 with the architecture of the principal residence; and therefore, is not compatible with the surrounding buildings that are largely painted stucco with tile roof materials. It is for these findings that staff can not support the use permit request.

Waivers 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.

Waiver of Development Standards #1

Allowing an accessory structure less than 10 feet from a private street will not be in harmony with the streetscape required for neighborhood aesthetics and may cause safety conflicts for vehicular traffic. The proposed accessory structure may be in conflict with the existing infrastructure (fire hydrant) or potential easements located in this area. It is for these findings that staff cannot support the request.

Public Works - Development Review

Waiver of Development Standards #2a

Staff finds that there is no justification to allow a residential driveway without a curb cut. The residential driveway curb cut is a standard with the intent to help access property without damaging the right-of-way infrastructure. The applicant will have to block the right-of-way while taking extra time to drive over the curb to access the residential driveway. Staff cannot support this request.

Waiver of Development Standards #2b

The request to reduce the distance from the back of curb radius to the residential driveway is excessive since the width of the driveway exceeds the maximum requirement per Uniform Standard Drawing 222. This self-imposed hardship creates a safety hazard for the traffic entering or exiting the subdivision with the sight visibility zone potentially being blocked.

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.

PLANNING COMMISSION ACTION: October 3, 2023 – APPROVED – Vote: Aye: Castello, Mujica, Stone, Kilarski Nay: Kirk, Frasier, Lee

Comprehensive Planning

- Applicant to remove gate and provide a slump stone wall.
- 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

- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones; and that off-site permits may be required.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

WAIVER OF DEVELOPMENT STANDARDS #2 WAS DENIED.

APPEAL: This item has been appealed by the applicant who does not agree with the Planning Commission action.

TAB/CAC: Spring Valley - denial.

APPROVALS: 2 cards

PROTESTS: 3 cards

APPLICANT: ROBERT TAKACH

CONTACT: ROBERT TAKACH, 3245 S. TENAYA WAY, LAS VEGAS, NV 89117