

01/18/23 BCC AGENDA SHEET

REDUCE SETBACKS
(TITLE 30)

UPDATE
CAREY AVE/LOS FELIZ ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-22-0597-NORIEGA, CRISOL & MENDEZ, ISAI LUNA:

APPEAL WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for an existing detached patio cover in conjunction with an existing single family residence on 0.1 acre in an R-2 (Medium Density Residential) Zone.

Generally located on the east side of Sabroso Street, 970 feet south of Carey Avenue within Sunrise Manor. MK/nm/syp (For possible action)

RELATED INFORMATION:

APN:

140-23-116-041

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the side setback to 2 feet where a minimum of 5 feet is required per Table 30.40-2 (a 60% reduction).
- b. Reduce the rear setback to 1 foot where a minimum of 5 feet is required per Table 30.40-2 (an 80% reduction).

LAND USE PLAN:

SUNRISE MANOR - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2250 Sabroso Street
- Site Acreage: 0.1
- Project Type: Reduce setbacks for an existing detached patio cover
- Building Height (feet): 8
- Square Feet: 279

Site Plan

The plan depicts a single family residence centrally located on the site, which was constructed in 1986. An existing detached patio cover is located within the rear yard of the existing residence, 2 feet from the north (side) property line and 1 foot from the east (rear) property line. This patio cover was built without permits and a notice of violation (CE22-01719) has been issued. The

subject accessory structure is set back 5 feet from the south property line and is 12 feet apart from the primary residence. Therefore, it meets the other setback and separation requirements.

Elevations

The plan depicts an 8 foot high detached patio cover constructed of metal columns and a flat metal roof, painted in earth tone color.

Floor Plan

The plan shows a 279 square feet existing detached accessory structure which is being used as a shade structure.

Landscaping

No change to the existing landscaping is proposed or required for this application.

Applicant's Justification

The applicant indicates that being a first time homebuyer, they were unaware of research required to verify the legitimacy of the patio cover. Furthermore, the applicant states that the main purpose of this patio cover is to provide sufficient protection from the sun during special occasions, such as family birthdays and holidays, and daily playtime for their children.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-103-81 UC-101-81	Reclassified from R-E to R-2 zoning and constructed a single family residential subdivision with a zero lot line	Approved by BCC	July 1981

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, East, South, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

Clark County Public Response Office (CCPRO)

There is an active CCPRO case (CE22-01719) for a patio cover built without permits.

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

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.

Appropriate setbacks help to preserve the appeal and integrity of an area, and moderate visual impacts and possible safety issues by creating a buffer space that can be used for landscaping to screen uses. By reducing setbacks, the apparent mass and bulk of structure can become more apparent from adjacent properties. Therefore, staff cannot support this 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.

PLANNING COMMISSION ACTION: December 20, 2022 – APPROVED – Vote: Unanimous

Current 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 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that this property is currently serviced by a septic system with regard to sewage disposal; this system falls under the jurisdiction of the Southern Nevada Health District; this property is within 400 feet of City of Las Vegas public sanitary sewer; and that for any sanitary sewer needs, applicant is to contact the City of Las Vegas.

TAB/CAC: Sunrise Manor - approval.

APPROVALS: 7 cards

PROTESTS: 1 card, 1 letter

APPEAL: This item was appealed by a neighbor who states that this application will be a financial detriment to home values and results in the loss of their privacy and city views.

APPLICANT: ISAI LUNA

CONTACT: ISAI LUNA, 2250 SABROSO STREET, LAS VEGAS, NV 89156