

10/15/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0448-DE LEON, LILIAN & FRANCO MARLON IVAN DE LEON:**

**WAIVERS OF DEVELOPMENT STANDARDS** to reduce setbacks in conjunction with a single-family residence on 0.17 acres in an RS5.2 (Residential Single Family 5.2) Zone.

Generally located on the east side of Main Street and the north side of Hobson Street within Searchlight. MN/nai/kh (For possible action)

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RELATED INFORMATION:

**APN:**

243-35-310-045

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the rear setback for a detached shade structure to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
- b. Reduce the side street setback for a detached carport to be 4 feet where 10 feet is required per Section 30.02.06 (a 40% reduction).

**LAND USE PLAN:**

SOUTH COUNTY (SEARCHLIGHT) - LOW-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 5 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 460 S. Main Street
- Site Acreage: 0.17
- Project Type: Setbacks
- Building Height (feet): 14 feet (primary residence)/12 feet (shade structure)
- Square Feet: 902 (primary residence)/390 (attached patio)/1,015 (shade structure)

Site Plan

The plans depict a manufactured home placed on a 0.17 acre lot. The manufactured home is 902 square feet and is facing west towards Main Street. There is an attached patio cover on the rear side of the house, approximately 390 square feet. Also, there is a 1,015 square foot detached shade structure on the southeast corner of the lot. This application is to waive the rear and street setback requirements. The applicant is using the shade structure to shade and cover 5 sail boats for personal use. Lastly, the sheds located to the north of the shade structure have been removed from the site and the applicant will remove the shed located on the northeast corner of the site.

### Elevations

The plans depict that the manufactured home is 14 feet and in beige color. The detached shade structure is 12 feet and made from metal.

### Applicant's Justification

The applicant built an attached patio cover without a building permit which caused a code violation on their property (CE-22-28818). As a result, the applicant is applying for a waiver of development standards. The applicant has an active building permit (BD23-26004) and wants to have their land use application approved to complete their permit.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, & East	Low Intensity Suburban Neighborhood (up to 5 du/ac)	RS5.2	Single-family residence
South	Low Intensity Suburban Neighborhood (up to 5 du/ac)	RS5.2	Undeveloped
West	Public Use	PF	Postal service

### **Clark County Public Response Office (CCPRO)**

CE-22-28818 is an active Code Enforcement case for an accessory structure constructed without building 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**

#### **Comprehensive Planning**

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Setbacks help to preserve the appeal and integrity of a neighborhood as well as to mitigate impacts and possible safety issues. Staff typically does not support requests to reduce setbacks without the provision of mitigating measures. Staff finds the setback reduction requests to be excessive.

The applicant has not provided justification as of why the shade structure cannot be moved to meet the required setbacks. Also, no mitigation has been provided to reduce the potential impacts on the surrounding properties. Therefore, 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:

- Prior to the issuance of building permits, shed and other accessory structures shall be demolished or removed from the setbacks as stated on the plans;
- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time;
- Certificate of Occupancy and/or business license shall not be issued without approval of a Certificate of Compliance.
- 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; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

**Public Works - Development Review**

- Right-of-way dedication to include spandrel at the intersection of Main Street and Surprise Street.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Searchlight - approval.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** BERENICE CARDENAS

**CONTACT:** BERENICE CARDENAS, 2402 LOFTYVIEW DRIVE, TORRANCE, CA 90505