

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0278-WORKU ASRAT:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** eliminate building separation for existing accessory structures in conjunction with an existing single-family residence on 0.11 acres in an RS3.3 (Single Family Residential 3.3) Zone.

Generally located on the east side of Flagler Street, 55 feet north from Julesburg Drive within Enterprise. MN/nai/kh (For possible action)

RELATED INFORMATION:

APN:

177-07-310-076

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the side interior setback for an existing accessory structure (storage #1) to 1 foot, 5 inches where 5 feet is required per Section 30.02.07 (a 72% reduction).
 - b. Reduce rear setback of an existing accessory structure (storage #1) to 1 foot, 5 inches where 5 feet is required per Section 30.02.07 (a 72% reduction).
 - c. Reduce the side interior setback for an existing accessory structure (storage #2) to 4 inches where 5 feet is required per Section 30.02.07 (a 93% reduction).
 - d. Reduce rear setback of an existing accessory structure (storage #2) to 4 inches where 5 feet is required per Section 30.02.07 (a 93% reduction).
2. Eliminate the separation distance between an existing shade structure and the existing main residence where 6 feet is required per Section 30.02.07.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 7858 Flagler Street
- Site Acreage: 0.11
- Project Type: Existing accessory structures
- Building Height (feet): 13 feet, 4 inches (storage #1)/ 8 feet, 4 inches (storage #2)/ 8 feet, 10 inches (existing shade structure)
- Square Feet: 157(storage #1)/ 57 (storage #2)/51 (shade structure)

Site Plan

The plan depicts an existing single-family residence centrally located on 0.11 acres. Access to the residence is along the west property line adjacent to Flagler Street. In the rear yard (east portion of the site) there are 3 accessory structures that require waivers of development standards for reduce setbacks and eliminating the separation distance requirement per Title 30.

Storage #1 is an existing accessory structure located on the southeast corner of the site, and is set back 1 foot, 5 inches from the south property line (side) and the east property line (rear), where 5 feet is required per Code.

Storage #2 is an existing accessory structure located on the northeast corner of the site and is set back 4 inches from the north property line (side) and the east property line (rear), where 5 feet is required per Code.

Lastly, there is an existing shade structure located on the northeast corner of the main residence. The shade structure has a zero foot separation from the main residence, where 6 feet is required per Code.

Elevations

The photos depict 3 existing accessory structures;

- Storage #1 is 13 feet and 4 inches high, constructed of from wood that is the same beige color of the house. This is the only accessory structure that is architecturally compatible to the main residence.
- Storage #2 is 8 feet and 4 inches high, and is constructed of fiber plastic with a white and grey exterior. This accessory structure is not architecturally compatible because of the materials and colors of the structure.
- The shade structure is 8 feet and 10 inches high, and constructed of metal that is black in color. This accessory structure is not architecturally compatible because of the materials and colors of the structure

Applicant's Justification

The applicant closed their business during the COVID-19 pandemic, and the applicant needed to find an immediate solution to store their inventory and equipment. The escalating costs for storage rental became unsustainable for the applicant. The newest storage building is cost effective and convenient to access the inventory and equipment without having to travel to an off-site location.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential

Clark County Public Response Office (CCPRO)

CE24-34221 is an active violation on this site and is related to building an accessory structure without a 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

Waivers of Development Standards

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.

Waiver of Development Standards #1

Setbacks are intended to promote safety and an aesthetically pleasing streetscape and neighborhood. Staff finds that historical aerial photographs show that a storage shed, and the existing shade structure was placed within the rear yard prior to 2020. By the fall of 2024 the storage shed was relocated from the southeast corner to the northeast corner of the site. The applicant constructed a new and larger accessory structure (storage #1) on the southeast corner of the site. Staff finds that the applicant's request is a self-imposed hardship. These existing structures can be redesigned or relocated to meet the required setbacks and the minimum separation distance requirement; therefore, staff cannot support this request.

Waiver of Development Standards #2

Separation distances between structures are essential to ensure safety and mitigate visual clutter. The separation distance between the existing shade structure and the main residence is zero feet. The applicant did not provide justification as to why the shade structure cannot be moved to meet the required separation distance of 6 feet from the main residence. Staff does not support this request. In addition, storage #2 and the shade structure are not harmonious to the primary residence due to the materials and colors. Storage #2 is constructed of fiber plastic with a white and grey exterior. The shade structure is constructed of metal that is black in color. This contrasts with the primary residence because it is made from stucco with a beige color. It is important to be harmonious with the primary residence to ensure an orderly and visually continuous neighborhood character.

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:

- 1 year 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 that 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

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Paradise - approval of waiver of development standards #2; denial of waiver of development standards #1.

APPROVALS:

PROTESTS:

APPLICANT: ASRAT WORKU

CONTACT: ASRAT WORKU, 7858 FLAGLER STREET, LAS VEGAS, NV 89139