

11/05/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0476-DUARTE, EMIE:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setback; **2)** increase wall height; and **3)** reduce building separation for existing accessory structures in conjunction with an existing single-family residence on 0.16 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the west side of Fernbrook Road, 250 feet north of Greengrove Drive within Spring Valley. MN/my/kh (For possible action)

RELATED INFORMATION:

APN:

163-23-210-027

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the front setback for an accessory structure (carport) to 1.5 feet where 20 feet is required per Section 30.02.06 (a 92.5% reduction).
- b. Reduce the front setback for an accessory structure (workshop) to 8.5 feet where 20 feet is required per Section 30.02.06 (a 57.5% reduction).
2. Increase the height of a block wall within the front yard to 4 feet where 3 feet is allowed per Section 30.04.03B (a 34% increase).
3. a. Reduce the separation from an accessory structure (carport) to the existing residence to 4 inches where 6 feet is required per Section 30.02.04B (a 95% reduction).
- b. Reduce the separation from an accessory structure (workshop) to the existing residence to 2.5 feet where 6 feet is required per Section 30.02.04B (a 58% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 4429 Fernbrook Road
- Site Acreage: 0.16
- Project Type: Single-family residential
- Number of Stories: 1 (workshop)
- Building Height (feet): 10 (carport)/8 (workshop)/4 (block wall)
- Square Feet: 100 (workshop)

Site Plan

The plan depicts an existing carport detached from the east face (front) of a single-family residence accessed from Fernbrook Road. The carport is 28 feet wide and 20 feet long and is setback 1.5 feet from the east (front) property line, and 6 feet from the south (side) property line. Plans show a 4 inch separation between the front face of the residence and the carport. There is also an existing detached workshop in the northeast corner of the front yard. The workshop is 10 feet long, 10 feet wide, and is 5 feet from the north (side) property line and 8.5 feet from the east (front) property line. The workshop is 2.5 feet from the existing residence. The site plan also depicts an existing block wall around the northeast corner of the front yard. The block wall is built directly on the front property line.

Landscaping

No landscaping is required with this application.

Elevations

The photos show the carport is 10 feet tall and is constructed of metal posts with sheet metal roofing. The workshop is shown as being 8 feet tall and is constructed of wood paneling. The workshop has an access door on the south face of the structure. The existing block wall within the front yard is constructed of CMU block at a height of 4 feet.

Floor Plans

A photo of the interior of the workshop shows no interior rooms or features and only one point of access from the south.

Applicant’s Justification

The applicant states they are working to correct a Code violation as the homeowner did not obtain any permits prior to any of the construction on-site. The applicant also states that the carport and workshop match the house because of their color, and the block wall is well-maintained and harmonious with the surrounding neighborhood.

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)	RS5.2	Single-family residential

Clark County Public Response Office (CCPRO)

CE-24-15134 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

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.

While the applicant claims that the carport and workshop are architecturally compatible with the residence based on their color, the building materials for each structure are different than the residence and the pitch of the roof of the workshop is completely flat while the roof of the residence has a pitch. Both the carport and workshop encroach into the front setbacks and are less than the required 6 feet from the existing residence. Additionally, the CMU wall in the front yard is over allowable height. Setbacks and separations are imposed to preserve the look and feel of a neighborhood and to promote safety within a property. Additionally, maximum wall heights within front yards are meant to maintain safe roadways within neighborhoods. For these reasons, 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:

- 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 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 that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: TAYLOR CONSULTING GROUP, INC.

CONTACT: TAYLOR CONSULTING GROUP, INC., 8414 W. FARM ROAD #180, LAS VEGAS, NV 89131