

SETBACKS/SEPARATION  
(TITLE 30)

HALEHAVEN DR/FAIRCHILD ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0286-GALLEGOS ANN:**

**USE PERMIT** to allow an accessory structure not architecturally compatible with the principal structure.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** setbacks; **2)** separation; and **3)** increased height of an accessory structure in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the north side of Halehaven Drive and the east side of Fairchild Street within Sunrise Manor. TS/nr/syp (For possible action)

---

RELATED INFORMATION:

**APN:**

140-27-310-032

**USE PERMIT:**

To allow an accessory structure (metal RV cover) not architecturally compatible with the primary dwelling where required per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce side setback to 4 feet for a large shed where 5 feet is required per Table 30.40-2 (a 20% reduction).
  - b. Reduce the rear setback to 1 foot for a large shed where 5 feet is required per Table 30.40-2 (an 80% reduction).
  - c. Reduce the rear setback for a small shed to 1 foot where 5 feet is required per Table 30.40-2 (an 80% reduction).
  - d. Reduce the street side setback for a metal RV cover to zero feet where 10 feet is required Table 30.40-2 (a 100% reduction).
2.
  - a. Reduce the building separation to zero feet between a large shed and an attached patio cover where 6 feet is required (a 100% reduction).
  - b. Reduce the building separation to 5 feet between a small shed and an attached patio cover where 6 feet is required (a 16.7% reduction).
  - c. Reduce the building separation to zero feet between a metal RV cover and an attached patio cover where 6 feet is required (a 100% reduction).
3. Increase the height of an accessory structure (metal RV cover) to 16 feet where 14 feet is allowed per Table 30.40-2 (a 14.3% increase).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 6132 Halehaven Drive
- Site Acreage: 0.2
- Project Type: setbacks/separation
- Number of Stories: 1
- Building Height (feet): 16 (RV cover)

Site Plans

The plans show an existing single family residence with a metal RV cover on the west side of the site next to Finland Street. The RV cover is adjacent to the attached patio cover on the rear of the home in the rear yard. The large shed is on the northwest side of the site within inches of the attached patio cover. The large shed encroaches on the internal side setback and the rear setback. A small shed is located to the west of the large shed within the rear yard. The small shed is less than 6 feet from the attached patio cover and less than 2 feet from the rear property line. The property is accessed from Halehaven Drive.

Landscaping

Landscaping is not part of this request.

Elevations

The photos show the accessory structure (metal RV cover) a few inches from the house. The applicant indicates the structure is almost 16 feet high. The sheds in the rear yard are no more than 8 feet in height.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the structures on the site were built by her late husband and she had no idea that the structures were built without permits and not built to development standards. The applicant requests approval of the requests.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, East, & South	Mid-Intensity Residential (up to 8 du/ac)	R-1	Single family residential
West	Mid-Intensity Residential (up to 8 du/ac)	R-2	Single family residential

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

There is an active CCPRO violation, CE22-03282, for building within setbacks.

## **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

##### Use Permits & Waivers of Development Standards

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.

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.

Staff reviews use permits and waiver requests to ensure compatibility with existing and planned development in the surrounding area. Setbacks and separations help to preserve the appeal and integrity of a neighborhood as well as mitigate impacts and possible safety issues. The metal RV cover accessory structure is not common in the immediate area in terms of height, setback encroachments and position on the lot. The encroachments and reduced separation for the sheds are common within the Las Vegas Valley; however, the situation is self-imposed and the applicant has not provided any alternatives to mitigate the impacts on the surrounding area. Staff cannot support the 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:**

### **Current Planning**

If approved:

- 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.

**Public Works - Development Review**

- The driveway on the westside of the property must be removed or modified if approved by Public Works - Development Review;
- The extra concrete on the eastside of the main driveway must be removed or modified if approved by Public Works - Development Review.

**Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ANN GALLEGOS

**CONTACT:** ANN GALLEGOS, 6132 HALEHAVEN DR, LAS VEGAS, NV 89110