

08/02/22 PC AGENDA SHEET

REDUCE SETBACK
(TITLE 30)

FORD AVE/MILLER LN

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-22-0342-JM LEASING, LLC:

WAIVER OF DEVELOPMENT STANDARDS for setbacks in conjunction with a single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the south side of Ford Avenue, 288 feet west of Miller Lane within Enterprise. JJ/lm/syp (For possible action)

RELATED INFORMATION:

APN:
176-16-812-005

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the interior side setback for a principal structure (attached garage) to 3 feet where 10 feet is required per Table 30.40-1 (a 70% reduction).

LAND USE PLAN:

ENTERPRISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 7935 Ford Avenue
- Site Acreage: 0.5
- Project Type: Reduce side setback
- Number of Stories: 1 (residence)/1 (attached garage)
- Building Height (feet): 17 (residence)/13 (attached garage)
- Square Feet: 3057(residence)/396 (casita)/362 (attached garage)

Site Plans

The plans depict an existing 3,057 square foot single family residence with casita constructed in 2017. The residence is set back over 150 feet from Ford Avenue, 10 feet from the west property line, over 60 feet from the south property line, and the attached garage addition is set back 38 inches from the east property line.

Landscaping

There are no proposed changes to the existing landscaping.

Elevations

The plans depict a 13 foot high attached garage addition located on the east elevation of the existing residence. Roll-up entry doors are located on the north and south elevations with the exterior of the addition constructed to match the exterior materials and colors of the existing residence.

Floor Plans

The plans depict a 362 square foot open space for a garage addition with interior access to the residence.

Applicant's Justification

The applicant indicates that the structure was built too close to the property line and was constructed to meet a 1-hour fire wall on the east elevation, which will allow the exterior wall to be within 5 feet of the east property line.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0065-14	6 lot single family residential subdivision	Approved by PC	May 2014
ZC-1026-05	County initiated zone change to establish R-E (RNP-I) zoning for 3,800 parcels within the Enterprise Planning Area including this parcel	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E (RNP-I)	Single family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

Clark County Public Response Office (CCPRO)

CE-21-12643 is an active enforcement case for construction without building permits. Plans were submitted to the Building Department in October 2021 (BD21-51250) and are in review and pending the outcome of this request.

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.

The subject residence is part of a 6 lot subdivision and a larger development by the original homebuilder. Setbacks and separations help to preserve the appeal and integrity of an area and to moderate visual impacts and possible safety issues. Staff generally does not support waivers without proposed mitigation measures to reduce any negative impact to surrounding properties. In this case an existing 5 foot private drainage easement is encumbered by the addition and leaves no room for mitigating measures. Staff finds that the request is a self-imposed hardship as the applicant constructed the addition without approved building permits; therefore, recommends denial.

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;
- Attached garage may not be converted to habitable space, due to the existing casita at the front of the residence.
- 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

- Applicant is advised that the grading plans approved under PW14-36196 show a 5 foot wide private drainage easement with a valley gutter along the southern and eastern property lines; and that the applicant must provide plans to Public Works - Development Review that show positive drainage through the site and calculations that demonstrate finished floor meet freeboard criteria.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - denial.

APPROVALS:

PROTESTS:

APPLICANT: LASZLO Z. HERCZEG

CONTACT: LASZLO HERCZEG, 10705 SILVER PYRAMID CT., LAS VEGAS, NV 89144