

SETBACKS/POOL
(TITLE 30)

UPDATE
BETTY LN/JUDSON AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0487-AVILA FAMILY TRUST & AVILA, JAVIER TRS:

HOLDOVER USE PERMITS for the following: **1)** increase accessory structure area to exceed one half the footprint of the principal dwelling; and **2)** increase the cumulative area of all accessory structures to exceed the footprint of the principal dwelling.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** allow a pool in the front yard in conjunction with an existing single family residence on 0.8 acres in an R-E (Rural Estates Residential) (AE-65) Zone.

Generally located on the east side of Betty Lane, 150 feet south of Judson Avenue within Sunrise Manor. MK/lm/syp (For possible action)

RELATED INFORMATION:

APN:

140-21-202-002

USE PERMITS:

1. Increase the area of a proposed accessory structure (detached garage) to 1,575 square feet where a maximum area of 1,369 square feet (one half the footprint of the principal dwelling) is permitted per Table 30.44-1 (a 15% increase).
2. Increase the cumulative area of all accessory structures to 2,751 square feet where a maximum of 2,738 square feet area (the footprint of the principal dwelling) is permitted per Table 30.44-1 (a 0.4% increase).

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the side yard setback for an accessory building to zero feet where 5 feet is required per Table 30.40-1 (a 100% reduction).
2. Allow a pool in the front yard where not permitted per Section 30.64.060.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 2186 Betty Lane
- Site Acreage: 0.8

- Project Type: Single family residential
- Number of Stories: 1
- Building Height (feet): 22 (detached garage)
- Square Feet: 2,738 (residence)/1,575 (proposed detached garage)/753 (east detached patio cover)/423 (existing detached garage)/587.28 (pool/spa)

Site Plan

The plan depicts a proposed detached accessory structure (garage) and pool which are located in the front yard. The site consists of an existing single family residence that is set back 113 feet from the west (front) property line, a detached patio cover (gazebo) located to the east of the residence and is separated by 8 feet from the residence and is set back zero feet from the south side property line, and an existing detached garage centrally located in the rear yard. The proposed garage is set back 40 feet from the front property line and 5 feet from the south property line. A new driveway will be constructed to connect the existing driveway. The in-ground pool and spa are located between the detached garage and the residence and is 587 square feet.

Landscaping

The plans depict an existing residence with landscaping in the front and rear yards.

Elevations

The plans depict a proposed 1 story detached garage with an overall height of 21.5 feet with painted stucco with cultured stone to match the existing residence. There are 13 foot high garage doors on the north elevation, windows on the west elevation, pedestrian door on the east elevation, and there are no openings on the south elevation.

Floor Plans

The plans depict an open floor plan with 1,575 square feet for vehicle storage area. There is no habitable space shown. The existing residence consists of 2,738 square feet, the detached patio consists of 753 square feet, and the existing detached garage consists of 423 square feet.

Applicant's Justification

The applicant indicates that the proposed pool is screened by the proposed garage and the existing residence. The existing gazebo is also partially screened by the residence and walls along with the neighbors existing landscaping.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential
East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Undeveloped
West	Mid-intensity Suburban Neighborhood (up to 8 du/ac)	R-T	Casa Linda Mobile Home Park

STANDARDS FOR APPROVAL:

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

Analysis

Current Planning

Use Permits

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.

The subject property is located in a rural residential zone. The neighboring property to the west is developed as a manufactured home park and the existing residences to the north and south are zoned R-E with residences that are situated closer to the typical 40 foot front setback. While the proposed detached garage is set back 40 feet from the front property line, it is not typical to place detached structures in the front yard; however, the requested location will provide a courtyard area at the front of the residence and maximize the use of available area. The increased area for all of the existing and proposed structures are minimal; therefore, staff can support these requests.

Waivers of Development Standards

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.

Waiver of Development Standards #1

Staff was unable to locate building permits for the existing gazebo (detached patio cover). It appears per aerial photo evidence that the detached patio cover was constructed in late 2016 or early 2017. Staff is unable to support the side setback reduction.

Waiver of Development Standards #2

This request was filed prior to the adoption of the current Code that does not allow waivers of development standards to permit non-essential water uses in the front yard. While the residential lot has adequate area in the rear and side yards for the proposed pool to be placed, staff finds that the proposed pool and spa area are screened from the street by an existing fence along the street frontage, mature landscaping, and the proposed detached garage. Additionally, the proposed pool and spa location are set back 80 feet from the front property line. Staff finds the proposed pool and spa will not adversely impact the surrounding area.

Staff Recommendation

Approval of the use permits, waiver of development standards #2; denial of waiver of development standards #1.

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:

- Applicant to obtain building permits for gazebo prior to final inspection of pool or new detached garage, whichever occurs first.
- 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; 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; and that this application must commence within 2 years of approval date or it will expire.

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: Sunrise Manor - approval of the use permits, and waiver of development standards #2; denial of waiver of development standards #1.

APPROVALS:

PROTESTS: 2 cards, 2 letters

PLANNING COMMISSION ACTION: October 18, 2022 – HELD – 11/01/22 – per the applicant.

APPLICANT: AVILA FAMILY TRUST & AVILA JAVIER TRS

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