

02/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-23-0731-MARQUE SURVIVOR'S TRUST & CRAM JACQUELINE A TRS:

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

Generally located on the east side of Evening Dew Drive, approximately 330 feet south of Oakleigh Drive within Sunrise Manor. TS/mh/syp (For possible action)

RELATED INFORMATION:

APN:

140-26-311-059

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Reduce the interior side setback for an accessory structure to zero feet where a minimum of 5 feet is required per Table 30.40-1 (a 100% reduction).
- b. Reduce the rear setback for an accessory structure to zero feet where a minimum of 5 feet is required per Table 30.40-1 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 956 Evening Dew Drive
- Site Acreage: 0.5
- Project Type: Accessory structure (raised patio)
- Building Height (feet): 8
- Square Feet: 180

Site Plans

The plans show an existing 1 story residence with a retaining wall stretching across the rear yard of the property. The rear yard also features a 3 foot wide stairway leading uphill to a 180 square foot raised patio that is set back 3 feet from the rear property line. The platform is located immediately to the side of the stairway, which runs along the side property line with a zero foot setback. The waiver of development standards is necessary because the retaining walls that create the flat surface for the patio exceed 6 feet in height within 5 feet of the side and rear property lines.

Landscaping

There are existing trees and shrubs in the front yard of the property, along with a 4 foot landscape strip along the north property line. There are no proposed or required changes to landscaping as part of this application.

Elevations

The plans show an 8 foot high raised patio constructed of brick and concrete, with pavers on the top. The wall of the platform is 8 inches thick and wraps around the platform area, with a center filled with concrete. There is no cover on top of the platform.

Applicant's Justification

The applicant states that contractors were hired to obtain building permits and construct the platform, but building permits were never issued for the construction of the platform. A letter of approval from one of the neighbors has also been provided by the applicant.

Prior Land Use Requests

Application Number	Request	Action	Date
SC-1719-98	Changed the name for an existing public street presently known as Los Feliz Street	Approved by BCC	December 1998
WT-1681-98 (FM-0258-95)	Second waiver to extend the time limit on off-site improvement permits for up to 2 years	Approved by BCC	November 1998
WT-2081-97 (FM-0258-95)	First waiver to extend the time limit on off-site improvement permits for up to 2 years	Approved by BCC	January 1998
FM-0258-95	Single family residential subdivision	Approved by PC	November 1995

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	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

Clark County Public Response Office (CCPRO)

CE20-18336 is an active code enforcement case on the property 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.

Staff typically does not support a zero foot setback. However, in this case there is no roof over the platform, and the adjacent neighbor supports the project. Staff believes there will not be a negative impact to the reduced setback and recommends approval.

Staff Recommendation

Approval.

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

- 1 year to complete the building permit and inspection process.
- Applicant is advised that the application must complete by the time specified above or the application will expire unless extended with approval of an extension of time; approval of this application does not constitute or imply approval of any County issued permits, license or approval; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; 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)

- No comment.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT: JACQUELINE CRAM

CONTACT: JACQUELINE CRAM, JTB LANDSCAPERS, 518 MOUNTAIN ESTATES DR,
LAS VEGAS, NV 89110