

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-23-0787-COX DONALD R JR & PATRICIA A:**

**USE PERMIT** to allow a non-decorative metal accessory structure that is not architecturally compatible with the principal dwelling.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce setbacks for accessory structures in conjunction with an existing single family residence on 0.6 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the west side of Bronco Street, 450 feet north of Peak Drive within the Lone Mountain planning area. MK/rp/syp (For possible action)

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RELATED INFORMATION:

**APN:**

138-14-602-014

**USE PERMIT:**

1. a. Allow an accessory structure (Conex box) that is not architecturally compatible with the principal residence where architectural compatibility is required per Table 30.44-1.
- b. Allow a non-decorative metal accessory structure (Conex box) where decorative metal is required per Table 30.56-2A.

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the side yard setback (Conex box) to 4 feet where 5 feet is required per Table 30.40-2 (a 20% decrease).
- b. Reduce the side yard setback (patio cover) to 4 feet 6 inches where 5 feet is required per Table 30.40-2 (a 10% decrease).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 2875 N. Bronco Street
- Site Acreage: 0.6
- Project Type: Accessory structures
- Building Height (feet): 9 (Conex box)/10 (patio cover)
- Square Feet: 320 (Conex box)/600 (Patio Cover)/3,682 (primary residence)

Site Plan

The plan depicts an existing single family residence at the northwest corner of a 4 lot subdivision. The site plan further depicts an existing 3,682 square foot, 2 story single family residence with two accessory structures. The non-decorative metal structure (Conex box) is located along the eastern property line with a 7 foot side setback to the east property line and a 4 foot side setback to the north property line. The second accessory structure (patio cover) is located along the western property line with a side setback of 4 feet 6 inches.

Landscaping

Landscaping is not a part of this application.

Elevations& Floor Plans

The plan depicts 1 existing Conex box that is 9 feet in height, 8 feet in width, and 40 feet in length. The exterior is yellow vertical metal siding. An existing patio cover is 10 feet in height, 24 feet by 25 feet in area.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant is requesting to allow the Conex box to be set back 4 feet from the side property line where 5 feet is required. The applicant indicated that the accessory structure is used to store materials for remodeling the home and for hobbies. The applicant states that they have been operating 2 business since 2017. However, no employees come to the site, nothing is stored outside, and no outside work is being done. The applicant indicated that location is only used as a licensed home office with mail delivery.

**Surrounding Land Use**

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

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

CE-22-24307 is an active zoning violation on the subject parcel for running a business out of residence, outside storage, and accessory structures. While the portions of the violation related to running a business from the house and accumulation of outside storage have been resolved, the case is still open pending resolution on the accessory structures.

**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**

#### Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff reviews use permit requests to ensure compatibility with existing development in the area and finds the structure will be visually obtrusive on adjacent properties. Staff finds this request constitutes a self-imposed hardship; therefore, staff cannot support this application.

#### Waiver of Development Standards

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.

#### Waiver of Development Standards #1a

Staff finds the reduction of the setback for the Conex box is detrimental to the surrounding properties as the reduced setback, combined with the lack of architectural compatibility, has a negative effect on the aesthetics of the area.

#### Waiver of Development Standards #1b

Staff does not object to the one-half foot reduction in the setback for the decorative detached patio cover, provided that the neighbors do not object.

### **Staff Recommendation**

Approval of waiver of development standards #1b; denial of the use permit and waiver of development standards #1a.

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.

- Applicant is advised that the application must be completed 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 permit, 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:** DONALD R COX

**CONTACT:** DONALD COX, HOME IMPRESSIONS INC, 2875 N. BRONCO ST, LAS VEGAS, NV 89108