

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0818-SANTIBANEZ JOSE ISABEL & ESTRADA MARICELA:

USE PERMIT to allow non-decorative accessory structures not architecturally compatible with the principal building.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce front setbacks; **2)** reduce side street setbacks; **3)** reduce interior side setbacks; **4)** reduce street setbacks; and **5)** reduce separation in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) Zone and an R-E (Rural Estates Residential) (AE-65) Zone.

Generally located on the north side of Judson Avenue and the east side of Gateway Road within Sunrise Manor. TS/dd/syp (For possible action)

RELATED INFORMATION:

APN:

140-19-502-030

USE PERMIT:

1. a. Allow accessory structures that are not architecturally compatible with the principal residence where architectural compatibility is required per Table 30.44-1.
- b. Allow non-decorative metal accessory structures where decorative metal is required per Table 30.56-2A.

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the front yard setback for an existing accessory structure (large carport) to 5 feet where 40 feet is required per Table 30.40-2 (an 88% reduction).
- b. Reduce the front yard setback for an existing accessory structure (small carport) to 27 feet where 40 feet is required per Table 30.40-2 (a 33% reduction).
2. a. Reduce the side street setback for an existing accessory structure (large carport) to 6 feet where 10 feet is required per Table 30.40-2 (a 40% reduction).
- b. Reduce the side street setback for an existing accessory structure (storage building) to 5 feet where 10 feet is required per Table 30.40-2 (a 50% reduction).
- c. Reduce the side street setback for an existing principal structure (single family residence) to 6 feet where 15 feet is required per Table 30.40-2 (a 60% reduction).
3. Reduce the interior side setback for an existing accessory structure (casita) to 2 feet where 5 feet is required per Table 30.40-2 (a 60% reduction).
4. Reduce the required street setback for an existing accessory structure (large carport) to 5 feet where 10 feet is required per Section 30.56.040(d) (a 50% reduction).

5. a. Reduce the building separation between an accessory structure (large carport) and the residence to 2 feet where 6 feet is required per Table 30.40-2 (a 66% reduction).
- b. Reduce the building separation between an accessory structure (small carport) and the residence to 2 feet where 6 feet is required per Table 30.40-2 (a 66% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 4018 Judson Avenue
- Site Acreage: 0.5
- Project Type: Accessory structures
- Number of Stories: 2 (single family residence)/1 (carports)/1 (casita)/1 (storage building)/1 (agricultural building)
- Building Height (feet): 22 (single family residence)/11 (carports)/11 (casita)/11 (storage building)/9 (agricultural building)
- Square Feet: 3,181 (single family residence)/1,080 (large carport)/360 (small carport)/792 (casita)/176 (storage building)/1,496 (agricultural building)

Site Plans

The site plan depicts an existing single family residence with an agricultural building, a casita, 2 carports, and a storage building. The site plans also indicate that an addition to the home was recently completed. This addition is located on the western half of the property adjoining the main residence, and measures 34 feet long and 23 feet wide. The existing residence and its accompanying accessory structures are accessed via Judson Avenue, where there are 2 sliding gates that grant access to a circular driveway.

The largest accessory structure on site is an agricultural building used for the keeping of large livestock (2 horses). Located in the far northeast corner of the property, the structure is set back 5 feet from the rear property line, 5 feet from the interior side, 20 feet from the existing residence, and 17 feet from the casita to the south.

The casita is centrally located on the eastern portion of the property and is set back 2 feet from the eastern property line, 23 feet from the existing residence, and 17 feet from the agricultural building located in the rear of the property.

The larger of the 2 carports is located south of the new addition, on the southwest corner of the property. It is set back 5 feet from the southern property line along Judson Avenue, 6 feet from the property line along Gateway Road, and 2 feet from the new home addition. The smaller carport is centrally located on the site, just south of the existing residence. It is set back 27 feet from the front property line and 2 feet from the existing residence.

The storage building is located in the northwest corner of the property and is 5 feet from the property line along Gateway Road and 13 feet from the existing residence.

Landscaping

Landscaping exists within the front yard and throughout the entirety of the property. No changes to the landscaping are proposed nor required with this application.

Elevations

The single family home is constructed of painted stucco with a vinyl roof. The tallest structure on site is the existing residence with a second story height of 22 feet.

The agricultural building is constructed of unpainted CMU block, wood, and metal sheeting for roofing. It is listed on plans as being 9 feet tall and is the shortest of all the structures on site.

The casita is architecturally compatible with the principal residence, being constructed of stucco and painted to match. The casita is listed as being 11 feet tall.

Both of the carports are constructed of metal supports and sheet metal for roofing. The larger carport is listed as 11 feet tall while the smaller carport is listed as 10 feet tall.

The storage building has been finished with stucco but is unpainted and has sheet metal roofing. The storage building is listed as 11 feet tall.

Applicant’s Justification

The applicant states that the various structures around the property and the addition to the home were constructed so that their family could stay with them.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	R-E & R-E (AE-65)	Single family residential

Clark County Public Response Office (CCPRO)

CE22-19818 is an active case for unpermitted 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.

Architectural compatibility and building design standards are implemented to ensure that development within the urban area is visually appealing. In this case only the casita is architecturally compatible with the principal structure, while the rest are constructed with CMU block and sheet metal. For these reasons, staff cannot support this request.

Waivers 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.

Setbacks from property lines and required separations from buildings are essential to ensure that a property is safe and visually appealing. In this case there are numerous setbacks that are not being met, which could create safety issues and detract from the aesthetics of the area. For these reasons, staff cannot support these waiver 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:

Comprehensive Planning

If approved:

- 1 year to complete the building permit and inspection process.
- Applicant is advised that the application must be completed within 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

- Right-of-way dedication to include spandrel at the southwest corner of the site.

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:

APPROVALS:

PROTESTS:

APPLICANT: JOSE ISABEL SANTIBANEZ

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