

02/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0833-FOSSEN TRACY:

USE PERMITS for the following: **1)** allow an accessory structure (metal building) to exceed one-half of the footprint of the principal building; **2)** allow an accessory structure not architecturally compatible with the principal building; and **3)** waive design standards for an accessory structure.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** waive design standards for an addition; and **2)** reduce the interior side setback on 0.6 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the east side of Westwind Road, approximately 330 feet north of Del Rey Avenue within Spring Valley. RM/mh/syp (For possible action)

RELATED INFORMATION:

APN:

163-01-103-011

USE PERMITS:

1. Increase the area of a proposed accessory structure (metal building) to 2,566 square feet where a maximum area of 1,847 square feet (50% of the footprint of the principal structure) is permitted per Table 30.44-1 (a 39% increase).
2. Allow an accessory structure (metal building) not architecturally compatible with the principal building where required per Table 30.44-1.
3. Allow non-decorative metal siding for an accessory structure (metal building) where not permitted per Table 30.56-2A.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow a building addition (attached carport) to not be architecturally compatible with the existing residence where required per Table 30.56-2A.
2. Reduce the interior side setback for a principal structure to 6 feet where a minimum of 10 feet is required per Table 30.40-1 (a 40% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 1350 Westwind Road
- Site Acreage: 0.6

- Project Type: Detached accessory structure (metal building) and attached carport
- Number of Stories: 2 (detached accessory structure)
- Building Height (feet): 21 (detached accessory structure)
- Square Feet: 2,566 (metal building)/252 (attached carport)

Site Plans

The plans depict a 2,882 square foot existing residence with an 812 square foot attached garage and a 482 square foot patio cover. There is a 252 square foot existing carport addition that is attached to the south side of the garage, which is not architecturally compatible with the residence. The attached carport is 6 feet from the interior side property line, where Title 30 requires a minimum setback of 10 feet. The plans also show the proposed 2,566 square foot metal garage, which is set back 6 feet, 8 inches from the side property line, and 10 feet, 3 inches from the rear property line. There are 2 lattice patio covers on the north side of the residence, which have a 6 foot separation from the proposed metal garage. There is also a proposed additional driveway that will allow for direct vehicular access to the proposed metal garage.

Landscaping

There are no proposed or required changes to the landscaping associated with this application.

Elevations

The plans depict a 2 story, 21 foot high metal building with a pitched aluminum roof. There is a 13 foot high roll-up door in the front of the building, double doors on the south side of the building, and 1 door on the east side of the building. There are also windows on the first floor of the south side of the building. The aluminum roof will be colored white and the aluminum siding will be colored blue.

Floor Plans

The plans depict a 2 story layout, with the first level featuring 1,274 square feet of RV garage space, 546 square feet of office space, and a 200 square foot bathroom. The second level features a 546 square foot mezzanine to be used for additional storage.

Applicant’s Justification

The applicant states that a large portion of the property is not being utilized and that the proposed metal garage has been custom designed to fit the spare space while meeting setback requirements. The applicant adds that the metal will be painted to match the existing residence.

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 | Single family residential |

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 Permits

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 the existing and planned development in the area. The proposed metal building is not to scale with the size of the lot and is not common in the surrounding area. Although the metal building will be painted to match the residence and meets setbacks, the applicant has not proposed any mitigation measures to lessen the impact of the metal building on neighboring properties. Staff finds the metal building is not appropriate based on the size and scale of the structure in relation to the surrounding area; therefore, staff cannot support the use permit requests.

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.

Staff finds that the existing carport addition is not architecturally compatible with the residence, which is uncommon in the surrounding area. Setbacks help preserve the appeal of a neighborhood as well as mitigate impacts and possible safety issues for the subject property and adjacent properties. While there are large trees that may partially screen the carport from the adjacent property, the setback reduction is inconsistent with other properties in the neighborhood and the applicant has provided no alternatives to mitigate the potential negative impacts on surrounding properties. For these reasons, staff cannot support the waivers of development standards.

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:

- Paint the accessory structure to match the residence.
- Applicant is advised within 2 years from the approval date the application must commence 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 regulation 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: TRACY FOSSEN

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