

02/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0821-GUZMAN DAVID & CRUZ SILVIA YANIRA:

USE PERMIT to allow an accessory structure not architecturally compatible with the existing residence.

WAIVER OF DEVELOPMENT STANDARDS to increase the height of an accessory structure in conjunction with an existing single family residence on 0.3 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of San Rafael Avenue and the east side of Palm Street (alignment) within Paradise. JG/rp/syp (For possible action)

RELATED INFORMATION:

APN:

161-29-212-043

USE PERMIT:

Allow a metal accessory structure which is not architecturally compatible with the principal residence where architectural compatibility is required per Table 30.44-1.

WAIVER OF DEVELOPMENT STANDARDS:

Increase the height of an accessory structure to 16 feet where a maximum of 14 feet is allowed per Table 30.40-2 (a 14.3% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 4411 San Rafael Avenue
- Site Acreage: 0.3
- Project Type: Accessory structure (garage)
- Building Height (feet): 16
- Square Feet: 912 (accessory structure)/1,914 (residence)

Site Plans

The plans depict an existing single family residence located on the east half of the site. The site plan further depicts an existing 1,914 square foot, 1 story single family residence with an attached patio cover and a proposed accessory structure (garage). The accessory structure is

proposed to be set back 5 feet 9 inches from the south (rear) property line, 12 feet 9 inches from west (side) property line, and 40 feet from the northern property line.

Landscaping

Landscaping is not required nor is it a part of this application.

Elevations & Floor Plans

The plans show a metal garage that is 16 feet in height, 24 feet in width, and 38 feet in length. The total square footage of the garage is 912 square feet with an open floor plan. The exterior material is charcoal gray metal wall and roof panels. The garage has one, 21 foot by 12 foot overhead door, a 10 foot by 10 foot overhead door, 2 pedestrian doors, and 1 street facing window.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the submittal of the justification, the applicant is requesting to have a new detached structure that will be used as a garage for extra storage. The applicant indicates that the garage will be a steel frame and wall panel structure with a new slab. The applicant states that the garage is prefabricated with stamped engineering drawings to meet the building code.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
South & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-E	Single family residential & undeveloped

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. Although the structures

meet all required setbacks, staff is also concerned with the lack of compatibility with the residential uses in the area. In addition, the accessory structure is not architecturally compatible with the principal building. Staff finds this request constitutes a self-imposed hardship; therefore, staff cannot support this application.

Waiver 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.

Staff finds the increase in height should not impact the surrounding properties as the height increase being requested is minimal. However, since staff cannot support the use permit, staff cannot support this request.

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 detached garage 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 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

- Off-site improvement permit for additional driveway.

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: Paradise - approval (paint structure to match the existing house).

APPROVALS:

PROTESTS:

APPLICANT: DAVID GUZMAN

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