

09/03/24 PC AGENDA SHEET

**PUBLIC HEARING**

**APP. NUMBER/OWNER/DESCRIPTION OF REQUEST**

**WS-24-0346-ROZAS, JONATHAN JESUS GONZALEZ & CHAPAY IRNA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** increase accessory structure height; and **2)** reduce setbacks for an existing accessory structure in conjunction with an existing single-family residence on 0.32 acres in an RS10 (Residential Single-Family 10) Zone within the Airport Environs (AE-60) Overlay.

Generally located on the west side of Palmdesert Way, 100 feet south of Shadowridge Avenue within Paradise. JG/mh/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

162-36-511-031

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Increase the height of an existing accessory structure (flying trapeze) to 30 feet where 14 feet is the maximum per Section 30.02.05B (a 114% increase).
2. Reduce the interior side setback for an existing accessory structure to 3 feet where 5 feet is the minimum per Section 30.02.05B (a 40% decrease).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3089 Palmdesert Way
- Site Acreage: 0.32
- Project Type: Accessory structure (flying trapeze)
- Height (feet): 30
- Square Feet: 726

Site Plans

The plans depict an existing single-family residence which is accessed via Palmdesert Way to the east. The garage is located in the front portion of the home and there is a patio cover on the rear side of the home. The rear yard features a pool and a 156 square foot shed, set back 5 feet from the south side property line and 40 feet from the rear property line. There is an existing 726 square foot flying trapeze structure, which is 8 feet from the home, 3 feet from the north side

property line, and 5 feet from the rear property line. The structure is secured by several underground anchor points, anchor plates, metal stakes, and frame legs.

Landscaping

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

Elevations

The plans depict a 30 foot high flying trapeze structure constructed of metal, featuring an 11 foot wide and 66 foot long frame across 3 sections. A swing is fastened to the top part of the structure, hanging down 9 feet. A ladder is attached to the structure to allow for entry and exit from the platform located inside the structure. Safety netting measuring 11 feet in width and 55 feet in length is located underneath the swing and platform toward the bottom of the structure.

Applicant’s Justification

The applicant states that the flying trapeze structure is intended solely for private training for the residents of the household. The structure is necessary for physical fitness and skills development for Cirque Du Soleil performers. The structure is temporary and has a negligible impact on the surrounding environment. The applicant adds that the structure is safe and does not pose any risk to the performers or the area, nor will it result in any damage to the residence or landscaping.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North, South, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS10 (AE-60)	Single-family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS10	Single-family residential

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

There is an active Code Enforcement case (CE22-20420) on the property for constructing a flying trapeze structure without a building 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**

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.

While staff can understand the applicant's desire to have the flying trapeze structure in the rear yard of the residence, the size and design of the structure is not compatible with the character of the neighborhood. The flying trapeze structure significantly exceeds the maximum height for accessory structures in an RS10 Zone, while also encroaching into the required setbacks without any mitigating measures to reduce the impact on adjacent properties. The properties adjacent to the subject site, as well as those across the street, may be adversely affected by the presence of the structure. Therefore, staff cannot support these 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 or the application will expire unless extended with approval of an extension of time;
- No customers permitted on-site.
- Applicant is advised that 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:** RENATO FERNANDES

**CONTACT:** RENATO FERNANDES, 3089 PALMDESERT WAY, LAS VEGAS, NV 89120