08/04/26 PC AGENDA SHEET

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-26-0285-VEGAS PROPERTY LIMITED:

WAIVER OF DEVELOPMENT STANDARDS to reduce setbacks for a proposed accessory living quarters in conjunction with an existing single-family residence on 0.45 acres in an RS20 (Residential Single-Family 20) Zone within the Airport Environs (AE-60) Overlay.

Generally located north of Five Pennies Lane and east of Pecos Road within Paradise. JG/jl/cv (For possible action)

RELATED INFORMATION:

APN:
178-06-110-014

WAIVER OF DEVELOPMENT STANDARDS:
Reduce the side interior setback for a proposed accessory living quarters to 2 feet where 5 feet is required per Section 30.02.24 (a 60% reduction).

LAND USE PLAN:
WINCHESTER/PARADISE - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Address: 3580 Five Pennies Lane
- Site Acreage: 0.45
- Project Type: Accessory living quarters
- Number of Stories: 2
- Building Height (feet): 21
- Square Feet: 1,850 (proposed accessory living quarters)/12,774 (existing residence)

History & Site Plan
The site plan shows a proposed accessory living quarters located in the northwest corner of the property with access from Five Pennies Lane to the south. The structure is set back 2 feet from the side (west) property line, 5 feet from the rear property line, and 6 feet from the existing single-family residence.

The site plan also shows the existing single-family residence, which includes a garage attached by an open breezeway on the east side of the property. In 2005, a waiver was approved via WS-1553-05 to allow 2 accessory structures on-site, which included the eastern garage and breezeway and the second accessory structure on the west side of the home. The western

accessory structure had similar proposed setbacks as the current request, however, that building was never built and the associated waiver expired. The applicant requests this waiver to develop the property as intended in 2005.

Landscaping
Landscaping is neither required nor part of this request.

Elevations
The elevations depict a 21 foot tall accessory living quarters with a roofline, colors, and materials like that of the existing single-family residence.

Floor Plans
The floor plan depicts a proposed 2 story accessory living quarters with 3 bedrooms, 4 bathrooms, a kitchen, and living area. Each floor is 940 square feet.

Applicant's Justification
The applicant states that because of financial hardship, the proposed accessory building approved in 2005 was never constructed; however, a concrete slab was poured, which still exists on-site. They state that the proposed accessory living quarters will be the only accessory living quarters on the property. They also state that the proposal is on a developed site, will not negatively impact other properties, and that the proposed building is compatible with others nearby.

Prior Land Use Requests

Application Number	**Request**	**Action**	**Date**
ADET-901268-09 (WS-1553-05)	Administrative extension of time for a waiver for setbacks for accessory structures - expired	Approved by ZA	November 2009
ET-400349-07 (WS-1553-05)	Extension of time for a waiver for setbacks for accessory structures - expired	Approved by PC	December 2007
WS-1553-05	Waiver for setbacks for accessory structures - expired	Approved by PC	November 2005
AV-901080-00	Minor deviation to allow a basement in a single-family residence	Approved by ZA	February 2001

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)	RS20 (AE-60)	Single-family residences

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

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.

Although a similar accessory building was previously approved on the site, staff finds that this request is a self-imposed hardship and there are no site-specific conditions that would warrant a setback reduction. The applicant has not provided sufficient justification for why the proposed building could not be redesigned or moved to comply with applicable requirements.

Department of Aviation

The property lies within the AE 60 (60 - 75 DNL) noise contour for Harry Reid International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade Harry Reid International facilities to meet future air traffic demand.

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:

- 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; 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.

Department of Aviation

- Applicant must record a stand-alone noise disclosure form against the land, and provide a copy of the recorded document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a copy of the recorded noise disclosure form to future buyers/renters, separate from other escrow documents, and provide a copy of the document to the Department of Aviation Noise Office at landuse@lasairport.com;
- Applicant must provide a map to future buyers/renters, as part of the noise disclosure notice, that highlights the project location and associated flight tracks, provided by the Department of Aviation Noise Office when property sales/leases commence;
- Incorporate an exterior to interior noise level reduction of 30 decibels into the building construction for the habitable space that exceeds 35 feet in height or 25 decibels into the building construction for the habitable space that is less than 35 feet in height.
- Applicant is advised that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and 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.
APPROVALS:
PROTESTS:

APPLICANT: LOUIS LIONETTI, INC.
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