

01/19/21 PC AGENDA SHEET

SETBACKS
(TITLE 30)

EL ANTONIO PL/EL PASTOR LN

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-20-0537-DANESHFOROUZ, JACQUELYN V.:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** reduce separation between existing structures in conjunction with an existing single family residence located on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of El Antonio Place, 435 feet west of El Pastor Lane within Paradise. TS/md/jd (For possible action)

RELATED INFORMATION:

APN:

161-20-315-007

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the interior side setback for an existing principal structure (carports attached to a single family residence) to zero feet where 5 feet is required per Table 30.40-2 (a 100% reduction).
 - b. Reduce the front setback for an existing principal structure (carport attached to a single family residence) to 18 feet where 20 feet is required per Table 30.40-2 (a 10% reduction).
 - c. Reduce the interior side setback for existing accessory structures to zero feet where 5 feet is required per Table 30.40-2 (a 100% reduction).
 - d. Reduce the rear yard setback for an existing accessory structure to 4 feet where 5 feet is required per Table 30.40-2 (a 100% reduction).
2. Reduce the separation between an existing accessory structure and an existing principal building to 2 feet where 6 feet is required per Table 30.40-2 (a 67% reduction).

LAND USE PLAN:

WINCHESTER/PARADISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 4331 El Antonio Place
- Site Acreage: 0.2
- Project Type: Reduce setbacks and building separation for existing structures
- Number of Stories: 1

- Height: 8 feet (west carport)/7 feet (east carport)/8 feet (accessory structure 1)/7 feet (accessory structure 2).
- Square Feet: 1,620 (single family residence)/652 (west carport)/340 (east carport)/102 (accessory structure 1)/29 (accessory structure 2)

Site Plans

The plans depict an existing single family residence located on a 0.2 acre parcel. An existing carport, located on the east side of the residence, is set back zero feet from the interior (side) property line and 26 feet from the north (front) property line. A second existing carport, located on the west side of the residence, is also set back zero feet from the interior (side) property line. The western carport is set back 18 feet from the north (front) property line, along El Antonio Place. Both carports are attached to the single family residence. Accessory structure 1 (storage building), located at the southeast corner of the property, is set back zero feet from the east property line and 4 feet from the south (rear) property line. Accessory structure 1 has a building separation of 2 feet from the patio cover attached to the residence. Accessory structure 2 (storage building), located at the southwest corner of the property, is set back zero feet from the west (interior) property line and 5 feet from the south property line. Access to the subject parcel is granted via an existing residential driveway along El Antonio Place.

Landscaping

All street and site landscaping exists and no additional landscaping is provided or required.

Elevations

The photographs depict an existing single story residence consisting of a pitched, asphalt shingled roof with a stucco exterior. Accessory structure 1 is 8 feet in height, features a pitched, asphalt shingled roof with a wood exterior. Accessory structure 2 measures 7 feet in height, and also consists of a pitched, asphalt shingled roof with a wood exterior. The east carport has a maximum height of 7 feet while the west carport measures 8 feet in height. Both carports are constructed of metal and are attached to the single family residence. The existing accessory structures and carports are painted with neutral, earth tone colors matching the color palette of the residence.

Floor Plans

The single family residence measures 1,620 square feet. Accessory structures number 1 and 2 measure 102 square feet and 29 square feet in area, respectively. The east carport covers an area of 340 square feet while the west carport has an area of 652 square feet.

Applicant's Justification

Per the applicant's letter, the existing structures, including the carports and storage buildings, were already in place prior to purchasing the house. There was no notice provided by the seller or their real estate agent informing the applicant that the structures were not permitted or in violation of Clark County's development standards. To the best of their knowledge, the accessory structures have been in place since 2003 (based on the year etched on the concrete pad for the structure). The east carport and west carport were installed in 1996 based on a permit application that was submitted to Clark County but was never completed. The accessory structures and carports were professionally built and installed. Furthermore, the structures are

architecturally compatible with single family residence and are well maintained. The accessory structures are Tuff Sheds and provide much needed storage to their growing family. The carports have provided much needed relief from the high temperatures Las Vegas experiences in the summer. According to the applicant, they have discussed these requests with their immediate neighbors located to the west and east, and none have expressed any concerns with the accessory structures or carports.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Residential Suburban (up to 8 du/ac)	R-1	Single family residential

Clark County Public Response Office (CCPRO)

CE20-12257 is an active Public Response Office violation for existing accessory structures and carports located within the required setbacks and constructed without building permits.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

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 typically does not support requests to reduce setbacks and building separations for structures constructed without the benefit of building permits. However, aerial photographs of the subject property indicate the existing accessory structures (storage buildings) were constructed in 2003. Aerial photographs from 1998 depict the existing carports on the east and west sides of the single family residence. The carports and accessory structures were constructed many years prior to the applicant's purchase of the residence in 2018. Therefore, Staff recommends approval of the requests subject to 1 year to complete and to obtain any required permits and inspections for the accessory structures and carports.

Staff Recommendation

Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- 1 year to complete the building permit and inspection process, with any extension of time to be a public hearing.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: DEVLIN NESTOR DANESHFOROUZ

CONTACT: DEVLIN DANESHFOROUZ, 4331 EL ANTONIO PLACE, LAS VEGAS, NV 89121