



Planning Commission Agenda Item

Date: November 13,
2024

Item No: 10

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development &
Community Services
Prepared By: Bryan Saylor, Planner

SUBJECT: SUP-43-2024 VAZQUEZ RESIDENCE CASITA (Public Hearing).
Applicant: Fernando Vazquez. Request: A Special Use Permit in an R-1,
Single-Family Low Density Residential District, to allow an Accessory
Dwelling Unit. Location: 2214 Wilkinson Way. (APN 139-24-511-030). Ward
1. (For Possible Action)

RECOMMENDATION: APPROVE WITH CONDITIONS

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission consideration of a Special Use Permit to allow an existing additional dwelling unit that was originally constructed, but not permitted an R-1 (Single-Family Low-Density District) zoned property located at the northeast corner of Bartlett Avenue and Wilkinson Way. The Comprehensive Master Plan Land Use for this site is Downtown Area of influence.

BACKGROUND INFORMATION:

Previous Action
N/A

RELATED APPLICATIONS:

Application #	Application Request
N/A	

GENERAL INFORMATION:

Land Use	Zoning	Existing Use
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Subject Property	Downtown Area of Influence	R-1 Single-Family Low-Density Residential District	Existing Residential
North	Downtown Area of Influence	R-1 Single-Family Low-Density Residential District	Existing Residential
South	Downtown Area of Influence	R-1 Single-Family Low-Density Residential District	Existing Residential
East	Downtown Area of Influence	R-1 Single-Family Low-Density Residential District	Existing Flood Channel
West	Downtown Area of Influence	R-1 Single-Family Low-Density Residential District	Existing Residential

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	See attached memorandum.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

ANALYSIS:

This application is the result of a code enforcement violation for construction without obtaining the required building permits. The subject site is located on 0.2-acre parcel with a 1,280 square foot primary residence that was permitted and constructed in 2018. The neighborhood is comprised of mainly



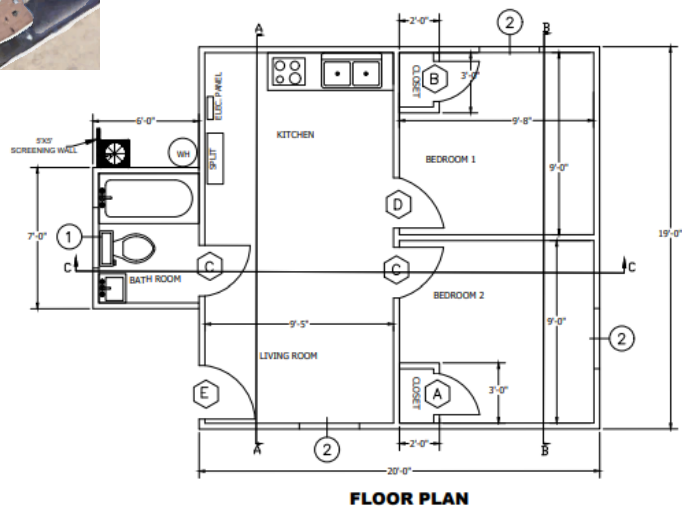
mobile or prefabricated homes with this being one of a few frame on foundation homes in the area. An additional accessory structure, a storage shed, is located on the eastern end of the site. The additional dwelling unit was constructed sometime between the second half of 2020 and the first half of 2021. The additional dwelling units' size, as constructed, is within a size allowable for the R-1 Single-Family Low Residential zone on a lot of this size.

The reason for the application of this special use permit, as stated, is the result of a code enforcement violation. Under the circumstances, the rest of the site will need to be brought



into conformance with code prior proceeding with permitting. When the site was reviewed, there were several issues that needed to be corrected. A fence around the front yard had been constructed that did not conform to code requirements, was also constructed without permits. The fence has since been modified and now satisfies both Building and Planning requirements. The front yard was mainly covered in hardscape, either as concrete or with pavers. The applicant had well over the 50% allowable hardscape coverage for their front yard. They have pulled the pavers out of the front yard and are now in compliance with code requirements. The applicants were previously parking vehicles in the front yard, on the pavers as well as the side and rear yard on unsuitable surfaces. A ramp was also

being utilized to access the side yard over the existing L-curb which is not allowed per code. They have been told this is not acceptable, and have removed the ramp from the gutter and stated that they will no longer park vehicles anywhere other than the 3 spaces provided by the existing driveway surface using the existing curb cut for access. This also fulfills the requirement of the additional dwelling unit requiring one (1) additional on-site parking space.



The applicant has constructed a 420 square foot additional dwelling unit comprised of 2 bedrooms, a bathroom, a kitchen and a living room. The elevations and pictures provided of the existing additional dwelling unit show that the structure is stucco and is painted to match the primary residence on the lot. However, the roofing is currently asphalt shingles, which is not a permitted building material. The applicant will need to match the roofing material used on the primary residence which is tile roofing. This will be a condition of approval and the applicant has agreed to this modification.

Requirements for Approval of a Special Use Permit

In accordance with the Zoning Ordinance, the Planning Commission may, by motion, grant a special use permit if the Planning Commission finds, from the evidence presented, that all of the following facts exist:

The proposed use is consistent with the Comprehensive Master Plan and all applicable provisions of this Code and applicable State and Federal regulations;

The additional dwelling unit is permitted in the R-1 Single-Family Low Density Residential District and does not violate any regulations.

The proposed use is consistent with the purpose and intent of the zoning district in which it is located and any applicable use-specific standards and criteria in Chapter 17.20 of this Code;

The additional dwelling unit is a permitted use in the R-1 Single-Family Low Density Residential District.

The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics (such as, but not limited to, hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The neighboring properties are mobile homes, this is the only building structure in the area. The additional dwelling unit is not out of place in this neighborhood and is permitted in the R-1 Single-Family Low Density Residential District.

Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent practicable; and

There are no foreseen adverse impacts arising from this use and this location.

Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service for existing development.

All vital services and utilities are available to the proposed site and have been previously installed. Public Works, Fire Prevention, and the Police Department have no comment or concern for the proposed development.

The applicant has worked in good faith with staff and has been very quick to respond to mitigate any issues that have arisen throughout the process on this application. Staff does not anticipate any negative impacts on the existing neighborhood with this additional dwelling unit. Staff recommends approval of the Special Use Permit subject to the conditions listed.

CONDITIONS:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.
2. The exterior elevations design and colors must match the design and color scheme of the primary residence.
3. The roofing material on the additional dwelling unit must match the roofing material of the primary residence on the site.
4. The areas with pavers that were removed must be converted to the landscaping required for a residential home within the R-1 Single-Family Low Density Residential District.
5. The paver areas in the front yard where pavers were removed may not have pavers replaced unless the site meets the 50% maximum hardscape coverage requirement.
6. Only 3 vehicles are permitted to park on the site and must only be parked in the designated driveway parking spots.
7. Access to the site may not be utilized over any existing L-curb, the existing driveway curb cut is the only permitted access to the site.

Public Works:

8. The property owner shall maintain Type "A" lot drainage.

ATTACHMENTS:

Public Works Memorandum
Letter of Intent
Site Plan
Floor Plan
Building Elevations
Clark County Assessor's Map
Location and Zoning Map