

10/03/23 PC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL  
(TITLE 30)

HALLET DR/SACKS DR

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-23-0518-RIOS VICTOR M PALAFOX & PALAFOX JACQUELINE:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setback for the principal building; and **2)** eliminate setbacks for the principal and accessory buildings in conjunction with a single family residence on 0.1 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of Hallet Drive, approximately 280 feet west of Sacks Drive within Whitney. TS/nai/syp (For possible action)

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RELATED INFORMATION:

**APN:**

161-21-410-012

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the rear yard setback for a single family residence to 16 feet where 20 feet is required per Table 30.40-2 (a 20% reduction).
2.
  - a. Eliminate side yard setback for a single family residence where 5 feet is required for principal structure per Table 30.40-2 (a 100% reduction).
  - b. Eliminate rear yard setback for an accessory structure where 5 feet is required per Table 30.40-2 (a 100% reduction).
  - c. Eliminate side yard setback for an accessory structure where 5 feet is required per Table 30.40-2 (a 100% reduction).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5117 Hallet Drive
- Site Acreage: 0.1
- Project Type: Single family residential
- Number of Stories: 1
- Building Height (feet): 9 feet 4 inches
- Square Feet: 1,280 residence/285 front addition/384 rear addition/40 accessory structure

### Site Plan

The site plan depicts an existing 1 story single family residence on 0.1 acres. The principal dwelling is centrally located on the parcel and the front of the house is facing north towards Hallet Drive. The rear yard includes an existing detached accessory structure, approximately 40 square feet, that is placed on the southeast corner without setbacks from the side yard and rear yard wall.

The applicant built 2 additions to the house without building permits. The first is a 285 square foot attached addition to the front of the house. The plans depict it will be used as a guest room and it meets setback requirements. The second is a 384 square feet addition attached to the rear of the house used as a living room. The applicant is requesting the rear yard setback for the rear house addition to be 16 feet where 20 feet is required.

The site plan also depicts a trellis attached on the west side of the property approximately 38 feet in length with half of the trellis covered with thin wooden board. The applicant is requesting to eliminate the side yard setback where 5 feet is required.

### Landscaping

The plans show the front of the house has 2 existing large trees, 1 placed on each side. The east portion has an existing 696 square foot grass area, and the west side has 224 square feet of existing grass. A 2 foot vertical landscaping path leads to the front of the house and wraps around the west portion of the house footprint, along with a 2 foot vertical landscaping path against the west and east side of the property wall. Both sides of the house have existing brick flooring leading into the backyard. The rear side of the property also has existing grass approximately 810 square feet with an existing tree, 2 short palms, and shrubs against the rear property wall.

### Elevations

The front elevation shows the new addition is attached to the west portion of the house. The applicant used the same material to match the existing house, including stucco and the same grey paint color. The applicant also placed a window in the center of the new addition facing Hallet Drive. The west elevation shows the applicant added a side door that leads into the new shaded trellis area.

The rear elevation shows the new addition is attached to the east portion of the house. There is a raised concrete curb all throughout the addition. The applicant also used the same material to match the existing house including stucco and the same grey paint color. The applicant also placed new plywood and rubber roof with a new fascia detail. On the east and west elevations, the applicant also added side doors. The door facing west leads to the new shaded trellis area. The door facing east leads to into the backyard. The applicant also placed 3 new windows also facing the backyard.

### Floor Plans

The floor plans depict the front addition to be a guest room approximately 285 square feet. The guest room includes a bathroom, walk-in closet, a window facing north towards Hallet Drive, and a new door facing east leading to the new shaded trellis area.

The floor plans depict the rear addition to be a living room approximately 384 square feet. This addition will include a walk-in closet, and 3 windows facing south into the rear yard. There is a new door facing west that leads into the trellis shaded area and a separate door on the east portion of the addition leading into the backyard.

Signage

Signage is not a part of this request.

Applicant’s Justification

Per the justification letter, the applicant lives in the principal structure and built an attached addition in the front and rear portion of the primary home. The front addition is a guest room that is 285 square feet. The rear addition is a family room with a total of 384 square feet. Also, the applicant built a trellis shade structure on the west side of the property. The applicant is requesting to reduce the rear setback for the principal structure and reduce the rear yard setback and side yard setback for the existing accessory structure.

**Surrounding Land Use**

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

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

CE21-03135 is an active zoning violation for building without permits.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Waivers 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.

Waiver of Development Standards #1

Staff supports the request to reduce the rear yard setback to 16.5 feet for the principal structure. Although the applicant built the rear addition without a building permit, reducing this setback does not negatively impact the structure nor the applicant’s property. In addition, mature landscaping exists in the rear yard which will help reduce the impacts to the neighbors.

Waiver of Development Standards #2a

Staff cannot support a zero foot side yard setback for a principal structure. Setbacks create an aesthetically pleasing balance between other structures and perimeter walls and help to provide open area on site.

Waiver of Development Standards #2b & #2c

While the accessory structure does not seem out of character for the neighborhood, staff typically does not support zero setbacks for accessory structures. The structure may have a negative effect on the neighbors since it is placed right at the property line. Staff does not support this request.

**Staff Recommendation**

Approval of waiver of development standards #1; denial of waiver of developments standards #2.

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 building permit and inspection process with any extension of time to be a public hearing.
- Applicant is advised that approval of this application does not constitute or imply approval of any other 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; 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.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: VICTOR PALAFOX**

**CONTACT: PAT STISSI, 8515 IRON MOUNTAIN RD, LAS VEGAS, NV 89143**