

03/03/26 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0030-DONATIEN, RICARDO RAMIREZ:

WAIVER OF DEVELOPMENT STANDARDS to reduce the rear setback for an existing detached accessory living quarters in conjunction with an existing single-family residence on 0.16 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located north of Hacienda Avenue and west of San Anselmo Street within Paradise. JG/bb/kh (For possible action)

RELATED INFORMATION:

APN:

161-29-612-029

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the rear setback for an existing detached accessory living quarters to 2 feet where a minimum of 5 feet is required per Section 30.02.06 (a 60% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 5289 San Anselmo Street
- Site Acreage: 0.16
- Project Type: Detached accessory living quarters
- Number of Stories: 1 (existing home)/1 (existing accessory living quarters)
- Building Height (feet): 20 (existing home)/13 (existing accessory living quarters)
- Square Feet: 1,671 (existing home)/661 (existing accessory living quarters)

Site Plan

The site plan depicts an existing single-family residential home with driveway access from San Anselmo Street. The existing residence is 1,671 square feet with 3 parking spaces on an existing driveway. A detached accessory living quarters was built on the north side of the existing home by expanding a building that was previously constructed without building permits. The existing home has a 21 foot front setback, 6 foot south side setback, and 25 foot rear setback. The accessory living quarters is 10 feet from the existing detached home, 6 feet from the north property line, and 2 feet from the west (rear) property line. Since the existing detached accessory

living quarters does not meet the rear setback requirements per Title 30 a waiver of development standards is required.

Landscaping

Landscaping is not a part of this request.

Elevations

The accessory living quarters is constructed with stucco siding, tile roof, and will be painted to match the home color. Two sliding glass doors and 1 French style glass door are on the south side of the accessory living quarters. Single access doors are located on the east and north sides of the accessory living quarters. The overall height of the accessory living quarters is 13 feet, and the existing home is 20 feet in height.

Floor Plans

The accessory living quarters has an overall area of 661 square feet. The existing residence has an overall area of 1,671.

Applicant's Justification

The applicant is requesting a waiver to allow the accessory living quarters to remain with a 2 foot rear setback. The previous shed was expanded and constructed without a building permit. A building permit (BD25-37636) is currently being reviewed for the accessory living quarters. The nearest structure to the rear wall of the accessory living quarters is approximately 30 feet to the west. The adjacent neighbor to the west could construct an accessory structure 5 feet from the rear property line and still be at least 7 feet from this accessory structure and meet the required 6 foot separation distance.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residential

Clark County Public Response Office (CCPRO)

CE24-11192 is an active code violation for building without a permit at this location.

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.

The lot has adequate space to accommodate required setbacks and maintain the same square foot area. The building was constructed without a permit and the setback waiver is a self-imposed hardship with no physical justification for the decreased setback, other than the structure being built. Staff cannot support the waiver request.

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.
- 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

- Applicant is advised that fire protection may be required and to contact Fire Prevention for further information at (702) 455-7316.

TAB/CAC: Paradise - approval.

APPROVALS:

PROTESTS:

APPLICANT: LARRY SANCHEZ

CONTACT: LARRY SANCHEZ, SANCHEZ CIVIL ENGINEERING, 5550 PAINTED MIRAGE ROAD, SUITE 510, LAS VEGAS, NV 89149