

SETBACKS  
(TITLE 30)

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-22-0633-ALVARADO, REFUGIO:**

**HOLDOVER WAIVER OF DEVELOPMENT STANDARDS** for reduced setbacks in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the east side of Linn Lane and the north side of Gorham Avenue, 670 feet north of Washington Avenue within Sunrise Manor. TS/jud/syp (For possible action)

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RELATED INFORMATION:

**APN:**  
140-28-613-010

**WAIVER OF DEVELOPMENT STANDARDS:**

1. a. Reduce the rear setback to 4.5 feet where 10 feet is allowed for half the width of the building per Table 30.40-2 (a 55% reduction).
- b. Reduce the side setback to 4.6 feet where 5 feet is required per Table 30.40-2 (a 6% reduction).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 1300 Linn Lane
- Site Acreage: 0.2
- Project Type: Setbacks
- Number of Stories: 1
- Square Feet: 2,015
- Building Height (feet): 13

Site Plans

The plans show a 2,015 square foot single family residence with an unpermitted 356 square foot attached office addition in the rear of the residence. The unpermitted office structure was built within the rear and side setbacks, 4.5 feet from the rear property line where 10 feet is allowed for

half the width of the building and 4.6 feet from the side property line to the north where 5 feet is the requirement. On the south side of the property is an existing unpermitted carport which is 5 feet from the side property line.

Landscaping

The front property yard has several large and medium shrubs. There is no indication that the same type of landscaping will be added to the site near the portion of the yard encroached by the unpermitted building addition.

Elevations

Elevations show a 13 foot high single family residence with stucco and pitched shingle roof painted in 2 toned beige. The unpermitted addition matches the house in colors, materials, and style. The unpermitted office addition is 10 feet in height. Additionally, the carport is 8 feet high and consists of a shingled roof and wooden frame for support.

Floor Plan

The 356 square foot office addition is connected to the existing residence and accessed via a door from the main bedroom. It consists of a large area with a closet and a south facing window and side door to access an existing patio cover in the backyard. The carport is attached to the residence on the south elevation, open on 3 sides and is 400 square feet in area.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant is requesting the waiver of development standards to remedy the violation that was issued to the property owner and obtain the necessary building permits for the residential addition.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential
East	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-2	Single family residential

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

CE21-03129 is an active zoning violation for constructing structures 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 reviews waiver requests to ensure compatibility with the existing developments in the area. Although the office addition is architecturally compatible with the residence and the carport has roofing material that matches the residence, the setbacks and separations help preserve the appeal and integrity of a neighborhood as well as mitigate impacts and possible safety issues. The proposed reductions in setbacks are a self-imposed hardship, and the applicant provided no alternatives to mitigating the negative impacts on the surrounding area. Staff finds that the applicant has not provided justification as to why the waiver of development standards should be approved; therefore, staff cannot support this 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:**

### **Current Planning**

If approved:

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- Paint carport to match residence.
- Applicant is advised that the County is currently rewriting Title 30 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.

### **Fire Prevention Bureau**

- No comment.

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

- No comment.

**TAB/CAC:** Sunrise Manor - approval.

**APPROVALS:**

**PROTESTS:** 1 card

**PLANNING COMMISSION ACTION:** January 3, 2023 – HELD – To 01/17/23 – per the applicant.

**APPLICANT:** SUNRISE BUILDERS, LLC.

**CONTACT:** REFUGIO ALVARADO, 1300 LINN LANE, LAS VEGAS, NV 89110