

10/07/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0598-ALMEIDA-VINA, RASIEL & FERNANDEZ, MAYDELIN RUIS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** reduce separation distance for existing accessory structures in conjunction with an existing single-family residence on 0.19 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

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

RELATED INFORMATION:

APN:

161-29-612-021

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the interior side setback for an existing accessory living quarters to 2 feet 8 inches where 5 feet is required per Section 30.02.06 (a 47% reduction).
 - b. Reduce the architectural intrusion within the interior side setback for an existing accessory living quarters to 1 foot 6 inches where 3 feet is allowed per Section 30.02.25 (a 50% reduction).
 - c. Reduce the rear setback for an existing accessory living quarters to 4 feet where 5 feet is required per Section 30.02.06 (a 20% reduction).
 - d. Reduce the interior side setback for an existing accessory structure (storage building) to 4 feet where 5 feet is required per Section 30.02.06 (a 20% reduction).
 - e. Reduce the rear setback for an existing accessory structure (storage building) to 2 feet 2 inches where 5 feet is required per Section 30.02.06 (a 57% reduction).
 - f. Reduce the architectural intrusion within the rear setback for an existing accessory structure (storage building) to 1 foot where 3 feet is allowed per Section 30.02.25 (a 67% reduction).
2.
 - a. Reduce the separation distance between an existing accessory living quarters and the main residence to 2 foot 9 inches where 6 feet is required per Section 30.02.04 (a 54% reduction).
 - b. Reduce the separation between an existing accessory living quarters and existing accessory structure (shade structure) to 4 feet where 6 feet is required per Section 30.02.04 (a 33% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 5241 San Anselmo Street
- Site Acreage: 0.19
- Project Type: Accessory structures and setbacks
- Building Height (feet): 11 (existing casita)/11 (existing storage building)/8 (shade structure)/14 (house addition)
- Square Feet: 1,323 (main residence)/912 (casita)/135 (storage building)/280 (shade structure)/390 (house addition)

Site Plans

The plans depict an existing single-family residence on 0.19 acres. Access to the site is along the east property line adjacent to San Anselmo Street. Immediately west of the residence are the following existing accessory structures: a shade structure centrally located in the rear yard, an accessory living quarters along the south property line, and a storage building in the northwest corner of the site. In addition, the site plan also depicts an attached 390 square foot addition to the rear (west) portion of the house. There are 2 storage sheds along the west property line and a patio cover attached to the south elevation of the addition that will be removed from the property. Lastly, an access gate is located on the northeast corner of the site.

The applicant is requesting to reduce the setback, architectural intrusion setback, and separation distances for the following:

Accessory Living Quarters:

- Reduce the interior side setback to 2 feet 8 inches where 5 feet is required;
- Reduce the architectural intrusion within the interior side setback to 1 foot 6 inches where 3 feet is allowed;
- Reduce the rear setback to 4 feet where 5 feet is required;
- Reduce the separation distance between an existing accessory living quarter and the main residence to 2 foot 9 inches where 6 feet is required;
- Reduce the separation between an existing accessory living quarter and existing accessory structure (shade structure) to 4 feet where 6 feet is required.

Storage Building:

- Reduce the interior side setback to 4 feet where 5 feet is required;
- Reduce the rear setback to 2 feet 2 inches where 5 feet is required;
- Reduce the architectural intrusion within the rear setback to 1 foot where 3 feet is allowed.

Elevations

The photos depict that most of the accessory structures are constructed of stucco and shingles that are painted a light beige color. The accessory living quarters and the storage building have an overall height of 11 feet. Furthermore, the building addition on the west facing elevation of the primary residence has an overall height of 14 feet. The photographs depict that only the shade structure that is centrally located in the rear yard is not architecturally compatible with the

main residence. The shade structure is constructed of a beige plastic roof with black metal support beams. The overall height is 8 feet.

Floor Plans

The plans depict that the house addition has an overall area of 390 square feet. It will include a wet bar and a new great room. The plans also depict the accessory living quarters has an overall area of 912 square feet. There are 2 bedrooms, 2 bathrooms, and 2 kitchenette areas that do not include an oven or stove. However, the floor plan includes an open concept design. There are 2 entry points into the accessory living quarters. One entry is on the east side of the building, and the other entry point is on the north side of the building. The storage building on the northwest corner of the site has an overall area of 135 square feet. The centrally located shade structure has an overall area of 280 square feet. Lastly, the existing residence has an overall area of 1,323 square feet.

Applicant's Justification

The applicant built the accessory living quarters, storage building, shade structure, and a room addition without a building permit. The applicant utilized roof shingles, a stucco finish, and sand colored paint for the accessory structures. No additional justification was provided by the applicant.

Surrounding Land Use

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

Clark County Public Response Office (CCPRO)

CE24-31541 is an active Code Enforcement for building an accessory structure without a building permit.

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

Waivers 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.

Setbacks and separation distances are intended to promote safety and help maintain consistent structural spacing and a cohesive streetscape within a neighborhood. The accessory living quarters and the storage building are visible from the right-of-way. In addition, the plans show that there is ample room in the rear yard to meet the interior side setback, rear setback, architectural intrusion setback, and the separation distance requirements per Title 30. These waivers of development standards are a self-imposed hardship and the applicant did not provide sufficient justification to mitigate these requests. Staff recommends denial.

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;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is 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

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: RASIEL ALMEIDA-VINA

CONTACT: AL VELASCO, 203 GENESEE POINT STREET, HENDERSON, NV 89074