

06/02/26 PC AGENDA

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0202-AMAYA, ALMA G:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** reduce building separations for existing accessory structures in conjunction with an existing single-family residence on 0.15 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located east of Talbot Street and south of Balboa Avenue within Winchester. TS/ji/kh
(For possible action)

RELATED INFORMATION:

APN:

162-11-611-051

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the front setback for Carport 1 to 18 feet where 20 feet is required per Section 30.02.06 (a 10% reduction).
 - b. Reduce the front setback for Carport 2 to 3 feet where 20 feet is required per Section 30.02.06 (an 85% reduction).
 - c. Reduce interior side setback for Shed 1 to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
 - d. Reduce interior side setback for Shed 2 to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
 - e. Reduce rear setback for Shed 2 to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
 - f. Reduce interior side setback for Shed 3 to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
 - g. Reduce interior side setback for Shed 4 to 1 foot where 5 feet is required per Section 30.02.06 (an 80% reduction).
2.
 - a. Reduce the building separations between Carport 1 and Carport 2 to 1 foot where 6 feet is required per Section 30.02.06 (an 83% reduction).
 - b. Reduce the building separations between Carport 1 and the single-family residence to 1 foot where 6 feet is required per Section 30.02.06 (an 83% reduction).
 - c. Eliminate the building separations between Shed 3 and Shed 4 where 6 feet is required per Section 30.02.06.
 - d. Reduce the building separations between Shed 3 and the single-family residence to 5 feet where 6 feet is required per Section 30.02.06 (a 17% reduction).
 - e. Reduce the building separations between Shed 4 and the single-family residence to 5 feet where 6 feet is required per Section 30.02.06 (an 83% reduction).

- f. Reduce the building separations between Gazebo 1 and Gazebo 2 to 2 feet where 6 feet is required per Section 30.02.06 (a 67% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 1931 Balboa Avenue
- Site Acreage: 0.15
- Project Type: Reduce setbacks and building separation
Building Height (feet): 7 (Carport 1 & 2)/9 (Shed 1)/ 8 (Shed 2) /7 (Shed 3 & 4)/11 (Gazebo 1)/12 (Gazebo 2)

Site Plan

The plan depicts an existing single-family residence with driveway access from Balboa Avenue to the north. There are several existing accessory structures on the site which do not meet Title 30 standards for setbacks and separation distance requirements.

Within the front yard are 2 existing carports:

- Carport 1 is set back 18 feet from the front property line with a 1 foot separation from Carport 2 and 1 foot separation from the single-family residence.
- Carport 2 is set back 3 feet 5 inches from the front property line with a 14 inch separation from Carport 1.

The site plan shows that along the south property line there is an existing retaining wall that is set back approximately 6 feet from the rear (south) wall. Furthermore, within the rear yard there are 4 existing sheds and 2 existing gazebos described below:

- Shed 1 is located on the southeast corner of the site with an interior side setback of 1 foot and rear setback of 6 feet.
- Shed 2 is located southwest corner of the parcel with an interior side setback of 1 foot and rear setback of 1 foot.
- Shed 3 and Shed 4 are located along the west property line with a 1 foot interior side setback and a separation distance of 5 feet 5 inches from the single-family residence to the east.
- Gazebo 1 and Gazebo 2 are centrally located in the rear yard with a 19 foot separation distance from the single-family residence to the north. Gazebo 1 has a 2 foot separation from Gazebo 2.

Landscaping

Landscaping is not part of this request.

Elevations

The photos depict Carport 1 and Carport 2 are 7 feet 11 inches in height, constructed of a reddish-brown wood to match with the existing single-family residence. The submitted photos depict the following:

- Shed 1 is 9 feet in height constructed with light brown wood paneling.
- Shed 2 is a prefabricated plastic grey structure that is 8 feet 6 inches in height.
- Shed 3 is a prefabricated dark grey structure with black trim that is 7 feet 10 inches in height.
- Shed 4 is a prefabricated light brown structure with black trim that is 7 feet 3 inches in height.
- Gazebo 1 is 11 feet in height with light brown posts with dark grey roofing.
- Gazebo 2 is 12 feet in height with dark brown posts with dark grey roofing.

Applicant’s Justification

The applicant is requesting waivers of development standards to keep the 2 carports in the front yard and there 4 sheds, and 2 gazebos in the rear yard. The carports provide shade to prevent sun damage on their vehicles.

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 subdivision

Clark County Public Response Office (CCPRO)

CE25-19004 is an active violation for building without a permit and parking vehicles within unimproved or landscaping areas.

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 building separations exist to ensure safety, maintain neighborhood character, and support cohesive, aesthetically consistent development patterns. While the applicant has installed carports in the front yard, their design, color, and materials do not complement the primary

residence and further conflict with the intent of the development standards. In addition, the structures do not meet the required setbacks.

The lot provides sufficient space to relocate the sheds and gazebos in a manner that complies with setback and separation requirements. Because the placement of these structures is a matter of personal choice rather than a site-driven constraint, the hardship is self-imposed. The applicant has not demonstrated why the structures could not be relocated to meet Title 30 requirements; 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:

Comprehensive Planning

If approved:

- 1 year to complete the building permit and inspection process, if required, or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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

- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Winchester - approval.

APPROVALS:

PROTESTS:

APPLICANT: CAROL PEREIDA

CONTACT: CAROL PEREIDA, 1931 BALBOA AVENUE, LAS VEGAS, NV 89169