

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0361-MIRANDA, LUIS DANIEL ALBINO & MIRANDA, CRISTINA ALBINO:

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

Generally located on the north side of Colorado Avenue and the east side of Arden Street within Sunrise Manor. TS/jm/kh (For possible action)

RELATED INFORMATION:

APN:

161-05-510-230

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Reduce the side setback for an existing attached storage room to 7 feet where 10 feet is required per Section 30.02.06 (a 30% reduction).
 - b. Reduce the side street setback for an existing detached accessory structure (storage building) to 3 feet where 5 feet is required per Section 30.02.06 (a 40% reduction).
 - c. Reduce the rear setback for an existing detached accessory structure (storage building) to 3 feet where 5 feet is required per Section 30.02.06 (a 40% reduction).
2. Reduce the building separation between an existing accessory structure and the house (patio cover of the storage building to patio cover of the house) to 3 feet where 6 feet is required per Section 30.02.06 (a 50% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 4616 E. Colorado Avenue
- Site Acreage: 0.19
- Project Type: Setbacks and separation
- Number of Stories: 1 (addition/house/storage building)
- Building Height (feet): 8 (addition)/17 (house)/11 (storage building)
- Square Feet: 300 (addition)/1,853 (house)/144 (storage building)

Site Plan

The plan depicts a single-family residence on the northeast corner of Colorado Avenue and Arden Street. The home sits 30 feet north of the south property line and 17 feet from the west property line with a driveway on the southeast corner. A partially constructed, unpermitted, addition is attached to the west side of the home and measures 30 feet deep and 10 feet wide and aligns with the south face of the existing home. The addition reduces the house setback to 7 feet from the west property line (Arden Street).

The plan also depicts an accessory building with an attached patio cover which is situated 3 feet from the east and north property lines. The building is shown as 12 feet by 12 feet with an attached patio cover which is 10 feet by 12 feet. The leading edge of the patio cover is shown as 3 feet from the patio cover on the house.

Landscaping

Landscaping is not a part of this application.

Elevations

The attached storage room on the west side of the existing residence is shown at 8 feet high with a single door facing the rear yard and a single window centrally located on the west elevation. The roof has a shallow pitch away from the side of the existing residence. The storage room will be finished with white stucco to match the existing home.

The elevations also depict an accessory storage building that is 11 feet in height as measured from finished grade. The building roofline, roofing materials, color, and material (white stucco) match the existing home.

Floor Plans

The plan for the house addition depicts a 300 square foot open space to be used as storage which will be accessed from the backyard via a door on the north face of the addition.

The plan for the storage building is shown at 144 square feet of open space with a 120 square foot attached covered patio cover to the west.

Applicant's Justification

The applicant states that the proposed home addition and existing accessory structure will match in color, material, and appearance to the existing house, which is white stucco, for a cohesive appearance. They will be used as storage.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0165-01	Reclassified R-1 and R-2 to R-1 RNP III zoning	Approved by BCC	March 2001
VS-1580-96	Vacated and abandoned right-of-way	Approved by BCC	November 1996

Surrounding Land Use

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

Clark County Public Response Office (CCPRO)

There is an active Enforcement Case (CE24-10358) for building without a 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

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.

Staff reviews waiver requests to ensure compatibility with the existing developments in the area. Setbacks and separations help preserve the appeal and integrity of the neighborhood as well as mitigate impacts and possible safety issues. Although the proposed attached addition and detached accessory building feature rooflines, colors, and materials that are architecturally compatible with the existing residence, staff typically does not support requests to reduce setbacks unless sufficient mitigating measures are included to minimize the impact on adjacent properties. Staff finds that the applicant has not provided such mitigation, and that the encroachment into the required setbacks and separations is a self-imposed hardship that could have been avoided by constructing the addition within the RS5.2 regulations. The applicant has not provided any justification as to why reducing setbacks and separations are necessary. Therefore, staff cannot support these requests.

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 a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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)

- No comment.

TAB/CAC: Sunrise Manor - denial.

APPROVALS: 2 cards

PROTESTS: 3 cards

PLANNING COMMISSION ACTION: November 19, 2024 – HELD – To 12/03/24 – per the applicant.

APPLICANT: LUIS ALBINO

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