

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0304-FLORES-SOLIS ANTONIO & DEFLORES ROCIO DEL CARMEN ELENA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; and **2)** increase retaining wall height in conjunction with a proposed single-family residence on 0.47 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located north of Linden Avenue and east of Los Feliz Street within Sunrise Manor.
TS/jl/kh (For possible action)

RELATED INFORMATION:

APN:

140-35-501-040

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the front setback for a proposed single-family residence to 37 feet where 40 feet is required per Section 30.02.04B (an 8% reduction).
b. Reduce the rear setback for a proposed single-family residence to 29 feet where 30 feet is required per Section 30.02.04B (a 3% reduction).
2. Increase the height of a proposed retaining wall to 6.5 along the north property line where 6 feet is the maximum allowed per Section 30.04.03C (an 8% increase).

LAND USE PLAN:

SUNRISE MANOR - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 7130 Linden Avenue
- Site Acreage: 0.47
- Project Type: Single-family residence
- Number of Stories: 1
- Building Height (feet): 28
- Square Feet: 5,757

Site Plan

The site plan shows a proposed single-family residence with access from Linden Avenue. The residence is set back 37 feet from the front property line and 29 feet from the rear property line. The plan also shows 2 proposed accessory buildings north of the proposed residence that comply

with the Title 30 setback requirements. The applicant is requesting to reduce the front and rear setback since the proposed residence does not meet the front and rear setback requirements.

Landscaping

A 6 foot wide landscaping strip is proposed adjacent to the existing attached sidewalks along the property frontage of Linden Avenue.

Elevations

The elevations depict a 28 foot tall single-family residence with concrete tile roof and stucco walls. Also depicted are proposed retaining walls along the west, east, and north sides of the property with wrought iron fencing up to 5 feet high on top of the retaining walls. The applicant is requesting to increase the retaining wall height along the north property line to 6.5 feet where 6 feet is the maximum allowed per Title 30.

Floor Plans

The floor plan depicts a 5,757 square foot proposed 1 story single-family residence with a 3 car garage.

Applicant's Justification

The applicant states that because of the slope of the property, retaining walls are necessary to accommodate a septic system on the west side of the property. Therefore, the home was shifted to the east. The applicant states that they prefer this floor plan, which creates conflict with the front and rear setback requirements.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Undeveloped
West & South	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residences

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.

Since the lot is currently undeveloped, there is adequate space to comply with Title 30 setback and retaining wall height requirements. While the lot has a slope, the applicant has not provided sufficient justification for why the proposed residence and retaining wall cannot be redesigned to comply with these standards. Staff finds that the hardship is self-imposed and cannot support the 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:

- Certificate of Occupancy and shall not be issued without approval of a Certificate of Compliance.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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

- Off-site improvement permit will be required.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised the location of existing public sanitary sewer is greater than 400 feet from the parcel; if connecting to public sanitary sewer, contact the District to receive a Point of Connection; and otherwise, contact the Southern Nevada Health District with regards to sewage disposal.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ANTONIO FLORES-SOLIS

CONTACT: ANTONIO FLORES-SOLIS, 634 BENEDICT DFR, LAS VEGAS, NV 89110