

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0029-GALLAGHER, JOHN A:

HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to eliminate and reduce building separation for accessory structures in conjunction with an existing single-family residence on 0.22 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located east of Topanga Street and south of Hermosa Street within Winchester. TS/bb/kh (For possible action)

RELATED INFORMATION:

APN:

162-11-210-061

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Eliminate the building separation between an existing detached accessory structure (Conex box) and an existing single-family family residence where 6 feet is required per Section 30.02.06.
- b. Reduce the building separation between an existing detached accessory structure (gazebo) and an existing single-family family residence to 5 feet where 6 feet is required per Section 30.02.06 (a 17% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 2766 Topanga Street
- Site Acreage: 0.22
- Project Type: Accessory structures
- Number of Stories: 1
- Building Height (feet): 14 (existing residence)/9 (existing Conex box)/10 (existing gazebo)/7 (existing storage shed)
- Square Feet: 1,161 (existing residence)/160 (existing Conex box)/100 (existing gazebo)/32 (existing storage shed)

Site Plan

The site plan depicts an existing 1,161 square foot home in the center of the property with an attached carport on the south side of the home. The conex box is located immediately adjacent

to the south side of the carport and has a zero foot building separation distance, requiring a waiver of development standards. An attached patio cover is located along the east side of the home in the rear yard. A detached storage shed is located 5 feet from the rear (east) property line, and the detached gazebo structure is located at the northeast corner of the home, 5 feet, 6 inches from the attached patio cover and is also the subject of a waiver request. The driveway access is from Topanga Street at the southwest corner of the property. A 6 foot high wall and gate are located on the north side of the home adjacent to Hermosa Street.

Landscaping

Landscaping is not a part of this request.

Elevations

The elevations and photographs depict a 9 foot high metal conex box. The 10 foot high gazebo is constructed of wood and is painted a color similar to the house. The existing storage shed has an overall height and of 7 feet and is constructed of painted white wood.

Floor Plans

The plans depict that the gazebo has an overall area of 100 square feet. The conex box has an overall area 160 square feet. The storage shed is 32 square feet and the main residence has an overall area 1,161 square feet.

Applicant’s Justification

The applicant states they are working with the Building Department to get proper permits.

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

Clark County Public Response Office (CCPRO)

CE24-19967 is an active code enforcement violation related to building without a permit and outdoor storage.

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

Waiver 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.

Waiver of Development Standards #1a

The conex box is located immediately adjacent to the attached carport and does not provide required separation distance necessary to maintain a safe and visual separation distance from the main residence. The conex box could be accessed just as easily from the concrete pad being used as a driveway on the south side of the existing curb cut at the street. There is no physical barrier keeping the conex box from being moved 6 feet from the residential structure. Staff cannot support the waiver request.

Waiver of Development Standards #1b

The detached gazebo structure is less than 6 feet from the attached patio cover at the northeast corner of the home. There is adequate space in the yard to meet the required 6 foot setback or the gazebo could be modified to meet the setback requirement. Since this is a self-imposed hardship, staff cannot support the waiver 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 or the application will expire unless extended with approval of an extension of time.
- Applicant is advised 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: Winchester - approval.

APPROVALS: 4 cards

PROTESTS: 1 card

PLANNING COMMISSION ACTION: March 3, 2026 – HELD – To 03/17/26 – per the Planning Commission.

APPLICANT: JOHN GALLAGHER

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