

06/18/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0031-TEJEDA-ROMERO, ERENIA & JIMENEZ-DIAZ, JOSE FELIX:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setbacks; and **2)** reduce building separation for an accessory dwelling unit in conjunction with an existing single-family residence on 0.12 acres in an RS5.2 (Residential Single-Family) Zone.

Generally located on the south side of Imperial Avenue, 160 feet west of Frank Street within Sunrise Manor. TS/mh/ng (For possible action)

RELATED INFORMATION:

APN:

161-05-610-087

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Reduce the interior side setback for an existing accessory dwelling unit to 1 foot 11 inches where a minimum of 5 feet is required per Section 30.02.06 (a 62% reduction).
- b. Reduce the rear setback for an existing accessory dwelling unit to 3 feet where a minimum of 5 feet is required per Section 30.02.06 (a 40% reduction).
2. Reduce building separation from an existing accessory dwelling unit to the residence to 2 feet 8 inches where a minimum of 6 feet is required per Section 30.02.06 (a 56% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 4871 E. Imperial Avenue
- Site Acreage: 0.12
- Project Type: Accessory dwelling unit
- Number of Stories: 1
- Building Height (feet): 13 (accessory dwelling unit)
- Square Feet: 426 (accessory dwelling unit)

Site Plan

The plan depicts an existing single-family residence with an attached carport in the front of the property that is set back zero feet from the front and side property lines. The applicant indicates that the carport in front of the residence will be removed. There is a 426 square foot accessory

dwelling unit in the rear yard, which is located 2 feet, 8 inches away from the residence. The accessory dwelling unit is set back 1 foot, 11 inches from the side property line and 3 feet, 1 inch from the rear property line. Both the carport and the accessory dwelling unit were constructed without building permits.

Landscaping

There are no proposed or required changes to landscaping associated with this application.

Elevations

The plan depicts a 13 foot tall accessory dwelling unit with a pitched, shingled roof. The structure features stucco material and a grey tone to match the existing residence.

Floor Plan

The plan depicts a 426 square foot accessory dwelling unit featuring a living room, kitchen, bedroom, closet, and restroom.

Applicant’s Justification

The applicant states that a contractor was hired to construct the accessory structure, which has been converted into an accessory dwelling unit, but failed to obtain building permits and meet the setback requirements. The exterior materials of the accessory dwelling unit match the primary residence, and the applicant is coordinating with the Building Department to make any necessary changes to the structure.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0165-01	Reclassified 480 acres to RNP-III zoning	Approved by BCC	March 2001

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)

CE23-29923 is an active Code Enforcement case on this property for building without permits.

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 help preserve the appeal of a neighborhood as well as mitigate impacts and possible safety issues for adjacent properties. Staff finds that the location of the accessory dwelling unit may have adverse effects on the adjacent properties to the east and south. Staff typically does not support reductions in building separations as maintaining a 6 foot separation between structures is important to ensure the safety of the subject property and adjacent properties. The proposed setback and building separation reductions are a self-imposed hardship, and the applicant has not provided a compelling justification for approval of these requests or alternatives to mitigate the negative impacts on the surrounding area. 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;
- Remove the unpermitted carport in the front yard.
- 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.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

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: Sunrise Manor - denial.

APPROVALS:

PROTESTS:

APPLICANT: JOSE FELIX JIMENEZ

CONTACT: JOSE JIMENEZ, 4871 IMPERIAL AVENUE, LAS VEGAS, NV 89104