

08/06/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-24-0285-DE PRIETO, ELIZABETH N ESTRADA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduce setbacks; and **2)** reduce separation for an accessory structure in conjunction with an existing single-family residence on 0.14 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located on the south side of Edna Avenue, 175 feet east of Lindell Road within Spring Valley. JJ/jm/syp (For possible action)

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RELATED INFORMATION:

**APN:**

163-12-710-141

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce the side setback to 4 feet where 5 feet is required per section 30.02.06 (a 20% decrease).
2. Reduce the building separation to 4 feet 6 inches where 6 feet is required per Section 30.02.06 (a 25% decrease).

**LAND USE PLAN:**

SPRING VALLEY - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 5445 Edna Avenue
- Site Acreage: 0.14
- Project Type: Accessory structure
- Number of Stories: 2
- Building Height (feet): 14 (existing accessory structure)/6.8 (existing shed)
- Square Feet: 432 (existing accessory structure)/71.25 (existing shed)

Site Plan

The plan depicts an existing accessory structure (partially built), 12 feet by 18 feet, in the southeast corner of the rear yard. The accessory structure is shown at 11 feet from the south property line, 4 feet from the east property line, and 11 feet 7 inches from an existing shed to the north. The existing shed is 4 feet, 6 inches from the existing single-family residence, and 5 feet from the east property line.

### Landscaping

No changes are being made to the existing landscaping.

### Elevations

The elevations show a 2 story accessory structure that is shown at 14 feet tall. It has a central door facing the paver patio flanked by 2 white-trimmed windows on the west face. The north face has a single window on the lower level. The east face has a single window on the upper level while the south face has 1 window per level. The façade is covered with tan clapboard-style siding which is complementary, in color only, to the residence.

### Floor Plan

The floor plan of the partially built accessory structure is depicted as open on both levels with stairwell located on the interior of the back wall opposite the front door. The overall arc is 432 square feet, and the shed is 71 square feet.

### Applicant's Justification

The applicant states she likes to sew and would like a larger space to conduct her hobby and store her supplies. She states there is no intent to live in the structure despite it being air-conditioned and having electricity. She is requesting a waiver to reduce the side setback from the required 5 feet to 4 feet (a 20% reduction). The roofline and color will be complimentary to the main home but the exterior materials are clapboard versus the stucco on the residence.

### Surrounding Land Use

|                     | <b>Planned Land Use Category</b>                    | <b>Zoning District (Overlay)</b> | <b>Existing Land Use</b>  |
|---------------------|---|----------------------------------|---------------------------|
| North               | Public Use  | RS20                             | Boys & Girls Club         |
| South, East, & West | Mid-Intensity Suburban Neighborhood (up to 8 du/ac) | RS5.2                            | Single-family residential |

### **Clark County Public Response Office (CCPRO)**

CE24-07778 is for building an accessory structure without a permit and too close to the east property line.

### **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.

Although the existing yet partially built accessory structure will feature a roofline and colors 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 is a self-imposed hardship that could have been avoided by constructing the building 5 feet from the property line versus the requested 4 feet. 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 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:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ELIZABETH ESTRADA

**CONTACT:** ELIZABETH ESTRADA, 5445 EDNA AVENUE, LAS VEGAS, NV 89146