

12/03/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**ET-24-400119 (WS-23-0337)-SEPULVEDA SALVADOR ORTEGA & LUNA ELIZABETH ARTEAGA:**

**WAIVER OF DEVELOPMENT STANDARDS FIRST EXTENSION OF TIME** to reduce the building separation between existing structures in conjunction with an existing single-family residence on 0.4 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the east side of Shadow Mountain Place, 300 feet north of Carl Avenue within the Lone Mountain planning area. WM/tpd/kh (For possible action)

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RELATED INFORMATION:

**APN:**

138-24-305-015

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the building separation between the principal residence and the existing accessory apartment to 5 feet 7 inches where 6 feet is required per Table 30.40-1 (a 7% reduction).

**LAND USE PLAN:**

LONE MOUNTAIN - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 1860 Shadow Mountain Place
- Site Acreage: 0.4
- Project Type: Building separation
- Number of Stories: 1
- Square Feet: 1,490 (principal residence)/640 (room addition)/574 (accessory apartment)

Site Plan

The previously approved plan depicts an existing principal dwelling with an addition on the east side and a detached accessory apartment southeast of the addition. The addition and the accessory apartment were built without building permits. One accessory structure (shed) on the north side of the property has been moved to comply with a 5 foot setback requirement per Title 30. One carport on the northeast corner has been demolished. The principal dwelling addition was shown to be 640 square feet while the accessory apartment is 574 square feet, and both met the required setbacks. There was a 5 foot 7 inch separation between the addition and the accessory apartment, which necessitated a waiver of development standards.

### Landscaping

The plan depicted 8 trees on the subject parcel. There were 4 trees in front of the dwelling, 2 on the north side, and 2 on the southeastern portion in the rear of the property.

### Elevation

The plan depicted the addition as being approximately 14 feet in height, while the accessory apartment was 13 feet in height. The addition was shown as having a wood paneling finish, similar to the principal dwelling's wood paneling finish. The accessory apartment was shown as having a stucco finish similar in color to the principal dwelling.

### Floor Plan

The plan depicted the addition having 2 bedrooms, living room with a wet bar, and 1 bathroom. The accessory apartment included 2 bedrooms, living room, kitchen, and 1 bathroom.

### Signage

Signage was not a part of the original request

### Previous Conditions of Approval

Listed below are the approved conditions for WS-23-0337:

#### Comprehensive Planning

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- 1 year to review as a public hearing;
- Carport on the northeast corner of the site to be demolished prior to building permits;
- Remove all vehicles that are inoperable and not registered with Nevada Department of Motor Vehicles in excess of the number of vehicles allowed by Title 30.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; and that 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.

#### Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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 appears to have an existing septic system; and to please contact the Southern Nevada Health District when modifying existing plumbing fixtures.

Applicant’s Justification

The applicant states that they have faced some setbacks while trying complete the building permit process. The applicant was not able to complete the geotechnical or structural engineering steps of the permit process for the accessory apartment because of limited funds. However, all other accessory structures have been removed along with any inoperable vehicles. An extension of 2 years is being requested so that the applicant can complete the last steps of the building permit process.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-23-0337	Reduced building separation between existing structures in conjunction with an existing single-family residence	Approved by PC	August 2023

**Surrounding Land Use**

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

CE22-30959 was an active Public Response violation 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**

Title 30 standards of approval for an extension of time state an application may be denied if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws, regulations, or policies affecting the subject property. Additionally, the applicant must demonstrate the project is progressing through the applicable development permit or licensing process.

Staff finds that the applicant has been working towards completing the building permit process as conditioned in the original approval of WS-23-0337. There are active building permits in review for the building addition (BD24-02983) and for the accessory apartment (BD24-19581). Furthermore, the applicant has removed all accessory structures that were not a part of the approved application. Also, all inoperable vehicles have been removed from the subject parcel. Therefore, staff can support this request.

**Staff Recommendation**

Approval.

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**

- Until August 15, 2025 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; 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; 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](mailto: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)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTEST:**

**APPLICANT:** SALVADOR ORTEGA SEPULVEDA

**CONTACT:** SALVADOR ORTEGA SEPULVEDA, 1860 SHADOW MOUNTAIN PLACE,  
LAS VEGAS, NV 89108