

SETBACKS  
(TITLE 30)

DESERT INN RD/HORIZON ST

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-22-0199-FLUET ROBERT:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** reduced setbacks; and **2)** reduced building separation in conjunction with an existing single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the west side of Horizon Street, 85 feet north of Wingrove Avenue, and 415 feet south of Desert Inn Road within Paradise. TS/jor/syp (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-18-111-018

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the rear setback (new building addition) to the principal residence to 6 feet where 20 feet is required per Table 30.40-2 (a 70% decrease).
- b. Reduce the interior side setback of an existing accessory building (northwest storage building) to zero feet where 5 feet is required per Table 30.40-2 (a 100% decrease).
2. Reduce the building separation between the principal residence and an accessory building (northwest storage building) to 3 feet 4 inches where 6 feet is the minimum required per Table 30.40-2 (a 43% decrease).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 3383 Horizon Street
- Site Acreage: 0.2
- Project Type: Reduced setbacks and reduced building separation
- Number of Stories: 2
- Square Feet: 90 (northwest accessory storage building)/75 (southwest accessory storage building)/1935 (1740 existing principal residence/195 building addition)

### Site Plan

The site plan depicts an existing residence centrally located on the subject parcel, facing east toward Horizon Street. The southern portion of the home is 1 story and the northern portion is 2 stories. The applicant constructed a 1 story building addition at the rear portion of the northwest corner of the principal residence; hence the request to reduce the principal structure rear setback to 6 feet where 20 feet is required per Title 30. The site plan also shows that the middle portion of the rear of the principal residence will be demolished and converted back to a covered patio.

The applicant also constructed 2 new accessory storage buildings, 1 located on the northwest corner, and the second located on the southwest corner of the site. The accessory storage building on the northwest corner is set back zero feet from the north property line (where 5 feet is required) and will be relocated 7 feet from the west property line (where 5 feet is required per code), 3 feet 4 inches from the principal residence to the south (where 6 feet is required per code), 77 feet from the east property line, and 78 feet from the south property line.

The accessory storage building on the southwest corner of the site will be relocated 7 feet from the west property line (where 5 feet is required), 13 feet from the principal residence to the northeast (where 6 feet is required), 2 feet from the south property line (where 5 feet is required), 65 feet from the north property line, and 88 feet from the east property line.

Lastly, portions of the north and south property lines include a 6 foot high CMU block wall, which lowers in height and includes wrought-iron on top as it leads towards the front yard. The west property line also includes a 6 foot high CMU block wall with a 2 foot 4 inch retaining wall.

Today, the applicant is requesting the following: reduce the interior side setback of an existing accessory storage building to zero feet where 5 feet is required, reduce the rear principal structure setback (due to the building addition) to 6 feet where 20 feet is required, and reduce the building separation between the northwest storage building and the principal residence to 3 feet 4 inches where 6 feet is required per Code.

### Landscaping

There is existing landscaping and rockscape on the front and side yards. New landscaping is neither proposed nor a part of this request.

### Elevations

The submitted photos show that the majority of the existing principal residence is 1 story, except for the northern portion of the residence which is 2 stories. The photographs show that west facing elevation of the home has a minimum roofline height of 7 feet. The northwest accessory storage building has an overall height, which varies from 8 feet to 9 feet. The southwest accessory storage building has an overall height of 8 feet. The principal residence has exterior materials, which consist of stucco walls, wood trim, and brick veneer. The accessory storage buildings are constructed of wood. All existing structures are painted to match the principal residence.

Floor Plans

The principal residence includes a typical residential floor plan layout, which includes bedrooms, living room, bathrooms, and a kitchen. The building addition includes new bedrooms and bathrooms.

Applicant’s Justification

The applicant hired a contractor to convert the garage and patio areas into bedrooms to accommodate immediate family. The contractor failed to pull permits for the building addition. The lack of permits was brought to the applicant’s attention by a Clark County Code Enforcement (CE21-12775). Furthermore, 2 existing accessory structures are also in need of setback waivers, and a building separation waiver from the primary residence. The accessory storage buildings are made of wood and have been painted to match the body and trim colors of the existing home. The requested waivers are justified in that the setback reduction will not adversely impact the surrounding property owners and that many of the homes in the neighborhood have converted their garages into a living area. The reduction of separation for the accessory storage building in the northwest corner from the principal residence will also not adversely impact the surrounding properties. Lastly, many of the surrounding properties also have sheds within the side yard setbacks so this request is in-line with what is already commonly occurring. The existing room addition will allow the applicant to provide housing for the applicant’s mother and siblings.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	R-1	Single family residential

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

There is an active zoning violation on the subject parcel (CE21-12775) for building without a permit.

**STANDARDS FOR APPROVAL:**

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

**Analysis**

**Current Planning**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Although staff does not normally support setback reductions and requests to reduce building separation requirements, staff can support these requests since the existing structures are adequately screened from Horizon Street and are architecturally compatible to the principal

residence. Furthermore, the applicant's structures (accessory and building additions) blend in appropriately with the principal residence, and do not extend more than 2 feet above the existing screen walls. In addition, the accessory structures are less than 200 square feet, which meets the Title 30 definition of a shed. Staff encourages the applicant to complete the necessary building permits to ensure that the existing accessory storage buildings and building addition are safe and structurally sound for the applicant to continue to utilize.

### **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:**

#### **Current Planning**

- 6 months to complete the building permit and inspection process with any extension of time to be a public hearing.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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 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.

#### **Public Works - Development Review**

- No comment.

#### **Fire Prevention Bureau**

- No comment.

#### **Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ROBERT FLUET

**CONTACT:** G. C. GARCIA, INC C/O DOUG RANKIN, 1055 WHITNEY RANCH DRIVE, SUITE 210, LAS VEGAS, NV 89014