

SETBACKS  
(TITLE 30)

**UPDATE**  
FLAMINGO RD/HAZELCREST DR

**PUBLIC HEARING**

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-22-0037-ARLIN ARIEL & HERNANDEZ CARLOS MIGUEL:**

**AMENDED HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** building separation; **2)** setbacks; and **3)** hardscape (previously not notified) in conjunction with a single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of Hazelcrest Circle, 160 feet west of Hazelcrest Drive within Paradise. TS/nr/jo (For possible action)

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**RELATED INFORMATION:**

**APN:**

161-19-513-008

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Reduce building separation between an existing shed and a building addition to the principal structure to zero feet where 6 feet is required per Table 30.40-2 (a 100% reduction).
2.
  - a. Reduce side setback to 3 feet for an existing laundry room where 5 feet is required per Table 30.40-2 (a 40% reduction).
  - b. Reduce the rear setback for a building addition to the principal structure to 6 feet where 20 feet is required (a 70% reduction).
3. Allow 100% hardscape in the front yard where 60% is the maximum per Section 30.64.030 (a 66.7% increase). (previously not notified)

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4051 Hazelcrest Circle
- Site Acreage: 0.2
- Project Type: Setbacks
- Number of Stories: 1
- Square Feet: 1,661

- Parking Required/Provided: 3/4

Site Plans

The plans show a single family residence with a **100%** hardscaped front yard, a 2 car garage converted to living space, an attached accessory apartment in the front of the house, and an additional building addition in the rear of the structure with setback encroachments to the rear and reduced separation between an existing shed and the rear addition to the house.

Landscaping

The photo **rendering** shows the entire front yard hardscaped, **with 21 potted plants lining the front of the site.**

Elevations

The elevations show a single story residence with vertical siding and a slightly pitched roof.

Floor Plans

The floor plans show the conversion of the existing garage into 2 bedrooms with a restroom, an addition to the rear of the house with a bedroom and a restroom, and an attached accessory apartment on the north side of the house with a bedroom, kitchen, and restroom. The house now has 5 bedrooms, 6 restrooms, an exterior laundry room, living room, and 2 kitchens (the primary and the accessory apartment), storage, and living areas.

Signage

Signage is not a part of this request.

Applicant’s Justification

The applicant indicates that the additions to the house and setback encroachments were necessary to accommodate family during the pandemic without proper permitting or approvals. **The applicant has provided 5 letters of support of the application for setback encroachments. The justification letter states the waivers are needed to create a compliant property in harmony with the purpose of Title 30.**

**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

**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.

Staff reviews waiver requests to ensure compatibility with existing development in the area. Setbacks and separations help to preserve the appeal and integrity of a neighborhood as well as mitigate impacts and possible safety issues. The applicant indicates that the construction of the building additions, **the paving of the entire front yard**, and **building the** attached accessory apartment were constructed without permits to provide emergency housing during the pandemic. The proposed reduction in setbacks is not common in the surrounding area, **nor is an entirely paved front yard**. The proposed reductions in setbacks **and paving** are a self-imposed **hardship**, and the applicant has not provided any alternatives to mitigate negative impacts on the surrounding area. Since the proposed encroachments are not in keeping with the area and intentionally built without permits when the County offices were operating throughout the pandemic; staff finds that the applicant has not provided sufficient justification as to why the waivers of development standards should be approved; 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:**

#### **Current Planning**

If approved:

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit 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**

- Applicant is advised that the new driveway must comply with Uniform Standard Drawing #223.

**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:** Paradise - denial.

**APPROVALS:** 3 cards

**PROTESTS:** 1 card

**PLANNING COMMISSION ACTION:** March 15, 2022 – HELD – To 04/05/22 – per the applicant.

**PLANNING COMMISSION ACTION:** April 5, 2022 – HELD – No date – per the applicant.

**APPLICANT:** ARIEL ARLIN

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