

**ATTACHMENT A**  
**LONE MOUNTAIN CITIZENS ADVISORY COUNCIL**  
**ZONING AGENDA**  
**TUESDAY, 6:30 P.M., JANUARY 31, 2017**

02/22/17 PC

1. **TM-0030-16 - BRUCE ALVERSON TRUST, ET AL:**  
**HOLDOVER TENTATIVE MAP** consisting of 22 single family residential lots and common lots on 12.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Deer Springs Way (alignment) and the east and west sides of Rebecca Road (alignment) within Lone Mountain. MK/dg/ml (For possible action)
  
2. **WS-0152-16 – BRUCE ALVERSON TRUST, ET AL:**  
**HOLDOVER WAIVER OF DEVELOPMENT STANDARDS** for full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Deer Springs Way (alignment).  
**DESIGN REVIEWS** for the following: 1) single family residential subdivision; and 2) increase the finish grade on 12.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located on the north side of Deer Springs Way (alignment) and the east and west sides of Rebecca Road (alignment) within Lone Mountain. MK/dg/ml (For possible action)
  
3. **WS-0903-16 – SECURITY FAMILY TRUST:**  
**WAIVER OF DEVELOPMENT STANDARDS** to increase the height of a proposed accessory structure.  
**WAIVERS OF CONDITIONS** for the following: 1) use permit (UC-0811-03) subject to 50 foot rear yard setback on Lots 4, 5, 6, and 7; and 2) use permit (UC-2131-04) subject to any accessory structure along north property line being 1 story, no higher than 17 feet for a proposed accessory structure and patio cover addition in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone. Generally located 600 feet north of Craig Road, 200 feet east of Cimarron Road within Lone Mountain. LB/md/mcb (For possible action)

DEER SPRINGS & REBECCA  
(TITLE 30)

DEER SPRINGS WY/REBECCA RD

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**TM-0030-16 - BRUCE ALVERSON TRUST, ET AL:**

**HOLDOVER TENTATIVE MAP** consisting of 22 single family residential lots and common lots on 12.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the north side of Deer Springs Way (alignment) and the east and west sides of Rebecca Road (alignment) within Lone Mountain. MK/dg/ml (For possible action)

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RELATED INFORMATION:

**APN:**

125-23-201-017

**LAND USE PLAN:**

LONE MOUNTAIN – RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 12.8
- Number of Lots/Units: 22
- Density (du/ac): 1.7
- Gross Minimum/Maximum Lot Size (square feet): 20,100/27,400
- Net Minimum/Maximum Lot Size (square feet): 18,500/21,300
- Project Type: Single family residential development

Site Plan

The plans depict a proposed single family residential development consisting of 22 lots on 12.8 acres for a total density of 1.7 dwelling units per acre. The lots will be served by an internal street network consisting of 37 foot wide private streets with no sidewalks. The private streets are depicted as easements and part of the overall lot sizes. Access to the development is from a private roadway easement which was established when Deer Springs Way was previously vacated.

The applicant provided a cross section for the Deer Springs Way alignment directly in front of this proposed development which depicts the following: 1) existing 40 foot wide easement for prescribed utility companies; 2) 20 foot wide roadway, utility, and incidental purposes easement contained within the 40 foot wide utility easement; and 3) a new 40 foot wide access easement directly adjacent to the 20 foot roadway and incidental purposes easement.

Since Deer Springs Way is a collector street alignment and based on the street cross sections provided by the applicant, a waiver of curb, gutter, sidewalk, streetlights, and partial paving (the street will consist of the minimum required paving for air quality regulations) is being requested.

Cross sections submitted with this request indicate pad sites for some of the proposed residences will require the finished grade to be increased by a maximum of 4 feet (48 inches) above the finished grade of the adjacent properties. The maximum difference of 48 inches occurs along the west boundary.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & South	Rural Neighborhood Preservation (up to 2 du/ac)	R-A	Agriculture/livestock and single family residences
East & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-1)	Single family residences

**Related Applications**

<b>Application Number</b>	<b>Request</b>
WS-0152-16	A waiver of development standards for off-site improvements along Deer Springs Way and design review for a single family residential development on 12.8 acres is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

This request meets the tentative map requirements as outlined in Title 30. However, since staff does not support the request associated with WS-0152-16, staff cannot support this application.

**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 Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

**PRELIMINARY STAFF CONDITIONS:**

**Current Planning**

If approved:

- 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; and that a final map for all, or a portion, of the property included under this application must be recorded within 4 years or it will expire.

**Public Works – Development Review**

- Drainage study and compliance.

**Current Planning Division – Addressing**

- Fairfield Street is a duplicate street name and needs an approved name.

**Building/Fire Prevention**

- Applicant is advised that when installing streets using “L” type curbs, a minimum of 37 feet wide is required, back of curb to back of curb, if using rolled curbs, a minimum 39 foot widths are required, from back of curb to back of curb; fire/emergency access must comply with the Fire Code as amended; and to show fire hydrant locations on-site and within 750 feet.

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

- CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and is advised to contact either the SNHD or the City of Las Vegas with regards to sewage disposal.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**COUNTY COMMISSION ACTION:** April 20, 2016 – HELD – To 07/06/16 – for the applicant to attend the Lone Mountain CAC meeting

**COUNTY COMMISSION ACTION:** July 6, 2016 – HELD – To 08/03/16 – per the applicant.

**COUNTY COMMISSION ACTION:** August 3, 2016 – HELD – To 11/02/16 – per the applicant.

**COUNTY COMMISSION ACTION:** November 2, 2016 – HELD – To 02/22/17 – per the applicant.

**APPLICANT:** D.R. Horton

**CONTACT:** Triton Engineering, 6757 W. Charleston Boulevard, Suite B, Las Vegas, NV 89146

02/22/17 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL  
DEVELOPMENT  
(TITLE 30)

**UPDATE**  
DEER SPRINGS WY/REBECCA RD

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-0152-16 – BRUCE ALVERSON TRUST, ET AL:**

**HOLDOVER WAIVER OF DEVELOPMENT STANDARDS** for full off-site improvements (partial paving, curb, gutter, sidewalk, and streetlights) along Deer Springs Way (alignment).  
**DESIGN REVIEWS** for the following: **1)** single family residential subdivision; and **2)** increase the finish grade on 12.8 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the north side of Deer Springs Way (alignment) and the east and west sides of Rebecca Road (alignment) within Lone Mountain. MK/dg/ml (For possible action).

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**RELATED INFORMATION:**

**APN:**  
125-23-201-017

**DESIGN REVIEWS:**

1. A proposed single family residential development.
2. Increase finish grade up to 48 inches where 18 inches is the standard (a 166% increase).

**LAND USE PLAN:**  
LONE MOUNTAIN – RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**  
**Project Description**

**General Summary**

- Site Address: N/A
- Site Acreage: 12.8
- Number of Lots/Units: 22
- Density (du/ac): 1.7
- Gross Minimum/Maximum Lot Size (square feet): 20,100/27,435
- Net Minimum/Maximum Lot Size (square feet): 18,538/21,372
- Project Type: Single family residential development
- Number of Stories: 1
- Building Height: Up to 26 feet (single family residences)
- Square Feet: 3,845 to 5,100

### Site Plan

The plans depict a proposed single family residential development consisting of 22 lots on 12.8 acres for a total density of 1.7 dwelling units per acre. The lots will be served by an internal street network consisting of 37 foot wide private streets with no sidewalks. The private streets are depicted as easements and part of the overall lot sizes. Access to the development is from a private roadway easement which was established when Deer Springs Way was previously vacated.

The applicant provided a cross section for the Deer Springs Way alignment directly in front of this proposed development which depicts the following: 1) existing 40 foot wide easement for prescribed utility companies; 2) 20 foot wide roadway, utility, and incidental purposes easement contained within the 40 foot wide utility easement; and 3) a new 40 foot wide access easement directly adjacent to the 20 foot roadway and incidental purposes easement.

Since Deer Springs Way is a collector street alignment and based on the street cross sections provided by the applicant, a waiver of curb, gutter, sidewalk, streetlights, and partial paving (the street will consist of the minimum required paving for air quality regulations) is being requested.

Cross sections submitted with this request indicate pad sites for some of the proposed residences will require the finished grade to be increased by a maximum of 4 feet (48 inches) above the finished grade of the adjacent properties. The maximum difference of 48 inches occurs along the west boundary.

### Landscaping and Buffering

Street landscaping consists of 6 foot wide landscape areas along the Deer Springs Way alignment with landscaping along the street side of the perimeter wall. There is also a 15 foot wide landscape area on either side of the gated private street entrance area to the development.

### Elevations

The plans show four, 1 story models with a maximum height of 26 feet. Building materials consist of stucco finish, stone veneer, and wood elements with each home model having optional elevations. Each option consists of slightly different architectural elements and design. Decorative trim is provided along all windows and doors on all elevations.

### Floor Plans

The plans depict homes ranging in size from 3,845 to 5,100 square feet (livable area) with options, which may further increase the area of each model. All models will have a 3 car garage and some models will have a 4 car garage option with 1 model also depicting an attached casita. The garages can either be front loaded or side loaded, depending on the chosen option.

### Applicant's Justification

The request is a 22 lot, gated single family residential development on 12.8 acres for a density of 1.7 units per acre. The home models adhere to Title 30 design standards and consist of 4 single story homes ranging from 3,845 to 5,100 square feet.

The maximum difference in finished grade of 48 inches occurs along the west boundary due to the natural flat slope of the area. The waiver of development standards for off-sites is to develop

the Deer Springs Way alignment to rural street standards which will conform to the surrounding neighbors.

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & South	Rural Neighborhood Preservation (up to 2 du/ac)	R-A & R-E	Agriculture/livestock & single family residences
East & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residences

**Related Applications**

<b>Application Number</b>	<b>Request</b>
TM-0030-16	A tentative map for a 22 lot single family residential development on 12.8 acres is a companion item on this agenda.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Current Planning**

Design Review #1

Per Chapter 30.48.170 of the Development Code, the purpose of the Residential Neighborhood Preservation (RNP-I) Overlay District is to ensure that the character of rural development is preserved. The RNP-I Overlay requires an area designated within any of the various adopted land use plans be maintained as low density residential development not to exceed an overall density of 2 dwelling units per acre. The design and density of the project generally complies with Urban Land Use Policy 4 of the Comprehensive Plan which encourages, in part, the preservation of existing residential neighborhood by developing vacant lots at similar densities as the existing area. The net lot sizes comply with Policy 3.4a of the Lone Mountain Land Use Plan which encourages, in part, a minimum lot size of 18,500 net square feet or larger. However, RNP areas differ from one planning area to another and even within planning areas, the character of RNP areas may substantially differ based on uses, historic development patterns, traffic conditions and patterns, required public improvements such as adequate transportation facilities and accessibility. The aforementioned policies are intended for RNP areas in general and not necessarily for area specific conditions.

Staff finds the proposed development to be inconsistent and out of character with the neighborhood and does not further Title 30 or comply with the Comprehensive Plan. The lot sizes, along this portion of the Deer Springs Way alignment where the right-of-way has been vacated, are substantially larger than those proposed with this request. There are smaller lots to the east but those developments have access from a public right-of-way. Site access and circulation for an additional 22 lots along this portion of the private Deer Spring Way alignment will overburden a private access easement that has not been designed to accommodate an additional 220 ADR's (Average Daily Trips) and will negatively impact adjacent roadways and/or neighborhood traffic. Therefore, the design of the site is not compliant with Urban Land Use Policy 10 of the Comprehensive Plan which encourages, in part, site designs that are

compatible with adjacent land uses and off-site circulation pattern and is also not compliant with Urban Land Use Policy 37 which discourages new gated communities in estate residential areas.

Therefore, staff cannot support this request and finds the request has not satisfied the standards for approval of a design review related to land use and neighborhood compatibility and access and traffic impacts.

### **Public Works – Development Review**

#### Waiver of Development Standards

Historical events have demonstrated how important off-site improvements are for drainage control in the Valley. Additionally, improved roadways provide for a better flow of traffic, and sidewalks provide safer pathways for children to walk to school. Staff cannot support the waiver of development standards for full off-sites along Deer Springs Way.

#### Design Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

#### **Staff Recommendation**

Approval of design review #2; and denial of the waiver of development standards and design review #1.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Current Planning**

If approved.

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- 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; and that this application must commence within 2 years of approval date or it will expire.

##### **Public Works – Development Review**

- Execute a restrictive covenant agreement (deed restrictions);
- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences are needed to mitigate drainage through the site;
- A minimum 32 foot wide asphalt road where paving does not exist.

- Applicant is advised that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

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

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county. Applicant is advised to contact the Southern Nevada Health District or the City of Las Vegas with regards to sewage disposal.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS: 5 cards**

**COUNTY COMMISSION ACTION:** April 20, 2016 – HELD – To 07/06/16 – for the applicant to attend the Lone Mountain CAC meeting.

**COUNTY COMMISSION ACTION:** July 6, 2016 – HELD – To 08/03/16 – per the applicant.

**COUNTY COMMISSION ACTION:** August 3, 2016 – HELD – To 11/02/16 – per the applicant.

**COUNTY COMMISSION ACTION:** November 2, 2016 – HELD – To 02/22/17 – per the applicant.

**APPLICANT:** D.R. Horton

**CONTACT:** Triton Engineering, 6757 W. Charleston Boulevard #B, Las Vegas, NV 89146

ACCESSORY STRUCTURE  
(TITLE 30)

CRAIG RD/CIMARRON RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-0903-16 – SECURITY FAMILY TRUST:**

**WAIVER OF DEVELOPMENT STANDARDS** to increase the height of a proposed accessory structure.

**WAIVERS OF CONDITIONS** for the following: 1) use permit (UC-0811-03) subject to 50 foot rear yard setback on Lots 4, 5, 6, and 7; and 2) use permit (UC-2131-04) subject to any accessory structure along north property line being 1 story, no higher than 17 feet for a proposed accessory structure and patio cover addition in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located 600 feet north of Craig Road, 200 feet east of Cimarron Road within Lone Mountain. LB/md/mcb (For possible action)

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RELATED INFORMATION:

**APN:**

138-04-611-004

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the height of a proposed accessory structure to 32 feet where 25 feet is the standard (a 28% increase).

**LAND USE PLAN:**

LONE MOUNTAIN – RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 7976 Lookout Rock Circle
- Site Acreage: 0.5
- Project Type: Accessory structure
- Number of Stories: 2
- Building Height: 32
- Square Feet: 1,984

**History**

In August 2003, the Board of County Commissioners (BCC) approved a use permit (UC-0811-03) for a single family residential planned unit development (PUD) consisting of 21 residential lots with a density of 1.75 dwelling units per acre on a total of 12 acres in the R-E/RNP-I Zone. A condition was placed on the PUD requiring a 50 foot rear yard setback on Lots 4, 5, 6, and 7.

within the residential development to ensure an adequate buffer was provided between the future residential units and the existing residential development to the north containing standard size R-E lots in the R-E/RNP-I Zone.

In January 2005, the BCC approved a subsequent use permit (UC-2131-04) for a modification to the previously approved single family residential PUD. A waiver of development standards was also approved to allow second story accessory structures where a loft is permitted; however, a condition was placed on the application limiting any accessory structures along the north property line to 1 story and no higher than 17 feet. The intent of the condition was to limit the height of any future accessory structures that would have an adverse or negative impact on the residential development to the north.

#### Site Plans

The plans depict an existing 2 story, 5,195 square foot single family residence with a proposed 2 story, 1,984 square foot accessory structure. The subject property, Lot 4, is located within the subject PUD (UC-0811-03 and UC-2131-04). The accessory structure is on the northwestern portion of the site, and has 5 foot rear and interior side yard setbacks. A proposed patio cover addition, which is attached to an existing patio cover, has a 38 foot rear yard setback. Access to the site is granted from Lookout Rock Circle, a private street.

#### Landscaping

Six Eucalyptus trees are proposed along the western property line, adjacent to Lookout Rock Circle. Eight Juniper trees are proposed along the western portion of the accessory structure and 6 Juniper trees are proposed along the northern portion of the structure. Six Japanese Blueberry trees are proposed along the rear property line, located to the northeast of the accessory structure. A plum tree is also proposed at the northeast corner of the rear property line. All existing landscaping depicted on the plans will remain.

#### Elevations

The plans depict a proposed 2 story, 32 foot high accessory structure with a stucco exterior. A concrete tile roof with an 8:12 roof pitch is proposed for the accessory structure, to match the existing roof of the single family residence. The south elevation depicts an overhead garage door on the first floor, with 3 windows and decorative wood shutters illustrated on the second floor. Two dormers with windows and decorative wood shutters are also proposed on the south elevation. The east and west side elevations consist of a stucco exterior with a first floor entry door depicted on both sides. The north elevation depicts a stucco exterior and does not include any windows and doors.

#### Floor Plans

The first floor plan depicts a 992 square foot area consisting of a garage, with a bathroom, linen closet, washer, dryer, and water heater connections, and cabinets. The second floor plan depicts a game room consisting of 992 square feet.

#### Waiver of Conditions and Waiver of Development Standards Request

A waiver of conditions (UC-0811-03) is requested for Lot 4 only to reduce the rear yard setback for the patio cover addition. A waiver of conditions (UC-2131-04) is requested for Lot 4 to waive the original condition limiting the height of the accessory structure. A waiver of development standards to increase the height of the accessory structure is also requested.

### Applicant's Justification

The applicant states that the goal is to maintain the architectural integrity of the residential development. The 8:12 roof pitch proposed with the accessory structure is designed to match the existing single family residence; therefore, the waiver of conditions and waiver of development standards requests are necessary to increase the height of the structure to accommodate the trusses used for the building. The applicant indicates that the mature landscaping on their property will provide privacy to the adjacent residential lots to the north. The applicant states that the mature landscaping on the neighboring lots to the north will also provide privacy. Three letters of support from adjacent property owners (north, east, and west) impacted by the project were provided to staff.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-2131-04	Modification to a previously approved planned unit development; waiver to allow a second story accessory structure where a loft is permitted	Approved by BCC	January 2005
TM-0439-03	Tentative map for 21 residential lots and 3 common element lots	Approved by PC	November 2003
UC-0811-03	Detached single family residential planned unit development; waiver for off-site improvements, including a reduction in paving width.	Approved by BCC	August 2003
ZC-0296-01	Reclassified multiple parcels of land from R-E & R-A to R-E(RNP-I), R-A(RNP-I), & R-A (RNP-II)	Approved by BCC	September 2001

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Rural Neighborhood Preservation (up to 2 du/ac)	R-E(RNP-I)	Single family residence
South	Rural Neighborhood Preservation (up to 2 du/ac)	R-E(RNP-I)	Single family residence within the same subdivision
East	Rural Neighborhood Preservation (up to 2 du/ac)	R-E(RNP-I)	Single family residence within the same subdivision
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E(RNP-I)	Single family residence within the same subdivision

### **STANDARDS FOR APPROVAL:**

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

### **Analysis**

#### **Current Planning**

#### Waiver of Development Standards & Waiver of Conditions #2

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 and value 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 finds that the proposed height of the accessory structure is incompatible and not consistent with the height of existing accessory structures on the adjacent properties and the surrounding residential development. The intent of the condition imposing a height limitation on accessory structures along the northern property line was to limit the height of any future accessory structures that would have an adverse or negative impact on the existing residential development to the north. Staff finds that the proposed accessory structure does not comply with Urban Land Use Policy 10 of the Comprehensive Plan which encourages site designs to be compatible with adjacent land uses. Therefore, staff cannot support this request. The plans depict proposed landscaping along the western and northern sides of the accessory structure; therefore, staff recommends that if the request is approved a condition requiring the installation of the depicted landscaping to mitigate any adverse impacts on the surrounding properties. Staff also recommends a condition for a setback of 38 feet for the patio cover addition apply to Lot 4 only.

#### Waiver of Conditions #1

Staff finds the intent of the condition imposing a 50 foot rear yard setback on Lots 4, 5, 6, and 7 was to ensure adequate buffering between the single family residences within the PUD and the residential development to the north. While the existing patio cover may not provide ideal shade from the sun, staff finds the request to waive the setback condition is inconsistent with the setbacks of the adjacent residences (Lots 5 through 7) to the east, all of which have a minimum rear yard setback of 50 feet. Therefore, staff cannot support this request. Staff recommends that if the request is approved a condition limiting the maximum accessory structure height to 32 feet apply to Lot 4 only.

#### **Staff Recommendation** Denial.

Approval of the waiver of conditions request constitutes a finding by the Commission/Board that the conditions will no longer fulfill its intended purpose.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes.

#### **PRELIMINARY STAFF CONDITIONS:**

##### **Current Planning**

If approved:

- Per landscape plans on file;
- A setback of 38 feet for patio cover applies to Lot 4 only;
- Maximum accessory structure height of 32 feet applies to Lot 4 only.
- 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; and that this application must commence within 2 years of approval date or it will expire.

**Public Works -- Development Review**

- No comment.

**Building/Fire Prevention**

- No comment.

**TAB/CAC:**

**APPROVALS:** 3 letters

**PROTESTS:**

**APPLICANT:** Milton K. Theodore

**CONTACT:** Milton K. Theodore, 7976 Lookout Rock Circle, Las Vegas, NV 89129

**DRAFT**