

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-25-0705-FARMER, JUSTIN:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduce setback; **2)** reduce building separation; **3)** eliminate access gate setback; **4)** allow modified driveway geometrics; **5)** waive full off-site improvements; and **6)** allow non-standard improvements in the right-of-way in conjunction with an existing single-family residence on 0.50 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located south of Tropical Parkway and west of Kevin Way within Lone Mountain. AB/jam/cv (For possible action)

RELATED INFORMATION:

APN:
125-29-303-003

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the side street setback of an existing detached accessory storage building to 8 feet where 10 feet is required per Section 30.02.04 (a 20% reduction).
2. Reduce the building separation between an existing detached accessory storage building and an existing single-family family residence to 5 feet where 6 feet is required per Section 30.02.04 (a 17% reduction).
3. Eliminate the setback for existing access gates along the north property line (Tropical Parkway) where 20 feet is required per Section 30.04.03E (a 100% reduction).
4.
 - a. Allow 3 curb cut driveways where 1 is permitted per Uniform Standard Drawing 222 (a 200% increase).
 - b. Reduce the radius separation from a proposed driveway along Tropical Parkway to 7.5 feet where a minimum of 12 feet is required per Uniform Standard Drawing 222 (a 38% reduction).
 - c. Reduce the separation from a proposed driveway along Tropical Parkway to a property line to 4 feet where a minimum of 6 feet is required per Uniform Standard Drawing 222 (a 33% reduction).
5.
 - a. Waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Tropical Parkway where required per Section 30.04.08C.
 - b. Waive off-site improvements (curb, gutter, sidewalk, streetlights, and partial paving) along Kevin Way where required per Section 30.04.08C.
6. Allow non-standard improvements (paved driveway and curb) within the right-of-way of Tropical Parkway where not permitted per Section 30.04.08C.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 5985 N. Kevin Way
- Site Acreage: 0.50
- Project Type: Existing detached accessory storage building, access gate setback, modified driveway geometrics, and off-site improvements
- Number of Stories: 1 (existing detached accessory storage building)/1 (existing single-family residence)/1 (existing metal shade structure)
- Building Height (feet): 16 (existing detached accessory storage building)/10 (existing metal shade structure)
- Square Feet: 1,478 (existing detached accessory storage building)/3,760 (existing single-family residence)/256 (existing metal shade structure)

Site Plan

The site plan depicts an existing single-family residence centrally located on the parcel and faces south toward a private cul-de-sac adjacent to Kevin Way. The plans show an existing metal shade structure southeast of the existing residence that meets all required setbacks per code. The site plan also renders an existing detached accessory storage building built without permits located on the northeast corner of the subject parcel. This building is set back 5 feet away from the existing residence to the southwest, 10 feet from the north property line, and 8 feet from the northeast corner property line. The applicant is requesting to reduce the side street setback of the accessory storage building to 8 feet where 10 feet is required per code. Furthermore, the applicant is requesting to reduce the building separation between the accessory storage building and the existing residence to 5 feet where 6 feet is required per code.

Access to the accessory storage building is from an existing driveway on the northeast corner of the site adjacent to Tropical Parkway. The northeast driveway includes an existing access gate set back zero feet from the north property line and an additional existing access gate located on the northwest corner of the site which is set back 4 feet from the north property line. Since there have been improvements added to the driveways along the north property line, a waiver to allow non-standard improvements within the right-of-way is a part of this application. Furthermore, the applicant is requesting waivers of development standards related to driveway geometrics along the north property line and to not install off-site improvements along Tropical Parkway and Kevin Way.

Landscaping

There is existing landscaping within the front yard and along the east property line. The existing landscaping includes mature trees and shrubs. However, off-site improvements are required along Tropical Parkway and is subject to a waiver of development standards request. Per Section 30.04.01D, when curb, gutter, and sidewalk are not installed, a 6-foot-wide landscaped area shall be provided on-site. Since the applicant is not providing the landscape area a waiver of development standards is also required.

Elevations & Floor Plans

The plans show that the existing residence has an overall area of 3,760 square feet. In addition, the plans show an existing 1,478 square foot detached accessory storage building with an overall height of 16 feet with 2 roll-up doors on the north elevation and 1 roll-up door on the south elevation and an entry door on the west elevation. The exterior material is made up of gray corrugated metal. There is also an existing metal shade structure with an overall height of 10 feet and an overall area of 256 feet.

Applicant's Justification

The applicant states he was unaware of the permitting process required for a pre-engineered metal building. The applicant was also unaware of the concept of architectural compatibility as defined in the previous Title 30; however, based on the most recent version of Title 30, in Section 30.04.05.F.7.ii(b)(1) "any accessory structure...within the side or rear yard visible from any street of residential development, shall use complementary exterior colors and building materials compatible with the primary building". The applicant believes the gray corrugated metal structure complements the wood framed with stucco primary house. The applicant did not provide justification as to why the existing structures and access gates do not meet the required setbacks and separation distances.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Open Lands	PF	LVVWD Facility
South, East, West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential

Clark County Public Response Office (CCPRO)

CE21-18923 is an active case for building without permits and setback violations.

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.

Waivers of Development Standards #1 & #2

The requested separation and setback reductions are a self-imposed hardship that would have been prevented if the applicant sought information regarding the structures prior to constructing them. Additionally, the storage building is not architecturally compatible with the residence in material or color and no mitigation to reduce the potential negative impacts has been provided. Separation distances between structures are essential to ensure safety and mitigate visual clutter. Staff does not typically support requests to reduce setbacks or building separations, however the building separation only being reduced by 1 foot still provides the intended result. Therefore, staff cannot support waiver #1 but can support waiver #2.

Waiver of Development Standards #3

Staff does not normally support waivers for access gate setbacks, as these setbacks are imposed to cut down on stacking within the right-of-way and avoid any potential safety hazards. In this case, reducing the setback to zero feet, does not allow any stacking outside of the right-of-way and may pose potential negative safety impacts to the travelers along Tropical Parkway. Therefore, staff cannot support this request.

Public Works - Development Review

Waiver of Development Standards #4

Staff finds that either one or both driveway along Tropical Parkway should be removed to provide the safest flow of traffic. The driveways will require vehicles to back out into the right-of-way of Tropical Parkway, a collector street, creating the potential for collisions with both pedestrians and vehicles. Additionally, the northeasterly driveway was built within the spandrel, which is prohibited. Furthermore, the permit process was completely disregarded and the driveways were illegally built without the development standard requirements. Narrower driveways result in more vehicles stopping in the right-of-way while drivers attempt to negotiate the tight turns that will be required. Therefore, staff cannot support this request.

Waiver of Development Standards #5

Historical events have demonstrated how important off-site improvements are for drainage control. Additionally, full width paving allows for better traffic flow and sidewalks on public streets provide safer pathways for pedestrians and for children to walk to school. Therefore, staff cannot support the waiver of development standards for full off-site improvements.

Waiver of Development Standards #6

Staff cannot support the request to allow non-standard improvements within the right-of-way as this area is planned be fully developed in the near future.

Staff Recommendation

Approval of waivers of development standards #2; denial of waivers of development standards #1, #3, #4, #5, and #6.

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

- Execute a Restrictive Covenant Agreement (deed restrictions);
- Execute a License and Maintenance Agreement for any non-standard improvements within the right-of-way;
- Vehicular access from the northeasterly driveway is prohibited;
- Applicant to construct a circular driveway south of the site;
- Driveways on Tropical Parkway must be permitted and approved;
- Applicant is advised that signs, structures, and landscaping shall not encroach into public right-of-way, easements, or sight-visibility zones.

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 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; please contact the Southern Nevada Health District with regard to modifying existing plumbing fixtures.

TAB/CAC: Lone Mountain - denial.

APPROVALS: 3 cards

PROTESTS: 3 cards, 1 letter

COUNTY COMMISSION ACTION: November 19, 2025 – HELD – To 12/03/25 – per the applicant.

APPLICANT: ELICIA MONTGOMERY

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