

07/15/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0328-BARRAGAN ANA MAGDALENA:**

**WAIVER OF DEVELOPMENT STANDARDS** to reduce front setback for a proposed single-family residence on 0.50 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located north of Sheila Avenue and west of Michael Way within the Lone Mountain Planning Area. MK/tpd/cv (For possible action)

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RELATED INFORMATION:

**APN:**

138-13-310-017

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the front setback to 35 feet for a proposed single-family residence where 40 feet is required per Section 30.02.04 (a 12% reduction).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: N/A
- Site Acreage: 0.50
- Project Type: Reduced front setback
- Number of Stories: 2
- Building Height (feet): 28
- Square Feet: 4,053

**Site Plan**

The plan depicts a proposed single-family residence that is 35 feet from the south property line (front) and 79 feet from the north property line (rear). The residence will also be 24 feet from the east property line (side interior) and 22 feet from the west property line (side interior). There is a detached garage indicated on the plan that will be built at a later date, and is not a part of this request. Access to the site is provided via driveway off Sheila Avenue.

**Landscaping**

The applicant is proposing to install large trees, small trees, and shrubs within the front yard of the proposed single-family residence.

### Elevations

The plan depicts a proposed two story single-family residence with a varying pitched roofline with a total height of 28 feet. The residence will have balconies on the north and south elevations. A covered porch will be constructed on the south side of the residence. There will be various doors and windows on all 4 sides of the property.

### Floor Plans

The plans depict a proposed single-family residence with 2 levels. The first level has a laundry room, bathrooms, kitchen area, bedrooms, living room, and home office. The second level has bedrooms, bathroom, balcony, and loft area.

### Applicant's Justification

The applicant states the request would not have a negative impact on the adjacent properties. It abides by community CC&Rs within the existing subdivision and matches existing setbacks for the surrounding residences. The parcel has been vacant for a long time and the proposed development would benefit the surrounding area.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	City of Las Vegas	R-PD2	Single-family residence
South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residence

### **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**

##### Waiver 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.

Staff believes the proposed single-family residence could be designed in a manner that conforms with Title 30 standards. There is ample room in the rear yard to push the house back so that it complies with the required setback and the applicant has not provided justification as to why the house could not be designed differently. This request is a self-imposed hardship, and staff cannot support this request.

**Department of Aviation**

The development will penetrate the 100:1 notification airspace surface for North Las Vegas Airport (VGT). Therefore, as required by 14 CFR Part 77, and Section 30.02.26B.3(ii) of the Clark County Unified Development Code, the Federal Aviation Administration (FAA) must be notified of the proposed construction or alteration.

The property lies just outside the AE-60 (60-65 DNL) noise contour for the North Las Vegas Airport and is subject to potentially significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Airport to meet future air traffic demand.

**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:****Comprehensive Planning**

If approved:

- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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**

- No comment.

**Department of Aviation**

- Applicant is required to file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Department of Aviation;
- If applicant does not obtain written concurrence to a "Property Owner's Shielding Determination Statement," then applicant must also receive either a Permit from the Director of Aviation or a Variance from the Airport Hazard Areas Board of Adjustment (AHABA) prior to construction as required by Section 30.02.26B of the Clark County Unified Development Code. Applicant is advised that many factors may be considered before the issuance of a permit or variance, including, but not limited to, lighting, glare, graphics, etc.;

- No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA or a "Property Owner's Shielding Determination Statement" has been issued by the Department of Aviation.
- Applicant is advised that the FAA's determination is advisory in nature and does not guarantee that a Director's Permit or an AHABA Variance will be approved; that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments; and that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment; that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office at [landuse@lasairport.com](mailto:landuse@lasairport.com) is strongly encouraged; and that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998, and funds will not be available in the future should the residents wish to have their homes purchased or soundproofed

**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:**

**PROTESTS:**

**APPLICANT:** ANA MBARRAGAN

**CONTACT:** ANA BARRAGAN, LAS VEGAS, 8737 COUNTRY VIEW AVENUE, LAS VEGAS, NV 89129