



# MT. CHARLESTON TOWN ADVISORY BOARD

## Mt. Charleston Library

75 Ski Chalet Place  
Las Vegas, NV 89124

September 2, 2021  
7:00pm

### AGENDA

**Note:**

- Items on the agenda may be taken out of order.
- The Council may combine two (2) or more agenda items for consideration.
- The Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to the Board of County Commissioners' Zoning Commission (BCC) or the Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With a forty-eight (48) hour advance request, a sign language interpreter or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling (702) 455-3530, TDD at (702) 385-7486, or Relay Nevada toll-free at (800) 326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from Lara McAdam at 702-592-1441.
  - Supporting material is/will also available at the Clark County Department of Administrative Services, 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155.
  - Supporting material is/will be available at <https://clarkcountynv.gov/MtCharlestonTAB>

Board/Council Members: Chair, Brenda Talley Vice Chair, Ernie Freggiaro  
 Curtis Alexander Misty Haji-Sheikh Olivia Vallee

Secretary: Lara McAdam, 702-592-1441, [LaraTAB.CAC@gmail.com](mailto:LaraTAB.CAC@gmail.com)  
 Clark County Department of Administrative Services,  
 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

County Liaison(s): Meggan Holzer, 702-455-0341, [meggan@clarkcountynv.gov](mailto:meggan@clarkcountynv.gov)  
 Clark County Department of Administrative Services,  
 500 S. Grand Central Parkway, 6th Floor, Las Vegas, Nevada 89155

- I. Call to Order, Pledge of Allegiance, and Roll Call
- II. Public Comment- This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to Board items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.
- III. Approval of Minutes for July 29, 2021. (For possible action)

IV. Approval of the Agenda for September 2, 2021 and Hold, Combine, or Delete any Items. (For possible action)

V. Informational Items

1. Receive a report from Metro regarding activity and other crime concerns (for discussion only).
2. Receive a report from Mt. Charleston Fire District regarding calls for service during the past month and other fire prevention issues (for discussion only).
3. Receive a report from LVVWD regarding the status of the water system (for discussion only).
4. Receive a report from Metro Volunteers regarding member activities and events (for discussion only).
5. Receive a report from Nevada Highway Patrol regarding activity and statistics during the last month and other public safety concerns (for discussion only).
6. Receive a report from United States Forest Service regarding current issues and activities in the forest and other forest related concerns (for discussion only).
7. Receive a report from Nevada Department of Transportation regarding road conditions, construction updates and other road related items (for discussion only).
8. Receive a report from NV Energy regarding PSOM updates and other service related concerns (for discussion only).
9. Receive a report from Clark County Administrative Services regarding Legislative Actions, County roads maintenance, and any other updates from Clark County (for discussion only).

VI. Planning and Zoning

1. **WS-21-0385-HANSEEN TYE & MELISSA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following : **1)** setbacks; and **2)** building separation in conjunction with a single family residence on 0.1 acres in an R-U (Rural Open Land) Zone in the Spring Mountain Overlay District. Generally located on the northwest corner of Silver Tip Trail and Rim Route within Northwest County. RM/jt/jo (For possible action) **09/21/21 PC**

2. Review that the Transform Clark County land use plan map accurately applies compatible density or intensity conversions from the existing land use categories to the proposed land use categories (for discussion only)

VII. General Business

1. Review the requests from last year's budget cycle and discuss requests for the upcoming budget cycle (for discussion only)

VIII. Comments by the General Public- A period devoted to comments by the general public about matters relevant to the Board's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three (3) minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board wishes to extend the length of a presentation, this will be done by the Chairperson or the Board by majority vote.

IX. Next Meeting Date: September 30, 2021.

X. Adjournment.

**POSTING LOCATIONS:** This meeting was legally noticed and posted at the following locations:  
Mt. Charleston Library, 75 Ski Chalet Place, Las Vegas, NV 89124



# Mt. Charleston Town Advisory Board

July 29, 2021

## MINUTES

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Board Members: Brenda Talley – Chair Ernie Freggiaro – Vice Chair  
Olivia Vallee Misty Haji-Sheikh Curtis Alexander

Secretary: Lara McAdam, 702-592-1441, LaraTAB.CAC@gmail.com

Town Liaison: Meggan Holzer, 702-455-0341, meggan@clarkcountynv.gov

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- I. Call to Order, Pledge of Allegiance, Roll Call  
The meeting was called to order at 7:00 p.m.  
**All Board Members Present.**
- II. Public Comment  
**None.**
- III. Approval of Minutes for May 27, 2021  
Moved by: Ernie Freggiaro  
Action: Approval  
Vote: 5-0/Unanimous
- IV. Approval of Agenda for July 29, 2021  
**Moved by: Curtis Alexander**  
**Action: Approval**  
**Vote: 5-0/Unanimous**  
  
**Move Informational Item #5 Nevada Highway Patrol report to #1 place.**
- V. Informational Items
  1. Receive a report from Metro regarding activity and statistics during the past month and other area crime concerns (for discussion only) **Not present.**  
**Report given by Meggan Holzer. There were 35 Citations and 2 Arrests for Illegal Target Shooting.**
  2. Receive a report from Mt. Charleston Fire District regarding calls for service during the past month and other fire prevention issues (for discussion only)  
**Chief Jorge Gonzalez reported 25 service calls with an uptick in vehicle accidents. The Volunteer Fire Department Dinner on September 10<sup>th</sup> has been postponed. The new Water Tender is ready for Delivery with an estimated delivery in two weeks. The Tender will be up and operational by approximately the 1<sup>st</sup> of September with a 2000 gallon water capacity.**
  3. Receive a report from LVVWD regarding the status of the water system (for discussion only)  
**Jason Bailey reported water conditions are at almost Critical. Dedicated crew is issuing water citations for illegal watering. Hand watering allowed before 11am and after 7pm. Water Conservation is Urgent.**

4. Receive a report from Metro Volunteer Program regarding member activities and events (for discussion only)  
**Not present.**
5. Receive a report from Nevada Highway Patrol regarding activity and statistics during the last month and other public safety concerns (for discussion only)  
**Sgt. Crawford reported 855 contacts, 681 traffic stops, 697 citations and 8 crashes. NHP Motorcycle Patrol had 34 stops and 32 citations. Sgt Crawford presented a Certificate of Appreciation Award to S.N.O.R.R. (Southern Nevada Off Road Recovery) for the assistance they provide to the mountain.**
6. Receive a report from United State Forest Service regarding current issues and activities in the forest and other forest-related concerns (for discussion only)  
**Area Manager Deb MacNeill ([dmacneill@fs.fed.us](mailto:dmacneill@fs.fed.us)) reported that the area is still in Stage 1 Fire restrictions and fires are only allowed in the fire rings within developed campgrounds. Graffiti is being removed with the help of Friends of Nevada Wilderness. There is still no date for the opening of The Visitors Center. Funds have been requested to redo MaryJane Falls and the rest of the trails with anticipation upon approval of a 5-6 year project.**
7. Receive a report from Nevada Department of Transportation regarding road conditions, construction updates and other road related issues (for discussion only)  
**Not present.**
8. Receive a report from NV Energy regarding updates to the Public Safety Outage Management program, vegetation management, and other energy-related issues (for discussion only)  
**Scott Kauffman shared that 10 more Weather Stations have been approved for Nevada with 4 to be installed in Mt. Charleston in approximately 4 months. A map was presented showing vegetation removal progress and future cleanup. The National Disaster Plan was discussed with the intention to reduce the number PSOM events.**
9. Receive a report from Clark County Administrative Services regarding License Plate Grants and any other updates from Clark County (for discussion only)  
**Meggan Holzer reported that the License Plate Grants were approved by the County Commissioners on July 6, 2021. The Transform Clark County Land Use proposed change to increase the density has been removed. It will remain one house per 2 acres. The Transform Clark County Planning Committee will be in attendance at the September 2, 2021 Meeting. Construction hours in Clark County are 6am-10pm. Firework Penalties have been increased to \$10K. Short Term Rentals have been approved by the Legislature and all pertinent County departments are researching best practices determine how to implement the law which goes into effect in July 2022.**

VI. Planning & Zoning – None.

VII. General Business – None..

IX. Next Meeting Date  
The next regular meeting will be September 2, 2021

X. Adjournment  
The meeting was adjourned at 8:30pm

**ATTACHMENT A  
MT. CHARLESTON TOWN ADVISORY BOARD  
ZONING AGENDA  
THURSDAY, 7:00 P.M., SEPTEMBER 2, 2021**

**09/21/21 PC**

1. **WS-21-0385-HANSEEN TYE & MELISSA:**  
**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) setbacks; and 2) building separation in conjunction with a single family residence on 0.1 acres in an R-U (Rural Open Land) Zone in the Spring Mountain Overlay District. Generally located on the northwest corner of Silver Tip Trail and Rim Route within Northwest County. RM/jt/jo (For possible action)

09/21/21 PC AGENDA SHEET

SETBACKS  
(TITLE 30)

SILVER TIP TRL/RIM ROUTE  
(MOUNT CHARLESTON)

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**WS-21-0385-HANSEEN TYE & MELISSA:**

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) setbacks; and 2) building separation in conjunction with a single family residence on 0.1 acres in an R-U (Rural Open Land) Zone in the Spring Mountain Overlay District.

Generally located on the northwest corner of Silver Tip Trail and Rim Route within Northwest County. RM/jt/jo (For possible action)

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RELATED INFORMATION:

APN:  
129-36-111-037

**WAIVERS OF DEVELOPMENT STANDARDS:**

1.
  - a. Reduce the front setback to 5 feet where 15 feet is required per Section 30.56.060 (67% reduction).
  - b. Eliminate the side setback where 3 feet is required for a deck per Table 30.40-1 (100% reduction).
  - c. Reduce the side street corner setback to 8 feet where 15 feet is required per Section 30.56.060 (a 47% reduction).
  - d. Eliminate the rear setback where 10 feet is required per Section 30.56.060 (100% reduction).
  - e. Reduce the setback to a right-of-way (Silver Tip Trail) to 5 feet where 10 feet is required per Section 30.56.040 (a 50% reduction).
  - f. Reduce the setback to a right-of-way (Rim Route) to 8 feet where 10 feet is required per Section 30.56.040 (a 20% reduction).
2. Reduce the separation between an accessory structure and a principal structure to 5 feet where 6 feet is required per Table 30.40-1 (a 17% reduction).

**LAND USE PLAN:**

NORTHWEST COUNTY (MT. CHARLESTON) - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

**BACKGROUND:**

**Project Description**

**General Summary**

- Site Address: 4806 Silver Tip Trail

- Site Acreage: 0.1
- Project Type: Single family residence and accessory structure
- Number of Stories: 2
- Building Height (feet): 24

#### Site Plan

The site plan depicts an existing single family residence and an existing accessory structure. Proposed additions to the single family residence include an extension of an existing deck, an extension to the roof eaves, and a new gable roof extension over the front stairs. Setbacks for the single family residence do not meet Code requirements, and the deck extension and gable roof will further reduce the setbacks. With the changes, the setbacks for the single family residence will be eliminated to the north and west property lines, and the front setback will be reduced to 5 feet. The side street corner setback will remain the same, which is 18 feet from the single family residence to the property line along Rim Route. An existing accessory structure located in the northeast portion of the site is separated 5 feet from the single family residence and 8 feet from the east property line along Rim Route. Access to the site is provided by an existing circular driveway that connects from Silver Tip Trail on the south side of the site to Rim Route on the east side of the site.

#### Landscaping

Existing landscaping characteristic of the alpine environment will remain and no changes are proposed.

#### Elevations

Both the single family residence and the accessory structure are constructed with a log cabin aesthetic, which consists of round timber walls and a pitched roof. The single family residence includes a basement, which is partially above ground. As a result, the second floor is approximately 6 feet above grade. The height of the single family residence is 24 feet to the peak of the pitched roof, and the accessory structure is 12 feet to the peak of the pitched roof.

#### Floor Plans

Within the single family residence, the first floor (basement) includes a family room, 2 bedrooms, a mechanical room, and a bathroom. The second floor (main level) includes a living room, dining room, kitchen, master bedroom, and bathroom.

#### Applicant's Justification

The applicant indicates that the single family residence was constructed in 1986, and the property was vacant for the previous 10 years. The setback issues were brought to the applicant's attention when the applicant applied for building permits for renovations to the residence. This application is to establish the reduced setbacks for the existing single family residence and accessory structure, and to allow the improvements consisting of the extension of an existing deck, extension to the roof eaves, and a new gable roof extension over the front stairs. These changes are minimal and appropriate due to the steep terrain and nonconforming lot sizes characteristic on Mount Charleston.

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, South, East, & West	Residential Suburban (up to 8 du/ac)	R-U	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.

Title 30 acknowledges the unique geographic character and development patterns in the Mount Charleston area. As a result, special setbacks are established for nonconforming subdivisions in the R-U zoning district. This application will allow the applicant to resolve setback and separation issues for the existing structures, while also allowing the applicant to complete the building permit process for enhancements to the single family residence.

The additional setback and separation reductions requested with this application are appropriate considering the elevation changes in the area as well as the abundant trees and natural vegetation. As a result, the visual impacts of the single family residence will be reduced, and at the same time, enhancements to the single family residence maintain the cabin design, which is aesthetically pleasing and appropriate for the alpine environment; therefore, staff can support the waivers of development standards.

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

### **PRELIMINARY STAFF CONDITIONS:**

##### **Current Planning**

- Applicant is advised that 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; 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.

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

- No comment.

**TAB/CAC:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT: TYE HANSEEN**

**CONTACT: TYE HANSEEN, 3505 ALEPPO PINE ST., LAS VEGAS, NV 89129**

DRAFT



# LAND USE APPLICATION

## DEPARTMENT OF COMPREHENSIVE PLANNING

APPLICATION PROCESS AND SUBMITTAL REQUIREMENTS ARE INCLUDED FOR REFERENCE

<b>APPLICATION TYPE</b> <input type="checkbox"/> TEXT AMENDMENT (TA) <input type="checkbox"/> ZONE CHANGE <input type="checkbox"/> CONFORMING (ZC) <input type="checkbox"/> NONCONFORMING (NZC) <input type="checkbox"/> USE PERMIT (UC) <input type="checkbox"/> VARIANCE (VC) <input checked="" type="checkbox"/> WAIVER OF DEVELOPMENT STANDARDS (WS) <input checked="" type="checkbox"/> DESIGN REVIEW (DR) <input checked="" type="checkbox"/> PUBLIC HEARING <input type="checkbox"/> ADMINISTRATIVE DESIGN REVIEW (ADR) <input type="checkbox"/> STREET NAME / NUMBERING CHANGE (SC) <input type="checkbox"/> WAIVER OF CONDITIONS (WC) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> ANNEXATION REQUEST (ANX) <input type="checkbox"/> EXTENSION OF TIME (ET) _____ (ORIGINAL APPLICATION #) <input type="checkbox"/> APPLICATION REVIEW (AR) _____ (ORIGINAL APPLICATION #)	<b>STAFF</b> APP. NUMBER: <u>WS-21-0385</u> DATE FILED: <u>7/20/21</u> PLANNER ASSIGNED: <u>JCT</u> TAB/CAC: <u>MT CHARLESTON</u> TAB/CAC DATE: <u>9/2/21</u> PC MEETING DATE: <u>9/21/21</u> BCC MEETING DATE: _____ FEE: <u>\$150</u>
	<b>PROPERTY OWNER</b> NAME: <u>Tye Hanseen</u> ADDRESS: <u>4806 Silver Tip Way</u> CITY: <u>Las Vegas/Mt. Charleston</u> STATE: <u>NV</u> ZIP: <u>89124</u> TELEPHONE: <u>702-204-7970</u> CELL: <u>702-204-7970</u> E-MAIL: <u>tye_hanseen@yahoo.com</u>
	<b>APPLICANT</b> NAME: <u>Tye Hanseen</u> ADDRESS: <u>4806 Silver Tip Way</u> CITY: <u>Las Vegas/Mt. Charleston</u> STATE: <u>NV</u> ZIP: <u>89124</u> TELEPHONE: <u>702-204-7970</u> CELL: <u>702-204-7970</u> E-MAIL: <u>tye_hanseen@yahoo.com</u> REF CONTACT ID #: _____
	<b>CORRESPONDENT</b> NAME: <u>Tye Hanseen</u> ADDRESS: <u>4806 Silver Tip Way</u> CITY: <u>Las Vegas/Mt. Charleston</u> STATE: <u>NV</u> ZIP: <u>89124</u> TELEPHONE: <u>702-204-7970</u> CELL: <u>702-204-7970</u> E-MAIL: <u>tye_hanseen@yahoo.com</u> REF CONTACT ID #: _____

ASSESSOR'S PARCEL NUMBER(S): 129-36-111-037

PROPERTY ADDRESS and/or CROSS STREETS: 4806 Silver Tip Way

PROJECT DESCRIPTION: Waiver of development standards for existing home and deck and also remodel

(I, We) the undersigned swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Clark County Code; that the information on the attached legal description, all plans, and drawings attached hereto, and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Clark County Comprehensive Planning Department, or its designee, to enter the premises and to install any required signs on said property for the purpose of advising the public of the proposed application.

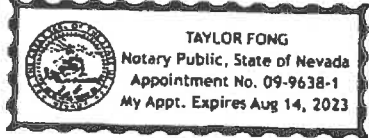
\_\_\_\_\_  
Property Owner (Signature)\*

Tye Hanseen  
Property Owner (Print)

STATE OF Nevada  
COUNTY OF Clark

SUBSCRIBED AND SWORN BEFORE ME ON October 1, 2020 (DATE)  
By Taylor Fong

NOTARY PUBLIC: \_\_\_\_\_



\*NOTE: Corporate declaration of authority (or equivalent), power of attorney, or signature documentation is required if the applicant and/or property owner is a corporation, partnership, trust, or provides signature in a representative capacity.

Tye S. Hanseen  
3505 Aleppo Pine Street, Las Vegas, Nevada 89129  
tye\_hanseen@yahoo.com--702-204-7970 (cell)

**JUSTIFICATION LETTER**

May 28, 2020

Clark County Comprehensive Planning  
Attn: Board of County Commissioners

**Re: Justification Letter for Waiver of Development Standards for 4806 Silver Tip Way  
(APN # 129-36-111-037)**

Dear Board of County Commissioners/Comprehensive Planning:

***A. INTRODUCTION***

This correspondence represents the required justification letter for the request for waiver of development standards related to 4806 Silver Tip. 4806 Silver Tip is a small (.07 acres) lot in the Cathedral Rock subdivision in Mt. Charleston, which is a non-conforming subdivision. The original owner of the lot built the home (972 sq. ft. up and down) on the lot in 1986.

In working with Clark County on some updating and restoration of the home, Clark County Zoning informed us of the "current" non-compliance regarding our lot and those around us, including the two that border us to the north. To ensure completeness of the records, assist with approval of plans, and future clarity, etc., Clark County Zoning suggested that we seek a waiver of the setback requirements and invite those around us to join. So, that's what we are doing.

1. **Existing Site Condition:** As indicated, the property is located at 4806 Silver Tip and was established in 1956 from the Cathedral Rock View Plat Book 5 Page 5. The property's size and dimensions are nonconforming and there is no sewer service in the area. The site is zoned R-U, is developed, and is bounded on the south by Silver Tip and on the east by Rim Route. To the north and west are similarly zoned properties. Across the street to the south and west are also similarly zoned properties.
2. **Proposed Development:** The purpose of the request for waiver of the setback is to acquire formal conformity with current codes, as Clark County does not possess any of the permits or related documents from the construction 35 years ago. And, also, to ensure conformity with codes for the addition of a gable over the stairs, deck extension, and roof eaves extension.
3. **Visibility:** Due to the direction of the home (faces south), related angles, and locations of surrounding homes, none of the requested waivers impact site lines.
4. **Landscaping:** Native landscaping will remain on the site and no new landscaping is proposed.

***B. HARDSHIP/RATIONALE EXPLANATION***

5. **1986 Construction:** The subdivision is a non-conforming subdivision that was approved I believe prior to the present Clark County ordinances. In other words, unless I am mistaken, the prior ordinances and circumstances allowed for the subject lot to be created and home to be built 35 years ago as they are today.

Indeed, Clark County permitted, inspected, and approved the 1986 construction. However, very unfortunately, because the construction took place 35 years ago, Clark County no longer possesses any of the plans or related documents associated with the construction/property. And, now, 35 years later, without the plans and any related variance information, the construction standing alone apparently does not comply with current setback requirements.

6. **Unreasonable Hardship:** Due to the history and current circumstances, a literal enforcement of the applicable title at this time would cause an unreasonable hardship that is not necessary to carry out the general purpose of this title. The home and subject appurtenance were permitted and approved and have been in place for approximately 35 years.

Indeed, literal enforcement of the applicable title would require us to destroy the home in its entirety, despite being permitted, inspected, and approved in 1986. Moreover, literal enforcement of the applicable title would require us to demolish beneficial aspects of the property that have no impact on others and have been in place for decades.

7. **The Circumstances of the Home Apply to Many Others in Mt. Charleston:** There are special circumstances attached to 4806 Silver Tip that apply to many of the properties in the area. For example, Clark County Zoning told us that even the two properties directly to the north of us do not satisfy current setback requirements and inquired whether they may like to join this request.

Indeed, many properties in the Mt. Charleston do not satisfy current setback requirements. These homes, especially those in the Cathedral Rock and Old Town subdivisions, are built on lots for which it is difficult, if not impossible, to reasonably satisfy current setback requirements. Thus, many of the circumstances that exist for the homes in Mt. Charleston do not generally apply to other properties in "general" Clark County, and the residents understand this premise.

8. **Granting the Waiver Add to the Beautification, Value and Upkeep of the Surrounding Properties:** The subject home had been vacant for approximately 10 years before we purchased it. And, the home looked like it had been vacant for 10 years. Some called the home the "haunted cabin" because of what it looked like. Some might have even said it was an "eye sore."

To remedy this, after our purchase, we have spent/incurred a lot of expense, time, and effort making repairs and updates to the home that globally benefit the community. This process has served to benefit the value of the homes around the property. And, we believe the neighbors are genuinely happy that someone is now caring for and updating the property.

9. **Granting the Variance is Essential to the Enjoyment of a Substantial Property Right Possessed by other Property with Similar Circumstances in the Same Area:** The construction of 4806 Silver Tip was approved, inspected, and permitted. However, the post-construction implementation of setback requirements hinders, at a minimum, the possible future disposition and use of the property, which are fundamental property rights. Moreover, the variance is necessary for preservation and enjoyment of rights. If the variance is not approved, demolition and subsequent development are not reasonable alternatives.
10. **The Variance Will Not Substantially Affect the General Plan and Will Not be Contrary to the Public Interest:** There is nothing about the requested variance that will negatively impact any general plan. Views, hillsides, etc. etc. are all preserved. Landscape is not being changed. Limiting future substantial disturbance, which would be required if the variance is not allowed, is positive.
11. **The Spirit of the Code is Observed and Substantial Justice Done:** Certainly, setback requirements have valid reasoning, such as safety, environmental protection, and privacy. However, in this case, all of these public policy rationales are either satisfied, other residents and properties have received waivers for similar issues or are not in compliance because of an updated code, or the circumstances have existed for 35 years and were permitted, approved, and inspected under a prior code.

Truly, the requested variance would allow the same rights other lots in the nearby neighborhoods experience or have been granted while also respecting other County policies to reduce the impacts of development such as safety, views, and environmental protection. Also, not every lot, especially those in Mt. Charleston, can be reasonably developed in complete compliance with the letter of the code.

### ***C. SPECIFIC WAIVERS BEING REQUESTED***

There are generally three waivers being requested encompassing various elements. Each of the requests are discussed in detail below.

1. **Front Setback Waiver Request:**
  - a. Reduce the front setback from the home to the property line to 12 feet where 15 feet is required per Section 30.56.060(b).
  - b. In addition, if required and necessary, if a setback is calculated from the leading edge of stairs or gable over the stairs, then reduce the setback to 5 feet for a small portion to accommodate the front edge of the existing stairs to the property line, the anticipated construction of a gable over the stairs, the existing deck, and permitted construction of a deck extension to match the opposite side to provide for uniformity.

2. **Back Setback Waiver Request:**

- a. Reduce the rear setback from the home to the property line to 5 feet where 10 feet is required per Section 30.56.060(b). Also, if necessary or required reduce the set back to the extent necessary to extend half of the eaves on the rear of the property.
- b. Reduce the rear setback for a portion of the rear deck (as it transitions from 4' to 20" high) to 6" where 3 feet is required until it reaches 3 feet or less.

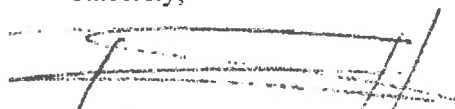
3. **Side Setback with Shed:**

- a. Reduce the minimum separation of an accessory structure (a shed) to 5 feet 3 inches where 6 feet is required per table 30.40-1.
- b. Also, reduce the side street setback with the shed to 8' 7" where 10 feet is required.

***CONCLUSION***

In the end, variances are intended to provide a path for relief for an unreasonable hardship where special circumstances exist that deprive the property of privileges granted to other properties in the same area. This is one of those circumstances. As discussed above, unreasonable hardships exist that are specific to the property. The hardships are not self-imposed and the variance is not being requested for economic reasons. If you have any additional needs or questions, please contact me. My cell is 702-204-7970.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tye S. Hanseen', written over a horizontal line.

Tye S. Hanseen