



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: FEBRUARY 14, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-26243 - APPLICANT/OWNER: ALLEN TELES
REVOCABLE TRUST

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If Approved, subject to:

Planning and Development

1. This approval shall be void two years from the date of final approval, unless upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow an eight-foot wall, where a five-foot is allowed at 1500 Rancho Circle. Title 19.12.075 allows for a maximum five foot wall with the top three feet open to permit visibility. The proposed wall is a total of eight feet in height and is completely solid, with openings between wall segments to allow for visibility. The applicant has built a permitted eight-foot wall along the west side of this property and awaits this Variance to continue building this wall in the front-yard of the subject property.

If the applicant were to reduce the height of this proposed wall to five-feet, with the top three-foot open, this wall would be in compliance with the Title 19. With appropriate landscaping, this Title 19 compliant wall would provide the privacy the applicant desires. Therefore, staff recommends denial of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a General Plan Amendment (GPA-0047-01) of the Southwest Sector from SC (Service Commercial) to O (Office), R (Rural Density Residential) to DR (Desert Rural Density Residential) and L (Low Density Residential) to DR (Desert Rural Density Residential) in accordance with the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission recommended denial, whereas staff recommended approval of this request.
08/22/07	A neighborhood complaint was received by Code Enforcement in regards to whether the side yard wall was at an approved height (#56993). The wall was found to be in compliance with Title 19 requirements on 08/23/07.
<i>Related Building Permits/Business Licenses</i>	
07/31/07	A building permit (#94994) was issued for the eight-foot wall on the west property line. This permit did not include the proposed eight-foot front yard wall as requested for this Variance.
<i>Pre-Application Meeting</i>	
12/14/07	A Pre-Application Meeting was held to discuss the requirements for submitting a Variance for wall height in the front of the property.
<i>Neighborhood Meeting</i>	
A Neighborhood Meeting is not required, nor was one held for this request.	

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Field Check	
01/10/08	The proposed wall in the front setback will match the existing wall around the perimeter of this property.

Details of Application Request	
Site Area	
Gross Acres	1.1

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single Family Residence	D-R (Desert Rural Density Residential)	R-A (Ranch Acres)
North	Single Family Residences	D-R (Desert Rural Density Residential)	R-A (Ranch Acres)
South	Single Family Residences	D-R (Desert Rural Density Residential)	R-A (Ranch Acres)
East	Single Family Residences	D-R (Desert Rural Density Residential)	R-A (Ranch Acres)
West	Single Family Residences	D-R (Desert Rural Density Residential)	R-A (Ranch Acres)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Rancho Charleston Land Use Study and Strategic Plan	X		Yes
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District 175 feet	X		Yes*
Trails		X	N/A
Rural Preservation Overlay District	X		Yes**
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

* This property is in the North Las Vegas Airport Overlay, which designates a height limitation of 175 feet. The existing house and wall are below this height limitation and therefore comply to the standards of this overlay district.

** The above location is within the Rural Preservation Overlay District, this district is intended to preserve the rural character of the neighborhood. Density is not affected by this project and does not require application of the requirements of the Rural Preservation District.

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DEVELOPMENT STANDARDS

Per 19.08.040, the following development standards are required:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	40,000 SF	47,915 SF	Yes
Min. Lot Width	100 feet	138 feet	Yes
Min. Setbacks			
• Front	30 feet	126 feet	Yes
• Side	10 feet	50 feet	Yes
• Corner	15 feet	58 feet	Yes
• Rear	35 feet	13 feet	No*

* This rear yard setback was established when the existing house was constructed in 1950. The plans indicate that this house will be demolished. Any new construction will have to satisfy the Residential District Development Standards (Title 19.08.040) for an R-E (Residence Estates) Zoning District.

ANALYSIS

The project proposes to construct a block wall with a decorative stone veneer in the front yard. This proposed wall is a height of eight feet and is within the front yard of this property, where a five-foot wall, with the top three vertical feet open to permit visibility is allowed. The applicant could build a five-foot wall to City code with complimentary designed landscaping to provide the same privacy, while not violating Title 19 requirements. As this is a self imposed hardship and is not compatible with adjacent development, denial of this request is recommended.

- Determination of a Front Lot Line

In Title 18.04.310, the Front Lot Line is defined as the line dividing a lot from a street or drive. In the case of a corner lot, the front of the lot shall be considered to be the side which has the lesser dimension in width, unless the Director authorizes another side to be designated as the front and attaches whatever conditions are necessary to ensure that such alternative designation does not result in land use incompatibility with the surrounding area. This subject property front lot line is the south property line, due to this property line having the lesser dimension of width.

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FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070L states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing an eight foot wall in the front yard._

Alternatively, proposing a five foot wall, with the top three feet open, would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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SENATE DISTRICT 3

NOTICES MAILED 157

APPROVALS 1

PROTESTS 1