



**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF FEBRUARY 6, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VARIANCE

VAR-25560 PUBLIC HEARING - APPLICANT/OWNER: RONALD REISS FAMILY TRUST
Appeal filed from the denial by the Planning Commission of a request for a Variance TO ALLOW A PROPOSED SIX-FOOT WALL IN THE FRONT YARD WHERE FIVE FEET (TOP THREE FEET) 50 PERCENT OPEN IS ALLOWED located on the northeast corner of O'Bannon Drive and Tenaya Way (APN 163-03-715-001), B-E (Residence Estate) Zone, Ward 4 (Tarkanian). The Planning Commission (4-3 vote) and staff recommend DENIAL.

PROTECTIONS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (4-3 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Appeal letter filed by Integrity Engineering
7. Support postcard
8. Submitted after final agenda Support postcard
9. Backup referenced from the 01-10-08 Planning Commission Meeting Item 38

Motion made by LOIS TARKANIAN to Approve subject to conditions and adding the following condition as read for the record:

A. The six-foot wall may be allowed to extend to 15 feet behind the private curb line.

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-OSCAR B. GOODMAN)

Minutes:
MAYOR PRO TEM REESE declared the Public Hearing open for Items 124-125.

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DEVIN REISS, property owner and developer, 4484 South Pecos, indicated that the setback is not for the front yard, but actually the side. The front is facing into the cul-de-sac. They are asking the portion along O'Bannon Drive to have a six-foot fence.

MR. REISS explained in detail to COUNCILMAN BARTLOW that the entrance to the cul-de-sac is on the south portion on O'Bannon Drive. The request is for the fencing for the two properties on O'Bannon Drive to have a two-and-a-half solid and a two-and-a-half see through wall, as well as, the side yards of these two lots to have the approval of a six-foot fences.

COUNCILWOMAN TARKANIAN questioned the reason why this four-home project is not considered a development and the requisites are different. MARGO WHEELER, Director of Planning and Development, claimed the Code definition relative to determining the front of a lot. In this case, the legal front of the two lots is on O'Bannon Drive. The Councilwoman understood the reason, but questioned why there is only a sidewalk going around the six-foot wall with a small amount of landscaping. The Planning Commission also felt the project was not very hospitable for the neighborhood. MR. REISS replied that the design was mirrored against the other subdivision developments in the area. MS. WHEELER reiterated her question on when a development is a development. Is it after you have a home? MS. WHEELER explained that this RE zoning allows for single-family developments on two single-family lots. The City Council is more familiar with RPD, where the Code requires a minimum of five acres.

COUNCILWOMAN TARKANIAN stated she does not feel that this neighborhood should have a cement wall. Additionally, the largest part of the lot is facing O'Bannon Drive. One third of the lot would remain open, which would not be good for families wanting privacy. She feels there is not much that could be done to add vegetation at this time, as the cement was already poured. ERNIE FREGGIARO, Consulting Engineer, replied they were the victims of a well-intended City ordinance that came into effect after they received approval of the Tentative Map. Unfortunately, during the two-year period, they were not aware of the new ordinance until they asked for a fence permit inspection and the inspector told them they were in violation. The City ordinance now states that the front yard is the smallest dimension, but in their case, the smaller dimension is along the main street. Their access into the lot is off the cul-de-sac; that is the private street coming in. Therefore, their allegation is that the cul-de-sac is the frontage of the lot, and they are matching the six-foot fencing surrounding the property.

MAYOR PRO TEM REESE emphasized that the Councilwoman wants more landscaping along the side rather than the fence and a sidewalk. MR. FREGGIARO was not aware of the current status on the construction of the fence. The Councilwoman added that she visited the site and saw the sidewalk and the wall with the rebar coming up to keep it open. She wondered if they could take the wall six feet up to where the front yard is, so that they would not have a six-foot wall all the way across. She also asked that they give the full amount of the front yard in that area, as well as additional landscaping. MR. FREGGIARO agreed with her request.

MS. WHEELER clarified with the Councilwoman that she would allow the six-foot section to extend up to the property line of the home. MR. FREGGIARO asked if staff could clarify a

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more definitive wording on that condition. MS. WHEELER replied that the condition would state that the six-foot wall may be allowed to extend to 15 feet behind the private curb line.

COUNCILWOMAN TARKANIAN indicated that the applicant seemed to be in compliance with other walls on all adjacent properties and will continue to be in compliance.

MAYOR PRO TEM REESE declared the Public Hearing for closed Items 124-125.

