

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 23, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-29833 - APPLICANT/OWNER: EDITH FAGGEN

**** 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 a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

VAR-29833 - Staff Report Page One
October 23, 2008 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Variance to allow a proposed 6-foot tall fence in the front yard area of an existing single-family residence at 1604 Becke Circle, where five feet is the maximum height allowed in an R-1 (Single Family Residential) zone. This is a 17 percent deviation from the City standard. Title 19.12.075 allows for a front wall or fence to be five feet in height with the top three vertical feet open to permit visibility. The applicant has proposed a fence that would be constructed adjacent to the front property line and consist of the bottom two vertical feet being constructed of block, with the top four vertical feet being constructed of wrought iron to permit visibility. The applicant is also proposing 16-inch by 16-inch block pilasters to be placed approximately every nine lineal feet. The fence would also have two wrought iron rolling gates (one at each ingress/egress) to accommodate vehicular access to the circular driveway. The applicant has indicated in their justification letter that the six-foot fence is necessary for security reasons, and that five feet in vertical height is not enough of a deterrence to trespassers.

As this is a self-imposed hardship, staff is recommending denial of this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/26/95	The Board of Zoning Adjustment approved (final action) a request for a Variance (V-0120-95) to allow a 4.5-foot rear yard setback where 15 feet is the minimum setback required for a detached accessory building.
03/18/04	Code Enforcement (Case #11413) processed a complaint for trash and debris, and clothes being left in the front yard at 1604 Becke Circle. The case was resolved on 04/08/04.
05/10/06	Code Enforcement (Case #41150) processed a complaint for a vacant house with a green swampy pool, and the gate always being open at 1604 Becke Circle. The case was resolved on 11/14/06.
02/05/07	Code Enforcement (Case #50106) processed a complaint of a dirty and green pool, gates with either broken or non-existent locks, trees blocking the sidewalk, and a break-in over the weekend at 1604 Becke Circle. The case was resolved on 02/20/07.
07/16/07	Code Enforcement (Case #55759) processed a complaint for tall weeds, no locks on gates, and work was started on front porch stairs and debris was left behind at 1604 Becke Circle. The case was resolved on 08/09/07.

VAR-29833 - Staff Report Page Two
October 23, 2008 - Planning Commission Meeting

10/30/07	Code Enforcement (Case #59408) processed a complaint for a block wall with gate being built without permits. Complainant also concerned that the wall may be being built on property line, and not being built to code at 1604 Becke Circle. The case was resolved on 01/14/08.
01/28/08	Code Enforcement (Case #61835) processed a complaint for a vandalized house needing clean-up due to being a public nuisance at 1604 Becke Circle. The case was resolved on 04/01/08.
04/04/08	Code Enforcement (Case #64178) processed a complaint for a vacant house being vandalized, broken windows, outdoor pool and indoor whirlpool are green, and items are being taken from this house at 1604 Becke Circle. The case was resolved on 04/07/08.
04/29/08	Code Enforcement (Case #65033) processed a complaint for weeds, and the house not being secured at 1604 Becke Circle. The case was resolved on 05/22/08.
<i>Related Building Permits/Business Licenses</i>	
07/18/96	A building permit (#96014424) was issued for a detached garage and façade work to existing residence at 1604 Becke Circle. The permit expired on 05/24/97.
11/13/97	A building permit (#97022886) was issued for the renewal of permit #96014424 for a detached garage and façade work to existing residence at 1604 Becke Circle. The permit expired on 04/24/99.
06/04/04	A building permit (#4014298) was issued for the installation of a gas line to pool heater at 1604 Becke Circle. The permit expired on 12/11/04.
01/11/06	A building permit (#57562) was issued for minor repairs: exterior stucco, drywall, electrical, and plumbing 1604 Becke Circle. The permit expired on 09/06/06.
<i>Pre-Application Meeting</i>	
08/20/08	A pre-application meeting was held where the submittal requirements for a Variance application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
09/16/08	A routine field check was performed by staff where it was noted that the entire front yard area is concrete and void of any plant material.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.23

VAR-29833 - Staff Report Page Three
 October 23, 2008 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
North	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single-Family Residence	L (Low Density Residential)	R-1 (Single Family Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sq. ft.	9,987 sq. ft.	Y
Min. Lot Width	65 ft.	95 ft.	Y
Min. Setbacks			
• Front	20 ft.	25 ft.	Y
• Side	5 ft.	5 ft.	Y
• Corner	15 ft.	N/A	Y
• Rear	15 ft.	4.5 ft.**	Y**
Wall Height	5 feet maximum height, with the top 3 vertical feet open to permit visibility.	6 feet in height, with the top 4 vertical feet open for visibility.	N*

*This application is for a Variance to allow for a six-foot tall fence in the front yard of a single-family residence in an R-1 (Single Family Residential) zoning district.

**The subject property has a Variance (V-0120-95) to allow for a 4.5-foot rear yard setback where 15 feet is the minimum required.

VAR-29833 - Staff Report Page Four
October 23, 2008 - Planning Commission Meeting

ANALYSIS

This application is a request for a Variance to allow a proposed a six-foot tall fence in the front yard area of an existing single-family residence at 1604 Becke Circle. Title 19.12.075 allows for a maximum of five feet in height for an R-1 (Single Family Residential) zone. This is a 17 percent deviation from the standard. Title 19.12.075 requires a front wall or fence to be a maximum of five feet in height with the top three vertical feet open to permit visibility. The applicant has proposed a fence that is comprised of the bottom two vertical feet being constructed of block, with the top four vertical feet being constructed of wrought iron to permit visibility. The proposed fence with rolling vehicular access gates would be constructed along the entire length of the front property line, approximately 93 lineal feet. The applicant is also proposing six-foot tall, 16 by 16-inch block pilasters to be placed approximately every nine lineal feet. The proposed fence would be constructed adjacent to the front property line and have two 14-foot wrought iron rolling gates (one at each ingress/egress) to accommodate vehicular access to the circular driveway. The block portion of the fence and the pilasters would have a stucco finish applied to them, and then painted to match the existing single-family residence. The wrought iron fencing and rolling gates would be red in color. The applicant has indicated in their justification letter that the six-foot fence is necessary for security reasons, and that five feet in vertical height is not enough of a deterrence to trespassers.

As this is a self-imposed hardship, staff is recommending denial of this application.

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.

VAR-29833 - Staff Report Page Five
October 23, 2008 - Planning Commission Meeting

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a fence that is one-foot taller than the maximum height of five feet allowed by Title 19.12. Alternative design 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 12

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 265

APPROVALS 2

PROTESTS 0