



AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 5, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-34465 - APPLICANT/OWNER: LORRAINE-WALD
FAMILY TRUST**

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to conditions.

Planning and Development

1. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site contains an existing single-family residence located at 2909 Coast Line Court. The applicant is requesting this Variance as a result of a wall constructed within the front yard setback area without the required permits. The wall does not meet the Title 19.12.075 standards which require the top three vertical feet of the wall open to permit visibility. If this request is denied, the property owner will be required to remove or redesign the wall to meet Title 19.12.075 standards.

ISSUES:

- The subject wall was constructed without the required permits, and does not meet the Title 19.12.075 standards which require the top three vertical feet of the wall open to permit visibility.
- Since the subject wall meets Title 19.12.075 standards for wall height within the front yard setback area, and is constructed with a translucent sliding metal and glass gate which provides some visibility of the public right-of-way, staff can support this request and is recommending approval of this request for a Variance.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc and Property Sales</i>	
08/15/84	The City Council approved a request for a Reclassification of Property (Z-0054 -84) from: N-U (Non-Urban), to: R-1 (Single Family Residence), R-PD3 (Residential Planned Development), R-PD4 (Residential Planned Development – 4 Units per Acre), R-PD7 (Residential Planned Development– 7 Units per Acre), R-PD12 (Residential Planned Development – 12 Units per Acre), R-PD23 (Residential Planned Development – 23 Units per Acre), P-R (Professional Offices & Parking), C-1 (Limited Commercial), and C-V (Civic), generally bounded by Sahara Avenue on the north, Durango Drive on the east, Desert Inn Road on the south, and Fort Apache Way on the west. The Planning Commission recommended approval of the request.
10/24/85	The Board of Zoning Adjustment approved a request for a Variance (V-0108-85) to allow a six-foot high (slump stone) wall with eight-foot pilasters every 25 feet where a six-foot maximum height is permitted.
06/25/09	The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #19/jb).
<i>Related Building Permits/Business Licenses</i>	
04/02/08	A building permit (#111913) was issued for engineer designed masonry and retaining walls at 2909 Coast Line Court. This permit has not been finalized.
05/09/08	A building permit (#113904) was issued for a pool and spa at 2909 Coast Line Court. This permit was finalized on 05/14/09.

05/15/08	A building permit (#107886) was issued for a Single Family Dwelling at 2909 Coast Line Court. This permit was finalized on 03/31/09.
09/10/08	A building permit (#123858) was issued for a water feature at 2909 Coast Line Court. This permit was finalized on 05/14/09.
09/17/08	A building permit (#124233) was issued for engineer designed masonry walls at 2909 Coast Line Court. This permit has not been finalized.
10/01/08	A building permit (#125343) was issued for an aluminum patio cover at 2909 Coast Line Court. This permit was finalized on 03/04/09.
12/16/08	A building permit (#130190) was issued for two boat docks at 2909 Coast Line Court. This permit was finalized on 03/10/09.
01/22/09	A building permit (#132163) was issued for engineer designed retaining wall at 2909 Coast Line Court. This permit has not been finalized.
02/25/09	A building permit (#134091) was issued for a koi pond at 2909 Coast Line Court. This permit has not been finalized.
<i>Pre-Application Meeting</i>	
04/30/09	A pre-application meeting with the applicant was held where elements of submitting a Variance for a an existing five-foot masonry wall within the front-yard setback were discussed topics included: • Title 19 Zoning Code Requirements • Application Materials and Documents • Meeting Dates and Deadlines
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

<i>Field Check</i>	
05/21/09	During a routine field check staff observed a well maintained single family residence, with an existing five-foot masonry wall in the front-yard setback.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.46

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
North	Single-Family Residences	L (Low Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)

South	Lake	PR-OS (Park/Recreation/Open Space)	R-PD3 (Residential Planned Development – 3 Units per Acre)
East	Single-Family Residence	L (Low Density Residential)	R-PD3 (Residential Planned Development – 3 Units per Acre)
West	Single-Family Residences	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
The Lakes	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
R-PD (Residential Planned Development) District	X		Y
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

ANALYSIS

The subject site is presently being utilized for a single-family residence located on a private street within a private residential development. The existing wall is a five-foot high concrete block wall wrapped in a stone veneer, with a translucent sliding metal and glass gate with automatic closer. The enclosure was constructed for aesthetic purposes to reduce the unattractive view from the street of utility equipment and an electric gate mechanism located in the front yard of the property. The wall is setback 10 feet and does not interfere with visibility of the public right-of-way. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance.

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.”

Evidence of a unique or extraordinary circumstance has been presented, in that the wall in question is not a perimeter wall and is five feet in height which is allowed per Title 19.12.075 within the front yard setback of the subject property. In addition, the wall has been constructed with a translucent glass and aluminum gate which does provide some visibility. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance.

PLANNING COMMISSION ACTION

Note: Approval is for compliance with the submitted elevation date stamped 05-12-09.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 5

SENATE DISTRICT 8

NOTICES MAILED 232 by City Clerk

APPROVALS 2

PROTESTS 1