



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: OCTOBER 21, 2015

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NEPHI SANCHEZ

** STAFF RECOMMENDATION(S) **

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
VAR-60361	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-60361 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
2. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
3. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow an eight-foot tall wall in the front yard where the maximum wall height is five feet. The site is located at 820 Lacy Lane, in an R-E (Residence Estates) zoning district. The proposed location is within the front yard area and does not comply with the Title 19 requirements, which allow for walls located within the front yard to be a maximum height of five feet with the top three vertical feet open to permit visibility. As no evidence of a hardship, as defined by NRS Chapter 274, has been presented to justify the requested variance, staff recommends denial of this Variance. If this application is denied, the applicant will not be permitted to construct the wall as designed.

ISSUES

- A Variance is required to allow an eight-foot tall wall in the front yard where a maximum of five feet with the top three vertical feet open to permit visibility is allowed.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/08/15	The Planning Commission unanimously voted to recommend DENIAL of a Variance (VAR-60361) request TO ALLOW AN EIGHT-FOOT TALL WALL IN THE FRONT YARD WHERE A MAXIMUM WALL HEIGHT OF FIVE FEET IS ALLOWED on 0.57 acres at 820 Lacy Lane (APN 139-32-401-008), R-E (Residence Estates) Zone, Ward 1 (Tarkanian) [PRJ-60126]

<i>Most Recent Change of Ownership</i>	
06/02/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
1946	The principal dwelling was constructed.
10/24/07	A building permit (#99288) was issued for a patio cover. The permit was finalized on 11/30/07.

<i>Pre-Application Meeting</i>	
07/07/15	A meeting was held with the applicant to discuss the submittal requirements and process for a wall height Variance.

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<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Field Check</i>	
07/30/15	A field inspection was conducted on the subject site, which revealed a well maintained single family dwelling. Also there is an existing block wall that meets code in the front yard area.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.57

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.12</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

<i>Master Plan Areas</i>	<i>Compliance</i>
No Applicable Master Plan Area	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (175 Feet)	Y
Rural Preservation Overlay District	Y
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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ANALYSIS

This Variance request is for an eight-foot wall within an R-E (Residence Estates) zoning district at 820 Lacy Lane. The first two feet are solid block wall with remaining six feet artfully rusted metal with eight-foot columns staggered approximately every 20 feet in the front yard. A one foot-tall ornament (a light) will be on top of some of the columns. The applicant has taken great care to ensure the top six feet of the wall is transparent at certain angles; however, tall walls in neighborhoods create the canyon effect and blind spots when driving. The five-foot limitation was established to reduce potential collisions between motorized and non-motorized objects (such as people or animals) when entering and leaving a property. The justification for the requested height is for security. Excess wall heights create canyon effects that a five-foot wall with thorny vegetation would avoid. Shorter walls and certain vegetation can provide as much if not more of a physical barrier and security than an eight-foot wall.

A survey of the immediate area surrounding of the subject site revealed Variances concerning front yard block wall heights. However, the Planning Department's recommendation is based on the merits of each application. According to Title 19.16 previous Variances can be considered in reviewing the appropriateness of Variances, but is not determinative. The burden of proof for approval of a Variance requires the presence of a hardship. The site has no inherent topographical restrictions or extraordinary situations, and a valid justification has not been presented to warrant a recommendation of approval; therefore, staff is recommending denial of this application.

FINDINGS (VAR-60361)

In accordance with the provisions of Title 19.16.140(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 19.16.140(L) 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.”

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No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a block and metal wall above the maximum height permitted by code. Alternatively, the applicant could construct a five-foot block wall/fence in conformance with Title 19 requirements and additional vegetation with thorns for additional security. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 116 (By City Clerk)

APPROVALS 2

PROTESTS 6