



City of Las Vegas

Agenda Item No.: 39.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: APRIL 11, 2017**

DEPARTMENT: PLANNING
DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT: VAR-6916 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: LAVERT AND VINCENT POMPEI-BENHEDRE-VILLABLE LIVING TRUST - For possible action on a request for a variance TO ALLOW A SEVEN FOOT TALL WALL/FENCE IN THE FRONT YARD AREA WITH A MAXIMUM OF FIVE FEET WITH A TWO-FOOT SOLID BASE IS ALLOWED on 0.2 acres at 1700 Villa de Conde Way (APN 162-05-712-022), R-1 (Single Family Residential) Zone, Ward 1 (Tarkanian) [PR169078]. Staff recommends DENIAL.

C.C.: 5/1/2017

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

18

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

5

City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL, if approved, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photo(s)
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda - Protest Postcards/Comment Form and Support Postcards

Motion made by TODD L. MOODY to Approve subject to conditions

Passed For: 4; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 3

TODD L. MOODY, TRINITY HAVEN SCHLOTTMAN, GLENN TROWBRIDGE, DONNA TOUSSAINT; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-VICKI QUINN, SAM CHERRY, CEDRIC CREAR)

Minutes:

CHAIR SCHLOTTMAN declared the Public Hearing open.

STEVE GEBEKE, Planning Supervisor, read staffs report stating that the applicant was proposing to create a front yard courtyard that would be surrounded by a seven foot wall. Walls located within the front yard setback area were limited to an overall height of five feet, of which

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only two feet may be a solid wall. As no evidence of a unique or extraordinary circumstance had been presented to substantiate the request, staff recommended denial as a self-imposed hardship. He noted that additional letters of protest and support were received after publication.

LAVERT and VINCENT POMPEI-BENEFIELD, applicants, were present. MR. LAVERT POMPEI-BENEFIELD stated they have been making improvements to this property since moving there approximately two years ago. He noted that some neighbors in the area have walls higher than two feet, and they did not become aware of the height requirements until their friend pulled permits. As such, they were requesting a variance to proceed to build a wall that sits back from the sidewalk about five feet. They spoke with the neighbors to the north and south, who were fine with the addition of the walls.

ERIK KING, Secretary of the Equestrian Estates Neighborhood Association, stated their association recommended denial of this application, as it did not meet code requirements.

MR. VINCENT POMPEI-BENEFIELD described for COMMISSIONER TROWBRIDGE where else in the neighborhood there were seven foot walls. He emphasized that they were just trying to enclose the front patio so that they could take the bars off of their front door and have a living space off the front of the house. The patio would be set back seven feet, and there would be an olive tree in the front planter.

COMMISSIONER TROWBRIDGE asked what the objection was to the code-required wall height. MR. LAVERT POMPEI-BENEFIELD explained that it was a matter of both privacy and security. Currently, they have bars on their front door; they hope to be able to remove those and enclose the patio. He confirmed for COMMISSIONER TROWBRIDGE that the wall had not yet been built; they were not coming before the Commission asking for permission after the fact. MR. VINCENT POMPEI-BENEFIELD described the wall as having wrought iron to break up the wall, and the neighbor on the side would have the same wrought iron.

COMMISSIONER MOODY stated he thought hard about this application but believed the final product would be really nice. He also wondered why the applicants wanted to build the wall two feet higher than code, but after the explanation provided to COMMISSIONER TROWBRIDGE, he now understands the security issue and indicated he would support the request.

CHAIR SCHLOTTMAN asked staff to confirm that the code typically required a two-foot block wall with three feet of screening on top. MR. GEBEKE confirmed, stating the requirement was a maximum two-foot block wall with three feet of wrought iron or another open material above that. CHAIR SCHLOTTMAN asked under what circumstances that height requirement no longer applied (i.e., if the setback was a certain distance from the street). MR. GEBEKE stated that requirement applied within the front yard setback area. A taller wall could be constructed beyond the setback and in the buildable area of the site. CHAIR SCHLOTTMAN stated he appreciated the applicants applying for the required permits before construction began. In looking at the map and considering the area, he agreed that the project looked nice.



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CHAIR SCHLOTTMAN declared the Public Hearing closed.