



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: SEPTEMBER 11, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: NILI NEU

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
VAR-73728	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 160

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

VAR-73728 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

The applicant is requesting a Variance in order to maintain the solid panels installed upon portions of the existing wrought iron fencing adjacent to front and side property lines at 1925 Silver Avenue.

ISSUES

- A Variance is requested to allow a five-foot tall solid fence along portions of the front and side property lines where 50 percent of the upper three feet of the existing fence shall remain open for visibility. Staff does not support this request.

ANALYSIS

The applicant installed metal panels to the existing wrought iron fence along the driveway portions of the front fence, and on a portion of the western side yard fence within the front yard setback area. The majority of the remaining front and side yard fence is currently screened with live plant material. As stated in the justification letter date stamped 07/03/18, the applicant installed the metal panels primarily for safety and to increase their own feeling of protection.

Title 19.06 allows front yard fences and walls to have a primary height of 5 feet, with a maximum solid wall base of two feet with the remaining upper three feet to remain 50 percent open. Prior to the installation of the solid metal panels, the existing wrought iron fence was in compliance with Title 19.06.

Staff finds the solid fence in the front yard setback area to be a self-imposed hardship as no evidence of a unique or extraordinary circumstance has been presented in relation to any hardships imposed by the site's physical characteristics; therefore, staff is recommending denial of the Variance request.

FINDINGS (VAR-73728)

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:

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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.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by installing solid panels upon the existing wrought iron fence. Removing the installed panels would allow conformance to the Title 19 requirements. 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.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/19/02	The City Council approved a request for a General Plan Amendment (GPA-0047-01) to amend a portion of the Southeast Sector Map of the General Plan in the general vicinity of the Charleston Boulevard and Rancho Drive intersection from SC (Service Commercial) to O (Office); from R (Rural Density Residential) to DR (Desert Rural Density Residential); from O (Office) to DR (Desert Rural Density Residential) and; from L (Low Density Residential) to DR (Desert Rural Density Residential). The Planning Commission was unable to obtain a supermajority vote and the item was forwarded to the City Council with a recommendation of denial.
08/18/15	Code Enforcement processed a complaint (#158542) for a possible short term residential rental at 1925 Silver Avenue. The case was resolved on 09/25/15.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/22/15	Code Enforcement processed a complaint (#160520) for non-permitted construction at 1925 Silver Avenue. The case was resolved on 07/13/16.
11/16/16	Code Enforcement processed a complaint (#172123) for additional courses being added to an existing block wall at 1925 Silver Avenue. The case was resolved on 12/21/16.
02/21/17	Code Enforcement processed a complaint (#174901) for a possible short term residential rental at 1925 Silver Avenue. The complaint was amended on 07/29/18 to include the solid fence along portions of the front and side yard property lines. The case is unresolved as of 08/27/18.

<i>Most Recent Change of Ownership</i>	
11/09/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/15/15	A business license application (G62-07277) was denied for a short term residential rental at 1925 Silver Avenue.
05/04/16	A building permit (#308785) was issued per Code Enforcement Case (#160520) for interior remodeling (bedrooms 2 and 3) at 1925 Silver Avenue. The permit is open as of 08/27/18.
09/19/16	A business license application (G64-06588) was denied for a short term residential rental at 1925 Silver Avenue.

<i>Pre-Application Meeting</i>	
06/20/18	Staff conducted a pre-application meeting to discuss the submittal requirements for a Variance application.

<i>Neighborhood Meeting</i>	
A Neighborhood meeting was not required, nor was one held.	

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Field Check	
07/03/18	Staff conducted a routine field check where the portions of the front and side yard fence that have solid paneling installed upon them were observed. The remaining portions of the wrought iron fence are screened with live plant material.

Details of Application Request	
Site Area	
Net Acres	0.68

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
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)

Master and Neighborhood Plan Areas	Compliance
No Applicable Master Plan Area	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 200 Feet	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
Rancho Charleston Land Use Study	Y
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Interlocal Agreement	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

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<i>Street Name</i>	<i>Functional Classification of Street(s)</i>	<i>Governing Document</i>	<i>Actual Street Width (Feet)</i>	<i>Compliance with Street Section</i>
Silver Avenue	Local	Title 13	51	Y