



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: OCTOBER 10, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CLARA D. LLORET GONZALEZ

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0445-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 17

NOTICES MAILED 253

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0445-VAR1 CONDITIONS

Planning

1. A Variance (23-0445-VAR1) is hereby approved to allow a six-foot tall front yard wall/fence where a five-foot tall front yard wall with a two-foot solid wall base is the maximum allowed.
2. 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.
3. 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 Building and Safety Division.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. 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 for an existing front yard wall/fence that does not meet Title 19 front yard wall/fence maximum height requirements located at 4320 Via Vaquero Avenue.

ISSUES

- A Variance is requested to allow an existing six-foot tall front yard wall/fence where five feet is the maximum permitted height. Staff does not support this request.
- A Code Enforcement case (CE23-00072) was processed in January 2023 for unpermitted structures and an unpermitted front yard wall/fence. The unpermitted structures that do not meet Title 19 requirements are noted as removed. If approved, a building permit must be obtained for the subject front yard wall/fence. If denied, the subject front yard wall/fence must be removed or brought into compliance with Title 19.

ANALYSIS

A Code Enforcement Case (CE23-00072) was opened January 2023 to monitor the removal or legalization of the subject six-foot tall front yard wall/fence where five feet is the maximum allowed height and unpermitted Residential Accessory Structures and Patio Covers. Code Enforcement inspection notes from August 2023 state that all unpermitted Residential Accessory Structures and Patio Covers have been removed with the exception of the Residential Accessory Structure located on the northeast perimeter of the property, which meets all Title 19 setback requirements for a Residential Accessory Structure within the R-1 (Single Family Residential) zoning district, per the submitted site plan, date stamped 08/21/23. Therefore, the Variance request is solely for the subject six-foot tall front yard wall/fence.

The subject site is located within the R-1 (Single Family Residential) zoning district. Per Title 19.06.070, a five-foot tall front yard wall/fence with a two-foot solid wall base is the maximum allowed height, which the subject front yard wall/fence exceeds, as it is six feet in height. The site plan, date stamped 08/21/23, depicts a front yard wall that ranges in height from five feet tall to six feet tall. The submitted site plan shows that the maximum block wall height of the subject front yard wall/fence is three feet and the maximum wrought iron height is six feet.

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No evidence of a unique or extraordinary circumstance related to the physical characteristics of the site has been presented to warrant the requested Variance. As such, the hardship is self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

FINDINGS (23-0445-VAR1)

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

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by constructing a six-foot tall front yard wall/fence where five feet is the maximum allowed within the R-1 (Single Family Residential) zoning district. 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.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
01/04/23	A Code Enforcement Case (CE23-00072) was processed for an unpermitted six-foot tall front yard wall/fence and unpermitted Residential Accessory Structures and Patio Covers. The case was marked as resolved by Code Enforcement on 08/02/23.

<i>Most Recent Change of Ownership</i>	
12/06/21	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no related Building Permits or Business Licenses.	

<i>Pre-Application Meeting</i>	
08/03/23	A pre-application meeting was held with the applicant to review the submittal process for a Variance request.

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

<i>Field Check</i>	
08/30/23	A routine field check was conducted by staff in which a six-foot tall front yard wall/fence was observed. No other issues were noted.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.15

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<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	Residential, Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North			
South			
East			
West			

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Charleston	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
No Applicable Special Area or Overlay Districts	N/A
<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
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

DEVELOPMENT STANDARDS

Pursuant to 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Max. Front Yard Wall/Fence Height	Five feet with a two-foot tall solid wall base	Six feet with a three-foot tall solid wall base	N

*A Variance (23-0445-VAR1) is requested to allow a six-foot tall wall/fence where five feet is the maximum allowed.