



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: APRIL 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: SEYEDHOSEIN REZA ZADEH MOUSAVI

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0003-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 24

NOTICES MAILED 132

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0003-VAR1 CONDITIONS

Planning

1. A Variance (24-0003-VAR1) is hereby approved, to allow a six-foot tall front yard wall within the front yard setback where five feet with a two-foot solid 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. Submit a License Agreement for landscaping and private improvements (wall) in the Palomino Lane public right(s)-of-way, prior to the issuance of permits for these improvements. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the License Agreement. Coordinate all requirements for the License Agreement with the Land Development Section of the Department of Community Development (229-5460).
7. Landscape and maintain all unimproved right-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for an existing front yard wall that exceeds Archived Title 19.08 wall height development standards at 711 Campbell Drive.

ISSUES

- A Variance (24-0003-VAR1) is requested to allow a six-foot tall solid front yard wall within the front yard setback where five feet with a two-foot solid base is the maximum height allowed. Staff does not support this request.
- A Condition of Approval has been added which addresses the existing, non-permitted wall within public rights-of-way through a license agreement. If requested by the City, the applicant shall remove property within the public right-of-way at the applicant's expense pursuant to the terms of the City's License Agreement.

ANALYSIS

The applicant has constructed a front yard wall without permits within the R-A (Ranch Acres) Zoning district, where it is subject to the Archived Title 19 development standards. Previously, the Planning Commission denied a Variance (22-0720-VAR1) to allow a seven-foot tall solid front yard wall within the front yard setback where five feet with a two-foot solid base is the maximum height allowed. The applicant has since proposed to reduce the height of the un-permitted front yard wall to six feet, prompting this Variance request (24-0003-VAR1).

Per Title 19, front yard walls/fences shall be a maximum of five feet tall where up to two feet is solid and the top three vertical feet is open to permit visibility. The applicant is proposing to maintain a solid six-foot tall front yard wall with partial openness towards the corner of the property to permit visibility. Title 19 requires that only two feet of a front yard wall is solid to allow for visibility for vehicular traffic and pedestrian traffic. Especially on corner lots like the subject property, vehicular and pedestrian traffic need to be able to view the intersection and on-coming traffic.

Per the submitted justification letter, the applicant constructed the front yard wall as the applicant's property has been "vandalized several times". 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 and therefore, staff recommends denial of this Variance request. If approved, it will be subject to conditions.

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FINDINGS (24-0003-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 proposing to maintain an un-permitted front yard wall that fails to comply with the Archived Title 19 development standards. 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, Building, Code Enforcement, etc.</i>	
08/21/02	The City Council approved a request to amend portions of the Southeast Sector Map (GPA-0047-01) of the General Plan in the general vicinity of the Charleston Boulevard/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) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan.
01/12/21	A Code Enforcement Case (#C21-00155) was open citing business operations in a residential area at 711 Campbell Drive. The case was resolved 02/01/21.

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<i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i>	
09/12/22	A Code Enforcement Case (#CE22-04923) was opened citing construction of a wall without permits at 711 Campbell Drive. The case remains open, pending the results of this Variance (24-0003-VAR1) request.
02/14/23	The Planning Commission denied a Variance (22-0070-VAR1) to allow a seven-foot front yard wall within the front yard setback where five feet with a two-foot solid base is the maximum allowed at 711 Campbell Drive. Staff recommended denial.
03/12/24	The Planning Commission voted (7-0) to HOLD IN ABEYANCE the following Land Use Entitlement project requests TO ALLOW AN EXISTING SIX-FOOT TALL SOLID WALL IN THE FRONT YARD WHERE FIVE FEET WITH A TWO-FOOT SOLID BASE IS THE MAXIMUM HEIGHT ALLOWED

<i>Most Recent Change of Ownership</i>	
07/27/21	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>	
01/03/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<i>Field Check</i>	
02/01/24	Staff conducted a field check of the subject property and observed an existing front yard wall. Staff observed existing walls constructed along Campbell Drive and Palomino Lane. Staff observed walls that were placed in right-of-way. A condition of approval has been added that addresses this issue.

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Details of Application Request	
Site Area	
Gross Acres	1.11

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
South	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-A (Ranch Acres)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Charleston	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District (175 Feet)	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
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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DEVELOPMENT STANDARDS

Pursuant to Archived Title 19.12, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Max. Primary Wall Height	5 Feet	6 Feet	N*
Max. Solid Wall Base Height	2 Feet	3 Feet	N*
Max. Ornament Height above Wall	18 Inches	3 Inches	Y
Max. on-center distance between pilasters	24 feet	6 feet	Y

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