

*City of Las Vegas*

**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: JANUARY 14, 2025**

**DEPARTMENT: COMMUNITY DEVELOPMENT**

**ITEM DESCRIPTION: APPLICANT/OWNER: PAUL BALIKIAN**

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

<b>CASE NUMBER</b>	<b>RECOMMENDATION</b>	<b>REQUIRED FOR APPROVAL</b>
24-0586-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**\*\* NOTIFICATION \*\***

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      20

**NOTICES MAILED**    395

**PROTESTS**    0

**APPROVALS**    0

**\*\* CONDITIONS \*\***

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**24-0586-VAR1 CONDITIONS**

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**Planning**

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

**Staff Report Page One  
January 14, 2025 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The applicant is proposing to construct a solid front yard wall that exceeds maximum height limitations at 2008 Fontana Avenue.

**SURROUNDING AREA CHARACTERISTICS**

<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			

**ISSUES**

- A Variance is requested, to allow a six-foot tall front yard wall where five feet is the maximum overall height allowed. Staff does not support this request.
- A Variance is requested, to allow a six-foot tall solid front yard wall, where a two-foot solid base is the maximum solid base height allowed. Staff does not support this request.

<i>Structure</i>	<i>Standard/ Requirement</i>	<i>Proposed</i>	<i>Governing Document</i>	<i>Recommendation</i>	<i>Justification</i>
Front Yard Wall	5-foot maximum height	6 Feet	Title 19.06.070	Denial	Security
Front Yard Wall	2-foot solid base maximum height	6 Feet	Title 19.06.070		

**Staff Report Page Two**  
**January 14, 2025 - Planning Commission Meeting**

## **ANALYSIS**

The applicant has proposed to construct a wall within the 20-foot front yard setback area for the R-1 (Single Family Residential) zoning district. As depicted on the submitted plans, the proposed front yard wall is 15 feet from the front property line. The proposed wall then extends around the perimeter of the existing primary dwelling.

The applicant has provided no justification relating to the physical characteristics of the property. As no evidence of a unique or extraordinary circumstance relating to the physical characteristics of the property have been presented to warrant the requested Variance, staff finds the hardship to be self-imposed and preferential in nature. Therefore, staff recommends denial of this Variance request. If approved, the Variance will be subject to conditions.

## **FINDINGS (24-0586-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 construct a front yard wall that is completely solid and exceeds overall height limitations. 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.

Staff Report Page Three  
January 14, 2025 - Planning Commission Meeting

### BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
There are no related, relevant City Actions by Planning, Fire, Code Enforcement, etc.	

<b><i>Most Recent Change of Ownership</i></b>	
03/29/22	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
10/19/22	A building permit (R22-17328) was processed for a home remodel at 2008 Fontana Avenue. The building permit has not been issued.

<b><i>Pre-Application Meeting</i></b>	
11/05/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

<b><i>Field Check</i></b>	
12/03/24	Staff conducted a routine field check of the subject property and observed an existing single family residence. Nothing of concern was noted.

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

**Staff Report Page Four  
January 14, 2025 - Planning Commission Meeting**

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Charleston	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
A-O (Airport Overlay) District (140 Feet)	Y
<b>Other Plans or Special Requirements</b>	<b>Compliance</b>
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 Title 19.06.070, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Wall Height	5 Feet	6 Feet	N*
Maximum Solid Wall Base Height	2 Feet	6 Feet	N*

\*Variances are requested to allow increased overall wall height and solid base wall height.