



**AGENDA MEMO - COMMUNITY DEVELOPMENT**

**PLANNING COMMISSION MEETING DATE: JULY 9, 2024**  
**DEPARTMENT: COMMUNITY DEVELOPMENT**  
**ITEM DESCRIPTION: APPLICANT: RICHMOND AMERICAN HOMES - OWNER:**  
**INVESTOR EQUITY HOMES, LLC -**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0249-VAR1	Staff recommends APPROVAL, subject to conditions:	

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

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      28

**NOTICES MAILED**    169

**PROTESTS**    0

**APPROVALS**    0

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

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**24-0249-VAR1 CONDITIONS**

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**Planning**

1. A Variance is hereby approved, to allow seven-foot tall retaining walls where four feet is the maximum height allowed and an overall wall height of 13 feet where 10 feet is the maximum height 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.

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

**PROJECT DESCRIPTION**

This is a Variance request for proposed perimeter and retaining walls that exceed Title 19 height limitations located at the southeast corner of Ackerman Avenue and Tioga Way.

**ISSUES**

- A Variance is requested, to allow seven-foot tall retaining walls where four feet is the maximum height allowed and an overall wall height of 13 feet where 10 feet is the maximum height allowed. Staff supports this request.

**ANALYSIS**

The subject site is zoned R-E (Residence Estates) and is subject to Title 19 development standards. The subject site is undeveloped and is surrounded by single-family dwellings zoned R-1 (Single Family Residential) to the south, and other single-family dwellings on all other sides that are zoned (RS20) Residential Single-Family 20 and are located within Clark County. The applicant intends to develop the lot with single-family residences, though no Parcel or Tentative Map has been submitted at this time.

Per the submitted site plan, the applicant is proposing to construct both retaining and perimeter walls for a future residential subdivision. As there is a slope of less than or equal to two percent, retaining walls are allowed to be up to four feet, with an overall wall height of ten feet. Per the submitted site plan, the applicant has proposed retaining walls up to seven feet, which creates an overall wall height of 13 feet, prompting this Variance request.

The applicant justifies this request by indicating that the existing sewer point must be extended into a future subdivision at a minimum slope of one percent, requiring the proposed retaining walls to be seven feet tall as a result of the natural slope of the parcel. The added height is required in order to create the necessary slope to allow the sewer to drain to the west, where the main sewer connection is located in the Tioga Way right-of-way. As a result of this added height, the proposed screen wall extends the total wall height to 13 feet, where 10 feet is the maximum height allowed.

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Staff finds that sufficient evidence in relation to the unique circumstances and topographical layout of the property have been presented to allow the approval for an increase in retaining wall and maximum overall wall heights. Therefore, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for the granting of Variances. Therefore, staff recommends approval of this Variance, subject to conditions.

**FINDINGS (24-0249-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."

Due to the unique topographical conditions of the subject property, staff finds sufficient evidence has been presented to allow an increase in retaining and overall height heights. Therefore, it is concluded that the applicant's hardship is not preferential in nature, and it is thereby within the realm of NRS Chapter 278 for the granting of Variances.

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### BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by Planning, Fire, Building, Code Enforcement, etc.</i></b>	
02/18/15	The City Council approved an Annexation (ANX-56802) for this site as part of a larger request. The effective date was 02/27/15.
06/17/15	The City Council approved a Variance (VAR-58604) to allow no offsite improvements on Ackerman Avenue and Tioga Way where such are required at the southeast corner of Ackerman Avenue and Tioga Way.
06/17/15	The City Council approved a Variance (VAR-58606) to allow eight-foot tall retaining walls where four feet is the maximum allowed at the southeast corner of Ackerman Avenue and Tioga Way.
06/17/15	The City Council approved a Variance (VAR-58683) to allow no sidewalks, streetlights or gate on a private street where such are required at the southeast corner of Ackerman Avenue and Tioga Way.
06/17/15	The City Council approved a Waiver (WVR-58614) to allow a 200-foot external intersection offset where 220 feet is required at the southeast corner of Ackerman Avenue and Tioga Way.

<b><i>Most Recent Change of Ownership</i></b>	
06/21/13	A deed was recorded for a change in ownership.

<b><i>Related Building Permits/Business Licenses</i></b>	
There are no related building permits or business licenses.	

<b><i>Pre-Application Meeting</i></b>	
05/02/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Waiver and Variance.

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

<b><i>Field Check</i></b>	
05/28/24	Staff conducted a routine field check of the subject site and observed an undeveloped site. Nothing of concern was noted.

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<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	2.82

<b>Surrounding Property</b>	<b>Existing Land Use Per Title 19.12</b>	<b>Planned or Special Land Use Designation</b>	<b>Existing Zoning District</b>
Subject Property	Undeveloped	RNP (Rural Neighborhood Preservation)	R-E (Residence Estates)
North	Undeveloped	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
South	Residential, Single Family, Detached	PCD (Planned Community Development)	R-E (Residence Estates)
East	Residential, Single Family, Detached	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County
West	Residential, Single Family, Detached	RNP (Rural Neighborhood Preservation) – Clark County	R-E (Rural Estates Residential) – Clark County

<b>Master and Neighborhood Plan Areas</b>	<b>Compliance</b>
Las Vegas 2050 Master Plan Area: Centennial Hills	Y
<b>Special Area and Overlay Districts</b>	<b>Compliance</b>
No Applicable Special Area or Overlay Districts	N/A
<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

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**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.06.060, the following standards apply for Perimeter and Retaining Walls with Slope less than or equal to 2 percent:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Maximum Wall Height	10 Feet	13 Feet	N*
Maximum Retaining Wall Height	4 Feet	7 Feet	N*

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