



AGENDA MEMO - COMMUNITY DEVELOPMENT

CITY COUNCIL MEETING DATE: DECEMBER 20, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: RAIDEL RAVELO NODA

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

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|---------------------|---|------------------------------|
| 23-0453-VAR1 | Staff recommends DENIAL, if approved subject to conditions: | |

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 6

NOTICES MAILED 498

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

23-0453-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a six-foot tall wall/fence with a three foot solid base where a five foot tall wall/fence with a two foot solid base is 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 Department of Building and Safety.
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.

Staff Report Page One
December 20, 2023 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow a six-foot tall wall/fence with a three-foot solid base where a five-foot tall wall/fence with a two-foot solid base is allowed on 0.11 acres at 2620 Rising Legend Way.

ISSUES

- Per Title 19.06.080, the maximum front yard fence height is five feet with a maximum two-foot solid wall base. The applicant is requesting to keep the existing six-foot tall front yard fence with a three-foot solid base. Staff does not support this request.
- A Code Enforcement Case (CE22-06351) has been initiated concerning an unlicensed short-term residential rental, evidenced by active Airbnb listings. Google photos reveal a lack of garage conversion from 2009 through 2019. However, recent observations in the January 2023 Google view indicate garage conversion and the installation of side/front yard fencing with iron rods. It is imperative to note the absence of permits for any of the alleged work, and no licenses (CUV, SUP, PRJ) or projects have been identified, except for a photovoltaic system permit issued in 2019. Given the aforementioned violations, it is recommended to proceed with the issuance of a Notice and Order (N&O) for corrective action at 2620 Rising Legend Way. As of November 1, 2023, this case remains active and is awaiting resolution.

ANALYSIS

The subject site is zoned R-CL (Single Family Compact-Lot) and is subject to the Title 19 Development Standards. Per Title 19.06.080, a five-foot tall front yard wall/fence with a two-foot solid wall base is the maximum height allowed. The existing front yard fence exceeds, as it is six feet in height with a three-foot tall solid wall base. According to the submitted justification letter, the applicant is requesting permission to retain the current front yard fence, citing cost considerations as a primary factor. The existing fence is characterized by its stucco and metal fencing with a curved design.

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.

Staff Report Page Two
December 20, 2023 - City Council Meeting

FINDINGS (23-0453-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 constructed a front yard wall/fence that exceeds front yard wall/fence height requirements in the R-CL (Single Family Compact-Lot) zoning district without permit. If the applicant would have applied for building permits, they would have been informed of what is required, and conformance to the Title 19 requirements could have been met. 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>Most Recent Change of Ownership</i> | |
|--|--|
| 12/12/22 | A deed was recorded for a change in ownership. |
| <i>Related Building Permits/Business Licenses</i> | |
| 05/23/23 | A building permit (R23-10599) was processed for block walls at 2620 Rising Legend Way. The permit is under review pending this Variance request. |

Staff Report Page Three
December 20, 2023 - City Council Meeting

| Related Relevant City Actions by Planning, Fire, Bldg., etc. | |
|---|--|
| 11/15/22 | A Code Enforcement Case (CE22-06351) has been initiated concerning an unlicensed short-term residential rental, evidenced by active Airbnb listings. Google photos reveal a lack of garage conversion from 2009 through 2019. However, recent observations in the January 2023 Google view indicate garage conversion and the installation of side/front yard fencing with iron rods. It is imperative to note the absence of permits for any of the alleged work, and no licenses (CUV, SUP, PRJ) or projects have been identified, except for a photovoltaic system permit issued in 2019. Given the aforementioned violations, it is recommended to proceed with the issuance of a Notice and Order (N&O) for corrective action at 2620 Rising Legend Way. As of November 1, 2023, this case remains active and is awaiting resolution. |

| Pre-Application Meeting | |
|--------------------------------|--|
| 08/23/23 | A pre-application meeting was held with the applicant to review the submittal requirements for a Variance. |

| Neighborhood Meeting | |
|--|--|
| A neighborhood meeting was not required, nor was one held. | |

| Field Check | |
|--------------------|---|
| 09/28/23 | A routine field check was conducted by staff; nothing was noted of concern. |

| Details of Application Request | |
|---------------------------------------|------|
| Site Area | |
| Net Acres | 0.11 |

| Master and Neighborhood Plan Areas | Compliance |
|--|-------------------|
| Las Vegas 2050 Master Plan Area: West Las Vegas | Y |
| Special Area and Overlay Districts | Compliance |
| A-O (Airport Overlay) District (70 Feet) | 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 |

Staff Report Page Four
December 20, 2023 - City Council Meeting

| <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 | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |
| North | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |
| South | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |
| East | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |
| West | Residential, Single Family, Detached | ML (Medium Low Density Residential) | R-CL (Single Family Compact-Lot) |

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 solid fence base | Six feet with a three solid fence base | N* |

*The applicant is requesting a Variance to allow an existing six-foot tall wall in the front yard where five feet is the maximum height allowed and with a three-foot solid base where two feet is the maximum height allowed.