



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: DECEMBER 12, 2023

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT: ELEFTERIA MANGAFAS - OWNER:
MANGAFAS REVOCABLE TRUST**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
23-0329-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

NOTICES MAILED 344

PROTESTS 2

APPROVALS 1

**** CONDITIONS ****

23-0329-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a five-foot tall solid wall in the front yard where five-feet with a two-foot solid base 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 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting a Variance to allow a proposed five-foot tall solid wall in the front yard where five feet with a two-foot solid base is the maximum height allowed on 0.63 acres at 10000 Hidden Knoll Court.

ISSUES

- Per Title 19.10.050 and 19.06.070, the maximum front yard fence height is five feet with a two-foot solid base. The applicant is requesting five-foot tall solid front yard fence. Staff does not support this request.
- When silent, a comparative zoning district is utilized when determining development standards that were not specified by the developer. In this instance, the R-PD6 zoning district is the comparative district.

ANALYSIS

The subject site is zoned R-PD6 (Residential Planned Development - 6 Units Per Acre) and is subject to the Title 19 Development Standards. Per Title 19.10.050 and 19.06.070, a five-foot tall front yard wall/fence with a two-foot solid wall base is the maximum height allowed. The proposed front yard fence is a five-foot solid wall. As per the provided justification letter, it is noted that the local Homeowners Association (HOA) has already granted their approval for the construction of a solid wall. The proposed wall is intended to be a five-foot CMU (Concrete Masonry Unit) solid wall. This design choice, while ensuring privacy by limiting visibility, also serves as a deterrent against unauthorized access to the property, but is not consistent with the policies of the Low Density Residential category of the General Plan.

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 (23-0329-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:

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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 a front yard wall that exceeds front yard solid wall height requirements in the R-PD6 (Residential Planned Development - 6 Units Per Acre) zoning district. Designing the front yard wall to a five-foot primary wall height with a two-foot solid base would allow conformance to the Title 19 requirements. 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, Bldg., etc.</i>	
04/25/84	The City Council approved an Annexation (A-06-84) to annex a parcel of land containing approximately 1304.32 acres, generally located bounded on the north by Sahara Avenue, on the south by Desert Inn Road, on the west by Hualapai Way.
05/31/96	The Board of Zoning Adjustment approved a Variance (V-0048-96) to allow a proposed single family dwelling 10 feet from the front property line where 20 feet is the minimum setback required on property located at 10000 Hidden Knoll Circle. Staff recommended denial.

<i>Most Recent Change of Ownership</i>	
09/08/21	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses

05/05/23	A building permit (R23-06819) was processed to install a five-foot CMU wall. The permit has not been issued yet.
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Pre-Application Meeting

06/27/23	A pre-application meeting was held with the applicant to review the submittal requirements for a Variance.
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Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.
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Field Check

09/28/23	A routine field check was conducted by staff; nothing was noted of concern.
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Details of Application Request**Site Area**

Net Acres	0.63
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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Unit Per Acre)
North	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Unit Per Acre)
South	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Unit Per Acre)

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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>
East	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Unit Per Acre)
West	Residential, Single Family, Detached	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development - 6 Unit Per Acre)

<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Angel Park	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
R-PD (Residential Planned Development) District	Y
<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 solid fence base	Five feet solid wall	N*

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