



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: MAY 14, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: JOSEPH MCDEVITT

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0066-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 132

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0066-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a proposed seven-foot tall solid wall and a six-foot tall iron fence in the front yard area 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. No portion of the proposed wall shall encroach into the public right-of-way of Oakey Boulevard.
7. No driveways or vehicle access is allowed from this site onto Oakey Boulevard, as the proposed wall does not accommodate Sight Visibility requirements. If such access is desired in the future, the wall may require partial redesign/reconstruction to provide appropriate Sight Visibility Restriction Zones.
8. 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. The proposed wall must be located outside of any site visibility restriction zones.

Staff Report Page One
May 14, 2024 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed front yard wall and fence that does not meet Title 19 front yard wall/fence maximum height requirements located at the northeast corner of Oakey Boulevard and Westwood Drive.

ISSUES

- A Variance (24-0066-VAR1) is requested to allow a proposed seven-foot tall solid wall and a six-foot tall fence in the front yard area where five feet with a two-foot solid base is the maximum allowed. Staff does not support this request.

ANALYSIS

The subject site is zoned R-E (Residence Estates) and is currently undeveloped. The surrounding properties are developed with single-family dwellings. Per Title 19.06.060, a five-foot tall front yard wall/fence with a two-foot solid wall base is the maximum allowed height. The applicant is requesting a Variance (24-0066-VAR1) to construct a six-foot tall iron fence and a seven-foot tall solid wall in the front yard area. According to the submitted justification letter, the proposed front yard wall/fence is intended to provide security for the property.

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 (24-0066-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."

Staff Report Page Two
May 14, 2024 - Planning Commission Meeting

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/fence that fails to comply with Title 19 development standards. Reducing the proposed fence and solid wall height 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, Building, Code Enforcement, etc.</i>	
No related relevant City actions by Planning, Fire, Building, Code Enforcement, etc.	

<i>Most Recent Change of Ownership</i>	
02/16/23	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/21/23	A building permit application (#R23-20369) was processed for a proposed wall and fence at the subject site. A permit has not been issued.

<i>Pre-Application Meeting</i>	
02/01/24	A pre-application meeting was held with the applicant and the submittal requirements for a Variance were discussed.

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

Staff Report Page Three
May 14, 2024 - Planning Commission Meeting

Field Check	
04/02/24	Staff conducted a routine field check and observed an undeveloped lot with covered chain link fencing and barbed wire that will be removed as noted in the submitted site plan.

Details of Application Request	
Site Area	
Net Acres	0.40

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Undeveloped	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
South	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Residential, Single Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	N/A
Special Area and Overlay Districts	Compliance
A-O (Airport Overlay) District – 200 Feet	Y
RP-O (Rural Preservation Overlay) District	Y
Other Plans or Special Requirements	Compliance
Trails (West Oakey Boulevard – Shared Use Trail)	Y
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 19.06.060, 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 wall base	Six-foot iron fence and seven-foot solid wall	N*

*A Variance (24-0066-VAR1) is requested to allow a proposed seven-foot tall solid wall and a six-foot tall fence in the front yard area where five feet with a two-foot solid base is the maximum allowed.