



AGENDA MEMO - COMMUNITY DEVELOPMENT

PLANNING COMMISSION MEETING DATE: JULY 9, 2024

DEPARTMENT: COMMUNITY DEVELOPMENT

**ITEM DESCRIPTION: APPLICANT/OWNER: KAUFFMAN AND MCDOUGALL
FAMILY TRUST**

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
24-0255-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 21

NOTICES MAILED 220

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

24-0255-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved, to allow a six-foot tall front yard fence where five 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.

Public Works

6. The gate shall be electronically operated and may not open into public right-of-way. Queueing for the overall residence shall not extend into the public right-of-way as a result of entering the property due to gate operations.
7. Contact the City Engineer's Office at 702-229-6272 to coordinate the development of this project with the Oakey Boulevard – Rancho Drive to Martin Luther King Boulevard project and any other public improvement projects adjacent to this site. The wall shall be constructed completely out of the public right-of-way (including footing) and the footing shall be at least 1-foot below existing grade. Comply with the recommendations of the City Engineer.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Variance request for a proposed front yard fence that exceeds height maximums at 2117 West Oakey Boulevard.

ISSUES

- A Variance is requested to allow a six-foot tall front yard fence where five feet is the maximum allowed. Staff does not support this request.

ANALYSIS

The subject site is zoned R-1 (Single Family Residential) and is subject to Title 19 development standards. The subject site is currently developed as a single-family residence with an accessory dwelling unit in the rear yard of the property. Surrounding the subject site are other R-1 (Single Family Residential) zoned single-family dwellings to the west and east, while R-E (Residence Estates) zoned single-family dwellings face north of the subject property. The applicant is requesting to construct a front yard fence that is six-feet tall, prompting this Variance request.

Pursuant to Title 19.06.070, front yard walls are limited to a height of five feet in height where the top three feet is required to remain open to permit visibility. Per the submitted plans, the proposed fence will have no solid or opaque element that would disrupt sight visibility. The submitted justification letter cites adding aesthetic value to the property in addition to security concerns in the immediate area.

No evidence of a unique or extraordinary circumstance has been presented to warrant the requested Variance as the site's physical characteristics are regular and uniform to allow compliance with Title 19 requirements. As such the hardship is self-imposed and staff therefore recommends denial of the requested Variance. If approved, the Variance will be subject to conditions.

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FINDINGS (24-0255-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 fence that exceeds Title 19 height restrictions. Reducing the height of the proposed fence by one-foot 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>	
04/29/21	The Planning Commission approved a Special Use Permit (21-0172-SUP1) for a proposed Accessory Structure Class I Use [Casita] at 2117 West Oakey Boulevard.

<i>Most Recent Change of Ownership</i>	
01/10/24	A deed was recorded for a change in ownership.

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Related Building Permits/Business Licenses	
05/12/21	A building permit (#R21-00174) was issued for a remodel and garage conversion. The permit was finalized on 02/17/22.
08/31/22	A building permit (#R22-14513) was issued for a casita. The permit is currently in inspections.

Pre-Application Meeting	
05/07/24	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Variance.

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

Field Check	
05/28/24	Staff conducted a routine field check of the subject site and observed an existing single-family residence. Nothing of concern was noted.

Details of Application Request	
Site Area	
Net Acres	0.25

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
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	L (Low Density Residential)	R-1 (Single Family Residential)
West	Residential, Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)

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<i>Master and Neighborhood Plan Areas</i>	<i>Compliance</i>
Las Vegas 2050 Master Plan Area: Downtown Las Vegas	Y
<i>Special Area and Overlay Districts</i>	<i>Compliance</i>
A-O (Airport Overlay) District (200 Feet)	Y
RP-O (Rural Preservation Overlay) 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 Title 19.06, the following standards apply:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 SF	10,890 SF	Y
Min. Lot Width	60 Feet	90 Feet	Y
Maximum Primary Wall Height	5 Feet	6 Feet	N*
Maximum Ornament Height Above Wall	18 Inches	N/A	N/A
Maximum On-Center Distance between Pilasters	24 Feet	8 Feet	Y
Decorative Cap Feature	5 Inches	N/A	N/A

*A Variance (24-0255-VAR1) is requested to allow a six-foot tall front yard fence where five feet is the maximum height allowed