



AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 1, 2013

DEPARTMENT: COMMUNITY DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: ROBERTO CAMACHO

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
22-0659-VAR1	Staff recommends DENIAL, if approved subject to conditions:	

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 392 (by City Clerk)

PROTESTS 0

APPROVALS 0

**** CONDITIONS ****

22-0659-VAR1 CONDITIONS

Planning

1. A Variance is hereby approved to allow a nine-foot tall solid block wall in the front yard setback where two feet of solid block wall 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 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 an existing nine-foot tall solid block wall in the front yard setback where two feet of solid block wall is the maximum allowed at 409 North Bruce Street.

ISSUES

- Per Title 19, a Front Yard Wall is allowed a two-foot tall solid wall base and three feet of wrought iron or another material that provides 50 percent transparency for visibility. The existing subject solid front yard wall is nine feet tall. The maximum total height allowed in the front yard setback for a wall/fence is five feet. Therefore, staff recommends denial of the request.

ANALYSIS

On October 22nd, 2021 Code Enforcement observed that the subject property contained two unpermitted Accessory Structures (Class II). On April 12th, 2022, the Planning Commission approved a Variance request (22-0056-VAR1) to allow one of the two Accessory Structures (Class II). The approved Accessory Structure (Class II) is located in the front yard setback and is used as a cabana.

During inspection of the Variance approved Accessory Structure (Class II) [Cabana], a City inspector noticed the newly constructed nine-foot tall solid block wall in the front yard setback area. Per Title 19, a front yard wall/fence is allowed a maximum height of five feet, which two feet is the maximum allowed for a solid wall base height and the remaining three feet is the maximum allowed for an open material such as wrought iron. The subject nine-foot front yard wall surpasses the two feet solid wall base maximum by 350 percent, and the five-foot maximum height allowed by 45 percent.

Staff recommends denial of the request, as this is a self-imposed hardship. In addition, solid walls at this height present visibility issues for pedestrians and vehicular traffic alike. If approved, a Condition of Approval has been added by staff for the applicant to obtain a building permit for the noncompliant solid front yard wall to ensure it is structurally sound.

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FINDINGS (22-0659-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 building a nine-foot tall solid front yard wall where two feet is the maximum allowed within the front yard setback. Reducing the subject front yard wall to two feet with another open material such as wrought iron atop for a maximum height of five feet 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.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/22/21	Code Enforcement created a case (CE21-04691) for two non-permitted accessory structures and an addition to the primary dwelling. The case is open as of 10/22/21, pending inspection results.
04/12/22	The Planning Commission approved a Variance (22-0056-VAR1) to allow an Accessory Structure (Class II) [Cabana] to have a zero-foot side yard setback and to be located within the front yard setback. Staff recommended denial of the request.
01/10/23	The Planning Commission voted (6-0) to recommend APPROVAL of 22-0659-VAR1, a request TO ALLOW AN EXISTING NINE-FOOT BLOCK WALL IN THE FRONT YARD SETBACK WHERE TWO FEET OF BLOCK WALL IS THE MAXIMUM ALLOWED on 0.27 acres at 409 Bruce Street (APN 139-35-111-162), R-1 (Single Family Residential) Zone, Ward 5 (Crear).

<i>Most Recent Change of Ownership</i>	
10/31/07	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/14/22	A building permit (#R22-14734) was issued for an Accessory Structure (Class II) [Cabana] located at 409 North Bruce Street.
09/06/22	A building permit (#R22-14742) was processed for a solid nine-foot tall block wall located at 409 North Bruce Street. The building permit is pending results via this Variance request decision.

<i>Pre-Application Meeting</i>	
11/08/22	A pre-application meeting was held with the applicant to review the Variance submittal process.

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

<i>Field Check</i>	
12/01/22	A routine field check was conducted by staff in which the subject nine-foot tall front yard wall was observed. Nothing else of concern was noted.

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Details of Application Request	
Site Area	
Net Acres	0.27

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

Master and Neighborhood Plan Areas	Compliance
Las Vegas 2050 Master Plan Area: East Las Vegas	Y
Special Area and Overlay Districts	Compliance
No Applicable Special Area or Overlay Districts	N/A
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area – Area 1	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:

Standard	Required/Allowed	Provided	Compliance
Maximum Allowed Front Yard Wall/Fence Height	Two Feet of Solid Wall Base Three Feet Wrought Iron (or similar material with 50% openness)	Nine-Foot Tall Solid Wall	N