



Planning Commission Agenda Item

Date: April 10, 2024

Item No: 11

TO: Planning Commission

FROM: Alfredo Melesio, Jr., AICP, EDFP, Director of Land Development & Community Services
Prepared By: Bryan Saylor, Planner

SUBJECT: **VN-03-2024 VIDALES SITE WALLS (Public Hearing).** Applicant: Celso Vidales. Request: A Variance in an R-1 (Single-Family Low-Density District) to allow a Maximum Seven (7) Foot High Wall in the Front Yard Area, where Three (3) Feet is the Maximum Height allowed. Location: 4417 Broken Bow Circle. (APN 139-07-111-016). Ward 3. (For Possible Action)

RECOMMENDATION: DENY

PROJECT DESCRIPTION:

The applicant is requesting Planning Commission consideration of a variance to allow a wall up to seven (7) feet in height where three (3) feet is allowed. The wall is currently existing however neither building permits nor a variance were obtained for its construction.

BACKGROUND INFORMATION:

Previous Action
N/A

RELATED APPLICATIONS:

Application #	Application Request
N/A	

GENERAL INFORMATION:

	Land Use	Zoning	Existing Use
Subject Property	Single Family Low	R-1 Single-Family Low Density	Existing Residential

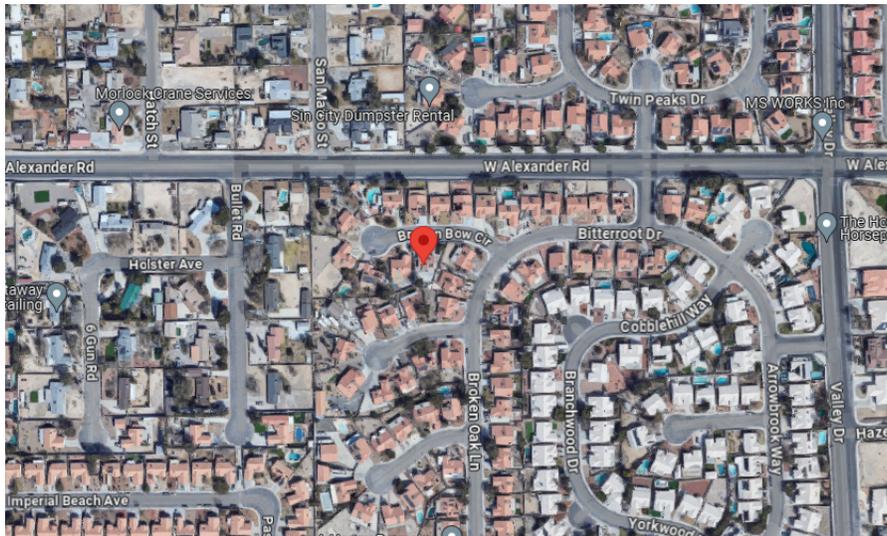
North	Single Family Low	R-1 Single-Family Low Density	Existing Residential
South	Single Family Low	R-1 Single-Family Low Density	Existing Residential
East	Single Family Low	R-1 Single-Family Low Density	Existing Residential
West	Single Family Low	R-1 Single-Family Low Density	Existing Residential

DEPARTMENT COMMENTS:

Department	Comments
Public Works:	No Comment.
Police:	No Comment.
Fire:	No Comment.
Clark County School District:	No Comment.
Clark County Department of Aviation:	No Comment.

ANALYSIS:

The subject site is located near the southwest corner of Alexander Road and Valley Drive in the Silver Mesa Estates development. All the homes in this development are zoned R-1, single-family low residential. The area is completely residential in nature, with two (2) entrances into the development. One (1) from Alexander Road and one (1) from Valley Drive. This property is located on a cul-du-sac with 11 other houses. The only other house on the cul-du-sac that has a front wall is at the entrance of the street.



There are several issues with the subject site in regards to zoning and building codes. The primary issue is that the wall was constructed without building permits and the applicants were cited by Code Enforcement due to this issue. The applicant has constructed a fence on their front property line that does not meet the design guidelines for a fence in a residential area. The wall is over the allowable height, up to seven (7) feet

in height with approximately two (2) feet of retaining block and five (5) feet of decorative iron work. Zoning code provides for a maximum wall height of four (4) feet including a maximum of three (3) feet being retaining wall. There are several reasons for the height restriction on front yard walls. Safety is the main reason for the restriction. The excessive height of the wall creates a hazard for children that may play around or climb the wall. A fall from seven (7) feet could be much more serious than a fall from four (4) feet. Also, if a portion of the wall fell over, it could potentially be double the mass of a wall that adhered to the height restrictions.



Other considerations are for emergency responders that may potentially require access to the property. Firefighters or Emergency Medical Services responding to an emergency could find it very difficult to access the property and render aid to someone in need. Law Enforcement could face the same issues with access, as well as greater safety concerns if a dangerous individual is utilizing the height and size of the wall to hide or worse put officers in a

precarious position leaving them vulnerable to harm. As you can see from this photo of the other residence that has a wall, the four (4) foot height (to the top of the wrought iron)

and size of the wall provide much easier access to the property and increased visibility. This provides greater levels of safety for Emergency Responders and the public in general.



Another issue is that over 90% of the entire yard area is hardscape, including the front yard. Per our design standards, no more than fifty (50) percent of the front yard may be hardscape. The only areas not hardscaped is the turf areas adjacent to the front yard steps; the area around the tree in the front yard, and a small area under a trampoline on the east side of the house. This work was also done without building permits being issued for the work.



Requirements for Approval of a Variance

State Law, under NRS 278.300 (1)(c), sets forth the requirements which must be met before a Planning Commission is empowered to grant a variance:

“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 regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of property, to authorize a variance from that strict application 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.”

In accordance with the Zoning Ordinance, the Planning Commission may, by motion grant a variance if the Planning Commission finds, from the evidence presented, that all of the following criteria has been met:

- **The property must contain an exceptional and extraordinary circumstance that does not generally apply to other properties in the same vicinity.**
 - The subject property possesses no exceptional or extraordinary circumstances when being compared to any of the neighboring properties.
- **Is the variance necessary for a property right that the site does not have but others in the vicinity do possess?**

- There are no property rights being afforded to any of its neighboring properties that are not being afforded to the subject property.
- **Is the variance materially detrimental to the public safety and welfare, or does it damage property values?**
 - Possibly, public safety and welfare could be affected by the design of the wall. It was also constructed without the required engineering being reviewed by the Building and Public Safety Department.

The subject wall and hardscape are aesthetically pleasing in look and design. However, neither component was reviewed by the Building Department, and neither component meet the Planning and Zoning design guidelines for single family residences. For these reasons Staff cannot support the approval of the requested variance and must recommend to deny this application.

CONDITIONS:

Planning and Zoning:

1. Unless expressly authorized through a variance, waiver or another approved method, this development shall comply with all applicable codes and ordinances.

ATTACHMENTS:

Letter of Intent

Site Plan

Building Elevations

Clark County Assessor's Map

Location and Zoning Map