

11/19/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0524-TOPETE, LETICIA:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase fence/wall height; **2)** allow a non-decorative fence along a street; and **3)** allow accessory structures prior to the principal structure on 0.46 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the south side of Reiter Avenue, 430 feet east of Leonard Lane within the Lone Mountain Planning Area. WM/rp/kh (For possible action)

RELATED INFORMATION:

APN:

138-24-511-051

WAIVERS OF DEVELOPMENT STANDARDS:

1. a. Allow a 7 foot high fence (4 feet high wall with 3 feet wrought iron fence on top) along front property line and within 15 feet of the front property line where a maximum 3 foot high wall or a 6 foot high decorative fence (with a minimum of 50% vertical space open) is permitted per Section 30.04.03B.
- b. Allow a 7 foot high wall along the sides and rear property lines where a maximum of 6 feet is permitted per Section 30.04.03B (a 17% increase).
2. Allow a non-decorative fence along a street (Reiter Avenue) where fence and walls along a street shall be decorated per Section 30.04.03B
3. Allow accessory structures (walls) prior to a principal structure per Section 30.03.01D.

LAND USE PLAN:

LONE MOUNTAIN - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 5001 Reiter Avenue
- Site Acreage: 0.46
- Project Type: Fence/walls
- Fence/wall Height (feet): 7 feet

Site Plan & Elevations

The plans depict a vacant lot with proposed fences/walls on the front, sides, and rear property lines. The lot is 0.46 acres, which is accessed via Reiter Avenue to north. The plans depict a 4 foot high wall with a 3 foot wrought iron fence on top along the front property line and along the

first 15 feet of the side property lines. After the first 15 feet of the side property lines, plans depict a proposed 7 foot high wall which runs along the sides and rear property lines.

The applicant is in process to obtain building permits for a residence and garage; however, fence/walls are requested to be constructed prior to the primary residence.

Applicant’s Justification

The applicant indicates that due to the extreme vandalism and trash left at the property they need to build the walls to enclose the property as this will create a sense of security and privacy. The applicant states the building permits already are in process for the residence and garage with the Building Department (BD-24-24818 & BD-24-28363). The applicant indicates that they have notarized signatures of neighbors agreeing to the wall and heights.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residence

Clark County Public Response Office (CCPRO)

CE-24-25474 is an active Code Enforcement case on the property for building without permit.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request is consistent with the Master Plan and is in compliance with Title 30.

Analysis

Comprehensive Planning

Waivers of Development Standards

The applicant shall have the burden of proof to establish that the proposed request is appropriate for its proposed location by showing the following: 1) the use(s) of the area adjacent to the subject property will not be affected in a substantially adverse manner; 2) the proposal will not materially affect the health and safety of persons residing in, working in, or visiting the immediate vicinity, and will not be materially detrimental to the public welfare; and 3) the proposal will be adequately served by, and will not create an undue burden on, any public improvements, facilities, or services.

Opaque walls taller than 3 feet are not allowed within the front 15 feet of the front property line. The increased height and lack of decorative features may have adverse impacts on the neighboring properties, and significantly alter the appearance of the neighborhood and the street frontage along Reiter Avenue. Also, staff realizes that increasing the existing wall height to 7 feet may provide more privacy and security; however, it may negatively impact the neighboring properties and the applicant has not provided a justification as to why walls taller than 6 foot are needed.

Staff understands that there are active building permits for the house and the garage (BD-24-24818 and BD-24-28363). However, staff cannot support the request of the accessory structures (fence/walls) to be constructed prior to the primary residence since the applicant could request temporary fencing (allowed by code) to enclose the property and create more security while the property is under construction. Also proposed fencing does not meet the Code and will be permanent. For these reasons, staff cannot support these requests.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the North Las Vegas Airport, and is subject to potentially significant aircraft noise and continuing over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the Airport to meet future air traffic demand.

Staff Recommendation

Denial.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- 1 year to complete the building permit and inspection process or the application will expire unless extended with approval of an extension of time.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; changes to the approved project will require a new land use application; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- No comment.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office at landuse@lasairport.com is strongly encouraged; and that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and funds will not be available in the future should the residents wish to have their homes purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that CCWRD does not provide sanitary sewer service in this portion of the unincorporated county; and the for any sanitary sewer needs to contact the City of Las Vegas to see if the City has any gravity sanitary sewer lines located in the vicinity of the applicant's parcel.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ALEJANDRO MOLINA

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