

06/04/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0153-WATERBENDER FAMILY TRUST ETAL & LUU JAROM TRS:

WAIVER OF DEVELOPMENT STANDARDS to increase wall height for an existing single-family residence on 0.51 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located on the west side of Tenaya Way and the north side of Wigwam Avenue within Enterprise. JJ/sd/ng (For possible action)

RELATED INFORMATION:

APN:

176-15-217-008

WAIVER OF DEVELOPMENT STANDARDS:

Increase wall height to 7 feet 4 inches where a maximum of 6 feet is permitted per Section 30.04.03 (a 22% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 8485 S. Tenaya Way
- Site Acreage: 0.51
- Project Type: Wall
- Wall Height: 7 feet, 4 inches

Site Plans

The plans depict an existing single-family residence located at the northwest corner of Wigwam Avenue and Tenaya Way. Access is from a private street from Tenaya Way. Currently there is a 6 foot high block wall along the perimeter of the property along Wigwam Avenue and Tenaya Way. The applicant is proposing to extend the height of walls along the street as well as the return wall on the northern portion of the site to 7 foot 4 inches.

Landscaping

Landscaping is not a part of this request; however, landscaping is provided outside of walls along the streets.

Elevations

The photos indicate that the 7 foot 4 inch high block wall will match the existing wall.

Applicant's Justification

The applicant states the request to increase the block wall height is for privacy and noise abatement, as people can see into their kitchen and living room.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-20-0222	Waiver of development standards for rear yard setbacks	Approved by PC	July 2020
WS-18-1004	Lot area and off-site waivers and increased finish grade	Approved by BCC	February 2019
VS-0277-07	Vacated and abandoned patent easements	Approved by PC	April 2007
ZC-1026-05	Reclassified to establish the RNP-I Overlay District	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20 (NPO-RNP)	Single-family residential
East	Low-intensity Suburban Neighborhood (up to 5 du/ac)	RS5.2	Single-family residential

The subject site is within the Public Facilities Needs Assessment (PFNA) area.

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

Waiver 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.

The adjacent properties all have the same wall height of 6 feet, which is the maximum allowed per Title 30. The applicant has not provided any mitigating measures to limit the potential negative impacts on the neighborhood and has not demonstrated that exceeding the maximum

wall height allowed per Title 30 is necessary to address their concerns. The applicant can utilize landscaping, in particular planting trees on the inside of the wall in the applicant's backyard in conjunction with the existing street landscaping to serve the same function for privacy and noise abatement. Therefore, staff cannot support this request.

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:

- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

APPLICANT: VICTORIA NGUYEN

CONTACT: VICTORIA NGUYEN, 8485 S. TENAYA WAY, LAS VEGAS, NV 89113