

02/03/26 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0424-BALLE, PETER S. & JILL L.:

WAIVER OF DEVELOPMENT STANDARDS to increase the wall height in conjunction with an existing single-family residence on 0.70 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located west of Monte Cristo Way and north of Coley Avenue within Spring Valley.
JJ/tpd/syp (For possible action)

RELATED INFORMATION:

APN:

163-10-303-008

WAIVER OF DEVELOPMENT STANDARDS:

Increase the existing wall height to 8 feet where a 6 foot decorative fence is allowed per Section 30.04.03 (a 33% increase).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 2985 S. Monte Cristo Way
- Site Acreage: 0.70
- Project Type: Increased wall height
- Wall Height (feet): 8

Site Plan & Elevation

The plan depicts an existing single-family residence with access provided via Monte Cristo Way to the east. There is an existing wall along the entire perimeter of the subject parcel.

Along the west property line, the existing wall meets Title 30 standards. Along the north property line, there is an existing block wall with varying heights and has a maximum height of 6 feet, 11 inches. The northeast portion of the northern wall is within the front yard and was raised to 7 feet by the applicant.

The site plan depicts that along the south property line the existing wall with varying heights has a maximum height of 7 feet, 2 inches. Along the southeast portion of the southern wall located within the front yard, the applicant raised the block wall to 7 feet, 1 inch.

The entire wall along the east property line was modified by the applicant. Today, the eastern wall features a 5 foot high beige stucco wall with a 2 foot high horizontal wood fence panels. There are decorative pilasters also featured within this wall, including the access gates. The maximum height to the top of the wall is approximately 7.5 feet.

Landscaping

There is no landscaping proposed or required with this request.

Applicant's Justification

The applicant states that they have raised a portion of their wall along the north property line to 8 feet. The applicant indicates that most of their neighbors have walls that are 7 feet or higher, therefore this request would align with the surrounding area. Furthermore, the applicant's home was burglarized in February of 2020 at the time of the Covid pandemic. The applicant was advised that county departments had been closed and it would take 6 to 8 months to get a building permit. Given the concern for safety, the applicant elected to construct the wall. They hired a contractor to modify and increase the height of the perimeter walls to increase the safety of their residence. A notice of violation was issued by Code Enforcement after the wall was constructed in December of 2021.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0613-10	Zone change to establish a Residential Neighborhood Preservation Overlay District	Approved by BCC	February 2011

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 (NPO-RNP)	Single-family residential

Clark County Public Response Office (CCPRO)

There is an active violation (CE22-02486) for building walls without permits.

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 applicant states that they were aware that a building permit was required for the wall. However, the applicant was not willing to go through the proper process and decided to construct the walls without permits. Furthermore, the adjacent properties all have decorative fences on the front of their property that are 6 feet in height or less, 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 or reasoning as of why exceeding the maximum wall height allowed per Title 30 is necessary. This request is due to a self-imposed hardship; 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:

- The building permit for the walls on the side property lines shall not be issued until the non-compliant wall along Monte Cristo Way is removed or appropriately modified to comply with Title 30;
- 6 months 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 that 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

- Applicant is advised that walls and landscaping shall not encroach into sight-visibility zones.

Fire Prevention Bureau

- No comment.

Southern Nevada Health District (SNHD) - Engineering

- Applicant is advised to contact the SNHD Environmental Health Division at septics@snhd.org or (702) 759-0660 to obtain written approval for a Tenant

Improvement, so that SNHD may review the impact of the proposed use on the existing Individual Sewage Disposal (Septic) System.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Spring Valley - denial (removal of the Southern Nevada Health District condition).

APPROVALS:

PROTESTS:

APPLICANT: PETER BALLE

CONTACT: RAY FREDERICKSEN, PER4MANCE ENGINEERING, 4525 W. HACIENDA AVENUE, STE 1, LAS VEGAS, NV 89118