

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-26-0305-BRITTON MARY HANNAH & FRAHM RICHARD HANS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** eliminate access gate setback; **2)** allow a non-decorative wall; and **3)** modified driveway geometries in conjunction with an existing single-family residence on 0.45 acres in an RS20 (Residential Single-Family 20) Zone within the Neighborhood Protection (RNP) Overlay.

Generally located north of Eldora Avenue and west of Torrey Pines Drive within Spring Valley.
JJ/tpd/cv (For possible action)

RELATED INFORMATION:

APN:

163-11-106-009

WAIVERS OF DEVELOPMENT STANDARDS:

1. Eliminate the setback for an access gate on Torrey Pines Drive where a minimum of 20 feet is required per Section 30.04.04E.
2. Allow a non-decorative wall along Eldora Avenue (outside of the front setback) where walls shall be decorative per Section 30.04.03B.
3. Allow a second driveway where 1 driveway is allowed per Uniform Standard Drawing 222.

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 2677 S. Torrey Pines Drive
- Site Acreage: 0.45
- Project Type: Walls and gates

Site Plan

This plan depicts an existing single-family residence with access provided via Torrey Pines (east) Drive and Eldora Avenue (south); access is controlled through gates at each entry point. The access gate subject to this request is located along Torrey Pines Drive, the applicant is requesting to eliminate the gate setback where 20 feet is required per Title 30. A perimeter fence encloses the remaining portion of the front yard and connects to perimeter walls on the south, west, and north sides of the parcel. The wall/fence along Torrey Pines Drive, and the portion

along Eldora Avenue within the front setback, does not comply with code and it must be modified or removed to comply with the NPO-RNP overlay.

Landscaping

Landscaping is neither required nor a part of this request.

Elevations

The pictures provided show an existing sliding access gate that is black in color. Submitted photos show that there is an existing non-decorative perimeter fence. The bottom CMU portion of the fence has been modified to a maximum of 36 inches, and the top portion is constructed of black lateral wood panels. The CMU portion is non-decorative, and the top half of the fence is not 50% open.

Applicant's Justification

The applicant states that a reduced setback for access gates is needed to align with the existing fence that has been in place for 20 years. This gate creates a safe environment for the applicant and their family members to enjoy the comfort of their residence. Additionally, it provides an aesthetically pleasing environment by creating a unified neighborhood frontage.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0613-10	Zone change from R-E to R-E (RNP-I)	Approved by BCC	February 2011
SC-0273-97	Street name change from Eldora Avenue/Street to Eldora Avenue	Approved by PC	March 1997

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 (CE25-09457) for building a wall 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

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.

Waiver of Development Standards #1

Staff finds that the applicant has sufficient space to construct the access gates in accordance with Title 30 standards. The applicant has not provided a justification as to why the gate cannot be set back to meet code. Staff does not support this request.

Waiver of Development Standards #2

Staff finds that this subject wall has been constructed without permits. Walls adjacent to a right-of-way need to be decorative to create an aesthetically pleasing environment. The applicant has not provided any reasoning as to why a textured finish could not be added to the existing wall. It is for these findings that staff cannot support the request.

Public Works - Development Review

Waiver of Development Standards #3

Staff finds that allowing two driveways would be excessive and would create conflicts between vehicles and pedestrians as the applicant is trying to enter and exit the site. The existing driveway provides adequate access, and no justification has been provided for a second access point. 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 gates and walls shall not be issued until the non-compliant fences and walls are removed or appropriately modified to comply with Title 30;
- 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

- Right-of-way dedication to include the intersection on the southeast corner of the parcel at Torrey Pines Drive and Eldora Avenue;
- Applicant to remove anything over 24 inches located within the 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 - approval.

APPROVALS:

PROTESTS:

APPLICANT: MARY BRITTON

CONTACT: MARY BRITTON, 2677 S. TORREY PINES DRIVE, LAS VEGAS, NV 89146