

UPDATE

WALL HEIGHT
(TITLE 30)

OAKLEIGH WILLOW WY/TOPAZ ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0501-HYLAND DELBERT EARL & SANDRA M:

HOLDOVER WAIVER OF DEVELOPMENT STANDARDS to increase wall height in conjunction with a single family residence on 0.6 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the northeast side of Oakleigh Willow Way, 475 feet east of Topaz Street within Paradise. JG/jt/jd (For possible action)

RELATED INFORMATION:

APN:

162-25-301-018

WAIVER OF DEVELOPMENT STANDARDS:

1. a. Allow a solid wall up to 8 feet in height in the front yard where a 6 foot maximum decorative fence is permitted per Table 30.64-1 (a 33% increase).
- b. Increase perimeter wall height up to 10 feet where 6 feet is the maximum permitted per Section 30.64.020 (a 67% increase).

LAND USE PLAN:

WINCHESTER/PARADISE - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2760 Oakleigh Willow Way
- Site Acreage: 0.6
- Project Type: Walls

Site Plan

The site plan depicts an existing single family residence centrally located on the site. The parcel is located on the northeast side of the terminus of Oakleigh Willow Way, and the house faces southwest. A gated driveway extends from the end of Oakleigh Willow Way along the south side of the site.

Landscaping

No changes to the existing landscaping are proposed with this application.

Elevations

Existing walls surrounding the property were extended to various heights. Along the west property line and within the front yard, the wall transitions from 2 feet high up to 8 feet high. Along the north property line, the wall height varies between 5 feet and 8 feet. Along the east property line, the wall transitions from 7 feet up to 10 feet in height, and along the south property line, the wall is 7 feet to 8 feet in height, part of which is also in the front yard. All the walls consist of tan colored block. Wrought iron is included on portions of the wall along the west property line to create an overall height of 6 feet for the lower block portions of the wall.

Applicant’s Justification

According to the applicant, the structural integrity of the perimeter block walls were in jeopardy; therefore, the walls were repaired, and the increase in wall height was intended for additional privacy as part of the same project to repair the walls. Also, the additional courses created a level wall height around the entire property. The applicant indicates that the repairs included the proper footings and reinforcements, although permits were not obtained for the project. The applicant indicates that permits for the work will be obtained if this waiver of development standards is approved.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E	Single family residential
South	Residential Low (up to 3.5 du/ac)	R-D	Single family residential
East	Residential Low (up to 3.5 du/ac)	R-E	Single family residential

Clark County Public Response Office (CCPRO)

CE19-14985 is an active Public Response Office violation for building without permits.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Title 30 limits the height of residential perimeter walls to encourage visual connections within the community and to help prevent oppressive physical barriers. A maximum height of 6 feet (3

feet of block with 3 feet of wrought iron) is allowed in the front yard, which maintains a visual connection between the public realm (street) and private property. Although portions of the front wall meet this requirement, the 8 feet of solid block wall along the south property line creates an unnecessary separation in the community.

Within the side and rear yards, 6 foot high walls are deemed appropriate to create privacy but to not limit upward visibility over the walls. This would allow neighbors to maintain connections without an excessive barrier between properties. Staff finds that a 10 foot high wall is not necessary, and it may be detrimental to the visual cohesiveness in the community. In addition, the walls were modified without permits, and therefore, the structural integrity of the construction is not verified. For these reasons, staff cannot support the 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- 1 year to complete the building permit and inspection process with any extension of time to be a public hearing.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works - Development Review

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - denial.

APPROVALS: 1 card

PROTESTS: 2 cards

PLANNING COMMISSION ACTION: November 2, 2021 – HELD – To 12/07/21 – per the Planning Commission for the applicant to meet with the neighbors.

PLANNING COMMISSION ACTION: December 7, 2021 – HELD – To 01/04/22 – per the Planning Commission for the applicant to meet with the neighbors.

APPLICANT: DELBERT HYLAND

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