

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**WS-25-0018-MOUNT CHARLESTON TRUST & MESALIC JIM D TRS:**

**WAIVER OF DEVELOPMENT STANDARDS** to increase the height of a proposed retaining wall in conjunction with an existing single-family residence on 0.32 acres in an RS80 (Residential Single-Family 80) Zone within the Spring Mountain Overlay.

Generally located on the south side of Snow White Road, 575 feet west of Seven Dwarfs Road within Mt. Charleston. AB/hw/kh (For possible action)

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RELATED INFORMATION:

**APN:**

129-25-410-105

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the height of a proposed retaining wall to 9 feet where 3 feet is the maximum per Section 30.04.03C (a 200% increase).

**LAND USE PLAN:**

NORTHWEST COUNTY (MT. CHARLESTON) - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 4927 Snow White Road
- Site Acreage: 0.32
- Project Type: Retaining walls
- Maximum Wall Height (feet): 9

**Site Plan**

The site plan depicts an existing, 2,913 square foot single-family residence located centrally on the subject site with the house setback 18 feet from the front (north) property line, 50 feet from the western property line, and 31 feet from the rear property line. An existing garage is attached to the eastern side of the home and is setback 8 feet from the eastern property line. An 8 foot wide deck is shown along the western and southern sides of the home with the deck set back at its closest point 14 feet. An existing 8 foot tall CMU block wall is shown approximately 2 feet from the southern property line. The existing wall was constructed under WS-0919-07. The plans now show a new retaining wall that will wrap around the western, eastern, and southern property lines. The plans show the proposed retaining wall will be set back 5 feet from the property lines and will be separated from the existing wall by 2 to 3 feet.

### Landscaping

No new landscaping is proposed with this request with all existing natural landscaping to remain.

### Elevations

The elevations of the proposed combination retaining walls show the walls will be constructed out of CMU block that will be neutral in color to match the surrounding hillside. A 3.5 foot tall, 85% open, wrought iron fence is shown to be on top of all of the proposed retaining walls. The retaining walls will generally be 4 feet tall, with the smallest retaining wall being 1.36 feet along the eastern property line and the tallest retaining wall will be almost 9 feet tall along the southern property line in the southwest corner of the site.

### Applicant's Justification

The applicant indicates the proposed retaining walls are needed to carry nuisance water to the point of discharge and that the applicant will conform to the site's topography. Also, the applicant will incorporate earth-tone colors to match the native soils and rocks, thus complying with some of the retaining wall standards established in Section 30.04.03C. The applicant, however, indicates the use of graduated steps is impractical in this case due to the proximity to the underground septic system. The applicant further states that the Clark County Planning Commission approved a similar request in September 2007 under WS-0919-07.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ET-400240-09 (WS-0919-07)	First extension of time to increase the height of hillside retaining walls and non-decorative retaining walls – expired	Approved by PC	October 2009
WS-0919-07	Allowed the increased height of hillside retaining walls and non-decorative retaining walls – expired	Approved by PC	September 2007
AV-901435-04	Increased the height of the primary dwelling to 36.5 feet	Approved by ZA	December 2004

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District (Overlay)</b>	<b>Existing Land Use</b>
North	Open Lands	RS80 (SMO)	Undeveloped
South	Ranch Estate Neighborhood (up to 2 du/ac)	RS80 (SMO)	Single-family residential
East & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS80 (SMO)	Single-family residential

### **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**

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 reasoning behind reviewing the height of retaining walls is to assure that the walls are necessary for the proper functioning of the site, but also to assure the walls are compatible with the surrounding area and will not be visually intrusive. Staff finds the subject site is in an alpine area with dramatic slopes within the southern portion of the property but is not subject to hillside standards. As a result of the dramatic slopes on the site, the walls appear to be necessary for the proper flow of drainage on the site and 9 feet would be an allowable wall height if the hillside standards were to apply to the site. Additionally, the applicant has indicated they will use natural elements and colors for the retaining portion of the wall so the wall blends into the landscaping and the fence placed on top will be decorative as well. Finally, staff finds that there are several retaining walls similar to the proposed walls in the surrounding area. Overall, the proposed retaining walls will be decorative and blend into the mountainside maintaining the alpine aesthetics of the area while also aiding the proper flows of the site. The proposed request should also support Northwest County Specific Policy NW-1.2, which encourages the maintenance of the alpine nature of Mt. Charleston while maintaining its unique geology and hydrology. For these reasons, staff can support this request.

### **Staff Recommendation**

Approval.

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**

- 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.

**Southern Nevada Health District (SNHD) - Engineering**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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:**

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** JIM MESALIC

**CONTACT:** BALOVA ENGINEERING PLLC, 7495 W. AZURE DRIVE, SUITE 140-C,  
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