

07/02/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-24-0201-CUNNINGHAM KEVIN THOMAS REVOCABLE LIVING TRUST & CUNNINGHAM KEVIN THOMAS TRS:

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase fence height; and **2)** allow a non-decorative fence in conjunction with an existing single-family residence on 0.21 acres in an RS3.3 (Residential Single-Family 3.3) Zone.

Generally located on the north side of Zicker Avenue, 100 feet east of Indian Run Falls Lane within Paradise. MN/mh/ng (For possible action)

RELATED INFORMATION:

APN:

177-14-713-002

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase fence height to 7 feet where a maximum of 6 feet is permitted per Section 30.04.03B (a 17% increase).
2. Allow a non-decorative fence along a street where a fence or wall, if provided, must be decorative per Section 30.04.03B.

LAND USE PLAN:

WINCHESTER/PARADISE - MID-INTENSITY SUBURBAN NEIGHBORHOOD (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 2140 Zicker Avenue
- Site Acreage: 0.21
- Project Type: Fence
- Fence Height (feet): 7

Site Plans

The plans depict an existing single-family residence with driveway access from Zicker Avenue (south) and a swimming pool in the rear yard (north). There is an existing 6 foot high block wall along the side and rear property lines. A wooden fence has been installed along a 16 foot long portion of the northern portion of the east side property line, and along a 24 foot long portion on the eastern portion of the rear (north) property line. The fence is attached to the inside of the existing block wall. The applicant is also requesting to install the same fence along the rest of the north property line.

Landscaping

There are no proposed or required changes to landscaping associated with this application.

Elevations

The photos provided depict a 7 foot high, non-decorative wooden fence that has been constructed along the inside of the block wall along portions of the east side and rear property lines. The wooden fence extends approximately 2 feet over the existing block wall, which is visible from Wigwam Avenue and the neighbor to the east. The height is measured in the rear yard, which is higher than the finished grade of the street.

Applicant's Justification

The applicant states that the existing block wall is approximately 5 feet high, but the previous owner installed elevated landscape planters in the rear yard that make it possible for the applicant's dog to escape over the wall. The applicant is requesting a waiver to allow the fence along the entire rear property line, as well as the portion of the east side property line where it is currently installed.

Prior Land Use Requests

Application Number	Request	Action	Date
TM-0064-06	Subdivision consisting of 9 single family residential and common lots for an approved planned unit development	Approved by PC	March 2006
VS-1582-05	Vacated and abandoned easements of interest to Clark County and a portion of right-of-way	Approved by PC	November 2005
VS-1053-05	Vacated and abandoned easements of interest to Clark County and portions of rights-of-way	Approved by PC	September 2005
VS-1052-05	Vacated and abandoned easements of interest to Clark County	Approved by PC	September 2005
WC-0130-05 (Nzc-1863-03)	Waivers of conditions of a zone change	Approved by BCC	August 2005
WS-0074-05	Waiver for off-site improvements	Approved by PC	February 2005
TM-0033-05	75 single-family residential lots and common landscape elements	Approved by PC	February 2005
Nzc-1863-03	Reclassified 35 acres from R-E to R-2 zoning for a single-family residential subdivision with a use permit for a planned unit development	Approved by BCC	May 2004
WS-1586-02	Waiver to permit an overlength cul-de-sac	Approved by PC	December 2002
TM-0445-02	Subdivision consisting of 9 single-family residential lots	Approved by PC	December 2002

Prior Land Use Requests

Application Number	Request	Action	Date
VS-1522-02	Vacated and abandoned easements of interest to Clark County and a portion of right-of-way	Approved by PC	December 2002

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Low-Intensity Suburban Neighborhood (up to 5 du/ac)	RS10	Single-family residential
South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS3.3	Single-family residential

Clark County Public Response Office (CCPRO)

There is an active case (CE24-08965) on the site for building a fence without a permit.

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.

Staff finds that the 7 foot high wooden fence is incompatible with the neighborhood, as no other properties feature a similar fence or wall. The increased height and lack of decorative features may have adverse impacts on the neighboring properties, and significantly alter the appearance of the neighborhood perimeter and the streetscape along Wigwam Avenue. The applicant has not provided any mitigating measures to limit these negative impacts, and staff finds that alternative measures can be taken to secure the rear yard of the property without affecting adjacent properties or the surrounding area. Therefore, staff cannot support these requests.

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:

- 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

- No comment.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Paradise - denial.

APPROVALS:

PROTESTS:

APPLICANT: KEVIN CUNNINGHAM

CONTACT: KEVIN CUNNINGHAM, 2140 ZICKER AVENUE, LAS VEGAS, NV 89123