

11/19/24 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ET-24-400099 (UC-23-0363)-SALMERON FAMILY TRUST & SALMERON MARTIN & YOLANDA TRS:

USE PERMITS FIRST EXTENSION OF TIME for the following: **1)** increase the amount of agricultural livestock (small); and **2)** allow accessory structures not architecturally compatible with the principal residence.

WAIVER OF DEVELOPMENT STANDARDS to reduce the setback of an accessory structure in conjunction with an existing single-family residence on 0.64 acres in an RS20 (Residential Single-Family) Zone.

Generally located on the south side of Linden Avenue and the west side of Straight Street within Sunrise Manor. TS/jm/kh (For possible action)

RELATED INFORMATION:

APN:

140-34-201-032

USE PERMITS:

1. a. Increase the amount of agricultural livestock (small) to 60 animals (30 hens and 30 roosters) where 20 animals is the maximum amount allowed per Table 30.44-1 (a 200% increase).
- b. Allow 30 roosters where 3 roosters over the age of 3 months are the maximum amount allowed per Table 30.44-1 (a 900% increase).
2. Allow accessory structures not architecturally compatible with the principal residence where architectural compatibility is required per Table 30.44-1.

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the side street setback of an existing accessory structure adjacent to Linden Avenue to 7 feet where 10 feet is required per Table 30.40-1 (a 30% reduction).

LAND USE PLAN:

SUNRISE MANOR - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 583 Straight Street
- Site Acreage: 0.64
- Project Type: Accessory structures, agricultural accessory structures, and small livestock (chickens)

- Number of Stories: 2 (principal residence)
- Building Height (feet): 10 (maximum for accessory structures)
- Square Feet: 4,276 (principal residence)/486 (detached shade structure #1 on south property line/384 (detached shade structure #2 adjacent to pool/392 (detached shade structure #3 on north property line/2,576 (total for agricultural accessory structures)

Site Plan & Request

The previously approved site plan depicts an existing single-family residence on the eastern portion of the subject parcel. The central portion of the rear yard includes a swimming pool, garden, detached shade structure (#1) adjacent to the south property line, detached shade structure (#2) west of the swimming pool, and another detached shade structure (#3) adjacent to the north property line. The plans show that the detached shade structures #1 and #2 meet all required setbacks (5 feet) and building separation (6 feet) per Title 30. However, the shade structure adjacent to the north property line (detached shade structure #3) has a side street setback of 7 feet where 10 feet is required per Code. The applicant requested a waiver of development standards to reduce this setback. Furthermore, these 3 accessory structures are not architecturally compatible with the principal residence; therefore, a use permit was also requested by the applicant.

The previously approved site plan also shows that the westernmost portion of the rear yard includes 4 agricultural accessory structures which are utilized for the applicant's chickens. All 4 structures meet the rear setback (5 feet), the interior side setback (5 feet), the side street setback (10 feet), and the building separation requirement (6 feet) per Title 30.

The applicant requested to continue to care for the existing 30 hens and 30 roosters on-site; however, the condition of approval limited the maximum amount to 30 hens and 15 roosters for a total of 45 small agricultural livestock.

Landscaping

The previously submitted photos and aerial views show that there are existing trees throughout the property. Additional landscaping was not proposed or required with the original request.

Elevations

The existing principal residence includes materials such as stucco and wood. The existing accessory structures and the existing agricultural accessory structures are constructed of wood and metal. All of these structures do not exceed the maximum allowable height (25 feet) for an accessory structure in an RS20 Zone. The tallest accessory structure is 10 feet. The existing principal residence has a 2 story addition which was added in 1999.

Previous Conditions of Approval

Listed below are the approved conditions for UC-23-0363:

Comprehensive Planning

- 1 year to complete the permit and inspection process with any extension of time to be a public hearing;
- 1 year to review as a public hearing;

- Maximum of 30 hens and 15 roosters for a total of 45 small agricultural livestock only.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license or approval; 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 application for review; 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.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that this property is currently serviced by a septic system with regard to sewage disposal; this system falls under the jurisdiction of the Southern Nevada Health District; this property is within 400 feet of public sanitary sewer; and to connect to the public system, a Point of Connection request must be submitted to the CCWRD as shown on the District's website.

Applicant's Justification

The applicant states they now have 13 roosters and 25 hens for a total of 38. They also state that they have opted to not move forward with building permits due to the cost. Instead, they are continuing to work with Code Enforcement, on CE22-21242, to possibly remove the structures or reduce the size and close out the complaint. They are requesting an extension of time to close out the Code Enforcement case.

Prior Land Use Requests

Application Number	Request	Action	Date
UC-23-0363	Increased amount of small livestock and allow accessory structures that are architecturally incompatible with the principal residence; waiver of development standards to reduce the setback of an accessory structure	Approved by PC	September 2023
UC-1877-98	Overhead power transmission line	Approved by PC	January 1999
VC-0622-98	Reduced minimum lot size and reduce the front setback	Approved by PC	May 1998

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North	Public Use	RS20	Horse arena
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residence
West	Public Use	RS20	SNWA pump station

Clark County Public Response Office (CCPRO)

There is an active Code Enforcement case, CE22-21242, for building 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

Title 30 standards of approval on an extension of time application state that such an application may be denied or have additional conditions imposed if it is found that circumstances have substantially changed. A substantial change may include, without limitation, a change to the subject property, a change in the areas surrounding the subject property, or a change in the laws or policies affecting the subject property. Using the criteria set forth in Title 30, no substantial changes have occurred at the subject site since the original approval.

The applicant has opted to forego the building permit process in favor of continuing to work with their Code Enforcement Officer to remove or remediate the remaining violations by removing or reducing the size of the structures so that no building permits would be required. According to the Code Enforcement reports, the applicant is addressing the remaining violations. There was a condition to review this application in a year from the approval date, and this could not happen since the applicant has not commenced (has not obtained the building permits or cleared the violation). However, since the applicant states that they have complied with the condition limiting the number of the chickens, staff can support the request to allow them to continue working with Code Enforcement and either obtain the building permits or remediate the violations.

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

- Until March 5, 2025 to complete the permit and inspection process or otherwise remediate the violations or the application will expire unless extended with an extension of time;
- Until March 5, 2025 to review use permit #1 or the application will expire.
- Applicant is advised a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time and application for review; 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; the County has adopted a rewrite to Title 30 effective January 1, 2024, 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; and the applicant is solely responsible for ensuring compliance with all conditions and deadlines.

Public Works - Development Review

- 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:

APPROVALS:

PROTEST:

APPLICANT: YOLANDA SALMERON

CONTACT: YOLANDA SALMERON, 583 STRAIGHT STREET, LAS VEGAS, NV 89110