

ACCESSORY STRUCTURES  
& AGRICULTURAL LIVESTOCK, SMALL  
(TITLE 30)

**UPDATE**  
LINDEN AVE/STRAIGHT ST

PUBLIC HEARING  
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST  
**UC-23-0363-SALMERON FAMILY TRUST, ET AL:**

**HOLDOVER USE PERMITS** 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 0.7 acres in an R-E (Rural Estates Residential) Zone.

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

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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: 0.7
- Project Type: Accessory structures, agricultural accessory structures, and agricultural livestock, small (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 Plans & Request

The submitted 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 is requesting 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 is also requested by the applicant.

The 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 is requesting to continue to care for the existing 30 hens and 30 roosters on-site; however, Code states that the maximum amount of small livestock allowed is 20 small animals in an R-E zone not within Community District 5; hence, the use permit request.

### Landscaping

Photos and aerial views show that there are existing trees throughout the property. Additional landscaping is not proposed or required with this application.

### Elevations

Staff finds that the existing principal residence includes materials such as stucco and wood. The applicant provided photos that 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 R-E Zone. The tallest accessory structure is 10 feet. The existing principal residence has a 2 story addition which was added in 1999.

### Applicant's Justification

Per the applicant, accessory structures along the north property lines were existing prior to the applicant acquiring the subject property. The applicant constructed 4 agricultural livestock accessory structures to care for 30 hens and 30 roosters. The applicant stated that they

participate in animal shows and caring for a total of 60 chickens is necessary for competition purposes.

**Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
VC-0622-98	Reduced the lot size and reduced the front setback to 34 feet for a principal residence building addition	Approved by PC	May 1998

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Public Use	R-E	Single family residential
South & East	Ranch Estate Neighborhood (up to 2 du/ac)	R-E	Single family residential
West	Public Use	R-E	Southern Nevada Water Authority facility

**Clark County Public Response Office (CCPRO)**

There are 2 active violations on the subject property; CE22-21242 is an active violation for constructing accessory structures without permits; and CE23-04449 is a second violation for an excessive amount of agricultural livestock (chickens) on-site.

**STANDARDS FOR APPROVAL:**

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

**Analysis**

**Comprehensive Planning**

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Use Permit #1

The applicant is requesting to increase the amount of small agricultural livestock to 30 hens and 30 roosters where 20 chickens total are the maximum amount allowed per Table 30.44-1. Furthermore, Title 30 states that the maximum number of chickens may not exceed 3 roosters over 3 months old. Staff acknowledges that there are similar zoned parcels within the Sunrise Manor area where homeowners care for small livestock; however, there is a limitation to the number of agricultural livestock within R-E zoned lots in the urban area due to lot size, close proximity to other residences, and possible noise and odor control issues. Increasing the number of livestock to 60 chickens total is excessive and unwarranted by the applicant; therefore, staff does not support this request.

### Use Permit #2

The applicant is requesting to allow the existing accessory structures to not be architecturally compatible to the principal residence where architectural compatibility is required per Table 30.44-1. Staff finds that the submitted photos depict accessory structures that are not architecturally compatible to one another, nor are they compatible to the main residence. In addition, aerial and street views show that the architectural incompatibility is unsightly and is a self-imposed hardship by the applicant. Staff recommends denial.

### Waiver of Development Standards

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.

The applicant is requesting to reduce the side street setback (adjacent to Linden Avenue) of an existing accessory structure (detached shade structure #3) to 7 feet where 10 feet is required per Table 30.40-1. Setbacks are required by Code to promote safety and allow for less visual impact (canyon like effect) adjacent to the right-of-way. Staff recommends that the applicant complete required building permits with the Clark County Building Department.

### **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 permit and inspection process with any extension of time to be a public hearing;
- 1 year to review as a public hearing;
- Maximum of 17 hens and 3 roosters for a total of 20 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.

**Public Works - Development Review**

- No comment.

**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.

**TAB/CAC:** Sunrise Manor - approval of use permit #2 and waiver of development standards; denial of use permit #1.

**APPROVALS: 2 cards**

**PROTESTS:**

**PLANNING COMMISSION ACTION:** August 15, 2023 – HELD – To 09/05/23 – per the Planning Commission.

**APPLICANT:** YOLANDA SALMERON

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