

03/17/21 BCC AGENDA SHEET

ACCESSORY STRUCTURE
(TITLE 30)

UPDATE
LA CIENEGA ST/FRIAS AVE

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-20-0595-ABRAHAM, MERCY M.:

APPEAL USE PERMITS for the following: 1) allow accessory structures to not be architecturally compatible with the principal building; 2) allow alternative design standards; and 3) allow cumulative area of accessory structures to exceed the footprint of the principal dwelling. **WAIVER OF DEVELOPMENT STANDARDS** to reduce the required separation between accessory structures on 2.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the northwest corner of La Cienega Street and Frias Avenue within Enterprise. MN/sd/jd (For possible action)

RELATED INFORMATION:

APN:
177-28-703-002

USE PERMITS:

1. Allow accessory structures to not be architecturally compatible with the principal building where required per Table 30.44-1.
2. Allow alternative design standards.
3. Allow cumulative area of accessory structures (4,260 square feet) to exceed the footprint of the principal dwelling where not allowed per Table 30.44-1 (2,500 square feet) (a 70.4% increase).

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the required separation between existing accessory structures (conex shipping containers) to zero feet where 6 feet is the standard per Table 30.40-2 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 10275 La Cienega Street
- Site Acreage: 2
- Project Type: Accessory structures

- Building Height (feet): 9
- Square Feet: 360 (Conex boxes)/2,000 (detached garage)

Site Plans

The plans depict an existing single family residence on 2 acres with 7 accessory structures (6 conex shipping containers and a detached garage) located on the property. The existing accessory structures (no permits) are in the western portion of the lot with the principal residence located in the northern portion of the property and an existing detached garage (BD95-4303) along the western property line. An existing 6 foot high chain-link fence exists along the west, south, and north property lines and an existing block wall is located along the north property line. Portions of the fencing along La Cienega Street are decorative. The cumulative area for the existing accessory structures (4,260 square feet) exceed the footprint of the principal residence. Access to the property is from both La Cienega Street and Frias Avenue.

Landscaping

Landscaping is not a part of this application.

Elevations

The accessory structures (conex shipping containers) are 9 feet in height, 8 feet in width, and 45 feet in length. The detached garage is architecturally compatible with the principal residence and is constructed of stucco finish, tile roof, and a pitched roofline.

Floor Plans

The conex shipping containers are each 360 square feet with an open floor plan.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant states that the existing conex boxes are for personal use and for storage for their son, who is in the military. The conex boxes are not used for any business purposes and are set back from the west property line by 9 feet.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1026-05	Reclassified approximately 3,800 parcels of land from R-E to R-E (RNP-I) zone	Approved by BCC	October 2005

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, East, & West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

Clark County Public Response Office (CCPRO)

An active violation (CE20-13878) for running a business out of the residence has been issued.

STANDARDS FOR APPROVAL:

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

Analysis

Current 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 Comprehensive 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.

Staff finds the requested use permits to waive architectural compatibility and the design standards for the existing accessory structures will have a negative impact on the surrounding land uses and properties, as the accessory structures are visible from the street and adjacent properties. Review of adjacent properties indicates that they do not have accessory structures of this scale. Staff is concerned with the proposed structures and the impacts they will have on the existing residential developments.

In addition, staff cannot support allowing the cumulative area and accessory structures to exceed the footprint of the principal structure (residence). The total area of all the accessory structures exceeds the footprint of the residence by 1,760 square feet when all accessory structures are considered. Staff finds this increase in square footage to be excessive and the increase will have an adverse impact to the surrounding area.

Staff finds the proposed use permits are not consistent with Urban Specific Policy 10 of the Comprehensive Master Plan, which in part encourages site designs to be compatible with adjacent land uses. Therefore, staff cannot support these requests.

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.

Staff does not support waiver of development standards to reduce the required separation between the conex boxes to zero feet, as there is considerable area within the property that can be utilized to meet the requisite separation of at least 6 feet. Staff finds this request is a self-imposed hardship; therefore, staff recommends denial.

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.

STAFF CONDITIONS:

Current Planning

If approved:

- 1 year to obtain building permits for conex boxes;
- Paint the accessory structures (conex containers) to match the principal residence;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that permits for accessory structures may be required to be obtained from the Building Department; 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; 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; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- No comment.

Building Department - Fire Prevention

- Applicant is advised that fire/emergency access must comply with the Fire Code as amended (maintain fire department access).

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised to schedule an appointment with the SNHD Environmental Health Division at (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)

- Applicant is advised that the property is already connected to the CCWRD sewer system; and that if any existing plumbing fixtures are modified in the future, then additional capacity and connection fees will need to be addressed.

TAB/CAC:

APPROVALS:

PROTESTS: 6 cards, 9 letters

PLANNING COMMISSION ACTION: February 16, 2021 – DENIED – Vote: Unanimous

APPEAL: This item has been appealed by the applicant who does not agree with the Planning Commission action, and preserves the right to challenge their decision.

APPLICANT: JAY FRANCIS

CONTACT: JAY FRANCIS, 10275 LA CIENEGA ST., LAS VEGAS, NV 89183