

07/01/25 PC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-25-0280-PRADO WILLIAM SANCHEZ:

USE PERMIT to allow an aviary to be located outside.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase hardscape; and **2)** eliminate and reduce setbacks in conjunction with an existing single-family residence on 0.2 acres in an RS5.2 (Residential Single-Family 5.2) Zone.

Generally located north of Brittlewood Avenue and west of Pearl Street within Paradise. JG/nai/kh (For possible action)

RELATED INFORMATION:

APN:

161-30-311-017

WAIVERS OF DEVELOPMENT STANDARDS:

1. Allow hardscape to be 100% where front and side yards of detached single-family dwellings shall have no more than 60% hardscape per Section 30.04.01D (a 67% increase).
2.
 - a. Reduce the rear setback for an existing building addition (main residence) to 10 feet where 20 feet required per Section 30.02.06 (a 50% reduction).
 - b. Eliminate the street side setback for an existing accessory structure (aviary) where 10 feet is required per Section 30.02.06 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 5397 S. Pearl Street
- Site Acreage: 0.2
- Project Type: Existing aviary and existing building addition for the main residence
- Building Height (feet): 11 feet 2 inches (main residence)/7 feet 10 inches (existing aviary)
- Square Feet: 2,207 (main residence)/160 (existing aviary)

Site Plan & Request

The site plan depicts an existing single-family residence located on the northwest corner of Brittlewood Avenue and Pearl Street. The primary residence is centrally located on the property and the main entrance is facing east along Pearl Street. Photographs and the site plan shows that the property has an increase in hardscape (up to 100%) along the front and side of the residence. The applicant is applying for a waiver of development standards for this existing condition.

On the northwest corner of the residence a 433 square foot attached living room and a 134 square foot patio was newly constructed and added to the main residence. Due to the addition, the main residence has a rear setback of 10 feet when 20 feet is required per Code. The applicant is also applying for a waiver of development standards to reduce the rear setback.

Along the south property line, there is a 160 square foot accessory structure that is currently utilized as an outdoor aviary with an attached storage area. The applicant is housing 15 pigeons where an aviary shall have no more than 20 birds per Title 30. The aviary has a zero street side setback (adjacent to Brittlewood Avenue) where 10 feet is required per Code; thus necessitating a waiver of development standards. Title 30 also requires a use permit to allow an aviary to be located outside, therefore, a use permit is also a part of this application.

Elevations

The plans depict that the addition on the northwest corner of the residence will have the same stucco material and the same Spanish tile as the main residence. The height of the addition will be approximately 11 feet, 3 inches. The plan for the existing aviary depicts that the overall height is 7 feet, 10 inches. The north elevation shows the varied roofline of the accessory structure with the main door and windows for ventilation. On the north facade of the residence there is a 48 square foot attached storage area that has the same wood material and dark beige color as the aviary.

Floor Plan

The floor plan shows that the addition is attached to the rear portion of the residence on the northwest corner. Access to the addition will be through the existing dining room and it will include a larger living room area. The living room will be 433 square feet. There will also be a new sliding door that leads to the new 134 square foot patio cover. Lastly, photos show that the aviary includes 3 rows of indoor bird cages with 5 cages per row. Each cage has a feeding area.

Applicant's Justification

When the house addition was completed, the applicant believed that they followed the Title 30 regulations. First, the applicant was aware that if the property had access along arterial/collector street, a reduction of 10 feet along the rear property line is allowed. The property has access along Pearl Street which is a residential road, which is less than 80 feet in width. The house addition includes a conversion of an existing attached patio cover into a new living room and adding an extension to the new living room to serve as a new patio area. The roof type, color, and stucco material will match the primary residence.

The applicant was not aware of the 60% hardscape requirement. Per the applicant, the hardscape design was installed to enhance curb appeal and promote water conservation and foster a low maintenance environment that compliments the neighborhood. The zero foot street setback for the existing outdoor aviary with storage poses no adverse impact on public safety, vehicular traffic, or pedestrian accessibility along the adjacent street. Furthermore, the existing outdoor aviary with the storage is architecturally compatible to the main residence and will be maintained solely for hobby purposes and will not pose a disruption to the area.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Mid-Intensity Suburban Neighborhood (up to 8 du/ac)	RS5.2	Single-family residence

Clark County Public Response Office (CCPRO)

CE22-01351 is an active code enforcement violation for building an accessory structure and an addition to the residence 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

Use Permit

A special use permit is considered on a case by case basis in consideration of the standards for approval. Additionally, the use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare; and will be adequately served by public improvements, facilities, and services, and will not impose an undue burden.

Staff finds that the applicant meets the following operational standards for aviaries per Title 30. First, the aviary is accessory to the residential primary use. Second, the existing birds are not domesticated birds normally reused for consumption, and there are only 15 birds where a maximum of 20 birds over the age of 6 months are allowed. However, the existing aviary structure does not meet the side street setback requirements. Since staff does not support the waivers of development standards, staff cannot support this request.

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.

Waiver of Development Standard #1

Title 30 allows up to 60% hardscape for the front and side yards to encourage a balance of hardscape and landscaping along residential properties and to prevent additional heat island effects. The request to increase hardscape cannot be supported because this parcel is in a high heat vulnerability area. Staff finds that this request can be mitigated through carefully planned desert landscaping and utilizing plants from the Southern Nevada Water Authority Plant List. Staff finds this request a self-imposed hardship and cannot support this request.

Waiver of Development Standard #2

Setbacks are intended to promote safety and an aesthetically pleasing streetscape and neighborhood. Staff finds that historical aerial photographs show the accessory structure (aviary) was placed within the side street setback during the Spring of 2016. Also, historical aerial photographs show that the residence addition and the new patio cover began construction in Spring of 2019. Even though the addition and the aviary will be architecturally compatible staff finds that the applicant's requests are a self-imposed hardship. Staff finds that the applicant can also redesign or relocate the existing aviary to meet the setback requirements. Staff does not support these requests.

Department of Aviation

The Federal Aviation Administration Advisory Circular 150/5200-33C, title "Hazardous Wildlife Attractants On or Near Airports", states that birds have caused major damage to aircraft and have affected flight operations at airports, and therefore can be a hazard to air navigation. For airports like the Harry Reid International Airport (LAS), the advisory circular recommends that hazardous wildlife attractants and the release of birds into navigable airspace be at least five (5) miles from the nearest air operations area. The property is approximately 1.7 miles from the operations area for LAS. Per Table 30.03.04A.5 of the Clark County Development Code, "Agriculture - Aviaries", birds shall not be released.

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 that 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.

Department of Aviation

- Per Table 30.03.04A.5 of the Clark County Development Code, "Agriculture - Aviary", birds shall not be released.

Fire Prevention Bureau

- No comment.

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: Paradise - approval waiver of developmental standards #2; denial of use permit and waiver of developmental standards #2.

APPROVALS:

PROTESTS:

APPLICANT: WILLIAM SANCHEZ

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