

11/20/24 BCC AGENDA SHEET

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-24-0536-REHM, SCOTT & JEANALIN, JULIA:

USE PERMITS for the following: **1)** home occupation; **2)** stable; **3)** livestock (small and large); and **4)** household pets.

WAIVER OF DEVELOPMENT STANDARDS for reduced setbacks on 0.48 acres in an RS20 (Residential Single-Family 20) Zone.

Generally located on the east side of Westwind Road, 610 feet south of Charleston Boulevard within the Spring Valley Planning Area. RM/tpd/kh (For possible action)

RELATED INFORMATION:

APN:

163-01-103-007

WAIVER OF DEVELOPMENT STANDARDS:

Reduce the front setback for an accessory structure (egg stand) to zero feet where 40 feet is required per Section 30.02.04 (a 100% reduction).

LAND USE PLAN:

SPRING VALLEY - RANCH ESTATE NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 1290 Westwind Road
- Site Acreage: 0.48
- Project Type: Accessory structures
- Square Feet: 3,257 (primary dwelling)/25 (egg stand)

Site Plan & Request

This is a project of regional significance as defined by Title 30 as the development proposal is located within 500 feet of a local government's jurisdiction (City of Las Vegas). The applicant is requesting to increase the number of small livestock (chickens) from 20 to 30. Additionally, they would like to allow on-site customers for the sale of their eggs and for animal therapy consisting of 2 cows and 1 mini-horse. Therefore, a use permit for a stable is required for the large livestock. Furthermore, the applicant wants to increase the number of allowable household pets (dogs) from 3 to 5. The stand that the applicant wants to sell the eggs from will be placed on the front property line with a setback of zero feet from the right-of-way, being Westwind Drive. This stand would only be moved during business hours when the eggs are being sold to

customers. The business would be open from 9:00 a.m. to sundown but would only operate in 4 hour windows.

The plans depict an existing single-family residence with access off Westwind Drive. An egg stand will be placed on the front property line, directly in front of the access gate. There is a 1,100 square foot area in the front of the primary dwelling, on the south side of the parcel, that will serve as a pasture for the large and small livestock. Additionally, there is a 1,600 square foot area in the southeast corner of the parcel, that will serve as the pen for the large livestock. In the pen area, there is a 90 square foot area that will be provided to shade the large livestock from the elements. To the north of the pen area and within the rear of the property, there is a chicken run and coop that is 288 square feet. This area is enclosed with mesh fencing and a covered portion that provides shade for the small livestock. To the north of the chicken run there is a pen for the tortoises that is 290 square feet. The pen and chicken run have existing fencing that meets the required setback and separation from the property.

Landscaping

No landscaping is proposed or required with this request.

Elevations

The photos depict an existing single-story dwelling with a white exterior and a pitched tile roof. There is an existing chicken run with mesh fencing, a portion of the run is covered with a cloth top. The tortoise enclosure has an artificial barrier around its perimeter that is well below 36 inches. Furthermore, the photos depict an egg stand with a pink wood exterior and a flat corrugated metal top.

Applicant’s Justification

The applicant states they would like to have customers on their parcel for the enjoyment of their livestock through animal therapy and to sell eggs from an egg stand. The animal therapy would entail customers coming to the site to interact with the cows and mini horse either by appointment or during business hours. Customers would be able to take pictures with the animals. They intend to sell eggs from their home that would be provided by their chickens and 3 roosters. Additionally, the applicant would like to have a stable on their property to allow for the housing of 2 cows and 1 mini-horse. The applicant is requesting an increase in the number of allowable chickens on their property, from 20 to 30. Furthermore, they would like to increase the number of household pets to 5 dogs. The applicant has 4 therapy dogs and 1 guard dog but regularly watches their neighbors’ dogs when they are out of town. The egg stand that they intend to sell from would be placed on the front property line. However, the business would be open from 9:00 am to sundown but would only operate in 4 hour windows. These hours would vary as the temperature changes throughout the year.

Surrounding Land Use

	Planned Land Use Category	Zoning District (Overlay)	Existing Land Use
North, South, East, & West	Ranch Estate Neighborhood (up to 2 du/ac)	RS20	Single-family residential

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 Permits

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 recognizes the property owner immediately to the south of the project site supports these use permit requests. However, staff is concerned that allowing up to 10 clients at one time for animal therapy in conjunction with random customers visiting the egg stand, may potentially impact the surrounding neighborhood and properties. Allowing clients and customers may create additional traffic and noise along the local street, being Westwind Drive. Staff finds that allowing these home occupations to be conducted outdoors is also incompatible with the surrounding properties and land uses. Furthermore, staff finds the increase to the number of chickens may create additional noise within the surrounding neighborhood. Staff cannot support the use permit request for the stable as staff is not supporting the use permit requests for the home occupation, stable, and livestock. Staff can however support the use permit for the household pets if the applicant obtains the necessary permits from Animal Control which would allow them to have up to 8 dogs. Therefore, staff recommends denial.

Waiver 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.

The plans and associated photo depict an egg stand that is small in nature. The applicant indicates that this stand is movable, featuring wheels, and would be stored inside the garage when not in use. Staff finds the reduced setback for the accessory structure should have minimal impact on the surrounding neighborhood as it is not permanently affixed to the ground. However, since staff is not supporting the use permits relating to the sale of eggs, staff cannot support this request.

Staff Recommendation

Approval of use permit #4; denial of use permits #1 through #3 and waiver of development standards.

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:

- Obtain any required permits for the increase in household pets from Clark County Animal Control;
- Obtain any required permits for the selling of eggs from the Nevada Department of Agriculture and any other permitting agency applicable.
- Applicant is advised within 2 years from the approval date the application must commence or the application will expire unless extended with approval of an extension of time; 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.

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: 2 letters

PROTESTS:

APPLICANT: JEANALIN J. REHM

CONTACT: JEANALIN REHM, DREAM BIG WESTWIND LLC, 1290 WESTWIND ROAD, LAS VEGAS, NV 89146