

ACCESSORY STRUCTURES  
(TITLE 30)

PYLE AVE/PLACID ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0593-BUTLER LP:**

**USE PERMITS** for the following: **1)** allow accessory structures within the front yard that are not architecturally compatible with the principal building; and **2)** allow the area for all accessory buildings to exceed the area of the principal dwelling.

**WAIVER OF DEVELOPMENT STANDARDS** to reduce the separation between accessory structures in conjunction with a single family residence on 2.0 acres in an R-E (Rural Estates Residential) (RNP-I) Zone.

Generally located on the southwest corner of Pyle Avenue and Placid Street within Enterprise. MN/al/jo (For possible action)

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RELATED INFORMATION:

**APN:**

177-28-702-005

**USE PERMITS:**

1. Allow accessory structures within the front yard that are not architecturally compatible with the principal building where required per Table 30.44-1.
2. Permit the total area for all accessory structures (2,240 square feet) to exceed the area of the principal dwelling (1,089 square feet) where not permitted per Table 30.44-1 (a 24% increase).

**WAIVER OF DEVELOPMENT STANDARDS:**

Reduce the separation between accessory structures to a minimum of 2 feet where a minimum of 6 feet is required per Table 30.40-1 (a 66.7% reduction).

**LAND USE PLAN:**

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

**BACKGROUND:**

**Project Description**

General Summary

- Site Address: 285 E. Pyle Avenue
- Site Acreage: 2
- Project Type: Accessory structures
- Number of Stories: 1

- Building Height (feet): Up to 9.5 feet
- Square Feet: 2,440 accessory structures/1,089 residence

### Site Plan

The property is about 2 acres in area with access from Pyle Avenue. There is an existing single family residence located in the central portion of the property that is set back approximately 80 feet from Placid Street and 120 feet from Pyle Avenue. The plans show 8 shipping containers on the property to be used as storage buildings. The plans show 1 container located in the southwestern corner of the site, set back 13 feet from the south property line and 54 feet from the west property line. There are 6 storage containers located along the west property line that are set back a minimum of 28 feet from the west property line, 113 feet from the south property line, and 85 feet from the north property line, with a minimum separation of 2 feet between these containers. The eighth shipping container is located approximately 16 feet to the east of the residence and is set back a minimum of 47 feet from the east property line and 107 feet from the north property line. The plans show that 2 of the shipping containers are located in front of the residence and 2 more are located partially in front of the residence.

### Landscaping

No landscaping is proposed or required with this request. The property is enclosed by an existing 6 foot high decorative block wall.

### Elevations

The existing single family residence is 1 story with a pitched roof with concrete tile roofing material. The exterior of the residence has a stucco finish painted in earth tone colors. The shipping containers are rectangular shaped and constructed of metal and are from 8.5 feet to 9.5 feet in height. The plans show that 7 of the shipping containers are 40 feet in length and the eighth is 25 feet in length.

### Floor Plans

The plans show that 7 of the shipping containers have an area of 320 square feet each and the eighth has an area of 200 square feet bringing the total area for all accessory structures to 2,440 square feet. The building footprint of the existing single family residence has an area of 1,089 square feet, which includes a 440 square foot garage.

### Applicant's Justification

The applicant indicates that the shipping containers are needed for additional storage because the existing residence is too small to store his items. The applicant also indicates that he has property in Missouri and transports items between the 2 properties as needed and the shipping containers allow for easy storage of the items. Additionally, the shipping containers are used by members of the applicant's family to store items rather than having to pay to rent storage space from a mini-warehouse facility.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
ZC-1026-05	Established an RNP-I Overlay District for portions of the Enterprise Planning Area	Approved by BCC	October 2005
WS-0274-04	2 storage containers to be used as temporary accessory structures in conjunction with a single family residence - expired	Approved by PC	March 2004

### **Surrounding Land Use**

	<b>Planned land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North & South	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential
East	Residential Low (up to 3.5 du/ac)	R-D	Single family residential
West	Rural Neighborhood Preservation (up to 2 du/ac)	R-E (RNP-I)	Single family residential & undeveloped

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

Case CE20-16857 is a complaint on file with CCPRO for commercial vehicles parked on the property and shipping containers stored on the property. The commercial vehicles have been removed but the shipping containers are still on the property and further action on the complaint is pending the action of this request.

### **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.

##### Use Permit #1

The plans show that 4 of the shipping containers are partially or completely located in front of the existing single family residence. The site is approximately 2 acres in area and approximately 0.9 acres of the property is located behind the residence. With a lot of this size, all of the shipping containers could be relocated to the rear of the residence, which would eliminate the need for this portion of the request. Therefore, staff finds there are other locations on the property that are more appropriate for the placement of the shipping containers and does not support this use permit.

### Use Permit #2

This request is to increase the total area of all accessory structures to an area larger than the area of the footprint of the principal dwelling. The existing single family residence only has an area of 1,089 square feet, which includes a 440 square foot garage, which may not provide adequate storage area for the residence. Staff understands the need for the additional storage space and the small size of the residence limits the area allowed for accessory structures. Since the lot has a large area staff finds the increase in accessory building area to be appropriate for the location and that it will not result in a substantial or undue adverse effect on adjacent properties.

### 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.

This site has an area of approximately 2 acres and as stated above approximately 0.9 acres for the site is located behind the rear of the site. Therefore, staff finds that the site has enough area to allow for the minimum 6 feet of separation between the structures. Staff also finds that the applicant has not provided a sufficient justification or identified unique circumstances on the property to warrant approval of the separation reduction. Therefore, staff does not support the waiver of development standards.

### **Staff Recommendation**

Approval of use permit #2; denial of use permit #1 and the 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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

If approved:

- Paint the shipping containers the same earth tone color.
- Applicant is advised that 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**

- No comment.

**Southern Nevada Health District (SNHD) - Septic**

- Applicant is advised to contact the SNHD Environmental Health Division at [septics@snhd.org](mailto: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)**

- 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:** Enterprise - denial.

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ESTHER LECLAIR

**CONTACT:** ESTHER LECLAIR, 4295 WAGON TRAIL, LAS VEGAS, NV 89118