

ACCESSORY STRUCTURES
(TITLE 30)

TORINO AVE/BELCASTRO ST

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-22-0290-CARL FAMILY TRUST & CARL ROBERT S TRS:

USE PERMITS for the following: **1)** increase the area of a proposed accessory structure; **2)** allow accessory structures not architecturally compatible with the principal building; and **3)** waive applicable design standards.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** reduced setback; and **2)** reduced separation between structures in conjunction with an existing single family residence on 1.0 acre in an R-E (Rural Estate Residential) (RNP-I) Zone.

Generally located on the west side of Belcastro Street and the north side of Torino Avenue within Enterprise. JJ/md/syp (For possible action)

RELATED INFORMATION:

APN:

176-15-801-003

USE PERMITS:

1. a. Increase the area of a proposed accessory structure to 3,848 square feet where an accessory structure with a maximum area of 1,135 square feet (50% of the footprint of the principal building) is permitted per Table 30.44-1 (a 239% increase).
- b. Increase the cumulative area of all accessory structures to 4,987 where a maximum cumulative area of 2,271 square feet (the footprint of the principal building) is permitted per Table 30.44-1 (a 119.6% increase).
2. Allow metal accessory structures where required to be architecturally compatible with the principal building per Table 30.44-1.
3. Waive all applicable design standards, including non-decorative metal siding and non-decorative metal roof, for accessory structures where required per Table 30.56-2A.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Reduce the front yard setback for existing accessory structures (storage containers) to 17 feet where a minimum setback of 40 feet is required per Table 30.40-1 (a 42.5% reduction).
2. Reduce the separation between structures (shipping containers) to zero feet where a minimum separation of 6 feet is required per Table 30.40-1 (a 100% reduction).

LAND USE PLAN:

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

BACKGROUND:

Project Description

General Summary

- Site Address: 8785 Belcastro Street
- Site Acreage: 1
- Project Type: Accessory structures (storage buildings and shipping containers)
- Number of Stories: 1
- Building Height (feet): 18 (storage building A)/18.5 (storage building B)/8 (shipping containers)
- Square Feet: 3,848 (storage building A)/819 (storage building B)/160 (each storage building)

History and Request

UC-0339-15 was approved by the Planning Commission (PC) in August 2015 for a single story accessory structure (storage building) measuring 4,550 square feet with an overall height of 20 feet. UC-0691-16 was approved by the PC in November 2016 for a single story accessory structure measuring 5,625 square feet with an overall height of 23 feet. A condition of approval, per UC-0691-16 expunged UC-0339-15. A first extension of time being ET-18-00243 (UC-0691-16) was approved by the PC in January 2019 followed by approval of a second extension, ET-20-400170 (UC-0691-16) in February 2021. The applicant is now proposing to construct 2 accessory structures, storage buildings A and B, in lieu of the previously approved accessory structure. If approved, this application will replace the previously approved use permit, UC-0691-16.

Site Plans

The plans depict 2 proposed accessory storage buildings, A and B, located on the western portion (rear) of the 1 acre lot. The single family residence is located on the east portion of the parcel. Building A is set back as follows: 1) 30 feet from the north property line (interior side); 2) 15 feet from the west property line (rear); and 3) 40 feet from the south property line (side street which is Torino Avenue). Building B is set back as follows: 1) 123 feet from the north property line; 2) 15 feet from the west property line; and 3) 10 feet from the south property line. Two existing shipping containers are located within the front yard of the parcel, necessitating a waiver of development standards to reduce the setback to 17 feet from the east property line, adjacent to Belcastro Street. There is zero feet of separation between the shipping containers, also requiring a waiver of development standards. This request complies with all other zoning district standards, including overall lot coverage.

Elevations

The elevations depict a 1 story, 18.5 foot high, prefabricated metal structure. A second 1 story, 18 foot high, prefabricated metal structure is also proposed with this application. The metal siding and roof associated with the structures do not contain any decorative features. There are 3 roll-up doors on the east elevation of building A, and 1 roll-up door on the east elevation of

building B. The plans also depict two, 8 foot high shipping containers with non-decorative metal siding.

Floor Plans

The plans depict 2 storage buildings measuring 3,848 square feet (building A) and 819 square feet (building B). Two existing shipping containers are also featured on the plans, each measuring 160 square feet in area.

Applicant’s Justification

The applicant indicates the accessory structures are needed to store personal items and recreational vehicles to keep them from damage due to the weather. At the time the applicant purchased the property, the residence already had a converted garage which had eliminated any storage space for vehicles. The shipping containers that are currently located within the front yard of the property are rentals and will be removed from the property upon construction of the storage buildings. The shipping containers are located within the front yard as grading must be done in the rear yard for preparation of the future storage buildings.

Prior Land Use Requests

Application Number	Request	Action	Date
ET-20-400170 (UC-0691-16)	Second extension of time for an accessory structure	Approved by PC	February 2021
ET-18-400243 (UC-0691-16)	First extension of time for an accessory structure	Approved by PC	January 2019
UC-0691-16	Increased the area of a proposed accessory structure; allowed an accessory structure not architecturally compatible with the principal building; and waived applicable design standards	Approved by PC	November 2016
UC-0339-15	Increase footprint of accessory structure and waived design standards for accessory structure - expunged	Approved by PC	August 2015
VS-0004-15	Vacated and abandoned patent easements - recorded	Approved by PC	March 2015
ZC-1026-05	Reclassified 3,800 parcels of land from R-E to an R-E (RNP-I) zone	Approved by BCC	October 2005

Surrounding Land Use

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

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 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.

A 5,625 square foot accessory structure (UC-0691-16) was previously approved on the same site by the Planning Commission in November 2016. This is a proposal to construct 2 accessory buildings with a combined area measuring 4,667 square feet. The cumulative area of the proposed accessory structures is 958 square feet, or 17%, less than the area of the previously approved accessory structure. Furthermore, the accessory storage buildings will not exceed 18.5 feet in height, where the previously approved building had a maximum height of 23 feet. Staff typically does not support architecturally incompatible accessory structures within the front yard. However, the applicant has indicated the shipping containers are temporary in nature and are necessary to store personal belongings until the storage buildings have been completed. The proposed storage buildings and existing shipping containers should have minimal to no impact on the surrounding land uses. Staff recommends approval of the use permits subject to painting storage buildings A and B to match the existing single family residence, in addition to landscaping along portions of the north, south, and west property lines that are immediately adjacent to the proposed buildings.

Waivers 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 typically does not support requests to reduce the front yard setback for accessory structures, in addition to reducing the required separation between buildings. However, the shipping containers are necessary to store the applicant's personal belongings until the 2 storage buildings have been constructed. There are no existing zoning violations on the subject property. Immediately to the south and east of the subject parcel, where the shipping containers are most visible, are 2 undeveloped residential lots. Furthermore, the reduced building setback and building separation should have minimal to no impact on the surrounding properties and land uses. Therefore, staff recommends approval of the requests subject to removing the shipping containers from the property 90 days from the completion of the first storage building.

Staff Recommendation

Approval.

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:**Current Planning**

- Plant 6 trees 20 feet on center along the west property line, plant 2 trees 20 feet on center along the north portion of the accessory structure; and plant 3 trees 20 feet on center along the south portion of the accessory structure;
- Remove the shipping containers within 90 days from the completion of the first storage building;
- Expunge UC-0691-16;
- Paint the 2 storage buildings to match the existing single family residence;
- Certificate of occupancy and/or business license shall not be issued without final zoning inspection.
- 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.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: ROBERT CARL

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