

ACCESSORY STRUCTURES  
(TITLE 30)

JAKES PL/EL CAPITAN WAY

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-22-0395-DMCP TRUST ET AL & MORGAN DAVID WESLEY 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 setbacks; and **2)** reduced separation between structures in conjunction with an existing single family residence on 2.1 acres in an R-A (Residential Agricultural District) (RNP-II) Zone.

Generally located on the south side of Jakes Place and the east side of El Capitan Way within Lone Mountain. MK/bb/syp (For possible action)

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RELATED INFORMATION:

**APN:**

125-05-705-001

**USE PERMITS:**

1. a. Increase the area of a proposed accessory structure to 2,400 square feet where an accessory structure with a maximum area of 1,200 square feet (50% of the footprint of the principal building) is permitted per Table 30.44-1 (a 100% increase).
- b. Increase the cumulative area of all accessory structures to 3,222 square feet where a maximum cumulative area of 2,400 square feet (the footprint of the principal building) is permitted per Table 30.44-1 (a 34% 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 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. a. Reduce the corner street side yard setback for existing accessory structures (chicken shed) to 5 feet where a minimum setback of 10 feet is required per Table 30.40-1 (a 42.5% reduction).
- b. Eliminate the rear yard setback for existing accessory structures (shipping container and carport) where a 5 foot setback is required per Table 30.40-1 (a 100% reduction).

2. Reduce the separation between structures (shipping container and carport) to zero feet where a minimum separation of 6 feet is required per Table 30.40-1 (a 100% reduction).

## **LAND USE PLAN:**

LONE MOUNTAIN - EDGE NEIGHBORHOOD (UP TO 1 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 8785 Jakes Place
- Site Acreage: 2.1
- Project Type: Accessory structures
- Number of Stories: 1
- Building Height (feet): 15.3
- Square Feet: 2,400 shop/3,222 cumulative accessory structures/2,400 single family residence

#### Site Plan

The site plan depicts a 2.1 acre property at the southeast corner of Jakes Place and El Capitan Way with a half circle driveway on Jakes Place to access the 2,400 square foot residential home located at the northwest portion of the site. There are 5 accessory structures and 1 proposed shop/barn on the property. The proposed barn/shop will be located in the southeast portion of the site and will exceed the required setbacks. The north and south sides of the shop/barn will have a 60 foot by 15 foot open covered area for animal pens and trailers. The chicken coop is located along the west property line, without any setback from the street. A carport and storage box are located along the rear property line also without meeting setbacks. A shed and well shed are located on the east side of the property.

#### Landscaping

A 7.5 foot decorative block wall was previously granted via a waiver (WS-0820-17) along the west, south, and east property lines, and adjacent to the home. There are 8 trees planted inside the wall along the west property line and several other trees on the interior of the lot. Four trees are located at the northeast portion of the site with 30 foot spacing.

#### Elevations

The 15.3 foot high barn will have metal materials and features painted to match the walls and home. The existing chicken shed has a metal roof that extends to 9 feet 10 inches in height. The metal storage box is 8 feet 6 inches in height and the metal carport is 9 feet 8 inches in height.

#### Floor Plans

The floor plan for the shop/barn shows a 390 square foot exercise room with bathroom and closet, and 2,010 square foot area with a concrete floor for storage and parking trailers. The area of the remaining accessory structures is as follows: 150 square feet (chicken coop); 200 square feet (carport); 200 square feet (storage box); 80 square feet (shed); and 192 square feet (well shed).

### Signage

Signage is not a part of this request.

### Applicant's Justification

The applicant has 1 horse, 2 goats and several chickens on the property and will build a new 60 foot by 40 foot shop/barn accessory structure. The shop/barn will include an exercise room, bathroom, and concrete floor area for storage of animal feed and trailers. Metal materials will be used for the shop/barn and it will be painted to match the walls and house. The chicken shed was built during the pandemic and was intended to meet the requirements of the code. It was built with a 5 foot setback where a 10 foot setback was required and with a metal roof. The chicken shed is only 150 square feet and would not normally require a building permit.

### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
WS-0820-17	Increased wall height and setback	Approved by PC	November 2017
VS-0989-01	Vacated right-of-way	Approved by PC	September 2001

### **Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North	Edge Neighborhood (up to 1 du/ac)	R-A (RNP-II)	Single family residential
South	Edge Neighborhood (up to 1 du/ac)	R-A (RNP-II)	Undeveloped
East	Edge Neighborhood (up to 1 du/ac)	R-A (RNP-II)	Single family residential
West	City of Las Vegas	R-PD3 & U (PCD)	Undeveloped & single family residential

### **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. The proposed shop/barn with exercise room and trailer storage will be constructed with metal materials, but will be painted to match the color of the home. The size and scale of the accessory structures in context with the 2 acre property will not be detrimental to the surrounding area. The existing and proposed accessory structures are partly being used for agricultural purposes, as well as other

personal storage and carport needs. The Master Plan Policy LM-1.2 promotes neighborhood integrity through compatible development. This 2 acre property will be compatible with the surrounding area and the scale of the proposed accessory structures will not create a negative impact considering the existing landscaping and 7.5 foot decorative wall.

#### 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.

#### Waiver of Development Standards #1a

The chicken shed is located 5 feet from a decorative wall and another approximately 10 feet from the edge of El Capitan Way and will not create a hazardous situation. While the roof is metal, it is painted and not reflective in nature. Staff can support the waiver request.

#### Waivers of Development Standards #1b & #2

The existing shipping container and carport are located in close proximity to each other and the rear property line and staff typically does not support structures so close to property lines. The separation of the buildings does not meet the minimum 6 foot standard and could cause a hazardous situation. Staff recommends denial of these waivers.

#### **Staff Recommendation**

Approval of the use permits and waiver of development standards #1a; denial of waivers of development standards #1b and #2.

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**

If approved:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection;
- Removal of the storage container and carport when shop/barn is complete.
- 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**

- Drainage study and compliance.

**Fire Prevention Bureau**

- No comment.

**Clark County Water Reclamation District (CCWRD)**

- No comment.

**TAB/CAC:** Lone Mountain - approval (conex box and carport to be removed once chicken shed is complete).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** DAVID W. MORGAN

**CONTACT:** DAVID MORGAN, 8785 JAKES PLACE, LAS VEGAS, NV 89143