

HOME OCCUPATION & LARGE LIVESTOCK  
(TITLE 30)

BRENT LN/HOMESTEAD RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-20-0561-JACOB, SHANE P.:**

**USE PERMITS** for the following: **1)** allow employees on-site; **2)** allow customers on-site; **3)** allow 1 trailer under 10,000 pounds; **4)** eliminate the required trees; **5)** increase the amount of agricultural livestock, large (horses); and **6)** allow accessory structures not architecturally compatible to the main residence.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: **1)** eliminate the building separation; **2)** eliminate the interior side setback of an accessory structure; and **3)** eliminate the rear setback of an accessory structure in conjunction with an existing single family residence and residential boarding stable on 2.1 acres in an R-A (Residential Agricultural) Zone.

Generally located on the northeast corner of Brent Lane and Homestead Road within Lone Mountain. MK/jor/jd (For possible action)

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RELATED INFORMATION:

**APN:**

125-08-506-008

**USE PERMITS:**

1. Allow employees (who are not family members) on-site in conjunction with a home occupation (hay sales) per Table 30.44-1.
2. Allow customers on-site in conjunction with a home occupation (hay sales) per Table 30.44-1.
3. Allow 1 trailer under 10,000 pounds on-site per Table 30.44-1.
4.
  - a. Eliminate 6 trees where 6 are required (1 per 50 linear feet) along the rear property line (north) in conjunction with a residential boarding stable where required per Table 30.44-1.
  - b. Eliminate 1 tree where 6 are required (1 per 50 linear feet) along the interior side property line (east) in conjunction with a residential boarding stable where required per Table 30.44-1.
5. Increase the amount of agriculture livestock, large (horses) to 27 horses for a residential boarding stable where 25 horses are allowed per Table 30.44-1 (an 8% increase).
6. Allow existing accessory structures not architecturally compatible to the principal residence per Table 30.44-1.

**WAIVERS OF DEVELOPMENT STANDARDS:**

1. Eliminate the building separation where 6 feet is required per Table 30.40-1 (a 100% decrease).
2. Eliminate the interior side setback where 5 feet is required per Table 30.40-1 (a 100% decrease).
3. Eliminate the rear setback where 5 feet is required per Table 30.40-1 (a 100% decrease).

**LAND USE PLAN:**

LONE MOUNTAIN - RESIDENTIAL AGRICULTURE (UP TO 1 DU/AC)

**BACKGROUND:****Project Description****General Summary**

- Site Address: 8560 Brent Lane
- Site Acreage: 2.1
- Project Type: Home occupation in conjunction with single family residence and a residential boarding stable
- Number of Stories: 1 (main residence)
- Building Height: 8 feet, 4 inches (storage containers #1, #2, & #3)/6 feet, 3 inches (dog kennels #1, #2, & #3)/4 feet, 10 inches (playhouse)/8 feet, 6 inches (storage shed #1)/9 feet, 2 inches (storage shed #2)/9 feet, 4 inches (storage shed #3 & office)/8 (well shed)
- Square Feet: 1,680 (main residence)/160 (storage container #1)/320 (storage container #2)/320 (storage container #3)/67 (dog kennel #1)/67 (dog kennel #2)/67 (dog kennel #3)/23 (playhouse)/160 (storage shed #1)/64 (storage shed #2)/255 (storage shed #3 & office)/64 (well shed)

**Site Plan & Request**

The site plan depicts an existing single family residence on 2.1 acres on the northeast corner of Brent Lane and Homestead Road. Access to the driveway of the main residence is located along Brent Lane and access to the rear yard is located along Homestead Road.

Adjacent to the south property line (Brent Lane) includes the following: the existing residence is located on the southeast corner of the parcel, accessory structures for storage are 63 feet north of Brent Lane, just west of the primary residence, and a horse arena/turnout is located on the southwest corner of the parcel.

The following structures are centrally located on the site oriented east to west: 3 dog kennels and a playhouse along the west property line, 3 horse stalls, a horse tack room/wash rack building, 1 large horse barn with 20 stalls, 1 office/storage building, and a parking area.

In addition, the following structures and areas are located on the northern portion of the site, also oriented east to west: a second horse arena/turnout, 1 round pen, an additional tack room/wash rack, 4 additional horse stalls, hay storage area, and a storage container on the northwest corner of the site.

Lastly, there is existing screening in the following areas: a wrought iron fence along the west property line and a portion of the south property line (Brent Lane) adjacent to the front of the main residence. There is also an existing wooden fence set back 49 feet from the south property line and was constructed parallel to Brent Lane. This wooden fence connects to an existing chain-link fence with mesh that screens the southwest corner of the site and along the entire west and north property lines.

The applicant is requesting to increase the number of horses (27) for a residential boarding stable where 25 horses are allowed per Title 30. In addition, the request is to allow the home occupation (hay sales) to function with occasional on-site customers who pick-up hay, on-site employees who are not family members, and additional requests to allow all on-site structures to remain. Per the applicant, the home occupation operation consists of customers pre-ordering the hay and the applicant and their respective employees load the hay into their trucks and deliver the product to their customers, and some customers on a rare occasion pick-up their orders on-site.

The existing storage containers on-site are not architecturally compatible to the main residence; therefore, requiring the use permit request. In addition, there is a use permit request to eliminate 6 trees along the rear property line. Per Code, 1 tree every 50 linear feet is required along the rear and side property lines. There are no trees planted along the rear property line (north), but there are 5 trees planted along the interior side property line (east). The horse stalls, round pen, and arena/turnout along the north property line do not meet the minimum rear setback, and so a waiver of development standards is a part of this application. Furthermore, the horse stalls, dog kennel and playhouse do not meet the interior side setback of 5 feet, and so the request for an additional waiver of development standards is required.

#### Landscaping

The submitted photos show mature trees throughout the site. The landscape plan depicts 20 mature trees along the west property line (Homestead Road). Secondly, there are 10 mature trees along the south property line (Brent Lane), and 4 additional mature trees planted in a north to south direction adjacent to the horse arena/turnout on the southwest corner of the site. The front yard area consists of existing grass and shrubs adjacent to the front elevation of the main residence. Lastly, there are 4 additional mature trees along the west property line adjacent to the main residence.

Title 30 requires 6 trees (1 tree for every 50 linear feet) along the rear (north) and side (east) property lines, except within arenas. The applicant is requesting to eliminate this requirement of 6 trees (1 tree for every 50 linear feet) along the north property line. Furthermore, there are 5 mature trees along the east property line, where 6 are required (1 tree for every 50 linear feet).

#### Elevations

The photographs depict an existing residential parcel, which includes an existing single story main residence with wood siding and a shingle roof. The structures on-site are consistent with a residential boarding stable, which includes horse barns/stables, accessory structures for storage, tack rooms/wash racks for horses, and additional agricultural accessory structures.

There are 5 existing accessory structures on the west side of the main residence. These accessory structures consist of 2 storage sheds with wood siding, 1 well shed with wood siding, and 2 white metal storage containers (not architecturally compatible to the main residence).

Furthermore, there are 3 dog kennels with steel framing and a wooden playhouse adjacent to the east side of the main residence.

Lastly, the northwest corner of the site has an additional white metal storage container (not architecturally compatible to the main residence), and on the west side of the large horse barn, there is an additional wooden building, which is used for storage and office area.

#### Floor Plans

The residential boarding stable structures on-site consist of a large horse barn with 20 stalls, 3 horse stalls on the west side of the site, and 4 horse stalls on the north side of the property. The regular accessory structures are used for storage. There is 1 large round pen, and 2 horse arenas/turnouts. In addition, the existing main residence has an overall area of 1,680 square feet, which consists of bedrooms, bathrooms, a kitchen, and a living room.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

Per the submitted justification letter, the applicant has resided on the site since 1999. The applicant is a farrier who rehabilitates horses, and occasionally trains, sells, and boards horses on a short-term basis (such as horses that are in town for competitions). In addition to the boarding stable, the applicant sells hay for horses. The existing clientele reside in the Las Vegas valley. Furthermore, the selling of horse hay is a small home business and the applicant is requesting to continue the business on-site, with employees who are not family members. The employees consist of 3 to 4 full-time positions with a couple of part-time positions for people in the horse community. The entire operation has been functioning for many years without incident. UC-1757-05 approved 27 horses on-site with a condition of approval for a 10 year review, but the application has since expired. Per the submitted photos, the site is clean and well maintained. The applicant provided petitions with several signatures and letters of support from surrounding neighbors.

#### **Prior Land Use Requests**

<b>Application Number</b>	<b>Request</b>	<b>Action</b>	<b>Date</b>
UC-1757-05	Increased the number of horses to 27 where 8 are allowed; conditioned to a 10 year review - expired	Approved by PC	December 2005
UC-1487-00	Increased the number of agricultural livestock, large (horses) to 15 where 4 are permitted - site was only on 1 acre subject to a 5 year review; maximum of 11 horses if applicant cannot utilize the adjacent property; first extension of time was withdrawn by applicant - expired	Approved by PC	November 2000

**Surrounding Land Use**

	<b>Planned Land Use Category</b>	<b>Zoning District</b>	<b>Existing Land Use</b>
North, East, & West	Residential Agricultural (up to 1 du/ac)	R-A (RNP II)	Single family residential
South	City of Las Vegas	R-PD2	Single family residential

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

CE20-13230 is an active zoning violation for operating a business on-site.

**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

Staff has no objection to allow on-site employees who are not family members. Employees on-site should not have more of an impact versus customers who are on-site utilizing the residential boarding stable.

Use Permit #2

Staff does not foresee negative impacts of customers on-site. Per the applicant, the hay is primarily delivered to customers, and customers who order hay only pick-up the product on seldom occasions. Furthermore; Table 30.44-1 states that customers are allowed on-site for large agricultural livestock (horses) and ranching/boarding type of uses in the R-A zoning district. Since customers are already allowed on-site, staff finds that customers who are conducting business related to the home occupation (hay sales), have a less of an impact to the site since the customers do not spend a significant amount of time on the property.

Use Permit #3

Table 30.44-1 requires approval of a use permit to allow 1 trailer under 10,000 pounds on-site. All of the applicant's trailers are for agricultural related uses and not the proposed home occupation. The trailer related to this request is not used for the home occupation and is less than 10,000 pounds. This trailer is used on-site and at auctions. Per the applicant and submitted photo the empty weight is 6,680 pounds and the trailer title does not depict a gross weight. Staff finds that the trailer is well-maintained and does not pose any negative impacts to the site. Staff supports this request.

#### Use Permit #4a & #4b

The landscape plan shows there are no trees along the north property line, but there are 5 trees along the east property line. Staff does not object to eliminating the required 6 trees (1 every 50 linear feet) along the rear property line (north), and 1 missing tree along the interior side property line (east). Staff finds that the existing screening with mesh is sufficient along the north property line. Furthermore, the existing 39 mature trees along the west (Homestead Road), south (Brent Lane), and east property lines have a greater visual impact on the site since these trees are adjacent to the rights-of-way and visually shield the majority of the structures on-site.

#### Use Permit #5

Per the submitted photos and site plan, the subject property has ample amenities, exercise areas, and shelter and shade area to take care of and maintain 27 horses. A previous use permit (UC-1757-05) was approved but has since expired. Staff was provided with a petition of support with over 50 signatures and 8 letters of support from surrounding neighbors who also utilize the hay sale business and also state the boarding stables are consistent with the existing surrounding parcels, and who also have residential boarding stables. Staff has no objection to this request.

#### Use Permit #6

This request is related to the 3 metal storage containers on the site. The first storage container is located on the northwest corner of the site but is shielded by very mature evergreen trees and existing fencing with green mesh. The second and third storage containers are located on the west side of the main residence, but are set back 64 feet from the right-of-way. Per the site plan and submitted photos, the only accessory structures that are not compatible to the main residence are the metal storage containers. Staff finds that the existing landscaping of mature evergreen trees and existing screening provide a visual barrier to the site. Staff recommends approval of this request.

#### 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 #1

Staff does not usually support a reduced building separation request. However, staff finds that the existing building separations serve minimal impact to the site and do not negatively impact the surrounding neighbors. Since staff supports the remaining waivers of development standards, staff can also support this request.

#### Waivers of Development Standards #2 & #3

The site plan shows a horse stall and round pen along the north property line, and on the northeastern corner of the site there is an area/turnout that borders the east and north property lines. The horse stall, round pen, and a portion of the arena/turnout do not meet the required 5 foot rear setback.

The arena/turnout on the northeast corner is also adjacent to the east property line. The horse stalls, dog kennels, and playhouse along the east property lines also do not meet the required interior side setback of 5 feet per Table 30.44-1. However, the dog kennels and the playhouse are set back 3 feet from the east property line.

Eliminating the setbacks on this site does not create adverse ramifications to the site and to the surrounding neighborhood. The submitted photos show that the existing screening and mature evergreen trees planted on the parcel to the east mitigates the reduced interior side setback. Furthermore, the existing screening with green mesh along the north property line (rear setback) also helps to visually deter any reduced setbacks. The site plan shows that the most impacted neighbors are located to the north and east; however, the applicant provided letters of support from those neighbors. Staff recommends approval of this request.

### **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 Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

### **PRELIMINARY STAFF CONDITIONS:**

#### **Current Planning**

- 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; 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 schedule an appointment with the SNHD Environmental Health Division at (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:** 8 (letters) & 1 (signed petition)

**PROTESTS:**

**APPLICANT:** SHANE P. JACOB

**CONTACT:** SHANE JACOB, JACOB LIVESTOCK, 8560 BRENT LANE, LAS VEGAS, NV  
89143