

ACCESSORY STRUCTURES  
(TITLE 30)

MOJAVE RD/EMERSON AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

**UC-21-0160-HARMON CURTIS:**

**USE PERMITS** for the following: **1)** allow an accessory building (storage containers) not architecturally compatible with a principal building; **2)** allow alternative design standards for accessory structures (storage containers); and **3)** waive design standards.

**WAIVER OF DEVELOPMENT STANDARDS** to increase block wall height.

**DESIGN REVIEW** for finished grade in conjunction with an existing single family residence on 2.4 acres in an R-1 (Single Family Residential) Zone.

Generally located on the north side of Emerson Avenue, 300 feet west of Mojave Road within Paradise. TS/sd/jo (For possible action)

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RELATED INFORMATION:

**APN:**

162-13-503-013

**USE PERMITS:**

1. Allow accessory structures (storage containers) not architecturally compatible with a principal building where required per Table 30.44-1.
2. Allow nondecorative metal siding for an accessory structure (storage containers) where not permitted per Table 30.56-2A.
3. Allow nondecorative metal siding for an accessory structure (metal building) where not permitted per Table 30.56-2A.

**WAIVER OF DEVELOPMENT STANDARDS:**

Increase the height of a block wall to 8 feet where a maximum height of 5 feet is allowed per Table 30.64-1 (a 60% increase).

**DESIGN REVIEW:**

Increase the finished grade up to 62 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 244% increase).

**LAND USE PLAN:**

WINCHESTER/PARADISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

## **BACKGROUND:**

### **Project Description**

#### General Summary

- Site Address: 3126 Emerson Avenue
- Site Acreage: 2.4
- Project Type: Accessory structures/increased grade/wall height
- Building Height: 3 (storage containers)/8 (block wall)
- Square Feet: 480 (160 square feet each)

#### Site Plans

The plans depict an existing 1,914 square foot single family residence located within the middle portion of the parcel. The accessory structures (storage containers) are located along Emerson Avenue atop a concrete pad in the southwest portion of the parcel. Currently, there are 2 driveways providing access to the site. A proposed concrete block wall of 8 feet is shown on the southwest corner and is the subject of a waiver request to increase the maximum height allowed from 5 feet to 8 feet.

#### Landscaping

Landscaping is not part of this request.

#### Floor Plans

Each storage container measures 8 feet wide to 20 feet deep.

#### Elevations

The plans depict an existing 1 story residential building in the center portion of the property that is constructed of a stucco finish with pitched roofline. The storage containers are constructed of vertical metal and are 8 feet in height.

#### Signage

Signage is not a part of this request.

#### Applicant's Justification

The existing home is currently set on an elevated pad and was constructed in 1956. Due to the use permit request, the increase in finished grade in relation to the adjacent properties is requested. The finished floor of the existing home is 1,918 feet where the finished floor of the building to the west is 1,899 feet, and the building to the north is 1,898 feet, for a difference of roughly 20 feet. The proposed pad for the 3 storage containers will have an increased pad elevation of approximately 5 feet 2 inches from the adjacent building to the west. Additionally, this property falls under the suburban residential use category, which allows for a maximum 5 foot wall. Due to the nature of the land, this site sits considerably higher than the street. Because of this an 8 foot CMU wall over 3 foot of retaining wall along the south property line is requested. The property owner deals with theft and trespassing frequently; therefore, would like to request an 8 foot CMU wall along the south west property line corner for security purposes.

### Prior Land Use Requests

Application Number	Request	Action	Date
VS-19-0610	Vacated and abandoned easements	Approved by PC	November 2019
UC-19-0453	Accessory structures, increased grade, and 2 driveways - expired	Held No Date	Held No Date

### Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North, South, & West	Residential Suburban (up to 8 du/ac)	R-1	Single family residential & townhomes
East	Institutional	R-1	Place of worship

### 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.

Staff reviews use permit requests to ensure compatibility with the existing and planned land uses. Although storage of personal goods is often seen in storage containers throughout the County, in general these containers are not architecturally compatible with the existing residential building or with adjacent properties. Currently, the storage containers are located within the front portion of the parcel and are partially visible from the street and from adjacent properties. As the area is primarily residential, staff cannot support the use permits to allow for 3 metal storage containers.

##### 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.

Staff often agrees with a justification provided by applicants to allow for an increase in the wall height for privacy and deterring trespassing. However, the request by this applicant to allow for a block wall to 8 feet in height along the southern property line along Emerson Avenue, where 5 foot maximum is allowed, is considered excessive. Staff finds the request is inconsistent with

Urban Specific Policy 10 of the Comprehensive Master Plan, which encourages in part that site designs are to be compatible with adjacent land uses; therefore, staff cannot support the request.

### **Public Works - Development Review**

#### Design Review

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval. However, since Planning cannot support the application in its entirety, staff cannot support this design review.

### **Staff Recommendation**

Denial.

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:

- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that accessory buildings shall have a minimum separation of 6 feet from any other building; 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**

- Right-of-way dedication to include intersection of Emerson Avenue and Flamingo Arroyo Court;
- Execute a Restrictive Covenant Agreement (deed restrictions).
- Applicant is advised that nuisance storm water flows must be contained to the site and to others owned by the applicant until the flows comply with drainage criteria.

#### **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)**

- No comment.

**TAB/CAC:** Paradise - approval (review as a public hearing in 2 years; maximum of 2 storage units; and remove construction equipment not being used for wall or storage units).

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** ACG DESIGN

**CONTACT:** ACG DESIGN, 4310 CAMERON ST., STE 12-A, LAS VEGAS, NV 89103