AVIARY POWELL AVE/EL PASADA AVE
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0185-13 – LATHAM, CHARLES DIAZ, JR.;

USE PERMIT for an aviary.
WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase the number of birds (racing pigeons) in an aviary; 2) reduce setbacks for accessory structures; and 3) reduce the separation between accessory structures in conjunction with an existing single family residence on 0.2 acres in an R-1 (Single Family Residential) Zone.

Generally located on the south side of Powell Avenue, 75 feet east of El Pasada Avenue (alignment) within Paradise. CG/gc/ml (For possible action)

RELATED INFORMATION:

APN:
161-20-213-041

WAIVERS OF DEVELOPMENT STANDARDS:
1. Increase the number of birds (racing pigeons) in an aviary to 50 birds where a maximum of 20 birds is allowed (a 150% increase).
2. a. Reduce the rear setback for accessory structures (loft & cages) to 11 inches where a minimum of 5 feet is required (an 81.6% reduction).
   b. Reduce the side setback for an accessory structure (loft) to 8 inches where a minimum of 5 feet is required (an 86.6% reduction).
3. Reduce the separation between accessory structures (loft & cages) to 6 inches where a minimum of 6 feet is required (a 91.7% reduction).

LAND USE PLAN:
WINCHESTER/PARADISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Acreage: 0.2
- Project Type: Aviary
- Building Height: 8 feet (loft)
- Square Feet: 128 (loft)

Site Plan
The plans show an existing aviary for racing pigeons. The main accessory structure is a loft, which is a building that provides housing for pigeons, and is located on the southeast corner of
the property, 17 inches from the rear property line and 8 inches from the side property line. Two cages are located west of the loft, approximately 14.5 inches and 11 inches from the rear property line. Along the east side property line are 2 other cages and a cabinet that will be relocated 5 feet from the side property line. The block wall along the east property line is 5 to 6 feet in height, while the block wall along the rear property line is 7 to 10 feet in height. The cages and cabinet along the east property line have only a 6 inch separation between structures, while the loft and cages along the rear property line have only a 20 to 26 inch separation between structures. The applicant is requesting up to 50 racing pigeons on the property.

**Landscaping**

There are no changes proposed to the existing landscaping. Photos of the rear yard depict 1 palm tree in the southwest corner, grass in the playground area, and some flower boxes.

**Elevations**

The loft is 8 feet in height and has a shed-like appearance. Exterior materials for the loft include vertical wood siding painted brown and composite shingle roofing which is architecturally compatible to the home. The cages are constructed of plywood and wire. The cages along the rear property line are 7.5 and 6.5 feet high. The cages along the east property line are 4.5 and 5 feet high. The cabinet along the east property line is 5 feet high and used to store food, vitamins, and other materials needed for the care of the pigeons.

**Floor Plans**

The loft is 128 square feet and divided into 2 areas. The plans show 1 side of the loft is used for breeders and the other side is used for young birds. West of the loft is a 40 square foot cage currently empty, and a 37.5 square foot cage for the “hen” pigeons. Along the east property line is a 4 square foot foot cage and a 16 square foot breeder cage. The cabinet is 16 square feet.

**Applicant’s Justification**

The applicant states that the birds are racing pigeons and not feral pigeons, and that there is a distinct difference between the 2 types of pigeons. Feral pigeons do not have a home and have to search for food. Racing pigeons have a home and do not hang out in other areas or search for food. The applicant states also that these pigeons are well taken care of and fed special food and vitamins. Additionally, the pigeon area is cleaned twice a day, and droppings from the bottom of the cages are placed in a sealed trash can every 2 days. The pigeons exercise about an hour a day and always return directly to the home. The applicant indicates that the pigeons are well trained and similar to soldiers. The applicant is a member of the American Racing Pigeon Union and participates in races where pigeons race for distances up to 600 miles. The applicant states that the setback waivers requested are necessary since the loft and cages are too heavy to be moved from the current location.

**Surrounding Land Use**

<table>
<thead>
<tr>
<th>Planned Land Use Category</th>
<th>Zoning District</th>
<th>Existing Land Use</th>
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<tbody>
<tr>
<td>Residential Suburban (up to 8 du/ac)</td>
<td>R-1</td>
<td>Single family residences</td>
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**Clark County Public Response Office (CCPRO)**

Case #13-2558 is an active complaint on file for keeping pigeons on the property.
Clark County Animal Control
Clark County Animal Control has reviewed the request and has concluded that the facility will operate in accordance with the standards set forth by the American Racing Pigeon Union, and does not oppose 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 Permit and Waivers of Development Standards
Staff has previously supported applications for aviaries for racing pigeons over the maximum number allowed per Code in the past, but those locations were in rural residential zoning districts with larger lot areas to accommodate the use and number of birds. The aviaries that were approved in the County in suburban residential zoning districts, such as this site, were approved for other types of birds (e.g. finches, canaries) that are kept in cages at all times, and therefore, do not fly freely in a neighborhood. Staff finds that allowing racing pigeons to fly in a neighborhood will have a negative impact on the surrounding residential properties, especially with the limited size of the subject property. The waiver request to allow up to 50 pigeons and the reductions in setback and separation will increase the impact to the neighboring properties even more, especially without any proposed mitigation measures. Such impacts may include, but are not limited to noise and odors. Therefore, staff cannot support this request. The request will not comply with Policy 1.21 of the Winchester/Paradise Land Use Plan which promotes ensuring that special uses that are adjacent to existing land uses are compatible and appropriately buffered.

Department of Aviation
The FAA (Federal Aviation Administration) Advisory Circular 150/5200-33B, title Hazardous Wildlife Attractants on or Near Airports, states that pigeons have caused major damage and have affected flight operations at airports, and therefore can be a hazard to air navigation. For airports like the McCarran International Airport (LAS), the advisory circular recommends that hazardous wildlife attractants be 5 miles from the nearest air operations area. The subject property is less than 4 miles from LAS.

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 Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning
If approved:
• 1 year to commence and review as a public hearing.
• Applicant is advised that any change in circumstances or regulations may be justification for the denial of an extension of time.

**Public Works – Development Review**
• No comment.

**Department of Aviation**
• Coordinate all large pigeon releases and other associated activities that occur within 5 miles of the facility with the LAS Air Traffic Control.

**Fire Department**
• No comment.

**Clark County Water Reclamation District (CCWRD)**
• No comment.

**TAB/CAC:** May 14, 2013 Paradise Town Board – approved - subject to staff conditions and a 1 year review as a public hearing. /bv

**APPROVALS:**

**PROTESTS:**

**APPLICANT:** Charles D. Latham Jr.

**CONTACT:** Charles D. Latham Jr., 4255 Powell Avenue, Las Vegas, NV 89121