ACCESSORY AGRICULTURAL BUILDINGS/ ACCESSORY STRUCTURE
RINGE LN/MONROE AVE
(TITLE 30)

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
UC-0735-12 – NAVARRO, BERNARDO RAMIREZ:

**USE PERMITS** for the following: 1) allow an accessory agricultural building to exceed one-half the footprint of the principal building; 2) allow a non-decorative metal roof for an accessory agricultural building; 3) allow existing accessory structures that are not architecturally compatible with the principal building; and 4) waive design standards per Table 30.56-2 for existing accessory structures.

**WAIVERS OF DEVELOPMENT STANDARDS** for the following: 1) reduced setbacks; and 2) reduced setbacks from a right-of-way (Monroe Avenue) for accessory agricultural buildings and accessory structures in conjunction with an existing single family residence on 0.5 acres in an R-E (Rural Estates Residential) Zone.

Generally located on the east side of Ringe Lane and the north side of Monroe Avenue within Sunrise Manor. LW/dg/ml (For possible action)

**RELATED INFORMATION:**

**APN:**
140-28-110-035

**USE PERMITS:**
1. Allow a 1,748 square foot accessory agricultural building to exceed one-half the footprint (1,432 square feet) of the principal building (an 18% increase).
2. Allow accessory agricultural buildings (animal pen enclosures) with corrugated metal roofs where a decorative metal roof is required.
3. Allow existing accessory structures (carport and storage building) within the side and rear yards that are not architecturally compatible with the principal building.
4. a. Permit a non-decorative metal building (carport) where not allowed.
   b. Allow an accessory building (storage building) with a flat roof without a parapet wall.

**WAIVERS OF DEVELOPMENT STANDARDS:**
1. a. Reduce the rear setback for accessory agricultural buildings to 4.5 feet where 5 feet is required (a 10% reduction).
   b. Reduce the side yard setback to an accessory building (storage building) to 4.5 feet where 5 feet is required (a 10% reduction).
   c. Reduce the side street setback for accessory agricultural building to 4.5 feet where 10 feet is required (a 55% reduction).
2. Reduce the setback from an accessory agricultural building to a right-of-way (Monroe Avenue) to 4.5 feet where 10 feet is required (a 55% reduction).

LAND USE PLAN:
SUNRISE MANOR - RURAL NEIGHBORHOOD PRESERVATION (UP TO 2 DU/AC)

BACKGROUND:
Project Description
General Summary
- Site Acreage: 0.5
- Project Type: Accessory structures
- Number of Stories: 1
- Building Height: 7 to 11 feet
- Square Feet: 330 (storage building)/1,948 (accessory agricultural building)/263 (carport)

Site Plan
The plans depict a residential lot with a single family residence on the west portion of the site and the following existing accessory structures in the side and rear yards: 1) existing storage building located northeast of the residence; 2) accessory agricultural building (animal pens and corrals) to the east of the residence; and 3) existing carport located south of the residence. The animal pens and corrals house various agricultural animals as follows: 1) 1 calf; 2) 2 goats; and 3) 20 chickens. Based on the lot size, the applicant complies with lot area requirements for the listed animals.

The storage building is set back approximately 4.5 feet from the north property line. The accessory agricultural building is 1 overall building that is segmented into various animal pens and corrals and set back approximately 4.5 feet from the east property line (rear). The majority of the building is covered with a roof; however, there is a portion that is uncovered but still connected with the remaining portion of the structure. The building is set back 4.5 feet from the south property line (Monroe Avenue). The length of the building, that is parallel to the south property line and that necessitates the setback reduction from Monroe Avenue, is 24.7 feet.

The separation between the carport and residence is 6.5 feet and the setback to the south property line (Monroe Avenue) is 6.8 feet. The length of the carport, that is parallel to the south property line and that requires the setback reduction from Monroe Avenue, is 21.8 feet. There is an approximate 6 foot high block wall along the north and east property lines, adjacent to developed single family residential lots, and a combination of wood and chain link fences along Monroe Avenue. The wood fence and an old screen on the chain link fence obscure major portions of the side and rear yards.

Landscaping
There is mature and recently planted landscaping throughout most portions of the property. No new landscaping is proposed with this request.

Elevations
The storage building is partially constructed with metal framing and metal roof at a maximum height of 11.8 feet. The building will be finished with stucco siding and painted to match the residence.
The accessory agricultural building is also constructed of metal framing and aluminum panels with chicken wire on portions of the sides and a metal roof. The height ranges from 8 feet on the north portion to a major portion at 9.5 feet and tops out at a maximum height of 10.5 feet on the south portion.

The partially constructed carport has an approximate height of 11 feet. When finished, the metal paneling will be painted and textured to match the residence.

Floor Plans
All structures under this request are open with the exception of the storage building which will have an open floor plan intended for storage of personal belongings.

Applicant’s Justification
The applicant indicates that prior to purchasing the home, it was his understanding that it was acceptable to own and raise animals since the neighbors all owned animals. The applicant was unaware that the construction of the animal enclosures could not be done without permits.

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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</thead>
<tbody>
<tr>
<td>North, East, South, &amp; West</td>
<td>Rural Neighborhood Preservation (up to 2 du/ac)</td>
<td>R-E</td>
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Clark County Public Response Office (CCPRO)
ZV-11562-12 is a zoning violation for agricultural animals and animal enclosures on the property. The case has been subsequently closed.

STANDARDS FOR APPROVAL:
The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis
Current Planning
Use Permits
Staff’s primary concern with these types of use permit requests is to ensure compatibility with existing and planned surrounding uses. The property is located within an RNP area with many properties in the immediate area, several contiguous to this property, with similar metal buildings. An RNP area is intended for the preservation of low density, rural residential developments. The immediate area is a mixture of developed and undeveloped single family residences. Staff from Comprehensive Planning and Public Response Office conducted on-site inspections of the property and found the construction and materials to be of high quality and well constructed. The storage building and carport are not yet complete but will be enhanced and appear to be architecturally compatible with the residence when completed. The property is clean, maintained, free of refuse or debris, and does not appear to create a nuisance in the neighborhood.

With conditions that include painting of the structures and providing a landscape buffer, the structures will integrate with the existing residence and neighborhood, and therefore, staff finds
this request is compliant with Policy 2.2 of the Sunrise Manor Land Use Plan which encourages development or uses, adjacent to existing land uses, be appropriately buffered with transitional space and/or uses.

Waivers of Development Standards
The applicant shall have the burden of proof to establish that the waivers of development standards are appropriate for this location. 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. One of several criteria that must be addressed is the use and value of the area adjacent to the property included in the waiver request will not be affected in a substantially adverse manner.

The buildings are entirely within the side and rear yards and only partially visible from adjacent properties and Monroe Avenue. The applicant has indicated several mitigation efforts, including but not limited to painting, texturing, and providing a landscape buffer, will improve the compatibility with the existing residence, and therefore, will be consistent and compatible with the neighborhood. The wood fence and block walls visually obscure major portions of the buildings.

Staff finds the setback reduction along the north and east property lines to be minimal, especially since the storage building and accessory agricultural building range in height from 8 to 11 feet and do not approach the allowable height of 25 feet for accessory buildings in an R-E zone. Staff generally does not support setback reductions to a street (Monroe Avenue) but can support this request since the depicted setback is to the property line/right-of-way line in an established and adopted RNP area. This area has non-urban street standards with the minimum required paving. The distance from the current edge of the paving to the property line is 19 feet. Therefore, the setback reduction will not be visually ascertainable, and the combined building lengths that necessitate the setback reduction between the accessory agricultural building and carport represent approximately 30% of the lot depth. Staff does not anticipate any negative impacts to the Monroe Avenue right-of-way and with a combination of the fence and landscaping, the buildings will be visually obscured, and the reduced setback will not adversely affect the immediate area. Staff finds the aforementioned factors mitigate the impact of the relaxed standard and can support this request with conditions.

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

PRELIMINARY STAFF CONDITIONS:

Current Planning
- 1 year to complete with any extension of time to be a public hearing;
- Carport to be painted and textured to simulate stucco and match the house color;
- Storage building to be finished with stucco siding and painted to match the house;
- Accessory agricultural building to be painted to match the house;
• 1 tree per 50 linear feet along all side and rear property lines;
• Update the screen mesh on the chain link fence along Monroe Avenue.
• Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license, or approval; and that any change in circumstances or regulations may be justification for the denial of an extension of time.

Public Works – Development Review
• No comment.

Clark County Water Reclamation District (CCWRD)
• Applicant is advised that the property is already connected to the CCWRD sewer system; the existing connection is for domestic wastewater only; animal waste is not allowed into the public sanitary sewer system unless the applicant has followed current CCWRD pretreatment resolutions and any applicable portions of 40 CFR; and that the CCWRD Pretreatment Coordinator may be contacted at 668-8076.

TAB/CAC:
APPROVALS:
PROTESTS:

APPLICANT:  Bernardo Navarro
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