

**ATTACHMENT A
LOWER KYLE CANYON
CITIZENS ADVISORY COUNCIL
ZONING AGENDA
TUESDAY, 6:00 P.M., OCTOBER 25, 2016**

11/15/16 PC

1. **UC-0695-16 – DUN & BAY LIMITED:**

USE PERMITS for the following: **1)** employee housing (existing manufactured home); **2)** allow existing accessory structures not compatible with the future principal building; and **3)** waive applicable design standards for existing structures in conjunction with a proposed single family residence.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit employee housing when not in conjunction with a commercial agricultural use having a minimum of 40 acres or when not in conjunction with a commercial boarding stable; **2)** reduce front yard setback for existing manufactured home (employee housing) and accessory structures; **3)** reduce interior side yard setback for existing accessory structures; and **4)** reduce the required separation between existing accessory structures on 3.9 acres in a R-U (Rural Open Land) Zone. Generally located on the north side of Horse Drive and the west side of Candy Street within Lower Kyle Canyon. LB/md/ml (For possible action)

EMPLOYEE HOUSING/SINGLE FAMILY RESIDENCE
(TITLE 30)

HORSE DR/CANDY ST
(LOWER KYLE CANYON)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-0695-16 – DUN & BAY LIMITED:

USE PERMITS for the following: **1)** employee housing (existing manufactured home); **2)** allow existing accessory structures not compatible with the future principal building; and **3)** waive applicable design standards for existing structures in conjunction with a proposed single family residence.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** permit employee housing when not in conjunction with a commercial agricultural use having a minimum of 40 acres or when not in conjunction with a commercial boarding stable; **2)** reduce front yard setback for existing manufactured home (employee housing) and accessory structures; **3)** reduce interior side yard setback for existing accessory structures; and **4)** reduce the required separation between existing accessory structures on 3.9 acres in a R-U (Rural Open Land) Zone.

Generally located on the north side of Horse Drive and the west side of Candy Street within Lower Kyle Canyon. LB/md/ml (For possible action)

RELATED INFORMATION:

APN:

126-08-601-010

USE PERMITS:

1. Permit employee housing (existing manufactured home).
2. Allow existing accessory structures (water tanks and pump house) not architecturally compatible with the proposed principal building (single family residence).
3.
 - a. Waive architectural enhancements on all elevations for existing accessory structures.
 - b. Allow non-decorative metal roof and non-decorative metal siding where not permitted for existing accessory structures.
 - c. Allow the roof to be constructed of the same building material as the exterior where not permitted for existing accessory structures.
 - d. Waive applicable design standards per table 30.56 for roof pitch for existing accessory structures.

WAIVERS OF DEVELOPMENT STANDARDS:

1. Permit employee housing when not in conjunction with a commercial agricultural use having a minimum of 40 acres or when not in conjunction with a commercial boarding stable.
2.
 - a. Reduce the front yard setback for an existing manufactured home to 33 feet where 40 feet is the standard (17.5% reduction).

- b. Reduce the front yard setback for an existing greenhouse to 31 feet where 40 feet is the standard (22.5% reduction).
 - c. Reduce the front yard setback for an existing pump house to 17 feet where 40 feet is the standard (a 57.5% reduction).
 - d. Reduce the front yard setback for existing water tanks to 6 feet where 40 feet is required (an 85% reduction).
3. Reduce the interior side yard setback for an existing water tank to 3 feet where 5 feet is the standard (a 40% reduction).
 4. Reduce the separation between existing accessory structures (water tanks and pump house) to 2 feet where 6 feet is the standard (a 67% reduction).

LAND USE PLAN:

NORTHWEST COUNTY - RESIDENTIAL RURAL (UP TO 0.5 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 8425 Candy Street
- Site Acreage: 3.9
- Project Type: Employee housing (existing manufactured home)/ proposed single family residence
- Number of Stories: 1 (existing manufactured home)/3 (proposed single family residence)
- Building Height: 12.5 feet (Manufactured home)/ 35 feet (Single family residence)
- Square Feet: 739 square feet (Manufactured home)/ 9,919 square feet (Single family residence)
- Parking Required/Provided: 3/3 (residential boarding stable)

Site Plans

This is a request for a proposed single family residence and to permit an existing manufactured home to be utilized for employee housing. The plans depict a proposed single family residence consisting of 9,919 square feet. The single family residence meets the minimum interior side yard setback of 15 feet. The plans show additional structures including an existing manufactured home (739 square feet) that will be utilized for employee housing, an existing green house (72 square feet), an existing pump house (108 square feet), an existing hay barn (756 square feet), an existing tack shed (265 square feet) and a main barn (4,500 square feet). The plans also depict an existing south pasture (9,556 square feet), north pasture (28,515 square feet), practice arena (3,223 square feet), and round pen (1,964 square feet). The existing manufactured home (Building Permit #00-19844), formally the principal building, will be utilized for the property owner's caretaker who oversees the owner's 7 horses and residential boarding stable. An existing driveway is located along Candy Street. A residential driveway is proposed along Horse Drive. The applicant is currently in the process of applying for a change of address with the permit for the proposed single family residence (Building Permit #16-22755). Three parking spaces are provided for the existing residential boarding stable where 3 spaces are required.

Landscaping

The plans and photographs depict existing perimeter landscaping along Candy Street, Horse Drive, and the western and northern property lines consisting of Juniper trees, Afghan Pines, and Sissoo trees.

Elevations

The plans depict a proposed single family residence with a height of 35 feet with a 3.5:12 roof pitch. The roof will consist of decorative standing seam metal. The east elevation consists of stucco siding, residential windows on the third floor, four overhead roll-up doors, a man door, and a third story sun room with windows. The south elevation consists of stucco siding, a man door, a third story, window-framed sun room, and residential windows on the third floor. The west elevation consists of stucco siding, a third story, window-framed sun room, and residential windows. The north elevation consists of stucco siding, a man door, and a third story balcony.

The photographs depict an existing manufactured home with a height of 12.5 feet. The manufactured home consists of an asphalt shingled roof and wood siding. The photographs also illustrate an existing hay barn with a height of 15.5 feet. The hay barn consists of vertical metal siding and an asphalt shingled roof. Additional photographs include the existing main barn, with an overall height of 17.5 feet, consisting of vertical metal siding and a standing seam metal roof. The existing tack shed consists of vertical wood siding, an asphalt shingled roof with a height of 14.5 feet. The pump house consists of vertical wood siding and asphalt shingled roof with a height of 8 feet. The water tanks consist of a painted metal exterior with a height of 8 feet.

Floor Plans

The plans for the single family residence depict a first floor (4,500 square feet) garage with a storage closet and restroom. A second floor open loft (919 square feet) is depicted between the first and third floors of the residence. The third floor (4,500 square feet) of the residence depicts several closets, restrooms, bedrooms, living and dining rooms, a kitchen, a sunroom, and an outside deck.

The plans for the manufactured home (739 square feet) depict a 1 level floor area consisting of 2 bedrooms, a bathroom, a living and dining area with a kitchen, restroom and closet. A rear and front porch extend from the manufactured home.

Applicant's Justification

The applicant states that the employee housing (manufactured home) is used for 1 resident employee who is the caretaker for the property owner's horses. The employee provides continuous care of the owner's 7 horses. There are no plans to board additional horses and the property will not be used as a commercial boarding stable.

The various agricultural buildings were existing when the property was purchased. Keeping the existing structures in the same locations will cause no hazards or obstructions to others and follows waivers granted in the past. Two letters of support, including one letter from an adjacent property owner, have been provided to staff.

Surrounding Land Use

| | Planned Land Use Category | Zoning District | Existing Land Use |
|-------|---------------------------------------|------------------------|-------------------------------------|
| North | Residential Rural (up to 0.5 du/acre) | R-U | Undeveloped |
| South | Residential Rural (up to 0.5 du/acre) | R-U | Undeveloped single family residence |

| | | | |
|------|---------------------------------------|-----|-------------------------|
| East | Residential Rural (up to 0.5 du/acre) | R-U | Single family residence |
| West | Open Lands | R-U | Undeveloped |

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 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 the request to utilize the existing manufactured home as employee housing. The manufactured home has been on-site since 2001 and will have minimal to no impact on the surrounding land uses or properties. Staff finds the request for employee housing complies with Land Use Goal 7 of the Comprehensive Plan which promotes housing alternatives to meet a range of lifestyle choices, ages, and affordability levels.

Use Permits #2 and #3

Staff can support the applicant's request to allow the existing architecturally incompatible accessory structures. Aerial photographs reveal that the water tanks and pump house have existed on the subject property for many years. The water tanks and pump house are also partially screened from the right-of-way by mature landscaping. Therefore, staff can support the request. Staff also has no objection to waiving the applicable design standards for the existing water tanks and pump house as the structures will not have an impact on the surrounding area or properties.

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 and value 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 finds that the employee housing will have minimal to no impact on the surrounding land uses and properties. Site photographs indicate the existing manufactured home is well maintained and is partially screened by existing perimeter and street landscaping along Candy Street and Horse Drive.

Waivers of Development Standards #2, #3 and #4

Staff finds the reduced front yard setback for the existing structures will have minimal to no impact on the surrounding area. The various accessory structures and accessory agricultural buildings are partially screened from the right-of-way by existing landscaping. Staff finds the reduced interior side yard setback for the existing water tank will have minimal to no impact on the surrounding area. The water tank is partially screened by existing landscaping along the western property line. Additionally, photographs indicate that all accessory structures and the manufactured home are well maintained. Staff has no objection to reducing the separation between the existing accessory structures. The reduced separation between the existing accessory structures will not impact the surrounding area or properties. Therefore, staff recommends approval of the 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 Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- 2 years to complete with any extension of time to be a public hearing.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; and that 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.

Public Works – Development Review

- No comment.

Building/Fire Prevention

- No comment.

Southern Nevada Health District (SNHD) – Septic

- Applicant is advised that the existing well located on the property will need to obtain any additional necessary water rights; and that the existing and pending septic systems will need to be evaluated for commercial use if the property is not approved for the requested waivers.

TAB/CAC:

APPROVALS: 2 letters

PROTESTS:

APPLICANT: Dun & Bay Limited

CONTACT: Troy Phelps, 7321 Jelson Falls Street, Las Vegas, NV 89131