



**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: ABEYANCE - SUP-18789 - APPLICANT/OWNER: WENDELL D. AND LINDA G. GENTRY**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN ROSS.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-2/ds,se vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Variance (VAR-18790).
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**Public Works**

4. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for the construction of a 1,831 square foot non-habitable accessory structure to be constructed on the side yard of an existing home, on a .52 acre cul-de-sac lot, located at 5306 Hickam Avenue. The applicant has filed a companion request for a Variance (VAR-18790) to allow the accessory structure to exceed the primary structure by more than 50%. The footprint for the existing home is approximately 2,296 square feet, allowing a maximum 1,148 square foot detached accessory structure for this property. The applicants proposed non-habitable accessory structure exceeds the allowable 50% of the principal dwelling by 37%.

Because the related Variance (VAR-18790) has been recommended for denial, staff is unable to support the request for a Special Use Permit, which would allow a 1,831 square foot accessory structure where 1,148 square foot is allowed (37% increase of the allowable square footage).

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
02/08/07	The Planning Commission recommended approval of companion item VAR-18790 concurrently with this application.  The Planning Commission voted 5-2/ds,se to recommend APPROVAL (PC Agenda Item #25/lhm).
<b><i>Related Building Permits/Business Licenses</i></b>	
1/3/1997	Building Permit for a single family home
<b><i>Pre-Application Meeting</i></b>	
11/27/06	A pre-application meeting was held to discuss the requirements of the Special Use Permit; Siting options for an accessory structure on the subject site.
<b><i>Neighborhood Meeting</i></b>	
NA	A neighborhood meeting is not required for this application.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	.52

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Residential	DR(Desert Rural)	R-E(Residential Estates)
North	Residential	DR(Desert Rural)	R-E(Residential Estates)
South	Residential	DR(Desert Rural)	R-E(Residential Estates)
East	Residential	DR(Desert Rural)	R-E(Residential Estates)
West	Residential	DR(Desert Rural)	R-E(Residential Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>		X	NA

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District	X		N/A
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>	X		N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**A-O Airport Overlay District**

A single family dwelling exists on the subject site, at a height of fifteen feet, ten inches. The proposed detached accessory structure will be constructed at a finished height of fourteen feet, ten inches and is not affected by the 105-foot height restriction.

**Rural Preservation Overlay District**

Density is not affected by this project and does not require application of the requirements of the Rural Preservation District.

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	20,000 SF	21,877 SF	Y
Min. Lot Width	100 Feet	100 Feet	Y
Min. Setbacks			Y
• Front	N/A	N/A	Y
• Side	3 Feet	5 feet	Y
• Corner	N/A	N/A	Y
• Rear	N/A	N/A	



Min. Distance Between Buildings	6 feet	69	Y
Max. Lot Coverage	50%	19%	Y
Max. Building Height	2 Stories or 35 Feet	14-10	Y

In the plans provided, the 3-foot setback on the south building side of the accessory structure has been taken from the face of building and does not account for the distance of the roof eaves. If approved, this application has been conditioned to require revised plans showing the required three-foot setback distance between the nearest portion of the non-habitable accessory structure and the south property line, while still maintaining a minimum 6-foot separation from the principal structure.

## ANALYSIS

The parcel is developed with a 2,296 square foot single family dwelling, on a 21,877 square foot, R-E lot. The location of the parcel is within a four (4) lot cul-de-sac subdivision located on the northeast corner of Hickam Avenue and Bradley Road. The proposed accessory structure does not exceed 50% coverage of the rear yard area and it is one-foot lower in height as the primary structure. The allowable square footage of an accessory structure is a maximum of 50% of the floor area of the primary structure.

The proposed non-habitable accessory structure does not meet the condition for size. Submitted site plans indicate the proposed building is 1,831 square foot L-shape structure containing two spaces. The applicant intends to store his vehicles and pursue hobbies in the workshop space and the adjoining room is a 486 square foot game room for grandchildren. In order to provide a workshop, vehicle storage and a game room the size of the structure has exceeded the allowable 50% floor area of the primary structure by an additional 683 square feet, which is an increase in size of 37%.

The proposed deviation from standards to allow a detached accessory structure to be 1,831 square-foot where 1,148 square feet is the maximum allowed, is an attempt to overbuild the site, and staff cannot recommend approval for this application.

## FINDINGS

The following findings must be made for a Special Use Permit:

1. The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.
2. The subject site is physically suitable for the type and intensity of land use proposed.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.
4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

**In regard to 1:**

The proposed detached accessory structure use can be conducted in a harmonious and compatible manner with existing surrounding land uses and with future surrounding land uses as projected by the General Plan. However, the size of the proposed structure exceeds the size limit of 50% of the floor area of the principle dwelling. A Variance (VAR-18790) has been submitted to allow the detached accessory structure to be 1,831 square feet where 1,148 square feet is the maximum square footage allowed. Since it is recommended that the request for a Variance be denied, it is recommended that the subject application be denied.

**In regard to 2:**

The lot for the proposed habitable accessory structure is sufficient to accommodate this use. There are no physical constraints to the permissibility of detached accessory structure. As addressed above, the applicant has requested to build a structure that is larger than permitted. For this reason, it is recommended that this application be denied.

**In regard to 3:**

The street network will not be impacted by this use, as it is accessory to the primary use on this site.

**In regard to 4:**

The proposed accessory structure as shown does not meet all code requirements for setbacks and building separations. The three-foot setbacks from the south property line are being taken from the face-of-building which is incorrect.

**In regard to 5:**

The applicant will need to submit revised plans demonstrating that an adequate three-foot setback has been provided from the eaves of the south portion of the non-habitable accessory structure to comply with Title 19.08

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 9

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 4

**NOTICES MAILED** 178 by City Clerk

**APPROVALS** 0

**PROTESTS** 0