

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 11, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-21646 - APPLICANT/OWNER: JUAN DIEGO ZAMORA-AGUILAR

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (5-1/bg vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variance (VAR-21647), if approved.
2. Conformance to all requirements under Title 19.04.010 for an Accessory Structure (Class I) use, including minimum parking requirements.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
5. This is subject to administrative review in two years.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an existing Accessory Structure (Class I) at 175 Ronald Lane. The structure was built in 1991 as a detached garage. Later, the garage was converted into living quarters without building permits. A companion Variance (VAR-21647) for building height will be considered concurrently. Staff recommends denial, as the structure does not meet the size and height requirements of the Zoning Code, and is too intense for the surrounding area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/24/94	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0086-94) to allow a custom bridal gown business at 175 Ronald Lane (Home Occupation).
04/19/06	The City Council approved Ordinance No. 5825, which amended the Zoning Code (Title 19) to update the definitions and criteria applicable to accessory structures.
03/21/07	The City Council approved Ordinance No. 5895, which, among other items, amended the Zoning Code (Title 19) to add the uses Accessory Structure (Class I) and Accessory Structure (Class II) and their corresponding definitions.
06/14/07	The Planning Commission recommended approval of companion item VAR-21647 concurrently with this application. The Planning Commission voted 5-1/bg to recommend APPROVAL (PC Agenda Item #46/ss).
	There is no history of Code Enforcement actions on this site, nor are there any actions pending.
<i>Related Building Permits/Business Licenses</i>	
01/02/91	A building permit (#91093404) was issued for an interior remodel and detached garage addition at 175 Ronald Lane. The project had a final inspection on 06/17/97.
04/19/05	A building permit (OTC-40802) was issued for a chain link fence along the front and sides of the property at 175 Ronald Lane. No interim or final inspections were completed. The permit expired 10/21/05.
01/23/07	A building investigation (OTC-80261) was authorized to check on the conversion of a garage to a studio without permits. The first investigation on 01/24/07 was failed by the building inspector. A follow-up investigation was scheduled for 02/26/07 with no resulting action.

02/23/07	An application for a building permit (SFD-82440) for a garage conversion was processed by the Building and Safety Department.
03/02/07	Planning and Development Department staff denied its review of the garage conversion application (SFD-82440), stating in a correction letter that a Variance and Special Use Permit would be required to allow the height of the garage to exceed that of the main dwelling and to allow the floor area of the garage to exceed 50 percent of the floor area of the main dwelling as shown on the submitted plans. The correction letter was reissued 04/25/07 after revisions to the plans were submitted.
05/07/07	Building and Safety Department staff denied architectural, plumbing, electrical and mechanical reviews for the garage conversion application (SFD-82440), stating that the plans were no longer available. A revision to the plans had been submitted on 04/25/07.
<i>Pre-Application Meeting</i>	
04/18/07	Submittal requirements for Variance and Special Use Permit applications were discussed. A companion Variance is needed from the current height standard for accessory structures.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting was not required for this application, nor was one held.
<i>Field Check</i>	
05/21/07	The site contains a single family dwelling with an accessory structure at the rear (northwest corner of property). The driveway is gated and leads back to the accessory structure. The structure itself looks like a separate single family dwelling, with a pitched roof, rooftop mounted air conditioning units and antennas, and windows. Although the accessory structure is taller than the primary dwelling, it blends in with nearby homes, which are of similar height. There is a four-foot chain link fence along the front and a six-foot chain link fence along the north side. The rest of the perimeter of the lot is enclosed by a plain six-foot CMU block wall.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.31 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	L (Low Density Residential)	N/A	R-1 (Single Family Residential)
North	L (Low Density Residential)	N/A	R-1 (Single Family Residential)
South	L (Low Density Residential)	N/A	R-1 (Single Family Residential)

East	L (Low Density Residential)	N/A	R-1 (Single Family Residential)
West	L (Low Density Residential)	N/A	R-1 (Single Family Residential)

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

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following development standards apply to the subject proposal:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size (accessory structure)	6,500 SF	13,300 SF	Y
Min. Lot Width	65 feet	100 feet	Y
Min. Setbacks (accessory structure)			
<ul style="list-style-type: none"> • From primary dwelling • Side • Corner • Rear 	6 feet 3 feet 15 feet 3 feet	32.67 feet 4.83 feet N/A 14.33 feet	Y Y N/A Y
Max. Size	50 % of total FA of principal dwelling	1,107 SF accessory is 60 % of 1,846 SF dwelling	N*
Max. Lot Coverage	50 % of rear yard;	15 % of rear yard	Y
	50 % of entire lot (all structures)	2953 SF total is 22 % of entire lot	Y
Max. Building Height (accessory structure)	2 stories/35 feet or height of principal dwelling, whichever is less	Accessory is 14 feet; dwelling is 9 feet	N

* When the accessory structure was constructed in 1991, the Zoning Code required that no single accessory building shall exceed in size the floor area of the dwelling unit constructed on the same lot. That standard has now changed to reflect that an accessory structure shall not exceed 50 percent of the total floor area of the dwelling unit on the same lot.

The existing accessory structure does not meet the maximum size or height requirements. A companion Variance (VAR-21647 has been submitted to address the excessive height.

ANALYSIS

A Special Use Permit is required for any residential accessory structure containing living quarters and a kitchen; the use is now referred to as an Accessory Structure (Class I). A detached garage was built by permit in the northwest corner of the property in 1991, although it did not have a final inspection until 1997. It would have qualified as an Accessory Structure (Class II) and would not otherwise contain the requirement for a Special Use Permit. The applicant claims that the garage was converted into living space (two bedrooms, two bathrooms and a kitchen) prior to purchasing the property, later discovering that the interior was constructed without permits. The Variance and Special Use Permit requirements were generated when application was subsequently made for a building permit. The structure is now nonconforming with respect to floor area.

The structure does not meet the size and height requirements of the current Zoning Code. When the building permit for the garage was first obtained in 1991, it was illegal to build an accessory structure exceeding the height of the principal dwelling. However, the size of an accessory structure was only limited to no more than the size of the principal dwelling. The current version of the code restricts height to two stories/35 feet or that of the main dwelling (whichever is less), and restricts size to half of the total floor area of the main dwelling.

The accessory structure meets the minimum 6,500 square foot lot requirement. If approved, a condition of approval will require adherence to the requirement that the units be rented out only if the primary structure is owner-occupied. In this case the principal dwelling is occupied by the property owner.

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.**

The existing accessory structure exceeds the maximum floor area and height permitted by Title 19. By definition an accessory structure is subordinate to the primary dwelling on the lot and should not supersede the main structure in function. The existing structure maintains the appearance of a primary detached single family dwelling.

2. The subject site is physically suitable for the type and intensity of land use proposed.

The lot is large enough to accommodate the existing size of the structure; however, the potential intensity of having at least two accessory living spaces goes beyond what is typical for a single-family neighborhood. The structure complies with all current setback requirements.

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.

The subject property is served by a driveway that extends to the accessory structure. There is room for an additional parking space onsite as the Zoning Code requires; however, it is not shown on the submitted site plan.

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.

Approval of the Special Use Permit is contrary to the standards of the Zoning Code, which is intended to protect the health, safety and welfare of the public, especially the area surrounding the subject site.

5. The use meets all of the applicable conditions per Title 19.04.

The existing Accessory Structure (Class I) meets the minimum 6,500 square foot lot size requirement. If approved, a condition of approval will require full adherence to all requirements of the use per Title 19.04.010, including parking requirements.

PLANNING COMMISSION ACTION

The Planning Commission added condition 35 as shown. The applicant agreed to all conditions.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 2

ASSEMBLY DISTRICT 12

SENATE DISTRICT 10

NOTICES MAILED 409 by City Clerk

APPROVALS 0

PROTESTS 1