



City of Las Vegas

Agenda Item No.: 107.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 20, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT: SUP-28534 - SPECIAL USE PERMIT (S.U.P.) HEARING - APPLICANT/OWNER: VITALI KLOCHKO. Request for a Special Use Permit FOR AN EXISTING 514 SQUARE-FOOT ACCESSORY STRUCTURE (CLASSIFIED WITH A KITCHEN at 820 Trotter Circle (APN 139-32-810-009), R-P-200 Residential Planned Development - 2 Units Per Acre) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.	6	Planning Commission Mtg.	1
City Council Meeting	1	City Council Meeting	0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Submitted after Meeting Protest Postcard
7. Backup Referenced from the 07-24-08 Planning Commission Meeting Item 7

Motion made by LOIS TARKANIAN to Deny

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON; (Against-None); (Abstain-None); (Did Not Vote-None);
(Excused-STEVEN D. ROSS)

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

VITALI KLOCHKO, 820 Trotter Circle, stated he bought the home and thereafter was notified that he needed to submit an application for the necessary permits. MAYOR GOODMAN understood that the applicant was trying to make the structure legal.

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MARIO GARCIA, 820 Trotter Circle, spoke in opposition of the request, as he has resided adjacent to the subject property for 16 years. He believed the structure referred to was a storage shed. MR. KLOCHKO has not met with the residents nor the homeowners association and emphasized that the structure is now different than what was previously there. It was his opinion that the applicant was somewhat misleading the Council, as he has already made some improvements without obtaining the proper permits.

MR. KLOCHKO explained that some improvements have been made on the subject structure; the roofing is done and windows have been put in place. He showed photos of his home and additional photos depicting three homes within the neighborhood that have structures on their properties.

MR. GARCIA verified that the structure had no bathroom or plumbing. The converted structures referred to by MR. KLOCHKO are a playroom for kids and a game room. MR. GARCIA explained that the other homeowners met with the association prior to going forward with their conversions. MR. KLOCHKO rebutted that he never heard about the association and the structure was already built.

TOM MCGOWAN believed that the existing properties own the right to enjoy their properties under ordinary circumstances. He questioned if the applicant's request creates an adverse impact and if a negative impact can be determined in advance. His own response was that the determining factor appears to deal with the policies of the homeowners association, such as the Covenants, Conditions and Restrictions (CC&Rs).

MACK McINTYRE, 840 Trotter Circle, the past President of the homeowners association for seven years, reiterated that MR. KLOCHKO had not met with the architect nor the homeowners association. This is a direct violation of the association's CC&Rs.

COUNCILWOMAN MARGANAS stated in researching the item she could not find any permits. There was one previous permit request, August 16, 2007, which was for a conversion of a closet to a bathroom. The existing structure was built without permits, and staff feels uncomfortable in approving something after the fact, which could involve illegal actions. The Councilwoman added that the residents were not contacted by the applicant; she supports the residents becoming more diligent within their neighborhood. She asked for denial and requested the entire structure obtain permits.

MARGO WHEELER, Director of Planning and Development, verified that with the denial, staff will follow up in requiring the applicant to obtain permits but no kitchen would be allowed.

MAYOR GOODMAN declared the Public Hearing closed.