



## AGENDA MEMO

**CITY COUNCIL MEETING DATE: AUGUST 20, 2008**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: SUP-28534 - APPLICANT/OWNER: VITALI KLOCHKO**

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### **\*\* CONDITIONS \*\***

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

#### **Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Accessory Structure (Class I) use, if approved.
2. 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.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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

**PROJECT DESCRIPTION**

This application is a request for a Special Use Permit for an existing single-story Habitable Accessory Structure (Class I) with a kitchen at 820 Trotter Circle. The applicant is seeking approval for an existing 514 square-foot casita in the rear yard of an existing single-family dwelling, located on an R-PD2 (Residential Planned Development 2 Units Per Acre) zoned site. The existing structure meets the setback, height, and aesthetic compatibility requirements. Therefore, staff recommends approval of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
06/19/02	The City Council approved a request (GPA-0047-01) to amend portions of the Southeast Sector map of the General Plan in the general vicinity of the Charleston Boulevard/Rancho Drive intersection from: SC (Service Commercial) to: O (Office); from: R (Rural Density Residential) to: DR (Desert Rural Density Residential); from: O (Office) to: DR (Desert Rural Density Residential) and; from: L (Low Density Residential) to: DR (Desert Rural Density Residential) in accordance with the recommendations of the Rancho Charleston Land Use Study and Strategic Plan. The Planning Commission was unable to obtain a supermajority vote. The item was forwarded to City Council with a denial recommendation.
08/16/07	A building permit (#95167) was issued for the conversion of a closet into a bathroom. The permit was finalized on 04/29/08.
03/06/08	An over the counter permit (#110133) was issued for a building investigation for an as built guest house. Architectural plans were submitted to Building and Safety on 04/28/08 and the investigation is still open.
07/24/08	<a href="#">The Planning Commission voted -0 to recommend APPROVAL (PC Agenda Item #7/ne).</a>
<b><i>Pre-Application Meeting</i></b>	
05/29/08	A pre-application meeting was held where the requirements for a Special Use Permit application for an Accessory Structure, Class I were explained to the applicant.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	

<b><i>Field Check</i></b>	
06/17/08	A field check was performed where the accessory structure was noted to be well screened from view by a mature, well maintained landscaping.



<b>Details of Application Request</b>	
<b>Site Area</b>	
Net Acres	0.54

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Single-Family Residential	DR (Desert Rural)	R-PD2 (Residential Planned Development 2 Units Per Acre)
North	Single-Family Residential	DR (Desert Rural)	R-PD2 (Residential Planned Development 2 Units Per Acre)
South	Vacant Land / Office	O (Office)	C-D (Designed Commercial)
East	Single-Family Residential	DR (Desert Rural)	R-PD2 (Residential Planned Development 2 Units Per Acre)
West	Single-Family Residential	DR (Desert Rural)	R-E (Residential Estates)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	N/A
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
R-PD (Residential Planned Development) District	X		Y
<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

### **Airport Overlay District**

No structure shall be erected, altered or maintained on any parcel within the boundaries of the Airport Overlay District that would violate the height limitations defined by the McCarran Airport Overlay Map and the North Las Vegas Airport Overlay Map. The subject site is within the 175-foot contour limitations and does not violate the height limitations. The proposed use does not alter the structure in any way and is in compliance with the Airport Overlay District.



**DEVELOPMENT STANDARDS**

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sq. ft.	23,507 sq. ft.	Y
Min. Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Corner</li> <li>• Rear</li> </ul>	N/A 3 ft. N/A 3 ft.	N/A 5 ft. N/A 7 ft.	Y
Min. Distance Between Buildings	6 ft.	13 ft. 3 in.	Y
Max. Lot Coverage (including detached garage)	50%	24%	Y
Max. Square Footage	2,228 sq. ft.	514 sq. ft.	Y
Max. Building Height	Two-Stories with a Maximum of 35 ft. or the Height of the Main Building.	9 ft. 9 in.	Y

**ANALYSIS**

The applicant is requesting the approval of a Special Use Permit for an existing single-story, 514 square-foot Habitable Accessory Structure (Class I) with kitchen at 820 Trotter Circle. The Habitable Accessory Structure (Class I), or Casita, includes a kitchen, living room, and a bedroom with a full bathroom. This structure has been constructed in the far northwest corner of the R-PD2 (Residential Planned Development 2 Units Per Acre) zoned property.

Title 19.08 states the total floor area of a single, detached accessory structure shall not exceed fifty percent of the floor area of the principle dwelling unit on the same lot. The existing Habitable Accessory Structure (casita) is 12% of the existing principle dwelling conforming to this requirement. An additional Accessory Structure (Class II), detached garage, exists on the subject property in addition to the 514 square-foot casita and the 4,457 square-foot single family dwelling. The maximum rear lot coverage allowed is 50% or 5,392 square feet. The existing detached garage and casita cover 24% or 1,289 square feet of the rear lot meeting the maximum rear lot coverage requirement. An aggregate total ground floor area (5,746 square feet) of the primary dwelling (4,457 square feet) plus the total ground floor area of the existing casita (514 square feet) and the existing detached garage (775 square feet) produces an overall lot coverage of approximately 24%. The rear lot coverage total is 12 percent, with the footprint of the casita and the detached garage covering 1,289 square feet of the 10,785 square feet available in the rear yard. This is well within the allowable rear lot coverage of 50 percent in an R-PD2 (Residential Planned Development 2 Units Per Acre) zone.

The single-story accessory structure is shown on the submitted site plan to be located on the northwest corner of a 23,507 square-foot lot. The submitted site plan illustrates a 13.4-foot separation between the accessory structure and the principle dwelling, therefore complying with the minimum six-foot separation requirement [the elevations depict the accessory structure at 11 feet, 10 inches in height thus, meeting the maximum building height of 29 feet, 2 inches]. Title 19.08 requires an accessory structure to have rear and side yard setbacks of three feet. The proposed accessory structure has a rear yard setback of seven feet, and a side yard setback of five feet, meeting both setback requirements.

Access is provided by a door on the east side of the accessory structure. The floor plan indicates the accessory structure contains a living room, kitchen, bedroom, and one bathroom. Title 19.08 allows one kitchen in a Habitable Accessory Structure (Class I).

**Title 19.08 states Habitable Accessory Structures on any lot in any residential district shall conform to the following:**

1. The size of the lot or parcel must exceed six thousand five hundred square feet.
2. Unless the principal dwelling is owner-occupied, a habitable accessory structure may not be offered or occupied as a rental unit.
3. A habitable accessory structure may contain one kitchen, but otherwise must comply with all provisions of Section 19.08.040 applicable to accessory structures.
4. A minimum of one additional on-site parking space must be provided beyond the number of spaces normally required.
  - (a) Accessory Only to Main Use. No accessory structure shall be erected or moved onto any lot prior to construction of the main building unless a building permit has been issued for the construction of the main building.
  - (b) Height. A detached accessory structure shall not exceed two stories in height (with a maximum of thirty-five feet), or the height of the main building, whichever is less.
  - (c) Size and Coverage. The total floor area of all accessory structures shall not exceed fifty percent of the floor area of the principal dwelling unit constructed on the same lot. In addition, the main aggregate total of the ground floor areas of all accessory buildings shall not cover more that fifty percent of the rear yard, and further, in the zoning districts where lot coverage provisions exist, the aggregate total of the ground floor areas of all structures and dwellings shall not exceed the percentage of lot coverage permitted in that zoning district.
  - (d) Side and Rear Yards.
    - (i) Detached accessory structures (excluding patio covers) in the rear and side yard area must be located a minimum distance of three feet from the side and rear property lines and must be separated a minimum distance of six feet from the main dwelling. On corner lots, the roof of an accessory structure may be attached to the main dwelling, if there is a minimum six-foot separation between the walls of the accessory structure and provided that at least two sides of the breezeway are open. A gate or fence which is at least fifty percent open construction may be attached to one end of the breezeway. In addition, accessory structures in the rear yard of corner lots may not be located closer to the side property line than that required for the main dwelling.



- (ii) Detached accessory structures (excluding patio covers) in the side yard area must be located a minimum distance of three feet from the side property line and must be separated a minimum distance of six feet from the main dwelling.
- (iii) Except as provided in Subsection (e), detached accessory structures are not permitted in front of the primary structure.
- (iv) No setback is required for a detached accessory structure from a property line that abuts an alley.
- (e) Front Yards. No detached accessory structure is permitted in the front yard unless
  - (i) The structure is a side-loaded garage which is used strictly as an ancillary use;
  - (ii) The garage conforms to the requirements and limitations applicable to a guest house / casita; and
  - (iii) The front yard does not contain a guest house/casita.
- (f) Aesthetics. An accessory structure must be aesthetically compatible with the principal dwelling unit.
- (g) Floor Plan. Accessory structures may contain any type of room use, but may not contain any kitchen except as otherwise specifically provided in Section 19.04.050(B) with respect to a habitable accessory structure.

The existing Accessory Structure (Class I) meets the requirements set forth by Title 19.08. Therefore, staff recommends approval.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

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 proposed use is zoned R-PD2 (Residential Planned Development 2 Units per Acre) and is compatible with the General Plan designation of DR (Desert Rural Density Residential). The proposed use can be conducted in a manner that is harmonious and compatible with the surrounding R-PD2 (Residential Planned Development 2 Units Per Acre), R-E (Residence Estates), and C-D (Designed Commercial) zoned properties.

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

The existing Habitable Accessory Structure (Class I) is located in the rear yard of an existing single family home on property zoned R-PD2 (Residential Planned Development 2 Units Per Acre). The proposed structure meets the required rear yard setbacks, height limitations, and lot size and coverage provisions. Therefore, 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.**

Trotter Circle is a 30-foot wide residential street servicing 20 home-sites of one-third of an acre to a half-acre in size. Trotter Circle is adequate in size to meet 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.**

The proposed structure will be subject to a final inspection by The City of Las Vegas Building and Safety Department before a certificate of occupancy will be issued and will not compromise the public health, safety, and welfare.

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

The existing Habitable Accessory Structure (Class I) meets all the minimum special use permit requirements stated by Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 20

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 112 by City Clerk

**APPROVALS** 0

**PROTESTS** 0