



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-28830 APPLICANT/OWNER: KATHRYN PETERSEN

** CONDITIONS **

The Planning Commission (4-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. All building permits shall be obtained and the final building approval shall be accomplished within one year.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Accessory Structure (Class I) use, if approved.
3. This approval shall be void one year from the date of final approval, 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.

**** 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 2230 Shaw Circle. The applicant is seeking approval for an existing 600 square-foot casita that is connected to the main single-family dwelling by an eight-foot breezeway. Located on an R-E (Residence Estates) zoned site, the existing structure meets the setback, height, and aesthetic compatibility requirements. Therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a request to amend a portion of the southwest sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission recommended approval.
05/18/07	Code Enforcement processed a complaint for an inoperable vehicle, trash and debris in the backyard, and no water service at 2230 Shaw Circle. The complaint was resolved on 05/21/07.
02/05/08	Code Enforcement processed a complaint for a bathtub, cabinets, and other materials being left in the front yard at 2230 Shaw Circle. The case was resolved on 02/25/08.
04/16/08	Code Enforcement processed a complaint of a broken beam in the living room of 2230 Shaw Circle. This case is still open and a building permit (#119173) was issued on 07/02/08 for the repairs.
08/14/08	The Planning Commission voted 4-0 to recommend APPROVAL (PC Agenda Item #51/ne).
<i>Related Building Permits/Business Licenses</i>	
07/02/08	A building permit (#119173) was issued to repair three beams in the living room at 2230 Shaw Circle.
<i>Pre-Application Meeting</i>	
06/19/08	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.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	
<i>Field Check</i>	
07/10/08	

	<p>A routine field check revealed a single-family home on a half-acre lot located on a cul-de-sac surrounded by other single-family homes on half-acre or larger home sites. At the time of the field check, construction work was being performed at the residence.</p>
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Details of Application Request	
Site Area	
Net Acres	0.49

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
North	Park	PR-OS (Parks/Recreation/Open Space)	C-V (Civic)
South	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
East	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Single-Family Residence	DR (Desert Rural Density Residential)	R-E (Residence Estates)

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

Rural Preservation Overlay District

It is the intent of the Rural Preservation Overlay District to:

1. Ensure that the rural character of each rural preservation neighborhood is preserved.
2. Unless a rural preservation neighborhood is located within 330 feet of an existing or proposed street or highway that is more than 90 feet wide, maintain the rural character of the area developed as a low density residential development.
3. Provide adequate buffer areas, adequate screening and an orderly and efficient transition of land uses, excluding raising or keeping animals commercially or non-commercially.
4. Establish a basis for the modification of standards for the development of infrastructure to maintain the rural character of the rural preservation neighborhood.

DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 sq. ft.	20,394 sq. ft.	Y
Min. Setbacks			
• Front	N/A	N/A	N/A
• Side	3 ft.	33 ft.	Y
• Corner	N/A	N/A	N/A
• Rear	3 ft.	44 ft.	Y
Min. Distance Between Buildings	6 ft.	N/A	N/A
Max. Lot Coverage (including detached garage)	50%	19%	Y
Max. Rear Lot Coverage (including detached garage)	50%	7%	Y
Max. Building Height	14 ft.	12 ft.	Y
Max. Square Footage	1,300 sq. ft.	600 sq. ft.	Y

ANALYSIS

The applicant is requesting the approval of a Special Use Permit for an existing single-story, 600 square-foot Habitable Accessory Structure (Class I) with kitchen at 2230 Shaw Circle. The Habitable Accessory Structure (Class I), or Casita, includes a kitchen, living room, full bathroom, and two bedrooms. This structure has been constructed on the east side of the existing single family residence of the R-E (Residence Estates) zoned property. The casita is connected to the main home by an eight-foot breezeway.

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 (Class I) is equal to 23 percent of the existing 2,600 square-foot principle dwelling; therefore conforming to Title 19 requirements. An additional Accessory Structure (Class II) detached garage, exists on the subject property in addition to the 600 square-foot casita and the 2,600 square-foot single family dwelling. The maximum rear lot coverage allowed is 50 percent or 8,188 square feet. The existing detached garage and casita cover 7 percent or 1,200 square feet of the rear lot meeting the maximum rear lot coverage requirement for accessory structures. An aggregate total ground floor area (3,800 square feet) of the primary dwelling (2,600 square feet) plus the total ground floor area of the existing casita (600 square feet) and the existing detached garage (600 square feet) produces an overall lot coverage of approximately 19 percent. The rear lot coverage total is 7percent, with the footprint of the casita and the detached garage covering 1,200 square feet of the 16,376 square feet available in the rear yard. This is well within the allowable rear lot coverage of 50 percent in an R-E (Residence Estates) zone.

The single-story accessory structure is shown on the submitted site plan to be located on the east side of the existing single-family home, connected by an eight-foot breezeway, therefore complying with the minimum six-foot separation requirement required by Title 19.08 which states, detached accessory structures (excluding patio covers) in the rear 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. The elevations depict the accessory structure at 12 feet in height. An accessory structure cannot exceed the height of the principle dwelling. With a maximum allowed building height of 14 feet, the accessory structure satisfies this requirement as it is not taller than the principle dwelling. 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 44 feet, and a side yard setback of 33 feet, meeting both setback requirements.

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

Title 19.04 describes an Accessory Structure (Class I) as an accessory structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests.

Minimum Special Use Requirements are:

1. The size of the lot or parcel must exceed 6,500 square feet.
2. Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.

Title 19.08 states:

1. Accessory Structures on any lot in any residential district shall conform to the following:
 - (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 than 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. Detached accessory structures are permitted in the rear and side yard areas as follows:
- (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 the structure is a side-loaded garage which is used strictly as an ancillary use.
- (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-E (Residence Estates) 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-E (Residence Estates), and C-V (Civic) 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 connected by a breezeway on the east side of an existing single family home on property zoned R-E (Residence Estates). 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.

Shaw Circle is a 40-foot wide residential street servicing nine home-sites of a half-acre in size. Shaw 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.

PLANNING COMMISSION ACTION

Condition #1 was added as shown at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 8

ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 95 by City Clerk

APPROVALS 2

PROTESTS

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