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BOARD OF ZONING ADJUSTMENT

JANUARY 25, 1979

CALL TO ORDER: 7:30 P.M. in the Commission Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

ANNOUNCEMENT: Satisfaction of Open Meeting Law

NEW BUSINESS:

1. V-113-78 Application of RICHARD P. EDWARDS for a Variance to allow the construction of a building six feet (6') from the rear property line where fifteen feet (15') is required on property located at 3512 Venice Drive in Zoning District R-1.
2. V-114-78 Application of ARLYN JETTE for a Variance to allow a commercial child nursery facility on property located at 100 Sacramento Drive in Zoning District R-1.
3. U-6-79 Application of MARTIN A. SHERMAN for a Use Permit to operate a pawn shop on property located at 626 Las Vegas Boulevard South in Zoning District C-2.
4. U-105-78(HO) Application of CHARLES J. WIDMAR for a Home Occupation Permit to allow the assembly and modification (hand crafting) of smoking pipes on property located at 2100-A Ogden Avenue in Zoning District R-1.
5. U-7-79(HO) Application of HELEN FLEMING at 308 Alexander Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of clothing.
6. U-8-79(HO) Application of GENE MARTIN at 4713 Heidi Circle in Zoning District R-1 for a Home Occupation Permit - Allow a tax preparation service.
7. U-9-79(HO) Application of PAUL A. LAVIOLETTE at 1829 Hermitage Drive in Zoning District R-1 for a Home Occupation Permit - Allow a tax preparation service.

MINUTES

BOARD OF ZONING ADJUSTMENT

JANUARY 25, 1979

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order at 7:30 P.M. by Chairman Swessel in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PRESENT: Chairman Swessel, Mrs. Meyer and Mrs. Segretti

EXCUSED: Mrs. Emmett and Mr. Duncan

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning & Development
Don W. Brown, Supervisor of Zoning
Rick Sweet, Planner
Linda McIntosh, Personnel & Employee Relations

PLEDGE OF ALLEGIANCE:

ANNOUNCEMENT: MR. BROWN stated that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted and mailed in accordance with NRS Chapter 241 and affidavits are on file in the office of the City Clerk.

NEW BUSINESS:

1. V-113-78 Application of RICHARD P. EDWARDS for a Variance to allow the construction of a building six feet (6') from the rear property line where fifteen feet (15') is required on property located at 3512 Venice Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 9, Block 1, Twin Lakes Village Unit #14-A.

ABEYANCE

MR. BROWN presented the staff report and stated the request is for a variance to permit a rear yard setback. The Planning Commission granted an administrative variance at their last meeting Tuesday for a bedroom addition on the front. Staff would recommend denial of this request.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

PAUL COCKBURN, Collier Construction, represented the applicant. He read a petition of approval signed by eleven neighbors for the application. He added the applicant is under a doctor's care and requires an additional room for exercise facilities. He added he also had a letter from the doctor that this equipment was necessary.

CHAIRMAN SWESSEL stated he thought this was approved by the Planning Commission.

MR. COCKBURN stated that was for a whirlpool room and bedroom and this request is for an exercise room.

MRS. SEGRETTI asked how many rooms are in the existing building.

MR. COCKBURN stated five.

MRS. SEGRETTI asked how many persons resided at this location.

MR. COCKBURN replied five.

MRS. SEGRETTI asked if construction was started.

MR. COCKBURN replied that it was. He added that when he started construction, the applicant was under the impression there was an easement at the rear of the property and he had an additional 10' and thought the addition would be legal.

MRS. SEGRETTI asked if a permit was taken out.

MR. COCKBURN replied that it had been, but when the inspector came he thought the addition was too close to the property line.

MR. BROWN stated the permit would have been issued in error, if the applicant had stated he had the proper setback.

CHAIRMAN SWESSEL asked if construction had stopped.

MR. COCKBURN replied that it had, the building was framed and the exterior siding was on.

MRS. SEGRETTI asked if the applicant had done work after the inspection.

MR. COCKBURN replied no, that construction had stopped.

(This matter was held in abeyance at this time for the representative of the Building & Safety Division to check the file on this address.) See Page 5 for action.

2. V-114-78

DENIED

Application of ARLYN JETTE for a Variance to allow a commercial child nursery facility on property located at 100 Sacramento Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 19, Block 3, Amended Plat of the Amended Plat of Meadow Homes #3.

MR. BROWN presented the staff report and stated the plot plan is as depicted. The applicant is requesting permission for a commercial use in a residential area. The applicant is asking for more than 13 children to be taken care of at this commercial facility. Pursuant to the licensing ordinance, up to 20 or 25 children could be taken care of at this location if there is sufficient square footage. Staff would very strongly recommend denial. There are 21 protests on record.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

The applicant or a representative was not present.

CHAIRMAN SWESSEL asked those present in protest to stand. Four persons were present in opposition.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for DENIAL of V-114-78 because a commercial child nursery would not be compatible with this residential district.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

3. U-6-79

APPROVED

Application of MARTIN A. SHERMAN for a Use Permit to operate a pawn shop on property located at 625 Las Vegas Boulevard South in Zoning District C-2 (General Commercial). The above property is legally described as Lots 19 and 20, Block 40, Clarks Las Vegas Townsite.

MR. BROWN presented the staff report and stated the reason this matter is before the Board is that previously a pawn shop was only allowed in a certain district in the downtown area. The ordinance has been amended to allow pawn shops in a C-2 District subject to approval of a Use Permit. Staff feels this is in concert with the development in the area and would recommend approval subject to placement of portable landscaping, submittal of a landscaping plan, mechanical equipment being screened from view, conformance to the plot plan, securing all necessary permits and meeting requirements of City Code and City departments.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

ELI WELT, 3156 Sonata Drive, represented the application and stated he agreed to all of staff conditions, but would like clarification of the portable landscaping.

MR. BROWN explained that it is shrubbery in large tubs.

MR. WELT said there is none existing in this area at the current time.

MR. BROWN said landscaping should be provided.

ROBERT GOMEZ, El Cholo Cafe, 625 Las Vegas Blvd. South, appeared in protest and stated he did not feel this type of use would be conducive to his operation.

CHAIRMAN SWESSEL stated he did not see how type of operation would affect Mr. Gomez' restaurant use of his proposed expanded operation.

MRS. SEGRETTI stated the area in question is classed as a high crime rate area and that she did not think a pawn shop would make too much difference unless it gets robbed.

MR. GOMEZ stated he felt this proposed use would be more conducive in another location.

MR. BROWN stated this application would go before the City Commission for a public hearing on March 7, 1979 at 2:00 P.M.

MR. WELT appeared in rebuttal.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of U-6-79, subject to the following conditions:

1. Portable landscaping to be provided as required by the Department of Community Planning and Development.
2. Submittal of a landscaping plan for the portable planter prior to or at the same time application is made for a building permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan.
5. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced the City Commission would set a date for public hearing on February 7, 1979; said public hearing to be held March 7, 1979 at 2:00 P.M.

V-113-78 Con't.

WM. STAPLETON, Building & Safety Division, stated a permit had been issued for the addition, but there was no record of an inspection being made by the City.

CHAIRMAN SWESSEL asked how much work had been done on the addition.

MR. COCKBURN stated it is framed, has outside siding, the roof is

on, the rough plumbing is done and the electrical work is in. He added that since work had stopped, the applicant had indicated to him that he had permission from the City to insulate and when the insulation started falling out, he was given permission to put on the sheet rock.

MR. STAPLETON stated the file cards indicated no inspections had been made.

MR. COCKBURN said the electrical inspection had been done and the electrical tag was issued for a transfer from 200 to 400 amp service.

MR. BROWN suggested this item be held in abeyance for the Building & Safety Division to research this matter.

MRS. SEGRETTI made a Motion for ABEYANCE of V-113-78 so that the Building and Safety Division could determine the status of any inspections made on the addition.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Chairman Swessel
"NOES" None

5. U-105-78(HO)

APPROVED

Application of CHARLES J. WIDMAR for a Home Occupation Permit to allow the assembly and modification (hand crafting) of smoking pipes on property located at 2100-A Ogden Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 1, Moss Tract #2.

CHAIRMAN SWESSEL declared the public hearing open and asked to hear from the applicant.

J. WIDMAR was present. He presented a document of approval from Joe L. Cribbs of 143 North 21st Street. He stated he wished to work in his garage legally.

MRS. SEGRETTI asked if there would be storage of chemicals.

MR. WIDMAR replied there would not, as everything is handwork.

MRS. SEGRETTI asked for staff's recommendation.

MR. BROWN stated staff would recommend approval.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of U-105-78(HO) subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board

will conduct a review and the approval may be rescinded.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

6. U-8-79(HO) Application of HELEN FLEMING at 308 Alexander Avenue in Zoning District R01 for a Home Occupation Permit - Allow the off-premise sale of clothing.
APPROVED
7. U-9-78(HO) Application of GENE MARTIN at 4713 Heidi Circle in Zoning District R-1 for a Home Occupation Permit - Allow a tax preparation service.
APPROVED
8. U-9-79(HO) Application of PAUL A. LAVIOLETTE at 1829 Hermitage Drive in Zoning District R-1 for a Home Occupation Permit - Allow a tax preparation service.
APPROVED
9. U-10-79(HO) Application of COSME J. GRIJALVA at 3513 Valley Forge Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a music publishing company.
APPROVED

MR. BROWN stated that everything is in order, the questionnaires have been satisfactorily answered, and staff would recommend approval.

MRS. SEGRETTI made a Motion for APPROVAL of Item 6 through 9, subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

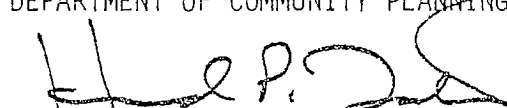
"AYES" Mrs. Segretti, Mrs. Meyers and Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 8:10 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT


HAROLD P. FOSTER, Director

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