

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 the Open Meeting Law.

OLD BUSINESS:

1. U-52-79 Application of BARBARA PRANDECKA for a Use Permit to operate an automobile leasing and used car sales agency on property located at 1414 East Fremont Street in Zoning District C-2.
(Abeyance Item from 7/26/79)

WITHDRAWN

NEW BUSINESS:

1. V-52-79 Application of RITA BARON for a Variance to allow an existing eight foot (8') high wood and concrete block wall where a maximum height of six feet (6') is permitted on property located at 554 East Oakey Boulevard in Zoning District R-1.
2. V-53-79 Application of D. & R. DEVELOPMENT for a Variance to allow four (4) single family dwellings with eight foot (8') side yard setbacks and one (1) single family dwelling with a 7.9 foot side yard setback where nine feet (9') is required on property generally located east of Mallard Street between Corey Place and Evergreen Avenue in Zoning District R-1.
3. V-54-79 Application of UPLAND INDUSTRIES for a Variance to allow a fourteen foot by forty-eight foot (14' x 48') off premise sign to a height of fifty-eight feet (58') where a maximum of forty feet (40') is allowed on property generally located on the west side of South Main Street, approximately two hundred feet (200') north of the intersection of Lewis Avenue in Zoning District C-M.
4. V-55-79 Application of FIRST NATIONAL BANK OF NEVADA AND AVIS E. KEMPER, CO-TRUSTEES, for a Variance to allow an auto body shop on property located at 808 South 1st Street in Zoning District C-M.
5. V-56-79 Application of PHYLLIS AND HOWARD CLARK for a Variance to allow a five foot (5') rear yard setback for a proposed room addition where fifteen feet (15') is required on property located at 803 Biljac Street in Zoning District R-1.
6. V-57-79 Application of MARY STEWARD for a Variance to allow ninety-eight percent (98%) lot coverage where a maximum of thirty-one percent (31%) lot coverage is allowed; zero front and side yard building setbacks where twelve feet (12') is required and a sixty foot (60') building height where a maximum of fifty-five feet (55') is allowed on property generally located at the northwest corner of Lewis Avenue and 7th Street in Zoning District R-3, under Resolution of Intent to R-6.
7. V-58-79 Application of PAULETTE AND RAINER GUND for a Variance to allow a covered carport and storage area six inches (6") from the rear property line where twenty feet (20') is required on property generally located at the northeast corner of 13th Street and Linden Avenue in Zoning District R-3, under Resolution of Intent to R-4.
8. V-59-79 Application of LEONARD W. CARPI for a Variance to allow an existing sign location of 2.1 feet in back of the proposed curb face where three feet (3') is required on property located at 1101 East Charleston Boulevard in Zoning District C-2.
9. V-60-79 Application of ALICE E. AND ALTON M. CARTER for a Variance to allow the construction on on-premise living quarters where residential uses are not permitted, on property located at 3700 West Vegas Drive in Zoning District C-2.
0. V-61-79 Application of DONALD R. FROMMER for a Variance to allow the continued operation of a meat and deer processing plant on property located at 3730 Thom Boulevard in Zoning District R-E.
1. U-85-79 Application of THE 11TH STREET FIRST CHURCH OF GOD for a Use Permit to operate a child nursery for a maximum of twenty-one (21) children in an existing church on property located at 318 South 11th Street in Zoning District R-4.
2. U-87-79 Application of LAS VEGAS MENTAL HEALTH CENTER, BY GEORGE HEAD, for a Use Permit to allow a sixteen (16) bed respite unit for the Turning Point facility, a Crisis Center, located at 1647 East Charleston Boulevard in Zoning District C-1.
3. U-88-79 Application of THE CHURCH OF GOD for a Use Permit to allow religious services to be conducted on property located at 2215 South Fairfield Avenue in Zoning District R-4.
4. U-89-79(HO) Application of MARJORIE C. LAIRD at 712 South Mallard Street in Zoning District R-1 for a Home Occupation Permit - Allow the sale of original art work (paintings, etc.) from art shows, galleries, etc.
15. AA-1-79 Appeal filed by BRUCE K. COLLMAR for THE RIVIERA HOTEL, of the administrative decision that the Hotel's use of property located at 701 Rancho Circle cease as temporary guest quarters for entertainers appearing at the Hotel.
16. U-60-78 Request of LAS VEGAS VALLEY WATER DISTRICT to amend its approved Use Permit to allow for a flow control station only on property generally located on the west side of Valley View Boulevard between Oakey Boulevard and Mountain View Boulevard in Zoning District R-E.
7. U-30-60 Request of H.S. GARVIN for a waiver to allow a storage building to the trailer site line where a five foot (5') setback is required.

DIRECTOR'S BUSINESS:

BYLAW AMENDMENT Proposed amendment to the Bylaws relative to voting.

MINUTES

BOARD OF ZONING ADJUSTMENT

AUGUST 23, 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. Meyers and Mr. Bugbee

EXCUSED:

Mrs. Emmett and Mrs. Segretti

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.

OLD BUSINESS:

1. V-52-79

DENIED

Application of RITA BARON for a Variance to allow an existing eight foot (8') high wood and concrete block wall where a maximum height of six feet (6') is permitted on property located at 554 East Oakey Boulevard in Zoning District R-1.

MR. BROWN presented the staff report and stated the plot plan is as shown. The 8' fence the applicant wishes to legalize is shown in red. In viewing the fence, it looks like the lower portion is cement block and it has been continued with 4' of wood on top of that. In view of the fact that the ordinance states the maximum height should not be more than 6' and in that there is nothing unique or unusual about this lot that the owner should be accorded an advantage over others in the neighborhood, staff would recommend denial.

CHAIRMAN SWESSEL declared the public hearing open.

RITA BARON stated the reason for the fence was because she had experienced two burglaries and that her daughter is home at night by herself and is afraid, and the fence gives her some protection. She added that the fence is only a little taller than the previous fence.

CHAIRMAN SWESSEL asked if a permit had been taken out.

MS. BARON stated she did not know one was needed.

MR. BROWN stated there is one letter of protest.

FREDERICK DENT, adjacent property owner to the east, stated if his side of the wood fence looked like the applicant's and was maintained by the applicant, he would not object.

LEONARD SNADER, 552 East Oakey, appeared in protest. He stated he was also speaking for the Hansons of 550 East Oakey.

CHAIRMAN SWESSEL stated the applicant is in violation of the Code and did not get a permit. He asked if the applicant would be agreeable to cutting the top two feet off the fence.

JED BARON, 3111 Bel Air, stated the wood is cut up and down and each piece is perfectly cut. He added to take the top 2' off would aesthetically ruin the fence.

MARTI HAFEN, 555 Helen Way, appeared in favor of the application.

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

MRS. MEYERS made a motion for DENIAL of V-52-79.

Voting was as follows:

"AYES" Mrs. Meyers and Chairman Swessel.

"NOES" Mr. Bugbee

2. V-53-79

APPROVED

Application of D. & R. DEVELOPMENT for a Variance to allow four (4) single family dwellings with eight foot (8') side yard setbacks and one (1) single family dwelling with a 7.9 foot side yard setback where nine foot (9') is required on property generally located east of Mallard Street between Corey Place and Evergreen Avenue in Zoning District R-1.

MR. BROWN presented the staff report and stated the plot plan is as shown with 5 buildings. The applicant is attempting to put too large a structure on too small a lot. The applicant should either get more land or reduce the size of the houses. Staff would recommend denial.

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

BOB VAN ORSTRANT stated the size of the lots is approximately 7000 square feet in this area and the lots in question are 9000 square feet. He added when the houses were designed by the architect, there was confusion between the City and County Regulations. Once it was realized a mistake had been made, everything was held up, until this problem was cleared up.

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

MR. BUGBEE made a Motion of APPROVAL of V-53-79, subject to the following conditions:

1. At the time of development, the applicant obtain a performance bond to construct half-street improvements on Concert Drive and Soprano Lane as required by the Department of Public Services.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Bugbee and Mrs. Meyers
"NOES" Chairman Swessel

3. V-54-79

DENIED

Application of UPLAND INDUSTRIES for a Variance to allow a fourteen foot by forty-eight foot (14' x 48') off premise sign to a height of fifty-eight (58') where a maximum of forty feet (40') is allowed on property generally located on the west side of South Main Street, approximately two hundred feet (200') north of the intersection of Lewis Avenue in Zoning District C-M.

MR. BROWN presented the staff report and stated that other signs in the area conform to the ordinance requirements. There is nothing unique or unusual about this application for a higher height. Staff would recommend the ordinance be enforced and the request denied.

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

COLIN STONE represented the application and stated the area of the sign is the same size as others in the area. They would like to build higher because it would look better and would not conflict with the El Cortez Hotel sign. This is C-M zoned, and not a sensitive area.

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

MRS. MEYERS made a Motion for DENIAL of V-54-79.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee
"NOES" None

4. V-55-79

DENIED

Application of FIRST NATIONAL BANK OF NEVADA AND AVIS E. KEMPER, CO-TRUSTEES, for a Variance to allow an auto body shop on property located at 808 South 1st Street in Zoning District C-M.

MR. BROWN presented the staff report and stated an automotive body shop is not permitted in the C-M district. The request, under the guise for a variance, is for rezoning. Staff would recommend the ordinance be enforced and the request denied.

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

MR. BUGBEE made a Motion for DENIAL of V-55-79.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Meyers and Chairman Swessel
"NOES" None

5. V-56-79

APPROVED

Application of PHYLLIS AND HOWARD CLARK for a Variance to allow a five foot (5') rear yard setback for a proposed room addition where fifteen feet (15') is required on property located at 803 Biljac Street in Zoning District R-1.

MR. BROWN presented the staff report and stated the plot plan is as shown. The rear setback for R-1 was changed from 20' to 15' some time back because there were so many requests to reduce the setback to 15'. This is a request to decrease the 15' setback. There is nothing unique or unusual about this lot and staff would recommend denial.

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

PHYLLIS CLARK represented the application and stated she would like to build a lanai because of her serious allergy problems and because her grandchildren and children visit. She stated the area is nothing but weeds at the present time. If this is not approved, the area would have to be cemented in.

CHAIRMAN SWESSEL asked how large the addition would be.

MRS. CLARK stated 18 x 30.

MR. BROWN stated it would be two stories in height.

MRS. CLARK stated the rest of the house is two stories in height.

MRS. MEYERS asked if 10' could be taken off the room, this making it 18' x 20'.

MRS. CLARK stated the extra 10' would be used for a chair lift inasmuch as she has arthritis and knew it would get worse.

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

MRS. MEYERS made a Motion for APPROVAL of V-56-79, subject to the following conditions.

1. Applicant to remove and replace the broken section of the driveway as required by the Department of Public Services.
2. Conformance to the plot plan.
3. 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. Meyers and Chairman Swessel
"NOES" Mr. Bugbee

6. V-57-79
ABEYANCE

Application of MARY STEWARD for a Variance to allow ninety-eight percent (98%) lot coverage where a maximum of thirty-one percent (31%) lot coverage is allowed; zero front and side yard building setbacks where twelve feet (12') is required and a sixty foot (60') building height where a maximum of fifty-five feet (55') is allowed on property generally located at the northwest corner of Lewis Avenue and 7th Street in Zoning District R-3, under Resolution of Intent to R-6.

MR. BROWN presented the staff report and stated this lot was recently rezoned by the Planning and City Commission to Resolution of Intent to R-6. In connection with that, a pretty rendering and plot plan was presented. The reason for this request is that the applicant is trying to provide additional parking at the floor level to provide better air circulation in the garage. If he went below ground, he would not have to come before this board.

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

MARY STEWARD, 337 South 7th, was present. She stated she had believed a representative of the developer would be present to discuss this matter. She added she would contact the developer to advise him to be present at the next meeting.

MRS. MEYERS made a Motion for ABEYANCE of V-57-79.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel and Mr. Bugbee
"NOES" None

7. V-58-79

DENIED

Application of PAULETTE AND RAINER GUND for a Variance to allow a covered carport and storage area six inches (6") from the rear property line where twenty feet (20') is required on property generally located at the northeast corner of 13th Street and Linden Avenue in Zoning District R-3, under Resolution of Intent to R-4.

MR. BROWN presented the staff report and stated the plot plan is as shown. He added the applicants should not be afforded advantages not given to others in the block. Staff sees no reason for this as there is nothing unique or unusual about the property and would recommend denial.

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

MR. BUGBEE made a motion for denial of V-58-79.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Meyers, and Chairman Swessel
"NOES" None

8. V-59-79

APPROVED

Application of LEONARD W. CARPI for a Variance to allow an existing sign location of 211 feet in back of the proposed curb face where three feet (3') is required on property located at 1101 East Charleston in Zoning District C-2.

MR. BROWN presented the staff report and stated this is a unique situation in that Charleston Boulevard is being widened at this location and because of that, the sign will be in violation. Staff would recommend sympathetic consideration be given to the request.

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

DR. BILL CARPI represented the application.

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

MRS. MEYERS made a Motion for APPROVAL of V-59-79.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee
"NOES" None

9. V-60-79

DENIED

Application of ALICE E. AND ALTON M. CARTER for a Variance to allow the construction of on-premise living quarters where residential uses are not permitted on property located at 3700 West Vegas Drive in Zoning District C-2.

MR. BROWN presented the staff report and stated the plot plan is as shown. The ordinance is specific in not permitting residential uses in a commercial district. There is nothing unusual or unique about this lot and staff would recommend denial.

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

KAREN BRUN represented the application and stated the applicants wish to incorporate their residence with their business and that there has been a problem with vandalism in the past. Further, if this is approved, the parking lot would be paved.

ALICE CARTER represented the application and stated that a dancing school is being operated and as they are now getting older they would like to retire on the property. She added there is a 7-Eleven across the street, and that a Mr. Cummings who owns adjacent property, does not object to their request.

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

MRS. MEYERS made a Motion for DENIAL of V-60-79.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel and Mr. Bugbee
"NOES" None

10. V-61-79

APPROVED

Application of DONALD R. FROMMER for a Variance to allow the continued operation of a meat and deer processing plant on property located at 3700 Thom Boulevard in Zoning District R-E.

MR. BROWN presented the staff report and gave a history of the property in question. It was annexed to the City in 1964 as R-E; however, in 1963 the County granted a variance for this operation for 5 years. The City granted an extension in June, 1968 and in 1973. The latest extension expired the latter part of 1978. Staff contacted the applicant and they are now asking for an extension. In researching this matter, one City Commissioner made a statement that in view of the fact there is little residential development, he thought it would be okay to grant the variance. In viewing the property this time, the area west of Thom has developed and there are 20 houses built across the street on the west side of Thom. The remainder of the area is now developing rapidly for residential use. Staff would recommend this use be phased out in the next couple of years as to not be incompatible with the R-E zoning because the area is now being developed.

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

WILLIAM E. FROMMER represented the application and stated he would like an extension until his last child grows up for a couple of years and that would be the end of this use as there was no one in the family who wished to continue the business. He added he did not want to be a nuisance to anyone and would agree to a two year phase out.

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

MR. BUGBEE made a Motion for APPROVAL of V-61-79 subject to the following conditions:

1. Variance to be approved for a period of two (2) years and shall expire on August 23, 1981.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Meyers and Chairman Swessel
"NOES" None

11. U-85-79

DENIED

Application of the 11TH STREET FIRST CHURCH OF GOD for a Use Permit to operate a child nursery for a maximum of twenty-one (21) children in an existing church on property located at 318 South 11th Street in Zoning District R-4.

MR. BROWN presented the staff report and stated the plot plan is as shown. The parking is now deficient for the present use. An additional structure would decrease the parking even more. This would not be in the best interest of the City and staff would recommend denial.

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

JAMES FLEMMING, 1220 Washington Avenue, represented the application.

CHAIRMAN SWESSEL stated there is not enough parking existing.

MR. BROWN stated he thought there were plans to convert the parking in the rear into a playground which would be very noisy.

MR. FLEMMING stated they did wish to put up a fence to surround the nursery.

CHAIRMAN SWESSEL asked how many children would be at the nursery.

MR. FLEMMING stated a total of 21 and that they did plan on remodeling the plumbing and heating.

CHAIRMAN SWESSEL asked the applicants if they were currently licensed to have children on the property.

MR. FLEMMING stated they do have children who come to Sunday School and Church, but that the nursery does not yet exist.

CHAIRMAN SWESSEL stated if there are no children now, it would not be a hardship if the application was denied.

MR. FLEMMING agreed with this statement.

REV. JOSEPH TREADWELL, 2640 Rawls, North Las Vegas, spoke in favor of the application.

MRS. MEYERS asked if this request was approved, were parking facilities available.

REV. TREADWELL stated they have been parking on the street and there is quite a bit of parking around.

MR. BROWN stated that one petition of protest with 60 signatures and seven letters of protest had been received.

ED MALAHAN, 311 South 10th, appeared in protest and stated the noise from the nursery would be a problem with day sleepers.

JOHN CAMPBELL, 316 South 11th Street, appeared in protest and stated there would be parking problems in addition to what now exists.

CHAIRMAN SWESSEL stated the request for a fence was not under consideration in this request.

MR. FOSTER stated that the applicant could not fence in the parking for the church.

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

MRS. MEYERS made a Motion for DENIAL of U-85-79.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel and Mr. Bugbee
"NOES" None

12. U-87-79
APPROVED

Application of LAS VEGAS MENTAL HEALTH CENTER, BY GEORGE HEAD, for a Use Permit to allow a sixteen (16) Bed respite unit for Turning Point facility, a Crisis Center, located at 1647 East Charleston in Zoning District C-1.

MR. BROWN presented the staff report and stated he had talked with the Director of the Mental Health Center and the explanation given for this use appears to be compatible with the area and other uses in the area. Staff would recommend approval.

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

The applicant or a representative was not present.

MR. BROWN, in response to a question, stated the use was for emergency health problems and that the people would only be kept for three to four days. This is in concert with the Mental Health Center on West Charleston and appears to be compatible with this location.

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

MRS. MEYERS made a Motion for APPROVAL of U-87-89, subject to the following conditions:

1. Conformance to the plot plan.
2. 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. Meyers, Chairman Swessel and Mr. Bugbee
"NOES" None

13. U-88-79
APPROVED

Application of THE CHURCH OF GOD for a Use Permit to allow religious services to be conducted on property located at 2215 South Fairfield Avenue in Zoning District R-4.

MR. BROWN presented the staff report and stated staff thinks this use would not be incompatible and would recommend approval.

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

REV. MARTINEZ represented the application, described the proposed activities, and added his congregation is currently composed of thirty persons.

CHAIRMAN SWESSEL asked if there was sufficient parking.

MR. BROWN stated there are 15 parking spaces at this location.

14. U-89-79 (HO)

CHAIRMAN SWESSEL announced this item had been withdrawn.

CHAIRMAN SWESSEL declared a ten minute recess at the hour of 8:30 P.M. and reconvened at 8:40 P.M.

15. AA-1-79
APPROVED

Appeal filed by BRUCE K. COLLMAR for THE RIVIERA HOTEL, of the administrative decision that the Hotel's use of property located at 701 Rancho Circle cease as temporary guest quarters for entertainers appearing at the Hotel.

MR. BROWN presented the staff report and stated that the Planning staff, after consulting with the City Attorney's office, has interpreted the ordinance to mean that the requested use would not be permitted in the R-A district. One of the reasons was because of the temporary nature of the guests and in addition to the temporariness, could connote a commercial use in the R-A district. The ordinance is unclear about this kind of use in this kind of district. The City Attorney's office says there is case law on both sides.

CHAIRMAN SWESSEL declared the public hearing open.

BRUCE KOLMAN represented the application and stated the Riviera Hotel is leasing the house in question. It has invested much money in improving the property and keeping it in shape for the entertainers. It is made available to entertainers if they desire while they are here. The house will be used as their residence. He added he thought the City Attorney's opinion was neutral on this issue and concludes the statute is not clear on this point. It comes down to the conclusion that this is a commercial use and it is up for the Board to decide.

CHAIRMAN SWESSEL stated that the City Attorney's office would live with whatever decision the Board came up with.

MR. KOLMAN continued that he believed the City Attorney's opinion has concluded that permanency goes with the dwelling, not the duration of tenancy, therefore, we are talking about a commercial use. This is not the case. The people who are using the house are using it in the same manner as the surrounding neighborhood. It is their residence while they are there. This house will be an asset and enhance the neighborhood and will be kept as a show place. The people staying in the house are subject to the same laws and City ordinance with respect to parties. The hotels and entertainers are

the heart of Las Vegas. It would be an insult to say they are transients and detract from the neighborhood. This is no more commercial than a person who buys a house and then rents it out. The Riviera is not renting this house out. It is used by the performers. There is no basis for calling this commercial. He added he had a comment from Don Petit who could not stay longer for the meeting, and that was he did not object to this application.

HERB JONES appeared in favor of the application. He stated that the City Attorney came to the conclusion the final judgement would be made by the Board in this situation. The judgment to be made here is as to the interpretation of the statement made by the Planning Department. This may not be the final decision on the letter written by the City.

VERN ALBRIGHT appeared in protest to the application. He stated he was representing 28 of the residents of the neighborhood who bought a neighborhood not just a house. He added this is a neighborhood of families-permanent residents. That is the purpose of the zoning regulations, to protect the sanctity of the neighborhood. This is a commercial usage. He quoted several sections of the zoning ordinance with regard to his argument. He added he objected to this house being used as a hotel suite and not for residential purposes. He gave statistics as to how many persons could possibly stay in the house over a period of one year.

ANDY THOMPSON appeared in protest and stated he did not want to see a precedent established and that this is not the intended use for the property.

CHAIRMAN SWESSEL stated that this issue had been under study by himself for over a month and that he has received letters and talked to people and that the Board has done its homework on this matter. What the Board is hearing tonight is the issue of why or why not this use should not stay.

MR. KOLMAN appeared in rebuttal.

MR. JONES appeared in rebuttal.

MR. AND MRS. GEORGE, lessors of the house, appeared in favor of the application and presented pictures of the property in question.

MRS. GEORGE stated that hotel rooms and suites are available to anyone and this house is not available to anyone, only those persons who the hotel has as guests. It is leased to one party for guests.

MR. ALBRIGHT appeared in rebuttal

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

MR. BUGBEE made a Motion to REVERSE the decision of the Department of Community Planning and Development.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Meyers, Chairman Swessel
"NOES" None

16. U-60-78

APPROVED

Request of the LAS VEGAS VALLEY WATER DISTRICT to amend its approved Use Permit to allow for a flow control station only on property generally located on the west side of Valley View Boulevard between Oakey Boulevard and Mountain View Boulevard in Zoning District R-E.

MR. BROWN presented the staff report and stated approval is recommended subject to landscaping being approved by the Department of Community Planning and Development.

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

MYRON WELSH, Las Vegas Valley Water District, represented the application and agreed to staff stipulations.

MRS. MEYERS made a Motion for APPROVAL of U-60-78, subject to the following conditions:

1. Conformance to the conditions originally imposed at the time of approval of U-60-78 that are applicable to the flow control station site.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a Business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee
"NOES" None

Motion for APPROVAL carried unanimously.

17. U-30-60=

APPROVED

Request of H. S. GARVIN for a waiver to allow a storage building to the trailer site line where a five foot (5') setback is required.

MR. BROWN presented the staff report and stated there is nothing unique or unusual about this lot that would warrant infringing into the yard. Staff has talked to the Building Department and they concur that it is a violation and should be treated as such. The Building Department is now starting a program of compliance in mobile home parks. Staff would recommend denial.

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

HOWARD GARVIN represented the application and stated this action was the result of a complaint. When he was putting up his shed, a branch was cut off a tree. He added he had contacted the manager of the park for permission to locate the shed. Permission was granted. When the branch was cut off, the person called the owner who said there was no problem. The owner was then called who said there was no problem. The Building Department was contacted and they initiated the complaint. He added there is no place to put the shed other than here unless it is in the middle of the driveway.

CHAIRMAN SWESSEL stated if a permit had been taken out, there would not have been a problem.

MR. GARVIN stated that a permit could not be gotten for a shed. It was stated the City was not responsible for trailer parks. The shed was moved back to get it out of the flood waters. The one spite phone call started the ball rolling.

MRS. MEYERS made a Motion for APPROVAL of U-30-60, subject to the following conditions:

1. 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. Meyers, Mr. Bugbee, Chairman Swessel.
"NOES" None

DIRECTOR'S BUSINESS

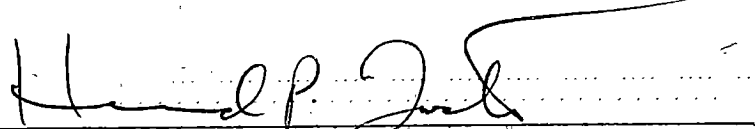
MR. BROWN read the proposed amendment to the by-laws.

MRS. MEYERS made a Motion for APPROVAL of the proposed amendment.

Voting was as follows:

"AYES" Mrs. Meyers, Mr. Bugbee, Chairman Swessel
"NOES" None

DEPARTMENT OF COMMUNITY PLANNING &
DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR