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ANNOTATED

A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 7, 1980

CALL TO ORDER:

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

ROLL CALL: PRESENT:

SWESSEL, MEYERS & BUGBEE

ABSENT:

Emmett (excused), Segretti

PLEDGE OF ALLEGIANCE:

ANNOUNCEMENT:

Satisfaction of Open Meeting Law.

OLD BUSINESS

1. V-85-79

(Abeyance item from 11/29/79)

APPROVED - BUGBEE/Majority

Application of VALLEY GROUP CONSTRUCTORS, A JOINT VENTURE, for a Variance to allow a second free-standing on-premise sign where only one sign is permitted and said second sign is proposed to a height of twenty-five feet (25') where five feet (5') is allowed and 160 sq. ft. in size where 15 sq. ft. is allowed on property located at 647 Tonopah Drive in Zoning District P-R.

AYE

NAY

BUGBEE  
SWESSEL

MEYERS

2. V-86-79

(Abeyance Item from 11/29/79)

APPROVED - BUGBEE/Unanimous

Application of LAVETA DENNERLY for a Variance to allow one single-faced pole sign 53.85 sq. ft. in size (5' 4 5/8") to an overall height of 17 ft. 4 5/8 inches where one free-standing sign no larger than 15 sq. ft. and no higher than five feet (5') is allowed on property located at 720 East Charleston Boulevard in Zoning District P-R.

3. U-61-78(HO)

(Abeyance item from 11/29/79)

WITHDRAWN

Application of DALTON PROPERTIES, INC. to reconsider a Home Occupation Permit allowing a records office in a guest house and to extend the permit to include full use of all areas of the guest house and to increase the number of employees, on property located at 1721 Vegas Drive in Zoning District R-E.

NEW BUSINESS:

1. U-109-79

APPROVED - MEYERS/Unanimous

Application of FIRST WESTERN SAVINGS ASSOCIATION on behalf of D & M REFRIGERATION for a Use Permit to allow the operation of a Class III secondhand dealership for reconditioning and sales of used refrigerators on property located at 1313 East Charleston Boulevard in Zoning District C-2.

2. U-28-72(HO)

ACCEPTED APPLICANT'S LETTER TO TERMINATE HOME OCCUPATION PERMIT - MEYERS/Unanimous

Consideration of revoking an approved Home Occupation Permit of KENT AND HARRIETT BRITTLE to operate a clock sales and repair business on property located at 4404 St. Andrews Circle in Zoning District R-1.

3. V-95-79  
APPROVED - BUGBEE/Unanimous  
Application of ROBERT AND JANICE E. CARL for a Variance to allow a side yard setback of 4.05 ft. where five feet (5') is required and a front yard setback of 19.7 ft. where twenty feet (20') is required for the existing single family residence on property located at 909 Tenaya Way in Zoning District R-1.
4. V-96-79  
DENIED - MEYERS/Unanimous  
Application of MEL C. and NANCY J. KALAGIAN for a Variance to allow the conversion of a garage to a second dwelling unit where only one dwelling unit is allowed on property located at 609 Altamira Road in Zoning District R-1.
5. V-97-79  
APPROVED - BUGBEE/Unanimous  
Application of JOHN R. PIKE for a Variance to allow professional golf instruction and to operate a minor repair service for golf equipment on property located at 1505 South Eastern Avenue in Zoning District R-1, under Resolution of Intent to P-R.
6. V-98-79  
APPROVED - BUGBEE/Unanimous  
(Kitchen to be removed if property is sold.)  
Application of JACK AND KIM VICKERS for a Variance to allow a kitchen to remain in a guest house where kitchens are not allowed, and to allow the structure two feet (2') from the side property where five feet (5') is required or where one-hour fire resistive construction is required, on property located at 1323 Comstock Drive in Zoning District R-E.
7. U-110-79  
APPROVED - MEYERS/Unanimous  
Application of SAMUEL S. LIONEL, ET AL, for a Use Permit to allow the construction and operation of a three-bay automobile lubrication business on property generally located on the north side of Sahara Avenue between Eastern Avenue and Stockton Street in Zoning Districts R-1 and R-2, under Resolution of Intent to C-1.
8. V-99-79  
APPROVED - MEYERS/Unanimous  
Application of BERNELL FEULING for a Variance to allow four dwelling units where only three units are allowed on property located at 416 North 15th Street in Zoning District R-3.
9. V-102-79  
ABEYANCE - BUGBEE/Unanimous  
(for February 28, 1980 BZA Mtg.)  
Application of KENNETH F. JOHANN for a Variance to allow the construction of a 150-unit efficiency apartment complex with 62 onsite parking spaces where 150 are required on property generally located on Las Vegas Boulevard between Wilson Avenue and McWilliams Avenue in Zoning District C-2.
10. U-41-72  
APPROVED - MEYERS/Unanimous  
Application of RANCHO VEGAS MOBILE HOME PARK for a Plot Plan Review to relocate space No. 301 and to provide twelve (12) additional parking spaces for the Clubhouse area on property located at 825 North Lamb Boulevard in Zoning District R-T.

APPROVED  
2-28-80

MINUTES

BOARD OF ZONING ADJUSTMENT

JANUARY 7, 1980

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. Segretti and Mrs. Emmett

PLEDGE OF ALLEGIANCE:

ANNOUNCEMENT: MR. FOSTER 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.

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning and Development  
Don W. Brown, Supervisor of Zoning  
Rick Sweet, Planner  
Linda McIntosh, Recording Secretary

OLD BUSINESS:

1. V-85-79  
(Abeyance Item from 11/29/79)  
APPROVED

Application of VALLEY GROUP CONSTRUCTORS, A JOINT VENTURE, for a Variance to allow a second free-standing on-premise sign where only one sign is permitted and said second sign is proposed to a height of twenty-five feet (25') where five feet (5') is allowed and 160 sq. ft. in size where 15 sq. ft. is allowed on property located at 647 Tonopah Drive in Zoning District P-R.

MR. FOSTER stated this item was held in abeyance from the last meeting due to a tie vote. The plot plan and elevation of the sign are as shown which exceeds the height and area for a sign in a P-R zone. A special land use plan was approved which indicates the area to the south will go transition and there is some P-R to the west. There is no zoning in the immediate area which would allow a larger sign. If this is approved, a precedent will be set and denial is recommended.

DON DAVIDSON represented the application. He stated it was felt the sign would be appropriate in a medical area and that no unfavorable comments have been received from the neighbors.

MR. BUGBEE made a Motion for APPROVAL of V-85-79, 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" Mr. Bugbee and Chairman Swessel  
"NOES" Mrs. Meyers

Motion for APPROVAL carried by a 2/1 vote.

2. V-86-79  
(Abeyance Item from 11/29/79)  
APPROVED

Application of LAVETA DENNERLY for a Variance to allow one single-faced pole sign 53.85 sq. ft. in size (5' 4 5/8") to an overall height of 17 ft. 4 5/8 inches where one free-standing sign no larger than five feet (5') is allowed on property located at 720 East Charleston Boulevard in Zoning District P-R.

MR. FOSTER presented the staff report and stated the property has been developed with a new office complex. The applicant is

requesting a larger sign than is allowed. Much of East Charleston is commercial. The proposed sign would be located on the corner of the plot plan as shown. Staff feels this is a good situation for a variance because of the 100' wide major street with commercial around it and feels the request is justified.

LEN BOWMAN represented the application.

MR. BUGBEE made a Motion for APPROVAL of V-86-79, 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" Mr. Bugbee, Mrs. Meyers and Chairman Swessel  
"NOES" None

Motion for APPROVAL carried unanimously.

3. U-61-78(HO)  
(Abeyance Item  
from 11/29/79)  
  
WITHDRAWN

Application of DALTON PROPERTIES INC. to reconsider a Home Occupation Permit allowing a records office in a guest house and to extend the permit to include full use of all areas of the guest house and to increase the number of employees on property located at 1721 Vegas Drive in Zoning District R-E.

MR. FOSTER stated the applicant had withdrawn this request.

NEW BUSINESS:

1. U-109-79  
  
APPROVED

Application of FIRST WESTERN SAVINGS ASSOCIATION on behalf of D & M REFRIGERATION for a Use Permit to allow the operation of a Class III secondhand dealership for reconditioning and sales of used refrigerators on property located at 1313 East Charleston Boulevard in Zoning District C-2 (General Commercial). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 34, Township 20 South, Range 61 East, MDB&M.

MR. FOSTER presented the staff report and stated the ordinance was amended to provide for a secondhand operation when it deals with one commodity. The plot plan is as shown. Staff has no objection to the request and would recommend approval. There are no protests on record.

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

DANA CONGER 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 U-109-79, subject to the following conditions:

1. The entire secondhand dealership operation be conducted within an enclosed building.
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, Chairman Swessel and Mr. Bugbee  
"NOES" None

Motion for APPROVAL carried unanimously.

2. U-23-72(HO)

DENIED

Application to consider revocation of an approved Home Occupation Permit of KENT AND HARRIETT BRITTLE to operate a clock sales and repair business on property located at 4404 St. Andrews Circle in Zoning District R-1 (Single Family Residence). This property is legally described as Lot 50, Block 7, Charleston Estates Unit 2-B.

MR. FOSTER stated that a letter had been received from the applicant indicating he wishes to terminate the home occupation permit as he is moving to a commercial area. No action is needed by the Board at this time except to accept the letter, which does resolve the problem at this location.

MRS. MEYERS made a Motion to ACCEPT the letter and to terminate the Home Occupation Permit on the property effective immediately.

Voting was as follows:

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

"NOES" None

Motion carried unanimously.

3. V-95-79

APPROVED

Application of ROBERT AND JANICE E. CARL for a Variance to allow a side yard setback of 4.05 feet where five feet (5') is required and a front yard setback of 19.7 feet where twenty feet (20') is required for the existing single family residence on property located at 909 Tenaya Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 26, Block 5, Rainbow West - Unit 1.

MR. FOSTER presented the staff report and stated that apparently the home was constructed with slight deviations from the required setbacks. The applicant wishes to sell the property, but because of the deviations, cannot meet FHA requirements. The house is on the property, the deviations are minor and a variance might be proper on this property.

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

ALAN SABLE represented the application.

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-95-79, 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" Mr. Bugbee, Mrs. Meyers and Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

4. V-96-79

DENIED

Application of MEL C. AND NANCY J. KALAGIAN for a Variance to allow the conversion of a garage to a second dwelling unit where only one dwelling unit is allowed on property located at 609 Altamira Road in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 7 of Block 5 of Charleston Rainbow #10-A.

MR. FOSTER presented the staff report and stated the request is to convert an existing garage to a second unit on the property. The plot plan is as shown. In a letter the applicants did indicate they are caring for a handicapped sister and they need some place close by to be better able to take care of her. Staff

sympathizes with the situation; however, staff does not feel a duplex should be established in this area as it is predominantly R-1. There is no problem in converting the garage into living quarters as long as there is interior access and a second kitchen is not added. Staff would recommend denial of this request. There is on file a petition with 32 signatures in protest as well as 3 individual letters of protest.

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

MEL KALAGIAN represented the application. He stated the addition would be for his sister and that they did not want a duplex, just a single apartment for her to take care of her needs. He added it was also designed to accommodate a handicapped person and would have a living room and kitchen.

LOUIS CARTER, 617 Altamira, appeared in protest. She stated that to approve this request would set a precedent and the parking would not be ample for a multiple dwelling.

F.W. McCLATCHEY, 621 Altamira, appeared in protest.

JOE LOMBARD, 600 Altamira, appeared in protest.

JOE FRANK, 620 Altamira, appeared in protest.

MR. KALAGIAN appeared in rebuttal.

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-96-79 because there was insufficient justification presented to warrant a deviation from the City Code.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

5. V-97-79  
APPROVED

Application of JOHN R. PIKE for a Variance to allow professional golf instruction and to operate a minor repair service for golf equipment on property located at 1505 South Eastern Avenue in Zoning District R-1 (Single Family Residence), under Resolution of Intent to P-R (Professional Offices & Parking District). The above property is legally described as Lot 11, in Block 3 of Amended Eastwood Tract No. 1.

MR. FOSTER presented the staff report and stated the applicant is proposing a couple of uses related to golf instruction that is allowed on a 1/1 basis. You can have incidental repair services; however, the applicant would like to conduct repair on golf clubs and equipment on the premises. The plot plan is as shown. Staff would no object to the golf instruction on a 1/1 basis, but feel the applicant should adhere to the ordinance in the repair operation and that part of the request should be denied.

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

JOHN PIKE represented the application and stated that the golf instruction would be on a 1/1 basis.

CHAIRMAN SWESSEL asked what type of repair work would be done.

MR. PIKE stated mainly the repair of golf clubs.

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-97-79, 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" Mr. Bugbee, Mrs. Meyers and Chairman Swessel  
"NOES" None

Motion for APPROVAL carried unanimously.

6. V-98-79  
APPROVED

Application of JACK AND KIM VICKERS for a Variance to allow a kitchen to remain in a guest house where kitchens are not allowed, and to allow the structure two feet (2') from the side property line where five feet (5') is required or where one-hour fire resistive construction is required, on property located at 1323 Comstock Drive in Zoning District R-E (Residence Estates). The above property is legally described as Lot 17 in Block 5 of Bonanza Village Tract.

MR. FOSTER presented the staff report and stated that guest houses are allowed in this district; however, this one has a kitchen which is not permitted. The plot plan is as shown and the guest house has been there for 25 years. Somewhere along the line the kitchen was installed and through a complaint, was brought to the City's attention. Staff feels the kitchen should not be allowed and should be removed and would recommend denial of this request.

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

JACK VICKERS represented the application and stated he had purchased the property two years ago and that the guest house is being used by members of his family and is not rented out. He added he had tried to trace the history of the kitchen and it has been there at least 20 years.

MR. FOSTER stated there is no record of a permit for the kitchen.

MR. VICKERS stated he purchased the property with the understanding the guest house, as is, was allowed. He added that it has an entrance from Sutro Lane and a Sutro address and that his neighbors did not object.

HOWARD SIMON, 1110 Rawlston, appeared in protest on behalf of the Bonanza Home Owners Association. He stated the Association had voted against any extra kitchens on any property and they wanted to maintain the single family character of the neighborhood. He added he was representing approximately 50 people.

MR. VICKERS stated that the neighbors on either side of him did not object to the variance.

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-98-79, 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.
3. Meet requirements of Uniform Fire Code.
4. If the current applicants ever sell this property, the kitchen shall be removed from the guest house prior to the sale.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

7. U-110-79

APPROVED

Application of SAMUEL S. LIONAL, ET AL, for a Use Permit to allow the construction and operation of a three-bay automobile lubrication business on property generally located on the north side of Sahara Avenue between Eastern Avenue and Stockton Street in zoning districts R-1 (Single Family Residence) and R-2 (Two Family Residence) under Resolution of Intent to C-1 (Limited Commercial). The above property is legally described as Lots 20, 21 (excepting the east 25 feet), 22, 23 and 24, in Block 11 of the Metropolitan Addition to the City of Las Vegas as per the Amended Plat thereof on file in Book Two of Plats, Page 12, in the office of the County Records of Clark County, Nevada.

MR. FOSTER presented the staff report and stated the request is permissible by means of a use permit. The applicants did submit photographs of a similar facility "Minute Lube". The plot plan is as shown with landscaping. Staff feels the use is appropriate at this location and would recommend approval subject to the normal conditions and Public Service requirements.

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

JACK STAGG represented the application and agreed to staff stipulations.

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-110-79, 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.
3. Dedicate a partial radius corner at Stockton Avenue and Sahara Avenue as required by the Department of Public Services.
4. Construct sidewalk on Stockton Avenue and Sahara Avenue.
5. All driveways shall conform to the requirements of the Department of Public Services.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

8. V-99-79

APPROVED

Application of BERNELL FEULING for a Variance to allow four dwelling units where only three units are allowed on property located at 416 North 15th Street in Zoning District R-3 (Limited Multiple Use). The above property is legally described as Lot 8 in Block 17 of 14th Street City Addition.

MR. FOSTER presented the staff report and stated the applicant has a duplex on the property and wishes to construct another two units. The plot plan is as shown. The parking layout should be redesigned and can be redesigned for sufficient parking. A number of variances have been approved in this area similar to this request. This is a judgment call by the Board. If there is sufficient justification, staff does not object.

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

BERNELL FEULING represented the application and agreed to staff stipulations.

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-99-79, 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.
3. Parking to be revised as required by the Department of Community Planning and Development.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

9. V-102-79  
ABEYANCE

Application of KENNETH F. JOHANN for a Variance to allow the construction of a 150-unit efficiency apartment complex with 62 onsite parking spaces where 150 are required on property generally located on Las Vegas Boulevard between Wilson Avenue and McWilliams Avenue in Zoning District C-2 (General Commercial). The above property is legally described as Lot 1, the north 49 feet of Lot 2, Lots 12, 13, 14, 15 and 16 inclusive, of Biltmore Addition, Annex No. 3.

MR. FOSTER presented the staff report and stated when the 200 unit complex was constructed the ordinance did not provide for parking, and this has caused problems with parking for that development. This variance involves a parcel that is no longer connected with the existing parcel in terms of ownership. The two 3-story buildings are allowed, but parking must be provided for on a 1/1 basis. The applicants are proposing less than 1/2 of the parking required. Inasmuch as the ordinance was recently amended to require 1/1 parking, denial is recommended. A letter was received from the applicant indicating he would like to have this held in abeyance for redesign of the plot plan for additional parking. A petition with 36 signatures in protest has been filed as have four individual letters of protest.

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

GENE CRAWFORD represented the application and asked that the application be held in abeyance so the parking could be redesigned. He added that when the project was started 6 years ago, there were no parking requirements.

CHAIRMAN SWESSEL asked those present in opposition to stand. Thirty-five persons were present in protest.

TOM VONOZA appeared in protest and presented additional letters of protest. He stated that if this application is approved, it would only compound the parking problem existing in the neighborhood and would present a safety hazard as well.

MR. BUGBEE asked Mr. Vonoza if he objected to the project per se.

MR. VONOZA stated he could not object to the project, but did object to the parking request.

THEODORE BANOZZI appeared in protest.

SHAFFICK VULLON appeared in protest.

MRS. MARTINAY appeared in protest.

MR. CRAWFORD appeared in rebuttal.

MR. BUGBEE made a Motion for ABEYANCE of V-102-79 to allow the applicant to redesign the complex in an attempt to achieve closer, if not total, compliance with the Ordinance in terms of off-street parking.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

10. U-14-72  
PLOT PLAN REVIEW  
APPROVED

Application of RANCHO VEGAS MOBILE HOME PARK for a Plot Plan Review to relocate space No. 301 and to provide twelve (12) additional parking spaces for the Clubhouse area on property located at 825 North Lamb Boulevard in Zoning District R-T.

MR. FOSTER presented the staff report and stated the plot plan is as shown. The applicants are requesting permission to cut out a space of the common area for one additional home. The density is less than originally approved. Staff would recommend approval.

DOUGLAS FRAZIER represented the application.

MRS. MEYERS made a Motion for APPROVAL of the Plot Plan Review under U-14-72, 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

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 8:50 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

  
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HAROLD P. FOSTER, DIRECTOR

/1m