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ANNOTATED AGENDA

BOARD OF ZONING ADJUSTMENT

FEBRUARY 28, 1980

CALL TO ORDER:

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

ROLL CALL:

Joseph Swessel, Jessie Emmett, Helen Myers  
Robert Bugbee and Robert Giles

MINUTES:

Approval of the Minutes for the Board of Zoning  
Adjustment held November 5, 1979; November 29,  
1979; December 11, 1979; January 7, 1980 and  
January 24, 1980.

APPROVED  
MYERS/Unanimous

ANNOUNCEMENT:

Satisfaction of Open Meeting Law

OLD BUSINESS:

1. V-102-79

(Abeyance Item from  
1-7-80)

Application of KENNETH F. JOHANN for a Variance  
to allow the construction of a 150 unit effici-  
ency 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.

DENIED

BUGBEE - Emmett abstained  
4-0-1 vote

NEW BUSINESS:

1. V-1-80

APPROVED  
MYERS/Unanimous

Application of WILLIS SLOAS, ET AL, for a  
Variance to allow 16,666 Sq. Ft. lots where  
20,000 Sq. Ft. lots are required on property  
generally located on the north side of San  
Miguel Avenue between Theresa Way and Decatur  
Boulevard in Zoning District R-E.

2. V-2-80

APPROVED  
EMMETT/Unanimous

Final decision by the City  
Commission on 3-19-80

Application of PETER P. KUVELIS, ET AL, for a  
Variance to allow a commercial child nursery  
in an R-2 zone which is not permitted on  
property located at 1201 Phillips Avenue in  
Zoning District R-2.

3. U-3-80

APPROVED  
MYERS/Unanimous

Application of EXBER, INC., A NEVADA CORPORATION,  
for a Use Permit to allow a Class III secondhand  
jewelry dealership on property located at 114  
Las Vegas Boulevard North in Zoning District C-2.

4. V-3-80

APPROVED  
BUGBEE/Unanimous

Application of SAMCO INVESTMENTS, INC. for a  
Variance to allow a commercial child care facility  
(a Kindercare Learning Center) on property gener-  
ally located on the north side of Stewart Avenue  
529 ft. west of Lamb Boulevard in Zoning District  
R-E, under Resolution of Intent to R-3.

5. V-4-80  
APPROVED  
MYERS/Unanimous  
Application of GEORGE A. AND SHARON D. RITTER, for a Variance to allow an addition (Geodesic Dome) to an existing family dwelling six and one-half feet (6½') from the rear property line where fifteen feet (15') is required and five feet (5') from the west property line where seven feet (7') is required on property located at 1061 Bracken Avenue in Zoning District R-1.
6. V-5-80  
ABEYANCE  
BUGBEE/Unanimous  
(Abeyance to April 24, 1980 meeting)  
Application of DR. ROBERT M. AND DR. HARRIET S. TAYLOR for a Variance to allow a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock Drive and Tonopah Drive in Zoning District R-E. (This proposed commercial use is in the central portion of a proposed 78 acre Planned Unit Development for which a rezoning application is being considered. The commercial use is designed to be used wholly by the inhabitants of the proposed Planned Unit Development.)
7. U-5-80  
APPROVED  
MYERS/Unanimous  
Application of MATTHEW PARATORE for a Use Permit to allow a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2.
8. U-6-80  
APPROVED  
MYERS/Unanimous  
Application of FIRST GOOD SHEPHERD LUTHERAN CHURCH, for a Use Permit to allow the construction and improvement of a playground, parking lot, educational building, and sanctuary on property located at 301 South Maryland Parkway in Zoning District R-4.
9. V-94-76  
APPROVED  
BUGBEE/Unanimous  
Request of FAITH COMMUNICATIONS CORPORATION for an Extension of Time for the parking lot development on property located at 2201 South 6th Street in Zoning District R-1.
10. V-97-53  
APPROVED  
MYERS - Bugbee abstained  
4-0-1 vote  
Request of YOUNG AMERICAN HOMES, INC. for a Plot Plan Review to allow the addition of a 900 sq. ft. second story structure consisting of three executive offices and a stairway to the existing building on property located at 727 South 9th Street in Zoning District R-3.

DIRECTOR'S BUSINESS:

1. ELECTION OF OFFICERS

1980 Board of Zoning Adjustment Election of Officers

Joseph Swessel elected Chairman  
Robert Bugbee elected Vice Chairman

APPROVED  
3-27

MINUTES

BOARD OF ZONING ADJUSTMENT

FEBRUARY 28, 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. Emmett, Mrs. Meyers, Mr. Giles and Mr. Bugbee

STAFF PRESENT: Harold P. Foster, Director, Community Planning & Development  
Don W. Brown, Supervisor of Zoning  
Brett Reale, Planning Assistant  
Linda McIntosh, Recording Secretary

MINUTES: MRS. MEYERS made a Motion for APPROVAL of the Minutes of the meetings held November 5, 1979; November 29, 1979; December 11, 1979; January 7, 1980 and January 24, 1980. Motion for APPROVAL carried unanimously.

ANNOUNCEMENT: MR. BROWN announced 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-102-79  
(Abeance Item from 1/7/80)  
DENIED

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.

MR. BROWN stated that a letter had been received from the applicant requesting this item be withdrawn.

MR. BUGBEE stated that the item had been thoroughly heard at the previous meeting and there was sufficient evidence to act on the matter.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being none, he declared the public hearing closed.

MR. BUGBEE made a Motion for DENIAL of V-102-79.

MRS. EMMETT stated she would abstain from voting as she was not present at the meeting when this item was originally discussed.

Voting was as follows:  
"AYES" Mr. Bugbee, Mrs. Meyers, Chairman Swessel and Mr. Giles  
"NOES" None  
"ABSTAIN" Mrs. Emmett

Motion for DENIAL carried by a 4/0/1 vote.

NEW BUSINESS:

1. V-1-80  
APPROVED

Application of WILLIS SLOAS, ET AL, for a Variance to allow 16,666 sq. ft. lots where 20,000 sq. ft. lots are required on property generally located on the north side of San Miguel Avenue between Theresa Way and Decatur Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 1, Township 20 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report, and stated the plot plan is as shown. The County allowed several lots to be divided into lots 16,666 sq. ft. in size. Staff feels the pattern has been established for this small area and would recommend approval with the stipulation that no horses be permitted on these lots.

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

SAL DIETRICH, 4240 North Decatur, represented the application. He stated the pattern has been established and that he owned one acre of the three acres in question. He added he had an agreement with Mr. Sloas who would give him access to his own property if the variance was approved. This will give access to landlocked parcels.

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-1-80, subject to the following conditions:

1. No horses shall be permitted on these lots.
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, Mr. Giles, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-2-80  
APPROVED

Application of PETER P. KUVELIS, ET AL, for a Variance to allow a commercial child nursery in an R-2 zone which is not permitted on property located at 1201 Phillips Avenue in Zoning District R-2 (Two Family Residence) under Resolution of Intent to P-R (Professional Offices & Parking). The above property is legally described as Lot 36, Block 1, Francisco Park.

MR. BROWN presented the staff report and stated the plot plan is as shown. This was requested previously of the City Commission that it be rezoned to permit this use and the comment was made at one of the hearings that in lieu of rezoning, the applicant should apply for a variance. Staff would suggested the Board taken into consideration comments of the neighbors and act accordingly.

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

HENRY RAWLINGS and MRS. ALEXANDER represented the application.

MR. RAWLINGS stated that this is an existing use and the applicants wish to increase the capacity for children. The City Commission felt that this should not be rezoned and recommended this route instead.

MRS. MEYERS asked how many children would be permitted.

MR. RAWLINGS stated that presently there are 36 children allowed on a three-shift basis, but the place can handle double that number and that is what they are seeking.

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

MRS. EMMETT made a Motion for APPROVAL of V-2-80, 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. Emmett, Mrs. Meyers, Chairman Swessel, Mr. Giles and Mr. Bugbee  
 "NOES" None

Motion for APPROVAL carried unanimously.

3. U-3-80  
 APPROVED

Application of EXBER, INC., A NEVADA CORPORATION, for a Use Permit to allow a Class III Secondhand Jewelry Dealership on property located at 114 Las Vegas Boulevard North in Zoning District C-2 (General Commercial). The above property is legally described as Lots 9 and 10, Block 2, Hawkins Addition.

MR. BROWN presented the staff report and stated everything is in order and staff would recommend approval.

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

MR. GOLDSTEIN and HARRY COREY 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-3-80 as being in accord with the general spirit and purpose of the Ordinance.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

4. V-3-80  
 APPROVED

Application of SAMCO INVESTMENTS, INC. for a Variance to allow a commercial child care facility (a kindercare learning center) on property generally located on the north side of Stewart Avenue, 529 ft. west of Lamb Boulevard in Zoning District R-E (Residence Estates) under Resolution of Intent to R-3 (Limited Multiple Residence). The above property is legally described as the west 100 ft. of Lot #3, of Amended Parcel Map of File #21, Page 63, Book 973.

MR. BROWN presented the staff report and stated that a number of requests have been made for rezoning on this parcel. This parcel was before the Planning Commission and City Commission for rezoning to C-1. The City Commission has held this in abeyance pending the request for a variance. With a use permit, this use is permitted in the R-4. One concern is that a commercial child care center in the midst of a multi-family area may cause a noise factor and this should be considered. If approved, staff would recommend a block wall on the west, north, and east sides to decrease the noise in the playground area, and would also request additional landscaping and parking be submitted for approval by the Department of Community Planning and Development.

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

JAY DOWNEY and MR. KENDRICK represented the application.

MR. DOWNEY stated that the City Commission felt the use was not incompatible but felt the zoning would be if this use ceased. At the time of the zone change, a petition with 150 signatures

in approval was submitted. There is a major intersection nearby that may go commercial. This type of facility is usually built in an area such as this. He added they do agree to the block wall and other staff conditions. This is a pre-school facility also.

MRS. MEYERS asked how many children would attend.

MR. DOWNEY stated the facility could handle up to 100 children.

PARK HOWES, 3199 South Eastern, appeared in protest. He stated the surrounding properties were residential. He added he represented an apartment complex and there are daysleepers about which he was concerned. He said there is a lot of commercial property in the area which this facility could be placed.

MR. DOWNEY stated the applicants have agreed to completely redesign the building and would take out the bell tower.

MRS. EMMETT asked if there were other facilities of this nature in the area.

MR. DOWNEY replied not that he knew of.

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-3-80, subject to the following conditions:

1. Redesign the parking and provide landscaping as required by the Department of Community Planning and Development.
2. Construct a six ft. (6') block wall on the west, north and east sides of the property as required by the Department of Community Planning and Development.
3. Conformance to the plot plan as amended, to reflect the above conditions.
4. 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. Emmett, Mrs. Meyers, Chairman Swessel and Mr. Giles

"NOES" None

Motion for APPROVAL carried unanimously.

5. V-4-80

APPROVED

Application of GEORGE A. AND SHARON D. RITTER for a Variance to allow an addition (geodeic dome) to an existing family dwelling six and one-half feet (6½') from the rear property line where fifteen feet (15') is required and five feet (5') from the west property line where seven feet (7') is required on property located at 1061 Bracken Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 19, in Block 29 of Huntridge Subdivision Tract #4.

MR. BROWN presented the staff report and stated the proposal is to add a geodesic structure within the required rear yard. He added there is nothing unique or unusual about this lot which would warrant the granting of a variance and staff would recommend denial.

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

OR. GEORGE RITTER represented the application and stated he did not understand how he could build a detached garage against the property line and not add to his home.

MR. BROWN explained the setback provisions.

DR. RITTER stated the reason for the request was that he wanted to live in town and also for ecological reasons. He added the building would be 1100/1200 sq. ft. and would have a loft. Dr. Ritter said that they had contacted the neighbors and no one opposed the request.

MRS. GENTNER, 1050 Sweeney, appeared and asked for clarification of the request.

DR. RITTER explained the proposed addition and stated it would conform to the rest of the house.

MRS. GENTNER stated she did not object.

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-4-80, 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, Mr. Giles, Mr. Bugbee and Mrs. Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

6. V-5-80  
ABEYANCE

Application of DR. ROBERT M. AND DR. HARRIET S. TAYLOR for a Variance to allow a commercial building of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock Drive and Tonopah Drive in Zoning District R-E (Residence Estates). (This proposed commercial use is in the central portion of a proposed 78 acre Planned Unit Development for which a rezoning application is being considered. The commercial use is designed to be used wholly by the inhabitants of the proposed Planned Unit Development.) The above property is legally described as a portion of the West Half (W $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 21, Township-20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the proposal is as submitted. The zoning on this property was submitted to the Planning Commission Tuesday. The density as proposed to the Planning Commission was 12 units to the acre. The Planning Commission recommended denial. Since that time, the applicant has talked with staff. Staff's recommendation was for 8 units per acre. The applicants have agreed to that, so the matter will probably be referred back to the Planning Commission because it is a different proposal. The Board could hold this item in abeyance at the present time because the request is moot. Staff did look with favor on the total concept; however, due to the applicants' change in thinking, staff feels it would be best to hold the item at this time.

MR. BUGBEE made a Motion for ABEYANCE of V-5-80, pending action by the City Commission on the zoning request on this property.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

7. U-5-80

APPROVED

Application of MATTHEW PARATORE for a Use Permit to allow a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2 (General Commercial). The above property is legally described as Lots 30 and the North 3' of Lot 29, of Block 18, Clarks Las Vegas Townsite.

MR. BROWN presented the staff report and stated the plot plan is as shown with the development in front and parking in the rear. Everything is in order and 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.

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-5-80, 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, Chairman Swessel, Mr. Giles, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

8. U-6-80

APPROVED

Application of FIRST GOOD SHERPHERD LUTHERAN CHURCH for a Use Permit to allow the construction and improvement of a playground, parking lot, educational building and sanctuary on property located at 301 South Maryland Parkway in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 1 through 10, Block 9 of Pioneer Heights Addition and Lots 1, 2, 3, 4, 5, 9, 10 and 11 of Block 4, Ladd Addition.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff has had many discussion with the applicant and everything has been worked out. Staff would recommend approval subject to submission of a landscaping plan.

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

KIRK HARMS, 804 South Stuyton, PAT FREHNER and MR. KRAFT 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-6-80, 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. Submittal of a landscaping plan for approval of the Department of Community Planning and Development at the time of construction.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

9. V-94-76  
EXTENSION OF TIME  
APPROVED

Request of FAITH COMMUNICATIONS CORPORATION for an Extension of Time for the parking lot development on property located at 2201 South 6th Street in Zoning District R-1.

MR. BROWN presented the staff report and stated the plot plan as submitted 2/3 years ago is as shown. Since that was originally approved by the City, the applicants have had some problems as far as ownership is concerned with adjacent properties and have had a couple of extensions. An additional extension is being requested this time and staff thinks the City has been more than generous in granting the extensions. At this time, something should be done with the parking requirement as there have been complaints from the neighbors regarding parking on Sixth Street. Staff would suggest that a driveway be placed and temporary dust controlled parking be provided for the employees, which number ten, until the ownership problem is worked out.

JACK FRENCH, KILA Radio, represented the application. He stated the building is up for sale and that he did agree to staff stipulations.

MR. BUGBEE made a Motion for APPROVAL of the Extension of Time under V-94-76, subject to the following conditions:

1. The driveway be built and temporary dust-controlled parking of ten spaces be provided as required by the Department of Community Planning and Development.
2. This extension is limited to a one-year time period.
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, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and  
Mr. Giles  
"NOES" None

Motion for APPROVAL carried unanimously.

10. V-94-53  
PLDT PLAN REVIEW  
APPROVED

Request of YOUNG AMERICAN HOMES, INC., for a Plot Plan Review to allow the addition of a 900 sq. ft. second story structure consisting of three executive offices and a stairway to the existing building on property located at 727 South 9th Street in Zoning District R-3.

MR. BUGBEE announced he would abstain from participating in this item.

MR. BROWN presented the staff report and stated the plot plan is as submitted. Everything is in order and staff would recommend approval.

MRS. MEYERS made a Motion for APPROVAL of the Plot Plan Review under V-94-53, 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, Mr. Giles and Mrs. Emmett  
"NOES" None  
"ABSTAIN" Mr. Bugbee

Motion for APPROVAL carried by a 4/0/1 vote.

DIRECTOR'S BUSINESS:

1. ELECTIDN OF OFFICERS

1980 Board of Zoning Adjustment Election of Officers.

MRS. EMMETT nominated MR. SWESSEL as Chairman for 1980.

MR. SWESSEL was unanimously elected.

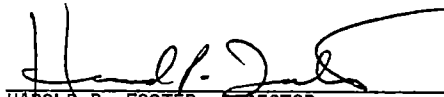
MRS. EMMETT nominated MR. BUGBEE as Vice Chairman for 1980.

MR. BUGBEE was unanimously elected.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 8:15 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

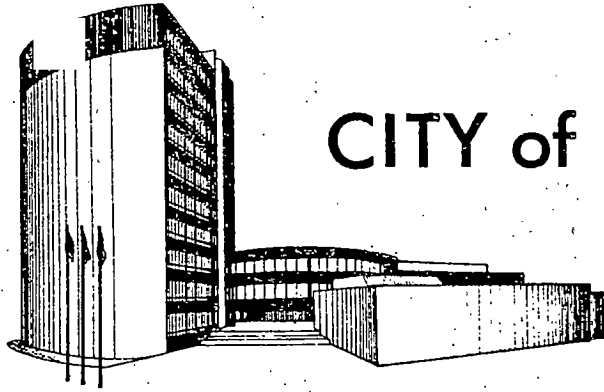
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MAYOR BILL BRIARE

COMMISSIONERS  
RON LURIE  
PAUL J. CHRISTENSEN  
ROY WOOFER  
AL LEVY

CITY ATTORNEY  
GEORGE F. OGILVIE

CITY MANAGER  
RUSSELL DORN



# CITY of LAS VEGAS

February 28, 1980

Robert G. Giles  
2805 Colanthe Avenue  
Las Vegas, Nevada 89102

Dear Mr. Giles:

The Board of City Commissioners, at a regular meeting held February 6, 1980, appointed you as a member of the Board of Zoning Adjustment, for a term of office expiring March 3, 1985.

Please contact the City Clerk's Office at your earliest convenience to schedule an appointment to take your Oath of office.

Sincerely,

Carol Ann Hawley  
City Clerk

CAH:mpk

cc: Board of Zoning Adjustment

*Bob: disregard -- for the record. You're ahead of the game. Good luck in your new capacity. I'm sure you'll be a real asset to this Board.*

*Carol*