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A G E N D A

BOARD OF ZONING ADJUSTMENT

JULY 24, 1980

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

ROLL CALL:

ANNOUNCEMENT: Satisfaction of Open Meeting Law

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meeting held March 27, 1980.

OLD BUSINESS:

- 1. U-27-80
(Abeyance Item from 6/26/80) Application of CIRCLE K CORPORATION for a use permit to allow an automobile service station (gasoline sales only) on property located at 5400 Vegas Drive in Zoning District R-E, under Resolution of Intent to C-1.
- 2. V-43-80
(Abeyance Item from 6/26/80) Application of LAVETA DENNERLY for a variance to allow a third free-standing sign where only one is allowed, 52.5 sq. ft. in size where only 15 sq. ft. is permitted and 17.25 ft. in height where the maximum height is 5 ft. on property located at 720 East Charleston Boulevard in Zoning District P-R.

NEW BUSINESS:

- 1. V-47-80 Application of THE PENTA GROUP for a variance to allow a public relations and advertising business operation on property located at 521 South 7th Street in Zoning District R-1.
- 2. V-101-77
Consideration of Revocation Consideration of Revocation of the approved variance for Mobile Home Communities, Inc. which allowed the in-park sale of used mobile homes in the Bonanza Village Mobile Home Park on property located at 3700 East Stewart Avenue in Zoning District R-T.
- 3. U-44-80 Application of EDWIN J. DOTSON, ET AL for a use permit to allow a professional law office on property located at 311 North Sixth Street in Zoning District R-4.
- 4. V-51-80 Application of DONALD BORSACK, SR. for a variance to increase the height of the existing 14 x 48 ft. double-faced billboard to forty-eight feet (48') where forty ft. (40') maximum height is allowed on property located at 413, 415, and 417 Las Vegas Boulevard South in Zoning District C-2.

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5. V-52-80
Application of JOHN AND DIANE FISCHER for a variance to allow a wood deck to extend to the east side property line where nine feet (9') setback is required - the wood deck is proposed to be eight feet (8') high and attached to the single family residence on property located at 2013 Hamilton Lane in Zoning District R-1.

6. V-53-80
Application of MARGERY ANN SZELAP for a variance to allow an existing carport to the west side property line where five feet (5') is required; and to allow an attached patio cover to the west side property line where five feet (5') is required on property located at 5520 Idle Avenue in Zoning District R-1.

7. V-54-80
Application of ADA GARDNER REALTY CO., INC. for a variance to allow seven (7) parking spaces for a proposed restaurant where fourteen (14) are required on property located at 444 East Sahara Avenue in Zoning District C-1.

8. V-41-72
Request for an extension
Request of TOM MILLER for an extension of the two conditions of approval relative to advertising and transfer of ownership on the approved variance which allows the operation of an auto repair garage on property located at 2625 West Sahara Avenue in Zoning District C-1.

9. U-12-64
Plot Plan Review
Request of DANIEL, MANN, JOHNSON, & MENDENHALL, ARCHITECTS AND ENGINEERS for a plot plan review to allow a parish hall at the St. Francis de Sales Catholic Church located at 1111 Michael Way in Zoning District R-E.

10. U-46-80(HO)
Application of LUCIANO G. TURRIETTA for a home occupation permit to allow business by mail on property located at 2921 Howard Drive in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

JULY 24, 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, Mr. Bugbee, Mr. Giles, Mrs. Myers and Mrs. Emmett.

STAFF PRESENT: Harold Foster, Director, Community Planning and Development
Rick Sweet, Planner
Cindy Eade, Recording Secretary

ANNOUNCEMENT: Mr. Foster 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 Department of Community Planning and Development.

MINUTES: MR. GILES made a Motion for APPROVAL of the Minutes of the regular meeting held March 27, 1980. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. U-27-80 Application of CIRCLE K CORPORATION for a use permit to allow an automobile service station (gasoline sales only) on property located at 5400 Vegas Drive in Zoning District R-E, under Resolution of Intent to C-1.
(Abeyance Item from 6/26/80)

APPROVED

CHAIRMAN SWESSEL stated that most of the board members were aware of what took place at the last meeting. He asked if there was anyone who wished to speak in opposition; there being no one, he closed the public hearing.

TORRIS BRAND, attorney representing the applicant, was present.

JOHN CARTER, applicant, was present.

MR. BUGBEE made a Motion for APPROVAL of U-27-80, 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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-43-80 Application of LAVETA DENNERLY for a variance to allow a third free-standing sign where only one is allowed, 52.5 sq. ft. in size where only 15 sq. ft. is permitted and 17.25 ft. in height where the maximum height is 5 ft. on property located at 720 East Charleston Boulevard in Zoning District P-R.
(Abeyance Item from 6/26/80)

APPROVED

MR. FOSTER stated that it had been held in abeyance for the Board members to field-check the property. There were several other signs, two of which were illegal. He also presented the plot plan. Staff recommends denial and there was one letter of protest.

CHAIRMAN SWESSEL asked to hear from the applicant.

DENNIS CHASTAIN, 5119 S. Cameron, representing Young Electric Sign Company, appeared. He stated that the tenant would be willing to cut the existing sign down on Charleston.

MRS. EMMETT asked if they would be removing one of the approved signs.

MR. CHASTAIN stated that is what they would do.

MRS. MYERS stated that there were two signs that were not approved by the Board.

MR. CHASTAIN stated that there was a temporary sign on wheels that could be moved and a painted plywood sign on the wall.

MR. BUGBEE stated that there would be two signs, the proposed sign, the sign on the west of the property, the one on Charleston will be removed and so will the mobile little truck? (This was a question directed at Mr. Chastain.)

MR. CHASTAIN replied that that was correct.

MR. GILES asked if they would be removing all signs except the one they are requesting.

MR. CHASTAIN stated that there is one free-standing sign that faces Charleston, a single-face sign next to the building, a free-standing sign next to the sidewalk which is a 15 sq. ft. sign which the applicant would be willing to eliminate and also the sign on the wall facing the alley way would be eliminated.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak for or against this application, there being no one, he closed the public hearing.

MR. FOSTER indicated that there were four protests.

MRS. MYERS made a Motion for APPROVAL of V-43-80, subject to the following conditions:

1. All other signs shall be removed.
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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.

"NOES" None

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-47-80

APPROVED

Application of THE PENTA GROUP for a variance to allow a public relations and advertising business operation on property located at 521 South 7th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as the South 19 ft. of Lot 10, all of Lots 11, 12, and 13, and the North 5 ft. of Lot 14, Block 10, Wardie Addition.

MR. FOSTER presented the plot plan. He stated that this same type of use in the form of a rezoning application to P-R was before the Planning Commission/City Commission about four months ago and it was denied. The Commission felt it did not want to start a P-R zoning pattern in this area. The Commission had requested staff to conduct a study in this area to determine what the property owners wished to happen, whether it be retained residential

or whether some type of transition to office or commercial use should take place. Staff has had a series of meetings with the property owners which indicated the people were for some type of a change, preferably to office as long as the buildings could be maintained in their present condition. Staff developed the new zoning classification called P-RR zone which is a more restricted professional office zone. A survey is being conducted of the surrounding property owners to determine what should be done on a property-by-property basis. This survey is not yet completed.

CHAIRMAN SWESSEL stated that this application might be premature. Mr. Swessel asked how many people in the audience were here regarding this item.

DAVID COOPER, part owner of the property, representing the application, was present.

BRAD BURCH, part owner of the property, represented the application.

CHAIRMAN SWESSEL stated to the Board that this is the area that Commissioner Al Levy has proposed as a new P-RR zoning and this is what the study is about. He also stated that this item will go to the City Commission on August 6 for final action.

MR. COOPER stated that he has worked with the Planning Department on this.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak in opposition to this application.

FLOYD WAITE, 612 S. 7th Street, spoke in opposition. He stated that he did not receive a notice of this variance.

CHAIRMAN SWESSEL stated that there were seven people in the audience who were in opposition, all property owners. There being no one else who wished to speak in opposition, he closed the public hearing.

MRS. MYERS made a Motion for APPROVAL of V-47-80, subject to the following conditions:

1. Pave the alley to the rear of this property and south to Bonneville as required by the Department of Public Services.
2. Redesign the parking as required by the Traffic Engineer.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. 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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.

"NOES" None

Motion for APPROVAL carried unanimously.

This item will go before the City Commission on August 6, 1980.

2. V-101-77

Consideration of
Revocation

ABEYANCE

Consideration of Revocation of the approved variance for Mobile Home Communities, Inc. which allowed the in-park sale of used mobile homes in the Bonanza Village Mobile Home Park on property located at 3700 East Stewart Avenue in Zoning District R-T (Trailer Residence). The above property is legally described as a portion of the Northwest Quarter (NW¼) of Section 31, Township 20 South, Range 62 East, M.D.B. & M.

MR. FOSTER presented the plot plan.

JIM DIFIORRE, licensed investigator with the Department of Business Activity, presented a copy of his investigative report to each member of the Board.

CHAIRMAN SWESSEL stated that Commissioner Bugbee wished to make a motion.

MR. BUGBEE stated that he would like to make a motion to hold this item in abeyance until the next meeting in order to consider the investigative report prepared by Mr. DiFiore. In fairness to both parties, he felt it should be analyzed.

CHRIS GELLNER, City Attorney's Office, was present to answer any legal questions that may arise.

GREG JOHNLOZ, 8544 E. Turney, Scottsdale, Arizona, represented the application.

MR. BUGBEE made a Motion for ABEYANCE of V-101-77 until the next meeting.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

3. U-44-80

APPROVED

Application of EDWIN J. DOTSON, ET AL for a use permit to allow a professional law office on property located at 311 North Sixth Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lot 6, Block 5, Buck's Subdivision.

MR. FOSTER presented the plot plan. Staff recommends approval. There were no protests.

CHAIRMAN SWESSEL asked to hear from the applicant.

JOAN HAYES, one of the property owners, represented the application.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak in opposition; there being none, he declared the public hearing closed.

MRS. MYERS made a Motion for APPROVAL of U-44-80, subject to the following conditions:

1. The parking plan shall be redesigned as required by the Traffic Engineer.
2. Submittal of a landscaping plan 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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.
"NOES" None

Motion for APPROVAL carried unanimously.

4. V-51-80

APPROVED

Application of DONALD BORSACK; SR. for a variance to increase the height of the existing 14 x 48 ft. double-faced billboard to forty-eight feet (48') where forty ft. (40') maximum height is allowed on property located at 413, 415, and 417 Las Vegas Boulevard South in Zoning District C-2 (General Commercial). The above property is legally described as Lots B, and 9, Block 2, Wardie Addition.

ROGER BROWN, 5119 S. Cameron, representing Young Electric Sign Company, appeared.

MR. FOSTER stated that staff feels the ordinance should be upheld and recommends denial.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak in opposition; there being none, he declared the public hearing closed.

MR. FOSTER stated there was one protest.

MR. BUGBEE made a Motion for APPROVAL of V-51-80, 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. Myers, Mr. Giles, Mr. Bugbee and Mrs. Emmett
"NOES" Chairman Swessel

Motion for APPROVAL carried by a 4/1 vote.

5. V-52-80

APPROVED

Application of JOHN AND DIANE FISCHER for a variance to allow a wood deck to extend to the east side property line where nine feet (9') setback is required - the wood deck is proposed to be eight feet (8') high and attached to the single family residence on property located at 2013 Hamilton Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, M.D.B. & M.

MR. FOSTER presented the plot plan. Staff recommends denial.

CHAIRMAN SWESSEL asked to hear from the applicant.

GERALD BELIKARE, 1825 S. Valley Drive, represented the applicant.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak in opposition; there being none, he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-52-80, subject to the following conditions:

1. All construction within five feet of the property line shall be of one hour rating as required by the Building & Safety Division.

2. Signing an Assessment District Agreement for future street improvements as required by the Department of Public Services.
3. Conformance to the plot plan.
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" Mrs. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.
 "NOES" None

Motion for APPROVAL carried unanimously.

6. V-53-80

DENIED

Application of MARGERY ANN SZELAP for a variance to allow an existing carport to the west side property line where five feet (5') is required; and to allow an attached patio cover to the west side property line where five feet (5') is required on property located at 5520 Idle Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 21, Block 14, Charleston Heights No. 3.

MR. FOSTER presented the plot plan. Staff recommends denial.

The applicant or a representative was not present.

MR. BUGBEE made a Motion for DENIAL of V-53-80.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

7. V-54-80

APPROVED

Application of ADA GARDNER REALTY CO., INC. for a variance to allow seven (7) parking spaces for a proposed restaurant where fourteen (14) are required on property located at 444 East Sahara Avenue in Zoning District C-1 (Limited Commercial). The above property is legally described as Lot 5, Block 3, Paradise Village Tract 4.

MR. FOSTER presented the plot plan. Staff recommends denial.

CHAIRMAN SWESSEL asked if the applicant was present.

ADA GARDNER, the applicant, was present.

AARON SHAVE, 11166 LaCienega, proposed tenant, was present.

CHAIRMAN SWESSEL asked if there was anyone who wished to speak in opposition; there being none, he declared the public hearing closed.

MR. BUGBEE made a Motion for APPROVAL of V-54-80, subject to the following conditions:

1. Redesign the parking as required by the Department of Public Services.
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.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. 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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett
 "NOES" None

Motion for APPROVAL carried unanimously.

8. V-41-72

Request for
 an extension

APPROVED

Request of TOM MILLER for an extension of the two conditions of approval relative to advertising and transfer of ownership on the approved variance which allows the operation of an auto repair garage on property located at 2625 West Sahara Avenue in Zoning District C-1.

CHAIRMAN SWESSEL stated that Mr. Miller had telephoned him and said he could not be present tonight at the meeting. This item will also go to the City Commission meeting on August 20, 1980.

MR. FOSTER stated that staff recommends approval.

MRS. EMMETT made a Motion for APPROVAL of V-41-72, subject to the following condition:

1. Extension be limited to a five year time limit expiring on June 26, 1985.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

9. U-12-64

Plot Plan Review

APPROVED

Request of DANIEL, MANN, JOHNSON, & MENDENHALL, ARCHITECTS AND ENGINEERS for a plot plan review to allow a parish hall at the St. Francis de Sales Catholic Church located at 1111 Michael Way in Zoning District R-E.

MR. FOSTER presented the plot plan. Staff recommends approval.

ED HENDRICKS, represented the application.

MR. GILES made a Motion for APPROVAL of U-12-64, subject to the following conditions:

1. Installation of a fire hydrant within 300 feet of the building as required by the Department of Fire 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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett
 "NOES" None

Motion for APPROVAL carried unanimously.

10. U-46-80(HO)

Application of LUCIANO G. TURRIETTA for a home occupation permit to allow business by mail on property located at 2921 Howard Drive in Zoning District R-1.

APPROVED

MR. FOSTER stated that staff recommends approval.

MRS. MYERS made a Motion for APPROVAL of U-46-80(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. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett

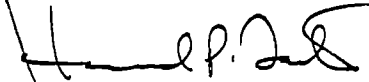
"NOES" None

Motion for APPROVAL carried unanimously.

ADJOURNMENT

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 8:25 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

CHAIRMAN SWESSEL: Old Business, U-27-80, application of CIRCLE K CORPORATION for a use permit to allow an automobile service station (gasoline sales only) on property located at 5400 Vegas Drive in Zoning District R-E, under Resolution of Intent to C-1. Applicant present?

TORRIS BRAND: Mr. Chairman, my name is Torris Brand with the law firm of Boyd, Huff and Brand, representing the applicant, Mr. John Carter, with Circle K --

CHAIRMAN SWESSEL: Mr. Foster, we did go through this before. Most of the Board, I think, is aware of what happened at the last big meeting before when we held it in abeyance, unless you're not familiar --

MRS. MYERS: Yes. We're familiar.

CHAIRMAN SWESSEL: Is there anybody out in the audience here to object to this item that's on the agenda or protest it? There being none, we'll just close the hearing, and what's the pleasure of the Commissioners?

MR. BUGBEE: Motion to APPROVE.

CHAIRMAN SWESSEL: Cast your votes.

(Voting was as follows:

"AYES" Mrs. Myers, Mr. Giles, Chairman Swessel, Mr. Bugbee and Mrs. Emmett.

"NOES" None.)

CHAIRMAN SWESSEL: Item has been APPROVED.

TORRIS BRAND: Thank you.

CHAIRMAN SWESSEL: You're welcome.

/sk

8/24/1980

PLEASE PRINT.

NAME

ADDRESS

Dennis Mastard

Meg Johnson

Serald Belikov

Haron Schave

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~~2013 HAM~~
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THANK YOU

