

S.V

A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 17, 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 September 25, 1980.

NEW BUSINESS:

1. V-84-80 Application of ELMER J. AND MARILYN J. LAUB for a variance to allow a trailer to be used as a caretaker's residence on property located at 8250 Thom Boulevard in Zoning District R-E.

2. U-64-80 Application of THE SOUTHLAND CORPORATION for a use permit to allow a self-service gasoline facility in conjunction with a 7-11 food store on property located at 1468 East Charleston Boulevard in Zoning District C-1.

3. U-65-80 Application of HYEX CORPORATION for a use permit to allow light automotive service including tune-ups and lubrication only on property located at 3920 West Sahara Avenue in Zoning District C-C.

4. V-86-80 Application of WILFRED C. SCHARER for a variance to allow a carport five feet (5') from the front property line where twenty feet (20') is required, and to the side (east) property line where a five ft. (5') setback is required on property located at 2210 Cedar Avenue in Zoning District R-1.

5. V-87-80 Application of THE HOCK SHOP LTD. for a variance to allow a pawn shop and secondhand store on property located at 206 North 1st Street in Zoning District C-2.

6. U-68-80 Application of SCOTT GRIFFITH for a use permit to allow a real estate office in an R-4 zone on property located at 1905-1907 Weldon Place in Zoning District R-4.

7. V-88-80 Application of LONGLEY CONSTRUCTION CO., INC. for a variance to allow thirty-four (34) parking spaces for a proposed apartment complex where forty-two (42) are required on property generally located at the northeast corner of Orland Street and Reba Avenue in Zoning District R-4.

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8. U-69-80 Application of JOEL T. AND THELMA J. BOYD for a use permit to allow offices in an R-4 zone on property located at 216-224 South 10th Street in Zoning District R-4.
9. V-89-80 Application of INCREASE INVESTMENT CORP. for a variance to allow an outdoor activity area in conjunction with a child day care facility where no outside activity is permitted on property located at 3020 West Charleston Boulevard in Zoning District C-D.
10. V-90-80 Application of GEORGE ALBRIGHT for a variance to allow a general business office in an R-4 zone where such use is not permitted on property located at 907 South Third Street in Zoning District R-4.
11. V-91-80 Application of DELBERT A. LaFOUNTAIN for a variance to allow a professional law office which is not permitted and to allow the existing structure three feet (3') from the side property line (south) where five feet (5') is required on property located at 600 South 7th Street in Zoning District R-1.
12. V-92-80 Application of JOEL KAZAR for a variance to allow thirty-seven percent (37%) building lot coverage where only thirty percent (30%) is permitted on property located at 1149 South Maryland Parkway in Zoning District C-D.
13. V-93-80 Application of SHIRLEE MUSCARELLA for a variance to allow a commercial beauty salon in a residential district which is not permitted on property located at 5812 Vegas Drive in Zoning District R-1.
14. V-57-80  
Clarification  
of Action Request of GEORGE AND PATRICIA SEEVERS for clarification of action on a variance to allow a horse breeding service for fee in conjunction with the permitted raising of horses; and to allow existing stables and corrals to the side and rear property lines where twenty-five ft. (25') setbacks are required on property located at 5005 Sandra Road in Zoning District R-E.

S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 17, 1980

1. U-71-80(HO)

Application of A. M. REA for a home occupation permit to allow in-home tax service on property located at 2912 Gilmary in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

NOVEMBER 17, 1980

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

PRESENT: Chairman Swessel, Mrs. Emmett, Mr. Giles, Mr. Bugbee

EXCUSED: Mrs. Myers

STAFF PRESENT: Don W. Brown, Supervisor of Zoning, Department of Community Planning and Development  
Brett A. Reale, Planning Assistant  
Shell Kizerian, Recording Secretary

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 Community Planning and Development.

MINUTES: MR. GILES made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meeting held September 25, 1980. Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-84-80

APPROVED - 3 yrs.

Application of ELMER J. AND MARILYN J. LAUB for a variance to allow a trailer to be used as a caretaker's residence on property located at 8250 Thom Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 12, Township 19 South, Range 60 East, M.D.B. & M.

MR. BROWN presented the plot plan and stated the property is located north of Grand Teton Drive and west of Decatur Boulevard. The applicant is requesting a caretaker's trailer be located on 10 acres. Staff feels there is no justification for the request and recommends denial.

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

ELMER J. LAUB, the applicant, 8250 Thom Boulevard, was present. He stated his job requires him to be out of town for extended time periods and his horse and orchards need care while he is away.

MRS. EMMETT asked how long he anticipated having the mobile home on the property and if he plans to build in the future.

MR. LAUB said his job is secured for at least 3 $\frac{1}{2}$  years. He does not anticipate building or receiving rent from the property.

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-84-80, subject to the following conditions:

1. The trailer shall be permitted for a period of three years and will expire on November 17, 1983.
2. Conformance to the plot plan.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

2. U-64-80

APPROVED

Application of THE SOUTHLAND CORPORATION for a use permit to allow a self-service gasoline facility in conjunction with a 7-Eleven Food Store on property located at 1468 East Charleston Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of Lots 8 and 9, Block 3, Huntridge Subdivision Amended Tracts 1, 2, and 3.

MR. BROWN presented the plot plan and stated the property is located on the southwest corner of 15th Street and Charleston Boulevard. The applicant is proposing to place the gasoline pumps on the northeast corner of the property. Staff recommends approval with the stipulation that the location of the gasoline pumps be redesigned to prevent cars from blocking the sidewalk and driveway. He noted there is one letter of protest.

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

CHUCK HARRINGTON, 4045 South Eastern Avenue, was present representing the applicant. He stated he is the real estate representative for the Southland Corporation. He agreed with staff's stipulation.

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

MR. GILES made a Motion for APPROVAL of U-64-80, subject to the following conditions:

1. Redesign the location of the gas pump to avoid cars from blocking the sidewalk and driveway.
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" Chairman Swessel, Mrs. Emmett, Mr. Bugbee, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

3. U-65-80

STRICKEN

Application of HYEX CORPORATION for a use permit to allow light automotive service including tune-ups and lubrication only on property located at 3920 West Sahara Avenue in Zoning District C-C (Neighborhood Commercial Center). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 6, Township 21 South, Range 61 East, M.D.B. & M.

MR. BROWN stated this item is to be stricken from the agenda. The City Attorney ruled the requested use is permitted in this zone and no action of the Board is necessary.

4. V-86-80

APPROVED

Application of WILFRED C. SCHARER for a variance to allow a carport five feet (5') from the front property line where twenty feet (20') is required, and to the side (east) property line where a five ft. (5') setback is required on property located at 2210 Cedar Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 19 and 20, Block 6, Boulder Dam Homesite Addition Tract #3.

MR. BROWN presented the plot plan. He said there is nothing unique or unusual about this lot which would grant it an advantage not accorded to others in the R-1 district and staff recommends denial.

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

WILFRED C. SCHARER, the applicant, was present. He explained that the size of the garage was built so small he cannot use it for his car and he has been using it for storage only. He wishes to continue using the garage for storage and build the carport for his cars.

MR. BUGBEE asked if the lots are 50 sq. ft. in size in this area.

MR. SCHARER replied that his property is two 25 ft. lots.

Appearing in favor of the application were JIM BANNER, 2223 Poplar Avenue; Paul Jeanney, 2202 Cedar Avenue; DAVID and KAY DAVIS, 2117 Poplar Avenue; and GORDON and ANN EYRE, 2108 Cedar Avenue.

MR. AND MRS. DAVIS said they also have a carport on their property and they feel this use is an improvement to the neighborhood.

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

MR. BUGBEE said the 50 sq. ft. size of the lots presents a unique situation and he made a Motion for APPROVAL of V-86-80, 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" Chairman Swessel, Mr. Bugbee, Mrs. Emmett, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

5. V-87-80  
DENIED

Application of THE HOCK SHOP, LTD., for a variance to allow a pawn shop and secondhand store on property located at 206 North 1st Street in Zoning District C-2 (General Commercial). The above property is legally described as Lot 13, Block 16, Clark's Las Vegas Townsite.

MR. BROWN presented the plot plan. He stated the applicant in his letter of request stated the secondhand license is incidental to the pawn shop license and the merchandise will be of high quality. He noted there are other pawn shops in this area. Staff feels this use is compatible and recommends approval. He noted there were 6 letters of protest.

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

JEROLD G. JORY, the applicant, 4055 East Valarde Court was present. He stated the property is presently a liquor store. He said the area is primarily for pawn shop businesses.

JACK ROSS, 2794 Viking Road, appeared in support of the application.

WILLIAM PECCOLE, 1384 Cashman Drive, appeared in protest and stated he represents about 12 protestants who own 20 lots, including 8 lots on north 1st Street and 12 lots in Block 16. He stated a lease option has been negotiated for a 500-room hotel adjacent to the proposed business and he feels the future development of the area should be for casinos and hotels.

JAMES POLLACK, 872 Grand Circle, stated he is the owner of business property on the 200 block at north 1st Street and he also feels the use would be a deterrent to the downtown area.

BILL PAPAGNA, 1932 East Oakey Boulevard, owner of Lots 14, 15, and 16, appeared in protest.

TORRIS BRAND, Attorney at Law, protested the application on behalf of the California Hotel & Casino.

MR. JORY said pawn shops have been located in this general area for many years and serve just as much a need as hotels and casinos.

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

MRS. EMMETT said although she sympathizes with the applicant as to the pawn shops in the area, she feels a hotel would be an improvement in this area and the downtown area should progress in this direction.

MRS. EMMETT made a Motion for DENIAL of V-87-80.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Emmett, Mr. Bugbee.

"NOES" Mr. Giles

Motion for DENIAL carried by a 3-1 vote.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on December 5, 1980.

6. U-68-80

APPROVED

Application of SCOTT GRIFFITH for a use permit to allow a real estate office in an R-4 zone on property located at 1905-1907 Weldon Place in Zoning District R-4 (Apartment Residence). The above property is legally described as Lot 6, Block 2, El Centro Addition Tract 2.

MR. BROWN presented the plot plan and stated staff recommends approval subject to the applicant submitting a redesign of the parking plan to prevent traffic backing onto Weldon, and landscaping as required by the Department of Community Planning and Development. He said there is some existing landscaping and added that the number of parking spaces is adequate.

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

SCOTT GRIFFITH, the applicant, was present. He said he wished to preserve the current landscaping.

MR. BROWN indicated the parking plan could be redesigned in such a way that the landscaping would not be destroyed.

JOAN STRASSOFFER, 5054 Mountain Vista Drive, spoke 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.

MR. BUGBEE made a Motion for APPROVAL of U-68-80, subject to the following conditions:

1. Submit a parking plan to the Traffic Engineer for approval.
2. Landscaping as required by the Department of Community Planning and Development.
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" Chairman Swessel, Mr. Bugbee, Mrs. Emmett, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

7. V-88-80

ABEYANCE to  
12/15/80

Application of LONGLEY CONSTRUCTION CO., INC., for a variance to allow thirty-four (34) parking spaces for a proposed apartment complex where forty-two (42) are required on property generally located at the northeast corner of Orland Street and Reba Avenue in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 21 through 24 inclusive, Block 3, Northridge Unit No. 1-A.

MR. BROWN presented the plot plan and stated the property is located on the east side of Orland Street, north of the Las Vegas Freeway with R-4 zoning on both sides of Orland Street. Parking is located on the east and on the north. He pointed out that the requested number of parking spaces would meet the requirements of the proposed off-street parking ordinance which is before the City Commission with a recommendation of approval from the Planning Commission and staff. He said the new ordinance would require no more than one-to-one parking for one-bedroom apartment units. The applicant has 16 one-bedroom units in this proposal which would reduce the number of parking spaces needed by 8 should the ordinance be approved. He said the proposed ordinance is the basis for the applicant making the request at this time and added

that staff would normally recommend denial on the basis that there is bumper-to-bumper parking and also Public Services objects because the existing parking prevents the street sweeper from cleaning this area which in turn results in water damage and deterioration of the street. He noted there is one letter of protest with 3 signatures and a petition of protest with 22 signatures.

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

TED LONGLEY, 1513 South 9th Street, was present representing the application. He said he feels there is adequate parking for the number of units requested. The applicant does not wish to sacrifice the greenbelt area to create an "asphalt jungle" for parking. Also, a minimum of 28 units is needed to make the project financially feasible.

BILL DIXON, 5617 Reba Avenue, appeared in protest and stated this variance would only create more parking and traffic congestion and create a hazard to the children.

HELEN KAGUE, 5608 Reba Avenue, appeared in protest and stated parking for the existing residents would be reduced. She also concurred there would be a danger to the children.

LEE HOLMES, 208 Orland #9, appeared in protest and pointed out that the condominiums in this area were built with fewer than the required number of parking spaces. She said approval of this variance will result in a shortage of already limited parking and an overflow of traffic onto neighboring streets as well as noise pollution and the possibility of a future traffic signal at Jones Boulevard and Bromley Avenue.

JOHN KISER, 5509 Bromley Avenue, also appeared in protest.

MR. GILES asked how much of the parking is taken up by an overflow from the shopping center nearby.

MR. LONGLEY said the shopping center has adequate parking to meet their needs.

CHAIRMAN SWESSEL noted there were 9 people present in protest. He asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.

MR. GILES made a Motion for APPROVAL of V-88-80.

Voting was as follows:

"AYES" Mr. Giles, Mr. Bugbee.

"NOES" Chairman Swessel, Mrs. Emmett.

Motion for APPROVAL resulted in a 2-2 tie vote which constituted no action.

CHAIRMAN SWESSEL announced this item will be held in ABEYANCE for consideration by the full Board and will again be heard by the Board of Zoning Adjustment on December 15, 1980.

8. U-69-80

APPROVED

Application of JOEL T. AND THELMA J. BOYD for a use permit to allow offices in an R-4 zone on property located at 216-224 South 10th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 24 through 29, Block 6, Pioneer Heights Subdivision.

MR. BROWN presented the plot plan. He said this is a transitional area. Staff recommends approval subject to the applicant installing cement sidewalks and street lighting conduit and submission of a parking and driveway plan to the Traffic Engineer for approval. He said the number of parking spaces is adequate. There were 2 letters of protest.

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

JOEL BOYD, the applicant, was present. He agreed with staff's stipulations.

ALBERT DE PEE, 215 South 10th Street, appeared in protest and objected to the lack of available parking in this area.

JOHN OPIE, 211 South 10th Street, appeared in protest. He said there is an overflow of people parking in this vicinity from the employment office, the high school and the telephone company.

MR. AND MRS. MORRIS MINTZ, 217-221-225 South 10th Street, also objected to inadequate parking.

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 U-69-80, subject to the following conditions:

1. Install sidewalks and street lighting conduit as required by the Department of Public Services.
2. Submit a parking and driveway plan to the Traffic Engineer for their approval.
3. 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.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
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.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

9. V-89-80

APPROVED

Application of INCREASE INVESTMENT CORPORATION for a variance to allow an outdoor activity area in conjunction with a child day care facility where no outside activity is permitted on property located at 3020 West Charleston Boulevard in Zoning District C-D (Designed Commercial). The above property is legally described as the West 105 feet of the East 525 feet of the South 320 feet of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan. He pointed out that staff recommended denial on another similar request for outdoor activity at a day care center in the C-D district at Charleston and Rancho. Staff feels this request is no more superior for such a use than the center at Rancho and Charleston and recommends denial. If approved, staff recommends the submission of a parking and driveway plan to the Traffic Engineer for approval.

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

CHRIS AND TUAWANA PUCHHEE, 3432 Venice Drive, Lessees of the property, were present representing the application.

MR. PUCHHEE said the State requires outside activity for the children. He is proposing two shifts tentatively between the hours of 11 A.M. to 1:30 P.M. and again from 3 P.M. to 5:30 P.M.

MRS. PUCHHEE said they plan to work with small groups of 12 to 15 children although occasionally there may be a double group during a shift. She also pointed out the property is some distance from residences with vacant land surrounding the site.

MR. BROWN stated there were two letters of protest.

MR. BUGBEE recommended that the outdoor activity be scheduled between the hours of 11 A.M. and 5 P.M. allowing the applicant to choose the shifts within this time range.

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

MR. GILES made a Motion for APPROVAL of V-89-80, subject to the following conditions:

1. Submission of a parking and driveway plan to the Traffic Engineer for approval.
2. The outside activity shall be limited to the time between 11 A.M. and 5 P.M.
3. 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.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to the plot plan.

7. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on December 5, 1980.

10. V-90-80

APPROVED

Application of GEORGE ALBRIGHT for a variance to allow a general business office in an R-4 zone where such use is not permitted on property located at 907 South Third Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 3 and 4, Block 17, South Addition.

MR. BROWN presented the plot plan. He stated the parcel is zoned under Resolution of Intent to C-2 (General Commercial) which would permit the general business office. An approved variance in the R-4 zone would not require the applicant to place the electrical wires in the structure in conduit. In the C-2 zone conduit is required. Staff feels the requirements for the conduit should also apply to the R-4 zone to comply with the building code requirements and recommends denial of the request. If approved, staff recommends the applicant sign an improvement district agreement for paving the alley, the installation of street lights, submission of a parking and driveway plan to the Traffic Engineer for approval and landscaping as required by the Department of Community Planning and Development.

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

GEORGE ALBRIGHT, the applicant, 200 Rancho Drive, was present. He said the costs of rewiring the building would be prohibitive and pointed out that the main service to the building was replaced a year ago and during the past 3 to 4 years all new heater circuits have been placed in the building. He also said the building would be occupied only 8 hours a day at the most as opposed to 24 hours as a residential use. He said the occupant is a process server and has two employees who come in for 1 hour in the morning. She occupies the building with one other employee for an 8-hour work shift. With regard to the parking plan he said there is 50 ft. of driveway and 18' x 20' pad is not needed.

CHAIRMAN SWESSEL stated blacktopping will not be required until the alley is paved.

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-90-80 and upon recommendation by MRS. EMMETT amended the motion to include a limitation on the use of the building by the "process server" only, subject to the following conditions:

1. Sign an improvement district agreement for paving of the alley and install street lights as required by the Department of Public Services.
2. Submit a parking and driveway plan to the Traffic Engineering Division for approval.

3. Paving will not be required for the parking until such time as the alley is paved.
4. The use on this property shall be limited to a process server only.
5. 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.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to the plot plan.
9. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

11. V-91-80

APPROVED

Application of DELBERT A. LaFOUNTAIN for a variance to allow a professional law office which is not permitted and to allow the existing structure three feet (3') from the side property line (south) where five feet (5') is required on property located at 600 South 7th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 13 and 14, Block 3, Wardie Addition.

MR. BROWN presented the plot plan and stated the property is located on the southwest corner of Bonneville Avenue. He said the area is transitional adjacent to an R-4 (Apartment Residence) district. Staff recommends approval subject to landscaping as required by the Department of Community Planning and Development, signing of an improvement district agreement for paving of the alley, street lighting, submission of a parking and driveway plan at the time of development, paving of the slab in the southwest corner and removing and replacing the damaged sidewalks on Bonneville Avenue and 7th Street. He noted there is one letter of approval.

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

RANDY MAINOR, 1500 Flag Circle, was present representing the application.

LESLIE EWING, 615 South 7th Street, appeared in protest. She stated with the Las Vegas High School two blocks away and other businesses this office with only four parking spaces would add to the already existing problem of limited parking.

HAROLD GEWERTER, 6221 South 7th Street, appeared in favor of the application.

MR. MAYNARD said the law practice is low-key with a limited clientele and he feels the parking spaces would be adequate.

MR. BROWN noted that the applicant exceeds the number of required parking spaces.

MR. GILES made a Motion for APPROVAL of V-91-80, subject to the following conditions:

1. Signing an Improvement District Agreement for the paving of the alley and for street lighting as required by the Department of Public Services.
2. Removing and replacing the damaged sidewalk on Bonneville Street and on 7th Street as required by the Department of Public Services.
3. At the time of development, submission of a parking and driveway plan to the Traffic Engineering Division for their approval.
4. Pave the parking area in the southwest portion of the property.
5. 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 maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to the plot plan.
9. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

12. V-92-80

DENIED

Application of JOEL KAZAR for a variance to allow thirty-seven percent (37%) building lot coverage where only thirty percent (30%) is permitted on property located at 1149 South Maryland Parkway in Zoning District C-D (Designed Commercial). The above property is legally described as Lot 25, Block 8, Huntridge Subdivision Tract No. 3.

MR. BROWN presented the plot plan and stated there is nothing unique or unusual about this lot that would warrant granting the applicant an advantage not granted others in the district. Staff recommended denial. He noted there were two letters of protest.

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

The applicant 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 to accept staff's recommendation for DENIAL of V-92-80.

Voting was as follows:

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

"NOES" None.

Motion for DENIAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on December 5, 1980.

13. V-93-80

DENIED

Application of SHIRLEE MUSCARELLA for a variance to allow a commercial beauty salon in a residential district which is not permitted on property located at 5812 Vegas Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 35, Block 1, Amended Charleston Heights Tract No. 48C.

MR. BROWN presented the plot plan and stated the property is in the midst of a single family detached residential district. Staff feels the use would be incompatible with the established residential character and use of the neighborhood and recommends denial. He noted there were 12 letters of protest and a petition of protest with 30 signatures.

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

SHIRLEE MUSCARELLA, the applicant, 5812 Vegas Drive, was present. She said she is requesting the variance to allow her to care for her children while she works in her home on a part-time basis. She said she would have a limited clientele and plans no large advertising signs. She indicated there are three parking spaces in front, one of which she now uses, but she would park her own car in the alley. She said if needed she would be willing to remove some of the shrubbery and provide additional parking. She also pointed out there are several commercial businesses in the vicinity.

MARY CARUSO, 5829 Vegas Drive, appeared in protest. She said Vegas Drive is a very busy street and the applicant must back out of her driveway to get onto the street. There are no traffic signals for safety and there is a school zone. A business in this area would add to these traffic problems.

PEGGY EADS, 5804 Martita, appeared in protest and objected on the basis of parking and traffic problems. She said she represents a large group of people on Martita and Saylor Way who feel traffic would overflow onto their street.

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

MR. GILES commended the applicant for her desire to work in her home and said for this reason her application is worthy of consideration as long as it is understood this is a part-time business.

MR. GILES made a Motion for APPROVAL of V-93-80.

Voting was as follows:

"AYES" Mr. Giles.

"NOES" Chairman Swessel, Mrs. Emmett, Mr. Bugbee.

Motion for APPROVAL failed to carry by a 3-1 vote.

MRS. EMMETT said she is familiar with Vegas Drive and lived there for many years. She stated she did not feel it would be prudent to approve this variance and looking at the total picture of the area she would vote to oppose the application.

MRS. EMMETT made a Motion for DENIAL of V-93-80.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Emmett, Mr. Bugbee.

"NOES" Mr. Giles.

Motion for DENIAL carried by a 3-1 vote.

14. V-57-80

Clarification  
of Action

APPROVED

Request of GEORGE AND PATRICIA SEEVERS for clarification of action on a variance to allow a horse breeding service for fee in conjunction with the permitted raising of horses; and to allow existing stables and corrals to the side and rear property lines where twenty-five ft. (25') setbacks are required on property located at 5005 Sandra Road in Zoning District R-E (Residence Estates). The above property is legally described as Lot 4, Block 2, Happy Valley Ranchos, Tract No. 2.

MR. BROWN presented the staff report. He indicated this item was before the Board of Zoning Adjustment August 28, 1980 and was approved, but staff and the applicant did not agree with the definition of one of the approved conditions and the applicant is seeking a clarification as to whether or not the stables must be torn down. The stipulation was that all corrals and stables should conform to the required 25 ft. setback. The applicant does not object to the setback for the corrals but understood that an existing stable would be allowed to remain even though it is one ft. from the side lot line because it has existed on the property for a number of years.

CHAIRMAN SWESSEL asked to hear from the applicant.

GEORGE SEEVERS, the applicant, 5005 Sandra Road, was present. He said the stable has been on the property for over 14 years. He has owned the property for 2½ years. He said his adjacent neighbor does not object to the stable remaining on the property.

MR. GILES said that due to the circumstances discussed at today's meeting he would move that the intent of the Board of Zoning Adjustment action was for the applicant to retain the stable in its present location and that it is not necessary for the applicant to tear down the stables if the applicant meets staff's recommendations as follows:

1. The corrals shall conform to the required rear yard setbacks.

Voting was as follows:

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

"NOES" None.

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-71-80(HO)

ABEYANCE to  
12/15/80

Application of A. M. REA for a home occupation permit to allow in-home tax service on property located at 2912 Gilmary in Zoning District R-1 (Single Family Residence).

MR. BROWN presented the plot plan. He said this request is unique in that the applicant is requesting he be allowed to call upon clients in their homes and offices to collect papers and the requirements of a home occupation permit specifically state that the business shall be conducted entirely within the home. Staff feels this use would violate the intent of the home occupation requirements and would set a precedent for insurance agents, realtors, etc., to operate businesses from their homes. Staff recommends denial.

CHAIRMAN SWESSEL asked to hear from the applicant.

ART REA, the applicant, 2912 Gilmary Avenue, was present. He explained he managed a tax service that went bankrupt but wished to retain some of his clients. He takes clients only on referral and would not promote or generate further business. He prepares tax returns from the home but calls upon clients in their homes to pick up the necessary materials and paper work. He said there is no one calling on him at this property and the returns are mailed back to the clients. He does not list his phone as a business phone.

MRS. EMMETT concurred with staff's recommendations.

MR. BUGBEE said other home occupation businesses require picking up work materials elsewhere. He indicated if the applicant does the actual work within the home he could not see justification for another outside office in this case.

MR. BUGBEE made a Motion for APPROVAL of U-71-80(HO).

Voting was as follows:

"AYES" Mr. Bugbee, Mr. Giles.

"NOES" Chairman Swessel, Mrs. Emmett.

Motion for APPROVAL resulted in a 2-2 tie vote which constituted no action.

CHAIRMAN SWESSEL announced this item will be held in ABEYANCE and will again be considered by the Board of Zoning Adjustment on December 15, 1980.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 9:30 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT

  
\_\_\_\_\_  
HAROLD P. FOSTER, DIRECTOR

/sk

## INTER-OFFICE MEMORANDUM

NOVEMBER 17, 1980

TO:

FOSTER

FROM:

D. W. BROWN

SUBJECT:

STAFF RECOMMENDATIONS/CONDITIONS  
ON BZA ITEMS - NOVEMBER 17, 1980  
MEETING

COPIES TO:

✓ Shell

NEW BUSINESS:

- ✓ 1. V-84-80  
1-approval  
1-no objection  
Recommend denial. If approved, for no more than five years or until the ten acres is subdivided.
- ✓ 2. U-64-80  
1-no objection  
0-protests  
Recommend approval, with the following stipulation:  
1. Redesign the location of the gas pump to avoid cars from blocking the sidewalk and driveway.
- ✓ 3. U-65-80  
0-approvals  
0-protests  
This item should be removed from the agenda in view of the fact that the attorney has ruled the requested use is permitted.
- ✓ 4. V-86-80  
0-approvals  
0-protests  
Recommend denial because there is nothing unique or unusual about this lot which would warrant it receiving an advantage not granted others in the R-1 district. Two lots to the west, a carport was illegally erected in 1975 by a contractor. The new owner applied for a variance and the Board in sympathizing with the owner's dilemma of having to remove what the owner had no part in, granted relief in the form of a variance. No such situation exists here.
- ✓ 5. V-87-80  
0-approvals  
6-protests  
Recommend approval in view of the fact that other pawn shops are in the area and such a use would not be incompatible at this location. The applicant in his letter of request stated the second hand license is incidental to the pawn shop license and the merchandise to be
- cc - 12/5/80

purchased will be of high quality jewelry, guns, and so forth and no large purchases would be made.

✓ 7. V-88-80

0-approvals  
1 ltr. with 3  
signatures in  
protest

The applicant may be slightly premature in making this request. Evidently, the basis for the request is the proposed parking amendment which will be submitted to the City Commission next month. Both the Planning Commission and staff recommended that parking for one bedroom units be required no more than one to one. The applicant has 16 one bedroom units in this proposal which would reduce the number needed by 8. Normally, staff would recommend denial. One of the main reasons being that Public Services is complaining about the on street parking which prevents the sweeper from doing its job, thus permitting debris to collect at the curb and the resultant water in the street damage is much more so than if the sweeper had been able to do its work.

✓ 8. U-69-80

2-approvals  
0-protests

Staff has no objection to this in view of the fact that this area can be called transition. Two conditions:

1. Install portland cement sidewalks and street lighting conduit;
2. Submit a parking and driveway plan to the Traffic Engineer for their approval.

✓ 9. V-89-80

0-approvals  
2-protests

CC - 12/5/80

A child day care center is a permitted use in this location; however, outdoor activity is not. In another request for outside activity for a day care center in a C-D district at Rancho and Charleston, staff recommended denial as did the Board of Zoning Adjustment. Staff thinks that this location is no more superior for such a use than Rancho and Charleston and recommends denial. One condition if approved:

1. Submission of a parking and driveway plan to the Traffic Engineer for approval.

✓ 10. V-90-80

0-approvals  
0-protests

Recommend denial because this parcel is zoned under resolution of intent to C-2 which would permit the requested general business office. The applicant, by getting a variance in the R-4 for a business office, will not be required to place the electrical lines in the structure in conduit. In the C-2, the electrical lines

TO: FOSTER  
RE: STAFF RECOMMEND  
BZA AGENDA ITEM

ONS/CONDITIONS ON  
11/17/80 MTG.

NOVEMBER 17, 1980

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would have to be placed in conduit. Staff feels that the requirements for the same use in the C-2 as a variance in the R-4 should comply with the building code requirements in a commercial district. Stipulations:

1. Sign an improvement district for paving of the alley and install street lights;
2. Submit a parking and driveway plan to the Traffic Engineering Division for approval; and
3. Landscaping as approved by Community Planning and Development.

11. V-91-80

Recommend approval subject to:

1-approval  
0-protests

1. Landscaping as required by Community Planning and Development;
2. Signing of an Improvement District Agreement for the paving of the alley and for street lighting;
3. Removing and replacing the damaged sidewalk on Bonneville Street and on Seventh Street; and
4. At the time of development, submission of a parking and driveway plan to the Traffic Engineering Division for their approval; and
5. Pave the slab in the southwest corner.

12. V-92-80

Recommend denial in view of the fact that there is nothing unusual or unique about this parcel or building which would warrant it receiving an advantage not granted others in the area.

0-approvals  
2-protests

cc - 12/5/80

13. V-93-80

Recommend denial because such a use would be incompatible with the residential character of the neighborhood.

0-approvals  
10 ltrs. of protest  
plus a petition with  
30 signatures in  
protest

TO: FOSTER  
RE: STAFF RECOMMEND  
BZA AGENDA ITEM

ONS/CONDITIONS ON  
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✓ 14. V-57-80

Staff and the applicant apparently did not have a meeting of the minds regarding the decision of the Board when one of the stipulations was that all corrals and stables should conform to the required setbacks. The setback for both rear and side yard is 25 ft. for the existing stable and corrals. The applicant thought that in view of the fact the stable, although one ft. from the side lot line, would be permitted because of the long time that it had existed at this location. He has no objection to the 25 ft. setback for the corrals. The request to you then, is whether he has to demolish the stable to honor the 25 ft. side yard setback.

SUPPLEMENTAL:

✓ 1. U-71-80(HO)

Recommend denial in view of the fact that the home occupation use must be conducted entirely within a dwelling and the applicant states that he will be calling on clients' homes and offices. If this were granted, staff can see a multitude of requests by insurance agents, realtors, and so forth wanting to use their homes as business locations.

DWB:bjl

KZA NOV 11, 1980

NAME

ADDRESS

✓ UENE EWING	615 S TH LU 81101
✓ Peggy Eads	5804 matita
✓ Shirley Muscarulla	5872 Vegas Rd.
✓ George Devers	5005 Sandra Rd.
✓ Ant Kee	2917 Colmar

BZA NOV 11, 1980

NAME

ADDRESS

- ✓ Elmer J. Lauf 8250 Thom L.P.H.
- ✓ Chuck Harrington 4045 S. EASTERN AVE  
LAS VEGAS, NV
- ✓ Jim Banner 2223 Poplar 89101
- ✓ Wilfred Scherer 2210 Cedar Ave
- ✓ Paul Casper? 2202 Cedar ave
- ✓ Harold H. Hano 2117 Poplar Ave. L.V.
- ✓ Gordon Egan 2108 Cedar 179C
- ✓ Kay Williams 2117 Poplar Ave
- ✓ Andy Cooper 2108 Cedar Ave
- ✓ Jim Pollack 4055 E. VELANDIA CT. L.V. NV
- ✓ Bill Papagna 872 Maryland
- Morris BRAND Atty for Calif Hotel & Casino 1937 E. Coker
- ✓ Anthony Piccolo 801 So. Rancho DR 89106
- ✓ T. E. Smith 1348 Cashman Home
- ✓ William J. Ouf 5017 Reba?
- ✓ John McKague? 5608 Reba
- ✓ Del Palmer 208 Orland #9
- ✓ John Kiser 5509 Bromley
- ✓ C. M. DePee 215 Sr. 10<sup>th</sup>
- ✓ John Opie 311 Sr 10<sup>th</sup>
- ✓ ~~James Smith~~
- ✓ Pheles Mont 217-221-225
- ✓ Chris & Puchner 3432 Venice Drive 89108
- ✓ ~~John Albright~~ 200 Rancho Rd - 89106
- ✓ David Bennett 6221 Shadywood Dr., 89102

name

May Coors

address

5829 VEGAS DR,

ANNOTATED AGENDA - BOARD OF ZONING ADJUSTMENT - NOVEMBER 17, 1980

PRESENT: Chairman Swessel, Mr. Giles, Mr. Bugbee, Mrs. Emmett  
EXCUSED: Mrs. Myers

MINUTES: MR. GILES made a Motion for APPROVAL of the Minutes for the BZA Meeting held September 25, 1980. Motion carried unanimously.

NEW BUSINESS:

- ✓ 1. V-84-80 - APPROVED for 3 years - BUGBEE/unanimous
- ✓ 2. U-64-80 - APPROVED - GILES/unanimous
- ✓ 3. U-65-80 - STRICKEN - Attorney ruled no action necessary/permitted use.
- ✓ 4. V-86-80 - APPROVED - BUGBEE/unanimous  
APPROVALS: Jim Banner  
2223 Poplar Ave.  
Paul Jeanney  
2202 Cedar Ave.  
David & Kay Davis  
2117 Poplar Ave.  
Gordon & Ann Eyre  
2108 Cedar Ave.
- ✓ 5. V-87-80 - DENIED - EMMETT/3-1 vote/ Giles voted "no"  
(To be heard by City Commission December 5, 1980) ✓  
PROTESTS: Wm. Peccole  
1384. Cashman Drive  
Bill Papagna  
1932 East Oakey Blvd.  
James Pollack  
872 Grand Circle  
Torriss Brand/Attorney  
for California Hotel  
& Casino  
801 S. Rancho Drive  
6 letters of protest  
APPROVALS: Jack Ross  
2794 Viking Road
- ✓ 6. U-68-80 - APPROVED - BUGBEE/unanimous  
APPROVALS: Joan Strausoffer  
5054 Mountain Vista
- ✓ 7. V-88-80 - ABEYANCE to 12/15/80 - Motion by GILES for APPROVAL resulted in 2/2 tie vote - Giles, Bugbee voted "yes" Swessel, Emmett voted "no"  
PROTESTS: Bill Dixon  
5617 Reba Ave.  
Helen Kague  
5608 Reba Ave.  
Lee Holmes  
208 Orland #9  
John Kizer  
5509 Bromley  
9 present in protest  
Petition with 22 Signatures  
1 letter w/3 signatures

8. U-69-80 - APPROVED JGBEE/unanimous PROTEST Albert De Pee  
215 South 10th St.  
John Opie  
211 South 10th St.  
Morris & Phyllis Mintz  
217-221-225 So. 10th St.

APPROVAL: 2 letters of approval

9. V-89-80 - APPROVED - GILES/unanimous - to be heard by City Commission 12/5/80

SPECIAL CONDITION: Hours of operation  
limited - between  
11 A.M. & 5 P.M.

2 letters of protest

10. V-90-80 - APPROVED - BUGBEE/unanimous

SPECIAL CONDITION: Approval limited to use  
by "process server"

11. V-91-80 - APPROVED - GILES/unanimous

PROTESTS: Leslie Ewing  
615 South 7th St.

APPROVAL: Harold Gewerter  
6221 Shadywood Drive

12. V-92-80 - DENIED - BUGBEE/unanimous - to be heard by City Commission 12/5/80

2 letters of protest

13. V-93-80 - DENIED - EMMETT/3-1 vote/Giles voted "no"  
(Motion by Giles for Approval failed to carry  
3-1 vote - Swessel, Bugbee, Emmett voted "no")

PROTESTS: Mary Caruso  
5829 Vegas Drive

Peggy Eads  
5804 Vegas Drive

12 letters of protest  
(2 of these submitted  
at meeting)

Petition w/30 signatures

14. V-57-80 - APPROVAL - GILES/unanimous - Motion to clarify condition of approval  
granted by BZA August 28, 1980 --  
"Applicant will not be required to  
tear down stables"

SUPPLEMENTAL AGENDA:

1. U-71-80(HO) - ABEYANCE to 12/15/80 - Motion by BUGBEE for APPROVAL resulted  
in 2/2 tie vote - Bugbee, Giles voted "yes"  
Swessel, Emmett voted "no"