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A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 22, 1981

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 November 17, 1980.

NEW BUSINESS:

1. V-106-80

Application of DAVID A. AND SANDRA MULKEY for a variance to allow a room addition 6'10" from the south side property line where ten feet (10') is required on property located at 213 Campbell Drive in Zoning District R-E.

2. V-107-80

Application of EARL C. AND LAURINE A. BRUNNER, JR. for a variance to allow an addition to an existing non-conforming residential building nine feet (9') from the rear property line where twenty feet (20') is required, and to allow the addition eight feet (8') from another existing residential building on the same lot where ten feet (10') is required on property located at 330 North 9th Street in Zoning District R-4.

3. V-108-80

Application of ROBERT E. RAMOS for a variance to allow an addition three and one half feet (3½') from the east side property line where seven feet (7') is required on property located at 4625 Lorna Place in Zoning District R-1.

4. U-81-80

Application of WATKINS DEVELOPMENT COMPANY for a use permit to allow an R-4 density, 120 unit apartment development on property generally located on the southeast corner of Silver Stream Avenue and Lorenzi Boulevard in Zoning District C-1.

5. V-35-80

Extension
of Time

Request of DR. LONNIE SISSON for an extension of time on an approved variance which allowed an addition eight feet (8') from the rear property line where fifteen feet (15') is required on property located at 1212 South Maryland Parkway in Zoning District P-R.

6. V-54-80
Extension
of Time

Request of ADA GARDNER REALTY CO., INC. for a one year extension of time on an approved variance which allowed seven parking spaces for a proposed restaurant where fourteen are required on property located at 444 East Sahara Avenue in Zoning District C-1.

7. U-79-80(HO)

Application of ARLO EUGENE AND WANDA JO THATCHER for a home occupation permit to allow in-home tax return and bookkeeping service on property located at 228 Candlelight Street in Zoning District R-1.

8. U-80-80(HO)

Application of DOUGLAS E. FELLOWS for a home occupation permit to allow an office for the sale of trampolines on property located at 5333 Mt. View Drive in Zoning District R-1.

DIRECTOR'S BUSINESS:

1. Election of
Officers

1981 Board of Zoning Adjustment Election of
Officers.

S U P P L E M E N T A L A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 22, 1981

1. U-1-81(HO)

Application of ORVILLE DEE ENNIS for a home occupation permit to allow a free lance photography business from the home on property located at 6549 Burgundy Way in Zoning District R-1.

2. U-3-81(HO)

Application of BRADFORD F. SPILLER for a home occupation permit to allow a small novelty manufacturing and mail order business from the home on property located at 1401 Joshua Way in Zoning District R-1.

approved
2/26/81

MINUTES

BOARD OF ZONING ADJUSTMENT

JANUARY 22, 1981

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

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning and Development
Robert C. Clemmer, Acting Supervisor of Zoning
Brett A. Reale, Planning Assistant
Shell Kizerian, 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 Board of Zoning Adjustment meeting held November 17, 1980. Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-106-80

APPROVED

Application of DAVID A. AND SANDRA MULKEY for a variance to allow a room addition 6'10" from the south side property line where ten feet (10') is required on property located at 213 Campbell Drive in Zoning District R-E (Residence Estates). The above property is legally described as Lot 3, Block 4, Rancho Nevada Estates Unit #2.

MR. FOSTER presented the plot plan and stated of the two additions being requested the north portion meets ordinance requirements. The proposed addition which is a bedroom expansion along the south side comes within 6'10" of the side property line where 10' is required on a typical rectangular shaped lot. Staff feels through a different configuration or layout of the addition it could be constructed without the variance being required. Staff recommended denial.

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

SANDRA MULKEY, the applicant, was present with ED HENDRICKS, architect, DMJM Architects.

MR. BUGBEE asked if Mrs. Mulkey had talked with her neighbors about the addition.

MRS. MULKEY said she had received no objections from her neighbors.

MR. HENDRICKS explained the layout of the bedroom addition could not be changed because it was determined as a result of changes occurring north of this portion. He said the purpose was to widen the bedroom and since there is 15' presently on the side setback and the applicant is looking to reduce it to 6' this means an encroachment of 4' into the 10' required by ordinance.

MRS. MYERS asked how much the addition would increase the square footage of the existing structure.

MR. HENDRICKS replied approximately 340 sq. ft. and added the addition would be used as a combination bedroom and den.

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-106-80, 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" Mr. Bugbee, Mrs. Emmett, Chairman Swessel,
Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-107-80

APPROVED

Application of EARL C. AND LAURINE A. BRUNNER, JR. for a variance to allow an addition to an existing non-conforming residential building nine feet (9') from the rear property line where twenty feet (20') is required, and to allow the addition eight feet (8') from another existing residential building on the same lot where ten feet (10') is required on property located at 330 North 9th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 1 and 2, Block 3, Grandview Addition.

MR. FOSTER presented the plot plan and stated the property is located at the corner of Mesquite Avenue and 9th Street. There is R-2 zoning to the north and R-3 to the west of 9th Street. There are two existing buildings on the property. Staff had no objection to the 9 ft. rear setback but recommended denial of the setback between the buildings.

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

EARL C. BRUNNER, the applicant, was present. He stated he wished to convert the existing duplex to a single family residence for his son and family. The reason the 8 ft. separation is requested is because it would simplify changes in the duplex.

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-107-80, 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" Mr. Giles, Mrs. Myers, Chairman Swessel, Mrs. Emmett
Mr. Bugbee.

"NOES" None

Motion for APPROVAL carried unanimously.

3. V-108-80

APPROVED

Application of ROBERT E. RAMOS for a variance to allow an addition three and one-half feet ($3\frac{1}{2}'$) from the east side property line where seven feet (7') is required on property located at 4625 Lorna Place in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 652, Block 25, Hyde Park Subdivision #4.

MR. FOSTER presented the plot plan and stated the property is located east of Decatur Boulevard and south of Alta Drive. The existing residence is 1500 sq. ft. in size and the proposed addition is 1165 sq. ft. There is a non-conforming situation of 3.5 ft. on the existing residence and the applicant wishes to keep the same alignment for the proposed addition. The administrative variance provisions allow approval of like setbacks if the addition is not more than 50 percent larger than the existing house. In this case the application exceeds the 50 percent requirement. Staff recommended approval.

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

ROBERT E. RAMOS, the applicant, was present.

MRS. EMMETT requested the lot dimensions.

MR. FOSTER said the lot is 75' X 100'.

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-108-80, 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, Mr. Bugbee, Chairman Swessel,
Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

4. U-81-80

ABEYANCE
to 2/26/81

Application of WATKINS DEVELOPMENT COMPANY for a use permit to allow an R-4 density, 120 unit apartment development on property generally located on the southeast corner of Silver Stream Avenue and Lorenzi Boulevard in Zoning District C-1 (Limited Commercial). 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 26, Township 20 South, Range 60 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated the property is located in the westerly portion of the City where the Las Vegas Expressway turns north into the Rainbow Expressway. Lorenzi Boulevard is to the west and Silver Stream to the north. There is commercial zoning to the north, vacant C-1 to the south, R-PD6 northeast of the property and residential fronting the proposed development directly across the street. The request involves 3.08 acres of land for 120 two-story apartment units. Staff feels the density is not compatible and recommends medium high density of 25 units per acre rather than the 40 requested. Staff recommended denial. Mr. Foster noted there were 3 letters of protest.

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

RULON EARL, Attorney, 228 South 4th Street and TOM BUTLER, 1923 Mesquite Avenue, were present on behalf of Ponderosa Construction Company. ROBERT LARSEN, Architect, 1014 Date Street, was also present representing the application.

MR. EARL asked Mr. Foster to cite the zoning ordinance requirement which is the basis for staff's recommendation of medium density in an R-4 zone.

MR. FOSTER said the recommendation is from the City's Master Plan which states, "medium density residential should be allowed in the outlying areas and the R-4 which is higher density should be restricted to the central downtown area."

MR. EARL asked if commercial development in this area would be more detrimental than apartment developments.

MR. FOSTER said it would depend on the type of commercial development. He pointed out that a recent application for a roller rink on this same site was denied because of possible traffic problems.

MR. EARL said the apartments are designed as luxury apartments. The rental price will be approximately \$450 for one-bedroom and \$600 for two-bedroom apartments. He pointed out the maximum number of units in an R-4 zone was not requested in order to allow more open space. Approximately 27,000 sq. ft. of green area is provided exclusive of sidewalks.

MRS. MYERS requested the square footage of the apartments.

MR. LARSEN calculated the one-bedroom units at approximately 1000 sq. ft. and the two-bedroom units at approximately 1500 sq. ft. The plan calls for 40 one-bedroom units and 80 two-bedroom units. MR. EARL said the apartments are unfurnished.

MR. GILES asked for a description of the amenities that qualify the apartments as "luxury".

MR. LARSEN stated there would be washer-dryer facilities in each unit and an elevator for the tenants.

MR. BUGBEE asked what recreational facilities are available for the tenants other than a swimming pool.

MR. BUTLER said portions of the designated open space area could be used for children's play areas.

MR. GILES asked if a traffic study had been done.

MR. BUTLER replied that there was no formal study at this time.

MR. FOSTER pointed out that there is no access allowed on the westerly side to Lorenzi Boulevard. The only access to this side would be from Silver Stream. Two openings are proposed, one north of Delores and one several hundred feet to the south.

MR. GILES asked what plans there were for future maintenance.

MR. BUTLER said Continental America, a California Agency, would manage the property.

MR. BUGBEE said he questioned the square footage calculations announced by the architect.

CHAIRMAN SWESSEL asked for a count of those present in the audience in protest. There were approximately 40 persons present.

STEVEN G. HALDEMAN, 6656 Silver Stream, appeared in protest and submitted a petition with approximately 160 signatures of protest. He said south of the proposed development the State owns nine acres of land which will be auctioned within the year. His concern is that this nine acres will also be developed for apartments and eventually there will be severe traffic problems. He said his property is directly across from the proposed apartment development and at the time he purchased his home he was told by Watkins Development that the proposed site would be used strictly for a one-building architectural office. He added he would not oppose a lower-density development comparable to the condominiums with 12 to 20 units.

CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed and asked Mr. Foster to refer this item to the City Attorney for a review of the ramifications of commitments made by Watkins Development in stating that the property would be a one-building office use.

MR. BUGBEE added he would also like the square footage checked as part of that review.

MRS. MYERS said she feels the apartments do not qualify as luxury apartments and concurred with Chairman Swessel.

MRS. MYERS made a Motion to hold this item in ABEYANCE to the February 26, 1981 meeting.

Voting was as follows:

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

"NOES" Mr. Giles.

Motion for ABEYANCE carried by a 4-1 vote.

CHAIRMAN SWESSEL announced this item will again be considered by the Board of Zoning Adjustment on February 26, 1981.

5. V-35-80
Extension
of Time
APPROVED - 1 yr.

Request of DR. LONNIE SISSON for an extension of time on an approved variance which allowed an addition eight feet (8') from the rear property line where fifteen feet (15') is required on property located at 1212 South Maryland Parkway in Zoning District P-R (Professional Offices and Parking).

MR. FOSTER presented the plot plan and stated this is a variance for an addition to the existing optometry office on the rear portion. He said there was a six-month time limit on the variance but the applicant was not able to commence construction. Staff has no objection to a one-year extension of time.

CHAIRMAN SWESSEL asked to hear from the applicant.

DR. LONNIE SISSON, the applicant, was present.

MR. BUGBEE made a Motion for APPROVAL of V-35-80, subject to the following condition:

1. This extension of time shall be limited to a one year time period and will expire on December 26, 1981.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

6. V-54-80

Extension
of Time

APPROVED - 1 yr.

Request of ADA GARDNER REALTY CO., INC. for a one year extension of time on an approved variance which allowed seven parking spaces for a proposed restaurant where fourteen are required on property located at 444 East Sahara Avenue in Zoning District C-1 (Limited Commercial).

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

CHAIRMAN SWESSEL asked to hear from the applicant.

ADA GARDNER, the applicant, was present.

MRS. MYERS made a Motion for APPROVAL of V-54-80, subject to the following condition:

1. This extension of time shall be limited to a one year time period and will expire on February 24, 1982.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

7. U-79-80(HO)

APPROVED

Application of ARLO EUGENE AND WANDA JO THATCHER for a home occupation permit to allow in-home tax return and bookkeeping service on property located at 228 Candlelight Street in Zoning District R-1 (Single Family Residence).

MR. FOSTER said the application is in order and staff recommends approval.

CHAIRMAN SWESSEL asked to hear from the applicant.

ARLO EUGENE THATCHER, the applicant, was present.

MR. GILES made a Motion for APPROVAL of U-79-80(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" Mr. Giles, Mrs. Myers, Chairman Swessel,
Mrs. Emmett, Mr. Bugbee.

"NOES" None

Motion for APPROVAL carried unanimously.

8. U-80-80(HO)

APPROVED

Application of DOUGLAS E. FELLOWS for a home occupation permit to allow an office for the sale of trampolines on property located at 5333 Mt. View Drive in Zoning District R-1 (Single Family Residence).

MR. FOSTER stated the application is in order and staff recommends approval.

CHAIRMAN SWESSEL asked to hear from the applicant.

DOUGLAS E. FELLOWS, the applicant, was present.

MR. GILES made a Motion for APPROVAL of U-80-80(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" Mr. Giles, Mrs. Myers, Chairman Swessel, Mr. Bugbee, Mrs. Emmett.

"NOES" None

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-1-81(HO)

APPROVED

Application of ORVILLE DEE ENNIS for a home occupation permit to allow a free lance photography business from the home on property located at 6549 Burgundy Way in Zoning District R-1 (Single Family Residence).

MR. FOSTER presented the plot plan and stated the ordinance governing home occupation permits was recently amended to tighten restrictions of the provision that most of the work must be done entirely within the home. However the wording is ambiguous and a new amendment is being processed to clarify the language with no change in the intent of the ordinance. The applicant did have the same type of occupation in 1977 under the old ordinance which allowed this use and he now wants a permit at a new location. Staff feels the applicant does not meet the requirements of the ordinance and recommends denial.

CHAIRMAN SWESSEL asked to hear from the applicant.

ORVILLE DEE ENNIS, the applicant, 6549 Burgundy Way, was present. He said his work involves photographing weddings, parties, charities, etc. and he would develop the film within the home. He indicated there is no traffic created by this business.

MR. BUGBEE made a Motion for APPROVAL of U-1-81(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" Mr. Bugbee, Mrs. Emmett, Chairman Swessel,
Mr. Giles, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

2. U-3-81(HO)

APPROVED

Application of BRADFORD F. SPILLER for a home occupation permit to allow a small novelty manufacturing and mail order business from the home on property located at 1401 Joshua Way in Zoning District R-1 (Single Family Residence).

MR. FOSTER said the application is in order and staff recommends approval.

CHAIRMAN SWESSEL asked to hear from the applicant.

Applicant was not present.

MR. GILES made a Motion for APPROVAL of U-3-81(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" Mr. Giles, Mrs. Myers, Chairman Swessel,
Mr. Bugbee, Mrs. Emmett.

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. Election of Officers

1981 Board of Zoning Adjustment Election of Officers.

MRS. EMMETT made a Motion to appoint the following officers for 1981:

ROBERT BUGBEE, Chairman
HELEN MYERS, Vice-Chairman

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 8:30 P.M.

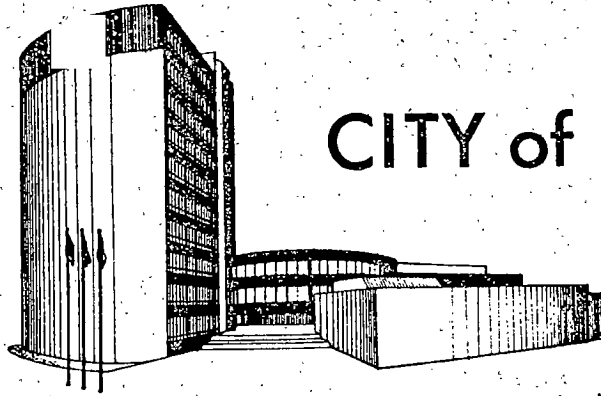

HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

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

January 27, 1981

Ms. Helen Myers
2307 Windjammer Way
Las Vegas, Nevada 89107

Dear Ms. Myers:

The Board of City Commissioners at a regular meeting held January 21, 1981, reappointed you as a member of the Board of Zoning Adjustment, for a term of office expiring February 7, 1986.

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

Sincerely,

A handwritten signature in cursive script that reads "Carol Ann Hawley".

CAROL ANN HAWLEY
City Clerk

CAH:mpk

cc: Board of Zoning Adjustment

