

A G E N D A

BOARD OF ZONING ADJUSTMENT

JUNE 25, 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 meetings held April 23, 1981, and May 28, 1981.

OLD BUSINESS:

1. V-25-81

(Abeyance Item  
from 5/28/81)

Application of ALBERT J. TARR for a variance to allow an existing 6'8" block wall on the west side property line and to allow an addition to an existing block wall to an overall height of 6'8" on the rear property line where a maximum fence height of six feet is allowed on property located at 5316 Westleigh Avenue in Zoning District R-1.

2. U-90-75(HO)

COMPLAINT

(Abeyance Item  
from 5/28/81)

Review of the approved home occupation permit for JOHN AND MAE PALMISANO which allowed a babysitting employment agency (telephone service only) on property located at 705 North 17th Street in Zoning District R-1.

NEW BUSINESS:

1. U-28-81

Application of GERALDINE S. DUTTON ON BEHALF OF SHIRLEY ARAGON for a use permit to allow a Class III secondhand dealership (used clothing) on property located at 2001 Paradise Road in Zoning District C-1.

2. V-30-81

Application of LESLIE'S POOL MART, INC. for a variance to allow outside display of above ground swimming pools where outside display is not permitted on property located at 5225 West Charleston Boulevard in Zoning District C-1.

3. V-31-81

Application of JOHN A. DiFIORE, M.D. for a variance to allow a medical office in a residential zone where such use is not permitted on property located at 540 Tonopah Drive in Zoning District R-1.

4. V-32-81  
Application of BILLIE B. AND BARBARA AMEN for a variance to allow a professional office use (accountant) in a residential zone which is not permitted; and to allow two parking spaces where three would be required on property located at 1615 Eastern Avenue in Zoning District R-1.
  
5. V-33-81  
Application of JOHN W. AND DONNA C. SWARTZ, ET AL for a variance to allow outdoor activity in conjunction with a child care facility where no outdoor activity areas are permitted on property located at 3301 West Charleston Boulevard in Zoning District C-D.
  
6. V-34-81  
Application of JAMES AND COLLEEN ABBEY for a variance to allow an eight ft. (8') rear yard setback for a proposed three unit apartment building where twenty feet (20') would be required on property located at 807 Willow Street in Zoning District R-E. (An application to rezone the property to R-3 is currently under consideration.)
  
7. V-35-81  
Application of L. D. AND SISSY M. WALKER for a variance to allow a commercial child care facility which is not allowed on property located at 2300 Canosa Avenue in Zoning District R-1.
  
8. V-36-81  
Application of MILTON SCHWARTZ for a variance to allow a thirty-one ft. (31') rear yard setback on a second story addition where fifty feet (50') is required on property located at 2120 Silver Avenue in Zoning District R-E. (The current residence has a 34' rear yard setback by a previously approved variance.)
  
9. V-37-81  
Application of ALDO BAROZZI, ET AL for a variance to allow fourplex buildings on 6100 sq. ft. lots where 7000 sq. ft. is required; and to allow four parking spaces where six are required on property generally located on the east side of Maryland Parkway between Bonanza Road and Wilson Avenue in Zoning District R-3.
  
10. U-33-81  
Application of DARRELL TANNER for a use permit to allow a missionary home for the Holy Spirit Assn. for the Unification of World Christianity, Inc. on property located at 1420 South 8th Street in Zoning District R-1.

11. V-38-81 Application of JESSIE EMMETT for a variance to allow a travel agency school (evenings only) which is not allowed on property located at 807 South Decatur Boulevard in Zoning District P-R.
12. V-106-80 Request of DAVID A. AND SANDRA MULKEY for an extension of time on an approved variance which allowed 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.  
Extension of Time
13. U-34-81(HO) Application of DAVID H. MILLER ON BEHALF OF CORA WHITE for a home occupation permit to allow mail order recipe sales on property located at 212 Bonneville Avenue in Zoning District R-4.
14. U-5-80 Request of MATTHEW PARATORE to revoke his approved use permit which allowed a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2.  
Revocation of Use Permit

S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

JUNE 25, 1981

1. U-36-81(HO)

Application of DENNIS H. GLADIEUX for a home occupation permit to allow a whole-sale souvenir gift business on property located at 3216 Mary Ann Avenue in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

JUNE 25, 1981

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

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

EXCUSED: Mrs. Emmett

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning and Development  
Robert C. Clemmer, Acting Chief of Zoning  
Richard L. Williams, Senior Planner  
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 meetings held April 23, and May 28, 1981.

OLD BUSINESS:

1. V-25-81  
(Abeyance Item from 5/28/81)

WITHDRAWN BY APPLICANT

Application of ALBERT J. TARR for a variance to allow an existing 6'8" block wall on the west side property line and to allow an addition to an existing block wall to an overall height of 6'8" on the rear property line where a maximum fence height of six feet is allowed on property located at 5316 Westleigh Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 10, Block 3. Charleston Hills Unit No. 4.

Mr. Foster stated the applicant submitted a letter requesting this item be withdrawn.

MR. GILES made a Motion for WITHDRAWAL of V-25-81 as requested by the applicant.

Voting was as follows:

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

"NOES" None

Motion for WITHDRAWAL carried unanimously.

2. U-90-75 (HO)  
COMPLAINT  
(Abeyance Item from 5/28/81)

Review of the approved home occupation permit for JOHN AND MAE PALMISANO which allowed a babysitting employment agency (telephone service only) on property located at 705 North 17th Street in Zoning District R-1 (Single Family Residence).

ABEYANCE PENDING VARIANCE APPLICATION

Mr. Foster stated the applicants intend to apply for a variance and have requested this item be held in abeyance pending such application.

MR. SWESSEL made a Motion for ABEYANCE of U-90-75(HO).

Voting was as follows:

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

"NOES" None

Motion for ABEYANCE carried unanimously.

NEW BUSINESS:

1. U-2B-81

APPROVED

Application of GERALDINE S. DUTTON on behalf of SHIRLEY ARAGON for a use permit to allow a Class III secondhand dealership (used clothing) on property located at 2001 Paradise Road in Zoning District C-1 (Limited Commercial). The above property is legally described as Lots 19 and 20, Block 1, Paradise Village Tract No. 1.

MR. FOSTER presented the plot plan and stated this property is located five lots south of Pecos Avenue on the east side and will be a used clothing operation. Staff recommended approval subject to dedication of the necessary right-of-way along Paradise Road and redesign of the off-street parking as required by the Department of Public Services. He noted there were no protests on file.

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

GERALDINE DUTTON, 2900 South Valley View Drive, the applicant, was present. She stated the primary operation will be a boutique with one small room for secondhand clothing repair. She agreed to staff's stipulations.

MABEL EAST, 2104 Santa Clara Drive, appeared in protest and stated she is concerned about the fence that is in bad repair between her property and the applicant's. She asked for a proper 6 ft. fence between the two properties.

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

MR. SWESSEL made a Motion for APPROVAL of U-2B-81, subject to the following conditions:

1. Six ft. block wall be upgraded before a business license is granted.
2. Dedication of right-of-way for Paradise Road as required by the Department of Public Services.
3. Redesign the on-site parking in conformance with the requirements of the Traffic Engineer.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-30-81

APPROVED

Application of LESLIE'S POOL MART, INC. for a variance to allow outside display of above ground swimming pools where outside display is not permitted on property located at 5225 West Charleston Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 1, Township 21 South, Range 60 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated the property is located on the south side of West Charleston Boulevard with C-1 zoning along the south. There is a parking lot between this property and the Red Rock Theater. He noted there is a letter of protest on file from the Manager of the Red Rock Theater. Staff felt there were no unusual circumstances that would warrant approval of the request and recommended denial.

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

FRED LINK, 5324 Pistolera Circle, Resident Agent, Leslie's Pool Mart, was present for the application. He said theater patrons use his property for parking at night. The entire property will be fenced with stone and wrought iron or, if allowed by the Board, chainlink fencing.

MR. LINK said the merchandise will not sell if it cannot be displayed properly and because of the size it would need to be placed outside.

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

MR. SWESSEL made a Motion to follow staff's recommendation for DENIAL of V-30-81.

Voting was as follows:

"AYES" Mr. Swessel

"NOES" Mr. Giles, Chairman Bugbee, Mrs. Myers

Motion for DENIAL failed to carry.

MRS. MYERS made a Motion for APPROVAL of V-30-81, subject to staff's stipulations as follows:

1. Conformance to the plot plan amended to provide landscaping along Charleston Boulevard.
2. Conformance to the requirements of the Public Services Department regarding street improvements and drainage.

Voting was as follows:

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

"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3-1 vote.

3. V-31-81

APPROVED

Application of JOHN A. DiFIORE for a variance to allow a medical office in a residential zone where such use is not permitted on property located at 540 Tonopah Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated the property is located approximately one block east of Rancho Drive with P-R (Professional Offices & Parking) to the southwest. East of the P-R property is Valley Hospital which extends to Shadow Lane and is zoned Limited Commercial. The Southern Nevada Memorial Hospital and other health facilities are also located in this area. He said the City Commission, because of the transitioning pattern in this area, requested a study be developed between Charleston Boulevard and Alta Drive and from Rancho Drive to Highland. The Special Activity Center Plan resulted in a variety of zoning for this area. According to the adopted plan, this property should remain R-1 (Single Family Residence). Earlier this year, the applicant applied for P-R zoning on this property. The Planning Commission recommended denial and before it was heard by the City Commission, the applicant withdrew his application. He is now pursuing his request by means of a variance. There is an existing building on the property which he proposes to convert to a medical office. There is adequate landscaping in front and parking to the west. Mr. Foster noted a petition of protest with 54 signatures is on file.

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

JOHN A. DiFIORE, the applicant, was present. He said his practice is limited to approximately 15 patients per day which would not create a critical traffic problem. He said several improvements have been made to the property and he will continue to upgrade the property. He noted he is only 200 ft. from Quail Park II, a P-R zoned property, and 300 ft. from the Nevada Cancer Center which is commercially zoned. He submitted a petition with 25 signatures supporting his request. He pointed out that there will be no signs on the building and he intends to maintain the exterior of the building in keeping with the design of the residential homes in the area. Office hours will be from 9:30 A.M. to 5:30 P.M.

MR. SWESSEL asked how many persons were present in favor of the application. There were 9 persons present in favor and 12 present in protest.

ALLEN VAN BUREN, appeared in protest. He said he is an immediate neighbor and he feels this variance would set a precedent for future offices and would destroy the residential zoning in the area.

MR. SWESSEL said this area is in transition because of the medical centers and health related facilities.

MR. VAN BUREN said the Plan shows the zone should not transition to commercial south of Pinto Lane.

BARNEY BELL, appeared in protest and stated if this variance is allowed, the entire area up to Alta Drive should be rezoned. He said there is insufficient parking for this facility.

MR. VAN BUREN submitted a petition of protest.

MR. FOSTER said if the application is approved, the applicant will provide 10 parking spaces, 2 along the north and 8 along the rear of the property.

MARVIN SOUZA, 521 South Tonopah Drive, appeared in protest. He said the street is narrow and this request would impose a dangerous traffic hazard with the school crossing at the corner. He said the fact that the residential area has been established for many years should be given some consideration.

MR. RUGGLES, 511 Tonopah Drive, spoke in favor of the application and stated the neighborhood should be progressive.

CAROL BERGER, 2110 Pinto Lane, appeared in favor of the application and said the houses in the area that have been converted to medical offices are upgraded.

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

MRS. MYERS stated that a lot of time and effort was expended in developing the Special Activity Center Plan for this area. She recommended the line be kept at Pinto Lane.

MRS. MYERS made a Motion for DENIAL of V-31-81.

Voting was as follows:

"AYES" Mrs. Myers

"NOES" Mr. Giles, Chairman Bugbee, Mr. Swessel

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

MR. SWESSEL stated the area is in transition to medical uses and he made a Motion for APPROVAL of V-31-81, subject to the following conditions:

1. At the time of development, submit parking and driveway plans to the Traffic Engineer for their review and approval.
2. Construction of a 6' block wall on the north and west property lines.
3. At the time of development, install sidewalks and street lighting on Tonopah and Pinto Lane.
4. Conformance to the requirements of the Public Services Department.
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" Mr. Giles, Chairman Bugbee, Mr. Swessel

"NOES" None

Motion for APPROVAL carried by a 3-1 vote.

CHAIRMAN BUGBEE announced this item will be heard by the Board of City Commissioners on July 15, 1981 at 2:00 P.M.

4. V-32-81

APPROVED

Application of BILLIE B. AND BARBARA AMEN for a variance to allow a professional office use (accountant) in a residential zone which is not permitted; and to allow two parking spaces where three would be required on property located at 1615 Eastern Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block 1, Eastwood Tract #2.

MR. FOSTER presented the plot plan and stated this property is located south of Oakley Boulevard. The properties along Eastern Avenue have been transitioning to P-R zoning. Mr. Foster noted that since this application was made the minimum parking requirement in this zone is four spaces. Staff had no objection to the office use but recommended the request be made by a zone change rather than a variance application. Mr. Foster said part of the problem is the right-of-way was taken off the west side of the property along Eastern Avenue leaving little front yard remaining and only a 10 ft. setback between the building and right-of-way. Because of this there is an inadequate driveway area. He said the application should be pursued by means of a rezoning application for P-R and a joint arrangement with one of the adjoining property owners for a joint driveway to provide more parking. Staff recommended denial. He noted there were no protests on file.

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

CHUCK DAVIDSON, 2006 South Highland, was present representing the applicant. He said there are only 6 homes occupied of the 20 located on the east side of Eastern Boulevard. The rest are businesses. He noted that the landscaping and fencing are in good condition.

CHAIRMAN BUGBEE 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-32-81, subject to the following conditions:

1. Conformance to the requirements of the Public Services Department.

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" Mr. Giles, Chairman Bugbee, Mrs. Myers

"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3-1 vote.

5. V-33-81

ABEYANCE  
TO 7/23/81

Application of JOHN W. AND DONNA C. SWARTZ, ET AL, for a variance to allow outdoor activity in conjunction with a child care facility where no outdoor activity areas are permitted on property located at 3301 West Charleston Boulevard in Zoning District C-D (Designed Commercial). The above property is legally described as Lot 1, Block 1, Westleigh Tract 5.

MR. FOSTER presented the plot plan and stated the property is located at the corner of Cashman and West Charleston Boulevard. The property along Charleston is transitioning to C-D (Designed Commercial) use. To the south fronting on Cashman is R-1 (Single Family Residence) zoning. There is an alley between the property and the R-1 to the south with fencing to the alley excluding the parking area off the alley. He said the applicant is proposing 13 or more children. Staff recommended approval but said the proximity of the outdoor play area in relation to the residential property should be taken into consideration. Staff further recommended that the outdoor activity be limited to daylight hours and that a 6 ft. block wall be erected rather than a chainlink fence. Mr. Foster noted there was a petition on file with 11 signatures protesting the outdoor activity.

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

RAFAEL LAZARO, 6353 Camino de Rosa, was present representing the applicants. He said the entire back yard area will be blocked from outside view and they propose to build a circular drive on the corner off Cashman to keep traffic in the residential neighborhood to a minimum. He agreed with staff's recommendations.

MARSHALL REDDICK, 1130 Cashman Drive, appeared in protest and stated there is insufficient property for this type of operation and the traffic problems will increase.

CHAIRMAN BUGBEE pointed out there will be five spaces off the alley for parking.

MR. GILES asked how many children they plan to care for at the facility.

MR. LAZARO said the facility would be licensed for a capacity of 20 children within an 8 hour shift. He said the Child Welfare viewed the property and indicated the yard space would accommodate up to 12 children per shift. He said they would not have children under 3 years of age and the maximum age limit will be 13 years. Hours of operation will be from 6 A.M. to 11 P.M.

MR. SWESSEL pointed out that some time ago the residents in this area were promised that the grade would be kept down and no additional P-R would be allowed on that street and the west side of Cashman would not be disturbed.

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

MR. SWESSEL made a Motion for DENIAL of V-33-81.

Voting was as follows:

"AYES" Mr. Swessel, Mrs. Myers

"NOES" Mr. Giles, Chairman Bugbee

Motion for DENIAL resulted in a 2-2 tie vote.

CHAIRMAN BUGBEE announced this item would be held in ABEYANCE to the 7/23/81 meeting as a result of the tie vote.

6. V-34-81

APPROVED

Application of JAMES AND COLLEEN ABBEY for a variance to allow an eight ft. (8') rear yard setback for a proposed three-unit apartment building where twenty feet (20') would be required on property located at 807 Willow Street in Zoning District R-E (Residence Estates). (An application to rezone the property to R-3, Limited Multiple Residence, is currently under consideration). The above property is legally described as Lot 21, Block 5, Woodland Park.

MR. FOSTER presented the plot plan and stated the property is located one block north of Southern Nevada Memorial Hospital. R-3 zoning was approved by the City Commission on this property subject to the variance application being approved. There is P-R zoning on the property immediately to the east, C-2 zoning and apartments to the southwest and C-D zoning for hospital parking south of that. Staff felt the 8 ft. setback would not cause a problem and recommended approval subject to construction of half-street improvements on Willow Street as required by the Department of Public Services. He noted there were no protests on file.

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

JIM ABBEY, 1213 Oak Tree Lane, the applicant, was present and agreed to staff's conditions.

CHAIRMAN BUGBEE 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-34-81, subject to the following conditions:

1. Construct half-street improvements on Willow Street 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" Mr. Giles, Mr. Swessel, Chairman Bugbee, Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

7. V-35-81

APPROVED

Application of L. D. AND SISSY M. WALKER for a variance to allow a commercial child care facility which is not allowed on property located at 2300 Canosa Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 7, Dawson Park Tract No. 1.

MR. FOSTER presented the plot plan and stated the property is located north of the John Miller Elementary School. To the north, east and west is residential property. There is a fenced outdoor play area on the property. The ordinance provides up to 12 children in a residential area. The applicant is requesting an increase in the number of children. Staff felt there was insufficient justification for the request and recommended denial.

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

L. D. and Sissy Walker, the applicants, 1536 Raindance Way, were present.

MR. WALKER said the hours of operation proposed are Monday through Friday, 6:30 A.M. to 5:30 P.M. The outside play area will be next to the school yard. He said they have improved the property and will continue to do so. He submitted a letter of recommendation from the Clark County Child Care Association and pointed out that all of the necessary departments of the City have investigated the property and approved the proposal. He said they presently have the square footage to allow 24 children.

SUSAN MINOR, 2304 Canosa Way, appeared in protest and objected to the commercial use of the property and that additional traffic will be present on Atlantic.

MRS. MYERS expressed concern that traffic will back from the front property onto the street.

MR. WALKER said they would be willing to pave the entire front area to provide an area for ingress and egress.

ALICE HILLY, appeared in protest. She said she lives next to the subject property and objected to the noise factor. She noted she is also a licensed day care operator.

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

MRS. MYERS made a Motion for APPROVAL of V-35-81, subject to staff's recommended conditions as follows:

1. Outdoor activities not to begin before 8 A.M.
2. Construct a 6' block wall on the east and west sides to the front of the building.
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 licence.
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" Mr. Giles, Mr. Swessel, Chairman Bugbee  
Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

8. V-36-81

APPROVED

Application of MILTON SCHWARTZ for a variance to allow a thirty-one ft. (31') rear yard setback on a second story addition where fifty feet (50') is required on property located at 2120 Silver Avenue in Zoning District R-E (Residence Estates). The current residence has a 34' rear yard setback by a previously approved variance. The above property is legally described as a portion of Block 6, Scotch Eighty Addition (Resubdivision).

MR. FOSTER presented the plot plan and stated the previous variance was for a one-story addition and they are now proposing a two-story addition. There will be an overhang of approximately 3 feet. He noted the rear property line jogs at the closest point which is the 31 ft. setback. Because of the irregular shape of the property line and the fact this is a large lot staff felt it would not be detrimental and recommended approval subject to the applicant entering into an Assessment District Agreement for street lighting and sidewalks.

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

ATTORNEY JAY DOWNEY, 4601 West Sahara Avenue, was present representing the applicant.

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

MR. SWESSEL made a Motion for APPROVAL of V-36-81, subject to the following conditions:

1. Conformance to the plot plan.
2. Enter into an Assessment District Agreement for sidewalks and street lighting on Pine Street and Silver Avenue.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

9. V-37-81

APPROVED

Application of ALDO BAROZZI, ET AL, for a variance to allow fourplex buildings on 6100 sq. ft. lots where 7000 sq. ft. is required; and to allow four parking spaces where six are required on property generally located on the east side of Maryland Parkway between Bonanza Road and Wilson Avenue in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as all of Lots 1 through 11 inclusive, Block 33, Tankels North Addition; and the east 20 feet of Lots 14 through 24 inclusive, Block 33, Tankels North Addition.

MR. FOSTER presented the plot plan and stated the property is located on the east side of Maryland Parkway north of Bonanza Road. The City of Las Vegas Credit Union is to the south in a commercial zone with additional commercial zoning on the northwest corner. There are fourplexes to the east of 13th Street and in the next block which were approved by way of a variance. Staff felt the proposal is compatible with the area and recommended approval subject to joint access being approved by the City Commission for joint driveways; dedication of radius corners at Bonanza and 12th Street and 12th Street and Wilson as required by Public Services; construction of half-street improvements on Wilson; sidewalks on Bonanza; paving, curb, gutter, sidewalks and street lighting on Maryland Parkway and fire hydrant requirements of the Fire Services Department. Mr. Foster noted there was one letter of protest on file.

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

RAY PATRICK, Century Construction, was present representing the application. He agreed to staff's recommended conditions.

CAROL MILLER, owner of the duplex at 643 North 11th Street, appeared in protest. She stated she was also present on behalf of Martina Bruell who owns a fourplex at 641 North Maryland Parkway. She said the project will create an eyesore and the applicant is trying to construct fourplexes where there is inadequate space as well as creating additional traffic congestion in the area.

CHAIRMAN BUGBEE 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-37-81, subject to staff's recommendations as follows:

1. City Commission approval of joint access easement for parking.
2. Dedication of radius corners at Bonanza Road and 12th Street, and 12th Street and Wilson.
3. Develop full half-street improvements on Wilson Avenue, sidewalks on Bonanza Road and pavement, curb and gutter, sidewalk and street lighting on Maryland Parkway.
4. 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.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan.
8. 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, Mr. Swessel, Chairman Bugbee,  
Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

10. U-33-81

WITHDRAWN  
BY APPLICANT

Application of DARRELL TANNER for a use permit to allow a missionary home for the Holy Spirit Assn. for the Unification of World Christianity, Inc., on property located at 1420 South 8th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 3, Township 21 South, Range 61 East, M.D.B. & M.

MR. FOSTER stated the applicant submitted a letter requesting this application be withdrawn.

MR. GILES made a Motion for WITHDRAWAL of U-33-81.

Voting was as follows:

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

"NOES" None

Motion for WITHDRAWAL carried unanimously.

11. V-38-81

APPROVED

Application of JESSIE EMMETT for a variance to allow a travel agency school (evenings only) which is not allowed on property located at 807 South Decatur Boulevard in Zoning District P-R (Professional Offices and Parking). The above property is legally described as Lot 510, Block 21, Hyde Park #3.

MR. FOSTER presented the plot plan and stated the property is located along the east side of Decatur Boulevard. The properties in this area are transitioning to P-R zoning. The applicant owns two existing buildings and is proposing a travel school in one building. Staff had no objections to the request. If approved, staff recommended compliance with the 9 P.M. closing requirements of the P-R zone and that any street improvements that have deteriorated around this property be brought up to code.

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

SARI PHILLIPS, was present representing the applicant. She stated Mrs. Emmett was out of town.

CHAIRMAN BUGBEE asked how many students will be enrolled.

MS. PHILLIPS said classes will be limited to a maximum of 20 students but they anticipate no more than 10 students per evening.

MIKE OBREY, 4705 Dover Place, appeared in protest and submitted a petition with 11 signatures of protest and one letter of protest. He said he has attempted on many occasions to contact the applicant unsuccessfully to discuss complaints related to the property including trash in the parking lot on Dover, the dumpster not being placed in a proper location and noncompliance with variance requirements for maintaining the 6 ft. block wall.

MR. FOSTER indicated most of these complaints are enforcement problems that can be investigated by the proper City authorities.

MR. OBREY also expressed concern over the available parking. He said previously buses transported people to this facility for real estate classes and the roads were damaged.

MS. PHILLIPS noted the title company has not been in existence for some time. She said Mrs. Emmett plans to move the remaining staff from the former title company portion of the building into the original segment. She said because of the limited enrollment in the school, traffic problems are not anticipated. She also pointed out that the applicant can be reached and would make herself available to address these complaints with her neighbors.

ERNEST NARDINI, 4717 Dover Place, appeared in protest objecting to the location of the dumpster on the applicant's property. He said the dumpster is visible from his front window. He further objected to the parking problems along the street.

CHAIRMAN BUGBEE asked the property owners to arrange a meeting with Mrs. Emmett within the next 30 days to discuss their concerns and that a report be given to the Board.

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

CHAIRMAN BUGBEE made a Motion for APPROVAL of V-38-81, subject to the following conditions:

MR. SWESSEL amended the Motion to include a two-year time limit.

1. Repair of existing block wall.
2. Trash area be cleaned and area provided for dumpster.
3. This use shall be limited to a two-year time period and will expire on June 25, 1983.
4. Any deteriorated street improvements to be brought up to code as required by the Department of Public Services.
5. The travel school shall close at 9 P.M.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

12. V-106-80

Extension  
of Time

APPROVED for  
six months

Request of DAVID A. AND SANDRA MULKEY for an extension of time on an approved variance which allowed 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).

MR. FOSTER presented the plot plan and stated the applicant requires additional time for construction. Staff recommended approval.

MR. SWESSEL made a Motion for APPROVAL of V-106-80, subject to the following condition:

1. This extension of time shall be permitted for a six month time limit and will expire on December 25, 1981.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

13. U-34-81(HO)

APPROVED

Application of DAVID H. MILLER ON BEHALF OF CORA WHITE for a home occupation permit to allow mail order recipe sales on property located at 212 Bonneville Avenue in Zoning District R-4 (Apartment Residence).

MR. FOSTER said the application is in order. Staff recommended approval.

MR. SWESSEL made a Motion for APPROVAL of U-34-81(HO), subject to the following conditions:

1. The operation 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.

14. U-5-80  
Revocation of  
Use Permit

ABEYANCE  
TO 7/23/81

Request of MATTHEW PARATORE to revoke his approved use permit which allowed a Class III secondhand store for the purchase and sale of used silver, gold and jewelry on property located at 119 North Third Street in Zoning District C-2 (General Commercial).

MR. FOSTER stated the applicant has requested this item be held in abeyance pending City Commission action on his license.

MR. SWESSEL made a Motion for ABEYANCE of U-5-80 to the 7/23/81 meeting.

Voting was as follows:

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

"NOES" None

Motion for ABEYANCE carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-36-81(HO)

APPROVED

Application of DENNIS H. GLADIEUX for a home occupation permit to allow a wholesale souvenir gift business on property located at 3216 Mary Ann Avenue in Zoning District R-1 (Single Family Residence).

MR. FOSTER stated the application is in order. Staff recommended approval.

MR. GILES made a Motion for APPROVAL of U-36-81(HO), subject to the following conditions:

1. The occupation 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:

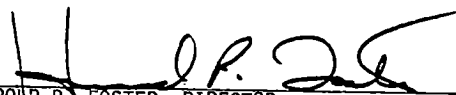
"AYES" Mr. Giles, Mr. Swessel, Chairman Bugbee, Mrs. Myers

"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 9 P.M.

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

/sk

CITY CLERK

AUG 10 3 17 PM '81

RECEIVED

# Please Sign

6/25/1981

NAME

ADDRESS

Margaret L. Dutton  
Michael Good  
Lud Luck  
John A. O'Keefe MD  
Carol Burger  
MELVIN SOUZA  
CHUCK DAVISON  
RAFAEL LAZARO  
JIM ABBEY  
L.D. & S. SBY WALKER  
~~Frank~~  
Carol Miller  
Carra White  
Carol Gladwin

2900 S. Valley View #313  
2104 Santa Clara. 89102  
5334 Petaluma  
540 Toropah Dr  
2110 Pinto Ln.  
521 So TORIOPAH DR  
2006 S. HIGHWAY  
8853 CAMINO DE ROSA  
1013 OAKTREE LANE  
1536 RAINDANCE WAY  
1404 Nels Dr. N.V.  
642 No. 11 St.  
912 Bonnerville Ave  
3216 Mary Ann