

S.V.

A G E N D A

BOARD OF ZONING ADJUSTMENT

JULY 23, 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

OLD BUSINESS:

1. V-33-81  
(Abeyance Item from 6/25/81)  
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.
  
2. U-5-80  
Revocation of Use Permit  
(Abeyance Item from 6/25/81)  
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.

NEW BUSINESS:

1. U-37-81(HO)  
Application of WILLIAM H. CHILDERS for a home occupation permit to allow an entertainment production management business office operation on property located at 1908 South Valley View Boulevard in Zoning District R-1.
  
2. U-39-81(HO)  
Application of ARTHUR E. FAHY, JR. for a home occupation permit to allow advertising for radio and television on property located at 1709 N. Mallard Street in Zoning District R-1.
  
3. U-35-81  
Application of LIED MOTOR CAR COMPANY for a use permit to allow a Class III secondhand dealership (retail new and used book store) on property located at 3993 West Charleston Boulevard in Zoning District C-1.
  
4. V-39-81  
Application of SALVATORE A. AND VIRGINIA PATERNOSTRO for a variance to allow a twelve ft. eight inch (12'8") rear yard setback where fifteen feet (15') is required on property located at 2217 North Mallard Street in Zoning District R-1.

5. V-40-81 Application of BARRETT W. REESE for a variance to allow an off-premise billboard sign to an overall height of sixty feet (60') where a maximum height of forty feet (40') is permitted on property located at 600 North "H" Street in Zoning District R-4, (under Resolution of Intent to C-1).
6. V-41-81 Application of JACK L. CLAY for a variance to allow a carport to the side property line where seven feet (7') is required on property located at 1905 East Oakey Boulevard in Zoning District R-1.
7. V-42-81 Application of NORBERTO M. AND MERCEDES D. GUASPARI for a variance to allow a twenty ft. (20') front yard setback on an existing single family residence where fifty feet (50') is required on property located at 700 Marco Street in Zoning District R-E.
8. V-43-81 Application of ROBERT R. BLACK for a variance to allow a helicopter landing pad (helipad) on the roof of the nine story office building known as "The Atrium" on property located at 333 Rancho Drive in Zoning District C-1.
9. V-44-81 Application of WENDELL M. AND MARY A. CROSBY for a variance to allow a professional office where such use is not permitted on property located at 606 South 9th Street in Zoning District R-1.
10. V-45-81 Application of GARY J. MARINO for a variance to allow a room addition with a 20'6" rear yard setback where twenty-five feet (25') is required; and to allow an eight ft. (8') fence where a maximum fence height of six feet (6') is permitted on property located at 2309 Pardee Place in Zoning District R-2.
11. V-46-81 Application of MARVIN AND LUCILLE RAY for a variance to allow an accessory building (garage) on a lot prior to the development of a main dwelling on property generally located at the southeast corner of Del Rey Avenue and Vista Drive in Zoning District R-E.
12. V-47-81 Application of RANDY BLACK AND PARK MANAGEMENT & DEVELOPMENT, LTD., A NEVADA CORPORATION for a variance to allow fourplexes on ten 6,000 sq. ft. lots where 7,000 sq. ft. lots are required, and to allow common driveways on property generally located on the south side of Linden Avenue between 13th and 14th Streets in Zoning District R-3.

13. V-48-81

Application of 330 ASSOCIATES, A PARTNERSHIP for a variance to allow a patron and employee parking lot, which is not a permitted use on property located at 420 South 7th Street in Zoning District R-3.

14. U-38-81

Application of AIDA Z. BRENTS for a use permit to allow a professional office on property located at 715 South 6th Street in Zoning District R-4.

15. V-49-81

Application of PHILIP DEALE for a variance to allow a reduction of required parking spaces from 128 to 50 on property located at 4545 West Sahara Avenue in Zoning District C-1.

16. V-50-81

Application of ROBERT TOLEFREE, INC. for a variance to allow a towing service and car storage operation on property generally located 140 feet east of the northeast corner of "D" Street and Owens Avenue in Zoning District C-2.

DIRECTOR'S BUSINESS:

1. Ratification of meeting date change for August, 1981

Ratification of Board of Zoning Adjustment meeting date change from August 27, 1981, to August 17, 1981, at 7:30 P.M.

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

BOARD OF ZONING ADJUSTMNET

JULY 23, 1981

1. U-40-81(HO)

Application of RONALD TRENT for a home  
occupation permit to allow drafting and  
design on property located at 4417 East  
Ogden Avenue in Zoning District R-1.

MINUTES

BOARD OF ZONING ADJUSTMENT

JULY 23, 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, Mrs. Emmett, Mr. Giles, Mrs. Myers

ABSENT: Mr. Swessel (deceased)

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning & 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.

OLD BUSINESS:

1. V-33-81

(Abeyance Item  
from 6/25/81)

APPROVED

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 on the corner of Charleston Boulevard and Cashman Drive. He said the issue is the outdoor activity area which is not allowed in this zone. He noted that all activity connected with the child care facility must presently be conducted indoors. He pointed out that other variances allowing outdoor activities for child care facilities had been granted along Charleston Boulevard. Staff recommended approval, subject to conformance to the plot plan, a block wall being constructed along the south line of the outdoor play area, the parking and driveway plan in conformance with requirements of the Traffic Engineer, and any off-sites needing repair be repaired in accordance with requirements of the Public Services Department. He stated there were no protests on file.

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

SANDY MCFARLAND, 6153 Camino de Rosa, was present representing the application. She stated she would operate the child care facility on a privileged license under the stringent controls of the Child Welfare Board, Fire and Health Departments, etc. and will provide a driveway to deter traffic from the facility to West Charleston to prevent traffic congestion in the area. She agreed to staff's stipulations.

ARGYLE GREY, 1120 Cashman Drive, appeared in protest and submitted a petition from neighboring residents which stated that the area is too small to accommodate the outdoor activity area and would change the character of the neighborhood. He said the residents have spent time and money for attorneys fees on at least four occasions to protect themselves from attempts to change the concept of C-D zoning as it was originally proposed. He also noted that a sign and covered wagon on the property have created deterioration of the property because the maintenance of the sign ordinance has not been enforced. He asked how many children would be allowed.

MS. MCFARLAND stated a maximum of 33 children are allowed at the child care facility but the children would be rotated in classroom style with a maximum of 10 children per shift in the outdoor activity area. She further stated that the outdoor area would not be used in the evening hours. She stated the ages of the children will be from 3 to 12 years of age but she does not anticipate many children in the upper age bracket.

MARSHALL REDDICK, 1130 Cashman Drive, appeared in protest and submitted a petition with 18 signatures opposing the outdoor activity. He said the property is inadequate for parking and the ingress and egress is hazardous.

MR. GILES indicated that enforcement of the sign requirements would be investigated by the appropriate City departments.

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-33-81, subject to the following conditions:

1. A maximum of ten children shall be permitted outdoors at any time.
2. Hours of the outdoor recreation activity shall be limited to 8:00 A.M. to 6:00 P.M.
3. Parking and driveway plan shall conform to the requirements of the Traffic Engineer.
4. All existing off-site improvements which are not in good condition shall be repaired as required by the Department of Public Services.
5. Construction of a six ft. masonry wall along the south side of the play area.
6. Conformance to the plot plan amended to provide paved parking spaces off the alley.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
9. Conformance to the plot plan.
10. 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 Bugbee, Mr. Giles, Mrs. Emmett  
Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

2. U-5-80

Revocation of  
Use Permit

(Abeyance item  
from 6/25/81)

ABEYANCE  
TO 8/17/81

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 there is a temporary restraining order against the City and no action can be taken at this time; therefore, staff recommended this item be held in abeyance until the August meeting.

MRS. MYERS made a Motion for ABEYANCE of U-5-80 to the 8/17/81 meeting.

Voting was as follows:

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

"NOES" None

Motion for ABEYANCE carried unanimously.

NEW BUSINESS:

1. U-37-81(HO)

APPROVED

Application of WILLIAM H. CHILDERS for a home occupation permit to allow an entertainment production management business office operation on property located at 1908 South Valley View Boulevard in Zoning District R-1 (Single Family Residence).

MR. FOSTER presented the plot plan and stated this application is in order. Staff recommended approval.

MR. GILES made a Motion for APPROVAL of U-37-81(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.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

2. U-39-81(HO)

APPROVED

Application of ARTHUR E. FAHY, JR. for a home occupation permit to allow advertising for radio and television on property located at 1709 North Mallard Street in Zoning District R-1 (Single Family Residence).

MR. FOSTER presented the plot plan and stated the application is in order. Staff recommended approval subject to normal conditions.

MR. GILES made a Motion for APPROVAL of U-39-81(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 shall be rescinded.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

3. U-35-81

APPROVED

Application of LIED MOTOR CAR COMPANY for a use permit to allow a Class III secondhand dealership (retail new and used book store) on property located at 3993 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 6, Township 21 South, Range 61 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated this application is for a book store in the Westgate Shopping Center. Staff recommended approval subject to the property being limited to one store and repair of the off-site improvements to meet the requirements of the Department of Public Services.

MR. BUGBEE asked if the repair of off-site improvements would pertain to the entire 40-acre parcel of the property or the immediate store area.

MR. FOSTER said it would only be for a reasonable area. He indicated there is a mile of roadway around this property and any improvements would be in accordance with what is required by Public Services.

PATRICIA ERBELE, 5222 Varsity Avenue, was present representing the application. She stated she would be leasing the property for the book store and agreed to staff's stipulations.

MRS. MYERS asked if the owner of the property was present.

The owner was not present.

MRS. MYERS questioned whether the lessee and not the owner could agree to off-site improvements.

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-33-81, excluding staff's recommendation for off-site improvements, subject to the following condition:

1. Operation approved for this commercial business only.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

4. V-39-81

APPROVED

Application of SALVATORE A. AND VIRGINIA PATERNOSTRO for a variance to allow a twelve ft. eight inch (12' 8") rear yard setback where fifteen feet (15') is required on property located at 2217 North Mallard Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 235, Block 1, Charleston Heights No. 50-C.

MR. FOSTER presented the plot plan and stated the property backs up to vacant R-3 apartment zoning to the west where the addition is proposed. This is a typical rectangular-shaped lot. Staff felt there were no unusual circumstances which would warrant granting the variance and recommended denial. He noted there were no protests on record.

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

VIRGINIA PATERNOSTRO, 2217 North Mallard, the applicant was present with RICHARD PALMATIRE, Community Home Improvement Company.

MR. PALMATIRE stated during the initial stages of construction they were cited for the 15 ft. setback and construction was stopped. He noted there was an existing patio slab when the property was purchased. The proposal is to enclose the existing outdoor patio. He said a walkway will be placed between the front of the house to the addition and nothing will extend beyond the proposed addition.

CHAIRMAN BUGBEE 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-39-81, subject to the following condition:

1. Conformance to the plot plan and elevations.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

5. V-40-81

APPROVED

Application of BARRETT W. REESE for a variance to allow an off-premise billboard sign to an overall height of sixty feet (60') where a maximum height of forty feet (40') is permitted on property located at 600 North "H" Street in Zoning District R-4 (Apartment Residence), under Resolution of Intent to C-1 (Limited Commercial). The above property is legally described as Lots 13 and 14, Block 7, Original Las Vegas Townsite.

MR. FOSTER presented the plot plan and indicated there was a recent rezoning of this property to commercial use. The applicant had a billboard on the property formerly for approximately five years and now desires to place another billboard at the same location for exposure to the freeway which is elevated over West Bonanza Road. Staff is in the process of developing an amendment to the zoning ordinance which would allow a maximum of 55 ft. for a sign or 30 ft. above the road bed surface of a freeway or expressway. This is before the Planning Commission for review and approval. Staff feels that some of the dimensions submitted on the application are questionable. That the road bed is only 26 ft. instead of 30 ft. as shown and if this is the case, the maximum height of the sign would be approximately 56 ft. Staff feels the applicant should adhere to the requirements of the proposed zoning ordinance amendment which is 55 ft. maximum. If the amendment is approved this would comply. Staff, therefore, recommended approval subject to conformance to the conditions of the zoning action, conformance to the plot plan and sign elevations. He noted there were no protests on file.

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

The applicant was present.

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-40-81, subject to the following conditions:

1. Conformance to the conditions of the rezoning.
2. Conformance to the plot plan and elevations.
3. Maximum height of the billboard shall not exceed 30 ft. above the road bed or 55 ft. above property grade, whichever is the lesser.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

6. V-41-81

APPROVED

Application of JACK L. CLAY for a variance to allow a carport to the side property line where seven feet (7') is required on property located at 1905 East Oakey Boulevard in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block 1, Bel Air Subdivision #4.

MR. FOSTER presented the plot plan and stated this property is located on Oakey Boulevard in the vicinity of Burnham Avenue. He said the applicant has constructed a carport between the existing residence and side property line. Staff said there were no unusual circumstances to warrant the request and recommended denial. There were no protests on file.

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

JACK L. CLAY, the applicant, was present. He said last spring the patio blew down and he contracted to have it rebuilt. He said the contractor built the carport illegally according to the required setback.

CHAIRMAN BUGBEE 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-41-81, subject to the following condition:

1. Conformance to the plot plan.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

7. V-42-81

APPROVED

Application of NORBERTO M. AND MERCEDES D. GUASPARI for a variance to allow a twenty ft. (20') front yard setback on an existing single family residence where fifty feet (50') is required on property located at 700 Marco Street in Zoning District R-E (Residence Estates). The above property is legally described as Lot 2, Block 5, Sunland Village Subdivision.

MR. FOSTER presented the plot plan and stated the property is located in the easterly portion of the City on East Bonanza Road adjacent to the Las Vegas Drainage Channel. Because of the drainage channel the street to the south was dead ended into the channel and was recently vacated with the condition that a variance be approved on the property because the legal frontage was taken away by the vacation making the side property line the front property line. The front requires a 50 ft. setback and there is only a 20 ft. setback. In order to legalize the setback and make it a non-conforming use, the variance is required. Staff recommended approval subject to the applicant entering into an Assessment District Agreement for off-sites on Marco Street and conformance to the flood hazard reduction ordinance. He noted there were no protests.

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

The applicant was not present.

KEN KLINE, 2315 Oakwood, was present and spoke in favor of the proposed variance. He said he owns the adjacent property.

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-42-81, subject to the following conditions:

1. Entering into an Assessment District Agreement for off-site improvements on Marco Street as required by the Department of Public Services.
2. Conformance to the Flood Hazard Reduction Ordinance.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

8. V-43-81

DENIED

Application of ROBERT R. BLACK for a variance to allow a helicopter landing pad (helipad) on the roof of the nine story office building known as "The Atrium" on property located at 333 Rancho Drive in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 29, Township 20 South, Range 61 East, M.D.M.

MR. FOSTER presented the plot plan and stated the proposed helipad is currently under construction on the northeast corner of Rancho Drive and the Expressway. The helipad will be located on the northeast corner of the Atrium Building along the Rancho side of the property. There is parking to the rear and residential zoning to the west and south. The applicants have indicated there will be approximately 50-60 flights per month from 8 A.M. to 7 P.M. for business purposes. The helicopter would be turbine powered. Staff was concerned about the potential noise in relation to the residential properties to the north and south and felt the proposal would be detrimental to the area. Staff recommended denial. Mr. Foster noted there were 95 protests on file and a petition with 14 signatures was just received at the meeting.

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

HERBERT M. JONES, Attorney at Law, 300 South Fourth Street, was present representing the applicant.

STEVEN RUBY, 1105 Willow Tree Drive, the pilot, was also present representing the application.

MR. JONES outlined the proposed approach patterns and noted the approaches have been discussed with representatives of the FAA and they voiced no objection to the approaches as outlined. One approach will be down the Las Vegas Expressway, one from the east going west from the northeast corner of the building and another down the Bonanza commercially developed area. He noted the landing pad will be located away from the residential area.

CHAIRMAN BUGBEE asked if the routes were established by the FAA.

MR. JONES said they would have to give final approval.

MR. GILES asked if there are velocity requirements for helicopters and if they are affected by the wind as are fixed-wing aircraft.

MR. RUBY said the prevailing winds from where the pad is facing would be from the west. He said cross winds have no effect whatsoever on a helicopter. He explained the estimated landing and take-off time. He said take-off time would be approximately 60 seconds. In that time the helicopter would be about  $\frac{1}{4}$  to  $\frac{1}{2}$  mile away. It would take only 10 to 15 seconds for the noise level to subside upon landing.

MRS. EMMETT asked about the number of estimated flights per month.

MR. RUBY stated 50-60 is an estimate of combined approach and departure flights. He said there will be approximately two flights per day between the hours of 8 A.M. and 5 P.M.

MRS. EMMETT asked if these were scheduled flights.

MR. RUBY indicated they were business flights. He added that there would be flights on the weekends as well. He said the service they offer is an on-demand charter service and their office is in the penthouse suite of the Atrium Building serving both as a charter service and corporate service.

MR. JONES pointed out the noise would be absorbed by the roof area. He pointed out the noise factor is the only objection raised by staff. He submitted a letter from Mr. Ned Barker, City Fire Marshal, attesting to the fire safety aspect.

MR. GILES asked about the size of the helicopter.

MR. RUBY stated it would be equivalent to a police helicopter with a maximum capacity for five persons.

THOMAS WALKER, 204 Ramsey, appeared in protest. He objected to the proposed helipad. He also stated that his property is directly behind the four-story garage of the Atrium Building and since its construction he has had to bear broken walls, damage to his trees and property and litter from the workmen on the job site.

FRANK PROCOPIO, 2601 Austin Avenue, appeared in protest. He said the residents of this area are currently within the flight path of the police helicopter which disturbs them. He said the properties will be devalued because of the added noise factor and he could see no need for the service since the airport is only a few minutes from the area.

RAY HARTZEL, 128 Ramsey Street, appeared in protest. He pointed out that a five-man capacity helicopter would not be beneficial for fire safety because it does not have adequate capacity to evacuate an office building. He also objected to the damage from the present garage job site.

LABRADO RAMOS, 304 Ramsey, appeared in protest. He stated that the helicopter service would not be satisfied economically to limit the flights to two per day. He said helicopters are unpredictable and are a danger to the residences in the area if there should be an accident. He said the fact that this is an established residential area should be considered.

ALBERT S. GRECO, 205 Del Mar Street, and LLOYD BROMBERG, 104 Dahlia Lane, also appeared in protest.

There were approximately 35 present in protest.

MR. JONES said with respect to the possible hazards that METRO flies approximately 3,000 hours per year over the community and there has never been an accident involving this aircraft in the Clark County area.

CHAIRMAN BUGBEE asked if anyone else wished to be heard; there being no one, he declared the public hearing closed. He stated that he recently favored the helicopter service for the hospital but did not feel Las Vegas is ready to accommodate a helicopter business of this type.

CHAIRMAN BUGBEE made a Motion for DENIAL of V-43-81.

Voting was as follows:

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

"NOES" None

Motion for DENIAL carried unanimously.

9. V-44-81

APPROVED

Application of WENDELL M. AND MARY A. CROSBY for a variance to allow a professional office where such use is not permitted on property located at 606 South 9th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as the north 10 feet of Lot 28, and Lots 29 and 30, Block 15, Wardie Addition.

MR. FOSTER presented the plot plan and stated there is a pattern evolving around the periphery of this area for office use. Over a year ago a study was made to determine if a new zoning district should be established to allow the area to transition to restricted office use but because of objections from the residents this was not pursued by the City. Since that time, several variance applications have been approved on South 7th Street which is two blocks to the west. There is P-R zoning to the east, multi-family to the north and east and the proposed site is in the center of a four-block long residential area. There was a rezoning application formerly submitted for this property which went before the Planning Commission and was recommended for denial for P-R zoning. The City Commission then held the application in abeyance because it felt the request should be considered in the form of a variance. Staff recommended denial of this application. Mr. Foster stated that staff felt there should be a systematic approach to the transition of this area to office use that should take place from the outlying areas to the center rather than in random approval of variances for office use throughout the area. He noted there was one protest on record.

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

STEVEN BURRISS, 5251 Canal Court, was present representing the application. He noted he is one of the partners in the law firm that is purchasing the property for a legal office. He pointed out their clientele is small and there would be limited traffic to the facility. There will be four persons on staff and there is adequate parking. He stated there were six nearby residences that had been converted to P-R (Professional Offices & Parking) use. All six are within a two block radius of this building. He said the area is attractive to lawyers because of its close proximity to the Courthouse.

CHAIRMAN BUGBEE asked if he had discussed this application with his neighbors.

MR. BURRIS said he had not, but LEE SCHRAUM, who was also present representing the application had.

LEE SCHRAUM, 3392 Mather Street, was present and said she spoke with the neighbors on the north, south and the three neighbors to the rear of the property and no objections were raised. She submitted seven letters of support signed by neighbors and a petition. She said the architectural, historic and aesthetic quality of the property will not be changed and that a zoning variance is the most responsible way to maintain these qualities in the neighborhood.

JOSEPH THERIOT, 621 South 9th Street, appeared in protest. He named each of the neighbors on the block and what he felt their opinions were of the variance. He said, personally, he did not support the variance application because of the residential nature of the neighborhood.

JOHN CONWAY, 630 South 9th Street, appeared in protest. He said there is inadequate parking for the facility.

LAMAR MARCHESE, 624 South 9th Street, objected on the basis that the residential quality of the neighborhood should be maintained as it is. He said many of the residents have lived there for many years and chose this neighborhood because it has amenities that cannot be found elsewhere. He said traffic will increase and the central core neighborhood will be destroyed. He urged the Board to follow the recommendations of staff.

JERRY MCMULLIN, 520 South 9th Street, appeared in favor of the application and the transitioning pattern of the neighborhood.

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

MRS. EMMETT said she feels this is an example of a transitional tragedy which is happening all over the country. She pointed out it is fortunate that the professional uses going in there are of a high caliber.

MR. GILES made a Motion for APPROVAL of V-44-81, subject to the following conditions:

1. Entering into an Assessment District Agreement for street lighting on 9th Street and alley paving.
2. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.
3. No outside or accessory building storage of equipment or supplies.
4. No conducting business after 9:00 P.M.
5. Conformance to the plot plan.
6. No exterior changes to the elevations without Board of Zoning Adjustment approval.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN BUGBEE announced this item will be considered by the Board of City Commissioners 7/19/81.

10. V-45-81

APPROVED

Application of GARY J. MARINO for a variance to allow a room addition with a 20'6" rear yard setback where twenty-five feet (25') is required; and to allow an eight ft. (8') fence where a maximum fence height of six feet (6') is permitted on property located at 2309 Pardee Place in Zoning District R-2 (Two Family Residence). The above property is legally described as Lot 6, Block 7, Francisco Park.

MR. FOSTER presented the plot plan and stated this property is located northeast of Maryland Parkway and Sahara Avenue. The proposed addition is to the rear of the property with an 8 ft. fence on the rear portion. Staff felt there were no unusual circumstances or justification to allow the variance and recommended denial. He noted there were no protests.

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

GARY J. MARINO, the applicant, was present. He said he lives in half of the duplex. He described the dimensions of the rooms and said the addition is to expand the living area to include a small den and an area for storage, washer and dryer.

CHAIRMAN BUGBEE inquired about his request for the 8 ft. wall.

MR. MARINO said there is an existing 6 ft. wall but the property is elevated. He has a dog that he is concerned about jumping the shorter wall and also he would like additional privacy.

RICK HUTCHISON, 2311 Pardee Place, appeared in favor of the application. He said he occupies the other portion of the duplex and concurred with the applicant's statements concerning the wall.

CHAIRMAN BUGBEE 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-45-81, subject to staff's recommendations as follows:

1. Conformance to the plot plan.
2. If the existing street improvements are not in good condition, repair as required by the Department of Public Services.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

II. V-46-81

APPROVED

Application of MARVIN AND LUCILLE RAY for a variance to allow an accessory building (garage) on a lot prior to the development of a main dwelling on property generally located at the southeast corner of Del Rey Avenue and Vista Drive in Zoning District R-E (Residence Estates). The above property is legally described as the North 120 feet of Lot 1, Block 2, Artesian Heights Tract No. 1.

MR. FOSTER presented the plot plan and stated there was a recent rezoning of the south portion of this property to R-D (Single Family Residence, Restricted), which allowed him to split the parcel into two lots. This request involves the north lot where there is an accessory building which is not allowed without a residence. The variance would allow him to retain the accessory building. Staff recommended approval with a two-year review to determine if a main building is going to be constructed; that there be no exterior storage; dedication of a radius corner at Del Rey and Vista; and signing an Assessment District agreement for off-site improvements on Vista and Del Rey. He noted there were no protests on file.

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

MARVIN RAY, the applicant, was present. He agreed to staff's stipulations.

MRS. MYERS asked if he planned to build a main building on the property in the near future.

MR. RAY said he is not financially able to do so at this time.

RUSSELL EDMUNDS, 4210 Mountain View, appeared in protest and inquired as to the use of the accessory building.

MR. RAY said he is using it for a car hobby.

JAMES QUISSENBERRY, 4115 Del Monte Avenue, appeared in protest. He said if Mr. Ray cannot build on the property he should sell the property.

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-46-81, subject to staff's recommendations as follows:

1. A review shall be conducted in two years.
2. That only personal storage use of this building by the applicant be allowed until the main building is constructed and no exterior storage on the lot shall be permitted.
3. Dedication of a radius corner at the intersection of Del Rey Avenue and Vista Drive.
4. Entering into a Special Assessment District Agreement for off-site improvements on Del Rey Avenue and Vista Drive.
5. Conformance to the plot plan.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

12. V-47-81

APPROVED

Application of RANDY BLACK and PARK MANAGEMENT & DEVELOPMENT, LTD., A NEVADA CORPORATION, for a variance to allow fourplexes on ten 6,000 sq. ft. lots where 7,000 sq. ft. lots are required, and to allow common driveways on property generally located on the south side of Linden Avenue between 13th and 14th Streets in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 1 through 4 inclusive, and Lots 15 through 20 inclusive, Block 6, 14th Street City Addition.

MR. FOSTER presented the plot plan and stated that in 1976 there was a variance requested to increase the density and decrease the parking on this property which was denied. Staff felt that because of the topography and the fact that other such variances have been approved this request would be compatible in the area and recommended approval, subject to joint access being approved by the City Commission; dedication of radius corners at 13th Street and Linden Avenue and Linden Avenue and 14th Street; parking and driveways in compliance with the requirements of the Traffic Engineer; repair of any damaged streets and sidewalks on Linden, 13th Street and 14th Street. He noted that approval of the variance would constitute

approval of four parking spaces in the front yard of the two lots to the south. He noted there were no protests on record.

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

GEORGE SMITH, 730 East Sahara Avenue, was present representing the application.

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-47-81, subject to the following conditions:

1. Joint access approved by the City Commission.
2. This approval constitutes approval of the four parking spaces in the front yard of the south two lots.
3. Provide fire hydrants and water flow as required by the Department of Fire Services.
4. Dedication of radius corners at 13th Street and Linden Avenue and Linden Avenue and 14th Street.
5. Parking and driveway plan approval by the Traffic Engineer.
6. Install sidewalks on 13th Street, 14th Street, and Linden Avenue.
7. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.
8. 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.
9. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
11. Conformance to the plot plan.
12. 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 Bugbee, Mr. Giles, Mrs. Myers, Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

13. V-48-81

TABLED

Application of 330 ASSOCIATES, A PARTNERSHIP, for a variance to allow a patron and employees parking lot, which is not a permitted use on property located at 420 South 7th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 23 and 24, Block 5, Wardie Addition.

MR. FOSTER presented the plot plan and stated the property involves a small lot connected to a larger parcel across the alley to the west fronting on 6th Street. The easterly portion will be used for parking. There is a zone change request currently before the City Commission for approval on this property. Staff felt the request was compatible and recommended approval subject to signing an Assessment District Agreement; alley paving and repair of any damaged street improvements. He noted there were no protests on file.

CHAIRMAN BUGBEE opened the hearing and asked to hear from the applicant.

FLOYD HALE, one of the five partners, was present representing the application.

ALVIN WARTMAN, Attorney at Law, 302 East Carson appeared in protest and stated he is opposed to the variance and represents several other property owners opposed to this application.

LAURA LARSEN, 420 South 7th Street, appeared in protest.

MR. FOSTER pointed out after reviewing the staff records that the present owner of the property did not sign the application and, therefore, it is invalid. Staff requested the item be tabled.

CHAIRMAN BUGBEE declared this item would be TABLED with consent of the full Board.

14. U-38-81

APPROVED

Application of AIDA Z. BRENTS for a use permit to allow a professional office on property located at 715 South 6th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 7 and 8, Block 30, South Addition.

MR. FOSTER presented the plot plan and stated the property is located on the east side of 6th Street. The applicant proposes to utilize the existing residence and convert it to an office. Landscaping is adequate and there are three parking spaces in the front and four to the rear of the property. Staff recommended approval subject to signing an Assessment District Agreement for street lighting and alley paving and repair of any damaged street improvements on 6th Street. He noted there were no protests.

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

AIDA BRENTS, the applicant, was present and agreed to staff's stipulations.

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 U-38-81, subject to the following conditions:

1. Entering into a Special Assessment District Agreement for street lighting on 6th Street and alley paving as required by the Department of Public Services.
2. If existing street improvements are not in good condition, repair them as required by the Department of Public Services.
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 Bugbee, Mr. Giles, Mrs. Emmett  
Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

15. V-49-81

APPROVED

Application of PHILIP DEALE for a variance to allow a reduction of required parking spaces from 128 to 50 on property located at 4545 West Sahara Avenue in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of the East Half (E $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 7, Township 21 South, Range 61 East.

MR. FOSTER presented the plot plan and stated the proposal is for an addition to Phillips Supper Club which would expand the square footage and seating. The existing building requires 83 parking spaces and the addition will require 45 more spaces. Parking requirements are based on the square footage of the building or the seating whichever is greater. Because the applicants have made arrangements with Chism Homes, which is adjacent to the facility, for additional parking, staff feels the parking requirements can be met and recommended approval.

Staff recommended approval subject to conformance to the plot plan and the signing of a formalized agreement by the applicant and Chism Homes for the parking. He noted there were no protests on record.

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

JAY DOWNEY, was present representing the application. He noted that Chism Homes closes at 5 P.M. and the Supper Club does not open until 7 P.M. so the parking arrangement would be suitable. A spatial walkway is provided through the area. The 17 employees of the Supper Club will utilize the parking west of the property in the shopping center which also closes at 5 P.M.

CHAIRMAN BUGBEE 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-49-81, subject to the following conditions:

1. Conformance to the plot plan.
2. Provision of an agreement with the adjacent property owners for use of additional parking facilities as outlined in the letter submitted by Chism Homes, Inc.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

16. V-50-81

APPROVED

Application of ROBERT TOLEFREE, INC. for a variance to allow a towing service and car storage operation on property generally located 140 feet east of the northeast corner of "D" Street and Owens Avenue in Zoning District C-2 (General Commercial). The above property is legally described as a portion of the South Half ( $S\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 22, Township 20 South, Range 61 East, M.D.M.; and a portion of the South Half ( $S\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 22, Township 20 South, Range 61 East, M.D.B. & M.

MR. FOSTER presented the plot plan and stated the property is a rectangular shaped lot located on the north side of Owens Avenue. There is R-3 zoning south of the property and to the north is vacant C-2 zoning. Further north of that is the Cadillac Arms Apartments. The request is for a towing service and car storage operation where cars will be stored for a maximum of 45 days until the insurance adjusters are able to make an appraisal. Staff felt this is an industrial type use that should be located further east of the freeway and was also concerned about the effects on the residential area to the south. Staff recommended denial. He noted there were no protests.

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

ROBERT TOLEFREE, the applicant, residing at 5205 Santo Avenue, was present. He said he has owned the property for 15 years and made several improvements to the property. They do not intend to do any type of industrial work such as dismantling cars and there will be no junk cars on the property. He said they are presently allowed to store cars for 18 days but the additional time will be more of a convenience to the insurance adjusters and less costly. There is a building on the back portion of the property where they will be repairing tow trucks but there will be no service to the public and the work would be done inside. He said he is licensed by the State.

DRISILLA GIBBONS, 409 Leonard Avenue, appeared and inquired as to whether the zone would be changed. She said this may set a precedent in the area for industrial-type uses.

ALVIN COLEMAN, 300 George Place, Zoning Specialist, Clark County, appeared in protest. He said to allow this use may set a precedent for other uses such as auto salvaging, wrecking yards, auto repair, etc. He said the project would not be in the best interests of the residential community in this area. He submitted a petition of protest with 20 signatures.

IVORY HAROLD BLUE, 1605 Putnam, Assistant Traffic Engineer, Clark County, appeared in protest and stated the entrances proposed for this operation are hazardous because of the one-way westbound traffic from "D" Street. He said this problem could be alleviated by reversing the entrance and exits.

CALVIN SLADE, 517 Frederick Avenue, appeared in protest. He said he did not desire this area to become a junk yard area.

WILLIAM MCCURDY, 833 Blankenship, appeared in favor of the application and asked that the applicant be given the opportunity to conduct a business to promote progress in this area.

KATIE D. PERRY FLETCHER, 300 West Harrison, appeared in favor and stated the applicant has made substantial improvements to the property and will continue to do so.

BOB BAILY, Director, NEDCO-MBDA Division, also appeared for the application. He said he was representing the applicant and noted that the applicant has improved the property with landscaping, a fence that will maintain the stored cars from public view and is willing to comply with staff's stipulations. He said the only difficulty in complying that the applicant might have would be the immediate installation of the sidewalk because of the expense involved.

MR. BUGBEE suggested a three-year limitation be imposed and the sidewalks would have to be installed by the end of the three-year review period.

MR. COLEMAN said the protestants are not questioning the character of the applicant, but the possibility that this would set a precedent for other operations of a similar nature to come into the area.

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

MR. GILES stated he respects both sides of the issue, but feels that a parcel of property left vacant for 30 years should be developed if there is an opportunity for development.

MR. GILES made a Motion for APPROVAL of V-50-81, subject to the following conditions:

1. This operation shall be permitted for a period of three years at which time a review shall be conducted.
2. Approval of the parking and driveway plan by the Traffic Engineer.
3. Install a sidewalk on Owens Avenue within three years as required by the Department of Public Services.
4. If existing street improvements are not in good condition, repair them as required by the Department of Public Services.
5. No stacking of cars above the fence height shall be permitted.
6. Maximum length of storage time per car shall not exceed thirty-five days and there shall be no dismantling or repair of vehicles allowed on the premises.
7. 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.
8. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
10. Conformance to the plot plan.
11. 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 Bugbee, Mr. Giles, Mrs. Emmett,  
Mrs. Myers

"NOES" None

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA:

1. U-40-81(HO)

APPROVED

Application of RONALD TRENT for a home occupation permit to allow drafting and design on property located at 4417 East Ogden Avenue in Zoning District R-1 (Single Family Residence).

MR. FOSTER presented the plot plan and stated the application was in order. Staff recommended approval subject to normal conditions.

MR. GILES made a Motion for APPROVAL of U-40-81(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.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. RATIFICATION OF  
MEETING DATE CHANGE  
FOR AUGUST, 1981

MRS. MYERS made a Motion to APPROVE the ratification of the Board of Zoning Adjustment meeting date change from August 27, 1981 to August 17, 1981.

Voting was as follows:

"AYES" Mr. Giles, Chairman Bugbee, Mrs. Emmett,  
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 10:45 P.M.



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

/sk

## INTER-OFFICE MEMORANDUM

July 21, 1981

|   |                      |
|---|----------------------|
| TO:<br><br>FOSTER   | FROM:<br><br>CLEMMER |
| SUBJECT:<br><br>BOARD OF ZONING ADJUSTMENT<br>AGENDA ITEMS - JULY 23, 1981<br>MEETING | COPIES TO:           |

OLD BUSINESS:

1. V-33-81

This was held in abeyance from the June 25, 1981 meeting due to tie vote.

On the southwest corner of Rancho and Charleston, the City Commission approved a child care facility in the C-D zone. Outdoor activity area for children is mandated by child welfare regulations. At the hearing, applicant indicated 20 children ages 3 to 13 during the hours of 6 A.M. to 11 P.M. Staff recommends approval due to other precedents in the C-D zone. Sound attenuation should be considered on the south side. Subject to:

1. Parking and driveway plan shall conform to the requirements of the Traffic Engineer.
2. All existing off-site improvements which are not in good condition shall be repaired as required by the Department of Public Services.
3. Conformance to the plot plan amended to provide paved parking spaces off the alley.
4. Standard conditions 2 through 5.

Protests - 12

2. U-5-80

Owner requested revocation of approved Use Permit for Class III secondhand dealers. Rick and Brett have given depositions for court case. Chris Gellner has ruled that this should not be revoked unless Mrs. Anderson consents. This was held in abeyance from the June 25, 1981 meeting.

NEW BUSINESS:

1. U-37-81(HO)

The method of operation for this entertainment production would not adversely affect the residential area. The questionnaire has been signed favorably. Staff recommends approval, subject to:

1. If a complaint is received regarding the operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.
2. The operation shall conform to the criteria for a home occupation permit.

2. U-39-81(HO)

The method of operation for this advertising operation would not adversely affect the residential area. The questionnaire has been signed favorably. Staff recommends approval, subject to:

1. 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.
2. The operation shall conform to the criteria for a home occupation permit.

3. U-35-81

The Class III book store would not adversely affect the commercial area. The legal description included an approximately 40 acre area, whereas the operation would be limited to a small unit within the commercial complex. One protest, if intention is an adult book store. Staff recommends approval, subject to:

1. Operation approved for commercial unit reflected on the plot plan only.
2. All existing on-street improvements which are not in good condition shall be repaired as required by the Department of Public Services.

4. V-39-81

This is a regular lot. The proximity of the existing patio cover to the rear property line had allowed 10' and the existing setback of 12'8" was ok. There is R-3 zoning to the west. Permit is for enclosure for family room. This will probably not adversely effect the neighborhood, however, staff would recommend denial. If approved, subject to:

1. Conformance to the plot plan and elevations.

5. V-40-81

Off premise signs are limited to 40' maximum; however, there is a pending ordinance which staff has taken a position to allow them 30' above road bed and it was felt that 55' would be the maximum necessary in most cases. In this case, they are indicating 30' above the road bed. The road bed height is 26 feet. Staff recommends approval, subject to:

1. Conformance to the conditions of the rezoning.
2. Conformance to the plot plan and elevations.

6. V-41-81

The carport is existing. There (was not) a building permit. Correction notice issued June 3, 1981. Staff recommends denial. If approved, subject to the following conditions:

1. Conformance to the plot plan.

7. V-42-81

This is a result of a vacation action on Irene Street. Staff was positive on the vacation of the short dead end street and it must follow that we support this variance as it was recognized that the shallow depth of this lot from Marco would render the lot improbable to contain a structure with 50' front and rear setbacks. Staff recommends approval, subject to:

1. Entering an Assessment District Agreement for off-site improvements on Marco Street as required by the Department of Public Services.
2. Conformance to the Flood Hazard Reduction Ordinance.

Protests -

8. V-43-81

This location is on the fringe of stable residential areas. Staff feels that the noise emitted by this use will adversely effect the adjacent residential uses. Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan.
2. Only helicopters having equivalent noise patterns or less may utilize this site.
3. That the landing approach shall be from the east only.
4. Helistop operations only. No refueling, maintenance, repairs or storage of helicopters is permitted as determined by the Fire Services Dept.
5. Landing deck shall conform to the provisions of NFPA Pamphlet #418 Uniform Building Code.
6. Helistop shall be maintained in accordance with Article 24, Division III of the Uniform Fire Code.
7. Two means of egress shall be provided and remote from each other as required by the Department of Fire Services.
8. 40' X 40' landing deck designed to permit clear approach and departure as determined by the Department of Fire Services.
9. Fire protection shall be required for helipad category (H-1, H-2, or H-3) See appendix to NFPA Pamphlet Articles #418 & 403. Minimum of two (2) 80 B, C or (1) 160 B, C wheeled extinguishers.
10. Communication facilities shall be provided from the roof area to allow notification of Fire Department. A pull station shall be installed and connected to an approved central signal office or the fire alarm system of the City of Las Vegas.

Protests -

9. V-44-81

This is in the study area for the P-RR which was not adopted. Staff recommends denial.

If approved, subject to:

1. Entering an Assessment District Agreement for street lighting on 9th St. and alley paving.
2. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.
3. No outside or accessory building storage of equipment or supplies.
4. No conducting of business after 9:00 P.M.
5. Conformance to the plot plan and elevations.

Protests-

10. V-45-81

This lot is regular in shape and there are no unusual circumstances to justify a variance for either the fence or the addition. Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan.
2. If the existing street improvements are not in good condition, repair as required by the Department of Public Services.

Protests -

11. V-46-81

The approval of the rezoning to R-D of the south two lots was predicated on the variance being approved. Building exists and fulfillment of conditions is a problem. Staff would recommend approval, subject to:

1. The accessory building shall be razed if the main building is not constructed within 2 yrs.'
2. That no use of this building be allowed until the main building is constructed.
3. Dedication of a radius corner at the intersection of Del Rey Avenue and Vista Drive.

4. Entering a special Assessment District Agreement for off-site improvements on Del Rey Avenue and Vista Drive.
5. Conformance to the plot plan.

Protests -

12. V-47-81

This project is on a hillside location presenting some hardship and the lots were not designed for the existing density. This plan of joint access provides a solution for the lack of alleys. Staff recommends approval, subject to:

1. Joint access approved by the City Commission.
2. Standard conditions 1 through 5.
3. This approval constitutes approval of the 4 parking spaces in the front yard of the south 2 lots.
4. Provide fire hydrants and water flow as required by the Department of Fire Services.
5. Dedication of radius corners at 13th St. and Linden Avenue and Linden Avenue and 14th St.
6. Parking and driveway plan approval by the Traffic Engineer.
7. Install sidewalks on 13th St., 14th St and Linden Avenue.
8. Repair all existing street improvements which are not in good condition as required by the Department of Public Services.

Protests -

13. V-48-81

This is across from the high school. If public lots are compatible in an R-4 zone it would follow that patron and employee lots wouldn't be disruptive in a lower density apartment area. Staff would recommend approval, subject to:

1. Entering a special Assessment District Agreement for alley paving as required by Public Services.
2. Standard conditions 1 through 5.
3. If existing street improvements are not in good condition repair them as required by Public Services.

Protests -

14. U-38-81

The west side of 6th Street is C-1. The east side is R-4 with a myriad of use permits for professional uses. Staff would recommend approval, subject to:

1. Entering a special Assessment District Agreement for street lighting on 6th Street and alley paving as required by the Department of Public Services.
2. If existing street improvements are not in good condition repair them as required by the Department of Public Services.
3. Standard conditions 1 through 5.

Protests -

15. V-49-81

The calculation based on seating capacity of 180 people would allow for 45 spaces but the area of the building calls for a greater number. A question arises as to whether they have provided luxurious eating conditions necessitating additional floor space. The new code provisions fairly well fit the fast food quantions but we should temper our code with variances when extraordinary circumstances exist. Staff recommends approval, subject to:

1. Conformance to plot plan.

Protests -

16. V-50-81

This is a very well conceived auto impound area plan but it belongs in a C-M or M zone. Staff recommends denial. If approved, subject to:

1. Standard conditions 1 through 5.
2. Approval of the parking and driveway plan by the Traffic Engineer.
3. Install a sidewalk on Owens Avenue as required by Public Services.
4. If existing street improvements are not in good condition repair them as required by the Dept. of Public Services.

Protests -

Please Sign

7/23/1981

NAME

ADDRESS

Randy McLeod

10152 Camino De Rosa <sup>APT B</sup> LV 10

Bill Childers

1908 Valley View Blvd So LV 89102

Patricia L. L. L.

2217 N. MALLARD

Virginia Patterson

4664 E. SHELBY ROAD

James Patterson

Jack L. Gray

1905 E ORANGE

Ken Kline

2315 Oakwood

Tom Walker

204 Ramsey

BZA

PLEASE PRINT

NAME

ADDRESS

7/23/1981

E. J. Downey

4601 W. SAHARA

CITY CLERK

JAN 29 10 20 AM '81

RECEIVED