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A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 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

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held September 24, 1981, and October 22, 1981.

NEW BUSINESS:

1. U-63-81(HO) Application of SHERRILL STARNIRI for a home occupation permit to allow the making of silk flower arrangements on property located at 1105 Newport in Zoning District R-1.

2. U-70-81(HO) Application of PATRICIA ANN EMDE for a home occupation permit to allow a mail order business for home computer genealogical assistance and mailing lists on property located at 5600 Dorrell Lane in Zoning District R-E.

3. U-62-81 Application of JOHN S. KIM for a use permit to allow a Class III secondhand license for the buying and selling of precious metals, jewelry and gems on property located at 1504 South 4th Street in Zoning District C-2.

4. V-73-81 Application of AMITY INVESTMENTS for a variance to allow a second free-standing sign where only one is permitted on property where the Las Vegas Honda dealership is located at 1700 East Sahara Avenue in Zoning District C-2.

5. V-75-81 Application of BERT WOYWOD for a variance to allow a garage addition 26.5 feet from the rear property line where fifty feet (50') is required on property located at 4219 Mountain View Boulevard in Zoning District R-E.

6. U-64-81 Application of JOHN ROBARTS for a use permit to allow a Class III secondhand dealership for used books on property located at 5636 West Charleston Boulevard in Zoning District C-1.

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7. U-65-81 Application of the CITY OF LAS VEGAS, A MUNICIPAL CORPORATION for a use permit to allow an office, vehicle storage and maintenance facility for the Economic Opportunity Board on property generally located on the west side of "H" Street approximately 500 feet south of Owens Avenue in Zoning District R-3.

8. U-66-81 Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 1501 North Decatur Boulevard in Zoning District C-1.

9. U-67-81 Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 1560 North Eastern Avenue in Zoning District C-1.

10. U-68-81 Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 3830 West Sahara Avenue in Zoning District C-C.

11. V-76-81 Application of AJAX, INC., A NEVADA CORPORATION for a variance to allow a funeral home with a caretaker's residence where such uses are not allowed on property located at 2127 West Charleston Boulevard in Zoning District C-1.

12. V-77-81 Application of SAFEWAY STORES, INC. for a variance to allow 163 parking spaces where 277 are required for a proposed restaurant, cocktail lounge and arcade on property located at 4750 Vegas Drive in Zoning District C-1.

13. V-78-81 Application of BYRON B. ROHDE, ET AL for a variance to allow corrals with no setback from the side and rear property lines where twenty-five feet (25') is required and to allow the corrals forty feet (40') from the dwellings where fifty feet (50') is required on various lots located in Stagecoach Depot Units 2A and 2B subdivisions, generally located on the south side of Craig Road between Thom Boulevard and Bradley Road in Zoning District R-E.

14. U-69-81 Application of HOOPER INDUSTRIES, LTD. ON BEHALF OF FRANK ROTH for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 427-B Las Vegas Boulevard South in Zoning District C-2.

15. V-79-81

Application of SPORTSMAN PARADISE, INC. for a variance to allow a Class III secondhand dealer for the buying and selling of used guns (25% used; 75% new) on property located at 1124 South Maryland Parkway in Zoning District C-D.

16. V-80-81

Application of DONNA C. SWARTZ, ET AL for a variance to allow a child care facility to remain open for business after 9:00 P.M. where all uses open to the public are required to cease at 9:00 P.M. on property located at 3301 West Charleston Boulevard in Zoning District C-D.

17. V-81-81

Application of KAYELAND, INC. for a variance to allow the mechanical repair of boat engines which is not permitted on property located at 1080 North Rancho Drive in Zoning District C-2.

18. V-82-81

Application of STANLEY M. ZURAWSKI, ET AL for a variance to allow an off-premise billboard sign to an overall height of fifty feet (50') where a maximum height of forty feet (40') is allowed on property located at 750 East Sahara Avenue in Zoning District C-1.

19. V-83-81

Application of JOHN T. AND MARILYN A. MORAN, JR. for a variance to allow a four ft. (4') side yard setback where five feet (5') is required on property located at 2500 Pinto Lane in Zoning District R-A.

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

BOARD OF ZONING ADJUSTMENT

NOVEMBER 23, 1981

1. U-71-81(H0)

Application of RICHARD D. AND LOUISE McINNIS for a home occupation permit to allow a mail order business on property located at 7605 Charles Conrad Circle in Zoning District R-1.

FINAL MINUTES

BOARD OF ZONING ADJUSTMENT

NOVEMBER 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 Robert W. Bugbee in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.
- PRESENT: Chairman Robert W. Bugbee, Helen Myers, Robert G. Giles and Frank Canul
- EXCUSED: Jessie Emmett
- ANNOUNCEMENT
RE COMPLIANCE
OF OPEN
MEETING LAW 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 moved that the Minutes for the Board of Zoning Adjustment meetings held September 24, 1981, and October 22, 1981 be APPROVED. Motion carried by unanimous vote.
- STAFF PRESENT: Harold P. Foster, Director, Community Planning & Development
Robert C. Clemmer, Acting Chief of Zoning
Christopher Gellner, Deputy City Attorney
Carol Ann Hawley, City Clerk
- NEW BUSINESS:
1. U-63-81(HO) Application of SHERRILL STARNIRI for a home occupation permit to allow the making of silk flower arrangements on property located at 1105 Newport in Zoning District R-1.
APPROVED
- MR. FOSTER stated this was a routine type application and all was in order and that staff recommended APPROVAL, subject to normal conditions.
- There were no protests to this application.
- MRS. MYERS moved for APPROVAL subject to staff's conditions. The motion carried unanimously.
2. U-70-81(HO) Application of PATRICIA ANN EMDE for a home occupation permit to allow a mail order business for home computer genealogical assistance and mailing lists on property located at 5600 Dorrell Lane in Zoning District R-E.
APPROVED
- MR. FOSTER stated this was a routine application and all was in order and that staff recommended APPROVAL subject to normal conditions.
- There were no protests to this application.
- MRS. MYERS moved for APPROVAL subject to staff's conditions. The motion carried unanimously.
3. U-62-81 Application of JOHN S. KIM for a use permit to allow a Class III secondhand license for the buying and selling of precious metals, jewelry and gems on property located at 1504 South 4th Street in Zoning District C-2.
APPROVED
- Mr. Foster presented the plot plan and stated that this property was on the southern end of South Fourth Street. Because properties

on both sides of this particular address have used a Las Vegas Boulevard address, the City Attorney's office was asked to render an opinion on whether this particular property qualified as meeting the intent of the new business licensing regulations which indicate that Class III businesses are prohibited from being on Fremont Street and Las Vegas Boulevard between Charleston and Sahara. The opinion from the City Attorney's office indicated that this particular property is on Fourth Street and advised that the Board should give consideration that the particular use would have high visibility from Las Vegas Boulevard and additionally, that this property had previously used the Las Vegas Boulevard address over the years.

Staff recommended APPROVAL, based on the City Attorney's office opinion and recommended the following conditions:

1. That the business maintain a Fourth Street address.
2. That portable planters be installed as there is no landscaping in front of the business.

GEORGE STURMAN appeared on behalf of the application and stated that application for this Use Permit had begun prior to the adoption of the new Class III ordinance. He assured the Board he would carry a Fourth Street address if approval was granted and that he would gladly comply with staff's recommendations as stated above. He indicated he was moving his present business located on Las Vegas Boulevard next to Foxy's Casino to the 1504 South Fourth Street address.

There were no protests to this application.

MR. CANUL moved for APPROVAL subject to staff's conditions. The motion carried unanimously.

This item will be heard by the City Commission at their meeting on 12/16/81 at 2 P.M.

4. V-73-81
APPROVED

Application of AMITY INVESTMENTS for a variance to allow a second free-standing sign where only one is permitted on property where the Las Vegas Honda dealership is located at 1700 East Sahara Avenue in Zoning District C-2.

MR. FOSTER presented the plot plan. This is for a business located on East Sahara next to the Honda agency. That agency is expanding and will have a Ferreri agency in with it and they want to have a major free standing sign for each of the car dealerships. The subject property is located at Burnham and Sahara. The proposed sign would be on the westerly portion of the property near the west driveway entrance with the proposed sign at about 20 ft. high.

MR. FOSTER stated staff feels there is reasonable distance between the signs and would be appropriate at this location and would recommend APPROVAL subject to conformance to the plot plan and the elevations which have been submitted.

Eddie Sarafian of Amity Investments appeared on behalf of the application.

There were no protests to this application.

MR. GILES moved for APPROVAL and the motion carried unanimously.

5. V-75-81

APPROVED

Application of BERT WOYWOOD for a variance to allow a garage addition 26.5 feet from the rear property line where 50 feet is required on property located at 4219 Mountain View Boulevard in Zoning District R-E.

MR. FOSTER presented the plot plan. He stated this was in an R-E area in the Hinson Heights Subdivision south of Charleston east of Arville Avenue. The applicant is requesting a 26.5 ft. rear yard setback where 50 feet is required for a proposed garage addition. The setback would be from the south end of the addition to the south property line.

MR. FOSTER stated staff feels there are certain alternatives that the applicant could take such as constructing a breezeway which the ordinance allows which would have a 6 ft. setback or having a separate detached building with a 6 ft. setback between, both alternatives being in compliance with the code. On this basis, he stated, staff recommended DENIAL as they could see no justification for the application. Chairman Bugbee asked Mr. Foster if this structure had been built and he replied not to his knowledge.

HARRIET WOYWOOD appeared on behalf of the application. She stated she could see no reason to have a breezeway and felt she thought the law was passed to protect the neighbors from not having a building so close to their fence; however, she said even if it was 6 ft. away from the house, it would make it closer to the rear fence. Chairman Bugbee asked Mrs. Woywood if the garage had been built and she replied that it had. She stated that she was not aware that building the garage required a variance and/or even a building permit. An inspector called at her house after the garage had been started and advised that she would have to acquire a permit. She stated she immediately the next day took out the building permit; the inspector returned and then advised her a variance would be required. She urged the Board to approve her application and stated the structure was attractive and was of the same material as the house, wood and stucco. She further stated no one lived behind her house and did not anticipate development of that property in the near future.

There were no protests to this application.

MRS. MYERS moved for APPROVAL subject to staff's conditions. Staff's conditions were as follows if the motion should pass:

1. Conformance to the plot plan.
2. Agreeing to enter into an Assessment District for street improvements on Mountain View Boulevard at some future time.

MRS. WOYWOOD stated she would be willing to agree to those conditions.

The Board then voted on Mrs. Myers motion to APPROVE and it passed unanimously.

6. U-64-81

APPROVED

Application of JOHN ROBARTS for a use permit to allow a Class III secondhand dealership for used books on property located at 5636 West Charleston Boulevard in Zoning District C-1.

MR. FOSTER stated staff recommended APPROVAL subject to normal conditions which is conformance to the plot plan.

Steve Bowling, partner in the book store, appeared on behalf of the application.

There were no protests to this application.

MR. GILES moved for APPROVAL and the motion carried unanimously.

This application will be heard by the City Commission at their meeting of 12/16/81.

7. U-65-81
APPROVED

Application of the CITY OF LAS VEGAS, A MUNICIPAL CORPORATION, for a use permit to allow an office, vehicle storage and maintenance facility for the Economic Opportunity Board on property generally located on the west side of "H" Street approximately 500 feet south of Owens Avenue in Zoning District R-3.

MR. FOSTER presented the plot plan and stated that this was basically the site that was an urban renewal project of the City on the west side of "H" Street. There is commercial to the north which fronts on Owens Avenue and further north is the Golden West Shopping Center. This is part of a larger parcel that's presently vacant. On the very south portion, approximately 300 ft., there are two apartment projects. To the east of "H" Street is R-3 zoning development with various types of apartment uses and single family. This is the larger parcel owned by the City. There will be two entrances off "H" Street with parking around the facility. A vehicle storage area will essentially be in the back. There will be adequate landscaping on the site and minor maintenance for vehicles.

Staff recommended APPROVAL subject to the following conditions:

1. Construction of a block wall along the west and south property lines.
2. No body work or major automobile repairs conducted on the property.
3. Construction of any remaining street improvements on "H" Street as required by the Department of Public Services.

DAVID HOGGARD, Executive Director of the Economic Opportunity Board, appeared on behalf of this application and stated if approved, he concurred with staff's conditions.

There were no protests to this application.

MR. CANUL moved for APPROVAL, subject to staff's conditions. The motion carried unanimously.

8. U-66-81
APPROVED

Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 1501 North Decatur Boulevard in Zoning District C-1.

MR. FOSTER stated staff recommended APPROVAL subject to normal conditions which is conformance to the plot plan that has been submitted.

Stuart Anderson, 104 Glen Oak, represented applicant.

There were no protests to this application.

MR. GILES moved for APPROVAL. The motion carried unanimously.

This application will be heard by the City Commission at their 12/16/81 meeting at 2 P.M.

9. U-67-81
APPROVED

Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 1560 North Eastern Avenue in Zoning District C-1.

MR. FOSTER stated staff recommended APPROVAL subject to normal conditions which is conformance to the plot plan that has been submitted.

Stuart Anderson, 104 Glen Oak, represented application.

There were no protests to this application.

MR. GILES moved for APPROVAL. Motion carried unanimously.

This application will be heard by the City Commission at their meeting on 12/16/81 at 2 P.M.

10. U-68-81
APPROVED

Application of WONDERWORLD for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 3830 West Sahara Avenue in Zoning District C-C.

MR. FOSTER stated that staff recommended APPROVAL of this application subject to normal conditions, which is conformance to the plot plan.

Stuart Anderson, 104 Glen Oak, represented application.

There were no protests to this application.

MR. GILES moved for APPROVAL. The motion carried unanimously.

This application will be heard by the City Commission at their 12/16/81 meeting at 2 P.M.

11. V-76-81
APPROVED

Application of AJAX, INC., A NEVADA CORPORATION, for a variance to allow a funeral home with a caretaker's residence where such uses are not allowed on property located at 2127 West Charleston Boulevard in Zoning District C-1.

MR. FOSTER presented the plot plan. This property is located on the south side of West Charleston Blvd. about two properties east of Rancho Drive. There is commercial zoning to the east for the Charleston Residential Hotel, a facility for the elderly. To the west is a single family residence and west of that is a service station at the corner of Rancho. All along the north side is zoned C-1, developed into a shopping center. To the northeast is Southern Memorial Hospital. The subject property is a restaurant facility known as David's Place and they now wish to transition this property into a funeral home operation.

MR. FOSTER stated there would be no cemetery or mausoleum on the subject property. There would be some parking in the front and the remainder in the rear portion as presently in existence.

MR. FOSTER stated that staff had evaluated this request from a land-use standpoint, recognizing it is in a C-1 Zone and that this type of use was not provided for in the C-1 because essentially this zoning is found in the outlying areas or neighborhood shopping centers which is the neighborhood commercial zone. However, because of the types of uses, i.e., the Health District, several hospitals northeast, that there are more intense types of commercial uses along Charleston Blvd. and from a land-use standpoint staff found no particular problem with this request and would recommend APPROVAL. MR. FOSTER indicated the applicants did not intend to have large funerals at this location and that large funerals would be held at various churches due to the amount of traffic. Additionally, they did not intend to have services at peak traffic periods. MR. FOSTER recommended the following condition:

1. Conformance to the plot plan which has been submitted.

MR. FOSTER indicated there were four protests on record.

GARY DAVIS, 1705 Valmora, appeared on behalf of AJAX, INC. He stated he had lived in the Las Vegas area approximately 25 years and his family had been here for 50 years. He said the proposed funeral home would be a family business. He said AJAX, INC. was the legal property owner at the present time, but that he and his family would become the legal owner and operator of the business.

MR. DAVIS again confirmed there would be no burial facilities at the subject property and they would use cemeteries within the City and County. He said they intended to make no changes to the exterior of subject property and the inside would be modified to suit their individual needs. He stated landscaping would be the big change on the outside, making the present situation much better and in fact improving an eyesore presently in existence. He stated he felt the funeral home operation would be an improvement to the existing neighborhood as it would eliminate the night-time activities of a bar and restaurant. He said he had talked to the Planning Department regarding traffic and would have funerals during off-peak hours in order not to further congest traffic. Any funerals of a large nature would have a motorcycle escort and any large service would be moved to another chapel or public facility. He said they would be in excess of the parking code with existing parking. Mr. Davis submitted to the Board maps which indicated neighbors who had signed a letter of support, signed a petition or who were in general agreement with their proposed application. He said they had made an attempt to talk to all of the neighbors in the area. He had with him his engineer for any questions the Board might pose.

ATTORNEY MIKE MUSHKIN, representing Charleston Residential Homes, appeared in protest. He submitted a petition to the Board signed by 82 residents of the local area in protest of the application. He stated they were opposed to having a funeral home operation near the retirement home and one of Nevada's largest hospitals and furthermore, in the back yard of one of Las Vegas' most exclusive residential communities. He stated in addition to the residents of Charleston Residential Homes, the property owners had written letters of objection. He stated funeral services next door and contingent with the retirement hotel would be a burden to the residents from a psychological standpoint. MR. GILES asked ATTY. MUSHKIN what was wrong with the proximity of a funeral home being located next to the retirement hotel. ATTY. MUSHKIN stated that the objection of the operators and residents were that having a funeral home next door to a retirement home reminded the residents on a daily basis of death and would substantially impair the ability of the retirement home to market its product. CHAIRMAN BUGBEE then indicated that the information submitted by Mr. Davis contained signatures of people in the residential area who had no objection to the funeral home location and that these signators were of retirement age. MR. GILES asked if the majority of the signatures on ATTY. MUSHKIN'S petition were residents of the retirement hotel and he indicated they were.

ALLEN SHARPE, 2314 West Charleston Boulevard, appeared in protest. He stated he had lived there since 1950 and stated he felt the funeral home proposed would devalue his property. He stated psychologically he was in agreement with Attorney Mushkin and that it was poor judgement to put a funeral home directly across the street from a hospital. He stated he had owned a portion of a mortuary business at one time and as an owner would never have considered a location such as this for a funeral home.

EMMA JAKERT, 2101 West Charleston, appeared in protest. She stated she lived 150 feet away from the proposed mortuary. She said she objected to seeing the mortuary and funerals in procession. She said even though she was a senior citizen and would go there one day, she simply didn't want it that close to her. She generally felt funerals were morbid and a mortuary in that location was completely out of place and improper for the area. She additionally felt it was a depressing burden to be placed on the residents of the retirement home next door. She stated she had been there 35 years and when the area in question went commercial she had been promised that any business that went in would be one she could live with, and that she could not live with the proposed funeral home.

SAM AVNERY, owner of the Charleston Residential Hotel, appeared in protest. He stated since the funeral home had been proposed, he had lost 27 residents of the hotel and that many want to leave because of the application proposed.

STEPHANIE HURLEY, 2231 West Charleston Boulevard, appeared in favor. She said she was immediately contiguous on the west border to the proposed funeral home. She stated she welcomed the proposed use and the improvements to come due to the present eyesore of the property, i.e. fallen down sign in the yard, trees falling down, a dangerous place, vandalization of the small house. She felt the proposed funeral home was an ideal use for the property. She has lived at this address for 34 years.

GARY DAVIS appeared in rebuttal. He emphasized that funeral processions traveled throughout the City streets irregardless of where the funeral homes were located at different period of the day. He stated the neighbors who had come forward or who had signed protests were somewhat distant from the subject property and that some who had protested could not see the property from their residences. MR. GILES asked what the seating capacity of this proposed funeral home would be and MR. DAVIS indicated around 100 to 110. MR. GILES asked MR. DAVIS how traffic would flow from the location of the proposed funeral home to the various burial locations. MR. DAVIS stated it would primarily be in an easterly direction along Charleston. If he would be headed to a cemetery out Tonopah Highway, he would drive to Rancho Road.

MR. GILES stated he found the proposed use of the property well within the parameters he saw for the Charleston area. MR. GILES then moved for APPROVAL subject to staff's recommendations. The motion carried with Myers voting "no".

12. V-77-81

ABEYANCE
(TIE VOTE)

Application of SAFEWAY STORES, INC. for a variance to allow 163 parking spaces where 277 are required for a proposed restaurant, cocktail lounge and arcade on property located at 4750 Vegas Drive in Zoning District C-1.

MR. FOSTER presented the plot plan. He stated the property is northeast of Decatur and Vegas Drive and to the southeast is the Municipal Golf Course. BLM is across the street from this parcel and to the north and east there are apartments. The building on this property was formerly a Safeway Store and has been vacant for some time. He said the proposed application will convert the building to a restaurant operation known as PIZZA TIME THEATER, consisting of a restaurant, cocktail lounge, ice cream parlor and arcade. Staff recommended DENIAL based on the fact that the code requires much more parking than presently exists. He stated there was one protest on record.

JAY DOWNEY, 4601 W. Sahara, represented PIZZA TIME THEATER. He emphasized this was an existing building with existing parking and presently no more parking was available. He stated this would be a pizza, food type unit with a lounge. He said the arcade would have video games and the arcade would comprise approximately 35 to 40% of the total floor area. He said with approximately 13,000 sq. ft. of floor and deducting the percentage off for the arcade, you end up with about 8,000 or 7,800 sq. ft. of floor area and at 1 per 50 would leave about 150 parking places with 8 to 10 employees and he felt would give them the parking requirements that presently exist. He said there were 16 other PIZZA TIME THEATER units in California and Texas and they found an average of about 4.3 people per car coming to their facilities. He stated there would be approximately 300 to 320 seats and based upon the other stores survey would only require about 80 parking spaces, thus he felt they were way over what would be actually needed. He stated no children under 18 would be allowed without their parents. He stated the San Jose store had 16,000 sq. ft. with 122 spaces and it had never been full.

RALPH RAINEY, owner of the Sporting House Bar, appeared in protest. He stated he was located directly west of the proposed business. He said his life blood was parking and that he had a total of 42 parking places at his bar. He stated with the proposed application being short 114 parking places he felt it would create a serious parking problem for his business in that he would receive overflow parking at his business. MRS. MYERS asked what hours the Shell Station kept and MR. RAINEY replied they stayed open until 9 and sometimes later. Mr. Rainey stated the Standard Station's hours were more varied and he could not state specific hours.

MR. CANUL asked MR. DOWNEY if there was any way to obtain more parking and indicated there was a vacant lot next to the property. Mr. Downey said there was a lot to the east but that to his knowledge it was set up for apartments. MR. CANUL emphasized that there was a great amount of reduction being asked for by the applicants in the amount of 114 parking spaces. MR. DOWNEY emphasized that from the surveys done at other stores they anticipated they would have excess parking at this location. MR. DOWNEY stated the ordinance required 1 space for every 50 sq. ft. or 1 for every four seats and that if you go with the four seats, they would have more space than is required, but indicated the ordinance stated whichever was greater. MR. GILES asked Mr. Downey if he had a plan in mind for overflow parking. MR. DOWNEY stated he did not have a plan at this point, but emphasized he did not feel anybody would walk across Decatur and use Mr. Rainey's parking area. Mr. Downey stated if they ran into a parking problem they could explore the possibility of leasing the vacant land next to the subject property. MR. GILES asked if he would be using 13,000 sq. ft. of usable floor space. MR. DOWNEY stated about 13,700 something based on the parking requirements. MR. GILES asked how that related to the parking needed for the seating. MR. DOWNEY emphasized about 40% of that space was for the video games and preparation area for the restaurant in the back which is not used by the public. CHAIRMAN BUGBEE asked MR. FOSTER if under the ordinance if the entire space had to be taken into consideration. MR. FOSTER replied there were several uses, one would be the restaurant facility where parking is much greater than the other uses like the arcade portion. The arcade portion would be figured at 1 space for every 90 sq. ft. and the restaurant is 1 for every 50 sq. ft. and this was the basis for the 242 required spaces. MR. FOSTER further stated that the new ordinance doubled the required spaces for restaurant parking, from 1 per 100 sq. ft. to 1 per 50 sq. ft.

MR. CANUL moved for DENIAL. The motion resulted in a tie vote with Myers and Canul voting "Yes" and Giles and Bugbee voting "no".

AS A RESULT OF THE TIE VOTE, this item will appear on the 12/21/81 BZA Agenda for hearing by the full board.

13. V-78-81
APPROVED

Application of BYRON B. ROHDE, ET AL for a variance to allow corrals with no setbacks from the side and rear property lines where twenty-five feet (25') is required and to allow the corrals forty feet (40') from the dwellings where fifty feet (50') is required on various lots located in Stagecoach Depot Units 2A and 2B subdivisions, generally located on the south side of Craig Road between Thom Boulevard and Bradley Road in Zoning District R-E.

MR. FOSTER stated this was a developed R-E subdivision just south of Craig Road and some of the lots in the subdivision do not have the normal depth that you generally have in an R-E area, which is 200 ft., 170, 180 ft. etc. and because of that it is difficult to place corrals to meet the requirements in the ordinance. MR. FOSTER showed the plot plan. MR. FOSTER stated staff had no particular problem with the requests of the applicants and would recommend APPROVAL subject to conformance with the plot plan as submitted.

ROBERT MILLER, 5205 Patricia Avenue, appeared on behalf of the application. He stated under the existing ordinance there were 5 houses out of the 33 in the development that could not have horses due to the setback requirement. He said out of the 33 owners in the subdivision only one owner would not favor this variance.

JEFF CARTER, 5405 Bat Masterson Circle, appeared in favor. He asked if this application would include his property and it was indicated it would not.

MRS. MYERS moved to APPROVE subject to staff's conditions. The motion carried unanimously.

14. U-69-81
APPROVED

Application of HOOPER INDUSTRIES, LTD. ON BEHALF OF FRANK ROTH for a use permit to allow a Class III secondhand dealership for used jewelry on property located at 427-B Las Vegas Boulevard South in Zoning District C-2.

MR. FOSTER stated staff would recommend APPROVAL subject to conformance to the plot plan that had been submitted.

FRANK ROTH appeared on behalf of his application.

There were no protests to this application.

MR. GILES moved to APPROVE and the motion carried unanimously.

This application will be heard by the City Commission at their meeting of 12/16/81 at 2 P.M.

15. V-79-81
APPROVED

Application of SPORTSMAN PARADISE, INC. for a variance to allow a Class III secondhand dealer for the buying and selling of used guns (25% used; 75% new) on property located at 1124 South Maryland Parkway in Zoning District C-D.

MR. FOSTER stated that staff recommended APPROVAL subject to conformance to the plot plan which had been submitted. Mr. Foster stated there was one protest on record.

No protests to this application were received from the audience.

MR. GILES moved to APPROVE and the motion carried unanimously.

This application will be heard by the City Commission at their meeting of 12/16/81 at 2 P.M.

16. V-80-81
APPROVED

Application of DONNA C. SWARTZ, ET AL for a variance to allow a child care facility to remain open for business after 9:00 P.M. where all uses open to the public are required to cease at 9:00 P.M. on property located at 3301 West Charleston Boulevard in Zoning District C-D.

MR. FOSTER presented the application. The subject property is on West Charleston Boulevard at the corner of Cashman and Charleston in the C-D Zone. He stated there was a variance approved on this property. He stated at the meeting wherein this variance was approved the applicant had indicated she intended to have the operation from 6 A.M. to 11 P.M. and staff did not note at that time that the hour of 11 P.M. was not allowed and the applicant had proceeded on the basis that she could operate until 11 P.M. and later a City Inspector came by and indicated she could not. Mr. Foster further stated the applicant indicated she needs the additional time to make her operation feasible. Mr. Foster indicated the variance that presently applied required that the children be indoor by 6 P.M. to protect the residents from noise. Staff would recommend extending the hours of operation to 11 P.M.

and that children be indoors at 6 P.M. Mr. Foster stated all the conditions had previously been covered on the previous variance. He stated there had been one letter of protest received.

SHELIA HUGHES, 6000 Delabarre, Director of Rainbow Bridge (the subject child care center) appeared on behalf of the application. She stated she was in favor of the center being open from 6 A.M. until Midnight to meet the needs of the citizens of Las Vegas. She said the center was providing a needed community services and did not disrupt the neighborhood, the children are in by 6 P.M., a block wall has been constructed to counter the noise. CHAIRMAN BUGBEE then asked for clarification in that Ms. Hughes had stated they needed the center open until midnight and that the application only stated until 11 P.M.

SANDY McFARLAND appeared on behalf of the application and answered Chairman Bugbee's question (above) and said her paperwork for the application stated after 9 P.M. with no limitation. MR. FOSTER stated that was asking for 24 hours. Ms. McFARLAND stated she never asked for any time and that she was confused. She stated she had conformed to everything possible and was licensed from 6 A.M. until Midnight. She stated she was told these were her hours until she installed fire sprinklers and then after that, she would be licensed to be in operation 24 hours a day. She stated these conditions were the only reason she had leased this property and that she had put a lot of money into advertisement, met all requirements, had her license and then a man from the Building Department came and advised her she could not operate after 9 P.M. She stated this restriction caused her to turn away five customers, return their money and have new signs made. MRS. MYERS advised MS. McFARLAND that there was a lot of difference between when you can operate a business in a C-D Zone and what you can operate under a license for child care and that they have nothing to do with each other. MS. McFARLAND advised she was never told this by the City.

MARSHALL REDDICK, 1130 Cashman Dr., appeared in protest. He stated a Mr. Grey who was his neighbor had been representing the residents of that block of Cashman and that he was out of town and he asked Mr. Reddick to appear and present his views. Mr. Reddick read into the record a letter to MR. FOSTER as follows:

Dear Mr. Foster:

On June 25, 1981, at a meeting of the Las Vegas Board of Zoning Adjustment, consideration was given to the application of John W. and Donna C. Schwartz for a variance to allow outdoor activity in connection with a child care facility in the zoning district classified as C-D. The Board chose to allow the variance notwithstanding a petition of protest signed by every resident owner of the 1100 block of Cashman Drive and the oral presentation of the writer as spokesman for the petitioners. We believe your records will show that the motion to grant the referenced request was to be allowed subject to the condition that activity was not to be allowed after 8 P.M. The condition notwithstanding, it is our understanding that the C-D Zoning limits the use of the business located therein to 9 P.M. Now, fewer than five months after the original request comes a request for a variance to allow the operation of the child care facility after 9 P.M. We wish to bring to your attention that limitations to the operation of the facility are not accepted in good faith by the applicants. Immediately after opening the facility, it was advertised as being open until midnight and we assume that the latest application is a result of our having reported the violation to the City. We repeat our objections to the creeping degradation of the area as witnessed by the latest application for a variance. We believe that the granting of this request will open the door to other such requests and if so, we question how the Board could in good conscience deny other applicants after granting this request, the power of precedence being what it is.

We urge you to deny this request. We believe that "just a little bit of physiology" can eventually destroy the integrity of the C-D Zoning on Charleston Boulevard which we have on so many occasions had to defend.

R. L. Grey
1120 Cashman Drive

CHAIRMAN BUGBEE inquired of Mr. Reddick if the child care center had "been a thorn in their side". He replied "yes and no". He stated they were supposed to have put in a driveway that would accommodate five cars and that the driveway would only accommodate three cars. Mr. Reddick stated that in the business complex where parking is available across the street that people have come in there, parked and walked their child across the street and that the businesses did not like this as they did not have sufficient parking as it is. MR. GILES asked Mr. Reddick if he knew if the condition that children be indoors by 6 P.M. had been adhered to and he replied he did not know.

MEL HAMILTON, 3020 Piedmont, appeared in favor of the variance. He stated he had leased part of the building that is now the child care center previously and that there had been a problem with the grass being destroyed with cars driving through. He stated he now rented an office nearby and complimented the applicant on the vast improvement made to the building and amenities. He stated he had never had a problem arise from them regarding parking. He further stated he had never heard noise from the children at night.

FRED KENNEDY, 1125 Cashman Drive, appeared in favor of the variance. He stated he lived directly across the street from the center. He stated he had no complaints at all with the business and complimented them on their improvements to the property. He said he would have no problem if they operated 24 hours a day.

SHELIA HUGHES, Director of the Center, stated it was not true that all the neighbors were objecting. She stated at least three and perhaps more of the children using the center had Cashman Drive addresses. She stated their parents had even apologized for any previous objections they had to the center. She stated most of the requests for child care were to care for children until the hour of midnight and that Ms. McFarland had been under the assumption that she was properly licensed to operate until midnight as well as herself. She objected to the 6 P.M. indoor requirement for the children stating it was unreasonable due to the unusual hot weather in Las Vegas. She said further only 10 children could be on the playground at one time and that the playground in reality was adequate for 50. However, she stated no more than 10 children were on the playground at one time and they were all in the building by 6 P.M. She stated for the past week she had personally closed the center and that the last child had been out by 8:30 P.M. She stated there were no traffic problems and no children crossing the streets to get to the center.

MRS. MYERS stated she could understand the concerns voiced by Mr. Reddick and the neighborhood and perhaps her motion would be one of a compromise. MRS. MYERS then moved TO ALLOW THE CHILD CARE FACILITY TO OPERATE UNTIL MIDNIGHT OR SUCH FEW MINUTES AFTERWARDS AS NECESSARY FOR THOSE PARENTS TO PICK UP THEIR CHILDREN, BUT THAT THIS VARIANCE BE ALLOWED ONLY SO LONG AS THE OWNERSHIP OF THAT CHILD CARE FACILITY IS WITH THE APPLICANT AND THAT THIS PRIVILEGE DOES NOT TRANSFER AUTOMATICALLY INTO SOMEBODY ELSE'S HANDS WHO HAVE NOT BEEN SO CONSCIENTIOUS ABOUT IT. The motion carried by unanimous vote.

17. V-81-81

APPROVED

Application of KAYELAND, INC. for a variance to allow the mechanical repair of boat engines which is not permitted on property located at 1080 North Rancho Drive in Zoning District C-2.

MR. FOSTER presented the plot plan. He stated this proposed use was in a shopping center and that part of the shopping center is a former service station site. There are homes across the street and the Twin Lakes Subdivision is to the north. He stated staff felt that because of the proximity to the residential area to the north there could be a noise factor and staff questions the aesthetics of the operation in terms of boats being in various states of repair outdoors on the property and that it is not compatible for the area and for those reasons recommended DENIAL. Mr. Foster stated there were no protests on record.

BALLARD ATWOOD, 4305 San Joaquin, appeared on behalf of the application. He stated the property had been vacant for several months and is an eyesore. He said regarding the noise factor, that the boats they would be involved in repairing were not high speed performance boats that would make a lot of noises and would be mostly family boats which run about 18 to 23 feet in size. Regarding beautification, he stated he planned to put in a chain link fence with barbed wire on top with plants growing on the street side with the fence inset. He stated he had the facility to store approximately 15 to 20 boats in various stages of maintenance and that they would not keep them any longer than necessary. He said they planned to paint and beautify the area.

MR. GILES asked if the repairs would be accomplished inside the building and the outside area used for storage or boats awaiting parts orders and Mr. Atwood replied affirmatively. He said the former station has two bays and that is where it is planned to have the repairs take place.

No protests were received from the audience.

MR. GILES moved for APPROVAL with staff's recommendations. MR. FOSTER recommended that:

1. All repairs be conducted within the building
2. All boat storage to be behind the fence in the storage area
3. Limited to one repairman

The motion was approved by unanimous vote.

18. V-82-81

APPROVED

Application of STANLEY M. ZURAWSKI, ET AL for a variance to allow an off-premise billboard sign to an overall height of fifty feet (50') where a maximum height of forty feet (40') is allowed on property located at 750 East Sahara Avenue in Zoning District C-1.

MR. FOSTER presented the plot plan. He stated the applicant is proposing an off-premise billboard next to the front parking bay of the subject property near Sahara with an on premise sign that will be 30 ft. high. Staff does not find any obstructions along Sahara Avenue to justify the proposed increased height from the maximum 40 ft. and that the 30 ft. sign could be lowered. He stated the maximum size for off-premise signs was 14 by 48 or 800 sq. ft. and the one proposed runs a little over 900 sq. ft. and that the sign would have to be cut down to stay within the ordinance. Staff for those reasons recommended DENIAL.

Don Grenell, sign contractor, and Stanley Zurawski, applicant, appeared on behalf of the application.

MR. GILES moved to APPROVE the application with the condition that the off-premise billboard sign not exceed 50 feet in height. The motion carried with Myers voting "No".

19. V-83-81
APPROVED

Application of JOHN T. AND MARILYN A. MORAN, JR. for a variance to allow a four ft. (4') side yard setback where five feet (5') is required on property located at 2500 Pinto Lane in Zoning District R-A.

MR. FOSTER presented the plot plan and stated that staff had no objection to the variance application.

JOHN MORAN, JR. appeared on behalf of his application.

MR. CANUL moved to APPROVE and the motion carried unanimously.

SUPPLEMENTAL
AGENDA

20. U-71-81 (HQ)
APPROVED

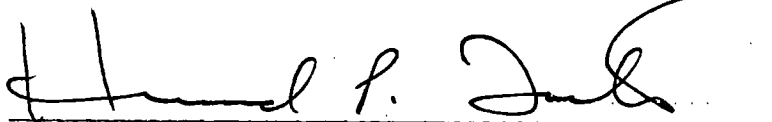
Application of RICHARD D. AND LOUISE McINNIS for a home occupation permit to allow a mail order business on property located at 7605 Charles Conrad Circle in Zoning District R-1.

MR. FOSTER stated that staff recommended APPROVAL subject to normal conditions.

MRS. MYERS moved to APPROVE subject to staff's conditions and the motion carried unanimously.

THE MEETING WAS ADJOURNED AT APPROXIMATELY 9:40 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR

/ch

PETITION BY SURROUNDING HOME RESIDENTS

11/23/1981

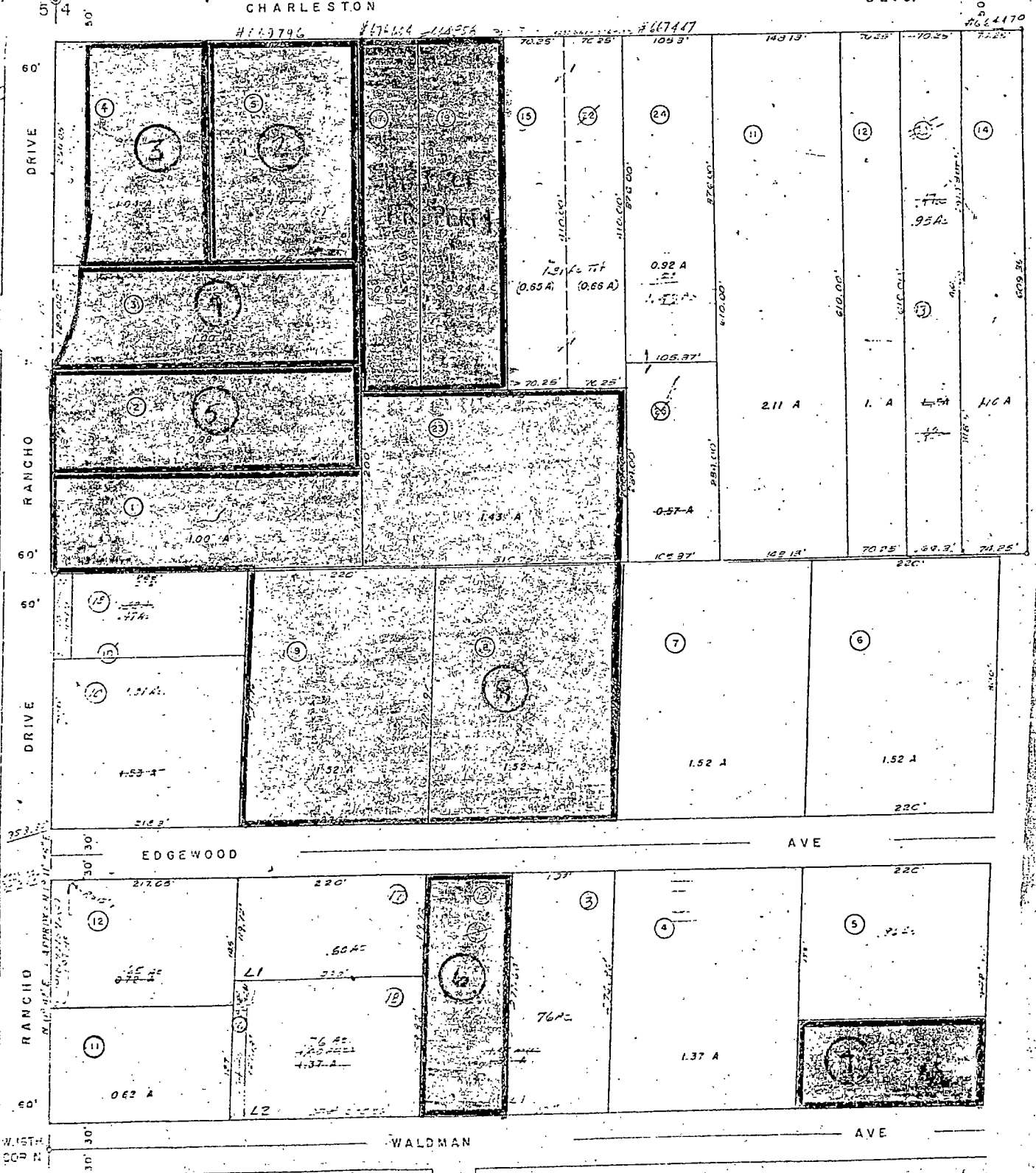
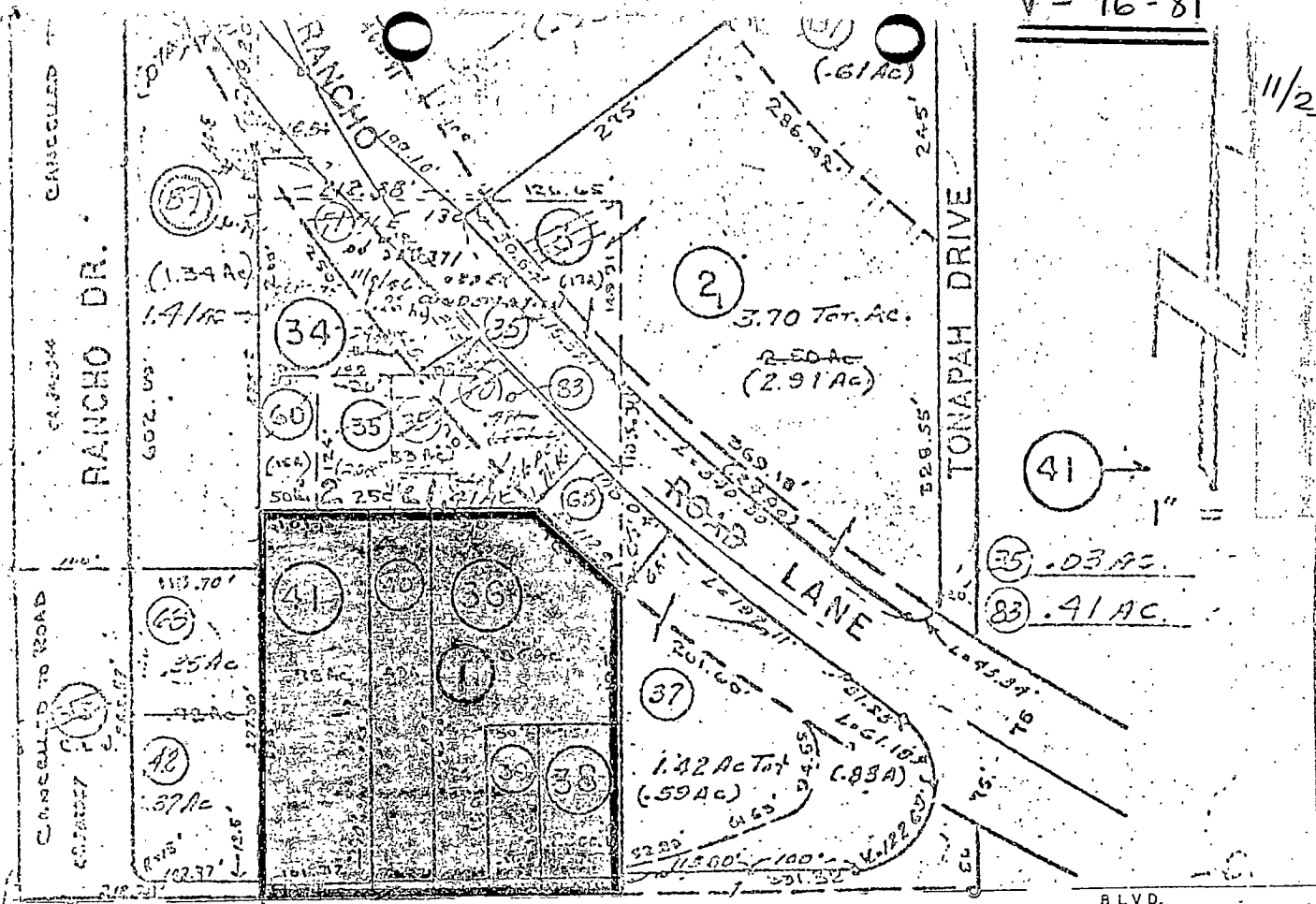
THIS PETITION is written in protest of the proposed zoning adjustment requested in Application No. V-76-81 by Ajax, Inc., a Nevada corporation, for a variance to allow a funeral home with a caretaker's residence where such uses are not allowed on property located at 2127 W. Charleston Blvd., in Zoning District C-1 (limited commercial).

We, the residents of the surrounding properties, do vehemently protest the proposed use of said property.

We, the surrounding home residents, feel it is totally inappropriate for a funeral home to be allowed to operate directly across the street from one of Nevada's largest retirement hotels and, furthermore, in the backyard of one of Las Vegas' most exclusive residential communities.

- | | |
|----------------------|-------------------|
| Lucy H. Pardo | Pauline E. Cohen |
| Willie Leritz | Maria Kagan |
| James Casey | Belva Kallman |
| Lillian Parks | Irma M. Carter |
| Earl A. Parks | Mary Crosby |
| Frances Shorhouse | Raymond |
| F. Allen | Margaret Miller |
| Martha Kite | Joe Garrison |
| Mary P. Bewing | Freddie Phillips |
| Norma D. Lane | Ronald J. Gunkel |
| | Debra Forester |
| | Oliver Lick |
| | Phyllis J. Bowers |
| | Patience |
| | Renee Chason |
| | Michie Johnson |
| | H. W. L. Mack |
| | Emma Miller |
| | Alma Fisher |
| | B. H. Zimmerman |
| | Margaret Bush |
| | B. L. Drake |
| | J. Harbo |
| | Therese Watson |
| | John H. Ferguson |
| | Norman K. Smith |
| | Leiford W. White |
| | Edna |
| | Alma M. Henry |
| | Virginia |
| W. W. Lee M. Hobel | |
| Jane Trench | |
| Annette Munnis | |
| Alice Norman | |
| Maria Fernandez | |
| John D. Hart | |
| John | |
| Helena Blazer | |
| Lilla M. Holt Carter | |

11/23/1981



RT

RICHARD TAM 2202 W. Charleston, Suite 5, Las Vegas, Nevada 89102, 382-5498

November 6, 1981

BOARD OF ZONING ADJUSTMENT
City of Las Vegas

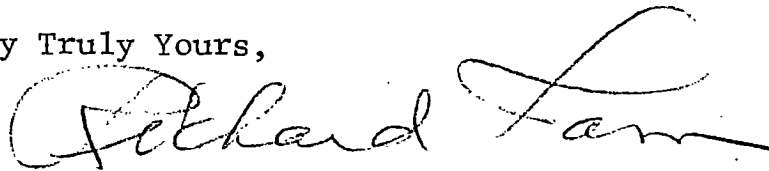
Re; Variance Request #V-76-81
2127 West Charleston

To Whom It May Concern,

I am the President of Rancho Plaza, Inc. and owner/operator of the Galleria Shopping Mall which includes the mortgage company property, Advantage Leasing & Mortgage. These businesses are directly across the street from the land in question.

I am in favor of granting this requested variance.

Very Truly Yours,



Richard Tam
President, Rancho Plaza, Inc.

RT/ft

October 29, 1981

Board of Zoning Adjustment
City of Las Vegas

RE: Variance Request # V-76-81
2127 West Charleston

Members of the Board;

The undersigned is in favor of the approval of the above stated variance request.

Sincerely,

Mr. Stephen Hurley

Address

*2231 W. Charleston Blvd.
Las Vegas, Nev. 89102*

October 30, 1981

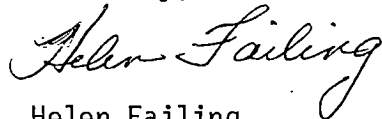
Board of Zoning Adjustment
City of Las Vegas

RE: Variance Request #V-76-81
2127 West Charleston

Members of the Board;

The undersigned is in favor of the approval of the above stated variance request for the purpose of establishing a funeral home.

Sincerely,



Helen Failing
1117 Rancho Dr.

November 2, 1981

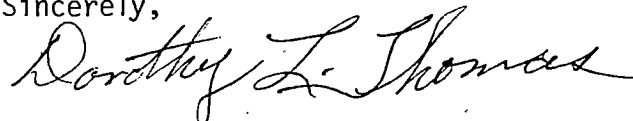
Board of Zoning Adjustment
City of Las Vegas

RE: Variance Request #V-76-81
2127 West Charleston

Members of the Board;

The undersigned is in favor of the approval of the above stated variance request for the purpose of establishing a funeral home.

Sincerely,

A handwritten signature in cursive script that reads "Dorothy L. Thomas". The signature is written in dark ink and is positioned above the typed name and address.

Dorothy L. Thomas
1139 Rancho Drive

We the undersigned are in approval of the requested variance (#V-76-81) by Ajax Inc. regarding 2127 W. Charleston, formerly known as David's Place for the purpose of establishing a mortuary.

SIGNATURE

ADDRESS

Billy B. Milam

Billy B. Milam

Fred E. Tabor

Fred E. Tabor

Rene Blanchard

Rene Blanchard

*2100 Waldman Ave
Las Vegas, Nevada 89102*

2237 W. CHAS. 89102

2171 Edgewood Ave 89102

We the undersigned are in approval of the requested variance (#V-76-81) by Ajax Inc. regarding 2127 W. Charleston, formerly known as David's Place for the purpose of establishing a mortuary.

SIGNATURE

ADDRESS

Don L. Johnson

Don L. Johnson

Charles L. Ruthe

Charles L. Ruthe

David L. Boles

David L. Boles

W. C. Askew

W. C. Askew

2112 Silas ave.

7 W Crescent Dr.

2711 Dan L.

2304 Llewellyn Dr