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A G E N D A

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1982

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 August 26, 1982, and September 23, 1982.

NEW BUSINESS:

1. U-74-82(HO) Application of ANTONIO AND LUCINDA BADILLO for a home occupation permit to allow telephone order sales on property located at 1067 Griffith Avenue in Zoning District R-1.

2. V-84-82 Application of ALBERT AND JANET BRADY for a variance to allow two 84.16 foot wide lots where a minimum of one hundred feet (100') is required for each lot on property located on the west side of Torrey Pines Drive 1100 ft. south of Craig Road in Zoning District R-E.

3. V-85-82 Application of WILLIE PARKER for a variance to allow a lot 89.68 ft. in width where the minimum lot frontage is one hundred feet (100') on property generally located on the west side of Decatur Boulevard, approximately 900' south of Craig Road in Zoning District R-E.

4. U-70-82 Application of ELSIE GOLDSWORTHY for a use permit to allow a Class III secondhand dealer for the sale of used books on property located at 1800 East Charleston Boulevard in Zoning District C-1.

5. V-86-82 Application of ZNZ ENTERPRISES for a variance to allow the production, storage and wholesale distribution of ice on property located at 1200 Foremaster Lane in Zoning District C-M.

6. V-87-82 Application of JAMES AND VIRGINIA TINNEY for a variance to allow a three ft. (3') side yard setback where five feet (5') is required on property located at 4205 El Cederal Avenue in Zoning District R-1.

7. U-71-82 Application of TEXACO, U.S.A. for a use permit to allow a self-service car wash in conjunction with a food market and a self-service gasoline station on property generally located at the southeast corner of Eastern Avenue and Bonanza Road in Zoning District C-1.
8. V-88-82 Application of JOSEPH CAVARETTA, SR., ET AL for a variance to allow deviations in the front and side yard setbacks to accommodate a covered carport, garage and room addition as follows: twenty feet (20') from the front property line where fifty feet (50') is required; five feet (5') from the north side yard property line where ten feet (10') is required; and seven feet (7') from the south side property line where ten feet (10') is required on property located at 733 Kenny Way in Zoning District R-E.
9. V-89-82 Application of GEORGE FAVINGER, ET AL for a variance to allow corrals in the rear yard area, to the rear and side property lines on property located at 3600, 3601, 3608, 3609, and 3617 Beeson Court; 3601, 3621, 3661, 3721, and 3731 Thom Boulevard; 3617, 3725, and 3741 Bradley Road; 5109, 5117, 5124, 5125, 5133, 5140, 5201, and 5216 Cutty Way; 5117 Gilmore; and 3600, 3609, 3617, 3624, 3632, 3633, 3724, and 3732 Waterhole Street in Zoning District R-E.
10. U-72-82 Application of DECATUR CENTER ASSOCIATES for a use permit to allow a Class III secondhand dealer for the sale of used records on property located at 1401 North Decatur Boulevard in Zoning District C-1.
11. V-90-82 Application of LES AND JANET PLATINSKY for a variance to allow a basic skills learning center for adults to be held in the early evening hours on property located at 4965 and 4438 Bevvie Drive in Zoning District R-E.
12. V-91-82 Application of BILLY J. SLOAT for a variance to allow the portion of his property along Cedar Avenue to be considered the legal front and on this basis to then allow a ten ft. (10') rear yard setback where twenty feet (20') is required on property generally located at the northwest corner of Cedar Avenue and 28th Street in Zoning District R-3.

13. V-92-82

Application of JACK WOODCOCK, ET AL for a variance to allow a three story apartment building where the maximum building height permitted is two stories and to allow 60 apartment units where only 49 units are allowed on property generally located at the northwest corner of Hauk Street and El Parque Avenue in Zoning District N-U, (under Resolution of Intent to R-3).

14. U-73-82

Application of REX C. EWING, JR., ET AL for a use permit to allow the storage of operable and inoperable motor vehicles for more than fourteen days on property located at 1300 North "A" Street in Zoning District "M".

15. V-93-82

Application of GALE D. NASH for a variance to allow Class II and Class III secondhand dealers for the sale and auction of new and used items where such use is not permitted on property located at 714 Las Vegas Boulevard North in Zoning District C-2.

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

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1982

1. U-76-82(HO) Application of EVERETT AND CHERI CHENEY for a home occupation permit to allow mail order of small booklets on property located at 6008 Fawn Avenue in Zoning District R-1.

2. U-77-82(HO) Application of ROBERT HERRERA for a home occupation permit to allow the mail order sale of pamphlets on property located at 2508 Conestoga Trail in Zoning District R-1.

3. U-78-82(HO) Application of CONNIE L. AINSWORTH for a home occupation permit to allow the making of craft items for sale at off-premise locations on property located at 2501 Conestoga Trail in Zoning District R-1.

4. U-79-82(HO) Application of DAVID L. HOUGH for a home occupation permit to allow a land surveying consulting service on property located at 719 Slayton Drive in Zoning District R-1.

5. V-5-80
 Extension
 of Time Request of SAN TROPEZ COUNTRY CLUB CONDOMINIUMS for a one year extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

6. V-33-80
 Review Request of VEGAS WORLD HOTEL AND CASINO for a review to allow the employee parking lot to also be used for patron parking on property generally located on the north side of St. Louis Avenue between Fairfield Avenue and Commerce Street in Zoning District R-6.

7. V-60-81
 Review Request of SIGEL & CO., LTD. for a review to allow a beauty shop in lieu of the approved Class II secondhand dealership (for the purchase and sale of used jewelry, gold, and silver) on property located at 4318 West Charleston Boulevard in Zoning District P-R.

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

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1982

1. U-76-82(HO) Application of EVERETT AND CHERI CHENEY for a home occupation permit to allow mail order of small booklets on property located at 6008 Fawn Avenue in Zoning District R-1.

2. U-77-82(HO) Application of ROBERT HERRERA for a home occupation permit to allow the mail order sale of pamphlets on property located at 2508 Conestoga Trail in Zoning District R-1.

3. U-78-82(HO) Application of CONNIE L. AINSWORTH for a home occupation permit to allow the making of craft items for sale at off-premise locations on property located at 2501 Conestoga Trail in Zoning District R-1.

4. U-79-82(HO) Application of DAVID L. HOUGH for a home occupation permit to allow a land surveying consulting service on property located at 719 Slayton Drive in Zoning District R-1.

5. V-5-80
 Extension
 of Time Request of SAN TROPEZ COUNTRY CLUB CONDOMINIUMS for a one year extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

6. V-33-80
 Review Request of VEGAS WORLD HOTEL AND CASINO for a review to allow the employee parking lot to also be used for patron parking on property generally located on the north side of St. Louis Avenue between Fairfield Avenue and Commerce Street in Zoning District R-6.

7. V-60-81
 Review Request of SIGEL & CO., LTD. for a review to allow a beauty shop in lieu of the approved Class II secondhand dealership (for the purchase and sale of used jewelry, gold, and silver) on property located at 4318 West Charleston Boulevard in Zoning District P-R.

A N N O T A T E D

A G E N D A

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1982

CALL TO ORDER: 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL: PRESENT: MYERS, EMMETT, GILES, BUGBEE

ANNOUNCEMENT: Satisfaction of Open Meeting Law

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held August 26, 1982, and September 23, 1982.

APPROVED
GILES/UNANIMOUS/
BUGBEE EXCUSED

NEW BUSINESS:

1. U-74-82(HO) Application of ANTONIO AND LUCINDA BADILLO for a home occupation permit to allow telephone order sales on property located at 1067 Griffith Avenue in Zoning District R-1.
- APPROVED
EMMETT/UNANIMOUS/
BUGBEE EXCUSED

CONDITIONS:

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

STAFF RECOMMENDATION: APPROVAL

-
2. V-84-82 Application of ALBERT AND JANET BRADY for a variance to allow two 84.16 foot wide lots where a minimum of one hundred feet (100') is required for each lot on property located on the west side of Torrey Pines Drive 1100 ft. south of Craig Road in Zoning District R-E.
- APPROVED
EMMETT/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan.
2. Approval of the land division by the Department of Community Planning and Development.
3. Installation of circular driveways on both lots as each develops.
4. A restriction be recorded in the deeds that horses shall not be permitted on these two lots.
5. Install sidewalks and street lighting as required by the Department of Public Services.
6. Repair any damage to existing street improvements resulting from this development as required by the Department of Public Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

3. V-85-82

APPROVED
GILES/UNANIMOUS

Application of WILLIE PARKER for a variance to allow a lot 89.68 ft. in width where the minimum lot frontage is one hundred feet (100') on property generally located on the west side of Decatur Boulevard, approximately 900' south of Craig Road in Zoning District R-E.

CONDITIONS:

1. Installation of a circular driveway at the time of construction.
2. The variance shall be valid for two years.
3. Dedication of 60' of right-of-way for Decatur Boulevard and 30' of right-of-way for Georgeina Drive as required by the Department of Public Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 1

4. U-70-82

APPROVED
BUGBEE/UNANIMOUS

Application of ELSIE GOLDSWORTHY for a use permit to allow a Class III secondhand dealer for the sale of used books on property located at 1800 East Charleston Boulevard in Zoning District C-1.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 1

CITY COMMISSION WILL SET A DATE FOR PUBLIC HEARING AT ITS 11-3-82 MEETING

5. V-86-82

APPROVED
EMMETT/UNANIMOUS

Application of ZNZ ENTERPRISES for a variance to allow the production, storage and wholesale distribution of ice on property located at 1200 Foremaster Lane in Zoning District C-M.

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Installation of seventeen additional paved parking spaces.
3. Approval of the parking and driveway plan by the Traffic Engineer.
4. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.
5. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.

6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

6. V-87-82

APPROVED
BUGBEE/UNANIMOUS

Application of JAMES AND VIRGINIA TINNEY for a variance to allow a three ft. (3') side yard setback where five feet (5') is required on property located at 4205 El Cedral Avenue in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan.
2. Approval of the building elevations by the Department of Community Planning and Development.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1

7. U-71-82

APPROVED
BUGBEE/UNANIMOUS

Application of TEXACO, U.S.A. for a use permit to allow a self-service car wash in conjunction with a food market and a self-service gasoline station on property generally located at the southeast corner of Eastern Avenue and Bonanza Road in Zoning District C-1.

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Repair any damage to the existing street improvements resulting from this construction.
3. Approval of the parking and driveway plan by the Traffic Engineer.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 10

8. V-88-82

APPROVED
GILES/UNANIMOUS

Application of JOSEPH CAVARETTA, SR., ET AL for a variance to allow deviations in the front and side yard setbacks to accommodate a covered carport, garage and room addition as follows: twenty feet (20') from the front property line where fifty feet (50') is required; five feet (5') from the north side yard property line where ten feet (10') is required; and seven feet (7') from the south side property line where ten feet (10') is required on property located at 733 Kenny Way in Zoning District R-E.

CONDITIONS:

1. Conformance to the plot plan.
2. Approval of the elevations by the Department of Community Planning and Development.
3. The carport requested in this application shall be deleted.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1

9. V-89-82

APPROVED
BUGBEE/3-1 VOTE/
MYERS VOTED "NO"

Application of GEORGE FAVINGER, ET AL for a variance to allow corrals in the rear yard area, to the rear and side property lines on property located at 3600, 3601, 3608, 3609, and 3617 Beeson Court; 3601, 3621, 3661, 3721, and 3731 Thom Boulevard; 3617, 3725, and 3741 Bradley Road; 5109, 5117, 5124, 5125, 5133, 5140, 5201, and 5216 Cutty Way; 5117 Gilmore; and 3600, 3609, 3617, 3624, 3632, 3633, 3724, and 3732 Waterhole Street in Zoning District R-E.

CONDITIONS:

1. Corrals may be located to the property line subject to receiving written concurrence from the adjacent property owners within thirty days after this application becomes final otherwise the corrals shall be setback a minimum of 4 ft.
2. No time limit shall be placed on this variance.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 6

10. U-72-82

APPROVED
GILES/UNANIMOUS

Application of DECATUR CENTER ASSOCIATES for a use permit to allow a Class III secondhand dealer for the sale of used records on property located at 1401 North Decatur Boulevard in Zoning District C-1.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

CITY COMMISSION WILL SET A DATE FOR PUBLIC HEARING AT ITS 11-3-82 MEETING.

11. V-90-82

DENIED
BUGBEE/UNANIMOUS

Application of LES AND JANET PLATINSKY for a variance to allow a basic skills learning center for adults to be held in the early evening hours on property located at 4965 and 4438 Bevvie Drive in Zoning District R-E.

STAFF RECOMMENDATION: DENIAL

PROTESTS: NONE

12. V-91-82

APPROVED
EMMETT/UNANIMOUS

Application of BILLY J. SLOAT for a variance to allow the portion of his property along Cedar Avenue to be considered the legal front and on this basis to then allow a ten ft. (10') rear yard setback where twenty feet (20') is required on property generally located at the northwest corner of Cedar Avenue and 28th Street in Zoning District R-3.

CONDITIONS:

1. Conformance to the amended plot plan.
2. Conformance to all other original conditions of Z-81-80.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

13. V-92-82

APPROVED
BUGBEE/UNANIMOUS

Application of JACK WOODCOCK, ET AL for a variance to allow a three story apartment building where the maximum building height permitted is two stories and to allow 60 apartment units where only 49 units are allowed on property generally located at the northwest corner of Hauk Street and El Parque Avenue in Zoning District N-U, (under Resolution of Intent to R-3).

CONDITIONS:

1. Conformance to the conditions of approval of Z-40-82.

STAFF RECOMMENDATION: APPROVAL OF THE THREE STORY BUILDING; DENIAL OF THE ADDITIONAL UNITS.

PROTESTS: 4

CITY COMMISSION WILL CONSIDER THIS ITEM AT ITS 11-3-82 MEETING.

14. U-73-82

APPROVED
GILES/UNANIMOUS

Application of REX C. EWING, JR., ET AL for a use permit to allow the storage of operable and inoperable motor vehicles for more than fourteen days on property located at 1300 North "A" Street in Zoning District "M".

CONDITIONS:

1. Conformance to the plot plan.
2. Provision of Type II aggregate with oil on all of the access drives.
3. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

15. V-93-82

DENIED
GILES/UNANIMOUS

Application of GALE D. NASH for a variance to allow Class II and Class III secondhand dealers for the sale and auction of new and used items where such use is not permitted on property located at 714 Las Vegas Boulevard North in Zoning District C-2.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 6

CITY COMMISSION WILL SET A DATE FOR PUBLIC HEARING AT ITS 11-3-82 MEETING.

16. U-76-82(HO)

APPROVED
EMMETT/UNANIMOUS/
BUGBEE EXCUSED

Application of EVERETT AND CHERI CHENEY for a home occupation permit to allow mail order of small booklets on property located at 6008 Fawn Avenue in Zoning District R-1.

CONDITIONS:

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

STAFF RECOMMENDATION: APPROVAL

17. U-77-82(HO)

APPROVED
EMMETT/UNANIMOUS/
BUGBEE EXCUSED

Application of ROBERT HERRERA for a home occupation permit to allow the mail order sale of pamphlets on property located at 2508 Conestoga Trail in Zoning District R-1.

CONDITIONS:

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

STAFF RECOMMENDATION: APPROVAL

18. U-78-82(HO)

APPROVED
EMMETT/UNANIMOUS
BUGBEE/EXCUSED

Application of CONNIE L. AINSWORTH for a home occupation permit to allow the making of craft items for sale at off-premise locations on property located at 2501 Conestoga Trail in Zoning District R-1.

CONDITIONS:

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

STAFF RECOMMENDATION: APPROVAL

19. U-79-82(HO)

APPROVED
BUGBEE/UNANIMOUS

Application of DAVID L. HOUGH for a home occupation permit to allow a land surveying consulting service on property located at 719 Slayton Drive in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.
2. An advertised business phone shall not be permitted in the home.

STAFF RECOMMENDATION: APPROVAL

20. V-5-80

Extension
of Time

APPROVED
BUGBEE/UNANIMOUS

Request of SAN TROPEZ COUNTRY CLUB CONDOMINIUMS for a one year extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

CONDITIONS:

1. This variance shall expire November 7, 1983.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.
3. Approval of the extension of time on Z-10-80.

STAFF RECOMMENDATION: APPROVAL

21. V-33-80

Review

APPROVED
BUGBEE/UNANIMOUS

Request of VEGAS WORLD HOTEL AND CASINO for a review of an approved variance which allowed a parking lot for employee use only; and to allow a block wall on the property line on property generally located on the north side of St. Louis Avenue between Comstock Street and Fairfield Avenue in Zoning District R-6.

CONDITIONS:

1. Conformance to the plot plan.
2. The wall along St. Louis Avenue shall be decorative, i.e. split face, rough textured or slump stone, as required by the Department of Community Planning and Development.
3. Construction of the walls and provision of landscaping prior to utilization of the parking on the west 300' for other than employee parking.
4. Access shall be permitted only from Commerce Street.
5. No bus parking or over-night recreation vehicle occupancy shall be permitted.
6. These authorizations and restrictions shall apply to AR-2-78.
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. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 2

CITY COMMISSION WILL CONSIDER THIS ITEM AT ITS 11-17-82 MEETING

CITY CLERK
 NOV 8 11 52 AM '82
 RECEIVED

22. V-60-81

Review

ABEYANCE TO 11-18-82
BUGBEE/UNANIMOUS

Request of SIGEL & CO., LTD. for a review to allow a beauty shop in lieu of the approved Class II secondhand dealership (for the purchase and sale of used jewelry, gold, and silver) on property located at 4318 West Charleston Boulevard in Zoning District P-R.

STAFF RECOMMENDATION: HOLD IN ABEYANCE FOR NOTIFICATION OF THE SURROUNDING PROPERTY OWNERS.

RECEIVED

Nov 8 11 25 AM '82

CITY CLERK

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

OCTOBER 28, 1982

CALL TO ORDER:

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

PRESENT:

Chairman Helen Myers, Jessie Emmett, Robert Bugbee, and Robert Giles.

ANNOUNCEMENT RE COMPLIANCE OF OPEN MEETING LAW

Mr. Clemmer announced that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted in accordance with NRS Chapter 241 and affidavits are on file in the Department of Community Planning & Development.

MINUTES:

Mr. Giles made a motion to APPROVE the Minutes for the Board of Zoning Adjustment meetings held August 26, 1982, and September 23, 1982. Motion carried unanimously. (Bugbee excused)

STAFF PRESENT:

Harold P. Foster, Director, Community Planning & Development
Robert C. Clemmer, Acting Chief of Zoning
John Roethel, Deputy City Attorney
Sandra LeBoeuf, Deputy City Clerk

NEW BUSINESS:

1. U-74-82(HO)
APPROVED

Application of ANTONIO AND LUCINDA BADILLO for a home occupation permit to allow telephone order sales on property located at 1067 Griffith Avenue in Zoning District R-1.

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

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

Mrs. Emmett made a motion for APPROVAL. (This Item was included with Items 1 thru 3 on the Supplemental Agenda.) Motion carried unanimously. (Bugbee excused)

2. V-84-82
APPROVED

Application of ALBERT AND JANET BRADY for a variance to allow two 84.16 foot wide lots where a minimum of one hundred feet (100') is required for each lot on property located on the west side of Torrey Pines Drive 1100 ft. south of Craig Road in Zoning District R-E.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.
2. Approval of the land division by the Department of Community Planning & Development.
3. Provision of circular driveways on both lots.
4. Provision of a deed restriction to the effect that horses shall not be permitted to be kept on these two lots.
5. Install sidewalks and street lighting as required by the Department of Public Services.

2. V-84-82

(Continued)

Repair any damage to existing street improvements resulting from this development as required by the Department of Public Services.

There are no protests on file.

The applicants were present.

No one appeared in opposition.

Mrs. Emmett made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously.

3. V-85-82

APPROVED

Application of WILLIE PARKER for a variance to allow a lot 89.68 ft. in width where the minimum lot frontage is one hundred feet (100') on property generally located on the west side of Decatur Boulevard, approximately 900' south of Craig Road in Zoning District R-E.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Provision of a circular driveway, at the time of construction.
2. The Variance shall expire in two (2) years unless extended by the applicant or his successor in interest.
3. Dedication of 60' of Right-Of-Way for Decatur Boulevard and 30' of Right-Of-Way for Georgiana Drive as required by the Department of Public Services.

There are no protests on file.

The applicant was present.

Dave Morgan was under a false impression that the lot was going to be reduced.

Jamie Dial had no objections. Her concern was that there would be no access to Decatur from her property.

Mr. Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

4. U-70-82

APPROVED

Application of ELSIE GOLDSWORTHY for a use permit to allow a Class III secondhand dealer for the sale of used books on property located at 1800 East Charleston Boulevard in Zoning District C-1.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.

There is one protest on file.

Elsie Goldsworthy appeared on behalf of the application.

Lucie Clark, who is putting in the bookstore, appeared.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously. Date will be set for public hearing at the November 3, 1982 City Commission meeting.

5. V-86-82
APPROVED

Application of ZNZ ENTERPRISES for a variance to allow the production, storage and wholesale distribution of ice on property located at 1200 Foremaster Lane in Zoning District C-M.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.
2. Provision of 17 additional paved parking spaces.
3. Approval of the parking and driveway plan by the Traffic Engineer.
4. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.
5. Standard conditions 2 - 5.

There are no protests on file.

David Harris, Project Architect, appeared on behalf of the applicant.

Phil Zobrist appeared on behalf of the application.

Craig Call appeared on behalf of the applicant.

No one appeared in opposition.

Mrs. Emmett made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

6. V-87-82
APPROVED

Application of JAMES AND VIRGINIA TINNEY for a variance to allow a three ft. (3') side yard setback where five (5') is required on property located at 4205 El Cederal Avenue in Zoning District R-1.

Mr. Clemmer presented the plot plan. Staff could not find any justification for a variance and, therefore, recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Approval of the elevations by the Department of Community Planning & Development.

There is one protest on file.

Mr. Tinney appeared on behalf of the application.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

7. U-71-82
APPROVED

Application of TEXACO, U.S.A. for a use permit to allow a self-service car wash in conjunction with a food market and a self-service gasoline station on property generally located at the southeast corner of Eastern Avenue and Bonanza Road in Zoning District C-1.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

7. U-71-82
(Continued)

1. Conformance to the plot plan and elevations.
2. Standard conditions 2 - 5.
6. Repair any damage to the existing street improvements resulting from this construction.
7. Approval of the parking and driveway plan by the Traffic Engineer.

There are 10 protests on file.

Mark Murphy, Clyde Designers, appeared on behalf of the applicant.

Jim Alley, Texaco, U.S.A., appeared on behalf of the application.

John McCracken, District Manager, Food King, appeared in opposition of the food market only.

Charles Hunter, District Manager, SAV-ON-Drug, appeared in opposition. His main objection was the elevation of the car wash and canopy.

Mr. Bugbee made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

8. V-88-82
APPROVED

Application of JOSEPH CAVARETTA, SR. ET AL for a variance to allow deviations in the front and side yard setbacks to accommodate a covered carport, garage and room addition as follows: twenty feet (20') from the front property line where fifty feet (50') is required; five feet (5') from the north side yard property line where ten feet (10') is required; and seven feet (7') from the south side property line where ten feet (10') is required on property located at 733 Kenny Way in Zoning District R-E.

Mr. Clemmer presented the plot plan. Staff advised that the applicant wanted to withdraw the carport request from the variance. Staff could not find any justification for a variance and recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Approval of the elevations by the Department of Community Planning & Development.
3. That the carport not be permitted.

There are two protests on file regarding the carport.

Joseph Cavaretta appeared on behalf of the application.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's condition including removal of the carport from the request. Motion carried unanimously.

9. V-89-82
APPROVED

Application of GEORGE FAVINGER, ET AL for a variance to allow corrals in the rear yard area, to the rear and side property lines on property located at 3600, 3601, 3608, 3609, and 3617 Beeson Court; 3601, 3621, 3661, 3721, and 3731 Thom Boulevard; 3617, 3725, and 3741 Bradley Road; 5109, 5117, 5124, 5125, 5133, 5140, 5201, and 5216 Cutty Way; 5117 Gilmore; and 3600, 3609, 3617, 3624, 3632, 3633, 3724, and 3732 Waterhole Street in Zoning District R-E.

9. V-89-82

(Continued)

Mr. Clemmer presented the plot plan. He stated that 30 persons petitioned to allow corrals to the side and rear property lines. Staff recommended APPROVAL, as long as all property owners are in accord, subject to:

1. Corrals on property at 5201 Cutty Way be allowed to the east and south property line, but must be set back 25 feet from the westerly property lines.
2. No time limit.
3. All corrals should be setback four feet unless approved by the neighbors.
4. The property at 3633 Waterhole not be allowed to put a corral 25 feet from the south property line and the property at 3617 Waterhole could not have the corral closer than 25 feet to the north property line.

There is one protest on file.

Mr. Roethel made a suggestion that included with the motion, that a direction be made to the Department of Community & Planning to mail notices of the variances with the conditions to each property owner, not just the ones that applied for the variances, but also the other ones in the neighborhood that would be affected and that would have to exercise their option within 30 days, if they wanted to object.

Jerry Favinger appeared on behalf of the application.

Jeff Hightower appeared on behalf of the application.

Dennis Hershberger appeared on behalf of the application.

William Witte appeared on behalf of the application.

Willma Fields appeared in opposition. She objected to the horses being right up to her property line.

Harold Leary appeared in opposition. He objected to the horses being right up to his property line and the sanitary conditions.

Judi Weeks appeared in opposition. Her objection was she didn't want the horses up to her property line and she didn't feel that some of the R-E lots were suitable for horses.

Dan Denson appeared in opposition. He said that he wasn't opposed to horses, but that he didn't want them up to his property line.

Candy Stone appeared in opposition. She was concerned that somewhere down the line if the property were to be sold that the new adjoining property owner might object to the horses being at the property line.

Mr. Bugbee made a motion to APPROVE the application for the variance on each of the properties where a variance was requested to permit corrals up to the property line, both at the rear yard and at the side yards, subject to the condition that if any of the adjoining property owners file a written protest with the Department of Community Planning and Development 30 days from the date this action becomes final, based on that written protest the setback shall be required to be at least 4 feet from whichever property owner files a protest. And, also that the Department of Community Planning and Development must notify all

9. V-89-82
(Continued)

the property owners in the neighborhood, including the ones that could take advantage of the condition if they so desired. Motion carried 3-1, with Myers voting "no".

10. U-72-82
APPROVED

Application of DECATUR CENTER ASSOCIATES for a use permit to allow a Class III secondhand dealer for the sale of used records on property located at 1401 North Decatur Boulevard in Zoning District C-1.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.

There are no protests on file.

The applicant was present.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously. Date for a public hearing will be set at the November 3, 1982 City Commission meeting.

11. V-90-82
DENIED

Application of LES AND JANET PLATINSKY for a variance to allow a basic skills learning center for adults to be held in the early evening hours on property located at 4965 and 4438 Bevvie Drive in Zoning District R-E.

Mr. Clemmer presented the application. Due to the high degree of non residential activity that this would create, staff recommended DENIAL.

There are no protests on file.

The applicant was not present.

No one appeared in protest.

Mr. Bugbee made a motion for DENIAL. Motion carried unanimously.

12. V-91-82
APPROVED

Application of BILLY J. SLOAT for a variance to allow the portion of his property along Cedar Avenue to be considered the legal front and on this basis to then allow a ten ft. (10') rear yard setback where twenty feet (20') is required on property generally located at the northwest corner of Cedar Avenue and 28th Street in Zoning District R-3.

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the amended plot plan.
2. Conformance to all other original conditions of Z-81-80.

There are no protests on file.

Billy J. Sloat appeared on behalf of the application.

12. V-91-82

No one appeared in opposition.

(Continued)

Mrs. Emmett made a motion to APPROVE, subject to staff's conditions. Motion carried unanimously.

13. V-92-82

APPROVED

Application of JACK WOODCOCK, ET AL for a variance to allow a three story apartment building where the maximum building height permitted is two stories and to allow 60 apartment units where only 49 units are allowed on property generally located at the northwest corner of Hauk Street and El Parque Avenue in Zoning District N-U, (under Resolution to Intent to R-3).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL of the three story height limit, but DENIAL of the additional density, subject to:

1. Conformance to the conditions of approval of Z-40-82.

There are three protests on file.

Ron Tiberti appeared on behalf of the applicant.

Tim Morse appeared on behalf of the applicant.

John McCarthy appeared in opposition. He objected to the increase in density this would create.

Marvin Ray appeared in opposition. His objection was the high density.

Mr. Bugbee made a motion for APPROVAL of the 60 units with staff's condition. Motion carried unanimously. This item will be heard at the November 3, 1982 City Commission meeting.

14. U-73-82

APPROVED

Application of REX C. EWING, JR., ET AL for a use permit to allow the storage of operable and inoperable motor vehicles for more than fourteen days on located at 1300 North "A" Street in Zoning District "M".

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.
2. Provision of Type II aggregate with oil on all of the access drives.
3. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.

There are no protests on file.

Rex Ewing appeared on behalf of the application.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

15. V-93-82

DENIED

Application of GALE D. NASH for a variance to allow Class II and Class III secondhand dealers for the sale and auction of new and used items where such use is not permitted on property located at 714 Las Vegas Boulevard North in Zoning District C-2.

Mr. Clemmer presented the plot plan. Since C-M Zoning is required for this type of secondhand store, staff recommended DENIAL.

There are two protests on file.

Fred Castor appeared on behalf of the applicant.

Mrs. Bardelani appeared on behalf of the applicant.

Ken Johann appeared in opposition. He was concerned with the parking and where the trash would be picked up, and that it would not be compatible with the area.

Mr. Giles made a motion for DENIAL. Motion carried unanimously. Date for public hearing will be set at the November 3, 1982 City Commission meeting.

SUPPLEMENTAL AGENDA

1. U-76-82(HO)

APPROVED

Application of EVERETT AND CHERI CHENEY for a home occupation permit to allow mail order of small booklets on property located at 6008 Fawn Avenue in Zoning District R-1.

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

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

Mrs. Emmett made a motion for APPROVAL. (This Item was included with Items 2 thru 3 on the Supplemental Agenda and Item 1 under New Business.) Motion carried unanimously. (Bugbee excused)

2. U-77-82(HO)

APPROVED

Application of ROBERT HERRERA for a home occupation permit to allow the mail order sale of pamphlets on property located at 2508 Conestoga Trail in Zoning District R-1.

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

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

Mrs. Emmett made a motion for APPROVAL. (This Item was included with Items 1 & 3 on the Supplemental Agenda and Item 1 under New Business.) Motion carried unanimously. (Bugbee excused)

3. U-78-82(HO)

APPROVED

Application of CONNIE L. AINSWORTH for a home occupation permit to allow the making of craft items for sale at off-premise locations on property located at 2501 Conestoga Trail in Zoning District R-1.

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

3. U-78-82(HO)

(Continued)

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

Mrs. Emmett made a motion for APPROVAL. (This Item was included with Items 1 & 2 on the Supplemental Agenda and Item 1 under New Business.) Motion carried unanimously. (Bugbee excused)

4. U-79-82(HO)

APPROVED

Application of DAVID L. HOUGH for a home occupation permit to allow a land surveying consulting service on property located at 719 Slayton Drive in Zoning District R-1.

Mr. Clemmer presented the application. Since telephone advertising is not allowed under the criteria of a home occupation permit, staff recommended DENIAL. If approved, subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.
2. Obtain a Variance to utilize an advertised business phone in the home.

David Hough appeared on behalf of the application.

John Roethel stated that the home occupation permit could be granted and if he wanted to advertise, he would have to come in and apply for a variance.

Mr. Bugbee made a motion for APPROVAL, without the telephone advertising. Motion carried unanimously.

5. V-5-80

EXTENSION OF
TIME

APPROVED

Request of SAN TROPEZ COUNTRY CLUB CONDOMINIUMS for a one year extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

Mr. Clemmer presented the request. Staff recommended APPROVAL, subject to:

1. This Variance shall expire November 7, 1983.
2. Conformance to all Ordinance amendments enacted subsequent to the original approval.
3. Approval of the Extension of Time on Z-10-80.

The applicant was present.

Mr. Bugbee made a motion for APPROVAL of the EXTENSION OF TIME for a one-year period. Motion carried unanimously.

6. V-33-80

REVIEW

APPROVED

Request of VEGAS WORLD HOTEL AND CASINO for a review to allow the employee parking lot to also be used for patron parking on property generally located on the north side of St. Louis Avenue between Fairfield Avenue and Commerce Street in Zoning District R-6.

Mr. Clemmer presented the plot plan. Mr. Clemmer stated that Mr. Stupak had purchased an additional 150 feet, which is currently classified C-1, to Commerce Street and proposes a block wall six feet high entirely surrounding this development, with no access from St. Louis nor the

6. V-33-80
(Continued)

alley, but staff did not feel that valet parking and similar uses would be proper in a high density residential area and recommended DENIAL of the rescission of the restriction limiting this to an employee parking lot. If approved, subject to:

1. Conformance to the plot plan amended to provide a 3' planter along St. Louis Avenue with the wall setback 3' from the south property line to eliminate the inset.
2. The wall along St. Louis Avenue should be decorative, i.e. split face, rough textured or slump stone.
3. Construction of the walls and provision of landscaping prior to utilization of the parking on the west 300' for other than employee parking.
4. Standard conditions 2 - 5.
5. Access shall be permitted only from Commerce Street.
6. No bus parking or camper occupancy shall be permitted.
7. These authorizations and restrictions shall also apply to AR-2-78.

Bob Stupak appeared on behalf of the application. He objected to the condition of having a 3' setback for planters.

Ray Marquis appeared in opposition. He objected to buses being allowed to park in the lots.

Debra Hofferd appeared in opposition. Her objection would be to have buses park in the lots.

Mr. Bugbee made a motion for APPROVAL, subject to staff's condition with the exception of the 3' setback for planters. Motion carried unanimously. This item will be heard at the November 17, 1982 City Commission Meeting.

7. V-60-81
REVIEW
ABEYANCE

Request of SIGEL & CO., LTD. for a review to allow a beauty shop in lieu of the approved Class II secondhand dealership (for the purchase and sale of used jewelry, gold, and silver) on property located at 4318 West Charleston Boulevard in Zoning District P-R.

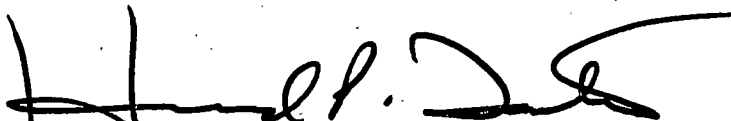
Mr. Clemmer presented the request. Staff recommended this be held in ABEYANCE to allow for notification of the surrounding property owners.

The applicants were present.

Mr. Bugbee made a motion to hold this Item in ABEYANCE. Motion carried unanimously.

THE MEETING WAS ADJOURNED AT APPROXIMATELY 10:30 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

/s/

INTER-OFFICE MEMORANDUM

OCTOBER 26, 1982

TO:

HAROLD P. FOSTER, DIRECTOR

FROM:

ROBERT C. CLEMMER, ACTING CHIEF
ZONING DIVISION

SUBJECT:

B.Z.A. MEETING OF OCTOBER 28, 1982

COPIES TO:

Sandra LeBoeuf

NEW BUSINESS:

1. U-74-82 (HO)

This home occupation is to sell a sunbather's face rest. There will be no storage. The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

2. V-84-82

This property is an enclave of R-E practically surrounded by R-MH lots except north and east where there is R-E. Staff feels that horses are not always compatible with R-1 or R-MH developments although in this case, the horse zoning existed when the R-MH was requested. In other words, R-1 Zoning should be sought and based on the surrounding development and staff would support an R-1 reclassification. In either case, in the land division process lots less than 100' wide will need special dispensation and Null feels that we should require circular drives in order to eliminate back-out spaces. (Lots 28,680 sq. ft.) No unusual circumstances. Lot is regular shaped.

✓ Staff recommends approval. If approved subject to:

1. Conformance to the plot plan. ✓
2. Approval of the land division by the Department of Community Planning & Development. ✓
3. Provision of circular driveways on both lots. ✓
4. Provision of a deed restriction to the effect that horses shall not be permitted to be kept on these two lots. ✓

V-84-82 (continued)

5. Install sidewalks and street lighting as required by the Department of Public Services. ✓
6. Repair any damage to existing street improvements resulting from this development as required by the Department of Public Services. ✓

PROTESTS: None ✓

This is a Public Hearing.

Set for B.Z.A. Final Action.

3. V-85-82

This is an interesting case. Circa 1965 before parcel maps were required, a property owner entered a sales agreement to create several parcels from what was assumed to be a 660' parcel and made the central parcel the South 132' of the north 396', but the actual property was 617' to 613' wide. The agreement was unrecorded and the deed was finally dated June 17, 1971 and recorded July 21, 1971 an era subject to land division approval. July, 1971 - first case under land division law accepted. The final deed was this area less the north 264' and the south 264' leaving 89.68 feet.

This matter was taken to court but not resolved according to the applicant. The judge could have legally created the lot. This area was annexed in 1964 (A29-63). The Zoning Regulations recognize parcels legally created under a recorded contract of sale. This parcel was acquired by Mr. Parker with the agreement offering to convey 132' of frontage.

The error created this situation and the courts did not resolve a provision of additional land to Mr. Parker to meet the Zoning Law. This situation came about through no fault of this property owner who has a buyer who wants to build a house on the site, but needs this approval so a Building Permit can be issued. We can specify a greater time limit than six (6) months and this case warrants it.

✓ Staff would strongly advocate approval subject to:

1. Provision of a circular driveway, at the time of construction. ✓
2. The Variance shall expire in two (2) years unless extended by the applicant or his successor in interest. ✓
3. Dedication of 60' of Right-Of-Way for Decatur Blvd. and 30' of Right-Of-Way for Georgiana Drive as required by the Department of Public Services. ✓
4. Enter into an Assessment District Agreement for the installation of off-site improvements on Georgiana Drive and Decatur Boulevard.

PROTESTS: None

This is a Public Hearing.

Set for B.Z.A. Final Action.

4. U-70-82

This is a proposed used book store in the Charleston Plaza Shopping Center. Usually there is a disclaimer regarding "porno" but nothing is said in this case. Marge Heather will verify that this is not an issue. Class III requires City Commission approval. She called and there is no problem.

Staff recommends approval subject to:

1. Conformance to the plot plan. ✓

PROTESTS: 1

This is a Public Hearing. Set for November 3, 1982 C.C. ✓
to set date for 11/17/82 C.C. ✓

5. V-86-82

This is a matter of wholesale manufacture of ice and the sale not being on the premises as required for C-M. According to the architect, this is highly automated in so far as the manufacture is concerned and four employees are involved. This building had been used by Pepsi Bottling Co. prior to burning. The ice will be delivered to different retail points. The parking is a problem as they will have 26 employees requiring 39 spaces and only 22 are shown on the plan. There is sufficient area to provide the additional 17 spaces.

Staff feels this is a very slight departure, operationally speaking, from the Planning Commission resolution in C-1 and C-2 which carries to the C-M. The cemetery is to the north additional C-M Zoning and uses are to the south, east and west. 2.3 acre site. 32,000 sq. ft. building. Residential 500' east.

Staff recommends approval subject to:

1. Conformance to the plot plan and elevations. ✓
2. Provision of 17 additional paved parking spaces. ✓
3. Approval of the parking and driveway plan by the Traffic Engineer. ✓
4. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services. ✓
5. Standard conditions 2 - 5. ✓

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

6. V-87-82

This is a regular lot 63.2' x 102' and there are no unusual circumstances.

Staff recommends denial. If approved subject to:

- 1. Conformance to the plot plan.
- 2. Approval of the elevations by the Department of Community Planning & Development.

PROTESTS: 1

This is a Public Hearing. Set for B.Z.A. Final Action.

7. U-71-82

There is an existing Use Permit for a gas station and the market is allowed as a matter of right so this is primarily a question of the car wash which is an appropriate use and is designed in an aesthetically acceptable manner. No residential within several hundred feet, any direction.

Handwritten notes:
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r
r

Staff recommends approval subject to:

- 1. Conformance to the plot plan and elevations.
- 2. Standard conditions 2 - 5.
- 3. Repair any damage to the existing street improvements resulting from this construction.
- 4. Approval of the parking and driveway plan by the Traffic Engineer.

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

8. V-88-82

This is a regular 98' x 225.64' lot. There are no unusual circumstances. Withdrawn carport.

Staff recommends denial. If approved subject to:

- 1. Conformance to the plot plan.
- 2. Approval of the elevations by the Department of Community Planning & Development.

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

Handwritten notes:
carport and
two
he wants
to withdraw
the carport
part

Handwritten notes:
+ ~~carport~~
no carport

9. V-89-82

Petition

This is a sort of a class action Variance. Thirty persons petitioned to allow corrals to the side and rear property lines . One of the occupants was not owner of record and the owner of record would not sign (3733 Bradley). Four were okayed by owner of record in California. Twenty-eight of the 75 lots are vacant leaving 47 in which the occupants (30) reflected favoring the corral setbacks at property line.

Staff is not opposed to allowing the setback reductions if the adjacent property owners propose similar developments. In this case, we may find some in favor and some opposed.

We should not allow this reduction to interfere with the aspirations for pools and guest houses of nonhorse properties. Communication problem.

Staff recommends approval subject to: ✓ *E. J. 1, 201*

- 1. Corrals and setbacks on Lot 25, Block 1, Homestead Estates Unit #2 (5201 Cutty Way) be allowed to the east and south property, but must be set back 25' from the westerly property lines. ✓
- 2. No time limit. ✓

PROTESTS: 1

This is a Public Hearing. Set for B.Z.A. Final Action.

10. U-72-82

This is a single item used record proposal in the Decatur Center Shopping Plaza.

Staff recommends approval subject to: ✓

- 1. Conformance to the plot plan. ✓

PROTESTS: None

This is a Public Hearing. Set for C.C. 11/3/82 to set for C.C. 11/17/82. ✓

11. V-90-82

4438 Bevvie Drive was authorized 92 children in a preschool operation by V-57-72. The County allowed 45 children next door (Believe It Or Not) at 4965 Bevvie Drive. The combined property is allowed 137 children. Staff opposed this scale of operation in this low density area on the preschool Variance and this proposal to allow unlimited night school teaching of adults will further intensify the use of low density property. The applicant attempted to withdraw the case, but we had spent money on advertisement and preparation, but asked for a letter of withdrawal and she indicated that since the money couldn't be refunded she would let it continue.

(If the applicant is not at the meeting a denial action may be best rather than allow it to pend.)

(Staff recommends denial.) If approved subject to:

- 1. Standard conditions 2 - 5.

V-90-82 (continued)

- 2. Dedication of 30' of Right-Of-Way for Bevvie Drive as required by the Department of Public Services.
- 3. Approval of the parking and driveway plan by the Traffic Engineer.
- 4. Enter an Assessment District for street improvements on Bevvie Drive as required by the Department of Public Services.

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

12. V-91-82

The engineer used the inside building dimensions rather than exterior necessitating elongation of the buildings by 11-12'. The property to the north is R-3 so the 10' setback would not adversely effect. The project is oriented to Cedar. Due to the circumstances, staff would recommend approval subject to:

- 1. Conformance to the amended plot plan. ✓
- 2. Conformance to all other original conditions of Z-81-80. ✓

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

13. V-92-82

The Zoning case for R-4 got an approval recommendation from the Planning Commission but City Commission held for R-3 with I believe the understanding that they would review the Variance action as I believe Tiberti mentioned that necessity if only R-3 granted. (Z-40-82).

We indicated support of the three story due to the 12' drop in grade and underground design, but indicated nonsupport of the 30 units per acre.

Handwritten notes:
2/22/82
3/2/82
V-92-82
Staff

Staff recommends denial of the additional 5.5 units per acre and approval of the three stories.

If approved subject to: ✓

- 1. Conformance to the conditions of approval of Z-40-82. ✓

PROTESTS: 23

This is a Public Hearing. Set for November 3, 1982 C. C. ✓

14. U-73-82

This proposal is the third or fourth wrecked vehicle storage yard Ewing has acquired in this immediate area. It is between I-15 and the R.R.. The landscaping along I-15 adequately screens these facilities.

Staff recommends approval subject to: ✓

- 1. Conformance to the plot plan. ✓

U-73-82 (continued)

- 2. Provision of Type II aggregate with oil on all of the access drives. ✓
- 3. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services. ✓

PROTESTS: None

This is a Public Hearing. Set for B.Z.A. Final Action.

15. V-93-82

This proposal is to take the L. A. Clothing Store and convert it into a 20 - 30 space Bazaar with dealers partly qualifying as Class III Secondhand (all one kind or 75% new and 25% used one kind), and partly Class II Secondhand (mixed items) all storage to be indoors. Each will allow applicant to auction items after hours. (Class II - Mixed used items). The building is 8,200 sq. ft. and has 8 parking spaces. The applicant indicated that 2,500 sq. ft. would be used for auction area and the balance 5,700 sq. ft. retail and offices necessitating 40 spaces, as this is a change in use which requires additional spaces.

The applicant discussed approaching the Convention Authority or possibly Johan Realty who owns nearly all property in the area which might be available. Cashman Field operation.

(Since C-M Zoning is required for this type of Secondhand Store, staff recommends denial.)

If approved subject to:

- 1. Conformance to the plot plan and elevations.
- 2. Provision of additional off-street parking as required by Ordinance 2168.
- 3. No outside storage of goods or equipment.
- 4. Approval of the plan for advertising signs by the Board of Zoning Adjustment.

PROTESTS: 2

This is a Public Hearing. Set for November 3, 1982 C. C. to set date for 11/17/82 C.C.

SUPPLEMENTAL:

1. U-76-82(HO)

This is a typical home occupation of husband and wife making booklets regarding home improvements to be sold by mail order. The questionnaire has been answered favorably.

Staff recommends approval subject to:

- 1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action

Handwritten notes:
 A, B, C
 2, 4, 6
 Bazaar
 2, 4, 6, 8, 10
 10-10-82

2. U-77-82(HO)

This proposal is mail order sales of a debt relief brochure. Questionnaire answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not A Public Hearing. Set for B.Z.A. Final Action.

3. U-78-82(HO)

This is a typical type of home occupation of personalizing sheets with acrylics. The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not A Public Hearing. Set for B.Z.A. Final Action.

4. U-79-82(HO)

This proposal is a surveying consultant who primarily does record investigation, however, he proposes to have a phone number advertised in the telephone directory. Staff is of the opinion that this requires a Variance, however, the phone system has the capability of switching a business phone at another location to the home and so customarily business elements are directed to homes throughout the City without our knowledge and enforcement is impossible. If the phone number were listed in conjunction with his name in the White Pages without reference to his fictitious business name in the Yellow Pages there would be no problem.

Staff could not reach the applicant so on the basis of the application we would have to recommend denial.

If approved subject to: ✓

1. All operations shall conform to the criteria for Home Occupation Permits. ✓
2. Obtain a Variance to utilize an advertised business phone in the home.

PROTESTS: N/A

This is not a Public Hearing. Set for B.Z.A. Final Action.

5. V-5-80

As you will recall the Planning Commission October 26, 1982 approved the extension of the zoning to November 7, 1983 which is scheduled for November 17, 1982 City Commission. This Variance is an integral part of that approved plan. Six months requested . Fourth request.

Staff recommends approval subject to: ✓

1. This Variance shall expire November 7, 1983. ✓
2. Conformance to all Ordinance amendments enacted subsequent to the original approval. ✓
3. Approval of the Extension of Time on Z-10-80. ✓

PROTESTS: N/A *none*

This is not a Public Hearing. Set for B.Z.A. Final Action.

6. V-33-80

This action will involve two cases as Aesthetic Review of the 23 story Vegas World Tower was restricted due to the restrictions in this case. Our attorney allowed that if the restriction is rescinded in this base case it would follow in the other in order to eliminate duplicity of action. These were finally considered by the City Commission and in the A-R case the City Commission even though the attorney for Vegas World argued that it should not be restricted to employees only upheld that position.

You will recall that the City Attorney April 14, 1981 concluded that since Stupak during the hearing agreed to use the lot for employees only that he had no further latitude as that was probably the basis of the decision to allow the parking lot. Some collateral matters which might be rehashed are:

1. Stupak allowed use of it for valet parking which was stopped.
2. Bus parking occurred according to complaints in the lot and on the street and the Traffic Engineer stopped that.
3. Patrons were directed to the lot and recently we had the sign altered on the primary site and this lot as well to eliminate the words "Patron."
4. Patrons were occupying campers on the site, but due to the correction of three this has been eliminated.
5. The landscaping has slightly deteriorated and staff notified building above with the sign issue and this has yet to be resolved, but due to this change which will completely alter the landscaping pattern there is no sense to press it at this time.

V-33-80 (continued) Staff has some ambivalent feelings and should present pros and cons:

- CON:
1. Valet Parking and attendant noises do not belong in residential areas. ✓
 2. Bus parking and early warm ups are detrimental to residential areas.
 3. Camper use is not proper in a high density residential area.
 4. Employee parking will be needed in a 400 room Hotel & Casino operation and management policy to relegate them to the streets will further impact this high density area.
 5. Twenty-four hour high turnover parking operations are not compatible in high density areas.
 6. Circumstances have not changed and control of this use to employees only has been the past position of the City Commission and the only acceptable situation to the adjacent property owners.
 7. Inadequate landscaping along St. Louis.
 8. Walls with insets in a high crime area might be a problem.
- PRO:
1. Redesign with access from Commerce Street only; 6' block walls proposed along alley west line and St. Louis Avenue to reduce noise and screen view and lights; inundating wall with landscaping along St. Louis will be more aesthetically pleasing to residential use.
 2. C-1 on front 150' permits as a matter of right, both patron and employee parking lots and valet would be permitted. It would be impossible to enforce the restricted mix at the imaginary line.
 3. The layout separates the traffic from the apartments by at least 60'.

A 6' block wall is restricted to a 10' front setback in the R-6 Zone and has no set back in the C-1. Saylor's memo allows restriction to the original lot orientation, but the Zoning Ordinance would consider the assemblage of lots a parcel which is oriented to Commerce. The Commerce frontage is proper in this case and a 6' wall can be authorized 3' from St. Louis as advocated.

We should point out the beneficial aspects of this new plan. The plan shows the proposed Tower to contain 361 rooms whereas the City Commission approved only 339 so a disclaimer is in order. We have notified the specific 12 and all other property owners in the area. (300' +)

✓ Staff recommends denial. If approved subject to:

1. Conformance to the plot plan amended to provide a 3' planter along St. Louis Avenue with the wall setback ✓

V-33-80
(continued)

3' from the south property lines ^{to} and elimination ~~of~~ the insets.

- 2. The wall along St. Louis Avenue should be decorative, i.e. split face, rough textured or slump stone. ✓
- 3. Construction of the walls and provision of landscaping prior to utilization of the parking on the west 300' for other than employee parking. ✓
- 4. Standard conditions 2 - 5. ✓
- 5. Access shall be permitted only from Commerce Street. ✓
- 6. No bus parking or camper occupancy shall be permitted. ✓
- 7. These authorizations and restrictions shall ^{also} apply to AR-2-78. ✓

PROTESTS: None

This is a Public Hearing. Set for City Commission November 17, 1982.

7. V-60-81

A rezoning application was made for C-1 which was rejected in favor of the Variance approach even though next door C-1 was granted for a Tile Sales operation which was restricted from having storage except samples due probably to the wholesale implications with building material sales operations which is not permitted in the C-1 Zone.

This Variance was granted for the buying and selling of used jewelry, gold and silver, which during peak periods is more active than normal retailers, however, the reason was to restrict retail business. This proposed use is a service use; i.e. Beauty Shop.

Staff recommends holding this item in abeyance for notification. If approved, subject to: ^{OK}

- 1. The building be used for Beauty Shop purposes only.

PROTESTS: N/A

This is not a Public Hearing. Set for B.Z.A. Final Action.

NAME

PLEASE

PRINT ADD S

10/28/82

Mark B. Murphy v. 71-82 (appt)

2766 So Harbor Blvd Santa Ana Ca

JOE CAVALIERE v. 88-82 (appt)

733 KENNETH WAY

WILLIAM FEELER v. 89-82 (appt)

624 Waterline Dr

BARRY STEIGANSKY

1516 MORENO DR.

R. M. Tiberti v. 92-82 (appt)

316 E BRIDGE

TIM R. MORSE v. 92-82 (appt)

2915 W. CHARLESTON BLVD.

JAMES COMITO

620 Valley Fair Plaza

NAME

PLEASE

ADD:

SKIN

10/28/82

Diana Hofford V-33-80 (agent) 101 W Philadelphia

Ray Mansour V-33-80 (agent) 181 W 50 Ave

Walter Baker V-85-82 (agent)

Pauline Parker V-85-82 (agent)

304 Jackson Ave

Joe Lyons New

Eric Medlam V-70-82 (agent)

1800 E. Claiton Rd

Jimmie Clark V-70-82 (agent)

3017 SCARLET AVE

ATL ZORIST (V-86-82) (agent)

2525 CASEY

(ALL) (ALL) V-86-82 (agent)

108 PENCE LN

Jim Turner V-87-82 (agent)

~~John Turner V-71-82 (agent)~~

~~John Turner V-71-82 (agent)~~

PAVINGER V-89-82 (agent)

~~John Turner V-89-82 (agent)~~

John Hebe V-89-82 (agent)

John Hebe V-92-82 (agent)

Fay Koshner

1400 Banyon

1200 W A ST

2901 WTA

3709 Atlantic D

5117 WTA, WTA

3617 Beeson of 89130

21832 Lincoln American Col

3350 Columbia Blvd LA, CA

10/28/82

Dear Sirs:

We the residents of Homestead Estates request that you initiate a plot plan reconsideration in regard to corral setbacks, allowing the use of the back wall and/or the rear 50' of side perimeter walls for corral area. Also, allowing by written request by the adjacent property owner; corral at (4) four foot offset from adjacent wall.

Jeff Hightower → 3731 THOM BLVD.
Carolyn Hightower ← LOT 20 HOMESTEAD ESTATES #

Dennis Keshberger 5117 Cutty way
Barbara Keshberger

Mike Gaskill 5109 Cutty way
Linda Gaskill

Paul D. East 5125 CUTTY WAY
E west " " "

Jeff Stone 5124 Cotty way
Candy J Stone " " "

Bruce Teel 5117 GILMORE
Amy Teel 5117 GILMORE

Martha J. Blom 5216 Cutty way L.V. NO. 89130
Sarah C. Blom 5216 Cutty way L.V. NO. 89130

Janna M. Ward 5133 Cutty way L.V. NO. 89106

Richard W. Schell 5201 Cutty way L.V. NO. 89130

LAW OFFICES

SEMENZA & LUTFY

ATTORNEYS AT LAW

LELAND E. LUTFY
LAWRENCE J. SEMENZA
JOHN W. MUJE
T. GREGORY APOCOTOS
SARA BETH BROWN

801 SOUTH RANCHO DRIVE, SUITE F-1
LAS VEGAS, NEVADA 89106
(702) 382-2522

386 HOLCOMB AVENUE, SUITE 1
P.O. Box 11125
RENO, NEVADA 89510
(702) 323-4355

REPLY TO:

October 28, 1982

Mr. Harold P. Foster, Director
Department of Community Planning &
Development
400 East Stewart
Las Vegas, NV 89101

Dear Mr. Foster:

My purpose in writing to you is to enter my objection to a proposed zoning variance scheduled for consideration before the Board of Zoning Adjustment, scheduled to meet this evening, the 28th of October, 1982, at 7:30 p.m., in the Commissioners Chambers.

The subject-property in question is commonly identified as 733 Kenny Way, L.V., NV 89107 (Lot 2; Block 1; Rancho palamino). Mr. Joseph Cavaretta, Sr., the property homeowner, has applied for a zoning variance, which among other things, proposes a modification of the 50' "set-back" requirement to a 20' "set-back", on a western property line adjoining a dedicated bridal path and public roadway.

My opposition to the proposed zoning variance is solely limited to the reduction of the 50' "set-back" requirement from the dedicated roadway. By allowing such a variance, the community plan for our area is negatively impacted on, in my opinion, as follows:

1. Orderly road and utility development is threatened by the structural encroachment on the "set-back" requirement;
2. Uniform street design intentions, as defined by present zoning requirements, would be unjustifiably interfered with under this proposed variance;
3. Line-of-sight observation of vehicular, equestrian, and pedestrian traffic would be substantially interfered with to the detriment of our very effective Neighbor-

Mr. Harold P. Foster
October 28, 1982
Page 2

hood Watch Program and residents safety
in egress onto the public roadway;

4. The area's esthetic appearance would be violated by this "set-back" encroachment, for the proposal would create the only structural intrusion on the uniform set-back of this area;
5. Finally, the proposed carport extending from the front of Mr. Cavaretta's residence would fail to accomplish its purpose of affording protection from the S/W angle of the sun's glare or the elements, for that matter.

In briefly describing our neighborhood, the homeowners are almost exclusively professionals. Judge's, doctors, engineers, businessmen, lawyers, etc. reside here and are capitally committed to serious landscape design and maintenance. The homes vary in age, but commonly share the fact that they are custom in design and construction. The main theme to our area is the lush, green open-space residents enjoy because of the uniform set-back requirement and their genuine commitment to landscaping.

The proposal under consideration here would permit an encroachment, the only encroachment, on the design feature produced by the uniform set-back requirement. This area has a demonstrated record of vitality in property improvement and beautification. The feature of "estates" would be defeated by the granting of any zoning variance which reduces the minimum 50' "set-back" requirement. In fact, I would estimate that every home in this area is set back more than this minimum required under present zoning standards.

I invite you to inspect our area for an on-site appreciation of the positive result the present set-back requirement has had, by encouraging landscaping splendor and inuring value to the net-worth of our properties in this area. The variance proposed here impacts on present set-back requirements, serving no community purpose; nor does it enhance Mr. Cavaretta, Sr.'s interest in his own real property as a "custom estate lot".

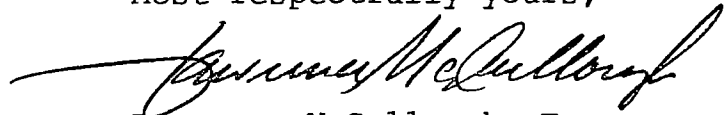
Mr. Harold P. Foster
October 28, 1982
Page 3

In asking you to consider the objection I enter here on behalf of my client, and to deny so much of the proposed variance directed to reducing the minimum set-back requirement, I do so without any sense of malice or ill-will towards Mr. Cavaretta, Sr., whom I consider to be an outstanding homeowner and thoughtful neighbor.

I apologize to you and the distinguished members of the Board of Zoning Adjustment, and to Mr. Cavaretta, Sr. that I am not able to personally appear to discuss this matter in person.

Thanking you for making this objection part of the record, I remain,

Most respectfully yours,



Lawrence McCullough, Esq.

LM/njm

enclosures

cc: Board of Zoning Adjustment

ITEM

Commission Action

Department Action

VII. BOARDS AND COMMISSIONS

A. BOARD OF ZONING ADJUSTMENT

Term to expire 10/6/83

1. Ratification of official representative of the Planning Commission to serve on the Board of Zoning Adjustment and fill unexpired term of Frank Canul who resigned.

Levy -
 APPROVED Motion to appoint Robert Bugbee as Planning Commission representative on BZA. Unanimous
 (Note: One slot is vacant on BZA and this is to appear on Agenda for 11/3/82.)

Clerk to notify

11/3/82 Agenda

B. COMMUNITY DEVELOPMENT BLOCK GRANT
CITIZEN ADVISORY REVIEW BOARD - NINTH YEAR
One-year terms of office

1. Appointment of 12 members to Board.

Levy -
 APPROVED Appointments as recommended by staff. Unanimous (Lurie & Christensen excused)
 These appointments are as follows:

- John Arnold
- Bobbie Atkinson
- Andras F. Babero
- Lawanna Bruner
- Roger Cook
- Ethel DeVoe
- Edi Domingo
- Lucille Hughes
- Beverly A. Pinjuv
- Sarann Knight Preddy
- Robert Rivas
- Robert Wisniewski

APPROVED AGENDA ITEM

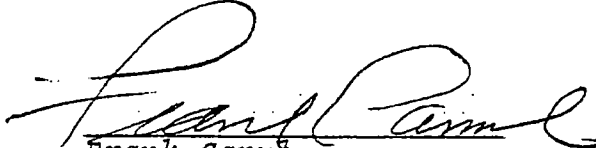
Ashley Hall

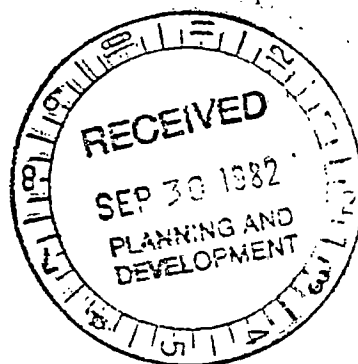
City of Las Vegas
Mayor Bill Briare
& City Commissioners
400 E. Stewart Avenue
Las Vegas, Nevada 89101

September 30, 1982

I, Frank Canul, would like to resign from my position on the City Planning Commission, and the Board of Zoning Adjustment.

Sincerely,


Frank Canul



INTER-OFFICE MEMORANDUM

October 15, 1982

TO: Mayor William H. Briare
Commissioner Ron Lurie
Commissioner Paul J. Christensen
Commissioner Al Levy
Commissioner William U. Pearson

FROM: *Carol A. Hawley*
Carol Ann Hawley, City Clerk

SUBJECT: Board of Zoning Adjustment -
Appointments to Board

COPIES TO:
Agenda Books, 10/20/82 City Commission Mtg.

This is to formally advise that it was the consensus of the Planning Commission at their October 14, 1982 meeting that Robert W. Bugbee be the official representative of the Planning Commission on the Board of Zoning Adjustment. As you are aware, Mr. Bugbee is presently a regular member of the BZA and was appointed as a regular member of the Planning Commission at the October 6 City Commission meeting. His appointment to the Planning Commission was a result of the vacancy created by the resignation of Frank Canul.

Two actions should be considered by the Board in conjunction with this agenda item:

1. Consideration and possible ratification of Robert W. Bugbee as the official Planning Commission representative on the Board of Zoning Adjustment, and
2. Consideration and possible action on appointment of a new member of the BZA as a result of the vacancy created by Mr. Canul's resignation.

204 Colleen Drive
Las Vegas, Nevada 89107
October 21, 1982

Board of Zoning Adjustment
City Hall
Las Vegas, Nevada

Gentlemen:

This is to certify that we (Bill and Thelma Gheen) are in accord with our neighbors at 208 Colleen Drive building a covering for their motorhome close to our property line. We also grant any easements needed for use of our driveway for access to the motorhome.

Sincerely,

Wm. H. Gheen

Thelma Gheen