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A G E N D A

BOARD OF ZONING ADJUSTMENT MEETING

AUG 17 1983

AUGUST 25, 1983

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

ROLL CALL:

ANNOUNCEMENT: Satisfaction of the Open Meeting Law.

MINUTES: Approval of the Minutes for the Board of Zoning
Adjustment Meeting held July 28, 1983.

OLD BUSINESS:

1. V-61-79 Application of DONALD AND GWENDOLYN FROMMER for a
two year extension of time to operate a meat and
EXTENSION OF deer processing plant on property located at 3730
TIME Thom Boulevard in Zoning District R-E.
ABEYANCE FROM
7/28/83

NEW BUSINESS:

1. U-63-83(HO) Application of TOMMY FENN for a home occupation
permit to allow floral arranging on property
located at 1028 Bonita Avenue in Zoning District R-1.
2. U-58-83 Application of MARION BENNETT for a use permit to
allow a minor automotive operation on property
located at 1515 1/2 North "H" Street in Zoning
District C-1.
3. U-60-83 Application of HENRY KRONBERG, ET AL, for a use
permit to allow a pawn shop on property located at
128 South 1st Street in Zoning District C-2.
4. V-73-83 Application of HENRY KRONBERG, ET AL, for a variance
to allow the buying and selling of secondhand merchandise
on property located at 128 South 1st Street in
Zoning District C-2.
5. U-61-83 Application of DONNA MARIE JULIEN for a use permit
to allow a child care facility for up to twelve (12)
children on property located at 6613 Hyde Avenue in
Zoning District R-1.
6. U-62-83 Application of FUN SHUM for a use permit to allow a
psychic arts facility on property located at
1942 East Charleston Boulevard in Zoning District C-1.
7. V-74-83 Application of THE INSTITUTE OF PASTORAL COUNSELING FOR
CREATIVE LIVING for a variance to allow limited family
group counseling where only individual counseling is
permitted on property located at 801 Shadow Lane in
Zoning District P-R.

8. V-75-83 Application of BERNARD SHAPIRO for a variance to allow the outside storage of satellite antenna equipment where such storage is not allowed on property located at 3101 West Charleston Boulevard in Zoning District P-R.
9. V-76-83 Application of ANDRE ROCHAT, ET AL, for a variance to allow a three hundred nine square foot (309 sq. ft.) addition to the existing restaurant, for storage purposes without providing the additional parking space as required by Code on property located at 401 South 6th Street in Zoning District R-4.
10. V-77-83 Application of CACTUS MOUNTAIN, INCORPORATED, for a variance to allow outdoor activities (bicycle race track) where such use is not permitted on property located at 5620 West Charleston Boulevard in Zoning District C-1.
11. V-78-83 Application of WAYNE AND DIANE ROGERS for a variance to allow the keeping of homing pigeons where such use is not permitted on property located at 5901 Balzar Avenue in Zoning District R-1.
12. V-79-83 Application of BOBBY ROBINSON for a variance to allow a room addition eleven feet (11') from the side property line where fifteen feet (15') is required on property located at 5216 Holmby Avenue in Zoning District R-1.
13. V-80-83 Application of DONALD GRINNELL for a variance to allow construction of a fifteen foot by twenty foot (15'x20') carport ten feet (10') from the front property line where a twenty foot (20') setback is required on property located at 320 Newcomber Street in Zoning District R-1.
14. V-81-83 Application of MARIO DEPASQUALE, ET AL, for a variance to allow the storage of construction material in a proposed two (2) story addition to the existing building, where construction storage is not allowed on property located at 407 Spencer Street in Zoning District R-1.
15. V-82-83 Application of CARPETERIA, INCORPORATED for a variance to allow a dance and gymnastic studio with thirty three (33) parking spaces where eighty five (85) are required on property located approximately two hundred feet (200') south of Charleston Boulevard on the west side of Vista Drive in Zoning District C-1.
16. V-83-83 Application of M. & M. BUILDERS, for a variance to allow a ten foot (10') front yard setback where twenty feet (20') is required on property located at 1300 - 1324 North 22nd Street and at 1301 - 1325 North 23rd Street in Zoning District R-3.
17. V-84-83 Application of MYRNA GRIFFITH DIPAOLO for a variance to allow a storage room addition which will extend to the north side property line where a fifteen foot (15') setback is required on property located at 2000 Spencer Street in Zoning District R-1.

18. V-85-83

Application of RICHARD G. AND LANILA E. WONG for a variance to allow a room addition twelve feet (12') from the rear property line where fifteen feet (15') is required on property located at 2212 Obispo Circle in Zoning District R-1.

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

BOARD OF ZONING ADJUSTMENT

AUGUST 25, 1983

1. U-64-83(HO) Application of MABEL HEILEMAN for a home occupation permit to address envelopes and do mailings on property located at 2000 Exley Avenue in Zoning District R-1.
2. U-65-83(HO) Application of SHARON L. TADLOCK for a home occupation permit to operate a free-lance drafting service on property located at 6440 Doby Peak Drive in Zoning District R-1.
3. U-66-83(HO) Application of CHARLES R. SCHULTZ on behalf of LOIS ADAMS for a home occupation permit to operate a secretarial service on property located at 6309 Evergreen Avenue in Zoning District R-1.
4. U-67-83(HO) Application of RICHARD AND JEANELLE WILLIAMS for a home occupation permit to allow the mail order sales of specialty food products on property located at 405 Grass Court in Zoning District R-1.
5. U-68-83(HO) Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to operate a professional modeling consultant service on property located at 2817 Palm Springs Way in Zoning District R-1.
6. U-69-83(HO) Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to organize a Models' Guild on property located at 2817 Palm Springs Way in Zoning District R-1.
7. U-70-83(HO) Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to allow distribution of Yurika foods on property located at 2817 Palm Springs Way in Zoning District R-1.
8. V-27-73
PLOT PLAN REVIEW Application of BINGO PALACE CASINO for a variance to allow 66,000 sq. ft. expansion of casino area, restaurant and convention facilities on property located at 2411 West Sahara Avenue in Zoning Districts C-1 and R-4.
9. U-71-83(HO) Application of DONNA GALLINGER for a home occupation permit to allow sewing and quilting on property located at 4203 El Conlon Avenue in Zoning District R-1.
10. V-66-75
PLOT PLAN REVIEW Application of DURA-KOOL ALUMINUM PRODUCTS, INC. on behalf of F & S AUTO SALES for a variance to build an aluminum carport on property located at 1700 East Fremont Street in Zoning District C-2.
11. U-72-83(HO) Application of MARVIN PALATT for a home occupation permit to operate as a part-time photographer, sorting film, prints, filling orders on property located at 605 North Torrey Pines Drive in Zoning District R-1.

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CITY CLERK

ANNOTATED AGENDA

BOARD OF ZONING ADJUSTMENT MEETING

AUGUST 25, 1983

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

ROLL CALL: PRESENT: Chairman Giles, Mrs. Emmett, Mr. Bugbee, Mrs. Juniel
and Mrs. Myers.

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading of the
Standard Conditions.

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment
Meeting of July 28, 1983 held in abeyance until the
ABEYANCE September 22, 1983 meeting.

OLD BUSINESS:

1. V-61-79 Application of DONALD and GWENDOLYN FROMMER for a two year
extension of time to operate a meat and deer processing
ABEYANCE plant on property located at 3730 Thom Boulevard in Zoning
FROM 7/28/83 District R-E.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

1. The Extension of Time shall be permitted for a period of two years
and will expire August 17, 1985.

STAFF RECOMMENDATION: DENIAL

NEW BUSINESS:

1. U-63-83(HO) Application of TOMMY FENN for a home occupation permit
to allow floral arranging on property located at
1028 Bonita Avenue in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

2. U-58-83 Application of MARION BENNETT for a use permit to
allow a minor automotive operation on property located
at 1515 1/2 North "H" Street in Zoning District C-1.

APPROVED:
MYERS/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan.
2. All repair work shall be done within a completely enclosed building.
3. No outside storage of stock, equipment or residual materials (junk).
4. Conformance to the requirements of the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

3. U-60-83

Application of HENRY KRONBERG, ET AL, for a use permit to allow a pawn shop on property located at 128 South 1st Street in Zoning District C-2.

APPROVED:
BUGBEE/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

SET DATE FOR PUBLIC HEARING AT CITY COUNCIL MEETING ON SEPTEMBER 7, 1983.

PROTESTS: 0

4. V-73-83

Application of HENRY KRONBERG, ET AL, for a variance to allow the buying and selling of secondhand merchandise on property located at 128 South 1st Street in Zoning District C-2.

APPROVED:
BUGBEE/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. The Use shall be limited to relatively high value non-bulky merchandise such as tools, musical instruments, and precious metals.
3. This Use shall be allowed in conjunction with U-60-83 only and shall cease when the pawn shop use ceases.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

5. U-61-83

Application of DONNA MARIE JULIEN for a use permit to allow a child care facility for up to twelve (12) children on property located at 6613 Hyde Avenue in Zoning District R-1.

APPROVED:
JUNIEL/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan.
2. The operation shall be limited to the hours of 6:30 A.M. to 5:30 P.M.
3. No more than six (6) children shall be engaged in the outdoor activity at one time.

STAFF RECOMMENDATION: NO OBJECTION.

PROTESTS: 0

6. U-62-83

Application of FUN SHUM for a use permit to allow a psychic arts facility on property located at 1942 East Charleston Boulevard in Zoning District C-1.

DENIED:
BUGBEE/UNANIMOUS

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

7. V-74-83

Application of THE INSTITUTE OF PARACRAL COUNSELING FOR CREATIVE LIVING for a variance to allow limited family group counseling where only individual counseling is permitted on property located at 801 Shadow Lane in Zoning District P-R.

APPROVED:
JUNIEL/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Maximum of seven (7) couples shall be involved in the counseling at any one time.

STAFF RECOMMENDATION: NO OBJECTION.

PROTESTS: 0

8. V-75-83

Application of BERNARD SHAPIRO for a variance to allow the outside storage of satellite antenna equipment where such storage is not allowed on property located at 3101 West Charleston Boulevard in Zoning District P-R.

DENIED:
MYERS/UNANIMOUS

STAFF RECOMMENDATION: DENIAL

PROTESTS: 2

9. V-76-83

Application of ANDRE ROCHAT, ET AL, for a variance to allow a three hundred nine square foot (309 sq. ft.) addition to the existing restaurant, for storage purposes without providing the additional parking space as required by Code on property located at 401 South 6th Street in Zoning District R-4.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

10. V-77-83

Application of CACTUS MOUNTAIN, INCORPORATED, for a variance to allow outdoor activities (bicycle race track) where such use is not permitted on property located at 5620 West Charleston Boulevard in Zoning District C-1.

ABEYANCE TO
SEPTEMBER 22, 1983
MYERS/UNANIMOUS

STAFF RECOMMENDATION: DENIAL

PROTESTS: 5
TO BE HEARD AGAIN BY BZA: SEPTEMBER 22, 1983

11. V-78-83

Application of WAYNE AND DIANE ROGERS for a variance to allow the keeping of homing pigeons where such use is not permitted on property located at 5901 Balzar Avenue in Zoning District R-1.

APPROVED:
JUNIEL/4-1
(JUNIEL - NO)

CONDITIONS:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 1

12. V-79-83

Application of BOBBY ROBINSON for a variance to allow a room addition eleven feet (11') from the side property line where fifteen feet (15') is required on property located at 5216 Holmby Avenue in Zoning District R-1.

ABEYANCE
NO VOTE

STAFF RECOMMENDATION: ABEYANCE

PROTESTS: 0

TO BE HEARD AGAIN BY BZA: SEPTEMBER 22, 1983

13. V-80-83

Application of DONALD GRINNELL for a variance to allow construction of a fifteen foot by twenty foot (15'x 20') carport ten feet (10') from the front property line where a twenty foot (20') setback is required on property located at 320 Newcomer Street in Zoning District R-1.

APPROVED:
EMMETT/UNANIMOUS

CONDITIONS:

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

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

14. V-81-83

Application of MARIO DEPASQUALE, ET AL, for a variance to allow the storage of construction material in a proposed two story addition to the existing building, where construction storage is not allowed on property located at 407 Spencer Street in Zoning District R-1.

APPROVED:
MYERS/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations amended to provide the required 15' rear yard setback and to provide nine (9) off-street parking spaces.
2. Repair the sidewalk on Spencer Street as required by the Department of Engineering Services.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Board of Zoning Adjustment and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Satisfaction of City code requirements and design standards of all City departments.
7. Approval of the parking and driveway plans by the Traffic Engineer.
8. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
9. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

15. V-82-83

Application of CARPETERIA, INCORPORATED for a variance to allow a dance and gymnastic studio with thirty-three (33) parking spaces where eighty-five (85) are required on property located approximately two hundred feet (200') south of Charleston Boulevard on the west side of Vista Drive in Zoning District C-1.

APPROVED:
JUNIEL/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Board of Zoning Adjustment and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Satisfaction of City code requirements and design standards of all City departments.
6. Approval of the parking and driveway plans by the Traffic Engineer.
7. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
8. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

16. V-83-83

Application of M. & M. Builders for a Variance to allow a ten foot front yard setback where twenty feet is required on property located at 1300-1324 North 22nd Street and at 1301-1325 North 23rd Street in Zoning District R-3.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 1

17. V-84-83

Application of MYRNA GRIFFITH DIPAOLO for a Variance to allow a storage room addition which will extend to the north side property line where a fifteen foot (15') setback is required on property located at 2000 Spencer Street in Zoning District R-1.

APPROVED:
EMMETT/UNANIMOUS

CONDITIONS:

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

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

18. V-85-83

Application of RICHARD G. AND JANILA E. WONG for a Variance to allow a room addition twelve feet from the rear property line where fifteen feet is required on property located at 2212 Obispo Circle in Zoning District R-1.

APPROVED:
MYERS/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan.
2. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

SUPPLEMENTAL:

1. U-64-83(HO) Application of MABEL HEILEMAN for a home occupation permit to address envelopes and do mailings on property located at 2000 Exley Avenue in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

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2. U-65-83(HO) Application of SHARON L. TADLOCK for a home occupation permit to operate a free-lance drafting service on property located at 6440 Doby Peak Drive in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

-
3. U-66-83(HO) Application of CHARLES R. SCHULTZ on behalf of LOIS ADAMS for a home occupation permit to operate a secretarial service on property located at 6309 Evergreen Avenue in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

-
4. U-67-83(HO) Application of RICHARD AND JEANELLE WILLIAMS for a home occupation permit to allow the mail order sales of specialty food products on property located at 405 Grass Court in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

5. U-68-83(HO)

Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to operate a professional modeling consultant service on property located at 2817 Palm Springs Way in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

6. U-69-83(HO)

Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to organize a Models' Guild on property located at 2817 Palm Springs Way in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

7. U-70-83(HO)

Application of EVERETT O. PEQUEEN on behalf of ELAINE SMITH for a home occupation permit to allow distribution of Yurika foods on property located at 2817 Palm Springs Way in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

8. V-27-73
PLOT PLAN
REVIEW

Application of BINGO PALACE CASINO for a variance to allow 66,000 sq. ft. expansion of casino area, restaurant and convention facilities on property located at 2411 West Sahara Avenue in Zoning Districts C-1 and R-4.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

9. U-71-83(HO)

Application of DONNA GALLINGER for a home occupation permit to allow sewing and quilting on property located at 4203 El Conlon Avenue in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

10. V-66-75
PLOT PLAN
REVIEW

Application of DURA-KOOL ALUMINUM PRODUCTS, INC. on behalf of F & S AUTO SALES for a variance to build an aluminum carport on property located at 1700 East Fremont Street in Zoning District C-2.

APPROVED:
MYERS/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Conformance to all other aspects of the original conditions.
3. The area shall be used for Emission Control (Smog) testing only.

STAFF RECOMMENDATION: DENIAL

11. U-72-83(H0)

Application of MARVIN PALATT for a home occupation permit to operate as a part-time photographer, sorting film, prints, filling orders on property located at 605 North Torrey Pines Drive in Zoning District R-1.

APPROVED:
BUGBEE/UNANIMOUS

CONDITION:

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

STAFF RECOMMENDATION: APPROVAL

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

AUGUST 25, 1983

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

PRESENT: Chairman Robert Giles, Mrs. Myers, Mr. Bugbee, Mrs. Juniel, and Mrs. Emmett.

EXCUSED: None.

STAFF PRESENT: Robert C. Clemmer, Acting Chief of Zoning
Val Steed, Deputy City Attorney
Carol Ann Hawley, City Clerk

ANNOUNCEMENT RE COMPLIANCE WITH 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.

STANDARD CONDITIONS: Mr. Clemmer read the normal conditions which apply to most applications:

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

MINUTES FOR THE
MEETING OF 7/28/83:
ABEYANCE - 9/22/83

These minutes are to be held in abeyance until the September 22, 1983 meeting in order to give the Board sufficient time to review them.

OLD BUSINESS:

1. V-61-79
(Abeyance from 7/28/83)
- APPLICATION OF DONALD AND GWENDOLYN FROMMER FOR A TWO-YEAR EXTENSION OF TIME TO OPERATE A MEAT AND DEER PROCESSING PLANT ON PROPERTY LOCATED AT 3730 THOM BOULEVARD IN ZONING DISTRICT R-E.

APPROVED

Mr. Clemmer stated this application was held in abeyance at the last meeting as the application was not present. This application has been in operation for the past 27 years. The variance was originally approved when the property was in the County and after annexing to City, it has been extended several times. Staff recommended denial due to the rapid urbanizing of the area.

OLD BUSINESS

1. V-61-79
(cont. from Pg. 1)
APPROVED

There were no protests of record and no protestants at the meeting.

Chuck Frommer, 3730 Thom Blvd., appeared on behalf of the Variance. Mr. Frommer emphasized that even if the Variance was denied, the business property would still remain on the premises and would just become run down if not used. He stated there had been no complaints in regard to the actual variance. He submitted a petition signed by the surrounding neighbors in support of the variance.

Mr. Bugbee moved to APPROVE the Variance subject to the following condition:

1. The Extension of Time shall be permitted for a period of two years and will expire August 17, 1983.

The motion carried unanimously.

NEW BUSINESS:

1. U-63-83 (HO)
APPROVED

APPLICATION OF TOMMY FENN FOR A HOME OCCUPATION PERMIT TO ALLOW FLORAL ARRANGING ON PROPERTY LOCATED AT 1028 BONITA AVENUE IN ZONING DISTRICT R-1.

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

2. U-58-83
APPROVED

APPLICATION OF MARION BENNETT FOR A USE PERMIT TO ALLOW A MINOR AUTOMOTIVE OPERATION ON PROPERTY LOCATED AT 1515½ NORTH "H" STREET IN ZONING DISTRICT C-1 (LIMITED COMMERCIAL DISTRICT).

Mr. Clemmer presented the application and stated that the subject property was on the west side of H Street, approximately 100 ft. south of Owens Ave. He said this site has been used for a car wash in previous years and the request is to convert it to a minor auto repair operation. He said there was ample parking with access by easement. Clemmer stated the EOB has an automotive service facility to the south and that they perceive no problem with subject use permit. Staff recommended approval subject to:

1. Conformance to the plot plan.
2. All repair work shall be done within a completely enclosed building.
3. No outside storage of stock, equipment or residual materials (junk) shall be allowed.
4. Conformance to the requirements of the Department of Fire Services.

There were no protests and the applicant was not present.

Mrs. Myers moved to APPROVE the Use Permit subject to staff's conditions. The motion carried unanimously.

3. U-60-83
APPROVED

APPLICATION OF HENRY KRONBERG, ET AL, FOR A USE PERMIT TO ALLOW A PAWN SHOP ON PROPERTY LOCATED AT 128 SOUTH FIRST STREET IN ZONING DISTRICT C-2.

Mr. Clemmer stated the subject property was on the west side of 1st Street just north of Carson Avenue and that a pawn shop had been in existence in the past but the operation had ceased for over a 90-day period. Staff recommended approval subject to:

1. Conformance to the plot plan and elevations.

Henry Kronberg, owner of the property, appeared in support of his application. There were no protests to this application.

Mr. Bugbee moved to APPROVE subject to staff's conditions. The motion carried unanimously.

4. V-73-83
APPROVED

APPLICATION OF HENRY KRONBERG, ET AL, FOR A VARIANCE TO ALLOW THE BUYING AND SELLING OF SECONDHAND MERCHANDISE ON PROPERTY LOCATED AT 128 SOUTH FIRST STREET IN ZONING DISTRICT C-2 (GENERAL COMMERCIAL DISTRICT).

Mr. Clemmer stated the above Variance was for the purpose of buying and selling of more than one kind of secondhand merchandise, and that Mr. Kronberg indicated by letter he would self-limit it to nonbulky, nonfurniture types of items and would be buying only precious metals, tools, musical instruments and high value items of this nature. He stated that secondhand businesses were permitted in C-M and M Districts and not the C-2. For that reason, staff recommended denial.

Henry Kronberg, landlord of the property, appeared. He stated his tenant was moving an existing pawn shop from Casino Center Blvd. to this location. Mr. Kronberg stated he operated a pawn shop at 126 S. 1st Street and that he presently had both licenses (pawn shop and secondhand merchandise) and therefore, he failed to understand staff's recommendation for denial.

There were no protests.

Mr. Bugbee moved to APPROVE the Variance subject to the following conditions recommended by the staff:

1. Conformance to the plot plan and elevations.
2. The use shall be limited to relatively high value non-bulky merchandise such as tools, musical instruments, and precious metals.
3. This use shall be allowed in conjunction with U-60-83 only and shall cease when the pawn shop use ceases.

The motion carried unanimously.

5. U-61-83
APPROVED

APPLICATION OF DONNA MARIE JULIEN FOR A USE PERMIT TO ALLOW A CHILD CARE FACILITY FOR UP TO TWELVE (12) CHILDREN ON PROPERTY LOCATED AT 6613 HYDE AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT)

Mr. Clemmer stated this was an application for a child care facility for up to 12 children and that applicant currently has a family care home with approval of up to 6 children. He stated the property has ample parking and

5. U-61-83
Cont. from Pg. 3

APPROVED

that staff recommended approval subject to:

1. Conformance to the plot plan.

Donna Marie Julien appeared on behalf of her application. Mrs. Myers asked the hours of operation of the proposed facility and Ms. Julien indicated 6:30 AM to 5:30 PM.

Diane Berta, 6616 Elton Avenue, appeared in protest. She stated she lived immediately behind Ms. Julien's residence and that her opposition was based on the noise factor and the increased traffic this proposed application would create.

Ms. Julien submitted a letter from her immediate neighbor, Mrs. Frank Palmer, 6609 Hyde Avenue, in support of her application.

Mrs. Juniel moved to APPROVE the application subject to

1. Conformance to the plot plan.
2. Hours of operation for the facility shall be limited to the hours of 6:30 A.M. to 5:30 P.M.
3. No more than six (6) children shall be engaged in the outdoor activity at any one time.

The motion was approved unanimously.

6. U-62-83

DENIED

APPLICATION OF FUN SHUM FOR A USE PERMIT TO ALLOW A PSYCHIC ARTS FACILITY ON PROPERTY LOCATED AT 1942 E. CHARLESTON BLVD. IN ZONING DISTRICT C-1 (LIMITED COMMERCIAL DISTRICT).

Mr. Clemmer stated subject property was a small shopping center complex on the southwest corner of Crestwood and Charleston, and that the license regulations required a Use Permit for the proposed use. He stated staff recommended approval subject to:

1. Conformance to the plot plan.

There applicant was not present. Two neighbors, Loretta Hartman, 1912 Ballard, and Alice Turner, 2004 Ballard, appeared desiring more detail to subject application.

There were no protests.

Mr. Bugbee moved to DENY the application and his motion carried unanimously.

7. V-74-83

APPROVED

APPLICATION OF THE INSTITUTE OF PASTORAL COUNSELING FOR CREATIVE LIVING FOR A VARIANCE TO ALLOW LIMITED FAMILY GROUP COUNSELING WHERE ONLY INDIVIDUAL COUNSELING IS PERMITTED ON PROPERTY LOCATED AT 801 SHADOW LANE IN ZONING DISTRICT P-R (PROFESSIONAL OFFICES AND PARKING).

Mr. Clemmer stated subject property was in the center of a special activity area which includes Southern Nevada Memorial Hospital, NIC, Clark County Health District and Valley Hospital. He stated the lot contained two buildings approximately 3,200 sq. ft. with 15 parking spaces provided on the site. He stated staff had no objection to the application and if approved, would recommend the following conditions:

11. V-78-83

APPROVED

APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE).

Mr. Clemmer presented the application and stated that the keeping of pigeons in any R District is precluded and presented pictures of the loft location on the roof of the main building over a garage section.

Mr. Clemmer advised that staff had received 10 letters in support of the Variance and one letter in opposition.

Staff recommended denial. He advised that if the Board should consider approval, the following condition was recommended:

1. Conformance to the plot plan and elevations amended to remove the loft from the roof and place it in the rear yard area adjacent to the house.

Diane Rogers appeared on behalf of her application. She stated the pigeons were kept inside their loft and that she and her husband trained pigeons and that they engaged in competition (pigeon racing) with other pigeon fanciers (approximately 18 members in her pigeon club). She stated she had been previously unaware that the keeping of pigeons required an approval of variance from the City. She stated they presently had five pair of breeding pigeons and 37 racers. She emphasized the pigeon loft was kept exceptionally clean and invited any member of the Board to call and visit.

James Adams, 5048 Auburn Avenue, appeared in opposition. He stated he and his wife owned the property at 5905 Balzar, the house immediately west of the pigeons and subject property. He opposed the pigeons stating they were a costly nuisance (bird droppings on car paint). He expressed a concern that pigeons can cause human disease, histoplasmosis, which is a malignant fungus which is potentially lethal. He stated his wife had already lost part of a lung from this disease and that it might be possible this disease could be reactivated in his wife. He stated he had seen the pigeons outside the coop.

Mrs. Rogers addressed Mr. Adams' complaint and stated that the only time her pigeons were out of the loft were during times when young birds were learning to fly; otherwise, they were penned up. She emphasized that the loft was cleaned every day. She showed pictures of the loft to the Board.

Western Anderson, 5821 Balzar, and David Cale, 5820 Balzar, appeared in favor of this application.

Wayne Rogers appeared and advised that Board that histoplasmosis is a disease carried by common pigeons, not homing pigeons. He further emphasized that the Adams did not actually occupy the next door property but rented it and that the renters of that property were in favor of the homing pigeons.

Bugbee moved to APPROVE the Variance with the amended staff condition that approval be subject to:

1. Conformance to the plot plan and elevations.

The motion carried with Mrs. Juniel voting "No."

12. V-79-83
ABEYANCE UNTIL
9/22/83 MEETING

APPLICATION OF BOBBY ROBINSON FOR A VARIANCE TO ALLOW A ROOM ADDITION ELEVEN FEET (11') FROM THE SIDE PROPERTY LINE WHERE FIFTEEN FEET (15') IS REQUIRED ON PROPERTY LOCATED AT 5216 HOLMBY IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT)

Bobby Robinson appeared.

Mr. Clemmer advised Mr. Robinson and the Board that this application would require readvertising. When the application was actually checked upon by staff, it was determined that the property line was 2½ ft. inside the wall line or 4½ ft. back from the sidewalk.

13. V-80-83
APPROVED

APPLICATION OF DONALD GRINNEL FOR A VARIANCE TO ALLOW CONSTRUCTION OF A FIFTEEN FOOT BY TWENTY FOOT (15' X 20') CARPORT TEN FEET (10') FROM THE FRONT PROPERTY LINE WHERE A TWENTY FOOT (20') SETBACK IS REQUIRED ON PROPERTY LOCATED AT 320 NEWCOMBER STREET IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT).

Mr. Clemmer presented the application. He stated this proposed carport addition would come within 10 ft. of the front property line. Staff recommended denial.

Donald Grinnel appeared on behalf of his application. He stated he presently had no place to store his car as he had enclosed his garage. He stated that the neighbors on both sides of his property had no objection to the carport.

There were no protests of record or in attendance at this meeting.

Emmett moved to APPROVE subject to the following conditions:

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

The motion carried unanimously.

14. V-81-83
APPROVED

APPLICATION OF MARIO DEPASQUALE, ET AL, FOR A VARIANCE TO ALLOW THE STORAGE OF CONSTRUCTION MATERIAL IN A PROPOSED TWO-STORY ADDITION TO THE EXISTING BUILDING, WHERE CONSTRUCTION STORAGE IS NOT ALLOWED ON PROPERTY LOCATED AT 407 SPENCER STREET IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT). (NOTE: A VARIANCE APPLICATION HAS BEEN APPROVED ON THIS PROPERTY TO ALLOW A CONSTRUCTION OFFICE.)

Mr. Clemmer advised the Board had approved in May of 1983 a variance to allow property to be used for office purposes, and they now desire to add a second floor and use it for storage of construction equipment. He stated the proposal was too close to the rear property line and that only eight parking places were shown. He stated the applicants had advised they can keep the addition 15 ft. from the rear property line as required by code and add a 9th parking space which is required. Staff recommended denial.

Mario Depasquale and Don Carrington appeared on behalf of this application. Mr. Depasquale stated he did construction work on an emergency type basis for insurance companies due to fires, auto wrecks to housing and that it often occurred during a weekend and required that he had necessary materials on hand to perform the work, i.e. boarding up, and that this addition was badly needed for his business.

14. V-81-83
Cont. from Pg. 7

APPROVED

There were no protests to this application.

Myers moved to APPROVE subject to the following conditions:

1. Conformance to the plot plan and elevations amended to provide the required 15' rear yard setback and to provide nine (9) off-street parking spaces.
2. Standard Conditions 2 thru 8.
3. Repair the sidewalk on Spencer Street as required by the Department of Engineering Services.

The motion carried unanimously.

15. V-82-83

APPROVED

APPLICATION OF CARPETERIA, INC., FOR A VARIANCE TO ALLOW A DANCE AND GYMNASIUM STUDIO WITH THIRTY-THREE (33) PARKING SPACES WHERE EIGHTY-FIVE (85) ARE REQUIRED ON PROPERTY LOCATED APPROXIMATELY TWO HUNDRED FEET (200') SOUTH OF CHARLESTON BOULEVARD ON THE WEST SIDE OF VISTA DRIVE IN ZONING DISTRICT C-1 (LIMITED COMMERCIAL DISTRICT)

Mr. Clemmer advised that several years ago a variance had been approved for this site for the dance studio in addition to some retail units, allowing 22 parking spaces where 85 were required. He stated this proposed application is just for the gym and some storage area and proposes to provide 33 parking spaces where 85 are required. Staff recommended approval subject to:

1. Standard Conditions 1 thru 8.

There were no protest to this application.

Armond J. Merluzzi, 2913 Bryant Ave., appeared on behalf of the application.

Mrs. Juniel moved to APPROVE subject to staff's conditions and the motion carried unanimously.

16. V-83-83

APPROVED

APPLICATION OF M & M BUILDERS, FOR A VARIANCE TO ALLOW A TEN FOOT (10') FRONT YARD SETBACK WHERE TWENTY FEET (20') IS REQUIRED ON PROPERTY LOCATED AT 1300-1324 NORTH 22ND STREET AND 1301-1325 NORTH 23RD STREET IN ZONING DISTRICT R-3 (LIMITED MULTIPLE RESIDENCE DISTRICT)

Mr. Clemmer stated this was a single project consisting of 14 fourplexes. By subdividing into lots facing 23rd and 22nd Streets, there will only be a 10 ft. setback. Due to the reorienting of the project, a 20 ft. setback is required, where only 10' exists. Staff recommended approval.

Jose Moralta, 517 S. Casino Center, appeared on behalf of the application.

A Mrs. Bradley appeared in opposition; however, she was of the understand that these fourplexes were in the planning stage, not actually constructed.

Mr. Bugbee moved to APPROVE subject to the following condition:

1. Conformance to the plot plan.

The motion was unanimously approved.

17. V-84-83
APPROVED

APPLICATION OF MYRNA GRIFFITH DIPAOLO FOR A VARIANCE TO ALLOW A STORAGE ROOM ADDITION WHICH WILL EXTEND TO THE NORTH SIDE PROPERTY LINE WHERE A FIFTEEN FOOT (15') SETBACK IS REQUIRED ON PROPERTY LOCATED AT 2000 SPENCER STREET IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT)

Mr. Clemmer stated this application proposed to extend a storage room addition out to the property line on St. Louis. Staff recommended the 15 ft. side setback be retained and recommended denial.

Myrna and Julius Dipaolo appeared on behalf of the application. Ms. Dipaolo stated they requested this variance in order to enclose their garage and make it into a family room and the proposed storage room would be for the purpose of storing lawn equipment, tools, etc.

There were no protests to this application.

Emmett moved to APPROVE the Variance subject to:

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

The motion carried unanimously.

18. V-85-83
APPROVED

APPLICATION OF RICHARD G. AND LANILA E. WONG FOR A VARIANCE TO ALLOW A ROOM ADDITION TWELVE FEET (12') FROM THE REAR PROPERTY LINE WHERE FIFTEEN FEET (15') IS REQUIRED ON PROPERTY LOCATED AT 2212 OBISPO CIRCLE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE DISTRICT)

Mr. Clemmer stated subject property consisted of a regular sized lot, 62 x 100, and that there was no hardship. Staff recommended denial.

There were no protests to this application.

Robb Sears, 2216 Obispo Circle, appeared on behalf of Richard G. and Lanila E. Wong. He stated the Wongs had four children, were expecting their fifth child, and that they would like to add the family room for additional room for the children and general family living.

Mrs. Myers moved to APPROVE the application subject to:

1. Conformance to the plot plan.
2. Standard Condition #7.

The motion carried unanimously.

SUPPLEMENTAL:
T. U-64-83 (HO)
APPROVED

APPLICATION OF MABEL HEILEMAN FOR A HOME OCCUPATION PERMIT TO ADDRESS ENVELOPS AND DO MAILINGS ON PROPERTY LOCATED AT 2000 EXLEY AVENUE IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

2. U-65-83 (HO)
APPROVED

APPLICATION OF SHARON L. TADLOCK FOR A HOME OCCUPATION PERMIT TO OPERATE A FREE-LANCE DRAFTING SERVICE ON PROPERTY LOCATED AT 6440 DOBY PEAK DRIVE IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

3. U-66-83 (HO)
APPROVED

APPLICATION OF CHARLES R. SCHULTZ ON BEHALF OF LOIS ADAMS FOR A HOME OCCUPATION PERMIT TO OPERATE A SECRETARIAL SERVICE ON PROPERTY LOCATED AT 6309 EVERGREEN AVENUE IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

4. U-67-83 (HO)
APPROVED

APPLICATION OF RICHARD AND JEANELLE WILLIAMS FOR A HOME OCCUPATION PERMIT TO ALLOW THE MAIL ORDER SALES OF SPECIALITY FOOD PRODUCTS ON PROPERTY LOCATED AT 405 GRASS COURT IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

5. U-68-83 (HO)
APPROVED

APPLICATION OF EVERETT O. PEQUEEN ON BEHALF OF ELAINE SMITH FOR A HOME OCCUPATION PERMIT TO OPERATE A PROFESSIONAL MODELING CONSULTANT SERVICE ON PROPERTY LOCATED AT 2817 PALM SPRINGS WAY IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

6. U-69-83 (HO)

APPLICATION OF EVERETT O. PEQUEEN ON BEHALF OF ELAINE SMITH FOR A HOME OCCUPATION PERMIT TO ORGANIZE A MODELS' GUILD ON PROPERTY LOCATED AT 2817 PALM SPRINGS WAY IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

7. U-70-83 (HO)
APPROVED
APPLICATION OF EVERETT O. PEQUEEN ON BEHALF OF ELAINE SMITH FOR A HOME OCCUPATION PERMIT TO ALLOW DISTRIBUTION OF YURIKA FOODS ON PROPERTY LOCATED AT 2817 PALM SPRINGS WAY IN ZONING DISTRICT R-1
Mr. Bugbee moved to APPROVE subject to:
1. All operations shall conform to the criteria for home occupation permits.
The motion carried unanimously.
8. V-27-73
PLOT PLAN REVIEW
APPROVED
APPLICATION OF BINGO PALACE CASINO FOR A VARIANCE TO ALLOW 66,000 SQ. FT. EXPANSION OF CASINO AREA, RESTAURANT AND CONVENTION FACILITIES ON PROPERTY LOCATED AT 2411 WEST SAHARA AVENUE IN ZONING DISTRICTS C-1 AND R-4
Mr. Clemmer presented the plot plan. He stated this application was for a 66,000 sq. ft. expansion with a bowling alley. He stated the required parking for the casino restaurants plus subject proposed additions would require 1531 parking spaces and the bowling alley proposed would require 320 parking spaces. He stated there are presently 1708 spaces which would accommodate subject expansion but would not accommodate the bowling alley which has been previously approved. Staff recommended approval subject to:
1. Conformance to the plot plan and elevations.
2. The bowling alley shall not be constructed until the required parking for this use is provided.
There were no protests to this Plot Plan Review.
James P. Faso, Comptroller of the Bingo Palace, appeared on behalf of the Bingo Palace.
Mr. Bugbee moved to APPROVE the Plot Plan subject to:
1. Conformance to the plot plan and elevations.
The motion carried unanimous. (NOTE: Staff's recommended Condition No. 2 was expressly deleted from approving motion.)
9. U-71-83 (HO)
APPROVED
APPLICATION OF DONNA GALLINGER FOR A HOME OCCUPATION PERMIT TO ALLOW SEWING AND QUILTING ON PROPERTY LOCATED AT 4203 EL CONLON AVENUE IN ZONING DISTRICT R-1
Mr. Bugbee moved to APPROVE subject to:
1. All operations shall conform to the criteria for home occupation permits.
The motion carried unanimously.
10. V-66-75
PLOT PLAN REVIEW
APPROVED
APPLICATION OF DURA-KOOL ALUMINUM PRODUCTS, INC. ON BEHALF OF F & S AUTO SALES FOR A VARIANCE TO BUILD AN ALUMINUM CARPORT ON PROPERTY LOCATED AT 1700 EAST FREMONT STREET IN ZONING DISTRICT C-2
Mr. Clemmer stated in 1975 it was approved to convert an existing building that had been used for automotive repair to a garage and there had been a used car operation in the front portion. The proposed application is for a 20' x 52' carport with four bays for checking auto emission. He stated

10. V-66-75
PLOT PLAN REVIEW
Cont. from Pg. 11

APPROVED

it really was an expansion of the garage and one of the conditions on the original approval was that "All work shall be conducted within the building and that there shall be no outside storage." He stated the proposed application would not conform to the above condition because it is an open canopy structure. Staff recommended denial.

There were no protests to subject Plot Plan.

Tom Blevins, 3909 Sequoia Avenue, appeared on behalf of his application.

Mrs. Myers moved to APPROVE subject to:

1. Conformance to the plot plan and elevations.
2. Conformance to all other aspects of the original conditions.
3. Area shall be used for smog testing only.

The motion carried unanimously.

11. U-72-83 (H0)

APPROVED

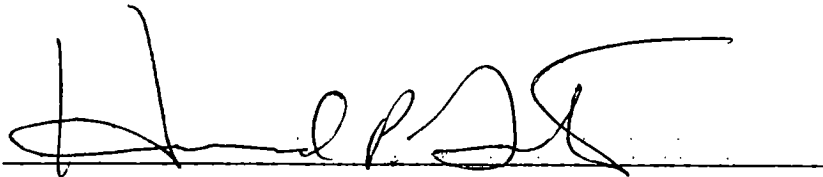
APPLICATION OF MARVIN PALATT FOR A HOME OCCUPATION PERMIT TO OPERATE AS A PART-TIME PHOTOGRAPHER, SORTING FILM, PRINTS, FILLING ORDERS ON PROPERTY LOCATED AT 605 NORTH TORREY PINES DRIVE IN ZONING DISTRICT R-1

Mr. Bugbee moved to APPROVE subject to:

1. All operations shall conform to the criteria for home occupation permits.

The motion carried unanimously.

MEETING ADJOURNED AT 9:10 P.M.



HAROLD FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - 8/25/83
ITEM 11. V-78-83 - APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO
ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY
LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE)

CHAIRMAN BOB GILES: Item 11 is V-78-83, the application of Wayne and Diane Rogers for a variance to allow the keeping of homing pigeons where such use is not permitted on property located at 5901 Balzar Avenue in Zoning District R-1. Mr. Clemmer.

BOB CLEMMER: This property is located on the south side of Balzar approximately 200 feet east of Mallard Street. The keeping of pigeons in the City of Las Vegas in any R District is precluded. I'd like to show you pictures of the loft location. The loft is actually on the roof of the main building. It's over a garage section.

MRS. MYERS: Why is the keeping of homing pigeons not permitted in the City?

BOB CLEMMER: Well, in any residential district, they specifically preclude pigeons keeping and --

MRS. MYERS: I want to know why.

BOB CLEMMER: Okay, it was a matter the City Commission adopted probably 20 years or so ago.

MRS. MYERS: Well, I'm sure pigeons haven't changed much in 20 years. I'm just sort of looking for the history. It's just homing -- it's just pigeons? Somebody could keep another kind of bird?

BOB CLEMMER: No, The keeping of fowl in other districts is precluded as well.

MRS. MYERS: Well, there's a difference between fowl and a bird, isn't there? Do we have a biologist? A robin is a bird and a duck is a fowl.

BOB CLEMMER: True. Bardyard animals as opposed to pigeons, yes. You can draw a distinction.

MRS. MYERS: Well, I'm just curious if they are discriminating against any other kind of bird here.

CHAIRMAN GILES: Are there any protests on file, Mr. Clemmer?

BOB CLEMMER: Yes, we have one protest and we have 10 letters of approval. Staff would recommend denial, and if you're considering approval, that they conform to the plot plan elevations amended to remove the loft from the roof and place it in the rear year area adjacent to the house.

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - 8/25/83
ITEM 11. V-78-83 - APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO
ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY
LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE)

CHAIRMAN GILES: Would you state your name, please.

DIANE ROGERS: Yes, my name is Diane Rogers. I live at 5901 Balzar.

CHAIRMAN GILES: This is a public hearing. Would you answer some of the staff's questions here.

DIANE ROGERS: Oh, yes. First of all, I'd like to distinguish pigeons. You asked about pigeons. A pigeon is not a pigeon; a pigeon is not a poultry; a pigeon is not a fowl. There are basically two different -- well, there are several different kinds of pigeons. I'd like to distinguish between two different types, common pigeons and homing pigeons. Common pigeons are the pigeons that everyone has seen. They're on roofs; they're in the streets; they're on signs; they're in your front yard; there's almost not a way not to see them. These are wild pigeons just like a sparrow, a starling would be wild. They get food wherever they can. They get water wherever they can. They're not guaranteed anything. The name of the game for them is strictly survival. If they have to get food in a garbage dumpster behind a restaurant, they will. If they have to pick up popcorn out of school yards; whatever, they go wherever they can to live. Consequently, you see them around a bowl of dog food perhaps, just so they can get the food. They're usually malnourished, undernourished, considerably smaller than homing pigeons and far weaker because they're not healthy. They have no particular homing instincts, no particular skills, achievements. They just survive. That's it. They're a sparrow out there basically. The homing pigeon on the other hand -- possibly none of you have seen them -- not many people do, because we don't keep them out. They don't sit on anyone's loft; they don't sit on the wires; they don't sit on poles. They're in their loft. You'll notice I call it a loft, not a coop because a pigeon is not a chicken. It's a technicality, but it's very valid. The homers are basically athletes. We train them to race, to come home, and they're called homers for a reason. They always come home provided there's not a dove hunter out there or a bad storm. In fact, they've been known to go as much as 600 miles in one day just to fly home to the loft that they love. That would be like you taking a car ride to say Idaho Falls. If you've done it one day in an air conditioned car, you know it's a grind. You can imagine what it's like for a little bird to flap its wings millions and millions of times just to get there without stopping for coffee or sweet rolls on the way. He just heads right home and he'll make it in one day. That's how extraordinary these birds are

CHAIRMAN GILES: What do you do with these birds?

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - 8/25/83
ITEM 11. V-78-83 - APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO
ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY
LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE)

DIANE ROGERS: We race them. We take them out anywhere from 75 to 600 miles. We compete with other homing pigeon fanciers.

CHAIRMAN GILES: Are there other homing pigeon fanciers in the City that you race with?

DIANE ROGERS: Yes. It's a sport. It's a hobby. We're affiliated with two national unions, the American Racing Pigeon Union and the International Pigeon Racing Federation. There are presently 25,000 homing pigeons enthusiasts in the country and that represents 1,500,000 homing pigeons. Historically, homing pigeons have always come to the foreground. Julius Caesar used them.

CHAIRMAN GILES: How many of them are in Las Vegas?

DIANE ROGERS: I don't know.

CHAIRMAN GILES: How many different lofts do you race against in Las Vegas?

DIANE ROGERS: Okay. In our --

CHAIRMAN GILES: Should you be approved this, how many applications are we going to get to keep pigeons?

DIANE ROGERS: Okay, we have 18 members in our club. As I understand it, there is another club. I'm not totally accurate on how many members they have. I believe a half dozen, possibly a dozen. We are not overcrowding the City with --

CHAIRMAN GILES: There's not a lot of them and they're very well cared for.

DIANE ROGERS: There's a lot more common pigeons, and like I say, you'll see those. You won't see the homing pigeons.

MRS. JUNIEL: Where are they now?

DIANE ROGERS: Where are they now? In their loft where they belong.

MRS. JUNIEL: Behind your house?

DIANE ROGERS: No, they're on the loft on the roof. What we did was we put it out on the roof so the neighbors could see it. We invited every one of the neighbors up there to see it. We asked everyone of the neighbors for verbal approval and we got it. When we wanted to get this variance, we went around and we got petitions from every one of those neighbors. I sent in some; I have received some since. We have had no objections and quite frankly, I was surprised when I found, you know, I would have to get a variance. I never suspected I would.

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - 8/25/83
ITEM 11. V-78-83 - APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO
ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY
LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE)

MR. BUGBEE: How many of these little homebodies live in your loft?

DIANE ROGERS: We have five pair of breeders. We only have facilities for nine pair. We're not into big pigeons. Presently, we have 37 racers -- young birds. That's the maximum that we'll probably ever have because like I say, dove hunting season is coming, there are storms, we're just starting to train, there will be races and they will dwindle down because of just natural causes. So I can't see us ever having any more than that. For one thing, an overcrowded loft, you don't have healthy homing pigeons, and we need healthy homing pigeons because they are the athletes. So we need them healthy. I could stress all different ways in which we've accommodated that health aspect. In fact, when we built the loft, we had two things in mind. One was the approval of the neighborhood and the other one was the health of our homing pigeons. As I explained, we got the approval of the neighborhood and anyone is invited up there anytime. That goes forever. Anytime any one of you want to come up, that's fine. We keep that loft exceptionally clean.

CHAIRMAN GILES: He's a dove hunter.

DIANE ROGERS: Ah!

CHAIRMAN GILES: We appreciate your information on the pigeons. Is there any protestants present this evening who would like to be heard? Should we hear from him and then we will give you an opportunity to rebut his remarks and we'll make a decision. Give us your name and address, please.

JAMES ADAMS: My name is James Adams. I live at 5048 Auburn Avenue, but my wife and I own the house at 5905 Balzar, the house immediately west of the pigeons.

CHAIRMAN GILES: We understand that you disagree with this application. Can you tell us why? Just give us an idea of what you're thinking about.

JAMES ADAMS: I consider them to be a public nuisance to begin with. Any bird droppings are caustic, especially on car paint -- any bird droppings. I heard stated that pigeons aren't fowl, but I thought fowl meant feathered. Anyway, if we can prove that parrots can give you parrot fever, which we can prove that, can we not prove --

CHAIRMAN GILES: Keep us on the pigeon track. We're not biologists either.

JAMES ADAMS: Can we prove or disprove that pigeons do or do not or can or cannot give you histoplasmosis. Histoplasmosis is a malignant fungus that is potentially lethal. It can kill

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - 8/25/83
 ITEM 11. V-78-83 - APPLICATION OF WAYNE AND DIANE ROGERS FOR A VARIANCE TO
 ALLOW THE KEEPING OF HOMING PIGEONS WHERE SUCH USE IS NOT PERMITTED ON PROPERTY
 LOCATED AT 5901 BALZAR AVENUE IN ZONING DISTRICT R-1 (SINGLE FAMILY RESIDENCE)

JAMES ADAMS:

you if not treated. My wife underwent surgery nine and a half years ago and had half of one lung removed from histoplasmosis. She also has histoplasmosis lying dormant in one eye, which may or may not be reactivated if something causes it to. The fact of the pigeons being in a coop all the time, I counted over 30. Like she stated, they had 30 something pigeons, but I didn't count them inside the coop. I counted them outside the coop. Pigeons are very -- what do we say -- herd-type birds. They bring other pigeons home for dinner, and we don't know how many they're going to bring home for dinner. We may end up with hundreds of pigeons. So we're not only having a public nuisance, a violation of the ordinance, we have a definite what I believe health hazard. Histoplasmosis is injected into the body in any of a -- what do they call -- open systems, the respiratory system, breath it, the tear ducts -- you can get it in your eye or through an open cut, and it comes from the dust of the dried droppings. So what I'm maintaining until proven otherwise, is that we have a potential health hazard here for the pigeon owners themselves. That's my case.

CHAIRMAN GILES:

We appreciate your coming down, sir.

DIANE ROGERS:

Okay. In response to that, first of all, my pigeons aren't flying in the neighborhood. I'll tell you a typical day. My husband and I get up at 5 in the morning, we put all the pigeons in a pigeon crate. My husband takes them out X number of miles, depending on how much -- how far we're training them. He releases them. I stay home. I clean the coop while he's doing that. I change the water so they have fresh water, leave minerals, grits, food, everything. They fly home. They're in the loft. This morning, they refer to it as trapping in the loft -- the time it takes for them to come from the air into the loft is five minutes. Every day --

MRS. JUNIEL:

Can I ask you a question?

DIANE ROGERS:

Yes.

MRS. JUNIEL:

Are you saying that they never stop on the way home?

DIANE ROGERS:

They don't stop.

MRS. JUNIEL:

Never?

DIANE ROGERS:

They don't stop. That's not their job. No, they're homers.

MRS. JUNIEL:

Do they ever become messy for other people?

DIANE ROGERS:

They're on our roof. They aren't on anyone else's. In fact, I have left instructions with neighbors if that would ever

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DIANE ROGERS: happen, please, throw something -- get them off. I don't want my pigeons on anyone else's loft because on a race day, that's going to hurt me.

MRS. JUNIEL: You let them out in the morning and they come home in the evening?

DIANE ROGERS: This is when they're in training. The only time that they are in the neighborhood is when they're trying to learn how to fly. Pigeons aren't born with the ability to maneuver. They have to learn how to work their wings, how to work their tail, their rudder, how to land. For those few weeks, we have pigeons in the air until they learn how to get in one flock. As soon as that happens, they go out; they come in.

MRS. JUNIEL: Are there any requirements healthwise?

DIANE ROGERS: Healthwise, I don't know how we could keep a cleaner coop. We clean it every day. We have built that loft specifically for cleaning. If I could hand this to you, this is the inside of the loft (showing pictures to the Board).

MRS. EMMETT: While you're doing that, let me ask a question. Are those the same pigeons that the Navy -- the kind of thing they're training to identify --

DIANE ROGERS: Yes. I would like to explain exactly what -- the history of them is just phenomenal, the things that they can do. In fact, the things that they will be doing is more phenomenal. As I was saying --

MRS. EMMETT: Their eyesight then is supposedly --

DIANE ROGERS: Three to five times better than human eyesight.

MRS. EMMETT: -- than the human eye.

DIANE ROGERS: Yes. In fact, the Coast Guard uses them to find survivors.

MR. BUGBEE: What about this fibrosis that this gentleman was just discussing.

DIANE ROGERS: Okay. I don't know anything about histoplasmosis or whatever. I'm not a doctor.

WAYNE ROGERS: Sir, could I say something.

CHAIRMAN GILES: State your name and address.

WAYNE ROGERS: My name is Wayne Rogers at 5901 Balzar.

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DIANE ROGERS: This is my husband.

WAYNE ROGERS: This fibrosis is carried by common pigeons, pigeons that are not taken care of, but it is not carried by homing pigeons. And I'd like to say something else. The people that object, the house -- they do have the house next to us. They rent that house out. They do not live there. That is a rental unit for them.

DIANE ROGERS: Incidentally, the person who does rent it is one of the neighbors we approached before we built the loft and asked him if he had any objection and he said no, it didn't matter to him one way or another if we had homing pigeons. We did invite him up; he's seen the loft; he comes by everyday and says, "How are the pigeons? How are the pigeons?" He's interested in them. He has no basic objection. He's our neighbor. I feel it's our neighbors we should be dealing with, not the landlord -- just the neighbors. We've destroyed nothing; we have not ruined anything. Our birds don't defecate on their cars because they aren't out long enough. Our car would be the first to get hit, and we've hurt no one. We've damaged nothing, and we've defaced nothing and we've made their -- the appearance, I think you can see by the pictures -- the loft is not an ugly loft. I have other neighbors that can testify in my behalf, if you're interested. They were going to come because they could see no reason for an objection.

CHAIRMAN GILES: Any other questions, Commissioners. We'll close the -- oops, got one walking up. Are you for or against?

WESTERN ANDERSON: For.

CHAIRMAN GILES: Please state your name and address.

WESTERN ANDERSON: My name is Western Anderson. I live at 5821 Balzar, right next door. Like it's been said here, I don't see any problem. I mean, as far as I'm concerned as a neighbor, they keep that place up there immaculate as far as I'm concerned. It's clean, poses no health problem to me, and as far as the droppings, I haven't seen any. The birds, they come right in coming to the loft, you know, and that's it. That's basically it. I have no problem and I live next door.

CHAIRMAN GILES: Thank you. We appreciate your coming down.

DAVID CALE: I'll be brief. My name is David Cale. I used to own the property at 5901 Balzar, which I did sell to Wayne and Diane, and I'm now living across the street at 5820 Balzar. Not only did they improve the appearance of the property with

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DAVID CALE: those improvements, and I'm the one who could tell that, but I'm also the one that has to come out the front of my house in the morning and look at it. It looks better than it ever did. As far as pigeons dropping or pigeons lighting, we have had neither since the inception of this.

MR. BUGBEE: No abutting noises?

DAVID CALE: No. As a matter of fact, I have two sons who are Boy Scouts and there's not a child in the neighborhood who has not gone up there and had a chance to see the birds hatching or get that kind of education. I think in the interest of being good neighbors in the community that this is more a service than it is a detriment. Thank you.

CHAIRMAN GILES: Thank you. We appreciate you coming down. We'll close the public hearing and call for a motion, Commissioners.

MR. BUGBEE: I'll move for approval.

CHAIRMAN GILES: Any recommendations from staff?

MR. BUGBEE: Staff have you got any recommendations?

MR. CLEMMER: Just conformance to the plot plan and elevations and we would hope it would be amended to remove the loft from the roof and place it in the rear yard area adjacent to the house.

MR. BUGBEE: No, I'm not going to take that. I'm just going with the other.

MR. CLEMMER: Conformance to the plot plan and elevations?

MR. BUGBEE: Yes.

CHAIRMAN GILES: Cast your votes, Commissioners. Thank you. That motion has been approved. (Mrs. Juniel voted "No.")

DIANE ROGERS: Thank you.

INTER-OFFICE MEMORANDUM

Date

August 22, 1983

TO:

HAROLD P. FOSTER, DIRECTOR

FROM:

ROBERT C. CLEMMER, ACTING CHIEF
ZONING DIVISION

SUBJECT:

B.Z.A. MEETING OF AUGUST 25, 1983

COPIES TO:

CITY CLERK'S OFFICE
CITY ATTORNEY'S OFFICE
HAZEL ✓
RICKOLD BUSINESS:

1. V-61-79

This item was held in abeyance from the July 28th meeting as the applicant was not present.

This operation has existed for 27 years. A previous Variance was granted for five years when the property was in the County and an Extension was granted following Annexation. After that Variance expired, this Variance was approved for two years and they have had a two year Extension.

Staff recommends DENIAL of the Variance and Extension as it was felt residential development was substantial and this type of use should cease.

Staff recommends DENIAL. If approved subject to:

1. The Extension of Time shall be permitted for a period of two years and will expire August 17, 1985.

PROTESTS: N/A

NOT A PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

NEW BUSINESS:

1. U-63-83(HO)

This home occupation is for floral arrangements to be sold to businesses. This is a typical type of home occupation. 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 ITEM. SET FOR B.Z.A. FINAL ACTION.

2. U-58-83

A Use Permit has been approved on the site immediately south for the E.O.B. Transportation and Energy facility. The subject property contained a car wash granted by V-5-65. This is not a separate parcel, but part of a whole parcel 259.15 x 375'. Planning Commission Resolution applies to this type of development and the conditions are made conditions of this action.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan.
2. All repair work shall be done within a completely enclosed building.
3. No outside storage of stock, equipment or residual materials (junk).
4. Conformance to the requirements of the Department of Fire Services.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

3. U-60-83

The use of this property had ceased for over a 90 day period and a license could not be issued. This area is shown on the General Plan as a special activity area and based on other special use cases, the City Council may want to provide a review period for discontinuance to enable the downtown to evolve to the tourist oriented uses, at this point. The use is compatible.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR CITY COUNCIL SEPT. 7 to set for Public Hearing SEPT. 21, 1983.

4. V-73-83

This proposal is connected with U-60-83, but is for the buying and selling of more than one kind of secondhand merchandise. They are self-limiting to nonfurniture, nonbulky higher value types of items such as precious metals, tools and musical instruments. This type of operation would not create a problem in the C-2 District, but there would be less control to relegate secondhand business to C-M and M Districts as required by Code. City Council approval is not required for the operation which is awkward and we have an Amendment in to change that.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations.

V-73-83 (continued)

2. The Use shall be limited to relatively high value non-bulky merchandise such as tools, musical instruments, and precious metals.
3. This Use shall be allowed in conjunction with U-60-83 only and shall cease when the pawn shop use ceases.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

5. U-61-83

This is a proposed 12 child care facility and they currently have a family care home of up to 6 children. The property has good parking facilities.

Staff has no objection. If approved subject to:

1. Conformance to the plot plan.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

6. U-62-83

The license regulations require a Use Permit for psychics. License has no objection. These types of uses are not incompatible in the C-1 District. Small shopping complex.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

7. V-74-83

The buildings contain 3,200 sq. ft. and Code requires 8 spaces. There are 15 provided. There would be no problem impact if limited to 7 couples utilizing the 7 extra parking spaces, but the P-R is for offices and not places of public assembly and although, this area is medical services oriented other P-R areas with small lots if allowed to contain assemblages would impact the areas when placed in close proximity to single family residences. If there were a relationship to this special activity area staff would support this proposal.

Staff has no objection. If approved subject to:

1. Conformance to the plot plans and elevations.
2. Maximum of seven (7) couples shall be involved in the counseling at any one time.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

8. V-75-83

These satellite antennas exist. They were not shown on the original plans for conversion to P-R. Staff treats these as accessory structures which are permitted in the rear yard or as roof mechanics should be screened from view. The C-D Zone required a higher degree of aesthetic treatment than general commercial zones, although, we are working on a Code amendment to provide for certain 3' diameter discs, but specifically restricting these 10' diameter discs. This ~~requires~~ ^{should have} City Council approval and B.Z.A. is a recommendation body only in a C-D Variance. I believe they are using them for advertising the fact that they are sold from this location as it is unnecessary that they be so prominent. The photo shows a portable disc. Advise C. C. of this variance as it's in the C-D pattern. Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations.
2. City Council approval due to the C-D zoning pattern in this area.

PROTESTS: 2

PUBLIC HEARING ITEM. SET FOR CITY COUNCIL SEPTEMBER 21, 1983.

9. V-76-83

This property has been the subject of several Variance cases allowing the restaurant in an R-4 District with less than required parking and four months ago to allow an R-3 lot to be used for parking and expansion of the restaurant seating which eliminated the parking deficiency. This proposal is to allow 309 sq. ft. of storage area without providing the one space required per 500 sq. ft. of this building area. V-66-79 allowed a one space reduction which was rectified and now it is needed again.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

10. V-77-83

This proposal is for a B.M.X. track adjacent to an existing bicycle shop. The initial proposal was a 6' high starting point to the north with a 6' wall and staff pointed out the problems of the R-1 Zoning to the north and they revised the plan to an 8' wall to the north with a 2' high starting point and put the jump (6' high) 90' south and the bleachers further south.

They propose to use a low voltage amplification system with the amplifiers directed south toward Charleston Boulevard and indicate that the sound will be inaudible north of Alpine Place. The hours of operation will be 9:30 P.M. at the latest.

V-77-83(continued)

Lighting will be designed to be directed toward Charleston Boulevard with no direct visual access to the source of light from the property north of Alpine. The light at Alpine will not exceed 2' candles. Parking for an open place of public assembly like this is required at the rate of one space per ten persons in attendance. The bleachers can hold 130 persons which is 13 spaces and there are 14 spaces north of the building which can be perfected with an easement of access to the west. Access to Alpine is restricted by the original rezoning case. The 106' elevation of the control jump is subject to your approval when you indicated that if the Board approved the plan you would concur.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations.
2. Standard conditions 2-8.
3. Provision of letter authorizing access from the westerly property for access to the rear 14 parking spaces.
4. The amplification system shall be low wattage with the amplifiers directed south toward Charleston Boulevard so that the sound is inaudible on the north side of Alpine Place.
5. The hours of operation shall be limited to 8:00 A.M. to 9:30 P.M.
6. Lighting shall be directed southerly with no direct visual access to the source of light from the north side of Alpine Place and further the intensity of lights at the north property line shall not exceed 2 footcandles.
7. No more than 130 persons shall be allowed to attend these races at any one time.
8. No motorized bicycles or other motorized vehicles shall be allowed to utilize these facilities.
9. Install street improvements on Alpine Place as required by the Department of Engineering Services.
10. Review in one year to determine if the operation is compatible. If it is determined that the operation adversely affects surrounding properties the use shall cease.

PROTESTS: 5

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

11. V-78-83

This request to keep homing pigeons is interesting as we had an attorney ruling which indicated that the Animal Control Ordinance superceded the Zoning Regulations several years ago and this was reversed within the last six months, as a result we have several persons who have homing pigeons in the City legally. The Homing Pigeon Association may try to get a Commission sponsor to revise the Zoning Regulations to allow the keeping in R-Districts.

When we had the zoo request on North Rancho Drive, I was introduced to several people involved in animal husbandry and veterinary medicine who advised that ornithosis is no longer the problem it was in the past as there are antibiotics now which greatly diminish the effect on humans. These issues might come up.

The loft is on the roof of the main building. It is unusual looking and therefore, unsightly in my opinion. There is no hardship.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations amended to remove the loft from the roof and place it in the rear yard area adjacent to the house.

PROTESTS: 1 APPROVALS: 10
PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

12. V-79-83

The lot is 72' x 102' and the plan shows 74.7' x 106.5'. The new addition will be within 6.5' of the side property line rather than 11' as requested and advertised.

The application and notice are in error and this will have to be readvertised and resigned on the amended basis. The addition does not exist as evidenced by the photo showing the string line.

This item cannot be acted on.

PROTESTS: 0
NOT A PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

13. V-80-83

This is a relatively regular lot which is larger than normal. There are metal buildings which are possibly in violation, but not included in the request. There is no hardship.

V-80-83 (continued)

Staff recommends DENIAL. If approved subject to:

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

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

14. V-81-83

This was approved May 26, 1983 as an office (V-45-83). This proposal is to add a second floor and have storage of construction material in the building, as well as offices. The proposed addition is too close to the rear property line and is too large to meet the parking requirements.

Two story construction is permitted in R-1 Districts so that is no problem since a Variance has been approved, however, the expanded use of material storage exceeds the P-R limitations so tends more toward a C-1 type use which staff feels should not be allowed.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations amended to provide the required 15' rear yard setback and to provide nine (9) off-street parking spaces.
2. Standard conditions 2-8.
3. Repair the sidewalk on Spencer Street as required by the Department of Engineering Services.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

15. V-82-83

A previous Variance was approved for this site which allowed 22 parking spaces where 85 were required and in that case, staff recommended approval as the applicant held recitals at the high school. That was a combination retail and assembly building. That Variance expired due to financing problems.

This proposal is for the gym only and provides 33 spaces and the recitals will be conducted elsewhere. This is a better parking situation than before and the Traffic Engineer concurs that it is workable. Aesthetics and landscaping are okay.

Staff recommends APPROVAL subject to:

1. Standard conditions 1-8.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

16. V-83-83

This project exists as a single parcel development which will be divided into 14 lots. The front setbacks of the proposed lots will be the 10' side setback, provided in the original development. The joint access approval and requisite easements will be covered in the subdivision process as the Variance does not go to City Council.

The laundry building will not be used collectively so the access easements and C. C. & R's we contemplated are no longer necessary.

According to Genzer the building conditions are not good, but this will possibly be improved by multiple ownership. Department of Engineering Services requirements can be accomplished under the subdivision control.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan.

PROTESTS: 1

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

17. V-84-83

This is a regular corner lot. This is a storage room addition. There is no hardship.

Staff recommends DENIAL. If approved subject to:

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

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

18. V-85-83

This is a regular lot 62' x 100'. There is no hardship.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan.
2. Standard condition #7.

PROTESTS: 0

PUBLIC HEARING ITEM. SET FOR B.Z.A. FINAL ACTION.

SUPPLEMENTAL:

1. U-64-83(HO)

This home occupation is addressing envelopes for a Florida company. This is a typical home occupation. 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. U-65-83(HO) This home occupation is drafting. This is typical. 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.
3. U-66-83(HO) This home occupation is typing services which is typical. 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-67-83(HO) This home occupation is mail order sales of food products which is typical. 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.
5. U-68-83(HO) This home occupation is modeling consultant. 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.
6. U-69-83(HO) This home occupation is a proposal for a modeling guild organization. The applicant is the same as above. 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

7. U-70-83(HO)

This proposal is for mail order sales of food products which is typical. Same applicant as above. 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.

8. V-27-73

This variance covered the use of both the C-1 and R-4 for the complex. There have been other cases covering portions of the property. One of these cases was a use permit for parking for the casino motel operation, but that use permit has been superseded by a rezoning action, however, we have approved a bowling alley which requires 320 parking spaces and without the bowling alley, they only have 177 extra parking spaces due to this expansion, so with this approval, we will have to rescind approval of the bowling alley.

Proposed expansion is 66,000 sq. ft. total. Off-sites covered in past zoning cases. The current operation of 461 unit motel, casino and restaurant plus maintenance building requires 835 parking spaces.

Phase I of the proposal is for 18,024' of assembly area (207 spaces), 8,460 sq. ft. of restaurant, snack bar and lounge (170 spaces), 12,819 sq. ft. casino (143 spaces) and other areas 3,434 sq. ft. (7 spaces).

Phase II is 7,000 sq. ft. casino expansion (78 spaces), 4,300 sq.ft. restaurant and lounge expansion (86 spaces), and other areas of 1,500 sq. ft. (3 spaces). The total required parking is 1,531 spaces excluding the approved bowling alley and they have provided 1,708 spaces.

The aesthetics are excellent with R/R motif.

Staff recommends APPROVAL subject to:

1. Conformance to the plot plan and elevations.
2. The bowling alley shall not be constructed until the required parking for this use is provided.

PROTESTS: N/A

NOT A PUBLIC HEARING SET FOR B.Z.A. FINAL ACTION. (Foster will transmit information to C.C. informally of this major expansion and motif change).

9. U-71-83(HO)

This home occupation is for sewing and quilting which is typical. 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.

10. V-66-75

This is not only a plot plan review, but a review of condition number 3 of the original approval. "All work shall be conducted within the building and there shall be no outside storage of inoperable vehicles or automobile parts." The proposal is a 20'x52' open canopy for auto emission control checking which is an expansion of the garage operation and flies in the face of the condition. It appears to be four bays. To allow utilization of an existing building where garage work had been done in conjunction with the used car lot operation due to a change in circumstance is one thing, but to expand the garage operations is another.

Staff would recommend DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations.
2. Conformance to all other aspects of the original conditions.

PROTESTS: N/A

NOT A PUBLIC HEARING. SET FOR B.Z.A. FINAL ACTION.

11. U-72-83(HO)

This home occupation is for a photographer in which case several have been approved in the past. 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.

8-25-83

NAME

ADDRESS

Diana Cipulini

Laura Waxman

Ken Kay

Glenn Rogers

Walter A. Anderson

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