

A G E N D A
BOARD OF ZONING ADJUSTMENT

MAY 24, 1984

RECEIVED

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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 and reading of the Standard Conditions and requirements for filing an Appeal.

All actions by the Board of Zoning Adjustment are final, (except items requiring a decision by the City Council), unless an appeal in writing, is filed with the City Clerk within eleven days or a review is requested by the City Council within fourteen days from the date notice is sent to the applicant (usually the Monday following the Board's meeting).

MINUTES: Approval of the Minutes for the April 26, 1984 Board of Zoning Adjustment Meeting.

OLD BUSINESS:

1. U-15-84
(Abeyance from 4/26/84)
Application of CORDELL W. PYNE ON BEHALF OF JESUS UNLIMITED, A NON-PROFIT ORGANIZATION for a Use Permit to allow a foster care home for twelve (12) boys on property located at 1920 Sutro Lane in Zoning District R-E (Residence Estates).
2. V-40-84
(Abeyance from 4/26/84)
Application of DAVID STRAWSER for a Variance to allow the wholesale storage and sale of machine and hand tools where only retail storage is permitted on property located at 1201 Las Vegas Boulevard South in Zoning District C-2 (General Commercial).

NEW BUSINESS:

1. U-30-84(HO)
Application of STEPHEN AND DONNA HUNTSMAN for a Home Occupation Use Permit to make and sell wood crafts on property located at 1417 Cholla Way in Zoning District R-1 (Single Family Residence).
2. U-36-84(HO)
Application of JAYNE HOFFERD ON BEHALF OF DAVID BORRELLI for a Home Occupation Use Permit to conduct a mail order import business on property located at 101 W. Philadelphia in Zoning District R-4 (Apartment Residence District).
3. U-37-84(HO)
Application of FRED DENNIS BACA for a Home Occupation Permit to allow the modifying and customizing of high-accuracy rifles that will be sold only to police and government agencies on property located at 1008 Coldstream Drive in Zoning District R-1 (Single Family Residence).

4. V-51-84

Application of BILL WHITAKER, ET AL, for a Variance to allow an 8 foot high arched wall in the side yard where 6 feet is the maximum height permitted, and a 4 foot high solid wall with 5 foot high pilasters in the front yard where 4 feet is the maximum height permitted with the top 2 feet required to be 50% open on property located at 105 Narcissus Lane in Zoning District R-1 (Single Family Residence).

5. V-52-84

Application of ANTHONY CERIO, JR., for a Variance to allow a 10 foot high chain link fence along the rear and west side property line where 6 feet is the maximum height permitted on property located at 5328 Del Monte Avenue in Zoning district R-1 (Single Family Residence).

6. V-53-84

Application of ALBERT D. MASSI for a Variance to allow the following:

1. A general business office in an R-1 Zone, where not allowed.
2. The office building to be constructed to the side property lines where a 5' setback is required on each side.
3. A 5 foot front building setback where 20 feet is required.
4. An 80 percent building coverage of the lot where a maximum of 50 percent is allowed.

Property is located at 631 S. 10th Street in Zoning District R-1 (Single Family Residence).

7. V-54-84

Application of DEL VANDERPOOL, PH.D, for a Variance to allow an office for psychological counseling and psychotherapy for individuals, families, and groups, with a maximum group size of twelve persons, on property located at 526 South Seventh Street in Zoning District R-1 (Single Family Residence).

8. V-55-84

Application of LEONARD AND CAROLYN ZEEDYK, JR., for a Variance to allow a storage shed to the east side property line where a 15' setback is required and 5' from the existing residence where 6' is required, on property located at 7100 West Washington Avenue in Zoning District R-1 (Single-Family Residence).

9. V-56-84 Application of SCOTT GRIFFITH for a Variance to allow general business office use on property located at 1905-1907 Weldon Place in Zoning District R-4 (Apartment Residence District).
10. V-57-84 Application of FIRMIN J. BERTA & ASSOCIATES for a Variance to allow a commercial storage, office and a ski repair shop, where such use is not permitted on property located at 1205-07 Exley in Zoning District R-2 (Two Family Residence).
11. V-58-84 Application of C.R. AND SHARON TRACY for a Variance to allow a room addition to enclose the existing swimming pool which will extend to the rear property line, the north side property line and six inches (6") from the south side property line where a 15-foot rear setback is required and where side setbacks of 5 feet with a total of the side setbacks to be 14 feet are required; and to allow a total lot coverage of 3796 square feet where 3400 square feet is the maximum permitted on property located at 417 Lorenzi Boulevard in Zoning District R-1 (Single Family Residence).
12. V-59-84 Application of BORIS V. AND VIRDA F. HUBAR for a Variance to allow two dwelling units where only one is allowed on property located at 5204 Churchill in Zoning District R-1 (Single Family Residence).
13. V-60-84 Application of ADOLPH AND VICTORIA GUITIERRZ for a Variance to allow a commercial child care center and infant nursery (21 children - 12 infants) and to allow two (2) parking spaces where a minimum of four (4) are required on property located at 519 South Decatur Boulevard in Zoning District R-1 (Single Family Residence).
14. V-62-84 Application of CHARLIE L. WILLIAMS for a Variance to allow a 6 foot high ornamental iron fence with brick pilasters in the front yard area where 4 feet is the maximum height permitted on property located at 5200 Patricia Avenue in Zoning District R-E (Residence Estates).
15. V-63-84 Application of DANIEL W. HALBY, D.O., for a Variance to allow the following:
1. A 24-hour health care clinic to operate after the 9:00 P.M. limit.
 2. A front setback of 16 feet where 25 feet is required for the proposed office building.
- This request is on property located at 2496 West Charleston Boulevard in Zoning District C-D (Designed Commercial)

16. V-64-84 Application of ROBERT J. KALTENBORN for a Variance to allow 10 foot front setbacks for the proposed multiple family buildings where 20 foot setbacks are required, and to construct six (6) detached accessory buildings (gazebos) in the side yards where not permitted on property located on the north side of Del Ray Street between Rainbow Boulevard and Redwood Street in Zoning District N-U (Non-Urban) (Under Resolution of Intent to R-3 - Limited Multiple Residence).
17. V-65-84 Application of PAM S. MAINWAL, ET AL, for a Variance to allow 6 parking spaces designed to allow the vehicle to back into a public street where only 2 such spaces are permitted on property located at 3701 Scuba Circle in Zoning District R-3 (Limited Multiple Residence).
18. V-66-84 Application of KWONG YET LUNG CO. for a Variance to allow 51 parking spaces where 70 spaces are required for an existing shopping center where a restaurant is proposed on property located at 2000 East Charleston Boulevard in Zoning District C-1 (Limited Commercial).
19. U-31-84 Application of FIRST NEVADA CAPITAL, INC., for a Use Permit to allow the sale of gasoline in conjunction with a previously approved retail shopping center on property generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard in Zoning District C-1 (Limited Commercial).
20. U-32-84 Application of FLAMINGO ASSOCIATES, INC., AND JERICO, INC., for a Use Permit to construct a two story, 81 Unit apartment complex on property generally located on the north side of El Conlon, between Valley View Boulevard and Tamrich Drive in Zoning District R-1 (Single Family Residence) (Under Resolution of Intent to C-1 - Limited Commercial).
21. U-33-84 Application of PROCESSED DATA, INC., ON BEHALF OF THE STATE OF NEVADA for a Use Permit to allow a restitution center (halfway house) for convicted felons on property located at 1209 South Commerce Street in Zoning District C-M (Commercial Industrial).
22. U-34-84 Application of STEVE ALLEN, ET AL, for a Use Permit to construct a two story, 42 unit apartment complex on property generally located on the northeast corner of Maryland Parkway and Ogden Avenue in Zoning District C-2 (General Commercial).
23. U-35-84 Application of ROBERT T. BIGELOW for a Use Permit to allow a 3 story, 80 unit apartment complex on property generally located - 270' north of Fremont Street and 300' east of 15th Street in Zoning District C-2 (General Commercial).

24. V-60-76
PLOT PLAN
REVIEW

Request of JAMES M. AND CAROL A. TOOMEY for a Plot Plan Review to allow an addition to an existing convalescent hospital on property located at 5538 Duncan Drive in Zoning District R-E (Residence Estates).

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

MAY 24, 1984

1. U-38-84 (HO) Application of NICKY (NIKO) T. ZARRAS for a Home Occupation Use Permit to operate a consulting business and mail order business on property located at 4313 Wavecrest in Zoning District R-1 (Single Family Residence).
2. U-39-84 (HO) Application of GERALD SCHAFER ON BEHALF OF MARTIN AND HOLLY FOX for a Home Occupation Use Permit to operate a mail order business on property located at 1309 South 16th Street in Zoning District R-1 (Single Family Residence).
3. V-25-84 Request of EMPIRE WEST COMPANIES for a Plot Plan Review to allow a revised sign location at 3040 East Charleston Boulevard in Zoning District R-4 (Apartment Residence).
PLOT PLAN
REVIEW

ANNOTATED AGENDA
BOARD OF ZONING ADJUSTMENT

MAY 24, 1984

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 Robert Bugbee, Robert Giles, Bonnie Juniel,
Helen Myers
EXCUSED: Jessie Emmett

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading of
the Standard Conditions and requirements for filing
an Appeal.

All actions by the Board of Zoning Adjustment are
final, (except items requiring a decision by the
City Council), unless an appeal, in writing, is
filed with the City Clerk within eleven days or a
review is requested by the City Council within
fourteen days from the date notice is sent to the
applicant, (usually the Monday following the
Board's meeting).

MINUTES: Approval of the Minutes for the April 26, 1984
Board of Zoning Adjustment Meeting.

APPROVED
MYERS/UNANIMOUS

OLD BUSINESS:

1. U-15-84 Application of CORDELL W. PYNE ON BEHALF OF JESUS
(Abeyance UNLIMITED, A NON-PROFIT ORGANIZATION, for a Use
from 4/26/84) Permit to allow a foster care home for twelve (12)
boys on property located at 1920 Sutro Lane in
Zoning District R-E(Residence Estates).

APPROVED
GILES/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. The use shall cease August 31, 1984.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 49

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2. V-40-84 Application of DAVID STRAWSER for a Variance to allow
(Abeyance the wholesale storage and sale of machine and hand
from 4/26/84) tools where only retail storage is permitted on property
located at 1201 Las Vegas Boulevard South in Zoning
District C-2 (General Commercial).

APPROVED
GILES/UNANIMOUS

CONDITIONS:

1. Conformance to the plot plan.

2. V-40-84 (CONTINUED)

2. Dedicate 10' of right-of-way for Las Vegas Boulevard and a radius corner at Las Vegas Boulevard and Park Paseo as required by the Department of Engineering Services.
3. Install sidewalk on Park Paseo as required by the Department of Engineering Services.
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, license or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

NEW BUSINESS:

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| 1. U-30-84 (HO)

APPROVED
MYERS/UNANIMOUS | Application of STEPHEN AND DONNA HUNTSMAN for a Home Occupation Use Permit to make and sell wood crafts on prpoerty located at 1417 Cholla Way in Zoning District R-1 (Single Family Residence). |
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CONDITIONS:

1. Conformance to the criteria for home occupations.
2. Conformance to the limitations contained in the letter submitted by the applicant.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

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| 2. U-36-84 (HO)

WITHDRAWN BY
APPLICANT | Application of JAYNE HOFFERD ON BEHALF OF DAVID BORELLI for a Home Occupation Use Permit to conduct a mail order import business on property located at 101 W. Philadelphia in Zoning District R-4 (Apartment Residence). |
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3. U-37-84(HO)
APPROVED
GILES/3-1
(Myers voted NO)

Application of FRED DENNIS BACA for a Home Occupation Permit to allow the modifying and customizing of high-accuracy rifles that will be sold only to police and government agencies on property located at 1008 Coldstream Drive in Zoning District R-1 (Single Family Residence).

CONDITION:

1. All operations shall conform to the criteria for a home occupation use permit.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 2

4. V-51-84
APPROVED
GILES/UNANIMOUS

Application of BILL WHITAKER, ET AL, for a Variance to allow an 8 foot high arched wall in the side yard where 6 feet is the maximum height permitted, and a 4 foot high solid wall with 5 foot high pilasters in the front yard where 5 feet is the maximum height permitted with the top 2 feet required to be 50% open on property located at 105 Narcissus Lane in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

5. V-52-84
APPROVED
JUNIEL/UNANIMOUS

Application of ANTHONY CERIO, JR., for a Variance to allow a 10 foot high chain link fence along the rear and west side property line where 6 feet is the maximum height permitted on property located at 5328 Del Monte Avenue in Zoning District R-1 (Single Family Residence).

CONDITION:

1. Conformance to the plot plan and elevations amended to a maximum height of 8'.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 83

6. V-53-84
APPROVED
GILES/UNANIMOUS

Application of ALBERT D. MASSI for a Variance to allow the following:

1. A general business office in an R-1 Zone, where not allowed.
2. The office building to be constructed to the side property lines where a 5' setback is required on each side.
3. A 5 foot front building setback where 20 feet is required.
4. An 80 percent building coverage of the lot where a maximum of 50 percent is allowed.

Property is located at 630 S. 10th Street in Zoning District R-1 (Single Family Residence).

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

7. V-54-84
APPROVED
MYERS/UNANIMOUS
CONDITIONS:

Application of DEL VANDERPOOL, PH.D, for a Variance to allow an office for psychological counseling and psychotherapy for individuals, families, and groups, with a maximum group size of twelve persons, on property located at 526 South Seventh Street in Zoning District R-1 (Single Family Residence).

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 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.
9. Group counseling shall not exceed 12 persons with no more than one group at a time, unless the total of the several groups does not exceed 12 persons.
10. Enter an assessment district agreement for street lighting and alley paving as required by the Department of Engineering Services.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

8. V-55-84
APPROVED
MYERS/UNANIMOUS

Application of LEONARD AND CAROLYN ZEEDYK, JR., for a Variance to allow a storage shed to the east side property line where a 15' setback is required and 5' from the existing residence where 6' is required, on property located at 7100 West Washington Avenue in Zoning District R-1 (Single Family Residence)

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Conformance to the requirements of the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

9. V-56-84
APPROVED
GILES/UNANIMOUS

Application of SCOTT GRIFFITH for a Variance to allow general business office use on property located at 1905-1907 Weldon Place in Zoning District R-4 (Apartment, Residence).

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

10. V-57-84
APPROVED
GILES/UNANIMOUS

Application of FIRMIN J. BERTA & ASSOCIATES for a Variance to allow a commercial storage, office and a ski repair shop, where such use is not permitted on property located at 1205-07 Exley in Zoning District R-2 (Two Family Residence).

CONDITIONS:

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 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: DENIAL
PROTESTS: 0

11. V-58-84
APPROVED
MYERS/UNANIMOUS

Application of C.R. AND SHARON TRACY for a Variance to allow a room addition to enclose the existing swimming pool which will extend to the rear property line, the north side property line and six inches (6") from the south side property line where a 15-foot rear setback is required and where side setbacks of 5 feet with a total of the side setbacks to be 14 feet are required; and to allow a total lot coverage of 3796 square feet where 3400 square feet is the maximum permitted on property located at 417 Lorenzi Boulevard in Zoning District R-1 (Single Family Residence)

CONDITIONS:

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

STAFF RECOMMENDATION: DENIAL
PROTESTS: 1

12. V-59-84

DENIED
MYERS/3-1
Juniel voted NO

Application of BORIS V. AND VIRDA F. HUBAR for a
Variance to allow two dwelling units where only one
is allowed on property located at 5204 Churchill in
Zoning District R-1 (Single Family Residence).

STAFF RECOMMENDATION: DENIAL
PROTESTS: 6

13. V-60-84

APPROVED
MYERS/UNANIMOUS

Application of ADOLPH AND VICTORIA GUTTIERRZ for a
Variance to allow a commercial child care center and
infant nursery (21 children - 12 infants) and to
allow two (2) parking spaces where a minimum of four
(4) are required on property located at 519 South
Decatur Boulevard in Zoning District R-1 (Single
Family Residence).

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Construct a 6' block wall along the rear property line.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. The use shall be limited to 12 infants and 9 children maximum and the outdoor activity level shall not exceed 12 children at any one time.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

14. V-62-84

APPROVED
GILES/UNANIMOUS

Application of CHARLIE L. WILLIAMS for a Variance to
allow a 6 foot high ornamental iron fence with brick
pilasters in the front yard area where 4 feet is the
maximum height permitted on property located at 5200
Patricia Avenue in Zoning District R-E (Residence
Estates).

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

15. V-63-84

Application of DANIEL W. HALBY, D.O., for a Variance to allow the following:

DENIED

GILES/UNANIMOUS

1. A 24-hour health care clinic to operate after the 9:00 P.M. limit.
2. A front setback of 16 feet where 25 feet is required for the proposed office building.

This request is on property located at 2496 West Charleston Boulevard in Zoning District C-D (Designed Commercial).

STAFF RECOMMENDATION: DENIAL

PROTESTS: 4

16. V-64-84

Application of ROBERT J. KALTENBORN for a Variance to allow 10 foot front setbacks for the proposed multiple family buildings where 20 foot setbacks are required, and to construct six (6) detached accessory buildings (gazebos) in the side yards where not permitted on property located on the north side of Del Ray Street between Rainbow Boulevard and Redwood Street in Zoning District N-U (Non-Urban) (Under Resolution of Intent to R-3 (Limited Multiple Residence)).

APPROVED

MYERS/UNANIMOUS

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

17. V-65-84

Application of PAM S. MAINWAL, ET AL, for a Variance to allow 6 parking spaces designed to allow the vehicle to back into a public street where only 2 such spaces are permitted on property located at 3701 Scuba Circle in Zoning District R-3 (Limited Multiple Residence).

APPROVED

JUNIEL/UNANIMOUS

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

18. V-66-84

Application of KWONG YET LUNG CO. for a Variance to allow 51 parking spaces where 70 spaces are required for an existing shopping center where a restaurant is proposed on property located at 2000 East Charleston Boulevard in Zoning District C-1 (Limited Commercial).

APPROVED

GILES/UNANIMOUS

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

19. U-31-84
APPROVED
MYERS/UNANIMOUS

Application of FIRST NEVADA CAPITAL, INC., for a Use Permit to allow the sale of gasoline in conjunction with a previously approved retail shopping center on property generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard in Zoning District C-1 (Limited Commercial).

CONDITIONS:

1. Conformance to the plot plan.
2. Conformance to the conditions of approval of Z-20-76.
3. Approval of a land division.
4. Dedicate 40' of right-of-way for Lorenzi Boulevard and the radius corner at the intersection of Lorenzi Boulevard and Washington Avenue as required by the Department of Engineering Services.
5. Install street improvements on Lorenzi Boulevard and Washington Avenue as required by the Department of Engineering Services.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

20. U-32-84
APPROVED
JUNIEL/UNANIMOUS

Application of FLAMINGO ASSOCIATES, INC., AND JERICO, INC., for a Use Permit to construct a two story, 81 unit apartment complex on property generally located on the north side of El Conlon, between Valley View Boulevard and Tamrich Drive in Zoning District R-1 (Single Family Residence) (Under Resolution of Intent to C-1 - Limited Commercial).

CONDITIONS:

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 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.
9. Install street improvements on El Conlon Avenue as required by the Department of Engineering Services.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 1

21. U-33-84 Application of PROCESSED DATA, INC., ON BEHALF OF THE
STATE OF NEVADA for a Use Permit to allow a restitution
center (halfway house) for convicted felons on property
located at 1209 South Commerce Street in Zoning District
C-M (Commerical Industrial).
ABEYANCE
GILES/UNANIMOUS

STAFF RECOMMENDATION: ABEYANCE

PROTESTS: 6

TO BE HEARD AGAIN BY THE BOARD OF ZONING ADJUSTMENT: July 26, 1984

22. U-34-84 Application of STEVE ALLEN, ET AL, for a Use Permit to
construct a two story, 42 unit apartment complex on
property generally located on the northeast corner of
Maryland Parkway and Ogden Avenue in Zoning District
C-2 (General Commercial).
APPROVED
GILES/UNANIMOUS

CONDITIONS:

1. Approval of the building elevations by the Department of Community Planning and Development.
2. Install sidewalk on Maryland Parkway and Ogden Avenue; install street lighting on Ogden Avenue and pave the alley as required by the Department of Engineering Services.
3. Conformance to the plot plan and elevations.
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, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Department of Engineering Services.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

23. U-35-84 Application of ROBERT T. BIGELOW for a Use Permit to
allow a 3 story, 80 unit apartment complex on
property generally located 270' north of Fremont
Street and 300' east of 15th Street in Zoning District
C-2 (General Commercial).
APPROVED
GILES/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 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.

23. U-35-84 (CONTINUED)

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: 61

24. V-60-76 Request of JAMES M. AND CAROL A. TOOMEY for a Plot Plan Review to allow an addition to an existing convalescent hospital on property located at 5538 Duncan Drive in Zoning District R-E (Residence Estates).

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 Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, 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

SUPPLEMENTAL:

1. U-38-84 (HO) Application of NICKY (NIKO) T. ZARRAS for a Home Occupation Use Permit to operate a consulting business and mail order business on property located at 4313 Wavecrest in Zoning District R-1 (Single Family Residence).

APPROVED
MYERS/UNANIMOUS

1. U-38-84 (HO) (CONTINUED)

CONDITION:

1. All operations shall conform to the criteria for a home occupation use permit.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

2. U-39-84 (HO)	Application of GERALD SCHAFER ON BEHALF OF MARTIN AND HOLLY FOX for a Home Occupation Use
APPROVED	Permit to operate a mail order business on
MYERS/UNANIMOUS	property located at 1309 South 16th Street
(Juniel excused)	in Zoning District R-1 (Single Family Residence).

CONDITION:

1. All operations shall conform to the criteria for a home occupation use permit.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

3. V-25-84	Request of EMPIRE WEST COMPANIES for a Plot Plan Review to allow a revised sign location at 3040
APPROVED	East Charleston Boulevard in Zoning District R-4
GILES/UNANIMOUS	(Apartment Residence).
(Juniel excused)	

CONDITION:

1. Conformance to the amended plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

MAY 24, 1984

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

PRESENT: Chairman Robert Bugbee, Robert Giles, Bonnie Juniel, and Helen Myers

EXCUSED: Jessie Emmett

STAFF PRESENT: Harold P. Foster, Dir., Dept. of Community Planning & Development
Robert C. Clemmer, Acting Chief of Zoning
Val Steed, Deputy City Attorney
Sandra R. LeBoeuf, Deputy 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.

ANNOUNCEMENTS: Mr. Clemmer read the standard conditions into the record. He stated that all actions by the Board of Zoning Adjustment are final, (except items requiring a decision by the City Council), unless an appeal in writing, is filed with the City Clerk within eleven days or a review is requested by the City Council within fourteen days from the date notice is sent to the applicant, (usually the Monday following the Board's meeting).

MINUTES: Mrs. Myers made a motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meeting held on April 26, 1984. Motion carried unanimously. (Emmett excused)

OLD BUSINESS:

1. U-15-84
(Abeyance from 4/26/84)
APPROVED
Application of CORDELL W. PYNE ON BEHALF OF JESUS UNLIMITED, A NON-PROFIT ORGANIZATION for a Use Permit to allow a foster care home for twelve (12) boys on property located at 1920 Sutro Lane in Zoning District R-E (Residence Estates).
Mr. Clemmer stated that in keeping with staff's past position of only supporting group housing facilities on secondary and primary streets, staff recommended DENIAL. If approved, subject to:
 1. Conformance to the plot plan and elevations.
 2. The use shall cease August 31, 1984.There are 45 protests on record.
Jay Downing appeared on behalf of the applicant. He stated that the applicant was in the process of purchasing City property and that they would like to have the use permit for six months.
Barbara Crear, 1931 Mills Circle, appeared in protest. She stated that the neighbors would be in agreement to the home being there until August 31, 1984 and requested that something like this never be allowed in the area again.

1. U-15-84

(Continued)

Mr. Giles made a motion to APPROVE with staff's conditions and that the use shall cease on August 31, 1984. Motion carried unanimously. (Emmett excused)

2. V-40-84

(Abeyance from
4/26/84)

APPROVED

Application of DAVID STRAWSER for a variance to allow the wholesale storage and sale of machine and hand tools where only retail storage is permitted on property located at 1201 Las Vegas Boulevard South in Zoning District C-2 (General Commercial).

Mr. Clemmer stated that there was no unnecessary hardship and, therefore, staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Dedicate 10' of right-of-way for Las Vegas Boulevard and a radius corner at Las Vegas Boulevard and Park Paseo as required by the Department of Engineering Services.
3. Install sidewalk and street lights on Park Paseo as required by the Department of Engineering Services.
4. Standard conditions 2-8.

There are no protests on record.

Mike Sloan, Attorney, appeared on behalf of the applicant. He stated that the business would only create a minimal amount of traffic and that it would not be incompatible to the neighborhood.

David Strawser appeared.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions except condition #3 be amended to exclude street lights. Motion carried unanimously. (Emmett excused)

NEW BUSINESS:

1. U-30-84(HO)

APPROVED

Application of STEPHEN AND DONNA HUNTSMAN for a home occupation permit to make and sell wood crafts on property located at 1417 Cholla Way in Zoning District R-1 (Single-Family Residence).

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

1. Conformance to the criteria for home occupations.
2. Conformance to the limitations contained in the letter submitted by the applicant, which stated that the items would be able to fit in the back seat of an automobile.

Steve Huntsman appeared.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

2. U-36-84(HO)

WITHDRAWN
BY APPLICANT

Application of JAYNE HOFFERD ON BEHALF OF DAVID BORRELLI for a home occupation permit to conduct a mail order import business on property located at 101 W. Philadelphia in Zoning District R-4 (Apartment Residence District).

Chairman Bugbee announced this item had been withdrawn by the applicant.

3. U-37-84(HO)

APPROVED

Application of FRED DENNIS BACA for a home occupation permit to allow the modifying and customizing of high-accuracy rifles that will be sold only to police and government agencies on property located at 1008 Coldstream Drive in Zoning District R-1 (Single-Family Residence).

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

1. Conformance to the criteria for home occupations.

There are no protests on record.

Fred Baca appeared on behalf of the application. He stated that the public would not be coming to his home as he would only be doing this modifying and customizing for the police and most of the delivery would be through UPS and it would probably only involve about three weapons per month.

Steve Matulich, 4713 Sunnybrook, appeared in opposition. He was concerned about the selling of firearms in the area.

Eve Matulich, 4713 Sunnybrook, appeared in opposition. She was concerned about the safety aspect of having firearms in the area and people knowing about it.

Pete Berrelly, 1112 Coldstream, appeared in opposition. He was concerned that the wrong type of people might learn of these firearms in the area.

Mr. Giles made a motion for APPROVAL. Motion carried with a 3 to 1 vote with Myers voting "NO."

4. V-51-84

APPROVED

Application of BILL WHITAKER, ET AL, for a variance to allow an 8 foot high arched wall in the side yard where 6 feet is the maximum height permitted, and a 4 foot high solid wall with 5 foot high pilasters in the front yard where 4 feet is the maximum height permitted with the top 2 feet required to be 50% open on property located at 105 Narcissus Lane in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that this was a regular lot and that there was not any hardship. Staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.

There are no protests on record.

4. V-51-84
(Continued)

Bill Whitaker appeared on behalf of the application and presented the Board with two letters of approval from neighbors.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

5. V-52-84
APPROVED

Application of ANTHONY CERIO, JR., for a variance to allow a 10 foot high chain link fence along the rear and west side property line where 6 feet is the maximum height permitted on property located at 5328 Del Monte Avenue in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that staff would be in favor of an additional 2 feet in height, and, therefore, recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations amended to a maximum of height of 8 feet.

There are two protests on record.

Anthony Cerio, Jr. appeared on behalf of the application. He stated that he wanted the extra height because of his dog. His neighbor had claimed the dog bit him while the dog was leaning on the fence.

Hilda Stoddard, 5332 Del Monte, appeared in opposition. She presented the Board with a petition with 105 signatures and three letters of protest. She objected to the way it would look.

Mrs. Juniel made a motion for APPROVAL with the extension of the two additional feet and staff's condition. Motion carried unanimously. (Emmett excused)

6. V-53-84
APPROVED

Application of ALBERT D. MASSI for a variance to allow the following:

1. A general business office in an R-1 Zone where not allowed.
2. The office building is to be constructed to the side property lines where a 5' setback is required on each side.
3. A 5' front building setback where 20' is required.
4. An 80% building coverage of the lot where a maximum of 50% is allowed.

Property is located at 631 S. 10th Street in Zoning District R-1 (Single-Family Residence).

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

6. V-53-84

(Continued)

1. Standard conditions 1-8.
2. Dedicate a 25' radius corner at the intersection of 10th Street and Garces Avenue as required by the Department of Engineering Services.
3. Install sidewalk and street lighting on 10th Street and Garces Avenue as required by the Department of Engineering Services.

There are no protests on file.

Bill Bemis, 4330 West Desert Inn, appeared on behalf of the applicant.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

7. V-54-84

APPROVED

Application of DEL VANDERPOOL, PH.D., for a variance to allow an office for psychological counseling and psychotherapy for individuals, families, and groups, with a maximum group size of twelve persons, on property located at 526 South Seventh Street in Zoning District R-1 (Single-Family Residence).

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

1. Standard conditions 1-8.
2. Group counseling shall not exceed 12 persons and then shall not be more than one group at a time, unless the total of the several groups does not exceed 12 persons.
3. Enter an assessment district agreement for street lighting and paving as required by the Department of Engineering Services.

There are no protests on file.

Dr. Vanderpool appeared on behalf of the application.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

8. V-55-84

APPROVED

Application of LEONARD AND CAROLYN ZEEDYK, JR., for a variance to allow a storage shed to the east side property line where a 15' setback is required and 5' from the existing residence where 6' is required, on property located at 7100 West Washington Avenue in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that this building is already in existence, but staff's opinion is that it should not be permitted. If approved, subject to:

8. V-55-84

(Continued)

1. Conformance to the plot plan and elevations.
2. Conformance to the requirements of the Department of Fire Services.

There are no protests on file.

Leonard Zeedyk appeared on behalf of the application. He stated that he had contacted his neighbors and no one had objected.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

9. V-56-84

APPROVED

Application of SCOTT GRIFFITH for a variance to allow general business office use on property located at 1905-1907 Weldon Place in Zoning District R-4 (Apartment Residence).

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

1. Conformance to the plot plan and elevations.

There are no protests on file.

Scott Griffith appeared on behalf of the application.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

10. V-57-84

APPROVED

Application of FIRMIN J. BERTA & ASSOCIATES for a variance to allow a commercial storage, office and a ski repair shop, where such use is not permitted on property located at 1205-07 Exley in Zoning District R-2 (Two-Family Residence).

Mr. Clemmer presented the plot plan. He stated that staff felt that it would not be appropriate to take the C-1 Zone on the minor street into this R-2 District; and, therefore, staff recommended DENIAL. If approved, subject to:

1. Standard conditions 1-8.

There are no protests on file.

Firma Berta appeared on behalf of the application. He stated that because of the nature of the business he needed the storage and a place to repair equipment. There would not be any sales from this location.

Randall McGhie, 3564 Tempe, owner of the business was present.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

11. V-58-84

APPROVED

Application of C. R. AND SHARON TRACY for a variance to allow a room addition to enclose the existing swimming pool which will extend to the rear property line, the north side property line and six inches (6") from the south side property line where a 15 foot rear setback is required and where side setbacks of 5 feet with a total of the side setbacks to be 14 feet are required; and to allow a total lot coverage of 3796 square feet where 3400 square feet is the maximum permitted on property located at 417 Lorenzi Boulevard in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer presented the plot plan. He stated that this was a regular lot and that there was no hardship involved; and, therefore, staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Department of Fire Services.
3. Standard condition #7.

There is one protest on file.

Sharon Tracy appeared on behalf of the application and presented the Board with photos and 4 letters in favor and stated that this addition would not be seen by the neighbors.

C. R. Tracy was present.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

12. V-59-84

DENIED

Application of BORIS V. AND VIRDA F. HUBAR for a variance to allow two dwelling units where only one is allowed on property located at 5204 Churchill in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that this facility would constitute 2 units in an R-1 area and there was no hardship involved. Staff recommended DENIAL.

There are two protests on record.

Boris Hubar, 5213 Churchill, appeared on behalf of the application. He stated that he purchased this property as a rental unit and that he wanted to rent it out as a sleeping room.

Ted Boyer, 5205 Harmony, appeared in opposition. His objection was that it would set a precedent and that it invaded his privacy.

Mary Doerr, 124 South Minnesota Street, appeared in opposition. She stated that she was the one that called and reported someone living there. She said that when this was originally built, the owner was instructed that it could never be used for anything except a workshop or storage.

12. V-59-84

(Continued)

Pat Whittle, 120 South Minnesota, appeared in opposition. She also stated that this was to be used as a workshop and garage.

Ali Boyer, 5205 Harmony, appeared in opposition. She objected to the invasion of her privacy as the stairway of this overlooked her bedroom.

Mrs. Myers made a motion for DENIAL. Motion carried with a 3 to 1 vote with Juniel voting "NO" and Emmett excused.

13. V-60-84

APPROVED

Application of ADOLPH AND VICTORIA GUITIERRZ for a variance to allow a commercial child care center and infant nursery (21 children - 12 infants) and to allow two (2) parking spaces where a minimum of four (4) are required on property located at 519 South Decatur Boulevard in Zoning District R-1 (Single-Family Residence).

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

1. Conformance to the plot plan and elevations.
2. The use shall be limited to 12 infants and 9 children maximum and the outdoor activity level shall not exceed 12 children at any one time.
3. Construct a 6' block wall along the rear property line.
4. Standard conditions 2-8.

There are no protests on file.

Betty Powell, Director, appeared on behalf of the application.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

14. V-62-84

APPROVED

Application of CHARLIE L. WILLIAMS for a variance to allow a 6 foot high ornamental iron fence with brick pilasters in the front yard area where 4 feet is the maximum height permitted on property located at 5200 Patricia Avenue in Zoning District R-E (Residence Estates).

Mr. Clemmer presented the plot plan. He stated that there is no hardship, and, therefore, staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.

There are no protests on file.

14. V-62-84

(Continued)

Charlie Williams appeared on behalf of the application. He stated that he wanted this for security reasons.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

15. V-63-84

DENIED

Application of DANIEL W. HALBY, D.O., for a variance to allow the following:

1. A 24-hour health care clinic to operate after the 9:00 P.M. limit.
2. A front setback of 16 feet where 25 feet is required for the proposed office building.

This request is on property located at 2496 West Charleston Boulevard in Zoning District C-D (Designed Commercial).

Mr. Clemmer presented the plot plan. He stated that this would require City Council approval if there were any deviation in the C-D District. Staff recommended DENIAL because there was no hardship involved.

There are two protests on record.

Dr. Halby appeared on behalf of the application. He stated that he would be willing to operate to midnight if staff objected to the 24 hours.

Conrad Becker appeared in opposition. He stated that he was building a custom home directly behind this building and objected to the 24 hours. He presented the Board with a telegram of a neighbor that lived at 815 Shetland Road in protest.

Edward Silva, 2500 West Charleston, appeared in opposition. He was concerned that this would cause a lot of noise in the neighborhood with people coming and going at all hours of the night and banging car doors.

Mr. Giles made a motion for DENIAL. Motion carried unanimously. (Emmett excused)

16. V-64-84

APPROVED

Application of ROBERT J. KALTENBORN for a variance to allow 10 foot front setbacks for the proposed multiple family buildings where 20 foot setbacks are required, and to construct six (6) detached accessory building (gazebos) in the side yards where not permitted on property located on the north side of Del Ray Street between Rainbow Boulevard and Redwood Street in Zoning District N-U (Non-Urban) (Under Resolution of Intent to R-3 - Limited Multiple Residence).

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

1. Conformance to the plot plan and elevations.

16. V-64-84

There are no protests on record.

(Continued)

Jay Downey, 3160 Valley View, appeared on behalf of the applicant.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

17. V-65-84

APPROVED

Application of PAM S. MAINWAL, ET AL, for a variance to allow 6 parking spaces designed to allow the vehicle to back into a public street where only 2 such spaces are permitted on property located at 3701 Scuba Circle in Zoning District R-3 (Limited Multiple Residence).

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

1. Conformance to the plot plan.

There are no protests on file.

Pam Mainwal, 333 North Rancho Road, appeared on behalf of the application.

No one appeared in opposition.

Mrs. Juniel made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

18. V-66-84

APPROVED

Application of KWONG YET LUNG CO. for a variance to allow 51 parking spaces where 70 spaces are required for an existing shopping center where a restaurant is proposed on property located at 2000 East Charleston Boulevard in Zoning District C-1 (Limited Commercial).

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

1. Conformance to the plot plan.

There are no protests on record.

Jerry Watson appeared on behalf of the applicant.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

19. U-31-84

APPROVED

Application of FIRST NEVADA CAPITAL, INC., for a use permit to allow the sale of gasoline in conjunction with a previously approved retail shopping center on property generally located on the southeast corner of Washington Avenue and Lorenzi Boulevard in Zoning District C-1 (Limited Commercial).

19. U-31-84

(Continued)

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

1. Conformance to the plot plan.
2. Conformance to the conditions of approval of Z-20-76.
3. Approval of the Land Division.
4. Dedicate 40' of right-of-way for Lorenzi Boulevard and the radius corner at the intersection of Lorenzi and Washington as required by the Department of Engineering Services.
5. Install street improvements on Lorenzi Boulevard and Washington as required by the Department of Engineering Services.

There are no protests on file.

Richard Herrmann, with Wilson Architectural firm, 3355 Spring Mountain, appeared on behalf of the applicant.

No one appeared in opposition.

Mrs. Myers made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

20. U-32-84

APPROVED

Application of FLAMINGO ASSOCIATES, INC., AND JERICO, INC., for a use permit to construct a two-story, 81 unit apartment complex on property generally located on the north side of El Conlon, between Valley View Boulevard and Tamrich Drive in Zoning District R-1 (Single-Family Residence) (Under Resolution of Intent to C-1 - Limited Commercial).

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

1. Standard conditions 1-8.
2. Install street improvements on El Conlon as required by the Department of Engineering Services.

Ralph Kramer, 3355 South Highland, appeared on behalf of the applicant.

Rae Krusen, 3700 San Angelo, appeared in opposition. She objected to having another apartment complex in the area.

Mrs. Juniel made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

21. U-33-84

ABEYANCE

Application of PROCESSED DATA, INC., ON BEHALF OF THE STATE OF NEVADA for a use permit to allow a restitution center (halfway house) for convicted felons on property located at 1209 South Commerce Street in Zoning District C-M (Commercial Industrial).

Mr. Foster announced that the applicant requested this item be held until the July meeting.

21. U-33-84

(Continued)

Mr. Giles made a motion to hold this item in ABEYANCE until the July meeting. Motion carried unanimously. (Emmett excused)

22. U-34-84

APPROVED

Application of STEVE ALLEN, ET AL, for a use permit to construct a two-story, 42 unit apartment complex on property generally located on the northeast corner of Maryland Parkway and Ogden Avenue in Zoning District C-2 (General Commercial).

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

1. Standard conditions 1-8.
2. Approval of the building elevations by the Department of Community Planning and Development.
3. Install sidewalk on Maryland Parkway and Ogden Avenue; install street lighting on Ogden Avenue and pave the alley as required by the Department of Engineering Services.

There are no protests on file.

Steve Allen appeared on behalf of the application.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

23. U-35-84

APPROVED

Application of ROBERT T. BIGELOW for a use permit to allow a 3 story, 80-unit apartment complex on property generally located 270' north of Fremont Street and 300' east of 15th Street in Zoning District C-2 (General Commercial).

Mr. Clemmer presented the plot plan. He stated that the satellite parking involved in this application would have to go before the City Council. Staff recommended APPROVAL, subject to:

1. Standard conditions 1-8.

There are 15 protests on record.

Robert Bigelow appeared on behalf of the application. He stated that the building was designed in a u-shape and that all windows and doorways would be facing the courtyard of the building itself. The administration and management of the building would be handled from the Rhett Butler apartments. He claimed that the crime rate had been cut down at the Rhett Butler apartments in the last six months due to his efforts and that they would no longer be renting apartments there on a day-to-day basis. The apartments in this new building would be rented on a weekly or monthly basis with the rentals being \$110 and \$440 respectively.

23. U-35-84

(Continued)

Diane Cattrell, 110 North 15th Street, Manager of Mediterranean Villa Apartments, appeared in opposition. She presented the Board with a petition with 49 tenants signatures and a letter from the owner. She objected to the congestion this would cause.

Mr. Cattrell, 110 North 15th Street, Manager of Mediterranean Villa, appeared in opposition. His objection was the 20' alleyway that everyone has to use and that the crime rate would increase.

Ruth Zukowski, 124 Pico Way, appeared in opposition. She objected to the increase in cars.

Paul Pond, 6812 El Cordobes, appeared in opposition. He stated that he owned property at 1609 through 1619 which was directly in front of this property. His concern was that there is not enough parking in the area.

Melvin Poole appeared in opposition. He objected to having a 30' block wall in his back yard.

William Duvall, 2630 Sherwood, appeared in opposition. His objection was that they would probably be renting to transients.

Mary Weisenmiller, 1620 East Ogden, appeared in opposition. She objected to the wall and the parking.

Ed Mersner, 1615 Ogden, appeared in opposition. He was concerned that this would create a fire hazard.

Jerry Fullerton, 9009 South Procyon, appeared in opposition. He stated that he owned property at 1621 East Fremont. His objection was that everyone had to use the alleyway.

Mr. Giles made a motion for APPROVAL with staff's conditions. Motion carried with a 3 to 1 vote with Emmett and Myers excused.

24. V-60-76

PLOT PLAN
REVIEW

APPROVED

Request of JAMES M. AND CAROL A. TOOMEY for a plot plan review to allow an addition to an existing convalescent hospital on property located at 5538 Duncan Drive in Zoning District R-E (Residence Estates).

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

1. Standard conditions 1-8.

There are no protests on record.

Applicant was not present.

Mrs. Juniel made a motion for APPROVAL with staff's conditions. Motion carried unanimously. (Emmett excused)

SUPPLEMENTAL AGENDA

1. U-38-84(HO)

APPROVED

Application of NICKY (NIKO) T. ZARRAS for a home occupation permitt to operate a consulting business and mail order business on property located at 4313 Wavecrest in Zoning District R-1 (Single-family Residence).

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

1. Conformance to the criteria for home occupations.

The applicant was present.

Mrs. Myers made a motion for APPROVAL. Motion carried unanimously. (Emmett excused)

2. U-39-84(HO)

APPROVED

Application of GERALD SCHAFFER ON BEHALF OF MARTIN AND HOLLY FOX for a home occupation use permit to operate a mail order business on property located at 1309 South 16th Street in Zoning District R-1 (Single-Family Residence).

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

1. Conformance to the criteria for home occupations.

Martin Fox was present.

Mrs. Myers made a motion for APPROVAL. Motion carried unanimously. (Emmett & Juniel excused)

3. V-25-84

PLOT PLAN
REVIEW

Request of EMPIRE WEST COMPANIES for a plot plan review to allow a revised sign location at 3040 East Charleston Boulevard in Zoning District R-4 (Apartment Residence).

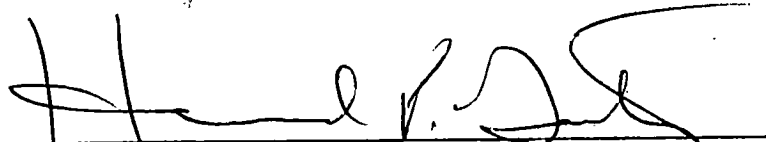
Mr. Clemmer stated that the power company put a pole right in front of their sign that was approved by the Board so they want to change the angle of their sign. Staff recommended APPROVAL, subject to:

1. Conformance to the amended plot plan and elevations.

Mr. Giles made a motion for APPROVAL. Motion carried unanimously. (Emmett & Juniel excused)

MEETING ADJOURNED AT 9:45 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT


HAROLD R. FOSTER, DIRECTOR

/s/

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CHAIRMAN BUGBEE: Item 12, V-59-84, the application of Boris and Virda Hubar for a variance to allow two dwelling units where only one is allowed on property located at 5204 Churchill in Zoning District R-1.

ROBERT CLEMMER: This proposal is to allow a, I guess, a guest house which is over the two-story garage at the present time to install a kitchen. This guest facility has no interior access to the main building. It would actually constitute two units in an R-1 area. Staff would recommend DENIAL. There are two protests of record.

CHAIRMAN BUGBEE: Yes, sir.

BORIS HUBAR: My name is Boris Hubar and we purchased that property --

CHAIRMAN BUGBEE: Your address please.

BORIS HUBAR: Pardon me.

CHAIRMAN BUGBEE: Your address for the record.

BORIS HUBAR: 5213 Churchill. We're across the street. We purchased this place some two years ago with the speculation of rental property and it was misrepresented to us at that time because the previous owner said that it had been rented. I would suggest that that probably has been there some seven years and will probably continue to be there for some time longer unless it's burned down or something like that. The way it is designed and so forth, I don't think anybody would ever know that anybody lived there. It has its own private parking, probably enough for four cars. There's a -- quite a sizeable fence there. It has its own yard completely separated from the house in front -- has access from a side street. Again, lighting -- there's a fire hydrant out front, that sort of thing.

COMMISSIONER JUNIEL: Is the kitchen there now?

BORIS HUBAR: Pardon me.

COMMISSIONER JUNIEL: Is the kitchen there now, or do you want to put one in?

BORIS HUBAR: No, there is no kitchen. I don't want to put a kitchen--it's not that kind of a place. It was not designed for cooking.

COMMISSIONER MYERS: Well, is it just a room with a bath?

BORIS HUBAR: It's a bachelor, I guess, you could call it a sleeping room.

ROBERT CLEMMER: You indicate on the application that the applicant wants to put a stove and kitchen in. No room divider -- there's just a bathroom now and living area.

CHAIRMAN BUGBEE: Well, the applicant just told us, he doesn't want a kitchen.

BORIS HUBAR: Right. My mother had suggested that at one time, but I think if it's going to cause any problem, I'd just rather forget about that and that could be adjusted sometime later.

CHAIRMAN BUGBEE: As a sleeping room, Mr. Foster, it's against the --

ROBERT CLEMMER: In the R-1 District, you're not permitted to have guest houses or guest quarters unless it's connected to the main dwelling and has interior access. This doesn't have that.

CHAIRMAN BUGBEE: It is connected to the main dwelling, isn't it?

ROBERT CLEMMER: This is the patio. There's no interior access to the main body of the house.

COMMISSIONER JUNIEL: Sir, is it separated from the main part of the house?

ROBERT CLEMMER: Yes, there's no interior access, just exterior access.

CHAIRMAN BUGBEE: Okay, sir. This is a public hearing, let's hear from some of the other folks and then we'll get back to you.

TED BOYER: My name is Ted Boyer, my wife Ali. We live at the property at 5205 Harmony, the lot just directly north of this property in question. The idea of having two dwellings on one lot in our neighborhood is just, I don't believe, compatible. The lots aren't that big for -- to set a precedent in this area and I'm opposed to it. On a second reason, the landing for the entryway for this dwelling looks directly into our bedroom window and I feel it invades our privacy.

CHAIRMAN BUGBEE: Well, he indicated that building had been there for some five or six years.

TED BOYER: Yes, the neighbor that built that promised at the time it was built that it would never be used for rental. It'd be a storage area.

CHAIRMAN BUGBEE: He put a bathroom in there.

TED BOYER: No, the bathroom wasn't put in there originally.

CHAIRMAN BUGBEE: Did you buy it with a bathroom, sir?

BORIS HUBAR: Every bit of that structure was there. The only thing that I have done is put some trim around the doors and did some painting that needed to be touched up. Everything that's there was there when I bought the property. It had a full bathroom, everything.

TED BOYER: That's all I have to say.

CHAIRMAN BUGBEE: Thank you. Yes, ma'am. Does anyone else wish to speak here?

MARY DOERR: My name is Mary Doerr. I live at 124 South Minnesota Street, strictly straight across from this building. At the time that this garage and this overhead thing was put in, the owner, which his last name was West, was instructed that that could never be used for anything except a workshop or storage. It could never be used as any type of dwelling and I was the one that called and reported someone living there.

CHAIRMAN BUGBEE: That's why he's here this evening.

MARY DOERR: That's probably true.

CHAIRMAN BUGBEE: He's the first -- nobody else ever lived there before?

MARY DOERR: Never. The bathroom that's in there was bootlegged in by the person that he bought it from.

CHAIRMAN BUGBEE: Okay, thank you. Yes, ma'am.

PAT WHITTLE: Pat Whittle, 120 South Minnesota. I, too, am here to speak against changing a single-dwelling area to a double-dwelling. The neighbors who built it -- we were, at the time, against having the two-story structure put up, but at the time they were good neighbors and we came down to protest and we were assured then that it would be stipulated that it would be used as -- he built model airplanes and he stored them upstairs -- that it would be used for storage and the bottom part as a garage and we are just nervous about having this

PAT WHITTLE: happen in our neighborhood. We already have a lot of rentals there that are homes, but not double rentals on one property and we would like to keep it a single-family dwelling if at all possible. Thank you.

CHAIRMAN BUGBEE: Thank you. Yes, sir, would like a moment in rebuttal before we close the hearing?

BORIS HUBAR: I don't think so. I think that area will change in a very short time. I don't know whether the Board has noticed that that area in back of us there is completely open and I suspect -- whatever may happen there at one time. I don't know who owns that area. I do think this is kind of a different kind of a lot in that it is a huge corner lot and the way it is completely divided you can hardly tell that it isn't two completely different residences the way it is. Again, the place is completely separated and when the car were pulled inside the person's parking lot there, you'd never know they were there other than -- probably if they turned their light on. They don't even have trash cans there.

CHAIRMAN BUGBEE: Okay, thank you.

MARY DOERR: I also brought another letter of protest. May I turn -- it's from a neighbor.

CHAIRMAN BUGBEE: Yes, sure.

MARY DOERR: Thank you.

CHAIRMAN BUGBEE: I'll let you talk if you want to. I thought your husband spoke for both of you, but now that you're here --

ALI BOYER: Well, I'm Ali Boyer, 5205 Harmony, and I'd just like to bring it down to a personal level. The window that my husband said, is really french doors and we built french doors so that we could have them open in the evening and the gentleman that's in the room, he comes and goes at strange hours. That's not his fault. He's got that kind of a job, but I've been laying in bed with the french doors open and he's gone up the stairs and he can look directly into our bedroom from his stairs and when he leaves his light on, and he does, it shines in our eyes.

COMMISSIONER GILES: Don't you ever pull the blinds in your bedroom?

ALI BOYER: What's that?

COMMISSIONER GILES: Don't you pull the blinds in your bedroom?

ALI BOYER: Yes, we do have blinds and we do -- I personally like the blinds up. I like to see the play of the shadows. This is why we put french doors in. As to it looking like two structures, it does not. It looks like a garage with a room built above it. Thank you.

CHAIRMAN BUGBEE: Thank you. I'm going to close the public hearing. What's your will?

HELEN MYERS: I'M GOING TO MOVE TO DENY.

CHAIRMAN BUGBEE: That has been DENIED, sir. You have the right of appealing within eleven days of the -- to the County Commission -- City Council. (laughter)
(The motion carried with Juniel voting "NO" and Emmett excused)

END OF EXCERPT

- CHAIRMAN BUGBEE: Item 15, V-63-84, the application of Daniel Halby, D. O., for a variance to allow the following: A 24-hour health care clinic to operate after 9:00 P.M. 2. A front setback of 16 feet where 25 feet is required for the proposed office building. This request is on property located at 2496 West Charleston Boulevard in District C-D.
- ROBERT CLEMMER: The encroachment in the 25 foot front setback is this vestibule area here. It only uses about 2% of this 25 foot required front setback so it's not too significant. The hours of operation in the C-D Zone are limited to 9:00 P.M. This would require City Council approval of any deviation in the C-D District. Staff recommends DENIAL as there is no hardship involved. There are two protests of record.
- DOCTOR HALBY: My name is Doctor Halby. I'm at 3900 West Charleston. The reason I want to extend it -- the 9:00 P.M. limit to 24-hour is I want to put a clinic in to operate for 24 hours around the clock. I'm willing -- I would be willing to just operate until 12:00 midnight if, you know, if I could compromise a little on that. Also, the front setback, I would like to obtain that so my building would be a little more symmetrical. I would like to at least ask for an extra five foot to be added to the building and maybe put another four foot of that extra nine feet I gain by the setback proposal to be put in the back parking lot. At least I'd like to get an extra five foot added to the building to make it symmetrical.
- CHAIRMAN BUGBEE: As you know, we've been pretty restrictive along the front setbacks all the way on the construction on West Charleston and it's turned out to be a very good-looking approach on Quail Park -- all the buildings all the way of there are required being setback and for traffic -- it's another consideration, not just the atheistic thing.
- COMMISSIONER MYERS: Mr. Clemmer, how deep is that lot?
- ROBERT CLEMMER: Four hundred seventy-eight feet deep.
- COMMISSIONER MYERS: And how long is the proposed building?
- ROBERT CLEMMER: Two hundred forty-five feet deep.
- COMMISSIONER GILES: What type health care would you have there?

DOCTOR HALBY: I'm a General Practitioner and I would like to run a General Practice there.

COMMISSIONER GILES: And you're proposing to run it for 24 hours?

DOCTOR HALBY: I would like to have that ability. I'm not, you know, most likely I won't be. Most likely we'll just be running it up to 12:00 P.M. at the most, but I --

COMMISSIONER GILES: Would you have any emergency vehicles entering and coming out of there?

DOCTOR HALBY: Very rare.

COMMISSIONER MYERS: How many offices are -- or will you be the only physician?

DOCTOR HALBY: I'm proposing to just to have my own office be allowed the 24 hours which is about 3,300 square feet.

COMMISSIONER GILES: How would you do that? So, if you got a call at home, you could meet your patient down at the office? You're certainly aren't going to keep open --

DOCTOR HALBY: No, I would have another physician in the office probably to help run it, you know, the extended hours.

COMMISSIONER GILES: So, you do propose to be open for people who would walk in and off the street at the odd hour?

DOCTOR HALBY: Yes, that's true. I just wanted to have that ability for the front portion of the building which is 3,300 square feet, not the whole building. The whole building wouldn't be operating around the clock.

COMMISSIONER MYERS: What is the total square footage of the building?

DOCTOR HALBY: It's pretty close to 36 or 38,000 square feet. It's a two-story.

COMMISSIONER MYERS: What's going to be going on in the rest of the building during the open hours?

DOCTOR HALBY:

I'm trying to lease to other medical personnel, specialists and that type of thing. I would think that they would only have their hours, you know, 8 hours a day or somewhere in that area, the other physicians.

CHAIRMAN BUGBEE:

Thank you, sir. This is a public hearing, is there someone who wishes to speak in opposition to this application?

CONRAD BECKER:

Yes. My name is Conrad Becker. I'm building a custom home right directly behind where he proposes to build this building and speaking for myself and my neighbors. I have one telegram from my neighbor at 815 Shetland Road. I live at 818 Shetland Road. I have a telegram here from him. He was out of town and was not able to come here tonight. He's opposed to this. My neighbor next door to me is opposed to it and he also is out of town today and he couldn't be here. We all feel that Doctor Halby is -- he's got a large enough building there -- starting with the front setback, it ought to be conforming to the rest of those. We all feel that everything is pretty close to Charleston now and that they ought to hold it back. He's got 475 feet or thereabouts and we can't see any reason to stick it out any farther than that when he's got all that property. As far as the 24 hour thing, that's the thing that's upsetting us the most. We are worried about, like you mentioned, people bringing in a ambulance in the middle of the night or people coming there distressed and screeching the brakes and jumping out and hollering and creating quite a bit of noise and right in our back yards. I mean, you got Southern Nevada Hospital a block and a half down the streets if somebody is in that big of an emergency that they'd have to be seen at 3 o'clock in the morning. We just don't feel that it's justified to have 24-hour type operation there.

CHAIRMAN BUGBEE:

What do you think about the 12-hour operation?

CONRAD BECKER:

Well.

CHAIRMAN BUGBEE:

Or the, you know, midnight?

CONRAD BECKER:

I'm building, like I said, a custom home right there directly behind him and I -- one of the things that I took into consideration when I built that with commercial on two sides of me, one of the big things was, well,

CONRAD BECKER:

after 5 o'clock or 6 o'clock, it's pretty quite. You don't have any noisy neighbors. I know the legal limit is 9 o'clock. I can't do much about that, but I just can't see it and neither can my neighbors. You know, we just feel that, you know, it's not a good deal for us. We've got to live there.

CHAIRMAN BUGBEE:

Okay, thank you. Yes, sir.

EDWARD SILVA:

My name is Edward Silva. I live at 2500 West Charleston. That's immediately to the west of this proposed property. I was concerned also about the activity after 9 o'clock and because of it, in trying to determine what that activity might be, I checked a telephone book to see about a medical emergency centers. I was surprised to find that in a radius of a milie, there are four of them. There's another one a little bit further out than a mile. Because this one was proposed for 24 hours, I checked those and I was surprised to find that there are three within five blocks that supposedly are open 24 hours a day. My reason for checking them was to go over there and observe the activity and the noise level. I went to two of them, the one of West Charleston and the one on Shadow Lane, both on different days at approximately 11 o'clock at night because that's when I felt I might have a problem because of my inability to sleep and also because I'm a light sleeper. What I observed is people in an emergency tend to drive fast and to close their door harder. Being excited they tend to raise their voice I find it all in a sense normal, but it's incompatible with living next door and having the thing open past 9 o'clock.

CHAIRMAN BUGBEE:

Thank you.

DOCTOR HALBY:

This really isn't --

CHAIRMAN BUGBEE:

Anyone else to speak in opposition? Okay, Doctor, you may have your rebuttal.

DOCTOR HALBY:

The clinic really wasn't meant to be an emergency room. It's basically meant to treat around the clock things like colds, you know, the various things a G.P. would treat for, not any acute emergencies where sirens have to be put on and people have to get a little noisy about the -- an emergency sort of situation. I wouldn't anticipate any loud noises and this type of thing.

CHAIRMAN BUGBEE: Thank you.

EDWARD SILVA: I have a question. Is there going to be another notice about the building itself or is this going to be the final hearing? If I understood it correctly, it's going to be a two-story building, is that correct.

DOCTOR HALBY: That's correct.

EDWARD SILVA: And that's not even mentioned here.

ROBERT CLEMMER: That hearing's been held on the zoning. The hearing on the zoning has been held and they've granted the right to have a two-story building. I beleive Mr. Becker --

EDWARD SILVA: They've already had a meeting on that?

ROBERT CLEMMER: Yes.

CHAIRMAN BUGBEE: Several months ago, I believe.

EDWARD SILVA: I didn't receive any information. I live right next door. That's the reason I asked the question right now because I thought I heard him say it's going to be a two-story building. So I assumed from that, there'd be another meeting.

ROBERT CLEMMER: I think the neighbors were aware because they negotiated the height of the wall and things of that nature, landscaping that went up this side. I know Mr. Becker --

CHAIRMAN BUGBEE: They were noticed, maybe --

EDWARD SILVA: The reason why I'm asking, living next door and having a residence and this second story would look right down on my whole property, my patios and what have you.

ROBERT CLEMMER: Are you the owner of record of that property?

EDWARD SILVA: 2500 West Charleston is immediate to the west, yes.

ROBERT CLEMMER: You might come up to the office and we'll check the records and see if you were sent a notice. What happened and where it was sent. It would be sent to the address that you have on your tax records.

EDWARD SILVA: I received this one. So I would have received the other one and being concerned about the time I would certainly be more concerned about a two-story building. That would be my main concern. My second concern would be after 9 o'clock. I just assumed it was going to be later that's the reason why I just asked -- I thought about it while he was talking, so I thought I'd ask the question now.

ROBERT CLEMMER: You might come up and check the file on the zoning case, but it was heard several months ago.

EDWARD SILVA: And it was okayed?

ROBERT CLEMMER: It was okayed.

EDWARD SILVA: Do I have any recourse?

ROBERT CLEMMER: No, there's no -- it was approved by City Council.

CHAIRMAN BUGBEE: There were two public hearings. One for Planning and one for the Council.

CONRAD BECKER: I'd like to say one more thing. I'm opposed to this thing, but -- after 9 o'clock, but if you do approve it, I would like you to stipulate that it's not one of these deals where anybody else in that building can do the same thing. That once you approve one, how are you going to limit it? The next guy comes in down at the other end of the building, how are you going to stop him? That's my concern that the whole thing ends up being a 24-hour deal.

CHAIRMAN BUGBEE: Any more questions? We're going to close the hearing.

COMMISSIONER GILES: I think they've got a point. If you were operating that alone to say midnight, how would you handle other doctors if you propose to rent portions of that?

DOCTOR HALBY: I could put it in a lease. Put a stipulation as far as that the curfew hour of operation in the lease.

COMMISSIONER MYERS: Well, I'm sure we could put it in the variance that it be only permitted for --

COMMISSIONER GILES:

It'd be awfully hard to enforce. I think with that thought in mind I'm going to MOVE FOR DENIAL OF BOTH THE AFTER 9:00 P.M. OPERATION AS WELL AS THE BUILDING SETBACK.

CHAIRMAN BUGBEE:

That has been DENIED. (Motion carried unanimously with Emmett excused)

END OF EXCERPT

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - MAY 24, 1984

ITEM 23. U-35-84 - APPLICATION OF ROBERT T. BIGELOW FOR A USE PERMIT TO ALLOW A 3 STORY, 80 UNIT APARTMENT COMPLEX ON PROPERTY GENERALLY LOCATED 270' NORTH OF FREMONT STREET AND 300' EAST OF 15TH STREET IN ZONING DISTRICT C-2 (GENERAL COMMERCIAL).

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CHAIRMAN BUGBEE:

Item 23, U-35-84, the application of Robert T. Bigelow for a use permit to allow a 3 story, 80 unit apartment complex on property generally located 270' north of Fremont Street and 300' east of 15th Street in Zoning District C-2.

ROBERT CLEMMER:

Again, this is the same type of case as in the last instance. In this case, the ordinance allows that if it were in the downtown area, it would be exempt from having to apply for a use permit and it so happens that the downtown area, is from this alley south to Fremont. So he just missed an exemption from having to apply for a use permit. This proposal is for a three-story, 80-unit high-density apartment project. It'll have 70 parking spaces on the site. They're proposing to utilize a piece of property here on Fremont Street for 10 satellite parking spaces and this property had been approved once before for 17 parking spaces for the Rhett Butler apartment group that contained 135 units. So he's going to also transfer those 17 spaces to this Fremont Street property. Staff feels that it is an appropriate use in the C-2 District -- would recommend APPROVAL, subject to: Conformance to standard conditions 1 thru 8. We have 15 protests of record. This would have to go to City Commission to approve the satellite parking.

CHAIRMAN BUGBEE:

Yes, sir.

ROBERT BIGELOW:

I'm Robert Bigelow the applicant. My address is 4640 South Eastern. The subject property at the present time is a paved parking lot, lit parking lot and I'm proposing 80 apartments as Mr. Clemmer just said on that site. I will be positioning the back wall of the apartment building approximately 14' from the existing fences of the neighbors and the height of the building will be 27'. The architect tells me today we had a 2' reduction because of -- we were positioning the building further away due to power company regulations. Between the rear of the building and the existing fences, rear yard fences, there is a large power line easement running along the back of the property. The building is designed in a U-Shaped fashion. There will be no exterior windows on the outside walls facing other property owners. All windows and doorway entries occur into the courtyard of the building itself. The administration and management of the building will be taken care of from the Rhett Butler front desk. It's on Fremont Street and I await any questions you might have.

CHAIRMAN BUGBEE: No, thank you, Mr. Bigelow. This is a public hearing. I'm sure there's some opposition. Would you please write your name down and your address and then give us your name and address.

DIANE CATTRELL: I am Diane Cattrell at 110 North 15th Street. We're managers of the Mediterranean Villa Apartments. Our owner could not be present due to illness. He has sent a letter addressed to the Commissioners and I also have a petition signed by our tenants at Mediterranean Villa. There are 49 signatures on here. I did not have a chance at this late notice from my owner to get everyone to sign. We're protesting the congestion of the 20' alleyway. Mediterranean Villa and Rhett Butler now use that as an access road. The trash disposal area would be greatly increased with the suggestion of 80 units. The noise and confusion it would create with the additional traffic -- and that is what our petition is about. We, at Mediterranean Villa, have a lot of senior citizens and housing authority. They have been placed there hoping that it would be a quiet area. With this right adjacent to us with just that small alleyway, there is going to be so much confusion with these trucks trying to get in here to build the apartment complex and I feel it would just distress our tenants. Thank you.

CHAIRMAN BUGBEE: Thank you.

COMMISSIONER JUNIEL: On the 20' alleyway, there's not to be traffic back there is there?

ROBERT BIGELOW: There are three ways that cars can egress into the property -- from both ends of the alleyway and directly to Fremont Street via a 17' driveway through Rhett Butler. I might point out that -- well, I'll save that comment for later.

CHAIRMAN BUGBEE: Yes, sir.

MR. CATTRELL: My name is Mr. Cattrell. I'm the manager of the Mediterranean
(sic) Villa. I reside at 110 North 15th. As Mr. Bigelow stated, there are three accesses to that alley, but every vehicle going has to go through that alley. It's only 20'. Rhett Butler at this time is using that alley. All of the occupants, plus ourselves, are using that alley; and another thing I'd like to bring up is the crime factor. Okay, I've know, I've been in the area for three years. I know about Rhett Butler's crime activity and we just feel

MR. CATTRELL: that we have enough crime now. With an added 80 units, we're talking more crime. As it is, I work 15 hours a day and patrol my grounds, which is adjacent to Rhett Butler and also to that parking lot. I cannot work 24 hours to protect my people. There has been several crimes there and I can prove that if I have to and if you'll check on your records, police records, you'll find that there's been many many times that the police have been there and we are opposed. We have senior citizens. They are sacred to death and they're sacred to death of another 80 unit apartment building. Thank you.

CHAIRMAN BUGBEE: Thank you.

RUTH ZUKOWSKI: I'm Ruth Zukowski, 124 Pico Way, and I am opposed to this because of the alley, because of the access traffic that we already have. It's difficult to get out of my backyard now and to have 80 more units there, I don't know where the cars would go. They park there now when there are no parking signs. It's congested now. I oppose it. Thank you.

PAUL POND: My name is Paul Pond and I live at 50 -- 6812 El Cordobes. My property is 1609 thru 1619, directly in front of the so-called vacant parking lot -- I'll submit these pictures -- that is constantly up to one-third full with cars in various stages of disrepair. From the little map I got in the mail, I've counted 566 units in the area already between 15th and 17th Street for rent. I've talked to some of my friends at the County Planning Commission, they told me that you require one parking space per unit. The Rhett Butler has 49 parking spaces now. They're going to add 80 units which will make a total of 215 units with a total of 126 parking spaces, which means the overflow is going to fall onto my property.

CHAIRMAN BUGBEE: I think if you'll listen to Mr. Clemmer's explanation, there was another spot there for satellite parking for the lot, I believe.

PAUL POND: That doesn't make another 126 spaces, sir.

ROBERT CLEMMER: It would be 126 spaces. Rhett Butler was allowed at the time that parking was required on the rate one per three, one space per three units. It exists in that state. This new development will provide one-to-one. One parking space per each unit.

PAUL POND: But the old one can't supply enough parking spaces
for the old one.

CHAIRMAN BUGBEE: The old one is under the Grandfather's Act. There's
nothing we can do about it. That's there.

PAUL POND: Okay. Well, my friends up there said that by the
way that Clark County Transportation Board figures
traffic on the street, is six trips per day per
dwelling. That'll make about 500 trips a day through
that alley. That's not counting people that have to
work in the area. My customers haven't any parking
there in that case. So I'm opposed to it.

CHAIRMAN BUGBEE: Thank you. Yes, sir, do you want to come forward?
I want to suggest now. We've had several people
speaking. If you're going to tell me more about
crime or more about parking -- if you have something
additional to add, we're very happy to listen to you,
but, you know, these things get a little bit long
after a bit.

MELVIN POOLE: Okay. My name is Melvin Poole. I live right directly
in back of where he's going to build. Now, I don't
like a 30' wall right in my back yard.

CHAIRMAN BUGBEE: Okay, thank you, sir.

MELVIN POOLE: And I've had my fence broken down twice already and
I have to repair it. I don't like that either.

COMMISSIONER GILES: Sir, could I discuss that with you a minute?

MELVIN POOLE: Sure.

COMMISSIONER GILES: I thought he said he was moving the 30' wall down to
27' and it would be on the south side of the public
utility easement, which would be away from your yard
and kind of a protection to your fence that's been
torn down.

MELVIN POOLE: I don't want to look at a big block wall.

COMMISSIONER GILES: Well, I understand looking at the block wall, but then
you threw in tearing the fence. I don't see how anybody
can get in there, that's what I'm talking about, unless
they come over the top of a 27' building, am I right
or wrong?

MELVIN POOLE: How about the ends?

COMMISSIONER GILES: Well, I suggest that might be closed up, I don't know.

MELVIN POOLE: It can't be closed up.

COMMISSIONER GILES: You see, they can come over my wall. My neighbor has a six foot fence, not 27'. So, I was just wondering if I was right or wrong. I'm not trying to argue with you. I want to know where we're at on it.

MELVIN POOLE: Well, if they build a big wall, both ends open, because you have to have an easement through there for the power and telephone companies, what happens there?

COMMISSIONER GILES: Well, I guess you can gate them off. You close them up so it wouldn't be an access way or you could probably bring your backyard on out to that couldn't you?

MELVIN POOLE: Well, I don't want to set my backyard on pavement. It's all asphalt.

COMMISSIONER GILES: It's not pavement under there. Under the power lines, is it paved?

MELVIN POOLE: Yes, it's paved.

COMMISSIONER GILES: Okay. I wasn't aware of that. Thank you.

WILLIAM DUVALL: Duvall's the name. William Duvall. I own a property over there on 17th, 200.

CHAIRMAN BUGBEE: Your address.

WILLIAM DUVALL: I beg your pardon.

CHAIRMAN BUGBEE: Your address. Your address.

WILLIAM DUVALL: Oh, residential?

CHAIRMAN BUGBEE: Yes.

WILLIAM DUVALL: 2630 Sherwood. In this application that was submitted prior to this one for 22 on a major boulevard, these people applied for a two-story building. This man, on a back locked in lot, they -- God, I can't even think of the name -- where they -- anyways, it is locked in -- is applying for a three-story. You have every indication

WILLIAM DUVALL:

from the front from that whole general area that this is a transient type of dwelling that will, in all probability, be rented by the day or week rather than by the month and how it affects the general residential community surrounding that is entirely in your hands and that's about all I have to say.

CHAIRMAN BUGBEE:

Thank you.

MARY WEISENMILLER:

Mary Weisenmiller, 1620 East Ogden. Our property is on the back line where the wall would be. I oppose because of the type of clientele that is rented out at the Rhett Butler already. They rent by the day. They rent by the week and like people said, there's a high crime rate over there and also like what everybody else said, the 30' wall in your backyard shading your gardens; and basically, because there's going to be another 80 to 160 people back there in an alley where, you know, you've heard from the other people the situation in the alley now -- how much traffic's in there. Now some of the parking for the Rhett Butler now, they're parking where he's planning to build. They're parking there already. Now he's going to build there and there's just going to, you know, just less room.

CHAIRMAN BUGBEE:

Thank you. I'll take the last three here and then turn it back to you, Mr. Bigelow.

ED MERSNER

My name's Ed Mersner. I live at 1615 Ogden. I'm wondering about the fire hazard. Those fire engines, in case of fire, getting to this area with a 20' alley there. He's building this in an alley.

CHAIRMAN BUGBEE:

Sir, this application has been approved by the Fire Department.

ED MERSNER:

That's strange.

CHAIRMAN BUGBEE:

These various agencies, the fire and the police, education, public works, what other agencies look at this, Mr. Foster?

ROBERT CLEMMER:

Engineering Services, Building.

CHAIRMAN BUGBEE: Engineering Services. They've all approved it. So we're not trying -- we do not have the authority to override the Fire Department or the Police Department or Engineering Services. They've all stamped their approval on it before it comes up.

ED MERSNER: Well, that's what I wondered about because it looks like to me that if they had a fire in there -- you get cars going out of there, engines couldn't get in there.

CHAIRMAN BUGBEE: I've been listening to this conversation about the alley. I don't see how Mr. Bigelow can get his -- or whoever is there, can get back to the alley except those two little side-vents there that are landscaped. Maybe I'm confused.

ROBERT CLEMMER: No, Rhett Butler is here. Fremont Street is down here.

CHAIRMAN BUGBEE: Right.

ROBERT CLEMMER: There's no side vent in this proposal. There is an opening on either end of the alleyway and also some would access through the Rhett Butler.

CHAIRMAN BUGBEE: So they could come through the Rhett Butler alley?

ROBERT CLEMMER: Yes, there's three different vents.

ED MERSNER: Either way you're going through a 20' space. If you come off of 15th Street, it's only 20' wide. To get a fire truck down there or to go through his own access, I think it's 17' something like that and the only other access would be from the south end or east end, but it looks to me like it would be a fire trap.

CHAIRMAN BUGBEE: Well, if it were, I think the Fire Department would advise us of it. Thank you. Yes, sir.

ED MERSNER: Well, the Fire Department ought to look into it further, I think, before it's built.

JERRY FULLERTON: I'm Jerry Fullerton. I live at 9009 South Procyon. My business address is 1621 East Fremont. I have been at this location for nine years. When the Rhett Butler was built approximately four years ago --

ROBERT BIGELOW: Around five.

JERRY FULLERTON:

-- around four or five years ago, the parking lot was paved in the alley and it was my understanding that this was a tentative proposal to build those apartments then. If I would have known that, I would not just have spent \$100,000 on the building to increase the size in upgrading my building. Every one of the businessmen in that area from 15th to Bruce, on Fremont Street, is violently opposed. You have to go down and look at the alleyway to see what we're talking about. At each end of the alleyway, two cars, because of telephone poles that are out in the middle, two cars cannot pass. You have to pull over and wait for one to go by. The 17' easement through the Rhett Butler is offset. To get to the proposed property from Fremont Street, you have to go into the alley, come down the alley about 40', then go into the property. It's just not real good planning. Thank you.

CHAIRMAN BUGBEE:

Thank you. Well, I've heard the protestors so you have a chance now for rebuttal, Mr. Bigelow.

ROBERT BIGELOW:

Alright. I'd like to address some of the comments made-- try to take them in somewhat of an order. The first protestor had a long list, a lady I believe was manager of the Mediterranean Apartments which is immediately catty-corner from Rhett Butler. I suppose I could gather 135 of my tenants to sign a list in favor of better housing because that's what I'm trying to build. So, I don't look at my competition as having a valid dissent really. The other people's comments, I think, are more valid and more important. I think that the project has more to offer the neighborhood than a deterrent. Right now we are hard pressed to police that parking lot. Mr. Poole, the man that came up and said that he didn't like the height of the building, has had his rear fence run into by cars. He has been vandalized by people who have jumped the fence. These things happen all over neighborhoods all over the valley, but in this case, this building can be constructed and is designed to prevent that. We intend to put a gate up at the far entrance preventing easy access to these rear yards. It'll be very difficult for anybody to gain access to these rear yards with this 27' foot building in the way. We are setting back away from their fences some 14' so the actual direct line of sight from a wall 27' high, if you do a perspective of it, is quite moderate. The police thing I anticipated being an issue. I checked with Commissioner Paul Christensen today and yesterday and he checked with

ROBERT BIGELOW: the Police Department to find out what their records have been recently over the last six months concerning Rhett Butler. He tells me that they have no statistics, not because they haven't been keeping track, but because we have been doing an effective job and if that isn't true, then I'll withdraw my application here tonight. That's how sincere I am in repeating what he has told me. So we have done everything we can with good results in eliminating police activity in Rhett Butler. As far as the traffic situation is concerned, we are supplying one parking space per apartment because that's the law. That's what I'm required to do. It does not coincide with the numerical proportion of tenants who have cars. A great number of people do not own cars. That would also presume that the traffic is going to be impacted by everybody being there 100% of the time. When you put these kind of statistics together, the traffic inflow and egress through that alleyway is going to be moderate. We have three different ways that we can conduct access into that property. Maybe there was another issue that I've forgotten to address.

CHAIRMAN BUGBEE: I have one question, Mr. Bigelow. Do you have any future developments in plan for that area down there?

ROBERT BIGELOW: Yes, I do. I also own the corner of 15th and Fremont which on that corner is presently a transmission shop in a bright yellow building that has an enormous junk yard to the rear of that building. My intent is to proceed with a plan to build on that corner and eliminate that entire activity from that corner, the thing that's unsightly there now. I would like to see other people put capital into the neighborhood and into East Fremont Street. There have not been very many developers in the last five or six years that I've been building in that end of town. I'm trying to upgrade what's there. The structure that I'm proposing tonight is far more expensive than anything I've built there before. We are offering a lot more to the customer and we expect the customer to be a more permanent occupant and not as transient. By the way, the comment was made about daily occupancy. As of the 31st of this month, Rhett Butler will not be taking anymore daily occupants. We have already notified the City of Las Vegas of that and that applies for phase 2 of this 80 units as well.

COMMISSIONER GILES: What will you be charging for the units in the -- should it be approved and you get it on?

ROBERT BIGELOW: The units would be rented by the week or by the month. If the tenant rents by the week, it'll be \$110 per week. If he rents by the month, it'll be four times that, \$440.

COMMISSIONER GILES: You said, you done a little research into the crime as I have. What have you done to minimize crime in Rhett Butler say in the last six months? You alluded that crime had been suppressed. How did you go about that and what successes did you have?

ROBERT BIGELOW: We had many many meetings with our desk clerks, with -- we have a security guard on the property of Rhett Butler as well. We have gone to the greatest lengths to try to police our own acceptance of people that if they go ahead and occupy and then cause a problem, we're quick to get rid of the problem and remove people. Before that happens though, we try to prevent renting to types of people that bring crime with them and that's not an easy thing to do, but we've done it and that can be verified by Paul Christensen and by the Police Department themselves.

COMMISSIONER GILES: Have you -- what successes have you had? How many times have you called Metro out as such indicating you're unable to handle it yourself in the last six months, we're talking about?

ROBERT BIGELOW: According to Paul's comments to me earlier this evening, Metro has no records of having had to make service calls to that property in the last so many months.

COMMISSIONER GILES: Prior to that though --

ROBERT BIGELOW: Prior to that we had numerous calls, yes.

COMMISSIONER GILES: I have no further questions.

CHAIRMAN BUGBEE: Any other questions? I'm going to close this public hearing and entertain a motion, please.

COMMISSIONER GILES: I feel this is good land use. I personally would like to see the area cleaned up even more so I'M GOING TO MOVE FOR APPROVAL WITH STAFF'S RECOMMENDATION.

EXCERPT - BOARD OF ZONING ADJUSTMENT MEETING - MAY 24, 1984
ITEM 23. U-35-84 - APPLICATION OF ROBERT T. BIGELOW FOR A USE PERMIT TO ALLOW
A 3 STORY, 80 UNIT APARTMENT COMPLEX ON PROPERTY GENERALLY LOCATED
270' NORTH OF FREMONT STREET AND 300' EAST OF 15TH STREET IN ZONING
DISTRICT C-2 (GENERAL COMMERCIAL). PAGE 11

CHAIRMAN BUGBEE: That has been approved, Mr. Bigelow. (Motion
carried with a 3 to 1 vote with Emmett and Myers
excused)

ROBERT BIGELOW: Thank you.

CHAIRMAN BUGBEE: This will -- you said, this will go to the City
Council.

ROBERT CLEMMER: It has to go to the City Council for the satellite
parking aspect only. It'll be June the 6th.

END OF EXCERPT

NAME

B2A 5-24-84

ADDRESS

Barbara Crease U-1584 bot 1431 Mills Cr

Alan C. Liberman 1946 Ophir St. L.A. Ave.

Mille SLOAN V-4084 apl 600 E Charleston

Shirley W. Mottishaw U-3284(HO) pro 4713 Sunnybrook

Shirley W. Mottishaw U-3284(HO) pro 4713 Sunnybrook

John M. Boudley U-3284(HO) pro 1112 C. Odalyn Dr.

Heil K. Mottishaw V-5184 apl 105 Narrows Lane

Vicki & Bice Stodolce V-5284 pro 5332 Del Monte 89102

Flatt Tuffitt V-5684 apl 1909 Weldon Pl

Shirley Tracy V-5884 apl 417 Lorena Blvd.

COR Tracy V-5884 apl 417 Lorena Blvd.

T.S. & ALI BOYER V-5984 pro 5205 HARMONY

Mary Boer V-5984 pro 124 S. Minnesota St.

Patricia Whitte V-5984 pro 120 S. Minnesota

Karen Griffin V-6384 pro 126 S. Minnesota

MAE BROWN V-6384 pro 1405 MEER

Daniel W. Halby, DO V-6384 3900 W. Charleston, Suite 17

Roo. Nell Minor V-3284 pro 3700 San Angelo

Diana Catell V-3584 pro 110 N 15th St

A. Catell 110 N 15th St V-3584 pro 110 N 15th Street Las Vegas

Rita Z. Lusk V-3584 pro 124 Pico Way Las Vegas

Paul & Thelma R. V-3584 pro 68122 El Dorados

M. R. V-3584 pro

William J. Kroll V-3584 pro 2630 Skennard Ave.

Mary M. Wasmuth V-3584 pro 1620 E. Oak Ave

Ed Mersman V-3584 pro 1415 E. Ocean

Gene Tuller V-3584 pro 9009 S Procyon

NAME

B2A 05-2484

ADDRESS

Jay Downing V-1584 apr 3160 Valley View -
 Steve Huntsman V-3084(HO) apr 417 Cholla Way
 Tony Bucci V-5284 apr 5324 Del Monte Ave.

M. HEMIS V-53-84 apr 4380 W.D.I. Road #C

LEONARD ZEDOK V-5584 apr 7100 W. WASHINGTON

FIRMIN BERTA V-5784 apr 6616 ELTON AVE

Randall McShie V-5784 apr 3564 Tamar

Betty Darnell V-6084 apr 5309 Salinas L.O. 89100

Charles Wells V-6284 apr 5200 PATRICIA Ave

Donald R Baele V-6384 pro 818 Skotland Rd

Edward C. Shue V-6384 pro 8500 W. Charleston

Jay Downing V-6484 apr 3160 Valley View -

Ron Mainwal O V-6584 apr 333 NO. RANCHO

R. Hermonson V-3184 apr 3355 S. Mt Rd

R. Kraemer V-3284 apr 3355 S. Highland Dr.

John James V-3884(HO) apr 4313 Worcester Dr

C

INTER-OFFICE MEMORANDUM

Date

May 24, 1984

TO:

FOSTER

FROM:

CLEMMER

SUBJECT:

BOARD OF ZONING ADJUSTMENT MEETING
MAY 24, 1984
AGENDA ITEM CONDITIONS

COPIES TO:

VAL STEED
RICK WILLIAMS
JOANNA DANIELLO
SANDY LEBOEUF

OLD BUSINESS:

1. U-15-84

This was held in abeyance from the April 26, 1984 meeting due to a tie vote. This proposal is to allow a foster home for 12 boys (Mizpah House) on a temporary basis of 11 months until the permanent facility is constructed. This is an R-E zone permitting single family residences and 12 children is the maximum number of children permitted as a child care facility by use permit, but these are usually on a temporary basis and not every day of the week. This is a close call and ironically we have heard that the Homeowners Association favors this temporary use. However, in order to protect the residential district and in keeping with our past position of supporting group housing facilities on primary streets, staff must oppose this request. If approved, subject to:

1. Conformance to the plot plan and elevations. ✓

2. The use shall cease August, 1984. ✓

PROTESTS: 45 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

2. V-40-84

This item was held in abeyance from the April 26, 1984 meeting at the request of the applicant. This proposal to allow wholesale storage of machine and hand tools utilizes over 1/2 of the building area. There is no unnecessary hardship. ✓

Staff recommends denial. If approved subject to: ✓

1. Conformance to the plot plan. ✓

2. Dedicate 10' of right-of-way for Las Vegas Boulevard and a radius corner at Las Vegas Boulevard and Park Paseo as required by the Department of Engineering Services. ✓

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May 24, 1984
Page 2
BZA Conditions

3. Install sidewalk and street lights on Park Paseo as required by the Department of Engineering Services. ✓

4. Standard conditions 2-8. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

NEW BUSINESS:

1. U-30-84(HO)

This proposal is the making of small wood craft items. The questionnaire has been answered favorably. Staff recommends approval subject to: ✓

1. Conformance to the criteria for home occupations. ✓

2. Conformance to the limitations contained in the letter submitted by the applicant. ✓

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

2. U-36-84(HO)

Withdrawn by applicant.

3. U-37-84(HO)

This request is to accuratize rifles for police or government agencies. The questionnaire has been answered favorably.

This is a Public Hearing item.

Staff recommends approval subject to: ✓

1. Conformance to the criteria for home occupations. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

4. V-51-84

These presently exist. This is a regular lot. There is no hardship. ✓

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plan and elevations ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

5. V-52-84

This is a regular lot, but the property to the west is 2' higher than applicant's property. It is the neighbor's wall. It could be raised 2' higher. This applicant wants to put pole up 6' and put 4' of fabric with green or brown interwoven slats, to protect the neighbor from his dog, adjacent to the wall. A previous variance for the storage room addition was approved, but the neighbor was not individually notified due to an error and Doc took the complaint prior to accident with no action resulting.

Staff recommends approval of the 2' of additional height. ✓

If approved, subject to: ✓

1. Conformance to the plot plan and elevations amended to a maximum height of 8'. ✓

PROTESTS: 2 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

6. V-53-84

This is in the area where variances have been granted for office uses with historic preservation a basis for that approach; however, the setback variance requests and % coverage should be considered on their merits. First, the front setback of the building is 10', but the stairs come to within 5'. A mitigating factor in that respect is that on the same side of the street in the blocks to the north and south there is R-4 zoning which allows a 10' setback. Secondly, on the "0" side setback proposed which if this were P.R. the property immediately east has an office building with a "0" setback and P.R. allows setbacks predicated on the adjacent development setbacks.

Finally, the coverage would not be a factor if the property were classified either R-4 or P.R.

The building is one floor of offices with partially subterranean parking. The external height is 23' and is attractive. Parking is as required by code.

Staff feels that this one block area on 10th Street between Garces and Bonneville has different external factors affecting it than the 9th, 8th and 7th Street developments, so staff would recommend approval, subject to: ✓

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BZA Conditions

1. Standard conditions 1-8.
2. Dedicate a 25' radius corner at the intersection of 10th Street and Garces Avenue as required by the Department of Engineering Services.
3. Install sidewalk and street lighting on 10th Street and Garces Avenue as required by the Department of Engineering Services.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

7. V-54-84

This proposed office is in an area which is transitioning to offices via variance procedure. The building is 1800 square feet and 6 spaces are provided as required. Except for the existing garage, the parking is off the alley. The building is kept intact. Multiple larger groups could tax parking.

Staff recommends approval, subject to:

1. Standard conditions 1-8.
2. Group counseling shall not exceed 12 persons and then shall not be more than one group at a time, unless the total of the several groups does not exceed 12 persons.
3. Enter an assessment district agreement for street lighting and alley paving as required by the Department of Engineering Services.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

8. V-55-84

This building exists and it extends about 4' above the wall on the side street, so is very prominent. The 15' corner lot setback should be preserved for good street scope.

Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan and elevations.

2. Conformance to the requirements of the Department of Fire Services. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

9. V-56-84

This has been previously approved for professional office use by means of a Use Permit (U-68-80) and licensed. There is P.R. on Santa Paula just up the street. Staff would not oppose P.R. in this area. They are not proposing to alter the site due to this change.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

10. V-57-84

The C-1 pattern in this area has applied to the Maryland Parkway frontage, although the lot to north was denied C-1 (Z-9-79). There are duplexes to the east.

Staff does not feel that it would be appropriate to extend C-1 uses into the interior area. ✓

Staff recommends denial. If approved, subject to: ✓

1. Standard conditions 1-8. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

11. V-58-84

This is a regular slightly oversized R-1 lot. There is no hardship. Required windows will be blocked.

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plan. ✓

2. Conformance to the requirements of the Department of Fire Services. ✓

3. Standard condition #7. ✓

PROTESTS: 1 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

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BZA Conditions

12. V-59-84

There is a 450 square foot guest room and bath above the garage with no interior access to the main house. The applicant wants to add a kitchen. There is no hardship.

Staff recommends denial. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Provide 3 required off-street parking spaces.
3. Conformance to the requirements of the Department of Fire Services.

PROTESTS: 2 ✓

PUBLIC HEARING ITEM BZA FINAL ACTION

13. V-60-84

In an R-1 zone, a use permit could be obtained for 12 children which could all be old enough to use the outdoor recreation spaces. This proposal is for 12 infants and 9 others. Infants are 2 years and younger, so would probably be separated from the older children and the outdoor activity level would not exceed that which could occur in the child nursery (12 children). 21 children under our code constitutes a commercial nursery (over 12 children) which is first permitted in a C-1 District. Due to this mix of children and the fact that P.R. has been authorized in this area which permits offices (a limited commercial activity), staff does not feel that this proposal is too far out of line, but would not want to see this authorization break down the P.R. application in this area as the heavier types of C-1 uses could be detrimental to the single-family residences immediately east.

They are also asking to allow 2 spaces where 4 are required. Engineering Services requests that the 2 back-out spaces be discontinued, but the parking ordinance allows the continuation, and it is a problem to modify.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

FOSTER
May 24, 1984
Page 7
BZA Conditions

2. The use shall be limited to 12 infants and 9 children maximum and the outdoor activity level shall not exceed 12 children at any one time. ✓

3. Construct a 6' block wall along the rear property line. ✓

4. Standard conditions 2-8. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

14. V-62-84

This tract has a basic 30' building setback in the R-E District. This proposal is to allow a 6' high wrought iron section fence between 5' columns. There is no hardship. ✓

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

15. V-63-84

This proposal is to allow a front setback of 16' and to allow hours of operation past the 9 p.m. limit. The setback encroachment appears to be a foyer and occupies a minor portion of the front yard (2%). There is no hardship. Needs City Council approval. Use approval under Z-18-68 (32) different use. We previously considered this as an office. ✓

Staff recommends denial. If approved, subject to: ✓

1. Conformance to the plot plan and elevations.

2. Outpatient operations only shall be accommodated in the surgical procedures.

3. Conformance to the curb cut regulations as required by the Traffic Engineer.

PROTESTS: 2 ✓

PUBLIC HEARING ITEM

CC: 6/20/84

(IF APPROVED)

16. V-64-84

The buildings are 14' back, but the 4' stairs are within 10'. They have increased the rear setback to 45' where 20' is required. This is a cul-de-sac which will have the apartments similarly sited with no detriment to other R-3 developers. Gazebos are unique.

Staff recommends approval subject to: ✓

1. Conformance to the plot plan and elevations. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

17. V-65-84

The request is due to an engineering error in the construction of the building 5' closer to the front property line than intended. The traffic engineer could not recommend approval unless it were a private street. There will probably be less than 150 trips a day in the 140' deep cul-de-sac. Alteration

would lose landscaping.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

18. V-66-84

This small shopping complex has 7000 square feet and contains grocery, office, bar and this proposed restaurant. When constructed, the code required 16 spaces, but they provided 51 spaces. The re-use of this 2500 square feet portion for restaurant requires 50 spaces plus 4 for employees (54); however, the seating is 22-4 seat tables, which is the other way the code allows parking need measurement which, if it applied, would allow that the 51 spaces would suffice.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

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19. U-31-84

Use permit had been granted on the portion of the site to the east, but not this parcel. The adjustment of property lines will require a land division approval.

Staff recommends approval, subject to: ✓

1. Conformance to the plot plan. ✓
2. Conformance to the conditions of approval of Z-20-76. ✓
3. Approval of the Land Division. ✓
4. Dedicate 40' of right-of-way for Lorenzi Boulevard and the radius corner at the intersection of Lorenzi and Washington as required by the Department of Engineering Services. ✓
5. Install street improvements on Lorenzi Boulevard and Washington as required by the Department of Engineering Services. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

20. U-32-84

This proposal is to allow an 81 unit apartment complex consisting of 80 efficiency units and 1 two-bedroom manager's unit. This is the maximum R-4 allows. Parking meets code (82 spaces where 82 required). No elevations.

Staff recommends approval subject to: ✓

1. Standard conditions 1-8. ✓
2. Install street improvements on El Conlon as required by the Department of Engineering Services. ✓

PROTESTS: 0
PUBLIC HEARING ITEM

BZA FINAL ACTION

FOSTER
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BZA Conditions

21. U-33-84

This proposed custodial institution is for up to 60 persons. The building contains 25,000 square feet and there are 28 spaces. The surrounding land use is industrial or commercial for over 1000'. This requires City Council action. Possibly compatability could be achieved by limiting the number of inmates to 50.

Staff recommends approval, subject to:

1. Standard conditions 1-8.
2. Install street lighting on Commerce Street and paving in the alleys as required by the Department of Engineering Services.

PROTESTS: 5
PUBLIC HEARING ITEM

CC: 6/6/84 SET DATE FOR
PUBLIC HEARING
CC: 6/20/84

22. U-34-84

This project consists of 42 one-bedroom apartments, 2 story, and there are 43 parking spaces provided. There are 5' planters on the streets, but no elevations.

Staff recommends approval subject to: ✓

1. Standard conditions 1-8. ✓
2. Approval of the building elevations by the Department of Community Planning and Development. ✓
3. Install sidewalk on Maryland Parkway and Ogden Avenue; install street lighting on Ogden Avenue and pave the alley as required by the Department of Engineering Services. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

FOSTER
May 24, 1984
Page 11 --
BZA Conditions

23. U-35-84

This parcel exists with alley frontage and is zoned C-2. The property had been used for satellite parking for the Rhett Butler Apartment group for 17 spaces. The proposed project consists of 80 efficiency units, 3 stories high, adjacent to R-1 to north, built at the property line. They are providing 70 spaces on that site so both the remaining 10 spaces for the new development and the transfer of 17 spaces required for the Rhett Butler Apartments will have to be approved on the new satellite site immediately west of the Rhett Butler development which requires City Council action.

Staff recommends approval, subject to: ✓

1. Standard conditions 1-8. ✓

PROTESTS: 15 ✓
PUBLIC HEARING ITEM

CC: 6/6/84 (SATELLITE ✓
PARKING ASPECT ONLY)

24. V-60-76

This proposal will provide 30 additional beds to an existing 60-bed convalescent facility. One story. They're providing 56 spaces where 30 are required. 3.97 acres allows 99 beds in this R-E District. (V-47-79) was not exercised and expired.

Staff recommends approval, subject to: ✓

1. Standard conditions 1-8. ✓

PROTESTS: 0 ✓
NOT A PUBLIC HEARING

BZA FINAL ACTION

FOSTER
May 24, 1984
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SUPPLEMENTAL AGENDA:

1. U-38-84(HO) This is a consulting and mail order business. The questionnaire has been answered favorably. ✓
Staff recommends approval, subject to: ✓
 1. Conformance to the criteria for Home Occupations. ✓

PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION
2. U-39-84(HO) This is mail order sales of books and designs. The questionnaire has been answered favorably. ✓
Staff recommends approval, subject to: ✓
 1. Conformance to the criteria for Home Occupations. ✓

PROTESTS: N/A
NOT A PUBLIC HEARING BZA FINAL ACTION
3. V-25-84 The approved sign under this variance was obstructed by the installation of a power pole. This proposal is to modify to an angular display. ✓
Staff recommends approval, subject to: ✓
 1. Conformance to the amended plot plan and elevations. ✓

PROTESTS:
NOT A PUBLIC HEARING BZA FINAL ACTION