

AGENDA

October 25, 1984

City of Las Vegas
BOARD OF ZONING ADJUSTMENT
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6301

CALL TO ORDER:

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

ROLL CALL:

ANNOUNCEMENTS:

Satisfaction of Open Meeting Law and reading of 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 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 Tuesday following the Board's meeting).

ABEYANCE ITEM:

1. V-106-84 - THOMAS T. BEAM - (Abeyance from 9/27/84)
Application of THOMAS T. BEAM for a Variance to allow an additional 15,000 square feet of future food service/restaurant uses with the existing 408 parking spaces in this shopping center where 648 spaces would be required on property generally located on the southwest corner of Bonanza Road and Eastern Avenue in Zoning District C-1 (Limited Commercial).

NEW BUSINESS:

1. U-64-84(HO) - VIRGINIA BROOKS BREWSTER
Application of VIRGINIA BROOKS BREWSTER for a Home Occupation Use Permit to allow the sale of women's hats and hosiery on property located at 329 Frederick Avenue in Zoning District R-1 (Single-Family Residence).
2. U-65-84(HO) - CHARLES R. EVANS
Application of CHARLES R. EVANS for a Home Occupation Use Permit to allow a mail order business to sell antiquarian/out-of-print books on property located at 301 Eldorado Street in Zoning District R-1 (Single-Family Residence)
3. U-70-84(HO) - ROSEMARY NOONER ON BEHALF OF JUDY DANNAN
Application of ROSEMARY NOONER ON BEHALF OF JUDY DANNAN for a Home Occupation Use Permit to allow a typing business on property located at 3617 Riviera Avenue in Zoning District R-1 (Single-Family Residence).

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4. U-71-84(HO) - HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR
Application of HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR for a Home Occupation Use Permit to allow the assembling of dolls to sell on consignment on property located at 5800 Evergreen Avenue in Zoning District R-1 (Single-Family Residence).
5. V-110-84 - LAS VEGAS MORTGAGE COMPANY
Application of LAS VEGAS MORTGAGE COMPANY for a Variance to allow a manager's residence for an existing commercial storage unit complex where residential uses are not permitted on property located at 1999 North Rancho Drive in Zoning District C-2 (General Commercial).
6. V-111-84 - NORSE LEASING CORPORATION
Application of NORSE LEASING CORPORATION for a Variance to allow the Nevada Association for the Handicapped to operate its Production Dynamics Workshop Program, which includes the light assembly of small sundry items where such assembly use is not permitted on property located at 2401 West Bonanza Road in Zoning District C-2 (General Commercial).
7. V-112-84 - PATRICIA ANN MAHONEY
Application of PATRICIA ANN MAHONEY for a Variance to allow a child-care facility for six (6) children where only four (4) are permitted on property located at 6548 Figtree Road in Zoning District R-PD8 (Residential-Planned Development).
8. V-113-84 - LILLIAN M. HOLMAN
Application of LILLIAN M. HOLMAN for a Variance to allow a rest home for 41 elderly persons (19 in Phase I and 22 in Phase II), with the following:
1. Provide 12 paved parking spaces where 19 paved spaces are required;
 2. Access from a 24' wide paved street (Jones Boulevard), where 48' of pavement is required;
 3. A portion of the Phase II building to be 2 stories high (to be used as a manager's residence), where only one (1) story is allowed.
- The above request is on property located at 7229 Jones Boulevard in Zoning District R-E (Residence Estates).

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9. V-114-84 - ANNA FOORMAN
Application of ANNA FOORMAN for a Variance to allow the renting of rooms to five (elderly) persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1 (Single-Family Residence).

10. V-115-84 - SAVEWAY SUPER SERVICE STATIONS, INC.
Application of SAVEWAY SUPER SERVICE STATIONS, INC., for a Variance to allow an automotive repair garage operation which is not permitted on property located at 1100 South Main Street in Zoning District C-2 (General Commercial)

11. V-116-84 - RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC.
Application of RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC., for a Variance to allow a 6,273.5 Sq. Ft. on-premise sign for the Palace Station Hotel and Casino that will project 13' - 6" over the property line, where a maximum overhang of 3' is permitted on property located at 2411 West Sahara Avenue in Zoning District C-1 (Limited Commercial).

12. V-117-84 - JANICE ANDREWS
Application of JANICE ANDREWS for a Variance to allow an addition to the residence 5' from the north side property where 10' is required on property located at 200 Canyon Drive in Zoning District R-E (Residence Estates).

13. V-118-84 - NEVADA SOUTHERN TITLE, INC.
Application of NEVADA SOUTHERN TITLE, INC., for a Variance to allow the lot sizes in the proposed mobile home subdivision to range from 50' x 90' to 60' x 91' where a minimum of 65' x 100' is required; and private streets where public streets are required; and to allow a quasi-public recreation area consisting of a clubhouse, swimming pool and jacuzzi to be operated by a homeowners' association on property generally located on the northeast corner of Lone Mountain Road and Oran K. Gragson Highway in Zoning District C-2 (General Commercial) and R-E (Residence Estates) (Proposed Zoning District R-MH (Mobile Home Residence)).

14. V-119-84 - R.A. HOMES, INC.
Application of R.A. HOMES, INC., for a Variance to allow a side-yard setback on a corner lot of 11.4' where 15' is required on property located at 6437 Faithpeak Drive in Zoning District R-1 (Single-Family Residence).

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15. V-120-84 - EDWARD & LOU ANNA NORMAN
Application of Edward & Lou Anna Norman for a Variance to allow a commercial day-care facility with twenty (20) children maximum, and continued residential use on property located at 4995 Irene Avenue in Zoning District R-E (Residence Estates).
16. U-63-84 - ED HUTCHINS, DBA HUTCHINS ENTERPRISES
Application of ED HUTCHINS, DBA HUTCHINS ENTERPRISES for a Use Permit to allow quasi-public recreational facilities, including a swimming pool, for the use of the tenants of Trieste Court Subdivision on property located at 636 Trieste Court in Zoning District R-PD15 (Residential Planned Development).
17. U-66-84 - THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL
Application of THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL for a Use Permit to allow a child-care facility for a maximum of twelve (12) children on property located at 4240 Keithann Circle in Zoning District R-1 (Single-Family Residence).
18. U-67-84 - CHURCH OF CHRIST ON BEHALF OF THE SOUTHERN NEVADA CHRISTIAN ACADEMY
Application of CHURCH OF CHRIST ON BEHALF OF THE SOUTHERN NEVADA CHRISTIAN ACADEMY for a Use Permit to allow a child-care center for a maximum of twenty-one (21) children and a private school, (Kindergarten through 4th grade), for a maximum of forty (40) children on property located at 4000 West Oakey Boulevard in Zoning District R-E (Residence Estates).
19. U-68-84 - PAUL FERGUSON, ET AL
Application of PAUL FERGUSON, ET AL, for a Use Permit to allow a Class III Secondhand Dealer for the sale of used children's clothing and furnishings on property located at 1014 North Rancho Drive in Zoning District C-2 (General Commercial).
20. V-94-83 - ALEX F. & BETTY L. GLENN (REVIEW OF CONDITION)
Request of ALEX F. & BETTY L. GLENN to modify Condition #2 of their approved Variance which requires the removal of the existing fences on property located at 3700 Thom Boulevard in Zoning District R-E (Residence Estates).

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BOARD ACTION

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21. V-5-80 - E.G. COMITO, SAN TROPEZ COUNTRY CLUB - (EXTENSION OF TIME)
Request of E.G. COMINTO, SAN TROPEZ COUNTRY CLUB, for a six-month Extension of Time on an approved Variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).
22. U-22-84(HO) - PATRICK R. & VICKIE C. HAYDEN - (SIX-MONTH REVIEW)
PATRICK R. & VICKIE C. HAYDEN for a six-month Review of an approved Home Occupation Use Permit to teach swimming on property located at 3926 Helen Avenue in Zoning District R-E (Residence Estates).
23. V-48-84 - DOLORESA M. RENKIEWICZ - (EXTENSION OF TIME)
Request of DOLORESA M. RENKIEWICZ for a six-month Extension of Time on an approved Variance which allowed offices where such use is not permitted and provided only four (4) parking spaces where six (6) spaces are required on property located at 614 North 10th Street in Zoning District R-3 (Limited Multiple Residence).

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SUPPLEMENTAL AGENDA:

1. U-72-84(HO) - KENNETH A. & NANCY J. MERCER
Application of KENNETH A. & NANCY J. MERCER for a Home Occupation Use Permit to allow a mail order business for gift and novelty items on property located at 5820 Westport Circle in Zoning District R-1 (Single-Family Residence).

2. V-43-84 - JOHN E. KENNEY, JR. - (EXTENSION OF TIME)
Request of JOHN E. KENNEY, JR. for a six-month Extension of Time on an approved Variance which allowed a commercial self-storage facility on property generally located on the east side of Pecos Road between Bonanza Road and Diamond Head Drive in Zoning District C-1 (Limited Commercial).

3. V-50-83 - ROBERTA HARRIS, ET AL - (EXTENSION OF TIME)
Request of ROBERTA HARRIS, ET AL, for a one-year Extension of Time on an approved Variance which allowed a commercial printing company where such use is not permitted on property located at 1201 Arville Street in Zoning District R-E (Under Resolution of Intent to P-R).

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ITEM

BOARD ACTION

CALL TO ORDER:

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

Chairman Bugbee called the meeting to order at 7:30 PM in the Council Chambers.

ROLL CALL:

Robert Bugbee, Chairman	- Present
Jessie Emmett	- Present
Robert Giles	- Present
Bonnie Juniel	- Present
Helen Myers	- Present

Staff Present

Harold Foster, Director
Community Planning &
Development
Robert Clemmer, Chief of
Zoning
Val Steed, Deputy City
Attorney
Sandra LeBoeuf, Deputy
City Clerk

ANNOUNCEMENTS:

Satisfaction of Open Meeting Law and reading of Standard Conditions and requirements for filing an appeal.

Robert Clemmer announced the meeting was in compliance with the Open Meeting Law and read the Standard Conditions into the record.

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 Tuesday following the Board's meeting).

Announcement made by
Chairman Bugbee

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ITEM

ABEYANCE ITEM:

1. V-106-84 - THOMAS T. BEAM - (Abeyance from 9/27/84)

Application of THOMAS T. BEAM for a Variance to allow an additional 15,000 square feet of future food service/restaurant uses with the existing 408 parking spaces in this shopping center where 648 spaces would be required on property generally located on the southwest corner of Bonanza Road and Eastern Avenue in Zoning District C-1 (Limited Commercial).

STAFF RECOMMENDATION: DENIAL

If approved, staff recommended the following conditions:

1. Conformance to the Plot Plan.
2. The maximum parking deficiency shall not exceed 65 spaces.

PROTESTS: 1 on record
2 appeared

GILES
APPROVED

Motion carried with Bugbee and Juniel voting "no."

Bob Clemmer presented the plot plan.

Jim Meredith and Bob Diesel appeared on behalf of the application.

Protestants:

Ron Elrod, Supervisor, Lucky Food Store, stated that they could not afford to lose any of their parking spaces.

Richard Rodriguez, Sizzler, stated that there was not enough parking spaces now.

(19:35 to 19:58)

NEW BUSINESS:

1. U-64-84(HO) - VIRGINIA BROOKS BREWSTER
Application of VIRGINIA BROOKS BREWSTER for a Home Occupation Use Permit to allow the sale of women's hats and hosiery on property located at 329 Frederick Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following conditions:

1. Conformance to the criteria for Home Occupations.

MYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda
Unanimous

Bob Clemmer stated that the application was in order.

Applicant was present

(19:59 to 20:00)

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2. U-65-84(HO) - CHARLES R. EVANS

Application of CHARLES R. EVANS for a Home Occupation Use Permit to allow a mail order business to sell antiquarian/out-of-print books on property located at 301 Eldorado Street in Zoning District R-1 (Single-Family Residence)

STAFF RECOMMENDATION: Item be held in ABEYANCE for Public Hearing and that the applicant pay the additional \$40.00 fee.

If approved, subject to the following conditions:

1. Conformance to the criteria for Home Occupations.
2. There shall be no storage of books on premises.

EMMETT

APPROVED, subject to Condition Number 1 only.

Unanimous

Bob Clemmer presented the application. He stated that if the applicant anticipated storing the books at this location, a public hearing would have to be held.

Mabel Belt appeared on behalf of the application and stated that the volume would only consist of about 5 books a week and that there would not be any delivery trucks coming or going.

(20:01 to 20:09)

3. U-70-84(HO) - ROSEMARY NOONER ON BEHALF OF JUDY DANNAN

Application of ROSEMARY NOONER ON BEHALF OF JUDY DANNAN for a Home Occupation Use Permit to allow a typing business on property located at 3617 Riviera Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following condition:

1. Conformance to the criteria for Home Occupations.

MEYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda

Unanimous

Bob Clemmer stated that the application was in order.

Applicant was present

(19:59 to 20:00)

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4. U-71-84(HO) - HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR

Application of HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR for a Home Occupation Use Permit to allow the assembling of dolls to sell on consignment on property located at 5800 Evergreen Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following conditions:

1. Conformance to the criteria for Home Occupations.

MYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda.
Unanimous

Bob Clemmer stated that the application was in order.

Applicant was present

(19:59 to 20:00)

5. V-110-84 - LAS VEGAS MORTGAGE COMPANY
Application of LAS VEGAS MORTGAGE COMPANY for a Variance to allow a manager's residence for an existing commercial storage unit complex where residential uses are not permitted on property located at 1999 North Rancho Drive in Zoning District C-2 (General Commercial).

STAFF RECOMMENDATION: APPROVAL, Subject to the following condition:

1. Conformance to the Plot Plan.

GILES

APPROVED, subject to conditions.
Unanimous

Bob Clemmer presented the plot plan. He stated that this was to be used for a watchman.

Jerry Bruner appeared on behalf of the application.

(20:10 to 20:11)

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ITEM

6. V-111-84 - NORSE LEASING CORPORATION

Application of NORSE LEASING CORPORATION for a Variance to allow the Nevada Association for the Handicapped to operate its Production Dynamics Workshop Program, which includes the light assembly of small sundry items where such assembly use is not permitted on property located at 2401 West Bonanza Road in Zoning District C-2 (General Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the Plot Plan.
2. All processing, manufacture and treatment shall be done in a completely enclosed building.
3. All storage of materials, equipment and products must be in a completely enclosed building.
4. The bulk of manufactured or assembled items and raw materials used in the manufacture or assembly of stored materials shall not exceed four percent (4%) of the cubic content of the building in which manufactured or assembled.
5. No more than seven (7) employees shall be engaged in the manufacture, treatment or processing.
6. There shall be no audible or noticeable indication of a manufacturing or assembling operation outside the building except advertising.
7. There shall be no smoke, dust or foreign matter emitted.
8. Machinery used in manufacture or assembly shall be precision, manned and driven by electric motors not exceeding one-half horse power (1/2 h.p.), larger electric motors may be permitted by the Planning Commission.
9. The assembled items shall not be larger than one cubic foot.

PROTESTS: 0

JUNIEL

APPROVED, subject to conditions
Unanimous

Bob Clemmer presented the plot plan.

Roberta Young appeared on behalf of the application.

No one appeared in opposition.

(20:11 to 20:12)

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7. V-112-84 - PATRICIA ANN MAHONEY
Application of PATRICIA ANN MAHONEY for a Variance to allow a child-care facility for six (6) children where only four (4) are permitted on property located at 6548 Figtree Road in Zoning District R-PD8 (Residential-Planned Development).

STAFF RECOMMENDATION: DENIAL

If approved, subject to:

1. Conformance to the Plot Plan.

PROTESTS: 0

MYERS
APPROVED, subject to condition.
Unanimous

Bob Clemmer presented the plot plan. He stated that this property is in the low density area and should be limited to 4 children.

Patricia and Mike Mahoney appeared on behalf of the application. They presented the Board with a letter and a petition with signatures in favor of the variance.

No one spoke in opposition.

(20:13 to 20:16)

8. V-113-84 - LILLIAN M. HOLMAN
Application of LILLIAN M. HOLMAN for a Variance to allow a rest home for 41 elderly persons (19 in Phase I and 22 in Phase II), with the following:

1. Provide 12 paved parking spaces where 19 paved spaces are required;
2. Access from a 24' wide paved street (Jones Boulevard), where 48' of pavement is required;
3. A portion of the Phase II building to be 2 stories high (to be used as a manager's residence), where only one (1) story is allowed.

The above request is on property located at 7229 Jones Boulevard in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL

PROTESTS: 15 total

MYERS
DENIED
Motion carried with Giles voting "no."

Bob Clemmer presented the plot plan. He stated the applicant had modified the plan to include only the south lot for a maximum of 11 people.

Lillian and Bruce Holman appeared on behalf of the application and presented a letter in favor of the variance. She stated that all she ever wanted was 11 people and that there had been some confusion over the amount she wanted.

Protestants:

Bernie Joseph, 7224 Boyd Lane, stated that the project had been misrepresented to him and requested that his name be withdrawn from Mrs. Holman's petition.

Jerry Fairchild presented letter from Sheep Mountain Homeowners Association

Lyn Wadsworth stated that this area was not suited for a rest home.

Brad Boyd, 6085 No. Serene, appeared on behalf of William Boyd.

A show of 9 hands in audience including protestants that spoke.

(20:17 to 20:43)

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9. V-114-84 - ANNA FOORMAN

Application of ANNA FOORMAN for a Variance to allow the renting of rooms to five (elderly) persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: DENIAL If approved, subject to the following conditions:

1. Conformance to the plot plan.
2. Provide three paved 9' x 16' off-street parking spaces as required by the Department of Community Planning & Development.
3. Standard conditions 2 through 8.
4. Provide interior access to the new addition over to the main part of the house.

PROTESTS: 1 on record
1 appeared

10. V-115-84 - SAVEWAY SUPER SERVICE STATIONS, INC.

Application of SAVEWAY SUPER SERVICE STATIONS, INC., for a Variance to allow an automotive repair garage operation which is not permitted on property located at 1100 South Main Street in Zoning District C-2 (General Commercial)

11. V-116-84 - RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC.

Application of RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC., for a Variance to allow a 6,273.5 Sq. Ft. on-premise sign for the Palace Station Hotel and Casino that will project 13' - 6" over the property line, where a maximum overhang of 3' is permitted on property located at 2411 West Sahara Avenue in Zoning District

EMMETT

APPROVED, subject to conditions except Condition number two be waived.

Motion carried with Bugbee voting "no."

Bob Clemmer stated that this was an inappropriate use.

Anna Foorman and Jim Stewart appeared on behalf of the application. She stated that there were three people already living with her and she wanted to have two additional people.

Protestants:

Scotty Gladstone, 2109 Moore Street, stated that this was against the C.C.R.'s.

(20:44 to 20:54)

WITHDRAWN

GILES

APPROVED, subject to conditions.
Unanimous

Bob Clemmer presented the plot plan.

Ray Larson, Larson Sign Company, appeared on behalf of the application.

No one appeared in opposition.

(20:55 to 20:57)

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12. V-117-84 - JANICE ANDREWS

Application of JANICE ANDREWS for a Variance to allow an addition to the residence 5' from the north side property where 10' is required on property located at 200 Canyon Drive in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL

If approved, subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

EMMETT

APPROVED, subject to conditions.
Unanimous

Bob Clemmer presented the plot plan and stated that there didn't appear to be any hardship involved.

David Rogers and Carolyn Rudin appeared on behalf of the application. He stated that he was purchasing the home.

Carolyn Rudin, Realtor, stated that she had spoken with the owner of the house next door and there were no objections.

No one appeared in opposition

(20:58 to 21:00)

13. V-118-84 - NEVADA SOUTHERN TITLE, INC.

Application of NEVADA SOUTHERN TITLE, INC., for a Variance to allow the lot sizes in the proposed mobile home subdivision to range from 50' x 90' to 60' x 91' where a minimum of 65' x 100' is required; and private streets where public streets are required; and to allow a quasi-public recreation area consisting of a clubhouse, swimming pool and jacuzzi to be operated by a homeowners' association on property generally located on the northeast corner of Lone Mountain Road and Oran K. Gragson Highway in Zoning District C-2 (General Commercial) and R-E (Residence Estates) (Proposed Zoning District R-MH (Mobile Home Residence)).

STAFF RECOMMENDATION: APPROVAL, subject to the following condition:

1. Approval of and conformance to the conditions of Z-76-84.

PROTESTS: 18 total

BUGBEE

DENIED
Unanimous

Bob Clemmer presented the plot plan. He stated that the zoning case would be heard by the City Council on November 21, 1984.

Kirk Anderson Appeared on behalf of the application. He stated that unless the variance were granted, the applicant would not proceed.

Protestants:

Elizabeth Neubauer, 4687 Balsam, stated that the traffic would increase and people in the area had horses and this would hamper them from riding.

Jackie Reeley, 4722 Balsam, objected to the increase in traffic and crime.

Mike Coolican, 4705 Balsam, stated the exit to the mobile park would be too close to the Fire Department's exit.

Snirley Comparoni, 4614 Balsam, objected to the increase in traffic and population this would cause.

A show of 18 hands in audience against including protestants who spoke.

Previous motion by Myers to approve failed with Emmett, Giles and Juniel voting "no."

(21:00 to 21:18)

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BOARD ACTION

14. V-119-84 - R.A. HOMES, INC.

Application of R.A. HOMES, INC., for a Variance to allow a side-yard setback on a corner lot of 11.4' where 15' is required on property located at 6437 Faithpeak Drive in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: DENIAL

If approved, subject to the following condition:

1. Conformance to the plot plan.

PROTESTS: 0

GILES

APPROVED, subject to conditions.
Unanimous

Bob Clemmer presented the plot plan and stated that this was a regular shaped lot.

Gary Lake appeared on behalf of the application.

No one appeared in opposition.

(21:19 to 21:20)

THERE WAS A SIX MINUTE RECESS

15. V-120-84 - EDWARD & LOU ANNA NORMAN

Application of Edward & Lou Anna Norman for a Variance to allow a commercial day-care facility with twenty (20) children maximum, and continued residential use on property located at 4995 Irene Avenue in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL If approved, subject to the following conditions:

1. Standard conditions 1 through 8.
2. Dedicate a 15' radius at the intersection of Lillian Street and Irene Avenue as requested by the Department of Design and Development.
3. Install street improvements on Lillian Street and Irene Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
4. Provide additional paved on-site parking for the loading and unloading of children as required by the Department of Design and Development.
5. Limit the age of the children from one and a half to five years and the hours to be from 6:30 A.M. to 10:00 P.M.

PROTESTS: 0

MYERS

APPROVED, subject to conditions except applicant to sign an Assessment District for street improvements and there shall be no age limit.
Unanimous

Bob Clemmer presented the plot plan and stated that there was no evidence of hardship.

Lou Anna Norman, Karen Arduno and Kelly Marshall appeared on behalf of the application. They presented a petition in favor of the variance.

No one appeared in opposition.

(21:26 to 21:33)

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BOARD ACTION

16. U-63-84 - ED HUTCHINS, DBA HUTCHINS ENTERPRISES

Application of ED HUTCHINS, DBA HUTCHINS ENTERPRISES for a Use Permit to allow quasi-public recreational facilities, including a swimming pool, for the use of the tenants of Trieste Court Subdivision on property located at 636 Trieste Court in Zoning District R-PD15 (Residential Planned Development).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the plot plan and elevations.
2. Standard conditions 2 through 8.
3. Provide C.C. & R.'s.

JUNIEL
 APPROVED, subject to conditions
 Unanimous

Bob Clemmer presented the plot plan.

Ed Hutchins appeared on behalf of the application.

No one appeared in opposition.

(21:34 to 21:36)

17. U-66-84 - THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL

Application of THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL for a Use Permit to allow a child-care facility for a maximum of twelve (12) children on property located at 4240 Keithann Circle in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the plot plan.

PROTESTS: 0

JUNIEL
 APPROVED, subject to conditions
 Unanimous

Bob Clemmer presented the plot plan.

Florence DeBill appeared on behalf of the application.

No one appeared in opposition.

(21:37 to 21:38)

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BOARD OF ZONING ADJUSTMENT

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BOARD ACTION

ITEM

18. U-67-84 - CHURCH OF CHRIST ON BEHALF OF
THE SOUTHERN NEVADA CHRISTIAN ACADEMY

Application of CHURCH OF CHRIST ON BEHALF
OF THE SOUTHERN NEVADA CHRISTIAN ACADEMY
for a Use Permit to allow a child-care
center for a maximum of twenty-one (21)
children and a private school,
(Kindergarten through 4th grade), for a
maximum of forty (40) children on property
located at 4000 West Oakey Boulevard in
Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. Conformance to the plot plan.
2. Dedicate 30' of right-of-way for Del
Monte Avenue as required by the Department
of Design and Development.
3. Standard condition number 8.

PROTESTS: 0

MYERS

APPROVED, subject to conditions
Unanimous

Bob Clemmer presented the plot plan.

R. D. Loftus, 1616 Hinson, appeared
on behalf of the application.

No one appeared in opposition.

(21:38 to 21:39)

19. U-68-84 - PAUL FERGUSON, ET AL

Application of PAUL FERGUSON, ET AL, for a
Use Permit to allow a Class III Secondhand
Dealer for the sale of used children's
clothing and furnishings on property
located at 1014 North Rancho Drive in
Zoning District C-2 (General Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. Conformance to the plot plan.

PROTESTS: 1 on record

EMMETT

APPROVED, subject to conditions
Unanimous

Bob Clemmer presented the plot plan.

Thomalyn Palivos appeared on behalf of
the application.

No one appeared in opposition.

Note: Date for public hearing will
be set at the November 7, 1984 City
Council meeting. Public Hearing will
be heard at the November 21, 1984
City Council meeting.

(21:40 to 21:41)

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BOARD ACTION

ITEM

20. V-94-83 - ALEX F. & BETTY L. GLENN (REVIEW OF CONDITION)

Request of ALEX F. & BETTY L. GLENN to modify Condition #2 of their approved Variance which requires the removal of the existing fences on property located at 3700 Thom Boulevard in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Condition number 2 of the original approval is hereby amended to "Removal of the existing buildings and fences from the site, except the fence between parcels 3 and 4."
2. Approval by the owner of parcel 3.

JUNIEL

APPROVED, subject to conditions
Unanimous

Bob Clemmer presented the request.

Alex Glenn appeared on behalf of the application.

No one appeared in opposition.

(21:41 to 21:43)

21. V-5-80 - E.G. COMITO, SAN TROPEZ COUNTRY CLUB - (EXTENSION OF TIME)

Request of E.G. COMINTO, SAN TROPEZ COUNTRY CLUB, for a six-month Extension of Time on an approved Variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. The extension of time shall expire on May 5, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

MYERS

EXTENSION OF TIME APPROVED subject to conditions.
Unanimous

Bob Clemmer presented the request.

James Comito appeared

(21:44 to 21:45)

AGENDA

OCTOBER 25, 1984

*City of Las Vegas***BOARD OF ZONING ADJUSTMENT**

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ITEM

BOARD ACTION

22. U-22-84(HO) - PATRICK R. & VICKIE C. HAYDEN - (SIX-MONTH REVIEW)
 PATRICK R. & VICKIE C. HAYDEN for a six-month Review of an approved Home Occupation Use Permit to teach swimming on property located at 3926 Helen Avenue in Zoning District R-E (Residence Estates).
- STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:
1. Condition number 4 of the original approval is hereby expunged.

MYERS
 APPROVED that condition be expunged
 Unanimous

Bob Clemmer stated that no complaints had been received during the last six months.

Pat Hayden appeared

(21:45 to 21:46)

23. V-48-84 - DOLORESA M. RENKIEWICZ - (EXTENSION OF TIME)
 Request of DOLORESA M. RENKIEWICZ for a six-month Extension of Time on an approved Variance which allowed offices where such use is not permitted and provided only four (4) parking spaces where six (6) spaces are required on property located at 614 North 10th Street in Zoning District R-3 (Limited Multiple Residence).
- STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:
1. The variance will expire April 20, 1985.
 2. Conformance to all ordinance amendments enacted subsequent to the original approval.

MYERS
 EXTENSION OF TIME APPROVED as recommended
 Unanimous

Bob Clemmer stated that this was the first request for an extension of time.

John Funk & Doloresa Renkiewicz Funk appeared on behalf of the application.

(21:47 to 21:48)

AGENDA*City of Las Vegas*

OCTOBER 25, 1984

BOARD OF ZONING ADJUSTMENT

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ITEM

BOARD ACTION

SUPPLEMENTAL AGENDA:

1. U-72-84(HO) - KENNETH A. & NANCY J. MERCER
Application of KENNETH A. & NANCY J. MERCER for a Home Occupation Use Permit to allow a mail order business for gift and novelty items on property located at 5820 Westport Circle in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the criteria for Home Occupations.

2. V-43-84 - JOHN E. KENNEY, JR. - (EXTENSION OF TIME)

Request of JOHN E. KENNEY, JR. for a six-month Extension of Time on an approved Variance which allowed a commercial self-storage facility on property generally located on the east side of Pecos Road between Bonanza Road and Diamond Head Drive in Zoning District C-1 (Limited Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. The variance shall expire May 16, 1985.

3. V-50-83 - ROBERTA HARRIS, ET AL - (EXTENSION OF TIME)

Request of ROBERTA HARRIS, ET AL, for a one-year Extension of Time on an approved Variance which allowed a commercial printing company where such use is not permitted on property located at 1201 Arville Street in Zoning District R-E (Under Resolution of Intent to P-R).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. The variance shall expire November 17, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

MYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda.
Unanimous

Bob Clemmer stated that the application was in order.

Applicant present

(19:59 to 20:00)

GILES

EXTENSION OF TIME APPROVED as
as recommended
Unanimous

Bob Clemmer stated that this was the first request for an extension of time.

Jack Kenney appeared on behalf of the application.

Note: This item to be heard at the November 21, 1984 City Council meeting.

(21:48 to 21:49)

MYERS

EXTENSION OF TIME APPROVED as
recommended

Unanimous

Roberta Harris appeared on behalf of the application.

MEETING ADJOURNED APPROXIMATELY AT
10:00 P.M.

AGENDA

City of Las Vegas

October 25, 1984

BOARD OF ZONING ADJUSTMENT

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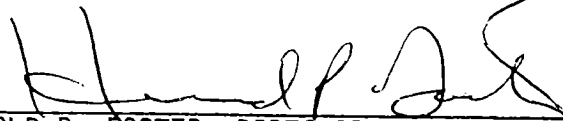
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

/s/

City of Las Vegas
BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

CALL TO ORDER:

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

Chairman Bugbee called the meeting to order at 7:30 PM in the Council Chambers.

ROLL CALL:

Robert Bugbee, Chairman - Present
Jessie Emmett - Present
Robert Giles - Present
Bonnie Juniel - Present
Helen Myers - Present

Staff Present

Harold Foster, Director
Community Planning &
Development
Robert Clemmer, Chief of
Zoning
Val Steed, Deputy City
Attorney
Sandra LeBoeuf, Deputy
City Clerk

ANNOUNCEMENTS:

Satisfaction of Open Meeting Law and reading of Standard Conditions and requirements for filing an appeal.

Robert Clemmer announced the meeting was in compliance with the Open Meeting Law and read the Standard Conditions into the record.

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 Tuesday following the Board's meeting).

Announcement made by
Chairman Bugbee

City of Las Vegas
BOARD OF ZONING ADJUSTMENT

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ITEM

BOARD ACTION

ABEYANCE ITEM:

1. V-106-84 - THOMAS T. BEAM - (Abeyance from 9/27/84)

Application of THOMAS T. BEAM for a Variance to allow an additional 15,000 square feet of future food service/restaurant uses with the existing 408 parking spaces in this shopping center where 648 spaces would be required on property generally located on the southwest corner of Bonanza Road and Eastern Avenue in Zoning District C-1 (Limited Commercial).

STAFF RECOMMENDATION: DENIAL

If approved, staff recommended the following conditions:

1. Conformance to the Plot Plan.
2. The maximum parking deficiency shall not exceed 65 spaces.

PROTESTS: 1 on record
2 appeared

NEW BUSINESS:

1. U-64-84(HO) - VIRGINIA BROOKS BREWSTER
Application of VIRGINIA BROOKS BREWSTER for a Home Occupation Use Permit to allow the sale of women's hats and hosiery on property located at 329 Frederick Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following conditions:

1. Conformance to the criteria for Home Occupations.

GILES
APPROVED

Motion carried with Bugbee and Juniel voting "no."

Jim Meredith and Bob Diesel appeared on behalf of the application.

Protestants:

Ron Elrod, Supervisor, Lucky Food Store

Richard Rodriguez, Sizzler

MYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda
Unanimous

Applicant was present

City of Las Vegas

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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BOARD ACTION

ITEM

2. U-65-84(HO) - CHARLES R. EVANS
Application of CHARLES R. EVANS for a Home Occupation Use Permit to allow a mail order business to sell antiquarian/out-of-print books on property located at 301 Eldorado Street in Zoning District R-1 (Single-Family Residence)

STAFF RECOMMENDATION: Item be held in ABEYANCE for Public Hearing and that the applicant pay the additional \$40.00 fee.

If approved, subject to the following conditions:

1. Conformance to the criteria for Home Occupations.
2. There shall be no storage of books on premises.

EMMETT
APPROVED, subject to Condition Number 1 only.
Unanimous

Mabel Belt appeared on behalf of the application.

3. U-70-84(HO) - ROSEMARY NOONER ON BEHALF OF JUDY DANNAN

Application of ROSEMARY NOONER ON BEHALF OF JUDY DANNAN for a Home Occupation Use Permit to allow a typing business on property located at 3617 Riviera Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following condition:

1. Conformance to the criteria for Home Occupations.

MEYERS
APPROVED Items 1, 3, 4 and Item 1 of the Supplemental Agenda
Unanimous

Applicant was present

City of Las Vegas

BOARD OF ZONING ADJUSTMENT

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

4. U-71-84(HO) - HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR

Application of HERTA P. THOMPSON ON BEHALF OF JENNY A. SEYMOUR for a Home Occupation Use Permit to allow the assembling of dolls to sell on consignment on property located at 5800 Evergreen Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, Subject to the following condition:

1. Conformance to the criteria for Home Occupations.

MYERS

APPROVED Items 1, 3, 4 and Item 1 on the Supplemental Agenda.
Unanimous

Applicant was present

5. V-110-84 - LAS VEGAS MORTGAGE COMPANY
Application of LAS VEGAS MORTGAGE COMPANY for a Variance to allow a manager's residence for an existing commercial storage unit complex where residential uses are not permitted on property located at 1999 North Rancho Drive in Zoning District C-2 (General Commercial).

STAFF RECOMMENDATION: APPROVAL, Subject to the following condition:

1. Conformance to the Plot Plan.

Protests 0

GILES

APPROVED, subject to conditions.
Unanimous

Jerry Bruner appeared on behalf of the application.

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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BOARD ACTION

6. V-111-84 - NORSE LEASING CORPORATION
Application of NORSE LEASING CORPORATION
for a Variance to allow the Nevada
Association for the Handicapped to operate
its Production Dynamics Workshop Program,
which includes the light assembly of small
sundry items where such assembly use is not
permitted on property located at 2401 West
Bonanza Road in Zoning District C-2
(General Commercial).
- STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:
1. Conformance to the Plot Plan.
 2. All processing, manufacture and treatment
shall be done in a completely enclosed
building.
 3. All storage of materials, equipment and
products must be in a completely enclosed
building.
 4. The bulk of manufactured or assembled
items and raw materials used in the manu-
facture or assembly of stored materials
shall not exceed four percent (4%) of the
cubic content of the building in which
manufactured or assembled.
 5. No more than seven (7) employees shall be
engaged in the manufacture, treatment or
processing.
 6. There shall be no audible or noticeable
indication of a manufacturing or
assembling operation outside the building
except advertising.
 7. There shall be no smoke, dust or foreign
matter emitted.
 8. Machinery used in manufacture or assembly
shall be precision, manned and driven by
electric motors not exceeding one-half
horse power (1/2 h.p.), larger electric
motors may be permitted by the Planning
Commission.
 9. The assembled items shall not be larger
than one cubic foot.

PROTESTS: 0

JUNIEL
APPROVED, subject to conditions
Unanimous

Roberta Young appeared on behalf of
the application.

No one appeared in opposition.

City of Las Vegas
BOARD OF ZONING ADJUSTMENT

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

7. V-112-84 - PATRICIA ANN MAHONEY
Application of PATRICIA ANN MAHONEY for a Variance to allow a child-care facility for six (6) children where only four (4) are permitted on property located at 6548 Figtree Road in Zoning District R-PD8 (Residential-Planned Development).

STAFF RECOMMENDATION: DENIAL

If approved, subject to:

1. Conformance to the Plot Plan.

PROTESTS: 0

MYERS
APPROVED, subject to condition.
Unanimous

Patricia and Mike Mahoney appeared on behalf of the application. They presented the Board with a letter and a petition with signatures in favor of the variance.

No one spoke in opposition.

8. V-113-84 - LILLIAN M. HOLMAN
Application of LILLIAN M. HOLMAN for a Variance to allow a rest home for 41 elderly persons (19 in Phase I and 22 in Phase II), with the following:

1. Provide 12 paved parking spaces where 19 paved spaces are required;
2. Access from a 24' wide paved street (Jones Boulevard), where 48' of pavement is required;
3. A portion of the Phase II building to be 2 stories high (to be used as a manager's residence), where only one (1) story is allowed.

The above request is on property located at 7229 Jones Boulevard in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL

PROTESTS: 8 on record
7 appeared

MYERS
DENIED
Motion carried with Giles voting "no."

Lillian and Bruce Holman appeared on behalf of the application and presented a letter in favor of the variance. They wished to amend their application to 11 persons only.

Protestants:

Bernie Joseph, 7224 Boyd Lane

Jerry Fairchild presented letter from Sheep Mountain Homeowners Association

Lyn Wadsworth

Brad Boyd, 6085 No. Serene

A show of 9 hands in audience including protestants that spoke.

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ITEM

BOARD ACTION

9. V-114-84 - ANNA FOORMAN

Application of ANNA FOORMAN for a Variance to allow the renting of rooms to five (elderly) persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: DENIAL If approved, subject to the following conditions:

1. Conformance to the plot plan.
2. Provide three paved 9' x 16' off-street parking spaces as required by the Department of Community Planning & Development.
3. Standard conditions 2 through 8.
4. Provide interior access to the new addition over to the main part of the house.

PROTESTS: 1 on record
1 appeared

EMMETT

APPROVED, subject to conditions except Condition number two be waived.

Motion carried with Bugbee voting "no."

Anna Foorman and Jim Stewart appeared on behalf of the application.

Protestants:

Scotty Gladstone, 2109 Moore Street

10. V-115-84 - SAVEWAY SUPER SERVICE STATIONS, INC.

Application of SAVEWAY SUPER SERVICE STATIONS, INC., for a Variance to allow an automotive repair garage operation which is not permitted on property located at 1100 South Main Street in Zoning District C-2 (General Commercial)

WITHDRAWN

11. V-116-84 - RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC.

Application of RICHFIELD DEVELOPMENT, ON BEHALF OF BINGO PALACE CASINO, INC., for a Variance to allow a 6,273.5 Sq. Ft. on-premise sign for the Palace Station Hotel and Casino that will project 13' - 6" over the property line, where a maximum overhang of 3' is permitted on property located at 2411 West Sahara Avenue in Zoning District C-1 (Limited Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the plot plan and elevations amended to extend into the right-of-way a maximum of 5'6" to the curb line.
2. Approval of an encroachment.

PROTESTS: 0

GILES

APPROVED, subject to conditions. Unanimous

Ray Larson, Larson Sign Company, appeared on behalf of the application.

No one appeared in opposition.

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BOARD ACTION

ITEM

12. V-117-84 - JANICE ANDREWS

Application of JANICE ANDREWS for a Variance to allow an addition to the residence 5' from the north side property where 10' is required on property located at 200 Canyon Drive in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL

If approved, subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

EMMETT

APPROVED, subject to conditions.
Unanimous

David Rogers and Carolyn Rudin appeared on behalf of the application.

No one appeared in opposition

13. V-118-84 - NEVADA SOUTHERN TITLE, INC.

Application of NEVADA SOUTHERN TITLE, INC., for a Variance to allow the lot sizes in the proposed mobile home subdivision to range from 50' x 90' to 60' x 91' where a minimum of 65' x 100' is required; and private streets where public streets are required; and to allow a quasi-public recreation area consisting of a clubhouse, swimming pool and jacuzzi to be operated by a homeowners' association on property generally located on the northeast corner of Lone Mountain Road and Oran K. Gragson Highway in Zoning District C-2 (General Commercial) and R-E (Residence Estates) (Proposed Zoning District R-MH (Mobile Home Residence)).

STAFF RECOMMENDATION: APPROVAL, subject to the following condition:

1. Approval of and conformance to the conditions of Z-76-84.

PROTESTS: 0 on record
18 appeared

BUGBEE

DENIED

Unanimous

Kirk Anderson Appeared on behalf of the application.

Protestants:

Elizabeth Neubauer, 4687 Balsam

Jackie Reeley, 4722 Balsam

Mike Coolican, 4705 Balsam

Shirley Comparoni, 4614 Balsam

A show of 18 hands in audience against including protestants who spoke.

Previous motion by Myers to approve failed with Emmett, Giles and Juniel voting "no."

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

14. V-119-84 - R.A. HOMES, INC.

Application of R.A. HOMES, INC., for a Variance to allow a side-yard setback on a corner lot of 11.4' where 15' is required on property located at 6437 Faithpeak Drive in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: DENIAL

If approved, subject to the following condition:

1. Conformance to the plot plan.

PROTESTS: 0

GILES
APPROVED, subject to conditions.
Unanimous

Gary Lake appeared on behalf of the application.

No one appeared in opposition.

15. V-120-84 - EDWARD & LOU ANNA NORMAN

Application of Edward & Lou Anna Norman for a Variance to allow a commercial day-care facility with twenty (20) children maximum, and continued residential use on property located at 4995 Irene Avenue in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: DENIAL If approved, subject to the following conditions:

1. Standard conditions 1 through 8.
2. Dedicate a 15' radius at the intersection of Lillian Street and Irene Avenue as requested by the Department of Design and Development.
3. Install street improvements on Lillian Street and Irene Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
4. Provide additional paved on-site parking for the loading and unloading of children as required by the Department of Design and Development.
5. Limit the age of the children from one and a half to five years and the hours to be from 6:30 A.M. to 10:00 P.M.

PROTESTS: 0

MYERS
APPROVED, subject to conditions except applicant to sign an Assessment District for street improvements and there shall be no age limit.
Unanimous

Lou Anna Norman, Karen Arduno and Kelly Marshall appeared on behalf of the application. They presented a petition in favor of the variance.

No one appeared in opposition.

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ITEM

BOARD ACTION

16. U-63-84 - ED HUTCHINS, DBA HUTCHINS ENTERPRISES

Application of ED HUTCHINS, DBA HUTCHINS ENTERPRISES for a Use Permit to allow quasi-public recreational facilities, including a swimming pool, for the use of the tenants of Trieste Court Subdivision on property located at 636 Trieste Court in Zoning District R-PD15 (Residential Planned Development).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the plot plan and elevations.
2. Standard conditions 2 through 8.
3. Provide C.C. & R.'s.

Protests: 0

JUNIEL
APPROVED, subject to conditions
Unanimous

Ed Hutchins appeared

No one appeared in opposition.

17. U-66-84 - THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL

Application of THOMAS WHITTLE ON BEHALF OF FLORENCE E. DE BILL for a Use Permit to allow a child-care facility for a maximum of twelve (12) children on property located at 4240 Keithann Circle in Zoning District R-1 (Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Conformance to the plot plan.

PROTESTS: 0

JUNIEL
APPROVED, subject to conditions
Unanimous

Florence DeBill appeared on behalf of the application.

No one appeared in opposition.

BOARD OF ZONING ADJUSTMENT

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ITEM

BOARD ACTION

18. U-67-84 - CHURCH OF CHRIST ON BEHALF OF
THE SOUTHERN NEVADA CHRISTIAN ACADEMY

Application of CHURCH OF CHRIST ON BEHALF
OF THE SOUTHERN NEVADA CHRISTIAN ACADEMY
for a Use Permit to allow a child-care
center for a maximum of twenty-one (21)
children and a private school,
(Kindergarten through 4th grade), for a
maximum of forty (40) children on property
located at 4000 West Oakey Boulevard in
Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. Conformance to the plot plan.
2. Dedicate 30' of right-of-way for Del
Monte Avenue as required by the Department
of Design and Development.
3. Standard condition number 8.

PROTESTS: 0

MYERS

APPROVED, subject to conditions
Unanimous

R. D. Loftus, 1616 Hinson, appeared
on behalf of the application.

No one appeared in opposition.

19. U-68-84 - PAUL FERGUSON, ET AL
Application of PAUL FERGUSON, ET AL, for a
Use Permit to allow a Class III Secondhand
Dealer for the sale of used children's
clothing and furnishings on property
located at 1014 North Rancho Drive in
Zoning District C-2 (General Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. Conformance to the plot plan.

PROTESTS: 1 on record

EMMETT

APPROVED, subject to conditions
Unanimous

Thomalyn Palivos appeared on behalf of
the application.

No one appeared in opposition.

Note: Date for public hearing will
be set at the November 7, 1984 City
Council meetig. Public Hearing will
be heard at the November 21, 1984
City Council meeting.

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

20. V-94-83 - ALEX F. & BETTY L. GLENN (REVIEW OF CONDITION)

Request of ALEX F. & BETTY L. GLENN to modify Condition #2 of their approved Variance which requires the removal of the existing fences on property located at 3700 Thom Boulevard in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Condition number 2 of the original approval is hereby amended to "Removal of the existing buildings and fences from the site, except the fence between parcels 3 and 4."
2. Approval by the owner of parcel 3.

JUNIEL
APPROVED, subject to conditions
Unanimous

Alex Glenn appeared on behalf of the application.

No one appeared in opposition.

21. V-5-80 - E.G. COMITO, SAN TROPEZ COUNTRY CLUB - (EXTENSION OF TIME)

Request of E.G. COMINTO, SAN TROPEZ COUNTRY CLUB, for a six-month Extension of Time on an approved Variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock and Tonopah Drives in Zoning District R-E (under Resolution of Intent to R-PD8).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. The extension of time shall expire on May 5, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

MYERS
EXTENSION OF TIME APPROVED subject to conditions.
Unanimous

James Comito appeared

City of Las Vegas
BOARD OF ZONING ADJUSTMENT

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

BOARD ACTION

ITEM

22. U-22-84(HO) - PATRICK R. & VICKIE C. HAYDEN - (SIX-MONTH REVIEW)
PATRICK R. & VICKIE C. HAYDEN for a six-month Review of an approved Home Occupation Use Permit to teach swimming on property located at 3926 Helen Avenue in Zoning District R-E (Residence Estates).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. Condition number 4 of the original approval is hereby expunged.

MYERS
APPROVED that condition be expunged
Unanimous

Pat Hayden appeared

23. V-48-84 - DOLORESA M. RENKIEWICZ - (EXTENSION OF TIME)

Request of DOLORESA M. RENKIEWICZ for a six-month Extension of Time on an approved Variance which allowed offices where such use is not permitted and provided only four (4) parking spaces where six (6) spaces are required on property located at 614 North 10th Street in Zoning District R-3 (Limited Multiple Residence).

STAFF RECOMMENDATION: APPROVAL, subject to the following conditions:

1. The variance will expire April 20, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

MYERS
EXTENSION OF TIME APPROVED as recommended
Unanimous

John Funk & Doloresa Renkiewicz Funk appeared on behalf of the application.

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

SUPPLEMENTAL AGENDA:

1. U-72-84(HO) - KENNETH A. & NANCY J. MERCER
Application of KENNETH A. & NANCY J. MERCER
for a Home Occupation Use Permit to allow a
mail order business for gift and novelty
items on property located at 5820 Westport
Circle in Zoning District R-1
(Single-Family Residence).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. Conformance to the criteria for Home
Occupations.

2. V-43-84 - JOHN E. KENNEY, JR. - (EXTENSION
OF TIME)

Request of JOHN E. KENNEY, JR. for a six-
month Extension of Time on an approved
Variance which allowed a commercial self-
storage facility on property generally
located on the east side of Pecos Road bet-
ween Bonanza Road and Diamond Head Drive in
Zoning District C-1 (Limited Commercial).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. The variance shall expire May 16, 1985.

3. V-50-83 - ROBERTA HARRIS, ET AL -
(EXTENSION OF TIME)

Request of ROBERTA HARRIS, ET AL, for a
one-year Extension of Time on an approved
Variance which allowed a commercial
printing company where such use is not per-
mitted on property located at 1201 Arville
Street in Zoning District R-E (Under
Resolution of Intent to P-R).

STAFF RECOMMENDATION: APPROVAL, subject to
the following conditions:

1. The variance shall expire November 17,
1985.
2. Conformance to all ordinance amendments
enacted subsequent to the original
approval.

MYERS

APPROVED Items 1, 3, 4 and Item 1 on
the Supplemental Agenda.

Unanimous

Applicant present

GILES

EXTENSION OF TIME APPROVED as
as recommended

Unanimous

Jack Kenney appeared on behalf of the
application.

Note: This item to be heard at the
November 21, 1984 City Council
meeting.

MYERS

EXTENSION OF TIME APPROVED as
recommended

Unanimous

Roberta Harris appeared on behalf of
the application.

MEETING ADJOURNED APPROXIMATELY AT
10:00 P.M.

- CHAIRMAN BUGBEE: Item 8, V-113-84, Lillian M. Holman. A variance to allow a rest home for 41 elderly persons (19 in Phase I and 22 in Phase II), with the following: Provide 12 parking spaces where 19 are required; access 24' wide paved street (Jones Boulevard), where 48' is required; a portion of the Phase II building to be 2 stories high (to be used only as a manager's residence), where only one story is allowed. The above request is on property located at 7229 Jones Boulevard and I would assume that's North Jones Boulevard, in Zoning District R-E.
- ROBERT CLEMMER: Yes, this is in -- the map on the far wall in the 7,000th block of North Jones and the parcel there is shown bisected in the middle. The south parcel is where her existing home is now and the north parcel is vacant virtually at this time. I think when she came to the office to discuss her aspirations of providing a rest home there, she mentioned in the future that she probably like to include that north lot and we possibly led her to believe that she should probably submit it to you. I think she feels now that that was inappropriate. She wants only to use the south lot which is approximately an acre where the house is for a maximum of 11 persons rather than the total 41 that's --
- CHAIRMAN BUGBEE: Are they on public water or have a well out there?
- ROBERT CLEMMER: I imagine would be well. The applicant can explain that.
- CHAIRMAN BUGBEE: Don't we have certain fire requirements involved when we're putting old people in there? I mean, how can you run a sprinkling system off a well unless you have huge water reserve?
- ROBERT CLEMMER: Okay. These people that she's going to care for are mentally alert, fully ambulatory. The types of services she proposes to provide will be meals, room, clothing, cleaning of rooms and driving services. The people, she says for the most part, won't be capable of driving at their age. They're mentally sound, well and able except in the driving respect. The code provides that you can have a rest home up to a density of 25 beds per acre. Her site's approximately an acre. The building would be limited to one story. She'd have to provide the required nine parking spaces and buffer with a six-foot block wall or hedge. She proposes both a six-foot wall and some hedging. The fact though that the code calls for a 48' paved width means that the rest homes of this type should be more or less in central areas where there's major streets or fully improved collectors. The fact that

ROBERT CLEMMER: she's on a 24' wide street indicates to staff that it's probably a premature application. When Jones becomes a fully travelled primary and up to its full width, at that point in time possibly the use for housing would be not as desirable; some of the amenities would have been lost and then a rest home would be more appropriate. So staff is recommending DENIAL on this case tonight. We do have 8 protests of record.

CHAIRMAN BUGBEE: Is the applicant present?

COMMISSIONER GILES: Mr. Clemmer, did I understand you to say that you're looking at a maximum of 11 inhabitants of this home versus the 19 and 22 in Phase I and II?

ROBERT CLEMMER: Yes. Phase I was this south property where she proposed 19. Phase II was the north property which she's asked that that be dropped and she's reduced the total number in Phase I from 19 to 11.

COMMISSIONER JUNIEL: There will be no Phase II?

ROBERT CLEMMER: Pardon.

COMMISSIONER JUNIEL: There will be no Phase II?

ROBERT CLEMMER: No, she doesn't intend Phase II now.

COMMISSIONER JUNIEL: Oh, she just wants the 11.

ROBERT CLEMMER: That'll be the limit.

LILLIAN M. HOLMAN: May I say, there's been some confusion from --

COMMISSIONER GILES: Give us your name and address, please.

LILLIAN M. HOLMAN: Excuse me. Lillian M. Holman, 7229 North Jones. There has been confusion on the number of residents that I originally, three times throughout the discussion of the variance and its wording, asked for. - Before I even went for a variance, I went around the neighborhood much like the people before me. I showed a sketch and I fortunately still have it which showed clearly wanting to build on an addition to my home of 8 rooms with future development. I also had a sketch of a home to show them that would be well in keeping with the area involved, a very Spanish looking home. I answered questions. I told them this would be one person per room. I received signatures of support, some neighbors offering more

LILLIAM M. HOLMAN:

support than just a signature. On the basis of this, I went for the variance and there was a mistake. I was wanting 8 people in 8 individual rooms. Three people are a matter of right for any homeowner. Eight and three were eleven. That's all I ever wanted. That's all I ever requested. Phase II was asked for as 11 rooms, 11 people. I wanted to build a quality situation for quite ambulatory and well people and particularly in the residential semi-rural, the area where I live, where people can get out and walk and it's not confined to a small home lot where people have two people in a spare bedroom. This would be the finest type of care for board and care and that's what it's called, residential board and care. It's meant to be had in residents. It's not meant to be had, although they are in town closer -- they're in every segment of the housing populations in this city. Whether they're out on Warm Springs on acre lots or on Pecos and Sandhill. With the confusion of the number came the confusion of the terminology. I was called and said, with this number, they could only term it a rest home, and that really upset some of my neighbors. I told Building and Planning my neighbors would never believe it. It's not what I presented to them and there's been a lot of misunderstanding. On this second floor, it was always a variable. I did say to Building and Planning, if it's not in the code, take it off. They expressed that maybe I could ask and if it was not acceptable, fine, take it off. Jones will be a major street in time. It was expressed to me that, yes, this was the purpose of the street further down the road. I had a lot of upset with neighbors that did all sign the consent or support and it has been distressing. I also have one here that I would like to read just for the record. This is from the lady who's closest to the intersection, the most beginning person in the whole neighborhood and she writes, "To Whom It May Concern, In reference to the project of caring for senior citizens by Lillian M. Holman, I wish to state that my husband and I can see no way in which it would be an infringement on the neighborhood. From her plans, she, Mrs. Holman wants to build" -- and she calls it even a rest home -- "or home to provide rooms for 8 boarders, senior citizens. She has told me the neighbors there would be only ambulatory cases, no mental cases. So in no way could nor would they bother her neighbors, total 11 people. We think that in doing this she is aiding seniors who need help. We wish there were more people like her to give their services and property to help these seniors that need a good home. We will support her in any way that we can."

CHAIRMAN BUGBEE: Is that letter dated?

LILLIAN M. HOLMAN: The project for senior citizens in this city is tremendous increase in growth. We are 113% increase in the previous ten years of the people that are 65 years of age and older. The State of Arizona used to be the leader in the above age 65 population and we are 22% ahead of them.

COMMISSIONER GILES: Pardon my interruption, but let's keep it to your application. I don't-- all those statistics get beyond my comprehension. Your requesting now for 11 people in your home, is that correct?

LILLIAN M. HOLMAN: Three in the home and an addition of 8 rooms, one in each room, yes.

COMMISSIONER GILES: Well, that's a long shot from the 41 I'm seeing on my document here. Now, with these 12 parking spaces for 11, how does that relate back to this application?

ROBERT CLEMMER: Well, she proposes on the plan to provide 10 in the first phase although the code only requires 9. So she'd be allowed only to provide 9 parking spaces.

COMMISSIONER GILES: Now then with Jones undeveloped at this point, where are we looking at the 24 foot presently to the 48 foot wide pavement?

ROBERT CLEMMER: Well, the code calls for 48 foot wide pavement before we allow a rest home and in this case, it doesn't have -- she's asking for the variance on that point.

LILLIAN M. HOLMAN: This is a residential care. We do have a surface street on Jones, 24 feet of surface pavement and this is a residential care.

COMMISSIONER GILES: Now, I understand that your Phase II is not in your consideration at this time, you're withdrawing that or we're saying, no Phase II, so that eliminates the two stories, is that --

LILLIAN M. HOLMAN: Yes, it does. This was as a respect to my neighbors.

COMMISSIONER GILES: Thank you.

CHAIRMAN BUGBEE: Thank you. This is a public hearing. Is there anyone here to speak against this action?

BERNIE JOSEPH: Yes.

CHAIRMAN BUGBEE: How many people here are representing opposition?
Would you hold your hands up please so we can
count them. Nine people.

COMMISSIONER JUNIEL: Mr. Clemmer, at 7,000 North Jones, is that what
is located there?

ROBERT CLEMMER: Pardon.

COMMISSIONER JUNIEL: 7,000 North Jones.

ROBERT CLEMMER: What about it?

COMMISSIONER JUNIEL: What's there, do you know? Some type of a home.

ROBERT CLEMMER: I think that's about it. Just scattered estate
type housing on half acre sites or larger, probably
acre sites because as Mr. Bugbee pointed out, well
water.

COMMISSIONER MYERS: What is the definition of a rest home?

ROBERT CLEMMER: A rest home is included in a group in the code dealing
with convalescent and rest homes and --

COMMISSIONER MYERS: Is there a maximum or minimum number?

ROBERT CLEMMER: Pardon.

COMMISSIONER MYERS: Is there a maximum or minimum number required?

ROBERT CLEMMER: Yes. In a rest home, in the City Code, you're allowed
to have 25 beds per acre.

COMMISSIONER MYERS: Is there anything -- her indication is that it became
a rest home when it got to 41 or whatever 19 --

ROBERT CLEMMER: No, it became a rest home when it exceeded three.

COMMISSIONER MYERS: When it exceeded three.

ROBERT CLEMMER: They're permitted to have three persons rent rooms in
their house and that's it.

COMMISSIONER MYERS: Okay.

LILLIAN M. HOLMAN: This is --

CHAIRMAN BUGBEE: Yes, sir. Just a minute.

BERNIE JOSEPH: Good evening. My name is Bernie Joseph and along with my wife Beverly, we reside at 7224 Boyd Lane. We were notified by mail of a request by Lillian M. Holman's application V-113-84 for a variance to allow a 41 bed rest home. We would like to go on record as strongly opposed to this variance application. The project was presented to my wife and myself by Mrs. Holman giving us her professional background and telling us there's an urgent need for home care for geriatric ambulatory patients. She said she would offer her professional care in her home using her kitchen for 5 or 6 beds. My wife and I felt that was a very kind approach towards senior citizens in need of that personal care. So, taking everything into consideration and having been told that our neighbors did not object, we signed the form petitioning the Planning Board for approval of her request. We were completely shocked when we received the letter from the Planning Board asking for three variances and a 41 patient rest home completely out of context -- the original presentation to us. We feel this area being R-2 has already been established as Ranch Estates. Most of the neighbors have horses and off-road vehicles. Most of our roads are dirt roads poorly lighted and full of dust. Every time a car or truck passes by -- The recent rains caused extensive flooding in our area. If Mrs. Holman proposes to give the best possible care to her patients, what kind of outside benefits would this offer. Because of the misrepresentation to us, we object to the requested variances and request that our names would be withdrawn from the original petition. I'd also like to note that this house, the Holman house, has been for sale for a year and there's presently a for sale sign out in front of the house. How could she have these proposed projects and still have the house for sale? I asked her, "if somebody comes along and buys your house, will you drop the plans?" She said, "yes." So it's completely contradictory. She wants to build something. She wants to sell her house.

COMMISSIONER GILES: Sir, would you address yourself for my benefit anyway from the 41 member application to the 11 that's come under discussion. How do you feel about 11?

BERNIE JOSEPH: Absolutely not. I think this is an aggressive plan of hers to open the door, get her foot in there and eventually -- she bought that land next door to expand. It's not a profitable making business until it's over 10. Her break-even point is 10, that's what she told me. So there's no way she's going to go into business for

BERNIE JOSEPH: just her, you know, convenience. She's got to make money there.

CHAIRMAN BUGBEE: Thank you. Anyone else to speak on this matter?

JERRY FAIRCHILD: My name is Jerry Fairchild and I'm running for the State Assembly out in that area and I was asked by some of the people to come here and represent them and also --

COMMISSIONER GILES: Mr. Fairchild, what does running for State Assembly in that area have to do with this application?

JERRY FAIRCHILD: Well, the people out in that area -- I represent them and they asked me -- I live within a mile and a half of that anyway. I mean, you know, I live right down the road.

COMMISSIONER GILES: Well, I'm lost. I still don't see what that has to do with this application.

JERRY FAIRCHILD: Well, okay, I'll tell you. The Chairman of the Sheep Mountain Homeowners Association asked me to bring this statement down from the Association contesting this and that's all I'm doing.

CHAIRMAN BUGBEE: That's fine. We'll accept your testimony.

JERRY FAIRCHILD: Okay.

CHAIRMAN BUGBEE: Yes, sir.

LYN WADSWORTH: My name is Lyn Wadsworth and my son lives adjacent to Mrs. Holman and then I live in the next house from him and this said property is 12 miles from downtown. The road is full of potholes. When we do have a flood out there, you can hardly get to town and back presently and it's 12 miles from the nearest hospital and it's ranch estate country. Everybody's got horses and everybody's got off-road vehicles and furthermore, it's a little windier out there than it is in town and I just don't think it's a suitable place for what Mrs. Holman is asking for and I understand the rest homes here now are not full and the homes like she's talking about are looking for patients and here she wants to put one way out on a ranch estate area and I object to it vehemently. I think that the limit that she should have is 3 like it says in the ordinance. You can have 3 in-house people to take care of and we were so deceived on this. She told me she was only putting in an application for 5 people and when I got that application, I was absolutely shocked. She's asking for 41. That insults my intelligence. Now she's back down to

LYN WADSWORTH:

eleven. I think eleven is too many out there. Furthermore, I understand, now her husband doesn't live here. He lives in Los Angeles most of the time and I understand the house is for sale and I think the only thing she has -- now if we did okay that and she did get further and did have a rest home, then she could sell the rest home. There's quite a bit of profit in rest homes and then all the people out there would be living in a commercial area. We moved out there, you know, to be in the country. We didn't move out there to have, you know, large commercial thing and I just don't think, you know, the street, the area or anything else would be suitable for any kind of a rest home and over 3 people in-house like the ordinance says. You're allowed 3. I think that should be the limit. Thank you.

CHAIRMAN BUGBEE:

Thank you. Anyone else? I'll allow you a couple of minutes for rebuttal. You do wish to speak, sir?

BRAD BOYD:

Yes, I do. My name is Brad Boyd. I represent William Boyd who is a property owner in the area. He owns approximately something short of 3 acres to the east and south of the proposed variance. Could somebody clarify for me, is there not going to be a two-story building now under this proposal the way it stands now?

COMMISSIONER GILES:

There is not.

BRAD BOYD:

Okay. Mr. Boyd asked me to come down here and object to this variance based on the way that it reads in black and white. Under this current proposal, I am not so sure that he would object. I do think there is a road problem, that road is terrible. It is a long way from town. Concerning the flooding, I drove out there after the last flooding and it's terrible. I think there is a possible flood problem on Jones Boulevard in that area, but based on this proposal, I do not think he would object to that as long as it doesn't go to 41.

CHAIRMAN BUGBEE:

Thank you. I'll give you a couple of minutes for summation.

BRUCE HOLMAN:

My name is Bruce Holman and I do live in Las Vegas and have lived here for the last seven years. I travel to California a lot in my mortgage business so on that basis apparently they feel I'm leaving town. The house has been up for sale and has been up for sale for a year. The purpose of going to this nursing facility where we can help the elderly people and apparently our neighbors will never get old so that's why they don't care about

BRUCE HOLMAN: elderly people, but the purpose of going to this is the house has come off the market as of one week ago. The listing has expired. If the house would have sold during that period of time, she would have sold her house. However, she feels that by making use of the ability of the house and the land there she can make herself a profit and operate on a -- operate a business that's needed within the City of Las Vegas. There are other businesses being operated in our area.

CHAIRMAN BUGBEE: Such as.

BRUCE HOLMAN: Such as the neighbors -- they have a hay business. There's a tree farm down the road, and it's a large tree farm and it's been there quite some time.

LILLIAN M. HOLMAN: I have a letter here that I have had since August 31st. Mr. Wadsworth was right in saying I have considered in-home care of a smaller number. It was a consideration only and I've always gone to my neighbors first to ask what do you think, but when I came to my neighbors, I carried this sheet of paper with me -- if they would like to sign on another sheet of paper and this piece of paper that showed my intent to build on the next acre. It was very, very clear. These homes were going to be very nice homes. It fits the residential requirement. It keeps the integrity of the area and with the Building and Planning Department asking and saying, these are your requirements, this home would be the only home that would be fully treed, six feet tall. These are people that are quiet. They are not needing emergency ambulance to the hospital. It is not a rest home and it's just unfortunate that Planning Department has a code book that does not reflect this. I expressed to some of my neighbors, these people are as well as you are. They, for example, take their own medication. They can't even use a walker. They may only have a quad cane. These are well people that should be given the supervision only and this is a lovely place for them to relax in. The City of Las Vegas Gerontologist was consulted about the need for this August 31 and she writes, "Mrs. Holman shared with me her plans for providing residential retirement living with supervision. Quality board and care for senior citizens who are no longer able to completely care for themselves is sorely needed in this community. The program as developed by Mrs. Holman will enable these persons to remain active and independent in a stimulating environment while receiving supervision to insure their health and safety. Facilities of the type proposed by Mrs. Holman avoid premature nursing home

- LILLIAN M. HOLMAN: placement. I urge serious consideration of her plans for the benefit of senior citizens in this community." As far as the utterance of where I work, yes, I work in a long term-care facility that they are empty and people are searching for beds. The empty parts of the hospital are not for the older, they're for the medicare covered and those are becoming very few and far between. The aspect of medicine is that you will have a shorter stay in-hospital when you have an operation. Nursing homes are going to become mini-hospitals. There will not be the nursing homes to take care of the old people as we previously thought.
- COMMISSIONER JUNIEL: Excuse me. Taking into consideration the need for them and all this -- the qualification or whatever that you might have to provide for the people, but I am concerned about the distance from the city. I sell real estate. I use that area a lot and I get lost a lot out there and I'm wondering about emergency vehicles, how long it would take them to go them 12 miles and how soon is it going to take them to find it. The roads are terrible out there and it's very dusty and I don't know --
- LILLIAN M. HOLMAN: We have a fire station that is closer. We also have better roads than Jones --
- COMMISSIONER JUNIEL: I know, the one on --
- LILLIAN M. HOLMAN: -- in the way of North Rancho. We are about ten minutes -- excuse me, I have it here. About 15 minutes from Meadows Mall area. We're about 20 minutes from Bonanza/Rancho area. We're not that far out when you think those are accessible streets. North Tonopah is a two-lane each way. The Expressway is in there and it is very efficient. We have had people -- when we first moved out there, we thought it was a long way out. We don't think so anymore.
- CHAIRMAN BUGBEE: When did you move way out there?
- LILLIAN M. HOLMAN: We moved out there because, number one, that was the land I could afford. I searched all over town for land I could afford, that is what I could afford.
- CHAIRMAN BUGBEE: What about as a place to live though? You liked it as --

LILLIAN M. HOLMAN: It is a very peaceful environment. The peace and integrity of the area will be maintained better with these people than with a lot of off-road vehicles.

CHAIRMAN BUGBEE: Well, I think you've solved my problem. I think someone that would move -- that lives 12 miles out of town and put up with those certain hardships that you have living in the valley do it for a reason. They go out there to live and enjoy their life period. I mean, that's why they're living out and buying the ground.

LILLIAN M. HOLMAN: Older people would not conflict with this.

CHAIRMAN BUGBEE: I'm not concerned about the older people. I'm concerned about the lifestyle of people and I think that's one of our primary concerns of this Commission. So, if you don't have anything additional to add, I'm going to close the public hearing and hear a motion.

COMMISSIONER MYERS: I'LL MAKE THE MOTION TO DENY. I don't believe this is compatible with the area.

CHAIRMAN BUGBEE: Cast your votes, please. That has been DENIED. This is a final hearing unless appealed. (Motion carried with Giles voting "no.")

END OF EXCERPT

CHAIRMAN BUGBEE: Item 9, V-114-84 - Anna Foorman for a variance to allow renting of rooms for five elderly persons where only three are permitted on property located at 2012 Burnham Avenue in Zoning District R-1.

ROBERT CLEMMER: In this case, they're proposing a rooming house for five persons. This type of use is first permitted in a R-5 District by means of a use permit and even in that case, they're limited to four persons. Note on the map on the far wall that this is in the midst of an R-1 area. The property as shown here, staff does not feel that this an appropriate use and would recommend DENIAL. We see that there is no hardship. We have one protest of record.

CHAIRMAN BUGBEE: Is the applicant present?

ANNA FOORMAN: My name is Anna Foorman, 2012 Burham.

CHAIRMAN BUGBEE: Yes, ma'am, staff has asked for denial of this application. Is there any special reasons that you feel that you should have this particular usage?

ANNA FOORMAN: Well, I have presently three people that are for years with me. My husband was in this town this community very active for 30 years, done a lot of charity work in this town. He became very ill and I was forced to stay home and I took three elderly people in to help us out and to help them. Now my husband passed away three months ago and I want to keep it up and I have so much room that I want to take two more people in and I have the people that are friends of ours -- they're old people. They don't drive and they're not strangers to us.

COMMISSIONER JUNIEL: How many bedrooms in the house?

ANNA FOORMAN: I have four bedrooms. I have a new addition which has 360 square foot room alone that the two people are going to live. They have their own private baths and it's very modern and very beautiful and the people are waiting for this opportunity since July but my husband was so ill, I couldn't go through with all this.

COMMISSIONER JUNIEL: So that makes five with you -- six persons in the home?

ANNA FOORMAN: Yes, there will be six because my husband passed away.

CHAIRMAN BUGBEE: Mr. Clemmer, did you say there was any protests of record?

ROBERT CLEMMER: Yes, we have one protest of record.

ANNA FOORMAN: Can I find out who the protestor was?

ROBERT CLEMMER: Pardon, I didn't hear that?

ANNA FOORMAN: One of my neighbors, right?

ROBERT CLEMMER: Somebody that we notified within 300 feet of your property, yes.

ANNA FOORMAN: Yes, well he is a very vicious man. He would protest anything to anybody.

CHAIRMAN BUGBEE: Yes, sir.

JIM STEWART: I'm Jim Stewart, 2004 Burham, and I know Anna and she's real good working with the elderly people. She's 59½ years old. She's not eligible for any kind of Social Security and she needs the additional income. She's expended extreme amount of money converting her garage making it all suitable. The City Inspectors have been there. It's ample. It's -- sizewise, Bunnham is a big street that's near hospitals. It's centrally located and I think she'd be excellent working with the elderly people and, in fact, she has for a number of years.

CHAIRMAN BUGBEE: Thank you.

COMMISSIONER JUNIEL: In the three bedrooms that you have left, you're going to put the five persons that are going to reside in the three bedrooms?

ANNA FOORMAN: No, I just have one bedroom and the other three bedrooms are going to be four people.

COMMISSIONER JUNIEL: Three bedrooms for five persons?

ANNA FOORMAN: Yes.

COMMISSIONER JUNIEL: Because one bedroom's for herself.

ANNA FOORMAN: But don't forget, I have a 360 square foot room built on. So that's two people going to live there and two people live in the main house.

CHAIRMAN BUGBEE: This is a public hearing. Anyone here who wishes to speak in opposition of this --

ANNA FOORMAN: Four bedrooms.

CHAIRMAN BUGBEE: -- application? Yes, sir, come forward please and give us your name and address.

SCOTTY GLADSTONE: I'm Scotty Gladstone and I'm a back fence neighbor three houses down and my address is 2109 Moore Street. I oppose this because first, I bought in there and so did I think everybody else because it was a residential area. All of those homes when first built and offered, were offered as FHA homes, FHA approved, FHA finance with FHA CC&R'S which specifically say, never any business in the area. We have appeared before planning boards since I've been there in '61 resisting successfully every business application that has ever come to my attention. Being in the CC&R'S, I realize the policy of the Boards and Council and Commissions here in the County and City are to pay no attention to CC&R'S. I ask you to do so. Our Supreme Court has held that they are a property right and each and every member of that, each and every owner in this development, whether within 300 feet or not, is entitled to go to court and enforce each and every one of those CC&R'S. I did. I was in the Supreme Court twice on these very CC&R'S. They sustain that they are a property right and are entitled to enforcement and I ask you to ignore this old longstanding policy and join the court. Be in favor of supporting them, the CC&R'S. Now let me go the practical side of this. I have also a house that was bought as a four bedroom house. I also converted my garage. I think our square footage is probably identical. I, with my family of then of five, fortunately they grow and go away and let my wife and I live in peace now, but we eliminated one of the bedrooms to enlarge the living area. I enlarged my three-quarter size bath so that I now have two full baths. If I had tried to put eight people in my house, it would be crazy -- or six, plus the parking. These are 65 foot frontage lots. As built, the driveways, -- I've expanded mine so I park more than two cars. As built they called for about two cars with then curb parking. If these people are going to eat out and I assume from the application only that this is to rent rooms, it's not to provide board, they're going to be with vehicles.

ANNA FOORMAN: You're wrong. You're very wrong. I'm getting very annoyed. I not even know you.

CHAIRMAN BUGBEE: Will give you a chance for summation.

ANNA FOORMAN: I don't even know this gentleman.

CHAIRMAN BUGBEE: Will give you a chance for summation.

SCOTTY GLADSTONE: I'm not the vicious kind.

ANNA FOORMAN: You would never do this type of work 24 hours a day.

CHAIRMAN BUGBEE: Please, ma'am, let him finish, then you'll have a chance for summation. Yes, sir.

SCOTTY GLADSTONE: I don't think I'm the vicious type that the other protestor may be categorized, although she is entitled to call me as she wishes. If the ultimate occurred here, five elderly persons plus the landlady with cars, that lot would not accommodate them.

ANNA FOORMAN: There is no cars.

SCOTTY GLADSTONE: With curb parking and driveway. Now the bath area I would question too for trying to handle six adults.

CHAIRMAN BUGBEE: Please, please, some of these areas would have to be cleared by the health Department, don't they on this type of --

ANNA FOORMAN: I'm cleared for everything.

ROBERT CLEMMER: The Building Code

CHAIRMAN BUGBEE: The Building Code. So you're really being redundant and we have a lot of people out here waiting to be heard too.

SCOTTY GLADSTONE: Well, I thank you and as I say, to go along with the Supreme Court and do recognize the CC&R'S against many businesses in the Moone Addition.

CHAIRMAN BUGBEE: Thank you.

SCOTTY GLADSTONE: Thank you.

CHAIRMAN BUGBEE: Anyone else to speak in opposition or in favor of this action?

JIM STEWART:

In favor. I would like to say, he indicated eight people. I would agree with him, eight people would be too much. Anna's only asking for five people to be there since her husband died. There was four people in there and she's only asking for one more. She does prepare the meals for these people. There isn't a question of them eating out. In terms of cars, she does not have a car. She takes a taxi. All the people that are living there at the present time, plus all the -- the two additional people that would be there would be non-car. They would not have a car. These are elderly people who do not have a car. I would also like to indicate, even though he's interested in the CC&R'S and its protection under the law, there's been a change in that area on Burnham. Burnham at 8 o'clock in the morning and at 5 o'clock is almost a freeway. On Eastern, we have major development of commercial and also on Burnham itself we have Metropolitan Life that is moved in, Frontier Savings, the whole area has changed to more of a centrally located commercial type area, but I would like to add that Anna is not planning to put in a commercial type rest home.

CHAIRMAN BUGBEE:

Anything else from you?

ANNA FOORMAN:

I have a license from the State of Nevada presently for three and all I ask is that they would give me the license for five if you approve of this.

CHAIRMAN BUGBEE:

Thank you. I'm going to close the hearing. Any questions of the applicant?

ANNA FOORMAN:

There's no cars involved. Those people are in the 80's all of them. I can choose them. Sorry.

COMMISSIONER EMMETT:

I MOVE FOR APPROVAL.

ROBERT CLEMMER:

If approved, staff would like to have conditions imposed that would be Conformance to the plot plan and according to the code they need to provide three paved, 9 x 16 off-street parking spaces for a rooming house and standard conditions 2 through 8 and provide interior access to the new addition from the main part of the house. Currently they have this new addition separated from the main body of the house. They do need to provide an interior doorway.

ANNA FOORMAN:

We do have.

COMMISSIONER EMMETT: Do you understand the conditions that staff recommended?

ANNA FOORMAN: I do have a door to the interior of the house.

COMMISSIONER EMMETT: Do you understand?

JIM STEWART: Yes.

COMMISSIONER GILES: How about the parking spaces?

COMMISSIONER JUNIEL: Well, you could waive the parking spaces.

COMMISSIONER EMMETT: Waive the parking, okay, that's it.

ANNA FOORMAN: Thank you very much.

CHAIRMAN BUGBEE: Cast your votes please. That has been APPROVED unless appealed. (Motion carried with Bugbee voting "no.")

END OF EXCERPT

CHAIRMAN BUGBEE: Item 13, V-118-84, Nevada Southern Title for application for a variance to allow the lot sizes for the proposed mobile home subdivision to range from 50' x 90' to 60' x 91' -- is this apropos?

ROBERT CLEMMER: Pardon. It went to the Planning Commission on the re-zoning to R-MH and it has to go to City Council yet.

CHAIRMAN BUGBEE: Isn't that the one that was denied the other night?

ROBERT CLEMMER: This went to Planning Commission on the re-zoning case on a re-zoning to R-MH and it has to go to City Council yet.

CHAIRMAN BUGBEE: Okay.

ROBERT CLEMMER: But consider the fact that it --

CHAIRMAN BUGBEE: It was denied.

ROBERT CLEMMER: It takes City Council approval.

CHAIRMAN BUGBEE: Okay.

ROBERT CLEMMER: Okay. It's to allow private streets and compact lots similar to projects in an R-PD Zone with stick built housing. This actual density here is in the 16 per acre range. The zoning case will be heard by City Commission November 21, 1984. It's Z-76-84. Staff recommends APPROVAL of this request subject to: Approval of and conformance to the conditions of approval of Z-76-84. We didn't get any protests in on this case but we had a considerable number of protests in the re-zoning case.

COMMISSIONER EMMETT: Say that last again please.

ROBERT CLEMMER: We didn't get any protests of record submitted to this file, but we had considerable number of protests on the re-zoning case.

COMMISSIONER MYERS: In other words, they're against the re-zoning, but not necessarily against this?

ROBERT CLEMMER: They're against the re-zoning and probably this too. They're one and the same, but if the re-zoning fails, this cannot be activated.

COMMISSIONER MYERS: Wait a minute, you were saying protesting on the re-zoning, but there was not much on the size of the property, is that --

CHAIRMAN BUGBEE: They were just saying they were against. It was at Planning --

COMMISSIONER MYERS: They were just period against the whole project?

CHAIRMAN BUGBEE: No, it wasn't. They weren't period. It was a split vote, but it was defeated.

COMMISSIONER MYERS: No, I meant people who were protesting.

CHAIRMAN BUGBEE: It was defeated. Yes, sir.

KIRK ANDERSON: Kirk Anderson of Alca Engineering representing the developer that's going to develop the property. What they're trying to build is a trailer park which will be a planned unit development where they'll have common roads, completely fenced in, boat storage. They're going to put in a recreation area with swimming pools and the reason they have to get a variance on this -- City ordinance does not provide any way to go in trailers -- sales for trailers to put in your common area. You can't have the private streets. You can't have the boat storage, it's not set up that way, that's the reason we have to come in for the variance on it. They are planning on building a very nice area, do a lot of landscaping. They want to make a very nice park.

CHAIRMAN BUGBEE: Thank you. This is a public hearing. Are you here to speak against the motion again?

ELIZABETH NEUBAUER: Hi. I saw you the other night. My name is Elizabeth Neubauer and I live at 4687 Balsam. My neighbors and I are here again this evening to oppose the variance request just described. On October 23rd, two days ago, 30 of our neighbors and myself and my family appeared right here in these chambers before the City Planning Commission and opposed the re-zoning of the described property from R-E to R-E residential mobile homes. I also submitted at that time a petition of an additional 25 neighbors opposing the re-zoning. I also submitted 3 notarized letters from mobile park residents telling about promises that were never kept, the shabby condition of the recreation facilities, pools filled with rocks and garbage, busted tennis courts and weed --

CHAIRMAN BUGBEE: I'm going to stop you just a minute. We didn't do this in planning. This is a little different meeting. This really isn't germane to this court over here. I mean, the fact that there's a place down the street a mile or up the street a mile that isn't maintained. So, will you please just skip over that and go over your basic -- I think you had some reasons about traffic, family and that area, okay?

ELIZABETH NEUBAUER: Okay. Like I said before, we are not against any growth and progress in this area, but we do feel that a change in the zoning and variance would be detrimental to our environment, standard of living, value of our homes, children safety and recreational activities. Four of our families own horses and children that ride them. As you can see by the map, we're completely surrounded by busy roads. We know that one entrance to this park will be off of Walton Street. Traffic flow would increase substantially, therefore curtailing our children's activities, horseback riding and playing. There are 19 children on our block. We're talking about another three to four hundred cars coming out of the park, that's most families are two-car families right now. Car accidents on Lone Mountain and Oran Gragson Highway run about one in every two weeks and not just minor ones, there are some terrible major accidents there. As I stated before, we have all worked very hard to get our homes and keep them well groomed and maintained. Our lots are one and a quarter acre lots. Our homes range from \$100,000 to \$225,000. Property depreciation would be great if the re-zoning and the variances become a reality. The City Commissioners agreed with us and denied the re-zoning on a four against and two for this. As a matter of fact, Commissioner Coleman summed up everything quite nicely by stating that the one mobile park by our area, Jade Park -- her exact words were, "It's a mess" and shook her head. We are asking that you also please deny this variance and leave our land open to our children and clean air. Thank you.

CHAIRMAN BUGBEE: Thank you. Anyone else to speak on this matter? Any questions of the Commission?

ELIZABETH NEUBAUER: Excuse me. There are about 20 more of us here tonight.

COMMISSIONER MYERS: I'd like to ask a question. How many total units would there be if the variance were granted?

KIRK ANDERSON: Two hundred fourteen.

COMMISSIONER MYERS: And if the variance were not granted?

KIRK ANDERSON: They won't build it.

COMMISSIONER MYERS: They won't build it unless they can build a higher density?

KIRK ANDERSON: Yes.

COMMISSIONER GILES: Staff.

CHAIRMAN BUGBEE: I'd like to see how many people are here in opposition to this motion tonight. We'll count the hands and we'll save a lot of you coming up because I've heard you before. (A show of 18 hands) Yes, go ahead and come forward if you want to speak. I'll hear a couple more.

COMMISSIONER GILES: Staff, could you explain to me what we're doing with this before us after the City Commission has denied.

ROBERT CLEMMER: The City Commission hasn't denied. The Planning Commission recommended denial to the City Council. It goes to the City Council November 21st. They haven't heard it yet, but we can act on this tonight and you can approve it subject to approval of the City Council or you can deny it. It's up to you.

COMMISSIONER GILES: Well, I don't understand the confusion. This lady that just protested said the City Council, City Commission has already denied it.

CHAIRMAN BUGBEE: No, she meant the Planning Commission. We heard it last Tuesday.

COMMISSIONER GILES: You heard it?

CHAIRMAN BUGBEE: Tuesday, yes.

COMMISSIONER GILES: Alright, thank you.

COMMISSIONER MYERS: If we deny the variance though, it sort of becomes a mute question because they said they wouldn't build it.

ROBERT CLEMMER: Well, if the variance were denied -- if they pursued the R-MH District, the question what could they build? They could be build 6500 square foot lots on public streets if the Council approves the zoning.

JACKIE REELEY: My name is Jackie Reeley. I live at 4722 Balsam and I also own a three quarter acre parcel right behind on Lorenzi. My husband and I and our two sons built our house out there 21 years ago and we moved all the way out there so we would have the privacy of large lots and large homes. And if a mobile home park goes in there, you'll have nothing but traffic and it's proposed to come out on Balsam -- I was already hit ten years ago in the rear end on Balsam when there wasn't that many cars. Some car come flying down when I was waiting to make a left hand turn and there's accidents all the time on Oran Gragson Highway and Tonopah Highway. So the traffic would be bad plus the population of a mobile home in there, you would have

JACKIE REELEY: vandalism and more crime around as in Jade Park. We have friends that live there and they've had nothing but trouble of things being stolen and I'm not so greedy to worry about whether my home stays up high value, which I don't want it to decrease, but I do not want a mobile home park in there.

CHAIRMAN BUGBEE: Thank you.

JACKIE REELEY: Thank you.

CHAIRMAN BUGBEE: Anyone else before I -- I'll hear one more and then we'll let him make a summation.-- two I guess.

MIKE COOLICAN: I'm Mike Coolican. I'm with the Metropolitan Police Department. A few years ago, as I'm sure --

CHAIRMAN BUGBEE: Your name and your address please.

MIKE COOLICAN: Mike Coolican.

CHAIRMAN BUGBEE: Your address.

MIKE COOLICAN: 4705 Balsam. A few years ago -- I'm sure you're all aware of the widow-maker highway. We've still got this at this day and age. They are going down the O.K. Gragson. They are still coming down Balsam. The other night where these gentlemen proposed their expressway or their way out of the Jade Park -- correction, their -- right in contradiction with the emergency exit of the Fire Department that sits there. In a block area, you've got the Fire Department and you've got the Telephone Company that has approximately 90 trucks working out of that area. Ninety trucks, the Fire Department, the residents and then a mobile home park. I'm sorry, sir, I cannot speak for it.

CHAIRMAN BUGBEE: Yes, ma'am, you'll be the last one. Come on up, you don't have to wait for him. Either mike.

SHIRLEY COMPARONI: Okay. I'm Shirley Comparoni. I live at 4614 Balsam. I'm at the opposite end of Balsam Street where this trailer park is to be in and I don't want it. I moved out there ten years ago to get away from this. We've had Jade Park expanded three times the size of what it was before. I had a daughter that was in -- she was in an accident that was almost killed last year because of this and I don't want more people there. I've got two acres. I've got a horse path estate. I've got one and seven eighths acres. I gave it up for horses and I don't want more people.

CHAIRMAN BUGBEE:

Thank you. Will you sign in please before you leave. I'm going to close the hearing and let you make a rebuttal and then we'll close this.

KIRK ANDERSON:

Okay. As far as traffic, we've got two major roads. Rancho Road is a four lane. Oran Gragson which is an expressway. Lone Mountain Road which will ultimately be an eighty foot road with an overpass over Oran Gragson so traffic I cannot see as a major problem. Part of the reasons the lots are reduced in a planned unit development is that you provide more open area. You provide boat storage and a common area. You provide recreation area in a common area, that is the idea of a planned unit development. These are for sale. They're not a rental park. We've got a bad example, Jade Park, that happens to be in the area which is causing us all kinds of problems. They have built other parks in town. They have one down around the Showboat which is a very nice complex that they've developed and I think it'd be an asset to the neighborhood. It's not a rental. They'll be selling them to individuals which will maintain them on their own land.

CHAIRMAN BUGBEE:

Thank you, I'll close the hearing. Motion.

COMMISSIONER MYERS:

I'll make a motion. I think I understand this. In case I don't, please holler. I have no problem with private streets or the recreation -- quasi-public recreation area, but I do not approve of the higher density should it be approved. Am I correct? if it's approved by the City Council, we have the option of "yes" or "no" on the higher density?

ROBERT CLEMMER:

That's correct.

COMMISSIONER MYERS:

Okay. I will then MOVE THAT THEY CAN HAVE THEIR PRIVATE STREETS AND THEIR QUASI-PUBLIC RECREATION AREA, BUT NOT THE HIGHER DENSITY, SHOULD IT BE APPROVED BY THE CITY COUNCIL.

COMMISSIONER EMMETT:

Well, then where does that leave you if you want to vote against it?

COMMISSIONER MYERS:

We can't vote on whether or not it should be there, that's the City Council. Am I correct?

ROBERT CLEMMER:

The motion then is to approve the private streets and the recreation -- common recreation facility, however, you're denying the reduced lot size.

COMMISSIONER MYERS: Right. If they're going to have it, let's give them as little people as possible, but it's up to the City Council to decide, as I understand it, whether or not this will be re-zoned and they can have it at all.

COMMISSIONER EMMETT: That doesn't make sense to me.

COMMISSIONER JUNIEL: It's not going to reduce the density that much, with that five feet off, at all.

CHAIRMAN BUGBEE: It's a, you know, I believe that we've got what some C-2 zoning in there. We've got all types of zoning.

ROBERT CLEMMER: Yes, half of the property as you see on the map on the far wall -- half the property is C-2 and the other half is R-E. It's surrounded by major streets. This will be a walled mobile home estates area. There'll be a six-foot block wall required under the code around the project. They propose two entries, one on Lone Mountain, and we're requiring that another entry be put on Rancho Drive.

COMMISSIONER JUNIEL: There will be no exit on Balsam?

ROBERT CLEMMER: No. The -- Balsam is about -- pardon me, a block further west. The entry is right here and the Fire Station that was mentioned is right here and the entry is about 100 feet, no less than 100 feet west of the Fire Station.

COMMISSIONER JUNIEL: And another one on Rancho.

ROBERT CLEMMER: And then there'll be another entry at this point that we're requiring be enlarged and made a normal entry way.

COMMISSIONER EMMETT: So, what you're saying then, Mr. Clemmer, is and, Helen, if I want to vote against the project as a whole, I should vote yes with you, is that what you're telling me?

COMMISSIONER MYERS: I think what I'm understanding is that this Board cannot stop the project.

ROBERT CLEMMER: That's true. If the Council approves R-MH Zoning, that's --

COMMISSIONER MYERS: What I'm trying to do is say if the Council approves this, that they not have the high density but the lower density of people living there, but I don't think that we can say, "yes" or "no" on the project as I understand it.

COMMISSIONER EMMETT: Well, Mr. Attorney --

CHAIRMAN BUGBEE: Excuse me a minute, I want to recognize the City Attorney. He asked --

DEPUTY CITY ATTY STEED: I agree with Commissioner Myers that what you're doing here is you're saying, if the City Council should approve the re-zoning, we are or we are not willing to allow the variance on these three items: the reduction in size lot; the private streets; and the recreational facility. You're not voting on whether or not we should have a mobile home park.

COMMISSIONER EMMETT: But we could do that. A motion could be made to vote for against the mobile home site.

DEPUTY CITY ATTY STEED: That's not what the item is.

CHAIRMAN BUGBEE: The application is --

COMMISSIONER JUNIEL: It's lot size that we're concerned with.

CHAIRMAN BUGBEE: It's lot size that we're voting on.

COMMISSIONER EMMETT: Okay.

CHAIRMAN BUGBEE: If you're voting against it, you should vote with the motion. Cast your vote please.

COMMISSIONER MYERS: If I could make a motion to deny the whole project I would, but I can't. So I'm doing my best.

COMMISSIONER EMMETT: If I voted "no" on her motion, it would appear then that I was in favor of the project, is that what you're saying?

COMMISSIONER MYERS: No, just that you're not in favor of my motion.

COMMISSIONER EMMETT: To say no for the sake of no.

CHAIRMAN BUGBEE: You're confused.

COMMISSIONER EMMETT: No, I'm not, you are.

COMMISSIONER JUNIEL: No, it would indicate that she's for the higher density, the lower lots.

COMMISSIONER MYERS: No, it'd just be she's not in favor of my motion, that's all. All she would be doing is voting against my motion.

CHAIRMAN BUGBEE: Cast your votes please.

COMMISSIONER MYERS: I did.

CHAIRMAN BUGBEE: Okay. Show the vote. The motion has been defeated. (Motion failed with Emmett, Giles and Juniell voting "no.") You have the right to appeal. This is final action unless you want to appeal it.

DEPUTY CITY ATTY STEED: Wait a minute. Let's figure out what that means. All that means is that her motion has been defeated that doesn't necessarily decide the question. You can make a new motion or whatever.

COMMISSIONER JUNIEL: I mean, motion for what though?

COMMISSIONER MYERS: Well, you could move to deny the whole thing.

CHAIRMAN BUGBEE: I MOVE FOR DENIAL OF THE ENTIRE THING. Cast your votes please. That has been DENIED. (Motion carried unanimously.)

END OF EXCERPT

NAME

ADDRESS

Robert S. Daseel V-106-84 m/ 990 3RD GACTO. A.
 Ron Elrod V-106-84 pr 2400 E. Emvava
 RICHARD RODRIGUEZ V-106-84 pro 307 SOUTH DECATUR
 Roberta Young V-111-84 appl 1416 Tequesta Rd. LV NV
 Patricia Ann McDonald V-112-84 appl 6548 Fisher Rd.
 Kenneth Joseph V-113-84 pr 7224 Bond Lane
 Ed Boyd V-113-84 pr 6005 NW Seawall
 Ed Boyd V-113-84 pr 2113 Sioren AV
 James Stuart V-114-84 appl 2004 Burnham
 Scott Leach V-114-84 protest 2109 Moore St.
 Kirk S Anderson V-118-84 appl 2765 S Highland
 Lou Ann Norman V-120-84 appl 4995 Sun Dr
 Ed Hitchcock V-63-84 appl 4282 W. Montaro Cir.

Mr.
Guppy

798-8883

NAME

ADDRESS

10-2584

NAME	ADDRESS
Jim Muddell	V-106-84 apt Box 1018 Sacramento Ca
Mable Bell	V-65-84(40) apt 301 Eldorado LV NV
Verny Bruner	V-110-84 apt 244 W. Chas. Rd. LV, NV
Ronald Best	720 So 4th #201 LV, NV
Mike Mahoney	V-112-84 apt 658 FIGTREE RD.
Mpheman	V-113-84 apt 7229 N Jones Blvd
Sehner	V-113-84 apt 7229 N JONES
Gene Fourn	V-114-84 apt 2012 Burnham
David H. Rager	V-117-84 apt 200 Canyon Drive
Eric Newman	V-118-84 apt 4677 Balsam St
Jackie Reelley	V-118-84 apt 4722 Balsam St.
Mike Coolican	V-118-84 apt 4705 Balsam
Barley Comparsini	V-118-84 apt 4614 Balsam St
Jay D. Leh	V-119-84 apt 3430 E Flamingo
Karen Ordunez	V-120-84 apt 3765 E. D. St.
Kelly A. Marshall	V-120-84 apt 4402 Sun Vista Rd.
Florence E. Spill	V-66-84 apt 1616 Hinson
Ronald D. Felt	V-67-84 apt 910 Sahara Wy 89108
Donald Palmer	V-68-84 apt 4612 CASLIGHT G. 89109
Steve E. Glenn	V-94-83 apt
Pat Hayden	V-84(40) apt 3926 HELEN Ave.
Debra Penkewitz	V-48-84 3720 Antigua Ave, d. V.

INTER-OFFICE MEMORANDUM

Date

October 24, 1984

TO:

HAROLD P. FOSTER

FROM:

ROBERT C. CLEMMER

SUBJECT:

BOARD OF ZONING ADJUSTMENT
MEETING OF OCTOBER 25, 1984
AGENDA ITEM CONDITIONS

COPIES TO:

VAL STEED
SANDRA LE BOEUF ✓
RICK WILLIAMS
JOANNA DANIELLO

ABEYANCE ITEM:

1. V-106-84

This was held in abeyance from October 11, 1984, at the request of the applicant due to an error. The application was to allow a 15,000 sq. ft. restaurant area with a total parking deficiency of 240 spaces, i.e., to allow 648 spaces where 408 are available in this center. The applicant has revised the plan to lease only 3100 to 3500 sq. ft. for a 245 seat restaurant which will have three employees. The deficiency has been reduced to 65 spaces.

In the past, we have had several variances for restaurants which we recommended approval of where they have oversized the floor area for better accommodations so the seating met code but area did not. In this case, the seating and area will both be in balance and exceed code.

Staff recommends DENIAL. If approved subject to: ✓

1. Conformance to the plot plan. ✓
2. The maximum parking deficiency shall not exceed 65 spaces. ✓

PROTESTS: 1 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

NEW BUSINESS:

1. U-64-84 (HO)

This will be selling hosiery and hats with direct shipment to customer. 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

NEW BUSINESS:

2. U-65-84(HO)

This will be the buying and selling of out-of-print books. The questionnaire has been answered favorably, however, the method of operation is contrary to the questionnaire, i.e., they will buy books, store them on bookshelves in the home and deliver them to the buyer either directly or by post.

19.80.100(A) (8) provides that goods should not be transported to and from the homes, thereby creating pedestrian or vehicular traffic.

If the questionnaire had been answered "yes" on number eight, a \$50.00 fee would have been required and a public hearing held.

Staff feels that the method of operation cannot be allowed by BZA unless a hearing is conducted and the additional fee paid.

Staff recommends that this be held in ABEYANCE for Public Hearing and that the applicant pay the additional \$40.00 fee. If approved subject to:

1. Conformance to the criteria for Home Occupations. ✓
2. There shall be no storage of books on the premises. ✓

PROTESTS: N/A
NOT A PUBLIC HEARING

BZA FINAL ACTION

3. U-70-84(HO)

In this case, the person operating the Home Occupation rents a room from the applicant. This would be the principal residence. Further, she will place a business phone number on bulletin boards but not the home phone.

The occupation will consist of typing and taking minutes. The questionnaire was 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

NEW BUSINESS:

4. U-71-84(HO)

This applicant will assemble dolls at her residence for consignment sales. The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations.

PROTESTS: 0

NOT A PUBLIC HEARING

BZA FINAL ACTION

5. V-110-84

This request is to allow a managers residence in a commercial storage facility. We have approved similar cases in the past for watchmen purposes. Jerry Breuner's office informed me that it would be for a watchman purposes principally.

Staff recommends approval subject to:

1. Conformance to the plot plan.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

6. V-111-84

This request for an assembly operation for the Nevada Association for the Handicapped which will entail putting together campaign buttons, things as pencils, and other very light assembly functions the handicapped can do.

We have Planning Commission resolutions which allow assembly of single types of things what can be controlled like jewelry, trophies, hearing aids, etc., known to be small and innocuous types of products which are permitted in a C-2 district subject to certain limitations. Further, public and quasi-public uses are permitted in a C-2 zone as a matter of right, however, we have always tried to be sure that the types of public uses allowed were similar to the permitted uses.

In this case, we took a variance, as an unlimited assembly operation could be out of place. Staff feels this is comparable to the permitted uses and would recommend APPROVAL, subject to:

1. Conformance to the plot plan.

NEW BUSINESS:

6. V-111-84 (cont.,)

2. All processing, manufacture and treatment shall be done in a completely enclosed building. ✓
3. All storage of materials, equipment and products must be in a completely enclosed building. ✓
4. The bulk of manufactured or assembled items and raw materials used in the manufacture or assembly of stored materials shall not exceed four percent (4%) of the cubic content of the building in which manufactured or assembled. ✓
5. No more than seven (7) employees shall be engaged in the manufacture, treatment or processing of the below enumerated items. ✓
6. There shall be no audible or noticeable indication of a manufacturing or assembling operation outside the building except advertising. ✓
7. There shall be no smoke, dust or foreign matter emitted. ✓
8. Machinery used in manufacture or assembly shall be precision, manned and driven by electric motors not exceeding one-half horse power (1/2 h.p.); larger electric motors may be permitted by the Planning Commission. ✓
9. The assembled items shall not be larger than one cubic foot. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

7. V-112-84

In that there was no provision for child-care facilities in an R-PD district, the Planning Commission enacted a resolution to allow a family care home with a maximum of four children where six are permitted in an R-1 zone due to the smaller sites. This is an R-CL type lot in which zone family care homes of six children are permitted by means of a use permit.

NEW BUSINESS:

7. V-112-84 (cont.,)

The use permit provision was put in R-CL after the Planning Commission position of four more and the R-PD type.

When the request was presented to the Planning Commission to amend the Resolution to allow six children, the Planning Commission members and the BZA suggested a variance. R-CL lots can range in size from 3,000 sq. ft. to 6,499 sq. ft., and it may be that the four child range should be retained on the lower lot area range and six recommended on the larger lots. There is no hardship, as this is a 40' x 100' lot.

Staff recommends DENIAL. If approved subject to:

1. Conformance to the plot plan.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

8. V-113-84

This request has been modified to include only the south lot and the north is requested to be held in abeyance. The north lot should not be held in abeyance, as it is too vague and a new hearing conducted when they are ready.

The code provides for rest homes and the Webster definition is a facility that provides housing and general care for the aged. She will provide meals, room and clothing, cleaning, driving services etc., but the persons will be of retirement age, ambulatory, mentally sound, well and able (except driving).

<u>19,10.070</u>	<u>Minimum</u>	<u>Proposed</u>
Site	20,000	43,291
Density	25 beds/ac.	24
Setbacks	R-E	R-E
Building Height	1-story	1-story
Parking	9	10
Buffer	6' fence	6'&4' (with some hedge sections)
Access	48' paved	Jones is 24'

NEW BUSINESS:

8. V-113-84 (cont.,)

The code provides the above minimums and it appears with the reduction of aged persons to 11 and provision of 10 spaces, that the only variance being requested is the fact that Jones, a proposed primary street 100' wide is only paved 24' wide.

Staff feels that landuse wise, this would not be a problem, but it is probably premature in this area. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Standard conditions 2 through 8.
3. Approval for a maximum of 11 aged persons.
4. Maximum building height is one-story.

PROTESTS: ~~1~~ 8 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

9. V-114-84

In this case, they propose a rooming house for five persons, which use is first permitted in an R-5 district with a use permit and are limited to four persons.

If this were a large site on a collector street, 48' wide, a Rest Home could be considered. There is no hardship.

Staff recommends DENIAL. If approved, subject to:

1. Conformance to the plot plan. ✓
2. Provide three paved 9' x 16' off-street parking spaces as required by the Department of Community Planning and Development. ✓
3. Standard conditions 2 through 8. ✓

PROTESTS: 1 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

provide interior access to main part of the house

10. V-115-84

WITHDRAWN

11. V-116-84

This request for a sign variance to project 13' 6" over the property line and 8' over the travel way. Staff realizes that casinos are exempt

NEW BUSINESS:

11. V-116-84 (cont.,)

from all sign requirements, except distances projecting over public right-of-way, but feel that undue competition will result unless restrained at least to the curb line. The projection occurs at a point 88' high. Beautification Committee recommends approval to curb.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan and elevations amended to extend into the right-of-way a maximum of 5'6" to the curb line. ✓
2. Approval of an encroachment. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

12. V-117-84

This is a slightly irregular 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

13. V-118-84

This request is to allow a mobile home estate development with private streets and compact lots similar to projects in R-PD zones for stick built homes. It is of a density of 6 units per acre. This zoning case will be heard by City Commission November 21, 1984 (Z-76-84).

Staff recommends APPROVAL, subject to: ✓

1. Approval of and conformance to the conditions of approval of Z-76-84. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

14. V-119-84

This is a regular corner through lot. A variance was granted for a 13' side yard setback on the lot accross the street.

NEW BUSINESS:

14. V-119-84 (cont.,)

Staff recommends DENIAL. If approved, subject to:

1. Conformance to the plot plan.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

15. V-120-84

This is an R-E lot with housing north and west, on the south is vacant property which was denied medium density residential, to the east is a shopping center. Lillian and Irene Streets are minors. There is no hardship.

Staff recommends DENIAL. If approved, subject to:

1. Standard conditions 1 through 8.
2. Dedicate a 15' radius at the intersection of Lillian Street and Irene Avenue as requested by the Department of Design and Development.
3. Install street improvements on Lillian Street and Irene Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
4. Provide additional paved on-site parking for the loading and unloading of children as required by the Department of Design and Development.

PROTESTS: 0

PUBLIC HEARING ITEM

BZA FINAL ACTION

16. U-63-84

This request is to allow a building site to be used for a pool and cabana site. This is a common practice in an R-PD district and staff encourages it.

Staff recommends APPROVAL, subject to:

1. Conformance to the plot plan and elevations.
2. Standard conditions 2 through 8.
3. Provide C.C. & R.'s.

PROTESTS: 0

PUBLIC HEARING ITEM

C.C. 11/21/84

17. U-66-84

There is an existing family care home for six children here. Operator lives on the property. The property backs up to commercial and this seems to be an appropriate use.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

18. U-67-84

This is not a church nursery, but a separate non-profit corporation using the church facility for a 21 child, child-care facility, and a K-4 private shcool. This is an appropriate location.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan. ✓
2. Dedicate 30' of right-of-way for Del Monte Avenue as required by the Department of Design and Development. ✓
3. Standards condition number 8. ✓

PROTESTS: 0 ✓

PUBLIC HEARING ITEM

BZA FINAL ACTION

19. U-68-84

This is a request for a Class III childrens clothing and related sundry items in the Twin Lakes Shopping Center.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 1 ✓

PUBLIC HEARING ITEM

C.C. 11/7/84

city com

20. V-94-83

This particular section of fence is very close to the property line.

Staff recommends APPROVAL, subject to: ✓

1. Conditions number 2 of the original approval is hereby amended to "Removal of the existing buildings and fences from the site, except the fence between parcels 3 and 4. ✓
2. Approval by the owner of parcel 3. ✓

NEW BUSINESS:

20. V-94-83 (cont.,)

PROTESTS: 0
NOT A PUBLIC HEARING

BZA FINAL ACTION

21. V-5-80

This is the sixth request for an extension of time.

Staff recommends APPROVAL, subject to:

1. The extension of time shall expire on May 5, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

PROTESTS: 0
NOT A PUBLIC HEARING

BZA FINAL ACTION

22. U-22-84 (HO)

This is a scheduled review, as group lessons sometimes generate neighborhood problems. We have received no complaints.

Staff recommends that the review condition be expunged.

If approved, subject to:

1. Condition number 4 of the original approval is hereby expunged.

PROTESTS: 0
NOT A PUBLIC HEARING

BZA FINAL ACTION

23. V-48-84 3 / 2

This is the first request for an extension of time. This will expire October 20, 1984.

Staff recommends APPROVAL, subject to:

1. The variance will expire April 20, 1985.
2. Conformance to all ordinance amendments enacted subsequent to the original approval.

PROTESTS: 0
NOT A PUBLIC HEARING

BZA FINAL ACTION

NEW BUSINESS:

24. U-72-84

This is a request for wholesale brokerage of novelty items using mail order and direct shipping to retailer. The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations.

PROTESTS: 0

NOT A PUBLIC HEARING

BZA FINAL ACTION

25. V-43-84

This is the variance that allowed commercial storage units on the mid-Pecos side of Kenney's C-1 site at Pecos and Bonanza. First request for extension. City Council has amended the code to allow Use Permit and for their final review due to concerns. This was appealed to the City Commission by an opponent and the appeal was denied.

Staff recommends APPROVAL, subject to: ✓

1. The variance shall expire May 16, 1985. ✓

PROTESTS: N/A

NOT A PUBLIC HEARING

C.C. 11/21/84 ✓

26. V-50-83

This is the property where the child-care problems occurred. Keep the print shop active. Little toilets probably still exist.

Staff recommends APPROVAL, subject to: ✓

1. The variance shall expire November 17, 1985. ✓
2. Conformance to all ordinance amendments enacted subsequent to the original approval. ✓

PROTESTS: 0

NOT A PUBLIC HEARING

BZA FINAL ACTION

RCC:jp