

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 1

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE	
<u>CALL TO ORDER</u>	Chairperson Boyers called the meeting to order at 6:08 PM.
6:00 P.M. in the Council Chambers of the City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.	Zari Riley, Phyllis Hargrove's daughter led the audience in the Pledge.
<u>ROLL CALL</u>	STAFF PRESENT
Roberta S. Boyers - Present	Tambri Heyden, Current Planning Manager, Planning & Development
Elisa Del Prado - Present	Phyllis Hargrove, Senior Planner, Planning & Development
Michael Mack - Present	Susan Barton, Planner II, Planning & Development
Mark Solomon - Excused	Traci Thiros, Planning Technician, Planning & Development
Byron A. Goynes - Present	David Petrovich, Planning Supervisor, Current Planning Division
<u>ANNOUNCEMENTS</u>	Stephen George, Deputy City Attorney
Satisfaction of Open Meeting Law.	Gary Reid, Civil Engineer, Public Works
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 or a review is requested by the City Council within ten (10) days from the date of the Board's decision.	Angela Crolli, Deputy City Clerk
<u>NOTICE</u>	(6:08) 1-1
This meeting has been properly noticed and posted at the following locations:	Ms. Hargrove introduced David Petrovich, Planning Supervisor for the Current Planning Division, who will be attending the Board of Zoning Adjustment Meetings. The Board welcomed him.
Clark County Government Center, 500 S. Grand Central Parkway	(6:16 - 6:24) 1-279
Senior Citizen Center, 450 East Bonanza Road	Ms. Hargrove introduced Gary Reid from the Public Works Department who will be attending future Board of Zoning meetings.
Clark County Courthouse, 200 E. Carson Avenue	(7:41) 1-3880
Court Clerk's Office Bulletin Board, City Hall Plaza	Ms. Hargrove announced the Open Meeting Law requirements had been met.
City Hall Plaza, Special Outside Posting Bulletin Board	(6:08) 1-14
<u>MINUTES</u>	GOYNES
Approval of the Minutes for the February 2, 1999 Board of Zoning Adjustment meeting	APPROVAL
	UNANIMOUS with Solomon excused
	(6:09) 1-20

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 2

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
CONSENT ITEMS Consent Items are considered routine by the Board of Zoning Adjustment and may be enacted by one motion. However, any item may be discussed if a Board member or applicant so desires.	
RULES OF CONDUCT FOR PUBLIC HEARING ITEMS: There may be items on this agenda for which a public hearing is scheduled. For the purposes of conducting the public hearing in an orderly manner, the Board of Zoning Adjustment has established the following rules of conduct:	
1. When you hear your item being read, please come forward as soon as possible.	Chairperson Boyers referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.
2. Begin your testimony by clearly stating your name and address.	
3. Direct all comments and questions to the Chair, who is in charge of conducting the meeting. Do not engage the staff, the applicant, or the public in a dialogue. The Chair will direct them to respond as necessary.	
4. Please avoid repeating testimony already provided and be brief and to the point. Spokespersons for groups are encouraged. Please return to your seat after your testimony. The Chair will close the public testimony if discussion becomes repetitious.	
5. When the public hearing is closed, the Board will then begin discussion and have questions answered that were directed to the Chair. Applicants will be asked to be seated and will refrain from additional testimony at this time. Applicants may be asked to answer additional questions directed by the Chair. Additional questions or comments from the public will be discouraged due to the time constraints of the lengthy meetings.	
6. The Chair will then determine the close of discussion and request a motion.	

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 3

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>PUBLIC HEARING ITEMS:</u>	
<u>ABEYANCE ITEM</u>	
A-1	
<u>ABEYANCE ITEM - V-81-98 - MARIAN AND KRYSTYNA ARUSZTOWICZ</u>	BOYERS ABEYANCE to 4/6/99 UNANIMOUS with Solomon excused
Request for a Variance on property located at 9205 Vosburgh Drive TO ALLOW A 2 FOOT SIDE YARD SETBACK WHERE 5 FEET IS THE MINIMUM SETBACK REQUIRED FOR AN EXISTING PATIO/DECK, R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone, Ward 2 (Adamsen), APN: 163-05-311-027.	The applicant, Marian Arusztowicz, 9205 Vosburgh Drive, stated that he received a letter from the Association denying his appeal to allow the existing patio/deck. He requested an abeyance so that he can retain counsel and research a similar problem with another house which was approved by the Association.
PROTESTS: 0	No one appeared in opposition.
APPROVALS: 1 Letter	There was no further discussion.
Staff Recommendation: DENIAL. If approved, subject to:	
1. Submit complete building plans to the Building and Safety Department for review and permit.	(6:12 - 6:14) 1-105
2. All development must be in conformance with the plot plan and elevations.	
3. City Code requirements and design standards of all City departments must be satisfied.	

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 4

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-2 <u>ABEYANCE ITEM V-93-98 - HAROLD VANBUREN ON BEHALF OF IRA J. SARVIAN</u> Request for a Variance on property located at 526 and 530 Tonopah Drive TO ALLOW 45 PARKING SPACES WHERE 62 SPACES ARE REQUIRED AND TO ALLOW A DEVIATION FROM THE CITY OF LAS VEGAS HANDICAP PARKING SPACE STANDARDS, P-D (Planned Development) Zone, Ward 1 (McDonald), APN: 139-32-704-008 and 009. PROTESTS: 1 Letter APPROVALS: 0 Staff Recommendation: DENIAL. If approved, subject to: 1. All development must be in conformance with the plot plan and elevations. 2. City Code requirements and design standards of all City departments must be satisfied.	BOYERS WITHDRAWN UNANIMOUS with Solomon excused Phyllis Hargrove, Planning & Development, noted the applicant had requested the item be withdrawn. No one appeared in opposition. There was no further discussion. (6:16 - 6:24) 1-279

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 5

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-3	
<u>V-1-99 - ABF, INCORPORATED</u>	
Request for a Variance on property located at 200 West Sahara Avenue TO ALLOW A ZERO SETBACK FOR THE REAR, SIDE AND CORNER SIDE YARDS WHERE 20 FEET, 10 FEET AND 15 FEET RESPECTIVELY ARE REQUIRED IN CONJUNCTION WITH A PROPOSED 54,580 SQUARE FOOT RETAIL CENTER, C-1 (Limited Commercial), C-2 (General Commercial) and R-3 (Medium Density Residential) Zones, Ward 1 (McDonald), APN'S: 162-04-812-001 and 162-04-811-027.	BOYERS APPROVED subject to conditions and an additional condition that the applicant work with staff to determine the alignment of the wall along the west property line UNANIMOUS with Solomon excused
PROTESTS: 0	Phyllis Hargrove, Planning & Development, noted that the Variance request is to allow zero setback for the rear, corner and side of a commercial parcel. The setbacks are normally 20 feet, 10 feet and 15 feet, respectively. The applicant proposes to demolish the existing commercial center and develop a new retail shopping center. The site abuts an apartment complex to the north, as well as to the west. Staff has no objection to this request because the setback in this area could have encourage potential criminal activity. Staff recommended that the applicant provide a graffiti resistant finish on the rear wall to deter vandalism. Therefore, staff recommended approval.
APPROVALS: 0	Richard Sinclair, 4520 S. Pecos, Suite 1, concurred with staff's recommendations.
Staff Recommendation: APPROVAL, subject to:	Chairperson Boyers noted that she visited the site and raised a concern about graffiti. There is another concern that the setbacks proposed would leave a very narrow space for vehicles pulling out of the adjacent apartment complex. She asked for an additional eight feet to accommodate vehicles and prevent the wall from being scraped by cars backing out of the apartment complex. Mr. Sinclair replied that he would be willing to work with Planning and Public Works staff to resolve the issue. Ms. Hargrove added that there was a request to vacate that portion of the easement which was not approved. The existing chain link fence is presently being knocked down by cars and the same thing will happen to the block wall.
1. The applicant shall provide a graffiti resistant finish on the rear wall, such as an ivy covering or similar treatment to be reviewed and approved by the Planning Department prior to the issuance of any permits.	Mr. Sinclair suggested that the apartment complex rearrange their parking spaces since he has already given up the right-of-way. There is adequate room but insufficient care being taken. He would not want to concede any additional footage. Chairperson Boyers suggested that a condition be added to consider readjusting and reshape the current parking and parking spaces. Ms. Hargrove stated that such a condition would not be enforceable because the apartment complex is not part of the proposed Variance.
2. All development must be in conformance with the plot plan and elevations.	
3. City Code requirements and design standards of all City departments must be satisfied.	
4. The Department of Public Works requires that all conditions of approval for Z-2-99 and VAC-1-99 are complied with.	

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 6

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-1-99 - ABF, INCORPORATED</u>	Mr. Sinclair indicated that he will make sure that measures are taken to discourage graffiti on the wall. Chairperson Boyers moved for approval. Ms. Hargrove emphasized that the graffiti issue is addressed in Condition No. 1 and recommended imposing an additional condition that the applicant work with staff to determine the alignment of the wall along the west property line. No one appeared in opposition. There was no further discussion. (6:16 - 6:24) 1-240

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 7

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-4	
<u>V-2-99 - WILLIAM STOKES</u>	
Request for a Variance on property located at 8071 Lottie Avenue TO ALLOW A 5 FOOT BUILDING SEPARATION BETWEEN AN EXISTING SINGLE FAMILY RESIDENCE AND AN EXISTING DETACHED ACCESSORY STRUCTURE WHERE 6 FEET IS THE MINIMUM BUILDING SEPARATION REQUIRED, R-E (Residence Estates) Zone, Ward 4 (Brown), APN: 125-33-410-028.	
PROTESTS: 0	
APPROVALS: 0	
Staff Recommendation: APPROVAL, subject to:	
1. All development must be in conformance with the plot plan and elevations.	
2. City Code requirements and design standards of all City departments must be satisfied.	
3. The Department of Public Works requires that all conditions of approval for the Cimarron Estates Subdivision are complied with.	
	DEL PRADO APPROVED subject to conditions UNANIMOUS with Solomon excused
	Phyllis Hargrove, Planning & Development, explained that the request is to allow the retention of an accessory structure that is five feet from the primary building where a minimum six foot separation is required. The applicant applied for and received building permits for the proposed workshop. When the structure was almost completed, the error was found. The applicant indicates that the Variance is justified because the setback error was brought to his attention too late in the building process. Staff agrees with the applicant and that it would be an undue hardship to deny the Variance. Therefore, staff recommended approval.
	The applicant, Pat Nixon, 316 S. Jones, Complete Construction, was present.
	No one appeared in opposition.
	There was no further discussion.
	(6:24 - 6:26) 1-487

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 8

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-5	
<u>V-3-99 - RONALD AND KATHIE DYE</u>	DEL PRADO
Request for a Variance on property located at 8745 Vercelli Court TO ALLOW A 208 SQUARE FOOT EXISTING ROOM ADDITION 7 FEET 10 INCHES FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residence) Zone, Ward 2 (Adamsen), APN: 163-05-613-009.	APPROVED subject to conditions UNANIMOUS with Solomon excused
PROTESTS: 0	Susan Barton, Planning & Development, noted that the request is to allow an existing room addition to be seven feet ten inches from the rear property line where 15 feet is the minimum setback required. The room addition is located at the rear of the property and is being utilized as an addition to an existing kitchen. It is 208 square feet. The applicant employed a contractor to construct this addition, but unfortunately he was not aware that the contractor did not obtain the building permit. This Variance request is City Council final action since it was constructed without the building permit. The lot is somewhat irregularly shaped and staff does find that the addition is located at the rear of the property, screened by mature trees. Therefore, staff recommended approval.
APPROVALS: 31 Petition	The applicant was not present.
Staff Recommendation: APPROVAL, subject to:	Phyllis Hargrove, Planning & Development, stated that the applicant will be notified that he needs to appear before the City Council.
1. All development must be in conformance with the plot plan and elevations.	No one appeared in opposition.
2. City Code requirements and design standards of all City Departments must be satisfied.	There was no further discussion.
3. The City Council, in granting the Variance, may impose a penalty in an amount that does not exceed ten percent of the value of the structure as determined in accordance with the City's Administrative Code.	NOTE: A date will be set at the 3/22/99 City Council meeting for a public hearing to be held at the 4/12/99 City Council meeting.
4. The Department of Public Works requires that all applicable conditions of approval for the Valley West Subdivision must be complied with.	

(6:26 - 6:28)
1-547

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 9

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-6 <u>V-4-99 - LAVERNE C. LIGON</u> Request for a Variance on property located at 5613 Grand Guinness Court TO ALLOW AN EXISTING 359 SQUARE FOOT ROOM ADDITION 5 FEET FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 4 (Brown), APN: 125-26-810-024. PROTESTS: 9 (4 spoke at meeting, 4 in the audience, 1 letter) APPROVALS: 1 at meeting Staff Recommendation: DENIAL. If approved, subject to: 1. Submit complete building plans to the Building and Safety Department for review and permit. 2. All development must be in conformance with the plot plan and elevations. 3. City Code requirements and design standards of all City Departments must be satisfied. 4. The City Council, in granting the Variance, may impose a penalty in an amount that does not exceed ten percent of the value of the structure as determined in accordance with the City's Administrative Code. 5. The Department of Public Works requires that all conditions of approval for the Mirage Subdivision are complied with.	GOYNES APPROVED subject to conditions and an added condition that tall cypress trees be planted 10 feet on center along the length of the structure Motion carried with Mack voting no and Solomon excused Susan Barton, Planning & Development, noted that the request is for a Variance to allow an existing patio cover enclosure to be five feet from the rear property line where 15 feet is the minimum setback required. The patio was enclosed to create a playroom and sun room consisting of 359 square feet. The applicant did enclose the patio cover to minimize noise from her children playing in the backyard. It was constructed without a building permit and will be City Council final action. Staff feels that no unique circumstances exist for this site. Staff does agree with the applicant's justification that the addition cannot be seen from the street. However, staff is concerned about the effects on the neighbors and properties where part of the sun room can be seen at the rear and side. Therefore, staff recommended denial. Laveme Ligon, 5613 Grand Guinness Court, stated that she is employed by Clark County Family and Youth Services, a division of Child Haven and has been a State Foster Care Provider for the last ten years. She has adopted three children and has four foster children which she is in the process of adopting. She moved into this community in order to have a more spacious home for her children. The construction company obtained a permit to build the patio. When she noticed that her neighbors seemed to be disturbed by the noise caused by her children, she decided to enclose the patio. Ron Amaran, 5612 Sligo Street, appeared on behalf of his neighbors in protest of the Variance request. The eight feet structure is an enormous monstrosity and an eyesore that towers over his six feet wall. The property value of his home has diminished. The zoning requires a 15 foot setback from a structure to the property wall. As far as he knows, the applicant is running a day care business because he sees different children. Variee Thompson, 5609 Grand Guinness Court, resides next to the applicant. The children do not bother her and do not make any noise. Chairperson Boyers commented that Mr. Amaran's concern is with the building structure, not the children. Ms. Thompson replied that the building is not a monstrosity and that the applicant is a licensed foster care mother.

BOARD OF ZONING ADJUSTMENT

MEETING OF

March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 10

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-4-99 - LAVERNE C. LIGON</u>	Robert Gilbert, 5617 Grand Guinness Court, resides at the corner of the property. He objected to this Variance because he had a setback problem with a patio cover built he had built several months ago. He wanted to build a gazebo with lattice for growing orchids but was not allowed to enclose his patio without the proper permits. He submitted an affidavit to that effect and finally was allowed to build arches and enclose the gazebo. He resides both in Los Angeles and Las Vegas and when he returned from a two-weeks trip Ms. Ligon had enclosed her patio. His concern is that because the applicant did not obtain permits, the electrical wiring has not been approved. Chairperson Boyers clarified with Ms. Hargrove that if the Variance is approved and the structure allowed to remain, the applicant would have to obtain building permits and pass all inspections. Mr. Gilbert commented that it is admirable that the applicant takes care of foster children, however the house is a 2400 square feet single family home and the CC&RS state that the house is for a family of four. Presently, there are about nine people residing in the house. Chairperson Boyers noted that that is not an issue before the Board at this time. Mr. Mack expressed his concern about people moving forward and building structures without permits who then come before the Board requesting Variances. Mr. Goynes asked the applicant whether she was aware that permits had to be obtained. She replied that a permit was obtained for the patio cover and did not ask about permits for the enclosure since she used the same contractor to enclose the patio. Mr. Goynes noted that the homeowner cannot be completely blamed because a contractor does not obtain the proper permits. The structure has been built and the money spent. The structure appears professional and is in contour with the home. It does not look like a monstrous structure. The foster care is a State issue and the only thing for this Board to vote on is the Variance request to allow the enclosed structure.

BOARD OF ZONING ADJUSTMENT

MEETING OF

March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 11

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-4-99 - LAVERNE C. LIGON</u>	Ms. Del Prado stated that it is a difficult situation where the homeowner has been taken advantage of by an unscrupulous contractor. Chairperson Boyers noted that the homeowner was naive in not asking to see the permits. When a situation like this occurs, the contractor should be cited for building a structure without the proper permits. Ms. Hargrove clarified that it is out of the City's jurisdiction and that the State Contractors Licensing Board looks into these matters. Unfortunately, it is ultimately the homeowner's responsibility to make sure permits were obtained. If the Variance is approved the item would have to go before City Council where it is subject to a fine. However, the applicant can contact the State Contractors Licensing Board and report the contractor. Deputy City Attorney Steve George clarified that the homeowner is responsible. The City Council has discretion to impose a penalty for the violation or may simply approve or deny the Variance. Chairperson Boyers pointed out that the enclosed structure will help keep the children out of the hot climate and suggested trees could be used to buffer the structure from the surrounding neighbors. Kyle McGuire, 5612 Grand Guinness Court, resides across from the property. Before the home was occupied, some of the rooms were altered without permits. One such alteration was the laundry room being made into a bedroom. This is a situation where someone knew it would be easier to go ahead with the work and then seek a Variance rather than take the time to follow the proper process. Ms. Ligon stated that she would be willing to place cypress trees across the wall tall enough to shield the structure. Mr. Mack commented that this is not a personal issue. What is before the Board is a Variance for something that the Board would not approve if it was not already built.

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 12

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

PLANNING AND DEVELOPMENT

V-4-99 - LAVERNE C. LIGON

Mr. Goynes stated that since the applicant has already constructed the enclosure without the permits, the Board is placed in a precarious position of having to approve the Variance versus forcing the applicant to remove the structure and causing a hardship on the homeowner. Again, the responsibility lies with the builder and what should be required of them when building a structure.

Ms. Ligon repeated that the permit was obtained for the patio cover, which is the same height as the enclosure. The only difference is the beveled glass of the enclosure. Ms. Del Prado clarified with Ms. Hargrove that any type of structure within the required setbacks would need a Variance. The patio does not, as it is allowed within five feet of the rear property line. She added that she would like to see this item go before City Council for final action. Deputy City Attorney Steve George explained that the item would automatically go before City Council if it were. In the event of denial, the applicant would have ten days to appeal that decision to the City Council.

Mr. Goynes moved to approve the Variance request. The unique structure is consistent with most patio covers approved by the Board in the past. Ms. Del Prado and Ms. Boyers both agreed that a condition should be added that tall cypress trees be planted 10 feet on center along the length of the structure.

Mr. Gilbert protested that cypress trees take a long time to grow. He complained that the applicant is being allowed to enclose the patio with air conditioning and electricity when he was not allowed to enclose a gazebo.

Sue Ellen Amaran, 5612 Sligo Street, stated that the applicant should have bought a larger home instead of making the additions. The structure is so close to her property line that the value of her home has been decreased. She cannot enjoy her yard because the structure is an eyesore and the noise is worse than it was before.

There was no further discussion.

NOTE: A date will be set at the 3/22/99 City Council meeting for a public hearing to be held at the 4/12/99 City Council meeting.

(6:28 - 7:05)
1-628

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 13

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-7	<u>V-5-99 - MARK H. MINTZ</u> Request for a Variance on property located at 2110 Fremont Street TO ALLOW A PROPOSED 75 FOOT WIRELESS COMMUNICATION TOWER 5 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING MOTEL, C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 139-35-803-015. PROTESTS: 0 APPROVALS: 0 Staff Recommendation: DENIAL. If approved, subject to: 1. All development must be in conformance with the plot plans and elevations submitted. 2. City Code requirements and design standards of all City Departments must be satisfied. 3. The City Council must approve U-8-99 prior to the construction of the tower and pad. All conditions of approval of U-8-99 must be complied with. 4. The equipment pad must be completely enclosed by a six foot high block wall and secured gate. BOYERS APPROVED subject to conditions Motion carried with Del Prado voting no and Solomon excused NOTE: An initial motion for denial by Boyers failed as a result of a tie vote with Del Prado and Goynes voting no and Solomon excused Phyllis Hargrove, Planning & Development, explained that the Variance is for a 74 foot high cellular tower with an equipment pad of 35 foot by 25 foot. The cell tower is on the property of an existing motel. The applicant indicates that the antenna is required to provide adequate coverage to customers using PCS services in the area. Staff finds that there is nothing extraordinary about the site or the need for the setback reduction. The site is large enough that the structure could be moved to meet the setbacks. Therefore, staff recommended denial. Attorney Bill Curran, Curran & Parry, 601 S. Rancho, and Chris Wener, Spectrum Engineering and Surveying, 3002 Rigel Avenue, appeared on behalf of the applicant. A different application with the same issue has been before the Planning Commission and City Council in the past. The area was deemed unacceptable by the City, who suggested that the tower be moved to the Huntridge Theater. The application for that site was denied with many residents opposed. He is desperately trying to provide an in-fill piece to complete the network and allow the telephone to work without interference. The present location within a very mature neighborhood should be non-problematic. There are no homes nearby and the only question is whether to the enclosed ground facilities can be moved to within 5 feet of the property wall rather than the 10 feet required. The greater setback, encroaching into the center, will interfere with the traffic flow in the parking lot. The interference will minimize the viability of the parcel. The parcel is of an irregular shape and many of the nearby structures were built before adoption of setback requirements. In view of these circumstances, Attorney Curran requested approval.

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 14

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-5-99 - MARK H. MINTZ</u>	Mr. Wener agreed that the parcel is irregularly shaped and added that the frontage is along both Fremont and Charleston. There is a driveway at the southwest corner of the building that will be further impacted without relocating the ground facilities. The original plan was to place the pad against the property line, but a five foot Nevada Power easement along the property line makes this the best design possible for this parcel. Ms. Del Prado discussed the neglect of the surrounding area for many years and the current improvements done on Eastern, Charleston and Fremont. If the Variance is approved she suggested imposing a condition for a two-year review. Attorney Curran replied that such a condition would make it impossible to go forward construction of the tower because the expensive nature of the project. He repeated that the additional five feet being required between the structures will narrow the space for traffic circulation and impede improvement of that property. He suggested that a 10-year review would be agreeable. Ms. Boyers questioned the costs to construct the cell tower. Attorney Curran replied that there is more than just the cost involved. Moving a cell tower can have a significant impact because this is a valley-wide network. Mr. Wener added that construction costs will be about \$300,000 and that putting in the pole, foundations and antennas will cost about \$100,000. The radio equipment in the ground cabinets is phenomenally expensive. The property owner is paid between \$500 and \$600 per month for having this facility located on his property. Ms. Hargrove clarified that because the cell tower is over 40 feet high, it will have to go before the Planning Commission for a Special Use Permit. The likelihood of them obtaining the Special Use Permit is good because they meet the criteria. The issue at this time is whether the applicant meets the side yard setback.

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 15

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-5-99 - MARK H. MINTZ</u>	Chairperson Boyers' motion for denial did not carry. Deputy City Attorney Steve George suggested that another motion could be made and possibly a condition imposed that would satisfy the Board members. Mr. Mack commented that the turbulent process experienced by this applicant in trying to find a proper location. Any site selected might not please everyone in the City. Mr. Wener stated that the property has been significantly cleaned up; repainted and the entire parking lot has been repaved. The placement of the tower on the interior was to minimize its visual effect. Deputy City Attorney Steve George clarified that if this proposed tower is not constructed within the grid necessary for effectiveness at this time, another tower will have to be installed. This is the applicant's third attempt to apply for a site. The two previous attempts were found not acceptable to the City of Las Vegas and the applicant withdrew each of those applications. Ms. Del Prado stated that if the cell tower is constructed so as not to be an eyesore, there should be no problem with a three year review. Ms. Hargrove clarified that a three year review would deal only with the Variance and not with the use. The distance from the property line will not change in three years. At worst, the applicant could be made to relocate the tower five feet at an extraordinary cost. Chairperson Boyers moved for approval due to the configuration of the parcel and the fact that the tower will be located so as to minimize its visual effect. No one appeared in opposition. There was no further discussion. (7:05 - 7:25) 1-2007

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 16

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-8 <u>V-6-99 - ORO, LIMITED LIABILITY COMPANY</u>	
Request for a Variance on property located at 900 West Monroe Avenue TO ALLOW AN 8 FOOT HIGH WROUGHT IRON FENCE ALONG THE FRONT, SIDE AND REAR PROPERTY LINES WHERE 4 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD AREA AND 6 FEET IS THE MAXIMUM HEIGHT ALLOWED IN THE SIDE AND REAR YARD AREAS IN CONJUNCTION WITH AN EXISTING APARTMENT COMPLEX, R-3 (Medium Density Residential) Zone, Ward 3 (Reese), APN: 139-28-503-023. PROTESTS: 0 APPROVALS: 1 Letter Staff Recommendation: APPROVAL, subject to: 1. Submit complete building plans to the Building and Safety Department for review and permit. 2. All wrought iron fencing shall be painted to match the existing building. 3. All development must be in conformance with the plot plan and elevations. 4. City Code requirements and design standards of all City Departments must be satisfied. 5. The proposed access gates shall be set back a sufficient distance (a minimum of 18 feet) to allow a vehicle to pull completely out of the public street right-of-way before stopping to operate the gate as required by the Department of Public Works. The installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.	DEL PRADO APPROVED subject to conditions UNANIMOUS with Solomon excused Susan Barton, Planning & Development, stated that the Variance is to allow an eight foot high wrought iron fence around the perimeter of the site. The frontage is off of Monroe, where four feet is the maximum height allowed and six feet for the rest of the site. This is site with 100 multi-family dwelling units. The proposed wrought iron fence will have intermittent brick columns. The applicant is proposing to install a guard booth on the southwest corner of the site to be attached to the fence. Although a unique circumstance does not exist for this project, staff feels that strict interpretation of this regulation will deprive the applicant of privileges enjoyed by other property owners in this area. Recently, there have been two similar Variances approved in the vicinity. Staff feels that the wrought iron fence will not cause a sight visibility problem and therefore recommended approval. Michael Grosenberg, 908 West Monroe, appeared on behalf of the owners, Oro, LLC. The property was condemned several years ago by the City of North Las Vegas and was bought two years ago from the Housing Authority. The property was in terrible condition and the developer has invested a large amount of money to upgrade the site for affordable housing. The complex offers two and three bedroom units, which have been remodeled with new windows, new appliances, new air conditioners and new plumbing. A major concern has been for children's safety and with people who create problems getting into the complex. The residents formed a residents council and have asked that an eight foot high perimeter fence be constructed. A four feet fence will not prevent non-residents from climbing into the complex. The proposed fence was designed to make the project attractive. Mr. Goynes expressed concern that the wrought iron fence bars will be pulled apart to enable someone to get in and out. Mr. Grosenberg and Mr. Gumm responded that the iron will be very strong and a gate installed for the residents opened and closed by electronic key pad to prevent the bad element from getting into the complex. Mr. Grosenberg noted that many programs are being provided for the residents' children and children from the adjacent Evergreen Apartments. It is the duty of the owner to provide a safe environment.

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 17

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>V-6-99 - ORO, LIMITED LIABILITY COMPANY</u>	No one appeared in opposition. There was no further discussion. (6:16 - 6:24) 1-279

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 18

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-9 <u>V-8-99 - WESTCLIFF 301, LIMITED LIABILITY COMPANY</u> Request for a Variance on property located at 301 North Buffalo Drive TO ALLOW A 658 SQUARE FOOT ADDITION TO AN EXISTING RESTAURANT 14 FEET, 7 INCHES FROM THE FRONT PROPERTY LINE WHERE 20 FEET IS THE MINIMUM FRONT YARD SETBACK REQUIRED, C-1 (Limited Commercial) Zone, Ward 2 (Adamsen), APN: 138-28-819-010. PROTESTS: 0 APPROVALS: 0 Staff Recommendation: APPROVAL, subject to: 1. All development must be in conformance with the plot plan and elevations. 2. City Code requirements and design standards of all City departments must be satisfied. 3. The Department of Public Works requires that all applicable conditions of approval for the Westcliff House Office Park (Commercial Subdivision) and all other subsequent site-related actions are complied with.	MACK APPROVED subject to conditions UNANIMOUS with Solomon excused and Goynes not voting Phyllis Hargrove, Planning & Development, explained that the request is for a Variance to allow the Bagel Cafe to enclose their outdoor seating area. The applicant proposed to convert an open air dining patio into additional covered restaurant space. Staff is of the opinion that this will not be detrimental to the shopping center or change the overall frontage alignment of the shopping center. It will enhance the area. Therefore, staff recommended approval. Attorney Mark Fiorentino, Kummer, Kaepfer, Bonner, and Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He thanked staff for their assistance and confirmed with staff that the conditions are similar to those contained in the draft report. No one appeared in opposition. There was no further discussion. (7:38 - 7:41) 1-3674

BOARD OF ZONING ADJUSTMENT

MEETING OF
March 2, 1999

City of Las Vegas

AGENDA & MINUTES

Page 19

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
B	
<u>CITIZENS PARTICIPATION:</u>	
ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE ACTED UPON BY THE BOARD OF ZONING ADJUSTMENT UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH; THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.	None.
MEETING ADJOURNED AT 7:41 P.M.	
PLANNING & DEVELOPMENT DEPARTMENT	
<i>David Peterson</i> for PHYLLIS HARGROVE, SR. PLANNER PLANNING & DEVELOPMENT DEPARTMENT	
/ac	

25547