

BOARD OF ZONING ADJUSTMENT

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MEETING OF
May 4, 1999

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

| ITEM | ACTION |
|--|--|
| <u>PLANNING AND DEVELOPMENT</u> | |
| ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE | |
| <u>CALL TO ORDER</u> | |
| 6:00 P.M. in the Council Chambers of the City Hall, 400 East Stewart Avenue, Las Vegas, Nevada. | Chairperson Boyers called the meeting to order at 6:06 PM. |
| <u>ROLL CALL</u> | Mr. Solomon led the audience in the Pledge. |
| Roberta S. Boyers - Present Elisa Del Prado - Present Michael Mack - Present Mark Solomon - Present Byron A. Goynes - Present (Excused at 6:30) | <u>STAFF PRESENT</u> Tim Chow, Director, Planning & Development Doug Powell, Deputy Director, Planning & Development Tambri Heyden, Current Planning Manager, Planning & Development David Petrovich, Planning Supervisor, Planning & Development Susan Barton, Planner II, Planning & Development Tracey Thiros, Planning Technician, Planning & Development Stephen George, Deputy City Attorney Bart Anderson, Civil Engineer, Public Works Angela Crolli, Deputy City Clerk |
| <u>ANNOUNCEMENTS</u> | |
| Satisfaction of Open Meeting Law. | (6:06) 1-1 |
| 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. | Doug Powell, Deputy Director of Planning & Development, introduced Dr. Tim Chow, the new Director of the Planning & Development Department. (6:06) 1-23 |
| <u>NOTICE</u> | |
| This meeting has been properly noticed and posted at the following locations: | Ms. Barton announced the Open Meeting Law requirements had been met. |
| Clark County Government Center, 500 S. Grand Central Parkway Senior Citizen Center, 450 East Bonanza Road Clark County Courthouse, 200 E. Carson Avenue Court Clerk's Office Bulletin Board, City Hall Plaza City Hall Plaza, Special Outside Posting Bulletin Board | (6:06) 1-31 |
| <u>MINUTES</u> | |
| Approval of the Minutes for the April 6, 1999 Board of Zoning Adjustment meeting | DEL PRADO APPROVAL UNANIMOUS (6:07) 1-60 |

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ITEM

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.
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.

Chairperson Boyers referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.

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| <u>PLANNING AND DEVELOPMENT</u> | |
| <u>PUBLIC HEARING ITEMS:</u> | |
| <u>ABEYANCE ITEM - RENOTIFICATION</u> | |
| A-1 | |
| <u>SCD-3-99 - SUN CITY COMMUNITY ASSOCIATION</u> | DEL PRADO WITHDRAWN WITHOUT PREJUDICE UNANIMOUS |
| Request for a Summerlin Certificate of Deviation on property located at 11011 West Lake Mead Boulevard TO ALLOW A 10 FOOT SETBACK WHERE A 50 FOOT SETBACK IS REQUIRED BY THE SUMMERLIN DEVELOPMENT STANDARDS' RESIDENTIAL ADJACENCY STANDARDS FOR A PROPOSED 75 FOOT TALL CELLULAR TELEPHONE TOWER, P-C (Planned Community) Zone, Ward 2 (Adamsen), APN: 137-14-897-005. | The applicant was not present and no one appeared in opposition. |
| PROTESTS: 1 Telephone | There was no discussion. |
| APPROVALS: 0 | (6:08) 1-99 |
| Staff Recommendation: DENIAL. If approved, subject to: | |
| 1. The proposed monopole and ancillary electrical equipment boxes shall be located so as to not interfere with right-of-way requirements for the Clark County Beltway / Lake Mead Boulevard interchange, and the applicant shall provide to the City written confirmation of such from Clark County Public Works, prior to the issuance of any permits for this site as required by the Department of Public Works." | |
| 2. The Variance approval is subject to the approval of U-32-99 by the City Council. If such approval is not obtained, this Variance shall be null and void. | |
| 3. All development must be in conformance with the plot plans and elevations. | |
| 4. City Code requirements and design standards of all City Departments must be satisfied. | |

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| <u>PLANNING AND DEVELOPMENT</u> | |
| <u>PUBLIC HEARING ITEMS:</u> | |
| <u>ABEYANCE ITEM</u> | |
| A-2 | <u>V-10-99 - RAFAEL SOLORANZO</u> |
| | DEL PRADO APPROVAL subject to conditions UNANIMOUS |
| | Susan Barton, Planning & Development, advised that this item was held in abeyance on April 6, 1999 for clarification of the exact nature of this Variance request. The existing 216 square feet addition is located four feet from the side property line where five feet is the minimum setback required. It is currently being used as a laundry room and a bathroom. The structure was built without a building permit. Staff finds that the hardship is self-imposed and therefore recommended denial. |
| | Rafael and Sally Solorzano, 4618 Cory Place, explained that the property was purchased with the addition already built and presented documentation as proof. They were unaware of any problems with the addition until a complaint was made to the City. They confirmed with Vice-Chair Del Prado that the addition is used only as a laundry room and bathroom. |
| | No one appeared in opposition. |
| | There was no further discussion. |
| | NOTE: A date will be set at the 5/24/99 City Council meeting for a public hearing to be held at the 6/14/99 City Council meeting. |
| | (6:11 - 6:15) 1-184 |
| | Request for a Variance on property located at 4618 Cory Place TO ALLOW AN EXISTING ROOM ADDITION TO BE 4 FEET FROM THE SIDE PROPERTY LINE WHERE 5 FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 3 (Reese), APN: 139-31-410-055. |
| | PROTESTS: 0 |
| | APPROVALS: 0 |
| | Staff Recommendation: DENIAL. If approved, subject to: |
| | <ol style="list-style-type: none">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. |

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| A-3 | <u>V-20-99 - ERIC AND MORTON FRIEDLANDER</u> |
| Request for a Variance on property located at 1217 Greenway Drive TO ALLOW AN EXISTING GARAGE THREE AND ONE-HALF FEET FROM THE SIDE PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 1 (McDonald), APN: 138-25-610-048. | SOLOMON APPROVAL subject to conditions and an added condition that the applicant complete the garage exterior to match the original house in terms of materials and color within 90 days after obtaining the building permit UNANIMOUS |
| PROTESTS: 0 | Susan Barton, Planning & Development, explained that the existing 301 square foot unfinished garage addition encroaches into the side yard setback by 1.5 feet and requires an exterior finish. City records show that a building permit application was filed with the Building Department in December 1995, but no plans were submitted at that time. Although staff acknowledges the applicant's desire to renovate the property, they find that the hardship is self-created and therefore recommended denial. If the Variance is approved, staff recommended that the exterior finish of the garage match the original house in terms of materials and color. |
| APPROVALS: 0 | Morton Friedlander, 1217 Greenway, responded that the property was repossessed by the VA. During the inspection before he purchased it, the City inspector advised that a Variance would be required. Once the Variance is approved, he will apply for a new building permit and bring the entire property up to code. Many of the homes in the neighborhood were built in the early 1960s. Some of the homes are well-maintained by long term residents while others are waiting sale by the VA and HUD. |
| Staff Recommendation: DENIAL. If approved, subject to: | Chairperson Boyers clarified with Mr. Friedlander that his property is the only one that has a garage with a curved driveway. The other homes all have carports. Mr. Friedlander added that the entire house will be rehabilitated within two years. Since the garage exterior can be seen from the street, he agreed that will be upgraded within 90 days after a building permit is obtained. |
| 1. Submit complete building plans to the Building and Safety Department for review and permit. | Chairperson Boyers suggested that the applicant bring letters of approval from his neighbors to the City Council meeting. |
| 2. All development must be in conformance with the plot plans and elevations. | There was no further discussion. |
| 3. City Code requirements and design standards of all City Departments must be satisfied. | NOTE: A date will be set at the 5/24/99 City Council meeting for a public hearing to be held at the 6/14/99 City Council meeting. |
| 4. The garage should be finished to match the original single-family dwelling in terms of materials and color. | (6:15 - 6:20) 1-313 |

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| <u>PLANNING AND DEVELOPMENT</u> | |
| A-4 | <u>V-21-99 - STEPHEN AND SHIRLENE SILL</u> |
| Request for a Variance on property located at 4900 East Bonanza Road TO ALLOW A PROPOSED OFFICE BUILDING 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, R-E (Residence Estates) Zone, Ward 3 (Reese), APN: 140-29-801-007. | DEL PRADO APPROVAL subject to conditions UNANIMOUS with Goynes excused |
| PROTESTS: 2 (1 Letter, 1 at meeting) | Susan Barton, Planning & Development, indicated that this request is for a Variance to allow a 2,900 square foot one-story office building zero feet from the side property line where 10 feet is required. The building would encroach into its eastern side yard setback by 10 feet. An existing office is located to the east of the site and a proposed 31,000 square foot retail center is proposed to the west. Staff believes that approval would perpetuate zero setback issues in the area and other developers might also seek zero setbacks. There is already an existing parking deficiency in the area which this Variance would exacerbate. Staff believes that there are no unique circumstances and that the self-imposed hardship is being created by an attempt to overbuild the site. Therefore staff recommended denial. |
| APPROVALS: 0 | Applicant Stephen Sill, 491 Spanish View, and his representative, Marlon Hardy, 494 Spanish View, were present. Mr. Hardy stated that he showed the plans to the surrounding neighbors and obtained five letters of support. The one letter of protest was submitted by the resident kitty-corner from the subject property. Mr. Sill is trying to create a professional building which will be appealing and inviting to tenants. It would be of similar architecture to the existing veterinarian's building and include a 20 foot courtyard between the two buildings. |
| Staff Recommendation: DENIAL. If approved, subject to: | Mr. Solomon indicated that there have been other commercial developments that have eliminated such spaces to prevent collection of garbage, hazard space for children or vagrant nuisances. |
| 1. All development must be in conformance with the plot plans and elevations. | Francisco Esquivel, 4941 Irene Avenue, stated that although he resides in the rear of the proposed property, he has not seen the plans for the project. Mr. Hardy replied that he visited Mr. Esquivel's home and showed the plans to Mrs. Esquivel, who signed the petition of support. Mr. Sill added that the adjoining veterinarian is in favor of having the proposed building next to his building to avoid collection of garbage. The building will be consistent with area aesthetics. |
| 2. City Code requirements and design standards of all City Departments must be satisfied. | |
| 3. The Variance approval is subject to the City Council approving a Rezoning on the subject site from R-E to C-1, and subsequent approval of a Site Development Plan Review by the appropriate governing body. If the site is not rezoned to C-1, this Variance shall be null and void. | |
| 4. The Department of Public Works requires that all applicable conditions of approval for Zoning Reclassification Z-82-98 and all other subsequent site related actions are ultimately complied with. | |

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| <u>V-21-99 - STEPHEN AND SHIRLENE SILL</u> | <p>Vice-Chairperson Del Prado pointed out that similar Variances have been approved in the past. Mr. Sill commented that a revised plan was submitted which reflects a smaller building. Doug Powell, Deputy Director of Planning & Development, indicated that the Board would only act on the side yard setback Variance at this time, not the design of the building.</p> <p>There was no further discussion.</p> <p>(6:20 - 6:32) 1-485</p> |

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| <p data-bbox="420 393 840 436">PLANNING AND DEVELOPMENT</p> <p data-bbox="315 478 399 521">A-5</p> <p data-bbox="420 478 777 510"><u>V-22-99 - HERMAN BRITZ</u></p> <p data-bbox="420 532 1029 766">Request for a Variance on property located at 4306 Dover Place TO ALLOW TWO EXISTING PATIO COVERS ZERO FEET FROM THE SIDE PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 1 (McDonald), APN: 139-31-411-121.</p> <p data-bbox="420 798 735 829">PROTESTS: 2 Letters</p> <p data-bbox="420 861 924 893">APPROVALS: 11 (1 Letter, 10 Petition)</p> <p data-bbox="420 925 1029 989">Staff Recommendation: DENIAL. If approved, subject to:</p> <ol data-bbox="420 1021 1029 1500" style="list-style-type: none">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 plans and elevations.3. City Code requirements and design standards of all City Departments must be satisfied.4. If the Building and Safety Department requires the removal of the patio covers, which are the subject of this request, this Variance becomes null and void. | <p data-bbox="1029 468 1470 563">BOYERS APPROVAL subject to conditions UNANIMOUS with Goynes excused</p> <p data-bbox="1029 595 1789 978">Susan Barton, Planning & Development, presented photographs depicting the existing metal and wood patio covers which do not match the existing home and were built to both side property lines, encroaching five feet on each side. The applicant was cited for a code violation in February 1999. The Building Department requires that a patio cover located within three feet of a property line must conform to the Uniform Building Code. If the existing patio covers do not conform to the Code, they must be corrected or removed. Staff is concerned about the safety and aesthetic impacts of the patio covers on the neighborhood. Therefore, staff recommended denial.</p> <p data-bbox="1029 1010 1789 1138">Herman Britz, 4306 Dover Place, stated that he inherited this property from his father and the patio covers have existed for 11 years. There are other homes on the same street with similar wood structures built to their property lines.</p> <p data-bbox="1029 1170 1789 1393">Vice-Chair Del Prado confirmed with Ms. Barton that the citation was issued by Neighborhood Services. Chairperson Boyers verified with Mr. Britz that he does not rent his garage as an apartment and that no construction has been done to the property without permits since he inherited it. The only remodeling done by Mr. Britz to the house has been to install a new roof for which a building permit was obtained.</p> <p data-bbox="1029 1425 1789 1585">Vice-Chair Del Prado pointed out that there is a complaint from one of Mr. Britz's neighbor that rain water runs from his patio cover into her yard. Mr. Britz replied that rain gutters will be installed. In addition, the structures will be painted to match the existing home for a more pleasing appearance.</p> <p data-bbox="1029 1617 1789 1808">Mr. Solomon stressed that there is a condition that the patio covers meet code. If it is determined that they do not, a recommendation may be made that the structure be modified. Mr. Britz reiterated that he will be removing the wood shingles from the structures and complying with Building and Safety/Fire Code requirements.</p> |

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| <u>V-22-99 - HERMAN BRITZ</u> | <p>Vice-Chair Del Prado confirmed with Ms. Barton that the applicant does not have a specific time period in which to comply with Code Enforcement recommendations so long as he demonstrates that he is complying. Mr. Britz added that he has been working with Sheila Luchansky and Jim Shadrack with Code Enforcement to resolve this issue.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>NOTE: A date will be set at the 5/24/99 City Council meeting for a public hearing to be held at the 6/14/99 City Council meeting.</p> <p>(6:32 - 6:41) 1-890</p> |

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| A-6 | <p data-bbox="422 474 1020 538"><u>V-23-99 - ELKHORN PARTNERS LIMITED PARTNERSHIP</u></p> <p data-bbox="422 570 1020 889">Request for a Variance on properties located on the southeast corner of Buffalo Drive and Farm Road TO ALLOW 10 PROPOSED SINGLE-FAMILY DWELLINGS 20 FEET FROM THE FRONT PROPERTY LINE WHERE 30 AND 25 FEET ARE THE MINIMUM SETBACKS REQUIRED, R-E (Residence Estates) and R-D (Residential Restricted) Zones, Ward 4 (Brown), APN: 125-15-312-012, 013, 018, 033; 125-15-412-083, 084, 125-15-310-004.</p> <p data-bbox="422 921 783 949">PROTESTS: 1 Telephone</p> <p data-bbox="422 985 653 1012">APPROVALS: 0</p> <p data-bbox="422 1049 1020 1112">Staff Recommendation: APPROVAL and DENIAL of the three lots. If approved, subject to:</p> <ol data-bbox="422 1144 1020 1527" style="list-style-type: none">1. All development must be in conformance with the plot plans 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 Preserve at Elkhorn Springs Unit 2 Subdivision and all other subsequent site related actions are ultimately complied with. |
| | <p data-bbox="1045 470 1787 661">SOLOMON APPROVAL subject to conditions and an added condition that the applicant work with staff regarding the placement of a stop sign at the intersection of Arborcrest Avenue and Thornbuck Place UNANIMOUS with Goynes excused</p> <p data-bbox="1045 693 1787 1204">Susan Barton, Planning & Development, stated that the applicant is proposing to construct ten single-family dwellings in the Preserve subdivision at Elkhorn Springs. That community contains private streets and the dwellings would encroach up to 15 feet into the front yard setback. This subdivision contains two zoning districts; R-E to the north, south and east property lines and R-D adjacent to the west property line and internal to the site. The R-E lots located on cul-de-sacs are permitted a front yard setback of 20 feet. However, three of the lots are located on street curves and staff is concerned about visibility reduction around these curves. Two of the ten lots are already permitted to a 20 foot front yard setback since they are zoned R-E. Staff recommends a fourth condition be added that a stop sign be erected to promote safety. Staff recommended approval of certain lots and denial of others.</p> <p data-bbox="1045 1236 1787 1640">Paul Kenner, 4630 S. Arville, stated that the knuckle lots are unique because this is both an R-E and R-D development. The R-E lots are allowed a closer setback to the private streets than the R-D lots. He concurred with staff recommendations for the approval. The three lots staff feels are not acceptable for a Variance are zoned R-D and very large in size. One of the R-D lots is irregularly shaped and its configuration causes garage to actually exceed the 25 foot standard while a corner of the house would encroach. That particular lot has the smallest footprint offered at this location. The homes range from 2,975 to over 4,000 square feet. The project's traffic engineer can demonstrate that the Variance would not create a hazardous condition.</p> <p data-bbox="1045 1672 1787 1868">Mr. Kenner added that one of these lots has a unique hardship. There is a drainage/underground conduit system that runs along this lot and then outfalls to the backside of the project. Due to the drainage easements and the uniqueness of that front yard, the house placement ends up almost 20 feet back from where the yard meets the driveway.</p> |

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| <p data-bbox="422 400 842 431"><u>PLANNING AND DEVELOPMENT</u></p> <p data-bbox="422 474 1014 538"><u>V-23-99 - ELKHORN PARTNERS LIMITED PARTNERSHIP</u></p> | <p data-bbox="1045 463 1780 591">Ms. Barton recommended that the added condition state that the applicant work with staff regarding the placement of stop sign at the intersection of Arborcrest Avenue and Thornbuck Place.</p> <p data-bbox="1045 623 1780 1006">Mr. Solomon discussed with Mr. Kenner that the unit to the south involved a very small lot on which the house would not fit, regardless of configuration. This caused the developer to combine two lots into one lot. Mr. Solomon pointed out that the original zoning was based on the R-E lots as a buffer. Mr. Kenner replied that there is no request for smaller lot sizes. The unique thing about this request is that R-E lots actually allow the setback. The footprint of the houses are larger than anticipated and cause the front yard to be smaller for those lots located on a curve or cul-de-sac. The homes in the subdivision which meet setbacks actually end up being farther back from the street under the plan.</p> <p data-bbox="1045 1038 1780 1421">While not opposed to the request, Mr. Solomon outlined his feelings that the responsibility for making the footprint of the house fit into the setbacks would rest with the developer. The lots size should conform with the original zoning given that R-E lots were established as a buffer in exchange for the higher density. Although there are extraordinary circumstances because of the knuckle streets, this type of deviation should not become standard. Mr. Kenner rebutted that the density overall has been decreased. Also, the Variance is only for a couple of the lots out of the entire project. Mr. Solomon directed Mr. Kenner to meet with staff regarding the placement of the stop sign.</p> <p data-bbox="1045 1453 1423 1485">No one appeared in opposition.</p> <p data-bbox="1045 1517 1444 1549">There was no further discussion.</p> <p data-bbox="1350 1581 1507 1644">(6:10 - 6:11) 1-111</p> |

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| <p><u>PLANNING AND DEVELOPMENT</u></p> <p>A-7 <u>V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING</u></p> <p>Request for a Variance on property located at 4420 West Sahara Avenue TO ALLOW A 298 FOOT SEPARATION BETWEEN A BILLBOARD AND A RESIDENTIAL USE WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-06-402-006.</p> <p>PROTESTS: 1 (Letter - Charleston Neighborhood Preservation)</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: APPROVAL, subject to:</p> <ol style="list-style-type: none">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 plans and elevations.3. Submit an application for a Special Use Permit for the proposed off-premise sign to the Planning and Development Department for review and subsequent consideration by the Planning Commission and approval by the City Council.4. City Code requirements and design standards of all City Departments must be satisfied. | <p>BOYERS ABEYANCE to 6/1/99 UNANIMOUS</p> <p>Deputy City Attorney Steve George announced that there were legal issues to be addressed prior to the Board's consideration of this item. Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, concurred and requested that the item be held in abeyance until 6/1/99.</p> <p>No one appeared in opposition.</p> <p>There was no discussion.</p> <p>(6:09 - 6:11) 1-143</p> |

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| <p data-bbox="420 393 1029 436">PLANNING AND DEVELOPMENT</p> <p data-bbox="336 478 399 521">A-8</p> <p data-bbox="420 478 1029 574"><u>V-25-99 - LAKE MEAD MINI-STORAGE, LIMITED PARTNERSHIP ON BEHALF OF STORAGE ONE</u></p> <p data-bbox="420 606 1029 957">Request for a Variance on property located at 2101 Rock Springs Drive TO ALLOW A SECOND PROPOSED FREE-STANDING GROUND SIGN WHERE ONE FREE-STANDING GROUND SIGN IS ALLOWED IN CONJUNCTION WITH AN EXISTING PUBLIC STORAGE FACILITY, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown), APN: 138-22-610-010.</p> <p data-bbox="420 989 651 1021">PROTESTS: 0</p> <p data-bbox="420 1053 651 1085">APPROVALS: 0</p> <p data-bbox="420 1117 1029 1181">Staff Recommendation: DENIAL. If approved, subject to:</p> <ol data-bbox="420 1212 1029 1755" style="list-style-type: none">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 plans 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 applicable conditions of approval for Z-74-84, the Lake Mead Rock Springs Commercial Subdivision and all other subsequent site related actions are ultimately complied with. | <p data-bbox="1029 478 1470 563">SOLOMON ABEYANCE to 6/1/99 UNANIMOUS with Goynes excused</p> <p data-bbox="1029 595 1782 978">Susan Barton, Planning & Development, advised that the applicant is requesting a second freestanding ground sign where only one is permitted. The facility currently shares advertising space with three neighboring properties on an 80 foot high consolidated sign approved during a site development plan review by the City Council in May 1997. Also, there is a wall sign located on the south of the property. Staff finds that the applicant has ample advertising exposure to the surrounding area and is concerned that the approval of this Variance might set a precedent, allowing the area to become cluttered with excessive signage. Therefore, staff recommended denial.</p> <p data-bbox="1029 1010 1782 1553">Darrell Shock, Vision Sign Company, 3625 S. Polaris and Jim Messervey, Storage One, 1120 Las Vegas Blvd. South, were present. Mr. Shock stated that the 80 foot sign was approved due to and oriented toward freeway exposure, it is perpendicular to Rock Springs and parallel to Lake Mead. At the time the project was developed, the three front pads on Rock Springs did not exist. Further, the Wild Oats shopping center on the northeast corner of Tenaya and Lake Mead did not exist. At that time there was ample east/west visibility on Lake Mead. However, subsequent development of the two-story Big O Tire building obstructs the Storage One building from westbound motorists. That building sits directly in front of and is five to ten feet taller than the Storage One building. There is absolutely no visibility for motorists on the overpass up to the light at Rock Springs of the Storage One building. Likewise, the Storage One building is obstructed from eastbound Lake Mead motorists by the Wild Oats center.</p> <p data-bbox="1029 1585 1782 1840">Mr. Shock rebutted that Big O Tires is advertised on the 80 foot free-standing pole sign as well as on an existing sign that was approved by staff along Rock Springs. Wienerschitzel is also approved for the 80 foot sign and has a monument sign along Rock Springs. Both of these businesses were allowed other signs despite their frontage and visibility on Rock Springs. Storage One does not have any frontage or visibility and therefore is requesting the Variance.</p> |

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| <u>PLANNING AND DEVELOPMENT</u> | |
| <u>V-25-99 - LAKE MEAD MINI-STORAGE, LIMITED PARTNERSHIP ON BEHALF OF STORAGE ONE</u> | <p>Mr. Messervey repeated that when Storage One was developed there were no other developments west of this site. The Wild Oats Market Place was built approximately 20 feet high, which is standard but absolutely blocks the Storage One building. Seventy to eighty percent of Storage One business depends upon eastbound Lake Mead traffic and its occupancy rate has not increased above its 75% since the Wild Oats facility opened.</p> <p>Mr. Solomon pointed out that the complaint regarding a lack of frontage is a result of the applicant's development decisions. There is an 80 foot sign similar to other area businesses. He questioned whether there would be room to put a monument sign in the drive from Lake Mead. Mr. Messervey responded that there is no drive from Lake Mead. There is only a 32 foot wide access from Rock Springs. Mr. Shock added that there is a small window of vision between Beano's and Wendy's which is easy to miss. Mr. Messervey pointed out that anything placed at that frontage would be an off-premise sign and would require the very unlikely permission from the other property owner.</p> <p>Mr. Solomon reiterated the concern about sign proliferation expressed by staff. He would like to see a sign elevation with a superimposed sign to demonstrate the sight-line. The photographs provided of adjacent signage is not sufficient. Mr. Messervey responded that they worked on the consolidated signage to avoid clutter, but that development has created this need. He agreed that they have the necessary equipment to do the superimposition, but in this case, they used a crane to do the demonstration.</p> <p>Mr. Solomon requested an abeyance to allow the applicant to develop true representations of the proposed sign in relationship to the existing area. Mr. Messervey agreed to the delay and to provide views both east and westbound, inclusive of the superimposed sign.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>(6:53 - 7:05) 1-1658</p> |

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| <p data-bbox="420 393 840 425">PLANNING AND DEVELOPMENT</p> <p data-bbox="346 478 409 510">A-9</p> <p data-bbox="420 468 1018 563"><u>V-26-99 - CEYCHELLE, LIMITED LIABILITY COMPANY ON BEHALF OF T. L. C. ENTERPRISES</u></p> <p data-bbox="420 595 1018 883">Request for a Variance on property located on the northwest corner of Sahara Avenue and Fort Apache Road TO ALLOW THREE PROPOSED 95 SQUARE FOOT PROJECTING SIGNS WHERE ONE 32 SQUARE FOOT PROJECTING SIGN IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED TAVERN, C-1 (Limited Commercial) Zone, Ward 2 (Adamsen), APN: 163-06-816-011.</p> <p data-bbox="420 915 735 946">PROTESTS: 1 Letter</p> <p data-bbox="420 978 651 1010">APPROVALS: 0</p> <p data-bbox="420 1042 1018 1117">Staff Recommendation: DENIAL. If approved, subject to:</p> <ol data-bbox="420 1149 1018 1883" style="list-style-type: none">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 plans 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 applicable conditions of approval for the Wellington Commercial Center Commercial Subdivision and all other subsequent site related actions are ultimately complied with.5. The projecting signs must be removed if the tavern vacates the structure.6. No other signs are permitted on the tavern's site or structure. | <p data-bbox="1039 468 1134 500">MACK</p> <p data-bbox="1039 500 1785 659">APPROVAL subject to conditions UNANIMOUS with Solomon abstaining because the business is located within Peccole Ranch where he serves as a member of the Board of Directors for the Peccole Ranch Homeowners Association and Goynes excused</p> <p data-bbox="1039 691 1785 1202">Susan Barton, Planning & Development, explained that the three signs being proposed are identified as A, B and C on the site plan and would advertise the same tavern business, the Chicago Brewing Company. Staff has four alternatives to the signs. The first alternatives is that sign C be replaced by a conforming monument sign, providing exposure along Fort Apache. The second suggestion would be to replace sign A with a conforming marquee sign, providing exposure to internal traffic within the commercial subdivision. A third option would be to reduce sign C to a conforming 32 square foot sign area and adding wall signs up to a maximum of 20% of the elevation of the building. Finally, off-premise signs may be increased by 15% of the maximum sign area subject to approval by Planning & Development of a master sign plan. Given the alternatives, staff recommended denial of the self-imposed hardship created to increase exposure.</p> <p data-bbox="1039 1234 1785 2000">Terry Caudill, 7042 West Tara Avenue, and Gary Stolo, 9201 Spruce Mountain Way, appeared as the owners of the project along with Darrell Shock, Vision Sign Company, 3625 S. Polaris, were present. Mr. Caudill reviewed the materials handed out and outlined the integral part of the signage to the overall theme and architecture of the project and expensive two-story building. The sign needs a certain amount of presence and is very critical to the architecture. The main building entrance is internalized into the center, with signs A and B flanking the glass building, which does not afford wall signage opportunities. Photographs were presented to demonstrate that the signage used is a replica of a famous Chicago sign, designed in the manner of a Chicago warehouse retrofit. This is a large building and the signs are designed in proportion with it. There is no intrusion on nearby residents or people driving by signs A and B because they are internalized; Only sign C is visible from the street and is necessary as the only exterior signage. A letter was submitted to verify that these signs have been reviewed, approved and are very much supported by the Peccole Ranch Homeowners Association. This is exactly the type of signage preferred. The two 95 square foot signs are actually smaller than the 400 to 600 square footage of wall signage that would be permitted, if that were possible with the glass exteriors.</p> |

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| <u>PLANNING AND DEVELOPMENT</u> <u>V-26-99 - CEYCHELLE, LIMITED LIABILITY</u> <u>COMPANY ON BEHALF OF T. L. C.</u> <u>ENTERPRISES</u> | Mr. Mack indicated that he is happy with the project, especially as a resident of the area. No one appeared in opposition. There was no further discussion. (7:05 - 7:13) 1-2148 |

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| PLANNING AND DEVELOPMENT | |
| A-10 | <u>V-27-99 - UNITED BROTHERS ENTERPRISES</u> |
| <p>Request for a Variance on property located at 1591 North Lamb Boulevard TO ALLOW A PROPOSED 70 FOOT HIGH FLAG POLE WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED IN CONJUNCTION WITH AN EXISTING GAS STATION, R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 3 (Reese), APN: 140-30-504-002.</p> | <p>MACK APPROVAL subject to conditions UNANIMOUS with Goynes excused</p> |
| PROTESTS: 0 | <p>Susan Barton, Planning & Development, indicated that the proposed 70 foot high flag pole is proposed 10 feet east of the entrance to the convenience store. The ARCO does currently have their corporate sign at the corner. Code permits a flag pole to a height of 40 feet and staff is concerned with the visual impact of the high pole on such a residential neighborhood. It is possible that the flag pole is simply to further increase corporate identity. There is an alternative to locate a 40 foot sign anywhere on the sight, providing it meets the five foot setback. Staff recommended denial.</p> |
| APPROVALS: 146 (1 Letter, 145 Petition) | <p>Attorney Marc Risman, 101 Convention Center Drive, 7th Floor, appeared on behalf of United Brothers Enterprises. He stressed that the Variance is solely to fly the American flag. He was pleased by the Scout Master and his troop present to watch government in action. The application is appropriate on election night, followed by a City Council meeting to be held on Flag Day. Right to vote and freedom of assembly are cherished rights and the flag represents all the collective rights and freedoms enjoyed as well as the people within our borders. There are 145 signatures on a petition as well as other responses in favor of this project says something for the request. Zoning restrictions make sense to protect people in the neighborhood. This is not a billboard or flashing sign, but the American flag.</p> |
| Staff Recommendation: DENIAL. If approved, subject to: | <p>Vice-Chair Del Prado stated that she has always supported these flag pole requests so long as there is not another existing pole in the near proximity. She commended the neighborhood for their patriotic response. Mr. Solomon expressed a concern with improper flag etiquette shown with other similar applications and encouraged United Brothers Enterprise to be sure to maintain such. Attorney Risman agreed.</p> |
| 1. Submit complete building plans to the Building and Safety Department for review and permit. | No one appeared in opposition. |
| 2. All development must be in conformance with the plot plans and elevations. | There was no further discussion. |
| 3. City Code requirements and design standards of all City Departments must be satisfied. | (7:13 - 7:18) 1-2509 |
| 4. The Department of Public Works requires that all applicable conditions of approval for Site Development Plan Review Z-47-96(2) and all other subsequent site related actions are ultimately complied with. | |

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| A-11 | |
| <u>V-28-99 - JOSEPH AND KRISTEN BALDEZ</u> | |
| Request for a Variance on property located at 416 MacArthur Way TO ALLOW AN ADDITION TO AN EXISTING SINGLE-FAMILY DWELLING 18 FEET FROM THE REAR PROPERTY LINE WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED, R-E (Residence Estates) Zone, Ward 1 (McDonald), APN: 139-32-211-014. | |
| PROTESTS: 0 | |
| APPROVALS: 0 | |
| Staff Recommendation: APPROVAL, subject to: | |
| <ol style="list-style-type: none">1. All development must be in conformance with the plot plans and elevations.2. City Code requirements and design standards of all City Departments must be satisfied. | |
| | MACK APPROVAL subject to conditions UNANIMOUS with Goynes excused |
| | Susan Barton, Planning & Development, stated that the applicant is proposing to construct two additions to the house. This Variance only involves one side of the property and a 620 square foot guest room addition. The encroachment is 11 feet into the rear yard setback. The lot is irregularly shaped and located on the cul-de-sac knuckle. The shape does not allow placing the guest room elsewhere on the site and a second-story addition would not be in keeping with the neighborhood. Staff feels that this is a minor intrusion into the whole site given the rear location and screening by mature trees. Staff recommended approval. |
| | Joe Baldez, 416 MacArthur Way, concurred with staff's comments. |
| | Mr. Solomon commented that approximately 90% of the homes in this area have received variance approvals for porte cocheres, setbacks, etc., as they have remodeled their property. This is definitely consistent with the neighborhood. |
| | No one appeared in opposition. |
| | There was no further discussion. |
| | (7:18 - 7:21) 1-2762 |

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| A-12 | <p><u>V-29-99 - AIC AMERICA</u></p> <p>Request for a Variance on property located on the northwest corner of Rancho Drive and Melody Lane TO ALLOW A PROPOSED OFFICE BUILDING 10 FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 139-19-704-012.</p> <p>PROTESTS: 0</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none">All development must be in conformance with the plat plans and elevations.City Code requirements and design standards of all City Departments must be satisfied.Submit an application for a Site Development Plan Review to the Planning and Development Department for review.The Department of Public Works requires that all applicable conditions of approval for Site Development Plan Review SD-20-97 and all other subsequent site related actions are ultimately complied with. |
| | <p>MACK</p> <p>APPROVAL subject to conditions</p> <p>UNANIMOUS with Goynes excused</p> <p>Susan Barton, Planning & Development, advised that the applicant is proposing to construct a 7,500 square foot office building which encroaches into the rear yard setback by 10 feet. There is a concern that although the home to the west of the property is zoned commercial, it is a single-family dwelling. This is just a Variance request and not a site plan review, but staff has identified four potential negative impacts involving a parking deficiency should the home convert to an office use, a handicapped parking space which would require the driver to back in to utilize the access aisle, failure to meet landscaping requirements on the north property line and residential adjacency standards which still apply for the C-2 zoned property to the west developed with a single-family dwelling. Those standards would require the 15 foot office building to be located 15 feet from the property line. The applicant has created the self-imposed hardship by attempting to overbuild the site. Staff recommended denial. She stressed that if approved, the applicant comply with Condition 3 for a site development review by Planning & Development.</p> <p>Architect David Strait, 101 West Brooks, responded that the landscaping already exists as does the internal paving. The adjacent lot is zoned C-2 and is commercially used for zoo parking. Therefore, residential adjacency standards should not be followed. A smaller building, creating a 20 foot yard, would do nothing other than comply with the code. Compliance to this point has been expensive and already paid. Parking is adequate and the handicapped parking problem can be addressed. The drawings submitted are not final, but were done just to support this Variance request.</p> <p>Bob Feldman, President of Auto Insurance America, stated that when they purchased the property and build their office and small smog station on the property, they only knew about sidewalks and driveways. They did not know about all new light poles, a fire hydrant or that the Water District would require 340 feet of street removal, upgrade a 6 inch water line to 8 inches and then repave Melody Lane. That cost was approximately \$160,000. Had they been aware of that situation, they would not have bought the property. The house being discussed is 70 feet beyond the rear block wall along their property. They are only seeking a small reduction of 10 feet between their property and that block wall. That space is</p> |

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| <u>V-29-99 - AIC AMERICA</u> | <p>useless and it is reasonable to reduce it. The Variance would allow a larger building and three more parking spaces. Otherwise there is adequate parking.</p> <p>Ms. Barton agreed that the parking is adequate for the use, but would not be sufficient for a more intense use if there were a change in the future. Mr. Feldman responded that there is no intent to use it as anything other than an office. Further, this project has replaced a 25-year old gas station eyesore. When that was torn down, drug paraphenalia was found along with many other things. This has improved the property and created one of the nicest developments in the area.</p> <p>Mr. Solomon pointed out that other parcels along Melody Lane are also C-2 and only at Willow Lane is there R-3 zoning. The neighborhood is a real mix. Across the street is the zoo. Mr. Feldman added that the owner of the zone has offered to sell him the property to the rear but they were not interested. An EPA clean up was performed.</p> <p>Mr. Solomon confirmed that the applicant had no problem with the conditions proposed. Mr. Feldman replied that they had all been met during the first development.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>(7:21 - 7:31) 1-2928</p> |

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| A-13 | <p><u>V-30-99 - PAUL ROBARTS</u></p> <p>Request for a Variance on property located at 4011 and 4013 West Sahara Avenue TO ALLOW A PROPOSED COMMERCIAL BUILDING 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, AND 4 FEET 8 INCHES FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; A PROPOSED TRASH ENCLOSURE 20 FEET FROM A RESIDENTIAL USE WHERE 50 FEET IS THE MINIMUM SETBACK REQUIRED; AND 29 PARKING SPACES WHERE 32 ARE THE MINIMUM REQUIRED, C-1 (Limited Commercial) and R-3 (Medium Density Residential) Zones, Ward 1 (McDonald), APN's: 162-07-511-010 and 011.</p> <p>PROTESTS: 1 Letter</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none">All development must be in conformance with the plot plans and elevations.City Code requirements and design standards of all City Departments must be satisfied.The Variance approval is subject to 4011 West Sahara Avenue being rezoned from R-3 to C-1 (Z-21-99). If the site is not rezoned to C-1, this Variance shall be null and void.Submit an application for a Site Development Plan Review to the Planning and Development Department for review.A parking analysis for the retail center shall be submitted to the Planning and Development Department for review prior to the issuance of any building permits, business licenses, or certificates of occupancy for any use other than general retail. |
| | <p>MACK</p> <p>APPROVAL subject to conditions and deleting Condition #7</p> <p>UNANIMOUS with Goynes excused</p> <p>Susan Barton, Planning & Development, advised that the Variance contains four elements. The applicant is proposing to demolish an existing restaurant on the site. There is a commercial property to the west with setback encroachments to the rear and side, constructed prior to adoption of 19A. Staff is concerned that a change in building use would increase the parking deficiency. The Department of Public Works did not support the reduction of parking spaces. This is not a site plan review, but the Variance would impact that review. There is a requirement for a driveway throat length of 25 feet which would force the removal of two parking spaces. No landscaping or landscaping fingers has been depicted. Providing parking fingers would further reduce parking. Residential adjacency standard requiring a 15 foot rear setback applies given single-family dwellings to the south of this site. Ms. Barton demonstrated the location of a recently developed, existing fast-food restaurant which conforms to City code. Staff would like to see this development follow that example. Since there is a long retail center located to the west, staff is less concerned with the setback on the west property line. There is a major impact by the encroachment to rear setback and location of the trash bin so close to the single-family dwellings. The site is being overbuilt and there is no hardship shown in conformance with the code. Staff recommended approval of the west setback only, subject to conditions, especially Conditions 3 and 5.</p> <p>Paul Robarts, 6450 Spring Mountain Road, presented photographs of the building to be removed. This is an in-fill site and the new building will be quite nice. There are a number of setbacks encroachments and dumpsters run all the way from Arville to Valley View. This is consistent with the area. As for parking, they would comply with all proposed conditions, including any change in use being required to prove adequate parking, except for Condition 7. Condition 7 involving the driveway should be addressed during the site plan review. This project will include a radius valley gutter and take it up 25 feet on both sides. That is possible on one side and questionable on the other. Landscaping will be typical and still better than anything else along the area. Condition 6 is acceptable even if they have to take out another 20 feet.</p> |

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| <u>V-30-99 - PAUL ROBARTS</u> | |
| <p>6. Remove all substandard public street improvements and driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site as required by the Department of Public Works.</p> <p>7. All new driveways or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.</p> | <p>Chairperson Boyers pointed out that the buildings shown in the photographs presented are old construction while the restaurant identified by staff is the new construction. Another concern is that both the population and traffic along this corridor has greatly increased. Mr. Robarts responded that ingress/egress is a right turn in and out. Mr. Solomon concurred with Mr. Robarts that the large island with trees will prevent illegal left turns.</p> <p>Mr. Solomon questioned staff regarding the implication of Condition 2. Ms. Barton responded that there would be problems with the driveway throat depth and landscaping as discussed. Mr. Solomon indicated that he is very familiar with the area, lived there for many years. This restaurant has changed hands a number of times. The holding of car shows in the past had a greater negative impact on the continuation of commercial storefronts along Sahara. The alley is primarily used for limited deliveries and garbage and it is not used for travel. He would like to see the continued upgrading of hodge-podge development along Sahara between Valley View and Arville. Chairperson Boyers suggested that paint colors/tones and roofing styles be imposed along these types of corridors. Ms. Barton responded that creating a master plan for an area would involve Comprehensive Planning. Chairperson Boyers supported doing so and Mr. Solomon concurred.</p> <p>Mr. Solomon pointed out that the elimination of small spaces between businesses create hazards and nuisances. Chairperson Boyers commented on the 30 foot encroachment of the dumpster. Mr. Robarts pointed out that they will be required to screen and do other things to mitigate the situation. He restated his request to delete Conditions 2 and 7 pending the site plan review. Mr. Solomon stated that he was unsure of Condition 2 because he would not like to see it create a glitch. Mr. Anderson agreed to the deletion of Condition 7 and Mr. Solomon deleted it from his motion.</p> <p>Doug Powell, Deputy Director, Planning & Development, made a record that the Planning Commission has created a subcommittee to look at architectural issues, including design guidelines for corridors.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> |

(7:31 - 7:46)
1-3450/2-1

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| PLANNING AND DEVELOPMENT | |
| A-14 | <p><u>V-31-99 - REZA SALIMIAN</u></p> <p>Request for a Variance on properties located at 1801, 1803 and 1805 East Charleston Boulevard TO ALLOW 18 PARKING SPACES WHERE 38 ARE THE MINIMUM REQUIRED; AND A PROPOSED 638 SQUARE FOOT, SECOND-STORY OFFICE ADDITION WITH OUTSIDE ACCESS STAIRWAY 5 FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING COMMERCIAL/MULTI-FAMILY BUILDING, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN's: 139-35-814-018 and 019.</p> <p>PROTESTS: 1 Letter</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none">1. All development must be in conformance with the plot plans and elevations.2. City Code requirements and design standards of all City Departments must be satisfied.3. A parking analysis for the retail center shall be submitted to the Planning and Development Department for review prior to the issuance of any building permits, business licenses, or certificates of occupancy for any use other than general retail. |
| | <p>SOLOMON</p> <p>APPROVAL subject to conditions and an added condition that the applicant work with staff regarding the placement of the stairway</p> <p>UNANIMOUS with Goynes excused</p> <p>Susan Barton, Planning & Development, explained that the applicant is proposing to construct a 646 square foot second-story addition to an existing retail building. There would be a rear setback encroachment of 15 feet caused by a stairway. The applicant can provide only 20 of the 38 required parking spaces and only one of the two required handicapped spaces. Staff is concerned that a more intense general retail use would further increase the parking deficiency. The building does not conform to code in terms of setbacks, parking or landscaping requirements. The code is very specific in regard to additions to non-conforming buildings. Since the proposed addition of the stairway encroaches beyond the encroachment of the existing building, the Planning Department Director cannot approve the addition to this non-conforming building. Staff suggested that the applicant relocate the stairway in the courtyard area. The Department of Public Works does not support the parking Variance request. Staff finds that it is a self-created hardship caused by an attempt to over encroach on the site. Therefore, staff recommended denial.</p> <p>Architect Ken Pettitt, 3355 Spring Mountain, appeared on behalf of the applicant. The stairway encroaches into the existing yard in order to maintain the existing number of parking spaces. The stairway cannot be moved into the courtyard unless a parking space is removed to create fire access. The applicant would use the proposed addition as his private office in conjunction with his audio/visual repair business.</p> <p>Mr. Solomon clarified with Mr. Pettitt that the exterior stairway would be the only method of access to the second floor office being added. The existing stairway does not conform to the Building Code and could not be brought into conformance without encroaching itself. Mr. Pettitt doubts there will be any</p> |

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| <u>V-31-99 - REZA SALIMIAN</u> | <p>impact on the neighbors because the four rear parking spaces would be retained and meet all the code requirements. However, they would accept relocating the stairway pursuant to the recommendation by staff if the applicant is allowed to reduce the existing parking by one space. Gary Reid, Public Works, indicated that there is already a parking deficiency and staff would like to see more parking.</p> <p>Vice-Chair Del Prado discussed with Mr. Pettitt that the applicant has improved the facade of the building several years ago and this project would only involve adding an office.</p> <p>Mr. Solomon confirmed with Ms. Barton that staff does not have an alternative for the applicant to achieve his goal given the non-conforming nature of the building. Staff is hesitant to allow the removal of another parking space. Mr. Pettitt outlined his experience with this site that there have always been five or six parking spaces available in the front.</p> <p>Mr. Solomon noted the three staff recommendations proposed and asked the applicant to consult staff in order to reach a mutual understanding regarding the placement of the stairway.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>(7:46 - 7:55) 2-359</p> |

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| A-15 | <p><u>V-32-99 - WL HOMES, LIMITED LIABILITY COMPANY</u></p> <p>Request for a Variance on property located on the northeast corner of Durango Drive and Racel Street TO ALLOW 181,767 SQUARE FEET OF PROPOSED OPEN SPACE WHERE 213,114 SQUARE FEET IS THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED SINGLE-FAMILY DEVELOPMENT, R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Ward 4 (Brown), APN's: 125-09-201-001 and 125-09-301-001.</p> <p>PROTESTS: 1 Telephone</p> <p>APPROVALS: 0</p> <p>Staff Recommendation: DENIAL. If approved, subject to:</p> <ol style="list-style-type: none">1. Site Development to comply with all applicable conditions of approval for Z-86-98, all other applicable site-related actions.2. All development must be in conformance with the plot plans and elevations submitted. <p>City Code requirements and design standards of all City Departments must be satisfied.</p> <ol style="list-style-type: none">4. The Department of Public Works requires that all applicable conditions of approval for Z-86-98, the Tule Springs Ranch Subdivision and all other subsequent site related actions are ultimately complied with.5. A sidewalk system must be provided to connect all residential areas to required open space and common recreational facilities. | <p>SOLOMON ABEYANCE to 6/1/99 UNANIMOUS with Goynes excused</p> <p>NOTE: An initial motion by Boyers failed as a result of a tie vote with Solomon and Mack voting NO and Goynes excused.</p> <p>Susan Barton, Planning & Development, stated that this Variance request is a requirement of a condition of approval imposed during a Site Development Plan Review for this subdivision at the Planning Commission hearing on March 25, 1999. The provided open space conforms with the definition and location for open space in the code but does not meet the quantity required. Staff believes that no unique or extraordinary circumstances exist which prevent the developer from providing the minimum amount of required open space. Therefore staff recommended denial. If approved, Ms. Barton noted staff recommends striking Condition 5.</p> <p>Rich McCarty, W. L. Homes, 1601 Rainbow, explained that the development has gone through a series of renditions to reach its current status. He has met with the Tule Springs Homeowners Association several times and reached a compromise, creating an appealing project that fits into the surrounding neighborhood. There have been many discussions regarding the open space requirement as well as what can be included as open space. The developer has never tried to play a game with the numbers just to make things work. There is a 10 foot drainage swale that can be counted as open space because of its nature and width. There are also a horse path into the park, meandering sidewalks along the front and along Racel which create an open appearance. The idea was to create lots as large as possible in the interior of the development, thus benefiting neighboring development. The dwellings will be single-story pursuant to the neighbors' request. The development kitty-corner from this proposed development was granted a 20% reduction in open space, an amount substantially greater than this request.</p> <p>Mr. Solomon discussed with Mr. McCarty calculation of the open space requirement. Mr. McCarty demonstrated on a rendering the drainage swale which will be landscaped with grass, walkways into the central park areas, and walking trails along the front. The calculation did not include five feet of sidewalk in the first six feet of perimeter landscaping around the development. However, it does include the landscaping strips along the two entrances of this gated community.</p> |

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Louise Ruskamp, 8500 Log Cabin Way, appeared on behalf of the Tule Springs Homeowners Association and stressed that the Association requested larger and fewer lots but never requested that the developer reduce the lot size to provide additional open space. They realize that if the applicant meets the requirement for additional open space, that space will come from lots. Developers never go less than what the maximum density is allowed within an R-PD3. She confirmed with staff that the landscaping along Brent Lane and Durango was not included in the calculation. She referred to an earlier comment that the responsibility for compliance rests with developers. Guidelines are quite clear in regard to the calculation of open space. This site plan should have been designed with the correct amount of open space under those guidelines.

Mr. Solomon discussed with Mr. Mack that the Planning Commission was satisfied with the site plan subject to compliance with the condition imposed that the applicant obtain this Variance. Mr. Solomon added that the applicant did not comply with the intent of the open space requirement. Chairperson Boyers concurred and added that the proposed project is near the entrance to Floyd Lamb Park, an area with significant horse traffic and impacting owners who have resided in that area for many years. This is also in the vicinity of the Silk Purse Ranch and Gilchrist property. Granting this Variance would establish a precedent for this corridor of half acre and larger parcels.

Mr. Solomon expressed concern about the use of landscape areas at the entrances. Open space is to create a park-like setting within a residential community, not to include walkways. The intent is for a contiguous amount of space to be used by the residents in a development. However, the Planning Commission had considered this issue during the site plan review and approved it subject to this Variance being approved by the Board of Zoning Adjustment.

Mr. McCarty responded that discussions focused on the adjacency to the Floyd Lamb Park. In fact, Ms. Ruskamp expressed approval of the site plan at the Planning Commission hearing. Ms. Ruskamp rebutted that her comments related to the use of Floyd Lamb State Park as open space. There were suggestions for putting gateways from the development into the State Park, a park with an entry fee. The State would probably appreciate the developer

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| <u>V-32-99 - WL HOMES, LIMITED LIABILITY COMPANY</u> | <p>paying annual fees for all its residents. Mr. McCarty outlined negotiations with the State to include those fees in the Association dues and enable direct access to the Park.</p> <p>A motion for denial did not pass and Deputy City Attorney Steve George directed that if the Board could not break the tie vote, the Board could send the item to City Council as a denial or could hold it in abeyance until a full Board is present. Mr. McCarty stated that he would prefer a denial because of the time frame involved.</p> <p>No one appeared in opposition.</p> <p>There was no further discussion.</p> <p>(7:55 - 8:11) 2-656</p> |

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| B. <u>DIRECTOR'S BUSINESS:</u> | |
| B-1 | |
| DB-4-99 - Discussion on conducting a Board of Zoning Adjustment briefing, as a public meeting, at 5:30 p.m. prior to each regularly scheduled 6:00 p.m. public meeting of the Board. | BOYERS APPROVAL UNANIMOUS with Goynes excused Chairperson Boyers stated that the Board will meet at 5:30 p.m. for a briefing. There was no further discussion. (8:11) 2-1237 |

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| <p>C. <u>CITIZENS PARTICIPATION:</u></p> <p>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.</p> <p>MEETING ADJOURNED AT 8:12 P.M.</p> <p>PLANNING & DEVELOPMENT DEPARTMENT</p> <p>DAVID PETROVICH, PLANNING SUPERVISOR, CURRENT PLANNING DIVISION PLANNING & DEVELOPMENT DEPARTMENT</p> <p>/ac</p> | <p>None.</p> <p>(8:11) 2-1234</p> |

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