

BOARD OF ZONING ADJUSTMENT

MEETING OF
December 7, 1999

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City of Las Vegas

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COUNCIL CHAMBERS • 400 STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>COMMISSIONERS BRIEFING:</u>	
<u>PRESENT:</u> Elisa Del Prado - Vice Chair Michael Mack Mark Solomon	Vice-Chair Del Prado called the Briefing to order at 5:45 P.M.
<u>EXCUSED:</u> Roberta Boyers - Chairperson Byron Goynes	<u>Item A-9, V-91-99:</u> Joel McCulloch explained that during the review process staff determined that this application was not necessary. Therefore, he requested that this item be stricken from the agenda.
<u>STAFF PRESENT:</u> Tim Chow, Director of Planning & Development Robert Genzer, Deputy Director, Planning & Development Joel McCulloch - Senior Planner, Planning & Development Viola Goodwin, Planning Supervisor, Planning & Development Linda Hartman-Maynard, Planner II, Planning & Development Gary Reid- Public Works Steve George - City Attorney's Office Angela Crolli - City Clerk's Office	Mr. McCulloch introduced Linda Hartman-Maynard, Planner II, who will be attending future Board of Zoning meetings.
	Vice-Chair Del Prado adjourned the briefing at 5:50 p.m.

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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.	Vice Chair Del Prado called the meeting to order at 6:02 PM. (6:02) 1-1
<u>ROLL CALL</u>	<u>STAFF PRESENT</u> Tim Chow, Director, Planning & Development Robert Genzer, Deputy Director, Planning & Development Joel McCulloch, Senior Planner, Planning & Development Viola Goodwin, Planning Supervisor, Planning & Development Linda Hartman-Maynard, Planner II, Planning & Development Tracey Thiros, Planning Technician, Planning & Development Steve George, Deputy City Attorney Gary Reid, Public Works Angela Crolli, Deputy City Clerk
Roberta S. Boyers Excused Elisa Del Prado Present Michael Mack Present - Excused at 6:15 p.m. Mark Solomon - Present Byron A. Goynes - Present - Arrived at 6:11 p.m.	
<u>ANNOUNCEMENTS</u>	
Satisfaction of Open Meeting Law.	
Variance requests approved by the Board of Zoning Adjustment are forwarded to City Council for final consideration. City Council may or may not concur with the Board of Zoning Adjustment recommendation. City Council approval may result in different or additional conditions, stipulations, or limitations. Variance requests denied by the Board of Zoning Adjustment are appealable to City Council by the applicant, any aggrieved person, or if a review is requested by Council.	Vice Chair Del Prado announced and congratulated Mr. Mack on his appointment as the Councilman for the new Ward 6. Mr. Mack stated that it has been a privilege serving with the Board of Zoning members. His membership has enabled him to gain experience and knowledge and he is sad to leave these meetings. However, he is gaining a different momentum as a City Councilman. He outlined his open door policy and invited anyone to stop by his office.
Decisions made by the Board of Zoning Adjustment on Summerlin/Sun City Major Deviation requests are appealable by the applicant, any aggrieved person, or the Planning Director.	Vice-Chair Del Prado congratulated Robert Genzer for being promoted to Deputy Director of Planning & Development. She also welcomed Linda Hartman-Maynard, Planner II, who will be attending future Board of Zoning Meetings. (6:02 - 6:03) 1-15
	Mr. Mack led the audience in the Pledge. (6:03 - 6:04) 1-60
<u>NOTICE</u>	
This meeting has been properly noticed and posted at the following locations:	
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	
<u>MINUTES</u>	<u>SOLOMON APPROVAL</u> UNANIMOUS with Boyers and Goynes excused (6:04 - 6:05) 1-80
Approval of the Minutes for the November 2, 1999 Board of Zoning Adjustment meeting	

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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.

Vice Chair Del Prado referred to the Rules of Conduct adopted by the Board of Zoning Adjustment for the meeting.

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<u>PUBLIC HEARING ITEMS</u>	
<u>ABEYANCE ITEM</u>	
A-1	
<u>RENOTIFICATION</u>	
<u>V-81-99 - SAM VENTURA, ET AL ON BEHALF OF D. W. STRAIT</u>	
Request for a Variance on property located on the west side of Rainbow Boulevard, north of the intersection of Rainbow Boulevard and Rancho Drive TO ALLOW 706 PARKING SPACES WHERE 780 PARKING SPACES ARE THE MINIMUM REQUIRED, C-2 (General Commercial), Ward 4 (Brown), APN: 125-34-712-002, 004, 006, 007, 009, 010, 011, and 012.	DEL PRADO APPROVED UNANIMOUS with Boyers and Mack excused
BZA NOTICES MAILED: 486	NOTE: - At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
PROTESTS: 1 Letter (12-7-99 Meeting) 3 Letters (10/5/99 Meeting)	
APPROVALS: 0	
Staff Recommendation: APPROVAL, subject to conditions:	
1. A Site Development Plan Review will be required before the City of Las Vegas Planning Commission.	Joel McCulloch, Planning & Development, explained that the The City Council approved the original Plot Plan Review in 1994. The uses included a movie theater, a convenience store, and eight pad sites. Three of those pad sites have been developed with a retail center, a spa, and a tavern. On July 19, 1995 the City Council approved a Plot Plan Review for a tavern on the subject site, this approval required an additional 80 parking spaces over what had been originally approved for that pad site. This has created a parking deficiency for the entire commercial subdivision. The remaining five pad sites front onto Rainbow Boulevard. The applicant is proposing to develop three office buildings on the remaining five pad sites for a total of 50,000 square feet. The parking originally was calculated using Title 19 and under that Code the entire site required 623 parking spaces. The applicant had proposed 774 parking spaces. This new application reduces the parking provided from 774 to 706 spaces.
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	The applicant indicates that the hours of the peak parking loads for the existing commercial retail and service uses and the proposed office use do not coincide, causing the required parking for the entire commercial center to be overstated. Staff agrees somewhat with this assessment. Staff finds some evidence of unique or extraordinary circumstances associated with this commercial subdivision in that a tavern was allowed to develop in place of a retail pad site. This has caused the entire commercial subdivision to become parking impaired. Further, staff lends some credence to the applicants assertion that the peak operating hours of the proposed office building would be opposite the peak hours of the existing tavern and movie theater.
3. Site development to comply with all applicable Conditions of Approval for Z-4-92 and all other site related actions as required by the Departments of Planning and Development and Public Works.	

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PLANNING AND DEVELOPMENT

PUBLIC HEARING ITEMS

ABEYANCE ITEM

RENOTIFICATION

V-81-99 - SAM VENTURA, ET AL ON BEHALF
OF D. W. STRAIT

The applicant has worked diligently with staff to come to a solution on the parking problems associated with this site, and staff believes that we have obtained the most beneficial solution for both the applicant and the City by approving this request and having all five remaining pad sites developed under this Variance request. Therefore, staff recommended approval.

David W. Strait, 101 West Brooks, concurred with staff's conditions but requested that the Site Development Review in Condition No. 1 be done administratively. Mr. McCulloch replied that the determination will be made when staff looks at the site plans.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.

(6:13 - 6:18)
1-369

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ITEM	ACTION
PLANNING AND DEVELOPMENT	
A-2 <u>V-154-94(1) - STEINBERG DIAGNOSTIC MEDICAL</u> Five Year Required Review of an approved Variance on property located at 2320 South Rancho Drive which allowed a 14 foot by 48 foot off-premise advertising (billboard) sign, C-1 (Limited Commercial) Zone under Resolution of Intent to O (Office) Zone, Ward 1 (McDonald), APN: 162-04-401-004. BZA NOTICES MAILED: 80 PROTESTS: 0 APPROVALS: 0 Staff Recommendation: APPROVAL, subject to: 1. Conformance to the original conditions for V-154-94. 2. The use shall be reviewed in two years at which time the City Council may require that the sign be removed.	DEL PRADO APPROVED UNANIMOUS with Boyers and Mack excused NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting. Joel McCulloch, Planning & Development, stated that the existing 672 square foot off-premise sign is located 10 feet from the property line on the southeast portion of the site, and on the northwest side of I-15. The sign is oriented toward the north and south bound traffic on I-15. Recently, the City Council amended and approved a request for a Rezoning on this parcel and four adjoining parcels to an O (Office) Zone. Off-premise advertising signs are not permitted in this zone, thus the existing sign is no longer in compliance with the Las Vegas Zoning Code Title 19A. Staff notes that the area surrounding this off-premise sign is relatively unchanged since the time of the original approval. The future expansion of the office complex will result in changes to the overall site. Staff recommends a review of the off-premise sign in two years. Staff recommended approval. Attorney Bob Gronauer, Kummer, Kaempfer, Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of Outdoor Systems and concurred with staff's conditions. He wished everyone a Merry Christmas and a Happy New Year. No one appeared in opposition. There was no further discussion. NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting. (6:19 - 6:21) 1-571

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-3	
<u>V-85-99 - ANTHONY V. STAMMETTI</u>	
Request for a Variance on property located at 9325 Mountain Range Avenue TO ALLOW AN ADDITION TO AN EXISTING HOME SIX FEET FROM THE CORNER SIDE PROPERTY LINE WHERE TEN FEET IS THE MINIMUM CORNER SIDE YARD SETBACK ALLOWED, R-CL (Residential Compact Lot) Zone, Ward 4 (Brown), APN: 138-07-613-018.	DEL PRADO APPROVED subject to conditions UNANIMOUS with Boyers and Mack excused
BZA NOTICES MAILED: 272	NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
PROTESTS: 0	Joel McCulloch, Planning & Development, stated that the proposed 217.5 square foot addition encroaches into the corner side yard setback by four feet. The exterior of the one-story addition will be composed of the same type materials as the existing dwelling; stucco siding and a red tile roof. Section 19A.08 of the City of Las Vegas Zoning Code provides that in an R-CL (Single Family Compact-Lot) Zone, the minimum corner side yard setback is 10 feet. The maximum lot coverage is 50 percent. The proposed addition would result in a lot coverage of 32 percent.
APPROVALS: 0	The proposed addition will be located to the rear and side of the existing dwelling, and will not create a site visibility problem at the corner of Mountain Range Avenue and Mountain Crest Street. Also, the homes to the north and south have similar articulations in their house foot prints, however they do not encroach into the corner side yard setback. Staff however, feels that this request is minor, and recommended approval.
Staff Recommendation: APPROVAL, subject to:	Anthony Stammetti, 9325 Mountain Range Avenue, noted that the addition will provide extra living space inside the home.
1. All development must be in conformance with the Site Plan and building elevations.	No one appeared in opposition.
2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied.	There was no further discussion.
3. Conformance to all Conditions of Approval for the Mountain View Estates Subdivision and all other site related actions as required by the Departments of Planning and Development and Public Works.	NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.
	(6:21 - 6:24) 1-656

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-4	<u>V-86-99 - STEPHEN AND VICTORIA QUINN</u> Request for a Variance on property located at 350 South Rancho Drive TO ALLOW A 25 FOOT REAR YARD SETBACK WHERE 35 FEET IS THE MINIMUM REAR YARD SETBACK ALLOWED, R-A (Ranch Acres) Zone, Ward 1 (McDonald), APN: 139-32-601-049. BZA NOTICES MAILED: 105 PROTESTS: 1 Telephone APPROVALS: 0 Staff Recommendation: APPROVAL, 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 which are affected by approval of this Variance must be satisfied. DEL PRADO APPROVED subject to conditions UNANIMOUS with Boyers and Mack excused NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting. Joel McCulloch, Planning & Development, explained that the applicant is proposing to construct a 750 square foot, one story, garage addition to an existing single-family dwelling, built in 1964. The property is located on a one-acre lot that fronts onto Rancho Drive. One acre plus lots, zoned R-A, are adjacent to this property. The proposed garage addition will be built on the back of the house and would encroach into the required rear yard setback by a maximum of 9.5 feet. Given the large sizes of the lots within this subdivision, the rear setback encroachment would in no way infringe upon the rights of the surrounding property owners or jeopardize the health, safety, or welfare of the general public. Staff is of the belief that the remaining 25.5 foot rear yard setback will be adequate to preserve the integrity of the existing neighborhood. Therefore, staff recommended approval. Stephen Quinn, 350 South Rancho Drive, concurred with staff's conditions. He is requesting the Variance in order to remodel his home to allow increased interior recreation space for his physically challenged son. There was no further discussion. No one appeared in opposition. NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.

(6:24 - 6:26)
1-734

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-5	<u>PUBLIC HEARING:</u> <u>V-87-99 - TOM WEISNER ON BEHALF OF DRAFT HOUSE BAR AND CASINO</u> Request for a Variance on property located at 4543 North Rancho Drive TO ALLOW A 77 SQUARE FOOT ADDITION TO A LEGAL NON-CONFORMING SIGN, C-2 (General Commercial) Zone, Ward 4 (Brown), APN: 138-02-202-014. BZA NOTICES MAILED: 173 PROTESTS: 1 Telephone APPROVALS: 0 Staff Recommendation: DENIAL. If approved, subject to: 1. The applicant shall obtain a sign certificate from the Planning and Development Department prior to the issuance of a building permit. 2. The reader board shall be dimmed at 11:00 p.m. and the applicant shall not allow lighting within the approved sign cabinet to flash from 11:00 p.m. to 6:00 a.m. 3. The use shall be reviewed in one year at a Public Hearing at which time it may be subject to removal. 4. All development must be in conformance with the submitted Site Plan and Elevations. 5. City Code requirements and design standards of all City departments must be satisfied. SOLOMON APPROVED subject to conditions Motion carried with Boyers excused and Mack abstaining from voting so that he could vote on the application when it comes before the City Council, to which he was recently appointed Joel McCulloch, Planning & Development, explained that on 5/15/98 the City Council approved a 70.5 square foot electronic reader board addition to a free-standing ground sign. This electronic reader board was removed prior to the required one-year review. The applicant would like to add an additional 4'-10" X 16' sign cabinet to the existing on-premise sign for the Draft House Restaurant. The total sign area will be 429 feet where 400 is the maximum square footage allowed. The addition will not add to the overall height of the existing sign. The existing sign is non-conforming in that the sign exceeds the maximum height allowed. The maximum height and sign area are 40 feet and 400 square feet respectively, pursuant to Title 19A.14.090. Section 19A.14.130, of the Zoning Code does not allow for non-conforming signs to be altered to increase the size of the sign area. This proposal would not only increase the signs square footage, but would increase the sign 29 square feet above what is allowable. This request does not meet the criteria to warrant the granting of a Variance to allow the addition. There are no unique or extraordinary circumstances associated with the site. Therefore, staff recommended denial. Bob Stockom appeared on behalf of Big Dog Hospitality Group, 4543 North Rancho Boulevard. He showed a picture of the previous sign which was approved but deemed inefficient because it was not readable from a distance. During the previous approval process, people residing behind the sign expressed a concern that the electronic sign would be flashing into their homes. However, the sign was taken down before the one-year review. The proposed sign will be located lower on the existing pole and the flashing will be blocked by an existing building. Vice-Chair Del Prado verified with Mr. Stockom that the electronic reader board is 30 feet from the ground and that the total sign is 65 feet tall.

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PLANNING AND DEVELOPMENT

V-87-99 - TOM WEISNER ON BEHALF OF
DRAFT HOUSE BAR AND CASINO

Mr. Mack repeated his previous comment that he would be abstaining from voting on this item so that he can vote when it comes before the City Council.

No one appeared in opposition.

There was no further discussion.

NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.

(6:06 - 6:13)
1-164

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-6	
<u>PUBLIC HEARING:</u>	
<u>V-88-99 - ATLANTIC RICHFIELD COMPANY ON BEHALF OF JOHN GRECO</u>	
Request for a Variance on property located at 2801 West Washington Avenue TO ALLOW A SECOND FREE STANDING GROUND SIGN WHERE ONE FREE STANDING GROUND SIGN IS THE MAXIMUM ALLOWED, C-1 (Limited Commercial), Ward 1 (McDonald), APN: 139-29-301-001.	
BZA NOTICES MAILED: 57	
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.	
	MACK APPROVED subject to conditions UNANIMOUS with Boyers and Mack excused
	NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
	Joel McCulloch, Planning & Development, stated that both signs will be located near the corner of Rancho Drive and Washington Avenue. The applicant has attempted to place the second sign in such a way that it appears as though there is only one sign on the property, without actually attaching the second sign to the first. The by-laws of the lease agreement with the parent company preclude the applicant from attaching anything to the corporate sign. Staff believes that the applicant has done all that he can to mitigate the impacts of the second sign, and should be allowed to advertise his ancillary businesses.
	The existing service station was constructed in 1965 and is located on the southwest corner of Washington Avenue and Rancho Drive. The present business does not sell beer and wine or include any gaming. The ancillary businesses that are associated with the current service station include smog checks and auto repair. Until recently the applicant has advertised these ancillary businesses by means of temporary A-frame signs and banners. The City has since cited the applicant for having illegal signs on the premises, thus the applicant has submitted this Variance to achieve a legal means in which to advertise the businesses that have been located on-site for approximately 30 years.
	Section 19A.14.090 of the City of Las Vegas Zoning Code sets the maximum number of free-standing ground signs at one, for parcels of under one acre in size. The applicant's property is approximately one-half acre, and this section of the code also requires a minimum separation of ground signs on any given parcel of 100 feet. Staff finds that a strict and literal interpretation of this section of the Zoning Code would not allow the applicant certain privileges enjoyed by other property owners within the City of Las Vegas.

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PLANNING AND DEVELOPMENT

PUBLIC HEARING:

V-88-99 - ATLANTIC RICHFIELD COMPANY
ON BEHALF OF JOHN GRECO

The ancillary businesses have been in operation for over thirty years and provide a service to the community without jeopardizing the health, safety, and welfare of the general or traveling public. Granting of this Variance would not be injurious to the other property owners or businesses in the vicinity. Staff notes that this is one of the few full-service gasoline stations within the City and believes that it is a needed service. Therefore, staff recommended approval.

John Greco, 2801 West Washington, stated that he has been at this location for 30 years. This is the only ancillary business and there is no gaming or sale of beer and wine.

There was no further discussion.

No one appeared in opposition.

NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.

(6:26 - 6:30)
1-827

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u> A-7 <u>PUBLIC HEARING</u> <u>V-89-99 - LISA CHENOWITH</u> Request for a Variance on property located at 8640 Castle Ridge Avenue TO ALLOW AN EIGHT FOOT TALL BLOCK WALL WHERE A SIX FOOT TALL BLOCK WALL IS THE MAXIMUM ALLOWED, R-CL (Residential Compact Lot) Zone, Ward 4 (Brown), APN: 138-08-512-145. BZA NOTICES MAILED: 183 PROTESTS: 54 (3 Speakers at Meeting, 2 in Audience, 49 Petition) APPROVALS: 0 Staff Recommendation: APPROVAL, subject to: 1. Conformance to the Site Plan and Elevations. 2. City Code requirements and design standards of all City departments which are not affected by approval of this Variance must be satisfied. 3. The height of the wall shall be measured from the side with the least vertical exposure. 4. Conformance to all Conditions of Approval for the El Capitan Ranch Unit 8 Subdivision and all other site related actions as required by the Departments of Planning and Development and Public Works.	SOLOMON ABEYANCE to 1/4/2000 UNANIMOUS with Boyers and Mack excused NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting. Joel McCulloch, Planning & Development, advised that presently, a six foot high block wall exists on the side and rear property lines. Normally this request can be accomplished by way of a Minor Exception. The applicant attempted to acquire the needed signatures of adjoining property owners, that are needed for a Minor Exception, and was unable to do so. Title 19A.08.040 allows for a maximum height of walls in the rear and side yard to be six feet. Title 19A.18.080 Minor Exceptions allows for the height of a wall in the rear and side yards to be increased to eight feet provided the signatures of all abutting property owners are obtained. There are four criteria used in the granting of a Minor Exception, they are: The subject property must be zoned for single family or multi-family residential use; Special or Unique circumstances must exist; the exception qualifies as a Minor Exception; and the granting of the Minor Exception will not have a detrimental effect on adjoining properties. This request meets the requirements of granting a Minor Exception. Security and privacy are considered grounds to meet the requirement of a special or unique circumstance and the granting of this Variance will not have a detrimental effect on adjoining properties. Therefore, staff recommended approval. Tim Ayala, 4600 Sunset Road, appeared on behalf of the applicant and concurred with staff's conditions. He pointed out that similar Variances have been approved within the same subdivision. Dorothy Childress, 8644 Castle Ridge Avenue, resides adjacent to the property and appeared on behalf of the residents opposing the Variance. She also submitted a petition with 49 signatures in opposition. The six foot block wall throughout the subdivision establishes continuity to neighborhoods.

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<u>PLANNING AND DEVELOPMENT</u>	
<u>PUBLIC HEARING</u>	
<u>V-89-99 - LISA CHENOWITH</u>	Ms. Childress added that the residents are concerned that this Variance might set a precedent for other residents to request Variances for higher walls. The wall has already been built without building permits and the safety of the neighborhood is a concern. The two walls were added adjacent to pool equipment using gas and electric lines. There might be an explosion in the neighborhood if the walls were constructed improperly and collapsed. Additionally, there is a building and zoning requirement that an eight foot wall be constructed with a minimum of an eight inch cinder block. The wall in question was built with a six-inch cinder block. Janet Byer, 8636 Castle Ridge, Champagne and Fred Wellhausen McJimsey, 8700 Castle Ridge Avenue, also appeared in opposition of the Variance request. Ms. Childress presented photographs depicting the existing wall with the additional two feet. She noted that the wall did not provide the privacy sought by the applicant. Mr. Solomon verified with Ms. Childress that the original six foot block wall was not stuccoed or painted. Mr. Ayala noted that the grading is very low and the additional two feet will provide security and privacy. The homeowner in the rear of this property is in favor of this Variance. The applicant will stucco the wall at her own cost. Mr. Goynes verified with Mr. Ayala that the applicant did not obtain a building permit to construct the wall addition because the residents on the west of side of this property would not sign the application. However, the residents that would be most affected are in favor of the Variance. Ms. Byer pointed out that if one side of the applicant's wall was four feet, the pool company or the inspector would have had the applicant raise the wall at the time the pool was constructed in order to pass inspection. Mr. Solomon indicated that this request needs to have the concurrence of the adjoining neighbors because it affects their property value, especially when photographs depict the difference in the color of the cinder blocks. He appreciates the applicant willingness to stucco the walls, but this should have been done prior to the Variance request. He suggested that the item be held in abeyance to give the applicant the opportunity to approach the neighbors to see if an agreement can be reached to resolve this issue.

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ITEM

ACTION

PLANNING AND DEVELOPMENT

PUBLIC HEARING

V-89-99 - LISA CHENOWITH

Deputy City Attorney Steve George clarified that even if approved, this particular action would merely be a recommendation to the City Council. However, denial would be a final action and the applicant would be required to appeal it.

There was no further discussion.

(6:30 - 6:47)

1-959

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-8	
<u>V-90-99 - DERRICK & JAN HODSON</u>	
Request for a Variance on property located at 2101 Shenley Court TO ALLOW A 24 FOOT FRONT YARD SETBACK WHERE 30 FEET IS THE MINIMUM FRONT YARD SETBACK ALLOWED in conjunction with a proposed single family residence, R-E (Residence Estates) Zone, Ward 1 (McDonald), APN: 163-04-316-010.	DEL PRADO APPROVED subject to conditions UNANIMOUS with Boyers and Mack excused
BZA NOTICES MAILED: 94	NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
PROTESTS: 0	Joel McCulloch, Planning & Development, stated that the applicant is proposing to construct a 9,088 square foot, two-story, single-family dwelling on a private street, on lot 8 of the recorded subdivision, Bromley Place. The existence of a 20 foot drainage easement on the south side of the property has caused an increase in the side setback from 10 feet to 20 feet. This resulted in the buildable area of the house being shifted to the north side of the property. The site plan depicts a small portion of the side loading garage and porte-cochere encroaching into the front setback, with the mass of the house behind the required 30 foot front yard setback. Staff finds that the drainage easement has imposed a physical hardship on the property owner. It is apparent that an effort has been made to maintain the minimum 30 foot setback for the majority of the proposed home. Encroachment of the garage and porte-cochere into the setback is minimal and will not infringe upon the rights of the surrounding property owners. Therefore, staff recommended approval.
APPROVALS: 0	David Heintz, Residential Designer, 7435 West Camero Avenue, concurred with staff's conditions.
Staff Recommendation: APPROVAL, subject to:	There was no further discussion.
1. All development must be in conformance with site plan and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	No one appeared in opposition.
	NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.
	(6:47 - 6:50) 1-1594

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COUNCIL CHAMBERS • 400 STEWART AVENUE

ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-9	
<u>PUBLIC HEARING:</u>	
<u>V-91-99 - CAMP BOB LLC</u>	
Request for a Variance on property located on the northeast corner of Pinto Lane and Campbell Drive TO ALLOW A 6 FOOT 4 INCH TALL BLOCK AND WROUGHT IRON WALL IN THE FRONT AND SIDE YARD WHERE 4 FEET IS THE MAXIMUM HEIGHT ALLOWED, R-A (Ranch Acres) Zone, Ward 1 (McDonald), APNs: 139-32-304-005 and 006 and 139-32-304-018.	
BZA NOTICES MAILED: 108	
PROTESTS: 2 Telephone	
APPROVALS: 0	
STAFF IS REQUESTING THAT THIS ITEM BE STRICKEN FROM THE AGENDA. DURING THE REVIEW PROCESS IT WAS DETERMINED THAT THIS REQUEST FOR A VARIANCE WAS NOT REQUIRED.	
	GOYNES STRIKE UNANIMOUS with Boyers and Mack excused
	NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
	Vice-Chair Del Prado announced that staff requested that this item be stricken from the agenda because It was determined during the review process that this application was not necessary.
	No one appeared in opposition.
	There was no further discussion.
	(6:18 - 6:19) 1-549

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
A-10 <u>PUBLIC HEARING</u> <u>V-92-99 - COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA</u> Request for a Variance on property located on the northwest corner of Martin L. King Boulevard and Lake Mead Boulevard TO ALLOW 45,702 SQUARE FEET OF OPEN SPACE WHERE 149,416 SQUARE FEET OF OPEN SPACE IS THE MINIMUM ALLOWED, R-3 (Medium Density Residential) Zone, under resolution of intent to RPD-8 (Residential Planned Development - 8 Units per Acre), Ward 3 (Reese), APN: 139-21-202-004. BZA NOTICES MAILED: 181 PROTESTS: 1 Letter APPROVALS: 0 Staff Recommendation: DENIAL. If approved, subject to: 1. A Site Development Plan Review application shall be approved by the Planning and Development Department staff prior to recordation of any Final Map on the site. 2. City Code requirements and design standards of all City Departments which are not affected by the approval of this Variance must be satisfied. 3. The Departments of Public Works and Planning and Development require all other site related Conditions of Approval to be complied with.	SOLOMON APPROVED subject to conditions UNANIMOUS with Boyers and Mack excused NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting. Joel McCulloch, Planning & Development, noted that the City of Las Vegas Zoning Code was amended in 1998 to require open space based upon the density proposed for R-PD (Residential Planned Development) developments. The open space regulation was negotiated in good faith with developers, the Southern Nevada Home Builders Association, and other community representatives. Open space and common recreational facilities are required to be configured so as to permit optimal utilization and should be, more or less, centrally located within the development. A sidewalk system must be provided to connect all proposed residential areas to the common open space. Staff finds that since there is no approved site plan for this project, the only aspect of the request that can be evaluated is the amount of open space. The applicant is requesting a substantial reduction in the amount of open space provided and has presented no justification for this request. Further, staff finds that there are no unique or extraordinary circumstances associated with the site and therefore, recommended denial. Engineer Nelson Stone, WLB Group, 2551 North Green Valley Parkway, Henderson, appeared with zoning and development consultant Mel Lacquement, 208 Campbell Drive, on behalf of Community Development, owner of the property. Mr. Lacquement stated that the City Council approved the zoning to R-PD3 as well as the Tentative Map for the Whispering Timbers subdivision. A Site Development Plan was submitted to Planning & Development for administrative approval. This used to be Gershin Park and is surrounded by other development. The non-profit company will be building 208 houses on the property. The single-story homes will have many different amenities, including 10 foot ceilings, front and back porches, five fixture bathrooms, walk-in-closets, a refrigerator, washer and dryer, and a two car garage with garage opener.

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PLANNING AND DEVELOPMENT

PUBLIC HEARING

V-92-99 - COMMUNITY DEVELOPMENT
PROGRAMS CENTER OF NEVADA

The open space will have a swimming pool, a pavilion with exercise stations and a trail system. About 60% of the existing 30-year old trees will remain. The outlined amenities will not be possible if the project is reduced by 15 lots.

Mr. Solomon pointed out that he has seen the project and it will be a tremendous addition to the community.

There was no further discussion.

No one appeared in opposition.

NOTE: A date will be set at the 1/5/2000 City Council meeting for a public hearing to be held at the 1/19/2000 City Council meeting.

(6:50 - 6:56)
1-1690

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ITEM	ACTION
<u>PLANNING AND DEVELOPMENT</u>	
<u>DIRECTOR'S BUSINESS</u>	
<u>ABEYANCE ITEM</u>	
DB-12-99 - Election of Board of Zoning Adjustment Officers for 2000.	SOLOMON ABEYANCE to 1/4/2000 UNANIMOUS with Boyers and Mack excused
B-1	NOTE: At the commencement of the meeting Mr. Mack announced that he would abstain from voting on all items in order that he could vote on the applications when they come before the City Council, to which he was recently appointed. Subsequent to a single vote on A-5, Mr. Mack was excused for the remainder of the meeting.
	Vice-Chair Del Prado suggested that the item be held in abeyance until a full Board can be present.
	Deputy City Attorney Steve George clarified that there will be only one more member present at the next Board of Zoning meeting as Mr. Mack will have resigned at that time because he will be sitting as a City Councilman.
	There was no further discussion.
	(6:56- 6:58) 1-1989

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PLANNING AND DEVELOPMENT

C

CITIZENS PARTICIPATION:

None.

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.

(6:58)
1-2027.

MEETING ADJOURNED AT 6:58 P.M.

PLANNING & DEVELOPMENT DEPARTMENT

JOEL V. McCULLOCH, SENIOR PLANNER,
CURRENT PLANNING DIVISION, PLANNING &
DEVELOPMENT DEPARTMENT

/ac

