

A G E N D A

BOARD OF ADJUSTMENT MEETING

September 22, 1954

Roll call of the board.

Chairman's business.

Minutes of the meeting held August 25, 1954.

OLD BUSINESS

U-16-54 - (deferred from July 28 and August 25, 1954, meetings) The application of HENRY FREEDMAN to construct and operate an "educational aquarium exhibit" on the vacant front portion of the lot at 322 Fremont Street, next to Trader Bills in a C-2 zone.

U-28-54 - (public hearing, held over from August 25 meeting) The application of M. S. McCOY to erect an auto service station in an R-~~2~~^E zone, located on the northwestern corner of Charleston Boulevard and Rancho Road, legally described as a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section ~~28~~³², T20S, R61E, MDB&M. The Traffic and Parking Commission received this application relative to traffic problems involved and the commission "...informally agreed to recommend its approval if the point is curbed, guttered, and if proper driveways open into the roadways well away from the intersection."

NEW BUSINESS

~~The application of HAROLD HUNTER regarding the determination of the planning director on the home occupation status of a salad house, legally described as Lot 7, Block 4, Biltmore Addition, in an R-1 zone. The determination was that (1) such use permit is not eligible in this zone, and (2) variance is not eligible in this zone by reason of definitions in the Code, Section 3, entitled "Definitions," under section "Home Occupations and Commerce," and in Section 10, entitled "R-1 Zone," Part a, 1; and Section 21, entitled "Variances," Section c, 1, 2, 3.~~

U-31-54 - The application of W. R. HUSBAND to use residence in an R-1 zone at 2222 W. Bonanza Road for a business address, legally described as a portion of SE $\frac{1}{4}$, Section 29, T20S, R61E.

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U-33-54 - The application of GRANT S. STEWART to construct a parking lot on Lots 23 and 24, Block 2, Boulder Dam Homesite Addition Addition No. 3, and to pave the alley between Stewart's Market and Lot 1, in an R-2 zone.

V-47-54 - (public hearing) The application of ROBERT RUSSELL WAKEFIELD, JR., to construct an addition to an existing dwelling to within two and a half feet of the street line where six feet is required on property legally described as Lot 15, Block 7, Sunnyside Addition, Tract No. 1, which is generally located north of Oakey Boulevard between Birmingham and Seventeenth Streets in an R-1 zone.

V-48-54 - (public hearing) The application of BERNADA E. MONTGOMERY to construct a small office to be used as a medical professional office at 301 E. Bonanza Place, in an R-1 zone, which is legally described as Lot 10, Block 1, Biltmore Addition Annex No. 2.

V-49-54 - (public hearing) The application of W. S. ROBINSON to maintain a carport located inside the line in violation of the front-yard requirements of the zoning ordinance. This location is at 525 Park Paseo between Fifth and Sixth in an R-1 zone, legally described as the west seventy-five feet of the east 275 feet of Lot g, Park Place Addition.

V-50-54 - (public hearing) The application of FREMONT HOTEL, INC., to erect a hotel building ten stories high at the northeast corner of Fremont and Second Streets, which is legally described as Lots 11, 12, 13, 14, 15, and 16, Block 18; Clark's Las Vegas Townsite Addition, which is in a C-2 zone.

V-51-54 - (public hearing) The application of TIDEWATER ASSOCIATED COMPANY and HEERS ASSOCIATED OF NEVADA to construct and maintain a service station at 3601 Vegas Drive and Turquoise Avenue in an R-1 zone, legally described as Lot 20, Block 17, Twin Lakes Village Addition, Unit No. 3.

³⁵
U-~~34~~-54 -- The application of the Las Vegas Valley Water District to construct an office building to house the operating headquarters and business office of the Water District, on the North side of West Charleston Blvd., between Valley View Blvd. and Melville Drive, in an R-1 zone.

U-32-54. Ruth Blake

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CITY CLERK

MINUTES

BOARD OF ZONING ADJUSTMENT
Meeting held September 22, 1954

The regular meeting of the Board of Zoning Adjustment was held in the Las Vegas Public Library, Las Vegas, Nevada, at 7:30 p.m., September 22, 1954.

PRESENT: Chairman Ernest Schroer, Commissioner John Replogle.

ABSENT: Commissioner Robert Schmutzer.

STAFF PRESENT: Franklin J. Bills, director of planning; James A. Goodrich, research assistant; H. J. Griffith, recording secretary; Thomas E. Robuck, draftsman; Shawnee Stewart, assistant director of planning.

MINUTES: Ernest Schroer moved that the minutes of the meeting held August 25, 1954, be approved as written. John Replogle seconded the motion, and it was unanimously carried.

OLD BUSINESS

U-16-54 The application of HENRY FREEDMAN to construct and operate an "educational aquarium exhibit" on the vacant front portion of the lot at 322 Fremont Street, next to Trader Bill's in a C-2 zone was presented.

The public hearing had been held on July 28, 1954.

Ernest Schroer acknowledged the formal, written protest of M. W. Keefer, attorney representing A. O. Christensen, of the Sports Shop and Trader Bill's, dated September 22, 1954. No further discussion was offered.

Ernest Schroer moved the adoption of Resolution #33, A RESOLUTION RECOMMENDING DENIAL OF THE APPLICATION OF HENRY FREEDMAN FOR A USE PERMIT AUTHORIZING THE CONSTRUCTION AND OPERATION OF AN EDUCATIONAL AQUARIUM EXHIBIT ON THE FRONT PORTION OF THE LOT AT 322 FREMONT STREET, which motion was seconded by John Replogle and declared unanimously carried.

(Resolution #33 is on file in the Document Book as Document #36.)

U-28-54 The application of M. S. McCOY to erect an auto service station in an R-E zone on the northwestern corner of W. Charleston Boulevard and Rancho Road, legally described as a portion of the SE $\frac{1}{4}$. SE $\frac{1}{4}$, Section 32, T20S, R61E, MDB&M, was presented.

The chairman declared the public hearing open.

Attorney Clifford A. Jones--representing M. S. McCoy, applicant for use permit, and Mrs. Joe Cardinal, owner of the property in question--spoke in defense of the application.

There were thirteen protestants present. Those who voiced their disapproval on the grounds that the service station would violate the exclusive residential status and depreciate the value of surrounding properties were

- Attorney Bill Couthard,
- representing Dr. W. James 2047 W. Charleston Boulevard
- Mrs. and Mr. C. V. Hurley 2231 W. Charleston Boulevard
- Mr. and Mrs. Tom Jagers 2101 W. Charleston Boulevard
- Mrs. George Young 2025 W. Charleston Boulevard
- (mailing address: 1925 W. Charleston Boulevard)

Chairman Schroer acknowledged petitions bearing thirty-two signatures of protestants.

Chairman Schroer asked the protestants what use this property should have, and the simultaneous responses were in favor of a scenic city park. F. J. Bills said that a certain number of filling stations are in the public interest. There are sufficient stations on Rancho Road because it is the best route into town and should be preserved for that. The intersection might be made into a scenic park if the city could acquire it at a reasonable price. He pointed out to the board that there is vacant property adjacent to the proposed service station which could not be denied a commercial use by the Planning Department if this application for commercial use were to be approved. No further discussion was offered.

The chairman declared the public hearing closed.

John Replogle moved the adoption of Resolution #34, A RESOLUTION RECOMMENDING DENIAL OF THE APPLICATION OF M. S. MCCOY FOR A USE PERMIT AUTHORIZING THE OPERATION OF AN AUTO SERVICE STATION AT THE INTERSECTION OF CHARLESTON BOULEVARD AND RANCHO ROAD IN AN R-E ZONE, which motion was seconded by Ernest Schroer and declared unanimously carried.

(Resolution #34 is on file in the Document Book as Document #37.)

NEW BUSINESS

U-31-54 The application of W. R. HUSBAND to use his residence in an R-1 zone at 2222 W. Bonanza Road for a business address, legally described as a portion of SE $\frac{1}{4}$, Section 29, T20S, R61E, MDB&M, was presented. No one was present to discuss this application .

Ernest Schroer moved the adoption of Resolution #35, A RESOLUTION RECOMMENDING DENIAL OF THE APPLICATION OF W. R. HUSBAND FOR A USE PERMIT AUTHORIZING THE USE OF HIS RESIDENCE AT 2222 W. BONANZA ROAD AS A BUSINESS ADDRESS FOR THE OPERATION OF TILE CONTRACTING BUSINESS, which motion was seconded by John Replogle and declared unanimously carried.

(Resolution #35 is on file in the Document Book as Document #38.)

U-32-54 The application of RUTH BLAKE to rent as professional offices to a doctor or dentist a building situated at 1612-1614 E. Charleston Boulevard between Hillside Place and Seventeenth Street in an R-2 zone was presented.

The chairman declared the public hearing open.

Ruth Blake presented her application.

Protestants were Mr. and Mrs. S. V. Dawson of 1621 Thelma Lane who expressed fear that this was the beginning of the invasion of commerce into their R-2 area although they did not object directly to the presence of doctors' or dentists' offices.

There being no further discussion, the chairman declared the public hearing closed.

Ernest Schroer moved the adoption of Resolution #36, A RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION OF RUTH BLAKE FOR A USE PERMIT TO RENT AS PROFESSIONAL OFFICES TO A DOCTOR OR DENTIST A BUILDING SITUATED AT 1612-1614 E. CHARLESTON BOULEVARD IN AN R-2 ZONE, subject to the restriction of the use of the offices by doctors and dentists, which motion was seconded by John Replogle and declared unanimously carried.

(Resolution #36 is filed in the Document Book as Document #39.)

U-33-54

The application of GRANT S. STEWART to construct a parking lot on Lots 23 and 24, Block 2, Boulder Dam Homesite Addition No. 3, and to pave the alley between Stewart's Market and Lot 1, in an R-2 zone, was presented. No one was present to discuss this application. Ernest Schroer moved the adoption of Resolution #37, A RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION OF GRANT S. STEWART TO CONSTRUCT A PARKING LOT ON LOTS 23 AND 24, BLOCK 2, BOULDER DAMSITE ADDITION 3, subject to the stipulations made by the resolution. John Replogle seconded the motion and it was declared unanimously carried.

U-35-54

The application of the LAS VEGAS VALLEY WATER DISTRICT to construct an office building to house the operating headquarters and business office on the north side of W. Charleston Boulevard between Valley View Boulevard and Melville Drive in an R-1 zone.

No public hearing had been called because application was made too late to notify owners of surrounding property.

Mr. Renshaw, representative of the applicant, explained the application.

There was considerable discussion concerning the violation of the R-1 zone, the beginning of construction without a use permit, the preference of surrounding property owners for a park which the water company had promised some years ago. Protestants who voiced their disapproval were

- Ralph Beane 1109 Melville Drive
- J. J. Colvin 1110 Melville Drive
- Gerald Larson 3316 W. Charleston Boulevard
- Joe Lefholpz 1110 Barnard Drive
- S. R. McKinney 3507 W. Charleston Boulevard
- C. P. Nielson 3309 W. Charleston Boulevard
- Mrs. K. L. Reich 3515 W. Charleston Boulevard
- Alex J. Scruton 3501 W. Charleston Boulevard

Chairman Schroer announced that in order to give all property owners a fair chance to express their opinions and to give the applicant time to acquaint the public with their proposed structure and use, consideration of the application will be deferred until the next meeting of the Board of Zoning Adjustment on October 27, 1954, at which time a public hearing will be held. The property owners will be notified by mail.

V-47-54

The application of ROBERT R. WAKEFIELD, JR, to construct an addition to an existing dwelling to within two and a half feet of the street line where six feet are required was presented.

The chairman declared the public hearing open.

Robert R. Wakefield, Jr., explained that the need for his application was created by the odd shape of the lot. Approval of the application was voiced by Mr. Herrnstein, 1800 Wengert Avenue, directly across the street from the applicant.

Ernest Schroer stated that the Planning Commission was trying to maintain uniform values and standards in the area and trying to avoid exceptions, and that he believed the applicant could alter his plans to comply with the setback regulations. No further discussion was offered.

The chairman declared the public hearing closed.

John Replogle moved the adoption of Resolution #38, A RESOLUTION RECOMMENDING THE DENIAL OF THE APPLICATION OF ROBERT R. WAKEFIELD, JR., FOR A VARIANCE AUTHORIZING AN ADDITION TO AN EXISTING DWELLING TO WITHIN 2½ FEET OF THE STREET LINE WHERE 6 FEET ARE REQUIRED, which motion was seconded by Ernest Schroer and declared unanimously carried. Chairman Schroer informed Robert R. Wakefield that he could appeal the decision of the Board of Zoning Adjustment at the meeting of the Board of City Commissioners, October 6, 1954.

(Resolution #38 is on file in the Document Book as Document #41.)

V-48-54

The application of BERNADA E. MONTGOMERY to construct a small office to be used as a medical professional office at 301 E. Bonanza Place in an R-1 zone was presented.

The chairman declared the public hearing open.

Protestants who spoke against the violation of the R-1 zone were

- C. P. Dees 307 E. Bonanza Place
- Mrs. J. H. Graf 601 Tiffany Lane
- C. R. Ingram 609 Tiffany Lane

No further discussion was offered.

V-48-54
CONTINUED

The chairman declared the public hearing closed.

Ernest Schroer moved that Resolution #39, A RESOLUTION RECOMMENDING DENIAL OF THE APPLICATION OF BERNADA E. MONTGOMERY FOR A VARIANCE AUTHORIZING THE CONSTRUCTION OF A PROFESSIONAL OFFICE BUILDING FOR MEDICAL PURPOSES IN AN R-1 ZONE be adopted, which motion was seconded by John Replogle and declared unanimously carried.

(Resolution #39 is on file in the Document Book as Document #42.)

V-49-54

The application of W. S. ROBINSON to maintain a carport located inside the line in violation of the frontyard requirements of the zoning ordinance. This location is 525 Park Paseo, between Fifth and Sixth in an R-1 zone.

The chairman declared the public hearing open.

F. J. Bills informed the board that W. S. Robinson, who was out of town, requested that the decision be held in abeyance until the next meeting (October 27, 1954) although the public hearing, having been called for September 22, must be held.

Protestants who spoke against the application were

Mr. and Mrs. Louis P. Herbster 1133 S. Fifth Street

No further discussion was offered.

The chairman declared the public hearing closed.

Ernest Schroer stated that this was in direct violation of the law.

The Planning Department made no recommendations other than that the application be held in abeyance until October 27.

John Replogle moved that the application be denied, which motion was seconded by Ernest Schroer and declared unanimously carried.

V-50-54

The application of FREMONT HOTEL, INC., to erect a hotel building ten stories or 175 feet high at the northeast corner of Fremont and Second Streets, in a C-2 zone was presented.

The chairman declared the public hearing open.

V-50-54
CONTINUED

Attorney Clif Young, representing the applicant, requested that the description of the hotel be changed from "ten stories in height" to "ten stories or 175 feet in height, whichever is greater" and from "Lots 11, 12, 13, 14, 15, and 16" to "Lots 11, 12, 13, 14, 15, 16, 17, and 18" and that "without setbacks" be added. No further discussion was offered.

The chairman declared the public hearing closed.

Ernest Schroer moved the adoption of Resolution #40, A RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION OF FREMONT HOTEL, INC., A NEVADA CORPORATION, FOR A VARIANCE AUTHORIZING THE ERECTION OF A TEN-STORY OR 175-FOOT-HIGH, WHICHEVER IS GREATER, HOTEL ON THE NORTHEAST CORNER OF FREMONT AND SECOND STREETS IN A C-2 ZONE, incorporating the changes in description requested by the applicant, which motion was seconded by John Replogle, and declared unanimously carried.

(Resolution #40 is filed in the Document Book as Document #43.)

V-51-54

The application of TIDEWATER ASSOCIATED COMPANY AND HEERS ASSOCIATED OF NEVADA to construct and maintain a service station at 3601 Vegas Drive and Turquoise Avenue in an R-1 zone was presented.

The chairman declared the public hearing open.

Norman Jacobsen, associated with the applicant, spoke in defense of the application.

F. J. Bills agreed with Norman Jacobsen that the lot is not saleable, but there is a commercial area provided in the subdivision recently approved by the Board of City Commissioners which included this lot, and this lot is not in the commercial area. He admitted that a certain number of service stations are in the public interest, but there is a sufficient number of them on nearby Rancho Road. Ernest Schroer spoke in favor of the application because the applicant has done much to build and improve the city.

There being no further discussion, the chairman declared the public hearing closed.

V-51-54
CONTINUED

John Replogle moved the recommendation of the approval of the application, which move was seconded by Ernest Schroer and declared unanimously carried.

Upon the motion being duly made and seconded, the meeting was adjourned at 9:15 p.m. The next regular meeting will be held on October 27, 1954.