

M I N U T E S

BOARD OF ZONING ADJUSTMENT

May 28, 1959

A Regular Meeting of the Board of Zoning Adjustment was called to order by Chairman Hurley at 7:30 P. M. in the Council Chambers of the City Hall, Las Vegas, Nevada.

PRESENT: Mrs. Hurley, Messrs. Garth, White, Replogle

ABSENT: None

STAFF PRESENT: Deputy Director of Planning, Don J. Saylor, and Recording Secretary, Enna B. Butler

OTHERS PRESENT: Assistant City Attorney, Tom Bowman

MINUTES: Upon motion made by Mr. Garth, seconded by Mr. Replogle, the Minutes of the Meeting of April 23, 1959, were approved.

OLD BUSINESS:

PUBLIC HEARING:

U-17-58 The amended application of the Greater Faith Baptist Church for a Use Rev P.S. Permit to build a Church on property located at the Southeast corner Walker of Highland Drive and Jefferson Avenue, legally described as, a portion of the NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 28, T20S, R61E, in an R-E Zone. The Use Permit was granted to this Church by the Board of City Commissioners on December 17, 1958, authorizing the construction of this Church in conformity with a plot plan, submitted and approved. The Church group has now submitted a new and different plan, with the request that the amended plot plan be approved.

The Chairman declared the public hearing open and asked if anyone was present in support of the application. Reverend P. S. Walker was present. Mr. Saylor advised the Board that the footings for a portion of the building have been installed and that the footings are not in conformance as to location with the plot plan which was approved, consequently, the new plot plan for which approval is requested reflects the location of the existing footings. The Building Department advised that the footings are not up to code structurally. Discussion with the Reverend Walker led to the information that he was aware of the fact when he installed the footings that they were not in conformance with the approved location. At this time the Chairman declared the public hearing closed. Mr. Replogle moved that

U-17-58 (Cont.) the plot plan be amended to increase the setbacks to 13' on the East and 17' on the South and recommended approval. This motion died for lack of a second.

Further discussion was held concerning the building plans of the Church. Reverend Walker requested that this matter be held until later on in the evening so that he could go get his plans and present them to the Commission. The Chairman granted this request.

NEW BUSINESS:

PUBLIC HEARING:

V-7-59 The application of Nick Komer for a Variance to construct a building to within 5' of the rear property line on property located at 1121 South 3rd Street, between Charleston and 4th Place, legally described as Lot 8, Block 21, Boulder Addition, in an R-4 zone was introduced to the Board. The Chairman declared the public hearing open and asked if anyone was present to support the application. No one was present. A report was made by the Planning Staff.

Nick Komer

The Chairman asked if there was anyone present in objection to the application. Mr. Schloesslin was present in objection and was also presenting the protest of Mrs. A. R. Preslon, The Chairman declared the public hearing closed.

Mr. Garth moved the application V-7-59 be forwarded to the Board of City Commissioners with the recommendation that it be approved subject to conformance with the plot plan. Seconded by Mr. White.

Upon rollcall the vote was as follows:

Aye: Garth Nay: Mrs. Hurley
 Replogle
 White

The Chairman thereupon declared the motion carried.

V-8-59 The application of Martin Kutzen for a Variance to enclose an existing legal, non-conforming carport on property located at 3317 West Charleston Blvd., on the Southeast corner of West Charleston and Barnard Drive, legally described as Lot 13, Block 1, Westleigh Subdivision #1, in an R-1 zone was brought before the Board.

Martin Kutzen

V-8-59 (Cont.) The Chairman declared the public hearing open and asked if anyone was present in support of the application. Mr. Kutzen was present. Five letters were introduced in favor of this application. The Chairman declared the public hearing closed.

Mr. Garth moved the application V-8-59 be forwarded to the Board of City Commissioners with the recommendation that it be approved.

Seconded by White. Upon rollcall the vote was as follows:

Aye:	Replogle	Nay:	None
	White		
	Garth		
	Mrs. Hurley		

The Chairman thereupon declared the motion carried.

V-9-59 Ben Bergan The application of Ben Bergan for a Variance to construct an addition to an existing duplex within the required side yard, 3' from the side property line, on property located at 217 South 13th Street, between Bridger and Carson Streets, legally described as Lot 5, Block 11, Ladd Addition, in an R-4 zone, was brought before the Board.

The Chairman declared the public hearing open and asked if anyone was present in support of the application. Mr. Ben Bergan was present. The Chairman asked if anyone was present in opposition. The Staff advised that two letters protesting had been received. Mr. Leroy Whipple, the author of one of the letters was present and stated his reasons. The Chairman declared the public hearing closed. Mr. Garth moved that the application be approved. Motion died for lack of a second. Mr. Replogle moved that the application be denied. Motion was seconded by Mrs. Hurley. Upon rollcall, vote was as follows:

Aye:	Replogle	Nay:	Garth
	Hurley		White

The Chairman declared that the motion failed to carry. Mr. Garth moved that the application V-9-59 be forwarded to the Board of City Commissioners with the recommendation that it be approved. Seconded by White. Upon rollcall the vote was as follows:

Aye:	White	Nay:	Replogle	Abstaining:	Hurley
	Garth				

The Chairman declared the motion carried.

V-10-59 The application of Mr. Clifford R. Skoglund for a Variance to inter-Clifford change a side and rear yard, generally located at the Northeast corner R. Skoglund of 6th and St. Louis Streets, legally described as a portion of the NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 3, T21S, R61E, M.D.B.&M. in an R-1 zone, was brought before the Board. The Chairman declared the public hearing open. The Planning Staff advised the Board that an abundance of yard area would be provided; however, due to the shape and size of the lot and the proposed construction it would not be feasible to insist that the rear yard be opposite the front yard. Mr. Skoglund was present representing the application. There were no protests. The Chairman declared the public hearing closed.

Mr. Garth introduced RESOLUTION #250, A RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION V-10-59, and moved its adoption. The motion was seconded by Mr. Replogle. Upon rollcall the vote was as follows:

Aye:	Garth	Nay:	None
	White		
	Replogle		
	Mrs. Hurley		

The Chairman thereupon declared the motion carried and Resolution adopted.

(RESOLUTION #250 IS ON FILE IN THE DOCUMENT BOOK AS DOCUMENT #255)

U-12-59 The application of Melvin Moss for a Use Permit to allow the Frontier Melvin Girl Scout Council to operate a Youth Activity Program on property Moss located between 12th and 13th Streets, legally described as Lot 9, Block 5, Ladd Addition, in an R-4 zone, was brought before the Board. The Chairman declared the public hearing open. Planning Staff advised the Board that this was a quasi-public use and that as such it is permitted in this zone. There was no one present in support or in opposition to this application. The Chairman declared the public hearing closed. Mr. Garth moved that the application U-12-59 be forwarded to the Board of City Commissioners with a recommendation that it be approved subject to the condition that no sign other than the existing sign be permitted. Seconded by Mr. Replogle. Upon rollcall the vote was as follows:

Aye:	Replogle	Nay:	None
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Aye: White
Garth
Mrs. Hurley

The Chairman declared the motion carried.

U-13-59 The application of Carrie L. Hill for a Use Permit to allow Helen Carruthers to operate a Rest Home for the Aged on property located at 500 Van Buren Avenue, between "E" and "F" Streets, legally described as Lots 5 (Less West 40') and 6, Block 10, H.F.M.&M. Addition, in an R-4 zone, was brought before the board.

The Chairman declared the public hearing open and asked if anyone was present in support of the application. Helen Carruthers was present. There were no protests. The Planning Staff reported that both the Building and Fire Departments recommended that the proposed use not be permitted in the basement or second story of the structure and the Building Department further recommended that the Building code permits no more than ten patients for this particular structure. The Engineering Department recommended that the applicant be required to install sidewalks. The Chairman declared the public hearing closed. Mr. Garth introduced RESOLUTION 251, A RESOLUTION RECOMMENDING APPROVAL OF THE APPLICATION U-13-59, and moved its adoption. Motion was seconded by Mr. Replogle and upon rollcall the vote was as follows:

Aye: White Nay: None
Garth
Replogle
Mrs. Hurley

The Chairman thereupon declared the motion carried and Resolution adopted.

(RESOLUTION 251 IS ON FILE IN THE DOCUMENT BOOK AS DOCUMENT #256)

U-3-59 The application of Jessie Morgan for the Faith Temple Church of God and Christ, 907 Adams Street, in an R-1 zone, was brought before the board. The Chairman declared the public hearing open and asked if anyone was present in support of the application. Mrs. Jessie Morgan was present. The Chairman asked if anyone was present who objected to the application. The Planning Staff informed her that the meeting had not been advertised because a public hearing had been held previously. The Planning Staff advised the Board that the applicant had

indicated a readiness to proceed with the necessary alterations for bringing the building up to code and that such a Building Permit could not be approved until the Use Permit had been approved, the Planning Staff recommended that the Use Permit be approved subject to the following conditions:

1. That the building shall not be used as a Church, or any additions made thereto until such time as it has been brought up to code.
2. That the yard be cleared from all debris, trash, etc., subject to approval of the Fire Department.

Mr. Garth moved that the application U-3-59 be forwarded to the Board of City Commissioners with the recommendation that it be approved subject to the following conditions:

1. That the building shall not be used as a Church, or any additions made thereto until such time as it has been brought up to code.
2. That the yard be cleared from all debris, trash, etc., subject to approval of the Fire Department.

Mr. Replogle seconded the motion and upon rollcall the vote was as follows:

Aye:	White	Nay:	None
	Replogle		
	Garth		
	Mrs. Hurley		

The Chairman declared the motion carried.

U-26-55 The application of the City of Las Vegas for a Use Permit to operate an Animal Shelter on a Portion of the SW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 36, T20S, R61E in an R-E zone. Mr. Saylor advised the Board that this was not a public hearing, but due to a recent request of an individual to purchase a portion of this property for use as a Pet Cemetery, the Board of City Commissioners had asked that the question of zoning be determined. Consequently, the action before the Board is a request for an interpretation of the existing Use Permit to see if it was meant to include the use of a portion of this property for a Pet Cemetery to be operated by private interest. Mr. Garth stated that he felt this was a legal question and moved that this matter be deferred until the next meeting for the purpose of permitting a field trip and ruling from the City Attorney's office. The motion was seconded by Mr. Replogle, and upon rollcall the vote was as follows:

Aye: White Nay: None
 Replogle
 Garth
 Mrs. Hurley

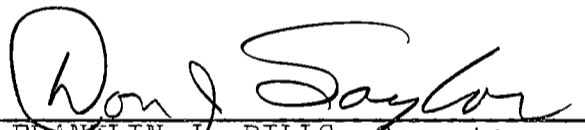
The Chairman declared the motion carried.

U-17-58 The Chairman reopened the hearing at this time. Mr. White moved that the approval of the new plot plan be denied. This motion died for lack of a second. Mr. Replogle moved that the new plot plan be referred to the Board of City Commissioners with a recommendation that it not be approved and further recommending that it should be amended to provide for a 13' setback on the East and a 17' setback on the South and that it be approved as amended. This motion was seconded by Mr. White. Upon rollcall the vote was as follows:

Aye: White Nay: None
 Replogle
 Garth
 Mrs. Hurley

The Chairman declared the motion carried.

On motion duly made and seconded the meeting of the Board of Zoning Adjustment was declared adjourned at 10:00 P. M.


FRANKLIN J. BILLS, Secretary
Board of Zoning Adjustment