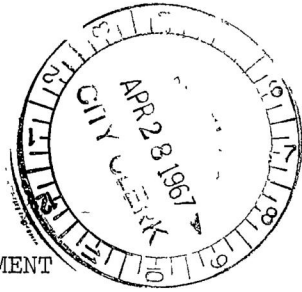


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A G E N D A

BOARD OF ZONING ADJUSTMENT

May 4, 1967



CALL TO ORDER:

7:30 PM, Council Chambers of City Hall,
Las Vegas, Nevada.

ROLL CALL:

MINUTES:

Approval of Minutes of the regular
meeting held March 23, 1967.

NEW BUSINESS:

1. U-11-67 Application of JACK CASON for a Use Permit to allow a U-Haul rental in conjunction with an existing service station on property generally located on the southeast corner of 13th Street and Fremont Street, in land use zone C-2.
2. U-12-67 (HO) Application of ELVA ANN SHINHOLSER for a Home Occupation Permit to allow a book-keeping and tax consulting business on property generally located at 1212 Ingraham Street between Aztec Avenue and Demetrius Avenue, in land use zone R-1.
3. U-14-67 (HO) Application of J. B. PARKER for a Home Occupation Permit to allow an office and dispatching operation for Scenic Airlines (Air Taxi) on property generally located on the south side of Pebble Beach Boulevard between North Fay Boulevard and Tequesta Road, in land use zone R-1.
4. V-4-67 Application of VICTOR F. WHITTLESEA for a Variance to construct a wash room in the northeast corner of said lot and to remodel existing wash room into an additional apartment unit on property generally located on the north side of Boston Avenue between Fairfield Avenue and Industrial Road, in land use zone R-4.
5. V-5-67 Application of ISAAC N. HEARNE for a Variance to allow a storage room addition to the side property line where a 6' setback is required on property generally located on the east side of Fontenelle Street between El Parque Avenue and Sahara Avenue, in land use zone R-1.

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OLD BUSINESS:

6. U-47-63
(Review -
Extension of Time)
Approved application of the First Baptist Church for a Use Permit to establish a church child nursery on property generally located on the west side of South 9th Street between Bridger and Lewis Avenues, in land use zone R-4.
7. U-13-65
(Plot Plan Review)
Approved application of W. S. ROBINSON AND MARJORIE ROBINSON for review of sign location on property generally located on the north side of Smoke Ranch Road approximately 600 feet east of Tonopah Highway, in land use zone C-2.
8. U-44-66
(Plot Plan Review)
Approved application of I. L. HOOVER for a Use Permit to allow an advertising structure on property generally located on the southeast corner of East Charleston Boulevard and Chapman Drive, in land use zone C-1.
9. V-1-67
(Abeyance)
Application of GULF OIL CORPORATION for a Variance to permit a rental trailer operation on property generally located on the southwest corner of Las Verdes Street and Sahara Avenue, in land use zone C-1.
10. V-2-67
(Abeyance -
Review of Condition)
Application of LEO R. ENGLISH for a Variance to allow the development of a convalescent home as a quasi-public use on property generally located on the northwest corner of Rose Street and Alturas Avenue and also a portion of the Block bounded by Alturas on the south, Goldring Avenue on the north, Rose Street on the west and Willow Street on the east, in land use zone R-E.

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MINUTES
BOARD OF ZONING ADJUSTMENT

May 4, 1967

A special meeting of the Board of Zoning Adjustment was called to order at 7:30 PM, by Chairman Hoggard in the Council Chambers of City Hall, Las Vegas, Nevada.

PRESENT: Chairman Hoggard, Messrs. Boyer and White.
ABSENT: Messrs. Gilday and Morgan.
STAFF PRESENT: Don J. Saylor, Director of Planning;
Mary Cooper, Recording Secretary.
MINUTES: The minutes of the regular meeting held March 23, 1967, were approved upon motion by Mr. Boyer, seconded by Mr. White and carried by a unanimous vote.

NEW BUSINESS:

1. U-11-67
Approved
Application of JACK CASON for a Use Permit to allow U-Haul rental in conjunction with an existing service station on property legally described as Lots 1 and 2, Block 10, Ladd's Addition and generally located on the southeast corner of 13th Street and Fremont Street, in land use zone C-2.

Mr. Saylor indicated the location of the property on the map and stated that this property is located at the southeast corner of Fremont Street and 13th Street in a C-2 zone and the property to the rear, on 13th Street, is zoned C-1. Mr. Saylor further stated that the plot plan shows that there will be twelve trailer spaces and three truck spaces, and the trailers would be parked at the rear of the property off the alley. He pointed out that by Ordinance, U-Haul trailer business is an outdoor business function and is permitted by means of a Use Permit in a C-2 zone.

There are no protests to this application on file.

Staff recommends the following special conditions if this application is approved:

1. Dedication of right-of-way as required by the Department of Public Works.
2. Signing of an Assessment District agreement for street lighting on 13th Street and alley paving.
3. Repair of the sidewalk on 13th Street.

Chairman Hoggard declared the public hearing open.

MR. CY BACON, 1401 East Charleston Boulevard, appeared for the applicant and stated that he was moving his office to this new location and was vacating the office on Charleston Boulevard, which would be used for a storage area.

MR. JOHN DODDS, 2640 Theresa Avenue, field manager for the U-Haul Company appeared and stated that the lot on Charleston Boulevard would be used only as a storage area and that the business on Fremont Street would not be started until improvements have been made.

No one appeared in protest.

Chairman Hoggard declared the public hearing closed.

After a brief discussion, Mr. White moved that the application of JACK CASON for a Use Permit to allow a U-Haul rental in conjunction with an existing service station on property generally located on the southeast corner of 13th Street and Fremont Street, in land use zone C-2, be approved subject to the following conditions:

1. Dedication of right-of-way as required by the Department of Public Works.
2. Signing of an Assessment District agreement for street lighting on 13th Street and alley paving.
3. Repair of the sidewalk on 13th Street.

Mr. Boyer seconded the motion and stated that he would not look favorably on any future applications submitted by Mr. Bacon for relief from requirements of the Zoning Ordinance. The motion was carried by a unanimous vote.

2. U-12-67 (HO)

Approved

Application of ELVA ANN SHINHOLSER for a Home Occupation Permit to allow a bookkeeping and tax consulting business on property legally described as Lot 8, Block 4, College Park #22, and generally located at 1212 Ingraham Street between Aztec Avenue and Demetrius Avenue, in land use zone R-1.

Mr. Saylor stated that the applicant had read the criteria set forth for home occupations and had signed the Home Occupation Permit Questionnaire; however, the question re transportation of goods and/or clients to and from the home was answered in the affirmative. Mr. Saylor indicated that the Board had three choices of action, namely:

1. Approve the application,
2. Deny the application,
3. Hold for public hearing.

MRS. SHINHOLSER, the applicant, appeared and stated that during the tax season there would probably be about twelve people per week at her home for tax consulting purposes.

It was brought up that perhaps Mrs. Shinholser could conduct most of her business through the North Las Vegas office in order to limit the traffic problem.

Mr. White moved that the application of ELVA ANN SHINHOLSER for a Home Occupation Permit to allow a bookkeeping and tax consulting business on property generally located at 1212 Ingraham Street between Aztec Avenue and Demetrius Avenue, in land use zone R-1, be approved subject to strict adherence to the requirements of the Ordinance relative to home occupations and with the understanding that the applicant is aware that if any complaints of any nature arise, the application is subject to immediate review.

Mr. Boyer seconded the motion and it was unanimously carried.

3. OLD BUSINESS:

U-44-66

(Plot Plan Review)

Approved

Approved application of I. L. HOOVER for a Use Permit to allow an advertising structure on property legally described as Lot 5, Block 1, Charleston Square Tract No. 1, and generally located on the south-

east corner of East Charleston Boulevard and Chapman Drive, in land use zone C-1.

Mr. Saylor reported that previous approval was for a billboard installation on the southeast corner of Chapman Drive and East Charleston Boulevard and that at that time there was a substantial amount of discussion as to location. The new proposed location for the sign would be adjacent to the east property line and would not be a sight restriction to the adjoining property.

MR. CARL GROSS, representative from Donrey Outdoor Advertising Company, 1217 South Commerce Street, appeared for the applicant and stated that the relocation of the sign would make it easier for people to see and the property owners of the adjacent property were in favor of having the sign moved.

No one appeared in protest.

Mr. Boyer moved that the request of I. L. HOOVER for a sign relocation on property generally located on the southeast corner of East Charleston Boulevard and Chapman Drive, in land use zone C-1, be approved.

Mr. White seconded the motion and it was carried unanimously.

4. NEW BUSINESS:

U-14-67 (HO)

Denied

Application of J. B. PARKER for a Home Occupation Permit to allow an office and dispatching operation for Scenic Airlines (Air Taxi) on property legally described as Lot 8, Block 20 of Golf Ridge Terrace Unit No. 7-D, and generally located on the south side of Pebble Beach Boulevard between North Fay Boulevard and Tequesta Road, in land use zone R-1.

Mr. Saylor reported that the applicant had read and signed the Home Occupation Permit Questionnaire and answered "yes" to two of the questions - there would be employees to answer the phone and to write letters; there will be advertising in the yellow pages of the telephone directory.

Staff has no recommendations but suggests that a very close look be given to the situation of approving what appears to be a general office function and whether

or not this will be stretching the intent and definition of what a customary home operation is supposed to mean.

The applicant was not present.

After a brief discussion as to whether or not this would fit into the regular home occupation category, Mr. Boyer moved that the application of J. B. PARKER for a Home Occupation Permit to allow an office and dispatching operation for Scenic Airlines (Air Taxi) on property generally located on the south side of Pebble Beach Boulevard between North Fay Boulevard and Tequesta Road, in land use zone R-1, be denied on the basis that it does not qualify as a customary home occupation.

Mr. White seconded the motion and it was unanimously carried.

5. V-4-67

Denied

Application of VICTOR F. WHITTLESEA for a Variance to construct a wash room in the northeast corner of said lot and to remodel the existing wash room into an additional apartment unit, on property legally described as Lots 24 and 25, Block 13 of Meadows Addition, and generally located on the north side of Boston Avenue between Fairfield Avenue and Industrial Road, in land use zone R-4.

Mr. Saylor distributed plot plans to the Board members and pointed out the location on the map. Mr. Saylor stated that the property is located on Boston Avenue, east of Fairfield Avenue and is approximately 150 feet from the dividing line of the C-M zone and the multi-family zone. The original building permit was issued in 1955 for nine units which at that time was permitted by Ordinance. He also stated that there is no off-street parking on the property. Mr. Saylor further stated that the plan was to construct a new wash room and to convert the present wash room into an apartment unit. The wash room addition would be 18.6 feet from the rear property line and the Ordinance requires 20 feet. There is one letter of protest on file. The letter of protest indicated that the persons protesting had been denied the approval of additional units on their property and they felt that the ground area is too small.

Chairman Hoggard declared the public hearing open.

MR. PHILIP FELEGE, Counseling Manager for Mr. Whittlesea, appeared and stated that they proposed to convert the wash room into an additional unit because the present wash room is big enough for a full apartment and should be converted for this use; and another wash room could be constructed in the rear. Also four or five parking areas will be installed at the rear of the lot.

In response to a question, Mr. Saylor stated that under the present Ordinance only seven units would be allowed on this size lot.

Chairman Hoggard declared the public hearing closed.

Mr. Boyer moved that the application of VICTOR F. WHITTLESEA for a Variance to construct a wash room in the northeast corner of said lot and to remodel the existing wash room into an additional apartment unit on property generally located on the north side of Boston Avenue between Fairfield Avenue and Industrial Road, in land use zone R-4, be denied.

Mr. White seconded the motion and it was unanimously carried.

6. V-5-67
Denied

Application of ISAAC N. HEARNE for a Variance to allow a storage room addition to the side property line where a 6' setback is required on property legally described as Lot 8, Block 9, Fairacres Tract #1, and generally located on the east side of Fontenelle Street between El Parque Avenue and Sahara Avenue, in land use zone R-1.

Mr. Saylor pointed out the location on the map and stated that the property is located in a R-1 zone on the south end of Fontenelle Street. Mr. Saylor stated that the Ordinance requires a combined side yard setback of 14 feet and that no side yard should be less than five feet in width. The storage room addition is located at the side property line and is attached to the house. Mr. Saylor also reported that the one hour fire resistant requirement was not observed.

Staff found no unusual circumstances and feels the building should be moved as there

is substantial room in the rear yard, the present location of the storage room is in violation of the side yard requirement, in violation of the Building Code, and is a fire hazard.

Chairman Hoggard declared the public hearing open.

MR. HEARNE, the owner, appeared and stated that the storage room addition was constructed in January, 1967, and at that time he was unaware that a building permit was required. He also stated that at the present time he had no funds to relocate the building, but would fireproof the building and erect a block wall in order to comply with the one hour fire resistant requirement.

Chairman Hoggard asked MR. HEARNE why it took so long to apply for an application after notification by the Building Inspector. He replied that he was given a month to move the building; however, since he had no funds with which to do this, he applied for a Variance.

Mr. White stated that the building had to be moved because it was in violation of all conditions; however, perhaps it was possible to set a time limit.

There are not protests on file.

Chairman Hoggard declared the public hearing closed.

After a brief discussion as to whether or not it was legal to give a time limit for this application, Mr. White moved that the application of ISAAC N. HEARNE for a Variance to allow a storage room addition to the side property line where a 6' setback is required on property generally located on the east side of Fontenelle Street between El Parque Avenue and Sahara Avenue, in land use zone R-1, be denied, but due to the circumstances of the applicant that he be given 90 days to relocate or remove the building.

Mr. Boyer seconded the motion and it was carried by a unanimous vote.

OLD BUSINESS:

7. U-47-63

(Request for Extension of Time)

Approved application of the FIRST BAPTIST CHURCH for a Use Permit to establish a church child nursery on property legally described as Lots

Approved

17 through 32 (inclusive), Block 13 Pioneer Heights Addition and Lots 16 through 20 (inclusive), Block 18, Wardie Addition, and generally located on the west side of South Ninth Street between Bridger and Lewis Avenues, in land use zone R-4.

Mr. Saylor reported that this request concerns the First Baptist Church on 9th Street and that the installation was being completely revamped, therefore, a request is made that this temporary use be continued for two years.

Staff advises that there has been no problem with the operation of this facility and recommends approval of the request.

MR. ROGER HALL, Chairman of the Executive Board of the Church, appeared and stated that the nursery is in a temporary building and the church needed more time to secure funds to move this operation.

Chairman Hoggard declared the discussion closed.

Mr. Boyer moved that the request of the FIRST BAPTIST CHURCH for an extension of time for the church child nursery generally located on the west side of South 9th Street between Bridger and Lewis Avenues, in land use zone R-4, be granted for an additional two years.

Mr. White seconded the motion and it was carried by a unanimous vote.

8. U-13-65
(Plot Plan Review)
Approved

Approved application of W. S. ROBINSON AND MARJORIE ROBINSON for review of sign location on property legally described as the South 1134.05 feet of the West 660 feet of the Southeast Quarter (SE $\frac{1}{4}$) of Section 18, Township 20 South, Range 61 East, M.D.B. & M., save and except the South 435.06 feet of the East 380 feet thereof and generally located on the north side of Smoke Ranch Road approximately 600 feet east of Tonopah Highway, in land use zone C-2.

Mr. Saylor showed the location on the map and stated that the plan was to move the sign from its present location, west of the entrance of the drive-in, to the entrance.

Staff has no objection to this proposal.

WALLY PRESS, representative from the Young Electric Company, appeared for the applicant and stated that the sign must be moved because the property where it is now located is to be developed.

Mr. White moved that the request of W. S. ROBINSON AND MARJORIE ROBINSON for a sign relocation on property generally located on the north side of Smoke Ranch Road approximately 600 feet east of Tonopah Highway, in land use zone C-2, be approved.

Mr. Boyer seconded the motion and it was carried by a unanimous vote.

9. V-1-67

Approved

Application of GULF OIL CORPORATION for a Variance to permit a rental trailer operation on property legally described as Lots 1, 2, and the Easterly 41 feet of Lot 3, Block 12, Las Verdes Heights 6, Unit No. 4, and generally located on the southwest corner of Las Verdes Street and Sahara Avenue, in land use zone C-1.

Mr. Saylor stated that the property is located on West Sahara in a C-1 zone and that the property is occupied by a service station. Mr. Saylor reported that the Variance application was submitted some time ago for a car wash and the U-Haul trailers, and at a previous meeting the car wash was approved, but the application applying to rental trailers was held in abeyance as there was some discussion as to whether or not the Board had the authority to approve the Variance for the trailer operation.

Mr. Saylor stated that the Zoning Ordinance is a complex legal instrument and cannot be worded to adequately cover every situation; however, the Ordinance provides that there shall be a quasi-judicial Board to interpret the meaning of the Ordinance and to make sure the application is an equitable application concerning those properties wherein the Ordinance would not allow the same use of the property as other property owners have on their property; and that the Variance is used when there is a unique condition on the property or for certain uses that are of a special nature. This would allow the Board of Zoning Adjustment to make sure the proposal is appropriate for the location; therefore the Board of Zoning Adjustment has the authority to take an action on this application if they found

unusual circumstances and a hardship imposed by the application of the Ordinance but not simply an "economic hardship."

Mr. Saylor also reported that the Ordinance does not permit U-Haul trailers in a C-1 zone and that when the application for C-2 zone was before the City Commission, they recommended that the applicant withdraw the C-2 application and pursue this action through the Variance.

Staff does not have a recommendation on this specific application but does recommend, in general, that a Variance not be approved for a use not permitted by Ordinance because in effect this means that zoning is being done by the Variance procedure and this is extremely ill-advised.

MR. RALPH JONES, sales representative for Gulf Oil Corporation, appeared representing the applicant and stated that there is a service need for U-Haul trailers in this area.

JOHN DODDS, field manager for the U-Haul Company, appeared and presented pictures for the Board members review. He stated that he was sent to the Las Vegas area to correct several problems and that his company was willing to work with the Planning Department. He further stated that henceforth no dealerships would be allowed by his company unless the zoning was predetermined to be proper.

No one appeared in protest; however, Mr. Saylor pointed out that there was a petition of protest and also a petition in favor of this application on file.

After a brief discussion. Mr. White moved that the application of GULF OIL CORPORATION for a Variance to permit a rental trailer operation on property generally located on the southwest corner of Las Verdes Street and Sahara Avenue, in land use zone C-1, be approved subject to the following conditions:

1. Only 12 household trailers to be allowed on the property.
2. No U-Haul trucks will be kept on the premises.
3. This application will be subject to review if this operation causes any complaints.

Chairman Hoggard seconded the motion, and it was carried by a majority vote. Mr. Boyer abstained.

10. V-2-67

(Request for
waiver of a
condition)

Denied

Application of LEO R. ENGLISH for a Variance to allow the development of a convalescent home as a quasi-public use on property legally described as Lots 1, 2, 3, 4, 9, 10, 11 and 13 thru 24, Block 4 of Woodland Park and Lots 24, 25, and 26, Block 2 of Woodland Park and generally located on the north-west corner of Rose Street and Alturas Avenue and also a portion of the Block bounded by Alturas on the South, Goldring Avenue to the North, Rose Street on the West and Willow Street on the East, in land use zone R-E.

Mr. Saylor indicated the location on the map and stated that this was a request, by the applicant, to waive the 48-foot pavement requirement on Rose Street. He further stated that when this application was appealed before the City Commissioners, they had upheld the decision of this Board.

Mr. Saylor said that the Ordinance specifies that hospitals and convalescent homes may be allowed in residential zones provided that they front on a major street or a collector street having a minimum pavement width of 48 feet.

Staff feels that from a practical viewpoint, that through the lease, the convalescent home becomes part of the overall operation of the hospital and therefore it is orientated in terms of Charleston Boulevard.

MR. LEO R. ENGLISH, the applicant, appeared and introduced MR. BOB MCDONALD, the developer-president of the Medical Facilities Corporation. MR. MCDONALD gave a review of the plans for this project.

Chairman Hoggard then asked for those opposed to appear.

MR. JACK DOYLE, 39 Country Club Lane, appeared in opposition and stated that parking would be more of a problem if this operation was allowed, the street width would be reduced, there would be a possible abandonment of land, that Lots 15 and 16 were county owned, and no one had an option on them; and there was a petition in court for denial of this project.

MR. M. A. CLEMENS, 4320 Paradise Road, also appeared in opposition and stated that he was also appearing for MRS. LIBBY JOSEPHS, 2025 North Las Vegas Boulevard. He reiterated the claims brought forth by MR. DOYLE.

MR. MCDONALD, reappeared and stated that the lots in question were in escrow and that options were obtained.

Chairman Hoggard declared the discussion closed.

After discussion by the Board members, Mr. Boyer moved that the request of LEO R. ENGLISH to move the 48-foot pavement requirement on Rose Street be denied.

Mr. White seconded the motion and it was carried by a unanimous vote.

11. V-5-57

Approved

Approved application of ROBERT W. OWENS for review of plot plan for property legally described as Block 1, Lots 7 and 8, Artesian Acres, and generally located at 2601 East Bonanza Road between 26th Street and 28th Street, in land use zone R-E.

Mr. Saylor explained that the applicant was asking for permission to erect a building which would be used to store fertilizer, and that the building would be situated 106 feet back from the street.

Staff recommends approval of this application subject to the following condition:

1. That there be a dedication of the necessary right-of-way in conformance with the Master Plan of Streets and Highways for Bonanza Road.

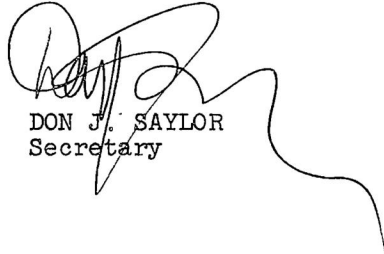
Mr. Boyer moved that the request of ROBERT W. OWENS for review of plot plan to allow the construction of a storage building on property generally located at 2601 East Bonanza Road between 26th Street and 28th Street, in land use zone R-E, be approved subject to the following condition:

1. That there be a dedication of the necessary right-of-way in conformance with the Master Plan of Streets and Highways for Bonanza Road.

Chairman Hoggard seconded the motion and it was carried by a unanimous vote.

ADJOURNMENT:

Upon motion duly made, seconded and carried unanimously, the special meeting of the Board of Zoning Adjustment was adjourned at 9:50 PM.



DON J. SAYLOR
Secretary

DJS/mac