

AGENDA

BOARD OF ZONING ADJUSTMENT

DECEMBER 1, 1975

CALL TO ORDER:

7:30 P.M. in the Commission Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

1. V-81-74
REVIEW
REVIEW of an approved Variance application of KENT E. PRESTWICH (CAMP VIP SAHARA TRAILER PARK) regarding the conditions of approval on property located at 2401 Kings Way in land use zones R-4 and R-T.
2. U-83-75 P.H.
Application of THOMAS A. DOBRUSKY for a Use Permit to allow a private school for legal training and court reporting on property located at 216 South Maryland Parkway in land use zone R-4.
3. V-65-75 P.H.
Application of CLARENCE M. & EDITH K. HEDGES for a Variance to allow a mobile home to be used for residential purposes for one family on property zoned commercial at 5345 Jay Avenue in land use zone C-2.
4. U-84-75 P.H.
Application of EARL W. ALLRED for a Use Permit to allow the maintenance, repair, rental and sale of new U-Haul equipment on property located at 2030 East Fremont Street in land use zone C-2.
5. U-85-75 P.H.
Application of CHRIST LUTHERAN CHURCH for a Use Permit to allow a day care center for a maximum of 65 children that will include the construction of a new building and the remodeling of the existing buildings on property located at 6401 Dinning Avenue, on the southwest corner of Dinning Avenue and Torrey Pines Boulevard in land use zone R-1.
6. V-66-75 P.H.
Application of WILLIAM CLARK on behalf of ACE AUTO SALES for a Variance to allow an automotive repair garage where a garage facility is not permitted on property located at 1700 East Fremont Street in land use zone C-2.
7. V-67-75 P.H.
Application of the VETERANS ADMINISTRATION for a Variance to allow a dwelling unit 6 ft. from the rear property line where 25 ft. is required on property located at 4420 East Van Buren Avenue, in land use zones R-2 and R-E.
8. U-86-75 P.H.
Application of BETHANY BAPTIST CHURCH for a Use Permit to allow the construction of a church and to allow a commercial day care nursery operation for a maximum of 100 children on property located on the north side of Gold Avenue, between "J" and "N" Streets, 500 ft. east of "N" Street extending north 310 ft. to Owens Avenue in land use zone R-1.

9. V-68-75 *P.H.* Application of BUNNY BURNS for a Variance to allow a block wall 8 ft. in height along the rear property line and along a portion of the side property lines where a maximum height of 6 ft. is permitted on property located at 2013 Griffith Avenue in land use zone R-1.
10. V-69-75 *P.H.* Application of SAM SPINUZZI for a Variance to allow a room addition to the existing residence 18 ft. 2 in. from the rear property line where 25 ft. is required on property located at 2124 Glen Heather Way in land use zone R-1.
11. U-16-75
EXT. OF TIME Request of CHARLES WALKER for an extension of time (6 months) in providing paving for his U-Haul rental operation on property located at 1909 West Bonanza Road in land use zone C-2, (under Resolution of Intent).
12. U-87-75 (HO) Application of THELMA BORDERS at 324 North 6th Street in land use zone R-4, for a Home Occupation Permit - Allow an office for the processing of news releases and information sheets.
13. U-88-75 (HO) Application of JOHN G. MAXFIELD at 11 Diamond Circle in land use zone R-1 for a Home Occupation Permit - Allow an office facility for a real estate appraisal operation to be conducted off-premise and to allow a mail-order operation.
14. U-89-75 (HO) Application of GORDON RAY BUCHANAN at 6304 Anza Lane in land use zone R-1, for a Home Occupation Permit - Allow an office for an entertainment employment agency.
15. U-90-75 (HO) Application of JOHN & MAE PALMISANO on behalf of JERRY VIGLIANI at 705 North 17th Street in land use zone R-1 for a Home Occupation Permit - Allow a babysitting employment agency (telephone service only).

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

DECEMBER 1, 1975

1. U-91-75 (H0)

Application of JOHN & ALICE GOOTEE at 3416 Durham Avenue in land use zone R-1 for a Home Occupation Permit - Allow an office for the purpose of keeping records for a vending machine operation.

2. U-94-75 (H0)

Application of TIM SCHREFFLER on behalf of MIRIAM KERR at 308½ B South 10th Street in land use zone R-4, for a Home Occupation Permit - Allow the making of handicraft items (jewelry, etc.) for sale at off-premise locations.

MINUTES

BOARD OF ZONING ADJUSTMENT

DECEMBER 1, 1975

CALL TO ORDER:

A regular meeting of the Board of Zoning Adjustment was called to order by Vice-Chairman Duncan at 7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

PLEDGE OF ALLEGIANCE:

PRESENT:

Vice-Chairman Duncan, Mrs. Emmett, Mrs. Segretti and Mr. Jenkins.

ABSENT:

Chairman Reinhardt.

STAFF PRESENT:

Harold P. Foster, Deputy Director, Department of Community Development.
Howard A. Null, Supervisor of Planning and Zoning, Department of Community Development.
John Herbert, Planning Assistant.
Patricia Malizia, Recording Secretary.

NEW BUSINESS:

1. V-81-74

REVIEW

APPROVED

REVIEW of an approved Variance application for KENT E. PRESTWICH (CAMP V.I.P. SAHARA TRAILER PARK) regarding the conditions of approval on property located at 2401 Kingsway in zoning districts R-4 and R-T.

MR. FOSTER stated that this was an overnight park located west of Interstate 15 and south of Sahara Avenue. The Variance was requested because the developer and operator of the park moved a number of duplex trailers onto the property for a rental operation and the trailers violated the setback requirements. The variance was approved subject to a number of conditions which the operator of the park has been working on to complete during the past several months. One of the conditions was that a review be conducted by this Board within a six-month time period, which was up a month ago; and he had completed just about everything and the Board granted another sixty-day extension and that time period is up as of today. He stated that the property had been inspected, and it was found that they have completed just about everything that can be done to this point. There are a few minor things that need to be done such as the planters around one of the laundry rooms, one duplex unit is not 10 ft. from the others, and some of the skirt-ing has been damaged from vehicles running into them. Mr. Foster stated that in addition to this review, the applicant has requested that the canopies over the overnight facilities be allowed to remain on the property which were not covered under the variance application. The applicant felt staff was more concerned with the canopies between the duplexes; and would be an asset to the overnight facility because there is no shade in the summer. Mr. Foster pointed out the canopies on the map and stated they have all been removed except the ones on the overnight facility. The applicant is requesting that they be retained; he submitted a letter, and staff felt this could be handled under a plot plan review. He stated that staff recommended approval and the retention of the canopies on the overnight facility. Staff informed the Board that it is no longer necessary for the Board to make reviews on this item because there are only a few minor things that need to be done, and staff would follow up on them.

VICE-CHAIRMAN DUNCAN stated the canopies were what the Board was mainly interested in on the duplex mobile homes, and he asked if they had been removed.

MR. FOSTER said "yes".

VICE-CHAIRMAN DUNCAN asked if there were any other mobile homes that needed to be removed?

MR. FOSTER said there had been one mobile home damaged by fire, but he added that he thought that unit had been removed.

VICE-CHAIRMAN DUNCAN asked to hear from the applicant.

MR. BALLARD, 5110 Swenson, appeared representing the applicant. He stated that they were requesting that the canopies be retained on the overnight section, and they felt they were not in an area where they would cause a fire hazard. They were located in the center and back rows of the park and pointed out this area on the map.

VICE-CHAIRMAN DUNCAN asked the applicant about the large trailer in the park and he wondered if it was still there.

MR. BALLARD stated that trailer was damaged by fire and they cut it in half and made two units out of it and moved everything out of it.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he asked the Board for a Motion.

MR. JENKINS made a Motion for APPROVAL on the review of V-81-74, to allow the retention of the existing canopies on the overnight camp spaces only with no further reviews required.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.

Motion for APPROVAL carried unanimously.

2. U-83-75
APPROVED

Application of THOMAS A. DOBRUSKY for a Use Permit to allow a private school for legal training and court reporting on property legally described as Irregular Lot 21 and 22, Block 8, Pioneer Heights Addition and Lot 12, Block 3, Ladd Addition, located at 216 South Maryland Parkway, on the west side of South Maryland Parkway between Carson Avenue and Bridger Avenue in land use zone R-4.

MR. FOSTER pointed out the area in question on the screen indicating it was on the west side of Maryland Parkway in an R-4 zone. He stated a number of properties on Maryland Parkway have been converted to office use and there previously was a Use Permit on this property for an office use. He stated this request is for a private school which is allowed by means of a Use Permit. He stated the surrounding property owners were notified of the public hearing which allows them to indicate their feelings on the proposed request. Mr. Foster pointed out the location of the building on the plot plan, and he stated that in considering this request, the Board should take into consideration the number of persons in attendance at any one time in relation to the number of off-street parking spaces that may be required for that number of persons. He stated staff talked with the applicant, and he indicated possibly a maximum of 15 students would be attending school at any one time with 12 off-street parking spaces available. Staff felt this was an acceptable ratio for this number of students. He said if the Board approved the request, they might wish to limit the number of students that would be attending the school at any one time. Staff recommended the landscaping be retained on the front portion of the property. He stated there was one letter of protest on record and no approvals.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MS. JOAN SALSBERG, 3835 Mayhill Avenue, appeared and stated the State Board certified her to have a maximum of 15 students at any one time.

MR. JENKINS asked staff if the 12 off-street parking spaces would be sufficient.

MR. FOSTER stated staff felt this amount of parking would be adequate.

MR. JENKINS asked the applicant what the hours of operation would be.

MRS. SALSBURG said it would be from 6:00 P.M. to 10:00 P.M.

MR. JENKINS asked if they would use the alley for the entrance and exit, since the parking was oriented toward the alley.

MRS. SALSBURG stated this would depend on where the students would be parking since both the entrances in the front and back would be open.

VICE-CHAIRMAN DUNCAN asked if this was an apartment complex.

MRS. SALSBURG said "no", that it had a special use permit for a professional office which was the Children Behavioral Services previously.

MRS. SEGRETTI asked if the people would be coming in from the alley and backing out.

MRS. SALSBURG said "yes", there is a very short distance there in the alleyway and it is well-lighted.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of U-83-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Attendance at the school shall not exceed fifteen (15) persons at any time.
3. The existing landscaping shall be maintained as required by the Department of Community Development.
4. Conformance to the code requirements and design standards of City Departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

3. V-65-75
ABEYANCE

Application of CLARENCE M. & EDITH K. HEDGES for a Variance to allow a mobile home to be used for residential purposes for one family on property zoned C-2, where no residential use is permitted on property legally described as Lot 9, Block 2, Elstner Estates, located at 5345 Jay Avenue, on the south side of Jay Avenue between North Rancho Drive and Thom Boulevard in zoning district C-2.

MR. FOSTER pointed out the area in question on the screen indicating there had been a number of requests for variances in this area connected with commercial operations, for mobile homes. He stated there was a request on the property to the west which was denied by the Board. He pointed out this property was zoned C-2, general commercial, and the zoning extends on both sides of the property, and further to the east is R-E zoning. He pointed out the plot plan indicating the lot was 300' deep by 116' wide with a mobile

home on the property and some type of accessory building along the front portion. Staff has continually recommended denial on mobile homes that are placed on properties where there is no justification. Some of the mobile homes approved in connection with commercial properties for security purposes were done so with some justification, but they were not merely to have a mobile home on the property for residential purposes. Staff felt in this instance there were no unusual circumstances and recommended denial.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. & MRS. CLARENCE HEDGES appeared and presented a petition in favor of their request. They also presented photographs of the property in question indicating there had been trailers and mobile homes on this property since the 1940's, according to the records of the previous owners.

MRS. HEDGES stated she did not feel they should have been given a notice to remove the trailer in the first place. She stated she had been informed that this property was grandfathered in; therefore, the trailer should be allowed to remain. She stated there was a mobile home on this property in 1970 and Mr. Hymer, City Building Inspector, came out to her place and said that this was okay and we were covered under the grandfather clause. In June, neighbors across the street were told that we could not be given a notice because we were covered under the grandfather clause. After we received the notice, we had to go ahead and submit plans and the variance fee, then we were able to talk to Mr. Hymer; and he said he knew nothing about us getting a notice. I told him who gave us the notice and he said that he would get in touch with him, and again told us we were covered under the grandfather clause. Mr. Burns who bought the property in 1959, came out to see us and he told us he had put in all the water faucets and the trailers there before the property was ever annexed into the City.

VICE-CHAIRMAN DUNCAN asked the applicant how long they had lived on this property.

MRS. HEDGES said 7 years.

VICE-CHAIRMAN DUNCAN asked if the property was zoned commercial when they moved there.

MRS. HEDGES said "yes".

MR. JENKINS asked if the grandfather clause went with the owner of the property or the property itself.

MR. FOSTER stated that trailers originally put there would have had to be legally sanctioned if allowed. If they were allowed in the County at that time then they would have been a legal nonconforming use. He stated there hadn't been any evidence given to staff that this use was ever legally sanctioned, and the applicant should provide some documentation as to when the first mobile home was put there and that they were kept there continually.

MR. JENKINS suggested that this item be held in abeyance for 30 days, and he asked the applicants if this would be adequate for them to obtain this information.

MR. HEDGES asked exactly what documentation was necessary.

MR. FOSTER said documentation should be given to the City indicating the trailer was approved by some means.

MRS. HEDGES said Mr. Clemmer was supposed to be checking into that, and he turned it over to a man named Jerry in the County.

MR. FOSTER suggested getting in contact with the County department to determine if there is a legal basis for this. He added he felt it would be a good idea to hold this matter in abeyance until this determination could be made.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard, and there being no one, he declared the public hearing closed.

VICE-CHAIRMAN DUNCAN made a Motion V-65-75 be held in ABEYANCE until the next meeting of the Board scheduled for January 5, 1976.

Voting was as follows:

Vice-Chairman Duncan - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.

Motion for ABEYANCE carried unanimously.

4. U-84-75

APPROVED

Application of EARL W. ALLRED for a Use Permit to allow the maintenance, repair, rental and sale of new U-Haul equipment on property legally described as that portion of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 35, Township 20 South, Range 61 East, MDB&M, described as follows: Commencing at the southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 35; Thence North 1 $^{\circ}$ 11'30" East 348.97 feet to the true point of beginning; Thence continuing North 1 $^{\circ}$ 11'30" East 242.80 feet; Thence North 62 $^{\circ}$ 02'30" West 168 feet; Thence South 1 $^{\circ}$ 11'30" West 321.29 feet; Thence South 89 $^{\circ}$ 53'25" East 150.02 feet to the true point of beginning, located at 2030 East Fremont Street, on the south side of East Fremont Street, between Eastern Avenue and Bruce street in zoning district C-2.

MR. FOSTER pointed out the property in question on the screen, indicating the property in question was adjacent to the Blue Onion Drive-In. There is commercial zoning on both sides of Fremont Street and there is apartment zoning, which is vacant, to the northeast. He stated the property was relatively large in size and there was a Use Permit approved about one year ago for a used car sales operation and prior to that, a recreational vehicle sales operation, so the use has been somewhat established for used cars, recreational vehicles and rental type operations. He stated there were a number of used car lots allowed on this segment of Fremont, from Eastern west to 10th Street, and some garages have been approved also. He pointed out a garage existed at this location in the past, but expired because they discontinued the use, however, the use may be started again by means of a new variance application. He stated the area is somewhat conducive to this type of operation, and staff felt if approved portable landscaping should be required along the front portion of the property. He stated there was some landscaping in the front, but staff felt additional landscaping is needed. If approved, it should also conform to the submitted plot plan and meet the requirements of the various city departments. There were no letters of protest or approval on record.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. WAYNE RIIS, 912 "H" Street, appeared representing the applicant and U-Haul Company. He stated as far as the planters and beautification were concerned, he would install them and comply with all the conditions of staff.

VICE-CHAIRMAN DUNCAN asked if these buildings would be used as they were when there was a showroom facility on the front portion of the property and a garage operation in the back building.

MR. RIIS stated they would use just about the same facilities.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of U-84-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Portable landscaped planters shall be installed along the Fremont Street frontage as required by the Department of Community Development.
3. Conformance to the code requirements and design standards of City Departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

5. U-85-75
APPROVED

Application of CHRIST LUTHERAN CHURCH for a Use Permit to allow a day care center for a maximum of 65 children that will include the construction of a new building and the remodeling of the existing buildings on property legally described as the east 355 feet of the south 380 feet and the north 125 feet of the south 505 feet of the east 210 feet of the Southwest Quarter (SW $\frac{1}{4}$) of Section 26, Township 20 South, Range 60 East, MDB&M, located at 6401 Dinning Avenue, on the southwest corner of Dinning Avenue and Torrey Pines Boulevard in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating there was R-1 zoning to the west and north, with vacant R-3 zoning to the east and across the freeway to the southeast. He stated the request is for a day care center which is a common occurrence in connection with church facilities. He stated they were asking for approval of the use for the existing building as well as the number of children based on the floor area and the requirements of the Child Welfare Ordinance. The facilities are generally large enough to accommodate the maximum number of children and staff recommended approval subject to conformance with the plot plan and meeting the requirements of the various City departments and landscaping being required on the property as required by the Department of Community Development.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. SID GOLDBERG, 5010 Larkspur, appeared representing the applicant and indicated he would meet the requirements of staff.

MR. JENKINS asked what the hours of operation would be.

MR. GOLDBERG said they would be day hours and there would be no night work.

MR. JENKINS asked what the ages of the children would be.

UNIDENTIFIED SPEAKER in the audience indicated they would be from 2 to 5 years of age.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. JENKINS made a Motion for APPROVAL of U-85-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Child Welfare Ordinance regarding the nursery operation.
3. Landscaping as required by the Department of Community Development.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Jenkins - yes.
 Mrs. Emmett - yes.
 Mrs. Segretti - yes.
 Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

6. V-66-75

APPROVED

Application of WILLIAM CLARK on behalf of ACE AUTO SALES for a Variance to allow an automotive repair garage where a garage facility is not permitted on property legally described as Lots 46 and 47, Block 8, Mayfair Tract #2, located at 1700 East Fremont Street, on the southeast corner of East Fremont Street and 17th Street in zoning district C-2.

MR. FOSTER pointed out the area in question on the screen indicating there was commercial zoning on both sides of Fremont and to the south of the property are two lots zoned R-3. He stated there is residential development in the R-1 area on both sides of South 17th Street. He stated this was a relatively old subdivision but the homes were well-maintained. Immediately to the west of 17th Street on Fremont is the property formerly occupied by the Pat Clark Pontiac new car agency and when that operation vacated the property, a transmission repair facility was allowed by means of a Variance. There is a body and fender repair operation approved by means of a Variance in the building to the west and this operation has stalls backing out to the alley. He indicated there had been several problems with that operation since cars were worked on partially in the alley and there was a noise factor. There were a number of reviews conducted by the Board regarding that operation in an effort to upgrade the situation so it would be compatible with the residential property to the south. This request is also for a garage operation, and it is not anticipated there will be an extensive noise factor from the operation, but occasionally you can expect some noise. One of the factors concerning this property is that the stalls open out into the alley and there are residential homes across the alley fronting on Carson Street. There will be a used car operation on the front portion of the property and there is no access from the north end of the building; all access will be from the alley to the stalls and staff is concerned about the potential nuisance factor that may result. On the property across the street, where the transmission operation has been approved, they do have one access onto the alley; however, all work is conducted within the building. There are no complaints, but staff is suggesting that possibly the Board may wish to impose some conditions on this operation to guarantee against any nuisance factor. He stated the Board may also wish to place a time limitation on the operation stating that all work must cease by 7:00 P.M. and other conditions might state that no work should be done in the alley and the alley must be kept clear nor shall junk cars or parts be kept on the property. He also suggested portable landscaped planters should be installed along the front portion of the property. There was one letter of protest on record and no approvals. He stated there is an existing block wall across the alley on the R-3 zoned property; and the property to the east has a wood fence, and the Board may wish to require a block wall to act as a buffer between this operation and the residential property, unless the property owner doesn't want the wall.

MR. JENKINS questioned requiring a block wall to be built on property not owned by the applicant.

MR. FOSTER stated they had this same problem on West Charleston at the Red Rock Theaters, and this was done in order to provide for a buffer between the residential and commercial developments.

MRS. SEGRETTI asked if there wasn't already a wall to the east.

MR. FOSTER stated there is an existing wall on the southeast corner of 17th Street and the alley directly south of this property, and because this lot will have exposure to noise, staff recommended that the property have a 6 ft. high block wall about 60 ft. in length.

MRS. EMMETT asked how many owners were involved.

MR. FOSTER said just one.

MRS. EMMETT asked if this wall would be put in only with the home owners approval.

MR. FOSTER said they would have to receive a letter from the property owner indicating he wanted the wall.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. WILLIAM CLARK, 1009 Baldwin Road, Bakersfield, California, appeared and stated he was the applicant and introduced his tenant to the Board.

MR. RICHARD MEYER, 5035 Maryland Parkway, appeared and stated he was the tenant at this location. He stated regarding the block wall to the rear of the property, the whole section was covered with a block wall down to about where the stalls begin. He said the entrance will be from 17th Street and they will drive out to the alley. He indicated they would only do light tune-ups and there would be no heavy work done on the property.

VICE-CHAIRMAN DUNCAN asked if they could change the arrangement for the entranceway.

MR. MEYER said the entrance will be from 17th Street. He said that part of the area is used for a trim shop and in the other part where their operation will be, the cars will be coming into the alley off 17th Street and pulling out the back way into the alley. He stated there was parking in the front of the building.

MR. CLARK said there was a block wall along the alley, the full length.

MR. FOSTER said the block wall is across 2/3 of their property.

MR. MEYER stated that the trim shop area is already in existence and there was a variance for it.

MR. JENKINS asked if the Board made a restriction that the easterly two stalls not be used for mechanical work if they could comply.

MR. MEYER stated this would be a day operation and would close at 5:30 P.M. and there would be no heavy work done. He stated they would install the landscaping in front.

MR. JENKINS asked that all work be done inside with no parking in the alley.

MR. MEYER stated that there is sufficient parking in the front.

MR. GORDON BUCHANAN, 6304 Anza, appeared questioning how they were going to dispose of the oil and paint products or anything that is taken out of the vehicles.

MR. MEYER stated they have a 500 gallon sump at the east end of the building and this is pumped out and goes to the dump.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-66-75, subject to the following conditions:

1. No garage repair work or access to the alley shall be allowed from the easterly two stalls of the building.
2. The garage operation shall cease at 7:00 P.M. each day.
3. All work shall be conducted within the building and there shall be no outside storage of inoperable vehicles or automobile parts.
4. The alley shall be kept clear of parked vehicles.
5. No major automobile repair work shall be done on the premises.
6. Portable landscaped planters shall be provided along the Fremont Street frontage as required by the Department of Community Development.
7. Conformance to the plot plan.
8. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

7. V-67-75
APPROVED

Application of the VETERANS ADMINISTRATION for a Variance to allow a dwelling unit six feet from the rear property line where 25 ft. is required on property legally described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 20 South, Range 62 East, MDB&M, described as follows: Commencing at the northwest corner of said Section 29; thence South 02°42'34" West 727.58 feet; thence North 89°22'26" East 202.08 feet to the true point of beginning; thence continuing North 89°22'26" East 83 feet; thence South 0°32'38" West 158.71 feet; Thence South 89°22'26" West 89 feet; thence North 02°42'34" East 158.95 feet to the true point of beginning, located at 4420 East Van Buren Avenue, on the south side of East Van Buren Avenue, 200 ft. east of Lamb Boulevard in land use zones R-2 and R-E.

MR. FOSTER pointed out the area in question on the screen indicating the property was zoned R-2 and R-E. He stated to the north and south are areas zoned for a mobile home park. He stated this request was for a variance on the rear setback of the existing residence on the rear portion of the lot. The zoning does allow two units, but there is a setback deficiency and this was caused when there was new construction and the legal front changed. The building is there and it doesn't represent any particular problem. The applicant needs the setback to be sanctioned before they dispose of the property and staff recommended approval subject to conformance with the plot plan. There were no letters of protest and one letter of approval on record.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. ROY SILVRANTS, 616 Las Vegas Boulevard South, appeared representing the applicant. He explained some of the background of this property and stated now it is for sale and has been purchased subject to approval of this variance.

MR. JENKINS asked if the stipulation did exist prior to the loan in 1973.

MR. SILVRANTS stated going back to the tax records, the improvement tax was put on in 1963.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of V-67-75, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

VICE-CHAIRMAN DUNCAN declared a ten-minute recess and then reconvened the meeting.

8. U-86-75
APPROVED

Application of BETHANY BAPTIST CHURCH for a Use Permit to allow the construction of a church and to allow a commercial day care nursery operation for a maximum of 100 children on property legally described as that portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 28, Township 20 South, Range 61 East, MDB&M, described as follows: Beginning at a point which bears South 88°47' East 798.95 feet and South 0°56' West 50 feet from the northwest corner thereof; thence South 88°47' East 121.08 feet; thence South 0°56' West 309.75 feet; thence North 88°47' West 121.08 feet; thence North 0°56' East 309.75 feet to the point of beginning, located on the north side of Gold Avenue, between "J" Street and "N" Street, 500 ft. east of "N" Street extending north 310 feet to Owens Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating Gold Avenue was to the south and this is also a through lot. There is R-1 zoning to the east and west and further west there is vacant R-3 zoning southeast of "J" Street with vacant commercial zoning to the northeast across Owens Avenue. The Golden West Shopping Center is located northeast of the intersection of Owens and "J" Street. There is an existing single family subdivision which fronts on Gold Avenue. He stated this request was to allow the construction of a new church and to allow a nursery operation for a maximum of 100 children. The plot plan indicates a large church building proposed on the north portion of the property with a building for a day care center on the south part of the property. This building is proposed within 25 ft. of Gold Avenue and the plan shows parking to the west and on both sides of this proposed church. Mr. Foster stated there is adequate landscaping proposed around both buildings. Staff felt possibly, because of the single family homes on the south side of Gold Street, that the Board may wish to consider requesting that they move the nursery operation as far north as possible. The plot plan would still be workable, and it would eliminate a noise factor. He stated the Board may also wish to restrict access from Gold Avenue completely and have all access to the property from Owens Avenue. Mr. Foster pointed out this was advertised as a commercial day care facility and a

church day care facility and staff recommended that the use be restricted as a church nursery if approved. He stated there were no protests on record and two letters of approval.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

REV. ATKINSON, 1800 Wyatt Avenue, appeared and stated he was representing the applicant.

VICE-CHAIRMAN DUNCAN asked the age range of the children.

REV. ATKINSON stated they would be pre-school up to kindergarten.

VICE-CHAIRMAN DUNCAN asked if he could move the nursery further north.

REV. ATKINSON said he did not feel the adjustment would make much difference and the reason it was situated at this location was because of the power lines and easements. He explained the location of the easements and stated that building the church and nursery too close together might pose a problem on the north part of the lot in terms of available space for the type of structure they had hoped to construct.

VICE-CHAIRMAN DUNCAN asked the applicant if they could use just Owens Avenue as the entrance and exit.

REV. ATKINSON said they could do that easily.

MR. JENKINS asked if they were going to construct a block wall around the property.

REV. ATKINSON said they were only concerned with the play area and the area to the rear where the day care facility would be located, and hadn't considered placing a wall around the entire property.

MR. JENKINS asked staff if they felt this would be necessary.

MR. FOSTER said staff didn't see any problem and indicated there was a similar type use immediately to the west and they had no requirement or need to fence the property.

MR. JENKINS asked if it wasn't normal procedure, in the past, to separate a proposed commercial development from the residential area with a block wall.

MR. FOSTER stated the Board may wish to require one along the Gold Avenue property line. He stated this could be a decorative wall or have the wall setback for a landscaped planter if the Board is not going to require any access. He said to the east and west of this site there is a commercial pattern started and more than likely there will be nonresidential uses adjacent to this use. The main concern would be to protect the residential area to the south.

MR. JENKINS asked staff if they were recommending closing off access to Gold Avenue?

MR. FOSTER stated there are two items involved, one is the building location and the other is the access. He stated if access is denied to Gold Avenue there would be no need to relocate the south building.

MR. JENKINS asked staff if there would be a problem in the rear area with no access from the south.

MR. FOSTER said staff could see no problem.

MRS. SEGRETTI stated if they will be coming in from Owens and parking in back they will have to change the angle of the parking spaces.

MR. FOSTER said the angle of parking would be 90 degrees, and this design would allow enough space for backing up and turning around.

MR. JENKINS suggested leaving the access to Gold Avenue open, then possibly they would utilize that entrance quite heavily.

REV. ATKINSON stated that is what they had thought originally because of the amount of traffic on Owens Avenue.

There was some discussion about the location of this proposed church day care facility and Mrs. Emmett commented that to the west there is a church and asked if that church had access to Gold Avenue.

MR. FOSTER said their only access is on Gold Avenue, because they only have frontage on that street.

MR. JENKINS asked if this was a day operation.

REV. ATKINSON said "yes", and he asked the Board if he now had to change his plans to show that there would be no driveway on Gold Avenue.

MR. FOSTER stated they haven't voted on that yet.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MR. KENNETH BOYD, 1113 Cunningham, appeared stating that he was in favor of this structure being built and that there is a need for this use in their community.

MR. ELMO ADERHOLT, 1317 Van Buren, appeared in protest stating that there are already too many shall churches in their community and in some of the nursery facilities related to the churches, there are only a small number of children attending the classes. He also stated that he felt it would create a traffic hazard because Gold does not go all the way through, but Van Buren does go through from "H" Street to Highland. He stated at the other temple, they had problems with parking, and he felt when a church moves into a neighborhood it decreases the value of the property. He stated he didn't feel that any more churches in that area would be good in the development of the neighborhood and are not in the plans.

MR. JENKINS asked Mr. Aderhold if he would still be opposed if the Board asked that the traffic be basically oriented to operate off Owens.

MR. ADERHOLT stated he still would be in protest. He stated there were three nursery facilities within walking distance which were federally funded and were public nurseries.

MRS. EMMETT asked if they were operated by the church.

MR. ADERHOLT said "yes".

MRS. EMMETT asked Rev. Atkinson if he anticipated a capacity of 100 children.

REV. ATKINSON stated the request was for 100 children because he works in the community and has found that there is a problem for the parents with no provision for nurseries for the younger children. He said the fee would be \$15.00 per week per child.

VICE-CHAIRMAN DUNCAN asked if they received any grants or federal money.

REV. ATKINSON said they hoped in time to acquire some money through filing an application for state or federal grants.

MR. JENKINS asked if they had the funding for construction of the facilities at this time.

REV. ATKINSON said they have \$2,400 in their building fund and they plan to start construction after the first of the year.

MRS. SEGRETTI asked if there was any construction being done at this time.

REV. ATKINSON stated the land is vacant now.

MR. JENKINS asked where their present church was located and asked what they would use this property for after the new facility is constructed.

REV. ATKINSON stated their present church was at 1300 Gold Avenue, adjacent to this property, but they are only renting that land now.

MR. JENKINS asked the size of the congregation, and also asked if he had thought of circulating a petition in the immediate area to see the potential of people who would utilize the proposed facility.

REV. ATKINSON said he had between 35 and 40 people. He also stated he had a verbal commitment from the Economic Opportunity Board that they would get the flow from their facility.

MRS. EMMETT asked the protestant, Mr. Aderholt if he objected to a business going in at that location or just the church.

MR. ADERHOLT said he would not object to a business because this would bring in jobs. He said they were in the process of trying to improve this community and felt the church would hamper the progress.

MR. GORDON BUCHANAN, 6304 Anza Lane, appeared and stated that he was neither for nor against the application, but he wished to comment that he felt there was too much emphasis on the church in the area. He said there were many people in the community who do not go to church and felt their children might be pressured when going to a religious nursery school and suggested that this nursery school be established as a commercial operation without religious emphasis.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. EMMETT made a Motion for APPROVAL of U-86-75, subject to the following conditions:

1. The application shall be amended to a church nursery operation.
2. No vehicular access shall be allowed to Gold Avenue.
3. A landscaped planter shall be provided along Gold Avenue and Owens Avenue and all other landscaping on the property shall conform to the requirements of the Department of Community Development.
4. Conformance with the requirements of the Child Welfare Ordinance regarding the nursery operation.
5. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

9. V-68-75
ABEYANCE

Application of BUNNY BURNS for a variance to allow a block wall 8 feet in height along the rear property line and along a portion of the side property lines where a maximum height of 6 feet is permitted on property legally described as Lot 17, Block 17, Belair Subdivision #2, located at 2013 Griffith Avenue, on the north side of Griffith Avenue, between Eastern Avenue and Crestwood Avenue in zoning district R-1.

MR. FOSTER stated staff had received a letter from the applicant's attorney requesting that this application be held in abeyance until the January 5, 1976, meeting. He stated this was a public hearing and if there was someone present for or against this application, they could be heard.

VICE-CHAIRMAN DUNCAN asked if anyone wished to be heard.

PAT SHELDON, 2012 Bracken, appeared in protest stating that the wall had been originally only 4 ft. high with a hedge when the applicant moved in and then 2 ft. was added for privacy. She stated that another 2 courses of block were added which now limits the air circulation in her back yard and the heat radiates off the wall in the summer and she is not able to sit outdoors on her patio and enjoy her back yard as before. She stated she had no objection to the 6' height of the wall, but does object to the 8' height.

VICE-CHAIRMAN DUNCAN asked staff if there was a record for the addition to the wall.

MR. FOSTER stated he did not know of any and did not know how this came about. He stated there had never been a permit issued.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, asked the Board for a Motion.

MR. JENKINS made a Motion that V-68-75 be held in ABEYANCE until the Board meeting on January 5, 1976.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

Motion for ABEYANCE carried unanimously.

10. V-69-75
APPROVED

Application of SAM SPINUZZI for a Variance to allow a room addition to the existing residence 18 ft. 2 in. from the rear property line where 25 ft. is required on property legally described as Lot 9, Block 2, Glen Heather Estates #3, located at 2124 Glen Heather Way, on the northwest corner of Glen Heather Way and Inverness Avenue in zoning district R-1.

MR. FOSTER pointed out the location on the screen indicating it was a corner lot with Glen Heather Way along the south portion of the property and Inverness Avenue along the east side. He said the request was for an addition to the rear of an existing L-shaped residence 18 ft. from the rear property line where 25 ft. is required. He stated the lot was larger than the average R-1 lot; however, staff could not find any unusual circumstances involved and recommended denial. He pointed out a portion of the addition is started and exists at the present time. He stated there was a building permit taken out for construction which indicated the proper setbacks. He said the lot was 90' x 100'.

VICE-CHAIRMAN DUNCAN declared the public hearing open and asked to hear from the applicant.

MR. SAM SPINUZZI, 2124 Glen Heather Way, appeared.

VICE-CHAIRMAN DUNCAN asked the applicant if his neighbor's lot was the same size.

MR. SPINUZZI said his was 6 ft. wider. He stated his addition would be for a den and extending two of the bedrooms. He stated he presently has four bedrooms, but has three children.

MR. OTIS WATTS, 413 Beaumont, appeared in favor of this request stating that the plans have been drawn and the addition would conform with the existing building. He said the roof would be shingled and this would be an improvement to the house and the neighborhood.

VICE-CHAIRMAN DUNCAN asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. SEGRETTI made a Motion for APPROVAL of V-69-75, subject to the following conditions:

1. Conformance to the plot plan.
2. All necessary permits and inspections shall be obtained as required by the Department of Building and Safety.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Jenkins - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

11. U-16-75
EXT. OF TIME
APPROVED

Request of CHARLES WALKER for an extension of time (6 months) in providing paving for his U-Haul rental operation on property located at 1909 West Bonanza Road in zoning district C-2, under Resolution of Intent.

MR. FOSTER indicated that this was a U-Haul operation which was approved by the Board on this property and at the time of approval the applicant requested a six-month time period for the installation of the required paving. He indicated that the reason why they were requesting an additional six-month time period was because they were waiting on some house movers to move two buildings off the property. Mr. Foster read the request for the extension of time into the record. He also pointed out the location of the property on the map and stated they would need this additional time to prepare the property for the paving. He stated they have requested a review before the Planning Commission since they have not provided the landscaped planters on the east side of the building because the buildings will have to be moved across that area. Mr. Foster stated this was not a public hearing.

VICE-CHAIRMAN DUNCAN asked Mr. Walker if six months would allow him enough time to comply with the conditions.

MR. WALKER said "yes" and they have obtained another house mover to do the work.

MR. JENKINS made a Motion for APPROVAL of the extension of time on U-16-75 for six months.

Voting was as follows:

Mr. Jenkins - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

12. U-87-75 (HO) Application of THELMA BORDERS at 324 North 6th Street in zoning district R-4, for a Home Occupation Permit - Allow an office for the processing of news releases and information sheets.
13. U-88-75 (HO) Application of JOHN G. MAXFIELD at 11 Diamond Circle in zoning district R-1 for a Home Occupation Permit - Allow an office facility for a real estate appraisal operation to be conducted off-premise and to allow a mail-order operation.
14. U-89-75 (HO) Application of GORDON RAY BUCHANAN at 6304 Anza Lane in zoning district R-1 for a Home Occupation Permit - Allow an office for an entertainment employment agency.
15. U-90-75 (HO) Application of JOHN & MAE PALMISANO on behalf of JERRY VIGLIANI at 705 North 17th Street in zoning district R-1 for a Home Occupation Permit - Allow a babysitting employment agency (telephone service only).
16. U-91-75 (HO) Application of JOHN & ALICE GOOTEE at 3416 Durham Avenue in zoning district R-1 for a Home Occupation Permit - Allow an office for the purpose of keeping records for a vending machine operation.
17. U-94-75 (HO) Application of TIM SCHREFFLER on behalf of MIRIAM KERR at 308½ B. South 10th Street in zoning district R-4 for a Home Occupation Permit - Allow the making of handicraft items (jewelry, etc.) for sale at off-premise locations.

ITEMS 12-17
APPROVED

MR. FOSTER stated that the above items all conform to the criteria for a home occupation permit and the questionnaires had been answered favorably. He stated these were not public hearings and the Board could either approve, deny, or hold these items for a public hearing.

MRS. EMMETT stated since the items did conform to the criteria for a Home Occupation Permit, she would make a Motion for APPROVAL of Items 12 thru 17 subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Jenkins - yes.
Mrs. Segretti - yes.
Vice-Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 10:00 P.M.

BOARD OF ZONING ADJUSTMENT


HAROLD P. FOSTER, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

HPF:pdm:kt