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AGENDA

BOARD OF ZONING ADJUSTMENT

FEBRUARY 26, 1976

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MINUTES: Approval of the Minutes for the Board of Zoning
Adjustment meetings held on:

December 1, 1975
January 5, 1976

NEW BUSINESS:

1. V-1-76 Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 22 ft. 8 in. from the rear property line where 25 ft. is required; and to allow an attached carport 3 ft. 2 in. from the side property line and 5 ft. 4 in. from the rear property line where a 7 ft. 2 in. side yard setback and a 25 ft. rear yard setback is required on property located at 2500 Laurie Drive in zoning district R-1.
2. V-2-76 Application of PAUL W. & IMOJEAN MILLER for a Variance to allow an addition to the existing residence 17 ft. from the rear property line where 26 ft. is required on property located at 2805 Kings Way in zoning district R-1.
3. V-3-76 Application of JOHN P. & ROWENA McDONIEL HAMMOND for a Variance to allow the enclosure of an existing patio, to provide additional living space, 15 ft. from the rear property line where 25 ft. is required on property located at 3999 Trabuco Drive in zoning district R-1.
4. V-4-76 Application of KENNETH E. JOHANN for a Variance to allow a caretaker's residence in a professional office zone where no residential use is permitted on property located at 1604 South Maryland Parkway in zoning district P-R.
5. V-5-76 Application of ROBERT & LAVETTA STARLIN for a Variance to allow the construction of a room addition 19 ft. from the rear property line where 25 ft. is required on property located at 4413 West Bonanza Road in zoning district R-1.
6. V-6-76 Application of DARRELL D. & JAYNE D. LUCE for a Variance to allow the construction of a tennis court fence to a height of 12 ft. (lower portion to be block wall and upper portion to be chain link) that is proposed to be located 6 inches from the side property line and 4 ft. from the rear property line where 10 ft. rear and side yard setbacks are required on property located at 1420 Westwood Drive in zoning district R-E.
7. V-7-76 Application of PATRICK J. O'KELLY for a Variance to allow a residential unit in a commercial storage unit complex on property located on the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending East 450 ft. in zoning district "M".

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8. V-8-76 Application of WILLIAM E. HART for a Variance to allow residential quarters for a security guard/office manager in conjunction with a commercial storage unit (mini-warehouse) operation on property generally located on the west side of North Nellis Boulevard, between Stewart Avenue and East Bonanza Road, 1,300 ft. south of Bonanza Road and extending west from Nellis Boulevard approximately 900 ft. in zoning district C-2 (under Resolution of Intent).
9. V-9-76 Application of EUGENE ROBERSON for a Variance to allow a carport one foot (1') from the side property line where 5 ft. is required on property located at 1949 Walker Street in zoning district R-1.
10. U-7-76 (HO) Application of NEVADA SAVINGS & LOAN ASSOCIATION on behalf of MARVIN G. GRONEMAN at 533 A. Wardelle in zoning district R-3, for a Home Occupation Permit - Allow an off-premise landscaping maintenance operation.
11. V-10-76 Application of ROBERT C. & MURIEL M. KOENIG for a Variance to allow building setback deviations on four (4) separate parcels of land as follows:
- (1) Allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required; and to allow a 7 ft. side yard setback where 9 ft. is required. (Portions Lot 11 & Lot 12)
 - (2) Allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required. (Portions Lot 12 and Lot 13)
 - (3) Allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required. (Lots 14 and 15)
 - (4) Allow the construction of a residence to the side property line where a 5 ft. side yard setback is required on a lot containing 5,861 sq. ft. in area where 6,000 sq. ft. in area is required. (Lots 16, 17, and 18).
- These four lots on property generally located on the south side of Austin Avenue, between Ramsey Street and El Dorado Street, extending west from Ramsey Street 480 ft. along the Las Vegas Expressway in zoning district R-1.
12. V-11-76 Application of the KAX CORPORATION for a Variance to allow two 11-unit apartment buildings where duplex units only are allowed; and to allow tandem parking where tandem parking is not allowed; and to allow a 5 ft. side yard setback where 7 ft. is required; and to allow a 12 ft. high tennis court fence on the north central portion of the property where a maximum fence height of 6 ft. is permitted on property generally located on the north side of East St. Louis Avenue, between South Maryland Parkway and South 15th Street, beginning 250 ft. east of Maryland Parkway and extending east 770 ft. in zoning district R-2.

13. U-8-76 Application of EDITH C. GAREHIME on behalf of JAMES PERRY for a Use Permit to allow the storage and auction of used cars on property generally located on the north side of the east/west alley between North 15th Street and Bruce Street, 300 ft. east of North 15th Street extending east along said alley 300 ft. and north of the alley 125 ft. in zoning district C-2.
14. V-12-76 Application of DARWIN W. LAMB for a Variance to allow a public restaurant on property located at 7800 West Ann Road in zoning district R-E.
15. U-9-76 Application of ROBERT F. ROBBINS & RAY L. KANEL for a Use Permit to allow the storage of repossessed automobiles on property generally located south of the intersection of Russell Avenue and Euclid Avenue in zoning district C-2.
16. U-10-76 (HO) Application of FRANCES HESSELMAN on behalf of EVELYN G. SCHMIDT at 1732 Hasset Avenue in zoning district R-1 for a Home Occupation Permit - Allow a photography printing operation.
17. U-11-76 (HO) Application of KENNETH & EVELYN CAUSEY at 851 North 22nd Street in zoning district R-1 for a Home Occupation Permit - Allow the keeping of records for a ladies beauty aid sales operation.
18. U-12-76 (HO) Application of EDWARD D. SWEETEN, JR. at 6521 Elton Avenue in zoning district R-1 for a Home Occupation Permit - Allow the keeping of records for an off-premise portable X-ray service.

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

FEBRUARY 26, 1976

1. U-86-75
REVIEW
Request of BETHANY BAPTIST CHURCH to construct the church nursery building and defer construction on the proposed church building for approximately 36 months on property located on the north side of Gold Avenue, between "J" Street and "N" Street, 500 ft. east of "N" Street extending north 310 ft. to Owens Avenue in zoning district R-1.
2. U-13-76 (HO)
Application of CHARLES J. GLISSON at 2017 Madeline Drive in zoning district R-1 for a Home Occupation Permit - Allow the administrative functions of an off-premise vending machine business to be located in his residence.
3. U-14-76 (HO)
Application of CLYDE L. TUCKER at 1708 Stonehaven Drive in zoning district R-1 for a Home Occupation Permit - Allow an off-premise maintenance operation.
4. U-15-76 (HO)
Application of MONTI WYLIE at 2116 Helen Avenue in zoning district R-1 for a Home Occupation Permit - Allow a bookkeeping service operation.

MINUTES

BOARD OF ZONING ADJUSTMENT

FEBRUARY 26, 1976.

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

PLEDGE OF ALLEGIANCE:

PRESENT: Chairman Reinhardt, Mrs. Segretti, Mrs. Emmett and Mr. Duncan.

EXCUSED: Mr. Jenkins.

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.
Kathleen M. Tighe, Recording Secretary.

NEW BUSINESS:

ITEMS 1 THRU 7 CHAIRMAN REINHARDT said he noted there were seven (7) Home Occupation Permit applications on the agenda which were not public hearings and asked Mr. Foster for staff's comments.

1. U-7-76 (HO) Application of NEVADA SAVINGS & LOAN ASSOCIATION on behalf of MARVIN G. GRONEMAN at 533 A. Wardelle in zoning district R-3 for a Home Occupation Permit - Allow an off-premise landscaping maintenance operation.

2. U-10-76 (HO) Application of FRANCES KESSELMAN on behalf of EVELYN GOLDSCHMIDT at 1732 Hassett Avenue in zoning district R-1 for a Home Occupation Permit - Allow a photography printing operation.

3. U-11-76 (HO) Application of KENNETH & EVELYN CAUSEY at 851 North 22nd Street in zoning district R-1 for a Home Occupation Permit - Allow the keeping of records for a ladies beauty aid sales operation.

4. U-12-76 (HO) Application of EDWARD D. SWEETEN, JR. at 6521 Elton Avenue in zoning district R-1 for a Home Occupation Permit - Allow the keeping of records for an off-premise portable X-ray service.

5. U-13-76 (HO) Application of CHARLES J. GLISSON at 2017 Madeline Drive in zoning district R-1 for a Home Occupation Permit - Allow the administrative functions of an off-premise vending machine business to be located in his residence.

6. U-14-76 (HO) Application of CLYDE L. TUCKER at 1708 Stonehaven Drive in zoning district R-1 for a Home Occupation Permit - Allow an off-premise maintenance operation.

7. U-15-76 (HO) Application of MONTI WYLIE at 2116 Helen Avenue in zoning district R-1 for a Home Occupation Permit - Allow a bookkeeping service operation.

ITEMS 1 THRU 7

APPROVED

MR. FOSTER pointed out all items were requests for Home Occupation Permits and in all cases, the questionnaires were answered favorably which meant they met the criteria. He stated since they do conform, staff had no objection subject to the normal conditions of a review if a complaint is received and conformance with the criteria for advertising under the Home Occupation Permit regulations. He stated the Board could either deny, approve, or hold any of these items for a public hearing.

MR. DUNCAN stated since the items did meet the criteria, he would make a Motion for APPROVAL of Items 1 thru 7, 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:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL on items 1 thru 7 carried unanimously.

8. V-1-76
ABEYANCE

Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 22 ft. 8 in. from the rear property line where 25 ft. is required; and to allow an attached carport 3 ft. 2 in. from the side property line and 5 ft. 4 in. from the rear property line where a 7 ft. 2 in. side yard setback and a 25 ft. rear yard setback is required on property legally described as follows: All that portion of Lot 18, McNeil Park, beginning at the northwest corner of Lot 18, thence east along the north line 28.42 feet; Thence South $32^{\circ}36'52''$ East 175.59 feet to a point in the curve of Carol Drive (now Laurie Drive); Thence from a tangent bearing south $57^{\circ}23'08''$ West turning left along a curve having a radius of 50.00 feet through a central angle of $57^{\circ}23'08''$ an arc distance of 50.08 feet to the most southerly southeast corner of Lot 18; Thence west a distance of 100.00 feet to the southwest corner of said lot; thence north a distance of 190.00 feet to the point of beginning, located at 2500 Laurie Drive, at the west end of Laurie Drive, west of Rancho Drive in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the property in question was on a cul-de-sac in an R-1 zone off Rancho Drive. He stated the area was developed with single family homes, and the request is for a number of various items. He presented the plot plan indicating there would be two additions - one for an attached storage facility 22 ft. 8 in. from the rear property line where 25 ft. was required and one for a carport 3 ft. 2 in. from the side and 5 ft. 4 in. from the rear property line where a 7 ft. 2 in. side and 25 ft. rear setback were required. He indicated these additions were nearly completed. He said there was a relatively large home on the property which was irregular in shape. He stated that as a result of the public hearing notices being sent to the surrounding property owners, staff had been advised by the property owner to the south that there was a discrepancy in where the south property line was located. The property owner to the south felt the carport, which was constructed, was located on the property line and the eave was overhanging onto his property. He also stated the block wall was three feet into his side of the property. Mr. Foster stated for this reason, staff checked the property to see if it could be readily determine whether the wall was constructed on the other property; however, due to the shape of the property, a survey will have to be made. He pointed out at the time of the field check on the property, it was noted that on the opposite side of the property the house is closer than what was shown on the plot plan. He said staff also found that the addition on this side is only 5 ft. from the side property line and not the 7 ft. 2 in. which was advertised and the roof is about one foot from the property line where a minimum of 3 ft. is required. Since there were discrepancies in the plot plan, Mr. Foster felt a determination should be made where the property line was along the south side and secondly a revised, accurate plot plan should be submitted to determine exactly where the buildings were on the property. He stated if there were discrepancies from what was advertised, it may necessitate readvertisement of the application. He stated there was also an 8 ft. high fence on the property where a maximum fence height of 6 ft. is permitted and either this would have to be taken care of under a variance or would have to be reduced. Therefore, staff felt until these matters could be determined, the application should be held in abeyance. He said there was a petition of protest on record containing 11 signatures of owners plus one

individual letter from an owner who also signed the petition.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. ROBERT SMITH appeared and stated he was the applicant. He said the wall on the south property line is 3 ft. 2 in. from the carport and presented photographs to the Board. He said until this time, he did not know there might be a discrepancy regarding the property line.

CHAIRMAN REINHARDT asked the applicant if he built the house.

MR. SMITH said he purchased it 6 years ago, and all permits were applied for. He said with regard to the 8 ft. high wall, there was a grade difference on that portion of the property. He said his dog used to jump over the fence on the east side, but the rest of the fence is within the height limitation. He said the additions were 99 percent completed and indicated his neighbor never told him prior to this that there was any discrepancy. He said he hired VTN for an engineering survey. He stated he had a copy of the recorded plat, but this did not establish the property lines. He said he had planted trees there, but he did not know this wall might be on his neighbor's property.

MRS. EMMETT asked if he were willing to pay for the survey.

MR. SMITH said "yes".

CHAIRMAN REINHARDT asked to hear from the protestants.

MR. JAMES C. MAHAN, Attorney at Law, appeared representing Mr. Cox, the property owner to the south. He stated Mr. Cox was in California and he would present his views. He said Mr. Cox indicated there was a 5 ft. easement with 2½ ft. on each side of the property line for gas and electrical facilities, and the applicant constructed his wall at the extreme side of the easement. Mr. Cox now contends that the applicant's carport is encroaching on the easement and on 2½ ft. of his property. He said he felt a survey was in order. He pointed out Mr. Cox also noted that the gas company and electric company were interested, but stated he could not verify this.

CHAIRMAN REINHARDT asked if anyone was present from the gas or electric company; and there being no one, he asked Mr. Foster about the easement.

MR. FOSTER stated he did not know for sure, but he indicated this was conceivable.

MR. SMITH also stated that it was indicated the roof run-off might drip on the property to the south; however, the roof line was well inside the wall. He said he felt the addition was very attractive.

MR. A GOLDBERG, 1401 Strong Drive, appeared. He stated the rear of his property backed up to the rear of the property in question, and he asked if the whole property could be surveyed in case there was another discrepancy on the west property line.

MR. DUNCAN stated the survey would be for the entire property.

CHAIRMAN REINHARDT asked the applicant when the survey could be done.

MR. SMITH stated he had already called VTN Engineering for the survey.

CHAIRMAN REINHARDT informed the applicant he could request a special meeting after the survey is taken, and he also must present staff with an accurate plot plan.

MR. SMITH said he would do this.

After discussion by the Board, CHAIRMAN REINHARDT asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MRS. EMMETT made a Motion V-1-76 be held in abeyance until the next meeting of the Board to have the property in question surveyed to determine the location of the property lines and then based on the survey data, provide the Department of Community Development with an accurate plot plan showing building locations with dimensioned setbacks from all property lines.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

9. V-2-76
DENIED

Application of PAUL W. & IMOJEAN MILLER for a Variance to allow an addition to the existing residence 17 ft. from the rear property line where 26 ft. is required on property legally described as Lot 11, Block 12, Richfield Village #3, located at 2805 Kings Way on the south side of Kings Way, between Richfield Boulevard and Wyandotte Street in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen, and he stated the property backed up to the Rex Bell Elementary School. He said the request was for an addition to the existing residence which would be 17 ft. from the rear property line where 26 ft. is required. He pointed out this was a typical rectangular shaped lot, and staff could see no unusual circumstances involved to warrant a deviation from the Zoning Regulations. He said there were no protests on record; however, there were two approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. DeVESTE, City Builders, appeared on behalf of the applicant. He indicated they had the addition about half finished when it was red-tagged.

CHAIRMAN REINHARDT asked if they had a permit.

MR. DeVESTE stated it was his understanding they had a Variance approved on the property.

CHAIRMAN REINHARDT asked Mr. DeVeste if he checked this.

MR. DeVESTE said "no".

CHAIRMAN REINHARDT asked Mr. DeVeste if he was a licensed contractor.

MR. DeVESTE said he had been a contractor since 1969 and was a C-3.

MR. FOSTER stated if a permit was taken out it would have to show the proper setback of 26 ft. and he stated staff would not have approved the permit for anything less than that.

CHAIRMAN REINHARDT asked how far they were in construction.

MR. DeVESTE said all they had done so far was set the forms.

MR. FOSTER stated apparently the Building Department found the discrepancy.

MRS. SEGRETTI asked how a permit could be issued.

MR. FOSTER said if they indicated the proper setbacks on the request, staff would issue the permit based on that information.

CHAIRMAN REINHARDT 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 DENIAL of V-2-76.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Chairman Reinhardt - yes.

Motion for DENIAL carried unanimously.

10. V-3-76
APPROVED

Application of JOHN P. & ROWENA McDONIEL HAMMOND for a Variance to allow the enclosure of an existing patio, to provide additional living space, 15 ft. from the rear property line where 25 ft. is required on property legally described as Lot 19, Block 5, Sandhill Estates Unit 2-B, located at 2999 Trabuco Drive, on the northwest corner of Sandhill Road and Trabuco Drive in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating this was in an R-1 subdivision. He said the request was for an addition and would be the enclosure of an existing patio 15 ft. from the rear property line where 25 ft. was required. He indicated this was a typical rectangular shaped lot and staff could find no unusual circumstances involved to warrant a deviation from the Zoning requirements. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. & MRS. HAMMOND appeared indicating they were the applicant. Mrs. Hammond presented a petition of approval to the Board signed by approximately 16 property owners in the area approving her request.

CHAIRMAN REINHARDT asked what the addition would be used for.

MRS. HAMMOND stated she had 7 children and only one living room, and they needed the additional space for a recreation room area. She indicated they had sufficient bedrooms but not enough living room area.

MR. DUNCAN asked if the patio was existing.

MR. HAMMOND said the patio was existing so there would be no further encroachment, and the patio was also roofed presently.

MRS. HAMMOND said the Building Department inspected their property, and they did not have a permit for the patio. She stated their neighbor was a carpenter; and when they went on vacation during the carpenter's strike, the neighbor built it for them.

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

MR. DUNCAN made a Motion for APPROVAL of V-3-76, 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:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

11. V-4-76

DENIED

Application of KENNETH E. JOHANN for a Variance to allow a caretaker's residence in a professional office zone where no residential use is permitted on property legally described as Lot 17, Block 21, Huntridge Subdivision, Tract #4, located at 1604 South Maryland Parkway, on the west side of Maryland Parkway, between East Oakey Boulevard and Franklin Avenue in zoning district P-R.

MR. FOSTER pointed out the area in question on the screen indicating the property was on Maryland Parkway and Franklin was the next street to the north. He stated the property on both sides of Maryland Parkway had been transitioning to professional office zoning and the property in question had been put to a P-R use previously. He said the P-R zoning does not allow the mixture of residential and office uses, and staff felt this Variance would set a precedent if allowed. He stated staff received a letter from the applicant which indicated he had problems on the property with periodic vandalism and break-ins and had also had a fire on the property. He felt it was necessary to have someone on the premises on a permanent basis to help preclude this. He stated there would be no kitchen facilities or cooking in the room to be used for the caretaker and the room would merely be sleeping quarters. Staff felt this application should be denied, and a pattern of allowing this mixture of uses should not be started. Mr. Foster stated if this request is approved, they would probably be faced with additional requests in this area; therefore, staff was recommending denial. He stated there were two protests on record from property owners in the area and one letter from a property owner who indicated she would have no objection as long as the existing person living on the property is the one to remain there. He stated there was one written approval on record and staff just received an additional 4 approvals. He further indicated that during the past year, the occupancy of this building had been brought to staff's attention and these complaints had been forwarded to the Building Department. Due to the last complaint, the applicant submitted this application.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. KENNETH JOHANN, 711 Twain, appeared and stated he was the applicant. He indicated this property had been his office for the past 5 or 6 years and was a real estate office. He said this would simply be sleeping quarters with no kitchen facilities. He said over the past several years he has had vandalism, break-ins and fires, and the last one was \$1,200 worth of damage. He said he had letters of approval from the people on the other sides of the property and they approve of this Variance because there would then be someone on the property.

MRS. EMMETT asked what the objections were of the protestants.

MR. FOSTER said they felt if there was a problem on the property, that there should either be a night-watchman or a security system of some type. They were concerned with the office use being kept up to the requirements of the code so that there would be no debilitating effect on the property.

MRS. JOANN ROWLEY, 1601 Maryland Parkway, appeared and stated she lived across the street. She indicated there was a fire on the property when a man and little boy were staying on the premises, and she had to inform the Fire Department there was someone living in the back because they would not expect anyone to be living in this office facility. She felt if this Variance were approved, it would lead to more requests of this type.

CHAIRMAN REINHARDT asked the applicant if Mrs. Rowley's statement was correct.

MR. JOHANN indicated it was. He said the people who lived there at that time were in the middle of a divorce. He said the man on the property is his maintenance man, and he just sleeps there and goes in the office to check on it.

CHAIRMAN REINHARDT asked about using a security system such as Alarmco or Guardex.

MR. JOHANN said he felt this cost was prohibitive.

MRS. SEGRETTI asked if the fire was started inside the building or outside.

MR. JOHANN stated they had outside circuits and were not sure if these were tampered with. He said they do have bars on the windows.

CHAIRMAN REINHARDT stated he felt most businesses of this nature used a protective service of some type and he felt this would be of benefit to the applicant.

MRS. SEGRETTI asked the applicant if he did not feel an alarm system would be better.

MR. JOHANN indicated the last vandalism done to the property was by someone who took paint and put it all over the building and the driveway. He said he didn't know if this could have been stopped, but felt if someone were on the premises, possibly this would not have happened.

CHAIRMAN REINHARDT 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 DENIAL of V-4-76.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - abstained.
Mr. Duncan - no.
Chairman Reinhardt - yes.

Motion for DENIAL carried.

12. V-5-76
APPROVED

Application of ROBERT & LAVETTA STARLIN for a Variance to allow the construction of a room addition 19 ft. from the rear property line where 25 ft. is required on property legally described as Lot 3, Block 1, Charleston Estates 6-A, located at 4413 West Bonanza Road, on the south side of West Bonanza Road, between Estella Avenue and Decatur Boulevard in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the request was for a room addition 19 ft. from the rear property line where 25 ft. was required. He indicated staff could find no unusual circumstances involved to warrant a deviation from the Zoning requirements and recommended denial. He stated there were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. DeVESTE, City Builders, appeared on behalf of the applicant. He said he thought this family had about 6 children, and he indicated the addition was for another bedroom and would be a second-story addition with a livingroom/den downstairs.

MR. FOSTER pointed out a second-story addition was permitted in the R-1 zone.

CHAIRMAN REINHARDT 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-5-76, 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. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

13. V-6-76
DENIED.

Application of DARRELL D. & JAYNE D. LUCE for a Variance to allow the construction of a tennis court fence to a height of 12 feet, (lower portion to be block wall and upper portion to be chain link) that is proposed to be located 6 inches from the side property line and 4 feet from the rear property line where 10 ft. rear and side yard setbacks are required on property legally described as that portion of Block 9, Scotch Eighty Addition (Resubdivision), more particularly described as follows: Commencing at the point of intersection of the centerlines of Birch Street and Bannie Avenue; Thence North 89°57'10" East 528.76 feet; Thence North 2°07'24" East 30.02 feet to the true point of beginning; Thence continuing North 2°07'24" East 201.32 feet; Thence North 89°57'10" East 101.19 feet; Thence South 2°34'09" West 187.12 feet; Thence from a tangent whose bearing is the last described course turning to the right along a curve having a radius of 15.00 feet and subtending a central angle of 87° 23'01" an arc length of 22.88 feet; Thence South 89°57'10" West 84.29 feet to the true point of beginning, located at 1420 Westwood Drive, on the northwest corner of Bannie Avenue and Westwood Drive in zoning district R-E.

MR. FOSTER pointed out the area in question on the screen indicating it was located in the Scotch Eighty Addition in an R-E zone. He said the lot was 100' x 200' in size, and the tennis court was to the rear of the property. He indicated the 12 ft. high fence is what was being requested to be located 6 inches from the side property line and 4 ft. from the rear property line where 10 ft. side and rear setbacks were required. He pointed out the 12 ft. high fence was permitted with the proper setbacks. He said the tennis court would almost take up the whole rear yard, and there is an existing swimming pool which will be filled in to allow construction of the tennis court. He stated the fence would be chain link on the top portion and block wall on the lower portion. He said staff was concerned with the east side on Westwood since there were other homes which front on this street and which would be facing this property. He indicated there was a large tree there; however, this would be taken out when the existing fence, which is 10 ft. back from Westwood, is relocated for the tennis court. He said in the R-E zone it was intended to have tennis courts; but due to the location of the home, there is minimal rear yard remaining. He stated staff does not generally make recommendations on this size lot, and this Variance would not reduce the open area; however, staff felt that possibly the feelings of the surrounding property owners should be taken into consideration. He said there was one protest on record from a property owner about 100 ft. to the west on Bannies who objects to this tennis court and another objection on Westwood; however, the other tennis court in the area does meet the Ordinance. He indicated some of the people may not realize they can have a tennis court with the 12 ft. fence and property setback in an R-E zone. He indicated there were no approvals.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. DARRELL LUCE appeared and stated his only point was the fence since he was allowed to have the tennis court. He stated he had

contemplated this for the past five years but he said they would find it difficult to play without the 12 ft. high fence. He said the question seemed to be whether the 12 ft. high fence could be only 4 ft. in from the rear property line and 2 ft. in from the side property line.

MR. DUNCAN asked the applicant if he could meet the 10 ft. setback requirements.

MR. LUCE said "no", not and still build the tennis court because he could only have a 6 ft. high wall.

MRS. SEGRETTI asked the size of the lot.

MR. FOSTER said it was 101.2' x 201'.

CHAIRMAN REINHARDT asked if there were any protestants present.

MR. JOHN HILGER appeared and stated he owned two parcels of property immediately to the west. He indicated he filed a written objection, and he would also like to express his objection. He said Mr. Duckworth who owns the property to the rear of this objects and also Mr. Willis on Westwood. He said their objection was the height of the fence, and he felt this would devalue their properties and limit the use of them.

MR. ROB JOHNSON, 1919 Waldman, appeared in protest. He said he was directly behind the property in question. He presented a written letter of protest from Mr. Duckworth. He said most of the homes in this area are from \$150,000 to \$350,000 in value, and they had no objection to the tennis court; but he did object to it being on this small a lot. He felt if this were approved, it would affect the value of the adjoining properties. He further indicated if this were approved, they would also likely have lighting which would be about 14 feet in height; and this would also affect the neighbors.

MR. LUCE reappeared and stated Mr. Duckworth who lives behind him also had a lighted tennis court, and he did not feel this was the issue.

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

MRS. EMMETT stated from the evidence presented, it did appear that the neighbors objected; and she made a Motion for DENIAL of V-6-76.

Voting was as follows:

Mrs. Emmett - no.
Chairman Reinhardt - no.
Mr. Duncan - yes.
Mrs. Segretti - yes.

MR. FOSTER said the motion failed and another motion was in order.

Another vote for denial was taken after Mrs. Emmett indicated she voted incorrectly on her motion.

Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - no.
Mr. Duncan - no.

MR. FOSTER stated a tie vote on a Motion for denial does not carry and another Motion was in order.

MR. DUNCAN made a Motion for APPROVAL of V-6-76.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - no.
Mrs. Segretti - no.
Chairman Reinhardt - no.

Motion for approval failed on a C-1 vote and the application was DENIED.

14. V-7-76
DENIED

Application of PATRICK J. O'KELLY for a Variance to allow a residential unit in a commercial storage unit complex on property legally described as that portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, Township 20 South, Range 61 East, MDB&M described as follows: Beginning at the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 27; Thence south along the west line thereof a distance of 316 feet to the true point of beginning; thence continuing south along the said west line 200 feet; Thence east 450 feet; thence North 275 feet; Thence southwesterly 459.5 feet to the true point of beginning, generally located on the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 feet in zoning district M.

MR. FOSTER stated his comments on this application would also hold true for the next application, V-8-76, since they both were for the same type of use. He pointed out the area in question on V-7-76 indicating the proposed development was for mini-warehouses. He said the variance request was to allow a caretaker's residence on the premises in the front portion of the development which would result in someone living on the property for security purposes and also to take care of the clients. He said the Board previously denied a request of this nature, which was appealed by the applicant and approved by the City Commission. He stated it has been indicated that this type of operation is open on a 24-hour basis and someone must be on the property. They also feel security is very important in this type of operation. He said this was a different type situation than the other application on Maryland Parkway, since this was a 24-hour operation. He said this was a decision for the Board, but if approved, staff would recommend there be conformance with the plot plan, and the Public Works Department indicated they must provide sidewalks and two street lights on "A" Street and also provide a grading plan for the drainage which goes across this property. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. RICHARD SEYMOUR of San Diego appeared on behalf of the applicant. He stated they presently had these types of operations in other cities and felt they needed someone on the property at all times who could act as a caretaker and office manager. He said this person would also assist people in bringing in their items, and he would provide security for the building and keep the grounds in order. He said they felt the design of this project would complement the City, and they would maintain the landscaping. He indicated at the present time there was considerable dumping in the area, and they would clean the property. He pointed out the storage facilities rent from \$5.00 on up. He stated there were people who came to the mini-warehouses at night, and someone must be there. He said the rental of this type unit was in the 90 percent bracket of being filled. He said he was not suggesting that everyone used this facility at night, but he indicated it did happen. He said these units could be rented by the week or month and felt 90 percent of the business would be conducted during the day; however, with this type of town and it being open 24 hours, there was occasion for people to come at night.

CHAIRMAN REINHARDT 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 DENIAL of V-7-76.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - no.
Mr. Duncan - no.
Chairman Reinhardt - abstained.

MR. FOSTER indicated the Motion did not carry.

MRS. EMMETT made a Motion for APPROVAL of V-7-76.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - no.
Chairman Reinhardt - abstained.

MR. FOSTER indicated the vote did not carry.

MR. LEE SCANER of San Diego appeared and stated their experience had been that they must maintain someone on the premises as a live-in manager/caretaker. He said there could be over a million dollars worth of personal property on the premises, and he felt they had to have someone there all the time for security purposes. He indicated he was the project superintendent on this job.

Since there seemed to be a lack of majority on the vote, MRS. SEGRETTI made a Motion V-7-76 be held in abeyance until a full board could be present.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - yes.
Mr. Duncan - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

CHAIRMAN REINHARDT declared a ten-minute recess at 9:15 P.M. and reconvened the meeting at 9:25 P.M.

MR. SEYMOUR reappeared and asked if it would be possible for them to go to the City Commission with this matter. He indicated they would rather have a denial so they could appeal.

MR. DUNCAN made a Motion they reconsider this matter and made a Motion for DENIAL of V-7-76.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - abstained.

Motion for DENIAL carried.

CHAIRMAN REINHARDT indicated he abstained from voting on this issue and would do so on the next item, since he was in the same business.

15. V-8-76

DENIED

Application of WILLIAM E. HART for a Vairance to allow residential quarters for a security guard/office manager in conjunction with a commercial storage unit (mini-warehouse) operation 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 Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 62 East, MDB&M, lying east of the east line of that certain drainage right-of-way deeded to the City of Las Vegas by

Document No. 324487, recorded 9-13-73, official records of Clark County, Nevada, excepting therefrom the south 200 feet thereof, and generally located on the west side of North Nellis Boulevard between Stewart Avenue and East Bonanza Road, 1,300 feet south of Bonanza Road and extending west from Nellis Boulevard approximately 900 feet in zoning district C-2, (under Resolution of Intent).

MR. FOSTER pointed out the area in question on the screen and stated his comments on V-7-76, the previous application, also applied to this request which was for the same type of use. He stated there would be two rows of storage units on the property. He indicated there were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. WILLIAM HART, 1729 E. Oakey Boulevard, appeared and stated he was the applicant. He said this type of use had been approved by the City Commission previously. He indicated it was not feasible to operate without this type of management. He said it would be similar to an apartment complex with a manager. He said to hire a full-time security guard would be \$2,500 to \$3,000 a month since it was open on a 24-hour basis. He indicated if his property were across the street on Nellis it would be located in the County, and they had approved several of these operations. He said there was one operation down the street which did not have a live-in operator/manager, and they have had several break-ins. He said his particular project was 230' from Nellis Boulevard and would be shielded by commercial development. He said he had 485 front feet on the property which eventually would be developed.

CHAIRMAN REINHARDT asked if the development was completed.

MR. HART said "no", there was nothing on the site at the present time. He indicated there would be more requests of this nature before the Board, and he felt the precedent had been set by the City Commission. He pointed out other facilities in the City which have a live-in caretaker.

CHAIRMAN REINHARDT 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 DENIAL of V-8-76.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Duncan - yes.
Mrs. Emmett - no.
Chairman Reinhardt - abstained.

MRS. EMMETT indicated she wished to vote the same on this item to be in conformance with her feelings on the previous application, and she felt she had voted incorrectly and asked that the vote be retaken.

Mrs. Segretti - yes.
Mr. Duncan - yes.
Mrs. Emmett - yes.
Chairman Reinhardt - abstained.

Motion for DENIAL carried.

16. V-9-76
APPROVED

Application of EUGENE ROBERSON for a Variance to allow a carport one (1) foot from the side property line where five (5) feet is required on property legally described as Lot 15, Block A, Sunset Manor #3, located at 1949 Walker Street, between Kasper Avenue and Alexander Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the request was to allow a carport 1 ft. from the side property line where 5 ft. is required. He said he thought this was to allow the applicant a place to park his boat. He indicated the posts would be 2 ft. back; however, the roof overhang would come within 1 ft. of the side property line. He indicated this was a typical rectangular lot, and staff could find no unusual circumstances involved to warrant this deviation from the zoning regulations and recommended denial. There were 11 approvals on record and no protests.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. EUGENE ROBERSON appeared and stated he was the applicant. He said he wanted the 1 ft. eave on the carport to control the drainage from the roof. He indicated he had approval from his next door neighbor.

MRS. SEGRETTI asked if he could move the posts back another foot.

MR. ROBERSON said "yes".

CHAIRMAN REINHARDT asked if this carport would be open.

MR. ROBERSON said "yes" it would be open on three sides.

MRS. M. BRADFORD, 1953 Walker, appeared on behalf of the applicant and indicated she had no objection to this request.

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

MR. DUNCAN made a Motion for APPROVAL of V-9-76.

MRS. SEGRETTI amended the Motion for approval to include the following conditions:

1. The supporting columns for the proposed carport shall be setback a minimum of two feet from the side property line and the roof overhang shall be setback a minimum of one foot from the side property line.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Segretti - yes.
Mrs. Emmett - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

17. V-10-76
DENIED

Application of ROBERT C. & MURIEL M. KEONIG for a Variance to allow building setback deviations on four (4) separate parcels of land as follows:

- (1) Lot 11 and the West 20 ft. of Lot 12 - To allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required; and to allow a 7 ft. side yard setback, where 9 ft. is required.
- (2) Lot 13 and the West 40 ft. of Lot 12 - To allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required.

- (3) Lots 14 and 15 - To allow the construction of a residence to the rear property line where a 30 ft. rear yard setback is required.
- (4) Lots 16, 17 and 18 - To allow the construction of a residence to the side property line where a 5 ft. side yard setback is required on a lot containing 5,861 sq. ft. in area where 6,000 sq. ft. in area is required.

All of the above on property legally described as that portion of Lots 11, 12, 13, 14, 15, 16, 17 and 18, Block 4, Rancho Square lying north of the north line of the Las Vegas Expressway, generally located on the south side of Austin Avenue, between Ramsey Street and Eldorado Street, extending west from Ramsey Street 480 plus feet along the Las Vegas Expressway, in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating it was on Austin Avenue and backed up to the West Fremont Expressway just west of Rancho Drive. He said a portion of these lots had been severed for the on-ramp and left an elongated piece of property approximately 90 ft. in depth on one end down to almost no depth on the other end. He pointed out that recently this property was offered to the City as a park; however, it was not accepted due to its shape and location. He stated four homes were proposed to be built on this property now and were unique in design with three of the homes having interior courtyards which would be similar to a rear yard patio area. He stated the homes were to be constructed to the rear property lines with one of the homes only having a 7 ft. side yard setback where 9 ft. is required and another being built to the side property line where 5 ft. is required, and this home would be on a slightly smaller lot than that which is required, and this home would not have the interior courtyard area. He pointed out the plot plan indicating the designs of the homes. He stated they were relatively large homes having 2,000 sq. ft. in area to approximately 2,800 sq. ft. Staff felt that due to the shape of the land and the size of the units, it may have an over-crowding effect on the property; and it was the opinion of staff if approved, one of the units should be deleted and the first home on the east would be the logical one. If this unit could be deleted there would be more spacing between the other units which would provide for more open area. He indicated the homes did conform to the front yard setback requirements. He stated if approved, the existing freeway wall at the west end, which was used as a safety wall and noise buffer, should be continued along the rear of these residences and should be of the same type and general alignment as the existing wall. He indicated it was staff's recommendation that they delete one unit and continue the wall. He pointed out if a car would leave the expressway, there should be something more than just the rear of the house for protection and the wall would also provide a noise buffer. He pointed out the on-ramp was near one end and, therefore, the cars would not be going that fast. He indicated there were no protests on record; however, there was a petition of approval from eight property owners in the area who live on the other side of Austin.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. ROBERT WHITNEY, 3751 So. Nellis, appeared on behalf of the applicant. He felt the development on this property would enhance it. He stated it backed up to the freeway, but he felt this was a convenient and desirable area. He said he had been in the architectural development business for 30 some years and had studied problems like this. He proposed a center courtyard area with very few windows on the exterior. He indicated the property was an eyesore now. He pointed out he would live in the first unit himself, and he pointed out his business address was on Flamingo presently. He said these homes would have large garages for three cars and his brother would live in the home next to his. He said these two homes would only have two large bedrooms because they had no children. He indicated these homes would not be for sale and were custom homes. He pointed out

Mr. Robert Cain, the artist, would have one of the homes and the fourth home also had been spoken for. He said not having a rear yard was desirable for him because he did not want to take care of it, and it would have the inner-courtyard area with a whirlpool bath. He stated this was a newer concept in building now and he had previously built homes of this type in Tennessee with only one exterior window. He said he intended to build the block wall along the rear of the homes as stated by staff.

CHAIRMAN REINHARDT asked if he could eliminate one unit as recommended by staff.

MR. WHITNEY said the property had a 20 ft. front yard and did not feel the extra land was necessary. He said the one to the east had a 30 ft. area and everything in his plan was feasible. He said there was still 51 ft. on the end lot which is narrow. He stated the end unit could be built with a 5 ft. side setback and would meet the required setbacks.

CHAIRMAN REINHARDT asked to hear from the protestants.

MR. ED FLORECK, 309 El Dorado, appeared. He asked what the price range of the homes would be, indicating the homes in the area were one-story in height.

MR. FOSTER pointed out one of the homes on this plan would have a second-story addition; however, this was permitted by the Ordinance.

MR. WHITNEY said the homes would range from \$45,000 to \$60,000.

MR. FLORECK indicated in that case, he did not protest.

MR. BEECHER AVANTS, 200 Delmar, appeared in protest. He stated originally this was State property, and he checked with Planning to find out what could be permitted on this property. He said he was told that even with a variance, perhaps only one or 1½ houses could fit on the property because of its shape, although he said he did not know who gave this information to him. He said the reason for this was because of the setback requirements and it backing up to the expressway. He also felt a safety problem was involved with cars speeding down the freeway and felt this might be a death trap to anyone living there. He felt there might be a drainage problem in the area which had not been corrected. He also felt the houses were out of character with the other homes of moderate value in the area.

MR. HERMAN WEISS, 309 Ramsey, appeared in protest. He stated during the July 3, 1975, flood Ramsey Street flooded for about 14 hours and Austin had about 8 inches of water on it. He said he did not feel these \$50,000 homes belonged crowded onto this property in the midst of \$30,000 homes. He said he felt there should be a park on this property, and he felt there would be a safety hazard involved because of its proximity to the freeway.

MR. LEE DARRAH, 301 Delmar, appeared in protest. He stated he had lived there for 16 years and had updated his home. He said the applicant indicated he would live in this home, but pointed out it could be sold. He said there was no place now for the children in the area to play, and he felt with these large homes, it would bring in more children who would end up playing on Austin and overcrowding the school.

MR. ED FLORECK reappeared and stated he wished to change his previous approval to a protest at this time.

MRS. SHAVINSKY, 204 Delmar, appeared in protest and indicated Louise Shavinsky at 300 Delmar was also in protest. She stated the applicant indicated that all of these homes were sold and there were definite buyers for them, but he had since indicated there was not a buyer for the 4th home. She could not understand why they would build this type of home in this neighborhood backing up to the freeway.

MR. ALBERT GRECO, 205 Delmar, appeared in protest. He said these homes were very unique because he could not see how they could build four homes on a piece of property shaped like a funnel. He said the property ran from about 76 ft. in width down to about 26 ft. in width on the other end. He stated he could see possibly one or two homes on this property, but not four.

MR. ROBERT WHITNEY reappeared. He stated he would be willing not to construct the one home on the east, and he asked that he be permitted to construct the other three homes and when the people in the area saw what he had developed, he could then come back with another request for the 4th home.

MRS. EMMETT asked about the water drainage problem.

MR. FOSTER said the developer would explore this with Public Works and the State Highway Department because he would have to take care of it. He said he did not feel the construction of these homes would affect anything in the area presently, and it would not make the matter of drainage worse.

CHAIRMAN REINHARDT 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-10-76, subject to the 4th home on the east being deleted from the plan and the wall to the rear being extended along the freeway.

Voting was as follows:

Mrs. Segretti - yes.
Mrs. Emmett - no.
Mr. Duncan - no.
Chairman Reinhardt - no.

Motion for approval did not carry and the application was DENIED.

18. V-11-76

DENIED

Application of the KAX CORPORATION for a Variance to allow two 11-unit apartment buildings where duplex units only are allowed; and to allow tandem parking where tandem parking is not allowed; and to allow a 5 ft. side yard setback where 7 ft. is required; and to allow a 12 ft. high tennis court fence on the north central portion of the property where a maximum fence height of 6 ft. is permitted on property legally described as Lots 1 thru 11, Block F, Marycrest Estates, located on the north side of East St. Louis Avenue, between South Maryland Parkway and South 15th Street, beginning 250 ft. east of Maryland Parkway and extending east 770 ft. in zoning district R-2.

MR. FOSTER pointed out the area in question on the screen indicating it was on the north side of East St. Louis Avenue in an R-2 zone. He said he thought there possibly was some confusion on the part of the people in the area since they thought the applicant was asking for apartments. He stated the zoning does permit duplex apartment units and two-unit buildings. He said the applicant could have 22 units on the property to a height of two stories, and the application is essentially to group them into buildings containing more than two units and allow a tennis court with a 12 ft. high fence and some setback deviations. He stated the applicant was also requesting tandem parking on the property immediately adjacent to each garage intended for use only by the tenant who would be assigned to that garage. He stated there was sufficient room to have the tandem parking relocated along the north line of the development which was adjacent to the single family properties; however, the applicant felt this plan would be less obnoxious. Mr. Foster pointed out the request originally indicated there would be two 11-unit buildings; however, due to the Fire Department requirements of additional access being provided by means of 4 ft. walkways between connecting garages, the request is now to allow 3 and 4 unit structures rather than the 11-unit structures originally proposed. He stated this had been worked out with the Fire

Department and met their approval. He stated these would be two-story structures and he presented an elevation of the property and plot plan. He stated the R-1 area to the north is developed with one-story homes; however, two-stories were permitted. He said there was a little over the required amount of parking and it was conceivable they could parallel park on the north line leaving room for a driveway. He stated there was a 27 ft. setback to the north property line and he felt there would still be room for an 18 ft. driveway with parallel parking. He stated one important factor is that the proposed tennis court is relatively close to the north property line and the fence would be to a height of 12 ft. Staff felt possibly if it was determined this would not be compatible, it could be located on the west end of the project since there it would be abutting a parking lot for the church. Presently, the plan shows the court would be backing up to homes. He indicated there was also a swimming pool proposed near the tennis court. He felt with the grouping of the units in this manner, it may give the illusion of having more units on the property than permitted since on the other side of St. Louis it is difficult to distinguish if they are single family or duplex units. If approved, the Public Works Department indicated street improvements would be required to replace the damaged sidewalk and street lights. He said from the public hearing notices there was a petition of protest on record containing 14 properties and two other letters of protest for a total of 16. He stated the petition mentioned a change in zoning, but Mr. Foster pointed out the zoning is proper for the duplex units. There were no approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. R. MOWBRAY appeared and stated he was representing his mother who owned the property. He said when they purchased this property some 20 years ago, it was zoned R-2 for duplexes. He said they designed this plan because they felt this type of unit would be much more appealing and attractive and felt these buildings looked more like large homes than apartments and he indicated the design was copied from some homes in Beverly Hills, California. He indicated the arrangement of the parking was to keep the cars away from the wall to the rear where the single family homes were, but he indicated they could change this. He stated the units were 1,500 sq. ft. in size and he said they would draw a better renter. He stated he discussed the Fire Department requirements with Capt. Judd and they worked out this plan which provides for the 4 ft. walkways between the buildings so they would now be divided into 3 and 4 unit buildings instead of the 11-unit buildings. He indicated he felt one of the complaints was on windows in the second-story portion of the apartments. He said there would be no windows towards the rear yards of the abutting residences to reduce the property owners' privacy, and there would only be one window with exposure to the courtyard. He said they put the tennis court in the central portion of the property and the garages were designed to look like part of the unit and not a garage.

MRS. EMMETT asked the price range of the rent.

MR. MOWBRAY stated rent would be approximately \$400.00 per month, and they wanted to lease the units. He presented a copy of the floor plans to the Board with the new design showing the 4 ft. walkways.

MR. DUNCAN asked if the tennis court would be lighted.

MR. MOWBRAY said "yes". He indicated they could also reverse the location of the tennis court and pool.

MR. DUNCAN said the question in his mind was the night lighting and noise.

MR. MOWBRAY said he did not feel it would be that noisy.

MRS. SEGRETTI asked if he could move the tennis court.

MR. MOWBRAY said he could, but he felt it would break up the harmony of the buildings, and he could not see why anyone would object.

CHAIRMAN REINHARDT asked to hear from the protestants.

MRS. BERNICE GRILLIETTE, 1412 Bonita, appeared in protest. She said she lived behind this proposed apartment complex, and she did not see how they could put up three buildings and say they looked like homes since they were 3 and 4 unit buildings. She said she was proud of her home, and she felt this was a personal insult to she and her family. She felt this would devalue her property. She stated they invested a lot of money in their home and abided by the City laws, and she felt this project would ruin the atmosphere of the neighborhood. She felt 22 families coming and going from these buildings would change the peaceful atmosphere, and there would be more traffic. She also stated she felt the two-story structures would spoil her view since her lot was shallow, and her pool was almost to the rear of this proposed development.

MR. FOSTER pointed out the property was zoned for duplexes, and the applicant could have the 22 units on the property in two-unit buildings and they could be two-stories high. He said the main issue was the grouping of the units into more than two-unit structures.

MR. TOM FOLEY appeared and stated his home was on the corner of 15th and St. Louis. He said he regreted the comments made by staff, and he said they did not check the CC&R's for this subdivision. He said he had over \$100,000 invested in this property and felt these units were contrary to the restrictions which were signed by the Kax Corporation. He said they were designated to be single family homes and no other. He indicated the parking was of no great concern to him, but pointed out that next to the rear wall would be a garage and a building with windows 6 ft. above his wall where his swimming pool was located. He said he lived there for the past 18 years and had looked out at the end of the church. He stated he would prefer the duplex buildings and he said he felt even the zoning was contrary since he did not receive a zoning change notice on that property. He felt allowing this development would be a mistake.

MR. FOSTER pointed out reference was made to the deed restrictions, but he indicated the City does not enforce these or get involved with them. He further indicated there was a certified card in the file indicating Mr. Foley did receive notice of this hearing.

MR. FOLEY indicated he received notice of this meeting, but he did not receive notice of the zone change on the property.

MR. FOSTER pointed out the zoning was changed January 6, 1954, and there was no record in the file by certified mail at that time.

MR. KIRK BLAT, 1220 E. St. Louis, appeared in protest. He stated he felt Mr. Foley summed it up well. He said he did not want to stand in the way of development on the property, but he would like to see duplex units.

MRS. D. KANIS, 1302 E. St. Louis, appeared in protest and indicated she had lived there for 22 years; and she would like to see something developed on the property, but nothing more than duplexes. She said she did not want a tennis court on the west end of the site since it would be right across from her home. She felt there would be a problem with the parking especially on the weekends because of the church.

MR. M. VANTRELLI, 1406 Bonita Avenue, appeared in protest. He said he was aware of duplex units going in behind him, but he was not aware they would be two-stories high. He felt in a few years when the apartments depreciate, they would bring the rents down. He said he had 31 ft. to his block wall, but he asked what would happen on the other side of the wall. He stated he placed his home in the middle of his lot in case of fire and he felt this apartment development would be too close in the rear. He said he even purchased an additional 5 ft. from his neighbor to have sufficient room. He pointed out that the applicant presented a good picture, but he felt it would not remain this way. He further felt there would be confusion getting

in and out; and he felt because these were two-story buildings, they would be looking down in everyone's back yard.

FATHER SHALLOW, St. Anne's Church, appeared in protest. He said their objection was over the parking. He also stated their equipment building for the air conditioning units was very noisy; and the unit to the west would be almost against this equipment building, and he felt they would have complaints regarding this noise. He also stated there is parking for the church and a playground for the school, and he felt the people in the apartments would complain about this. He said with 22 more people and their guests, parking in the church lot could be a problem. He pointed out the applicant's did allow the church to use this property presently for parking on Sunday, but he felt they would receive complaints from the people occupying these buildings.

UNIDENTIFIED SPEAKER at 2260 Mohigan Way, appeared in protest. He asked if there would be sufficient parking for the people who lived there and their guests because he felt there was not sufficient space.

MRS. L. HERDTER, 1318 E. St. Louis, appeared in protest. She felt there was presently a problem with parking on St. Louis, and she did not like the idea of a tennis court. She did not feel this would do anything for the community.

MR. AL BRITZ, 1306 Canosa, appeared in protest. He asked when the Kax Corporation obtained the R-2 zoning. He felt if there were duplexes going in, they could be designed differently and could be designed better. He said from the plan presented, this looked like a commercial area. He said these were still rentals and were not conducive to a better grade of people coming in.

MR. FOSTER pointed out the zoning was changed in January of 1954 to R-2.

MR. R. MOWBRAY reappeared and stated they had no intention of bringing down the value of the property. He indicated they had a home there which was very expensive, and they own property across from this proposed development which they would take into consideration for its value. He stated they never deceived the people in Marycrest, and he indicated the map was marked at the time they purchased as to this portion of the development.

MRS. KATHLYN MOWBRAY appeared. She stated this property was never rezoned and was zoned this way from the beginning. She stated they had this property for 22 years and intended some day to do something like this with it. She stated as the people purchased homes there, they could look at the map and see this street of R-2 zoning. She indicated she could not understand the Church protesting since all these years they had parked on this property, and suddenly the people were upset because they wanted to develop this property.

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

MR. DUNCAN made a Motion for DENIAL of V-11-76.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - no.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

MRS. EMMETT indicated she wished to change her vote to "yes".

Motion for DENIAL carried unanimously.

CHAIRMAN REINHARDT declared a ten-minute recess at 11:10 P.M. and reconvened the meeting at 11:20 P.M.

19. U-8-76
APPROVED

Application of EDITH C. GAREHIME on behalf of JAMES PERRY for a Use Permit to allow the storage and auction of used cars on property legally described as that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 35, Township 20 South, Range 62 East, MDB&M, described as follows: Commencing at the northeast corner of the intersection of East Fremont Street and North 15th Street; thence North 28⁰13' East 275 feet; Thence South 61⁰47' East 300 feet to the true point of beginning; thence North 28⁰13' East 125 feet; Thence South 61⁰47' East 200 feet; Thence South 28⁰13' West 125 feet; Thence North 61⁰47' West 300 feet to the true point of beginning, located on the north side of the east/west alley between North 15th Street and Bruce Street, 300 ft. east of North 15th Street extending east along said alley 300 ft. and north of the alley 125 ft. in zoning district C-2.

MR. FOSTER pointed out the property in question on the screen. He stated the property in question was not connected with any of the properties on the front portion facing Fremont Street, and there was commercial zoning on the north side of Fremont. He stated this particular property had been used for car storage in connection with a new car agency which was at Bruce and Fremont and there is a chain link fence around the property; however, it is not surfaced. He said the property was vacant at the present time, and the applicant wished to have storage and auction of used cars on the property. He stated the applicant was to have some arrangement with one of the businesses on Fremont for his office, and the auction and storage would be reached from the alley. He stated access was from the alley by means of either Bruce or 15th Street. He stated staff felt that the applicant would be more or less using it on an independent basis, and there would be some traffic generated; and he felt that the alley was not capable of handling it. For this reason, staff could not endorse this proposal even though the property is zoned C-2. Staff felt this property should have a use which would not generate traffic in terms of people coming to the property, and he felt it should be used possibly for storage only in connection with an operation fronting on Fremont. Staff felt if approved, the property should be upgraded because of the R-1 to the north; and staff felt a 6 ft. high wall should be provided on that side along with paving the lot and the lighting directed away from the residential zoning. Staff, however, does not feel the use is proper with only alley access and recommended denial. There were no protests and two approvals on record.

CHAIRMAN REINHARDT asked the use on the property immediately west.

MR. FOSTER said this was a hotel, and immediately to the east is R-1 zoning; but the property is occupied by the Salvation Army. He pointed out the property on Bruce has been transitioning to office or commercial uses.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. JAKE GAREHIME appeared on behalf of his mother who could not be present. He said they had owned this property and paid taxes on it; and at one time they did have frontage on Fremont, but they had to trade land for sewerage there. He stated since they sold the property on Fremont, they had been holding this piece; and when it was zoned for car storage, it was used in conjunction with Bidouph Rambler. He said they could not use the property for a business because it had no frontage, but there is good access to Bruce which could handle the traffic. He said this would put the property to use. It was a limited use, otherwise it would just sit there and they would have to pay the taxes on it.

CHAIRMAN REINHARDT asked if they could put the fence in and pave the property.

MR. GAREHIME said the property could not be seen and he was not authorized to commit this improvement. He said at the present time

they would rent it on a month-to-month basis to Mr. James Perry, and he did not feel they could go to this expense for this type of lease.

MR. JAMES PERRY appeared and stated he would be the operator. He stated he also just leased a property at 2515 E. Fremont which has about 180' of frontage and was 250' deep, and he did now have two driveways as access off Fremont. He stated he has part of the lot sublet with cars on it.

MR. DUNCAN asked if the auctions would be in the alley.

MR. PERRY said the auctions would be in the rear storage lot, and it was only held sometimes once a week or once a month and were not held every day.

CHAIRMAN REINHARDT asked if there were any protestants.

MR. FOSTER said "no"; however, there were two approvals.

MRS. SEGRETTI asked if there was a fence.

MR. FOSTER said "yes", for the homes to the west.

MR. PERRY said part of the fence was chain link and the other portion was wood, 6 ft. in height.

MR. DUNCAN asked the applicant if he could comply with the conditions of staff.

MR. PERRY said he was not in a position to do this, and he did not feel it was necessary. He said the lot was oiled and was used in this manner previously for the storage of new cars. He stated he would comply with the lighting. He said the houses were about 25 ft. from the wall, and there was a 5 ft. easement.

MRS. MORGAN appeared and stated she owned the three houses north of this property. She stated she would be happy to see anything on this property which would keep it clean and keep the children from using it as a catch-all. She said there was an easement between this lot and her three homes, and she had a fence. She said her neighbor to the west also approved of this, and she did not see what they could lose since the lot presently was full of debris. She said she has a pool in her yard, and the children throw rocks in the pool, but felt this use might help the situation.

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

MR. DUNCAN made a Motion for APPROVAL of U-8-76, subject to the following conditions:

1. The entire site shall be paved as required by the Department of Community Development.
2. Security lighting shall be provided and all lighting shall be directed away from the residential area as required by the Department of Community Development.
3. There shall be no storage of any junk, inoperable or wrecked vehicles on the property.
4. Conformance to the plot plan as amended to reflect the above conditions.
5. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

20. V-12-76
APPROVED

Application of DARWIN W. LAMB for a Variance to allow a public restaurant on property legally described as 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 28, Township 19 South, Range 60 East, MDB&M, located at 7800 West Ann Road, on the north side of West Ann Road, 5/8 mile west of Rancho Drive in zoning district R-E.

MR. FOSTER pointed out the property in question on the screen indicating the Board approved a Variance a year ago for the private riding facility on this property. He indicated that generally the area is vacant, and the property is zoned R-E. He presented the plot plan indicating the entire development including stables, arena, and the private club with restaurant. He said the request presently is to maintain the clubhouse but provide a public restaurant on the first story and have the private restaurant for club members on the second floor. Mr. Foster stated staff did not feel this would change the character of the property; however, staff was concerned on what type of signs would be on the property. He indicated if approved, staff recommended all signs be brought back before the Board for review and approval. He stated all parking and driveways had to be paved. There were no protests or approvals on record.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. DARWIN LAMB appeared and presented an elevation of his proposal. He said the second-story would be for club members only. He said they would change the design of the building and would pave the area to be used for this proposal; however, the other side was gravel for the horses. He stated he also purchased the property across the street which could be used for additional parking.

CHAIRMAN REINHARDT asked if there was sufficient parking.

MR. FOSTER stated he would have to meet the code on parking.

MR. LAMB indicated that would be no problem. He said he had already planted 460 trees and there were 250 more on order to be planted, but he said he could not finish the landscaping until this construction was finished. He further stated he would only have a sign on the building which would be a neon of some type.

MRS. SEGRETTI asked the seating capacity.

MR. LAMB said it would be 150 to 200. He indicated all the public restaurant would serve is a family type steak, either a 20 oz. 16 oz, etc.

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

MR. DUNCAN made a Motion for APPROVAL of V-12-76, subject to the following conditions:

1. Conformance to the plot plan.
2. All off-street parking and driveways shall be paved as required by the Department of Community Development.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for APPROVAL carried unanimously.

21. U-9-76
ABEYANCE

Application of ROBERT F. ROBBINS & RAY L. KANEL for a Use Permit to allow the storage of repossessed automobiles on property legally described as Block 3, Fisher's Fremont Street Boulder Dam Highway First Subdivision, together with the vacated North Half (N $\frac{1}{2}$) of Aledo Street and the vacated East Half (E $\frac{1}{2}$) of Euclid Avenue, generally located south of the intersection of Russell Avenue and Euclid Avenue in zoning district C-2.

MR. FOSTER pointed out the area in question on the screen indicating the property was zoned C-2, and this was a request to allow the storage of repossessed automobiles. He stated there was commercial zoning to the east fronting on Boulder Highway with R-2 zoning to the west with a tree-trimming business on the balance of the block to the south. Mr. Foster presented the plot plan indicating there had been a street which was vacated and there was a chain link fence at Russell. He said there was a Vacation Petition to vacate the east half of Euclid Avenue, and the west half of the street had been approved. He stated the vacation was approved; however, it was never recorded and the Public Works Department indicated they feel Euclid should be re-dedicated along the east half. He indicated at one time, it was thought Russell would go through to Charleston, but this is not the case now. Staff felt since the comments from the Public Works Department were not received until just prior to the meeting, possibly the applicant, as well as staff and Public Works, should look at this site. As of this time, Public Works feels the east 30 ft. should be rededicated and improved. Mr. Foster pointed out this was a small parcel of land and a 30 ft. dedication might make the proposed use not feasible. Due to the shape of the property, this 30 ft. dedication would just about cut the property in half. He indicated another problem was the drainage. He stated there was one protest on record and no approvals. The protestant indicated he felt this use might turn into a junk yard. Staff felt if approved, they should provide opaque fencing and landscaping to dress up the property and the lot should be paved. He stated gravel was indicated on the plan, and there should also be no junk, inoperable or wrecked cars on the property.

CHAIRMAN REINHARDT declared the public hearing open and asked to hear from the applicant.

MR. BOB KYLE appeared representing the applicants. He indicated they did not plan to develop this property, but they put in the application because they had the property for sale based on approval of this request. He indicated they had a problem with the people in the area using it as a dump and they had cleaned the property. He said they just had the property surveyed so the block walls could be built. He indicated the property would be asphalted; however, if they take back the 30 ft., he felt the property might be too small for the use proposed.

MRS. EMMETT said she felt they should resolve this with the buyers.

MR. DUNCAN stated since there seemed to be a problem in this case, he felt they should get together with Public Works and the buyers of the property to make a determination; and he made a Motion U-9-76 be held in abeyance until the next meeting of the Board on March 25, 1976.

Voting was as follows:

Mr. Duncan - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.

Motion for ABEYANCE carried unanimously.

22. U-86-75

REVIEW

Request of BETHANY BAPTIST CHURCH to construct the church nursery building and defer construction on the proposed church building for approximately 36 months on property located on the north side of Gold Avenue, between "J" Street and "N" Street, 500 ft. east of "N" Street extending north 310 ft. to Owens Avenue in zoning district R-1.

MR. FOSTER stated the Board approved a Use Permit for this facility a short time ago. He indicated two buildings were proposed, one for the church facility on the front portion of the property with the church nursery to the rear. He indicated Gold Avenue was to the rear and there were single family homes to the south with some commercial development to the west. He indicated the Use Permit was conditioned that there be no access to Gold Avenue. He stated this review is a request by the applicant to allow construction of the church nursery on the rear portion of the property and defer construction of the church facility for 3 years. Mr. Foster indicated on the original approval there was to be no access to Gold; however, at this time, the Board could impose a condition that a wall be constructed on the rear portion to preclude this. Staff indicated the conditions of approval required a planter on the Gold Avenue portion of the property. Staff, however, felt possibly there should be a fence. He stated normally staff felt that operations of this nature should be in conjunction with an existing church facility. In this case, however, the Board could take into consideration there is a pattern of commercial starting on Owens Avenue. He indicated there were several people who appeared at the meeting indicating objection to the church, and this request is not a public hearing so the protestants are not aware of this request.

CHAIRMAN REINHARDT asked to hear from the applicant.

REV. HARDING ATKINSON appeared and stated they have a temporary church facility at 1300 Gold Avenue which they were renting and is adjacent to the property in question. They felt by deferring the construction of the church, the nursery facility income would help to start it.

CHAIRMAN REINHARDT stated according to the applicant's plan, it showed access to Gold.

REV. ATKINSON indicated this plan was drawn prior to the hearing; however, the access had been changed.

CHAIRMAN REINHARDT asked about a fence on Gold.

REV. ATKINSON stated he understood he could put in planters, and there was a 4 ft. sidewalk.

MR. FOSTER stated there was a temple which had access to Gold Avenue, but not to Owens.

CHAIRMAN REINHARDT asked if they could complete the church within the 36 months.

REV. ATKINSON said "yes".

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

MRS. EMMETT made a Motion for APPROVAL of U-86-75, subject to meeting all previous conditions.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Duncan - yes.
Mrs. Segretti - yes.
Chairman Reinhardt - yes.


Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 12:15 A.M.

BOARD OF ZONING ADJUSTMENT

BY:


HAROLD P. FOSTER, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

HPF:kt