

AGENDA

BOARD OF ZONING ADJUSTMENT

APRIL 22, 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 meeting held February 26, 1976, and
March 25, 1976.

OLD BUSINESS:

1. V-1-76

(Abeyance Item
to be stricken)

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 pro-
perty located at 2500 Laurie Drive in zoning district
R-1.

2. U-9-76

(Abeyance Item)

Application of ROBERT F. ROBBINS & RAY L. KANEL on
behalf of DANIEL DeLEON 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.

NEW BUSINESS:

1. V-11-76

(Referred back from
City Commission)

Application of the KAX CORPORATION for a Variance
to allow two groups of apartment buildings with
each group containing two 4-unit buildings and one
3-unit building for a total of 22 units; and to allow
a 5 ft. side yard setback where 7 ft. is required;
and to allow a 12 ft. high tennis court fence where
a maximum fence height of 6 ft. is permitted on pro-
perty 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.

2. U-26-75

Status Review

Status Review of the approved Use Permit of the
HOUSING AUTHORITY OF THE CITY OF LAS VEGAS to allow
an office for the operation of the City of Las Vegas
Housing Code Program in one of the units on property
bounded by Cedar Avenue on the north, Elm Avenue on
the south, 28th Street on the east and Alvin Street
on the west at 2700 Ursine Street in zoning district
R-3.

3. V-27-73

Ratification

Ratification of approval to a request of ROBERT
RISHLING on behalf of the MINI-PRICE MOTOR INN to
revise the approved plot plan on property located
at 2550 Rancho Road in zoning district C-1 and R-4.

4. V-18-76

Application of MR. & MRS. RAYMOND McNEILL for a
Variance to allow the construction of an addition
to the existing residence 18 ft. 4 in. from the rear
property line where 29 ft. 2 in. is required on pro-
perty located at 107 Hollyhock Lane in zoning dis-
trict R-1.

5. U-27-76

Application of SECURITY LAND AND INVESTMENT COMPANY (JOHN & ANN ROBARTS) for a Use Permit to allow the construction of a self-service gasoline station on property located on the northwest corner of North Nellis Boulevard and East Bonanza Road, extending north along Nellis Boulevard 175 ft. and west along Bonanza Road 150 ft. in zoning district C-1.

6. V-20-76

Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 21 ft. 4 in. from the rear property line where 25 ft. is required; and to allow an attached garage 2 ft. 4 in. from the rear property line where 25 ft. is required and 8 in. from the side property line where 9 ft. is required and allow the garage eave overhang to the side property line where a 3 ft. setback is required; and to allow the existing building 4 ft. 2 in. from the side property line where 5 ft. is required and allow the existing building eave overhang 1 ft. from the side property line where 3 ft. is required; and to allow the existing 8 ft. high block walls on the side and rear property lines to remain where a maximum fence height of 6 ft. is allowed on property located at 2500 Laurie Drive in zoning district R-1.

7. U-28-76 (HO)

Application of NELLIE ROYER for a Home Occupation Permit to grow house plants, flowers, etc. in the rear yard area in an accessory building, and all plants, flowers, etc. to be sold at off-premise locations on property located at 1112 Magnolia Avenue in zoning district R-1.

8. V-21-76

Application of KATHERINE HARPER for a Variance to allow a room addition to the existing residence 18 ft. from the rear property line where 25 ft. is required on property located at 3112 Theresa Avenue in zoning district R-1.

9. V-22-76

Application of JOHN E. KENNEY, JR. for a Variance to allow the construction of a single family residence 28 ft. from the rear property line where 30 ft. is required on property located at 3904 Hudson Bay Avenue in zoning district R-1.

10. U-29-76

Application of UNION OIL COMPANY on behalf of J.ELLIOTT for a Use Permit to allow the operation of a used car lot on property located at 1451 West Owens Avenue in zoning district C-2.

11. U-30-76

Application of LAULE-BECKER for a Use Permit to allow the construction of an outdoor ski and tennis demonstration area with a 12 ft. high fence around it on property located at 413 South Decatur Boulevard in zoning district C-2.

DIRECTOR'S BUSINESS:

1. Resolution

Adoption of Resolution for Mr. Philip Reinhardt.

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

APRIL 22, 1976

1. U-19-61

Request to Revise
Plot Plan

Request of COLLEGE PARK BAPTIST CHURCH to revise their approved plot plan to allow a building addition on property located at 2101 East Owens Avenue in zoning district R-1.

2. U-31-76 (HO)

Application of NANCY M. SLOAN at 1716 East Griffith Avenue in zoning district R-1 for a Home Occupation Permit - Allow the operation of an interior decorator service at off-premise locations.

3. U-86-75

Review of Condition

Request of BETHANY BAPTIST CHURCH for a review of condition to allow access to Gold Avenue on property generally located on the north side of Gold Avenue, between "J" Street and "N" Street in zoning district R-1.

4. U-32-76 (HO)

Application of JAMES & BARBARA BLUMER at 4308 Fortune Avenue in zoning district R-1 for a Home Occupation Permit - Allow an off-premise interior decorating consulting service.

5. U-33-76 (HO)

Application of MIKE BUSHATI for ROY SCOTCH at 2200 Demetrius Avenue in zoning district R-1 for a Home Occupation Permit - Allow an office only for an air charter service.

6. U-34-76 (HO)

Application of B. BLAKE BIRD at 2404 Windjammer Way in zoning district R-1 for a Home Occupation Permit - Allow an off-premise real estate broker's business operation.

MINUTES

BOARD OF ZONING ADJUSTMENT

APRIL 22, 1976

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order by 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: Chairman Duncan, Mrs. Emmett, Mrs. Segretti, Mr. Canul and Mr. Miller.

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.

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meetings held February 26, 1976 and March 25, 1976. Motion carried unanimously.

OLD BUSINESS:

1. V-1-76
(Abeyance Item)
STRICKEN
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°36'52" East 175.59 feet to a point in a curve of Carol Drive (now Laurie Drive); Thence from a tangent bearing South 57°23'08" West turning left along a curve having a radius of 50.00 feet through a central angle of 57°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 indicated this application had been held in abeyance by the Board previously pending submittal of a new application and plot plan. He said the new application had been submitted and processed; therefore, this application could be removed from the agenda.

MR. MILLER made a Motion V-1-76 be STRICKEN from the agenda and voting was as follows:

Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion to strike this item carried unanimously.

2. U-9-76
(Abeyance Item)
APPROVED
Application of ROBERT F. ROBBINS & RAY L. KANEL on behalf of DANIEL DeLEON 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 (N½) of Aledo Street and the vacated East Half (E½) of Euclid Avenue, generally located south of the intersection of Russell Avenue and Euclid Avenue in zoning district C-2.

MR. FOSTER stated this item was held in abeyance by the Board pending a meeting to be held by Public Works and the applicant to determine whether the east 30 ft. of Euclid Avenue would have to be dedicated. He stated this street was vacated sometime ago, and there was a question whether it should be rededicated to handle the drainage flow in

the area. He stated staff, Public Works and the applicant had met and it was concluded that the east half of Euclid need not be dedicated. He stated the property in question is relatively small in size, and if the east half of the street was dedicated, it would have taken almost one-half of the property since it was triangular in shape. He stated the proposal was for storage of repossessed automobiles on a gravel surface; however, if approved the area would have to be paved. They propose a block wall around the property with chain link gates. He stated the drainage will be carried south of this property; however, the applicant would have to meet the requirements of Public Works on drainage. Public Works also requires a 20 ft. radius corner at the intersection of Russell and Euclid to be dedicated and half-street improvements, curb and gutter, sidewalk and paving to be installed on Russell Avenue. Staff also felt landscaping should be provided at the entrance driveway on Russell Avenue along with paving of the site. There was one protest on record from a property owner who felt this may turn into a junk yard and no approvals.

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

MR. BOB KYLE, 2595 Market Street, appeared on behalf of the applicant. He stated the land, if this request is approved, is being sold to Dan DeLeon. He stated the land is unusual in shape. He indicated over the past years, people have put trash and debris on the property and he felt with this development, the situation would improve.

CHAIRMAN DUNCAN asked if this operation would have a block wall around it.

MR. KYLE stated the new buyer would have to provide the wall and meet the City requirements.

MR. MILLER asked Mr. Kyle if he could speak for the new buyer regarding the improvements and requirements if this were approved.

MR. KYLE stated if approved, the buyer would have to meet the requirements.

MR. FOSTER informed the Board they could condition the approval, and the purchaser would have to meet the requirements. Mr. Foster stated the conditions mentioned were normal requirements for this type of operation, and he felt the buyer was aware of this.

CHAIRMAN DUNCAN asked if Mr. DeLeon was present. Mr. DeLeon not being present, Chairman Duncan stated he felt the buyer should be present before the Board could act on this matter.

MR. FOSTER reiterated they could so condition their approval and the applicant would have to comply.

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

MR. MILLER made a Motion for APPROVAL of U-9-76, subject to the following conditions:

1. Paving shall be provided on the site in lieu of gravel.
2. Drainage provisions shall be provided as required by the Department of Public Works.
3. Conformance to the plot plan as amended to reflect the above conditions:
4. A 20 ft. radius corner at the intersection of Russell and Euclid shall be dedicated as required by the Department of Public Works and half-street improvements, curb and gutter, sidewalk and paving should be installed on Russell Avenue.
5. Landscaping shall be provided at the entrance driveway on the Russell Avenue side of the property as required by the Department of Community Development.

6. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-11-76

(Referred back
from City
Commission)

APPROVED

Application of KAX CORPORATION for a Variance to allow two groups of apartment buildings with each group containing two 4-unit buildings and one 3-unit building for a total of 22 units; and to allow a 5 ft. side yard setback where 7 ft. is required; and to allow a 12 ft. high tennis court fence where a maximum fence height of 6 ft. is permitted, on property legally described as Lots 1 thru 11, Block F, Marycrest Estates, on property located on the north side of East St. Louis Avenue between South Maryland Parkway and South 15th Street in zoning district R-2.

MR. FOSTER pointed out the area in question on the screen indicating there was R-2 zoning on this property with single family homes to the east and north, with a church on the corner to the west. He indicated this application was heard previously by the Board, was denied, and then appealed to the City Commission. When the applicant was taken to the City Commission, there were several modifications to the request; and for that reason, the City Commission referred the matter back to this Board for reconsideration. He stated there were a number of questions raised at the previous meetings regarding two-story buildings and apartments in the area. Staff indicated to the protestants several times that the question of two-story and apartments was not the issue, and again this is not the issue on this revised plan. He stated the applicant was allowed to have the number of units requested; however, the grouping of the units is the requested deviation. He further pointed out they were allowed two-stories or 35 ft. in height for the buildings. He stated the application has been revised from their original request of two 11-unit buildings on each side of the central facility. Prior to the first hearing before the Board of Zoning Adjustment, they had received comments from the Fire Department indicating they needed a walkway between the garages which broke up the clusters into four 4-unit and two 3-unit buildings. This new plan will maintain these walkways; however, there will be a common roof over them which will make them appear to be one long building. Mr. Foster pointed out there was no objection from the Fire Department regarding this common roof. He said another change on the revised plan is that they have reversed the location of the swimming pool and tennis court so that the swimming pool abuts the property owners wall to the rear, and the tennis court is in the central portion of the property, but will be screened from the street. He stated another change is that they have eliminated the request for tandem parking and these spaces have been relocated to meet the requirements of the ordinance and will be on the north portion of the property. He stated the parking was originally proposed to the rear of the garages; however, the applicant felt the change in parking to the north property line would be less obnoxious to the property owners.

CHAIRMAN DUNCAN asked the depth of the property.

MR. FOSTER stated it was 103 ft. He stated the applicants were still requesting the one 5 ft. setback on the side where 7 ft. is required. He stated the property owners were renotified of these changes, and this request is before the Board again for a recommendation to the City Commission. From the original notification there were approximately 30 protests; however, from this second notification there is one letter on record from Mrs. Grillette indicating she wished to withdraw her protest.

MRS. SEGRETTI asked the size of the swimming pool and tennis court.

MR. FOSTER indicated the swimming pool was 42' x 20' and the tennis court was the standard 94' x 65'.

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

MR. GEORGE DICKERSON, Attorney at Law, appeared on behalf of the applicant. Mr. Dickerson indicated he would have made a presentation at the City Commission meeting; however, it was indicated at that meeting several persons in the area had not received notice of that hearing and for this reason, as well as the modifications to the plan, the City Commission referred this matter back to this Board perhaps to avoid problems. He stated the matter of the CC&R's was mentioned at the previous Board of Zoning Adjustment meeting. He stated even though this Board was not concerned and could not enforce these, they specifically excluded this particular property in 1954. He also stated this property had been zoned R-2 since 1954, and since that time, it would have been allowed to develop with duplex units for a total of 22. He said the developer has sought to construct something that would be compatible to the area and would be an aesthetically pleasing development. He said since the original hearing by the Board of Zoning Adjustment, several property owners have since rescinded their objections to this development, and he presented a series of petitions with these signatures to the Board along with a map indicating their location. He stated there were only three property owners adjacent to this property who objected. He pointed out the applicants live in the area and would not develop anything which would devalue the property. He stated this apartment development would not cater to transient habitation since there would be a long-term lease. He presented a copy of the floor plan of the apartment units to the Board and indicated rental would be at approximately \$400.00 per month and the units were approximately 1,500 sq. ft. in area. He stated the only windows in the development were setback 30 ft. from the rear properties, and he did not feel this would disturb the neighbors' privacy. He stated the proposed development was only 23 ft. in height. He stated the applicant also switched the location of the tennis court and swimming pool, and he felt the facade of the buildings would obscure the view of these facilities from the street. He said they felt this was a very attractive facility and would be more compatible in the area than having a row of 11 duplex units with 11 separate driveways. This facility developed in this manner would allow more landscaping and would be more attractive than if developed with duplexes. He indicated they would not be increasing the allowable density, but they would just be using the property to its maximum benefit. He presented the petition rescinding previous protests and read the names into the record. He stated the only three protests left were from Mr. Farley, Mr. Foley, and Mrs. Grillette. He stated the people who previously objected had now signed the petition. He also presented seven photographs of the property in question to the Board. He further indicated he felt some people in the area might oppose this development because of future applications which would be for P-R zoning. He presented a map to the Board showing the surrounding property and its uses indicating two lots had already been zoned P-R and one was directly across from the church. He stated from the photographs, you could see where they were requesting the 5 ft. setback which was adjacent to the Foley and Grillette property; however, he felt because of the cabana on Foley's property and a carport on Grillette's property, they would not be effected by this 2 ft. difference.

MR. MILLER asked Mr. Dickerson if the Church sent a letter on this request.

MR. DICKERSON indicated they did receive a letter from the Church indicating they had no objection to this development; however, they had wished the applicant to realign this property or were also interested in a trade of land.

MR. FOSTER stated staff had received a letter from Mrs. Grillette rescinding her objection to this development.

MR. DICKERSON stated out of the 10 properties which abut this property, five had signed in approval of this development and two did not care; and now Mrs. Grillette had signed in approval leaving only two protests, Mr. Foley and Mr. Farley.

MR. MILLER asked if all the apartments were the same in size.

MR. ROMNEY MOWBRAY indicated two of the units would be slightly larger.

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MR. AL BRITZ, 1306 Canosa, appeared in protest. He stated he had been before the Board previously and said he was surprised the people in the area would change their protest just because they came around with a slightly different set of plans. He said they still would not be duplexes, which was what he wanted to see. He stated this would be a 4-plex system, and he asked how a tennis court would fit on this property since they would then automatically give up two units. He felt by doing this, there should be a reduction in the number of units. He further felt since there were no tennis courts in the area, this one would be obnoxious. He stated he really didn't live very close to this development but still lived in the area and objected. He said the only thing he felt was reasonable was the side yard setback deviation request from 7 ft. to 5 ft. and he had no objection to that, but he did object to everything else.

MR. FOSTER explained that the development was evaluated as a whole and not as units on individual lots and for the total property size they could have the number of units requested and would still be within the ordinance requirements. He said they were actually allowed 23 units and were only requesting 22 units. He pointed out the ordinance does allow for various arrangements of units.

MR. BRITZ stated he felt this was not right since they would be taking one lot out to use for the tennis court and swimming pool which meant there should be a reduction in the number of units.

MR. FOSTER stated the requirements were similar to those allowing planned unit development, which is rearranging the units to allow for more open space and recreation area.

MR. BRITZ stated he had never seen this done in an R-2 area before, but he felt there would also be complaints about the noise from this tennis court and swimming pool area.

MR. ROMNEY MOWBRAY indicated according to the square footage of the property, they were actually two units under what would be permitted.

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

MR. FOSTER stated the decision of this Board would be a recommendation to the City Commission.

MRS. EMMETT made a Motion for APPROVAL of V-11-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Fire Department relative to access.
3. Installation of six street lights on St. Louis Avenue and the removal and replacement of all damaged sidewalk along St. Louis Avenue as required by the Department of Public Works.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Miller - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

MR. FOSTER stated this item would be considered by the City Commission for final decision at their meeting on May 5th at 9:00 A.M.

2. U-26-75
Status Review
APPROVED

STATUS REVIEW of the approved Use Permit of the HOUSING AUTHORITY OF THE CITY OF LAS VEGAS to allow an office for the operation of the City of Las Vegas Housing Code Program in one of the units on property bounded by Cedar Avenue on the north, Elm Avenue on the south, 28th Street on the east and Alvin Street on the west at 2700 Ursine Street in zoning district R-3.

MR. FOSTER pointed out the area in question on the screen and indicated this was a public housing project. He stated the Housing Code staff of the Department of Community Development leased one unit from the Housing Authority for an office. He said this was approved by the Board conditioned upon a one-year review. He said the Housing Authority and the staff of the Housing Code office had been contacted and neither indicated a problem on this location. He said the rental of this unit was on a temporary basis and it was conceivable within one year it may be discontinued at this location. Staff does not feel there would be any further need of reviews since there had been no problem.

MRS. SEGRETTI stated since there was no problem with the office at this location, she would make a Motion for approval of the continued use with no further reviews being required.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for approval carried unanimously.

3. V-27-73
Ratification
APPROVED

Ratification of approval to the request of ROBERT RISHLING on behalf of the MINI-PRICE MOTOR INN to revise the approved plot plan on property located at 2550 Rancho Road in zoning districts C-1 and R-4.

MR. FOSTER stated this was a ratification of a telephone approval vote for a minor addition to the Mini-Price Motor Inn.

MR. MILLER made a Motion for APPROVAL of the ratification for a telephone approval vote on V-27-73, subject to conformance with the revised plot plan.

Voting was as follows:

Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

4. V-18-76
APPROVED

Application of MR. & MRS. RAYMOND McNEILL for a Variance to allow the construction of an addition to their existing residence 18 ft. 4 in. from the rear property line where 29 ft. 2 in. is required on property

legally described as Lot 49, Block 1, Twin Lakes Village Unit No. 8, located at 107 Hollyhock Lane, on the west side of Hollyhock Lane, north of Mesquite Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the expressway was to the west and Rancho Drive to the east. He said the property in question was on a cul-de-sac in an R-1 zone and the proposed addition was approximately 20' x 13' to the rear of the existing residence. He stated the addition would come within 18' 4" of the rear property line where 29' 2" was required. He said this was a typical rectangular lot and staff could find no unusual circumstances involved to warrant a deviation from the ordinance and, therefore, recommended denial. There were no protests on record and one approval.

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

MR. RAYMOND McNEILL appeared and stated he was the applicant. He said they wished to expand their living area by ten percent. He indicated they investigated the possibility of a larger home, but they found it was not within their means because of higher interest rates and also because they did not really wish to relocate. He indicated there had been additions of this type in the area.

CHAIRMAN DUNCAN asked the purpose of the addition.

MR. McNEILL stated there were four adults, and they only had three bedrooms and just not enough living space.

MRS. SEGRETTI asked the size of the present living room.

MR. McNEILL said it was about the same size as requested and this addition would just about double it.

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

MR. CANUL made a Motion for APPROVAL of V-18-76, 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. Canul - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

5. U-27-76

APPROVED

Application of SECURITY LAND AND INVESTMENT COMPANY (JOHN & ANN ROBERTS) for a Use Permit to allow the construction of a self-service gasoline station on property legally described as: Beginning at the southeast corner of Section 29, Township 20 South, Range 62 East, MDB&M; thence South 87°31'33" West 200.04 feet; thence North 0°19'57" 50.04 feet to the true point of beginning; thence continuing North 0°19'57" West 175 feet; Thence North 87°31'33" East 150 feet; Thence South 0°19'57" East 150.92 feet; thence along a curve to the right, having a radius of 25 feet, an interior angle of 87°51'30" and a distance of 38.34 feet; thence South 87°31'33" West 125.92 feet to the true point of beginning, located on the northwest corner of North Nellis Boulevard and East Bonanza Road, extending north along Nellis Boulevard 175 ft. and west along Bonanza Road 150 ft. in zoning district C-1.

MR. FOSTER pointed out the area in question on the screen indicating this site was located on the northwest corner of Nellis Boulevard and Bonanza Road in a C-1 zone. He stated there was scattered commercial development on Nellis with R-E development also in the area. He pointed out service stations were allowed in the C-1 zone by means of a Use Permit, and would be a self-service type operation. He stated this was a typical service station with one entrance and exit off each street. He said if approved, it should be limited to gasoline sales and related items only, landscaping as required by the Department of Community Development, installation of half-street improvements along Nellis and Bonanza as required by Public Works and conformance with all City department requirements. He said from the public hearing there were no protests or approvals on record.

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

MR. JACK CASON, 3208 Ashby, appeared representing the applicant. He stated they would like approval of this request and he would answer any questions the Board might have.

CHAIRMAN DUNCAN asked Mr. Cason if they could provide the improvements and meet the conditions mentioned by staff.

MR. CASON said "yes".

MRS. SEGRETTI asked if he would provide the landscaping.

MR. CASON said "yes".

MRS. EMMETT asked about the sale of "related items" as mentioned by Mr. Foster.

MR. FOSTER pointed out that a number of years ago some service stations were more like general stores in that they would sell shovels, brooms, etc. and since that time only "related items" have been permitted, and this has become a standard condition on the approval of service stations.

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-27-76, subject to the following conditions:

1. Conformance to the plot plan.
2. This operation be limited to gasoline sales and related items.
3. Landscaping and permanent underground sprinkler system shall be provided as required by the Department of Community Development.
4. Installation of half-street improvements along Nellis Boulevard and Bonanza Road shall be provided as required by the Department of Public Works.
5. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

6. V-20-76

APPROVED

Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 21 ft. 4 in. from the rear property line where 25 ft. is required; and to allow an attached garage 2 ft. 4 in. from the rear property line where 25 ft. is required and 8 in. from the side property line where 9 ft. is required and allow the garage eave overhang to the side property line where a 3 ft. setback is required; and to allow the existing building 4 ft. 2 in. from the side property line where 5 ft. is required and allow the existing building eave overhang 1 ft. from the side property line where 3 ft. is required; and to allow the existing 8 ft. high block walls on the side and rear property lines to remain where a maximum fence height of 6 ft. is allowed 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 a 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 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 feet to the southwest corner of said lot; thence North a distance of 190 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. He indicated V-1-76 was the first item on this agenda, which was stricken, and resulted in V-20-76 being submitted. He indicated this was a new public hearing and was a completely new application. He stated previously there was a question on the location of the property lines and a survey was conducted on the property. He said the property was at the end of a cul-de-sac and was irregular in shape. He pointed out all of the items requested exist on the property and are completed or almost completed. He indicated the garage was the most recent addition to the property, and the requests involve both sides of the property and he explained what had taken place. He stated there was also a question on the gas line easement on the south; however, this line only serves this particular property and it goes from the street under the driveway and garage and into the back yard to the meter. He stated the gas company indicated the meter could be moved to the front of the property and the balance of the line could be discontinued under the garage which would resolve the problem. Mr. Foster said the utility easement still exists on the south portion of the property and if approved, it should be subject to utility easement releases being obtained by the property owner. He stated this situation exists on the property, and staff has copies of all of the building permits that were issued to the applicant. He stated when the permit was obtained for the garage, the applicant did not show the storage room for which there was a previous permit issued. He stated on the permit a 25 ft. setback was indicated; however, due to the error in the property line, it was actually only 21 ft. The first two permits show additions that are involved on the south side of the property; however, there is no permit on the north side of the property. He stated there were 11 protests on the initial request; however, one person did withdraw their protest. From this public hearing there were no letters of approval or protest received.

MR. MILLER asked the consequences for the applicant if this were not approved.

MR. FOSTER indicated he would have to remove the discrepancies.

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

MR. ROBERT SMITH appeared and stated he was the applicant. He presented a petition to the Board signed by his two neighbors to the west. He indicated he contacted the gas company and they said possibly the gas line would have to be removed and the meter relocated to the front of the property, but they did indicate something could be worked out. He stated he complied with the Board's wishes for a survey on the property and would like approval of his application. He stated the garage had not been shingled or roofed. He stated the drainage of the roof line would be on his property and would not disturb the neighbor.

MR. MILLER asked the period of time in which this work had been done.

MR. SMITH said about 5 years, as they could afford to make improvements.

MR. MILLER asked how the permits were issued if he did not meet the code requirements.

MR. FOSTER stated what was presented on the permit met the setback requirements, and they were issued on that basis.

MRS. SEGRETTI asked if there had been an inspection by the building inspector.

MR. SMITH said "yes", that all inspections were signed except for the carport; however, that was not completed and he had stopped work until this was settled.

MRS. SEGRETTI asked Mr. Smith if there had ever been any questions on his construction.

MR. SMITH said "no".

MR. GOLDBERG, 1401 Strong Drive, appeared. He stated the rear of his property backed up to the rear of the applicant's property. He said he was not clear on his position, but wished to be fair. He said the applicant was coming before the Board with the fact already accomplished. He stated the applicant has the burden to justify a cause for approving the Variance, and he felt this had not been shown. He presented photographs looking from his property onto the applicant's property. He said his view of this property was to see the ugly structure; however, Mr. Smith had assured him that it would be finished from the rear side. He further stated he talked to Mr. Smith and voiced his concern about the applicant adding a second-floor addition and was again assured this would not be done. He indicated at first the applicant indicated this was a carport; however, now it is an attached garage. He said there should be certain guarantees provided as to the applicant finishing this project and restriction that there be no further buildings on the property by him or other owners.

MR. CANUL asked if he would still object if the applicant were made to finish what was on the property and that no second-story, sun deck, or balcony be allowed.

MR. GOLDBERG said these conditions would satisfy him.

MR. JAMES MAHAN, 5800 Harmony, Attorney at Law, appeared representing Mr. O. Cox at 2505 Laurie Drive, which is the property to the south. He stated he was in attendance at the last meeting of the Board and due to Mr. Cox's objection, the survey resulted. He said this garage would be 8 inches from the south property line. He indicated Mr. Cox was in the audience and would like to express his objection to allowing this building. He said he felt if any improvements were made to the property, it was the responsibility of the applicant to make sure they were within the law. He stated he realized the Board was faced with making a decision on something which was already constructed; however, the applicant himself put the Board in that position. He said he would just like the Board to consider that fact.

MR. ORLO COX, 2505 Laurie Drive, appeared in protest and stated he owned the property directly south. He stated he felt the applicant had created a potential fire hazard which was his biggest objection. He stated this garage was 90 percent complete, but he just couldn't agree with it and requested the Board to deny this request.

MRS. EMMETT asked Mr. Cox if, as was indicated at the previous meeting, he sold this property to the applicant.

MR. COX said "yes", but he did not feel this should be reflected at this meeting. He stated this was R-1 zoning and the setbacks were

spelled out. He stated he put the fence in, but it is 2½ ft. inside of his property line. He said he built it this way because of the utility easement.

MR. SMITH stated he assured Mr. Goldberg he would not build anything on top of the garage and would finish the rest.

MR. GOLDBERG asked that this be a restriction of record, then it would be fine with him.

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-20-76, subject to the following conditions:

1. Conformance to the plot plan.
2. No sun deck, balcony, or second-story addition shall be allowed on any portion of the existing building.
3. The west wall of the garage shall be aesthetically finished and the same type of mansard roof as exists on the south side of the garage shall be installed on the west side of the garage.
4. Utility easement releases shall be obtained from each utility company relative to the existing utility easement along the south portion of the property.
5. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.
Mr. Miller - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

CHAIRMAN DUNCAN declared a ten-minute recess at 9:05 P.M. and reconvened the meeting at 9:15 P.M.

7. U-28-76 (HO)

APPROVED

Application of NELLIE ROYER for a Home Occupation Permit to grow house plants, flowers, etc. in the rear yard area in an accessory building, and all plants, flowers, etc. to be sold at off-premise locations on property legally described as Lot 6, Block 3, Heers Subdivision Nevada #1, located at 1112 Magnolia Avenue, on the east side of Magnolia Avenue between Beechwood Place and Riverside Drive in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating this was a public hearing on a Home Occupation Permit application since two of the questions were answered in the affirmative. He stated the applicant would be using an accessory building in the rear yard for the growing of her plants which made the public hearing mandatory. He said the plants grown in the greenhouse would be sold at off-premise locations. Mr. Foster read a letter from the applicant indicating she would sell the plants at the flea markets at the Convention Center, etc, and that no one would be coming to her residence nor would any sales be made at her home. The questionnaire also indicated the plants would be transported to and from the home for sale. Even though there were two questions answered affirmatively, staff felt this was a very small operation and there probably would be no problem. The purpose of the public hearing is basically for the Board to determine the feelings of the surrounding property owners. From the public hearing, there was one protest on

record and two approvals. The protestant indicated she felt the neighborhood should remain strictly residential and indicated a zone change should not take place. Mr. Foster stated there would be no zone change on the property, and perhaps the protestant felt this would result in commercial zoning on the property which is not the case.

CHAIRMAN DUNCAN asked to hear from the applicant.

MRS. NELLIE ROYER appeared and stated she was the applicant. She said she only had a small greenhouse which she used for growing her plants as a hobby. She stated when she has grown a sufficient number of plants, she would then take them to the flea market for sale. She stated this would not be a large business enterprise.

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

MR. MILLER made a Motion for APPROVAL of U-28-76 (HO), 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. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

8. V-21-76

APPROVED

Application of KATHERINE HARPER for a Variance to allow a room addition to the existing residence 18 ft. from the rear property line where 25 ft. is required on property legally described as Lot 19, Block 4, Amended Plat of College Park #23, located at 3112 Theresa Avenue, on the south side of Theresa Avenue between Ingraham Street and Lena Street in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the request was to allow an addition to the existing residence 18 ft. from the rear property line where 25 ft. was required. He said the addition exists on the property and was allowed under the previous provisions of the City Code which permitted this addition within 10 ft. of the rear property line; however, it could not be used for living purposes. In 1972 the applicant applied for this same Variance request, to convert this to a habitable room, and was denied by the Board. He said this was a typical rectangular shaped lot and staff could find no unusual circumstances involved to warrant a deviation from the code and recommended denial. There were no protests on record and one approval.

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

MR. HARPER appeared and stated he and his wife were the applicants. He stated they did originally apply for a storage room; however, this had since been converted into a room addition which was the reason for reapplying for the Variance. He stated the Building Department will not allow the electrical service in the room until he has approval to use it as living area.

CHAIRMAN DUNCAN asked the purpose of the room.

MR. HARPER indicated they have 4 children and almost have 5 and need the additional room. He indicated the construction is there and is 90 percent complete and they need to get the power.

CHAIRMAN DUNCAN asked the applicant why he proceeded on the room without prior approval.

MR. HARPER said he made several trips to the Community Development Department and was informed the room could only be used as storage; however, it was partially constructed. He indicated he already, at that point, had a lot of money involved and indicated he figured he would go as far as he could and try again for approval. He stated he asked some of his neighbors to come to the meeting to express their approval.

MRS. SEGRETTI asked the intended use of the room.

MR. HARPER said part of it would be used for a bedroom addition and the other portion for a family room.

CHAIRMAN DUNCAN indicated he was interested in why he went ahead with the construction.

MR. HARPER said he did have a permit for a storage facility which he took out on the recommendation of a friend who was a contractor. He stated when construction was stopped, he applied for the Variance; however, it was half finished. He said the Variance was denied and he either had to tear it down or continue the construction and reapply for the Variance. He stated he let the construction sit for a year, but he had to finish it because it was an eyesore. He felt he had too much money invested to tear it down and it needed to be completed.

MRS. EMMETT asked staff if the storage facility was permitted.

MR. FOSTER said when the applicant took out the permit it was legal as a storage room and patio, but he then wanted to convert it and was denied. He said the applicant then proceeded to finish the room and hoped to gain approval of the Variance.

MR. HARPER stated he had to roof the building because when it rained it leaked into his home. He said he still had an 18 ft. rear yard and felt the room sitting in its present condition was a detriment to the neighborhood.

MR. JOHN HOWARD, 3100 Jansen, appeared in favor of the request. He said he felt this should be approved since the applicant does have 4 children. He said the houses in this development were very small, and he did not feel this addition would hurt anyone since he would still have a lot of open area.

CHAIRMAN DUNCAN asked if the property was fenced.

MR. HOWARD stated there was a wood fence.

MR. LEE MITCHELL, 3108 Theresa, appeared in favor of the request. He stated he had the house on the corner and when this addition is finished, it would match his home. He said he had 4 children also and felt the applicant needed the room.

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

MR. MILLER stated if he had been on the Board previously, he would have approved this Variance since now the applicant has a physical advantage; and he felt if it had been approved previously, this Board would not have this situation. He then made a Motion for APPROVAL of V-21-76, 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. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

9. V-22-76

APPROVED

Application of JOHN E. KENNEY, JR. for a Variance to allow the construction of a single family residence 28 ft. from the rear property line where 30 ft. is required on property legally described as Lot 2, Block 3, Park Bonanza East 5-C, located at 3904 Hudson Bay Avenue, on the north side of Hudson Bay Avenue, between Honolulu Street and Buoy Street in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating this was a new subdivision. He indicated initially when the subdivision was submitted, the applicant came in with shallow lots because of the overall dimension of the property. He stated the plan satisfies the setback requirements except for one lot wherein they are requesting a 28 ft. setback in the rear yard where 30 ft. is required. He stated the 30 ft. rear yard is required due to the reduced front yard of only 20 ft. He pointed out the lots were 87 ft. deep, and the normal lot size is 65' x 100'. Mr. Foster stated this was a rather minor discrepancy, and he felt there may be some justification because of the lot sizes. He indicated there was one protest on record from a property owner on Sandhill; however, the letter relates to an additional unit on the property which is not the case.

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

MR. JOHN KENNEY, 1230 South 17th Street, appeared and stated he was the applicant. He said he was also the builder. He indicated he would like to have the two model homes on the corner, and all of the other lots except the one next to the corner lot meet the setback requirements. He stated he gave the City 29 ft. of right-of-way to the rear of these properties for a drainage channel and only 27 ft. would have been required which was the reason for this 2 ft. request.

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-22-76, 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. Segretti - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

10. U-29-76

APPROVED

Application of UNION OIL COMPANY for a Use Permit to allow the construction of a used car sales lot on property legally described as the West 170 ft. of the North 180 ft. of the Northeast Quarter (NE $\frac{1}{4}$) of Section 28, Township 20 South, Range 61 East, MDB&M, located at 1451

West Owens Avenue, on the southeast corner of West Owens Avenue and Highland Drive in zoning district C-2.

MR. FOSTER pointed out the property in question on the screen indicating it was located on the southeast corner of West Owens Avenue and Highland. He stated there was undeveloped R-E zoning in the area and also undeveloped commercial property to the south. He stated on the east side is a bar and a proposed church with a shopping center further east. He said the request was for a used car lot which is permitted in the C-2 zone by means of a Use Permit. He pointed out this property was formerly a service station which had since closed. He presented the plot plan of the property showing the service station building and the former canopy locations. He said the used cars would be parked along the front portion of the property; however, there was no landscaping proposed, and staff would recommend if approved there be landscaping provided. He stated the same applicant, Mr. Elliott applied for a used car lot on Rancho just south of Washington; however, the request was denied and there was a strong objection from property owners in that area. He said the purpose of the Use Permit is to evaluate the area to see if the proposed use would be compatible. He pointed out C-2 zoning was approved in the Golden West Shopping Center for a used car lot but it had expired; and no other car lots exist or were approved in this general area. On the rezoning for the service station there were a number of conditions restricting the service station operation; and staff would recommend if this Use Permit is approved, that the conditions of no outside storage and the sale of limited service station products be lifted. There were no protests on record and three approvals.

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

MR. E. R. BRAMBERG, 605 Oakmont, Los Angeles, CA, appeared.

CHAIRMAN DUNCAN asked the applicant if he had anything to add to the presentation.

MR. BRAMBERG said "no".

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-29-76, subject to the conditions of staff as follows:

1. Landscaping and a permanent underground sprinkler system or portable landscaped planters shall be provided as required by the Department of Community Development.
2. The previous conditions of approval on the zoning relative to outside storage and the sale of limited service station products shall not apply to this operation.
3. Conformance to the plot plan as amended to reflect the above conditions.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

11. U-30-76

APPROVED

Application of LAULE-BECKER for a Use Permit to allow the construction of an outdoor ski and tennis demonstration area with a 12 ft. high fence around it on property legally described as that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 20 South, Range 61 East, MDM, described as follows: Commencing at the southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 31; Thence North 0°16'07" West 495.92 feet; Thence North 89°43'53" East 50 feet to the true point of beginning; Thence South 89°32'59" East 150 feet; Thence North 0°16'07" West 150 feet; Thence South 89°32'59" East 230.13 feet to a point on a tangent curve concave to the southwest having a radius of 15 feet; Thence easterly, southeasterly and southerly along said curve through a central angle of 88°47'11" an arc distance of 23.24 feet; Thence South 0°45'48" East 292.55 feet; Thence South 89°43'53" West 107.55 feet; Thence continuing South 89°43'53" West 289.88 feet; Thence North 0°16'07" West 162.19 feet to the true point of beginning, located at 413 South Decatur Boulevard, on the east side of South Decatur Boulevard, between Mayflower Lane and Alta Drive in zoning district C-2.

MR. FOSTER pointed out the area in question on the screen indicating the proposed use would be located on the east side of Decatur in the shopping center area. He stated there were homes on Portsmouth, and the proposed facility will be located on the east portion of the property near Portsmouth Way. He said the applicant had leased a store in the shopping center and would like to install this facility for an outdoor ski and tennis demonstration area with a 12 ft. high fence around it. He stated the tennis court area would be for use with a ball machine. He indicated there was a 6 ft. high block wall on the east property line, and there is landscaping on the street side of the wall which is lined with oleanders about 8 ft. high so that the 12 ft. high fence would only be about 4 ft. above the bushes. He stated the home across the street fronts on the abutting street. He stated this type facility does not have an exact category but appears to fall within the outdoor amusement category. He said the purpose of the Use Permit is for the Board to determine if the facility would be compatible with the area and to see how the surrounding property owners feel about it. He said some things the Board might be concerned with would be the lighting, hours of operation, number of people using the facility, etc. He stated the volume of people using this facility at one time would be very small, possibly 6 to 10, and it was substantially different from a public amusement facility. Staff looks at it as being less obnoxious than an amusement facility even though this operation falls under this requirement. He stated if approved the hours of operation and lighting direction should be a requirement as well as conformance with the plot plan. He stated staff received one protest by telephone, and that party indicated they would follow-up this telephone protest in writing.

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

MR. DOUG REINERTSON, 3696 Heritage Avenue, appeared. He said they proposed to have lighting; however, this would be directed downward and would not go either east or west.

CHAIRMAN DUNCAN asked the hours of operation.

MR. REINERTSON indicated they probably would be from about 8:00 A.M. to about 10:00 P.M.

CHAIRMAN DUNCAN asked how many people would use the facility at one time.

MR. REINERTSON stated on the ski ramp there probably would be about 7 or 8 in a class, and the tennis court is sort of a half-court 20' x 60' which would only facilitate three people with the ball machine so there would be a total maximum of 10 or 12 people. He said he had talked with the other tenants in the shopping center and they had no objection and welcomed this operation.

CHAIRMAN DUNCAN asked the purpose of the 12 ft. high fence.

MR. REINERTSON said there must be a 12 ft. high fence around the tennis court because of tennis balls as well as for security purposes. He stated his partner, Mr. Herb Rapp, indicated a portion of the fence could be lowered if necessary near the tennis court area since it would be a one-way operation because of the ball machine.

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

MR. CANUL made a Motion for APPROVAL of U-30-76, subject to the following conditions:

1. Conformance to the plot plan.
2. The operation shall be limited to the hours of 8:00 A.M. to 10:00 P.M.
3. All lighting shall be screened and directed away from the adjoining residential development.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

12. U-19-61
Request to
Revise Plot Plan

APPROVED

Request of COLLEGE PARK BAPTIST CHURCH to revise their approved plot plan to allow a building addition on property located at 2101 East Owens Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question indicating it was located on the southeast corner of Owens Avenue and 21st Street. He said there was an existing building on the property and he presented the plot plan. He stated the request was to allow a two-story building for a multi-purpose facility. He stated staff recommended approval subject to conformance with the plot plan and landscaping as required by the Department of Community Development

CHAIRMAN DUNCAN asked to hear from the applicant.

REV. RALEY, 3712 Taylor, N. Las Vegas, appeared on behalf of the Church. He stated the original plan showed the new building to be in the parking lot area; however, the City used 30 ft. on Owens for right-of-way and because of this, it restricted the parking area. He said for this reason they changed the location of the new building to the rear.

MRS. SEGRETTI asked the applicant if he could provide the landscaping.

REV. RALEY said they would comply.

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

MRS. SEGRETTI made a Motion for APPROVAL of the revised plot plan on U-19-61, subject to the following conditions:

1. Landscaping and permanent underground sprinkler system to be provided as required by the Department of Community Development.
2. Conformance to the plot plan.

3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

13. U-31-76 (HO) Application of NANCY M. SLOAN at 1716 East Griffith Avenue in zoning district R-1 for a Home Occupation Permit - Allow the operation of an interior decorator service at off-premise locations.
14. U-32-76 (HO) Application of JAMES & BARBARA BLUMER at 4308 Fortune Avenue in zoning district R-1 for a Home Occupation Permit - Allow an off-premise interior decorating consulting service.
15. U-33-76 (HO) Application of MIKE BUSHATI for ROY SCOTCH at 2200 Demetrius Avenue in zoning district R-1 for a Home Occupation Permit - Allow an office only for an air charter service.
- ITEMS 13 thru 15

APPROVED

MR. FOSTER stated these were requests for Home Occupation Permits and did meet the criteria. He stated the questionnaires were answered favorably and they were within the realm of a Home Occupation. He stated these were not public hearings and the Board could either deny, approve, or hold them for public hearings.

MR. MILLER stated since they met the criteria, he would make a Motion for APPROVAL of U-31-76 (HO), U-32-76 (HO) and U-33-76 (HO), 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. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

16. U-86-75

Review of
Condition

DENIED

Request of BETHANY BAPTIST CHURCH for a review of condition to allow access to Gold Avenue on property generally located on the north side of Gold Avenue, between "J" Street and "N" Street in zoning district R-1.

MR. FOSTER pointed out the area in question indicating this item was before the Board several months ago and was approved for a church and church nursery. The property runs between Owens and Gold Avenue. At the last Board meeting, the church was before the Board requesting they be allowed to construct the church nursery before the church and to allow deferral on the church construction for 36 months, which the Board approved. The review requested at this meeting is to allow access to Gold Avenue. Mr. Foster pointed out on the original approval, one of the conditions was that there be no access to Gold Avenue and that it be restricted to Owens Avenue. Also, a landscaped planter was to be installed along Gold Avenue. They are asking for relief from this

condition on access because of the requirements of Public Works on the improvements which would cost the applicant approximately \$7,000. He stated apparently the applicant was under the impression if he only developed the south portion of the property at this time which is on Gold, he would not be subject to the improvements on Owens at this time. Mr. Foster stated he discussed the matter with the Deputy Director of Public Works, and he indicated this might be possible. They felt some type of temporary access would at least have to be provided to Owens and a temporary curb and gutter be installed along Owens. He stated this was discussed with Public Works and they were receptive to this idea; however, the cost would still be in the neighborhood of \$2,000. He stated when the request was originally before the Board, there was one protestant who was opposed to the church in general. He stated at the present time, the church has temporary facilities next to this property on Gold; however, staff still feels there should be no access to Gold Avenue because of the homes across the street and because the nursery would generate traffic on this half-street. Mr. Foster indicated he tried to contact Rev. Atkinson the day of this meeting, but he was not able to do so regarding these temporary improvements on Owens. Mr. Foster stated another possibility was to allow temporary access to Gold until such time as this facility is constructed; however, the danger in this is that there is no guarantee the north portion of the property will be developed. He said at the original meeting there were several people present who left the meeting assured there would be no access on Gold, and staff felt if the Board was going to consider approving this request, those people should be notified and this matter held until the next meeting.

CHAIRMAN DUNCAN asked to hear from the applicant.

REV. ATKINSON appeared on behalf of the church. He stated he didn't feel the church would save any money by putting in temporary access since this would cost them about \$2,000 and they still would have to make the improvements in the future. He stated he wondered why there was no access permitted to Gold since they now occupy the property right next door to this site and have had access on Gold for the past two years. He stated the flow of traffic in this area is minimum because Gold is a very short street. He said people would just come in to pick up and drop off their children, and he felt the access would be better on Gold since the church nursery will be located on the Gold Avenue portion of the property. He said there was only one protest on record from the original meeting, and he was not objecting to the access. He stated they would like access to Gold at this time, and he felt this would be very beneficial to the church.

MRS. SEGRETTI asked exactly what the improvements would be on Owens.

MR. FOSTER stated it needed paving, sidewalk, curbs and gutters, and street lights which is done by the applicant. He stated the applicant would like to exclude those improvements until such time as they develop the north portion of the property and the estimated cost of this work is \$7,000. He stated the south portion is the portion to be developed now. He pointed out staff did not want access to Gold since it was a residential street and the nursery would have 100 children.

MRS. SEGRETTI made a Motion this matter be held in abeyance.

MR. CANUL asked if there was a fence on the property.

MR. FOSTER said "no".

MRS. EMMETT asked the applicant if they had started construction on the nursery.

REV. ATKINSON indicated construction would start on the 1st of May. He stated when the nursery is constructed they would also use this on Sunday to hold services until the church is constructed.

MRS. SEGRETTI stated her motion would not accomplish what she wanted it to and withdrew the motion for abeyance.

REV. ATKINSON stated they have the permits for the construction of the nursery, and they hope to have it completed by September.

MR. CANUL asked about the permit.

MR. FOSTER stated the permit was issued; however, if it is not paved, people would be driving across the property which was a problem they were trying to preclude.

MR. CANUL asked the depth of the property.

MR. FOSTER stated it was 309 ft.

MR. CANUL stated he felt the temporary access could be provided at a very reasonable price.

REV. ATKINSON said in letting bids they were informed heavy equipment would have to be used.

MR. CANUL stated on a temporary basis, it would not require excavation, and made a Motion they DENY the request for access to Gold Avenue. He recommended there be temporary access from Owens with the details to be worked out with the Public Works Department.

Voting was as follows:

Mr. Canul - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for DENIAL carried unanimously.

MR. FOSTER informed the applicant he should contact Public Works to work out the temporary access to Owens.

REV. ATKINSON asked what could be done if this was not feasible.

MR. FOSTER stated he had talked with Public Works that day and they indicated it could be done on a temporary basis.

17. U-34-76 (HO)
DENIED

Application of B. BLAKE BIRD at 2404 Windjammer Way in zoning district R-1 for a Home Occupation Permit - Allow an off-premise real estate broker's business office.

MR. FOSTER pointed out the area in question and stated this was a request for a Home Occupation Permit for a real estate agent wishing to hang his license in his home to keep it active; however, there would be no business conducted from the premises. Staff did not feel this fell within the purpose of the Home Occupation Permit to merely store a business license on the premises. Staff questions whether the State Real Estate requirements could be met in that they require a sign on the premises, and the Home Occupation does not allow this. This is not a public hearing and staff would recommend denial of the request, even though the questionnaire was answered favorably. Staff felt this was an improper use for a Home Occupation Permit, and if the applicant wishes to keep his license active, there should be some commercial location in which he could place it.

CHAIRMAN DUNCAN asked to hear from the applicant.

MRS. EMMETT stated since she was also a real estate agent, she would abstain from voting on this issue.

MR. WILLIAM L. MCGIMSEY, 309 South 3rd Street, appeared representing the applicant. He stated the applicant is president of Terra, Inc. and an officer of Terra Marketing of Nevada and the principal development

is located in St. George, Utah. He said they are not in the State of Nevada now, but they might reopen or do other things in the future. He said they previously had a real estate office at a commercial location, and the applicant would just like to keep his license active in this state. He said their headquarters are in Utah. He said he felt the request was proper and he pointed out it is required that his license be hanging in a place of business to keep it active; however, he does not necessarily have to do business. He said his client would not be doing any business so there would be no one coming to the address or no signs.

MRS. SEGRETTI told Mr. McGimsey since he was the attorney for the applicant, possibly the applicant could hang the license in his office.

MR. MCGIMSEY stated this would be impossible since they could not be involved in real estate. He said they could represent him, but they could not be in partnership with him and did not feel his license should hang in someone else's office.

MR. MILLER indicated if he had a real estate license, according to the regulations of the Real Estate Board, he must have a sign which would not be permitted.

MR. MCGIMSEY stated he was not aware of this.

MRS. EMMETT stated the sign regulation was a State law and enforced by the Real Estate Board. She asked if the applicant could place his license on an inactive basis with the Real Estate Board, since this could be done.

MR. CANUL stated if the Board approved this request, there would be no way of policing it to make sure there was no operation going on.

MRS. EMMETT stated the applicant could put his license on an inactive basis for a minimal fee. She said the people in real estate took a dim view of this type of procedure being requested.

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

MR. MILLER made a Motion for DENIAL of U-34-76 (HO) because he felt this was not a proper use or within the purpose and intent of the Home Occupation Permit.

Voting was as follows:

Mrs. Emmett - abstained.
Mr. Miller - yes.
Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for DENIAL carried.

DIRECTOR'S
BUSINESS:

1. Resolution

MR. FOSTER presented a Resolution for Mr. Philip Reinhardt to the Board for their consideration.

CHAIRMAN DUNCAN read the Resolution into the record as follows:

"WHEREAS, MR. PHILIP D. REINHARDT has served on the Board of Zoning Adjustment for the City of Las Vegas since April 21, 1971; and,

WHEREAS, the Board of Zoning Adjustment recognizes the dedicated service MR. PHILIP D. REINHARDT has rendered to the City Administration

and to the people of the City of Las Vegas during his tenure on the Board of Zoning Adjustment; and

WHEREAS, MR. PHILIP D. REINHARDT, during his term of office, not only served as a member, but as Vice-Chairman of the Board of Zoning Adjustment from January 27, 1972, until January 23, 1975, and Chairman of the Board of Zoning Adjustment from January 23, 1975, until February 26, 1976; and

WHEREAS, MR. PHILIP D. REINHARDT'S record indicated a conscientious dedication to attendance; and

WHEREAS, MR. PHILIP D. REINHARDT'S decisions were given in an unbiased judicious manner and the wisdom of his judgment was readily recognized.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Zoning Adjustment of the City of Las Vegas, Nevada, that MR. PHILIP D. REINHARDT is hereby commended for his service to the City Administration and to the people of the City of Las Vegas as a member, Vice-Chairman and Chairman of the Board of Zoning Adjustment.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to MR. PHILIP D. REINHARDT.

PASSED, APPROVED AND ADOPTED on this 22nd day of April, 1976.

BOARD OF ZONING ADJUSTMENT

signed/ JOHN L. DUNCAN, CHAIRMAN

ATTEST:

signed/ DON J. SAYLOR, AIP, SECRETARY"

MRS. SEGRETTI made a Motion the Resolution be adopted and approved and a copy sent to Mr. Philip Reinhardt.

Voting was as follows:

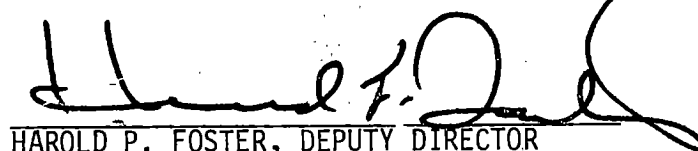
Mrs. Segretti - yes.
Mr. Canul - yes.
Mr. Miller - yes.
Mrs. Emmett - yes.
Chairman Duncan - yes.

Motion carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 10:50 P.M.

BOARD OF ZONING ADJUSTMENT



HAROLD P. FOSTER, DEPUTY DIRECTOR
DEPARTMENT OF COMMUNITY DEVELOPMENT

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