

S U P P L E M E N T A L A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 17, 1976

1. U-90-76(HO) Application of NORINE STANWORTH at 324 Princeton in Zoning District R-1 for a Home Occupation Permit - Allow Vance Langston to perform vinyl repair work.

2. U-71-75 Request of CASH AUTO SALES (JAMES PERRY) for an extension of time on an approved Use Permit to allow the continuation of a used car sales lot on property located at 2000 Las Vegas Boulevard South and extending west to Commerce Street, immediately west of the intersection of South Main Street and Las Vegas Boulevard South in Zoning District C-2.
 Extension of Time

3. U-35-74 Request of NEW LIGHT BAPTIST CHURCH for a Plot Plan Review on an approved Use Permit to allow an addition to the existing church for a dining room on property located at 1165 Lawry Avenue on the south side of Lawry Avenue between Lexington Street and Concord Street in Zoning District R-2.
 Plot Plan Review

M I N U T E S

BOARD OF ZONING ADJUSTMENT

NOVEMBER 17, 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, Mr. Miller, and Mrs. Segretti.

EXCUSED: Mrs. Emmett and Mr. Canul

STAFF PRESENT: Howard A. Null, Supervisor of Planning and Zoning
Richard L. Williams, Planning Analyst
Barbara J. Cuva, Recording Secretary

OLD BUSINESS:

1. V-68-76 Application of MAX E. WOODALL for a Variance to allow a room addition within 16 ft. of the rear property line where a 25 ft. setback is required on property legally described as Lot 194, Block 6, Amended Greater Las Vegas, #3, Unit 5B; located at 1208 N. 21st Street on the east side of North 21st Street between Demetrius Avenue and Searles Avenue in Zoning District R-1 (Single Family Residence).
- (Abeyance Item from 10/28/76)
- APPROVED

MR. NULL gave the staff report indicating the reason for the Variance was because the addition was too close to the rear yard. If approved, staff has the normal requirements. There are no protests or approvals.

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

MR. MAX WOODALL, 1208 N. 21st Street, appeared. I think this will conform to the existing neighborhood and add to the value of the neighborhood. It will not cause harm to anyone.

CHAIRMAN DUNCAN asked the purpose of the addition?

MR. WOODALL stated it would be for a family room.

MRS. SEGRETTI asked how many people were in Mr. Woodall's family and how many rooms his house had?

MR. WOODALL stated there are three in my family; my daughter will be leaving in December to get married. We have approximately 1200 sq. ft. The additional room will add about 300 sq. ft. more.

MR. MILLER asked if any construction had started?

MR. WOODALL stated there was a slab here now and if this is not approved, I will use it as a patio.

MRS. SEGRETTI asked if he had his permits?

MR. WOODALL stated yes, he had everything.

MR. WILLIAM G. DAVIS, 1213 N. 21st Street, appeared and indicated he would like to be in favor of this. I live across the street.

MR. JOE PLANCK, 1217 N. 21st Street, appeared in favor of this request.

MR. CURTIS CROOM, 1212 N. 21st Street, appeared in favor of this request. I live right next door to Mr. Woodall, and I think this would be a great addition to the neighborhood.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-68-76, 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
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

2. V-71-76

(Abeyance Item
from 10/28/76)

APPROVED

Application of HUSKY OIL COMPANY for a Variance to allow the rental of trucks on property located at 3920 West Sahara Avenue on the northeast corner of Sahara Avenue and Las Verdes Street in Zoning District C-C (Neighborhood Commercial Center); legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 6, Township 21 South, Range 61 East, M.D.B.&M. commencing at the southeast corner of said Section 6, thence North 0°19'38" east 75'; thence North 89°31'42" west 770.17' to the true point of beginning; thence North 89°31'42" west 145.04'; thence along a tangent curve to right (15' radius) subtending central angle of 89°51'20", an arc length 23.52'; thence North 0°19'38" east 135.04'; thence South 89°31'42" east 160'; thence South 0°19'38" west 150.0' to the true point of beginning.

MR. NULL gave the staff report indicating that this is not a permitted use in the C-C zone and staff would recommend denial, but there have been two previous requests of the same type of use in the general neighborhood. This use was in the C-1 zone across Sahara for the rental of trucks. Also, at Valley View and Sahara, it was permitted to have a rental operation. There was one protest from Claude Howard, proprietor of Camelot Health Spa. There are no approvals.

MR. MILLER asked if this use was not allowed due to the outside storage?

MR. NULL stated yes, the C-C zone is a less intense zone than the C-2.

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

MR. HERMAN SCHNEIDER, 3920 West Sahara Avenue, appeared. The area as I understand it has been rezoned because two people in the same area have the rental of trucks.

CHAIRMAN DUNCAN asked Mr. Null if he had any knowledge to this effect?

MR. NULL replied, "no".

MR. MILLER stated the Variance would be strictly for you. If you moved away it would not stay with the building. I don't think it has been rezoned.

MR. SCHNEIDER stated he has been here for 1 year and 10 months and they have had the rentals during this time.

MR. NULL stated it was just mentioned that they have been given a Variance in a C-1 zone to allow the rental of trucks.

MRS. SEGRETTI asked where the information was received that the property had been rezoned?

MR. SCHNEIDER stated he didn't have the name of the person, but he works with the City.

MR. NULL stated we have no immediate cases on this property for rezoning. We would have the case file here because we research this.

MR. MILLER asked if this is across the street on Sahara and Valley View?

MR. SCHNEIDER stated the Texaco Station has U-Hauls. There is no one else in this area that has rentals because the fellow across the street went out of business.

MR. MILLER asked if this would be rentals for trucks and trailers?

MR. SCHNEIDER stated no, just trucks.

CHAIRMAN DUNCAN asked if he had a license for that?

MR. SCHNEIDER stated he had one, and it was cancelled after about four or five weeks. They told me that I needed a Variance.

MR. MILLER asked if there were any trucks in there now?

MR. SCHNEIDER stated, "no".

CHAIRMAN DUNCAN asked how many trucks will be stored there?

MR. SCHNEIDER stated two to four depending on the rental business.

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

MR. NULL stated if approved, staff would recommend that a landscaping plan be submitted and that he refurbish the existing plants. Staff would recommend that the truck parking be kept back of the northeast corner of the service station building. This would help the situation as to any sight problem.

MR. MILLER asked, would you agree with that, to bring the planters up to standard and park the vehicles to the back?

MR. SCHNEIDER stated he could only park two trucks behind the building. All my room is on the other side.

MR. NULL stated that if the plot plan was correct he should have enough room.

After general discussion, it was decided that the trucks could be parked in compliance with staff's recommendation.

MR. MILLER made a Motion for APPROVAL of V-71-76, subject to the following conditions:

1. Refurbish existing plants and submit a landscaping plan as required by the Department of Community Planning and Development.
2. The truck parking to be limited to the area behind an extension of the east line of the station building as shown on the plot plan as required by the Department of Community Planning and Development.

3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
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. Miller - yes
 Mrs. Segretti - yes
 Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

3. V-83-76

(Abeyance Item
 from 10/28/76)

WITHDRAWN

Application of DENNIS M. WALL for a Variance to allow the use of an existing rear building as a two family dwelling unit for a total of three dwelling units where only one is permitted, and said building located 15 ft. from the rear property line where 25 ft. is required and providing four parking spaces where six are required on property located at 1800 Cedar Avenue on the south side of Cedar Avenue between Bruce Street and 19th Street in Zoning District R-1 (Single Family Residence); property legally described as Lots 13 and 14, Block 1, Boulder Dam Homesite Addition Tract Number "2".

MR. NULL gave the staff report indicating the applicant intends on putting two additional units on the lot, and staff is very opposed to this. We have 20 protests with a petition of 47 signatures in opposition to this.

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

MR. MICHAEL GALLAGHER, 732 Tam O'Shanter, appeared representing the applicant. I am not surprised at all because of the protests because the application has been filed incorrectly. We intended to use the rear building as a single family dwelling and the existing dwelling as is. This is the first mistake.

MR. NULL stated the application is signed by Mr. Wall and we assumed it was filled out correctly.

MR. GALLAGHER stated the application as we intended it is not correct.

MR. NULL stated that the case has not been properly advertised and perhaps they should start all over again.

MR. MILLER asked if this was the same application that was heard last month where the people had to wait until the end of the meeting?

CHAIRMAN DUNCAN stated the people were here for the meeting and sat very patiently through two-thirds of the meeting. When we got to the application, there was no one present to represent the applicant.

MR. GALLAGHER stated that Mr. Wall was informed of the meeting only one day ahead.

MR. NULL stated that is not correct. We send out certified letters 15 days in advance of the meeting.

MR. GALLAGHER stated the application as it stands is not correct. He would like to use the dwelling as a living unit.

MRS. SEGRETTI stated that this case should be refiled.

CHAIRMAN DUNCAN stated this application is incorrect and the applicant should come in with a new application.

MRS. ELIZABETH SAVAGE, 1821 Poplar, appeared. We have come here twice on this. I realize that a mistake was made and that you cannot rule on this. However, I believe that the petition and the letters speak for themselves. We want it R-1. She asked if they would have to resubmit the petition in opposition and the letters in protest after the new application is filed?

MR. NULL stated you probably will have to resubmit them.

MR. MILLER asked if they were all notified by certified mail?

MRS. SAVAGE stated the first time they were notified by certified mail but the second time they were not. (Notices of Public Hearing by regular mail were sent.)

MR. MILLER asked if all of the same people are here at this meeting that were here last time?

MRS. SAVAGE stated there were probably more this time because we told everyone that he did not show up.

MR. GALLAGHER stated we did not realize that we would get this much opposition. We will not resubmit the application. There is an existing dwelling in the rear yard that cannot be utilized as a living unit. This doesn't seem right.

MRS. SAVAGE asked about the work being done to the dwelling at this time?

CHAIRMAN DUNCAN stated if there is any question about the work you can apply to the Building Inspection Division and see as to whether or not he does have a permit. He then asked the applicant if he wished to withdraw this application?

MR. GALLAGHER stated, "yes".

CHAIRMAN DUNCAN stated the applicant has requested that this application be withdrawn.

Voting was as follows:

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

Request for WITHDRAWAL of V-83-76 unanimous.

NEW BUSINESS:

1. V-86-76

APPROVED

Application of BRUCE G. CAMERON for a Variance to allow an addition to within 18 ft. of the rear property line where 25 ft. is required on property located at 931 South Decatur Boulevard on the east side of Decatur Boulevard between Cory Place and Alpine Place in Zoning District P-R (Professional Offices and Parking); property legally described as Lot 394, Block 18, Hyde Park Subdivision #3.

MR. NULL gave the staff report indicating this site was in an office area. They wish to put an addition on the rear of the office structure and it comes too close to the property line. If approved, staff would recommend the normal conditions. We would further stipulate that the existing plant materials be refurbished where necessary and roof mechanical equipment be screened from the rear. There are no protests or approvals.

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

DR. BRUCE CAMERON, appeared. We intend to add a small structure on the back approximately 12 x 16 ft. to be used as a dental laboratory which would put us within 18 ft. of the rear of the property.

CHAIRMAN DUNCAN asked what would be the square footage of the addition?

MR. NULL stated approximately 12 x 20 ft., which is 240 sq. ft. This is not a very large addition. He has sufficient parking so there is no problem here.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-86-76, subject to the following conditions:

1. Conformance to the code requirements and design standards of City departments.
2. The existing plant materials shall be refurbished where necessary and submit a landscaping plan as required by the Department of Community Planning and Development.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
4. Screening of the roof mechanics from the rear as required by the Department of Community Planning and Development.
5. Conformance to the plot plan as amended to reflect the above conditions.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

2. V-87-76
APPROVED

Application of CYNTHIA RIOS for a Variance to allow an addition to within four feet (4') of the side property line where six feet (6') is required on property located at 4916 Carmen Boulevard on the north side of Carmen Boulevard between Yale Street and Apawana Lane in Zoning District R-1 (Single Family Residence), legally described as Lot 10, Block 11, Golf Ridge Terrace Unit #2.

MR. NULL gave the staff report indicating the lot is regularly shaped and nothing irregular about the topography. There is an existing carport with a storage shed in the rear. A permit was taken out for this structure but the distance prescribed was not followed. It showed 6½ ft. as a setback from the side property line; this was back in 1966. Staff would recommend disapproval because of the regular shape of the lot, but it appears there would be little problem with the next door neighbors.

MR. MILLER asked, you are suggesting disapproval with the structure already up? What brought this all about?

MR. NULL stated it may have been an FHA loan or something of this sort. We have one approval and no protests.

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

MRS. CYNTHIA RIOS, 4916 Carmen Boulevard, appeared. We bought the house eight years ago and the structure was up there. We wish to tear the structure down and add a room from the front to the back yard. We have a two bedroom house and one bath with two children of the opposite sex.

MRS. SEGRETTI asked where the addition would be?

MRS. RIOS stated where that one is now. We want to put it four feet from the property line. We want a structure that we could use to live in. We talked to a contractor and he said if we put it within 6 ft. he would not recommend building it as it would only be a little over 7 ft. wide. The existing structure is about four feet short of the house. It would be about 39 ft. long.

MR. MILLER asked if the application was made out for the room or the existing structure.

MR. NULL stated it says an addition. I think the application is made out correctly.

MR. MILLER asked if the structure will be larger than the one there now?

MRS. RIOS stated, "yes".

MRS. SEGRETTI asked how far away from the property line is the building now and how far is your building from the next door neighbors?

MRS. RIOS replied that she thought the existing structure was five feet from the property line, and eleven feet from the next door neighbors.

MRS. SEGRETTI stated you want to build it four feet from the property line. Is this a side of the house or a carport?

MRS. RIOS stated it is the side of their house. I would like to say that there are many others in the neighborhood that have done this. With housing costs the way they are we can't afford to move, and we have outgrown our house at this time.

MRS. SEGRETTI asked if there was any other way you can extend the room and stay within the limits.

MRS. RIOS stated we wish to turn the store room into a bathroom and we would have to run sewer lines down the driveway and we would have to run over sewer pipes.

MRS. SEGRETTI asked where they would park?

MRS. RIOS stated in the driveway now existing.

CHAIRMAN DUNCAN asked if the driveway was on the other side of the house?

MRS. RIOS stated, "no".

MRS. SEGRETTI asked how far back is the house set from the sidewalk?

MR. NULL replied approximately 32 feet.

MRS. RIOS stated there are no disapprovals and I know that at 4909 Cannon and 4916 Apawana they have done the very same things. I have a letter here from one of the neighbors that live across the street. She submitted the letter of approval to the Board.

MR. MILLER asked if they will have a contractor do the work if this is approved.

MRS. RIOS stated, "yes".

MRS. SEGRETTI asked if they had a contractor check this out and if there was a permit?

MRS. RIOS stated a contractor checked it out and there is not a permit as there would be no point to it at this time.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-87-76, 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
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

3. V-88-76

APPROVED

Application of CHARLES AND KAREN FISHER for a Variance to allow construction of a family room within 3'0" of the side property line where 5'0" is required and the roof eave to within 1' of the side property line where 3' is required on property located at 5808 Eugene on the north side of Eugene Avenue between Foster Street and Mallard Street in Zoning District R-1 (Single Family Residence), property legally described as Lot 277, Block 3, Charleston Heights 50-C.

MR. NULL gave the staff report indicating the lot was rectangular in shape without any irregularities. The addition will be connected with a breezeway to the rest of the house. It will be enclosed, of course. There is an existing carport there now. Staff would recommend denial but we can't see that there is any practical problems with the neighbors. We have no protests or approvals on this.

CHAIRMAN DUNCAN asked if the breezeway was not there, would this be legal?

MR. NULL stated they already have the slab and everything for the carport there; the breezeway would be a connecting device.

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

MR. CHARLES FISHER, 5808 Eugene, appeared. He stated that shown on the plot plan is strictly the floor plan and not the roof plans. He submitted a copy of the plan to the Board. It coincides with the rest of the building as far as the roof design goes. It will have a roof that will be the same look as the rest of the house.

CHAIRMAN DUNCAN asked the size of the addition?

MR. FISHER replied it will be 18 x 30 ft.

MRS. SEGRETTI asked what the size of the house was?

MR. FISHER stated it is 26 x 34 ft. This addition will be a family room with a fireplace in the rear. I intend to put a block wall down the side (lot line) as far as the eave extends from my neighbors, so it will not wash out his grass.

CHAIRMAN DUNCAN asked if he had discussed this with the neighbor.

MR. FISHER stated yes, I have.

MRS. SEGRETTI asked if staff considers three ft. as a hazard in case of fire?

MR. NULL replied that the other house is no where near this one.

MRS. SEGRETTI asked if there was a fence there now?

MR. NULL replied no, not at this time. There are oleanders there now.

MRS. SEGRETTI asked if he had a contract to do this work?

MR. FISHER replied Carson Construction will do a large part of it. I will carpet it myself as I have been a carpet layer for six years.

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

MR. MILLER made a Motion for APPROVAL of V-88-76, 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. Segretti - yes
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

4. U-89-76(HO)

APPROVED

Application of DENNIS W. BEEMON at 609 Princeton in Zoning District R-1 for a Home Occupation Permit - Allow off-premise sale of musical accessories.

MR. NULL stated the applicant has answered all questions correctly. He then read the letter, submitted with the application to the Board.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. DENNIS W. BEEMON, 609 Princeton, appeared and stated he will deliver the accessories.

MRS. SEGRETTI asked how he would receive his orders?

MR. BEEMON replied by mail or U.P.S. He stated that most of the products I deliver will fit in a suitcase.

MRS. SEGRETTI made a Motion for APPROVAL of U-89-76(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:

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

Motion for APPROVAL carried unanimously.

5. U-90-76(HO)

APPROVED

Application of NORINE STANWORTH at 324 Princeton in Zoning District R-1 for a Home Occupation Permit - Allow Vance Langston to perform vinyl repair work.

MR. NULL stated this application is all checked correctly, and he then proceeded to read the letter submitted by the applicant to the Board members.

MRS. SEGRETTI asked about storage of materials?

MR. NULL stated the letter doesn't mention anything about it.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. VANCE W. LANGSTON, Box 606, St. George, Utah, appeared. He indicated that Mrs. Stanworth is his cousin. Our families are very close. I operate here two to three days a week and the supplies are very nominal. I only need small bottles.

CHAIRMAN DUNCAN asked about the tools being used and how they were carried?

MR. LANGSTON stated he has one small tool box.

MRS. SEGRETTI asked about chemicals being used?

MR. LANGSTON stated that he had nothing more than a painter would use. I would only have about a pint.

MRS. SEGRETTI asked if it was explosive?

MR. LANGSTON stated it is the same nature as gasoline. There is nothing dangerous at all. My supplies are in St. George; I bring my supplies down and keep them in my trunk.

MRS. SEGRETTI asked if he went out and solicited?

MR. LANGSTON stated that he has to go to the customer and everything is done outside of the home.

MRS. SEGRETTI asked if he planned on using Las Vegas as his residence?

MR. LANGSTON replied, "no", I will operate down here part-time is all.

MRS. SEGRETTI made a Motion for APPROVAL of U-90-76(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:

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

Motion for APPROVAL carried unanimously.

6. U-71-75

Extension of Time

ABEYANCE

Request of CASH AUTO SALES (JAMES PERRY) for an extension of time on an approved Use Permit to allow the continuation of a used car sales lot on property located at 2000 Las Vegas Boulevard South and extending west to Commerce Street, immediately west of the intersection of South Main Street and Las Vegas Boulevard South in Zoning District C-2.

MR. NULL gave the staff report indicating the letter indicates an extension of time for eighteen (18) months until March, 1977. He submitted photos to the Board of the location. This property, I believe, was the Lincoln-Mercury dealership in the past. There are a couple of buildings left on the property. The C-2 district does allow a Use Permit for the operation of a used car sales lot. As one of the conditions it was important that he landscape the front of the property. It appears he isn't operating on the property and he has not landscaped here. Staff is concerned about the need for this use and would recommend that it be tabled until next February.

MRS. SEGRETTI asked how long he has had this approved Use Permit?

MR. NULL stated it was approved by the City Commission on October, 1976. We are questioning the request as it was originally until March, 1977 and now he is asking for an extension some time from next March.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. JAMES PERRY, 1055 Flamingo Road, appeared. He stated the original request was by the owner of the property, Bob Stupak. I have leased the property from him a month ago to use as a used car lot and auto sales. Up until a month ago the property was in bad shape; had weeds in the front.

CHAIRMAN DUNCAN asked if there was a "For Sale" sign on the property?

MR. PERRY stated, "yes". It was there for about two years and has not been used since the casino was there.

MR. MILLER stated you obtained a lease on the property a month ago, prior to this the other name had the Variance for this and you want a new Variance; is this in your name?

MR. PERRY stated yes, I would like to know now whether I can get this before I make all of these improvements.

CHAIRMAN DUNCAN asked if Mr. Perry could apply for this if Mr. Stupak is the property owner and Mr. Perry is leasing it?

MR. NULL stated it seems that the owner would have to apply. Staff was concerned about the lack of anything being done. The major condition of granting this was the landscaping. If this is a lease for two years, you would have a right to extend it. This will have to go to the City Commission as it is in the "Downtown District". There is no problem with the use.

MRS. SEGRETTI asked if there was, some time back, a question regarding the entrance on this because this is on the curve as Main comes into Las Vegas Boulevard. I believe we wanted them to use Commerce.

MR. NULL stated he was not familiar with the requirement. It is not what I read in the original requirements. He then read the conditions under the former use approval. It states nothing about the drives.

CHAIRMAN DUNCAN stated the best entrance would be off Commerce.

MR. PERRY agreed.

MR. MILLER asked if we would be giving the Variance to Mr. Perry?

MR. NULL stated that to the best of his knowledge you would have to determine what type of lease this will be as the lessee is involved here.

MRS. SEGRETTI stated that she thought there was a question as to the property owner approving this. He would have to approve this or be in approval of what you want.

MR. MILLER stated that he believed legally if we approve this tonight we would have to approve it for the owner. You would have to have the application for Cash Auto Sales dba: James Perry and Mr. Stupak would have to sign as the property owner.

MR. NULL stated the Use Permit is running in Bob Stupak's name and is good until March. You are asking for an extension of time from March. I don't really know the legal ramifications in this case.

CHAIRMAN DUNCAN stated that he would suggest and recommend that we table this until our next meeting whereby you can get a legal opinion from the City Attorney's office as to who should have this Variance and who should apply for it.

CHAIRMAN DUNCAN made a Motion to hold U-71-75 in ABEYANCE for one month pending a legal opinion from the City Attorney.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

7. U-35-74

Plot Plan Review

APPROVED

Request of NEW LIGHT BAPTIST CHURCH for a Plot Plan Review on an approved Use Permit to allow an addition to the existing church for a dining room on property located at 1165 Lawry Avenue on the south side of Lawry Avenue between Lexington Street and Concord Street in Zoning District R-2.

MR. NULL gave the staff report indicating there are five lots involved. There is an existing church building as well as another building which is indicated on the plot plan. The request now is for an addition for a kitchen and dining facilities. Staff is unclear as to whether this one building shown on the plans is still existing. There are no protests or approvals.

CHAIRMAN DUNCAN asked to hear from the applicant.

REVEREND JOHN HENRY, 400 Holland, appeared. The old building has been demolished back in August. We are asking for a Use Permit to have a dining room and kitchen for the people to have some place to sit down and eat when the service is over.

MRS. SEGRETTI asked if this would be used every day or just on Sunday and/or special occasions?

REVEREND HENRY stated it will be used on Sundays and just for the congregation.

MRS. SEGRETTI asked if construction had started yet and if there was a permit taken out for the addition?

REVEREND HENRY stated we will get the permit for the addition tomorrow.

MRS. SEGRETTI made a Motion for APPROVAL of U-35-74, 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:

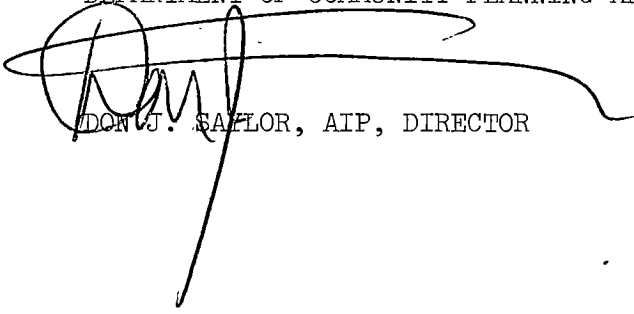
Mrs. Segretti - yes
Mr. Miller - yes
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business the meeting was adjourned
at 8:55 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

DJS:bjc