

9. V-29-77 Application of HARVEY EDWARDS for a Variance to allow three existing dwelling units where only one is allowed on property located at 501 South 7th Street on the southeast corner of 7th Street and Clark Avenue in Zoning District R-1.
10. V-30-77 Application of RONALD SMITH for a Variance to allow an attached garage to within five feet (5') of the rear property line where twenty-five feet (25') is required on property located at 361 North Bruce Street on the northwest corner of Bruce Street and Poplar Avenue in Zoning District R-2.
11. V-31-77 Application of RICHARD NORRIS for a Variance to allow two dwelling units where only one is permitted and to allow the existing duplex three feet (3') from the side property line where eight feet six inches (8'6") is required on property located at 1045 Yucca Avenue on the east side of Yucca Avenue 100 ft. north of Francis Avenue in Zoning District R-1.
12. V-32-77 Application of LAWRENCE ARVEY AND FINE SCULPTURED JEWELRY, INC. for a Variance to allow the existing porch to within 4'6" of the (south) side property line where eight feet (8') is required on property located at 1044 South 6th Street on the northwest corner of 6th Street and Park Paseo in Zoning District R-1.
13. U-23-77(HO) Application of TERENCE J. JOHNSON at 1913 N. Manhattan Drive in Zoning District R-1 for a Home Occupation Permit - Allow a business office for a distribution outlet for products of Success Motivation Institute.
14. U-24-77(HO) Application of MARK JAMES JOHN at 1400 James Street in Zoning District R-1 for a Home Occupation Permit - Allow a lawn maintenance operation.
15. U-25-77(HO) Application of JOHN E. FULLER at 113 North Catalini Street in Zoning District R-1 for a Home Occupation Permit - Allow a janitorial business office.
16. U-26-77(HO) Application of MAX V. GARDNER at 1705 Poplar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a commercial fishing business office.
17. V-80-76
Extension of Time
(Six months) Request of DONN G. D. AND JANET C. BALIOTIS for an extension of time on an approved Variance to allow a mobile home for a period of five years where mobile homes are not allowed and without the provision of additional off street parking facilities where 32 spaces are required on property located at 716 North "C" Street on the southeast corner of "C" Street and West McWilliams Avenue in Zoning District R-4.

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

BOARD OF ZONING ADJUSTMENT

APRIL 28, 1977

1. U-27-77(HO) Application of JOE CARSON WELLS at 2034 Ballard Drive in Zoning District R-1 for a Home Occupation Permit - Allow a wallpaper hanging service office.

2. U-28-77(HO) Application of SHIRLEY L. HUGHES at 4329 Eugene Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale ceramic business operation.

3. U-39-75
Plot Plan Review Request of HOUSING AUTHORITY for a Plot Plan Review (signs - public building) of an approved Use Permit to allow a 54 sq. ft. wall sign on property located on the northeast corner of Balzar Avenue and Comstock Drive in Zoning District R-T.

4. V-7-76
Extension of Time Request of PATRICK J. O'KELLY for an Extension of Time on an approved Variance to allow a residential unit in a commercial storage unit complex on property located at the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 ft. in Zoning District "M".

5. U-30-76
Plot Plan Review Request of DOUG & HERB'S SKI 'N RACQUET SHOPPE for a Plot Plan Review on an approved Use Permit to allow relocation of the ski ramp on property 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.

6. U-29-77(HO) Application of WATKINS DEVELOPMENT CORPORATION FOR W. WARD HOLBROOK at 6617 Bill's Way in Zoning District R-1 for a Home Occupation Permit - Allow an air taxi business office.

M I N U T E S
BOARD OF ZONING ADJUSTMENT
APRIL 28, 1977

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. Segretti, Mr. Miller, and Mr. Canul.

EXCUSED: Mrs. Emmett

STAFF PRESENT: Don J. Saylor, AIP, Director, Department of Community Planning and Development
Howard A. Null, Supervisor of Planning
Don W. Brown, Supervisor of Zoning
Richard L. Williams, Planning Analyst
Barbara J. Cuva, Recording Secretary

NEW BUSINESS:

1. V-53-71 - ABEYANCE Review of Expiration of original Variance request of JAMES AND ADA JEAN PERRY to allow three horses on property located at 4919 East Owens Avenue in Zoning District R-2, where no horses are permitted. (Variance was granted to allow three horses until April 24, 1977.)
- Review of Expiration

MR. BROWN gave the staff report indicating that perhaps a chronology of events since 1971 might be in order. He stated that in September, 1971, a variance was granted to Mr. Carl for three years. In February of 1975, he continued, the Board held it in abeyance because the owners were not present. In March, 1975, he stated the Board also held the matter in abeyance because the new owners Mr. and Mrs. James Perry could also not be present. He stated that finally a variance was granted the next month in April, for two years until April of this year. He said that in the hearing held in March, 1975, Mrs. Perry made the statement that she would like her teenage daughter to ride horses for another two or three years. He stated but yet we have another request for another extension. He mentioned that in 1971 comments were made by the Board stating that R-E might be in order. He pointed out that staff agrees with that statement and he said he thought that if we continue to allow horses in R-2 by way of a variance that perhaps we are making a mockery of what the ordinance states. He stated that if the people want to continue to use horses as in the R-E, then perhaps, the solution might be to go to the Planning Commission and City Commission for rezoning. He stated that based on these comments, staff would recommend that the Variance be denied.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. JAMES PERRY appeared and stated that there were horses on his east, west, and south sides of his property.

CHAIRMAN DUNCAN stated that when the Board granted the variance two years ago, they were told that another place would be found to place the horses. He asked Mr. Perry if that was correct?

MR. PERRY stated he didn't know because he was not at the meeting. He mentioned that he also had chickens all around his property.

MR. MILLER asked what period of time is being asked for on this extension?

MR. PERRY stated that for whatever period of time that he needs until his daughter leaves home; he stated that she was now 17.

MRS. SEGRETTI asked if he had considered asking for a rezoning?

MR. PERRY stated no, he had not thought of it in that regards and had not talked to any of his neighbors about it.

MR. MILLER asked if there were any variances in the neighborhood that existed allowing the owners to have horses, chickens, or cows?

MR. BROWN stated, "no". He said there was a resolution of intent to R-3 to the west, otherwise there are none. He stated that horses are not permitted in the R-2 zone.

MR. MILLER asked if when it was mentioned that this be changed to an R-E zone, if it was meant the one lot only or the whole area?

MR. BROWN stated the entire R-2 strip.

MR. MILLER asked the procedure?

MR. BROWN stated it would be up to the property owners if the people in this area want the horses, then they perhaps should go through the administrative procedure.

MR. MILLER stated that if the Board refuses the variance tonight then this gentleman will be in violation. He suggested holding this in abeyance until he has a chance to obtain a zone change.

MR. PERRY stated that would be fine with him as he wants to be in compliance with the code.

CHAIRMAN DUNCAN stated that the Board will give him until next month to obtain a rezoning.

MR. MILLER asked about the size of the lots and if they would be in compliance with the R-E zone?

MR. BROWN stated the lots are generally about 38,000 sq. ft. each and they would be in compliance with the R-E zone requirements.

MR. MILLER made a Motion to hold this item, V-53-71, in ABEYANCE pending a decision by the R-2 homeowners on Owens Avenue as to whether to request a zone change which permits horses.

Voting was as follows:

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

Motion to hold the item in ABEYANCE carried unanimously.

2. U-23-77(HO) Application of TERENCE J. JOHNSON at 1913 N. Manhattan Drive in Zoning District R-1 for a Home Occupation Permit - Allow a business office for a distribution outlet for products of Success Motivation Institute.
3. U-25-77(HO) Application of JOHN E. FULLER at 113 North Catalini Street in Zoning District R-1 for a Home Occupation Permit - Allow a janitorial business office.
4. U-27-77(HO) Application of JOE CARSON WELLS at 2034 Ballard Drive in Zoning District R-1 for a Home Occupation Permit - Allow a wallpaper hanging service office.

5. U-28-77(HO)

Application of SHIRLEY L. HUGHES at 4329 Eugene Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale ceramic business operation.

6. U-29-77(HO)

Application of WATKINS DEVELOPMENT CORPORATION FOR W. WARD HOLBROOK at 6617 Bill's Way in Zoning District R-1 for a Home Occupation Permit - Allow an air taxi business office.

MR. BROWN stated that all of these Home Occupation Permit applications met all code requirements and that staff would have no objection to their approval.

ITEMS 2 THRU 6
APPROVED

MRS. SEGRETTI made a Motion for APPROVAL of Items 2 thru 6, 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
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

7. U-26-77(HO)

WITHDRAWN

Application of MAX V. GARDNER at 1705 Poplar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a commercial fishing business office.

MR. BROWN stated that this application had been withdrawn by the applicant; therefore, no further action was necessary.

8. V-23-77

APPROVED

Application of JOHN W. BURKE for a Variance to allow an addition to within 13'9" of the rear property line where fifteen feet (15') is required and an attached covered carport and storage area to within six feet (6') of the front property line where twenty feet (20') is required and the roof eave to within two feet (2') of the front property line where seventeen feet (17') is required on property located at the west end of Canosa Circle at 1301 Canosa Circle in Zoning District R-1 (Single Family Residence); the above property legally described as Lot 7 and the westerly 38.50' of Lot 8, excepting therefrom the right-of-way dedication for Canosa Circle in Block "D" of Marycrest Estates.

MR. BROWN gave the staff report indicating in the past the Board of Zoning Adjustment has taken into consideration the side setbacks of adjacent houses along these streets. He stated that staff found that if this addition would come out as requested they would not be any farther toward Canosa Circle than the houses to the east and staff recommends approval.

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

MR. JOHN W. BURKE, 1301 Canosa Circle, appeared and submitted some pictures of the property to the Board members.

MRS. SEGRETTI asked if there were any protests on record?

MR. BROWN stated, "no". He said that staff would also recommend that the normal conditions be adhered to if this variance is approved.

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-23-77, subject to the following conditions:

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

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

9. V-24-77

APPROVED

Application of MODERN STORAGE, DBA: STORE-N-LOCK, for a Variance to allow living quarters for a warehouse manager in a warehouse complex on property located at 3350 Sirius Avenue on the north side of Sirius Avenue between Sheridan Street and Rigel Street in Zoning District "M" (Industrial); the above property legally described as that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, Township 21 South, Range 61 East, M.D.B.&M., described as follows: commencing at the southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 8, thence North 02°52'56" west 30.13 feet to the true point of beginning, thence continuing North 02°52'56" west 630.71 feet, thence South 88°15'15" east 352.74 feet; thence South 03°07'40" east 344.89 feet; thence South 86°52'20" west 149.31 feet; thence South 03°07'40" east 275.60 feet; thence North 87°37'09" west 205.81 feet to the point of beginning.

MR. BROWN gave the staff report indicating the applicant has already received a building permit for the three warehouses. He said they want this to be permitted as a dwelling unit for their watchman, and staff has no objection.

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

MR. DUDLEY SMITH, General Partner of Modern Storage, appeared and stated they are going to put an addition on the existing warehouse for 224 more units and an additional office unit. He stated their request is only for a watchman which will be for a man and wife to live here. He stated they presently have 325 units here.

CHAIRMAN DUNCAN asked if there was any type of watchman here now?

MR. SMITH stated no they are now only open 'til 7:00 at night.

MRS. SEGRETTI asked if there was any reason why this property couldn't have a night watchman?

MR. SMITH stated they would like this to be for the residence manager who would live here and watch the property at night. He stated there are several other facilities in town right now that are doing this.

CHAIRMAN DUNCAN asked if the warehouse storage was available 24 hours a day for the customers?

MR. SMITH stated they are open from seven in the morning until seven at night, seven days a week. He stated that only in emergency cases would they let someone in. He pointed out that later if they have a watchman living on the premises, then they would be open different hours.

MR. MILLER asked if this property was zoned C-2 if that would allow for living quarters?

MR. BROWN stated, "no".

MR. SAYLOR stated that staff has allowed in several instances the night watchman/residence manager to live on the premises by means of a Variance.

MRS. SEGRETTI asked what the normal conditions would be if this was approved?

MR. BROWN stated staff is mainly concerned with landscaping and the conformance with the plot plan as submitted and all mechanical and air conditioners be screened from the streets, and conformance to all other City departments including Public Services' requirements.

CHAIRMAN DUNCAN asked Mr. Saylor how far back the variance was granted to the other warehouses?

MR. SAYLOR stated that perhaps it was two or three years ago. He pointed out there was one on the south side of Bonanza, and one on Nellis. He stated it is the policy of the City to allow it in conjunction with a mini-warehouse operation.

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

MR. CANUL made a Motion for APPROVAL of V-24-77, subject to the following conditions:

1. 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.
2. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
3. Conformance to the plot plan.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes
Mr. Miller - yes
Mrs. Segretti - no
Chairman Duncan - yes

Motion for APPROVAL carried by a 3-1 vote.

10. U-21-77
APPROVED

Application of FIRST NATIONAL BANK OF NEVADA, TRUST DEPARTMENT, for a Use Permit to allow a patron and employee parking lot on property generally located on the southeast corner of Fairfield Avenue and Cleveland Avenue in Zoning District R-4 (Apartment Residence); the above property legally described as Lots 43, 44, 45, and 46, Block 2, Meadows Addition.

MR. BROWN gave the staff report indicating staff feels that this is a reasonable request. He stated the parking lot is close enough to serve the Jolly Trolley. There is a wall along the south side of the property, he stated, and staff would recommend that it be retained. He mentioned Public Services has a number of conditions they would like to see conformed to if this is approved including a five ft. concrete sidewalk installed along Cleveland and Fairfield; paving of the alley and installation of concrete alley apron and re-submittal of the parking plan to the Traffic Engineer. He stated that with these stipulations, staff recommends approval.

MR. MILLER asked if the alley to be paved was only to be the portion of the alley directly behind the applicant's property?

MR. BROWN stated, "yes".

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

MR. JIM BILBRAY, appeared representing the applicant, and submitted pictures to the Board. He stated they wanted to tear the existing structure out and put a parking lot in here. He said he thought they could live with the conditions but was concerned with the paving of the alley. He asked if the City has the right-of-way through here and if they have an easement through here?

MR. BROWN stated, "yes".

MRS. SEGRETTI asked if the bank would be responsible for this parking lot?

MR. BILBRAY stated they have already leased it out to the Jolley Trolley.

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 U-21-77, subject to the following conditions:

1. Installation of a five ft. concrete sidewalk on Cleveland and Fairfield Avenue frontage as required by the Department of Public Services.
2. Paving of the alley adjacent to property and installation of concrete alley apron as required by the Department of Public Services.
3. Resubmit the parking plan to the Traffic Engineer to conform to City standards as required by the Department of Public Services.
4. 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.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. The existing wall along the south side of the property shall be retained as required by the Department of Community Planning and Development.
7. Conformance to the plot plan as amended to reflect the above conditions.
8. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

11. V-25-77

APPROVED

Application of WESLEY T. MATTHEWS for a Variance to allow an addition to an existing single family dwelling to be attached to an existing garage where a six ft. (6') separation is required on property located at 1224 South 8th Place on the west side of Eighth Place 260 ft. south of Park Paseo in Zoning District R-1 (Single Family Residence); the above property legally described as Lot 36, Block 5, Vega Verde Addition #2 Amended.

MR. BROWN gave the staff report indicating the Ordinance requires that there must be a separation of at least six feet between the building and an accessory structure and that is the reason the applicant is before the Board this evening. He stated staff has recommended this be approved.

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

MR. FRED LANG, 3065 S. Redwood, appeared representing the applicant. He stated they feel this will be an addition to the house which will make the home more livable for the applicants. The addition, he stated, that is being added to the house will be a good distance away from the property line.

MR. MILLER asked how large the homes were?

MR. LANG stated he thought the homes were about 1,300 square feet.

MRS. SEGRETTI asked if this addition would be used for another residential area?

MR. LANG stated, no, this will be an addition for a den and a service porch.

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

MR. CANUL made a Motion for APPROVAL of V-25-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for future street lighting and sidewalk as required by the Department of Public Services.
2. Conformance to the plot plan.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

12. V-26-77
APPROVED

Application of CLAIRE D. RAND for a Variance to allow twelve (12) apartment units where eight (8) units are permitted and to allow no side yard setbacks where five feet (5') is required on property located at 1116 S. Third Street on the west side of Third Street between East Charleston Boulevard and California Street in Zoning District R-4 (Apartment Residence) (Resolution of Intent to C-1 - Limited Commercial). The above property is legally described as Lot 20, Block 13, Boulder Addition.

MR. BROWN gave the staff report indicating there were quite a few different districts in this area and mainly consisted of R-4 and commercial. He stated the C-1 districts permit eight dwelling units and the applicant is asking for four additional. He said there were five letters in favor of the request and one letter in protest. He stated staff has no recommendation to make.

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

MR. JOEL ROSENTHAL, 300 S. 4th Street, appeared representing the applicant. He submitted a rendering and photographs of the existing property to the Board.

MR. MILLER asked who the letter of protest was from?

MR. BROWN stated it is from Alma Remington who owns property at 1134 South Third Street, which is 50 ft. south of the lot in question.

MR. ROSENTHAL stated Alma Remington lives in Ely but owns this corner vacant piece of property.

MR. CANUL asked if the applicant had sufficient parking spaces provided for the units?

MR. BROWN stated, "yes".

MR. ROSENTHAL stated his plans are to remove the eyesore from the community and replace it. He pointed out that two of the units will be for the handicapped and mentioned that this building is designed for working people. He said they are forced to build studio apartments because of the construction costs. He pointed out that people in this area cannot afford the extra money for an apartment. He stated that they would not be building to the side yard; we will leave a four ft. balcony on each side. He stated he has spoken to many people in the neighborhood and some of them were nice enough to write letters of approval.

CHAIRMAN DUNCAN asked to hear from the protestants.

MR. IVAN EISENBERG, 1812 S. 16th Street, appeared in protest. He stated he owns Ideal Office Equipment which is half a block from this property. He said he feels that adding twelve apartments to this area which is slowly becoming commercial will certainly not be an asset to the City. He mentioned that he had put up a beautiful building, the Ideal Office Equipment, and that Williams Costume and Bel Aire Pools are also very attractive buildings in appearance. He stated he saw no reason why there should be any consideration given to people who would not be an asset to the area. He pointed out that all of the property on Charleston is commercial, between Charleston and Fremont is slowly becoming commercial. He stated he felt there is no real value to the City to put these apartments there. He stated that certainly when these buildings are first built they will be attractive but what about later? He mentioned that there was nothing to offer the tenants as there is only a building and a parking lot; there are no tennis courts or anything else. I don't see where this would encourage the people to keep the property up, he stated.

MR. CANUL stated that this could eventually be converted to a commercial building; the way it is set up it could be an office building.

MR. EISENBERG stated he believed the applicant could make more money if he used this as a commercial building and stated he would be in favor of there being offices here. He stated that is no problem but he didn't think the property in question should be given over to an apartment building of this type.

MR. MERLE FREHNER, 1205 S. 3rd Street, appeared in protest. He stated he was across the street and about half a block from the proposed development. He mentioned he had lived here for 45 years and have apartments here and have run them for 35 years. He stated it was a shame to develop this site with the proposed plan. He said he was present to oppose it because he thinks it would not be an asset and would help to devalue the property in the neighborhood. He said he was concerned with the size of the studios and is convinced that if the studios are filled up, the tenants would be short term and he was afraid of the type of people that are looking for this type of place to live.

MRS. SEGRETTI asked how many approvals were on file?

MR. BROWN stated five and one letter of protest.

MR. ROSENTHAL reappeared and stated to his friend, Ivan, I would reiterate that this is zoned for apartments and that is what I propose to put in. He stated to Mr. Frehner, who has

13. V-27-77

DENIED

Application of VAUSH MC DOWELL AND DON N. ROBERTS for a Variance to allow two (2) off-premise billboard signs fifty-five feet (55') high where forty feet (40') maximum height is allowed on property generally located east of 275 S. Highland on the east side of Highland Drive between the Las Vegas Expressway and Alta Drive in Zoning District "M" (Industrial); the above property legally described as all of Parcel 4 of Parcel Map 32-75 recorded March 17, 1976, as Instrument No. 563006, File 8, Page 73, Book 604, Official Records of Clark County, Nevada.

MR. BROWN gave the staff report indicating the applicant is wanting to put another billboard 630 ft. from the existing one and another one 540 ft. to the northeast. He stated that in talking to the applicant, he suggested after a field inspection, that it might be wise to bring to the Board's attention the height of the present sign above the grade of the Interstate. The present sign is a conforming use. He stated his main concern is that he is asking for a variance for 15 ft., will this put the new signs higher from the grade of the Interstate, lower or what? He said he thought this should be put in perspective to the Board.

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

MR. LYNN BAKER, 1211 West Bonanza, appeared representing Donrey. He stated that this sign will be to the southeast of the Sun Building Sign. He said he went to the State Highway Department and got the grade footage. He said they have 20 ft. to 20 ft. grade up to the guard rail.

CHAIRMAN DUNCAN asked the size of the existing sign?

MR. BAKER stated it is 48 ft. high; this puts us six ft. above the freeway with the existing sign we have. He mentioned they were asking for the variance because of the grade; it dips down to 15 ft. He said their board is 14 ft. and the sign cannot be seen if it is 14 ft. below. He said it goes from 20 to 25 ft. up to 30 to 35 ft. where the railroad and drainage goes underneath. He submitted a grade plan to the Board.

MR. MILLER asked if the Beautification Committee was involved in this?

MR. BROWN stated yes, they are, I do not know if there is someone here to represent them or not.

MR. MICHAEL SCHER, 2701 Wyandotte, appeared in protest representing the Las Vegas Metropolitan Beautification Committee. He stated they are opposed to this because it sets a precedent. He pointed out on Charleston there are three, four, or five signs that extends over forty feet in the air. He stated this creates a situation where a freeway has been built and they want to take advantage of it. He said they do not feel that the grade should be used to let a sign go up higher. He stated this is a precedent and there are various nonconforming signs in the City that have not been alleviated and we feel that before a Variance is granted on anything, that these signs be brought into conformance.

MR. BRYAN GREENSPUN, 121 S. Highland, appeared in protest representing Sun Outdoor Advertising and stated the Sun Building is directly behind this proposed billboard. He stated they have a two story building containing a large sign on the back of it. He pointed out that coming down the freeway, there is a considerable amount of traffic and this building is very visible. He said he is afraid that if this is put up over the 40 ft. their sign will not be visible and the more visible their sign is the better their business will be.

MR. LYNN BAKER, reappeared. He stated that concerning beautification, they have been working on trying to beautify

apartments in the neighborhood, he would say that he sincerely feels that we can both get along and have a good tenancy. He stated his investment will be tremendous and he does not want to see it deteriorate.

CHAIRMAN DUNCAN stated he was mainly interested in the parking and he can see that sufficient parking is being provided. He stated he didn't want to see a congestion like we have on 15th and Charleston.

MR. ROSENTHAL stated, yes he has provided one parking space per each unit.

MR. EISENBERG stated there is a possibility that two people may be living here and have two vehicles. He stated that Mr. Rosenthal mentioned that he wants to put up small apartments because people cannot afford this. I don't think that matters, he stated and continued by stating that he felt the City's consideration should be that this will not be an asset to the community.

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

MR. CANUL asked if the applicant was required to provide one and a half parking spaces per unit?

MR. BROWN stated to the best of his knowledge, there is nothing definitive required in a C-1 zone.

MR. MILLER made a Motion for APPROVAL of V-26-77, subject to the following conditions:

1. Installation of a street light, concrete sidewalk and commercial driveway as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for future alley paving as required by the Department of Public Services.
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. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. All mechanical equipment air conditioners and trash areas shall be screened from view from the abutting streets.
6. The Resolution of Intent to C-1 as it pertains to this lot is rescinded if and when this Variance is exercised.
7. Conformance to the plot plan as amended to reflect the above conditions.
8. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - no
Mr. Canul - yes

Motion for APPROVAL carried by a 3-1 vote.

their own boards and he doesn't understand the problem in this zone. With regards to the nonconforming signs, he stated he didn't know where they will be because the City pays attention to their signs. He said he understood the Sun to have an on-premise sign here and the 55 ft. height would be to an advantage because if we dropped it down to 40 ft., their sign would be less visible.

MR. MIKE SCHER, reappeared, and stated that if the signs are allowed to go up 40, 60, and 70 ft. in the air, we are building a jungle billboard in this area and we don't need that.

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 DENIAL of V-27-77 because it was felt that the uniqueness of the billboard sites was not to the extent that relief from the height maximum should be granted.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

RECESS:

CHAIRMAN DUNCAN declared a 10-minute recess at 8:45 P.M. and reconvened the meeting at 8:55 P.M.

14. V-28-77

DENIED

Application of ANDREW TOMPKINS for a Variance to allow an eight ft. (8') fence in the rear yard area where a maximum height of six feet (6') is allowed on property located at 725 Rancho Circle on the west end of Rancho Circle, west of Rancho Drive in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, M.D.B.&M., more particularly described as follows: beginning at the southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section 32 (center of Section 32) the true point of beginning; thence North 0000'55" west 503.00 feet; thence South 89030'11" east 225.00 feet; thence south 0000'55" east 150.00 feet; thence south 22021'30" east 73.02 feet the chord length of a segment of a circle whose radius is 94.00 feet and angle is 45042'39"; thence south 44047'10" west 20.00 feet; thence south 28040'35" west 69.91 feet; thence south 0000'55" east 210.00 feet; thence north 89026'10" west 205.00 feet to the true point of beginning.

MR. BROWN gave the staff report indicating the request is to permit an 8 ft. fence. He stated there is presently a 6 ft. fence on the south and they want to increase that height to eight ft. so the total request is for 8 ft. overall.

CHAIRMAN DUNCAN asked if this fence would block anyone's view from driving?

MR. BROWN stated no, only the neighbor next door might be effected.

MRS. SEGRETTI asked if there were any recommendations from staff?

MR. BROWN stated that if the next door neighbor doesn't care, we don't care.

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

MR. WAYNE SIMONDS, 1617 Tanne Drive, appeared representing the applicant. He stated this is not a rear yard variance request; it is a side yard request and that should be corrected. He stated they were asking for the eight ft. fence for privacy. He submitted pictures to the Board of the other homes in

the area that have an 8 ft. high fence. He stated his client feels that if these people have this privilege then he would like to have that same privilege. He stated both sides of the fence will be finished so it will be attractive on all sides.

MR. JOSEPH G. ROBERTS, 711 Rancho Circle, appeared in protest. He stated he was not in favor of anything other than six ft. He said he built his fence on three sides of six ft. and is afraid that this might cause him some trouble. He stated that people in the neighborhood have said that if this man builds an 8 ft. fence then I would like to build a twelve or fifteen ft. fence. He said he thought we should keep the fence height at six feet but whatever height is allowed Mr. Tompkins, then he would like to build his fence all the way back to Alta Drive that same height in order to keep in uniform. He pointed out that he measured the fence to be built and it was 8'4½" from the grade; the fence is not here but the framework is. He stated if this is allowed, he is afraid it will set a precedent in this area.

CHAIRMAN DUNCAN asked if he thought a six ft. fence was ample as far as prowlers are concerned?

MR. ROBERTS stated he thought they could go over six, eight, ten, or twelve ft. fences. He stated he didn't see why some trees couldn't be planted here.

MRS. SEGRETTI stated that before the Board could grant Mr. Roberts a Variance he would have to apply for one.

MR. PAUL McVAY, 739 Rancho Circle, appeared in protest. He stated the reason he believed the fence was not for protection of the property but for privacy. He said he would prefer to see a living fence here. He stated he thought what we are seeing here tonight is that we are planting a seed where that is definitely not required. He said he sincerely believes and requests of the committee that we consider this as a request for privacy and not protection. He said he believes the fence on the back on Alta are limited to a 6 ft. height. At first, he continued, he thought this fence was in the rear but it is not; it is in the side.

MR. MILLER stated he can appreciate the fact that the applicant wants the fence for privacy; people have come in before for 8 ft. fences for privacy requests.

MR. WAYNE SIMONDS reappeared and stated this is for privacy and not security reasons. He stated they are asking for the same opportunity that was given to these other people. He said they would like the wall not to exceed eight ft. He said he is asking that the commissioners approve this based on the fact that previous applicants have been approved for this in the area.

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

MR. CANUL made a Motion for APPROVAL of V-28-77.

Voting was as follows:

Mr. Canul - yes
Mrs. Segretti - yes
Mr. Miller - no
Chairman Duncan - no

Motion for APPROVAL tied.

MR. MILLER, therefore, made a Motion for DENIAL of V-28-77, because it was felt that the applicant did not prove that his lot was so different from the others in the area that an eight ft. fence should be allowed--when all other fences in the area are six feet.

Voting was as follows:

Mr. Miller - yes
Chairman Duncan - yes
Mr. Canul - no
Mrs. Segretti - no

Motion for DENIAL also tied.

MR. BROWN then read the rules of procedure on voting stating that a motion to approve which does not carry results in a denial of the application without any further motions or votes.

Therefore, the original motion for APPROVAL which did not carry caused this application, V-28-77, to be DENIED.

15. V-29-77
APPROVED

Application of HARVEY EDWARDS for a Variance to allow three existing dwelling units where only one is allowed on property located at 501 South 7th Street on the southeast corner of 7th Street and Clark Avenue in Zoning District R-1 (Single Family Residence); the above property legally described as Lots 1 and 2, and the North Half (N $\frac{1}{2}$) of Lot 3, Block 10, Wardie Addition.

MR. BROWN gave the staff report indicating he had talked with the owner of the property who bought the property four and a half years ago and these units were in existence at that time. He stated staff feels that inasmuch as these have been in existence, we need two parking spaces for each dwelling unit. He mentioned there are three units so we would recommend that an additional four parking spaces be provided.

CHAIRMAN DUNCAN asked how long these dwelling units have been on this lot?

MR. BROWN stated perhaps for years and years, and that perhaps, the applicant could supply that information. He mentioned it looked like it had been built at the same time as the garage.

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

MR. HARVEY EDWARDS, 501 S. 7th Street, appeared and stated this property has been there since 1938 and he has owned it for 4 $\frac{1}{2}$ years. He pointed out the house faces 7th Street and this building in the back faces Clark Street. He said it was originally built as a two car garage and behind this was this smaller apartment. He stated Mike Gorillavich was the previous owner. He mentioned that sometime along the way the garage was converted. He pointed out there were two parking spaces here now and the people that live here now do not have cars; they don't make that much money and have lived here for years. He stated that staff has mentioned we should put in additional parking spaces. He pointed out that around the back here there are bushes all around and to put in more parking spaces will make the property look worse as he will have to cut this landscaping out and the parking spaces will not even be used. He stated he was across the street from the football field and there are no houses here. He stated the way it is now it is screened from everyone and he didn't think to asphalt it would help at all.

MR. MILLER asked how this application came before the Board?

MR. BROWN stated a complaint was made to the Building Department. He mentioned this is an illegal use and staff is saying in our stipulation that if the Variance is granted that the additional parking spaces should be provided.

MR. MILLER asked if the property was for sale now?

MR. EDWARDS stated he had it for sale but it is not for sale now.

MR. BROWN stated that he thought staff's point regarding the parking is that inasmuch as this is an illegal use right now,

if he wants to bring it into a legal use then he should conform to the Ordinance in other respects and that would require the two parking spaces per unit.

MR. MILLER asked if the apartments have kitchen facilities?

MR. EDWARDS stated there is a house with two apartment units in the back and they have kitchen facilities.

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-29-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for future alley paving as required by the Department of Public Services.
2. 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.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. An additional four parking spaces shall be provided as required by the Department of Community Planning and Development.
6. Conformance to the plot plan as amended to reflect the above conditions.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

16. V-30-77

APPROVED

Application of RONALD SMITH for a Variance to allow an attached garage to within five feet (5') of the rear property line where twenty-five feet (25') is required on property located at 361 North Bruce Street on the northwest corner of Bruce Street and Poplar Avenue in Zoning District R-2 (Two-Family Residence); the above property is legally described as Lot 11, Block 24, 14th Street Addition.

MR. BROWN gave the staff report indicating that one of the stipulations requested by staff is that if this is approved ten feet right-of-way on Bruce and a fifteen ft. radius corner be granted.

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

MR. GIL SMITH, 361 North Bruce, appeared. He asked about the conditions as he did not understand them.

MR. BROWN explained the conditions to the applicant.

MR. SMITH stated the only reason they are requesting the garage is for off-street parking and he believes it will enhance the neighborhood and the property.

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-30-77, subject to the following conditions:

1. Dedication of ten feet for right-of-way on Bruce Street as required by the Department of Public Services.
2. Dedication of fifteen feet for radius corner as required by the Department of Public Services.
3. Signing of an Assessment District Agreement for future sidewalk as required by the Department of Public Services.
4. Conformance to the plot plan as amended to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

17. V-31-77

DENIED

Application of RICHARD NORRIS for a Variance to allow two dwelling units where only one is permitted and to allow the existing duplex three feet (3') from the side property line where eight feet six inches (8'6") is required on property located at 1045 Yucca Avenue on the east side of Yucca Avenue 100 ft. north of Francis Avenue in Zoning District R-1 (Single Family Residence); the above property legally described as Lot 20, Block 2, Huntridge #1 and Lot 20, Block 2, Huntridge #2.

MR. BROWN gave the staff report indicating that from talking with the applicant the structure which abuts the existing house was there when he bought the house eight or nine months ago and he has built a kitchen and a bath making it another dwelling unit. He stated he also understood that in the past units were rented out in this area. He said staff recommends that this request be denied as the R-1 zone does not allow for more than one dwelling unit. He stated there were two protests on file.

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

MR. RICHARD NORRIS, 1045 Yucca, appeared and stated this is a big house about 2300 square feet and when he bought it the structure was in bad shape. He stated he has spent \$20,000 to upgrade it; the floors were buckling; the walls were cracking. He stated the area in the back he didn't need so he put a bath and kitchen in it and made it into an apartment type thing. He stated he has it rented to a retired couple.

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

MR. NORRIS stated he had a permit to do part of it but didn't realize he needed one for all of it. He stated he had a permit for the bathroom and the sewer line.

MR. MILLER asked if this item came before the Board because of a complaint?

MR. BROWN replied, "yes". He stated that he might add that the applicant could have received a permit for another bath but not a kitchen.

○ ○
THERESA VARGO, 1109 East Francis, appeared in protest.

MR. WENDELL CUTLER, appeared in protest, representing his mother who resides at 1110 Francis Avenue.

HELEN HADDOCK, 1109 Francis, appeared in protest.

MR. GILBERT CAROLL, 1120 Francis, appeared in protest.

MR. KOZ WEBB, 1123 Francis Avenue, appeared in protest.

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

MR. CANUL made a Motion for DENIAL of V-31-77 because the Zoning Ordinance permits only single family dwellings in the R-1 District, and the Board sees no reason to vary those requirements.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

18. V-32-77
DENIED

Application of LAWRENCE ARVEY AND FINE SCULPTURED JEWELRY, INC. for a Variance to allow the existing porch to within 4'6" of the (south) side property line where eight feet (8') is required on property located at 1044 South 6th Street on the northwest corner of 6th Street and Park Paseo in Zoning District R-1 (Single Family Residence); the above property legally described as the east 200 feet of Lot G, Park Place Subdivision.

MR. BROWN gave the staff report indicating the plot plan shows a six ft. side yard on the north and 4'6" side yard on the south. He stated the Ordinance requires a total of 14 ft. side yard in increments of whatever, however, no side yard can be less than five feet. The reason for the variance then is the south side yard should be eight feet instead of the 4'6". He stated staff has received a page and a half letter from Public Services challenging the dimensions on the plot plan and staff would recommend that if you in your wisdom see fit to grant this that a registered land surveyor be hired by the applicant to corroborate the dimensions the applicant has on his plot plan. If they are the same as what the registered land surveyor shows then the variance would be valid; otherwise, it would be null and void. We also would add the stipulation that the applicant comply with the codes of the City in finishing work on this. There are four letters of protest.

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

MR. GEORGE FRANKLIN, appeared representing the applicant. He stated he has been a notorious politician and Ex-Republican. He said he was here tonight not only being in his usual infamous capacity representing a very notorious client, Mr. Arvey. He stated he ran into some of his oldest friends when he was walking into the building tonight that he has known for 40 years. They stated that they were coming in to protest this restaurant and he stated what restaurant. He told them he was here on a small variance. He continued by stating that he told them he had received his notice and all he could see was the variance which merely is asking for 4'6" rather than the required eight feet. He stated that perhaps some of his friends could verify the fact that when this property originally subdivided there was no such requirement. He stated there was a five ft. not what is there now. He pointed out the six ft. wall in existence now which is on exactly the same line that Mr. Arvey wants the porch. He stated the six ft. high block wall has been there for at least 20 years.

CHAIRMAN DUNCAN asked who the previous owners were?

MR. FRANKLIN stated J. Houssels and the other was Marion Higgs. He pointed out this property is both of these two houses combined. He stated he was here tonight only for a variance on the side lot line from what they say is 8 ft. and which I originally contend was five feet at the time this was built. He stated that some of the people may remember that most of these houses were built by his father and he stated that he thought he was very familiar with them.

MR. MILLER asked if he understood that if this is approved, it is with the stipulation that staff would like to have the property properly surveyed?

MR. FRANKLIN replied, "yes". He stated he has no objection at all and as a matter of fact, he was going to make one suggestion to this Board too and that is that Mr. Arvey put both of these properties into either his name or his corporate name, one of the two and not both. He stated he was sure the people that are here to protest this do not know that this is merely a slight variance and he thought they think there is something else being proposed here. He stated that someone else came in not too long ago for a restaurant on 6th and Fremont and that is where they probably heard this. He said there is no contemplation of any restaurant of any kind here. He stated if there was anything else other than a slight little variance of a couple of feet on the side lot line to bring the portion on exactly the same line as a 20 year old existing concrete wall, he would not be here.

MR. VIC RUBELID, builder and designer on this residence, appeared in favor of this application. He said the City had some surveyors that surveyed points out in the middle of the street and stated that a lot of this came about because of the many property markers on the property now. He said because of his very weak knowledge he has in building, he took what he thought were the proper widths of the streets and setbacks from the curb and such and came to find out that the house was already in violation so far as the present code is concerned by 6". He asked if they had to get another certified engineer on this, would that be in correlation to the plot plan that we already have here or the points the City gave us or can we go by the City survey?

MR. BROWN stated staff is recommending that a registered land surveyor survey the lot and tie in with a regular government corner so that our department will know which one of you is right if in fact either one of you is.

MR. LEONARD FAYLE, 1301 S. 7th Street, appeared in protest. He stated he would like to protect the neighborhood because of a very serious encroachment. He stated everyone realizes that he has spent a lot of money here but we think the neighborhood has been damaged. He said they question whether the existing porch had a permit to begin with.

MR. BROWN stated he thought the Building Department and Mr. Arvey are in contention with that.

MR. WILLIAM FITZGERALD, Department of Public Services, Building and Safety Division, appeared. He stated there was a permit issued on January 24, 1977, for reroofing, porch addition and a parapet. He pointed out there was no direction on the permit; it shows a fifteen ft. side yard setback on one side; a six ft. side yard setback on the other side from the front sidewalk which is not labeled as to whether it is Park Paseo or 6th Street.

There was general discussion concerning the building permits issued.

MR. MAX HOWARD, 1101 S. 6th Street, appeared in protest. He stated he was a general contractor and has been for 22 years. He said he has built some expensive houses across the street from this. He stated this worries us and there have been

people putting their houses up for sale. Perhaps, he stated, the applicant could get a variance for a restaurant or an antique store. He mentioned that there were also horses in the back yard of this location but they are no longer there. He stated a lot of the people here tonight will not get up to speak as they feel funny. He stated the people are aware there are several building violations in the house itself, and that they will have to be fixed. He said his house is built 15 ft. off the street and since he has been here in the last 22 years, the Code says you have to be 15 ft. off any corner. He pointed out this house is about ready to fall down.

MR. MILLER stated we are only asked to look at one thing which is the variance.

MR. HOWARD stated he would like the people to stand up that came down here tonight.

CHAIRMAN DUNCAN asked all those opposed to this application to please stand.

Approximately 20 people stood.

BETTY HICKSON, 1230 S. 7th, appeared in protest. She stated she has lived here for 33 years. She mentioned one of their main concerns and she knows it is not on the agenda is that they are afraid of the zone change on 6th Street and thinks it has all been zoned for single family homes and they would like to remain that way.

CHAIRMAN DUNCAN stated that time is of the essence tonight and asked if it would be possible for those opposed to this application to appoint a couple of speakers or did everyone want to speak for themselves?

ANNA FAYLE, 1301 South 7th Street, appeared in protest. She said she didn't think there were any other speakers. She stated she has been here since 1954 and know all of her neighbors and she are very concerned of the future of this on South 6th. She said she would like now to speak for Ruth Ferron who has a beautiful home on 5th Place. She (Ruth Ferron) asked me to speak for her because she is scared about the value of her home. Mrs. Ferron was not able to come tonight.

MR. KEN SHORTER, 1122 S. 6th, appeared in protest. He said he had been here for 10 years and would like to have a few points clarified but doesn't know if it is proper or not. He mentioned that he had read in the paper that this location was owned by Elvis Presley.

CHAIRMAN DUNCAN reminded him that we were only here for the Variance on the 4'6".

MR. SHORTER asked if this would constitute two single family dwellings because there are two houses connected.

CHAIRMAN DUNCAN stated this house sits on two parcels of ground.

MR. BROWN stated in the R-1 district only one family can dwell in a single family dwelling which is what they are applying for. He stated they will have to comply with the zoning ordinance and he didn't think there was any reason for anyone to believe that there will be more than one family here.

MR. SHORTER stated he went by the residence one day and saw a sailboat in his swimming pool and so I didn't know what this was going to be used for. Whether the Board approves or disapproves his request for a variance, he continued, he would think that he would rather it be disapproved due to the fact that on this street there is not room to park. He stated that on the front of his property which is 6th Street, there is no room to park. This would leave, he continued, only one direction of traffic.

D. LEAVITT, 1220 S. 7th, appeared in protest. He stated he had lived here since 1942 and goes by this corner continually and this portion that he has built comes up to the wall and there is no setback that he could see at all. Whether he is in violation or not, he stated he didn't know, but it is only about 7 ft. from the curb which is the normal setback. He said he feels that this should be denied and made according to the code. It looks to me that if someone is to step on it, it would fall down, he continued.

JERRI HOWARD, 1101 S. 6th, appeared in protest. She stated that if this porch was red-tagged why did they finish working and completely finished it off? She stated they have completely finished the porch. She said she didn't think this was right and that he should have waited to see if he was okay before finishing the porch.

CHAIRMAN DUNCAN asked if there was any information on the statement just made by the lady that the work was finished after the project was red-tagged?

MR. BROWN stated that is not this department; that would be the building department.

CHAIRMAN DUNCAN asked what date was this red-tagged?

MR. FITZGERALD stated the copy of the red-tag he has is dated 3-31-77 at 2:00 P.M. He stated the red-tag was not hung; they were torn up by the applicant and thrown at the inspectors.

MRS. HOWARD stated that when they received the notice in the mail, the carpenters continued working and the red-tag was issued before we received our notice.

MR. FRANKLIN suggested that perhaps we should ask the carpenter if any work was done after the red-tag was issued?

MR. RUBELID reappeared and stated the only work that was done there was when the job was red-tagged, the job was left in such a condition that we didn't want to loose it and things had to be done. There was some trimming done on the job - Mr. Arvey wanted to take a picture to show that it was not just going to be a porch thrown up here.

MR. CANUL stated that once a job is red-tagged there is not supposed to be any work done at all.

CHAIRMAN DUNCAN asked if he was present when the red tags were presented to Mr. Arvey?

MR. RUBELID replied, "no".

MRS. SEGRETTI asked if he had any idea at all that the place was red-tagged?

MR. RUBELID stated yes, he heard later that the place was red-tagged, definitely.

MRS. SEGRETTI asked, how much later?

MR. RUBELID stated the next day on the front page of the newspaper.

MRS. SEGRETTI asked if he then went ahead and did some more work on it?

MR. RUBELID stated yes but there was nothing structural done on the job.

MRS. SEGRETTI asked if more work was done on the porch and if it was finished?

MR. RUBELID stated he did some more work on the porch but did not finish it. It is not near finished, he stated.

MRS. SEGRETTI asked if work was done on it after it was red-tagged?

MR. RUBELID stated yes, he has been doing work there every day.

MR. CANUL asked if any work was done there yesterday?

MR. RUBELID stated yes, he did work there and is employed by Mr. Arvey. As a matter of fact, he stated, all we are doing is cutting the molding until we get all of the permits straightened out. He said they were also doing the lattice work.

MR. FRANKLIN asked if he had done any structural work on the building since the red-tag was issued?

MR. RUBELID stated, "no".

MR. FRANKLIN stated that if the Board would drive by now they would see one of the reasons for the complaints by the people in just the looks of it. He stated you will see huge piles of tile still stuck up unused and unmoved. You will see it in a state of having been stopped, nothing done, and not completed in any way, shape or form, and he continued, he thought if all of the members of the Board haven't driven by, it might be well to drive by and look at it because there is no work and the work has ceased there.

There was commotion from the audience with someone indicating that was not true.

MR. FRANKLIN stated he had just asked the contractor if there had been any structural work done.

AN UNIDENTIFIED SPEAKER asked what constitutes structural work and asked if the man is on the porch putting in the dowels and has been doing that this afternoon, I saw him myself, is that structural work?

MR. FRANKLIN stated yes that is structural work but I just asked the contractor and he stated, "no". I know what the oppositions are and I know the feelings and I'm not too sure that maybe they should have been allowed to have two houses combined into one. He stated it is only one house and he could see why it would appear to be something different than what has been one of the most staid neighborhoods in this town because this house is indeed a unique house and Mr. Arvey is a free-spirit, I'll tell you that and so I can see how they are upset. But, he continued, the fact is that it is one house now instead of what they would prefer and it is an accomplished fact that it is one house. He stated the only thing before this Board tonight is a side yard variance to match with an existing wall that everybody admits has been there for 20 years. He stated it is 15 ft. back from the curb as he walked it off himself. He mentioned that he believed the diagram to show 15 ft.

MRS. SEGRETTI asked if the porch was 15 ft. from the property line?

MR. FRANKLIN stated it is 15 ft. from the curb line.

MR. BROWN stated the dimension between the property line and the south edge of the porch is 4'6"; from the edge of the porch to the house is 10 ft.; the wall is 4'6" from the property line.

MR. LAWRENCE ARVEY, appeared and stated this is a unique house and as a matter of fact I am having 60 trees planted as I am here tonight. I intend to use this house for myself and my immediate family, he stated. He pointed out that they did obtain two permits for the building of this porch; Mr.

Rubelid will contend to that. He said any of the details he does not know about. He mentioned he has secured the necessary permits when the job was red-tagged and the next day he went and paid \$255 for additional permits which are awaiting on this variance. He said he could assure all of the members that this is a single dwelling house. It is a 15,000 square foot house under roof with the landscaping and the work we are doing, it will be the finest house in Las Vegas and the property values will increase, he said. He stated that if this is not the finest house in Las Vegas, he would eat it piece by piece.

MRS. SEGRETTI asked if when the building was red-tagged did he refuse to accept the red-tag?

MR. ARVEY stated, "no, I did not."

MRS. SEGRETTI asked him what he did with them?

MR. ARVEY stated he did not have anything to do with the red-tags or anything like that. He said he meant this is a thing that is unsettled in the courts and he really can't say anything.

MRS. SEGRETTI asked if the contractor was notified when the building was red-tagged?

MR. ARVEY stated he went by the contractors the next day and spent \$255 in permits. He said the Building Department has one permit they brought up; however, they do have two permits; one for the north and south porch.

MRS. SEGRETTI asked if these permits were issued after the red-tags?

MR. ARVEY stated he purchased the permits after the red-tags. The second permit was issued before the red-tag; the second permit that we do have. He pointed out the project was not finished. The under porch is not finished with the structural or anything else because it was red-tagged and we couldn't do it but we paid \$255 additional for the permits. He stated this will not be a commercial venture; it is a single family house for my family. The house will be first class and it will be the finest house in Las Vegas, he continued.

MR. CANUL asked who the contractor on this project was?

MR. ARVEY stated he was speaking of Mr. Rubelid as the contractor because he is doing the work on this. He took the permits out on my behalf, he stated, and I left all the work up to him. The first time I heard about the red-tags, he continued, is the first time I got involved in the project. He said the house will all be stain-glass.

MRS. SEGRETTI stated she did not understand how the permits could have been purchased after the building was red-tagged?

MR. ARVEY stated that he told Mr. Rubelid that the place has been red-tagged and he must go down and straighten it out. We went down and told them we wanted a variance on this side and they said they wanted additional money for the porch that was in question which we did receive before. There were two permits issued before, he said and they said we must pay \$255 more for the permits because of the additional valuation and to continue the job. They didn't give us the final permits, he said, until we went before the Board of Zoning Adjustment to get a variance and the setback on the porch. He stated he believed the porch is within the five ft. setback but the Building Department told us that we had come within a 4'6" setback.

MR. KEN HUFF, 615 Park Paseo, appeared in protest. He stated he was in opposition to this and said he could appreciate the position Mr. Arvey is in because he has spent a lot of money here. He said he thought we should take a hard look at these people that violate the law. He said he thought

the attitude of too many people is that if they get it done they will not make us take it down. I think, he continued, the porch is too close to the street; I don't think that even though it was built 20 years ago holds any water as to what the Code requires now. He said the next day after it was red-tagged they were building onto the building. He said practically every day, he believed, since then they have been building. He said he could see that there has been a great deal of structural change.

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

MR. CANUL made a Motion for DENIAL of V-32-77, because other houses in this R-1 District have honored the setback requirements and the Board decreed that the applicant should also honor the required setbacks.

Voting was as follows:

Mr. Canul - yes
Mr. Miller - no
Mrs. Segretti - yes
Chairman Duncan - yes

Motion for DENIAL carried by a 3-1 vote.

19. U-24-77(HO)
APPROVED

Application of MARK JAMES JOHN at 1400 James Street in Zoning District R-1 for a Home Occupation Permit - Allow a lawn maintenance operation.

MR. BROWN gave the staff report stating staff recommends approval subject to not more than a one ton truck, and storage not to be on the premises.

MR. MARK JAMES JOHN appeared and stated these conditions were okay with him.

MRS. SEGRETTI made a Motion for APPROVAL of U-24-77(HO), subject to the following conditions:

1. Not more than a one ton truck shall be used nor shall any storage of materials be kept on the premises as required by the Department of Community Planning and Development.
2. All advertising shall conform to the criteria for a Home Occupation Permit.
3. 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
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

20. V-80-76
Extension of Time
APPROVED FOR SIX
MONTHS - UNTIL
10/28/77

Request of DONN G. D. AND JANET C. BALIOTIS for an extension of time on an approved Variance to allow a mobile home for a period of five years where mobile homes are not allowed and without the provision of additional off street parking facilities where 32 spaces are required on property located at 716 North "C" Street on the southeast corner of "C" Street and West McWilliams Avenue in Zoning District R-4.

MR. BROWN gave the staff report indicating that in October, 1976, the Board recommended approval with the stipulations. The variance has expired and they are just asking for an extension.

MR. DONN BALIOTIS, appeared in favor of the request.

MRS. SEGRETTI made a Motion for APPROVAL of V-80-76 to grant the extension of time for a period of six months, which will expire on October 28, 1977.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

21. U-39-75

Plot Plan Review

ABEYANCE

Request of HOUSING AUTHORITY for a Plot Plan Review (signs - public building) of an approved Use Permit to allow a 54 sq. ft. wall sign on property located on the northeast corner of Balzar Avenue and Comstock Drive in Zoning District R-T.

MR. BROWN gave the staff report indicating they are asking to put on the facade of the building four signs. One reading the Economic Opportunity Board of Clark County; the second one reading, "Administration"; the third reading, "Health Services", and the fourth reading Westside Counseling Center Las Vegas Mental Health Center. The Ordinance specifically says that the name of a public or semi-public institution shall be permitted and our thought is that, "Administration", and "Health Services" are not names of a public or semi-public institution. We would recommend that the names of Economic Opportunity Board of Clark County and the Westside Counseling Center be permitted but not the two administration, health service signs. He stated all of the signs are 3 ft. by 18 ft. deep in dimension.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. MILLER made a Motion to hold this item, U-39-75, in ABEYANCE because no one was present to represent the applicant.

Voting was as follows:

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

Motion to hold this item in ABEYANCE carried unanimously.

22. V-7-76

Extension of Time

APPROVED FOR SIX
MONTHS - UNTIL
10/28/77

Request of PATRICK J. O'KELLY for an Extension of Time on an approved Variance to allow a residential unit in a commercial storage unit complex on property located at the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 ft. in Zoning District "M".

MR. BROWN gave the staff report indicating the record of this is that they applied in February, 1976, and the Board denied the application. It was appealed and approved by the City Commission. He stated the six month extension of time was granted on October 28, 1976, and they are now asking for an additional six months.

MR. PATRICK J. O'KELLY appeared, and stated he had some delay obtaining financing for the project and believed the six months would be sufficient.

MRS. SEGRETTI made a Motion to APPROVE V-7-76 and grant the extension of time for a period of six months, which will expire on October 28, 1977.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

23. U-30-76

Plot Plan Review

APPROVED

Request of DOUG & HERB'S SKI 'N RACQUET SHOPPE for a Plot Plan Review on an approved Use Permit to allow relocation of the ski ramp on property 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. BROWN gave the staff report indicating the plot plan showed the ski-ramp to be adjacent to the tennis ball area and in bringing in the ski slope they stored it adjacent to the restaurant and are now asking that this location be approved. He stated staff sees no incompatibility of relocating the ski area. The only comment being the lighting of the tennis area; if they would aim the lights inbound more so, then we would concur with what they want to do.

MR. DOUG REINERTSON, 413 S. Decatur, appeared and stated it would be difficult to adjust the proper light facility as requested inasmuch as the lights coming from the back of the field shine in the areas. The lights are directed down into the court he stated and there is an eight ft. wall with some oleanders in this area. He stated the wall and oleanders shield the lights from going into the neighborhood. He said he has passed through the area at night and it does not seem to be a hindrance.

CHAIRMAN DUNCAN asked if there were any protests on this?

MR. BROWN stated, "no".

MRS. SEGRETTI asked if there were any complaints?

MR. BROWN again stated, "no".

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

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

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 10:45 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT


DON J. SAYLOR, AIP, DIRECTOR

DJS:bjc