

Siv

A G E N D A
BOARD OF ZONING ADJUSTMENT
MAY 26, 1977

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

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held March 24, 1977, and April 28, 1977.

OLD BUSINESS:

1. V-53-71 Request of JAMES AND ADA JEAN PERRY for an Extension of Time on an approved Variance 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.)
Extension of Time
Abeyance Item
from 4/28/77
2. U-39-75 Request of HOUSING AUTHORITY for a Plot Plan Review (signs - public building) of an approved Use Permit to allow four 54 sq. ft. wall signs on property located on the northeast corner of Balzar Avenue and Comstock Drive in Zoning District R-T.
Plot Plan Review
Abeyance Item
from 4/28/77

NEW BUSINESS:

1. V-78-76 Request of PERRY AND MICHELE ALLEN for an Extension of Time on an approved Variance to permit a 6 ft. high block wall in the front yard area where a 4 ft. high wall, with the top 2 ft. fifty percent open, is allowed on property located at 3008 King Midas Way in Zoning District R-1.
Extension of Time
2. V-33-77 Application of ARTHUR H. FRIEDLAND AND DOROTHEA C. FRIEDLAND for a Variance to allow a rear yard setback of twenty-four feet (24') where fifty feet (50') is required and to allow a 19,934 sq. ft. lot where 20,000 sq. ft. is required on property generally located on the northwest corner of Birch Street and Silver Avenue in Zoning District R-E.
3. V-34-77 Application of KONG WAI SHEK for a Variance to allow an existing room addition to within 2'2" of the side property line where five feet (5') is required on property located at 1019 Franklin Avenue on the north side of Franklin Avenue between 10th Street and Maryland Parkway in Zoning District R-1.
4. U-30-77 Application of FREMONT WEST SHOPPING CENTER for a Use Permit to develop a 14 unit (R-4 density) apartment complex on property located at 6441 Casada Way in Zoning District C-1.
5. V-35-77 Application of LEO SCHIFFMAN for a Variance to allow: Parcel 1 - a 9,875 sq. ft. lot where 20,000 sq. ft. is required, and 79 feet in width where 100 ft. is required and a front yard setback of 30 ft. and a rear yard setback of 40 ft. where 50 ft. is required for each and an east side yard setback of 8 ft. and a west side yard setback of 7 ft. where 10 ft. is required for each; Parcel 2 - To allow a 13,875 sq. ft. lot where 20,000 sq. ft. is required and a front yard setback of 14 ft. and a rear yard setback of 36 ft. where 50 ft. is required for each, on property located at 905 Cashman Drive in Zoning District R-E.

6. V-36-77

Application of JOHN W. GRAYSON, JR. for a Variance to allow the construction of a two-story garage and studio/workshop which exceeds the height of the main dwelling on property located at 745 Rancho Circle at the west end of Rancho Circle in Zoning District R-A.

7. V-37-77

Application of REVEREND FRED DAWSON FOR CALVARY FOURSQUARE CHURCH for a Variance to allow a 32 sq. ft. ground sign where 15 sq. ft. is allowed on property located at 2929 Cedar Avenue on the northwest corner of Cedar Avenue and 30th Street in Zoning District R-E.

8. V-38-77

Application of JAMES B. AND SHIRLEY D. SMITH for a Variance to allow an existing room addition to within 1'6" of the north side property line where five feet (5') is required on property located at 5100 Nebraska Avenue in Zoning District R-1.

9. V-39-77

Application of MR. AND MRS. LYMAN ZELLAR for a Variance to allow a 5.5 ft. setback from the rear property line where fifteen feet (15') is required on property located at 1208 Palm Terrace in Zoning District R-1.

10. V-40-77

Application of BETTY C. BEEHLER for a Variance to allow a financial institution (credit union office) in a P-R zone on property located at 212 North 15th Street on the east side of 15th Street between Stewart Avenue and Ogden Avenue. Financial institutions are not a permitted use in the P-R District.

11. V-41-77

Application of H. BRUCE CULLINGS AND BARBARA J. CULLINGS for a Variance to allow a kitchen addition to within thirteen feet (13') of the rear property line where fifteen feet (15') is required on property located at 1728 Kassabian Avenue in Zoning District R-1.

12. U-31-77(HO)

Application of BILL McNIFF at 4624 Lilliput Lane in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise aircraft maintenance office.

13. U-32-77(HO)

Application of PATRICIA V. HURD FOR MANNY CABRAL at 2036 Franklin Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a typewriter and adding machine repair office.

14. U-34-77(HO)

Application of SHUJI KAZAMA at 2005 Embrey Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an apartment management company office operation (Vegas Hawaii, Inc.).

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

BOARD OF ZONING ADJUSTMENT

MAY 26, 1977

1. U-35-77(HO) Application of DIANE RENCHLER at 1905 Cedar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow to design and construct stained/leaded glass.
2. U-36-77(HO) Application of ROBERT E. BURTON at 4813 Cannon Circle in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise slot repair business.
3. U-37-77(HO) Application of RICHARD A. FENSTER at 6620 Pickford Lane in Zoning District R-1 for a Home Occupation Permit - Allow an office for Nevada Home Respiratory Care Company.
4. U-38-77(HO) Application of CLIFFORD LEDFORD FOR FRANK S. MICHALSKI AND JAMES D. PETTIT at 2201 Fairfield Avenue in Zoning District R-4 for a Home Occupation Permit - Allow an off-premise storage shed and awning installation business.
5. U-39-77(HO) Application of JOE MYERS at 6621 Bristol Way in Zoning District R-1 for a Home Occupation Permit - Allow a lapidary silversmithing operation.
6. U-40-77(HO) Application of KERRY L. MICKELSON at 420 N. 16th Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise photography business.
7. V-7-77
Plot Plan Review Request of ROBERT L. LUND for a Plot Plan Review on an approved Variance to allow a deviation in the height of the block wall on property located on the west side of 15th Street between East Bonanza Road and Linden Avenue in Zoning District R-3.

M I N U T E S
BOARD OF ZONING ADJUSTMENT

MAY 26, 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 W. Brown, Supervisor of Zoning
Ira John Gardner, Planning Assistant
Barbara J. Cuva, Recording Secretary

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meetings held March 24, 1977, and April 28, 1977. Motion carried unanimously.

OLD BUSINESS:

1. V-53-71 ABEYANCE

Extension of Time

(Abeyance Item
from 4/28/77)

Request of JAMES AND ADA JEAN PERRY for an Extension of Time on an approved Variance 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.)

MR. BROWN gave the staff report indicating this area is south of Owens with Nellis on the east and Marion on the west. He stated that since the last meeting staff has done some investigating as to what horses are in the area. Directly west, 4899 Owens, the residents have horses and the use at the present time is illegal, he stated. He continued by stating at 4959 Owens, two lots east of the applicants, horses are prevalent. These people, he stated, received a variance in January, 1972, for two horses; later in September, it was discovered that they had four horses but the variance has now expired. He said that at 5019 Owens there are also horses and these are illegal; the owners have been notified. Staff still stands on its recommendation of last month, he stated, that if the people wish to rezone to R-E that is fine but otherwise, we would recommend denial.

MR. JAMES PERRY appeared.

CHAIRMAN DUNCAN stated this item was held in abeyance for a chance of notifying the neighbors and asked what was the reaction of the neighbors?

MR. PERRY stated some of them want to rezone and some do not. Some of the people, he stated, wish to build apartments in this neighborhood and it is almost a standoff.

JANE POTTER, 4959 East Owens, appeared. She stated she only drops her horses off here at her residence. She stated she was in favor of changing the zoning so that horses are allowed.

MR. KEITH HAFEN, 4899 East Owens, appeared and stated he bought the place about 2½ years ago and never knew that he was illegal in having horses. He stated he just went down and applied for a loan for apartments so he is kind of against it.

CHAIRMAN DUNCAN stated that under the present zoning, horses are not allowed.

MR. GARY DAVIS, 1112 East Owens, appeared and stated his mother and father-in-law applied for the extension on the variance. The people in this area, he stated, would like to keep the horses.

MRS. SEGRETTI stated the ordinance reads that in a R-2 there is no stock or animals allowed but in an R-E district, they are allowed.

MR. MILLER stated we could look at this as spot zoning and whether they are allowed to have horses in the area or not, it is like spot zoning.

MR. DAVIS stated he felt that if the apartment owners were saying we are losing rent and money then he would say the City has a right to protect the property owners of the apartments invested interest. I think the point should be who wants this changed, the apartment owners or the home-owners. If they rezone this R-2, they will lose money, he stated.

CHAIRMAN DUNCAN suggested that Mr. Brown talk to Mrs. Potter and have her make an accurate count. We don't want to put a hardship on anyone but we want a true picture of this, he stated. He asked Mrs. Potter if she would conduct the survey?

MRS. POTTER agreed to do the survey and contact the owners in the neighborhood.

MR. MILLER stated he would hate to see the horses go into an area where it is not zoned for it (under a Variance).

MR. BROWN stated he felt we should also notify the people that just because they come in for rezoning does not mean they will get it.

2. U-39-75 APPROVED

Plot Plan Review

(Abeyance Item
from 4/28/77)

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 this was reviewed last month and the applicant was not represented. He is here tonight as I understand it, he continued. He stated he had talked to the applicant on the phone and he only wants one sign and we would go along with it.

MR. DAVE SANCHEZ, 3700 East Stewart, appeared representing Federal Sign. He stated they would just like one sign at this location; it is an identification for the Westside Counseling Center Mental Health Center and is approximately 1½ ft. deep and flush with the wall.

MR. MILLER made a Motion for APPROVAL of U-39-75, subject to the following conditions:

1. Conformance to the revised request for only one sign.
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.

NEW BUSINESS:

1. V-78-76 APPROVED
Extension of Time

Request of PERRY AND MICHELE ALLEN for an Extension of Time on an approved Variance to permit a 6 ft. high block wall in the front yard area where a 4 ft. high wall, with the top 2 ft. fifty percent open, is allowed on property located at 3008 King Midas Way in Zoning District R-1.

MR. BROWN gave the staff report indicating this variance was approved six months ago and they are coming in now for an extension of time and we recommend approval.

CHAIRMAN DUNCAN asked if the applicant was present.

MR. PERRY ALLEN appeared.

MR. CANUL made a Motion for APPROVAL of V-78-76 to grant the extension of time for a period of six months, which will expire on November 26, 1977.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

2. V-33-77
APPROVED

Application of ARTHUR H. FRIEDLAND AND DOROTHEA O. FRIEDLAND for a Variance to allow a rear yard setback of twenty-four feet (24') where fifty feet (50') is required and to allow a 19,934 sq. ft. lot where a 20,000 sq. ft. lot is required on property generally located on the northwest corner of Birch Street and Silver Avenue in Zoning District R-E (Residence Estates). The above property legally described as that portion of Block 6 in the Scotch Eighty Addition: (Resubdivision) commencing at the intersection of the centerlines of Silver Avenue and Birch Street; thence North 01°40'37" east 44.69 feet; thence North 89°33'16" west 30.01 feet to point of beginning; thence North 01°40'37" east 192.07 feet; thence North 89°33'16" west 194.00 feet; thence South 01°40'37" west 206.75 feet; thence South 89°33'16" east 179.32 feet; thence from a tangent which bears South 89°33'16" east around a curve to the left having a central angle of 88°46'07" and a radius of 15.00 feet, an arc length of 23.24 feet to the point of beginning.

MR. BROWN gave the staff report indicating staff has received an objection and a letter of support. The approval, he explained, was from a neighbor catercorner southeast and the objector is directly across the street to the east. He stated there are many large houses and large lots in this area and a certain amount of flexibility should be acceptable in a situation such as that.

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

MR. ARTHUR H. FRIEDLAND, 78 Country Club Lane, appeared. He stated there are many houses in this area where the lots are a little smaller but very close to the one half acre size.

MR. RAY BALUM, 3668 Bronco, appeared and stated he was the architect on this. He stated the lot is about 66 sq. ft. short and if the lot was six inches wider it would be legal.

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-33-77, 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:

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

Motion for APPROVAL carried unanimously.

3. V-34-77
 ABEYANCE

Application of KONG WAI SHEK for a Variance to allow an existing room addition to within 2'2" of the side property line where five feet (5') is required on property located at 1019 Franklin Avenue on the north side of Franklin Avenue between 10th Street and Maryland Parkway in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 21, Block 11 of Huntridge Subdivision 1 and Lot 21, Block 11 of Huntridge Subdivision 5.

MR. BROWN stated staff would request that this be held in abeyance until the meeting next month. He said he has talked to the applicant and he concurs with the request.

As per Mr. Brown's request, this item was held in ABEYANCE.

4. U-30-77
 APPROVED

Application of FREMONT WEST SHOPPING CENTER for a Use Permit to develop a 14 unit R-4 apartment complex on property located at 6441 Casada Way in Zoning District C-1 (Limited Commercial). The above property is also described as being a portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 35, Township 20 South, Range 60 East, M.D.B.&M.

MR. BROWN gave the staff report indicating that it has been staff's position that in the outer area we would prefer to go only with the R-3 density. He stated R-3 would permit thirteen dwelling units and the applicant only wants one more unit and staff would recommend approval rather than making an issue out of this, subject to the normal conditions.

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

MR. ERNIE BECKER, 4401 West Washington Avenue, appeared and stated this shields off from the other apartments across the street. He stated this makes another group of apartments or bachelor apartments and is the same as he has on Decatur Boulevard.

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 U-30-77, subject to the following conditions:

1. Dedication of 24.5 ft. for right-of-way on Casada Way as required by the Department of Public Services.
2. Off-site improvements consisting of curb, gutter, sidewalk and paving is required on Casada Way to meet the existing 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. 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:

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

Motion for APPROVAL carried unanimously.

5. V-35-77
 DENIED

Application of LEO SCHIFFMAN for a Variance to allow: Parcel 1 - a 9,875 sq. ft. lot where 20,000 sq. ft. is required and 79 ft. in width where 100 ft. is required and a front yard setback of 30 ft. and a rear yard setback of 40 ft. where 50 ft. is required and an east side yard setback of 8 ft. and a west side yard setback of 7 ft. where 10 ft. is required; Parcel 2 - To allow a 13,875 sq. ft. lot where 20,000 sq. ft. is required and a front yard setback of 14 ft. and a rear yard setback of 36 ft. where 50 ft. is required, on property located at 905 Cashman Drive in Zoning District R-E (Residence Estates). The property is located in the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, M.D.B.&M.

MR. BROWN gave the staff report indicating the size of the lot is 190 ft. on Hinson and 125 ft. on Cashman. He stated most of the lots in this area are more than a half acre. He is taking a lot which is no larger in the neighborhood, and attempting to put two dwelling units on it resulting in two substandard lots. Staff sees no basis why something like this should be granted.

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

MR. LLOYD KENNER, representing the applicant, appeared. He stated he also represented Mr. Robert Grieves who currently has a portion of the parcel in escrow. He said he gave some pictures to the Planning Department when they submitted this application. Lot #2 currently has a house on the lot; lot #1 is a lot that is currently existing that has a block wall on three sides which has debris on it and is a real eyesore for the neighborhood.

CHAIRMAN DUNCAN stated the ordinance states that only one house is allowed on a R-E lot.

MR. BROWN stated there were no letters of opposition received on this.

MR. KENNER stated Mr. Reeves currently has it in escrow if it can be arranged. Mr. Schiffman, he stated, is currently selling Parcel 1 and is retaining parcel 2.

MR. ROBERT REEVES, appeared and stated the City Commissioners condemned this property at one time for the handball court so he tore it down. He stated he is trying to buy the property not knowing it could not be subdivided.

MR. JACK BELCHER, 217 Garces, appeared in protest representing Mr. H. M. Sloan who lives two lots east of the subject property. Mr. Sloan is against spot zoning, he stated. Even though they split the lot and build one in the back, the one in the front will still be an eyesore, he stated. He said Mr. Sloan asked him to represent him and say he was opposed to this.

MR. JOHN MCFADDEN, 906 Cashman, appeared in protest. He stated he has five-eighths of an acre and takes pride in the homes in this area. He said he was definitely against the zoning and thought it would start putting tract homes in an R-E area.

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-35-77 because the other properties in the area have only one house on approximate half-acre sites, and nothing is so unique about this lot as to permit such a drastic decrease in size and frontage.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

6. V-36-77

APPROVED

Application of JOHN W. GRAYSON, JR. for a Variance to allow the construction of a two-story garage and studio/workshop which exceeds the height of the main dwelling on property located at 745 Rancho Circle at the west end of Rancho Circle in Zoning District R-A (Ranch Acres). An accessory structure cannot exceed the height of the main dwelling in the R-A District. The above property is also described as part of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, M.D.B.&M.

MR. BROWN gave the staff report indicating the Ordinance specifically states an accessory structure cannot exceed the height of the main dwelling. There are large trees here, he stated and staff has one objection on file.

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

MR. JOHN GRAYSON, 745 Rancho Circle, appeared and stated the mature growth is sufficient to prevent the viewing of this structure by either of the neighbors and is planned to be built in conjunction with the main dwelling house.

MR. WAYNE SIMONDS, 1677 Pawnee Drive, appeared in favor of this request representing Andy Tompkins at 725 Rancho Circle. He stated Mr. Tompkins is definitely for this request.

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-36-77, 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. Canul - yes
Mr. Miller - yes
Mrs. Segretti - yes
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

7. V-37-77
APPROVED

Application of REVEREND FRED DAWSON FOR CALVARY FOURSQUARE CHURCH for a Variance to allow a 32 sq. ft. ground sign where 15 sq. ft. is allowed on property located at 2929 Cedar Avenue on the northwest corner of Cedar Avenue and 30th Street in Zoning District R-E (Residence Estates). The above property is legally described as the East Half (E½) of Lots 5 and 6, Block 2, Artesian Acres.

MR. BROWN gave the staff report indicating the sign was eight feet long and about four feet high. The Ordinance is quite specific in limiting the amount of square feet for on premise signs to 15 square feet. He stated staff cannot see anything exceptional or unique to warrant granting such a variance.

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

DR. NEWBERG, appeared representing the Church. He stated the property immediately across the street from the church is developed as a two story apartment house. He said the church owns the property immediately to the west and across the street. He said they do not feel that this sign would detract and he did not think there had been any objection from the apartment dwellers. He said they feel the sign is beneficial to the area and is more attractive than the planter that now exists.

MR. MILLER asked if this would be an illuminated sign?

DR. NEWBERG stated yes it will have a light shining through it. He said it comes up about two feet and is mounted in a two ft. block base and would be electric.

MR. ROBERT MABEY, 2320 Constantine, appeared in favor of this request. He stated he was a member of the church and councilmember. He said they would like to have the sign put up.

MR. MICHAEL SCHER, 2701 Wyandotte, appeared in protest, representing the Beautification Committee. He stated they feel this sign is a little high standing, over six feet high. He said at two points it will obscure part of the building itself.

MR. BROWN stated the sign is 6'6" high and 8 ft. wide.

MR. MILLER asked if this sign would be used as a marquis of any type?

DR. NEWBERG stated, "yes".

MR. BROWN stated in granting a Variance, the Board could limit what type of messages you would like.

CHAIRMAN DUNCAN asked what type of messages would be conveyed on this sign?

DR. NEWBERG stated it would contain times of services and meetings, message titles, perhaps of the upcoming week. He stated at times perhaps a musical group would be here and that would be announced on the sign.

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-37-77, subject to the following conditions:

1. Dedication of 30 ft. of right-of-way for Walnut and the radius corner as required by the Department of Public Services.

2. Dedication of 15 ft. for radius corner at Cedar and 30th Street as required by the Department of Public Services.
3. Conformance to the plot plan.
4. 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.

RECESS:

CHAIRMAN DUNCAN declared a fifteen minute recess at 8:45 P.M. and reconvened the meeting at 9:00 P.M.

8. U-31-77(HO) Application of BILL McNIFF at 4624 Lilliput Lane in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise aircraft maintenance office.
9. U-34-77(HO) Application of SHUJI KAZAMA at 2005 Embrey Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an apartment management company office operation (Vegas Hawaii, Inc.).
10. U-35-77(HO) Application of DIANE RENCHLER at 1905 Cedar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow to design and construct stained/leaded glass.
11. U-36-77(HO) Application of ROBERT E. BURTON at 4813 Cannon Circle in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise slot repair business.
12. U-37-77(HO) Application of RICHARD A. FENSTER at 6620 Pickford Lane in Zoning District R-1 for a Home Occupation Permit - Allow an office for Nevada Home Respiratory Care Company.
13. U-38-77(HO) Application of CLIFFORD LEDFORD FOR FRANK S. MICHALSKI AND JAMES D. PETTIT at 2201 Fairfield Avenue in Zoning District R-4 for a Home Occupation Permit - Allow an off-premise storage shed and awning installation business.
14. U-39-77(HO) Application of JOE MYERS at 6621 Bristol Way in Zoning District R-1 for a Home Occupation Permit - Allow a lapidary silversmithing operation.
15. U-40-77(HO) Application of KERRY L. MICKELSON at 420 N. 16th Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise photography business.

MR. BROWN stated that as part of the granting of Home Occupation Permits, the Board of Zoning Adjustment in the past has implied; whether it is a policy or not, that if the home occupation permits have been approved by the Board, and the City receives a complaint, the Board of Zoning Adjustment then reviews the issuance of that permit.

MR. MILLER stated yes that was true and made a Motion to that effect.

Voting was as follows:

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

Motion carried unanimously.

MR. BROWN stated that all of the home occupation permits met the standards and staff would have no objection to their approval.

ITEMS 8 THRU 15
APPROVED

MRS. SEGRETTI made a Motion for APPROVAL of Items 8 thru 15, 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.

16. V-38-77

DENIED

Application of JAMES B. AND SHIRLEY D. SMITH for a Variance to allow an existing room addition to within 1'6" of the north side property line where five feet (5') is required on property located at 5100 Nebraska Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 19 and 20, Block 24, Las Vegas Square Subdivision, together with the vacated alley along westside of above described lots.

MR. BROWN gave the staff report indicating FHA has been a stickler in the past making sure everything complies with the Ordinance and that is the case here.

CHAIRMAN DUNCAN asked if the applicant's roof would drain off the property line?

MR. BROWN stated that certainly would be possible.

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

MR. JAMES SMITH, 5100 Nebraska, appeared and stated the addition has been there for at least ten years. He said he has owned it for 3½ years and is attempting to sell the property. FHA will not refinance the house until I get a Variance for this addition, he said. He mentioned there was a building permit for a 6 ft. block wall that is 1'6" north of the structure, but there is no permit for this room.

MR. MILLER asked if the roof would drain off the property line?

MR. SMITH stated the roof drains between the building and the wall.

MR. BROWN stated there was one telephone objection but from whom we don't know.

MR. MILLER asked what the next door neighbors had to say?

MR. SMITH said they were here.

PEGGY JACOBSEN, 105 Minnesota, appeared in protest. She stated she lives behind the Smiths. She showed some pictures of the room addition and how close it was to the property to the Board members. She stated she has lived here for 2½ years and moved out of an apartment to have their privacy and with this room addition, they have none. She stated that as far as the 1'6" is concerned, she didn't know how they measure it but you cannot even get one body between the wall and the room.

CHAIRMAN DUNCAN asked if the water from the roof drains over into her yard?

MRS. JACOBSEN stated it goes into her walkway.

MR. MILLER stated he hadn't ever recalled asking them to tear down the building in the past.

MR. BROWN stated that would be the alternative if the variance is not approved.

MR. MILLER asked Mrs. Jacobsen if she is saying that she would like to see it torn down?

MRS. JACOBSEN stated she doesn't like to walk out her backyard and see it. She stated she didn't think the rooms are built on a proper foundation.

CHAIRMAN DUNCAN stated that is what they were trying to find out, if there was a building permit.

MRS. JACOBSEN stated there was not a building permit, it was built illegal. She stated she would like to request a survey of this property on the applicants to determine whose block wall that is because we are missing 2½ ft. in our backyard.

CHAIRMAN DUNCAN stated that is not their jurisdiction as far as requesting that a survey be made.

MR. MILLER asked if she saw no compromise other than the addition coming down.

MRS. JACOBSEN stated no because she didn't want to look at it. She stated she has three boys, they make noise and she doesn't want to see a couple moving into the house and having problems with them.

MR. CANUL asked if she owned the property?

MRS. JACOBSEN stated, "yes".

MR. CANUL stated then the building was here when you bought the house.

MRS. JACOBSEN stated yes but she didn't like it. She stated that if the variance is granted she would like to see the block wall go up ten feet just to hide the room.

MR. MILLER asked if that could be done?

MR. BROWN stated he thought that is of such a magnitude that that would have to be advertised separately.

CHAIRMAN DUNCAN stated he was interested in the small space between the block wall and the addition in case of fire.

MRS. JACOBSEN stated she has measured and found that from eave to eave, it is 46".

DOROTHY ORR, appeared, and stated she lives directly across the street from the Jacobsens on Minnesota. She said she was neither for nor against this particular variance but was here to comment that the lots are small and the houses are close together as it is. She said she would not like to see one of her neighbors build this close to her.

CHAIRMAN DUNCAN asked the applicant how the variance came about?

MR. JAMES SMITH reappeared and stated he is selling the house and the people that want to buy it are trying to go FHA. He said the wall is not six feet from his ground up and perhaps if they could get another block or two added on, it might hide the windows.

MRS. SEGRETTI asked if there was some kind of assurance that FHA would finance the house if the variance was granted?

MR. SMITH stated no, he had to go in and meet the City codes as far as wiring, etc.

MR. BILL FITZGERALD, Public Services Department, Building and Safety Division, appeared. He stated the applicant will not pass inspection as there are no openings allowed within three feet of the property line and he would have to close up all the openings.

MR. MILLER stated since he would have to close the openings we would be wasting our time giving the variance anyway.

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 DENIAL because the applicant would be afforded a special privilege not shared by other properties in the area if the variance was granted.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

17. V-39-77

DENIED

Application of MR. AND MRS. LYMAN ZELLAR for a Variance to allow a 5.5 ft. setback from the rear property line where fifteen feet (15') is required on property located at 1208 Palm Terrace in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 28, Block 25, Twin Lakes Village Unit #5.

MR. BROWN gave the staff report indicating the applicant has a swimming pool and has gone ahead and enclosed it totally. The walls are transparent.

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

MARY JAKUS, of Levy Realty, appeared representing the applicant in the sale to Lee Parker. She stated the walls are screens and removable. The roof is a continuation of the patio roof she stated and it was done as a favor by a contractor but there was no permit. She stated there is a letter of explanation by Mr. Zellar in the file. She said this structure was constructed in late 1965 after the swimming pool was completed to keep it clean and warm. She stated this was a transfer property and was sold. We have withdrawn funds that would be due to the seller. She stated Mr. Zellar discussed this construction with the neighbors at the time and no one objected to it. She stated the structure is completely invisible and no one has objected to it.

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 DENIAL of V-39-77 because the applicant would be afforded a special privilege not shared by other properties in the area if this variance was granted.

Voting was as follows:

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

Motion for DENIAL carried by a 3-1 vote.

18. V-40-77
APPROVED

Application of BETTY C. BEEHLER for a Variance to allow a financial institution (credit union office) in a P-R Zone (Professional Offices and Parking) on property located at 212 North 15th Street on the east side of 15th Street between Stewart Avenue and Ogden Avenue. Financial institutions are not a permitted use in the P-R District. The above property is legally described as Lot 12, Block 1, Mayfair Tract #3, Amended Plat of Block 1, 2, and 3, and Lots 1 to 21 inclusive, Block 4.

MR. BROWN gave the staff report indicating the lot to the north is now owned by the applicant. The lot in question, he stated, has been recently rezoned. He said as he understands it the applicant had a real estate office at the present site on the corner and it evolved into a credit union office. He stated the applicant came before the Board in February for a credit union office and now they want to expand that. He stated there were no protests on record.

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

MR. SAMPSON, appeared representing the applicant. He stated he was the manager of the credit union office. He said they have been doing business here since 1972 and their office serves the Mormon people. He said the lot next door has been an eyesore and it took him some time to convince the Board of Directors to buy the property for parking or whatever. We wish now to have the variance on this property.

MR. JACK BELCHER, appeared in protest representing Towne and Country Apartments, who is across the street from this property. He said the church has a nice deal here but he still did not approve of spot zoning. He said he can understand that there is a need for this but to continue spot zoning only creates a problem for the City.

CHAIRMAN DUNCAN stated the zoning stays P-R and we are not spot zoning it. It still remains P-R, he said.

MR. BELCHER said he thought his client's concern is that it revert to P-R.

MRS. SEGRETTI stated there is no way that this Board can rezone. We only grant them a Use Permit if it is approved; the zoning stays the same, she stated.

MR. BROWN stated this is not a request for a Use Permit; a credit union use is not permitted and this is a variance for that use.

KAREN BARTH, owner of Towne and Country, appeared in protest. She stated she is very proud of her building. She stated she opposes the P-R and believes the neighborhood should be left residential. This is a variance for a credit union and it is very close to being a commercial establishment. We have had some problems but have cleaned them up. She said she didn't think a commercial establishment belongs here; it takes away from the character of the area.

CHAIRMAN DUNCAN asked if she could live with the fact if the Board requested proper landscaping in here should we grant this?

MRS. BARTH replied no because it is still a business, a commercial establishment and an old residential area that people care about. She stated the area has many trees and it is quiet. She stated the credit union office is encroaching and this area should be preserved because it is nice.

MR. JOHN HAYES, appeared in protest. He stated he lives in the Towne and Country Apartments. He asked if this would have any effect of any more commercial establishments coming into the area? He said they would hate to see it turn into a commercial area and take over from the beautiful residential area it is now.

MR. SAMPSON reappeared and stated this is a professional office more than probably even a bank as they do a lot of counseling. He said the City has already said we will need landscaping and we are willing to comply.

MR. MILLER stated he thought these people have a legitimate concern that more businesses could go in here.

MRS. SEGRETTI asked if the building would be reconstructed or if it would even be used?

MR. SAMPSON replied he doubt that they would even be able to use it.

MR. MILLER asked should this happen, would the Board see a plot plan on it?

MR. BROWN stated this would be a plot plan review before the Planning Commission.

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-40-77, subject to the following conditions:

1. Remove and replace the damaged sidewalk and driveway 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. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried by a 3-1 vote.

19. V-41-77
APPROVED

Application of H. BRUCE CULLINGS AND BARBARA J. CULLINGS for a Variance to allow a kitchen addition to within thirteen feet (13') of the rear property line where fifteen feet (15') is required on property located at 1728 Kassabian Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 13, Block 1, Moore Addition #1.

MR. BROWN gave the staff report indicating again we are asked to encroach into a yard. He stated it had been called to his attention that some time ago the rear yard setback requirements were twenty-five feet and the Ordinance was amended to decrease that amount to fifteen feet. Now, he stated, we have a request to decrease that from 15 ft. to 13 ft. and staff's question is where do we stop that, and staff would recommend denial.

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

BARBARA CULLINGS, 1728 Kassabian, appeared. She stated she knew there was a 25 ft. setback previously and have talked about this addition for some time and have decided to go ahead. She mentioned one foot of this is a bay window. Rather than build the structure and run into a problem, we wanted to ask for a variance for the two feet.

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-41-77, 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.

20. U-32-77(HO)
APPROVED

Application of PATRICIA V. HURD FOR MANNY CABRAL at 2036 Franklin Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a typewriter and adding machine repair office.

MR. BROWN gave the staff report indicating this application had been separated from the others because we received in the mail an ad that Mr. Cabral had run in a local paper. The home occupation permit prohibits advertising. He stated staff had talked to Mr. Cabral who submitted a letter from the advertiser stating that his letter did not reach them in time to have the ad taken out. Based on this, staff would recommend approval.

CHAIRMAN DUNCAN asked to hear from the applicant.

MANNY CABRAL, 2036 Franklin, appeared. He stated he put the ad in Nifty Nickel before he applied for the Home Occupation Permit. He said he called the paper and tried to stop the ad. He said had he known, he could not advertise, he would not have done it.

MRS. SEGRETTI asked if he understood that there can be no advertising at all?

MR. CABRAL stated, "yes".

MR. CHARLES ANDERSON appeared and stated he lived four doors up Wengert. Mrs. Hurd, who owns the property, also owns the property at 2037 Wengert, he stated. He said he did not think a repair job is such to be allowed here.

MRS. SEGRETTI made a Motion for APPROVAL of U-32-77(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
 Mr. Canul - yes

Motion for APPROVAL carried unanimously.

21. V-7-77 APPROVED
 Plot Plan Review

Request of ROBERT L. LUND for a Plot Plan Review on an approved Variance to allow a deviation in the height of the block wall on property located on the west side of 15th Street between East Bonanza Road and Linden Avenue in Zoning District R-3.

MR. BROWN gave the staff report indicating the applicant initially came before the Board to get a variance to allow four dwelling units where only three are permitted and now there is a change in the block wall. He stated the plot plan shows a six ft. block wall and he now wishes to reduce that to three feet in increments. He said staff talked to the neighbor to the south and he was opposed to the granting of the variance to begin with, but would not oppose to the block wall with the stepping down of four ft. increments rather than three feet. Staff would recommend that that be accepted.

CHAIRMAN DUNCAN asked if the applicant was present.

MR. LOU HESS, 217 Garces, appeared representing the applicant and said he didn't object to the four ft. increments.

MR. CANUL made a Motion for APPROVAL of V-7-77, subject to the following conditions:

1. Conformance to the revised plot plan, however increasing the height of the wall to four feet where three feet is indicated.
2. 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.

V-39-77 (cont.)

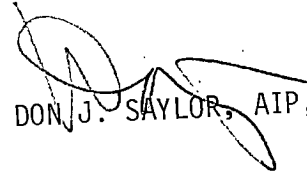
MARY JAKUS reappeared concerning the variance application of MR. AND MRS. LYMAN ZELLAR. She stated the pool cover is not a code violation. She said they had a building inspector out on this and there are no objectors to this as far as the neighbors. She said it was not draining on anyone's property. This pool cover, she said, also had the blessing of Nevada Power that granted them their own easement in this cover.

CHAIRMAN DUNCAN stated there were no personal feelings involved in this case at all. The construction of the structure over the pool was not the proper procedure; the building permit and the infringement on the property line. He stated the only thing for her to do is to appeal this to the City Commission. He explained to her that the Board had already acted on this item and cannot rescind that action.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 10:25 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT


DON J. SAYLOR, AIP, DIRECTOR

DJS:DWB:bjc