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A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 25, 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:

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 6/23/77)
- 2. U-28-73 Request of LAS VEGAS VALLEY WATER DISTRICT for a Plot Plan Review on an approved Use Permit to allow the installation of equipment and facilities for wells on property located on the west side of Jones Boulevard between Charleston Boulevard and Evergreen Avenue, 350 feet south of Evergreen Avenue in Zoning District R-1.
Plot Plan Review
(Abeyance Item from 7/28/77)

NEW BUSINESS:

- 1. V-62-77 Application of WILLIAM A. KREITLOW for a Variance to allow an existing patio to be enclosed to a family room which is 8'6" from the rear property line where fifteen feet (15') is required on property located at 2309 Santa Rita Drive in Zoning District R-1.
- 2. V-63-77 Application of JAMES L. SAPP for a Variance to legalize the existing carport in the front yard, and also to build a garage in the front yard area on property located at 1835 Alta Drive in Zoning District R-1.
- 3. V-64-77 Application of H. A. CHISM for a Variance to allow an existing dwelling to within three feet (3') of the west side property line where five feet (5') is required on property located at 6204 Old Trail Road in Zoning District R-1.
- 4. V-65-77 Application of RONALD J. SLAUGHTER for a Variance to allow an addition to within twenty-five feet (25') of the rear property line where fifty feet (50') is required on property located at 3020 Ashby Avenue in Zoning District R-E.
- 5. V-66-77 Application of JANE M. POTTER for a Variance to allow horses in a R-2 zone where horses are not permitted on property located at 4959 E. Owens Avenue.
- 6. U-53-77 Application of THE NEVADA-UTAH CONFERENCE ASSOCIATION (HIGHLAND SQUARE CHURCH) for a Use Permit to allow operation of a day care center for 53 children (maximum) on property located at 1720 North "J" Street in Zoning District R-E.
- 7. V-67-77 Application of GUILLERMO AND ESPERANZA LEZCANO for a Variance to permit the continuance of two dwelling units and a dwelling (no kitchen) where only two dwelling units are allowed, and to allow a two year time period for the conversion of the dwelling to a dwelling unit by installing a kitchen on property located at 1409 and 1411 Rexford Place in Zoning District R-2.

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8. U-55-77(HO) Application of HARVEY W. SEPPALA at 300 Pinecliff Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a slot machine security device office operation.
9. U-56-77(HO) Application of MRS. ALEKOS (ZENOVIA) PANTELOUKAS at 1610 Marlin Avenue in Zoning District R-3 for a Home Occupation Permit - Allow Andrea Licciardello to operate a general contractor's office.
10. U-57-77(HO) Application of JACK L. KENT FOR MICHAEL KENT at 1801 Pacific Street in Zoning District R-1 for a Home Occupation Permit - Allow the processing and sale of pickled quail eggs.

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

BOARD OF ZONING ADJUSTMENT

AUGUST 25, 1977

1. U-58-77(HO)

Application of BRUCE BARTH at 242 W. Chicago in Zoning District R-4 for a Home Occupation Permit - Allow Gary Miller to operate an off-premise janitorial business.

MINUTES

BOARD OF ZONING ADJUSTMENT

AUGUST 25, 1977

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

PRESENT: Vice Chairman Segretti, Mr. Miller and Mr. Canul.

EXCUSED: Mrs. Emmett and Mr. Duncan

STAFF PRESENT: Don W. Brown, Supervisor of Zoning
Rick Williams, Senior Planner
Linda A. McIntosh, Recording Secretary

NEW BUSINESS:

1. U-55-77(HO) Application of HARVEY W. SEPPALA at 300 Pinecliff Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a slot machine security device office operation.
2. U-56-77(HO) Application of MRS. ALEKOS (ZENOVIA) PANTELOUKAS at 1610 Marlin Avenue in Zoning District R-3 for a Home Occupation Permit - Allow Andrea Licciardello to operate a general contractor's office.
3. U-57-77(HO) Application of JACK L. KENT FOR MICHAEL KENT at 1801 Pacific Street in Zoning District R-1 for a Home Occupation Permit - Allow the processing and sale of pickled quail eggs.
4. U-58-77(HO) Application of BRUCE BARTH at 242 West Chicago in Zoning District R-4 for a Home Occupation Permit - Allow Gary Miller to operate an off-premise janitorial business.

Items 1 thru 4

APPROVED

MR. BROWN stated all items satisfactorily meet the requirements of a Home Occupation Permit and staff would recommend approval.

MR. MILLER made a Motion for APPROVAL of Items 1 through 4, subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mr. Miller: Yes
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-53-71

Extension of
Time.

(Abeyance Item
from 6/23/77)

APPROVED
FOR FIVE
YEARS

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 stated the Board would recall that the applicant initially came in for an extension of time. This Board recommended they go to the Planning Commission and City Commission for a rezoning. The request for rezoning uncovered an unknown protest factor and the City Commission denied the request. They are back here to request an extension of time. The City Commission felt the proper treatment of this matter would be a variance action. Staff recommends approval.

MRS. ADA JEAN PERRY, 4919 East Owens Avenue, was present.

MR. MILLER stated that when this matter came before the Planning Commission, it brought out opposition they were not aware of. They felt the opposition was valid and the people's complaints were valid. It was felt a variance action was more appropriate.

MR. MILLER made a Motion for APPROVAL of V-53-71 to grant the extension of time for a period of five (5) years, which will expire on August 25, 1982.

Voting was as follows:

Mr. Miller: Yes
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

2. U-28-73

Plot Plan
Review

(Abeyance Item
from 7/28/77)

APPROVED

Request of LAS VEGAS VALLEY WATER DISTRICT for a Plot Plan Review on an approved Use Permit to allow the installation of equipment and facilities for wells on property located on the west side of Jones Boulevard between Charleston Boulevard and Evergreen Avenue, 350 feet south of Evergreen Avenue in Zoning District R-1.

MR. BROWN presented the staff report and indicated the location of the approved Use Permit. He said staff has reviewed the plot plan and that they are coming in at the next meeting for a variance for a fence in the front. He added everything complies and is in order, and staff recommends approval.

MR. VANCE LEE, representing the Las Vegas Valley Water District, 3700 West Charleston Boulevard, appeared. He presented a rendering of the plot plan to the Board and stated it is landscaping that will require low water use and it will be an example for the residents of the area for conservation of water.

MR. CANUL made a Motion for APPROVAL of the Plot Plan Review of U-28-73, 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
Vice Chairman Segretti: Yes

Motion for APPROVAL carried unanimously.

NEW BUSINESS
(CON'T.):

5. V-62-77

APPROVED

Application of WILLIAM A. KREITLOW for a Variance to allow an existing patio to be enclosed to a family room which is 8'6" from the rear property line where fifteen feet (15') is required on property located at 2309 Santa Rita Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 8, Block 2, Paradise Village Tract 4.

MR. BROWN gave the staff report and indicated the location of the application. He added that staff has no objection to the request if the neighbor to the east doesn't object. There are no protests.

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

MR. WILLIAM A. KREITLOW, 2309 Santa Rita Drive, appeared. He stated he was ready to go ahead with construction and has had the Power Company reduce their easement by 5' legally giving him an additional five feet.

VICE CHAIRMAN SEGRETTI asked if Mr. Kreitlow had started construction.

MR. KREITLOW replied he had not.

VICE CHAIRMAN SEGRETTI asked if there was space between the patio and the fence on the south.

MR. KREITLOW replied there was space.

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

MR. MILLER made a Motion for APPROVAL of V-62-77, 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
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

6. V-63-77

APPROVED

Application of JAMES L. SAPP for a Variance to legalize the existing carport in the front yard, and also to build a garage in the front yard area on property located at 1835 Alta Drive in Zoning District R-1 (Single Family Residence). The above property is a portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and pointed out the location of the application. He said that this is a very deep lot and that staff feels the intent and purpose of the ordinance would not be thwarted if this was permitted and recommends approval subject to the applicant signing an assessment district agreement for future street lights, sidewalks and sewer. There are no protests.

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

JAMES L. SAPP, 1835 Alta Drive, Las Vegas, Nevada, appeared. He said the garage would be in front because the house is set to the back of the lot which is 230' deep. He added there is no access to the back yard.

VICE CHAIRMAN SEGRETTI asked the applicant if he understood staff's condition.

MR. SAPP replied he did not.

MR. BROWN then explained that in the event in the future, improvements were made in the area, he would at this time be agreeing to an improvement district.

MR. CANUL explained this could be five or ten years or never.

MR. MILLER said the City takes the position it will not go in and put them in at its own expense.

MR. SAPP asked if this was something the people would have to request.

VICE CHAIRMAN SEGRETTI replied that it was, and asked Mr. Sapp if he agreed to the condition.

MR. SAPP stated he would agree to the condition.

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

MR. MILLER made a Motion for APPROVAL of V-63-77, subject to the following conditions:

1. All necessary permits and inspections shall be obtained as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for future street lighting, sidewalk and sewer 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
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

7. V-64-77

APPROVED

Application of H.A. CHISM for a Variance to allow an existing dwelling to within three feet (3') of the west side property line where five feet (5') is required on property located at 6204 Old Trail Road in Zoning District R-1 (Single Family Residence.) The above property is legally described as Lot 31, Block 2, Kingswood Estates Unit No. 8.

MR. BROWN reviewed staff's report and added it is a new subdivision where this house is out of compliance. During construction, it was built too close to the lot line. Staff would recommend approval subject to notifying the buyer his house is encroaching two feet.

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

DON CHISM, 5962 South Haught, Las Vegas, Nevada, appeared representing the applicant. He said the buyer had already been notified of the problem. He stated it was a mistake which had not been noticed until the unit was nearly completed.

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

MR. MILLER made a Motion for APPROVAL of V-64-77, 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
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

8. V-65-77

APPROVED

Application of RONALD J. SLAUGHTER for a Variance to allow an addition to within twenty-five feet (25') of the rear property line where fifty feet (50') is required on property located at 3020 Ashby Avenue in Zoning District R-E (Residence Estates). The above property is legally described as Lot 27, Block 2, Resubdivision McNeil Tract.

MR. BROWN gave the staff report and indicated the location of the requested variance. He added it is on the northeast corner of Ashby Avenue and Campbell Drive. He said if the neighbor to the north does not object, staff doesn't either and would recommend approval.

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

JOHN SHERMAN, 4131 West Charleston Blvd., appeared representing the applicant. He said everything was going to be done very low profile so it won't be offensive to anyone. The current wall is very beautiful.

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

MR. MILLER made a Motion for APPROVAL of V-65-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for future curb and gutter, street paving, sidewalk and street lighting 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. Miller: Yes
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

9. V-66-77

APPROVED FOR
FIVE YEARS

Application of JANE M. POTTER for a Variance to allow horses in an R-2 (Two Family Residence) Zone where horses are not permitted on property located at 4959 East Owens Avenue. The above property is legally described as Lot 6, Block 1, Happy Valley Ranchos Tract 1.

MR. BROWN gave the staff report and added this is a repeat of what was said with regard to V-53-71. The applicant has had one variance which expired in 1975. She is now asking for a variance for the same ground. Staff thinks this is the only way to handle the problem and recommends approval. Mr. Brown suggested the length of the variance be five years.

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

JANE M. POTTER, 4959 East Owens Avenue, Las Vegas, Nevada, appeared.

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

MR. MILLER made a Motion for APPROVAL of V-66-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for future half-street improvements as required by the Department of Public Services.
2. This Variance shall be limited to a five year period and will expire on August 25, 1982.
3. Conformance to the plot plan.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller: Yes
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for APPROVAL carried unanimously.

10. U-53-77
APPROVED

Application of the NEVADA-UTAH CONFERENCE ASSOCIATION HIGHLAND SQUARE CHURCH for a Use Permit to allow operation of a day care center for 53 children (maximum) on property located at 1720 North "J" Street in Zoning District R-E (Residence Estates). The above property is legally described as the South Half (S½) of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 21, Township 20 South, Range 61 East, MDB&M.

MR. BROWN gave the staff report and indicated that in 1968 a building permit was issued to this group and at that time they submitted a plot plan which reflected parking as extensive as it is shown on the plot plan. In reviewing it in staff, we discovered they didn't need as many parking spaces as they have. They are required to have 24 parking spaces; however, the paving has only gone so far on the north side and staff would recommend the Use Permit be granted subject to the paving of the parking area 41' west of the building. This will satisfy the parking requirements for this type of operation. With that stipulation, staff would recommend approval.

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

HERMON VANDERBERG, 1810 Goldhill Avenue, appeared.

VICE CHAIRMAN SEGRETTI asked if he had heard and agreed to staff recommendation.

MR. VANDERBERG said they are the second owners of the church and had no knowledge of the paving.

MR. BROWN explained the number of spaces and the paving requirement.

VICE CHAIRMAN SEGRETTI asked if the rest of the area could be used.

MR. BROWN indicated that it could.

MR. VANDERBERG said they could go along with the recommendation.

MR. BROWN replied that whenever the paving was done, the Use Permit would be granted.

MR. MILLER suggested the applicant be given 60 days in which to complete the paving and that he work it out with staff.

MR. BROWN indicated this would be satisfactory.

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

MR. CANUL made a Motion for APPROVAL of U-53-77, subject to the following conditions:

1. The entire parking lot shall be paved forty-one feet (41') west of the rear line of the building.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul: Yes
Vice Chairman Segretti: Yes
Mr. Miller: Yes

Motion for APPROVAL carried unanimously.

11. V-67-77

DENIED

Application of GUILLERMO AND ESPERANZA LEZCANO for a Variance to permit the continuance of two dwelling units and a dwelling (no kitchen) where only two dwelling units are allowed, and to allow a two year time period for the conversion of the dwelling to a dwelling unit by installing a kitchen on property located at 1409 and 1411 Rexford Place in Zoning District R-2 (Two Family Residence). The above property is legally described as Lot 32, Paradise Grove.

MR. BROWN gave the staff report and added they will be hearing a lot from people in this area, from Oakey to Rexford. He said there are any number of dwellings in which duplexes were initially set out and now people have added to these dwellings, mostly being illegal. We had one two months ago that went to the City Commission where it was denied with the admonition for staff to research this area. This has been done by the Building Department and a series of letters have gone out to people in this area advising them of their illegal status. If additional dwellings are permitted on Rexford Place, there is going to have to be five parking spaces and there is no place for it to go. There will be one tremendous traffic problem there and staff concurs with the Building Department and recommends denial. There are three protests.

MR. MILLER asked if they would be hearing more of this from the people in the neighborhood.

MR. BROWN replied yes. Letters had been sent out, and Mr. Weber said he has already had people in talking to him.

MR. CANUL asked if it was under construction.

MR. BROWN replied that it was already there.

MR. MILLER asked if the application was denied, what would happen to the structure.

MR. BROWN stated what they had done is shut off the third bedroom in this duplex and people are living there and they would have to open up that door and no longer let the third family live there.

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

MRS. ESPERANZA LEZCANO, 319 Marriott Avenue, was present.

SAMMY MC ELROY, broker/owner of Valley Realty & Investment Properties, 4220 South Maryland Parkway, was present. She stated she sold the property to the applicants. At the time it was purchased, it was explained that it was a duplex, but the majority of the people were using them as three rental units.

VICE CHAIRMAN SEGRETTI said they were doing it illegally according to staff.

MS. MC ELROY stated she begged to differ. She said it was her understanding in talking with Planning and the various agencies involved that it is not illegal if there is not a kitchen. There is no kitchen there, there are no alterations to the building and it has been that way for six years. The tenants she has in one portion of the apartment have lived there for four years. The other party has been there for about six years. Mrs. Lezcano applied for a permit to get a power meter, to install a third meter, and apparently she was granted this by the City because there is a sticker right on it that says City Building & Safety. This cost her \$400/\$500 and then the City came back and said you can't have this.

MR. BROWN explained the electrical inspector does not check to see how many units there are, he is making the electrical connection inspection. They don't know what the meter is for.

MRS. LEZCANO said she had explained what it was for to the inspector.

VICE CHAIRMAN SEGRETTI asked what the studio apartment involved.

MRS. LEZCANO said it is a little bathroom and a big bedroom. There is no kitchen and the entrance is separate.

MR. MILLER asked Mr. Brown where the problem was.

MR. BROWN stated the problem is the third dwelling. Dwelling units have a kitchen and the dwelling doesn't, but only two dwellings units are permitted on each one of these lots. They are asking for the legalization of the third dwelling they already have.

MR. MILLER stated it seemed to be a matter of opinion whether it will or will not. Staff has been accurate so many years, the Board must believe they are accurate again.

MS. MC ELROY said she had no doubt they were correct but she would question his opening remark about being illegal. She did not believe it was illegal at this time. There is no kitchen on the property. It is a studio room.

MR. MILLER said if the application was denied, it could be appealed because they believed it to be a legal use.

MS. MC ELROY said they would want to appeal. She said they don't believe it is illegal. There is a difference between being legal and illegal. The applicant applied for a power meter. She did not apply for a kitchen. She was granted a permit and installed the meter at her expense and now she is told you can't have this.

MR. CANUL asked the applicant if she built the unit.

MRS. LEZCANO replied it was already built.

MS. MC ELROY said the duplexes in that area are all identical. They consist of a two bedroom, one bath in the front, toward the rear there is a three bedroom two bath. The way most of the owners are renting this third unit, which the majority at this time are dwellings, not dwelling units, the third bedroom is the large bedroom and has its own private bath and side entrance. There is 59' frontage on the lot. There are two paved spaces at this time and they would request four spaces with the variance.

MR. CANUL inquired as to the lot size.

MS. MC ELROY said it was 59' x 118½'. The dwelling that is in question is generally rented to a bachelor on the Strip.

MR. CANUL asked how wide the driveway was.

MR. BROWN replied 18'.

MS. MC ELROY indicated on the plot plan what type parking was proposed and its location.

BOB WEBER, Department of Public Services, appeared. He said only one driveway was authorized. You cannot authorize another. There would be no approach to get into the proposed extra parking. He added that as far as the power meter was concerned and the sticker that was referred to, the upgrading of the power service has nothing to do with the number of dwellings that are authorized under the zoning. They can upgrade that power or put in additional meters and that is not a violation of the electrical codes.

MS. MC ELROY asked if the tenant in the two bedroom unit wanted to rent out one bedroom, would that be illegal.

MR. BROWN replied that it would.

MS. MC ELROY asked what that fell under.

MR. BROWN replied it came under the number of dwellings per lot.

MS. MC ELROY said she had some different information from the Planning Department.

MRS. LEZCANO said she was at the meeting for Rodela and they said it wasn't illegal to rent a room.

MR. BROWN said that a sleeping room doesn't have its own meter.

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

MR. MILLER made a Motion for DENIAL of V-67-77, because the requirements of the Zoning Ordinance to allow the granting of a Variance were not met.

Voting was as follows:

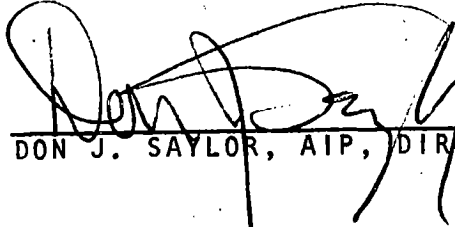
Mr. Miller: Yes
Vice Chairman Segretti: Yes
Mr. Canul: Yes

Motion for DENIAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, Vice Chairman Segretti declared the meeting ADJOURNED at 8:15 P.M.

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

DJS/lm