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A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 26, 1978

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 October 27, 1977, and November 30, 1977.

OLD BUSINESS:

1. U-89-77 Application of ELDA CRANE for a Use Permit to allow a used imported car lot on property located at 1765 East Charleston Boulevard in Zoning District C-1. (Under Resolution of Intent to C-2.) Such a use may be permitted in the C-2 District subject to receiving a Special Use Permit.
(Abeyance Item from 12/22/77)

NEW BUSINESS:

1. U-71-75 Review of CROWN MOTORS (BEN G. SACCENTI) for compliance to original conditions imposed at the time of approval of U-71-75 to allow the continuation of a used car sales lot. (Applicant was granted additional time, until January 26, 1978, by the Board of Zoning Adjustment on October 27, 1977, to comply to conditions.)

2. V-107-77 Application of MAYFLOWER CONSTRUCTION COMPANY for a Variance to allow a billboard on an R-3 and R-1 zoned property where billboards are not allowed and generally located on the east side of Decatur Boulevard between Del Rey and Mountain View (extended).

3. V-108-77 Application of LEWIS SONERHOLM for a Variance to allow a room addition (family room) to within ten feet (10') of the rear property line where fifteen feet (15') is required on property located at 4201 Ogden Avenue in Zoning District R-1.

4. U-92-77 Application of WILLIAM H. AND JANICE L. SHUMAN for a Use Permit to allow a commercial child nursery on property located at 1701 Fairfield Avenue in Zoning District R-4. Such a use may be permitted in the R-4 District subject to receiving a Special Use Permit.

5. V-109-77 Application of JACK K. LEAVITT for a Variance to allow an off-premise sign to a maximum height of fifty-five feet (55') where a maximum height of forty feet (40') is allowed on property located at 536 East Sahara Avenue in Zoning District C-1.

6. V-110-77 Application of LAMAR WILSON for a Variance to allow mobile homes where permanent dwellings are required on property generally located on the southwest corner of El Capitan Way and Iron Mountain Road in Zoning District R-E.

7. U-96-77 Application of DAN HALL AND PEGGY L. AMANTE for a Use Permit to allow operation of a non-profit residential facility for mentally retarded adults on property located at 2009 and 2013 Alta Drive in Zoning District R-1. Such a use may be permitted in the R-1 District subject to receiving a Special Use Permit.

17 ✓

8. V-111-77 Application of HOMESITE BAPTIST CHURCH for a Variance to allow a sign 24 ft. high where a maximum height of six feet (6') is permitted, and containing 55 sq. ft. where only fifteen (15) sq. ft. is permitted, on property located at 2413 East Cedar Avenue in Zoning District R-1.
9. V-1-78 Application of LAWRENCE ARVEY for a Variance to allow a porch to within four feet six inches (4'6") of the north side property line where five feet (5') is required and to within two feet (2') of the south side property line where nine feet (9') is required on property located at 1040 and 1044 South Sixth Street in Zoning District R-1.
10. V-2-78 Application of ORLO COX for a Variance to allow eight units to be constructed on a parcel of land containing 6,500 square feet where 7,000 square feet is required on property generally located on the south side of Chicago Avenue between Commerce Street and Fairfield Avenue in Zoning District R-4.
11. V-3-78 Application of PHYLLIS J. McGUIRE for a Variance to allow an eight ft. (8') concrete block fence on the rear and side property lines where a maximum height of six feet (6') is allowed on property located at 200 Rancho Circle in Zoning District R-A.
12. V-61-77 Request of DANCO ATANASOV for an Extension of Time to extend a Variance granted July 28, 1977, which granted the construction of a child care facility; and a request to permit the second floor addition to the approved plot plan on property generally located on the northwest corner of Maryland Parkway and Wilson Avenue in Zoning District R-3.
Extension of Time and Plot Plan Review
13. U-95-77(HO) Application of THOMAS P. McANENY at 508 Minnesota Street in Zoning District R-1 for a Home Occupation Permit - Allow a distribution office for Copyfax (office products).
14. U-97-77(HO) Application of JOSEPH G. ROBERTS at 711 Rancho Circle in Zoning District R-A for a Home Occupation Permit - Allow the trade in/purchase of mortgages and deeds of trust (bookkeeping in home).
15. U-1-78(HO) Application of RAMONA DiBENEDETTO at 3999 Trabuco Drive in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise party consulting and catering service operation.
16. U-2-78(HO) Application of C. PHILIP FRANKLIN at 2312 Santa Paula in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise video recording teaching aid service operation.

DIRECTOR'S BUSINESS:

1. Election of Officers 1978 Election of Officers for the Board of Zoning Adjustment.

MINUTES

BOARD OF ZONING ADJUSTMENT

JANUARY 26, 1978

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

PRESENT: Chairman Duncan, Mrs. Segretti, Mrs. Emmett, Mr. Miller and Mr. Canul

STAFF PRESENT: Don J. Saylor, AIP, Director, Department of Community Planning & Development
Don W. Brown, Supervisor of Zoning
Ira John Gardner, Planning Assistant
Linda A. McIntosh, Recording Secretary

PLEDGE OF ALLEGIANCE:

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meetings held October 27, 1977 and November 30, 1977. Motion carried unanimously.

OLD BUSINESS:

1. U-89-77 Application of ELDA CRANE for a Use Permit to allow a used imported car lot on property located at 1765 East Charleston Boulevard in Zoning District C-1. (Under Resolution of Intent to C-2.) Such a use may be permitted in the C-2 District subject to receiving a Special Use Permit.
(Abeyance Item from 12/22/77)

APPROVED

MR. BROWN presented the staff report and stated that at the last meeting there had been two requests for used car lots on East Charleston. Staff's comment at the last meeting is the same now. Staff would rather see used car lots on the Boulder Highway. The applicant was not present at the last meeting.

BILL SHOEN, Chairman of the Board of American Pacific International, stated they have a long term lease with an option to buy. He stated that both Mr. Brown and Mr. Clemmer had inspected the shrubbery on the East Charleston location and approved it. He added he was not present at the last meeting as he thought it was another date.

MR. MILLER asked Mr. Brown if staff recommended denial.

MR. BROWN replied yes, and that there is also one letter of protest.

MR. SHOEN stated that in 1964 a Variance was granted for the rear 40' x 100' of the property in question for a car lot.

MRS. SEGRETTI asked if the landscaping requirements would be met.

MR. SHOEN replied that they have been met. In response to an inquiry, he described the plot plan and the proposed use of the property.

MR. BROWN stated if the Board approved the request, it does have the right to plot plan review.

MR. MILLER said he was concerned with the request due to a recent rezoning application on the block directly behind the property. He did not want to set a precedent.

MR. SHOEN reiterated he could legally put cars on the back of the property.

MR. MILLER made a Motion for APPROVAL of U-89-77, 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. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Approval of the plot plan by staff.
5. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Segretti, Chairman Duncan,
Mrs. Emmett and Mr. Canul

"NOES" None

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-71-75

Review

APPROVED

Review of CROWN MOTORS (BEN G. SACCENTI) for compliance to original conditions imposed at the time of approval of U-71-75 to allow the continuation of a used car sales lot. (Applicant was granted additional time, until January 26, 1978, by the Board of Zoning Adjustment on October 27, 1977, to comply to conditions.)

MR. BROWN stated this item is a request for an extension of time in which the applicant can comply with the stipulations of the City. The conditions being deeding a 5' x 6' area on Main Street and installing 7' of sidewalk on Las Vegas Boulevard. The applicant asked for the extension of time in order to get these stipulations complied with. He has deeded the 5' x 6' area to the City, and from examination of the property, has started putting in the 7' of required sidewalk. Staff recommendation would be to give him an additional length of time to comply.

MR. MILLER asked how long staff suggested.

MR. BROWN replied ten days.

BEN SACCENTI stated the sidewalk should be finished on Friday and ready for inspection on Saturday.

CHAIRMAN DUNCAN asked if he could live with the ten day extension.

MR. SACCENTI said he would positively be finished within that time.

MR. CANUL made a Motion to grant a 10 day Extension of Time Under U-71-75, during which time the applicant is to comply with City requirements.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-107-77

APPROVED

Application of MAYFLOWER CONSTRUCTION COMPANY for a Variance to allow a billboard on an R-3 (Limited Multiple Residence) and R-1 (Single Family Residence) zoned property where billboards are not allowed and generally located on the east side of Decatur Boulevard between Del Rey and Mountain View (extended). The above property is legally described as a portion of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 6, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and described the location of the property by means of visual aids. He said there is already one existing sign on the property, otherwise, it is vacant. Staff sees no reason why the ordinance should be violated by permitting even one more sign at this location and recommends denial.

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

ANDY TESTA, 4601 West Sahara, stated he was representing Becker Enterprises, owners of the property. He said it was the intent of the owners of the property to hold it until such time in the future it is compatible to commercial zoning. It is not compatible for residential. The board will be behind the Post Office and will not obstruct the view of traffic. He added it will be an attractive board and did not feel it would be detrimental.

MRS. SEGRETTI asked if the property was more R-1 or R-3.

MR. BROWN replied that it is three-quarters R-1 and one-quarter R-3.

MR. TESTA said the area where the sign would be located is R-3.

MR. BROWN said the board was no more permitted in R-3 than R-1.

MR. MILLER asked who the board would be used by.

MR. TESTA said it would be for his firm, Andy Testa Realty.

MR. MILLER asked what size the board would be.

MR. TESTA said it would be 30' high and that the dimensions would be 12' x 30'. It will be a full size board.

MR. CANUL asked who would build the sign.

MR. TESTA said it would be built by J.C. Outdoor Advertising. He added there would be 500' between this sign and the existing sign.

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

MR. MILLER made a Motion for APPROVAL of V-107-77, subject to the following conditions:

1. Maintain a seven ft. minimum clearance under this sign if subject to pedestrian traffic; five ft. minimum clearance if not as required by the Department of Public Services.

2. This sign shall not be permitted to overhang property line or into the City of Las Vegas right-of-way as required by the Department of Public Services.
3. Conformance to the plot plan as amended to reflect the above conditions.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Segretti, Chairman
Duncan, Mrs. Emmett and Mr. Canul.
"NOES" None

Motion for APPROVAL carried unanimously.

3. V-108-77

APPROVED

Application of LEWIS SONERHOLM for a Variance to allow a room addition (family room) to within ten feet (10') of the rear property line where fifteen feet (15') is required on property located at 4201 Ogden Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 22, Block 3, Treasure Park #2.

MR. BROWN presented the staff report and stated that staff sees nothing unique or different about this lot which would permit the applicant to do something other than is allowed. There are no protests.

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

LEWIS SONERHOLM, 4201 Ogden Avenue, stated the proposed addition is for a family room. He added that he could legally go back 15', but that would make a rather narrow room. He would, therefore, like permission to go back the requested twenty feet.

MRS. SEGRETTI asked what the size of the room would be.

MR. SONERHOLM replied it would be 20' x 26' and would come to within 10' of the property line.

CHAIRMAN DUNCAN asked if the neighbor behind objected.

MR. SONERHOLM said he had not said so, there is, however, a 6' fence between the properties.

MRS. EMMETT asked if other properties in the area had done something similar.

MR. SONERHOLM replied that several of the neighbors had built on rooms. Some as large as that which he is hoping to build.

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-108-77, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

4. U-92-77

APPROVED

Application of WILLIAM H. AND JANICE L. SHUMAN for a Use Permit to allow a commercial child nursery on property located at 1701 Fairfield Avenue in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 43, 44, 45 and 46, Block 8, Meadows Addition.

MR. BROWN presented the staff report and stated this is located in the heart of an R-4 district. The land is now vacant. Ingress and egress will be from the alley. Staff thinks this is a well thought out plan. In viewing the area, there is a need for such a use and staff would recommend approval subject to securing of the necessary permits and licenses and satisfaction of all City requirements and the code.

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

WILLIAM SHUMAN stated the proposed nursery would facilitate between 75 and 100 children from the ages of 2 on up.

MRS. SEGRETTI asked how many children would be there at one time.

MR. SHUMAN said approximately 60.

MR. MILLER asked how big the property is.

MR. SHUMAN replied (it) is 138' x 110'.

CHAIRMAN DUNCAN asked if the property was vacant.

MR. SHUMAN replied there is a duplex, but it would be torn down. The proposed facility would be a 3,500 sq. ft. new building and would meet all regulations.

STEVE SMALL, 2869 East Twain, stated he owned the property directly south of the proposed facility. He asked that a 6' block wall be built on the south property line. He said the wall would provide for noise abatement. He asked that a wall be provided also for a portion of the west property line.

MRS. EMMETT asked if this would be a shared wall.

MR. SMALL replied not necessarily.

MRS. EMMETT asked Mr. Small if he intended building on his property.

MR. SMALL said he did, but not now.

CHAIRMAN DUNCAN asked Mr. Shuman if the block wall could be incorporated in his plot plan.

MR. SHUMAN said if it was necessary.

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

MRS. EMMETT made a Motion for APPROVAL of U-92-77, subject to the following conditions:

1. Dedication of an additional five feet of right-of-way on New York with a radius corner at Fairfield as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for future street lighting and alley paving as required by the Department of Public Services.
3. Construct a concrete sidewalk on Fairfield Street and New York Avenue frontages as required by the Department of Public Services.

4. Submit a parking plan and show driveway entrances on plot plan to conform to City of Las Vegas standards as required by the Department of Public Services.
5. A six foot block wall shall be constructed along the south property line to within ten feet of the west property line; at that point the wall shall be decreased to four feet, and continue west to the west property line and thence be continued northward to the projected south line of the play area.
6. 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.
7. Submittal of a landscaping plan prior to or at the same time application ~~is~~ made for a building permit.
8. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
9. Conformance to the plot plan.
10. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Emmett, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mr. Canul

"NOES" None

Motion for APPROVAL carried unanimously.

5. Y-109-77

DENIED

Application of JACK K. LEAVITT for a Variance to allow an off-premise sign to a maximum height of fifty-five feet (55') where a maximum height of forty feet (40') is allowed on property located at 536 East Sahara Avenue in Zoning District C-1 (Limited Commercial). The above property is legally described as Lot 21, Paradise Plaza Tract 1.

MR. BROWN presented the staff report and indicated the location of the proposed sign. Staff sees no reason why such an extension in height should be granted and recommends denial.

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

MR. STONE, United Outdoor, 900 South Commerce, stated they could build up to 40' under the ordinance. They wish the additional 15' so it would not obstruct other signs in the area. He said there are no residences involved.

CHAIRMAN DUNCAN asked if this would be a standard commercial sign such as is found all over the City.

MR. STONE replied that it would be.

MR. SAYLOR said that was not quite right, there is a 40' height limitation in the City.

MR. STONE said it would have the same dimensions as other signs. It would be 14' x 48'.

JOYCE FRANKLIN, 2312 Santa Paula, stated a 55' sign would be detrimental to the neighborhood. It is bad enough at the present time.

MR. BROWN said there are no protests on record.

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-109-77 as the Board found the applicant's position was not so unique and different from others in the area that a height variance for a sign should be permitted.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett
"NOES" None

Motion for DENIAL carried unanimously.

6. V-110-77

APPROVED

Application of LAMAR WILSON for a Variance to allow mobile homes where permanent dwellings are required on property generally located on the southwest corner of El Capitan Way and Iron Mountain Road in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 8, Township 19 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and indicated the location by means of visual aids. He said the plot plan, as submitted, has not been considered by staff. The concept of such a use in the area staff believes is compatible and staff would recommend approval subject to approval of a subdivision map.

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

L. WILSON, 953 East Sahara, stated he was one of the owners of the property in question. He said the subdivision would have $\frac{1}{2}$ -acre lots. He added the area is zoned R-E and would remain that zoning. He added with the improvements planned, the lots will be in the neighborhood of \$15,000 and that they would be sold to individual owners. There will be good access. Access to the Tonopah Highway will be on Shadow Mountain and Brent. The mobile homes must be double wides.

MR. MILLER asked how many lots are planned.

MR. WILSON said eighty-eight.

MR. MILLER asked if there was a need for this type of use.

MR. WILSON said they had a survey done and it highly recommended the area in question.

MRS. SEGRETTI asked if there would be more than one access.

MR. WILSON stated that was the plan.

VIRGINIA VANCE, 8722 Brent, stated she lived 300' from the property in question and was in favor of the proposal.

EDWARD VANCE, 8722 Brent, appeared in favor of the proposal. He said the park would improve the land and would be an asset to the City of Las Vegas.

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-110-77, subject to the following conditions:

1. Subject to the approval of a subdivision plat.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

RECESS;

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

7. U-96-77

APPROVED

Application of DAN HALL and PEGGY L. AMANTE for a Use Permit to allow operation of a non-profit residential facility for mentally retarded adults on property located at 2009 and 2013 Alta Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the North Half (N $\frac{1}{2}$) 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 stated there are 10 letters of protest and 19 signatures of protest on record. He presented a map showing the location of the protestants with regard to the proposed facility. The driveway comes in from Alta. Staff feels that such a use in the heart of an R-1 district would be incompatible and recommends denial.

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

ALBERT P. BAKER, president of the non-profit corporation requesting the Use Permit, stated this corporation was a spin-off from the First Christian Church. He said funds for the facility would come from private individuals, the Church and there would be State and Federal funding also.

CHAIRMAN DUNCAN asked how many people would be housed.

MR. BAKER said there would be 6 to 8 people, with house parents.

MR. MILLER asked if this was some kind of national thing.

MR. BAKER replied that it is a national trend, having home-like settings in residential areas.

MRS. SEGRERTTI asked what the ages would be of the persons living in the homes.

MR. BAKER replied they would be 18 and over.

MR. MILLER asked what kind of supervision was anticipated.

MR. BAKER said there would be 24-hour a day house parents. The residents would participate in jobs in the community and perhaps in Opportunity Village.

MR. MILLER asked where the people would come from.

MR. BAKER replied they would come from within the community.

MR. MILLER asked if they would be referred by the Mental Hospital.

MR. BAKER said there would be no disturbed persons.

MRS. SEGRETTI asked what would be the qualifications of those persons in charge of the residents.

MR. BAKER said they would be carefully selected and trained. He said the Church has over 90 years of experience in caring for people, especially for mentally retarded.

MRS. SEGRETTI asked if there was a particular reason for the property in question.

MR. BAKER said they would like a residential setting. Mentally retarded does not mean you should be shoved in some area of town that is undesirable.

MRS. EMMETT asked if some mentally handicapped persons were not already housed in central Las Vegas in apartments.

MR. BAKER replied the location is opposite Las Vegas High School. The State has established 4 units and there are two persons to an apartment.

MR. SAYLOR stated that particular location is a multiple family area.

BECKY RICHARDS, Desert Developmental Center, stated that her organization provides outreach services for mentally retarded persons and their families.

MABEL LAVALLE appeared in approval of the application. She stated she has a retarded grandchild and that Las Vegas does not have enough places to help these people.

REV. KEN FORSHEE, Pastor, First Christian Church, stated the program would be under excellent supervision. They will have an administrator who has 20 years of experience and the persons working as house parents will be under his supervision.

DR. CHARLES PALMER, National Benevolent Association of the Christian Church, headquartered in St. Louis, stated they operate 32 homes across the country. He added his particular responsibility as Director of Services to the Mentally Retarded is the starting of facilities and also helping groups to start.

PEGGY AMANTE, 2013 Alta, submitted a letter of approval signed by Charles Painter of 423 Beaumont and 921 Pinto Lane and a letter of approval signed by Marion Lowell, 430 Vandalia. She stated that Mr. Painter owns the lots across the street from the proposed facility.

MR. BROWN said in the opinion of the Public Services Department, the houses are not acceptable to comply with the Building Code requirements and would need extensive remodeling. He read a list of Public Service requirements to be met prior to their approval.

MR. BAKER said these requirements would be met.

WM. BUTLER stated he was the contractor who built the homes initially and the homes were already in compliance. He said if there are any required changes, he would make them.

AUDREY TENANT, 421 Beaumont, presented a petition of protest containing 60 signatures. She said she was enraged at being called ignorant. She stated she had relatives who are mentally retarded and understands their needs. She added they are against the homes going for this purpose. She said she also challenged Charley Painter. His renters had also signed the petition or had sent letters in. She said Mr. Painter lived several blocks away.

MR. MILLER asked why she was opposing the request.

MRS. TENANT said it is a single family area and it should be left as such. She said there are several children in the area who will not understand and that it would cause problems for all. Further, there are no sidewalks in the area and the

people from the facility would have to walk in the street.

SPIROS PLENTZAS, 504 Tonopah Drive, appeared in protest and stated there are no shopping centers easily accessible. He said he had been there 8½ years and he thought the facility should be located in a neighborhood not so heavily populated as the area in question.

ED JENSEN, 2016 Hamilton, stated that 6 months ago he picked this area to build his home. He said if he knew this was proposed he might have changed his mind. He said his rights as a citizen are being infringed upon.

TERRY ZORN, 2035 Center, appeared in protest, citing heavy traffic on Alta as a reason for protest.

CHAIRMAN DUNCAN asked those persons present in protest to stand. Approximately 29 people were present in opposition.

REV. FORSHEE appeared in rebuttal. He stated they had requested a Special Use Permit according to the law. He added they could go to the Welfare Department and get licensed for a foster care home for 5 persons.

MR. BROWN replied that a Use Permit is still required for a foster care home.

MRS. SEGRETTI said she was concerned with the zoning of the area. She said people put a great deal of money into their homes. She said there are multiple unit areas.

REV. FORSHEE said they are talking about a residential and family setting.

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

MRS. EMMETT made a Motion for APPROVAL of U-96-77, subject to the following conditions:

1. If four or more mentally retarded people are unable to completely care for themselves, the applicants will have to conform to N.F.P.A. Life Safety Code #101, as required by the Department of Fire Services.
2. Signing of an Assessment District Agreement (new form) for future sidewalks and street lighting as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Emmett, Mr. Miller, Chairman
Duncan and Mr. Canul

"NOES" Mrs. Segretti

Motion for APPROVAL carried by a 4/1 vote.

8. U-95-77 (HO)

APPROVED

Application of THOMAS P. McANENY at 508 Minnesota Street in Zoning District R-1 for a Home Occupation Permit - Allow a distribution office for Copyfax (office products).

9. U-97-77 (HO)

APPROVED

Application of JOSEPH G. ROBERTS at 711 Rancho Circle in Zoning District R-A for a Home Occupation Permit - Allow the trade in/purchase of mortgages and deeds of trust (bookkeeping in homes)

10. U-1-78(HO) Application of RAMONA DiBENEDETTO at 3999 Trabuco Drive in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise party consulting and catering service operation.
APPROVED
11. U-2-78(HO) Application of C. PHILIP FRANKLIN at 2312 Santa Paula in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise video recording teaching aid service operation.
APPROVED
12. U-3-78(HO) Application of HARRY J. BARNETT at 1104 Fay Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise photography business.
APPROVED

MR. BROWN presented the staff report and indicated that the applicants satisfactorily answered the Home Occupation Permit questionnaires and staff recommended approval.

MRS. SEGRETTI made a Motion for APPROVAL of Items 8 through 12, 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:

"AYES" Mrs. Segretti, Mr. Miller, Chairman
Duncan, Mrs. Emmett and Mr. Canul

"NOES" None

Motion for APPROVAL carried unanimously.

13. V-111-77 Application of HOMESITE BAPTIST CHURCH for a Variance to allow a sign 24 ft. high where a maximum height of six feet (6') is permitted, and containing 55 sq. ft. where only fifteen (15) sq. ft. is permitted, on property located at 2413 East Cedar Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 25 through 32, Block 2, Boulder Dam Homesite Tract 4.
DENIED

MR. BROWN presented the staff report and stated the applicants wished to put the sign in the southeast corner of the property. There would be some sight problem as far as Traffic Engineering is concerned. Regardless of that, to permit such a tremendous variance to both the height and area of size under the terms of the ordinance, staff would recommend denial.

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

REV. JOHN BENOIT, 3040 Liberty Circle, stated they have a problem on Eastern in that nobody can see the Church. On the opposite corner is a Kentucky Fried Chicken business which has a huge sign as do Winchell's Donuts down the street. He said they had had a sign which met the code requirements and it could not be seen. He added they thought they needed some exposure on Cedar Avenue and that he could not see any problem with traffic, and visibility would not be a problem. He said the Church is working with Young Electric Sign Company and they were supposed to get the variance, but there had been a slipup. He said the Church agreed to put in the posts. That was done before it was discovered they did not have a permit.

MR. MILLER suggested that if the Sign Company failed to get the proper permits, they should be required to move the posts.

REV. BENOIT said that would not be feasible because they are paying about \$500 for a \$5000 sign.

MR. MILLER said he would not like to see an accident on that corner due to visual obstruction.

WINSTON DEPEW, 2200 Jansen, stated he was in favor of the sign and is a Church member. He also described large signs in the 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 APPROVAL of V-111-77.

Voting was as follows:

"AYES" Mr. Miller

"NOES" Chairman Duncan, Mrs. Emmett and Mr. Canul

"ABSTAIN" Mrs. Segretti

Motion for APPROVAL failed for lack of a majority vote; therefore, the request is denied.

14. V-1-78

DENIED

Application of LAWRENCE ARVEY for a Variance to allow a porch to within four feet six inches (4'6") of the north side property line where five feet (5') is required and to within two feet (2') of the south side property line where nine feet (9') is required on property located at 1040 and 1044 South Sixth Street in Zoning District R-1 (Single Family Residence). The above property is legally described as the east 200 feet of Lot G, Park Place Addition.

MR. BROWN presented the staff report and stated this item had previously been before the Board. He described the requested variance as set forth by the applicant.

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

The applicant or a representative was not present.

MIKE HINES, 300 Fremont Street, appeared in protest representing the J.K. Houssels. He said the requested variance would obstruct the sun and wind to Mrs. Houssels garden and asked that the application be denied.

JAMES DOWN, 1141 South 16th Street, stated he did not want to see this built, it is ruining the area. He asked that the application be denied.

BOB WEBER, Department of Public Services, reported on Public Services involvement in seeing that code requirements were met on this property.

CLAY HYMER, Building & Safety, stated that some of the violations had been corrected and that others were in the process of being corrected.

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-1-78 as the Board found that the requirements of the Zoning Ordinance to allow the granting of a Variance were not met.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Miller, Chairman
Duncan, Mrs. Emmett and Mr. Canul

"NOES" None

Motion for DENIAL carried unanimously.

15. V-2-78

APPROVED

Application of ORLO COX for a Variance to allow eight units to be constructed on a parcel of land containing 6,500 square feet where 7,000 square feet is required on property generally located on the south side of Chicago Avenue between Commerce Street and Fairfield Avenue in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 9 and 10, Block 7, Meadows Addition.

MR. BROWN presented the staff report and stated that eight parking spaces are provided which is acceptable for this zoning district with a 50' frontage. Everything appears to be in order and staff would recommend approval.

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

ROGER HUNT, 116 South 4th Street, appeared representing the applicant. He said the way the project is designed, there is ample parking which will come off the alley. It will be a two story eight-plex.

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-2-78, subject to the following conditions:

1. Provide approved water main and fire hydrant; fire flow to be determined by the Las Vegas Fire Department. Two approved plans will be required, as required by the Department of Fire Services.
2. Construction of a concrete sidewalk and driveways on Chicago frontage as required by the Department of Public Services. Twenty-four feet is required between the row and column of parking spaces for maneuverability.
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. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

16. V-3-78

APPROVED

Application of PHYLLIS J. McGUIRE for a Variance to allow an eight ft. (8') concrete block fence on the rear and side property lines where a maximum height of six feet (6') is allowed on property located at 200 Rancho Circle in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the South Half (S½) of the Northeast Quarter (NE¼) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and indicated the applicant owns the property to the north and now is wanting the wall. It is 140' from Rancho Circle and it does go to Rancho Circle. Nevertheless, the ordinance is quite specific in limiting fences to 6'. Staff sees nothing unique about the lot or a demonstrated hardship, either of which would qualify the applicant for a variance and recommends denial.

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

MORT GALANE, 1100 First National Bank Building, was present representing the applicant, and submitted a drawing of the proposed fence and its location. He said the purpose for the wall was security from Alta. A concrete wall would not be constructed up to Rancho Circle that would affect the aesthetics. He said the wall would prevent prowling which now happens even though there is 24-hour security. He added it appears there are no problems with the neighbors.

ROBERT KELCH stated he was not exactly protesting the requested variance, but he was concerned with the grade on which the fence would be built and wished to have that clarified.

MR. GALANE replied the grade was 2¹/₃" from the curb level.

MR. BROWN said one of the conditions, if the request was approved, would be the established grade.

MR. GALANE said they agreed with that.

NANCY HOUSSELS, 380 Rancho Circle, asked that the 8' fence be required to stop at a certain angle.

MR. GALANE said the fence must stop.

MR. BROWN said that Public Services required a 10' dedication for Alta.

MRS. EMMETT asked if this was a normal condition or not. If it is not, it would be unfair to the applicant.

MR. BROWN replied required dedications are a normal condition. He added that many times rights-of-way are required.

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-3-78, subject to the following conditions:

1. There are no approved fire hydrants in the Rancho Circle area, if it is possible to obtain same, this should be considered, as required by the Department of Fire Services.
2. Signing of an Assessment District Agreement for future sidewalk and street lighting as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Segretti, Chairman
Duncan, Mrs. Emmett and Mr. Canul

"NOES" None

Motion for APPROVAL carried unanimously.

17. V-61-77

Extension of Time
and Plot Plan Review

APPROVED

Request of DANCO ATANASOV for an Extension of Time to extend a Variance granted July 28, 1977, which granted the construction of a child care facility; and a request to permit the second floor addition to the approved plot plan on property generally located on the northwest corner of Maryland Parkway and Wilson Avenue in Zoning District R-3.

MR. BROWN presented the staff report and stated the plot plan has been approved. The applicant originally had a curb cut on Maryland Parkway on the corner. This is the same plot plan as before. Staff feels this is in concert with the area and recommends an extension of time be granted.

MR. CANUL made a Motion for APPROVAL to grant the Extension of Time for a period of six months, which will expire on July 26, 1978; and for APPROVAL of the Plot Plan Review, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Canul, Mr. Miller, Mrs. Segretti,
Chairman Duncan and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. Election of Officers

MR. MILLER nominated Mrs. Emmett as Chairman for 1978.

Voting was as follows:

"AYES" Mr. Miller, Mrs. Segretti, Chairman
Duncan, Mrs. Emmett and Mr. Canul

"NOES" None

MRS. EMMETT elected unanimously.

MRS. SEGRETTI nominated Mr. Canul as Vice Chairman for 1978.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Miller, Chairman
Duncan, Mrs. Emmett and Mr. Canul

"NOES" None

MR. CANUL elected unanimously.

ADJOURNMENT:

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

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT


DON J. SAYLOR, AJP, DIRECTOR

DJS/lm