

S.V

A G E N D A

BOARD OF ZONING ADJUSTMENT

FEBRUARY 23, 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 December 22, 1977, and January 26, 1978.

NEW BUSINESS:

1. U-4-78 Application of NEVADA ESCROW SERVICE, INC. for a Use Permit to allow a retail self-service gasoline station on property generally located at the southeast corner of Sahara Avenue and Tamrich in Zoning District R-1 (under Resolution of Intent to C-1). An auto service station may be permitted in a C-1 District subject to receiving a Special Use Permit.

2. V-4-78 Application of VERNA W. HOLT for a Variance to allow a covered patio (existing) and a room addition (proposed) to within ten feet three inches (10'3") of the rear property line where fifteen feet (15') is required on property located at 700 South Jones Boulevard in Zoning District R-1.

3. V-5-78 Application of McLLOYD BARNEY for a Variance to allow an existing building to be used for office purposes to within three feet (3') of the rear property line where twenty-five feet (25') is required on property located at 3317 West Charleston Boulevard in Zoning District R-1 (under Resolution of Intent to C-D).

4. U-5-78 Application of HOUSING AUTHORITY OF THE CITY OF LAS VEGAS for a Use Permit to allow a child day care center (130 children capacity) on property generally located north of Stewart Avenue at the intersection of Maryland Parkway and Rue 13th Street in Zoning District R-2. A quasi-public use may be permitted in the R-2 District subject to receiving a Special Use Permit.

5. V-6-78 Application of RUTH V. BROWN for a Variance to allow a carport to within ten feet (10') of the front property line where twenty feet (20') is required on property located at 429 North 10th Street in Zoning District R-2.

6. V-7-78 Application of RUDOLPH F. BEITNER for a Variance to allow a second dwelling where only one is permitted on property located at 1717 Pacific Street in Zoning District R-1.

7. V-8-78 Application of LuRENE McFARLAND (APLIN) for a Variance to allow an addition to a single family dwelling to within thirty seven feet (37') of the front property line where fifty feet (50') is required, on property located at 2600 Palomino Lane in Zoning District R-A.

8. V-9-78 Application of DAYTON DEVELOPMENT COMPANY for a Variance to allow an outside sales and storage area in an area zoned R-1, under Resolution of Intent to C-1, where such a use is not permitted on property generally located on the northeast corner of Meadows Lane and Decatur Boulevard.

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9. U-6-78(HO) Application of JAMES E. JONES AND CLARA MAE JONES for a Home Occupation Permit to allow a worm raising business operation on property located at 127 North Ronald Lane in Zoning District R-1.
10. V-10-78 Application of DELL R. NIELSON for a Variance to permit two sub-standard parcels as follows: Parcel I - to allow a 9,792 sq. ft. lot where 20,000 square feet is required and 76'6" in width where 100 ft. is required; and to allow a front yard setback of 30 feet and a rear yard setback of 35 feet where fifty feet (50') is required, and to allow an eight ft. (8') sideyard setback on each side where ten feet (10') is required; Parcel II - to allow a 14,528 sq. ft. lot where 20,000 square feet is required and a front yard setback of fourteen feet (14') and a rear yard setback of 36 ft. where fifty feet (50') is required, on property located at 905 Cashman Drive in Zoning District R-E.
11. V-11-78 Application of JAMES E. TINNEY AND VIRGINIA K. TINNEY for a Variance to allow the legal front of the property to be Mountain View and to allow a rear yard setback of 35'6" where fifty feet (50') is required on property generally located on the northeast corner of Mountain View and Hinson in Zoning District R-E.
12. V-12-78 Application of FIRST NATIONAL BANK, TRUSTEE, for a Variance to allow a ten ft. (10') front yard setback where twenty feet (20') is required on property generally located on the north side of Stewart Avenue between Bruce Street and 19th Street in Zoning District R-3.
13. V-13-78 Application of ROY D. JENSEN, BILLY C. ELLISON, AND CAROL ANN WIKLE for a Variance to allow a ten ft. (10') block wall on the rear property line where six ft. (6') is allowed on properties located at 2916, 2920, and 2924 Black Forest Drive in Zoning District R-1.
14. U-56-74
Review of
Conditions Request of UPLAND BIBLE CHURCH for a Review of Conditions to allow an additional eight months to comply with stipulations imposed at the time of approval of U-56-74 which granted the use of a church facility on property located at 920 Upland Boulevard in Zoning District R-1.
15. U-8-59
Plot Plan
Review Request of SAVE WAY SERVICE, INC. for a Plot Plan Review to allow a self-service station and a convenience market on property generally located on the southwest corner of Rancho Drive and Bonanza Road in Zoning District C-1.

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

BOARD OF ZONING ADJUSTMENT

FEBRUARY 23, 1978

1. U-71-75

Review

Request of T & G CORPORATION for a Review to allow the addition of a motorcycle rental business operation under an approved Use Permit which granted the used car sales lot on property located at 2000 Las Vegas Boulevard South in Zoning District C-2.

MINUTES

BOARD OF ZONING ADJUSTMENT

FEBRUARY 23, 1978

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

PRESENT: Chairman Emmett, Mr. Canul and Mr. Duncan

EXCUSED: Mrs. Segretti and Mr. Miller

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

LEGAL STAFF: Audrey Daines, Deputy City Attorney

PLEDGE OF ALLEGIANCE:

MINUTES: MR. CANUL made a Motion for APPROVAL of the minutes of the Board of Zoning Adjustment meetings held December 22, 1977 and January 26, 1978. Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-4-78

APPROVED

Application of NEVADA ESCROW SERVICE, INC. for a Use Permit to allow a retail self-service gasoline station on property generally located at the southeast corner of Sahara Avenue and Tamrich in Zoning District R-1 (Single Family Residence) (Under Resolution of Intent to C-1 - Limited Commercial). The above property is legally described as a portion of the North Half (N½) of Section 8, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the reason they have come to the Board is for the use permit on the Resolution of Intent. The Planning Commission has approved the same plan in its plot plan review and staff would recommend approval.

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

CARL BAILEY, 2662 East Casey, stated they would do everything the City requested including landscaping, and would appreciate approval of the request.

MR. DUNCAN asked what the company would be.

MR. BAILEY said it is the Auto Flite Oil Company.

CHAIRMAN EMMETT 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-4-78, subject to the following conditions:

1. Installation of a fire hydrant, as there is not one located within 300 ft. of any portion of the property as required by the Department of Fire Services.
2. Dedication of a 20 ft. radius corner as required by the Department of Public Services.
3. Construction of a concrete sidewalk and driveway to conform to the City of Las Vegas standards (driveway openings 32' maximum) as required by the Department of Public Services.
4. Landscaping and a permanent underground sprinkler system

shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan as amended to reflect the above conditions.
8. 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, Chairman Emmett and Mr. Duncan
"NOES" None

Motion for APPROVAL carried unanimously.

2. V-4-78

DENIED

Application of VERNA W. HOLT for a Variance to allow a covered patio (existing) and a room addition (proposed) to within ten feet three inches (10'3") of the rear property line where fifteen feet (15') is required on property located at 700 South Jones Boulevard in Zoning District R-1 (Single Family Residence). The above property is legally described as the South 15.20 feet of Lot 3, and the north 47.80 feet of Lot 4, Block 42, Charleston Heights Tract #5-A.

MR. BROWN presented the staff report and stated the location of the request is in the heart of an R-1 District. Staff see nothing unique about this property which sets it apart from the others in the district which have complied with the requirements of the ordinance; therefore, staff would recommend denial.

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

VERNA HOLT stated she applied for a room addition before and was allowed to go out over the patio. She added she lives off an alley and is not against another building and would now like to enclose the patio and extend the room across the back of her house. She stated they are using the wall for the footage, rather than the alley. She added she has a home occupation permit as an interior decorator and needs the extra room.

MR. DUNCAN asked if the patio was in existence.

MRS. HOLT replied that it is.

MR. DUNCAN asked if the patio is legal.

MR. BROWN replied that it is.

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

MR. CANUL made a Motion for DENIAL of V-4-78 as the Board found the requirements of the Zoning Ordinance to allow the granting of a Variance were not met.

Voting was as follows:

"AYES" Mr. Canul and Mr. Duncan
"NOES" Chairman Emmett

Motion for DENIAL carried by a 2/1 vote.

3. V-5-78

APPROVED

Application of McLLOYD BARNEY for a Variance to allow an existing building to be used for office purposes to within three feet (3') of the rear property line where twenty-five feet (25') is required on property located at 3317 West Charleston Boulevard in Zoning District R-1 (Single Family Residence) - Under Resolution of Intent to C-D (Designed Commercial). The above property is legally described as Lot 13, Block 1, Westleigh Tract 1.

MR. BROWN presented the staff report and stated the request is located in a C-D area and that there is C-D both east and west and across the street. He added without a doubt staff would not recommend a 25' variance be granted. Two sketches have been submitted, one by the applicant. Staff also has a layout and would put in a lot more landscaping and provide two more parking spaces. Should the Board approve, staff would recommend it be approved subject to several Public Services requirements. Staff however, recommends denial.

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

McLLOYD BARNEY stated he did plan on having landscaping around the building. He submitted a petition of approval signed by residents of the neighborhood. He described the plot plan as it related to adjacent properties. He added that the neighbor directly adjacent had signed the petition in favor of the request because the parking as proposed would allow her to back directly into her driveway.

CHAIRMAN EMMETT asked if the referred to neighbor was directly affected.

MR. BARNEY replies yes, and that the other who used the alley had wanted to make sure it did not interfere with them.

MR. CANUL asked if parking bumpers could not be used.

MR. BARNEY replied people would then have to back into the alley.

MR. CANUL asked for staff's recommendation.

MR. BROWN said that if it is approved, staff's plan should be the plan approved

CHAIRMAN EMMETT asked the applicant if he agreed to staff stipulations.

MR. BARNEY replied that he did.

MR. CANUL asked if the request was approved subject to staff recommendations, could the applicant live with that, Plan 2.

MR. BARNEY replied that he could, that it would still protect the neighbor.

CHAIRMAN EMMETT 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 V-5-78, subject to the following conditions:

1. The plot plan shall be revised to reflect the driveway opening onto Barnard Drive, if any, as required by the Department of Public Services.
2. The angled parking in the front would require fifteen ft. clearance between the building and parking space as required by the Department of Public Services.
3. Eave line adjacent to property line shall be protected by one hour construction as required by the Department of Public Services.

4. Power drop over building to be raised to proper height and clearance as required by the Department of Public Services.
5. Bathroom facilities shall be provided as required by the Code.
6. Electrical wiring shall be brought to N.E.C. compliance as required by the Department of Public Services.
7. 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.
8. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
9. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
10. Conformance to the plot plan as proposed by staff at the hearing.
11. 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, Chairman Emmett and Mr. Duncan
 "NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN EMMETT announced this item would be heard by the City Commission on March 15, 1978 at 2:00 P.M.

4. U-5-78

APPROVED

Application of HOUSING AUTHORITY OF THE CITY OF LAS VEGAS for a Use Permit to allow a child day care center (130 children capacity) on property generally located north of Stewart Avenue at the intersection of Maryland Parkway and Rue 13th Street in Zoning District R-2 (Two Family Residence). A child day care center may be permitted in the R-2 District subject to receiving a Special Use Permit. The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 35, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and indicated the location of the property in question by means of visual aids. He stated the proposed freeway goes through the heart of the property. There is nothing finite about the location of the east leg. Staff has no quarrel with the use at this location, however, would recommend that nothing be done with this request until such time as the definite location of the east leg and the interchange is identified and if it is determined this request would not interfere with the proposed extension of the freeway, would recommend approval.

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

HARRIS SHARP, Architect, stated this project was a joint city venture. With reference to the freeway, he said they knew the exact location of the freeway, that it affects the Kelso Turner area. He added with the full future plan of Kelso Turner, the center is in a very fine location for access to the public. He said they did not mind waiting 4 months for the freeway determination. Recent public hearings did not indicate an interchange at this location.

ART SARTINI, Executive Director of the Las Vegas Housing Authority, stated the way the freeway was designed, it would miss this area completely.

CHAIRMAN EMMETT 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-5-78, subject to the following conditions:

1. Construction of a concrete sidewalk and driveway openings where required to City of Las Vegas standards as required by the Department of Public Services.
2. This use permit shall not become effective until a final determination has been made that this proposal will not interfere with an interchange and/or the East Leg of the proposed freeway.
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, Chairman Emmett and Mr. Duncan.
"NOES" None

Motion for APPROVAL carried unanimously.

5. V-6-78

DENIED

Application of RUTH V. BROWN for a Variance to allow a carport to within ten feet (10') of the front property line where twenty feet (20') is required on property located at 429 North 10th Street in Zoning District R-2 (Two Family Residence). The above property is legally described as Lot 18, Block 2, Grandview Addition.

MR. BROWN presented the staff report and indicated the location of the property in question. He said that in viewing the area, the existing buildings look like soldiers in a row. If the carport is permitted it would be in front of all the houses and would aesthetically ruin the block. Staff recommends denial.

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

BECKY BIONI stated the property was her mother's house. She added it is more than 10' from the property line and that there is 14' that does not show. It would be 24' from the end of the carport to the street, measured from the curb. There is an existing row of Oleanders and the carport would not come out beyond these.

MR. BROWN reiterated the proposed carport would be 10' from the property line.

CHAIRMAN EMMETT asked if there was a paved sidewalk.

MR. BROWN replied this is the only house in the block that doesn't have a sidewalk.

MR. CANUL asked if all of the houses were set back 34 feet.

MR. BROWN replied they are.

MS. BIONI stated the carport would not extend more than 5 feet beyond the patio which has just been covered.

MR. BROWN said the sketch submitted by the applicant shows the carport extending 15 feet.

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

MR. DUNCAN made a Motion for DENIAL of V-6-78 because 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" Mr. Duncan, Mr. Canul and Chairman Emmett
"NOES" None

Motion for DENIAL carried unanimously.

6. V-7-78

DENIED

Application of RUDOLPH F. BEITNER for a Variance to allow a second dwelling where only one is permitted on property located at 1717 Pacific Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 9, Block 5, Eastwood Tract 2.

MR. BROWN presented the staff report, indicated the location by means of visual aids and stated the request is in the heart of an R-1 District where only one dwelling unit per lot is permitted. There is an existing building on the plan and the applicant wants to make a dwelling of that. Staff sees nothing unique about this lot which would warrant an additional dwelling and would recommend denial. There is one letter of protest.

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

ERNIE ADLER, Senior Citizens Law Project, was present, speaking for the applicant.

RUDOLPH F. BEITNER, 1717, Pacific Street, was present.

MR. ADLER stated this is a unique situation. Mr. Beitner has owned the property for 25 years and he has rented the building in question out for 14 years. It is a source of income for him. He added the applicant is on a fixed income and he depends upon this to make his mortgage payments. If the request is not approved, he will lose his house, and there is a one year waiting list for low income senior housing. He said this use hasn't bothered anyone up to this point in time.

MR. DUNCAN asked what was the reaction of his neighbors.

MR. BEITNER said there had been no reaction. He said the building in question is one room and has been rented out.

MR. DUNCAN asked if this was just a sleeping room.

MR. BEITNER replied that was true, and that it has no kitchen facilities.

CHAIRMAN EMMETT asked for the address of the letter of protest.

MR. BROWN said it was 1618 Atlantic.

MR. ADLER said he thought this was a hardship case due to Mr. Beitner's limited income.

MR. CANUL asked who was currently renting the building.

MR. BEITNER said a fellow from California who paid 4 weeks in advance.

JILL CRAWFORD, representing Everett Hugby, 1800 Atlantic, stated the back of the property at 1800 Atlantic met the applicant's property. She said the renters are mostly drunks and that they use the backyard of Mr. Beitner's property for a toilet. She said she had made an offer for the 1800 Atlantic property, but would not take it if this situation was allowed to continue. She stated she represented the Isabel Child Nursery who is also opposed to the request.

MR. CANUL asked if there was a bathroom in the building.

MR. BROWN replied to his knowledge there was not.

MR. BEITNER said the renters had been using the bathroom in his house and that he did not know this was going on.

CHAIRMAN EMMETT asked if he would object to installing a bathroom.

MR. BEITNER said he would if it was possible.

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

MR. CANUL made a Motion for DENIAL of V-7-78 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" Mr. Canul, Chairman Emmett and Mr. Duncan

"NOES" None

Motion for DENIAL carried unanimously.

7. V-8-78

APPROVED

Application of LuRENE McFARLAND (APLIN) for a Variance to allow an addition to a single family dwelling to within thirty-seven feet (37') of the front property line where fifty feet (50') is required, on property located at 2600 Palomino Lane in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the request is for a setback of 37' instead of the required 50'. There is nothing unique about the lot at this location and staff would recommend denial.

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

LuRENE McFARLAND APLIN was present.

BILL APLIN was present, and stated they want to put a front porch which would be covered on the front of the house. He added the house was built in 1943 and since that time the area has been rezoned to R-A and it is therefore nonconforming. Except for a couple of homes on that block, none of them have the required 50' setback. He added without the porch, the house would look like a cracker box on end and that the porch would be an asset to the neighborhood. There was an existing porch which was torn down and this porch will be smaller and more attractive.

MR. DUNCAN asked what the present setback is.

MR. BROWN replied it is 37 feet.

MR. CANUL asked if the variance was approved, would there still be a 37' setback.

MR. BROWN replied that was correct.

MR. CANUL asked if the request was denied, would the house still not be in accordance with the setback.

MR. BROWN replied that was correct. A variance is needed for any improvements. He then read City stipulations if the request was approved including a requirement to sign a special assessment district agreement.

MR. APLIN indicated he did not agree with the special assessment district agreement signing and added they do not want sidewalks in the area.

CHAIRMAN EMMETT asked if the applicant would have an opportunity to determine what kind of improvements could be installed under the agreement.

MR. BROWN indicated they would and further that the applicant would have already agreed to pay for his share of any improvements.

MR. APLIN said this was blackmail.

STAN SULLIVAN, 2520 Palomino, appeared in approval of the request and said the house as it exists is an eyesore. The request would upgrade the house and be a real improvement to the neighborhood. He added that they do not want sidewalks in the area and to have to sign an assessment agreement is blackmail, it has no connection to the requested variance.

CHUCK SANTELMAN, 2550 Palomino, stated he lived directly across the street and that he had received a variance six months previously which had been approved conditioned on his signing an agreement. He added he would like this stipulation checked into and that he was in favor of the application.

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

MR. DUNCAN made a Motion for APPROVAL of V-8-78, subject to the following conditions:

1. Dedication of a radius corner at Palomino and Shetland as required by the Department of Public Services.
2. Conformance to the plot plan.
3. 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. Duncan, Mr. Canul and Chairman Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

RECESS:

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

8. V-9-78

APPROVED

Application of DAYTON DEVELOPMENT COMPANY for a Variance to allow an outside sales and storage area in an area zoned R-1 (Single Family Residence) under Resolution of Intent to C-1 (Limited Commercial) where such a use is not permitted on property generally located on the northeast corner of Meadows Lane and Decatur Boulevard. The above property is legally described as a portion of the North Half (½) of the Northwest Quarter (NW¼) of Section 31, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the request is for outside sales in an area under Resolution of Intent to C-1. Outside sales are permitted in C-2, but not C-1. The area will be facing the Las Vegas Expressway and the applicant has agreed to screening. Staff does not have too much quarrel with it. It is in connection with Von Tobel's.

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

STEVEN RUTHERFORD stated they are requesting the variance for a sales display and storage of home improvement items. There will be a 12' wall. The place of this area is good in terms of limiting views from the streets. He presented a rendering to the Board. There will only be one opening and that is a 6' to 8' gate for deliveries to be made, but people will take the merchandise out of the front of the store.

CHAIRMAN EMMETT 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 V-9-78, subject to the following conditions:

1. Water mains and fire hydrants to be provided and approved by the Las Vegas Fire Department.
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. 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, Chairman Emmett and Mr. Duncan
"NOES" None

Motion for APPROVAL carried unanimously.

9. U-6-78 (HO)

DENIED

Application of JAMES E. JONES and CLARA MAE JONES for a Home Occupation Permit to allow a worm raising business operation on property located at 127 North Ronald Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block 3, Park Ridge Addition.

MR. BROWN presented the staff report and stated the request is in the heart of an R-1 District. On file are 11 approvals and 17 protests. He indicated the locations with relation to the property in question by means of visual aids. The person located on the north of the lot in question signed a petition for and a petition against the request. Staff feels that to permit a worm farm in this residential area would be a prostitution of a Home Occupation Permit requirements and recommends denial.

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

JAMES E. JONES and CLARA MAE JONES were present.

MR. JONES stated they did not know when they started there would be objections, that he had talked to the neighbors before starting and they did not care. The City then came out and said someone had turned them in for raising worms. He said there is no odor. Cardboard is used, not manure for feed. They have a 6' fenced yard so it cannot be seen from the street and use lights at night. The neighbor on the north does not object to the lights as they light up his backyard. The lights keep the worms from crawling.

CHAIRMAN EMMETT asked where the worms were kept.

MR. JONES said in styrofoam boxes in racks and that they are fed once a week. He demonstrated a sample of the product that the worms are fed.

CHAIRMAN EMMETT asked what the size of his lot is.

MR. JONES replied it is 133' x 100'. He submitted an additional two letters of approval.

CHAIRMAN EMMETT asked how long he had had the worms.

MR. JONES said since last June and that they have not sold any. He said there would be no selling from the door, no employees would be hired and this occupation would supplement his income which is Social Security.

CHARLES WELTON stated he had been a friend of the Jones for 6 years and helped with the worms. He said there is no smell and they don't make any noise and if they do crawl, they will help your lawn. He added he lives a block and a half away.

MARJORIE MORRIS, 111 Ronald, stated she lived right next door to the property in question. She said until about a month ago she did not know the applicant had worms and that he did not tell them. She said she did not want this next to her property. She added after 23 years of owning her property, she did not think she had to put up with this.

CHERYL FEEMAN, 143 Ronald, stated the person who had signed both petitions was a tenant and did not have the right to sign. She added she represents the people that signed the petition. She had contacted a total of 22 and 18 sign in protest. Three said they would attend the meeting and make their decision at that time. The lady who just spoke was one of those persons so that make a total of 19 who did not want the variance. She presented the petition to the Board and read its comments. She said the applicant is now in violation of the law. Further, she stated she had contacted Mr. & Mrs. Pierson at the Las Vegas Worm Farm, authorities on worm raising, and they had given her much information about the subject indicating the requested variance would be detrimental to the neighborhood. She read extensively from a book on the subject.

MR. JONES appeared in rebuttal and invited the Board to his home to view the worms and presented samples of shredded cardboard worm food as well as the supplement food used.

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

MR. CANUL made a Motion for DENIAL of U-6-78 (HO) because the Board found that the requirements of the Zoning Ordinance to allow the granting of a Home Occupation Permit were not met.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

10. V-10-78

DENIED

Application of DELL R. NIELSON for a Variance to allow Parcel I: A 9,792 sq. ft. lot where 20,000 square feet is required and 76'6" in width where 100 ft. is required; and to allow a front yard setback of 30 feet and a rear yard setback of 35 feet where fifty feet (50') is required, and to allow an eight ft. (8') side-yard setback on each side where ten feet (10') is required; Parcel II: To allow a 14,528 sq. ft. lot where 20,000 square feet is required and a front yard setback of fourteen feet (14') and a rear yard setback of 36 ft. where fifty feet (50') is required on property located at 905 Cashman Drive in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated that the plot plan as submitted shows the existing house which occupies 14,825' and the other parcel of 9,792 sq. ft. This is an area where no lots are smaller than 20,000 sq. ft. The applicant is attempting to split his lot into two substandard lots. This has been before the Board previously and was denied. There is nothing unique about this lot to permit such a separation and staff would again recommend denial.

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

DOUG KENNEDY stated he was interested in Parcel I. He said he was under the impression that a \$75,000 house would be better than a vacant lot.

MR. DUNCAN asked if the property in the area was divided into half-acre lots.

MR. BROWN replied it is.

DENNIS RUSK, architect, presented a rendering of the proposed house. He said there is now a handball court which was built 20 years ago in poor condition. The house will improve the area.

MR. BROWN stated there are two letters of protest on file.

J.B. MICKILICH, 845 Kenny Way, stated this is an R-E area and they would like to keep it that way. He submitted names of property owners in protest.

CHAIRMAN EMMETT asked if he had the same size parcel.

MR. MICKILICH said it was exactly the same.

JOHN McFADDEN stated he lives across the street from the property in question. He gave a brief history of the property and added he also was in protest.

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

MR. CANUL made a Motion for DENIAL of V-10-78 because to grant such a lot split would provide for the applicant an advantage not accorded others in this neighborhood.

Voting was as follows:

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

Motion for DENIED carried unanimously.

11. V-11-78

APPROVED

Application of JAMES E. TINNEY and VIRGINIA K. TINNEY for a Variance to allow the legal front of the property to be Mountain View and to allow a rear yard setback of 35'6" where fifty feet (50') is required on property generally located on the northeast corner of Mountain View and Hinson in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the North Half (N½) of the Southeast Quarter (SE¼) of Section 6, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the property in question is now a vacant lot. Staff has no quarrel with the request and would recommend approval subject to dedication of a radius corner at Mountain View and Hinson.

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

JIM TINNEY, 4205 El Sodar, was present.

MR. CANUL asked if he understood the conditions.

MR. TINNEY said it would not be a problem.

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

MR. DUNCAN made a Motion for APPROVAL of V-11-78, subject to the following conditions:

1. Dedication of a radius corner at Mountain View and Hinson as required by the Department of Public Services.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

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

Motion for APPROVAL carried unanimously.

12. V-12-78

APPROVED

Application of FIRST NATIONAL BANK, TRUSTEE, for a Variance to allow a ten ft. (10') front yard setback where twenty feet (20') is required on property generally located on the north side of Stewart Avenue between Bruce Street and 19th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 36, 37 and 38, Block 4, Boulder Dam Homesite Addition Tract #2.

MR. BROWN presented the staff report and stated the sketch plan is as submitted. Staff doesn't really have an objection to the setback as long as the building doesn't come any further forward than the houses adjacent to the property. There is one letter of protest.

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

MRS. ROBERT FONG, 2418 18th, appeared seeking clarification of the requested variance and wanting to know also which side of the street it would be on.

BRUCE HALSEY said the reason for the variance was to bring the building out to conform with other residences in the area. This will also give more room for carports in the rear.

MRS. LeROY PURCHELL, 1817 Stewart, appeared in protest, stating that there are too many apartments in the neighborhood and objected to more. She cited parking and traffic as reasons for protest.

CHAIRMAN EMMETT stated that a variance was not needed to build the apartments, it was for the setback.

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

MR. DUNCAN made a Motion for APPROVAL of V-12-78, subject to the following conditions:

1. Dedication of 10 ft. of right-of-way on Stewart frontages as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for future sidewalk and alley paving as required by the Department of Public Services.
3. Location of the structure to be no further toward the street than adjacent structures on Stewart Avenue.
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. Duncan, Mr. Canul and Chairman Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

13. V-13-78

APPROVED

Application of ROY D. JENSEN, BILLY C. ELLISON, and CAROL ANN WIKLE for a Variance to allow a ten ft. (10') block wall on the rear property line where six ft. (6') is allowed on properties located at 2916, 2920 and 2924 Black Forest Drive in Zoning District R-1 (Single Family Residence). The above properties are legally described as Lots 65, 66 and 67, Block 8, Enchanted Village Unit #3.

MR. BROWN presented the staff report and stated staff would recommend approval because of the large apartment complex located adjacent to the property. The request is for a 10' block wall.

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

ROY JENSEN and CAROL ANN WIKLE were present

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

MR. DUNCAN made a Motion for APPROVAL of V-13-78, 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. Duncan, Mr. Canul and Chairman Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

14. U-56-74

Review of
Conditions

APPROVED

Request of UPLAND BIBLE CHURCH for a Review of Conditions to allow an additional eight months to comply with stipulations imposed at the time of approval of U-56-74 which granted the use of a church facility on property located at 920 Upland Boulevard in Zoning District R-1.

MR. BROWN presented the staff report, indicated the location by

by means of visual aids and stated staff would recommend approval of an extension of time.

BILL REVELL, 6224 Factor, stated the reason for the request is they had just become aware they had to comply with the stipulations in the Use Permit. They did not know previously as the prior minister had left and had not passed this information along. They need the additional time to raise needed funds.

MR. CANUL asked if 8 months would be sufficient.

MR. REVELL replied that it would.

MR. DUNCAN made a Motion for APPROVAL of the Review of Conditions under U-56-74, to allow an additional eight months, until October 23, 1978 to comply with stipulations originally imposed at the time of approval of Use Permit U-56-74.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

15. U-8-59

Plot Plan Review

APPROVED

Request of SAVE WAY SERVICE, INC. for a Plot Plan Review to allow a self-service station and a convenience market on property generally located on the southwest corner of Rancho Drive and Bonanza Road in Zoning District C-1.

MR. BROWN presented the staff report and indicated the plot plan submitted and stated staff recommends approval.

CARL BAILEY, representing Save Way Service, was present and stated they have operated a station at the subject location since 1962 which has outlived its usefulness and they are now going to upgrade the property.

MR. DUNCAN asked if there was a traffic problem at this location.

MR. BAILEY stated they have no problem, in fact, they probably lose business because of the divider in the street.

MR. CANUL made a Motion for APPROVAL of the Plot Plan Review under U-8-59, subject to the following conditions:

1. Construction of a concrete sidewalk and closing of relocated driveway opening 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.
6. 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, Chairman Emmett and Mr. Duncan
"NOES" None

Motion for APPROVAL carried unanimously.

16. U-71-75

REVIEW

Request of T & G CORPORATION for a Review to allow the addition of a motorcycle rental business operation under an approved Use Permit which granted the used car sales lot on property located at 2000 Las Vegas Boulevard South in Zoning District C-2.

MR. BROWN presented the staff report and stated staff would recommend the request be approved.

DAVID STRASSER, T & G Corporation, was present.

MR. DUNCAN made a Motion for APPROVAL of the Review under U-71-75, subject to the following condition:

1. 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. Duncan, Mr. Canul and Mrs. Emmett

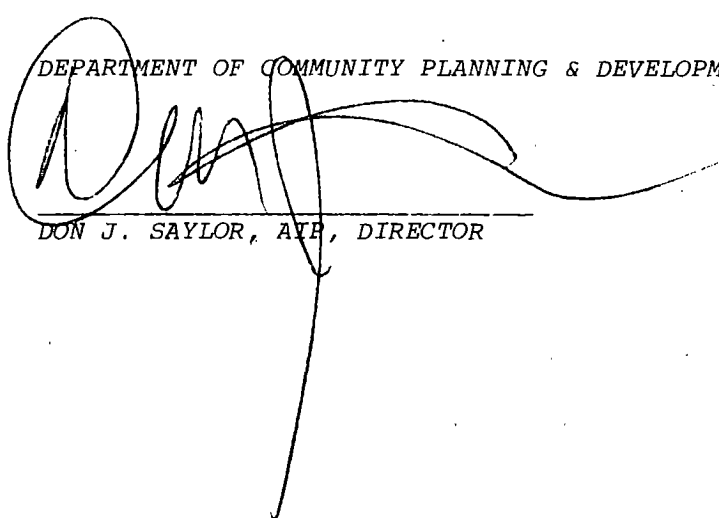
"NOES" None

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 10:00 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



DON J. SAYLOR, AEP, DIRECTOR

DJS/lm