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A G E N D A

BOARD OF ZONING ADJUSTMENT

JULY 27, 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:

OLD BUSINESS

- 1. V-57-78
(Abeyance item from 6/22/78) Application of DANIEL S. HUSSEY for a Variance to allow the existing building 7.3 feet from the south property line where 9 feet is required; to allow the existing building and an addition 3.7 feet from the north side property line where 5 feet is required with the existing eave overhang 2 feet from the side property line where 3 feet is required, and to allow the proposed addition 14 feet from the rear property line where 15 feet is required on property located at 1131 Buehler Drive in Zoning District R-1.
- 2. U-46-78
(Abeyance Item from 6/22/78) Application of OWEN AND ISABELLA MAHONEY, on behalf of the FITZSIMMONS HOUSE, for a Use Permit to allow the operation of an adolescent male treatment program for potential or actual substance abusers on property located at 1718 West Bonanza Road in Zoning District R-E.

NEW BUSINESS:

- 1. U-47-78 Application of the CLARK COUNTY SCHOOL DISTRICT for a Use Permit to construct an elementary school on property generally located on the south side of Bonanza Road between Honolulu Street and Sandhill Road in Zoning District R-E.
- 2. U-52-78 Application of THOMAS H. JONES for a Use Permit to allow the sales of produce in a portable building on an open sales lot on property located at 4543 N. Rancho Road in Zoning District C-2.
- 3. V-54-78 Application of ANN A. DILLEY for a Variance to allow the construction of a block wall in the rear yard along Alta Drive and along the east property line to a height ranging from six feet (6') to eight feet (8') where a maximum height of six feet (6') is allowed on property located at 709 Rancho Circle in Zoning District R-A.
- 4. V-58-78 Application of BRUCE E. ROTH for a Variance to allow a 5 foot rear yard setback where 15 feet is required which is a result of a proposed addition connecting the existing garage to the residence (the connection makes the garage part of the residence, thus requiring a 15 foot setback, rather than the 5 feet for detached accessory structures); and to allow a storage room addition to the side property line where 5 feet is required on property located at 1800 Griffith Avenue in Zoning District R-1.
- 5. V-59-78 Application of SYLVESTER AND MILDRED PRESSER for a Variance to allow an existing workshop eleven inches (11") from the side property line where fifteen feet (15') is required on property located at 2841 Wilmington Way in Zoning District R-1.

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6. V-60-78 Application of JAMES HEATHCOTE, JR. for a Variance to provide housing facilities for five (5) mentally retarded adults on property located at 712 Ann Drive in Zoning District R-1.
7. V-61-78 Application of C. RAY AND CAROL A. BALDWIN for a Variance to allow an addition to an enclosed garage 17 feet 6 inches from the front property line where 20 feet is required on property located at 4608 Heidi Circle in Zoning District R-1.
8. V-62-78 Application of THOMAS E. AND HELEN B. TANEY for a Variance to allow an aluminum carport 5½ feet from the front property line where 20 feet is required on property located at 1027 Francis Avenue in Zoning District R-1.
9. V-63-78 Application of R.E. RUSHING for a Variance to allow a child care center for a maximum of 48 children, days only, on property located at 2010 Palomino Lane in Zoning District R-1.
10. U-51-78(HO) Application of VINCE LOMBARDO at 2100 E. Oakey Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow the operation of insurance sales.
11. U-53-78(HO) Application of MURIEL N. LYMAN at 829 Lacy Lane in Zoning District R-E for a Home Occupation Permit - Allow work with gold nuggets on watch bands.
12. U-54-78(HO) Application of MRS. ARVILLE B. BAUER at 504 Lacy Lane in Zoning District R-E for a Home Occupation Permit - To do alterations in one room of her home.
13. U-55-78(HO) Application of IRA WILLIAMSON for WARD J. MATTHEWS at 2121 East Hoyt in Zoning District R-1 for a Home Occupation Permit - To operate a yard maintenance and cleanup business.
14. U-4-65
PLOT PLAN REVIEW Application of E.T. LEGG AND COMPANY for a Plot Plan Review to allow 6 ft. by 12 ft. signs under an approved Use Permit which granted a service station on property generally located at the northwest corner of 25th Street and Stewart Avenue in Zoning District C-1.
15. U-55-63
PLOT PLAN REVIEW Request of GEORGE F. KALB CONSTRUCTION COMPANY for a Plot Plan Review to allow a grocery store and gasoline sales on an approved Use Permit which granted the construction of a service station on property generally located on the northeast corner of Decatur Boulevard and Vegas Drive in Zoning District C-1.
16. V-61-77
EXTENSION OF TIME Application of DANCO ATANASOV for an Extension of Time on an approved Variance which granted the construction of a child day care facility on property generally located on the northwest corner of Maryland Parkway and Wilson Avenue in Zoning District R-3. An Extension of Time was granted for a six month period of time January 26, 1978.

SUPPLEMENTAL AGENDA
BOARD OF ZONING ADJUSTMENT

JULY 27, 1978

1. U-56-78(HO) Application of ROBERT E. HERZOG for ANTHONY COLLINS at 824 N. 21st Street in Zoning District R-1 for a Home Occupation Permit - For carpet and furniture cleaning.
2. U-57-78(HO) Application of LYNDA H. WALKER at 4306 Lorna Place in Zoning District R-1 for a Home Occupation Permit - Preparing mailing labels for a drop-ship mail order business.
3. U-58-78(HO) Application of VICKI LYNN JOHNSON at 616 Altamira Road in Zoning District R-1 for a Home Occupation Permit - Paint animal portraits.
4. V-94-76
PLOT PLAN REVIEW Request of SHAW ADVERTISING COMPANY for a Plot Plan Review to install four 3 foot metal letters, fourteen 1 foot metal letters and one 18 inch metal oval to the face of KILA Radio building at 2201 S. 6th Street. All letters will be mounted to the wall with no illumination.

MINUTES

BOARD OF ZONING ADJUSTMENT

JULY 27, 1978

RECEIVED

DEC 18 10 45 AM '78

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, Mrs. Segretti, Mr. Swessel and Mr. Canul

EXCUSED:

Mr. Duncan

STAFF PRESENT:

Don W. Brown, Supervisor of Zoning
Ira John Gardner, Planning Assistant
Linda A. McIntosh, Recording Secretary

LEGAL STAFF PRESENT:

Mike Sloan, City Attorney
Audrey Daines, Deputy City Attorney

PLEDGE OF ALLEGIANCE:

MR. BROWN stated that the agenda for this regular meeting of the Board of Zoning Adjustment has been posted and mailed as provided for in NRS Chapter 241, and affidavits are on file in the office of the City Clerk.

OLD BUSINESS:

1. V-57-58

(Abeyance Item
from 6/22/78)

APPROVED
IN PART

Application of DANIEL S. HUSSEY for a Variance to allow the existing building 7.3 feet from the south property line where 9 feet is required; to allow the existing building and an addition 3.7 feet from the north property line where 5 feet is required with the existing eave overhang 2 feet from the side property line where 3 feet is required, and to allow the proposed addition 14 feet from the rear property line where 15 feet is required on property located at 1131 Buehler Drive in Zoning District R-1.

MR. BROWN stated this item was heard last time and added the major point in question was the 3.7' addition. He displayed a map showing the location of the proponents and protestants to the application. In looking at the map, it indicates that the majority of the property owners in the immediate area except for two have no objections and that the people in opposition are some distance from the property in question.

DANIEL HUSSEY, 1131 Buehler Drive, stated he had circulated a petition in favor of the application to all of the houses within 300' of his. Practically everyone signed in favor except for the immediate adjacent property owner, Jack Soules, another house next door to him and one house across the street. He said before building, he had gone to Mr. Soules and showed him the plans which Mr. Soules had approved. At the last meeting he said he had not known anything about the construction and did not approve. After the meeting, Mr. Hussey added, he had gone to the polygraph examiner used by Mr. Soules' attorney. He then read the results of this to the Board, the bottom line being in the opinion of the examiner, Dan Hussey had been truthful. He further described the plot plan as submitted. He said he was addressing himself primarily

to the 3.7' setback as there did not seem to be any objection to the other requests.

MR. CANUL stated that on the south end of the addition were big columns and asked if the wall between them was to be enclosed with glass.

MR. HUSSEY replied that it would.

MR. CANUL asked if this could be done on the north side.

MR. HUSSEY said he believed Mr. Soules wanted maximum privacy.

CHAIRMAN EMMETT stated that at the last meeting Mr. Canul had volunteered as a member of the Board to physically inspect the property and was speaking from his visual inspection.

MR. HUSSEY said if Mr. Soules would accept glass on that side, he would be delighted, and would leave the solid wall on the rear.

MR. CANUL asked the applicant if he could live with that.

MR. HUSSEY said if Mr. Soules was agreeable, he could live with it.

JACK SOULES, 2421 Sherman, stated he owns the property immediately to the north of the property in question, and the only property materially affected by the requested variance. He stated he did not object to the previous variances, or encroachments, as they were not caused by Mr. Hussey. He said the plan that is on file in the Building Department shows a 5' setback from the property line. He said the addition is contrary to the plan filed with the City. He added the property line should have been determined before start of construction. The addition proposed is a lessening of the value of his property through no cause of his. He added he did not think the Board should allow the variance through circumstances such as these.

MR. CANUL asked Mr. Soules if he would have any objections to brick columns, next to the block wall fence, enclosed with glass.

MR. SOULES said that he would as it would still change the whole outlook from his living area.

MR. CANUL said it would not be an eyesore.

MR. SOULES said it would not be something pleasant and desirable from his point of view, that he would not like to have it.

MR. CANUL said the applicant could move the wall 1.3' and he would be legal.

MR. SOULES said if he could move it, he would have no objection. He added that the private deed restrictions for the property called for an 8' setback.

CHAIRMAN EMMETT said that was not a concern of the Board at this time.

ROBERT BILBRAY, Attorney, stated he thought there was a reason why the 8' setback in the CC&R's should be considered. He stated his client

had no objection to the existing encroachments, only that which was right next to his property and he is being damaged. He added one of the purposes of the City Code was to provide the privacy of his client. He said they would seek litigation of the 8' setback if the 5' setback as required by the Code is not upheld. He asked that the application be denied.

CHAIRMAN EMMETT asked if Mr. Bilbray would pursue the 8' setback even if the applicant moves the addition back 1.3'.

MR. BILBRAY said if the applicant complies with the Code, they would not.

MR. HUSSEY appeared in rebuttal and stated the CC&R's referred to do not apply to this case. He said he was sure no matter what the Board did, the matter would end up in District Court. He said he was putting four stained glass windows on the north side and it would not therefore be a solid wall.

MR. CANUL asked the applicant if he moved the wall 1.3', would it create a hardship.

MR. HUSSEY replied that it would because of the concrete pours. There are two separate concrete pours right under the wall. There are 5000 used bricks placed in there; there is a third concrete pour underneath the brick, so the brick would have to be ripped up.

MR. CANUL said not necessarily. He said it could be changed and it would not be very costly.

MR. HUSSEY said his architect had informed him it would be very costly. He added if he thought moving the wall 1.3' would suffice, he would do it, but he was sure Mr. Soules would not live with that.

MS. DAINES stated the Board was not concerned with the CC&R's, but only with what the City Code provides. Anything else would have to be litigated in District Court and should not influence the Board.

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

Mr. Canul moved to APPROVE the Variance request on the setbacks for the existing dwelling; and to DENY the side setback required on the proposed addition, subject to the following conditions:

1. Conformance to the plot plan as amended by condition
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. Swessel, Chairman Emmett and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

2. U-46-78

(Abeyance item
from 6/22/78)

APPROVED

Application of OWEN AND ISABELLA MAHONEY, on behalf of the FITZSIMMONS HOUSE, for a Use Permit to allow the operation of an adolescent male treatment program for potential or actual substance users on property located at 1718 West Bonanza Road in Zoning District R-E.

MR. BROWN presented the staff report and stated the plot plan is as depicted with apartments in the rear and a garage. There are seven letters of protest (indicated location on display map)

CHAIRMAN EMMETT stated she would abstain from voting on this issue as she is involved as a Director of the Fitzsimmons House.

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

ROBERT MC NUTT, President of Fitzsimmons House, stated this would be the Fitzsimmons House Male Adolescent Program. He said the reason this matter was before the Board, although this is a quasi-public use, and is permitted under the Code, the State Drug Abuse people thought it was much better if this was processed in this matter. He said they have been in the area for about 5 months and have had a very successful program. They are certified by the State and at last count had 14 young persons in there ranging from 11 through 16. He then described the program to the Board. He added they also have a successful adult program on Highland. They also have a program at the old Las Vegas Hospital. He said this utilization would not interfere with the present functions of the surrounding neighborhood.

MRS. SEGRETTI asked if they owned the property.

MR. MC NUTT stated it was leased.

MRS. SEGRETTI asked why an R-E area was selected.

MR. MC NUTT said it was the only available place that had the facilities to house 15 people without major modification. And it is a transition area with multi-family use and commercial. He said he thought they would only be able to stay there about 5 years as the property would be enhanced in value and the owner would wish to sell it.

AL MAHONEY, owner of the property, stated that diagonally across the street, there is commercial property.

RICHARD KOCH, Attorney, 229 Las Vegas Blvd. South, stated he was present to speak on behalf of Mr. Bigelow, who no longer owns the property, but who does have a direct financial interest in the property and who also owns the Rancho Arms Apartments. He added he was also speaking on behalf of Tanglewood Ltd., new owners of the property. He presented an artist's rendering of the area to the Board and described the former Bigelow property to the Board. He said the apartment complex is very nice and a lot of money has been spent on landscaping, etc. He indicated there was a proposed addition to this development to bring the complex to 480 units. He added although the past and present owners thought that the Fitzsimmons Program was good, there are some problems. There could be a problem with developing the rest of the area. It is extremely difficult to get loans in this part of town as it is not considered a good loan area. When it is decided to develop the rest of the area, he added he

thought there would virtually be no chance of getting a loan to do so if there is a Fitzsimmons House in front of the property. He said they had had success in maintaining the current development in a nice manner and were afraid if Fitzsimmons House was allowed, they could not maintain the success. Additionally, there may be a traffic problem with reference to the small access road to the apartment complex. They are also concerned about noise, theft and vandalism. He requested that the Use Permit not be granted.

MR. CANUL asked how soon they planned to develop the referred to property.

MR. KOCH said he did not know.

MR. CANUL said he had stated he was concerned about traffic. Once the additional development is in, that would create more traffic.

MR. SWESSEL said noise had been mentioned. Was there problems with noise at this time.

MR. KOCH said he did not know if there had been any complaints or not.

MR. SWESSEL asked if he knew anything about the vandalism mentioned.

MR. KOCH said he had heard a rumor, but he was not personally aware of anything.

JACQUELINE MILLER, owner of property at 1812 and 1816 West Bonanza, submitted a petition signed by property owners representing 26 families who are concerned about the application. She said they felt there is a need in the community for this sort of program but not in the area of their homes. She said one of the families next to this facility had been accused of selling the young persons drugs, who had not. She said they are racing a lot of dirt bikes and raising a lot of dust on the vacant land next to the property in question. They are also considering an option on that property so they can expand the operation and people are concerned about an expansion. There has been a fire on the back of the property within the last 10 days. She added the bathroom facilities are questionable. But the fire was in the place where some of the boys are involved. Also, there are families who share a well and they are concerned many more people will be using the well water and there will be insufficient water. The property in question utilizes this well.

MR. SWESSEL asked Ms. Miller exactly where she lived.

MS. MILLER stated west of the property in question.

MR. SWESSEL asked if the signatures were on Bonanza.

MS. MILLER replied yes, and across the street and also people who were notified on Sunny Place. She added they realize the area will probably go commercial, but this is not the type of business that should be conducted there.

LINDA SLAYTON, one of the new owners of Elmwood Apartments, said they basically bought the property because they thought it would be an excellent condo conversion with a few minor adjustments. At the time they went into escrow, they were not aware of the Fitzsimmons House being there. She added she could not possibly say whether they would have changed their minds or not, but it will be difficult to sell something when people hear of a Fitzsimmons House on the property. She added that people are not aware of all Fitzsimmons House does, but they are aware they do not solve the problem in all cases. They also have contractors and developers coming in from California who are thinking of purchasing the additional land for development. They are now studying the area and they will have a difficult time selling off the vacant land. She said they had found vandalism around their property, which cannot be attributed to anyone at Fitzsimmons, but it is a new problem. She added they wished they had known of the proposal or they would not have gone ahead with some of the plans they had.

CHARLES L. PARRIS, 1701 West Bonanza, appeared in protest.

JEWELL BIGELOW, 1121 Vegas Valley Drive, appeared in protest..

MR. MC NUTT appeared in rebuttal and stated with regard to the Bigelow protest, the apartment complex density on a unit basis is far higher than the property in question. Further, Bigelow has taken a 60' strip of land on Bonanza that used to have trees and grass and has blacktopped it, complete with a sign. Further Fitzsimmons House has more than adequate off-street parking and they do not park on the entry to the Bigelow property. He said the primary entrance for the Bigelow development is planned for Washington. He said that Fitzsimmons House is a complete and totally drug-free atmosphere. He said they lose one to two persons a week because they are suspect. They have been certified for a maximum of 20 people at this location. There are adult supervisors on the premises at all times. With regard to the fire referred to, the Fire Department marked down unknown causes. The adult in charge at that time said all of the boys were in watching television in the family room at the house. They have cleaned up the vacant lot next door, which is rented not optioned, for the boys to exercise and play in, and removed 37 truckloads of debris from it.

P.J. CORD, 700 Sunny Place, appeared in protest.

MR. BROWN stated that if the request is approved, staff would require a concrete sidewalk on Bonanza as well as a 15' dedication on Bonanza.

MR. CANUL asked if the applicant could comply with these conditions.

MR. MAHONEY stated he could live with those conditions.

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

MR. SWESSEL made a Motion for APPROVAL of U-46-78 as being in accord with the general spirit and purpose of the Ordinance, 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. Conformance to the plot plan.
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. Swessel, Mr. Canul and Mrs. Segretti
 "NOES" None
 "ABSTAIN" Chairman Emmett.

Motion for APPROVAL carried by a majority vote.

NEW BUSINESS:

1. U-47-78

APPROVED

Application of CLARK COUNTY SCHOOL DISTRICT for a Use Permit to construct an elementary school on property generally located on the south side of Bonanza Road between Honolulu Street and Sandhill 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 31, Township 20 South, Range 62 East. MDB&M.

MR. BROWN presented the staff report and stated staff feels this is in concert with the General Plan and would recommend approval.

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

CHARLES NATELY, Clark County School District, stated the District has owned this property for some time with the purpose of building an elementary school on it.

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-47-78 as being in accord with the general spirit and purpose of the Ordinance, 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 system shall be cause for revocation of a business license.

2. The applicant construct half street improvements at the time of development as required by the Department of Public Services. Engineering plans will be required for this construction.
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, Mrs. Segretti and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

2. U-52-78

APPROVED

Application of THOMAS H. JONES for a Use Permit to allow the sales of produce in a portable building on an open sales lot on property located at 4543 North Rancho Road in Zoning District C-2 (General Commercial). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 2, Township 20 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and stated that staff has received 1 letter of protest. The applicant already has a portable building. There is 1 letter of approval. Staff does not really object to this but the Public Services Department has suggested that the building indicated on the plot plan does not conform to a portable building and it should be clarified for building permits and construction. Staff would recommend approval subject to the applicant getting the proper permits and complying with the Code.

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

THOMAS JONES, 4543 North Rancho, submitted a petition with 200 names in approval of the request. He said the major problem was when the building was built, instead of putting in conduit, electrical wiring was put in like in a regular house. This will be corrected.

MR. BROWN stated the problems are much more than electrical.

MRS. SEGRETTI asked what a portable building is.

MR. JONES said it is on skids and can be moved. He said they hoped in the near future to get construction going and that he has been working with an architect. He said their major problem is that the property sets at an angle and it has been hard to come up with a structure that conforms to the property.

MR. SWESSEL asked the applicant if he owned the property.

MR. JONES said he was in the process of buying it.

MR. SWESSEL asked if it would be a permanent operation.

MR. JONES replied that it would and that they had had the feed and grocery store there for 6 years.

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-52-78 as being in accord with the general spirit and purpose of the Ordinance, 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, Chairman Emmett, Mrs. Segretti and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

3. V-54-78

APPROVED

Application of ANN A. DILLEY for a Variance to allow the construction of a block wall in the rear yard along Alta Drive and along the east property line to a height ranging from six feet (6') to eight feet (8') where a maximum height of six feet (6') is allowed on property located at 709 Rancho Circle in Zoning District R-A (Ranch Estates). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as depicted. The applicant wishes to put the block wall along the south and east sides and there is already a block wall on the west side of Alta and the applicant wants to continue that wall with the same elevation enclosing the property. Staff has a letter from the owner to the west recommending approval and one of approval from the owner to the east. Staff would recommend approval.

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

ANN DILLEY, 709 Rancho Circle, was present.

JOE ROBERTS, 711 Rancho Circle, appeared in approval.

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-54-78 as being in accord with the general spirit and purpose of the Ordinance, and subject to the following conditions:

1. Dedicate 10 feet of right-of-way on Alta 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. Canul, Chairman Emmett, Mrs. Segretti and Mr. Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

4. V-58-78

APPROVED

Application of BRUCE E. ROTH for a Variance to allow a 5 ft. rear yard setback where 15 ft. is required which is a result of a proposed addition connecting the existing garage to the residence (the connection makes the garage part of the residence, thus requiring a 15 ft. setback, rather than the 5 ft. for accessory structure.); and to allow a storage room addition to the side property line where 5 ft. is required on property located at 1800 Griffith Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 6, Bel Air Tract #5.

MR. BROWN presented the staff report and stated the request is in the middle of an R-1 District. The plot plan is as depicted. Staff does not have any objections to joining the garage and house, but does not see any justification for a storage area on the east side of the lot. There is nothing unique about the property that would warrant the granting of a storage area. Staff would recommend approval of the enclosure and recommend denial of the storage area.

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

BRUCE ROTH, 1800 Griffith Avenue, stated with regard to the storage area, he rehabilitates birds of prey which he gets from the Nevada Fish and Game, Clark County Animal Control and Vector Control, etc. He said he had affidavits from all of the groups as well as pictures of the existing structure, which were then presented to the Board. He added he built the structure himself, not realizing he had to have a building permit. He said he needed the outside storage area to rehab the birds.

MR. SWESSEL asked how large the storage area is.

MR. BROWN replied it is 8' x 21'.

MR. SWESSEL asked if it was on the property line.

MR. BROWN replied that it is.

CHAIRMAN EMMETT asked if there were any protests.

MR. BROWN said he had not received any correspondence. He added that should the Board approve the request, staff would require a 15' radius corner at Bruce and Griffith.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-58-78, subject to the following conditions:

1. Applicant be required to dedicate a 15 foot radius corner 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" Mrs. Segretti, Mr. Canul and Chairman Emmett
"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3/1 vote.

5. V-59-78

APPROVED

Application of SYLVESTER AND MILDRED PRESSER for a Variance to allow an existing workshop eleven inches (11") from the side property line where fifteen feet (15') is required on property located at 2841 Wilmington Way in Zoning District R-1 (Single Family Residence) The above property is legally described as Lot 11, Block 17, Richfield Village #4A.

MR. BROWN presented the staff report and stated the request is in the middle of an R-1 District and is across the street from a school. The plot plan is as depicted. Staff sees nothing exceptional and unique about this lot or house which would allow the encroachment and would recommend denial.

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

GARY MAHONEY, Realtor representing the buyers of the property in question, stated the workshop has been in existence for 15 years, has a concrete floor and is of wood structure. It is 45' from the front yard. No one has objected in the 15 years. To tear the structure down would deter from the appearance of the house.

MR. BROWN stated there are 3 letters of approval on record.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-59-78, as being in accord with the general spirit and purpose of the Ordinance, subject to the following conditions:

1. Wall on the property line be of one-hour construction.
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" Mrs. Segretti, Mr. Canul and Chairman Emmett
"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3/1 vote.

6. V-60-78

APPROVED

Application of JAMES HEATHCOTE, JR. for a Variance to provide Housing Facilities for five (5) mentally retarded adults on property located at 712 Ann Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 166, Block 7, Charleston Estates #5.

MR. BROWN presented the staff report and stated the request is located in the middle of an R-1 District. The plot plan is as depicted. Staff thinks such a use in this nice neighborhood would be incompatible. There are 5 letters of protest, 3 across the street on Snead and 2 to the east on Snead on the north side. As it is felt this would not be compatible to the neighborhood, staff would recommend denial.

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

JAMES HEATHECOTE, 712 Ann Drive, stated they have lived at this location for 3 years. He then passed out copies of his State Licenses to the Board. He said he has been doing the same thing as he is now requesting in this three year period. The State of Nevada has no law for people over 18 and they wish to take care of older persons. He said he had talked to some of the neighbors and they are for it.

MR. BROWN asked how many persons they had been taking care of.

MR. HEATHECOTE said 5, but at this time, they have 3. He said the variance is needed because there is such a need for these people.

CHAIRMAN EMMETT asked how many would be allowed to be taken care of without this permit.

MR. BROWN said three.

MR. HEATHECOTE said they have room in their home and want to help people.

MRS. SEGRETTI asked how many bedrooms did his home have.

MR. HEATHECOTE replied they have 6 bedrooms.

MRS. SEGRETTI asked how many persons did they want to take in.

MR. HEATHECOTE said 5, over 18, because they feel this is where the need is at this time.

JEANNE JACKS, 4207 Snead Drive, appeared in approval of the application and described Bedlam, a hospital in England, where, at one time, people had paid to see persons with various sorts of handicaps. She said she hoped that the care concept for people had come out of the Dark Ages. She added she has lived in the neighborhood for 12 years, has closely

observed the Heathcote's and they have a fine home and that it is an improvement over those who had it before. She added the people would not make the neighborhood any different from what it is now.

TOM DIRICARDO, 4201 Snead Drive, appeared in favor of the application.

DR. ANTHONY CARTER appeared in protest, stated he lived immediately to the rear of the property in question, has 4 children under 14, and feels this is not an appropriate use for the neighborhood.

MRS. SEGRETTI asked if this use was in the neighborhood when he moved in.

DR. CARTER replied that it was.

KENNETH ROBERTS, 1713 Charbeau, appeared in protest, and stated that two years ago he had had a series of burglaries and considerable damage done to his home. The burglar was located at 712 Ann and there has never been an offer of restitution.

MARILYN DIRICARDO, 4201 Snead Drive, appeared in favor of the application.

NANCY CONTI, 4013 Snead Drive, appeared in protest, stating this would be a commercial use in a residential neighborhood.

PARK BAKER, president of the group related to this application, appeared in favor of the application. He said the people would not injure anyone and it would just be another family situation.

MR. HEATHCOTE appeared in rebuttal.

MRS. SEGRETTI asked if the Heathcote's received remuneration for taking care of these people

MR. HEATHCOTE stated that the church corporation paid the bills incurred and that he works fulltime for the Clark County School District.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-60-78 as being in accord with the general spirit and purpose of the Ordinance, 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" Mrs. Segretti, Mr. Canul and Chairman Emmett
"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3/1 vote.

RECESS:

At the hour of 9:15 P.M. Chairman Emmett declared a 5 minutes recess and reconvened the meeting at 9:20 P.M.

7. U-51-78 (HO) Application of VINCE LOMBARDI at 2100 East Oakey Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow the operation of insurance sales.
APPROVED
8. U-53-78 (HO) Application of MURIEL N. LYMAN at 829 Lacy Lane in Zoning District R-E for a Home Occupation Permit - Allow work with gold nuggets on watch bands.
APPROVED
9. U-54-78 (HO) Application of MRS. ARVILLE B. BAUER at 509 Lacy Lane in Zoning District R-E for a Home Occupation Permit - To do alterations in one room of her home.
APPROVED
10. U-55-78 (HO) Application of IRA WILLIAMSON for WARD J. MATTHEWS at 2121 East Hoyt Avenue in Zoning District R-1 for a Home Occupation Permit - To operate a yard maintenance and cleanup business.
APPROVED
11. U-56-78 (HO) Application of ROBERT E. HERZOG for ANTHONY COLLINS at 824 North 21st Street in Zoning District R-1 for a Home Occupation Permit - For carpet and furniture cleaning.
APPROVED
12. U-57-78 (HO) Application of LYNDA H. WALKER at 4306 Lorna Place in Zoning District R-1 for a Home Occupation Permit - Preparing mailing labels for a drop-ship mail order business.
APPROVED
13. U-58-78 (HO) Application of VICKI LYNN JOHNSON at 616 Altamira Road in Zoning District R-1 for a Home Occupation Permit - Paint animal portraits.
APPROVED

MR. BROWN presented the staff report, stated the Home Occupation Permit Questionnaires have been satisfactorily answered, everything is in order and staff would recommend approval.

MR. CANUL made a Motion for APPROVAL of Items 7 through 13, 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" Mr. Canul, Chairman Emmett and Mrs. Segretti
"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3/1 vote.

14. V-61-78 Application of C. RAY AND CAROL A. BALDWIN for a Variance to allow an addition to an enclosed garage 17 feet 6 inches from the front property where 20 feet is required on property located at 4608 Heide Circle in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 31, Block 8, Enchanted Village Unit #1.
DENIED

MR. BROWN presented the staff report and stated the request is located in the middle of an R-1 District. The plot plan is as depicted. The addition leaves the driveway 17½' instead of the 20'. An R-1 requirement

is for two parking spaces offsite, 9' x 20'. This would take that away from this lot. They could provide the parking space on the lawn. In view of that and the fact they cannot provide the two required parking spaces, staff would recommend denial.

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

RAY BALDWIN, 4608 Heidi Circle, stated he was still parking both of his vans in the driveway beyond the fence and that he was planning on putting in a circular drive to the west. The existing building and the new part is under the eaves of the house.

MR. BROWN stated the proposed 30' x 16' driveway would not be acceptable. The applicant would still not have enough width for 2 - 9' x 20' parking spaces.

MR. BALDWIN reiterated he still can park his vehicles in the driveway without being on the sidewalk.

MRS. SEGRETTI asked what the depth was from the sidewalk to the building.

MR. BROWN replied it is 17½'.

MR. BALDWIN stated he has a block wall and gate and the gate can be closed when he has his vehicles in the driveway.

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

MRS. SEGRETTI made a Motion for DENIAL of V-61-78 as insufficient justification was presented.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Swessel and Mr. Canul
"NOES" Chairman Emmett

Motion for DENIAL carried by a 3/1 vote.

15. V-62-78

DENIED

Application of THOMAS E. AND HELEN B. TANEY for a Variance to allow an aluminum carport 5½ feet from the front property line where 20 feet is required on property located at 1027 Francis Avenue in Zoning District R-1. The above property is legally described as Lot 14, Block 6, Huntridge Tract #1.

MR. BROWN presented the staff report and stated the request is in the middle of a R-1 District and the property is a corner lot. The plot plan is as depicted. Outside of the fact it is a corner lot, staff sees nothing unique about this and would recommend denial.

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

THOMAS TANEY, 1027 Francis Avenue, stated the plot plan is misleading. When the carport is built there will still be 17½' from the end of the driveway. There will still be ample room for parking. He added it is 36' from the house to the end of the driveway.

MR. SWESSEL said that perhaps some bad information had been given with regard to the plot plan.

MR. BROWN said it was drawn to scale from official records.

MR. SWESSEL asked if a mistake had been made when the house was built.

MR. BROWN said that the end of the driveway, as referred to by the applicant, is not the lot line.

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-62-78.

Voting was as follows:

"AYES" Mr. Canul and Mr. Swessel

"NOES" Chairman Emmett and Mrs. Segretti

Motion for DENIAL, by virtue of tie vote, resulted in no action being taken.

MRS. SEGRETTI made a Motion for APPROVAL of V-62-78.

Voting was as follows:

"AYES" Chairman Emmett

"NOES" Mrs. Segretti, Mr. Swessel and Mr. Canul

Motion for APPROVAL failed by 1/3 vote.

16. V-63-78

WITHDRAWN

Application of R.E. RUSHING for a Variance to allow a child care center for a maximum of 48 children, days only, on property located at 2010 Palomino Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the North Half (N½) of the Southeast Quarter (SE¼) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the request is for a child care center and permission to have 48 children. The basic issue is that the ordinance permits a child care center with 6 children in an R-1 zone. This requested variance is too expensive with an increase of 6 to 48. Staff would recommend denial.

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

R. RUSHING stated he was representing his father, mother, wife and himself. His wife runs a nursery now and she was told to apply for a variance. He described the property in the area; it's zoning and ownership. He said they were on the fringe of a commercial area and thought this would be a proper use.

SHIRLEY RUSHING stated she had waited almost a month for a variance.

MR. SWESSEL asked who had told her to apply for a variance.

MRS. RUSHING said the girl at the counter and that she had gone back and checked with someone. Further, whether rezoned or a variance, the building must comply with commercial codes.

MR. GARDNER stated that in the opinion of Mr. Clemmer and himself, a variance had seemed the most favorable position to go for.

CHAIRMAN EMMETT suggested the applicants withdraw their application.

MR. & MRS. RUSHING indicated they were withdrawing their application and would confer with the Planning staff.

17. U-4-65

PLOT PLAN
REVIEW

APPROVED

Application of E.T. LEGG AND COMPANY for a Plot Plan Review to allow 6 ft. by 12 ft. signs under an approved Use Permit which granted a service station on property generally located at the northwest corner of 25th Street and Stewart Avenue in Zoning District C-1.

MR. BROWN presented the staff report and described the various zoning in the area and its development. The location of the signs will be in the southwest corner of the property in question and near some power lines. The request makes sense to staff as to location, everything is in order, and approval is recommended.

BOB NOSTRAND, E.T. Legg & Company, stated there would be two 6' x 12' signs. He presented pictures of such signs which are now used in Los Angeles. There is a 6" perimeter around the sign, making it very attractive.

MR. SWESSEL stated in the interest of beautification, he could not accept the signs.

MR. CANUL made a Motion for APPROVAL of the Plot Plan Review under U-4-65, 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, Chairman Emmett and Mrs Segretti
"NOES" Mr. Swessel

Motion for APPROVAL carried by a 3/1 vote.

18. U-55-63

PLOT PLAN
REVIEW

APPROVED

Request of GEORGE F. KALB CONSTRUCTION COMPANY for a Plot Plan Review to allow a grocery store and gasoline sales on an approved Use Permit which granted the construction of a service station on property generally located on the northeast corner of Decatur Boulevard and Vegas Drive in Zoning District C-1.

MR. BROWN presented the staff report and stated staff would recommend approval subject to a 25' radius corner at Decatur and Vegas Drive and compliance with the Clark County Health Department requirements. The request is for a 7-Eleven Store with landscaping and gas pumps. Staff does not object.

CHARLES HERRINGTON, 3811 Casa Blanco, was present representing the applicant and agreed to staff conditions.

MR. SWESSEL made a Motion for APPROVAL of the Plot Plan Review under U-55-63, 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. Conformance to the plot plan.
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. Swessel, Mr. Canul, Chairman Emmett and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

19. V-61-77

APPROVED

Application of DANCO ATANASOV for an Extension of Time on an approved Variance which granted the construction of a child day care facility on property generally located on the northwest corner of Maryland Parkway and Wilson Avenue in Zoning District R-3. An Extension of Time was granted for a six month period of time January 26, 1978.

MR. BROWN presented the staff report and stated staff would recommend another 6 months extension of time.

DANCO ATANASOV was present.

MR. SWESSEL asked why the additional time was needed.

MR. ATANASOV said because he could not locate financing.

MR. SWESSEL asked if he planned on building.

MR. ATANASOV said when he could get the money.

MR. CANUL made a Motion for APPROVAL of the Request for Extension of Time under V-61-77, subject to the following condition.

1. Conformance to previous conditions imposed at the time of approval of V-61-77.

Voting was as follows:

"AYES" Mr. Swessel, Chairman Emmett and Mrs. Segretti

"NOES" Mr. Canul

Motion for APPROVAL carried by a 3/1 vote.

20. V-94-76

APPROVED

Request of SHAW ADVERTISING COMPANY for a Plot Plan Review to install four 3 foot metal letters, fourteen 1 foot metal letters and one 18 inch metal oval to the face of KILA Radio building at 2201 South 6th Street. All letters will be mounted to the wall with no illumination.

MR. BROWN presented the staff report and stated the building is already existing. He presented a rendering of the request. He added staff has no objection and would recommend approval.

MR. CANUL made a Motion for APPROVAL of the Plot Plan Review under V-94-76, 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, Chairman Emmett, Mrs. Segretti and Mr. Swessel

"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 9:55 P.M.

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT


HAROLD P. FOSTER, Acting Director

/lm