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A G E N D A

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 28, 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:

ANNOUNCEMENT: Satisfaction of Open Meeting Law

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held April 27, 1978, May 25, 1978, June 22, 1978 and July 27, 1978.

DIRECTOR'S BUSINESS:

1. V-57-78
CLARIFICATION OF MOTION
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.

OLD BUSINESS:

1. V-63-78
REQUEST TO RECONSIDER APPLICATION
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.

NEW BUSINESS:

- 1. V-64-78
Application of KERMIT WATERS for a Variance to allow an off-premise sign 61 feet in height where 40 feet is allowed on property located at 1511 South Main Street between Wyoming Avenue and Utah Avenue in Zoning District C-2.
- 2. V-65-78
Application of RICHARD T. HOLT for a Variance to allow an existing metal storage structure to the rear lot line where a 50 foot setback is required on property located at 59 North 30th Street between Charleston Boulevard and Sunrise Avenue in Zoning District "M".
- 3. V-66-78
Application of SHARON L. MARKS for a Variance to allow an eight foot (8') high fence in the rear yard area where a maximum of six feet (6') is allowed on property located at 1616 Housels Avenue between Oakey Boulevard and Griffith Avenue in Zoning District R-1.
- 4. V-67-78
Application of the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY-SAINTS for a Variance to allow four lots with a 60 foot frontage where 65 feet is required on property generally located between Lilliput Lane and Pennwood Avenue, 486 feet west of Arville Street in Zoning District R-1.
- 5. V-69-78
Application of BEN AND CAROLE DePUE for a Variance to allow an existing six foot (6') redwood fence to remain in lieu of a six foot (6') masonry wall required to be constructed between residential and professional office zones on property located at 2408 Chapman Drive between Sahara Avenue and San Pedro Avenue in Zoning District P-R.

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6. U-60-78 Application of the LAS VEGAS VALLEY WATER DISTRICT for a Use Permit to allow the construction of a water storage reservoir and pumping station; and for temporary storage of contractor's materials, supplies and equipment during the construction of said facilities on property located on the west side of Valley View Boulevard between Oakey Boulevard and Mountain View Boulevard in Zoning District R-E.
7. U-61-78(HO) Application of BERT RAPP for a Home Occupation Permit to allow a business records office in a guest house on property located at 1726 Goldhill Avenue between Comstock Drive and Sharon Road in Zoning District R-E.
8. V-9-78
EXTENSION OF TIME Application of DAYTON DEVELOPMENT COMPANY for a nine (9) month Extension of Time on an approved Variance which granted outside sales and storage area on property generally located on the Northeast corner of Meadows Lane and Decatur Boulevard in Zoning District R-1 (under Resolution of Intent to C-1).
9. U-59-78(HO) Application of J. D. LINCOLN for his tenant, GARY OGDEN, at 6304 Hobart Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a carpet cleaning and janitorial service office.
10. U-62-78(HO) Application of ARTHUR C. AND LUCIA TINGLEAF at 1400 N. Mojave Road in Zoning District R-1 for a Home Occupation Permit - Allow a business office for mail order shoe sales.
11. U-63-78(HO) Application of JAMES FRANKOS at 301 Lilac Lane in Zoning District R-1 for a Home Occupation Permit - Allow a pool maintenance business.
12. U-64-78(HO) Application of AUDREA J. STEAD at 204 Upland Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow an import/export mail order business.
13. V-68-78 Application of BECKER AND SONS for a Variance to allow an existing sign: illuminated, where no lighting is allowed; thirty (30) square feet in area, where twelve (12) square feet is permitted; sixteen feet six inches (16' 6") high where five feet (5') is permitted; and located seven feet six inches (7' 6") from the front property line where ten feet (10') is required on property located at 4601 West Washington Avenue between Decatur Boulevard and Hogan Drive in Zoning District R-PD18.
14. V-70-78 Application of NOVELLA C. HARGETT for a Variance to allow an existing fireplace to the property line where five feet (5') is required and a proposed carport addition seven feet (7') from the front property line where twenty feet (20') is required on property located at 345 Zion Drive in Zoning District R-1.
15. V-71-78 Application of MARY BARTSAS for a Variance to allow a six foot (6') high wrought iron fence in the front yard where a maximum fence height of four feet (4') with the top two feet (2') fifty percent (50%) open is permitted on property located at 2117 Santa Rita Drive in Zoning District R-1.
16. V-72-78 Application of THOMAS D. DILLAND for a Variance to allow an existing addition eight feet (8') from the rear property line where fifteen feet (15') is required on property located at 5720 W. Bartlett Avenue in Zoning District R-1.
17. V-73-78 Application of EDGAR E. BANGLE, EXECUTOR, for a Variance to allow a retail carpet sales using samples only; storage of equipment and supplies in an accessory building; and cleaning carpets on the premises on property located at 1205 South Eastern Avenue in Zoning District P-R.

18. V-74-78

Application of JOE PETERSON for a Variance to allow an existing addition six inches (6") from the north property line where a minimum of seven feet (7') is required and fifteen feet (15') from the rear property line where twenty-five feet (25') is required; and to allow an existing addition fifteen feet (15') from the rear property line where twenty-five feet (25') is required on property located at 1319 Rexford Place in Zoning District R-2.

19. V-75-78

Application of JOSEPH K. JACKSON for a Variance to allow an existing attached patio cover to the rear property line where fifteen feet (15') is required, and to the side property line where five feet (5') is required; and to allow an existing accessory building in the side yard three feet (3') from the rear property line where five feet (5') is required, and one foot six inches (1' 6") from the side property line where nine feet (9') is required on property located at 912 Meadbrook Street in Zoning District R-1.

20. V-76-78

Application of MURIEL N. LYMAN for a Variance to allow RICHARD HAMMOND to make gold nugget watch bands which is not permitted in a residential zone on property located at 829 Lacy Lane in Zoning District R-E.

21. U-69-78

Application of LINDA L. BUTTERFIELD for a Use Permit to allow a child nursery with a maximum of twelve (12) children on property located at 520 South Jones Boulevard in Zoning District R-1.

22. U-65-78(HO)

Application of JOHN P. AND RUTH KEITH at 2201 Plaza Del Prado in Zoning District R-1 for a Home Occupation Permit - Allow a psychologist office.

23. U-66-78(HO)

Application of DOROTHY MANNAN at 220 Milinane Drive in Zoning District R-1 for a Home Occupation Permit - Allow lawn maintenance service.

24. U-67-78 (HO)

Application of FRANK AND SUSAN BELLA at 2612 Burton Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a music publishing office.

25. U-68-78(HO)

Application of RONALD S. PETERSON at 205 Huntley Road in Zoning District R-1 for a Home Occupation Permit - Allow an office for convention recording business.

26. U-70-78(HO)

Application of ROBERT L. MARTIN at 6237 Bannock Way in Zoning District R-1 for a Home Occupation Permit - Allow the sale of information lists of potential customers to commercial businesses.

DIRECTOR'S BUSINESS:

1. NOVEMBER AND
DECEMBER MEETINGS

Consideration of changing the meeting date of the November 23, 1978 (Thanksgiving) meeting to November 30 1978; and to discuss a possible change for the December 28, 1978 meeting date.

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

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 28, 1978

1. U-71-78(HO) Application of ROBERT V. MARTIN at 5132 Del Rey Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an office for wholesale shirt business.
2. U-72-78(HO) Application of ROBERT SMITH at 1701 Breezewood Drive in Zoning District R-1 for a Home Occupation Permit - Allow a jewelry business.
3. U-73-78(HO) Application of CHARLES R. ELLIS at 2308 Plaza Del Prado in Zoning District R-PD6 for a Home Occupation Permit - Allow the operation of a partnership in the financial services business.

MINUTES

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 28, 1978

- CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order at 7:35 P.M. by Acting Chairman Swessel, in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.
- PRESENT: Acting Chairman Swessel, Mrs. Segretti and Mrs. Meyers
- EXCUSED: Mrs. Emmett and Mr. Duncan
- STAFF PRESENT: Harold P. Foster, Acting 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:
- ANNOUNCEMENT: MR. BROWN stated that the agenda for this regular meeting of the Board of Zoning Adjustment of Las Vegas, Nevada has been posted and mailed as provided for in NRS Chapter 241, and affidavits are on file in the office of the City Clerk.
- MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the minutes of the meetings held April 27, 1978, May 25, 1978, June 22, 1978 and July 27, 1978. Motion for APPROVAL carried unanimously.
- NEW BUSINESS:
1. U-59-78(HO) Application of J.D. LINCOLN for his tenant, GARY OGDEN, at 6304 Hobart Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a carpet cleaning and janitorial service office.
APPROVED
 2. U-62-78(HO) Application of ARTHUR C. AND LUCIA TINGLEAF at 1400 North Mojave Road in Zoning District R-1 for a Home Occupation Permit - Allow a business office for mail order shoes.
APPROVED
 3. U-63-78(HO) Application of JAMES FRANKOS at 301 Lilac Lane in Zoning District R-1 for a Home Occupation Permit - Allow a pool maintenance business.
APPROVED
 4. U-64-78(HO) Application of AUDREA J. STEAD at 204 Upland Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow an import/export mail order business.
APPROVED

5. U-65-78(HO) Application of JOHN P. AND RUTH KEITH at 2201 Plaza Del Prado in Zoning District R-1 for a Home Occupation Permit - Allow a psychologist office.
APPROVED
6. U-66-78(HO) Application of DOROTHY MANNAN at 220 Milinane Drive in Zoning District R-1 for a Home Occupation Permit - Allow lawn maintenance service.
APPROVED
7. U-67-78(HO) Application of FRANK AND SUSAN BELLA at 2612 Burton Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a music publishing office.
APPROVED
8. U-68-78(HO) Application of RONALD S. PETERSON at 205 Huntley Road in Zoning District R-1 for a Home Occupation Permit - Allow an office for convention recording business.
APPROVED
9. U-70-78(HO) Application of ROBERT L. MARTIN at 6237 Bannock Way in Zoning District R-1 for a Home Occupation Permit - Allow the sale of information lists of potential customers to commercial businesses.
WITHDRAWN
10. U-71-78(HO) Application of ROBERT V. MARTIN at 5132 Del Ray Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an office for whole-sale shirt business.
APPROVED
11. U-82-78(HO) Application of ROBERT SMITH at 1701 Breezewood Drive in Zoning District R-1 for a Home Occupation Permit - Allow a jewelry business.
APPROVED
12. U-73-78(HO) Application of CHARLES R. ELLIS at 2308 Plaza Del Prado in Zoning District R-PD6 for a Home Occupation Permit- Allow the operation of a partnership in the financial services business.
APPROVED

MR. BROWN stated that the questionnaires to the Home Occupation Permits had all been satisfactorily answered, everything is in order and staff would recommend approval.

MRS. SEGRETTI made a Motion for APPROVAL of Item 1 through 12, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Segretti and Mrs. Meyers
"NOES" Acting Chairman Swessel

Motion for APPROVAL carried by a 2/1 vote.

DIRECTOR'S BUSINESS:

1. V-57-78

CLARIFICATION
OF MOTION

CLARIFIED

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.

MS. DAINES stated that to clarify this for the applicants and other interested persons, she would set forth the procedure that has been adopted on this matter. Since there was some controversy that took place over what actually happened at the July 27th meeting, there was a motion made and a clarification by staff, there was some discussion about what the actual motion was. Therefore, this matter is before the Board for a clarification hearing. Mr. Canul, a member of the BZA at the time, made the motion, and is unable to attend this meeting so he has submitted a letter explaining his intent. Mr. Brown will read Mr. Canul's letter. The directors will then discuss and see if they can come to some agreement without a vote, if that was their intent also. If that is determined to be so, there will be no vote on it because it will have been determined that that motion that was made and clarified and was the motion as it was made, or it will be decided that it was not the motion, in which case another vote will be taken. In any event, when the result is determined, those people who wish to appeal, if any do, may have 11 days, which is the normal appeal period, from this date, to appeal to the City Commission. Otherwise the decision will be final as of this meeting.

MR. BROWN read the following letter.

"Mrs. Jessie Emmett, Chairperson
Board of Zoning Adjustment
Las Vegas, Nevada 89101

September 27, 1978

Dear Mrs. Emmett:

I have been asked to clarify my motion regarding the request of Daniel Hussey at the July 27, 1978 meeting of the Board of Zoning Adjustment.

Inasmuch as I cannot attend the September meeting, I am writing the "clarification". My motion meant that I approved all of the requests in Mr. Hussey's application, except the request to locate the addition three feet seven inches (3'7") from the north property line where five feet is required. In other words, I wanted to deny relief from the five foot side yard requirement and to grant approval of all his other requests including the rear yard setback on the addition.

Sincerely yours,

/s/

Frank Canul"

ACTING CHAIRMAN SWESSEL stated that Commissioner Segretti and he had voted and that their understanding is basically the same as is in the letter and that they had voted accordingly. He asked Mrs. Segretti if she had voted accordingly.

MRS. SEGRETTI replied that she had.

MS. DAINES stated then it had been determined that the end result is that Mr. Hussey's application for a variance has been granted as to the side yard setback for his existing building and as to his rear yard setback for his addition, but has been denied as to his side yard setback for his addition.

UNIDENTIFIED LADY asked what the address of the property in question is.

ACTING CHAIRMAN SWESSEL stated it is 1131 Beuhler Drive.

MS DAINES stated that as of this date another letter of notification would go out and anyone wishing to appeal, may appeal within 11 days from this date.

OLD BUSINESS:

1. V-63-78

REQUEST TO
RECONSIDER
APPLICATION

APPROVED

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.

MR. BROWN presented the staff report and stated this item had been discussed previously. The application initially was to allow a child care center by means of a variance and the night of the hearing much discussion was held as to the best route to achieve the purpose requested by the applicant; whether it should be a variance or a zoning change. At that time the discussion seemed to lean towards a rezoning action and the Chairman asked the Rushing's to withdraw their application which they did. In the meantime, staff looked in more detail at this problem and felt that the applicant was properly informed and consequently they are now back asking for the variance. The only comment staff has regarding the application is that the Building Code with regard to this structure will only permit 38 children and the request is for 48. Staff would recommend the maximum number permitted be 38 if the request is approved.

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

ALLAN RUSHING, 2010 Palomino, stated they are not asking for a zone change. He described the property within the area which is owned by his family, which totals approximately 13 lots. He added there is limited commercial and professional zoning to the east of the property in question and that he had just received a letter of notification for a zone change to R-4 for efficiency apartment buildings. All the property around is vacant except for directly behind and to one side of the property in question. He added that his wife has had a child care center for approximately 4 years and that there is a lack of this type of operation, which will be a multi-child care center.

ACTING CHAIRMAN SWESSEL asked the applicant if he would accept the

recommendation of 38 children.

MR. RUSHING replied that he would.

MRS. SEGRETTI asked if there would be a play area.

MR. RUSHING stated the lot is 230' x 70'; and the house is 1900 sq. ft. in area which includes the garage, which leaves a play area.

MRS. SEGRETTI asked what the ages of the children would be.

MR. RUSHING stated any age, up to 10 and 11 years old.

MRS. SEGRETTI asked if the application had the approval of the various enforcing agencies.

MR. BROWN stated the applicant would have to comply with all requirements of all agencies.

VERNA SEGER, 800 Slayton Drive, appeared in favor of the application.

MRS. BOBMAN, 1800 Tircon Circle, appeared in favor of the application.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-63-78, subject to the following conditions:

1. The child care center shall be allowed for a maximum of thirty-eight (38) children only.
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, Mrs. Meyers and Acting Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

NEW BUSINESS CON'T.:

13. V-64-78

DENIED

Application of KERMIT WATERS for a Variance to allow an off-premise sign 61 feet in height where 40 feet is allowed on property located at 1511 South Main Street between Wyoming Street and Utah Street in Zoning District C-2 (General Commercial). The above property is legally described as Lots 3, 4 and 5, Block 11 of Boulder Addition to the City of Las Vegas.

MR. BROWN presented the staff report and stated the proposed location of the sign is in the corner of the property in question and is south of the building on the property. Staff sees nothing unique and unusual about the location of the lot and would recommend denial.

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

VAN OSTRAND, E.T. Legg & Company, stated the primary reason for the additional height is because the present allowed height of 40' permits only one face of the sign to be seen. The other face is blocked by a building. The advertising on the block side will be economically beneficial insofar as advertising is concerned.

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

MRS. SEGRETTI made a Motion for DENIAL of V-46-78 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" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

2. V-65-78
APPROVED

Application of RICHARD T. HOLT for a Variance to allow an existing metal storage structure to the rear lot line where a 50 foot setback is required on property located at 59 North 30th Street between Charleston Boulevard and Sunrise Avenue in Zoning District M (Industrial District). The above property is legally described as Lots 3 and 4, Block 1, East Park Industrial Subdivision, Unit #2, and a portion of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 36, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as depicted with ample landscaping in front.

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

RICHARD HOLT presented photographs of the structure to the Board. He said the structure is nice and new and is of pre-baked enamel and is the same height as the fence in the rear. The reason for the structure is to protect items such as bathrubs, lavatories, etc. from rock thrown across the fence.

ACTING CHAIRMAN SWESSEL asked if the structure is enclosed.

MR. HOLT replied it is open on the front.

MRS. SEGRETTI asked if kids still couldn't get into the area for vandalism purposes.

MR. HOLT replied no, because of the 6' fence and he also has a Doberman Pinscher for security purposes.

ACTING CHAIRMAN SWESSEL asked why some of the materials shown in the photographs were not under the roof.

MR. HOLT replied that everything he could keep was, particularly that which is breakable.

MRS. SEGRETTI asked if the structure was constructed without a building permit

MR. HOLT replied that it was as he did not think he had to have a permit for a leanto.

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

MRS. MEYERS made a Motion for APPROVAL of V-65-78, subject to the following conditions:

1. The storage structure is to be within 300 feet of a fire hydrant as required by the Fire Services Department.
2. Conformance to the plot plan.
3. Securing of all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Meyers and Mrs. Segretti

"NOES" Acting Chairman Swessel

Motion for APPROVAL carried by 2/1 vote.

15. V-66-78

DENIED

Application of SHARON L. MARKS for a Variance to allow an eight foot high fence in the rear yard area where a maximum of six feet is allowed on property located at 1616 Houssels Avenue between Oakey Boulevard and Griffith Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 1, Resubdivision of Block 1, of Desert Park #3.

MR. BROWN presented the staff report and stated staff sees nothing unique or unusual about the lot in question to grant an extension to the fence and unless the applicant can come up with some reason which is unusual, staff would recommend denial.

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

CHUCK DEANER, Attorney representing the applicant, stated that basically the problem is that on June 29, 1978, the applicant was the victim of an armed robbery in her house. The additional height of the wall is to provide for security to the back of the house. From police reports the robber entered through the rear of the house. After that incident the applicant contacted someone to raise the wall. After a neighbor complained, the applicant was told to request a variance and subsequent to the request, the applicant has been informed that there may be a property line dispute that will have to be resolved in a civil matter.

MRS. SEGRETTI asked who constructed the additional two feet.

MR. DEANER replied part-time laborers who knew Ms. Marks.

MRS. SEGRETTI asked the applicant if she was not advised that a permit was needed.

MS. MARKS said she was not, that she just wanted to protect herself in her own house. She added she thought the additional two feet would deter something like this in the future and that she did not want to wake up again with a .357 Magnum at her head.

MRS. KYLE, 1611 Rexford, stated her property is directly behind the property in question. She stated she has lived in the area for five years and has never had a problem. She added she did not think the wall is necessary. She further added the wall is on her property.

ACTING CHAIRMAN SWESSEL stated the Board is only concerned about the height of the wall, and the fact that the applicant had illegally added to it.

GLORIA SIMPSON, 3838 Swenson, stated she had sold the house to Ms. Marks on June 19. She added that she had lived in the house for two years and had never had any problems. She added that Ms. Marks approached her husband and herself about a wall. She stated that Ms. Marks knew she was going to build the fence because she had different men come out and look at it and they told her she would need a permit. She also asked Mr. Simpson to get blocks for the wall.

ANGELA CAMPBELL, 1501 Rexford, stated she has only a fence in back of her property. She added she added onto her home and an inspector had made her tear it down and she was told she couldn't get a variance.

MRS. SEGRETTI asked Ms. Campbell if she had applied for a variance.

MS. CAMPBELL replied she had not as she had been told she would not get one.

MRS. SEGRETTI said an inspector could not tell anyone what they could build or if they would be able to get a variance.

DANNY STEIN, 1603 Rexford, appeared in protest.

MS. MARKS appeared in rebuttal and stated she realized it was wrong to put up the wall, but she did not realize she needed a permit.

ACTING CHAIRMAN SWESSEL stated that the lady who had sold the house had stated the applicant had inquired about a fence and that the applicant should have gotten a permit. He added the applicant should have kept that in mind.

MS. DAINES stated the question before the Board was the height of the wall. The matter of whose property it is on is not before the Board.

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

MRS. SEGRETTI made a Motion for DENIAL of V-66-78 because the Board found that the requirements of the Zoning Ordinance to allow a Variance

were not met.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

16. V-67-78
DENIED

Application of THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LADDER DAY SAINTS for a Variance to allow 4 lots with a 60 foot frontage where 65 feet is required on property located between Lilliput Lane and Pennwood Avenue, 486 feet west of Arville Street in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 7, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated staff has no recommendation on this.

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

GERALD LEAVITT, representing the seller and the buyer, stated that the depth of the lots in question is 135', making them larger than average R-1 lots. He added they would respectfully request approval of the application.

MR. BROWN stated there are three letters of protest on record.

MRS. SEGRETTI asked if there would be any problems of putting anything on these lots.

MR. LEAVITT stated these lots have been sold to someone who seeks to put houses on them.

ACTING CHAIRMAN SWESSEL stated that the lots are deeper, would it hurt the church to give them 10' more.

MR. LEAVITT stated he did not know what the church would say and there is a block wall existing. The property is sold contingent upon approval of the variance.

ACTING CHAIRMAN SWESSEL asked if the variance was approved, could houses be put on the lots.

MR. BROWN replied that they could.

MRS. MEYERS asked when the block wall was built, if the 65' lot frontage was necessary and in the Codes.

MR. BROWN replied the lot frontage requirement was 65'.

MRS. MEYERS stated the wall should have been moved ten feet over.

MR. GROUTSINGER, 3105 Castlewood, stated he could not understand why the church built the fence when the property was still zoned R-1. He stated the church still owns the property and it is only a parking lot and that he did not object to a parking lot. He added with the price of the property he thought the fence could be moved by the church the ten feet

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

MRS. SEGRETTI made a Motion for DENIAL of V-67-78 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" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

17. V-69-78
DENIED

Application of BEN AND CAROLE DePUE for a Variance to allow an existing 6 foot redwood fence to remain in lieu of a 6 foot masonry wall required to be constructed between residential and professional office zones on property located at 2408 Chapman Drive between Sahara Avenue and San Pedro Avenue in Zoning District P-R (Professional Offices). The above property is legally described as Lot 3, Block 7, of Francisco Park No. 2.

MR. BROWN presented the staff report and stated the property in question is a P-R lot and the rest of the area is zoned R-1. The plot plan is as depicted. In viewing the property staff saw that the redwood slat fence is deteriorating and in some places, only partially standing. Staff sees no reason why the request should be approved as there is nothing unique about this lot that would permit the applicant to do what other lots abutting residential areas have not done and would recommend denial.

ACTING CHAIRMAN SWESSEL declared the public hearing open.

SY ARROWOS stated they would appreciate consideration of the application and that the fence would be fixed.

ACTING CHAIRMAN SWESSEL asked how.

MR. ARROWOS stated it would be repainted.

ACTING CHAIRMAN SWESSEL asked if the applicant had not gone in front of the Planning Commission for the rezoning.

MR. ARROWOS stated not himself, but the previous owners.

ACTING CHAIRMAN SWESSEL asked when that had occurred.

MR. ARROWOS replied about two years previously.

ACTING CHAIRMAN SWESSEL stated that when the previous owner had gone in front of the Planning Commission, he had agreed to certain conditions, including the wall.

MR. ARROWOS stated he would take the responsibility and would like to withdraw his application.

ACTING CHAIRMAN SWESSEL suggested that the applicant should assume responsibility for the condition.

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

MRS. SEGRETTI made a Motion for DENIAL of V-69-78 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" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

18. U-60-78
APPROVED

Application of LAS VEGAS VALLEY WATER DISTRICT for a Use Permit to allow the construction of a water storage reservoir and pumping station; and for temporary storage of contractor's materials, supplies and equipment during the construction of said facility on property located on the west side of Valley View Boulevard between Oakey Boulevard and Mountain View Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 6, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as depicted. There is landscaping all around and staff would recommend approval.

ACTING CHAIRMAN SWESSEL declared the public hearing open.

ALLEN WALTER, Chief Engineer, Las Vegas Valley Water District, was present.

R. LELAND, Montgomery Engineers, was present.

MR. WALTER stated they respectfully requested the Board to consider one year in which to start construction due to the time it will take for design, request for bids, award of bids and contract.

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

MRS. SEGRETTI made a Motion for APPROVAL of U-60-78, subject to the following conditions:

1. Applicant to construct half-street improvements on Oakey Boulevard and Del Monte Avenue frontages as required by the Department of Public Services.
2. A 40 foot right-of-way shall be dedicated on Oakey Boulevard as required by the Department of Public Services.

3. Provide an approved fire hydrant at the southwest corner of Valley View Boulevard and Del Monte Avenue.
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" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

19. U-61-78 (HO) Application of BERT RAPP for a Home Occupation Permit to allow a business records office in a guest house on property located at 1726 Goldhill Avenue between Comstock Drive and Sharon Road in Zoning District R-E (Residence Estates). The above property is legally described as Lot 5, Block 10, of Bonanza Village Subdivision.
- DENIED

MR. BROWN presented the staff report and stated the plot plan is as depicted. When staff viewed the property last month, there were a number of cars parked there, approximately 6, which is rather unusual for a business records office. When staff again viewed the property for this hearing at 10:30 A.M. on September 22 there were 7 cars parked on the property. Staff doesn't see a need for that many cars for a business records office and feels this kind of use in this kind of a district is incompatible and would recommend denial.

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

KENNETH G. BELL, Attorney representing the applicant, stated the number of cars could partially be explained as the applicant owns four. The guest house is not contiguous to the main house. He added the property goes from one street back to another street. The only business use is in the back of the property. The guest house has been used for a business called Dalton Properties. The telephone number is listed against the wishes of the applicant. He submitted petitions signed by 46 persons in the neighborhood who did not object to the requested use, and also a letter addressed to the BZA signed by G.L. Bennett. This type of business does not justify the lease of office space. For that reason the applicant believes this request should be granted.

MRS. SEGRETTI asked what type of records were kept.

EVAN WILLIAMS said the records conform to normal development; the paying of bills, etc. He added the property is completely fenced in. There is one sliding steel gate that is 14' wide.

MRS. SEGRETTI asked if the business was like that of a CPA as to the type of records kept.

MR. WILLIAMS stated that book records are kept and that they are developers and have their own business. No business is conducted for outside businesses. He added that he, his wife and family live in the main house.

MRS. SEGRETTI asked how long the applicant has been doing business at this location.

MR. WILLIAMS stated he had built the house approximately two years ago.

MRS. SEGRETTI asked if it did not say on an application for a home occupation permit that there would be no advertising.

MR. BROWN replied that was correct.

MR WILLIAMS said they are not advertising. The telephone number was put in the book by the phone company.

MR. BROWN stated that in 1976 this same request came before the Board of Zoning Adjustment and was denied.

MR. BELL stated that a good deal of difficulty is encountered in getting an unlisted phone number and that Mr. Williams had no idea it would be put in the book and that there is also an extra cost involved in having an unlisted number.

MRS. SEGRETTI stated it is necessary to buy an unlisted number all over the country.

MRS. MEYERS stated that the petition read that an exit be constructed from said property to Vegas Drive.

MR. BELL stated the petition had been drafted by a secretary in his office and that statement should not have appeared.

MRS. SEGRETTI asked where all the cars came from.

MR. WILLIAMS stated that some may come in for business purposes and that they have four cars of their own.

MRS. SEGRETTI asked if traffic would continue to come in and out.

MR. WILLIAMS replied that it would. He added it is 150' from the rear of the house to the street.

MRS. MEYERS stated the application was in the name of Bert Rapp and asked Mr. Williams his connection with the applicant.

MR. WILLIAMS stated he is the manager of Dalton Properties and that Mr. Rapp is the financial structure behind the company.

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

MRS. SEGRETTI made a Motion for DENIAL of U-61-78(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" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

20. V-9-78
EXTENSION
OF TIME
APPROVED

Application of DAYTON DEVELOPMENT COMPANY for a nine (9) month Extension of Time on an approved Variance which granted outside sales and storage area on property generally located on the northeast corner of Meadows Lane and Decatur Boulevard in Zoning District R-1 (under Resolution of Intent to C-1).

MR. BROWN presented the staff report and stated staff does not know the reason for the request, but was sure the applicant could advise the Board. Staff has no recommendation on this matter.

G.C. WALLACE stated the parcel in question was purchased under option by Sutterhill and they are in the process of developing it. Now Mervin's is being built and they are currently working on the plans for the balance of the project and just need more time.

MRS. SEGRETTI made a Motion for APPROVAL of the Request for an Extension of Time under V-9-78, subject to the following conditions:

1. Extension of time on the approved Variance to be restricted to a nine (9) month time limit and will expire on June 28, 1979.
2. Conformance to the conditions originally imposed at the time of approval of V-9-78.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

RECESS:

ACTING CHAIRMAN SWESSEL declared a recess at 8:50 P.M. and reconvened the meeting at 9:00 P.M.

21. V-68-78
APPROVED

Application of BECKER AND SONS for a Variance to allow an existing sign: Illuminated, where no light is allowed; thirty (30) square feet in area, where twelve (12) square feet is permitted; sixteen feet six inches (16'6") high where five feet (5') is permitted; and located seven feet six inches (7'6") from the front property line where ten feet (10') is required on property located at 4601 West Washington Avenue between Decatur Boulevard and Hogan Drive in Zoning District R-PD18 (Residential Planned Development). The above property is legally described as Charleston Estates Tract 7A.

MR. BROWN presented the staff report and stated the layout is as depicted. He added the applicant has some photos to present to the Board. Staff feels the sign has been done tastefully and is not out of line with the request of the area and would therefore make no recommendation.

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

ERNIE BECKER, JR. 4405 West Washington, presented photographs of the sign in question to the Board. He added it is all open on the bottom with plants and an automatic sprinkler system. The background is not illuminated, just the letters.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-68-78, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

22. V-70-78

APPROVED

Application of NOVELLA C. HARGETT for a Variance to allow an existing fireplace to the property line where five feet (5') is required and a proposed carport addition seven feet (7') from the front property line where twenty feet (20') is required on property located at 345 Zion Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 6, Block 4, Charleston Heights #10-B.

MR. BROWN presented the staff report and stated the applicant is asking for relief for the fire place which is on the lot line and for permission to construct a carport. This is a corner lot and staff did not receive a report from the Traffic Engineer and therefore does not know if sight would be a factor. This is a unique situation as far as the size of the lot is concerned and the corner situation. The Board should make a determination if the situation is unique enough to grant a variance.

MRS. SEGRETTI asked how far the carport would be from the property line.

MR. BROWN replied seven feet.

MRS. SEGRETTI asked how far back was the carport from the corner.

MR. BROWN replied thirty-one feet.

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

NOVELLA HARGETT, 345 Zion Drive, stated that coming in under the proposed carport is an existing driveway. She added with this particular layout, she receives direct sunlight in the house, which creates intense heat. She added her initial reaction was to plant trees, but discovered they would not shade the house. She added to make the carport look good, she felt she had to square off the house. She said the carport would

not interfere with the vision of the traveling public, and that it would be an open carport. She added the fireplace was in existence at the time she purchased the house approximately 6 years ago. She stated she had contacted the neighbors on the other side and they did not object

MRS. SEGRETTI stated she was concerned with blocking the view on the corner.

MRS. HARGETT said if she had any other lot, she could not build such a carport, but that the configuration of this lot would not interfere with anyone's sight.

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

MRS. MEYERS made a Motion for APPROVAL of V-70-78, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Meyers, Acting Chairman Swessel and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

23. V-71-78
APPROVED

Application of MARY BARTSAS for a Variance to allow a six foot (6') high wrought iron fence in the front yard where a maximum height of four feet (4') with the top two feet (2') fifty percent (50%) open is permitted on property located at 2117 Santa Rita Drive in Zoning District R-1. The above property is legally described as Lot 5, Block 1, Paradise Village Tract #4.

MR. BROWN presented the staff report and stated the plot plan is as depicted. It is rather a unique situation. There are trees around the property and it looks as if the fence would neither help nor hinder the property. Staff does not have any adamant feelings one way or the other.

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

HERB JONES, Attorney representing the applicant, presented photographs of other properties with similar fences to the Board and stated they illustrate the type of fence proposed. He added they do want the fence all away around the property as they did not realize the front of the house is the back of the house.

MRS. SEGRETTI asked if the fence was constructed, would the trees and shrubs be removed.

MR. JONES said that was not anticipated and the applicant had planned on cleaning up the yard.

MRS. SEGRETTI asked if there was a problem with regard to vision at the corner.

MR. JONES replied the shrubs will be cleaned up and added that in the twenty-two years the applicant has resided at this address, there has never been an accident at the corner.

MRS. SEGRETTI asked if the fence would be inside or outside the shrubbery.

MR. JONES replied it would be on the outside of the shrubbery.

GEORGE RICHARDS, 544 San Pedro, stated the proposed fence would be an asset to the neighborhood and that it would contain the shrubbery. He added he has lived in the neighborhood for 15 years and has never seen an accident on the corner.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-71-78, subject to the following conditions:

1. Remove and replace all damaged sidewalks, approximately 100 square feet, as required by the Department of Public Services.
2. Bushes north of the building adjacent to the fence to be a maximum of 30 inches high as required by the Department of Public Services. This is required so as not to restrict motorists and pedestrians line of sight.
3. Conformance to the plot plan.
4. Securing of all necessary permits and licenses and satisfaction of Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

24. V-72-78

APPROVED:

Application of THOMAS D. DILLARD for a Variance to allow an existing addition eight feet (8') from the rear property line where fifteen feet (15') is required on property located at 5720 West Bartlett Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 350, Block 2, Charleston Heights 50-D, Unit 2.

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, and the addition has been built. Staff sees nothing unique about this lot or the circumstances surrounding it and would recommend denial.

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

THOMAS DILLARD stated he purchased the house in 1969 and on March 17, 1970 obtained a permit for this structure. He then constructed it and it has been signed off by several inspectors. The final inspection was on September 24, 1970. He recently sold the house and when he went to close escrow the real estate agency informed him he needed a certification from the City. He then went to the Building & Safety Department and applied and paid his \$25 and the inspector indicated he thought the structure was too close to the property line, and a variance was then applied for. He added that at the time of the initial inspection, if he had been informed of the discrepancy from the City Code, he would have made the necessary changes. To do so now would cost too much money.

MR. BROWN stated that the permit specifically stated the addition would be 20' from the rear property line.

MR. DILLARD said that was not the sketch he submitted as it could not be because the lot is only 110' deep. He added he had statements by five neighbors who indicated they did not object to the addition, and presented photographs of the existing addition.

MRS. SEGRETTI stated that according to the application, the building permit indicated there would be a 20' setback.

MR. DILLARD said he did not recall that. He added there appears to be a mistake on his part and on the part of the City also.

UNIDENTIFIED MAN stated he wished to speak on behalf of the request and added the applicant does not recall the sketch. He added the sketch indicates the addition is 18' x 20' when it is actually 18' x 25'.

MR BROWN stated the Building Department inspectors do not draw the houses or additions on the sketches. Staff relies on the applicant giving the correct dimensions and lot size and does not put that in.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-73-78, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for APPROVAL carried unanimously.

25. V-73-78

DENIED

Application of EDGAR E. BANGLE, EXECUTOR, for a Variance to allow retail carpet sales using samples only; storage of equipment and supplies in an accessory building; and cleaning carpets on the premises on property located at 1205 South Eastern Avenue in Zoning District P-R (Professional Offices and Parking). The above property is legally described as Lot 1, Block 3, Jubilee Tract.

MR. BROWN presented the staff report and stated the plot plan is as depicted. Staff sees nothing unique about this situation in a P-R District and would recommend this use not be permitted.

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

MIKE BANGLE, Sunshine Carpet Co., stated the property is in an estate and that he operated the Sunshine Carpet Co. He requested clarification of the denial recommendation.

MR. BROWN stated that P-R does not permit outside storage.

MR BANGLE stated that when the City inspected the property there had been carpet outside. He had stated he would clean out the garage and has done so with the exception of some cleaning chemicals. Also, there will be a minimum amount of storage in the accessory building

ACTING CHAIRMAN SWESSEL stated that P-R zoning does not allow retail sales or storage of materials.

MR. BANGLE described his business as it would be operated out of this property.

MRS. SEGRETTI stated his business would be classified as retail sales, not as a professional use. She asked why he proposed using this building.

MR. BANGLE stated this is his building and he has the right to use it without making payments. He stated there would be no walk-in traffic.

ACTING CHAIRMAN SWESSEL stated it would still be retail sales.

MR. BANGLE asked what is retail sales.

MRS. SEGRETTI stated it is commercial.

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

MRS. MEYERS made a Motion for DENIAL of V-73-78 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" Mrs. Meyers, Acting Chairman Swessel and Mrs. Segretti
"NOES" None

Motion for DENIAL carried unanimously.

26. V-74-78

DENIED

Application of JOE PETERSON for a Variance to allow an existing addition six inches (6") from the north side property line where a minimum of seven feet (7') is required and fifteen feet (15') from the rear property line where twenty-five feet (25') is required; and to allow an existing addition fifteen feet (15') from the rear property line where twenty-five feet is required on property located at 1319 Rexford Place in Zoning District R-2 (Two Family Residence). The above property is legally described as Lot 26, Block 1, Paradise Grove.

MR. BROWN stated the applicant could not be present and would like this held in abeyance.

JAMES COBB, 1319 Rexford Place, stated he had a notarized letter that the applicant could not be present and that the applicant had asked him if there was going to be any trouble getting a variance.

MR. BROWN presented the staff report and stated the plot plan is as depicted. The applicant got a building permit to enclose the hot water heater and then built the structure in question and has built another structure as well.

ACTING CHAIRMAN SWESSEL stated objectors were present and their comments would be heard before the decision on holding the application in abeyance is made and opened the public hearing.

MR. COBB stated they did have a building permit to enclose the water heater. He added that there had been a shortage of City inspectors in May and June and that they had called and called, but no one came out, so they decided to go ahead and build the structure. He added the extension of the kitchen was built 2 years ago and that it is a dining room.

ACTING CHAIRMAN SWESSEL asked Mr. Cobb inasmuch as he is representing the applicant, what was their connection.

MR. COBB replied that they were business partners quite a few years ago and that as long as there is a complaint against their property, there are duplexes all the way down the street. What is the complaint with that.

ACTING CHAIRMAN SWESSEL stated that the letter of the law had not been followed.

MR. PAUL FOUTZ stated he was concerned if this continued to spread and get behind his property. He added this area has been a thorn in the side of Planning and everyone else. He said he was not in favor of after the fact operations.

MR. AL GARBIAN, 1404 Houssels, stated he was concerned with the violation of the required setbacks.

DANNY STEIN protested as to the lack of building permits.

MR. COBB appeared in rebuttal.

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

ACTING CHAIRMAN SWESSEL stated the application would not be held in abeyance and made a Motion for DENIAL of V-74-78 as the Board found that the requirements of the Zoning Ordinance to allow the grant of a variance were not met.

Voting was as follows:

"AYES" Acting Chairman Swessel, Mrs. Segretti and Mrs. Meyers
"NOES" None

Motion for DENIAL carried unanimously.

27. V-75-78
APPROVED

Application of JOSEPH K. JACKSON for a Variance to allow an existing attached patio cover to the rear property line where fifteen feet (15') is required and to the side property line where five feet (5') is required; and to allow an existing accessory building in the side yard three feet (3') from the rear property line where five feet (5') is required and one foot six inches (1'6") from the side property line where nine feet (9') is required on property located at 912 Meadbrook Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 26, Block 3, Lewis Homes-Las Vegas No. 6.

MR. BROWN presented the staff report and stated this request is located in the middle of an R-1 District. The plot plan is as depicted. The property is enclosed by a wall. Staff sees nothing unique about this lot which would warrant the building of the structures illegally and would recommend denial.

ACTING CHAIRMAN SWESSEL declared the public hearing open.

JOE JACKSON, 919 Linn Lane, and former owner of 912 Meadbrook, stated he had discovered this discrepancy when getting ready to sell the house. He further described the plot plan.

ACTING CHAIRMAN SWESSEL asked how long the patio cover had been in existence.

MR. JACKSON replied for about a year and a half.

MRS. SEGRETTI asked the applicant if he had gotten a building permit.

MR. JACKSON replied he had not.

MRS. SEGRETTI asked what was the foundation of the metal buildings.

MR. JACKSON replied the sheds are bolts to a 4" slab of concrete base and are resting on top of 4 x 4's. He said he had a permit for the metal buildings but they had never been finished.

MRS. SEGRETTI stated that when a metal shed is fastened down, it becomes a permanent building. She asked if the patio cover was fastened to concrete.

MR. JACKSON said a portion of it is. The other side is on the fence.

ROBERT BOYD, 912 Meadbrook, stated he was concerned about the patio cover. It is very attractive and does not drain into the neighbor's yard and added he has a letter that they do no object to this structure.

MR. BROWN stated there is one letter of opposition on file.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-75-78, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing of 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, Mrs. Meyers and Acting Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

28. V-76-78

DENIED

Application of MURIEL N. LYMAN for a Variance to allow RICHARD HAMMOND to make gold nugget watch bands which is not permitted in a residential zone on property located at 829 Lacy Lane in Zoning District R-E (Residence Estates). The above property is legally described as Lot 6, Block 2, Mountain View Tract 1.

MR. BROWN presented the staff report and stated the request is located in the heart of an R-E District. It is simply a request to have a commercial use in a residential district. Staff recommends the request be denied.

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

RICHARD HAMMOND, 2800 Eastern, stated he had had a person ask him to make a band for him, and was informed he couldn't without collecting sales tax. He said their family was spending a great deal of time at this location since the applicant has been in the hospital. Only a desk size space is needed and jewelers tools are used. He stated he was also going to teach the applicant this art as a hobby.

ACTING CHAIRMAN SWESSEL stated that Lacy Lane is one of the better areas of the City and to allow something like this is asking for trouble. He suggested Mr. Hammond rent a store rather than making the bands in an R-E area.

MRS. MEYERS asked if this request would qualify as a home occupation permit.

MR. BROWN said the applicant did not own the house.

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

MRS. SEGRETTI made a Motion for DENIAL of V-76-78 because the Board found there was insufficient justification presented.

Voting was as follows:

"AYES" Mrs. Segretti, Mrs. Meyers and Acting Chairman Swessel
"NOES" None

Motion for DENIAL carried unanimously.

29. U-69-78
APPROVED

Application of LINDA L. BUTTERFIELD for a Use Permit to allow a child nursery with a maximum of twelve (12) children on property located at 520 South Jones Boulevard in Zoning District R-1 (Single Family Residence). The above property is legally described as

MR. BROWN presented the staff report and stated that everything is in order. Staff would recommend approval.

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

ALLEN BUTTERFIELD was present representing the applicant.

MRS. SEGRETTI asked if the applicant would meet the stipulations of the Child Welfare Board.

MR. BUTTERFIELD replied that all agency requirements would be met.

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

MRS. MEYERS made a Motion for APPROVAL of U-69-78, 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" Mrs. Meyers, Acting Chairman Swessel and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. November and December Meetings Consideration of changing the meeting date of the November 23, 1978 (Thanksgiving) meeting to November 30, 1978; and to discuss a possible change for the December 28, 1978 meeting date.

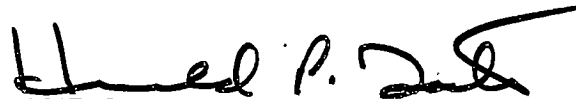
ACTING CHAIRMAN SWESSEL made a Motion that the meeting date for the regular meeting of the Board of Zoning Adjustment be set as November 30, 1978. Motion carried unanimously.

MRS. SEGRETTI made a Motion that the regular meeting of the Board of Zoning Adjustment for December 1978 be scheduled for January 9, 1979. Motion carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 10:20 P.M.

DEPARTMENT OF COMMUNITY PLANNING
& DEVELOPMENT



HAROLD P. FOSTER, Acting Director

/lm