

S.V

A G E N D A

BOARD OF ZONING ADJUSTMENT

MAY 24, 1979

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 the Open Meeting Law.

OLD BUSINESS:

1. V-26-79
(Abeyance Item
from 4/26/79) Application of BECKY B. BEHNEN for a Variance to allow a six foot (6') high wrought iron fence with brick columns in the front yard area where a maximum of four feet (4') is allowed on property located at 1900 Silver Avenue in Zoning District R-E.
2. V-30-79
(Abeyance Item
from 4/26/79) Application of LESLIE AND JOANNE SOPER for a Variance to allow a room addition eight feet (8') from the side property line where ten feet (10') is required; and fifteen feet (15') from the rear property line where fifty feet (50') is required on property located at 217 Canyon Drive in Zoning District R-E.
3. U-42-79(HO)
(Abeyance Item
from 4/26/79) Application of GEORGE D. FRAME at 4350 Mountain View Boulevard in Zoning District R-E for a Home Occupation Permit - Allow an office for an off-premise law firm.
4. V-94-76
EXTENSTION OF
TIME
(Abeyance Item
from 4/26/79) Request of SOUTHERN NEVADA COMMUNICATION CORPORATION for an Extension of Time for completion of a parking lot and driveway on an approved Variance which allowed the construction of a building to be utilized as the KILA broadcasting station on property located at 2201 South 6th Street in Zoning District R-1.

NEW BUSINESS:

1. V-32-79 Application of ELMER WEBB for a Variance to allow an eleven foot (11') rear yard setback where fifteen feet (15') is required on property located at 1216 Van Buren Street in Zoning District R-1.
2. V-33-79 Application of RANCHO ASSOCIATES for a Variance to allow two (2) free standing signs, one sign six feet (6') high and one sign twenty feet (20') high, with a total sign area of 230 square feet where only one (1) free standing sign, five feet (5') high and fifteen (15) square feet is allowed on property generally located on the north side of West Charleston Boulevard between Rancho Drive and Shetland Road in Zoning District C-D.
3. V-34-79 Application of ROSE L. AND BELVA A. FITZGERALD for a Variance to allow an accessory garage building eight feet (8') from the west side property line where fifteen feet (15') is required; and to allow the garage to exceed the floor area size and the height of the main dwelling unit, which is not permitted, on property located at 6528 Hill View Avenue in Zoning District R-1.

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4. V-35-79 Application of RAYMOND CANNON for a Variance to allow an existing non-conforming single family dwelling thirteen feet six inches (13' 6") from the front property line and to allow a room addition eleven feet six inches (11' 6") from the front property line where twenty feet (20') is required on property located at 705 Bell Drive in Zoning District R-1.
5. V-36-79 Application of RAYMOND C. SNOW for a Variance to allow a room addition six inches (6") from the side property line where five feet (5') is required on property located at 4301 Lorna Place in Zoning District R-1.
6. V-37-79 Application of GILBERT AND LILLIAN WESTLUND for a Variance to allow a trailer to be used for residential purposes, in the required front yard, in an R-1 zone which is not permitted, on property located at 1127 South 15th Street in Zoning District R-1.
7. V-38-79 Application of JOHN F. O'REILLY for a Variance to allow a covered entry (porte cochere) thirty-four feet (34') from the front property line where fifty feet (50') is required on property located at 3013 Pinto Lane in Zoning District R-A.
8. V-39-79 Application of SHIRLEY BOOTH DICK for a Variance to allow a block wall along the side and rear property lines ranging from six feet eight inches (6' 8") to eight feet eight inches (8' 8") in height where a six foot (6') high block wall is allowed; and to allow a patio cover one foot (1') from the rear property line where fifteen feet (15') is required and one foot (1') from the side property line where six feet (6') is required on property located at 3604 Marlborough Avenue in Zoning District R-1.
9. V-40-79 Application of LLOYD K. AND MARIANNE S. LONG for a Variance to operate a pre-school facility for fifteen students (two and one-half hours per day), which is not allowed, on property located at 1017 East Oakey Boulevard in Zoning District R-1.
10. U-49-79 Application of CHARLES T. GULLO for a Use Permit to allow an astrologer's office on property located at 820 South 6th Street in Zoning District C-1.
11. U-53-79 Application of H. S. SERVICE CORPORATION for a Use Permit to allow a parking lot for tenants of a proposed nearby apartment complex on property generally located on the southeast corner of 15th Street and Fremont Street in Zoning District R-4.
12. U-54-79 Application of BERNARD J. AND EDITH B. McMAHON for a Use Permit to operate a group child care home (12 children maximum) on property located at 316 Estella Avenue in Zoning District R-1.
13. U-50-79 (HO) Application of GORDON R. SMITH at 1109 Shadow Mountain Place in Zoning District R-1 for a Home Occupation Permit - Allow a bookkeeping service.
14. U-51-79 (HO) Application of CLIFFORD H. TAYLOR, JR. at 1700 Leslie Avenue in Zoning District R-1 for a Home Occupation Permit - Operate a coffee service.

15. U-56-79(HO) Application of WILLIAM J. CRAWFORD at 5813 Washington Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a business office for a t-shirt company.
16. U-57-79(HO) Application of RICHARD V. NUTLEY at 5425 Evergreen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a private consultant office.
17. U-58-79(HO) Application of JUDY MAYBERRY for WAYNE BOWERS at 2320 Jansen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a mobile automobile service operation.
18. U-59-79(HO) Application of JOE H. LUNT at 6457 Celeste Avenue in Zoning District R-1 for a Home Occupation Permit - Operate as a wholesale broker for ornamental iron and window products.
19. U-60-79(HO) Application of J. DAVIS at 800 Hogan Drive in Zoning District R-1 for a Home Occupation Permit - Operate a finance brokerage office.
20. U-59-71 Request of ROY WILSON for a Plot Plan Review on an approved Use Permit to build a parsonage on the northeast property line on property located at 500 North Lamb Boulevard in Zoning District R-E.
- PLOT PLAN
REVIEW

DIRECTOR'S BUSINESS:

AMENDMENT TO RULES
AND REGULATIONS FOR
VOTING

Discussion on the proposed amendment to the rules and regulations relative to voting.

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

BOARD OF ZONING ADJUSTMENT

MAY 24, 1979

1. U-23-65
PLOT PLAN
REVIEW
Request of the PRESBYTERY OF NEVADA, INC. for a Plot Plan Review to allow an addition to the Westminster Presbyterian Church on an approved Use Permit which allowed the construction of a church building complex on property generally located on the south side of Lake Mead Boulevard between Decatur Boulevard and Madeline Drive in Zoning District R-1.
2. V-65-74
REVIEW OF
CONDITIONS
Request of THE SOUTHLAND CORPORATION for a Review of Conditions to delete condition #2 "The Variance shall be limited to a time period of ten years and shall expire on October 3, 1984." on an approved Variance which allowed the continuation of an existing non-conforming retail and wholesale ice processing and distributing business for as long as this business is conducted on the premises and to allow additions to the non-conforming building on property located at 1010 North Main Street in Zoning District C-M.
3. U-61-79(HO)
Application of JOHN F. T. DEEGAN at 5308 Cannon Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow a private investigation business.

BROWN: You can see the location. It's between 15th Street and Fremont, the southeast corner, shown in the triangle area. That's the part we are looking at. The plot plan isn't too imaginative. We've got the alley here, 15th Street and here 70 parking spaces. This is the corner of Fremont and 15th and this is the triangle that we are talking about. As I understand it, there was a market at this location, 20-25 years ago it started, and this parking lot was used in concert with that market and a few years ago the market did burn so now they are coming back. The use did cease and it seems a multiple family development is now going in where the market was and they want to use this as an off-site parking lot. I think this was successful, evidently, in the past. I see no reason why it should not continue. We would recommend approval subject to the City Commission approval of the off-site parking.

SWESSEL: Is the applicant present?

KOCH: My name is Richard Koch and my address is 229 Las Vegas Boulevard South. I'm here for the applicant. This is Mr. Phil Mitchell who did the design -- the unimaginative design -- on the parking lot. He took great offense. This has been a parking lot for years and years - the old Foodland Market. Actually, I don't know how else it could be used. I wasn't exactly sure whether we would have to file for a use permit because it may well be grandfathered in -- it's been there for so long. Nonetheless, at the recommendation of the Planning Department, we did apply for a use permit. We feel that it is appropriate for the neighborhood. It is still in use as a parking lot. Every day there are cars parked there. I don't know, again, what else you could do with it. There are parking barriers and things like that. At the present time, it's pretty well chewed up -- the concrete and asphalt -- it has big holes in it and a lot of debris and, actually, what I think we really are asking is to be allowed to clean it up. We expect to clean it up, repave it, clean out all the debris, put some lighting in. I think it will be an improvement. There has been some concern by some of the people in the neighborhood and I spoke with them and we are not anxious to impinge upon them. There are some that use that as an access to the backs of their homes and I have assured them that we have no objection if they continue to travel through there. We have no problem with that at all. So we would ask that it be approved.

SWESSEL: Any questions, Commission? There being none, this is a public hearing. Is there anyone that would like to speak in behalf of this application? In behalf? We'll decide.

UNIDENTIFIED
MAN:

At this time, representing the Fremont Arms Apartments. I think we are in the brown section right above that. The only thing we would like to make you aware of -- we have been looking for some kind of conversion on those apartments into something else. We have basically been restricted because of the limitation on parking. If we can get some property across the driveway from us, which I think is possible, we would be faced with much the same situation so would be back to see you also.

SWESSEL: That would have no bearing on this hearing right now.

UNIDENTIFIED
MAN:

Well, we would not be objecting. We would like to set the precedent and come back to see you.

SWESSEL: Okay. It's got no bearing on this stuff. Anyone else that would like to speak in behalf? There being none, anyone to speak in opposition? I did see someone. Okay.

BROWN: Four letters of protest.

SWESSEL: Four letters of protest.

- MEEHAN: My name is Dave Meehan and I am a home owner at 1601 Carson. I did speak with the gentlemen about this parking lot and we were to kind of talk about an agreement among ourselves, but I wasn't able to do it because we couldn't locate each other. As a home owner I have a concern. This property is zoned R-4 now, is it not?
- SWESSEL: Zoning District R-4.
- MEEHAN: Okay. We have what we call a planting strip that was included by the builder of the Mayfair Tract and this was called a utility lot and the utility lot has very many pipes running through it. For instance, my water meter is in the alley and runs across the utility lot to my dwelling as well as the house next door and underneath or beneath the planting strip on the very edge of it, which appears to be 10 feet wide legally, there is a sewer line and, of course, I have no objection to any of these things. I am just trying to give a description of the property. Okay, where my problem arises, and the gentleman from the H. S. Corporation has said that he is willing to cooperate on this -- he is allowing me the access of a gate which has to be 13 feet wide and this gate has been assured by Renny Allred, the past owner who I bought from, that it goes back to 1960 and he said it was there even before that from another gentleman and I didn't take the trouble to look him up as he was very aged at the time. When I bought this property there was a guest house on the back of this property, approximately 5½ feet from the property line. When I acquired financing on this property they questioned the legality of this guest house and it was determined legal because it was grandfathered in. It was built before the law about two dwellings on one R-E lot. Okay, my concern is that if we need some kind of barrier, maybe retain the planting strip or an alleyway or something to prevent the commercial use of this property from detracting from my residential use and I feel that if there is a compromise to be made, I would give up the planting strip for the right to enter my yards, which I consider very important. I picked out my house because I do not want to park my boat in the front yard. I think it is unsightly when you have a choice. So I enter the boat through the back yard. I selected the house for that reason and they have granted me the right to continue doing this and I greatly appreciate it, but I would like something direct that there is not parking spaces directly behind these doors. That it would enter to the driveway in this lot -- the property restricted --
- SWESSEL: Isn't there an alley behind your property?
- MEEHAN: Yes, there is. Yes, there is.
- BUGBEE: Where's your property line?
- SWESSEL: He's on Carson.
- BUGBEE: Yes, but Carson's --
- MEEHAN: I have the map that you sent out. It seems to be more descriptive. I can show it to some one here. It's hard to show it to everybody.
- BROWN: The alley, evidently, is along here. You said the alley up here.
- BUGBEE: Then he doesn't really have any ingress and egress to his back yard, legally?
- UNIDENTIFIED: Not legally.
- MEEHAN: Okay, they were to tell me that lot was notoriously and openly used for some 25 years, approximately, that we can account for, and I am willing to allow the H. S. Corporation to go ahead with a parking lot. I don't directly object to that. I would just like them to respect me as a home owner and allow me to use my back yard as it has been used for many years by people before me. Because if I lose the right to do that, I'm losing really my house because I consider my boating to be essential to my way of life. One last comment was that since this dwelling is 4 feet from the property line, I would like to have something that would keep the automobiles possibly from driving into my house -- 5½ feet actually -- from driving into my house because sometimes the tenants --

SWESSEL: We have no control over that.

MEEHAN: Okay. There's no wall or barrier. I think I stated my case and I think in summation I would just like to say that I would like to have this right-of-way to the alley from the H. S. Corporation and, hopefully, no parking spaces assigned in the way of the gate. Thank you.

SWESSEL: He just stated though that they had agreed to work with you people, haven't they?

MEEHAN: That he was going to do that, yes. So we are in agreement.

SWESSEL: Okay. Yes, sir, do you want to speak?

ECKERT: Yes, My name is Guy F. Eckert. I live at 130 South 16th Street and have been there since 1942. Now, the back end of this thing hits my property, a little bit of it. My only objection to the situation is if we don't have some type of a fence up there to keep people from jumping over the fence into our property which -- the reason they will be going over the property -- they are not going to be able to park in this parking place. They are going to have to go outside of the parking place to park. They are going to be parking on 15th street -- They are going to be parking on Fremont Street. They will be coming up Carson Street, which is a narrow street. Now, they are not going to walk clear around to get back over here. They are going to go through the property. I think something should be done to keep them from going over the fences or whatever through the property.

SWESSEL: Do you have a fence around your property now?

ECKERT: I have a fence on my property, yes.

SWESSEL: You want them to put a fence up though?

ECKERT: Well, I think there should be something put up there to protect us property owners.

BROWN: Mr. Chairman, one of our recommendations is going to be a block wall adjacent to all of the R-1 over here, here and here. A block wall, thusly -- a 6 ft. block wall.

SWESSEL: How does that sound?

ECKERT: A little higher would sound better. You and I both could get over that wall.

MEEHAN: I have a comment. I would like to add, when he allows me access I will buy the gate. If he has to put the wall up, I'll buy the gate on it.

SWESSEL: You guys can work that out. Anybody else want to be heard on this?

REED: Yes, I'm Mary Reed. I live at 136 South 16th Street. I do not have access to this back parking lot. I'm very near it and I understand that the apartments they are going to put in there -- it's a hundred and some odd high rise apartments -- where they can look right down into our back yards, and I have practically grown up at this property. All of us property owners -- is an older section and I am strictly against them having the permit because if they do not get the permit then they will not put these apartments in and there is not enough parking for that many apartments. There just isn't. Now, the Fremont Arms has created for years a parking hazard on 15th Street because 15th Street is very busy. I'm glad I'm on 16th because of that.

- REED (cont'd): Because it is a thoroughfare from Fremont to Charleston and it has created a hazard there for many years because the overflow has gone on that street. The same thing is going to happen here. If they have all these numerous apartments that I am hearing and there is already, besides the Fremont Arms, right across the street from it there is another apartment building and if they put this high-rise on the corner of 15th Street and Fremont, the overflow will go not only up to our back yards, it will come to our front yards. They will be on 16th Street, they will be on 15th Street, they will be on Fremont, because that parking lot is not large enough to accommodate a number of apartment buildings that they are planning to put in and that is my objection. I have not, like this gentleman has said -- people are objecting because they can't get into their properties from the back yard. That's not true. In my case it is not true and it will bring an element in there. Well, we won't go into that because that isn't your problem here. But you can see the handwriting on the wall.
- SWESSEL: The area, though, is in a transitional period right now. Twenty-three years ago I lived down on that side of town and it was by the City of course and today it isn't anymore. They are going to a lot of apartments in that area and we recognize this and it's going to be an improvement over what's there right now. Am I correct?
- REED: Well, when it was a parking lot for the market -- that's a different thing -- people coming and going. But for people -- there is an alleyway there -- it's going to cause traffic congestion going out on 15th Street. There is an alleyway there that goes out on 15th Street. I have used it many times myself and you can hardly get out there.
- SWESSEL: Yes, I know. I don't want to argue with you but, you know, when the market was there, you remember in the good old days, that was the best market in town and how much traffic was there then? And the streets stayed the same. They haven't changed and the market is gone. We are talking about a lot less cars in there now.
- REED: Yes, but the parking space is still very small. You ought to see it. It looks larger on that than it does actually because I have been on it many times. But it is not adequate and that's what the Fremont Arms man was speaking about or the attorney, whoever it is in the blue suit here, that remarked that he was representing them. They have this problem and they are in hopes of obtaining this to help them out with their problem, which is already there. And, on Fremont Street, I am surprised that they have allowed it this long. If you have ever gone down 15th Street, well, the overflow is on 15th Street.
- SWESSEL: That's why we have these hearings, so we can hear from you people -- see what's going on down there.
- REED: Well, I hope I've made a point. I rest my case. Thank you.
- SWESSEL: Thank you. Is there anyone else?
- PITKIN: My name is Pitkin and I live at 200 South 16th Street. We are the original buyers of the house. The streets are narrow, very narrow, in there and I live right on the corner of 16th and Carson and there is a great deal of traffic in there, entirely too much for the narrow streets. And, if they put more in there, I understand the apartment building is to be over a hundred apartments, and they will have one car, at least, and maybe more. They will be all around the area through there. I'm just one block off of Fremont Street and then there is the school children going through there. But we are just going to be drowned with the smog and the exhaust from these cars and the small area. I'm objecting to it because of too many people in the small area -- very much.
- SWESSEL: Thank you. Anyone else? Okay, Mr. Koch, do you want to rebuttal?

KOCH: Just a very brief response. These are very small studio apartments. Most people that live -- we have other projects like this -- most of the projects, people just walk to work. In fact, we have found that there are fewer than one car per apartment in our experience. In fact, maybe one for every two or three.

SWESSEL: Is this the Bigelow project?

KOCH: Yes, it is. I don't think it is going to damage anything. As far as the access, we will be able to work with the people. There's no problem there. The fence -- a block wall is quite expensive. There are fences there already. If they would like to share the cost I'm sure we could go along with that, but I think the block wall would be a little bit excessive.

SWESSEL: The staff is recommending a block wall. Is that my understanding?

BROWN: Yes, a six-foot block wall -- I just made a note here -- with gates as requested, subject to the approval of the --

KOCH: In fact, I spoke with Mr. Eckert and his last request was for a chain link fence. I think that would probably be adequate.

SWESSEL: Well, they say block wall and that would be one of the stipulations you would have to agree to if this Commission would pass it. A chain link fence, I guess, would not carry it. How about that new fence that's up, the steel fence? Would that conform to City code?

BROWN: No. What we are trying to do is keep the noise down and the fumes and so on and so forth from that residential area and I don't think that --

SWESSEL: I'm just saying that it is a little less expensive. I'm no contractor.

BROWN: I know that.

SWESSEL: That would be a stipulation that we should pass. That they would have to go with the block wall and the --

KOCH: Well, I'm personally not authorized to do that. If you give me ten minutes to step out and make a phone call to the owner, maybe I can get back --

SWESSEL: Well, we'll hold this for ten minutes.

BROWN: You can still make that motion whether he is authorized or not.

SWESSEL: It don't matter. That's the way it's going to have to be.

KOCH: I can't stipulate to it right now.

SWESSEL: Well that would be our stipulation though. We can, see.

KOCH: Fine, so I could agree to it or appeal it, whichever?

BUGBEE: You don't do anything. You just take our recommendation.

SWESSEL: Okay, is there any other questions, Commissioners? We'll close this hearing then.

BUGBEE: I'll move we follow the recommendation of Planning.

SWESSEL: With staff's recommendations?

BUGBEE: With staff's recommendations.

SWESSEL: Sir, that has been approved with the recommendations of staff so you will have to tell your client that you have to build a block wall, if you want it. Okay? And that will be heard by the City Commission on June 6th.

MINUTES
BOARD OF ZONING ADJUSTMENT
MAY 24, 1979

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

PRESENT: Chairman Swessel, Mrs. Meyers, Mr. Bugbee and Mrs. Emmett.

EXCUSED: Mrs. Segretti

STAFF PRESENT: Harold P. Foster, Director, Community Planning & Development
Don W. Brown, Supervisor of Zoning
Rick Sweet, Planner
Linda McIntosh, Recording Secretary

ANNOUNCEMENT: MR. BROWN stated that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted and mailed in accordance with NRS Chapter 241 and affidavits are on file in the office of the City Clerk.

OLD BUSINESS:

1. V-26-79
(Abeyance Item from 4/26/79)
Application of BECKY B. BEHNEN for a Variance to allow a six foot (6') high wrought iron fence with brick columns in the front yard area where a maximum of four feet (4') is allowed on property located at 1900 Silver Avenue in Zoning District R-E.

APPROVED

MR. BROWN stated this item was held in abeyance because the applicant had not been present at the last meeting.

The applicant or a representative was not present.

MRS. MEYERS made a Motion for ABEYANCE of V--26-69,

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for ABEYANCE carried unanimously.

2. V-30-79

(Abeyance item
from 4/26/79)

DENIED

Application of LESLIE AND JOANNE SOPER for a Variance to allow a room addition eight feet (8') from the side property line where ten feet (10') is required; and fifteen feet (15') from the rear property line where fifty feet (50') is required on property located at 217 Canyon Drive in Zoning District R-E.

MR. BROWN stated this item had been held in abeyance because the comment was made with the presentation last time that some better design might be made. Staff has not received a revised plot plan.

LESLIE SOPER, 217 Canyon Drive, represented the application and stated this had been held for redesign of the room addition. With the exception of moving the addition to 10' from the side property line, it was found that redesign was not feasible. The room addition on the side property line will meet Code requirements. He added that the neighbors have not objected. He cited several variance requests that had been previously approved for similar developments.

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

MRS. EMMETT made a Motion for APPROVAL of V-30-79,

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. Emmett, Mrs. Meyers, Chairman Swessel and
Mr. Bugbee

"NOES" None

Motion for APPROVAL carried unanimously.

3. U-42-79(HO)
(Abeyance Item
from 4/26/79)

APPROVED

Application of GEORGE D. FRAME at 4350 Mountain View Boulevard in Zoning District R-E for a Home Occupation Permit - Allow an office for an off-premise law firm.

MR. BROWN stated this was held in abeyance because the applicant was not present at the law meeting. On the surface, this appears to be an unusual request and no explanation has been received and the applicant should do so.

GEORGE FRAME stated he was closing his office in Clark County and had no where to place his business license. He stated there would be no activity at this location other than normal home use.

CHAIRMAN SWESSEL stated if this request is approved, it would be precedent setting.

MR. BUGBEE suggested a time limit be placed on the request if approved.

CHAIRMAN SWESSEL asked how long the applicant needed.

MR. FRAME stated six months, and if necessary, he would come back for an extension.

MRS. MEYERS made a Motion for APPROVAL of U-42-79(HO), subject to the following conditions:

1. Approval of the Home Occupation Permit to be restricted to a six (6) month time period and shall expire on November 24, 1979.
2. All advertising shall conform to the criteria for a home occupation permit.
3. 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. Meyers, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

4. V-94-76

(Abeyance Item
from 4/26/79)

APPROVED

Request of SOUTHERN NEVADA COMMUNICATION CORPORATION for an Extension of Time for completion of a parking lot and driveway on an approved Variance which allowed the construction of a building to be utilized by the KILA broadcasting station on property located at 2201 South 6th Stret in Zoning District R-1.

MR. BROWN presented the staff report and stated that the applicant should present his reason for this request for an extension of time. If it is extended, it should not be for more than thirty to sixty days.

JACK FRENCH represented the application and stated they have been waiting on the development connected with the adjacent properties. The necessary agreements have been unable to be made and additional time is needed.

CHAIRMAN SWESSEL asked the applicant how much time he needd to finalize the agreements.

MR. FRENCH stated six months would be helpful.

MRS. MEYERS made a Motion for APPROVAL of the Request for an Extension of Time under V-94-76, subject to the following conditions:

1. Conformance to the conditions originally imposed at the time of approval of V-94-76.
2. Extension of time to be limited to a six (6) month time period and will expire on November 24, 1979.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. V-32-79

APPROVED

Application of ELMER WEBB for a Variance to allow an eleven foot (11') rear yard setback where fifteen feet (15') is required on property located at 1216 Van Buren Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 21, Block 1, Virginia Manor Tract #2.

MR. BROWN presented the staff report and stated the plot plan is as shown. There is nothing unique or unusual about this lot that would warrant granting a variance and staff would recommend denial.

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

ELMER WEBB represented the application.

CHAIRMAN SWESSEL asked why the variance was requested.

MR. WEBB stated he needed the space as his family had increased.

MRS. MEYERS asked how large the addition would be.

MR. WEBB stated 26' x 16' and that it would be a game room.

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

MRS. EMMETT made a Motion for APPROVAL of V-32-79, 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. Emmett, Mrs. Meyers, Chairman Swessel and
Mr. Bugbee

"NOES" None

Motion for APPROVAL carried unanimously.

2. V-33-79

DENIED

Application of RANCHO ASSOCIATES for a Variance to allow two (2) free standing signs, one sign six feet (6') high and one sign twenty feet (20') high, with a total sign area of 230 square feet where only one (1) free standing sign, five feet (5') high and fifteen feet (15) square is allowed on property generally located on the north side of West Charleston Boulevard between Rancho Drive and Shetland Road in Zoning District (C-D) (Design Commercial). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the signs are as shown. Staff thinks the proposal and intent of the ordinance would be thwarted if this request is approved. The C-D limit is one sign, of one size. The applicants are requesting a sign four times that size. It is completely out of concert with the dictates of the ordinance and staff would recommend denial. There are two letters of protest on file.

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

CARL LOVELL and BEN MERRY represented the application.

MR. LOVELL stated that through various zoning hearings, the property in question was zoned C-D and he did not think that was the original intent. However, the C-D on Charleston is consistent with the other uses. The signage requested will give the tenants exposure. A rendering of the proposed signs was presented.

CHAIRMAN SWESSEL stated this has been a problem for two years with the Planning Commission and that the signs in question do not come close to what is allowable. If this request is approved, it will be precedent setting.

FRANK BERTA appeared in protest. He stated he had had his property rezoning approximately eight years ago to C-D and had complied with the ordinance requirements. If these signs are approved, he stated he would submit a request also and others would too as a precedent would be set.

MARIE RIPPS, 2500 Sherman Place, appeared in protest. She stated the signs would be detrimental to the area.

MR. LOVELL appeared in rebuttal.

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-33-79 because the signs would not be compatible with the C-D zoning pattern along Charleston Boulevard.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for DENIAL carried unanimously.

3. V-34-79

DENIED

Application of ROSE L. AND BELVA A. FITZGERALD for a Variance to allow an accessory garage building eight feet (8') from the west side property line where fifteen feet (15') is required; and to allow the garage to exceed the floor area size and the height of the main dwelling unit, which is not permitted, on property located at 6528 Hill View Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 15, Block 3, Torrey Pines Villas.

MR. BROWN presented the staff report and stated the plot plan is as depicted. The garage is larger than the house. It has large overhead doors which are quite unusual. There is a hydraulic lift in the plans and a drain also. Staff the the size, the hydraulic lift, drain and overhead doors suggest something other a normal accessory garage building in an R-1 District and would recommend denial.

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

ROSS FITZGERALD stated the house is small and has an enclosed garage section. He added he has two cars, and a boat and would like to have them protected. There is space behind the 2/3 stalls. He stated he is a cabinet maker by trade and would like to do this at home. With regard to the lift, he repairs his own vehicles. The drain is used in connection with washing his vehicles. The large doors are to get them in and out as well as the boat.

CHAIRMAN SWESSEL stated that the presence of a hydraulic lift could indicate that other cars would be worked on.

MR. FITZGERALD said he did not think that would be true.

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-34-79 as there as insufficient justification presented to warrant a Variance on this property.

Voting was as follows

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for DENIAL carried unanimously.

4. V-35-79
APPROVED

Application of RAYMOND CANNON for a Variance to allow an existing single family dwelling thirteen feet six inches (13'6") from the front property line and to allow a room addition eleven feet six inch (11'6") from the front property line where twenty feet (20') is required on property located at 705 Bell Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block 5, Biltmore Addition #2.

MR. BROWN presented the staff report and stated the plot plan is as shown. When the houses were built along this street they were kind of meandering to be more aesthetically appealing. This is a unique situation on this street and location. Staff would recommend approval only to the extent that the addition doesn't go any closer to the street than the house.

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

RAYMOND CANNON represented the application and agreed to staff stipulations.

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

MR. BUGBEE made a Motion for APPROVAL of V-35-79, 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. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

5. V-36-79
APPROVED

Application of RAYMOND C. SNOW for a Variance to allow a room addition six inches (6") from the side property line where five feet (5') is required on property located at 4301 Lorna Place in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 292, Block 12, Hyde Park Unit #2.

MR. BROWN presented the staff report and stated the plot plan is as shown. The applicant applied for a building permit in 1977 and the permit specifically

asked for an enclosed carport for storage. On the map on the building permit, it shows 5' between the lot line and the proposed storage. The applicant went ahead and built to within 6" of the lot line. Instead of a carport, we have a bedroom and bath. Staff would recommend denial.

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

RAYMOND SNOW stated that when this was built there was an existing fence and the structure was already there. The structure has been there for 20 years. The carport and uprights were there when the property was purchased in 1972.

CHAIRMAN SWESSEL asked if at the time of taking out a permit had the applicant been informed he must be 5' from the lot line.

MR. SNOW stated he structure was already there.

CHAIRMAN SWESSEL asked if the applicant was aware of the 6".

MR. SNOW stated he did not know of it until a survey was completed a couple of weeks ago.

MR. BUGBEE asked why the building inspector did not catch the discrepancy between the permit and the actual building.

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

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-36-79, 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, Chairman Swessel, Mr. Bugbee
and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

6. V-37-79

DENIED

Application of GILBERT AND LILLIAN WESTLUND for a Variance to allow a trailer to be used for residential purposes, in the required front yard, in an R-1 Zone which is not permitted, on property located at 1127 South 15th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 6, Block 4, Huntridge Subdivision Tract 3.

MR. BROWN presented the staff report and stated the plot plan is as depicted. In viewing the location of the trailer it sticks out clear into the front yard to the sidewalk. This is not a permitted use in a R-1 District. To grant something like this in a R-1 District would be precedent setting to the extent the Board would be hard pressed to keep others from doing the same thing. There is nothing unique or unusual about this lot. Staff would recommend this lot be consistent with other normal lots and recommend the request be denied.

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

LILLIAN WESTLUND was present.

EUGENIA ORENSCHALL represented the applicant and stated the variance would be limited to residential use by members of the immediate family and that this use would not change the characteristic of the neighborhood. She added the applicants are retired people on limited incomes. The trailer does not endanger traffic and the house is closer to commercial than high priced residential. It is a matter of economic squeeze.

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

MS. ORENSCHALL stated a petition was circulated and 60% of the people in a four block area were in favor of the variance.

DOROTHY WAGLEY spoke in favor of the application.

BILL MIDDLETON, 3812 Apache Lane, spoke in favor of the application.

SALLY MACEACHERN, 1135 Chapman, appeared in protest, and stated this would affect property values. She stated that a fifth wheeler was not a residence and should be placed where it belonged. She read a letter signed by Del Pe Quiet in protest to the application.

BERT WEBB, 1130 South 16th, appeared in protest.

A petition of protest was presented.

FRANK PREE, JR., 1141 South 15th, appeared in protest.

MRS. WESTLUND appeared in rebuttal.

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

MR. BUGBEE made a Motion for DENIAL of V-37-79 because the residential use of the trailer would not be a compatible use in this neighborhood.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for DENIAL carried unanimously.

7. V-38-79
APPROVED

Application of JOHN F. O'REILLY for a Variance to allow a covered entry (porte cochere) thirty-four feet (34') from the front property line where fifty feet (50') is required on property located at 3013 Pinto Lane in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the

Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff feels in view of the fact the lot is 287' deep, that surely the applicant should be able to set back another 16' from the front lot line and would recommend denial.

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

JOHN O'REILLY stated the lot is large but uniquely shaped. He added he has worked with the designer and architect to solve this problem and that he would not construct anything but that which would enhance the house and neighborhood. He presented a rendering of the proposed house. He stated that five families in the immediate area had signed a petition not objecting to the variance.

HANS DORWEITER appeared in protest for the Peterson's who live across the street. He stated this is not a hardship case.

MR. O'REILLY stated the Peterson's are not across the street and they do have a big wooden fence.

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

MRS. EMMETT made a motion for APPROVAL of V-38-79, 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. Bugbee, Mrs. Emmet and Mr. Meyers.
"NOES" Chairman Swessel

Motion for APPROVAL carried by a 3/1 vote.

8. V-39-79
APPROVED

Application of SHIRLEY BOOTH DICK for a Variance to allow a block wall along the side and rear property lines ranging from six feet eight inches (6'8") in height where a six foot (6') high block wall is allowed; and to allow a patio cover one foot (1') from the rear property line where fifteen feet (15') is required and one foot (1') from the side property line where six feet (6') is required on property located at 3604 Marlborough Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 45, Block 3, Washington Square #1.

MR. BROWN presented the staff report and stated the plot plan is as depicted. The applicant is asking for legalization. The building inspector has informed staff that the wall has been red tagged and the applicant has worked over that.

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

RICHARD DICK stated he had not done anything after being redtagged, but that he had had some planter material delivered. He stated that everything has been done according to code and that he has contacted the neighbors and they have agreed to what he is doing.

MRS. MEYERS asked the applicant if he had began working without a permit.

MR. DICK replied that was true.

MRS. MEYERS asked if one had been applied for.

MR. DICK stated he had said he would not do anything until going before the Board of Zoning Adjustment.

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

MRS. EMMETT made a Motion for APPROVAL of V-39-79, 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. Emmett, Mrs. Meyers and Mr. Bugbee
"NOES" Chairman Swessel

Motion for APPROVAL carried by a 3/1 vote.

9. V-40-79

DENIED

Application of LLOYD K. AND MARIANNE S. LONG for a Variance to operate a pre-school facility for fifteen students (two and one-half hours per day), which is not allowed, on property located at 1017 East Oakey Boulevard in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 20, Block 27, Huntridge Subdivision No. 5.

MR. BROWN presented the staff report and stated the plot plan is as shown. A facility such as this is permitted in R-1 for 12 children. The applicant wants 15. Staff feels this request should be for a Use Permit, not a variance. Staff would not support such a request in view of the fact the lot is small and the street is narrow in that area and recommends denial.

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

LLOYD LONG, 1021 East Oakey, said he did not think this use would cause a disturbance in the neighborhood. The facility will look like a house, and the children will be in the house from 9/11 AM and then out in the backyard for 20 minutes each day. There will be very little that would be obvious to the neighborhood. The neighbors behind will be aware of the children, but they do not object.

MARY ANN LONG was present.

MR. BUGBEE asked if there were any special requirements by the Building Department.

MR. BROWN stated that all City requirements would have to be met.

MRS. EMMETT asked if they could have 12 children.

MR. BROWN stated they would have to apply for a Use Permit, and there are 6 letters of protest on file and two approvals.

MARY WRIGHT, 1600 South 10th, appeared in protest. She stated Oakey is too narrow, there are no sidewalks, and too much traffic and there are also plenty of nursery schools in the area.

J.D. BRYAN, 1016 East Oakey, appeared in protest.

KATHY McCOKE, 1604 South 10th, appeared in protest and stated this would be a commercial use in a residential area.

MR. LONG appeared in rebuttal.

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-40-79 as the proposed use would not be compatible with the residential uses in the area.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for DENIAL carried unanimously.

10. U-49-79
APPROVED

Application of CHARLES T. GULLO for a Use Permit to allow an astrologer's office on property located at 820 South 6th Street in Zoning District C-1 (Limited Commercial). The above property is legally described as Lots 23 and 24, Block 26, South Addition.

MR. BROWN presented the staff report and stated this request is compatible with the uses in the area and staff would recommend approval.

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

The applicant or a representative was not present.

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-49-79, 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, Chairman Swessel, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

11. U-53-79
APPROVED

Application of H.S. SERVICE CORPORATION for a Use Permit to allow a parking lot for tenants of a proposed nearby apartment complex on property generally located on the southeast corner of 15th Street and Fremont Street in Zoning District R-4 (Apartment Residence). The above property is legally described as a portion of Block 1, Mayfair Tract.

MR. BROWN presented the staff report and stated the plot plan is as shown. There was formerly a market and this was used in conjunction with that market. A multi-family development will be going in where the market was and the parking will be used in conjunction with that. Staff would recommend approval subject to City Commission approval of the offsite parking.

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

RICHARD KOCH represented the application and stated the lot will be cleaned up and repaved and lights will be installed. He added they do not have any objections to the neighbors who use this to travel to the backs of their homes.

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

GUY ECKERT, 130 South 16th, stated he would like a fence to control parking and pedestrian traffic.

MR. BROWN stated one of staff's recommendations was for a 6' block wall adjacent to the R-1.

MARY REED, 136 South 16th, appeared in protest.

MRS. PITKIN, 200 South 16th, appeared in protest.

MR. KOCH appeared in rebuttal and stated they would prefer a chain link fence as a block wall would be prohibitive.

MR. BROWN stated staff was trying to keep the noise down from the residential area.

CHAIRMAN SWESSEL stated that would be a stipulation.

MR. KOCH stated he was not in a position to stipulate to that.

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

MR. BUGBEE made a Motion for APPROVAL of U-53-79, subject to the following conditions:

1. A 6 ft. block wall be installed adjacent to the R-1 areas as required by the Department of Community Planning & Development. Gates may be installed in the wall to the R-1 areas per agreement between the applicant and the abutting property owners.

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. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

12. U-54-79

APPROVED

Application of BERNARD J. AND EDITH B. MCMAHON for a Use Permit to operate a group child care home (12 children maximum) on property located at 316 Estella Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 53, Block 1, Charleston Estates Tract #6-B.

MR. BROWN presented the staff report and stated the plot plan is as shown. To grant this request would be compatible with the uses in the area. License Department says there are four in the immediate vicinity. This request is consistent and if the neighbors don't object, neither does staff.

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

EDITH McMAHON represented the application.

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-54-79, 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, Chairman Swessel, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

13. U-50-79(HO) APPROVED Application of GORDON R. SMITH at 1109 Shadow Mountain Place in Zoning District R-1 for a Home Occupation Permit - Allow a bookkeeping service.
14. U-51-79(HO) APPROVED Application of CLIFFORD H. TAYLOR, JR., at 1700 Leslie Avenue in Zoning District R-1 for a Home Occupation Permit - Operate a coffee service.
15. U-56-79(HO) APPROVED Application of WILIAM J. CRAWFORD at 5813 Washington Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a business office for a t-shirt company.
16. U-57-79(HO) APPROVED Application of RICHARD V. NUTLEY at 5425 Evergreen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a private consultant office.
17. U-58-79(HO) APPROVED Application of JUDY MAYBERRY for WAYNE BOWERS at 2320 Jansen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow mobile automobile service operation.
18. U-59-79(HO) APPROVD Application of JOE H. LUNT at 6457 Celeste Avenue in Zoning District R-1 for a Home Occupation Permit - Operate as a wholesale broker for ornamental iron and window products.
19. U-69-79(HO) APPROVED Application of J. DAVIS at 800 Hogan Drive in Zoning District R-1 for a Home Occupation Permit - Operate a finance brokerage office.

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

MRS. EMMETT made a Motion for APPROVAL of Items 13 through 19, 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. Emmett, Mrs. Meyers, Chairman Swessel and Mr. Bugbee
"NOES" None

Motion for APPROVAL carried unanimously.

20. U-59-71
PLOT PLAN
REVIEW

APPROVED

Request of ROY WILSON for a Plot Plan Review on an approved Use Permit to build a parsonage on the north-east property line on property located at 500 North Lamb Boulevard in Zoning District R-E.

MR. BROWN presented the staff report and stated the plot plan is as shown. Everything seems reasonable and staff would recommend approval.

ROY WILSON represented the application.

MRS. MEYERS made a Motion for APPROVAL of the Plot Plan Review under U-59-71, subject to the following condition:

1. Conformance to the conditions originally imposed at the time of approval of U-59-71.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and Mrs. Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

21 U-23-79
PLOT PLAN
REVIEW

Request of the PRESBYTERY OF NEVADA, INC. for a Plot Plan Review to allow an addition to the Westminister Presbyterian Church on an approved Use Permit which allowed the construction of a church building complex

APPROVED

on property generally located on the south side of Lake Mead Boulevard between Decatur Boulevard and Madeline Drive in Zoning District R-1

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

MRS. EMMETT made a Motion for APPROVAL of the Plot Plan Review under Z-23-65, subject to the following condition:

1. Conformance to the conditions originally imposed at the time of approval of U-23-65.

Voting was as follows:

"AYES" Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mr. Bugbee

"NOES" None

Motion for APPROVAL carried unanimously.

22. V-65-74

REVIEW OF
CONDITIONS

ABEYANCE

Request of THE SOUTHLAND CORPORATION for a Review of Conditions to delete the condition #2 "The Variance shall be limited to a time period of ten years and shall expire on October 3, 1984." on an approved Variance which allowed the continuation of an existing non-conforming retail and wholesale ice processing and distributing business for as long as this business is conducted on the premises and to allow additions to the non-conforming building on property located at 1010 North Main Street in Zoning District C-M.

MR. BROWN stated that staff has received a letter requesting this item be held to the next meeting.

MRS. MEYERS made a Motion for ABEYANCE of the Review of Conditions under V-65-74.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for ABEYANCE carried unanimously.

23. U-61-79(HO)

APPROVED

Application of JOHN F. T. DEEGAN at 5308 Cannon Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow a private investigation business.

MR. BROWN stated the questionnaire has been satisfactorily answered, everything is in order and staff would recommend approval.

MR. BUGBEE made a Motion for APPROVAL of U-6179(HO), 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. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

AMENDMENT TO RULES
AND REGULATIONS
FOR VOTING

Discussion on the proposed amendment to the rules and regulations relative to voting.

MR. FOSTER stated this clarification will bring the by-laws into alignment with those of the Planning Commission. This spells out that a tie vote on an affirmative motion results in a denial; a tie vote on a negative motion would result in no action.

CHAIRMAN SWESSEL ruled that this item would be held in abeyance.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 9:35 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR