

S.V.

A G E N D A

BOARD OF ZONING ADJUSTMENT

OCTOBER 23, 1980

CALL TO ORDER:

7:30 P.M. in the Commission Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

ANNOUNCEMENT:

Satisfaction of Open Meeting Law

MINUTES:

Approval of the Minutes for the Board of Zoning Adjustment meeting held August 28, 1980.

OLD BUSINESS:

1. U-59-80

(Abeyance Item
from 9/25/80)

Application of FIRST PRESBYTERIAN CHURCH for a use permit to allow expansion of the existing church facilities consisting of a new sanctuary building, a rectory and parking facilities on property located at 1515 West Charleston Boulevard in Zoning District R-E.

NEW BUSINESS:

1. V-74-80

Application of OWEN MAHONEY for a variance to allow a beauty shop which is not a permitted use and is to be located in a rear building on property located at 1718 West Bonanza Road in Zoning District R-E.

2. V-77-80

Application of OPERATION LIFE COMMUNITY DEVELOPMENT CORPORATION, A NEVADA CORPORATION for a variance to allow two residential lots, each with a front width of 60.54 feet where sixty five feet (65') is required on property generally located on the north side of Gold Avenue between "J" and "N" Streets in Zoning District R-1.

3. V-78-80

Application of MR. AND MRS. JOHN L. LUCKMAN for a variance to allow the construction of a building for office and production facilities for a publishing and printing business which is not a permitted use, on property generally located on the west side of 11th Street, 50 ft. north of the corner of 11th Street and Garces Avenue in Zoning District R-3.

4. V-79-80

Application of DIVERSIFIED PROPERTIES CORPORATION for a variance to allow a three ft. (3') side yard setback on one side of two proposed four-plexes where seven feet (7') is required on property located at 4257-4269 Stewart Avenue in Zoning District R-E, (under Resolution of Intent to R-3).

5. V-80-80 Application of GRETCHEN HIEGEL for a variance to allow an existing duplex to remain where only a single family dwelling is permitted on property located at 1404 Cholla Way in Zoning District R-1.
6. V-81-80 Application of SYLVIA A. GENEROSO for a variance to allow a pre-school and child care center for 49 children on property located at 1201 Arville Street in Zoning District R-E.
7. V-82-80 Application of BARRY AND JOETTA HALE for a variance to allow an eight ft. (8') high block wall along the rear and side property lines where a maximum height of six feet (6') is permitted on property located at 3624 Braddock Avenue in Zoning District R-1.
8. V-83-80 Application of ROBERT DAVID CAMPBELL for a variance to allow a rear setback of six feet (6') for a proposed building where twenty feet (20') is required on property located at 608 North 9th Street in Zoning District R-3.
9. U-62-80 Application of VICTORY BAPTIST CHURCH for a use permit to allow a parking lot on property located on the southwest corner of Monroe Avenue and "D" Street in Zoning District R-4.
10. V-85-80 Application of SIGFRIED FISCHBACHER AND ROY HORN for a variance to allow use of the premises for the retail sale of tack, feed and related equipment where such a use is not allowed on property located at 5050 North Lorenzi Boulevard in Zoning Districts R-E and C-2.
11. U-63-80 Application of FOXY'S JACKPOT CITY, INC. for a use permit to allow a pawn business operation on property located at 2417 Las Vegas Boulevard South in Zoning District C-2.
12. U-14-75 Request of THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS for a review of conditions regarding landscaping requirements on property located at 4500 West Pennwood Avenue in Zoning District R-1.
Review of
Conditions

13. U-66-80(HO)

Application of ELLIS P. II & ADELE S. GREENE for a home occupation permit to allow a home handicraft business operation consisting of the making of wrought iron and art/craft items from metal, wood, fabric, etc. on property located at 6141 Carl Avenue in Zoning District R-1.

14. U-67-80(HO)

Application of ROBERT W. ELKINS for a home occupation permit to allow a mail order business from the home on property located at 4400 Rosebank Circle in Zoning District R-1.

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

BOARD OF ZONING ADJUSTMENT

OCTOBER 23, 1980

1. V-5-80
 Extension
 of Time

Request of BERNARD B. ROTH ON BEHALF OF DR. ROBERT M. AND DR. HARRIET S. TAYLOR for a six months extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock Drive and Tonopah Drive in Zoning District R-E (under Resolution of Intent to R-PD8).

2. BZA-3-80

Request of OPERATION LIFE to allow a temporary office trailer in the C-2 zone on property located at 400 West Jackson Street in Zoning District C-2.

MINUTES

BOARD OF ZONING ADJUSTMENT

OCTOBER 23, 1980

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, Mr. Giles, Mrs. Myers.

ABSENT: Mr. Bugbee

EXCUSED: Mrs. Emmett

STAFF PRESENT: Harold P. Foster, Director, Department of Community Planning and Development
Don W. Brown, Supervisor of Zoning
Brett A. Reale, Planning Assistant
Shelli Kizerian, Recording Secretary

ANNOUNCEMENT: MR. BROWN announced 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 Community Planning and Development.

MINUTES: MRS. MYERS made a Motion for APPROVAL of the Minutes of the regular meeting of the Board of Zoning Adjustment held August 28, 1980. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. U-59-80
(Abeyance Item
from 9/25/80)
ABEYANCE to 12/15/80

Application of FIRST PRESBYTERIAN CHURCH for a use permit to allow expansion of the existing church facilities consisting of a new sanctuary building, a rectory and parking facilities on property located at 1515 West Charleston Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as all of Lot 7 and a portion of Lots 5 and 6, Ellis Estates.

MR. BROWN presented the plot plan and stated this item was held in abeyance in order to give the applicant, who was not present at the September 25, 1980 meeting, an opportunity to appear and for the building committee and protestants to resolve their differences in order to make a unified presentation to the Board. Staff recommended approval subject to landscaping along the Ellis Avenue side of the project and there being no vehicular access to Ellis Avenue. He said the present assembly building is approximately 13,500 square feet in size and the addition of the new sanctuary building will provide another 10,000 square feet. There are now 141 parking spaces and the requirement is one parking space for each 90 sq. ft. of space. He noted that although this is approximately 51 parking spaces short of the requirement, staff based its recommendation on the fact that both structures will not be used simultaneously.

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

RECEIVED

DEC 8 12:30 PM '80

CITY CLERK

LEO BORNS, Architect, 1009 South Casino Center Boulevard, was present representing the application. He stated that the new 600-seat sanctuary building will be used on Sundays for church services and the present sanctuary will be converted into a wedding chapel, a multi-purpose room and office space to be used during the week. Mr. Borns said he would agree to staff's stipulations to close off an access drive to Ellis Avenue and landscaping along the Ellis side.

CHAIRMAN SWESSEL asked if anyone wished to speak for or against the application.

PHILLIS DONALDSON, 6212 Hobart Avenue, appeared in protest. She stated she is a member of the Board of Trustees of the Church but represented herself as an individual and also the Chairman of the Board of Trustees who was not able to attend the hearing due to illness. Mrs. Donaldson said she objects on the basis of increased traffic congestion and parking problems. She noted that Sunday School services will still be held in the old portion of the building at the same time services are held in the new structure.

MARVIN ROGGE, 2809 Kingsway, appeared with a recommendation that a further extension of time be granted to allow the members to resolve their differences. He pointed out that the original building designs which the members had supported had been revised but he felt confident the members could settle their differences.

MR. BORNS noted that restraints were imposed by one of the donors as to how a portion of the funds would be used and this was one reason why the design was revised.

MRS. MYERS asked if the church had considered parking in the front of the building.

MR. ROGGE said they had decided against this idea because they felt the windows in the front should be properly decorated and displayed for beautification purposes.

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

MR. GILES made a Motion to hold this item in ABEYANCE to the December 15, 1980 meeting.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for ABEYANCE carried unanimously.

NEW BUSINESS:

1. V-74-80

APPROVED - 2 year time
limit

Application of OWEN MAHONEY for a variance to allow a beauty shop which is not a permitted use and is to be located at 1718 West Bonanza Road in Zoning District R-E (Residence Estates). 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 Section 28, Township 20 South, Range 61 East, M.O.B. & M.

CHAIRMAN SWESSEL announced the applicant had contacted him and could not be present; therefore a motion for abeyance was called for.

MRS. MYERS made a Motion to hold item V-74-80 in ABEYANCE until the November 17, 1980 meeting.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None

Motion for ABEYANCE carried unanimously.

(At this time LISA FIELDS and JIM PORTER, 1718 West Bonanza Road, stated they had been asked by the applicant to represent him at the hearing and stated the applicant had given them authority to accept any stipulations imposed with regard to the property in question.)

A Motion to Rescind the former motion for abeyance was made by MRS. MYERS and carried unanimously.

MR. BROWN stated the property is south and east of the old Bigelow Family operation and is the former location of the Half-way House. He said the policy of the City has been to permit commercial uses on the south side of Bonanza Road only and to introduce a commercial use such as a beauty shop at this location would be incompatible with the development of the area, the established uses of the neighborhood and the policy of the City. Staff recommended denial.

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

JIM PORTER and LISA FIELDS lease the property from the applicant and they said they occupy the front portion of the 3,000 square foot house. There is a two-car garage in the back and a 36' x 15' apartment which they would like to convert into a small shop with two stations for customers.

LISA FIELDS noted that Mr. Porter is a beautician and she is a manicurist and they would only intend to have the capacity for two clients at a time. She also pointed out there is adequate parking and there will be no advertising signs.

MR. BROWN said if approved a 15 ft. right-of-way requirement on Bonanza Road would be imposed as well as construction of a sidewalk and driveway along the Bonanza Road frontage.

The applicants agreed to staff's stipulations.

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

MR. GILES made a Motion for APPROVAL of V-74-80, subject to the following conditions:

1. This use shall be permitted for a period of two years and will expire on October 23, 1982.
2. Dedicate 15 ft. of right-of-way for Bonanza Road and at the time of development, construct sidewalks and driveway along the Bonanza Road frontage as required by the Department of Public Services.

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

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

2. V-77-80

APPROVED

Application of OPERATION LIFE COMMUNITY DEVELOPMENT CORPORATION, A NEVADA CORPORATION, for a variance to allow two residential lots, each with a front width of 60.54 feet where sixty-five feet (65') is required on property generally located on the north side of Gold Avenue between "J" and "N" Streets in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 28, Township 20 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the plot plan and stated the property is between Gold and Owens Avenues west of "J" Street. The reason for the variance request is because the side yard setbacks are five feet on each side where six feet is required. Staff has suggested the garages be moved to accommodate a total of twelve feet for the setbacks and also at the time of development the applicant is to install sidewalks on Gold Avenue. With these stipulations staff recommended approval.

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

ROBERT FOX, general contractor, 2011 Goldhill Avenue, appeared on behalf of the applicant and stated he accepted staff's stipulations.

CHRISTIE B. GREEN, 1209 Gold Avenue, appeared in protest. Her main concern was the type of dwellings and it was explained that they would be single family residences.

LUCILLE HUGHES, 1205 Gold Avenue, also appeared with a general question about the size and price range of the homes.

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

MRS. MYERS made a Motion for APPROVAL of V-77-80, subject to the following conditions:

1. Relocate the garages to the required side yard setback.
2. Install sidewalks on Gold Avenue and driveways at the time of development as required by the Department of Public Services.
3. Conformance to the plot plan.

4. Securing all necessary permits and licenses and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

3. V-78-80

APPROVED

Application of MR. AND MRS. JOHN LUCKMAN for a variance to allow the construction of a building for office and production facilities for a publishing and printing business which is not a permitted use, on property generally located on the west side of 11th Street, 50 ft. north of the corner of 11th Street and Garces Avenue in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 18 and 19, Block 23, Wardie Addition, excepting the west 40' thereof; and Lots 29 and 30, Block 24, Pioneer Heights.

MR. BROWN presented the plot plan. Staff recommended approval.

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

JOHN LUCKMAN, the applicant, 1200 Purple Sage, was present. He stated the building will be 50' x 100'. There is a paved lot in front of the building which will be used for parking.

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

MRS. MYERS made a Motion for APPROVAL of V-78-80, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan.
5. Securing all necessary permits and licenses and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on November 5, 1980.

4. V-79-80

APPROVED

Application of DIVERSIFIED PROPERTIES CORPORATION for a variance to allow a three ft. (3') side yard setback on one side of two proposed four-plexes where seven feet (7') is required on property located at 4257-4269 Stewart Avenue in Zoning District R-E (Residence Estates), under Resolution of Intent to R-3 (Limited Multiple Residence). The above property is legally described as Lots 1 and 4 of Parcel Map, File 24, Page 73.

MR. BROWN presented the plot plan and stated the property is located on the north side of Stewart Avenue west of Lamb. There are two flag lots to the rear with existing buildings and the lot lines have been drawn so these lots are within three feet of the side lot line which is not permitted. He stated staff recommends approval.

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

B. G. DICKSTEIN, the applicant, 3199 South Eastern Avenue, was present.

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

MR. GILES made a Motion for APPROVAL of V-79-80, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. Conformance to the plot plan.
5. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

5. V-80-80

DENIED

Application of GRETCHEN HEIGEL for a variance to allow an existing duplex to remain where only a single family dwelling is permitted on property located at 1404 Cholla Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block A, Las Vegas Development Company Addition.

MR. BROWN presented the plot plan and stated the property is located on the south side of Cholla Way. This item was before the Board of Zoning Adjustment earlier this year but was denied on appeal by the City Commission in May, 1980. An application was also denied in June, 1980. Mr. Brown said there is nothing unique or unusual about the lot which would warrant granting the applicant an advantage not granted others in the district and staff recommends denial. He noted there were two letters of protest and an application of protest with 23 signatures.

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

GRETCHEN HIEGEL, the applicant, was present. She said the former owners through an omission had not rezoned the property. It had been used as a duplex for ten years and when it was listed for sale the owners applied for a variance which was approved and then denied on appeal.

CHAIRMAN SWESSEL asked if the applicant purchased the property as a duplex or single family residence.

MS. HIEGEL said it was listed as a duplex but she purchased it as a single family residence with the intent of renting the converted garage out as an efficiency apartment. She said she knew that it was under question at the time of purchase and legally not zoned. She stated she intends to live in the larger portion of the structure.

WALTER LINDENBERG, 3055 LaCanada, appeared on his own behalf and as a representative of those who signed the petition of protest. He expressed concern that traffic would be increased on this narrow street and that the senior citizens in the area would be deprived of their "right of peaceful enjoyment." He said there had been problems of noise and traffic congestion with past renters and he also felt approval would constitute spot zoning. He questioned whether Ms. Heigel intends to live on the property.

MS. HEIGEL said she does intend to reside there and this would alleviate many of the problems that have occurred in the past.

MR. GILES said in light of the past history of the property he could not support approval of the application.

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

MR. GILES made a motion for DENIAL of V-80-80.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Chairman Swessel.

Motion for DENIAL carried by a 2/1 vote.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on November 5, 1980.

6. V-81-80

APPROVED

Application of SYLVIA A. GENEROSO for a variance to allow a pre-school and child care center for 49 children on property located at 1201 Arville Street in Zoning District R-E (Residence Estates). The above property is legally described as Lot 14, Block 2, Hinson Heights.

MR. BROWN presented the plot plan. The property is located on the east side of Arville south of Charleston Boulevard. He explained application was made to the Planning and City Commissions in May, 1980 for rezoning of this property to C-1 to provide for 49 children. This application was denied. In September, 1980 application was made for a use permit to allow 12 children. This request went before the City Commission in October and was also denied. The applicant is again applying to allow 49 children as the four-month time period has lapsed following the initial application in May. He noted that the number of children requested on the application will have to be reduced to 44 in accordance with the Uniform Building Code which establishes the minimum number of children allowed. He stated there were 25 signatures on a petition of protest; 8 letters of protest; 13 letters of approval and a petition for approval with 16 signatures.

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

SYLVIA GENEROSO, the applicant, was present. She stressed that the rear property would be fenced and landscaped. Shrubbery would hide the playground from view and would serve as a sound barrier. A 140 ft. buffer will be provided to the rear of the property. She said she would also be willing to install a 6 ft. block wall when it is financially feasible. She said she purchased the property because it appeared the area was transitioning from residential to commercial use.

JOHN AND SHIRLEY ARNOLD, 1254 Vista Drive, appeared in protest. They also represented John Martinez who resides directly behind the subject property.

MRS. ARNOLD said the use would invade their privacy and create added noise in the area. She said she has no objection to the area eventually transitioning to professional use as long as the activity is contained inside. She said she also did not feel Mrs. Generoso's financial status should be a consideration in granting this request. She also pointed out that those who own commercial businesses who signed for approval do not reside in the area and would not be as directly affected by this use.

MR. ARNOLD concurred and added that there would be increased traffic as well as a reduction in residential property values.

ROBERT VAUGHN, 1312 Vista Drive, appeared in protest.

JERRY OAKLEY, representing Stan Jones of Stanton Construction, appeared in support of the application. He pointed out the circular driveway would alleviate traffic congestion problems.

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

MR. GILES made a Motion for APPROVAL of V-81-80, subject to the following conditions:

1. A maximum of 44 children shall be permitted at the center.
2. Construct sidewalk and driveway as required by the Department of Public Services.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
6. Conformance to the plot plan.
7. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Chairman Swessel.

Motion for APPROVAL carried by a 2/1 vote.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on November 5, 1980.

7. V-82-80

DENIED

Application of BARRY and JOETTA HALE for a variance to allow an eight ft. (8') high block wall along the rear and side property lines where a maximum height of six feet (6') is permitted on property located at 3624 Braddock Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 142, Block 10, Amended Plat Washington Square Unit No. 3.

MR. BROWN presented the plot plan and stated there is nothing unique or unusual about the lot which would grant it an 8 ft. block wall whereas other residences in the area are required to maintain a 6 ft. wall. Staff recommended denial. He noted there is one letter of protest.

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

BARRY HALE, 3624 Braddock, the applicant, was present. He said a swimming pool is being built and added height to the fence would provide protection as well as security for his property. He submitted a petition with 9 signatures of approval.

ROLAND S. ERICSSON, Attorney, representing Mr. and Mrs. K. L. Bastrup, appeared in protest and submitted a petition of protest with 9 signatures. He said he did not feel the reasons given justify approval.

JEFF BARTHOLOMEW, 3620 Braddock Avenue, appeared in support of the application.

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

MRS. MYERS made a Motion for DENIAL of V-82-80.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for DENIAL carried unanimously.

8. V-83-80

APPROVED

Application of ROBERT DAVID CAMPBELL for a variance to allow a rear setback of six feet (6') for a proposed building where twenty feet (20') is required on property located at 608 North 9th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lot 9, Block 2, Stewart Addition.

MR. BROWN presented the plot plan. He said the applicant owns an existing building on the property and wishes to move two more structures onto the property within six feet of the rear lot line. He said there is nothing unique or unusual about the lot that would warrant granting the variance and staff recommends denial.

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

ROBERT DAVID CAMPBELL, the applicant was present. He explained that he is requesting the variance to allow him to leave the buildings separated because of the expense of connecting the buildings. There will be a total of 4 buildings on the property.

MR. BROWN added that even if he does connect the buildings he would be four feet short of the requirements on the rear property line. There is a 10 ft. requirement between the buildings. He said if approved the applicant would be required to sign a Special Improvement District agreement for paving of the alley and install a fire hydrant.

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

MRS. MYERS made a Motion for APPROVAL of V-83-80, subject to the following conditions:

1. Sign a Special Improvement District agreement for the paving of the alley; and construct a sidewalk, driveway and street lighting as required by the Department of Public Services.
2. A fire hydrant shall be installed within 300 feet of the building or existing fire hydrant as required by the Department of Fire Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mrs. Myers, Mr. Giles.

"NOES" None.

Motion for APPROVAL carried unanimously.

9. U-62-80

APPROVED

Application of VICTORY BAPTIST CHURCH for a use permit to allow a parking lot on property located on the southwest corner of Monroe Avenue and "D" Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lot 7, Block 4, Valley View Addition; and Lot 8, Block 4, H.F.M. & M. Addition.

MR. BROWN presented the plot plan. Staff recommended approval subject to the submission of a parking and driveway plan and if there is access to the alley the alley must be paved.

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

THE REVEREND A. J. THOMPSON, 2721 Shield Avenue, North Las Vegas, was present representing the application. He agreed to staff's stipulations.

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

MRS. MYERS made a Motion for APPROVAL of U-62-80, subject to the following conditions:

1. All parking and driveways shall conform to the requirements of the Traffic Engineer.
2. Paving of the alley if there is to be access to the alley, as required by the Department of Public Services.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. Conformance to the plot plan.

6. Securing all necessary permits and licenses, and satisfaction of City code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

10. V-85-80

APPROVED - 5 year
time limit

Application of SIGFRIED FISCHBACHER and ROY HORN for a variance to allow use of the premises for the retail sale of tack, feed and related equipment where such a use is not allowed on property located at 5050 North Lorenzi Boulevard in Zoning Districts R-E (Residence Estates) and C-2 (General Commercial). The above property is legally described as a portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 35, Township 19 South, Range 60 East, M.D.B. & M.

MR. BROWN presented the plot plan. He said the zoning is an extension of County C-2 zoning along Rancho Drive. The applicants applied for a rezoning in May, 1980 and the Planning Commission denied the request for commercial zoning. The City Commission upheld this decision but in September, 1980, rescinded its action and held the request in abeyance for the applicants to apply for a variance which the Commission felt would be a more appropriate request.

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

JOHN O'REILLY, Attorney, 225 Bridger Street, appeared representing the applicants. He said his clients had purchased the property where the store is now located with the understanding that the property was part of the commercial corner. After the building was moved here from another location it was discovered that this portion was not zoned commercial. He said the business is leased from his clients and does provide a useful service to residents in the area. The lessees are retired and have an interest in staying there as long as the business is viable.

CHAIRMAN SWESSEL suggested consideration be given to limiting the time of approval or a reversion to R-E zoning should the use change.

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

MR. GILES made a Motion for APPROVAL of V-85-80, subject to the following conditions:

1. This use shall be permitted for a period of five years and will expire on October 23, 1985.
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" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on November 19, 1980.

11. U-63-80

APPROVED

Application of FOXY'S JACKPOT CITY, INC., for a use permit to allow a pawn business operation on property located at 2417 Las Vegas Boulevard South in Zoning District C-2 (General Commercial). The above property is legally described as Lots 12 through 28, Block 1, Meadows Addition.

MR. BROWN presented the plot plan. Staff recommended approval.

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

NEIL BELLER, Attorney, 524 South 4th Street, was present representing the application.

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

MRS. MYERS made a Motion for APPROVAL of U-63-80, 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" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

CHAIRMAN SWESSEL announced this item will be considered by the Board of City Commissioners on November 5, 1980.

12. U-14-75

Review of
Conditions

APPROVED

Request of the CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS for a review of conditions regarding landscaping requirements on property located at 4500 West Pennwood Avenue in Zoning District R-1 (Single Family Residence).

MR. BROWN presented the plot plan. The property is located at the northwest corner of Arville Street and Pennwood Avenue. He said the applicant is asking to be relieved of the responsibility of providing landscaping along the north side, north of the existing block wall as there has been vandalism involving the landscaping and the sprinkler heads. Staff recommended approval.

DAVID VAN WAGONER, 845 Rancho Lane, was present representing the application. He said they would propose to install green concrete in lieu of landscaping.

MR. GILES made a Motion for APPROVAL of U-14-75, subject to the following condition:

1. Green concrete shall be installed between the wall and the north property line.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

13. U-66-80(HO)

APPROVED

Application of ELLIS P. II and ADELE S. GREENE for a home occupation permit to allow a home handicraft business operation consisting of the making of wrought iron and art/craft items from metal, wood, fabric, etc. on property located at 6141 Carl Avenue in Zoning District R-1 (Single Family Residence).

MR. BROWN presented the plot plan. He said staff is concerned that there may be some outside activity such as welding which would not be permitted.

CHAIRMAN SWESSEL asked to hear from the applicant.

ELLIS GREENE, 6141 Carl Avenue, the applicant, was present. He said he is a hobbyist and the work involves small art projects within the garage which is attached to the house.

MR. BROWN said staff would not object inasmuch as the garage is attached and the activity confined inside the garage.

MRS. MYERS made a Motion for APPROVAL of U-66-80(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" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

14. U-67-80(HO)

APPROVED

Application of ROBERT W. ELKINS for a home occupation permit to allow a mail order business from the home on property located at 4400 Rosebank Circle in Zoning District R-1 (Single Family Residence).

MR. BRDWN stated staff recommends approval.

The applicant was not present.

MRS. MYERS made a Motion for APPROVAL of U-67-80(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" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NDES" None.

Motion for APPROVAL carried unanimously.

SUPPLEMENTAL AGENDA :

1. V-5-80

Extension
of Time

APPROVED - 6 months

Request of BERNARD B. ROTH ON BEHALF OF DR. ROBERT M. AND DR. HARRIET S. TAYLOR for a six month extension of time on an approved variance which allowed a commercial building consisting of offices and retail sales in a residential zone where such use is not permitted on property generally located on the north side of Owens Avenue between Comstock Drive and Tonopah Drive in Zoning District R-E (Residence Estates) under Resolution of Intent to R-PD8 (Residential Planned Development).

MR. BRDWN presented the plot plan. He said this is the first request for an extension of time and staff recommends approval.

JIM CANEDO, Secretary-Treasurer, Tonopah, Inc., was present representing the applicant. He said the extension is needed because plumbing and surveying strikes have stalled construction.

MRS. MYERS made a Motion for APPROVAL of V-5-80, subject to the following conditions:

1. This extension of time shall be permitted for a period of six months and will expire on April 23, 1981.
2. Conformance to previous conditions imposed at the time of approval of V-5-80.

Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.

Motion for APPROVAL carried unanimously.

2. BZA-3-80

APPROVED - 6 months

Request of OPERATION LIFE to allow a temporary office trailer in the C-2 zone on property located at 400 West Jackson Street in Zoning District-C-2 (General Commercial).

MR. BROWN stated staff recommends approval for six months.

MR. GILES made a Motion for APPROVAL of BZA-3-80, subject to the following conditions:

1. This use shall be permitted until April 1, 1981.
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" Chairman Swessel, Mr. Giles, Mrs. Myers.

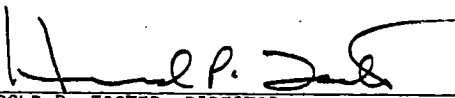
"NOES" None.

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 9:45 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR

CHAIRMAN SWESSEL: Application of FIRST PRESBYTERIAN CHURCH for a use permit to allow expansion of the existing church facilities consisting of a new sanctuary building, a rectory and parking facilities on property located at 1515 West Charleston Boulevard in Zoning District R-E.

DON W. BROWN: This item was held in abeyance from the September 25th meeting. It was the feeling of the Board that the protestants should get together with the building committee of the church and resolve their differences and that is the reason it is before you tonight. Since that time we have reviewed the proposal in more detail and now we'd like landscaping along the Ellis side of the proposal with no access, no vehicular access, to Ellis. Other than that everything, as far as we're concerned is in order and we'd recommend approval.

CHAIRMAN SWESSEL: Is the applicant present?

LEO BORNS: I'm Leo Borns. The architect for the project.

CHAIRMAN SWESSEL: You're going to put on a rectory, a sanctuary? What else do we have down here? How many square feet are we adding onto this church?

LEO BORNS: Well, there's about 10,000 square feet and it's a sanctuary building is what it is.

CHAIRMAN SWESSEL: How many, Mr. Brown -- how many parking spaces do we have there at the present time? How many square feet have we got in parking?

DON W. BROWN: Well, we've got 210 parking spaces.

CHAIRMAN SWESSEL: Two hundred and ten?

DON W. BROWN: Yes.

CHAIRMAN SWESSEL: How many square feet we got in that present church?

DON W. BROWN: At the -- the present building, the assembly building, has 13,500 square feet.

CHAIRMAN SWESSEL: And we're adding another 10,000. Is that correct? Twenty-three thousand?

DON W. BROWN: Roughly.

CHAIRMAN SWESSEL: How many spaces per square foot?

DON W. BROWN: Beg pardon?

CHAIRMAN SWESSEL: What's the parking ratio for a church?

DON W. BROWN: You need one for every 90 square feet of church area. This excludes the hallways, you know, and the kitchen and so forth. The point of all of this was that, as far as we were concerned, that if both of these structures were being used at the same time there would be inadequate parking; however, our think -- staff's thinking is that they will be -- not be used at the same time so, therefore, one or the other there is more than adequate parking to take care of as long as they're not using both at the same time and it's our understanding that except for Sundays they wouldn't be.

CHAIRMAN SWESSEL: Except for Sundays?

LEO BORNS: Well, they couldn't possibly be used at the same time on a Sunday. I mean, there's just the church services that take place on Sunday.

CHAIRMAN SWESSEL: Well, just -- we're going by square footage here and you got 210 square -- or 210 parking spaces and per number, per square footage you should have 261. Is that correct, Mr. Giles?

MR. GILES: Well that's 90 per square feet.

CHAIRMAN SWESSEL: So you're lacking about 51 parking spaces, would you say?

DON W. BROWN: They're lacking that if they use everything at the same time, yes.

CHAIRMAN SWESSEL: Well the only reason I bring it up, you know, some of your members from the church have called me and contacted me and I've had a lot of calls on this thing and we're not here to get involved in the church --

LEO BORNS: Sure. I realize that.

CHAIRMAN SWESSEL: -- in the religion part, but we are as far as parking and everything to make sure that there is enough and if you don't have enough parking and the useage is all going to, say, it's going to be on a Sunday then we've got a problem. We've got a problem in that area the way it is, you know, and if staff's recommending for -- we held it in abeyance because we had protestors here last time. Your people from the church. Are you aware of that?

- LEO BARNES: Yes. I'm sure there are a few that -- you always have a few that disagree with something or other, but --
- CHAIRMAN SWESSEL: Commissioners, have you got any other questions?
- MR. GILES: I guess my interest is based around the 90 square feet. The basis for that. I'm not challenging it as much I'm wondering why we would recommend, based on the 90 square feet if there's validity in that 90 square feet of floor space per parking space, then why okay for the 51? Can you enlighten me a little more on that?
- DON W. BROWN: Yes, our thought was, as I said before, that they're not going to be using both of the structures at the same time. If they were then there would be inadequate parking but in view of the fact that they've got 210 parking spaces available right now that is more than adequate for anytime they would be using one of these structures.
- LEO BARNES: Correct. The sanctuary building that we are proposing to build is a single-purpose building to be used for two services and possibly just one service now that we're more or less doubling our seating capacity from our existing sanctuary. Part of the other building, the larger part of the other building, is a sanctuary right now that will be -- that use will no longer take place. It is going to be reduced to just a wedding chapel and a portion, the biggest portion of that sanctuary, in other words 200 -- say, it holds 300 seats now and it's going to be converted to a 100 seat wedding chapel. The other 200 seats, that whole area, will be converted into part of the multi-purpose room that it adjoins and so what we're having is a sanctuary that will be used only on Sundays and that's the red building there and the other building will be then, well, it's offices, church offices and a multi-purpose room that can be used, you know, sometime during the week whenever functions take place there. That's sort of sporadic, too, but the building that we're building is a single purpose building for Sunday worship service and that's about the only time it will ever be used.
- MR. GILES: Hypothetically you wouldn't see a situation where you would utilize the whole 23,500--
- LEO BARNES: No.
- MR. GILES: -- square feet at one time thereby requiring these parking spaces?
- LEO BARNES: It's, it's hardly possible that it could ever be used at the same time.

MR. GILES: My concern is there's just nothing more aggravating than having 51 cars there at 5 minutes until 9 on Sunday morning and looking for a wall to park on.

LEO BORNS: It isn't possible.

CHAIRMAN SWESSEL: You also heard staff's recommendation that there be landscaping along Ellis and there'd be no entrance or exit on Ellis. Is that correct?

LEO BORNS: Okay.

CHAIRMAN SWESSEL: Do you understand that?

LEO BORNS: This is -- is there some problem there for -- I mean, we do have landscaping. I do have landscaping along Ellis but I also have a drive out there.

CHAIRMAN SWESSEL: You're going to have to shut the drive off.

LEO BORNS: All right.

CHAIRMAN SWESSEL: Is that correct, Mr. Brown?

DON W. BROWN: Yes. Our recommendation for that was, as you well know, west of here a couple of blocks we have a problem with a curb cut, as a matter of fact a cut in the wall along Ellis and the thought was if we're going to limit access to Ellis at that location it should be also at this location.

CHAIRMAN SWESSEL: This is still a public hearing on this one? Okay.

MRS. MYERS: How many seats will your new sanctuary have?

LEO BORNS: There is about 600.

CHAIRMAN SWESSEL: This is a public hearing. Is there anyone here that would like to speak in behalf of the applicant or against the application? As you come up -- the rest of you tonight -- as you come up if you'll sign your name then on the pad that we have in front when you're done speaking or before or after, just sign in. Please give your name, Ma'am.

PHILLIS DONALDSON: I'm Phillis Donaldson. I'm a member of the First Presbyterian Church on the Board of Trustees. I would like to disagree with Leo in the fact that the other building will not be used on Sundays. The older part of the old sanctuary, that part of the building is the Sunday School section. We have Sunday School teachers that will be parking. We have a major traffic problem right now. If they close the access road on Ellis, I believe it is, we'll leave only Desert Lane.

PHILLIS DONALDSON: (cont'd) Have you tried to drive onto Charleston from Desert Lane when a church service is getting out and another one is starting? If we utilize two services in the new sanctuary it will be a wild traffic jam. If we go to one service we will still have the same problem. Apparently some -- one of the families -- only one family was contacted that I am aware of that lives on Ellis and their feelings are very much against this traffic problem coming down Ellis. I know you're trying to avoid it by blocking off the one exit. I definitely feel the parking is a major factor in this. Another major factor is at this point the church isn't even sure they're going to have the financing to put up the building and I feel there's no point in rushing into this variance until the church gets their internal problems straightened out.

CHAIRMAN SWESSEL: Mrs. Donaldson, you are on the trustees? You are one of the board of trustees?

PHILLIS DONALDSON: Yes, I am, sir.

CHAIRMAN SWESSEL: Do you not employ this gentleman to be your architect? Like I say, we don't want to get involved in a church matter here and --

PHILLIS DONALDSON: I know you don't.

CHAIRMAN SWESSEL: Was he hired by the board of trustees?

PHILLIS DONALDSON: He was instructed by the building commission to draw up plans for the church.

CHAIRMAN SWESSEL: How many trustees? I'm just trying to --

PHILLIS DONALDSON: There are twelve on the board of trustees.

CHAIRMAN SWESSEL: Everybody's not in agreement to this?

PHILLIS DONALDSON: No, sir.

CHAIRMAN SWESSEL: Then why have we come for -- to the Board of Zoning Adjustment for a variance if we're all not in agreement at this church? Can you answer that? Why are we here then if we --

LEO BORNES: Well, apparently there's a majority that applied for this application and I guess a majority does rule generally except that -- I mean, I don't wish to become a part of any kind of a controversy either but apparently there is a majority and the application was filed and I'm here representing and what Phillis said is true. I mean, the Sunday School is in the other building but the Sunday School is always there, I mean, during the church services in the other building and --

CHAIRMAN SWESSEL: Let me ask you. Do you have a president of the trustees or a chairman?

PHILLIS DONALDSON: Yes. Yes, we have a chairman of trustees. He's home recovering from a heart attack right now.

CHAIRMAN SWESSEL: I'm sorry to hear that. Is there anyone second in command that handles this thing?

PHILLIS DONALDSON: There is a vice moderator. I do not know where Mr. Cox is tonight. I am the secretary of trustees. I am the third in line.

CHAIRMAN SWESSEL: You're the third in line?

PHILLIS DONALDSON: Yes.

CHAIRMAN SWESSEL: The only reason I'm asking that, you know, I don't want this board to be put on the spot for this and we held it in abeyance once and the last time we held it in abeyance for the simple reason there was no one here from the church to represent it. This time here you're the architect.

LEO BORNES: Well, see I was --

CHAIRMAN SWESSEL: We still haven't seen, you know, the number one man here and we have protestors here from the church. Like I said, we don't want to get involved in this.

LEO BORNES: Well, I was -- I was to be here. As the architect I was to be here representing this application last time; however, I was not available at the time and I passed the word along and whoever was supposed to come in my place didn't show up from the church and so I have no idea there.

CHAIRMAN SWESSEL: I also -- I think I said earlier I'd had phone calls on this matter --

LEO BORNES: Is that right?

CHAIRMAN SWESSEL: -- somebody professing to be the clerk of the church. Does that sound logical of the Presbyterian Church of this area?

PHILLIS DONALDSON: Of the session? That would be the clerk of session.

LEO BORNES: The clerk in session?

CHAIRMAN SWESSEL: And advised me that there was not enough parking which there isn't according to our own figures and he was (the tape was unclear at this point but a reference was made to the term "engineer".)

LEO BORNES: Now who -- who was this?

CHAIRMAN SWESSEL: And he also told me the same thing that you're telling me that there is no money for this project.

PHILLIS DONALDSON: It wouldn't have been the clerk of session. It possibly was the moderator or the chairman of trustees. He is an engineer.

MR. GILES: Mrs. McDonald, do you represent the or Mrs. Donaldson do you represent the trustees as being third in command or do you represent yourself here in your opposition? How does that stand?

PHILLIS DONALDSON: I would say I'm representing myself tonight along with the chairman of trustees. I don't know how the other ten members feel. I haven't polled them.

CHAIRMAN SWESSEL: We, we, you know, really don't want to hold progress back from the church if that's the wish of the church to expand but if the church is in no position to expand and they really don't --

LEO BORNES: Wait a minute. The church is financially in a position to expand.

CHAIRMAN SWESSEL: I don't know this. That isn't our concern if they are financially sound or not to do the expansion but they do not meet the requirement on the parking even though staff says they're not going to use the whole thing and the trustee says, "We do use the whole thing on that day." We did postpone this once. We held it in abeyance. We could I think, Mr. Foster, and I'm going to ask you a question. I think we could just say instead of us haggling anymore, we just send it to the City Commission and see what they'd like to do with it. If we denied it then it would go to the City Commission wouldn't it?

HAROLD FOSTER: No not unless appealed. The decision of this board is final unless appealed.

CHAIRMAN SWESSEL: If we denied it then they would appeal it and it would go to the City Commission. If we approve it maybe you're going to appeal. I don't know. You know, that's your way it's going to go to the City -- I really don't think this board wants to take a stand on this. I don't know. How do you feel Commissioner Myers?

MRS. MYERS: I have no objection to taking a stand on it. I think the finances are not anything that we can do anything about. It's whether or not there is sufficient parking.

MRS. MYERS (cont'd): In the opinion of staff they say there is. Traffic there -- I mean, unless they want to have services on three or four days a week, I don't think we can change the traffic. It's there. As long as people are going to -- going to go to services, whether they're, you know, there for one service or two services. If they don't have their land and they don't get their act together, they're not going to build the building whether we give them the variance or not so, you know, I have no objection to making a decision and then they can either appeal it whichever side prevails.

CHAIRMAN SWESSEL: Okay. Then we'll go on with this rather than stall around. Anybody else? Do you want to say anything more Mrs. Donaldson? Is there anybody else that would like to speak against it?

MARVIN ROGGE: Sign in here. My name is Marvin Rogge. I live at 2809 Kingsway, Las Vegas. I'm a member of this church and I'm not here as any staff officer or anything to do with any officer in capacity. I am just here as an interested member in what we are attempting to do. Unfortunately I didn't get here quite quick enough to hear the opening remarks and so I would like to add just a little background if I may. When this all began about a year or two years ago, the original plans were to expand the present sanctuary to accommodate about 600 people or as much as we could get out of that building. The purpose of the expansion was because of the influx of new members that we anticipate this church to have; and the membership, based upon upon these plans and changes, became very enthused and was very much in favor of the expansion of the church and they did get a majority vote over that idea. Things then started slipping somewhere in there as near as I can tell and the next thing we are being presented with is a total new building and there is a very large question mark of whether there was ever a majority vote about the new building. The new building obviously is designed to handle many more people. They're proposing 600 seats and they obviously are projecting for two and maybe three services per day. The parking is a serious -- serious situation to be considered by you gentlemen and ladies. More important is the church is about as separated as the democrats and the republicans and what that's going to do to this eventually is a big question. I doubt that that's really a serious issue with you here at this particular point inasmuch as you're worrying or trying to decide about this request but I wanted to give you that much insight about what the projected future of this congregation of that church is. It's certainly not to stand still and not go forward. It is totally committed to go forward and become large and active and it's already the biggest and they only intend to get larger which I'm very much in favor but we do have serious problems in this design.

CHAIRMAN SWESSEL:

Mr. Rogge, I've known you for many, many years and I've known you to sit on the fence just like I do. If we denied it would the trustees appeal this to the City Commission or if we approved it? Which way do you think?

MARVIN ROGGE:

I believe they would appeal it, yes. I think that there is going to be -- well, I can only read what's in my crystal ball. There's not going to be an end to this matter until it's eventually settled one way or the other. You may very well see a total split in this church, a complete separation and it's heavy and I'm involved because I love and believe in that church. My family has been there many years. I get quite emotional about this and I apologize for that shaky voice of mine but I would say either way you go there's going to be a fight so -- I'm sorry about that, Joe.

LEO BORNES:

You know, in the beginning in the initial design it was to expand the existing sanctuary up there to hold about 600 persons. It holds about 300 now and in the process of design -- it took, you know, a while. Everybody sort of soaked it in and thought about it a great deal and then through a lot of different set of circumstances one of them being with the disposition of the newly acquired land and in some of the restraints, -- constraints by a donor who gave some money to the church on how this money was to be used precipitated the fact that, you know, we couldn't spend that money on the existing sanctuary. It would have to be used on a different one and what the initial design was to is expand the existing sanctuary and where the new sanctuary we're proposing there would be a large multi-purpose building of about 10,000 square feet and so what would take place under that building program was that we would construct the multi-purpose building and hold our church services in the multi-purpose building while we tore the other building all apart and made it so that it would fit us and so that we could occupy this nice new sanctuary and all and it just got to -- in the building committee and all of the design thoughts and aspirations and so on it seemed like this was all backwards, you know. Why build a multi-purpose building and find out it's going to be a little expensive and not have enough money to get a sanctuary what we wanted to to begin with and so that's how this whole thing revolved and we came out with a new sanctuary. We have use, apparently of this money that was donated to us and now with the sanctuary in the new location and we get this other building suitable for occupancy the way we really wanted to be also and so it seemed like a perfectly valid building program and that's how it transpired in this place.

CHAIRMAN SWESSEL:

Well, what we're trying to do I guess is be peace-makers here and see if you guys can resolve something because, you know, it costs money to come in front of this Commission and the City Commission. If you should lose you've got to come back and, you know. Six months later it costs you some more money to come through and we're just trying to, you know, save the church some money and the congregation some money and maybe, maybe this variance isn't needed. Maybe we should deny it and send it back and let you guys start from square one or if we held it in abeyance again. I don't know if it's going to help you another 30 days. If that's going to solve anything. Evidently it hasn't from the last meeting.

MARVIN ROGGE:

Joe, let me make this comment. If I could I would recommend that whatever extension you could apply would be very much appreciated from the opposition, definitely, in that this great subject of financing is very, very grey. I could spend three minutes and tell you what's behind it all but I believe this congregation will resolve this serious situation of financing and once that's resolved I see the congregation maybe pulling back together and getting a new hold on things. It does need to be stalled. There's no question about it and that's why I said a while ago we're not going to quit and --

CHAIRMAN SWESSEL:

I'm sure you can resolve it.

MARVIN ROGGE:

-- and I think we can resolve it too. That's our ambition.

CHAIRMAN SWESSEL:

Okay, with that I'm going to close the public hearing.

MRS. MYERS:

I have only one question. Have you ever thought about parking in front and just putting in some oleanders or something around it? It's only grass anyway that has to be mowed and extending your parking into the front area? I think what you need is a traffic consultant to get you in and out of there which seems to be the problem. It's not necessarily having to do with parking. How about parking in front of the old building on Charleston?

MARVIN ROGGE:

I can comment. We are trying to build a very beautiful place regardless of whatever we do to enhance the beauty of that area of this City is quite important. That's a pretty expensive job keeping everything pretty, as you know, and it's an asset to the town and I personally would not want to see -- I don't know what the price of those windows are in that church but they are in the many thousands and they should be properly decorated and displayed.

CHAIRMAN SWESSEL: Okay. Any other questions? Being none, we'll close the hearing.

MR. GILES: Mr. Chairman, I have an opinion to pass on. It seems like we have some pros and cons here that just continue to come up. The chairman of trustees who would retain the architect being not here, should be represented formally. I'm going to recommend that we hold this matter in abeyance for two months which will put us into the Christmas season. Maybe we'll have a little better spirit among the members of that church.

CHAIRMAN SWESSEL: That's your motion to hold it in abeyance for two months.

(Voting was as follows:

"AYES" Chairman Swessel, Mr. Giles, Mrs. Myers.

"NOES" None.)

Motion's been made that it be held in abeyance for two months and passed and that's the decision of this board.

DON W. BROWN: What will that be -- the January meeting?

CHAIRMAN SWESSEL: December. We want to come back for Christmas and consider --

DON W. BROWN: December meeting. Okay.

/sk

INTER-OFFICE MEMORANDUM

OCTOBER 23, 1980

TO:	FROM:
FOSTER	D. W. BROWN
SUBJECT:	COPIES TO:
IF I DIE STATEMENT - BZA CONDITIONS - OCTOBER 23, 1980 AGENDA ITEMS	

OLD BUSINESS:

1. U-59-80
3 protests (persons
appearing at last
month's BZA mtg.)
This was held in abeyance in view of the fact some members of the church objected. The Board felt that perhaps the objecting members of the church and the building committee should attempt to resolve their differences and then appear before the Board for this request. If approved, a 6 ft. strip of landscaping should be provided on the south.

NEW BUSINESS:

1. V-74-80
no protests
no approvals
Recommend denial because the unofficial policy of the City on Bonanza in this area is for residential uses on the north side and commercial on the south side of Bonanza. This requested beauty shop would be incompatible with the established development and proposed land uses on the north side of Bonanza. If approved, dedicate 15 ft. of right-of-way for Bonanza and at the time of development, construct sidewalk and driveway along the Bonanza Road frontage.
2. V-77-80
no protests
no approvals
Recommend approval, however, the ordinance requires a minimum of 12 ft. total side yard and the applicant shows 10 feet on the plot plan. The garage can be moved two feet on each lot thereby complying with the ordinance and we would so recommend. Stipulation at the time of development, install sidewalk on Gold Avenue and driveways.
3. V-78-80
no protests; no approvals
Recommend approval.
4. V-79-80
no protests
no approvals
Recommend approval. The applicant has two flag lots within three feet of the lot line and to grant this variance would recognize that uniqueness and approve it.

5. V-80-80
2 ltrs. of protest;
petition with approx. 23 signatures in protest;
no approvals
This was before you in April of this year with a recommendation by staff for denial in view of the fact that this is in the midst of R-1 structures. You approved the application and the City Commission in April denied the use in June of 1980. Staff would again recommend denial. If approved, sign an improvement district agreement for sidewalk and street lighting.
6. V-81-80
8 ltrs. of protest, petition with approx. 25 signatures in protest;
13 ltrs. of approval, petition with 16 signatures of approval
This has been before the Planning Commission, City Commission, and Board of Zoning Adjustment as follows: a rezoning request for a child care center which would house 49 children was submitted to the Planning Commission in May, 1980 and the City Commission heard the case in June; the City Commission denied the rezoning. The applicant then applied for a use permit for twelve children to the BZA in September, 1980 and the request was approved. The appeal to the City Commission in October, 1980 was denied by the City Commission. Staff's position was that in view of the fact that there is commercial across Arville Street to the west and across the 30 ft. easement to the north, that a child care facility at this location would not be incompatible with the present zoning. The City Commission has on two occasions denied the use both for 12 children and for 49. In view of the recent developments regarding this parcel, staff feels that the variance request for 49 children is unreasonable and would recommend denial. Incidentally, the building code permits no more than 44 children in this building. This will go to the City Commission November 5th. If approved, construct sidewalk and driveway aprons.
7. V-82-80
1 ltr. of protest;
no approvals
Recommend denial because there is nothing unique or unusual about this lot which would warrant granting it an 8 ft. wall as opposed to the others in the neighborhood.
8. V-83-80
no protests
no approvals
Recommend denial because there is nothing unique or unusual about this lot which would warrant it an advantage not granted others in the neighborhood. If approved, sign a special improvement district agreement for paving of the alley and construct a sidewalk, driveway and street lighting. A fire hydrant is to be installed within 300 feet of the building or existing hydrant.

9. U-62-80
no protests
no approvals
Recommend approval subject to submission of a parking and driveway plan to be approved by the Traffic Engineer; and if there is to be access to the alley, the alley must be paved.
10. V-85-80
no protests
no approvals
In April of this year a request was made for this parcel to be rezoned to C-2. The request was denied by the Planning Commission and in June, 1980, the City Commission denied the request. In September, the City Commission rescinded its denial and recommended that the applicants apply to the Board of Zoning Adjustment for a variance. Staff would recommend approval. This item will be considered by the City Commission on November 5, 1980.
11. U-63-80
no protests
no approvals
Recommend approval. The City Commission will consider this item on November 5, 1980.
12. U-14-75
The applicant wishes to be relieved of the responsibility of providing landscaping on the north side of their property. As you can see from the map, the landscaping is on the north side of the wall and the applicant complains that vandals have torn out the landscaping and broken the sprinkler heads. Staff thinks the request makes sense and recommends approval.
13. U-66-80(HO)
Staff is apprehensive about, "making of wrought iron items from metal" and would remind the applicant that no outside activity is permitted in conjunction with a home occupation. If the applicant has no outside activity, staff would recommend approval.
14. U-67-80(HO)
Recommend approval.

SUPPLEMENTAL AGENDA:

1. V-5-80
This is the first extension requested of the applicant and staff would recommend a six month extension be granted.
2. BZA-3-80
We would recommend this be approved to April, 1981 which is the date a permanent facility will open by.

Board of Zoning Adjustment

10/23/80

NAME

ADDRESS

✓ LEO BURNS, ARCHITECT

1009 CASINO CENTER BLVD. SO.

✓ Lisa Fields

1718 W. Bonanza

✓ Jim Porter

in

✓ Christie B. Green

1209 Gold Ave

✓ Max Lucille Hughes

1205 Eldon Ave

✓ Bryan Smith

3189 S. EASTERN AVE

✓ M/ing Arnold

1254 Vista

✓ R. E. McISSON

608 N. 9th

✓ Robert David Campbell

225 BRIDGER #1020

✓ John O'Reilly

520 5th St

✓ David Van Wagoner

845 Rancho Lane

✓ Mont. K. Jones

6141 Carlene Ln 89108

Board of Zoning Adjustment 10/25/80

NAME

ADDRESS

- ✓ Charles Donaldson
- ✓ Norman Fogg
- ✓ Robert L. Norton
- ✓ John Luckman
- ✓ Anthony Thiel
- ✓ Robert Meadows
- ✓ Jerry Oakley
- ✓ Barry Hale
- ✓ J. H. Bell
- ✓ W. D. Thonson
- ✓ Kent S. Duff
- ✓ Stacey Cope

- 6212 Hobart Ave, L.V. No.
- 2809 N. W. Hwy. 11
- 2011 250th Ave.
- 1200 Purple Sage
- 1404 Chella Way-
- 1312 VISTA DR
- 6388 Shoufield
- 3624 Braddock
- 3620 BRADDOCK
- 2721 Shred N. W.
- 233 Johnson Tr.
- 1 Castalia Blue Diamond

ANNOTATED AGENDA - BOARD OF ZONING ADJUSTMENT - OCTOBER 23, 1980

PRESENT: Chairman Swessel, Mr. Giles, Mrs. Myers
ABSENT: Robert Bugbee
EXCUSED: Jessie Emmett

MINUTES: Mrs. Myers made a Motion for APPROVAL of the Minutes for the BZA meeting held August 28, 1980. Motion carried unanimously.

OLD BUSINESS:

1. U-59-80 - ABEYANCE to 12/15/80 - GILES/unan. PROTESTANTS: Phillis Donaldson
6212 Hobart Ave.

Marvin Rogge
2809 Kingsway

4 persons present
in protest

NEW BUSINESS:

1. V-74-80 - APPROVED for 2 years - GILES/unanimous (Motion by Myers to hold in Abeyance was rescinded when applicants appeared)
2. V-77-80 - APPROVED - MYERS/unanimous PROTESTANT: Christie B. Green
1209 Gold Ave.

ALSO APPEARED: Lucille Hughes
1205 Gold Ave.
3. V-78-80 - APPROVED - MYERS/unanimous - to be heard by City Commission 11/5/80.
4. V-79-80 - APPROVED - GILES/unanimous
5. V-80-80 - DENIED - GILES/2-1 vote/Swessel voted "no" - to be heard by
City Commission 11/5/80

PROTESTANTS: Walter Lindenberg
3055 LaCanada

Petition of with
23 signatures

2 letters of protest
6. V-81-80 - APPROVED - GILES/2-1 vote/Swessel "no" - to be heard by
City Commission 11/5/80

PROTESTANTS: John & Shirley Arnold
1254 Vista Dr.

Robert Vaughn
1312 Vista Dr.

Petition w/25 signatures
8 letters of protest

APPROVALS: Jerry Oakley (represent-
ing Stan Jones of
Stanton Construction)
6388 Silverfield Dr.

Petition w/16 signatures
13 letters of approval

7. V-82-80 - DENIED - MYERS/unanimous

PROTESTANTS: K.L. Bastrup
3628 Braddock Ave.
Petition w/9 signatures
APPROVALS: Roland S. Ericsson
Jeff Bartholomew
3620 Braddock Ave.
Petition w/9 signatures

8. V-83-80 - APPROVED - MYERS/unanimous

9. U-62-80 - APPROVED - MYERS/unanimous

10. V-85-80 - APPROVED for 5 years - GILES/unanimous - to be heard by
City Commission 11/19/80

11. U-63-80 - APPROVED - MYERS/unanimous - to be heard by City Commission 11/5/80

12. U-14-75 - APPROVED - GILES/unanimous

13. U-66-80(HO) - APPROVED - MYERS/unanimous

14. U-67-80(HO) - APPROVED - MYERS/unanimous

SUPPLEMENTAL AGENDA:

1. V-5-80 - APPROVED 6 month Extension of Time - MYERS/unanimous

2. BZA-3-80 - APPROVED for 6 months - GILES/unanimous

5. V-80-80

DENIED

10-23-1980

Application of GRETCHEN HEIGEL for a variance to allow an existing duplex to remain where only a single family dwelling is permitted on property located at 1404 Cholla Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block A, Las Vegas Development Company Addition.

MR. BROWN presented the plot plan and stated the property is in the midst of an R-1 district on the south side of Cholla Way. This item was before the Board of Zoning Adjustment in earlier this year but was denied by the City Commission on an appeal. The applicant applied for a variance in June, 1980 and was denied. Mr. Brown said there is nothing unique or unusual about the lot which would warrant granting the applicant an advantage not granted others in the district and staff recommends denial. He noted there are two letters of protest and an application of protest with 23 signatures.

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

GRETCHEN HIEGEL, the applicant was present. She said the former owners through an omission had not rezoned the property. It had been used as a duplex and when it was listed for sale the owners applied for a variance which was approved and then denied on appeal.

CHAIRMAN SWESSEL asked if she bought the property as a duplex or single family residence.

MS. HIEGEL stated she purchased it as a single family residence but was aware of its former use as an duplex. She said she knew that it was under question at that point and legally not zoned. She pointed out the structure involves a garage that has been converted into an efficiency apartment and said it was not large enough to be used as a duplex. She plans to occupy the larger portion and rent the garage portion as an apartment.

WALTER LINDENBERG, 3055 LaCanada, appeared in protest on his own behalf and on behalf of those who signed the petition of protest. He expressed concern that traffic would be increased on this narrow street and that the senior citizens who live in the area would not be allowed their "right of peaceful enjoyment." He said there had been problems with past renters with noise and traffic congestion and said he felt approval of this application would constitute spot zoning. He also questioned whether Ms. Hiegel intends to reside on the property.

MS. HIEGEL said she does intend to reside there and this would alleviate many of the problems that have occurred in the past.

MR. GILES said in light of the past history of the property he could not support approval of the application and made a Motion for DENIAL of V-80-80.

Voting was as follows:

"AYES" Mr. Giles, Mrs. Myers.

"NOES" Chairman Swessel.

Motion for DENIAL carried.

CHAIRMAN SWESSEL announced this item will be considered

CS on
9-28-80
VH

5. V-80-80

DENIED

Application of GRETCHEN HIEGEL for a variance to allow an existing duplex to remain where only a single family dwelling is permitted on property located at 1404 Cholla Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block A. Las Vegas Development Company Addition.

MR. BROWN presented the plot plan and stated the property is in the midst of an R-1 zoning district on the south side of Cholla way. This item was before the City Commission in June, 1980 and was denied. The property involves a garage that was converted into an efficiency rental unit but was listed for sale as a duplex in an R-1 zone which initiated a complaint from a neighbor. The previous owner of the property sold the property to Gretchen Hiegel for use as a single family dwelling. When she purchased the property she was advised by building and safety to provide exterior interior access to the main residence on but determined to leave the property vacant until she could apply for the present variance. She

Previous applicant applied for a variance in April, 1980 which the Board was approved by this Board. An appeal was filed by a protestant and the item when went before the City Commissioners who denied the vari approved the appeal and denied the variance. In June, 1980 denied a variance- a variance was also denied. The property The applicant then purchased the property from the former owners with the knowledge that there was a question on the zoning. She The property had been in use as a duplex since 1969. Mr. Brown said

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5. V-80-80

DENIED

Application of GRETCHEN HIEGEL for a variance to allow an existing duplex to remain where only a single family dwelling is permitted on property located at 1404 Cholla Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 2, Block A, Las Vegas Development Company Addition.

MR. BROWN presented the plot plan and stated the property is in the midst of an R-1 zoning district on the south side of Cholla Way. This item was before the City Commission and was denied a variance in April, 1980. ~~The property was listed as a duplex when the applicant purchased it with the intent of using the property as~~

~~Mr. Brown indicated~~

He said there is nothing unique or unusual about the lot which would warrant granting the applicant an advantage not granted others in the district and staff recommends denial. There were 23 signatures on a petition of ~~and 2 letters of protest.~~

Ms. Hiegel said through an omission the former owners never had the property rezoned and ~~when she purchased it she purchased it as a single family residence~~ ~~she~~ ~~was~~ knowledgeable that there zoning had not been approved. The property had been used as a duplex formerly and was listed ~~on the market as a duplex~~ She stated ~~the~~ the structure is not large enough to be used as a duplex. ~~The garage portion has been converted into a small an efficiency apartment and she plans to occupy the larger portion and rent the~~

She said the former owners of the real estate through an omission never applied for a rezoning until a real this property was listed as a duplex. When application was made the city commission denied the variance. an appeal was made 1/4/09

she was given the ~~task~~ option to either cutting or leaving the job vacant & she chose to vacate.

WALTER LINDENBERG, 3055 LaCanada, appeared in protest on his own behalf and for those who signed the petition of protest. He expressed concern that traffic would be increased on this narrow street and also concern that the senior citizens would *not* be allowed their "right of peaceful enjoyment". He noted there had been problems with past renters with noise and traffic congestion and said he felt approval would constitute spot zoning in this area. He also questioned whether ~~the property~~ Ms. Hiegel intends to reside ~~at~~ the property ~~as her address is listed~~ *on* ~~she is listed on the Records office records~~ ~~at a different address.~~

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~~The plot is a 100% duplex~~

1

a variance

He said there is nothing
He said this item was denied by
this item was before the city commission in April, 1980
and was denied because the area is for single family
dwellings. ~~This property was listed on the real
estate listings as a duplex.~~

There is nothing unique or unusual about this
lot which would warrant granting the applicant an advantage not granted others
within the district and staff recommended denial. He noted there are ~~two~~
two letters of protest and a petition of protest with approximately 23 signatures.

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

GRETCHEN HEIGEL, the applicant, 1404 CHOLLA WAY, was present. She explained that
she purchased the property as a single family residence
she purchased the property with the intent of renting
she said the property is a
she said the property was listed in the real estate listings as a duplex,
~~the garage has been~~
said she bought the propert

Converted garage
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To: The Board of City Commissioners
Re: Community Planning and Development Agenda Item
November 5, 1980 City Commission Agenda

J. VARIANCE - V-80-80 - GRETCHEN HEIGEL

This application is before you for final decision because the City Commission denied a variance in June 1980 for this same use. You will remember the application involved a garage that had been converted to an efficiency rental unit and the matter was brought to the attention of the City when the property was listed for sale as a duplex in an R-1 zone. The listing resulted in the City receiving a complaint from someone in the neighborhood. The previous application was from C & C Associates, a Partnership, and after that application was denied the property was sold to this applicant who purchased the property on the basis of it being for single family use only and she was aware that a variance had been denied for the second unit. After the previous denial, Building and Safety requested she provide interior access to the main residence on the property. She indicated she wished to seek a variance for the second unit after the four month waiting period and agreed not to rent the efficiency unit. The applicant would like the additional unit because it has existed eleven (11) years and for economic reasons.

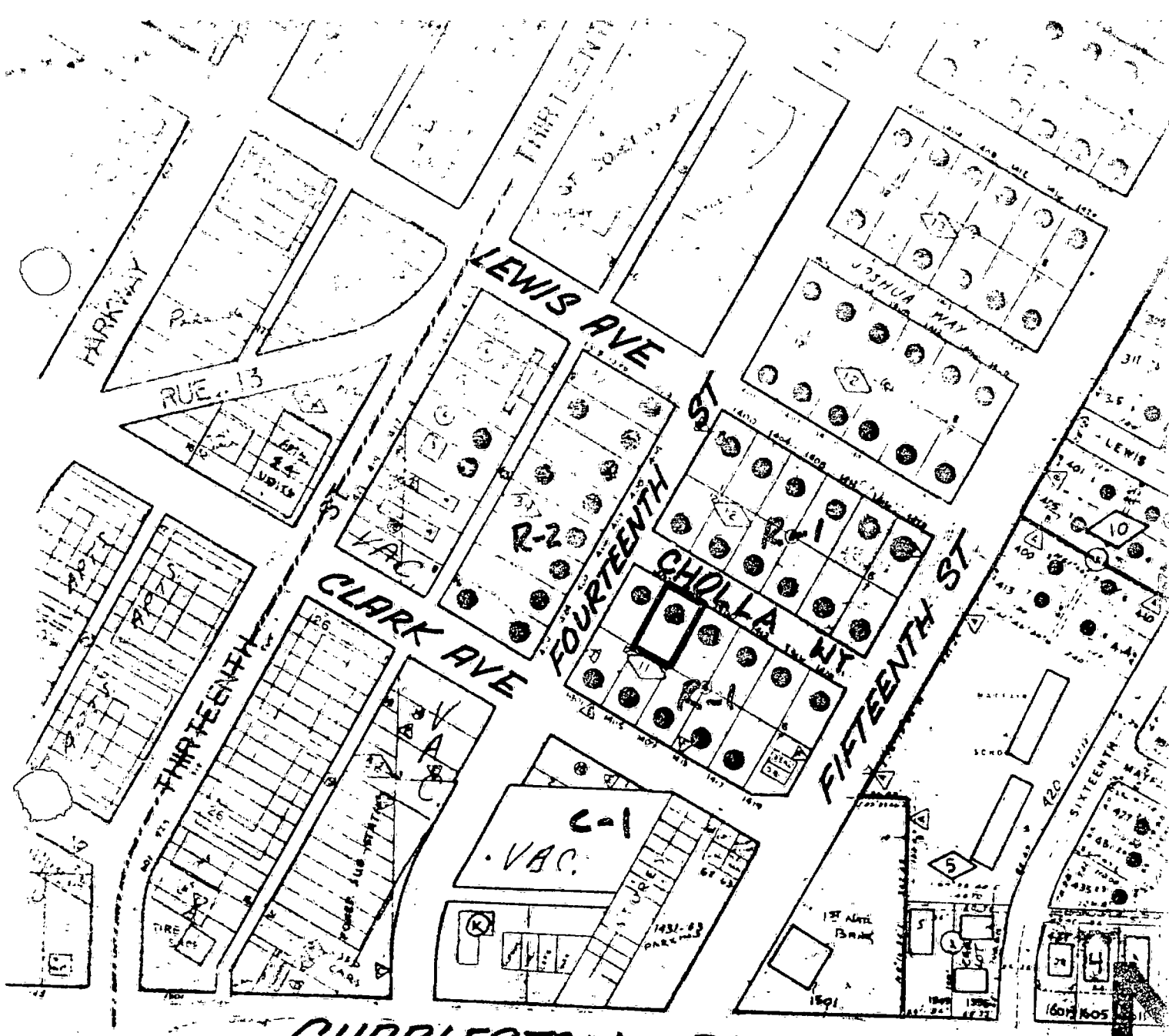
BOARD OF ZONING ADJUSTMENT RECOMMENDATION - DENIAL - Not compatible with the single family development in the area.

STAFF RECOMMENDATION - DENIAL

PROTESTS: 25

(SEE ATTACHED LOCATION MAP)

Item X.



CHARLESTON BLVD

