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AGENDA

BOARD OF ZONING ADJUSTMENT

MAY 27, 1976

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

ROLL CALL:

PLEDGE OF ALLEGIANCE:

MINUTES: Approval of the Minutes for the Board of Zoning
Adjustment meeting held April 22, 1976.

NEW BUSINESS:

1. V-19-76

Application of CHARLES C. ENGLERT for a Variance to allow a solid 6 ft. high wall on the front property line where a maximum fence height of 4 ft. with the top 2 ft. fifty percent open is allowed; and to allow the entry columns and gates to a height of 8 ft. where only 4 ft. in height is permitted, on property located at 1825 Ellis Avenue in zoning district R-E.

2. V-23-76

Application of KARL G. & PEGGY J. STEVENS for a Variance to allow a copy service business involving the reproduction of personal documents for a fee which is not a permitted use; and to allow two existing free-standing signs where only one free-standing sign is permitted, one of which is a 7 ft. high 30 sq. ft. in area sign and the other is a 7 ft. high 98 sq. ft. in area sign where a maximum height of 5 ft. is allowed and a maximum of 15 sq. ft. in area is permitted; and to allow an existing wall sign 8 ft. high and 48 sq. ft. in area where a maximum height of 6 ft. is allowed and a maximum of 15 sq. ft. in area is permitted on property located at 4318 West Charleston Boulevard in zoning district P-R.

3. U-37-76 (HO)

Application of HENRY E. & MAE RILLING at 1700 E. Cedar Avenue in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for the sale of firearms.

4. U-35-76

Application of H. & P. ENTERPRISES for a Use Permit to allow a U-Haul equipment rental operation on property located at 1601 North "D" Street in zoning district C-2.

5. U-38-76 (HO)

MR. & MRS. ADAM VESSELLA at 705 Kenny Way in zoning district R-E for a Home Occupation Permit - Allow a mail-order operation for miscellaneous household products, toys and gift items.

6. U-39-76 (HO)

Application of DON J. SAYLOR at 2024 Embry Avenue in zoning district R-1 for a Home Occupation Permit Allow guitar lessons to be given at off-premise locations.

7. U-40-76 (HO)

Application of CHERYL HEMPHILL for SAMUEL NEWTON at 3809 San Joaquin Avenue in zoning district R-1 for a Home Occupation Permit - Allow an office only to keep records for the hart-lung machine used in Cardio-Pulmonary Perfusion surgery.

8. U-41-76 (HO) Application of HAROLD P. BORDELON at 1101 Magnolia Avenue in zoning district R-1 for a Home Occupation Permit - Allow a distributorship for costume jewelry to be sold at off-premise locations.
9. U-42-76 (HO) Application of DAVID WILLIAMS at 7308 Alta Drive in zoning district R-1 for a Home Occupation Permit - Allow an office only for setting up parachute exhibitions.
10. U-43-76 (HO) Application of WILLIAM J. CALVERT at 6212 Brittany Way in zoning district R-1 for a Home Occupation Permit - Allow a distributorship for the Koto-Matic Speed Painter to be sold at off-premise locations.
11. U-44-76 (HO) Application of NEVADA SAVINGS & LOAN for DAVID KING at 3964 Silver Dollar #6 in zoning district R-4 for a Home Occupation Permit - Allow the off-premise sale of advertising supplies, ball point pens, key chains, calendars, etc.
12. U-45-76 (HO) Application of KENNETH L. HOVEY at 6600 Burgundy Way in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for employment records of electronic technicians.
13. U-46-76 (HO) Application of JANET C. BALIOTIS at 716 North "C" Street in zoning district R-4 for a Home Occupation Permit - Allow a remailing service operation.
14. U-47-76 (HO) Application of BUSTER F. VITTORINO at 1108 Saylor Way in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of patches to various clubs and organizations.
15. U-48-76 (HO) Application of ETTA TABOR for MARILYN DAVENPORT at 1228 South 9th Street in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of handicraft items and the teaching of arts and crafts at off-premise locations.
16. U-36-76 Application of BESSIE E. HARBOR for a Use Permit to allow the construction of a church on property located on the east side of Highland Avenue, between Wyatt Avenue and Doolittle Avenue in zoning districts R-4 and R-E.
17. U-40-75
Ext. of Time Request for an Extension of Time on the approved Use Permit of FRANCES SURGUINE to allow the continuation of her psychic guidance counseling operation on property located at 900 E. Charleston Boulevard in zoning district R-4.
18. V-24-76 Application of MRS. LOUISE LANHAM for a Variance to allow the conversion of an existing detached garage into a second dwelling unit where only one dwelling unit is permitted; and to allow a 3 ft. side yard setback where 5 ft. is required on property located at 625 South 9th Street in zoning district R-1.

19. V-25-76

Application of APPLEWHITE MORTGAGE COMPANY for a Variance to allow rear yard setback deviations for 13 single family homes as follows:

1. Allow a 27 ft. rear yard setback where 30 ft. is required. (Lots 41, 43, 45, 49 and 51).
2. Allow a 25 ft. rear yard setback where 28 ft. is required. (Lots 40, 42, 46 and 48).
3. Allow a 27 ft. rear yard setback where 28 ft. is required. (Lots 44 and 50).
4. Allow a 29 ft. rear yard setback where 30 ft. is required. (Lots 39 and 47).

All lots are generally located on the north side of Ash Avenue between Hancock Street and Page Street and on the west side of Page Street, between Stewart Avenue and Ash Avenue in zoning district R-1.

20. V-26-76

Application of BECKER & SONS for a Variance to allow two trailers to be used as dwelling units on separate lots where only permanent residential buildings are permitted; and to allow two lots with each being 35' x 100' in size and without access by means of dedicated public right-of-way on property generally located between Jones Blvd. and Torrey Pines drive, approximately 890 ft. east of Torrey Pines Drive and 335 ft. south of Smoke Ranch Road in zoning district RPD-8.

21. V-27-76

Application of KENNETH EDWARDS for a Variance to allow a detached storage shed to be located to the side property line and partially in the side yard area where a 5 ft. side yard setback and a rear yard location are required; and to allow said storage shed one foot from the residential dwelling where a 6 ft. setback is required on property located at 1313 Teton Street in zoning district R-1.

22. V-28-76

Application of NORMAN E. CLOSE & JOHN R. HIMES for a Variance to allow an addition to an existing building eight inches (8") from the rear property line where 25 ft. is required, (a previous Variance approval allowed the 25 ft. building setback where 50 ft. was required) on property located at 3232 Meade Avenue in zoning district M.

23. V-29-76

Application of CHARLENE GOLDMAN for a Variance to allow an 8 ft. high block wall along the side and rear property lines that are located in the side and rear yard areas where a maximum fence height of 6 ft. is permitted on property located at 813 Lacy Lane in zoning district R-E.

SUPPLEMENTAL AGENDA
BOARD OF ZONING ADJUSTMENT

MAY 27, 1976

1. U-40-65

Plot Plan Review

Request by SAVE WAY SERVICE, INC. to revise the plot plan allowing the construction of a gasoline service station on property located on the northwest corner of Rancho Drive and West Sahara Avenue in zoning district C-1.

2. U-49-76 (HO)

Application of GORDON BUCHANAN at 4001 Edgford Road in zoning district R-3 PUD for a Home Occupation Permit - Allow an office for an entertainment employment agency.

3. U-50-76 (HO)

Application of PROCESO D. CUNANAN at 437 Galveston Street in zoning district R-1 for a Home Occupation Permit - Allow making and selling of clothes to retail outlets.

MINUTES

BOARD OF ZONING ADJUSTMENT

MAY 27, 1976

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

PLEDGE OF ALLEGIANCE:

PRESENT: Chairman Duncan, Mrs. Segretti and Mr. Canul.

EXCUSED: Mrs. Emmett and Mr. Miller.

STAFF PRESENT: Don J. Saylor, AIP, Director, Department of Community Planning and Development.
Howard A. Null, Supervisor of Planning & Zoning.
Richard Williams, Planning Analyst.
Ira Gardner, Planning Assistant.
Kathleen M. Tighe, Recording Secretary.

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meeting held April 22, 1976. Motion for approval carried unanimously.

NEW BUSINESS:

1. V-19-76

APPROVED

Application of CHARLES C. ENGLERT for a Variance to allow a solid 6 ft. high wall on the front property line where a maximum fence height of 4 ft. with the top 2 ft. fifty percent open is allowed; and to allow the entry columns and gates to a height of 8 ft. where only 4 ft. in height is permitted on property legally described as that portion of the Northwest Quarter (NW $\frac{1}{4}$) of Section 4, Township 21 South, Range 61 East, MDM, described as follows: Beginning at the southwest corner of Ellis Estates; thence South 89 $^{\circ}$ 37' East 124.37 feet; Thence South 0 $^{\circ}$ 23' West 219.60 feet, more or less; thence North 89 $^{\circ}$ 37' West 133.84 feet; thence North 02 $^{\circ}$ 51' East 220.00 feet to the true point of beginning, located at 1825 Ellis Avenue, on the south side of Ellis Avenue, 160 ft. west of Shadow Lane in zoning district R-E.

MR. NULL pointed out the area in question on the screen indicating there was a trailer park to the northwest. He stated the property is zoned R-E and staff did not feel there was any particular problem with the wall itself since there would be a circular drive with two gates each having a 20' wide entrance, and there would be no vehicle sight restrictions because of this. He stated there is a problem in that at sometime in the past, the lot abutting the side of this particular lot, being 1220 Shadow Lane, was owned by this applicant. When he was going to build, he took out a permit for a foundation; however, there is a discrepancy in the dimensions and this lot, therefore, seems to be undersized. There was a 20 ft. difference in the depth of the lot according to the dimensions on the permit against the dimensions on the lot itself. The lot in question seems to be only 18,000 sq. ft. in area where 20,000 sq. ft. is required, and to compound the problem, there is a slump stone wall that runs into the applicant's present lot. If this is the situation, staff feels probably this additional 2,000 sq. ft. was not deeded and staff would recommend if approved, there be a condition that 20 ft. of land be dedicated to the property fronting on Shadow from this lot on Ellis so that the lot would have the required 20,000 sq. ft. There are no recorded approvals or protests.

CHAIRMAN DUNCAN asked if there would be a vision obstruction due to the 6' high wall on the front.

MR. NULL indicated there would be no problem.

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

MR. CHARLES ENGLERT appeared and stated he was the applicant. He indicated the property on Shadow did not belong to him and the present owner was Shecky Grenne. He stated his lot looked onto the back of a mobile home park, and he felt the wall would overcome this. He stated he would like to get use out of this property, and it was a nice lot. He said he would like to build a decorative block wall and make the lot secluded in order to have a home there.

CHAIRMAN DUNCAN asked if the wall would be decorative.

MR. ENGLERT said "yes". He said he would have nice gates and there would be 8 ft. high columns probably with decorative lanterns and wrought iron. He said the wall would probably be slump stone.

MR. NULL presented the permits and property descriptions to the Board for their review concerning the problem in question.

CHAIRMAN DUNCAN asked which property he owned.

MR. ENGLERT said he owned the property on Ellis and was a previous owner of 1220 Shadow; however, that property had since been sold twice, and the present owner was Shecky Grenne. He stated he did not subdivide the property; he purchased one piece and then another piece and did not buy them at the same time.

MR. NULL asked the applicant who owned the slump stone wall since staff could find no record of this.

MR. ENGLERT said Shecky Grenne.

CHAIRMAN DUNCAN said the only thing they could do was hold this matter in abeyance until the lot description was straightened out.

MR. ENGLERT reiterated he did not own the property and only owned the property referred to in this application. He pointed out the property on Shadow had been sold twice since he owned it.

MR. NULL indicated unless resolved, this property on Shadow could be short of having the required square footage.

MR. CANUL asked the applicant if he could have the property surveyed to determine where the property line was.

MR. ENGLERT indicated he did not need a survey because the property had already been surveyed.

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

After discussion by the Board, MR. CANUL made a Motion for APPROVAL of V-19-76, subject to the following conditions:

1. A proper description of 1825 Ellis Avenue to be provided to the Department of Community Planning and Development.
2. Dedication of 30 ft. for the widening of Ellis Avenue and the dedication of a cul-de-sac at the west end of Ellis Avenue to be provided as required by the Department of Public Services.
3. Signing an Assessment District Agreement for future street improvements on Ellis Avenue as required by the Department of Public Services.

4. Conformance to the plot plan.

5. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

2. V-23-76

APPROVED

Application of KARL G. & PEGGY J. STEVENS for a Variance to allow a copy service business involving the reproduction of personal documents for a fee which is not a permitted use; and to allow two (2) existing free-standing signs where only one (1) is permitted, one of which is a 7 ft. high 30 sq. ft. in area sign and the other is a 7 ft. high 98 sq. ft. in area sign where a maximum height of 5 ft. is allowed and a maximum of 15 sq. ft. in area is permitted; and to allow an existing wall sign 8 ft. high and 48 sq. ft. in area where a maximum height of 6 ft. is allowed and a maximum of 15 sq. ft. in area is permitted on property legally described as Lot 12, Block 1, Hyde Park #1, located at 4318 West Charleston Boulevard, on the north side of West Charleston Boulevard, between Essex Drive and Bedford Road in zoning district P-R.

MR. NULL pointed out the area on the screen indicating the property in question was zoned P-R, professional office. He stated staff was concerned because of the copy service business which, in essence is a retail business, and would require a commercial zone. He pointed to the plot plan indicating there was substantial landscaping on the property maintained by a previous business that had since been paved over with asphalt. He stated the applicant has a secretarial service and now wishes to have the copy service, and they indicated only 20 percent of the copy work was done for outside clients. Yet, in order to advertise this 20 percent, they have a total of 3 signs, 2 free-standing signs and a wall sign. He stated the whole lot has become asphalt instead of the landscaping which is a requirement in the P-R zone to maintain the residential character. Staff feels that because of this commercial use, the character has changed from that of P-R to commercial. He presented photographs of the property in question to the Board. He indicated one of the earlier standing walls had been removed. He stated as seen from the photographs, it has taken all of the wall space to advertise this copy service, and it is out of character with the realty operation. Staff can understand the need for the greater height of the sign near the sidewalk because it is blocked by a two foot wall, but not the rest of the signs. There were two protests on record and no approvals.

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

MR. KARL STEVENS appeared and stated he was the applicant. He said he wished to clarify a point, that when they took over this property, it was black-topped and the walls were there. He said he did take one wall down because from the window of the office you could not see the traffic.

CHAIRMAN DUNCAN asked the applicant if they needed all the signs for this business and what was the other 80 percent of their business.

MR. STEVENS said it was for the secretarial service. He stated what they were really requesting was to be allowed the copy service. He indicated if required, they would remove the signs.

CHAIRMAN DUNCAN asked Mr. Stevens if he could comply with the code requirements on signs.

MR. STEVENS said "yes".

CHAIRMAN DUNCAN indicated staff would require more landscaping on the property if this is approved, and he asked if they could provide this.

MR. STEVENS said "yes".

MR. NULL pointed out the area in question in which more landscaping would be required.

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MR. RONALD CAMPBELL, 3030 S. Torrey Pines, appeared and stated he was the accountant for the applicants. He presented two letters of approval from the neighbors on each side of this property. He stated he felt this service was of benefit to the community, and he recommended it be approved.

MRS. TAFFY Di GREGORIO, 2513 Mason, appeared representing the Beautification Committee. She stated at their last meeting this matter was discussed, and it was voted to recommend denial of the request. She stated they could not see any hardship to warrant this variance. They felt West Charleston was in transition right now and that this size and type of signs would not be in harmony with the area. They felt the existing signs contributed to visual ugliness. She stated they also felt landscaping should be put in and the signs should come down. They felt an identification sign would be in keeping with the area.

CHAIRMAN DUNCAN indicated the applicant had agreed to meet City code on the signs and would provide the landscaping.

MRS. Di GREGORIO said that would be agreeable.

MRS. L. LETAGAS appeared and stated she rented space in the building in question for her tax service operation. She pointed out there was a parking problem. She stated she had been asked to park across the street; however, at the present time she could not do that. She said it did not seem feasible to her that she should have to walk to get to work and felt she was entitled to parking on-premise for the rental of space.

MRS. SEGRETTI stated she felt this problem should be taken up with the Stevens' and not before the Board.

MR. CANUL asked Mrs. Letagas if she objected to the variance.

MRS. LETAGAS said "no", only to the lack of parking.

MR. NULL said the code called for one parking space for every 500 sq. ft. of area and the applicant has approximately 1,400 sq. ft.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-23-76, subject to the following conditions:

1. All existing signs on the property to be removed and any future signs installed to meet the requirements of the City Code as required by the Department of Community Planning and Development.

2. Landscaping to be provided as required by the Department of Community Planning and Development.
3. Trash areas to be enclosed and screened as required by the Department of Community Planning and Development.
4. Conformance to the plot plan as amended to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
 Mr. Canul - yes.
 Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

3. U-37-76 (HO)
 ABEYANCE

Application of HENRY E. & MAE RILLING for MR. O. MENDEZ at 1700 E. Cedar Avenue in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for the sale of firearms.

MR. NULL said this was a request for a Home Occupation Permit; however, in the past, it had been the policy of the Board to hold a public hearing on this type of request since it is concerned with the sale of firearms.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. MENDEZ appeared and stated he lived on this property. He stated he would sell firearms and leather goods to police officers and security guards. He said he would take a deposit and order the merchandise and deliver it when it arrived.

CHAIRMAN DUNCAN stated before they went any further, he wouldn't relish the idea of someone in his neighborhood in the firearms business unless he were informed of it. He, therefore, made a Motion for ABEYANCE of U-37-76 (HO) pending notification of the surrounding property owners. He informed the applicant this request would be considered by the Board at their next meeting scheduled for June 24, 1976.

Voting was as follows:

Chairman Duncan - yes.
 Mrs. Segretti - yes.
 Mr. Canul - yes.

Motion for ABEYANCE carried unanimously.

4. U-35-76
 DENIED

Application of H. & P. ENTERPRISES for a Use Permit to allow a U-Haul equipment rental operation on property legally described as being a portion of the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 22, Township 20 South, Range 61 East, MDB&M, more particularly described as follows: The west 140 feet of the following described property: Commencing at the quarter section corner between Sections 22 and 27, Township 20 South, Range 61 East, MDB&M; thence North 89°51'08" West 466.7 feet to the true point of beginning; thence continuing North 89°51'08" West 725.97 feet; thence North 02°07'36" West 150 feet; Thence South 89°51'08" East 733.66 feet; thence South 00°52'20" west 150 feet to the true point of beginning, located at 1601 North "D" Street, on the northeast corner of Owens Avenue and North "D" Street in zoning district C-2.

MR. NULL pointed out the area in question on the screen indicating this property was located in a C-2 zone with C-2 zoning to the north and east and C-1 to the west with R-3 zoning to the south. He indicated on the plot plan that there was an existing service station on the property, and they were requesting the rental of U-Haul equipment. Staff felt, if approved, the trailers should not be stored in front of the first pump island closest to "D" Street because of traffic visibility and landscaping that should be provided. He pointed out there was an existing elm tree on the southeast corner of the property which staff would like to see remain. He stated the storage area in the rear should be screened from view from Owens and the Department of Public Services requires the installation of sidewalks on both streets. Staff has no objection to this use with these conditions. There were no protests or approvals on record.

MR. JOHN HARRIS, 609 Veronica, North Las Vegas, appeared on behalf of the applicant. He stated what they were asking for was a place to rent trucks and trailers along with other various equipment rentals such as tow-bars. He stated they did not want a lot of trucks. He indicated they would screen the trash containers and will put in some plants.

CHAIRMAN DUNCAN asked Mr. Harris if he could meet the conditions of staff as mentioned.

MR. HARRIS said "yes".

MR. CANUL asked if he could provide the sidewalks.

MR. ROBERT TOLEFREE appeared, 5205 Senator, and stated he questioned the sidewalks.

MR. NULL said this was a normal condition on this type of request for lot upkeep and improvement.

MR. TOLEFREE indicated they would provide them if this was a requirement, but wondered why sidewalks were not required before. He also asked if the City provided these.

MR. CANUL said the property owners provided sidewalks and if approved, he would have to provide them.

MR. TOLEFREE indicated they would.

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MRS. DRACILLA GIVONS, 409 Leonard, appeared in protest and presented a petition containing approximately 120 signatures of property owners in the area protesting this request. She said they did not want this operation there. She felt this operation would lower property values, and she did not want the large trucks and trailers on that corner.

MR. CANUL pointed out there was already a gas station on the corner.

MRS. GIVONS said she had seen the trailers and they were very large. Mrs. Givons also asked that her petition be returned to her.

MRS. K. PERRY, 300 West Harrison, appeared in protest. She stated the trailers would be right out her back door and Harrison was at her front door. She stated they couldn't hear now because of the noise, and it was a dangerous place for snipers where these trailers would be parked. She said the City used to clean the property. She stated she had been there for 32 years and didn't see why she should pay taxes and not be able to sleep because of the traffic and noise. She said this was a residential area and she did not want this operation there.

MR. ALFRED BURRELL, 306 Harrison, appeared in protest. He said he had lived there for 34 years and did not want the noise from this U-Haul operation. He said he had been at this address for the past 12 years with Harrison in the front and Orange in the back, and did not feel this operation belonged in a residential area.

MR. JOHN HARRIS reappeared and said their business hours would be 7:30 A.M. to 6:00 P.M., and they would only have 5 trucks and 10 trailers at the most. He said they stopped selling gas, and the only gas to be used would be for the rentals. He stated they would only rent one or two trucks per day and traffic would not be continuous. He stated this was a much needed operation in West Las Vegas.

MR. TOLEFREE reappeared and stated that right across from the station is a lady who felt this was a good thing and the lady who objected lives on the corner of "C" Street and Harrison which is about a block away, and she also has apartments there. He said he did not feel this operation would interfere.

MRS. GIVONS reappeared and stated there was no way in the world this U-Haul operation would be an asset to the community, and she did not feel the Board would want this in their neighborhood either.

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

MRS. SEGRETTI made a Motion for DENIAL of U-35-76, because it was felt this was contrary to the general character of the neighborhood and there was no justification presented to warrant a deviation from the provisions of the zoning ordinance.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for DENIAL carried unanimously.

ITEMS 5 THRU 16

5. U-38-76 (HO)

Application of MR. & MRS. ADAM VESSELLA at 705 Kenny Way in zoning district R-E for a Home Occupation Permit - Allow a mail-order operation for miscellaneous household products, toys and gift items.

6. U-39-76 (HO)

Application of DON J. SAYLOR at 2024 Embry Avenue in zoning district R-1 for a Home Occupation Permit - Allow guitar lessons to be given at off-premise locations.

7. U-40-76 (HO)

Application of CHERYL HEMPHILL for SAMUEL NEWTON at 3809 San Joaquin Avenue in zoning district R-1 for a Home Occupation Permit - Allow an office only to keep records for the heart-lung machine used in Cardio-Pulmonary Perfusion surgery.

8. U-41-76 (HO)

Application of HAROLD P. BORDELON at 1101 Magnolia Avenue in zoning district R-1 for a Home Occupation Permit - Allow a distributorship for costume jewelry to be sold at off-premise locations.

9. U-42-76 (HO)

Application of DAVID WILLIAMS at 7308 Alta Drive in zoning district R-1 for a Home Occupation Permit - Allow an office only for setting up parachute exhibitions.

10. U-43-76 (HO) Application of WILLIAM J. CALVERT at 6212 Brittany Way in zoning district R-1 for a Home Occupation Permit - Allow a distributorship for the Koto-Matic Speed Painter to be sold at off-premise locations.
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12. U-45-76 (HO) Application of KENNETH L. HOVEY at 6600 Burgundy Way in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for employment records of electronic technicians.
13. U-47-76 (HO) Application of BUSTER F. VITTORINO at 1108 Saylor Way in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of patches to various clubs and organizations.
14. U-48-76 (HO) Application of ETTA TABOR for MARILYN DAVENPORT at 1228 South 9th Street in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of handicraft items and the teaching of arts and crafts at off-premise locations.
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16. U-50-76 (HO) Application of PROCESO D. CUNANAN at 437 Galveston Street in zoning district R-1 for a Home Occupation Permit - Allow making and selling of clothes to retail outlets.

ITEMS 5 THRU 16

APPROVED

MR. NULL pointed out the applicant on U-39-76 (HO) was Don J. Saylor, Director of the Department of Community Planning and Development. He said all of these items met the criteria and the questionnaires were answered favorably. He indicated that the Board could either deny, approve or hold any of these matters for a public hearing. Staff could find no objection and they seemed to all be within the requirements of a Home Occupation Permit.

MRS. SEGRETTI stated since they met the criteria she should make a Motion for APPROVAL of Items 5 thru 16, 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:

Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL of Items 5 thru 16 carried unanimously.

CHAIRMAN DUNCAN declared a ten-minute recess at 9:00 P.M. and reconvened the meeting at 9:10 P.M.

17. U-46-76 (HO) Application of JANET C. BALIOTIS at 716 North "C" Street in zoning district R-4 for a Home Occupation Permit - Allow a remailing service operation.
- APPROVED

MR. NULL stated this home occupation permit was not included in the group of permits approved in the previous motion by the Board because there was some question as to how the applicant intended to operate.

CHAIRMAN DUNCAN asked to hear from the applicant.

JANET BALIOTIS appeared and stated she was the applicant. She indicated she has a post office box number for the receiving of mail so there would be no traffic to her home. She said she has a home phone, but also has an answering service and she would use whichever the Board desired.

MR. SAYLOR indicated she should use the answering service.

MRS. BALIOTIS said she would.

MR. CANUL stated since there seemed to be no further problem, he would make a Motion for APPROVAL of U-46-76 (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:

Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

18. U-36-76
APPROVED

Application of BESSIE E. HARBOR for a Use Permit to allow the construction of a church on property legally described as that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 21, Township 20 South, Range 61 East, MDB&M, more particularly described as follows: Beginning at the quarter section corner between Section 21 and 28, Township 20 South, Range 61 East, MDB&M, and thence South 89°08'30" East 40 feet; thence North 0°15'36" East 885.94 feet to the true point of beginning; thence South 89°08'30" East 170.01 feet; thence North 0°15'36" East 108.28 feet; thence South 89°12'21" East 120 feet; Thence North 0°15'36" East to the south line of Doolittle Avenue; thence westerly along the south line of Doolittle Avenue to the east line of Highland Drive; thence South 0°15'36" West to the true point of beginning, located on the east side of Highland Avenue, between Wyatt Avenue and Doolittle Avenue in zoning districts R-4 and R-E.

MR. NULL pointed out the area on the screen indicating the property in question was on the east side of Highland between Wyatt and Doolittle; however, Doolittle was not a through street and stopped at Lexington street to the east. He said the property in question has two zonings; the north portion of the property is R-E and the portion adjacent to Wyatt is R-4. They propose a church with sufficient parking. The plot plan indicates future parking, and staff would recommend if approved, the applicant come in with another development plan if the parking is to be expanded. He stated there is a problem in that the site has been filled about 3 to 3.5 feet above normal grade, and staff was unable to find any permit to allowing this fill to be put in. He stated there was no grading permit on file and when fill is

dumped there should be certain precautions taken such as a 30° slope to insure proper drainage and a 3 ft. open (non-filled) edge around the dump site. He presented photographs to the Board. He stated the reason staff brought this to the Board's attention is that it should be a condition of approval. He stated there should be a drainage and grading plan submitted to Public Services as a requirement for a grading permit. He indicated other requirements of Public Services Department would be half-street improvements along Highland Avenue and submittal of a parking layout (plan) to Traffic Engineering. He stated staff would also require a 6 ft. high block wall on the southeast portion of the property adjacent to the single family homes, landscaping and permanent underground sprinkler system, future expansion of additional parking facilities to be submitted as a plot plan review, conformance to the code requirements and design standards of City departments and conformance to the amended plot plan. He said there were two protests and no approvals on record.

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

MR. GLEN JACKSON, 1304 Jackson, appeared representing the applicant. He stated they planned to start construction immediately and some of the dirt on the property would go around the building.

CHAIRMAN DUNCAN asked if they had a financial commitment.

MR. JACKSON said "yes".

MR. CANUL asked the applicant if he could meet all of the requirements of staff.

MR. JACKSON said "yes".

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MRS. L. TURNER, 1121 Wyatt appeared. She stated she did not live across the street or adjacent to the site, but she watched them dump the dirt there and it is mixed with blacktop and cement. She felt there would be a drainage problem on the property, and when it rained, it would flood the adjacent homes. She said the reason she was the only one speaking was that most people will not speak out against religious organizations. She said she was not against it, but she would like to know what type of church this was, its size, and wished to look at some of the plans for the development. She did not want her speaking against this matter to be confused with the religious aspects of this request; she was doing this as a property owner. She did not feel they could provide sufficient drainage to remove the excess water when it would rain.

MR. NULL explained the plans to Mrs. Turner.

CHAIRMAN DUNCAN stated if approved, this site would have to meet the City Engineering requirements for drainage or construction could not take place.

MRS. TURNER also asked what type of noise this would generate. She said this was a residential area, but some of the churches had loudspeakers outside.

MRS. SEGRETTI asked the applicant about the church operation.

MR. JACKSON said the organization was "Holiness" and the building would be made out of cement block and grouted. He said the site would be fenced. He indicated the drainage would be going toward Highland and he would meet City Code requirements.

CHAIRMAN DUNCAN informed Mrs. Turner the applicant would have to meet the City's requirements and these would have to be satisfied.

MRS. TURNER pointed out some of the churches in the area were very noisy when they held revivals outside, etc.

MR. JACKSON stated he would not be doing this.

MRS. TURNER said she just wanted to make sure the building would not cause a drainage or noise problem. She stated if they could meet the requirements of the City she would be satisfied.

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

MRS. SEGRETTI made a Motion for APPROVAL of U-36-76, subject to the following conditions:

1. Drainage and grading plan to be submitted for a grading permit as required by the Department of Public Services.
2. A 6 ft. high block wall to be constructed on the southwest portion of the property adjacent to the single family residences as required by the Department of Community Planning and Development.
3. Landscaping and permanent underground sprinkler system as required by the Department of Community Planning and Development.
4. Half-street improvements to be installed along Highland Avenue as required by the Department of Public Services.
5. Submittal of parking layout plan to the Traffic Engineer as required by the Department of Public Services.
6. Any future expansion of additional parking facilities to be submitted as a plot plan review to the Department of Community Planning and Development.
7. Conformance to the plot plan as amended to reflect the above conditions.
8. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

19. U-40-75
Ext. of Time
APPROVED

Request for an Extension of Time on the approved Use Permit of FRANCES SURGUINE to allow the continuation of her psychic guidance counseling operation on property located at 900 East Charleston Boulevard in zoning district R-4.

MR. NULL stated this Use Permit was due to expire on June 26, 1976, and the applicant was requesting an extension of time to allow this operation. He indicated there previously was a shoe sales operation on the property; however, this operation has ceased. He stated staff has no objection to this operation and the Board can approve the operation with no time limit restriction if they desire.

CHAIRMAN DUNCAN asked to hear from the applicant.

MRS. FRANCES SURGUINE appeared and stated she was the applicant. She said the shoe store operation was closed the first of the year,

and she only wished to continue the psychic guidance counseling operation. She stated she did still have her real estate license.

MR. CANUL asked the applicant if she would still have her real estate operation.

MRS. SURGUINE said "yes".

MR. SAYLOR stated as long as there is no longer a Variance on the shoe sales operation, there was no need for the time limitation on this use because this is considered as an office use; and staff would recommend approval without further time restrictions.

MRS. SEGRETTI made a Motion for APPROVAL of U-40-75, with no further time limitations on the operation.

Voting was as follows:

Mrs. Segretti - yes.

Mr. Canul - yes.

Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

20. V-24-76

DENIED

Application of MRS. LOUISE LANHAM for a Variance to allow the conversion of an existing detached garage into a second dwelling unit where only one dwelling unit is permitted; and to allow a 3 ft. side yard setback where 5 ft. is required on property legally described as Lots 13 and 14, Block 20, Wardie Addition, located at 625 South 9th Street, on the east side of South 9th Street, between Garces Avenue and Bonneville Avenue in zoning district R-1.

MR. NULL pointed out the area on the screen stated there was an existing residence on the property and an existing detached garage which the applicant wished to convert into a separate dwelling unit. He indicated the garage was 3 ft. from the side property line where 5 ft. would be required if it allowed to be converted. The property is rectangular in shape, and staff could find no reason why it should be approved and recommended denial. He stated as an existing garage the setback met the code; however, if converted, it would require a 5 ft. setback and there is only 3 ft.

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

MR. TOM WARD, 6223 Clarice, appeared for the applicant. He said the whole purpose of this conversion was for the applicant's son. He stated this would not be used as a rental unit and there would only be a bedroom, living room, and bathroom, and there would be no kitchen facilities. He said this conversion would just be for her son.

MR. NULL pointed out there were 8 protests on record and 2 approvals.

MR. PAT BIRCHES, 321 Vassar, appeared and stated he was a real estate agent. He indicated he was asked by the applicant to inspect the property and indicated he found that this conversion would in no way over-improve or hurt the property in question. He did not feel this would hurt any adjoining property values and income property in this area seemed to increase in value. He pointed out several properties in the area which had more than one unit. He said these properties were in transition from single family to income rental units which is similar to what the applicant is requesting.

MR. NULL indicated he was not aware of the properties mentioned by Mr. Birches. He stated basically this was a single family area; however, an exhaustive study was not done in the area.

MR. JOE THIRIOT, 621 South 9th Street, appeared in protest. He stated the applicant was a nice lady, but he did not feel this conversion, which was about 10 ft. from his bedroom window, would be a good idea. He said these lots were not designed for two units, and the only ones he knew about in the area were on corner lots and were not close to anyone. He said he objected to this request.

MRS. CRANE, 614 South 9th Street, appeared in protest. She said she lived across the street and felt the same as Mr. Thiriot. This was a residential area and there were no multi-family dwellings in the area except on the corner lots, and she objected to this request.

MRS. T. J. CONLIN appeared in favor. She stated she lived adjacent to this property and was 10 ft. from the property in question. She said in 6 years she had never heard so much as a raised voice from the applicant's home. She said the applicant's husband died, and she had worked hard to improve her property. She said there were a number of violations of this nature in their neighborhood.

MR. NULL said if this variance were to be approved, the City Engineer required signing an assessment district agreement for improvements.

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

MR. CANUL made a Motion for DENIAL of V-24-76 because he felt it was contrary to the single family density of the neighborhood and there was no justification found which would warrant a deviation from the requirements of the zoning ordinance.

Voting was as follows:

Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for DENIAL carried unanimously.

21. V-25-76
DENIED

Application of APPLEWHITE MORTGAGE COMPANY for a Variance to allow rear yard setback deviations for thirteen (13) single family homes as follows:

1. Allow a 27 ft. rear yard setback where 30 ft. is required (Lots 41, 43, 45, 49 and 51).
2. Allow a 25 ft. rear yard setback where 28 ft. is required (Lots 40, 42, 46 and 48).
3. Allow a 27 ft. rear yard setback where 28 ft. is required (Lots 44 and 50).
4. Allow a 29 ft. rear yard setback where 30 ft. is required (Lots 39 and 47).

All of the above are on property legally described as Lots 39 thru 51, Block 2, Charleston Gardens No. 1, and are generally located on the north side of Ash Avenue between Hancock Street and Page Street and on the west side of Page Street between Stewart Avenue and Ash Avenue in zoning district R-1.

MR. NULL pointed out the area in question on the screen indicating the specific requests for the 1 to 3 ft. rear setback deviations on the 13 parcels of property. He said there was a section in the zoning ordinance which permitted a 20 ft. front yard setback

if a 30 ft. rear yard was provided instead of the required 25 ft. front and 25 ft. rear yards.

MR. SAYLOR pointed out these were standard size lots.

MR. NULL pointed out the lots in question on the plot plan and indicated there was nothing unique about them and staff recommended denial. There were no approvals or protests on record.

MR. SAYLOR stated they were trying to build a bigger home on the property than the lot would accommodate. These were standard size lots which the builder was aware of before he designed the homes.

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

MR. KIRK ANDERSON appeared on behalf of the applicant. He stated the request was to reduce the rear yard setbacks from 1 ft. to 3 ft. on 13 lots. He said they had 20 ft. or 22 ft. front yards. He pointed out that existing homes in that area have 20 ft. front yard setbacks so these front yards would be equal or have two feet more than the other homes in the area. He stated his client has an L-shaped home. The house has 1,800 sq. ft. and they have more rear yard area than required. He stated the curbs, etc. are already in and the lots have been vacant for a couple of years. He stated they had built about 160 of this type home, and the public is familiar with it. He indicated they would like to use the same house plan instead of redesigning the whole home. He said he was under the impression staff was preparing a new ordinance which would change this situation wherein rear yard variances would not be required.

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

MRS. SEGRETTI made a Motion for DENIAL OF V-25-76 because she felt there was no justification presented to warrant a deviation from the provisions of the zoning ordinance.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Canul - abstained.
Chairman Duncan - yes.

Motion for DENIAL carried

22. V-26-76
APPROVED

Application of BECKER & SONS for a Variance to allow two trailers to be used as dwelling units on separate lots where only permanent residential buildings are permitted; and to allow the two lots with each being 35 ft. x 100 ft. in size and without access by means of dedicated public right-of-way on property legally described as that portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 23, Township 20 South, Range 60 East, MDM, described as follows: Commencing at the north quarter corner of said Section 23; thence South 89 $^{\circ}$ 2'28" East 989.88 feet; thence South 0 $^{\circ}$ 24'48" West 335.76 feet to the true point of beginning; thence continuing South 0 $^{\circ}$ 24'48" West 70.00 feet; thence north 89 $^{\circ}$ 35'12" West 100.00 feet; thence North 0 $^{\circ}$ 24'48" East 70.00 feet; thence South 89 $^{\circ}$ 35'12" East 100.00 feet to the true point of beginning, generally located between Jones Boulevard and Torrey Pines Drive, approximately 890 ft. east of Torrey Pines Drive and 335 ft. south of Smoke Ranch Road in zoning district RPD-8.

MR. SAYLOR pointed out the area in question on the screen indicating it was on the south side of Smoke Ranch Road in an area relatively undeveloped in this RPD site. He stated Mr. Becker was in the process of putting in a residential development in the

immediate area of this parcel with standard housing. This request is made because he is trying to meet the needs of the ever increasing percentage of the population that does not have the income to purchase the housing that is now on the market, and Mr. Becker as well as many other builders are seeking ways to decrease the cost of housing. He indicated this problem is recognized nationwide. The Department of Housing and Urban Development is working on innovative means of providing more housing within the middle income range. He stated the application in this case indicates two trailers, but it is essentially to allow two houses which could be better described as modular housing. He indicated they would be constructed off-premise and erected on the lots. Mr. Saylor pointed out the reason these modular homes had to be described as trailers was because they would otherwise have to fall under the normal housing code requirements. They will not be trailers. The Ordinance, because of the way it is constructed, does require a variance. He said the Ordinance does not have the flexibility which would allow the innovative housing which is being proposed under this application. Staff very much dislikes the variance being used as a vehicle to try and get around ordinances; but in this case, in the interest of trying to develop housing which can be produced at a lower cost, staff would recommend approval. Mr. Saylor stated this type of housing would not have any ramifications upon any housing in the area, because there is none in this development. Staff, therefore, would recommend approval of these two experimental units. There were no protests on record.

CHAIRMAN DUNCAN stated these would be modular homes and would be anchored which then would become part of the real estate.

MR. SAYLOR stated the end result would be that, and if they are successful, they could lend a whole new approach to lower priced housing.

MRS. SEGRETTI asked if these would be like pre-fab housing.

MR. SAYLOR said they would in certain respects.

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

MR. ERNEST BECKER appeared and stated he was the applicant. He presented a layout of the floor plan to the Board. He said by calling the unit a mobile home they could cut some of the requirements. He said the units would be 3 and 4 bedroom units with 1,104 and 1,200 sq. ft. respectively.

MRS. SEGRETTI asked what type of walls the units would have.

MR. BECKER indicated they would be the same as that of a townhouse, with exterior 1-11 type material and inside would be wall-board or paneling.

MRS. SEGRETTI stated since the units would be joined, would the walls be sound-proofed.

MR. BECKER said it would be the same as a townhouse, there still would be an air space between them. The units would be attached, but the walls do not hit each other and they are each insulated. He said they wanted to get into a price range acceptable for the average wage earner. He indicated in Las Vegas they were only building for 34 percent of the population.

MR. SAYLOR stated this was experimental to see if it would work. He said they were trying to provide housing for people in the \$700 - \$800 a month bracket who could get no governmental financial aid.

MR. BECKER indicated he would meet all of the City requirements.

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MR. K. BLACK, 6345 Plaza Verde, appeared. He said he received a notice in the mail and was not aware of the whole situation. He said he paid good money for his home and had kept it in good shape. He said he wanted to see a good home put on this particular property and nothing that was cheap. He felt if permitted, this may devalue his property. He said besides himself, there were 3 or 4 other people in the audience who would like to see the plans.

MR. BECKER presented the plans for their review.

MR. RON DORING, 6337 Plaza Verde, appeared. He said if these were experimental homes to get lower priced housing, he did not have any particular objection, but asked if there wasn't some type of zoning in the City which could accommodate this without changing the zoning on this property.

MR. SAYLOR indicated there would be no change in zoning, and this variance would only allow these two units at this location. He said if they wished to build more of these units, it would require another application and notification of the surrounding property owners.

MR. BECKER indicated these homes would be erected on the property and could not go on the highway as a mobile home does. He said they did not feel at this point these units would sell for anything less than \$25,000 to \$27,000, and they are put on a good foundation. He indicated they would probably have as much money in these units as in their homes. He indicated these two experimental units would be the first thing constructed on this empty parcel of land and then the homes would be built. He indicated if the homes would not sell because of these units, they would tear them down.

MR. ROLAND JOLIN, 6341 Plaza Verde appeared. He stated these were called mobile homes because they did not meet the City Codes.

CHAIRMAN DUNCAN pointed out the applicant had indicated they would meet the building code and be attached to the property.

MR. JOLIN said if they met the building code he would not oppose the request; however, if they didn't he would object to them.

CHAIRMAN DUNCAN told him they would have to meet the City's requirements. He then asked if anyone else wished to be heard and there being no one, he declared the public hearing closed.

MR. CANUL made a Motion for APPROVAL of V-26-76, subject to the following conditions:

1. The units shall meet structural and fire safety requirements of the Department of Public Services.
2. Conformance to the plot plan.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

23. V-27-76
APPROVED

Application of KENNETH EDWARDS for a Variance to allow a detached storage shed to be located to the side property line and partially in the side yard area where a 5 ft. side yard setback and a rear yard location are required; and to allow said storage shed one foot (1') from the residential dwelling where a 6 ft. setback is required on property legally described as Lot 6, Block 6, College Park #21, located at 1313 Teton Street, on the west side of Teton Street, between Sequoia Avenue and Stout Way in zoning district R-1.

MR. NULL pointed out the area in question on the screen and stated there was a residence on the property and a storage shed was to be placed in the side yard area next to the property line where a 5 ft. setback is required. He said storage sheds can only be located in the rear yard. He indicated the storage shed will also be 1 ft. from the residential dwelling unit where 6 ft. is required. Mr. Null pointed out there is a very large Apricot tree in the rear yard area but that the storage shed could be moved a few feet to the rear; however, this would necessitate removal of some of the tree. Staff could see no topographic reasons for the variance and recommended denial. There was no record of protests or approvals.

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

MR. KENNETH EDWARDS appeared and stated he was the applicant. He stated he would like to see this approved because he had a lot of stuff around the house that needed a place to be kept. He said his yard was not very large, and he felt this was the only place for the storage shed. He indicated there was a garden and clothes line to the rear with a large tree. He did not feel this would have any effect on the neighbors. He felt the stuff stacked on his back patio could then be put out of sight so it would look better.

MRS. SEGRETTI asked if this shed could be moved.

MR. EDWARDS said this was really the only spot for it without changing the yard. He stated he has a redwood fence on the side and rear lines.

MRS. SEGRETTI stated it appeared from the size of the storage shed, that it could be placed at the other corner.

MR. EDWARDS stated the storage shed was 10' x 10'. He pointed out he also has a patio and carport built of the same material.

MR. NULL stated the carport was permitted since it was considered as part of the residence and it met the side yard requirements; thus the shed had to be 6 ft. removed. The patio and cover, however, are by definition an accessory structure and are permitted in the rear yard area. It is not clear that the storage shed has to be removed 6 ft. from another accessory structure.

MR. EDWARDS stated he built the patio himself and put the roof on it.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-27-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

24. V-28-76
APPROVED

Application of NORMAN E. CLOSE AND JOHN R. HIMES for a Variance to allow an addition to an existing building eight inches (8") from the rear property line where 25 ft. is required (a previous Variance approval allowed the 25 ft. building setback where 50 ft. was required) on property legally described as that portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, Township 21 South, Range 61 East, MDB&M, described as follows: Commencing at the west quarter corner of Section 8; thence South 88°52'54" East 1471.57 feet; thence continuing South 88°52'54" East 250 feet to the true point of beginning; thence continuing South 88°52'54" East 75 feet; thence South 01°07'06" West 299.60 feet; thence North 88°52'54" West 75 feet; thence North 01°07'06" East 299.60 feet to the true point of beginning, located at 3232 Meade Avenue, on the north side of Meade Avenue, between South Valley View Boulevard and Rigel Avenue in zoning district M.

MR. NULL pointed out the area in question on the screen indicating it backed up to an existing trailer park on the north. He said staff was concerned with the west portion of the plan. He said there is an existing variance on the property which permitted the 25 ft. rear setback where 50 ft. was required. He said this was originally denied by the Board of Zoning Adjustment, appealed and approved by the City Commission. He said the applicants would like an addition to the existing building which would come within 8 inches of the rear property line. Mr. Null said there were some problem involved; that should be cleared up. When approved by the City Commission, they were concerned about the easement that they thought was behind this property; however, that is not the case. The drainage ditch and easement starts at the edge of the trailer park and runs to the east so this is not a problem. They also conditioned it upon the rear 25 ft. being only used for parking. An inspection by staff found storage material in this 25 ft. area which must be removed. The area, if completely blacktopped, slopes up toward the trailer park to the rear and, therefore, the 6 ft. high wall to the rear should be increased in height with this increase in grade. Staff felt this would then protect the trailer park to the rear. This is "M" zoning and staff can see no problems with the exception of the trailer park. He indicated there was one approval on record and no protests.

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

MR. JOHN R. HIMES appeared and stated he was the applicant. He said the building would go almost to the rear line and would be 20 ft. high so he did not feel increasing the wall was necessary. He further stated the wall belonged to the trailer park and was not his.

MR. NULL informed the Board they could condition it upon the wall being increased if permitted by the trailer park.

MRS. SEGRETTI asked what was manufactured.

MR. HIMES said it was an air conditioning and heating operation.

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

MR. CANUL made a Motion for APPROVAL of V-28-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

MR. NULL informed the applicant this was a recommendation to the City Commission and would be heard by them at their meeting June 2, 1976, at 9:00 A.M.

25. V-29-76

APPROVED

Application of CHARLENE GOLDMAN for a Variance to allow an 8 ft. high block wall along the side and rear property lines that are located in the side and rear yard areas where a maximum fence height of 6 ft. is permitted on property legally described as Lot 7, Block 2, Mountain View #1, located at 813 Lacy Lane, on the east side of Lacy Lane between Palomino Lane and Hastings Avenue in zoning district R-E.

MR. NULL pointed out the area in question on the screen indicating the property was zoned R-E which required a half-acre minimum lot size. He said there was very little contact between homes. He pointed to the plot plan indicating the lot was not irregular in shape and based on this particular point, staff would recommend denial because there was nothing unique about the shape of the property. From a practical position, they have a garage on the north and large oleanders on the south which screen the house from the abutting neighbors. If approved, Engineering would like them to sign an assessment district agreement for street improvements on Lacy Lane. There were no protests and one recorded approval.

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

CHARLENE GOLDMAN appeared and stated she was the applicant. She indicated they would be removing the oleanders and would sign the assessment district agreement as required.

MRS. SEGRETTI asked the reason for the fence.

MRS. GOLDMAN said for privacy and security.

CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MR. GEORGE GERRINGER, 808 Lacy Lane, appeared. He said he appeared before the Board for a 8 ft. high wall and was approved. He stated they enjoy the privacy and he was in favor of approving this request.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-29-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Signing an Assessment District Agreement for future street improvements along Lacy Lane as required by the Department of Public Services.

3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.
Mr. Canul - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

26. U-40-65

Plot Plan Review

APPROVED

Request by SAVE WAY SERVICE, INC. to revise the plot plan allowing the construction of a gasoline service station on property located on the northwest corner of Rancho Drive and West Sahara Avenue in zoning district C-1.

MR. NULL pointed out the area in question on the screen indicating it was on the northwest corner of Rancho Drive and West Sahara Avenue in a C-1 zone. He said this site was at the corner of a much larger area which came before the Board sometime in 1965 for a large shopping center. He stated the shopping center had not been built yet and one of the conditions was that there had to be a major department store; therefore, if approved, this condition under the zoning action should be waived. He stated a condition under this use permit was that there be no sale or storage of non-automotive products on the property and this condition should also be waived if approved. He stated this development would be a self-service gas station and around the outside of the area would be retail outlets to be leased. He said this parcel is only a small portion of the overall property.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. DONALD L. WOOD stated the stores would be leased out.

MR. CANUL asked for staff's recommendation.

MR. NULL said staff had no objection if approved with the conditions mentioned previously. He said Public Services also required a radius corner be dedicated and improved.

MR. WOOD stated they contemplated construction within the near future.

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

MR. CANUL made a Motion for APPROVAL of U-40-65, subject to the following conditions:

1. Conformance to the plot plan.
2. Waiver of Condition #2 under the original approval of Z-108-63.
3. Waiver of Condition #6 under the original approval of U-40-65.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

7. Dedication and improvement of a radius corner as required by the Department of Public Services.
8. Conformance to code requirements and design standards of City departments.

Voting was as follows:

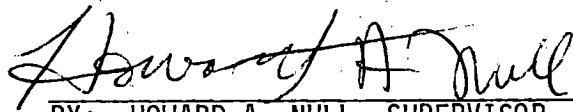
Mr. Canul - yes.
Mrs. Segretti - yes.
Chairman Duncan - yes.

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 11:00 P.M.

BOARD OF ZONING ADJUSTMENT



BY: HOWARD A. NULL, SUPERVISOR,
PLANNING AND ZONING
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

HN:kt