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A G E N D A

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 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 meetings held August 26, 1976, and September 23, 1976.

OLD BUSINESS:

1. V-67-76

(Abeyance Item  
from September  
23, 1976)

Application of JOHN L. SNYDER for a Variance to allow a six ft. (6') block wall located within the front yard area on property located at 711 East Park Paseo on the north side of Park Paseo between 7th Street and 8th Street in Zoning District R-1.

NEW BUSINESS:

1. V-68-76

Application of MAX E. WOODALL for a Variance to allow a room addition within 16 ft. of the rear property line where a 25 ft. setback is required on property located at 1208 N. 21st Street on the east side of North 21st Street between Demetrius Avenue and Searles Avenue in Zoning District R-1.

2. V-69-76

Application of PETER F. GAGLIARDO for a Variance to allow a carport located 14'6" from the front property line where 24 ft. is required on property located at 1701 Howard Avenue on the northeast corner of Spencer Avenue and Howard Avenue in Zoning District R-1.

3. U-84-76(HO)

Application of TROY E. CLARK for a Home Occupation Permit to allow a saw and tool sharpening operation on property located at 1813 Eastern Avenue on the east side of South Eastern Avenue between East Oakey Boulevard and East St. Louis Avenue in Zoning District R-1.

4. V-70-76

Application of LEWIS HOMES OF NEVADA for a Variance to allow a 24½ ft. rear yard setback where a minimum of 25 ft. is required on property generally located on the east side of South Lorenzi Street between the Las Vegas Expressway and Celeste Avenue in Zoning District R-1.

5. V-71-76

Application of HUSKY OIL COMPANY for a Variance to allow the rental of trucks on property located at 3920 West Sahara Avenue on the northeast corner of Sahara Avenue and Las Verdes Street in Zoning District C-C.

6. V-72-76

Application of ALAN D. SHIELDS for a Variance to allow a room addition within 15'8" of the rear property line where 30' is required on property located at 3112 Brady Avenue on the southeast corner of Brady Avenue and Sattes Street in Zoning District R-1.

7. V-73-76

Application of DARWIN FARNSWORTH, ETAL for a Variance to allow the Jr. Chamber of Commerce Headquarters to include office and general membership meeting facilities open until 11:00 P.M.; to allow joining of the two buildings; to allow a 6' x 6' wall mount sign extending three feet above the roof; to allow the sale of alcoholic beverages to members only; and to allow twelve (12) parking spaces where more are required on property located at 2101 E. St. Louis Avenue and 1913 South Eastern Avenue on the northeast corner of St. Louis Avenue and Eastern Avenue in Zoning District P-R.

8. V-74-76 Application of GILBERT SCHWARTZ for a Variance to allow the construction of a twelve foot fence for a tennis court on the rear and east side property line where a ten ft. setback is required on property located at 2905 Pinto Lane on the south side of Pinto Lane between Campbell Drive and Shetland Road in Zoning District R-A.
9. V-7-76  
Extension of Time  
(Six Months) Request of PATRICK J. O'KELLY for reinstatement and extension of time for six months on the approved Variance to allow a residential unit in a commercial storage unit complex on property located at the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 ft. in Zoning District M.
10. V-75-76 Application of SHECKY AND NALANI GREENE for a Variance to allow an existing patio cover to within 2'3" of the side property line where 6'1" is required on property located at 2325 Llewellyn Drive on the south side of Llewellyn Drive approximately 160 ft. west of Rancho Drive in Zoning District R-1.
11. V-76-76 Application of ROGER J. SOARES ET UX for a Variance to allow the construction of an apartment building 40 ft. high where the limit is 35 ft.; allow 40 units where only 33 are allowed; allow 45 parking spaces where 60 are required; allow the east property line as the front property line; and to allow 12 parking spaces in the front yard where only two are permitted on property generally located on the south side of Linden Avenue between North 13th Street and North 14th Street extending south 240 ft. in Zoning District R-3.
12. V-77-76 Application of OLD WEST CONSTRUCTION CO., INC. for a Variance to allow a 30 ft. front setback where 50 ft. is required on 69 proposed lots on property generally located on the south side of Craig Road between Jones Boulevard, and Thom Boulevard and extending south approximately 700 ft. from Craig Road in Zoning District R-E.
13. V-78-76 Application of PERRY AND MICHELE ALLEN for a Variance to permit a 6 ft. high block wall in the front yard area where a 4 ft. high wall, top 2 ft. fifty percent open, is allowed on property located at 3008 King Midas Way on the northwest corner of King Midas Way and Lilliput Lane in Zoning District R-1.
14. V-79-76 Application of CHAUNCEY BINGHAM for a Variance to allow an existing patio cover 10 ft. from the rear property line where 15 ft. is required; allow an existing room addition 24 ft. from the rear property line where 25 ft. is required; and to allow an existing room addition 3 ft. from an accessory building where 6 ft. is required on property located at 809 Bonita Avenue on the north side of Bonita Avenue between 8th Street and 10th Street in Zoning District R-1.
15. V-80-76 Application of DONN G. D. AND JANET C. BALIOTIS for a Variance to allow a mobile home for a period of five years where mobile homes are not allowed and without the provision of additional off street parking facilities where 32 spaces are required on property located at 716 North "C" Street on the southeast corner of "C" Street and West McWilliams Avenue in Zoning District R-4.
16. V-81-76 Application of NORMAN KAYE REAL ESTATE COMPANY for a Variance to allow a 48 sq. ft. wall and roof sign 13 ft. high where 15 sq. ft. and 6 ft. high and no roof sign is allowed on property located at 1019 South Decatur Boulevard on the southeast corner of Alpine Place and Decatur Boulevard in Zoning District P-R.

17. V-82-76 Application of GOSS-JEWETT AND COMPANY for a Variance to allow a 20 ft. setback from the rear property line where 50 ft. is required on property located at 3744 Meade Avenue on the north side of Meade Avenue approximately 300 ft. east of Valley View Boulevard in Zoning District M.
18. V-83-76 Application of DENNIS M. WALL for a Variance to allow the use of an existing rear building as a two family dwelling unit for a total of three dwelling units where only one is permitted, and said building located 15 ft. from the rear property line where 25 ft. is required and providing four parking spaces where six are required on property located at 1800 Cedar Avenue on the south side of Cedar Avenue between Bruce Street and 19th Street in Zoning District R-1.
19. V-84-76 Application of JOSEPH AND PAMELA MACCHIAVERNA for a Variance to allow a commercial child care center (pre-school) on property located at 1001 Bedford on the east side of Bedford Road approximately 300 ft. north of West Charleston Boulevard in Zoning District R-1.
20. V-85-76 Application of MELVIN RUSSELL MELVILLE for a Variance to allow a room addition 4 ft. 10 inches from the south side property line where 6 ft. is required on property located at 734 North Tonopah Drive on the east side of Tonopah Drive between West Washington Avenue and West Bonanza Road in Zoning District R-E.
21. U-86-76(HO) Application of EMILIO J. CICCOTELLI at 3117 Piedmont in Zoning District R-1 for a Home Occupation Permit - Allow a dental ceramic operation.
22. U-87-76(HO) Application of LOWELL E. AND ANN G. CHRISTIE at 4312 Fortune Avenue in Zoning District R-1 for a Home Occupation Permit - Allow off-premise retail sale of musical greeting cards.

S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1976

1. U-88-76(HO)

Application of THOMAS P. MC ANENY at 508 Minnesota Street  
in Zoning District R-1 for a Home Occupation Permit - Allow  
an off-premise furniture fabric repair service.

M I N U T E S

BOARD OF ZONING ADJUSTMENT

OCTOBER 28, 1976

CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order by Chairman Duncan 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, Mr. Miller, and Mrs. Emmett.

EXCUSED: Mr. Canul

STAFF PRESENT: Don J. Saylor, AIP, Director of the Department of Community Planning and Development  
Howard A. Null, Supervisor of Planning and Zoning  
Ira John Gardner, Planning Assistant  
Barbara J. Cuva, Recording Secretary

MINUTES: MR. MILLER made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meetings held August 26, 1976, and September 23, 1976. Motion carried unanimously.

NEW BUSINESS:

1. U-86-76(HO) Application of EMILIO J. CICCOTELLI at 3117 Piedmont in Zoning District R-1 for a Home Occupation Permit - Allow a dental ceramic operation.

2. U-87-76(HO) Application of LOWELL E. AND ANN G. CHRISTIE at 4312 Fortune Avenue in Zoning District R-1 for a Home Occupation Permit - Allow off-premise retail sale of musical greeting cards.

3. U-88-76(HO) Application of THOMAS P. MC ANENY at 508 Minnesota Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise furniture fabric repair service.

ITEMS 1 AND 2 APPROVED MR. NULL reviewed the Home Occupation Permits and stated they all met Code requirements.

ITEM 3 HELD AND ACTED ON AT END OF MEETING There was no one present to represent THOMAS P. MC ANENY so this item was held until the end of the meeting at which time it will be considered again.

MRS. SEGRETTI made a Motion for APPROVAL of Items 1 and 2, 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. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-67-76

(Abeyance Item  
from September  
23, 1976)

APPROVED

Application of JOHN L. SNYDER for a Variance to allow a six ft. (6') block wall located within the front yard area on property legally described as Lot 7 of the replat of Lots 2, 3, 4, 5, 6, and plat of Lot 7, Block 2, Vega Verde Addition, located at 711 East Park Paseo on the north side of Park Paseo between 7th Street and 8th Street in Zoning District R-1 (Single Family Residence).

MR. NULL gave the staff report indicating this lot was curved in the front yard area. They are asking for a six ft. block wall in the front yard. The Board held this item in abeyance to this meeting because there was a split vote. Staff would recommend approval as long as the wall was set back five feet from the property line as shown on the plot plan. The applicant has taken out a permit for a four ft. fence, the top two feet 50% open located on the property line.

MRS. EMMETT asked if this was permissible without a Variance?

MR. NULL replied "yes".

CHAIRMAN DUNCAN asked to hear from the applicant.

JEANNE MILINCHUK, 711 Park Paseo, appeared. She stated she was the future wife of John Snyder. She stated that on May 11th when the application was signed, a Variance was also signed for the room and pool to be erected. Our contractor failed to file the Variance; he did not complete the room or the pool as he was contracted to do. The children were coming back to town to go to school, and we wanted this all done for them. We then found out there was never a Variance. The reason for the wall is to protect the other children in the neighborhood from hurting themselves or drowning, also for the noise in our area. We plan to go ahead with landscaping. The way the road curves is rather strange; it does not hinder the view of the motorists that much. She then submitted pictures to the Board taken from the car as a driver. She indicated that most of the pictures show the trees and shrubbery cut down. At this time we are cleaning up the yard.

CHAIRMAN DUNCAN asked, you have taken out a permit for a four ft. fence; that application was for your property line?

MR. JOHN SNYDER, appeared. He stated we were going to have them go two ft. up pending the decision of this Board tonight.

CHAIRMAN DUNCAN asked if the Board voted favorably on this 6 ft. wall, would you be willing to have the top two feet decorative block and set back five feet from the property line?

MR. SNYDER replied, "yes".

MR. MILLER asked if that was what his application was for now?

CHAIRMAN DUNCAN replied no, his application is for a four ft. fence.

JEANNE MILINCHUK stated the day before they took out the permit they had received a phone call indicating that they had to do something with this because the pool was open. We thought we better do something to help protect it. We want the six ft. wall, but we had to file for something at that point.

MRS. SEGRETTI asked if construction has started?

MR. SNYDER stated that they had dug the trench.

CHAIRMAN DUNCAN asked if the trench was set back five feet from the property line?

MR. SNYDER replied, "yes".

JEANNE MILINCHUK stated they have two teenagers and would like to keep them inside our property as we feel this is better.

MR. NULL stated there were five names in protest at the last meeting.

MR. HERB WALDEMAN, appeared in protest representing Kitty Weiner at 720 Park Paseo. She lives across the street and objects for two reasons. It would be a blank even though they might put up some shrubbery or some decoration. I've lived in the neighborhood for over twenty years and am familiar with that. There was a hedge previously and it was taken down. That hedge was not six feet tall and it was a hazard. There were quite a few accidents because you cannot see a car coming around the corner towards you.

EILEEN AMBORT, 709 East Park Paseo, appeared in protest. I live next door to Mr. Snyder. I am not holding Mr. Snyder responsible for a six ft. wall because I come from California and we need that around there. The law here says four feet with the top two feet open. It seems that there was no communication between the Building Department. Two different times he was asked if he was going to keep the wall five feet back from the property line. If he does this he will be in the pool. I think it means five feet from the street. If he is allowed to put up a six ft. wall he should be required to put sidewalks in there five feet back from the property line.

LEONARD JOHNSON, 730 Park Paseo, appeared in protest. I live on the corner of Park Paseo and 8th Street. It would be a hazard and an eyesore to the community. Because of the way 8th Street comes in you have a blind corner there. If the zoning laws are that you are supposed to set back so many feet then I object to anything that is contrary to the original zoning laws.

MR. SNYDER reappeared. I think the pictures speak for themselves about the hazard. When the hedge was there it was about five feet across and could have been a hazard, but the wall will be five feet back from where the hedge was.

MRS. SEGRETTI asked where the property line started?

MR. SNYDER pointed out the property line on the plot plan.

MR. MILLER asked if there were any recommendations by staff for this wall concerning shrubbery or decorated brick?

MR. NULL replied, "no", only that it be set back five feet from the property line.

MR. MILLER made a Motion for APPROVAL of V-67-76, subject to the following conditions:

1. Signing of an Assessment District Agreement for a sidewalk along Park Paseo as required by the Department of Public Services.
2. Conformance to the plot plan in the placement of the block wall, a minimum of 5 ft. from the property line as required by the Department of Community Planning and Development.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

4. V-68-76

ABEYANCE

Application of MAX E. WOODALL for a Variance to allow a room addition within 16 ft. of the rear property line where a 25 ft. setback is required on property legally described as Lot 194, Block 6, Amended Greater Las Vegas, #3, Unit 5B, located at 1208 N. 21st Street on the east side of North 21st Street between Demetrius Avenue and Searles Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL gave the staff report indicating this addition is in the rear yard area. Staff would have no objections other than the normal requirements. There are no protests or approvals on record.

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

As there was no one present to represent the applicant, CHAIRMAN DUNCAN suggested that this item be held in abeyance until the next meeting scheduled in November.

5. V-69-76

APPROVED

Application of PETER F. GAGLIARDO for a Variance to allow a carport located 14'6" from the front property line where 24 ft. is required on property legally described as Lot 19, Block 1, Charleston Park Tract #1, located at 1701 Howard Avenue on the northeast corner of Spencer Avenue and Howard Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL gave the staff report indicating the carport was attached to the front of the house. If approved, staff would require the usual conditions.

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

MR. PETER FRANK GAGLIARDO, 1701 Howard Avenue, appeared.

MR. MILLER asked if the carport was completely built?

MR. GAGLIARDO replied, "yes".

CHAIRMAN DUNCAN asked if the work was done by a contractor or himself?

MR. GAGLIARDO replied that he had a contractor do the work and that he was here with him.

MR. NULL stated they have a permit but did not follow the minimum dimension on the permit for the front setback.

MR. NATHAN SCHWARTZ, NEVADA BLIND AND FLOOR, appeared. He stated that when they checked it out for him they sent their installers down to the City to get a permit. They indicated the posts were to be 20 ft. in from Howard; we were under the impression that we could go ahead and put it up. I have copies of the permit that was issued to us.

CHAIRMAN DUNCAN asked if the posts were 20 ft. from the street, but twenty four feet is required.

MR. SCHWARTZ stated that Mr. Hymer checked it out for them and told them it was to be twenty feet. The first time I saw the twenty four feet was tonight.

MR. NULL presented a copy of the permit to the Board.

CHAIRMAN DUNCAN asked if he was informed of the twenty four ft. setback?

MR. SCHWARTZ stated no, we were told it was twenty feet to be measured from the property line to the posts rather than from the curb to the posts.

MR. JAMES H. MCGEE, 1705 Howard, appeared in favor of this request. He stated he was a safety engineer and was looking at it from that standpoint. There is no hazard involved and no obstruction of view.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-69-76, 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. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

6. U-84-76(HO)

APPROVED

Application of TROY E. CLARK for a Home Occupation Permit to allow a saw and tool sharpening operation on property legally described as Lot 14, Block 1, Eastwood Tract #2, located at 1813 Eastern Avenue on the east side of South Eastern Avenue between East Oakey Boulevard and East St. Louis Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL gave the staff report. It is before the Board because the applicant has indicated he wants to operate in an accessory building. There is also power to the accessory building. Staff is concerned about this because it could be a noise producing situation although we have no knowledge to that effect. We would recommend denial. There are no protests or approvals on record.

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

MR. TROY E. CLARK, 1813 S. Eastern Avenue, appeared stating there is very little noise from the work we would be doing.

MR. MILLER asked if he would employ anyone?

MR. CLARK replied, "no", it is strictly my own business.

MR. MILLER asked what type of business was it and if it was wired for 220?

MR. CLARK stated it was saw and tool sharpening and it was not wired for 220 as he has no need for that at all.

MR. MILLER asked Mr. Null if the fire hazard involved was part of his denial?

MR. NULL replied, "no", the noise was our chief concern; they will have to meet the Fire Department's recommendations.

MRS. SEGRETTI asked if the premises were inspected by the Fire Department?

MR. NULL indicated he had no note from the Fire Department; if approved, the Fire department will make their inspection.

MR. MILLER asked what divides the property from the next?

MR. CLARK stated a picket fence. We are going to put a block wall across the back. We are going to split the cost.

MRS. EMMETT asked, how do you intend to solicit your business?

MR. CLARK stated from construction companies where I would pick up and deliver.

CHAIRMAN DUNCAN asked if there would be any customers coming in and out?

MR. CLARK replied, "no", I don't intend to advertise my business.

MR. MILLER asked if this would be in the regular working hours?

MR. CLARK stated it would probably be, yes.

MR. MILLER asked if we could make this part of the approval?

MR. NULL replied that he didn't see why not.

MRS. SEGRETTEI asked what type of saws will you be sharpening, electric saws or all types?

MR. CLARK stated all types, just the blade will be sharpened.

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

MRS. SEGRETTEI made a Motion for APPROVAL of U-84-76(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.
3. All work is to be done on the basis of pick-up and delivery by the applicant with no customers coming to the premises.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

7. V-70-76  
APPROVED

Application of LEWIS HOMES OF NEVADA for a Variance to allow a 24½ ft. rear yard setback where a minimum of 25 ft. is required on property legally described as Lots 58 and 62, Block 12, Lewis Homes-Charleston 10B, generally located on the east side of South Lorenzi Street between the Las Vegas Expressway and Celeste Avenue in Zoning District R-1 (Single Family Residence).

MR. NULL gave the staff report indicating these lots were part of a subdivision. The Board has already approved a Variance for three other lots. This particular model takes six inches more than normal. We have no protests or approvals. Staff would recommend the usual requirements.

MR. SCOTT WALLACE, LEWIS HOMES, appeared. We did come before you about a month and a half ago requesting a Variance for four units. They would like to have these two houses approved. The houses are a little bit too large for the lot. This house sells well in the market.

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

MR. MILLER made a Motion for APPROVAL of V-70-76, 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. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

8. V-71-76  
ABEYANCE

Application of HUSKY OIL COMPANY for a Variance to allow the rental of trucks on property located at 3920 West Sahara Avenue on the northeast corner of Sahara Avenue and Las Verdes Street in Zoning District C-C (Neighborhood Commercial Center), legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 6, Township 21 South, Range 61 East, M.D.B.&M. commencing at the southeast corner of said Section 6, thence north 0°19'38" east 75'; thence north 89°31'42" west 770.17' to the true point of beginning; thence north 89°31'42" west 145.04'; thence along a tangent curve to right (15' radius) subtending central angle of 89°51'20", an arc length 23.52'; thence north 0°19'38" east 135.04'; thence south 89°31'42" east 160'; thence south 0°19'38" west 150.0' to the true point of beginning.

MR. NULL gave the staff report indicating this use was requested for a Neighborhood Commercial District. There is C-1 to the south. This is an existing gasoline service station site, but the rentals of trucks is not permitted in a C-C zone. Staff does not feel that a Variance of this type should be permitted, but it should be pointed out that there have been two previous approvals of this same type of request across the street in a C-1 zone, and on Valley View just across the street from a C-C district. If approved, we would recommend that they refurbish and replant the landscaping, and further, staff is quite concerned about limiting the location of the truck parking; we feel it should be behind the station building and not extend further to the southeast. There is one protest from Camelot Health Spa to the north.

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

As there was no one present to represent the applicant, CHAIRMAN DUNCAN suggested that this item be held in abeyance until the next meeting scheduled in November.

9. V-72-76  
APPROVED

Application of ALAN D. SHIELDS for a Variance to allow a room addition within 15'8" of the rear property line where 30' is required on property located at 3112 Brady Avenue on the southeast corner of Brady Avenue and Sattes Street in Zoning District R-1 (Single Family Residence), property legally described as Lot 1, Block 2, Amended Plat of College Park #23.

MR. NULL gave the staff report indicating this is a room addition to the rear of a residence in a R-1 Residential District. There is a six ft. block wall running along Washington in the rear; the rest of the lot frontage on Sattes has a wooden fence. If approved normal conditions would apply. There are no protests or approvals.

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

MR. ALAN SHIELDS, 3112 Brady, appeared. I would like to make this addition as a family room as the house is getting a little small. This is a three bedroom house, and I have three girls.

MRS. SEGRETTE asked what the size of the room would be?

MR. SHIELDS stated approximately 16½ x 23 ft.

CHAIRMAN DUNCAN asked if he was willing to comply with staff's requirements?

MR. SHIELDS replied, "yes, I will."

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

MRS. EMMETT made a Motion for APPROVAL of V-72-76, 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. Emmett - yes  
Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

10. V-73-76

APPROVED

Application of DARWIN FARNSWORTH, ET AL for a Variance to allow the Jr. Chamber of Commerce headquarters to include office and general membership meeting facilities open until 11:00 P.M.; to allow joining of the two buildings; to allow a 6' x 6' wall mount sign extending three feet above the roof; to allow the sale of alcoholic beverages to members only; and to allow twelve (12) parking spaces where more are required on property located at 2101 E. St. Louis Avenue and 1913 South Eastern Avenue on the northeast corner of St. Louis Avenue and Eastern Avenue in Zoning District P-R (Professional Offices and Parking), property legally described as Lots 19 and 20, Block 1, Eastwood Tract #2.

MR. NULL gave the staff report indicating basically there are two structures each on a lot. They would like to join these with an addition in the center. Actually, they have an office in one building that operates the Chamber of Commerce. There is parking for the office so there is no problem there. The problem is that they would like to hold their meetings here and this would require more parking. However, I understand that the park is near and they could park there. The sign will face towards St. Louis; you could see it coming up Eastern. There are some concerns on the part of Public Services. They would like to see a common access drive to the north; however, this is not necessary if the parking is rearranged to provide perpendicular parking. If the common drive is used, they

should relocate the light standard. When they put the landscaping in, they should close off the curb cut on the radius of Eastern and St. Louis. The parking plan should be resubmitted to the Traffic Engineer, and Community Planning and Development would like to have submission of a landscaping plan covering the area shown on the plot plan. Staff would also like the roof mechanical equipment screened on the north side of the building and the other normal conditions.

MR. MILLER asked if the entrance to the parking will be on the north side?

MR. NULL replied from St. Louis, we are suggesting that it would help the circulation if they exit over on Eastern.

MR. MILLER asked if that property belonged to the land owner next to them?

MR. NULL replied that there are two separate owners and each has access to the common drive. There is no common drive at this point. It is too narrow to make a passible drive on either lot. The meetings would be held at reasonable hours and parking should not cause an undue problem. It is not a charity; it is a community service group. There was one protest from the Beautification Committee. They want the landscaping put in, and it is a normal condition.

MR. MARK O. DUNN, appeared representing the applicant. Our general membership meetings are held at 8:00 P.M. weekly on Wednesday. We have an attendance of 40 or 50. There is a curb cut on the corner of Eastern and St. Louis and, it is impossible to use because of an existing planter. We agree that the access would be a good idea.

CHAIRMAN DUNCAN asked if he understood and would comply with staff's conditions?

MR. DUNN stated we have already appropriated money for landscaping on the existing property and would comply with staff's recommendations.

MR. MILLER asked if they own the building?

MR. DUNN stated the one on the corner is owned by the Las Vegas Jaycees. They will purchase this other property subject to approval of this Variance.

MRS. EMMETT stated that she was under the impression that we could not pass judgement on alcoholic beverages.

MR. NULL stated that if you approve this what you are saying is that you would not object to it.

MRS. EMMETT asked where the school was?

MR. DUNN stated it is about a half a mile away from the new real estate office.

MR. BOB CHAPMAN, appeared in protest representing the Las Vegas Metropolitan Beautification Committee. He asked if the 6 x 6 ft. sign is in conformance with the zoning requirements for that zone?

MR. NULL stated the requirements of the P-R zone are a 15 square ft. sign no higher than six feet.

MR. CHAPMAN stated then the Beautification Committee would like to remain consistent with respect to signs and request that the sign be brought into conformance with the requirements for that zone.

MR. DUNN reappeared. We would like to put the sign somewhere where people could see it. This sign would be 36 sq. ft.

CHAIRMAN DUNCAN asked the legal square footage?

MR. NULL replied 15 sq. ft.

MR. MILLER asked if there was any other place that you could put it?

MR. DUNN stated that if we put it facing Eastern, we would get no exposure. We have many continuing programs such as our paper drive, the Jaycee State Fair, blood donors, etc.

MR. SAYLOR stated the Jaycees have made an application for commercial zoning on that corner, and we have been trying to avoid the incidents of commercial zoning and/or development on Eastern. We have been trying to restrict it to the P-R use. We discussed the matter with the Jaycees and they did, at our request, withdraw that application for the commercial zoning. Now I don't know if it would have been approved or not but had the commercial zoning been approved, they could have had a much larger sign than that which they are asking for under the Variance.

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

MR. MILLER made a Motion for APPROVAL of V-73-76, subject to the following conditions:

1. A joint use agreement will be required if there is intent to provide a common driveway between 1909 and 1913 South Eastern as well as relocating the light standard between same addresses and constructing common curb cut as required by the Department of Public Services.
2. Resubmit entry/exit/parking plan including building at 1909 South Eastern as required by the Department of Public Services.
3. Fill in existing curb cut/driveway apron south of 1913 South Eastern as required by the Department of Public Services.
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 as amended to reflect the above conditions.
7. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

11. V-74-76

APPROVED

Application of GILBERT SCHWARTZ for a Variance to allow the construction of a twelve foot fence for a tennis court on the rear and east side property line where a ten ft. setback is required on property located at 2905 Pinto Lane on the south side of Pinto Lane between Campbell Drive and Shetland Road in Zoning District R-A (Ranch Acres), the property is legally described as the east 128.00 feet of the west 396 feet of the North Half (N $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, M.D.B.&M.

MR. NULL gave the staff report indicating this is a large lot with R-A zoning. There is an existing tennis court fence on the property line built by the adjacent owner. This fence will be located in the rear of the lot. There are no buildings to the south, except the next door neighbors, which should be affected by this request. There is one approval.

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

MR. GILBERT SCHWARTZ, 2905 Pinto Lane, appeared and stated this fence will be parallel to the block wall now separating the property. The adjacent neighbor, Mr. Carmena, didn't put his fence on top of the block wall but next to it so if I hit a ball it would fall between the two properties. The tennis court will be lighted. I don't think I am asking for anything more than has already been granted the immediate neighbor. It will be a block wall six feet high with a chain link fence above it.

MRS. SEGRETTI stated there is a ten ft. setback required and asked if he would comply with it?

MR. NULL stated this is the reason for the Variance. Since he wants to put the fence on his property line, he must have the Variance.

MR. NEIL CARMENA, 2825 Pinto, appeared in protest. I live just east of Mr. Schwartz's property. I am here to protest mainly in principal because in 1972 when I applied to put up my fence, he successfully had my application defeated. In 1975 he opposed my tennis fence both here and at the City Commission. Fortunately, I was able to build it. I am interested in his motivation why he has suddenly changed his mind and wasted all of our time with both the B.Z.A. and the City Commission opposing this. He brought law suit against me for over \$50,000 because my court was depreciating his property value. He has brought suit against the City Commission trying to over turn their decision. I wish to lodge a protest at this time in principal.

MR. MILLER asked if the law suit has since been dropped?

MR. CARMENA stated he had received no notification of the law suit being dropped.

MR. SAYLOR stated he believed the one with the City has been.

MR. MILLER asked, would you be upset if he built this tennis court?

MR. CARMENA stated he thought it should be a matter of the record of his character.

CHAIRMAN DUNCAN stated that Mr. Carmena's protest will be recorded in the minutes of the meeting.

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

MRS. EMMETT made a Motion for APPROVAL of V-74-76, 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. Emmett - yes  
Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

12. V-7-76

Extension of Time  
(Six Months)

APPROVED

Application of PATRICK J. O'KELLY for reinstatement and extension of time for six months on the approved Variance to allow a residential unit in a commercial storage unit complex on property located at the east side of North "A" Street, between Owens Avenue and Washington Avenue, 316 ft. south of Owens Avenue, extending east 450 ft. in Zoning District M.

MR. NULL gave the staff report indicating applicants wanted to put a caretaker here to help the people coming in as well as providing some security for the operation. The Board denied the request in order to get it to the City Commissioners, and they approved it. They are now asking for an extension of time in building this development.

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. PAT O'KELLY appeared stating we are asking for an extension because we had a delay in this project.

MRS. EMMETT made a Motion for APPROVAL of V-7-76, to allow the extension of time for a period of six months, which will expire April 28, 1976.

1977

Voting was as follows:

Mrs. Emmett - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Segretti - yes

Motion for APPROVAL carried unanimously.

RECESS:

CHAIRMAN DUNCAN declared a ten-minute recess at 8:45 P.M. and reconvened the meeting at 8:55 P.M.

13. V-75-76

APPROVED

Application of SHECKY AND NALANI GREENE for a Variance to allow an existing patio cover to within 2'3" of the side property line where 6'1" is required on property located at 2325 Llewellyn Drive on the south side of Llewellyn Drive approximately 160 ft. west of Rancho Drive in Zoning District R-1 (Single Family Residence); property legally described as west 80 feet of Lot 11, McNeil Park.

MR. NULL gave the staff report indicating the patio cover o posts were more than three feet and almost four feet in from the property line. If this is approved, staff would recommend the normal conditions. We have no protests and two approvals. Since this is a normal lot, we would recommend denial but there appears to be nothing detrimental to the neighbors.

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

MR. ED LYSEK, appeared representing the applicant. This has been an existing condition for about three years. This patio was there at the time the Greenes purchased the property. They did assume the loan and this is probably why nothing was said about it. It is well constructed and is painted and well kept.

MRS. SEGRETTI asked if there was ever a permit taken out for this patio?

MR. LYSEK replied, "no".

MR. NULL stated it is very difficult to find a permit before 1965, it is usually put on microfilm. Public Services would like to have the applicant sign an Assessment District Agreement for future sidewalks.

CHAIRMAN DUNCAN asked if this would be agreeable?

MR. LYSEK stated this house is in escrow and is being sold right now. This is how this was brought up. I don't know if that would be agreeable; I don't think there are any sidewalks along there now.

MRS. SEGRETTI asked if this wouldn't be part of the condition going with the property?

MR. NULL stated that he thought when a property changes hands, the loan company, VA, etc. wants a clear title. The present owner would simply bind future owners to sign an Assessment District Agreement. It would go along with the property.

MRS. SEGRETTI asked if this would go on the title?

MR. NULL stated it should go on as a condition of the property.

MR. LYSEK stated that he imagined they would go along with this because it would be for their benefit anyway. It would be upgrading the property.

MR. REZK MOHAMED, 2401 Llewellyn Drive, appeared. He stated he didn't find any problem with it as long as the patio is not extended.

CHAIRMAN DUNCAN stated this is not a Variance for an extension.

MR. MOHAMED asked if we were paving a way for this?

CHAIRMAN DUNCAN replied no, this would be in the future; and they would have to reapply for another Variance if they wanted to extend the patio.

MR. MOHAMED stated that he was in agreement with this then.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-75-76, subject to the following conditions:

1. All necessary permits and inspections shall be obtained as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for future sidewalk as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

14. V-76-76

DENIED

Application of ROGER J. SOARES ET UX for a Variance to allow the construction of an apartment building 40 ft. high where the limit is 35 ft.; allow 40 units where only 33 are allowed; allow 45 parking spaces where 60 are required; allow the east property line as the front property line; and to allow 12 parking spaces in the front yard where only two are permitted on property generally located on the south side of Linden Avenue between North 13th Street and North 14th Street extending south 240 ft. in Zoning District R-3 (Limited Multiple Residence), legally described as Lots 1 thru 4, and Lots 17 thru 20, Block 6, 14th Street City Addition.

MR. NULL gave the staff report indicating the surrounding dwellings consist of two, three and four family units and all are in a multiple family district. From 13th to 14th Street, there is a tremendous elevation drop in the lot itself. For that reason, staff would go along with providing the extra units. The application mentions a need for future parking. That is not correct. When we originally received the plot plan, it showed 45 parking places but there is room for about twenty more which would then meet requirements. The front would be 14th Street rather than Linden; they want to park in the designated front yard. This would be an asset to the area. It will be one large building. There are some conditions staff would like to place on this request. The Fire Department wants an approved water main on 13th Street. Public Works wants a sidewalk on 13th and 14th and driveway aprons, plus the normal requirements would apply.

MR. MILLER asked Mr. Null to explain the Fire Department's conditions.

MR. NULL stated they want an approved water main and fire hydrant on 13th Street. In a multiple family development, they usually want protection of this nature.

MR. MILLER asked if they would have to bear the cost for putting this main and hydrant here?

MR. NULL replied, yes, but it is for their protection. There are three signatures in protest plus a petition with twenty signatures and one approval. The letter seems to indicate opposition to this request as a zoning problem. Staff recommends approval considering the uniqueness of the lot.

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

MR. MANUEL MUNOZ, appeared representing the applicant. He indicated that he was the architect for Mr. Soares. From 13th to 14th Street the lot falls almost forty feet. We are asking for seven more units because of this. The parking is satisfactory. We are supposed to be fronting on Linden but there is a ten ft. rise here so we couldn't front here. They will have to put out a considerable amount of money for this building and it would be an asset to the community.

MR. MILLER asked if there would be parking under the building?

MR. MUNOZ stated, "yes".

MR. NULL indicated where the parking would be coming in from 13th Street.

MR. MUNOZ stated we are here for the Variance on the height because of the ordinance. If we took a level from 13th Street and measured up to three stories, it doesn't measure up. If we separated the units and put one half on the top of the lot and one half on the bottom, we would not be here for a Variance.

MR. SCOTTY GLADSTONE, Attorney, 302 East Carson, Suite 900, appeared in protest representing owners of the surrounding area. My son is an owner immediately across the street and I have a mortgage on that property. The neighbors have very valid objections. I am representing Gary Gladstone, Frances Walcsak, Mariam Telly, and Helen Ritchie and Mr. and Mrs. Davis. Most of the people are here tonight also and wish to speak. I do protest the statement that the parking is adequate. The parking is not adequate even while the lot is vacant. The parking is based upon the early planning requirements of  $1\frac{1}{2}$  parking spaces per unit; that is not realistic any more. In my son's units, he has a total of 14 vehicles and 9 units; that is  $2\frac{1}{3}$  vehicles per unit. This is more realistic. This crowds up and down the street. The way the notice came out it indicated that for 40 units there would be parking for 60. If there is  $2\frac{1}{3}$  there would be 93 parking spaces. With 93 vehicles, this would be an excess of 48 and if the curb over the nearby blocks were marked, it would take five blocks to handle the additional vehicles. Recently, a parked car was demolished because of a car coming down 13th Street. This vacant lot serves this area as a playground, I am advised that it is not good for building upon. This will overcrowd the already densely crowded neighborhood. At the LeRoy Apartments the garbage cans are out at the street. This is not something that is readily taken care of. I do protest on behalf of these people against the height, the additional units and each and every aspect of the Variance.

MR. MELVIN DAVIS, 405 13th Street, appeared in protest. They are going to put a fire hydrant here but where are they going to get the water? There is no water on 13th Street. Our water comes in from Maryland Parkway. This land used to be the City's dumping ground until the people in the neighborhood put a stop to that. Why do they want to put it an extra five ft. high? The LeRoy Corporation owns apartments to the north. Will these be one, two, or three bedroom and how many floors will it be?

MR. MILLER stated the plan shows three floors.

CHAIRMAN DUNCAN asked Mr. Munoz to explain the terrain.

MR. MUNOZ explained the height, terrain and topography again.

MR. NULL stated that staff took the position on the height to cover all possible problems.

MR. MUNOZ stated this is just a technicality and the parking has been grossly misrepresented.

MR. MILLER asked about the parking as it states that they do not have adequate parking.

MR. NULL explained the parking situation stating the plans showed 45 spaces but the architect later showed us there was parking underneath the building for an additional twenty vehicles. So there is no problem with the parking.

MR. MILLER asked if there was any problem with the height?

MR. NULL stated, I don't think there is but it depends on how you determine the ordinance provisions.

MR. GARY GLADSTONE, 447 N. 13th Street, appeared in protest. This development at 35 ft. would eliminate any view that we would have of the City.

MR. DAVIS stated this neighborhood looks run down because of the elderly people in this neighborhood. We just don't want the neighborhood to go to pot. If they put a hydrant on 13th Street, it will probably help us too.

MRS. SEGRETTE asked, do you feel that you could live with these plans?

MR. DAVIS stated that a lot of the problems have been cleared up.

MR. STEVE LOFGREN, 443 N. 15th Street, appeared in protest. We came with a petition of twenty signatures and as can be seen, there are a lot of people concerned with this.

MR. DICK WORTHEN, 501, 508, 504, and 507 N. 15th Street, appeared in protest. The area does need improving. They keep referring to the cost of this lot. I don't know that this is an excuse. It has set there for twenty years and has not been used. He pointed out the pictures that were submitted with the petition to the Board. You can see that this is a box building. You will note there is no place for the youth to play. The lot is not that expensive. It should be reserved for R-3 zoning. We worry about urban problems; it is easier to prevent them than to correct them. Most of these units are single story about 12 to 15 ft. high.

MR. NULL stated this property is zoned R-3, and we are only talking about an additional seven units.

MR. SCOTTY GLADSTONE, reappeared. He stated he checked the property ownership himself and could not find Mr. Soares' name at the court house. So I would assume he would be a new owner. The additional spaces for the additional parking does not come near meeting our requirements.

FRANCES WALCSAK, 501 N. 13th Street, appeared in protest. I agree with everything that has been said in opposition. I have lived here about 14 years and my husband has owned this property about 24 years. I have seen the number of children and large trucks and I cannot see how the City can allow you to permit a building at a place where there is no place to play. I hate to see how this will be with this property.

MR. MUNOZ reappeared and stated the area is R-3 zoned. Our building will cover less than 1/3 of the lot. There are now weeds and debris and we are trying to improve the area. We are here on the technicality. These are 30 one-bedroom units and ten two-bedroom units so there shouldn't be too many children.

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

MR. MILLER made a Motion for DENIAL of V-76-76 because it was felt that the increased density of this development would not be compatible with the neighborhood.

Voting was as follows:

Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - no

Motion for DENIAL carried by a 3-1 vote.

15. V-77-76

APPROVED

Application of OLD WEST CONSTRUCTION CO., INC. for a Variance to allow a 30 ft. front setback where 50 ft. is required on 69 proposed lots on property generally located on the south side of Craig Road between Jones Boulevard, and Thom Boulevard and extending south approximately 700 ft. from Craig Road in Zoning District R-E (Residence Estates), legally described as that portion of the North Half (N $\frac{1}{2}$ ) of the North Half (N $\frac{1}{2}$ ) of the South Half (S $\frac{1}{2}$ ) of Section 1, Township 20 South, Range 60 East, M.D.B.&M., described as follows: the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ), and the North Half (N $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) and the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ), all in Section 1, Township 20 South, Range 60 East, M.D.B.&M. excepting therefrom Stagecoach Depot 2-A.

MR. NULL gave the staff report indicating these are 1/2 acre lots. Staff sees no objection to this request. They would probably put the house closer to the front of the lot to provide more room between the residence and any stables to the rear.

CHAIRMAN DUNCAN asked about the possibility of Craig Road becoming a boulevard and being widened?

MR. NULL stated that there will be dedication. There are no protests or approvals. He stated that the half street dedication is shown as 60 ft. and this would be no problem. The normal conditions would apply.

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

MR. TOM KADLIK appeared representing the applicant. We had a lot of response from the buyers to have these houses set forward more to have horses and corrals in the back. With less setback coming forward to the street, this is better for the drainage.

CHAIRMAN DUNCAN asked about Craig Road being widened?

MR. KADLIK stated that nothing will face Craig Road; this was part of the requirements.

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

MRS. EMMETT made a Motion for APPROVAL of V-77-76, 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. Emmett - yes  
Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

16. V-78-76

APPROVED

Application of PERRY AND MICHELE ALLEN for a Variance to permit a 6 ft. high block wall in the front yard area where a 4 ft. high wall, top 2 ft. fifty percent open, is allowed on property located at 3008 King Midas Way on the northwest corner of King Midas Way and Lilliput Lane in Zoning District R-1 (Single Family Residence), legally described as Lot 1, Block 4, Enchanted Village Unit No. 2.

MR. NULL gave the staff report indicating the house to the north has an existing driveway. Since they have such a small yard privacy is the reason for the six ft. wall. Staff does not feel that this wall is a sight problem but there might be some problem backing out of the adjacent driveway; therefore, staff suggests that the six ft. wall be setback six feet each way from the corner. This would still maintain the privacy of the yard for the owners. Staff would recommend normal requirements; there is one protest at 3000 King Midas, which is two doors down.

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

PERRY AND MICHELE ALLEN, 3008 King Midas Way, appeared.

CHAIRMAN DUNCAN asked the reason for this fence.

MR. ALLEN stated we have no privacy at all unless we have this wall. We are planning on putting in a pool. My neighbor will be concerned with vision on the other side. King Midas is not a through street. He then submitted pictures to the Board of his property.

MRS. ALLEN stated that their back yard is on the side of the house so we want the other area enclosed for our children to play.

After general discussion, it was decided that the block wall would be placed six feet back from the northeast property corner, and it was suggested that a planter could be placed in this open space.

MRS. SEGRETTEI made a Motion for APPROVAL of V-78-76, subject to the following conditions:

1. The height of the block wall along the front property line to be six feet (6') measured from the sidewalk grade and the height of the block wall along the side property line to be six feet (6') high measured from the finished lot grade with the connecting wall placed six feet (6') back from the northeast property corner.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

17. V-79-76  
APPROVED

Application of CHAUNCEY BINGHAM for a Variance to allow an existing patio cover 10 ft. from the rear property line where 15 ft. is required; allow an existing room addition 24 ft. from the rear property line where 25 ft. is required; and to allow an existing room addition 3 ft. from an accessory building where 6 ft. is required on property located at 809 Bonita Avenue on the north side of Bonita Avenue between 8th Street and 10th Street in Zoning District R-1 (Single Family Residence), property legally described as Lot 3, Block 2, Alta Vista Addition Tract #3.

MR. NULL gave the staff report indicating there is an office use specified on the plan. Staff would like to specify that it be used only for the occupants and not for commercial purposes. It should be for home use only as a condition. Staff cannot find a permit for the patio cover. If he has not taken one out, he should do so.

CHAIRMAN DUNCAN asked if this was a recent patio structure?

MR. NULL stated it looked new. The other normal requirements would apply. We have one protest.

MRS. SEGRETTI asked if there was a permit in existence for the existing room addition 24 ft. from the rear property line?

MR. NULL replied he believed there was a permit for the interior portion. There is nothing wrong with this construction as long as he meets the normal fire requirements.

CHAIRMAN DUNCAN asked if the Fire Department made an inspection?

MR. NULL stated we have a letter from them and they say as long as they meet all codes and ordinances, they have no objection.

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

MR. CHAUNCEY BINGHAM, 809 Bonita, appeared. At the time the building was built in the back, it required a fire wall. They required me to put in a special wall.

CHAIRMAN DUNCAN asked if he had all the construction done?

MR. BINGHAM replied yes, I arranged for all of the construction. At the time it was built the middle part was a patio area. The permit was not taken out for the additional patio cover because of a misunderstanding on my part.

CHAIRMAN DUNCAN asked, you didn't have a permit for the additional patio?

MR. BINGHAM replied no, but I indicated to them that I built the patio cover and they indicated that I could apply for the permit. The misunderstanding was on the poles; they should have been placed 15 ft. and they were placed 10 ft. However, there is a concrete 6 ft. block wall that goes all the way around the side and back of the house. The back will have shrubbery.

MRS. SEGRETTI what the office is used for?

MR. BINGHAM stated he had rentals, and it will be used strictly for that. It is not a business office and no one is coming and going. It is for my personal use in my home. The idea of the addition was to build another bathroom.

MRS. SEGRETTI asked if he had any objection if we specify that this be used for your own personal use and you would take out the permit for the patio?

MR. BINGHAM replied yes, I will take out the permit and it is okay to specify that it be for my personal use only.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-79-76, subject to the following conditions:

1. All necessary permits and inspections shall be obtained as required by the Department of Public Services.
2. The indicated office is to be used for personal and home purposes only.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

18. V-80-76

APPROVED

Application of DONN G. D. AND JANET C. BALIOTIS for a Variance to allow a mobile home for a period of five years where mobile homes are not allowed and without the provision of additional off street parking facilities where 32 spaces are required on property located at 716 North "C" Street on the southeast corner of "C" Street and West McWilliams Avenue in Zoning District R-4 (Apartment Residence), legally described as Lots 13 thru 18, Block 13, Original Plat of Las Vegas Townsite.

MR. NULL gave the staff report indicating along the freeway there has been a change to industrial. The Master Plan indicates staff feels this area will transition to industrial use, and this is why we feel that putting a mobile home in here is not such a bad idea. The entire parcel consists of three lots. The site is big enough for the 21 units and meets lot requirements for this additional unit. There is a provision whereby areas that didn't have the necessary parking area initially provide required parking when a new unit is added. They do have parking in the front. There are two 16 ft. alleys. There are some requirements from Public Works. They would like the applicant to sign an Assessment District Agreement for sidewalks, alley paving and street lights. There is one protest and no approvals.

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

MR. DONN BALIOTIS AND JANET BALIOTIS, 716 North "C" Street, appeared and asked about the requirements from Public Works.

MR. NULL explained those conditions to them.

MR. BALIOTIS stated that with the area eventually going into industrial it would not be advisable to place a permanent structure on the property. We would remove the wheels and tongue and place it underneath the home and skirt it. In approximately four years and four months, we will be free of our first mortgage. We want to live here as residents. We would like you to allow the mobile home for approximately five years at which time we would have no objection to moving it. We would like to stay on top of the property in order to manage it and maintain it.

CHAIRMAN DUNCAN asked the size of the parcel?

MR. BALIOTIS stated it is about 140 by 150 feet.

MRS. SEGRETTE asked if there was any possibility in the near future that you would want to put another mobile home here?

MRS. BALIOTIS replied, "no". We want to live here. We are now using two quarters to live in, and would have no need for an additional mobile home.

MR. MILLER asked if this was creating a parking problem?

MR. NULL replied no and explained the parking situation.

MRS. BALIOTIS stated that most of their tenants do not own vehicles, and there is no parking problem.

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

MRS. SEGRETTEI made a Motion for APPROVAL of V-80-76, subject to the following conditions:

1. Mobile home setup to be inspected by the Las Vegas Building Department, electrical, gas, plumbing and stability.
2. Signing of an Assessment District Agreement for sidewalk, alley paving, and street lighting as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

19. V-81-76

APPROVED

Application of NORMAN KAYE REAL ESTATE COMPANY for a Variance to allow a 48 sq. ft. wall and roof sign 13 ft. high where 15 sq. ft. and 6 ft. high and no roof sign is allowed on property located at 1019 South Decatur Boulevard on the southeast corner of Alpine Place and Decatur Boulevard in Zoning District P-R (Professional Offices and Parking), legally described as Lot 360, Block 17, Hyde Park #3.

MRS. EMMETT stated that she would ABSTAIN from Voting on this item.

MR. NULL gave the staff report indicating the applicant wants to put the sign on the existing building. There is a service station to the south. The sign will extend two feet above the roof line. Staff doesn't understand why they need such a large sign. Normally, in P-R zoning you have a 15 sq. ft., six ft. high sign on a wall. Staff would recommend denial; but in case it is approved, we strongly recommend it be lowered below the roof line or at least be boxed in. There are six protests.

MR. MILLER asked the requirements for a sign in a C-1 zone?

MR. NULL stated it would depend upon the length of the C-1 frontage as it is a ratio between lot frontage and the square footage of the sign.

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

MR. JOHN O'REILLY, Attorney, 225 Bridger, appeared representing the applicant. He stated that Mr. Norman Kaye, Mrs. Kelly Berry, the branch manager of the branch in question, and Mr. Bill Gulbransen, the maker of the sign, were all present and available for questioning. I don't think that by the definitions that I have read in Title 11, Chapter 3 for Roof Signs that this is a roof sign. I think it is properly classified as a wall sign. The sign comes even with the upper most point of the roof structure. It is not mounted on top of the roof; it is mounted on the side of the wall. The sign itself is four feet high and twelve feet wide. The upper most point of the sign is twelve or thirteen feet off the ground. As I understand the ordinance, P-R zoning allows one wall sign and one free-standing sign.

There is no wall sign but one free-standing sign in front of the office now. Mr. Kaye did not desire to put it on the front of the building because of the trees, and it would distract from the aesthetic values of the front of the house. The north side of the house is on Alpine Place and this would not be appropriate. I think we have to consider the side in which it will be facing. The first two lots to the south is a gas station on the corner of Charleston and Decatur; of the three lots to the east, two of them are zoned C-1. He submitted pictures to the Board indicating the numerous signs in the area which are larger in size because of the commercial zoning. This sign will be just above the wall and seen by the people passing by the south side of the building on Charleston. The sign would probably improve the area as it will cover up a bare side of the building.

MRS. SEGRETTE asked if the sign was only four feet high instead of fourteen feet.

MR. O'REILLY stated that the thirteen feet is an approximation from the ground to the peak of the building. The sign has already been manufactured. We feel that a wall sign is justified and is allowed under the P-R zoning. The only question is as to the size.

MRS. SEGRETTE asked if the sign would be facing into the commercial area of the service station?

MR. O'REILLY stated it would be facing Charleston in the general corner of Charleston and Decatur and would be visible from most angles. I believe it is relatively minor in size compared to the other signs in the area.

MR. BOB CHAPMAN, appeared in protest representing the Las Vegas Metropolitan Beautification Committee. He stated that the Beautification Committee received a presentation of this request from the Planning Department. The committee's general feeling was to oppose anything that is not allowed under the ordinance. The ordinance requires that in order to receive a favorable acceptance here that they must prove a hardship. It is not actually a roof sign; however, it would be attached to the face of the building which has an overhang of 1½ ft. which means that there would be nothing structurally sound on which to attach the sign to without additional structural members being added back to the wall and to the roof in the event of winds and such. The location of the sign would generally be visible from approximately 40 ft. to the east of the signal at Charleston and Decatur going west because the gas station obstructs the view. So until you actually got to the intersection unless you knew where to look for it or were stopped it would be tough to see in a general traffic condition. Coming from the other direction south on Decatur going north there is a certain area that would exclude a certain percentage of the view until you were relatively close or in the intersection. The sign which is in place in front of the building now is relatively visible from all of the same locations that the proposed sign would be visible from.

MR. O'REILLY, reappeared. He stated that in regards to the structure of the sign, I have talked with Mr. Gulbransen who has twenty years of experience, and he has indicated that the sign is structurally sound. In terms of the visibility of the sign, I have some difficulty seeing the Beautification Committee's objection; if the sign cannot be seen, it can't be a harm. I think the problem here would be Mr. Kaye's.

MR. BOB CHAPMAN reappeared. The position with the Beautification Committee is that this is a Variance and all other businesses of like use and location have conformed to the strictest sense of the ordinance as far as we know. They may or may not have

any more problem being recognized; but we don't think they do. If they did, they might come back and ask for a roof sign in front of their building. There are several other small type businesses on the same block such as brokers, title companies, management companies, and veterinary hospitals. With respect to the City Building Department's consideration of the sign we were informed that when these signs come in they have a minimum review just to the extent of looking at a flat picture. It does not show any structural components, calculations, or designs. The Beautification Committee's concern is that the sign would be approximately 1½ ft. off the building, hanging in midair. It would be visible from the general areas of the intersection and anyone close to it. The only way to fasten it would be with members from the back of the sign on the back of the building. The Planning Department's recommendations were to box the sign in.

MR. MILLER asked, your concern is that the sign will not be structurally sound?

MR. CHAPMAN stated not necessarily that in itself. It is like a single faced billboard. They have gone to great lengths to require double faced billboards, because the structural members from the back are what seems to be the objection to the goals of the committee.

MR. NULL stated you will see all the bracing in the rear and it will not look too great. That is why we want it boxed in.

MR. GULBRANSEN, of Gulbransen Sign Company, appeared. You will not see any structure whatsoever. If the Board wants us to put up one pole and forget about hanging it on the building, we will be happy to do so and that will be structurally sound or whatever you wish.

MR. MILLER asked if the sign would be away from the building?

MR. GULBRANSEN stated it could be, but the way it is planned it is not. It will be fastened to a six ft. block wall.

MRS. SEGRETTI asked if the corners of the sign extending above the roof would show any construction, joints, or joists?

MR. GULBRANSEN stated no, you will see nothing holding the sign such as a bracing or framework on the roof.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-81-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments with no bracing visible as required by the Department of Community Planning and Development.

Voting was as follows:

Mrs. Segretti - yes  
Mr. Miller - yes  
Chairman Duncan - yes  
Mrs. Emmett - abstained

Motion for APPROVAL carried unanimously with one abstention.

20. V-82-76

APPROVED

Application of GOSS-JEWETT AND COMPANY for a Variance to allow a 20 ft. setback from the rear property line where 50 ft. is required on property located at 3744 Meade Avenue on the north side of Meade Avenue approximately 300 ft. east of Valley View Boulevard in Zoning District M (Industrial), property legally described as that portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 8, Township 21 South, Range 61 East, M.D.B.&M., more particularly described as follows: beginning at the West Quarter (W $\frac{1}{4}$ ) corner of said Section 8; thence South 88°52'54" east 300.07 feet to the true point of beginning; thence continuing South 88°52'54" east 308.00 feet; thence South 1°50'12" east 300.00 feet; thence North 88°52'54" west 308.00 feet; thence North 1°50'12" west 300.00 feet to the true point of beginning.

MR. NULL gave the staff report. There is a mobile home estate area to the north. Staff is concerned about getting some kind of aesthetic review so we can review the rear elevation. If approved, the mechanical equipment should be screened. Public Works wants an Assessment District Agreement for future street improvements on Meade and Community Planning and Development wants an aesthetic review. We have no protests or approvals.

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

MR. F. CURTIS SMITH, Carson Construction Company, appeared representing the applicant. We are trying to get an existing building legal. When the first phase of this building was constructed by the present owners, the building was in the County, not in the City. The setback between the trailer park and the existing property was not existing. So what we want to do now is to continue Phase II and close in the building. As far as staff's recommendation for architectural approval, I have submitted the elevations.

MR. NULL stated that the elevations submitted were not sufficient enough to enable staff to see if the roof mechanics were screened.

MR. SMITH stated that you will not see the roof at all; you have them exactly as they will be when the building is finished. Those elevations match, of course, to the existing building in its entirety.

CHAIRMAN DUNCAN asked the size of the building?

MR. SMITH stated about 180 square feet. The owners are sincere about their problem. This will not be used for manufacturing, strictly warehousing area as it is now.

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

MR. MILLER made a Motion for APPROVAL of V-82-76, subject to the following conditions:

1. Signing of an Assessment District Agreement for future street improvements along Meade Avenue as required by the Department of Public Services.
2. All mechanical equipment, air conditioners, and trash areas shall be screened from view from the abutting streets and from the residential property to the north as required by the Department of Community Planning and Development.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

21. V-83-76

ABEYANCE

Application of DENNIS M. WALL for a Variance to allow the use of an existing rear building as a two family dwelling unit for a total of three dwelling units where only one is permitted, and said building located 15 ft. from the rear property line where 25 ft. is required and providing four parking spaces where six are required on property located at 1800 Cedar Avenue on the south side of Cedar Avenue between Bruce Street and 19th Street in Zoning District R-1 (Single Family Residence), property legally described as Lots 13 and 14, Block 1, Boulder Dam Homesite Addition Tract Number "2".

MR. NULL gave the staff report indicating the single family unit was in the front of the lot and that they have a cement block unit in the rear to be converted to two family. There is room in the middle of the lot for parking. There is too much density involved for a R-1 district and staff would strongly recommend denial. There are seventeen letters of protest plus a petition of 47 signatures.

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

As there was no one present to represent the applicant, CHAIRMAN DUNCAN suggested that this item be held in abeyance until the next meeting in November.

22. V-84-76

DENIED

Application of JOSEPH AND PAMELA MACCHIAVERNA for a Variance to allow a commercial child care center (pre-school) on property located at 1001 Bedford on the east side of Bedford Road approximately 300 ft. north of West Charleston Boulevard in Zoning District R-1 (Single Family Residence); property legally described as Lot One Hundred Eighty-Six (186) and the easterly thirteen (13) feet of Lot One Hundred Eighty-Seven (187), Block Nine (9), Hyde Park Subdivision No. 1, and that portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 31, Township 20 South, Range 61 East, M.D.B.&M., described as follows: beginning at the northeast corner of said Lot 186, thence South 0°45'44" east 163 feet; thence 90° easterly 210 feet; thence 90° northerly 163 feet; thence 90° westerly 210 feet to the point of beginning.

MRS. EMMETT stated that she would ABSTAIN from voting on this item.

MR. NULL gave the staff report indicating this request has come up before and there were some definite requirements that were brought up. The intent was to completely separate the child care facility from the residential building in the front. Access was to be into the parking area on this property across the Water District property from Charleston; it was also conceivable that access would be from Hinson Street as well. The last time this case came up Public Services wanted a parking plan with no access from the Bedford road side of the property nor any use in connection with the commercial nursery operation to be allowed in the residence fronting on Bedford. Further, a six ft. high fence be constructed between the residence fronting on Bedford and the remainder of the property to the east. A surfaced access road was to be constructed from this property to West Charleston or Hinson and staff's normal requirements. There are six letters of protest we received in the mail and another 13 at this meeting, for a total of 20 protests and one approval. The first time this request came before the Board, the BZA approved this request and it went on an appeal

to the City Commission, who agreed with the appellant. The second time, in 1975, it went directly to the City Commission because they had acted upon it previously and the Board was overruled. The City Commission turned it down both times.

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

MR. JOSEPH MACCHIAVERNA, appeared. We are not trying to antagonize any neighbors. The property on Bedford will not be used at all for any part of the business. The rear end of the property is sufficient for our needs and people would be getting there through an alley from Charleston. This facility would be for children. Previous owner, Mr. Hyde, built this to conform with all fire regulations, etc. It is very safe for children. It is made of block and steel and there is a lot of play area. There is a train on the property built as a replica of the Union Pacific. If we don't get this approved, we will have to rent it out. I don't want to be against the neighbors. The premises for child care is ideal and we need them.

MR. MILLER asked what number are you talking about in the way of children?

MR. MACCHIAVERNA stated he didn't know how many children were available in the area. They allow you so many children per square foot and give you a license for that amount.

MR. MILLER asked if he was familiar with the care center on the corner of Rancho and Charleston.

MR. MACCHIAVERNA stated he owns the Cinderella Careskool. This property is a natural in the respect that it has a six ft. wall around the property and a four ft. barb wire fence above it. There is plenty of playground and a fire house in the back. I can see no way in which this would bother anyone. We do not need the front part for any reason except for our living quarters. I am the owner of the property.

MR. MILLER asked if he purchased the property for that reason and what was it used for before?

MR. MACCHIAVERNA stated he did buy the property for that reason. Previously, I think this was a home for some person who couldn't afford it.

CHAIRMAN DUNCAN stated that Mr. Hyde was the original developer of Hyde Park and this was his home. He set up the back yard as his hobby and a playground for his children and friends. Were you the owner before?

MR. MACCHIAVERNA stated they were the owner on an option purchase basis.

CHAIRMAN DUNCAN stated if you will remember at that time we stressed the easement across the Water District property.

MR. MACCHIAVERNA stated they have a verbal commitment with the Water District.

CHAIRMAN DUNCAN asked him if he had it in writing?

MR. MACCHIAVERNA stated no, they don't give it to anyone in writing. I was over there just this week and it is still in force.

MRS. SEGRETTI asked if this was the easement that goes straight down the side of the property to Charleston?

MR. MACCHIAVERNA replied that is right.

MR. MILLER asked what zoning would this be?

MR. NULL replied most of it is R-1 zoning right now. They are asking for a Variance to allow the use, a child care facility, in a R-1 district.

MR. MILLER asked what does it fall under, this child care facility?

MR. NULL stated do you mean where is it normally provided? You could have a child nursery in a R-1 but there are not more than twelve children allowed. He wants a commercial operation; you have to get into your "C" districts.

MR. MILLER asked, he is not asking for a C zoning?

MR. NULL stated no, he is asking for a Variance to allow the use in a R-1 district.

MRS. SEGRETTE asked if this would restrict the number of children if the Variance was approved under the R-1?

MR. NULL stated you can set the Variance for whatever number you want, but it will be regulated by the child care officer based on the laws governing child care centers. Unless you set a lesser number, he will be regulated by the State. Reading over the minutes I got the impression that there would be about 98 children.

MR. MACCHIAVERNA stated that figure would be applicable to the number of square footage.

CHAIRMAN DUNCAN asked if this Board should not grant you the Variance, what future plans do you have for the property?

MR. MACCHIAVERNA stated he really didn't know. SNDAC and the Boy's Club have approached me; these are people that would have use for this type of facility. But I really don't know what will happen. I would like everyone to be happy about it. There are no problems on Bedford.

CHAIRMAN DUNCAN asked how many people in the audience were present to protest this item. After quite a few people raised their hands, Mr. Duncan asked that in view of the time that they appoint one person to speak for them.

MR. ROBERT COULTER, 931 Bedford Road, appeared in protest. I have owned property here since 1962. I do not wish to see a child care center at this particular location. I see a number of problems with it. Ninety children immediately adjacent to my property would not be in the best interest. The property was rented out or leased out to 40 some people who did use the front portion of the building. There is a real traffic hazard to get on or off the property from that alley from Charleston. It is a real busy street. It was planned originally as a 24 hour a day operation. We do not approve of this. I believe the owners of the property bought it with an option that it could be rezoned for a child care facility. They must have known it was R-1 when they bought it. There is a train that runs on steel rails in the rear and makes a lot of noise. You can hear it for about a block around, If you would review what has been said from the previous meetings, I can't see that anything has changed.

MR. MILLER asked about the house being rented out to 40 people?

MR. COULTER stated they were apparently entertainers and friends of Mr. Macchiaverna.

MR. MILLER asked if they were driving several vehicles?

MR. COULTER stated they were chiefly bused.

MR. MACCHIAVERNA reappeared. He said their concern is right but his facts are entirely wrong. I am in show business. These people came from Taiwan, about 18 of them. They had a language problem. They were here for a few weeks.

MR. MILLER stated that his point was to see what kind of traffic problem would be here.

MR. MACCHIAVERNA stated the problem would be relating to buses. We pick up and deliver a portion of the children by buses. We will not be using Bedford at all and I would like to say that if anyone sees us doing so, we want our license to be revoked.

AN UNIDENTIFIED SPEAKER appeared in protest. He stated he has been down here about three or four times before and asked if someone could explain to him if this was the same gentleman that owned this property before that tried to put a Boy's Club in here? He then asked about the procedure for filing a Variance and asked how many times could this happen?

MR. NULL stated that the same owner has a right to file an application every eight months after the last denial by the City Commissioners.

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

MR. MILLER made a Motion for DENIAL of V-84-76 because it was felt that it would not be compatible with the residential area.

Voting was as follows:

Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - Abstained

Motion for DENIAL carried unanimously with one abstention.

23. V-85-76

APPROVED

Application of MELVIN RUSSELL MELVILLE for a Variance to allow a room addition 4 ft. 10 inches from the south side property line where 6 ft. is required on property located at 734 North Tonopah Drive on the east side of Tonopah Drive between West Washington Avenue and West Bonanza Road in Zoning District R-E (Residence Estates), legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 28, Township 20 South, Range 61 East, M.D.B.&M. described as follows; commencing at a point on the north line of Clark Avenue, (now known as Bonanza Road) at a point thereon thirty five (35) feet east of the west line of said Southwest Quarter (SW $\frac{1}{4}$ ); thence north and parallel to the west line of said Southwest Quarter (SW $\frac{1}{4}$ ) 840.62 feet to the true point of beginning; thence east and parallel to the north line of said Southwest Quarter (SW $\frac{1}{4}$ ); 392.62 feet; thence north and parallel to the west line of said Southwest Quarter (SW $\frac{1}{4}$ ) 61 feet; thence west and parallel to the north line of said Southwest Quarter (SW $\frac{1}{4}$ ) a distance of 392.62 feet to a point thirty five (35) feet east of the west line of said Southwest Quarter (SW $\frac{1}{4}$ ) thence south and parallel to the west line of said Southwest Quarter (SW $\frac{1}{4}$ ) 61 feet to the true point of beginning.

CHAIRMAN DUNCAN stated that he wished to disqualify himself from the hearing and intends to speak as a neighbor and not as a member of the Board on this matter. I ask the Vice Chairman to take over.

MR. NULL gave the staff report. He stated Public Services would like the applicant to sign an Assessment District Agreement for future street improvements on Tonopah. I don't believe any permit was taken out; if approved, that should be a condition. Staff has no protests or approvals on record.

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

MR. MELVIN MELVILLE, 734 N. Tonopah, appeared. I started this building without a permit. If it is approved, I will obtain a permit.

MR. JOHN DUNCAN, 730 N. Tonopah Drive, appeared in favor of this request. I am the property owner nearest to the addition to this house. I have no objection whatsoever to the 14 inches he is over the limit. However, I would like to see him get the permit and get it finished so I can see what it will look like.

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

MRS. EMMETT made a Motion for APPROVAL of V-85-76, subject to the following conditions:

1. Signing of an Assessment District Agreement for future street improvements along Tonopah Drive as required by the Department of Public Services.
2. All necessary permits and inspections shall be obtained as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes  
Mr. Miller - yes  
Vice Chairman Segretti - yes  
Chairman Duncan - abstained

Motion for APPROVAL carried unanimously with Chairman Duncan abstaining.

24. U-88-76(HO)

APPROVED

Application of THOMAS P. MC ANENY at 508 Minnesota Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise furniture fabric repair service.

CHAIRMAN DUNCAN indicated this was the home occupation permit to be considered at the beginning of the meeting but no one was present to represent the applicant. He asked if there was anyone present at this time?

There was no one present in the audience.

MR. NULL stated that the Board could go ahead and act on it as staff has checked it out and there appears to be no problem.

MR. MILLER made a Motion for APPROVAL of U-88-76(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. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business the meeting was adjourned  
at 11:20 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

DJS:bjc