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A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 27, 1977

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 November 17, 1976.

OLD BUSINESS:

1. V-90-76  
(Abeyance Item  
from 12/15/76) Application of JOSEPHINE GARCIA for a Variance to allow  
a carport located to the side property line where a five  
ft. (5') setback is required on property located at 350  
Deauville Street on the west side of Deauville Street north  
of Center Street in Zoning District R-1.
2. V-98-76  
(Abeyance Item  
from 12/15/76) Application of GUY O. DWINELL for a Variance to allow  
duplexes on 5400 sq. ft. lots where 6500 sq. ft. lots are  
required on property located on the south side of Balzar  
Avenue between Lexington Street and Concord Street in  
Zoning District R-2.

NEW BUSINESS:

1. U-95-76 Application of JERRY TRAYLOR, JR. for a Use Permit to use  
property as a church located at 617 Holland Avenue on the  
south side of Holland Avenue between "D" Street and Debra  
Street in Zoning District R-1.
2. V-100-76 Application of TRUDY AND JIM SHOUGHRO for a Variance to  
allow an addition to within three feet (3') of the side  
property line where ten feet (10') is required, and to  
allow the roof overhang to within 6" of the side property  
line where seven feet (7') is required on property located  
at 3113 Connors Drive on the south side of Connors Drive  
between Campbell Drive and Canyon Drive in Zoning District  
R-E.
3. U-39-62 - WITHDRAWN  
Plot Plan Review Request of GERALD M. MOFFITT, AIA, for a Plot Plan Review  
on an approved Use Permit to allow additional office space  
on property located at 700 South Third Street on the south-  
west corner of South Third Street and Garces Avenue in  
Zoning District R-4.
4. V-101-76 Application of BECKER & SONS for a Variance to allow a  
four ft. (4') high solid wall in the front yard area  
where a four ft. (4') high wall, top two ft. (2') fifty  
percent (50%) open is allowed on property generally  
located on the south side of Santa Maria Avenue and on  
the north side of Santa Cruz Avenue between Conchita  
Street and Maverick Street in Zoning District R-1.
5. V-102-76 Application of LOUIS A. COLETTA & FRANCES COLETTA for a  
Variance to allow forty-eight (48) apartment units where  
forty-seven (47) are allowed and to allow fifty (50)  
parking spaces where seventy-two (72) are required on  
property generally located on the north side of Bromley  
Avenue between Catalini Street and North Jones Boulevard  
in Zoning District R-4.

6. V-103-76 Application of GAROLD GARDNER for a Variance to allow a residential use in conjunction with the commercial use of property located at 3202 West Charleston Boulevard on the north side of Charleston Boulevard between Cashman Drive and Campbell Drive in Zoning District C-D.
7. V-104-76 Application of WILLIAM HAROLD WEBSTER for a Variance to allow an addition to within 6'10" of the rear property line where a minimum of 15' is required on property located at 3909 Sequoia Avenue on the northwest corner of Sequoia Avenue and Greenbare Drive in Zoning District R-1.
8. U-1-77(HO) Application of PHILIP T. ALTMAN for a Home Occupation Permit at 5917 Eugene on the south side of Eugene Avenue between Winwood Street and Mallard Street in Zoning District R-1 to allow a gunsmithing and ammunition reloading operation.
9. V-1-77 Application of ROBERT C. LEPOME for a Variance to allow an existing free standing patio cover three feet (3') from the house where six feet (6') is required and the roof three feet (3') from the house where four feet (4') is required and within one ft. (1') of the side (east) property line and three feet (3') from the rear (south) property line where five feet (5') is required; and to allow an existing aluminum cover to within 6" of the side (west) property line where six feet (6') is required on property located at 2620 Brady Avenue on the south side of Brady Avenue between 26th Street and 28th Street in Zoning District R-1.
10. V-2-77 Application of JOHN P. AHERN for a Variance to allow the mechanical repair of fork lifts where repair garages are not permitted on property located at 1785 West Bonanza Road on the south side of Bonanza Road between North Highland Drive and Clarkway Drive in Zoning District C-2.
11. V-3-77 Application of CHRIS MARCOUX AND ALBERT LOREDO for a Variance to allow a block wall along the rear property line ten feet (10') high where six feet (6') high maximum is allowed on property located at 2900-2904 Black Forest Drive on the west side of Black Forest Drive between Pennwood Avenue and Cinderella Lane in Zoning District R-1.
12. V-6-77 Application of BRUCE G. CAMERON for a Variance to allow a commercial dental lab in a P-R Zone on property located at 931 South Decatur Boulevard on the east side of Decatur Boulevard between Cory Place and Alpine Place.
13. U-98-76(HO) Application of ALBERTA M. MARTIN at 117 Woodley Street in Zoning District R-1 for a Home Occupation Permit - Allow an interior decorating consultant business.
14. U-2-77(HO) Application of DEECIE CAROL ENNIS at 1140 Douglas Drive in Zoning District R-1 for a Home Occupation Permit - Allow Dee Ennis, husband, to operate a freelance photography business from home.

DIRECTOR'S BUSINESS:

1. Election of Officers 1977 Election of Officers for the Board of Zoning Adjustment.

S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

JANUARY 27, 1977

1. U-3-77(HO)                      Application of IGNACIO GUEVARA AND GERALD T. KRYCKA at 1608 E. St. Louis in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale distributorship of frozen seafood.
2. U-4-77(HO)                      Application of JERRY P. KIEFER at 4421 Edward Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a small business known as Demarka Enterprises (kiddy rides).
3. U-5-77(HO)                      Application of ALDO L. RAMIREZ at 625 Pioneer Street in Zoning District R-1 for a Home Occupation Permit - Allow a publishing business.
4. U-6-77(HO)                      Application of STEPHEN R. JOHNSON at 7217 Blizzard Lane in Zoning District R-1 for a Home Occupation Permit - Allow a grocery pick-up and delivery service.

M I N U T E S

BOARD OF ZONING ADJUSTMENT

JANUARY 27, 1977

- 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. Canul, and Mr. Miller.
- EXCUSED: Mrs. Emmett
- STAFF PRESENT: Don J. Saylor, AIP, Director, Department of Community Planning and Development  
Howard A. Null, Supervisor of Planning  
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 meeting held November 17, 1976. Motion for APPROVAL carried unanimously.
- OLD BUSINESS:
1. V-90-76 - ABEYANCE Application of JOSEPHINE GARCIA for a Variance to allow a carport located to the side property line where a five ft. (5') setback is required on property located at 350 Deauville Street on the west side of Deauville Street north of Center Street in Zoning District R-1 (Single Family Residence); property legally described as Lots 32 and 33, Block 8, Highland Park (Amended).
- (Abeyance Item from 12/15/76)
- MR. NULL gave the staff report indicating the lot is rectangular and there is nothing unique about it. They have the posts at the property line. In a situation like this, staff feels that this is a regular shaped lot and there is no reason to grant the Variance. It was held in abeyance because there was a problem with the next door neighbor regarding the property line, and the applicants were to bring proof indicating where the property line is. There is one written opposition and one approval.
- CHAIRMAN DUNCAN asked to hear from the applicant.
- MRS. JOSEPHINE GARCIA, 350 Deauville Street, appeared.
- CHAIRMAN DUNCAN asked if a survey had been made?
- MRS. GARCIA replied, "no".
- CHAIRMAN DUNCAN stated there is nothing we can do until a survey is conducted and it is determined where the property line is. Staff cannot go out and look at your fence until there is a proper survey made by a surveyor. Is there someone opposing this?
- MRS. GARCIA replied yes, the next door neighbors. They are opposing this on account of the property line. She asked why she needed a survey?
- CHAIRMAN DUNCAN replied because the next door neighbor is protesting this because of the property line.
- LOUISE MOSLER, appeared in protest. She stated she was opposing this for two reasons. She stated that even if they are on the property line, this is a solid structure which is supposed to be five feet back from the property line.

CHAIRMAN DUNCAN stated that is why we need to know where the property line is.

MR. MILLER asked if it was believed that this carport was being built on your property line?

MRS. MOSLER, replied yes, on my property line inside my garden.

MRS. SEGRETTI stated the property line definitely has to be established before we can act on it and that means it will have to be surveyed.

CHAIRMAN DUNCAN stated the survey should be made between the two parties.

MRS. MOSLER stated that even if it is on the property line, they don't have five feet to go back from it.

MRS. SEGRETTI stated that she would suggest that Mrs. Mosler work together with Mrs. Garcia on this because there is a possibility of this being granted.

CHAIRMAN DUNCAN asked if she was willing to work together on the survey?

MRS. MOSLER stated she didn't have the money for this.

MRS. SEGRETTI stated that if she built on her property it had to be surveyed and there should be a copy of that survey in your title papers.

MRS. MOSLER stated she could look for this. She stated that she didn't build the actual house; she only added on to it. It was up to me to comply with the laws at that time and I did.

MR. MILLER stated he was going to make a Motion for DENIAL unless there is a survey made of the property. He stated he didn't think they could legally touch it until they established where the property line is.

MR. MICHAEL GARCIA appeared with pictures of the property indicating where the posts are inside the fence.

MR. MILLER stated that he didn't mean to imply that we want to deny this issue. If you will have a survey made, I will make a Motion to hold this in abeyance.

MRS. GARCIA AND MR. GARCIA indicated that they would have a survey conducted.

MR. MILLER made a Motion to hold this item (V-90-76) in ABEYANCE pending a survey being conducted to determine where the property lines are. The survey should be conducted within 30 days and brought to the Department of Community Planning and Development.

Voting was as follows:

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

Motion to hold this item in ABEYANCE carried unanimously.

2. V-98-76 - APPROVED  
(Abeyance Item fr  
from 12/15/76)

Application of GUY O. DWINELL for a Variance to allow duplexes on 5400 sq. ft. lots where 6500 sq. ft. lots are required on property located on the south side of Balzar Avenue between Lexington Street and Concord Street in Zoning District R-2 (Two Family Residence); legally described as Lots 68D and 68E, Vegas Heights Tract #4.

MR. NULL gave the staff report indicating the plot plan should be amended to show 25 ft. rear yard areas which can be done by moving the building toward the front. He stated that considering this area is zoned R-2, staff would have no objection to granting this Variance. However, staff would like to have it conform to the plot plan as amended. There are no protests or approvals.

CHAIRMAN DUNCAN asked if the parking was ample?

MR. NULL replied, "yes".

CHAIRMAN DUNCAN asked to hear from the applicant.

MR. WILLIAM D. SIMONS, appeared representing the applicant.

CHAIRMAN DUNCAN asked the size of the duplexes?

MR. SIMONS stated he believed they were about 1200 sq. ft., three bedrooms and one bath.

MR. NULL stated they were about 1780 square feet.

MRS. SEGRETTE asked how much parking is permitted?

MR. SIMONS stated one and a half spaces per unit as required by staff. He stated they will be glad to move the building forward.

MR. MILLER asked if he had any objections to staff's recommendations?

MR. SIMONS replied, "none at all".

MR. CANUL made a Motion for APPROVAL of V-98-76, subject to the following conditions:

1. Amend the plot plan to show 25 ft. rear yard setbacks.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-95-76

DENIED

Application of JERRY TRAYLOR, JR. for a Use Permit to use property as a church located at 617 Holland Avenue on the south side of Holland Avenue between "D" Street and Debra Street in Zoning District R-1 (Single Family Residence); property legally described as Lot 35, Block C, Sunset Manor #3.

MR. NULL gave the staff report indicating the building has been constructed. The past experience on this property is that the Board of Zoning Adjustment voted denial in June of 1975 and it was appealed to the City Commission and the denial upheld on August, 1975. The applicant is still using the property, and this matter went to court. Staff would recommend denial. There are no protests or approvals.

MRS. SEGRETTI asked if this matter is in court, if it was legal for the Board to take any action on it?

MR. NULL stated as far as he knew, yes, you can proceed.

MRS. SEGRETTI asked, even though it is in litigation?

MR. SAYLOR stated this is a new application for a Use Permit to allow the church and is before you on that basis. The fact that it is in court has no bearing on this application.

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

MRS. SEGRETTI made a Motion to hold this item in ABEYANCE as there was no one present to represent the applicant.

MR. SAYLOR stated this is an advertised public hearing and there are people that have come down here tonight. I suggest that you hear from those people and then make a decision as to whether or not you wish to hold this item in abeyance.

MRS. SEGRETTI stated that she then would withdraw her motion.

CHAIRMAN DUNCAN asked to hear from the protestants.

MR. FRANKLIN WASHINGTON, 1945 Debra, appeared in protest. I have a nine year old daughter and she is trying to go to school. There are people coming in and out of here driving like maniacs. It is not zoned for a church. I have been here for eight years; it is a residential area.

CHAIRMAN DUNCAN asked if they held services every night?

MR. WASHINGTON stated they hold services three nights a week but are always there.

MRS. SEGRETTI asked if he wasn't one of the protestants last time this item came before the Board?

MR. WASHINGTON stated, "yes" and they are still conducting services.

MR. NULL stated a church is permitted in a R-1 zone with a use permit. The City took them to court because they are operating without a valid use permit.

MR. WASHINGTON stated this has been in court for a year and a half.

MRS. GALDENE SHORT, 512 Bowman Avenue, appeared in protest. I have lived at this address since 1965 comfortably until those people came along. You said there were no protests. I have a list here. Every time we send in a petition or letters, Mrs. Kincaid gets the names and bugs us. So we thought this time we would not even bother the Planning Department and just bring the petition to the meeting. She proceeded to read a letter stating the reasons for their objection to this church. We are asking you to save our homes and families; we are not able financially to move.

REVEREND GRAHAM, 609 Holland, appeared in opposition. A church is supposed to be in a place that is zoned for churches. He stated that this building was reconstructed. He stated that he has been down here before opposing this. We are going to put some force and fight either the City or him. We want him out of there within thirty days. If he is not out, we are going to put him out. He told us that if anyone protests this that their home will be jeopardized. I ask you tonight that tomorrow you see this man and tell him to get out of there. He burned the "Closed" sign that the City put up on his building.

MRS. SEGRETTI asked if there was a "Closed" poster put on the door?

REVEREND GRAHAM stated the City put it on there and he took it off and burned it.

CHAIRMAN DUNCAN stated, I know there are other people that wish to oppose this and I think we have had a fair concensus of this. He then declared the public hearing closed and asked for an opinion of the Board.

MRS. SEGRETTEI made a Motion for DENIAL of U-95-76 because it was felt that this use was not in accord with the general spirit and purpose of the Ordinance and would not be compatible with the surrounding neighborhood. She also moved that this church operation cease and desist immediately.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

2. U-98-76(HO) Application of ALBERTA M. MARTIN at 117 Woodley Street in Zoning District R-1 for a Home Occupation Permit - Allow an interior decorating consultant business.
3. U-2-77(HO) Application of DEECIE CAROL ENNIS at 1140 Douglas Drive in Zoning District R-1 for a Home Occupation Permit - Allow Dee Ennis, husband, to operate a freelance photography business from home.
4. U-3-77(HO) Application of IGNACIO GUEVARA AND GERALD T. KRYCKA at 1608 E. St. Louis in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale distributorship of frozen seafood.
5. U-4-77(HO) Application of JERRY P. KIEFER at 4421 Edward Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a small business known as Demarka Enterprises (kiddy rides).
6. U-5-77(HO) Application of ALDO L. RAMIREZ at 625 Pioneer Street in Zoning District R-1 for a Home Occupation Permit - Allow a publishing business.
7. U-6-77(HO) Application of STEPHEN R. JOHNSON at 7217 Blizzard Lane in Zoning District R-1 for a Home Occupation Permit - Allow a grocery pick-up and delivery service.

MR. NULL stated all the applications met City code provisions.

ITEMS 2 THRU 7  
APPROVED

MR. CANUL made a Motion for APPROVAL of Items 2 thru 7, 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  
Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes

Motion for APPROVAL carried unanimously.

8. V-100-76

APPROVED

Application of TRUDY AND JIM SHOUGHRO for a Variance to allow an addition to within three feet (3') of the side property line where ten feet (10') is required, and to allow the roof overhang to within 6" of the side property line where seven feet (7') is required on property located at 3113 Conners Drive on the south side of Conners Drive between Campbell Drive and Canyon Drive in Zoning District R-E (Residence Estates); property legally described as Lot 27, Block 1, Amended Rancho Nevada Estates #1.

MR. NULL gave the staff report indicating this is a rectangular shaped lot and there is nothing unique about it. These lots are fairly large and if there are no objections by the nearby neighbors, staff would also have no objection. There are no protests or approvals.

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

MR. JIM SHOUGHRO appeared. He stated he had a growing family, two daughters and one son. He stated they needed the room mostly for a bathroom and a bigger kitchen.

CHAIRMAN DUNCAN asked how near the property line were the neighbors?

MR. SHOUGHRO replied the distance between the two houses is about 20 or 25 feet; I am not really sure.

MR. MILLER asked if any construction has been started?

MR. SHOUGHRO replied, "no".

MRS. SEGRETTE asked if he had the necessary permits?

MR. SHOUGHRO replied yes, I believe we do.

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

MRS. SEGRETTE made a Motion for APPROVAL of V-100-76, subject to the following conditions:

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

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

9. U-39-62 - WITHDRAWN  
Plot Plan Review

Request of GERALD M. MOFFITT, AIA, for a Plot Plan Review on an approved Use Permit to allow additional office space on property located at 700 South Third Street on the southwest corner of South Third Street and Garces Avenue in Zoning District R-4.

CHAIRMAN DUNCAN announced this matter had been withdrawn by the applicant; therefore, no further action was necessary.

10. V-101-76  
APPROVED

Application of BECKER & SONS for a Variance to allow a four ft. (4') high solid wall in the front yard area where a four ft. (4') high wall, top two ft. (2') fifty percent (50%) open is allowed on property generally located on the south side of Santa Maria Avenue and on the north side of Santa Cruz Avenue between Conchita Street and Maverick Street in Zoning District R-1 (Single Family Residence); the above property legally described as Charleston Heights 51-B, Lots 1, 3, 4, 6, 7, 9, 10, 12, 14, 16, 17, 19, 20, 22, 24, 25, 26, All in Block 6.

MR. NULL gave the staff report indicating the walls are slightly different from what you normally would find. It is to provide a little shaded area in the front of the house. It is like a little court-yard. Staff has no objection to this. There is no problem with sight distance. We would like to have the walls placed as shown on the plan plus conformance to the plot plan.

MRS. SEGRETTI asked if these were rentals or individual homes?

MR. NULL stated they were individual homes.

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

MR. ERNIE BECKER, 4401 West Washington, appeared. He stated this is mainly for a wind breaking purpose. We did need a Variance because it is not screened at the top as it is supposed to be.

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

MR. CANUL made a Motion for APPROVAL of V-101-76, subject to the following conditions:

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

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

11. V-102-76  
ABEYANCE

Application of LOUIS A. COLETTA & FRANCES COLETTA for a Variance to allow forty-eight (48) apartment units where forty-seven (47) are allowed and to allow fifty (50) parking spaces where seventy-two (72) are required on property generally located on the north side of Bromley Avenue between Catalini Street and North Jones Boulevard in Zoning District R-4 (Apartment Residence); property legally described as part of the Southwest Quarter of Section 25, T20S, R60E, M.D.B.&M., beginning at the northeast corner of Lot 27 of Block 14, Northridge Unit No. 1-A; thence North 89°12'19" east, 336.11 feet; thence tangent to a bearing of North 89°12'19" east, curving right along a curve having a radius of 15.00 feet, through a central angle of 91°39'01" an arc distance of 23.99 feet; thence South 00°51'20" west, 61.97 feet to a point on a curve, concave southeasterly, and having a radius of 200.00 feet, the radial to said curve at said point being North 26°38'18" west, thence southwesterly along said curve 38.12 feet through a central angle of 10°55'19" to the beginning of a reverse curve, concave northwesterly and having a radius of 140.00 feet; thence southwesterly along said curve 89.84 feet through a central angle of 36°45'56"; thence tangent thereto South 89°12'19" west, 233.00 feet; thence North 00°47'41" west 125.00 feet to the point of beginning.

MR. NULL gave the staff report indicating there have been eightplexes built along Bromley. This was to be a planned unit development and was never built so the land was reverted back to acreage. Staff is concerned about this. We were looking at this site in the middle of the day. The streets were full of parked cars. Staff would object to this on the basis that there is not sufficient parking. There are three protests and no approvals. The applicant is suggesting 48 apartment units; they will provide only 50 parking spaces and

they need 72. There is also very little room for parking on the street.

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

MR. ANDY SKURSKI, 4404 Andrew Circle, appeared. He stated he was one of the owners of the project. The parking on the street is mostly from the apartments to the west. He asked when this was originally zoned R-4?

MR. SAYLOR stated it was zoned R-4 quite a few years ago. It is very possible that we were still requiring one for one but one for one does not do it and that is why the ordinance was changed.

MR. SKURSKI stated they intended to build all one bedroom apartments. We want to put 50 parking spaces here. If they are parking on our street, it is because they are coming from the apartments to the west. That is why these will all be one bedroom apartments.

MRS. SEGRETTI asked if he felt that even with one bedroom apartments there still would be two people living there with two cars?

MR. SKURSKI stated yes, but if we build three bedrooms, we have to have the same amount of parking spaces, 1½ per unit, as if we build one bedroom. So we feel by building one bedrooms, this will require less parking than the three bedrooms. We believe we will ease the parking and the square footage on the apartments.

MR. CANUL questioned whether three bedroom apartments would require less people living there as there would be less units?

MR. NULL stated staff has to be concerned about the maximum number of people in there. You still would need 1½ parking spaces per unit. I should point out to the Board that there was to be a condominium or a planned unit development here. They only had 19 units proposed with 40 parking spaces, so staff feels that they are increasing the density.

MR. SKURSKI stated this is a different zoning. This is R-4 and not PUD.

MR. CANUL stated that the applicant was really asking for a lot of extra spaces. I could see it if it was only for a few extra spaces.

MR. MILLER asked if there was any way possible that this could be rearranged?

MR. SKURSKI stated maybe we can do some architectural redesigning. This is our first plan.

CHAIRMAN DUNCAN suggested that they try it again and come back in thirty days.

MRS. SEGRETTI asked if construction had started?

MR. SKURSKI stated no, we wanted to make sure that we had the proper motion.

MR. LUTHER HILL, 301 Orland Street, Apartment 41, appeared in protest. I am objecting to the parking spaces. Park Ridge Condominiums is having a lot of trouble with other people parking on our property. It is a known fact that most families have two cars.

CHAIRMAN DUNCAN stated the Board was asking him to come up with another plan.

MR. HILL asked if notices would again be sent out?

CHAIRMAN DUNCAN stated that if a motion is made to hold this item in abeyance, there will be a request that notices be mailed out.

MR. DALE KING, JR., 5821 Fawn Avenue, appeared in protest. The parking has been too crowded here. If this is allowed, it will make the matter worse. I do not object to the apartments, only to the parking. I would appreciate being notified again.

MR. H. E. CARLILE, Parkridge Condominiums, Apartment #39, appeared in protest. I feel that if the two people that have cars are home there will always be company. I oppose this because I will be out of the country when this comes up in thirty days.

MR. ERNIE BECKER appeared. I didn't really want to get involved in this but we happen to have twenty units and we average between 20 to 30% of the people have no cars. This is on Decatur. I think that every one bedroom does not have two cars. I think some consideration should be given to the location in the zoning deals.

MR. ANDY SKURSKI reappeared. We bought the property and got it back to R-4 zoning, and we are trying to cooperate with everyone we can.

MR. CANUL asked if these would be two story buildings?

MR. SKURSKI replied, "yes".

MR. MILLER asked if he was willing to go back and work on his plan?

MR. SKURSKI replied yes, we will. He stated that this development is right across from the new shopping center which includes Smith's Food King.

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 to hold this item (V-102-76) in ABEYANCE pending a revised plot plan. He further requested staff to send out notices.

Voting was as follows:

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

Motion to hold this item in ABEYANCE carried unanimously.

MR. NULL announced that this case will again be heard by the Board of Zoning Adjustment at their next regular meeting scheduled for February 24, 1977, at 7:30 P.M. in the Commission Chambers of City Hall.

RECESS:

CHAIRMAN DUNCAN declared a fifteen minute recess at 8:40 P.M. and reconvened the meeting at 8:55 P.M.

12. V-103-76

DENIED

Application of GAROLD GARDNER for a Variance to allow a residential use in conjunction with the commercial use of property located at 3202 West Charleston Boulevard on the north side of Charleston Boulevard between Cashman Drive and Campbell Drive in Zoning District C-D (Designed Commercial); property legally described as that portion of the West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, M.D.B.&M., described as follows:

commencing at the southwest corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section 32; thence North 0°56' west 50 feet; thence east and parallel with the south line of the said Southwest Quarter (SW $\frac{1}{4}$ ) a distance of 800 feet, being the true point of beginning; thence North 0°56' west 233 feet; thence east and parallel with the aforementioned south line of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, 95 feet; thence South 0°56' east 233 feet; thence west and parallel with the south line of the said Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, 95 feet to the true point of beginning.

MR. NULL gave the staff report indicating the commercial use and parking area in the front area of the site with the residence in the rear. The C-D zone is very specific by not allowing any mixture of residential and commercial on a lot. Staff is concerned about this; however, the applicant has the right to apply for a Variance. If you approve this request, you should be very careful to state specific reasons. There is one protest and no approvals.

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

MR. SIDNEY LEDERMAN appeared and stated he had the option to purchase the property and was the one requesting the Variance. The property is 233 ft. deep. The store is located in the front of the building. The parking area is all asphalted and was put in there to accommodate the public coming in there. The property has been improved tremendously since I have taken it over. There is a house in the rear which is not seen from the street. It is set back about 150 ft. When I purchased this property, I came before the Board to get permits to live in the back. This is a one bedroom house. When I appeared before the Board in October, the City Commission agreed that the rear building would be excluded from this area in the front so that my wife and I could live in the back. He then proceeded to read a letter from the Department of Community Planning and Development stating approval of the requested commercial uses was recommended by the Planning Commission. He stated that several thousand dollars were spent by him to repair the property. He stated there were only two pieces of property worth looking at in the vicinity. I am in the engraving business and also have a smoke shop. I have put my house up for sale so I could purchase this piece of property. I did this on the basis of still being able to work, and am bound to this piece of property.

CHAIRMAN DUNCAN asked if he was living there now?

MR. LEDERMAN stated no, there was someone else living there now, but they have been given a letter that they cannot live here. He stated there was a swimming pool behind the house with beautiful landscaping.

MR. CANUL asked when this was approved, if it was approved for him to live here?

MR. LEDERMAN stated, "yes".

MR. CANUL asked then why were the tenants living there now?

MR. LEDERMAN stated the approval was given him when he received the letter under date of December 17th, which came from Mr. Saylor indicating that he was in error and I could not live in the back. He asked me to come back for a Variance which I did.

MR. MILLER asked if he was operating the business out of the front portion?

MR. LEDERMAN stated yes, the people were living there when there was not a business in the front portion. There were junk cars in the back and many people living in the front house. I have taken this piece of property and have improved it. I feel that if I live on a piece of property that I own that I would take care of the property.

MRS. SEGRETTI asked if when he took over the property if there were people living in the buildings at that particular time? She further asked if it was zoned C-D?

MR. LEDERMAN stated it was residential and zoned C-D.

MR. NULL stated you can live as a resident in a C-D zone but once you start a business you have to move out.

MRS. SEGRETTI asked how long he had been in business at this location?

MR. LEDERMAN replied since the 3rd week of December, 1976. It took me 2½ months to get done what I wanted to do.

MR. MILLER asked if the City Commission had granted approval with some stipulations?

MR. NULL stated the minutes reflected that the City Commission approved it subject to conformance to the C-D zone requirements; and the operation was to be for Mr. Lederman's tenure on the property only. There were also the other usual conditions.

MR. MILLER asked if after it was approved, it was found out that legally he could not live here?

MR. NULL indicated that perhaps there was some misunderstanding on the part of the applicant.

MR. MILLER asked if the property had been bought because of what the City Commission said?

MR. LEDERMAN stated he had bought the property with the understanding that approval was given for me to live there.

MRS. SEGRETTI asked if when he took the property over if he was aware of the C-D zoning and if he understood it?

MR. LEDERMAN stated he understood it and went before the Planning Commission to get approval to live in the rear. The rear portion was excluded and they left it as C-D, the way it was, residential, so that I could live in that particular house. He submitted the letter from Mr. Saylor to the Board.

CHAIRMAN DUNCAN asked the size of the house?

MR. LEDERMAN stated it was about 1100 square feet.

MR. CANUL asked where he got the understanding that he could live in the house? He stated the letter does not state this.

MR. MILLER stated that in the letter as condition number five, it states, "The operation as proposed by the applicant, Mr. Sidney M. Lederman, to be for his tenure on this property only." He further stated that he believed the problem lies in the interpretation of the wording.

MR. LEDERMAN stated that if the tapes were played back, you would find that he wanted to live on the property. Mr. Saylor was present at that meeting.

MRS. SEGRETTI stated that in this letter under article five, it does not say residence.

MR. LEDERMAN stated this is the way it was interpreted at the meeting but the words were definitely stated that I was to live on this property and so they excluded this rear portion.

MRS. SEGRETTI stated the letter further says it was recommended by the Planning Commission that conformance to C-D requirements be met. I question whether they have stated this to be permission to live on the property or just to occupy it as a business.

CHAIRMAN DUNCAN stated "tenure" does not mean residence.

MR. LEDERMAN again stated that it was clearly stated that he wanted to live on the property.

MRS. SEGRETTI asked the date of the letter he received from Mr. Saylor stating that they were in error?

MR. LEDERMAN replied December 17. He submitted that letter to the Board.

MR. MILLER stated that in the letter it does state, "I was in error when I said that you could live on the property."

MR. LEDERMAN stated that Mr. Saylor did not tell him that he could live on the property; it was the City Commission. Mr. Saylor only wrote the letter.

MRS. MARION CHRISTENSEN, 2300 Plaza Del Grande, appeared in protest. She stated that she owns the property on the southeast corner of Cashman and Charleston. We were notified of this meeting tonight and cannot quite understand how they can allow business and residential on the same piece of property that is zoned C-D. We are very well aware of the C-D and C-1 zoning. My husband and I and others have worked for over 14 years to get Charleston rezoned from Desert Lane out to Decatur. We are against allowing a dual use of the property. We feel that this will open one big bag of worms if this is approved. We would like to see Charleston as well as other big boulevards to become big beautiful streets. We were not notified of the October 26th meeting. We think you should consider all of the people on West Charleston who have tried to develop their properties. We request your consideration of our viewpoint.

MR. C.K. CHRISTENSEN, appeared in protest. He stated that he has owned one property here since 1953. These are both vacant, and we have tried to get something on them. I think this would deteriorate our chances of getting something in here if this is approved. He asked who the protest was from?

MR. NULL stated from John Payne.

MR. LEDERMAN reappeared. I am not one to complain but since Mr. and Mrs. Christensen came in and are so concerned about how beautiful Charleston Boulevard looks, I would suggest that they clean up the weeds on Charleston Boulevard on their property.

MR. MILLER stated he didn't really think this was the issue.

MR. LEDERMAN stated he didn't feel that this should be any reason why he should object. We are not hurting anyone. It is just my wife and I. I paid \$100,000 for this property.

MR. CHRISTENSEN reappeared. He stated he had talked to Mr. Gardner, who is the owner of the property. He says there are three homes on the lot; a three bedroom home in the front, a one bedroom structure behind that, and behind that in the rear is a one bedroom house that Mr. Lederman would like to move into. Mr. Lederman says that he would make the center one into a public building. He stated that if the Board saw fit to pass this, that he thought there should be a time limit placed on it of two or three years.

MR. GAROLD GARNDER, 4650 S. Monterey Circle, #1, appeared in favor of this request. There are three structures on the property. The two in the front will be used for commercial purposes. A smaller one in the back will be used for a residence. It is probably about 200 to 275 ft. back from the street, and there is no way that it can be seen from the street. Mr. Lederman has improved this whole block, and I feel we should give some strong consideration to his request since he was led to believe that he could live on the property.

MR. MILLER asked if the Planning Commission and/or City Commission minutes were available?

MR. NULL submitted the minutes of both the City Commission and Planning Commission to the Board members.

MR. MILLER asked if it said anything in the minutes about Mr. Lederman living on the property?

MR. NULL stated he couldn't find any reference about it; however, he stated that these were not verbatim minutes.

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

There was general discussion among the members as they looked over the minutes?

MRS. SEGRETTI made a Motion for DENIAL of V-103-76 because it was felt that this mixed use was not in accord with the general spirit and specific purpose of the Ordinance.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

13. V-104-76

APPROVED

Application of WILLIAM HAROLD WEBSTER for a Variance to allow an addition to within 6'10" of the rear property line where a minimum of 15' is required on property located at 3909 Sequoia Avenue on the northwest corner of Sequoia Avenue and Greenbare Drive in Zoning District R-1 (Single Family Residence); property legally described as Lot 16, Block 3, Owens Plaza Unit #1.

MR. NULL gave the staff report indicating there is nothing unique about the lot that would necessitate a Variance. He stated we have a new ordinance amendment which allows the rear of a main building to go within 15' of the rear property line instead of 25'. Staff would recommend denial. There are two approvals and no protests.

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

MR. WILLIAM H. WEBSTER, 3909 Sequoia, appeared. He stated he had three boys and two girls and would like to make this a family room. He stated he poured the slab about four years ago and didn't know he needed a building permit or a Variance at that time. The patio with a 2' steel rebar is here with the idea of building on.

CHAIRMAN DUNCAN asked if his back property line was a division between him and a neighbor on the other street?

MR. WEBSTER replied, "yes".

MR. CANUL asked how much clearance was there?

MR. WEBSTER stated 6'10". He stated that the people directly behind him and to the west are the people who are in favor of this.

MR. CANUL asked the square footage in his house now?

MR. WEBSTER stated about 1150 square feet. It is a three bedroom and a bath and a half.

MRS. SEGRETTI asked if it wouldn't be less expensive if this addition was turned around?

MR. WEBSTER stated no as he already had the slab poured with the foundation around.

MRS. SEGRETTI asked if he had a permit when the cement slab was poured?

MR. WEBSTER stated, "no".

MRS. SEGRETTI asked if there were inspections required on a cement slab?

MR. NULL replied, "yes".

MRS. SEGRETTI asked if the inspections had been done?

MR. WEBSTER replied, "no".

MRS. SEGRETTI stated then there was no way to know if the cement slab was proper.

MR. NULL stated you can put a condition on a motion for approval that the necessary permits be taken out.

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

MR. CANUL made a Motion for APPROVAL of V-104-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of City departments.
3. All necessary permits and inspections shall be obtained as required by the Department of Public Services.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

14. U-1-77(HO)

DENIED

Application of PHILIP T. ALTMAN for a Home Occupation Permit at 5917 Eugene on the south side of Eugene Avenue between Winwood Street and Mallard Street in Zoning District R-1 (Single Family Residence) to allow a gunsmithing and ammunition reloading operation; the above property legally described as Lot 317, Block 1, Charleston Heights Tract #50F.

MR. NULL gave the staff report indicating the applicant indicated on the application there would be buying and selling of some degree on the property and further that there would be the transportation of goods and clients to and from the home. Because of the fact that he did indicate "yes" on two of these items, a public hearing was held and the property owners were notified. We have no protests or

approvals on this. A great concern is the uniform fire code. That indicates that not more than 20 pounds of smokeless powder and 2,000 small arms primers for hand loading of small arms ammunition be for personal use. By reading all of this, I assume he will reload for others. Staff would, therefore, recommend denial of this application because of violation of the fire code.

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

MR. PHILIP T. ALTMAN, 5917 Eugene, appeared. He stated that he has spent many hours with the fire department inspector, when he became aware that he could not do this. I want to strike the reloading operation and just do the gunsmithing. I have two licenses; one for reloading and gunsmithing and one for a dealer. I do not want to inventory guns in my home. I sent for the Federal license after I got agitated at the delays from the gunsmiths in the area. I took a class in gunsmithing, mainly for a hobby. Now I have neighbors and friends, etc. that would like me to do miscellaneous gunsmithing. The federal law requires me to have City and County licenses or I am in violation. This is not my business; I am a floorman downtown. I want to do this as a hobby. I would order the supplies and guns and deliver them when they come in. I don't want the inventory in my home as I do have a family and do not want to subject them to this. I have converted a bedroom into a workshop. The federal law requires that if I work on guns that I have to take the guns from the people and deliver it to them. I have to keep and maintain records and books on everything I do.

MR. MILLER asked if components were bought and sold if he couldn't state that he just used them for himself?

MR. ALTMAN stated that is correct, within reason. I go to the trap range at least once a week. They can see that I have been buying the components to go along with that amount but they could see now that I am buying more. Possibly, at a future date I might want to get into an industrial area where I could manufacture.

MR. MILLER asked regarding the fire law?

MR. ALTMAN stated that no commercial reloading within 100 ft. of habitation is permitted nor more than 20 pounds of smokeless powder or 2,000 primers are allowed.

MR. MILLER asked what type of traffic was expected?

MR. ALTMAN stated that it would be mainly just most of his friends. He stated that he didn't want that many people knowing he was doing this as it would be subject to vandalism, etc.

MR. MILLER asked what type of protection would they have if this was permitted in regards to curtailing the traffic and that ammunition would not be manufactured?

MR. CANUL stated this would be very hard to police.

MR. ALTMAN stated the federal law takes pretty good care of this. I am planning on the hours of 3:00 to 6:00 in the afternoon with a maximum of five days a week. As far as the ammunition goes, he stated that he could maintain and sell ammunition but cannot load it. I have stopped all loading operations in my home.

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

MR. CANUL made a Motion for DENIAL of U-1-77(HO) because it was felt that this use was not in accord with the general spirit and purpose of the Ordinance and would not be compatible with the surrounding neighborhood.

Voting was as follows:

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

Motion for DENIAL carried unanimously with one abstention.

15. V-1-77

APPROVED

Application of ROBERT C. LEPOME for a Variance to allow an existing free standing patio cover three feet (3') from the house where six feet (6') is required and the roof three feet (3') from the house where four feet (4') is required and within one ft. (1') of the side (east) property line and three feet (3') from the rear (south) property line where five feet (5') is required; and to allow an existing aluminum cover to within 6" of the side (west) property line where six feet (6') is required on property located at 2620 Brady Avenue on the south side of Brady Avenue between 26th Street and 28th Street in Zoning District R-1 (Single Family Residence); the above property legally described as Lot 57, Block 3, Washington Addition Unit #1.

MR. NULL gave the staff report indicating this is a rectangular residential lot and there is nothing unique about it. He stated that the applicant must have the patio cover five feet away from the property line because of a wooden fence that is already built. He stated that he could not find a permit for the fence. I did find a permit for the aluminum cover. Because this is a 60 ft. lot, he needs 6 ft. on each side. The cover and the poles are existing. The aluminum carport cover appears to have been constructed by a previous owner. The permit said to remain six feet from the side property line, and it was built too close to the property line.

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

MR. ROBERT J. MCNUTT, 325 Falcon Lane, appeared representing the applicant. He stated he was the engineer for Mr. LePome. He stated that they would not have been here tonight if Mr. LePome, who bought the property less than one year ago, hadn't decided to build a fence. This is when the inspectors found the carport was nonconforming. They also found out that the patio is also in error. These existed before Mr. LePome bought the property.

MR. MILLER asked if there were any protests on this?

MR. NULL stated there were no protests or approvals.

MRS. SEGRETTI asked what was staff's recommendations?

MR. NULL stated he should take out a permit and get the proper inspections.

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-1-77, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of City departments.
3. All necessary permits and inspections shall be obtained as required by the Department of Public Services.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

16. V-2-77

DENIED

Application of JOHN P. AHERN for a Variance to allow the mechanical repair of fork lifts where repair garages are not permitted on property located at 1785 West Bonanza Road on the south side of Bonanza Road between North Highland Drive and Clarkway Drive in Zoning District C-2 (General Commercial); the above property legally described as the west 200 ft. of the east 500 ft. of the north 428 ft. of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 28, Township 20 South, Range 61 East, M.D.B.&M.

MR. NULL gave the staff report indicating this is a growing concern for renting equipment. They want to repair fork lifts. Since the Planning Commission has been granting C-D zoning along Bonanza in the south 100 ft., staff would go along with this request with any repair being done to be within the south 100 ft. of the property within an enclosed building. Staff would be very concerned about allowing any repair in front of or north of the 100 ft. line.

MRS. SEGRETTI asked if this area had been before the Board previously.

MR. NULL stated yes, there have been plot plan reviews. The property is very well kept.

MR. MILLER asked if mechanical repair was allowed in a C-2 zone?

MR. NULL stated "no". There is one approval and no protests.

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

MR. JOHN AHERN, 713 Upland, appeared. He stated he was the operator of the renter place on Bonanza Road. We have bought about 14 forklifts that we use in our rental operation. We are asking for the back one third of the building to be used for the purpose of repairing the forklifts. We have not measured this so I don't know if it is 100 ft.

MR. CANUL asked how much area there was from the rear property to the building?

MR. NULL replied about 110 ft. There is room back there if he wanted to put up a building.

MR. CANUL asked if he could build to the rear property line?

MR. NULL stated in this district, yes.

MRS. SEGRETTI asked the applicant if there was any reason why another building couldn't be built in the rear?

MR. AHERN stated it would not be economically sound.

MR. NULL stated we are only suggesting that you do this operation inside an enclosed building.

MR. AHERN stated that he could not see any practical reason for them to build a building back there. It would tear the lot up too bad.

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 DENIAL of V-2-77 because the repair of forklifts constitutes a public garage operation which is first permitted in the C-M zone and thus would not be in accord with the purpose of the Ordinance.

Voting was as follows:

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

Motion for DENIAL carried by a 3-1 vote.

17. V-3-77  
APPROVED

Application of CHRIS MARCOUX AND ALBERT LOREDO for a Variance to allow a block wall along the rear property line ten feet (10') high where six feet (6') high maximum is allowed on property located at 2900-2904 Black Forest Drive on the west side of Black Forest Drive between Pennwood Avenue and Cinderella Lane in Zoning District R-1 (Single Family Residence); the above property legally described as Lots 61 and 62, Block 8, Enchanted Village Unit No. 3.

MR. NULL gave the staff report indicating apartments were presently being built in this area. Staff has no objection to this and would recommend approval. We have one approval and no protests on file.

MR. MILLER asked if the apartments were a two-story structure?

MR. NULL replied, "yes".

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

MR. CHRIS MARCOUX AND MR. ALBERT LOREDO appeared. MR. MARCOUX stated that when he bought the property seven months ago the real estate people told him he would have no problem with apartments being built in this vicinity. He stated that he has invested money in this and would like to get some protection. There are many apartments here, and I would like the wall for some added protection. I have a swimming pool here, and the children are jumping the wall now. He stated that the apartments are already looking into his kitchen, and they are not finished building the second story yet.

MR. LOREDO stated they do not have any privacy, and that is why they would like the block wall.

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-3-77, subject to the following conditions:

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

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

18. V-6-77  
APPROVED

Application of BRUCE G. CAMERON for a Variance to allow a commercial dental lab in a P-R Zone (Professional Offices and Parking) on property located at 931 South Decatur Boulevard on the east side of Decatur Boulevard between Cory Place and Alpine Place; the above property legally described as Lot 394, Block 18, Hyde Park Subdivision #3.

MR. NULL gave the staff report indicating this property was before this Board once before on a rear yard setback for an addition. This is a dentist operation. What the dentist would like to do is to have a dental technician who can make plates. In a P-R Zone, there is no problem having the technician do this as long as it is for the dentist only; but he is asking for a commercial operation so he will be taking in outside business. Staff doesn't really object to this in this instance because the room that will house the lab is very small. The only concern staff has is if it became a large operation; but there is not room for this so we do not object.

MR. MILLER asked if this could be restricted to a certain number of personnel?

MR. NULL stated, yes, I think this would be a reasonable condition.

MRS. SEGRETTI stated she would like to talk to the technician because I believe they are done by prescription, and I believe the people do not go to the lab.

MR. NULL stated that Public Services would like to have the parking plan resubmitted so this should be a condition if approved.

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

MR. KENNETH CAMERON appeared and stated that his brother owns the property. There is no traffic; the people do not come here. I need a license because one dentist cannot give a technician enough work to do to keep him busy. Perhaps two can or maybe three.

MR. CANUL stated that staff is concerned about the traffic, but he states there will be no traffic so we have that cleared up?

DR. BRUCE CAMERON appeared. He will be doing all of my lab work in addition to two or three others. This will be a small operation, and we have no intention to expand it.

CHAIRMAN DUNCAN asked if the stipulation about the parking would be a problem should this be approved?

DR. CAMERON replied, "no".

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

MR. CANUL made a Motion for APPROVAL of V-6-77, subject to the following conditions:

1. Resubmit a parking plan to the Traffic Engineer conforming to City standards.
2. Conformance to the plot plan as amended to reflect the above condition.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. Election of Officers 1977 Election of Officers for the Board of Zoning Adjustment.

MR. MILLER made a Motion to elect JOHN DUNCAN as Chairman, and MARGUERITE SEGRETTI as Vice-Chairman.

Voting was as follows:

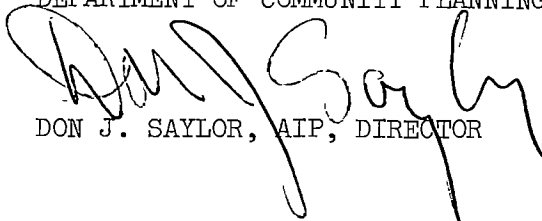
Mr. Miller - yes  
Mrs. Segretti - yes  
Chairman Duncan - yes  
Mr. Canul - yes

Motion carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 10:30 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

D JS:bjc