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A G E N D A

BOARD OF ZONING ADJUSTMENT

FEBRUARY 24, 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
meetings held December 15, 1976, and January 27, 1977.

OLD BUSINESS:

1. V-90-76
(Abeyance Item
from 1/27/77)
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-102-76
(Abeyance Item
from 1/27/77)
Application of LOUIS A. COLETTA AND 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.

NEW BUSINESS:

1. V-4-77
Application of MICHAEL L. AND DOLORES WEGMANN for a Variance
to allow a six ft. (6') high wall in the front yard area
where a maximum of four ft. (4') high, top two ft. (2')
fifty percent (50%) open is allowed; and to allow a 7'6"
high wall around the rear yard area where a maximum of six
ft. (6') is allowed on property located at 3300 Hastings
Avenue on the northeast corner of Hastings Avenue and Lacy
Lane in Zoning District R-E.
2. V-5-77
Application of BOB STUPAK for a Variance to allow a garage
operation in a C-2 Zone on property located at 2000 Las Vegas
Boulevard South on the west side of Las Vegas Boulevard South
between South Main Street and Boston Avenue.
3. V-7-77
Application of ROBERT L. LUND for a Variance to allow four
dwelling units on a lot 6500 sq. ft. in area where only
three units are allowed on property located on the west side
of 15th Street between East Bonanza Road and Linden Avenue
in Zoning District R-3.
4. V-8-77
Application of JOSEPH A. GORDON for a Variance to allow a
used car lot where none are allowed on property located at
1555 East Charleston Boulevard on the northwest corner of
16th Street and Charleston Boulevard in Zoning District C-1.
5. V-9-77
Application of ATTILIO PENNACHIO for a Variance to allow an
addition to within two feet (2') of the side property line
where six feet (6') is required and to allow the existing
dwelling seventeen feet (17') from the front property line
where twenty feet (20') is required on property generally
located at the north end of Amber Circle, north of Granite
Avenue at 14 Amber Circle in Zoning District R-1.

6. V-10-77 Application of RAYMOND PARKER for a Variance to allow a 20' by 20' detached garage to be converted to a bathroom and recreation room on property located at 1817 Griffith Avenue on the north side of Griffith Avenue between South Bruce Street and Burnham Avenue in Zoning District R-1.
7. V-11-77 Application of JOHN L. AND JANNETTE K. COX for a Variance to allow an addition located 7'2" from the rear property line where 15' is required on property located at 6721 Oveja Circle on the south side of Oveja Circle approximately 400 ft. west of South Lorenzi Street in Zoning District R-1.
8. U-7-77(HO) Application of BETTY BENNETT for a Home Occupation Permit to allow Rosemary Tall to teach dancing on property located at 2304 Marlin Avenue on the south side of Marlin Avenue between North Eastern Avenue and 23rd Street in Zoning District R-2.
9. V-12-77 Application of JACK KENT COOKE for a Variance to allow the Crescent Street side of the property to be the legal front of the lot with the front and rear setbacks to be applicable from said street; allow a front yard setback of 21' and a rear yard setback of 40' where 50' is required; and to allow an 8' setback from the west side property line where 10' would be required, on property located at #4 Crescent Drive on the southeast corner of Crescent Drive and South Rancho Drive in Zoning District R-E.
10. V-13-77 Application of JOHN D. GAUGHAN for a Variance to allow a six ft. (6') high block wall in the front yard area where a four ft. (4') high block wall, top two ft. (2'), fifty percent (50%) open is allowed, and to allow a 42 ft. front yard setback where 50 ft. is required on property generally located on the northwest corner of Westwood Drive and West Oakley Boulevard in Zoning District R-E.
11. V-14-77 Application of ENSIGN FEDERAL CREDIT UNION for a Variance to allow a credit union in a P-R Zone where financial institutions are not permitted on property located at 218 North 15th Street on the southeast corner of Stewart Avenue and 15th Street.
12. U-8-77(HO) Application of RANDALL K. AND KAREN K. MEHEW at 1923 E. Mesquite in Zoning District R-1 for a Home Occupation Permit - Allow an office for administrative purposes of brokering home storage products to dealers.
13. U-32-60 Request of LARRY P. SCHLUESNER for a Plot Plan Review on an approved Use Permit to allow an addition to a nonconforming building on property located at 227 South 9th Street on the east side of South Ninth Street between Carson and Bridger in Zoning District R-4.
Plot Plan Review

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

BOARD OF ZONING ADJUSTMENT

FEBRUARY 24, 1977

1. U-9-77(HO) Application of BRUCE N. DACKO at 6604 Burgundy Way in Zoning District R-1 for a Home Occupation Permit - Allow a credit checking service operation.

2. U-10-77(HO) Application of ANTOINETTE MARIE COOPER at 504 Slayton Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a home maintenance and repair business.

M I N U T E S

BOARD OF ZONING ADJUSTMENT

FEBRUARY 24, 1977

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

PLEDGE OF ALLEGIANCE:

PRESENT: Vice Chairman Segretti, Mr. Miller, Mrs. Emmett and Mr. Canul.

EXCUSED: Chairman Duncan

STAFF PRESENT: Don J. Saylor, AIP, Director of the 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 meetings held December 15, 1976, and January 27, 1977. Motion carried unanimously.

NEW BUSINESS:

1. U-8-77(HO) Application of RANDALL K. AND KAREN K. MEHEW at 1923 E. Mesquite in Zoning District R-1 for a Home Occupation Permit - Allow an office for administrative purposes of brokering home storage products to dealers.
2. U-9-77(HO) Application of BRUCE N. DACKO at 6604 Burgundy Way in Zoning District R-1 for a Home Occupation Permit - Allow a credit checking service operation.
3. U-10-77(HO) Application of ANTOINETTE MARIE COOPER at 504 Slayton Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a home maintenance and repair business.

MR. NULL stated that these home occupation permit requests all met code requirements and staff would have no objection to their approval.

ITEMS 1 THRU 3 APPROVED MR. MILLER made a Motion for APPROVAL of Items 1 thru 3, 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
Vice Chairman Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-90-76 - WITHDRAWN 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). The property is legally described as Lots 32 and 33, Block 8, Highland Park (Amended).

(Abeyance Item
from 1/27/77)

MR. NULL gave the staff report indicating the application was held in abeyance from the last meeting in order for the applicant to conduct a survey to determine where the side property line is. He stated the applicant has submitted a letter that states that they were two inches outside their property line. He stated that at the last meeting there were two protests and one approval. He stated the carport has been removed and staff would make the same recommendation as before that there is nothing unique about the lot but staff does not see anything detrimental either as long as there was a gutter and a downspout.

VICE CHAIRMAN SEGRETTE asked to hear from the applicant.

MRS. JOSEPHINE GARCIA appeared and stated that when they had the property surveyed they found out that they were two inches inside the next door neighbor's property line. She stated that they, therefore, decided to remove the carport.

MR. MILLER asked if she still intended to put the carport up?

MRS. GARCIA stated that she wants to put the carport up in front of her property and a little bit into the yard.

VICE CHAIRMAN SEGRETTE asked if she wanted to move the carport to another location?

MRS. GARCIA replied, "yes".

VICE CHAIRMAN SEGRETTE asked if that would require another application or if she could do that on this one?

MR. NULL stated that staff would have to write a new legal on it and readvertise.

VICE CHAIRMAN SEGRETTE stated that she would have to submit a new application and plot plan.

MRS. GARCIA stated that she was appearing tonight to let the Board know that she has removed the carport.

VICE CHAIRMAN SEGRETTE asked if she would file another application?

MRS. GARCIA stated yes as she wants to get approval for putting a fence up in the front of the house.

MR. NULL stated that the Board still had the matter of this application to contend with unless the applicant wishes to withdraw it.

MRS. GARCIA stated that she wished to withdraw the application.

Voting to accept the withdrawal was as follows:

Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Request for WITHDRAWAL of V-90-76 carried unanimously.

2. V-102-76 - APPROVED

(Abeyance Item
from 1/27/77)

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 this item was held in abeyance because there was a great concern about the number of parking spaces on the lot. He stated the applicant has rearranged the buildings and he now has considerably more parking in the front. He stated that based on this new design the applicant now has 70 of 72 parking spaces required. He stated that staff would have no objection to this revised plan. He continued by stating that staff is suggesting that they could remove one of the parking spaces and only have 69 since the one space could produce a potential traffic problem. He stated there were six registered in opposition.

MR. MILLER asked how many units this revised plan reflected?

MR. NULL stated they still have 48 apartments; they are only asking for one additional unit. He stated that staff feels they could remove this one particular space because it is very close to the alley intersection with Bromley.

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

MR. MILLER asked the applicant if he had any objection to removing the one parking space?

MR. ANDY SKURSKI appeared and stated that whatever the Board says is fine with him. He stated he is only asking for one additional unit and two additional parking spaces than that which is required.

VICE CHAIRMAN SEGRETTI asked if there was anyone who wished to speak in favor of or in opposition to this application?

VELDA KRIZMAN, 304 Orland, Apartment #44, appeared in protest. She stated the parking in this area is very critical, and she thinks the gentleman should be required to put the 72 parking spaces in. She stated there is no place to park at night.

LESLIE NAGEAU, 212 Orland, Apartment #31, appeared in protest. He stated he would like to reason with the people and find out the dimensions on this.

MR. NULL stated the average parking space is 9 by 20 and the property length on Bromley is 351 feet.

MR. NAGEAU stated the average car is about 17 feet and they are parked about two feet apart. He stated he has walked on the street and there is not room for anyone; there is a vacant lot on the other side and one to the south of us.

VICE CHAIRMAN SEGRETTE asked if he was speaking of off-street parking?

MR. NAGEAU replied yes and questioned whether they could get the 70 parking spaces in here?

MR. NULL stated staff has checked the plan and they can get 70 spaces.

MR. DALE KING, 5821 Fawn Avenue, appeared in protest. He stated he didn't think they should be allowed to cut down on parking spaces and add an additional apartment unit.

MR. MILLER stated there is required $1\frac{1}{2}$ parking spaces per unit and the applicant has allowed for all but two of them. He asked what type of units are proposed on this?

MR. SKURSKI stated this will be 46 one-bedroom and two two-bedroom apartments. He stated they will provide 70 on-site parking spaces. He referred to the gentleman's statement regarding the parking on Bromley and stated that when these were originally built, the City only required one parking space per unit. He continued by stating that since that time it has been changed to $1\frac{1}{2}$. He stated that some of the people that live in the condominiums park in front of his property on the street. He mentioned that he will be providing 70 on-site parking spaces.

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

MR. CANUL made a Motion for APPROVAL of V-102-76, subject to the following conditions:

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

Voting was as follows:

Mr. Canul - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

NEW BUSINESS: (cont.)

4. V-4-77

APPROVED

Application of MICHAEL L. AND DOLORES WEGMANN for a Variance to allow a six ft. (6') high wall in the front yard area where a maximum of four ft. (4') high, top two ft. (2') fifty percent (50%) open is allowed; and to allow a 7'6" high wall around the rear yard area where a maximum of six ft. (6') is allowed on property located at 3300 Hastings Avenue on the northeast corner of Hastings Avenue and Lacy Lane in Zoning District R-E (Residence Estates); the above property legally described as Lot 8, Block 2, Mountain View Tract #1.

MR. NULL gave the staff report indicating staff has some conditions if this request is approved; Public Services needs the signing of an Assessment District Agreement for sidewalk, curb, and gutter and street paving and further that they resubmit the parking plan to the Traffic Engineer putting in the actual edge of the pavement. He stated the Community Planning and Development Department would like conformance to the sight distance requirements as set forth by the Traffic Engineer. He stated that staff is requesting this because there could be a possible problem with the sight distance at the corner. He stated that other than the mentioned requirements and normal conditions, staff has no objection. He stated there was no opposition or approval on record.

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

DOLORES WEGMANN, 3300 Hastings, appeared and asked about the conditions requested.

MR. NULL explained the conditions to Mrs. Wegmann, and she agreed to them.

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

MR. MILLER made a Motion for APPROVAL of V-4-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for sidewalk, curb, and gutter, and street paving as required by the Department of Public Services.
2. Resubmitting of a plot plan to the Traffic Engineer depicting property lines and edge of street paving as required by the Department of Public Services.
3. Conformance to the sight distance requirements as set forth by the Traffic Engineer.
4. Conformance to the plot plan as amended to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

5. V-5-77

APPROVED

Application of BOB STUPAK for a Variance to allow a garage operation in a C-2 zone (General Commercial) on property located at 2000 Las Vegas Boulevard South on the west side of Las Vegas Boulevard South between South Main Street and Boston Avenue; the above property legally described as Parcel 1: that portion of the Southwest Quarter (SW $\frac{1}{4}$) of Section 3, Township 21 South, Range 61 East, M.D.B.&M., described as follows: commencing at the intersection of the west line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 3, with the west property line of Las Vegas Boulevard South; thence North 4°26'30" east 1190.05 feet; thence South 86°40'30" east 409.06 feet; thence South 3°17'30" west 156.00 feet to the true point of beginning; thence North 86°40'30" west to a point on the west line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section 3; thence South 4°26'30" west 147.31 feet; thence South 86°40'30" east to a point in the west line of Las Vegas Boulevard South; thence North 27°44'30" east 65.18 feet; thence North 3°17'30" east 81.70 feet to the true point of beginning. Parcel 2: that portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 3, Township 21 South, Range 61 East, M.D.B.&M., described as follows: beginning at a point in the west line of Main Street; distant thereon North 3°17'30" east 81.70 feet from the intersection of the west line of Las Vegas Boulevard South with said west line of Main Street, said point being the point of beginning; thence continuing North 3°17'30" east 6.00 feet; thence North 86°40'30" west to a point in the west line of the said Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$); thence South 4°26'30" west 6.00 feet more or less; thence South 86°40'30" east to the point of beginning, excepting from the above described parcels the westerly 40.00 feet.

MR. NULL gave the staff report indicating the Board previously approved a Use Permit for a used car operation on this lot. He stated that as a condition of that approval, the lessee was to put landscaping in as shown on the plot plan. He mentioned that there is an existing garage operation there now, and staff is concerned about there being two separate uses involved on this lot. In essence, he continued, staff would have to assume that the garage operation is a sublease from Mr. Perry, who is leasing the lot. He stated it would be staff's recommendation to amend the application to only allow the garage operation on the west approximate 215 ft. of the lot.

MRS. EMMETT asked if this were done, if this will provide for ingress and egress?

MR. NULL replied yes, there will be entry and exit from Las Vegas Boulevard. He stated staff would recommend that there be a decorative six ft. wall put entirely along the Commerce Street side except where the driveway gate will be. He mentioned that Public Services wanted one street light plus a sidewalk and a commercial drive opening on Commerce. He stated the applicant should also indicate an enclosed trash area on the plot plan. He said staff does not feel that the use is out of contest in this particular area and as long as the other conditions are met, staff would not object to this Variance.

VICE CHAIRMAN SEGRETTI asked if the application indicates the garage operation to be on the whole lot?

MR. NULL replied the applicant did not make any reference to a smaller area and that is why staff felt that it should be split. He stated a public garage operation is first permitted in a C-M zone; but they can allow minor repairs in C-1. He stated the Planning Commission passed a Resolution allowing minor repairs without an attendant. He stated there was one protest and no approvals on record.

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

MR. JOHN SHERMAN, 4131 West Charleston, appeared representing Mr. Stupak. He stated the applicant was interested in a garage operation on the rear of the property. He stated the property was originally used by Bill Haden for the repair area. He stated the trash areas will be enclosed and they have no objection to the fence.

VICE CHAIRMAN SEGRETTEI asked if the fence was in the middle of the property?

MR. SHERMAN replied, "yes".

VICE CHAIRMAN SEGRETTEI asked if they would abide with the light and other conditions mentioned by staff?

MR. SHERMAN replied, "yes".

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-5-77, subject to the following conditions:

1. Dedication of right-of-way for Main Street and Las Vegas Boulevard South as required by the Department of Public Services.
2. Removal and replacement of the concrete sidewalk along the Main Street and Las Vegas Boulevard South frontage as required by the Department of Public Services.
3. Installation of one street light on Commerce Street as required by the Department of Public Services.
4. Installation of a standard commercial driveway and sidewalk on Commerce Street as required by the Department of Public Services.
5. Amend the application to include the garage operation only on the west approximate 215 ft. of the lot.
6. A decorative six ft. wall to be placed entirely along the Commerce Street side of the property except for the driveway opening.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Conformance to the plot plan as amended to reflect the above conditions.
9. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

6. V-7-77

APPROVED

Application of ROBERT L. LUND for a Variance to allow four dwelling units on a lot 6500 sq. ft. in area where only three units are allowed on property located on the west side of 15th Street between East Bonanza Road and Linden Avenue in Zoning District R-3 (Limited Multiple Residence); the above property legally described as Lot 13, Block 15, 14th Street City Addition.

MR. NULL gave the staff report indicating the lot lacks about 500 sq. ft. of the amount of space needed for a fourth unit. He stated the applicant does, however, provide sufficient parking and staff has made a minor adjustment to provide a screen on the side. He indicated staff has no objection to this variance. He mentioned Public Service's requirements of the concrete sidewalk on 15th Street and that staff would just need the regular conditions. He stated there were no recorded protests or approvals.

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

MR. HESS, 217 Garcia, appeared representing the applicant.

MR. RICHARD WORTHEN, 515 N. 15th Street, appeared in protest. He submitted a list of fourteen people in the area that are opposed to this. He stated there was no area for the youth to play and consequently, it is forcing the kids out into the street. He stated the children are creating a problem in the neighborhood.

MR. MILLER asked if this variance request was for the same property that came before the Board several months back that they denied wherein the applicant wanted to put something else in larger?

MR. WORTHEN replied no it is not but the problem is the same. He stated that if only three units were put in here, the problem would not be so severe. He indicated the property was not being used as a parking lot and stated that he realized this is not the problem of the applicant; but if the units were built on the property, this would then push all of the cars out into the street.

VICE CHAIRMAN SEGRETTI stated the property is not to be used for a parking lot; it is a personally owned property.

MR. WORTHEN stated he realized this but stated there is not enough play area here.

MR. HESS reappeared and stated it is within their legal prerogative to construct a triplex on this property and put as many bedrooms in here as we like. He stated that this was Mr. Lund's property, and he cannot be asked to provide parking to the neighbors next door to him; Mr. Lund has no obligation to this or to provide a play area for the children in the area.

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

MR. CANUL made a Motion for APPROVAL of V-7-77, subject to the following conditions:

1. Installation of a concrete sidewalk along 15th Street frontage as required by the Department of Public Services.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

5. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

7. V-8-77

APPROVED
FOR 3 YEARS

Application of JOSEPH A. GORDON for a Variance to allow a used car lot where none are allowed on property located at 1555 East Charleston Boulevard on the northwest corner of 16th Street and Charleston Boulevard in Zoning District C-1 (Limited Commercial); the above property legally described as the east 39 feet of Lot 9 and all of Lot 10, Block 3, Mayfair Tract #2 Amended including vacated right-of-way.

MR. NULL gave the staff report indicating the Board of Zoning Adjustment in 1973 approved the used car use on this property for a time period of three years which expired this last August, 1976. He stated they may also want to put a time requirement on this use. He indicated that staff has no objection to this and would like the normal conditions, such as landscaping and a sprinkler system if approved.

MR. MILLER asked if this was a new person going into this lot?

MR. NULL replied, yes to the extent the applicant in the previous case has a different name. He stated there are no protests or approvals on record.

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

MR. JOSEPH A. GORDON, 558 Canosa, appeared and stated this has been a used car lot for the past three years. He mentioned the gentleman that he leased it to is not using the property at this time because the use has expired. He indicated the present lessee has improved the lot considerably.

MR. MILLER asked if he had any objection to putting a time limit on this use?

MR. GORDON stated they have owned the property for several years. He stated the only use that this property could be used for is a car lot. He stated a gasoline station was in here for a short period of time and just didn't work out.

VICE CHAIRMAN SEGRETTI asked if he was going to operate the used car lot?

MR. GORDON replied no, this is for someone else, and he has made all of the improvements.

VICE CHAIRMAN SEGRETTI asked if he would go along with the landscaping plan?

MR. GORDON stated it would be up to the lessee if that is one of the requirements. He stated he had no objection to putting the landscaping in.

MR. MILLER asked how it was that the lessee went ahead and fixed the place up without a Variance or a license?

MR. GORDON stated his partner is in Long Beach and she may have forgotten about the time limit at the time the lease was agreed to.

VICE CHAIRMAN SEGRETTE asked if there was landscaping in here now?

MR. GORDON stated no, and there never has been to be truthful.

MR. NULL stated the plot plan submitted by the applicant does show landscaping.

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

MR. MILLER asked if staff made a recommendation for a time limit?

MR. NULL stated staff suggested to the Board they might want to require one; staff made no recommendation. However, he continued, previously, the Board put a three year limit on it.

MR. MILLER made a Motion for APPROVAL of V-8-77, subject to the following conditions:

1. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. This operation shall be permitted for a maximum of three years and shall expire on February 24, 1980.
5. Conformance to the plot plan as amended to reflect the above conditions.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL, carried unanimously.

8. V-9-77

APPROVED

Application of ATTILIO PENNACHIO for a Variance to allow an addition to within two feet (2') of the side property line where six feet (6') is required and to allow the existing dwelling seventeen feet (17') from the front property line where twenty feet (20') is required on property generally located at the north end of Amber Circle, north of Granite Avenue at 14 Amber Circle in Zoning District R-1 (Single Family Residence); the above property is legally described as Lot 52, Block 2, Twin Lakes Village Unit #11.

MR. NULL gave the staff report indicating previously there was a Variance granted to allow five ft. side yard setbacks on the lot. He stated the 17 ft. in the front occurred during the building process and staff is recommending that this nonconformance be remedied so there will be no problem with the front yard. He stated staff has no other recommendations except conformance to the plot plan. He stated there were no protests and six approvals on record including the next door neighbor.

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

MR. ATTILIO PENNACHIO appeared and stated this addition will be for a walk-in closet.

VICE CHAIRMAN SEGRETTE asked the size of the room?

MR. PENNACHIO stated it would be 8 ft. by 8 ft.

VICE CHAIRMAN SEGRETTE 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-9-77, subject to the following condition:

1. Conformance to the plot plan.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

RECESS:

VICE CHAIRMAN SEGRETTE declared a ten minute recess at 8:35 P.M. and reconvened the meeting at 8:45 P.M.

9. V-10-77

APPROVED

Application of RAYMOND PARKER for a Variance to allow a 20' by 20' detached garage to be converted to a bathroom and recreation room on property located at 1817 Griffith Avenue on the north side of Griffith Avenue between South Bruce Street and Burnham Avenue in Zoning District R-1 (Single Family Residence); legally described as Lot 10, Block 7, Bel Air Tract #5.

MR. NULL gave the staff report indicating staff is concerned about this type of request. He stated sometimes the property is sold and when this happens, we can find recreation rooms being converted to separate dwellings. He stated staff really has no objection other than that. He also stated there should be no kitchen facilities and that the recreation room should not be rented for living quarters. Further, he stated, the applicant should file a deed restriction to be recorded to this effect. He stated there were no recorded protests or approvals.

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

MR. C. R. BECKER, appeared representing the applicant. He stated he didn't think it would be a big problem as far as the rentals are concerned.

VICE CHAIRMAN SEGRETTE asked if his client would be agreeable to signing a deed?

MR. BECKER replied that he was sure his client would have no objection to this.

MR. MILLER asked what type of facility this would be?

MR. BECKER stated it will be a bathroom and a bar. He stated that he bid the job for this, and it did not include any kitchen facilities whatsoever.

MR. MILLER asked if this was an existing building?

MR. NULL stated yes, it is existing as a garage.

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

MR. MILLER made a Motion for APPROVAL of V-10-77, subject to the following conditions:

1. There shall be no kitchen facilities.
2. The recreation room shall not be rented for living quarters and a deed restriction is to be recorded to this effect as required by the Department of Community Planning and Development.
3. Conformance to the plot plan as amended to reflect the above conditions.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

10. V-11-77
APPROVED

Application of JOHN L. AND JANNETTE K. COX for a Variance to allow an addition located 7'2" from the rear property line where 15' is required on property located at 6721 Oveja Circle on the south side of Oveja Circle approximately 400 ft. west of South Lorenzi Street in Zoning District R-1 (Single Family Residence); legally described as Lot 6, Block 3, Charleston Rainbow Unit #5-B.

MR. NULL gave the staff report indicating there was nothing unique about the lot shape so staff cannot recommend approval. He stated there was some concern to staff in that an amendment to the ordinance had just been approved allowing 15 ft. for the rear yard; it used to be 25 ft. He stated there were no protests and one approval on record.

MR. MILLER asked if this was approved if staff would have any recommendation?

MR. NULL stated staff would require conformance to the plot plan and code requirements. He added that there were no homes in the rear, and the applicant has a six ft. fence on all sides.

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

MR. JOHN COX, 6721 Oveja Circle, appeared and stated the properties on both sides of him have been extended to eight feet of the back property line a few years ago.

MR. MILLER asked what the addition will be used for?

MR. COX replied it would be used for a family room. He stated they are running a little short of room.

VICE CHAIRMAN SEGRETTI 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-11-77, 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:

Mrs. Emmett - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

11. U-7-77(HO)

APPROVED

Application of BETTY BENNETT for a Home Occupation Permit to allow Rosemary Tall to teach dancing on property located at 2304 Marlin Avenue on the south side of Marlin Avenue between North Eastern Avenue and 23rd Street in Zoning District R-2 (Two Family Residence); property legally described as Lots 3 and 4, Block 6, Boulder Dam Homesite Addition #4.

MR. NULL gave the staff report indicating the reason for the public hearing is because one of the items, namely the transportation of students to the residence, was checked in the affirmative and so a public hearing is required. He stated there is an area to the rear of the lot where there is room for parking and parking is also available on Marlin. He stated staff is very concerned that the requirements of the home occupation permit be adhered to; therefore, we would recommend denial. Staff is also concerned, he continued, that people are being transported to the residence and this should not happen. He stated there was one protest but it was from someone that lived on the next block on Elm Street.

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

ROSEMARY TALL, 1452 Dorothy Avenue, Apartment #2, appeared and stated she is buying the house on the basis of being able to teach children. She stated she wants to do this legally and that is why she is here. She stated that she does not require any kind of commercial advertising, and she would like her students to come to her house where it is convenient. She said she has five parking spaces on the property now and this could be changed to allow eight if necessary. She stated this does not even take into consideration the parking in the front on the street. She added that she talked to the man that lives next door and he has no objection at all.

MR. MILLER asked how many children would there be?

MS. TALL stated she would like to teach three or four afternoons and would have about five children at the most. She said nobody would even notice what she was doing as her students would be parking on her own area.

MR. CANUL asked how she would get her students?

MS. TALL replied she already had her students. She stated she was in the Lido show for six years and is now dealing roulette at the Stardust. She stated she did not want a

large number of children because she wants to teach for quality. She added that it is hard to find places where she can teach.

MR. MILLER asked if any remodeling will have to be done?

MS. TALL replied no, she would only have to put in some linoleum. She reexplained the parking situation.

MR. NULL stated there is a house in the front which is single family and then there is an apartment over the garage.

VICE CHAIRMAN SEGRETTE asked if she was living in the house and if she was going to rent the unit over the garage?

MS. TALL replied yes, she wants to live here and teach in the living room.

VICE CHAIRMAN SEGRETTE asked if the parking spaces were provided if staff would have any objection to this?

MR. NULL replied that staff is objecting on the fact that this proposed operation does not meet the home occupation standards. He stated that if the Board wants to approve this, he would suggest that they might want to permit a maximum number of students.

MR. MILLER asked about placing a time limit on it?

MR. NULL stated the Board could do that also; he stated that if there are any complaints that there could be a review.

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

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

MR. MILLER made a Motion for APPROVAL of U-7-77(HO), subject to the following conditions:

1. Class size shall not exceed six students.
2. All advertising shall conform to the criteria for a Home Occupation Permit.
3. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - abstain
Mr. Canul - yes

Motion for APPROVAL carried unanimously with one abstention.

12. V-12-77

APPROVED

Application of JACK KENT COOKE for a Variance to allow the Crescent Street side of the property to be the legal front of the lot with the front and rear setbacks to be applicable from said street; allow a front yard setback of 21' and a rear yard setback of 40' where 50' is required; and to allow an 8' setback from the west side property line where 10' would be required, on property located at #4 Crescent Drive on the southeast corner of Crescent Drive and South Rancho Drive in Zoning District R-E (Residence

Estates); the above property legally described as that portion of Irregular Block 1, Scotch Eighty Addition (Resubdivision) more particularly described as: commencing at the northwest corner of said Scotch Eighty Addition (Resubdivision); thence South 0°47' west 356.52 feet to the true point of beginning; thence North 0°47' east 90.51 feet to a tangent curve concave to the southeast, having a radius of 15 feet and subtending a central angle of 90°00'; thence northeasterly along said curve 23.56 feet; thence South 89°13' east 40 feet; thence southeasterly along the westerly line of Circle Drive (now known as Crescent Drive) as delineated on said subdivision plat 204.50 feet; thence South 56°42' west 111.11 feet; thence North 69°31' west 145 feet to the point of beginning.

MR. NULL gave the staff report indicating staff has no objection to this. He stated there is no problem as there is no house on the side where the addition is being placed. He stated Public Services wants the applicant to sign an Assessment District Agreement for street lights and sidewalk on both Crescent and Rancho. He said there is a 20 ft. dedication for Rancho.

MR. MILLER asked if they were planning on widening the street in the future?

MR. NULL said he didn't know if they have that planned or not. He stated at the present time there is landscaping in the front of the wall and it is very pleasant. He stated there was one approval on record.

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

MR. GEORGE KALB, 1104 Ironwood, appeared representing the applicant. He stated that in regards to the sidewalk and street lights, that since the gentleman has already dedicated the 20 ft. for Rancho that he didn't think this should be required.

VICE CHAIRMAN SEGRETTEI explained this was for the future and would have to be approved by at least 51% of the property owners in the neighborhood.

MR. NULL explained it is a condition that Public Services puts on the application. He stated improvements were a normal condition.

MR. KALB stated that as long as this was for the future he would agree to it.

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-12-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for street lighting and sidewalk on Rancho Drive and Crescent Drive as required by the Department of Public Services.
2. Conformance to the plot plan.
3. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mr. Canul - yes

Motion for APPROVAL carried unanimously.

13. V-13-77

APPROVED

Application of JOHN D. GAUGHAN for a Variance to allow a six ft. (6') high block wall in the front yard area where a four ft. (4') high block wall, top two ft. (2'), fifty percent (50%) open is allowed, and to allow a 42 ft. front yard setback where 50 ft. is required on property generally located on the northwest corner of Westwood Drive and West Oakey Boulevard in Zoning District R-E (Residence Estates); the above property legally described as beginning at a point which is the intersection of the center lines of Birch Street and Silver Avenue, as shown on plat of Scotch Eighty (Resubdivision); thence South $1^{\circ}40'37''$ west 229.90 feet; thence South $89^{\circ}18'13''$ east 484.31 feet to the true point of beginning; thence continuing South $89^{\circ}18'13''$ east 132.36 feet; thence South $2^{\circ}34'09''$ west 188.12 feet; thence turning to the right through the arc of a circle of radius 15 feet and subtending a central angle of $88^{\circ}22'51''$ a distance of 23.14 feet; thence North $89^{\circ}03'00''$ west 126.64 feet; thence North $0^{\circ}57'00''$ east 202.02 feet to the true point of beginning.

MR. NULL gave the staff report indicating this is a vacant corner lot, and Public Services is requesting a 10 ft. dedication along Oakey and the radius corner at Westwood. In addition, he continued, the applicant should sign an Assessment District Agreement for half-street improvements along Oakey and Westwood. Staff would like to add because of the dedication that there be approval of sight distance requirements by the Traffic Engineer. He stated staff wants to make sure that the wall does not obstruct a driver's view at the intersection. He mentioned there was one approval and no opposition.

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

MR. BOB GORDON, 3101 Liberty Circle South, appeared representing the applicant. He stated he was buying the property and whatever the Board says is fine with him.

MR. MILLER asked if he would dedicate the 10 ft.

MR. GORDON replied yes. He stated the Variance will be for his house that he is going to build.

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

MR. CANUL made a Motion for APPROVAL of V-13-77, subject to the following conditions:

1. Dedication of ten feet (10') for Oakey Boulevard and the radius corner at Oakey and Westwood as required by the Department of Public Services.
2. Signing of an Assessment District Agreement for half-street improvements on Oakey Boulevard and Westwood Drive as required by the Department of Public Services.
3. Approval of the sight distance requirements by the Traffic Engineer.
4. Conformance to the plot plan as amended to reflect the above conditions.
5. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mr. Canul - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

14. V-14-77
APPROVED

Application of ENSIGN FEDERAL CREDIT UNION for a Variance to allow a credit union in a P-R (Professional Offices and Parking) Zone where financial institutions are not permitted on property located at 218 North 15th Street on the southeast corner of Stewart Avenue and 15th Street; the above property legally described as follows: beginning at the most southerly corner of Lot 13, Block 1, Mayfair Tract #3; thence North $28^{\circ}13'00''$ east 90.00 feet; thence North $61^{\circ}47'00''$ west 115.27 feet; thence South $28^{\circ}13'00''$ west 2.77 feet; thence from a tangent whose bearing is the last described course turning to the left along a curve of the east line of Fifteenth Street having a radius of 318.42 feet and subtending a central angle of $15^{\circ}53'57''$ an arc length of 88.36 feet; thence South $61^{\circ}47'00''$ east 103.09 feet to the true point of beginning.

MR. NULL gave the staff report indicating the applicant wants to add an addition to the existing structure. He said that staff has no objection to this request, but the applicant will have to close the existing curb cut and center a driveway on the 15th Street frontage. He stated they should also remove and replace the damaged sidewalk per Public Services requirements. He added that staff would like to see them indicate the trash enclosure and also that normal conditions be met. He mentioned there was one approval and no opposition, and staff has no objection to the granting of this Variance.

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

MR. ARDEN SAMPSON, 524 N. 9th Street, appeared representing the applicant. He stated this will be a credit union and will serve the Mormon people in this town. He stated that if they should run out of parking (but they shouldn't he added) they are currently negotiating for the area just south of this proposed facility. He stated, however, that they do have sufficient parking at this time. He said this will be a beautiful building.

VICE CHAIRMAN SEGRETTI asked if he understood the requirements of staff?

MR. SAMPSON replied yes, and he would comply with them.

VICE CHAIRMAN SEGRETTI 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-14-77, subject to the following conditions:

1. Relocate the driveway on 15th Street as the existing driveway infringes on parking spaces 10 and 11 as required by the Department of Public Services.
2. Remove and replace the damaged sidewalk as required by the Department of Public Services.
3. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

4. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
5. All mechanical equipment, air conditioners, and trash areas shall be screened from view from the abutting streets.
6. Conformance to the plot plan as amended to reflect the above conditions.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes
 Mr. Miller - yes
 Vice Chairman Segretti - yes
 Mr. Canul - yes

Motion for APPROVAL carried unanimously.

15. U-32-60 - APPROVED
 Plot Plan Review

Request of LARRY P. SCHLEUSNER for a Plot Plan Review on an approved Use Permit to allow an addition to a nonconforming building on property located at 227 South 9th Street on the east side of South Ninth Street between Carson and Bridger in Zoning District R-4.

MR. NULL gave the staff report indicating this item came before the Planning Commission for an administrative review. He stated the Planning Commission generally can approve this in their own right. He added that originally there was a use permit approved by the Board of Zoning Adjustment for some duplexes to an office use on this site, and the Planning Commission would like the Board's review; therefore, they approved this subject to BZA approval of the plot plan. He stated staff would like the normal conditions, if approved. He mentioned that the plot plan indicates the applicant will rebuild the wall at the corner of 9th and Bridger.

VICE CHAIRMAN SEGRETTI asked if the applicant was present.

MR. HUNTER, representing the applicant, appeared.

VICE CHAIRMAN SEGRETTI asked if anyone else wished to be heard; there being no one, she asked for an opinion of the Board.

MR. CANUL made a Motion for APPROVAL of U-32-60, subject to the following conditions:

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

Voting was as follows:

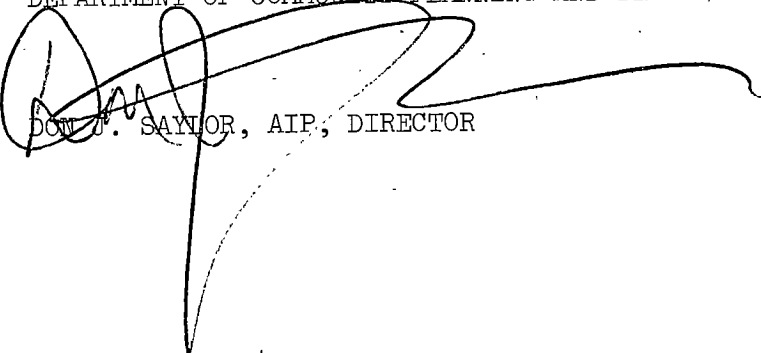
Mr. Canul - yes
Mr. Miller - yes
Vice Chairman Segretti - yes
Mrs. Emmett - yes

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 9:25 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



DON J. SAYLOR, AIP, DIRECTOR

DJS:bjc