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A G E N D A

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 22, 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 July 28, 1977.

NEW BUSINESS

1. V-68-77 Application of CHARLES W. AND JUDY LEE SANTELMAN for a Variance to allow interior remodeling and additions to a non-conforming dwelling which is within 40 feet of the front property line where fifty feet (50') is required, and, further, to allow a fireplace to within thirty-seven feet (37') of the front property line where fifty feet (50') is required on property located at 2550 Palomino Lane in Zoning District R-A.
2. V-69-77 Application of LEE AND BARBARA ROSE for a Variance to allow an addition to within six feet four inches (6'4") of the rear property line where fifteen feet (15') is required on property located at 301 Gardenia Lane in Zoning District R-1.
3. V-70-77 Application of RALPH R. & HELYN R. ARTHUR for a Variance to allow seventeen (17) parking spaces for seventeen (17) dwelling units where twenty-six (26) parking spaces are required on property located at 216 through 224 South 10th Street in Zoning District R-4.
4. U-59-77 Application of ROY JETT for a Use Permit to allow the operation of a used car sales lot and a trailer sales lot on property located at 314 Foremaster Lane in Zoning District C-2.
5. V-71-77 Application of LAS VEGAS VALLEY WATER DISTRICT for a Variance to allow a 7'10" block wall fence where six feet (6') is allowed twenty feet (20') from the front property line on property located at 808 South Jones Boulevard in Zoning District R-1.
6. V-72-77 Application of BARRY L. HOUSEAL for a Variance to allow a ten ft. high chain link fence around a tennis court within the required rear and side yard setbacks on property located at 2000 Edgewood Avenue in Zoning District R-1.
7. V-73-77 Application of JOSEPH A. DALKOWSKI for a Variance to allow an existing carport and storage room located twenty-three inches (23") from the side property line where seven feet (7') is required on property located at 4925 Elmhurst Lane in Zoning District R-1.
8. V-74-77 Application of ALAN ERIKSON FOR LDS CHURCH THRIFT SHOP for a Variance to allow more than two people to be involved in minor reproduction facilities where a maximum of two are permitted on property generally located at the northeast corner of Searles Avenue and Las Vegas Boulevard North in Zoning District C-2.
9. V-75-77 Application of JOHN P. MAGUIRE for a Variance to allow a patio cover to within two feet (2') of the side property line where five feet (5') is required, and to allow an eave overhang to within 1'6" of the side property line where three feet (3') is required on property located at 3021 Milo Way in Zoning District R-1.

10. U-60-77(HO)

Application of JANIE CRYNS at 5322 Evergreen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a mail order office for wholesale cookbooks.

11. U-61-77(HO)

Application of LINDA S. CASEY at 2208 El Mirador Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise planning/interior design office.

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

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 22, 1977

1. U-63-77(HO) Application of RICHARD GRAWOIG, TRUSTEE at 1811 Silver Avenue in Zoning District R-E for a Home Occupation Permit - Allow an off-premise social activity service operation.
2. U-64-77(HO) Application of KAREN G. GORDON at 1630 Westwood Drive in Zoning District R-E for a Home Occupation Permit - Allow an off-premise social activity service operation.
3. U-65-77(HO) Application of JOSEPH W. ASCOLILLO at 5712 Pinecone Place in Zoning District R-1 for a Home Occupation Permit - Allow an office for the sale of school buses.
4. U-66-77(HO) Application of L. RICHARD PRAMENTER at 805 E. Griffith Avenue in Zoning District R-1 for a Home Occupation Permit - Allow computer programming.
5. U-67-77(HO) Application of BARBARA DIBBLE at 6248 Parsifal Place in Zoning District R-1 for a Home Occupation Permit - Allow seamstress work.

MINUTES

BOARD OF ZONING ADJUSTMENT

SEPTEMBER 22, 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.

PRESENT: Chairman Duncan, Mr. Miller, Mrs. Segretti, Mrs. Emmett.

EXCUSED: Mr. Canul.

STAFF PRESENT: Don W. Brown, Supervisor of Zoning
Ira John Gardner, Planning Assistant
Linda A. McIntosh, Recording Secretary

MINUTES: MRS. SEGRETTI made a Motion to APPROVE the Minutes of the regular meeting held July 28, 1977. Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-60-77(HO) Application of JANIE CRYNS at 5322 Evergreen Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a mail order office for wholesale cookbooks.
 2. U-61-77(HO) Application of LINDA S. CASEY at 2208 El Mirador Street in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise planning/interior design office.
 3. U-63-77(HO) Application of RICHARD GRAWOIG, TRUSTEE at 1811 Silver Avenue in Zoning District R-E for a Home Occupation Permit - Allow an off-premise social activity service operation.
 4. U-64-77(HO) Application of KAREN G. GORDON at 1630 Westwood Drive in Zoning District R-E for a Home Occupation Permit - Allow an off-premise social activity service operation.
 5. U-65-77(HO) Application of JOSEPH W. ASCOLILLO at 5712 Pinecone Place in Zoning District R-1 for a Home Occupation Permit - Allow an office for the sale of school buses.
 6. U-66-77(HO) Application of L. RICHARD PRAMENTER at 805 E. Griffith Avenue in Zoning District R-1 for a Home Occupation Permit - Allow computer programming.
 7. U-67-77(HO) Application of BARBARA DIBBLE at 6248 Parsifal Place in Zoning District R-1 for a Home Occupation Permit - Allow seamstress work.
- (ITEMS 1 THRU 7)

APPROVED

MR. BROWN stated all items satisfactorily meet the requirements of a Home Occupation Permit and staff would recommend approval.

CHAIRMAN DUNCAN asked if the applicants were present. All were, except Linda S. Casey, who arrived later in the meeting.

MR. MILLER made a Motion for APPROVAL of items 1 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. Miller: Yes
Chairman Duncan: Yes
Mrs. Segretti: Yes
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

8. V-68-77

APPROVED

Application of CHARLES W. AND JUDY LEE SANTELMAN for a Variance to allow the interior remodeling and additions to a non-conforming dwelling which is within 40 feet of the front property line where fifty feet (50') is required, and further, to allow a fireplace to within thirty-seven feet (37') of the front property line where fifty feet (50') is required on property located at 2550 Palomino Lane in Zoning District R-A (Ranch Acres). The above property is a portion of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and indicated the location by means of visual aids as well as the plot plan of the requested Variance. He stated that when viewing the property, it was noticed that the house on the east was set back farther, but if the neighbors do not object, staff has no objections. The Department of Public Services has requested a couple of stipulations should the Board approve the Variance. They have asked the applicant to sign an assessment district agreement on Palomino and Shetland for future curbs, sidewalks, gutters and street lights as well as an agreement for sewer lines.

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

CHARLES W. SANTELMAN, 2550 Palomino Lane, said the house was built in 1947 when that area required a 25 foot setback and today, the required setback is 50 feet. That is one reason for a portion of the request, to make their house conforming. Further, their neighbors directly to the east are present tonight in approval of the application.

MR. MILLER asked if there were any letters of protest.

MR. BROWN replied there was not.

MR. SANTELMAN said he did not understand the request of staff for the Public Service conditions.

MR. BROWN explained that if and when those improvements are put in, he would already have concurred.

MR. STAN SULLIVAN, 2520 Palomino Lane, appeared in favor of the application. He stated he was the neighbor directly to the east and also the closest one, and he is approximately 200/300 feet away. He felt the Variance would improve the house and the neighborhood. He said it was landscaped and would not infringe upon the neighborhood.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-68-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for curb, gutter, sidewalk, street paving and street lighting on Palomino and Shetland frontage; and for sewer line where needed 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. Segretti: Yes
Mr. Miller: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

9. V-69-77
APPROVED

Application of LEE AND BARBARA ROSE for a Variance to allow an addition to within six feet four inches (6'4") of the rear property line where fifteen feet (15') is required on property located at 301 Gardenia Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 45, Block 5, Twin Lakes Village #10.

MR. BROWN gave the staff report and indicated the property in question is located in an R-1 District on a cul-de-sac. In viewing the property, you see just a blank bank of the freeway which is elevated and above the house. Staff feels the purpose and intent of the ordinance would not be thwarted if this Variance was approved.

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

LEE ROSE, 301 Gardenia Lane, stated that with the freeway, it is better than previously.

CHAIRMAN DUNCAN asked what the addition would be.

MR. ROSE said it would be a family room and would also give them access to the garage area. He asked if the Board would grant an additional 3' encroachment to the rear property line.

MR. BROWN explained the Board could not legally do this. Mr. Rose would have to file a new application for the additional three feet.

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-69-77, 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
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

10. V-70-77
DENIED

Application of RALPH R. & HELYN R. ARTHUR for a Variance to allow seventeen (17) parking spaces for seventeen (17) dwelling units where twenty-six (26) parking spaces are required on property located at 216 through 224 South 10th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 24 through 29, Block 6, Pioneer Heights Addition.

MR. BROWN gave the staff report and stated that the ordinance is quite specific in calling for the required number of parking spaces and staff sees no point for deviating from the ordinance and recommends denial. There are two letters of protest on file.

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

O.A. PENDLETON, 2900 South Valley View, Space 295, appeared for the applicant. He stated that if under the ordinance a specific number of parking spaces are required, could the front area on the street be utilized for parking. He presented a plot plan to the Board. He added that the property across the street has parking in front.

MR. BROWN stated that across the street, they are backing onto the street and the Traffic Engineer and Public Services frown on backing onto a street. Mr. Brown stated they would be permitted 24 units in the R-4 zone.

MR. FRANCIS C. GAGNON, manager of the existing units, appeared. He stated that across the street the situation had existed for 18 years. He said he did not know what the applicant was applying for, but that they had 8 units.

MR. MILLER asked how many parking spaces they had.

MR. GAGNON stated they had eleven or twelve spaces.

MRS. SEGRETTI asked how many units there are in each building.

MR. BROWN said there are 4 studios, one four bedroom house on the 10th Street side and three two-bedroom apartments. They are planning on bringing this all into one for a total of 17 units. Now there are 8 with 17 parking spaces.

MR. MILLER asked if there was any more room for parking after construction.

MR. BROWN said parking will go across the existing swimming pool. It will be removed.

MR. MILLER said he was very familiar with the area and that he was firmly against short parking spaces on a small piece of property. He added there is an area downtown where it has been determined one space will work, but did not feel it would work with regard to this application. There are still residential units in this area.

MR. GAGNON said that state employees park on the street all day long.

CHAIRMAN DUNCAN asked if they filled up the swimming pool, would there be enough spaces.

MR. GAGNON said it is a big pool.

MR. MILLER suggested they rework the plot plan to accommodate the required parking. He said it might not fly this way.

MR. PENDLETON asked Mr. Brown if he had any suggestions for parking in the front. Could they just pull in and park.

MR. BROWN said they had looked at the property in question and do not think there is any way to get the room for the parking spaces.

MR. GAGNON asked if they could cut another driveway.

MR. BROWN said that would be up to Public Services.

CHAIRMAN DUNCAN suggested they apply for it.

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-70-77 because the Board found that the requirements of the Zoning Ordinance to allow the granting of a variance were not met.

Voting was as follows:

Mrs. Segretti: Yes
Mr. Miller: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for DENIAL carried unanimously.

11. U-59-77
ABEYANCE

Application of ROY JETT for a Use Permit to allow the operation of a used car sales lot and a trailer sales lot on property located at 314 Foremaster Lane in Zoning District C-2 (General Commercial). The above property is a portion of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, Township 20 South, Range 61 East, M.D.M.

MR. BROWN stated it was his understanding that the applicant, Mr. Jett, was now deceased, since he made application for the Use Permit. There is one letter of protest on file.

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

No one representing the applicant was present.

MR. BROWN suggested the Board hold this item in abeyance until staff could talk with the heirs and determine if they wished to proceed.

MR. ROBERT DARSH, representing Spaulding Mortuary was present in protest.

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 in ABEYANCE because there was no one present to represent the applicant.

Voting was as follows:

Mr. Miller: Yes
Mrs. Segretti: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for ABEYANCE carried unanimously.

12. V-71-77
APPROVED

Application of LAS VEGAS VALLEY WATER DISTRICT for a Variance to allow a 7'10" block wall fence where six feet (6') is allowed twenty feet (20') from the front property line, but with the top two feet being fifty percent (50%) open on property located at 808 South Jones Boulevard in Zoning District R-1 (Single Family Residence). The above property is a portion of the South Half (S $\frac{1}{2}$) of Section 35, Township 20 South, Range 60 East, M.D.B. & M.

MR. BROWN presented the staff report and stated this application has been reviewed in some detail with the Water District. Staff would recommend approval subject to a 40' dedication of right-of-way on Jones and the Water District be directed to move the wall back 20' rather than the 18' that is indicated on the plot plan.

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

VANCE LEE, representing the Las Vegas Valley Water District, stated he was sure they could accommodate the 18' and as far as the 40' is concerned, he was also sure that request would be accommodated.

CHAIRMAN DUNCAN asked if they could live with that.

MR. LEE stated "I am sure we can live with that."

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

MRS. SEGRETTI made a Motion for APPROVAL of V-71-77 subject to the following conditions:

1. Dedication of 40 ft. of right-of-way on Jones Boulevard as required by the Department of Public Services.
2. Front yard setback shall be twenty feet instead of eighteen feet as depicted on the plot plan.
3. Conformance to the plot plan.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti: Yes
Mr. Miller: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

13. V-72-77

APPROVED

Application of BARRY L. HOUSEAL for a Variance to allow a ten ft. high chain link fence around a tennis court within the required rear and side yard setbacks on property located at 2000 Edgewood Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 5, Block 1, Resubdivision of Westwood Park Tract #2 Resubdivision and Lot 6, Westwood Park Tract #2 Resubdivision.

MR. BROWN presented the staff report and stated the ordinance requires that tennis courts be set back 10' from all rear and side lot lines so he is asking for a Variance to those terms of 10' on one side and 7' on the other. If the neighbors don't object, staff does not.

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

BARRY L. HOUSEAL, 2000 Edgewood Avenue, said they were told to apply for a Variance for a 10' high fence.

CHAIRMAN DUNCAN asked how near was the neighbor.

MR. HOUSEAL stated about 60 to 80 feet. He added he had discussed it with them and they approved. He added the fence in question would be inside the existing block wall.

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

MRS. EMMETT made a Motion for APPROVAL of V-72-77 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
Mrs. Segretti: Yes
Chairman Duncan: Yes

Motion for APPROVAL carried unanimously.

RECESS:

CHAIRMAN DUNCAN declared a 15-minute recess at 8:20 P.M. and reconvened the meeting at 8:35 P.M.

14. V-74-77

APPROVED

Application of ALAN ERIKSON for LDS CHURCH THRIFT SHOP for a Variance to allow more than two people to be involved in minor reproduction facilities where a maximum of two are permitted on property generally located at the northeast corner of Searles Avenue and Las Vegas Boulevard North in Zoning District C-2 (General Commercial). The above property is a portion of the West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 26, Township 20 South, Range 61 East, M.D.B. & M.

MR. BROWN presented the staff report and said staff would recommend approval with a couple of conditions.

One, the driveway on the north be moved south 6' and Public Services requires the width of the driveway be cut from 40' to 32' and that a sidewalk (concrete) be installed replacing that which is currently existing on Las Vegas Boulevard frontage.

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

FRED KENNEDY, architect for the project, stated they would comply with the restrictions imposed by staff.

MRS. SEGRETTI asked if there are parking facilities for this.

MR. BROWN stated they have any number of parking spaces and that they were adequate. He added if the Board approved the application, it should also be subject to the normal conditions required.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-74-77 subject to the following conditions:

1. Installation of a concrete sidewalk on Las Vegas Boulevard North frontage as required by the Department of Public Services.
2. Revise the driveway on Las Vegas Boulevard North to be six ft. minimum from the property line and a maximum width of 32 ft. as required by the Department of Public Services.
3. An approved fire hydrant to be installed at the front of the property, 300 ft. spacing, two approved plans will be required for District Mapping and I.S.O. as required by the Department of Fire Services.
4. 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.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan as amended to reflect the above conditions.
8. Conformance to code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti: Yes
Mr. Miller: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

15. V-73-77

APPROVED

Application of JOSEPH A. DALKOWSKI for a Variance to allow an existing carport and storage room located twenty-three inches (23") from the side property line where seven feet (7') is required on property located at 4925 Elmhurst Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 28, Block 12, Golfridge Terrace #6.

MR. BROWN gave the staff report, indicated the location of the subject property, and added that this is an existing carport. Further, there is one letter of approval from a realtor on Apawana Lane. He said that inasmuch as the ordinance is quite specific on this setback request of 7', staff recommends denial.

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

JOSEPH A. DALKOWSKI, 4925 Elmhurst Lane, was present. He stated they had moved here in 1961 from New Jersey. He said they had gone to a leading store in town to purchase some parts for a sprinkler system. They inquired while there if there was someone who could install this. This person then came out and did the work. He said he would do the other work when they asked about it. Mr. Dalkowski said this was the first home they had ever owned, always having lived in apartments. They had believed this person had gotten all the proper permits. They were not aware of the laws concerning property ownership since they had never had a home of their own before.

CHAIRMAN DUNCAN asked if the person doing the work had a contractor's license.

MR. DALKOWSKI said he did not know. It was back in 1963. He added they had gone around to all of their neighbors and gotten a petition signed except for two who apparently were not at home. He also presented pictures to the Board.

MR. MILLER asked if the next door neighbor had signed the petition.

MR. DALKOWSKI replied they had.

MRS. SEGRETTI asked what the footage was between the west wall and the property line.

MR. BROWN stated it was 5' on one side and 23" on the other.

MRS. SEGRETTI asked if the Fire Department had approved it.

MR. BROWN replied they had signed off on it.

MR. MILLER asked if the pictures were recent.

MR. DALKOWSKI replied they had been taken this date. He added there was a storage room at the very end.

MR. MILLER asked if it had open sides.

MR. DALKOWSKI said one side was solid on the first part, but that on the other side it is not.

MRS. SEGRETTI asked if there was a gate through to the back yard on the other side.

MR. DALKOWSKI replied that there was. He added it was always open for meter readers, etc.

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

MR. MILLER made a Motion for APPROVAL of V-73-77, subject to the following conditions:

1. All necessary permits and inspections shall be obtained 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:

Mr. Miller: Yes
Mrs. Segretti: Yes
Chairman Duncan: Yes
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

16. V-75-77

APPROVED

Application of JOHN P. MAGUIRE for a Variance to allow a patio cover to within two feet (2') of the side property line where five feet (5') is required, and to allow an eave overhang to within 1'6" of the side property line where three feet (3') is required on property located at 3021 Milo Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 37, Block 1, Meadow Terrace.

MR. BROWN gave the staff report and indicated the location by means of visual aids. He stated that inasmuch as the ordinance is quite specific on the setbacks required, staff would not recommend a deviation from that and has taken the position that it should be denied.

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

JOHN P. MAGUIRE, 3021 Milo Way, stated that he has a 6' concrete pad that goes six feet out and two feet from that there is a cedar type board fence that was put up by the people they bought the house from. He added that under existing regulations he is allowed to put up a patio cover 5' from the property line. With the 6' concrete pad, a 5' post makes it impractical to put anything there. He would like the Board's permission to put the post out toward the corners of the pad, closer to the 6' side and then erect an open patio. Also, it is a west facing patio and this roof would prevent the kitchen and dining area from heating up so much. Would also save on electric bills due to the air conditioning. He added he bought the house two years ago and the pad was already there and is a part of the natural terrace area complex.

MRS. SEGRETTI asked if he knew what it was there for.

MR. MAGUIRE said probably for use as an area to go out to the back and front yard. There is just one door.

MRS. SEGRETTI asked if there was a way to get into the back.

MR. MAGUIRE said there was a fence to the north that has a gate.

MRS. SEGRETTI asked what the distance was between the house and the east property line.

MR. MAGUIRE replied approximately ten feet.

MRS. SEGRETTI asked if the neighbor to the west protested.

MR. MAGUIRE said he had talked to him and he did not.

MR. JOHN FORALDI, 2817 Northam Street, appeared. He said he did not know Mr. Maguire, but was in favor of his application.

MR. MILLER asked him if he had a slab.

MR. FORALDI replied that he did.

MR. MILLER asked if it was covered.

MR. FORALDI replied that it was. And it was just at this meeting where he found out it was illegal.

MR. MILLER said he was sure Mr. Foraldi would be in for a variance.

MR. FORALDI said okay.

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-75-77, 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
Mrs. Emmett: Yes

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 9:00 P.M.

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT


DON J. SAYLOR, AIP, DIRECTOR

DJS/lm