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A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 30, 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 August 25, 1977, and September 22, 1977.

NEW BUSINESS:

1. U-59-77                      Review of Condition #2 regarding access to the 20 ft. private alley on an approved Use Permit application of ROY JETT 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.  
Review of Condition
2. V-89-77                      Application of WILLIE C. BREWSTER for a Variance to allow an addition to within eleven feet two inches (11'2") of the rear property line where fifteen feet (15') is required on property located at 329 Frederick Avenue in Zoning District R-1.
3. V-90-77                      Application of NAZIR U. KHAJAMO for a Variance to allow an eight ft. block wall on the rear property line where a maximum height of six feet (6') is permitted; and to allow sixty percent (60%) lot coverage where a maximum of fifty percent (50%) is permitted on property located at 2605 Austin Avenue in Zoning District R-1.
4. V-91-77                      Application of RICHARD NORRIS for a Variance to allow an addition to a nonconforming residence and lot. The residence is located forty-four feet (44') from the front property line where fifty feet (50') is required, and twenty feet (20') from the rear property line where fifty feet (50') is required, on property located at 1654 Parkchester Drive in Zoning District R-E.
5. V-92-77                      Application of C. A. GERLING for a Variance to allow two dwelling units where only one is permitted on property located at 2306 E. Walnut Avenue in Zoning District R-1.
6. U-75-77                      Application of DR. GEORGE A. RITTER for a Use Permit to allow a professional office use (chiropractor) on property located at 1812 and 1814 Santa Paula Drive in Zoning District R-4. Such a use is permitted in the R-4 District subject to securing a Special Use Permit.
7. V-93-77                      Application of DE VON ANDERSON for a Variance to allow a covered stairway to within six feet seven inches (6'7") of the east side property line where ten feet (10') is required on property located at 4971 E. Sandra Road in Zoning District R-E.
8. V-94-77                      Application of WALTER B. FEATHERSTON for a Variance to allow a garage addition to within six feet (6') of the side property line where ten feet (10') is required on property located at 1910 West Oakey in Zoning District R-E.

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9. V-95-77 Application of JUANITA M. DALY for a Variance to allow a fence of variable heights of block and wrought iron to a maximum height of eight feet (8') where a maximum height of four feet (4') with the top two feet (2') fifty percent (50%) open is permitted in the front yard; and to allow a nine ft. (9') block wall on the west side property line and an eight ft. (8') block wall on the east side property line where a maximum height of six feet (6') is permitted on property located at 1200 Rancho Circle in Zoning District R-A.
10. U-77-77 Application of DIPLOMAT CORPORATION for a Use Permit to allow operation of a major automotive parts exchange on property located at 333 South Decatur Boulevard in Zoning District C-2. Such use is permitted in the C-2 with a Special Use Permit.
11. V-96-77 Application of WILLIAM H. BAILEY for a Use Variance to allow an afro cultural arts center and the related sales of art craft items on property located at 1830 North Highland in Zoning District R-E. Such use is not permitted in a residential district.
12. V-97-77 Application of LEE AND BARBARA ROSE for a Variance to allow a room addition and patio cover to within five feet (5') of the rear property line where fifteen feet (15') is required on property located at 301 Gardenia in Zoning District R-1.
13. V-98-77 Application of MICHAEL R. ZAKULA, D.D.S. for a Use Variance to allow a dental laboratory in a P-R zone on property located at 4218 West Charleston Boulevard. Such a use is not permitted in the P-R District.
14. V-99-77 Application of EXXON CORPORATION for a Use Variance to allow an automotive transmission and service garage on property located at 4910 Vegas Drive in Zoning District C-1. Such a use is not permitted in the C-1 District.
15. U-78-77 Application of JAMES J. AND MARY A. COSTA for a Use Permit to allow a group child care home operation (12 children) on property located at 2037 Hasset Avenue in Zoning District R-1. Such use is permitted in the R-1 District subject to receiving a Special Use Permit.
16. U-79-77 Application of SECURITY FIDELITY NO. 1 for a Use Permit to allow an R-4 apartment development in a C-1 zone on property generally located 430 ft. north of Sahara Avenue extending east from Richfield Boulevard 1250 feet. Such use is permitted in the C-1 zone subject to receiving a Special Use Permit.
17. V-100-77 Application of HELEN R. HEBERT for a Use Variance to allow a dance studio in a P-R zone where dance studios are not permitted uses and to allow nine (9) parking spaces where sixteen (16) are required on property located at 4300 West Charleston Boulevard.
18. U-76-77(HO) Application of WAYMAN L. BAKER at 717 Slayton Drive in Zoning District R-1 for a Home Occupation Permit - Allow the mail-order and catalog resale (wholesale) of specialty merchandise.
19. U-80-77(HO) Application of JOHN G. CAHALIN at 1329 Silverlake Drive in Zoning District R-1 for a Home Occupation Permit - Allow a health and life insurance agent's office.
20. U-81-77(HO) Application of RICHARD G. HEPWORTH at 6600 Lowden Lane in Zoning District R-1 for a Home Occupation Permit - Allow the direct sale of Fuller Brush Company products and AMS/oil synthetic lubricants.
21. U-82-77(HO) Application of ROBERT D. GRAY FOR VAHAN RYAN AND ASSOCIATES at 5420 Del Rey Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an advertising agency business office.

S U P P L E M E N T A L   A G E N D A

BOARD OF ZONING ADJUSTMENT

NOVEMBER 30, 1977

1. U-83-77(HO)      Application of SELMA ZANG at 813 N. 20th Street in Zoning District R-1 for a Home Occupation Permit - Allow a cleaning service office.
2. U-84-77(HO)      Application of ROBERT & JUDITH BERKOWITZ at 308 Pinecliff Drive in Zoning District R-1 for a Home Occupation Permit - Allow a free lance photography business.
3. U-85-77(HO)      Application of CECIL RAY REED at 117 Chason in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise tax consulting operation.

MINUTES

BOARD OF ZONING ADJUSTMENT

NOVEMBER 30, 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, Mrs. Segretti, Mrs. Emmett and Mr. Canul.

EXCUSED:

Mr. Miller.

STAFF PRESENT:

Don W. Brown, Supervisor of Zoning  
Ira John Gardner, Planning Assistant  
Linda A. Agnew, Recording Secretary

PLEDGE OF ALLEGIANCE.

MINUTES:

MRS. SEGRETTI made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meetings held August 25, 1977, and September 22, 1977. Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-59-77

Review of  
Condition

Review of Condition #2 regarding access to the 20' private alley on an approved Use Permit application of ROY JETT to allow the operation of a used car sales lot and for a trailer sales lot on property located at 314 Foremaster Lane in Zoning District C-2.

APPROVED

MR. BROWN presented the staff report and stated that since the last meeting, an additional memorandum from Public Services has been received which says if the applicants do not have a need for this easement, then the City does not. He added he had talked to the attorney and he was going to research the deeds for the people who own the adjacent property to see if an easement was part of the transmittal.

JACK PURSEL, Attorney at Law, representing the applicant, stated they were in accord with the memorandum referred to by Mr. Brown. He added he had researched this matter and found it does exist in the records, the reservation of the westerly 20' of the Jett property for ingress and egress; however, a wall had been erected across the rear of the 20' in question by the adjoining property owner quite some time ago. He said they would accept the fact of the easement on the basis of the existing conditions.

MRS. ROY JETT was present.

MR. CANUL made a Motion to grant the request to delete condition #2 (regarding the 20' private alley) as one of the conditions needed to obtain a Use Permit.

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti, Chairman Duncan and Mrs. Emmett.

"NOES" None.

Motion for APPROVAL carried unanimously.

2. V-89-77

APPROVED

Application of WILLIE C. BREWSTER for a Variance to allow an addition to within eleven feet two inches (11'2") of the rear property line where fifteen feet (15') is required on property located at 329 Frederick in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 1, Kasper Park #1.

MR. BROWN presented the staff report and indicated the location by means of visual aids. He said the property in question is across the street from a school and there is a strip of R-1 to the east and the west on Frederick. There are no protests on record.

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

W.C. BREWSTER, 329 Frederick, was present.

CHAIRMAN DUNCAN asked if he had started construction.

MR. BREWSTER replied he had not.

MRS. SEGRETTI asked how large the house was without the addition.

MR. BREWSTER replied he did not know.

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-89-77, 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:

"AYES" Mrs. Emmett, Mrs. Segretti, Chairman Duncan and Mr. Canul.

"NOES" None.

Motion for APPROVAL carried unanimously.

3. V-90-77

APPROVED

Application of NAZIR U. KHAJAMO for a Variance to allow an eight ft. block wall on the rear property line where a maximum height of six feet (6') is permitted; and to allow sixty percent (60%) lot coverage where a maximum of fifty percent (50%) is permitted on property located at 2605 Austin Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 13 and the easterly 40 feet of Lot 12, Block 4, Rancho Square.

MR. BROWN gave the staff report and stated the lot is located between Delmar and Eldorado. The property in question is now in the framing stages. There are no protests or letters of approval on record.

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

FRANK PROCOPIO, 4223 Chatham Circle, stated he bought this property from a contractor with the understanding that the house would be built as he had the footing. The footing was brought out to the garage and the fence was constructed. When the inspector was out, they saw children jumping over the fence. There is a difference in the elevation.

CHAIRMAN DUNCAN asked if the slab had been poured.

MR. PROCOPIO stated the slab was in existence when he bought the house.

CHAIRMAN DUNCAN asked who the previous owner was.

MR. PROCOPIO said it was Harris Construction Co. and this had been done without permission from the City.

CHAIRMAN DUNCAN asked if the contractor was licensed.

MR. PROCOPIO replied that he was.

MR. CANUL asked if any permits had been issued for this.

MR. PROCOPIO said six permits had been issued for the property. He said the applicant wanted to use the back part of the garage for a storage area.

CHAIRMAN DUNCAN asked why an 8 ft. fence was wanted.

MR. PROCOPIO said to prohibit the children from jumping over the fence into an area by the freeway.

MRS. SEGRETTI asked if he thought an 8 ft. fence would stop them from going over it.

MR. PROCOPIO said at least on the applicant's property and his own, which adjoins it.

MR. BROWN stated there are no protests on record, and that one of staff stipulations would be to remove and replace the damaged sidewalk.

MR. PROCOPIO said they planned to do that.

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-90-77, subject to the following conditions:

1. Inform State Highway Department of property backing up to freeway as required by the Department of Public Services.
2. Removal and replacement of the damaged sidewalk as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti, Chairman  
Duncan and Mrs. Emmett.

"NOES" None.

Motion for APPROVAL carried unanimously.

4. V-91-77

APPROVED

Application of RICHARD NORRIS for a Variance to allow an addition to a nonconforming residence and lot. The residence is located forty-four feet (44') from the front property line where fifty feet (50') is required, and twenty feet (20') from the rear property line where fifty feet (50') is required, on property located at 1654 Parkchester Drive in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the West Half ( $W\frac{1}{2}$ ) of the East Half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 19, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report, indicated the location by means of visual aids, and stated that it was possible to see that he is not coming any closer to the lot line in the front of the house that exists, nor on the rear property line. There are no protests on record.

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

RICHARD NORRIS stated he was just trying to upgrade the neighborhood. He said the house as it now exists is like a \$30,000 chicken coop compared to what is in the neighborhood. It is an older house which faces a street that has been closed off and he is turning the house around with a new front. He added he is not going out any further than the existing lines and would be adding a bath.

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-91-77, subject to the following conditions:

1. Signing of an Assessment District Agreement for future street lighting and sidewalk 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:

"AYES" Mrs. Emmett, Mrs. Segretti, Chairman  
Duncan and Mr. Canul.

"NOES" None.

Motion for APPROVAL carried unanimously.

5. V-92-77

DENIED

Application of C.A. GERLING for a Variance to allow two dwelling units where only one is permitted on property located at 2306 East Walnut Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 4 and 5, Block 1, Boulder Homesite Addition Tract #4.

MR. BROWN presented the staff report and stated there is an R-1 District across the street. There are also quite a few protests, and he indicated their location on the area map. Staff sees

no point in permitting two units where only one is permitted.

CHAIRMAN DUNCAN asked if they were in existence.

MR. BROWN replied that they are and they are also connected.

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

C.A. GERLING, 2306 E. Walnut, stated his son and daughter-in-law and two children lived in the other part of the house. He added he has emphysema and has oxygen in the house. When it gets bad, he has someone there to help him. He said he is only asking that what he has be authorized.

MRS. SEGRETTI asked if the dwellings were separated.

MR. GERLING replied no, that he had, on the inside, built a partition closing off part of the house.

MRS. SEGRETTI asked if the kitchen was there when he bought the house.

MR. GERLING replied that he had added a stove and sink. He said the previous people had this built on when they built a garage about 10 years ago, so he went ahead and finished it. He said he was very cooperative when the City wanted to see his house and Saylor then wrote him a letter and told him he was in violation.

MRS. EMMETT asked if it was complete in 1975.

MR. GERLING replied that it was, the title insurance company got a letter of conformance from the City.

MRS. EMMETT said he had responded to this letter, did the others.

MR. BROWN explained that in the Housing Code Program they are notified of illegalities of the use and reminded the Board they had had similar requests from people on Rexford.

MRS. DICKMAN, 2310 Walnut, appeared in protest. She stated she was against the application and that the applicant had rented part of the dwelling out.

MR. GERLING appeared in rebuttal and stated he wanted to be able to have privacy and help when he needs it.

MRS. EMMETT asked if he could get along without the kitchen.

MR. GERLING replied that he could not because of his cooking.

MR. BROWN said it would be legal if the kitchen was removed and there was an open door to the rest of the house. He then read a petition of protest received by the Department of Community Planning and Development.

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-92-77.

Voting was as follows:

"AYES" Mrs. Segretti and Chairman Duncan  
"NOES" Mrs. Emmett and Mr. Canul

The result of this vote is that no action was taken.

MRS. SEGRETTI made a Motion for APPROVAL of V-92-77.

Voting was as follows:

"AYES" Mrs. Emmett and Mr. Canul  
"NOES" Mrs. Segretti and Chairman Duncan

Motion for APPROVAL failed by reason of a tie vote, and the request is therefore DENIED.

6. U-75-77

DENIED

Application of DR. GEORGE A. RITTER for a Use Permit to allow a professional office use (chiropractor) on property located at 1812 and 1814 Santa Paula Drive in Zoning District R-4 (Apartment Residence). Such a use is permitted in the R-4 District subject to securing a Special Use Permit. The above property is legally described as Lot 14, Block 2, El Centro Addition Tract #2.

MR. BROWN presented the staff report and indicated the location by means of visual aids. He stated that in looking at the street, there are no other uses along this block except abutting St. Louis. The rest is residential. Staff sees no reason why the encroachment should be permitted in a residential district and recommends denial.

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

MRS. SHARON RITTER, 1812 Santa Paula, stated they just wanted a Use Permit for the Doctor to have an office in half and they would live in the other half.

CHAIRMAN DUNCAN ask if this was her home address.

MRS. RITTER replied that it was and that the structure was a duplex. She added that it would be an excellent location for her husband to practice from and that they had not planned to rent him an office elsewhere.

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 U-75-77 as the Board found that the requirements of the Zoning Ordinance to allow the granting of a Use Permit were not met.

Voting was as follows:

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul.  
"NOES" None.

Motion for DENIAL carried unanimously.

7. V-93-77

APPROVED

Application of DE VON ANDERSON for a Variance to allow a covered stairway to within six feet seven inches (6'7") of the east side property line where ten feet (10') is required on property located at 4971 East Sandra Road in Zoning District R-E (Residence Estates). The above property is legally described as the East 65.50 feet of Lot Six, Block Two, Happy Valley Rancho Tract No. 2.

MR. BROWN presented the staff report, indicated the location by means of visual aids, and stated the property in question was in the heart of an R-E District and was a rather large lot.

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

DE VON ANDERSON, 4971 Sandra, stated he built this addition about 10 years ago. He added he had the inspections and had gotten a permit and nothing was said. He added he went in to apply for another permit for a dining room when they came across this and wanted him to get a variance before the last permit was issued. He said they went back and found the original permit. Also there are two bedrooms in the basement and the stairs are his only fire escape.

MR. CANUL asked if the planned addition would be legal.

MR. ANDERSON replied that it would.

MRS. SEGRETTI asked if the stairway was 6'7" from the property line where 10' is required.

MR. ANDERSON replied that it is.

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-93-77, subject to the following conditions:

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

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti, Chairman  
Duncan and Mrs. Emmett.

"NOES" None.

Motion for APPROVAL carried unanimously.

8. V-94-77

APPROVED

Application of WALTER B. FEATHERSTON for a Variance to allow a garage addition to within six feet (6') of the side property line where ten feet (10') is required on property located at 1910 West Oakey Boulevard in Zoning District R-E (Residence Estates). The above property is legally described as a portion of Block 11 of Scotch Eighty (Resubdivision).

MR. BROWN presented the staff report and indicated the location by means of visual aids, and stated that he understood other variances have been granted in this area. There is one protest on record and no approvals.

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

W.B. FEATHERSTON, 1910 West Oakey, stated there was a 6' block wall to the east, west and north of the property and only Oakey was open. He added his next door neighbor had said he did not object. He said what is now the garage would be an additional bedroom. He added the house to the west sat forward and he would be 20' away from it.

MRS. EMMETT asked if that neighbor would object.

MR. FEATHERSTON said he had asked him and that he said he did not. Also, his neighbor to the east did not object.

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-94-77, subject to the following conditions:

1. Signing of an Assessment District Agreement (new form) for street paving, sidewalk, curb and gutter and street lighting 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:

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul  
"NOES" None.

Motion for APPROVAL carried unanimously.

RECESS:

CHAIRMAN DUNCAN declared a 15-minute recess at 8:40 P.M. and reconvened the meeting at 8:55 P.M.

9. U-76-77 (HO)

APPROVED

Application of WAYMAN L. BAKER at 717 Slayton Drive in Zoning District R-1 for a Home Occupation Permit - Allow the mail-order and catalog resale (wholesale) of specialty merchandise.

10. U-80-77 (HO)

WITHDRAWN

Application of JOHN G. CAHALIN at 1329 Silverlake Drive in Zoning District R-1 for a Home Occupation Permit - Allow a health and life insurance agent's office.

11. U-81-77 (HO)

APPROVED

Application of RICHARD G. HEPWORTH at 6600 Lowden Lane in Zoning District R-1 for a Home Occupation Permit - Allow the direct sale of Fuller Brush Company products and AMS/oil synthetic lubricants.

12. U-82-77 (HO)  
WITHDRAWN

Application of ROBERT D. GRAY FOR VAHAN RYAN AND ASSOCIATES at 5420 Del Rey Avenue in Zoning District R-1 for a Home Occupation Permit - Allow an advertising agency business office.

13. U-83-77 (HO)  
APPROVED

Application of SELMA ZANG at 813 North 20th Street in Zoning District R-1 for a Home Occupation Permit - Allow a cleaning service office.

MR. BROWN presented the staff report, indicated that U-80-77(HO) and U-82-77(HO) had been withdrawn. He added that the other applicants had satisfied the requirements for a home occupation permit and staff recommended approval.

MRS. SEGRETTI made a Motion for APPROVAL of Items 9, 11 and 13, 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:

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul.  
"NOES" None.

Motion for APPROVAL carried unanimously.

14. V-95-77  
APPROVED

Application of JUANITA M. DALY for a Variance to allow a fence of variable heights of block and wrought iron to a maximum height of eight feet (8') where a maximum height of four feet (4') with the top two feet (2') fifty percent (50%) open is permitted in the front yard; and to allow a nine ft. (9') block wall on the west side property line and an eight ft. (8') block wall on the east side property line where a maximum height of six feet (6') is permitted on property located at 1200 Rancho Circle in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated this was the second property to the right as you drive in on Rancho Drive. The wall requested comes from the rear lot line down to a gate, then a 6' wall, then down to 4' and stepped on down to 3' and 2'. Across the driveway is a short fence. Across the front to the gate the height is from 4' to 25" on the east side, then north it is 5' high to the house and up to 6' to the rear. He added one thing important to note was that on the west and east side of the property there are thick shrubs to 15' in height, which more than shelter the abutting property.

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

CLARK GUILD, Attorney at Law, was present representing the applicant. He presented a rendering of the proposed fence to the Board and further described the requested variance. He said the

fence in front would be on 2 ft. of dirt fill and would be fully landscaped. On top of the original wall would be wrought iron. He added the fence would be for security purposes and also to keep the applicant's dogs in and, aesthetically, it would add to the area.

VIRGIE LEE EPPERSON stated she lives across the street from the property in question and approved of the request.

MARY WATACHEK, 920 Rancho Circle, appeared, seeking clarification of the requested variance.

DR. CHERRY was present, seeking clarification of the requested variance.

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-95-77, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to code requirements and design standards of City departments.
3. Conformance to sketch plan as presented at the Board of Zoning Adjustment Meeting.

Voting was as follows:

"AYES" Mrs. Emmett, Mrs. Segretti,  
Chairman Duncan and Mr. Canul.  
"NOES" None

Motion for APPROVAL carried unanimously.

15. U-77-77  
APPROVED

Application of DIPLOMAT CORPORATION for a Use Permit to allow operation of a major automotive parts exchange on property located at 333 South Decatur Boulevard in Zoning District C-2 (General Commercial). Such use is permitted in the C-2 with a Special Use Permit. The above property is legally described as a portion of Section 31, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and indicated the location by means of visual aids. He stated the property in question is in a C-2 area fronting on Decatur. The applicants wish to have the Master Transmission store with future expansion on the south. Staff is requesting landscaping on the south and east and would recommend approval subject to conformance to the plot plan and the landscaping.

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

MARVIN SIMONS, 3368 Manhattan Way, stated they will develop an automotive center at this location and there is one acre behind this that will be developed with other automotive businesses. He said the landscaping is in.

MR. BROWN said the landscaping leaves something to be desired.

MR. SIMMONS said when they developed the rest of the property, they would develop the landscaping.

VERN TIREMAN, owner of Master Transmission, stated he would be the occupant.

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 U-77-77, subject to the following conditions:

1. Dedication of 25.5 ft. of right-of-way for Portsmouth plus a fifteen ft. radius corner at Mayflower 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 & 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.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows;

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul.  
"NOES" None.

Motion for APPROVAL carried unanimously.

16. V-96-77

APPROVED

Application of WILLIAM H. BAILEY for a Use Variance to allow an Afro Cultural Arts Center and the related sales of art craft items on property located at 1830 North Highland in Zoning District R-E (Residence Estates). Such use is not permitted in a residential district. The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 21, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and indicated the location of the property in question. He said this is surrounded on three sides by R-1 and R-E to the west and R-1 to the north. South of this block, clear to Doolittle, is vacant desert land. There is a circular drive where you can go out on Jimmy and Highland.

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

W.H. BAILEY, 2021 Mills Circle, stated to the south of the property is two churches which are going in. There is one on the corner of Highland and Wyatt and one next to it. The property to the north is R-1, the property to the west is R-1. The vacant land is projected for commercial, although it is R-E now. He said the property is appraised at \$97,000, much more than the houses in there and not being able to sell the property, they have tried to develop conditions that would be positive and conducive to the surrounding area. The structure was formerly used by the State Mental Health Department and they used it for three years under a variance permit. He said if this created a problem for the home owners in the area, they could come down and it would be withdrawn. He said the director of the group who wished to use the facility was Ben Casselli and the purpose would be for Black cultural arts and the emphasis would be on the young people within the community. Mrs. Casselli will work with young people, kindergarten age, teaching them to read.

CHAIRMAN DUNCAN asked how close was the nearest neighbor.

MR. BAILEY said directly to the east and across the street.

MRS. SEGRETTI asked if this would be a program to teach the arts to young people.

MR. BAILEY replied that it would and would be done in school sessions.

MRS. SEGRETTI asked how many people would be in each class.

MR. BAILEY replied from ten to fifteen persons.

CHAIRMAN DUNCAN asked if there would be ample parking.

MR. BAILEY replied it was capable of parking 40 cars.

J.D. DAVIS, 1308 Jimmy, asked if there would be a time limitation on the variance.

CHAIRMAN DUNCAN said there was no application for any length of time.

MR. DAVIS said he was not against the Center, but would like to see permission given for only 6 months, as this is a residential area.

CHAIRMAN DUNCAN said this would be a short period of time to prove themselves in, and asked Mr. Bailey if he could live with a time limit.

MR. BAILEY said he could live with it, but did not think it was fair to the people going into the property.

CHAIRMAN DUNCAN said this matter could be brought back at any time.

MR. BROWN said not unless the Board made such a stipulation in granting the variance.

MRS. DUPREE, 1412 Jimmy, stated she lived directly across the street. She said she did not disagree with the Center; however, she was concerned with the security and the fact if it is not properly run, would be a detriment to the neighborhood.

CHAIRMAN DUNCAN stated if the Board approved the request, the neighbors were welcome to come back any time and have it reviewed.

ORLANDO HOGAN, 304 Avalon, stated he was an officer of the Center and they would not be making a disturbance. They have a person to patrol the grounds and look after the property. He said they would also be conducting classes in psyche sciences.

DR. B. CASSELLI, 3228 North Arlene Way, stated that his wife was an artist and an educator. He said the operation of the Center would be an asset to the community as it would show many persons a better way of life.

MRS. SEGRETTI asked how they would be able to attract people to the Center.

DR. CASSELLI said by word of mouth, TV coverage and by knocking on doors.

DR. CORRINE CASSELLI said she would be teaching children on a daily basis of 4 days a week for a half hour period of time and could only serve about 5 children at a time. She said the children would not run free.

MR. BROWN said that should the Board act favorably on the application, Public Services had some requirements to be met, including dedication of a 15' radius curve at Jimmy and Highland and half street improvements on Highland and Jimmy frontages.

MR. BAILEY said he could not afford the half street improvements.

MR. BROWN said the Board did not have to accept the Public Services stipulations.

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-96-77, subject to the following conditions:

1. Fire and driveway access to be compatible to fire equipment and approved fire and water main to be within 300 ft. of the building.
2. Dedicate a 15 ft. radius corner at Jimmy and Highland as required by the Department of Public Services.
3. Approval is granted subject to review by the Board of Zoning Adjustment anytime in the future. Such review shall be as the result of a legitimate complaint registered by one or more neighbors.
4. The entrance driveway is to be a 32 ft. maximum as required by the Department of Public Services.
5. Conformance to the plot plan.
6. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti,  
Chairman Duncan and Mrs. Emmett.  
"NOES" None

Motion for APPROVAL carried unanimously

17. V-97-77

APPROVED

Application of LEE AND BARBARA ROSE for a Variance to allow a room addition and patio cover to within five feet (5') of the rear property line where fifteen feet (15') is required on property located at 301 Gardenia 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 presented the staff report and stated the Board had the same application in September. At that time, a variance was granted for 5'. Now they are asking for it to be increased 1'4". It is abutting the freeway, just off Avalon on Gardenia.

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

LEE ROSE, 301 Gardenia, stated it had been approved to within 6'4" previously and now they are asking for the additional 1'4" and be within 5 feet of the property line. It was a patio and patio cover and is included in the application.

MRS. SEGRETTI asked how far it was between the property line and the freeway.

MR. ROSE said it was approximately 50 feet and oleanders are planted as landscaping on the side of the freeway. None of the house can be seen from the freeway with the exception of the roof.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-97-77, 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:

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul.  
"NOES" None.

Motion for APPROVAL carried unanimously.

18. V-98-77

APPROVED

Application of MICHAEL R. ZAKULA, D.D.S. for a Use Variance to allow a dental laboratory in a P-R zone (professional Offices and Parking) on property located at 4218 West Charleston Boulevard. Such a use is not permitted in the P-R District. The above property is legally described as Lot 22, Block 1, Hyde Park No. 1.

MR. BROWN presented the staff report and stated that the whole north side of Charleston in this area is zoned P-R. The south side is C-1 and C-2 and across the street east is P-R. Behind the tier of professional lots is R-1. A dental lab is not permitted and staff recommends that it be denied. There is one letter of protest and one approval.

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

MATILDA TATMAN, 6264 West Silverfield, stated she was a dental technician and that she wished to go in and rent some space from the Doctor who has an existing room to do that work in, and maybe have two outside accounts. She added this is a common practice.

MRS. SEGRETTI asked if there was sufficient parking.

MS. TATMAN said all she needed was one space.

MR. BROWN said that 6 parking spaces are required.

MS. TATMAN said the ones there are there now, are never filled up at the same time.

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-98-77, subject to the following conditions:

1. Supply a common driveway agreement that allows use of the driveway shown on the property to the east as required by the Department of Public Services.
2. Revise parking space size and parking plan to conform to City of Las Vegas standards as noted on the revised plot plan shown at the meeting.
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.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" Mrs. Emmett, Mrs. Segretti,  
Chairman Duncan and Mr. Canul  
"NOES" None

Motion for APPROVAL carried unanimously.

19. V-99-77

APPROVED

Application of EXXON CORPORATION for a Use Variance to allow an automotive transmission and service garage on property located at 4910 Vegas Drive in Zoning District C-1 (Limited Commercial). Such a use is not permitted in the C-1 District. The above property is legally described as a portion of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 25, Township 20 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and stated this is in the heart of C-1 with R-3 to the west and then R-1. What staff is saying is that the introduction of this kind of use is not compatible and would recommend denial. There is a petition containing 16 names in protest.

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

TOM MOORE, Realtor, 1418 Las Vegas Blvd. South, stated he has entered into negotiations with Exxon and Mr. Reynolds, the prospective purchaser of the property. It is now in a very deteriorated state. He then presented pictures of the property to the Board. He added the property has been closed for several years, there are weeds and debris on it and it is very unsightly and that it would be of benefit to the area to allow this use at that location. It will have new paint, fences, etc. He then presented an artist's rendering of the proposed use.

CHAIRMAN DUNCAN asked Mr. Reynolds if he had a business in town.

MR. REYNOLDS said he had been in business 10 years, on South Main Street, but that property had been sold and there are very few buildings of this nature available. He added Wonder World Automotive is very close and they do the same thing he is proposing. He added that the Diplomat Corporation had just been approved in a C-2 zone for the same type of operation.

MR. BROWN said the C-2 is General Commercial operations. It permits garages.

An Unidentified Man, 1501 Laurelhurst Drive, stated they had just purchased their place three months ago, and all of the neighbors are against this request. He added he did not think it would be desirable or healthy for the neighborhood.

SIM LABEY, 1505 Laurelhurst, No. 11, stated it is bad enough with Wonder World and it would be disturbing to them to allow this operation.

MRS. EMMETT asked how he would feel if it was a service station operation.

MR. LABEY said he just moved in in May and he thought that it would degrade the area. Also, there would not be enough parking.

An unidentified lady said she did not think this corner was large enough for a filling station, and she did not know where people would park. They park now on Laurelhurst.

MR. MOORE appeared in rebuttal. He said the lot was 150'x150' and that it would be adequate. With the fenced-in area, it would be the answer to the parking.

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-99-77.

Voting was as follows:

"AYES" Mrs. Segretti.  
"NOES" Chairman Duncan, Mrs. Emmett and Mr. Canul.

Motion for DENIAL failed for lack of a majority vote.

MRS. EMMETT made a Motion for APPROVAL of V-99-77, subject to the following conditions:

1. Underground flammable liquid storage tanks are to be placed out of service in accordance with Fire codes, as required by the Department of Fire Services.
2. Revise the driveway entrance locations to conform to City of Las Vegas standards 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.
7. Conformance to code requirements and design standards of City departments.

Voting was as follows:

"AYES" Mrs. Emmett, Chairman Duncan and Mr. Canul.  
"NOES" Mrs. Segretti.

Motion for APPROVAL carried by a 3/1 vote.

20. U-78-77

DENIED

Application of JAMES J. AND MARY A. COSTA for a Use Permit to allow a group child care home operation (12 children) on property located at 2037 Hassett Avenue in Zoning District R-1 (Single Family Residence). Such use is permitted in the R-1 District subject to receiving a Special Use Permit. The above property is legally described as Lot 57, Block 8, Charleston Park Tract #2.

MR. BROWN stated this application had been withdrawn.

MS. BETTY ELLISON stated the reason for the withdrawal was because the applicant is a teacher and had open house tonight and didn't know what else to do. She asked that the matter be heard.

MR. BROWN presented the staff report, stating the property in question is located in the heart of an R-1 District. Staff suggested a driveway with landscaping on both sides. Staff has received a petition containing 38 signatures in protest, and one letter requesting it be denied. Staff concurs with the protestants and does not feel the additional number of children in such a location should be approved and recommends denial.

CHAIRMAN DUNCAN declared the public hearing open

and asked to hear from the applicant or a representative.

BETTY ELLISON, 2000 Hassett, stated the applicant was asking for 12 children in his home. He now had six in another location. These are four year olds and younger. The house in question is on the corner. There is professional zoning on the other side of the street and directly across the street they are putting in an accounting firm. He is buying this property on a contingency. The property has been rented and is an eyesore in the neighborhood. It would be cleaned up and not disturb anyone. It was the people's understanding the children would be wards of the court, problem children, etc. She added she did not know if they understood the children would be four and under. Also, Mr. Sutter has a petition of approval.

CHAIRMAN DUNCAN asked those present in opposition to stand. Four persons were present in protest.

RAY KENT, 2032 Hassett, stated they were not against children, but they are against this proposal.

BEN FEULING, 2032 Howard, stated his back yard backs up to the subject property. He said the petition against this is actually the people who are directly involved in surrounding properties. He added they are concerned about the safety of the children, as Eastern is a very busy street. Also, the parking facilities will be inadequate, as the parking at this time is inadequate anyway. There are also people in the area who sleep in the day and that is a factor, and everyone has watch dogs and they do not like children.

MS. ELLISON appeared in rebuttal and stated with regard to the parking, there is none involved other than dropping the children off. There will also be a block wall fence around the entire property.

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 U-78-77.

Voting was as follows:

"AYES" Mrs. Segretti and Chairman Duncan  
"NOES" Mrs. Emmett and Mr. Canul.

The result of this vote is no action was taken.

MRS. SEGRETTI made a Motion for APPROVAL of U-78-77.

Voting was as follows:

"AYES" Mrs. Emmett and Mr. Canul  
"NOES" Mrs. Segretti and Chairman Duncan

Motion for APPROVAL failed by a tie vote, and therefore, the request is DENIED.

21. U-79-77

APPROVED

Application of SECURITY FIDELITY NO. 1 for a Use Permit to allow an R-4 apartment development in a C-1 Zone (Limited Commercial) on property generally located 430 ft. north of Sahara Avenue

extending east from Richfield Boulevard 1250 feet. Such use is permitted in the C-1 Zone subject to receiving a Special Use Permit. The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 5, Township 21 South, Range 61 East, MDB&M.

MR. BROWN gave the staff report and indicated the location by means of visual aids. He stated the City Commission approved R-PD 7 on the north, but denied the rezoning to R-3. They are now requesting an R-4 development.

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

JOHN MIDBY, 3748 Grandview Place, stated the City Commission did turn down the application for R-3. It was an application made for an overall master plan for the area. The property is under resolution of intent to C-1. The C-1 was for a proposed regional shopping center of one million square feet with parking for 5000 cars. Since that time, they have come in with an overall residential type of development and are presently developing homes in one area, with a price range of \$84,000 and up and a planned unit development with a price range of \$64,000 and up. There is a commercial area with a Mediteranian motiff. The motiff that is planned for the apartments is consistent with the other areas. The apartments will have a great amount of parking, more than is required. In the overall plan the 5000 cars is cut to 1500. The overall density of the master plan is only 5 units per acre.

JACK LIBBY stated they will follow the same motiff as the commercial. The traffic pattern will not spill out on Richfield. It will go down through El Camino and Teddy Drive will be opened up. All necessary dedications will be made as required by the City. The master plan of the area was presented to the protestants present at this time.

DR. JOHN DIFLOURE, president of the Board of Springhurst, was present representing 45 persons in opposition.

NED GILBERT, 3032 El Camino, was present in protest and stated they were outraged by this application. He added that six months ago they presented the same plan and it has not been changed nor a traffic study been done. He said there is presently a 318 unit complex being constructed on the boundary of Springhurst and that there would be 600 cars existing from that on El Camino. The applicants are suggesting an additional 1000 to 1200 cars per day. He added the ingress and egress to Springhurst with the Spanos project is impossible regarding traffic, and it could not be controlled. It had been suggested that the cars cut through the island, but the cars are too long to do so. He said if the Board approved this application, the residents would have no alternative but to seek an injunction in court.

CHAIRMAN DUNCAN stated that whatever the action of the Board, the threat of a civil suit would not sway them one way or the other.

MR. MIDBY appeared in rebuttal, stating the City departments would require proper ingress and egress and that they would stipulate to everything they could require.

CHAIRMAN DUNCAN asked if opening Teddy Drive would relieve the traffic situation.

MR. MIDBY said Teddy Drive would be the main access but he did not think the Engineering Department would allow a single access into the development.

MR. GILBERT reappeared and stated his original objections.

MR. LIDDY said Teddy Drive should alleviate 90% of the traffic.

LEE BACHUS, 3068 El Camino, appeared and voiced his concern with regard to the traffic.

MRS. EMMETT asked if there wasn't some way they could engineer the project so there would be ingress and egress on Teddy.

MR. LIBBY said they could look at it.

CHAIRMAN DUNCAN said maybe the Board should table the application to the next meeting.

MR. MIDBY said he would like it approved and they would then get together with the City Engineer to discuss eliminating any traffic to El Camino.

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 U-79-77, subject to the following conditions:

1. The submitted plot plan shall be approved by the Department of Public Services, and the Department of Fire Services.
2. There shall be no access to El Camino unless required by either the Department of Public Services or the Department of Fire 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 code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti,  
Chairman Duncan and Mrs. Emmett

"NOES" None.

Motion for APPROVAL carried unanimously.

22. V-100-77

APPROVED

Application of HELEN R. HEBERT for a Use Variance to allow a dance studio in a P-R zone (Professional Offices and Parking) where dance studios are not permitted uses and to allow nine (9) parking spaces where sixteen (16) are required on property located at 4300 West Charleston Boulevard. The above property is legally described as Lot 18, Block 1, Hyde Park #1.

MR. BROWN presented the staff report and indicated that the area on the north side of Charleston is P-R and on the south is commercial C-1 and C-2. The request is for a use that is not permitted in a P-R District. And there are 7 parking spaces less than required. There are letters of objection from a lot two lots down and one behind and a letter of protest directly to the east. Staff recommends denial as this is not a permitted use. The Planning Commission denied their request and suggested another approach would be to apply for a variance. The applicant had requested that the the recommendation of the Planning Commission not be forwarded to the City Commission.

MRS. EMMETT announced she would ABSTAIN from this item.

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

GLADYS COLLINS, 608 Cactus, was present representing the applicant. She submitted a new parking plan. She elaborated upon the type of dancing that would be taught. She said that both young persons and adults would be taking the classes. The students will be required to have a minimum number of hours per week. She added that they had given a petition to the Planning Commission where none of the adjacent property owners objected.

INEZ MORNING, instructor, said only so many are allowed in a class and added that even the 14 parking spaces would not all be used.

MRS. SEGRETTI asked how many would be in a class.

MS. MORNING said not more than 14.

MR. CANUL asked if a limit to the number of participants could be stipulated.

MR. BROWN said they could put a limit on the number of students, but who would police it.

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-100-77, subject to the following conditions:

1. There shall be no more than nine students at any one given time.
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.
6. Conformance to code requirements and design standards of City departments.
7. This use to be reviewed in one year.

Voting was as follows:

"AYES" Mr. Canul, Mrs. Segretti and Chairman Duncan.  
"NOES" None.  
"ABSTAIN" Mrs. Emmett.

Motion for APPROVAL carried by a majority vote.

23. U-84-77 (HO)

APPROVED

Application of ROBERT & JUDITH BERKOWITZ at 308 Pinecliff Drive in Zoning District R-1 for a Home Occupation Permit - Allow a free lance photography business.

24. U-85-77 (HO)

APPROVED

Application of CECIL RAY REED at 117 Chason in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise tax consulting operation.

MR. BROWN stated the applicants had satisfactorily completed the Home Occupation Permit questionnaire and that everything was in order and staff recommended approval.

MRS. SEGRETTI made a Motion for APPROVAL of Items 23 and 24, 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:

"AYES" Mrs. Segretti, Chairman Duncan,  
Mrs. Emmett and Mr. Canul.  
"NOES" None.

Motion for APPROVAL carried unanimously.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 11:55 P.M.

DEPARTMENT OF COMMUNITY PLANNING  
AND DEVELOPMENT

  
DON J. SAYLOR, AIP, DIRECTOR

DJS/lm