

S.V.

A G E N D A

BOARD OF ZONING ADJUSTMENT

MARCH 23, 1978

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:

NEW BUSINESS:

1. BC-1-78 Appeal filed by DONALD L. FAIR, ET AL from the provisions of the Uniform Building Code relating to two hour fire rating of exterior walls of apartment buildings when less than ten feet from a property line, on their property located at 410 South First Street.
2. V-15-78 Application of JUANITA DALY for a Variance to allow a fence with a maximum height of eight ft. eight inches (8'8") for pilasters and eight feet (8') for plaster wall with wrought iron in the front yard area where a maximum height of four feet (4') with the top two feet (2') fifty percent (50%) open is allowed; and to allow the fence to a maximum height of ten feet (10') on the east property line where six feet (6') maximum is allowed on property located at 1200 Rancho Circle in Zoning District R-A.
3. V-16-78 Application of DEAN BREEZE for a Variance to allow an off-premise advertising sign to a maximum height of 47.5 ft. where a maximum height of forty feet (40') is allowed on property located at 424 Las Vegas Boulevard North in Zoning District C-2.
4. V-17-78 Application of JOHN E. SCARBOROUGH for a Variance to allow a dwelling unit addition to an existing single family residence where two units are not permitted, to within twelve feet nine inches (12'9") of the rear property line where fifteen feet (15') is required, and to within fifteen feet three inches (15'3") of the front property line where twenty feet (20') is required, and to within four feet nine inches (4'9") of the side property line where five feet (5') is required; and to allow a storage building to extend seven feet (7') into the required side yard area on property located at 1632 E. St. Louis Avenue in Zoning District R-1.
5. V-18-78 Application of EMIL AND VALERIE DURELLE for a Variance to allow an existing attached accessory structure (used for storage) to be located at the side property line where five feet (5') is required on property located at 704 North 18th Street in Zoning District R-1.
6. V-19-78 Application of LAMAR WILSON for a Variance to allow a 14½ x 48 ft. billboard on an R-E zoned lot where billboards are not allowed on property generally located on the south side of Bonanza Road 766 ft. west of Highland.
7. V-20-78 Application of ADAM AND CAROLYN VESSELLA for a Variance to allow a 41 ft. front yard setback where 50 feet is required on property located at 705 Kenny Way in Zoning District R-E.
8. V-21-78 Application of JOHN BALASON for a Variance to allow a utility room addition to the west side property line where 5'6" is required on property located at 3708 San Joaquin Avenue in Zoning District R-1.

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9. V-22-78 Application of SAUNDRA BANKSTON for a Variance to allow an existing two family dwelling unit where a single family dwelling unit is permitted and to allow a thirteen ft. (13') side yard setback where fifteen feet (15') is required on property located at 2900 Holly Hill in Zoning District R-1.
10. V-23-78 Application of VERNON AND CAROL ELLEDGE for a Variance to allow one corner of a room enclosing the pool to within five feet (5') of the rear property line where fifteen feet (15') is required on property located at 1209 Stout Way in Zoning District R-1.
11. V-24-78 Application of J. WILLIAM SIMPSON for a Variance to allow a six unit apartment building on a 5,687 sq. ft. lot where a 6,000 sq. ft. lot is required on property located at 2111 Fairfield Avenue in Zoning District R-4.
12. U-7-78 Application of H. RAY MORGAN FOR DE LA FUENTE AUTO SALES for a Use Permit to allow a used car lot on property located at 1065 South Main Street in Zoning District C-2.
13. U-33-64 Request of THE SALVATION ARMY for a Plot Plan Review to allow an addition for the fellowship hall to the existing building permitted under the approved Use Permit, U-33-64, on property located at 2900 Palomino Lane in Zoning District R-A.
Plot Plan Review
14. U-8-78(HO) Application of CHARLES YOUNG FOR NICHOLAS YOUNG at 5901 Shawnee Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the wholesale distributorship for sport shirts and handbags to Las Vegas hotels and gift shops.
15. U-9-78(HO) Application of FRANCES A. MOSS FOR JOHN ALAIMO at 4026 Pennwood, #2, in Zoning District R-4 for a Home Occupation Permit - Allow the electrical mechanical repair at off-premise locations.
16. U-10-78(HO) Application of MAE L. McCUNE at 700 Pyramid Drive in Zoning District R-1 for a Home Occupation Permit - Allow an accounting office operation for Lucas Enterprises, Inc.
17. U-11-78(HO) Application of ROBERT & PEGGY L. ORTH at 6504 Burgundy in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise selling of macrame items and plants.

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

BOARD OF ZONING ADJUSTMENT

MARCH 23, 1978

1. U-29-67
Plot Plan Review
Request of CLIFFORD MILLER, INC. for a Plot Plan Review to allow an additional canopy and two islands under an approved Use Permit which granted the construction of a service station, on property located at 101 N. Jones Boulevard in Zoning District C-1.
2. U-12-78(HO)
Application of COLLEEN G. SCHRECK at 1811 S. 7th Street in Zoning District R-1 for a Home Occupation Permit - Allow an interior design office.
3. U-13-78(HO)
Application of JOSEPH W. SHELEHEDA at 6521 Hill View Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a photography business.

MINUTES

BOARD OF ZONING ADJUSTMENT

MARCH 23, 1978

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

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

EXCUSED: Mr. Canul

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

PLEDGE OF ALLEGIANCE:

NEW BUSINESS:

1. BC-1-78

APPROVED

Appeal filed by DONALD L. FAIR, ET AL, from the provisions of the Uniform Building Code relating to two hour fire rating of exterior walls of apartment buildings when less than ten feet from a property line, on their property located at 410 South First Street.

MR. BROWN stated the Board had been appointed as a Board of Appeals for appellants for both the housing code and the building code, and that people from the Building Department will present this case.

LEE LEMMON, Senior Inspector, Building & Safety Division, stated the building, located at 410 South First Street, was designed with the two hour wall as indicated on the plans. It was subsequently built without the proper wall. At the time this was noted, the applicant was informed he must proceed with the proper building of the wall. The applicant indicated if they complied, it would ruin the aesthetic concept of the building and did not wish to do so. By law and by Code the two hour wall must be built on the property line to protect stairway and exit.

RICHARD BRYAN, Attorney, 225 East Bridger, stated that the property immediately to the south of the property in question is owned by the same people. At the time the building was under construction, it had been indicated that if a consent was obtained from the adjacent property owners stating they would never occupy the adjacent property other than for purposes of a parking lot, which it is now used for to support an apartment complex immediately to the south, the fire wall would not be required. The concern is that there not be two developed pieces of property, side by side, on a zero lot line basis. The applicant obtained the signatures of agreement from the adjacent property owners and they were duly recorded. The City Attorney then reviewed the documents and indicated they were not satisfactory from a legal standpoint and suggested that a variance be obtained.

DON FAIR stated they had agreed to any agreement that the City Attorney might want that would be legally binding on both owners. The agreement was originally signed about two years ago. He added what they are trying now to do is legally be bound so that subsequent owners or anyone else could never build and create a problem on the adjacent property.

MR. BROWN stated that the Building Department had originally suggested they get an agreement with the adjacent property owner. Everyone thought that would be sufficient at that time. The owner and developer and the City did everything in good faith. As the building neared occupancy, discussion then did arise with the City Attorney's office, and he said that it may not be all that is needed legally.

CHAIRMAN EMMETT asked if the variance would become a permanent part of the property restrictions.

MR. BRYAN replied that it would, that it would be a restriction in perpetuity and that it would go with the land.

MR. BROWN said the applicants were not asking for a variance, that they were asking for relief from the Uniform Building Code.

MR. MILLER asked if the Board could do this:

MR. BROWN replied that it could.

MRS. SEGRETTI asked if the fire wall was not built because of the agreement that had been made.

MR. FAIR replied that was correct.

MR. MILLER asked that if in the future someone wished to build on the property, how would the Board know and how would the City know, that they are not allowed to build on that property.

MR. BROWN said the Building Department would be cognizant of that. It would be in their records that they did get relief from the Uniform Building Code.

MR. LEMMON said the applicants are looking for a legal binding document that would prevent the building of any building adjacent thereto. If it is a part of the deed, nothing can be built.

MR. BRYAN stated that should the property be sold, in the process of a title search, this document would be reflected.

MR. MILLER made a Motion For APPROVAL of the Request for Relief from the provisions of the Uniform Building Code.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried by a unanimous vote.

2. V-15-78

APPROVED

Application of JUANITA DALY for a Variance to allow a fence with a maximum height of eight feet eight inches (8'8") for pilasters and eight feet (8') for plaster wall with wrought iron in the front yard area where a maximum height of four feet (4') with the top two feet (2') fifty percent (50%) open is allowed; and to allow the fence to a maximum height of ten feet (10') on the east property line where six feet (6') maximum is allowed 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 the applicant had come in previously with a request for a variance to the ordinance for a fence which was granted and the applicant had agreed to comply with the sketch plan which was submitted at that meeting. They are now asking for the additional height. The trees on the east side of the property are high and the fence cannot be seen. Staff sees nothing untoward in the request and recommends approval.

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

DON GILBERT, representing the applicant, stated they are not changing the original design, only the grade. He presented a sketch of the proposal to the Board.

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

MR. DUNCAN made a Motion for APPROVAL of V-15-78, subject to the following conditions:

1. Gate locking shall be done by padlock or other approved means so that fire fighting access can immediately be implemented as required by the Department of Fire Services.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mr. Duncan, Mrs. Miller,
Chairman Emmett & Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

3. V-16-78

DENIED

Application of DEAN BREEZE for a Variance to allow an off-premise advertising sign to a maximum height of 47.5 ft. where a maximum height of forty feet (40') is allowed on property located at 424 Las Vegas Boulevard North in Zoning District C-2 (General Commercial). The above property is legally described as Lots 1 and 2, Block 1, Buck's Subdivision.

MR. BROWN presented the staff report and stated the request is located on the southeast corner of Las Vegas Boulevard and Linden. There is a letter of protest from the Regional Streets and Highways Commission which is germane to the problem as the property lies in the path of the proposed east leg of the freeway. In addition to this, staff would recommend this request for additional height in a sign be denied as it would not be in keeping with the use of the area.

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

VAN NOSTRAND, E.T. Legg & Co., 5030 Paradise Road, was present, and said that they were requesting permission to go 7½' beyond the allowed 40'. An existing structure would obscure the sign if it is not allowed to be the extra 7½' high.

DEAN BREEZE, the applicant, stated that this is a very modest request and it should be granted. He said he had had no communication with the Highway Department about acquiring this property.

MR. BROWN said if the City Commission had felt this was the proper height, they would have written it into the ordinance. Other people have complied, why not the applicant.

MR. BREEZE stated that the ordinance said when practical difficulties arise, they may apply for a variance.

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

MR. MILLER made a Motion for DENIAL of V-16-78, as the Board found the requirements of the Zoning Ordinance to allow the granting of a Variance were not met.

Voting was as follows:

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

"NOES" None

Motion for DENIAL carried unanimously.

4. V-17-78

DENIED IN PART

Application of JOHN E. SCARBOROUGH for a Variance to allow a dwelling unit addition to an existing single family residence where two units are not permitted, to within twelve feet nine inches (12'9") of the rear property line where fifteen feet (15') is required, and to within fifteen feet three inches (15'3") of the front property line where twenty feet (20') is required and to within four feet nine inches (4'9") of the side property line where five feet (5') is required; and to allow a storage building to extend seven feet (7') into the required side yard area on property located at 1632 East St. Louis Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 9, Block 2, Francisco Park #2.

MR. BROWN presented the staff report, indicated the location of the property in question, and stated there are nine letters of protest on record, plus a petition with 56 signatures in protest and a petition with 18 signatures of approval. He indicated the location of the signatory on a display map. He added staff does have a letter from the applicant requesting to withdraw the variance request for a dwelling unit addition to an existing single family residence where two units are not permitted, but wished to continue with the other variance requests. Staff would recommend none of the variances be granted.

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

MABEL HOUGHTON, 13 Beata Drive, said she was speaking for Mrs. Waters. She said the applicant had a great desire to improve her home and increase the monetary value of it. She added that the applicant had thought she had hired licensed contractors, but this was not true and that she did not know they were building onto her house contrary to the Code. Also, it would cost a lot of money to tear down the existing building.

MRS. SEGRETTI asked if she was speaking for Scarborough.

MRS. WATERS replied that at the time of the original application, it was Scarborough, but now it is Waters. She said that no one really cared about the violations except those in the front.

MR. DUNCAN asked if construction had started.

MRS. WATERS said that it was all framed up.

MR. DUNCAN asked if she had a building permit.

MRS. WATERS said that was where she goofed on the 2' and the 3". She added that she never knew in front that 2½' belong to the City and that she had a wall there now that she was permitted to build clear out to the sidewalk.

CHAIRMAN EMMETT asked if she was aware of the R-1 when she started construction.

MRS. WATERS replied that she was and if she could not proceed, she would just have a big house and rent out rooms.

MRS. SEGRETTI asked if the construction already started had anything to do with the two family dwelling.

MRS. WATERS replied no, that she had no kitchens or anything like that. She added whatever she had would work exactly like it is.

MRS. SEGRETTI asked if she had gotten building permits for everything.

MRS. WATERS replied that she had and that she also had a permit for the newest one in front, but the carpenter went out a foot too much. He didn't know about the 2½' that belonged to the City. She said all she wanted was the 2½' in the rear and the 3" and that it had been a mistake.

CHRIS CHRISTENSEN, 4784 Koval Lane, appeared in approval of the request and stated the people working for the applicant had made the mistakes and that the building was already erected and the concrete had been poured.

MRS. SEGRETTI asked if there was facilities for a stove, electrical hookups, etc.

MRS. WATERS said there was not, just bathrooms and no kitchens. She said there would just be outlets, but that could be corrected very easily.

MRS. SEGRETTI asked if the kitchen there was electric or gas.

MRS. WATERS said she planned to bring gas in, but had not yet done so, for air conditioning and heating. She said she had been working with Clay Hymer and that he seemed to think she would get everything except there might be a problem with the front.

LEE LEMMON, Senior Inspector, Building & Safety Division, stated this has been a comedy of errors since the beginning. The original permit was taken in 1970 to enclose a carport. Since that time, the applicant has applied for several permits after she had started one and found that it is overbuilt on that permit, she would come back and get another permit. A permit for a fence and retaining wall was issued but no inspections have been made. In January a separate electrical service permit was issued, which no inspections have been recorded on. In December, permits were issued for several room additions which would be within the legal setbacks as well as several plumbing permits which would indicate more than one bathroom and electrical permits. At the time this was being built it was approved as the size it was to be built at. Subsequently, the inspector has gone back and it was enlarged. Notice was given that it must be removed and/or a variance. Everytime the applicant took out a permit, she would subsequently enlarge on that permit after the inspector had approved what was supposed to be allowed legally. He added the plot plan as submitted is not even a true picture of what is on the property as a survey has been done. He added that in staff's opinion the existing plumbing could allow three legal apartments which there is not adequate permits for at this time. Also in staff's opinion, there is no way they can allow this to continue. It has been redtagged by the department to the extent it is far over and beyond what a legal dwelling should be. The sidewalk area in the front was removed without a permit, constituting a hazard as such now. It has been redtagged by Quality Control.

CHAIRMAN EMMETT asked what was the recommendation in view of the fact the structures are now existing.

MR. LEMMON said it is not completely existing. There is a portion on the front that could be removed as well as a portion on the rear to make it legal. He added the only actual variance would be the 6" along the side. He indicated on the plot plan the areas of concern. He said the storage shed could be protected by a method of fire coating the wall.

MRS. SEGRETTI asked if the Building Department didn't keep a record of permits and the inspectors would go out and inspect.

MR. LEMMON said the applicant is responsible for the calling for inspections when they are ready. Approval was given for the legal setback on the original permit, but after the inspection was made the addition was put on, the same being true with the front addition.

BILL STAPLETON, Senior Inspector, Building & Safety Division, stated there are certain steps of construction where inspections are called for. During the initial inspections, it is relatively simple to remove that portion of the framing, add to it and re-erect that framing.

MRS. SEGRETTI asked if that was after the inspections.

MR. STAPLETON replied that it was.

CHAIRMAN EMMETT asked those present in protest to stand. Thirteen persons were present in opposition.

LAUREN HUDDLESTON, 1925 South 17th, stated that the applicant had said she needed a variance for a retaining wall. In obtaining that she would had to have known why a variance was required. She added they objected to the renting out of rooms. She asked that the R-1 zoning be retained and the applicant be required to comply with all requirements.

VIRGIL SHIELDS, 1621 East St. Louis, stated they believed everything should conform to the Building Code. He added the 6" on the side would depend on the adjacent property owner. He said if the request was allowed, a precedent would be set in the area.

OLIVE ROGERS, 2009 South 17th, appeared in protest.

RITZ ZAYJACK, 2005 South 17th, appeared in protest.

DON PETERSON, 1629 East St. Louis, appeared in protest.

MRS. WATERS appeared in rebuttal and stated with regard to the name appearing on the application, she had borrowed money from Scarborough approximately six months ago and had to leave the house in his name until it was straightened out. She stated he is no longer on the paper and that she has owned the house for 22 years.

MRS. SEGRETTI asked if she would rent out rooms.

MRS. WATERS stated that she would and that the tenants would have access to her kitchen.

MR. BROWN said she could rent out three rooms.

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

MRS. SEGRETTI made a Motion for DENIAL of all the Variance requests except for the Variance requesting the east sideyard setback to be permitted closer than the required five feet. A motion for APPROVAL was made to allow this east sideyard setback only subject to the following conditions:

1. Provide an approved smoke detector in room or hallway entry to sleeping rooms as required by the Department of Fire Services.
2. Proposed curb cuts to conform to the City of Las Vegas standards as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Duncan & Chairman Emmett
"NOES" None
"ABSTAIN" Mr. Miller

Motion carried by a 3/0 vote.

RECESS:

CHAIRMAN EMMETT declared a 10 minute recess at 8:45 P.M. and reconvened the meeting at 8:55 P.M.

5. U-8-78 (HO)

Application of CHARLES YOUNG for NICHOLAS YOUNG at 5901 Shawnee Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the wholesale distributorship for sport shirts and handbags to Las Vegas hotels and gift shops.

6. U-9-78 (HO)

Application of FRANCES A. MOSS for JOHN ALAIMO at 4026 Pennwood, #2, in Zoning District R-4 for a Home Occupation Permit - Allow the electrical mechanical repair at off-premise locations.

7. U-10-78 (HO)

Application of MAE L. McCUNE at 700 Pyramid Drive in Zoning District R-1 for a Home Occupation Permit - Allow an accounting office operation for Lucas Enterprises, Inc.

8. U-11-78 (HO)

Application of ROBERT & PEGGY L. ORTH at 6504 Burgundy in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise selling of macrame items and plants.

9. U-12-78 (HO)

Application of COLLEEN G. SCHRECK at 1811 South 7th Street in Zoning District R-1 for a Home Occupation Permit - Allow an interior design office.

10. U-13-78 (HO)

Application of JOSEPH W. SHELEHEDA at 6521 Hill View Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a photography business.

ITEMS 5 thru 10

APPROVED

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

MR. MILLER made a Motion for APPROVAL of Items 5 through 10, 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" Mr. Miller, Chairman Emmett,
Mrs. Segretti and Mr. Duncan
"NOES" None

Motion for APPROVAL carried unanimously.

11. V-18-78

APPROVED

Application of EMIL AND VALERIE DURELLE for a Variance to allow an existing attached accessory structure (used for storage) to be located at the side property line where five feet (5') is required on property located at 704 North 18th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 207, Block 16, Greater Las Vegas Addition Tract 2.

MR. BROWN presented the staff report, indicated the location of the property in question by means of visual aids, and stated that in viewing the property, staff did not discern any hardship as far as uniqueness of the property which would warrant placing into the area the structure for which a variance is requested. And, that the Courts have upheld there must be a uniqueness to the lots to uphold such a variance and would recommend the request not be approved.

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

EMIL & VALERIE, DURELLE, 115 Princess Katy, were present.

MR. DURELLE stated they had purchased the property in 1974 on an assumption and did not realize the structure was in violation until the property was recently sold. To remove the structure would be very costly and would leave the property with no storage area. He said the previous owners had gotten a permit, but had

continued out to the property line with the structure and that it was done in 1962.

MR. BROWN stated there are no protests on record.

CHAIRMAN EMMETT 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-18-78, subject to the following conditions:

1. Property line wall will require a one hour minimum constructed wall envelope as required by the Department of Public Services.
2. Drainage shall be corrected so as not to drain on adjoining property as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses, and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

12. V-19-78

APPROVED

Application of LAMAR WILSON for a Variance to allow a 14½ x 48 ft. billboard on an R-E (Residence Estates) zoned lot where billboards are not allowed on property generally located on the south side of Bonanza Road 766 ft. west of Highland. The above property is legally described as a portion of the North Half (N½) of the South Half (S½) of the Southwest Quarter (SW¼) of Section 28, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated staff sees no rationale for the erection of a billboard in this district. There are two letters of protest with three signatures. Staff would recommend denial.

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

LaMAR WILSON, 705 Sabina, stated there are quite a few signs between Highland and Rancho. The entire area is master planned for M-1 and C-1 and it is just a matter of time before it becomes legal zoning. He said the sign would be against the Expressway and not fronting on Bonanza.

MR. MILLER asked if the applicant owned the property.

MR. WILSON stated he was one of the owners.

MR. MILLER asked the applicant if it was his intention to go commercial in the future.

MR. WILSON replied definitely yes.

MR. MILLER asked if the sign was intended for the Freeway.

MR. WILSON replied it is adjacent to the freeway and would be as close as Code would permit.

MR. MILLER asked if the property was zoned C-2; would the sign be legal.

MR. BROWN replied that it would.

CHAIRMAN EMMETT asked if this was a transitional area.

MR. BROWN replied "yes".

BOB HARTMAN, 6225 West Buckskin, stated he is the owner of record of property located at 1615 West Bonanza, adjacent to the property in question. He added he is opposed to the sign from an aesthetic standpoint. He said there are already several signs in the area.

JIM OVERHOWL, Donrey Outdoor Advertising, said that at the present time, United Outdoor and Ronco were building signs in the area and that a lot of traffic will be going to the Meadows and they are vitally interested in this sign. It will be a single pole model sign and the advertising would be of the highest type.

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

MR. DUNCAN made a Motion for APPROVAL of V-19-78, subject to the following conditions:

1. Construction of a concrete sidewalk on Bonanza Road frontage as required by the Department of Public Services.
2. Dedication of fifteen feet of right-of-way for Bonanza Road as required by the Department of Public Services.
3. Conformance to the plot plan.
4. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

Motion for APPROVAL carried by a 3/0 vote.

13. V-20-78

APPROVED

Application of ADAM AND CAROLYN VESSELLA for a Variance to allow a 41 ft. front yard setback where 50 feet is required on property located at 705 Kenny Way in Zoning District R-E (Residence Estates). The above property is legally described as Lot 6, Block 1, Rancho Palomino.

MR. BROWN presented the staff report, indicated the location by means of visual aids, and stated that in looking at the property in the field, it did not appear that the other dwellings in that block were infringing on the setback and staff would recommend denial.

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

ADAM VESSELLA, 705 Kenny Way, stated the reason for the request is the addition on the garage so that it is standard. There is not sufficient room with the garage with the cars in it, leaving only 3" front and rear. He has four children who go through the garage and he cannot park his cars in there. If they are left out, there is vandalism in the area. He added he had talked to the neighbors and they do not object.

CHAIRMAN EMMETT asked what size was the lot.

MR. VESSELLA replied it is one-half acre in size.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-20-78, subject to the following conditions:

1. Conformance to the plot plan.

2. Securing all necessary permits and licenses, and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

14. VV-21-78

DENIED

Application of JOHN BALASON for a Variance to allow a utility room addition to the west side property line where 5'6" is required on property located at 3708 San Joaquin Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 18, Block 4, Las Verdes Heights 6, Unit 3, Amended Plat.

MR. BROWN presented the staff report and stated the plot plan is as depicted, out to the property line. As the Board well knows, staff is going to recommend denial. In case the Board should approve the request, staff would request that the rain drainage be on the applicants property only and the existing six foot block wall be raised to be a 2' fire wall above the roof of the utility room, grouted solid. Staff would recommend that be a stipulation should the Board approve the request.

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

JOHN BALASON, 3708 San Joaquin Avenue, stated they had converted their garage to a family room and the hot water heater, washer and dryer had been in there and that they now need a separate utility room. He added they would raise the existing block wall so it would be 2' above the utility room. He added that the east side of the house was open providing access for the Fire Department.

MRS. SEGRETTI asked if the Fire Department had approved this request.

MR. BROWN said yes.

MRS. SEGRETTI asked what size the structure would be.

MR. BALASON said it would be 5' x 9'.

MR. BROWN said there were no protests on record.

CHAIRMAN EMMETT 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-21-78.

Voting was as follows:

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

Motion for APPROVAL failed to carry by reason of a tie vote; therefore the request is DENIED.

15. V-22-78

ABEYANCE

Application of SAUNDRA BANKSTON for a Variance to allow an existing two family dwelling unit where a single family dwelling unit is permitted and to allow a thirteen ft. (13') side yard setback where fifteen ft. (15') is required on property located at 2900 Holly Hill in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 1, Dawson Park #5.

MR. BROWN presented the staff report and stated that in 1970, staff goofed in granting a permit for a second dwelling at the location in question. However, should a change be made in the residency, it would revert back to single family use. Staff would recommend this request be denied as far as it wouldn't apply to any other than the person living there.

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

SAUNDRA BANKSTON stated that she is trying to refinance the house. Because of the zoning, she was told it could not be done. She had a copy of the building permit issued which allowed her to have two family dwellings. She added that across the street from the property in question is the DMV and behind her is the GSA Motor Pool. The area around her is quite commercial and the neighbors on the right side of her do not object nor does the one across the street. She said she did not know she had a problem. She had gone and gotten the building permit and now 8 years later she finds she has a problem.

CHAIRMAN EMMETT asked if this request was approved for the present owner, could this be locked in, and she questioned that, could this be locked into this person. She would not be able to sell it.

MR. BROWN said they had done that before. He added that there were five letters of protest.

MRS. BANKSTON stated she had two approvals.

MR. MILLER asked if the City could make her remove the second kitchen.

MR. BROWN said he thought that would be up to the Courts.

CHAIRMAN EMMETT said that if the structure was refinanced as an R-2 and represented that way and a new loan was created and put against the property and subsequently sold, then there could be a question. The lender put the money up on the fact that it was represented as an R-2. Somebody would be at fault.

MARCUS H. WIRESEN, 2916 Scarlet Oak, stated he lived in a very fine one family residential neighborhood. He said he very firmly objected to the request as he wanted to keep the neighborhood single family. He added there are numerous cars parked at the subject location on the lawn and on the street. He said he thought if this was approved, others would wish to do the same thing.

JOE MANKAWICH, 2908 Holly Hill, said he did not necessarily approve of the idea unless some provision could be made so this variance does not set a precedence for the Dawson Park Subdivision. If the property, in the case of a resale, would revert to a single family dwelling, this might be the provision he was looking for.

MR. BROWN said that inasmuch as this has been called to the attention of staff, they would talk to the City Attorney and see what could be done.

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

MR. DUNCAN made a Motion for ABEYANCE of V-22-78, pending a determination of the future status of the property.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

16. V-23-78

APPROVED

Application of VERNON AND CAROL ELLEDGE for a Variance to allow one corner of a room enclosing the pool to within five feet (5') of the rear property line where fifteen feet (15') is required on property located at 1209 Stout Way in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 21, Block 5, College Park 22.

MR. BROWN presented the staff report and stated the layout of the property is as depicted on the plot plan. The applicants are coming within 5' of the rear property line. He added he did not think the intent and purpose of the ordinance would be thwarted if the request was granted.

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

JACK HUING, 4474 Cornell, was present representing the applicant. He stated only one corner of the room would be within the 5' setback.

MR. BROWN stated there were no protests on records.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-23-78, subject to the following conditions:

1. Conformance to the plot plan.
2. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

17. V-24-78
APPROVED

Application of J. WILLIAM SIMPSON for a Variance to allow a six unit apartment building on a 5,687 sq. ft. lot where a 6,000 sq. ft. lot is required on property located at 2111 Fairfield Avenue in Zoning District R-4 (Apartment Residence). The above property is legally described as the unnumbered triangular shaped lot in Block 4, north of Lot 40, Meadows Addition.

MR. BROWN presented the staff report and stated the request is in the middle of an R-4 District. The plot plan is as depicted. There are nine parking spaces along the alley. Staff would recommend approval subject to installation of a concrete sidewalk on Fairfield and Boston.

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

J. WILLIAM SIMPSON stated he agreed with staff stipulations.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-24-78, subject to the following conditions:

1. Construction of a concrete sidewalk on Fairfield Avenue frontage and Boston Circle frontage as required by the Department of Public Services.
2. Landscaping and a permanent underground sprinkler systems 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. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

18. U-7-78

DENIED

Application of H. RAY MORGAN for DE LA FUENTE AUTO SALES for a Use Permit to allow a used car lot on property located at 1065 South Main Street in Zoning District C-2 (General Commercial). The above property is legally described as a portion of Block 5, South Addition, lying west of Main Street.

MR. BROWN presented the staff report and stated the property in question is a triangular piece of property. The plot plan is as depicted and the proposed use is a used car lot. Staff feels this is crowding a bit much on such a small piece of property and with the attendant traffic problems, would recommend denial.

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

DE LA FUENTE said the reason he picked this lot is because there is room for four cars.

CHAIRMAN EMMETT asked if the applicant had a used car lot now.

MR. LA FUENTE stated he has a license.

MR. BROWN said there was one letter of protest.

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

MRS. SEGRETTI made a Motion for DENIAL of U-7-78, 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, Mr. Duncan,
Mr. Miller and Chairman Emmett
"NOES" None

Motion for DENIAL carried unanimously.

19. U-33-64

PLOT PLAN REVIEW

APPROVED

Request of THE SALAVATION ARMY for a Plot Plan Review to allow an addition for the fellowship hall to the existing building permitted under the approved Use Permit, U-33-64, on property located at 2900 Palomino Lane in Zoning District R-A.

MR. BROWN presented the staff report and stated the property in question is in an R-A District. There is an existing classroom and church and they wish to put in a fellowship hall. They specifically say in their letter that the activities will be limited to Sunday School, dinners for church, youth programs, plays, concerts, womens' clubs and any activities the community around would want to do. With that being a stipulation, staff would recommend approval.

AN UNIDENTIFIED MAN, representing the Salvation Army, reiterated what the uses would be.

MR. MILLER made a Motion for APPROVAL of the Plot Plan Review under U-33-64, subject to the following conditions:

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.
5. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.
6. Limiting of uses to those stated in the letter of request dated February 27, 1978.

Voting was as follows:

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

"NOES" None

Motion for APPROVAL carried unanimously.

20. U-29-67

PLOT PLAN REVIEW

APPROVED

Request of CLIFFORD MILLER, INC. for a Plot Plan Review to allow an additional canopy and two islands under an approved Use Permit which granted the construction of a service station, on property located at 101 North Jones Boulevard in Zoning District C-1.

MR. BROWN presented the staff report and stated that everything is in concert with the development of the area and staff would recommend approval.

CLIFF MILLER, 1521 Industrial Road, was present.

MR. MILLER made a Motion for APPROVAL of the Plot Plan Review under U-29-67, subject to the following conditions:

1. Conformance to conditions originally imposed at the time of approval of U-29-67.
2. Conformance to the plot plan.
3. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

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

"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 9:45 P.M.

DEPARTMENT OF COMMUNITY PLANNING
& DEVELOPMENT

DON J. SAYLOR, AIP, DIRECTOR

DJS/lm