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A G E N D A

BOARD OF ZONING ADJUSTMENT

APRIL 27, 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:

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meeting held February 23, 1978.

OLD BUSINESS:

1. 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.  
(Abeyance Item from 3/23/78)

NEW BUSINESS:

1. HC-1-78 Appeal filed by PROPERTY MANAGEMENT & MAINTENANCE INC. from the provisions of the Uniform Housing Code relative to property located at 225 Flower, Apartment C. (Applicant contends that the responsibility for the required repairs should be that of the tenant according to the rental agreement.)
2. HC-2-78 Appeal filed by DONN & JANET BALIOTIS from the provisions of the Uniform Housing Code relative to property located at 716 North "C" Street. (Applicant contends that inasmuch as the Housing Code was not in force at the time the units were built and/or converted, it does not now apply to their property.)
3. V-25-78 Application of ANNETTE KINGERY for a Variance to allow a room addition to within twelve feet (12') of the rear property line where fifteen feet (15') is required on property located at 6112 Edgewood Circle in Zoning District R-1.
4. V-26-78 Application of RICHARD A. MARCO for a Variance to allow a room addition to a non-conforming single family residence to within three feet (3') of the side property line where six feet (6') is required on property located at 854 N. 21st Street in Zoning District R-1.
5. V-27-78 Application of STATE OF NEVADA, HIGHWAY DEPARTMENT, for a Variance to allow a recreation vehicle (trailer) park on property generally located on the northeast corner of Main Street and Mesquite Avenue in Zoning Districts C-M and R-4 - under Resolution of Intent to C-2. Trailer parks are not permitted in any of the above noted zones.
6. U-14-78 Application of ALEXANDER COBLENTZ for a Use Permit to allow the sale of used cars and new travel trailers on property located at 610 Las Vegas Boulevard North in Zoning District C-2. Such use may be permitted in the C-2 District subject to receiving a Use Permit.
7. V-28-78 Application of THOMAS GRIFFITH for a Variance to allow the enclosing of an existing legal patio ten feet (10') from the rear property line where fifteen feet (15') is required on property located at 4009 Esmeralda in Zoning District R-1.

8. V-29-78 Application of ARCHES BUSINESS CENTER for a Variance to allow the construction of a ten ft. (10') high sign where a maximum height of five feet (5') is permitted, and to allow the sign to be ninety (90) square feet in area where a fifteen (15) square ft. maximum area is permitted on property located at 3233 West Charleston Boulevard in Zoning Districts R-E and C-D - under Resolution of Intent to C-D.
9. V-30-78 Application of FIRST NATIONAL BANK OF NEVADA for a Variance to allow the construction of baseball batting practice cages on property located on West Charleston Boulevard between Vista Drive and Hinson in Zoning District R-E. Baseball batting practice cages are not permitted in the R-E District.
10. V-31-78 Application of HARRY W. NERPEL for a Variance to allow an existing single family dwelling to within fifteen feet (15') of the front property line where twenty feet (20') is required, and to within 11'6" of the rear property line where fifteen feet (15') is required on property located at 1609 Eaton Drive in Zoning District R-1.
11. U-18-78 Application of MERLIN S. MURPHY & TIE INC. for a Use Permit to allow the construction of a private (non-profit) social club on property located at 329-339 North 11th Street in Zoning District R-2. Such a use may be permitted in the R-2 District subject to receiving a Use Permit.
12. V-32-78 Application of THOMAS E. AND LILLIAN F. HARKENRIDER for a Variance to allow the joining of the existing house and existing garage which would locate the house within five feet of the rear property line where fifteen feet is required, and adding a patio to within five feet of the side property line where fifteen feet is required on property located at 2009 Juana Vista Street in Zoning District R-1.
13. V-33-78 Application of MARK AND SANDY ROBINSON for a Variance to allow an existing accessory structure in the rear yard area where none are allowed in a P-R District on property located at 1404 S. Maryland Parkway in Zoning District R-1 - under Resolution of Intent to P-R.
14. U-19-78(HO) Application of JUDITH A. RHEUBOTTOM for a Home Occupation Permit to allow the off-premise sale of t-shirts and to allow the storage of t-shirts, transfers and equipment for that operation on property located at 6248 Fargo Avenue in Zoning District R-1.
15. V-34-78 Application of ZAO TREMBLAY HEAPE for a Variance to allow the construction of a single family dwelling with 8'2" side yard setbacks where ten feet (10') is required on property located on the east side of Kenny Way, 90 ft. south of Alta Drive in Zoning District R-E.
16. V-35-78 Application of GLENN R. HOSEY for a Variance to allow a six ft. block wall in the front yard area where a maximum height of four feet (4') with the top two feet (2') being fifty percent (50%) open is allowed on property located at 1000 Stoney Beach Street in Zoning District R-1.
17. V-36-78 Application of V. LEE for a Variance to allow a six ft. high fence in the front yard area where a maximum height of four ft. with the top two ft. being fifty percent (50%) open is allowed, and to allow the existing carport to the side property line where a ten ft. setback is required on property located at 1910 Silver Avenue in Zoning District R-E.
18. V-37-78 Application of JACK RABINOWISCH for a Variance to allow twelve dwelling units where only eight units are permitted on property located at 633-637 North 11th Street in Zoning District R-3.

19. V-38-78 Application of W. OWEN NITZ AND GEORGE A. CROMER for a Variance to allow the continued use of a duplex where such a use is not permitted on property located at 512 South 3rd Street in Zoning District C-2.
20. V-39-78 Application of MANUEL J. AND DIANA L. HURTADO for a Variance to allow two dwelling units where only one is permitted on property generally located on Washburn Road between Lisa Street and Royer Ranch Road in Zoning District R-E.
21. U-20-78(HO) Application of VAHAN TAFRALIAN for a Home Occupation Permit to allow an advertising business operation on property located at 6108 Fawn Circle in Zoning District R-1.
22. U-27-70(HO) Request of INEZ V. HOLT for a three year Extension of Time on an approved Home Occupation Permit which granted permission to teach jewelry handicraft classes on property located at 5941 Hickman Avenue in Zoning District R-1. Applicant is asking for a class size maximum of three persons.  
Ext. of Time
23. U-1-63 Request of GLENN JUSTICE MORTGAGE COMPANY, INC. for a Use Review to allow a mortgage banking firm office to replace a Use Permit granted on an insurance business on property located at 535 E. St. Louis Street in Zoning District R-4.  
Use Review
24. U-29-76 Request of E. T. LEGG & CO. for a Plot Plan Review to allow 6' x 12' off-premise signs under an approved Use Permit which granted a used car sales lot on property located at 1451 West Owens in Zoning District C-2.  
Plot Plan Review
25. U-15-78(HO) Application of MARSHA E. HULTSMAN at 2009 Theresa Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the making and selling of rubber stamps.
26. U-16-78(HO) Application of JOY BOHLMANN at 1216 S. 8th Place in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of Del Mar window products.
27. U-17-78(HO) Application of ROBERT D. WOLFRAM at 4240 Gaye Lane in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise electrical contracting operation.
28. U-21-78(HO) Application of PATRICK J. McCLAIN at 2613 Sierra Madre Drive in Zoning District R-1 for a Home Occupation Permit - Allow an office for a pool construction operation.
29. U-22-78(HO) Application of W. V. AINSWORTH at 3032 Scarlet Oak in Zoning District R-1 for a Home Occupation Permit - Allow a contractor's business office.
30. U-23-78(HO) Application of F. MICHAEL CORRIGAN FOR RENE JANISSE at 2412 Tam Drive in Zoning District R-4 for a Home Occupation Permit - Allow the mail-order sale of home study courses.
31. U-24-78(HO) Application of TERRY ANDREWS at 4225 Jory Trail in Zoning District R-E for a Home Occupation Permit - Allow an office for a local distributor business.
32. U-25-78(HO) Application of JOHN F. X. DEEGAN at 5308 Cannon Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of artifacts and coins.
33. U-26-78(HO) Application of THOMAS ALBANESE II at 1025 Nassau Drive in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale brokerage office.
34. U-27-78(HO) Application of KENNETH KOESTER at 3116 Austin Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a financial planning business office.
35. U-28-78(HO) Application of MARTIN KOGAN at 3325 Calle Del Torre in Zoning District RPD-6 for a Home Occupation Permit - Allow a consulting service for commercial and industrial refrigeration and air conditioning.

36. U-29-78(HO) Application of DONALD R. FISHER at 617 Vincent Way in Zoning District R-1 for a Home Occupation Permit - Allow an office for the purposes of being a Capp Home representative.
37. U-30-78(HO) Application of SUSAN MELANCON at 6605 Hartman Street in Zoning District RMH for a Home Occupation Permit - Allow a biological consulting operation.
38. U-31-78(HO) Application of CLIFTON O. RADER at 6220 McAllister in Zoning District R-1 for a Home Occupation Permit - Allow a freelance art operation.
39. U-32-78(HO) Application of JOHN C. HARRIS at 4528 Sunrise Road in Zoning District R-1 for a Home Occupation Permit - Allow a vending machine company office operation.
40. U-33-78(HO) Application of HOWARD E. TAYLOR at 801 Palmhurst Drive in Zoning District R-1 for a Home Occupation Permit - Allow a construction clean-up office operation.
41. U-34-78(HO) Application of T. J. AND CHARLOTTE L. REYNOLDS at 6933 Singing Dunes Lane in Zoning District R-1 for a Home Occupation Permit - Allow an automobile parts suppliers operation.

MINUTES

BOARD OF ZONING ADJUSTMENT

APRIL 27, 1978

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

PRESENT: Chairman Emmett, Mrs. Segretti and Dr. Parker

EXCUSED: Mr. Duncan and Mr. Canul

STAFF PRESENT: Don J. Saylor, AIP, Deputy City Manager for  
Community Services  
Don W. Brown, Supervisor of Zoning  
Ira John Gardner, Planning Assistant  
Linda A. McIntosh, Senior Secretary

LEGAL STAFF PRESENT: Audrey Daines, Deputy City Attorney

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meeting held February 23, 1978. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-22-78

(Abeyance Item  
from 3/23/78)

APPROVED

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.

MR. BROWN stated this was a matter for the City Attorney and asked that the Deputy City Attorney address the item.

MS. DAINES stated the problem arises from the fact that a permit was granted to the applicant approximately 8 years previously to add a second kitchen and accompaniments. It is the opinion of the City Attorney's office that although this does create a second family dwelling unit, that provided the dwelling unit is not used for rental purposes or income purposes, but only for the family living there now, this would be permitted.

SAUNDRA BANKSTON, 2900 Holly Hill, stated the second addition was always built on as an additional dwelling and that when she got the permit, that is what it was for. She said this was explained at the time she applied for and received the permit. Now, she wishes to refinance her house and because of this matter, is unable to do so.

MS. DAINES asked the applicant if she was renting out the second unit.

MS. BANKSTON replied that she is and it has been rented out for 4 years.

MS. DAINES asked Mr. Brown if it was in fact explained 8 years ago.

MR. BROWN said he did not think so. The applicant requested approval of a building permit for a kitchen, etc. Staff's position was that probably this was to replace an existing unit. The building permit doesn't show it was for an additional unit so the permit was granted, thereby creating the problem before the Board.

MS. DAINES said it would still be the City Attorney's position that that second unit not be rented out. The appeal, from a legal standpoint, should be denied.

MR. BROWN said that a copy of the building permit said the proposed construction was for a 2-story addition, bedroom, bathroom, kitchen and living room. It said nothing about a second unit.

MS. BANKSTON reiterated she had explained the purpose of the addition at the time of filing for the permit. If she had known it was not allowed, she would never have built the addition.

CHAIRMAN EMMETT said she was sure the building could be refinanced, but not under the supposition that it is a two-family dwelling.

MRS. SEGRETTI asked the applicant if her original intent was to rent the addition out.

MS. BANKSTON replied she had planned to live in it for 5 years and after she left, her parents, who are no longer living, would rent it out to supplement their income.

MR. SAYLOR said that regardless of a permit that was issued some years ago through a misunderstanding, the Attorney has ruled that the issuance of that permit does not necessarily dictate or mandate the Board grant the variance. The application before the Board is to allow two units, which should be strictly evaluated on its merits, not on the basis of whether the City was right or wrong or the applicant, on the permit basis.

MR. BROWN stated at the original hearing there were 5 letters of protest and since that time 3 additional protests are on file.

R.J. McCORMICK said he was the lender the applicant had consulted with to arrange for financing on the property. The position of the lender in going FHA or VA, will require compliance to building department requirements. The building does not now comply, so FHA or VA financing is not available. It may be possible to refinance with a conventional loan; however, it would be restricted to 50% of value.

CHAIRMAN EMMETT asked why the house did not meet the requirements.

MR. McCORMICK replied because of the two kitchens, it is in violation of the zoning. It has two living units which are not joined by a door. It could be considered a mother-in-law's place if it had a door and if it did not have a kitchen.

MS. BANKSTON said there was a connecting door, but it is not used.

DR. PARKER asked if the house was surrounded by commercial, what difference did it make.

MR. BROWN said that it is surrounded by R-1 on three sides and C-D on the fourth.

MS. BANKSTON said that GAS is directly behind the house, directly across the street is the DMV and the neighbors next door and across the street do not object.

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 V-22-78.

Voting was as follows:

"AYES" Mrs. Segretti  
"NOES" Dr. Parker and Chairman Emmett

Motion for DENIAL failed to carry for lack of a majority vote.

DR. PARKER made a Motion for APPROVAL of V-22-78, subject to the following condition:

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

Voting was as follows:

"AYES" Dr. Parker and Chairman Emmett  
"NOES" Mrs. Segretti

Motion for APPROVAL carried by a 2/1 vote.

NEW BUSINESS:

1. HC-1-78  
WITHDRAWN

Appeal filed by PROPERTY MANAGEMENT & MAINTENANCE, INC. from the provisions of the Uniform Housing Code relative to property located at 225 Flower, Apartment C. (Applicant contends that the responsibility for the required repairs should be that of the tenant according to the rental agreements.)

MR. BROWN stated this was a legal matter and asked it be presented by the Deputy City Attorney.

MS. DAINES said they had not seen a copy of the rental agreement, but it is felt that under the Landlord/Tenant Law recently passed would allow the landlord to go after the tenant, but it is not relevant to a third party position, namely that of the City. The owner is responsible to meet the provisions of the Housing Code and if violations exist caused by the tenant, the landlord's recourse is against that tenant, but the landlord only would be responsible to the City. The City Attorney's office would recommend that the appeal be denied.

MIKE BESTMAN, 953 East Sahara, Suite 240, stated he was coordinator of legal affairs for Property Management & Maintenance. He said he was the one who had prepared the appeal. He said he had no quarrel with Counsel as to her remarks, but not taken to their ultimate conclusion assuming everything said is true and proper. He quoted from the Landlord/Tenant Act and said one provision makes reference to retaliatory action by the landlord and that he had been advised that in a matter of this type, it would be considered retaliatory. He said they do have an obligation to comply with the City's regulations, they would be happy to do so and in many cases have done so. He said the violation notice they had received gave them 60 days to make repairs or the building would be vacated. He asked if they were talking about the entire building or the apartment in question. If it is only a question of vacating the one apartment, he would welcome that. Once the tenant is out, they will go in and make the repairs. He added he did not believe the City should be involved in this matter.

MR. SAYLOR said the violations involved are the responsibility of the property owner. He said the Board had no other recourse than to deny the appeal.

CHAIRMAN EMMETT asked if the repair work had been done, and if not, wasn't it affecting the property.

MR. BESTMAN said it was only affecting the one tenant and he is still living in the apartment, claiming it is uninhabitable. They have asked him to leave but he won't and they cannot evict him. He asked again if they were talking about the entire building being closed down or just the one unit.

MR. SAYLOR said in staff's opinion, if the unit is not fit for human habitation, it is that unit.

MR. BESTMAN asked if this would only apply to Apartment C.

MR. SAYLOR replied that was correct.

MR. BEST stated he was withdrawing his petition.

2. HC-2-78  
ABEYANCE

Appeal filed by DONN & JANET BALIOTIS from the provisions of the Uniform Housing Code relative to property located at 716 North "C" Street. (Applicant contends that inasmuch as the Housing Code was not in force at the time the units were built and/or converted, it does not now apply to their property.)

MS. DAINES stated the attorneys for the applicants have requested this item be held in abeyance so they may present a written brief. The City Attorney's office would recommend this item be held in abeyance.

DR. PARKER made a Motion for ABEYANCE of HC-2-78.

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for ABEYANCE carried unanimously.

3. V-25-78  
APPROVED

Application of ANNETTE KINGERY for a Variance to allow a room addition to within twelve feet (12') of the rear property line where fifteen feet (15') is required on property located at 6112 Edgewood Circle in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 75, Block 1, Charleston Heights 38-A.

MR. BROWN presented the staff report and stated the request is because of an infringement into the backyard.

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

ANNETTE KINGERY, 6112 Edgewood, stated they wished to enclose the area for a spa because the doctor had advised her to enclose it. It would be used for treatments.

RICHARD KINGERY, stated there is presently a spa built under the patio and they wish to enclose the spa itself. The patio is 13' x 30', but it will not be totally enclosed.

MR. BROWN stated there is one protest on record.

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

DR. PARKER made a Motion for APPROVAL of V-25-78, 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" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

4. V-26-78  
APPROVED

Application of RICHARD A. MARCO for a Variance to allow a room addition to a non-conforming single family residence to within three feet (3') of the side property line where six feet (6') is required on property located at 854 North 21st Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 77, Block 5, Greater Las Vegas Addition No. 3, Unit No. 2.

MR. BROWN presented the staff report and stated the property is in the middle of an R-1 District. The plot plan is as submitted, indicating a requested addition to within 3' of the lot line.

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

RICHARD & GRETA MARCO, 854 North 21st Street, were present.

MR. MARCO stated the addition is going to be used for a den and sewing room as well as a plant room, and that they just need that much more room.

CHAIRMAN EMMETT asked if any other homes in the area had received similar variances.

MR. MARCO replied that they have and that he had a letter from his neighbor to the south in favor of the request.

MR. BROWN stated there are no protests of record and one letter of approval.

MRS. SEGRETTI asked if the application had been cleared by the Fire Department.

MR. BROWN replied that it had.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-26-78, 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, Dr. Parker and Chairman Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

5. V-27-78

APPROVED

Application of STATE OF NEVADA, HIGHWAY DEPARTMENT for a Variance to allow a recreation vehicle (trailer) park on property generally located on the northeast corner of Main Street and Mesquite Avenue in Zoning District C-M (Commercial Industrial) and R-4 (Apartment Residence) - Under Resolution of Intent to C-2 (General Commercial). Trailer Parks are not permitted in any of the above noted zones. The above property is legally described as a portion of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 27, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the location is under the Freeway north of Mesquite on the west side of Main Street. Adjacent zonings are C-M and R-4. The plot plan is as submitted and has been discussed with the applicant and a few minor changes have been made which the applicant has agreed to. Subject to compliance to the plot plan, staff would recommend approval.

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

BILL YOUNG, Nevada State Highway Department, stated they have approved the plot plan and that the YMCA is the one who needs the zoning.

UNIDENTIFIED MAN stated their nearest neighbor was a parking lot.

DR. PARKER asked if the facility was for fixed trailers or mobile.

UNIDENTIFIED MAN stated it is for recreation type trailers.

ADELENE BARTLETT, Metropolitan Beautification Committee, appeared seeking clarification of aesthetic improvements.

UNIDENTIFIED MAN stated there is some beautification and that the State has told them they must comply with all rules and regulations and that they would do whatever staff recommended.

MR. BROWN stated the landscaping plan, not yet received, would have to be approved by staff.

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

DR. PARKER made a Motion for APPROVAL of V-27-78, subject to the following conditions:

1. Hydrant spacing and fire flow to be determined by the Las Vegas Fire Department.
2. Construct concrete sidewalk on Mesquite Street frontage 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. Securing all necessary permits and licenses, and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES " Dr. Parker, Chairman Emmett and Mrs. Segretti  
 "NOES" None

Motion for APPROVAL carried unanimously.

6. V-14-78  
 APPROVED

Application of ALEXANDER COBLENTZ for a Use Permit to allow the sale of used cars and new travel trailers on property located at 610 Las Vegas Boulevard North in Zoning District C-2 (General Commercial). The above property is legally described as Biltmore Addition Annex 3, Lots 2 and 3, Block 8, and a portion of the vacated alley adjacent thereto.

MR. BROWN presented the staff report, indicated the location by means of visual aids, and stated the plot plan is as depicted. Staff has no objection to the use in this location. With conformance to the plot plan as submitted plus 10' dedication of right-of-way for Las Vegas Boulevard, staff would recommend approval. There is one protest on record.

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

MRS. ALEXANDER COBLENTZ, 1609 South Sixth Street, was present.

MR. KRAMM, who would be utilizing the lot, was present.

DR. PARKER asked what the duration was for a Use Permit.

MR. BROWN said forever, unless a stipulation as to time was put on.

MRS. SEGRETTI asked if the Use Permit would pass from one owner to another.

MR. BROWN replied that it would.

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

DR. PARKER made a Motion for APPROVAL of U-14-78, subject to the following conditions:

1. Remove and replace damaged sidewalk as required by the Department of Public Services.
2. Dedicate 10 feet of right-of-way within sixty (60) days for Las Vegas Boulevard North as required by the Department of Public Services.

3. The building and trailer on the lot shall be rehabilitated and upgraded with all the necessary permits and inspections as required by the Department of Building and Safety.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Conformance to the plot plan.
8. Securing all necessary permits and licenses, and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
 "NOES" None

Motion for APPROVAL carried unanimously.

7. V-28-78  
 APPROVED

Application of THOMAS GRIFFITH for a Variance to allow the enclosing of an existing legal patio ten feet (10') from the rear property line where fifteen feet (15') is required on property located at 4009 Esmeralda in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 127, Block 7, Las Verdes Heights #2.

MR. BROWN presented the staff report and stated the property is in the middle of an R-1 District. The plot plan is as submitted.

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

TOM GRIFFITH, 4009 Esmeralda, stated they wished to enclose the existing legal patio to make a recreation room and sewing room.

DR. PARKER asked if the patio was covered.

MR. GRIFFITH replied that it is.

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.

MRS. SEGRETTI made a Motion for APPROVAL of V-28-78, 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, Dr. Parker and Chairman Emmett  
 "NOES" None

Motion for APPROVAL carried unanimously.

8. V-29-78  
ABEYANCE

Application of ARCHES BUSINESS CENTER for a Variance to allow the construction of a ten ft. (10'0") high sign where a maximum height of five feet (5') is permitted, and to allow the sign to be ninety (90) square feet where a fifteen (15) square ft. maximum is permitted on property located at 3233 West Charleston Boulevard in Zoning District R-E (Residence Estates) and C-D (Designed Commercial) - under Resolution of Intent to C-D (Designed Commercial). The above property is legally described as Lots 1, 2 and 3, Block 1 of the Resubdivision of Blocks 1, 2, and 3 of McNeil Tract.

MR. BROWN presented the staff report and stated that a petition has been received signed by 13 people in opposition and that four letters of protest have also been received. The attorney for the protestants called, Ian Ross, who said that he and Al Levy did agree to a continuance of the hearing, inasmuch as he would be out of town. Staff recommendation of the request is denial as it is felt the request is not in keeping with the intent of the C-D ordinance.

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

GARY CONNER, Tiberti Construction, stated they preferred to have the request held in abeyance.

ADELENE BARTLETT, Metropolitan Beautification Committee, submitted a petition of protest with 13 names and stated that on behalf of and as chairman, the Beautification Committee was totally against the proposal.

SIDNEY LETTERMAN stated he has a business directly across the street. He said he had complied with the ordinance and that others should comply also.

BLANDA GANN stated she was located next door to the property in question and that her sign also complies with the ordinance. She asked the Board to consider fences and that type of thing because the property in question has constructed a fence that completely blocks her sign. If this is approved, everyone will be putting up higher signs than are permitted.

DR. PARKER made a Motion for ABEYANCE of V-29-78.

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for ABEYANCE carried unanimously.

9. V-30-78  
DENIED

Application of FIRST NATIONAL BANK OF NEVADA for a Variance to allow the construction of baseball batting practice cages on property located on West Charleston Boulevard between Vista and Hinson in Zoning District R-E (Residence Estates). The above property is legally described as the west 125 feet of the south 165 feet of Lot 16, Block 1, Hinson Heights.

MR. BROWN presented the staff report and stated the property is in the middle of an R-E District. Staff feels the requested use is incompatible with the area and would recommend denial.

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

The applicant or a representative was not present.

Six persons were present in protest.

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

DR. PARKER made a Motion for DENIAL of V-30-78 as the Board found that such a use would be incompatible at this location.

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for DENIAL carried unanimously.

10. V-31-78

WITHDRAWN

Application of HARRY W. NERPEL for a Variance to allow an existing single family dwelling to within fifteen feet (15') of the front property line where twenty feet (20') is required, and to within 11'6" of the rear property line where fifteen feet (15') is required on property located at 1609 Eaton Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 17, Block 2, Amended McNeil Manor Tract #3.

MR. BROWN stated that since the applicant has filed his request, a resurvey and consultation have been done with the Building and Safety Department and Planning and the applicant, and it has been found that it is not necessary for the applicant to ask for a variance and he has asked that it be withdrawn.

MRS. SEGRETTI made a Motion for APPROVAL of the WITHDRAWAL of V-31-78.

Voting was as follows:

"AYES" Mrs. Segretti, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

11. U-18-78

APPROVED

Application of MERLIN S. MURPHY & TIE, INC. for a Use Permit to allow the construction of a private (non-profit) social club on on property located at 329-339 North 11th Street in Zoning District R-2 (Two Family Residence). The above property is legally described as Lot 9, Block 10, Fairview Addition and a portion of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 35, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated there are various zoning classifications to be found in the area. The plot plan is as submitted with landscaping and related necessities. Everything is in order and staff would recommend approval.

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

JACK BELCHER, Architect, stated this is a quasi-public use. This is a private group and they wish to tear down the old buildings and construct new ones. All requirements of the City have been met. The alley goes north and then will be extended to 10th Street. He described the plot plan as displayed and further stated that TIE is a group of sober alcoholics.

SAMUEL FREEDLAND stated he lived directly across the street and approved of the request as it would be an improvement to the neighborhood and would also assist in taking cars off from the street.

L.F. HAYGOOD, 316 North Tenth, appeared seeking clarification of the alley.

MR. BELCHER stated it would be a legal dedicated alley. The area in which people had been driving previously was not a dedicated alley.

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 U-18-78, subject to the following conditions:

1. Construct one street light on 11th Street frontage, alley gutter and alley paving; concrete sidewalk on 10th and 11th

Street frontages; and provide suitable drainage from alley to 11th Street as required by the Department of Public Services. Engineering plans shall be required for this construction.

2. Dedication of right-of-way required for 11th Street and alley connection within 60 days 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. Vacate Mesquite Street located approximately 243 feet south of the existing Mesquite Avenue between 10th Street and 11th Street.
7. Conformance to the plot plan.
8. 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, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

12. V-32-78  
APPROVED

Application of THOMAS E. AND LILLIAN F. HARKENRIDER for a Variance to allow the joining of an existing house and existing garage which would locate the house within five feet of the rear property line where fifteen feet is required, and adding a patio to within five feet of the side property line where fifteen feet is required on property located at 2009 Juana Vista Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 112, Block 4, Las Verdes Heights, Unit #1.

MR. BROWN presented the staff report and stated the property is in the middle of an R-1 District. The plot plan is as submitted. The applicants want to cover the patio, join and have a second floor and balcony on the south side of the property. Staff would suggest if the request is approved, that interior access be provided to the rest of the house.

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

TOM HARKENRIDER stated they would comply with staff requirements and that there would be a spiral staircase inside. There is also an existing sliding glass door that would be removed providing for access.

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

DR. PARKER made a Motion for APPROVAL of V-32-78, subject to the following conditions:

1. Interior access be provided to adjacent parts of the house.
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" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

13. V-33-78

DENIED

Application of MARK AND SANDY ROBINSON for a Variance to allow an existing accessory structure in the rear yard area where none are allowed in a P-R District on Property located at 1404 South Maryland Parkway in Zoning District R-1 (Single Family Residence) - under Resolution of Intent to P-R (Professional Offices & Parking). The above property is legally described as Lot 9, Block 21, Huntridge Subdivision #4.

MR. BROWN presented the staff report and stated there are many lots which have been zoned P-R in this area. The lot in question was rezoned in March and one of the stipulations of approval was that the building in question on the west side of the property be removed. Staff still holds, that in view of the fact the P-R was granted on the basis of removing the building, staff would recommend denial.

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

VERNON PEOPLES, representing the applicant, presented pictures of other businesses in the area that were zoned P-R and had accessory structures. He said that at the time the P-R zoning was applied for, there was some discussion of the building. Parking will be in back and there was also discussion that the building might restrict it. There is 25' between the two structures and there will be no problem with parking.

CHAIRMAN EMMETT asked what was the feeling of staff. Was the parking adequate.

MR. BROWN said the structure had nothing to do with the parking. P-R requires no structures on the property.

MRS. SEGRETTI asked if there was any reason the structure could not be moved.

MR. PEOPLES said the structure is 18' x 20' and has electricity and full plumbing and is on a cement slab. It would require considerable work to remove it.

CHAIRMAN EMMETT asked if the property was currently being used as P-R.

MR. PEOPLES replied not yet as they had just gotten approval recently. He reiterated the fact other P-R properties have accessory structures.

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

DR. PARKER made a Motion for DENIAL of V-33-78 as the Board found that the requirements of the Zoning Ordinance to allow the granting of a variance were not met.

Voting was as follows:

"AYES" Dr. Parker and Mrs. Segretti  
"NOES" Chairman Emmett

Motion for DENIAL carried by a 2/1 vote.

14. U-19-78 (HO)

APPROVED

Application of JUDITH A. RHEUBOTTOM for a Home Occupation Permit to allow the off-premise sale of t-shirts and to allow the storage of t-shirts, transfers and equipment for that operation on property located at 6248 Fargo Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 19, Block 2, Charleston Heights 29-B.

MR. BROWN presented the staff report and stated the property is in the middle of an R-1 District. The reason for the public hearing is that one of the questions on the Home Occupation Permit questionnaire had been answered in the affirmative.

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

JUDITH & DAVID RHEUBOTTOM 6248 Fargo Avenue, were present.

CHAIRMAN EMMETT asked if they would be using their address for retail sales.

MRS. RHEUBOTTOM stated they would not, that they would be taking the t-shirts to swapmeets to sell.

MRS. SEGRETTI asked if the house would be used for storage.

MRS. RHEUBOTTOM replied that it would.

MRS. SEGRETTI asked if there would be commercial deliveries to the house.

MRS. RHEUBOTTOM replied there would not, that they would pick up the materials themselves.

MRS. SEGRETTI asked how the transfer of the shirts would be made.

MR. RHEUBOTTOM said they would use their stationwagon.

MRS. SEGRETTI asked what type of equipment was used in preparing the shirts.

MR. RHEUBOTTOM said they used a pressing machine which is like a large iron.

DR. PARKER asked how many t-shirts they would handle at a time.

MR. RHEUBOTTOM said approximately two hundred forty, and that they would fit in a closet.

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

DR. PARKER made a Motion for APPROVAL of U-19-78 (HO), 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" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

15. V-34-78  
APPROVED

Application of ZAO TREMBLAY HEAPE for a Variance to allow the construction of a single family dwelling with 8'2" side yard setbacks where ten feet (10') is required on property located on the east side of Kenny Way, 90 ft. south of Alta Drive in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the North Half (N $\frac{1}{2}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the property in question is located in the middle of an R-E area. Staff has received 9 signatures protesting the application. The location of the signatory was pointed out on the map. The protests are saying

they have complied with the setback, why not the applicant. Staff would recommend denial.

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

ZAO TREMBLAY HEAPE was present and stated her property is 189.80' x 265'. It is a half acre lot, zoned R-E.

CHAIRMAN EMMETT asked if there were any approvals on record.

MR. BROWN replied there are none. He then read the petition submitted in opposition, which referred to others in the area building and not complying.

CHAIRMAN EMMETT asked how many vacant lots were left in the area.

MS. HEAPE replied one, hers.

WOODROW SHAHEEN, 1266 Shadow, appeared representing Mr. & Mrs. Papps, 3201 Alta and Mr. and Mrs. Gary Bailey, Kenny Way, who protested the application. He read a letter on their behalf.

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

DR. PARKER made a Motion for APPROVAL of V-34-78, subject to the following conditions:

1. Construct curb and gutter and street paving on Kenny Way frontage as required by the Department of Public Services.
2. Sign an Assessment District Agreement for future sidewalk and alley paving 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" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

16. V-35-78  
APPROVED

Application of GLENN R. HOSEY for a Variance to allow a six ft. block wall in the front yard area where a maximum height of four feet (4') with the top two feet (2') being fifty percent (50%) open is allowed on property located at 1000 Stoney Beach Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 23, Block 3, Lewis Homes Las Vegas #3.

MR. BROWN presented the staff report and stated the property is in the middle an an R-1 area and is a corner lot. The layout of the property is as submitted. There are two letters of protest and one of approval. Staff does not see anything unique about this property which would warrant the granting of a 6' wall in the front yard and would recommend denial.

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

GLENN HOSEY, 1000 Stoney Beach, stated they wished to close in the yard due to their children and dog and that they have also been thinking of building a pool. It would not obstruct the view of the street.

MRS. SEGRETTI asked if he couldn't build a 6' wall with the top 2' open.

MR. HOSEY said he could do that, but they wouldn't give him a permit. He said his house faces Stoney Beach, not Sunny Brook. He said the City calls the area where he wishes to put the fence his front yard, but it is the back yard. The City ordinance says the smallest part of your lot is the front yard. He then described the layout of the lot. He added if it was required, he would build the fence with the top 2' open.

MRS. SEGRETTI asked what the legal address of the property is.

MR. BROWN said it is 1000 Stoney Beach, and that the address does not necessarily connote the front yard. The size of the lot is what determines the front yard regardless of how the house is placed on the lot.

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-35-78, 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, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

17. V-36-78  
APPROVED

Application of V. LEE for a Variance to allow a six ft. high fence in the front yard area where a maximum height of four ft. with the top two ft. being fifty percent (50%) open is allowed, and to allow the existing carport to the side property line where a ten ft. setback is required on property located at 1910 Silver Avenue in Zoning District R-E (Residence Estates). The above property is legally described as a portion of Block 10 of Scotch Eighty Addition.

MR. BROWN presented the staff report and stated the plot plan is as submitted. The applicant wants to start at the corner and come down and across and back up with a 6' wall. He is also asking for relief for the existing carport on the west lot line. Staff does not have much quarrel with the carport issue, but would recommend denial of the wall in the front yard.

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

WALTER PINJUV, representing the applicant, stated the request for the fence is for masonry columns approximately every 8' with a 12" used brick base. In between the columns will be ornamental iron. The carport is an existing carport and has been in existence for 16 years. The top 5' would be open on the fence.

MRS. SEGRETTI asked how large the masonry columns would be.

MR. PINJUV said they would be about 20" in width.

CHAIRMAN EMMETT asked if a similar application had not been approved in Rancho Circle.

MR. BROWN replied that it had.

MR. PINJUV said there is an existing one down the street on the south side.

DR. PARKER said he thought that it would be a nice fence.

MRS. WILLIAM WILSON stated she lived directly across the street.

She said she did not object to the fence, just to the height.

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-36-78, subject to the following conditions:

1. The fence shall be one foot of concrete block upon which five feet (5') of ornamental iron will be placed; a minimum of eight feet (8') shall separate the columns.
2. Sign an Assessment District Agreement for future street lighting and sidewalks 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, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

18. V-37-78

DENIED

Application of JACK RABINOWISCH for a Variance to allow twelve dwelling units where only eight units are permitted on property located at 633-637 North 11th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lots 20 and 21, Block 4, Stewart Addition.

MR. BROWN presented the staff report and stated the property is located in the middle of an R-4 District. The plot plan is as submitted. Staff sees no reason why these applicants should be afforded a higher density than others in the area. A similar application in this area was heard and denied about 3 years ago. Staff would also recommend denial this time. There are two protests on record.

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

ASSEN EVANOFF, building designer, stated there is a demand for apartments in the area. They would be rented to senior citizens and there would be no children as currently exists. He added there is space for parking the cars required. Land is very high and must be put to its best use.

JACK RABINOWISCH stated there are other approved variances in the area where more units are located than are permitted.

WILLARD TERRY, 700 North Ninth, appeared in protest and stated he thought the zoning ordinance should be upheld and the additional units not allowed. He added he felt the area was zoned to capacity.

MRS. SEGRETTI asked if he had any objection to the allowable number of units permitted.

MR. WILLARD stated he would not have the right to object to that, but did oppose anything over the permissible number.

MRS. WILLARD TERRY appeared in 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 V-37-78 as the Board found that the requirements of the Zoning Ordinance to allow the granting of a variance were not met.

Voting was as follows:

"AYES" Mrs. Segretti, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for DENIAL carried unanimously.

19. V-38-78

APPROVED

Application of W. OWEN NITZ and GEORGE A. CROMER for a Variance to allow the continued use of a duplex where such a use is not permitted on property located at 512 South 3rd Street in Zoning District C-2 (General Commercial). The above property is legally described as Lots 25 and 26, Block 23, Clark's Las Vegas Townsite.

MR. BROWN presented the staff report, indicated the location by means of visual aids, and stated there has been a two-unit apartment on the rear of the property owned by some attorneys. It is in a C-2 District and has been used for a duplex which is not permitted in a commercial district and staff would recommend denial.

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

OWEN NITZ stated the building had been on the property for many years and there are residencies immediately adjacent to the north and all around. This is a transitional area to C-2, containing both commercial and residential uses.

DR. PARKER asked if the units are rented.

MR. NITZ replied that they are and have been since the property was purchased. He added the building also serves for security purposes at night.

MR. BROWN said one letter of approval had been received.

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

DR. PARKER made a Motion for APPROVAL of V-38-78, subject to the following conditions:

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

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

20. V-39-78

DENIED

Application of MANUEL J. AND DIANA L. HURTADO for a Variance to allow two dwelling units where only one is permitted on property generally located on Washburn Road between Lisa Street and Royer Ranch Road in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of

the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 33, Township 19 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and stated the property is in the middle of an R-E area located at the northerly portion of the City. The plot plan is as submitted. If duplexes are to be permitted in this area, the ordinance should be changed and not grant a duplex under the guise of a variance. Staff feels the purpose of the ordinance should be upheld and recommends denial.

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

MANUEL HURTADO, 8201 Washburn, stated he wished to build a second unit for his parents to live in. He added the lot is larger than an acre in size, being 129' x 362'.

DR. PARKER asked if the property was on a well.

MR. HURTADO replied that it is.

MRS. SEGRETTI asked why they couldn't add onto the existing house.

MR. HURTADO said they didn't want two families in the same house. He said the proposed house would be 180' from the existing house.

VIRGINIA JONES, 5100 Lisa Lane, appeared in protest and stated the entire area is all R-E and they would like to see it remain that way. She added the request would add to pollution. If this request is granted, others will also seek the multiple dwelling use.

ERICK BOCK, Lisa Lane, appeared in protest.

MR. JONES, 5100 Lisa Lane, appeared in protest, citing pollution, traffic and density as factors for 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 V-39-78 as the Board found that the requirements of the Zoning Ordinance to allow the granting of a variance were not met.

Voting was as follows:

"AYES" Mrs. Segretti, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for DENIAL carried unanimously.

21. U-20-78 (H0)

APPROVED

Application of VAHAN TAFRALIAN for a Home Occupation Permit to allow an advertising business operation on property located at 6108 Fawn Circle in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 73, Block 1, Charleston Heights 28A.

MR. BROWN presented the staff report and stated the reason for the public hearing was because the applicant had answered a couple of questions on the Home Occupation Permit questionnaire in the affirmative. There are two letters of protest.

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

VAHAN TERFRALIAN, 6108 Fawn, stated he would like to have an advertising business in his home. He added there would be no traffic as his work is done in the business district and did not require people coming to his home.

MRS. SEGRETTI asked the applicant how he would advertise.

MR. TERFRALIAN said he would not, that he would go out and talk to people. He stated he would only be using his home until he could rent in an office building.

DAVE PENNARD, 6125 Fawn, stated he was concerned about traffic if the request was approved. He added he too had applied for a business in his home for a theatrical booking agency, but he had been denied.

LOUIS MARTINEZ DEL REY stated he had lived in his home since 1961 and did not think they needed businesses in the neighborhood.

VICKEY PENNARD, 6125 Fawn, stated the parking situation is very bad in the area.

CHAIRMAN EMMETT asked if there would be any traffic other than the applicant.

MR. TERFRALIAN replied there would not.

MRS. SEGRETTI asked if the applicant would advertise.

MR. TERFRALIAN replied that he would not, and the only real activity would be telephone and mail.

MR. BROWN stated that at any time the neighbors had a complaint, a hearing would be held.

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

DR. PARKER made a Motion for DENIAL of U-20-78(HO).

Voting was as follows:

"AYES" Dr. Parker

"NOES" Chairman Emmett and Mrs. Segretti

Motion for DENIAL failed by a 1/2 vote.

MRS. SEGRETTI made a Motion for APPROVAL of U-20-78 (HO), 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 and Chairman Emmett

"NOES" Dr. Parker

Motion for APPROVAL carried by 2/1 vote.

22. U-27-70 (HO)

EXTENSION OF TIME

APPROVED

Request of INEZ V. HOLT for a three year Extension of Time on an approved Home Occupation Permit which granted permission to teach jewelry handicraft classes on property located at 5941 Hickman Avenue in Zoning District R-1. Applicant is asking for a class size maximum of three persons.

MR. BROWN presented the staff report and stated the Use Permit had been in effect for over 6 years and no complaints have been received. Staff recommends approval of the extension of time.

DR. PARKER made a Motion for APPROVAL of a Three Year Extension of Time for U-27-70 (HO), subject to the following conditions:

1. Conformance to conditions originally imposed at the time of approval of U-27-70(HO).
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.

3. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

"AYES" Dr. Parker, Chairman Emmett and Mrs. Segretti  
"NOES" None

Motion for APPROVAL carried unanimously.

23. U-1-63  
USE REVIEW  
APPROVED

Request of GLENN JUSTICE MORTGAGE COMPANY, INC. for a Use Review to allow a mortgage banking firm office to replace a Use Permit granted on an insurance business on property located at 535 East St. Louis Street in Zoning District R-4.

MR. BROWN presented the staff report and stated that staff feels the mortgage banking is so similar to the approved use, that approval is recommended.

JIM GRISCO, Assistant Vice President, Glenn Justice Mortgage Co., stated there would even be less traffic with the proposed use than for the use previously approved.

MRS. SEGRETTI made a Motion for APPROVAL of the Use Review under U-1-63, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained is 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.

Voting was as follows:

"AYES" Mrs. Segretti, Dr. Parker and Chairman Emmett  
"NOES" None

Motion for APPROVAL carried unanimously.

24. U-29-76  
PLOT PLAN  
REVIEW  
APPROVED

Request of E.T. LEGG & CO. for a Plot Plan Review to allow 6' x 12' off-premise signs under an approved Use Permit which granted a used car sales lot on property located at 1451 West Owens in Zoning District C-2.

MR. BROWN presented the staff report and stated the applicant wishes to have two signs. Staff feels the request is compatible with the use and would recommend approval.

MRS. SEGRETTI made a Motion for APPROVAL of the Plot Plan Review under U-29-76, subject to the following conditions:

1. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
2. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.

3. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
4. 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, Dr. Parker and Chairman Emmett  
 "NOES" None

Motion for APPROVAL carried unanimously.

25. U-15-78(HO) Application of MARSHA E. HULTSMAN at 2009 Theresa Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the making and selling of rubber stamps.
26. U-16-78(HO) Application of JOY BOHLMANN at 1216 S. 8th Place in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of Del Mar window products.
27. U-17-78(HO) Application of ROBERT D. WOLFRAM at 4240 Gaye Lane in Zoning District R-1 for a Home Occupation Permit - Allow an off-premise electrical contracting operation.
28. U-21-78(HO) Application of PATRICK J. McCLAIN at 2613 Sierra Madre Drive in Zoning District R-1 for a Home Occupation Permit - Allow an office for a pool construction operation.
29. U-22-78(HO) Application of W. V. AINSWORTH at 3032 Scarlet Oak in Zoning District R-1 for a Home Occupation Permit - Allow a contractor's business office.
30. U-23-78(HO) Application of F. MICHAEL CORRIGAN FOR RENE JANISSE at 2412 Tam Drive in Zoning District R-4 for a Home Occupation Permit - Allow the mail-order sale of home study courses.
31. U-24-78(HO) Application of TERRY ANDREWS at 4225 Jory Trail in Zoning District R-E for a Home Occupation Permit - Allow an office for a local distributor business.
32. U-25-78(HO) Application of JOHN F. X. DEEGAN at 5308 Cannon Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of artifacts and coins.
33. U-26-78(HO) Application of THOMAS ALBANESE II at 1025 Nassau Drive in Zoning District R-1 for a Home Occupation Permit - Allow a wholesale brokerage office.
34. U-27-78(HO) Application of KENNETH KOESTER at 3116 Austin Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a financial planning business office.
35. U-28-78(HO) Application of MARTIN KOGAN at 3325 Calle Del Torre in Zoning District RPD-6 for a Home Occupation Permit - Allow a consulting service for commercial and industrial refrigeration and air conditioning.
36. U-29-78(HO) Application of DONALD R. FISHER at 617 Vincent Way in Zoning District R-1 for a Home Occupation Permit - Allow an office for the purposes of being a Capp Home representative.
37. U-30-78(HO) Application of SUSAN MELANCON at 6605 Hartman Street in Zoning District RMH for a Home Occupation Permit - Allow a biological consulting operation.
38. U-31-78(HO) Application of CLIFTON O. RADER at 6220 McAllister in Zoning District R-1 for a Home Occupation Permit - Allow a freelance art operation.

39. U-32-78(HO) Application of JOHN C. HARRIS at 4528 Sunrise Road in Zoning District R-1 for a Home Occupation Permit - Allow a vending machine company office operation.
40. U-33-78(HO) Application of HOWARD E. TAYLOR at 801 Palmhurst Drive in Zoning District R-1 for a Home Occupation Permit - Allow a construction clean-up office operation.
41. U-34-78(HO) Application of T. J. AND CHARLOTTE L. REYNOLDS at 6933 Singing Dunes Lane in Zoning District R-1 for a Home Occupation Permit - Allow an automobile parts suppliers operation.

ITEMS 25 THRU 41  
APPROVED

MR. BROWN presented the staff report and stated that all of the applicants had satisfactorily answered the Home Occupation Permit questionnaire and staff recommends approval.

MRS. SEGRETTI made a Motion for APPROVAL of Items 25 through 41, 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, Dr. Parker and Chairman Emmett  
"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 10:00 P.M.

DEPARTMENT OF COMMUNITY PLANNING  
& DEVELOPMENT

/Tm

HAROLD P. FOSTER, Acting Director