

S.V.

A G E N D A

BOARD OF ZONING ADJUSTMENT

MAY 25, 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 March 23, 1978.

OLD BUSINESS:

1. HC-2-78
ABEYANCE ITEM
FROM 4/27/78
Appeal filed by DONN AND 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.)
2. V-29-78
(Withdrawn)
ABEYANCE ITEM
FROM 4/27/78
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.

NEW BUSINESS:

1. V-40-78
Application of MARY ASSURAS for a Variance to allow outside vehicle storage on property generally located at the southwest corner of California Street and Casino Center Boulevard in Zoning District C-1. Outside storage of vehicles is not permitted in the C-1 District.
2. V-41-78
Application of LOUIS PROSSIN for a Variance to allow the sale of used books in addition to new books on property located at 1440 E. Charleston Boulevard in Zoning District C-1. The sale of used books is not permitted in the C-1 District.
3. U-35-78(HO)
Application of VERLYN ZESIGER for a Home Occupation Permit to allow the operation of a beauty salon on property located at 1401 Bryn Mawr Avenue in Zoning District R-1.
4. V-42-78
Application of MARVIN B. HERRIN for a Variance to allow an existing carport to the side property line where five feet (5') is required on property located at 609 South 7th Street in Zoning District R-1.
5. V-79-77
Extension of Time
Application of CORA GASLAWSKI for an Extension of Time on an approved Variance which granted permission for a rest home on a parcel of land containing 8,257 sq. ft. where 10,000 sq. ft. is required; and located 14 ft. from the north property line, 10 ft. from the west property line and 15 ft. from the east property line where a 25 ft. setback is required from all lot lines, and located on a street having a pavement width less than the required 48 ft. on property located at 1806-1808 Weldon Street in Zoning District R-3.
6. U-36-78(HO)
Application of HURSHLINE A. LEACH at 4313 W. Lake Mead Boulevard in Zoning District R-3 for a Home Occupation Permit - Allow alterations on clothing.

7. V-43-78 Application of STEVE ALLEN for a Variance to allow a 6 ft. high solid block wall in the front yard area where a 4 ft. high block wall with the top 2 ft., 50 percent open is permitted on property located at 4101 Del Monte Avenue in Zoning District R-E.
8. U-37-78 Application of GERTRUDE AND HOSEA COLEMAN for a Use Permit to allow an addition to an existing church on property located at 1260 Bartlett Avenue in Zoning District R-2. A church may be permitted in the R-2 District upon approval of a Use Permit.
9. V-44-78 Application of LARRY K. & DEBRA L. McCUTCHEN for a Variance to allow the construction of a room addition to within four feet eight inches (4' 8") of the side property line where seven feet six inches (7' 6") is required on property located at 6512 Celeste Avenue in Zoning District R-1.
10. V-45-78 Application of JERRY LEE JOHNSON for a Variance to allow a 44 ft. front yard setback where 50 ft. is required on property generally located on the east side of Rebecca Road, 300 feet south of Tina Lane in Zoning District R-E.
11. V-46-78 Application of H. JAMES AND CLARE L. THAYER for a Variance to allow the construction of a single car garage within 15 feet of the front property line where a 20 foot setback is required on property located at 225 South Mallard Street in Zoning District R-1.
12. U-38-7B(HO) Application of MARY ROTE at 1307 Pacific Street in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of art work and macrame.
13. U-40-78 Application of THE SOUTHLAND CORPORATION for a Use Permit to allow a self-service gasoline outlet on property located at 2385 North Decatur Boulevard in Zoning District C-1. Such a use may be permitted in the C-1 District subject to receiving a special Use Permit.
14. V-47-78 Application of ROBERT L. MOORE for a Variance to allow a twelve foot three inch (12' 3") rear yard setback where twenty feet (20') is required on property located at 304 North 14th Street in Zoning District R-3.
15. U-41-78(HO) Application of LESTER L. FREE at 104 Marigold Lane in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of consumer products.
16. V-106-77 Request of JOHN F. O'REILLY, ESQ. for a six (6) month Extension of Time on an approved Variance which granted the construction of a single family residence on a 37,000 square foot lot where 40,000 square feet is required on property generally located on the south side of Pinto Lane, 200 feet east of Campbell Drive in Zoning District R-A.
17. U-42-78(HO) Application of RONALD D. HUFFMAN at 6337 Parsifal Place in Zoning District R-1 for a Home Occupation Permit - Allow the operation of a freelance photography service.
18. U-45-74 Request of REV. I. W. WILSON for TRUE LOVE BAPTIST CHURCH for a Plot Plan Review and Waiver of landscaping and paving requirements for the next two (2) years. A Use Permit was granted in August, 1974 to allow a church facility on property located at 1941 North "H" Street in Zoning District R-4.
Plot Plan and Condition Review
19. U-43-78(HO) Application of ELIZABETH HARRISON at 5604 Morendo Drive in Zoning District R-1 for a Home Occupation Permit - Allow an engraving business.

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

BOARD OF ZONING ADJUSTMENT

MAY 25, 1978

1. U-44-78(HO) Application of JOSEPH N. MATHIS at 1908 E. Walnut Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the operation of a minor home-repair business.

2. V-21-77 Request of S. GREENE for a nine (9) month Extension of Time on an approved Variance which granted a carport to be located 12 ft. from the front property line where 50 ft. is required on property located at 1245 South Rancho Drive in Zoning District R-E.
Extension of
Time

MINUTES

BOARD OF ZONING ADJUSTMENT

MAY 25, 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, Mrs. Segretti, Mr. Canul and Dr. Parker

EXCUSED: Mr. Duncan

STAFF PRESENT: Harold P. Foster, Acting Director, Department of
Community Planning and Development
Don W. Brown, Supervisor of Zoning
Jim Robison, Planning Assistant
Linda McIntosh, Senior Secretary

LEGAL STAFF PRESENT: Audrey Daines, Deputy City Attorney

MINUTES: MR. CANUL made a Motion for APPROVAL of the minutes of the Board of Zoning Adjustment meeting held March 23, 1978. Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. HC-2-78 Appeal filed by DONN AND JANET BALIOTIS from the provision 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.)

DENIED

MR. BROWN stated this item was submitted at the last meeting and a brief was received from the applicant's attorney, and the City Attorney asked for time to study the brief. The Deputy City Attorney is prepared to make a recommendation to the Board; however, a phone call was received from the attorney for the applicants saying neither he nor the applicants could be present at this meeting and that he would stand on the brief that was submitted, and suggested the matter be acted on.

MS. DAINES stated the applicants are appealing the finding of the building inspector that their property is in violation of the Housing Code. They are seeking a ruling from the BZA that the Code does not apply to their property. The applicants are arguing that the Housing Code as it applies to them is an ex post factor law and therefore unconstitutional. This is not, however, the position of the City Attorney's office and it is the opinion of the City Attorney's office that their legal argument is not justified.

MR. BROWN said that in view of the City Attorney's opinion, it is recommended the appeal be denied.

MRS. SEGRETTI made a Motion for DENIAL of HC-2-78 because the City Attorney contends the Housing Code does apply to the applicants property.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

2. V-29-78
(Abeyance Item
from 4/27/78)

WITHDRAWN

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 ft. (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.

MR. BROWN stated this request had been withdrawn by the applicant.

NEW BUSINESS:

1. V-40-78

ABEYANCE

Application of MARY ASSURAS for a Variance to allow outside vehicle storage on property generally located at the southwest corner of California Street and Casino Center Boulevard in Zoning District C-1 (Limited Commercial). Outside storage of vehicles is not permitted in the C-1 District. The above property is legally described as Lots 9 and 10, Block 8, Boulder Addition.

MR. BROWN presented the staff report and stated the plot plan is as depicted. There is an 8' chain link fence with oleanders. Staff does not really object to the use the applicant is requesting on this parcel; however, in any C-2 District the parking lot must be paved. There is nothing unique about this parcel and if the applicant wants to use it for parking, staff would recommend denial on the waiver for paving a parking lot.

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

DAVID KATZMAN stated he was part-owner of Phil's Salvage and that they had the lease with an option to buy the property. He said when they first took the property over, there was nothing but debris on the lot; they had put in 500/600 yards of sand, black-topped it and put a lattice fence around it. Cars are not stored in this area, they are in the rear in the alley. A car or truck may be in the area occasionally but they are not left overnight. He presented pictures of the property to the Board.

CHAIRMAN EMMETT asked if there were any protests to the application.

MR. BROWN stated there is one letter of protest.

MR. CANUL asked the applicant if he objected to paving the area.

MR. KATZMAN said it is all black-topped. He said they would object to paving the area with concrete.

MR. BROWN said that in viewing the property, it did not appear to be black-topped according to Public Services requirements, it is oiled, not black-topped.

MR. KATZMAN said he did not understand why the area had to be black-topped as it is not used for parking.

MRS. SEGRETTI asked what it is used for.

MR. KATZMAN said storage and parking is in the rear, and with the cyclone fence, nothing is seen from the alley.

FRANK WOLENSKY appeared in favor of the application.

MRS. GARDNER, 623 South Fourth, stated she owned property almost directly across the street, and would not object if limited to vehicles, but did protest outside storage, as it is not industrial zoned property.

DR. PARKER said there seemed to be some confusion as to the application and asked the applicant exactly what he wanted.

MR. KATZMAN said when the fence was constructed, trucks were moving in and out and someone must have complained. They were told that in order to do this, they would have to apply for a variance.

MR. CANUL asked what the property would be used for.

MR. KATZMAN said exactly what it is being used for now.

MR. BROWN said the request was for the outside storage of vehicles. If the request is for something else, it should be advertised as it really is. If the applicant doesn't wish to use any of the rest of the lot for outside storage of vehicles, the application is invalid.

MS. DAINES said that she agreed with Mr. Brown. This matter should be taken off the agenda, the proper request determined and be readvertised correctly.

DR. PARKER made a Motion for ABEYANCE of V-41-78.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

2. V-41-78
APPROVED

Application of LOUIS PROSSIN for a Variance to allow the sale of used books in addition to new books on property located at 1440 East Charleston Boulevard in Zoning District C-1 (Limited Commercial). The above property is legally described as Lots 3, 4, 5, 6 and 7, Block 3, Amended Huntridge Subdivision Tract #3.

MR. BROWN presented the staff report and stated the reason for the request is because the sale of used books is not a permitted use in the C-1 District. He added the applicant could explain better the use of the property and staff would defer to his statement.

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

LOUIS PROSSIN stated that he had had a vacancy in his shopping center and Mr. Brundy wished to use this area for a bookstore. He stated he had made it very clear to Mr. Brundy that no pornography would be allowed, either sale or advertising. He said that Mr. Brundy would be an asset to the community.

MR. BRUNDY said he has been a book dealer for 12 years. He said he was interested in selling new books and out of print books, rare and antique books.

DR. PARKER asked where he would get his old books.

MR. BRUNDY said mainly from the citizens of Las Vegas, and that he did go to book fairs and swap meets.

MRS. SEGRETTI asked if he definitely would not have pornographic books.

MR. PROSSIN stated that was one of the conditions of the lease.

RULON LARSEN, 1407 Cottonwood, stated he and his neighbors were concerned there would be pornographic materials, but that they had been assured there would not be, and therefore, did not protest.

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

MR. CANUL made a Motion for APPROVAL of V-41-78, 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" Mr. Canul, Chairman Emmett, Mrs. Segretti and Dr. Parker
"NOES" None

Motion for APPROVAL carried unanimously.

3. U-35-78(HO)

DENIED

Application of VERLYN ZESIGER for a Home Occupation Permit to allow the operation of a beauty salon on property located at 1401 Bryn Mawr Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 1, Glen Heather #4.

MR. BROWN presented the staff report and stated staff has received a petition signed by 74 protestants, and indicated their location on a display map. Without a doubt the home occupation of a beauty salon does not belong in an R-1 District and staff would recommend denial.

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

VERLYN ZESIGER, 1401 Bryn Mawr, stated there would only be one hair stylist, and that would be him. He added it would not be a beauty

salon since there would only be himself, not several employees.

CHAIRMAN EMMETT asked if the applicant lived at the subject location.

MR. ZESIGER replied that he did and the house is 2250 sq. ft. in size and he would be using the enclosed carport.

MR. CANUL asked how he would get his customers.

MR. ZESIGER replied by word of mouth.

MRS. SEGRETTI asked if there was some reason he did not want to have his business somewhere other than in an R-1 District.

MR. ZESIGER replied it was a matter of economics.

MRS. SEGRETTI asked how many persons would be coming to the house.

MR. ZESIGER said for example there would be 2 persons on Monday, four to eight on Wednesday and possibly ten on Saturday. He added he has ample room for parking patron cars.

CLYDE CRUTCHFIELD, 2105 Bonnie Brae, stated this is an R-1 area and if the application was approved, it would be a case of poor planning. Also, this is the corner at Rancho and Oakey and there is a great deal of traffic. He read the petition which had been submitted (copy on file in CP&D).

HAROLD CUNNINGHAM, 2104 Kirkland, stated he was violently opposed to the application as it would be the beginning of Oakey going commercial.

JAMES OLSON, 2213 Bonnie Brae, appeared in protest.

RUTH JOHNSON, 1404 Bryn Mawr, 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 U-35-78(HO) because the request for a beauty salon is an incompatible use in a residential neighborhood.

Voting was as follows:

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

Motion for DENIAL carried unanimously.

4. V-42-78

DENIED

Application of MARVIN B. HERRIN for a Variance to allow an existing carport to the side property line where five feet (5') is required on property located at 609 South 7th Street in Zoning District R-1 (Single Family Residence). The above property is legally described as Lots 5 and 6, Block 11, Wardie Addition.

MR. BROWN presented the staff report and stated the plot plan is as depicted.

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

MARVIN HERRIN said in order for him to be in compliance he would have to tear down the structure. He added the structure is useful, it is needed and it is not a problem and that it is not an eyesore.

DR. PARKER asked if it was an enclosed carport.

MR. HERRIN replied it was not.

MRS. ANDERSON stated she lived next door and the carport had caused quite a bit of trouble. She said she had put up a fence to keep her car from getting bumped from this driveway. She added the carport and driveway was in her yard and that water runs off from the carport onto her car. She presented pictures to the Board.

MRS. SEGRETTI asked how long Mrs. Anderson had lived there.

MRS. ANDERSON stated 5 years.

MR. BROWN said the building permit indicated a 5' setback, but that the applicant had built to the property line. The permit was issued in 1968.

MR. HERRIN said the building permit had nothing to do with him, and that he did not remember who the contractor was.

MR. BROWN said the applicant's signature was on the permit.

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

MR. CANUL made a Motion for DENIAL of V-42-78 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" Mr. Canul, Chairman Emmett, Mrs. Segretti and Dr. Parker
"NOES" None

Motion for DENIAL carried unanimously.

5. V-79-77

EXTENSION OF
TIME

APPROVED

Application of CORA GASLAWSKI for an Extension of Time on an approved Variance which granted permission for a rest home on a parcel of land containing 8,257 sq. ft. where 10,000 sq. ft. is required; and located 14 ft. from the north property line, 10 ft. from the west property line and 15' from the east property line where a 25 ft. setback is required from all lot lines, and located on a street having a pavement width less than the required 48 ft. on property located at 1806-1808 Weldon Street in Zoning District R-3.

MR. BROWN presented the staff report and stated the Variance was originally approved in October of 1977. Staff commiserates with the applicants and recommends approval.

DR. PARKER made a Motion for APPROVAL of the request for an Extension of Time under V-79-77, subject to the following conditions:

1. Extension of time on the approved Variance be restricted to a one (1) year time limit and will expire on May 25, 1979.
2. Conformance to the conditions originally imposed at the time of approval of V-79-77.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

6. U-36-78(HO) Application of HURSHLINE A. LEACH at 4313 West Lake Mead Boulevard in Zoning District R-3 for a Home Occupation Permit - Allow alterations on clothing
APPROVED
7. U-38-78(HO) Application of MARY ROTE at 1307 Pacific Street in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of art work and macrame.
APPROVED
8. U-41-78(HO) Application of LESTER L. FREE at 104 Marigold Lane in Zoning District R-1 for a Home Occupation Permit - Allow the off-premise sale of consumer products.
APPROVED
9. U-42-78(HO) Application of RONALD D. HUFFMAN at 6337 Parsifal Place in Zoning District R-1 for a Home Occupation Permit - Allow the operation of a freelance photography service.
APPROVED
10. U-43-78(HO) Application of ELIZABETH HARRISON at 5604 Morendo Drive in Zoning District R-1 for a Home Occupation Permit - Allow an engraving business.
APPROVED
11. U-44-77(HO) Application of JOSEPH N. MATHIS at 1908 East Walnut Avenue in Zoning District R-1 for a Home Occupation Permit - Allow the operation of a minor home-repair business.
APPROVED

MR. BROWN presented the staff report and stated that the Home Occupation Permit questionnaires had been answered satisfactorily and staff would recommend approval.

MRS. SEGRETTI made a Motion for APPROVAL of Item 6 through 11, 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, Mr. Canul and Chairman Emmett
"NOES" None.

Motion for APPROVAL carried unanimously.

12. V-43-78

APPROVED

Application by STEVE ALLEN for a Variance to allow a six foot (6') high solid block wall in the front yard area where a four foot (4') high block wall with the top two feet (2'), fifty percent (50%) open is permitted on property located at 4101 Del Monte Avenue in Zoning District R-E (Residence Estates). The above property is legally described as that portion of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 6, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the request is located in the heart of an R-E District. The plot plan shows where the wall is requested for approval. This was heard in 1975 and was denied by this Board. It was appealed to the City Commission and was approved. The time limit expired and the applicant again seeks approval. Staff does not feel the circumstances have changed and would recommend denial.

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

STEVE ALLEN stated the part of the fence staff is talking about is his sideyard and backyard. He added that the fence was approved by Traffic Engineer as to sight obstruction. He said the house faces Del Monte.

MR. BROWN stated there is one protest on record.

DR. PARKER asked the reason for the 6' wall.

MR. ALLEN replied it is to enclose his backyard and that he would eventually be putting in a pool and tennis court. He described the plot plan as displayed. He added none of the neighbors objected to his request.

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-43-78, 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, Mr. Canul, Chairman Emmett and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

13. U-37-78

APPROVED

Application of GERTRUDE & HOSEA COLEMAN for a Use Permit to allow an addition to an existing church on property located at 1260 Barlett in Zoning District R-2. (Two Family Residence). The above property is legally described as Lots 106A, 106B, 106C, Vegas Heights Tract #4.

MR. BROWN presented the staff report and stated the request is located in the heart of an R-2 District. The plot plan is as shown. From research done by the Planning office, it appears the church has bought the lot to the east. If the request is approved, staff would recommend 6 additional parking spaces be provided.

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

LEWIS SANSBURY, 2517 Rourke, stated they wished to add a baptismal font and enlarge the church.

CHAIRMAN EMMETT asked if he agreed to staff conditions.

MR. SANSBURY replied that he did.

MR. BROWN stated a 15' radius corner dedication was also required.

MR. SANSBURY said that was alright.

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-37-78, subject to the following conditions:

1. Submittal and compliance with a revised plot plan showing an additional six (6) parking spaces and a fifteen foot (15') radius at the corner of Barlett Avenue and Lexington Street. (required dedication.)
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system 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, license or prior to occupancy.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
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, Mr. Canul, Chairman Emmett and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

14. V-44-78

APPROVED

Application of LARRY K. & DEBRA L. McCUTCHEN for a Variance to allow the construction of a room addition to within four feet, eight inches (4' 8") of the side property line where seven feet six inches (7' 6") is required on property located at 6512 Celeste Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 9, Block 10, Lewis Homes Charleston #5.

MR. BROWN presented the staff report and stated the request is located in the middle of an R-1 District. The lot is as depicted and everything is as shown (indicating display map).

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

LARRY McCUTCHEN, 6512 Celeste, stated they simply wished to add on a room addition to improve the value of their home and to have a little more living area.

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-44-78, 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, Mr. Canul and Chairman Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

15. V-45-78

APPROVED

Application of JERRY LEE JOHNSON for a Variance to allow a forty-four foot (44') front yard setback where fifty feet (50') is required on property generally located on the east side of Rebecca Road, 300 feet south of Tina Lane in Zoning District R-E (Residence Estates). The above property is legally described as being a portion of the North-east Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 35, Township 19 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and stated staff did not feel the intent and purpose of the ordinance would be thwarted if the requested variance was granted.

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

The applicant was present.

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-45-78, subject to the following conditions:

1. Signing of an Assessment District Agreement for future half-street improvements as required by the Department of Public 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" Dr. Parker, Mr. Canul, Chairman Emmett and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

16. V-46-78

APPROVED

Application of H. JAMES & CLARE L. THAYER for a Variance to allow the construction of a single car garage within fifteen feet (15') of the front property line where a twenty foot (20') setback is required on property located at 225 South Mallard in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 62, Block 41, Charleston Heights 6B.

MR. BROWN presented the staff report and stated the request is located in the middle of an R-1 District. It appears that all of the houses that face Mallard have the 20' setback and staff does not see anything unique about this property that would warrant such an intrusion and would recommend denial.

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

JIM THAYER, 225 South Mallard, stated the request for the carport was because when he originally bought the house, the garage had been converted to a family room. He stated he has a very expensive car that he is restoring and would like to be able to have the garage.

MR. BROWN said 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. CANUL made a Motion for APPROVAL of V-46-78, 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" Mr. Canul, Chairman Emmett, Mrs. Segretti and Dr. Parker
"NOES" None

Motion for APPROVAL carried unanimously.

17. U-40-78
APPROVED

Application of THE SOUTHLAND CORPORATION for a Use Permit to allow a self-service gasoline outlet on property located at 2385 North Decatur in Zoning District C-1 (Limited Commercial). Such a Use may be permitted in the C-1 District subject to receiving a special Use Permit. The above property is legally described as Lots 1 and 2, Block 4, Curtis Park Manor Unit #2.

MR. BROWN presented the staff report and stated the area of the property in question is zoned C-1. They are going to put in three tanks. Staff thinks this is compatible with the current use and would recommend approval.

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

HERB JONES, representing the applicant, was present.

ELIZABETH PATRICK, 4923 Auburn, appeared in protest, stating they had a nice neighborhood until the 7-Eleven store moved in. It is now a prime pollutant in the neighborhood. She said the lot in question had been zoned when it was in the County over the protests of the residents. She added there are many service stations in the area and another one is not needed.

MR. BROWN said no protests had been registered with staff.

MR. JONES said this is the proper zoning for a Use Permit and that the request is a proper use.

MR. BROWN said should the Board approve the request, normal conditions would be applicable, including landscaping.

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-40-78, 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, Mr. Canul and Chairman Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

18: V-47-78

ABEYANCE

Application of ROBERT L. MOORE for a Variance to allow a 12 ft. 3 inch rear yard setback where 20 ft. is required on property located at 304 North 14th Street in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as Lot 7, Block 11, Fourteenth Street City Addition.

MR. BROWN presented the staff report and stated the property is located in the middle of an R-3 District. There is adequate parking. On file is one letter of protest and one favoring the application.

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

ROBERT MOORE stated that originally the lot was 130', but 4' has been deeded to the City for sewer purposes and that has made the lot un-useable. He said he was over the amount allowed, but that was storage area, not residential. There is a retaining wall in the back to buffer the lot behind which is vacant.

DR. PARKER asked why the third building sat back so far. Could it not be brought forward.

MR. MOORE said he was not sure he could then get the parking in the front.

JEAN LOUISE, 408 North Joaquin, said the applicant would be bringing in an old house, to be moved from downtown, and that this is a nice neighborhood. He added it would depreciate the value of his property. He said they had cut down the trees, brought in fill dirt and raised the property in question above his property. He said all of the tenants of the apartments would overlook his property.

ROBERTA SMART, 1415 Stewart, stated if this is to be a 3-story building she will lose her privacy, there will be trash and debris and inadequate parking and people will park on her property.

KITTY HEMSTREET said if the building is an eyesore and is on a lot that is too small for it, it will hurt the value of the property around it. It will also be higher than her property and she will be affected.

DR. PARKER asked the applicant why so much dirt was hauled in and so much fill placed on the lot.

MR. MOORE said the amount of dirt is only 2' or 3'. He added he had thought it was a conforming lot, but had found out that it was not and had stopped doing work on the lot.

MR. CANUL asked how much higher the lot was than the street.

MR. MOORE said he did not know and added that the building to be moved is a triplex located at 7th and Carson. He added he would have the

appropriate landscaping and does not plan on selling the project.

MR. CANUL asked why the grading was so high.

MR. MOORE (Sr.) stated because the lot was in a hole, 4' to 5' below the crown of the street.

MR. CANUL asked how high the lot was with the fill in relationship to the crown of the street.

MR. MOORE replied it is about 1' to 1½' below the crown of the street. He added this is a very undesirable lot, but R-3 lots are hard to find.

MR. MOORE (Jr.) stated he planned on having a fence in the rear to protect the gentleman behind him.

MR. BROWN said the area tapers to the east and that he would agree the elevation of the lot is not higher than the street.

CHAIRMAN EMMETT said that regardless of what is built on the property, it would still be higher and the protestants would have the same problem.

MR. CANUL made a Motion for ABEYANCE of V-47-78.

Voting was as follows:

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

Motion for ABEYANCE carried unanimously.

19. U-45-74

PLOT PLAN and
CONDITION REVIEW

APPROVED

Request of REV. I.W. WILSON for TRUE LOVE BAPTIST CHURCH for a Plot Plan Review and Waiver of landscaping and paving requirements for the next two (2) years. A Use Permit was granted in August, 1974 to allow a church facility on property located at 1941 North "H" Street in Zoning District R-4.

MR. BROWN presented the staff report and stated staff cannot recommend the waiver of the landscaping as that would need a variance, but would recommend approval of the proposed future addition. The original approval was in 1974, it was again approved in '78 with the stipulation for the landscaping and paving, but nothing has yet been done, so they are requesting an extension of time.

REV. WILSON stated they had gotten the land leveled, but not deep enough. In the process of putting in concrete, the church was burned, therefore, setting them back. He added they would complete the landscaping as soon as possible. He said the proposed addition would be a fellowship hall.

MR. CANUL asked how long after the addition could they proceed with the landscaping.

REV. WILSON said they would immediately try to get the landscaping done.

MR. CANUL asked how long it would take for the addition.

REV. WILSON said hopefully in a couple of months.

MR. CANUL asked if the landscaping could be completed in 6 months.

REV. WILSON said they would try to do so.

DR. PARKER said the church had been burned down, and that is a unique problem.

MRS. SEGRETTE asked if the paving could be completed in 6 months.

REV. WILSON said they had asked for a bid for this, and had received a cost of \$11,000 for only a portion of the area.

MR. CANUL made a Motion for APPROVAL of the Plot Plan Review and Extension of Time under U-45-74, subject to the following conditions:

1. Required landscaping and paving to be installed on the property within one year or by May 25, 1979.
2. Conformance to the conditions originally imposed at the time of approval of U-45-74.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

20. V-21-77

EXTENSION OF
TIME

APPROVED

Request of S. GREENE for a nine (9) month Extension of Time on an approved Variance which granted a carport to be located 12 ft. from the front property line where 50 ft. is required on property located at 1245 South Rancho Drive in Zoning District R-E.

MR. BROWN presented the staff report and stated that in the letter received by staff it stated Shecky had been under the weather and now can put up with the hammering and noise that goes on with the addition of a carport. Staff would recommend approval.

DR. PARKER made a Motion for APPROVAL of the Extension of Time under V-21-77 subject to the following conditions:

1. Extension of time be restricted to a nine (9) month period of time and will expire on February 25, 1979.
2. Conformance to the conditions originally imposed at the time of approval of V-21-77.

Voting was as follows:

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

Motion for APPROVAL carried unanimously.

21. V-106-77
EXTENSION OF
TIME
APPROVED

Request of JOHN F. O'REILLY, ESQ. for a six (6) month Extension of Time on an approved Variance which granted the construction of a single family residence on a 37,000 square foot lot where 40,000 square feet is required on property generally located on the south side of Pinto Lane, 200 feet east of Campbell Drive in Zoning District R-A.

MR. BROWN presented the staff report and stated staff would recommend approval of the request for extension of time.

JOHN F. O'REILLY was present.

DR. PARKER made a Motion for APPROVAL of the Extension of Time under V-106-77, subject to the following conditions:

1. Extension of time be restricted to a six (6) month period of time and will expire on November 25, 1978.
2. Conformance to the conditions originally imposed at the time of approval of V-106-77.

Voting was as follows:

"AYES" Dr. Parker, Mr. Canul, Chairman Emmett and Mrs. Segretti
"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 9:17 P.M.

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT


HAROLD P. FOSTER, Acting Director

/lm