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A G E N D A

BOARD OF ZONING ADJUSTMENT

JULY 26, 1979

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:

ANNOUNCEMENT: Satisfaction of the Open Meeting Law

MINUTES: Approval of the Minutes from the Board of Zoning Adjustment meetings of January 9, 1979, January 25, 1979, March 22, 1979, April 26, 1979 and May 24, 1979.

OLD BUSINESS:

1. V-26-79 Application of BECKY B. BEHNEN for a Variance to allow a six foot (6') high wrought iron fence with brick columns in the front yard area where a maximum of four feet (4') is allowed on property located at 1900 Silver Avenue in Zoning District R-E.
(Abeyance Item from 5/24/79)

APPROVED

2. V-65-74 Request of THE SOUTHLAND CORPORATION for a Review of Conditions to delete condition #2 "The Variance shall be limited to a time period of ten years and shall expire on October 3, 1984." on an approved Variance which allowed the continuation of an existing non-conforming retail and wholesale ice processing and distributing business for as long as this business is conducted on the premises and to allow additions to the non-conforming building on property located at 1010 North Main Street in Zoning District C-M.

APPROVED

NEW BUSINESS:

1. U-52-79 Application of BARBARA PRANDECKA for a Use Permit to operate an automobile leasing and used car sales agency on property located at 1414 East Fremont Avenue in Zoning District C-2.

ABEYANCE

2. U-62-79 Application of MARCELLE YANKE for a Use Permit to allow a professional office to practice hypnosis and medical relaxation on property located at 1101 Westwood Drive in Zoning District R-4.

APPROVED

3. U-63-79 Application of ELSE JOHNSON for a Use Permit to operate a group child care center for a maximum of twelve (12) children on property located at 400 Lakehurst Road in Zoning District R-1.

APPROVED

4. U-64-79 Application of VALLEY GROUP CONSTRUCTION for a Use Permit to operate a sixteen (16) bed rehabilitation residence for men and women on property located at 647 South Tonopah Drive in Zoning District P-R.

APPROVED

5. U-65-79 Application of CLARK COUNTY HEALTH DISTRICT on behalf of THE COUNTY OF CLARK for a Use Permit to provide auxillary parking on property generally located on the north side of Pinto Lane between Shadow Lane and Desert Lane in Zoning District R-1.

WITHDRAWN

6. U-66-79 Application of CALL-HOLT, A NEVADA LIMITED PARTNERSHIP, for a Use Permit to allow a Class III secondhand dealership for the sale of used firearms in conjunction with an existing retail gun shop on property located at 606½ East Sahara Avenue in Zoning District C-1.

APPROVED

7. U-67-79 Application of ECHOES OF FAITH MINISTRIES (REVEREND BERTIE McCOY) for a Use Permit to allow a church parsonage and the related church functions of consultation and bookkeeping on property located at 601 Tiffany Lane in Zoning District R-1.

DENIED

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8. V-41-79
APPROVED
- Application of the NEVADA POWER COMPANY for a Variance to allow power substation structures thirty feet (30') from the front and rear property lines where a setback of fifty feet (50') is required; a five foot (5') setback from the side property line where a setback of ten feet (10') is required; an eight foot (8') block wall around the property where a maximum height of four feet (4') and six feet (6') is permitted; and to allow structures seventy-five feet (75') high where a maximum height of thirty-five feet (35') is permitted on property generally located on the east side of Lorenzi Boulevard between Craig Road and Alexander Road in Zoning District R-E.
9. V-42-79
APPROVED
- Application of JAMES AND TRUDY SHOUGHRO for a Variance to allow a covered carport thirty-eight feet (38') from the front property line where fifty feet (50') is required on property located at 3113 Connors Drive in Zoning District R-E.
10. V-43-79
APPROVED
- Application of THOMAS EDGAR for a Variance to allow an office and warehouse to the rear property line where a fifty foot (50') setback is required on property located at 3300 Meade Avenue in Zoning District "M".
11. V-45-79
DENIED
- Application of ALDEN L. STEWART for a Variance to allow the construction of a single family dwelling with a twenty foot (20') front yard setback where fifty feet (50') is required on property located at 4240 Del Rey Avenue in Zoning District R-E.
12. V-46-79
APPROVED
- Application of JOE A. JARNOVICH AND EILEEN BORSINI for a Variance to allow a room addition nine feet (9') from the rear property line where fifteen feet (15') is required on property located at 1051 Canosa Avenue in Zoning District R-1.
13. V-47-79
APPROVED
- Application of EL JEN MEDICAL HOSPITAL, INC. (CONVALESCENT HOME) for a Variance to allow an addition to an existing convalescent home for a total of 255 beds where a maximum of 199 beds are permitted; to allow 122 off-parking spaces where a minimum of 128 parking spaces are required; and to allow the proposed addition two (2) stories where a maximum height of one (1) story is permitted on property located at 5538 West Duncan Drive in Zoning District R-E.
14. U-68-79(HO)
APPROVED
- Application of CALVIN M. KEMPF at 504 Anatolia Lane in Zoning District R-1 for a Home Occupation Permit - Keep records and files in the home in connection with C.M.K. Construction, Inc.
15. U-69-79(HO)
APPROVED
- Application of THOMAS J. MOHAN at 5820 Balzar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a lawn maintenance service.
16. U-70-79(HO)
APPROVED
- Application of RUSSELL JOYNER at 2112 Fuller Road in Zoning District R-1 for a Home Occupation Permit - Operate a masonry business.
17. U-71-79(HO)
APPROVED
- Application of JOHN S. WAMPLER, III at 49 Page Street in Zoning District R-1 for a Home Occupation Permit - Allow a home maintenance and repair business.
18. U-74-79(HO)
APPROVED
- Application of ROBERT GUY SAWDEUS at 6512 Painted Desert Drive in Zoning District R-1 for a Home Occupation Permit - Allow a lawn service business.
19. V-96-78
EXTENSION OF TIME
APPROVED
- Request of VICKY KALLAS REALTY for a six (6) month Extension of Time on an approved Variance which allowed eight (8) dwelling units where seven (7) are permitted on property generally located on the west side of North 15th Street, 150 feet north of Poplar Avenue in Zoning District R-3.

- 20. V-104-77
EXTENSION OF TIME
APPROVED
Request of BARBARA A. CHESTMAN for an Extension of Time on an approved Variance which allowed four-plex dwelling units where four-plexes are not permitted and to allow 65 units where 51 are permitted on property generally located on the east side of Dike Lane between Bonanza Road and Warren Drive in Zoning District R-2.
- 21. U-77-79(HO)
APPROVED
Application of MRS. JAMES GOTCHER for THOMAS HARDY at 4445 Marlana Circle in Zoning District R-D for a Home Occupation Permit - Allow the solicitation of contracts for environmental statements.
- 22. U-78-79(HO)
APPROVED
Application of RICHARD M. GARTNER at 5304 West Oakey Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow a stereo repair service.
- 23. U-79-79(HO)
APPROVED
Application of MICHAEL TOMASELLO at 4113 East Ogden Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a carpet cleaning service.
- 24. U-80-79(HO)
APPROVED
Application of LOIS E. DUMIRE at 5120 Overland Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a custom drapery making service.
- 25. U-81-79(HO)
APPROVED
Application of JERRY NIEMEYER at 4805 Elmhurst Lane in Zoning District R-1 for a Home Occupation Permit - Allow a mobile recording studio.
- 26. U-82-79(HO)
APPROVED
Application of LILLIE CANFIELD for 10TH STREET APARTMENTS, LIMITED, at 740 North 10th Street in Zoning District R-3 for a Home Occupation Permit - Allow a bridge book and supply mail order business.
- 27. U-83-79(HO)
APPROVED
Application of GEORGE B. FARNAM, JR. at 1702 North Decatur Boulevard in Zoning District R-3 for a Home Occupation Permit - Allow a financial consultant business.
- 28. U-84-79(HO)
APPROVED
Application of OTTO F. CHASE at 116 Romero Drive in Zoning District R-1 for a Home Occupation Permit - Allow an office for a construction business.
- 29. U-72-79(HO)
PUBLIC HEARING
DENIED
Application of ALICE M. CARTER for a Home Occupation Permit to operate a small flower and gift related shop on property located at 916 Shadow Mountain Place in Zoning District R-1.
- 30. U-73-79
APPROVED
Application of LLOYD L. OVERMILLER, FIRST CHRISTIAN CHURCH, for a Use Permit to use a newly proposed building for varied educational purposes including weekday pre-school and for administrative church offices on property located at 101 South Rancho Drive in Zoning District R-1.
- 31. U-75-79
APPROVED
(3 Years)
Application of EVERGREEN MISSIONARY BAPTIST CHURCH for a Use Permit to allow the construction and maintenance of church facility on property generally located at Doolittle Avenue, between Lexington Street and Highland Drive in Zoning District R-1.
- 32. V-48-79
APPROVED
Application of J. BRUCE AND LEE ALVERSON for a Variance to allow the addition of an enlarged family room to an existing non-conforming residence on property located at 3000 Arabian Road in Zoning District R-A.
- 33. V-49-79
DENIED
Application of LARRY STORJOHANN for a Variance to allow ten (10) units where eight (8) units are permitted and to allow twelve (12) parking spaces where sixteen (16) are required on property located at 1533 and 1537 Cobb Lane in Zoning District R-3.

~~34.~~ V-50-79

APPROVED

Application of JAMES J. BROWN for a Variance to allow an art gallery as a quasi-public use with no on-site parking where twenty (20) parking spaces are required on property located at 421 South 6th Street in Zoning District R-4.

~~35.~~ V-51-79

APPROVED

Application of JACK EGLASH for a Variance to allow a pool enclosure five feet (5') from the rear property line where fifteen feet (15') is required; and to the east side property line where five feet (5') is required; and to within five feet (5') of the west side property line where nine feet (9') is required on property located at 1701 East St. Louis Avenue in Zoning District R-1.

DIRECTOR'S BUSINESS:

BYLAW AMENDMENT

Discussion on the proposed amendment to the Bylaws relative to voting.

APPROVED

If there is a tie vote on a negative motion, such a vote shall constitute no action; and a new motion may be made on the question at the same meeting.

MINUTES

BOARD OF ZONING ADJUSTMENT

JULY 26, 1979

- CALL TO ORDER: A regular meeting of the Board of Zoning adjustment was called to order by Chairman Swessel at 7:30 P.M. in the Commission Chamber of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada
- PRESENT: Chairman Swessel, Mrs. Segretti, Mr. Bugbee, Mrs. Emmett and Mrs. Meyers
- STAFF PRESENT: Harold P. Foster, Director, Community Planning and Development
Don W. Brown, Supervisor of Zoning
Rick Sweet, Planner
Linda McIntosh, Recording Secretary
- PLEDGE OF ALLEGIANCE:
- ANNOUNCEMENT: MR. BROWN stated that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted and mailed as required by NRS Chapter 241 and affidavits are on file in the office of the City Clerk.
- MINUTES: MRS. MEYERS made a Motion for APPROVAL of the Minutes of the Board of Zoning Adjustment meeting of January 9, 1979, January 24, 1979, March 22, 1979, April 26, 1979 and May 24, 1979. Motion for APPROVAL carried unanimously.
- OLD BUSINESS:
1. V-26-79 Application of BECKY B. BEHNEN for a Variance to allow a six foot (6') high wrought iron fence with brick columns in the front yard area where a maximum of four feet (4') is allowed on property located at 1900 Silver Avenue in Zoning District R-E.
(Abeyance Item from 5/24/79)
- APPROVED MR. BROWN stated this item has been held in abeyance inasmuch as there has not been a representative of the application present. There is a similar fence adjacent to this application.
- BECKY BEHNEN represented the application.
- CHAIRMAN SWESSEL asked if anyone else wished to be heard; there being no one, he declared the public hearing closed.
- MR. BUGBEE made a Motion for APPROVAL of V-46-79, 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. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

2. V-65-74

REVIEW OF
CONDITIONS

(Abeyance Item
from 5/24/79)

APPROVED

Request of THE SOUTHLAND CORPORATION for a Review of Conditions to delete condition #2 "The Variance shall be limited to a time period of ten years and shall expire on October 3, 1984." on an approved Variance which allowed the continuation of an existing non-conforming retail and wholesale ice processing and distributing business for as long as this business is conducted on the premises and to allow additions to the non-conforming building on property located at 1010 North Main Street in Zoning District C-M.

MR. BROWN presented the staff report and stated the present variance expires in 1984. The request is for the variance to remain in perpetuity. Staff is not in agreement in view of the fact who knows what will happen on Main Street after 1984 and would recommend no action at this time and the request be considered in 1984.

HERB JONES represented the application and described the development of the surrounding property. He stated that Main Street has been developed for many years as commercial property and that the business in question has been there since 1962 and probably longer. He added that no one could say at the present time there would be a radical change on Main Street. He added that improvements could not be made with this time limit.

CHAIRMAN SWESSEL asked if the building wasn't the original Union Ice Company.

MR. JONES replied that it is and has been there for many years, and added they are only requesting a variance for so long as the ice company is there.

MRS. SEGRETTI asked the applicant's representative if he understood that when this use ceased, the variance expires.

MR. JONES replied that he did.

MRS. EMMETT made a Motion for APPROVAL of the Review of Conditions under V-56-74, subject to the following conditions:

1. Conformance to the conditions originally imposed at the time of approval of V-56-74, omitting condition No. 2.
2. Variance to expire when the wholesale ice process and distributing business ceases.

Voting was as follows:

"AYES" Mrs. Emmett, Mrs. Meyers, Chairman Swessel, Mrs. Segretti and
Mr. Bugbee

"NOES" None

Motion for APPROVAL carried unanimously.

NEW BUSINESS:

1. U-52-79

ABEYANCE

Application of BARBARA PRANDECKA for a Use Permit to operate an automobile leasing and used car sales agency on property located at 1414 East Fremont Avenue in Zoning District C-2 (General Commercial). The above property is legally described as the easterly 15 feet of Lot 2, all of Lot 3, 4, 5 and 6, Block 19, Ladd Addition.

MR. BROWN presented the staff report and stated staff would recommend approval subject to landscaping being placed on the front of the lot. Public Services requires replacement of 1125' of damaged sidewalk together with dedication of 15' of right-of-way and a radius corner. The plot plan is as shown.

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

The applicant or a representative was not present.

MRS. SEGRETTI made a Motion for ABEYANCE of U-52-79, pending representation of the applicant at the next meeting.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for ABEYANCE carried unanimously.

2. U-62-79

APPROVED

Application of MARCELLA YANKE for a Use Permit to allow a professional office to practice hypnosis and medical relation on property located at 1101 Westwood Drive in Zoning District R-4 (Apartment Residence). The above property is legally described as Lot 1, Block 2, Westwood Park Tract No. 1.

MR. BROWN presented the staff report and stated staff sees no objection to this use. The plot plan is as shown. Staff thinks the landscaping should be placed subject to the recommendation of the Department of Community Planning and Development.

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

MARCELLA YANKE represented the application and agreed to staff recommendations.

AMY GALLIANO, 2080 South Maryland Parkway, represented the application.

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

MRS. MEYERS made a Motion for APPROVAL of U-62-79, subject to the following conditions:

1. New driveway openings are to be 25 ft. maximum per City of Las Vegas standards as required by the Department of Public Services.
2. Upgrading of the landscaping as required by the Department of Community Planning and Development.
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. Meyers, Chairman Swessel, Mrs. Segretti, Mr. Bugbee and
Mrs. Emmett
"NOES" None

Motion for APPROVAL carried unanimously.

3. U-63-79
APPROVED

Application of ELSE JOHNSON for a Use Permit to operate a group child care center for a maximum of twelve (12) children on property located at 400 Lakehurst Road in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 8, Block 11, Charleston Rainbow Unit 9-B.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff does have any specific objection. If the Board feels such a use would be compatible with the established residential development, staff does not object.

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

ELSE JOHNSON represented the application.

MRS. MEYERS asked if this would be a 24-hour operation.

MS. JOHNSON stated it would be just days, from 6AM to 6PM.

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

MR. BUGBEE made a Motion for APPROVAL of U-63-79, 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. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and
Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

4. U-62-79
APPROVED

Application of VALLEY GROUP CONSTRUCTION for a Use Permit to operate a sixteen (16) bed rehabilitation residence for men and women on property located at 647 South Tonopah Drive in Zoning District P-R (Professional Offices and Parking). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, MDB&M?

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff has one comment for this use. In view of the fact it is P-R, the hours of use cease at 9 PM whereas this request is for 24-hour use. If the Board feels this is compatible with the development in the area, it will be a 24-hour operation.

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

DON DAVIDSON and RICK HAINES represented the application. It was stated this would be a 16 bed residence for men and women and that all potential residents would be carefully screened.

MRS. SEGRETTI asked if this would be rehabilitation for mentally retarded persons.

MR. HAINES stated it would be for those persons who have emotional problems, must be capable of day time activity and must be actively involved. He added this would be supervised by the Mental Health Department. And there will be no traffic after 9 PM except that someone might leave for a social event or go to the store. No business will be conducted after approximately 5:30 P.M.

MRS. EMMETT asked what the size of the facility is.

MR. HAINES stated it is 80' x 30'

C.H. LAUGHLER, 612 South Tonopah Drive, stated he was concerned as to the type of people that would be involved in this affair. He added that 16 is just the starting number and that it could possibly double.

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

MR. BUGBEE made a Motion for APPROVAL of V-64-79, 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 abuttin- 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" Mr. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti
 "NOES" None

Motion for APPROVAL carried unanimously.

5. U-65-79
 WITHDRAWN

Application of CLARK COUNTY HEALTH DISTRICT on behalf of the COUNTY OF CLARK for a Use Permit to provide auxillary parking on property generally located on the north side of Pinto Lane between Shadow Lane and Desert Lane in Zoning District R-1 (Single Family Residence). The above property is legally described as the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 33, Township 20 South, Range 61 East, MDB&M.

CHAIRMAN SWESSEL announced this item had been withdrawn.

6. U-66-79
 APPROVED

Application of CALL-HOLT, A NEVADA LIMITED PARTNERSHIP, for a Use Permit to allow a Class III Secondhand Dealership for the sale of used firearms in conjunction with an existing retail gun shop on property located at 606 $\frac{1}{2}$ East Sahara Avenue in Zoning District C-1 (Limited Commercial). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 3, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff thinks everything is in order and would recommend approval.

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

TERRY SUCESHAM represented the application.

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

MRS. SEGRETTI made a Motion for APPROVAL of U-66-79, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

7. U-67-69

DENIED

Application of ECHOES OF FAITH MINISTRIES (REVEREND BERTIE McCOY) for a Use Permit to allow a church parsonage and the related church functions of consultation and bookkeeping on property located at 601 Tiffany Lane is Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 1, Block 4, Biltmore Addition Annex #2.

MR. BROWN presented the staff report and stated this request is located in the heart of an R-1 District. The plot plan is as shown. This is a P-R use in the middle of R-1. Staff thinks this request is incompatible and would recommend denial.

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

REV. DAVID BOWERS, 3800 South Decatur. represented the application. He stated this would be a temporary use and that the secretary lives in the house on the property, and they decided to section off one room for an office. He added the building would not be used as a church.

CHAIRMAN SWESSEL asked if there would be traffic.

REV. BOWERS stated somewhat, but that it would be less than before.

MRS. EMMETT asked if part of the church building could not be set aside for use.

REV. BOWERS stated it is used for counseling now. This request is more of a convenience.

ROY GLEN, 624 North 4th, appeared in protest. He stated this is a quiet residential area and that he did not think this was any place for consultation in this area or this type of operation.

CHAIRMAN SWESSEL asked those present in protest to stand. Five persons were present in opposition to the request.

REV BOWERS appeared in rebuttal.

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

MRS. SEGRETTI made a Motion for DENIAL of U-67-79 because the proposed use would not be compatible with the surrounding residential development.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett, Mrs. Meyers, and
Chairman Swessel

"NOES" None

Motion for DENIAL carried unanimously.

8. V-41-79

APPROVED

Application of THE NEVADA POWER COMPANY for a Variance to allow power substation structures thirty feet (30') from the front and rear property lines where a setback of fifty feet (50') is required; a five foot (5') setback from the side property line where a setback of ten feet (10') is required; an eight foot (8') block wall around the property where a maximum height of four feet (4') and six feet (6') is permitted; and to allow structures seven-five feet (75') high where a maximum height of thirty-five feet (35') is permitted on property generally located on the east side of Lorenzi Boulevard between Craig Road and Alexander Road in Zoning District R-E (Residence Estates). The above property is legally described as a portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 2, Township 20 South, Range 60 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. This is a permitted use in this District. Staff does not have any objection and would simply ask, if this is approved, that a row of trees on the north, east and south be planted, 15' high, 20' on center and a minimum of 1 $\frac{1}{2}$ " in diameter and that these trees be Evergreens, plus additional landscaping.

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

KEITH GRANT, 700 Kenny Way, represented the application. He explained the type of structure and the need for a substation in the area. He added they planned to put landscaping and trees in the front only, to put it on the other three sides would create 5' alleys.

MR. BROWN stated staff was suggesting the landscaping inside the wall, and added that three letters of protest were on file.

CHAIRMAN SWESSEL asked those present in protest to stand. Five persons were present in opposition.

TOM OSBORN appeared in protest and presented a petition with 35 signatures in protest. He stated they objected to the 75' height of the structure and that an alternate site should be found.

CHAIRMAN SWESSEL asked the protest if he was aware that Nevada

Power owned the land when he purchased his property.

MR. OSBORN replied that he was, but still was opposed to the 75'.

TED SMITH, 6616 Del Finian, appeared in protest.

WM. H. COOK appeared in protest.

MR. GRANT appeared in rebuttal.

MR. BUGBEE asked if the landscaping strip and trees would be done in conjunction with the construction.

MR. GRANT stated that all of the new substations have landscaping when they go in.

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

MRS. MEYERS made a Motion for APPROVAL of V-41-79, subject to the following conditions:

1. Applicant to sign an Assessment District Agreement for future street improvements as required by the Department of Public Services.
2. A row of Evergreen trees be planted on the north, east and south sides of the property and said trees shall be a minimum of 15 ft. high, 1½ inches in diameter and planted 20 ft. on center.
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. Conformance to the plot plan.
6. Securing all necessary permits and licenses and satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Mrs. Meyers, Chairman Swessel, Mrs. Segretti, Mr. Bugbee and
Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

9. V-42-79
APPROVED

Application of JAMES AND TRUDY SHOUGHRO for a Variance to allow a covered carport thirty-eight feet (38') from the front property line where fifty feet (50') is required on property located at 3113 Connors Drive in Zoning District R-E (Residence Estates). The above property is legally described as Lot 27, Block 1, Amended Rancho Nevada Estates Unit No. 1.

MR. BROWN presented the staff report and stated the plot plan is as shown, and there are two letters of protest on file.

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

GALE GIBSON, 1914 South Highland, represented the application.

MR. BUGBEE asked what unique situation makes this request necessary.

MR. GIBSON stated the curved property line.

MRS. EMMETT asked if the property was on a cul-de-sac.

MR. GIBSON replied it was not, that it was on half of a cul-de-sac.

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

MR. BUGBEE made a Motion for APPROVAL of V-42-79, 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. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

10. V-43-79
APPROVED

Application of THOMAS EDGAR for a Variance to allow an office and warehouse to the rear property line where a fifty foot (50') setback is required on property located at 3300 Meade Avenue in Zoning District "M" (Industrial). The above property is legally described as a portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 8, Township 21 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff researched the number of requests on Meade Avenue abutting the residential area to the north. There have been approximately 5 of the 8 look at that had received approval from the BZA or City Commission to go to the north lot line. A couple of more were granted permission for storage in the rear.

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

TOM EDGAR, 2850 South Redrock, represented the application.

MR. BROWN stated there is one letter of approval on file.

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

MRS. MEYERS made a Motion for APPROVAL of V-43-79, 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" Mrs. Meyers, Chairman Swessel, Mrs. Segretti, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

11. V-54-79

DENIED

Application of ALDEN L. STEWART for a Variance to allow the construction of a single family dwelling with a twenty foot (20') front yard setback where fifty feet (50') is required on property located at 1425 Del Rey Avenue in Zoning District R-E (Residence Estates). The above property is legally described as the west 142 feet of Lot 8, Block 2, Hinson Heights.

MR. BROWN presented the staff report and stated the lot is 142' x 145' in size. The plot plan is as shown. Staff sees no reasons, with all of this space to the west where the garage can be placed, to allow this request and would recommend denial.

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

BRENT STEWART, 1425 Vista Drive, represented the application. He stated the reason for the request was because he is building the home for his mother and father and they would like to keep as much land as possible as they wish to put in a swimming pool and tennis court.

MRS. SEGRETTI asked if another building would be put on the property.

MR. STEWART replied no.

MRS. MEYERS asked what the distance from the house to the rear of the property would be.

MR. BROWN stated sixty-seven feet.

MRS. MEYERS stated that with 67', it seemed the house could be moved back.

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

MRS. SEGRETTI made a Motion for DENIAL of V-45-79 because there was insufficient justification presented to warrant the granting of a variance on the property.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Meyers and Chairman Swessel
"NOES" Mrs. Emmett

Motion for DENIAL carried by a majority vote.

12. V-46-79

APPROVED

Application of JOE A. JARNOVICH nad EILEEN BORSINI for a Variance to allow a room addition nine feet (9') from the rear property line where fifteen feet (15') is required on property located at 1051 Canosa Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 11, Block 1, Southridge Tract #3.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff sees nothing unique or unusual about the lot or request that would warrant the granting of a variance.

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

JOE JARNOVICH stated he would not build anything that would look ugly.

MRS. SEGRETTI asked what the purpose of the room is.

MR. JARNOVICH stated it would be for a saunna bath. Currently the hot water heater is under the stairway and he wants to put it in this room.

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

MRS. EMMETT made a Motion for APPROVAL of V-46-79, 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. Emmett, Mrs. Meyers, Chairman Swessel, Mrs. Segretti and Mr. Bugbee

"NOES" None

Motion for APPROVAL carried unanimously.

13. V-47-79
APPROVED

Application of EL JEN MEDICAL HOSPITAL, INC. (Convalescent Home for a Variance to allow an addition to an existing convalescent home for a total of 255 beds where a maximum of 199 beds are permitted; to allow 122 off-parking spaces where a minimum of 128 parking spaces are required; and to allow the proposed addition two (2) stories where a maximum height of one (1) story is permitted on property located at 5538 West Duncan Drive in Zoning District R-E (Residence Estates). The above property is legally described as Lots 3, 4, 5, 6, 7 and 8, Block 4, Tonopah Terrace.

MR. BROWN presented the staff report and stated the plot plan is as shown. The applicants have agreed to reduce the two other structures to honor the south setback of 50'. Staff does not object to the increased number of beds or decreased number of parking spaces. Staff does question the advisability of two stories in this area where one story seems to be the rule of building.

DENNIS HANEY and JIM TOMMEY represented the application. Mr. Haney stated there are letters of approval on file and the State of Nevada has approved this request. He presented a drawing of the proposed facility. He stated the two stories would only be at the rear of the building. He added they would like a 5 year period of time and would prefer 10 as they are looking at a 30 year mortgage on the addition.

MRS. SEGRETTI inquired as to the reduced parking spaces.

MR. HANEY stated the employees would be there from 7 AM to 4 PM and that this is a convalescent center and the number of visitors are limited. He added that the current parking spaces are never full.

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

MR. BUGBEE made a Motion for APPROVAL of V-47-79, subject to the following conditions:

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

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

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|-----|-------------------------|---|
| 14. | U-68-79(HO)
APPROVED | Application of CALVIN M. KEMPF at 504 Anatolia Lane in Zoning District R-1 for a Home Occupation Permit - Keep records and files in the home in connection with C.M.K. Construction, Inc. |
| 15. | U-69-79(HO)
APPROVED | Application of THOMAS J. MOHAN at 5820 Balzar Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a lawn maintenance service. |
| 16. | U-79-79(HO)
APPROVED | Application of THSSELL JOYNER at 2112 Fuller Road in Zoning District R-1 for a Home Occupation Permit - Operate a masonry business. |
| 17. | U-71-79(HO)
APPROVED | Application of JOHN S. WAMPLER, III at 49 Page Street in Zoning District R-1 for a Home Occupation Permit - Allow a home maintenance and repair business. |
| 18. | U-73-79(HO)
APPROVED | Application of ROBERT GUY SAWDEUS at 6512 Painted Desert Drive in Zoning District R-1 for a Home Occupation Permit - Allow a lawn service business. |
| 19. | U-77-79(HO)
APPROVED | Application of MRS. JAMES GOTCHER for THOMAS HARDY at 4445 Marlana Circle in Zoning District R-D for a Home Occupation Permit - Allow the solicitation of contracts for environmental statements. |

20. U-78-79(HO) Application of RICHARD M. GARTNER at 5304 West Oakey Boulevard in Zoning District R-1 for a Home Occupation Permit - Allow a stereo repair services.
APPROVED
21. U-79-79(HO) Application of MICHAEL TOMASELLO at 4113 East Ogden Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a carpet cleaning service.
APPROVED
22. U-80-79(HO) Application of LOIS E. DUMIRE at 5120 Overland Avenue in Zoning District R-1 for a Home Occupation Permit - Allow a custom drapery making service.
APPROVED
23. U-81-79(HO) Application of JERRY NIEMEYER at 4805 Elmhurst Lane in Zoning District R-1 for a Home Occupation Permit - Allow a mobile recording studio.
APPROVED
24. U-82-79(HO) Application of LILLIE CANFIELD for 10TH STREET APARTMENTS LIMITED, at 740 North 10th Street in Zoning District R-3 for a Home Occupation Permit - Allow a bridge book and supply mail order business.
APPROVED
25. U-83-79(HO) Application of GEORGE B. FARNAM, JR. at 1702 North Decatur Boulevard in Zoning District R-3 for a Home Occupation Permit - Allow a financial consultant business.
APPROVED
26. U-84-79(HO) Application of OTTO F. CHASE at 116 Romero Drive in Zoning District R-1 for a Home Occupation Permit - Allow an office for a construction business.
APPROVED

MR. BROWN presented the staff report and stated that the questionnaires had been satisfactorily answered, everything is in order and staff would recommend approval.

MRS. SEGRETTI made a Motion for APPROVAL of Items 14 through 28, 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, Mrs. Emmett, Mrs. Meyers and Chairman Swessel
"NOES" Mr. Bugbee

Motion for APPROVAL carried by a majority vote.

RECESS:

CHAIRMAN SWESSEL declared a 5-minute recess at 9:10 PM and reconvened the meeting at 9:15 PM.

27. V-96-78 Request of VICKY KALLAS REALTY for a six (6) month Extension of Time on an approved Variance which allowed eight (8) dwelling units where seven (7) are permitted on property generally located on the west side of North 15th Street, 150 feet north of Poplar Avenue in Zoning District R-3.
EXTENSION OF TIME
APPROVED

MR. BROWN presented the staff report and stated the applicant could better explain the request.

SPIRO CALLAS, 1643 Golden Arrow, represented the application and stated he purchased the property in April and he had made application for financing and was not given a very optimistic reply.

CHAIRMAN SWESSEL asked the applicant if he could possibly get the financing in six months.

MR. CALLAS replied that it was hoped so.

MR. BUGBEE made a Motion for APPROVAL of the Request for an Extension of Time under V-96-79, subject to the following conditions:

1. Extension of Time to be limited to a one (1) year period and will expire on July 26, 1980.
2. Conformance to the conditions originally imposed at the time of approval of V-96-78.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

28. V-104-77

EXTENSION OF
TIME

APPROVED

Request of BARBARA A. CHESTMAN for an Extension of Time on an approved Variance which allowed four-plex dwelling units where four-plexes are not permitted and to allow 65 units where 51 are permitted on property generally located on the east side of Dike Lane between Bonanza Road and Warren Drive in Zoning District R-2.

MR. BROWN presented the staff report and stated he thought the applicant is a new owner and that is the reason for the request.

BOB KOHN, 424 Minnestor, represented the application, stated he was one of the owners and that they had purchased the property in April and have been assembling parcels around it. They are now in the process of submitting a site plan for a rezoning of the surrounding area for R-2. The extension is needed to complete the plans and financing.

MRS. SEGRETTI made a Motion for APPROVAL of the Request for an Extension of Time under V-104-77, subject to the following conditions:

1. Extension of Time to be limited to a one (1) year period and shall expire on July 26, 1980.
2. Conformance to the conditions originally imposed at the time of approval of V-104-77.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

29. U-72-79(HO)

DENIED

Application of ALICE M. CARTER for a Home Occupation Permit to operate a small flower and gift related shop on property located at 916 Shadow Mountain Place in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 100, Casa Linda 8-A.

MR. BROWN presented the staff report and stated this request is in the heart of a R-1 District. Staff does not feel this kind of use is compatible with the development of the area and would recommend denial. There are 7 protests on file.

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

ALICE CARTER, 916 Shadow Mountain Place, represented the application. She stated the purpose of the request is to do floral design in her home on a very small basis, by phone and appointment only. She added this would enable her to finance her education and take care of her children. She said that 4 people in the neighborhood had called and stated they did not object.

CHAIRMAN SWESSEL asked the applicant if she would store her own flowers and gifts.

MRS. CARTER replied that she would.

MRS. SEGRETTI asked how advertising would be done.

MRS. CARTER stated by word of mouth.

CHAIRMAN SWESSEL stated the location of the property is inside a new subdivision. With a Home Occupation Permit, the person does not have to rent a building and can write the business off. He added this would not be fair to the rest of the florists in the area.

MRS. SEGRETTI stated this would set a precedent if approved.

GORDON SMITH, 1109 Shadow Mountain, appeared in protest. He stated this is not appropriate in a residential neighborhood.

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

MR. BUGBEE made a Motion for DENIAL of U-72-79(HO) because this would not be compatible with the surrounding residential area.

Voting was as follows:

"AYES" Mr. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and
Mrs. Segretti
"NOES" None

Motion for DENIAL carried unanimously.

30. U-73-79

APPROVED

Application of LLOYD L. OVERMILLER, FIRST CHRISTIAN CHURCH, for a Use Permit to use a newly proposed building for varied educational purposes including weekday pre-school and for administrative church offices on property located at 101 South Rancho Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the Northeast Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 32, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff would recommend approval with a couple of comments. A turn-around be provided at the north end of the east driveway; staff is also concerned about the 5' setback on the south property lines and staff would further recommend the use be limited to educational programs for children only. With those comments, staff would recommend approval.

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

LLOYD OVERMILLER, 625 North Valley View, represented the application. He stated the turn-around would not be a problem. He added he was concerned about the use of the building.

MR. BROWN stated that in view of the fact educational programs are requested, staff would recommend it be limited to children only.

MR. OVERMILLER stated that they do have AA and different groups, that this would not be a regular school.

MR. BROWN stated that if adults meet, additional parking spaces would be needed.

MR. OVERMILLER stated there is an unused ballpark that could be used for parking and that they would do whatever is necessary.

SANDRA SHOCKER, 2108 Frontier, appeared in protest. She stated the building would be adjacent to her backyard and objected to the noise of 100 children. She objected to the current noise problem.

RENEE KOVIK, 2104 Frontier, appeared in protest.

MR. OVERMILLER appeared in rebuttal.

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

MR. BUGBEE made a Motion for APPROVAL of U-73-79, subject to the following conditions:

1. A paved turn-around area shall be provided as the north end of the east driveway as required by the Department of Community Planning and Development.
2. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
3. Submittal of a landscaping plan prior to or at the same time application is made for a building permit.
4. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
5. Conformance to the plot plan.
6. 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. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti
"NOES" None

Motion for APPROVAL carried unanimously.

31. U-75-79
APPROVED

Application of EVERGREEN MISSIONARY BAPTIST CHURCH for a Use Permit to allow the construction and maintenance of church facility on property generally located at Doolittle Avenue, between Lexington Street and Highland Drive in Zoning District R-1 (Single Family Residence). The above property is legally described as a portion of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 21, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. The front will be left for future development. Staff feels this use is compatible in the district and would recommend approval subject to landscaping on the street frontage.

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

REV. N. WHITNEY, 1625 "K" Street, represented the application and stated they would agree to the landscaping stipulation.

MR. BROWN stated Public Services required half street improvements on Lexington Street and Doolittle Avenue.

REV. WHITNEY stated he would like to wait awhile to do the half street improvements.

CHAIRMAN SWESSEL suggested Lexington be done right and away and asked how long the applicant would need for Doolittle.

REV. WHITNEY stated approximately three years.

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

MR. BUGBEE made a Motion for APPROVAL of U-75-79, subject to the following conditions:

1. Construct half street improvements on Lexington Street, and, within three years, construct half street improvements on Doolittle Avenue.
2. Dedicate a 15 ft. radius corner at Doolittle Avenue and Highland Drive.
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. 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. Bugbee, Mrs. Emmett, Mrs. Meyers, Chairman Swessel and Mrs. Segretti

"NOES" None

Motion for APPROVAL carried unanimously.

32. V-48-79

APPROVED

Application of J. BRUCE AND LEE ALVERSON for a Variance to allow the addition of an enlarged family room to an existing non-conforming residence on property located at 3000 Arabian Road in Zoning District R-A (Ranch Acres). The above property is legally described as a portion of the South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) 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 plot plan is as shown. A previous variance was granted on this property. Staff feels this request is in concert and recommends approval.

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

STEVE SMALL, 2765 South Highland, represented the application.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-48-79, subject to the following conditions:

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

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett, Mrs. Meyers and
Chairman Swessel

"NOES" None

Motion for APPROVAL carried unanimously.

33. V-49-79

DENIED

Application of LARRY STORJOHANN for a Variance to allow ten (10) units where eight (8) units are permitted and to allow twelve (12) parking spaces where sixteen (16) are required on property located at 1533 and 1537 Cobb Lane in Zoning District R-3 (Limited Multiple Residence). The above property is legally described as a portion of the north 155 feet of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 26, Township 20 South, Range 61 East, MDB&M.

MR. BROWN presented the staff report and stated the plot plan is as shown. Staff does not see any reason why this application should be granted and give the applicant an advantage over other applicants. Denial is recommended.

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

LARRY STORJOHANN represented the application and stated that he had built 20 four-plexes in the area and he planned on keeping these. He stated there are a lot of requests for one bedroom apartments and he had thought he would split the two bedrooms and add a bathroom. He stated these would be rented in an affordable range and could add to more parking spaces if necessary.

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

MRS. SEGRETTI made a Motion for DENIAL of V-49-79 because there was insufficient justification presented to warrant the requested Variance.

Voting was as follows:

"AYES" Mrs. Segretti, Mr. Bugbee, Mrs. Emmett and Mrs. Meyers
"NOES" Chairman Swessel

Motion for DENIAL carried by a majority vote.

34. V-50-79

APPROVED

Application of JAMES J. BROWN for a Variance to allow an Art Gallery as a quasi-public use with no one-site parking where twenty (20) parking spaces are required on property located at 421 South 6th Street in Zoning District R-4 (Apartment Residence). The above property is legally described as Lots 11 and 12, Block 5, Wardie Addition.

MR. BROWN presented the staff report and stated the plot plan is as shown. The use is compatible in the area. The only problem is parking which may eventually become a problem when the rest of the block develops.

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

JAMES J. BROWN represented the application and stated the proposed use is an art gallery. It is intended to be gallery and lessons will be given at night. There should not be too much traffic the way it is set up. There is two hour parking on the street and enough space for three cars in the driveway. If parking becomes a problem in the future, the rear would be converted to parking.

MRS. SEGRETTI stated this is an area where there has been problems with the parking.

MR. BROWN stated that in this block, the offices are low key and there are vacant lots around.

MRS. EMMETT stated she had never been in the art gallery at Lorenzi when there was more than 3 people.

MR. BROWN stated there are no letters of protest or approval.

DEANNA REBEL, 501 South 7th Street, stated that parking is a problem in the area, but she did not object to the use. She added, however, that parking will always be a problem. She stated she would prefer this use to many others.

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

MRS. MEYERS made a Motion for APPROVAL of V-50-79, subject to the following conditions:

1. Remove and replace broken driveways 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" Mrs. Meyers, Mrs. Segretti, Mr. Bugbee and Mrs. Emmett
 "NOES" Chairman Swessel

Motion for APPROVAL carried by a majority vote.

35. V-51-79

APPROVED

Application of JACK EGLASH for a Variance to allow a pool enclosure five feet (5') from the rear property line where fifteen feet (15') is required and to the east property line where five feet (5') is required and to within five feet (5') of the west side property line where nine feet (9') is required on property located at 1701 East St. Louis Avenue in Zoning District R-1 (Single Family Residence). The above property is legally described as Lot 171, Block 5, Charleston Park Track No. 1.

MR. BROWN presented the staff report and stated the plot plan is as shown. In driving along St. Louis, there is a low grade and you can only see the fence so whatever is put inside no one could see.

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

BEN BRUNO represented the application.

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

MRS. MEYERS made a Motion for APPROVAL of V-51-79, 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. Meyers, Chairman Swessel, Mrs. Segretti, Mr. Bugbee and Mrs. Emmett

"NOES" None

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

BYLAW AMENDMENT

Discussion on the proposed amendment to the Bylaws relative to voting.

If there is a tie vote on a negative motion, such a vote shall constitute no action; and a new motion may be made on the question at the same meet.

MR. FOSTER described an incident which had occurred at a Planning Commission meeting and the City Attorney's office advised that body to hold the action over. This amendment is to clarify this. Staff suggests this amendment be adopted by this Board and the Planning Commission.

MRS. SEGRETTI, after a discussion, suggested the Bylaws be amended to reflect that if there is a tie vote on an affirmative or negative motion, it would constitute no action and a new motion may be made.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Adjustment, the meeting was adjourned at 10:30 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR