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A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 23, 1984

CALL TO ORDER: 7:30 P.M. in the Council Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading
of the Standard Conditions and requirements for
filing an Appeal.

All actions by the Board of Zoning Adjustment are
final, (except items requiring a decision by the
City Council), unless an appeal, in writing, is
filed with the City Clerk within eleven days or
a review is requested by the City Council within
fourteen days from the date notice is sent to the
applicant (usually the Tuesday following the
Board's meeting).

MINUTES: Approval of the Minutes for the June 28, 1984 and
July 26, 1984 Board of Zoning Adjustment Meetings.

NEW BUSINESS:

1. U-52-84(HO) Application of KARL D. EARNHART for a Home Occupation
Use Permit to allow a computer system hardware and
software consulting business on property located at
849 Shrubbery Lane in Zoning District R-CL (Single-
Family Compact-Lot).
2. U-53-84(HO) Application of LONNIE T. & GLORIA C. KIRTZ for a Home
Occupation Use Permit to operate a mail order business
to incorporate music and/or lyrics into commercially
recorded demos on property located at 2312 San Jose
Avenue in Zoning District R-1 (Single-Family Residence).
3. U-56-84(HO) Application of KATHY PARENTI for a Home Occupation
Use Permit to conduct an interior design business
on property located at 4912 Canyon Creek Road in
Zoning District R-1 (Single-Family Residence).

45 ✓

4. V-89-84

Application of MIKE BOGICH for a Variance to allow the following:

1. Parking garage to be built to side property lines where 5' setback is required.
2. Two stairways to within 15' of rear property line where 20' is required.
3. Sideyard wall to exceed 6' allowed height limit (height will vary from approximately 4' to 7 1/2').
4. 48 units where 45 are permitted.

The above request is on property located at 213 South 11th Street in Zoning District R-4 (Apartment Residence), Proposed R-5 (Downtown Apartment District).

5. V-90-84

Application of FRANK HAWKINS, JR., for a Variance to allow an 8 1/2' high block wall along the front and side yards adjacent to Rancho Road and Alta Drive on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres).

6. V-91-84

Application of WILLIAM D. PERRY for a Variance to allow the following:

1. An office within a residential district, which is not allowed.
2. 2 parking spaces where 8 are required.

The above request is on property located at 630 South 10th Street in Zoning District R-1 (Single-Family Residence).

7. V-92-84

Application of SIERRA O'ESTE for a Variance to allow a 5' high solid block wall (for a trash enclosure) in the front yard area where only 4' high, top 2' 50% open is permitted on property located south of Lake Mead Drive between Jones Boulevard and Torrey Pines Drive, in Zoning District R-3 (Limited Multiple Residence).

8. V-93-84

Application of MARVIN SIMON for a Variance to allow a transmission repair business where not permitted on property located at 325 South Decatur Boulevard in Zoning District C-2 (General Commercial).

9. V-94-84

Application of BROWN & COMPANY, A NEVADA CO-PARTNERSHIP, for a Variance to allow room additions 5' - 6" from the north and south side property lines where 10' is required and 30' from the rear property line where 50' is required on property located at 209 Canyon Drive in Zoning District R-E (Residence Estates).

10. U-49-84 Application of DONALD S. DRAPER, DPM., CHARTERED,
for a Use Permit to allow an R-4 density residential
apartment development on property located at 2116
Paradise Road in Zoning District C-1 (Limited
Commercial).
11. U-50-84 Application of BARBARA A. LAWSON for a Use Permit to
allow a child care home for 12 children on property
located at 317 Broxton Lane in Zoning District R-1
(Single-Family Residence).
12. U-51-84 Application of WEST OAKLEY BAPTIST CHURCH for a Use
Permit to construct a new church sanctuary building,
including classrooms and day care rooms, plus a new
parking lot on property located at 4400 West Oakley
Boulevard in Zoning District R-1 (Single-Family
Residence) and R-E (Residence Estates).
13. U-54-84 Application of CAROLEE MAE GOREY & DAVID E. GAILLEY
for a Use Permit to construct a building to be used
for religious purposes on property located at
5005 Donnie Avenue in Zoning Districts R-E (Residence
Estates) and C-2 (General Commercial).
14. U-55-84 Application of FREMONT WEST SHOPPING CENTER for a
Use Permit to construct a 44-unit apartment complex
on property generally located on the southwest corner
of Casada Way and Torrey Pines Drive in Zoning District
C-1 (Limited Commercial).

ANNOTATED AGENDA

BOARD OF ZONING ADJUSTMENT

AUGUST 23, 1984

CALL TO ORDER: 7:30 P.M. in the Council Chambers of City Hall,
400 East Stewart Avenue, Las Vegas, Nevada

ROLL CALL: PRESENT: Chairman Robert Bugbee, Jessie Emmett, Robert Giles
EXCUSED: Bonnie Juniell, Helen Myers

ANNOUNCEMENT: Satisfaction of the Open Meeting Law and reading of
the Standard Conditions and requirements for filing
an Appeal.

All actions by the Board of Zoning Adjustment are
final, (except items requiring a decision by the
City Council), unless an appeal, in writing, is
filed with the City Clerk within eleven days or
a review is requested by the City Council within
fourteen days from the date notice is sent to the
applicant, (usually the Tuesday following the
Board's meeting).

MINUTES: Approval of the Minutes for the June 28, 1984 and
July 26, 1984 Board of Zoning Adjustment Meetings.

APPROVED
GILES/UNANIMOUS

NEW BUSINESS:

1. U-52-84 (HO) Application of KARL D. EARNHART for a Home Occupation
Use Permit to allow a computer system hardware and
software consulting business on property located at
849 Shrubbery Lane in Zoning District R-CL (Single-
Family Compact-Lot).

APPROVED
EMMETT/UNANIMOUS

CONDITION:

1. Conformance to the criteria for Home Occupations.

STAFF RECOMMENDATION: APPROVAL

2. U-53-84 (HO) Application of LONNIE T. & GLORIA C. KIRTZ for a Home
Occupation Use Permit to operate a mail order business
to incorporate music and/or lyrics into commercially
recorded demos on property located at 2312 San Jose
Avenue in Zoning District R-1 (Single-Family Residence).

APPROVED
EMMETT/UNANIMOUS

CONDITION:

1. Conformance to the criteria for Home Occupations.

STAFF RECOMMENDATION: APPROVAL

3. U-56-84(HO) Application of KATHY PARENTI for a Home Occupation Use Permit to conduct an interior design business on property located at 4912 Canyon Creek Road in Zoning District R-1 (Single-Family Residence).

APPROVED

EMMETT/UNANIMOUS

CONDITION:

1. Conformance to the criteria for Home Occupations.

STAFF RECOMMENDATION: APPROVAL

4. V-89-84 Application of MIKE BOGICH for a Variance to allow the following:

APPROVED

EMMETT/UNANIMOUS

1. Parking garage to be built to side property lines where 5' setback is required.
2. Two stairways to within 15' of rear property line where 20' is required.
3. Sideyard wall to exceed 6' allowed height limit (height will vary from approximately 4' to 7 1/2').
4. 48 units where 45 are permitted.

The above request is on property located at 213 South 11th Street in Zoning District R-4 (Apartment Residence), Proposed R-5 (Downtown Apartment District).

CONDITIONS:

1. Approval of and conformance to the conditions of approval of Z-45-84.
2. Conformance to the plot plan and elevation.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 0

5. V-90-84 Application of FRANK HAWKINS, JR., for a Variance to allow an 8 1/2' high block wall along the front and side yards adjacent to Rancho Road and Alta Drive on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres).

APPROVED

BUGBEE/2-1

(Giles voted NO)

CONDITIONS:

1. Approval of the wall aesthetics by the Department of Community Planning and Development.
2. Dedicate a 25' property line radius at the intersection of Rancho Road and Alta Drive as required by the Department of Design and Development.
3. Approval of an encroachment agreement for the wall along Alta Drive.
4. This approval is limited to a 6' block wall with 2 additional feet of wrought iron or decorative block which is 50% open.

V-90-84 (Continued)

5. Provide access to the fire hydrant as required by the Department of Fire Services.
6. Conformance to the plot plan.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 3

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6. V-91-84 Application of WILLIAM D. PERRY for a Variance to allow the following:

APPROVED

GILES/UNANIMOUS

1. An office within a residential district, which is not allowed.
2. 2 parking spaces where 8 are required.

The above request is on property located at 630 South 10th Street in Zoning District R-1 (Single-Family Residence).

CONDITIONS:

1. Dedicate a 25' property line radius at the intersection of 10th Street and Garces Avenue as required by the Department of Design and Development.
2. Enter an Assessment District Agreement for street lighting, sidewalks and alley pavement on 10th Street and Garces Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
3. Discontinue the residential use within 2 years.
4. Conformance to the plot plan and elevations amended to provide 5 parking spaces with 2 allowed in tandem arrangement.
5. 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.
6. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
7. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
8. Satisfaction of City Code requirements and design standards of all City Departments.
9. Approval of the parking and driveway plans by the Traffic Engineer.
10. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
11. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL - with 5 parking spaces, and all residential use shall cease.

PROTESTS: 2

7. V-92-84

APPROVED
GILES/UNANIMOUS

Application of SIERRA O'ESTE for a Variance to allow a 5' high solid block wall (for a trash enclosure) in the front yard area where only 4' high, top 2' 50% open is permitted on property located south of Lake Mead Drive, between Jones Boulevard and Torrey Pines Drive, in Zoning District R-3 (Limited Multiple Residence).

CONDITION:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL
PROTESTS: 0

8. V-93-84

APPROVED
EMMETT/UNANIMOUS

Application of MARVIN SIMON for a Variance to allow a transmission repair business where not permitted on property located at 325 South Decatur Boulevard in Zoning District C-2 (General Commercial).

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

9. V-94-84

APPROVED
EMMETT/UNANIMOUS

Application of BROWN & COMPANY, A NEVADA CO-PARTNERSHIP, for a Variance to allow room additions 5' - 6" from the north and south side property lines where 10' is required and 30' from the rear property line where 50' is required on property located at 209 Canyon Drive in Zoning District R-E (Residence Estates).

CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: DENIAL
PROTESTS: 0

10. U-49-84

APPROVED
GILES/UNANIMOUS

Application of DONALD S. DRAPER, DPM., CHARTERED, for a Use Permit to allow an R-4 density residential apartment development on property located at 2116 Paradise Road in Zoning District C-1 (Limited Commercial).

CONDITIONS:

1. The bar and meeting room shall be used by the occupants and guests only, unless a variance is duly approved for parking required for public use and assembly.
2. This action does not constitute approval of a bar license.
3. Conformance to the plot plan and elevations.

U-49-84 (Continued)

4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

11. U-50-84 APPROVED GILES/UNANIMOUS	Application of BARBARA A. LAWSON for a Use Permit to allow a child care home for 12 children on property located at 317 Broxton Lane in Zoning District R-1 (Single-Family Residence).
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CONDITION:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

12. U-51-84 APPROVED GILES/UNANIMOUS	Application of WEST OAKLEY BAPTIST CHURCH for a Use Permit to construct a new church sanctuary building, including classrooms and day care rooms, plus a new parking lot on property located at 4400 West Oakley Boulevard in Zoning District R-1 (Single-Family Residence) and R-E (Residence Estates).
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CONDITIONS:

1. Install sidewalk on Oakley Boulevard as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
2. This approval is limited to the sanctuary and additional parking area only.
3. Conformance to the plot plan and elevations.

U-51-84 (Continued)

4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 3

13. U-54-84 APPROVED EMMETT/UNANIMOUS	Application of CAROLEE MAE GOREY & DAVID E. GAILLEY for a Use Permit to construct a building to be used for religious purposes on property located at 5005 Donnie Avenue in Zoning Districts R-E (Residence Estates) and C-2 (General Commercial).
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CONDITIONS:

1. Conformance to the plot plan and elevations amended to provide a 50' front setback.
2. Install street improvements on Donnie Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
3. Provide 25' of paved access to the site from Thom Boulevard as required by the Department of Community Planning and Development within 18 months.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.

U-54-84 (Continued)

8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 1

14. U-55-84

APPROVED
GILES/UNANIMOUS

Application of FREMONT WEST SHOPPING CENTER for a Use Permit to construct a 44-unit apartment complex on property generally located on the southwest corner of Casada Way and Torrey Pines Drive in Zoning District C-1 (Limited Commercial).

CONDITIONS:

1. Dedicate 30' of Right-of-Way for Casada Way as required by the Department of Design and Development.
2. Install sidewalk on Torrey Pines Drive as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
3. Conformance to the plot plan and elevations.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Department of Community Planning and Development and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.
8. Approval of the parking and driveway plans by the Traffic Engineer.
9. Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
10. Provision of fire hydrants and water flow as required by the Department of Fire Services.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

SUPPLEMENTAL AGENDA:

1. U-57-84 (HO) Application of CAROL ANN EWING for a Home Occupation Use Permit to allow a personal image consulting business on property located at 1400 Ryan Avenue in Zoning District R-1 (Single-Family Residence).
- APPROVED
EMMETT/UNANIMOUS

CONDITION:

1. Conformance to the criteria for Home Occupations.

STAFF RECOMMENDATION: APPROVAL

2. U-58-84 (HO) Application of TIMOTHY L. KANE for a Home Occupation Use Permit to allow a residential security and environmental monitoring system business on property located at 6912 Vivian Circle in Zoning District R-1 (Single-Family Residence).
- APPROVED
EMMETT/UNANIMOUS

CONDITION:

1. Conformance to the criteria for Home Occupations.

STAFF RECOMMENDATION: APPROVAL

3. V-75-82 Request of TIMM MARTIN for a review of conditions to allow an extension of time on an approved Variance which allowed a mobile home as a caretaker's residence on property located at 5018 East Monroe Avenue in Zoning District R-E (Residence Estates).
- APPROVED
GILES/UNANIMOUS

CONDITION:

1. The extension shall expire September 23, 1986.

STAFF RECOMMENDATION: DENIAL

4. V-85-82 Request of ED WILSON for a review of conditions to amend a condition requiring a circular driveway on property located at 4232 North Decatur Boulevard in Zoning District R-E (Residence Estates).
- APPROVED
GILES/UNANIMOUS

CONDITION:

1. Condition #1 of the original approval is hereby expunged.

STAFF RECOMMENDATION: DENIAL

5. V-124-83 Request of DENNIS M. SABBATH for a review to amend the condition regarding sidewalks and street lighting on property located at 600 South 9th Street in Zoning District R-1 (Single-Family Residence).
- APPROVED
GILES/UNANIMOUS

V-124-83 (Continued)

CONDITION:

1. Condition #3 of the original approval is hereby amended to:
 - a. Install sidewalk on Bonneville Avenue.
 - b. Enter an Assessment District Agreement to provide street lights and sidewalks on 9th Street and street lights on Bonneville Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

STAFF RECOMMENDATION: APPROVAL

NAME

B2A 8/23/84

AD SS

Diana Kovach

1555 Rainbow

Joseph Santellip

San Diego Ca

Frank Russo

Samuel Ruck

4902 Carmen Blvd LV

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

AUGUST 23, 1984

- CALL TO ORDER: A regular meeting of the Board of Zoning Adjustment was called to order by Chairman Robert Bugbee in the City Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.
- PRESENT: Chairman Bugbee, Jessie Emmett, Robert Giles
- EXCUSED: Bonnie Juniel and Helen Myers
- STAFF PRESENT: Harold Foster, Dir. of Community Planning & Development
Robert Clemmer, Chief of Zoning
John Roethel, Deputy City Attorney
Sandra LeBoeuf, Deputy City Clerk
- ANNOUNCEMENT RE COMPLAIN WITH OPEN MEETING LAW Mr. Clemmer announced that the agenda for this regular meeting of the Board of Zoning Adjustment had been posted in accordance with NRS Chapter 241 and affidavits are on file in the Department of Community Planning & Development.
- ANNOUNCEMENTS: Chairman Bugbee stated that all actions by the Board of Adjustment are final, (except items requiring a decision by the City Council), unless an appeal in writing, is filed with the City Clerk within eleven days or a review is requested by the City Council within fourteen days from the date notice is sent to the applicant, (usually the Tuesday following the Board's meeting).
- Mr. Clemmer read the standard conditions into the record.
- MINUTES: Commissioner Giles made a motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meetings held on June 28, 1984 and July 26, 1984. Motion carried unanimously. (Juniel and Myers excused)
- NEW BUSINESS:
1. U-52-84(HO) APPROVED Application of KARL D. EARNHART for a home occupation permit to allow a computer system hardware and software consulting business on property located at 849 Shrubbery Lane in Zoning District R-CL (Single-Family Compact Lot).
- Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:
1. Conformance to the criteria for home occupations.
- Commissioner Emmett made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused) This item was included with Items 2 & 3 and Items 1 & 2 on the Supplemental Agenda.
2. U-53-84(HO) APPROVED Application of LONNIE T. & GLORIA C. KIRTZ for a home occupation permit to operate a mail order business to incorporate music and/or lyrics into commercially recorded demos on property located at 2312 San Jose Avenue in Zoning District R-1 (Single-Family Residence).
- Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

2. U-53-84(HO) 1. Conformance to the criteria for home occupations.

(Continued) Commissioner Emmett made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused) This item was included with Items 1 & 3 and Items 1 & 2 on the Supplemental Agenda.

3. U-56-84(HO) Application of KATHY PARENTI for a home occupation permit to conduct an interior design business on property located at 4912 Canyon Creek Road in Zoning District R-1 (Single-Family Residence).

APPROVED

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Emmett made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused) This item was included with Items 1 & 2 and Items 1 & 2 on the Supplemental Agenda.

4. V-89-84 Application of MIKE BOGICH for a variance to allow the following:

APPROVED

1. Parking garage to be built to side property lines where 5' setback is required.
2. Two stairways to within 15' of rear property line where 20' is required.
3. Sideyard wall to exceed 6' allowed height limit (height will vary from approximately 4' to 7½').
4. 48 units where 45 are permitted.

The above request is on property located at 213 South 11th Street in Zoning District R-4 (Apartment Residence), Proposed R-5 (Downtown Apartment District).

Mr. Clemmer presented the plot plan. Staff recommended DENIAL as there was no hardship involved. If approved, subject to:

1. Conformance to the plot plan and elevation.
2. Approval of and conformance to the conditions of approval of Z-45-84.

There are no protests on record.

Alan Stewart, 5120 Tennis Court, appeared on behalf of the applicant. He stated that the garage goes to the property line and he needed to build a fence on the property line. In order to obtain all the parking spaces needed, all the area under the building is needed. The building sets back 20 feet on top of the garage.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL, with staff's conditions. Motion carried unanimously. (Juniel and Myers excused)

5. V-90-84
APPROVED

Application of FRANK HAWKINS, JR., for a variance to allow an 8½' high block wall along the front and side yards adjacent to Rancho Road and Alta Drive on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres).

Mr. Clemmer presented the plot plan. Staff recommended DENIAL as this is a regular shaped lot. If approved, subject to:

1. Conformance to the plot plan.
2. Approval of the wall aesthetics by the Department of Community Planning & Development.
3. Dedicate a 25' property line radius at the intersection of Rancho Road and Alta Drive as required by the Department of Design and Development.
4. Approval of an encroachment agreement for the wall along Alta Drive.
5. Provide access to the fire hydrant as required by the Department of Fire Services.

There is one protest on record.

Diana Kovach, 1555 South Rainbow, appeared on behalf of the applicant. She stated that there was a tremendous noise factor on this corner.

Daisy Miller appeared on behalf of the application. She stated that she and her son would be living on this property and she wanted the fence for privacy and security purposes.

Darlene Parker, 2315 Alta Drive, appeared in opposition.

Florence Ortiz, 412 Parkway West, appeared in opposition. She stated that this could set a precedence if it were approved.

Chairman Bugbee made a motion for APPROVAL of an 8' fence with the top 2' open all around the property and staff's conditions. Motion carried 2 to 1 with Giles voting "no." (Juniel and Myers excused) An earlier motion was made by Commissioner Giles for denial which failed with a 2 to 1 vote with Bugbee and Emmett voting "no."

6. V-91-84
APPROVED

Application of WILLIAM D. PERRY for a variance to allow the following:

1. An office within a residential district, which is not allowed.
2. 2 parking spaces where 8 are required.

The above request is on property located at 630 South 10th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL of the office with a minimum of 5 on-site parking spaces, subject to:

1. Conformance to the plot plan and elevations amended to provide 5 parking spaces with 2 allowed in a tandem arrangement.

6. V-91-84

2. Standard conditions 2-8.

(Continued)

3. Dedicate a 25' property line radius at the intersection of 10th Street and Garces Avenue as required by the Department of Design and Development.
4. Install sidewalk on 10th Street and Garces Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
5. Enter an Assessment District for street lighting and alley pavement on 10th Street and Garces Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.
6. Eliminate the residential use.

There are two protests on record regarding the reduction in parking.

Ken Gragson, 4411 Marlana Circle, appeared on behalf of the applicant. He requested that the applicant be allowed to enter an Assessment District for the sidewalks and that the two-year lease be allowed to mature on the residence.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL and allow the applicant to enter into an Assessment District for the sidewalks and a two-year time period on the residential use, and staff's other conditions. Motion carried unanimously. (Juniel and Myers excused)

7. V-92-84

APPROVED

Application of SIERRA O'ESTE for a variance to allow a 5' high solid block wall (for a trash enclosure) in the front yard area where only 4' high, top 2' 50% open is permitted on property located south of Lake Mead Drive between Jones Boulevard and Torrey Pines Drive, in Zoning District R-3 (Limited Multiple Residence).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

There are no protests on record.

The applicant was not present.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL, with staff's conditions. Motion carried unanimously (Juniel and Myers excused)

8. V-93-84

APPROVED

Application of MARVIN SIMON for a variance to allow a transmission repair business where not permitted on property located at 325 South Decatur Boulevard in Zoning District C-2 (General Commercial).

8. V-93-84
(Continued)

Mr. Clemmer presented the plot plan. He stated that if the applicant were allowed to repair transmissions that would mean the business would then be a garage. Staff recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.

There are no protests on record.

Jim Rogers, 723 South 3rd Street, represented the applicant. He stated the only difference in the business now would be that a kit would be put inside the transmission as it was exchanged, no actual repair work would be done.

Joseph San Fellipa, San Diego, California, appeared on behalf of the applicant. He stated that he was from the Franchise headquarters and that they would not allow any actual repair work to be done at this location or the business would lose its franchise.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously. (Juniel and Myers excused)

9. V-94-84
APPROVED

Application of BROWN & COMPANY, A NEVADA CO-PARTNERSHIP, for a variance to allow room additions 5' - 6" from the north and south side property lines where 10' is required and 30' from the rear property line where 50' is required on property located at 209 Canyon Drive in Zoning District R-E (Residence Estates).

Mr. Clemmer presented the plot plan. He stated that this was a regular shaped lot and no hardship was involved. Staff recommended DENIAL.

There are no protests on record.

Carolyn Rudin Johnson appeared on behalf of the application. She stated that she and her husband wanted to extend the master bedroom and bathroom.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL. Motion carried unanimously. (Juniel and Myers excused)

10. U-49-84
APPROVED

Application of DONALD S. DRAPER, DPM., CHARTERED for a use permit to allow an R-4 density residential apartment development on property located at 2116 Paradise Road in Zoning District C-1 (Limited Commercial).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Standard Conditions 1 - 8.
2. The bar and meeting room shall be used by the occupants and guests only unless a variance is duly approved for parking required for public use and assembly.

10. U-49-84

(Continued)

3. This action does not constitute approval of a bar license.

There are no protests on record.

Fred Doriot, Architect, appeared on behalf of the applicant.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL, with staff's conditions. Motion carried unanimously. (Juniel and Myers excused)

11. U-50-84

APPROVED

Application of BARBARA A. LAWSON for a use permit to allow a child care home for 12 children on property located at 317 Broxton Lane in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that the applicant had a family care license for 6 children already and wanted to provide for 12. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.

There are no protests on record.

Barbara Lawson appeared on behalf of the application.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused)

12. U-51-84

APPROVED

Application of WEST OAKLEY BAPTIST CHURCH for a use permit to construct a new church sanctuary building, including classrooms and day care rooms, plus a new parking lot on property located at 4400 West Oakley Boulevard in Zoning District R-1 (Single-Family Residence) and R-E (Residence Estates).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

2. Install sidewalk on Oakley Boulevard as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

3. Standard Conditions 2-8.

4. Conformance to the Flood Hazard Reduction provisions of the City City Code.

5. This approval is for the sanctuary and parking only.

There is one protest on record.

Marguerite Rockne, 4505 Exposition, appeared in opposition. She objected to the drainage on the property.

12. U-51-84 Frank Nuzzo, 4501 Exposition, appeared in opposition.
(Continued) He objected to any more children being allowed as he worked shift work.

Dennis Rusk, Architect appeared on behalf of the application.

Pastor Campbell appeared on behalf of the application.
He stated that there would not be any additional classrooms.

Commissioner Giles made a motion for APPROVAL, with staff's conditions. Motion carried unanimously. (Juniel and Myers excused).

13. U-54-84 Application of CAROLEE MAE GOREY & DAVID E. GAILY for a
APPROVED use permit to construct a building to be used for religious purposes on property located at 5005 Donnie Avenue in Zoning District R-E (Residence Estates) and C-2 (General Commerical).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations amended to provide a 50' front setback.
2. Standard conditions 2-8.
3. Install street improvements on Donnie Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning & Development.
4. Provide a 25' wide paved access to the site from Thom Boulevard as required by the Division of Land Development & Flood Control of the Department of Community Planning & Development.

There is one protest on record.

Jim Barlow, 204 North Torrey Pines, appeared on behalf of the application.

Lemuel Rucker, 4902 Carmen Boulevard, appeared on behalf of the application. He stated they would like to have some more time on the paving.

No one appeared in opposition.

Commissioner Emmett made a motion for APPROVAL, with the year and a half time frame for the 25' paving and staff's conditions. Motion carried unanimously. (Juniel and Myers excused)

14. U-55-84 Application of FREMONT WEST SHOPPING CENTER for a use permit
APPROVED to construct a 44-unit apartment complex on property generally located on the southwest corner of Casada Way and Torrey Pines Drive in Zoning District C-1 (Limited Commercial).

Mr. Clemmer presented the plot plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

14. U-55-84

(Continued)

2. Standard conditions 2-8.
3. Dedicate 30' of right-of-way for Casada Way as required by the Department of Design and Development.
4. Install sidewalk on Torrey Pines as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development.

There are no protests on record.

Ernie Becker, Jr., appeared on behalf of the applicant.

No one appeared in opposition.

Commissioner Giles made a motion for APPROVAL, with staff's conditions. Motion carried unanimously. (Juniel and Myers excused).

SUPPLEMENTAL AGENDA

1. U-57-84(HO) Application of CAROL ANN EWING for a home occupation permit to allow a personal image consulting business on property located at 1400 Ryan Avenue in Zoning District R-1 (Single-Family Residence).
APPROVED

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Emmett made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused) This item was included with Item 2 and Items 1 thru 3 under New Business.

2. U-58-84(HO) Application of TIMOTHY L. KANE for a home occupation permit to allow a residential security and environmental monitoring system business on property located at 6912 Vivian Circle in Zoning District R-1 (Single-Family Residence).
APPROVED

Mr. Clemmer stated the application was in order and staff recommended APPROVAL, subject to:

1. Conformance to the criteria for home occupations.

Commissioner Emmett made a motion for APPROVAL, with staff's condition. Motion carried unanimously. (Juniel and Myers excused) This item was included with Item 1 and Items 1 thru 3 under New Business.

3. V-75-82 Request of TIMM MARTIN for a Review of Conditions to allow an extension of time on an approved variance which allowed a mobile home as a caretaker's residence on property located at 5018 East Monroe Avenue in Zoning District R-E (Residence Estates).
REVIEW OF
CONDITIONS

Mr. Clemmer stated that this was allowed as a caretaker's residence for two years in September 1982. There seems to be a change from a caretaker's residence to a family residence and, therefore, staff recommended DENIAL. If

3. V-75-82 approved, subject to:

(Continued) 1. The extension shall expire September 23, 1985.

Timm Martin appeared on behalf of the application. He stated that he looked after the property as his parents traveled a lot.

Commissioner Giles made a motion for APPROVAL for a two-year extension. Motion carried unanimously. (Juniel and Myers excused)

4. V-85-82

REVIEW OF
CONDITIONS

APPROVED

Request of ED WILSON for a review of conditions to amend a condition requiring a circular driveway on property located at 4232 North Decatur Boulevard in Zoning District R-E (Residence Estates).

Mr. Clemmer stated that a variance was granted on this property with the condition that they put in a circular drive. Staff recommended DENIAL. If approved, subject to:

1. Condition #1 of the original approval is hereby expunged.

Ed Wilson appeared on behalf of the application. He stated that he would be willing to put in a circular drive when the street becomes more traveled.

Commissioner Giles made a motion to remove the stipulation of the circular drive at this time. Motion carried unanimously. (Juniel and Myers excused)

5. V-124-83

REVIEW OF
CONDITIONS

APPROVED

Request of DENNIS M. SABBATH for a review to amend the condition regarding sidewalks and street lighting on property located at 600 South 9th Street in Zoning District R-1 (Single-Family Residence).

Mr. Clemmer stated that there have been numerous requests to modify the condition of paving the alley and providing street lights. Staff recommended APPROVAL of the modification of Condition #3 to:

1. Condition #3 of the original approval is hereby amended to:

- a. Install sidewalks on 9th Street and Bonnevill Avenue.

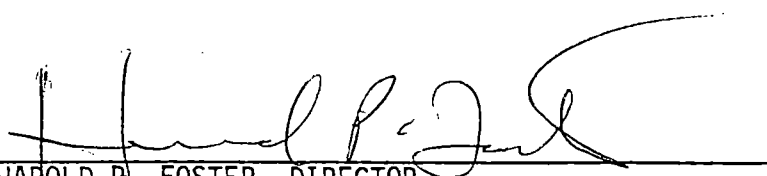
- b. Enter an Assessment District Agreement to provide street lights on 9th Street and Bonnevill Avenue with the Division of Land Development and Flood Control of the Department of Community Planning and Development.

Dennis Sabbath appeared on behalf of the application. He requested that the sidewalks on 9th Street also be by ways of an Assessment District.

Commissioner Giles made a motion as the applicant requested and install sidewalks on 9th Street via an Assessment District and staff's conditions. Motion carried unanimously. (Juniel and Myers excused)

MEETING ADJOURNED APPROXIMATELY 9:00 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT


HAROLD P. FOSTER, DIRECTOR

/s/

- CHAIRMAN BUGBEE: Item 5; V-90-84, the application of Frank Hawkins, Jr. for a variance to allow an 8½' high block wall fence along the front and side yards adjacent to Rancho Road and Alta Drive on property located at 2300 Alta Drive in Zoning District R-A (Ranch Acres).
- ROBERT CLEMMER: The property in question on the northwest corner of Alta and Rancho shown on the map on the far wall -- the proposed fence or 8½ foot wall is 11 feet from their front property line and will encroach -- they've clipped the corner here for sight clearance. It will encroach slightly onto Alta Drive. Rancho Drive is a primary major street and Alta Drive is a secondary major. There could be a noise factor in here because Rancho is heavily travelled, that's probably why they want the additional height.
- CHAIRMAN BUGBEE: Aren't there some condos supposed to go across the street from that too, Mr. Clemmer?
- ROBERT CLEMMER: There's some discussion on that property to the southeast, but it hasn't come in yet. We do have one protest of record.
- CHAIRMAN BUGBEE: Yes, ma'am.
- DIANA KOVACH: Diana Kovach, 1555 South Rainbow Boulevard.
- CHAIRMAN BUGBEE: What was staff's recommendation?
- ROBERT CLEMMER: Denial. It is a square, regular lot.
- CHAIRMAN BUGBEE: Okay. Staff's recommended denial. What's the unusual conditions.
- DIANA KOVACH: We feel that there's a lot of precedence along Rancho and Alta with the high fences. The noise problem could be tremendous on this corner. Not only do you have a lot of traffic on Rancho and Alta, but you have a traffic signal there. So you have the stopping and the starting and the privacy and the security.
- CHAIRMAN BUGBEE: The fence is already present, is it?
- DIANA KOVACH: No, well, it's built to the limits of the law, but they would like to build it to 8½ feet.
- COMMISSIONER EMMETT: How high is it now?

DIANA KOVACH: It looks about four or two to four along Rancho and then portions on Alta, it looks to be six feet.

COMMISSIONER EMMETT: This is on the north --

DIANA KOVACH: -- west.

COMMISSIONER EMMETT: -- northwest corner?

DIANA KOVACH: Yes.

COMMISSIONER GILES: Mr. Clemmer, what is the legal limits of that corner for a block fence?

ROBERT CLEMMER: In the front fifty feet, you're allowed to build four feet high with the top two feet of that construction 50% open.

COMMISSIONER GILES: Four feet high with the top two foot open?

CHAIRMAN BUGBEE: Directly to the north of that, is that -- I know there's some big high fences down along Rancho just north of this. I drove by there today.

ROBERT CLEMMER: Well, the lot directly north fronts Rancho. I don't know if there is a high fence on that property or not.

COMMISSIONER EMMETT: Isn't that the McGuire property, is that the one next to it?

ROBERT CLEMMER: No, that's further north.

CHAIRMAN BUGBEE: That's the next one.

DIANA KOVACH: We went out and measured nine feet today.

CHAIRMAN BUGBEE: Any other questions, Commissioners?

COMMISSIONER GILES: Yes, I'd like to ask what's the real purpose of the fence. We've alluded to noise. The intersection's been there for quite some time. I think the property's just changed hands. I don't think the noise has been increased recently.

DIANA KOVACH: No, but there was a chain link fence there with plastic woven in and out of the chain link and it was quite unattractive and they didn't know that they couldn't just take down the chain link and put up a block wall.

DAISY MILLER: May I respond to that also?

CHAIRMAN BUGBEE: Yes.

DAISY MILLER: I think maybe the former owner --

COMMISSIONER GILES: Give us your name and address.

DAISY MILLER: I'm sorry. My name is Daisy Miller. I will be living at this address. My son, Frank Hawkins -- we will be living there and I think the former people was only there not as permanent -- on a day-to-day basis -- let me rephrase that -- whereas we will be living there, you know, every day. We will not be travelling in and out. We are permanent residents of this community.

CHAIRMAN BUGBEE: Where's Frank, out getting hurt?

DAISY MILLER: I hope not, don't say that.

CHAIRMAN BUGBEE: I hope not too. This is a public hearing. Is there someone here to speak in opposition?

DARLENE PARKER: I'm Darlene Parker, 2315 Alta Drive, and we live, not directly across, but kitty-corner and a couple of years ago we had to come -- Phyllis McGuire has property directly across from us which is right next door to them and the Commission voted against hers because we felt like it would really make the whole neighborhood look worse. We've gone to great expense to make our wrought iron and five foot white pilasters and it looks beautiful and as everybody knows, cinder block does not look beautiful and we think it's a beautiful area; and my next door neighbor, Alta Green who just got out of the hospital, wanted me to express her desire to vote against it because she feels the same as I do.

CHAIRMAN BUGBEE: Well, maybe you can tell us a little bit about the traffic noise on Alta because this seems to be one of the major oppositions -- the reasons for them wanting this 8-foot fence.

DARLENE PARKER: Well, we've lived there ten years and it hasn't bothered us yet.

CHAIRMAN BUGBEE: Thank you. Any other questions?

DAISY MILLER: Excuse me, sir, in reference to her comment about the cinder block, that will be plastered. So, it will not just be a cinder block fence.

CHAIRMAN BUGBEE: Your prime reason is noise abatement?

DAISY MILLER: And privacy because the bulk of our yard is on Rancho Drive. In fact, there's very little in the back at all. So any activities that we would have, you know, we would need to be in the front. There is a swimming pool in the back so there's certain activities there, but --

DARLENE PARKER: We're also afraid that it would --

CHAIRMAN BUGBEE: Excuse me, just a --

DARLENE PARKER: I'm sorry.

DAISY MILLER: So that we do need it for privacy and as you know, for security purposes because you can scale a six foot fence also.

CHAIRMAN BUGBEE: Is six foot the maximum there?

ROBERT CLEMMER: Pardon.

CHAIRMAN BUGBEE: Six foot would be the maximum fence along Alta?

ROBERT CLEMMER: The six feet would be the maximum permitted along Alta Drive here, four feet would be the maximum permitted in the front yard area here.

CHAIRMAN BUGBEE: The side area.

ROBERT CLEMMER: Well, this fronts out actually from Alta. The legal front of the lot is on Rancho and that's where the front fence limit is applied to.

CHAIRMAN BUGBEE: Yes, ma'am, do you want to speak?

FLORENCE ORTIZ: I'm Florence Ortiz and I live at 412 Park Way West, the back of which property has a fence along Rancho Drive. My family and I have lived there for 24 years. I have no feeling one way or another about the eight foot fence except as it might affect the overall area and I think that, you know, if one high wall goes up, then that should be the case all the way down Rancho Drive.

- CHAIRMAN BUGBEE: But this is our problem, we do have high walls on Rancho Drive. Phyllis McGuire as we mentioned has a nine foot fence on her house.
- FLORENCE ORTIZ: As far as I know, she's the only one though and to give a little historical perspective on it, the property was -- well, when we moved there, it was owned by Perry Thomas and I think he was the one who installed that plastic chain linked fence, but as I said -- I beg your pardon.
- DARLENE PARKER: Bibi King.
- FLORENCE ORTIZ: Oh, but as I say I think it will affect or should affect the whole area then and we're all -- as far as noise is concerned, as I say, over 24 years, I've never had a problem with it, but I have no particular problem with an eight foot wall except as it will affect the whole area and if it starts or has started, then there it goes and I think it's a matter of aesthetics.
- COMMISSIONER EMMETT: How high can they go with the pylon things and then the fence in between? How high can they go on that?
- ROBERT CLEMMER: The pilasters, of course, have to be solid.
- COMMISSIONER EMMETT: I'm sorry.
- ROBERT CLEMMER: The pilasters, of course, have to be solid, but they're usually narrow and if the total top feet is -- top two feet is 50% open, that would be to code.
- COMMISSIONER EMMETT: Well, I was thinking if you can have those things and then the wrought iron between them, then put their shrubbery up they'd have their privacy and it wouldn't affect the aesthetic look.
- ROBERT CLEMMER: The shrubbery's limited in height when it's along the fence line to a maximum height of 30 inches. So they want to have an openness in the front yards is the way the code's structured.
- CHAIRMAN BUGBEE: We've had some same situations over at Scott Brady and I think once they've been up there's been no problems.

- DIANA KOVACH: Could I make one response to the noise factor? These people don't just have it on one side, they have it on two sides. They have both Rancho and Alta. It seems to me compounding a problem.
- DAISY MILLER: They're stopping in front of our house.
- DARLENE PARKER: We're afraid this will set a precedence because they voted against the property right next to them which is directly across this a couple of years ago and like she said, if they start that, it'll go all down Alta and just ruin our whole neighborhood, the look of it.
- CHAIRMAN BUGBEE: What property do you say directly across --
- DARLENE PARKER: Phyllis McGuire owns the first three houses.
- CHAIRMAN BUGBEE: And that's directly next to them?
- DARLENE PARKER: The one next to them on Alta is also hers.
- DIANA KOVACH: There's one very high fence along Alta.
- DARLENE PARKER: And as soon as they get theirs, then she'll get hers and our whole area will look terrible.
- CHAIRMAN BUGBEE: Well, I'm going to close the public hearing. You might stay there, there might be a couple of questions.
- COMMISSIONER GILES: I don't find a eight foot fence or block wall fence desireable there. I'm sorry the noise bothers you, but I submit the traffic's been there for some time so I'LL MOVE FOR DENIAL.
- CHAIRMAN BUGBEE: Wait a minute. Before we go into that, now, according to the staff, all they can put up on that side is a four foot fence and that's certainly --
- COMMISSIONER GILES: That isn't my decision.
- COMMISSIONER EMMETT: Wait a minute, Bob, what you're saying is they can go up four feet or six feet and then --
- CHAIRMAN BUGBEE: Yes, and put a little wrought iron on top of it.
- COMMISSIONER EMMETT: Well that's what I was trying to find out from Mr. Clemmer but I didn't understand what he told me.

- COMMISSIONER GILES: Tell us again the fence heights on Rancho Road, the legal fence heights?
- ROBERT CLEMMER: They're proposing 8½ feet. The legal fence height is 4 feet maximum. Four foot maximum and of the four foot construction, the top two feet of that has to be 50% open. In other words, you can't put four feet solid and then two feet of nothing on top. It's got to be two feet below and 50% open -- like an x-block. So you have a four foot maximum height along the front yard line back to the house.
- COMMISSIONER GILES: I think it's the front yard where the house fronts on Alta, isn't it?
- ROBERT CLEMMER: No. The house fronts on Alta, but the legal front of the lot is the minimum width facing either of the streets. The minimum width on this lot fronts Rancho and so the 50 foot setback is taken from Rancho and in that 50 foot setback, the maximum height can be 4 feet in this area.
- COMMISSIONER EMMETT: That's under the existing regulation. I guess, what I'm trying to say is if we did allow a variance but restricted it to six feet with an additional two feet open, that's what I was trying to say. It would be a compromise.
- ROBERT CLEMMER: You could modify this request to rather than 8½ feet to a maximum height of 6 feet with the top 2 feet 50% open if you'd like.
- COMMISSIONER EMMETT: If this would be acceptable to the people in the neighborhood because it wouldn't be a high bare prison looking wall. We'd have a little more -- it would be a compromise.
- CHAIRMAN BUGBEE: It'd be 6 foot of block and 2 foot of wrought iron and you'd still have your integrity as far as security is concerned and it'd just be a little bit shorter.
- DAISY MILLER: Well, that is better than 4 feet, but as I stated before it will not just be a cinder block fence. It will be plastered and we didn't intend for it to be just block wall and it's not right up to Rancho. It's setting back on the property.

COMMISSIONER GILES: I'm going to leave my motion stand.

ROBERT CLEMMER: Mr. Chairman, staff would like to add the following conditions if you wish: that would be conformance to the plot plan; approval of the wall aesthetics by the Department of Community Planning & Development; dedicate a 25' property line radius at the intersection of Rancho Road and Alta Drive as required by the Department of Design and Development; approval of an encroachment agreement for the wall along Alta Drive; and provide access to the fire hydrant as required by the Department of Fire Services.

DEPUTY CITY CLERK: Are you voting on the "denial" or on the "approval?"
LEBOEUF:

CHAIRMAN BUGBEE: I'm voting against his approval.

DEPUTY CITY CLERK: I mean the motion is "DENIAL."
LEBOEUF:

CHAIRMAN BUGBEE: The motion has been defeated. Now let's -- (Motion failed with Emmett and Bugbee voting "no" and Juniel and Myers excused) Well in this case, you have the right -- you know I'm the Chairman, but you have the right thoughts and I think we're both on the same line. I really think, number one, in this particular instance, you can't even open a driveway on Alta or onto Rancho Road, can you?

DAISY MILLER: No.

ROBERT CLEMMER: They're not proposing to. They can. There is access rights.

COMMISSIONER EMMETT: There is egress on Rancho Road?

DIANA KOVACH: There could be, but not on this property.

CHAIRMAN BUGBEE: If there's no egress, it can't be the front.

DIANA KOVACH: We're not requesting that either.

CHAIRMAN BUGBEE: I know, I'm trying to straighten out some details.

DIANA KOVACH: Okay.

COMMISSIONER EMMETT: I'm not sure the technicalities of it, Bob, I just feel that if they could go with the 8 foot fence but have it restricted to the -- with the open in between -- what's the difference, you're the contractor?

CHAIRMAN BUGBEE: Well, if they could build a 6 foot fence along Rancho, then put two foot of wrought iron on the top of it --

COMMISSIONER EMMETT: Right.

CHAIRMAN BUGBEE: Then I think that's going to give them their security that they're looking for plus as much integrity as anybody else has got along that street. Six foot is pretty good size.

DAISY MILLER: Okay.

COMMISSIONER EMMETT: You can't make that motion, can you?

CHAIRMAN BUGBEE: Well, I can if you don't want to.

COMMISSIONER EMMETT: Well, go ahead.

CHAIRMAN BUGBEE: Well, I'LL MOVE THAT WE APPROVE THIS VARIANCE AND LIMIT IT TO A SIX FOOT BLOCK WALL WITH TWO AND A HALF FOOT OF WROUGHT IRON ON THE TOP OF IT.

COMMISSIONER GILES: Now, it's 8½?

COMMISSIONER EMMETT: He got six more inches.

DAISY MILLER: I will do whatever you recommend.

CHAIRMAN BUGBEE: You want 8 foot?

COMMISSIONER GILES: Well let's do what you said.

CHAIRMAN BUGBEE: Alright, A SIX BLOCK WALL WITH TWO FOOT OF WROUGHT IRON ON THE TOP AND OTHER STAFF RECOMMENDATIONS AND THAT'S ALL THE WAY AROUND THE PROPERTY. That's for Rancho Road and on Alta Drive.

DAISY MILLER: Question, Chairman Bugbee, you are limiting Alta to also six feet and not eight?

COMMISSIONER EMMETT: That would be all the way around.

DAISY MILLER: All the way around, is that what you said?

CHAIRMAN BUGBEE: Yes.

DAISY MILLER: Okay.

CHAIRMAN BUGBEE: I think you'd want that.

DAISY MILLER: But if we don't want to put wrought iron and put decorative block on there, can we do that? I want to make sure I have this --

CHAIRMAN BUGBEE: It has to be open is that right?

COMMISSIONER EMMETT: That's the idea, open.

ROBERT CLEMMER: If you're proposing wrought iron which is more open than the X-block, X-block is about 50% open. Wrought iron would be more open.

CHAIRMAN BUGBEE: Well, I'm just going to limit my 8 foot. I'm not going to force people to put wrought iron. So, it's open either way, X-block or wrought iron.

DAISY MILLER: Okay.

CHAIRMAN BUGBEE: That should do it. The motion has carried. (Motion carried with Giles voting "no" and Juniel and Myers excused)

DAISY MILLER: Thank you very much.

END OF EXCERPT

INTER-OFFICE MEMORANDUM

Date

AUGUST 22, 1984

TO:

FOSTER

FROM:

CLEMMER

SUBJECT:

BOARD OF ZONING ADJUSTMENT MEETING
AUGUST 23, 1984

AGENDA ITEM CONDITIONS

COPIES TO:

VAL STEED
~~SANDY LEE BOEUF~~
RICK WILLIAMS
JOANNA DANIELLONEW BUSINESS:

1. U-52-84(HO)

This is a computer consulting business. The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations.

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

2. U-53-84(HO)

This is a mail order business with a product of sheet music on tape which is mailed by the recording studio. The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

3. U-56-84(HO)

This is an interior designer. The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

FOSTER
August 22, 1984
Page 2
BZA Conditions

4. V-89-84

Z-45-84 is pending City Council action, 9/5/84 for R-5. Planning Commission recommends approval. The 3 additional units are a 6% increase from what R-5 permits. The rear setback deviation, since there is subterranean parking, is not significant. The 1 1/2' fence deviation is insignificant as well.

This project is 48 units in three-story structures. Two floors of apartments and 1 floor of parking, partly subterranean. The parcel is 24,500 square feet, which in the R-5 district allows only 45 units. They are providing 55 spaces for the 1 bedroom units. The aesthetics are good. The current General Plan reflects an urban neighborhood which would support the density, but the new General Plan profile reflects service commercial.

Staff feels that high density residential projects of this nature and offices or service commercial uses are compatible.

There is no hardship. ✓

Staff recommends DENIAL. If approved, subject to: ✓

1. Conformance to the plot plan and elevation. ✓
2. Approval of and conformance to the conditions of approval of Z-45-84. ✓

✓
PROTESTS: 0
PUBLIC HEARING ITEM

BZA FINAL ACTION

5. V-90-84

They set the wall back 11' from Rancho and clipped the corner for good sight clearance.

The lot is regular, so the only hardship is possibly a noise factor from the secondary and primary streets, Alta and Rancho, respectively.

We have no elevations or photos of the proposed wall. They are encroaching Alta 5'.

Staff recommends DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Approval of the wall aesthetics by the Department of Community Planning and Development.
3. Dedicate a 25' property line radius at the intersection of Rancho Road and Alta Drive as required by the Department of Design and Development.
4. Approval of an encroachment agreement for the wall along Alta Drive.
5. Provide access to the fire hydrant as required by the Department of Fire Services.

PROTESTS: 1

PUBLIC HEARING ITEM

BZA FINAL ACTION

6. V-91-84

This proposal is in the 9-block area transitioning to office use, via the variance approach. The 3 units on the property stem from an action in 1951 authorizing the development. One unit is a 2nd story over the garage and the other a one bedroom unit in the rear. The applicant proposes to retain the 3 units as rentals while converting part of the front building to offices. They could pave and get 3 spaces off the alley and one space more off the alley if an encroachment is granted.

V-91-84 (Continued)

First, staff feels the units should be removed and not allow partial conversion, but if that is allowed, there should be 2 spaces for the residential and 4 spaces for the office use.

The P.C. can reduce the 6 requirement to 4 for a total of 6, so provision of 6 spaces with 2 in tandem as suggested above would be the better transitional approach, if allowed.

This is a corner lot, so there is curb space for approximately 9 vehicles. The main building is one (1) story with mission tile roof and is attractive. Landscaping is extensive.

Staff recommends APPROVAL of the office use with a minimum of ~~8~~ 5 on-site spaces, subject to:

1. Conformance to the plot plan and elevations amended to provide ~~4~~ 3 additional parking spaces with 2 allowed in a tandem arrangement. ✓
2. Standard conditions 2 - 8. ✓
3. Dedicate a 25' property line radius at the intersection of 10th Street and Garces Avenue as required by the Department of Design and Development. ✓
4. Install sidewalk on 10th Street and Garces Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development. ✓
5. Approval of an encroachment by C.C. for the 6th parking space. ✗
6. Enter an Assessment District for street lighting and alley pavement on 10th Street and Garces Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development. ✓

PROTESTS: 2 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

if 2 or residential use

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7. V-92-94

This proposal is on several lots on the internal portion of an apartment complex and the design is such that it has 2' of landscaping between the enclosure and the sidewalk. We've supported this on several short cul-de-sacs as Silver State advised the development that they would not provide trash pick-up from alternate areas.

John Herbert is working on a report on this situation, as I'm afraid it is being generally applied to new developments, as it is no doubt easier, but to the detriment of aesthetics and sight clearance.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

8. V-93-84

In December, 1977, a Use Permit (U-77-77) was granted to allow the transmission exchange. This request is to allow the repair of the transmission which crosses the line toward a public garage, which is first permitted in a C-M Zone.

It would be a bad precedent to break the line in this regard.

There is no hardship. ✓

Staff recommends DENIAL. If approved, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

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9. V-94-84

This proposal is to allow a bathroom and walk-in closet addition to within 30' of the rear property line, where 50' is required, and this addition and another addition to within 5' - 6" of both side property lines.

This is a regular lot and there is no hardship. ✓

Staff recommends DENIAL. ✓ If approved, subject to:

1. Conformance to the plot plan.

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

10. U-49-84

The C-1 District provides for R-4 density developments by Use Permit. The area allows 12.59 units and P.C. has approved AV-6-84 for the 13th unit.

This is an appropriate area for R-4 and a small project.

The building is 3 stories with total 10,000 sq. ft. floor area. The first floor contains a bar and jacuzzi with parking spaces. Second floor meeting rooms and 6 units with 7 units on the third floor.

Parking is required at the rate of one (1) space per efficiency unit or 1-bedroom (13), one space per 50 sq. ft. for the bar (530-550 sq. ft. - 11 spaces) and one (1) space per 90 sq. ft. for the meeting room (680 sq. ft. - 8 spaces) for a total of 32 spaces where 24 are permitted.

This is a curious combination, but if the meeting room and bar are for the tenants, possibly a condition could so delimit.

The aesthetics are O.K.

Staff recommends APPROVAL, subject to: ✓

1. Standard Conditions 1 - 8. ✓

U-49-84 (Continued)

2. The bar and meeting room shall be used by the occupants and guests only unless a Variance is duly approved for parking required for public use and assembly. ✓

3. This action does not constitute approval of a bar license. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

11. U-50-84

This applicant has a family care license for 6 children and wants to provide care for 12. This is provided for by means of a Use Permit.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

12. U-51-84

The original Use Permits (U-51-65 and U-5-71) allowed the use of 505' of Oakley frontage for church purposes and child care respectively. This proposal anticipates an additional 300' of frontage to the west with current intent of only 100' for development of additional parking and the balance for future parking.

The sanctuary building has been anticipated in past reviews essentially as shown.

6/28/84 BZA allowed temporary classrooms behind the existing building.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan and elevations. ✓

2. Install sidewalk on Oakley Boulevard as required by the Division of L.D. & F.C. of the Department of Community Planning and Development. ✓

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U-51-84 (Continued)

3. Standard Conditions 2 - 8. ✓

4. Conformance to the Flood Hazard Reduction provisions of the City Code. ✓

PROTESTS: 1 ✓
PUBLIC HEARING ITEM

S. parking and sanctum only ✓

BZA FINAL ACTION

13. U-54-84

This Use Permit for a church is a 1-acre site that is zoned C-2 and R-E on a diagonal from the county strip zoning application years ago.

The assembly area is 1900 sq. ft. of the 4,000 sq. ft. building, which requires 22 spaces. They are providing 66 spaces.

The church building is in the R-E portion, so must observe the 50' front setback, necessitating a shift of 20'. This may disrupt several spaces, but there is excess. Building attractive.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan and elevations amended to provide a 50' front setback. ✓
2. Standard conditions 2 - 8. ✓
3. Install street improvements on Donnie Avenue as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development. ✓
4. Provide paved access to the site from Thom Boulevard as required by the Department of Design and Development ✓

PROTESTS: 1 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

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14. U-55-84

This is a C-1 Zone where high-density apartments are permitted by Use Permit. There are 2 similar projects immediately west, with a carwash and shopping center southwest and south, respectively.

The project will consist of 44 units in 2-story configuration. 44 units are required and 45 are provided ~~with joint access from both the commercial and the apartment project is proposed, which requires C.C. approval.~~ *Same Ownership*

45.5 units per net acre (.966 acres).

The building setbacks and aesthetics are good.

Staff recommends APPROVAL, subject to: ✓

1. Conformance to the plot plan and elevations. ✓
2. Standard conditions 2 - 8. ✓
3. ~~Approval of the joint access & parking by the C.C.~~
4. Dedicate 30' of Right-of-Way for Casada Way as required by the Department of Design and Development. ✓
5. Install sidewalk on Torrey Pines Drive as required by the Division of Land Development and Flood Control of the Department of Community Planning and Development. ✓

PROTESTS: 0 ✓
PUBLIC HEARING ITEM

BZA FINAL ACTION

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SUPPLEMENTAL AGENDA:

1. U-57-84(HO)

This is a personal-image consulting business. The questionnaire has been answered satisfactorily.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations.

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

2. U-58-84(HO)

This is a security monitoring system business. The applicant purchases the equipment and delivers it.

The questionnaire has been answered favorably.

Staff recommends APPROVAL, subject to:

1. Conformance to the criteria for Home Occupations.

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

3. V-75-82

This was allowed as a caretaker's residence for 2 years on 9/23/82.

The applicant indicates extreme financial burden from son's birth, which has delayed his finding a site for the mobile home.

This seems to have changed from caretaking to family occupancy.

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V-75-82 (Continued) If the Board is inclined to grant an extension, it should not be longer than 1 year.

Staff recommends DENIAL. If approved, subject to:

1. The extension shall expire September 23, 1985.

PROTESTS: N/A

NOT A PUBLIC HEARING

1986
BZA FINAL ACTION

4. V-85-82

The Variance was originally granted to allow this lot with 89' of frontage where 100' is required. The Planning Division required the circular drive to justify the reduction by eliminating the back-out intrusion on this major street, thus the problem of the lesser frontage would be eliminated. We discussed a hammerhead design, but he doesn't want that either.

Staff recommends DENIAL. If approved, subject to:

1. Condition #1 of the original approval is hereby expunged.

PROTESTS: N/A

NOT A PUBLIC HEARING

BZA FINAL ACTION

5. V-124-83

We have had several requests to modify the condition of paving the alley and providing of street lights and these have been changed by the Board to assessment districts, but sidewalks have been installed.

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V-124-83 (Continued)

Staff would recommend APPROVAL of the modification ✓
of Condition #3 to:

1. Condition #3 of the original approval is ✓
hereby amended to:
 - a. Install sidewalks on 9th Street and ✓
Bonnevill Avenue
 - b. Enter an Assessment District Agreement ✓
to provide street lights on 9th Street
and Bonnevill Avenue with the Division
of Land Development and Flood Control
of the Department of Community Planning
and Development.

PROTESTS: N/A
NOT A PUBLIC HEARING

BZA FINAL ACTION