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AGENDA  
BOARD OF ZONING ADJUSTMENT

MARCH 25, 1976

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MINUTES: Approval of the Minutes for the Board of Zoning  
Adjustment meetings held on:

December 1, 1975  
January 5, 1976  
January 22, 1976  
February 9, 1976

OLD BUSINESS:

1. V-1-76

(Abeyance Item  
from 2-26-76)

Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 22 ft. 8 in. from the rear property line where 25 ft. is required; and to allow an attached carport 3 ft. 2 in. from the side property line and 5 ft. 4 in. from the rear property line where a 7 ft. 2 in. side yard setback and a 25 ft. rear yard setback is required on property located at 2500 Laurie Drive in zoning district R-1.

2. U-9-76

(Abeyance Item  
from 2-26-76)

Application of ROBERT F. ROBBINS & RAY L. KANEL for a Use Permit to allow the storage of repossessed automobiles on property generally located south of the intersection of Russell Avenue and Euclid Avenue in zoning district C-2.

NEW BUSINESS:

1. V-5-76

Application of ROBERT & LAVETTA STARLIN for a Variance to allow the construction of a room addition 19 ft. from the rear property line where 25 ft. is required on property located at 4413 W. Bonanza Road in zoning district R-1.

2. U-15-75

STATUS REVIEW

STATUS REVIEW of the approved Use Permit for the HOUSING AUTHORITY OF THE CITY OF LAS VEGAS which permitted the construction of a community center facility on property bounded by Cedar Avenue on the north, Elm Avenue on the south, 28th Street on the east, and Alvin Street on the west in land use zone R-3.

3. V-13-76

Application of GORMAN BOEN for a Variance to allow an addition 8 feet from the side property line where 10 feet is required and to be constructed to a residence which has an existing 8 ft. side yard setback where 10 ft. is required on property located at 4998 East Monroe Avenue in zoning district R-E.

4. V-14-76

Application of the SPANISH OAKS HOMEOWNERS ASSOC. for a Variance to allow the tennis pro to repair tennis rackets, conduct lessons and supply tennis equipment in the central recreation area for a fee and for the convenience of the Spanish Oaks Homeowners where no commercial uses are permitted on property located at 2201 Spanish Oaks Drive in zoning district R-PD6 (under Resolution of Intent).



13.

Request of GERMAIN HOULE and LEO MAINWALL to allow a mobile home to be used as a temporary office facility on property generally located on the southwest corner of Charleston Boulevard and Jones Boulevard, in zoning district C-1.

14. U-21-76 (H0)

Application of JAMES W. LOCKE at 1116 Fay Boulevard in zoning district R-1 for a Home Occupation Permit - Allow a swamp cooler repair business to be operated at off-premise locations.

SUPPLEMENTAL AGENDA

BOARD OF ZONING ADJUSTMENT

MARCH 25, 1976

1. U-22-76 (HO) Application of JUDITH A. RHEUBOTTOM at 6248 Fargo Avenue in zoning district R-1 for a Home Occupation Permit - Allow a referral service for prospective motor-home renters to motor-home owners.
2. U-23-76 (HO) Application of VERN C. & PATRICIA BUSHGENS at 3137 Brady Avenue in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of citizen band radios and equipment.
3. U-24-76 (HO) Application of ERIC J. & DORIS E. DIGGS at 2800 Merritt Avenue in zoning district R-1 for a Home Occupation Permit - Allow the applicants as factory representatives to do the paper-work involved in the sale of one type of travel trailer at off-premise locations.
4. U-25-76 (HO) Application of RHEEN U. CALL on behalf of CLAYTON CALL at 1417 Maria Elena in zoning district R-1 for a Home Occupation Permit - Allow the off-premise repair of vinyl & leather seats.
5. U-26-76 (HO) Application of RALPH E. BRITTAIN at 2213 Beverly Way in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for discount merchandise and services.

DIRECTOR'S BUSINESS:

1. Election Election of Chairman.

MINUTES

BOARD OF ZONING ADJUSTMENT

MARCH 25, 1976

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

PLEDGE OF ALLEGIANCE:

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

STAFF PRESENT: Harold P. Foster, Deputy Director, Department of Community Development.  
Howard A. Null, Supervisor of Planning and Zoning, Department of Community Development.  
John Herbert, Planning Assistant.  
Kathleen M. Tighe, Recording Secretary.

MINUTES: MRS. SEGRETTI made a Motion for APPROVAL of the Minutes for the Board of Zoning Adjustment meetings held:

December 1, 1975

January 5, 1976

January 22, 1976

February 9, 1976

Motion for APPROVAL carried unanimously.

OLD BUSINESS:

1. V-1-76

(Abeyance Item)

ABEYANCE

Application of ROBERT L. SMITH, JR. for a Variance to allow an attached storage facility 22 ft. 8 in. from the rear property line where 25 ft. is required; and to allow an attached carport 3 ft. 2 in. from the side property line and 5 ft. 4 in. from the rear property line where a 7 ft. 2 in. side yard setback and a 25 ft. rear yard setback is required on property legally described as follows: All that portion of Lot 18, McNeil Park, beginning at the Northwest corner of Lot 18, thence east along the north line 28.42 feet; Thence South  $32^{\circ}36'52''$  East 175.59 feet to a point in a curve of Carol Drive (now Laurie Drive); thence from a tangent bearing South  $57^{\circ}23'08''$  West turning left along a curve having a radius of 50.00 feet through a central angle of  $57^{\circ}23'08''$  an arc distance of 50.08 feet to the most southerly southeast corner of Lot 18; thence West a distance of 100.00 feet to the southwest corner of said lot; thence North a distance of 190.00 feet to the point of beginning, located at 2500 Laurie Drive, at the west end of Laurie Drive, west of Rancho Drive in zoning district R-1.

MR. FOSTER indicated this item was held in abeyance at the last meeting of the Board due to a possible property line problem which was pointed out by the property owner to the south. The property owner to the south indicated that the wall of this applicant was not the correct property line, but instead the block wall had been constructed on his property. Due to this problem, the applicant indicated he would have the property surveyed and then submit a proper plot plan showing the correct property lines and setbacks. The survey has been completed on the property and the plot plan was received today, which shows that the property line is about  $2\frac{1}{2}$  ft. north of the block wall. Due to this situation, the request on the agenda is inaccurate and the application will have to be resubmitted and readvertised and the surrounding property owners will have to be notified of what is being requested. He indicated there was also a setback problem on the opposite side of the property which would have to be included in the new application. Mr. Foster informed the Board they could not act on the application the way it was, and it would require a new advertisement. He stated staff felt since this application would have to be completely redone, it would necessitate a new application being submitted with a new filing fee since this would result in direct cost to the City.

ACTING CHAIRMAN DUNCAN informed the applicant he would have to submit a new application.

MR. ROBERT L. SMITH appeared indicating he complied with the request of the Board and obtained the survey, and he also presented extra photographs of the property in question showing the reduction of the roof overhang.

ACTING CHAIRMAN DUNCAN asked about the easement mentioned on this property.

MR. SMITH stated the new survey indicated he was 9 inches inside his property on the south; however, there were other discrepancies. The survey showed that the fence of the property owner to the east was about 1½ ft. in his (the applicant's) yard.

ACTING CHAIRMAN DUNCAN asked if time was an important factor.

MR. SMITH stated he had stopped work.

MRS. SEGRETTI stated since the applicant did have to file a new application and the surrounding property owners had to be notified, she would make a Motion for ABEYANCE of V-1-76, pending the resubmittal.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for ABEYANCE carried unanimously.

2. U-9-76  
(Abeyance Item)  
ABEYANCE

Application of ROBERT F. ROBBINS & RAY L. KANEL for a Use Permit to allow the storage of repossessed automobiles on property legally described as Block 3, Fisher's Fremont Street Boulder Dam Highway First Subdivision, together with the vacated North Half (N½) of Aledo Street and the vacated East Half (E½) of Euclid Avenue, generally located south of the intersection of Russell Avenue and Euclid Avenue in zoning district C-2.

MR. FOSTER stated he had verbal contact with the applicant and they requested this matter be held in abeyance until the next meeting of the Board since they had not been able to meet with Public Works.

MRS. SEGRETTI stated as per the applicant's request, she would make a Motion this matter be held in ABEYANCE until the next meeting of the Board.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for ABEYANCE carried unanimously.

NEW BUSINESS:

1. V-5-76  
APPROVED

Application of ROBERT & LAVETTA STARLIN for a Variance to allow the construction of a room addition 19 ft. from the rear property line where 25 ft. is required on property legally described as Lot 3, Block 1, Charleston Estates 6-A, located at 4413 West Bonanza Road, on the south side of West Bonanza Road, between Estella Avenue and Decatur Boulevard in zoning district R-1.

MR. FOSTER pointed out this request was before the Board at their last meeting and was approved. He indicated the 14 day review and appeal period had lapsed and staff had issued the building permit when staff noted they had not notified the proper area for the request, since the lot was plotted incorrectly. He stated staff checked with the City

Attorney and was informed since they did not notify the proper area, it did not meet the requirements of the ordinance which necessitated a new notification. He stated the work was stopped on the property at the request of the City. He stated this was unfortunate, but in order to satisfy the requirements of the ordinance, staff did renotify the proper surrounding owners. Mr. Foster pointed out the area in question on the screen; and he indicated the request was the same as before, an addition within 19 ft. of the rear property line where 25 ft. was required and was two-stories in height. He stated there were no protests on record from the last advertisement and no protests on record from this notification.

MRS. EMMETT stated since there were no protests from the new notification, she would make a Motion for APPROVAL of V-5-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.  
Mr. Canul - yes.  
Mrs. Segretti - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

2. U-15-75

Status Review

APPROVED

Status Review of the approved Use Permit for the HOUSING AUTHORITY OF THE CITY OF LAS VEGAS which permitted the construction of a community center facility on property bounded by Cedar Avenue on the north, Elm Avenue on the south, 28th Street on the east and Alvin Street on the west in zoning district R-3.

MR. FOSTER pointed out the area in question on the screen indicating the Use Permit had been approved by the Board previously subject to a one-year review to determine if the parking was sufficient for the recreation facility. He stated staff had checked the property and seldom found the parking being used for the community center. Therefore, staff would not recommend additional parking be provided and he also felt there would be no need for further reviews.

MRS. SEGRETTI stated since there was no problem with the parking facilities, she would make a Motion for APPROVAL of U-15-75 with no further reviews being required.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

3. V-13-76

APPROVED

Application of GORMAN BOEN for a Variance to allow an addition 8 ft. from the side property line where 10 ft. is required and to be constructed to a residence which has an existing 8 ft. side yard setback where 10 ft. is required on property legally described as Lot 33, Block 2, Happy Valley Ranchos, Tract #1, located at 4998 East Monroe Avenue on the north side of East Monroe Avenue between North Nellis Boulevard and Marion Drive in zoning district R-E.

MR. FOSTER pointed out the area in question on the screen indicating it was located in an R-E zone. He pointed out the plot plan stating there was an existing residence on the property 8 ft. from the side property line where 10 ft. was required, and they were requesting an addition 8 ft. from the side property line also where a 10 ft. side yard setback was required. He stated because of the nonconforming status of the residence, staff was not able to approve a building permit on the property which resulted in the filing of this application. As far as staff could determine, there was a building addition on the west portion of the property; however, the permit issued in 1963 indicated a 10 ft. setback and apparently the addition was constructed within 8 ft. and was overlooked by the building inspector. He stated the residence does not conform, and the applicant cannot add to a nonconforming structure. The applicant is requesting that the Board sanction the 8 ft. side yard setback and allow an addition to be the same.

ACTING CHAIRMAN DUNCAN stated he did not feel they could ask the applicant to remove 2 ft. off the residence after all these years.

MR. FOSTER stated the Board could consider whether they wished to have the proposed addition be the same as the existing building or require the 10 ft. setback. He stated allowing this variance would be essentially expanding the nonconforming setback. Staff does not really have any particular recommendation and felt this was a judgment of the Board. It is a typical rectangular shaped lot and is 123' x 300.

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

MR. GORMAN BOEN appeared and stated he was the applicant. He stated the addition would be for a family-recreation room which would include a bathroom as well as a pantry off the kitchen.

ACTING CHAIRMAN DUNCAN asked the applicant if he was the owner when the addition was constructed.

MR. BOEN said "yes", and that this was the first home built in this area and the property lines were not too well known and the stakes were hard to find. He stated he thought there was a 10 ft. setback until they went to construct a fence. He stated the addition they were proposing would parallel the existing one. He pointed out it was 40 ft. to the nearest structure and 60 ft. from the nearest home.

MR. MILLER asked the applicant if there was a fence.

MR. BOEN said the fence was on the property line and it is 4 ft. high for about 70 ft. with another portion 5 ft. high the rest of the way back on the property.

MRS. SEGRETTI asked the applicant if he had a building permit for the previous addition.

MR. BOEN said "yes", and it was inspected.

MRS. SEGRETTI asked staff if there was a record of the permit and if it was signed off.

MR. FOSTER stated staff did not specifically check that. He said there was a copy of the permit but not the inspections. He said he felt this problem resulted because of the property being in a rural area where there were very few markers. He stated they didn't even have streets at that time which made it difficult to determine where any of the property lines were.

MRS. SEGRETTI asked the applicant if he could set the new addition back the required 10 ft.

MR. BOEN said he did not feel 10 ft. would look very good and the 8 ft. would then be parallel to the rest of the house addition. He felt the 8 ft. setback would conform with the residence and give a better appearance.

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

MRS. EMMETT stated because of the extenuating circumstances and the length of time the house had been on the property, she would make a Motion for APPROVAL of V-13-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Emmett - yes.  
Mr. Canul - yes.  
Mrs. Segretti - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

4. V-14-76  
APPROVED

Application of the SPANISH OAKS HOMEOWNERS ASSOCIATION for a Variance to allow the tennis pro to repair tennis rackets, conduct lessons and supply tennis equipment in the central recreation area for a fee and for the convenience of the Spanish Oaks Homeowners where no commercial uses are permitted on property legally described as the central common recreation area of the Amended Plat of Amended Spanish Oaks #1, located at 2201 Spanish Oaks Drive, on the southeast corner of Spanish Oaks Drive and Calle Del Torre in zoning district R-PD6 (under Resolution of Intent).

MR. FOSTER pointed out the area in question on the screen indicating it was located in the Spanish Oaks Subdivision in a planned development zone which was under Resolution of Intent. He stated the request was to allow a tennis pro to conduct lessons, repair rackets and equipment and supply equipment on the premises in the central recreation area. He indicated the tennis pro would charge a fee for this service and commercial uses are not permitted in a residential zone. He stated staff felt this was the type of request that should be more or less looked at in terms of its own merits. He stated the homeowners wanted this as a service and convenience in their facility, and he felt the best basis for judging the matter would be for the Board to determine how the owners in the general area felt about the request. He stated staff felt if approved, it should be limited to use by the Spanish Oaks Homeowners and their guests so that no one else could come into the development and take lessons. He stated there were two protests on record - one from an owner in the Spanish Oaks development and one from an owner in the Springhurst development to the east who felt the introduction of a commercial use could be detrimental.

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

MRS. B. M. PINJUV appeared and stated she was on the Board of Directors for Spanish Oaks and was the manager of the association.

ACTING CHAIRMAN DUNCAN asked if this facility would be for just the Spanish Oaks homeowners.

MRS. PINJUV stated it would be for the convenience of the homeowners so they could get tournaments together and take lessons at their recreation center, and they would not have to go outside of their development. She stated it would be for the homeowners and their guests.

ACTING CHAIRMAN DUNCAN asked if there would be outside people coming there.

MRS. PINJUV stated the only persons who come through the gate are homeowners and their guests. She stated they felt the tennis pro should be able to give lessons to the homeowners and their guests, but she pointed out this service would not be advertised.

MRS. SEGRETTI asked if this was a private club.

MRS. PINJUV said "yes", and it was a private development.

MR. MILLER asked staff what type of zoning would be required.

MR. FOSTER stated it would require some type of commercial zoning because a fee is charged.

MRS. PINJUV stated the tennis pro was hired on a flat monthly rate; however, he had to have a license.

MR. MILLER asked the number of homeowners in the development.

MRS. PINJUV stated there were 42 recorded; however, there would be a possible 400 as the end result of the development.

MR. MILLER asked staff if they would recommend a time limit.

MR. FOSTER stated staff could see no need for a time limit, but if the Board so desired they could apply one.

ACTING CHAIRMAN DUNCAN asked the applicant if the Board approved the request, could they live with a one-year time limit and then report to the Board on the operation.

MRS. PINJUV said the more people who move in the Spanish Oaks development, the more they will want these services.

MRS. SEGRETTI stated this would just be a review of the status to see if there might be a problem with the operation.

MR. FOSTER stated he did not feel there would be a problem.

MRS. PINJUV stated she did not see where there would be a problem. She indicated there were six tennis courts, and she stated they needed someone to guide the homeowners. She pointed out most of the people living in the development were active in tennis.

MRS. EMMETT asked if this wasn't the type of thing that was kind of accepted.

MR. FOSTER said it is more or less a service to those people living in the development.

MR. RALPH KRAEMER appeared on behalf of the request. He stated he was the engineer and developer of the project. He stated they have 127 units started and another 40 in the future. He said this number of units would keep a tennis pro very busy. He stated he was also representing Mr. Collins and Mr. Herbst who own the property in front of this development, and they have no objection. He stated this service would be conducted within the walls of this 88 acre project.

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

MRS. SEGRETTI made a Motion for APPROVAL of V-14-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.
3. This operation shall be limited to the Spanish Oaks residents and their guests.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

5. V-15-76  
APPROVED

Application of JAMES A. & PEGGY HIGHTOWER for a Variance to allow an addition to their residence 23 feet from the rear property line where 25 feet is required on property legally described as Lot 6, Block 1, Westchester Tract #1, located at 5212 Lytton Avenue, on the north side of Lytton Avenue, between Wilshire Street and Montclair Street in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating this area was in an R-1 zone. He stated the request was for an addition to the existing residence 23 ft. from the rear property line where 25 ft. was required. He stated they also propose a patio cover on the east side of the addition, and there is a fireplace on the west. Mr. Foster stated there appeared to be sufficient area in the patio cover area or on the west to accomplish this addition which is proposed to be 16' x 21'. Staff could find no unusual circumstances involved to warrant a deviation from the ordinance. He stated this was a typical rectangular shaped lot, and he felt there was adequate room to rearrange what was proposed. He stated for this reason, staff would recommend denial. There were no protests or approvals on record.

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

MR. JAMES HIGHTOWER appeared and stated he was the applicant. He said the addition would be for a formal living room.

MRS. EMMETT asked the applicant if he knew of any other improvements of this nature on this street.

MR. HIGHTOWER stated he was not sure. He said there was nothing to the rear of his property but an alley. He stated there have been improvements in the area, but he didn't know what had been done.

MRS. EMMETT asked the applicant if he used the alley.

MR. HIGHTOWER said "no".

MR. FOSTER pointed out the alley was in use however.

MR. MILLER asked the applicant if he could rearrange the proposed addition and obtain the same results.

MR. HIGHTOWER said the reason they applied for the Variance was because of an inspection. He stated they did get permission to pour the floor and it was in. He further stated he had a copy of the permit for this work. He stated he was led to believe at the time there would be no complications.

MR. FOSTER asked the applicant if he was informed he could get a permit for this work. He further stated the applicant could pour a slab or the whole yard in concrete, and he felt the work was approved on that basis.

MR. HIGHTOWER stated it would be a sunken living room.

MR. CANUL asked the footage to the rear property line.

MR. HIGHTOWER pointed out there would still be 23 ft. and he was only 2 ft. over the limitation.

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

MR. MILLER stated in view of staff's recommendation, he would move for APPROVAL of V-15-76; because he did not feel 2 feet would have an adverse effect and made his approval conditioned upon the following:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mrs. Segretti - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

6. V-16-76  
APPROVED

Application of HARVEY OHRINER for a Variance to allow the construction of an attached garage extending to the side property line where a 5 ft. side yard setback is required; and will be an addition to an existing residence located 10 ft. from the rear property line where 25 ft. is required on property legally described as Lot 1, Block 16, Bel Air Subdivision, Tract #2, located at 1515 Crestwood Avenue, on the south-east corner of Crestwood Avenue and Griffith Avenue in zoning district R-1.

MR. FOSTER pointed out the property in question on the screen indicating it was in an R-1 zone and Eastern Avenue was to the east. He said the applicant submitted his request as indicated on the agenda asking for the construction of an attached garage extending to the side property line where a 5 ft. side yard setback was required which would be an addition to the existing residence located 10 ft. from the rear property line where 25 ft. was required. He stated since that time, the applicant has changed his plot plan and reversed the garage addition to the opposite side of the property which does not require a variance and is in conformance; however, to add to a nonconforming residence, he must have sanction of the setback deviation on the existing residence. He stated the addition originally was to be on the east side of the residence, and it will now be on the west side and would conform. He pointed out staff did not know how the construction of the residence came about only 10 ft. from the rear property line; but in checking, staff found that most of the other properties in the area were built on the same basis, and this is a corner lot. He stated, therefore, the request now is just to sanction what is existing on the property. He said it was conceivable there was a variance for these properties some time ago; however, staff could not find any record of it. Staff has no particular feelings on the request since the residence is existing. He stated there was one letter of protest on record; however, the protestants indicated they felt it would have an adverse effect to allow the garage to the property line, which was now not the case.

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

MR. HARVEY OHRINER appeared and stated he was the applicant. He stated he found out he could build the addition on the opposite side of the house and be in conformance and has since changed his plan to accomplish this. He indicated he did not withdraw the application since his house is nonconforming, and he would like this sanctioned by the City. He stated the house was built in 1953, and he just purchased it in January of this year.

ACTING CHAIRMAN DUNCAN asked if anyone else wished to be heard.

MRS. MABLE TROUT, 2004 Griffith appeared. She stated she had a petition of protest, but she indicated if he was not going to construct the garage on the side indicated in the notice, it probably didn't apply; but she asked where the garage would be.

MR. OHRINER pointed out on the plot plan where the garage would be and that it would be in conformance.

MR. CANUL asked if other homes were constructed like this one in the area.

MR. OHRINER said "yes".

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

MRS. SEGRETTI made a Motion for APPROVAL of the request of HARVEY OHRINER (V-16-76) to allow an addition to the existing nonconforming residence which has a 10 ft. rear yard setback where 25 ft. is required, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

7. U-16-76 (HO)  
APPROVED

Application of KENNETH C. & EVELYN N. CAUSEY for a Home Occupation Permit to allow the receiving of Christian paperback books for distribution and sale at off-premise locations on property legally described as Lot 87, Block 5, Greater Las Vegas Addition 3, Unit #2, located at 851 North 22nd Street, on the west side of North 22nd Street, between Willoughby Avenue and Constantine Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating this was in an R-1 zone. He indicated this was a Home Occupation Permit application and because one of the questions on the questionnaire was answered in the affirmative, it necessitated a public hearing on the request. He stated the question answered affirmatively was regarding books which would be delivered by United Parcel to the property in cartons containing about 100 books each. He stated after the books are delivered, the applicant would then distribute them to various stores placing them in racks where they would be sold. Staff felt there could be a noticeable effect on the property because of the delivery of the books, and a Home Occupation Permit is to be conducted so that there is no evidence of the operation on the property. Mr. Foster stated he did not know the frequency of the deliveries; but he felt they would probably be once or twice a month, and it was conceivable the neighbors might realize there was a business operation on the property. Staff questioned whether this should be approved since there would be deliveries to the property; however, there were no protests or approvals on record.

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

MR. KENNETH CAUSEY appeared and stated he was the applicant. He said the books would be delivered in parcels containing approximately 100 books each by U.P.S. approximately once or twice a month. He said the

books would be stored in his workroom/shed on shelves until he delivered them to the stores. He stated the sales, etc. would be done off-premise, and no one would be coming to his home with the exception of the delivery.

MR. MILLER asked if he was in operation at the present time.

MR. CAUSEY said "no", and that he was waiting until he got the permit.

MR. MILLER asked the applicant if he had to pay for the books when they were delivered.

MR. CAUSEY said he pays for the first 500 when he orders.

MR. MILLER informed the applicant the books could be delivered somewhere else. He stated as a homeowner himself, he would not want a business operating in his neighborhood.

MR. CAUSEY stated he did not feel it would be noticeable since the U.P.S. truck would only be delivering once or twice a month, and these trucks were a normal sight in a neighborhood and would not be unusual.

MRS. SEGRETTI asked the applicant the size of the cartons he would receive.

MR. MILLER stated he was not sure, but he felt a relatively small carton could hold 100 books.

MRS. EMMETT asked the kind of books.

MR. CAUSEY said these would be Christian books by Christian authors. He stated there were only two Christian supply centers in town, and he felt people may not go to these stores; but if the books were available at various locations, he felt possibly they would be purchased.

MRS. EMMETT asked the locations where these books would be sold.

MR. CAUSEY stated an example would be the Dana-McKay Book Store or Daltons or drugstores. He felt the public would read some of these books if there were more than two places to purchase them. He stated a survey was made and 95% of the public indicated they would not go into a Christian book store to buy them. He stated he would just be a distributor here in town and if the operation ever became large enough, he would then be willing to establish a place of business.

MR. CANUL asked the applicant if he could have them delivered to another location.

MR. CAUSEY said "no", because he did not know of another location. He said his first delivery would be the largest and after that, it would be just minimal deliveries for stock purposes.

MR. FOSTER pointed out the applicant could go and pick up the books at U.P.S. which would preclude them from being delivered to his home or if approved, possibly the Board may wish to limit the number of books that can be stored on the property so it would not come to the point where 10 or 15 cartons would be delivered at one time.

MR. CAUSEY indicated he contacted U.P.S. and they indicated this could not be done because people would be using them as a place to keep their goods until they were needed. He said the Fire Department inspected the property and where the books would be stored, and it indicated there would be no problem. He stated he would have a selection of about 60 titles.

MR. MILLER indicated U.P.S. would hold merchandise for pick up because he used this service and he felt if the situation were explained to them, that the applicant could do this. They could just notify him when the books were in, and he could then go and pick them up.

MR. FOSTER stated the Board could approve the request on the basis the applicant bring the boxes to his property.

MR. CAUSEY indicated if U.P.S. would do this, he would pick them up. He stated he did not feel the deliveries would be noticeable in the area.

MR. MILLER felt the business might grow, and there would be more and more cartons delivered to the property.

MR. CAUSEY indicated they could put a time limit on the operation or limit the number of books.

MR. FOSTER pointed out this would then be an enforcement problem for staff, and he didn't know how they could check the delivery situation; and he felt the Board should impose certain limitations on the number of books to control the deliveries to the home.

MR. CAUSEY stated he would be willing to have one initial delivery, and if it came to more than two deliveries a month, he could move the operation.

MR. FOSTER pointed out again staff would have no way of checking the number of deliveries to the property or the number of cartons stored there.

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

MRS. SEGRETTI made a Motion for APPROVAL of U-16-76 (H0), subject to the following conditions:

1. No commercial delivery of the books shall be permitted to the residence and all books stored on the property shall be brought there by the applicant.
2. All advertising shall conform to the criteria for a Home Occupation Permit.
3. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

ACTING CHAIRMAN DUNCAN declared a ten-minute recess at 8:50 P.M. and reconvened the meeting at 9:00 P.M.

8. V-17-76  
APPROVED

Application of GEORGE E. & ROBERTA E. HELMS for a Variance to allow a room addition to their residence 23 feet from the rear property line where 30 ft. is required on property legally described as Lot 2, Block 1, Greater Las Vegas Addition #3, Unit 5-A, located at 904 North 21st Street, on the east side of North 21st Street, between East Washington Avenue and Jansen Avenue in zoning district R-1.

MR. FOSTER pointed out the area in question on the screen indicating the property was located in an R-1 zone. He said the request was to allow an addition to the existing residence 23 ft. from the rear property line where 30 ft. is required. He stated the 30 ft. rear yard is required due to the reduction in the front yard area from 25 ft. to 20 ft. He stated the addition would be 8' x 22'. He indicated

there was a patio cover on the property which was not shown on the plot plan, and there is a jog where the patio cover is located which would allow the area to be enclosed for the addition which would meet the code. He stated possibly the interior layout was the reason for this design. He stated this was a typical rectangular shaped lot and staff could not find any unusual circumstances involved to justify a deviation from the Ordinance and recommended altering the plan to have the addition in the buildable area. There was one approval on record and no protests.

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

MR. GEORGE HELMS appeared and stated he was the applicant. He said the addition was for a living room area. He pointed out their room presently was 12' x 22' and they would like to expand it.

MRS. SEGRETTI asked the applicant if he could change the proposed addition location.

MR. HELMS stated there was a fireplace on the wall where the patio was located so they could not change it.

MR. CANUL asked if there were any other homes in the area with additions of this type.

MR. HELMS said he did not know of any. He pointed out the house was about 8 years old, and the living room was small.

MRS. EMMETT indicated she was acquainted with the homes in this area and they did have small living rooms.

MR. R. S. FOWLER, 2208 Jansen, appeared and stated he had no objection to the request. He stated he had noticed on the south side of Washington there were several additions of this type.

MR. CANUL asked the applicant if he could make the addition 2 feet smaller.

MR. HELMS indicated this would not be economically feasible since the addition was costing him \$6,000, and it would not be worth it to have it cut down.

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

MR. MILLER made a Motion for APPROVAL of V-17-76, subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mrs. Segretti - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

9. U-17-76 (HO)

Application of STEPHEN & DONNA Atchison at 525 S. 9th Street in zoning district R-1 for a Home Occupation Permit - Allow an off-premise lawn and garden maintenance operation.

10. U-18-76 (HO) Application of SHIRLEY L. LORETTA at 3109 Black Forest Drive in zoning district R-1 for a Home Occupation Permit - Allow a secretarial service operation.
11. U-19-76 (HO) Application of WILLIAM B. DAVIDSON at 6016 Carmen Boulevard in zoning district R-PD3 for a Home Occupation Permit - Allow an off-premise janitorial business.
12. U-20-76 (HO) Application of PAULINE AZBILL on behalf of EDDIE TRAMMELL at 1700 Kenyon Place in zoning district R-1 for a Home Occupation Permit - Allow a mail order operation for writing music, gambling guidelines and job opportunities information.
13. U-21-76 (HO) Application of JAMES W. LOCKE at 1116 Fay Boulevard in zoning district R-1 for a Home Occupation Permit - Allow a swamp cooler repair business to be operated at off-premise locations.
14. U-22-76 (HO) Application of JUDITH A. RHEUBOTTOM at 6248 Fargo Avenue in zoning district R-1 for a Home Occupation Permit - Allow a referral service for prospective motor-home renters to motor-home owners.
15. U-23-76 (HO) Application of VERN C. & PATRICIA BUSHGENS at 3137 Brady Avenue in zoning district R-1 for a Home Occupation Permit - Allow the off-premise sale of citizen band radios and equipment.
16. U-25-76 (HO) Application of RHEEN U. CALL on behalf of CLAYTON CALL at 1417 Maria Elena in zoning district R-1 for a Home Occupation Permit - Allow the off-premise repair of vinyl and leather seats.
17. U-26-76 (HO) Application of RALPH E. BRITTIAN at 2213 Beverly Way in zoning district R-1 for a Home Occupation Permit - Allow a mail-order operation for discount merchandise and services.

ITEMS 9 thru 17

APPROVED

MR. FOSTER said all of these items (9 thru 17) were Home Occupation Permit applications which met the criteria. He indicated the questionnaires had been answered favorably, and these applications appeared to fall within the realm of a Home Occupation Permit. He stated these were not public hearings, and the Board could either approve, deny, or hold the items for a public hearing.

MR. MILLER asked staff if they complied in all respects.

MR. FOSTER indicated they did and staff could see no problem.

MRS. SEGRETTI stated since they met the criteria, she would make a Motion for APPROVAL of items 9 thru 17, 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:

Mrs. Segretti - yes.  
 Mr. Canul - yes.  
 Mrs. Emmett - yes.  
 Mr. Miller - yes.  
 Mr. Duncan - yes.

Motion for APPROVAL of Items 9 thru 17 carried unanimously.

18. V-67-75

Request to Revise  
Plot Plan

APPROVED

Request by Thomas Sokolik on behalf of the VETERANS ADMINISTRATION to allow an addition to the existing dwelling unit on property located at 4420 East Van Buren Avenue in zoning districts R-2 and R-E.

MR. FOSTER pointed out the area in question on the screen and indicated this plan had been approved by the Board previously to allow the second unit on the property. He said they now wished to change the plot plan to allow an addition to the second unit which required review by the Board. He stated there is an existing residence on the front portion of the property, and this unit in question to the rear was converted from a garage. He stated staff could see no particular problem with the request.

MR. MILLER made a Motion for APPROVAL of the plot plan revision to allow the addition to the rear unit (V-67-75), subject to the following conditions:

1. Conformance to the plot plan.
2. Conformance to the code requirements and design standards of City departments.

Voting was as follows:

Mr. Miller - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mrs. Segretti - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

19. Waiver of  
Trailer Park  
Ordinance

APPROVED

Request of Consolidated Land and Management Company on behalf of GERMAIN HOULE AND LEO MAINWALL to allow a mobile home to be used as a temporary office facility on property generally located on the southwest corner of Charleston Boulevard and Jones Boulevard in zoning district C-1.

MR. FOSTER pointed out the area in question on the screen and indicated the property was located on the southwest corner of West Charleston Boulevard and Jones in a C-1 zone. He stated the applicant was requesting a waiver of the Trailer Park Ordinance to allow the use of a mobile home as a temporary office facility for a proposed swimming pool sales operation. He stated the pools would be the type constructed above ground. He stated the applicant indicated the summer season is approaching, and it necessitated him getting into business as soon as possible. He pointed out a building was proposed on the property with landscaping and parking. He said the north half of the building would be first constructed and then the south half. He indicated from the plot plan there would be five (5) displays outside with an attractive fence on Charleston and Jones with parking on the southeast portion of the property. The applicant is asking the mobile home be permitted on a temporary basis for one year, and there would be no access off Charleston. He stated the Building Department was contacted, and it has been their position that mobile homes should not be used as offices because it creates a pattern which is hard to control. Mr. Foster pointed out mobile homes are permitted by the Building Department while the building is under construction; however, they cannot apply for a building permit until the zoning, which has been filed, is approved. He stated the property is presently zoned C-1, and they are requesting C-2 zoning, to permit the outdoor displays. The Trailer Park Ordinance has a provision that the City Commission can waive the requirements upon a favorable recommendation from the Board of Zoning Adjustment. He stated the zoning would go before the Planning Commission on April 8th and then to the City Commission for final determination; however, the Board could approve this waiver based on the approval of the zoning.

MR. MILLER asked staff what would happen if they approve the request and the C-2 zoning is not approved.

MR. FOSTER stated this would have to be subject to the C-2 zoning or else they could not have this type of operation on the property.

ACTING CHAIRMAN DUNCAN asked the length of time requested.

MR. FOSTER stated they were requesting 12 months. He pointed out the Board could approve it with a stipulation the building permit be taken out within the next six months and that the trailer be used for only one year.

ACTING CHAIRMAN DUNCAN asked to hear from the applicant.

MR. RANDY BLACK appeared representing the applicant. He stated they could comply with these provisions, and they would take out a building permit within six months.

MR. MILLER asked if this would be the same type operation as presently exists on Desert Inn Road.

MR. BLACK said this is Mr. Pool on Charleston and the business on Desert Inn had gone sour. He stated the applicant needed to get open as soon as possible because this was a seasonal business.

MRS. SEGRETTI asked if they would request that someone live on the premises.

MR. BLACK said "no", this was a day-time business only and there would be no one living on the property. He indicated they would take out the permit in six months, and he would like a year on the mobile home.

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

MR. CANUL made a Motion for APPROVAL of this request.

MRS. SEGRETTI amended the approval to include the following conditions:

1. Approval of the C-2 zoning on this property.
2. An approved building permit shall be taken out for all or a portion of the proposed building on the property within a six-month time period.
3. The temporary use of the mobile home shall be limited to a one-year time limit.
4. Conformance to the plot plan.

Voting was as follows:

Mr. Canul - yes.  
Mrs. Segretti - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

MR. FOSTER indicated this approval was a recommendation to the City Commission and it would be before them for final decision at their meeting on April 7th at 9:00 A.M.

20. U-24-76 (HO)  
APPROVED

Application of ERIC J. & DORIS E. DIGGS at 2800 Merritt Avenue in zoning district R-1 for a Home Occupation Permit - Allow the applicants as factory representatives to do the paper-work involved in the sale of one type of travel trailer at off-premise locations.

MR. FOSTER indicated this was a request for a Home Occupation permit but was not included in the group previously approved by the Board

because staff questioned the request. He pointed out the applicants have a small travel trailer which they store goods in to take to the swap meets so they don't have to load and unload each week. He said this was approved under a previous permit; however, they now wish to have approval for the selling of the trailer itself at the swap meets. He stated according to a letter from the applicants, people at the swap meets have shown an interest in the trailer, and they now wish to take orders for it and send them in, as factory representatives. Staff doesn't really have any feelings one way or another; but the fact is that the trailer is not solely used on a pleasure basis, but is used in connection with a business and how they would be selling this. He indicated there would be no advertisement regarding this sale, and he felt this was just a border line case. He stated he held this matter until this time to make the Board aware of exactly what they would be approving, and he felt the applicant could elaborate on the operation.

MR. MILLER asked if a business license was required.

MR. FOSTER said "yes".

ACTING CHAIRMAN DUNCAN asked to hear from the applicant.

MRS. DORIS DIGGS appeared and stated she was the applicant. She stated staff's presentation was accurate. She said this was a small trailer where they store their goods to take to the swap meets so they don't have to pack and unpack each time, and they display from the trailer also. She stated it was only 10 ft. long and had air conditioning and a fold-down counter for display purposes. She said her husband was retired; and she had been a nurse but was not able to work anymore, and they needed the additional income. She said their trailer attracted people so they contacted the manufacturer, and he asked them to take orders for it and be the factory representatives. She said there would be no one coming to their residence, and they had an answering service for their other operation. She said they didn't even have a business card. She indicated they would just take orders for these trailers and mail them in, and they would then be paid on a commission basis. She said no one would be coming to their home and this is a trailer which is parked at their home anyway. She stated they would also be traveling to swap meets in other states.

MRS. SEGRETTI asked if the questionnaire was answered favorably.

MR. FOSTER stated it was.

MRS. SEGRETTI said since the questionnaire was answered favorably, she would make a Motion for APPROVAL of U-24-76 (HO), subject to the following conditions:

1. All advertising shall conform to the criteria for a Home Occupation Permit.
2. If a complaint is received regarding this operation, the surrounding property owners shall be notified and the Board will conduct a review and the approval may be rescinded.

Voting was as follows:

Mrs. Segretti - yes.  
Mr. Canul - yes.  
Mrs. Emmett - yes.  
Mr. Miller - yes.  
Mr. Duncan - yes.

Motion for APPROVAL carried unanimously.

DIRECTOR'S BUSINESS:

1. ELECTION

MR. FOSTER stated since Mr. Reinhardt was no longer on the Board, this left a vacancy in the Chairman's seat.

MRS. EMMETT made a Motion MR. DUNCAN be elected Chairman of the Board of Zoning Adjustment and that Mrs. Segretti be elected Vice-Chairman.

Voting was held and Mr. Duncan was elected Chairman and Mrs. Segretti was elected Vice-Chairman of the Board of Zoning Adjustment unanimously.

2. RESOLUTION

MR. FOSTER indicated a Certificate of Appreciation had been sent to Mr. Reinhardt for his service on the Board of Zoning Adjustment and he asked if the Board wished to adopt a Resolution.

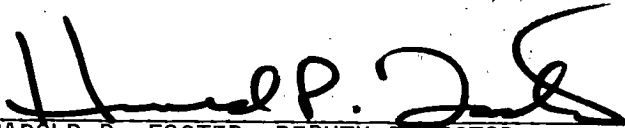
CHAIRMAN DUNCAN asked staff to prepare the Resolution for the next meeting of the Board for consideration.

MR. FOSTER indicated the Resolution would be prepared for the next meeting of the Board.

ADJOURNMENT:

There being no further business before the Board of Zoning Adjustment, the meeting was adjourned at 9:45 P.M.

BOARD OF ZONING ADJUSTMENT



HAROLD P. FOSTER, DEPUTY DIRECTOR  
DEPARTMENT OF COMMUNITY DEVELOPMENT

HPF:kt