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A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1982

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

ROLL CALL:

MINUTES: Approval of the Minutes for the Board of Zoning Adjustment meetings held April 22, 1982, May 27, 1982, June 24, 1982, and July 22, 1982.

ANNOUNCEMENT: Satisfaction of Open Meeting Law

NEW BUSINESS:

1. U-49-82(HO) Application of PAUL AND/OR PATRICIA L. SPILSBURY for a home occupation permit to allow the manufacture of barrettes for sale at off-premise locations on property located at 6500 Dinning Avenue in Zoning District R-1.
2. U-50-82(HO) Application of ELIZABETH H. HELLER for a home occupation permit to allow a computer software mail order business on property located at 5212 West Oakey Boulevard in Zoning District R-1.
3. U-52-82(HO) Application of GRISHA GOLUBOFF for a home occupation permit to allow a mail order operation on property located at 1230 Cashman Drive in Zoning District R-1.
4. U-55-82(HO) Application of DONALD T. DARLING for a home occupation permit to allow a computer service on property located at 5801 Paseo Montana in Zoning District RPD-2.
5. V-62-82 Application of MICHAEL CLAYTON McFARLAND for a variance to allow a patio cover six feet (6') from the rear property line where fifteen feet (15') is required on property located at 4125 Montemesa Circle in Zoning District R-1.
6. V-63-82 Application of MARY E. WALLING, ET AL for a variance to allow a six ft. (6') high fence in the front yard area where only a four ft. (4') fence is allowed on property located at 309 Gardenia Lane in Zoning District R-1.

7. V-64-82 Application of FRANK AND JULIE R. JAEHN for a variance to allow an existing accessory building to exceed the height of the main dwelling which is not permitted on property located at 5647 Hickam Avenue in Zoning District R-E.
8. V-65-82 Application of JAMES STUHMER for a variance to allow five existing 8 x 16 ft. on-premise signs for a period of five years where only one sign is permitted on property located at 351 South Highland in Zoning District "M".
9. U-51-82 Application of PARK SAHARA LIMITED for a use permit to allow the Nevada Hypno-Motivation Institute on property located at 1800 East Sahara Avenue in Zoning District C-1.
10. V-66-82 Application of JOHN A. ABLAHANI, ET AL for a variance to allow a dry cleaning drop station where such use is not permitted on property located at 3202 West Charleston Boulevard in Zoning District C-D.
11. V-67-82 Application of OLIVER W. RUEHLE for a variance to allow two dwelling units where only one unit is permitted; and to allow the second unit to the rear property line where fifteen feet (15') is required on property located at 1017 Desert Lane in Zoning District R-1.
12. V-68-82 Application of ROBERT A. AND JUDY BUTERA for a variance to allow an existing carport and storage cover to the east side property line where five feet (5') is required and to allow the structure fourteen and one-half feet (14 $\frac{1}{2}$ ') from the front property line where twenty feet (20') is required on property located at 5005 Harmony Avenue in Zoning District R-1.
13. V-69-82 Application of CLIFFORD G. AND REBECCA M. ROGERS for a variance to allow a room addition 12'3" from the rear property line where fifteen feet (15') is required on property located at 5828 Santa Catalina Avenue in Zoning District R-1.
14. U-53-82 Application of MARKICH HALL BUILDING CORPORATION for a use permit to allow a Class III secondhand dealer (used books) on property located at 921 East Ogden in Zoning District C-2.

15. V-70-82

Application of UNIFIED EQUITIES, INC. for a variance to allow screen printing and assembling of t-shirts where such use is not permitted on property located at 1100 East Bridger Avenue in Zoning District P-R.

16. V-71-82

Application of DAN J. EVANS for a variance to allow a patio cover eave one ft. (1') from the west side property line where three feet (3') is required and to allow the supporting posts four feet (4') from the side property line where seven feet (7') is required on property located at 2209 Glen Heather Way in Zoning District R-1.

17. U-54-82

Application of JAMES SILL for a use permit to allow a transmission exchange operation in conjunction with a minor automotive repair business on property located at 1100 Las Vegas Boulevard South in Zoning District C-2.

18. BZA-3-80

Extension of Time

Request of OPERATION LIFE MEDICAL CENTER for an extension of time to allow a temporary office trailer on property located at 400 West Jackson Street in Zoning District C-2.

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

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1982

1. U-56-82(HO) Application of BOBBYNETTE B. THOMPSON for a home occupation permit to allow the alteration and sewing of clothing, and to allow the making of handicrafts on property located at 4428 Thompson Circle in Zoning District R-1.

2. U-57-82(HO) Application of RANDY RUTECKI for a home occupation permit to allow the preparation and sale of a sports handicapping newsletter on property located at 4737 Metpark Drive in Zoning District R-1.

3. U-58-82(HO) Application of SHEILA M. BENEDICT for a home occupation permit to allow clerical service on property located at 3928 Gaviota Avenue in Zoning District R-1.

4. U-60-82(HO) Application of GEORGE SAMUEL BOWLER for a home occupation permit to allow editing and producing of audio and video tape recordings for commercial use on property located at 3904 Cull Canyon Drive in Zoning District R-1.

5. U-61-82(HO) Application of DEBORAH ORTEGO for a home occupation permit to allow the preparation of educational programs for continuing education in nursing on property located at 200 Anderson Lane in Zoning District R-E.

6. U-62-82(HO) Application of THOMAS E. CLARK ON BEHALF OF DONNA KIDD for a home occupation permit to allow the making of perfume for sale on consignment at off-premise locations on property located at 4440 East Van Buren Avenue in Zoning District R-E.

7. U-63-82(HO) Application of DIANE AGACIEWSKI for a home occupation permit to allow the making of macrame items for sale at off-premise locations on property located at 6505 Roy Rogers Drive in Zoning District R-1.

8. U-59-80
 Plot Plan Review Request of LEO F. BORNS, A.I.A., ARCHITECT ON BEHALF OF FIRST PRESBYTERIAN CHURCH for a plot plan review to allow additions to the existing church facilities on property located at 1515 West Charleston Boulevard in Zoning District R-E.

A N N O T A T E D

A G E N D A

BOARD OF ZONING ADJUSTMENT

AUGUST 26, 1982

CALL TO ORDER:

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

ROLL CALL:

PRESENT:

MYERS, GILES, BUGBEE, CANUL, EMMETT

MINUTES:

Approval of the Minutes for the Board of Zoning Adjustment meetings held April 22, 1982, May 27, 1982, June 24, 1982, and July 22, 1982.

APPROVED
BUGBEE/UNANIMOUS

ANNOUNCEMENT:

Satisfaction of Open Meeting Law

NEW BUSINESS:

1. U-49-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of PAUL AND/OR PATRICIA L. SPILSBURY for a home occupation permit to allow the manufacture of barrettes for sale at off-premise locations on property located at 6500 Dinning Avenue in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

2. U-50-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of ELIZABETH H. HELLER for a home occupation permit to allow a computer software mail order business on property located at 5212 West Oakey Boulevard in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

3. U-52-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of GRISHA GOLUBOFF for a home occupation permit to allow a mail order operation on property located at 1230 Cashman Drive in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

4. U-55-82(HO)
APPROVED
CANUL/UNANIMOUS

Application of DONALD T. DARLING for a home occupation permit to allow a computer service on property located at 5801 Paseo Montana in Zoning District RPD-2.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

5. V-62-82
APPROVED
BUGBEE/UNANIMOUS

Application of MICHAEL CLAYTON McFARLAND for a variance to allow a patio cover six feet (6') from the rear property line where fifteen feet (15') is required on property located at 4125 Montemesa Circle in Zoning District R-1.

CONDITIONS: NONE

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

6. V-63-82
APPROVED
BUGBEE/UNANIMOUS

Application of MARY E. WALLING, ET AL for a variance to allow a six ft. (6') high fence in the front yard area where only a four ft. (4') fence is allowed on property located at 309 Gardenia Lane in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan.
2. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: NONE

7. V-64-82
APPROVED
CANUL/UNANIMOUS

Application of FRANK AND JULIE R. JAEHN for a variance to allow an existing accessory building to exceed the height of the main dwelling which is not permitted on property located at 5647 Hickam Avenue in Zoning District R-E.

CONDITIONS:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: NO OBJECTION

PROTESTS: NONE

8. V-65-82
APPROVED
BUGBEE/UNANIMOUS

Application of JAMES STUHMER for a variance to allow five existing 8 x 16 ft. on-premise signs for a period of five years where only one sign is permitted on property located at 351 South Highland in Zoning District "M".

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Obtain a building permit as required by the Department of Building and Safety.
3. Variance shall be limited to the current owner of the property.
4. No time limit be required on the signs.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 2

9. U-51-82
APPROVED
EMMETT/UNANIMOUS

Application of PARK SAHARA LIMITED for a use permit to allow the Nevada Hypno-Motivation Institute on property located at 1800 East Sahara Avenue in Zoning District C-1.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

10. V-66-82
APPROVED
BUGBEE/4-1 VOTE/
GILES VOTED "NO"

Application of JOHN A. ABLAHANI, ET AL for a variance to allow a dry cleaning drop station where such use is not permitted on property located at 3202 West Charleston Boulevard in Zoning District C-D.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: DENIAL

PROTESTS: 2

TO BE CONSIDERED BY CITY COMMISSION SEPTEMBER 15, 1982

11. V-67-82

APPROVED
GILES/UNANIMOUS

Application of OLIVER W. RUEHLE for a variance to allow two dwelling units where only one unit is permitted; and to allow the second unit to the rear property line where fifteen feet (15') is required on property located at 1017 Desert Lane in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

12. V-68-82

APPROVED
BUGBEE/UNANIMOUS

Application of ROBERT A. AND JUDY BUTERA for a variance to allow an existing carport and storage cover to the east side property line where five feet (5') is required and to allow the structure fourteen and one-half feet (14 1/2') from the front property line where twenty feet (20') is required on property located at 5005 Harmony Avenue in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. Install a gutter on the eave as required by the Department of Building and Safety.
3. Storage area to be used for the parking of two (2) motorcycles only.
4. Building permit shall be obtained as required by the Department of Building and Safety.

STAFF RECOMMENDATION: DENIAL

PROTESTS: NONE

13. V-69-82

APPROVED
EMMETT/UNANIMOUS

Application of CLIFFORD G. AND REBECCA M. ROGERS for a variance to allow a room addition 12'3" from the rear property line where fifteen feet (15') is required on property located at 5828 Santa Catalina Avenue in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: REDESIGNING THE BUILDING SO A VARIANCE IS NOT NECESSARY.

PROTESTS: NONE

14. U-53-82

APPROVED
GILES/UNANIMOUS

Application of MARKICH HALL BUILDING CORPORATION for a use permit to allow a Class III secondhand dealer (used books) on property located at 921 East Ogden in Zoning District C-2.

CONDITIONS:

1. Conformance to the plot plan.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

CITY COMMISSION WILL SET A DATE FOR PUBLIC HEARING ON SEPTEMBER 1, 1982

15. V-70-82

APPROVED
CANUL/UNANIMOUS

Application of UNIFIED EQUITIES, INC. for a variance to allow screen printing and assembling of t-shirts where such use is not permitted on property located at 1100 East Bridger Avenue in Zoning District P-R.

CONDITIONS:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Department of Fire Services.

STAFF RECOMMENDATION: DENIAL

PROTESTS: NONE

16. V-71-82

APPROVED
BUGBEE/UNANIMOUS

Application of DAN J. EVANS for a variance to allow a patio cover eave one ft. (1') from the west side property line where three feet (3') is required and to allow the supporting posts four feet (4') from the side property line where seven feet is required on property located at 2209 Glen Heather Way in Zoning District R-1.

CONDITIONS:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: DENIAL

PROTESTS: NONE

17. U-54-82

APPROVED
GILES/UNANIMOUS

Application of JAMES SILL for a use permit to allow a transmission exchange operation in conjunction with a minor automotive repair business on property located at 1100 Las Vegas Boulevard South in Zoning District C-2.

CONDITIONS:

1. Conformance to the plot plan and elevations.
2. All repairs and storage shall be within a completely enclosed building.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: NONE

18. BZA-3-80
Extension of Time
APPROVED
CANUL/UNANIMOUS

Request of OPERATION LIFE MEDICAL CENTER for an extension of time to allow a temporary office trailer on property located at 400 West Jackson Street in Zoning District C-2.

CONDITIONS:

1. Remove the trailer by November 26, 1982.

STAFF RECOMMENDATION: APPROVAL

19. U-56-82(HO)
APPROVED
CANUL/UNANIMOUS

Application of BOBBYNETTE B. THOMPSON for a home occupation permit to allow the alteration and sewing of clothing, and to allow the making of handicrafts on property located at 4428 Thompson Circle in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

20. U-57-82(HO)
APPROVED
CANUL/UNANIMOUS

Application of RANDY RUTECKI for a home occupation permit to allow the preparation and sale of a sports handicapping newsletter on property located at 4737 Metpark Drive in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

21. U-58-82(HO)
APPROVED
CANUL/UNANIMOUS

Application of SHEILA M. BENEDICT for a home occupation permit to allow clerical service on property located at 3928 Gaviota Avenue in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

22. U-60-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of GEORGE SAMUEL BOWLER for a home occupation permit to allow editing and producing of audio and video tape recordings for commercial use on property located at 3904 Cull Canyon Drive in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

23. U-61-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of DEBORAH ORTEGO for a home occupation permit to allow the preparation of educational programs for continuing education in nursing on property located at 200 Anderson Lane in Zoning District R-E.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

24. U-62-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of THOMAS E. CLARK ON BEHALF OF DONNA KIDD for a home occupation permit to allow the making of perfume for sale on consignment at off-premise locations on property located at 4440 East Van Buren Avenue in Zoning District R-E.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.
2. No more than one gallon per month shall be produced.
3. Storage of more than five (5) gallons of volatile liquids in the home shall be approved by the Department of Fire Services.
4. Odor emissions shall not be discernable at the property lines.

STAFF RECOMMENDATION: APPROVAL

25. U-63-82(HO)

APPROVED
CANUL/UNANIMOUS

Application of DIANE AGACIEWSKI for a home occupation permit to allow the making of macrame items for sale at off-premise locations on property located at 6505 Roy Rogers Drive in Zoning District R-1.

CONDITIONS:

1. The operation shall conform to the criteria for a home occupation permit.

STAFF RECOMMENDATION: APPROVAL

26. U-59-80

Plot Plan Review

APPROVED
GILES/UNANIMOUS

Request of LEO F. BORNS, A.I.A., ARCHITECT ON
BEHALF OF FIRST PRESBYTERIAN CHURCH for a plot
plan review to allow additions to the existing
church facilities on property located at 1515
West Charleston Boulevard in Zoning District
R-E.

CONDITIONS:

1. Conformance to the plot plan and elevations.

STAFF RECOMMENDATION: APPROVAL

MINUTES

BOARD OF ZONING ADJUSTMENT MEETING

AUGUST 26, 1982

CALL TO ORDER:

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

PRESENT:

Chairman Helen Myers, Jessie Emmett, Robert Bugbee, Robert Giles, and Frank Canul.

ANNOUNCEMENT RE
COMPLIANCE OF OPEN
MEETING LAW

Mr. Foster 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.

MINUTES:

Mr. Bugbee made a motion to APPROVE the Minutes for the Board of Zoning Adjustment meetings held April 22, 1982, May 27, 1982, June 24, 1982, and July 22, 1982. Motion carried unanimously.

STAFF PRESENT:

Harold P. Foster, Director, Community Planning & Development
Robert C. Clemmer, Acting Chief of Zoning
John Roethel, Deputy City Attorney
Sandra LeBoeuf, Deputy City Clerk

NEW BUSINESS:

1. U-49-82(HO)

APPROVED

Application of PAUL AND/OR PATRICIA L. SPILSBURY for a home occupation permit to allow the manufacture of barrettes for sale at off-premise locations on property located at 6500 Dinning Avenue in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 2 thru 4 and Items 1 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

2. U-50-82(HO)

APPROVED

Application of ELIZABETH H. HELLER for a home occupation permit to allow a computer software mail order business on property located at 5212 West Oakey Boulevard in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Item 1, 3 and 4 and Items 1 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

3. U-52-82(HO)

APPROVED

Application of GRISHA GOLUBOFF for a home occupation permit to allow a mail order operation on property located at 1230 Cashman Drive in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1, 2 and 4 and Items 1 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

4. U-55-82(HO)

APPROVED

Application of DONALD T. DARLING for a home occupation permit to allow a computer service on property located at 5801 Paseo Montana in Zoning District RPD-2.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 3 and Items 1 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

5. V-62-82

APPROVED

Application of MICHAEL CLAYTON McFARLAND for a variance to allow a patio cover six feet (6') from the rear property line where fifteen feet (15') is required on property located at 4125 Montemesa Circle in Zoning District R-1.

Mr. Foster presented the plot plan and stated the lot was irregular in shape. Staff recommended APPROVAL, subject to:

There are no protests on file.

Michael McFarland appeared on behalf of the application.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL. Motion carried unanimously.

6. V-63-82

APPROVED

Application of MARY E. WALLING, ET AL for a variance to allow a six ft. (6') high fence in the front yard area where only a four ft. (4') fence is allowed on property located at 309 Gardenia Lane in Zoning District R-1.

Mr. Foster presented the plot plan. Staff felt that because they had no knowledge of any extenuating circumstances or even the reason for the request, the applicant should adhere to the Zoning Ordinance. Staff recommended DENIAL.

There are no protests on file.

Mary Walling appeared on behalf of the application. She stated that she wanted to put up a steel tube fence for security for herself and her two valuable dogs.

6. V-63-82

No one appeared in opposition.

(Continued)

Mr. Bugbee made a motion for APPROVAL. Motion carried unanimously.

7. V-64-82

APPROVED

Application of FRANK AND JULIE R. JAEHN for a variance to allow an existing accessory building to exceed the height of the main dwelling which is not permitted on property located at 5647 Hickam Avenue in Zoning District R-E.

Mr. Foster presented the plot plan. Staff, in evaluating the request, found no basis for a variance. However, the building is sort of a barn type structure and staff felt that it would not present any particular problem as it is relatively the same height as the main building, so staff doesn't necessarily object to the request.

There are no protests on file.

Rodney Jaehn appeared on behalf of the applicant.

No one appeared in opposition.

Mr. Canul made a motion for APPROVAL. Motion carried unanimously.

8. V-65-82

APPROVED

Application of JAMES STUHMER for a variance to allow five existing 8 x 16 ft. on-premise signs for a period of five years where only one sign is permitted on property located at 351 South Highland in Zoning District "M".

Mr. Foster presented the plot plan. Staff in evaluating the request found no particular or unusual circumstances to justify the request and for that reason recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Obtain a building permit as required by the Department of Building and Safety.

There is one protest on file.

Jim Stuhmer appeared on behalf of the application.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL, subject to this variance going with the current owners of the property and that there be no time limit. Motion carried unanimously.

9. U-51-82

APPROVED

Application of PARK SAHARA LIMITED for a use permit to allow the Nevada Hypno-Motivation Institute on property located at 1800 East Sahara Avenue in Zoning District C-1.

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

1. Conformance to the plot plan.

There are no protests on file.

9. U-51-82

(Continued)

Georgia Smith appeared on behalf of the applicant.

Doctor Andrew Sopko appeared on behalf of the application.

David Reed wanted to advise the Board that this institution had been operating prior to getting the approval of this Board.

Mr. Foster stated that generally if a business starts their operation and submits their business license and are informed that they need a use permit, the Policy of the City is to let them continue to operate until they get a decision on the use permit.

No one appeared in opposition.

Mrs. Emmett made a motion for APPROVAL. Motion carried unanimously.

10. V-66-82

APPROVED

Application of JOHN A. ABLAHANI, ET AL for a variance to allow a dry cleaning drop station where such use is not permitted on property located at 3202 West Charleston Boulevard in Zoning District C-D.

Mr. Foster presented the plot plan. Staff felt that this type of use would not be compatible in the C-D zone and could not find any justification for the request and for that reason strongly recommended DENIAL.

There is one protest on file.

John Ablahani appeared on behalf of the application.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL. Motion carried 4 - 1 with Giles voting "no". This will be heard by the City Commission on September 15, 1982 at 2:00 P.M.

11. V-67-82

APPROVED

Application of OLIVER W. RUEHLE for a variance to allow two dwelling units where only one unit is permitted; and to allow the second unit to the rear property line where fifteen feet (15') is required on property located at 1017 Desert Lane in Zoning District R-1.

Mr. Foster presented the plot plan. He stated this area is to transition on the proposed Special Activity Center Plan. Staff recommended APPROVAL, subject to:

1. Conformance to the plot plan.

There are no protests on file.

Oliver Ruehle appeared on behalf of the application.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously.

12. V-68-82

APPROVED

Application of ROBERT A. AND JUDY BUTERA for a variance to allow an existing carport and storage cover to the east side property line where five feet (5') is required and to allow the structure fourteen and one-half feet (14½') from the front property line where twenty feet (20') is required on property located at 5005 Harmony Avenue in Zoning District R-1.

Mr. Foster presented the plot plan. Staff could not find any unusual circumstances and for that reason recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan and elevations.
2. Install a gutter on the eave as required by the Department of Building and Safety.
3. Storage area to be used for the parking of two (2) motorcycles only.
4. Obtain a building permit as required by the Department of Building and Safety.

There are no protests on file.

Robert Butera appeared on behalf of the application. He presented two letters from neighbors in favor.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

13. V-69-82

APPROVED

Application of CLIFFORD G. AND REBECCA M. ROGERS for a variance to allow a room addition 12'3" from the rear property line where fifteen feet (15') is required on property located at 5828 Santa Catalina Avenue in Zoning District R-1.

Mr. Foster presented the plot plan. Staff stated the building could be reshaped and the 15' setback could then be maintained. If approved, subject to:

1. Conformance to the plot plan and elevations.

There are no protests on file.

Clifford Rogers appeared on behalf of the application.

No one appeared in opposition.

Mrs. Emmett moved for APPROVAL. Motion carried unanimously.

14. U-53-82

APPROVED

Application of MARKICH HALL BUILDING CORPORATION for a use permit to allow a Class III secondhand dealer (used books) on property located at 921 East Ogden in Zoning District C-2.

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

1. Conformance to the plot plan.

There are no protests on file.

Mabel Belt appeared on behalf of the application.

14. U-53-82

(Continued)

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's condition. Motion carried unanimously. This is to go before the City Commission's September 1, 1982 meeting to set a date for a public hearing.

15. V-70-82

APPROVED

Application of UNIFIED EQUITIES, INC. for a variance to allow screen printing and packaging of t-shirts where such use is not permitted on property located at 1100 East Bridger Avenue in Zoning District P-R.

Mr. Foster presented the plot plan. Staff felt that there was no justification for this request and recommended DENIAL. If approved, subject to:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Department of Fire Services.

There are no protests on file.

Ted Hemmit appeared on behalf of the application.

No one appeared in opposition.

Mr. Canul made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

16. V-71-82

APPROVED

Application of DAN J. EVANS for a variance to allow a patio cover eave one ft. (1') from the west side property line where three feet (3') is required and to allow the supporting posts four feet (4') from the side property line where seven feet (7') is required on property located at 2209 Glen Heather Way in Zoning District R-1.

Mr. Foster presented the plot plan. Staff felt that this was a regular shaped lot and there were no unusual circumstances and for that reason recommended DENIAL. If approved subject to:

1. Conformance to the plot plan and elevations.

There are no protests on file.

Dan Evans appeared on behalf of the application. He stated that he wanted the patio cover to protect the side of the house from the heat.

No one appeared in opposition.

Mr. Bugbee made a motion for APPROVAL. Motion carried unanimously.

17. U-54-82

APPROVED

Application of JAMES SILL for a use permit to allow a transmission exchange operation in conjunction with a minor automotive repair business on property located at 1100 Las Vegas Boulevard South in Zoning District C-2.

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

1. Conformance to the plot plan and elevations.
2. All repairs and storage shall be within a completely enclosed building.

17. U-54-82

(Continued)

There are no protests on file.

William Simmons appeared on behalf of the applicant.

No one appeared in opposition.

Mr. Giles made a motion for APPROVAL, subject to staff's conditions. Motion carried unanimously.

18. BZA-3-80

EXTENSION OF TIME

APPROVED

Request of OPERATION LIFE MEDICAL CENTER for an extension of time to allow a temporary office trailer on property located at 400 West Jackson Avenue in Zoning District C-2.

Mr. Foster presented the plot plan. Staff recommended EXTENSION OF TIME be granted for three months which will expire on November 26, 1982.

Mr. Canul made a motion to APPROVE the three month EXTENSION OF TIME. Motion carried unanimously.

SUPPLEMENTAL AGENDA

1. U-56-82(HO)

APPROVED

Application of BOBBYNETTE B. THOMPSON for a home occupation permit to allow the alteration and sewing of clothing, and to allow the making of handicrafts on property located at 4428 Thompson Circle in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 2 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

2. U-57-82(HO)

APPROVED

Application of RANDY RUTECKI for a home occupation permit to allow the preparation and sale of a sports handicapping newsletter on property located at 4737 Metpark Drive in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 1, 3 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

3. U-58-82(HO)

APPROVED

Application of SHEILA M. BENEDICT for a home occupation permit to allow clerical service on property located at 3928 Gaviota Avenue in Zoning District R-1.

3. U-58-82(HO)
(Continued)

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 1, 2, 4 thru 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

4. U-60-82(HO)
APPROVED

Application of GEORGE SAMUEL BOWLER for a home occupation permit to allow editing and producing of audio and video tape recordings for commercial use on property located at 3904 Cull Canyon Drive in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 1, 2, 3, 5 thru 7 on Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

5. U-61-82(HO)
APPROVED

Application of DEBORAH ORTEGO for a home occupation permit to allow the preparation of educational programs for continuing education in nursing on property located at 200 Anderson Lane in Zoning District R-E.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This item was included with Items 1 thru 4 under New Business and Items 1 thru 4, 6, and 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

6. U-62-82(HO)
APPROVED

Application of THOMAS E. CLARK ON BEHALF OF DONNA KIDD for a home occupation permit to allow the making of perfume for sale on consignment at off-premise locations on property located at 4440 East Van Burne Avenue in Zoning District R-E.

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

1. The operation shall conform to the criteria for a home occupation permit.
2. No more than one gallon per month shall be produced.
3. Storage of no more than five (5) gallons of volatile liquids in the home shall be approved by the Department of Fire Services.
4. Odor emissions shall not be discernable at the property lines.

6. U-62-82(H0)

(Continued)

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 1 thru 5, and 7 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

7. U-63-82(H0)

APPROVED

Application of DIANE AGACIEWSKI for a home occupation permit to allow the making of macrame items for sale at off-premise locations on property located at 6505 Roy Rogers Drive in Zoning District R-1.

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

1. The operation shall conform to the criteria for a home occupation permit.

Mr. Canul made a motion for APPROVAL. (This Item was included with Items 1 thru 4 under New Business and Items 1 thru 6 on the Supplemental Agenda with special conditions on Item 6.) Motion carried unanimously.

8. U-59-80

PLOT PLAN REVIEW

APPROVED

Request of LEO F. BORNS, A.I.A., ARCHITECT ON BEHALF OF FIRST PRESBYTERIAN CHURCH for a plot plan review to allow additions to the existing church facilities on property located at 1515 West Charleston Boulevard in Zoning District R-E.

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

1. Conformance to the plot plan and elevations.

Mr. Giles made a motion for APPROVAL. Motion carried unanimously.

TRANSCRIPT OF DISCUSSION BETWEEN THE BOARD AND DEPUTY CITY ATTORNEY JOHN ROETHEL

JOHN ROETHEL: Madam Chairman.

CHAIRMAN MYERS: Yes?

JOHN ROETHEL: On behalf of the City Attorney's office, can I make a couple of comments?

CHAIRMAN MYERS: Yes, please.

JOHN ROETHEL: There's been quite a few items on the last couple of months for variances that come pretty close to rezoning matters and the City Attorney's office would like to advise the Board to take another look at the variance provisions in the City Code with regard to the type of standards that are required to approve and disapprove a variance. And, bearing in mind, excuse me, the legal distinctions between variances and rezonings and just to keep those in the back of your mind when you look at these variance matters. Thank you.

ROBERT GILES: Should that not be screened just a bit by the staff before it gets on a BZA agenda or a zoning agenda?

JOHN ROETHEL: Staff doesn't have the authority. If someone comes in and applies for a variance, staff must accept the application for variance and it's up to this Board to make that screening. Staff doesn't have the authority to tell someone they can't file for a variance.

ROBERT GILES: I see. I appreciate that. Then I, perhaps, would request of staff to advise us that this is close to that borderline because I certainly have no legal knowledge nor do I really intend to get deep enough into it to decide whether it's a zoning or a variance issue.

FRANK CANUL: I thought that when we were giving a variance, we were not changing the zoning.

JOHN ROETHEL: That's true. The standards for changing the zoning are much different than the standards for granting a variance. If you'll look at the City Code provisions under variances, they give you the reasons and the standards. I don't want to bore you by reading them but to give you the reasons and the standards for which people can apply for a variance and basically it has to do with that because of the shape of their land, or because of the situation involved. People are entitled to variances if unusual circumstances relating to their property, prevent them from using their property in the same manner that other people in the neighborhood can use their property. And, a lot of the -- I can't say a lot -- quite a few of the items that come before this Board for variances are really people asking for uses on their land that are not permitted in their area and those are really, more or less, rezoning matters. They're asking for -- to be allowed to do things that really are permitted in other zones as opposed to the fact that because of the specific situation that applies to the way their property sits or the way that their property happens to be shaped. For example, the shape of the property affects the setback requirements. Maybe there isn't room for a pool or something like that so you play around with the setback requirements. Or because the -- because of setback requirements or other problems, they aren't allowed to put a patio in or something like that. When people ask for variances to permit them to do uses that other people in the neighborhood would have to get a variance to do that use for, it really -- you're bordering more on rezoning the property into a different district where that use is permitted.

FRANK CANUL: Well, yes. I thought that maybe we would grant a variance on that particular business but we didn't want to change the zoning. So, say maybe a person came in and wanted a variance to conduct a -- maybe a secondhand store, so we didn't want to rezone there but we give him a variance and as soon as that person went out of business, then it would revert back to the way it was. I thought that that's the way we could do some of that.

JOHN ROETHEL: Well, there's certain standards that are in the ordinance that you're supposed to take into consideration and it's not merely a matter of -- it's not simply a matter of is this use allright in that neighborhood regardless of the zoning.

CHAIRMAN MYERS: Would you be perhaps referring to -- just to go to two items of today the 6' fence. Would that be questionable?

JOHN ROETHEL: If you really want to ask me about items today, I'd refer to the dry cleaning.

CHAIRMAN MYERS: I'm sorry which one?

JOHN ROETHEL: The dry cleaning one and the teacher one and the printing one because those are uses that are permitted in other

JOHN ROETHEL: zones other than the zone that the person happens to have zoning on and from my review of what the applications look like, I would -- it's very difficult for me to see that the person does not have any other use at all for his property other than a dry cleaner in that location. So, if he really feels that he wants a dry cleaner in that location, he should come in and ask for a rezoning for that property to whatever zone permits dry cleaners, C-1.

ROBERT BUGBEE: Wait a minute, it wasn't a dry cleaner we're talking about. We're talking about a dry cleaning pickup. There was no industry in that building other than to distribute clean clothes and pick up dirty clothes.

JOHN ROETHEL: That's true.

ROBERT BUGBEE: It's a convenience location.

JOHN ROETHEL: But under the C-D zoning which is a very tight zoning, there's a specific provision that doesn't allow drive-in type of businesses.

FRANK CANUL: Okay, let's use that one for an example. We granted a variance on that one, okay.

JOHN ROETHEL: That's true.

FRANK CANUL: So, say he went out of business and somebody else wanted to put another different type of business they would have to come back for a variance rather than rezone it.

ROBERT GILES: That was my understanding all the time.

ROBERT BUGBEE: Well, I want to go back to the other thing. I'm still not clear in my mind. Prior to this dry cleaning being in there, we had a head shop which the City closed which was certainly a drive-in operation. I don't feel why you're telling me that this is a very wrong usage in that C-D zoning. Maybe we should look at the zoning. I think in our position, a lot of times the zoning is a little bit broad -- maybe it's a block or two beyond. I know Harold finds problems with this. I think that's a very good service in that area for the people.

JOHN ROETHEL: That may be but I don't think -- all I'm trying to tell you is that it's not really a variance consideration. It's more of a zoning consideration. If you'll look at -- Harold provided me with a copy of 11-1-24. If you'll look at A-3 of that. Required Showing: Before a variance may be granted, exceptional, extraordinary circumstances applicable to the specific property involved -- a variance is necessary for the preservation and enjoyment of a substantial property right which is possessed by other property in the same area but denied to the property in question. The granting of the variance will not be materially detrimental to the public safety and welfare and will not adversely affect the Comprehensive Plan. The point is all four of those requirements not only have to be met in order to justify a variance -- I really think that in a number of situations I've seen over the last two or three months, I'm not really sure that all the variances that have been approved by the Board could meet those standards if we were forced to go to court to defend them.

ROBERT GILES: Well, in such case though again, I don't find this Board in here we should be telling them take that patio cover to zoning and get it rezoned because

ROBERT GILES: there's no reason -- we had a couple of instances tonight -- that square lot and the guy just wanted to build two inches closer to it --

JOHN ROETHEL: I think those are appropriate types of things for variances.

ROBERT GILES: If you're going to dot the I's and cross the T's then Harold should say, hey no issue. You can't build it or rezone it before it gets here.

JOHN ROETHEL: My personal feeling is that matters with regard to setbacks and things like that where it's a variation of a foot or two, excuse me, other type of matters that are appropriate for variances because they vary from property to property depending on how the plot plan looks like but when we start talking about variances they are really rezonings -- regardless of what the zoning is on that property, the person would still be in violation with a carport because he's too close to the setbacks. So, when we're talking about letting people have commercial uses in residential areas, or C-2 uses in C-D zones, or any number of things, R-3 uses in an R-1 zone. All the different types of things can come before -- because the variance is very broad and it just means give me an exception from the zoning that is on that property.

ROBERT GILES: I understand what you're saying. I still don't want to be the one that says, hey that's a zoning issue. Can't you remove it from this --

JOHN ROETHEL: Unfortunately, that's the responsibility you have as a member of the Board of Zoning appeals to tell people, we're sorry but your request for a variance doesn't satisfy the conditions that the City Commission has imposed upon variances by ordinance.

ROBERT GILES: I think that hassle should be advised -- that person should be advised that hassle before they get before this Board.

JESSE EMMETT: I was under the impression that one of the purposes of this Board though is a Board of relief where the laws could be -- exceptions made and so forth.

JOHN ROETHEL: That's absolutely correct, ma'am, but the only authority you have is to operate within the confines of the ordinance that provides for your existence which is this 11-1-24 with regard to variances. You must follow the standards set forth in that ordinance. So, you can't just say, okay we decided to take the entire west half of the town and make it C-1 by variance.

JESSE EMMETT: Well, if that were the case, then we would agree with every recommendation they made. There wouldn't be any reason for us sitting here.

JOHN ROETHEL: That's not necessarily true. I just -- I don't mean to get into an argument with the Board.

JESSEE EMMETT: No, no. We're not arguing. We're just disagreeing agreeably.

JOHN ROETHEL: I just wanted to let you know that the Attorney's office is relatively conscious of the matters that come before this Board and in order to avoid any potential for personal liability on behalf of the Board to start with -- potential for any lawsuits from the City, I just wanted to remind you, so to speak, of the standards involved in regard to variances and ask you to be conscious of them when you consider the matters before you.

JESSE EMMETT:

Well, then going a step further then like directly to my comments that if they are recommending -- staff is recommending that we stay within the confines, which is apparently what they do, then what is our purpose for being here if we go against staff's recommendations which in effect would be against this 10-11 or whatever it is?

JOHN ROETHEL:

Staff makes their recommendations based on not only what the ordinance requires but what they consider to be planning considerations. So, perhaps, they feel that there's different ways of accomplishing the same objective in the zone. The one, for example, that was on tonight, with regard to the addition on the back of the gentleman's house where he already had the footings in and it was within two feet too close to the line from a planning standpoint. From a legal standpoint, our office could care less whether you granted that variance or not because that's a proper subject matter for a variance. Based on the characteristics of the neighborhood, is it permissible to have an addition that's shaped that way. From planning's standpoint, they can certainly see that there's a way of designing that addition to conform with the 15' setback. You just cut it down a little bit this way and spread it out a little bit that way. So from a planning standpoint, staff feels that the setback requirements serve a purpose to separate houses, etc., and they apparently recommended denial on that basis. From a legal basis, it's one that can go either way and it really isn't any problem. The ones we have problems with are the ones that look like rezonings.

CHAIRMAN MYERS:

What about the one where we allowed the two units -- the second unit in an R-1 district?

JOHN ROETHEL:

The one where there's been a number of variances in granted in the past?

ROBERT BUGBEE:

The little rental in the back.

JOHN ROETHEL:

R-2. So, my personal feeling is there isn't any legal problem with that because there's a special activity study that indicated that area is transitioning to R-2 anyway.

CHAIRMAN MYERS:

But had it not -- had the study -- we're getting a lot of requests now considering the economy for an extra unit for a relative or, particularly we get handicapped people who want an individual housing unit and most of the time we allow it for only as long as that person is in it but that's really establishing R-2 in R-1.

JOHN ROETHEL:

That true and it's a continuous -- it's not a quantum segment so when you start by variance rezoning a whole neighborhood from R-1 to R-2, it gets a little touchy. So, especially in view of the fact that the City Commission's the one that established the zoning, and your decisions are automatically reviewed by the City Commission. The standards for variances set forth in the ordinance are very strict so at the risk of oversimplifying the issue or sounding whatever, when you turn yourselves into a super rezoning body at an ad hoc basis and I don't mean to make that sound as terrible as it is but it kind of breaks up and interferes with the normal theory or the way it's set up with Planning Commission and the City Commissions to do the rezoning and your purpose is to do the use permits and the variances and the variances are really more designed

JOHN ROETHEL:

for unusual situations on a specific piece of property rather than rezoning matters. Economic consideration; you know, I'd like to have a couple other units that I could rent out on my property -- I'm not sure is a proper subject matter for a variance because everybody else in the neighborhood would certainly like to have a couple of units that they could rent out. So, the real test in my mind is what's unusual about your piece of property that you need to have whatever it is you want a variance from so that you can use your property the same way that everybody else in the neighborhood can use theirs and that's when we start talking about setback requirements, the shape of the lots and various and sundry things like that and I really don't think it's appropriate to use a variance technique to in effect rezone a piece of property. I just wanted to point that out to the Board. Thank you for your consideration.

CHAIRMAN MYERS:

Anything else? Meeting is adjourned.

THE MEETING WAS ADJOURNED AT 8:35 P.M.

DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

/s/

August 18, 1982

TO:

HAROLD P. FOSTER, DIRECTOR

FROM:

ROBERT C. CLEMMER, ACTING CHIEF
ZONING DIVISION

SUBJECT:

B.Z.A. MEETING OF AUGUST 26, 1982

COPIES TO:

Sandra

NEW BUSINESS:

1. U-49-82 (HO)

This involves making barrettes and selling them through gift shops which is a typical home occupation.

The questionnaire has been answered favorably. Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

2. U-50-82 (HO)

This is a mail order computer program and games sales business using post office box for advertisement. The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

3. U-52-82 (HO)

This is a business of laminating childrens I.D. Cards with photos and illness description, etc. which is a typical home occupation type operation using post office box for mail orders. The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

4. U-55-82(HO)

This proposal is to allow an addressographing type system via a computer for organizational membership lists, etc. which will be done through word of mouth. The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

5. V-62-82

This is an irregular shaped lot which backs up to an R-MH Zone. The R-MH District allows a 10' setback from the mobile home to this common property line. The R-1 Zone of the property allows a P.C. authorization of a 10' proximity of the one corner of the patio to the property line if the average is 15', but in this case, the average would be 13 1/2 if 2' were disallowed. I mention these things to bring the proposal more into perspective, i.e. that we are dealing with a 2' deviation rather than a 9' deviation.

There may be a neighborhood dispute as I note on the photographs barb wire with insulators which could indicate electrification further indicating a protest factor based on personalities rather than the proximity of the structure or animal control measures. Owner no longer electrifies.

This property line is common to three mobile home sites with the one most affected having a small accessory structure at the point where the proposed patio cover would be and the site to the east having 8' high Oleanders. Patio exists. Staff feels that the existing zone differences, the irregular shape of the lot, the original house siting, the accessory structures and vegetation on the adjacent sites and the amount of remaining open space for rear yard utilization are sufficient to allow a recommendation of approval of this variance subject to:

1. Conformance to the plot plan amended to keep the eave line 6' from the property line and the post line 8' from the property line.

6. V-63-82

This is a tubular steel fence (open) in the front and side yard areas, but there is no basis for approval.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan.
2. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Services.

V-63-82(continued)

PROTESTS: 0

This is a Public Hearing item.

SET FOR B.Z.A. FINAL UNLESS APPEALLED.

7. V-64-82

The house has a 15' ridge line and there is a 1' higher grade where the accessory building is proposed making the ridge line of the accessory building appear 3' higher rather than the actual 2'. There are several through lots west of this site as well as a lot on the south side of Dimick Avenue which could eventually contain dwellings and the Code provides in the case of through lots either side may be considered the front. Either is one or both in Webster's so in this case we should consider it both. If this were not existing, staff would have preferred that an abnormally high building be set back 50' from Dimick Avenue rather than the 31' that exists. The Building Permit indicated 100' rear setback and had no plans. This is a relatively immovable block building with an attractive Dutch roof.

Rick seems to think that in the future they might request a second story variance. Staff recommends denial. If approved subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

8. V-65-82

These signs exist and are used to advertise the availability of a large commercial storage facility. The owner put these signs up without a permit and was taken to court. The Judge essentially indicated that he should seek administrative relief. He has 532 ft. of frontage along I-15. He is asking for five (5) years authorization to continue the use of the signs.

Staff does not feel that five years is necessary. Staff has favored collective approach, but not the "Burma Shave" type such as this.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan and elevations.
2. Removal of the signs in one year.
3. Obtain a building permit as required by the Department of Building and Safety.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

9. U-51-82

This stems from a License Department regulation. Land use wise, there is no problem. If a doctor controlled the total activities of the Hypnotist the Use Permit would not be required. License Department (Marge) has no problems per Rick.

Staff recommends approval subject to:

1. Conformance to the plot plan.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

10. V-66-82

This dry cleaning drop station is on the list of uses specifically excluded from the C-D Zone. The exclusion of these types of high turnover (traffic generating) businesses are what differentiates C-D from C-1 primarily. The City Commission must approve all variances in a C-D Zone. Business must cease at 9:00 P.M.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan.

PROTESTS: 1

This is a Public Hearing. Set for City Commission Action 9/15/82.

11. V-67-82

This existed as guest sleeping quarters in 1950 when purchased by Mrs. Ruehle. Several alterations were made through the years which converted this into a dwelling unit. According to the owner this sewer was added in 1969 after a fire in the main building.

(This area was determined on the special Activity Center Study) as transitional.

A Variance was granted to 1020 Desert Lane October 17, 1979 to allow a second dwelling unit and staff position was favorable, but for timing. Staff currently is supportive of all transitions in this special activity area and feels that R-2 type (Medium) density is most appropriate here. Eventually, these lots should be rezoned R-2. This seems to be an appropriate case for the Board to recommend to the Planning Commission according to 2-1-2 that the Planning Commission initiate rezoning to R-2 to eliminate the necessity of each individual applying for Variances for second units when those actions will be favorably dealt with and use variances are really inappropriate.

Staff recommends approval subject to:

1. Conformance to the plot plan.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

12. V-68-82

This is a regular lot. The carport and storage areas exist. The items to be stored are motorcycles only. The Building Department cited this illegal construction due to no permit.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan and elevations.
2. Install a gutter on the eave as required by the Department of Building and Safety.
3. Storage area to be used for the parking of two (2) motorcycles only.
4. Cars parking in the driveway shall not extend over the sidewalk per the Department of Public Services.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

13. V-69-82

This is a regular lot. The footing trenches are dug and ready to be paved according to the photographs. This will be a room addition. The room addition could be elongated and reduced in depth to provide the same area without a Variance.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

14. U-53-82

This is a single kind of used item (Books) requiring a Use Permit.

Staff recommends approval subject to:

1. Conformance to the plot plan.

PROTESTS: 0

This is a Public Hearing. Set for C.C. 9/1/82 for 9/15/82 hearing.

15. V-70-82

This is unique in that the old F.B.I. building was granted a Variance by the City Commission on appeal over the negative recommendation of the B.Z.A. to allow a Print Shop. That use was abandoned and the property was rezoned to P-R for offices. The applicant indicated that his printing on shirts only differs in the medium on which the printing occurs. The shirt will be packaged also.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan.
2. Conformance to the requirements of the Department of Fire Services.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

16. V-71-82

This is a regular lot. There are not factors justifying a Variance.

Staff recommends denial. If approved subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

17. U-54-82

This proposed transmission exchange operation will be in a new two bay building with provisions for expansion to three bays. It is attractive with Mansard roof. The two existing restaurants have a high parking demand but the Code allows for new additions and buildings allowing the existing parking provided to be applied to the new buildings. There will be further controls under tune up resolution.

Staff recommends approval subject to:

1. Conformance to the plot plan and elevations.
2. All repairs and storage shall be within a completely enclosed building.

PROTESTS: 0

This is a Public Hearing. Set for B.Z.A. Final unless appealed.

18. BZA-3-80

They received approval and an extension until their new facility was completed which has been completed, but they are having timing problems and removing the trailer immediately is a problem.

Staff recommends approval subject to:

1. Remove the trailer by November 26, 1982.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final.

SUPPLEMENTAL:

1. U-56-82 (HO)

This is typical sewing and clothing alteration home occupation with the making of crafts which I assume will be sewing related, but I will verify. Questionnaire satisfactory. Goes to customers' homes and consigns crafts.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

2. U-57-82 (HO) This home occupation involves sale of a handicapping newsletter using a Post Office Box. (Computer programmed). The questionnaire has been answered satisfactorily.
- Staff recommends approval subject to:
1. All operations shall conform to the criteria for Home Occupation Permits.
- PROTESTS: N/A
Not a Public Hearing. Set for B.Z.A. Final Action.
3. U-58-82 (HO) Prepares insurance claim forms in the home which are picked-up and delivered. The questionnaire has been answered satisfactorily.
- Staff recommends approval subject to:
1. All operations shall conform to the criteria for Home Occupation Permits.
- PROTESTS: N/A
Not a Public Hearing. Set for B.Z.A. Final Action.
4. U-60-82 (HO) This home occupation is atypical but is done on equipment similar to that used in the home. The work will be done predominantly in the home and tapes will be picked up and delivered. The applicant will be the only person working in the home. The questionnaire has been answered favorably.
- Staff recommends approval subject to:
1. All operations shall conform to the criteria for Home Occupation Permits.
- PROTESTS: N/A
Not a Public Hearing. Set for B.Z.A. Final Action.
5. U-61-82 (HO) This applicant proposes to prepare lesson plans for nursing educational programs in her home which will be distributed to various user organizations. The questionnaire has been answered favorably.
- Staff recommends approval subject to:
1. All operations shall conform to the criteria for Home Occupation Permits.
- PROTESTS: N/A
Not a Public Hearing. Set for B.Z.A. Final Action.
6. U-62-82 (HO) This proposal is for making perfume in the home for consignment to a retailer. Perfume usually involves volatiles and Fire Services limits the amount to no more than five (5) gallons

U-62-82(continued)

unless specifically approved otherwise. (Ned Barker).
The volume produced per month will be one gallon or less.
With the advent of D.M.S.O. which can be used as a vehicle
to put good or poisonous substances into the system and even
though we do not enforce health regulations or F.D.A. regulations,
I referred this applicant to the State Health Department.

This is a new type of home occupation for us, but it would not
be a problem land use wise unless we do not restrict volume
and control odor emissions. The questionnaire is answered
favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.
2. No more than one gallon per month shall be produced.
3. Storage of more than five (5) gallons of volatile liquids in the home shall be approved by the Department of Fire Services.
4. Odor emissions shall not be discernable at the property lines.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

7. U-63-82(HO)

This is the making of macrame items to be sold at Flea Markets.
The questionnaire has been answered favorably.

Staff recommends approval subject to:

1. All operations shall conform to the criteria for Home Occupation Permits.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

8. U-59-80
PLOT PLAN REVIEW

These additions to the original church building are for office
expansion and meeting rooms which will not be used at the same
time the new Sanctuary is used, therefore, parking is no problem.
The additions are to areas previously used for landscaping and
walkways so don't diminish parking and yet allow 13' of lands-
caping to Desert Lane and do not appreciably affect the large
open space to Charleston Boulevard.

Staff recommends approval subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: N/A

Not a Public Hearing. Set for B.Z.A. Final Action.

PLEASE

PRINT

8/26/82

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