

29"-L33-207
5: 986-6-26

AGENDA

JUNE 26, 1986

City of Las Vegas

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6301

Nevada State Library
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CALL TO ORDER: 7:30 p.m. in the Council Chambers of City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

ROLL CALL:

ANNOUNCEMENTS: Satisfaction of Open Meeting Law Requirement.

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

MINUTES: Approval of the Minutes for the May 22, 1986 Board of Zoning Adjustment Meeting.

STANDARD CONDITIONS:

ALL AGENDA ITEMS SHALL BE SUBJECT TO THE FOLLOWING:

Variance and Use Permit Applications:

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

Home Occupation Applications:

- (1) This business shall conform to the restrictions governing home occupations.

NEW BUSINESS:

1. U-43-86(HO)
HOME OCCUPATION
USE PERMIT
Application of JOHN T. BROWN for a Home Occupation Use Permit to allow a business to provide computer services, on property located at 6505 Evergreen Avenue, in Zoning District R-1.
2. V-123-85
EXTENSION OF TIME
Application of CONNIE J. INMAN for an Extension of Time on an approved Variance which allowed a general business office on property located at 608 South 8th Street, in Zoning District R-1.

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3. V-52-86 Application of EDWARD AND SHARON SWEETEN for a Variance to allow an existing structure (covered patio) to the west side property line where a 9 foot setback is required, on property located at 6521 Elton Avenue, in Zoning District R-1.
4. U-39-86 Application of ROBARTS REALTY for a Special Use Permit to allow a single pole 14' x 48' off-premise sign with a height of 40 feet, on property located at 3909 West Sahara Avenue (south side of Sahara Avenue, east of Las Verdes Street), in Zoning District C-1.
5. V-53-86 Application of VILLA BOREGA MOBILE HOME COMMUNITY for a Variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monroe Avenue), in Zoning District R-MHP.
6. U-44-86 Application of FIRST INTERSTATE BANK, TRUSTEE, for a Special Use Permit to allow the relocation of an existing 14' x 48' single pole, double face, off-premise sign, 40 feet in height, on property generally located on the north side of Sahara Avenue, east of Almond Tree Lane, in Zoning District C-1.
7. V-54-86 Application of GREGORY AND TRACEY McCURDY for a Variance to allow construction of a patio cover 9'5" from the rear property line where 15' is required, and eaves 8' from the rear property line, where 12' is required, on property located at 5801 Capitola Avenue, in Zoning District R-1.
8. U-45-86 Application of CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A CORPORATION, for a Special Use Permit to allow construction of a church, on property located on the southwest corner of Oakey Boulevard and Monte Christo Way, in Zoning District R-E.
9. U-46-86 Application of FREMONT WEST SHOPPING CENTER, A PARTNERSHIP, for a Special Use Permit to allow self-service gasoline sales in conjunction with a proposed convenience store, on property located on the southwest corner of Jones Boulevard and Clarice, in Zoning District C-1.

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10. U-47-86 Application of LOUISE D. ALEXANDER ON BEHALF OF SHERRY ALEXANDER IVY for a Special Use Permit to allow a group child care home for a maximum of 12 children, on property located at 125 South Cimarron Road, in Zoning District R-1.
11. V-55-86 Application of MILDRED AND NICHOLAS A. CARACCI for a Variance to allow an existing guest house where such use is not permitted; and to allow said guest house 1'5" from the side property line where a 5' setback is required; and to allow an existing shade cover for a recreational vehicle to be located on the side property line where a 5' setback is required; on property located at 1515 South 15th Street, in Zoning District R-1.
12. V-56-86 Application of CHARLOTTE G. HARRIS ON BEHALF OF BONANZA LAND CORPORATION for a Variance to allow a 6 foot high wrought iron fence in the front yard where 4 feet (top 2 feet 50 percent open) is the maximum height allowed, on property located at 717 East Clark Avenue, in Zoning District R-1.
13. V-57-86 Application of SCOTT L. BINDRUP, ET AL. for a Variance to allow the sale of used hubcaps, which is not allowed, (in conjunction with the permitted sale of new hubcaps), on property located at 1613 East Sahara Avenue, in Zoning District R-2 (under Resolution of Intent to C-1).
14. V-58-86 Application of TOMMY J. TERRY ON BEHALF OF RON RICHARDSON for a Variance to allow a mobile home park; and to allow 3,290 square foot spaces for 48 of the proposed 200 spaces, where 4,000 square feet per space is required, on property generally located on the west side of Lamb Boulevard between Harris Avenue and Washington Avenue, in Zoning District R-MHP and C-1.
15. V-59-86 Application of SYLVIA DANIELS for a Variance to allow a 6 foot high fence (top 4 feet wrought iron with block pilasters) in the front yard where 4 feet is the maximum height allowed (with top 2 feet 50 percent open), on property located at 4601 Alyse Way, in Zoning District R-1.

C1.
29-L33-Z07
5: 986-6-26

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

AGENDA

June 26, 1986

City of Las Vegas

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

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|-------------------------------|---|
| 1. U-48-86 (H0) | Application of JEFF STANG for a Home Occupation Use Permit to allow a poetry writing and framing business on property located at 317 Arnold Street, in Zoning District R-1. |
| HOME OCCUPATION
USE PERMIT | |
| 2. U-51-86 (H0) | Application of ANNA MITROPANOPOULOS for a Home Occupation Use Permit to allow a dressmaking and alteration business on property located at 1801 South Eastern Avenue, in Zoning District R-1. |
| HOME OCCUPATION
USE PERMIT | |
| 3. U-52-86 (H0) | Application of LINDA D. AND RICHARD B. SCHWARZ for a Home Occupation Use Permit to allow a secretarial service on property located at 6001 Morro Bay Avenue, in Zoning District R-1. |
| HOME OCCUPATION
USE PERMIT | |
| 4. U-54-86 (H0) | Application of PETE MOSS for a Home Occupation Use Permit to allow composing of music on property located at 621 Pioneer Street, in Zoning District R-1. |
| HOME OCCUPATION
USE PERMIT | |

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AGENDA

ANNOTATED & FINAL MINUTES

City of Las Vegas

JUNE 26, 1986

BOARD OF ZONING ADJUSTMENT

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

CALL TO ORDER:

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

ROLL CALL:

Carole Sorensen, Chairman	- Present
Bonnie Juniel	- Present
Robert Bugbee	- Present
Keith Ashworth,	- Excused
Frank Dixon	- Excused

ANNOUNCEMENTS:

Satisfaction of Open Meeting Law

STANDARD CONDITIONS:

ALL AGENDA ITEMS SHALL BE SUBJECT TO THE FOLLOWING:

Variance and Use Permit Applications:

- (1) Conformance to the plot plan and elevations.
- (2) Landscaping and a permanent underground sprinkler system shall be provided as required by the Board of Zoning Adjustment and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
- (3) Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy, whichever occurs first.
- (4) All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.

Chairman Sorensen called the meeting to order

Filed the meeting
Nevada State Library
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STAFF PRESENT

Rick Williams, Chief of Current Planning Division
Mike Clark, Community Planning & Development
Val Steed, Deputy City Attorney
Sandra LeBoeuf, Deputy City Clerk

Rick Williams announced the Open Meeting Law requirements had been met.

Chairman Sorensen announced standard conditions were listed on the agenda.

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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BOARD ACTION

- (5) Satisfaction of City Code requirements and design standards of all City departments.
- (6) Approval of the parking and driveway plans by the Traffic Engineer.
- (7) Repair any damage to the existing street improvements resulting from this development as required by the Division of Land Development of the Department of Community Planning and Development.
- (8) Provision of fire hydrants and water flow as required by the Department of Fire Services.

Home Occupation Applications:

- (1) This business shall conform to the restrictions governing home occupations.

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

MINUTES:

Approval of the Minutes for the May 22, 1986 Board of Zoning Adjustment Meeting.

NEW BUSINESS.

1. U-43-86(HO) - JOHN T. BROWN

Application of JOHN T. BROWN for a Home Occupation Use Permit to allow a business to provide computer services, on property located at 6505 Evergreen Avenue, in Zoning District R-1.

Staff recommends APPROVAL, subject to:

1. This business shall conform to the restrictions governing home occupations.

Chairman Sorensen read the appeal requirements into the record.

BUGBEE
APPROVED
Unanimous
(Ashworth & Dixon excused)

(19:32 - 19:32)

BUGBEE
APPROVED Items 1 and Items 3 and 4 on the Supplemental Agenda, subject to staff's condition.

Unanimous
(Ashworth & Dixon excused)

Rick Williams stated the questionnaire had been answered favorably. Staff recommends approval.

The applicant was present.

(19:32 - 19:35)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

2. V-123-85 - CONNIE J. INMAN - EXTENSION OF TIME

Application of CONNIE J. INMAN for an Extension of Time on an approved Variance which allowed a general business office on property located at 608 South 8th Street, in Zoning District R-1.

BUGBEE

ABEYANCE Item 2 and Item 2 under the Supplemental Agenda.

Unanimous

(Ashworth & Dixon excused)

Applicant was not present.

3. V-52-86 - EDWARD AND SHARON SWEETEN

Application of EDWARD AND SHARON SWEETEN for a Variance to allow an existing structure (covered patio) to the west side property line where a 9 foot setback is required, on property located at 6521 Elton Avenue, in Zoning District R-1.

Staff recommends DENIAL.

PROTESTS: 1 on record
1 appeared

BUGBEE

DENIED

Unanimous

(Ashworth & Dixon excused)

Rick Williams stated that the cover presently exists and the applicant was informed by a building inspector to obtain a permit and correct the violation. There does not appear to be any unusual or extraordinary circumstances to warrant a variance. Staff recommends denial.

Edward Sweeten appeared. He stated he wanted the structure for shade.

Louis Weiner, Jr., representing the Tangs, 6601 Elton, appeared in opposition. He stated the structure created a fire hazard.

(19:35 - 19:45)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

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BOARD ACTION

4. U-39-86 - ROBARTS REALTY

Application of ROBARTS REALTY for a Special Use Permit to allow a single pole 14' x 48' off-premise sign with a height of 40 feet, on property located at 3909 West Sahara Avenue (south side of Sahara Avenue, east of Las Verdes Street), in Zoning District C-1.

Staff recommends APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 1

BUGBEE

APPROVED as recommended by staff. Motion carried with Juniel voting "no" and Ashworth & Dixon excused.

Rick Williams stated the sign would front on Sahara which is mostly developed commercial. The proposal should not adversely impact the adjacent properties. Staff recommends approval.

Michael Parrah, representing the sign company, appeared.

Bill Titus, representing John & Jim Hanson, 3901 Sahara, appeared in opposition. He stated that they were going to construct a shopping strip adjacent to this property and that a large sign like this would detract from the small shops that would occupy his building.

Note: A public hearing date will be set at the City Council's July 2, 1986 meeting. The Public Hearing will be held at the City Council's July 16, 1986 meeting.

(19:45 - 19:52)

5. V-53-86 - VILLA BOREGA MOBILE HOME COMMUNITY

Application of VILLA BOREGA MOBILE HOME COMMUNITY for a Variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monroe Avenue), in Zoning District R-MHP.

Staff recommends APPROVAL, subject to:

1. This approval shall be for the sale of this one mobile home only, and this variance will expire at such time as this mobile home is sold.

PROTESTS: None on record
5 people spoke and a number were in the audience

JUNIEL

DENIED

Unanimous

(Ashworth & Dixon excused)

Rick Williams stated a mortgage company acquired this mobile home through a foreclosure. They then moved it onto a space they leased in the Villa Borega Mobile Home Park and offered it for sale. Staff feels rather than having the owner move the mobile home out of the park, selling it, and then possibly moving it back in, that this variance should be approved, but for this one mobile home only.

Bill Iverson & Charles Damas, Atty. appeared on behalf of the application.

Protestants:

Shelley Berkley, Atty., represented the mobile home tenants.

Russ Stone, President of Mobile Home Owners League

Jim Gross

Lawrence Cyganek

Freda Zappa

(19:52 - 20:45)

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ITEM

BOARD ACTION

6. U-44-86 - FIRST INTERSTATE BANK, TRUSTEE

Application of FIRST INTERSTATE BANK, TRUSTEE, for a Special Use Permit to allow the relocation of an existing 14' x 48' single pole, double face, off-premise sign, 40 feet in height, on property generally located on the north side of Sahara Avenue, east of Almond Tree Lane, in Zoning District C-1.

Staff recommends APPROVAL, subject to:

1. Conformance to the plot plan and elevations.

PROTESTS: 0

BUGBEE

APPROVED, subject to staff's condition.

Unanimous

(Ashworth & Dixon excused)

Rick Williams stated they were relocating an existing sign. Staff recommends approval.

Mike Parrah appeared on behalf of the application.

No one appeared in opposition.

Note: A public hearing date will be set at the 7/2/86 City Council meeting. The Public Hearing will be held at the 7/16/86 City Council meeting.

(20:50 - 20:53)

7. V-54-86 - GREGORY AND TRACEY McCURDY

Application of GREGORY AND TRACEY McCURDY for a Variance to allow construction of a patio cover 9'5" from the rear property line where 15' is required, and eaves 8' from the rear property line, where 12' is required, on property located at 5801 Capitola Avenue, in Zoning District R-1.

Staff recommends DENIAL; if approved, subject to:

1. Standard conditions 1 and 5.

PROTESTS: 0

APPROVALS: 2

BUGBEE

APPROVED, subject to staff's conditions.

Unanimous

(Ashworth & Dixon excused)

Rick Williams stated there did not seem to be an unusual or extraordinary circumstances to warrant a variance. Staff recommends denial.

Gregory McCurdy appeared on behalf of the application. He stated the rear of his property abuts Cheyenne Avenue.

No one appeared in opposition.

(20:53 - 20:57)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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ITEM

BOARD ACTION

8. U-45-86 - CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A CORPORATION

Application of CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, A CORPORATION, for a Special Use Permit to allow construction of a church, on property located on the southwest corner of Oakey Boulevard and Monte Cristo Way, in Zoning District R-E.

Staff recommends APPROVAL, subject to:

- 1. Construction of a 6' high masonry wall along the south line of the church site (approximately 190' north of El Parque Avenue).
- 2. Standard conditions 1 through 8.

PROTESTS: 0

APPROVALS: 1

JUNIEL
APPROVED, subject to staff's conditions.

Unanimous
(Ashworth & Dixon excused)

Rick Williams presented the plot.
Staff recommends approval.

Roy Smith appeared on behalf of the application.

No one appeared in opposition.

(20:57 - 20:59)

9. U-46-86 - FREMONT WEST SHOPPING CENTER, A PARTNERSHIP

Application of FREMONT WEST SHOPPING CENTER, A PARTNERSHIP, for a Special Use Permit to allow self-service gasoline sales in conjunction with a proposed convenience store, on property located on the southwest corner of Jones Boulevard and Clarice, in Zoning District C-1.

Staff recommends APPROVAL, subject to:

- 1. Standard conditions 1 through 8.

PROTESTS: 0

BUGBEE
APPROVED, subject to staff's conditions.

Unanimous
(Ashworth & Dixon excused)

Rick Williams stated that the requested gasoline sales use with the convenience store would be compatible. Staff recommends approval.

Ray Witt appeared on behalf of the application.

No one appeared in opposition.

(20:59 - 21:01)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

10. U-47-86 -O LOUISE D. ALEXANDER ON BEHALF OF SHERRY ALEXANDER IVY

Application of LOUISE D. ALEXANDER ON BEHALF OF SHERRY ALEXANDER IVY for a Special Use Permit to allow a group child care home for a maximum of 12 children, on property located at 125 South Cimarron Road, in Zoning District R-1.

Staff recommends APPROVAL, subject to:

1. The hours of operation as they apply to the group child care home be limited to a maximum from 6. a.m. to 7 p.m., Monday through Friday.

2. Standard conditions 1 and 5.

PROTESTS: 1 letter
Petition with 24 names
1 person appeared

JUNIEL

APPROVED, subject to staff's conditions, with the following conditions:

1. No other children, other than the ones under the applicant's care are to be permitted on the premises while the child care use is in operation.
2. Hours to be from 7 a.m. to 8 p.m., Monday through Saturday.
3. Six-month Review.

Unanimous

(Ashworth & Dixon excused)

Rick Williams stated the applicant was currently operating a group child care home for six children. Staff recommends approval.

Charles Reese, 129 Cimarron, appeared in opposition. He stated that children threw things over the fence into his yard and he didn't want this next door to him.

(21:01 - 21:11)

11. V-55-86 - MILDRED AND NICHOLAS A. CARACCI

Application of MILDRED AND NICHOLAS A. CARACCI for a Variance to allow an existing guest house where such use is not permitted; and to allow said guest house 1'5" from the side property line where a 5' setback is required; and to allow an existing shade cover for a recreational vehicle to be located on the side property line where a 5' setback is required; on property located at 1515 South 15th Street, in Zoning District R-1.

Staff recommends DENIAL; if approved, subject to:

1. Obtain building permits for the guest house and recreational vehicle cover from the Department of Building and Safety.
2. This variance does not constitute a waiver from the Building Code requirements or other construction standards of the Department Building and Safety.
3. Standard conditions 1 and 5.

PROTESTS: 0

BUGBEE

APPROVED, subject to staff's conditions.

Unanimous

(Ashworth & Dixon excused)

Rick Williams presented the plot plan. He stated a permit had been issued in 1976 for a storage shed not a guest house and that a permit had never been issued for the recreational vehicle cover. Staff recommends denial.

Rulon Huntsman, Atty., and Mildred Caracci appeared. Mr. Huntsman stated that the applicant had purchased the home ten months ago with a guest house.

No one appeared in opposition.

(21:11 - 21:19)

BOARD OF ZONING ADJUSTMENT

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BOARD ACTION

ITEM

12. V-56-86 - CHARLOTTE G. HARRIS ON BEHALF OF BONANZA LAND CORPORATION

Application of CHARLOTTE G. HARRIS ON BEHALF OF BONANZA LAND CORPORATION for a Variance to allow a 6 foot high wrought iron fence in the front yard where 4 feet (top 2 feet 50 percent open) is the maximum height allowed, on property located at 717 East Clark Avenue, in Zoning District R-1.

Staff recommends DENIAL; if approved, subject to:

1. The applicant obtain an encroachment agreement for any portions of the proposed fence to be located in public rights-of-way.
2. Standard conditions 1, 5 and 7.

PROTESTS: 0

BUGBEE
APPROVED, subject to staff's conditions.
Unanimous
(Ashworth & Dixon excused)

Rick Williams stated there did not seem to be any unusual circumstances to warrant a variance. Staff recommends denial.

Gail Harris represented the applicant. She stated that her mother needed the higher fence for security purposes as the children from the high school across the street came into her yard.

No one appeared in opposition.

(21:19 - 21:25)

13. V-57-86 - SCOTT L. BINDRUP, ET AL

Application of SCOTT L. BINDRUP, ET AL. for a Variance to allow the sale of used hubcaps, which is not allowed, (in conjunction with the permitted sale of new hubcaps), on property located at 1613 East Sahara Avenue, in Zoning District R-2 (under Resolution of Intent to C-1).

Staff recommends APPROVAL, subject to:

1. Conformance to the conditions of approval of Zoning case Z-71-85.
2. Standard conditions 1 through 8.

PROTESTS: 0

BUGBEE
APPROVED, subject to staff's conditions.
Unanimous
(Ashworth & Dixon excused)

Rick Williams stated this should not adversely affect the area. Staff recommends approval.

Ken Cory and Chuck Mitchell appeared on behalf of the application.

No one appeared in opposition.

Note: A public hearing date will be set at the 7/2/86 City Council meeting. The Public Hearing will be held at the 7/16/86 City Council meeting.

(21:25 - 21:31)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

BOARD ACTION

14. V-58-86 - TOMMY J. TERRY ON BEHALF OF RON RICHARDSON

Application of TOMMY J. TERRY ON BEHALF OF RON RICHARDSON for a Variance to allow a mobile home park; and to allow 3,290 square foot spaces for 48 of the proposed 200 spaces, where 4,000 square feet per space is required, on property generally located on the west side of Lamb Boulevard between Harris Avenue and Washington Avenue, in Zoning District R-MHP and C-1.

Staff recommends DENIAL; if approved, subject to:

1. Dedicate ten feet (10') of public right-of-way for Lamb Boulevard as required by the Department of Public Works.

2. Standard conditions 1 through 8.

PROTESTS: 1 on record

JUNIEL

APPROVED, subject to staff's conditions.

Unanimous

(Ashworth & Dixon excused)

Rick Williams presented the plot plan. He stated there did not seem to be any unusual circumstances to warrant this variance. Staff recommends denial.

Bob McNutt appeared on behalf of the application. He stated the smaller lots would allow more affordable housing for families. He stated this would be a family park.

Harold Hill, Manager of Three Crown Park, appeared. He wanted to know if it would be a family park or adult only.

(21:31 - 21:40)

15. V-59-86 - SYLVIA DANIELS

Application of SYLVIA DANIELS for a Variance to allow a 6 foot high fence (top 4 feet wrought iron with block pilasters) in the front yard where 4 feet is the maximum height allowed (with top 2 feet 50 percent open), on property located at 4601 Alyse Way, in Zoning District R-1.

Staff recommends DENIAL; if approved, subject to:

1. Standard conditions 1 and 5.

PROTESTS: 0

BUGBEE

APPROVED, subject to staff's conditions.

Unanimous

(Ashworth & Dixon excused)

Rick Williams presented the plot plan. He stated there didn't seem to be any unusual circumstances to warrant a variance. Staff recommends denial.

Sylvia Daniels appeared on behalf of the application. She stated she wanted the extra height for security purposes as she lived alone and had been robbed twice. Also, she had a large dog that was able to jump the four foot fence.

No one appeared in opposition.

(21:40 - 21:44)

BOARD OF ZONING ADJUSTMENT

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

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BOARD ACTION

SUPPLEMENTAL AGENDA

1. U-48-86(HO) - JEFF STANG

Application of JEFF STANG for a Home Occupation Use Permit to allow a poetry writing and framing business on property located at 317 Arnold Street, in Zoning District R-1.

Staff recommends APPROVAL, subject to:

- 1. This business shall conform to the restrictions governing home occupations.

2. U-51-86(HO) - ANNA MITROPANOPOULOS

Application of ANNA MITROPANOPOULOS for a Home Occupation Use Permit to allow a dressmaking and alteration business on property located at 1801 South Eastern Avenue, in Zoning District R-1.

3. U-52-86(HO) - LINDA D. AND RICHARD B. SCHWARZ

Application of LINDA D. AND RICHARD B. SCHWARZ for a Home Occupation Use Permit to allow a secretarial service on property located at 6001 Morro Bay Avenue, in Zoning District R-1.

Staff recommends APPROVAL, subject to:

- 1. This business shall conform to the restrictions governing home occupations.

BUGBEE
APPROVED, subject to staff's condition.

Unanimous
(Ashworth & Dixon excused)

Rick Williams stated the questionnaire had been answered favorably. Staff recommends approval.

The applicant was present.

(21:44 - 21:45)

BUGBEE
ABEYANCE Item 2 and Item 2 under New Business.

Unanimous
(Ashworth & Dixon excused)

The applicant was not present.

EUGBEE
APPROVED Items 3 and 4 and Item 1 under New Business, subject to staff's condition.

Unanimous
(Ashworth & Dixon excused)

Rick Williams stated the questionnaire had been answered favorably. Staff recommends approval.

The applicant was present.

(19:32 - 19:35)

BOARD OF ZONING ADJUSTMENT

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ITEM

BOARD ACTION

4. U-54-86(HO) - PETE MOSS

Application of PETE MOSS for a Home Occupation Use Permit to allow composing of music on property located at 621 Pioneer Street, in Zoning District R-1.

Staff recommends APPROVAL, subject to:

1. This business shall conform to the restrictions governing home occupations.

BUGBEE

APPROVED Items 1 & 4 and Item 1 under New Business, subject to staff's condition.

Unanimous

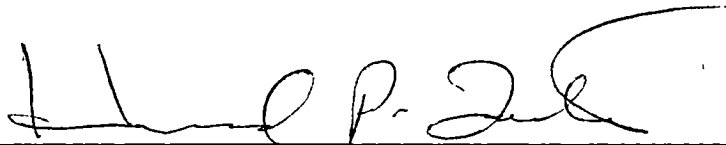
Rick Williams stated the questionnaire had been answered favorably. Staff recommends approval.

The applicant was present.

(19:32 - 19:35)

MEETING ADJOURNED AT 9:46 P.M.

DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



HAROLD P. FOSTER, DIRECTOR

/s/

CHAIRMAN SORENSEN:

Item Number 5, V-53-86, application of Villa Borega Mobile Home Community for a variance to allow a mortgage company to sell an existing mobile home in a mobile home park, where only a tenant-owned mobile home may be offered for sale, on property located at 1111 North Lamb Boulevard (southeast corner of Lamb Boulevard and Monore Avenue), in Zoning District R-MPH, MHP, I'm sorry. Is the applicant -- please state your name and address and sign in for the record.

BILL IVERSON:

Thank you, Madam Chairman. My name is Bill Iverson. We're co-owner and managers of Villa Borega Mobile Home Park at 1111 North Lamb Boulevard, Las Vegas, Nevada, 89110.

CHAIRMAN SORENSEN:

Alright. Staff.

RICK WILLIAMS:

Okay. You can see on the screen, this is an existing mobile home park. There are many mobile home parks on this particular area. It does lie in the east side of Lamb Boulevard, south of Owens. The applicant, of course, is the owner of the mobile home park. Now he's applying to allow a mortgage company, which now has title to a 24 x 60 double wide mobile home, to sell the mobile home at its present location and it's located on this site right here. Now it's our understanding, the mortgage company acquired this mobile home through a foreclosure. They then moved it into the Villa Borega Mobile Home Park and started advertising it for sale. There apparently was a complaint. The Building Inspector went out there and gave them a correction notice and they're seeking relief through this variance procedure. Now apparently the mortgage company, we assume, wasn't aware that it's illegal to sell a mobile home inside of an established park. Rather than moving it out of the park to sell it and then possibly having to move it back in once it's sold again, this variance was requested. Now one of the problems is the present zoning provisions are somewhat ambiguous as they relate to this situation. They state that a tenant can't sell a mobile home. Well, the question was who's -- we know what the intent was, but who's the tenant that can't sell the mobile home? Is it the occupant or is it the person who rents the space? So there is some ambiguity and staff will be presenting a proposal to amend the Zoning ordinance to clearly prevent, or at least

RICK WILLIAMS: discourage a reoccurrence to this activity in the future and we'll be presenting that to the Planning Commission in the very near future. However, in this particular situation the mobile home does exist on this site. Staff's feeling is that the variance could be a practical solution to this problem. However, thinking in those terms staff would recommend APPROVAL. However, the approval should be predicated upon one condition and that is the approval shall be for the sale of this one mobile home only and this variance will expire at such time that this mobile home is sold. And, of course, that then prevents a reoccurrence of this hopefully. As of this time, we do not have any protests on record.

CHAIRMAN SORENSEN: Okay. This is a public hearing. Would you like to state --

BILL IVERSON: Yes, if I may. I'll read something here please. Greentree Acceptance asked us several months ago if we could relocate one of their mobile homes to our park. We surveyed the home at the then location and found that it did meet the basic standards of our community, namely size, siding and roof material. The home needed some upgrading such as repairs to the exterior and painting and Greentree agreed to make all the repairs as we requested. They obtained the necessary permits from the City of Las Vegas Building Department and we agreed to accept the home under these conditions. The home arrived at Villa Borega on February the 4th, 1986 and Greentree began the necessary work. The siding and -- repairs were made, awning and porches were constructed as required by Villa Borega standards and the home was completely repainted on the outside. The interior of the home was repaired as needed, redraped, new carpets installed. Only one item has not been completed that Greentree agreed upon and that was the landscaping which this hearing stopped that, so to speak. A Greentree representative I'm sure is here right beside me and I'm sure that he can elaborate on the amount of money that was spent on this home, but it was a great deal. As owner and manager of Villa Borega Mobile Home Community, we have maintained an open door policy to all of our residents and those that expressed any concern about the home, were told that when the home was finished, it would meet or exceed Villa Borega's standards. If it did not, it would be removed from our

BILL IVERSON: community. These included representatives of the Silver State Mobile Homeowners League. The object of any business such as ours is to make -- to have a full park. This benefits all the residents as well as the owners. The cost of operation per space is less and increases, when necessary, can be less. We have not compromised from the standards of six years in filling the park. We are now 82% full and it is obvious that if compromises were to be made, they would have been made a long time ago. It is our hope that the Board of Zoning Adjustment will approve this variance. We have had a serious problem concerning repossessions in the mobile home industry in Las Vegas and Greentree Acceptance has made every effort in this case to have a quality outcome. Thank you.

COMMISSIONER JUNIEL: Sir, I'd like to ask you a question. When Greentree first approached you about moving the home into the mobile -- into your park, did they tell you they were moving over there expressly to sell it?

BILL IVERSON: Yes, ma'am.

COMMISSIONER JUNIEL: Were you aware that wasn't allowed?

BILL IVERSON: We were not aware of the law and apparently they were not either.

COMMISSIONER JUNIEL: Greentree is -- no, I'm not going to believe they aren't aware because they're dealers, are they not?

BILL IVERSON: They're a mortgage company.

COMMISSIONER JUNIEL: Just a mortgage company that financed that mobile home and they don't know the laws that relate to them.

BILL IVERSON: This I cannot answer. I mean, that's up to them to answer.

COMMISSIONER JUNIEL: Oh, but they did tell you they were moving over there to --

BILL IVERSON: It was moved in for resale, yes, ma'am.

COMMISSIONER JUNIEL: That's what I wanted to establish.

BILL IVERSON: But may I also point out that all the permits were issued by the City of Las Vegas to Greentree for that fact.

COMMISSIONER JUNIEL: To move it over there.

BILL IVERSON: No, to set it up.

COMMISSIONER JUNIEL: To set it up to sell it?

BILL IVERSON: To move it and set it up.

COMMISSIONER JUNIEL: To sell it?

BILL IVERSON: I would assume so.

COMMISSIONER JUNIEL: Is that true, staff?

RICK WILLIAMS: The fellow issuing the permit would have no knowledge of what it's being moved there for. He would assume that it's going to be lived in.

CHAIRMAN SORENSEN: Alright.

CHARLES DAMAS, ATTY.: Hello.

CHAIRMAN SORENSEN: Would you please sign in and state your name and address.

CHARLES DAMAS, ATTY.: Yes. I've signed in. My name is Charles Damas. I'm an attorney and I represent, at this time, Greentree Acceptance Corporation which is the mortgage company in question. This zoning -- variance application was not the idea of Greentree. It was not the idea of Villa Borega, but was simply the request of the Building Department and of the City Attorney's office of the City of Las Vegas. Greentree is a mortgage company. It is not a dealer. It's never been engaged as a dealer or licensed as a dealer. It simply finances mobile homes. There is a problem when a mobile home is repossessed. It's not that Greentree is not aware of the laws, but the laws are vague. There's no law that says that a person can't sell a mobile home. There is simply, what we're talking about today, a zoning ordinance. A City's zoning ordinance which is peculiar to the City, not to the County, that says that a mobile home in that

CHARLES DAMAS, ATTY.:

particular zoning of a mobile home park cannot be used as a site for mobile home sales activities, but the zoning ordinance further states that a tenant may sell his own mobile home. Now the only type of a tenancy created within Villa Borega Mobile Home Park is for the space. Greentree is the tenant of the space of Villa Borega Mobile Home Park. It, therefore, comes within we think the exception that it as a tenant can sell its coach. The law -- the zoning ordinance was enacted several years ago in response to what they called closed parks or parks in which a particular dealer or particular manufacturer of mobile homes had connection with that park and for a tenant to be able to move within that park that tenant had to buy from that dealer or buy that particular coach. That is not what has happened here, but the ordinance is vague. The City Attorney's office and the Building Department recognized that. If it's to be construed that Greentree cannot be a tenant under the statute, and the statute nowhere defines the word "tenant", then it would need this variance. If it is a tenant, it doesn't need this variance, but the City requested this as a resolution to this peculiar problem. It's a situation where Greentree acted in good faith. This was a very expensive mobile home, but in a poor location. It decided it's the only way it could get its money out of it would be to move it to a good location and totally rehab it. It is one of the highest quality mobile homes within that park at this time. This situation will be -- this situation will be resolved as soon as a natural person buys this coach and that's exactly what we want them to do. There's people waiting to buy this coach, but we don't want that person to have any cloud over their right to buy this home. In answer to your question, Greentree did get the permit to set this coach up within this park as the owner of this coach, not as the mortgage company, but as the owner of this coach. Of course, there is no permit needed to sell the coach and quite frankly, the Building Department probably had no knowledge of what Greentree was going to do with it specifically. However, I don't think they thought the corporation, Greentree, was going to take up residence in that coach. It was obvious

CHARLES DAMAS, ATTY.:

that it was going to be resold or rented and and this park doesn't allow rentals I don't believe. So, therefore, it had to be resold. Greentree has put a lot of money in this coach. It's a double wide. It would be burdensome to do this. We feel that it is the solution to this problem. If you don't feel that way, then the matter I guess will be resolved through the courts and that'll take a long time. This is simply the City Attorney and the Building Department's suggestion. This was not my suggestion nor was it the suggestion of Villa Borega or Greentree. We paid the --

COMMISSIONER JUNIEL:

Excuse me. It was at a less desirable park is that the reason they moved it?

CHARLES DAMAS, ATTY.:

Yes.

COMMISSIONER JUNIEL:

Could they not have repaired it where it was and then sell it on contingency of moving it to a better park?

CHARLES DAMAS, ATTY.:

Well, in these -- it was in a mobile home subdivision and in these situations when you have these double wide homes that -- to make them attractive, you have awnings and porches and carports. There's a tremendous expense of taking these apart. There's usually damage done in that process and putting them back together again and making them look nice. It is not the situation of an eyesore. The landscaping remains to be done. If we have a favorable ruling, we'll get on that immediately and it is a situation that will soon resolve itself. It is not Greentree's or Villa Borega's or anybody's desire to circumvent the law. The law's unclear and I think it needs to be addressed and in talking with the City Attorney's office, they feel that they would try to prepare a new zoning ordinance on this. But it's unfair to hold Greentree or Villa Borega or anybody as a victim to this circumstance. In this case, it's rather unique because it was moved in here. If Greentree had possessed it within this park though, the same question arises. Cannot that coach be sold by a mortgage company when it's in the park or does it actually have to be removed from the park, sold at a lot, then moved back into the park at a tremendous expense? I think the --

CHARLES DAMAS, ATTY.: the zoning ordinance needs some revision. Quite frankly, I had something to do with those ordinances. It was many years ago and we worked on those ordinances at the same time with the County and the same time with the State of Nevada when they enacted the Mobile Home Laws that are contained in Chapter 118A. Before tenants of mobile home parks virtually had no rights and they were abused and these problems have been addressed, but there needs to be some refinement and I think this case points it out exactly. Like I said, this application at the suggestion of the City and we're here in good faith pursuant to that suggestion. Thank you.

CHAIRMAN SORENSEN: Thank you. Is there anyone here in opposition?

SHELLEY BERKLEY, ATTY.: Yes, Madam Chairman.

CHAIRMAN SORENSEN: Okay. Would you state your name and address and did you sign in?

SHELLEY BERKLEY, ATTY.: No, I did not. May I do so after my presentation?

CHAIRMAN SORENSEN: No, first.

SHELLEY BERKLEY, ATTY.: Alright. Do it first?

CHAIRMAN SORENSEN: Yes.

SHELLEY BERKLEY, ATTY.: Madam Chairman, members of the Board, my name is Shelley Berkley. My home address is 1980 E. Pebble Road, Las Vegas, Nevada. I am an attorney licensed to practice law in the State of Nevada. I do not practice because I am home raising children at this point in my life. However, every now and then, clients come to me with a problem that I consider particularly unique and aggravating for them and when I do get a case like that, I do represent clients and in this case, I am representing the Mobile Home Tenants Association in the Villa Borega Mobile Home Park and I would like for all of those people that are here from the Tenants Association to please raise their hands so you can see who they are. Thank you. We strenuously object to the granting of this variance. Greentree Acceptance, a nationwide

SHELLEY BERKLEY, ATTY.:

financial institution, repossessed a mobile home and with some arrangement by park management moved it into the Villa Borega Mobile Home Park subsequently offering it for sale in total disregard and violation of Las Vegas Municipal Code 19.36.0608. This code expressly prohibits display and/or sale of mobile homes except a tenant may sell his mobile home residence. The language is perfectly clear. It is unlawful for a person to display or sell a mobile home in the R-MHP District unless that person is a tenant who is selling his mobile home resident, resident and you can manipulate the language all you want rational, logic and common sense dictates what tenant means in this situation and most others. The intent of the ordinance is to allow a mobile home owner to sell a mobile home located in the park without having to move it first. Also, the intent is to prohibit coaches from being moved into the park for purposes of sale when they don't ordinarily belong there. To interpret this ordinance in any other matter, would be to permit all mobile home repossess-- repossessors with prior permission from mobile home park owners to turn mobile home parks into outdoor landscaped showrooms simply by moving them in for purposes of sale. This ordinance was passed expressly to prohibit the kind of shenanigans that are going on right now in this case. The moving in of mobile homes for sales -- for sale purposes would have a measurable impact on the character of the neighborhood in the residential area. There is no rational reason or cogent argument for permitting the variance, or this variance, to allow the sale of this repossessed substandard coach in this park. There are, however, many reasons to deny this wanton disregard for the spirit and intent of this important ordinance. First, by moving this junker into the park, and you can tell me there were thousands of dollars worth of improvements, hundreds of dollars worth of improvements, the reason there were so many -- a need for so many thousands of dollars of improvements is because it was a junker and it was in a very substandard park and the only way that Greentree Acceptance can get this junker sold is if they get it out of the substandard park, put it in a beautiful park, and put in thousands of dollars of renovation, but a junker is a junker and

SHELLEY BERKLEY, ATTY.:

I don't care how much money you put in it. What it does is it depresses the value of the other mobile home -- mobile homes in the park while improving the value of the junker.' It's important to keep in mind that for many families in this park, their mobile home represents the major largest investment that they have in their lives. This is the most important asset they have and to undermine their individual lifetime investment in their homes merely to enable a financial institution to recoup its loss, would be a terrible precedent to set by this Board. The second reason -- by granting this variance, you would be interfering with the sale of other coaches in the park. Currently there are approximately 30 owner-occupied coaches for sale in this park at a considerably higher price than the one being offered for sale by Greentree. What you would be doing by granting permission for the park management to -- would be granting permission for the park management to compete with its tenants in the park for sales of mobile homes. Third. By denying this application you would be serving notice to other financial institutions that this blatant disregard for the letter and intent of the law will not be tolerated by the City of Las Vegas. And just by prohibiting Greentree from ever doing this again is no guarantee that other financial institutions won't. Finally, I would like to direct your attention to the Villa Borega book of rules and regulations which governs the park. Section 7 states: "Only new mobile homes will be permitted to move onto any homesite in the community or to be used as a replacement for a mobile home which is being removed from the community." Management, by agreeing to permit Greentree to move its repo into the park, did so in violation of their own rules and regulations and according NRS 118B100.4, 'if in fact management wishes to amend the rules and regulations, the tenants must be given 60 days notice of the change in writing. Not only is Villa Borega in violation of its own rules, it's also violation of NRS 118B. There's also no validity to the statement that management was unaware of the ordinance in question. For one thing, they're on constructive notice. Now we have a mobile home manager that should be aware of the ordinances. Secondly, they have actual notice and I have with me members of the Mobile

SHELLEY BERKLEY, ATTY.:

Home Tenants Association that can tell you, and they'll come up and speak if you like, and their names are Mr. Jim Gross who brought the Municipal Code in January of 1985 to Mr. Iverson and explained it to him and I won't tell you verbatim what Mr. Iverson said to him, but it wasn't polite. We have two other people with us, Mr. Ed Kohler and Mr. Larry Cyganek who brought -- bought repos in the mobile home park. So he knows that this absolutely blatantly positively against the ordinance. The tenants of Villa Borega have been most judicious in their behavior regarding this matter. They contacted City Hall on numerous occasions. They met with their tenants organization before deciding to oppose this measure. Their organization voted unanimously to oppose this. They're standing their ground. They feel that they have right on their side. They've -- in an effort to be fair, they had another hearing with their association just to make sure that this was the will of the people and again it was a unanimous vote. I'd also like to direct your attention to the legal opinion of the City Attorney's office and you will see that it parrots or I mirror exactly what the City Attorney stated in this matter. Now, if perhaps the permits by the City were issued incorrectly or inadvertently, I don't think that my clients should have to suffer for that and the fact that Greentree has repos that they can't get rid of is still not a reason for these people to suffer and have their property values go down. I hope that you see our position. I know these people are very concerned about it. They were concerned enough to call me and we would appreciate all due consideration in this matter. If you would like these gentlemen to step up to the mike, I'm sure they'd be willing to.

COMMISSIONER BUGBEE:

I'd like -- a couple questions of you, Mrs. Berkley.

SHELLEY BERKLEY, ATTY.:

Yes.

COMMISSIONER BUGBEE:

One. This mobile home moved in there sometime in February I believe and so I'm wondering what's been going on in the last 120 some days? It surfaces with us and I would -- your explanation and the other counsel's explanation. That's my first

COMMISSIONER BUGBEE:

question. If it's going -- if it's doing damage to the homes now, it must have been terribly damaging in January and February before they started their rehab.

SHELLEY BERKLEY, ATTY.:

Yes. As a matter of fact, I have -- well, what originally happened is that once the -- I'm sure that you'd probably like one of the park members to explain this to you, but it is my understanding and again they can repeat this they repeated it to me, that they immediately contacted City Hall to see if perhaps there was a mistake and that the ordinance had been changed. They were assured that it had not. Then an inspector came out from the City and told the Iverson that they had to stop work on it immediately which they did; and then, of course, their -- I've got letters dating from April 15th regarding this situation between the City and various other entities and then, of course, April 25th this was issued and then I guess -- when I say this, excuse me, I didn't realize that you can't see what I'm doing. This is a -- this is to Clay Hymer, Director of Building & Safety Department and this was the legal opinion that had been requested and then finally, of course, the application for variance. So this has been a continuing problem that they've been attempting to take care of. It's not something that the tenants just decided that they would fight. They've been discussing it and trying to reach an equitable arrangement for several months since it was first put on the property. And, of course, they can give you confirmation of this if you'd like.

COMMISSIONER BUGBEE:

I'd like to see that City Attorney's --

SHELLEY BERKLEY, ATTY.:

I have taken the liberty of highlighting areas for my own benefit. So that's not their highlight, it's mine. Would you also like to see -- this is -- when it was first put on the property, Greentree put a for sale sign with their telephone number. So the intent was to move it on for purposes of resale and the Iversons new perfectly well when they accepted it that they were doing an illegal act.

COMMISSIONER BUGBEE: Is it in the violation of the mobile home park CC&R's or whatever you have?

SHELLEY BERKLEY, ATTY.: Yes, and it's also in violation of -- and I'll give you that. It's in violation of their own rules and regulations and if the tenants have to live by these rules and regulations, management should certainly have to set a good example and do so. Also, of course, this is -- there is no valid reason -- I haven't heard a single thing that Mr. Iverson or his learned counsel said that would possibly lean towards a granting of the variance. There's no hardship. There's no problem. They entered into this decision on their volition and they knew -- perhaps not Greentree, but Mr. Iverson knew perfectly well what he was doing was against City ordinance and he did it anyway.

COMMISSIONER BUGBEE: You might -- did you listen to staff as he made his presentation?

SHELLEY BERKLEY, ATTY.: Yes.

COMMISSIONER BUGBEE: Because he was kind of leaning in the other direction. In fact they recommended approval.

SHELLEY BERKLEY, ATTY.: Well, you know, it's -- I think that they're mistaken and I think the reason for that is that they're not taking the human element into this situation. We have an investment of hundreds of thousands of dollars by these people as opposed to a rather small investment and a little bit of difficulty moving it out, but I would state my reputation on the fact that they knew perfectly well when they moved in there that they were doing an illegal act and it's very easy to come before a Commission or before a Board and say, we've invested so many thousands of dollars, hey, we're good guys. We're generating business for the State of Nevada. Do us this one favor and we won't do it again. I've heard it. I've set on Boards. I served in the Nevada State Legislature I've heard these arguments before. Quite frankly after you've heard them dozens of times, you become somewhat desensitized to it. The reasons for these ordinances are very clear. As a matter of fact, Counsel for Greentree and I worked on many

SHELLEY BERKLEY, ATTY.: of these mobile home ordinances many years ago together. So I believe that we both know -- of course, obviously we have different positions now, but we're aware of the intent of these ordinances.

COMMISSIONER BUGBEE: Well having set on a lot of commissions, I'm sure that you're aware that many times we're asked to resolve situations that possibly could have been resolved outside of this body. One of the things that I don't understand, if these in fact are the CC&R's that govern the park, I think if I lived in a park, I would have just got my whole group together that are out here now so well organized and said, we're not paying our rent until this thing's handled.

SHELLEY BERKLEY, ATTY.: Well, I think they didn't want -- we do not have a radical group here. We have a nice bunch of people. (laughter)

COMMISSIONER BUGBEE: That isn't radical. I don't think that's radical. I mean --

SHELLEY BERKLEY, ATTY.: Well, I think what they thought is that -- I do believe that they believe in their cause and I think that they believe that if they got up before the proper authorities and explained the situation given the fact that the Iverson's did know and we do have three people that can testify to the fact that Mr. Iverson knew perfectly well -- this has happened twice in the past and they've let it slide because it's a very difficult thing living in a mobile home park. You want to keep congenial relations. It's kind of a neighborhood setting. You don't want to rock the boat, but how many times can you be pushed. He's done it twice before and now my clients have said, no more, we're not going to let him get away with it again.

COMMISSIONER BUGBEE: Hit them in their pocketbook. (laughter)

SHELLEY BERKLEY, ATTY.: I'm not sure I would recommend to them to withhold their rent.

COMMISSIONER BUGBEE: Well now, you know, I have some rental properties and I'm sure if the tenants all got together and said, we're not paying until this situation is resolved. They'd sure get my attention in a hurry.

SHELLEY BERKLEY, ATTY.: I'm not sure that's legal in the State of Nevada to withhold -- it is?

COMMISSIONER BUGBEE: Neither is -- according to you.

SHELLEY BERKLEY, ATTY.: Well, as you know it's been proven --

COMMISSIONER JUNIEL: You can hold it in an escrow account as long as they pay it and put it away so it can be resolved afterwards, that the money is available.

SHELLEY BERKLEY, ATTY.: I thought that was only if the property was uninhabitable.

COMMISSIONER BUGBEE: No, no.

COMMISSIONER JUNIEL: There's all kinds of reasons.

COMMISSIONER BUGBEE: You can put your money with Joe Johnson or Mike Orr or whoever and just say, hey, there I am in good faith, but we won't release until they live up to their obligation.

COMMISSIONER JUNIEL: With a third party.

SHELLEY BERKLEY, ATTY.: Well, I'm a little embarrassed because in 1977 I drafted the Residential/Landlord Tenant Act. It's obviously made several changes since I've been home changing diapers.

COMMISSIONER BUGBEE: I remember your drafting quite well. I was at the legislature myself lobbying. Could we have a couple, three people.

CHAIRMAN SORENSEN: Yes. We'd like to hear from a couple of people. Who would like to be a spokesman?

SHELLEY BERKLEY, ATTY.: Would you like to speak with the president or with any of these gentlemen that have purchased mobile homes or how about --

COMMISSIONER BUGBEE: You named three names here that's been a spokesman of the group.

CHAIRMAN SORENSEN: Let's have those.

SHELLEY BERKLEY, ATTY.: Okay. Les, why don't you come up and bring Jim with you and either Ed or Larry.

COMMISSIONER BUGBEE: We'd appreciate it if you'd bring just new testimony. I think Mrs. Berkley did a very excellent job of presenting her case. So if you have something additional, I'll sure listen to it.

SHELLEY BERKLEY, ATTY.: Thank you.

RUSSEL E. STONE, JR.: Madam Chairman and members of the Board, my name is RusseLE. Stone, Jr. I live at 1111 North Lamb Boulevard, Space 224. I'm President of the Mobile Homeowners League of the Silver State, Chapter 27. We've been concerned about this because of the rules and regulations that we've been living by and maintaining a first class park and this is a first class park. When this house was brought in, everybody was quite concerned and there were a number of them immediately went to the office because as our counsel has said, it was a junker. And when the for sale sign first went up, I personally called Greentree and the girl I talked to said that it was being vandalized where it was located so they moved it into Villa Borega to finish it up and sell it. Well, I talked to the management and they said it would be brought up to standards and -- before it would be put up for sale. Well, if you go out and look at it, it needs to be roofed, one awning is in bad shape, one support is upside down. There's any number of things that you can see on this house that are not right, not anywhere's near the standards that they have required of us. And again as our counsel pointed out, we were required to bring in new or like new homes and this creates considerable expense. I had a home that I could have brought down, but it was not a new home, when I moved from Oregon, but I had to sell it, get rid of it up there, come down and buy a new home to conform. This is what we're concerned about. It's not up to standards now. If it would be up to standards, I don't know, but we are concerned about this because it does devalue our home sitting next to this house. It's considerably

RUSSEL E. STONE, JR.: older than ours and you can put a lot of paint on things to make it look pretty nice, but it's still an old home. I don't know if you'd like to hear the gentleman that talked to them about this.

COMMISSIONER BUGBEE: I'd like to talk to you for a second.:

RUSSEL E. STONE, JR.: Sure.

COMMISSIONER BUGBEE: I'm looking at your plight and I can appreciate what you're saying. I can appreciate the way the law has been kind of pushed around here and staff's presentation. However, any way we look -- anyway, if we were to go for approval tonight, it would still go to the City Council and then be heard again. If we voted for denial, it would go to the City Council and be heard and we're talking about time. Now, maybe an easy way out of this thing would be to -- and trying to meet with your problems, just set a 90 day order to move on this thing, let them try to get rid of it. You know, there's two -- how many -- they have an appeal to the Council, don't they? This could be drug out to what, the first of August, the middle of August?

RICK WILLIAMS: I'm not aware --

COMMISSIONER BUGBEE: Timing on it now --

RICK WILLIAMS: You mean if it's appealed?

COMMISSIONER BUGBEE: Yes.

RICK WILLIAMS: It would go July 16th for the final action.

COMMISSIONER BUGBEE: Is there an appeal on the -- you can appeal then to court, right?

RICK WILLIAMS: That's correct.

COMMISSIONER BUGBEE: So what I'm trying to do is I'm trying to think of some way where we can get this thing expedited instead of putting this group of people into a long drawn out situation. Maybe if we can't do it, we'll just do what our thoughts are then. I understand where you're coming from.

RUSS L STONE, JR.:

Sir, we have time. Quite a few of us are retired and there's a lot of working people there. We do have the time and we do feel that this was a considerably unjust thing that they did to us when we were required to spend considerable money on the new home and landscaping and one thing an another.

COMMISSIONER BUGBEE:

I sympathize with you in that particular area. I mean, I think you're 100% right. I can't argue with that. I can't argue with Mrs. Berkley either, but --

SHELLEY BERKLEY, ATTY.:

It just concerns me that there are 30 other homes, owner-occupied homes right now that are up for sale in the exact same park and here this junker was moved in, fixed up, repainted and is going to be offered to the public for considerably less money. That I think is not fair, given the fact that they knew it was in violation of the ordinance prior to moving it in. I can understand if they didn't know and it was a big mistake and they were truly sorry. They knew about this ordinance as you will find out from our next speaker.

COMMISSIONER BUGBEE:

Well, let's hear the next speaker then.

JIM GROSS:

Madam Chairman and Board members, I was the original president of Chapter 27 of Silver State.

COMMISSIONER BUGBEE:

Your name, please.

JIM GROSS:

Jim Gross. I have emphysema. I cannot take any stress or tension. Everytime I would go in the office to try and iron something out, it ended up in a shouting match. I always get another party with me, who's not with us any longer, he moved to Ohio. In January -- the Chapter started in December of '85 I believe, '84, and in January; I went in and talked to Bill and I explained to him that there were two coaches there of Gold Key they were offering for sale, new coaches, I said, that's in violation of the law and I talked to Gold Key and I was told to mind my own God damn business and Vickie Demas was not going to run the park and that was the extent of that.

JIM GROSS: After that -- after March I guess, I just gave up. I just felt my health was more important than the aggravation and all I was trying to do, along with the board, was to get that book you're holding up there of the park rules followed and I don't think we're asking too much. We were asked to abide by it and all of a sudden there's a million different exceptions to the rules. Thank you.

CHAIRMAN SORENSEN: Could we hear our next speaker.

LAWRENCE CYGANEK: I have to sign in first.

SHELLEY BERKLEY, ATTY.: I'm sorry this is taking so long. I didn't realize our presentation would be quite as voluminous as it's turned out.

LAWRENCE CYGANEK: My name -- excuse me, my name is formerly Lawrence Cyganek and I'm addressing my remarks to Mr. Bugbee, Madam Sorensen and Madam Juniel. All I'm going to do is make a simple statement of fact. We came to Villa Borega on March 5, 1985 and we purchased a coach, or a mobile home, in Space 149 from Gold Key. You know, it's a Somerset Home by Golden West Homes, purchased by Sales Manager Rita Lucaro. We have now lived there one year. After that I really have nothing to say, but it was set up -- it was set up by Gold Key. It was a 1984, Madam Sorensen, never lived in. We looked it over and we didn't take long time. We didn't want to go all over Las Vegas, you know, and get confused so we decided this is the home we want to buy. So we bought it in one day. End of my message.

CHAIRMAN SORENSEN: Thank you.

COMMISSIONER BUGBEE: See if there's any rebuttal and let's get this thing over.

CHAIRMAN SORENSEN: Is there any rebuttal to this?

CHARLES DAMAS, ATTY.: Just briefly.

CHAIRMAN SORENSEN: Briefly.

- CHARLES DAMAS, ATTY.: I just want to point out again that this is a zoning hearing and the owner, the tenant of this space in this mobile home park, is Greentree Acceptance. That tenant got the building permits. The permits were issued after the Building Department determined that it met all applicable zoning standards. Once the permits were issued, all the money was spent. Over \$12,000 was spent by Greentree in the rehabilitation of this mobile home. It's listed for \$44,000. If we'd known that there were 30 homes for sale there, I don't think we would have moved it in there. It looks like a bad market there. This -- well as staff said, the recommendation is for a one time waiver, not to establish a new policy, but I think out of this experience a new ordinance should be drafted because Greentree is a tenant and it comes within the exception of the ordinance. This was a repo, but it was repoed from private property, from land that the owner of this mobile home had. It could not stay on that property. It would have been the same situation if it went to a dealer and somebody bought it and moved this coach into that park and then rehabed it. I don't know really what is the difference on the impact of the mobile home park.
- COMMISSIONER JUNIEL: Excuse me. The difference is that their regulations state that only new homes would be allowed there.
- CHARLES DAMAS, ATTY.: Or like new.
- COMMISSIONER BUGBEE: No, article 7, first paragraph, only new mobile homes will be permitted to move onto any homesite in the community.
- CHARLES DAMAS, ATTY.: That is not a zoning determination. Those rules could --
- COMMISSIONER JUNIEL: Those are the park's rules.
- COMMISSIONER BUGBEE: It's a determination these other people that have invested tens of thousands of dollars put their mobile homes at the same site.
- CHARLES DAMAS, ATTY.: Those people also know that those rules can be changed at any time upon 60 days notice by this park. That park could abandon every one of these rules. It could abandon --

COMMISSIONER BUGBEE: Have they been changed? Have they abandoned?

CHARLES DAMAS, ATTY.: They could have been. These people depend upon the strict enforcement and interpretation of this park management. This park management is the only thing that will keep this park within the standards. It is ludicrous to think that Villa Borega would somehow be wanting to lower their standards to hurt their property. They're not getting anything out of this except some rent on a space.

CHAIRMAN SORENSEN: But wasn't there something in their guidelines that says that it had to go to the whole park ownership if they were going to change some of the rules?

CHARLES DAMAS, ATTY.: No, the statute simply requires 60 days notice. It does not allow for the tenants to have an input in to what those rules may be. The rules are somewhat limited in what they can or cannot do by Chapter 118A. I mean, they can't -- rules cannot be constructed to go around what the laws are governing tenancy, but the rules can be basically non-existent as far as standards in that park.

COMMISSIONER BUGBEE: I'm having a hard time going with you on this because I have constructed a lot of projects where I have to write CC&R's, which I realize they're different --

CHARLES DAMAS, ATTY.: This is not CC&R's.

COMMISSIONER BUGBEE: I recognize that.

CHARLES DAMAS, ATTY.: These are not recorded. They don't run with the land.

COMMISSIONER BUGBEE: I recognize that, but what I'm saying is though is on the strength of this thing here, people do come in because they feel they have protection, invest money and if our State law, and I think Shelley can probably tell us more about it now because I just don't know how you can turn around and con a bunch of folks to moving into your park and then changing the rules after they get in because moving a mobile home is a very expensive proposition.

CHARLES DAMAS, ATTY.: That's exactly what Greentree's saying. How can you issue a permit, allow us to spend \$12,000, ask us to come before this Council for a zoning permit and then try to tear us apart on a vague ordinance that has never been enforced. It's selectively enforced and we are a tenant. There's only one type of tenant in this park and that's the person that leases the space. Greentree's not a natural person. The City knew that and they accepted our money and they went and they inspected it. Greentree is about the only body left around here -- almost the only company -- there's just a few left financing mobile homes. That is going to affect it.

COMMISSIONER BUGBEE: Would you consider Greentree family or adult only? I mean there's --

CHARLES DAMAS, ATTY.: Villa Borega you mean?

COMMISSIONER BUGBEE: Yes, Villa Borega.

CHARLES DAMAS, ATTY.: I don't know. I don't represent Villa Borega, only Greentree the mortgage company.

COMMISSIONER JUNIEL: Staff just said that when the company applied for the permit, they did not know and they did not assume either that that mobile home was placed there for resale. So you're saying that they issued a permit --

CHARLES DAMAS, ATTY.: What else --

COMMISSIONER JUNIEL: They issue permits because they did it as a homeowner which you should get the permits.

CHARLES DAMAS, ATTY.: How else -- what else would it be there for? Greentree doesn't -- isn't a person. They don't live in a mobile home park.

COMMISSIONER JUNIEL: Why don't they just -- it's the position of the City to ask, are you a person or not. You should have known the laws prior to doing that. I mean, not you personally, but --

CHARLES DAMAS, ATTY.: I do know the law and in my opinion as a lawyer, we're in full compliance with that law. This is not my idea to be here today.

COMMISSIONER JUNIEL: You're messing with the word "tenant" a lot.

COMMISSIONER BUGBEE: This has been abolished, right?

CHARLES DAMAS, ATTY.: I don't know that. I'm just representing the --

COMMISSIONER BUGBEE: Right now the park runs by these rules?

COMMISSIONER JUNIEL: Only if it's convenient, apparently.

CHARLES DAMAS, ATTY.: I don't know -- I've never seen them, sir. I'm sorry. I represent Greentree is all, but I will say this that Greentree -- just lately Frontier, All Valley Acceptance, Citicorp, Valentine, they have all ceased doing business in Nevada. They found the climate hostile. Greentree is wondering whether they should. In the last month, they've put 1,400,000 in loans in this community and I think it's imputative and I think it would hurt the very people you're trying to protect to make it imputative on a company like Greentree that acted in good faith. Look at the situation of the ordinance right now. If you accept Mrs. Berkley and, Miss Juniel, if you accept your interpretation -- what a tenant is -- a tenant is a tenant of the space. It doesn't say a natural person in the ordinance. If you accept your interpretation, then any tenant in this park who falls on unfortunate times and has their mobile home repossessed, that repossession that mortgage company will then be forced to remove that home, tear it apart, in order to sell it, that will result in a huge deficiency will be punitive upon that person who lives in that park. If it were sold in the park, there may be no deficiency. These people will be hurting themselves under that interpretation of this ordinance. The ordinance needs to be changed, that's all we're saying.

COMMISSIONER JUNIEL: The City has just alluded to the fact that they're going to do that, but you're also contradicting yourself. You're saying, Greentree is not a person, but the audience say it must be a resident, a tenant-owned resident. Now is Greentree -- they own it, but they're not the -- it was not their residence unless Greentree moves in there.

CHARLES DAMAS, ATTY.: Show me where it says that in the ordinance?
It does not say residence, it says tenant.

SHELLEY BERKLEY, ATTY.: Tenant in a mobile home residence.

CHARIMAN SORENSEN: It says tenant and residence is what I heard.

COMMISSIONER JUNIEL: I deal with these every day in my line of
work so I know.

SHELLEY BERKLEY, ATTY.: Madam Chairman.

CHAIRMAN SORENSEN: Yes.

SHELLEY BERKLEY, ATTY.: I don't know this woman, but she wants to
speak.

CHAIRMAN SORENSEN: Okay, have her come up. Let's hear what she
has to say. Please sign in. This will be
the last one.

SHELLEY BERKLEY, ATTY.: I have no idea what she has to say.

FREDA ZAPPA: Madam Chairman, members of the Board, my name
is Freda Zappa. I live at 867 North Lamb,
Space 217, Las Vegas, 89110. I also live in
a mobile home park. I live in Three Crowns
which is very close to Villa Borega. I have
maybe not as much invested in my homes as some
of these people do, but my concern and the rest of
my people is that the mobile home population in
Nevada is very large. There's a lot of us that
have a lot of money invested in our homes. We
can't afford the moving of our mobile homes and the
only thing I'd like to say is, if this is permitted
with what Greentree is doing in Villa Borega, what's
to stop it from being done in our park and we
certainly don't want any junkers or anything --
you know, we have to live by the rules too and
that's all I wanted to say.

CHAIRMAN SORENSEN: Thank you.

FREDA ZAPPA: Thank you. (applause)

CHAIRMAN SORENSEN: Alright. The hearing is closed.

COMMISSIONER BUGBEE: I think you should let this man talk.

CHAIRMAN SORENSEN: Oh, did he want to make one more statement?

BILL IVERSON: Yes, ma'am, I do.

CHAIRMAN SORENSEN: Alright.

BILL IVERSON: I kind of feel like I had a character 'assassination here tonight by this lady. First of all, I'd like to state one thing as far as Mr. Gross was concerned and his shouting match with me. Mr. Gross wrote a letter to our general partners who I'm in business with and did not have the courtesy to come and talk to me about it or anything.

CHAIRMAN SORENSEN: Well, let's talk about this problem.

BILL IVERSON: Well, they brought it out and I think I may have a chance to rebut that. I would like to ask one thing, for everybody in this audience stand up that's Villa Borega that I've shouted against. Have I shouted against any of my residents here?

JIM GROSS: No, not as a resident.

BILL IVERSON: And you know why, Mr. Gross, too. I would like to also state that we have other homes that have come into Villa Borega that were not new. Our policy has been new or new appearing. That has been the policy and this home conforms to that.

COMMISSIONER BUGBEE: Is this --

CHAIRMAN SORENSEN: But your thing says new.

BILL IVERSON: That is the second edition, sir.

COMMISSIONER BUGBEE: This is the second edition?

BILL IVERSON: I don't know. I cannot tell you.

COMMISSIONER BUGBEE: It doesn't say first or second on it.

CHAIRMAN SORENSEN: It says new homes.

COMMISSIONER BUGBEE: But on article 7, it says only new mobile homes will be permitted to move into any homesite in the community.

BILL IVERSON: Does it say, further then that? What else does it say?

COMMISSIONER BUGBEE: Or to be used as a replacement for a mobile home which is being moved from the community. Only double wide homes will be permitted, etc. to occupy double wide homesites. If the homesite is not large enough to accept a full double wide mobile home, but will accept a 20 wide mobile home, then only a 20 wide mobile home will be permitted, etc., etc. and there's nothing to say about a like new or used.

BILL IVERSON: There was on the other one that we have.

COMMISSIONER BUGBEE: Alright. Is everybody here aware that there's another one besides this?

FROM AUDIENCE. No.

BILL IVERSON: Well, we advertised that previously and you knew about that.

LAWRENCE CYGANEK: I've only received one copy since I've been here. Just one copy.

COMMISSIONER BUGBEE: Close the hearing.

CHAIRMAN SORENSEN: Okay. We'll close the hearing now.

COMMISSIONER JUNIEL: Madam Chairman, I believe that Greentree may have had good intentions to move their home over here and resell it. However, I feel that the manager of that park had the responsibility to inform Greentree of the law that affects moving a mobile home in expressly for the purpose of selling. I believe that the guidelines by which the manager insist that the tenants use is the guideline that must be followed even though it appears now that it's used only for convenience of one or the other. If they are to follow those guidelines, so is the manager; and for that reason, I'm going to move for DENIAL.

CHAIRMAN SORENSEN: It's been DENIED. (Motion carried unanimously with Ashworth and Dixon excused.) The application has been DENIED. (applause)

END OF DISCUSSION

CITY

TO:

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SUBJECT:

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Homes in Mo
Application
Various Situa

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From the Desk of:

LARRY K. BARTON
DEPUTY CITY MANAGER

1 May

*Clay -
Status?*

Larry

due date: 5/7

INTER-OFFICE MEMORANDUM

May 5, 1986

TO: LARRY K. BARTON DEPUTY CITY MANAGER	FROM: JOSEPH SILVESTER DEPUTY DIRECTOR DEPARTMENT OF BUILDING & SAFETY
SUBJECT: STATUS VILLA BOREGA MOBILE HOME PARK GREEN TREE ACCEPTANCE	COPIES TO:

In light of the recent legal opinion concerning this issue and the recourse available to those involved, the following has taken place:

- We contacted the Iverson's at Villa Borega and explained the fact that a variance can be applied for on behalf of Green Tree Acceptance to allow the mobile home to remain in the park for purposes of sale. As owners of the park they were agreeable. A variance application has been hand delivered to them.
- We contacted Dan Bialon at Green Tree Acceptance and explained this avenue of recourse available to them. They were agreeable and will pay the filing fee.

The next closing date to file the variance application is June 2, 1986. The item can then be considered by the Board of Zoning Adjustment on June 26, 1986.

We have also called Mr. Stone and given him a status report.

KT

CITY OF LAS VEGAS

Date

INTER-OFFICE MEMORANDUM

April 25, 1986

TO:

Clay Hymer, Director
Bldg. & Safety Dept.

FROM:

Val Steed *Val Steed*
Deputy City Attorney

SUBJECT:

Prohibition Against Selling Mobile
Homes in Mobile Home Parks -
Application of Exemption to
Various Situations

COPIES TO:

Ashley Hall
Larry Barton

You have requested an opinion concerning the application of LVMC 19.36.060(A) to various actual and hypothetical situations which concern the selling of a mobile home in a mobile home park.

BACKGROUND

As we understand the facts, Green Tree Acceptance (a financial institution) repossessed a mobile home somewhere, moved it into the Villa Borega Mobile Home Park (owned by Green Tree itself), spent substantial sums on improvements to the mobile home and now has advertised it for sale. Questions have surfaced about whether or not the advertising and sale are allowable activities under the City's zoning regulations and the CC&R's which apply to the park. This opinion addresses only the application of the City's zoning regulations (specifically, LVMC 19.36.060(A)) to the various questions you have posed.

ANALYSIS

As a preliminary consideration, LVMC Chapter 19.36 provides zoning regulations for the R-MHP District, which is essentially a mobile home park district. According to LVMC 19.36.020, Chapter 19.36 applies only to parks established subsequent to the date (in 1980) on which the Chapter went into effect (with some exceptions not pertinent here). Section 19.36.020 is worth mentioning here because the Villa Borega Mobile Home Park may well rely on it in connection with the question at hand. However, we should point out that Section 19.36.020 probably has little effect on the question here. Assuming that Villa Borega was established before 1980, we do not believe it is exempt from the use restrictions set forth in Chapter 19.36 as they apply to the use in question here -- a use which just recently has been proposed or put into operation. Therefore, we believe that LVMC 19.36.060 applies and have so assumed for purposes of this opinion.

LVMC 19.36.060 provides as follows:

Memo to: Clay Hymer

April 25, 1986

From: Val Steed

Page -2-

Re: Prohibition Against Selling Mobile Homes in Mobile
Home Parks - Application of Exemption to Various Situations

The following uses are expressly prohibited in the R-MHP District:

- (A) Display and/or sale of mobile homes; except a tenant may sell his mobile home residence;
- (B) Two-family and multifamily mobile homes and non-mobile home dwelling units;
- (C) Licensed mobile home dealerships.

Under Subsection (A), it is unlawful for a person to display or sell a mobile home in the R-MHP District unless that person is a "tenant" who is selling his "mobile home residence."

In interpreting the exemption set forth in LVMC 19.36.060(A), three things should be considered:

1) The "letter" of the ordinance. The term "tenant" is not defined. To read the ordinance literally, "tenant" can only mean the tenant of a mobile home park, i.e., the person who is permitted to occupy a space in the park. The term cannot be construed to mean the occupant of the mobile home (unless of course the "tenant" and occupant are the same person). In this case, Green Tree Acceptance is the tenant. Since it owns the mobile home residence, Green Tree comes within the letter of the exemption. Under a literal interpretation, then, Green Tree would be authorized to sell the mobile home under the circumstances presented.

2) The "spirit" of the ordinance. Two factors suggest that literal interpretation is not warranted and that the intent of the "tenant" exemption was merely to allow a mobile home owner to sell a mobile home located in a park without having to move it from the park first. First, the word "tenant" used in combination with the phrase "his mobile home residence" seems to indicate concern for the owner-resident of a mobile home previously occupied in the park, rather than for the nonresident owner who moves his mobile home into the park to facilitate a sale. Second, to apply the exemption to the latter situation does not make a great deal of sense. Mobile home dealerships would continue to be prohibited in the R-MHP District under LVMC 19.36.060(C), but mobile home repossessioners would be permitted to turn a mobile home park into a "showroom" of sorts simply by moving units in for purposes of sale.

It is suggested that the intent of the ordinance is the same as what is provided for expressly in Clark County's zoning regulations. Section 29.34.020 of the Clark County Code prohibits the sale of mobile homes in a mobile home park, except for any "resale in place of a mobile home previously located and occupied" in the park.

Memo to: Clay Hymer

April 25, 1986

From: Val Steed

Page -3-

Re: Prohibition Against Selling Mobile Homes in Mobile
Home Parks - Application of Exemption to Various Situations

3) The nature and purpose of zoning regulations. Zoning regulations are concerned primarily with land use and normally are not properly concerned with ownership of land, except insofar as it affects land use issues. Because LVMC 19.36.060 is a zoning regulation, any interpretation thereof should take into account how that regulation will impact on the character of land use in the R-MHP District. It is significant that the advertising and other activity associated with a mobile home sale is essentially the same no matter who owns the mobile home. It makes no difference from the standpoint of land use impact whether a resident owner or a financial institution/owner sells the unit. To allow the first but not the second would be difficult to justify on zoning grounds.

On the other hand, to prohibit in a mobile home park the display and sale of mobile homes not previously located and occupied in the park, while allowing the display and sale of units already there, is justifiable on zoning grounds. The moving in of mobile homes for sale purposes would have a measureable impact on the character of the neighborhood as a residential area.

With the preceding in mind then, here are the questions you have posed, either directly or implicitly, in your memos of April 3, 1986, and April 11, 1986, as well as our responses thereto:

1. In order to sell a mobile home while it is located in the R-MHP District, does the owner have to be living in the mobile home or have lived in it at that location?

Response #1. If read literally, the ordinance would not prohibit the owner from selling his mobile home even if it had not been lived in at that location. However, it is the opinion of this office that the intent of the ordinance is to prohibit the sale of a mobile home in that circumstance. We believe the purpose of the ordinance exemption is merely to allow the resale of a mobile home already located within the park so that the owner does not have to remove the unit in order to sell it. We see no intent to allow a mobile home to be moved into the park and then put up for sale.

With regard to the use of the term "owner" in your question, we do not believe the ordinance is intended to allow a sale only if the owner of the mobile home has occupied it on the premises. The fact that someone other than the owner is or was the occupant (a friend, relative or lessee, for example), or the fact that the owner is an institution of some kind that cannot "occupy" the mobile home, is of no consequence as far as the zoning ordinance is concerned. The key is whether or not the mobile home is or has been occupied at the location in question when the mobile home is offered for sale.

Memo to: Clay Hymer

April 25, 1986

From: Val Steed

Page -4-

Re: Prohibition Against Selling Mobile Homes in Mobile
Home Parks - Application of Exemption to Various Situations

2. Can someone other than the tenant sell a mobile home in a mobile home park?

Response #2. The tenant is likely the only one who can sell the unit, since "tenant" means the tenant of the park and will for all practical purposes be the mobile home owner. If you have used the term "tenant" to refer to the occupant of the mobile home, see Response #1.

3. Is it necessary for a mobile home owner to also be the tenant (occupant)?

Response #3. No, see Response #1.

4. Can Green Tree Acceptance, as the owner of the mobile home, move the unit into a mobile home park as the owner (and sell it)?

Response #4. No, see Response #1.

5. Could Green Tree Acceptance repossess a unit which is already within the park and resell it there?

Response #5. Yes. Green Tree would stand in the place of the original owner. Resale by Green Tree would be equivalent to resale by the original owner and would be consistent with the intent of the zoning ordinance.

6. Can Green Tree Acceptance, as owner of the mobile home, rent the unit if the park owner approves?

Response #6. The City's zoning regulations do not prohibit the rental of a mobile home. Although some argument could be made that the rental of a unit which was not previously located and occupied in the park is equivalent to the sale of a unit and should be prohibited, we believe the zoning regulations would permit rentals. However, there may be other rules (including CC&R's) applicable to the mobile home park which would prohibit the rental of mobile homes, and such rules obviously would operate independently of the zoning regulations.

ADDITIONAL NOTE

We should mention another provision set forth in LVMC Chapter 19.36. Section 19.36.260 provides as follows:

A suspension of any requirements of this Chapter may be granted by the [City Council] in a particular case upon the recommendation of the Board of Zoning Adjustment or the Planning Commission.

Memo to: Clay Hymer

April 25, 1986

From: Val Steed

Page -5-

Re: Prohibition Against Selling Mobile Homes in Mobile
Home Parks - Application of Exemption to Various Situations

In light of the possible ambiguity in the zoning ordinance and the circumstances of this case, the availability of this "variance" procedure should be considered before a decision concerning how to proceed is made.

If you have any questions, please feel free to contact me.

/jca

CITY OF LAS VEGAS

Date

INTER-OFFICE MEMORANDUM

April 3, 1986

TO:

GEORGE OGILVIE
CITY ATTORNEY

FROM:


CLAY HYMER, DIRECTOR
BUILDING & SAFETY DEPARTMENT

SUBJECT:

LEGAL INTERPRETATION - ZONING CODE
19.36.060 (Prohibited Uses)

COPIES TO:

Ashley Hall
✓ Larry Barton

Attached is a copy of 19.36.060 dealing with prohibited uses in the R-MHP zone. Item (C) makes it quite clear that licensed mobile home dealerships are prohibited from selling or displaying mobile homes in the R-MHP zone.

Recently a situation came to light concerning placement of a mobile home in the Villa Borega Mobile Home Park by Green Tree Acceptance, Inc. (a financial lending institution). Green Tree Acceptance is the owner of the mobile home through a repossession. Green Tree, as the owner, took out the necessary permits and received proper inspection by this department. They put about \$5,000.00 in improvements to the mobile home and put up a for sale sign.

Representatives of the mobile home park association filed a complaint that this was a violation of 19.36.060 (A) and that the owners/managers of the park violated the CC&Rs by allowing Green Tree to place the mobile home in the park to be offered for sale.

Our concern is interpretation of 19.36.060 (A); does the owner have to live in or have lived in the trailer to sell it; can someone other than the tenant sell the trailer, etc., etc.?

Because a meeting with the mobile home association is scheduled on April 22, 1986, we would appreciate your interpretation of this section prior to that date.

KT

19.36.050 Conditional uses The following uses shall be permitted in the R-MHP District subject to the approval of a use permit as provided in Chapter 19.90

- (A) Mobile home park
 - (B) Public and semipublic uses churches
 - (C) Home occupations as defined in Chapter 19.80
- (Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(C)(5))

19.36.060 Prohibited uses The following uses are expressly prohibited in the R-MHP District

- (A) Display and/or sale of mobile homes, except a tenant may sell his mobile home residence
 - (B) Two-family and multifamily mobile homes and non-mobile home dwelling units
 - (C) Licensed mobile home dealerships
- (Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(D))

19.36.070 Development standards applicability Each mobile home park developed after the adoption of the 1980 ordinance codified in this Chapter shall comply with the minimum standards set out through Section 19.36.260

(Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(E)(part))

19.36.080 Park size The minimum site area for a mobile home park shall be not less than five gross acres

(Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(E)(1))

19.36.090 Space size and lines

(A) Every mobile home space shall have a minimum width of forty feet and shall have a minimum area of four thousand square feet

(B) Every mobile home space shall have the space lines marked and conform to the approved mobile home park plan

(Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(E)(2))

19.36.100 Yard encroachments No portion of the mobile home or other permitted structures including the eaves shall project into the required yards, except as provided for detached accessory buildings under Section 19.36.130, and further excepting fences

(Ord. 2119 § 4 (part) 1980 prior code § 11-1-17(E)(3)(part))

19.36.105 Yards required

(A) Front yard setbacks Five feet from any private street

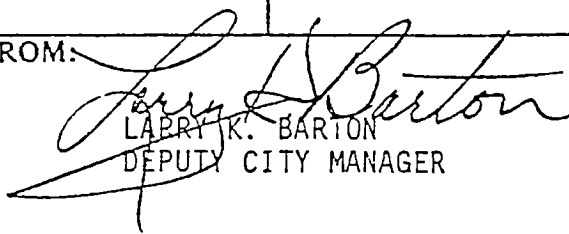
(B) Side yard setbacks Five feet from any side space line except in

INTER-OFFICE MEMORANDUM

April 3, 1986

CLAY HYMER, DIRECTOR
DEPARTMENT OF BUILDING & SAFETY

FROM:


LARRY K. BARTON
DEPUTY CITY MANAGER

CT:

COMPLAINT BY RUSSELL STONE

COPIES TO:

✓ ASHLEY HALL

On April 3, 1986, Mr. Stone asked to see Ashley Hall on a City Code violation 19.36.060. In Ashley's absence, I spoke with Mr. Stone who revealed the following.

Mr. Stone stated that the Green Tree Acceptance corporation had violated the above code by intentionally moving a repossessed mobile home from another location into the Villa Borega Mobile Home park, space 222, solely for the purpose of retail sale. He stated that if this instance were allowed then it would open the door for other mobile home owners to move vacant homes into established parks, take advantage of the landscaped and improved surroundings and realize a better price for the sale of the home. Mr. Stone had previously visited the Building & Safety Department with three members of the board of the mobile home park in an effort to require Green Tree Acceptance to move the mobile home.

He further stated to me during our discussion, that his mobile home park manager, Mr. Iverson, allowed Green Tree Acceptance to place the mobile home in the park. He stated that Milt Norman, City Inspector, told him, after filing their complaint, that Ashley Hall and Green Tree Acceptance had an oral agreement to allow the mobile home to remain in the park, if it was brought up to park standards within 90 days. He also voiced that this violation of the code would become common practice if the first one was successful.

I advised him that I was not knowledgeable of the situation but that I knew it was under review, including legal, to determine what action should be taken. I emphatically stated that the City Manager would never, under any circumstances, be a party to allow the law or City Code to be broken. I advised him that I would speak with Mr. Hall and return his call this afternoon.

Ashley Hall
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I subsequently addressed the issue with Mr. Hall who absolutely denies any agreement with Green Tree Acceptance.

I require two issues to be resolved:

1. Obtain the legal opinion from our City Attorney's office as to this code violation and recommendation as to any action we may take.
2. Obtain a statement from Milt Norman on his alleged implication of the City Manager making an agreement with Green Tree Acceptance.

Please provide both to me by April 9, 1986.

LKB:dlw