# BOARD OF ZONING APPEALS

## MINUTES OF THE MEETING OF JANUARY 4, 2016

**MEMBERS PRESENT:** Timothy Kundiger, Chairperson
Bob Gilmore
Joseph Caskey, via phone

**MEMBERS ABSENT:** Jim Askins
Joseph Caskey
Chris Vanderbeck, Vice Chairperson

**OTHERS PRESENT:** Martin Dickenson, 710 N Grand, Pittsburg, KS
Cameron Alden, Director of Public Works
Troy Graham, Assistant Director Public Works
Andrea Holtzman, Administrative Assistant to Public Works

The Pittsburg Board of Zoning Appeals met on Monday, January 4, 2016, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N Pine. Chairperson Timothy Kundiger called the meeting to order at 5:17 p.m. with two (2) members present and Joseph Caskey attending via phone.

Due to the number in attendance, the election of a new Chairperson and Vice Chairperson to serve the 2016 – 2017 term was tabled until next meeting.

The first order of business was approval of the minutes of the meeting of October 5, 2015. In this regard, Bob moved, seconded by Joseph Caskey to approve the minutes as submitted.

The first order of business under Requests and Petitions was a PUBLIC HEARING held, as advertised, to consider the following:

Case No. 16-01 - A request submitted by Jonathan Ramirez on behalf of AT&T to consider a request for a variance in setbacks within a CP-2, Planned General Commercial Zoned District, to allow a pole sign to be placed ten (10) feet from the property line on the property located at 2603 N. Broadway.

Troy Graham explained Martin Dickinson of Jayhawk Sign would be present to speak in favor of the request. AT&T wishes to erect a new sign on the property for their new store location. Mr. Graham explained there are already other signs at property lines and this new sign would not be out of the ordinary in this area.

There being no one to speak in favor or against the request, Tim Kundiger closed the Public Hearing.

Tim indicated he didn't see the need for the new sign as there is already enough signage in the area and the current sign is bigger than the one they are proposing.

Bob Gilmore felt the sign wouldn't be hinder visibility and felt there was no reason to deny the request.

There being no further questions or discussion The Board then considered the following factors:

1. Are there conditions, which exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood, i.e. small lot size, unusual grade, easements, right of ways, etc.?

No, the property lies along North Broadway in a very commercial area and is located mid-block with no intersections near it. The structure on the property has been newly constructed within the past couple years and is somewhat new to the area.

2. Has such conditions or circumstances been created by the action or actions of the owner or applicant?

Yes, the normal front yard setback for a sign in this zoned area would be fifteen (15) feet. The applicant is wishing to locate the sign ten (10) feet from the property line. Currently in this zoned area, there are existing signs that are located on the property line.

3. Are there special conditions or circumstances such that the strict literal interpretation of the provisions of the Zoning Ordinance will constitute unnecessary hardship upon the property owner represented in the application?

No.

4. Will the granting of a permit for the variance requested adversely affect the rights of adjacent property owners or residents?

No, as mentioned before, there are many locations where existing signs lie against the property line.

5. Will the granting of the variance requested confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district?

No.

6. Will the granting of the variance requested adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

No.

7. Will the granting of the variance requested be opposed to the general spirit and intent of the Zoning Ordinance?

No, however, other property owners may request a similar variance in this zoned area.

8. Is the variance being requested the minimum variance that would accomplish this purpose.

Yes, it would allow the owner to place the sign at the requested location.

There being no further questions or comments from the Board, Joseph Caskey moved to approve the request and Bob Gilmore seconded the motion. This motion passed with a two (2) to one (1) vote with Tim Kundiger voting against the request.

The 2016-2017 Tentative Meeting Schedule was handed out and after a brief review Bob Gilmore moved, seconded by Tim Kundiger to approve the schedule as submitted.

There being no other business, Bob Gilmore moved, seconded by Joseph Caskey to adjourn at 5:27 p.m. Motion passed unanimously.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant