

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MARCH 7, 2016

MEMBERS PRESENT: Timothy Kundiger, Chairperson
Bob Gilmore
Chris Vanderbeck, via phone

MEMBERS ABSENT: Jim Askins
Joseph Caskey

OTHERS PRESENT: Jessica Wallace 1701 S Broadway, Pittsburg, KS
Steve Schafner, 1701 S Broadway, Pittsburg, KS
Tyler Stein, 1701 S Broadway, 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, March 7, 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 Chris Vanderbeck 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 again until next meeting.

The first order of business was approval of the minutes of the meeting of January 4, 2016. In this regard, Bob moved, seconded by Chris Vanderbeck 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. 16-02 - A request submitted by Pittsburg State University Construction Students, on behalf of Elm Acres Youth Services, to consider a request for a variance in the amount of front yard setback required in a residential property zoned RP-3, Planned Medium Density Residential, to allow for a 6 foot privacy fence to be placed on the property line on the property located at 1001 East Jackson and 1002 East Madison Street.

Troy Graham explained PSU Construction students work on different projects each year. This year one of their projects is a 6 foot privacy fence for Elm Acres Youth Services. The fence would not interfere with the line of site for traffic. The fence will actually be set two feet from the property line instead of on the property line.

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

**BOARD OF ZONING APPEALS
MINUTES MARCH 7, 2016
PAGE TWO**

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, both properties lie on a corner parcel which presents the owner with two (2) front yard setbacks on each. If the owner wishes to construct a fence within the front yard setback, it must be no taller than three (3) feet in height or be ninety-five (95) percent open to not restrict view.

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

Yes, the owner is wishing to construct a fence within the required front yard setback.

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, the privacy fence will not adversely affect any neighbor due to its location within the block. There will not be any line of sight problems by any neighbors in the vicinity.

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, however, other property owners may also make request for the same type of variance if necessary.

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

No.

**BOARD OF ZONING APPEALS
MINUTES MARCH 7, 2016
PAGE THREE**

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

No.

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

Yes, the owner could be required to place the fence behind the setback or lower the overall height of it.

There being no further questions or comments from the Board, Tim Kundiger moved to approve the request and Bob Gilmore seconded the motion. This motion passed unanimously.

There being no other business, Bob Gilmore moved, seconded by Chris Vanderbeck to adjourn at 5:31 p.m. Motion passed unanimously.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant