

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF FEBRUARY 4, 2008

MEMBERS PRESENT: James Belew, Chairperson
Don Judd, Vice Chairperson
Tim Bailey

OTHERS PRESENT: Tim Hartman, 1508 E. 14th Street, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, February 4, 2008, at 5:15 p.m., in the City Hall Commission Room. Vice Chairperson James Belew called the meeting to order at 5:15 p.m. with three (3) members present.

The first order of business was the election of a Chairperson and Vice Chairperson to serve the 2008-2009 term. Don Judd nominated James Belew for Chairperson. This nomination was seconded by Tim Bailey and James Belew was elected Chairperson by acclamation. Tim Bailey nominated Don Judd for Vice Chairperson. This nomination was seconded by James Belew and Don Judd was elected Vice Chairperson by acclamation.

The second order of business was the approval of the minutes of the meeting of January 7, 2008. In this regard, Tim Bailey moved, seconded by Don Judd, that the minutes be approved as submitted. Motion carried unanimously.

A **PUBLIC HEARING** was held, as advertised, to consider the following:

Case No. 08-02 - A request submitted by Tim and Tracy Hartman for an 860 square foot variance in allowable square footage to allow for the construction of a 28' x 32' garage at 1508 East 14th Street.

Chairperson James Belew opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Tim Hartman provided the following information. He indicated he would like to construct another garage for his boat and some other items that need to be stored away out of the back yard. The proposed garage will be located south of the existing garage and will be a metal building. The proposed garage will be about the same size as the existing garage with a drive going around the east side of the building. This is a large two acre lot, so there will be plenty of space available.

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There being no one present to speak in opposition to the request, Chairperson James Belew closed the **PUBLIC HEARING** for the request. The Board of Zoning Appeals then considered the following findings of fact:

1. There are conditions which exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood. The maximum allowable accessory building square footage of 900 square feet applies to all residential parcels. Residential lots 5,600 square feet in size are allowed 900 square feet of accessory buildings. This lot is just over 2 acres (91,476 square feet) in size and is also limited to 900 square feet of accessory buildings.
2. The conditions or circumstances have been created by action of the owner due to the fact the owner wants to build larger than 900 square feet.
3. There are 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. Applying the same 900 square foot limitation on all lots, regardless of their size is not practical. This is not a common sized lot found inside the City limits.
4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents.
5. The granting of the variance requested would not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. The 900 square foot limitation is quickly becoming antiquated and impractical. Other property owners may apply for the same variance. Plans are for the maximum 900 square foot limitation to be replaced with maximum lot coverage formula in the revised zoning.
6. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance. The 900 square foot limitation is quickly becoming antiquated and impractical. Other property owners may apply for the same variance.
7. The variance being requested is the minimum variance that would accomplish this purpose.

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The Board considered all eight (8) factors, but expounded on the above. Based on these factors, Don Judd moved, seconded by Tim Bailey, that the variance be **granted**. Motion carried unanimously.

Under Other Business, Todd Kennemer advised that there were currently two vacancies on the Board of Zoning Appeals. He stated that the City has one person that has expressed an interest in serving on the Board, which will be presented to the City Commission for appointment.

No applications have been filed for consideration by the Board of Zoning Appeals, therefore, there will be no meeting on March 3, 2008. The next scheduled meeting is April 7, 2008.

There being no further business to discuss, Tim Bailey moved, seconded by Don Judd, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:30 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works