

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF AUGUST 4, 2008

MEMBERS PRESENT: James Belew, Chairperson
Don Judd, Vice Chairperson
Hyun Joong Kim

MEMBERS ABSENT: Tim Bailey

OTHERS PRESENT: Kirk and Stacey Darrow, 5 Quincy Court, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, August 4, 2008, at 5:15 p.m., in the City Hall Commission Room. 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 approval of the minutes of the meeting of July 7, 2008. In this regard, Don Judd moved, seconded by Hyun Kim, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 08-06 - A request submitted by Kirk and Stacey Darrow for a 300 square foot variance in allowable square footage for accessory structures to allow for the construction of a 30' x 40' woodshop/studio at 5 Quincy Court.

Chairperson James Belew opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Kirk and Stacey Darrow were present and indicated they recently purchased the subject property and that the variance was being requested to allow for the construction of a woodshop/studio on the property.

There being no one present to speak either in favor of or 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 buildings in the neighborhood, i.e. small lot size, unusual grade, easements, right-of-ways, etc. The maximum allowable accessory building square footage of 900 square feet applies to all residential parcels. This property is one of the larger ones in the neighborhood, it is approximately 1.5 acres in size.

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2. Such condition or circumstance has been created by action or actions of the property owner or the applicant as the owner wants to build larger than 900 square feet.
3. The granting of a permit for the variance requested would not adversely affect the rights of adjacent property owners or residents as no adverse comments were received and the fact other neighbors on similar lots in the surrounding area could also apply for the same variance.
4. 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 as other people in the area could apply for the same type variance. 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 regulations.
5. The granting of the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, therefore, staff would recommend granting the variance.

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

The next scheduled meeting is September 8, 2008.

There being no further business to discuss, Don Judd moved, seconded by Hyun Kim, 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