

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF SEPTEMBER 8, 2008

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

MEMBERS ABSENT: Sara Henry

OTHERS PRESENT: Robert and Karen Teal, 609 N. Free King Hwy., Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, September 8, 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 four (4) members present.

The first order of business was the approval of the minutes of the meeting of August 4, 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. 08-07 - A request submitted by Robert and Karen Teal for a 300 square foot variance in allowable square footage for accessory structures to allow for the construction of a 30' x 40' building to shelter vehicles and yard equipment at 609 N. Free King Hwy.

Chairperson James Belew opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Robert and Karen Teal were present and provided the following information. The plans are to remove the existing lawnmower shed and to construct a new 30' x 40' building to house vehicles, lawnmowers, etc. The Teal's indicated that they felt a 30' x 30' building just would not meet their needs and are, therefore, requesting a variance to allow for the construction of a 30' x 40' building.

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 no 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 a little over one acre 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. Other property owners may apply for the same variance. The 900 square foot limitation is antiquated and impractical. 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.
6. The variance being requested is the minimum variance that would accomplish this purpose.

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

There will be no meeting on October 6, 2008 as no applications have been filed. The next scheduled meeting is November 3, 2008.

There being no further business to discuss, Tim Bailey moved, seconded by Hyun Kim, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:28 p.m.

Respectfully submitted,



Todd Kennemer
Assistant Director of Public Works