

Board of Zoning Appeals

MINUTES OF THE MEETING OF APRIL 5, 2010

MEMBERS PRESENT: James Belew, Chairperson
Don Judd, Vice Chairperson
Sara Henry
Hyung Joong Kim

MEMBERS ABSENT: Tim Bailey

OTHERS PRESENT: Mark Lehman, Family Life Assembly of God, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, April 5, 2010, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. 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 election of a Chairperson and a Vice Chairperson to serve the 2010 term. In this regard, Sara Henry moved to nominate Don Judd as Chairperson. This nomination was seconded by James Belew. Motion carried unanimously and Don Judd was selected to serve as Chairperson. Don Judd then moved to nominate Sara Henry as Vice Chairperson. This nomination was seconded by James Belew. Motion carried unanimously and Sara Henry was selected to serve as Vice Chairperson. Changes were made and the meeting continued.

The second order of business was the approval of the minutes of the meeting of September 14, 2009. In this regard, James Belew moved, seconded by Sara Henry, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 10-01 A request submitted by Family Life Assembly of God Church, 1234 N. Rouse, for a 20 foot variance in front yard setback for an addition to be constructed 10 feet from the north property line at 1234 N. Rouse.

Chairperson Don Judd opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Mark Lehman, Pastor of the church, stated the church began in 1993. They purchased the current property in 1996 or 1997, removed an old house and built the new church building.

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Mr. Lehman continued by stating that the church is growing and now owns all the south side of the street, the first lot on the north side (along Rouse Street), and the 4-acre tract on the east of the abandoned railroad running between the two properties. [The railroad tracks have been removed and the church now owns the western half of the right-of-way. They are in the process of vacating the eastern alley and acquiring the eastern half of the railroad right-of-way also.] They would like to build an auditorium on to the north side of their existing church building. The new auditorium should come to about 10 to 12 feet from the property line and the parking lot to the east of the building would be expanded.

The Board listened to the presentation and then commended Mr. Lehman for greatly improving and maintaining the appearance of the lot.

Chairperson Don Judd asked if architects/engineers have taken a look at the new parking lot and addition to determine run-off. Todd Kennemer stated that the church is just now starting the process of expanding. They will have to submit plans for the addition, run-off, etc. for approval before they can build anything. Since the church is located on a corner it has two (2) front yards. The proposed auditorium is closer than 30 feet to the north property line; that is why they are applying for a variance.

There being no one present to speak in opposition to the request, Chairperson Don Judd closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

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.
2. There are special conditions or circumstances such that the strict literal interpretation of the provisions of the Zoning Ordinance would constitute unnecessary hardship upon the property owner represented in the application. One of the properties on the north side of the road is approximately 20 feet from the street.
3. The granting of a permit for the variance requested would not adversely affect the rights of adjacent property owners or residents, as the property is one of three properties on a dead end street.

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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. The other buildings in the district can also apply for a variance if and when necessary.
5. The granting of the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
6. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance.
7. The variance being requested is the minimum variance that would accomplish this purpose.

The Board of Zoning Appeals considered all eight (8) factors involved, but expounded on the above. Based on the above factors, James Belew moved, seconded by Sara Henry, that the variance be **granted**. Motion carried unanimously.

Under New Business, was the approval of the 2010 schedule for the Board of Zoning Appeals. Sara Henry moved, seconded by James Belew, to accept the schedule. Motion carried unanimously and the meeting schedule was approved as submitted.

The next scheduled Board of Zoning Appeals meeting is May 3, 2010, however, no applications have been filed for consideration so there will be no meeting at that time. The next meeting will be June 7, 2010.

There being no further business to be discussed, Sara Henry moved, seconded by James Belew 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