

# BOARD OF ZONING APPEALS

## MINUTES OF THE MEETING OF December 6, 2010

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

**MEMBERS ABSENT:** Tim Bailey

**OTHERS PRESENT:** Jim Askins, Miller's Professional Imaging,  
Ruth Lemon, 110 East Carlton, Pittsburg  
Todd Kennemer, Assistant Director of Public Works  
Andrea Turner, Administrative Assistant, Public Works

The Pittsburg Board of Zoning Appeals met on Monday, December 6, 2010, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. Chairperson Don Judd 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 December 6, 2010.** In this regard, Sara Henry moved, seconded by Hyun Joong Kim, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 10-03 - A request submitted by Miller's Professional Imaging for a reduction in the front yard setback requirement (17 feet: from 30' to 13') to allow construction of a 10 foot entry vestibule over the existing entry at 610 E Jefferson.

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, Jim Askins spoke for Miller's Professional Imaging. He stated the request is for a variance in the reduction of the front yard setback requirement to allow for a new entry vestibule to be added over the existing entryway. Miller's is planning on putting new glass on the front of the building as well and upgrading the interior of the building and eventually they hope to upgrade their parking lot. This is all in hopes of improving the looks and functionality of the building.

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:

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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.

No.

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

Yes. Owner wants to build entryway in the 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.

No.

4. Will the granting of a permit for the variance requested adversely affect the rights of adjacent property owners or residents.

No. Neighbors along Stilwell Street are also industrial use.

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. Other property owners may apply for the same variance.

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

No.

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.

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

Under new business, Todd Kennemer stated that the first terms of Don Judd and Hyun Joong Kim are due to expire at the end of the year, and he would like to reappoint them for a second term on this committee. Both Mr. Judd and Mr. Kim agreed; they will be reappointed for a second term for the Board of Zoning Appeals.

Mr. Kennemer also told the Board there will be one case on the January 2011 meeting.

There being no further business to discuss, Sara Henry moved, seconded by James Belew, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:24 p.m.

Respectfully submitted,

Todd Kennemer  
Assistant Director of Public Works