

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF JANUARY 3, 2011

MEMBERS PRESENT: Sara Henry, Vice Chairperson
Tim Bailey
James Belew

MEMBERS ABSENT: Don Judd, Chairperson
Hyun Joong Kim

OTHERS PRESENT: Jon Schwenker, 1144 S. 220th, Pittsburg
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, January 3, 2011, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. In the absence of Chairperson Don Judd, Vice Chairperson Sara Henry 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 new Chairperson and Vice Chairperson to serve the 2011 Term. In this regard, Tim Bailey moved, seconded by James Belew, that Sara Henry serve as Chairperson. This motion passed unanimously and Sara Henry was elected by acclamation. Sara Henry then moved, seconded by James Belew, that Tim Bailey serve as Vice Chairperson. This motion passed unanimously and Tim Bailey was elected by acclamation. Sara Henry then presided as the newly elected Chairperson.

The second order of business was approval of the minutes of the meeting of December 6, 2010. In this regard, James Belew moved, seconded by Tim Bailey, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 11-01 - A request submitted by Jon Schwenker to consider a request for a reduction in rear yard setback requirement (18 feet) to allow placement of an ice dispensing machine/building (199 sq. ft.) at 1313 S. Broadway.

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Chairperson Sara Henry opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Jon Schwenker was present and spoke regarding the request. He stated the request was for a variance in the reduction of the rear yard setback requirement to allow for an ice dispensing machine/building to be placed on the property.

James Belew inquired as to how this building would differ from the last building that was on this lot. Mr. Schwenker replied that the ice machine would be shifted to the north of where the former building was located so that the entire structure would be located on the subject property and would not be partially located on the railroad's property.

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

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?

Yes. The property is a very small triangular shaped lot.

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

Yes. Owner wants to set building/ice machine 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. This is a small, triangular shaped lot bounded by the railroad right-of-way, Broadway (HWY 69B), and a gas station/convenience store. Several of the nearby businesses have buildings either close to or right on the property line shared with the railroad.

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

No.

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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.

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

Under New Business, was the consideration of the tentative Board of Zoning Appeals meeting schedule for 2011-2012. In this regard, James Belew moved, seconded by Tim Bailey, that the tentative meeting schedule be approved. Motion carried unanimously.

There being no further business to discuss, Tim Bailey moved, seconded by James Belew that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:25 p.m.

Respectfully submitted,

Andrea Turner
Administrative Assistant, Public Works