

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF NOVEMBER 7, 2011

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

OTHERS PRESENT: Sam Hayes, PO Box 1416, Pittsburg
Todd Kennemer, Assistant Director of Public Works
Andrea Turner, Administrative Assistant, Public Works

The Pittsburg Board of Zoning Appeals met on Monday, November 7, 2011, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. Chairperson Sara Henry called the meeting to order at 5:15 p.m. with all five (5) members present.

The first order of business was approval of the minutes of the meeting of September 12, 2011. In this regard, James Belew 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. 11-04 - A request submitted by Tri-State Building on behalf of Clear Link for a 5 foot variance in side yard setback requirement to allow a new building to be constructed 5 feet from the side property line located at 2603 N. Broadway.

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, Sam Hayes with Tri-State Building was present and spoke regarding the request. Mr. Hayes stated he was requesting the reduction in front yard and side yard setback requirement to allow for the new structure to have approximately five extra feet. Mr. Hayes explained that the building previously located on the property was damaged by fire a few years ago which required the owner to remodel the structure. The owner had also built a second building next to the existing building. When the new structure was completed, the owner decided he liked the way it looked so decided to demolish the remodeled building and to construct a second structure in its place to mimic the new structure constructed on the adjoining property.

**BOARD OF ZONING APPEALS
MINUTES OF NOVEMBER 7, 2011
PAGE TWO**

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?

No. This is a commercial area.

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

Yes. The existing building now sits about 9 feet from the property line. Owner plans on razing this structure and building a new commercial building approximately 930 square feet larger. Existing structure is basically square and measures 50' x 55' (2750 sq. ft.); proposed new structure is rectangular and measures 32'x 115' (3680 sq. ft.).

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.

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 also 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. If the building is less than 10 feet from property line, the south wall of the new structure must be constructed to have at least a one-hour fire rating (per Fire Code requirement).

**BOARD OF ZONING APPEALS
MINUTES OF NOVEMBER 7, 2011
PAGE THREE**

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?

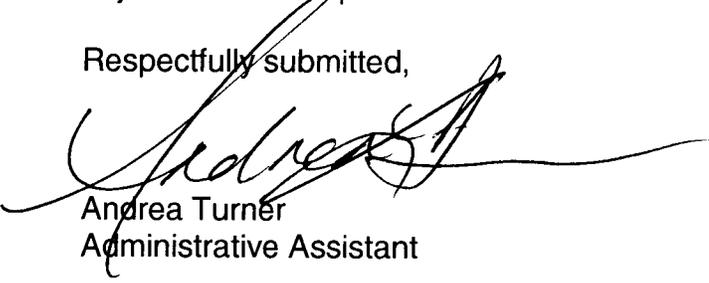
Yes.

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

Under Other Business, Todd Kennemer informed the Board that Jim Belew's current term would expire December 31st. He stated that Mr. Belew was serving a second term and would not be eligible for reappointment. Mr. Kennemer encouraged the Board members to contact him should they know of anyone that might be interested in serving on the Board. .

There being no further business to be discussed, Jim Belew moved, seconded by Tim Bailey, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:30 p.m.

Respectfully submitted,



Andrea Turner
Administrative Assistant