

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF SEPTEMBER 12, 2011

MEMBERS PRESENT: Sara Henry, Chairperson
Hyun Joong Kim
James Belew

MEMBERS ABSENT: Tim Bailey, Vice Chairperson
Don Judd

OTHERS PRESENT: James and Mary Ann Wilson, 302 Winwood, Pittsburg
Ruth Lemon, 110 E Carlton, Pittsburg
Todd Kennemer, Assistant Director of Public Works
Andrea Turner, Administrative Assistant, Public Works

The Pittsburg Board of Zoning Appeals met on Monday, September 12, 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 three (3) members present.

The first order of business was approval of the minutes of the meeting of May 2, 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. 11-03 - Are quest submitted by James Wilson to consider a request for a reduction in front yard and side yard setback requirement (16 feet and 4 feet respectively) to allow placement of a storm shelter (40 square feet) at 302 Winwood Drive.

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, James Wilson was present and spoke regarding the request. Mr. Wilson stated he is requesting the reduction in front yard and side yard setback requirement to allow for a storm shelter to be placed in their yard for safety. Mr. Wilson explained he is planning to have landscaping to cover the ground over the shelter to help improve the appearance.

Todd Kennemer stated the plan meets all requirements and he has no concerns about the project. He stated that since no concerns from surrounding neighbors have been voiced, he would recommend approval.

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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. This is a corner lot that has been "whittled away" over the years. The property in question is basically the southern 1/3 of the platted corner lot.

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

No.

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?

A yard 10 feet in width is not enough room in which to place a storm shelter. Modern easements are now 15 to 20 feet in width.

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.

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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, James Belew moved, seconded by Hyun Joong Kim, that the variance be **granted**. Motion carried unanimously.

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

Respectfully submitted,

Andrea Turner
Administrative Assistant, Public Works