

# BOARD OF ZONING APPEALS

## MINUTES OF THE MEETING OF DECEMBER 5, 2011

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

**OTHERS PRESENT:** Todd Kennemer, Assistant Director of Public Works  
Andrea Turner, Administrative Assistant

The Pittsburg Board of Zoning Appeals met on Monday, December 5, 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 November 7, 2011.** In this regard, Tim Bailey moved, seconded by Don Judd, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 11-05 - A request submitted by Eagle Med for a variance to allow the existing manufactured home being utilized as sleeping quarters for the crew of Eagle Med to remain at 3424 Airport Drive (City of Pittsburg's Atkinson Municipal Airport).

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, Todd Kennemer stated Eagle Med has had a trailer to house the staff that travels via helicopter during their trips. This trailer is located at 3424 Airport Drive. A Conditional Use was granted in 2009 as part of a trial run to see if having the trailer at this above location would work for the company and the City. The Conditional Use was to be revisited in 18 months to see if the City would grant the Conditional Use on a permanent basis. The 18 months are up, therefore, Mr. Kennemer wanted to make sure the Board had the opportunity to grant the request on a permanent basis.

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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 building is designed to house medical crew and helicopter pilot for the Eagle Med medical flights. The manufactured home is located among airplane hangars close to their helicopter location. The helicopter is used for emergency medical flights.
2. Has such conditions or circumstances being created by the action or actions of the owner or applicant?  
Yes, however, it is best to locate this type of service close to an airport instead of close to the hospital.
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. The City of Pittsburg is the owner of the property. Helicopter ambulance services are best located at airport or hospital - in this case, the airport.
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 if necessary.
6. Will the granting of the variance requested adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?  
No. It should have a positive effect on the H, S, & W of the general public when these types of services are needed.
7. Will the granting of the variance requested be opposed to the general spirit and intent of the Zoning Ordinance?  
No.

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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 Don Judd, that the variance be **granted**. Motion carried unanimously.

There being no further business to be discussed, James 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