

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MAY 2, 2011

MEMBERS PRESENT: Sara Henry, Chairperson
James Belew
Don Judd

MEMBERS ABSENT: Tim Bailey, Vice Chairperson
Hyun Joong Kim

OTHERS PRESENT: Joel VanBecelaere, 504 N Grand, Pittsburg
Vincent VanBecelaere, 1001 S Rouse, 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, May 2, 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 January 3, 2011. In this regard, James Belew 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. 11-02 - A request submitted by Joel VanBecelaere to consider a request for a reduction in front yard setback requirement (40 feet) to allow construction up to the property line of a 5,800 square foot covered storage area (on east side of existing building) and a 5,520 square foot building addition (on the north side of existing building) which is located at 504 N. Grand.

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, Joel VanBecelaere and Vincent VanBecelaere were both present and spoke regarding the request. Joel stated the request was for a variance in the front yard setback to allow for construction up to the property line at 504 N. Grand. He explained that although there was a small building currently located where he wants to build, this building was inadequate for his business needs and he plans to demolish it and construct a new facility that will better suit his business needs.

**BOARD OF ZONING APPEALS
MINUTES OF MAY 2, 2011
PAGE TWO**

James Belew asked for clarification on the exact location of the proposed building. Referring to the map provided, Joel and Vincent showed each member of the Board exactly where the building would be located. Joel stated that his goal was to streamline all the activities of his business and this was the first step.

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.
2. Has such conditions or circumstances being created by the action or actions of the owner or applicant?
Yes. Owner wants to build an addition on the north side of the existing building, and wants to cover an existing storage area on the east side of the existing building. The existing storage areas on the east side of the building already extend into the right-of-way of Smelter Street approximately 10 to 12 feet.
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; however, variances have been granted in the past to allow construction up to the western and southern property lines. This request is to allow construction up to the eastern ½ of the northern property line, and the entire eastern line. "American Concrete" and the "Pan Club" lie directly to the east of this property...both are zoned industrial.
4. Will the granting of a permit for the variance requested adversely affect the rights of adjacent property owners or residents? No. This property is zoned industrial, and abuts industrial and commercial zoning districts.
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.

**BOARD OF ZONING APPEALS
MINUTES OF MAY 2, 2011
PAGE THREE**

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

No.

7. 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 Don Judd, that the variance be **granted** pending approval of the vacation of the Smelter Street right-of-way to be considered by the City Commission at their May 10th meeting. Motion carried unanimously.

There being no further business to discuss, Don Judd 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