

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF JUNE 4, 2012

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

MEMBERS ABSENT: Joseph Caskey

OTHERS PRESENT: Chris Harris, 201 N. Joplin, Pittsburg
Lane Brant, 702 E. Monroe, Pittsburg
Chuck Parsons, 2400 N. Broadway, Pittsburg
Bill Beasley, Director of Public Works
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, June 4, 2012, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. Chairperson Tim Bailey called the meeting to order at 5:15 p.m. with four (4) members present.

The first order of business was approval of the minutes of the meeting of May 7, 2012. In this regard, Don Judd 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. 12-04 – A request submitted by Lane Brant for a 20 foot reduction in the front yard setback to allow a privacy fence to be placed 10 feet from the north and west property lines on the property located at 1009 W. 4th Street.

Chairperson Tim Bailey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Mr. Brant stated he submitted the request as he wanted to place a privacy fence approximately 10 feet from the sidewalk on the north and west property lines.

Mr. Bailey referred to an aerial photo that showed the fence being placed diagonally across the lot and inquired as to whether or not this was accurate. Todd Kennemer stated that this was accurate and was done so visibility would not be impeded.

**BOARD OF ZONING APPEALS
MINUTES OF JUNE 4, 2012
PAGE TWO**

Sara Henry stated the Board understood this was to be a privacy fence. This statement was corrected by Mr. Brandt who informed the Board he would actually be placing a chain link fence on the property instead of a solid wood privacy fence.

There being no one present to speak in opposition to the request, Chairperson Tim Bailey 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 business in a commercial zoning district.

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

Yes. At present, there is no fence. The owner is requesting to be able to set the front yard fences 10 feet from the property lines instead of the required 30 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.

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

No. The affected area lies between the business and Smith Street. The area is bounded on the south by an alley. The residence located directly west of the subject area, on the west side of Smith Street, has been demolished and is now attached to the adjoining property to the west, thus giving it a large yard along Smith Street.

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 variances.

**BOARD OF ZONING APPEALS
MINUTES OF JUNE 4, 2012
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. *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, Don Judd moved, seconded by Sara Henry, that the variance be **granted**. Motion carried unanimously.

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

Case No. 12-05 - A request submitted by Chuck Parsons for a 13 foot variance in the front yard setback to allow a sign to be placed 2 feet from the west property line on the property located at 2400 N. Broadway.

Chairperson Tim Bailey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Mr. Parsons stated he would like to place the sign a little closer to the sidewalk as the current code regulations would place the sign directly in the middle where people would be turning into the parking lot.

There being no one present to speak in opposition to the request, Chairperson Tim Bailey 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 new building with a new entrance onto Broadway (U.S. Hwy. 69-B). It must meet sign regulations of both KDOT and the City of Pittsburg.

**BOARD OF ZONING APPEALS
MINUTES OF JUNE 4, 2012
PAGE FOUR**

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

No. In this case, KDOT regulations regarding signs and entrances from the street are in conflict with local regulations regarding sign placement.

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?*

Yes. Strict literal interpretation places the sign pole in the middle of the driveway to the new building.

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.

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?*

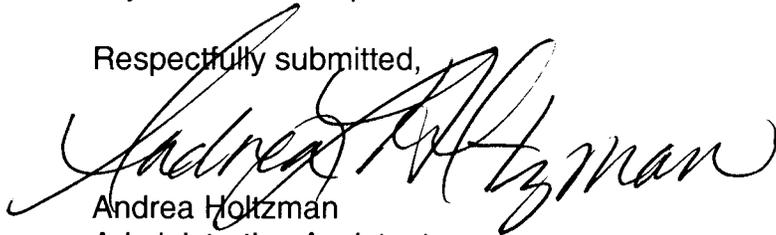
Yes.

**BOARD OF ZONING APPEALS
MINUTES OF JUNE 4, 2012
PAGE FIVE**

The Board of Zoning Appeals considered all eight (8) factors involved. Based on the above factors, Sara Henry moved, seconded by Hyun Joong Kim, that the variance be **granted**. Motion carried unanimously.

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

Respectfully submitted,



Andrea Holtzman
Administrative Assistant