

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF SEPTEMBER 10, 2012

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

OTHERS PRESENT: Rex Linville, 3302 E. 20th Street, Pittsburg
James Pontious, 508 W. 2nd Street, Pittsburg
Patricia Mason, 507 W. 2nd Street, Pittsburg
Lora Strong, 510 W. 2nd Street, Pittsburg
David Lawson, 601 W. 2nd Street, Pittsburg
William A. Beasley, Director of Public Works
Andrea Holtzman, Administrative Assistant, Public Works

The Pittsburg Board of Zoning Appeals met on Monday, September 10, 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 all five (5) members present.

The first order of business was approval of the minutes of the meeting of August 6, 2012. The following correction was noted. The motion made to approve the requested variance for the paving with the stipulation the lot be paved within three (3) years did not carry unanimously. Joseph Caskey cast a vote of dissention, however, the motion passed with a vote of 4-1. Sara Henry moved, seconded by Don Judd, that the minutes be approved with the correction listed. Motion carried unanimously.

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

Case No. 12-07 - A request submitted by Rex Linville for a 20 foot variance front yard setback from Miles Street and a 15 foot variance in the front yard setback from 2nd Street to allow a triplex to be placed 10 feet from the right-of-way of Miles Street and 15 feet from the right-of-way of 2nd 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, Rex Linville stated he recently purchased the property on the southeast corner of 2nd and Miles and demolished the single family dwelling that stood there. He indicated he was now requesting the variance to allow for construction of a triplex on the property.

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Don Judd inquired if there were any other multi-family units in the area. Mr. Linville stated there was a duplex located across the street and a four-plex was located in the area as well.

Tim Bailey inquired if the lot size would allow for enough pervial space with the triplex being as large as the drawing indicated. Mr. Linville stated the triplex was actually going to be 32'-6" by 105'. He indicated the drawing referred to was inaccurate.

Mr. Bailey inquired if there was a more accurate drawing. Mr. Linville stated he thought the drawings were dropped off to the City. He indicated that since the drawings were not dropped off he would find out where they were and get them to the City as soon as possible.

Mr. Bailey stated he had some concerns with whether or not there would be enough room for a larger vehicle such as a truck. Mr. Linville reiterated that the drawing was inaccurate, that the correct drawing shows a smaller building and that each unit would have a single car garage and a drive. He stated there would also be parking off the alley and the driveways would open to Miles Street.

Those persons wishing to speak in opposition to the request were then given the opportunity to comment as follows:

Patricia Mason, 507 W. 2nd Street, stated she was concerned with the placement of the triplex with the setbacks being so close to the street. She stated she felt it would create a blind corner causing traffic hazards in an already dangerous area. Bill Beasley explained that setbacks begin at the inside of the sidewalk or if there were no sidewalks where the sidewalks should be located. He stated the setbacks on 2nd Street are within the norm of the surrounding structures. Ms. Mason stated she was under the impression the setbacks began at the street. She stated if that was the case she felt the triplex would have been too close to the street, however, since it would be further back than she thought the blind corner might not be an issue. Ms. Mason did indicate she felt having a triplex would still increase traffic hazards.

James Pontious, 508 W. 2nd Street, stated he was very grateful for the old house being demolished as it improved the neighborhood. He stated he did not oppose having another structure built, but he felt a triplex would be too large. Mr. Pontious stated the traffic for a triplex would further congest 2nd Street. He further stated there was a daycare on that block and that the neighborhood was already congested and hazardous with the current traffic.

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Lora Strong, 510 W. 2nd Street, stated she was in agreement with her neighbors. She explained the traffic on 2nd Street was very congested especially since some residents did not have off-street parking. Ms. Strong stated the amount of people a triplex would bring would increase the traffic on 2nd Street.

David Lawson, 601 W. 2nd Street, stated he agreed with his neighbors and felt that a triplex would be too big for the neighborhood. He stated there have already been two accidents where cars have ended in his front yard.

Mr. Linville reiterated that the garages would open onto Miles Street and there would be parking off the alley so he felt this would not add to the traffic on Miles. He stated the entrances to the units would be on Miles as well. Mr. Linville stated if anyone wanted to park on the street they would most likely park on Miles since it was closer to the front doors and garage entrances.

There being no one else 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. There does not appear to be any conditions that are unique with respect to the property or structure being considered that are different from other properties or buildings in the neighborhood.
2. The granting of the permit for the variance requested would not adversely affect the rights of adjacent property owners or residents, as this property was located in an older neighborhood where many of the structures are currently located closer to the street right-of-way than what the Zoning Ordinance allows.
3. There are special conditions or circumstances such that the strict literal interpretation of the provisions of the Zoning Ordinance would constitute unnecessary hardship upon the property owner represented in the application, as the developer would have to reduce the number of units he was proposing to build on the property.

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4. The granting of a permit for the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. The granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations.

The Board of Zoning Appeals considered all eight (8) factors involved, but expounded on the above. Based on these factors, Sara Henry moved that variance be **granted**, however, the motion died for the lack of a second to this motion.

Sara Henry asked Mr. Linville about the square footage of each unit. Mr. Linville stated the units were 870 square feet with the garage being 12' by 20'. He also indicated each unit would have two bedrooms and two bathrooms.

Joseph Caskey then moved, seconded by Don Judd, to **table** this request until the next scheduled meeting to give Mr. Linville enough time to gather the necessary drawings and information to allow the Board to be able to make an educated decision. Motion carried unanimously.

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

Respectfully submitted,

Andrea Holtzman
Administrative Assistant