

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF FEBRUARY 7, 2013

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

MEMBERS ABSENT:

OTHERS PRESENT: Mark Lehman, 1511 S College, Pittsburg
William A. Beasley, Director of Public Works
Troy Graham, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, February 5, 2013, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. Vice Chairperson Don Judd called the meeting to order at 5:15 p.m. with all five (5) members present.

The first order of business was the introduction of Tim Kundiger as the newest member to the Board of Zoning Appeals.

The first order of business was approval of the minutes of the meeting of January 7, 2013. Joseph Caskey moved, seconded by Sara Henry, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 13-03 - A request submitted by Family Life Assembly of God to consider a request for a variance in the paving requirement for parking lots allowing the parking lot located at the Northeast intersection of 13th and Rouse Streets to remain rocked, and not be asphalted for a time of 2 years.

Chairperson Don Judd opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Mark Lehman was present to speak in favor of this request. He stated that the Family Life Assembly of God would like to build a parking lot in the empty lot that is to the north of the church. He stated that at this time the church does not have the financial resources to asphalt the entire parking area and would like to leave it graveled for a period of time. He indicated that there would be about fifty (50) parking spaces.

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Don Judd stated that it looks like the entrance is off of 13th Street. Mr. Lehman agreed and added that it will be straight across from the existing parking lot where the church is currently.

Tim Kundiger asked how the expansion got approved without having enough parking. Mr. Lehman stated that the requirements are still being met for the amount of square footage in the auditorium and the requirements are extremely liberal. When the original building was built the code stated that one parking spot for five people. They were only required twenty five parking spots.

Tim Kundiger asked if parking was an issue before the addition was built. Mr. Lehman stated that when there were three services on Sunday there was not a parking issue however, they now have two services and there is lack of space now.

Joe Caskey asked if the church knew what type of material they would be using.

Mr. Lehman stated that the church would do whatever the City required. Troy Graham added that the last request the Board requested it be clean crushed concrete rock.

Sara Henry stated she felt there was some validity in clearing the lot, setting the rock and letting it settle for a while so it's completely ready when the asphalt is poured.

Tim Kundiger stated that a three quarter inch clean off is pretty difficult to keep in one spot. He felt that AB#3 packs down really well and would be a good idea. He felt that in the future there would less problems pouring over AB#3 instead of three quarter inch clean.

Mr. Lehman stated that roughly 50,000 would pay for the entire parking lot including asphalt.

There being no one to speak in opposition to the request, Chairperson Don Judd closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

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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, i.e. small lot size, unusual grade, easements, right of ways, etc.?

No, this is a corner lot located in an area which is zoned R1-B.

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

Yes, the owner wishes to construct parking lot area using a rock base in lieu of concrete or asphalt for a given time frame.

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 represented in the application?

No.

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

Yes, the parking area and areas in close proximity may see an increase in dust from the rock parking lot.

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, however, other property owners may also make request for the same type of variance if necessary. This variance was recently granted for the new Knights of Columbus structure to be located at 12th and Joplin Streets.

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?

Yes, new constructions of parking lots per code are required to have an asphalt or concrete base.

8. Is the variance being requested the minimum variance that would accomplish this purpose.

Yes, parking area could be required to be constructed using concrete or asphalt.

Joe inquired about the type of rock should be used on the parking lot. Tim Kundiger felt that something that the crushed clean rock would not be the best way to go because of the future bubbling of the asphalt when it is finally paved. Don Judd felt that to address

Mr. Kundiger asked if the lot would be concrete curbed and rock up to it or just rock in general. Mr. Lehman stated that on the current lots they have concrete curb but at this point for this lot he was unsure what they would have.

Mr. Judd stated that there would be concrete entrances.

The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Sarah Henry moved, seconded by Joseph Caskey to **approve** this request contingent that they use a clean rock to cut down on dust. Motion carried with a vote of three to one. .

There being no further business to be discussed, Sara Henry moved, seconded by Joseph Caskey, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 6:10 p.m.

Respectfully submitted,



Troy Graham
Assistant Director of Public Works