

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MARCH 4, 2013

MEMBERS PRESENT: Joseph Caskey, Vice Chairperson
Sara Henry
Tim Kundiger

MEMBERS ABSENT: Don Judd, Chairperson
Hyun Joong Kim

OTHERS PRESENT: Janis Goedeke 410 E Atkinson, Pittsburg
Trey Watts, 2531 N Patterson, Springfield, MO
Vern Morton, 1306 Randall Dr., Pittsburg
Janette Mauk, 110 W Potlitzer, Pittsburg
William A. Beasley, Director of Public Works
Troy Graham, Assistant Director of Public Works
Andrea Holtzman, Administrative Assistant to Public Works

The Pittsburg Board of Zoning Appeals met on Monday, March 4, 2013, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N. Pine. In the absence of the Chairperson, Vice Chairperson Joseph Caskey 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 February 4, 2013. In this regard, Sara Henry moved, seconded by Tim Kundiger, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 13-04 - A request submitted by Janette Mauk for a 5 foot variance in side yard setback to allow a garage to be placed 5 feet from the east property line of the property located at 110 W Potlitzer.

Vice Chairperson Joseph Caskey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Troy Graham stated that Ms. Mauk would like to tear down the existing garage and build a new one in its place. The property is zoned RP-3 Planned Medium Density Residential, which requires a 10 foot setback in order to put the structure 5 feet from the property line and in line with the existing house on the property.

**BOARD OF ZONING APPEALS
MINUTES OF MARCH 4, 2013
PAGE TWO**

Sara Henry inquired about the size of the garage in comparison to the existing garage. Ms. Mauk stated that the garage would be a single car garage with a carport attached.

Tim Kundiger inquired if it would be possible to push the garage back any further. Vern Morton stated the land to north slopes significantly and would require building up of the land before building the garage. If the structure is moved to the west, the turn into the garage would be too sharp. If the doors are to the east, the house would block the entrance. Mr. Morton feels the requested location would be the most efficient.

There being no one to speak in opposition to the request, Vice Chairperson Joseph Caskey 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 buildings in the neighborhood, i.e. small lot size, unusual grade, easements, right-of-ways, etc.?**

No, this is a midblock lot located in an area which is zoned RP-3 Planned Medium Density Residential.

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

Yes, the owner wishes to construct a new garage and place it closer to the property line than zoning regulations allow. Existing garage sits approximately two (2) feet from the property line.

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?**

No.

**BOARD OF ZONING APPEALS
MINUTES OF MARCH 4, 2013
PAGE THREE**

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 requests for a similar type variance.

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?**

Yes, current zoning regulations require a 10 foot side yard setback.

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

Yes, garage could be required to be built to current zoning regulations for side yard setback of 10 feet.

The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Sara Henry moved, seconded by Tim Kundiger, to **approve** the request as submitted. Motion carried unanimously.

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

- Case No. 13-05 - A request submitted by Trey Watts of Crawford County Health Department for a variance to allow for a flashing or moving sign to be placed on property currently zoned CP-0 Planned Commercial Office District located at 410 E Atkinson.

Vice Chairperson Joseph Caskey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Mr. Graham stated this zone currently does not allow for signs with animation or movement. The Crawford County Health Department would like to place an LED sign that can show messages and communicate about the services offered through the Health Department.

**BOARD OF ZONING APPEALS
MINUTES OF MARCH 4, 2013
PAGE FOUR**

Janis Goedeke was present on behalf of the Crawford County Health Department. She indicated that the sign would be not-for-profit and would not show advertisements, the messages would be strictly about the services offered through the Health Department.

Sara Henry inquired about the size of the sign. Mr. Graham stated it would be approximately 10 feet in width.

There being no one to speak in opposition to the request, Vice Chairperson Joseph Caskey 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, i.e. small lot size, unusual grade, easements, right-of-ways, etc.?**

No, this property is located approximately mid-block in an area zoned CP-0 Planned Commercial Office District with some residential areas across Atkinson street.

- 2. Has such condition or circumstance been created by the action or actions of the owner or applicant?**

Yes, the owner wishes to place a "moving or animated" sign in an area that does not currently allow this type of sign due to zoning regulations.

- 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 neighbors could see effects of the sign at night when the sign is lighted and displaying animated items. The owner as well as the sign contractor have stated that sign has a "night or dim" feature that can dim the sign during the night time to help keep the brightness to a minimum.

**BOARD OF ZONING APPEALS
MINUTES OF MARCH 4, 2013
PAGE FIVE**

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.

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?**

Yes, new sign construction is restricted to certain types of signs allowed in each zoned district.

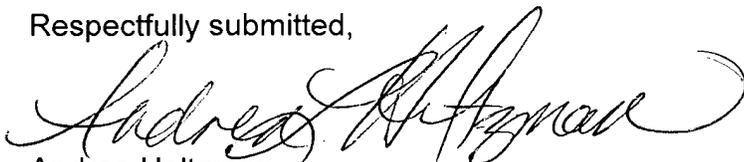
8. **Is the variance being requested the minimum variance that would accomplish this purpose.**

Yes, the sign could be required to not flash and display a constant message or one that does not change more often than every 15 seconds.

The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Tim Kundiger moved, seconded by Sara Henry to **approve** the request as submitted. Motion carried unanimously.

There being no further business to be discussed, Sara Henry moved, seconded by Tim Kundiger, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:40 p.m.

Respectfully submitted,



Andrea Holtzman
Administrative Assistant of Public Works