BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF July 1, 2013

MEMBERS PRESENT: Don Judd, Chairperson
Sara Henry
Timothy Kundiger

MEMBERS ABSENT: Joseph Caskey
Hyun Joong Kim

OTHERS PRESENT: Jim Buche, 308 Winwood Drive
Jeff Wibert, 611 N. Catalpa
Troy Graham, Assistant Director, Public Works
Andrea Holtzman, Administrative Assistant, Public Works

The Pittsburg Board of Zoning Appeals met on Monday, July 1, 2013, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N Pine. Chairperson Don Judd 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 6, 2013. In this regard, Don Judd noted that the minutes for the last meeting should read the vote passed with a two to one vote since he in fact abstained from voting as the Chairperson. Sara Henry moved, seconded by Tim Kundiger, that the minutes be approved with this change. Motion carried unanimously.

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

Case No. 13-09- A request submitted by Jeff Wilbert, President of Pittsburg Beautiful and the City of Pittsburg to consider a request for a 56 square foot variance in maximum allowable square footage to permit a sign totaling 256 square feet to be placed on the property located at 1200 West 4th Street (NW Corner of US Hwy 69 Bypass and Kansas Hwy 126 (4th Street).

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, Jeff Wilbert and Jim Buche were both present to speak in favor of this request.

Troy Graham explained the variance is required because of the positioning of the sign. Since the sign will be in a V-shape instead of back to back each sign face must be counted separate making the sign approximately fifty six (56) square feet. He also stated that Randy Vilela had submitted a letter giving his positive opinion of the request. Mr. Graham indicated that Pittsburg Beautiful will be purchasing the sign and installing it and at that point the City of Pittsburg would take over responsibility of the sign. He also indicated since the sign would be located on the highway all the KDOT permits have been submitted.

Sara Henry asked for the dimensions of the sign.

Troy Graham referred the Board to the drawing submitted.

There being no one present to speak in opposition to the request, Chairperson Don Judd 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 is a corner lot located in an area which is zoned IP-3.

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

Yes, the owners wish to construct a new sign and place the sign panels in a configuration that requires a variance for excess square footage over the maximum allowed by the zoning manual.

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.

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?

Yes, 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, the current zoning manual requires a maximum square footage of a sign with two panels to be less than 200 square feet.

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

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

With no new or old business to discuss Sara Henry moved, seconded by Tim Kundiger to adjourn the meeting.

Respectfully submitted,

Andrea Holtzman
Administrative Assistant, Public Works