BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF NOVEMBER 7, 2013

MEMBERS PRESENT: Don Judd, Chairperson
Joseph Caskey, Vice Chairperson
Sara Henry
Timothy Kundiger

MEMBERS ABSENT: Hyun Joong Kim

OTHERS PRESENT: Brian Sullivan, 3303 Grand Oaks Court, Pittsburg
Troy Graham, Assistant Director of Public Works
Andrea Holtzman, Public Works Administrative Assistant

The Pittsburg Board of Zoning Appeals met on Monday, November 4, 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 October 7, 2013. In this regard, Tim Kundiger moved, seconded by Joseph Caskey, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 13-11 - A request submitted by Dr. Brian Sullivan, of Lindburg Pharmacy, to consider a request to allow for a flashing or moving sign to be placed on property currently zoned CP-0 Planned Commercial Office District located at 909 East Centennial.

Chairperson Don Judd opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Brian Sullivan was present to speak in favor of the request. He stated that there is an existing marquee sign and he wishes to update it. He indicated there would be a digital sign installed inside the existing sign. This new digital sign would serve as a way to advertise the services Lindburg Pharmacy offers. He also stated the sign would not run all the time and would shut off in the late evening hours.

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 property is located on the corner of E. Centennial and S. Tucker Streets in an area zoned CP-0 with some residential areas to the west and to the southwest. The area east and directly south is zoned CP-0.

2. Has such conditions or circumstances being 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?

No, there is currently an animated sign directly east of this property with an animated or moving sign.

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?

No

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

Yes

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

There being no other business to be discussed, Sara Henry moved, seconded by Joseph Caskey, to adjourn the meeting. Motion carried and the meeting adjourned at 5:27 p.m.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant