

Board of Zoning Appeals

MINUTES OF THE MEETING OF APRIL 2, 2007

- MEMBERS PRESENT:** Earl Ward, Chairperson
James Belew, Vice Chairperson
Tim Bailey
Donald Judd
- MEMBERS ABSENT:** Kipp Riddle
- OTHERS PRESENT:** Bob Faires, Howard & Helmer Architects, Wichita, KS
Derek Basinger, Howard & Helmer Architects, Wichita, KS
Steve Sloan, 601 Elmwood Lane, Pittsburg
John Kraus, 704 Elmwood Lane, Pittsburg
Jim Askins, 2401 Knollview, Pittsburg
Nancy Hicks, address unknown
Bryan Hanson, 205 West 21st Street, Pittsburg
Joe Corder, 715 East 7th Street, Pittsburg
Raymond Cornell, 1002 West 6th Street, Pittsburg
Bradley Cornell, 822A Hugh Street, Frontenac
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, April 2, 2007, at 5:15 p.m., in the City Hall Commission Room. Chairperson Earl Ward called the meeting to order at 5:15 p.m. with three (3) members present. Don Judd entered the meeting at approximately 5:20 p.m.

The first order of business was the approval of the minutes of the meeting of March 5, 2007. In this regard, Tim Bailey moved, seconded by Jim Belew, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 07-1 - A request submitted by St. Mary's/Colgan High School for a 19 foot variance in rear yard setback to allow a new addition to be constructed 1 foot from the rear property line located at 212 East 9th Street.

Chairperson Earl Ward opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request.

**BOARD OF ZONING APPEALS
MINUTES OF APRIL 2, 2007
PAGE TWO**

In this regard, Steve Sloan stated he is the SMC Building Committee Chairperson and is joined by Bob Faires of Howard & Helmer Architects; John Kraus, President of SMC; Jim Askins who is also a SMC Building Committee member; and Nancy Hicks who is a lead teacher at the elementary school and also a Building Committee member. He stated there was to be a Planning and Zoning Commission meeting (to consider the Conditional Use for the proposed addition and the site plan review) prior to the March 5th Board of Zoning Appeals meeting to review the variance request, however, there was a property legal description that was incorrect so the request had to be tabled. Mr. Sloan stated that since then they had a great meeting with the Planning and Zoning Commission of which many comments from the March 5th Board of Zoning Appeals meeting were incorporated into that meeting. He stated after that meeting the Conditional Use was unanimously approved and was also approved by the City Commission. Mr. Sloan stated there were several items discussed at the March 5th Board of Zoning Appeals meeting they would like to address. He then turned the discussion over to Mr. Faires.

Mr. Faires stated he would like to give a brief overview of the project and the variance being requested. He stated the addition to the north would be a small office area and to the west would be an entry, commons and restroom area. Mr. Faires stated the site plan was basically the same as the one provided back in 2004, with the exception of the elimination of 5 parking spaces and the addition of handicap parking. He stated, however, that the parking exceeds the minimum requirements and that access would actually be better for residences because of the removal of the parking spaces. Mr. Faires stated the variance being requested is not along the entire property line but for about 20 feet closest to the alleyway or access easement. He stated they have tried to squeeze the addition as far north as possible and no further south than the line of the existing building, which was done to accommodate the restrooms and access. Mr. Faires stated there would still be two points of ingress/egress maintained and that a retaining wall was added as a safety feature for the children coming out of the building. He stated they have talked to the Fire Department about access to the building and about the number of fire hydrants. Mr. Faires stated the Fire Department indicated it would have access to all four sides of the building, so they would not have to have access through the bend in the L-shaped alley, and that the whole perimeter of the building would be within less than 400 feet of any fire hydrant. Mr. Faires stated another item discussed at the previous meeting was parking lot lighting. He stated there was a concern expressed about the parking lot, which abuts residential property, being dark and not lit well enough for pedestrian safety on game night. Mr. Faires stated that additional lighting has been provided and now appears to be adequate.

**BOARD OF ZONING APPEALS
MINUTES OF APRIL 2, 2007
PAGE THREE**

Earl Ward stated that it appears all concerns have been addressed and that actually the Board of Zoning Appeals was provided with a copy of the Planning and Zoning Commission meeting minutes regarding the review of the site plan for the proposed addition. He stated that the action to be taken at this meeting would be approval of the variance in setback.

There being no one present to speak either in favor of or in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request.

There being no further discussion, Jim Belew moved, seconded by Tim Bailey, that the variance being requested be **granted** based on the fact the granting of the variance requested would not adversely affect the rights of adjacent property owners and the fact the granting of the variance requested would be in accordance to the general spirit and intent of the Zoning Ordinance. Motion carried unanimously.

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

Case No. 07-2 - A request submitted by Bryan Hanson for a 40 foot variance in front yard setback and a 15 foot variance in side yard setback to allow a canopy to be built up to the property line and over the existing patio located at 221 East 3rd Street (McCarthy's Pub).

Chairperson Earl Ward opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Bryan Hanson stated there was an existing patio/beer garden on the west side of the building and when it rains and that sort of thing that area was not usable, so he would like to put a self-supporting structure over this area. He stated he was basically looking for approval so the architects and engineers could put all the drawings and everything together to move forward with the project. Mr. Hanson stated he would like to get the project going within the next 6 weeks and understands it would take 4 to 5 weeks just to get the materials in once approved. He stated the structure would be constructed with metal I-beams and roofing.

Joe Corder added that the plans are for a free standing structure with 4 columns and I-beams to make it structurally sound. He stated the canopy would span 32 feet across and would have 16 to 18 inch I-beams to support it. Mr. Corder stated there would also be a cantilever over the stairs that would be set back 2 feet off the front of the building so that the stairs would be covered as well. He stated the canopy would be recessed 2 feet behind the front of the building and stop at 1 foot at the back of the building, so that it would not hang out over the right-of-way.

**BOARD OF ZONING APPEALS
MINUTES OF APRIL 2, 2007
PAGE FOUR**

Mr. Corder stated the canopy would slant at a ½" pitch in an east to west direction, so that water would not run off onto the Gaucho's property to the north but onto the McCarthy's parking lot to the west. He stated there would also be guttering and downspouts to provide for water run off.

There being no one present to speak either in favor of or in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request. Mr. Kennemer noted, however, that a letter had been received expressing support of the request.

There being no further discussion, Tim Bailey moved, seconded by Don Judd, that the variance being requested be **granted**. Motion carried unanimously.

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

Case No. 07-3 - A request submitted by Raymond L. Cornell for a 8 foot variance in front yard setback to allow a new house (to replace existing burned out house) to be constructed 22 feet from the right-of-way of 6th Street located at 1002 West 6th Street.

Chairperson Earl Ward opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Mr. Cornell referred to the drawing he provided with his application and stated the old house was provided on the drawing to give them an idea where it was located in relationship with the location for the new house. He stated the new house has been shifted to the south an extra 8 feet to allow for a more open view, which would be more open than where the old house was located and would allow for him to have more of a view than looking out the windows at the existing garage. He stated that he tried to center the 30' x 56' house on the 100' x 132' lot and that the front of the house would now face Warren Street instead of 6th Street. Mr. Cornell stated he would be doing his own work on the house, noting that he constructed the existing garage located on the property. He stated that he also owns the lot west of the existing garage and tore down the old house previously located on that lot.

Todd Kennemer stated the reason this request was coming before them was because of the regulations that allow for houses in older additions to be constructed closer than the required setback when at least 40% of the existing houses have been constructed closer to the street right-of-way. He stated in Mr. Cornell's case, however, his house was the only house located on the block, so this rule does not apply.

**BOARD OF ZONING APPEALS
MINUTES OF APRIL 2, 2007
PAGE FIVE**

There being no one present to speak either in favor of or in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request. Mr. Kennemer noted, however, that a letter had been received expressing support of the request.

There being no further discussion, Don Judd moved, seconded by Tim Bailey, that the variance being requested be **granted**. Motion carried unanimously.

The next scheduled Board of Zoning Appeals meeting will be May 7, 2007.

There being no further business to be discussed, Jim Belew moved, seconded by Tim Bailey that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Todd Kennemer
Assistant Director of Public Works