

# BOARD OF ZONING APPEALS

## MINUTES OF THE MEETING OF JANUARY 7, 2008

**MEMBERS PRESENT:** Earl Ward, Chairperson  
James Belew, Vice Chairperson  
Tim Bailey

**MEMBERS ABSENT:** Don Judd  
Kipp Riddle

**OTHERS PRESENT:** Russ Green, 1701 Countryside Drive, Pittsburg  
Ruth Lemon, 110 East Carlton, Pittsburg  
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, January 7, 2008, 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.

**The first order of business was the approval of the minutes of the meeting of December 3, 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. 08-01 - A request submitted by Kala Spigarelli for a 912 Square foot variance in maximum allowable square footage of accessory buildings to allow the construction of a 1200 square foot garage and a 612 square foot swimming pool at 814 South Catalpa.

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, Russ Green was present on behalf of the applicant as general contractor for the project. The pool is currently under construction, but the garage has not been started because it exceeds the square footage requirements. The driveway for the new garage will be concrete, the same as the existing driveway to the attached garage that goes down into the basement of the house. The garage will be a wood frame structure with a composite roof, concrete siding and vinyl composition windows. Also, as part of the project the electric service will be upgraded to a 400 amp service and will all be ran underground. There will also be a bathroom in the garage with a sump pump to the sanitary sewer. The electrician will be Lord's Electric and the plumber will be Phil's Plumbing. The fence will be extended from the house to the corner of the new garage and will be constructed of brick and wrought iron. There might be one change made to the garage and that would be a small storage area above the garage. Mr. Green stated he would get with the Codes Enforcement Division regarding this change.

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There being no one present to speak in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request. The Board of Zoning Appeals then considered the following findings of fact:

1. There are conditions which exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood. The maximum allowable accessory building square footage of 900 square feet applies to all residential parcels. Residential lots 5,600 square feet in size are allowed 900 square feet of accessory buildings. This lot is just over 27,000 square feet in size.
2. The conditions or circumstances have been created by action of the owner due to the fact the owner wants to build larger than 900 square feet.
3. There are no 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.
4. The granting of the variance requested would not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. The 900 square foot limitation is quickly becoming antiquated and in some cases is no longer practical.
5. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance. The 900 square foot limitation is quickly becoming antiquated and impractical. Other property owners may apply for the same variance.
6. The variance being requested is the minimum variance that would accomplish this purpose.

The Board considered all eight (8) factors, but expounded on the above. Based on these factors, Jim Belew moved, seconded by Tim Bailey, that the variance be **granted**. Motion carried unanimously.

Under New Business, was the review and approval of the tentative meeting schedule for 2008-2009. Mr. Kennemer stated the proposed schedule is the same as in the past with meetings being held the first Monday of the month unless it's a holiday then it will be held the second Monday of the month. Tim Bailey moved, seconded by Jim Belew, that the meeting schedule be approved as submitted. Motion carried unanimously.

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The next Board of Zoning Appeals meeting is scheduled for February 4, 2008.

There being no further business to discuss, Jim Belew moved, seconded by Tim Bailey that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:35 p.m.

Respectfully submitted,

Todd Kennemer  
Assistant Director of Public Works