

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MARCH 3, 2014

MEMBERS PRESENT: Joseph Caskey, Vice Chairperson
Sara Henry
Timothy Kundiger
Aaron McConnell
Chris Vanderbeck

OTHERS PRESENT: Calvin Beer, 1827 JFK, Pittsburg, KS
Chris Harris, 201 N Joplin, Pittsburg, KS
Kevin Seward, 1202 E 4th Street, Pittsburg, KS
James Seward, 1202 E 4th Street, Pittsburg, KS
Troy Graham, Assistant Director of Public Works
Andrea Holtzman, Public Works Administrative Assistant

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The first order of business was the introduction of Aaron McConnell and Chris Vanderbeck as the newest members of the Board of Zoning Appeals.

The second order of business was the election of a new Chairperson and Vice Chairperson to serve the 2014 Term. In this regard, Sara Henry moved, seconded by Tim Kundiger, that Joseph Caskey serve as Chairperson. This motion passed unanimously and Joseph Caskey was elected by acclamation. Tim Kundiger moved to elect himself as the Vice Chairperson. Joseph Caskey seconded this motion. The motion passed unanimously and Tim Kundiger was elected by acclamation.

The third order of business was approval of the minutes of the meeting of November 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. 14-01- A request submitted by Kevin O'Connell, 1602 N Grand, for a variance to allow a 6 foot high security fence to be placed on the east and south property lines located at 923 East 4th Street.

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

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Sara Henry stated that there appeared to be a parking shortage on English Street.

Tim Kundiger inquired if there would be a potential of people backing out onto Joplin Street. Mr. Seward stated that residents of the current house have been backing out onto Joplin Street. Mr. Kundiger explained that he has a concern about people backing out onto Joplin Street. He then inquired about the zoning of this area. Troy Graham responded that this area is currently zoned RP-3 Planned Medium Density Residential. He went on to state that several other properties in the area have driveways and are also required to back out onto Joplin Street.

There being no one present to speak in opposition to the request, Chairperson Joseph Caskey closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

1. There are conditions that exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood, as this is a mid-block lot that currently has two front yard setbacks.

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2. No conditions or circumstances have been created by the action or actions of the owner or applicant.
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 represented in the application, as the owner wishes to provide ample parking for their future tenants with off-street parking. This will help alleviate future parking congestion on the streets in the surrounding neighborhood. Current zoning regulations require that any off-street parking be located behind the front yard setback. Also, to be able to provide ample parking for their future tenants the amount of lot cover had to be increased.
4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents, as this same type of variance was permitted in 2013 for a property just north of the subject property for a future townhouse location.
5. 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, as other property owners may also make a similar request if necessary.
6. The granting of the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, as this request will provide more off-street parking that is not currently available on the property.
7. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance, as the intent is to provide additional parking for future residents of the property.
8. The variance being requested is not the minimum variance that would accomplish this purpose, as the structure could be reduced in size to allow for a smaller footprint to meet existing setbacks and the amount of parking could also be reduced.

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

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Mr. Caskey inquired if there would be a blind spot with the new sign. Mr. Harris stated there shouldn't be considering the sign would be a little further back from the existing sign.

Mr. Kundiger inquired if there were any restrictions regarding signage on Broadway Street for KDOT. Mr. Graham stated that local government has jurisdiction so the City of Pittsburg's sign ordinance would apply.

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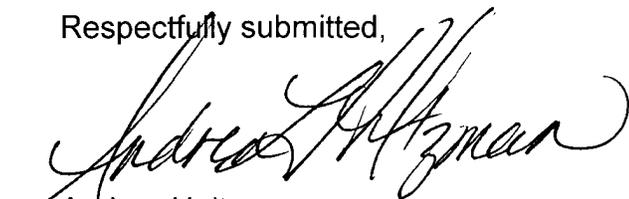
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The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Sara Henry moved, seconded by Aaron McConnell, to **approve** the request as submitted. Motion carried unanimously.

Under New Business, the Board reviewed the tentative meeting schedule for 2014-2015. After review of the schedule, Sara Henry moved, seconded by Chris Vanderbeck, to **approve** the schedule as submitted. Motion carried unanimously.

There being no other business to be discussed, Sara Henry moved, seconded by Aaron McConnell, to adjourn the meeting. Motion carried and the meeting adjourned at 5:50 p.m.

Respectfully submitted,



Andrea Holtzman
Public Works Administrative Assistant

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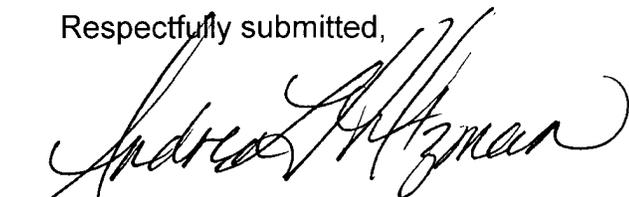
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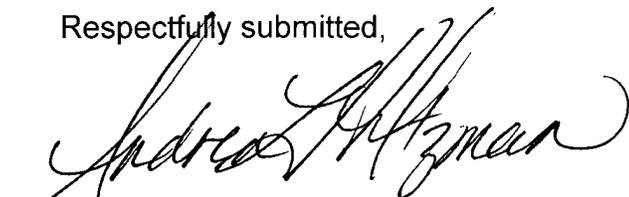
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There being no one present to speak in opposition to the request, Chairperson Joseph Caskey closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

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**BOARD OF ZONING APPEALS
MINUTES MARCH 3, 2014
PAGE THREE**

2. No conditions or circumstances have been created by the action or actions of the owner or applicant.
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 represented in the application, as the owner wishes to provide ample parking for their future tenants with off-street parking. This will help alleviate future parking congestion on the streets in the surrounding neighborhood. Current zoning regulations require that any off-street parking be located behind the front yard setback. Also, to be able to provide ample parking for their future tenants the amount of lot cover had to be increased.
4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents, as this same type of variance was permitted in 2013 for a property just north of the subject property for a future townhouse location.
5. 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, as other property owners may also make a similar request if necessary.
6. The granting of the variance requested would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, as this request will provide more off-street parking that is not currently available on the property.
7. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance, as the intent is to provide additional parking for future residents of the property.
8. The variance being requested is not the minimum variance that would accomplish this purpose, as the structure could be reduced in size to allow for a smaller footprint to meet existing setbacks and the amount of parking could also be reduced.

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

**BOARD OF ZONING APPEALS
MINUTES MARCH 3, 2014
PAGE FOUR**

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

Case No. 14-03- A request submitted by Chris Harris on behalf of Wood-Dulohery Insurance, 620 S Broadway, for a 6 foot variance in front yard setback from Broadway Street to allow for a sign to be placed 9 feet from the property line located at 620 South Broadway.

Chairperson Joseph Caskey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Chris Harris was present to speak on behalf of the request.

Mr. Caskey inquired if there would be a blind spot with the new sign. Mr. Harris stated there shouldn't be considering the sign would be a little further back from the existing sign.

Mr. Kundiger inquired if there were any restrictions regarding signage on Broadway Street for KDOT. Mr. Graham stated that local government has jurisdiction so the City of Pittsburg's sign ordinance would apply.

Mr. Harris explained that this sign would be on an automatic timer to allow for it to be dimmed and that it could be dimmed manually as well.

There being no one present to speak in opposition to the request, Chairperson Joseph Caskey closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

1. There are no conditions which exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood, as this is a corner lot with one front yard setback.
2. No conditions or circumstances have been created by the action or actions of the owner or applicant.
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 represented in the application, as the applicant wishes to upgrade their signage on the property and the layout of existing parking areas and green space will place the sign closer to the property line than allowed by the Zoning Ordinance.

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MINUTES MARCH 3, 2014
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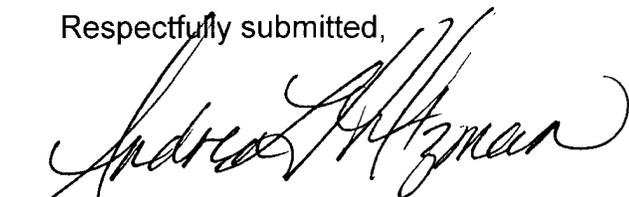
4. The granting of a permit for the variance requested would not adversely affect the rights of adjacent property owners or residents.
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6. The granting of the variance requested adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
7. The granting of the variance requested would be opposed to the general spirit and intent of the Zoning Ordinance, as the Zoning Ordinance requires a minimum of 15 feet in setback for signs of this type. However, the applicant is replacing the temporary sign previously located in the area.
8. The variance being requested is not the minimum variance that would accomplish this purpose, as the sign could be placed in a different location on the property.

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

Under New Business, the Board reviewed the tentative meeting schedule for 2014-2015. After review of the schedule, Sara Henry moved, seconded by Chris Vanderbeck, to **approve** the schedule as submitted. Motion carried unanimously.

There being no other business to be discussed, Sara Henry moved, seconded by Aaron McConnell, to adjourn the meeting. Motion carried and the meeting adjourned at 5:50 p.m.

Respectfully submitted,



Andrea Holtzman
Public Works Administrative Assistant

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MARCH 3, 2014

MEMBERS PRESENT: Joseph Caskey, Vice Chairperson
Sara Henry
Timothy Kundiger
Aaron McConnell
Chris Vanderbeck

OTHERS PRESENT: Calvin Beer, 1827 JFK, Pittsburg, KS
Chris Harris, 201 N Joplin, Pittsburg, KS
Kevin Seward, 1202 E 4th Street, Pittsburg, KS
James Seward, 1202 E 4th Street, Pittsburg, KS
Troy Graham, Assistant Director of Public Works
Andrea Holtzman, Public Works Administrative Assistant

The Pittsburg Board of Zoning Appeals met on Monday, March 3, 2014, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N Pine. In the absence of a Chairperson, Vice Chairperson Joseph Caskey called the meeting to order at 5:15 p.m. with five (5) members present.

The first order of business was the introduction of Aaron McConnell and Chris Vanderbeck as the newest members of the Board of Zoning Appeals.

The second order of business was the election of a new Chairperson and Vice Chairperson to serve the 2014 Term. In this regard, Sara Henry moved, seconded by Tim Kundiger, that Joseph Caskey serve as Chairperson. This motion passed unanimously and Joseph Caskey was elected by acclamation. Tim Kundiger moved to elect himself as the Vice Chairperson. Joseph Caskey seconded this motion. The motion passed unanimously and Tim Kundiger was elected by acclamation.

The third order of business was approval of the minutes of the meeting of November 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. 14-01- A request submitted by Kevin O'Connell, 1602 N Grand, for a variance to allow a 6 foot high security fence to be placed on the east and south property lines located at 923 East 4th Street.

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MINUTES MARCH 3, 2014
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Chairperson Joseph Caskey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. No one was present to on behalf of the applicant, therefore, Sara Henry moved, seconded by Aaron McConnell, to TABLE this request until the next meeting. Motion carried unanimously.

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

Case No. 14-02- A request submitted by Kevin Seward, 1202 E 4th Street, for a 19 foot variance in front yard setback from both Joplin Street and English Street to allow residential parking to be placed 11 feet from the right-of-way of both streets and a request for a 7% variance in the amount of total lot coverage to allow for a duplex to have a total lot coverage of 67% located at 2010 S Joplin.

Chairperson Joseph Caskey opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Kevin Seward and James Seward were both present to speak on behalf of the request. Referring to the site plan provided, Troy Graham explained variance request was being made to allow two more parking spaces than required in order to provide off-street parking. He further explained that due to the request for additional parking space, a variance for lot coverage was also required.

Sara Henry stated that there appeared to be a parking shortage on English Street.

Tim Kundiger inquired if there would be a potential of people backing out onto Joplin Street. Mr. Seward stated that residents of the current house have been backing out onto Joplin Street. Mr. Kundiger explained that he has a concern about people backing out onto Joplin Street. He then inquired about the zoning of this area. Troy Graham responded that this area is currently zoned RP-3 Planned Medium Density Residential. He went on to state that several other properties in the area have driveways and are also required to back out onto Joplin Street.

There being no one present to speak in opposition to the request, Chairperson Joseph Caskey closed the **PUBLIC HEARING** for the request. The Board then considered the following factors:

1. There are conditions that exist in respect to the property or structure being considered which are different from other properties or building in the neighborhood, as this is a mid-block lot that currently has two front yard setbacks.

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MINUTES MARCH 3, 2014
PAGE THREE**

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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 represented in the application, as the owner wishes to provide ample parking for their future tenants with off-street parking. This will help alleviate future parking congestion on the streets in the surrounding neighborhood. Current zoning regulations require that any off-street parking be located behind the front yard setback. Also, to be able to provide ample parking for their future tenants the amount of lot cover had to be increased.
4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents, as this same type of variance was permitted in 2013 for a property just north of the subject property for a future townhouse location.
5. 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, as other property owners may also make a similar request if necessary.
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The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Aaron McConnell moved, seconded by Tim Kundiger, to **approve** the request as submitted. Motion carried unanimously.

**BOARD OF ZONING APPEALS
MINUTES MARCH 3, 2014
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Case No. 14-03- A request submitted by Chris Harris on behalf of Wood-Dulohery Insurance, 620 S Broadway, for a 6 foot variance in front yard setback from Broadway Street to allow for a sign to be placed 9 feet from the property line located at 620 South Broadway.

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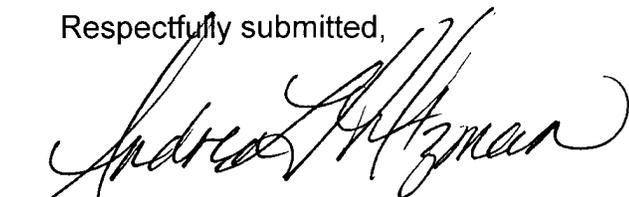
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The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Sara Henry moved, seconded by Aaron McConnell, to **approve** the request as submitted. Motion carried unanimously.

Under New Business, the Board reviewed the tentative meeting schedule for 2014-2015. After review of the schedule, Sara Henry moved, seconded by Chris Vanderbeck, to **approve** the schedule as submitted. Motion carried unanimously.

There being no other business to be discussed, Sara Henry moved, seconded by Aaron McConnell, to adjourn the meeting. Motion carried and the meeting adjourned at 5:50 p.m.

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Public Works Administrative Assistant

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MINUTES OF THE MEETING OF MARCH 3, 2014

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**BOARD OF ZONING APPEALS
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**BOARD OF ZONING APPEALS
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MINUTES MARCH 3, 2014
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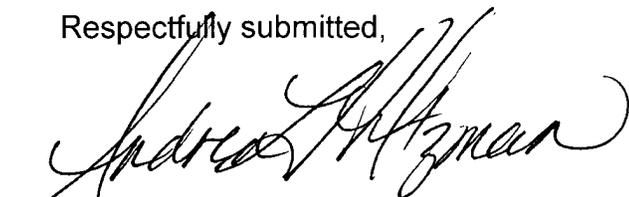
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Andrea Holtzman
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