BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF APRIL 7, 2014

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

MEMBERS ABSENT: Chris Vanderbeck

OTHERS PRESENT: Todd Biggs, 1005 E Washington, Pittsburg
Corey Burton, 308 W Jefferson, Pittsburg
Tyler Casey, 306 S Olive, Pittsburg
Steve Davis, 2007 S Tucker Terrace, Pittsburg
Kevin O'Connell, 1602 N Grand, Pittsburg
Troy Graham, Director of Planning and Community Services
Andrea Holtzman, Public Works Administrative Assistant

The Pittsburg Board of Zoning Appeals met on Monday, April 7, 2014, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N Pine. Chairperson Joseph Caskey 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 March 4, 2014. 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 TABLED 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.

Chairperson Joseph Caskey opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request. Kevin O'Connell was present to speak on behalf of the request.

Troy Graham indicated Mr. O'Connell would like to install a security fence. He stated any fence may be set on the property line unless it violates the setback requirement. Therefore, a variance is needed for this fence to set on the property line. Mr. Graham stated the fence would extend from the front of the property to the alley at the back of the property.

Tim Kundiger asked if the line of site for traffic would be hindered. Mr. Graham indicated it would not because the fence is back far enough and it is chain link.

Sara Henry asked where the entrance and exit gate would be located. Mr. O'Connell indicated he would have an electric sliding gate for employees at the front of the property facing 4th Street.

Mr. Kundiger asked if there would be a problem if plastic strips or a privacy fence were to replace the planned chain link fence. Mr. Graham stated that it should not matter because the existing fence does not hinder the line of site.

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 such 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 corner lot with two (2) front yard setbacks.

2. Such conditions or circumstances have not 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.

4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents, as the security fence will extend past the front yard setback, but will not cause a line of sight problem with any existing neighbors.

5. The granting of the variance requested will 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 request for the same type of variance if necessary.

2. Such conditions or circumstances have not 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.

4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents as the security fence will extend past the front yard setback, but will not cause a line of sight problem with any existing neighbors.

5. The granting of the variance requested will 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 request for the same type of variance if necessary.

6. The granting of the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

7. The granting of the variance requested is opposed to the general spirit and intent of the Zoning Ordinance as the fence will extend past front yard setback of neighboring properties.

8. The variance being requested is the minimum variance that would accomplish this purpose as the owner could be required to place the fence behind the setback or lower the height of the fence.

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

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

Case No. 14-03- A request submitted by Tyler Casey of Pro X Property Solutions, 302 East Centennial, for a variance in front yard setback to allow a structure to be located 27 feet from the property line along Oakcrest Drive and 12 feet from the property line along Crestwood Lane on the property located at 601 Oakcrest Drive.

6. The granting of the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

7. The granting of the variance requested is opposed to the general spirit and intent of the Zoning Ordinance as the fence will extend past front yard setback of neighboring properties.

8. The variance being requested is the minimum variance that would accomplish this purpose as the owner could be required to place the fence behind the setback or lower the height of the fence.

The Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Tim Kundiger moved, seconded by Aaron McConnell, to approve the request based on the contingency that the line of sight not be hindered. Motion carried unanimously.

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

Case No. 14-04- A request submitted by Todd and Lita Biggs, 1005 E Washington, for a variance to allow a 6 foot high security fence to be placed on the south property lines located at 919 and 921 East 4th Street.

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

Mr. Graham stated this property is right next door to Mr. O'Connell's property. This property has only one setback and to place the fence in line with the building a variance is needed.

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 such conditions that 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. as this is a mid-block lot with a single front yard setback.

Chairperson Joseph Caskey opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request. Tyler Casey, Corey Burton and Steve Davis were all present to speak on behalf of the request.

Mr. Graham showed a photo of the old house that sat on the property. He indicated that the house caught on fire in December and has since been demolished. Mr. Graham stated that no one has called to object to this request; however, several people have sent in letters of approval. He indicated these letters are in the packets that were distributed to the Board.

Tyler Casey stated that the way the house will set will not obstruct traffic sight.

Steve Davis stated the previous home was sitting on the property line in the back yard and sat really close to the house to the west. The new home will be located further back from this home.

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 such 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 corner lot located in an area which is zoned R-1A Single Family Residential.

2. Such conditions or circumstances has been created by the action or actions of the owner or applicant as the owner wishes to construct a new house and place it in a location on the property that would require a variance in the amount of front yard setback allowed by the zoning ordinance.

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 would be required orientate the house different to meet the Zoning requirements.

4. The granting of a permit for the variance requested will not adversely affect the rights of adjacent property owners or residents.

5. The granting of the variance requested will 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 request for the same type of variance if necessary. This similar type of variance has been granted in the past.

6. The granting of the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

7. The granting of the variance requested will not be opposed to the general spirit and intent of the Zoning Ordinance as currently the Zoning Ordinance requires a 30' setback for the front yard in an area zoned R-1A Single Family Residential.

8. The variance being requested is 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 Aaron McConnell, to approve the request as submitted. Motion carried unanimously.

There being no other business to be discussed, Aaron McConnell moved, seconded by Sara Henry, to adjourn the meeting. Motion carried and the meeting adjourned at 5:38 p.m.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant