BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MAY 5, 2014

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

MEMBERS ABSENT: Joseph Caskey, Chairperson
Chris Vanderbeck

OTHERS PRESENT: Cheryl Eastep, 215 W. 18th, Pittsburg
Amy Herring, 406 S Georgia, Pittsburg
Bob Kunshek, 304 Memorial Drive, Pittsburg
Troy Graham, Director of Planning and Community Service

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

The first order of business was approval of the minutes of the meeting of April 7, 2014. In this regard, Sara Henry moved, seconded by Aaron McConnell, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 14-06- A request submitted by Cheryl Eastep to consider a request for a variance in rear yard setback to allow for a structure to be placed at the property line, a structure to be placed 17 feet from rear property line, a structure to be placed 18 feet from rear property line, and a request for a variance in lot depth to allow for three lots to have a lot depth of 85 feet on properties located in the 1700 Block of North Walnut.

Vice Chairperson Timothy Kundiger opened the PUBLIC HEARING by stating the request and then asked the applicant to comment on behalf of said request. Cheryl Eastep was present to speak on behalf of the request.

Troy Graham stated Ms. Eastep owns the property at 1709 N Walnut. There are currently 4 buildings all on one lot. Currently all the buildings are owned by Ms. Eastep and she would like to split them up and sell them in the future. She is in the process of replatting the area and has already been through Planning and Zoning and been approved to have the north alley vacated. Troy indicated that Ms. Eastep will need a variance for lot depth, rear yard setback to allow a building to set on the property. If these variances are approved the lots will become more in compliance than they are currently. Mr. Graham stated if any of the existing buildings are ever demolished the new structures will not be covered by the variance and will be required to meet current Zoning Ordinances.

Bob Kunsheck, 304 Memorial Drive, was present to speak in opposition of this request. He felt the buildings were already too close to the property lines. He doesn't want anyone to come any closer to his property to the west.

Mr. Graham stated that there will be no buildings missing. He restated that the variances will only cover the current structure. The reason for the variance is so the lot can be split into three separate lots.

Mr. Kunsheck indicated he understood and would prefer no changes to the current lot and would like to leave it as it is.

Sara Henry stated he was an idiot and needed to get his head out of his butt. She asked if Mr. Kunsheck had a problem with her separating the lots to sell the buildings individually. She explained as it stands now if someone wanted to buy the property they would have to buy all the buildings unless the lots are separated.

There being no one else present to speak in opposition to the request, Vice Chairperson Timothy Kundiger 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.?

Yes, this was originally one lot with four (4) structures on it and dividing the lot would create smaller lot sizes but allow different owners for the structures

2. Has such conditions or circumstances been created by the action or actions of the owner or applicant?

Yes. If the property remains one lot, the variances would not be needed. This would limit the owner from selling each individual building. Currently the buildings do not meet zoning regulations; however, variances could bring them closer to current standards.

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. The granting of the variances will give the owner more flexibility by allowing the lots to be sold individually.

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.

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.

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 5:40 p.m.

Respectfully submitted,

Andrea Holtzman
Public Works Administrative Assistant