

BOARD OF ZONING APPEALS

MINUTES OF THE MEETING OF MAY 5, 2008

MEMBERS PRESENT: James Belew, Chairperson
Don Judd, Vice Chairperson
Tim Bailey
Hyun Joong Kim

OTHERS PRESENT: Gary Grimaldi, 2002 Windsor Drive, Pittsburg
Debbie Grimaldi, 2002 Windsor Drive, Pittsburg
Ruth Lemon, 110 East Carlton, Pittsburg
Tim Bell, Building Inspector

The Pittsburg Board of Zoning Appeals met on Monday, May 5, 2008, at 5:15 p.m., in the City Hall Commission Room. Chairperson James Belew called the meeting to order at 5:15 p.m. with four (4) members present.

The first order of business was the approval of the minutes of the meeting of April 7, 2008. In this regard, Don Judd moved, seconded by Tim Bailey, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 08-04 - A request submitted by Gary and Debbie Grimaldi for a 600 square foot variance in allowable square footage for accessory structures to allow for the construction of a pool and pool house at 2002 Windsor Drive.

Chairperson James Belew opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. In this regard, Gary Grimaldi indicated the variance was needed to allow for the construction of a pool and pool house since their construction exceeded the allowable square footage for accessory structures. This property is two adjoining lots a little larger than 2/3 of an acre in total size. There is ample room to construct the requested buildings and still meet required setbacks.

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

1. Are there conditions which exist in respect to the property or structure being considered which are different from other properties or buildings in the neighborhood, i.e. small lot size, unusual grade, easements, right-of-ways, etc.?

**BOARD OF ZONING APPEALS
MINUTES OF MAY 5, 2008
PAGE TWO**

The maximum allowable accessory building square footage of 900 square feet applies to all residential parcels. Residential lots of 5,600 square feet (0.13 acres in size) and lots 5 acres in size are equally limited to 900 square feet of accessory buildings. These lots are larger than 2/3 of an acre. If they were individual lots under separate ownership, each one would be allowed 900 square feet of accessory buildings.

2. Has such condition or circumstance being created by action or actions of the property owner or the applicant?

Yes. Owner wants to build larger than 900 square feet.

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?

Applying for the 900 square foot limitation on all lots, regardless of their size is not practical in this case. These are ample sized city lots.

4. Will the granting of a permit for the variance requested adversely affect the rights of adjacent property owners or residents?

No. Other neighbors on similar lots in the surrounding area also have swimming pools.

5. Will the granting of the variance requested would 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 impractical. Other property owners may apply for the same variance. Plans are for the maximum 900 square foot limitation to be replaced with maximum lot coverage formula in the revised zoning regulations.

6. Will the granting of the variance requested adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

No.

**BOARD OF ZONING APPEALS
MINUTES OF MAY 5, 2008
PAGE THREE**

7. Will the granting of the variance requested would be opposed to the general spirit and intent of the Zoning Ordinance?

No

8. Is the variance being requested the minimum variance that will accomplish this purpose?

Yes.

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

The next scheduled meeting is June 2, 2008.

There being no further business to discuss, Don Judd moved, seconded by Hyun Kim, that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:30 p.m.

Respectfully submitted,

Tim Bell
Building Inspector