

# Board of Zoning Appeals

## MINUTES OF THE MEETING OF MAY 7, 2007

**MEMBERS PRESENT:** Earl Ward, Chairperson  
James Belew, Vice Chairperson  
Donald Judd

**MEMBERS ABSENT:** Tim Bailey  
Kipp Riddle

**OTHERS PRESENT:** Marvin Bean, 702 West Jefferson, Pittsburg  
Dale Thompson,  
Martin and Patti Dickinson, 701 North Grand, Pittsburg  
John Oldham, 527 South Georgia, Pittsburg  
Ruth Lemon, 110 East Carlton, Pittsburg  
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, May 7, 2007, 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 April 2, 2007.** In this regard, Jim Belew moved, seconded by Don Judd, that the minutes be approved as submitted. Motion carried unanimously.

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

Case No. 07-4 - A request submitted by Mr. and Mrs. Marvin Bean for a 252 square foot variance in allowable square footage for a detached accessory structure to allow for the construction of a 1,152 square foot garage at 702 West Jefferson.

Chairperson Earl Ward opened the **PUBLIC HEARING** by stating the request and then asked the applicant to comment on behalf of said request. Mr. Bean and Dale Thompson, the Bean's contractor, was present on behalf of the request. Mr. Bean stated he wanted to construct a 36' (wide) x 32' (deep) 3-car garage that would be of wood frame construction. He stated that he has a boat and would like to store it in the garage. Mr. Bean stated the existing garage and concrete drive to the existing drive would all be removed to allow for the new construction.

There being no one present to speak either in favor of or in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request.

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The Board then considered the following findings of fact:

1. There are no conditions which exist in respect to the property or structure being considered which are different from other properties or buildings in the neighborhood.
2. There are really no special conditions or circumstances such that the strict literal interpretation of the Zoning Ordinance that would constitute unnecessary hardship upon the property owner represented in the application. It was noted, however, that there have been several similar requests and that City staff would be proposing updates to the Zoning Ordinance to possibly increase the allowable square footage of a detached accessory structure to 1,200 square feet as opposed to the 900 square feet as is now required.
3. The granting of a permit for the variance requested would not adversely affect the rights of adjacent property owners or residents in that no adverse comments were received.
4. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance.

Based on the above findings, Don Judd moved, seconded by Jim Belew, that the variance being requested be **granted**. Motion carried unanimously.

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

Case No. 07-5 - A request submitted by Martin and Patti Dickinson for a 30 foot variance in front yard setback to allow a building to be constructed 1'-6" from the right-of-way of 7<sup>th</sup> Street, a 10 foot variance in rear yard setback to allow a building to be constructed 10 feet from the rear property line, and a 11 foot variance from the right-of-way of 7<sup>th</sup> Street and a 13 foot variance from the right-of-way of Joplin Street to allow for the placement of a sign at 702 North Joplin.

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, Martin Dickinson stated this was really a two part request, the first being in setback for a sign to be located as shown on the site plan provided and the second being in setback for the building to construct an expansion for their existing business (Jayhawk Signs) at 701 North Grand. He stated that he owns the properties back to back across the alley.

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Mr. Dickinson stated they were considering moving the office space and vinyl preparation to the new building and leaving the other work in the existing building. He stated the sign would be installed immediately and that the building was tentative right now, but was advised to proceed with the variance request for the building at the same time as the request for the variance for the sign. Mr. Dickinson stated the building may be a year or so down the road. He stated the plans are for 5 parking spaces in the front of the building and 3 or 4 on the back side of the lot. Mr. Dickinson stated the parking should be more than adequate since they were not really a walk-in retail business. He stated the sign would be a dual pylon installation with message center. Mr. Dickinson stated the sign would be elevated and would be 8 foot above grade and would not create any sight hindrance at the intersection. He stated the intersection had a 4-way stop and the sign would be located behind the stop sign.

There being no one present to speak either in favor of or in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request.

The Board then considered the following findings of fact:

1. There are special conditions which exist in respect to the property or structure being considered which are different from other properties or buildings in the same neighborhood. The property is located in an area zoned CP-2 Planned General Commercial and is considered small for commercial development (the lot is only a 50 foot wide lot). With the size of the lot and the required setbacks there would be no way to build on the lot without obtaining a variance.
2. Such condition or circumstance has not been created by action or actions of the property owner or the applicant.
3. There are special conditions or circumstances such that the strict literal interpretation of the provisions of the Zoning Ordinance would constitute unnecessary hardship upon the property owner represented in the application due to the required setbacks and the small size of the lot.
4. The granting of a permit for the variance requested would not adversely affect the rights of adjacent property owners or residents in that no adverse comments were received. The proposed construction would be keeping with the other development in the area.
5. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance.

Based on the above findings, Jim Belew moved, seconded by Don Judd, that the variance being requested be **granted**. Motion carried unanimously.

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The next scheduled Board of Zoning Appeals meeting will be June 4, 2007.

There being no further business to be discussed, Don Judd moved, seconded by Jim Belew that the meeting adjourn. Motion carried unanimously and the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Todd Kennemer  
Assistant Director of Public Works