

Board of Zoning Appeals

MINUTES OF THE MEETING OF NOVEMBER 5, 2007

MEMBERS PRESENT: Earl Ward, Chairperson
James Belew, Vice Chairperson
Tim Bailey
Don Judd

MEMBERS ABSENT: Kipp Riddle

OTHERS PRESENT: Steve Danczek, 207 West Park, Pittsburg
Rob Wilkins, 416 East 3rd Street, Kansas City, MO
Ruth Lemon, 110 East Carlton, Pittsburg
Allen Gill, City Manager
Mark Turnbull, Director of Economic Development
Todd Kennemer, Assistant Director of Public Works

The Pittsburg Board of Zoning Appeals met on Monday, November 5, 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 four (4) members present.

The first order of business was the approval of the minutes of the meeting of October 1, 2007. In this regard, Tim Bailey 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. 07-12 - A request submitted by Steven J. Danczek for a 200 square foot variance in allowable square footage for accessory structures to allow a total of 1100 square feet of accessory structures located at 207 West Park.

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, Steven Danczek was present on behalf of the request and provided the following information. The buildings are in existence as the applicant was not aware a variance would be required. Once the City notified him that a variance was required the process was started to obtain a variance. In order to get things organized, the applicant constructed a 10' x 16' shed to use for storage and to keep his motorcycle. After the shed was constructed the applicant noticed the floor was caving in, so he decided to construct an 8' x 12' shed that would withstand the weight of the motorcycle as well as store a trailer that had originally been kept in the yard. The 10' x 16' shed is now utilized for storage. The 10' x 16' sunroom off the garage is now used as a workshop area. The applicant went around to the neighbors to advise them of what had happened and none of them expressed any concerns or problems.

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There being no one present to speak in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request. The Board of Zoning Appeals then considered the following findings:

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. This property consists of 2 lots instead of only one lot. If they were individual lots, 900 square feet (1800 square feet total) of accessory buildings would be allowed by right.
2. The conditions or circumstances have been created by action of the owner, however, steps were being taken to resolve the problem.
3. There are 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. However, steps are being taken by the City to increase the 900 square foot limit on accessory buildings up to 1200 square feet. Numerous variances for this 900 square foot limitation have already been granted.
4. 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. However, other residents in the area may also apply for a variance for the same request if they so choose.
5. The granting of the variance requested would not be opposed to the general spirit and intent of the Zoning Ordinance.
6. The variance being requested is the minimum variance that would accomplish this purpose.

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

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

- Case No. 07-13 - A request submitted by Garrison Development Company for a variance to allow residential use on the ground floor of a building facing 4th Street in the CP-4 Planned Central Business District located at 121 East 4th Street.

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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, Rob Wilkins of Garrison Development Group and Allen Gill, City Manager, was present on behalf of the request and provided the following information. Garrison Development Group has applied for tax credits to remodel the Besse Hotel. They will also be attending a hearing in December since the building was included on the historical register. Garrison Development Group will be closing on the property the 15th of January. The reason for the request was to allow residential use on the ground floor in the CP-4 Planned Central Business District. Garrison Development Group plans to construct 14 units on the ground floor and will target lower income individuals. At this time, there are no plans for commercial use. One item that they will be recommending remain as a historical part of the building is the light on top of the roof to alert everyone that there was an emergency. Parking was an issue for the building. The City has purchased the Peel's building to extend parking to the north. This parking will be leased to the Garrison Development Group based on the building being used exclusively as residential. Based on City Code, one parking space per unit is required. A row of parking adjacent to the alley will be made available for parking for Harry's Café, Kansas Teachers Credit Union and other businesses in that area. Total value of the project is in the \$8 million range. It is a total gut rehab. This project will consist only of the first nine floors. There is a fire exit problem that will also need to be addressed with the building. Garrison Development Group expects construction to take about 18 to 24 months with occupancy to be at 100% within 2 years. The property is located within the City's Neighborhood Revitalization District which makes the Garrison Development Group eligible for the 5-year rebate of the increase of property tax. Other than that parking is the only other incentive the City will be providing.

There being no one present to speak in opposition to the request, Chairperson Earl Ward closed the **PUBLIC HEARING** for the request. The Board of Zoning Appeals then considered the following findings:

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 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. Granting this request is basically a question of economic feasibility regarding renovation of the Besse Hotel. The size of the commercial areas is not that conducive to retail.

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3. 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. However, other residents in the area may also apply for a variance for the same request if they so choose. Stilwell Hotel set precedence for this variance for the same type scenario.
4. The granting of the variance being requested is the minimum variance that will accomplish this purpose.

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

The next Board of Zoning Appeals meeting is scheduled for December 3, 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 5:50 p.m.

Respectfully submitted,

Todd Kennemer
Assistant Director of Public Works