

## BOARD OF ZONING APPEALS

### MINUTES OF THE MEETING OF MAY 4, 2015

**MEMBERS PRESENT:** Timothy Kundiger, Chairperson  
Jim Askins – Via Phone  
Bob Gilmore

**MEMBERS ABSENT:** Joseph Caskey  
Chris Vanderbeck , Vice Chairperson

**OTHERS PRESENT:** Rollin Horton, 802 W Euclid, Pittsburg, KS 66762  
Troy Graham, Assistant Director of Public Works  
Andrea Holtzman, Administrative Assistant to Public Works

The Pittsburg Board of Zoning Appeals met on Monday, May 4, 2015, at 5:15 p.m., in the Municipal Court Room of the Law Enforcement Center located at 201 N Pine. 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 6, 2015. In this regard, Bob Gilmore moved, seconded by Jim Askins, that the minutes be approved as submitted. Motion carried unanimously.

The first order of business under Requests and Petitions was a **PUBLIC HEARING** held, as advertised, to consider the following:

Case No. 15-04- A request submitted by Rollin and Wilma Horton to consider a request for a variance to allow a 6 foot privacy fence to be placed on the property line of West Euclid Street and South Chestnut Street on the property located at 802 West Euclid Street.

Chairperson Tim Kundiger opened the PUBLIC HEARING by stating the request and turning the floor over to Troy Graham. Mr. Graham explained Mr. and Mrs. Horton would like to put a privacy fence on their lot. He emphasized there were no line of site issues and the only reason a variance was needed was because of the location.

Jim Askins indicated he had already looked at the case and the property and he had no issues or questions.

Tim Kundiger indicated he received an email regarding this but no one was in opposition to this request.

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There being no one else to speak in favor of the request, Chairperson, Tim Kundiger asked if there was anyone else to speak against the request. There being no one against the request, Mr. Kundiger closed the public hearing. 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.?

Staff Response – No, this is a corner, which presents the owner with two (2) front yard setbacks. If the owner wishes to construct a fence closer than 30 feet to the property line, it cannot be taller than 3 foot in height.

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

Staff Response – Yes, the owner is wishing to construct a fence within the required front yard setback.

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?

Staff Response – No.

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

Staff Response – No, the privacy fence will not adversely affect any neighbor due to its location with the block. There will not be any line of sight problems by any neighbors in the vicinity.

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?

Staff Response – No, however, other property owners may also make request for the same type of variance if necessary.

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

Staff Response – No.

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

Staff Response – No.

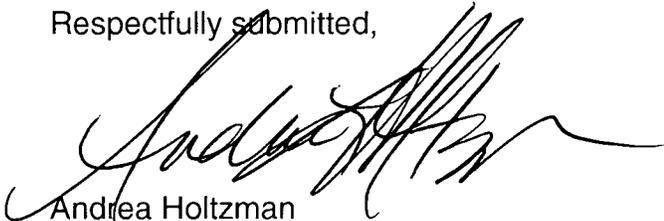
8. Is the variance being requested the minimum variance that would accomplish this purpose.

Staff Response – Yes, the owner could be required to place the fence behind the setback or lower the overall height.

There being no further questions or discussion from the Board, the Board of Zoning Appeals considered all eight (8) factors involved. Based on these factors, Bob Gilmore moved, seconded by Jim Askins to approve the request as submitted. This motion passed unanimously.

There being no other business to be discussed, Bob Gilmore moved, seconded by Jim Askins, to adjourn the meeting. Motion carried and the meeting adjourned at 5:25 p.m.

Respectfully submitted,



Andrea Holtzman  
Public-Works Administrative Assistant