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**City of Pittsburg, Kansas**  
**Planning Commission/Board of Zoning Appeals**  
Municipal Court Room, Law Enforcement Center  
Monday, August 28, 2023 | 5:30 pm

- I. Call to Order
  - a. Flag Salute Led by Chairperson
- II. Consider the Following:
  - a. Approval of Minutes
    - i. Consider the approval of the July 24, 2023, Planning Commission/Board of Zoning Appeals meeting minutes.
      - 1. Motion, Second, and Vote
- III. Public Hearings
  - a. Case No. 23-04 – Conditional Use Permit – Smith – 402 Suncrest: The City of Pittsburg advertised for a Public Hearing to be held on August 28, 2023, at the Planning Commission/Board of Zoning Appeals meeting, commencing at 5:30 pm, to consider a petition submitted by Ali Smith for a conditional use permit to allow chickens at 402 Suncrest Drive.
    - i. Public Hearing
      - 1. Call applicant to speak about the request.
      - 2. Hear persons in favor of the request.
      - 3. Hear persons opposed to the request.
      - 4. Allow for rebuttal.
      - 5. Close Public Hearing.
    - ii. Discussion & Deliberation
    - iii. Motion, Second, Vote
- IV. Non-Agenda Reports & Requests
- V. Adjournment

**City of Pittsburg, Kansas**  
**Planning Commission/Board of Zoning Appeals**  
Municipal Court Room, Law Enforcement Center  
July 24, 2023 | 5:30 pm

Members Present: Martin Dickinson, Mike Hanika, Laura Klusener, Kyle Michael, Leah Posterick

City Staff: Kim Froman, DeAnna Goering, Dexter Neisler

- I. Call to Order
  - a. Meeting called to order at 5:30 PM
  - b. Chairperson Dickinson led the flag salute
- II. Consider the Following:
  - a. Approval of Minutes
    - i. Consider the approval of the February Meeting Minutes (February 27, 2023)
      1. Motion: Approve February Minutes (Posterick)
        - a. Motion: Seconded (Michael)
        - b. Motion: Carried, 5-0-0
- III. Public Hearings
  - a. Case No. 23-04 – Conditional Use Permit – Smith – 402 Suncrest
    - i. Following Public Hearing, on the motion of Dickinson, seconded by Klusener, the Planning Commission/Board of Zoning Appeals tabled the request submitted by Ali Smith for a conditional use permit to allow chickens at 402 Suncrest.
      1. Motion: Carried, 5-0-0
  - b. Case No. 23-06 – Zoning Change – Iron Horse Development – Medicalodges Addition
    - i. No public hearing was held as additional paperwork is needed to complete the zoning change. On the motion of Michael, seconded by Hanika, the Planning Commission/Board of Zoning Appeals tabled the request submitted by Iron Horse Development to amend the Zoning Ordinance, changing a portion of Lot 2 of the Medicalodges Addition from CP-0: Planned Commercial Office, to CP-2: Planned General Commercial.
      1. Motion: Carried, 5-0-0
- IV. Non-Agenda Reports & Requests
  - a. Additional guidance will be needed in the future regarding the keeping of chickens within the city limits.
- V. Adjournment

- a. Motion: Adjourn the regular meeting of the Planning Commission/Board of Zoning Appeals. (Michael)
  - i. Motion: Seconded (Dickinson)
  - ii. Motion: Carried, 5-0-0
- b. Meeting adjourned at

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Martin Dickinson, Chairperson

ATTEST:

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DeAnna Goering, Secretary

23-04: Conditional Use  
Permit – Smith – 402  
Suncrest Drive





Return Completed Application to:  
Zoning Administrator  
201 W 4<sup>th</sup> Street  
Pittsburg, KS 66762

Case No.: 23-04  
Date Filed: 6/22/2023  
Date Paid: 6/22/2023  
Publication Date: 7/4/23  
PC/BZA Date: 7/24/2023

## Conditional Use Permit Application

### Property Owner's Information

Name: Ali and Caleb Smith  
Address: 402 Suncrest Drive Pittsburg, KS 66762  
Phone: 918-284-3378 Email: alisonleasmith@gmail.com

### Applicant's Information

Name: Ali Smith (they/them)  
Address: 402 Suncrest Drive  
Phone: 918-284-3378 Email: alisonleasmith@gmail.com

### Property Information

Street Address of Affected Property: 402 Suncrest Drive Pittsburg, KS  
Current Zone of Affected Property: Residential R-1B single family residential  
Applicant's Interest in Property: ~~Owning backyard chickens~~ Owner  
Desired Use of Property: Owning chickens as pets - 9 chickens - see attached  
Description of Submitted Plans (Plot Plan, Elevations, Etc): \_\_\_\_\_

Legal Description of Property: ~~402 Suncrest Drive is a 2 bedroom 1 bathroom~~  
~~Single family residential home, built in 1951. It has a 5,850 sq ft~~  
~~lot. Parcel # is 2093203021004000~~  
Suncrest Addition, Lot 26 (019-209-32-0-30-21-004.00-0)

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City of Pittsburg  
Housing



### Owner's Certification

I/we acknowledge the receipt of the instruction packet explaining the method of submitting this application. I/we realize that this application cannot be processed unless it is completed in its entirety, is accompanied by all required supporting documentation as required in the instruction packet, and is accompanied by the appropriate, non-refundable fee.

I/we further certify that the foregoing information is true and correct to the best of my/our knowledge. If my/our request is granted, I/we will complete construction in accordance with plans submitted and approved by the Planning Commission/Board of Zoning Appeals (PC/BZA).

I/we authorize unannounced inspections of the subject property by City staff for the purpose of collecting information to review and analyze this request. I/we acknowledge that the PC/BZA and the Governing Body of the City of Pittsburg, Kansas, shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

*Ali Smith*

Owner's Signature

Date

*[Signature]*

Owner's Signature

Date

This application must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the Owner Authorization form to this application.

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### Office Use Only

**City of Pittsburg  
Housing**

Date Received: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

☐ Approved

☐ Denied

Conditions of Approval/Reasons for Denial

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Zoning Administrator

(seal)





# New Leaf THERAPY GROUP

4601 College Blvd, Suite 275  
Leawood, Kansas 66211  
(913) 766-1013 O • (913) 766-8713 F  
newleaftherapygroup.com

May 12, 2023

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To Whom it May Concern:

I am an autism specialist currently treating Ali Smith for a mental health condition. Being familiar with the functional limitations that are imposed by this condition, I believe Ali has a disorder for which emotional support animals (ESA) will help provide relief that traditional medication cannot. I strongly believe that having an ESA living with Ali is the most effective treatment for their disability.

Due to this emotional disability qualifying under the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*. I have diagnosed Ali with having a particular medical condition that qualifies for an emotional support animal under the Title VIII of the Civil Rights Act of 1968 (the "Fair Housing Act"). The following chickens provide Ali emotional support: Macy, Charlie, Clem, Madeline, Maxine, Madonna, Midge, Melody, and Maeve. 9

Ali assumes all responsibility for the training, safety, cleanliness, health, and conduct of these animals at all times.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Jeanne Holverstott, MS

Autism Specialist



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**Interoffice Memorandum**

**To:** Planning Commission/Board of Zoning Appeals  
**CC:** Kim Froman, Director of Community Housing & Development; Dexter Neisler, Zoning Administrator; DeAnna Goering, Secretary, Planning Commission/Board of Zoning Appeals  
**From:** Henry Menghini, City Attorney  
**Date:** August 21, 2023  
**Subject:** City Attorney Response regarding Emotional Support Animals within Pittsburg, KS

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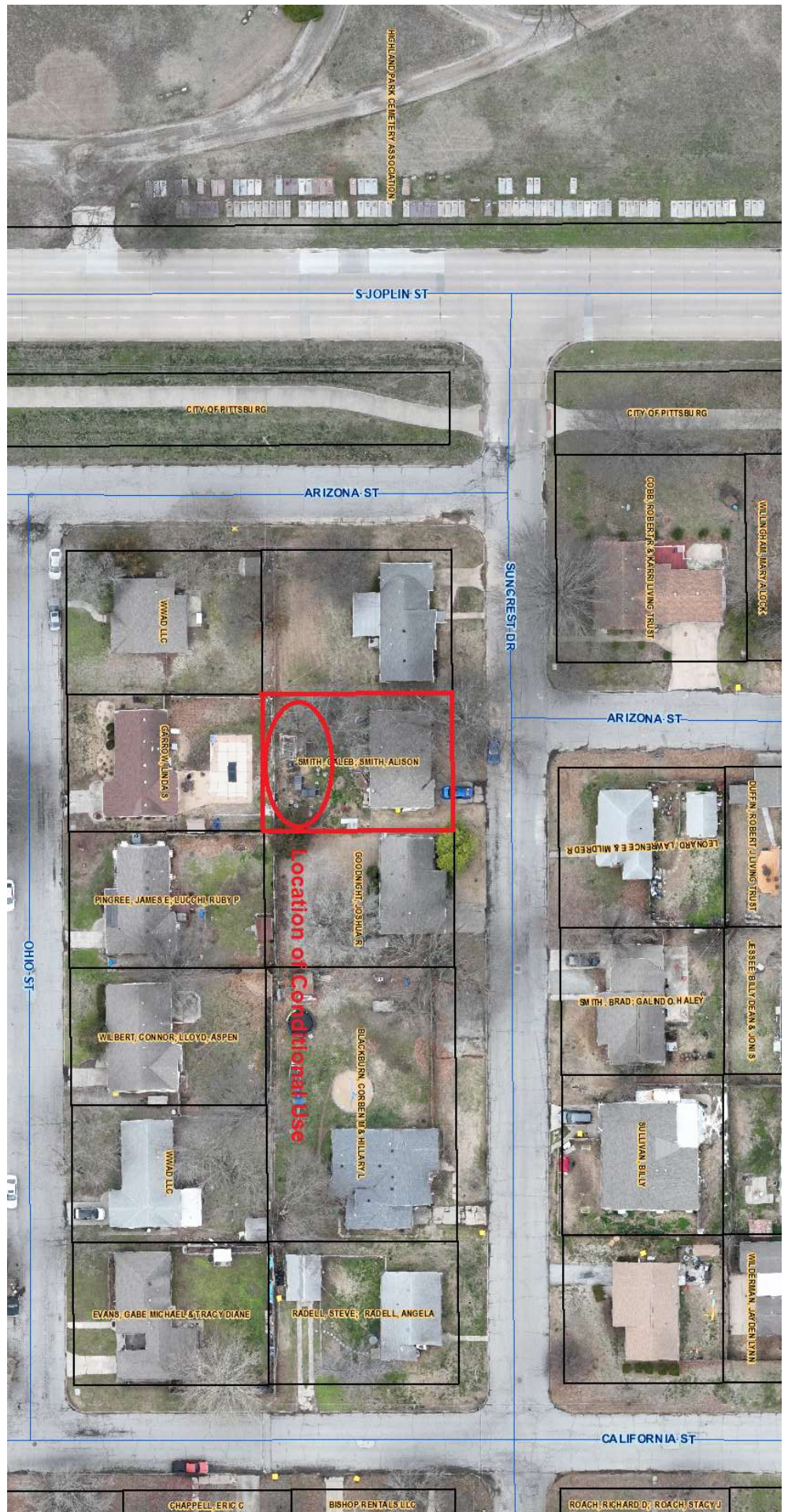
Chickens may qualify as ESAs and there is no arbitrary limit on the number of chickens that may qualify as ESAs provided the health care professional has provided written documentation of the need for all the animals at issue. These court decisions come from jurisdictions outside of Kansas. Kansas has no published appellate court decisions that I was able to find on these issues. One case from another jurisdiction has held that cities also have to consider that chickens are “flock” animals and removing a member of the flock could have an adverse effect on the individual who is relying on the flock as ESAs.

However, in the event the chickens cause an unsanitary or offensive environment, then that condition violates a separate and distinct City ordinance (Code section 10-3) and that ordinance may be enforced in my opinion, but I cannot speak for the City prosecutor as he ultimately makes charging decisions.

Code section 10-1 only prohibits “Game cocks and other fighting birds” and does not prohibit chickens or roosters in general. Even if this ordinance is amended to include chickens and roosters, it would only apply prospectively in my opinion.

Finally, the City’s noise ordinance is primarily focused on human generated noises such as music or other sound amplified noises, parties, yelling and singing, etc, (Code section 54-135). That ordinance could potentially be amended and applied to animals kept by residents regardless of whether the animal in question is an ESA in my opinion, but once again the City prosecutor would need to be consulted to determine whether he would agree to prosecute these types of cases in the event the ordinance was amended to include loud or offensive noise made by animals including roosters on private property within the City.

Henry Menghini





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JUN 22 2023

City of Pittsburgh  
Housing





Ownership List  
Property Tax ID, Property Owner & Address:

2093203021002000  
Corben M & Hillary L Blackburn  
408 Suncrest Dr  
Pittsburg, KS 66762

2093203016004000  
2093203022007000  
City of Pittsburg  
PO Box 688  
Pittsburg, KS 66762

2093203017008000  
Samuel James Clausen & Yingling Chen  
407 Suncrest Dr  
Pittsburg, KS 66762

2093203016005000  
Robert R. and Kerri R Cobb Living Trust  
10398 NE 90th St  
Pittsburg, KS 66762

2093203017004000  
Robert J Duffin Living Trust  
6864 NE Highway 69  
Weir, KS 66781

2093203021005000  
Margie Eichorn & Mary Elaine & Lt Col Ret Robert Bruce Lucas  
400 Suncrest Dr  
Pittsburg, KS 66762

2093203021011000  
Gabe Michael & Tracy Diane Evans  
411 Ohio St  
Pittsburg, KS 66762

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**JUN 22 2023**

**City of Pittsburg  
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2093203022006000  
Colleen J. Farrington  
400 Ohio St  
Pittsburg, KS 66762

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**JUN 22 2023**

**City of Pittsburg  
Housing**

2093203017002000  
Montenegro Hugo Ernesto Flores  
635 S. 170th St  
Pittsburg, KS 66762

2093203021007000  
Linda S. Garrow  
403 Ohio St  
Pittsburg, KS 66762

2093203021003000  
Joshua R. Goodnight  
404 Suncrest Dr  
Pittsburg, KS 66762

2093203022005000  
Whitnie Holland  
402 Ohio St  
Pittsburg, KS 66762

2093203017003000  
Billy Dean & Joni S. Jessee  
3220 Monroe St  
Galena, KS 66739

2093203017005000  
Lawrence E. & Mildred R. Leonard  
705 W. 2nd St  
Pittsburg, KS 66762

2093203022004000  
Ricky A. & Cheryle R. Moore  
1012 S. 210th St  
Pittsburg, KS 66762

2093203021008000  
James Pingree & Ruby R. Lucchi  
625 E. 600th Ave  
Pittsburg, KS 66762



2093203022003000

Kevin M. & Susan E. Powell  
406 Ohio St.  
Pittsburg, KS 66762

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JUN 22 2023

City of Pittsburg  
Housing

2093203017006000

Brad Smith & Haley Galindo  
403 Suncrest Dr  
Pittsburg, KS 66762

2093203021001000

Steven & Angela Radell  
615 W Euclid St  
Pittsburg, KS 66762

2093203017007000

Billy Sullivan  
405 Suncrest Dr  
Pittsburg, KS 66762

2093203022002000

Lawrence & Penny Vanbecelaere  
1018 S. 190th St  
Pittsburg, KS 66762

2093203021009000

Connor Wilbert & Aspen Lloyd  
407 Ohio St  
Pittsburg, KS 66762

2093203016006000

Mary A. Willingham  
2102 Arizona St  
Pittsburg, KS 66762

2093203021010000

2093203021006000  
WWAD LLC  
1098 10th Rd  
Marysville, KS 66508



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200 Foot Certification

JUN 22 2023

City of Pittsburg  
Housing

We hereby certify that all property owners listed, live within a 200 foot radius of following described property:

Lot Number Twenty Six (26) in Suncrest Addition to the City of Pittsburg, Kansas, according to the recorded Plat thereof.

  
Debra Engstrom, Licensed Abstractor



# Feldhausen Rentals

[www.RentNearPSU.com](http://www.RentNearPSU.com)

---

Alan Feldhausen

1098 10<sup>th</sup> Road

Marysville, KS 66508

[feldy@bluevalley.net](mailto:feldy@bluevalley.net)

785-562-8319

RECEIVED

7/1/2023

JUL 12 2023

Dexter Neisler  
Zoning Administrator  
City of Pittsburg  
201 W. 4<sup>th</sup> St.  
Pittsburg, KS 66762


City of Pittsburg  
Housing

Dexter,

We thank you for the chance to voice our opinion on a Conditional Use Permit to allow chickens at 402 Suncrest Drive, Pittsburg. We love farm-fresh eggs. We love fried chicken. But we feel this neighborhood is not the place for raising chickens for any purpose. On behalf of our rental tenants, we oppose allowing live chickens and/or roosters in our neighborhoods.

We own two rental properties in this block. The PSU student-tenants at 401 Ohio share a corner fence post in the utility easement with 402 Suncrest Drive. That's pretty darned close. Our property at 409 Ohio is four doors to the east. Like the tenant group at 401 Ohio, the family that lives at 409 Ohio deserves a continuation of the same environment they expected when they toured the home and neighborhood and chose to lease a home from us.

Cordially,

  
Alan Feldhausen  
WWAD LLC  
1098 10<sup>th</sup> Rd  
Marysville, KS 66508



Dear Planning Commission/ Board of Zoning Appeals of the City of Pittsburg, KS,

I, Brad Smith, property owner of 403 Suncrest Drive, am opposed to the Petition for a Conditional Use Permit to allow chickens at 402 Suncrest Drive. I am opposed to this petition due to concerns about loss of property value and quiet enjoyment as a result of excessive noise.

Roosters produce noises of an average of 130 decibels, well above the limits established in Section 54-136 of the City's code of ordinances. This noise is in excess at any time of the day, and fowl are not an exception under Section 54-133. As of June 30, 2023, I have observed a rooster on this property and noted roosters crowing for at least seven months. The city's ordinances and this petition do not specify if roosters are considered "chickens" and will therefore be permitted.

Thank you for your time,

Brad Smith & Haley Galindo

Homeowners

403 Suncrest Drive

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**JUL 12 2023**

**City of Pittsburg  
Housing**





**PUBLIC WORKS**

201 W 4<sup>th</sup> Street  
Pittsburg, KS 66762

P: (620) 231-4100

www.pittks.org

June 26, 2023

Robert J. Duffin Living Trust  
6864 NE Hwy 69  
Weir, KS 66781

Dear Property Owner:

The Planning Commission/Board of Zoning Appeals of the City of Pittsburg, KS, will hold a Public Hearing beginning at 5:30 pm on July 24, 2023 at the Law Enforcement Center, 201 N Pine, Pittsburg, KS, to consider a Petition for a Conditional Use Permit to allow chickens at 402 Suncrest Drive.

This property is described as:

*Lot Number Twenty Six (26) in Suncrest Addition to the City of Pittsburg, Kansas, according to the recorded Plat thereof.*

This request was submitted by Ali Smith, Pittsburg, KS (Petitioner), who must be present or represented at this meeting.


You are receiving this letter because you own property within 200 feet of the above-described property. You are welcome to attend this meeting if you wish to speak about this Variance request. If you cannot attend in person, you may submit written comments. Written comments must be received by noon on July 14, 2023. **You are not required to attend this meeting or take any other action.**

If you have any questions regarding this matter, please feel free to contact me at 620-230-5517.

Sincerely,

**Planning Commission/Board of Zoning Appeals**

Dexter Neisler  
Zoning Administrator

DN:dg 

7/5/23

*We have no problem with  
402 Suncrest Dr. housing chickens -  
Bob + Kelly Duffin*

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JUL 12 2023  
City of Pittsburg  
Housing

**PLEASE NOTE:** If you have recently transferred ownership of your property in the area of the request, or if such property is under a contract purchase agreement, please forward this letter to the new owner or the contract purchaser.



23-04: Conditional Use Permit - 402 Suncrest - Smith

(Published in The Morning Sun on  
August 8th, 2023)

**Planning Commission/Board of Zoning Appeals  
Notice of Public Hearing**

The Planning Commission/Board of Zoning Appeals of the City of Pittsburg, KS, will hold a Public Hearing on August 28, 2023 at 5:30 pm, in the Municipal Court Room of the Law Enforcement Center, 201 N Pine, to consider a Petition for a Conditional Use Permit under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow chickens at 402 Suncrest Drive.

The property is described as:  
Lot Number Twenty Six (26) in Suncrest Addition to the City of Pittsburg, Kansas, according to the recorded Plat thereof.  
Dated this August 4, 2023.

**Planning Commission/Board of Zoning Appeals  
ATTEST:**

**Dexter Neisler  
Zoning Administrator**

Citizens with disabilities needing accommodations in order to attend this Public Hearing should contact the City Zoning Administrator's Office at 620-230-5517 no later than 48 hours prior to the scheduled public hearing.



GOERING, DEANNA

23-04: Conditional Use Permit - Smith - 402 Suncroft

Inbox   Requests   GIS Search   Recents   Reports

Edit Contractors   >>

Summary

Main

Address

Condition

AppData

Fees

Payment

People

Workflow

Rel Docs

▼ Case Type: PZCONDUSE

Number: PZ2023-09

Status: IN REVIEW

Workflow

Task Code

All

Yes

No

All

Yes

No

All

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