

**PUBLIC HEARING FOR VARIANCE CASE #331
AND VARIANCE CASE #332
OF THE BOARD OF ZONING ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

February 19, 2020

Call to Order

Chairman Louis Mayer called the Board of Zoning Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on February 19, 2020 at 4:00 p.m.

Roll Call

The following Board Members were present: Louis Mayer, Chairman, Karen Bowman, Randy Gross, Gloria O'Keefe and Fred Catcott. Board members not in attendance: Larry Jones. Also, present City Attorney Edward Rucker, City Planner Cary Patterson and Planning Secretary Pam Campbell. Capital City Court Reporter, Shelly Stewart, was also present.

Minutes – 11/21/2018

Chairman Mayer asked if there were any corrections or comments regarding the November 21, 2019 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the November 21, 2019 minutes and Board member Karen Bowman seconded the motion which passes unanimously.*

New Business

Chairman Mayer presided and read the criteria for granting a variance, went over the rules that special circumstances must exist and established that a quorum had been met.

Chairman Mayer called Case #331 and asked if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson replied yes and all those notified were in support.

Chairman Mayer asked Planner Patterson to please describe the Variance request.

The Code Book and file containing Variance Case #331 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: February 19, 2020

Case Number:

331

Applicant: Ancilla Sapp

Location: 4605 Lakehurst Circle

Petition: Variance from minimum setback requirements

Purpose: Construction of a deck

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 10,800 sq ft

Case History **Case #** **Date**

None

Utilities

Water: City
Electricity: Ameren

Gas: Summit
Sewer: City

Access: The subject property derives access from Osage Beach Road and Lakehurst Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Park and Parking Area of Lakehurst Estates" and is designated with the physical address 4605 Lakehurst Circle.
2. The applicant is requesting a variance to build a deck on the side of the existing home that will be 2.83 feet from the side property line. According to the letter submitted the applicant the request is being made to provide access to a secondary ingress and egress to the home. As you can see on the submitted site plan, the existing home touches the property line at its closest point. With that being the case, a variance is required to enlarge a legal non-conforming structure as is being requested in this case. Approval of the requested variance will allow the city to issue a legal building permit to construct the deck as per the submitted site plan. The minimum required side yard setback in the R-1a zone is ten (10') feet from the side property line.

3. Of course, if approved the addition cannot be built on or over any public utilities or easements.

Department Comments:

It of course is up to this board to use the facts in this case along with any written or verbal testimony and make the decision that is right.

If this request is approved, the following conditions shall apply:

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
3. A building permit must be obtained for the new construction and all other zoning codes be adhered to.

Chairman Mayer asked the applicant to please step forward to be sworn in.

Jeanne Beal was sworn in and spoke on behalf of her mother. She stated the requested variance is much needed to provide safe ingress and egress for the existing non-conforming residence that was built in 1977. The previous owner obtained a permit for a door and a deck but the deck was never constructed. Mrs. Beal stated that because the deck hasn't been added, it has been difficult to insure the home. She added that all the neighbors are in favor of the deck addition, except for one who is opposed.

Fred Catcott asked Planner Patterson if he had a copy of the previous building permit.

Planner Patterson stated for the previous building permit was approved based on an incorrect site plan and once the deficiency was found, it rendered the permit void.

Chairman Mayer asked those in favor of the Variance request to please step forward.

Mark Dickey was sworn in. He expressed his thanks and said he's a neighbor to the south and explained that he was in favor of the applicant being given a variance for the proposed deck addition.

Mark Olson was sworn in. He is a neighbor to the west and the closest to the backyard. Mr. Olson stated he was also in favor of the Board granting the requested Variance. Mr. Olson explained that the change in siding has made the home look 100 times better and the deck addition will add aesthetic value to both the home and the neighborhood.

Betty Merli was sworn in. She stated that she has lived in the subdivision for 39 years and said everyone sees this home first when coming into the subdivision. She explained that she believes the deck addition will enhance the property.

Chairman Mayer asked if anyone would like to speak in opposition of the Variance.

Gregory Williams was sworn in. He stated he represents Kimberly Bauer in this matter. He stated he doesn't believe that the applicant has met the necessary hardship requirement and that this request should not be approved.

Karen Bowman stated she has been in the real estate business for 34 years and said this does

cause a hardship regarding the insurance carrier and potential to be dropped and they can't afford the excess insurance and just the difficulty to obtain insurance.

Gregory Williams replied this doesn't meet the necessary hardship requirement.

Karen Bowman said the applicant's age is an issue regarding disabilities accommodations for ADA and a safe egress is needed.

Chairman Mayer asked if anyone else had questions.

Fred Catcott asked what the City Attorney thought about this case.

Ed Rucker replied that he can't tell the Board how to vote but the Board members have the ability to make their own determination and decision.

Chairman Mayer asked for motion on Variance Case 331. *Karen Bowman moved to approve Variance Case 331, Gloria O'Keefe seconded the motion. A roll call vote was taken and Variance Case 331 was unanimously passed.*

Chairman Mayer asked Planner Patterson for the next Variance case 332.

The Code Book and file containing Variance Case 332 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: February 19, 2020

Case Number: 332

Applicant: Jeffrey Goris

Location: 1058 Rachel Road

Petition: Variance from minimum setback requirements

Purpose: Home addition

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: Approximately 6,700 sq ft

Case History Case # **Date**

None

Utilities

<u>Water:</u>	City	<u>Gas:</u>	Summit
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: The subject property derives access from Rachel Road

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 1 of Goris Subdivision" and is designated with the physical address 1058 Rachel Road.
2. The applicant is requesting a variance to build an addition on the side of the existing home that will be 11.70 feet from the front property line and 6.77 feet from the side property line. In the R-1b zone the minimum required front yard setback is twenty five (25') feet and ten (10') feet from the side property line.
3. Of course, if approved the addition cannot be built on or over any public utilities or easements.

Department Comments:

It of course is up to this board to use the facts in this case along with any written or verbal testimony and make the decision that is right.

If this request is approved, the following conditions shall apply:

1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
3. A building permit must be obtained for the new construction and all other zoning codes be adhered to.

Chairman Mayer asked Planner Patterson is all legal requirements have been met.

Planner Patterson replied affirmative.

Chairman Mayer asked the applicant to please step forward to be sworn in.

Jeff Goris was sworn in. He stated Planner Patterson covered this very well and he has a good relationship with the neighbors. This is on a very steep hill and he is looking for consideration and approval for this Variance.

Discussion followed regarding the existing retaining wall and drainage

Chairman Mayer asked if anyone in attendance was opposed to this Variance.

No one stepped forward.

Chairman Mayer asked for motion on Variance Case 332. *Fred Catcott moved to approve Variance Case 332 and Randy Gross seconded the motion. A roll call vote was taken and Variance Case 332 was unanimously passed.*

REPORTS:

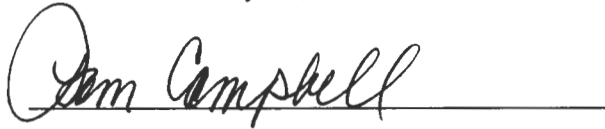
Chairman Mayer asked if there were any reports or comments from the staff.

Planner Patterson said the next scheduled meeting will be March 18, 2020.

Adjourn

There being no further business to come before the Board of Zoning Adjustment, Chairman Mayer adjourned the meeting at 4:50 p.m.

I, Pam Campbell, Planning Department Secretary, for the City of Osage Beach, Missouri, do hereby certify that the above foregoing is a true and complete journal of proceedings of the regular meeting of the Board of Zoning Adjustment of the City of Osage Beach, Missouri, held on February 19, 2020.

A handwritten signature in cursive script, reading "Pam Campbell", written over a horizontal line.

Pam Campbell/Planning Department Secretary

A handwritten signature in cursive script, reading "Louis Mayer", written over a horizontal line. The signature has a long, sweeping tail that extends to the right.

Louis Mayer/Chairman