

**PUBLIC HEARING FOR VARIANCE CASE #333  
OF THE BOARD OF ZONING ADJUSTMENT  
FOR THE CITY OF OSAGE BEACH, MISSOURI**

**March 18, 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 Planner Cary Patterson and Planning & Zoning Secretary Pam Campbell. Tiger Court Reporting Court Reporter, Beverly Bentch, was also present.

Minutes – 2/19/2020

Chairman Mayer asked if there were any corrections or comments regarding the February 19, 2020 minutes. There were none. *Board member Randy Gross made a motion to approve the February 19, 2020 minutes and Board member Fred Catcott seconded the motion which passes unanimously.*

New Business

A) Election of Officers

Planner Patterson stated the Chairman position is the only one up for nomination at this time.

Chairman Mayer asked for nominations for the Chairman position.

*Fred Catcott made a motion to nominate Randy Gross for the Chairman position, and stated he has been a member for quite some time and is very thorough. Karen Bowman seconded the motion and it unanimously passed*

Planner Patterson stated that Randy Gross, takes over now as the new Chairman and gave him instructions.

B) Variance Case No. 333 Samuel and Colleen Brayfield

Chairman Gross presided, read the Statutes of Missouri 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 Gross called Case #333 and asked Planner Patterson if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson replied yes and there were no negative responses from the neighbors.

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

The Code Book and file containing Variance Case #333 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:** March 18, 2020

**Case Number:** 333

**Applicant:** Samuel and Colleen Brayfield

**Location:** Lot 38 next to 5835 Pheasant Place

**Petition:** Variance from minimum setback requirements

**Purpose:** New Home

**Existing Use:** Single-family home

**Zoning:** R-1a (Single Family)

**Tract Size:** Approximately 11,250 sq ft

| <b><u>Case History</u></b> | <b><u>Case #</u></b> | <b><u>Date</u></b> |
|----------------------------|----------------------|--------------------|
|----------------------------|----------------------|--------------------|

None

*Utilities*

|                            |        |
|----------------------------|--------|
| <b><u>Water:</u></b>       | City   |
| <b><u>Electricity:</u></b> | Ameren |

|                      |        |
|----------------------|--------|
| <b><u>Gas:</u></b>   | Summit |
| <b><u>Sewer:</u></b> | City   |

**Access:** The subject property derives access from Pheasant Place

**Analysis:**

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 38 of Bellwood Estates Subdivision" and has yet to be designated with the physical address.
2. The applicant is requesting a variance to build a new home on the subject lot that will be 9.5 feet from the front property line. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet.

3. The applicant contends that severe topographical issues do not allow the lot to be developed within the confines of the required setbacks.
4. 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.

Planner Patterson stated he has a new site plan that changes the condition of the original request to 9' 7", the new setback is 12' in the front, this is a change from the initial and that Bellwood Estates requires a minimum of a 10' setback. The applicant provided a letter from Bellwood Estates that stated the customary setback is 25' from the property, 12' is the requirement for the Variance Hearing today. There must be a contingency for hardship to build a house to Code. Planner Patterson stated a letter that was given to all members from the City Attorney regarding a decision on the recommendation.

Chairman Randy Gross asked the applicant to please set forward and be sworn in.

Seth Brayfield was sworn in and stated Samuel Brayfield is his father and he would be working as the contractor for the project. He stated they want to bring the property to its full potential in Bellwood Estates and Osage Beach as a family or retirement home and it would be unreasonable to build without a variance approval due to how the lot lies and the grade.

Chairman Randy Gross asked if there were any questions.

Fred Catcott stated he looked at the property and it was dug out of a hill.

Seth Brayfield stated they want to build a one level home on a slab as this is the most economical way to build a home there.

Planner Patterson asked about access issues and Seth Brayfield replied no access issues.

Chairman Randy Gross asked about their options for the house - size and position.

Seth Brayfield stated that Ron Westenhaver will be working on the home and affordability and reasonable cost will be the goal.

Chairman Randy Gross asked if the application provided for that.

Seth Brayfield replied not at this time.

Chairman Randy Gross asked about the lot next door if violation to code.

Seth Brayfield replied probably before 1984.

Planner Patterson stated it is non conforming structure - built prior to Code. This is a hardship as regarding topographic issues.

Chairman Randy Gross when the code was enforced.

Planner Patterson stated since 1986.

Discussion followed regarding setbacks, property lines and rock.

Seth Brayfield stated he would be willing to change the setback.

Planner Patterson stated he would amend the requirement to move 17' with a vote allowing him to do this as a separate action.

Chairman Randy Gross asked Seth Brayfield if he would be willing to amend it to 17'

Seth Brayfield stated yes he would be willing to do that.

Planner Patterson asked for a motion to amend the requirement from 12' to 17'.

*Fred Catcott made a motion to amend the requirement from 12' to 17'. Karen Bowman seconded the motion with a roll call vote with everyone present stating yes.*

Chairman Randy Gross asked Ron Westenhaver to be sworn in. He spoke about this project and stated he will work with Seth Brayfield on this project and Lonnie Allen

Planner Patterson discussed changing the setbacks and explained when making a motion to approve that a new site plan will be required and approved by the Building Department.

*Fred Catcott made a motion to approve Variance Case 333 and Karen Bowman seconded the motion. A roll call vote was taken and Variance Case 333 was unanimously passed.*

## **REPORTS:**

Planner Patterson said he was proud of all the committee members for a great meeting. He also wanted to express that he personally appreciates all everyone does and apologized that the Volunteer Appreciation Dinner was cancelled and the letters from the Mayor and gifts were distributed.

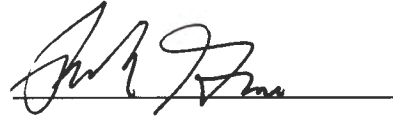
Adjourn

There being no further business to come before the Board of Zoning Adjustment, Chairman Mayer adjourned the meeting at 4:44 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 March 18, 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 "Randy Gross", written over a horizontal line.

Randy Gross/Chairman