

**PUBLIC HEARING FOR VARIANCE CASE #335  
OF THE BOARD OF ADJUSTMENT  
FOR THE CITY OF OSAGE BEACH, MISSOURI**

**July 15, 2020**

Call to Order

Chairman Randy Gross called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on July 15, 2020 at 4:00 p.m.

Planner Patterson stated the Agenda didn't list the Pledge of Allegiance but it will be listed for future meetings.

Chairman Gross asked that everyone stand for the Pledge of Allegiance.

Roll Call

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

Minutes – 6/17/2020

Chairman Gross asked if there were any corrections or comments regarding the June 17, 2020 minutes. There were none. *Board member Randy Gross made a motion to approve the June 17, 2020 minutes and Board member Gloria O'Keefe seconded the motion which passes unanimously.*

New Business

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.

B) Variance Case No. 335 Robert and Pamela Birkenholz

Chairman Gross called Case #335 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

Chairman Gross asked if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson replied yes, there were no negative responses and said City Attorney, Ed Rucker provided a memo stating he saw no problems with this case and to proceed at your discretion.

The Code Book and file containing Variance Case #335 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

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

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT  
REPORT TO  
BOARD OF ADJUSTMENT**

**Date:** July 15, 2020      **Case Number:**      335

**Applicant:**      Robert and Pamela Birkenholz

**Location:**      1171 Summit Circle

**Petition:**      Variance from minimum setback requirements

**Purpose:**      Carport addition

**Existing Use:**      Single-family home

**Zoning:**      R-1a (Single Family)

**Tract Size:**      Approximately 13,000 sq ft

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

None

Utilities

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

**Access:**      The subject property derives access from Summit Circle

**Analysis:**

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 4 of Summit Point Estates" and has the designated physical address of 1171 Summit Circle.
2. The applicants are requesting a variance to build a carport addition onto their existing home on the subject lot that will be 11.5 feet from the front property line. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet.
3. The applicants have owned the property for five years. They are asking to build a carport over the existing driveway to provide cover for their vehicles. Severe topography and the

location of the existing home makes it difficult if not impossible to do an addition of this type that will meet the setback requirements. As you can see from the submitted site plan, the addition cannot meet the required setbacks so a variance will be required for them to get a permit to build. The applicant has submitted this request to the Summit Point Property Owner's Association for their review and they have approved the request. The letter of approval is enclosed in your packet.

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 asked if there were any questions for himself or the applicant and there were none.

Chairman Gross acknowledged the additional pictures provided by the applicant and asked the applicant to step forward if there was anything different or changed from the original request. The applicant stated there were no changes.

Chairman Gross asked if there was anyone else who would like to speak in opposition of the request and if so, to please step forward. No one stepped forward.

Chairman Gross asked if there were any staff comments.

Planner Patterson stated per the memo from the City Attorney, the case is ready for a decision, provided all questions have been answered.

*Louis Mayer made a motion to approve Variance Case 335 and Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case 335 was unanimously passed.*

#### **REPORTS:**

Planner Patterson said there are no other reports at this time and if masks will be required at future meetings, we will let everyone know.

#### **Adjourn**

*Fred Catcott made a motion to adjourn the meeting and Gloria O'Keefe made a motion to second the motion.*

There being no further business to come before the Board of Adjustment, Chairman Gross adjourned the meeting at 4:13 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 July 15, 2020.

Attested by

Pam Campbell/Planning Department Secretary

Carla Bernick  
City Clerk

Randy Gross

Randy Gross/Chairman