

**PUBLIC HEARING FOR VARIANCE CASE #336  
OF THE BOARD OF ADJUSTMENT  
FOR THE CITY OF OSAGE BEACH, MISSOURI**

**August 19, 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 August 19, 2020 at 4:00 p.m.

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, Shelly Stewart, was also present.

Minutes – 7/15/2020

Chairman Gross asked if there were any corrections or comments regarding the July 15, 2020 minutes. There were none. *Board member Fred Catcott made a motion to approve the July 15, 2020 minutes and Board member Louis Mayer 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. 336 Robert Gresham

Chairman Gross called Case #336 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 #336 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:** August 19, 2020

**Case Number:** 336

**Applicant:** Robert Gresham

**Location:** 1444 Perch Ln.

**Petition:** Variance from minimum setback requirements

**Purpose:** Addition/ remodel of existing structure in a C-1 zone.

**Existing Use:** Current structure is unusable

**Zoning:** C-1 General Commercial

**Tract Size:** Approximately 3,500 square feet

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

None

**Utilities**

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

|                      |      |
|----------------------|------|
| <b><u>Gas:</u></b>   | None |
| <b><u>Sewer:</u></b> | City |

**Access:** Property has frontage on Slope Lane, but access is derived from Perch Lane

**Analysis:**

1. The applicant is the owner of the property in question. The lot is not a part of a platted subdivision and has an area of approximately 3,500 sq. ft.
2. The applicant wishes to remodel and build an addition on to the existing structure on the subject property. The addition will encroach to within 8.1 feet from the east property line and 8.82 feet from the west property line. The addition will also be built 15.14 feet from the rear property line. The addition will be placed in the current location of the existing structure, which is to be removed, and will not encroach further into the existing setback requirements than the existing structure. The remainder of the structure that will stay is also a legal non-conforming use as it encroaches well within the front yard setback. As the request is an addition to an existing legal non-conforming structure, a variance is required before the proposed construction can continue through the process.

3. The minimum required setback is twenty-five (25) feet in the front yard in a C-1 district.
4. Several structures in this proximity are built in violation of minimum setback requirements. Most are legal nonconforming, built prior to zoning code. The home at 1442 Perch Ln was granted a variance to rebuild a derelict structure in January of 2005 in a situation similar to that of the current request.
5. If this request is granted a variance from the setback regulations, a Special Use Permit to expand or alter a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued.

**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 Special Use Permit to construct a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued
4. A building permit must be obtained for the addition 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 asked the applicant if there are any amendments or additions to the request and the applicant replied no.

At that time, Louis Mayer had a question and then Robert Gresham was sworn in.

Louis Mayer asked for clarification regarding additional parking and Robert Gresham replied yes.

Fred Catcott stated this will be a big improvement and the whole area will prosper and the view won't be affected.

Chairman Gross asked if there were any other questions or any opposition to this request and read the memo provided by Attorney Ed Rucker.

Chairman Gross asked if there were any other comments.

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

*Fred Catcott made a motion to approve Variance Case 336 and Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case 336 was unanimously passed.*

Adjourn

*Gloria O'Keefe made a motion to adjourn the meeting and Karen Bowman 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 4:11 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 August 19, 2020.

Attested by

Pam Campbell/Planning Department Secretary

*(Dana Bergho  
City Clerk)*

*Randy Gross*

Randy Gross/Chairman