

**PUBLIC HEARING FOR VARIANCE CASE #337
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

September 16, 2020

Call to Order

Acting Chairman Fred Catcott (who was filling in for Chairman Randy Gross) called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on September 16, 2020 at 4:00 p.m.

Acting Chairman Catcott asked that everyone stand for the Pledge of Allegiance.

Roll Call

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

Minutes – 8/19/2020

Acting Chairman Catcott asked if there were any corrections or comments regarding the August 19, 2020 minutes. There were none. *Board member Karen Bowman made a motion to approve the August 19, 2020 minutes and Board member Louis Mayer seconded the motion which passes unanimously.*

New Business

Acting Chairman Catcott 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. 337 Michael Farmer

Acting Chairman Catcott called Case #337 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

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

Planner Patterson replied yes, and said the written responses received from the neighbors were included in your packet with 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 #337 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

Acting Chairman Catcott asked Planner Patterson to please describe the Variance request.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: September 16, 2020 **Case Number:** 337

Applicant: Michael Farmer

Location: 4800 Stewart Drive (Next to 4815 Stewart Drive)

Petition: Variance from minimum setback requirements

Purpose: Construction of a dwelling on an existing foundation

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: 11,383 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 Stewart Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 7 of Stuart's Subdivision" and is designated with the physical address 4800 Stewart Drive.
2. The applicant is requesting a variance to build a dwelling on an existing foundation that will be 3 ft. 8 in. from the side property line. 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 dwelling as per the submitted site plan. The minimum required side yard setback in the R-1b 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.

Acting Chairman Fred Catcott asked the applicant if there are any amendments or additions to the request and that applicant replied, no sir and added that he gave pictures to Lou.

The applicant, Michael Farmer, was then sworn in.

Acting Chairman Fred Catcott asked if the applicant had checked with Ameren regarding the decks and also about the sewer.

Michael Farmer replied there's a lift station closest to the lot that will be tied into the house that will serve his home.

Acting Chairman Fred Catcott asked if there were any opposition to the Variance or any questions.

Louis Mayer asked about the slight overlap to the right side.

Planner Patterson stated the boat ramp is not part of the request.

Acting Chairman Fred Catcott asked if the members had any other comments, there were none and then asked if the staff had any other comments, there were none.

Louis Mayer made a motion to approve Variance Case 337 and Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case 337 was unanimously passed.

Adjourn

Larry Jones made a motion to adjourn the meeting and Louis Mayer made a motion to second the motion.

There being no further business to come before the Board of Adjustment, Acting Chairman Fred Catcott adjourned the meeting at 4:08 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 September 16, 2020.



Pam Campbell/Planning Department Secretary



Fred Catcott, Acting Chairman