

**PUBLIC HEARING FOR VARIANCE CASE #338
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

November 18, 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 November 18, 2020 at 4:00 p.m.

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

Roll Call

The following Board Members were present: Chairman Randy Gross, Karen Bowman, Fred Catcott, Gloria O'Keefe and Louis Mayer. 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 – 9/16/2020

Chairman Randy Gross asked if there were any corrections or comments regarding the September 16, 2020 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the September 16, 2020 minutes and Board member Fred Catcott seconded the motion which passes unanimously.*

New Business

Chairman Randy 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. 338 Adam M. and Teri E. Guttman

Chairman Randy Gross called Case No. 338 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

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

Planner Patterson replied yes.

The Code Book and file containing Variance Case No. 338 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

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

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: November 18, 2020 **Case Number:** 338

Applicant: Adam and Teri Guttman

Location: 5188 Shore Acres Drive

Petition: Variance from minimum setback requirements

Purpose: Construction of a Garage

Existing Use: Single-family

Zoning: R-1b (Single Family)

Tract Size: Approximately 17,000 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 Shore Acres Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 9 of Shore Acres Subdivision" and is designated with the physical address 5188 Shore Acres Drive.
2. The applicant is requesting a variance to build a garage on their property that will be 10 ft. from one side property line and within a foot of the other. This is a somewhat different situation, in that the applicant owns 3 lots that contains their primary residence, a second dwelling, and the accessory structures all that were built prior to setback regulations being established by the code. The property is accessed by a road that is not Right of Way and is built on private property. The requested garage will be built in close proximity to a cul-de-sac that serves as a turn around for the applicant and a couple other homes at the end of Shore Acres Drive.
3. Of course, if approved the addition cannot be built on or over any public utilities or easements.

Department Comments:

In short, the way this property is laid out is difficult as it pertains to the code. The requested garage structure falls on lot nine and can be built with a variance granted to build the structure in conformance with the submitted site plan. I tried to figure out a way to re-subdivide the property to make it a cleaner situation, but with the way the structures are laid out on the property, there is no way to remedy the issues. This property will always be sold as one piece as there is no way to separate the assets. 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.

Fred Catcott stated this was cut and dry, will be an improvement and look better.

Planner Patterson stated this is a great piece of property and the owners own all three lots.

Fred Catcott asked if this was on a city street.

Planner Patterson replied this is not a city street.

Chairman Randy Gross asked if the members had any other comments or questions.

Louis Mayer asked if anything would change for the request.

Chairman Randy Gross stated this would be an improved and safer situation

The applicant was then sworn in and stated the building indicated on the plot won't change, would be 24x24.

Planner Patterson stated it would need to stay off the property lines per the requirements to be built.

Fred Catcott asked about re-surveying / re-platting.

Planner Patterson stated there is no way to relocate the property lines, they are non-conforming with the existing house

The applicant stated that they're good with the request.

Chairman Randy Gross asked if anyone had any further comments or questions.

Ed Rucker, City Attorney, stated the file is in order and ready for the Board's decision.

Board member Louis Mayer made a motion to approve Variance Case No. 338 and Board member Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case No. 338 was unanimously passed.

Adjourn

Board member Gloria O'Keefe made a motion to adjourn the meeting and Board member Fred Catcott seconded the motion.

There being no further business to come before the Board of Adjustment, Chairman Randy 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 November 18, 2020.

Attested by _____

Pam Campbell/Planning Department Secretary

(Dana Bereshko
City Clerk

Randy Gross, Chairman