

**PUBLIC HEARING FOR VARIANCE CASE #341
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

April 21, 2021

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 April 21, 2021 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 Larry Jones. Absent was 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 – 1/20/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the January 20, 2021 minutes. There were none. *Board member Fred Catcott made a motion to approve the January 20, 2021 minutes and Board member Gloria O'Keefe 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. 341 David and Annemarie Stein

Chairman Randy Gross called Case No. 341 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 sir.

Chairman Randy Gross asked if there were any written responses from the affected property owners.

Planner Patterson required there were none.

The Code Book and file containing Variance Case No. 341 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: April 21, 2021 **Case Number:** 341

Applicant: David and Annmarie Stein
Location: 5208 Dempsey Drive
Petition: Variance from minimum setback requirements
Purpose: Residential living space addition
Existing Use: Single-family home
Zoning: R-1b (Single Family)
Tract Size: Approximately 11,726 sq ft

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
Variance approved Deck addition	319	November 2014

Utilities

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

Access: The subject property derives access from Dempsey Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 1 of paradise Cove First Addition" and is designated with the physical address 5208 Dempsey Drive.
2. The applicant is requesting a variance to build a living space addition on both the front and back of the existing home. The addition on the front is a cover for a portion of the deck that will measure eighteen (18') feet in length by twelve (12') feet in width and will be thirteen (13') feet from the front property line. The minimum required front yard setback in the R-1b zone is twenty-five (25') feet from the roadside property line. The addition that is being put on the rear portion of the existing home will not encroach within the required setbacks but is still required to be approved by variance because it is an addition to a non-conforming structure. Approval of the requested variance will allow the city to issue a legal building permit to construct the requested additions as per the submitted site plan.

3. The applicant originally submitted an application and site plan to build a second story on the existing structure. But, after some conversation with members of the City Staff, they decided to amend their request as it is seen 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 further explained this is the second request of the Steins and after his report turned it back to the Chairman.

Chairman Randy Gross asked the applicant if he wanted to amend, add to or clarify anything on the application.

David Stein replied no sir.

Chairman Randy Gross asked if there were any comments in favor, there were none. He then asked if there were any comments in opposition, there were none. He asked if there were any questions from the Board, there were none.

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

Board member Karen Bowman made a motion to approve Variance Case No. 341 and Board member Larry Jones seconded the motion. A roll call vote was taken, and Variance Case No. 341 was unanimously passed.

Adjourn

Board member Fred Catcott made a motion to adjourn the meeting and Board member Karen Bowman seconded the motion.

There being no further business to come before the Board of Adjustment, Chairman Randy 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 April 21, 2021.

attested by

Pam Campbell/Planning Department Secretary

(Sana Bergh)
City Clerk

Randy Gross

Randy Gross, Chairman