

**PUBLIC HEARING FOR VARIANCE CASE #344
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

November 17, 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 November 17, 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 Louis Mayer. Also, present City Planner Cary Patterson and Planning Department Secretary Pam Campbell. Capital City Court Reporting Court Reporter Shelly Stewart was also present.

Minutes – 6/16/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the June 16, 2021 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the June 16, 2021 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.

A) Variance Case No. 344 Ricky Shadel

Chairman Randy Gross called Case No. 344 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 we did.

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

Planner Patterson replied there were none.

The Code Book and file containing Variance Case No. 344 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 17, 2021 **Case Number:** 344

Applicant: Ricky and Mary Jo Shadel
Location: 980 Palmer Ln.
Petition: Variance from minimum setback requirements
Purpose: Enclose area for laundry addition
Existing Use: Single-family home
Zoning: R-1b (Single Family)
Tract Size: Approximately 9,500 sq ft

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
Shadel	325	August 16, 2017

Utilities

<u>Water:</u>	City	<u>Gas:</u>	None
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: The subject property derives access from Palmer Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 28 of Palmer Subdivision and is designated with the physical address 980 Palmer Lane.
2. The applicant is requesting a variance to a space between the existing home and a retaining wall on the east side of the dwelling for the addition of a laundry room. The addition would extend to 14 feet from the front property line and 1.4 feet from the side property line creating an encroachment within the required setbacks for both property lines. The minimum required setback in the front yard is twenty-five (25') feet from the front property line and ten (10') feet from the side property line in the R-1b zone.
3. This subdivision has issues because of the way the lot layout and subsequent construction of the homes occurred. As has been the case in a number of locations around the lake, the original developer subdivided the properties and built the roads in the easiest location as it pertained to topography, while at the same time, still providing easy and more desirable access to the lake front. The issue that method created however, is that the homes are literally built right on the road.

4. The proposed addition to the home does not increase the physical footprint on the property, but it does increase the amount of enclosed area for the dwelling.
5. 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.

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

The applicant, Ricky Shadel stepped up and was sworn in.

Chairman Randy Gross asked if there were any changes that the Applicant wanted to make at this time and Ricky Shadel replied no changes.

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.

Chairman Randy Gross said that Ed Rucker, City Attorney, provided a memo stating that he had no objections and it was the Board's decision on this matter.

Chairman Randy Gross asked if there were any questions from other staff, there were none, and stated the Chair will accept a Motion on the Variance Request for Case 344.

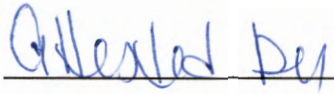
Board member Lou Mayer made a motion to approve Variance Case No. 344 and Board member Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case No. 344 was unanimously passed.

Adjourn

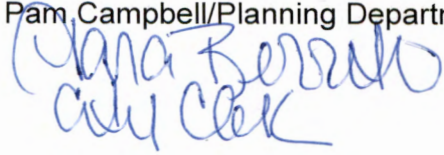
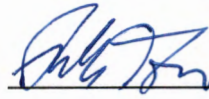
Board member Gloria O'Keefe made a motion to adjourn the meeting and Board member Louis Mayer seconded the motion.

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:09 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 17, 2021.



Pam Campbell/Planning Department Secretary


City Clerk

Randy Gross, Chairman