

**PUBLIC HEARING FOR VARIANCE CASE #345
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

December 15, 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 December 15, 2021 at 4:00 p.m.

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

Roll Call (Chairman Randy Gross didn't announce for the Roll Call to be taken)

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, Ed Rucker City Attorney and Planning Department Secretary Pam Campbell. Capital City Court Reporting Court Reporter Shelly Stewart was also present.

Minutes – 11/17/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the November 17, 2021 minutes. There were none. *Board member Karen Bowman made a motion to approve the November 17, 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.

A) Variance Case No. 345 Craig & Brooke Loo

Chairman Randy Gross called Case No. 345 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes sir.

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 we have.

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. 345 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: December 15, 2021 **Case Number:** 345

Applicant: Craig & Brook Loo

Location: 4507 Cove Road (behind 4505 Cove Road)

Petition: Variance from minimum setback requirements

Purpose: Rebuild dwelling on an existing foundation (structure destroyed by fire)

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: 13,977 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 Cove Road

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 1 of Frank Clark's Subdivision" and is designated with the physical address 4507 Cove Road.
2. The dwelling structure at the subject location was destroyed by fire in June of 2021. At the time it was destroyed, the dwelling was a legal non-conforming structure. The applicants are requesting a variance from setback regulations to rebuild the structure on the existing foundation. The applicants have had an engineer do a structural evaluation of the existing foundation and it was found to be capable of handling the new structure. That report and statement will be submitted to the Building Official with the building permit application if the requested variance is approved.
3. The applicant is requesting a variance to rebuild a dwelling on an existing foundation that will be 6.25 ft. from the side property line and 23.88 ft. from the rear property line at its closest point. 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-1a zone is ten (10') feet from the side property line and the required setback in the rear is thirty (30') feet from the lakeside property boundary.

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.

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

The applicant, Brooke Loo stepped up and was sworn in. She thanked the Board for their consideration. She stated the fire started the weekend before the 4th of July and it's been undetermined by Osage Beach Fire Protection District. The Request is to re-build in the same place it was.

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

Vicky Simbro stepped up to the podium and was sworn in. She stated she lives at 4505 Cove, second tier and behind the Loo house. Her concerns were that the road is a private drive and wants it safe and secure, the owners do not live here, when it's being rebuilt, the road will be damaged by cement trucks and other equipment, they are running a business out of the home, kids live on this road, security issues and asked the need for a Variance.

Board Member Gloria O'Keefe stated she lives in a subdivision near and asked what the By-Laws for the subdivision were and this is a private street.

Board Member Karen Bowman asked what business she is talking about.

Vicky replied VRBO.

Board Member Fred Catcott stated that to rebuild within the lot lines is not within our scope of approval.

Chairman Randy Gross stated the Board isn't allowed to approve or disapprove a VRBO.

Planner Patterson stated the Board can approve the structure itself, to rebuild on the foundation. They have no authority regarding land use as a VRBO, that would be something for the Planning Commission or Board of Aldermen.

Vicky stated if she had known it would be used as a VRBO, the subdivision By-Laws should be re-done and then left the podium.

Chairman Randy Gross asked if anyone else was in opposition.

Rick Beckmann stepped up to the podium and was sworn in. He stated his concerns were safety.

Planner Patterson stated the new home would have to meet the new building codes, 2018 International Building Codes.

Georgeanna Aldy then stepped up to the podium and was sworn in. She stated she saw the fire and called it in. The Fire Dept. never interviewed her. She is a local realtor. Also, the structure is too close on both sides and homes were damaged by the fire and the owners didn't offer to pay for the damages.

Chairman Randy Gross asked if there were any questions from the Board.

Board Member Karen Bowman stated if no Variance is granted, they still can re-build within their lot lines.

Planner Patterson stated they could even re-build a bigger house on a new foundation within the lot lines with no Variance required. The frustrated concerns from the neighbors are not issues for this Board.

Ed Rucker City Attorney stated the file is complete and is at the discretion of the Board.

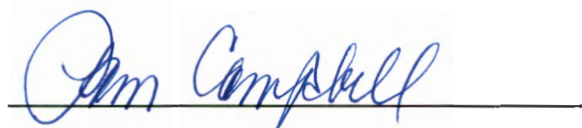
Chairman Randy Gross asked if there were any questions from other staff, there were none, and stated the Chair will accept a Motion on the Variance Request for Case 345.

Board member Fred Catcott made a motion to approve Variance Case No. 345 and Board member Gloria O'Keefe seconded the motion. A roll call vote was taken, and Variance Case No. 345 was unanimously passed.

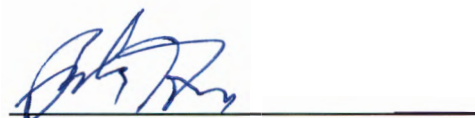
Adjourn (Chairman Randy Gross didn't ask for a Motion to Adjourn)

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:40 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 December 15, 2021.



Pam Campbell/Planning Department Secretary



Randy Gross, Chairman