



**CITY OF OSAGE BEACH
BOARD OF ADJUSTMENT**

1000 City Parkway
Osage Beach, MO 65065
573-302-2000
www.osagebeach.org

AGENDA

Regular Meeting

**July 15, 2020 - 4:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE June 17, 2020 MEETING
4. NEW BUSINESS
 - A) Variance Case No. 335 Robert and Pamela Birkenholz
5. ADJOURN MEETING

Representatives of the news media may obtain copies of this notice by contacting the following:
Tara Berreth, City Clerk
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ex 1020

If any member of the public requires a specific accommodation as addressed by the Americans with Disabilities Act, please contact the City Clerk's office 48 hours in advance of the meeting at the above telephone number.

**PUBLIC HEARING FOR VARIANCE CASE #331
AND VARIANCE CASE #332
OF THE BOARD OF ZONING ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

June 17, 2020

Call to Order

Chairman Randy Gross called the Board of Zoning Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on June 17, 2020 at 4:00 p.m.

Roll Call

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

Minutes – 3/18/2020

Chairman Gross asked if there were any corrections or comments regarding the March 18, 2020 minutes. There were none. *Board member Fred Catcott made a motion to approve the March 18, 2020 minutes and Board member Gloria O'Keefe seconded the motion which passes unanimously.*

New Business

Chairman 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. 334 James and Janet Hickam

Chairman Gross called Case #334 and asked Planner Patterson if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

The Code Book and file containing Variance Case #334 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

Planner Patterson replied yes and there were no negative responses from the neighbors.

Chairman Gross asked Planner Patterson to please describe the Variance request. Planner Patterson stated the applicants want to build an attached garage that doesn't meet the setback requirements, this is a hardship and accessibility issue and the Veteran's Association will be building the garage.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: June 17, 2020 **Case Number:** **334**

Applicant: James and Janet Hickam
Location: 1567 Bluff Drive
Petition: Variance from minimum setback requirements
Purpose: Garage addition
Existing Use: Single-family home
Zoning: R-1a (Single Family)
Tract Size: Approximately 7,000 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 Bluff Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 16 of First Addition to Holiday Acres Subdivision" and has the designated physical address of 1567 Bluff Drive.
2. The applicants are requesting a variance to build a garage addition onto their existing home on the subject lot that will be 21.3 feet from the front property line, 8 feet from the side property line, and 21.8 feet from the rear. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet, ten (10') feet on the side, and thirty (30') in the rear.
3. The applicants have owned the property for approximately twenty years. Mr. Hickam is a disabled veteran and needs the assistance of a wheelchair to be mobile which requires ramps and safe places to load and unload from vehicles. Because of his needs, the

Veterans Association has agreed to fund an accessible garage attached to his home. As you can see from the submitted site plan, the addition cannot meet the required setbacks so a variance will be required for them to get a permit to build.

4. This is a clear issue of hardship and necessity for the Hickam's. Letters from the adjacent property owners, that explain their favor of the request, are enclosed in this packet.
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.

Planner Patterson asked if there were any questions of the applicant or the builder and there were none.

Chairman Gross read the letter from City Attorney, Ed Rucker and asked if there were any questions regarding this letter. There were none.

Chairman Randy Gross said since there is no opposition and there are letters in favor from the neighbors, he asked for a motion to approve this request.

Fred Catcott made a motion to approve Variance Case 334 and Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case 334 was unanimously passed.

Louis Mayer stated he would like to salute and recognize the applicant, Veteran James Hickam, for his service to the country.

Fred Catcott stated he would also like to recognize the applicant, as he was a Veteran also and today is his birthday.

Karen Bowman stated her family member is also a Veteran and would like to recognize the applicant also.

Chairman Randy Gross stated he would like the Pledge of Allegiance said before all meetings going forward.

Chairman Randy Gross made a motion to say the Pledge of Allegiance at all upcoming meetings and Gloria O'Keefe seconded the motion. A roll call vote was taken and the Pledge of Allegiance to be said at all upcoming meetings was approved.

Planner Patterson said it's within Chairman Randy Gross's rights to request this and it will be done, as it is also done at the Board of Aldermen Meetings.

REPORTS:

Planner Patterson said there are no other reports at this time.

Adjourn

Fred Catcott made a motion to adjourn the meeting and Karen Bowman made a motion to second the motion.

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

Pam Campbell/Planning Department Secretary

Randy Gross/Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: July 15, 2020

Case Number: 335

Applicant: Robert and Pamela Birkenholz

Location: 1171 Summit Circle

Petition: Variance from minimum setback requirements

Purpose: Carport addition

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 13,000 sq ft

Case History **Case #** **Date**

None

Utilities

Water: City

Gas: Summit

Electricity: Ameren

Sewer: City

Access: The subject property derives access from Summit Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 4 of Summit Point Estates" and has the designated physical address of 1171 Summit Circle.
2. The applicants are requesting a variance to build a carport addition onto their existing home on the subject lot that will be 11.5 feet from the front property line. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet.
3. The applicants have owned the property for five years. They are asking to build a carport over the existing driveway to provide cover for their vehicles. Severe topography and the location of the existing home makes it difficult if not impossible to do an addition of this type that will meet the setback requirements. As you can see from the submitted site plan, the addition cannot meet the required setbacks so a variance will be required for them to get a permit to build. The applicant has submitted this request to the Summit Point Property Owner's Association for their review and they have approved the request. The letter of approval is enclosed 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.

Date Submitted June 19, 2020
Case # 335

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: ROBERT J. & Pamela S. BIRKENHOLZ

MAILING ADDRESS: 1171 Summit Circle

Osage Beach, MO 65065

TELEPHONE: (614) 323-9903 (573-) 268-7760

LOCATION OF PROPERTY: Be specific. Give directions to property. Include Lake Road and lot number. Attach legal description of property to this application. Please mark property in some way, i.e., distance from property lines with red paint, flags or stakes, indicating location of proposed variance.

All of Lot 4 of Summit Point Estates, a subdivision in Camden County, Missouri, according to the plat thereof on file and of record in the Camden County Recorder's Office

VARIANCE FOR/FROM: 25' property line setback restriction

APPEAL FOR/FROM:

*List names and mailing addresses of the current adjoining property owners:
(Attach a separate sheet if necessary)*

NAME COMPLETE ADDRESS/WITH ZIP CODE

Kate Looney 1177 Summit Circle, Osage Beach, MO 65065

Morrison & Jennifer Jacobs 4057 Stonecroft Drive, St. Charles, MO 633

pd V # 3025
330^{ec}
pd V # 3026
20.20

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

July 12 2020
@ 4pm
1335

1. SIZE OF PROPERTY: Lot 4 of Summit Point Estates (~.246 acres)
2. SOURCE OF UTILITIES: WATER: Osage Beach GAS: N/A
SEWER: Osage Beach ELECTRIC: AMEREN
3. PRESENT USE OF PROPERTY: Residential (Single family home)
4. PRESENT ZONING OF PROPERTY: R-1A
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? No
IF SO, WHEN?
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? since May 2015
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. 1979-Ho
8. DO YOU OWN ANY PROPERTY ADJACENT TO THE SUBJECT PROPERTY? No
9. WHY, IN YOUR OPINION IS YOUR CURRENT SITUATION, AND OR THE EXISTING
SIZE /EXTENT OF THE USE NOT ACCEPTABLE? We want to build an
attached carport to provide shade and access
to vehicles from the house without encountering
weather elements.
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? Steep slope of the lot limits
our ability to construct a double garage; so we have
decided to construct a car port over the existing
driveway to connect upper gravel parking area to the hou.
11. LIST SPECIAL CIRCUMSTANCES WHICH ARE PECULIAR TO THE LAND STRUCTURE
OR BUILDING IN QUESTION AND DO NOT GENERALLY APPLY TO THE NEIGHBORING
LANDS, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT OR VICINITY. None

12. LIST REASONS WHY STRICT APPLICATION OF THE PROVISIONS OF THE ZONING ORDINANCE WOULD DEPRIVE YOU OF REASONABLE USE OF THE LAND, STRUCTURE OR BUILDING IN A MANNER EQUIVALENT TO THE USE PERMITTED TO BE MADE BY OTHER OWNERS OF NEIGHBORING LANDS, STRUCTURES OR BUILDINGS IN THE SME

DISTRICT. Steep slope of the lot will not allow construction of a double garage, carport will allow guests parking in upper gravel lot to walk to the front door under cover

13. WERE THESE SPECIAL CIRCUMSTANCES THE RESULT OF ANY ACTION TAKEN

SUBSEQUENT TO MAY 10, 1984?

YES

NO

NOTE: Applications must be accompanied by additional information as outlined in the Board of Adjustment Application Procedures. (Page 1 of this packet). The Administrative Officer of the Zoning Ordinance will review the application for Variance and determine if sufficient data is contained to adequately describe the situation to the Board of Adjustment. If the data is not adequate, the Administrative Officer shall return the application to the applicant for additional information. Only completed applications shall be forwarded to the Board of Adjustment.

SIGNATURE OF APPLICANT:

Robert J. Babuboly

SIGNATURE OF PROPERTY OWNER:

Robert J. Babuboly

Checks should be made payable to the City of Osage Beach. Postage costs should be calculated and submitted with the \$330.00 filing fee.

STATE OF MISSOURI,

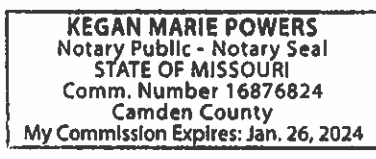
COUNTY OF CAMDEN,

Subscribed and sworn to me before me, the 19th day of June 20 20

Notary Public Kegan Marie Powers

My Commission expires: (stamp) (seal)

1/26/2024



City of Osage Beach
Variance Board
1000 City Parkway
Osage Beach, MO 65065

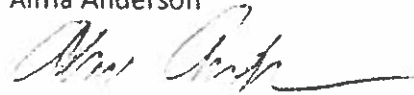
Re: Carport Addition – Robert & Pamela Birkenholz

As provided by the Declaration of Restrictions for the Summit Point Property Owner's Association, the Birkenholzs' requested approval of the Board of Directors to add a carport to the front of their home.

The Board has approved their request, pending obtaining a building permit from the city. It is the Boards' opinion that the car port will increase the value of the home and enhance the neighborhood.

If you have any questions, please feel free to contact me, Alma Anderson 217-652-2199

Alma Anderson

A handwritten signature in cursive script, appearing to read "Alma Anderson", with a long horizontal flourish extending to the right.

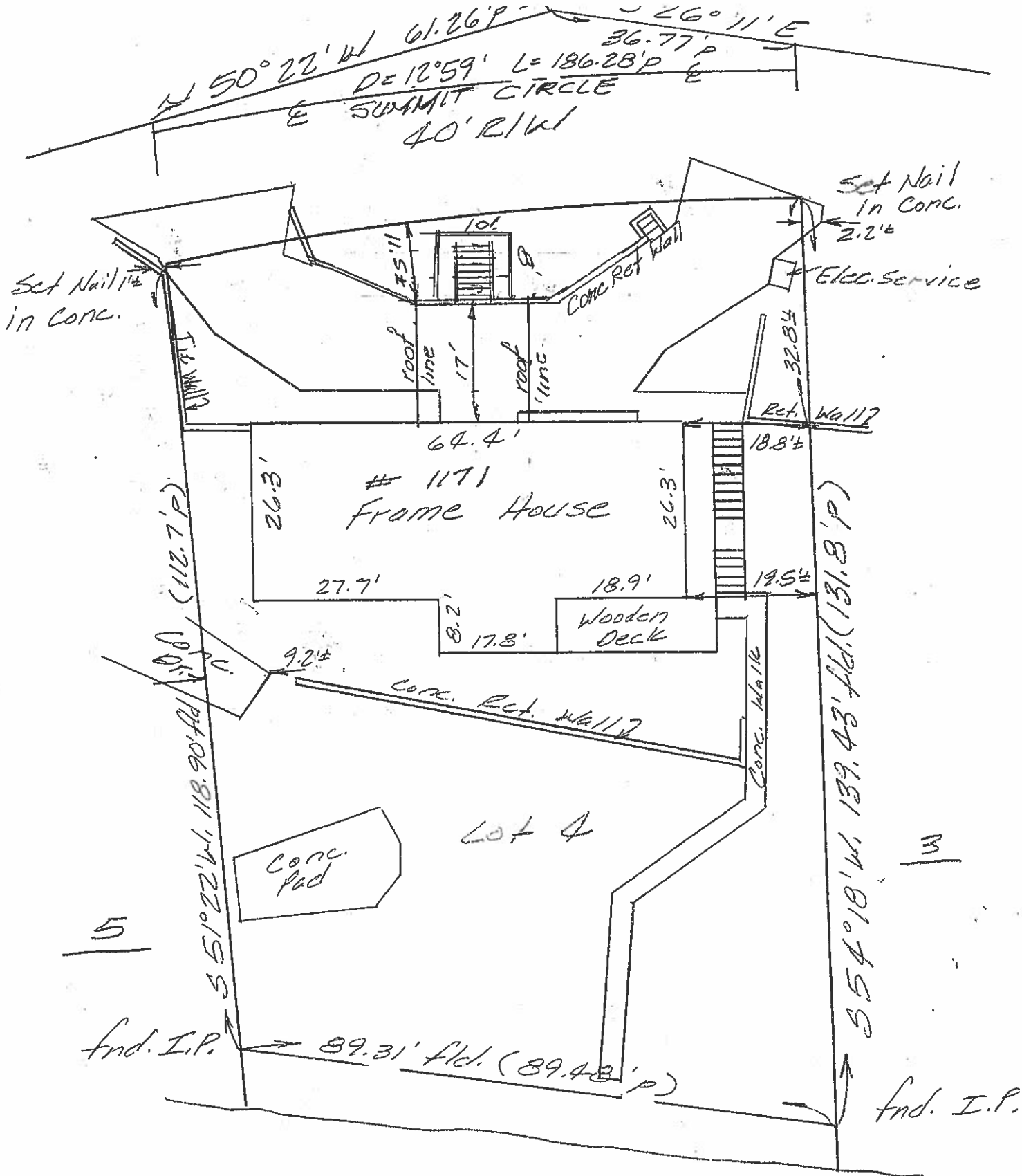
President

Board of Directors

Summit Point Property Owner's Association



**Variance Case
335 Location Map**



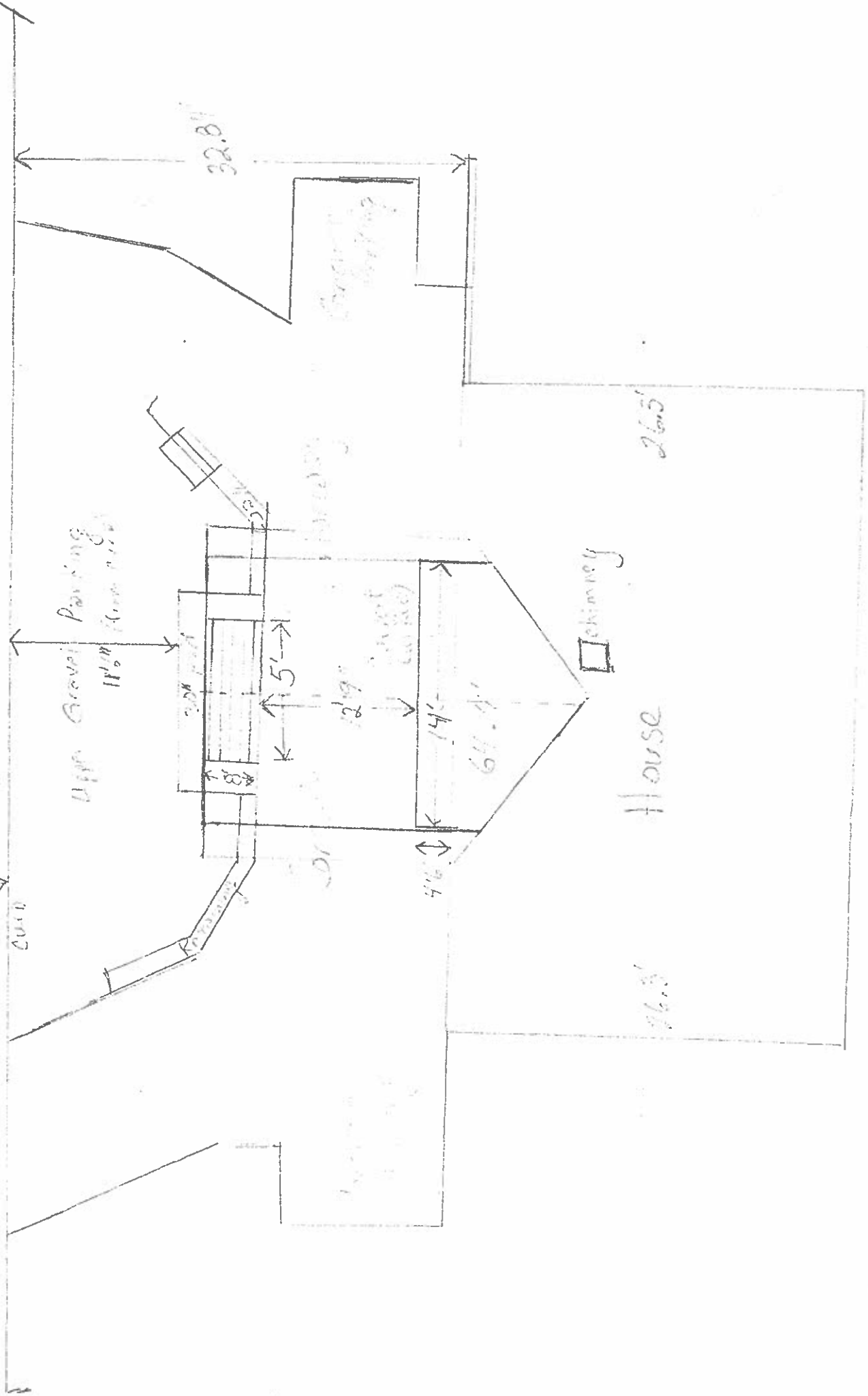
Look of the Ozarks

94-18E



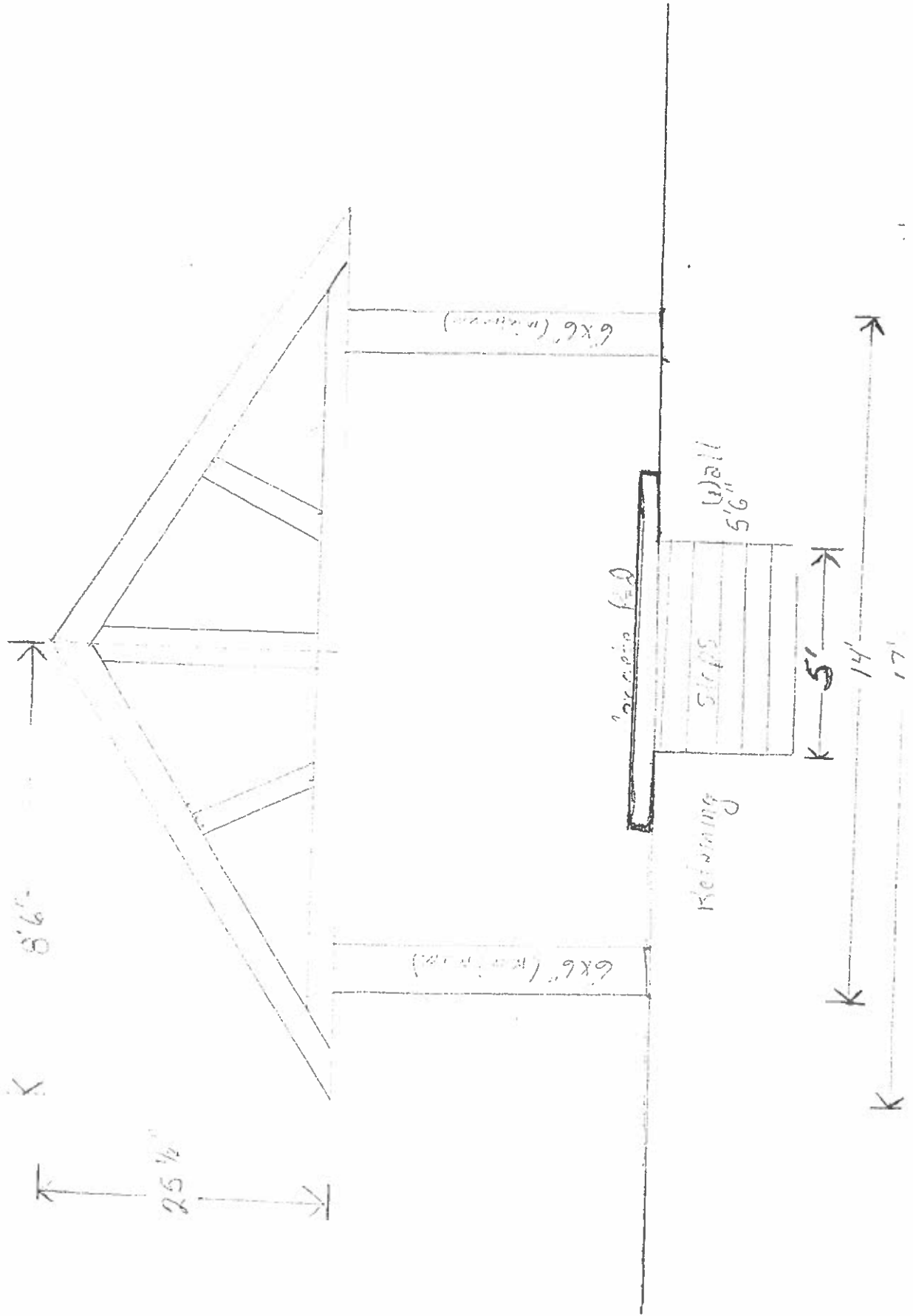
Center of R.O.

88' Summit Circle



Chippendale Cupport
 1771 Summit Circle
 End View

3/12 pitch



Birkenholz Carport
 111 Summit Circle

Side View

