

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

July 20, 2022

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 July 20, 2022 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 and Gloria O'Keefe. Absent was Larry Jones and City Attorney, Ed Rucker. Also, present City Planner Cary Patterson and Planning Department Secretary Pam Campbell. Court Reporter, Kellene Feddersen was also present.

Minutes – 12/15/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the December 15, 2021 minutes. There were none. Board member Fred Catcott made a motion to approve the December 15, 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. 346 Joe Holliday

Chairman Randy Gross called Case No. 346 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes Mr. Chairman

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 Mr. Chairman we have.

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

Planner Patterson replied there were none except for the memo we received from the City Attorney.

The Code Book and file containing Variance Case No. 346 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 addressed the Chairman stating, Mr. Chairman we only have four members and you may wish to ask the applicant if he wishes to proceed.

Chairman Randy Gross asked the applicant if he wished to proceed.

The applicant replied yes.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: July 20, 2022 **Case Number:** 346

Applicant: Joseph M. Holliday
Location: 5055 Drasky Lane
Petition: Variance from minimum setback requirements
Purpose: Construction of a deck
Existing Use: Single-family home
Zoning: R-1b (Single Family)
Tract Size: Approximately 12,500 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 Draskey Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 10 of Palmer Subdivision and is designated with the physical address 5055 Drasky Lane.
2. The applicant is requesting a variance to build a deck on the side of the existing home that will be 10.34 feet from the front property line and 8.14 feet from the side property line. As you can see on the submitted site plan, the existing home is very close to the front property line at its closest point which is what makes the home a legal non-conforming structure. With that being the case, a variance is required to enlarge or add on to a legal non-

conforming structure as is being requested in this case. Approval of the requested variance will allow the city to issue a legal building permit to construct the deck as per the submitted site plan. In the R-1b zone, the minimum required front yard setback is twenty-five (25') feet from the front property line and the side yard setback requirement is ten (10') feet from the side property line.

3. 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 thanked Mr. Patterson.

Mr. Patterson replied yes, sir.

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

The applicant stated he hoped he supplied all the information.

Chairman Randy Gross asked if there was anyone who wanted to comment in favor of this request and if so, please be recognized, step up to the microphone, state your name and allow yourself to be sworn in.

Rick Kuhlmann stepped up and stated he is a neighbor to Joe and has no objections in the email that I sent.

Planner Patterson stated to Rick Kuhlmann that he needed to be sworn in.

Rick Kuhlmann was sworn by the Court Reporter.

Rick Kuhlmann further stated that being Joe's neighbor, it is directly on his side of the house that's adjacent to me and he has no objections to the setbacks of 8.4, no problem.

Fred Catcott asked if he needed to sign in.

Planner Patterson stated yes and it will be on the official record, also.

Chairman Randy Gross asked if there was anyone who would like to comment in opposition to this request and if so, please be recognized, step to the microphone, state your name and allow yourself to be sworn in.

Chairman Randy Gross stated, there were none and asked if there were any questions from the Board.

There were none.

Chairman Randy Gross noted the letter from the City Attorney that the application is in proper legal form, the file is complete and ready for the Board's decision.

Chairman Randy Gross asked if there were any other comments from legal counsel.

Planner Patterson stated he is not legal counsel but wanted to remind the Board if it is approved the following conditions would apply, structure must be built according to the site plan, any expansion or change of proposal shall require Board of Adjustment approval and a building permit must be obtained for the new construction with all zoning and building codes being adhered to.

Chairman Randy thanked Planner Patterson.

Chairman Randy Gross asked if there were any questions from the Board. There were none, and stated the Chair will accept a Motion on the Variance Request for Case 346.

Board member Karen Bowman made a motion to approve Variance Case No. 346 and Board member Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case No. 346 was unanimously passed.

Chairman Randy Gross stated the motion was approved 4-0.

Chairman Randy Gross asked if there was any further business or reports.

Planner Patterson stated yes, and addressed the Board stating you have all probably recognized that our previous member, Lou Mayer, is not with us here tonight. He did submit his resignation and felt that his 14 years on the board had been long enough and he was ready to retire and struggling with some other things as well that made it difficult for him to serve but he sends his regards to each one of you and stressed how much he enjoyed working with all of you. And with that in mind, the Board of Aldermen will be hearing a new member that may be appointed but the Board themselves will need to appoint a person but the Mayor is bringing a new member proposal to them at their next meeting. So, when we do have another meeting, it will have five full time members and then Mr. Jones is still our alternate but he was unable to be with us today so that's why we have four.

Chairman Randy Gross thanked Planner Patterson and asked if there was any additional business.

Randy Catcott thanked our secretary (Pam) for the treats

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 4:11 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 July 20, 2022.

Attested by

Pam Campbell/Planning Department Secretary

Jana Ferrell
City Clerk

Randy Gross

Randy Gross, Chairman

CITY OF OSAGE BEACH

BOARD OF ADJUSTMENT - CASE NO. 346

JULY 20, 2022 - 4:00 PM

(Please print)

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