



**CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT**

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

AGENDA

Regular Meeting

**June 17, 2020 - 4:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES FROM THE MARCH 18, 2020 MEETING
4. NEW BUSINESS
 - A) Variance Case No. 334 James and Janet Hickam
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**

March 18, 2020

Call to Order

Chairman Louis Mayer called the Board of Zoning Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on February 19, 2020 at 4:00 p.m.

Roll Call

The following Board Members were present: Louis Mayer, Chairman, Karen Bowman, Randy Gross, 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. Tiger Court Reporting Court Reporter, Beverly Bentch, was also present.

Minutes – 2/19/2020

Chairman Mayer asked if there were any corrections or comments regarding the February 19, 2020 minutes. There were none. *Board member Randy Gross made a motion to approve the February 19, 2020 minutes and Board member Fred Catcott seconded the motion which passes unanimously.*

New Business

A) Election of Officers

Planner Patterson stated the Chairman position is the only one up for nomination at this time.

Chairman Mayer asked for nominations for the Chairman position.

Fred Catcott made a motion to nominate Randy Gross for the Chairman position, and stated he has been a member for quite some time and is very thorough. Karen Bowman seconded the motion and it unanimously passed

Planner Patterson stated that Randy Gross, takes over now as the new Chairman and gave him instructions.

B) Variance Case No. 333 Samuel and Colleen Brayfield

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.

Chairman Gross called Case #333 and asked Planner Patterson if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

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

Chairman Gross asked Planner Patterson to please describe the Variance request.

The Code Book and file containing Variance Case #333 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: March 18, 2020 **Case Number:** 333

Applicant: Samuel and Colleen Brayfield
Location: Lot 38 next to 5835 Pheasant Place
Petition: Variance from minimum setback requirements
Purpose: New Home
Existing Use: Single-family home
Zoning: R-1a (Single Family)
Tract Size: Approximately 11,250 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 Pheasant Place

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 38 of Bellwood Estates Subdivision" and has yet to be designated with the physical address.
2. The applicant is requesting a variance to build a new home on the subject lot that will be 9.5 feet from the front property line. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet.

3. The applicant contends that severe topographical issues do not allow the lot to be developed within the confines of the required setbacks.
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 stated he has a new site plan that changes the condition of the original request to 9' 7", the new setback is 12' in the front, this is a change from the initial and that Bellwood Estates requires a minimum of a 10' setback. The applicant provided a letter from Bellwood Estates that stated the customary setback is 25' from the property, 12' is the requirement for the Variance Hearing today. There must be a contingency for hardship to build a house to Code. Planner Patterson stated a letter that was given to all members from the City Attorney regarding a decision on the recommendation.

Chairman Randy Gross asked the applicant to please set forward and be sworn in.

Seth Brayfield was sworn in and stated Samuel Brayfield is his father and he would be working as the contractor for the project. He stated they want to bring the property to its full potential in Bellwood Estates and Osage Beach as a family or retirement home and it would be unreasonable to build without a variance approval due to how the lot lies and the grade.

Chairman Randy Gross asked if there were any questions.

Fred Catcott stated he looked at the property and it was dug out of a hill.

Seth Brayfield stated they want to build a one level home on a slab as this is the most economical way to build a home there.

Planner Patterson asked about access issues and Seth Brayfield replied no access issues.

Chairman Randy Gross asked about their options for the house - size and position.

Seth Brayfield stated that Ron Westenhaver will be working on the home and affordability and reasonable cost will be the goal.

Chairman Randy Gross asked if the application provided for that.

Seth Brayfield replied not at this time.

Chairman Randy Gross asked about the lot next door if violation to code.

Seth Brayfield replied probably before 1984.

Planner Patterson stated it is non conforming structure - built prior to Code. This is a hardship as regarding topographic issues.

Chairman Randy Gross when the code was enforced.

Planner Patterson stated since 1986.

Discussion followed regarding setbacks, property lines and rock.

Seth Brayfield stated he would be willing to change the setback.

Planner Patterson stated he would amend the requirement to move 17' with a vote allowing him to do this as a separate action.

Chairman Randy Gross asked Seth Brayfield if he would be willing to amend it to 17'

Seth Brayfield stated yes he would be willing to do that.

Planner Patterson asked for a motion to amend the requirement from 12' to 17'.

Fred Catcott made a motion to amend the requirement from 12' to 17'. Karen Bowman seconded the motion with a roll call vote with everyone present stating yes.

Chairman Randy Gross asked Ron Westenhaver to be sworn in. He spoke about this project and stated he will work with Seth Brayfield on this project and Lonnie Allen

Planner Patterson discussed changing the setbacks and explained when making a motion to approve that a new site plan will be required and approved by the Building Department.

Fred Catcott made a motion to approve Variance Case 333 and Karen Bowman seconded the motion. A roll call vote was taken and Variance Case 333 was unanimously passed.

REPORTS:

Planner Patterson said he was proud of all the committee members for a great meeting. He also wanted to express that he personally appreciates all everyone does and apologized that the Volunteer Appreciation Dinner was cancelled and the letters from the Mayor and gifts were distributed.

Adjourn

There being no further business to come before the Board of Zoning Adjustment, Chairman Mayer adjourned the meeting at 4:44 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

Louis Mayer/Chairman

**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

Water: City
Electricity: Ameren

Gas: Summit
Sewer: 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.

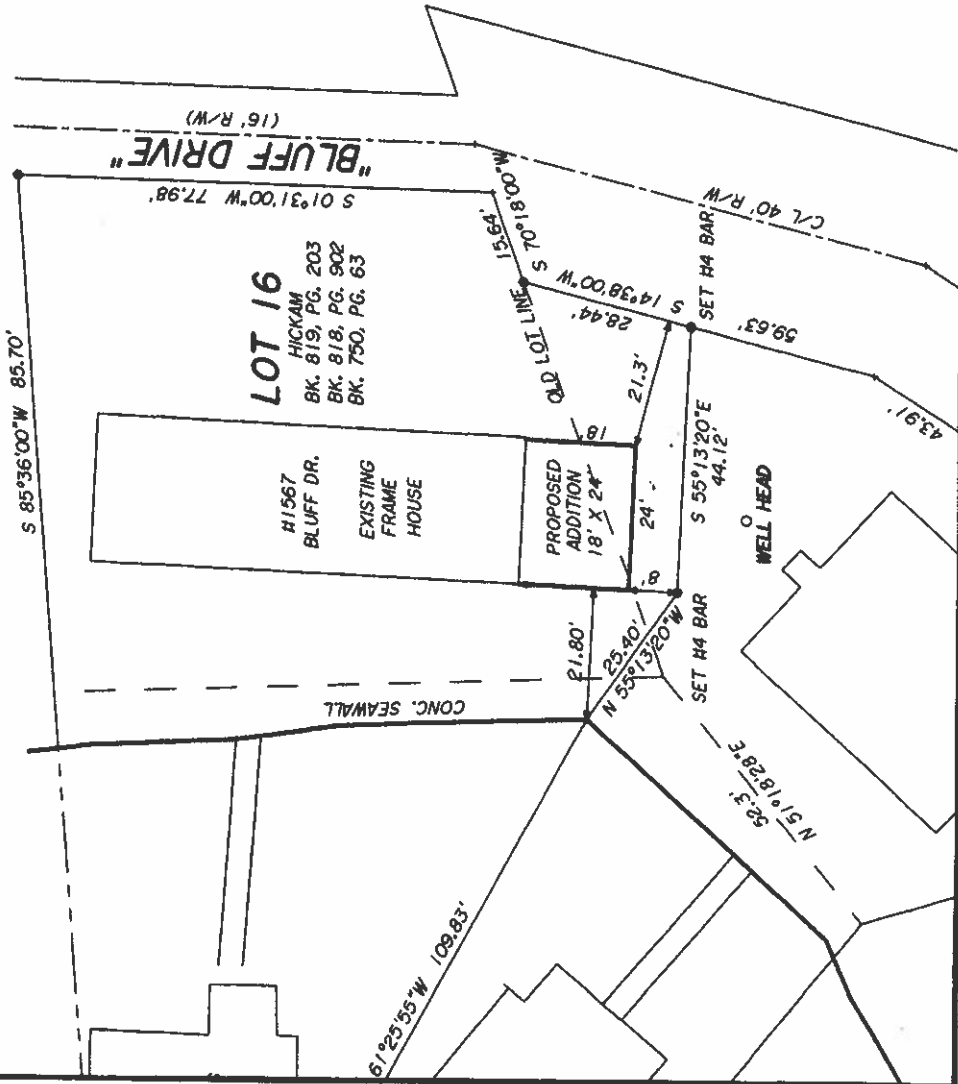
If this request is approved, the following conditions shall apply:

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.



**Variance Case
334 Location Map**

"FIRST ADDITION TO HOLIDAY ACRES SUBDIVISION"
BLOCK 4



LOT 16

HICKAM
BK. 819, PG. 203
BK. 818, PG. 902
BK. 750, PG. 63

H1567
BLUFF DR.

EXISTING
FRAME
HOUSE

PROPOSED
ADDITION
18' X 24'

WELL HEAD



SCALE 1"=20'



SITE PLAN

FOR: JAMES AND JANET HICKAM

prepared by
ALLEN SURVEYING, INC.
OSAGE BEACH, MO

91-308

Date Submitted 5.15.2020
#334

**CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW**

NAME OF APPLICANT: James & Janet Hickman
MAILING ADDRESS: 1567 Bluff Dr. Osage Beach Mo 65065-2021

TELEPHONE: 573 302 1200 email

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.
Bluff Dr. to very end to Holiday Acres

VARIANCE FOR/FROM:
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
1. Kiser, Michael & Sara:	1557 Bluff Dr. OB MO 65065
	5805 Perkins Rd, De Soto MO 63020-5603
2. Ditker, Gene & Joyce:	1575 Bluff Dr. OB MO 65065

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 7,000 sq' .166 Acres
2. SOURCE OF UTILITIES: WATER: City GAS: Tank
SEWER: City ELECTRIC: Ameran
3. PRESENT USE OF PROPERTY: Residence, Full time
4. PRESENT ZONING OF PROPERTY: R-1
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?
IF SO, WHEN? April 2008 to request carport in front between houses
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? Since 2001
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. 1974
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?
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? 100% Disability for loss of use of
was feet to his knees caused from ~~the~~ exposure to Agent
Orange Vietnam War 68-69 for which he earned
two purple hearts + bronze star.
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.

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.

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:

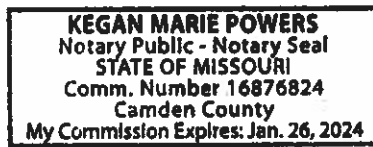
[Handwritten signature]

SIGNATURE OF PROPERTY OWNER:

Janet L. Hickam

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 12th day of May 20 20

Notary Public Kegan Marie Powers

My Commission expires: 01-26-24 (amp) (seal)

5/4/2020

TO: Osage Beach Bd. of Adjustment
1000 City Parkway
Osage Beach MO 65065

Re: James + Janet Hickam's New Garage
1567 Bluff Dr.

We understand that our neighbors (the Hickams) need a 2-ft. variance involving our property line to build a new garage. Based on the placement of the garage as explained to us by Janet in late April, we have no objections to the variance.

Michael + Sara Kisner
1557 Bluff Dr.

~~Michael~~ Sara Kisner

Gene & Joyce Oitker
1575 Bluff Drive
Osage Beach, MO 65065
April 15, 2020

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

To the attention of Board Members:

We have learned that our neighbors, Jim & Jan Hickam, are seeking authority to construct a permanent garage on their property. This letter is written in support of their application.

Background: We have lived next door to the applicants for more than 15 years. We have learned about them as good neighbors, that Jim Hickam is a Veteran of the Vietnam war, that in service to his country as a Navy Medic attached to a USMC front line unit suffered injuries resulting in two Purple Heart Citations. These injuries have worsened over time to the point where Jim is no longer ambulatory and must use a motorized chair. The Veterans Administration has committed to aiding and assisting Jim, and his wife, by providing funding to aid in his mobility. To this end they have received a modified van, electric wheelchair and ramps inside and out of their house for Jim.

It is our further understanding that the VA will fund a much-needed garage attached to their home. We know that the Hickams have applied for a building permit and must receive a variance to move forward. The garage would greatly enhance Jim's ability to come and go to doctor's appointments, particularly in inclement weather.

To that end we have no objection to the plan, in fact we support the concept based largely on our spirit of appreciation and recognition of all veterans, and especially our veterans wounded in combat. Moreover, we would support their application in any event, Purple Hearts notwithstanding.

Thank you for your attention to this letter of support. If you should have any questions please feel free to call us at 573-348-1389.

Gene W. Oitker



Joyce A. Oitker

