



**CITY OF OSAGE BEACH
BOARD OF ADJUSTMENT**

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

AGENDA

Regular Meeting

**September 16, 2020 - 4:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES FROM THE AUGUST 19, 2020 MEETING
5. NEW BUSINESS
 - A) Variance Case No. 337 Michael Farmer
6. 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 #336
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

August 19, 2020

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 August 19, 2020 at 4:00 p.m.

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

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

Minutes – 7/15/2020

Chairman Gross asked if there were any corrections or comments regarding the July 15, 2020 minutes. There were none. *Board member Fred Catcott made a motion to approve the July 15, 2020 minutes and Board member Louis Mayer 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. 336 Robert Gresham

Chairman Gross called Case #336 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

Chairman Gross asked if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson replied yes, there were no negative responses and said City Attorney, Ed Rucker provided a memo stating he saw no problems with this case and to proceed at your discretion.

The Code Book and file containing Variance Case #336 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

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

Planner Patterson delivered the following report:

3. The minimum required setback is twenty-five (25) feet in the front yard in a C-1 district.
4. Several structures in this proximity are built in violation of minimum setback requirements. Most are legal nonconforming, built prior to zoning code. The home at 1442 Perch Ln was granted a variance to rebuild a derelict structure in January of 2005 in a situation similar to that of the current request.
5. If this request is granted a variance from the setback regulations, a Special Use Permit to expand or alter a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued.

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 Special Use Permit to construct a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued
4. A building permit must be obtained for the addition and all other zoning codes be adhered to.

Planner Patterson asked if there were any questions for himself or the applicant and there were none.

Chairman Gross asked the applicant if there are any amendments or additions to the request and the applicant replied no.

At that time, Louis Mayer had a question and then Robert Gresham was sworn in.

Louis Mayer asked for clarification regarding additional parking and Robert Gresham replied yes.

Fred Catcott stated this will be a big improvement and the whole area will prosper and the view won't be affected.

Chairman Gross asked if there were any other questions or any opposition to this request and read the memo provided by Attorney Ed Rucker.

Chairman Gross asked if there were any other comments.

Planner Patterson stated per the memo from the City Attorney, the case is ready for a decision, provided all questions have been answered.

Fred Catcott made a motion to approve Variance Case 336 and Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case 336 was unanimously passed.

Adjourn

Gloria O'Keefe 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 Adjustment, Chairman 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 August 19, 2020.

Pam Campbell/Planning Department Secretary

Randy Gross/Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: September 16, 2020 **Case Number:** 337

Applicant: Michael Farmer

Location: 4800 Stewart Drive (Next to 4815 Stewart Drive)

Petition: Variance from minimum setback requirements

Purpose: Construction of a dwelling on an existing foundation

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: 11,383 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 Stewart Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 7 of Stuart's Subdivision" and is designated with the physical address 4800 Stewart Drive.
2. The applicant is requesting a variance to build a dwelling on an existing foundation that will be 3 ft. 8 in. from the side property line. With that being the case, a variance is required to enlarge 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 dwelling as per the submitted site plan. The minimum required side yard setback in the R-1b zone 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.

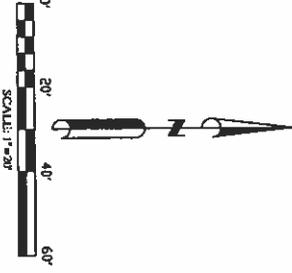
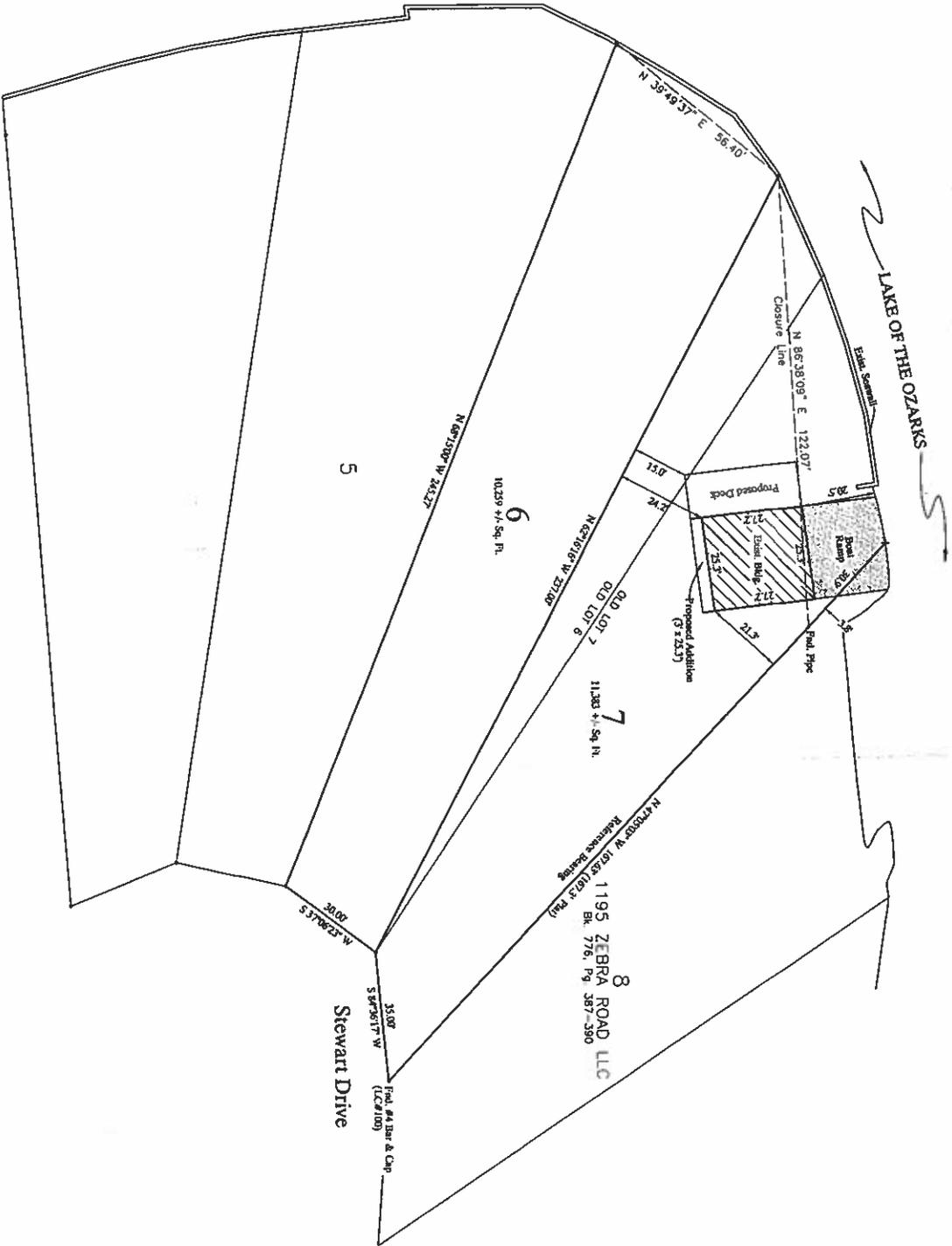
Department Comments:

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.

"RESUBDIVISION OF LOTS 6 & 7, STUART'S SUBDIVISION"



Date Submitted 8/12/2020

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: Michael Farmer

MAILING ADDRESS: 4815 Stewart Drive Osage Beach, MO
65065

TELEPHONE: 480-580-6380

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.

From 54 head West on Zebra Road then West on Stewart Drive to end of Road to property

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

• Michael Farmer 4815 Stewart Drive Osage Beach, MO
65065

• Tony Reid Local → 1195 Zebra Rd. Osage Beach, MO
65065

↳ mail letter to: 1020 Franklin St.
Cedar Falls, IA 50613

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 1.08 acres
2. SOURCE OF UTILITIES: WATER: GAS:
SEWER: ELECTRIC:
3. PRESENT USE OF PROPERTY: Single Family
4. PRESENT ZONING OF PROPERTY: Residential
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?
IF SO, WHEN?
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? 2.5 months
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. Cabin 195
Boathouse 1
8. DO YOU OWN ANY PROPERTY ADJACENT TO THE SUBJECT PROPERTY? ~~No~~ Yes
9. WHY, IN YOUR OPINION IS YOUR CURRENT SITUATION, AND OR THE EXISTING
SIZE /EXTENT OF THE USE NOT ACCEPTABLE? The existing boathouse is
not 10 feet from the property line and we would like
to build a guest house on top of the existing
boathouse.
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? No
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 SAME DISTRICT.

The 10 foot setback is not met and without a variance, I won't be able to build on top of the boathouse.

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:

[Handwritten signature]

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 25th day of AUGUST 20 20

Notary Public Kegan Marie Powers

My Commission expires: 01.26.2024

(stamp)

(seal)

KEGAN MARIE POWERS
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 16876824
Camden County
My Commission Expires: Jan. 26, 2024

Dear Board of Adjustment,

Thank you for considering my request for a variance. I would like to build a guest house for my parents on top of the existing boathouse on my property. This will be very helpful for them to be able to access the dock, boat etc. as they are elderly and the walk from the main house is very steep and long. I don't foresee it causing any issues with any neighboring property to the east where the setback is not met. I have included a letter from them with their approval.

The construction will be of the highest quality and will be appealing from the water. Please feel free to contact me with any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'M. Farmer', with a long horizontal stroke extending to the right.

Michael Farmer

Legal Description:

Lot 7 of Stuart's subdivision, a re-subdivision of lot's 6 &7, Stuart subdivision in Camden County, Missouri, according to the plat thereof on file and of record in plat book 2, at page 57, in the office of the recorder of deeds, Camden County, Missouri.

Address: 4815 Stewart Dr Osage Beach, MO 65065

Agreement between Michael Farmer and the 1195 Zebra Road LLC

Michael Farmer came to visit with Tony and Dan Reid July 15, 2020, asking if we would consent to a variance to allow him to build a town house on the footprint of his current boathouse at 4815 Stewart Drive. In the course of the conversation we inquired if he would be cutting down any trees and Michael said absolutely no; he loved the trees. We appreciated that and explained that if anyone cut down trees it would expose ours more to the severe windstorms we get out of the west, and we are particularly vulnerable since two large oaks are on the hill immediately above our house at 1195 Zebra Road. The following agreement will put that mutual understanding in writing.

1. We ("the Zebra Road LLC") are willing to grant a code variance in order for Michael to build a single story town house ("the Town House") on the footprint of his current boat house, in exchange for a guarantee that Michael will not cut down any trees within 20 feet of our mutual real property line.
2. In the event Michael wants to cut down a tree within 20 feet of the mutual property line (e.g. due to the health of the tree), he must seek the consent of the Zebra Road LLC Owners. A tree within 20 feet of the mutual property may only be cut by joint written agreement of the parties (email is sufficient).
3. In the event Michael violates this agreement to preserve the trees in exchange for the code variance, there will be a penalty of \$1,000 per tree. These damages are based on the fact that cutting down trees on Michael's property would expose the large trees on our property to severe storms out of the west, and since these trees are immediately above our house, would threaten the stability of our lake cottage.
4. Upon Michael's sale of the property and/or if the Town House is demolished, the Zebra Road LLC Owners no longer grant the code variance.

Two copies of this document will be signed, with each party keeping a copy.

Signed and notarized

Michael Farmer _____ Date _____
Mifarmer@mac.com (480) 580-6380

Signed on behalf of the 1195 Zebra Road LLC and notarized

Tony Reid Tony Reid _____ Date August 1, 2020
treid@cfu.net (319) 404 5031

Trevor Simpson
June 16, 2023

