

Minutes
BOARD OF ADJUSTMENT
March 3, 2022 – 5:15 p.m.

Call to Order:

Chairman Alan Spencer called the meeting to order at 5:15 p.m. with a quorum present.

Attendance:

Committee Members Present: Alan Spencer, Charles Roberts, Steve Iwanowicz and Duane Snyder.

Committee Members Absent: Don Wells

Approval of Minutes:

Iwanowicz moved to approve minutes from the previous meeting. The motion was seconded by Snyder and approved by all present voting in favor.

New Business:

PUBLIC HEARING OPENED

Claude Harlan requested a rear yard variance of 15' (which would reduce the setback to 10 feet) to allow for construction of a 24'x30' detached garage Property being legally described as: Tract 1: All of Lot Two (2) in Block One (1) of Pine Circle Subdivision to the City of Macon, Macon County, Missouri. Tract 2: An area in the Southwest Quarter of the Northwest Quarter of Section Sixteen (16), Township Fifty seven (57), Range Fourteen (14), described as beginning at the Northwest corner of Lot Two (2), Block One (1) Pine Circle Subdivision, thence South 130 feet to Southwest corner of said Lot 2, thence in a Northwesterly direction 87.7 feet to the Southeast corner of Lot 1, Block 2, Third Pine Circle subdivision thence in a northeasterly direction along the East line of said Block to Northeast corner thereof, thence easterly 10.8 feet to the point of the beginning, subject to easements, Macon Missouri. Reserving unto the Grantors, their heirs and assigns, forever, the right to construct, maintain, deepen and keep in repair an open ditch or drain, tile or tube drain, or both, over and across the above described tract II of such character and sufficient size as to make a proper and sufficient outlet forever for any drainage system the Grantors, their heirs and assigns may establish so as to drain the surface water from the First, Second and Third Pine Circle Subdivision to the City of Macon in such a manner as the grantors, their heirs and assigns may deem advisable, in Book 404 Page 499 of the Deed records, Macon County, Missouri. Commonly known as 510 Lamb Avenue.

Public Comments:

Code Enforcement Officer, Kevin Myers, stated the only citizen complaint was from Mr. Robertson after he had his property surveyed.

Myers stated that Harlan poured a concrete pad in hopes to place a structure on the pad after a permit was issued. The concrete pad was poured and placed upon a gentleman's agreement, but Kevin had to place a stop-work order due to Mr. Robertson's survey that was done in January. Myers then remeasured off the true survey marks and placed a stop-work order because the structure intended to be placed on the concrete pad did not meet the setback requirements. Myers stated there were no other objections from citizens.

Robertson stated he paid for the survey and would like to be reimbursed for that expense.

Snyder and Myers discussed Macon's history regarding a gentleman's agreement. Macon has always agreed to determine property lines based upon a gentleman's agreement unless a survey is done. At this time, a survey is not required when applying for a variance request. However, once a survey is completed then Myers will use the measurements of the survey to determine the dimensions of the property.

Harlan's son discussed the history of the property and stated that a fence line is what they believed set the property line. Once the survey was complete, it was discovered the property line does not follow the entire fence line.

Robertson discussed why he had a survey done and stated he had a t-post placed on his property line and another t-post that met Harlan's property. Robertson believed Harlan needed a variance to build a structure on the concrete pad due to being too close to Robertson's property line. Robertson proceeded to have a survey done and discovered the setback was less than 15' and 25' is what is required. Myers then placed a stop-work order on Harlan's structure.

Board Comments:

Snyder and Roberts discussed if the Board of Adjustment had the authority to make a property owner reimburse another property owner for an expense such as a survey. After further discussion with Myers and City Clerk, Mary Lou Craigg, the Board of Adjustment does not have the authority to make a property owner pay for such costs.

PUBLIC HEARING WAS CLOSED.

Vote:

Snyder moved to approve the 15' rear yard variance making it a 10' setback. The motion was seconded by Roberts and approved by all present voting in favor: Yes: Spencer, Roberts, Iwanowicz, and Snyder; No: None; Absent: Wells

Other New Business:

No new business.

Adjournment:

Adjourned at 5:31 p.m.

Mary Lou Craigg, City Clerk