

Fair Grove Planning and Zoning Open Meeting

81 S. Orchard
Fair Grove, MO
May 5, 2025

Meeting called to order at 6:39 pm

PUBLIC PORTION – Public may speak on any item on this agenda.

1. Approve Planning and Zoning minutes from April 7, 2025 Public Hearing and Open Meeting:

Motion by **McCormick** to approve April 7, 2025 Public Hearing and Open Meeting minutes. Second Brite Discussion:

Brite – I just had a question about on page 5. It seemed like I repeated myself there a few times. I didn't know if that was correct, I am known to repeat myself.

Scott – I just went by my recording.

Foreman AYE, Lee AYE, Voorhis AYE, McMains AYE, Moyers AYE, McCormick AYE, Brite AYE, Hayes AYE

Carey Breshears to address commission:

Breshears – Carey Breshears, Building Inspector for City of Fair Grove. Mr. Hartley is building a house in Heritage Heights. It's a real tight and unique situation. You put the house on there and I approved the plans, then I drove by and saw that it was really, really close. The way the code reads. Chapter 32, 3201.2, measurements, the projection of any structure or portion thereof shall be the distance made at a lot line from outer most points of projection. Which means the overhang of the building. He's 8'7" off the property line. I went through the subdivision and found other houses that were in there that were under different codes in 2019 that are 8' from the property line, from the foundation, which means the overhang of the house is 2' overhang is 6' from the property line. With what he is doing, he would have 7" further than those other houses. He's wanting to build that house. I'm asking Planning and Zoning to approve building the house.

McCormick – You're looking for a variance?

Breshears – Yes

Hayes – We're looking for everyone's opinion.

Moyers – Is this poured, built?

Breshears – No. I will be doing an inspection on a footing in the morning, according to what I was told. He can either make the house a little bit smaller, if he moves it, it will get into the floodplain. The house is going to be higher, so it wouldn't matter.

Hayes – Insurance wise it would be a problem.

Breshears – the other house is not a fire hazard, because the other property, there house is built 12 to 14' from the property line. So it's further away from the house, technically, it should be 10' for fire hazard. The overhang of the house will be closer than they think.

Moyers – But still a significant ways away from the neighbor?

Breshears – The foundation will be 8'7"

Hayes – Which means it would be 6'7" with the eave. One question, I pulled up the lot map on Greene County and it says the lot is actually 75.64' wide. So moving it over isn't necessarily the problem. What I understand the problem to be is

the flood plain and not actually being in the flood plain, but upon investigating, our City Engineer has already approved a flood program or flood design for that. So why is it a big deal to move it over?

Hartley – The biggest reason we can't slide it down is actually not the flood plain, it's the flood way. So there is a ditch behind an easement for that.

Hayes- So that brings up the second question I've got. According the Greene County that lot 340 as well as 141 on the next street over. That whole corner is one lot right now.

Hartley – Correct. I will be back to talk about that. I'm not worried about that right now. They did that when they added Heritage Heights on that street. They did that because theso all of those lots I've built two houses down the road, that lot, they're all in the flood plain. They were trying to get out of the flood plain so they combined them and hopefully build a house where I'm getting ready to start one and not worry about the flood plain. I have learned all about the flood plain and have been able to build all of these houses out of the flood plain by a lot of paperwork and headache. We raise them up out of the flood plain, where nobody has to have flood insurance. That's what I do. So we can talk about that another time. So the setback, I can't move it. We actually redesigned the house to make it fit where it's at. It barely fits.

Hayes – Ok. So the other question I've got, is when I talked to FEMA...if you want to look at this? This is the lot here, this is the front street. This is the flood plain starts right here.

Hartley – Correct

Hayes – You're saying the existing design will fit in here somewhere?

Hartley – No, so the house will go into the flood plain. So what I have to do, I have to raise the house elevations all the way around the house, out of the flood plain. I hired an engineer and a surveyor and they designed, working with FEMA. FEMA gives us a baseline, which on that house is 1218. That's the flood zone. So everything has to be above that. So I have to build one foot above that so everything will be at 1219 and above. It doesn't matter if it's in the flood plain, because I am building the ground up around it to where it is no longer in the flood plain.

Hayes – So it's not in their AE classification with the 1% or whatever?

Hartley – I do a letter of map amendment with FEMA, it takes like 60 days. So my engineer designs it, my surveyor fills it all out. Your guys engineer checks it all, approves it all, then it goes to FEMA, they approve it and check it all and then it's out of the flood plain.

Hayes – So if it's going to be built up in the back and I assume that one foot is what makes the difference on the AE classification. There's not a ton of slope in there but if it moves over the foot and a half, just so you're in boundary wouldn't that still work?

Hartley – No, because of the floodway and that is your guys designated absolute nothing can be in these lines. That is not that line, that is flood plain. The floodway is where they want the water to go. Nothing can be in there.

Hayes – Do you have a map of how it's laid out on there, on the grid. So we can see that all at once?

Hartley – Yes, I might have that on my phone.

Hayes – Ok. Or even a picture of it all staked out. I'm just trying to wrap my head around all three variables. The other question I have, I might as well ask it now. You probably have done this research. FEMA updated the Fair Grove flood plain maps as of December 2023, but according to these maps with the flood plain, they are still dated 2010 and I can't get my hands on them. Our new master plan shows the 2010 map.

Hartley – Yes. And you can't get an updated one?

Hayes – Well I contacted Springfield but unfortunately the only way that they'll.... They basically handle everything by email and by the time I found out about it this week, they're like email us. So I emailed the request. I haven't heard back. I'm looking for the 2023 which they have adopted on their books.

Hartley – Oh they have adopted?

Hayes – Yes it's all adopted and everything. Supposedly, according to my insurance carrier with Allstate. Allstate changed and updated the Fair Grove maps for flood plains in 2024. It may be sort of a moot point other than the flood zone itself.

Hartley – This line right here.

Hayes – This is the back, right?

Hartley – This dotted line. This line right here is the flood way.

Hayes – Ok

Hartley – Nothing can be in that. No part of the house. So that's why we can't move it any closer.

Hayes – Even if it's elevated with a retaining wall?

Hartley – Correct

Hayes – And this is?

Hartley – That's the property....

Hayes – So Carey said that when you staked it out, it was actually 8'7"?

Hartley – See this dotted line, this longer dotted line. That's the setback line. This is the property line

Hayes- So that is this line here?

Hartley - Correct

Hayes – The total between this and the neighbor is 20', 22' roughly?

Hartley – I've not measured there's but probably.

Breshears - Roughly

Hayes – Are you putting a full-sized overhang on that side?

Hartley – A 16" overhang with a 4" gutter.

Hayes – Ok. Can you do a gable end for that side? I haven't seen any plans for the house or anything. I'm trying to come up with.....

Fair Grove Planning And Zoning Open Meeting

April 3, 2023

Hartley – A gable end, yes.

Breshears – I don't have any issue with him building the house there. It's your call.

Hayes – I get it. Just trying to work within mainly the FEMA and flood setbacks too. I didn't have that flood information and again I don't have the new 2023 FEMA map.

Hayes - The old building inspector went off the wall. Greene County goes off the wall. They don't count the overhang. We could maybe try to redesign the house. It would get so small that it might not work there. I don't know. I'm just trying to figure out what moving forward, we are going to go off of. I have a few houses that I've built and another guy has built around here that has went off the wall on the setbacks, not the overhang. We need to clarify what we're going to go by.

Hayes – Ok. I don't have any problem with it overall. It's very close. I see the situation with the flood plain, but my only concern would be, have we taken every measure to keep it off the property line as much as possible. If we can do a gable or a short eave or something like that. Somebody is putting something through there and getting down the 6' mark from the overhang is definitely getting tight. Do they have a fence next door?

Hartley – Yes

Hayes – And is the inset of the property line? It looks like it's to the north side of it.

Hartley – Yes.

Breshears - It's 9' from the property line from the fence to where he's putting the foundation.

Hayes – Ok. And you said that there was others, this is Saddlebrook? Is that correct?

Hartley – Heritage Heights.

Hayes – So there's others in Heritage Heights that are in 8'?

Breshears – Basically it's your call. I don't care.

Hayes – Yes.

Voorhis – It's not this Board's call. I know you say that, but City of Fair Grove has an ordinance for the Board of Adjustments who handles variances. It requires you to fill out an application. Right now to dive deep into that, as we're working on that here. We don't have it as of yet. So it's, but we do have it on our ordinance.

Hayes – To Tommy's point, the only thing we can really act on is basically a request for a variance or rezone or something like that and then we go through the public hearings and hear both sides and all that, but I mean we don't have any variance, per the code, per the plan, everything else, that's what it is currently, right now, would be 10'.

Hartley – Got it.

Voorhis – You can always come here and fill out the proper paperwork to go in front of the Board of Adjustments. I can tell you right now, it might be a minute, but we are working towards having a Board of Adjustments, hopefully sooner than later, but that would be....

Hartley – That's what it would take? You guys can't just say yes or no

Hayes – The decision by the Planning and Zoning Board itself is basically, we are upholding the current zoning regulations and all of that. If there is anything that goes beyond that, then it's on advice to basically do a rezone or do again, a variance of whatever and there's a form for that, which we can do. Sort of like what you were talking about, coming back to do the splitting of that plot.

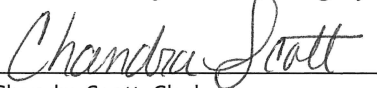
Hartley – Ok. I guess that's all I've got for now.

Breshears – Anything else for me?

Hayes – No, nothing myself. Anyone else for Carey? Even you're up.

Left Open Meeting for Public Hearing **6:55 pm**
RETURNED to Open Meeting **7:00 pm**

Motion to adjourn meeting by McMains. Second Lee. All ayes. Adjourned at 7:01 pm


Chandra Scott, Clerk