



AGENDA

Board of Zoning Adjustment

Regular Meeting

September 20, 2017

4:00 p.m.

City Hall

1000 City Parkway

Osage Beach, Missouri

REGULAR MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES FROM THE August 16, 2017 Meeting**
- 4. NEW BUSINESS**
 - A) Variance Case No. 326 John and Stacy Maples**
 - B) Variance Case No. 327 John McWethy**
- 5. ADJOURN MEETING**

**PUBLIC HEARING FOR VARIANCE CASE #325
OF THE BOARD OF ZONING ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

August 16, 2017

The Board of Zoning Adjustment for the City of Osage Beach, Missouri, met to conduct a hearing on Variance Case # 325 on August 16, 2017 at 4:00p.m., at City Hall in said City. The following Board Members were present: Chairman Louis Mayer, Larry Jones, Jerry Frank, Gloria O Keffe, and Don Strun. Also present were City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings. Midwest Litigation Court Reporter Kellene Feddersen was also present.

MINUTES:

On a motion made by Larry Jones and seconded by Don Strun, the minutes of the March 15, 2017 meeting were unanimously approved as submitted.

NEW BUSINESS:

Chairman Louis Mayer presided and read the criteria for granting a variance. He also read RSMo.1986§89 regarding the legal authority for the creation of the Board of Zoning Adjustment.

Chairman Mayer called Case #325 to order.

Chairman Mayer asked Planner Patterson if all legal notices were met.

Planner Patterson answered in the affirmative.

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

Planner Patterson answered in the affirmative.

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

The file containing Variance Case #325 was entered into the record as Exhibit 1 by Planner Patterson.

Applicant:	Ricky and Mary Jo Shadel
Location:	980 Palmer Ln.
Petition:	Variance from minimum setback requirements
Purpose:	Pool, deck, and mechanical room construction
Existing Use:	Single-family home
Zoning:	R-1b (Single Family)
Tract Size:	Approximately 9,500 sqft.

Case History C a s e #

Date

None

Utilities

Water:	City	Gas:	None
Electricity:	Ameren	Sewer:	City

Access: The subject property derives access from Palmer Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 28 of Palmer Subdivision and is designated with the physical address 980 Palmer Lane.
2. The applicant is requesting a variance to construct a pool and mechanical room onto the home that would extend to 1 foot from the front property line creating an encroachment within the required setback. The minimum required setback in the front yard is twenty-five (25') feet from the front property line in the R-1b zone.
3. This particular subdivision has had issues for some time because of the way the lot layout and subsequent construction of the homes has occurred. As has been the case in a number of locations around the lake, the original developer subdivided the properties and built the roads in the easiest location as it pertained to topography, while at the same time, still providing easy and more desirable access to the lake front. The issue that method created however, is that the homes are literally built right on the road. The road itself is quite narrow in width and actually functions as a driveway to the 4 homes that are down there. The property owners on the road are already conditioned to the close confines of the homes and the retaining walls that are associated with them and the requested addition is replacing a carport that the applicant has already had removed.
4. The applicant has already begun some work on the home to address some structural and existing safety issues as well as visual improvements on the exterior. Please be careful when you go to look at the property, it is a very narrow road and drive situation with the construction materials in various locations.
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. All structure must be constructed a minimum of one (1) foot from the Palmer Ln. Right of Way.

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.

Louis Mayer told the Board that City Attorney Ed Rucker couldn't be present but had contacted him to let him know that he had reviewed the case and it was ready for the decision of the Board.

Planner Patterson read out loud the letter that Attorney Rucker had included in the file.

Louis Mayer asked the applicant if there was anything else they would like to add and if so to step forward to be sworn in.

Applicant Ricky Shadel came forward and was sworn in by the court reporter.

Ricky Shadel came forward and described for the board his plans for turning the carport area into a pool deck and pool, also describing his reasons for adding the mechanical room outside which would make more room inside. He also explained that the ground would be raised 5 feet to make everything one level allowing for a safer means of egress.

Louis Mayer asked Mr. Shadel if the only way to access the mechanical room would be from the outside.

Ricky Shadel answered in the affirmative.

Chairman Louis Mayer asked if there were any other questions or comments from the Board, there being none, Chairman Mayer asked if there was a motion for Variance Case #325. Larry Jones moved to approve Variance Case #325 as presented. Gloria O Keefe seconded the motion. A roll call vote was taken, and Case #325 was unanimously passed.

REPORTS:

Chairman Mayer asked if there were any reports or comments from the board or staff.

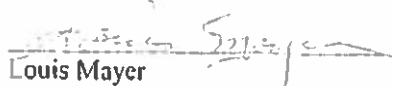
Planner Patterson told the board that the Shadel's next step would be to obtain all the proper building permits.

Louis Mayer commented on how beautiful the property was looking from the work that had already been started.

There being no further business to come before the Board of Zoning Adjustment, the meeting adjourned at 4:17p.m.

I, Brook Cason, 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 for the City of Osage Beach, Missouri held on August 16, 2017.


Brook Cason
Department Secretary


Louis Mayer
Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: September 20, 2017

Case Number: 326

Applicant: John and Stacy Maples

Location: 1286 Summit Circle

Petition: Variance from minimum setback requirements

Purpose: Garage Addition

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 11,800 sq ft

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
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None

Utilities

<u>Water:</u>	City
<u>Electricity:</u>	Ameren

<u>Gas:</u>	None
<u>Sewer:</u>	City

Access: The subject property derives access from Summit Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 41 of Summit Point Subdivision and is designated with the physical address 1286 Summit Circle.
2. The applicant is requesting a variance to construct an attached garage onto the home that would extend to 4.1 feet from the side property line creating an encroachment within the required 10-foot setback.
3. As part of the requirements within the Summit Point Subdivision bylaws, an application for approval of the project must be made to the Summit Point Board of Directors. That application was submitted to the Board of Directors in August of 2017 and was approved. A copy of the approval as well as a letter from the Summit Point Property Owners Association is included in this meeting packet.
4. The owner of the adjacent and affected property, known as Lot 40 of Summit Point, made an appointment to meet with me and discuss his opposition to the subject request. Mr. Peepers later left a message stating he had information he wanted to submit for the Board to review. As of the writing of this report, I have yet to receive this information. If I do get it, I will get it to the Board prior to the meeting if possible. I would expect Mr. Peepers to attend the meeting as well providing him the opportunity to speak to the board about his opposition as well as giving the Board an opportunity to ask any questions they may have.
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.

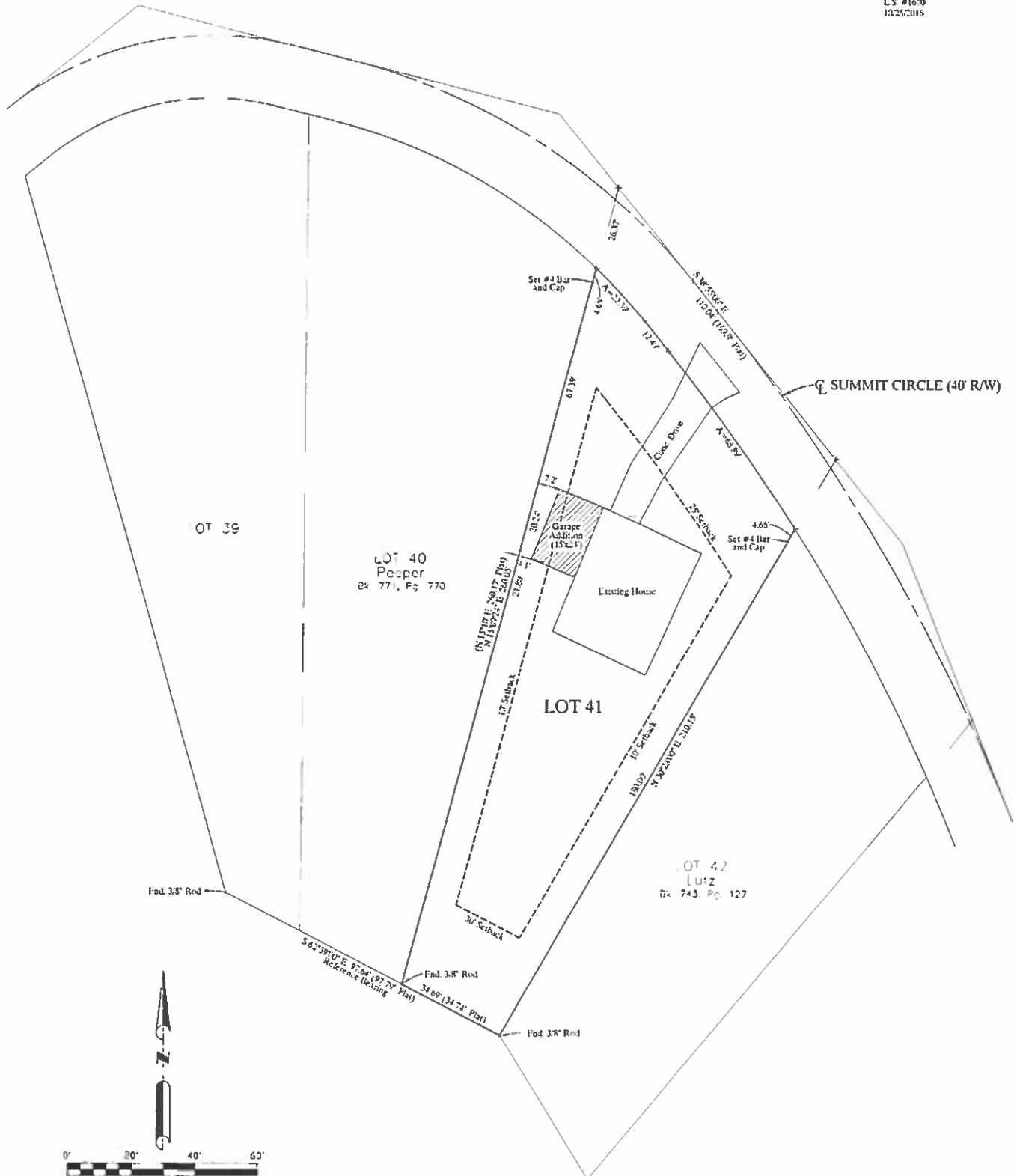
If this request is approved, the following conditions shall apply:

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.

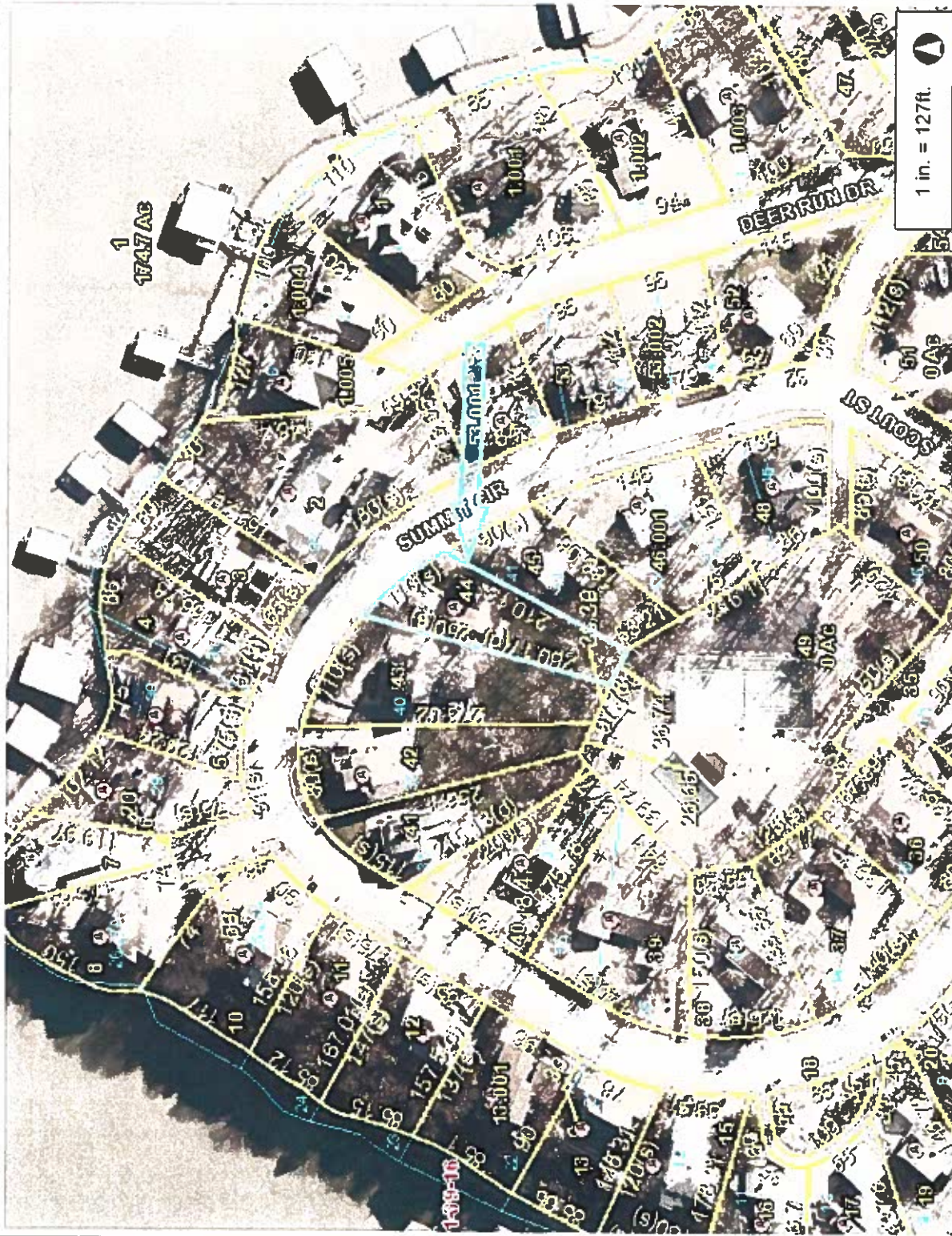
PLAT OF SURVEY

CERTIFICATION: This is to certify that I, Lonny D. Allen, L.S., at the direction of John Staples, have executed a survey of Lot 41, "SUMMIT POINT ESTATES FIRST ADDITION", a subdivision of record in Camden County, Missouri and that said survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects and that the results of said survey are shown herein.

Lonny D. Allen, L.S.
L.S. #1670
10/25/2016



Camden County, MO



1 in. = 127 ft.

254.1 0 127.06 254.1 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Notes

Date Submitted 8-14-17

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: John and Stacy Mikes

MAILING ADDRESS: 1286 Summit circle
Osage Beach MO 65065

TELEPHONE: 573 348 6371

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.

Lake Rd 5427 (286th Rd) take 2nd Rt on Deer Run
to Summit ~~park~~ circle. House is 2nd Tree
Beige with burgundy trim numbers on House by Front
Door

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

Jason Lutz 1294 Summit ~~park~~ circle O.E. MO

Jerry Repper 1274 Summit circle O.B. MO

association common area rear of lot

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 102 Feet Road Frontage 180 Feet Deep

2. SOURCE OF UTILITIES: WATER: city D.B. GAS:

SEWER: city D.B. ELECTRIC: Ameren WE

3. PRESENT USE OF PROPERTY: Residential Home

4. PRESENT ZONING OF PROPERTY: Residential

5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? No

IF SO, WHEN? —

6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? 25 years

7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. Home 1985

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? Need for Two Car

Garage instead of current one car

10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF

WHICH THE BOARD SHOULD BE AWARE? Yes - we need to accommodate

Elder parents, one which is Legally Blind and uses a cane
& in need of assistance, wife has had 3 Back Surgeries
and is on disability, & I have had 2 prior Knee Surgeries

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.

pie shape lot limits possibility for expansion
at rear + front addition

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.

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: John Wipke Sherry Mader
SIGNATURE OF PROPERTY OWNER: John Wipke Sherry Mader

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 14th day of July 2017

Notary Public Carolyn K. Krupp

My Commission expires: 8/14/17 (stamp) (seal)

Carolyn K. Krupp
My Commission Expires
8/14/17
Cameron County
Commission #10524702

August 14, 2017

Osage Beach Board of Adjustment

Re: Request for a variance (garage addition) 1286 Summit Circle, Osage Beach, Mo

Board Members, this is a request for an addition to our one car garage for the following reasons;

- 1) My wife is on disability and has had three different back surgeries and has a very hard time trying to walk up our very steep driveway.
- 2) My mother-in-law and father-in-law are elderly in their mid eighties. My mother-in-law is legally blind and walks with walking cane. It is very difficult for them to get out of their cars and walk up our steep driveway. With an addition to the current one car garage, they could exit their car onto the flat surface and enter our home with no incline and only one step.
- 3) As for myself, I have had knee surgeries on both knees and still have difficulties getting up my driveway as I have to park my vehicle street side and walk up the drive.
- 4) We have lived in our home for twenty-five years and would like to remain there on retirement. This addition would enable us to do so, as we love the neighborhood and wish to stay in our home as long as possible.
- 5) As a point of interest the adjacent home is 26 feet from the southwest corner of the proposed addition and approximately 22 feet from the lot line.
- 6) In addition to the above, please note that our Summit Point Property Owners Association Architectural Committee and the Board of Directors have approved this request on August 13, 2017.

We thank the Board for hearing our request and trust we may receive this approval in line with the above issues,

Regards,

Handwritten signatures of John and Stacy Maples in blue ink, written over a horizontal line.

John & Stacy Maples

Date 8-14-17

**SUMMIT POINT PROPERTY OWNERS ASSOCIATION, INC.
1218 SUMMIT CIRCLE
OSAGE BEACH, MO 65065**

August 13, 2017

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

Dear Board of Zoning Adjustment,

We are writing you with regards to Stacy and John Maple's request for a variance to the set back requirements necessary to build an addition to their existing garage. We understand that the proposed addition would encroach slightly into the 10 foot set back from the property line on the right side of their house.

Stacy and John Maple's property is part of the Summit Point Property Owner's Association. Per our bylaws, Stacy and John have requested the approval of the association's Board of Director's to build the addition to their garage. We have determined that the garage addition would be an enhancement to the property and its value and therefore our neighborhood, and we have no objection to the slight encroachment into the setback. Accordingly, we have approved their project as proposed, pending approval of their requested variance from your Board as well as approval of the building permit by the City of Osage Beach.

If you have any questions, please feel free to contact Alma Anderson, President, at 217-652-2199.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alma Anderson', written in a cursive style.

Board of Directors
Summit Point Property Owner's Association.
Alma Anderson, President

Application for Project Permit in Summit Point Estates

Please return 21 days prior to start of project for approval provisions

Date Submitted: 5-6-17 Lot #: 41

Property Owner: JOHN + Stacy Napolitano

Telephone: 349 6371 4754 480 4605

Address: 1296 Summit Circle Osage Beach, MO

Builder: Tate Rempler Construction

Telephone: 573 480 2951

Address: Elgin MO

☐ City of Osage Beach Permit Received pending

PROPOSED CONSTRUCTION PROJECT: to add one additional Bay garage to side of existing garage

Nature of Planned Improvements - Please include type of materials to be used

☐ Remodel/Painting _____

☒ Garage concrete floor - stick frame - vinyl siding - drywall interior - asphalt shingles

☐ Addition/Structure _____

☒ Roofing Repair/Replacement Replace white roof shingles

☒ Driveway Repair/Replacement concrete driveway

☐ Walkway/Steps _____

☒ Landscaping Removal of three trees

☐ Railing/Fence _____

☐ Project **ACCEPTED** as requested

Comments: WITH CITY'S OK!

☐ Project **DENIED** as requested

Comments: _____

ACC Board Member

ACC Board Member

ACC Board Member

DAVID P. ROZIER

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: September 20, 2017

Case Number: 327

Applicant: John McWethy

Location: 5309 Melody Ln.

Petition: Variance from minimum setback requirements

Purpose: Remove existing structure from foundation and reconstruct the home on the existing foundation with an addition in the rear of the home

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: Approximately 16,000 sq ft

Case History **Case #** **Date**

None

Utilities

Water: City
Electricity: Ameren

Gas: None
Sewer: City

Access: The subject property derives access from Melody Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is an unplatted lot defined by a metes and bounds description as enclosed in this packet. The property is designated with the physical address 3909 Melody Lane.
2. The applicant intends to remove the existing structure, as recommended by his contractor, as it was deemed more than marginal for inhabitation, and is requesting a variance to reconstruct a home onto an existing foundation that would encroach into the required side setbacks on each side of the home to 8 inches and 10.5 inches respectively at their closest points. The minimum required setback in the side yard is ten (10') feet from the property line in the R-1b zone.
3. This particular subdivision has a bit of a different issue in that the homes are built close to the access road, but, the road is not actually designated by a Right of Way. It is instead an ingress/egress easement that goes across each individual property benefiting the property owners in the area by providing the access to their homes. As has been the case in a number of locations around the lake, the original developer subdivided the properties and built the roads in the easiest location as it pertained to topography, while at the same time, still providing easy and more desirable access to the lake front. The issue that method created however, is that the homes are literally built right on the road. The road itself is quite narrow in width and actually functions as a driveway to the 7 homes that are down there. The property owners on the road are already conditioned to the close confines of the homes and the retaining walls that are associated with them and the requested structure will be replacing the existing structure that the applicant intends to remove.
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.

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: .13 ACRE
2. SOURCE OF UTILITIES: WATER: CITY OF OSAGE BEACH GAS: SUMMIT NATURAL GAS
SEWER: CITY OF OSAGE BEACH ELECTRIC: AMERICAN M.O.
3. PRESENT USE OF PROPERTY: SINGLE FAMILY RESIDENT
4. PRESENT ZONING OF PROPERTY: R-1B
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? NO
IF SO, WHEN?
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? NOVEMBER 2016
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. 1955
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? CURRENT SIZE ACCEPTABLE
JUST REQUESTING TO KEEP IT AT THIS SIZE
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.
HOME WAS BUILT 1955 PRIOR TO ANY BUILDING CODES &
RESTRICTIONS

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. APPLICATION OF CURRENT ZONING ORDINANCE WOULD RETURN
THAT WE REMOVE EXISTING FOUNDATION ENTIRELY & INSTALL A
NEW FOUNDATION - EXCEPT THIS WOULD BE 10' BY 10' & 10' OF
DECKING TO OUR CONSTRUCTION CASE.

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:

SIGNATURE OF PROPERTY OWNER:

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 17 day of August 20 17

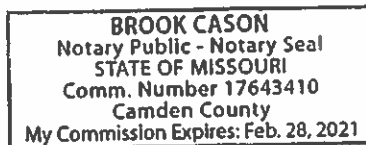
Notary Public

My Commission expires:

(stamp)

(seal)

2/28/21



August 14, 2017

We, John McWethy and Therese McWethy, purchased the residence at 5309 Melody Lane, Osage Beach, MO in November 2016. At the time, the home was in need of remodeling and repairs.

We received a permit from the City of Osage Beach to remodel the kitchen and bath rooms. During the remodeling, we discovered some unanticipated electrical and plumbing problems. Upon, further demolition, we asked the city building inspector to come out, do a walk-thru and give us a recommendation. **His recommendation was to tear the house down to the foundation.** The home is built on a narrow lot and the homes foundation is very close to the lot lines on both the east side and west side of the property. Therefore, I am requesting a variance to rebuild the home on essentially the same foundation with only a few minor adjustments.

Here are a few additional facts related to this variance request:

1. The home was originally built in 1955.
2. The basement concrete foundation has been there for more than 50 years.
3. The existing house (main floor) foundation has been there since the early 70's.

To my knowledge, there have never been any easement issues related to the home, its location and/or proximity to neighbors or the roadway.

The layout / configuration of our planned home are dependent on it being built in the same location using the same foundation with only a few minor adjustments. Strict application of the provisions of the zoning ordinance would require that we remove the existing foundation entirely, redesign the planned home, and install a new foundation for another new home design. All of that would add tens of thousands of dollars to our construction costs.

The exhibits and attachments are as follows:

- a. Exhibit A – legal description of the property at 5309 Melody Lane, Osage Beach, MO. and quick claim deed
- b. Exhibit B – picture of the home prior to remodeling effort
- c. Exhibit C – pictures of the home and location of the east-side lot line
- d. Exhibit D – pictures of the home and location of the west-side lot line
- e. Exhibit E – Proposed house plan
 - Main Floor
 - Top Floor
 - Rendition of proposed home
- f. Attachment 1 – survey map showing the lot and its proximity to adjacent properties and homes
 - Aerial picture of property
- g. Attachment 2 – survey map showing “existing basement foundation” and distance from the lot line on east-side
 - A1 - home foundation is “one half inch” from lot line
 - A2 - home foundation is “twenty-one and one half inches” from lot line
 - Foundation is at an angle between A1 to A2
 - A3 - home foundation is “fifteen and one half inches” from lot line
- h. Attachment 3 – survey map showing “existing house foundation” and the distance from east and west lot lines
 - A4 - home foundation is “ten and one quarter inches” from lot line
 - A5 - home foundation is “eighteen inches” from lot line
 - A6 - home foundation is “ten and one half inches” from lot line
- i. Attachment 4 – survey map showing “planned house foundation” and the distance from east and west lot lines
 - NOTE: All distances remain the same except for the two as follows:
 - A1 – we plan to straighten the foundation and remove the angle that currently exists which will increase the distance of the home foundation from the lot line to “twenty-eight inches” from lot line
 - A7 - adding this new point because we are extending the back of the home to line up with the existing walls. The home foundation at this new point will be “eight inches” from lot line

I respectfully request that the members of the Board grant us a variance so that my wife and I can build our retirement home here in Osage Beach.

Sincerely,

John McWethy

EXHIBIT A

Recorded In Camden County, Missouri



Recording Date/Time: 11/04/2016 at 01:21:58 PM

Book: 782 Page: 893

Type: WD

Pages: 3

Fee: \$30.00 S 20160010029

LEGEND LAND SERVICES INC



Return To: Legend Land Services
File #13122L-F

WARRANTY DEED

THIS INDENTURE, Made on the 3rd day of November, TWO THOUSAND SIXTEEN, by and between KATHLEEN DeMOND, A Single Person, of the State of Missouri, Grantor(s) and Party of the First Part, and JOHN McWETHY and TERESE McWETHY, Husband and Wife of the State of Missouri, Grantee(s) and Parties of the Second Part, whose mailing address is:

5801 West Springfield Avenue, Champaign, IL 61822

WITNESSETH: THAT THE SAID PARTY OF THE FIRST PART, in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, to her paid by the said Parties of the second part (the receipt of which is hereby acknowledged), does by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said Parties of the second part, their heirs and assigns, the following real property located in the County of Camden, State of Missouri, to-wit:

LEGAL DESCRIPTION LOCATED ON PAGE 3 OF THIS DOCUMENT.

TO HAVE AND TO HOLD, the premises aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto the said Parties of the second part and unto their heirs and assigns forever; the said Party of the first part, hereby covenanting that she is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that she has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by her, or those under whom she claims; and that she will warrant and defend the title to the said premises unto the said Parties of the second part and unto their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever except as above mentioned and except all taxes and assessments, general and special for the year 2016 and all subsequent years.

IN WITNESS WHEREOF, The said Party of the first part has hereunto set her hand and seal the day and year above written.

Kathleen DeMond
KATHLEEN DeMOND

ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss.
COUNTY OF CAMDEN)

On this 3rd day of November, 2016, before me, the undersigned, a Notary Public, personally appeared KATHLEEN DeMOND, A Single Person, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

The said KATHLEEN DeMOND further declared herself to be single and unmarried.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Lake Ozark, Missouri, the day and year first above written.

Theresa L. Sapp
Notary Public

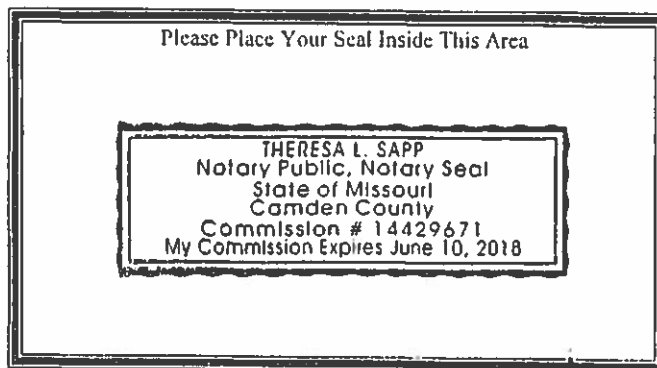


EXHIBIT "A"

That part of the Southwest Quarter of the Northwest Quarter of Section 11, Township 39 North, Range 16 West, described as follows: From the Southwest corner of the said Southwest Quarter of the Northwest Quarter run West along the South line of the said Southwest Quarter of the Northwest Quarter 480.3 feet; thence North 23 degrees 42 minutes West, 263.0 feet; thence North 77 degrees 49 minutes East 408.3 feet to an iron pin at the Northerly side of a road; thence North 83 degrees 00 minutes East 100.0 feet to an iron pin; thence North 62 degrees 40 minutes East, 120.0 feet to an iron pin for the beginning point; thence North 58 degrees 50 minutes East 65.0 feet to an iron pin; thence North 34 degrees 25 minutes West 224.6 feet, more or less to the shore line of the Lake of the Ozarks; thence along the shoreline South 55 degrees 48 minutes West 50.0 feet; thence South 30 degrees 31 minutes East 221.3 feet to the beginning point

Also, that part of the Southwest Quarter of the Northwest Quarter of Section 11, Township 39 North, Range 16 West, Camden County, Missouri, described as follows: From the Southwest corner of the Southwest Quarter of the Northwest Quarter, run East along the South line of the Southwest Quarter of the Northwest Quarter, 480.3 feet; thence North 23 degrees 42 minutes West 263.0 feet; thence North 77 degrees 49 minutes East 408.3 feet; thence North 23 degrees 42 minutes West 130.0 feet; thence North 83 degrees 00 minutes East 100.0 feet; thence North 62 degrees 40 minutes East 120.0 feet; thence North 58 degrees 50 minutes East 65.0 feet; thence North 34 degrees 25 minutes West, 25.0 feet for the point of beginning; thence North 40 degrees 32 minutes East 6.0 feet; thence North 35 degrees 10 minutes West 209.7 feet to an iron pin set near the shoreline of the Lake of the Ozarks; thence along the shoreline, South 53 degrees 00 minutes West, 3.0 feet; thence leaving the shoreline, South 34 degrees 25 minutes East 211.0 feet to the place of beginning.

Subject to all restrictions, reservations, conditions and easements of record and to all existing roads and power lines, whether of record or not.

EXHIBIT - B



EXHIBIT - C1

ONE
HALF
INCH

EAST PROPERTY LINE



EAST-SIDE PROPERTY LINE →

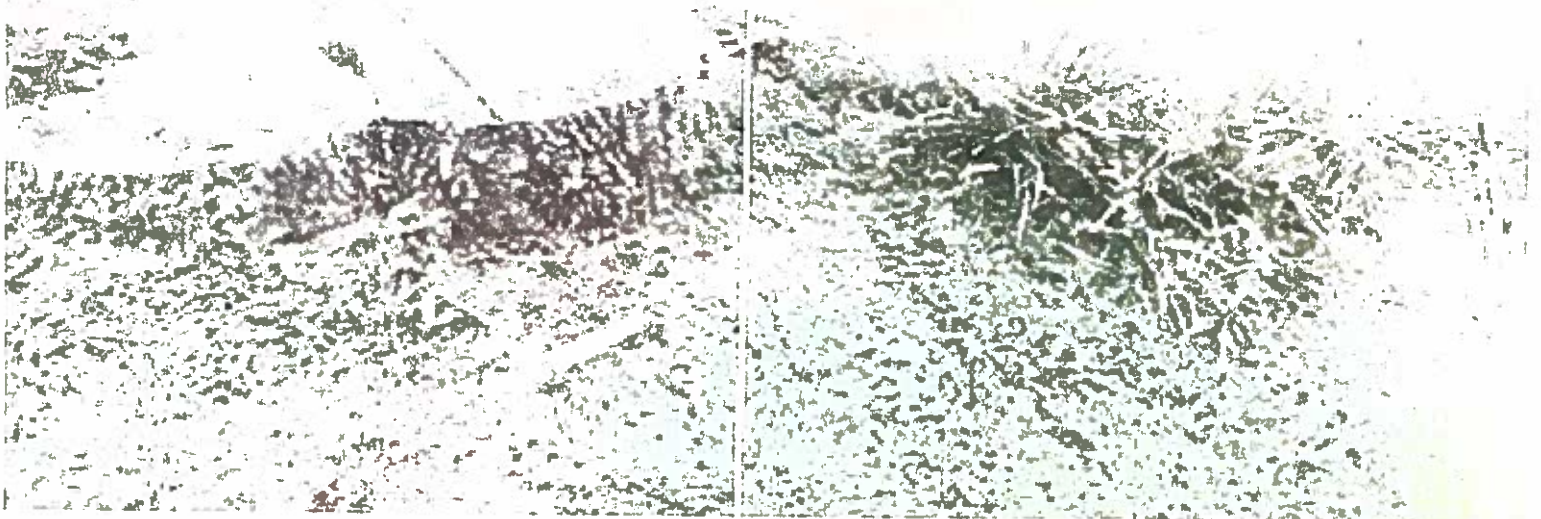
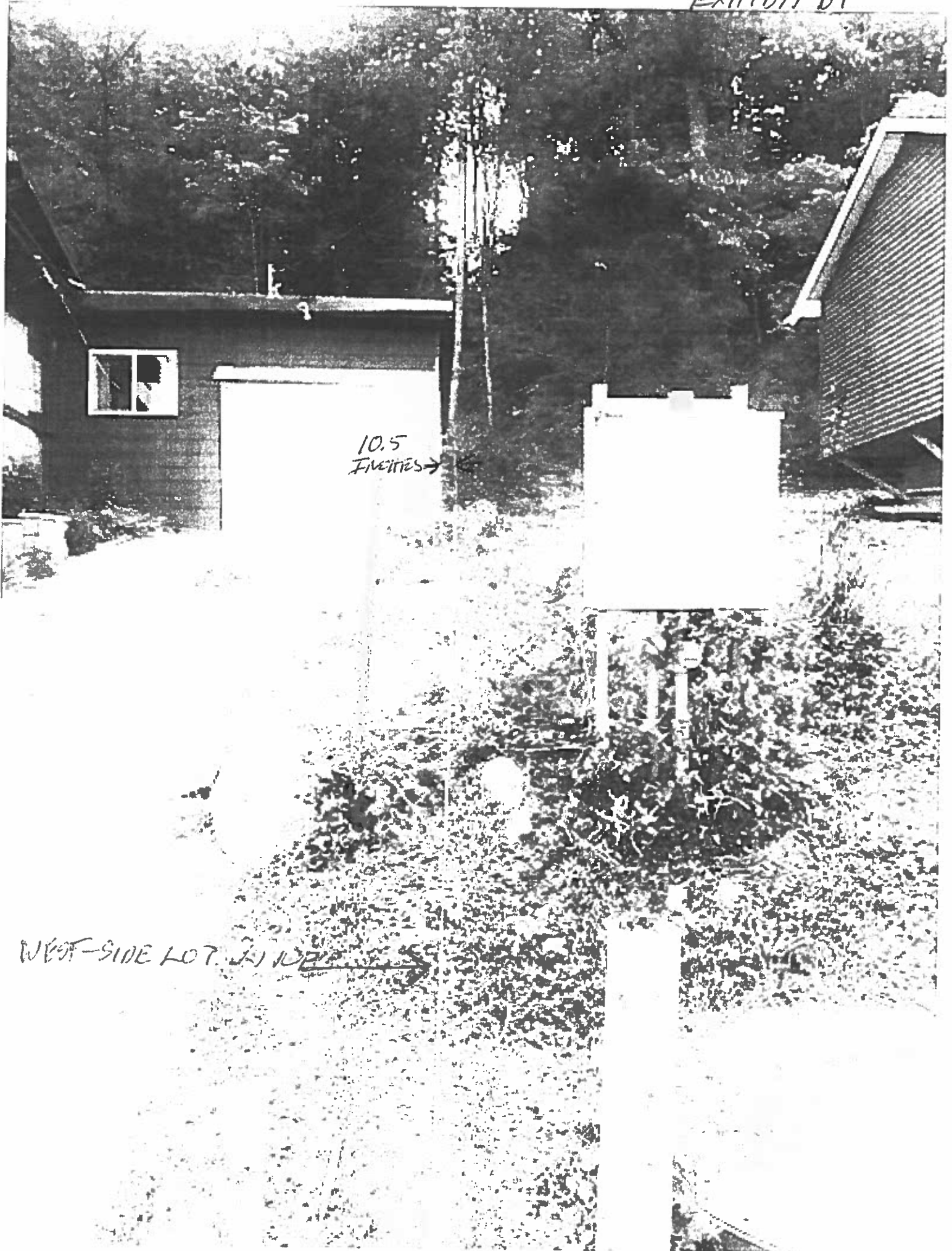


EXHIBIT D1

10.5
FACILITIES →

WEST-SIDE LOT 21 DEPT →



10.5
INCHES



← WEST-SIDE PROPERTY
LINE

EXHIBIT E-1
PROPOSED HOUSE PLAN

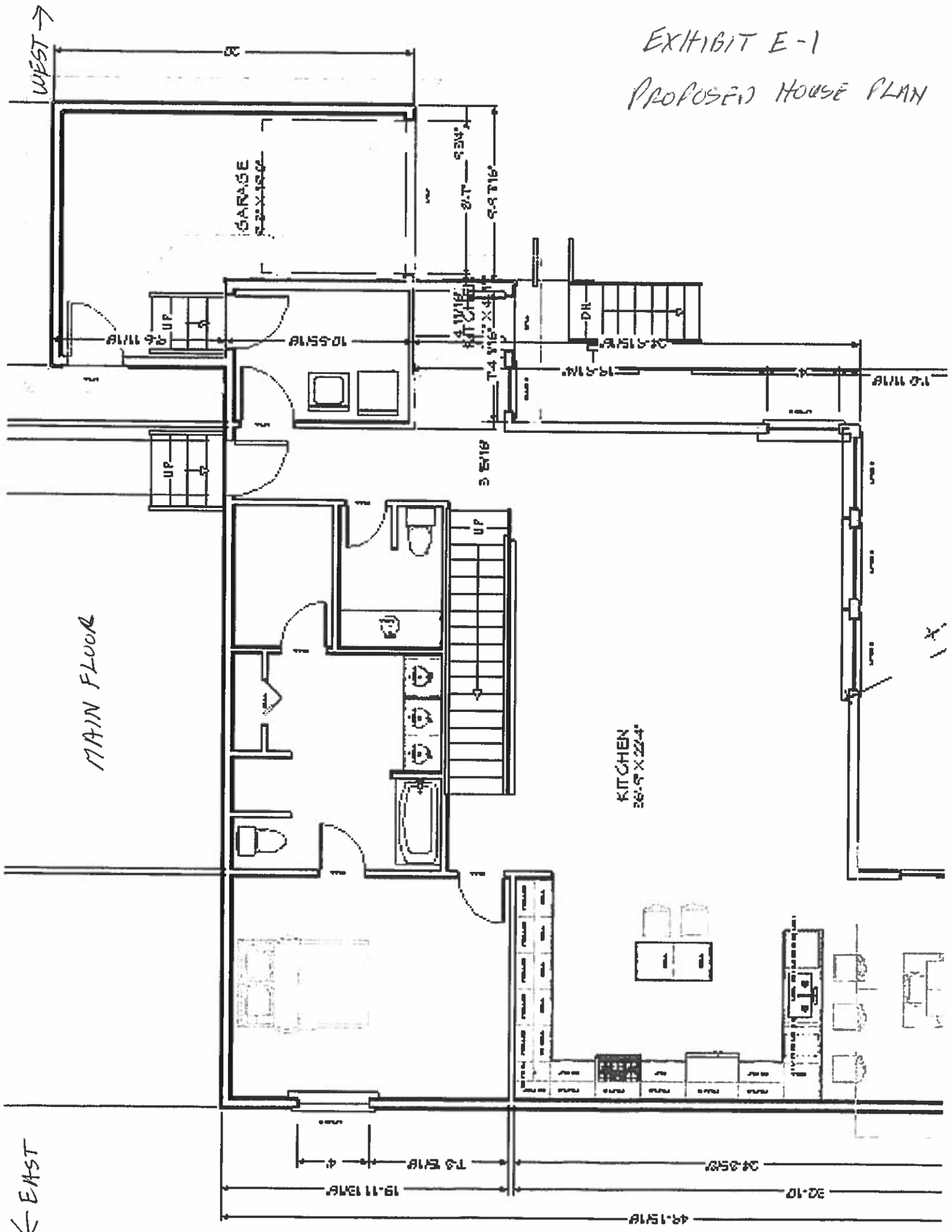
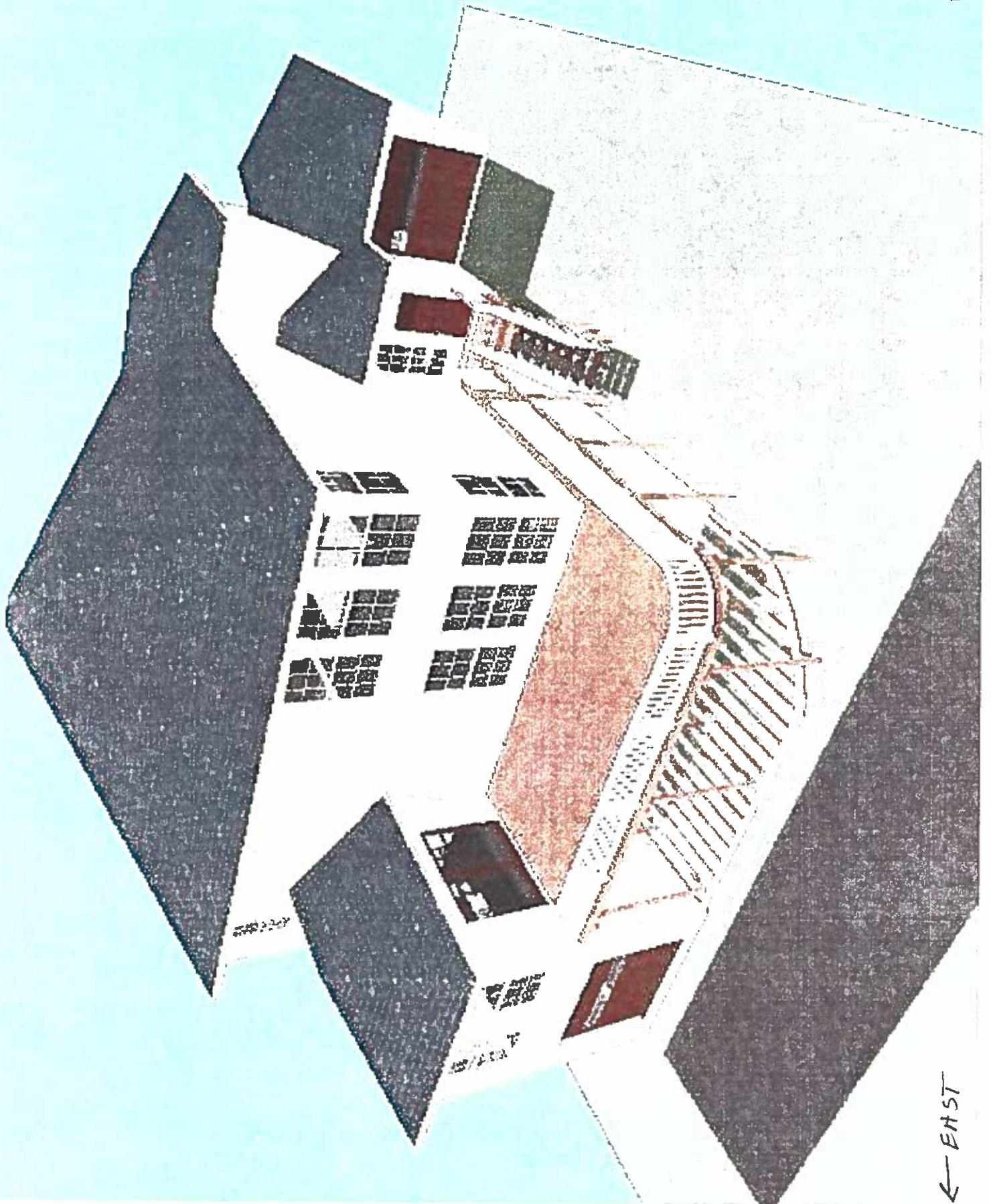


EXHIBIT E-3
RENDERING OF THE PROPOSED HOUSE

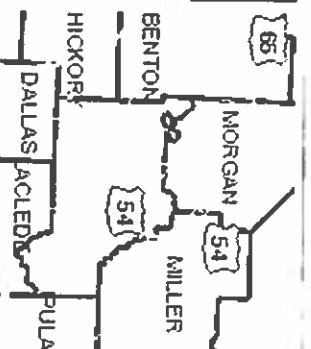
← WEST



← EAST

Camden County, MO

LOT AND ADJACENT PROPERTIES ATTACHMENT 1



Legend

- Highway
 - Interstate Highway
 - US Highway
 - Numbered State Highway
 - Lettered State Highway
- Road
- Address Point
- Condo Point
- Parcel
- Corporate Limit Line
- Land Hook
- Original Lot
- Section
- County Boundary

Notes

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

1: 976



2.6 0 81.29 162.6 Feet



→ WEST

ATTACHMENT 1A

AERIAL VIEW OF PROPERTY

← EAST

John McWethy
5309 Melody Lane
Osage Beach, MO. 65065
217-722-7069

ATTACHMENT 2

Existing Basement Foundation

EXCEPTION

EXCEPTION

BK. 432, PG. 645
DESCRIBED TRAC-
BK. 432, PG. 645

BK. 432, PG. 645

35°10'00" W 209.70'
(N34°25'W, 203.0'DEED)

(N34°25'W, 203.0'DEED)

N 30°31'00"W 221.30'

A3 (15.5 inches)

A2 (21.5 inches)

A1 (1/2 inch)

East corner of garage to survey point (30 feet and 6 inches)

West corner of garage to survey point
(34 feet and 5 inches)



Shoreline Surveying & Engineering, LLC

3048 Hwy. 52

Eldon, MO 65026

PH: (573) 392-3312

Civil & Structural Engineering

Land Surveying

Materials Testing

August 15, 2017

*John McWethy
5309 Melody Lane
Osage Beach, MO 65065*

RE: *Foundation Inspection*

Dear Mr. McWethy,

On August 14, 2017, our office inspected the foundation at 5309 Melody Lane, Osage Beach, Missouri. The purpose of the inspection was to determine if there was a safety or structural concerns with using the existing foundation for a proposed 2-story house. Jared Wheaton, PE conducted the inspection.

The existing home's superstructure is currently being demolished and removed. Most of the interior portions of the foundation wall were visible during the inspection. The east side foundation appeared to be much newer and in very good condition. It consisted of poured concrete with unknown reinforcement. Settlement or cracks were not observed in the walls or near the footing base in the east side footing and basement wall area. There appeared to be approximately 16" – 24" footing width around this area of the perimeter. Shelf rock was located along the rear (south side) of the house which indicates a very high bearing capacity. The west side of the home's foundation appeared to be much older and consisted of mortared CMU blocks. Some settlement and cracking was observed on the west and north exterior walls.

It is our opinion the east (newer) portion of the foundation and interior wall can be used for the proposed construction. The west side of the foundation will likely require reinforcement/repair in order to adequately support the proposed 2-story residential load, but will likely be sufficient for single story residential loading. We would recommend a follow-up structural evaluation of the west side foundation after the demolition is complete.

Please let our office know if you have any additional questions or concerns. Thank you again for contacting us.

*Very Truly Yours,
Shoreline Surveying & Engineering, LLC*

Jared Wheaton, PE



Camden County, MO



1 in. = 155 ft.



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Notes