

NOTICE OF MEETING AND BOARD OF ADJUSTMENT AGENDA



CITY OF OSAGE BEACH BOARD OF ADJUSTMENT MEETING

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

January 20, 2021 - 4:00 PM
CITY HALL

**** Note:** All cell phones should be turned off or on a silent tone only. Complete meeting packets are available on the City's website at www.osagebeach.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- A. November 18, 2020 Board of Adjustment Meeting Minutes

NEW BUSINESS

- A. Variance Case 339 David and Annemarie Stein. Variance from setback requirements for the R-1b Zoning District
- B. Variance Case 340 Joseph Valis. Variance from setback requirements for the R-1a Zoning District

ADJOURN

Remote viewing link:

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 x 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 forty-eight (48) hours in advance of the meeting at the above telephone number.

**PUBLIC HEARING FOR VARIANCE CASE #338
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

November 18, 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 November 18, 2020 at 4:00 p.m.

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

Roll Call

The following Board Members were present: Chairman Randy Gross, Karen Bowman, Fred Catcott, Gloria O'Keefe and Louis Mayer. Also, present City Planner Cary Patterson, City Attorney Ed Rucker and Planning Department Secretary Pam Campbell. Capital City Court Reporting Court Reporter Shelly Stewart was also present.

Minutes – 9/16/2020

Chairman Randy Gross asked if there were any corrections or comments regarding the September 16, 2020 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the September 16, 2020 minutes and Board member Fred Catcott seconded the motion which passes unanimously.*

New Business

Chairman Randy 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. 338 Adam M. and Teri E. Guttman

Chairman Randy Gross called Case No. 338 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

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

Planner Patterson replied yes.

The Code Book and file containing Variance Case No. 338 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

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

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: November 18, 2020 **Case Number:** 338

Applicant: Adam and Teri Guttman

Location: 5188 Shore Acres Drive

Petition: Variance from minimum setback requirements

Purpose: Construction of a Garage

Existing Use: Single-family

Zoning: R-1b (Single Family)

Tract Size: Approximately 17,000 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 Shore Acres Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 9 of Shore Acres Subdivision" and is designated with the physical address 5188 Shore Acres Drive.
2. The applicant is requesting a variance to build a garage on their property that will be 10 ft. from one side property line and within a foot of the other. This is a somewhat different situation, in that the applicant owns 3 lots that contains their primary residence, a second dwelling, and the accessory structures all that were built prior to setback regulations being established by the code. The property is accessed by a road that is not Right of Way and is built on private property. The requested garage will be built in close proximity to a cul-de-sac that serves as a turn around for the applicant and a couple other homes at the end of Shore Acres Drive.
3. Of course, if approved the addition cannot be built on or over any public utilities or easements.

Department Comments:

In short, the way this property is laid out is difficult as it pertains to the code. The requested garage structure falls on lot nine and can be built with a variance granted to build the structure in conformance with the submitted site plan. I tried to figure out a way to re-subdivide the property to make it a cleaner situation, but with the way the structures are laid out on the property, there is no way to remedy the issues. This property will always be sold as one piece as there is no way to separate the assets. 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.

Fred Catcott stated this was cut and dry, will be an improvement and look better.

Planner Patterson stated this is a great piece of property and the owners own all three lots.

Fred Catcott asked if this was on a city street.

Planner Patterson replied this is not a city street.

Chairman Randy Gross asked if the members had any other comments or questions.

Louis Mayer asked if anything would change for the request.

Chairman Randy Gross stated this would be an improved and safer situation

The applicant was then sworn in and stated the building indicated on the plot won't change, would be 24x24.

Planner Patterson stated it would need to stay off the property lines per the requirements to be built.

Fred Catcott asked about re-surveying / re-platting.

Planner Patterson stated there is no way to relocate the property lines, they are non-conforming with the existing house

The applicant stated that they're good with the request.

Chairman Randy Gross asked if anyone had any further comments or questions.

Ed Rucker, City Attorney, stated the file is in order and ready for the Board's decision.

Board member Louis Mayer made a motion to approve Variance Case No. 338 and Board member Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case No. 338 was unanimously passed.

Adjourn

Board member Gloria O'Keefe made a motion to adjourn the meeting and Board member Fred Catcott seconded the motion.

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:13 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 November 18, 2020.

Pam Campbell/Planning Department Secretary

Randy Gross, Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: January 20, 2021

Case Number: 339

Applicant: David and Annmarie Stein

Location: 5202 Dempsey Drive

Petition: Variance from minimum setback requirements

Purpose: Construction of a living room addition

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: Approximately 11,900 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>	Summit
<u>Sewer:</u>	City

Access: The subject property derives access from Dempsey Drive

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as “Lot 2 of paradise Cove First Addition” and is designated with the physical address 5202 Dempsey Drive.
2. The applicant is requesting a variance to build a living space addition on the side of the existing home that will be 23 feet from the front property line. The minimum required front yard setback in the R-1b zone is ten (25’) feet from the side property line. According to the letter submitted by the applicant, the request is being made to provide so that their kitchen can be expanded. As you can see on the submitted site plan, the existing structure is already non-conforming with the deck encroaching well within the required front setback. Board of Zoning Adjustment approval is required to do any expansion to a non-conforming structure. Approval of the requested variance will allow the city to issue a legal building permit to construct the requested addition as per the submitted site plan.
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.

5202 Dempsey Drive

#339

Date Submitted 14 Dec 20
✓#5373/6372

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: David & Annemarie Stein

MAILING ADDRESS: 1369 Mill St. Apt 1
Crest, IL 60417

TELEPHONE: Dave 708-269-8835 Annemarie 708-334-8835

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.

Take Old 54 to Malibu (btwn Old Trice Deck Co. & Rapid Roberts Gas Station) Left onto Dempsey Dr. #2
5202 Dempsey

VARIANCE FOR/FROM: proposed 11' x 15.6" living space on existing deck

APPEAL FOR/FROM: diagram & explanation enclosed

List names and mailing addresses of the current adjoining property owners:
(Attach a separate sheet if necessary)

NAME	COMPLETE ADDRESS/WITH ZIP CODE
Neighbor to the east:	Gene & Paula Mazzuca 3839 Jacinto St. Louis, MO 63125

to the west: We are the neighboring property @ 5208 Dempsey
Our contact info is above.

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

1. **SIZE OF PROPERTY:** 13,257 sq. ft.
2. **SOURCE OF UTILITIES:** **WATER:** well **GAS:** propane
SEWER: public **ELECTRIC:** Ameren MO
3. **PRESENT USE OF PROPERTY:** Single family home.
4. **PRESENT ZONING OF PROPERTY:** residential
5. **HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?** NO
IF SO, WHEN? N/A
6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** Since Jul 1, 2020
7. **PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT.** house 1950's
8. **DO YOU OWN ANY PROPERTY ADJACENT TO THE SUBJECT PROPERTY?** Yes 5208 Dempsey Dr.
9. **WHY, IN YOUR OPINION IS YOUR CURRENT SITUATION, AND OR THE EXISTING SIZE /EXTENT OF THE USE NOT ACCEPTABLE?** Need more living space to be more accommodating for Mom.
Explanation letter enclosed.
10. **IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF WHICH THE BOARD SHOULD BE AWARE?** Current sq footage is extremely small & so outdated. The lower level of the house is storage only as it is only accessible from outside, unsuitable for living space
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.**
The existing floor plan is 1 room to be both kitchen and sitting room. Need to update kitchen to today's standards. Want to add on a sitting room on a portion

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.

Neighboring homeowners have already added living space using their existing deck to update to today's standard living conditions

18. 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:

Annemarie C. Stein

SIGNATURE OF PROPERTY OWNER:

Annemarie C. Stein

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 ILLINOIS

Cook
COUNTY OF CAMDEN,

Subscribed and sworn to me before me, the

13th

day of

October

20

20

Notary Public

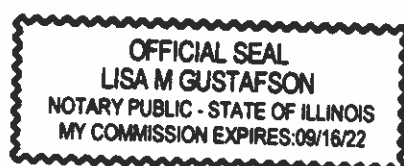
Lisa M. Gustafson

My Commission expires:

(stamp)

(seal)

9/14/2022



14 Dec 20

To the Board of Adjustment:

Enclosed is a \$330.00 Check for the filing fee for the Board of Zoning Adjustment case review. Also enclosed is a \$10.00 check for the estimated cost of a certified/return receipt for the property owner adjacent to the east of our property in review.

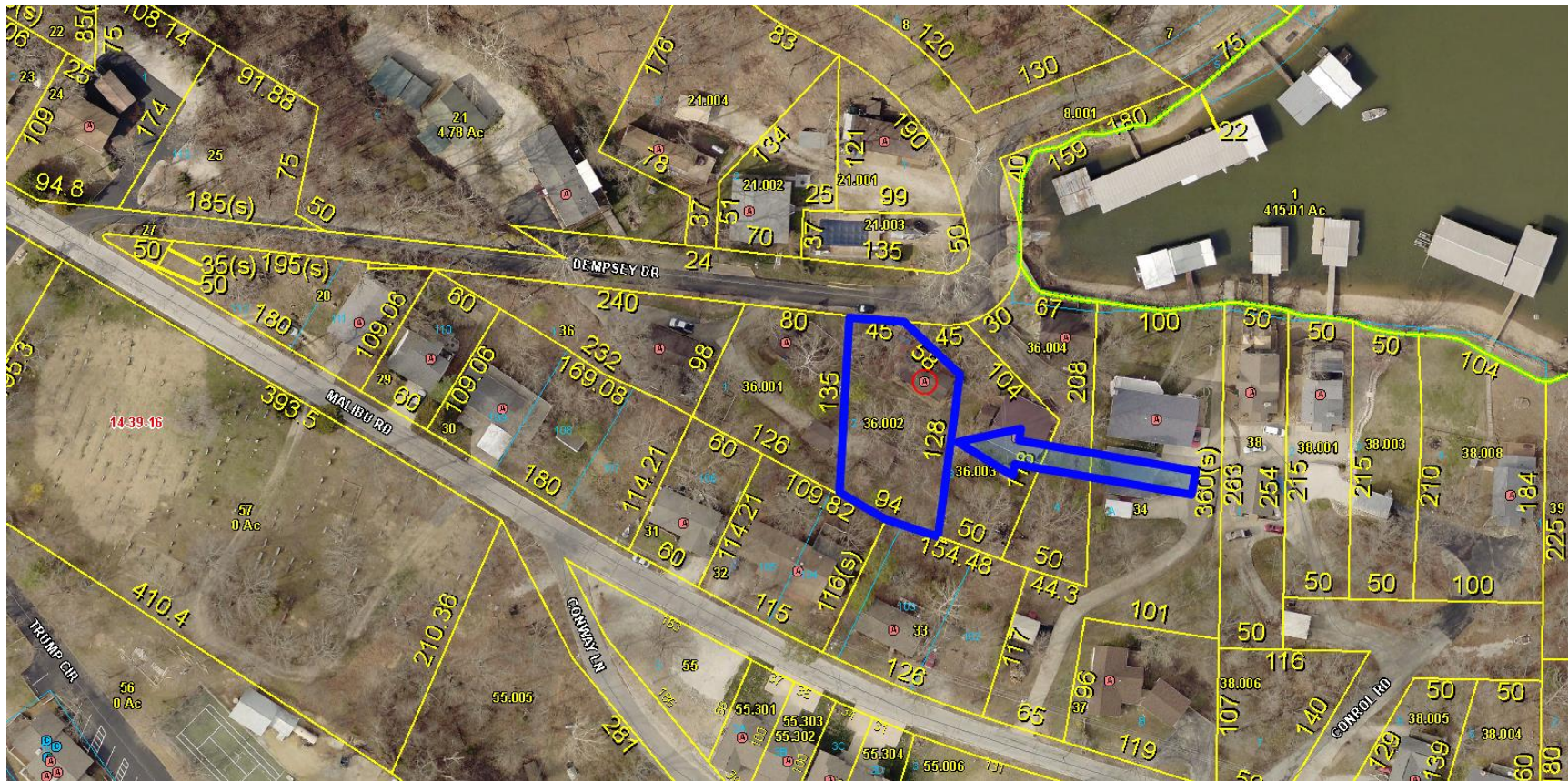
We bought this house next door to our home, 5208 Dempsey, to be a home for Dave's mother, whose great love in life is cooking, baking...all talents to do with working with food. These homes in our area built in the 50's were perfect for a one-room kitchen/sitting area...consisting of a small sink, a tiny refrigerator, an even smaller stove and maybe 2 chairs to sit and talk. Today, our kitchens have, at least, a double sink, dishwasher, family size refrigerator and a full size stove/oven just for basics...and room for a table and chairs, especially if there is no dining room.

We plan to use the kitchen/sitting room combo that exists now for a fully equipped kitchen for our certified chef mom. **We are asking to be able to add on a simple, approximately 11' X 15'6" livingroom, next to the kitchen on existing deck area to the west.** This added structure will block no one's view of the lake or of the pool.

We very much hope you will grant us a variance, if needed, as this small addition will only upgrade and enhance our little Paradise Cove neighborhood, as we, then, will be able to provide a perfect little home for Mom, living right next door to us with a properly adequate kitchen and a lovely sitting room for viewing our beautiful Lake of the Ozarks.

Sincerely,

David Stein
708-269-8835
Annemarie Stein
708-334-8835



**Variance Case
339 Location Map**

GEND

rd symbols that
ar on this drawing

	2' Contour
	10' Contour
	Shoreline
	Water Line
	Electric Line
	Sewer Line
	Telephone Line
	Centerline of Road
	R-O-W Line
	Property Line
	Setbacks
	Old Lot Line
	Structures
	Fence Line
	Closure Line
	Treeline
	Found Monument
	Set Monument
	No Found or Set Monument
	Government Corner
	Right-of-way Marker
	Grinder Pump
	Utility Pole
	Lift Station
	Telephone Box
	Sign

DEMPSEY DRIVE
40' RIGHT-OF-WAY

(S85°01'E)
S85°15'34"E

73.78'

21.10'

FOUND 5/8"
IRON PIN

81.45'

20.02'

24.35'

50.89'

33.82'

9.3'

STEPS

25' SETBACK

DECK

HOUSE

3.8'

N49°01'14"W
58.92'

10' SETBACK

N02°02'39"E
135.45'

LOT 2

PARADISE COVE RESORT
FIRST ADDITION

AREA = 13,289 SQ. FT.

10' SETBACK

N05°54'31"E
128.68'

LOT 3

S65°30'E
43.21'

FOUND 3/8"
IRON PIN

FOUND 3/8"
IRON PIN

(S69°21'E)
S69°15'49"E

50.37'
(50.40')

MALIBU MANOR

S65°30'00"E
128.38'

FOUND 5/8"
IRON PIN

BASIS OF BEARINGS
S23°19'34"W
98.40'

LOT 1
PARADISE COVE RESORT
SECOND ADDITION

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: January 20, 2021

Case Number: 340

Applicant: Joseph Valis

Location: 1319 Phillips Lane

Petition: Variance from minimum setback requirements

Purpose: Construction of a 24'x21' shop

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 14,355 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>	Summit
<u>Sewer:</u>	City

Access: The subject property derives access from Phillips Lane

Analysis:

1. The applicant is the owner of the property in question. The property is an unplatted lot and is designated with the physical address 1319 Phillips Lane.
2. The applicant is requesting a variance to build a 24'x21' shop on the upper portion of the property, that will be 2 feet from both the North and East property lines and 20' from the private drive easement known as Phillips Lane. The subject property is atypical as it does not have actual road frontage. This makes the lot and the required setbacks more difficult to define as there is no road to establish the front yard setback from. Typically, anything in the front yard would be required to be 25' front the road right of way and 10' from the side property line. This is a large lot that the requested shop would be able to be built in conformance in the front yard if it weren't bisected by the ingress/egress easement that serves the four homes adjacent to the applicant's property. It is important to maintain visual clearance from both requested structure and Phillips Lane, to assure the safety of those traveling on the easement and to those who may be exiting the structure. The applicant has done that by placing it 20' off of the driving surface on Phillips Lane. I am concerned about the 2' setbacks from the North and East property lines. This does not give much relief between the structure and the neighbors property. If possible, I would like to see if the applicant would be willing to increase those setbacks from 2' to 5' and maintain a minimum of 15' from the driving surface of Phillips Lane. This will maintain visual clearance necessary from Phillips Lane and establish a setback that is customary to accessory structures in the residential zones. If the applicant is willing to do so, the request can be approved with an amended site plan to be submitted for the file and the building permit application. The variance approval and building permit will be tied to the amended site plan with approval being final after its submittal.
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 approved 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
REQUEST FOR REVIEW**

NAME OF APPLICANT: Joseph ValisMAILING ADDRESS: 1319 Phillips LnOsage Beach Mo 65065TELEPHONE: 314-803-1702

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.

Osage Beach Parkway To ~~Exit~~ Osage Beach Road
To Left on Phillips Ln. To Third house on Right
Location directly Across in Excavated Area

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) Franklin Charles + Dianna4602 Lakehurst Circle Osage Beach mo 650652) LAUE Donald E.1301 Osage Beach Rd. Osage Beach mo 650653) Good fellow LARRY + Sandy 437 South Morgan WARRENTON
MO 633834) Smith Roger M. + Susan A1315 Phillips Ln Osage Beach mo 650655) VALIS Joseph + Marica A.1319 Phillips Ln Osage Beach MO

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

1. SIZE OF PROPERTY: 14,355 SQ Ft

2. SOURCE OF UTILITIES: WATER: City GAS: None

SEWER: City ELECTRIC: Ameren

3. PRESENT USE OF PROPERTY: Single Family Residence

4. PRESENT ZONING OF PROPERTY: R-1

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

IF SO, WHEN?

6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** Since 2003

7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. ^{House} 2003

8. DO YOU OWN ANY PROPERTY ADJACENT TO THE SUBJECT PROPERTY?

9. WHY, IN YOUR OPINION IS YOUR CURRENT SITUATION, AND OR THE EXISTING

SIZE /EXTENT OF THE USE NOT ACCEPTABLE?

Topography & Road Easement limits size & location of detached garage

See Attached Document Bk 789 Pg 642 for Road Easement Description

10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF WHICH THE BOARD SHOULD BE AWARE?

See # 9

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.

See # 9

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.

See # 9

13. WERE THESE SPECIAL CIRCUMSTANCES THE RESULT OF ANY ACTION TAKEN

SUBSEQUENT TO MAY 10, 1984?

YES

NO ☒ X

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 9th day of December 20 20

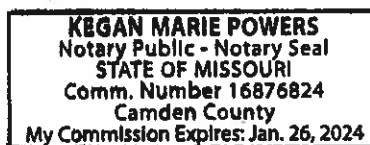
Notary Public

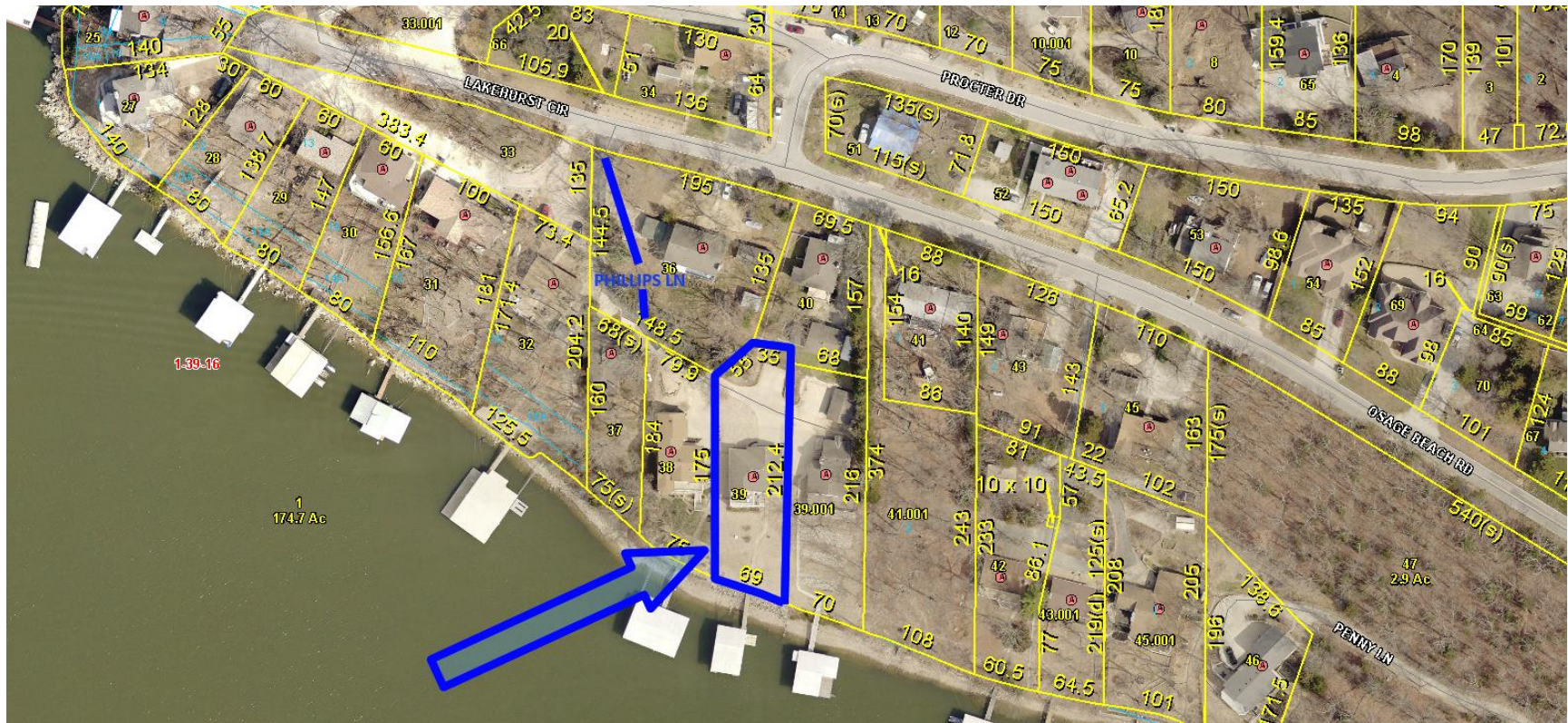
My Commission expires:

(stamp)

(seal)

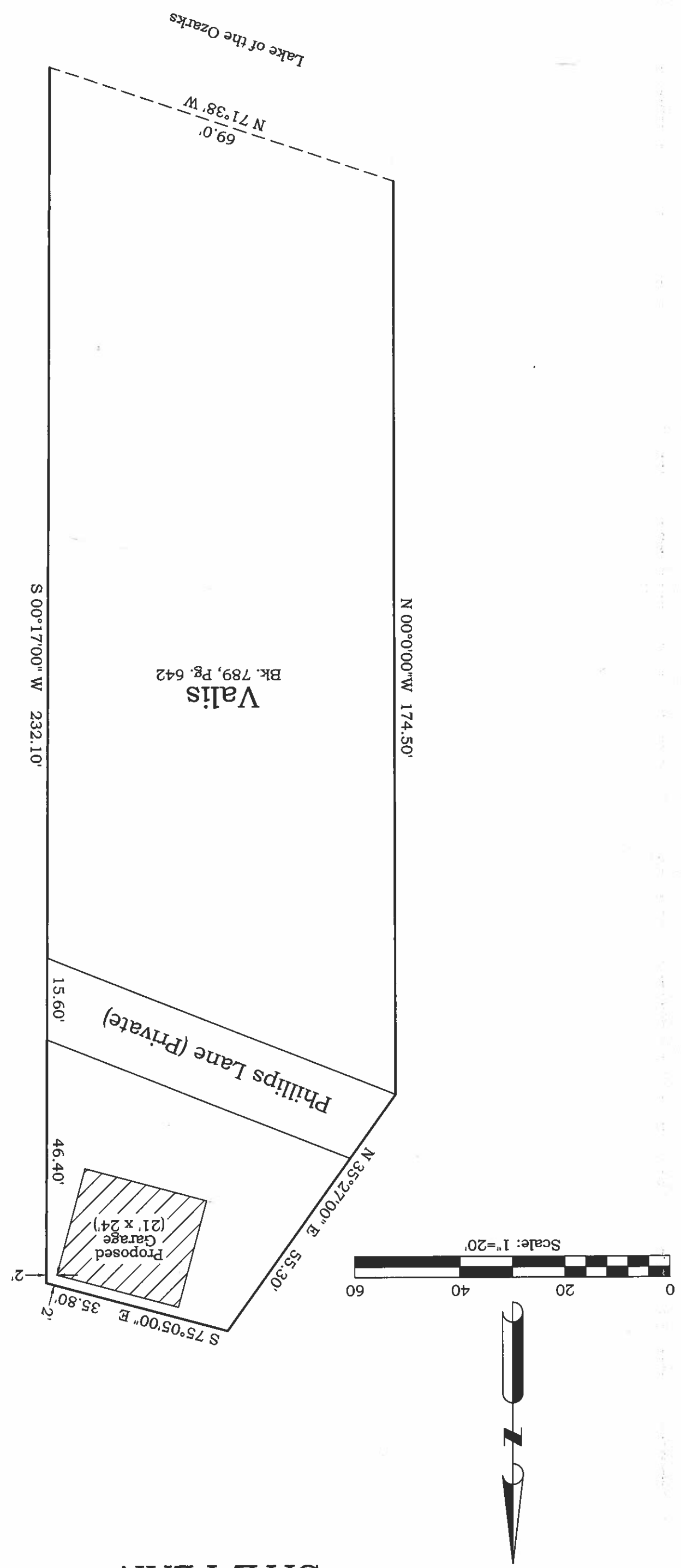
01-26-2024





**Variance Case
340 Location Map**

SITE PLAN



Valis