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

April 21, 2021 - 4:00 p.m. 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.

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE
- 3. ROLL CALL
- 4. APPROVAL OF MINUTES FROM THE JANUARY 20, 2021 MEETING
- 5. NEW BUSINESS
 - A) Variance Case No. 341 David & Annemarie Stein
- 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 #338 & #340 OF THE BOARD OF ADJUSTMENT FOR THE CITY OF OSAGE BEACH, MISSOURI

January 20, 2021

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 January 20, 2021 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 - 11/18/2020

Chairman Randy Gross asked if there were any corrections or comments regarding the November 18, 2020 minutes. There were none. Board member Gloria O'Keefe made a motion to approve the November 18, 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. 339 David and Annemarie Stein

Chairman Randy Gross called Case No. 339 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 sir.

Chairman Randy Gross asked if there were any written responses from the affected property owners.

Planner Patterson required there were none.

The Code Book and file containing Variance Case No. 339 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: Jan

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

Case History Case #

Date

None

Utilities

Water:

City

Gas:

Summit

Electricity:

Ameren

Sewer:

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.

Planner Patterson further explained that this property is topographically challenged and the homes were built before zoning codes and are non-conforming now.

Chairman Randy Gross as if there were any questions for Cary or the applicant.

The applicant, David Stein, stepped up to address the Board and was sworn in.

Chairman Randy Gross asked the applicant if he wanted to amend, add to or clarify anything on the application.

David Stein replied that the application is in order and good.

Chairman Randy Gross asked if there were any comments in favor, there were none. He then asked if there were any comments in opposition, there were none. He asked if there were any questions from the Board, there were none.

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

Board member Fred Catcott made a motion to approve Variance Case No. 339 and Board member Lou Mayer seconded the motion. A roll call vote was taken, and Variance Case No. 339 was unanimously passed.

Chairman Randy Gross then called the next case

B) Variance Case No. 340 Joseph Valis

Chairman Randy Gross called Case No. 340 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 sir.

Chairman Randy Gross asked if there were any written responses from the affected property owners.

Planner Patterson required there were none.

The Code Book and file containing Variance Case No. 340 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: 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

Case History Case # Date

None

Utilities

Water:CityGas:SummitElectricity:AmerenSewer: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 un-platted 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.

Chairman Randy Gross said he agrees with this after physically inspecting the property.

Planner Patterson stated from 2-5 feet, changes to the firewall as well could be made.

Board member Fred Catcott stated for weed eating purposes around a chain link fence, that 5 feet would be plenty of room for that.

Planner Patterson asked the applicant if he'd be willing to do that, amend his request 5 feet.

The applicant, Joseph Valis said he had no problem with it and was then sworn in.

Chairman Randy Gross asked the applicant would agree to the modified application.

Joseph Valis replied ves.

Chairman Randy Gross asked if anyone was in favor or opposed to this request.

Board member Gloria O'Keefe asked about the garage/shop.

Planner Patterson stated it would be a two car garage but our residential requirement doesn't control the use.

Chairman Randy Gross asked for Council's opinion.

City Attorney, Ed Rucker replied the file is complete and the Board has the power to make the decision. He further stated to safeguard the subject matter, the motion should be framed as articulated for the change.

Planner Patterson stated the motion should be as follows: Amend the original request and submit a site plan to illustrate a 5' setback from the North and East of the property line, and a minimum of 15' from the road surface of Phillips Lane.

Planner Patterson asked if this made sense. City Attorney Ed Rucker replied yes.

Chairman Randy Gross asked about the legality of this since the property was owned by the applicant and his wife, but the wife wasn't listed on the application.

City Attorney Ed Rucker replied that in the state of Missouri, as a married couple, each person can act as the agent for the other.

Board member Karen Bowman made a motion to approve Variance Case No. 340 and Board member Gloria O'Keefe seconded the motion. A roll call vote was taken, and Variance Case No. 340 was unanimously passed as amended as follows: Amend the original request and submit a site plan to illustrate a 5' setback from the North and East of the property line, and a minimum of 15' from the road surface of Phillips Lane.

Chairman Randy Gross asked if there was any further business.

Planner Patterson stated he had nothing, unless you all do.

<u>Adjourn</u>

Board member Fred Catcott made a motion to adjourn the meeting and Board member Karen Bowman seconded the motion.

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:35 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 January 20, 2021.

Pam Campbell/Planning Department Secretary	Randy Gross, Chairman

PLANNING DEPARTMENT REPORT TO BOARD OF ADJUSTMENT

Date: April 21, 2021

Case Number:

341

Applicant:

David and Annmarie Stein

Location:

5208 Dempsey Drive

Petition:

Variance from minimum setback requirements

Purpose:

Residential living space addition

Existing Use:

Single-family home

Zoning:

R-1b (Single Family)

Tract Size:

Approximately 11,726 sq ft

Case History

Case #

Date

Variance approved

Deck addition

319

November 2014

Utilities

Water:

City

Gas:

Summit

Electricity:

Ameren

Sewer:

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 1 of paradise Cove First Addition" and is designated with the physical address 5208 Dempsey Drive.
- 2. The applicant is requesting a variance to build a living space addition on both the front and back of the existing home. The addition on the front is a cover for a portion of the deck that will measure eighteen (18') feet in length by twelve (12') feet in width and will be thirteen (13') feet from the front property line. The minimum required front yard setback in the R-1b zone is twenty-five (25') feet from the roadside property line. The addition that is being put on the rear portion of the existing home will not encroach within the required setbacks but is still required to be approved by variance because it is an addition to a non-conforming structure. Approval of the requested variance will allow the city to issue a legal building permit to construct the requested additions as per the submitted site plan.
- 3. The applicant originally submitted an application and site plan to build a second story on the existing structure. But, after some conversation with members of the City Staff, they decided to amend their request as it is seen in your packet.
- 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:

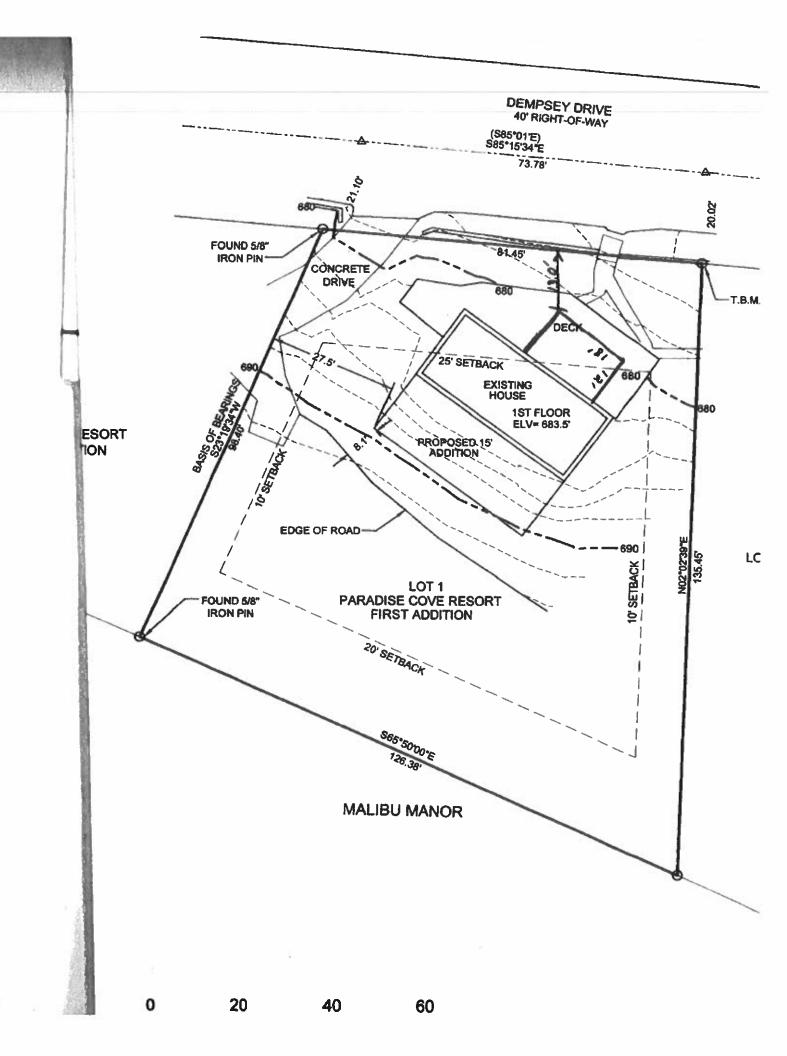
- 1. The structure must be built according to the submitted site plan.
- 2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
- 3. A building permit must be obtained for the new construction and all other zoning codes be adhered to.

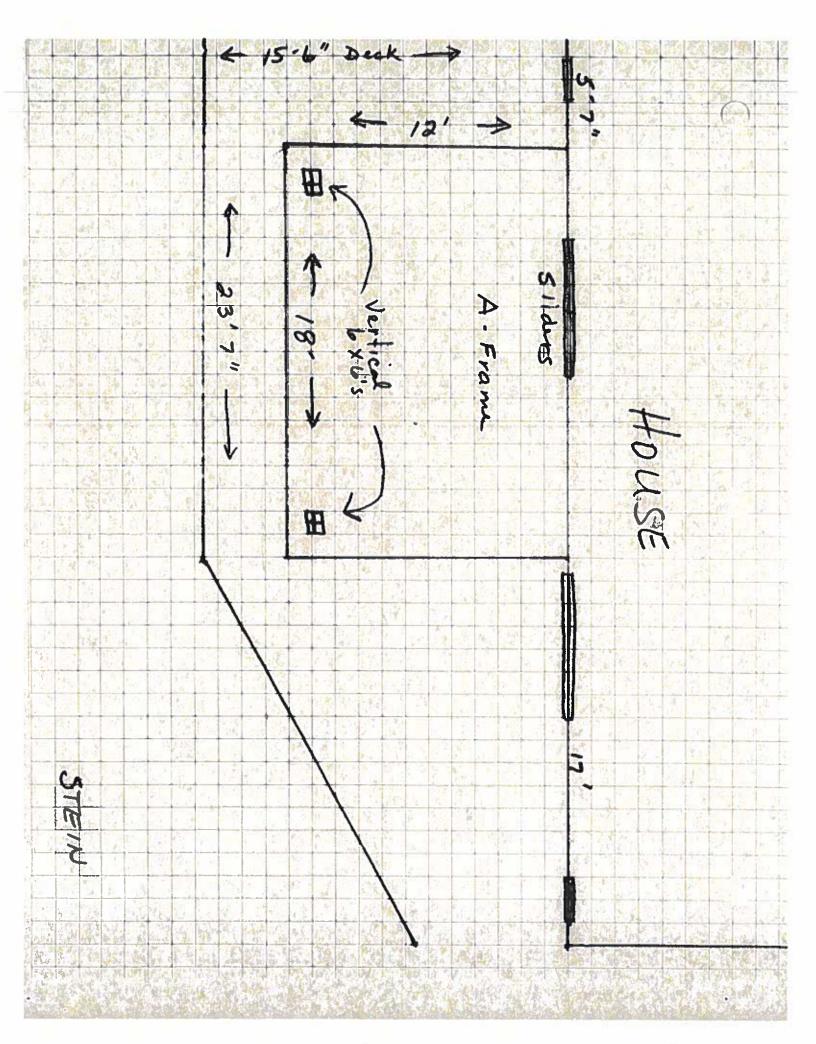


Variance Case 341 Location Map









CITY OF OSAGE BEACH BOARD OF ZONING ADJUSTMENT REQUEST FOR REVIEW

NAME OF APPLICANT: David	e Annemarie Stein
MAILING ADDRESS: 1369 M	ill St. Apt. 1
Crete.	IL 60417
TELEPHONE: Dave's cell:	708-269-8835
Attach legal description of property to this	ive directions to property. Include Lake Road and lot number. application. Please mark property in some way, i.e., distance stakes, indicating location of proposed variance.
Take DId 54 to Malibu	(Hun the old Trico Deck G. ? Rapid
oberts Gos Station Left out	Dempsey Dr. Lot #1 5208 Dempsey Dr.
VARIANCE FOR/FROM:	An A-frame over a partion of our agreed variance - approved & acready built deck.
APPRAL FOR/FROM:	already built deck.
List names and mailing (Atta	addresses of the current adjoining property owners: tch a separate sheet if necessary)
NAME	COMPLETE ADDRESS/WITH ZIP CODE
Neighbor to the west:	David Martin
	Susan Koppit
	P.D. Box 775
	Morongo Valley, CA 92256
	34
to the east:	We are the owners of the
	neighboring property
New Year	5202 Dempsey Dr.
	Dur contact into is above.
(CRC)	

CITY OF OSAGE BEACH BOARD OF ZONING ADJUSTMENT QUESTIONNAIRE

	SIZE OF PROPERTY: //, 7	26 sq. f	7	
k.	SOURCE OF UTILITIES:	WATER:	Well	GAS proparie
	Y Marie Tell 1971 III w	SEWED:	public	ELECTRIC: Anuren MC
	PRESENT USE OF PROPERTY:	Singl	· family	home
•	PRESENT ZONING OF PROPE	TT R	esidentia	<u>Q</u>
•	HAVE YOU PREVIOUSLY APPI	JED FOR A VAL	RIANCE ON THIS P	ROPERTY? /LS
	IP 80, WHEN? Sep	2014	il is	
	HOW LONG HAVE YOU OWNE	D THE SUBJEC	T PROPERTY S,	ice Mar 1, 2013
· ·	PLRASE LIST ANY EXISTING &	TRUCTURES O	N THE PROPERTY	
	DO YOU OWN ANY PROPERTY	ADJACENT TO	THE SUBJECT PR	OPERTY? 5202 Demosey
	WHY, IN YOUR OPINION IS YO	UR CURRENT	SITUATION, AND O	R THE EXISTING
	SIZE /EXTENT OF THE USE NO	THE BUTTON YELL		received a variance
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	OR BUILDING IN QUESTION A	ND DO NOT GE	ENERALLY APPLY	TO THE NEIGHBORING
	LANDS, STRUCTURES OR BUI			
	reighboring home	s have	adogua	te shade. Wr
20	no longer do			

determine that the same water or was a warrance whether we are the same of the

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. The homes on either side of ours are
	built higher up on their hills, and also set back further from the road than ours is.
11	back further from the road than ours is.
	Frey have shade on their decks & we do not anymore.
18.	were these special circumstances the result of any action taken
	SUBSEQUENT TO MAY 10, 1984? YES The trees were takendown in 202
181 1	The trees were takendown in 202
	NATURE OF APPLICANT: WATURE OF PROPERTY OWNER:
	cks should be made payable to the City of Osage Beach. Postage costs should be calculated and submitted with the \$880.00 filing fee.
STA	TE OF MESSOURI,
COU	NTY OF CAMPEN,
Subs	cribed and sworn to me before me, the day of 1000 day of 100000000000000000000000000000000000
Nota	ry Public WWW IVI WWW IVI
My C	Commission expires: (stamp) OFFICIAL SEAL LISA M GUSTAFSON NOTARY PUBLIC - STATE OF ELINOIS MY COMMISSION EXPIRES:09/16/22

STEIN AMENDED VARIANCE REQUEST Mar 12, 2021

RE: AMENDMENT to the Variance Request sent to you Feb 24, 2021 for a proposed upstairs addition

To the Board of Adjustment:

We originally were planning to add an upstiars addition to our lake house at 5208 Dempsey Dr.

Osage Beach, MO

We sent in a request in Feb for a variance, as our home is over the setback.

After further thought, we have decided it will be better to put an addition out the back. which we have now been told does not require a variance.

What we would like to do now, though, is to amend the variance request to ask if we 12' X 18' could put a

A-frame on a portion of the variance-approved deck we built in 2014. At the time, we decked around a tree which provided wonderful shade and have so enjoyed our deck for the past 7 yrs. But that tree, along with another to the side of the deck, had to be taken down last year, because they were dying, and posed a risk of damaging our house in a strong Lake of the Ozarks storm. Unfortunately, now we have no shade, which is, of course, so badly needed.

We hope that you will grant this request, so that we can continue to host family and friends comfortably for cook-outs and also for staying dry while sitting on our deck during a rain storm.

David Stein 708-269-8835

dstein368@yahoo.com

Annemarie Stein 708-334-8835

CITY OF OSAGE BEACH BOARD OF ZONING ADJUSTMENT REQUEST FOR REVIEW

NAME OF APPLICANT:	David =	Annemarie Stein	* 3.5
MAILING ADDRESS:	1369 Mil	11 St. Apt 1	
		IL 60417	
TELEPHONE Dave	is cell:	708-269-8835	
Attach level description	of aromerty to this an	e directions to property. Include Lake plication. Please mark property in so akes, indicating location of proposed v	ne way, 1.e., custance
Take DId 54.	to Malibu	(Hun the old Trico Da	ack Co. 2 Rapid
oberts Gas Station) Left oxto.	Dempsey Dr. Lot #1.	5208 Dempsey Dr.
VARIANCE	FOR/FROM:	an addition over	existing house
APPEAL	FOR/FROM:		
List 1	names and mailing ac (Attaci	ddresses of the current adjoining prop h a separate sheet if necessary)	erty owners:
NAME	160	COMPLETE ADDRESS/WITH 2	AP CODE
Neighbor to	the west:	David Martin	
,		Susan Koppit	<u> </u>
		P.D. Box 775	
		Morongo Valley	, CA 92256
to the e	ast:	We are the owner	s of the
	68	neighboring prope	rty
0		5202 Dempsey	
= 10 // 10	38 I . I .	Dur contact into	is above.
			20 TRS -1

CITY OF OSAGE BEACH BOARD OF ZONING ADJUSTMENT QUESTIONNAIRE

	SOURCE OF UTILITIES:	WATER:	well	GAS:	propone
•		SEWER:	public	ELECT	RIC: Ameren Mo
• II	PRESENT USE OF PROPERTY:	Single	Camily home		
	PRESENT ZONING OF PROPE	ETY: resi	dential		
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·.	PLEASE LIST ANY EXISTING			ND THE YE	AR BUILT. 195
	DO YOU OWN ANY PROPERTY	ADJACENT TO	THE SUBJECT PRO	PERTY?	25 5202 Dampsey
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l O .	IS THERE ANY PARTICULAR	HARDSHIP REL	ATED TO YOU OR YO	UR PROPE	RTY OF
	WHICH THE BOARD SHOULD	BR AWARE?	It is t	OU SMO	ell for
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	With the ad	dition, u	e will have	a moo	ust 1280 sgf.
l1.	LIST SPECIAL CIRCUMSTAN	CES WHICH ARI	PECULIAR TO THE	LAND STR	UCTURE
	OR BUILDING IN QUESTION	AND DO NOT G	ENERALLY APPLY T	O THE NEI	HBORING
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- 71	Our lake home	e is loca	ted in from	d 07 0	2 SIzcable
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12.	LIST REASONS WHY STRICT APPLICATION OF THE PROVISIONS OF THE ZONING
	ORDINANCE WOULD DEPRIVE YOU OF REASONABLE USE OF THE LAND, STRUCTURE
	OB BUILDING IN A MANNER EQUIVALENT TO THE USE PERMITTED TO BE MADE BY
	OTHER OWNERS OF NEIGHBORING LANDS, STRUCTURES OR BUILDINGS IN THE SME
	The homes on either side of ours are
	built higher up on their hills, and also set
	built higher up on their hills, and also set back further from the road than ours: 1s-
18.	WERE THESE SPECIAL CERCUMSTANCES THE RESULT OF ANY ACTION TAKEN
	SUBSEQUENT TO MAY 10, 1984? YES NO
1.1	NATURE OF PROPERTY OWNER:
	ident for additional information. Only completed applications shall be forwarded to the Board of Adjustment.
8000	NATURE OF PROPERTY OWNER:
	The second secon
	secks should be made payable to the City of Osage Beach. Postage costs should be calculated and submitted with the \$830.00 filing fee.
STA	ATE OF MISSOURI,
	CON
CO	unty of campen,
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	pecribed and sworn to me before me, the Who day of February 20 11
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