

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

**November 17, 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 JUNE 16, 2021 MEETING
5. NEW BUSINESS
 - A) Variance Case No. 344 Ricky Shadel
6. ADJOURN MEETING

Remote viewing is available on Facebook at *City of Osage Beach, Missouri* and on YouTube at *City of Osage Beach*.

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 #342 and #343
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

June 16, 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 June 16, 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 – 4/21/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the April 21, 2021 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the January 20, 2021 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. 342 Luke Lulich and Stacey Ingram

Chairman Randy Gross called Case No. 342 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 we did.

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

Planner Patterson replied the only correspondence received was a letter from the applicant.

The Code Book and file containing Variance Case No. 342 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: June 16, 2021 **Case Number:** 342

Applicant: Luke Lulich and Stacey Ingram
Location: 1201 Ash Lane
Petition: Variance from minimum setback requirements
Purpose: Storage shed placement
Existing Use: Single-family home
Zoning: R-1a
Tract Size: Approximately 4,900 sq ft

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

None

Utilities

<u>Water:</u>	City	<u>Gas:</u>	None
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	City

Access: The subject property has frontage on Ash Lane

Analysis:

1. The applicant is the owner of the property in question. The property is known as Lot 3 of Oak Run Subdivision and is designated with the physical address 1201 Ash Lane.
2. The applicant is requesting a variance to place a 10'x12' storage shed on the subject property that encroaches into the required front yard setback to within five (5') feet of the front property line at its closest point and five (5') feet of the east side property line. They are requesting the shed to provide storage and covered area for a motorcycle and lawn equipment.
3. The minimum required setback in the front yard is twenty-five (25) feet and the side yard requirement is ten (10') feet.

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. The proposed shed cannot be placed as to encroach on any service easement.
3. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
4. A building permit must be obtained for the additions and all other zoning codes be adhered to.

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

The applicant, Luke Lulich replied they need more room to store things but no changes to the request.

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 complete, in order and ready for the Board's decision.

Board member Fred Catcott made a motion to approve Variance Case No. 342 and Board member Karen Bowman seconded the motion. A roll call vote was taken, and Variance Case No. 342 was unanimously passed.

Chairman Randy Gross then called the next case, Case No. 343 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes they have.

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 we have.

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

Planner Patterson replied there were two written responses and were in favor.

The Code Book and file containing Variance Case No. 343 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 THE
BOARD OF ZONING ADJUSTMENT**

Hearing Date:	June 16, 2021	Case: 343
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Applicant: Carl Doerhoff

Location: South of Highway 54 on Winn Road to Drasky Lane east to Palmer; near the end of Palmer Lane.

Petition: Variance from the minimum front yard setback requirements to allow renovation and addition to an existing nonconforming structure.

Existing Use: Single Family Residence

Zoning: R-1b Single Family Residential

Lot Size: Approximately 10,000 square feet

Surrounding Zoning:

Surrounding Land Use:

North: Lake

South: R-1b

Single family

East: R-1b

Single family

West: R-1b

Single family

Utilities

Water: Private
Electricity: Ameren

Gas: None
Sewer: City

Access: Property has approximately 100 feet of frontage on Palmer Lane.

Analysis:

1. The applicant owns the lot in question, which was platted as lot 27 in Palmer Subdivision in 1961.
2. The applicant was granted a variance back in 2001 to renovate the existing dwelling on the property that was not code compliant and had structural deficiencies related to both the noncompliant construction and water damage to the structure.
3. The applicant is now seeking a variance to build a garage, storage, and covered deck expansion on the subject property. If permitted for construction, the new

renovation/addition will be 0.47 feet from the Palmer Lane right-of-way (ROW) and 5.3 feet from the side property line at the rear of the new addition.

4. The minimum required front yard setback in an R-1b district is 25 feet and a 10-foot setback is required on the sides.
5. Because of platting issues and number of homes that were built prior to the adoption of the city's zoning code, Palmer Lane along with much of the surrounding neighborhood has seen its share of variance petitions.
6. The City's sewer line is across the road surface more than 10 feet from the dwelling. A typical sewer easement is five (5) feet either side of the sewer line.

Planning Department Recommendations:

Typically, I would be very leery of a garage addition that would require the occupants to back directly onto the street. In this case, the applicant property is the last home serviced by the adjacent road known as Palmer Lane and I see no opportunity for that to change as the ROW ends at the applicant's property as well. Although the proposal does not expand upon the existing building footprint, the living area of the house will be moved closer to the right-of-way line. If this request is approved, the following conditions should apply:

1. A minimum front yard setback of .47 feet is established for the addition in the front yard and a 5.3-foot setback is established for the addition on the side as illustrated on 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, and all other zoning codes be adhered to.

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

The applicant stepped up to the podium and was then sworn in. He stated the property needs the Variance so a vehicle can turn around safely and for storage.

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.

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

Board member Karen Bowman made a motion to approve Variance Case No. 343 and Board member Gloria O'Keefe seconded the motion. A roll call vote was taken, and Variance Case No. 343 was unanimously passed.

Adjourn

Board member Louis Mayer 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 4:15 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 June 16, 2021.

Pam Campbell/Planning Department Secretary

Randy Gross, Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: November 17, 2021

Case Number: 344

Applicant: Ricky and Mary Jo Shadel

Location: 980 Palmer Ln.

Petition: Variance from minimum setback requirements

Purpose: Enclose area for laundry addition

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: Approximately 9,500 sq ft

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
Shadel	325	August 16, 2017

Utilities

<u>Water:</u>	City	<u>Gas:</u>	None
<u>Electricity:</u>	Ameren	<u>Sewer:</u>	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 a space between the existing home and a retaining wall on the east side of the dwelling for the addition of a laundry room. The addition would extend to 14 feet from the front property line and 1.4 feet from the side property line creating an encroachment within the required setbacks for both property lines. The minimum required setback in the front yard is twenty-five (25') feet from the front property line and ten (10') feet from the side property line in the R-1b zone.
3. This subdivision has issues because of the way the lot layout and subsequent construction of the homes 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.
4. The proposed addition to the home does not increase the physical footprint on the property, but it does increase the amount of enclosed area for the dwelling.
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.

Date Submitted 10-12-2021

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: Ricky Shadel

MAILING ADDRESS: 3518 Osage Beach Pkwy
Osage Beach, MO 65065

TELEPHONE: 573-216-2851 CELL

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.

980 Palmer Lane, Osage Beach
Turn on Winn Road off Osage Beach Parkway
Left on Drasky Lane Left on Palmer Lane (Dead End)
3rd house from end
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

<u>Carl Doerhoff</u>	<u>- owns house to east 988 Palmer</u>
<u>5840 Foxfire Lane</u>	<u>+ lot to the west.</u>
<u>Lohman, mo 65053</u>	<u>He is on both sides of</u>
	<u>property</u>

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY:
2. SOURCE OF UTILITIES: WATER: City GAS: M+S propane
SEWER: City ELECTRIC: Ameren
3. PRESENT USE OF PROPERTY: Residential
4. PRESENT ZONING OF PROPERTY: Residential
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? YES
IF SO, WHEN? 2017
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? since 2017
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT House ?
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 laundry room
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? laundry - washer dryer
Lead of current closet - hard to access
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.
Wanting to put laundry off current patio to retaining
wall that is in place

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.

*This would not affect neighbor And just fill in area that
is not in use for any other issues.*

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:

EMS Property Mgt LLC By: [Signature]

SIGNATURE OF PROPERTY OWNER:

[Signature]

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 12 day of October 2021

Notary Public

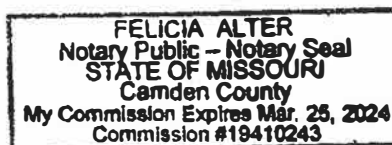
[Signature]

My Commission expires:

(stamp)

(seal)

3/25/2024



October 12, 2021

To: Board of Adjustment

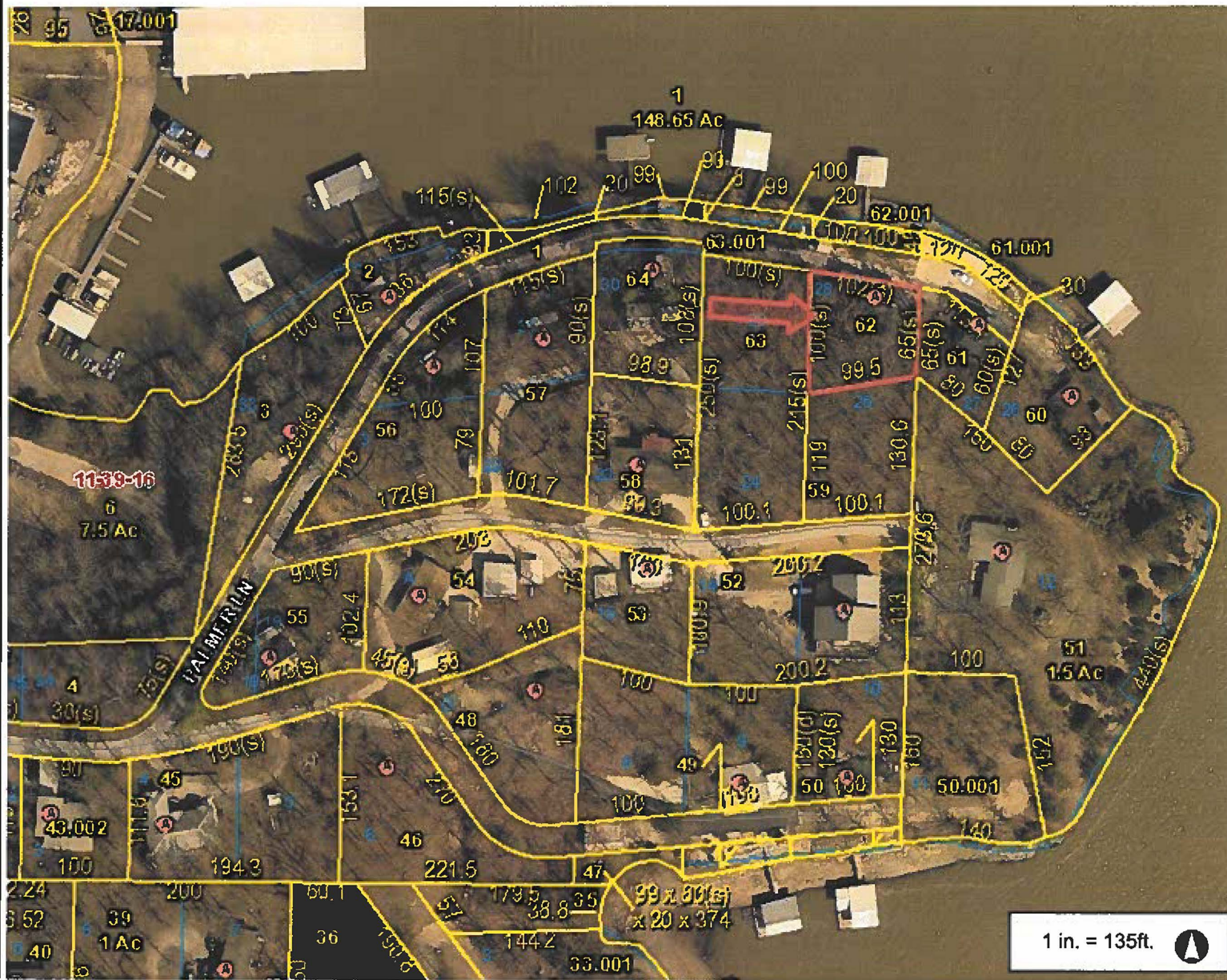
We are requesting permission to put a laundry room at the far back corner of present house to the retaining wall which will need to be done by putting a door thru present bedroom and adding on to roof section to cover this area. This addition will be a triangle area 2 x 5 x 6 area. At present time, can not access stackable washer and dryer because at end of closet. This addition will then make useable area.

Respectfully,

Ricky and Mary Jo Shadel

980 Palmer Lane, Osage Beach

Camden County, MO



270.4 0 135.21 270.4 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

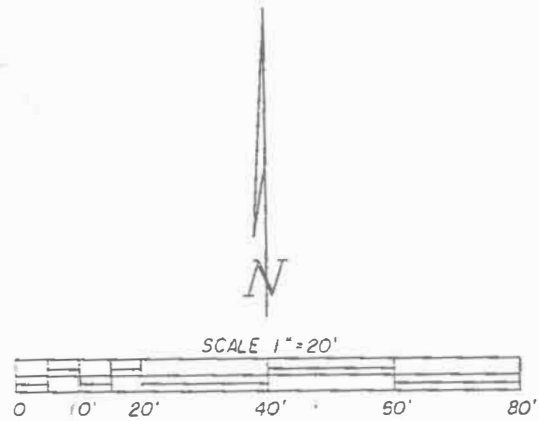
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Notes

SITE PLAN



LAKE OF THE OZARKS

