

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

December 15, 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 NOVEMBER 17, 2021 MEETING
5. NEW BUSINESS
 - A) Variance Case No. 345 Craig & Brooke Loo
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 #344
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

November 17, 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 November 17, 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 and Planning Department Secretary Pam Campbell. Capital City Court Reporting Court Reporter Shelly Stewart was also present.

Minutes – 6/16/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the June 16, 2021 minutes. There were none. *Board member Gloria O'Keefe made a motion to approve the June 16, 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.

A) Variance Case No. 344 Ricky Shadel

Chairman Randy Gross called Case No. 344 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 there were none.

The Code Book and file containing Variance Case No. 344 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 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.

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

The applicant, Ricky Shadel stepped up and was sworn in.

Chairman Randy Gross asked if there were any changes that the Applicant wanted to make at this time and Ricky Shadel replied no changes.

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.

Chairman Randy Gross said that Ed Rucker, City Attorney, provided a memo stating that he had no objections and it was the Board's decision on this matter.

Chairman Randy Gross asked if there were any questions from other staff, there were none, and stated the Chair will accept a Motion on the Variance Request for Case 344.

Board member Lou Mayer made a motion to approve Variance Case No. 344 and Board member Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case No. 344 was unanimously passed.

Adjourn

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

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:09 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 17, 2021.

Pam Campbell/Planning Department Secretary

Randy Gross, Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: December 15, 2021 **Case Number:** 345

Applicant: Craig & Brook Loo

Location: 4507 Cove Road (behind 4505 Cove Road)

Petition: Variance from minimum setback requirements

Purpose: Rebuild dwelling on an existing foundation (structure destroyed by fire)

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: 13,977 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 Cove Road

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 1 of Frank Clark's Subdivision" and is designated with the physical address 4507 Cove Road.
2. The dwelling structure at the subject location was destroyed by fire in June of 2021. At the time it was destroyed, the dwelling was a legal non-conforming structure. The applicants are requesting a variance from setback regulations to rebuild the structure on the existing foundation. The applicants have had an engineer do a structural evaluation of the existing foundation and it was found to be capable of handling the new structure. That report and statement will be submitted to the Building Official with the building permit application if the requested variance is approved.
3. The applicant is requesting a variance to rebuild a dwelling on an existing foundation that will be 6.25 ft. from the side property line and 23.88 ft. from the rear property line at its closest point. Approval of the requested variance will allow the city to issue a legal building permit to construct the dwelling as per the submitted site plan. The minimum required side yard setback in the R-1a zone is ten (10') feet from the side property line and the required setback in the rear is thirty (30') feet from the lakeside property boundary.
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.

Date Submitted 10/26/21

**CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW**

NAME OF APPLICANT: Craig & Brooke Loo

MAILING ADDRESS: 13905 Hayes Street

Overland Park, KS 66221-2012

TELEPHONE: (913) 957-6906

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.
4507 Cove Road, Osage Beach, MO 65065 Lot 1 of Frank Clark's Subdivision

North Side Property Line Setback - Variance of 3.75 feet for a Setback Distance of 6.25 feet.

Lakefront Property Line Setback - Variance of 6.12 feet for a Setback distance of 23.88 feet

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
Simbro, Vicky	4505 Cove Road, Osage Beach, MO 65065-2307
Allen & Janet Bednarek	1008 Dean Street, St. Charles, IL 60174
Richard & Lisa Beckmann	4495 Cove Road, Osage Beach, MO 65065-2305

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

1. **SIZE OF PROPERTY:** 13,977 sq. ft.
-
2. **SOURCE OF UTILITIES:** WATER: City of Osage Beach GAS: None
SEWER: City of Osage Beach ELECTRIC: Ameren
-
3. **PRESENT USE OF PROPERTY:** Single-Family Residential
-
4. **PRESENT ZONING OF PROPERTY:** R-1A
-
5. **HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?** No
IF SO, WHEN?
-
6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** 1 year
-
7. **PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT.**
-
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?**
-
- The existing foundation that we would like to utilize is within the current setbacks. We would like to rebuild our home, in its original location.
-
10. **IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE?**
-
- A house fire of our existing home requires us to rebuild. The concrete foundation has tested acceptable for reuse. Removing and replacing the usable foundation will create a large financial hardship on rebuilding, and delay us from enjoying our home again.
-
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.**
-
- House fire
-

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.

The existing foundation is within the setback provisions.

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:

Broke for

SIGNATURE OF PROPERTY OWNER:

Broke for

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~~ *Kansas*

COUNTY OF ~~CAMDEN~~ *Johnson*

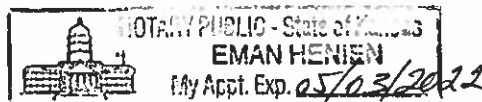
Subscribed and sworn to me before me, the *26th* day of *October* 20 *21*

Notary Public

[Signature]

My Commission expires: *05/03/2022* (stamp)

(seal)

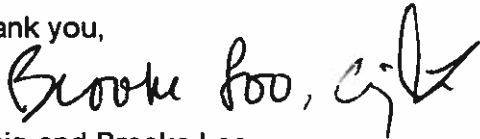


Craig and Brooke Loo
4507 Cove Rd
Osage Beach, MO 65065

To Whom it May Concern -

My wife and I are the owners of the home at 4507 Cove Road in Osage Beach. Our home was lost to a fire in late June. We have tested the foundation and found it to be in acceptable shape to reuse. Since the foundation has passed integrity testing and the relocation of the foundation would cause extraordinary financial duress, we are requesting permission to be able to reuse the foundation in its existing footprint. We appreciate your consideration.

Thank you,

A handwritten signature in black ink, appearing to read "Brooke Loo", followed by a stylized flourish or initial.

Craig and Brooke Loo



NORTH

**Variance Case
345 Location Map**

