

# 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](http://www.osagebeach.org)

### TENTATIVE AGENDA

### REGULAR MEETING

May 17, 2023 - 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](http://www.osagebeach.org).

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### APPROVAL OF MINUTES

- A. Motion to approve Minutes July 20, 2022

### NEW BUSINESS

- A. Variance Case 347 Darrell and Melissa Otte

### 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 #345  
OF THE BOARD OF ADJUSTMENT  
FOR THE CITY OF OSAGE BEACH, MISSOURI**

**July 20, 2022**

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 July 20, 2022 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 and Gloria O'Keefe. Absent was Larry Jones and City Attorney, Ed Rucker. Also, present City Planner Cary Patterson and Planning Department Secretary Pam Campbell. Court Reporter, Kellene Feddersen was also present.

Minutes – 12/15/2021

Chairman Randy Gross asked if there were any corrections or comments regarding the December 15, 2021 minutes. There were none. *Board member Fred Catcott made a motion to approve the December 15, 2021 minutes and Board member Gloria O'Keefe 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. 346 Joe Holliday

Chairman Randy Gross called Case No. 346 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes Mr. Chairman

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 Mr. Chairman we have.

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

Planner Patterson replied there were none except for the memo we received from the City Attorney.

The Code Book and file containing Variance Case No. 346 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 addressed the Chairman stating, Mr. Chairman we only have four members and you may wish to ask the applicant if he wishes to proceed.

Chairman Randy Gross asked the applicant if he wished to proceed.

The applicant replied yes.

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT  
REPORT TO  
BOARD OF ADJUSTMENT**

**Date:** July 20, 2022

**Case Number:** 346

**Applicant:** Joseph M. Holliday

**Location:** 5055 Drasky Lane

**Petition:** Variance from minimum setback requirements

**Purpose:** Construction of a deck

**Existing Use:** Single-family home

**Zoning:** R-1b (Single Family)

**Tract Size:** Approximately 12,500 sq ft

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

None

Utilities

**Water:** City  
**Electricity:** Ameren

**Gas:** Summit  
**Sewer:** City

**Access:** The subject property derives access from Draskey Ln.

**Analysis:**

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 10 of Palmer Subdivision and is designated with the physical address 5055 Drasky Lane.
2. The applicant is requesting a variance to build a deck on the side of the existing home that will be 10.34 feet from the front property line and 8.14 feet from the side property line. As you can see on the submitted site plan, the existing home is very close to the front property line at its closest point which is what makes the home a legal non-conforming structure. With that being the case, a variance is required to enlarge or add on to a legal non-

conforming structure as is being requested in this case. Approval of the requested variance will allow the city to issue a legal building permit to construct the deck as per the submitted site plan. In the R-1b zone, the minimum required front yard setback is twenty-five (25') feet from the front property line and the side yard setback requirement is ten (10') feet from the side property line.

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.

Chairman Randy Gross thanked Mr. Patterson.

Mr. Patterson replied yes, sir.

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

The applicant stated he hoped he supplied all the information.

Chairman Randy Gross asked if there was anyone who wanted to comment in favor of this request and if so, please be recognized, step up to the microphone, state your name and allow yourself to be sworn in.

Rick Kuhlmann stepped up and stated he is a neighbor to Joe and has no objections in the email that I sent.

Planner Patterson stated to Rick Kuhlmann that he needed to be sworn in.

Rick Kuhlmann was sworn by the Court Reporter.

Rick Kuhlmann further stated that being Joe's neighbor, it is directly on his side of the house that's adjacent to me and he has no objections to the setbacks of 8.4, no problem.

Fred Catcott asked if he needed to sign in.

Planner Patterson stated yes and it will be on the official record, also.

Chairman Randy Gross asked if there was anyone who would like to comment in opposition to this request and if so, please be recognized, step to the microphone, state your name and allow yourself to be sworn in.

Chairman Randy Gross stated, there were none and asked if there were any questions from the Board.

There were none.

Chairman Randy Gross noted the letter from the City Attorney that the application is in proper legal form, the file is complete and ready for the Board's decision.

Chairman Randy Gross asked if there were any other comments from legal counsel.

Planner Patterson stated he is not legal counsel but wanted to remind the Board if it is approved the following conditions would apply, structure must be built according to the site plan, any expansion or change of proposal shall require Board of Adjustment approval and a building permit must be obtained for the new construction with all zoning and building codes being adhered to.

Chairman Randy thanked Planner Patterson.

Chairman Randy Gross asked if there were any questions from the Board. There were none, and stated the Chair will accept a Motion on the Variance Request for Case 346.

*Board member Karen Bowman made a motion to approve Variance Case No. 346 and Board member Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case No. 346 was unanimously passed.*

Chairman Randy Gross stated the motion was approved 4-0.

Chairman Randy Gross asked if there was any further business or reports.

Planner Patterson stated yes, and addressed the Board stating you have all probably recognized that our previous member, Lou Mayer, is not with us here tonight. He did submit his resignation and felt that his 14 years on the board had been long enough and he was ready to retire and struggling with some other things as well that made it difficult for him to serve but he sends his regards to each one of you and stressed how much he enjoyed working with all of you. And with that in mind, the Board of Aldermen will be hearing a new member that may be appointed but the Board themselves will need to appoint a person but the Mayor is bringing a new member proposal to them at their next meeting. So, when we do have another meeting, it will have five full time members and then Mr. Jones is still our alternate but he was unable to be with us today so that's why we have four.

Chairman Randy Gross thanked Planner Patterson and asked if there was any additional business.

Randy Catcott thanked our secretary (Pam) for the treats

Adjourn (Chairman Randy Gross didn't ask for a Motion to Adjourn)

There being no further business to come before the Board of Adjustment, Chairman Randy Gross adjourned the meeting at 4:11 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 July 20, 2022.

---

Pam Campbell/Planning Department Secretary

---

Randy Gross, Chairman

**PLANNING DEPARTMENT  
REPORT TO  
BOARD OF ADJUSTMENT**

**Date:** May 17, 2023

**Case Number:** 347

**Applicant:** Darrell and Melissa Otte

**Location:** 1448 Dogwood Lane

**Petition:** Variance from minimum setback requirements

**Purpose:** Addition to Primary Dwelling

**Existing Use:** Single-family home

**Zoning:** R-1b (Single Family)

**Tract Size:** Approximately 7,633 sq ft

| <b><u>Case History</u></b> | <b><u>Case #</u></b> | <b><u>Date</u></b> |
|----------------------------|----------------------|--------------------|
|----------------------------|----------------------|--------------------|

None

**Utilities**

|                            |        |
|----------------------------|--------|
| <b><u>Water:</u></b>       | City   |
| <b><u>Electricity:</u></b> | Ameren |

|                      |        |
|----------------------|--------|
| <b><u>Gas:</u></b>   | Summit |
| <b><u>Sewer:</u></b> | City   |

**Access:** The subject property derives access from Dogwood Ln.

### **Analysis:**

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 50 of Dogwood Park Estates and is designated with the physical address 1448 Dogwood Lane.
2. The applicants are requesting a variance to build an addition on the side of the existing home that will be approximately 19 feet from the front property line. As you can see on the submitted site plan, the existing home is 13.8 feet from the front property line at its closest point which is what makes the home a legal non-conforming structure. With that being the case, a variance is required to enlarge or add on to the legal non-conforming structure as is being requested in this case. Approval of the requested variance will allow the city to issue a legal building permit to construct the addition as per the submitted site plan. In the R-1b zone, the minimum required front yard setback is twenty-five (25') feet from the front property line and the side yard setback requirement is ten (10') feet from the side property line.
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.

CITY OF OSAGE BEACH  
BOARD OF ZONING ADJUSTMENT  
QUESTIONNAIRE

RECEIVED  
4-14-2023

1. SIZE OF PROPERTY: \_\_\_\_\_
2. SOURCE OF UTILITIES: WATER: city GAS: n/a  
SEWER: city ELECTRIC: ✓
3. PRESENT USE OF PROPERTY: home (primary)
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? 5 years
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. n/a
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? We downsized to this home, it is too small, we need additional space to be comfortable.
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. n/a

Date Submitted 4-14-23

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

NAME OF APPLICANT: Darrell + Melissa Otte

MAILING ADDRESS: 1448 Dogwood Ln  
Osage Beach, mo 65065

TELEPHONE: (314) 330-7538 (Melissa's cell) mel@AR73@gmail.com

**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.

Hwy 54 to Nichols rd, 1st on Dude ranch, follow straight back to home  
left

VARIANCE FOR/FROM: addition to home

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

Tia Chew + Glenn Williams 1440 Dogwood Ln Osage Beach, mo 65065  
Corey Toenjes 1456 Dogwood Ln Osage Beach, mo 65065

Board of Adjustment,

We have been coming to the Lake of the Ozarks for over 30+ years now and love it here. We recently decided to down size, sell our primary home in Washington, MO and move here (what has been our second home/summer home for the past 5 years). Our kids are grown and we thought it would be enough space for the 2 of us, however after we moved and realized we've accrued some things over the years (memories), we need more space to make it comfortable for us, and for our children and grandchildren to visit us, comfortably. We love it here and planned to retire here, and now that it has happened sooner, we are excited to get situated in our home. Unfortunately, we have a shallow lot and the set back differences are making it difficult to meet our needs. We really do not want to sell our home and start over, we love the Osage Beach area and want to stay where we are. I hope that this sheds some light as to where we stand in the process and how important it is for us to add on the addition we need for our family.

Sincerely,

Darrell & Melisa Otte

4/11/23

This letter is stating that the party/parties listed below have agreed to and are in favor of the addition to the Otte home.

Corey Toenjes 1456 Dogwood Lane, Osage Beach, MO 65065



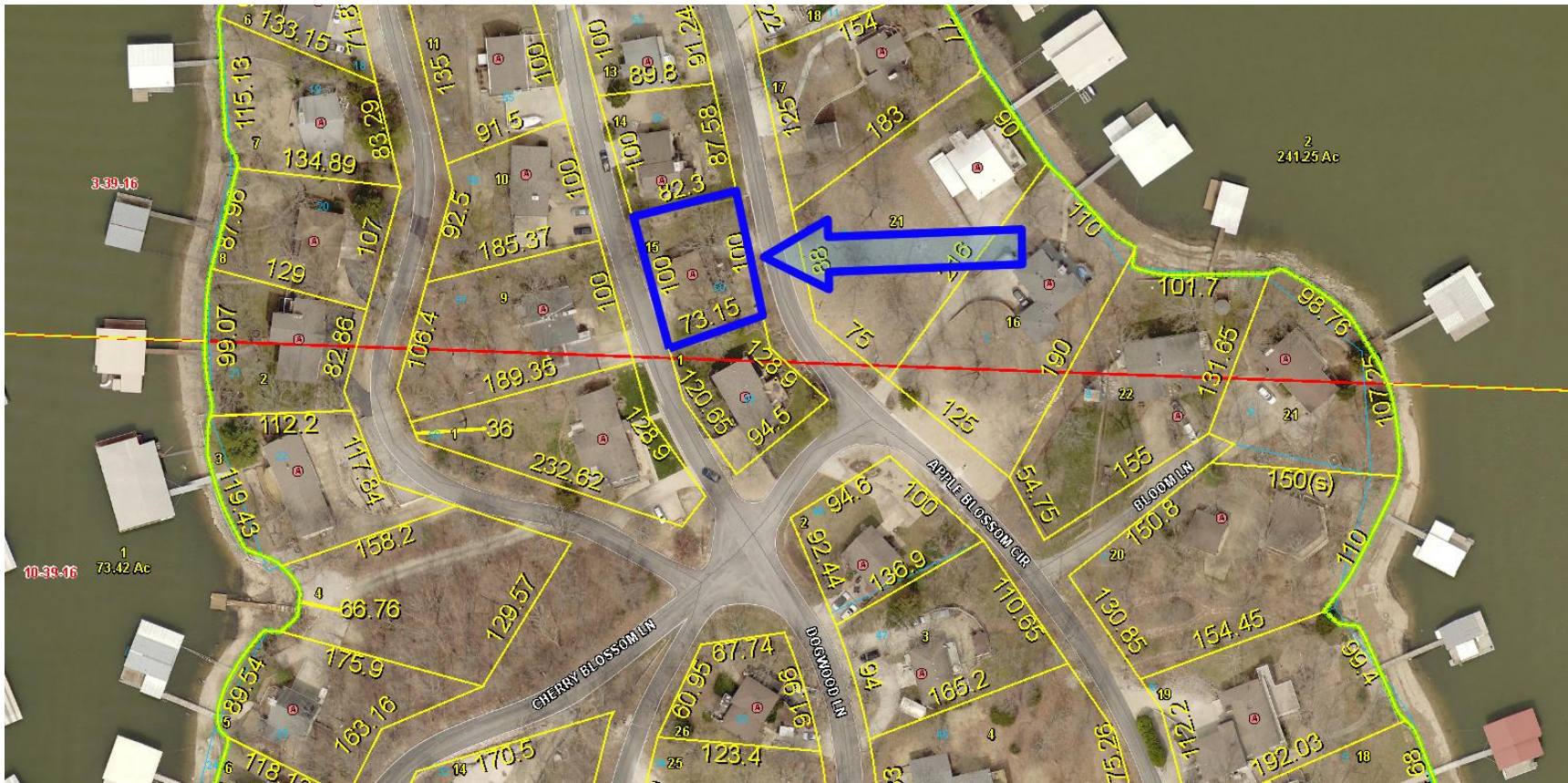
---

4/11/2023

This is a letter stating that the parties below have agreed to and are in favor of the addition to the Otte home.

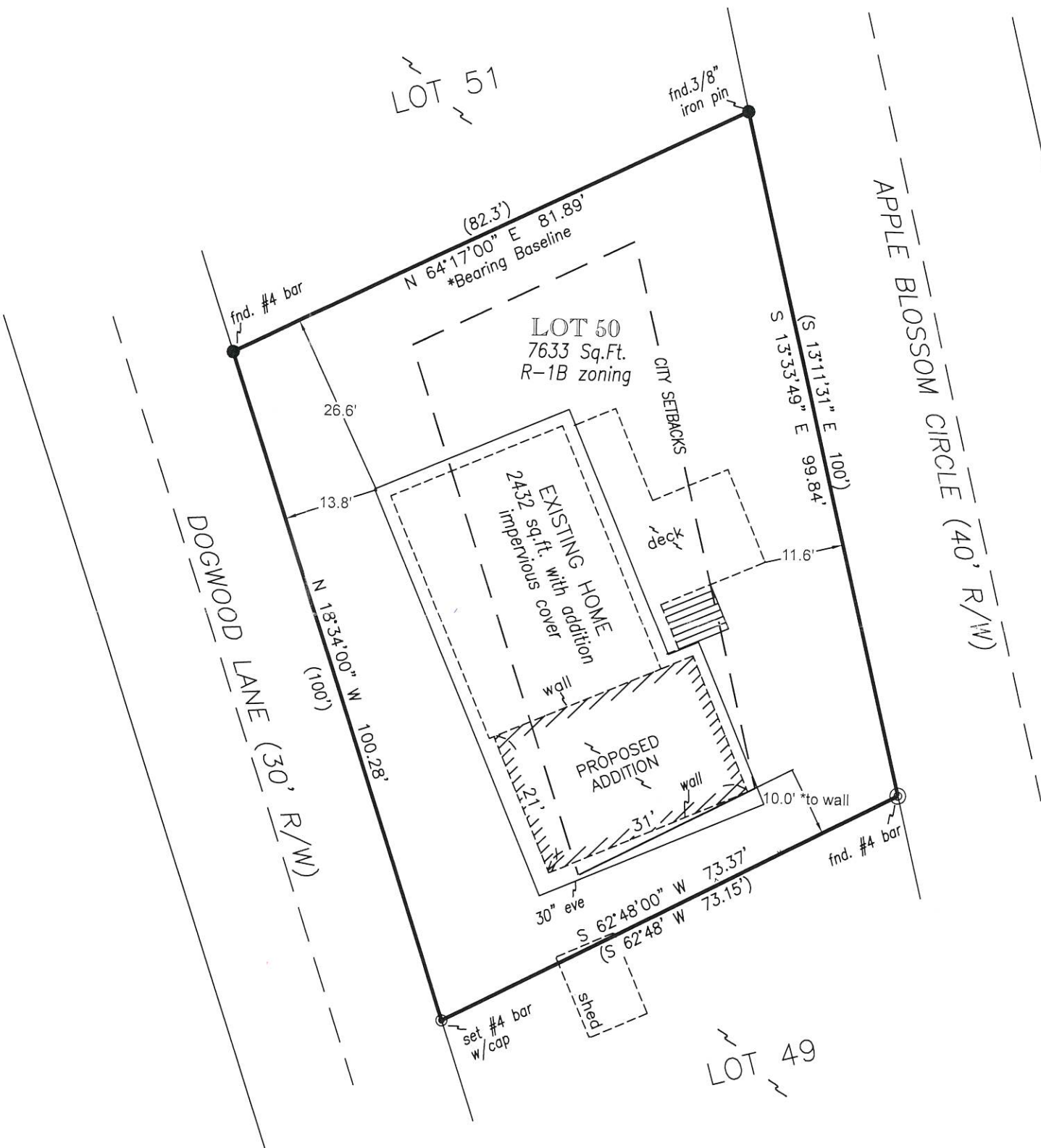
Tia Chew & Glenn Williams: 1440 Dogwood Lane, Osage Beach, MO 65065

Tia Chew 4/11/2023 Glenn Williams 4/11/2023



**NORTH**

**Variance Case  
347 Location Map**



NOTE: THIS TRACT IS SUBJECT TO LAWFUL COMPLIANCE WITH THE CITY OF SAGE BEACH, MISSOURI, ORDINANCES.

CITY OF OSAGE BEACH SETBACKS:

SIDE YARD = 10'

REAR YARD = 20'

FRONT YARD = 25'

PRELIMINARY