

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

September 20, 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.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- A. Motion to Approve Minutes - May 17, 2023 and August 16, 2023

UNFINISHED BUSINESS

- A. Variance Case #348 John Green

NEW BUSINESS

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.

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

May 17, 2023

Call to Order

Fred Catcott called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on May 17, 2023, at 4:00 p.m.

Roll Call

The following Board Members were present: Fred Catcott, Karen Bowman, Gloria O’Keefe, Robert Bickle and Larry Jones. Absent was Chairman Randy Gross.

City Staff present: City Attorney Cole Bradbury, City Planner Cary Patterson, and Planning Secretary Pam Campbell.

Court Reporter: Shelly Stewart

Fred Catcott 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 has been met.

New Business

A. Variance Case #347 Darrell and Melissa Otte

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

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
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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 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.

Board Member O'Keefe made a motion to approve Variance Case No. 347 This motion was seconded by Board Member Jones. A roll call vote was taken, and Variance Case No. 347 was unanimously passed. Absent Chairman Randy Gross.

Adjourn

There being no further business to come before the Board of Adjustment, Fred Catcott adjourned the meeting at 4:11 p.m.

I, Pam Campbell, City Clerk, 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 September 20, 2023

Pam Campbell, Planning Commission Secretary

Fred Catcott, Committee Member

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

August 16, 2023

Call to Order

Fred Catcott called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on August 16, 2023, at 4:00 p.m.

Roll Call

The following Board Members were present: Fred Catcott, Karen Bowman, Gloria O’Keefe, Robert Bickle and Larry Jones. Absent was Chairman Randy Gross.

City Staff present: City Attorney Cole Bradbury, City Planner Cary Patterson, and City Clerk Tara Berreth.

Court Reporter: Shelly Stewart

Fred Catcott 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 has been met.

New Business

A: Variance Case #348 John Green

The applicant John Pennel asked to have the application postponed due to not receiving the construction easement from neighbor. The construction easement is needed to meet the required setbacks.

Board member Bickle made a motion to postpone Variance Case No. 348 to the next available meeting on September 20, 2023. This motion was seconded by Board member O’Keefe. A roll call vote was taken and passed with a voice vote. Absent Chairman Randy Gross.

B. Variance Case #349 Craig and Brooke Loo

Date:	August 16, 2023	Case Number:	349
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		

<u>Case History</u>	<u>Case #</u>	<u>Date</u>
Variance	345	12/15/21

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. The applicant was granted a variance by the Board of Zoning Adjustment in December 2021, but failed to use the variance within a year which resulted in the variance being cancelled. This is the reason that the applicant is before the Board once again, requesting the same variance relief.
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. The variance must be used within one year of the approval date.

Board O'Keefe member made a motion to approve Variance Case No. 349 This motion was seconded by member Bowman. A roll call vote was taken, and Variance Case No. 349 was unanimously passed. Absent Chairman Randy Gross.

Adjourn

There being no further business to come before the Board of Adjustment, Fred Catcott adjourned the meeting at 4:18 p.m.

I, Tara Berreth, City Clerk, 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 August 16, 2023

Tara Berreth, City Clerk

Fred Catcott, Committee Member

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: Spetember 20, 2023

Case Number: 348

Applicant: John Green

Location: 4895 Pennel Lane

Petition: Variance from minimum setback requirements

Purpose: Replace existing non-conforming structure

Existing Use: Single-family home

Zoning: M (Mobile Home)

Tract Size: Approximately 1,994 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 Pennel Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a portion of lot 2 of Clown Cove Estate and is designated with the physical address 4895 Pennel Lane.
2. The applicants are requesting a variance to replace the existing mobile home with a new house structure. As you can see on the site plan, the new structure is proposed to be one (1') foot from the front property line, **five (5') feet** from the west side property line, and three and six tenths (3.6') feet from the rear property line. 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. It is worth noting that the proposed structure improves the non-conforming issues that exist with the current structure in which portions of it encroach over the property lines in both the front and rear of the lot. The proposed structure falls completely on the applicant's property and allows for the creation of two parking spaces, on their property, as opposed to parking in the Pennel Lane Right of Way or on the neighbor's property as they currently are forced to do.
4. Of course, if approved the addition cannot be built on or over any public utilities or easements.

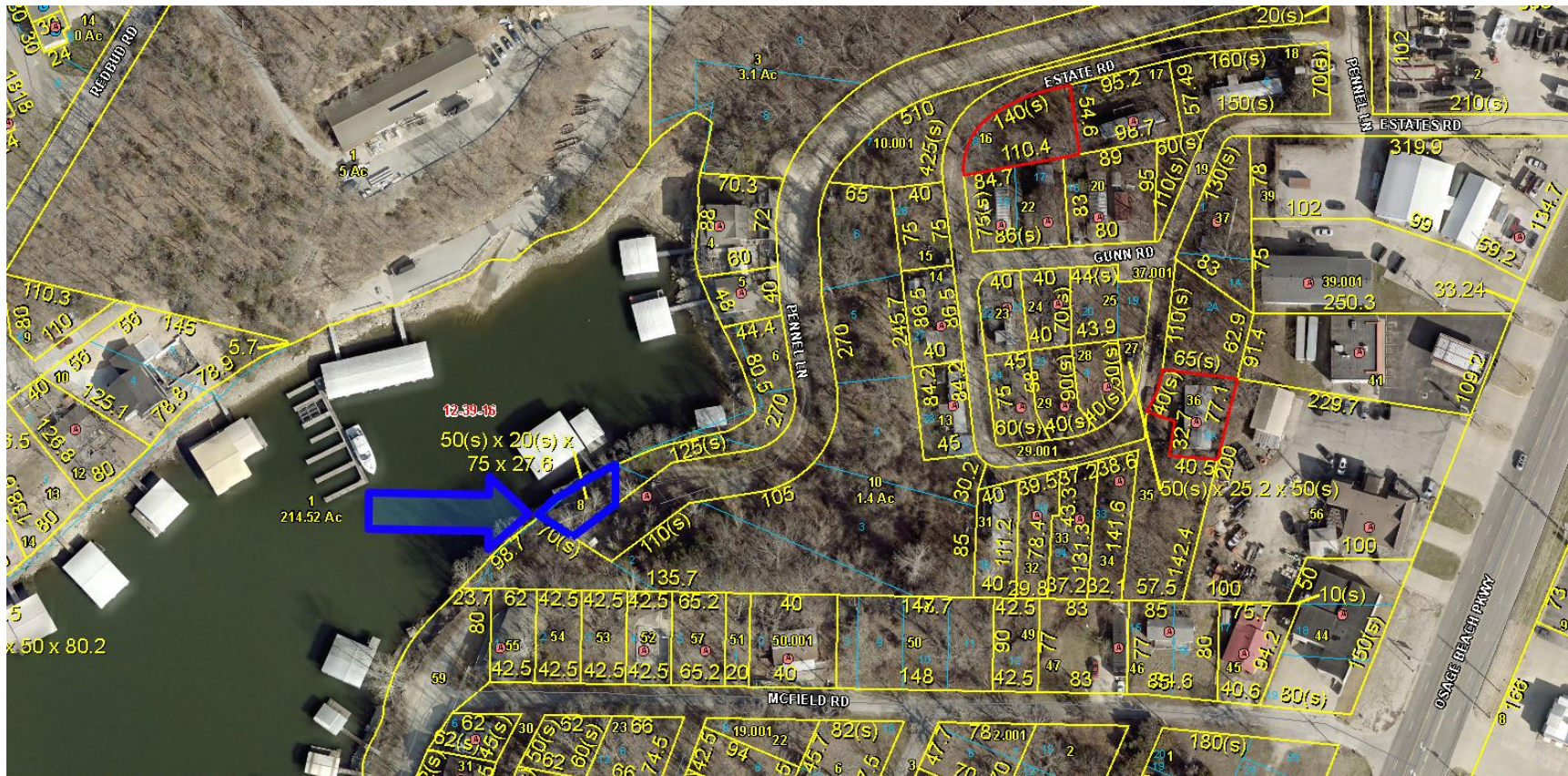
Department Comments:

As I am sure that you recall, the applicant requested the decision on his petition to be postponed so that he could increase the setback from the west property line from .8 of a foot to five feet. He has done that and submitted an amended site plan for the Board's consideration.

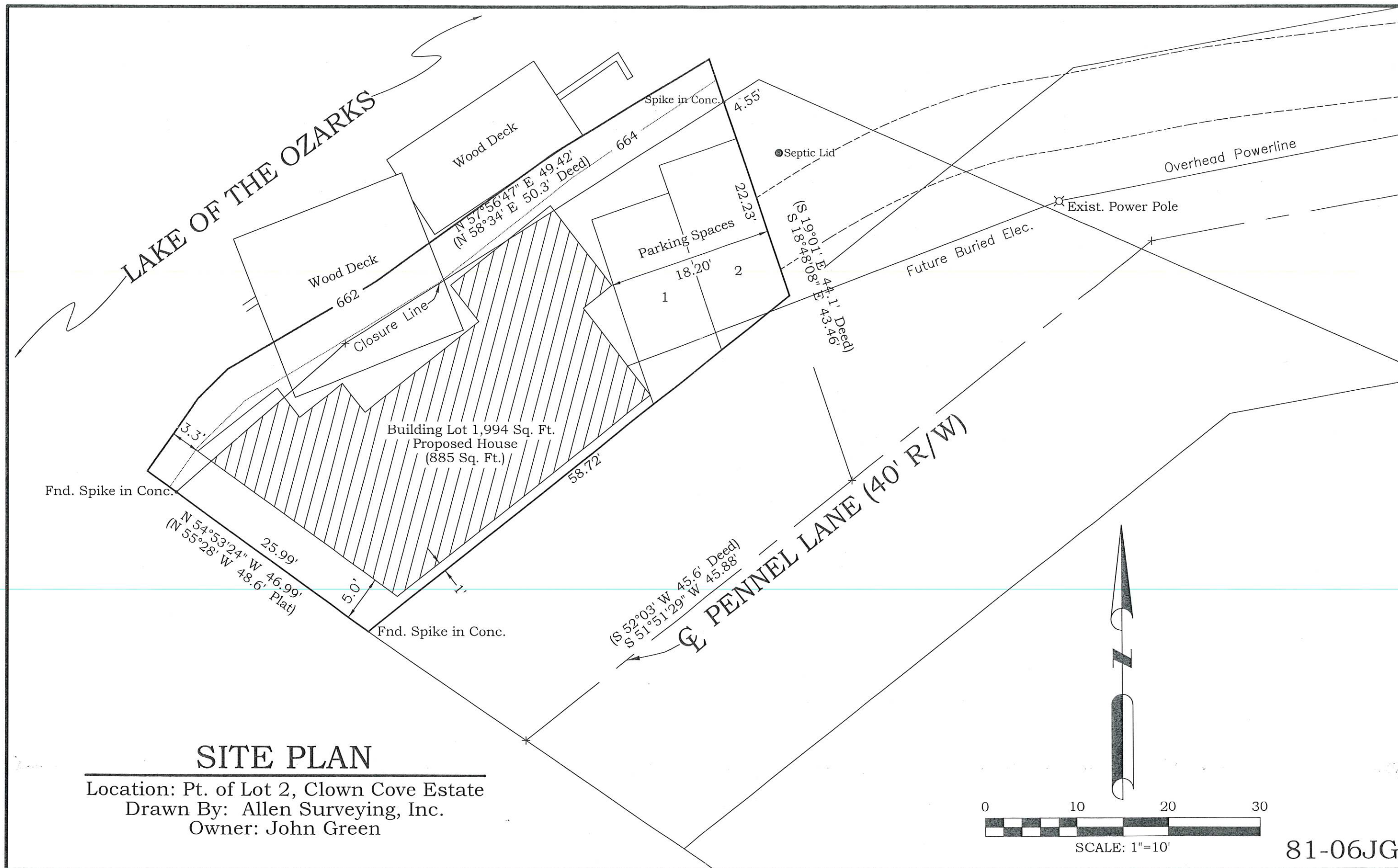
It of course is up to this board to use the facts in this case along with any written or verbal testimony and make the decision that is right.

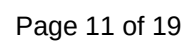
If this request is approved, the following conditions shall apply:

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. The variance must be used within a year of the approval date.



Variance Case 348 Location Map





Date Submitted July 10 2023

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: John Green
MAILING ADDRESS: 325 Falcon Hill Dr.
O'Fallon, MO 63368
TELEPHONE: 636-352-7316 jtgreen5964@yahoo.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.

4895 Pennel Lane
Osage Beach, MO 65065

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>Mr. Dennis Wilson</u>	<u>314-921-5280</u>
	<u>14864 Mondoubleau Ln.</u>
	<u>Florissant, MO</u>
	<u>63034-2357</u>

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 1,994 square foot (75'x25'x58')
2. SOURCE OF UTILITIES: WATER: well GAS: n/a
SEWER: septic 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?
IF SO, WHEN? No
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? 39 years
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. mobile home
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? Applicant desires to
improve and upgrade the structure on the lot, however,
setback ordinance compliance with its terrain prohibit
applicant from doing so.
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? The application of the setback
ordnance to the parcels unique, long and narrow shape
coupled with the lots size and steep, lake front topography
renders upgrades or additions excessively expensive or
potentially prohibited completely.
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 lot,
as purchased by owner, is uncommonly
restricted due to multiple factors of lot size
lot shape, and terrain.

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. Without a variance applicant will be unable
to adequately upgrade his lot.

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: John T. Green
SIGNATURE OF PROPERTY OWNER: John T. Green

Checks should be made payable to the City of Osage Beach. Postage costs should be calculated and submitted with the \$330.00 filing fee.

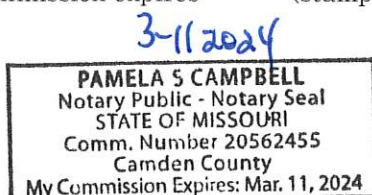
STATE OF MISSOURI,

COUNTY OF CAMDEN,

Subscribed and sworn to me before me, the 10th day of July 20 23

Notary Public Pamela S Campbell

My Commission expires: (stamp) (seal)



July 6, 2023

Dear Committee Members of The Board of Adjustment,

As members of this committee we appreciate the time and platform you have provided us to present our request. Our request is in regards to 4895 Pennel Lane located in Clown Cove Estates.

A tract of land lying wholly in Lot 2 of the aforementioned cove was purchased by our family some 44 years ago before there were real estate ordinances, rules or regulations. Our family purchased the lot with a 12x60 1971 mobile home intact. Throughout the years we have maintained the mobile home to the best of our ability. Our efforts include upgrading the inside with bathroom and kitchen remodels, cedar wood walls and doors, new flooring and windows, and new roofs over the years. We also performed system upgrades. As you might imagine, many things have plagued us over the years that are not as 'fixable.' One being the aging of the structure, however the most pertinent being black mold under the floors and in window sills.

It is our goal to replace the existing mobile home with a new structure. This will allow us to continue our family traditions as our family grows.

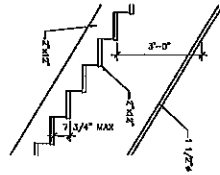
Thank you for your time and consideration.

Sincerely,

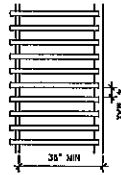

John & Maureen Green



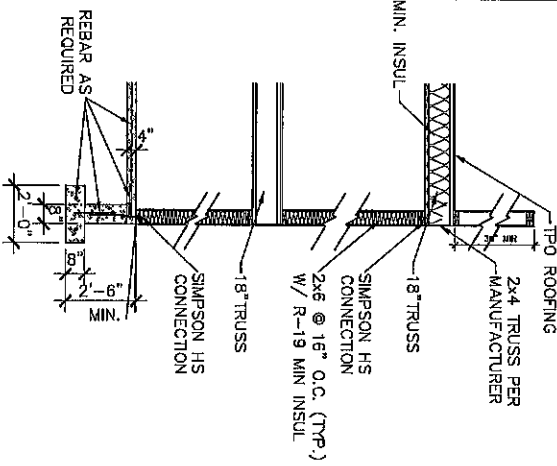
Green Home Pennel Lane Osage Beach, MO 65065	DONALD CAMPBELL DESIGN BUILD 1025 ELKS WAY OSAGE BEACH, MO 65065 573.723.1003	Project Number: 20-110 Drawing Number: A200 Scale: 1/8" = 1'-0"	Drawn By: _____ ©
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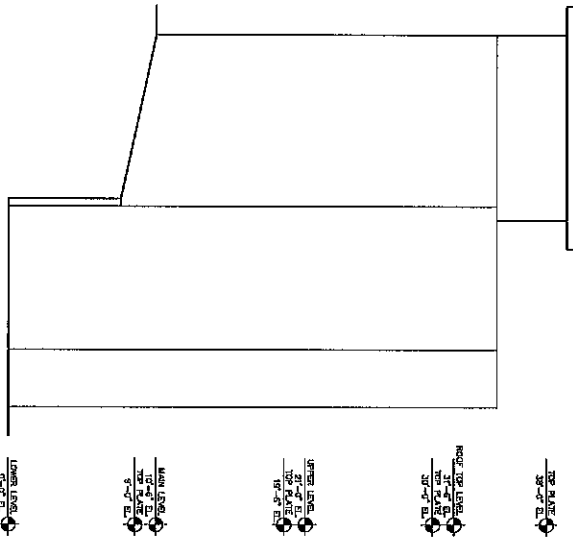
45 STAIR SECTION
1/2" = 1'-0"



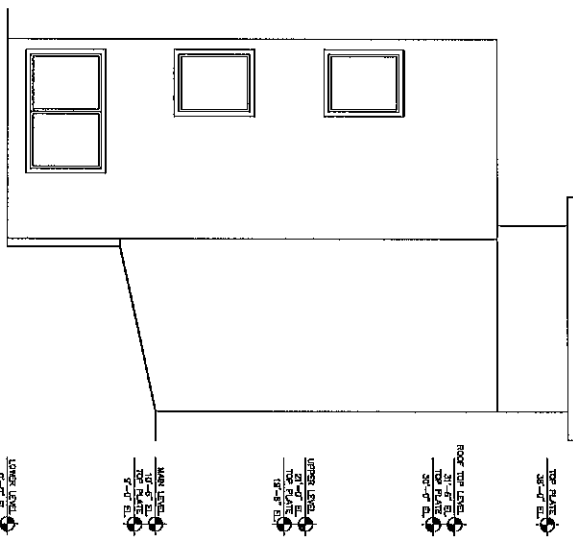
44 GUARDRAIL DETAIL
1/2" = 1'-0"



43 BUILDING SECTION
1/2" = 1'-0"



42 EAST ELEVATION
1/2" = 1'-0"



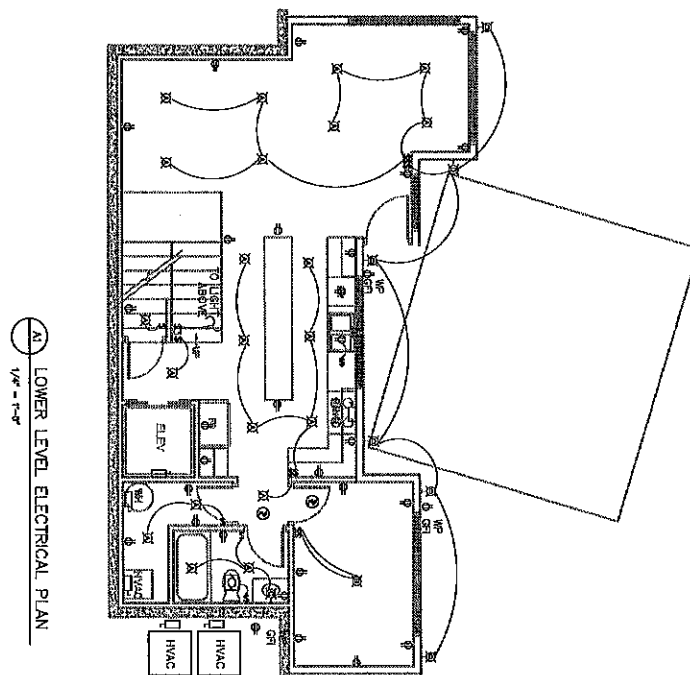
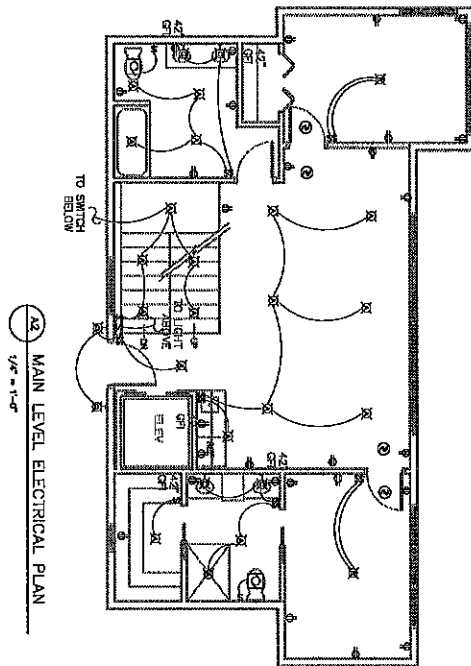
41 WEST ELEVATION
1/2" = 1'-0"

ELEVATION SHEET
25x10
A201

Green Home
Pennel Lane
Osage Beach, MO 65065

DONALD CAMPBELL DESIGN BUILD
1025 ELKS WAY
OSAGE BEACH, MO 65065
573.723.1003

Drawn By: ©



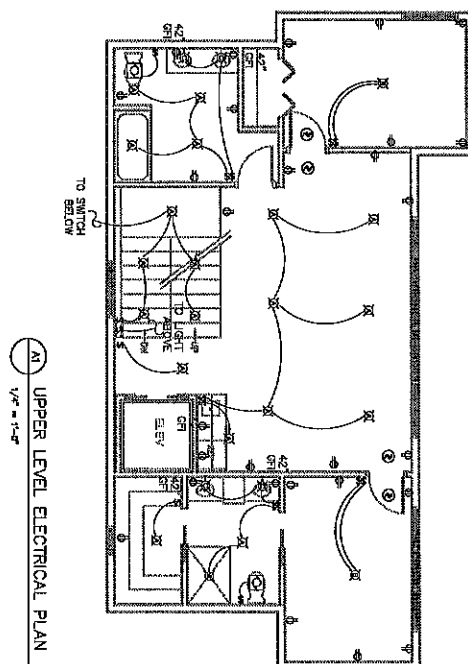
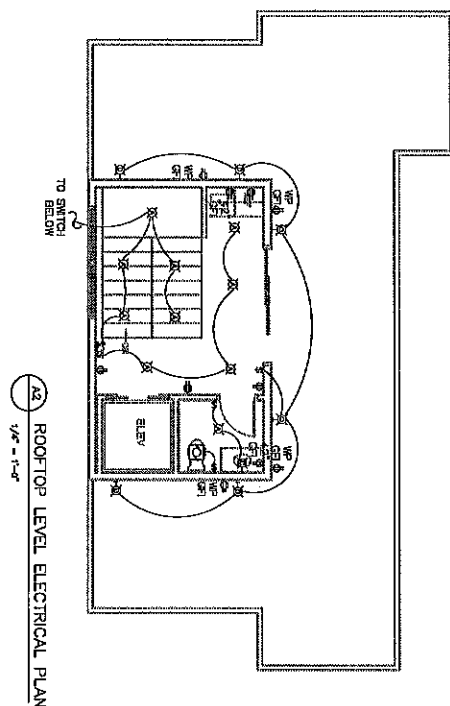
NOTE: ALL OUTLETS MUST BE REQUIRED
CABLE & CAT 5 ALL PINS

2X CAN LIGHT	2X CEILING FAN WITH LIGHT
2X WALL MOUNTED LIGHT	2X EXTERIOR LIGHT
2X CEILING FAN	2X REINFORCED LIGHT
1X MOUNT LIGHT	
1X DOWNSTAY FAN WITH LIGHT	
1X REINFORCED STAY LIGHT	
1X REINFORCED LIGHT	
1X SLIDE-OUT DETECTOR ALL HARDWARE TOGETHER	

ELECTRICAL PLAN	Project Number:	25-110
	Submitting Office:	SEA 15-23
Drawing Number:		E100

Green Home
Pennel Lane
Osage Beach, MO 65065

**DONALD
CAMPBELL
DESIGN
BUILD**
1025 ELKS WAY
OSAGE BEACH, MO 65065
573.723.1003



NOTE:
ALL OUTLETS MUST BE AS REQUIRED
COAX & CAT 5 ALL ROOMS

☑	CEILING LIGHT
☑	CEILING FAN WITH LIGHT
☑	WALL MOUNTED LIGHT
☑	EXTERIOR LIGHT
☑	CEILING FAN
☑	PENDANT LIGHT
---	INSECT LIGHT
☑	CEILING FAN WITH LIGHT
☑	RECESSED SPOT LIGHT
☑	FLUORESCENT LIGHT
---	---
②	WALL/CEILING OUTLETS ALL HARDWARE TOGETHER

Green Home
Pennel Lane
Osage Beach, MO 65065

Pennel Lane
Osage Beach, MO 65065

**DONALD
CAMPBELL
DESIGN
BUILD**

1025 ELKS WAY
OSAGE BEACH, MO 65065
573.723.1003