

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 18, 2024 - 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 December 20, 2023

NEW BUSINESS

- A. Variance Case 352, Chris and Sarah Brand request a variance from minimum setback requirements.

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**

December 20, 2023

Call to Order

Randy Gross called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on December 20, 2023, at 4:00 p.m.

Roll Call

The following Board Members were present: Randy Gross, Fred Catcott, Karen Bowman, Gloria O’Keefe.

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

City Attorney Cole Bradbury

APPROVAL OF MINUTES

Commissioner Catcott made a motion to approve the minutes for October 18, 2023. This motion was seconded by Commissioner O’Keefe. Motion passed unanimously with a voice vote.

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 has been met.

NEW BUSINESS

A. A. Variance Case #351 - Joseph and Mary Kay Kenkel

<u>Applicant:</u>	Joseph and Mary Kay Kenkel
<u>Location:</u>	1246 Guenther Lane
<u>Petition:</u>	Variance from minimum setback requirements
<u>Purpose:</u>	Addition of second level to legal non-conforming dwelling
<u>Existing Use:</u>	Single-family home
<u>Zoning:</u>	R-1a (Single Family)
<u>Tract Size:</u>	Approximately 4,700 sq ft

Case History

Case #

Date

None

Utilities

Water: City Gas: Summit Electricity: Ameren Sewer: City

Access:

The subject property derives access from Guenther Lane

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as “Lot 2 of Caseys Cove Amended Plat” and is designated with the physical address 1246 Guenther Lane.
2. The applicants are requesting a variance to construct a second level on their home. A variance is required because the home, as it currently sits, does not meet the setback requirements from the side property line on either side of the subject property. This of course means the existing home is a legal non-conforming structure, which by code

requirement, will need to be granted a variance for any type of expansion such as the second level addition that the board is being asked to review. The requested addition will be constructed on the same footprint as the existing structure meaning the finished side setbacks will be 2.05 feet on the north side and 2.31 feet on the south side. In the R-1a zone, the minimum required side yard setback 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. The variance must be used within one year of the approval date.

Commissioner Gross made a motion to approve Variance Case No. 351. This motion was seconded by Commissioner Catcott. A roll call vote was taken, and Variance Case No. 351 was unanimously passed.

Adjourn

There being no further business to come before the Board of Adjustment adjourned the meeting at 4:08p.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 December 20, 2023

Tara Berreth, City Clerk

Randy Gross, Board Chairman

***Approved Per Ordinance 14.29 Creates a Process for
Approval of Minutes for Committees that Meeting Infrequently***

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: December 18, 2024

Case Number: 352

Applicant: Christopher and Sarah Brand

Location: 870 Pintail Lane

Petition: Variance from minimum setback requirements

Purpose: Addition/ remodel of existing structure in a C-1 zone.

Existing Use: Single Family Dwelling

Zoning: C-1 General Commercial

Tract Size: Approximately 5,000 square feet

<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>	None
<u>Sewer:</u>	City

Access: Property has frontage on both Driftwood Lane and Pintail Lane with the access derived from Pintail Lane.

Analysis:

1. The applicant is the owner of the property in question. The lot is not a part of a platted subdivision and has an area of approximately 5,000 sq. ft.
2. The applicant wishes to remodel and build an addition on to the existing structure on the subject property. The addition will encroach to within 23.4 feet from the front property line (Driftwood Lane Frontage). The minimum required setback is twenty-five (25) feet in the front yard in a C-1 district. As the requested addition creates a non-conformity, a variance is required before a building permit can be issued for the proposed construction.
3. Several structures in this proximity are built in violation of minimum setback requirements. Most are legal nonconforming, built prior to zoning code adoption by the City of Osage Beach.
4. If this request is granted a variance from the setback regulations, a Special Use Permit to expand or alter a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued. The request for a Special Use Permit will be heard by the Planning Commission at their meeting on December 10, 2024. The Planning Commission will send a recommendation on the request to the Board of Aldermen who will hear the request at their meeting on January 2, 2024.

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 Special Use Permit to construct a residential use in a commercial zone must then be granted by the Board of Alderman prior to a building permit being issued.
4. A building permit must be obtained for the addition and all other zoning codes be adhered to.

Date Submitted _____

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

NAME OF APPLICANT: Christopher R & Sarah J Brand

MAILING ADDRESS: 7312 Dean Drive, Dittmer, MO 63023

TELEPHONE: 314-683-3260

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.

870 Pintail Lane Osage Beach, MO 65065

Part of the NE 1/4 of the SW 1/4 of Sec. 12, Township 39 North, Range 16 West, Camden County, MO

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
Christopher and Sarah Brand	7312 Dean Drive Dittmer, MO 63023-3333 We own lots on two sides
John and Suzann Krieger	701 S Main St Mt Pleasant, IA 52641-2605
Lake Gobi/ Jamie Haantz	5205 Hinton Ct N Quincy, IL 62305-0767

Case # 352

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

1. **SIZE OF PROPERTY:** 0.106 Acres
2. **SOURCE OF UTILITIES:**

WATER: City	GAS: N/A
SEWER: City	ELECTRIC: Ameren
3. **PRESENT USE OF PROPERTY:** Lake House/ Vacation
4. **PRESENT ZONING OF PROPERTY:** C-1
5. **HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?** No
IF SO, WHEN?
6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** 11 Years and 7 Months
7. **PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT.** 1, 1955
8. **DO YOU OWN ANY PROPERTY ADJACENT TO THE SUBJECT PROPERTY?** Yes, 1 lot east and 1 south
9. **WHY, IN YOUR OPINION IS YOUR CURRENT SITUATION, AND OR THE EXISTING
S IZE /EXTENT OF THE USE NOT ACCEPTABLE?** We have very little space to work with since the lot
and existing utilities were in place prior to the current planning and zoning were put into effect. In order to maximize
the space and make the home as aesthetically pleasing as possible we need to encroach 1'-6" into the existing
setback.
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.**

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. N/A

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: [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 NOVEMBER 2024

Notary Public [Signature]

My Commission expires: (stamp) 06-29-2025 (seal)



Osage Beach Board of Adjustment,

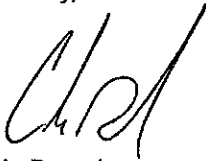
I'm writing to request a Special Use Permit for my property located at 870 Pintail Lane in Osage Beach, Missouri. I would like to build in a small area that is at the furthest point 1'-6" over the setback line on the west side of the property. By doing so I would be able to maximize the space in the minimal footprint I currently have with the current location of existing utilities and a lot that was made prior to the city of Osage Beach having Planning and Zoning.

I'm not able to extend to the south of the current building due to Pintail Lane being the only place we have for parking with the topography of the land. The west is too steep to put parking and utilities in that direction are in the way. We decided the most cost-effective option was to go up with new attic trusses, so we stay on the existing footprint, extending out 6' to the north and 4' to the east. In doing this we will also be updating the exterior of the entire house, which will be very aesthetically pleasing in comparison to what we currently have.

When I look at my current layout and property, the only thing I will be impeding on is my current outside patio/deck space which I will now move over to the east side of the house. The existing road(Driftwood Ln) to the west is in place and has just recently been redone. It stops at the next driveway and connects to an existing easement that is privately owned.

Thank you for reviewing and hopefully approving our small request so that our family can maximize our space and continue to spend more time at our home away from home.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Brand', written in a cursive style.

Chris Brand



Variance Case 352 Location Map

Note:
1. Bearings and Distances in parenthesis are from recorded deed(s) and/or plat(s).
2. All monuments set and found are 1/2" Iron Pins, unless otherwise noted.
3. Subject to Ameren's Bagnell Dam Pool and Flood Rights.

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Centerline of Road

R-O-W Line

Property Line

Setbacks

Closure Line

Found Monument

Set Monument

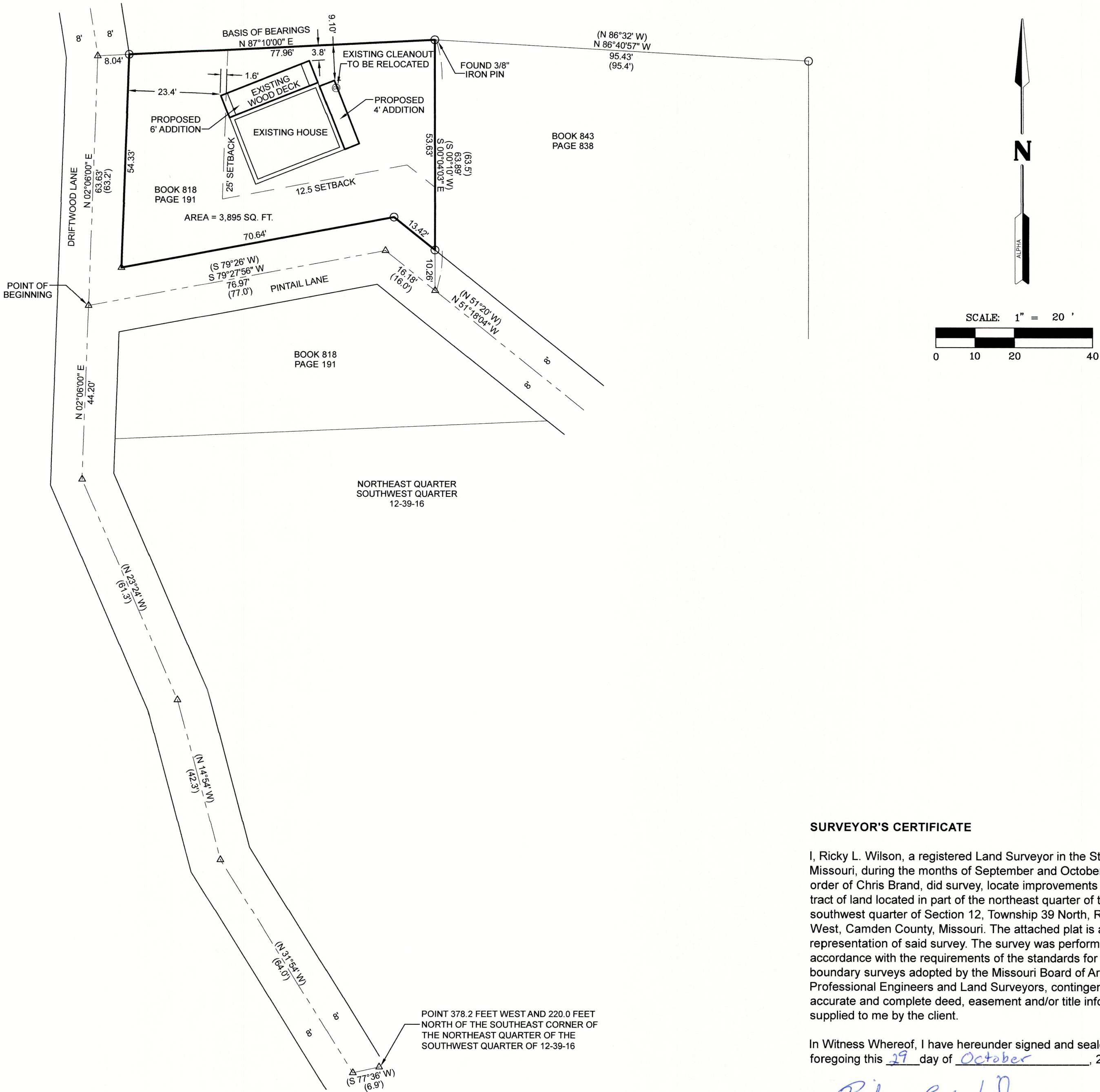
No Found or Set Monument

Government Corner

Right-of-way Marker

Class of Survey: Urban

BRAND: Survey



SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of September and October, 2024, by order of Chris Brand, did survey, locate improvements and plat a tract of land located in part of the northeast quarter of the southwest quarter of Section 12, Township 39 North, Range 16 West, Camden County, Missouri. The attached plat is a representation of said survey. The survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors, contingent upon accurate and complete deed, easement and/or title information supplied to me by the client.

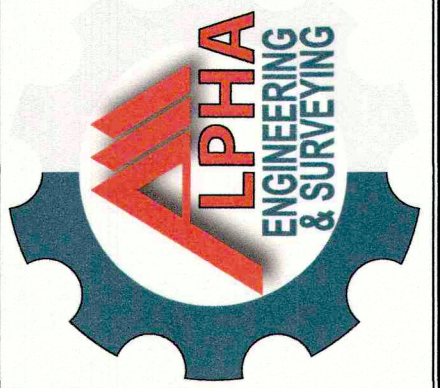
In Witness Whereof, I have hereunder signed and sealed the foregoing this 29 day of October, 2024.

Ricky L. Wilson
Ricky L. Wilson
MO. REG. NO. L.S. 2638

Sheet Number: 1 OF 1	
Date: 10/29/24	Scale: 1"=20'
Project Number: 24-00725	
Field Book M-312 PG 22	
Drawn By: N.F.W.	Approved By: R.L.W.

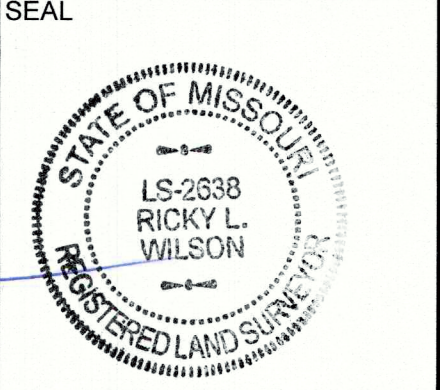
Part of the NE 1/4 of the SW 1/4 of
Sec. 12, Township 39 North, Range 16 West,
Camden County, MO

Alpha Engineering & Surveying, LLC
3048 Hwy. 52
Eldon, MO 65026
(573) 392-3312
1037 Osage Beach Rd.
Osage Beach, MO 65065
(573) 348-5552
Civil & Structural Engineering - Land Surveying
Environmental Operations - Material Testing



ALPHA ENGINEERING & SURVEYING, LLC
MO State Certificates of Authority:
LS - 2023034755
E - 2023033612

The Professional Surveyor's seal affixed to this sheet applies only to material and items as shown on this sheet. All drawings, instruments, or other documents not exhibiting this seal shall not be considered prepared by this Surveyor, and this Surveyor expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal.



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