

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

January 15, 2025 - 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 minutes December 18, 2024

NEW BUSINESS

- A. Variance Case 353, Daniel and Susan McCurley 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 ADJUSTMENTS
FOR THE CITY OF OSAGE BEACH, MISSOURI**

DECEMBER 18, 2024

CALL TO ORDER

Randy Gross called the Board of Adjustments Commission of the City of Osage Beach, Missouri, to order at the regular meeting on December 18, 2024 at 4:00 p.m.

ROLL CALL

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

City Staff Present: City Planner Cary Patterson and City Clerk Tara Berreth.

MINUTES:

Commissioner Catcott made a motion to approve the minutes from December 20, 2023. This motion was seconded by Commission O’Keefe. Motion passed unanimously with a voice vote.

Randy Gross presided, read the Statues 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.

City Planner submitted the Municipal Code Book in to Exhibit 1 and Case 352 as Exhibit 2.

NEW BUSINESS:

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

Case History **Case #**

Date

None

Utilities

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

Commissioner Catcott made a motion to approve Variance Case No. 352. This motion was seconded by Commissioner Bowman. A roll call vote was taken, and Variance Case No. 352 was unanimously passed.

Adjourn

There being no further business to come before the Board of Adjustment adjourned the meeting at 4:05p.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 18, 2024

Tara Berreth, City Clerk

Randy Gross, Board Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: January 15, 2025 **Case Number:** 353

Applicant: Daniel and Susan McCurley

Location: 1201 Summit Circle

Petition: Variance from minimum setback requirements

Purpose: Addition to Primary Dwelling

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 11,000 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 Summit Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 9 of Summit Point Estates First Addition and is designated with the physical address 1201 Summit Circle.
2. The applicants are requesting a variance to build an addition onto their existing home that consists of garage, mudroom, and kitchen pantry space. The addition will extend to 13.85 feet from the front property line. As you can see on the submitted site plan, the closest point of the existing garage is already well within the required 25 foot setback, falling approximately 5 feet from the front property line. With that being the case, a variance is required to enlarge or add on to the legal non-conforming structure. Approval of the requested variance will allow the city to issue a legal building permit to construct the additions as per the submitted site plan. In the R-1a zone, the minimum required front yard setback is twenty-five (25') feet.
3. Within the Summit Point Subdivision, property owners proposing additions to their existing home must first get approval from the Summit Point Architectural Review Committee. The comments and decisions from the committee are included in your information packet.
4. Of course, if approved the addition cannot be built on or over any public utilities or easements.

Department Comments:

It is, of course, 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.

Date Submitted 12/20/24

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

NAME OF APPLICANT: Daniel and Susan McCurley

MAILING ADDRESS: 99 Beaubien Court, Lake Zurich, IL 60047 (1201 Summit Circle, Osage Beach, MO 65065)

TELEPHONE: 773.575.1699

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.

1201 Summit Circle, Lot 9, Osage Beach, MO

Legal address: Lot 9, Summit Point Estates 1st Addition, Plat Book 19, Page 62, Section 1, T 39 N,

R 16 W, Camden, Co., MO

VARIANCE	FOR/FROM:	From minimum setback regulations for the purpose of building an addition onto an existing residential structure
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APPEAL	FOR/FROM:	
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*List names and mailing addresses of the current adjoining property owners:
(Attach a separate sheet if necessary)*

NAME	COMPLETE ADDRESS/WITH ZIP CODE
-------------	---------------------------------------

Charles & Teresa Rudolph (1195 Summit Circle) 6914 N. Bellefontaine Ave., Gladstone, MO 64119

David & Carol Rozier 1207 Summit Circle, Osage Beach, MO 65065

RECEIVED

NOV 20 2024

CITY CLERK

pd online
TD

1016VarianceApplicationPacket12-17-2014

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.

Please see attached letter

13. WERE THESE SPECIAL CIRCUMSTANCES THE RESULT OF ANY ACTION TAKEN

SUBSEQUENT TO MAY 10, 1984?

YES

NO 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 OF PROPERTY OWNER:

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 20th day of December 20 24

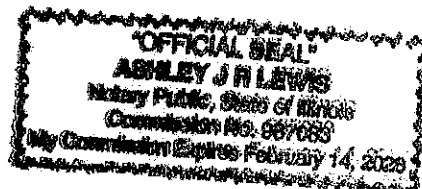
Notary Public Ashley Lewis

My Commission expires:

(stamp)

(seal)

2-14-28



1016VarianceApplicationPacket12-17-2014

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

Dimensions represent summing segments to
shape a "rough" rectangle, actual dimensions on
plat

1. **SIZE OF PROPERTY:** 98.86' x 167.25' x 105.31' x 136.45'

2. **SOURCE OF UTILITIES:** **WATER:** Osage Beach **GAS:** NA

SEWER: Osage Beach **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?** No

IF SO, WHEN?

6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** 9 years, 8 months

7. **PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT.** House/garage 1985

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? Please see attached letter explaining our rationale

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.** None

December 20, 2024

Board of Adjustment
Osage Beach Planning Department
1000 City Parkway
Osage Beach, MO 65065

Dear Board of Adjustment,

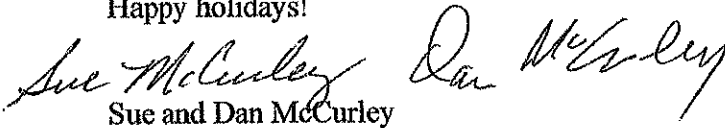
We are writing to request a variance from the minimum setback regulations for the purpose of building an addition onto an existing residential structure.

Specifically, we are proposing adding onto our existing garage, as well as, adding a kitchen pantry and mudroom. The kitchen pantry and mudroom addition would allow us to expand the kitchen and walk from the garage directly into our home. Please see page 3 of the architectural site plan showing the additions on the plat and other enhancements we hope to make. As we enter the next phase of our lives we want to make our Osage Beach residence our full-time residence by improving and enhancing it.

Summit Point Estates POA requires an architectural committee of three homeowners to approve enhancements. I have attached their unanimous approval of our proposed enhancements in the variance packet. Additionally, we have included approval emails from adjoining property owners (Roziers and Rudolphs) and the Robinson family who also utilizes the "access road" directly in front of our property.

In summary, although a variance is required the additions would only eliminate free "space" on our property and not impede our neighbors or fellow residents of Osage Beach.

Thanks in advance for your consideration of our request.
Happy holidays!


Sue and Dan McCurley

Summit Point Architectural Committee

Approval 1 of 3

McCurley, Dan

From: David Sanders <dsanders22@charter.net>
Sent: Tuesday, December 17, 2024 1:36 PM
To: McCurley, Dan
Subject: [External] Re: McCurley Potential Updates to Residence at 1201 Summit Circle- Email 1 of 2

NOTICE: This email is from an external sender - do not click on links or attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Dave Sanders
1194 Summit Circle
(directly across
street from
1201 Summit
Circle)

On Dec 16, 2024, at 8:05 PM, McCurley, Dan <Dan.McCurley@fmr.com> wrote:
Dan,

It looks fine to me.
DS

Due to the email size issues, I am including pages 1,10,11 and 13 as the primary elevation pages showing a comparison of the existing vs proposed changes.

Hope this helps.

Dan

<image001.png>

<image002.png>

<image003.png>

<image004.png>

Dan McCurley

Pronouns: he, him, his

Senior Vice President, Managing Director

Fidelity Workplace Investing/Relationship Management

Fidelity Investments

Mail: 245 Summer Street, V1B, Boston, MA 02210

Office: Lake Zurich, IL 60047

Phone: 312.551.3250

daniel.mccurley@fmr.com

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924008.3.0

Summit Point Architectural Committee

McCurley, Dan

From: John Maples <jdmaples61@gmail.com>
Sent: Tuesday, December 17, 2024 1:51 PM
To: McCurley, Dan
Cc: Dsanders22@charter.net; Dave Rozier; alma.a.anderson@charter.net; Jason Lutz; Crystal Steinhardt; Dave Rozier; Jason Lutz
Subject: [External] Re: Email

Approval 2 of 3

NOTICE: This email is from an external sender - **do not click on links or attachments unless you recognize the sender and know the content is safe.**

Dan you have done a fantastic job with all the information and drawings. You have my approval for your addition.
Sent from my iPhone

On Dec 16, 2024, at 7:52 PM, McCurley, Dan <Dan.McCurley@fmr.com> wrote:

John Maples
1286 Summit
Circle

Dave-

I attempted to send you an email and am getting an error code. I received the same error code for Alma.
The error is related to the size of the attachment.

Any chance I could ask you and John Maples to review the email together since John appears to be able to open it? See my attached email without the attachment.

Thanks

Dan

Dan McCurley

Pronouns: he, him, his

Senior Vice President, Managing Director

Fidelity Workplace Investing/Relationship Management

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Mail: 245 Summer Street, V1B, Boston, MA 02210

Office: Lake Zurich, IL 60047

Phone: 312.551.3250

daniel.mccurley@fmr.com

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924008.3.0

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Summit Point Architectural Committee
Approval 3 of 3

McCurley, Dan

From: David Rozier <david.rozier@ymail.com>
Sent: Tuesday, December 17, 2024 1:56 PM
To: McCurley, Dan
Cc: Dsanders22@charter.net; alma.a.anderson@charter.net; Jason Lutz; Crystal Steinhardt; John Maples; Jason Lutz
Subject: [External] Re: Email

NOTICE: This email is from an external sender - **do not click on links or attachments unless you recognize the sender and know the content is safe.**

Yo Dan,

Beautiful job with planning and drawing, with City approval you have my Approval!

Dave Rozier
1207 Summit Circle
(directly next to
1201 Summit
Circle;
Lot 10)

On Dec 16, 2024, at 7:52 PM, McCurley, Dan <Dan.McCurley@fmr.com> wrote:

Dave-

I attempted to send you an email and am getting an error code. I received the same error code for Alma. The error is related to the size of the attachment.

Any chance I could ask you and John Maples to review the email together since John appears to be able to open it? See my attached email without the attachment.

Thanks

Dan

Dan McCurley

Pronouns: he, him, his

Senior Vice President, Managing Director

Fidelity Workplace Investing/Relationship Management

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Mail: 245 Summer Street, V1B, Boston, MA 02210

Office: Lake Zurich, IL 60047

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daniel.mccurley@fmr.com

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McCurley, Dan

From: Trisha <jtnrobinson@gmail.com>
Sent: Thursday, December 19, 2024 6:24 PM
To: McCurley, Dan
Subject: [External] Approval for building

NOTICE: This email is from an external sender - **do not click on links or attachments unless you recognize the sender and know the content is safe.**

I appreciate our discussion regarding your intentions to build on to your garage/home. You have my approval to proceed with your plans.

Trisha Robinson MA LPC
573-480-7486

1211 Summit Circle
(Lot 11)

McCurley, Dan

From: Charles Rudolph <thethirdone@mac.com>
Sent: Thursday, December 19, 2024 6:53 PM
To: McCurley, Dan
Subject: [External] Home addition in Osage Beach

NOTICE: This email is from an external sender - **do not click on links or attachments unless you recognize the sender and know the content is safe.**

Dan,

Thank you for reaching out to us today about your planned additions to connect the house with the garage! As you made it clear I know this doesn't bring your house closer to our property (1195 Summit Circle) but just connects your existing structures. We have no concerns with the project and look forward to seeing its completion! Good to hear from you!

Kind Regards,
Charles Rudolph III

4..3..2..1

1195 Summit Circle
(Lot 8)

McCurley, Dan

From: David Rozier <david.rozier@ymail.com>
Sent: Friday, December 20, 2024 8:05 AM
To: McCurley, Dan
Subject: [External] PROPERTY IMPROVEMENTS

NOTICE: This email is from an external sender - do not click on links or attachments unless you recognize the sender and know the content is safe.

Dan and Sue McCurley have been our next door neighbors for close to ten years. They are kind and considerate and conscious of the appearance of their property. In other words, they are great neighbors.

Any changes they wish to make will definitely be an improvement. We support the approval by the city.

Dave and Carol Rozier
Lot 10-1207 Summit Circle
Sent from my iPad



**Variance Case
353 Location Map**

