

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

March 19, 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 approve the minutes from January 15, 2025.

NEW BUSINESS

- A. Variance Case 354 Peter and Mary Ignell 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**

JANUARY 15, 2025

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 January 15, 2025 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 18, 2024. 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 353 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
None

Case #

Date

Utilities

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

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. 353. This motion was seconded by Commissioner O'Keefe. A roll call vote was taken, and Variance Case No. 353 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 January 15, 2025

Tara Berreth, City Clerk

Randy Gross, Board Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: March 19, 2025 **Case Number:** 354

Applicant: Peter and Mary Ignell

Location: 1189 Greenwood Circle

Petition: Variance from minimum setback requirements

Purpose: Garage construction

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 9,400 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 Greenwood Circle

Analysis:

1. The applicant is the owner of the property in question. The property, a platted lot known as Lot 12 of Harbor Heights Estates, is designated with the physical address 1189 Greenwood Circle.
2. The applicants are requesting a variance to build a detached garage on their property that falls between the existing home and Greenwood Circle. The proposed garage will extend to .89 feet from the front property line and 4.3 feet from the side property line. In the R-1a zone, the minimum required front yard setback is twenty-five (25') feet and the side yard setback requirement is ten (10') feet. Approval of the requested variance will allow the city to issue a legal building permit to construct the garage as illustrated on the submitted site plan.
3. 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 _____

RECEIVED

FEB 7 2025

CITY CLERK

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: Derek Smith, attorney, on behalf of Peter Ignell and Mary Ignell, property owners

MAILING ADDRESS: 4427 Osage Beach Parkway, Suite A100, Osage Beach, MO 65065

TELEPHONE: 573-348-3157

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.
1189 Greenwood Circle, Osage Beach, MO 65065. Lot 12 Harbor Heights Estates.

Take Osage Beach Parkway towards Zebra Road; Turn left onto Zebra Road; Turn right onto Harbor Heights Lane; turn right onto Greenwood Circle

VARIANCE	FOR/FROM:	Request variance for Northern 10 foot setback to 4.30 feet and Eastern 45 foot Setback to be .89 feet (as shown on attached site plan)
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
------	--------------------------------

Jeffrey and Connie Roberts: 6697 Fairwinds Ct., RCH Cucamonga, CA 91701

Timothy and Cathy McLaren: PO Box 1972 Lake Ozark, MO 65049

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

- | | | | |
|-----|--|--|------------------|
| 1. | SIZE OF PROPERTY: | .217 Acres approximately | |
| 2. | SOURCE OF UTILITIES: | WATER: City of Osage Beach | GAS: NA |
| | | SEWER: City of Osage Beach | ELECTRIC: Ameren |
| 3. | PRESENT USE OF PROPERTY: | Single family residence | |
| 4. | PRESENT ZONING OF PROPERTY: | Single family | |
| 5. | HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? | | |
| | IF SO, WHEN? | No | |
| 6. | HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? | Since January 2021 | |
| 7. | PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. | House built 1988 | |
| 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? | Owner seeks to build a garage structure on current concrete pad on street side of property. Due to the lot size and elevations, this is the only location for an enclosed garage. It is a narrow lot. Adjacent properties have enclosed garage spaces. | |
| 10. | IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF WHICH THE BOARD SHOULD BE AWARE? | Owner's lot is narrower than adjacent lots which also have enclosed garages. Additionally, the lot elevation makes the proposed location the only place a garage could be built without tearing down the existing house. | |
| 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. | Owner's lot is narrower than adjacent lots meaning garage would need to be closer to the property line than other adjacent properties. | |

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. Adjacent properties have garage structures. The proposed garage on Owner's property

would not interfere with use by any adjacent property owner and would increase the value of Owner's property.

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: David Smith, attorney for Ignell
SIGNATURE OF PROPERTY OWNER: Peter Ignell

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 7 day of FEBRUARY 20 25

Notary Public Alyssa M Ross

My Commission expires: (stamp) (seal)

ALYSSA M. ROSS
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES OCTOBER 17, 2028
CAMDEN COUNTY
COMMISSION #24382939

CURRAN & ASSOCIATES

John E. Curran
Sarah L. Lipp

ATTORNEYS AT LAW
4427 Osage Beach Parkway, Ste. A-100
P.O. Box 600
Osage Beach, Missouri 65065-0600

Derek L. Smith
Telephone: (573) 348-3157
Telephone (800) 363-0013
Facsimile: (573) 348-3093
dsmith@jecurranpc.com

2025-February-7

City of Osage Beach
Board of Adjustment

RE: Variance Request for Peter and Mary Ignell

To the City of Osage Beach Board of Adjustment:

Enclosed with this letter is an application for a variance of setbacks to enable Peter and Mary Ignell to construct a garage on their property.

The Ignells seek to construct an enclosed garage similar to enclosed garages on the surrounding properties; however, due to the topography of their lot, such proposed location for the garage violates current setback requirements.

Therefore, the Ignells seek a variance of the Northern side property line from 10 feet to 4.30 feet and a variance of the Eastern 45 foot setback to .89 feet.

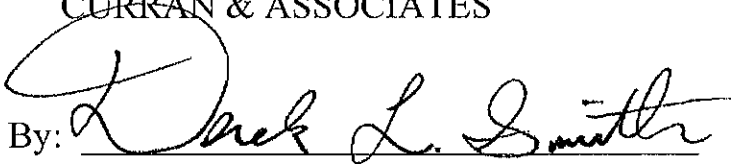
As the Board members can see from the enclosed Site Plan, the proposed garage would not interfere with the roadway adjacent to the property (as there is actually a large gap between the paved street and the edge of the right-of-way).

The Ignell's house was originally built in 1988 and lies on a narrow lot. The proposed location for the garage is the only location available for such a structure.

Such structure would improve the value of the Ignell property greatly as there is no enclosed parking structure currently.

Very truly yours,

CURRAN & ASSOCIATES

By: 
Derek L. Smith



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.

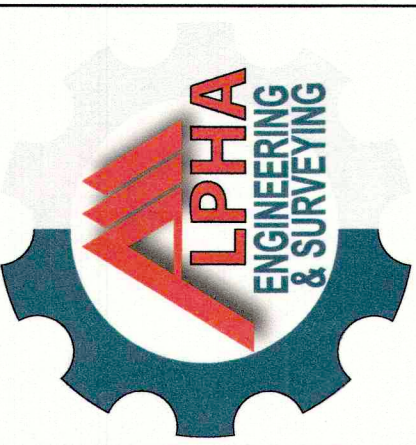
Ignell: Survey

Lot 12 of Harbor Heights Estates
Sec.1-T39N-R16W Camden County, MO

Sheet Number: 1 OF 1	
Date: 11/19/24	Scale: 1"=10'
Project Number: 24-00867	
Field Book: M-311	
Drawn By: BFH	Approved By: R.L.W.

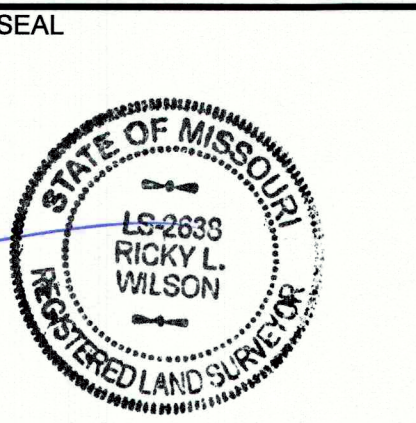
Lot 12 of Harbor Heights Estates
Sec. 1, Township 39 North, Range 16 West,
Camden County, MO

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
Environmental Operations
Land Surveying
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.



LAKE OF THE OZARKS

N 31°20'38" E
73.97'
(80')

30' SETBACK

LOT 12
HARBOR HEIGHTS ESTATES

10' SETBACK
N 64°20'00" W
136.66'
(137.7')

LOT 11
HARBOR HEIGHTS ESTATES



SCALE: 1" = 10'
0 5 10 20

LEGEND

Standard symbols that may appear on this drawing

- Centerline of Road
- R-O-W Line
- Property Line
- Setbacks
- Found Monument
- Set Monument
- No Found or Set Monument

Class of Survey: Urban

BASIS OF BEARINGS
N 67°20'00" W
115.73'
(116.3')

LOT 13
HARBOR HEIGHTS ESTATES

FOUND 1/2" IRON PIN
N 67°20'00" W - 0.23'
FROM CORNER AT RW

A=62.80'
R=163.70'
D=35°00'00"
CB=S 06°30'36" W
CD=62.42'

N 17°30'00" E
17.80'

20'

N 17°30'00" E
73.62'
(73.7')

SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the month of November, 2024, by order of Peter Ignell, did survey and monument Lot 12 of Harbor Heights Estates. 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 20 day of November, 2024.

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

S:\Projects\PROJECTS\IGNELL, PETER\24-00867 Harbor Heights Est Amd - Lot 12\24-00867.dwg