

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

April 16, 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 from March 19, 2025

NEW BUSINESS

- A. Variance Case 354 John and Jaime Kreyling 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**

MARCH 19, 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 March 19, 2025 at 4:15 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, City Attorney Cole Bradbury, City Administrator Devin Lake, City Clerk Tara Berreth and Deputy City Clerk Kegan Powers.

APPROVAL OF MINUTES

Commissioner Catcott made a motion to approve the minutes from January 15, 2025. This motion was seconded by Commissioner Bowman. Motion unanimously with a voice vote.

NEW BUSINESS

Variance Case 354 Peter and Mary Ignell request a variance from minimum setback requirements. Representative from Harbor Heights submitted a letter to be presented to the Board Commissioners. (see attached)

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

After a lengthy discussion the applicant asked to have the application put on hold for time to amend the application.

Commissioner Catcott made a motion to table Variance Case No. 354. This motion was seconded by Commissioner Green. A roll call vote was taken, and Variance Case No. 354 was unanimously passed.

Commissioner Catcott made a motion to adjourn at 4:45pm. This motion was seconded by Commissioner Bowman. Motion passed with a voice vote.

ADJOURN

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 March 19, 2025

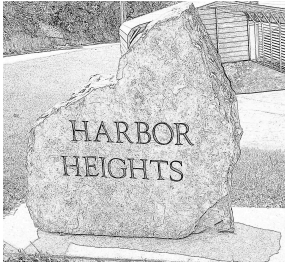
Tara Berreth, City Clerk

Randy Gross, Board Chairman

All meetings may be viewed on Facebook or YouTube for more clarification.

HARBOR HEIGHTS PROPERTY OWNERS ASSOCIATION

www.harborheights.org



Lot 12 Variance

On behalf of the Harbor Heights Property Owners Association, I am submitting our opinion to the City of Osage Beach Board of Zoning on the matter regarding Public Notice 2354, Lot 12, 1189 Greenwood Circle.

The Board carefully considered the request and came to opinion this request should be denied for the following reasons:

1. ****Safety Concerns:**** The proposed location of the garage, directly adjacent to a curved roadway and at the bottom of a hill, raises serious safety concerns for traffic along the public road. There is also a serious visibility concern for neighboring property egress.
2. ****Past Non-Cooperation:**** The board has documented instances where the lot owner has not complied with restrictions regarding construction without prior board approval. The board has informed the property owner per PLAT 15/74, Instrument# P00150074, Filed 11/05/1973, the lot has a restriction which states "No building or other structure shall be commenced upon any lot until the location and the complete plans and specifications have first been submitted and the same approved by the board".
3. ****Unique Property Constraints:**** While the board understands the owner's desire for a garage, and also appreciates the inherent limitations due to the size and terrain, these constraints were evident at the time of purchase.
4. ****Disagreement on Value Improvement:**** The board respectfully disagrees with the assessment that a garage would significantly increase the property's value. Furthermore, previous construction efforts have already raised community concerns about potential impact on the value of surrounding properties. The board feels addition of a garage in this manner will have a negative impact on surrounding properties.
5. ****Aesthetics**** The garage location and orientation is opposite to the character of the rest of the neighborhood.

6. ****Precedence**** The board is concerned with the variance request from the perspective of the near elimination of the normally accepted standard for set backs. The board appreciates the desire to establish set backs and understands the occasional minor intrusions. The board has a serious concern granting this variance will set the precedence for many other properties in the future.

The Board appreciates your understanding in this matter.

Sincerely,
Secretary Harbor Heights
Secretary, Property Owners Association

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: April 08, 2025

Case Number: 355

Applicant: Jon and Jaime Kreyling

Location: 4328 Huff Puff Lane

Petition: Variance from minimum setback requirements

Purpose: New residence

Existing Use: Single-family home

Zoning: R-1b

Tract Size: Approximately 8,406 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 has frontage on Huff Puff Lane

**PLEASE READ ENCLOSED MEMO FROM THE
CITY ATTORNEY**

Analysis:

1. The applicant is the owner of the property in question. The property is known as Lot 5 of Holiday Acres Subdivision and is designated with the physical address 4328 Huff Puff Lane.
2. The applicant is requesting a variance to construct a new home on the subject lot. On December 18, 2024, the City Building Department stopped construction of a wall on the subject property that was being built without a permit. A permit application was then turned in by the applicant's contractor later that day. Upon my review of the site plan, it was evident that the proposed new dwelling did not meet the required setbacks based on the scale provided and the lot dimensions. Ron White, the City Building Official, sent an email to the applicant and his contractor explaining the concerns and providing two illustrations showing the issues.
3. Since receiving the email from Mr. White, the applicant has had a new site plan, drawn by a surveyor, that was submitted with this request. As you can see, the "stone wall", that was built by the applicant, has created the necessity to move the proposed home toward the front of the lot to within thirteen (13') feet of the front property line at its closest point. As required by the City Code, the front setback required for the subject lot is twenty-five (25') feet from the front property line at its closest point.
4. It appears evident that the construction of the "stone wall", in its current location, is the primary reason that the desired home will not fit on the subject lot in conformance with the setback requirements.

Department Comments:

The City Code States the following:

The Board of Adjustment shall approve or deny the application for a variance following the public hearing. Before any variance is granted, the Board of Adjustment must find that all of the following criteria are met:

- a. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.
- b. Strict application of the provisions of this Chapter would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use

permitted to be made by other owners of their neighboring lands, structures, or buildings in the same district.

- c. The special circumstances are not the result of the action of the applicant taken subsequent to the adoption of this Chapter.
- d. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Chapter.

It is extremely rare for a new build to meet these requirements. In this case the applicant has built a wall that takes up a large part of the subject lots building envelope making it impossible for the desired home to meet the setback requirements. With that being the case, it does not appear that there is a path to approving this request.

I have included communications and illustrations provided to the applicants and their contractor in this meeting packet, as well as a statement from the City Compliance Officer/Building Inspector and photos of the new wall, should you have any questions, please do not hesitate to get in touch with me.



MEMORANDUM

April 8, 2025

TO: City Planner

FROM: City Attorney

RE: Variance Case No. 355 (Kreyling)

This matter involves a variance request from minimum setback distance from the street for a new single family home that is now being constructed too close to the street. The basis for the variance request is a wall constructed last year without a permit that is too close to the road.

The Board of Adjustment may grant relief from practical difficulties and unnecessary hardships, but there are limits on the ability of a Board of Adjustment to grant such relief. Those limits are clear in the case of a variance request made to relieve an owner from the economic consequences of their contractor's decisions.

City Code § 405.700(A)(2)(c) requires the "special circumstances" which are the basis of the request for relief to the Board of Adjustment are "not the result of the action of the applicant." The applicant in this situation is

responsible (through their contractor) for the non-permitted wall, which is far too close to the road. The application therefore fails on its face.

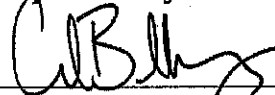
The relief requested is beyond the power of the Board of Adjustment to grant. *Wehrle v. Cassor*, 708 S.W.2d 788 (Mo. App. 1986) is a case that deals with the same situation. In that case the court held that:

The hardship in this case resulted from a mistake, not from a unique physical characteristic of the land. The proponents of the variance offered no evidence that an irregular shape or topographic condition caused hardship or difficulty. Although the lot owners submitted evidence of severe financial hardship, the cause of the hardship does not fit within the framework established by the ordinance.

The *Wehrle* court reversed the Board of Adjustment's grant of a variance. A decision denying a variance in a very similar case was upheld in *State ex rel. Branum v. Bd. of Zoning Adjustment of the City of Kansas City*, 85 S.W.3d 35 (Mo. App. 2002) ("The variance can be granted only for reasons related to the property, not to personal hardships on the owners.").

Since the request in Case No. 355 is a request for relief from a self-inflicted injury, it is beyond the power of the Board of Adjustment to grant and must be denied.

Respectfully submitted,

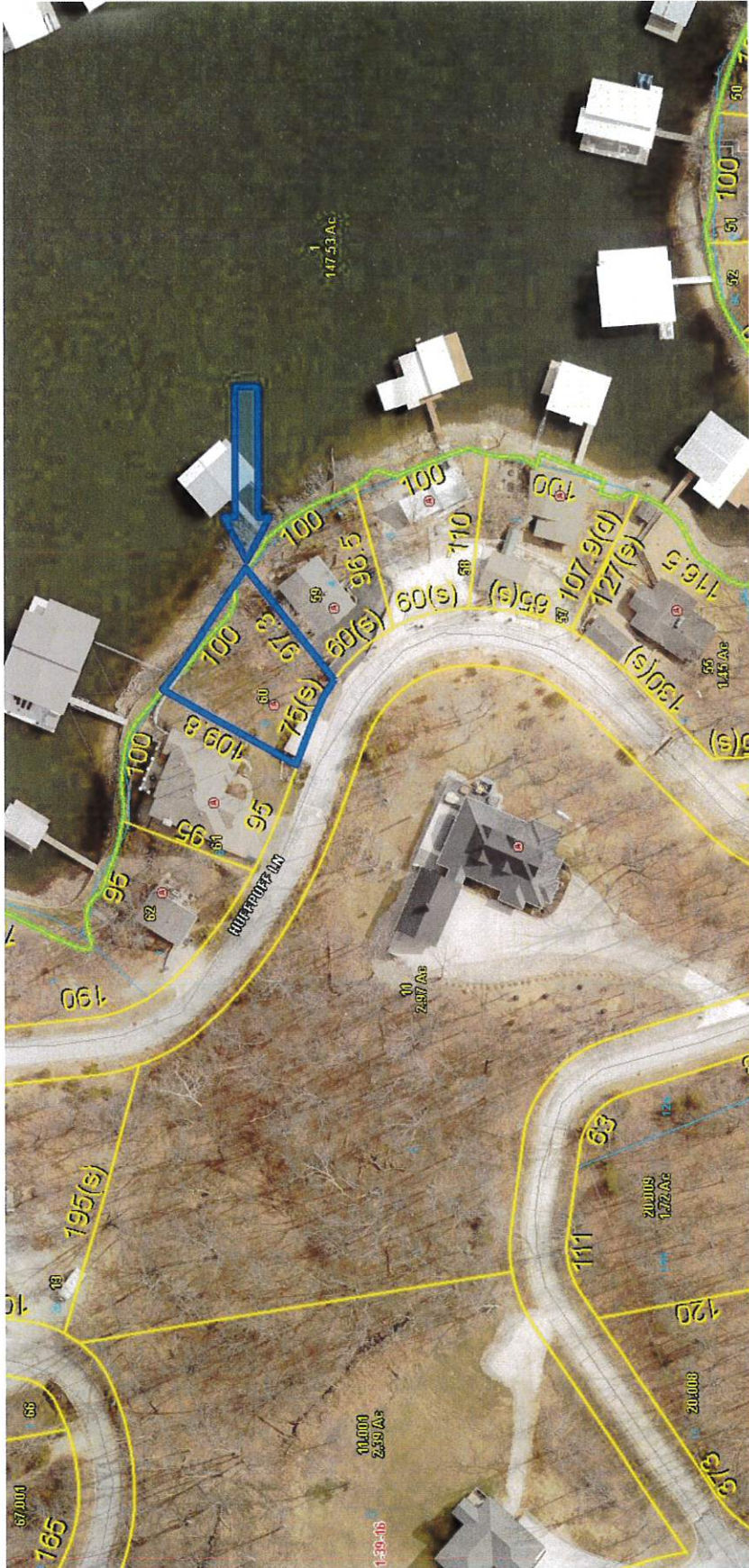


COLE BRADBURY

City Attorney

(573) 302-2000 x 1050

CBradbury@OsageBeach.org



Variance Case
355 Location Map



Cary Patterson

From: Ron White
Sent: Tuesday, April 8, 2025 10:44 AM
To: Cary Patterson; Joshua Johns
Subject: FW: 4328 Huffpuff Lane
Attachments: copier_20241218_140009.pdf

Here's all that I have. I can't find any details on the wall, which we still need. The wall was started without a permit. The building permit application has not made it to me for review because setback issues have held it up.

Ron White

Building Official
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ext. 1060
573-302-0528 FAX
rwhite@osagebeach.org

"The bitterness of poor quality remains long after the sweetness of low price is forgotten."
-Benjamin Franklin



Communication made through e-mail and messaging systems shall in no way be deemed to constitute legal notice to the City of Osage Beach or any of its agencies, officers, employees, agents or representatives with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents or representatives, where notice to the City is required by any federal, state or local laws, rules or regulations.

From: Ron White
Sent: Wednesday, December 18, 2024 2:31 PM
To: bestpest@live.com
Cc: jkreyling@elsco.com; Building Department <buildingdepartment@osagebeach.org>; Cary Patterson <cpatterson@osagebeach.org>
Subject: 4328 Huffpuff Lane

Good afternoon,

Please find attached, two separate documents within one attachment.

The first document is the site plan you provided today with setbacks handwritten, which includes comments as provided by City Planner Cary Patterson.

It was noted that the total length of the front setback (25'), the depth of the structure (40' +/-), and the rear setback (50') provided is greater than the total of the length of the longest dimension of the property (109.8').

When using the scale provided (pg. 2), our review software identifies setbacks substantially different than the handwritten dimensions you provided. Please provide an updated site plan that includes the actual setback measurements.

If you have any questions regarding the site plan / setback requirements, Mr. Patterson may be contacted by phone at 573-302-2000, extension 1080 or by email at cpatterson@osagebeach.org.

Additionally, please include the connection point and service entrance / exit locations for the proposed water, electric, and sewer lines on the site plan.

Respectfully,

Ron White

Building Official
City of Osage Beach
1000 City Parkway
Osage Beach, MO 65065
573-302-2000 ext. 1060
573-302-0528 FAX
rwhite@osagebeach.org

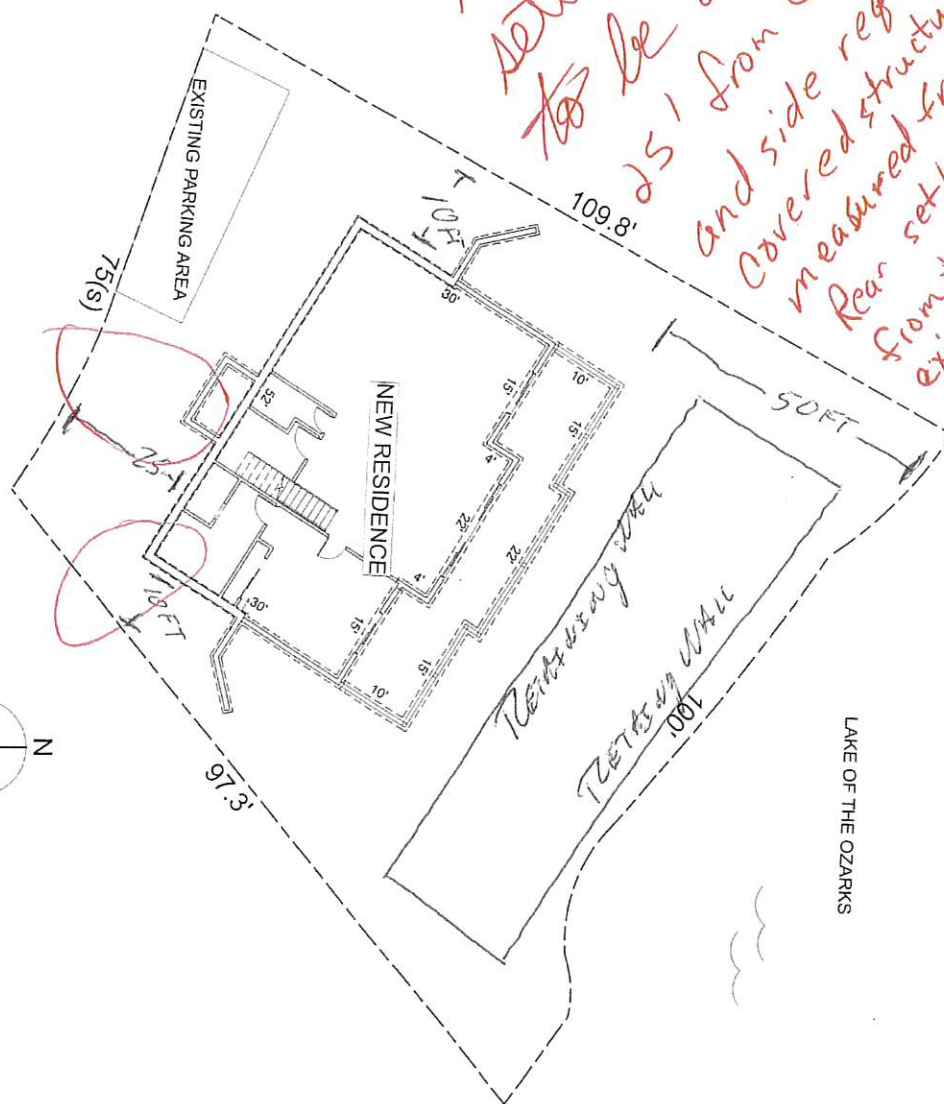
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KREYLING RESIDENCE

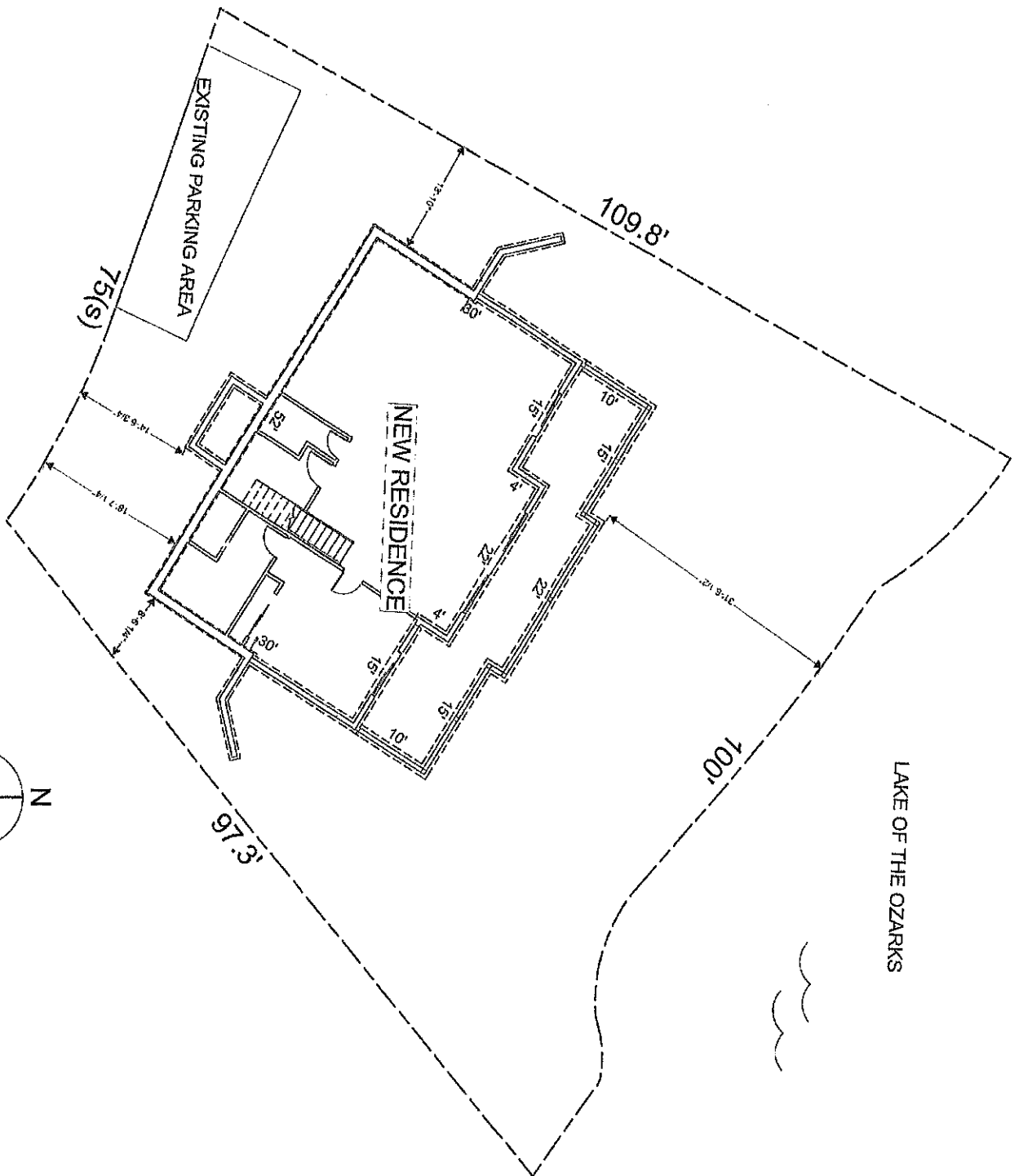
To the best of our knowledge, these plans are drawn to comply with owner's, contractor's and/or installer's specifications, and any changes made on them after prints are complete will be done at the owner's, contractor's, and/or installer's expense and responsibility. It is the responsibility of the owner, contractor, and installer of the job to check & make a thorough review of the entire plan set for design, schematic, dimensions, details, loads, eave/cut, & schedules to construction and be totally responsible thereafter. Owner's, contractor's, and/or installer's shall verify all existing site conditions prior to beginning construction. While every effort has been made in the preparation of this plan to avoid mistakes, we cannot guarantee against human error. Crawford Drafting & Design LLC is not liable for errors once construction has begun.

10/25/2024

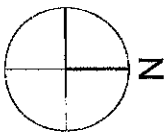
KREYLING
RESIDENCE



CRAWFORD
DRAFTING & DESIGN
903-243-8190 — 105 W JASPER ST. VERSAILLE



S SITE PLAN VIEW
SCALE: 1/8" = 1'-0"



To the best of our knowledge, these plans are drawn to comply with owner's, contractor's and/or installer's specifications, and any changes made on them after permits are completed will be done at the owner's, contractor's, and/or installer's expense and responsibility. It is

10/25

KREY
RESIT



CRAWLEY

G-

SITE

4328 Huffpuff Ln.

12/18/2024

Went to site of 4328 Huffpuff Ln. and spoke with Ryan Dauber. I informed him all the work that he is doing (constructing/installing retaining wall) requires a permit. He argued the notion of needing permit and stated he has submitted his plans. I informed him that even though plans have been submitted, no permit has been issued and work must stop until that permit has been issued and picked up.

1/22/2025

Permit application was submitted.

















