

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

September 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 September 20, 2023, at 4:00 p.m.

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.

Roll Call

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

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

Court Reporter: Shelly Stewart

Minutes

Commissioner Catcott made a motion to approve the minutes from May 17, 2023. This motion was seconded by Commissioner Bickle. Motion passed unanimously with a voice vote.

New Business

A: Variance Case #348 John Green

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>Gas:</u>	Summit
<u>Electricity:</u>	Ameren	<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:

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:

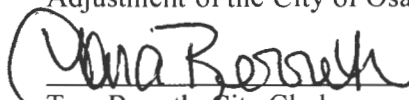
1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
3. A building permit must be obtained for the new construction and all other zoning codes be adhered to. The variance must be used within a year of the approval date.

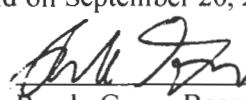
Board member O'Keefe made a motion to approve Variance Case No. 348 This motion was seconded by Board member Bickel. A roll call vote was taken, and Variance Case No. 348 was unanimously passed.

Adjourn

There being no further business to come before the Board of Adjustment, Fred Catcott adjourned the meeting at 4:06 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 September 20, 2023


Tara Berreth, City Clerk


Randy Gross, Board Chairman