

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

May 17, 2023

Call to Order

Fred Catcott called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on May 17, 2023, at 4:00 p.m.

Roll Call

The following Board Members were present: Fred Catcott, Karen Bowman, Gloria O'Keefe, Robert Bickle and Larry Jones. Absent was Chairman Randy Gross.

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

Court Reporter: Shelly Stewart

Fred Catcott 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. Variance Case #347 Darrell and Melissa Otte

Applicant: Darrell and Melissa Otte
Location: 1448 Dogwood Lane
Petition: Variance from minimum setback requirements
Purpose: Addition to Primary Dwelling
Existing Use: Single-family home
Zoning: R-1b (Single Family)
Tract Size: Approximately 7,633 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 Dogwood Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 50 of Dogwood Park Estates and is designated with the physical address 1448 Dogwood Lane.
2. The applicants are requesting a variance to build an addition on the side of the existing home that will be approximately 19 feet from the front property line. As you can see on the submitted site plan, the existing home is 13.8 feet from the front property line at its closest point which is what makes the home a legal non-conforming structure. With that being the case, a variance is required to enlarge or add on to the legal non-conforming structure as is being requested in this case.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 1 of Frank Clark's Subdivision" and is designated with the physical address 4507 Cove Road.
2. The dwelling structure at the subject location was destroyed by fire in June of 2021. At the time it was destroyed, the dwelling was a legal non-conforming structure. The applicants are requesting a variance from setback regulations to rebuild the structure on the existing foundation. The applicants have had an engineer do a structural evaluation of the existing foundation and it was found to be capable of handling the new structure. That report and statement will be submitted to the Building Official with the building permit application if the requested variance is approved.
3. The applicant is requesting a variance to rebuild a dwelling on an existing foundation that will be 6.25 ft. from the side property line and 23.88 ft. from the rear property line at its closest point. Approval of the requested variance will allow the city to issue a legal building permit to construct the dwelling as per the submitted site plan. The minimum required side yard setback in the R-1a zone is ten (10') feet from the side property line and the required setback in the rear is thirty (30') feet from the lakeside property boundary.
4. The applicant was granted a variance by the Board of Zoning Adjustment in December 2021, but failed to use the variance within a year which resulted in the variance being cancelled. This is the reason that the applicant is before the Board once again, requesting the same variance relief.
5. 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:

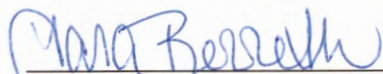
1. The structure must be built according to the submitted site plan.
2. Any expansion or significant change in the proposal shall require Board of Adjustment approval.
3. A building permit must be obtained for the new construction and all other zoning codes be adhered to. The variance must be used within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

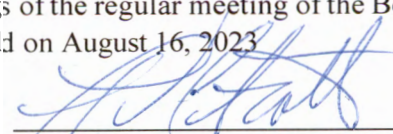
Board O'Keefe member made a motion to approve Variance Case No. 349 This motion was seconded by member Bowman. A roll call vote was taken, and Variance Case No. 349 was unanimously passed. Absent Chairman Randy Gross.

Adjourn

There being no further business to come before the Board of Adjustment, Fred Catcott adjourned the meeting at 4:18 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 August 16, 2023.


Tara Berreth, City Clerk


Fred Catcott, Committee Member