



AGENDA
Board of Zoning Adjustment

Regular Meeting
August 16, 2017
4:00 p.m.
City Hall
1000 City Parkway
Osage Beach, Missouri

REGULAR MEETING AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES FROM THE March 15, 2017 MEETING**
- 4. NEW BUSINESS**
 - A) Variance Case No. 325 Richard Shadel - RMS Property Management LLC**
- 5. ADJOURN MEETING**

**PUBLIC HEARING FOR VARIANCE CASE # 323 & # 324
OF THE BOARD OF ZONING ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

March 15, 2017

The Board of Zoning Adjustment for the City of Osage Beach, Missouri, met to conduct a hearing on Variance Case # 323 and Variance Case # 324 on March 15, 2017 at 4:00p.m., at City Hall in said City. The following Board Members were present: Larry Jones, Jerry Frank, Gloria O Keffe, Karen Bowman, and Randy Gross. Louis Mayer and Don Sturn were absent. Also present were City Attorney Edward Rucker, City Planner Cary Patterson, and Department Secretary Brook Cason who kept a journal of the proceedings. Midwest Litigation Court Reporter Jenna Petree was also present.

The meeting was called to order at 4:00p.m. by Larry Jones who acted as Chairman in Louis Mayes absence.

MINUTES:

The minutes of the May 20, 2015 meeting were unanimously approved as submitted.

NEW BUSINESS:

Chairman Jones presided and read the criteria for granting a variance. He also read RSMo.1986§89 regarding the legal authority for the creation of the Board of Zoning Adjustment.

Chairman Jones called Case #323 to order.

Chairman Jones asked Planner Patterson if all legal notices were met.

Planner Patterson answered in the affirmative.

Chairman Jones asked Planner Patterson if the City made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson answered in the affirmative.

Chairman Jones asked Planner Patterson to please describe the Variance request.

The file containing Variance Case #323 was entered into the record as Exhibit 1 by Planner Patterson.

<u>Case Number:</u>	323
<u>Applicant:</u>	Kemp Shepard
<u>Location:</u>	1267 Greenwood Circle
<u>Petition:</u>	Variance from minimum setback requirements
<u>Purpose:</u>	Garage Construction

Existing Use: Single-family home
Zoning: R-1a (Single Family)
Tract Size: Approximately 11,079 sqft

Case History **Case #** **Date**

None

Utilities:

<u>Water:</u>	City	<u>Gas:</u>	None
<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 is a platted lot known as Lot 24 of Harbor Heights Estates and is designated with the physical address 1267 Greenwood Circle.
2. The applicant is requesting a variance to construct an attached garage onto the home that would extend to within 5.125 feet from the side property line creating an encroachment within the required 10 foot setback. The requested addition will also encroach to within 21 feet of the front property line; however, it will not be creating a new encroachment as the existing home currently encroaches to within 12 feet of the front property line. The minimum required setback in the front yard is twenty five (25') feet from the front property line in the R-1a zone.
3. Part of the issue involving this particular request is that the City had the necessity to construct a more elaborate drainage facility fronting this particular property. In doing so, it also created a troublesome accessibility and parking issue for the home. The proposed addition would provide relief of this issue.
4. 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.

Chairman Jones asked if anyone had comments on the case.

Gloria O Keefe stated she saw no problems with the request.

Chairman Jones asked City Attorney Ed Rucker for comment.

Attorney Rucker said the file was complete and ready for the Boards decision.

With no further comments from the Board or Staff, Chairman Jones asked if there was a motion for Variance Case #323. Gloria O Keefe moved to approve Variance Case # 323 as presented. Karen Bowman seconded the motion. A roll call vote was taken, and Case #323 was unanimously passed.

Chairman Jones called Case #324 to order.

Chairman Jones asked Planner Patterson if all legal notices were met.

Planner Patterson answered in the affirmative.

Chairman Jones asked Planner Patterson if the City has made a prudent effort to notify, by mail, adjacent and otherwise obviously affected property owners.

Planner Patterson answered affirmative.

Chairman Jones asked Planner Patterson to please describe the Variance request.

The file containing Variance Case #324 was entered into record as Exhibit 1 by Planner Patterson.

Case Number: 324

Applicant: Randall and Michelle Roberts

Location: 534 Sleepy Hollow Road

Petition: Variance from minimum setback requirements

Purpose: Garage Construction

Existing Use: Single-family home

Zoning: R-1 (Single Family)

Tract Size: Approximately 12,000 sqft

Case History **Case #** **Date**

None

Utilities:

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

Access: The subject property derives access from Sleepy Hollow Road

Analysis:

The applicant is the owner of the property in question. The property is a platted lot known as Lot 15 of "Sleepy Hollow Lake Sites No. 2" and is designated with the physical address 534 Sleepy Hollow Road.

1. The applicant is requesting a variance to construct a detached garage in front of the existing home that would extend to within 8.7 feet from the front property line creating an encroachment within the required 25 foot setback.
2. The issue that presents itself to the property owners in this area is that the lots were created lacking width and a road ROW that extends well into their front yards. Because of the nature of the lots, you have smaller homes that are built too close to the side property lines and are oriented in a way that make them difficult to build additions to the home unless it takes place on the lake side of the home. The City has had a number of these owners request setback relief to build facilities to house and protect vehicles and to increase the storage area for the property.
3. 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.

Chairman Jones asked if anyone had comments.

There being none, Chairman Jones asked if there was a motion for Variance Case #324. Gloria O Keefe moved to approve Variance Case #324 as presented. Larry Jones seconded the motion. A roll call vote was taken, and Case #324 was unanimously passed.

REPORTS:

Larry Jones asked if there any reports from the Board or Staff.

Planner Patterson invited new members to the volunteer appreciation dinner, March 28, 2017, and asked that they RSVP with Department Secretary Brook Cason.

There being no further business to come before the Board of Zoning Adjustment, a motion was made by Karen Bowman, and seconded by Jerry Frank. The meeting adjourned at 4:15p.m.

I, Brook Cason, Planning Department Secretary for the City of Osage Beach, Missouri, do hereby certify that the above foregoing is true and complete journal of proceedings of the regular meeting of the Board of Zoning Adjustment for the City of Osage Beach, Missouri held on March 15, 2017.



Brook Cason
Department Secretary



Larry Jones
Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: August 16, 2017

Case Number: 325

Applicant: Ricky and Mary Jo Shadel

Location: 980 Palmer Ln.

Petition: Variance from minimum setback requirements

Purpose: Pool, deck, and mechanical room construction

Existing Use: Single-family home

Zoning: R-1b (Single Family)

Tract Size: Approximately 9,500 sq ft

Case History **Case #** **Date**

None

Utilities

Water: City
Electricity: Ameren

Gas: None
Sewer: City

Access: The subject property derives access from Palmer Ln.

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 28 of Palmer Subdivision and is designated with the physical address 980 Palmer Lane.
2. The applicant is requesting a variance to construct a pool and mechanical room onto the home that would extend to 1 foot from the front property line creating an encroachment within the required setback. The minimum required setback in the front yard is twenty-five (25') feet from the front property line in the R-1b zone.
3. This particular subdivision has had issues for some time because of the way the lot layout and subsequent construction of the homes has occurred. As has been the case in a number of locations around the lake, the original developer subdivided the properties and built the roads in the easiest location as it pertained to topography, while at the same time, still providing easy and more desirable access to the lake front. The issue that method created however, is that the homes are literally built right on the road. The road itself is quite narrow in width and actually functions as a driveway to the 4 homes that are down there. The property owners on the road are already conditioned to the close confines of the homes and the retaining walls that are associated with them and the requested addition is replacing a carport that the applicant has already had removed.
4. The applicant has already begun some work on the home to address some structural and existing safety issues as well as visual improvements on the exterior. **Please be careful when you go to look at the property, it is a very narrow road and drive situation with the construction materials in various locations.**
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. All structure must be constructed a minimum of one (1') foot from the Palmer Ln. Right of Way.
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.

Date Submitted 6/28/17

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: RMS Property Management, LLC. (Ricky & Mary Jo Shadel)

MAILING ADDRESS: 3518 Osage Beach Pkwy
Osage Beach, MO 65065

TELEPHONE: Ricky-573-216-2851 Mary Jo 573-280-5225 Business 573
Lafayette Hotel 693-933

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.)

Osage Beach Parkway to Winn Road (By J Bruner's Rest) Turn
left on Draskey Lane. - Turn Left on Palmer Lane.
980 Palmer - Lot #28

VARIANCE FOR/FROM:

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

CARL Doerhoff - mobile 573-680-6777

work 573-659-5560

home 573-893-4868

Home 5840 Foxfire Lane, Lohman MO 65053

2nd Home 988 Palmer Lane, Osage Beach, MO 65065

owns all adjoining property

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 100x102x65x99.5
2. SOURCE OF UTILITIES: WATER City of Osage Beach GAS: Propane
SEWER City of Osage Beach ELECTRIC: Ameren
3. PRESENT USE OF PROPERTY: Residential
4. PRESENT ZONING OF PROPERTY: C1
5. HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY? NO
IF SO, WHEN? N/A
6. HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY? June 8, 2017
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. House - 1990
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? THE AREA THAT WAS CARPORT, WE ARE REMOVING AND USING THAT SAME FOOTPRINT AREA FOR A POOL AND MECHANICAL ROOM FOR THE HOUSE + POOL. BY DOING THAT WE ARE CREATING A LARGER KITCHEN AREA FOR OUR EXISTING FAMILY.
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF WHICH THE BOARD SHOULD BE AWARE? WITHOUT POOL AND POOL DECK, WE CAN NOT PUT MECHANICAL ROOM OUTSIDE SO THAT WE CAN HAVE LARGER LIVING/KITCHEN AREA FOR FULL TIME LIVING INSIDE THE HOME WE ARE STAYING WITHIN THE EXISTING FOOTPRINT OF THE CARPORT.
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. N/A

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. WE are trying to clean up this property and make it a nice presentable piece of property for our personal long term home

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

SUBSEQUENT TO MAY 10, 1984?

unknown

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:

SIGNATURE OF PROPERTY OWNER:

[Handwritten signature]

Checks should be made payable to the City of Osage Beach. Postage costs should be calculated and submitted with the \$200.00 filing fee. \$330.00

STATE OF MISSOURI,

COUNTY OF CAMDEN,

Subscribed and sworn to me before me, the 28 day of June 20 17

Notary Public

[Handwritten signature]

My Commission expires:

(stamp)

(seal)

BROOK CASON
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 17643410
Camden County
My Commission Expires: Feb. 28, 2021

June 24, 2017

City of Osage Beach

ATTENTION: Board of Adjustment

1000 City Parkway

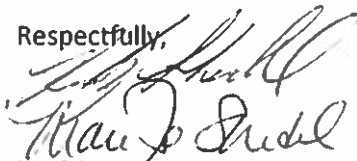
Osage Beach, MO 65065

RE: 980 Palmer Lane

To Whom It May Concern:

We are requesting that a variance be granted for replacing carport area with mechanical rooms for house/pool and a pool within our existing footprint. By moving the house mechanical room outside we will have a larger kitchen/living room area for our existing family and full time living.

Respectfully,



Mary Jo Shadel
RMS Property Management, LLC

Ricky and Mary Jo Shadel

June 24, 2017

City of Osage Beach

ATTENTION: Planning and Zoning

1000 City Parkway

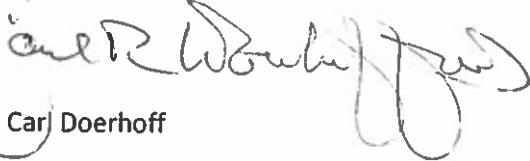
Osage Beach, MO 65065

RE: 980 Palmer Lane

To Whom It May Concern:

I, Carl Doerhoff, owner of Lots #24, 25, 27 and 29, Palmer Subdivision, Osage Beach, MO have no objection to a variance being granted by the City of Osage Beach to RMS Property Management, LLC (Ricky and Mary Jo Shadel) for the setback requirement on their lot (Lot 28, Palmer Subdivision).

Respectfully,

A handwritten signature in black ink, appearing to read "Carl Doerhoff". The signature is written in a cursive style with a large, sweeping initial "C".

Carl Doerhoff

Owner

GENERAL WARRANTY DEED
(Individual)

ITS
LO-22978-17

THIS DEED, made and entered into on 8th day of June, 2017, by and between

Grantor: Jamie I. Rosevear, a single person
by party or parties of the first part,

Grantee: RMS Property Management, LLC, a Missouri Limited Liability Company
by party or parties of the second part,

Whose Address is: *3518 Osage Beach Pkwy, Osage Beach MO 65065*

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in County of Camden, State of Missouri, to-wit:

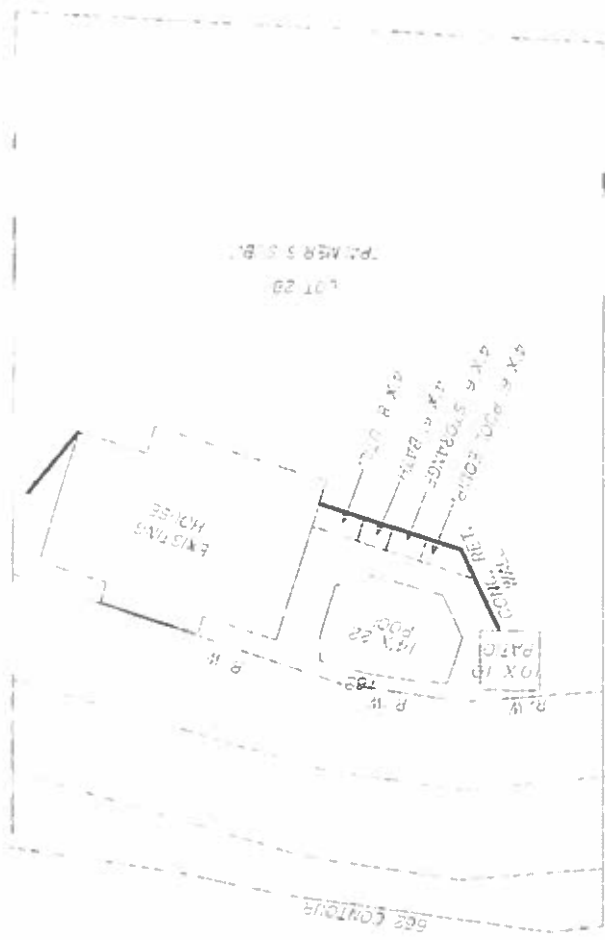
Legal Description:

All of Lot No. 28 in "Palmer Subdivision", a subdivision in Camden County, Missouri, according to the plat thereof on file and of record in the Office of the Recorder of Deeds, Camden County, Missouri.

Parcel: 08 1.0 11.0 000.0 013 062.000 and 08 1.0 11.0 000.0 013 062.001
Property Address: 980 Palmer Drive, Osage Beach, MO 65065

TO HAVE AND TO HOLD the same, together with all rights and appurtenances to the same belonging, unto the said party or parties of the second part, and to the heirs and assigns of such party or parties forever.

The said party of the first part hereby covenanting that it and its successors, shall and will WARRANT AND DEFEND the title to the premises unto the said party or parties of the second part, and to the successors and assigns of such party or parties forever, against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 2017 and thereafter, and special taxes becoming a lien after the date of this deed.



LAKE OF THE OZARKS



SITE PLAN

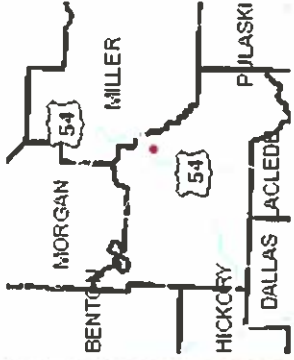
Camden County, MO



1 in. = 135 ft. 

270.4 0 135.21 270.4 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Notes