



**CITY OF OSAGE BEACH
BOARD OF ADJUSTMENT**

1000 City Parkway
Osage Beach, MO 65065
573-302-2000
www.osagebeach.org

AGENDA

Regular Meeting

**August 19, 2020 - 4:00 p.m.
CITY HALL**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES FROM THE JULY 15, 2020 MEETING
5. NEW BUSINESS
 - A) Variance Case No. 336 - Robert Gresham
6. ADJOURN MEETING

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 ex 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 48 hours in advance of the meeting at the above telephone number.

**PUBLIC HEARING FOR VARIANCE CASE #335
OF THE BOARD OF ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

July 15, 2020

Call to Order

Chairman Randy Gross called the Board of Adjustment Commission of the City of Osage Beach, Missouri, to order at the regular meeting on July 15, 2020 at 4:00 p.m.

Planner Patterson stated the Agenda didn't list the Pledge of Allegiance but it will be listed for future meetings.

Chairman Gross asked that everyone stand for the Pledge of Allegiance.

Roll Call

The following Board Members were present: Randy Gross, Chairman, Karen Bowman, Louis Mayer, Gloria O'Keefe and Fred Catcott. Board members not in attendance: Larry Jones, alternate. Also, present City Planner Cary Patterson and Planning Department Secretary Pam Campbell. Capital City Court Reporting Court Reporter, Kim Murphy, was also present.

Minutes – 6/17/2020

Chairman Gross asked if there were any corrections or comments regarding the June 17, 2020 minutes. There were none. *Board member Randy Gross made a motion to approve the June 17, 2020 minutes and Board member Gloria O'Keefe seconded the motion which passes unanimously.*

New Business

Chairman 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 had been met.

B) Variance Case No. 335 Robert and Pamela Birkenholz

Chairman Gross called Case #335 and asked Planner Patterson if all legal requirements have been met.

Planner Patterson replied yes.

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

Planner Patterson replied yes, there were no negative responses and said City Attorney, Ed Rucker provided a memo stating he saw no problems with this case and to proceed at your discretion.

The Code Book and file containing Variance Case #335 were entered into the record as Exhibits 1 and 2 by Planner Patterson.

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

Planner Patterson delivered the following report:

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: July 15, 2020 **Case Number:** **335**

Applicant: Robert and Pamela Birkenholz

Location: 1171 Summit Circle

Petition: Variance from minimum setback requirements

Purpose: Carport addition

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 13,000 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 Summit Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 4 of Summit Point Estates" and has the designated physical address of 1171 Summit Circle.
2. The applicants are requesting a variance to build a carport addition onto their existing home on the subject lot that will be 11.5 feet from the front property line. In the R-1a zone the minimum required front yard setback is twenty-five (25') feet.
3. The applicants have owned the property for five years. They are asking to build a carport over the existing driveway to provide cover for their vehicles. Severe topography and the

location of the existing home makes it difficult if not impossible to do an addition of this type that will meet the setback requirements. As you can see from the submitted site plan, the addition cannot meet the required setbacks so a variance will be required for them to get a permit to build. The applicant has submitted this request to the Summit Point Property Owner's Association for their review and they have approved the request. The letter of approval is enclosed in your packet.

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.

Planner Patterson asked if there were any questions for himself or the applicant and there were none.

Chairman Gross acknowledged the additional pictures provided by the applicant and asked the applicant to step forward if there was anything different or changed from the original request. The applicant stated there were no changes.

Chairman Gross asked if there was anyone else who would like to speak in opposition of the request and if so, to please step forward. No one stepped forward.

Chairman Gross asked if there were any staff comments.

Planner Patterson stated per the memo from the City Attorney, the case is ready for a decision, provided all questions have been answered.

Louis Mayer made a motion to approve Variance Case 335 and Fred Catcott seconded the motion. A roll call vote was taken, and Variance Case 335 was unanimously passed.

REPORTS:

Planner Patterson said there are no other reports at this time and if masks will be required at future meetings, we will let everyone know.

Adjourn

Fred Catcott made a motion to adjourn the meeting and Gloria O'Keefe made a motion to second the motion.

There being no further business to come before the Board of Adjustment, Chairman Gross adjourned the meeting at 4:13 p.m.

I, Pam Campbell, Planning Department Secretary, 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 July 15, 2020.

Pam Campbell/Planning Department Secretary

Randy Gross/Chairman

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 3,500 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 8.1 feet from the east property line and 8.82 feet from the west property line. The addition will also be built 15.14 feet from the rear property line. The addition will be placed in the current location of the existing structure, which is to be removed, and will not encroach further into the existing setback requirements than the existing structure. The remainder of the structure that will stay is also a legal non-conforming use as it encroaches well within the front yard setback. As the request is an addition to an existing legal non-conforming structure, a variance is required before the proposed construction can continue through the process.
3. The minimum required setback is twenty-five (25) feet in the front yard in a C-1 district.
4. Several structures in this proximity are built in violation of minimum setback requirements. Most are legal nonconforming, built prior to zoning code. The home at 1442 Perch Ln was granted a variance to rebuild a derelict structure in January of 2005 in a situation similar to that of the current request.
5. 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.

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 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

4. A building permit must be obtained for the addition and all other zoning codes be adhered to.

**CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW**

NAME OF APPLICANT: Robert Gresham

MAILING ADDRESS: 24100 US Highway 54
Pittsfield, IL 62363

TELEPHONE: 217-430-4594

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.

Property is located at 1444 Perch Lane. Exit off Highway 54 at Nichols Road. Take Nichols Road past Heron Bay Condominiums to Slope Road. Turn right on slope road to Perch Lane. (circle drive) This property is the gray house somewhat in the middle towards the water in between the brown house and the large yellow house. Legal description attached.

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	
Terry Chartrand	412 Maple Leaf Ct	Ballwin, MO 63021
Diane Denny	412 Maple Leaf Ct	Ballwin, MO 63021
Marilyn Lamoureux	8 Nagel Ct	St. Louis, MO 63119-4712
Sherry Lynn Heide	5654 Slope Ln	Osage Beach, MO 65065

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

1. **SIZE OF PROPERTY:** see attached legal description

2. **SOURCE OF UTILITIES:** **WATER:** City of Osage Beach **GAS:**
SEWER: City of Osage Beach **ELECTRIC:** Ameren

3. **PRESENT USE OF PROPERTY:** vacation home

4. **PRESENT ZONING OF PROPERTY:** commercial

5. **HAVE YOU PREVIOUSLY APPLIED FOR A VARIANCE ON THIS PROPERTY?** no

IF SO, WHEN?

6. **HOW LONG HAVE YOU OWNED THE SUBJECT PROPERTY?** Since June 5, 2020

7. **PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT.** 2 parts – front was built in 2002 – the back (old cabin) was built in the 1950's or 60's

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?

Currently there are no bedrooms in the property. The original section (old cabin) housed the bedrooms. They are falling off the existing structure.

10. **IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF WHICH THE BOARD SHOULD BE AWARE?**

There are no sleeping quarters/bedrooms in the current structure. There is also no family room.

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.

None we are aware of.

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 SAME

DISTRICT.

Existing house is not safe to use as a residence.

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

SUBSEQUENT TO MAY 10, 1984?

YES

NO X

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: Robert L. [Signature]

SIGNATURE OF PROPERTY OWNER: Robert L. [Signature]


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 15th day of July 2020

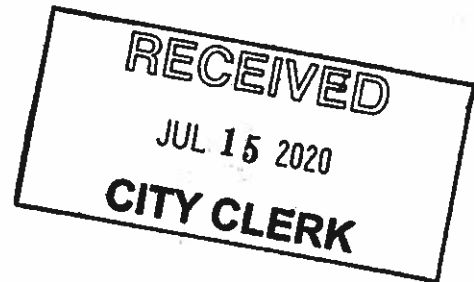
Notary Public M K Pahlmann [Signature]

My Commission expires: (stamp)  (seal) **M K PAHLMANN**
My Commission Expires **June 29, 2021**
Camden County
Commission #13829472

Date Submitted _____

July 15, 2020

Osage Beach City Hall
Attn: Board of Adjustments
1000 City Parkway
Osage Beach, MO 65065



Osage Beach Board of Adjustments,

I have purchased property at 1444 Perch Lane with the intent to remodel and use as my family's vacation home. I chose this area because my brother has a home in this same housing division, the house is in a no wake cove, it's close to local businesses, and an easy drive from our home.

Currently there are two parts to the structure; a front portion (18x20) that was built in 2002 which includes a kitchen, dining area and bathroom upstairs and a small living area, bathroom, and laundry room in the lower level; and a back portion that is the original structure, assumed to be built in the 1950's or 60's which has been used for storage but is inhabitable for people. As you can see, I have not mention bedrooms. The bedrooms were in the back section. This structure is not livable and has not been used as such for quite some time. The additions that are on the original structure are falling off and pulling apart from said structure. In addition, the main floor is no longer level. It has been infested by racoons, insects and opossums. There is also a family of ground hogs currently living under the original structure.

I would like to demolish the back structure and rebuild a new structure (24x30) to provide a safe place for my family to gather. I am not looking to expand the current footprint but would like to be able to square up to the new part of the house. In my proposed plan, I intend to build three bedrooms and a family room to accommodate my family's needs. Rebuilding the structure would also get rid of the pests that are currently inhabiting the area. The community has voiced their excitement towards buying the house and rebuilding the dilapidated structure. This structure as it currently sits has decreased property values and has been an eyesore to the community for years.

I appreciate your consideration of my request. Please feel free to contact me with any questions.

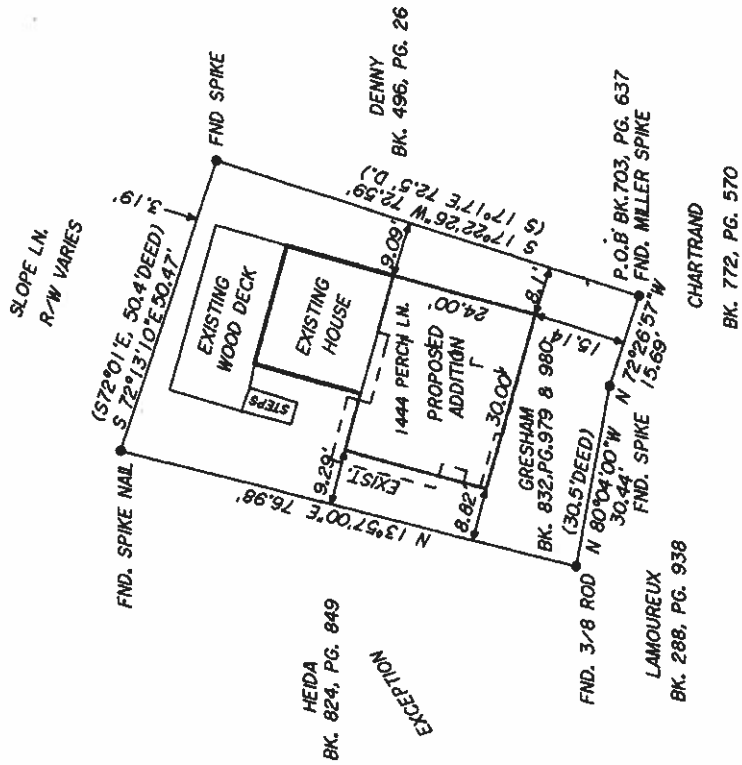
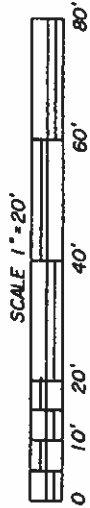
Sincerely,

A handwritten signature in black ink, appearing to read "Robert Gresham". The signature is fluid and cursive.


Robert Gresham

217-430-4594

PLAT OF SURVEY



CERTIFICATION: This is to certify that I, Lonny D. Allen, L.S., at the direction of Robert Gresham, executed a survey of a tract of land in Government Lot 6, of Section 4, Township 39 North, Range 16 West, as described in Book 832, pages 979 and 980, Camden County, Records, Camden County, Missouri, and that said survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, and that the results of said survey are shown hereon.


 Lonny D. Allen, L.S.
 L.S. #11670
 7/13/2020