

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

December 20, 2023 - 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 approve minutes from October 18, 2023

NEW BUSINESS

- A. A. Variance Case #351 - Joseph and Mary Kay Kenkel

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 ADJUSTMENT
FOR THE CITY OF OSAGE BEACH, MISSOURI**

October 18, 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 October 18, 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, Larry Jones, Robert Bickle.

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

Court Reporter: Candice Perez with Lexitas Legal – Via Zoom

Minutes

Commissioner Catcott made a motion to approve the amended minutes for the September 20, 2023. This motion was seconded by Commissioner Bowman. Motion passed unanimously with a voice vote.

NEW BUSINESS

Variance Case #350 Tracey Berman

<u>Applicant:</u>	Tracey Berman
<u>Location:</u>	1301 Summit Circle
<u>Petition:</u>	Variance from minimum setback requirements
<u>Purpose:</u>	Addition to Primary Dwelling
<u>Existing Use:</u>	Single-family home
<u>Zoning:</u>	R-1a (Single Family)
<u>Tract Size:</u>	Approximately 8,712 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 Summit Circle

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot known as Lot 34 of Dogwood Park Estates and is designated with the physical address 1301 Summit Circle.
2. The applicants are requesting a variance to cover the existing deck and put a cover over the main entrance into the home. The roof addition over the deck will extend to 12.7 feet from the rear property line. As you can see on the submitted site plan, the existing home is 8.5 feet from the side 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, which is why the entrance cover is included in this request. Approval of the requested variance will allow the city to issue a legal building permit to construct the additions as per the submitted site plan. In the R-1a zone, the minimum required rear yard setback is twenty (20') feet from the rear property line and the side yard setback requirement is ten (10') feet from the side property line.
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. The variance must be used within one year of the approval date.

Board member Catcott made a motion to approve Variance Case No. 350. This motion was seconded by Board member Bickel. A roll call vote was taken, and Variance Case No. 350 was unanimously passed.

Board Member Jones made a motion to adjourn the meeting. This motion was seconded by Board Member Bowman. Motion passed unanimously with a voice vote.

Adjourn

There being no further business to come before the Board of Adjustment, Fred Catcott adjourned the meeting at 4:12 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 October 18, 2023

Tara Berreth, City Clerk

Randy Gross, Board Chairman

**PLANNING DEPARTMENT
REPORT TO
BOARD OF ADJUSTMENT**

Date: December 20, 2023 **Case Number:** 351

Applicant: Joseph and Mary Kay Kenkel

Location: 1246 Guenther Lane

Petition: Variance from minimum setback requirements

Purpose: Addition of second level to legal non-conforming dwelling

Existing Use: Single-family home

Zoning: R-1a (Single Family)

Tract Size: Approximately 4,700 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 Guenther Lane

Analysis:

1. The applicant is the owner of the property in question. The property is a platted lot designated as "Lot 2 of Caseys Cove Amended Plat" and is designated with the physical address 1246 Guenther Lane.
2. The applicants are requesting a variance to construct a second level on their home. A variance is required because the home, as it currently sits, does not meet the setback requirements from the side property line on either side of the subject property. This of course means the existing home is a legal non-conforming structure, which by code requirement, will need to be granted a variance for any type of expansion such as the second level addition that the board is being asked to review. The requested addition will be constructed on the same footprint as the existing structure meaning the finished side setbacks will be 2.05 feet on the north side and 2.31 feet on the south side. In the R-1a zone, the minimum required side yard setback is ten (10') feet from the side property line.
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. The variance must be used within one year of the approval date.



Variance Case 351 Location Map

SITE PLAN
LOT 2 ~ CASEY'S COVE AMENDED
PLAT BOOK 21, PAGE 83
GOV'T LOT 6 NE 1/4, SEC. 1, T 39 N, R 16 W
CAMDEN CO., MO



SCALE: 1" = 10'

A horizontal scale bar with alternating black and white segments. Below the bar are numerical markings at 0, 5, 10, and 20, representing feet.

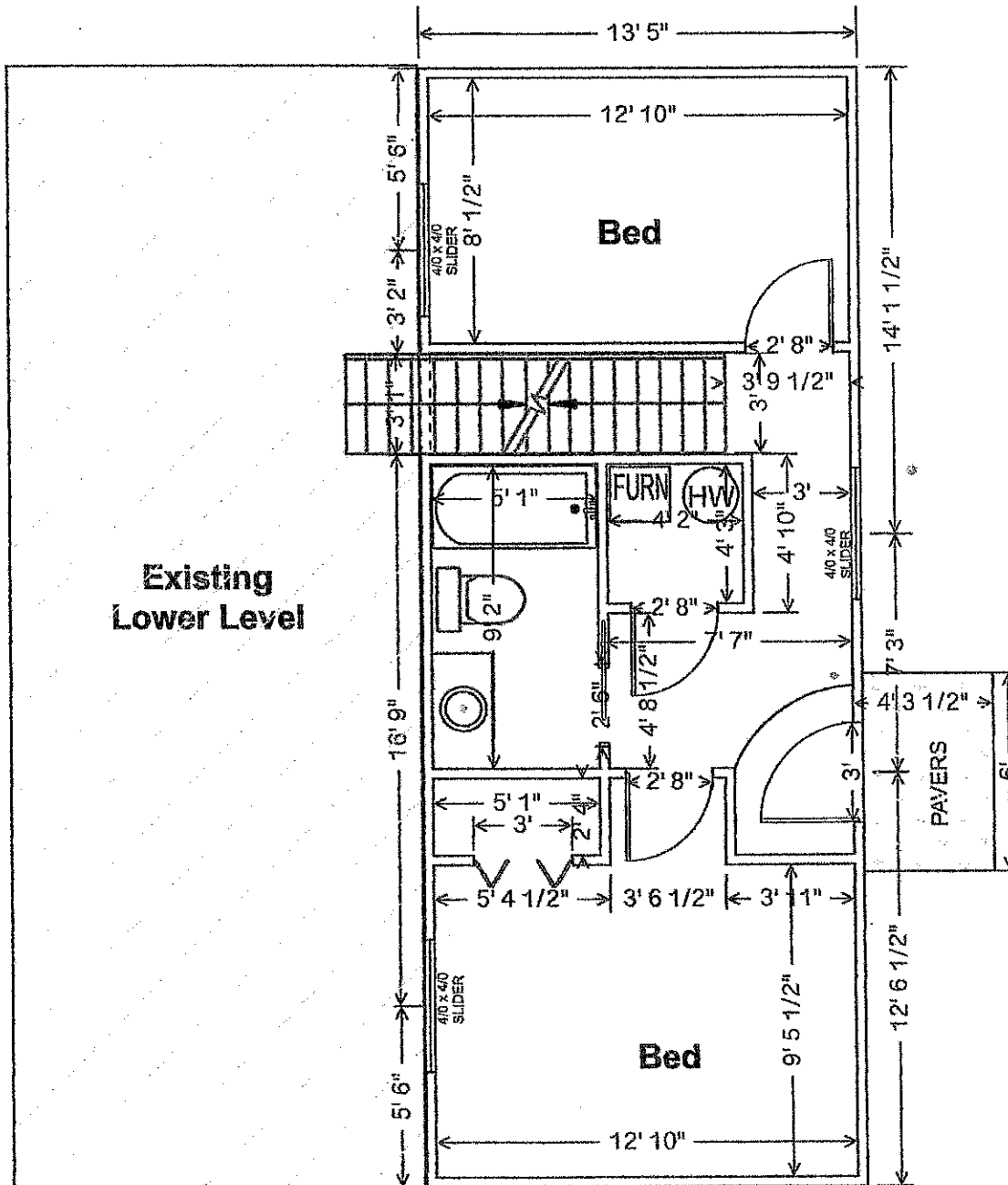
Legend:

Found Monument (As noted)	□
Found Rebar (1/2", Except as Noted)	o
Set Rebar (1/2", Except as Noted)	●
Right Of Way Marker	⦿
Right of Way Line	-----
Center Line	-----
Deed Line	=====
Section Line	-----

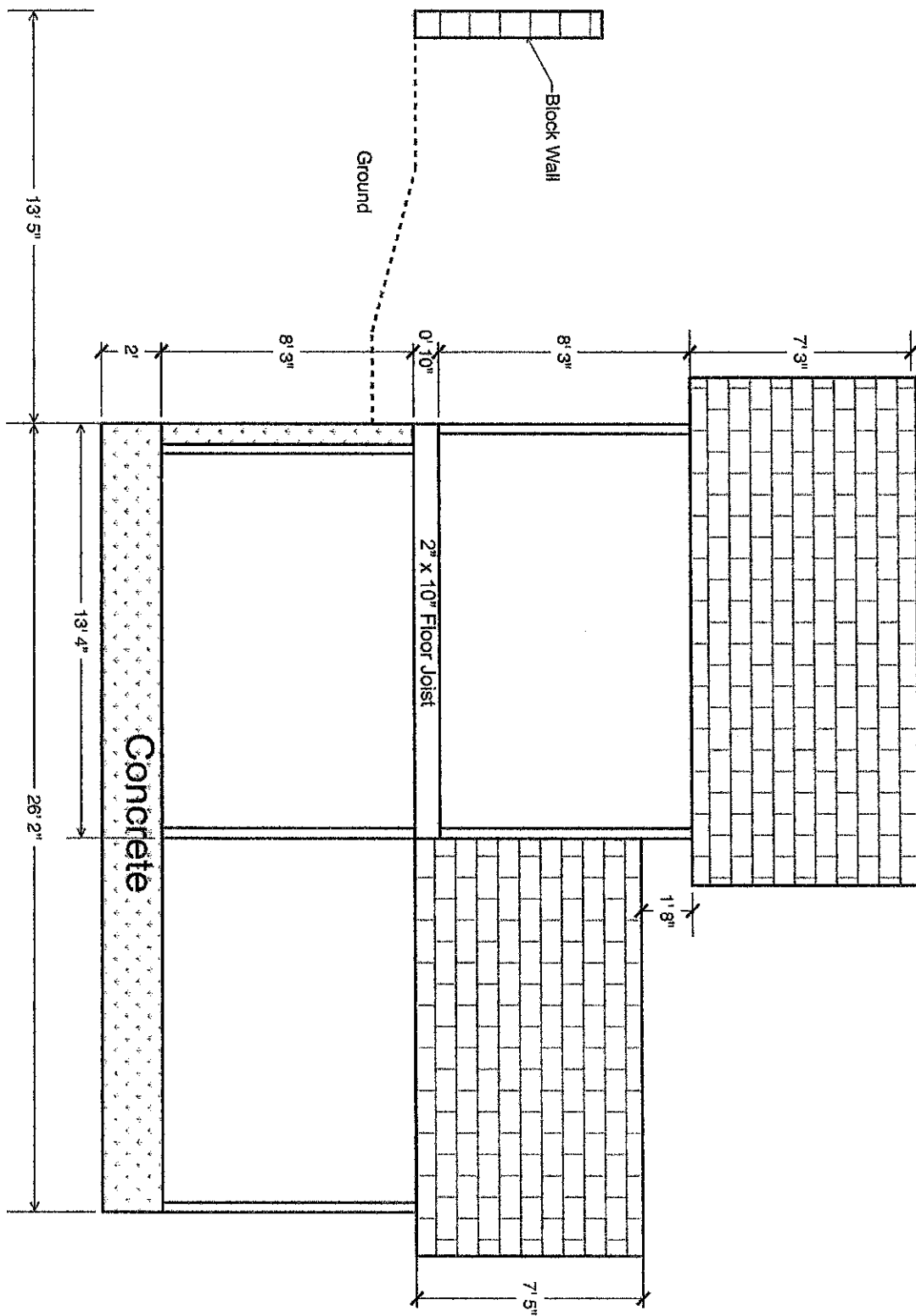
Notes:

1. Date of field work: November, 2023.
2. The Professional Land Surveyor has made no investigation or independent search for easement of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose. There may exist other documents of record or not of record that may affect this surveyed parcel.
3. The property owner names and recorded deed information were obtained from the County Recorder and/or County Assessor Office and are considered to be current. The Professional Land Surveyor makes no guarantees to the correctness of the deed or the current status of property ownership.
4. Bearings are based on XXXXXXXXX
5. Book and Page Numbers and Document Numbers refer to the Records of Camden County, MO.

CAD File:	Field Crew
	SL
Drawn By:	Approved By:
SL/EKS	EKS
This drawing and the details on it are the sole property of the Surveyor and may be used for this specific project only. It shall not be loaned, copied, or reproduced, in whole or in part, or for any other purpose or project without the written consent of the Surveyor.	
Alpha Engineering & Surveying, LLC 3048 Hwy. 32 1037 Osage Beach Rd. Eldon, MO 65026 (573) 392-3312 (573) 348-5552 <i>Land Surveying</i> <i>Environmental</i> <i>Materials Testing</i> ALPHA ENGINEERING & SURVEYING	
ALPHA ENGINEERING & SURVEYING, LLC MO State Certificates of Authority: LS - 2023034755 E - 2023033612 The Professional Surveyors seal affixed to this sheet applies only to material and items as shown on this sheet. All drawings, instruments, or other documents not exhibiting this seal shall not be considered prepared by this Surveyor, and this Surveyor expressly disclaims any and all responsibility for such plans, drawings or documents not exhibiting this seal.	
Seals:	
Survey For: Joseph Kenkel 1246 Guenther Lane Osage Beach MO 65065	
Date:	Scale:
11/16/23	1" = 10'
Project Number:	
10150-23:E1	
Sheet Number:	
1 of 1	
©2023	



Side View Guenther Lane



Scale: 3/16" = 1'

Date Submitted

11/17/2023

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
REQUEST FOR REVIEW

NAME OF APPLICANT: Joseph + Mary Kay Kenkel

MAILING ADDRESS: 1521 Dorie Court
Fenton, MO. 63026

TELEPHONE: 314 761 6429

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.

1246 Guenther Lane - Osage Beach Parkway North
to Osage Beach Road - Left on Fairland - Rt on Guenther

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

Cory + Lindsey O'Bryant* (1242 Guenther Lane)
917 Dorie Dr.
Manecheater, MO. 63021

Joe + Sharon Guy (1250 Guenther Lane)
7070 Stony Ridge Road
St. Louis, MO. 63129

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.

Proposed addition will be kept within the existing footprint. Owner is long time (34 yrs) owner of property. Owner has letters from adjacent neighbors supporting project.

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

SUBSEQUENT TO MAY 10, 1984?

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:

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,

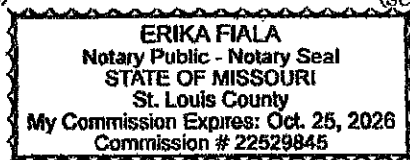
Subscribed and sworn to me before me, the 24th day of October 2023

Notary Public Erika Fiala Erika Fiala

My Commission expires:

10-25-26

(stamp)



(seal)

#351

CITY OF OSAGE BEACH
BOARD OF ZONING ADJUSTMENT
QUESTIONNAIRE

1. SIZE OF PROPERTY: 39.2' x 120' — 4704.99 sq. ft.
2. SOURCE OF UTILITIES: WATER: City of Osage B. GAS: N/A
SEWER: City of Osage B. ELECTRIC: Ameren
3. PRESENT USE OF PROPERTY: Single family residential
4. PRESENT ZONING OF PROPERTY:
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? 34 years
7. PLEASE LIST ANY EXISTING STRUCTURES ON THE PROPERTY AND THE YEAR BUILT. 1 Home 1 Garden Shed
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? Side yard setback was
accepted at original construction 43 years ago.
Resident requests to put 2nd floor over 50% of
the house, staying within the existing footprint.
10. IS THERE ANY PARTICULAR HARDSHIP RELATED TO YOU OR YOUR PROPERTY OF
WHICH THE BOARD SHOULD BE AWARE? Narrow Lot
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.
3 homes were built side by side on corner
lots with small side yard setbacks.

October 26, 2023

BOARD OF ADJUSTMENT

CITY OF OSAGE BEACH, MO.
1000 CITY PARKWAY
OSAGE BEACH, MO 65065

Reference: Variance Request

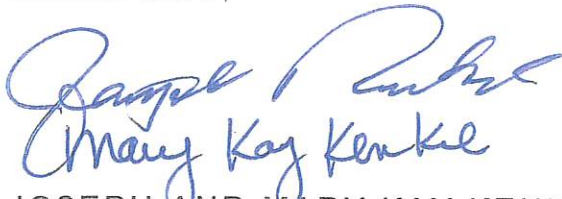
Dear Members of the Board of Adjustment:

Our names are Joe and Mary Kay Kenkel. We own our home at 1246 Guenther Lane in Osage Beach, Missouri. We have owned this home since 1989, 34 years. To date we have not requested a Building Permit or a Variance of any type. At this time, we would like to get a building permit to add a second story to one half of our home. This proposed addition is planned to be fully within the present footprint of the existing home, with the exception of a small entry porch on the east side facing Guenther Lane. This porch will fall well inside the present zoning setbacks.

The home was built in 1980 and we purchased the home in 1989. We have no knowledge of the original construction; how it was permitted or approved. It is one of 3 homes on Guenther Lane with the same side setbacks. All three were constructed by the same builder and in the same time frame. Our title insurance policy insures us that our home lies within the boundaries of our property.

Please consider and approve this variance. Thank you in advance for your consideration in this matter.

SINCERELY,

A handwritten signature in blue ink, appearing to read "Joseph and Mary Kay Kenkel".

JOSEPH AND MARY KAY KENKEL
1521 DORIE COURT
FENTON, MO. 63026

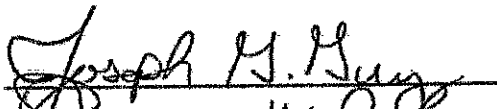
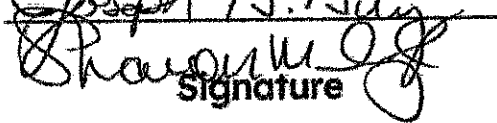
**Osage Beach Planning Department
1000 City Parkway
Osage Beach, MO 65065**

Members of Board of Adjustment:

We, Joe & Sharon Guy, at 1250 Guenther Lane Osage Beach, neighbors to Joseph & Mary Kay Kenkel whose house and property is next to theirs would like to express our support to their zoning and variance request regarding their second-level addition to their current home.

We have no reservation whatsoever on proceeding with their construction project.

Sincerely,



Signature

10-23-23
10-23-23
Date

Board of Adjustment
October 20, 2023

To Whom it May Concern,

Corey and Lindsey O'Bryant residing at 1242 Guenther Ln., are well aware of the project proposal of Joseph & Mary Kay Kenkel residing at 1246 Guenther Ln. We understand where the property line and setbacks are and have no objections for the Kenkels to move forward with their renovations.

Best Regards,

 
Cory O'Bryant / Lindsey O'Bryant