

Ballenger Road residents state case -- again

The Lake Ozark Board of Aldermen continued to stand behind its staff and city attorney in a dispute involving a new crossfit facility on Ballenger Road. Carol Denecke, a nearby neighbor to Lake Ozark CrossFit at 2115 Ballenger Road, continued her argument during a recent board of aldermen meeting that the exercise facility does not conform to City of Lake Ozark zoning regulations. Denecke repeated a myriad of arguments that she had presented at the June 23 board meeting, this time adding complaints about what she considered to be inadequate parking and her belief that the city had violated the state's Sunshine Law. Another resident complained about what she believed to be inappropriate music coming from the fitness facility. Residents' concerns shared with the board during board meetings and with staff at multiple times included:

- All commercial uses are restricted to "lakefront lots."
- User of a fitness facility is not permitted.
- The lot upon which the fitness center sits is less than 60 feet wide.

After staff and City Attorney Chris Rohrer once again explained the basis for their decisions -- all outlined in detail in a July 6 letter from the city attorney to Ballenger Road residents -- Denecke and others opposed to the fitness center continued to argue their case. The board eventually voted unanimously to accept into public record Rohrer's letter and a July 7 cover letter from Mayor Gerry Murawski, thus ending the discussion.

City Attorney Rohrer said the city did not violate the Sunshine Law. He noted the city has 72 hours to respond to a request, but is not required to provide the requested material within that time frame. The city sent Denecke an email July 2 -- within the 72-hour window -- noting that the requested material dated back 20-plus years and was in storage but would be available by mid-July.

Staff also suggested that residents contact the Lake Ozark Police Department regarding parking and noise issues, issues that don't fall under the purview of the board of aldermen

At the root of the issue is the current Lakefront Mixed Use District zoning of the Ballenger Road area. City officials have noted repeatedly -- based on case law -- that LMU-1 allows for a multitude of permitted uses including but not limited to commercial businesses. According to City Attorney Rohr's letter, the board of aldermen several years ago created a Lakefront Mixed Use District that included both properties adjoining the shoreline and properties not on the shoreline.

(To see City Attorney Rohrer's letter outlining the city's response, go the cityoflakeozark.net, then What's New.)

The LMU-1 District also includes the lakefront point including property on Carls Drive, Thornsberry Road, Deepwater Drive, Pleasant Point Circle, Lakeview Boulevard and the area of Hidden Acres. The exception is a small area zoned multi-use residential for a condo complex.

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This Lake Ozark CrossFit facility has raised the ire of residents on Ballenger Road.