

BILL NO. \_\_\_\_\_ INTRODUCED BY TRUSTEE \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING AND DIRECTING THE  
ISSUANCE OF A CONDITIONAL USE PERMIT TO  
OPERATE A BED AND BREAKFAST RESIDENCE 5568  
MAIN STREET IN THE TOWN OF AUGUSTA, MISSOURI

WHEREAS, on or about May 1, 2023, the Zoning Commission (the “Commission”) of the Town of Augusta, Missouri (the “Town”) received an application for a conditional use permit (“CUP”) to operate a bed and breakfast residence 5568 Main Street in the Town; and

WHEREAS, 5568 Main Street is zoned R-1 Residential, and bed and breakfast residences require a CUP to operate in an R-1 Residential zoning district; and

WHEREAS, the Commission held a public hearing on the application for the CUP on May 31, 2023. Notice of the public hearing were posted on the property at 5568 Main Street, at Town Hall, and at the St. Charles City-County Library, 198 Jackson Street, Augusta, Missouri from May 18-31, 2023. Notice of the public hearing was published in the Missouriian and mailed to all property owners within two hundred feet of the subject property; and

WHEREAS, at the public hearing on the application for the CUP all three members of the Commission were present as were four members of the public. The public hearing was electronically recorded as required by Section 7.010.3 of the Zoning Code; and

WHEREAS, at the public hearing, the applicant stated that the house is a four-level house, and he will occupy the first level for his residence and the upper three levels, which include three bedrooms and three bathrooms, will be rented out to one group; and

WHEREAS, the applicant intends to operate the bed and breakfast only on Friday, Saturday, and Sunday nights for now; and

WHEREAS, the applicant testified that the property has sufficient off-street parking with four off-street parking spots in front of the house and additional parking behind the house; and

WHEREAS, there was testimony regarding the application from next door neighbors to the property, with one indicating he was not opposed to the

bed and breakfast as long as the applicant continued to live there and it did not become a short-term rental; and

WHEREAS, one neighbor was opposed to the application as she did not want to see Main Street become all bed and breakfasts and suggested the Town place a limit on the number of bed and breakfasts in Town; and

WHEREAS, upon conclusion of the public hearing, the Zoning Commission voted 3-0 to recommend to the Town Board of Trustees that the CUP for the bed and breakfast resident at 5568 Main Street be approved with conditions that (1) the CUP would not run with the land but would terminate if the applicant, a company he owns, or a trust of which he is a beneficiary ceases to own the property; and (2) there is an occupancy limit of eight guests, not including the applicant and his personal guests in the living quarters; and

WHEREAS, on June 2, 2023, the Town Board of Trustees (the "Board") received the recommendation from the Commission to issue the CUP to operate a bed and breakfast at 5568 Main Street; and

WHEREAS, upon vote, the Board accepted the recommendation of the Commission with the omission of the condition that the CUP would not run with the land.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Augusta, Missouri, as follows:

SECTION 1: The Application for Conditional Use Permit to operate a bed and breakfast resident at 5568 Main Street, a copy of which is marked Exhibit A and is attached hereto and incorporated herein by reference, is hereby approved, without conditions. The CUP shall be issued with the condition that there is an occupancy limit of eight guests, not including the applicant and his personal guests in the living quarters.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from and after its passage and approval.

Passed: \_\_\_\_\_

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of Trustees  
Town of Augusta, Missouri

Approved: \_\_\_\_\_

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Chairman of the Board of Trustees  
Town of Augusta, Missouri

## EXHIBIT A

Received May 1, 2023



### APPLICATION FOR CONDITIONAL USE PERMIT

Town of Augusta  
P.O. Box 42, Augusta, Missouri 63332  
townofaugustamo@gmail.com

<input type="checkbox"/> Approved  <input type="checkbox"/> Denied  <input type="checkbox"/> Approved with Conditions	For Office Use Only	
	Application No. 2023-01	
	Town Clerk Signature:	Date:

#### Parcel Information

Property Address:	5568 MAIN STREET
Parcel ID Number:	
Parcel Size (acres or sq ft):	1.25
Current Zoning:	Res
Conditional Use Requested:	Bed & Breakfast

#### Applicant / Owner Information

Does the applicant own the property? yes <input checked="" type="checkbox"/> no <input type="checkbox"/>	
If the applicant does not own the property, the attached verification must be completed by all property owners, notarized, and returned with this application.	
Applicant:	Property Owner: Thomas Conboy
Address:	Address: 5568 MAIN ST
City, State, Zip:	City, State, Zip: Augusta MO 63332
Phone:	Phone: 314-324-6943
E-Mail:	E-Mail: TConboy@WinningTech.com

#### APPLICATION MUST INCLUDE:

- A recent deed to the property showing ownership
- A development plan, either in narrative form or a preliminary site plan, to indicate the proposed development. This should include a written explanation why the conditional use is necessary.
- Notarized approval of property owner(s), if applicant is not the property owner
- Application Fee of \$500

Please return all required documents to the Zoning Commissioner at:  
P.O. Box 42, Augusta, MO 63332

The Zoning Commissioner shall forward application to Town Board for approval or denial.

Signature of Applicant or Applicant's Representative 	Date 4/3/23
Printed Name Thomas Conboy	



**APPLICATION FOR  
CONDITIONAL USE PERMIT**

Town of Augusta  
P.O. Box 42, Augusta, Missouri 63332  
townofaugustamo@gmail.com

**VERIFICATION**

Being first duly sworn, I state under oath that (1) I am or my business or organization is the owner of the real estate located at 5568 MAIN ST in the Town of Augusta, Missouri; (2) I am over 18 years of age and competent to make this verification; (3) I have personal knowledge of the factual statements in the attached application; (4) those factual statements are true; and (5) I authorize and approve of the attached application.

Subscribed and sworn to before me, a notary public, on \_\_\_\_\_.

  
\_\_\_\_\_  
Property owner signature

Name of person signing this Verification, if property owner is a business or organization:

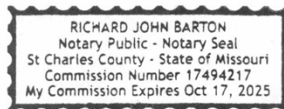
\_\_\_\_\_

Role of person signing this Verification, if property owner is a business or organization:

\_\_\_\_\_

  
Notary Public

My commission expires: 10/17/2025



2023R-007805

03/02/2023 02:04:04 PM

\$ 24.00

PAGES: 2

CERTIFIED-FILED FOR RECORD

MARY E. DEMPSEY

RECORDER OF DEEDS

ST. CHARLES COUNTY, MISSOURI

BY: MKIMBLE

\*ELECTRONICALLY RECORDED\*

CORPORATE DEED OF RELEASE

When Recorded Return To: LoanCare, LLC, C/O Nationwide Title Clearing, LLC 2100 Alt. 19 North, Palm Harbor, FL 34683

Loan Number 0037228186

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS BENEFICIARY, AS NOMINEE FOR DAS ACQUISITION COMPANY, LLC, ITS SUCCESSORS AND ASSIGNS (Grantor), acting herein by and through its authorized signer, hereby acknowledges payment in full of that certain Note described in Deed of Trust dated 07/15/2014, executed by (Grantee[s]) LYNDA CONBOY AND THOMAS CONBOY, WIFE AND HUSBAND to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS BENEFICIARY, AS NOMINEE FOR DAS ACQUISITION COMPANY, LLC, ITS SUCCESSORS AND ASSIGNS, in the amount of \$145,800.00, and recorded in the Recorder's Office of ST. CHARLES County, Missouri, in Book 6215 and Page 663, and said Grantor requests the Recorder of Deeds of said county to enter this Release document into the record as such evidence of payment in full.

- 1. Property Address: 5568 MAIN ST, AUGUSTA, MO 63332
- 2. Grantee's Address: 5568 MAIN ST, AUGUSTA, MO 63332-1002
- 3. Grantor's Mailing Address: PO BOX 2026, FLINT, MI 48501-2026

Legal Description: LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK THIRTEEN OF THE TOWN OF AUGUSTA, MISSOURI, AS SHOWN ON THE PLAT OF SAID TOWN RECORDED IN PLAT BOOK 2 PAGE 5 AND ONE HALF OF WATER STREET AND GREEN STREET ADJACENT TO THE AFOREMENTIONED LOTS AS VACATED BY THE TOWN OF AUGUSTA BY ORDINANCE 08-10 AS RECORDED IN BOOK 5035 PAGE 1230.

Dated this 02nd day of March in the year 2023.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS BENEFICIARY, AS NOMINEE FOR DAS ACQUISITION COMPANY, LLC, ITS SUCCESSORS AND ASSIGNS

*Cecelia Mansfield*

CECELIA MANSFIELD

VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.



LC002 437386674 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) NRM MIN 100129030001574590 MERS PHONE 1-888-679-6377 MERS Mailing Address: P.O. Box 2026, Flint, MI 48501-2026 DOCR T022303-11:15:22 [C-2] ERCNMO1

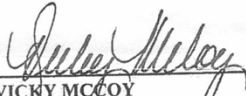


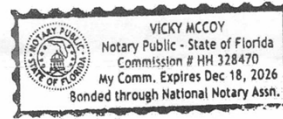
\*D0099718590\*

Loan Number 0037228186

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization on this 02nd day of March in the year 2023, by Cecelia Mansfield as VICE PRESIDENT of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ("MERS"), AS BENEFICIARY, AS NOMINEE FOR DAS ACQUISITION COMPANY, LLC, ITS SUCCESSORS AND ASSIGNS, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

  
\_\_\_\_\_  
VICKY MCCOY  
COMM EXPIRES: 12/18/2026



LC002 437386674 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (MERS) NRM MIN  
100129030001574590 MERS PHONE 1-888-679-6377 MERS Mailing Address: P.O. Box 2026, Flint, MI  
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