



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
website: [www.taneycounty.org](http://www.taneycounty.org)

### **AGENDA TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 21, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

*Establishment of Quorum  
Explanation of Public Hearing Procedures  
Presentation of Exhibits  
Governing Statutes*

#### Public Hearing:

*Richard Davis*

#### Old and New Business:

#### Review and Action:

*Minutes: June 2010*

#### Adjournment.



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
website: [www.taneycounty.org](http://www.taneycounty.org)

### **TANEY COUNTY BOARD OF ADJUSTMENT**

#### **STAFF REPORT**

**RICHARD DAVIS**

**JULY 21, 2010**

**#10-5**

Public Hearing for Richard Davis, 227 Taney Street in the Branson Township, Sec 33 Twp. 23 Rng. 21.

The applicant is requesting a variance from Table 1, Setbacks of the Taney County Development Guidance Code.

History: The property is located in the Mount Branson Subdivision. The existing garage was situated on the lot too close to the side setback area.

General Description: The subject property is 150' x 100'. The adjoining properties to the request consist of residential.

Review: The site consists of a 1344 sq. ft. garage structure.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Approval for a variance off the side of the property of 2 feet (5.3.1)
2. All other provisions of the Taney County Development Guidance Code met.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Appendix D Step 6).



# TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: [www.taneycounty.org](http://www.taneycounty.org)

## TANEY COUNTY BOARD OF ADJUSTMENT

### APPLICATION and AFFIDAVIT

### FOR VARIANCE OR APPEAL

(Circle one)

Variance (\$125.00) Appeal (\$125.00)

PLEASE PRINT

DATE June 2/2010

Applicant Richard Davis Phone \_\_\_\_\_

Address, City, State, Zip 163 Eastlake Branson, Mo 65616

Representative same Phone 417-335-6999 cell 641 895 9810

Owner of Record same Signature Richard Davis

Name of Project: \_\_\_\_\_

Section of Code Protested: (office entry) 9.1.1

Address and Location of site: 225 Taney St

Subdivision (if applicable) M<sup>+</sup> Branson

Section 33 Township 23 Range 21 Number of Acres or Sq. Ft. 150 x 100

Parcel Number 08-8.0-33-004-005-011.000 = House on Eastlake

08-8.0-33-004-006-008.000 = Lot FOR Garage

Does the property lie in the 100-year floodplain? (Circle one) Yes \_\_\_\_\_ No (X)

#### Required Submittals:

- ☒ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.



Describe in detail the reason for your request:

Varience of  $1\frac{1}{2}$  ft on back side of garage. I considered <sup>the</sup> back side the back of garage. Due to address being on Toney St the back side was on the west side. It was my mistake. I had the land surveyed and tried to get everything the way it should be. The land next to the garage is open land.

The garage is built and no way to move anything. I never at any time heard anything about seven feet. I guess it is on the permit which I posted on the property.

There was no excuse for my stupidity but I certainly had nothing to gain. There was plenty of room

Thank you

Richard Daves









## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
website: [www.taneycounty.org](http://www.taneycounty.org)

### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JUNE 16, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with four members present. They were: Dave Clemenson, Jack Johnson, Tom Gideon, and Bob Hanzelon. Staff: Bonita Kisse, Dan Nosalek, Bob Paulson.

Mr. Nosalek read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code as Exhibit A, the staff report as Exhibit B, and the staff files including all pertinent information as Exhibit C, and the Taney County Board of Adjustment bylaws as Exhibit D. The state Statutes that empower and govern the Board of Adjustment were read. Mr. Clemenson swore in the speakers before the hearing.

#### Public Hearings:

Forest Park Estates Property Association: a request for an appeal of the Planning Commission decision to approve a permit to construct a garage located in Forest Park Estates Phase One 151 N. Rainbow Dr. The applicants maintain that the proposed building is covering almost the entire buildable area of the lot, that it is a habitable building and should adhere to the 10' setback in the rear of the property. Mr. Nosalek read the staff report and presented pictures and a video of the site. He discussed habitable and non-habitable structures and how the Code addresses them. Mr. Clemenson explained that this application was filed after the required 90 day deadline, and stated that the Board should not hear the request. Bob Hanzelon made a motion not to hear the request. Seconded by Jack Johnston. The vote not to hear was unanimous. Tim Davis explained that the association was appealing the extension and it was in violation in his opinion. Discussion followed with Mr. Clemenson explaining that the Code does not allow for an appeal of an extension, and that the applicant may appeal this decision to circuit court.

#### Old and New Business:

Mr. Nosalek reported on the new zoning districts and that the Planning Commission would discuss them at their next meeting.

Review and Action:

Minutes, May 2010: with no additions or changes a motion was made by Jack Johnston to approve the minutes as written. Seconded by Tom Gideon. The vote to approve was unanimous.

Adjournment:

With no other business on the agenda for June 16, 2010 the meeting adjourned at 7:20 p.m.