



## 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, SEPTEMBER 21, 2011, 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 Hearings:

*Besser Corner  
Jake's Lake Storage  
Central Taney County Fire District*

#### Review and Action:

*Minutes, July, 2011*

#### Old and New Business:

*Tenative*

#### Adjournment.

send info to Eddie Wolfe

11-3

**TANEY COUNTY BOARD OF ADJUSTMENT**  
**APPLICATION and AFFIDAVIT**  
**FOR VARIANCE OR APPEAL**

(Circle one)

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

**PLEASE PRINT**

**DATE** 08-09-11

Applicant Randy Besser Phone 417-294-1915

Address, City, State, Zip 988 Skyview Dr. Branson, Mo. 65616

Representative Eddie Wolfe Phone 417-334-8820

Owner of Record Randy Besser Signature [Signature]

Name of Project: Besser Corners

Section of Code Protested: (office entry) Mobile G-2, Dec. 11.1.3A

Address and Location of site: East Hwy 76

Subdivision (if applicable) Country Club Heights Lots 3, 4, 5 Blocks

Section 2 Township 22 Range 21 Number of Acres or Sq. Ft. \_\_\_\_\_

Parcel Number 17-1.0-02-002-001-029,000  
17-1.0-02-002-001-028,000 17-1.0-02-002-001-030,000

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

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:**

To get variance to use 6 Foot Fence as Buffer  
along adjoining property instead of vegetation buffer





**TANEY COUNTY PLANNING COMMISSION**  
**DIVISION III STAFF REPORT**  
**P.O. Box 383, Forsyth, MO 65653 (417) 546-7226**

**Public Hearing** for Besser Corner in the Scott Township; Section 2, Township 22, Range 21.

**Request:** The applicant, Randy Besser is requesting a variance from Section 6.1.3 and Table J-2 of the Taney County Development Guidance Code.

Per the provisions of Section 6.1.1 of the Taney County Development Guidance Code, "A landscape buffer is required between any residential land use whether those uses are single or two-family... or any other residential land use, and any non-residential land use such as commercial or industrial (but not agricultural)." Per the provisions of Section 6.1.3 of the Development Guidance Code, "The required buffer shall be a minimum of twenty-five (25) feet in width and may consist of existing indigenous plant material left in the undisturbed state. The use of a wall or fence as part of the buffer is an option, but will not reduce the required minimum width. The Planning Commission will establish any required buffers that are wider than the minimum 25 feet during the Division III process."

However, per the provisions of Table J-2 of the Development Guidance Code 40 feet of natural vegetative buffer is required between a commercial use and adjoining residences / public open space.

**Hearing Date:** September 21, 2011

**History:** The site consists of Lots 4 & 5 of the Country Club Heights Subdivision. Country Club Heights was originally platted in 1959, with portions of the subdivision being replatted in 1967.

On June 22, 2011 the applicant applied for Division III Permit 2011-0020 to allow for the development of an 8,070 square foot facility to be utilized for light commercial and office uses, including such uses as real estate office and beauty shop. The application was approved for concept by the Planning Commission on July 18, 2011, with the Public Hearing being held on August 8, 2011. At the Public Hearing it was determined that the per the submitted site plan, the construction of an 8,070 square foot building would not allow for sufficient space to provide for either a 25 foot or 40 foot natural vegetative buffer between the proposed commercial use and the adjoining residences. On August 15, 2011 the Planning Commission voted unanimously to table the vote on the Division III application until October 11, 2011 in order to allow the applicant ample time to seek a variance from the natural vegetative buffering requirements.

**General Description:** The subject property is Lots 4 and 5 of the Country Club Heights Subdivision. Lots 4 and 5 are currently vacant. The applicant is proposing the construction of an 8,070 square foot commercial building on these two lots.



**Review:** Due to the limitations of the site size, the construction of an 8,070 square foot building would not allow for sufficient space to provide for either a 25 foot wide or 40 foot wide natural vegetative buffer between the proposed commercial use and the adjoining residences. The applicant is requesting a variance from the natural vegetative buffer requirements of the Development Guidance Code in order to allow for the provision of a 6 foot tall opaque (privacy) fence in lieu of the natural vegetative buffer. Privacy fencing has already been erected along the northeastern property line. However, at this time there is no fencing along the western-most property line between the proposed commercial development and the existing residence immediately to the west.

It would not be possible to relocate the 8,070 square foot building on the site and still remain compliant with the setback requirements.

On October 11, 2011 at 6:00 PM the Planning Commission will be reviewing the Sections of the Taney County Development Guidance Code concerning Natural Vegetative Buffer Requirements and may recommend amendments to the Development Guidance Code.

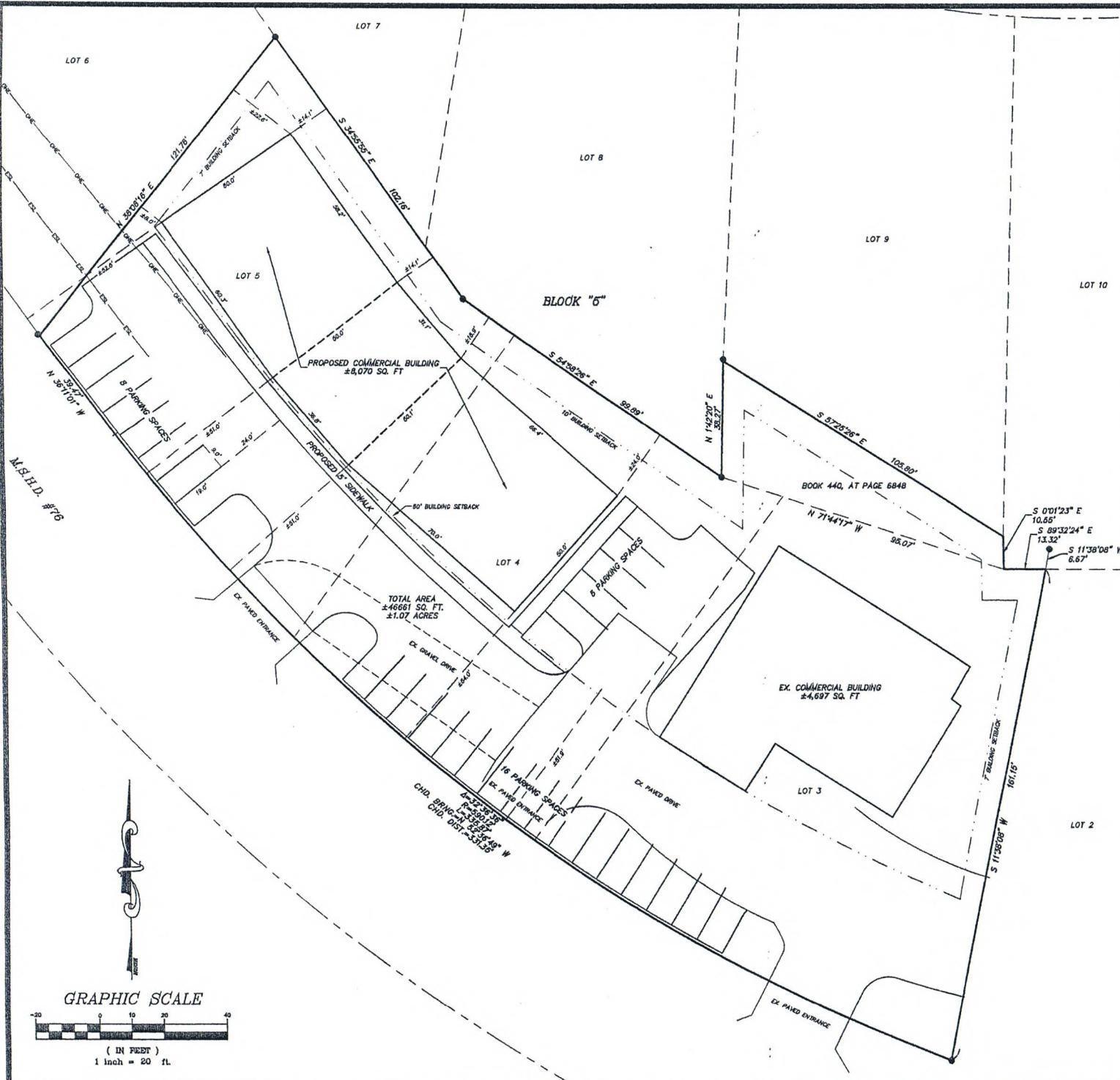
**Statutory Requirements of Approval:** Per the requirements of the Revised Missouri State Statutes the Board of Adjustment shall have the have the following powers and it shall be its duty:

“Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”

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

1. Approval of a variance from Section 6.1.3 and Table J-2 (Natural Vegetative Buffer Requirements) of the Taney County Development Guidance Code in order to allow for the provision of a 6 foot tall opaque (privacy) fence in lieu of the natural vegetative buffer between the proposed commercial development and the existing adjacent residences (both single-family and two-family).
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).





ALL PLATS THAT DO NOT SHOW A SEAL OR SIGNATURE OF THE SURVEYOR SHALL BE DEEMED UNLAWFUL. ANY INFORMATION SHOWN HEREON IS UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

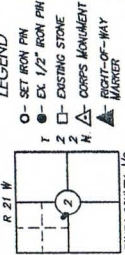
EDDIE D. WOLFE P.L.S. 2190  
JACK E. HOUSEMAN P.L.S. 2005019222

### Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF RANDALL BESSER, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI STANDARD FOR PROPERTY BOUNDARY SURVEYS.

Surveyed for: RANDALL BESSER

### LEGEND



### WOLFE SURVEYING, INC.

EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)  
PATRICK W. BROWN (VICE PRESIDENT)  
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)  
210 South Third Street  
St. Louis, MO 63106  
Phone: 417-334-0820 Fax: 417-334-0151

SHEET: 1 OF 1  
DATE: 05-21-11  
W.O. #1289  
DRAWN BY: J.H.S.  
REV  
DWC #1289-MASTER

### DESCRIPTION:

ALL OF LOTS 3, 4 AND 5, BLOCK 5, COUNTRY CLUB HEIGHTS SUBDIVISION, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK 9, AT PAGE 20, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, ALSO,

DEED RECORDED IN BOOK 440, AT PAGE 6848

A PART OF LOT 4, BLOCK 5, COUNTRY CLUB HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT FILED IN PLAT BOOK 9, PAGE 20, IN THE OFFICE OF THE TANEY COUNTY RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4; S 38°30'40" W A DISTANCE OF 136.25 FEET TO A POINT ON THE SOUTH LINE OF LOT 4; THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 4 TO THE SOUTHWEST CORNER OF LOT 4; THENCE N 38°16'01" E, A DISTANCE OF 120.60 FEET TO THE NORTHWEST CORNER OF LOT 4; THENCE S 54°49'37" E 80.10 FEET TO THE POINT ON THE NORTH LINE OF LOT 4 THAT IS ALSO THE SOUTHWEST CORNER OF LOT 9, BLOCK 5, COUNTRY CLUB HEIGHTS SUBDIVISION; THENCE S 71°34'31" E A DISTANCE OF 20.49 FEET TO THE POINT OF BEGINNING.

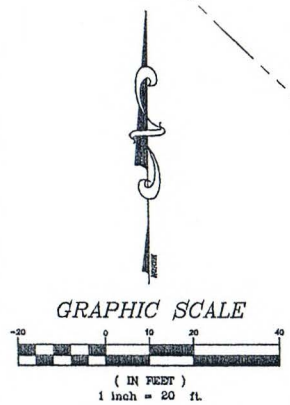
AND

A PART OF LOT 9, BLOCK 5, COUNTRY CLUB HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT FILED IN PLAT BOOK 9, PAGE 20, IN THE OFFICE OF THE TANEY COUNTY RECORDER, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9; THENCE N 01°52'07" E A DISTANCE OF 37.74 FEET; THENCE SOUTH 57°15'39" E A DISTANCE OF 105.80 FEET; THENCE S 07°08'24" W A DISTANCE OF 10.55 FEET TO A POINT ON THE SOUTH LINE OF LOT 9; THENCE WESTERLY ALONG THE SOUTH LINE OF LOT 9 TO THE POINT OF BEGINNING.

### SURVEY NOTE:

THERE IS A TOTAL OF 29 PROPOSED PARKING SPACES SHOWN ON THIS PLAT.







# Besser Corner





11-4

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 08-10-11

Applicant Resort Installations Systems Phone 417-332-7762

Address, City, State, Zip 440 Loganberry RD Branson, Mo. 65616

Representative Eddie Wolfe Phone \_\_\_\_\_

Owner of Record Resort Installations Systems Signature: [Signature]

Name of Project: Jake's Lake

Section of Code Protested: (office entry) \_\_\_\_\_

Address and Location of site: Quebec Drive

Subdivision (if applicable) \_\_\_\_\_

Section 14 Township 22 Range 22 Number of Acres or Sq. Ft. 4.10 Acres

Parcel Number 18-6.0-14-002-002-027.000

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

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:

Asking for variance to build a privacy fence  
around project instead of vegetative buffer along  
boundary of Property



**TANEY COUNTY PLANNING COMMISSION**  
**DIVISION III STAFF REPORT**  
**P.O. Box 383, Forsyth, MO 65653 (417) 546-7226**

**Public Hearing** for Jake's Lake Storage in the Branson Township; Section 14, Township 22, Range 22.

**Request:** The applicant, Jeff Shaver of Resort Installation Systems, Inc. is requesting a variance from Section 6.1.3 and Table J-2 of the Taney County Development Guidance Code.

Per the provisions of Section 6.1.1 of the Taney County Development Guidance Code, "A landscape buffer is required between any residential land use whether those uses are single or two-family... or any other residential land use, and any non-residential land use such as commercial or industrial (but not agricultural)." Per the provisions of Section 6.1.3 of the Development Guidance Code, "The required buffer shall be a minimum of twenty-five (25) feet in width and may consist of existing indigenous plant material left in the undisturbed state. The use of a wall or fence as part of the buffer is an option, but will not reduce the required minimum width. The Planning Commission will establish any required buffers that are wider than the minimum 25 feet during the Division III process."

However, per the provisions of Table J-2 of the Development Guidance Code 40 feet of natural vegetative buffer is required between a commercial use and adjoining residences / public open space.

**Hearing Date:** September 21, 2011

**History:** The 4.07 acre site is a portion of Block 22 of Table Rock Acres, known as Jake's Lake. Table Rock Acres was originally platted in 1969, with portions of the subdivision being replatted on a number of occasions. The applicant has described this area as an old pond that had grown up and been filled with trash. Over a period of time the area has been cleaned up and the pond has been filled.

On June 22, 2011 the applicant applied for Division III Permit 2011-0019 to allow for the development of a storage facility. If approved, this proposed facility would contain 310 storage units within 8 buildings, a greenhouse, a proposed office and living quarters for the manager of the storage facility, an outdoor storage area and also a separate outdoor storage area for landscape materials. The application was approved for concept by the Planning Commission on July 18, 2011, with the Public Hearing being held on August 8, 2011. At the Public Hearing it was determined that the per the submitted site plan, an existing 20' sewer easement along a northern portion of the property would not allow for sufficient space to provide for either a 25 foot or 40 foot natural vegetative buffer between the proposed commercial use and the adjoining residences. On August 15, 2011 the Planning Commission voted unanimously to table the vote on the Division III application until October 11, 2011 in order to allow the applicant ample time to seek Board of Adjustment approval of a variance from the natural vegetative buffering requirements.



**General Description:** The subject property is Block 22 of Table Rock Acres, known as Jake's Lake. The area in question is currently vacant. The applicant is proposing to construct eight storage buildings (310 storage units), a greenhouse, a proposed office and living quarters for the manager of the storage facility and will utilize an area for outdoor storage and a second area for storage of landscape materials.

**Review:** The location of an existing 20' sewer easement along a northern portion of the property will not allow for sufficient space to provide for either a 25 foot or 40 foot natural vegetative buffer between the proposed storage facility and the adjoining residences. The applicant is requesting a variance from the natural vegetative buffer requirements of the Development Guidance Code in order to allow for the provision of a 6 foot tall opaque (privacy) fence in lieu of the natural vegetative buffer.

On October 11, 2011 the Planning Commission will be reviewing the Sections of the Taney County Development Guidance Code concerning the Natural Vegetative Buffer Requirements and may recommend amendments to the Development Guidance Code.

**Statutory Requirements of Approval:** Per the requirements of the Revised Missouri State Statutes the Board of Adjustment shall have the have the following powers and it shall be its duty:

"Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map."

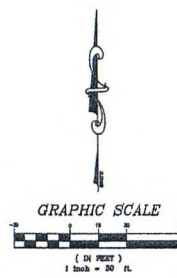
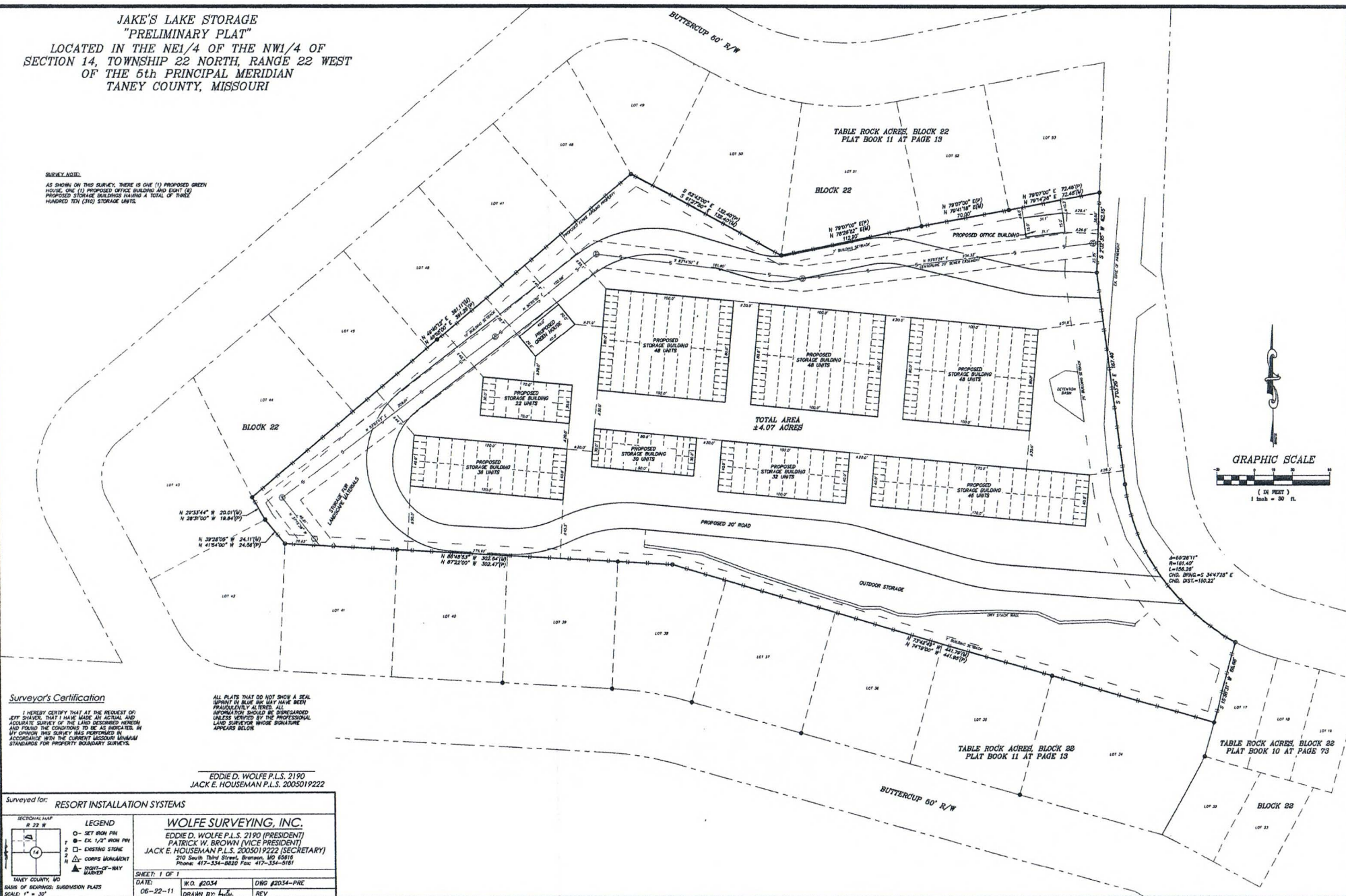
**Summary:** If the Taney County Board of Adjustment approves this variance request, the following requirements shall apply, unless revised by the Board:

1. Approval of a variance from Section 6.1.3 and Table J-2 (Natural Vegetative Buffer Requirements) of the Taney County Development Guidance Code in order to allow for the provision of a 6 foot tall opaque (privacy) fence in lieu of the natural vegetative buffer between the proposed commercial development and the existing adjacent residences.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).

**JAKE'S LAKE STORAGE  
"PRELIMINARY PLAT"**  
LOCATED IN THE NE1/4 OF THE NW1/4 OF  
SECTION 14, TOWNSHIP 22 NORTH, RANGE 22 WEST  
OF THE 5th PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI

**SURVEY NOTES:**

AS SHOWN ON THIS SURVEY, THERE IS ONE (1) PROPOSED GREEN  
HOUSE, ONE (1) PROPOSED OFFICE BUILDING AND EIGHT (8)  
PROPOSED STORAGE BUILDINGS HAVING A TOTAL OF THREE  
HUNDRED TEN (310) STORAGE UNITS.



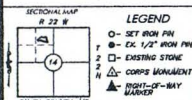
**Surveyor's Certification**

I HEREBY CERTIFY THAT AT THE REQUEST OF  
JEFF SHAVER, THAT I HAVE MADE AN ACTUAL AND  
ACCURATE SURVEY OF THE LAND DESCRIBED HEREIN  
AND FOUND THE CONDITIONS TO BE AS INDICATED IN  
THIS SURVEY HAS BEEN PROVIDED IN  
ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM  
STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL  
OR SIGNATURE OF THE SURVEYOR HAVE BEEN  
FRAUDULENTLY ALTERED. ALL  
INFORMATION SHOULD BE OBTAINED FROM THE  
ORIGINAL SURVEYOR'S RECORDS UNLESS  
OTHERWISE NOTED BY THE PROFESSIONAL  
LAND SURVEYOR WHOSE SIGNATURE  
APPEARS BELOW.

EDDIE D. WOLFE P.L.S. 2190  
JACK E. HOUSEMAN P.L.S. 2005019222

Surveyed for: **RESORT INSTALLATION SYSTEMS**



TANEY COUNTY, MO  
BASIS OF BEARINGS: SUBDIVISION PLATS  
SCALE: 1" = 50'

**WOLFE SURVEYING, INC.**  
EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)  
PATRICK W. BROWN (VICE PRESIDENT)  
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)  
210 South Third Street, Branson, MO 65616  
Phone: 417-334-8820 Fax: 417-334-5161

SHEET: 1 OF 1	NO. #2034	DWG #2034-PRE
DATE: 06-22-11	DRAWN BY: [Signature]	REV





# Jake's Lake Storage







# 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 Aug. 22, 2011

Applicant Central Taney Co. Fire Phone 417-337-8311

Address, City, State, Zip \_\_\_\_\_

Representative Dennis House Phone 417-527-5241

Owner of Record Central Taney Co. Fire Signature: Dennis House

Name of Project: Fire Station

Section of Code Protested: (office entry) \_\_\_\_\_

Address and Location of site: M Hwy. & 160

Subdivision (if applicable) EVERLY

Section 30 Township 23 Range 18 Number of Acres or Sq. Ft. \_\_\_\_\_

Parcel Number Lot 2 + Lot 7 Lot 7 = 11-9-30-0-0-10.0  
Lot 2 = 11-9-30-0-0-13.0

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:**

To move property Line 75 foot. Between  
the property we are trading for, and  
the previously owner. Land owner stills  
owns adjactant lot where line is being  
moved.





**TANEY COUNTY PLANNING COMMISSION**  
**DIVISION III STAFF REPORT**  
**P.O. Box 383, Forsyth, MO 65653 (417) 546-7226**

**Public Hearing** for the Central Taney County Fire Protection District in the Beaver Township; Section 30, Township 23, Range 18.

**Request:** The applicant, the Central Taney County Fire Protection District is requesting a variance from the provisions of Sections 5.1 and 5.3 of the Taney County Development Guidance Code concerning minimum lot size.

Per the provisions of Section 5.1 of the Taney County Development Guidance Code, "lots to be served by an on-site septic system must be greater than two (2) acres in area"

Per the provisions of Section 5.3 of the Taney County Development Guidance Code, "If an on-site septic system is needed due to the unavailability of a public/central sewer system, the minimum lot size shall be two (2) acres in area..."

**Hearing Date:** September 21, 2011

**History:** The subject property is Lots 2 and 7 of what is commonly referred to as Everly Subdivision. Everly Subdivision was originally platted on December 6, 1971. Lot 2 contains the old Bill Carter Fire Station and Lot 7 is a vacant, wooded lot.

**General Description:** The applicant, the Central Taney County Fire Protection District sought approval of the Replat of Lot 2 and Lot 7 of Everly Subdivision. However, the Replat of Lot 2 and Lot 7 of Everly Subdivision could not be approved by the Planning Staff because this replat will increase the degree of nonconformity of one of the lots. Lot 2 is currently owned by the Central Taney County Fire Protection District and Lot 7 is owned by Mr. and Mrs. Keling. The applicant is proposing to trade Lot 2 for Lot 7 in order to construct a new fire station on Lot 7. However, the applicant is proposing to replat the two lots because Mr. & Mrs. Keling wish to retain ownership of 0.16 acres near their existing garage, carport and driveway off of Ridge Road. The properties in question are served by individual wells and septic systems, due to the unavailability of a public/central sewer system.

**Review:** The Lots within the Everly Subdivision are currently viewed as legally non-conforming (grandfathered) lots, since they were platted and recorded prior to the adoption of the Taney County Development Guidance Code. However, the Replat of Lot 2 and Lot 7 of Everly Subdivision cannot be approved because this replat will cause one of the lots to become less conforming to the minimum lot size provisions of the Taney County Development Guidance Code. Lot 2 was originally platted at 0.32 acres, with Lot 7 being platted at 0.72 acres, as shown on the attached Boundary Survey. Should the variance application be approved, per the Replat of Lot 2 and Lot 7 of Everly Subdivision, Lot 2A would increase in conformity becoming 0.48 acres, with Lot 7A becoming 0.56 acres and therefore would be less conforming with the minimum lot size provisions of the Development Guidance Code.



**Statutory Requirements of Approval:** Per the requirements of the Revised Missouri State Statutes the Board of Adjustment shall have the have the following powers and it shall be its duty:

“Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”

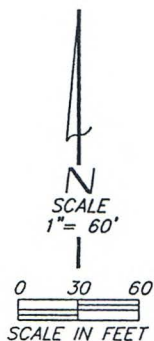
**Summary:** If the Taney County Board of Adjustment approves this variance request, the following requirements shall apply, unless revised by the Board:

1. Approval of a variance from the provisions of Sections 5.1 and 5.3 of the Taney County Development Guidance Code concerned with minimum lot size in order to allow for the approval of the Replat of Lot 2 and Lot 7 of Everly Subdivision.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).

# BOUNDARY SURVEY

## LOT 7 - EVERLY SUBDIVISION BEING IN GOVERNMENT LOT 2 of FRACTIONAL NW1/4 Sec. 30-T23N-R18W TANEY COUNTY, MISSOURI

Plat Bk 18 Pg 51



**BASIS OF BEARINGS**  
Assumed bearing of North along the East line of Lot 2 of NW1/4 Sec. 30 btw iron bar at the SE cor. Plot 1 and iron bar at the NE cor. Plot 23.

### NOTES

- 1) Property classified as Class "B" (Suburban).
- 2) Survey is valid only if print has original signature and seal of the surveyor.
- 3) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
- 4) (M) . . . Denotes Measured Values  
(P) . . . Denotes Plat Values
- 5) Surveyor yielded to existing 3/8 inch iron bar found at fence corner monumenting the most northerly corner of Lot 7, consistent with other existing monumentation marking Lots in this subdivision. There appears to be a scrivener's error on the original plat for the distance value of the west line of Lot 7.

### DESCRIPTION

All of Lot 7 of the plat of Lots 6 through 15 of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Northwest Quarter of Section 30, Township 23 North, Range 18 West (commonly referred to as Everly Subdivision) as recorded in Plat Book 12 at Page 53, Official Records of Taney County, Missouri.

### CERTIFICATION

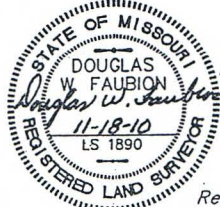
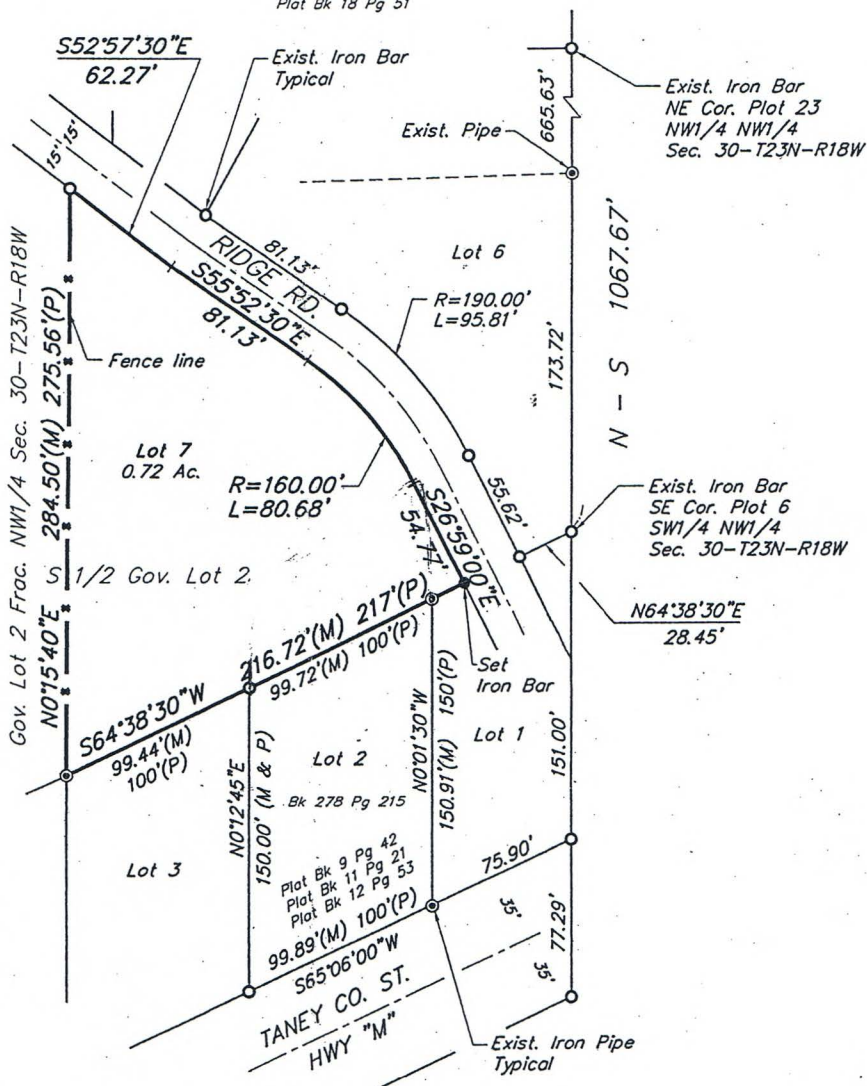
I hereby certify that I have made or directly supervised a survey of the above described premises and that the results shown on this plat are represented correctly to the best of my belief and professional knowledge. This survey meets the current minimum standards for boundary surveys as set forth by the Missouri Department of Natural Resources, Division of Geology and Land Survey.

### PREPARED FOR:

Central Taney Co. Fire Protection  
P.O. Box 868  
Forsyth, MO 65653

**HDR\ARCHER ENGINEERS**  
P.O. BOX 969  
187 EAST DAVID  
FORSYTH, MISSOURI 65653  
(417) 546-3218

PROJ: 109688.003

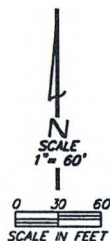


Revised Date: 11-18-10



# REPLAT OF LOT 2 AND LOT 7 of EVERLY SUBDIVISION

BEING IN GOVERNMENT LOT 2 of FRACTIONAL NW1/4  
Section 30-T23N-R18W - TANEY COUNTY, MISSOURI



## BASIS OF BEARINGS

Assumed bearing of North along the East line of Lot 2 of NW1/4 Sec. 30 b/w iron bar at the SE cor. Plot 1 and iron bar at the NE cor. Plot 23.

## NOTES

1) Property classified as Class "B" (Suburban).

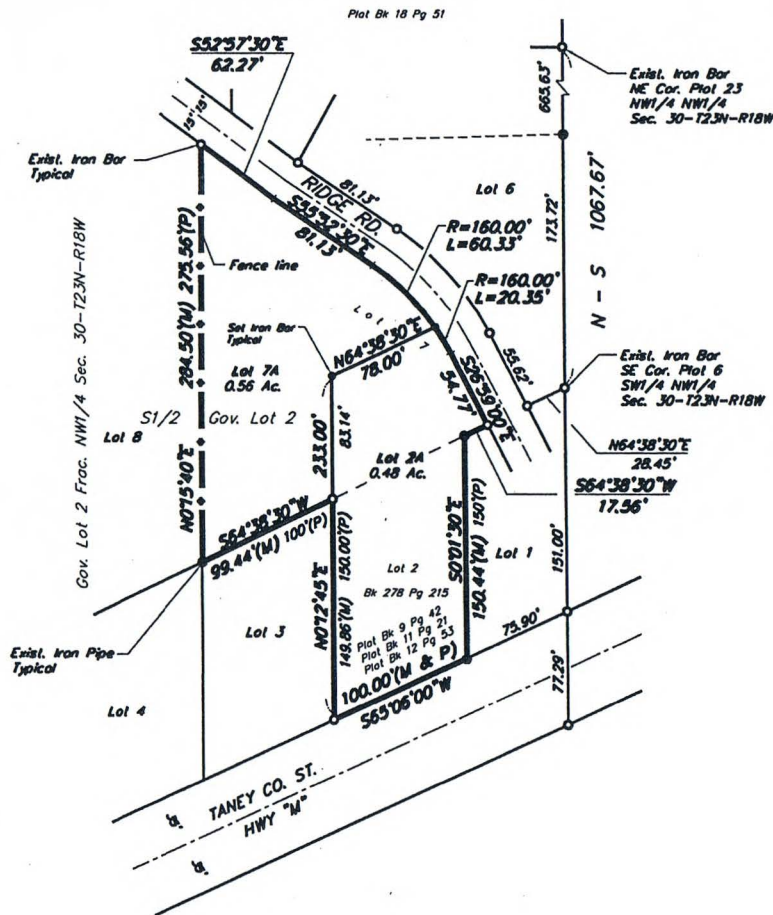
2) Survey is valid only if print has original signature and seal of the surveyor.

3) Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.

4) (M) . . . Denotes Measured Values  
(P) . . . Denotes Plot Values

5) Surveyor yielded to existing 3/8 inch iron bar found at fence corner monumenting the most northerly corner of Lot 7, consistent with other existing monumentation marking Lots in this subdivision. There appears to be a scrivener's error on the original plat for the distance value of the west line of Lot 7.

6) Parent Deeds:  
BK 310 Pg 3913  
BK 278 Pg 215



## DESCRIPTION

All of Lot 2 and all of Lot 7 of the Southwest Quarter of Section 30, Township 23 North, Range 18 West, as per plat recorded in Plat Book 18 at Page 51, official records of Taney County, Missouri, now being more particularly described as follows:

Beginning at an iron pipe marking the southwest corner of said Lot 7; thence North 07°15'40" East along the west line thereof a distance of 284.50 feet to the southwesterly right-of-way line of Ridge Road; thence Southeasterly along said right-of-way line the following four (4) courses; thence (1) South 52°57'30" East a distance of 62.27 feet; thence (2) South 55°52'30" East a distance of 81.13 feet to the beginning of a curve concave to the southwest, having a radius of 160.00 feet; thence (3) Southeasterly along said curve a distance of 80.68 feet (through an angle of 28°53'30"); thence (4) South 26°59'00" East a distance of 54.77 feet; thence South 64°38'30" West a distance of 17.56 feet to the northeast corner of said Lot 2; thence South 07°15'40" East along the east line of said Lot 2 a distance of 150.91 feet to the southeast corner thereof; thence South 65°06'00" West along the south line of said Lot 2 a distance of 99.89 feet to the southwest corner thereof; thence North 07°15'40" East along the west line of said Lot 2 a distance of 149.86 feet to the northwest corner thereof, said point being on the south line of said Lot 7; thence South 64°38'30" West along said south line a distance of 99.44 feet to the Point of Beginning.

## DEDICATION

The undersigned proprietors of the property described herein have caused the same to be subdivided into lots and labeled hereon in the manner shown on this plat and said property shall hereafter be known as REPLAT OF LOT 2 AND LOT 7 of EVERLY SUBDIVISION.

By:

Chester L. Keling, Jr.

Teresa Keling

Trustee of Central Taney Co. Fire Protection Dist. Inc.

## NOTARIZATION

State of Missouri } SS  
County of Taney }

Be it remembered that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public in and for the County and State aforesaid, before me appeared Chester L. Keling, Jr. and Teresa Keling, and a Trustee of Central Taney County Fire Protection District Inc., to me known to be the same and identical persons who executed the foregoing instrument of writing and who duly acknowledged the execution of the same to be their free act and deed.

IN TESTIMONY, I have hereunto set my hand and affixed my Official Seal on the day and year last written.

My Commission expires: \_\_\_\_\_

Notary Public

## PREPARED FOR:

Central Taney Co. Fire Protection  
P.O. Box 868  
Forsyth, MO 65653

MOHLER ENGINEERS  
P.O. Box 969  
187 EAST DAVID  
FORSYTH, MISSOURI 65653  
(417) 546-3718

PROJ: 109688.003

## TANEY COUNTY PLANNING COMMISSION CERTIFICATION

Approved by the Taney County Planning and  
Zoning Commission this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

Chairman

Administrator

## TANEY COUNTY 911 ADMINISTRATION CERTIFICATION

Approved by the Taney County 911 Administration this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Representative

## CERTIFICATION

I HEREBY CERTIFY that I have prepared this Plat from an accurate survey of the above described land and have subdivided said land into lots of the size and dimensions as shown hereon. This Plat meets "Missouri Minimum Standards for Property Boundary Surveys".

Douglas W. Faubion, RLS 1890

7-07-2011





# BOA Central Taney County Fire







## 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, JULY 20, 2011, 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 five members present. They were: Dave Clemenson, Bob Hanzelon, Dave Nelson, Tom Gideon, and Jack Johnston. Staff present: Bob Atchley and Bonita Kisse.

Mr. Atchley 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 Board of Adjustment Bylaws as Exhibit D. The state statutes that empower and govern the Board of Adjustment were read.

#### Public Hearing:

Request for Reconsideration: Michael J. Button; a request by Mr. Button for the Board to reconsider its decision of June 15 to deny a request by five property owners on Arizona Dr. for a variance from the lot size requirement. Mr. Clemenson asked the applicant if he could demonstrate that a substantial injustice would result if a reconsideration request was not granted. The applicant stated that he could. Mr. Clemenson asked for a motion. Mr. Hanzelon made a motion to rehear the request. The motion was seconded by Mr. Clemenson. The vote to reconsider was unanimous. Mr. Clemenson swore in the applicant. Mr. Button stated that the lots were surveyed, and that the county road department representative had also been to the property. A deed of right of way would be done giving dual ownership of the land in question. In order for the County to take over the road, the mail boxes and electric lines should be moved according to the rules of the County Road Dept. There are no mail boxes, and the electrical lines are not in the right of way, so a problem with that doesn't exist. Mr. Atchley spoke to the right of way being platted to the center of the road and that most lots are platted to the edge making this situation unusual. Mr. Button stated that his survey company suggestion would be to make the road 50', which would cause the property owners to give up more property. They do not have a problem with doing that according to Mr. Button. Mr. Clemenson read the County Commission minutes that discussed this issue. Mr. Button reported that all the property owners except the one lot



that is in foreclosure, that this would affect are in agreement to this request. Mr. Atchley reported that unless the variance is granted the plat cannot be signed. All property owners including the foreclosed lot must sign before recording. Discussion followed regarding timeline, platting, and relative policies. Mr. Button would stand to lose the most property with the easement. Mr. Johnston asked if the easement was cut down to 40' how much property would be left. Mr. Button stated that the lots would still be under 2 acres. Mr. Gideon asked if any lateral lines would be affected. Mr. Button reported that it would not. Mr. Clemenson asked if they could table their decision until next month giving the applicant time to clear up the other matters. Mr. Atchley clarified that the matter at hand is only the lot size variance. Mr. Clemenson asked for a motion allowing a 40' variance. Mr. Hanzelon made a motion based upon the decision of record with the addition of a 40' deeded right of way, and to allow a variance from the 2 acre minimum. Dave Nelson seconded. Discussion followed by Mr. Gideon regarding the plat being signed. The vote to approve was unanimous.

#### Review and Action:

Minutes, June, 2011: with no changes or additions a motion was made by Dave Nelson to approve the minutes as written. Seconded by Bob Hanzelon. The vote to approve was unanimous.

#### Old and New Business:

Mr. Atchley reported there would not be a meeting in August, and updated them on the possibility of a meeting in September.

The Board questioned the reduction of their fees. Mr. Atchley explained this.

#### Adjournment:

With no other business on the agenda for July 20, 2011 the meeting adjourned at 7:40 p.m.