



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

AGENDA

**TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, SEPTEMBER 19, 2012, 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:

*Richard M. Davis, variance request
Kanakuk Heritage, Inc., variance request*

Review and Action:

Minutes, August 2012

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: September 19, 2012

CASE NUMBER: 2012-0006V

APPLICANTS: Richard and Leona Davis

LOCATION: The subject property is located at 191 Eastlake Street, Branson, MO; Scott Township; Section 33, Township 23, Range 21.

REQUEST: The applicants, Richard and Leona Davis are requesting a variance from the provisions of Section 7, Table 1 of the Taney County Development Guidance Code concerning the required side lot setback, along the northern portion of the property.

Per the provisions of Section 7, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code, the required side lot setback is seven (7) feet.

BACKGROUND and SITE HISTORY:

The subject property consists of an approximately 10,400 square foot lot (per the Assessor's information), described as all of the south ½ of Lot 107 and all of Lot 108 in the Mount Branson Subdivision. The property contains an existing residence which was constructed in 1968 (per the Assessor's Information). The property is currently served by the Taney County Regional Sewer District and Taney County Water District # 2.

On February 29, 2012 a tornado did extensive damage to the residence located at 191 Eastlake Street, requiring the replacement of both the roof and siding. Upon reconstruction of the roof, new trusses were utilized changing the pitch of the roof and thus making it possible to attach a garage. The tornado had also done substantial damage to the fireplace and chimney which were removed. Concrete has been poured in the area immediately to the north of the residence that was the former site of the fireplace. The applicants are now wishing to construct an attached, single-car garage along this northern most end of the house. If the applicants were to construct an attached, single-car garage along the northern portion of the existing house with a one (1) foot overhang, the overhang of this addition would be approximately twenty-three (23) inches from the side property line.

GENERAL DESCRIPTION:

The applicants, Richard and Leona Davis are seeking a variance from the provisions of Section 7, Table 1 of the Taney County Development Guidance Code concerning the required, northern side lot setback.

REVIEW:

Per the provisions of Section 7, Table 1 of the Taney County Development Guidance Code a seven (7) foot setback is required between the closest part of the structure (the overhang) and the sides of the lot. The applicant is requesting a variance of five (5) feet, one (1) inch from the north property line, in order to construct an attached, single-car garage over the recently poured concrete area. The proposed garage would be constructed approximately twenty-three (23) inches from the northern property line, at the closest point. The existing residence was not constructed completely parallel with the property line and therefore the proposed garage would be constructed no more than twenty-three (23) inches from the northern property line, at the nearest point. Many of the existing, neighboring residences were built in the 1960s and would simply not meet the required setbacks of the Development Guidance Code, if they were being built today.

STATUTORY REQUIREMENTS OF APPROVAL:

Per the requirements of Missouri Revised 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 Section 7, Table 1 of the Taney County Development Guidance Code concerning the required side lot setback, allowing for a setback variance of five (5) feet, one (1) inch from the northern property line.
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).

10 ft 9

4 ft

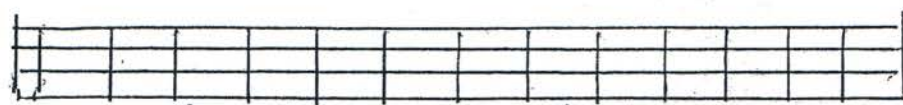
Present
concrete
floor

Need
this
to
make
a
single
garage

We
could
get by
with
3.3 ft

House

-26 ft-



Grate - water drain

TANEY County Planning Commission
Board of Adjustment
P O Box 383
Forsyth, Mo.65653

RE: 191 Eastlake St.
PUBLIC HEARING 9-19-2012 @7:00 PM

I live at 201 Eastlake St. and am NOT in agree-~~men~~ment with Mr. Davis"being granted a 5 foot side setback variance . Mr. Davis can build a garage on the other side of 191 Eastlake St. as he owns that property also.

Mr. Davis has overbuilt on his other 2 lots already, and has a garage. that may be on Eastlake St. right now..

I am elderly and cannot see to drive at night, and my daughter will be out of town on 09-19-12 and will not be able to drive me to the meeting.

This allowance willbe so close to my bedroom and will definitely interfere with my life. After living here for 44 years I never thought anything like this could or would happen.

Sincerely,

LaVonne A. Chase

LaVonne A. Chase
201 Eastlake St.
Branson, MO.65616
417-334-4614



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TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE

8-3-12

Applicant Richard M DAVIS Phone _____

Address, City, State, Zip 163 EAST LAKE ST BRANSON, MO 65616

Representative _____ Phone 641-895-0810

Owner of Record Richard M Davis Signature: Richard Davis

Name of Project: Garage on side of house at 191 Eastlake St - Branson

Section of Code Protested: (office entry) _____

Address and Location of site: 191 Eastlake St (Mt Branson)

Subdivision (if applicable) Mount Branson

Section 33 Township 23 Range 21 Number of Acres or Sq. Ft. 75 X 138

Parcel Number 08-8.0-33-004-005 009.000

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.

Page 1

191 Eastlake St

Describe in detail the reason for your request:

Toronado done extensive damage to house at 191 Eastlake. So much so that roof and siding had to be taken completely off.

New trusses were used changing the pitch of the roof thus making it possible to attach a garage.

The house had an unusable fireplace & chimney that had to be removed. It was busted loose and piled on ground.

The easiest way to get rid of it was build a form around it - fill it with more rock and make a garage.

Garage would be ~~plus~~ past my seven foot line. Checked with your office we found that a board of adjustment meeting was a month off. We could not wait so we run a floor to our line. We are asking for enough space to to make a garage.

We have 4 drains under the floor plus a grate in front so all water will run on our property. Foundation at bottom would be around 2 ft from my property line.

(over) - next page

The garage would bring no hardship to the adjoining property as there is no entrance of any kind on their end of the house.

The garage would be a silent use of the space compared to using it as a deck.

All material and siding will be new and should be a great asset to the neighborhood.

We invite all interested parties to inspect the property.

Go to the Candlestick Inn turn right 1 block to stop sign and go to the fourth house on your left.

August 31, 2012

Mr. Bob Atchley

Administrator
Taney County Planning Commission
P.O. Box 383
Forsyth, Missouri 65653

Re: 191 Eastlake Street Request for 5 Foot
Variance on Side Property Line

Dear Mr. Atchley:

I object to variance being given to Mr. Richard Davis at 191 Eastlake Street.

Mr. Davis owns the lot on the other side of his 191 property and has plenty of room to build a garage. Mr. Davis owns 3 lots right in a row that touch each property line.

Granting a variance to Mr. Davis will be a hardship for my mother's property at 201 Eastlake Street due to the location of her bedroom and may cause flooding to her property.

Unfortunately Mr. Davis over builds on all of his properties and has no regard for his neighbors.

I will be out of town and won't be able to attend the Public Hearing on this matter.

Mr. Davis has other options to build his garage that won't impact my mother's property.

Thank You,
Tina McFarland
111 White Oak Lane
Branson, MO. 65616

TANEY County Planning Commission
Board of Adjustment
P O Box 383
Forsyth, Mo.65653

RE: 191 Eastlake St.
PUBLIC HEARING 9-19-2012 @7:00 PM

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Mr. Davis has overbuilt on his other 2 lots already, and has a garage. that may be on Eastlake St. right now..

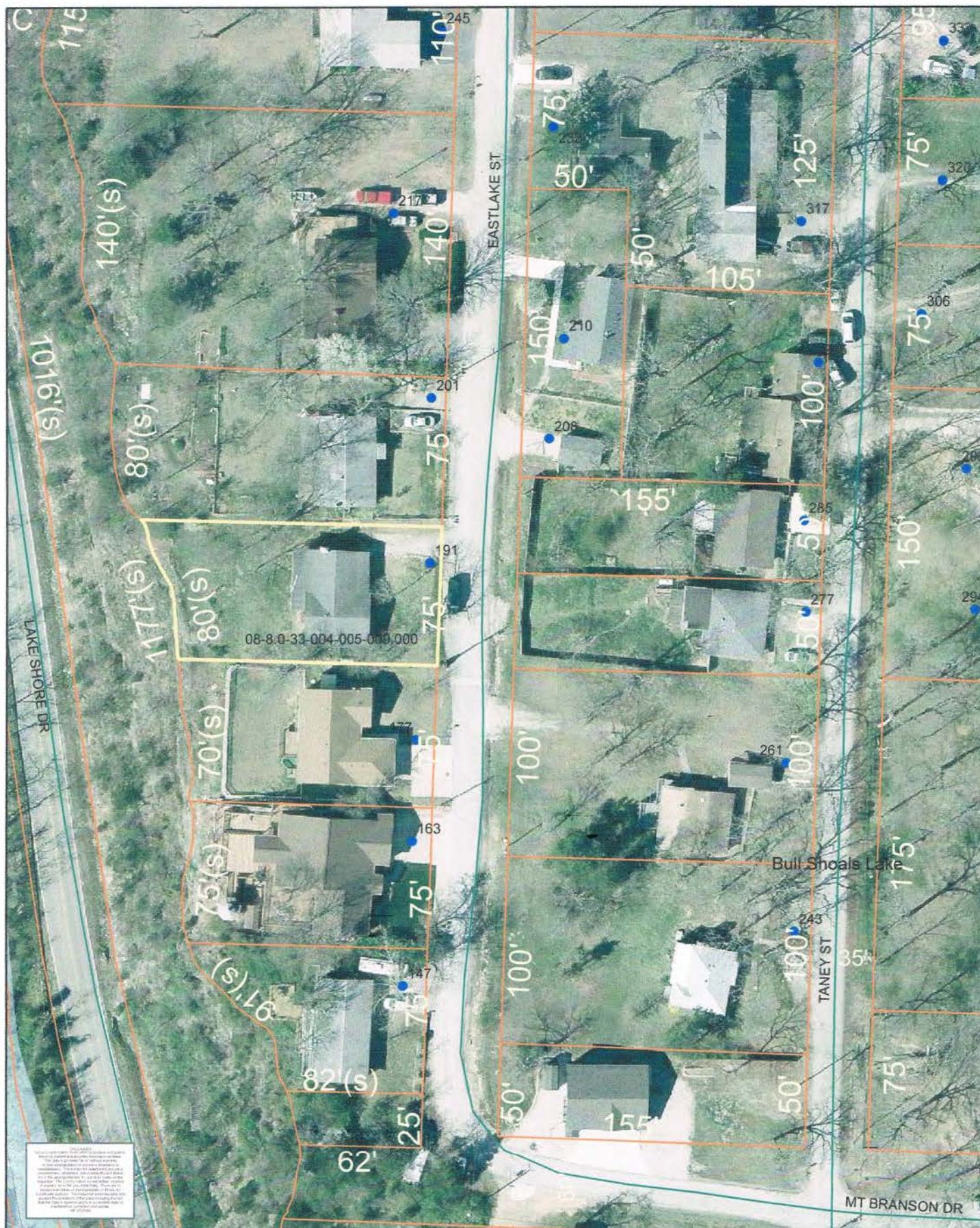
I am elderly and cannot see to drive at night, and my daughter will be out of town on 09-19-12 and will not be able to drive me to the meeting.

This allowance willbe so close to my bedroom and will definitely interfere with my life. After living here for 44 years I never thought anything like this could or would happen.

Sincerely,



LaVonne A. Chase
201 Eastlake St.
Branson, MO.65616
417-334-4614





TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: September 19, 2012

CASE NUMBER: 2012-0007V

APPLICANT: Kanakuk Heritage Inc.

REPRESENTATIVE: Eddie Wolfe

LOCATION: The subject property is two existing parcels of property, created by deed, which are located within the Kanakuk facility on Lakeshore Drive; Scott Township; Section 28, Township 23, Range 21.

REQUEST: The applicant is requesting a series of variances from the provisions of the Taney County Development Guidance Code, in order to allow for the platting of two existing parcels of land that were previously created by deed. It currently appears that the two property descriptions may be inaccurate and may not currently encompass the two buildings that the property descriptions were intended to describe.

The applicant is requesting a variance from Section 7, Table 1 (Property Line Setbacks) of the Development Guidance Code concerning front, side and rear lot setbacks for both parcels.

The applicant is also requesting a variance from the provisions of Section 7, Table 3 of the Development Guidance Code (also found in Table 1 of the Taney County Subdivision Regulations) requiring a minimum lot area of 8,000 square feet for parcels served by public / central sewer and also a separate requirement for a 70 foot minimum road frontage.

Finally, the applicant is requesting a variance from the provisions of Article 9, Section 4 of the Taney County Subdivision Regulations, concerning the requirement for an ingress / egress easement with a minimum width of fifty (50) feet.

BACKGROUND and SITE HISTORY:

The property in question encompasses two existing parcels of property which or located entirely within the Kanakuk facility. The representative has indicated that the two parcels were created by deed. Neither parcel currently has any frontage on a roadway. The representative has indicated that both parcels are currently served by an ingress / egress easement of less than fifty (50) feet in width. The boundaries of the northern-most parcel are just outside of the exterior boundaries of the building that is utilized as the Kanakuk Camp Health Center. The Health Center building was constructed in 1957 (Per the Assessor's information). The boundaries of the southern-most parcel of property

(referenced in the deed as the White Family Holding Property) are just outside of the exterior boundaries of a building which has served as the White family home for a number of years. This residence was constructed in 1958 (Per the Assessor's information). The two buildings also share a common wall. The property description for these two parcels can be found via Quit Claim Deed Book 2008, Page 18554. The representative has indicated that the two buildings may not currently lie within the current property descriptions of each parcel. Therefore the applicant is now seeking to plat these properties, ensuring that the property descriptions are correct and that they fully include the buildings in question. However, this plat would not be in compliance with the provisions of the Taney County Development Guidance Code or the Taney County Subdivision Regulations and so the applicant is currently seeking a series of variances, in order to allow for the platting of these two parcels.

GENERAL DESCRIPTION:

The applicant is requesting a series of variances from the provisions of the Taney County Development Guidance Code, in order to allow for the platting of two existing parcels of land that were previously created by deed. It currently appears that the two property descriptions may be inaccurate and may not currently encompass the two buildings that the property descriptions were intended to describe.

REVIEW:

The representative has indicated that the applicant is wishing to plat the two existing parcels that were previously created by deed. However, this plat would not meet the required property line setbacks, the minimum lot area of 8,000 square feet, the requirement for 70 feet minimum of road frontage per parcel and the requirement for an ingress / egress easement with a minimum width of fifty (50) feet. The representative has indicated that he will present a preliminary plat of the properties in question to the Board which will indicate the amount of variance that is being requested via each of the aforementioned requirements of the Taney County Development Guidance Code and the Taney County Subdivision Regulations.

Utilizing the information for the Taney County Geographic Information System (GIS) it appears that the two existing parcels were essentially created via the boundaries of the Health Center and the residence. Therefore, the applicant would be requesting a variance from the front of lot, side of lot and also the rear of lot setback requirements for both parcels of land. The exact setback variance requested being requested will be determined from the preliminary plat.

Utilizing the information for the Taney County GIS the northern-most parcel containing the Kanakuk Camp Health Center is approximately 1,436 square feet in size, requiring a minimum lot size variance of 6,564 square feet. The GIS also indicates that the southern-most parcel containing the White family home is approximately 2,332 square feet in size, requiring a minimum lot size variance of 5,668 square feet.

Utilizing the information for the Taney County GIS it is clear that neither parcel has any road frontage at this time. Therefore, the applicant would be requesting a variance from the entire 70 foot road frontage requirement.

Utilizing the information for the Taney County GIS, the current width of the ingress / egress easement providing access to the two existing parcels is undetermined. The exact minimum ingress / egress easement width variance requested will be determined via information provided on the preliminary plat.

STATUTORY REQUIREMENTS OF APPROVAL:

Per the requirements of Missouri Revised 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: *(Please note that this summary is currently based upon information obtained via the Taney County GIS. This summary may be amended upon receipt of the preliminary plat)*

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 25 foot front of lot, a 7 foot side of lot and a 10 foot rear of lot setback variance from Section 7, Table 1 (Property Line Setbacks) of the Development Guidance Code allowing for no setbacks from the property lines for the two parcels in question.
2. Approval of a minimum lot size variance of 6,564 square feet from the provisions of Section 7, Table 3 of the Development Guidance Code and also Table 1 of the Taney County Subdivision Regulations, allowing the northern-most parcel containing the Kanakuk Camp Health Center to be platted at approximately 1,436 square feet in size. Approval of a minimum lot size variance of 5,668 square feet from the provisions of Section 7, Table 3 of the Development Guidance Code and also Table 1 of the Taney County Subdivision Regulations, allowing the southern-most parcel containing the White family home to be platted at approximately 2,332 square feet in size.
3. Approval of a 70 foot road frontage variance from the provisions of Section 7, Table 3 of the Development Guidance Code and also Table 1 of the Taney County Subdivision Regulations, allowing for the two parcels in question to each have no road frontage.
4. Approval of a variance from the minimum ingress / egress easement width as found within Article 9, Section 4 of the Taney County Subdivision Regulations, allowing for an ingress / egress easement of ____ feet in width.
5. Compliance with all of the other provisions of the Taney County Development Guidance Code.
6. 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).

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

(Circle one)

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

PLEASE PRINT

DATE 08-21-12

Applicant Kanakuk Heritage Inc Phone 417-266-4335

Address, City, State, Zip 1353 Lake Shore Dr Branson, Mo. 65616

Representative Eddie Wolfe Phone 417-334-8820

Owner of Record Chris Stange Signature: Cl. Stange

Name of Project: Cliffhanger

Section of Code Protested: (office entry) _____

Address and Location of site: Lakeshore Dr.

Subdivision (if applicable) _____

Section 28 Township 23 Range 21 Number of Acres or Sq. Ft. 2700.00

Parcel Number 08-8.0-28-000-000-049.002 - 08-8.0-28-000-000-049.003

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:

The parcel is recorded in Book 2010 Page 18554 Taney County Recorder's Office. The property lays inside of Kanakuk park and is accessed by one of the narrow roads. The property in deed doesn't fit around the building, were asking for the variance so we can plat the property to code. The variances needed are the 70' road frontage we have none setbacks, front, side, & rear. Have a road easement to property and not a 50 Foot Road.





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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, AUGUST 15, 2012, 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, Bob Hanzelon, Mark Weisz, and Tom Gideon. 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 by Mr. Hanzelon.

Mr. Clemenson swore in the speakers.

Public Hearing:

Terry Gentle, a request for a variance from the required 50' front property line setback requirement, in order to allow the construction of a 40' x 60' accessory building at 2275 State Highway O. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Gentle addressed the Board and stated that the reason for the request is because there is an electric easement on the back of the property preventing him from setting the building further back from the highway easement. Mr. Weisz asked if the building could be moved back closer into the easement. Mr. Gentle stated that the property drops off and in that case more fill would have to be brought in. He said that he would also like to have more room to turn around. Mr. Gideon pointed out that if he could move the structure back some it would help in the front setback area. Mr. Atchley reported that the state highway department asks that a property owner just stay out of the setback area with a structure. Mr. Clemenson stated that the request should be specific. Mr. Gentle asked if the Board would be willing to grant a 25' setback from the front. Mr. Weisz asked if there were any neighbors that would object. Mr. Gentle stated that he didn't think so. Mr. Weisz pointed out that Branson's front setbacks are 25' and in his opinion would not obstruct view from the highway. After discussion Mr. Hanzelon made a motion to allow a variance of 25' from St. Hwy. O. Mr. Weisz seconded. The vote to approve the request was unanimous.

Review and Action:

Minutes, July 2012, with no changes or additions the minutes were approved as written. Mark Weisz made the motion to approve. Tom Gideon seconded. The vote to approve was unanimous.

Old and New Business:

Mr. Atchley reported that the new amendments were in the Code Book and handed out the new subdivision regulations and copies of the amended Code.

There will be a meeting next month regarding a variance request.

Adjournment:

With no other business on the agenda for August 14, 2012 the meeting adjourned at 7:23. Mr. Hanzelon made the motion to adjourn. Mr. Weisz seconded. Motion carried.