



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, DECEMBER 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 Statute*

Public Hearings:

*Greg Smith, appeal
David Shaw, variance request*

Review and Action:

Minutes, November, 2012

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT APPEAL STAFF REPORT

HEARING DATE: December 19, 2012

CASE NUMBER: 2012-0002A

PROJECT: Hill Haven Nightly Rental

APPLICANTS: Greg and Stephanie Smith

REPRESENTATIVE: Russ Schenewerk

LOCATION: The subject property is located at 1662 Hill Haven Road, Hollister, MO; Oliver Township; Section 35, Township 22, Range 22.

REQUEST: The applicants, Greg and Stephanie are seeking to appeal the Planning Commission denial of a Special-Use Permit (Case # 2012-0010) requesting to utilize an existing, single-family residence for "nightly rental".

BACKGROUND and SITE HISTORY:

Division I Permit # 2007-0382 was issued for the construction of Mr. & Mrs. Smith's home which was completed in 2008. Per the information contained within the Septic Permit, the waste water system was sized for a four (4) bedroom home. However, according to the information contained within the Vacation Rental By Owner (VRBO) website, this structure contains over 13,000 square feet and consists of 7 bedrooms, 11 bathrooms, a wine cellar, a theater room, a study and a grand great room.

On September 30, 2011, a formal complaint was submitted to the Planning Department office by eight (8) neighboring property owners, indicating that the property at 1662 Hill Haven Road was being utilized for what the Development Guidance Code defines as "nightly rental".

On October 13, 2011, a Notice of Violation was sent to Mr. & Mrs. Smith via certified mail, requesting that the property owners contact the Planning Department Office in order to begin the required Special-Use Permitting Process for nightly rental. Mr. Smith contacted the Planning Department office on October 20, 2011, indicating that he would begin the Special-Use Permitting Process. Mr. Smith was sent a detailed packet of information via e-mail. On a number of occasions, Mr. Smith continued to correspond with the Planning Department Office both via phone and e-mail.

On January 26, 2012, a Final Notice of Violation was sent via certified mail to Mr. & Mrs. Smith giving them ten (10) days from the date of service to seek compliance with the provisions of the Taney County Development Guidance Code or provide additional documentation, in the form of signed contracts indicating that the residence is continually being rented on a monthly basis. At that time, the property was being advertised on the VRBO website for "monthly rental". However, the neighboring property owners indicated that the residence was continuing to be rented for periods of time less than 30 days in length. The VRBO website calendar also indicated that a number of dates were unavailable for this property. Mr. Smith immediately contacted the Planning Department Office and indicated that he would submit an application in order to be placed on the agenda as soon as possible, while also attempting to sell the residence.

On May 9, 2012 Mr. & Mrs. Smith submitted their Division III Special-Use Permit Application. However, on June 11, 2012 the applicants requested to reschedule the Planning Commission Concept Hearing from June 18, 2012 to July 16, 2012.

On June 14, 2012 a Stop Work Order was issued to Mr. & Mrs. Smith requesting that the property owners cease all nightly rental operations immediately until such time that they obtain a Division III Special-Use Permit for nightly rental. The nightly rental advertisement was immediately removed from the VRBO website. However, within a matter of weeks the advertisement on the VRBO website was once again active. As of the date of this report the nightly rental advertisement has remained active on the VRBO website. The applicants have continued to allow the nightly / weekly rental of the property. According to information contained on the VRBO website, rentals have been booked through August of 2013. Since the home continues to be utilized for nightly rental this violation has been brought to the attention of the Prosecuting Attorney, per the provisions of Section 3.10 of the Development Guidance Code.

On August 20, 2012 the Taney County Planning Commission denied the Special-Use Permit request. The Planning Commission voted to deny this request by a unanimous vote of 7-0. The Planning Commission based its decision upon the unanimous belief that the proposed nightly rental of the single-family residence located at 1662 Hill Haven Road, Hollister, MO would **not** be compatible with the surrounding single-family residential area, as stipulated specifically in Appendix E (Special-Use Permits) of the Development Guidance Code. The Planning Commission further expressed reservations about the capacity of the existing on-site wastewater treatment system in ensuring adequate provision of sewer service for the proposed nightly rental use.

GENERAL DESCRIPTION:

The subject property (approximately one acre per the Assessor's information) contains an approximately 13,000 square foot single-family residence located at 1662 Hill Haven Road, Hollister, MO, described as Tract 2 of the Williamson-Mahalfey Survey.

REVIEW:

The Taney County Development Guidance Code defines nightly rental as “A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) days.” Currently, the applicants would have the ability to rent the residence for a period of thirty (30) days or greater.

The applicants contend that the decision made by the Planning Commission was not supported by substantial or competent evidence and that its decision was arbitrary and capricious. The applicants further state that there were no findings of fact or conclusions of law provided with the decision of the Planning Commission. However, Division III Special-Use Permit Decision of Record, Case # 2012-0010 specifically states that the Planning Commission denied the Special-Use Permit request by a unanimous vote of 7-0, based upon the unanimous belief that the proposed nightly rental of the single-family residence would **not** be compatible with the surrounding single-family residential area, as stipulated specifically in Appendix E (Special-Use Permits) of the Taney County Development Guidance Code. The Planning Commission further expressed reservations about the capacity of the existing on-site wastewater treatment system in ensuring adequate provision of sewer service for the proposed nightly rental use. The findings of fact and conclusions of law that are enumerated within the Decision of Record and utilized by the Planning Commission in making their decision were simply that the nightly rental of the single-family residence was incompatible with the surrounding single-family residential area and secondly that the adequacy of the existing on-site wastewater treatment system in provision of sewer service was questionable, based upon the information provided within the septic permit file. Section 2.2 of Appendix E (Special-Use Permits) of the Development Guidance Code specifically states that, “Prior to any Special-Use permit being granted, the Planning Commission shall consider that adequate provisions have been made for the following: (c) utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility and (f) the general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community; and with the standards for development in these regulations.”

The applicants further contend that neither the Planning Administrator nor the Planning Commission have lawful authority to regulate the intended use of Mr. & Mrs. Smith's property, namely for nightly rental. The applicants also contend that the current version of the Taney County Development Guidance Code being applied to Mr. & Mrs. Smith and their request was not lawfully enacted, is not authorized by Missouri's Enabling Statutes, and violates the Missouri Constitution and constitutes a taking of private property without due process of law under the Missouri Constitution and the United States Constitution.

On May 29, 2009, the existing Nightly Rental requirements were adopted as a portion of Appendix E (Special-Use Permits) of the Taney County Development Guidance Code by a unanimous vote of the Taney County Commission upon a recommendation of the Taney County Planning Commission. The Planning Commission held an advertised public hearing concerning nightly rental in February 2009 as a part of the annual code amendment process, with the County Commission holding an advertised, public hearing on May 29, 2009.

The applicants contend that their requested use of the property is a use that was already in effect prior to the adoption of the current version of the Taney County Development Guidance Code and therefore constitutes a prior non-conforming use. However, the applicants have provided no documentation to the Planning Department which would indicate that the property in question was utilized for nightly rental prior to the adoption of the nightly rental provisions of the Development Guidance Code. For example, such documentation could include such items as state sales tax receipts for the time period in question. Please note that the Missouri Department of Revenue requires the payment of state sales taxes for the rental of properties for any period of time less than thirty (30) days.

Further, the applicants contend that the prior version of the Development Guidance Code was not lawfully enacted, was not authorized by Missouri's Enabling Statutes and violated the Missouri Constitution and the United States Constitution and that the current action of Planning and Zoning to deny the requested use that the applicants contends was in effect prior to the adoption of the current version of the Code constitutes a taking of private property without due process of law.

Ultimately, per the provisions of Missouri Revised Statutes, the Board of Adjustment is, "To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations." Therefore, the Board of Adjustment is bound by the provisions of Missouri Revised Statute to base its decision, concerning the appeal request in question, to a determination as to whether the Planning Commission made an error of law in its denial of Special-Use Permit Case # 2012-0010. The legality of both the nightly rental provisions and the Taney County Development Guidance Code will require a determination via the court system.

STATUTORY REQUIREMENTS OF APPROVAL:

Per the requirements of the Missouri Revised Statutes the Board of Adjustment shall have the following powers and it shall be its duty:

To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the board of adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases.

SUMMARY:

If the Taney County Board of Adjustment approves this appeal request, the Planning Commission denial of the Decision of Record for Division III Permit # 2012-0010 (Special-Use Permit) shall be reversed. If the Taney County Board of Adjustment approves this request, the following requirements shall apply, unless revised by the Board:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Western Taney County Fire Protection District, the Taney County Health Department and the Taney County Assessor's Office, including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office (Chapter VI-VII).
3. A valid Merchant's License via the Taney County Collector's Office, shall be provided to the Planning Department if the applicant owns more than one (1) nightly rental property.
4. No outside storage of equipment or solid waste materials.
5. This decision is subject to all existing easements.
6. An on-site wastewater system shall be designed and constructed, ensuring capacity for the seven (7) bedroom home and/or the maximum number of persons that will be accommodated via nightly rental, whichever is greater. This upgraded on-site wastewater system shall be permitted via the Taney County Planning Department in conjunction with the Missouri Department of Health and Senior Services and/or the Missouri Department of Natural Resources.
7. This residence shall accommodate (sleep) no more than sixteen (16) persons per night.
8. A 25' wide natural vegetative buffer shall be preserved along the southern property boundary, between the property in question and the adjacent single family residence.
9. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

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12-2-A

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

(Circle one)

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


PLEASE PRINT

DATE 11/5/12

Applicant GREG SMITH PHONE 314-570-1608

Address, City, State, Zip 2016 Kings Pointe Drive, Chesterfield, MO 63005

Representative Russ Schenewerk PHONE 417-334-7922

Owner of Record Gregory M. Smith
and Stephanie Smith Signature 

Name of Project: Nightly Rental

Section of Code Protested: (office entry) _____

Address and Location of site: 1662 Hill Haven Road, Hollister, MO 65672

Subdivision (if applicable) N/A

Section 35 Township 22N Range 22W Number of Acres or Sq. Ft. 1 plus acres

Parcel Number 18-7.0-35-000-000-004.003

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

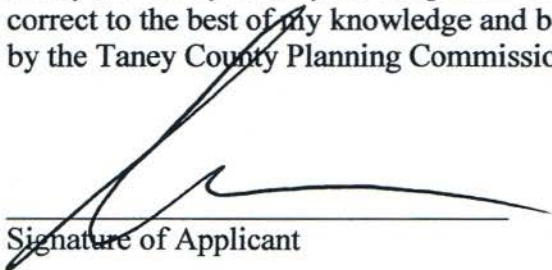
Required submittals:

- ✓ 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.

VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board Of Adjustment.


Signature of Applicant

11/5/12
Date of Application

STATE OF MISSOURI)
) ss.
COUNTY OF Taney)

On this 5th day of ~~October~~ ^{November}, 2012, before me personally appeared Gary Smith, to me known to be the person described in and who executed the foregoing instrument.

In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Branson, Missouri, the day and year first above written.


Notary Public

My Commission Expires:

JOANN SANTULLI
Notary Public, Notary Seal
State of Missouri
Taney County
Commission # 11138178
My Commission Expires January 26, 2015

Describe in detail the reason for your request:

Mr. Smith contends that the decision made by the Planning & Zoning Commission/Board was not supported by substantial or competent evidence, and that its decision was arbitrary and capricious.

There were no findings of fact or conclusions of law provided with the decision of the Planning and Zoning Commission.

Mr. Smith further contends that neither the Director of Planning and Zoning, Robert Atchley nor the Taney County Planning and Zoning Commission have lawful authority to regulate the intended use of Mr. Smith's property, namely for short-term rentals.

Mr. Smith contends that the current version of the Taney County Development Guidance Code and the specific provisions of said Code being applied to Mr. Smith and his request were not lawfully enacted, are not authorized by Missouri's Enabling Statutes, and violate the Missouri Constitution and constitute a taking of private property without due process of law under the Missouri Constitution and the United States Constitution.

Mr. Smith contends that his requested use of the property is a use that was already in effect prior to the adoption of the current version of the Taney County Development Guidance Code, and therefore constitutes a prior non-conforming use.

Whether or not Mr. Smith's prior non-conforming use of his property was lawful or unlawful depends upon whether the former Taney County Development Guidance Code was lawful and could lawfully regulate Mr. Smith's use of his property.

Further, Mr. Smith contends that the prior version of the Taney County Development Guidance Code was not lawfully enacted, was not authorized by Missouri's Enabling Statutes, and violated the Missouri Constitution and the United States Constitution, and that the current actions of Planning and Zoning to deny the requested use that was already in effect prior to the adoption of the current version of the Code constitutes a taking of private property without due process of law in violation of the Missouri Constitution and the United States Constitution.

(/)

About VRBO ▾

Traveler login Owner login (/Accounts.mvc/OwnerDash)

List your property (<http://www.vrbo.com/cart/signup>)

Home (<http://www.vrbo.com>)

USA (<http://www.vrbo.com/vacation-rentals/usa>)

Missouri (<http://www.vrbo.com/vacation-rentals/usa/missouri>)

Table Rock Lake (<http://www.vrbo.com/vacation-rentals/usa/missouri/table-rock-lake>)

Hollister (<http://www.vrbo.com/vacation-rentals/usa/missouri/table-rock-lake/hollister>)

VRBO Listing #94936

The Mansion 7 Beds/11 Baths Weekday Specials! June & Aug Specials

Hollister, Missouri Vacation Rental by Owner Listing 94936



Location:

Hollister, Table Rock Lake, Missouri, USA (NEAR NEW AIRPORT, BRANSN CREEK GOLF, BRANSN LANDING, BIG CEDAR)

Accommodations:

Estate, 7 Bedrooms + Convertible bed(s), 8.5+ Baths (Sleeps 18-24)

After many Blessings in their lives, the owners of The Mansion on Table Rock have opened up their estate to share this treasure with you. An amazing and true work of art, this home will surpass the most discerning guest's expectations. For vacations, retreats, anniversaries, or small celebrations, this estate is sure to please.

With over 13,000 square feet, The Mansion on Table Rock consists of 7 Bedrooms, 11 bathrooms, a wine cellar, theater room with 135' screen, grand great room, a study, an elevator, whole house surround, Blue Ray and much more. All of this, plus the

(<http://pinterest.com/pin/cruri=http%3a%2f%2fwww.vrbo.com%2f94936&media=http%3a%2f%2fimagesus.homeaway.com%2fmda01%2f5f8eb7dd-06c1-4c46-8178-c969d11862c0.1.10&description=+%23vacation+%23rental+%23travel+%23vrbo>)

Save to favorites

Primary:
(314) 799-0754

Secondary:
(314) 799-0754 (Missouri, USA)

First name

Last name

Email address

Re-Enter Email Address

Phone number

Arrival

Departure

Adults

Children

Message to owner

(500 characters)

☒ Save info for other inquiries

most incredible panoramic lakefront views from countless rooms which include breathtaking sunsets. A must see on your life's list, an uplifting and most spiritual experience awaits you, Come Live the Dream!

We would like to take this opportunity to personally thank all of our guests. You have all had wonderful memories and different reasons to celebrate at The Mansion. We are so pleased to share this with you. We truly appreciate each and every one of you! Many Blessings to all!

Keywords:
Estate

Submit

By clicking 'Submit' you are agreeing to our Terms and Conditions (<http://www.vrbo.com/global/termsandconditions.htm>)

[View Owner's Profile](#)

This owner accepts HomeAway's most secure form of payment.

[Learn More](http://www.homeaway.com/info/security/Travelers)
(<http://www.homeaway.com/info/security/Travelers>)

Vacation Rental Features

Property Type	13000 sq. ft.	
	Estate	3 story
Accommodation Type	Vacation Rental	
Meals	Guests Provide Their Own Meals	
Suitability	Minimum Age Limit For Renters : Must be 21 years or older	Pets Not Allowed
		Children Welcome
	Limited Accessibility	Non Smoking Only
Bedrooms	7 Bedrooms, Sleeps 24, Beds for 18-24	
	Bedroom 1	
	1 king	
	Bedroom 2	
	1 queen	

Bedroom 3

1 king

Bedroom 4

1 queen

Bedroom 5

1 king

Bedroom 6

1 queen

Bedroom 7

2 bunk bed

full over full, and twin over full

Convertible bed(s)

1 double, 1 twin/ single, 1 sleep sofa /futon

King size beds (3), Queen size Beds (3), Double Beds (1), Twin or Single Beds (1), Sleep Sofa or Futons (1), Bunk Beds (2)

Bathrooms

8.0 Bathrooms, 3 Half Bathrooms

Bathroom 1**Bathroom 2****Bathroom 3****Bathroom 4****Bathroom 5****Bathroom 6****Bathroom 7****Bathroom 8****Bathroom 9****Bathroom 10****Bathroom 11****Kitchen & Dining**Cooking Utensils : crock pot,
electric skillet, standing
mixer, hand held mixer,
electric carving knifeDishes & Utensils : fully
stocked kitchen with dining
service for 30Coffee Maker : regular 12
cup pot, and restaurant style
30 cup

Dining Area Seats : 34

Microwave

Refrigerator

Dishwasher

Toaster

Dining

Ice Maker

Kitchen

Catering Available

AmenitiesParking : 4 car garage plus
driveway parkingFitness Room / Equipment :
universal weight systemGarage : 4 Car oversized
garage

Iron & Board

Parking For RV/Boat/Trailer

Hair Dryer

Towels Provided

Linens Provided

Air Conditioning

Clothes Dryer

Washing Machine

Entertainment

Toys : board games

Satellite / Cable

	Stereo	CD
	Jetted Tub	DVD Player
	Television	
Communications	Wireless Broadband	Internet
	Telephone	
Outdoor Features	Balcony	Deck / Patio
	Outdoor Grill	Lawn / Garden
Theme	Luxury	Family
	Romantic	
Location & View	Mountain View	Lakefront
Activities	Sailing	Cycling
	Fishing	Swimming
	Kayaking	Basketball Court
	Parasailing	Spelunking
	Water Skiing	Mountain Biking
	Hunting	Wind-Surfing
	Hiking	Jet Skiing
	Golf	Snorkeling/Diving
	Restaurants	Health/Beauty Spa
	Sight Seeing	Live Theater
	Museums	Theme Parks
	Cinemas	Antiquing
	Shopping	Wildlife Viewing
	Fitness Center	Horseshoes
	Horseback Riding	Miniature Golf
	Boating	

Rate Details (In US Dollars)

Personal Currency Assistant™

Low Season January-February: from \$5500/per month \$2500/week
 March 1st--May 27th from \$14,000/ per month \$4500/week WEEKDAY
 SPECIALS
 Peak Season May 27th-- Aug 17th from \$25,000/month \$7500/week
 Aug.17-28 special
 Aug 29th --Jan. 2nd: from \$14,000/ per month \$4500/week WEEKDAY
 SPECIALS
 3 NIGHT MINIMUM YEAR ROUND PREFERRED
 50% down payment due upon Booking, \$500 Security Depoist due upon
 check in

Note: Until confirmed, rates are subject to change without notice.

This owner accepts HomeAway's most secure form of payment.

HomeAway Payments™ is the most secure way to pay and

Your View from the Master's Bath with a Bain Ultra Jetted Pedestal Tub



Gentleman's Library with Fully Panelled Walls and Ceilings, plus Fireplace



Custom, Handmade Wine Cellar, with gathering room



One of the Lower Level Bedrooms, French Doors to Patio and Lawn



Upper Level King Bedroom, One of Three King Beds in Home



Every Bedroom Has It's Own Bath and Walk In Closet



Professionally Landscaped Lawns and Planting Areas

Traveler Reviews (11)

5/5

Siblings Reunion

Guest: Mike & Rita (Lees Summit, Missouri)

Date of Stay: 09/23/12 Review Submitted: 10/09/12

My wife and I rented the Mansion for a week long sibling's reunion, which included 6 married couples, and two singles for a total of 14. We found the Mansion to be everything we imagined, and more. There was more than enough room for all, moreover at night each bedroom was very quiet, even for those early to bed. We found the home to be beautiful and kept to the highest standards. One in our group has mobility issues, and none of us are getting any younger, so the elevator just made the home even more convenient. I think we spent much of our time either in the kitchen and hearth room, or on the deck and patio. Every morning and evening the deck was the place to congregate and have conversations,

and the views just added to the experience. Three or four nights we congregated to the theater room enjoying old Pink Panther movies, and some of the newer releases. Never did this home feel crowded. And, the home is only about 15 minutes from the Branson strip where we enjoyed shows, miniature golf, go cart racing, and zip lines. Our group highly recommends the zip line at the Shepherd of the Hills, the Sight and Sound Theater, and dinner at the Keetering Center (sp?) at the School of the Ozarks. All in our group was thrilled with the Mansion, and the helpful suggestions received from Stephanie (the owner). We highly recommend the Mansion for those medium to larger group reunions. Ours was an experience that was long overdue, and one that none of us will ever forget, made even more memorable by this beautiful home and setting..

Recommended for: Romantic getaway, girls getaway, families with teenagers, age 55+, sightseeing, families with young children, people with disabilities.

Did you find this review helpful? Yes | No
Helpful votes: 0/0

5/5

Absolutely stunning

Guest: Msagan(Hampshire IL)
Date of Stay: 07/14/12 Review Submitted: 08/25/12

We were at this home in July - this is a great property - we had our first ever family reunion with about 33 people - (some were very little kids) and we NEVER felt crowded - this home is truly amazing! From the sizes of the rooms, to the yard, we had a blast - even when a mini micro burst hit the cove, we lost power but Stephanie was fantastic! We had power within 30 minutes, the Insurance guy was there within the hour, as the boat dock totally took a hit and sunk the neighbors boats - it was truly handled in a professional manner, so we were not inconvenienced at all - this is THE place to stay while on Table Rock Lake - simply gorgeous home - thanks for making our family reunion memorable - we still talk about the home - it was AWESOME

Recommended for: Girls getaway, families with teenagers, sightseeing, families with young children.

Did you find this review helpful? Yes | No
Helpful votes: 0/0

5/5

Ladies' 60th Birthday Getaway

Guest: Marty(Overland Park, KS)
Date of Stay: 04/26/12 Review Submitted: 06/15/12

Stephanie, your home was even better than our wildest dreams! We loved the many living areas as well as the wonderful kitchen, hearthroom, breakfast room and sitting area. The beds were wonderful, and so were the baths. We spent lots of time on the deck with its fantastic view over Table Rock Lake. It's a home I would love to rent for my family in the future!

Recommended for: Romantic getaway, girls getaway, families with teenagers, age 55+, families with young children, people with disabilities.

Did you find this review helpful? Yes | No
Helpful votes: 0/0

5/5

Even better than we expected!

Guest: Myra(Waterloo, IL)
Date of Stay: 10/30/11 Review Submitted:
11/02/11

My husband and I were one of 7 couples who spent the last three nights at 'the mansion.' From the pictures, we had high expectations, and it proved to be even better than expected. It was a pleasure to stay in this lovely home with its breathtaking views of the lake. Since the home is so large, we all felt that we had a lot of privacy but still had wonderful places to gather to share meals and visit. I would highly recommend this home to everyone. It provides a wonderful place for extended families to gather as well as a great gathering place for friends like our group.

Recommended for: Romantic getaway, girls getaway, adventure seekers, families with teenagers, age 55+, sightseeing, families with young children.

Did you find this review helpful? Yes | No
Helpful votes: 1/2

5/5

Stunning, comfortable, warm elegance.

Guest: Dave & Deb(Raytown, Missouri)
Date of Stay: 10/13/11 Review Submitted:
10/20/11

Destination
Sunset Wedding at the Mansion on Table Rock was and will always remain our Beautiful Dream Wedding. The Mansions stunning elegance and warmth made everyone that attended the wedding and for our family that stayed with us feel like they were at home, comfortable and peaceful. The photos only just begin to capture the beauty of this home it is a true must see on your bucket list. The property is well maintained and due to the storage options it was easy to stow our personal items out of site yet very easy to access during our stay. The owner is a true delight and was so helpful in recommending vendors that made planning our wedding from a distance easy. The location is close to Branson so there is plenty to do for all and with the airport near by made arrivals and departures quick and easy so that we could all enjoy more time in this home. We can't wait until our next stay at the Mansion and will recommend this home to our family and friends as a fantastic place to relax and enjoy the beauty of this home and the lake.

Recommended for: Romantic getaway, girls getaway, adventure seekers, families with teenagers, age 55+, sightseeing, families with young children, people with disabilities.

Did you find this review helpful? Yes | No
Helpful votes: 1/1

5/5

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Date of Stay: 10/13/11 Review Submitted:
10/20/11

Destination
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Recommended for: Romantic getaway, girls getaway, adventure seekers, families with teenagers, age 55+, sightseeing, families with young children, people with disabilities.

Did you find this review helpful? Yes | No

Helpful votes: 1/1

5/5

What a palace!

Guest: Troy Nelson(Dallas, Texas)
Date of Stay: 08/13/11 Review Submitted:
08/17/11

We (by "we" I mean all 29 members of our immediate family...parents, kids, spouses & grandkids) gathered together here for my parents' 50th wedding anniversary celebration. What an impact The Mansion had on everyone that came! Without a doubt, the largest, most flexible, enjoyable space one could find. Great cove, with a huge dock provided us with plenty of room to sit, swim and boat. (the State Park Marina is just around the bend...with tremendously friendly folks...and there are cliffs to jump off directly across the lake. All the kids...and some of the adults...loved it. The party we threw for our parents was attended by 40+ guests, all on the lower level...and you'd never know that there were that many people there! The theater was a great area for the kids, and the huge deck was great as we sat and watched the sun set each night. The only part that we didn't like was having to check out.

Recommended for: Romantic getaway, girls getaway, adventure seekers, families with teenagers, age 55+, sightseeing, families with young children, people with disabilities.

Did you find this review helpful? Yes | No

Helpful votes: 0/0

5/5

Awesome Vacation Home for a Large Group

Guest: Pauly Family Reunion(Cary, IL 60013)
Date of Stay: 07/16/11 Review Submitted:
07/24/11

We just held a large family reunion in this house with 28 people of all ages. It was the best home we have ever rented. Every room is beautiful and the view is breath taking. There is a bit of a walk to the dock on the lake but it is worth the effort. We rented boats from the local marina and enjoyed skiing, tubing and

just riding around. Also, Branson has every attraction you can think of and is just a short drive from the house. We held large dinner parties and there was plenty of space for everyone with the gourmet kitchen, bar area and dining room. Our group had a wonderful time and would definitely come back.

Recommended for: Girls getaway, adventure seekers, families with teenagers, age 55+, sightseeing, families with young children.
Did you find this review helpful? Yes | No

Helpful votes: 1/1

5/5

Spectacular Weekend Retreat

Guest: Debbie(Little Rock, AR)
Date of Stay: 05/06/11 Review Submitted: 05/10/11

Just returned from a fabulous 3 night stay at "the mansion" celebrating my Mom's 95th birthday. It's hard to express in words how amazing "the mansion" is. The entire home is 5 star: from the beautiful furnishings - to the floor coverings - to the immaculate condition of the home - to the breath taking view of Table Rock Lake from the back porch and balcony. There was PLENTY of room to spread out for privacy while still having rooms large enough to congregate when you wanted time together. It would be the perfect place for small weddings; family reunions; corporate bonding retreats; etc. While the vicinity to Branson is a huge plus - I honestly didn't want to leave "the mansion" while we were there. Stephanie, the owner, couldn't have been more accomodating. I e'mailed her several times after making the initial reservation and she was always prompt and very helpful with her response. She's one of those people you'd like to meet in person. Four generations made many wonderful, lasting memories this weekend. I'm thankful I chose "the mansion" for this celebration. It was a true blessing.

Recommended for: Girls getaway, families with teenagers, age 55+, families with young children.
Did you find this review helpful? Yes | No

Helpful votes: 0/0

5/5

Unbelievable weekend in the Mansion!

Guest: CBradley(St. Charles, MO)
Date of Stay: 04/15/11 Review Submitted: 04/19/11

We just came back from a youth retreat with 30 girls at the mansion. I can't say enough how BEAUTIFUL the house is and the views are amazing! The girls loved eating out on the deck and seeing God's creation. The owners thought of everything. The house was immaculate and the pictures don't do it justice. And Stephanie was great to work with as well. With 30 girls eating and sleeping in the house it never felt crowded. We were so blessed to stay here and are so grateful! The girls couldn't get over it. Made lots of memories and would love to return! Thank you!!!

Recommended for: Romantic getaway, girls getaway, families with teenagers, age 55+, families with young children, people with disabilities.
Did you find this review helpful? Yes | No

Helpful votes: 0/0

First (10) of (11). View all Reviews (<http://www.vrbo.com/94936/reviews>)
Write a Review (<http://www.vrbo.com/94936/reviews/write>)

Dates available:Year Round

Before contacting us, please check our calendar
(<http://www.vrbo.com/94936/calendar>) for your desired dates

Email Owner () Primary: (314) 799-0754
Secondary: (314) 799-0754 (Missouri, USA)

Note: Each property is individually owned or managed.

Vacation Rentals by Owner Listing #94936

There have been 43194 visitors to this page since the counter was last reset
In 2010.

This listing was first published here In 2006.

Date last modified - Thursday, December 06, 2012

VRBO® is Vacation Rentals by Owner® with 153 million visits in the last year. Specializing in BY OWNER vacation rentals, homes, condos, cabins, villas and apartments. ALSO
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Vacationum-"Seize the Vacation!" Reg. U.S. Pat. & TM Off



TANEY COUNTY PLANNING COMMISSION

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

MINUTES TANEY COUNTY PLANNING COMMISSION REGULAR MEETING TUESDAY, FEBRUARY 17, 2009, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Vice-Chairman Shawn Pingleton called the meeting to order at 7:00 p.m. A quorum was established with eight members present. They were: Shawn Pingleton, Joey Staples, Mark Blackwell, Jim Brawner, and Frank Preston. Staff present: Eddie Coxie, Bonita Kisse, Dan Nosalek, Marla Pierce, and Bob Paulson.

There was also a quorum of the Board of Adjustment present, they were; Bob Hanzelon, Tom Gideon, Jack Johnston, and David Nelson.

Review and Action:

Minutes, January 2009: with no additions or corrections a motion was made by Frank Preston to approve the minutes as written. Seconded by Jim Brawner. The vote to approve was unanimous.

Code Amendments:

Page 16, 4.1.3 and Page 21, 7.2; addition of; All land use changes reviewed and approved by the Planning Commission/Board of Adjustment must receive final approval by the County Commission. Discussion followed regarding adopting a procedure for this. Jim Brawner made a motion to approve these two recommendations to the County Commission, providing legal counsel approves of the verbiage. Frank Preston seconded. The vote to approve was unanimous.

Page 5; No division/subdivision of land may be recorded without approval of the Taney County Planning Department as stated in Taney County Ordinance (). Discussion followed, with Mr. Coxie explaining why this amendment is needed. A motion was made by Jim Brawner to approve the recommendation to the County Commission, providing legal counsel approves of the verbiage. Mark Blackwell seconded. The vote to approve was unanimous.

Page 86 Appendix L; remove last two sentences, and add All construction must adhere to the current published standards set forth by the Taney County Road and Bridge Department. Mr. Coxie explained the addition. Mr. Preston

reported that the new standards would be approved within 30 to 60 days from this meeting. This amendment would not take effect until these standards have been approved and published. A motion was made to approve this recommendation be sent to the County Commission by Jim Brawner. Joey Staples seconded. The vote to approve was unanimous.

→ Page 56, 4.7, A, 1 through 5; New items of compliance for nightly rentals. Mr. Coxie explained the importance of this amendment. Discussion followed. Jim Brawner made a motion to approve this recommendation to the County Commission, providing legal counsel approves of the verbiage. Seconded by Frank Preston. The vote to approve was unanimous.

Page 110; Appendix T; Process and Specifications; with the addition of Replats, Final Plats, and Amended Plats to also be a charge of \$25.00. Discussion followed regarding raising the fees. The Commission asked for staff to do a comparison of fees of surrounding counties. A motion was made by Jim Brawner to approve this recommendation be sent to the County Commission and providing legal counsel approves of the verbiage. Frank Preston seconded. The vote to approve was unanimous. Mr. Pennel would like to see an average of time spent as well on permit issuance.

Page 66, 5.2.1.3; Delete this section. Discussion followed. Jim Brawner made a motion to recommend to the County Commission to remove this paragraph and previous reference in paragraph 5.2.1. Seconded by Mark Blackwell. The vote to approve was unanimous.

Old and New Business:

Mr. Preston suggested using the GIS overlays in the future for meetings. Discussion followed regarding putting the stormwater plans on the overhead as well.

Adjournment:

With no other business on the agenda for February 17, 2009 Joey Staples made a motion to adjourn. Mark Blackwell seconded. The vote to adjourn was unanimous. The meeting adjourned at 8:15 p.m.

4.6.2. If music, whether live or reproduced, is used for entertainment the sound levels shall not be such as to be a nuisance to any existing residences.

4.6.3. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.7 Nightly Rental:

A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) days.

4.7.1 Compliance with the local fire district for fire suppression and occupancy limits

4.7.2 Compliance with the Taney County Health Department

4.7.3 Parking and Access Standards as per Table K high density residential

4.7.4 Compliance letter from the Taney County Assessors Office

4.7.5 The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

NIGHTLY RENTAL

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NIGHTLY RENTAL

PROCESS AND SPECIFICATIONS

A schedule of processing costs have been adopted by the County Commission and processing costs are to be paid by all persons, corporations, partnerships, or other entities submitting any such plot or plan as required by these Codes for the approval process by the Planning and Zoning Commission. The processing costs shall be collected by the Planning Department when the requested action is submitted and accepted for review and consideration.

Section 1, Processing Costs:

<u>Action Applied For:</u>		<u>Cost:</u>
A.	Division I Permit	\$15.00 per lot/parcel
B.	Division II Permit	\$25.00
C.	Division III Permit	\$100.00
D.	Special Use Permit	\$25.00
E.	Board of Adjustment	
	Variance	\$25.00
	Appeal	\$75.00
F.	Minor Subdivisions	\$25.00
G.	Plats	
	Replot	\$25.00
	Final Plat	\$25.00
	Amended Plat	\$25.00
H.	Sign Permit	\$25.00
I.	Record of Decision (Division III)	\$25.00
J.	Land Grading Permit	\$25.00
K.	Permit Extension	\$15.00

Section II. Fees: Fees may be adopted may be adopted by the County Commission as provided by the State Law.

FEE SCHEDULE

OFFICIAL MINUTES

May 29, 2009 28th DAY OF
THE APRIL ADJOURN TERM

The County Commission met in the Commissioners Hearing Room at 9:06 AM with Chuck Pennel, Danny Strahan, and Jim Strafuss present. Also present were Eddie Coxie, Bob Paulson, and Jim Yust. The following proceedings were had and made a matter of record:

PLANNING AND ZONING – CODE BOOK

Eddie Coxie presented some proposed changes for the Planning and Zoning code and permit fees.

Commissioner Pennel moved that the permit fee for an accessory structure be \$15. The motion died for lack of a second.

Commissioner Pennel moved to approve that (a) Land use changes approved by P&Z Board require final approval from the Taney County Commission and (b) Land use Changes approved by BOA require final approval by the Taney County Commission of the recommended changes for Planning and Zoning. Commissioner Strafuss seconded the motion. Commissioner Strafuss withdrew his second in the interest of further study by County Counsel before considering this motion. Motion died for lack of a second.

Eddie Coxie presented a proposal for an ordinance to allow the Recorder to deny, in any unincorporated area of the county, the recording of division of land when it is not in compliance with access standards or sanitation minimum acres standards and doesn't have prior approval by Planning and Zoning.

Commissioner Strafuss left the meeting temporarily at 9:52 AM.

The Commission directed Eddie Coxie and Bob Paulson to talk with Robert Dixon to try to find ordinance language to resolve the division of land in unincorporated areas of the county.

→ Commissioner Pennel moved to add the following proposed section 4.7 on nightly rental to the Planning and Zoning codebook as modified by Bob Paulson:

“4.7 Nightly Rental:

A residential building, structure, or part thereof that is available for rental for any period of time less than thirty (30) days.

4.7.1 Compliance with the local fire district for fire suppression and occupancy limits

4.7.2 Compliance with the Taney County Health Department

4.7.3 Parking and Access Standards as per Table K high density residential

4.7.4 Compliance letter from the Taney County Assessor's Office

4.7.5 The planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary."

Commissioner Strahan seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (absent).

Commissioner Strafuss rejoined the meeting at 10:39 AM.

Commissioner Strahan moved that we turn Mr. Delgado's nuisance case of non-compliance over to the Taney County Prosecutor. Commissioner Pennel seconded the motion. . The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

Presiding Commissioner Pennel declared a recess.

RECESS
10:44 AM

RECONVENED
12:51 PM

Commissioner Strahan moved to go into executive session pursuant to RSMo. 610.021.3. Commissioner Strafuss seconded the motion. The motion passed by roll call vote Pennel (aye), Strahan (aye) and Strafuss (aye).

EXECUTIVE SESSION
12:52 PM

Commissioner Strahan moved to go out of executive session. Commissioner Strafuss seconded the motion. The motion passed by roll call vote Pennel (aye), Strahan (aye) and Strafuss (aye).

ROAD AND BRIDGE INTERVIEWS

Frank Preston joined the meetings at 1:05 PM. Frank and the Commission interviewed several people for the Administrative Assistant position at Road and Bridge Department.

Commissioner Pennel moved to go into Executive Session. Commission Strafuss seconded the motion. The motion passed by roll call vote Pennel (aye), Strahan (aye) and Strafuss (aye).

EXECUTIVE SESSION
2:35 PM

Commissioner Strafuss moved to go out of Executive Session. Commissioner Pennel seconded the motion. The motion passed by roll call vote Pennel (aye), Strahan (aye) and Strafuss (aye).

OUT OF EXECUTIVE SESSION
2:53 PM

COURTROOM #4 CHANGE ORDER

Commissioner Pennel moved to table until 11:00 AM Monday, June 1, 2009. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

BOYS & GIRLS CLUB

Commissioner Pennel moved to approve the local government certification on the boys & girls club. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

HPL CONTRACT

Commissioner Pennel moved to table until 11AM Wednesday June 3, 2009. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

HOLLISTER INTERGOVERNMENTAL AGREEMENT

Commissioner Strahan moved to table this agreement until next week. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

**REQUEST FOR INFORMATION/AUDIT OF LOCAL SALES/USE TAX
RECORDS**

Commissioner Pennel moved to approve form 4379 annual request as requested by Gary Morgan and Melissa Trotter to get info from the state electronically. Commissioner

Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

HOLIDAY HILLS CHANGE ORDER

Commissioner Strahan moved to approve \$15,917 for the change order to add the missing line in the Holiday Hills Sewer Project. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

C & L LANDSCAPING – BREACH OF CONTRACT

Commissioner Strahan moved to send the letter to C & L Landscaping canceling the contract. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

EGIS PROPOSAL / COON CREEK

Commissioner Pennel moved to have Frank Preston work with Great River Engineering on getting this project done due to the delay in the processing by EGIS and let EGIS know by letter. Commissioner Strafuss seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

ADOPTION OF RSMo. 137.082

Commissioner Strahan moved to adopt provisions of RSMo.137.082. Commissioner Pennel seconded the motion. The motion passed by vote Pennel (aye), Strahan (aye) and Strafuss (aye).

ADOPTION OF 67.2679.6 VIDEO SERVICE

The Commission decided to not consider this item in this meeting.

Commissioner Strahan and Bob Paulson left the meeting at 4:07 PM.

ADMINISTRATIVE ASSISTANT – ROAD & BRIDGE

Commissioner Strafuss moved to give Frank Preston the authority to hire his choice of the 3 candidates that were interviewed. Commissioner Pennel seconded the motion. The motion passed by vote Pennel (aye), Strafuss (aye) and Strahan (absent).

Commissioner Pennel declared a recess.

RECESS
4:17 PM

The minutes were taken and typed by Jim Yust, Deputy Clerk.



TANEY COUNTY PLANNING COMMISSION

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

TANEY COUNTY PLANNING COMMISSION

DIVISION III – SPECIAL-USE PERMIT DECISION OF RECORD

GREG AND STEPHANIE SMITH

HILL HAVEN NIGHTLY RENTAL

CASE NUMBER 2012-0010

On August 20, 2012 the Taney County Planning Commission denied a Special-Use Permit request by Greg and Stephanie Smith seeking to utilize their existing, single-family residence located at 1662 Hill Haven Road, Hollister, MO for nightly rental (nightly rental - as is defined per the provisions of the Taney County Development Guidance Code). The Planning Commission voted to deny this request by a unanimous vote of 7-0. The Planning Commission based its decision upon the unanimous belief that the proposed nightly rental of the single-family residence located at 1662 Hill Haven Road, Hollister, MO would **not** be compatible with the surrounding single-family residential area, as stipulated specifically in Appendix E (Special-Use Permits) of the Development Guidance Code. The Planning Commission further expressed reservations about the capacity of the existing on-site waste water treatment system in ensuring adequate provision of sewer service for the proposed nightly rental use.

Per the provisions of Missouri Revised Statutes (RSMo 64.870) and the Taney County Development Guidance Code, "Appeals to the board of zoning adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a county zoning ordinance." Per the provisions of Section 7.3 of the Taney County Development Guidance Code, "Appeals must be filed within ninety (90) calendar days of the original decision."



TANEY COUNTY PLANNING COMMISSION DIVISION III SPECIAL USE PERMIT STAFF REPORT

HEARING DATE: August 13, 2012

CASE NUMBER: 2012-0010

PROJECT: Hill Haven Nightly Rental

APPLICANT: Greg and Stephanie Smith

LOCATION: The subject property is located at 1662 Hill Haven Road, Hollister, MO; Oliver Township; Section 35, Township 22, Range 22.

REQUEST: The applicants, Greg and Stephanie are requesting the approval of a Special Use Permit to utilize an existing, single-family residence for nightly rental.

BACKGROUND and SITE HISTORY:

Division I Permit # 2007-0382 was issued for the construction of Mr. & Mrs. Smith's home which was completed in 2008. Per the information contained within the Septic Permit, the waste water system was sized for a four (4) bedroom home. However, according to the information contained on the Vacation Rental By Owner (VRBO) website, this structure contains over 13,000 square feet and consists of 7 bedrooms, 11 bathrooms, a wine cellar, a theater room, a study and a grand great room.

On September 30, 2011, a formal complaint was submitted to the Planning Department office by 8 neighboring property owners, indicating that the property at 1662 Hill Haven Road was being utilized for what the Development Guidance Code defines as "nightly rental".

On October 13, 2011, a Notice of Violation was sent to Mr. & Mrs. Smith via certified mail, asking that they contact the Planning Department Office in order to begin the Special-Use Permitting Process for nightly rental. Mr. Smith contacted the Planning Department office on October 20, 2011, indicating that he would begin the Special-Use Permitting Process. Mr. Smith was sent a detailed packet of information via e-mail. On a number of occasions, Mr. Smith continued to correspond with the Planning Department Office both via phone and e-mail.

On January 26, 2012, a Final Notice of Violation was sent via certified mail to Mr. & Mrs. Smith giving them 10 days from the date of service to seek compliance with the provisions of the Development Guidance Code or provide additional documentation, in the form of signed contracts indicating that the residence is continually being rented on a monthly basis. At that time, the property was being advertised on the VRBO website for "monthly rental". However, the neighboring property owners indicated that the residence was continuing to be rented for periods of time less than 30 days in length. The VRBO website calendar also indicated that a number of dates were unavailable for this property. Mr. Smith immediately contacted the Planning Department Office and indicated that he would get on the agenda as soon as possible, while also attempting to sell the residence.

On June 14, 2012 a Stop Work Order was issued to Mr. & Mrs. Smith asking them to cease all nightly rental operations immediately until such time that they obtain a Division III Special-Use Permit for nightly rental. The nightly rental advertisement was immediately removed from the VRBO website. As of the date of this report the nightly rental advertisement is once again active on the VRBO website. The applicants have continued to allow the nightly / weekly rental of the property. According to the VRBO website rentals have been booked through June of 2013. Since the home continues to be utilized for nightly rental this violation has been brought to the attention of the Prosecuting Attorney, per the provisions of Section 3.10.

The current application was approved for Concept on July 16, 2012.

GENERAL DESCRIPTION:

The subject property (approximately one acre per the Assessor's information) contains an approximately 13,000 square foot single-family residence located at 1662 Hill Haven Road, Hollister, MO, described as Tract 2 of the Williamson-Mahalfey Survey.

REVIEW:

The Taney County Development Guidance Code defines nightly rental as "A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) days." Currently, the applicant would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family home will remain the same. The initial advertisements on the Vacation Rental By Owner website indicated that the property in question would sleep 23-30 people. This number was later revised indicating that the property would accommodate 14-20 people. Most recently this facility was advertised on the VRBO website as sleeping 18-24 people.

The property is currently served by a private well and an on-site wastewater system. The Septic Permit indicates that on-site wastewater system was designed to serve a 4 bedroom home. As stated earlier, this over 13,000 square foot structure consists of 7 bedrooms, 11 bathrooms, a wine cellar, a theater room, a study and a grand great room. Scott Starrett, the On-Site Wastewater Inspector has indicated in an enclosed letter, that the wastewater treatment system is drastically undersized for just the 7

existing bedrooms, not including the large number of people that have utilized and would continue to utilize the home for nightly rental.

The residence is in compliance with the setback requirements. The existing parking area, including a 4 car garage will exceed the requirements of the Taney County Development Guidance Code (1.5 spaces per two-bedroom dwelling unit with ½ space added for each additional bedroom) and the existing, driveways will allow for the on-site turnaround of an automobile with a boat or camper.

The property in question would be difficult to buffer from adjoining properties because of the home's location on a hill.

The project received a total score of -51 on the Policy Checklist, out of a maximum possible score of 35. The relative policies receiving a negative score consist of sewage disposal, off-site nuisances, emergency services, road right-of-ways, emergency water supply, solid waste disposal service, use compatibility and traffic.

SUMMARY:

If the Taney County Planning Commission approves this request, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Western Taney County Fire Protection District, the Taney County Health Department, the Taney County Assessor's Office, Missouri Department of Natural Revenue, including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office.(Chapter VI-VII)
3. No outside storage of equipment or solid waste materials.
4. This decision is subject to all existing easements.
5. An on-site wastewater system shall be designed and constructed, ensuring capacity for the seven (7) bedroom home and/or the maximum number of persons that will be accommodated via nightly rental, whichever is greater. This upgraded on-site wastewater system shall be permitted via the Taney County Planning Department in conjunction with the Missouri Department of Health and Senior Services and/or the Missouri Department of Natural Resources.
6. A 25' wide natural vegetative buffer shall be preserved along the southern property boundary, between the property in question and the adjacent single family residence.
7. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

Bob,

In follow up to your email on 1662 Hill Haven I have determined the wastewater system is drastically undersized. Without knowing the soil analysis I can only give you estimates. The soil has been filled so it will not stabilize for 6-7 years anyway. The system is designed for 4 bedroom but home is advertized as 7 bedroom that sleeps 23-30 people.

The existing system is a 1300 gallon capacity Norweco Singulair Bio-kinetic Model 960 tank with chlorination and dechlorination system installed. The design flow for a 4 bedroom home with a soil load rate of .4 (which is very common for the area) is as follows. 4 bedrooms at 120 gpd = 480 gpd. The trench area is as follows. $480 \text{ gpd} / .4 \text{ load rate} = 1200 \text{ sq ft trench area}$. SB2 10" pipe has an equivalence rate of 2.1 sg ft per lin ft. $1200 \text{ sg ft trench area} / 2.1 = 571 \text{ lin ft of trench}$. The plans call for 400 lin ft of trench.

The design flows and other figures for the actual use of the home are as follows. Without seeing the soil analysis I can only use estimates common for the area. Keep in mind the area used is infill soil which will not stabilize for 6-7 years!

Common load rate of .4 soil as follows. The home will sleep up to 30 people as advertized. $30 \times 60 \text{ gpd}$ (as per 19 CRS 20-3.060 of rules book sec 1 under section E sewage flow rates) = 1800 gpd flow. $1800 \text{ gpd} / .4 \text{ load rate} = 4500 \text{ sq ft trench area}$. $4500 \text{ sg ft} / 2.1 \text{ sg ft per lin ft SB2 10" pipe} = 2142 \text{ lin ft of trench}$. The tank capacity is as follows. $1800 \text{ gpd} \times 1.5 + 500 = 3200 \text{ gallons capacity}$.

Exceptional soil loading of .5 is as follows. $1800 \text{ gpd} / .5 = 3600 \text{ sg ft trench}$. $3600 / 2.1 = 1714 \text{ lin ft of trench}$.

Tank

Present system (4 bed)	1300gal	400 lin ft trench	
30 persons	3200gal	.4 load=2142 lin ft trench	.5 load= 1714 lin ft trench
7 bedroom home	1800gal	.4 load=1000 lin ft trench	.5 load=800 lin ft trench

As you can see the system is undersized for just the 7 bedrooms not including up to 30 people for nightly rental. It would be my recommendation an engineered system needs to be designed to handle 7 bedroom home or 30 persons if the Planning Commission approves nightly rental.

On inspection of the property on 10/24/2011 the system alarm was on indicating a failure in the system.

Scott Starrett
On-site Wastewater Permits
Division I&II Inspector
Code Enforcer
Taney County Planning
(417) 546-7225

12-10

**APPLICATION FOR CONCEPT
DIVISION III
TANEY COUNTY PLANNING COMMISSION**

The Concept Application is for the use of the Planning Staff and Commission to enable us to know the nature of the planned project. The official Division III Application for permit will be filed along with everything needed to complete your file, as listed on the Division III Procedure Checklist. Division III Applications: \$150.00, Special Use Applications: \$150.00.

NAME OF PROJECT: HILL HAVEN

NAME OF APPLICANT: GARY SMITH
(Must be owner of record)

SIGNATURE: [Signature] **DATE:** 5/9/12
(Must be owner of record)

MAILING ADDRESS: 2016 KINGS POINT DR CHESTERFIELD, MO 63005

TELEPHONE NUMBER: 314-570-1608

Representative Information

NAME OF REPRESENTATIVE: RUSS SCHEWENK ASSOCIATES LLC
BOB PAULSON

MAILING ADDRESS (rep.): 500 WEST MAIN ST. SUITE 305 BRANSON MO
65616

TELEPHONE NUMBER (rep.): 417-334-7922

Property Information

ACCESS TO PROPERTY (street # and name): 1662 Hill Haven
Road

Number of Acres (or sq. ft. of lot size): 1⁺ AC

PARCEL #: 18-17.0-35-000-000-004.003
(This number is on the top left hand corner of your property tax statement)

SECTION: 35 TOWNSHIP: 22 North RANGE: 22 West

NAME OF SUBDIVISION (if applicable): N/A

Lot # (if applicable) TRACT 2 BLOCK # N/A

WITHIN 600' FROM THIS PROPERTY IS: (Check all land uses that apply)

- ☐ Commercial ☐ Multi-Family ☒ Residential ☐ Agricultural
☐ Multi-Use ☐ Municipality

SEWAGE DISPOSAL SYSTEM:

- ☐ Treatment Plant ☒ Individual
☐ Central Sewer: District # _____

WATER SUPPLY SYSTEM:

- ☐ Community Well ☒ Private Well
☐ Central: District # _____

DOES THE PROPERTY LIE IN THE 100-YEAR FLOOD PLAIN? ☐ Yes ☒ No

THIS REQUEST FALLS INTO ONE OR MORE OF THE FOLLOWING CATEGORIES:

- ☒ Residential ☐ Multi-Family ☒ Commercial ☐ Industrial
☒ Special Use ☐ Other – Explain: _____

Any proposed project that does not have a posted 911 address must be identified with a survey flag at the proposed access to the property. Failure to post the survey flag will result in a delay of the Public Hearing. Please give a description of your proposed project including all uses: (IMPORTANT: Make this description as complete as possible as your public notice will be based on the information provided here.)

THE OWNERS OF 1662 Hill Haven Road, A
RESIDENTIAL HOME, REQUEST THE APPROVAL TO
USE THE HOME FOR WEEKLY RENTALS

**DIVISION III PERMIT
APPLICATION/AFFIDAVIT
TANEY COUNTY PLANNING COMMISSION**

Applicants Name: GREG SMITH Phone: 314-570-1608

Project Name (if applicable): HILL HAVEN

Mailing Address: 2016 KINGSPOINTE DR. CHESTERFIELD, MO 63005

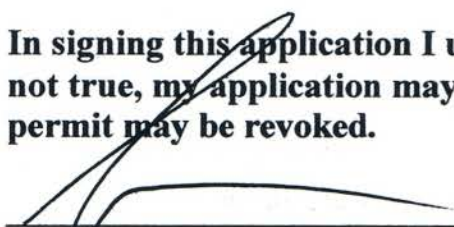
Description of Request: NIGHTLY & WEEKLY ROUNDS IN HOME

Required Submittals: LOCATED: 1662 HILL HAVEN ROAD

- ☐ Typewritten Legal Description of Property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the request
- ☐ 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 of the project which completely demonstrates request
- ☐ Concept hearing conducted (date) _____

All plans subject to Planning Commission approval must be submitted with this application; including but not limited to: sketch/site plan, stormwater management plan, sediment and erosion control plan, wastewater disposal plan, revegetation and planting materials plan, and preliminary plats. It is also the applicant's responsibility to supply the Planning Commission with any other information required for completion of the relative and absolute policy checklists as required by the Taney County Development Guidance Code.

In signing this application I understand that if the information given is not true, my application may not be accepted or approved and that my permit may be revoked.



Applicant's Signature

5/9/12

Date of Application

Hill Haven - Greg Smith - Nightly Rental		Permit#:		12-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
Water Quality					
SEWAGE DISPOSAL	n/a=				
centralized system		2	5	-2	-10
on-site treatment system(s) with adequate safeguards to mitigate pollution		1			
septic system of adequate design and capacity		0			
proposed system may not provide adequate capacity		-1			
proposed solution may cause surface and/or ground water pollution		-2			
Environmental Policies					
SOIL LIMITATIONS	n/a=	x			
no known limitations		0	3		
potential limitations but mitigation acceptable		-1			
mitigation inadequate		-2			
SLOPES	n/a=	x			
NOTE: if residential, mark "x" in box.....					
development on slope under 30%		0	4		
slope exceeds 30% but is engineered and certified		-1			
slope exceeds 30% and not engineered		-2			
WILDLIFE HABITAT AND FISHERIES	n/a=	x			
no impact on critical wildlife habitat or fisheries issues		0	2		
critical wildlife present but not threatened		-1			
potential impact on critical wildlife habitat or fisheries		-2			
AIR QUALITY	n/a=	x			
cannot cause impact		0	2		
could impact but appropriate abatement installed		-1			
could impact, no abatement or unknown impact		-2			
Land Use Compatibility					
OFF-SITE NUISANCES	n/a=				
no issues or nuisance(s) can be fully mitigated		0	5	-2	-10
buffered and minimally mitigated		-1			
cannot be mitigated		-2			
Compatibility Factors					
USE COMPATIBILITY	n/a=				
no conflicts / isolated property		0	4	-2	-8
transparent change / change not readily noticeable		-1			
impact readily apparent / out of place		-2			

Hill Haven - Greg Smith - Nightly Rental		Permit#:		12-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LOT COVERAGE		n/a=	x		
lot coverage compatible with surrounding areas		0	1		
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE		n/a=	x		
bulk / scale less than or equivalent to surrounding areas		0	3		
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS		n/a=	x		
proposed materials equivalent to existing surrounding structures		0	2		
proposed materials similar and should blend with existing structures		-1			
materials differ from surrounding structures and would be noticeable		-2			
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS		n/a=	x		
no rooftop equipment or vents		2	1		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS		n/a=			
no on-site waste containers		2	3	2	6
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.		n/a=	x		
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
LANDSCAPED BUFFERS -- RESIDENTIAL		n/a=	x		
approved landscaped buffer between homes and all streets / roads / highways		2	2		
approved landscaped buffer from major roads / highways only		1			
minimal landscaped buffer, but compensates with expanse of land		0			
no landscaped buffer between residences and local streets		-1			
no landscaped buffer from any road		-2			

Hill Haven - Greg Smith - Nightly Rental		Permit#:	12-10		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LANDSCAPED BUFFERS - INDUSTRIAL		n/a=	x		
approved landscaped buffer from public roads			0	3	
minimal landscaped buffer, but compensates with expanse of land			-1		
no landscaped buffer from public roads			-2		
Local Economic Development					
RIGHT TO FARM		n/a=	x		
does not limit existing agricultural uses / does not cause nuisance, predation			0	3	
does not limit existing agricultural uses, but may result in minor nuisance			-1		
potential impact(s) on existing agricultural land			-2		
RIGHT TO OPERATE		n/a=	x		
no viable impact on existing industrial uses by residential development			0	3	
potential impact but can be mitigated			-1		
potential impact on existing industrial uses with no mitigation			-2		
DIVERSIFICATION		n/a=	x		
creates >=5 full-time, year-round jobs outside of recreation / resort sector			2	5	
creates full-time, year-round and seasonal jobs			1		
creates seasonal jobs only			0		
Site Planning, Design, Occupancy					
RESIDENTIAL PRIVACY		n/a=	x		
privacy provided by structural design, or not applicable			2	2	
privacy provided by structural screening			1		
privacy provided by landscaped buffers			0		
privacy provided by open space			-1		
no acceptable or effective privacy buffering			-2		
MIXED-USE DEVELOPMENTS		n/a=	x		
uses / functions are compatible or not applicable			2	3	
uses / functions are integrated and separated based on compatibility			1		
uses / functions differ minimally and are not readily apparent			0		
uses / functions poorly integrated or separated			-1		
uses / functions mixed without regard to compatibility factors			-2		
Commercial Development					
DEVELOPMENT PATTERNS		n/a=	x		
clustered development / sharing of parking, signs, ingress, egress, or not applicable			2	3	
some clustering and sharing patterns with good separation of facilities			1		
some clustering and sharing patterns with minimal separation of facilities			0		
clustered development with no appreciable sharing of facilities			-1		
unclustered development with no sharing or ability to share facilities			-2		

Hill Haven - Greg Smith - Nightly Rental		Permit#:		12-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
DEVELOPMENT BUFFERING		n/a=	x		
approved and effectively designed landscaped buffers between structures and all roads		2	3		
minimal landscaped buffering, but compensates with expanse of land		1			
minimal landscaped buffering		0			
no landscaped buffering, but utilizes expanse of land		-1			
no or inadequate buffering or separation by land		-2			
Services - Capacity and Access					
TRAFFIC		n/a=			
no impact or insignificant impact on current traffic flows		0	2	-2	-4
traffic flow increases expected but manageable using existing roads and road accesses		-1			
traffic flow increases exceed current road capacities		-2			
EMERGENCY SERVICES		n/a=			
structure size and/or access can be serviced by emergency equipment		0	5	-1	-5
structure size and/or access may impede but not hinder serviceability		-1			
structure size and/or access could be problematic or non-serviceable		-2			
RIGHT-OF-WAY OF EXISTING ROADS		n/a=			
greater than 50 ft. right-of-way		1	5	-1	-5
50 ft. right-of-way		0			
40 ft. right-of-way		-1			
less than 40 ft. right-of-way		-2			
Internal Improvements					
WATER SYSTEM SERVICE		n/a=			
central water system meeting DNR requirements for capacity, storage, design, etc.		2	3	0	0
community well / water system meeting DNR requirements		1			
private wells meeting DNR requirements		0			
private wells not meeting any established standards		-1			
individual / private wells		-2			
EMERGENCY WATER SUPPLY		n/a=			
fire hydrant system throughout development with adequate pressure and flow		0	5	-2	-10
fire hydrant system with limited coverage		-1			
no fire hydrant system		-2			
PEDESTRIAN CIRCULATION INFRASTRUCTURE		n/a=	x		
paved and dedicated walkways (no bicycles) provided throughout development		2	4		
paved walkways provided throughout development / maybe shared with bicycles		1			
designated walkways provided but unpaved		0			
no pedestrian walkways, but green space provided for pedestrian use		-1			
no designated pedestrian walkway areas		-2			

Hill Haven - Greg Smith - Nightly Rental		Permit#:	12-10		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
PEDESTRIAN SAFETY		n/a=	x		
separation of pedestrian walkways from roadways by landscape or structural buffer		2	2		
separation of pedestrian walkways from roadways by open land buffer		1			
pedestrian walkways abut roadways with no buffering / protection		0			
BICYCLE CIRCULATION		n/a=	x		
dedicated / separate bike-ways with signage, bike racks, trails		2	1		
bicycle lanes shared with pedestrian walkways but separated by markings / signs		1			
no designated bike-ways		0			
UNDERGROUND UTILITIES		n/a=			
all utilities are provided underground up to each building / structure		2	4	0	0
all utilities traverse development underground but may be above ground from easement		1			
utilities above ground but / over designated easements		0			
utilities above ground and not within specific easements		-1			
no specific management of utilities		-2			
Open-Space Density					
USABLE OPEN SPACE		n/a=	x		
residential developments (>25 units) include more than 25% open recreational space		2	2		
residential developments (>25 units) offer >10% but <25% open recreational space		1			
recreational area provided, but highly limited and not provided as open space		0			
no designated recreational space provided, but open space available		-1			
no open recreational space provided		-2			
Solid Waste Disposal					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY		n/a=			
weekly service is available and documentation of availability provided		0	5	-1	-5
weekly service reportedly available but not documented		-1			
centralized, on-site trash collection receptacles available		-2			
SOLID WASTE DISPOSAL SERVICE COMMITMENT		n/a=	x		
restrictive covenants provide for weekly disposal for each occupied structure		0	5		
services available but not a requirement documented in covenants		-1			
not applicable / no pick-up service provided		-2			

Total Weighted Score= -51

Maximum Possible Score= 35

Actual Score as Percent of Maximum= -145.7%

Number of Negative Scores= 8

Negative Scores as % of All Applicable Scores= 72.7%

Scoring Performed by:

Bob Atchley / Bonita Kisse

Date:

August 1, 2012

Project: Hill Haven - Greg Smith - Nightly Rental

Permit: 12-10

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	35	-51	-145.7%	8	72.7%

	Max. Possible	As Scored	Number of	Percent
Importance Factor 5	15	-45	6	100.0%
sewage disposal	10	-10		
off-site nuisances	0	-10		
diversification				
emergency services	0	-5		
right-of-way/roads	5	-5		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
Importance Factor 4	8	-8	1	50.0%
slopes				
use compatibility	0	-8		
pedestrian circulation				
underground utilities	8	0		
Importance Factor 3	12	6		
soil limitations				
building bulk/scale				
waste containers screening	6	6		
outdoor equip storage				
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service	6	0		
Importance Factor 2	0	-4	1	100.0%
wildlife habitat and fisheries				
air quality				
building materials				
residential buffer / screening				
residential privacy				
traffic	0	-4		
pedestrian safety				
usable open space				
Importance Factor 1				
lot coverage				
rooftop vents / equipment				
bicycle circulation				

Scoring by: Bob Atchley / Bonita Kissee
Date: August 1, 2012

Project: Hill Haven - Greg Smith - Nightly Rental

Permit#: 12-10

Policies Receiving a Negative Score	
Importance Factor 5:	sewage disposal off-site nuisances emergency services right-of-way/roads emergency water supply waste disposal service
Importance Factor 4:	use compatibility
Importance Factor 3:	none
Importance Factor 2:	traffic
Importance Factor 1:	none

Scoring by: Bob Atchley / Bonita Kissee

Date: August 1, 2012



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

Website: www.taneycounty.org

MINUTES

TANEY COUNTY PLANNING COMMISSION

REGULAR MEETING

MONDAY, AUGUST 20, 2012, 6:00 P.M.

COUNTY COMMISSION HEARING ROOM

TANEY COUNTY COURTHOUSE

Call to Order:

Vice-Chairman Rick Treese called the meeting to order at 6:00 p.m. A quorum was established with seven members present. They were: Rick Treese, Shawn Pingleton, Rick Caudill, Randy Haes, Dave Stewart, Ronnie Melton, and Steve Adams. Mr. Stewart and Mr. Pingleton were late. Staff present: Bob Atchley and Bonita Kisse.

Mr. Atchley read a statement outlining the procedures for the meeting and presented the exhibits.

Review and Action:

Minutes: July 2012, with no additions or corrections a motion was made by Rick Treese to approve the minutes as written. Seconded by Ronnie Melton. The vote to approve the minutes was unanimous.

Final Votes:

Hill Haven: request by Greg Smith to use the existing single family dwelling as a nightly rental located at 1662 Hill Haven Road. Mr. Atchley read the proposed conditions. Mr. Pingleton asked for discussion, there being none, Mr. Stewart made a motion to deny the application on the basis of incompatibility. Seconded by Rick Caudill. No discussion followed. The vote to deny was unanimous. Mr. Pingleton informed Mr. Paulson that a Board of Adjustment appeal would be the next step for the applicant.

Happy Hollow Community Dock Association, LLC. Postponed until next month.

Concepts:

Jakes Lake: a request by Resort Installation Systems, Inc. to place storage containers on the property located at Quebec Road. Eddie Wolfe representing the applicant stated that since the approval the applicant had moved storage containers on the property which weren't approved as part of the original Division III Permit, and that if approval is given, he would paint them and make them look nice. He will put up the privacy fence along the north and east sides of the property. The detention pond is engineered and that due to the economy the applicant has not been able to proceed except to place the containers on the property. Mr. Atchley stated that fencing is usually done prior to construction, and that the structures haven't been started. Mr. Wolfe stated that the containers would be only along the south and east of the property and if

the green houses were built, those containers would be moved. Mr. Pingleton asked if the applicant at this time was in compliance with the previous approval. Mr. Atchley answered that he isn't, and that a stop work order has been issued. Mr. Pingleton reminded Mr. Wolfe that a privacy fence is required between all residential areas. Mr. Melton asked for clarification where the fence is required on this property. Mr. Pingleton asked for a definite number of units planned. Mr. Haes asked if a drainage plan was in place. Mr. Wolfe stated that there is underground piping leading to the detention pond. This project will proceed to public hearing next month.

Branson Landing Zip Line: a request by Darrell Henley to operate a zip line business at Mt. Branson Street. Chris Lucci representing the zip line presented pictures of the project. Headquarters will be located at the Branson Landing, where parking and tickets can be purchased. A chairlift will transport a person to the east side where they will ride the zip line back to the landing. An observation deck will be constructed for people to watch and wait. Mr. Treese asked how far this would be to the nearest residence. Hours of operation have not been set, but would not conflict with the residences. Two cables are planned, but the request will be for double that for future business. Communication has been started with all entities involved in the process. Mr. Pingleton asked that staff obtain written confirmation from the City of Branson that their approval is given. There will be no customer access from the County side. The Planning Commission would like drawings of the emergency access. Mr. Haes reported that the County Road Dept. would grant an easement for over the road. Mr. Atchley asked if any employees would park on the County side. Mr. Lucci stated that maybe some of the employees would park on that side. There will be a restroom constructed there as well. Mr. Caudill would like to see a site plan of how much of the property will be used. This project will proceed to public hearing next month.

Old and New Business:

Mr. Atchley reported on the new pictometry program. Mr. Stewart asked if any change in the Code could be incorporated into the public hearing portion of the meeting. Mr. Atchley stated that it could. Mr. Melton asked if what was being done on the Jake's Lake property was permitted. Mr. Atchley stated that it wasn't.

Adjournment:

With no other business on the agenda for August 20, 2012 the meeting adjourned at 7:00 p.m.



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MINUTES
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
MONDAY, AUGUST 13, 2012, 6:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Shawn Pingleton called the meeting to order at 6:00 p.m. A quorum was established with eight members present. They were: Shawn Pingleton, Rick Treese, Randy Haes, Ray Edwards, Dave Stewart, Steve Adams, Rick Caudill, and Ronnie Melton. Staff present: Bob Atchley and Bonita Kisse.

Mr. Atchley read a statement outlining the procedures for the meeting and presented the exhibits.

Public Hearings:

Hill Haven; a request by Greg Smith to use an existing single family dwelling as a nightly rental located at 1662 Hill Haven Road. The applicant was represented by his attorney Bob Paulson. Four property owners signed up to speak. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Paulson stated that currently the Smith's are trying to sell the house as residential not commercial. The owner is seeking at this time a special use permit to be allowed to rent as a nightly rental in the meantime. In Mr. Paulson's opinion this request is compatible with the surrounding area. He stated that the wastewater system in his opinion is adequate and that it was built different than it was designed, making it adequate to serve 30 to 40 people. Mr. Pingleton stated that if the area below the home is going to be used for parking, it should be included in the request. Mr. Paulson felt that there is enough parking available above this area. He stated that the owner does not want the special use request to extend beyond the point of sale. Mr. Pingleton explained what a special use permit is and confirmed that a special-use permit is issued specifically to the current owner of the property and is non-transferable upon the sale of the property. Monty James who lives on Hill Haven Road presented a letter asking the Planning Commission not to approve this use and if they did, the homeowners felt a precedence would be set. He also stated that it is noisy when rented and disturbs the neighborhood. He also reported that trash is left in the yard and parking lot by the renters. They have a private dock and the renters also disturb that as well. Ms. Afshar who also lives on Hill Haven, stated that the balcony from this home looks onto two of

the neighboring houses and disturbs their privacy when it is rented. Chanel Long who also lives in the neighborhood, stated that there are 13 neighboring residences, and that it is a small quiet neighborhood and people there like to walk and ride bikes. Her fear is the traffic would disturb this and be dangerous. She was also concerned about a precedence being set by approval of the request. Also in Ms. Long's opinion with renting to so many people, you don't know who might be staying there, and was concerned about safety. Ms. Long reminded the Commission that the Code states there is a two acre minimum for septic tanks and that with so much more wastewater being produced there wouldn't be room to take care of all of it. Another concern for Ms. Long was parking for the boat docks and having room enough to navigate through the cars. Mary Burke, who lives next door to this property, stated that this home is big and visible to the neighborhood and whatever goes on there the neighborhood hears and sees. She also stated that the neighbors pick up the trash left by the renters. She pointed out that this home has been listed on the market for three years and how much longer would this use exist if approval is given. Ms. Burke also was concerned about parking, and wastewater disposal. Mr. Paulson addressed the questions, and stated that in his opinion the Code does not address setting a precedence. The balcony, Mr. Paulson pointed out, will be there no matter who rents the house. The wastewater disposal in his opinion, has never had a problem even with renters and presented a report from the company who maintains it. The report stated that when there was a problem it was that someone have stopped up the pipes. He also addressed the size of the house and that you cannot see the people inside. Mr. Melton stated that on the VRBO website this house is rented through June 2013. Mr. Stewart stated that the report states the wastewater system was sized for a 4 bedroom home and that it is actually a 7 bedroom home with more people than normal staying there on a regular basis. Mr. Pingleton discussed the parking lot and asked who is authorized to use the boat dock and parking lot. Mr. Paulson will research this question. Ms. Long stated that each slip is owned by individuals in the neighborhood and there is a dock owners association in place. There is access to the dock through the parking lot. Mr. Atchley presented correspondence from the Corps of Engineers stating that only slip owners are authorized to utilize the boat dock. Mr. Pingleton asked if there is a local person who maintains this business. Mr. Paulson will find this out also. Mr. Edwards asked if there were any other uses of this type in the area. Mr. Atchley answered that there isn't, and that the Code looks at special use as a type of Division III Permit and that the difference is that it doesn't carry over to new owners. Mr. Edwards also discussed problems with others using the dock. He stated that he is not in favor of approval of this request. This project will proceed to final vote next week.

Happy Hollow Community Dock Association, LLC; a request to create public parking for an existing boat dock for at least 2 vehicles located at Lot 31 Williams Point Subdivision off Happy Hollow Road. There was no representative present therefore this project was not heard at this meeting.

Old and New Business:

Mr. Atchley presented the new copies of the subdivision regulations, and copies of the new amendments to the code book. Mr. Haes stated that a portion of the road standards will be changed and entered into the new copy of the subdivision regulations.

Mr. Pingleton stated that he will not be seeking another term on the planning commission after this year.

Adjournment:

With no other business on the agenda for August 13, 2012 the meeting adjourned at 6:54 p.m.



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**MINUTES
TANEY COUNTY PLANNING COMMISSION
REGULAR MEETING
MONDAY, JULY 16, 2012, 6:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE**

Call to Order:

Vice-Chairman Rick Treese called the meeting to order at 6:00 p.m. A quorum was established with seven members present. They were: Rick Caudill, Dave Stewart, Rick Treese, Randy Haes, Ray Edwards, Ronnie Melton, Steve Adams. Staff present: Bob Atchley and Bonita Kissee.

Mr. Atchley read a statement outlining the procedures for the meeting and presented the exhibits.

Review and Action:


Minutes: June 2012, with no additions or corrections a motion was made by Ronnie Melton to approve the minutes as written. Seconded by Rick Caudill. The vote to approve the minutes was unanimous.

Final Vote:

Von Allmen Mini Storage: request to construct mini storage units located at 1600 Sycamore Church Road. Mr. Atchley clarified the request, and read the decision of record. Mr. Stewart asked if an addition could be added to the decision of record that if the applicant requires water and sewer, that the applicant shall connect to Branson Municipal Sewer and Water District #3. Mr. Treese asked about the placement of the fence. Mr. Von Allmen stated that he would use 25' of the property as a buffer. A building will need to be shortened to comply with the buffer. Mr. Caudill asked if the applicant could put an opaque fence next to the residential subdivision. Mr. Edwards discussed compatibility. Discussion followed regarding commercial use being down the road from this request. Mr. Adams discussed moving the entrance back. Mr. Haes stated that some clearing would need to be done at the entrance for the site distance. The rest could be left for buffering purposes. Further discussion followed. Mr. Allmen asked for clarification on the fence. The Commission stated that it wouldn't be necessary for a wood fence in the back. There will be an addition to the decision of record that the opaque fence will join the wood fence joining the residential areas. Also

there will be an addition to the decision of record regarding the entrance and how deep into the property the gate will be. Discussion followed regarding allowing visibility in the front. A motion was made by Rick Caudill to approve based upon the decision of record as written. Dave Stewart seconded. The vote to approve was unanimous.

Concepts:



Hill Haven: a request by Greg Smith to use the existing single family dwelling as a weekly rental located at 1662 Hill Haven Road. Bob Paulson representing the applicant explained the request. He stated that the applicant is trying to sell the property and in the mean time rent out the property as nightly rental. Mr. Paulson pointed out that there are a lot of nightly rentals in the area which have not been permitted. Mr. Treese asked how many residential properties surround the site. Mr. Atchley stated that there are a few very large scale homes in the area and there is vacant land between them. Mr. Atchley pointed out that the wastewater system might not be large enough to accommodate a large number of people. Mr. Paulson stated that if it was big enough for a large family it could accommodate the renting of the property in his opinion. Mr. Stewart stated that some are not sized for a surge in the flow, and wanted to know what kind of system was installed. Mr. Paulson will find out and get back to the Commission on that. With no other questions, this project will proceed to public hearing next month. Mr. Paulson will have answers regarding, number of bedrooms, parking, use of dock space, and type of wastewater treatment.

Happy Hollow Community Dock Association, LLC: a request to create public parking for an existing boat dock for at least 2 vehicles located at Lot 31 Williams Point Subdivision off Happy Hollow Road. Mr. Haney explained the request and stated that the Corps of Engineers will not issue a permit until they get Planning Commission approval. In his opinion there will be little or no one parking in the lot, because it is a small dock and the people who use it live there. This is not a commercial dock. Mr. Atchley reported that a permit was previously issued for the original parking lot. Mr. Caudill and Mr. Haes pointed out that since an entrance to the lot will come off a County Road a permit should be issued by the road department. With no other questions, this project will proceed to public hearing next month.

Old and New Business:

Mr. Atchley updated the Commission on the previous meeting and upcoming County Commission meeting regarding the subdivision regulations.

Adjournment:

With no other business on the agenda for July 16, 2012 the meeting adjourned at 6:50 p.m.

Greg Smith BOA Appeal





TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: December 19, 2012

CASE NUMBER: 2012-0009V

APPLICANTS: David & Christine Shaw

REPRESENTATIVE: Thomas Holman

LOCATION: The subject property is located at 188 Longshore Drive, Blue Eye, MO (Lot 33 of Williams Landing); Cedar Creek Township; Section 3, Township 21, Range 22.

REQUEST: The applicants, David & Christine Shaw are requesting a variance from Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 25' front property line setback requirement, in order to allow for the construction of a single-family residence.

BACKGROUND and SITE HISTORY:

The subject property is described as Lot 33 of the Williams Landing Subdivision.

On August 5, 1992 the Board of Adjustment granted a variance allowing for private roads with a 30 foot right-of-way width. On August 10, 1992 Division III Permit # 1992-0151 was approved by the Planning Commission allowing for the development of a 39 lot residential subdivision. The Williams Landing Subdivision Plat was filed with the Recorder of Deeds office on February 16, 1995. A copy of the subdivision plat has been enclosed in the Board's packet.

The property owner is planning to apply for a Division I Permit, allowing for the construction of a single-family residence, upon the rendering of the decision on the variance application.

The property will be served by an existing community wastewater treatment system and private well.

GENERAL DESCRIPTION:

The subject property is described as Lots 33 of the Williams Landing Subdivision.

The applicants, David & Christine Shaw are seeking a variance from the provisions of Section 7, Table 1 of the Taney County Development Guidance Code concerning the required front of lot setback. Per the provisions of Section 7, Table 1, a structure is required to be setback 25' from the front property line adjoining the road. Measurements to the structure are made to the portion of the structure that is closest to the property line. The applicants are requesting an 8' front setback variance, allowing the single-family residence to be constructed within 17' of the front property line.

REVIEW:

The applicants are requesting an 8' front setback variance, allowing the single-family residence to be constructed within 17' of the front property line. The buildable space within the property is limited due to both the curvature of Longshore drive and the existing on site topography.

The applicant was also required to obtain a setback variance from the Williams Landing Property Owners Association. The property owners association has granted the variance from their setback provisions, which are more restrictive than the setbacks within the Development Guidance Code.

The topography of the site is such that it falls off rapidly from the front of the property to the rear of the lot.

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 of 8 feet from the front property line adjoining Longshore Drive, allowing for the construction of a single-family residence that will be located 17 feet from the front 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 Taney County Development Guidance Code).

417-339 4210 Fax

#129



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: 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 11-15-12

Applicant DAVID SHAW

Phone 303-641-9570

Address, City, State, Zip 66 Glenarber Cr Longmont CO. 80501

Representative THOMAS HOLMAN

Phone 417-337-3907

Owner of Record DAVID SHAW

Signature: [Signature]

Name of Project: NEW RESIDENCE

Section of Code Protested: (office entry)

Address and Location of site: 188 Longshore Drive (Lot 33)

Blue Eye, Mo

Subdivision (if applicable) WILLIAMS LANDING

Section 3 Township 21 Range 22 Number of Acres or Sq. Ft. ~ 10,000 Sq Ft

Parcel Number 19-2.0-03-003-001-061.000

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.

Yam-

007 Amanda Rd.
Bozeman, Mo.
65739

Describe in detail the reason for your request:

LOT 33 IS EXCEPTIONALLY SHALLOW + NARROW
AS WELL AS STEEP. THE TOPOGRAPHY
FALLS OFF FAST FROM THE FRONT
PROPERTY PINS AND THEN FALLS AT
AN EVEN STEEPER SLOPE TOWARD THE
REAR OF THE LOT. WE ARE ASKING
TO ENCROACH ON FRONT SETBACK BY 8'
ON NORTH FRONT CORNER OF RESIDENCE.

VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board Of Adjustment.

Christine Shaw
Signature of Applicant

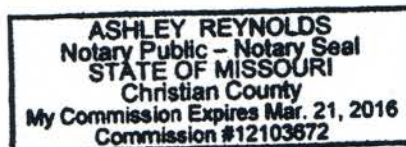
11/9/2012
Date of Application

STATE OF MISSOURI)
COUNTY OF TANEY)

S.S. On this 9th day of November, 2012.

Before me Personally appeared Christine Shaw, to me known to be the person described in and who executed the foregoing instrument.

In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire ~~3/21/14~~ 3/21/16



Ashley Reynolds
~~Bonita Kisse~~, Notary Public
Ashley Reynolds

Slide D #7
page 370

A TRACT OF LAND SITUATED IN THE NW1/4 OF THE SW1/4 OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 22 WEST OF THE 5th PRINCIPAL MERIDIAN TANEY COUNTY, MISSOURI.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE N1/2 OF THE SW1/4 OF THE SW1/4 OF THE NW1/4 OF THE SW1/4; THENCE N 154°38' E, ALONG THE WEST LINE OF SAID NW1/4 SW1/4, 862.12 FEET; THENCE S 86°22'21" E, 820.49 FEET; THENCE S 12°50'22" W, 853.04 FEET; THENCE N 86°07'12" W, 856.43 FEET TO THE POINT OF BEGINNING, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN A MANNER AS SHOWN HEREON; AND SAID SUBDIVISION IS TO BE HEREAFTER KNOWN AS WILLIAM'S LANDING SUBDIVISION. ALL UTILITY EASEMENTS ARE HEREBY DEDICATED. ALL ROADS ARE HEREBY DEDICATED TO THE PROPERTY OWNERS ASSOCIATION.

IN TESTIMONY WHEREOF, THE UNDERSIGNED HAVE HEREUNTO SET THEIR
HANDS AND SEAL THIS 16th DAY OF Feb.

QUAY DEVELOPMENT, INC.

Mary P. Quay President
MARY P. QUAY, PRESIDENT

ATTEST: William S. Quay, Jr. Sec.
WILLIAM S. QUAY, JR., SECRETARY

NOTARIZATION
STATE OF MISSOURI

ON THIS 1st DAY OF February, 1994, BEFORE ME
PERSONALLY CAME MARY P. QUAY, PRESIDENT OF QUAY DEVELOPMENT,
INC., A MISSOURI CORPORATION, WHOM BEING DULY SWORN, DID SAY
THAT SHE IS THE PRESIDENT OF QUAY DEVELOPMENT, INC., AND AS
SUCH OFFICER DID EXECUTE THE WITHIN INSTRUMENT ON BEHALF OF
SAID CORPORATION, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME
TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED
MY OFFICIAL SEAL AT MY OFFICE IN Benson, AZ
THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY COMMISSION AS NOTARY PUBLIC WILL EXPIRE ON THE 14th DAY
OF April 1994

NOTARY PUBLIC — NOTARY SEAL
STATE OF MISSOURI
CHRISTIAN COUNTY
MY COMMISSION EXPI. APR. 14, 1997

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 16th
DAY OF FEBRUARY, 1995.

CHAIRMAN *Anthony D. ...*

OFFICE OF TANEY COUNTY RII ADMINISTRATOR


APPROVED BY THE OFFICE OF TANEY COUNTY BII ADMINISTRATOR
THIS DAY OF July, 1993.

Sammy Ingraham
CHAIRMAN

NOTE:

RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED
IN THE RECORDS OF TANEY COUNTY, MISSOURI RECORDER'S OFFICE IN
BOOK 337, AT PAGE 2393-2403

ALL LOTS ARE SUBJECT TO A 10 FOOT UTILITY EASEMENT ALONG ALL ROADWAYS.



 EDDIE D. WOLFE L.S. 2190
 DIANE KAY DIEBOLD L.S. 2424
 KENNETH J. BUCHANAN L.S. 2340

COE C-314-4
NE CORNER
W1/2 SW1/4 NE1/4
SEC. 3, T21N, R22W

FILED
1995 FEB 16 PM 3:38
KATLON

NAME: BLANDSON
 COURT CLERK & EX-REC'D REGISTRAR
 TANEY COUNTY
 DESCRIPTION REFERENCE SOURCE:
 SURVEY BY MIDWEST SURVEYORS
 DATE: JUNE 11, 1992
 JOB No. 92-5351
 BY: L.S.1458

RECORDING FEE 0.31.00
STATE USER FEE \$4.00
TOTAL \$ 38.00

TOTAL ACREAGE = 14.45 AC.
TOTAL ACREAGE IN LOTS = 12.39 AC.
TOTAL ACREAGE IN ROAD = 2.06 AC.

GRAPHIC SCALE



(IN FACT)

THIS SURVEY DOES NOT
VIOLATE THE RULES AND
REGULATIONS OF THE TANEY
COUNTY DEVELOPMENT CODE.

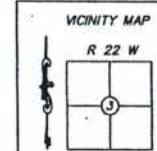
NAME TABLE: *R. M. C. Ash*

CENTERLINE CURVE TABLE:

CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	45.90'	60.18'	35.29'	7506.42'
2	553.72'	66.31'	33.29'	0652.54'
3	1097.45'	93.66'	46.86'	0453.24'
4	683.16'	73.88'	36.98'	0611.47'
5	40.46'	63.19'	40.09'	8928.37'
6	623.16'	70.56'	35.32'	0629.15'
7	109.92'	41.62'	21.06'	2141.46'
8	48.11'	19.66'	9.96'	2235.51'
9	130.35'	71.08'	36.45'	3114.40'
8	554.35'	94.04'	47.13'	0943.10'
10	667.89'	126.37'	63.37'	1030.27'
11	42.50'	107.02'	131.87'	14476.26'
12	170.98'	54.13'	27.29'	18708.16'
13	68.57'	36.48'	18.68'	3029.00'
14	54.13'	28.99'	14.85'	3040.58'
15	208.54'	49.88'	25.06'	1342.11'
16	313.73'	61.24'	30.72'	1171.01'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF:
WILLIAM QUAY, I HAVE MADE AN ACTUAL
AND ACCURATE SURVEY OF THE LAND DESCRIBED
HEREON AND FOUND THE CONDITIONS TO BE AS
INDICATED. IN MY OPINION THIS IS IN ACCORDANCE
WITH MISSOURI MINIMUM STANDARDS.



BASIS OF BEARINGS: WEST LINE NW1/4 SW1/4
 SCALE: 1" = 60' BRG = N 01°49'21" E

LEGEND

- : EXISTING IRON PIN
- : SET 1/2" IRON PIN
- : EXISTING STONE
- △ : CORPS MONUMENT
- : P.C., P.T., or P.I.

REFERENCES:

SURVEYED FOR: WILLIAM AND MARY QUAY	
ROZELL SURVEY CO. EDDIE D. WOLFE, LS DIANE KAY DIEBOLD, LS KENNETH J. BUCHANAN, LS	
HCR 2 BOX 2036-L BRANSON, MISSOURI 65616	PHONE: (417) 334-4141 FAX: (417) 334-4181
DATE: 02-14-95	W.O.# 10453

Slide D
page 370 #71

WILLIAM'S LANDING SUBDIVISION

IN THE NW 1/4 OF THE SW 1/4 OF SECTION 3
TOWNSHIP 21 NORTH, RANGE 22 WEST, OF 6TH PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
FINAL PLAT

DESCRIPTION AND EXECUTION OF PLAT:

THE UNDERSIGNED, QUAY DEVELOPMENT, INC., A MISSOURI CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED LAND:
A TRACT OF LAND SITUATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 21 NORTH, RANGE 22 WEST OF THE 6TH PRINCIPAL MERIDIAN, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF THE NW 1/4 OF THE SW 1/4; THENCE N 15°30' E, ALONG THE WEST LINE OF SAID NW 1/4 SW 1/4, 82.13 FEET; THENCE S 87°22' E, 82.04 FEET; THENCE S 12°02' W, 83.04 FEET; THENCE N 80°17' E, 80.43 FEET TO THE POINT OF BEGINNING, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN A MANNER AS SHOWN HEREON, AND SAID SUBDIVISION IS TO BE HEREAFTER KNOWN AS WILLIAM'S LANDING SUBDIVISION. ALL UTILITY EASEMENTS ARE HEREBY DEDICATED. ALL LANDS ARE HEREBY DEDICATED TO THE PROPERTY OWNERS ASSOCIATION.

IN TESTIMONY WHEREOF, THE UNDERSIGNED HAVE HEREUNTO SET THEIR HANDS AND SEAL THIS 16 DAY OF FEBRUARY, 1995.
QUAY DEVELOPMENT, INC.

Mary P. Quay President
MARY P. QUAY, PRESIDENT

ATTEST: *William J. Quay*
WILLIAM J. QUAY, SECRETARY

NOTARIZATION

STATE OF MISSOURI
COUNTY OF TANEY
ON THIS 16 DAY OF February, 1995, BEFORE ME PERSONALLY CAME MARY P. QUAY, PRESIDENT OF QUAY DEVELOPMENT, INC., A MISSOURI CORPORATION, WHO BEING DULY SWORN, DID SAY THAT SHE IS THE PRESIDENT OF QUAY DEVELOPMENT, INC., AND AS SUCH OFFICER DID EXECUTE THE WITHIN INSTRUMENT ON BEHALF OF SAID CORPORATION, AND DULY ACKNOWLEDGED THE EXECUTION OF SAME TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED MY OFFICIAL SEAL AT MY OFFICE IN TANEY COUNTY, MISSOURI, THE DAY AND YEAR FIRST ABOVE WRITTEN.
MY COMMISSION EXPIRES APRIL 14, 1997
NOTARY PUBLIC

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 11 DAY OF February, 1995.

Sherry R. De
CHAIRMAN

OFFICE OF TANEY COUNTY #11 ADMINISTRATOR

APPROVED BY THE OFFICE OF TANEY COUNTY #11 ADMINISTRATOR THIS DAY OF February, 1995.

Sherry R. De
CHAIRMAN

NOTE:

RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY, MISSOURI RECORDER'S OFFICE IN BOOK 391, AT PAGE 325A-325C.

ALL LOTS ARE SUBJECT TO A 10 FOOT UTILITY EASEMENT ALONG ALL ROADWAYS.



Eddie D. Wolfe L.S. 2190
DIANE KAY DIEBOLD L.S. 2424
KENNETH J. BUCHANAN L.S. 2340

FILED
1995 FEB 16 PM 3:36
KATY: CLARENCE
COUNTY CLERK
TANEY COUNTY
DESCRIPTION REFERENCE SOURCE:
SURVEY BY MIDWEST SURVEYORS
DATE: JUNE 11, 1992
JOB NO. 92-5351
BY: L.S.1458

RECORDING FEE \$33.00
STATE USER FEE \$4.00
TOTAL \$37.00

TOTAL ACRES = 14.45 AC.
TOTAL ACRES IN LOTS = 12.30 AC.
TOTAL ACRES IN ROAD = 2.08 AC.

GRAPHIC SCALE



(IN FEET)
1 inch = 60 feet

THIS SURVEY DOES NOT VIOLATE THE RULES AND REGULATIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

R. M. C. Hall

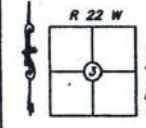
CENTERLINE CURVE TABLE:

CURVE	RADIUS	LENGTH	TANGENT	DELTA
1	43.90'	60.18'	33.29'	75°08'42"
2	53.72'	66.31'	33.29'	08°52'54"
3	1097.45'	83.68'	46.86'	04°53'24"
4	683.18'	73.88'	36.98'	08°11'42"
5	40.45'	63.17'	40.08'	89°29'37"
6	623.18'	73.88'	36.98'	08°29'13"
7	129.82'	41.82'	21.08'	71°41'48"
8	48.11'	18.88'	9.88'	22°35'31"
9	130.35'	71.08'	36.45'	31°14'40"
10	354.35'	94.04'	47.13'	09°43'10"
11	667.89'	128.37'	63.37'	10°30'27"
12	42.50'	107.02'	131.87'	144°16'26"
13	170.98'	54.13'	27.29'	18°08'16"
14	68.57'	36.48'	18.68'	30°29'00"
15	34.13'	28.99'	14.85'	30°40'58"
16	208.54'	48.85'	25.06'	13°42'11"
17	313.75'	61.24'	30.72'	11°11'01"

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF: WILLIAM QUAY, I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS IS IN ACCORDANCE WITH MISSOURI MINIMUM STANDARDS.

LOCATION MAP



BASIS OF BEARINGS: WEST LINE NW 1/4 SW 1/4
SCALE: 1" = 60'
BRG = N 01°49'21" E

SURVEYED FOR: WILLIAM AND MARY QUAY

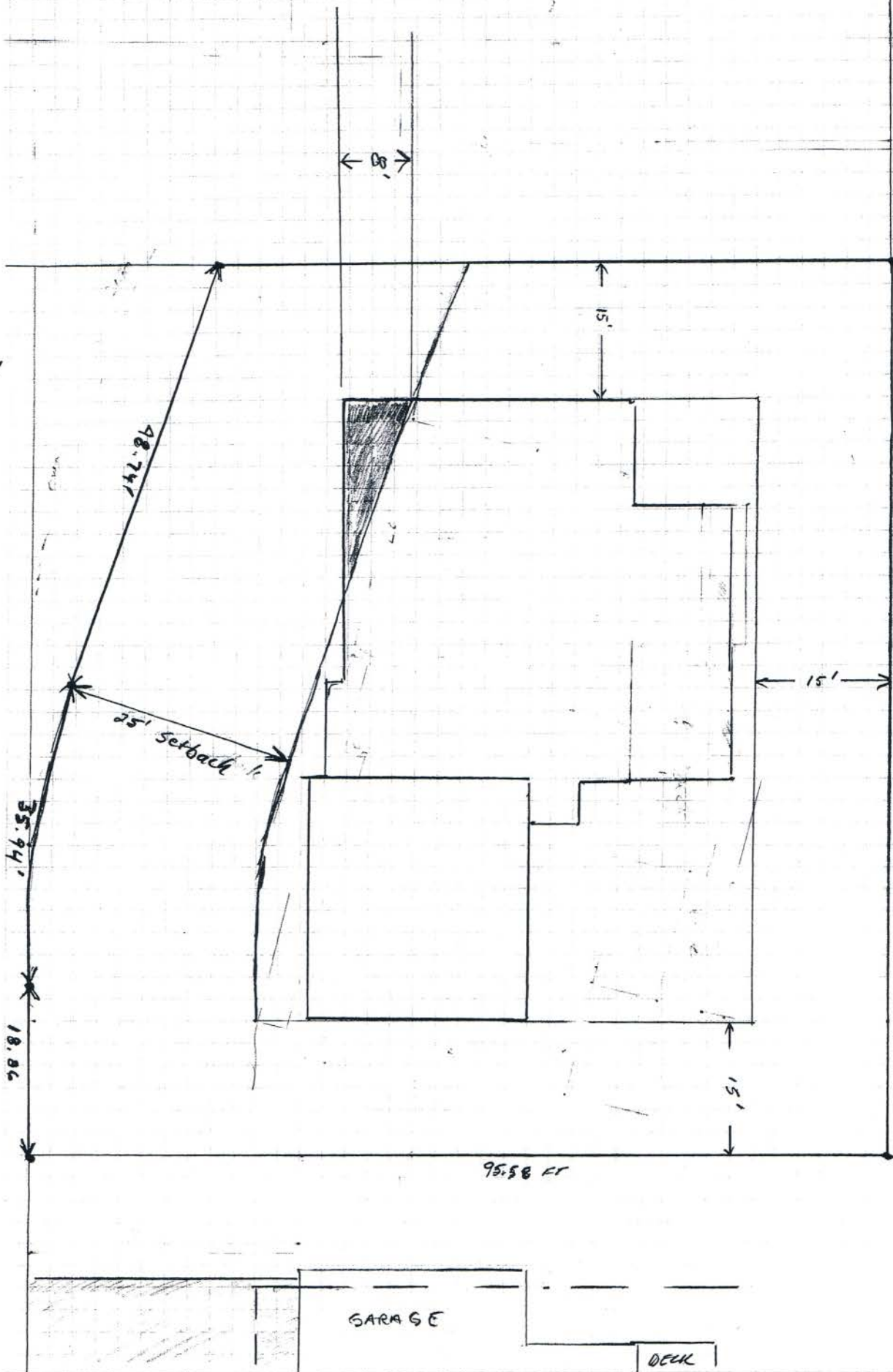
ROZELL SURVEY CO.
EDDIE D. WOLFE, LS
DIANE KAY DIEBOLD, LS
KENNETH J. BUCHANAN, LS

HOR 2 BOX 2030-L PHONE: (417) 334-4141
BRANSON, MISSOURI 65616 FAX: (417) 334-4181

DATE: 02-14-95 W.O.# 10453

Lot 33, Williams' Kennels

front of lot







TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, NOVEMBER 21, 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, Dave Nelson, and Mark Weisz. 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 before their respective hearings.

Public Hearing:

Mike and Sharon Walker; a request for a variance from Section 7 Table 1 (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 25' front property line setback requirement, in order to allow for the construction of a 3,400 sq. ft. single-family residence located in the A.B. Fine Subdivision, Cedar Creek. Mr. Atchley read the staff report and presented location maps and a video of the site. The contractor, Mr. Haney, representing the applicant was present to address questions from the Board. He stated that the applicant wishes to align this house with the others on the street and that if the house is moved back it would be too close or over the power line in the back. With no discussion a motion was made by Dave Nelson to approve based upon the decision of record. Seconded by Bob Hanzelon. The vote to approve was unanimous.

Mr. Haney stated that all of the houses on the street encroached in to the setback area, because this road has a 70' right of way. He wondered if that could be changed to a 50' row. Mr. Atchley suggested he ask the County Commission.

Review and Action:

With no additions or corrections, a motion was made by Dave Nelson to approve the minutes as written. Seconded by Bob Hanzelon. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported on the December 3, 2012 Planning Commission worksession. Mr. Weisz asked that copies of the proposed amendments be mailed to them.

Adjournment:

With no other business on the agenda for November 21, 2012 the meeting adjourned at 7:21 p.m.