



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, MAY 15, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

Public Hearings:

*Tri-Sons Properties
Shawn Collins*

Review and Action:

Minutes, April 2013

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT

APPEAL STAFF REPORT

HEARING DATE: May 15, 2013

CASE NUMBER: 2013-0002A

APPLICANT: Tri-Sons Properties LLC (Steven Creedon)

LOCATION: The subject property is the Oakbrook Estates, Phase 3 Subdivision, served by Oak Brook Estates Road, Walnut Shade, MO, off of State Highway 176, in the Jasper Township; Section 21, Township 24, Range 21.

REQUEST: The applicant, Tri-Sons Properties LLC (Steven Creedon) is seeking a variance from the provisions of Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations, regarding the requirement that, “A. Unless otherwise approved by the Planning Commission, all streets shall be public streets.” and “B. Public Streets shall be designed and constructed in accordance with the Taney County Road Standards.”

BACKGROUND and SITE HISTORY:

On December 19, 2005 the Taney County Planning Commission approved Division III (Land-Use) Permit # 2005-0054 allowing for the development of +/- forty (40) acres into a thirty-seven (37) lot residential subdivision, later to be referenced as Oakbrook Estates. The original developer of the property was Jeff Pascoe. A copy of the Decision of Record for Division III Permit # 2005-0054 has been attached.

On June 15, 2007 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 1, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating a six lot, residential subdivision, to be served by a community well (with a platted well lot) and a Missouri Department of Natural Resources (MoDNR) permitted wastewater treatment plant. At the time of this plat approval, the Taney County Road Standards were cited as Appendix H of the Taney County Development Guidance Code. Per the provisions of the Road Standards in effect in 2007 (Appendix H), the minimum requirements for residential streets was a gravel surface, as denoted in Table 9 (Minimum Design Standards for Highways, Roads and Streets). A copy of the Final Plat of Oakbrook Estates and Appendix H, Table 9 of the Taney County Development Guidance Code have both been attached.

On July 6, 2009, the Taney County Commission adopted the Taney County, Missouri Road Standards. This “stand alone” set of standards was developed to provide the minimum criteria for the construction of roads within Taney County. Per the provisions of Table 2.3 (Road Surfacing) roads with a lot size of “less than 2-Acres” are to be constructed with either an asphalt or concrete surface. Please note that a copy of Table 2.3 of the Road Standards has been attached.

In November 2010 Tri-Sons Properties, LLC (Steven Creedon) purchased the unplatted portion of property that had originally received land-use approval via Division III Permit # 2005-0054, for the remainder of the +/- forty (40) acre tract of land, including the wastewater treatment plant and well lot. On November 19, 2012, this Special Warranty Deed in question was filed with the Recorder of Deeds office.

On October 28, 2011 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 2, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating an additional four (4) lots within the residential subdivision. At the time of this plat approval, the Taney County Road Standards were found both within Appendix H of the Taney County Development Guidance Code and also as the stand alone Taney County, Missouri Road Standards. Per the provisions of Appendix H, the minimum requirements for residential streets was a gravel surface, as denoted in Table 9 (Minimum Design Standards for Highways, Roads and Streets). This Final Plat was therefore approved with a gravel street serving the four (4) lots in question.

On July 19, 2012 the Taney County Commission amended Appendix L (formerly Appendix H – Road Standards), by County Commission Order, via an advertised, public hearing process, upon a recommendation of the Planning Commission. This amendment removed the road and access standards from the Development Guidance Code and referenced the current published standards set forth in the adopted Taney County, Missouri Road Standards.

On July 19, 2012 the Taney County Commission also adopted the Subdivision Regulations of Taney County, Missouri via order, resulting in the separation and removal of the subdivision regulations from the Development Guidance Code. From July 19, 2012 forward, this stand alone set of regulations governs subdivision of land, including the specific requirements for plats, within the unincorporated portion of Taney County.

In late March of this year Steve Creedon the owner of Tri-Sons Properties, LLC submitted the Final Plat of Oakbrook Estates, Phase 3 to the Planning Department. Upon review of the plat and after making a site visit with Randy Haes (Road & Bridge Administrator) it was determined that the portion of the road (Oak Brook Estates Lane) as shown within Oakbrook Estates, Phase 3 would be required to be upgraded in order to ensure compliance with the provisions of the Taney County Road Standards. I indicated in writing to the applicant that he would either be required to build this segment of roadway per the provisions of the Taney County Road Standards or he would be required to provide an appropriate security for the costs associated with the required road improvements. The applicant immediately indicated that he would **not** build this segment of roadway per the Taney County Road Standards and would **not** provide the required security. Mr. Creedon then sought to meet with the Taney County

Commission to request that the Commission allow him to construct the remainder of Oak Brook Estates Lane with a gravel surface versus the asphalt surface required via the Road Standards. The County Commission did not meet with Mr. Creedon. However, the Commission did request that the Planning Administrator indicate to Mr. Creedon that he would have the right to appeal the decision of the Planning Administrator to the Taney County Board of Adjustment.

On March 28, 2013 the Taney County Planning Administrator approved the Final Plat of Oakbrook Estates, Phase 3, on behalf of the Taney County Planning Commission. This Final Plat was filed with the Recorder of Deeds Office creating an additional six (6) lots within the Oakbrook Estates residential subdivision. The applicant provided the Planning Department office with an Irrevocable Standby Letter of Credit for the costs associated with required improvements (\$11,000.00) to that segment of Oak Brook Estates Lane as required per both the provisions of the Taney County Subdivision Regulation and the Taney County Road Standards.

However, immediately after this final plat was approved, Mr. Creedon submitted an application to the Planning Department seeking to appeal the decision of the Planning Administrator, requiring the roadway in question to be built to county standards. Approximately one week before the April BOA Hearing the staff consulted with Mr. Creedon via telephone concerning the nature of his request. Mr. Creedon had verbally requested an appeal but the application itself appeared to indicate that the request was actually a variance. On April 17, 2013 the Board of Adjustment heard this appeal request. During the hearing, the Board of Adjustment indicated to Mr. Creedon that they would be willing to hear the request as a variance on May 15, 2013, if the applicant was willing to withdraw his appeal request. Mr. Creedon formally withdrew his appeal request during the April 17th BOA Hearing.

GENERAL DESCRIPTION:

The subject property is the property platted as Oakbrook Estates, Phase 3. However in the description included with the application the applicant also appears to indicate that he is seeking a variance from the Subdivision Regulations and the Road Standards for the entire meets and bounds described remainder that has yet to be platted as additional phases of the Oakbrook Estates Subdivision.

REVIEW:

The applicant is seeking a variance from the provisions of Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations, in order to allow all of the remaining phases of the Oakbrook Estates Subdivision to be served by a gravel road.

The approval of the Final Plats of Oakbrook Estates, Phases 1 & 2 each fell under the provisions of Table 9, Appendix H (Road Standards) of the Taney County Development Guidance Code, which at that time required residential streets to be built to a minimum standard of having a gravel surface. Therefore, Oak Brook Estates Lane met the minimum requirements at the time of the platting of the first two phases.

However, as of July 19, 2012, upon the adoption of the Taney County Subdivision Regulations, the approval of any Final Plat, including Oakbrook Estates, Phase 3, is governed by the provisions of the Subdivision Regulations. Article 8, Section 2 of the Subdivision regulations states via item A., "unless otherwise approved by the Planning Commission, all streets shall be public streets." These provisions state secondly via item B. that, "Public streets shall be designed and constructed in accordance with the Taney County Road Standards."

Therefore deviations from this requirement would be looked upon as a variance from the provisions of both the Subdivision Regulations and the Road Standards. Section 2, Table 2.3 of the Road Standards requires all new roads serving lots "Less than 2 Acres" to be constructed with either an asphalt or concrete surface." Per these same provisions, gravel surfaced roads are only allowed in instances in which the lots being served are "Greater than 5 acres".

Per the provisions of Section 3 of the Road Standards, "All design requirements will be strictly adhered to unless written justification for a design variance is presented to and approved by Taney County prior to plat approval." This section further states that, "Should a request for design variance occur after plat approval, and this causes nonconformance with the plat, the Planning and Zoning Commission and the Taney County Commission will have to approve the amendment to the plat." In signing the plat for Oakbrook Estate, Phase 3, Mr Creedon has certified that "all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within 24 months after the date below) has been assured by the posting of a performance bond or other sufficient surety." This bond amount was based upon the road in question being built with an asphalt surface in compliance with the Taney County Road Standards.

The applicant has indicated the following as the reasoning for his request, "In this economy, there is no way to continue with improvements on this subdivision if I pave with 5" of asphalt, I therefore request all of Oakbrook Estates be granted gravel road.

STATUTORY REQUIREMENTS OF VARIANCE 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 appeal of the Planning Administrator's decision to require Oak Brook Estates Lane to be constructed with either an asphalt on concrete surface, in compliance with the Taney County Subdivision Regulations and the Taney County Road Standards, the following requirements shall apply, unless revised by the Board:

1. Approval of a variance from the provisions of Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations, allowing for the construction of Oak Brook Estates Lane with a gravel surface.
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).



TANEY COUNTY PLANNING COMMISSION

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April 19, 2013

Steve Creedon
PO Box 1700
Hollister, MO 65673

Dear Mr. Creedon:

On April 17, 2013 the Taney County Board of Adjustment, by unanimous vote, allowed for your withdrawal of Appeal Number 2013-0002A, allowing for the application in question to now be reviewed and considered by the Board of Adjustment as a variance request. The Planning Department office is willing to accept your original Application and Affidavit as your current Variance Application and Affidavit, seeking a variance from the provisions of Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations. Bonita Kisseh has attached a Schedule Letter for the May 15, 2013 Board of Adjustment Public Hearing, indicating the time and date of your public hearing and your notification requirements.

Please feel free to contact the Planning Department Office with questions or concerns. Thank you for your time and assistance.

Sincerely,

Bob Atchley
Taney County Planning Administrator

BK0486PG3721



RECORDED
REC. FEE: 38.00
NON-STD FEE:
PAGES: 3

ROBERT A. DIXON, RECORDER
OF TANEY COUNTY, MO, DO HEREBY
CERTIFY THAT THE WITHIN
INSTRUMENT OF WRITING, WAS
ON 12/19/2005 AT 12:26:05PM
FILED FOR RECORD AND IS
ON FILE IN THE RECORDS OF
THIS OFFICE BOOK 486
PAGE 3721-3723
HEREOF, I HAVE HEREUNTO
SET MY HAND AND AFFIXED MY
OFFICIAL SEAL AT FORTY, MO,

Diane Spatward DEPUTY

TANEY COUNTY PLANNING COMMISSION ✓
DIVISION III DECISION OF RECORD
DECEMBER 19, 2005
OAK BROOK ESTATES
PERMIT #05-54

On December 19, 2005 the Taney County Planning Commission (grantor) approved a request by Jeff Pascoe to develop 40-acres into a 37 lot residential subdivision. In accordance with this approval a Division III Permit #05-54 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

Jeff Pascoe is authorized to subdivide 40.68 acres for a 37 lot residential subdivision located off St. Hwy. 176. With seven out of nine Planning Commissioners present the vote to approve was six in favor and one abstension. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
 - b. Stormwater management (Appendix B Item 3)
 - c. Land grading permit (Appendix B)
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks (Table 12)
 - f. Improvements with scale of streets, onsite parking and utilities (Table 6)
2. Compliance letters from the Fire, Sewer, and Water Districts (Chapter VI-VII)
3. Division I Permits will be required for all applicable structures in the development (Chapter 3 Sec. 1 Item 1)
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter III Item 6)

Legal description attached

DESKRPTION OAKBROOK ESTATES PHASE 2

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 26 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 602.12 FEET, TO THE NORTHEAST CORNER OF LOT 35, OAKBROOK ESTATES PHASE 2, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES PHASE 2 AS FOLLOWS: THENCE N 88°51'02" W, A DISTANCE OF 225.34 FEET; THENCE S 01°08'58" W, A DISTANCE OF 17.84 FEET; THENCE N 88°51'02" W, A DISTANCE OF 174.60 FEET, TO THE NORTHWEST CORNER OF LOT 4 OF SAID OAKBROOK ESTATES PHASE 2; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 342.91 FEET; THENCE S 88°45'17" E, A DISTANCE OF 306.74 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 324.71 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3.05 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

TRACT 1: All of the Southeast Quarter of the Northeast Quarter of Section 21, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri

TRACT 2: A portion of the Southwest quarter of the Northwest quarter of Section 22, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri, that portion being more particularly described as follows:

Beginning at an aluminum monument marking the Southwest corner of the Southwest quarter of the Northwest quarter of said Section 22; thence N0°04'05"W along the West line thereof a distance of 50.00 feet; thence S89°25'10"E a distance of 795.88 feet; thence N53°17'00"E a distance of 49.69 feet; thence S89°25'10"E a distance of 100.58 feet to the West right-of-way line of Missouri State Highway 176; thence S15°33'00"E along said right-of-way line a distance of 52.05 feet; thence N89°25'10"W a distance of 98.17 feet; thence S53°17'00"W a distance of 49.69 feet to the South line of the Southwest quarter of the Northwest quarter of said Section 22; thence N89°25'10"W along said South line a distance of 812.19 feet to the Point of Beginning.

Also a parcel of land situated in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 22, Township 24 North, Range 21 West of the 5th Principal Meridian, Taney County, Missouri, being more particularly described as follows:

Commencing at an existing aluminum monument marking the Southwest corner of the SW¼ of the NW¼ of Section 22; thence North 01°11'48" East, along the West line of the SW¼ of the NW¼, a distance of 50.17 feet to an existing ½" iron pin set by LS 1890; thence South 88°07'59" East, a distance of 730.92 feet to the Point of Beginning; thence North 75°42'52" East a distance of 205.40 feet to a point on the westerly right-of-way line of M.S.H.D. Route 176; thence South 14°17'08" East, along the westerly right-of-way line of M.S.H.D. Route 176, a distance of 27.94 feet to an existing ½" iron pin set by LS 1890; thence North 88°10'56" West a distance of 100.58 feet to existing ½" iron pin set by LS 1890; thence South 54°27'02" West a distance of 49.71 feet to an existing ½" iron pin set by 1890; thence North 88°07'59" West a distance of 65.01 feet to the said Point of Beginning.

END OF DOCUMENT

BK0486PG3728

CERTIFICATE OF OWNERSHIP

STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, HEREBY CERTIFY THAT I AM THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE COUNTY OF TANEY, AND THAT I FREELY ADAPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAN HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN 24 MONTHS AFTER THE DATE BELOW) HAS BEEN ASSURED BY POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

RESTRICTIONS AND COVENANTS RECORDED IN BOOK _____ PAGE _____ IN THE TANEY COUNTY RECORDER'S OFFICE.

TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: STEVEN J. CREEDON, MANAGER

ACKNOWLEDGMENT
STATE OF MISSOURI
COUNTY OF TANEY

ON THIS _____ DAY OF _____ 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGER STEVEN J. CREEDON, ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID TRI-SONS PROPERTIES LLC, AS THE MANAGER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SUBDIVISION DECLARATION

KNOWING ALL MEN BY THESE PRESENTS THAT I, EDDIE D. WOLFE, DO HEREBY DECLARE THAT THIS PLAN WAS PREPARED UNDER MY PERSONAL SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY WOLFE SURVEYING, INC., DATED 02-25-2013 AND SIGNED BY EDDIE D. WOLFE, P.L.S. NO. 2190, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF EDDIE D. WOLFE, P.L.S. NO. 2190 IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND THE SUBDIVISION REGULATIONS OF TANEY COUNTY, MISSOURI.

EDDIE D. WOLFE, MO P.L.S. NO. 2190

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE TANEY COUNTY PLANNING COMMISSION. THIS PLAN DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT GUIDANCE CODE OR THE TANEY COUNTY SUBDIVISION REGULATIONS.

PLANNING COMMISSION CHAIRMAN

PLANNING ADMINISTRATOR

CERTIFICATE OF TANEY COUNTY 911 ADMINISTRATOR

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE TANEY COUNTY 911 ADMINISTRATOR.

911 ADMINISTRATOR

OAKBROOK ESTATES PHASE 3

"THE FINAL PLAT"
A SUBDIVISION LOCATED IN THE SE1/4 OF THE NE1/4
OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
TRI-SONS PROPERTIES LLC

NORTHEAST CORNER
SOUTHEAST CORNER
SE1/4 NE1/4
SEC. 21, T24N, R21W

DESCRIPTION OAKBROOK ESTATES PHASE 1

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 616.12 FEET, TO THE NORTHEAST CORNER OF LOT 36, OAKBROOK ESTATES PHASE 2, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES PHASE 2 AS FOLLOWS: THENCE N 88°51'02" W, A DISTANCE OF 238.34 FEET; THENCE S 01°08'58" W, A DISTANCE OF 126.64 FEET; THENCE N 88°51'02" W, A DISTANCE OF 174.60 FEET, TO THE NORTHEAST CORNER OF LOT 4 OF SAID OAKBROOK ESTATES PHASE 2; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 342.91 FEET; THENCE S 88°46'17" E, A DISTANCE OF 199.74 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 324.71 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3.05 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. EASEMENTS:

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT AND BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.

3. SETBACKS:

25 FEET OFF OF ALL SUBDIVISION ROADS 1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS

4. ALL LOT CORNERS WERE STAKED WITH 1/2" REBAR WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED OTHERWISE ON PLAT.

5. ALL ROADS SHOWN ON PLAT HAVE A 50 RIGHT-OF-WAY.

7. AREAS

THE TOTAL AREA OF THE PROPERTY IS ±3.05 ACRES.
THE TOTAL LOT AREA IS ±2.88 ACRES.
THE TOTAL ROAD R/W AREA ±0.37 ACRES.

REFERENCE:

DEED RECORDED IN 2010, AT PAGE 81830

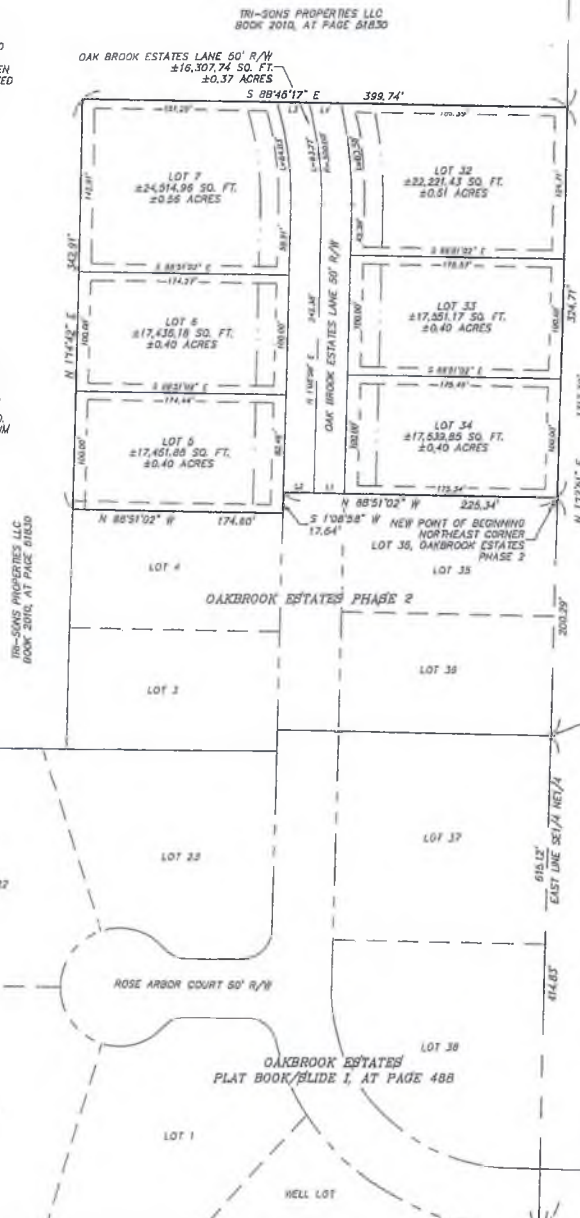
CLASSIFICATION OF SURVEY:

"SUBURBAN SURVEY"

FLOOD CERTIFICATION:

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 221300060, PANEL 60 OF 600 TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 29, 2008.

LINE #	DISTANCE	BEARING
L1	25.00'	N 88°51'02" W
L2	26.00'	N 88°51'02" W
L3	26.12'	S 88°46'17" E
L4	25.94'	S 88°45'17" E



GRAPHIC SCALE



Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: STEVEN J. CREEDON, THAT 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 SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

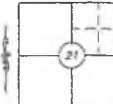
ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

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

Surveyed for:

TRI-SONS PROPERTIES LLC

SECTIONAL MAP
R 21 W



TANEY COUNTY, MO

BASIS OF BEARINGS: EAST LINE SE1/4 NE1/4

SCALE: 1" = 70' GRID: N 1°12'51" E

LEGEND

- SET IRON PIN
- EX 1/2" IRON PIN
- EXISTING STONE
- △ CORPS MONUMENT
- ▲ RIGHT-OF-WAY MARKER

WOLFE SURVEYING, INC.

EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)
PATRICK W. BROWN (VICE PRESIDENT)
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)
210 South Third Street, Branson, MO 65616
Phone: 417-334-8820 Fax: 417-334-6151

SHEET: 1 OF 1 WOLFE SURVEYING, INC. COA #2009008806

DATE: W.O. #2420 DWG #2420 PHASE 3

02-25-13 DRAWN BY: [Signature] REV

DESCRIPTION AND EXECUTION OF PLAT:

THE UNDERSIGNED TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND.

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SECTION 21; THENCE N 01°12'51" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 414.83 FEET, TO AN EXISTING CONCRETE NAIL MARKING THE NORTHEAST CORNER OF LOT 37, OAKBROOK ESTATES, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SIDE 1, AT PAGE 488, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES AS FOLLOWS: THENCE N 88°45'17" W, A DISTANCE OF 225.12 FEET; THENCE S 01°08'58" W, A DISTANCE OF 17.62 FEET; THENCE N 89°25'43" W, A DISTANCE OF 174.95 FEET; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 201.77 FEET; THENCE S 89°51'02" E, A DISTANCE OF 174.60 FEET; THENCE N 01°08'58" E, A DISTANCE OF 17.54 FEET; THENCE S 89°51'02" E, A DISTANCE OF 225.34 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" E, ALONG SAID EAST LINE, A DISTANCE OF 200.29 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 1.83 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREAFTER BE KNOWN AS OAKBROOK ESTATES PHASE 2. ALL STREETS, RIGHT-OF-WAYS AND ROADS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC AND ALL UTILITY EASEMENTS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE APPROPRIATE UTILITY COMPANY.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS 20th DAY OF October, 2011.

TRI-SONS PROPERTIES, LLC, A MISSOURI LIMITED LIABILITY COMPANY

BY: Steven J. Creodon
STEVEN J. CREODON, MANAGER

ACKNOWLEDGEMENT
STATE OF MISSOURI
COUNTY OF TANEY

ON THIS 20th DAY OF October, 2011, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED STEVEN J. CREODON, MANAGER OF TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGER STEVEN J. CREODON. I ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID TRI-SONS PROPERTIES LLC AS THE MANAGER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC

REBECCA HOSKINS
Notary Public
State of Missouri
TANEY COUNTY
My Commission Expires Mar 27 2016
Commission #11290009

MY COMMISSION EXPIRES: 3-27-16

TITLE SOURCE:
DEED RECORDED IN 2010, AT PAGE 51830

CLASSIFICATION OF SURVEY:
"SUBURBAN SURVEY"

FLOOD CERTIFICATION:

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 28213000500, PANEL 50 OF 500 TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 29, 2009.



GRAPHIC SCALE
(IN FEET)
1 inch = 70 ft.

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: STEVEN J. CREODON, THAT 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 SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

OAKBROOK ESTATES PHASE 2 "THE FINAL PLAT"

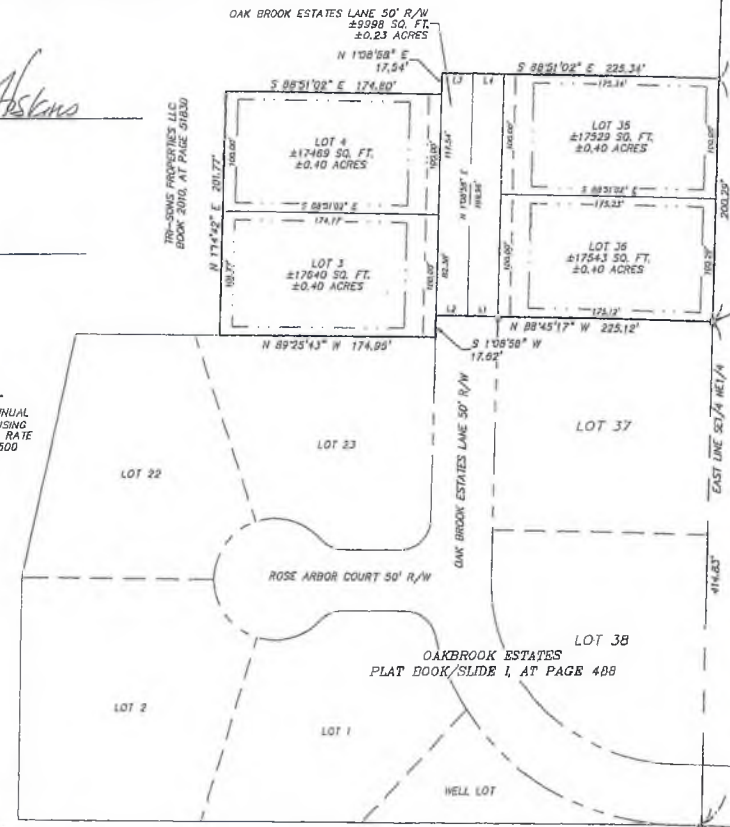
A SUBDIVISION LOCATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, OWNED AND DEVELOPED BY TRI-SONS PROPERTIES LLC

FILED
TIME 10:12 AM
OCT 28 2011

ROBERT A. DIXON
RECORDER OF DEEDS
TANEY COUNTY

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	25.00'	N 88°45'17" W
L2	25.00'	N 88°45'17" W
L3	25.00'	S 89°51'02" E
L4	25.00'	S 89°51'02" E

TRI-SONS PROPERTIES LLC
BOOK 2010, AT PAGE 51830



NORTHEAST CORNER
SOUTHEAST CORNER
SE1/4 NE1/4
SEC. 21, T24N, R21W

SLIDE 11 PAGE 711

DOCUMENT 2011 P00064

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR:

APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATOR THIS 28th DAY OF October, 2011.

911 REPRESENTATIVE

TANEY COUNTY PLANNING COMMISSION CERTIFICATION:

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 28th DAY OF October, 2011.

CHAIRMAN:

THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

ADMINISTRATOR:

PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.
2. EASEMENTS:
3. SETBACKS:
25 FEET OFF OF ALL SUBDIVISION ROADS 1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS
4. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARS WITH P.L.S. CAP PLACED ON TOP OF PM, UNLESS NOTED DIFFERENTLY ON PLAT.
5. RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 2010, AT PAGE 51830, DATED OCTOBER 28, 2011.
6. ALL ROADS SHOWN ON PLAT HAVE A 50' RIGHT-OF-WAY.
7. AREAS:
THE TOTAL AREA OF THE PROPERTY IS ±1.83 ACRES.
THE TOTAL LOT AREA IS ±1.60 ACRES.
THE TOTAL ROAD R/W AREA ±0.23 ACRE.

NEW POINT OF BEGINNING
EX. CONC. NAIL

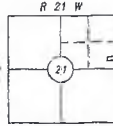


POINT OF BEGINNING
EX. ALUM. MONUMENT
SOUTHEAST CORNER
SE1/4 NE1/4
SEC. 21, T24N, R21W

Surveyed for:

TRI-SONS PROPERTIES LLC

SECTIONAL MAP
R 21 W



LEGEND

- SET IRON PIN
- EX 1/2" IRON PIN
- EXISTING STONE
- △ CORPUS MONUMENT
- △ RIGHT-OF-WAY MARKER

TANEY COUNTY, MO

BASE OF RECORDS: EAST LINE OF LOT 37

WOLFE SURVEYING, INC.

EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)
PATRICK W. BROWN (VICE PRESIDENT)
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)
210 South Third Street, Branson, MO 65616
Phone: 417-334-8820 Fax: 417-334-5151

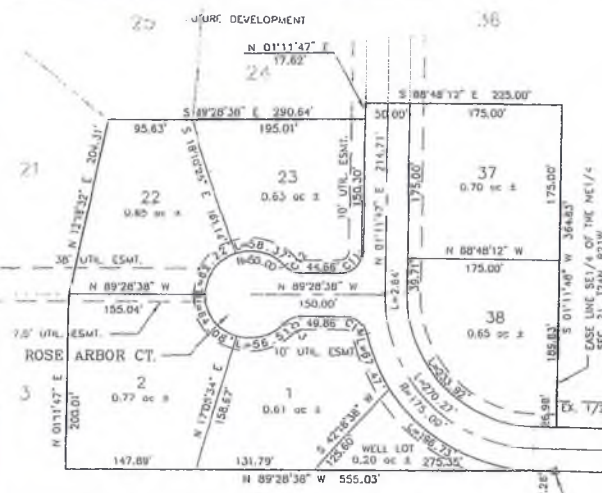
SHEET: 1 OF 1

DATE: W.O. #2420

DWG #2420 PHASE 2

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR'S SIGNATURE APPEARING HEREON.

EDDIE D. WOLFE
P.L.S. 2190
1228 10-28-11



FILED
TIME 2:30 PM
JUN 18 2007

Rec'd A. Olson
Recorder of Deeds
TANEY COUNTY

RECORDING FEE \$4.00
STATE USEN FEE \$4.00
TOTAL \$8.00

PLAT
OAKBROOK ESTATES
SECTION 22, T24N, R21W
OF THE FIFTH PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
JEFFREY D. AND TAMMY PASCOE
P.O. BOX 730
BRANSON, MISSOURI 65615

SLIDE I PAGE 488

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
C11	25.00'	38.98'	35.15'	S 45°51'35" W	89°19'35"
C12	25.00'	21.03'	20.41'	N 65°22'57" W	48°11'23"
C13	25.00'	21.03'	20.41'	N 66°25'41" E	48°11'23"
C14	25.00'	33.60'	31.13'	S 50°58'20" E	77°00'35"

DESCRIPTION AND EXECUTION OF PLAT:

We, JEFFREY D. PASCOE AND TAMMY PASCOE, his wife, do hereby certify that they are the owners in fee simple of the property described below:

Description:

A Tract of land being a part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section 21 and a part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 22, Township 24 North, Range 21 West of the fifth principal meridian, Being more particularly described as follows:

Beginning at an existing aluminum monument marking the Southeast corner of the SE1/4 of the NE1/4 of said Section 21; Thence North 89°28'38" West, along the South line of the SE1/4 of the NE1/4, a distance of 555.03 feet; Thence North 01°11'47" East a distance of 200.01 feet; Thence North 12°18'32" East a distance of 204.31 feet; Thence South 89°28'38" East a distance of 290.64 feet; Thence North 01°11'47" East a distance of 17.62 feet; Thence South 88°48'12" East a distance of 225.00 feet to a point on the East line of the SE1/4 of the NE1/4 of Section 21; Thence South 01°11'48" West, along the East line of the SE1/4 of the NE1/4, a distance of 364.93 feet; Thence South 88°07'59" East a distance of 730.92 feet; Thence North 75°42'52" East a distance of 205.30 feet to a point on the Westerly right-of-way line of M.S.H.D. Route 176; Thence South 14°31'51" East, along the Westerly right-of-way line of M.S.H.D. Route 176, a distance of 80.18 feet to an existing 1/2" iron pin; Thence North 88°10'35" West a distance of 98.31 feet to an existing 1/2" iron pin; Thence South 54°44'03" West a distance of 49.65 feet to an existing axle on the South line of the SW1/4 of the NW1/4 of Section 22; Thence North 88°09'18" West, along the South line of the SW1/4 of the NW1/4 of Section 22, a distance of 812.27 feet to said Point of Beginning, Containing 6.24 acres of land, more or less. Subject to all easements and restrictions of record.

Said land has been surveyed and subdivided in the manner shown hereon and shall hereafter be known as OAKBROOK ESTATES. All roads and easements shown hereon are hereby dedicated to the public.

IN TESTIMONY WHEREOF, the undersigned has hereunto set their hands this 18th day of June, 2007.

JEFFREY D. PASCOE AND TAMMY PASCOE, HUSBAND AND WIFE

Jeffrey D. Pascoe
JEFFREY D. PASCOE

Tammy Pascoe
TAMMY PASCOE

STATE OF MISSOURI
COUNTY OF TANEY

On this 18th day of June, 2007, before me, a Notary Public in and for said state, personally appeared JEFFREY D. PASCOE and TAMMY PASCOE, his wife, to me known to be the persons described in and who executed the foregoing document, and acknowledged that they executed the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in Taney County, Missouri, the day and year last above written.

Elizabeth D. Wagner
Notary Public

Printed Name: Elizabeth D. Wagner My Commission Expires: June 22, 2010

CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION:

Approved by the Taney County Planning and Zoning Commission this 19th day of June, 2007

This survey does not violate the rules and regulations of the Taney County Development Guidance Code.

Ed & Akers, Chairman
Ed & Akers, Chairman

Kurt Larsen, Administrator
Kurt Larsen, Administrator

Gilmore and Young Property Ex. Axle
Bk 316, Pg 5470

LEGEND	
⊙	EXISTING IRON PIN
⊙	SET IRON PIN
⊙	EXISTING STONE
⊙	EXISTING MONUMENT

NOTES:

All Lots Subject to:
25' Set back along all road Right-of-Way lines

7' Side yard set back

10' Rear yard set back

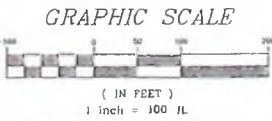
DEED RECORD SOURCE:

General Warranty Deed:
Book 479, at Page 3263-3264

General Warranty Deed:
Book 484, at Page 4089-4090

CLASSIFICATION OF SURVEY:

"Suburban Survey"



ACKNOWLEDGMENT:

Known all men by these presents that LIBERTY BANK, is the holder of a Deed of Trust dated 04-05-2006 and recorded in Book 487, Pages 8178-8183 of the recorder of Deeds of Taney County, Missouri, which land or a portion thereof included herein and Platted as OAKBROOK ESTATES consent and join in the execution of this Plat.

LIBERTY BANK

Mark Kyle
MARK KYLE, VICE PRESIDENT

STATE OF MISSOURI
COUNTY OF TANEY

On this 25th day of April, 2007, before me personally appeared MARK KYLE, to me personally known, who being duly sworn, did say that he is the Vice President of LIBERTY BANK; that the said affixed to this instrument is the corporate seal of said corporation; and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said MARK KYLE acknowledge said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in Taney County, Missouri, the day and year last above written.

Carrie A. King
Notary Public

CARRIE A. KING
Notary Public - Notary Seal
STATE OF MISSOURI
Taney County - Commission #06192740
My Commission Expires Nov. 3, 2008

Printed Name: Carrie A. King

My Commission Expires: 11/3/09

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR

Approved by the Office of Taney County 911

Administrator this 19th Day of June, 2007.

911 Representative.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF: JEFFREY D. PASCOE, 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 SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

DIANE KAY DIEBOLD L.S. 2424
KENNETH J. BUCHANAN L.S. 2340, P.L.S. 1907 AND SURETY

SURVEYED JEFFREY D. AND TAMMY PASCOE FOR:

SECTIONAL MAP R 21 W T 24 N SEC. 22	W.O.N. 14523 Ph1 DATE: 04-20-2007 DRAWN BY: WJB CHECKED BY: KJB REVISED: SCALE: 1" = 100' SHEET: 1 OF 1
----------------------------------------------	---------------------------------------------------------------------------------------------------------------------------

ROZELL SURVEY CO.
2404 STATE HWY. 248 STE 4
BRANSON, MISSOURI 65616
PHONE: (417) 334-4141
FAX: (417) 334-4181

Previous Road Standards

TABLE 9
MINIMUM DESIGN STANDARDS
FOR HIGHWAYS, ROADS AND STREETS

MINOR STREETS

DESIGN ELEMENT	URBAN				RURAL
	Industrial/Commercial		Residential		All County Roads
	Design ADT 6000	6000	Low Density	Medium Density	
Right of Way	90'	60'	50'	50'	50'
Number of Lanes	4	2	2	2	2
Lane Width	12'	12'	10'	10'	10'
Parking Lanes *	10' Both sides		10' Both sides		0
Surface Type	B	B	G	G	G
Cross Section	7-C&G	8-C&G	9-S	10-C&G	11-S
Maximum Gradient	8%	8%	15%	15%	15%
Shoulder Width	0	0	0	0	0
Cartway Width	48	24	20	20	20
Roadway Width	48	24	36	20	28
Set Back	50'	50'	25'	25'	V
Design Speed (MPH)	35	35	30	30	V
Median Width	6'	0	0	0	0

KEY

ADT	Average Daily Traffic
SS	Surfaced Shoulder
S	Stabilized Shoulder
C&G	Curb and Gutter
G	Gravel
V	Variable

* In commercial and industrial subdivisions where the developer has proposed off-street parking, the on-street parking standard of an additional 20 feet of hard surfaced cartway width shall be eliminated

Current Subdivision Regulations

Taney County Subdivision Regulations

Article 8 – Required Improvements

ARTICLE 8. REQUIRED IMPROVEMENTS

Section 1. Monuments and Markers for Major Subdivisions (More than six (6) lots)

- A. Monuments shall be placed in accordance with State of Missouri minimum standards for property boundary surveys.

Section 2. Streets

- A. Unless otherwise approved by the Planning Commission, all streets shall be public streets.
- B. Public streets shall be designed and constructed in accordance with the Taney County Road Standards.
- C. The street layout shall conform to the Taney County Master Plan and the Taney County Road Standards.
- D. Where the proposed subdivision adjoins an existing County road, additional right-of-way shall be dedicated on the final plat. The width of the additional right-of-way shall be determined per the requirements of the Taney County Road Standards.

E. Street Names

1. Proposed streets which are continuations of, or in alignment with, existing named streets shall bear the names of such existing streets, unless otherwise approved by the Taney County 911 Office.
2. The name of a proposed street which is not in alignment with an existing street shall not duplicate the name of any existing or platted street.
3. All names of streets proposed by the developer shall be approved or disapproved by the Taney County 911 Office in accordance with this Resolution.

F. Private Streets

1. Private streets shall be permitted only with the approval of the Planning Commission.
2. Where private streets are permitted, the restrictive covenants must contain provisions to assure maintenance of the streets, sidewalks, and other common improvements. Restrictive covenants must be approved by the Planning Administrator and must be recorded with the final plat.

Current Subdivision Regulations

Taney County Subdivision Regulations Article 9 – Subdivision Design Criteria

C. Alignment

1. Horizontal and vertical alignment of streets shall be designed in accordance with the Taney County Road Standards.
 - a. Minimum right-of-way widths and width of paving shall be as specified in the Taney County Road Standards.
 - b. Additional street right-of-way widths may be required by the Planning Commission or by the Planning Administrator on Subdivisions.
 1. The subdivision fronts on a street which is presently below the minimum street width standards established either in the Taney County Road Standards or herein.

D. Street Paving

1. Street pavement thickness, design, criteria, and material specifications shall be as set forth in the Taney County Road Standards.

E. Street Intersections

1. Street intersections shall be designed in accordance with the Taney County Road Standards.
2. Intersections involving the junction of more than two (2) streets shall be reviewed on a case-by-case basis.
3. Additional right-of-way shall be provided at street intersections as specified in the Taney County Road Standards.

Current Road Standards

STREET REQUIREMENTS SECTION

Street plans and specifications shall be approved by Taney County prior to starting any construction.

Section 1. Submission of Engineering Plans:

1. All plans and reports submitted shall be prepared by, or under the direction of a professional engineer, licensed in the State of Missouri, and shall be reviewed for compliance with the minimum design requirements.
2. The original submission of engineering construction plans for streets and storm sewer shall be submitted the first time in one (1) set of prints to the Taney County Road and Bridge Department.
3. After the first submission of engineering construction plans, all future submissions for review shall consist of one (1) set of prints to the Taney County Road and Bridge Department. Projects involving State highways will require the approval of the Missouri Department of Transportation. It is the developer's responsibility to obtain such approvals from MoDOT and provided copies of the comments and approvals to Taney County Road and Bridge.
4. After approval of the engineering drawings, one (1) set of signed plans shall be retained by the contractor on the job site and one (1) set shall be provided to Taney County.

Section 2. Streets:

1. New streets shall be considered in their relation to existing, platted or planned streets, to topographical conditions, public convenience and

safety, and to the proposed land uses served by them.

2. Provision must be made for the extension and continuation of streets into and from adjoining areas.
3. Subdivisions abutting or containing an existing or proposed arterial street, marginal access streets or reverse frontage lots, shall provide access to abutting properties as required.

Section 3. Road Surfacing:

Allowable Road Type				
Lot Size	Gravel	Chip Seal	Asphalt	Concrete
Less than 2 Acres	no	no	yes	yes
2-5 Acres	no	yes	yes	yes
Greater than 5 Acres	yes	yes	yes	Yes

**TABLE 2.3
ROAD SURFACING**

1. Concrete: Roads constructed of Portland Cement Concrete – All concrete shall meet the Missouri Standard Specifications for Highway Construction, Division 500, Rigid Pavements – Sub-base shall meet 95% and over compaction. Standard mix designs for machine placed (PCC-MF) and hand finished (PCC-HF) concrete pavements shall be adhered to. Concrete shall be 6-inches thick on 5-inches of compacted subgrade.
2. Hot Mix Asphalt: Local Roads constructed of Hot Mix Asphalt shall be a two-inch (2") asphalt wearing surface on 3-inches (3") of

Current Road Standards

4. Air tests may be required during concrete pours.
5. Concrete that fails to meet design specifications for slump and/or entrained air shall be rejected at time of test.

Section 10. Driveways:

1. Asphalt drives shall be constructed within the right-of-way of 4 inches (4") of compacted base rock, 3 inches (3") of bituminous mix. Concrete driveways shall be constructed of 4 inches (4") of compacted base rock, Class B "AE" (air entrained) concrete six inches (6") thick.

Gravel drives shall be constructed with a 6" minimum thickness of compacted crushed rock within the right-of-way. There shall be a minimum of one foot (1') of cover over pipe culverts. The depth of the ditch must be deep enough to maintain positive flow for drainage. No sags in the ditch will be allowed for culvert installations.

2. Commercial/Industrial driveways shall be constructed within the right-of-way of (8") of wet compacted base rock, 5 inches (5") of bituminous base mix, and two inches (2") of hot mix surface course; or plain class B "AE" (air entrained) concrete (6") thick over five inches (5") of wet compacted base rock.

When curbs are present they shall extend to the drainage pipe within the right-of-way. Commercial / Industrial entrances with corrugated metal pipe (CMP) or reinforced concrete pipe (RCP), shall have a minimum 2' shoulder, and 3:1 slope to ditchline. Taney County may

require reinforced concrete pipe (RCP) if dictated by depth of fill or structural considerations.

Flared End Sections will be required on all pipe with a thirty inch (30") diameter or larger.

Section 11. Acceptance of Roadway Improvements:

1. All roads in subdivision approved by the Taney County Planning Commission after the adoption of the Design Standards shall be constructed in accordance with these standards.
2. Developers shall complete all public improvements within their proposed development before acceptance of their Final Plat. Developers may submit a bond to the county covering any improvements that are not complete at the time their Final Plat is submitted. The amount covering any road improvements shall be approved by the Taney County Road and Bridge Administrator. If the work is not completed within two years of accepting the Final Plat, or any extended deadline allowed by the county, Taney County may complete or have said work completed as called for by the approved plans, or modified plans and cover any cost incurred by the County with said Bond provided by the Developer.
3. No streets or other public improvements will be accepted or approved by either the Taney County Engineer or County Commission, unless the improvements were constructed in accordance with the Plans and County specifications.

13-2

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

(Circle one)

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

PLEASE PRINT

DATE 3/25/13

Applicant Tri-Sons Properties LLC Phone 417-294-4549

Address, City, State, Zip P.O. Box 1700 Hollister MO 65673

Representative Steven J Creedon Phone 417-294-4549

Owner of Record Tri-Sons Properties LLC Signature: [Signature]

Name of Project: Oakbrook Estates Phase 3

Section of Code Protested: (office entry) Road Standard's Article 8, Section 2

Address and Location of site: Phase 3 Oakbrook Estates Road *subdivision Regulations*

Subdivision (if applicable) Oakbrook Estates

Section 21 Township 24 Range 21 Number of Acres or Sq. Ft. _____

Parcel Number 05-5.0-21-000-000-003.000

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.

Describe in detail the reason for your request:

on 2/25 I submitted a Plat for oakbrook estates phase 3 for review. received comments back on 3/6 since ~~it~~ have been told I need to pave Phase 3 ~~to~~ the new county standards including paving a temp turn around. My Request is to eliminate the new county road standards from this subdivision, back to Gravel. when I purchased this property eddie coxie assured me I would only have to gravel these Roads. Bob Atchley since has approve phase 2 as gravel. I recently Did pave Phase 1, 2, 3 with 2" of asphalt as an improvement. I am willing to remove all asphalt from subdivision. In this economy There is no way to continue with improvement on this subdivision if I pave with 5" of asphalt, I therefore request all of Oakbrook Estates be granted gravel Roads

CERTIFICATE OF OWNERSHIP

STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, HEREBY CERTIFY THAT I AM THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE COUNTY OF TANEY, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAN HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN 24 MONTHS AFTER THE DATE BELOW) HAS BEEN ASSURED BY POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

RESTRICTIONS AND COVENANTS RECORDED IN BOOK _____ PAGE _____ IN THE TANEY COUNTY RECORDER'S OFFICE.

TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY

STEVEN J. CREEDON, MANAGER

ACKNOWLEDGMENT

ON THIS _____ DAY OF _____, 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED STEVEN J. CREEDON, MANAGER OF TRI-SONS PROPERTIES LLC, A MISSOURI LIMITED LIABILITY COMPANY, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND THAT SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS MANAGER STEVEN J. CREEDON, ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID TRI-SONS PROPERTIES LLC, AS THE MANAGER OF SAID COMPANY.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S DECLARATION

KNOWING ALL MEN BY THESE PRESENTS, THAT I, EDDIE D. WOLFE, DO HEREBY DECLARE THAT THIS PLAN WAS PREPARED UNDER MY PERSONAL SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY WOLFE SURVEYING, INC., DATED 02-29-2013 AND SIGNED BY EDDIE D. WOLFE, P.L.S. NO. 2190, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF EDDIE D. WOLFE, P.L.S. NO. 2190, IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND THE SUBDIVISION REGULATIONS OF TANEY COUNTY, MISSOURI.

EDDIE D. WOLFE, MO P.L.S. NO. 2190

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE TANEY COUNTY PLANNING COMMISSION, THIS PLAN DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT GUIDANCE CODE OR THE TANEY COUNTY SUBDIVISION REGULATIONS.

PLANNING COMMISSION CHAIRMAN

PLANNING ADMINISTRATOR

CERTIFICATE OF TANEY COUNTY 911 ADMINISTRATOR

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAN HAS BEEN APPROVED BY THE TANEY COUNTY 911 ADMINISTRATOR.

911 ADMINISTRATOR

OAKBROOK ESTATES PHASE 3

"THE FINAL PLAT"

A SUBDIVISION LOCATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST TANEY COUNTY, MISSOURI OWNED AND DEVELOPED BY TRI-SONS PROPERTIES LLC

NORTHEAST CORNER
SOUTHEAST CORNER
SE1/4 NE1/4
SEC. 21, T24N, R21W

DESCRIPTION OAKBROOK ESTATES PHASE 3

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 21, TOWNSHIP 24 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING ALUMINUM MONUMENT MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 21; THENCE N 01°23'1" E, ALONG THE EAST LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 615.12 FEET, TO THE NORTHEAST CORNER OF LOT 36, OAKBROOK ESTATES PHASE 2, AS PER THE RECORDED PLAT THEREOF, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID OAKBROOK ESTATES PHASE 2 AS FOLLOWS: THENCE N 88°51'02" W, A DISTANCE OF 226.34 FEET; THENCE S 01°08'58" W, A DISTANCE OF 175.54 FEET; THENCE N 88°51'02" W, A DISTANCE OF 174.80 FEET, TO THE NORTHEAST CORNER OF LOT 4 OF SAID OAKBROOK ESTATES PHASE 2; THENCE N 01°14'42" E, LEAVING SAID NORTH BOUNDARY LINE, A DISTANCE OF 342.91 FEET; THENCE S 88°45'17" E, A DISTANCE OF 399.74 FEET, TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE NE1/4; THENCE S 01°12'51" W, ALONG SAID EAST LINE, A DISTANCE OF 324.77 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3.06 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

PLAT NOTES

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. EASEMENTS

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT AND BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.

3. SETBACKS:

26 FEET OFF OF ALL SUBDIVISION ROADS 1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS

4. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARS WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAN.

5. ALL ROADS SHOWN ON PLAN HAVE A 50 RIGHT-OF-WAY.

6. AREAS

THE TOTAL AREA OF THE PROPERTY IS ±3.06 ACRES.
THE TOTAL LOT AREA IS ±2.68 ACRES.
THE TOTAL ROAD R/W AREA ±0.37 ACRE.

7. REFERENCE

DEED RECORDED IN 2010, AT PAGE 61830

CLASSIFICATION OF SURVEY

"SUBURBAN SURVEY"

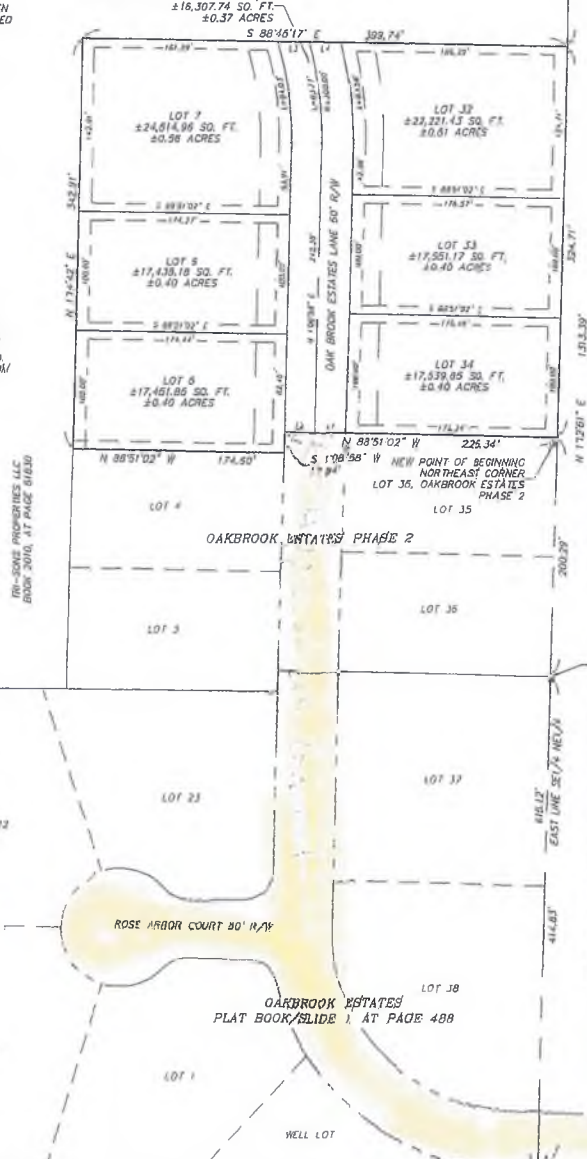
FLOOD CERTIFICATION

THE PROPERTY SHOWN ON THIS PLAN IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD, AND BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 29213C00800, PANEL 50 OF 800, TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 29, 2005.

LINE TABLE		
LINE #	DISTANCE	BEARING
L1	26.00'	N 88°51'02" W
L2	26.00'	N 88°51'02" W
L3	26.12'	S 88°45'17" E
L4	25.94'	S 88°45'17" E

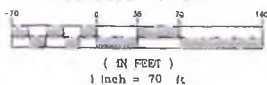
TRI-SONS PROPERTIES LLC
BOOK 2010, AT PAGE 61830

OAK BROOK ESTATES LANE 50' R/W
±16,307.74 SQ. FT.
±0.37 ACRES



VICINITY MAP NOT TO SCALE

GRAPHIC SCALE



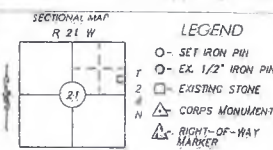
Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF STEVEN J. CREEDON, THAT 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 SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW

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

Surveyed for: TRI-SONS PROPERTIES LLC



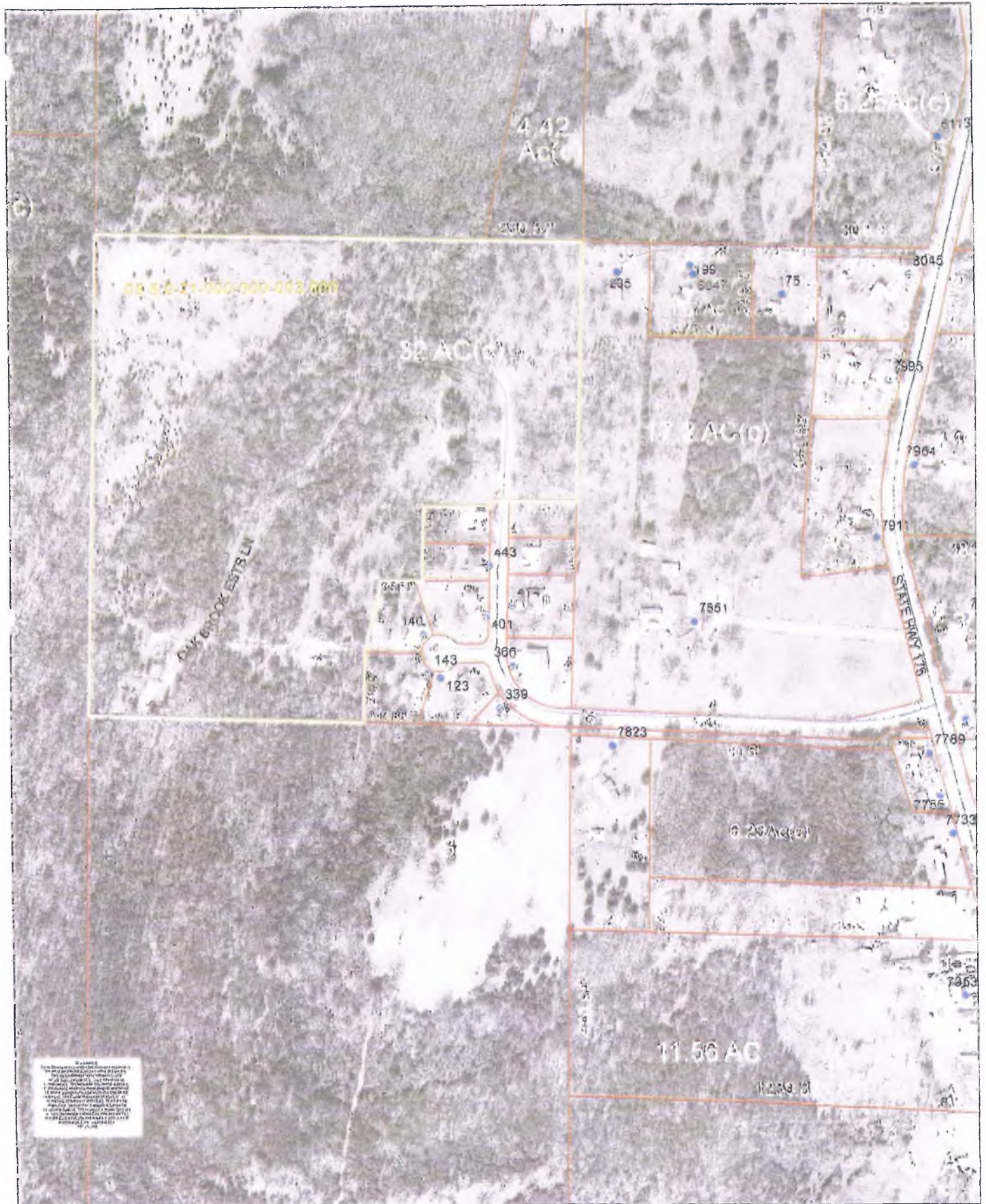
TANEY COUNTY, MO
BASIS OF BEARINGS: EAST LINE SE1/4 NE1/4
SCALE: 1" = 70'

WOLFE SURVEYING, INC.
EDDIE D. WOLFE P.L.S., 2190 (PRESIDENT)
PATRICK W. BROWN (VICE PRESIDENT)
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)
210 South Third Street, Brandon, MO 65618
Phone: 417-334-8820 Fax: 417-334-6161

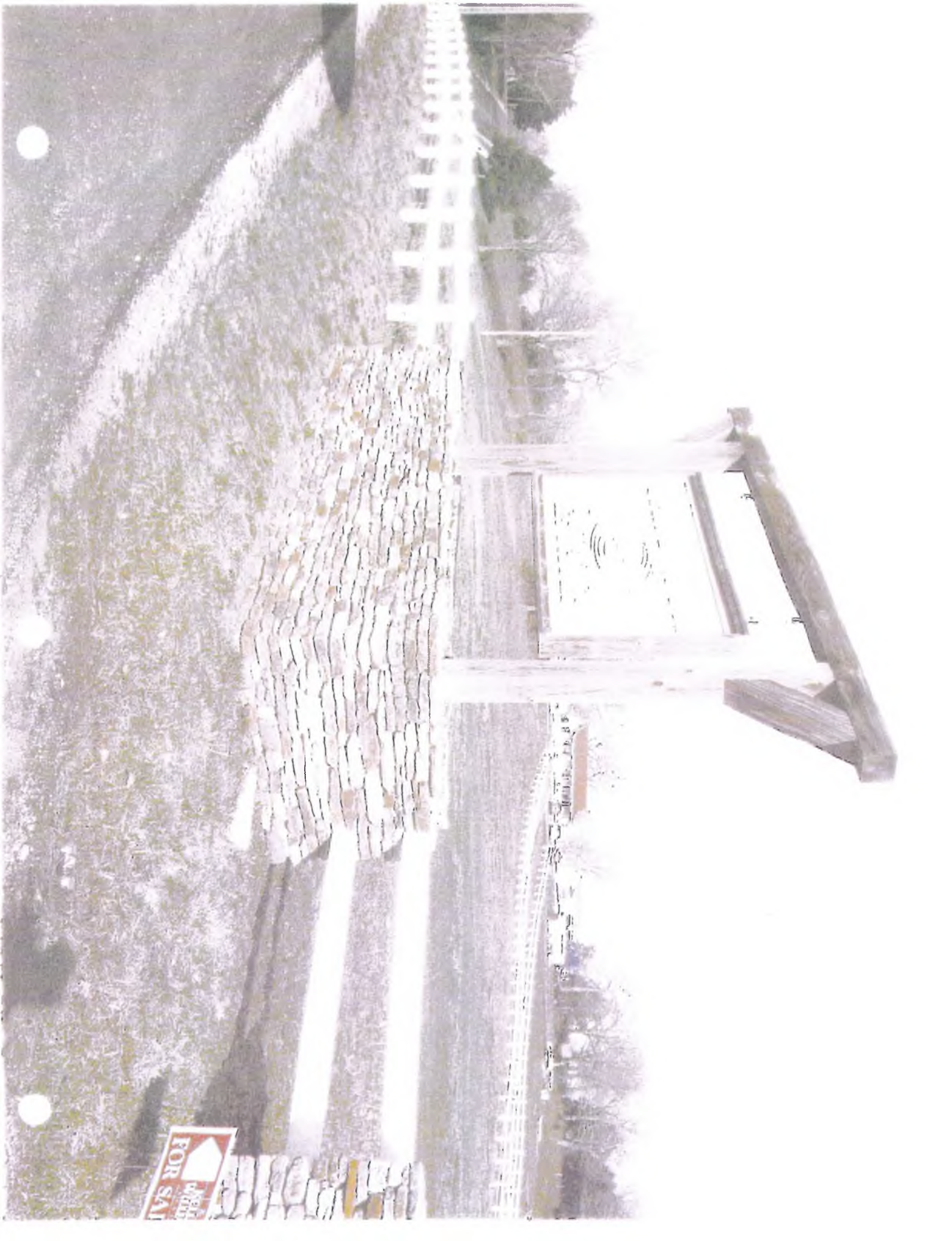
SHEET: 1 OF 1
DATE: 02-26-13
WOLFE SURVEYING, INC. COA #2009006805
W.O. #2420
DWG #2420 PHASE 3
DRAWN BY: [Signature]
REV



BOA Oakbrook Estates Phase 3

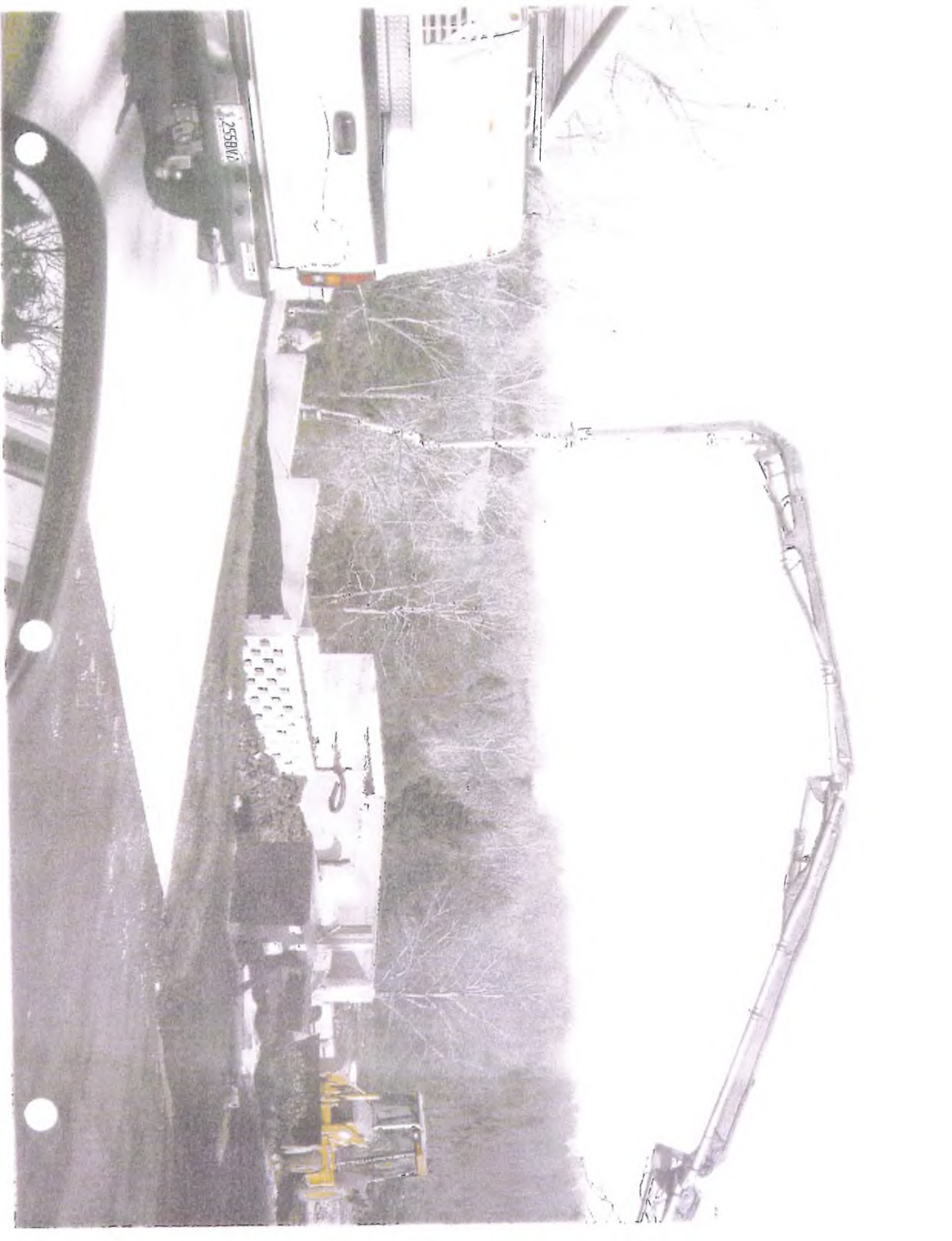


Disclaimer: This map is for informational purposes only and does not constitute a warranty of any kind. The information is provided as is, without any representation or warranty of accuracy, completeness, or timeliness. The information is not to be used for any purpose other than that for which it was intended. The information is not to be used for any purpose other than that for which it was intended. The information is not to be used for any purpose other than that for which it was intended.











TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: May 15, 2013

CASE NUMBER: 2013-0002V

APPLICANT: Shawn Collins

REPRESENTATIVE: Walter Collins

LOCATION: The subject property is located at 1898 State Highway Y, Forsyth, MO (a part of the McMillen Subdivision); Swan Township; Section 7, Township 23, Range 20.

REQUEST: The applicant, Shawn Collins is 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 50' front property line setback requirement, in order to allow for the issuance of a Division I Permit for the existing mobile home, ensuring compliance with the provisions of the Taney County Development Guidance Code.

BACKGROUND and SITE HISTORY:

The subject property is an approximately 18,000 square foot tract of land described as being a part of the McMillen Subdivision, containing an approximately 1,216 square foot mobile home (according to the Assessor's information).

Former Planning Administrator and Regional Sewer District Administrator John Soutee indicated to the staff that a complaint was received by the Planning Department Office approximately ten (10) years ago (2003 or 2004) concerning the placement of the mobile home on the property in question. The property owners at that time Jonathan & Angela Ciero were either unable to obtain approval for an on-site wastewater treatment (septic) system or simply did not have the financial ability to construct an on-site wastewater treatment system, due largely to on-site topographic concerns. At the time of the placement of the mobile home, the residence was also not served by any source of drinking water. It is my understanding that at the time of the mobile home placement the Planning Department did not require a Division I Permit because the mobile home was essentially stored on-site, with no one residing within the residence. The mobile home was not served by any source of either sewer or water services. The Taney County Development Guidance Code does not speak directly to the storage of mobile homes. The property remained in the same inactive state until after August 8, 2011, when the property in question was sold to Shawn Collins.

Information from the Assessor's Office concurs with the Mr. Soutee's recollection of the timeframe in which the mobile home was placed on site. The Assessor's Office has indicated that the mobile home in question began to be assessed at the property located at 1898 State Highway Y in 2004. Therefore, it is likely that the mobile home was placed on the property in question in either 2003 or 2004, since the Assessor's Office assesses property in odd numbered years.

On May 10, 2011 the Taney County Regional Sewer District issued Sewer Permit # 2011-C016 allowing for the mobile home in question to be connected to the existing sewer main. The applicant has also completed a private well. Upon the completion of both the sewer and water services, Mr. Collins sold the property via contract for deed.

On March 28, 2013 the Planning Department received a complaint, indicating that the mobile home at 1898 State Highway Y was about to be occupied without the issuance of a Division I Permit and that the structure did not meet the County's setback requirements. On April 15, 2013 Scott Starrett, Division I Inspector met the applicant on-site, as indicated in the attached letter. The survey property pins were found with a metal detector and a string was stretched between these pins, revealing that the current front setback was 26' 4".

The applicant has indicated to the Planning Department that he will apply for a Division I Permit, bringing the placement of the mobile home into compliance with the provisions of the Development Guidance Code, upon the rendering of the decision on the current setback variance request.

As indicated above, the property is now served by the Taney County Regional Sewer District and a private well.

GENERAL DESCRIPTION:

The subject property is located at 1898 State Highway Y, Forsyth, MO and is described as a part of the McMillen Subdivision.

The applicant, Shawn Collins is 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 50' from the front property line adjoining a State or Federal Highway. Measurements to the structure are made to the portion of the structure that is closest to the property line. The applicants are requesting a 23' 8" front setback variance, allowing the mobile home to remain 26' 4" (at the closest point) from the front property line.

REVIEW:

The applicant is requesting a 23' 8" front setback variance, allowing the mobile home to remain 26' 4" (at the closest point) from the front property line. The buildable space within the property is greatly limited due to both the location of the existing Taney County Regional Sewer District easement (as shown on the attached GIS map) that crosses the property and also the on-site topography. The topography of the site is such that it falls off rapidly from the front of the property to the rear of the tract, requiring an extremely large amount of fill material. At this point, the relocation of the mobile home would also require the sewer service line to be moved.

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 23 feet – 8 inches from the front property line adjoining State Highway Y, allowing for the mobile home to continue to be located 26 feet - 4 inches (at the closest point) from the front property line.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The applicant shall obtain a Division I Permit for the mobile home located at 1898 State Highway Y, Forsyth, MO, ensuring compliance with the provisions of the Taney County Development Guidance Code.
4. 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).



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

3-29-2013

Applicant Shawn Collins Phone 417-251-2999

Address, City, State, Zip P.O. Box 1713 Forsyth MO. 65653

Representative Walter Collins Phone 417-251-295770

Owner of Record Shawn Collins Signature: Mum GLL

Name of Project: NA

Section of Code Protested: (office entry) Section 7, Table 1 (setbacks)

Address and Location of site: 1898 Y HWY

Forsyth MO. 65653

Subdivision (if applicable) _____

Section _____ Township _____ Range _____ Number of Acres or Sq. Ft. _____

Parcel Number 09-3.0-07-001-001-003.000

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.

Request for Variance

On August 8th, 2011 we purchased the property located at 1898 Y HWY in Forsyth Missouri. Prior to purchasing the property we went to the county and asked about it. We wanted to know if there was any problems against it. At that time they informed us that the only problem they see was there was no permit issued to hook up to the new sewer. There was nothing said about setbacks or the home not being in the right location. If there would have been, then we would have not invested in the property. We then purchased the permit on May 10, 2011 which was about 3 months before the purchase date of the property. Recently we have invested a tremendous amount of money in the property to make it functional (Well, Electric pedestal, excavating). We have even had other people from the county come out and help us locate our sewer stub and again nothing was said about any setbacks. Now, we have been informed that the home is in violation of the setbacks from Y highway. It is set approximately 35 ft. from the Y HWY. easement and the statute calls for 50 ft. If it was topographically possible to move the home back 15 ft. then we would have no problem doing that to satisfy any problems. We did not intend in any way to go against any laws or statutes. The home was set where it is today when we purchased the property. So we are asking for a 15ft variance from the Missouri State HWY. Y easement.

Thank You



TANEY COUNTY PLANNING COMMISSION

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

Shawn Collins
1898 State Hwy Y
Forsyth, MO 65653
04/16/2013

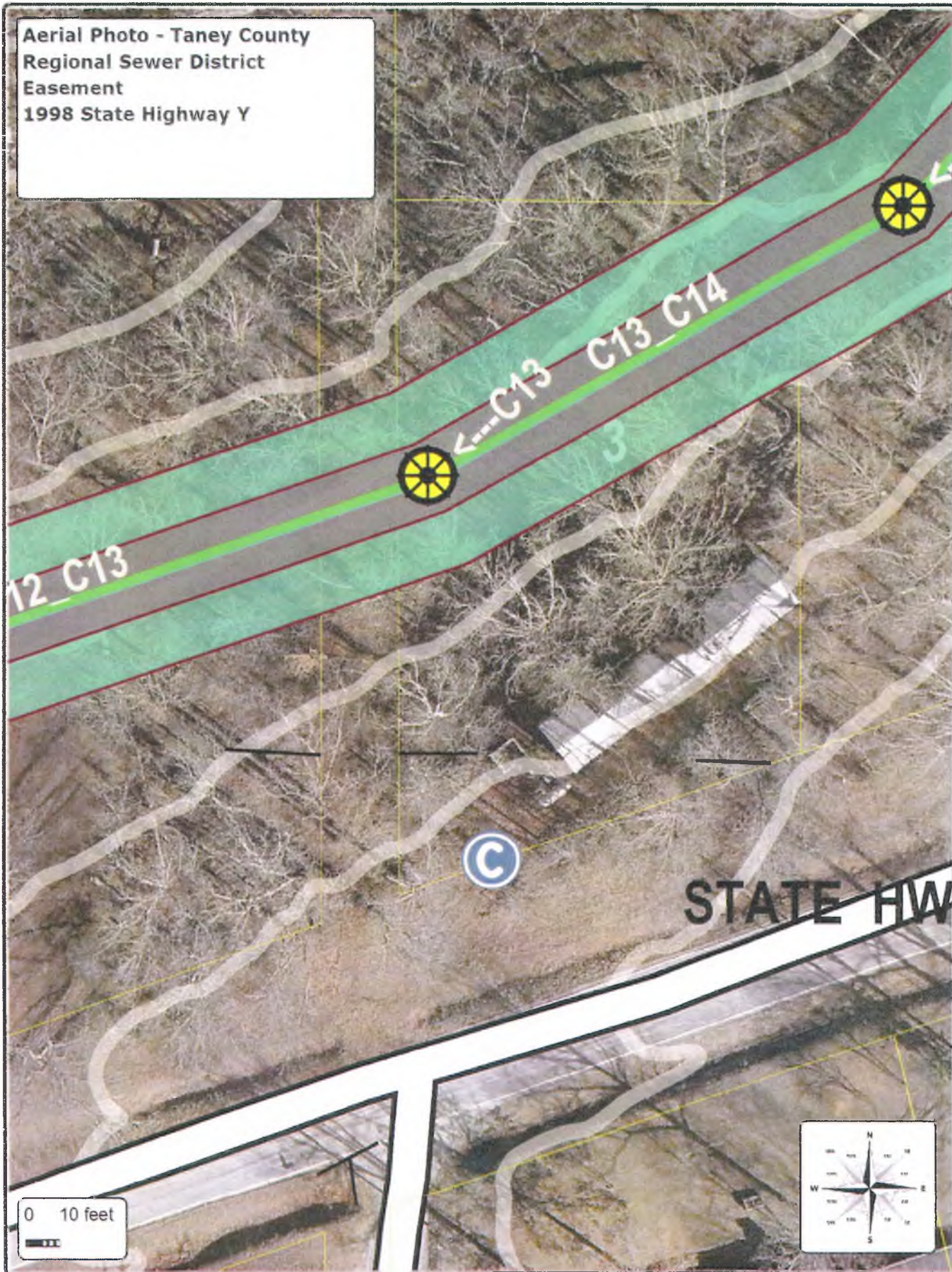
Bob Atchley,

Tuesday April 15, 2013 I met Shawn on his property at 1898 State Hwy Y Forsyth to measure the setback distance for the mobile home. The side setback was 9' 6" the front setback was 26' 4". This was measured from a string we stretched between the properties pins that were found with a metal detector.

The back and the south side property lines were 30+ feet so a measurement was not taken on these setbacks.

SCOTT STARRETT
TANEY COUNTY PLANNING
417-546-7225- OFFICE
417-546-0764-MOBILE
417-546-6861-FAX
scotts@co.taney.mo.us

Aerial Photo - Taney County
Regional Sewer District
Easement
1998 State Highway Y









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, APRIL 17, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman David Clemenson called the meeting to order. A quorum was established with five members present. They were: David Clemenson, Tony Mullen, Dave Nelson, Tom Gideon, and Mark Weisz. Staff present, Bob Atchley and Bonita Kissee.

Mr. Atchley read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code into evidence 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 Dave Nelson.

Chairman Clemenson swore in the speakers before the hearing.

Public Hearings:

Richard Jackson; a request for an appeal of the Planning Commission decision to approve a Division III Permit allowing for the expansion of the existing Crawford's Towing business onto the adjoining property located in the 100 Block of Calvin Dr. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Jackson reported there are 10 homeowners in the section. He stated that in his opinion this project would have a detrimental effect on the surrounding properties. Also in his opinion property values would go down, and the property that is adjacent to it has been for sale a long time and cannot sell because of the business next door. Mr. Weisz explained to Mr. Jackson the reasons the Board can grant an appeal. Mr. Jackson stated that in his opinion not enough information was presented to the Planning Commission for them to make an accurate decision. Mr. Clemenson asked Mr. Jackson for proof of how the property values would go down. Mr. Jackson stated that there were a number of factors, including the incompatibility of the business to the neighborhood. Mr. Gideon stated that because the property was so small, it really couldn't be used for anything else. John Anderson who is the owner of Crawford's towing stated that the property value would not be affected because most of the surrounding properties are commercial. Crawford's towing was previously a horse barn and was a commercial

business before any of the houses were built in the area. There is no other land for him to expand his business next to his property. He stated that he plans to make the property look better, as it is grown up with vegetation and trash at this time. He plans to put a privacy fence around the property so you cannot see the lot after he utilizes it. Mr. Gideon asked where the access would be. Mr. Anderson stated that it would be off the main road. In his opinion the reason the land did not sell is because the property owner wanted too much money for it. Mr. Weisz asked if the property had been purchased. Mr. Anderson stated that he had and plans to start construction this summer. After the public hearing was closed the Board discussed the request. Mr. Weisz made a motion to deny the request. Dave Nelson seconded. The vote to deny the appeal was unanimous. Mr. Clemenson advised the applicant that if he wished he could now apply to the circuit court.

Tri-Sons Properties; a request for an appeal of the Administrator's decision regarding the requirement that the segment of Oak Brook Estates Lane as indicated on the Oakbrook Estates, Phase 3 Plat be constructed in accordance with the Taney County Road Standards, of the Taney County Subdivision Regulations. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Creedon explained that phase one and two are paved roads and that in budgeting the project he planned for 2" paved surfaces. Mr. Creedon reported that the previous administrator told him he didn't have to pave. In Mr. Creedon's opinion gravel roads if done right can be good. He stated that he cannot afford to pave the remainder of the roads. Mr. Gideon asked when he recorded phase 2. Mr. Creedon stated October 2011. Mr. Clemenson clarified that at that time 2" paved was ok. Mr. Creedon stated that he would have a problem paving 5" asphalt, but 2" is ok. Mr. Nelson asked what the speed limit is within the subdivision. Mr. Creedon stated that it wasn't marked. Mr. Nelson asked about paving the cul-de-sac. Mr. Creedon stated that he did not plan to pave it. Mr. Clemenson asked Mr. Atchley if it was the Road Standards that are being implemented. Mr. Atchley stated that per the new subdivision regulations, the County Road Standards must be adhered to. Therefore, per the Code any new construction must adhere to current standards. Mr. Atchley pointed out to the Board that it is within their authority to grant variances. Mr. Cossiboom who lives in phase 1 of the subdivision stated that the property owners all chipped in to have the roads paved. His concern was that all the different types of paving would not look good or be drivable. Mr. Clemenson pointed out that Mr. Creedon put up a new security bond in the beginning. Mr. Creedon denied that phase 2 and 3 contributed to the cost of the paving. The public hearing was closed for Board discussion. Mr. Nelson stated that in his opinion 2" paved surface would not hold up. Mr. Gideon stated that the first phases were under the old rules, and the new section is under the current rules, and that to allow the road to be paved less than it is would not be consistent within the subdivision. Mr. Weisz discussed continuity with the subdivision and rules of the Code. Mr. Clemenson stated that in his opinion this request is an appeal of the Code not a variance. Discussion followed. Mr. Clemenson asked the applicant whether he wished to appeal or obtain a variance. Mr. Creedon stated that he wished for the request to be a variance. The Board felt that this request must be

clarified and it must be withdrawn and reapplied for. Mr. Weisz felt that he would have a different feeling towards a variance. Mr. Creedon withdrew his appeal. Mr. Weisz made a motion to withdraw the appeal. Tom Gideon seconded. The vote to withdraw the appeal was unanimous. Mr. Creedon will proceed to next months meeting for a variance.

Review and Action:

With no additions or corrections a motion was made by Dave Nelson to approve the March 2013 minutes as written. Seconded by Tom Gideon. The vote to approve the minutes was unanimous.

Old and New Business:

Hollister Recycling Center: Mr. Atchley reported that he spoke with the Planning Commission regarding a complaint filed with the office on the movement of the recycling center from one location to another and whether it should have had a permit. The Planning Commission felt that since the site it was moved to previously had been a business there was no need for a permit. Mr. Atchley reported that staff had visited the site and researched it and found that various other businesses had been there in the past.

Adjournment:

With no other business on the agenda of April 17, 2013 the meeting adjourned at 8:06 p.m.