



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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

### AGENDA

**TANEY COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY, NOVEMBER 20, 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 Hearing:

*Bee Creek Partners, LLC*

*7M Holdings*

*Hugh and Sharon Aldredge*

Review and Action:

*Minutes, October 2013*

Old and New Business:

*Tentative*

Adjournment.



# TANEY COUNTY BOARD OF ADJUSTMENT APPEAL STAFF REPORT

**HEARING DATE:** November 20, 2013

**CASE NUMBER:** 2013-0005A

**PROJECT:** Appeal of Planning Commission Decision - Layton Auto Service

**APPLICANT:** Bee Creek Partners, LLC

**LOCATION:** The subject property is located at 1421 Bee Creek Road, Branson, MO; Branson Township; Section 21, Township 23, Range 21.

**REQUEST:** The applicant, Bee Creek Partners, LLC is seeking to appeal the Planning Commission approval of Division III Permit # 2013-0018, authorizing the relocation of the existing Layton Auto Service business from 282 Wabash Road to a new location at 1421 Bee Creek Road.

## **BACKGROUND and SITE HISTORY:**

On November 17, 2008 the Planning Commission approved Division III Special-Use Permit # 2008-0063, authorizing Gail Layton to convert an existing 1,680 square foot building (30' x 56'), located at 282 Wabash Road, into a commercial auto repair business. The permit was issued as a Special-Use Permit. Therefore the permit was issued specifically to Mr. Layton and cannot be transferred without Planning Commission approval. Per the provisions of the Development Guidance Code the Special-Use Permit is also not to be used to establish commercial compatibility for or with any future land-use change applications. This approximately 9.8 acre tract (per the Assessor's information via Beacon) currently contains both the Layton's private residence and also Layton Auto Services.

On January 28, 2011 Lot 1A was created as a +/- 1.57 acre lot via the Replat of Lot 1 of the Snadon Subdivision. The Replat of Lot 1 of Snadon Subdivision has been included in the packet for your review.

On September 16, 2013 the Taney County Planning Commission approved Division III Permit #2013-0018 by unanimous vote, authorizing the relocation of Layton Auto Service, a commercial auto repair facility, from its present location at 282 Wabash Lane, Branson, MO to the property located at 1421 Bee Creek Road, Branson, MO. Upon the

relocation of Layton Auto Service, the property located at 282 Wabash Road will revert back to its previous residential use.

**GENERAL DESCRIPTION:**

Division III Permit #2013-0018 was approved by a unanimous vote of the Taney County Planning Commission, authorizing the relocation of the Layton Auto Service business to the property located at 1421 Bee Creek Road, Branson, MO, with a total of twelve (12) conditions.

The Layton Auto Service business will be served by Branson Municipal Sewer and Public Water Supply District # 3.

The Layton Auto Service business will be accessed via an entrance and exit off of Stinger Road, as shown on the enclosed site plan.

Per the provisions of Appendix J (On-Site Parking and Loading) auto sales and service centers require 1 parking space for every 300 square feet. Therefore Layton Auto Service will be required to provide a minimum of 18 parking spaces, as indicated on the enclosed site plan.

The adjoining property immediately to the north is single-family residential, with multi-family residential being located further to the north. The adjoining property immediately to the south is Stinger Road, commercial storage and a single-family residence. The adjoining property immediately to the east is Bee Creek Road, the Boys and Girls Club and single-family residential. The property immediately to the west consists of Yellow Jacket Road multi-family residential and vacant property.

Per condition number three (3) of the Division III Permit Decision of Record; the applicant shall erect an opaque (privacy) fence between the Layton Auto Service business and the adjoining single-family residence to the west. A 25' wide vegetative buffer shall be preserved between the Layton Auto Service business and the adjoining single-family residence to the north.

**REVIEW:**

The applicant (Bee Creek Partners, LLC) is seeking to appeal the decision of the Planning Commission to approve Division III Permit # 2013-0018, authorizing the relocation of Layton Auto Service, a commercial auto repair facility, from its present location at 282 Wabash Lane, Branson, MO to the property located at 1421 Bee Creek Road, Branson, MO.

The applicant, Bee Creek Partners, LLC is appealing the decision of the Planning Commission based upon what they feel is a need for additional traffic, environmental, parking and noise studies.

The Planning Commission approved Division III Permit # 2012-0022 by a unanimous vote, with a total of twelve (12) conditions, based upon the belief that this proposed development would comply with the Absolute and Relative Policies of the Taney County Development Guidance Code. The conditions were placed upon this permit in order to

mitigate the concerns of the neighboring property owners and also to ensure compliance with the Absolute and Relative Policies of the Development Guidance Code.

### **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 approval of the Decision of Record for Division III Permit # 2013-0018 shall be reversed and shall be considered null and void. The following requirements shall apply, unless revised by the Board:

1. 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).

13-5A

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

(Circle one)

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

PLEASE PRINT

DATE 9/17/13

Applicant Bee Creek Partners, LLC Phone 417-243-0233

Address, City, State, Zip 200 Buzz St. Branson, MO 65616

Representative Kristal Howell, Jim Walker, Brett Johnson Phone 417-243-0233

Owner of Record Kristal Howell Signature: [Signature]

Name of Project: Gail Auto Shop

Section of Code Protested: (office entry) Appealing Planning Commission as of 9/16/13

Address and Location of site: 1421 Bee Creek Road Branson, MO 65616

Subdivision (if applicable) Imperial Report of Part 1A

Section 21 Township 23 Range 21 Number of Acres or Sq. Ft. 1.57

Parcel Number 08-4-0-21-000-002-006.000

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.

September 17, 2013

**TO:** Taney County Board of Adjustment

**RE:** September 16, 2013 Approval on zoning - Layton Auto Service: a request by Gail Layton to move his existing auto repair business to property located at 142 Bee Creek Road. Mr. Atchley presented location maps of the site. Mr. Layton explained his plans, and stated the main entrance and exit will come off Stenger Road. His plans are for a 40' x 130' metal building. All oil and lubricants are put in containers and hauled off. There is a sewer line along the easement. Water will come from District #3. Hours of operation will be Monday through Saturday, 8:00 to 5:00 with reduced hours on Saturday. With no other discussion the project will proceed to public hearing next month.

Bee Creek Partners, LLC/Bee Creek Apartments respectfully Appeal the zoning approval made by the Taney County Zoning Commission, below are the reasons for our request: These reasons are very important to us as it is the safety of our families and children, we Appeal because we feel there should be adequate and proper studies on traffic, environmental, parking, and noise nuisance/disturbances coming from a auto repair shop.

1. Traffic safety, will MODOT complete a traffic study to identify any possible traffic and accident issues? Has the Commission looked into doing a traffic study? Traffic running north & south comes along very fast and it is a very dangerous pull out from Stinger Road. We feel very strongly that a traffic study must be completed. With adding another business (Gail Layton) on Stinger Road combined with over 400 cars (residents of Bee Creek Apartments) that enter and exit Stinger Road, we feel there could be a future deadly accident and we do not want it to be too late for there to be lives lost to perform your traffic study.
2. How is Gail Layton going to follow the Environmental Policy Act? This question is very important to us due to our water and neighbors. Should we contact the EPA and request their input if the Commission decides not to look into this further?
3. Parking- has there been a parking study completed to identify any potential problems?
4. Will Mr. Layton's building have restrictions on building heights, lot size, amount of vehicles allowed to be parked on the property?
5. Will any variances be needed for completion, if so what impact will they have on our surrounding community?

We have a Zoning Commission to control the use of and development of land in such a way as to promote the community welfare and to protect the and safety for all of us, we respectfully ask you to take a second look and strongly urge look into the environmental and traffic safety for our neighbors.

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.

Hubert Smith  
Signature of Applicant  
Hubert Smith

9-17-13  
Date of Application

STATE OF MISSOURI )  
COUNTY OF TANEY )

S.S. On this 17th day of Sept., 2013

Before me Personally appeared Hubert 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 Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2014.



BONITA KISSEE  
My Commission Expires  
February 6, 2014  
Taney County  
Commission #10440057

Bonita Kisse  
Bonita Kisse, Notary Public

## Bob Atchley

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**From:** Frank.Miller@modot.mo.gov  
**Sent:** Wednesday, November 06, 2013 12:51 PM  
**To:** Bob Atchley  
**Cc:** Chad.Zickefoose@modot.mo.gov; Beth.Schaller@modot.mo.gov  
**Subject:** Re: MoDOT Criteria for a Traffic Study

Bob,

Generally, we would look at a traffic study for development projects that generate 1,000 cars per day or 100 during the peak hour of traffic as the trigger for a traffic study. There may be special cases where you might do something different.

Here is a resource from the Florida DOT that you can use to help you with this:

[http://www.dot.state.fl.us/planning/systems/sm/accman/Updated Trip Gen.xls](http://www.dot.state.fl.us/planning/systems/sm/accman/Updated_Trip_Gen.xls)

Frank

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Frank O. Miller, AICP  
District Planning Manager  
3025 East Kearney • Springfield, MO 65803  
Phone: 417-895-7727 Fax: 417-895-7610  
[www.modot.org](http://www.modot.org)



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*Our mission is to provide a world-class transportation experience that delights our customers and promotes a prosperous Missouri.*

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**From:** Bob Atchley <boba@co.taney.mo.us>  
**To:** "Frank.Miller@modot.mo.gov" <Frank.Miller@modot.mo.gov>.  
**Date:** 11/06/2013 09:17 AM  
**Subject:** MoDOT Criteria for a Traffic Study

Hello Frank,

On September 16<sup>th</sup> the Taney County Planning Commission approved a Division III (Land-Use) Permit by unanimous vote, authorizing the relocation of a commercial auto repair facility, from its present location at 282 Wabash Lane, Branson, MO to 1421 Bee Creek Road, Branson, MO. The Bee Creek Partners, LLC (owners of Bee Creek Apartments) are appealing this Planning Commission approval to the Board of Adjustment. They are appealing the Planning Commission decision based in part upon what they feel is a need for a **MoDOT** traffic study. This will be a commercial auto repair facility within a new 5,200 square foot facility. Per the parking provisions of the Taney County Development Guidance Code, the auto repair facility will require a minimum of 18 parking spaces. It would be my understanding that MoDOT would not require a traffic study for such a facility located upon a County maintained road. However, I wanted to see what the MoDOT criteria is for requiring a traffic study. Is there a specific number of cars per day that would trigger a study?

Please contact me with questions or concerns. Thank you for your continued time, patience and assistance.

Thanks Again,

Bob Atchley

Taney County Planning Administrator / Taney County Floodplain Administrator

P.O. Box 383

207 David Street

Forsyth, MO 65653

Phone: (417) 546-7225 or (417) 546-7226

Fax: (417) 546-6861

**Instructions:**  
 Enter Numbers into the "Expected Units"  
 in the Corresponding Yellow Column

**Trip Generation Rates from the 8th Edition ITE Trip Generation Report**

NA: Not Available  
 DU: Dwelling Unit  
 Occ.Room: Occupied Room  
 KSF<sup>2</sup>: Units of 1,000 square feet  
 Fuel Position: # of vehicles that could be fueled simultaneously

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg. Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF <sup>2</sup>	6.97	0.97	12%	88%		0	0	NA	NA	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF <sup>2</sup>	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF <sup>2</sup>	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF <sup>2</sup>	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF <sup>2</sup>	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF <sup>2</sup>	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF <sup>2</sup>	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF <sup>2</sup>	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA	
Apartment 220	Persons	3.31	0.40	NA	NA	400.0	1,324	160	0	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	

Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ. Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	
Resort Hotel 330	Occ. Room	13.43	0.49	43%	57%		0	0	NA	NA	Daily Rate for Saturday.
Resort Hotel 330	Rooms	NA	0.42	43%	57%		0	0	NA	NA	
City Park 411	Picnic Sites	5.87	NA	NA	NA		0	NA	NA	NA	
County Park 412	Acres	2.28	0.06	41%	59%		0	0	NA	NA	
State Park 413	Picnic Sites	9.95	0.65	43%	57%		0	0	NA	NA	
State Park 413	Employees	NA	4.67	43%	57%		0	0	NA	NA	
Water Slide Park 414	Parking Space	2.27	NA	NA	NA		0	NA	NA	NA	Caution- Only 1 Study.
Beach Park 415	Acres	29.81	1.30	29%	71%		0	0	NA	NA	
Campground/RV Park 416	Acres	74.38	0.39	NA	NA		0	0	NA	NA	Caution-Only 1 Study.
Regional Park 417	Picnic Sites	61.82	9.60	41%	59%		0	0	NA	NA	Peak Hour is PM Peak Hour
Regional Park 417	Employees	79.77	10.26	45%	55%		0	0	NA	NA	
National Monument 418	Employees	31.05	5.58	NA	NA		0	0	NA	NA	Peak Hour is PM Peak Hour.
Marina 420	Berths	2.96	0.19	60%	40%		0	0	NA	NA	Caution- Only 2 Studies
Golf Course 430	Employees	20.52	1.48	48%	52%		0	0	NA	NA	
Golf Course 430	Holes	35.74	2.78	45%	55%		0	0	NA	NA	
Miniature Golf Course 431	Holes	NA	0.33	33%	67%		0	0	NA	NA	
Golf Driving Range 432	Tees	NA	1.25	45%	55%		0	0	NA	NA	Caution- Only 2 Studies.
Multipurpose Rec. Facility 435	Acres	90.38	5.77	NA	NA		0	0	NA	NA	Caution- Only 1 Study.
Live Theater 441	Seats	NA	0.02	50%	50%		0	0	NA	NA	
Movie Theater w/o matinee 443	KSF <sup>2</sup>	78.06	6.16	94%	6%		0	0	NA	NA	Caution- Only 1 Study.
Movie Theater w/o matinee 443	Movie Screens	220.00	24.00	41%	59%		0	0	NA	NA	
Movie Theater w/o matinee 443	Seats	1.76	0.07	75%	25%		0	0	NA	NA	Peak Hour is PM Peak Hour.
Movie Theater w/o matinee 443	Employees	53.12	4.20	NA	NA		0	0	NA	NA	
Movie Theater w/ matinee 444	KSF <sup>2</sup>	NA	3.80	64%	36%		0	0	NA	NA	Caution- Only 1 Study
Movie Theater w/ matinee 444	Movie Screens	153.33	20.22	40%	60%		0	0	NA	NA	
Movie Theater w/ matinee 444	Seats	NA	0.14	53%	47%		0	0	NA	NA	
Horse Track 452	Employees	2.60	NA	50%	50%		0	NA	NA	NA	
Dog Track 454	Attendees	1.09	0.13	66%	34%		0	0	NA	NA	
Arena 460	Employees	10.00	NA	50%	50%		0	NA	NA	NA	
Ice Rink 465	Seats	1.26	0.12	NA	NA		0	0	NA	NA	Caution- Only 1 Study.
Casino/Video Lottery Establishment 473	KSF <sup>2</sup>	NA	13.43	56%	44%		0	0	NA	NA	
Amusement Park 480	Employees	8.33	0.50	61%	39%		0	0	NA	NA	
Zoo 481	Acres	114.88	NA	50%	50%		0	NA	NA	NA	
Zoo 481	Employees	23.93	NA	50%	50%		0	NA	NA	NA	
Tennis Courts 490	Courts	31.04	3.88	NA	NA		0	0	NA	NA	
Tennis Courts 490	Employees	66.67	5.67	NA	NA		0	0	NA	NA	
Racquet Club 491	Courts	38.70	3.35	NA	NA		0	0	NA	NA	
Racquet Club 491	KSF <sup>2</sup>	14.03	1.06	NA	NA		0	0	NA	NA	
Racquet Club 491	Employees	45.71	4.85	NA	NA		0	0	NA	NA	
Health Club 492	KSF <sup>2</sup>	32.93	3.53	57%	43%		0	0	NA	NA	Caution- Only 1 Study
Bowling Alley 494	KSF <sup>2</sup>	33.33	3.54	35%	65%		0	0	NA	NA	Caution- Only 1 Study.
Recreational Com. Center 495	KSF <sup>2</sup>	22.88	1.45	37%	63%		0	0	NA	NA	Caution- 1 study.
Recreational Com. Center 495	Employees	27.25	3.16	44%	56%		0	0	NA	NA	
Military Base 501	Employees	1.78	0.39	NA	NA		0	0	NA	NA	
Elementary School 520	Students	1.29	0.15	49%	51%		0	0	NA	NA	Peak Hour is PM Peak Hour
Elementary School 520	KSF <sup>2</sup>	15.43	1.21	45%	55%		0	0	NA	NA	
Elementary School 520	Employees	15.71	1.81	49%	51%		0	0	NA	NA	
Private School (K-12) 536	Students	2.48	0.17	43%	57%		0	0	NA	NA	Caution- Only 2 studies.
Middle/ JR. High School 522	Students	1.62	0.16	49%	51%		0	0	NA	NA	
Middle/ JR. High School 522	KSF <sup>2</sup>	13.78	1.19	52%	48%		0	0	NA	NA	
High School 530	Students	1.71	0.13	47%	53%		0	0	NA	NA	
High School 530	KSF <sup>2</sup>	12.89	0.97	54%	46%		0	0	NA	NA	

High School 530	Employees	19.74	1.55	54%	46%	0	0	NA	NA
Junior/ Comm. College 540	Students	1.20	0.12	64%	36%	0	0	NA	NA
Junior/ Comm. College 540	KSF <sup>2</sup>	27.49	2.54	58%	42%	0	0	NA	NA
Junior/ Comm. College 540	Employees	15.55	1.39	58%	42%	0	0	NA	NA
University/College 550	Students	2.38	0.21	30%	70%	0	0	NA	NA
University/College 550	Employees	9.13	0.88	29%	71%	0	0	NA	NA
Church 560	KSF <sup>2</sup>	9.11	0.55	48%	52%	0	0	NA	NA For Weekday
Synagogue 561	KSF <sup>2</sup>	10.64	1.69	47%	53%	0	0	NA	NA Caution- Only 1 Study.
Daycare Center 565	KSF <sup>2</sup>	79.26	12.46	47%	53%	0	0	NA	NA
Daycare Center 565	Students	4.48	0.82	47%	53%	0	0	NA	NA
Daycare Center 565	Employees	28.13	4.79	47%	53%	0	0	NA	NA
Cemetery 566	Employees	58.09	7.00	33%	67%	0	0	NA	NA
Prison 571	KSF <sup>3</sup>	NA	2.91	NA	NA	0	0	NA	NA Peak Hour is PM Peak Hour. Caution- Only 1 Study.
Prison 571	Employees	NA	0.23	28%	72%	0	0	NA	NA
Library 590	KSF <sup>2</sup>	56.24	7.30	48%	52%	0	0	NA	NA
Library 590	Employees	52.52	5.40	47%	53%	0	0	NA	NA
Lodge/Fraternal Organization 591	Members	0.29	0.03	NA	NA	0	0	NA	NA Caution- Only 1 Study.
Lodge/Fraternal Organization 591	Employees	46.90	4.05	NA	NA	0	0	NA	NA
Hospital 610	KSF <sup>2</sup>	16.50	1.14	42%	58%	0	0	NA	NA
Hospital 610	Beds	11.81	1.31	36%	64%	0	0	NA	NA
Hospital 610	Employees	5.20	0.33	31%	69%	0	0	NA	NA
Nursing Home 620	Beds	2.37	0.22	33%	67%	0	0	NA	NA
Nursing Home 620	Employees	4.03	NA	26%	74%	0	NA	NA	NA Peak Hour is PM Peak Hour.
Clinic 630	KSF <sup>2</sup>	31.45	5.18	NA	NA	0	0	NA	NA Caution- Only 2 Studies
Clinic 630	Employees	7.75	1.23	41%	59%	0	0	NA	NA
General Office 710 (Equation)	KSF <sup>2</sup>	Equation	Equation	17%	83%	0	0	NA	NA
General Office 710	KSF <sup>2</sup>	11.01	1.49	17%	83%	0	0	NA	NA
Corporate Headquarters 714	KSF <sup>2</sup>	7.98	1.40	10%	90%	0	0	NA	NA Peak Hour is PM Peak Hour.
Corporate Headquarters 714	Employees	7.98	1.40	10%	90%	0	0	NA	NA Peak Hour is PM Peak Hour.
Single Tenant Office Bldg 715	KSF <sup>2</sup>	11.57	1.72	15%	85%	0	0	NA	NA Peak Hour is PM Peak Hour.
Single Tenant Office Bldg 715	Employees	3.62	0.50	15%	85%	0	0	NA	NA Peak Hour is PM Peak Hour.
Medical Dental Office 720	KSF <sup>2</sup>	36.13	3.46	27%	73%	0	0	NA	NA
Medical Dental Office 720	Employees	8.91	1.05	34%	66%	0	0	NA	NA
Government Office Building 730	KSF <sup>2</sup>	68.93	1.21	31%	69%	0	0	NA	NA Peak Hour is PM Peak Hour. Caution- Only 1 Study.
Government Office Building 730	Employees	11.95	1.91	74%	26%	0	0	NA	NA
State Motor Vehicles Dept. 731	KSF <sup>2</sup>	166.02	17.09	NA	NA	0	0	NA	NA
State Motor Vehicles Dept. 731	Employees	44.54	4.58	NA	NA	0	0	NA	NA
US Post Office 732	KSF <sup>2</sup>	108.19	11.12	51%	49%	0	0	NA	NA
US Post Office 732	Employees	28.32	2.84	51%	49%	0	0	NA	NA
Gov. Office Complex 733	KSF <sup>2</sup>	27.92	2.85	31%	69%	0	0	NA	NA Caution- Only 1 Study.
Gov. Office Complex 733	Employees	7.75	0.79	31%	69%	0	0	NA	NA
R&D Center 760	KSF <sup>2</sup>	8.11	1.07	15%	85%	0	0	NA	NA Peak Hour is PM Peak Hour.
R&D Center 760	Employees	2.77	0.41	10%	90%	0	0	NA	NA
Building Materials/Lumber 812	KSF <sup>2</sup>	45.16	4.49	47%	53%	0	0	NA	NA
Building Materials/Lumber 812	Employees	32.12	2.77	51%	49%	0	0	NA	NA
Free-Standing Discount Superstore 813	KSF <sup>2</sup>	53.13	4.61	49%	51%	0	0	NA	NA
Free-Standing Discount Store 815	KSF <sup>2</sup>	57.24	5.00	50%	50%	0	0	NA	NA
Free-Standing Discount Store 815	Employees	28.84	3.48	50%	50%	0	0	NA	NA
Hardware/Paint Store 816	KSF <sup>3</sup>	51.29	4.84	47%	53%	0	0	NA	NA Caution- Only 3 Studies
Hardware/Paint Store 816	Employees	53.21	5.05	NA	NA	0	0	NA	NA
Nursery (Garden Center) 817	KSF <sup>2</sup>	36.08	3.80	NA	NA	0	0	NA	NA
Nursery (Garden Center) 817	Employees	22.13	1.99	NA	NA	0	0	NA	NA
Nursery (Wholesale) 818	KSF <sup>2</sup>	39.00	5.17	NA	NA	0	0	NA	NA
Nursery (Wholesale) 818	Employees	23.40	0.47	NA	NA	0	0	NA	NA
Shopping Center 820 (Equation)	KSF <sup>2</sup>	Equation	Equation	49%	51%	0	0	NA	NA
Shopping Center 820 Rate	KSF <sup>2</sup>	42.94	3.37	49%	51%	0	0	NA	NA

Factory Outlet Center 823	KSF <sup>2</sup>	26.59	2.29	47%	53%		0	0	NA	NA	
Quality Restaurant 931	KSF <sup>2</sup>	89.95	7.49	67%	33%		0	0	NA	NA	Low Turnover - More than 1 hour
Quality Restaurant 931	Seats	2.86	0.26	67%	33%		0	0	NA	NA	
High Turnover/Sit Down Rest 932	KSF <sup>2</sup>	127.15	11.15	59%	41%		0	0	NA	NA	Big variation on Daily
High Turnover/Sit Down Rest 932	Seats	4.83	0.41	57%	43%		0	0	NA	NA	
Fast Food w/o Drive Thru 933	KSF <sup>2</sup>	716.00	26.15	51%	49%		0	0	NA	NA	
Fast Food w/o Drive Thru 933	Seats	42.12	2.13	64%	36%		0	0	NA	NA	
Fast Food w/ Drive Thru 934	KSF <sup>2</sup>	496.12	33.48	52%	48%		0	0	NA	NA	
Fast Food w/ Drive Thru 934	Seats	19.52	0.94	53%	47%		0	0	NA	NA	
Drive Thru Only 935	KSF <sup>2</sup>	NA	153.85	54%	46%		0	0	NA	NA	Only 2 studies
Drinking Place 925	KSF <sup>2</sup>	NA	11.34	66%	34%		0	0	NA	NA	
Quick Lube Shop 941	Service Bays	40.00	5.19	55%	45%		0	0	NA	NA	
Automobile Care Center 942	Service Bays	12.48	2.17	NA	NA		0	0	NA	NA	Daily Trips for Saturday. Caution- Only 1 Study.
Automobile Care Center 942	KSF <sup>2</sup>	15.86	3.38	50%	50%	52	82	18	9	9	Daily Trips for Saturday.
New Car Sales 841	KSF <sup>2</sup>	33.34	2.59	39%	61%		0	0	NA	NA	
New Car Sales 841	Employees	21.14	0.96	48%	52%		0	0	NA	NA	Peak Hour is PM Peak Hour.
Automobile Parts Sales 843	KSF <sup>2</sup>	61.91	5.98	49%	51%		0	0	NA	NA	
Gasoline/Service Station 944	Fuel Position	168.56	13.87	50%	50%		0	0	NA	NA	Daily Rate from 4th Edition ITE
Serv. Station w/ Conven.Mkt 945	Fuel Position	162.78	13.38	50%	50%		0	0	NA	NA	Have auto repair and service
Serv.Stat.w/Conv.Mkt.&Carwash 946	Fuel Position	152.84	13.94	51%	49%		0	0	NA	NA	
Self-Service Carwash 947	Stalls	108.00	5.54	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Tire Store 848	Service Bays	NA	3.54	42%	58%		0	0	NA	NA	
Tire Store 848	KSF <sup>2</sup>	24.87	4.15	43%	57%		0	0	NA	NA	
Wholesale Tire Store 849	Service Bays	30.55	3.17	47%	53%		0	0	NA	NA	
Supermarket 850	KSF <sup>2</sup>	102.24	10.50	51%	49%		0	0	NA	NA	Daily based on small number of studies (Caution)
Convenience Mkt. (Open 24 hrs) 851	KSF <sup>2</sup>	737.99	52.41	51%	49%		0	0	NA	NA	
Convenience Mkt. (Open 16 Hrs) 852	KSF <sup>2</sup>	NA	34.57	49%	51%		0	0	NA	NA	
Convenience Mkt w/ Gas Pumps 853	KSF <sup>2</sup>	845.60	59.69	50%	50%		0	0	NA	NA	Average size = 3,000 sqft
Discount Supermarket 854	KSF <sup>2</sup>	96.82	8.90	50%	50%		0	0	NA	NA	Daily Trips for Saturday. Caution- Only 1 Study.
Wholesale Market 860	KSF <sup>2</sup>	6.73	0.88	53%	47%		0	0	NA	NA	Caution- Only 1 Study.
Discount Club 857	KSF <sup>2</sup>	41.80	4.24	50%	50%		0	0	NA	NA	Similar to "Sams" or "Pace"
Home Improvement Store 862	KSF <sup>2</sup>	29.80	2.37	48%	52%		0	0	NA	NA	
Electronics Superstore 863	KSF <sup>2</sup>	45.04	4.50	49%	51%		0	0	NA	NA	
Toy/Children's Superstore 864	KSF <sup>2</sup>	NA	4.99	50%	50%		0	0	NA	NA	Peak Hour is for Saturday.
Apparel Store 876	KSF <sup>2</sup>	66.40	3.83	50%	50%		0	0	NA	NA	
Drugstore w/o Drive-Thru 880	KSF <sup>2</sup>	90.06	8.42	50%	50%		0	0	NA	NA	
Drugstore w/ Drive-Thru 881	KSF <sup>2</sup>	88.16	10.35	50%	50%		0	0	NA	NA	
Furniture Store 890	KSF <sup>2</sup>	5.06	0.45	48%	52%		0	0	NA	NA	
Video Arcade 895	KSF <sup>2</sup>	NA	56.81	52%	48%		0	0	NA	NA	Peak Hour is PM Peak Hour. Caution- Only 1 Study.
Video Rental Store 896	KSF <sup>2</sup>	NA	31.54	50%	50%		0	0	NA	NA	Peak Hour is PM Peak Hour.
Walk-in Bank 911	KSF <sup>2</sup>	156.48	12.12	44%	56%		0	0	NA	NA	Daily based on 1 study & PM Peak based on 2 studies.
Drive-in Bank 912	Drive-in Windows	139.25	27.41	49%	51%		0	0	NA	NA	
Drive-in Bank 912	KSF <sup>2</sup>	148.15	25.82	50%	50%		0	0	NA	NA	

NA: Not Available

DU: Dwelling Unit

Occ.Room: Occupied Room

KSF<sup>2</sup>: Units of 1,000 square feet

Fuel Position: # of vehicles that could be fueled simultaneously

# National Environmental Policy Act (NEPA)

You are here: [EPA Home](#) [Compliance and Enforcement](#) National Environmental Policy Act

## National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions.

To meet NEPA requirements federal agencies prepare a detailed statement known as an **Environmental Impact Statement (EIS)**. EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA.

### Topics

#### **Environmental Impact Statement Database**

Information about EISs filed with EPA, including summaries of EPA's comments.

#### **Submitting Environmental Impact Statements**

Instructions for federal agencies on how to submit an EIS to EPA

#### **Obtaining Environmental Impact Statements**

How to obtain copies EISs prepared by other federal agencies

#### **NEPA and Environmental Justice**

Information on enhancing environmental justice considerations in the NEPA review process

#### **Environmental Justice and NEPA Agency Resource**

##### **Compendium: Key References**

Information on key reference documents from the Environmental Justice and NEPA Agency Resource Compendium

#### **EPA Compliance with NEPA**

How EPA complies with NEPA for many of its own actions



- Policy and Guidance
- Frequent Questions
- NEPA 2012 Annual Results

- Facility Compliance Online



- Environmental Justice in Your Community



- NEPAAssist



- EIS Mapper



***TANEY COUNTY PLANNING COMMISSION  
DIVISION III PERMIT - DECISION OF RECORD  
APPLICANT: GAIL LAYTON  
LAYTON AUTO SERVICE  
SEPTEMBER 16, 2013  
PERMIT# 2013-0018***

On September 16, 2013 the Taney County Planning Commission (grantor) approved a Division III Permit request by Gail Layton (grantee) authorizing the relocation of Layton Auto Service, a commercial auto repair facility. In accordance with the approval, Division III Permit #2013-0018 is issued for the property located at the attached legal description.

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

Gail Layton is authorized to relocate the existing, permitted Layton Auto Service business from its present location at 282 Wabash Lane, Branson, MO to the property located at 1421 Bee Creek Road, Branson, MO. With eight (8) out of nine (9) Planning Commissioners present, the vote to approve Division III Permit # 2013-0018 was unanimous. 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 (Section 4.1.1)
  - b. Stormwater management (Appendix B Item 3)
  - c. Land Grading Permit for all disturbances of over one acre (Appendix F)
  - d. Utility easements and building line setbacks (Table 12)
  - e. Improvements with scale of buildings, streets, onsite parking and utilities.(Table 6)
  - f. A complete landscape and buffering plan showing the location, size and planting materials for all buffer yards, both adjacent to public rights-of-way and residential properties.
  - g. A lighting plan showing the location, height and other specifications on the lighting to be provided for the development.

2. Compliance letters from the City of Branson, Taney County Public Water Supply District # 3, the Western Taney County Fire Protection District and the Taney County Road & Bridge Department shall be submitted to the Planning Department Office, including all other entities which have requirements governing a development of this nature (Chapter VI-VII).
3. An opaque (privacy) fence shall be erected between the Layton Auto Service business and the adjoining single-family residence to the west. A 25' wide vegetative buffer shall be preserved between the Layton Auto Service business and the adjoining single-family residence to the north.
4. A minimum of eighteen (18) parking spaces shall be provided for the Layton Auto Service business.
5. Normal business hours of operation shall be Monday through Friday 8:00 AM to 6:00 PM and 8:00 AM to 3:00 PM on Saturday.
6. No outside storage of equipment or solid waste materials.
7. This decision is subject to all existing easements.
8. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
9. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Certificate of Occupancy (C of O) from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
10. All light sources within the facility shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways
11. The commercial drive shall be a minimum of 32' in width.
12. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

Legal description attached below:

**ALL OF LOT ONE A (1A), OF THE REPLAT OF LOT 1 OF SNADON SUBDIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, IN PLAT BOOK/SLIDE J, AT PAGE 612, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI.**



TANEY COUNTY PLANNING COMMISSION

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

13-18

**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: LAYTON AUTO SERVICE

NAME OF APPLICANT: GAIL LAYTON  
(Must be owner of record)

SIGNATURE: Gail Layton DATE: 7.30-13  
(Must be owner of record)

MAILING ADDRESS: 282 WABASH LANE BRANSON MO. 65616

TELEPHONE NUMBER: 417-334-5650 CELL # 417-331-0994

**Representative Information**

NAME OF REPRESENTATIVE: KATHY LAYTON

MAILING ADDRESS (rep.): 282 WABASH LANE BRANSON MO 65616

TELEPHONE NUMBER (rep.): 417-334-2696

# 13-18

### Property Information

1421

ACCESS TO PROPERTY (street # and name): 1421 Bee Creek Rd and

Stinger Rd

Number of Acres (or sq. ft. of lot size): 1.57

PARCEL #: 08-5.0-21-000-002-506,000

(Parcel # MUST be on permit. Example: 00-0.0-00-000-000-000.000. This number is on top left hand corner of property tax statement. If you have not paid taxes on property, must have name of previous owner of property.)

SECTION: 21 TOWNSHIP: 23 RANGE: 21

NAME OF SUBDIVISION (if applicable): Shannon Repeat of 2-1A

Lot # (if applicable) 1A BLOCK # WA

#### 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 # 3

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.)***

AUTO REPAIR. MECHANICAL ONLY



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website: www.taneycounty.org

DIVISION III PERMIT
APPLICATION/AFFIDAVIT
TANEY COUNTY PLANNING COMMISSION

Applicants Name: GAIL LAYTON Phone: 417-334-5650

Project Name (if applicable): LAYTON AUTO SERVICE

Mailing Address: 282 WABASH LANE

Description of Request: AUTO REPAIR MECHANICAL

Required Submittals:

- 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.

Gail Layton
Applicant's Signature

7-30-13
Date of Application



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### MINUTES

#### TANEY COUNTY PLANNING COMMISSION REGULAR MEETING

MONDAY, AUGUST 19, 2013, 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE

#### Call to Order:

Chairman Rick Treese called the meeting to order at 6:00 p.m. A quorum was established with five members present. They were: Rick Treese, Randy Haes, Dave Stewart, Mike Scofield, and Steve Adams. Staff present: Bob Atchley and Bonita Kisse-Souttee.

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

#### Review and Action:

Minutes: July 2013, a motion was made by Dave Stewart to approve with the correction of the last sentence on the third paragraph strike will. Seconded by Randy Haes. The vote to approve the minutes was unanimous.

#### Final Vote:

Western Taney County Fire Protection District Station #9 Addition: request by Western Taney County Protection District to construct living quarters at Station #9 located at 142 Briggs Road. Mr. Atchley read the proposed decision of record. Mr. Stewart asked how Briggs Road was platted. Mr. Haes explained that it has a 40' easement that runs along the property line and was taken in by the County in 2003. There is a well that sits next to the road, which the County is aware of. Setbacks were discussed. Mr. Stewart stated that compatibility is not met in his opinion. Mr. Single clarified that the addition will be in the back. Mr. Treese reminded the Commission of the change in the Code regarding the 2 acre minimum. Mr. Atchley stated that there has been Board of Adjustment approval for a variance on the minimum lot size. Discussion followed regarding setbacks. Mr. Atchley stated that a Division II permit will not be issued unless the project is in compliance. Mr. Haes clarified that the existing building is grandfathered. With no other discussion a motion was made by Randy Haes to approve based upon the decision of record. Steve Adams seconded. The vote to approve was unanimous.

Jack and Sally's Gunworks: request by Jason Smith to operate a gun sales and service business from an existing accessory building located at 114 Shawn Road. Mr. Atchley read the proposed decision of record. The applicant presented information regarding the homeowners association and that they currently do not meet, and haven't since 1995. The covenants are null and void. Mr. Adams asked about putting the bars on the windows. The applicant stated that he has purchased the materials and will have it done in a week. Mr. Adams stated that if approval is given he would like pictures of the structure after the bars are in place. With no other discussion a motion was made by Dave Stewart to approve based upon the decision of record. Seconded by Mike Scofield. The vote to approve was unanimous.

Country Ridge Business Park: request by Dennis and Sandra Rodgers to construct a commercial building with upper and lower levels to be used for office space and a business they plan to operate. Mr. Atchley read the proposed decision of record. The adjacent property owner sent a letter stating he did not want a privacy fence next to his property. With no further discussion a motion was made by Dave Stewart to approve based upon the decision of record. Seconded by Steve Adams. The vote to approve was unanimous.

#### Concepts:

Areawide Motors: a request by Hwy. 248 Group, LLC to operate a used car lot on property located at 1818 St. Hwy. 248. Mr. Atchley presented location maps of the site, and stated that the City of Branson has been contacted because their city limits are contiguous on two sides of this property. There is a sewer line running across the property. The applicant stated that the property drops off severely to the back. He stated that a portable office is planned. Hours would be 8:00 a.m. to 6:00 p.m. There won't be any restrooms or water. They do not want to grow larger than one or two employees. Cars will not be serviced on the site. There will not be a wash bay, cars will be washed off site or a mobile service employed. There will be no more than 30 cars onsite at one time. With no other discussion this project will proceed to public hearing next month.

Nightly Rental Designation: a request by James A. Lowrey to operate a nightly rental business on property located at 1180 Tate Road. This project withdrew.

Layton Auto Service: a request by Gail Layton to move his existing auto repair business to property located at 142 Bee Creek Road. Mr. Atchley presented location maps of the site. Mr. Layton explained his plans, and stated the main entrance and exit will come off Stenger Road. His plans are for a 40' x 130' metal building. All oil and lubricants are put in containers and hauled off. There is a sewer line along the easement. Water will come from District #3. Hours of operation will be Monday through Saturday, 8:00 to 5:00 with reduced hours on Saturday. With no other discussion the project will proceed to public hearing next month.

Cardwell Automotive, LLC: a request by Adam Cardwell to operate a used car business on property owned by Charles Harris, 122 Delaware Road. Mr. Atchley presented location maps of the site. Mr. Cardwell explained the plans and stated that this will be four to five cars and open part time. There will be no sewer or water onsite. The property will be rented from Charles Harris. A small office building will be placed onsite. The only access will be from Delaware. The surface will be gravel. There will be a sign on the building for advertisement of the business. With no other discussion this project will proceed to public hearing next month.

Old and New Business:

No discussion.

Adjournment:

With no other business on the agenda for August 19, 2013 the meeting adjourned at 6:45 p.m.



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**MINUTES  
TANEY COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
MONDAY, SEPTEMBER 9, 2013, 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE**

### Call to Order:

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

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

### Public Hearing:

Areawide Motors: a request by Hwy. 248 Group, LLC to operate a used car lot on property located at 1818 St. Hwy. 248. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Mark Fitzhugh representing the project addressed questions from the Planning Commission, and public. Mr. Treese discussed item #8 with the applicant and if he is comfortable with the hours of operation. Mr. Fitzhugh stated that he might want to operate different hours in the winter. The Commission stated that he could operate less hours without approval but not later. The applicant chose to operate from 8:00 a.m. until 8:00 p.m. Mr. Edwards asked about why the applicant did not want to hook to City sewer. The applicant stated that he didn't want to go to the expense that it would take to hook up. He stated that he would place a portable toilet onsite with a fence, or use the neighboring business restroom. Mr. Edwards asked Mr. Atchley if there were any regulations specifying if a commercial business was required to have a restroom by the sewer district. Mr. Atchley stated that not through the sewer district. He did state that if a property owner builds a restroom facility and had central sewer available they are required to hook on. Mr. Caudill stated that in his opinion a property owner shouldn't have to come under City regulations if he doesn't want to. Discussion followed. Mr. Stewart stated that in his opinion the Planning Commission doesn't have the authority to require this, and the previous property owner didn't have water and restrooms. Mr. Fitzhugh informed the Commission that state doesn't require a car lot to have a restroom. The applicant is agreeable to having a portable toilet if the Commission asked him to. Discussion

followed. Mr. Caudill and Mr. Stewart stated that in their opinions the ground would not perc in order to put in a septic tank, and that they would rather see a portable toilet. No one signed up to speak. With no other discussion the public hearing was closed. This project will receive final vote next week.

Layton Auto Service: a request by Gail Layton to move his existing auto repair business to property located at 1421 Bee Creek Road. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. The Commission discussed ingress and egress and that the existing road is used for access to the single family dwelling behind the property. Mr. Layton stated that he plans to place the ingress and egress on the side of the property from Stinger Road. He will also make part of the access road wider for the neighbors use. He will place an 8' tall privacy fence between the residence and his property. He will keep all liquids inside the building for pick up. He will address any run off, and have an asphalt parking lot. He reported that he spoke to the closest neighbor and said in his opinion they were agreeable. Mr. Adams wants a letter from the property owner stating this. Discussion followed regarding the road easement. Mr. Layton stated that he will not construct anything that looks junky. Bryan Wade representing Bee Creek Partners who are the developers of the property to the west in the (Bee Creek Apartments), addressed some issues regarding the property values, compatibility, access points from Stinger Road, sight distance, added traffic onto Bee Creek Road, buffering to the west, hours of operation, and adequate parking. Brett Johnson, developer of Bee Creek Apartments, presented a power point presentation of the project to scale on the property showing the ingress and egress from Stinger Road, parking, and Bee Creek Road. He presented a noise level chart showing the levels of sound that comes from each type of electric tool used in a mechanics shop. Mr. Hoy who lives in the neighborhood expressed concerns regarding buffering, junk onsite, and if we can enforce the rules. He was also concerned about property values. Don Benson who also lives in the Bee Creek Apartments, was concerned if a traffic study was done on Bee Creek Road, access of emergency vehicles from Stinger Road, and safety. Mary Lissak who lives in Bee Creek Apartments, was concerned with traffic safety. Mr. Haes stated that Stinger Road is not a county maintained road. Mr. Stewart asked if Mr. Layton could have access from a public road. Mr. Johnson stated that since he put the road in he would have to study that. Mr. Haes explained how site distance is measured. Mr. Caudill asked Mr. Johnson if he owned this property how many units he could get on the site and how many cars the use would generate. Discussion followed. Mr. Treese asked if Mr. Layton didn't use Stinger Road would the project be more acceptable to the property owners. Mr. Johnson stated that if the project could be done without disrupting the neighborhood he would be more in favor of it, and he suggested placing the entrance further south. Mr. Caudill discussed having a single entrance from Stinger Road allowing a car to pull out then onto Bee Creek Road. Discussion followed regarding buffering, and providing a site plan showing elevations. Mr. Johnson wants to know what kind of signage is planned. Mr. Layton stated that the reason there are no drawings yet is because he needs to know what style of building he will be considering and how much solid rock is on the property. Noise mitigation was discussed, and that

Bee Creek Road generates as much noise as a commercial garage would. Mr. Treese again asked Mr. Johnson if he would be agreeable to the project if Mr. Layton did not use Stinger Road. Mr. Johnson stated that this would go a long way, but that noise mitigation and traffic are also concerns. Mr. Treese asked Mr. Layton how close residences are to his current business. He stated that they are close and that he lives next to it. He hasn't had complaints from the current neighborhood regarding traffic to and from the business. He also stated that he is not comfortable with not using Stinger Road as an access. The Commission asked for a site plan from Mr. Layton showing parking and access before the next meeting. Mr. Haes stated that the County has guidelines for accesses from county roads. Discussion followed after which the public hearing was closed. This project will proceed to final vote next week.

Cardwell Automotive, LLC: a request by Adam Cardwell to operate a used car sales business on property owned by Charles Harris, 122 Delaware Road. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Hours of operation were discussed. He would like to change the hours in case he wanted to meet someone on the site at a different time. The hours were changed to 7:00 a.m. to 6:00 p.m. Monday through Saturday. He will access the property off Delaware only. There will be no driveway between the business or highway and gravel one way only. Mr. Stewart discussed special use and that an agreement should be written between the business and the applicant in order to use the restroom. Mr. Haes stated that the entrance should be widened in order to accommodate the county road right of way. The applicant was agreeable to a special use permit. Discussion followed regarding why the Planning Commission should hear this request because the property is also commercial of a similar use. Discussion followed. Mike Fulton who own property in the area previously was concerned with traffic off Delaware, cutting the grass, the neighboring spring becoming polluted, and trashing the property. After discussion, the public hearing was closed and this project will proceed to final vote next week.

#### Old and New Business:

Mr. Atchley reported on the new legislation regarding cell phone towers, and what the Planning Commissions in Mo., can discuss and not discuss in a meeting. Mr. Edwards stated that he heard this legislation can't be implemented at this time. Mr. Atchley will research this further and report back to the Commission.

A Division II Application for an existing business was discussed by Mr. Atchley regarding if the Planning Commission should hear the request as a Division III application rather than doing a Division II. The business hopes to add another structure taking up most of the existing parking lot. Part of the structure will be rented out to other businesses. Mr. Stewart stated that in his opinion any major changes to a commercial request should come back before the Planning Commission. Discussion followed, after which the Planning Commission decided to hear this request as a Division III.

Adjournment:

With no other business on the agenda for September 9, 2013 the meeting adjourned at 8:20 p.m.



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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

**MINUTES  
TANEY COUNTY PLANNING COMMISSION  
REGULAR MEETING  
MONDAY, SEPTEMBER 16, 2013, 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE**

### Call to Order:

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

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

### Review and Action:

Minutes: August 2013, with no additions or corrections, a motion was made by Ronnie Melton to approve the minutes as written. Seconded by Ray Edwards. The vote to approve the minutes was unanimous.

### Final Votes:

Areawide Motors: a request by Hwy. 248 Group, LLC to operate a used car lot on property located at 1818 St. Hwy. 248. Mr. Atchley read the proposed decision of record. Discussion followed regarding the vegetative buffer, previous use, and portable toilet. Mr. Stewart suggested that a discussion should be had in February regarding permitting projects without water or sewer. The applicant stated that plans are if the project is a success, sewer and water will be added. Mr. Caudill stated that for a project of this size, he didn't see the necessity of sewer and water. After discussion Mr. Caudill made a motion to approve based upon the decision of record. The vote to approve was six in favor and two against.

Layton Auto Service: a request by Gail Layton to move his existing auto repair business to property located at 142 Bee Creek Road. Mr. Atchley read the proposed decision of record, and presented the requested site plan. Mr. Treese asked Mr. Layton if he wanted to move the 5:00 p.m. closing time until later. He stated that the hours of 8:00 a.m. until 6:00 p.m. would be more convenient for customers after they get off

work. Mr. Stewart clarified that the current vegetative buffer is adequate. Mr. Melton stated that he would like to see the 27' driveway changed to 32'. One driveway and make it a little wider, will be changed on the decision of record. After discussion Dave Stewart made a motion to approve based upon the decision of record. Seconded by Ronnie Melton. The vote to approve was unanimous.

Cardwell Automotive, LLC: a request by Adam Cardwell to operate a used car business on property owned by Charles Harris, 122 Delaware Road. Mr. Atchley read the proposed decision of record. Mr. Caudill clarified the placement of the cars. Mr. Haes discussed the site distance of the driveway width. Mr. Edwards again stated that this is another instance of no water or wastewater onsite. Mr. Cardwell reported that he has the use of the adjoining business restrooms. Mr. Caudill made a motion to approve based upon the decision of record with changes in hours of operation and driveway width. Mr. Stewart seconded. The vote to approve was seven in favor and one against.

#### Concepts:

Table Rock Traders: a request by John Holcomb to do gunsmithing and sales at 747 Painter Road. Mr. Atchley presented a map showing location of the request. Mr. Holcomb explained his request and stated that the gunsmithing will be done in his outbuilding and sales will take place in his home. He presented his license from the state. He plans to sell ammunition from the out building as well. Mr. Holcomb stated that the previous resident also did gun sales on the property. He will do this business by appointment only, because he works another job. This project will proceed to public hearing next month.

Esther's House of Redemption: a request by Sundi Jo Graham to operate a residential discipleship program for women at 1947 Lakeshore Drive. Mr. Atchley presented a map showing the location of the request. Ms. Graham explained her request. This property was previously commercial but not permitted. There will be full time staff on the property. No children will be on site. Discussion followed regarding how prospective applicants find out about this location. This program is free of charge and funded by donations. This project will proceed to public hearing next month.

SBA Structures, Inc.: a request by Curtis Holland representing SBA Structures to place a wireless communications tower at 1384 North St. Hwy. 265. Mr. Atchley presented a map showing location of the request. John Tiner representing the applicant explained the existing tower has reached capacity. This proposed tower will built next to the existing tower. Mr. Treese asked if this is the type of tower would fall inward. The representative did not know. Mr. Atchley pointed out that the Code does not specify fall requirements. Mr. Tiner stated that the company wished to place a temporary tower on the site until this one is built. This project will proceed to public hearing next month.

#### Old and New Business:

Mr. Atchley reported about the ongoing litigation regarding the law on cell phone towers.

Adjournment:

With no other business on the agenda for September 16, 2013 the meeting adjourned at 6:48 p.m.

Division III Relative Policy Scoring Sheet:  
Western Taney County

Performance Value	Importance Factor	Score	Section Score
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**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=			
no known limitations	0	3	0	0
potential limitations but mitigation acceptable	-1			
mitigation inadequate	-2			

SLOPES	n/a=			
<b>NOTE:</b> if residential, mark "x" in box.....				
development on slope under 30%	0	4	0	0
slope exceeds 30% but is engineered and certified	-1			
slope exceeds 30% and not engineered	-2			

WILDLIFE HABITAT AND FISHERIES	n/a=			
no impact on critical wildlife habitat or fisheries issues	0	2	0	0
critical wildlife present but not threatened	-1			
potential impact on critical wildlife habitat or fisheries	-2			

AIR QUALITY	n/a=			
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	-1	-5
buffered and minimally mitigated	-1			
cannot be mitigated	-2			

**Compatibility Factors**

USE COMPATIBILITY	n/a=			
no conflicts / isolated property	0	4	-1	-4
transparent change / change not readily noticeable	-1			
impact readily apparent / out of place	-2			

Division III Relative Policy Scoring Sheet:  
Western Taney County

		Performance Value	Importance Factor	Score	Section Score
<b>LOT COVERAGE</b>	n/a=				
lot coverage compatible with surrounding areas		0	1	0	0
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
<b>BUILDING BULK AND SCALE</b>	n/a=				
bulk / scale less than or equivalent to surrounding areas		0	3	0	0
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
<b>BUILDING MATERIALS</b>	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			
<b>STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT &amp; VENTS</b>	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			
<b>STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS</b>	n/a=	x			
no on-site waste containers		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			
<b>STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.</b>	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			
<b>LANDSCAPED BUFFERS -- RESIDENTIAL</b>	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			

Layton Auto Service		Permit#:	13-18		
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
<b>LANDSCAPED BUFFERS - INDUSTRIAL</b>		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			
<b>Local Economic Development</b>					
<b>RIGHT TO FARM</b>		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			
<b>RIGHT TO OPERATE</b>		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			
<b>DIVERSIFICATION</b>		n/a=			
creates >=5 full-time, year-round jobs outside of recreation / resort sector		2	5	1	5
creates full-time, year-round and seasonal jobs		1			
creates seasonal jobs only		0			
<b>Site Planning, Design, Occupancy</b>					
<b>RESIDENTIAL PRIVACY</b>		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			
<b>MIXED-USE DEVELOPMENTS</b>		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			
<b>Commercial Development</b>					
<b>DEVELOPMENT PATTERNS</b>		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			

Division III Relative Policy Scoring Sheet:  
Western Taney County

	Performance Value	Importance Factor	Score	Section Score
<b>DEVELOPMENT BUFFERING</b>	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			
<b>Services - Capacity and Access</b>				
<b>TRAFFIC</b>	n/a=			
no impact or insignificant impact on current traffic flows	0	2	0	0
traffic flow increases expected but manageable using existing roads and road accesses	-1			
traffic flow increases exceed current road capacities	-2			
<b>EMERGENCY SERVICES</b>	n/a=			
structure size and/or access can be serviced by emergency equipment	0	5	0	0
structure size and/or access may impede but not hinder serviceability	-1			
structure size and/or access could be problematic or non-serviceable	-2			
<b>RIGHT-OF-WAY OF EXISTING ROADS</b>	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			
<b>Internal Improvements</b>				
<b>WATER SYSTEM SERVICE</b>	n/a=			
central water system meeting DNR requirements for capacity, storage, design, etc.	2	3	2	6
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			
<b>EMERGENCY WATER SUPPLY</b>	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			
<b>PEDESTRIAN CIRCULATION INFRASTRUCTURE</b>	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			

Division III Relative Policy Scoring Sheet:  
Western Taney County

	Performance Value	Importance Factor	Score	Section Score
<b>PEDESTRIAN SAFETY</b>	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			
<b>BICYCLE CIRCULATION</b>	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			
<b>UNDERGROUND UTILITIES</b>	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			
<b>Open-Space Density</b>				
<b>USABLE OPEN SPACE</b>	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			
<b>Solid Waste Disposal</b>				
<b>SOLID WASTE DISPOSAL SERVICE AVAILABILITY</b>	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			
<b>SOLID WASTE DISPOSAL SERVICE COMMITMENT</b>	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= 2

Maximum Possible Score= 39

Actual Score as Percent of Maximum= 5.1%

Number of Negative Scores= 4

Negative Scores as % of All Applicable Scores= 25.0%

Scoring Performed by:

Bob Atchley / Bonita Kisse

Date:

August 29, 2013

Project: Layton Auto Service

Permit#: 13-18

Policies Receiving a Negative Score	
Importance Factor 5:	off-site nuisances emergency water supply waste disposal service
Importance Factor 4:	use compatibility
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: Bob Atchley / Bonita Kisse

Date: August 29, 2013

Project: **Layton Auto Service**

Permit: **13-18**

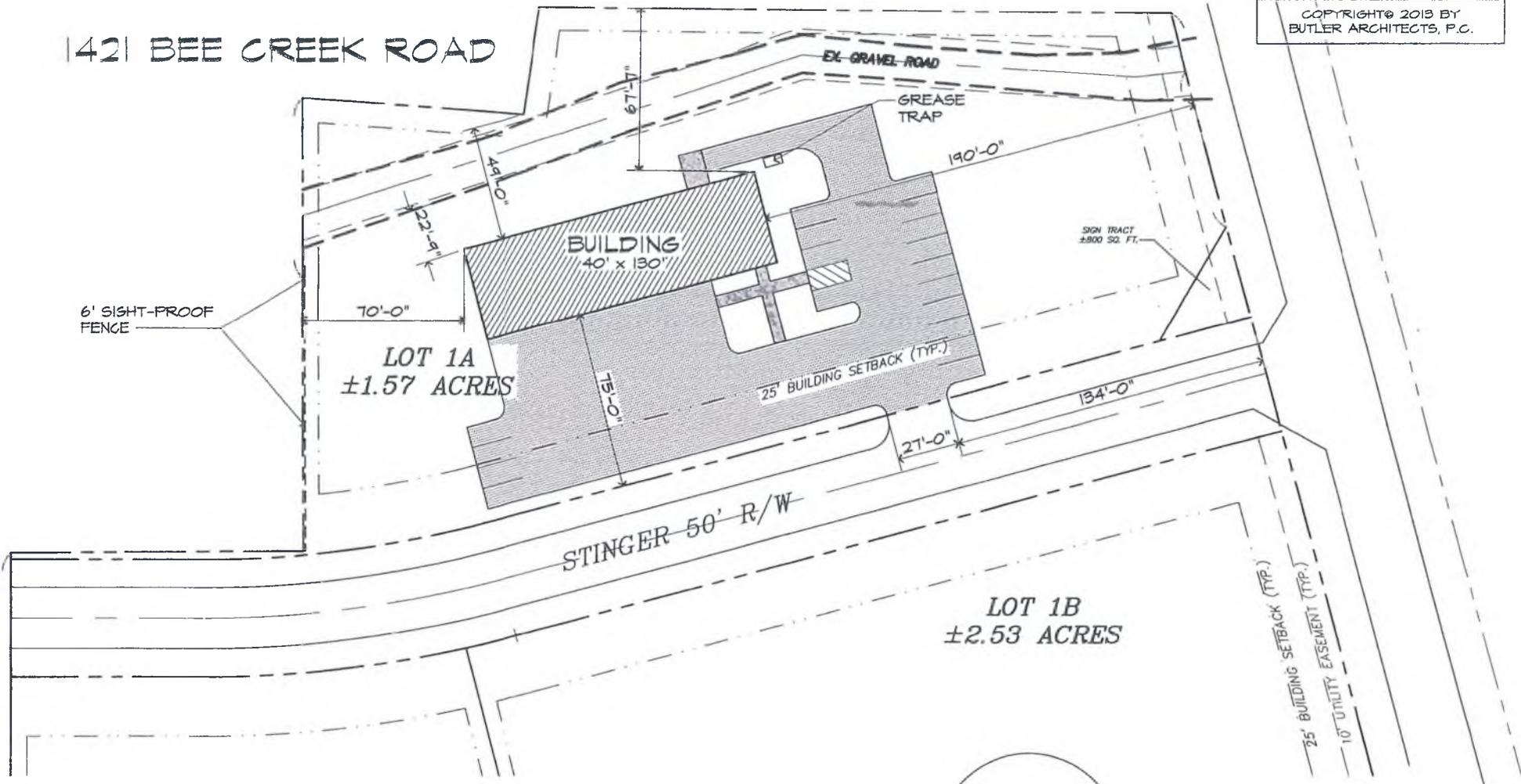
	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	39	2	5.1%	4	25.0%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
<b>Importance Factor 5</b>			3	42.9%
sewage disposal	10	10		
off-site nuisances	0	-5		
diversification	10	5		
emergency services	0	0		
right-of-way/roads	5	5		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
<b>Importance Factor 4</b>	8	-4	1	33.3%
slopes	0	0		
use compatibility	0	-4		
pedestrian circulation				
underground utilities	8	0		
<b>Importance Factor 3</b>	6	6		
soil limitations	0	0		
building bulk/scale	0	0		
waste containers screening				
outdoor equip storage				
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service	6	6		
<b>Importance Factor 2</b>				
wildlife habitat and fisheries	0	0		
air quality				
building materials				
residential buffer / screening				
residential privacy				
traffic	0	0		
pedestrian safety				
usable open space				
<b>Importance Factor 1</b>				
lot coverage	0	0		
rooftop vents / equipment				
bicycle circulation				

Scoring by: *Bob Atchley / Bonita Kissee*  
 Date: *August 29, 2013*

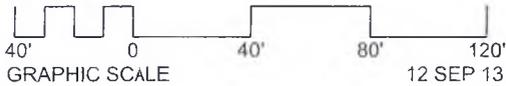
1421 BEE CREEK ROAD

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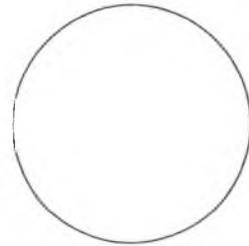


**SITE PLAN**

SCALE: 1" = 40'-0"



Owner:  
**Layton Auto Service**  
 282 Wabash Lane  
 Branson, Missouri 65616



Architect:  
**Butler Architects, P.C.**  
 1377 Bee Creek Road  
 Branson, Missouri 65616

Brent Alan Butler - Architect  
 Missouri License # A-4981  
 Missouri Corporate Certificate  
 of Authority # A-200000068  
 417-335-4422





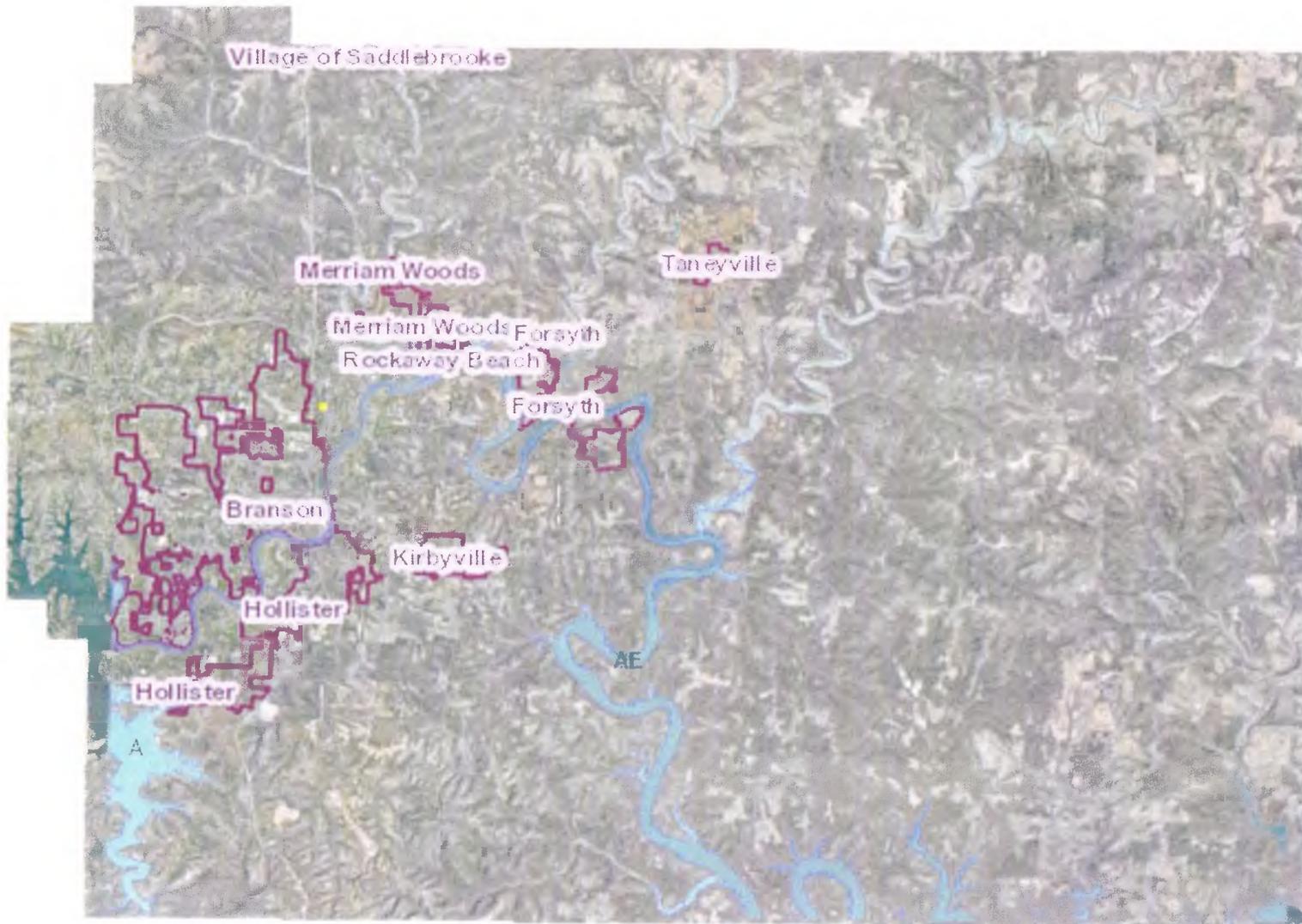
**TANEY COUNTY PLANNING COMMISSION  
DIVISION III PERMIT  
STAFF REPORT**

**HEARING DATE:** September 9, 2013

**CASE NUMBER:** 2013-0018

**PROJECT:** Layton Auto Service

**APPLICANT:** Gail Layton



**Layton Auto Service  
Division III Permit 2013-0018  
Taney County GIS - Beacon**



**LOCATION:**

- 1421 Bee Creek Road, Branson, MO
- Branson Township
- Section 21, Township 23, Range 21







**REQUEST:**

The applicant, Gail Layton is requesting approval of a Division III Permit in order to allow the existing, permitted Layton Auto Service to be relocated from its present location at 282 Wabash Lane, Branson to the property located at 1421 Bee Creek Road, Branson.



## **BACKGROUND and SITE HISTORY:**

On November 17, 2008 the Planning Commission approved Division III Special-Use Permit # 2008-0063, which allowed Gail Layton to convert an existing 1,680 square foot building (30' x 56'), located at 282 Wabash Road, into a commercial auto repair business. The permit was issued as a Special-Use Permit. Therefore the permit was issued specifically to Mr. Layton and cannot be transferred without Planning Commission approval. Per the provisions of the Development Guidance Code the Special-Use Permit is also not to be used to establish commercial compatibility for or with any future land-use change applications. This approximately 9.8 acre tract (per the Assessor's information via Beacon) currently contains both the Layton's private residence and also Layton Auto Services. If the current applicant is approved the property located at 282 Wabash Road will revert back to its previous residential use, upon the relocation of the auto service business.

# BACKGROUND and SITE HISTORY Continued:

On January 28, 2011 Lot 1A was created as a +/- 1.57 acre lot via the Replat of Lot 1 of the Snadon Subdivision. The Replat of Lot 1 of Snadon Subdivision has been included in the packet for your review.

INCLEMENT *2nd Parcel*

THE REPLAT OF  
LOT 1 SNADON SUBDIVISION  
LOCATED IN THE NE 1/4 NW 1/4  
OF SEC. 21, T23N, R21W  
OF THE 5TH PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI

OFFICE OF TANEY COUNTY 911 ADMINISTRATION  
APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATION  
THIS 18 DAY OF JANUARY 2011.

*Ann K. Meyer*  
911 REPRESENTATIVE

TANEY COUNTY PLANNING COMMISSION CERTIFICATION:

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION  
THIS 31 DAY OF JANUARY 2011.

*Eddie C. Cox*  
ADMINISTRATOR

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

*Eddie C. Cox RP 11-01*  
ADMINISTRATOR: EDDIE COX

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 HEREIN.
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" REBAR'S WITH P.L.S. CAP PLACED ON TOP OF PIN, 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 318, AT PAGE 118, DATED 11/18/20, 20.
6. ALL ROADS SHOWN ON PLAT HAVE A 30' RIGHT-OF-WAY.
7. AREAS: THE TOTAL AREA OF THE PROPERTY IS ±7.23 ACRES.  
THE TOTAL LOT AREA IS ±6.59 ACRES.  
THE TOTAL ROAD AREA IS ±0.64 ACRES.

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 2501300820, PANEL 162 OF 300 TANEY COUNTY, MISSOURI MAP EFFECTIVE DATE: SEPTEMBER 28, 2006.

### Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: BEE CREEK, LLC, 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: BEE CREEK, LLC

SECTIONAL MAP R 21 W

LEGEND

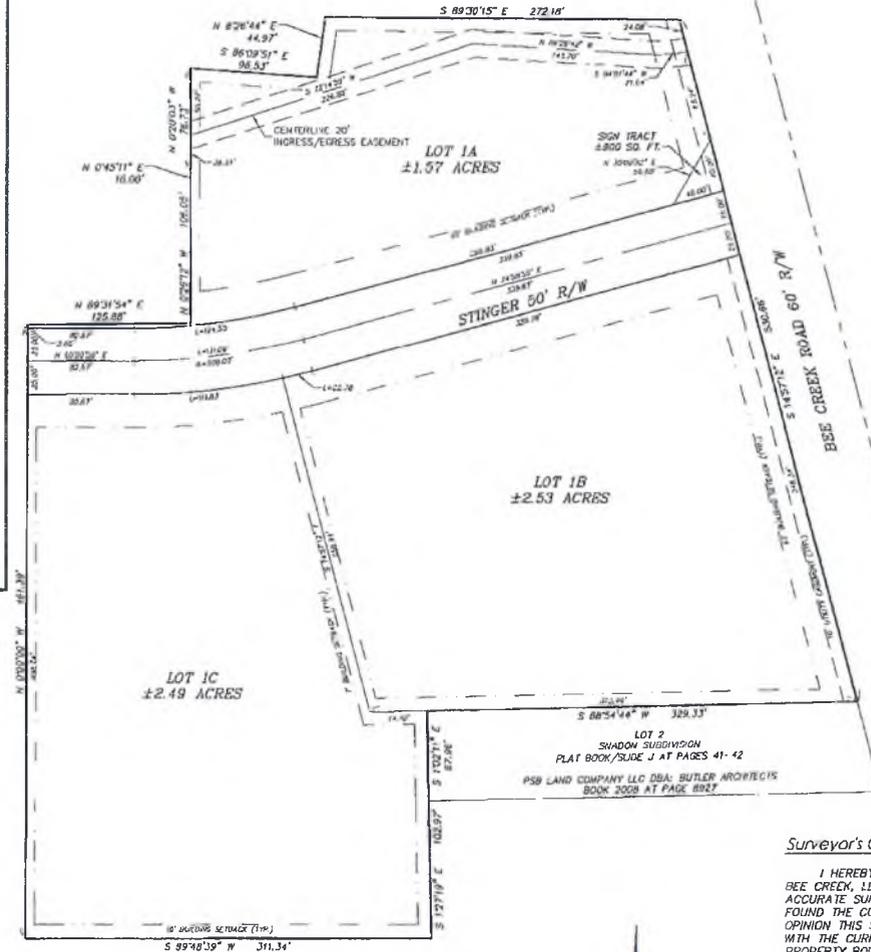
- SET IRON PIN
- EX. 1/2" IRON PIN
- EXISTING STONE
- △ CORPS MONUMENT
- ▲ RIGHT-OF-WAY MARKER

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

WOLFE SURVEYING, INC.

EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)  
PATRICK W. BROWN (VICE PRESIDENT)  
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)  
210 South Third Street, Union, MO 65618  
Phone: 417-334-8820 Fax: 417-334-5151

SHEET: 1 OF 1  
DATE: 01-27-11  
DRAWN BY: KMP  
W.O. #1978  
DWG #1978-RP L1  
REV



SEAL OR STAMP  
NOTARY PUBLIC  
MICHAEL TAYLOR  
TANEY COUNTY, MISSOURI  
MY COMMISSION EXPIRES: 7/26/2011



DETAIL NOT TO SCALE

RECORDING FEE \$612  
STATE USER FEE \$4.00  
TOTAL \$616

FILED  
TIME 10:15 AM  
JAN 31 2011  
Robert A. Dixon  
Recorder of Deeds  
TANEY COUNTY

GRAPHIC SCALE  
( IN FEET )  
1 inch = 80 ft



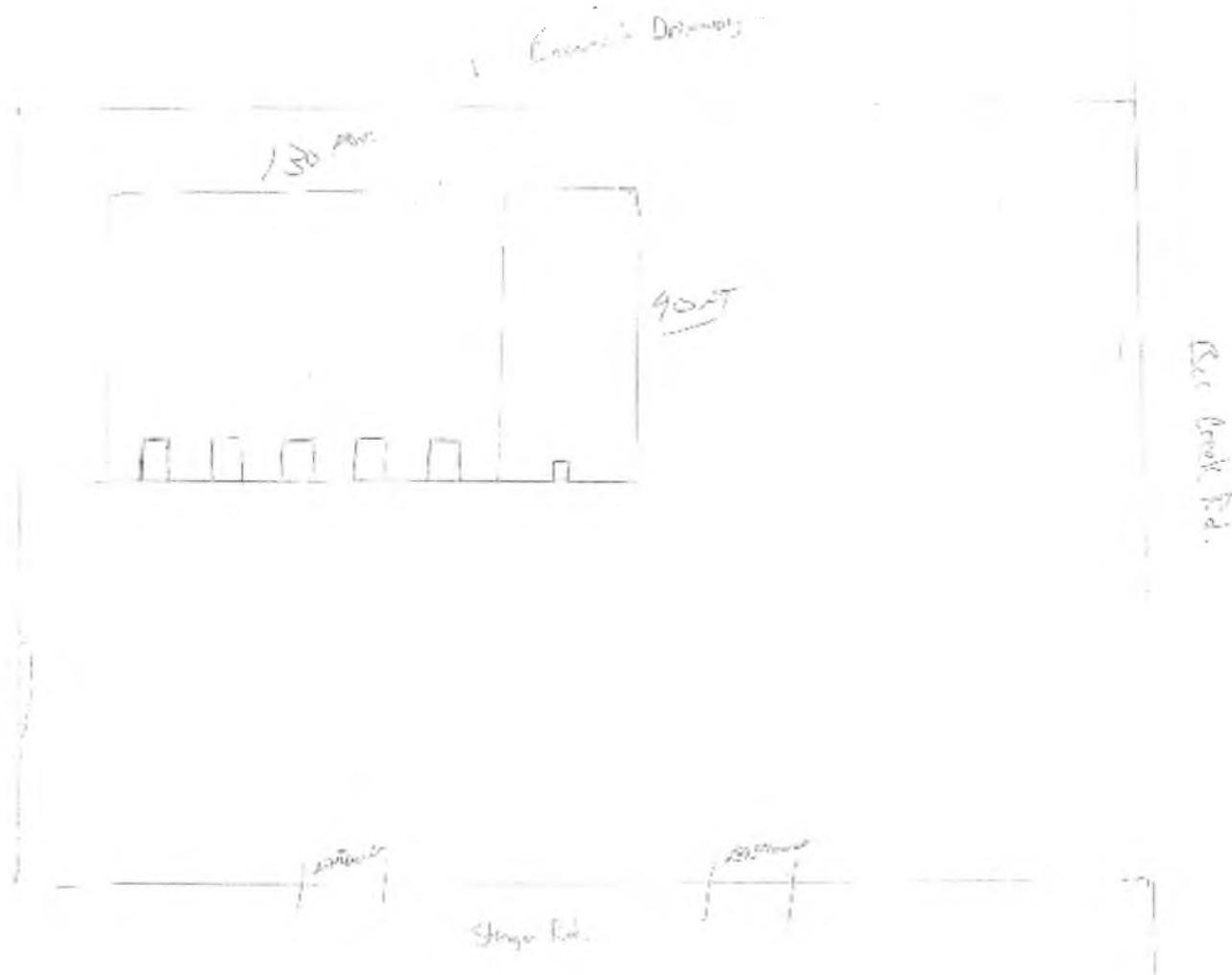
**BACKGROUND and SITE HISTORY Continued:**

The applicant, Gail Layton is seeking the approval of a Division III Permit in order to relocate the existing Layton Auto Service business from 282 Wabash Road to 1421 Bee Creek Road, Branson.

The current application was approved for Concept on August 19, 2013.

## GENERAL DESCRIPTION:

The applicant is seeking the approval of a Division III Permit in order to allow for the relocation of the existing Layton Auto Service business from 282 Wabash Road to a new location at 142 Bee Creek Road. The applicant is proposing to construct a 5,200 square foot building (40' x 130') on the currently vacant site, to serve as the Layton Auto Service. The proposed normal business hours of operation would be Monday through Friday 8:00 AM to 5:00 PM and 8:00 AM to 3:00 PM on Saturday.





**Layton Auto Service  
Division III Permit 2013-0018  
Pictometry – North View**



**Layton Auto Service  
Division III Permit 2013-0018  
Pictometry – South View**



**Layton Auto Service  
Division III Permit 2013-0018  
Pictometry – East View**



**Layton Auto Service  
Division III Permit 2013-0018  
Pictometry – West View**

## REVIEW:

The Layton Auto Service business will be served by Branson municipal sewer and Public Water Supply District # 3. The applicant has been in contact with both the City of Branson and Public Water Supply District #3 concerning each of the aforementioned connections.



## REVIEW Continued:

The applicant is proposing for the property to be accessed via a separate primary entrance and exit off of Stinger Road, with a secondary access also being provided via the existing ingress / egress easement which already accesses Bee Creek Road.



## REVIEW Continued:

Per the provisions of Appendix J (On-Site Parking and Loading) auto sales and service centers require 1 parking space for every 300 square feet. Therefore Layton Auto Service would be required to provide a minimum of 18 parking spaces.

The adjoining property immediately to the north is single-family residential, with multi-family residential being located further to the north. The adjoining property immediately to the south is Stinger Road, commercial storage and a single-family residence. The adjoining property immediately to the east is Bee Creek Road, the Boys and Girls Club and single-family residential. The property immediately to the west consists of Yellow Jacket Road multi-family residential and vacant property.



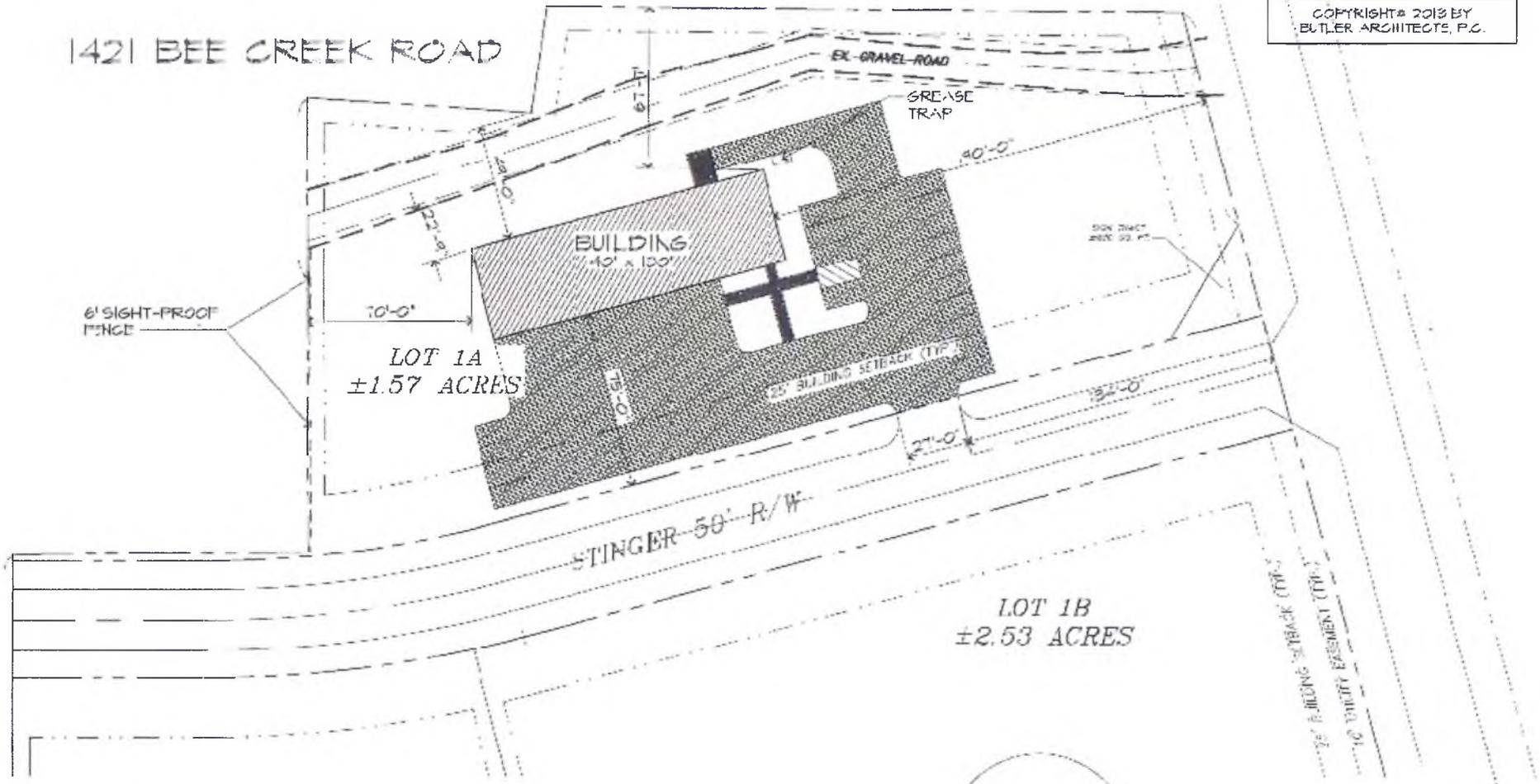
**REVIEW Continued:**

The applicant is proposing to erect a privacy fence between the Layton Auto Service business and the adjoining single-family residences to both the north and west.

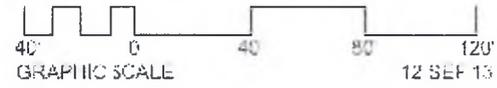
The project received a score of 2 on the Policy Checklist, out of a maximum possible score of 39. The relative policies receiving a negative score consist of off-site nuisances, emergency water supply, solid waste disposal service, and use compatibility.

1421 BEE CREEK ROAD

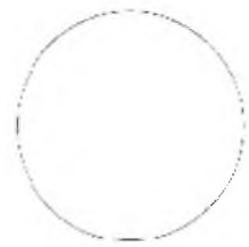
COPYRIGHT © 2013 BY BUTLER ARCHITECTS, P.C.



 **SITE PLAN**  
SCALE: 1" = 40'-0"



Owner:  
**Layton Auto Service**  
502 Weber Lane  
Branson, Missouri 65616

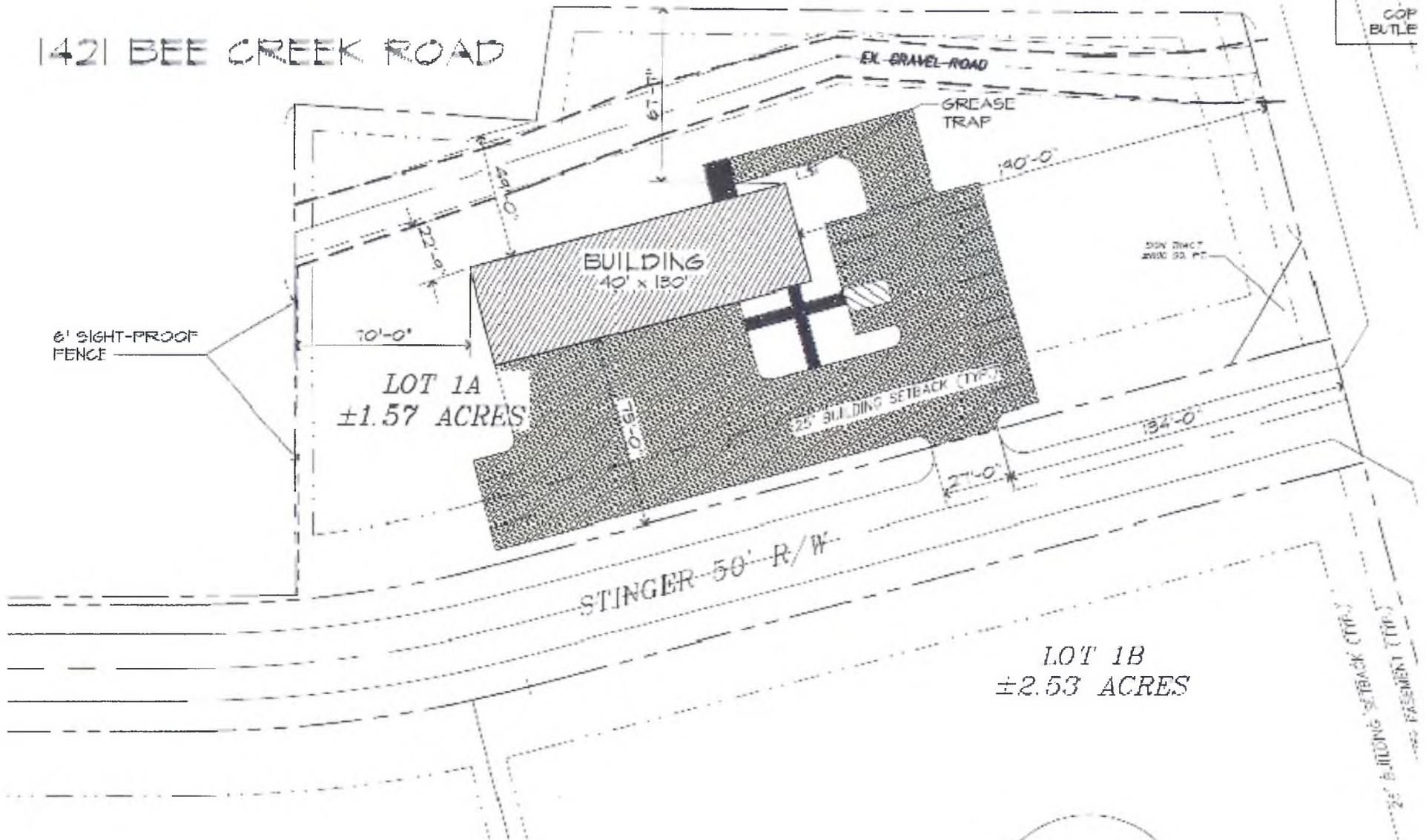


Architect:  
**Butler Architects, P.C.**  
1877 Bee Creek Road  
Branson, Missouri 65618

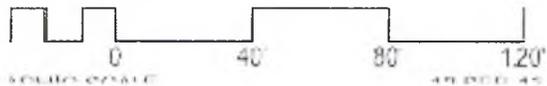
BRANSON AUTO SERVICE - 468-8888  
417-335-4422

1421 BEE CREEK ROAD

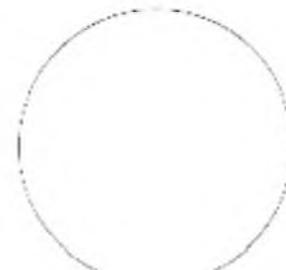
COP BUTLE



**SITE PLAN**  
SCALE: 1" = 40'-0"



Owner:  
**Layton Auto Service**  
282 Wabash Lane



Architect:  
**Butler Architects,**  
1877 Bee Creek Road

## STAFF RECOMMENDATIONS:

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, that include plans for the following:
  - a. Sediment and erosion control (Section 4.1.1)
  - b. Stormwater management (Appendix B Item 3)
  - c. Land Grading Permit for all disturbances of over one acre (Appendix F)
  - d. Utility easements and building line setbacks (Table 12)
  - e. Improvements with scale of buildings, streets, onsite parking and utilities.(Table 6)
  - f. A complete landscape and buffering plan showing the location, size and planting materials for all buffer yards, both adjacent to public rights-of-way and residential properties.
  - g. A lighting plan showing the location, height and other specifications on the lighting to be provided for the development.
2. Compliance letters from the City of Branson, Taney County Public Water Supply District # 3, the Western Taney County Fire Protection District and the Taney County Road & Bridge Department shall be submitted to the Planning Department Office, including all other entities which have requirements governing a development of this nature (Chapter VI-VII).
3. An opaque (privacy) fence shall be erected between the Layton Auto Service business and the adjoining single-family residence to the west. A 25' wide vegetative buffer shall be preserved between the Layton Auto Service business and the adjoining single-family residence to the north.

4. A minimum of eighteen (18) parking spaces shall be provided for the Layton Auto Service business.
5. Normal business hours of operation shall be Monday through Friday 8:00 AM to 6:00 PM and 8:00 AM to 3:00 PM on Saturday.
6. No outside storage of equipment or solid waste materials.
7. This decision is subject to all existing easements.
8. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
9. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Certificate of Occupancy (C of O) from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
10. All light sources within the facility shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.
11. The commercial drive shall be a minimum of 32' in width.
12. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

# NOTICE OF PUBLIC HEARING

## *THE TANEY COUNTY BOARD OF ADJUSTMENT*

Will hold a public hearing concerning the  
following requested variance or appeal.

Applicant: Bee Creek Partners;

Request: Appeal of Approval  
of Auto repair at 142 Bee Creek  
Road

Property Location: 143 Bee Creek  
Road

Hearing Location: Taney County Courthouse

7:00pm

Date: Wednesday, 11-20-13

-16 7725

















BOYS AND GIRLS CLUB





EPPS  
TRASH SERVICE  
354-8830

01100312



# TANEY COUNTY BOARD OF ADJUSTMENT

## VARIANCE STAFF REPORT

**HEARING DATE:** November 20, 2013

**CASE NUMBER:** 2013-0008V

**APPLICANT:** 7 M Holdings, LLC

**LOCATION:** The subject property is a large portion of Thunder Ridge Estates, located on Thunder Ridge Court, Rainfall Circle and Sunrise Villa Drive, off of Thunder Ridge Estates Drive, off of Bee Creek Road; Branson Township; Section 16, Township 23, Range 21.

**REQUEST:** The applicant, 7 M Holdings, LLC is requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code and also from Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards.

### **BACKGROUND and SITE HISTORY:**

On September 18, 2006 the Planning Commission approved Division III Permit 2006-0048 authorizing the development of Thunder Ridge Estates, containing forty-three (43) residential lots and 17 duplexes, platted into 34 condominium units, on a total of +/- 27.06 acres.

On November 14, 2007 The Final Plat of Thunder Ridge Estates, Phase I was filed with the Taney County Recorder of Deeds Office, upon the administrative approval of the Planning Administrator, creating a twenty-four (24) lot residential subdivision.

On November 1, 2007 Division II Permit 2007-0089 was issued authorizing the construction of two (2) duplex buildings within Thunder Ridge Estates. These two condominium buildings were originally approved as two (2) of the seventeen (17) duplexes that were to be held in condominium style ownership. In 2007 it appears that the two (2) duplex lots were sold by deed via a meets and bounds property descriptions.

Both the platted and un-platted portion of Thunder Ridge Estates were foreclosed upon by the bank. Earlier this year 7 M Holdings, LLC purchased a number of platted lots and also the remaining, un-platted portion of the development from the bank. Currently 7 M Holdings, LLC owns thirteen (13) of the platted lots within Thunder Ridge Estates, Phase I, as well as the remaining un-platted property within the development.

The existing, single-family residences within Thunder Ridge Estates have been permitted by the Planning Department office but unfortunately most of these existing structures do not meet the front of lot setback requirements. The majority of the Division I Permits within Thunder Ridge Estates were issued by the Planning Department in 2009 and 2010.

7 M Holdings, LLC is now requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code for a number of the existing residential lots, for the currently un-platted portion of the development to be platted into future residential lots and also for the future duplex area. The applicant is wishing to construct and sell duplexes as whole ownership units. Please refer to the duplex front of lot setback variance summary below for all of the specific setback variances being requested.

**GENERAL DESCRIPTION:**

The applicant, 7 M Holdings, LLC is requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code and also Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards. The applicant is requesting an eight (8) foot front of lot setback variance, on the lots enumerated below, allowing each of the single-family residences to be constructed seventeen (17) feet from the front property line. The Lots in question are Lots 31, 47, 50, 51, 53, 54, 55 and 56, as enumerated on the attached copy of the Final Plat of Thunder Ridge Estates, Phase I. Secondly, the applicant is also requesting the same eight (8) foot front of lot setback variance, on the un-platted portion of the single-family residential development, allowing future single-family residences to be constructed seventeen (17) feet from the front property line. Thirdly, the applicant is requesting a series of front of lot setback variances within the un-platted portion of the development to be utilized for the remaining eleven (11) duplexes to be constructed as enumerated in the attached survey. The proposed duplex front of lot setbacks have been enumerated in the chart below:

**Thunder Ridge Estates Duplex Front of Lot Setback Variance Summary**

Duplex Units as Enumerated on the Woife Surveying Drawing	Front Setback Variance Requested	Setback Upon Granting of Variance
Unit 1	7'	18'
Unit 2	7'	18'
Unit 3	7'	18'
Unit 4	7'	18'
Unit 5	7'	18'
Unit 6	7'	18'
Unit 7	5'	20'
Unit 8	11'	14'
Unit 9	8'	17'
Unit 10	8'	17'
Unit 11	20'	5'
Unit 12	9'	16'
Unit 13	9'	16'
Unit 14	9'	16'
Unit 15	9'	16'
Unit 16	9'	16'
Unit 17	9'	16'
Unit 18	9'	16'
Unit 19	9'	16'
Unit 20	9'	16'
Unit 21	9'	16'
Unit 22	9'	16'

Finally, the applicant is requesting a variance from the provisions of Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards, allowing for a 20 foot right-of-way width variance, allowing the right-of-way width to be platted at 30 feet within the duplex portion of the development.

The applicant has requested that the Board of Adjustment consider the variance requests for the duplex property in a separate vote from the single-family residential properties in question.

#### **REVIEW:**

The applicant is requesting a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code and also Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards. The completion of the development of the Thunder Ridge Estates Subdivision is limited by both the existing layout of the subdivision and also the topography of the site. The majority of the existing lots drop off quickly toward the rear of each lot. The majority of the existing, permitted single-family residential structures do not meet the front of lot setback requirements. The applicant wishes for the front setbacks of the new residences to match those of the existing homes.

The duplex portion of the development was initially intended to be held in a condominium style of ownership. In Taney County it has been generally accepted practice to allow for the plating of a condominium style ownership development with lots that do not necessarily meet the setback, road frontage and / or minimum lot size requirements because each of the lots is held by the condominium association as common property. However, due to the difficulty in obtaining bank financing for a condominium project the applicant is proposing to plat the remaining duplex development in a traditional form of ownership.

#### **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 front of lot setback variance of 8' for Lots 31, 47, 50, 51, 53, 54, 55 and 56 of Thunder Ridge Estates, Phase I, allowing each of the single-family residences to be constructed 17' (at the closest point) from the front property line.
2. Approval of a front of lot setback variance of 8' for the un-platted single-family portion of Thunder Ridge Estates, allowing future single-family residences to be constructed seventeen 17' (at the closest point) from the front property line.
3. Approval of a series of front of lot setback variances allowing the un-platted duplex portion of Thunder Ridge Estates to be platted with the following setback variances:

**Thunder Ridge Estates Duplex Front of Lot Setback Variance Summary**

Duplex Units as Enumerated on the Wolfe Surveying Drawing	Front Setback Variance Requested	Setback Upon Granting of Variance
Unit 1	7'	18'
Unit 2	7'	18'
Unit 3	7'	18'
Unit 4	7'	18'
Unit 5	7'	18'
Unit 6	7'	18'
Unit 7	5'	20'
Unit 8	11'	14'
Unit 9	8'	17'
Unit 10	8'	17'
Unit 11	20'	5'
Unit 12	9'	16'
Unit 13	9'	16'
Unit 14	9'	16'
Unit 15	9'	16'
Unit 16	9'	16'
Unit 17	9'	16'
Unit 18	9'	16'
Unit 19	9'	16'
Unit 20	9'	16'
Unit 21	9'	16'
Unit 22	9'	16'

4. Approval of a 20' right-of-way width variance, allowing the right-of-way width to be platted at 30' within the duplex portion of the development, as enumerated on the survey from Wolfe Surveying.
5. Compliance with all of the other provisions of the Taney County Development Guidance Code.
6. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).



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

13-8V

APPLICATION and AFFIDAVIT  
FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 10-16-13

Applicant 7M HOLDINGS Phone (903) 663-4172

Address, City, State, Zip P.O. BOX 624 JUDSON, TX 75660

Representative MIKE PATERSON Phone 417-699-1234

Owner of Record 7M HOLDINGS Signature: Mike Paterson

Name of Project: THUNDER RIDGE SUBDIVISION

Section of Code Protested: (office entry)

Address and Location of site: THUNDER RIDGE ESTATES DR.

FROM U.S. 165 N TAKE BRANSON HILLS/BEE CREEK RD EXIT; GO NORTH ON BEE CREEK RD. APPROX. 1.5 MI. TO THUNDER RIDGE EST. DR.

Subdivision (if applicable) THUNDER RIDGE ESTATES

Section 17 Township 23N Range 21W Number of Acres or Sq. Ft. 17.32 AC.

Parcel Number 01-510-0000-0000-0000

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.



TO: TANEY COUNTY

7M Development would request a variance for the properties located in Thunder Ridge Estates (off of Bee Creek Parkway). See attached plot. We would ask for an 8 ft. variance. The lots are that which would warrant this due to erosion and drop off of property in the back. There is also the property at 102 Thunder Ridge Estates Dr. which has been completed by another and their set back is 17'8" and we would like to match that setback for the rest of the subdivision. There are also other houses in the cul-de-sac that do not meet the 25' setback requirements.

The subdivision had already been started at the time purchase and our goal is for the neighborhood to look nice and attractive for all and the subdivision to thrive once again.

Mike Paterson  
Representative for 7M Development  
(417) 699-1234  
[mike.paterson@me.com](mailto:mike.paterson@me.com)

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.

*Michael E. Paterson*

Signature of Applicant

10-21-13

Date of Application

STATE OF MISSOURI )

S.S. On this 21st day of Oct., 2013

COUNTY OF TANEY )

Before me Personally appeared Michael Paterson, 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 2/6/2014.



BONITA KISSEE  
My Commission Expires  
February 6, 2014  
Taney County  
Commission #10440057

*Bonita Kissee*

Bonita Kissee, Notary Public

THE PRELIMINARY PLAT OF  
**DEER CREEK ESTATES  
 AND THUNDER RIDGE ESTATES**  
 LOCATED IN THE E 1/2 SW 1/4  
 SEC. 16, T23N, R21W  
 OF THE 5th PRINCIPAL MERIDIAN  
 TANEY COUNTY, MISSOURI

**LINE TABLE**

LINE	LENGTH	BEARING
1.0	12.00	S 89°15'00" W
1.1	12.00	S 89°15'00" W
1.2	12.00	S 89°15'00" W
1.3	12.00	S 89°15'00" W
1.4	12.00	S 89°15'00" W
1.5	12.00	S 89°15'00" W
1.6	12.00	S 89°15'00" W
1.7	12.00	S 89°15'00" W
1.8	12.00	S 89°15'00" W
1.9	12.00	S 89°15'00" W
2.0	12.00	S 89°15'00" W
2.1	12.00	S 89°15'00" W
2.2	12.00	S 89°15'00" W
2.3	12.00	S 89°15'00" W
2.4	12.00	S 89°15'00" W
2.5	12.00	S 89°15'00" W
2.6	12.00	S 89°15'00" W
2.7	12.00	S 89°15'00" W
2.8	12.00	S 89°15'00" W
2.9	12.00	S 89°15'00" W
3.0	12.00	S 89°15'00" W
3.1	12.00	S 89°15'00" W
3.2	12.00	S 89°15'00" W
3.3	12.00	S 89°15'00" W
3.4	12.00	S 89°15'00" W
3.5	12.00	S 89°15'00" W
3.6	12.00	S 89°15'00" W
3.7	12.00	S 89°15'00" W
3.8	12.00	S 89°15'00" W
3.9	12.00	S 89°15'00" W
4.0	12.00	S 89°15'00" W
4.1	12.00	S 89°15'00" W
4.2	12.00	S 89°15'00" W
4.3	12.00	S 89°15'00" W
4.4	12.00	S 89°15'00" W
4.5	12.00	S 89°15'00" W
4.6	12.00	S 89°15'00" W
4.7	12.00	S 89°15'00" W
4.8	12.00	S 89°15'00" W
4.9	12.00	S 89°15'00" W
5.0	12.00	S 89°15'00" W

**CURVE TABLE**

LINE	CHORD	ARC	ANGLE
1.0	12.00	12.00	0°00'00"
1.1	12.00	12.00	0°00'00"
1.2	12.00	12.00	0°00'00"
1.3	12.00	12.00	0°00'00"
1.4	12.00	12.00	0°00'00"
1.5	12.00	12.00	0°00'00"
1.6	12.00	12.00	0°00'00"
1.7	12.00	12.00	0°00'00"
1.8	12.00	12.00	0°00'00"
1.9	12.00	12.00	0°00'00"
2.0	12.00	12.00	0°00'00"
2.1	12.00	12.00	0°00'00"
2.2	12.00	12.00	0°00'00"
2.3	12.00	12.00	0°00'00"
2.4	12.00	12.00	0°00'00"
2.5	12.00	12.00	0°00'00"
2.6	12.00	12.00	0°00'00"
2.7	12.00	12.00	0°00'00"
2.8	12.00	12.00	0°00'00"
2.9	12.00	12.00	0°00'00"
3.0	12.00	12.00	0°00'00"
3.1	12.00	12.00	0°00'00"
3.2	12.00	12.00	0°00'00"
3.3	12.00	12.00	0°00'00"
3.4	12.00	12.00	0°00'00"
3.5	12.00	12.00	0°00'00"
3.6	12.00	12.00	0°00'00"
3.7	12.00	12.00	0°00'00"
3.8	12.00	12.00	0°00'00"
3.9	12.00	12.00	0°00'00"
4.0	12.00	12.00	0°00'00"
4.1	12.00	12.00	0°00'00"
4.2	12.00	12.00	0°00'00"
4.3	12.00	12.00	0°00'00"
4.4	12.00	12.00	0°00'00"
4.5	12.00	12.00	0°00'00"
4.6	12.00	12.00	0°00'00"
4.7	12.00	12.00	0°00'00"
4.8	12.00	12.00	0°00'00"
4.9	12.00	12.00	0°00'00"
5.0	12.00	12.00	0°00'00"

**NOTES:**  
 DEER CREEK ESTATES WILL BE LOTS 1-16, 17-18 AND 20-25  
 CONSISTING OF 22 RESIDENTIAL LOTS AND ONE COMMERCIAL  
 SITE.  
 THUNDER RIDGE ESTATES WILL BE LOTS 10-11, 12-17 AND 17  
 SUNDRIES PLATED AS COMMERCIAL, CONSISTING OF 43  
 RESIDENTIAL LOTS AND 21 COMMERCIAL SITES.

OFFICE OF TANEY COUNTY CIVIL ADMINISTRATION  
 APPROVED BY THE OFFICE OF TANEY COUNTY CIVIL ADMINISTRATION THIS  
 DAY OF \_\_\_\_\_ 2008.

BY: \_\_\_\_\_  
 TANEY COUNTY PLANNING COMMISSION APPROVAL  
 APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS  
 DAY OF \_\_\_\_\_ 2008.

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

**NOTES:**  
 ALL LOTS ARE SUBJECT TO STREACH EASES AND  
 UTILITY EASEMENTS BY TANEY COUNTY PLANNING  
 COMMISSION, TANEY COUNTY, MISSOURI.  
 ALL LOTS BOUNDARIES WERE STAKED WITH 1/2" REBAR  
 WITH PLAT COPY PLACED ON TOP OF PIN UNLESS NOTED  
 OTHERWISE ON PLAT.  
 NOTE: RESPECTIVE COORDINATES ARE FILED FOR RECORD  
 AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY  
 RECORDERS OFFICE IN BOOK \_\_\_\_\_ AT PAGE \_\_\_\_\_

**PLAT INFORMATION:**  
 THE PROPERTY SHOWN ON THIS PLAT DOES NOT FALL IN A  
 FLOOD HAZARD BOUNDARY AREA ACCORDING TO FLOOD  
 HAZARD BOUNDARY MAPS, TANEY COUNTY, MISSOURI, PAGES  
 28 OF 37 CURRENTLY IN USE, AS DATED JANUARY 16,  
 1984.

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG  
 ALL STREETS AND BACK LOT LINES EXCEPT SHOWN OTHERWISE.  
 ALL LOTS ARE SUBJECT TO A 5' UTILITY EASEMENT ALONG  
 ALL SIDE LOT LINES.  
 ALL HOUSES SHOWN ON PLAT HAVE A 30' FRONT-OF-YARD  
 SETBACK RULES.

25 FEET OFF OF ALL SUBDIVISION ROADS  
 10' SETBACK FROM STREET OFF ALL SIDE CORNER LOTS  
 5 FEET OFF ALL SIDE LOTS

**DATE SURVEYED:**  
 SURVEYOR PLAT RECORDED IN PLAT  
 BOOK PAGE 2 AT PAGE 28-29

**CLASSIFICATION OF SURVEY:**  
 "SUBDIVISION SURVEY"

**LEGEND:**  
 Δ = PERMANENT MONUMENT - 3/8"  
 PIN WITH ALUMINUM CAP  
 PLACED ON TOP OF THE PIN

**Surveyor's Certification**

I HEREBY CERTIFY THAT AT THE REQUEST OF  
 DAVID EVERITT,  
 THAT I HAVE MADE AN ACCURATE  
 AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREIN  
 AND FOUND THE CONDITIONS TO BE AS INDICATED, IN MY  
 OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE  
 WITH THE CURRENT MISSOURI LANDMAN STANDARDS FOR  
 PROPERTY BOUNDARY SURVEYS.

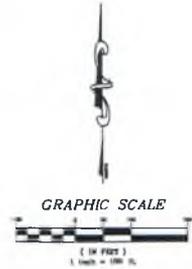
ALL PLATS THAT DO NOT SHOW  
 A SEAL IMPRINT IN BLUE INK  
 MAY HAVE BEEN TRANSMITTED  
 ELECTRONICALLY. ALL INFORMATION  
 SHOULD BE CORROBORATED UNLESS  
 NOTED BY THE PROFESSIONAL  
 LAND SURVEYOR WHOSE SIGNATURE  
 APPEARS BELOW.

RODOLPH WOLFE P.L.S. 280  
 JACK E. HOUSEMAN P.L.S. 200508022

Surveyed for: **DAVID EVERITT  
 EUGENE C. PETRINI**

Surveyor: **RODOLPH WOLFE, INC.  
 JACK E. HOUSEMAN P.L.S. 280  
 3000 One World One Suite 1027-33 Provo, UT 84601  
 Phone: 437-334-8800 Fax: 437-334-5151**

DATE: **10-18-08** DRAWN BY: **REV**



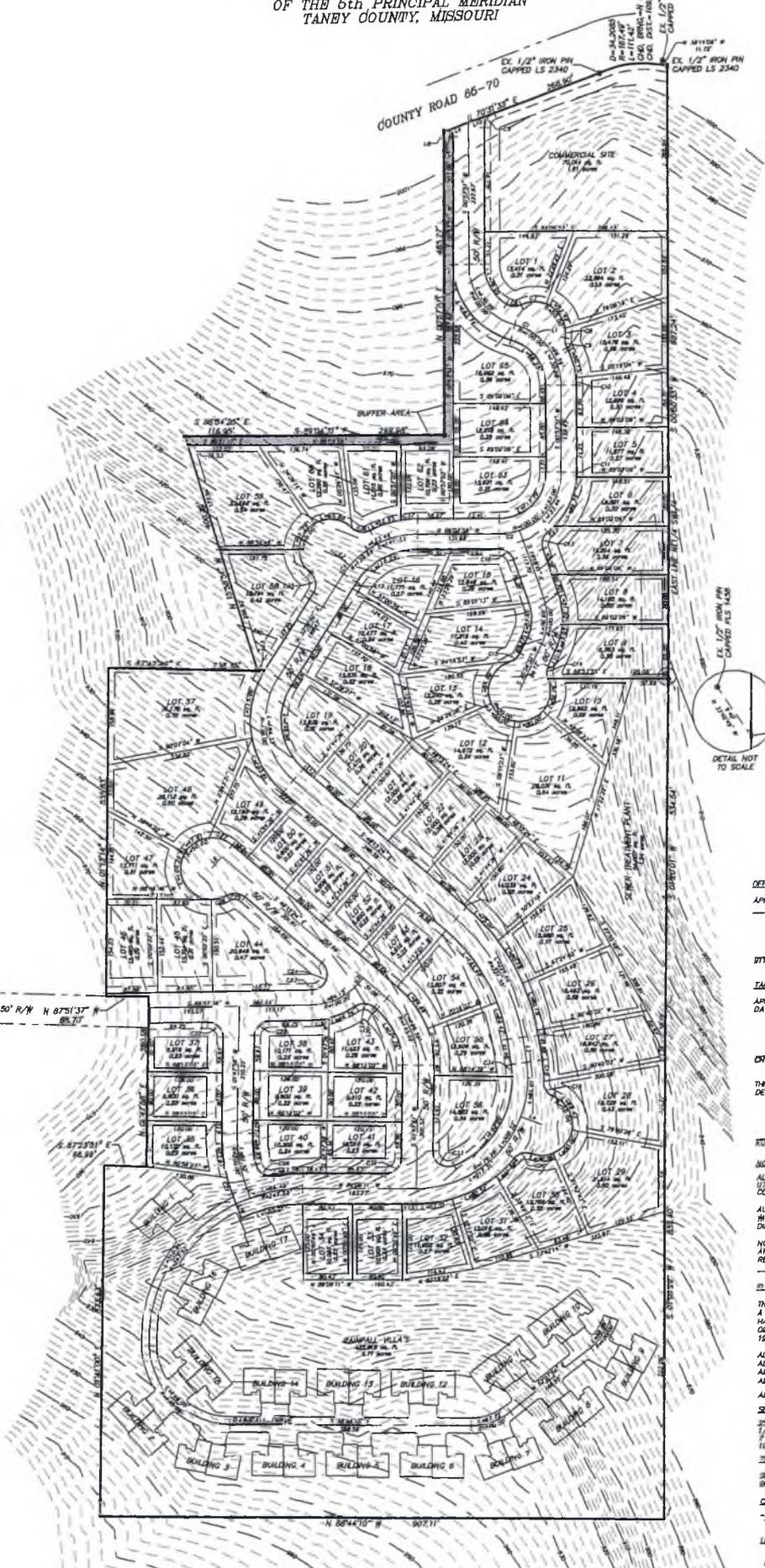
THE PRELIMINARY PLAN OF  
**DEER CREEK ESTATES  
 AND THUNDER RIDGE ESTATES**  
 LOCATED IN THE E1/2 SW1/4  
 SEC. 16, T23N, R21W  
 OF THE 6th PRINCIPAL MERIDIAN  
 TANBY COUNTY, MISSOURI

**LINE TABLE**

LINE	LENGTH	BEARING
L1	1.90	N 55°32'1" E
L2	41.15	N 49°41'15" W
L3	11.80	S 07°41'27" E
L4	38.84	S 85°30'15" E
L5	11.54	N 41°44'30" E
L6	34.00	N 41°44'30" E
L7	12.81	S 18°10'28" E
L8	11.00	N 70°31'53" E
L9	41.00	N 70°31'53" E
L10	44.04	N 70°31'53" E
L11	38.77	S 28°24'52" W
L12	11.82	N 32°50'22" E
L13	39.84	S 48°15'22" E
L14	41.11	S 48°15'24" E
L15	33.84	N 89°09'11" W
L16	48.82	N 10°10'28" W
L17	18.82	S 01°47'58" W
L18	16.84	S 01°48'21" W
L19	22.37	S 01°47'54" W
L20	34.84	S 48°15'24" W
L21	24.84	S 00°57'01" W
L22	30.00	S 00°47'20" W
L23	14.84	N 80°53'24" E
L24	30.31	S 01°02'29" W

**CURVE TABLE**

CURVE	LENGTH	RADIUS
C1	54.44	100.00'
C2	33.62	100.00'
C3	19.87	100.00'
C4	19.29	10.00'
C5	35.88	35.00'
C6	26.07	35.00'
C7	41.07	50.00'
C8	14.81	50.00'
C9	17.34	25.00'
C10	19.87	100.00'
C11	8.27	125.00'
C12	13.81	125.00'
C13	50.77	28.00'
C14	37.87	35.00'
C15	20.07	25.00'
C16	30.87	28.00'
C17	9.83	346.64'
C18	15.44	304.34'
C19	10.47	28.00'
C20	3.98	25.00'
C21	17.87	275.00'
C22	40.07	28.00'
C23	3.98	25.00'
C24	18.95	28.00'
C25	31.77	28.00'
C26	26.19	50.00'
C27	48.33	50.00'
C28	58.47	28.00'
C29	12.47	125.00'
C30	13.00	125.00'
C31	31.87	25.00'
C32	31.87	25.00'
C33	49.80	25.00'
C34	30.87	154.88'
C35	10.87	25.00'
C36	11.81	25.00'
C37	24.85	184.89'



OFFICE OF TANBY COUNTY SII ADMINISTRATOR  
 APPROVED BY THE OFFICE OF TANBY COUNTY SII ADMINISTRATOR  
 DAY OF \_\_\_\_\_ 2006

SII REPRESENTATIVE \_\_\_\_\_  
 TANBY COUNTY PLANNING COMMISSION APPROVAL  
 APPROVED BY THE TANBY COUNTY PLANNING COMMISSION THIS \_\_\_\_\_  
 DAY OF \_\_\_\_\_ 2006

CITY/URBAN: \_\_\_\_\_  
 THIS PLAN DOES NOT VIOLATE THE PROVISIONS OF THE TANBY COUNTY  
 DEVELOPMENT CODE.

ADULT LANGUAGE \_\_\_\_\_  
 NOTES:  
 ALL LOTS ARE SUBJECT TO SETBACK LINES AND  
 UTILITY EASEMENTS BY THE TANBY COUNTY PLANNING  
 COMMISSION, TANBY COUNTY, MISSOURI.

ALL LOTS CORNERS WERE STAKED WITH 1/2" REBAR'S  
 WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED  
 OTHERWISE ON PLAT.  
 NOTE RESTRICTIVE COVENANTS ARE FILED FOR RECORD  
 AND ARE RECORDED IN THE RECORDS OF TANBY COUNTY  
 RECORDER'S OFFICE IN BOOK \_\_\_\_\_ AT PAGE  
 DATED \_\_\_\_\_

PLAT FOR SUBDIVISION:  
 THE PROPERTY SHOWN ON THIS PLAT DOES NOT FALL IN  
 A FLOOD HAZARD BOUNDARY AREA ACCORDING TO FLOOD  
 HAZARD BOUNDARY MAP, TANBY COUNTY, MISSOURI, DATED  
 08 OF 53 COMMUNITY NO. 200435A, DATED JANUARY 18,  
 1984.

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG  
 ALL FRONT AND BACK LOT LINES EXCEPT SHOWN HEREON.  
 ALL LOTS ARE SUBJECT TO A 7' UTILITY EASEMENT ALONG  
 ALL SIDE LOT LINES.  
 ALL ROADS SHOWN ON PLAT HAVE A 80 RIGHT-OF-WAY.  
 SETBACK NOTES

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

TITLE EASEMENTS:  
 SUBDIVISION PLAT RECORDED IN PLAT  
 BOOK/SHEET 2, AT PAGES 686-687.

CLASSIFICATION OF SURVEY:  
 "SUBURBAN SURVEY"

LEGEND:  
 Δ = PERMANENT MONUMENT - 5/8"  
 IRON PIN WITH ALUMINUM CAP  
 PLACED ON TOP OF THE PIN

DEER CREEK ESTATES WILL BE LOTS 1-9, 12-17 AND 50-55.  
 SING OF 22 RESIDENTIAL LOTS AND ONE COMMERCIAL  
 LOT.  
 THUNDER RIDGE ESTATES WILL BE LOTS 10-12, 18-27 AND 17  
 (SEE PLAT) AS CONDOMINIUMS, CONSISTING OF 43  
 ENTIRE LOTS AND 34 CONDOMINIUM UNITS.

DESCRIPTION AND EXECUTION OF PLAT

THE UNDERSIGNED DESTINY DEVELOPMENT & INVESTMENT, 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 SW1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING 1/2" IRON PIN CAPPED BY PLS 2340 MARKING THE NORTHEAST CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 16; THENCE S 00°58'52" W, ALONG THE EAST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 608.69 FEET; THENCE S 73°42'14" W, LEAVING SAID EAST LINE, A DISTANCE OF 217.53 FEET FOR A NEW POINT OF BEGINNING; THENCE CONTINUE S 73°42'14" W, A DISTANCE OF 110.86 FEET; THENCE N 151°7'02" W, A DISTANCE OF 120.83 FEET; THENCE SOUTHWESTERLY ALONG A 28.0477 DEGREE NON-TANGENT CURVE TO THE RIGHT 57.31 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S 82°46'54" W, 57.32 FEET AND HAVING A RADIUS OF 204.28 FEET); THENCE N 89°09'11" W, A DISTANCE OF 27.86 FEET; THENCE N 04°34'28" E, A DISTANCE OF 50.11 FEET; THENCE N 89°09'11" W, A DISTANCE OF 158.66 FEET; THENCE WESTERLY ALONG A 21.0244 DEGREE CURVE TO THE LEFT 120.17 FEET (SAID CURVE HAVING A RADIUS OF 272.52 FEET); THENCE N 69°32'23" W, A DISTANCE OF 143.21 FEET; THENCE N 01°42'12" E, A DISTANCE OF 270.10 FEET; THENCE N 87°53'19" W, A DISTANCE OF 70.23 FEET; THENCE N 01°28'36" E, A DISTANCE OF 376.60 FEET; THENCE N 80°07'04" E, A DISTANCE OF 235.07 FEET; THENCE SOUTHEASTERLY ALONG A NON-TANGENT 35.9550 DEGREE CURVE TO THE LEFT 103.81 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S 29°04'10" E, 101.88 FEET AND HAVING A RADIUS OF 155.00 FEET); THENCE S 49°15'24" E, A DISTANCE OF 346.59 FEET; THENCE SOUTHWESTERLY ALONG A 18.3208 DEGREE CURVE TO THE RIGHT 209.96 FEET (SAID CURVE HAVING A RADIUS OF 296.55 FEET); THENCE S 07°41'27" E, A DISTANCE OF 41.89 FEET; THENCE SOUTHWESTERLY ALONG A 37.1375 DEGREE CURVE TO THE RIGHT 181.08 FEET (SAID CURVE HAVING A RADIUS OF 154.28 FEET); THENCE S 37°52'06" E, A DISTANCE OF 50.00 FEET; THENCE S 28°49'14" E, A DISTANCE OF 138.38 FEET; TO THE NEW POINT OF BEGINNING, CONTAINING 8.26 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 KNOWN AS THUNDER RIDGE ESTATES, PHASE I. ALL STREETS AND RIGHT-OF-WAYS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC, ALL 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 14th DAY OF NOVEMBER, 2007.

DESTINY DEVELOPMENT & INVESTMENT, LLC  
A MISSOURI LIMITED LIABILITY COMPANY

BY: George A. Love  
GEORGE LOVE, MEMBER

ACKNOWLEDGMENT  
STATE OF MISSOURI  
COUNTY OF TANEY

ON THIS 14th DAY OF NOVEMBER, 2007, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED GEORGE LOVE, MEMBER OF DESTINY DEVELOPMENT & INVESTMENT, 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 MEMBER GEORGE LOVE. ACKNOWLEDGED AND SAID INSTRUMENT TO THE FREE ACT AND DEED OF SAID DESTINY DEVELOPMENT & INVESTMENT, LLC, AS MEMBER 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

VIRGINIA MORGAN  
Notary Public - Arkansas  
My Commission Exp. 02/19/2011

MY COMMISSION EXPIRES: 2-19-2011

THE FINAL PLAT OF  
THUNDER RIDGE ESTATES, PHASE 1  
LOCATED IN THE E1/2 SW1/4  
OF SEC. 16, T23N, R21W  
OF THE 5th PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI  
OWNED AND DEVELOPED BY  
DESTINY DEVELOPMENT & INVESTMENT, LLC

FILED  
TIME 2:03 P.M.  
NOV 14 2007

Robert A. Dixon  
Recorder of Deeds  
TANEY COUNTY

SLIDE I PAGE 745

RECORDING FEE \$45.00  
STATE USER FEE \$4.00  
TOTAL \$49.00

DOCUMENT # 229

PLAT NOTES

- 1. THIS PLAT CONSISTS OF SEPARATE SHEETS, NUMBERED 1 AND 2, EACH OF WHICH TOGETHER CONSTITUTE THE FINAL PLAT OF THUNDER RIDGE ESTATES, PHASE 1.
- 2. THERE ARE A TOTAL OF 23 LOTS.
- 3. 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.
- 4. 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
- 5. ALL ROADS SHOWN ON THIS PLAT HAVE A 50' RIGHT-OF-WAY.
- 6. THERE IS A TOTAL OF ±8.26 ACRES IN THE SUBDIVISION.

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

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

RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 111A AT PAGE 148 DATED 11/14/07

CLASSIFICATION OF SURVEY  
"SUBURBAN SURVEY"

TITLE SOURCE  
DEED OF TRUST BOOK 499, AT PAGES 5804-5816.

BASES OF BEARING  
EAST LINE SE1/4 SW1/4 BRNG. = S 00°58'52" W  
LEGEND.

▲ - PERMANENT MONUMENT - 5/8" IRON PIN WITH ALUMINUM CAP PLACED ON TOP OF THE PIN

FLOOD CERTIFICATION

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (ZONE WHICH BASE FLOOD ELEVATION WERE DETERMINED) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 29213C01540, PANEL 154 OF 500 TANEY COUNTY, MISSOURI. MAP EFFECTIVE DATE: SEPTEMBER 29, 2006.

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: GEORGE LOVE, 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 HEREON.

EDDIE D. WOLFE, P.L.S. 280  
JACK E. HOUSEMAN, P.L.S. 200509222

LEGEND  
O - SET IRON PIN  
● - EX. 1/2" IRON PIN  
□ - EXISTING STONE  
▲ - CORPS MONUMENT  
○ - P.C., P.T., P.L.  
▲ - RIGHT-OF-WAY MARKER

Surveyed for  
DESTINY DEVELOPMENT & INVESTMENT,  
WOLFE SURVEYING, INC.  
EDDIE D. WOLFE, P.L.S. 280  
JACK E. HOUSEMAN, P.L.S. 200509222  
800 State Highway 248, Building 4, Suite D, Branson, MO 65602  
Phone: 417-334-8820 Fax: 417-334-5151

SHEET: 1 OF 2  
DATE: 11-05-07  
DRAWN BY: LLD  
W.O. #1484  
DWG #1484-TRE-PH  
REV

**THE FINAL PLAT OF  
THUNDER RIDGE ESTATES, PHASE 1**  
LOCATED IN THE SE1/4 SW1/4  
OF SEC. 16, T23N, R21W  
OF THE 5th PRINCIPAL MERIDIAN  
TANEY COUNTY, MISSOURI  
OWNED AND DEVELOPED BY  
DESTINY DEVELOPMENT & INVESTMENT, LLC

FILED  
TIME 2:05 P.M.

SLIDE 1 PAGE 744

NOV 14 2007

Robert A. Dixon  
Recorder of Deeds  
TANEY COUNTY

DOCUMENT # 229

POINT OF BEGINNING  
EX. 1/2" IRON PIN  
CAPPED LS. 2340  
NORTHEAST CORNER  
SE1/4 SW1/4  
SEC. 16, T23N, R21W



**PLAT NOTES:**

1. THIS PLAT CONSISTS OF SEPARATE SHEETS, NUMBERED 1 AND 2, EACH OF WHICH TOGETHER CONSTITUTE THE FINAL PLAT OF THUNDER RIDGE ESTATES, PHASE 1.
2. THERE ARE A TOTAL OF 23 LOTS.
3. 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.
4. 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
5. ALL ROADS SHOWN ON THIS PLAT HAVE A 50' RIGHT-OF-WAY.
6. THERE IS A TOTAL OF ±8.26 ACRES IN THE SUBDIVISION.

**LEGEND:**

- ▲ - PERMANENT MONUMENT - 5/8" IRON PIN WITH ALUMINUM CAP PLACED ON TOP OF THE PIN

**Surveyor's Certification**

I HEREBY CERTIFY THAT AT THE REQUEST OF GEORGE LOVE, 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 HEREON.

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	N 01°42'12" E
L2	18.74'	N 01°42'12" E
L3	13.15'	N 41°44'36" E
L4	25.00'	N 41°44'36" E
L5	26.74'	S 80°10'11" E
L6	25.00'	N 04°14'28" E
L7	23.03'	N 04°14'28" E
L11	3.64'	N 01°28'38" E
L14	16.88'	S 01°45'21" W
L15	27.01'	S 48°15'24" E
L17	18.62'	S 01°47'58" W
L18	22.37'	S 01°47'58" W
L19	5.68'	S 48°15'24" E
L20	13.55'	N 01°45'21" E
L26	25.00'	S 37°52'06" E
L27	25.00'	S 37°52'06" E

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	25.00'	272.50'
C2	25.00'	272.52'
C3	0.96'	75.00'
C4	59.99'	35.00'
C5	30.72'	25.00'
C6	26.19'	50.00'
C7	40.54'	50.00'
C8	49.80'	25.00'
C9	20.01'	154.28'
C10	40.02'	25.00'
C11	39.47'	25.00'
C12	22.42'	125.00'
C13	33.08'	25.00'

GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft

SECTIONAL MAP  
E. 21 W

LEGEND  
 ○ SET IRON PIN  
 ● EX. 1/2" IRON PIN  
 □ EXISTING STAKE  
 △ CORPS MONUMENT  
 ○ A.C. P.T. P.L.  
 ▲ RIGHT-OF-WAY MARKER

REFERENCES  
 BASE OF BEARING  
 SCALE 1" = 100'  
 EAST LINE SE1/4 SW1/4  
 BRNG. = S 00°58'52" W

Surveyed for:  
DESTINY DEVELOPMENT & INVESTMENT,

WOLFE SURVEYING, INC.  
EDDIE D. WOLFE P.L.S. 2190  
JACK E. HOUSEMAN P.L.S. 2005019222  
800 State Highway 248, Building 4, Suite D, Branson, MO 6  
Phone: 417-334-8820 Fax: 417-334-3151

SHEET: 2 OF 2  
DATE: 11-05-07  
NO. #1484  
DRAWN BY: [Signature]  
REV: [Signature]

IN THE SE1/4 SW1/4  
 T23N, R21W  
 The PRINCIPAL MERIDIAN  
 COUNTY, MISSOURI  
 AND DEVELOPED BY  
 DESTINY DEVELOPMENT & INVESTMENT, LLC

NOV 14 2007

Robert A. Dixon  
 Recorder of Deeds  
 JANEY COUNTY

DOCUMENT # 229

POINT OF BEGINNING  
 EX. 1/2" IRON PIN  
 CAPPED LS 234  
 NORTHEAST CORNER  
 SE1/4 SW1/4  
 SEC. 16, T23N,

GDT CG1 LLC  
 BOOK 482, AT PAGE 783

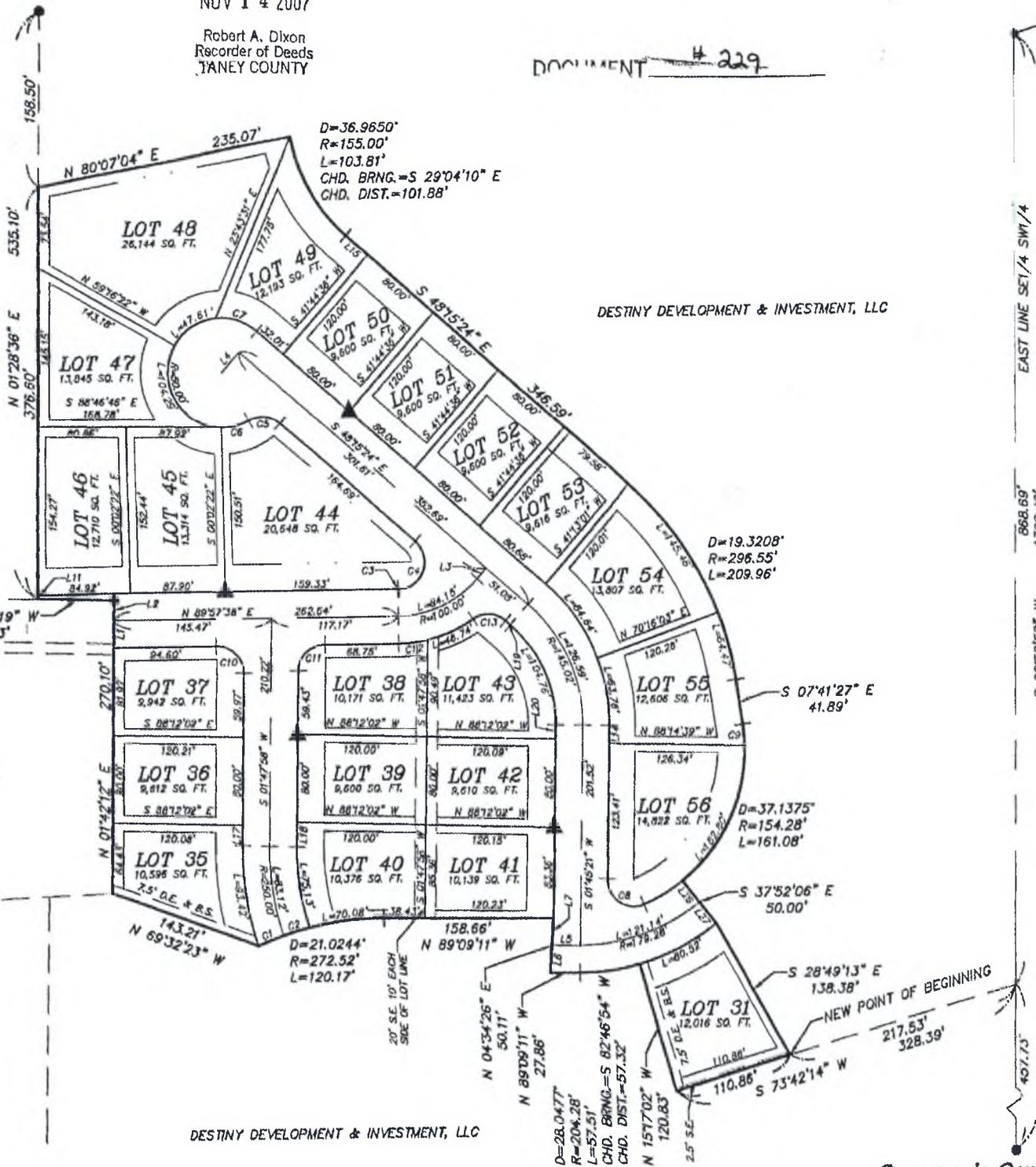
DESTINY DEVELOPMENT & INVESTMENT, LLC

GBT INVESTMENTS LLC  
 BOOK 348, AT PAGE 4627

THOMAS RICKEY D & PAMELA S  
 BOOK 461, AT PAGE 6297

DESTINY DEVELOPMENT & INVESTMENT, LLC

Surveyor's Certification



EAST LINE SE1/4 SW1/4  
 868.69'  
 1326.42'  
 S 00°58'52\" W  
 407.73'

HIDDEN MEADOWS, PHASE 3  
 PLAT BOOK/SLLIDE G, AT PAGE 533

- PLA
- 1. T
- EAC
- RIDC
- 2. 1
- 3. E
- ALL
- AND
- SHO
- 4. S
- 25
- SETI
- 7 FT
- 10 F
- 5. 1
- 6. 1
- LEG

EX. 1/2" IRON PIN  
 SOUTHEAST CORNER  
 SE1/4 SW1/4  
 SEC. 16, T23N, R21W



**Surveyor's Certification**

I HEREBY CERTIFY THAT AT THE REQUEST OF E. EDIE C. WOLFE, I HAVE MADE AN ACCURATE AND ALLEGEDLY CORRECT SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED BY MY OWNERS. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MICHIGAN SURVEY STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT HAVE A SEAL AFFIXED AT BLUE INK MAY HAVE BEEN TRANSLATED FROM A PHOTO. ALL INFORMATION SHOULD BE VERIFIED ON THE GROUND BY THE PROFESSIONAL LAND SURVEYOR BEFORE WORK BEGINS.

EDDIE C. WOLFE P.L.S. 3190  
PATRICK W. BROWN P.L.S. 2013020061  
JACK E. HOUSEMAN P.L.S. 2003019222

Surveyed for: X

**LEGEND**

- SET PIN
- ⊙ EX 1/2" PIN
- CEMENT STONE
- ⊙ CORNER
- ▲ RIGHT-OF-WAY

**WOLFE SURVEYING, INC.**  
EDDIE C. WOLFE P.L.S. 3190 (PRESIDENT)  
PATRICK W. BROWN P.L.S. 2013020061 (VICE PRESIDENT)  
JACK E. HOUSEMAN P.L.S. 2003019222 (SECRETARY)  
210 South River Street, Grand Haven, MI 49424  
Phone: 616-334-9025 Fax: 616-334-9101

SHEET 1 OF 1 WOLFE SURVEYING, INC. COA 2003000000  
M.D. #4041 190 #  
ISSUED BY: [Signature] DATE: 10/21/2013

BASED ON RECORDS =  
SCALE: 1" = 30' 0



# Thunder Ridge Estates Properties Owned by 7 M Holdings, LLC



# NOTICE OF PUBLIC HEARING

## *THE TANEY COUNTY BOARD OF ADJUSTMENT*

Will hold a public hearing concerning the  
following requested variance or appeal.

Applicant: 7M Holdings

Request: Variance from  
front of property 8'

Property Location: Thunder Ridge  
Est. Drive

Hearing Location: **Taney County Courthouse**

Time: **7:00pm**      Date: **Wednesday, 11-20-13**

Phone: (417) 546-7225



**NOTICE**  
OF PUBLIC HEARING  
THE TAMER COUNTY  
BOARD OF ADJUSTMENT



THUNDER RIDGE

**SOLD** Lots For

**VINT**  
COMMERCIAL

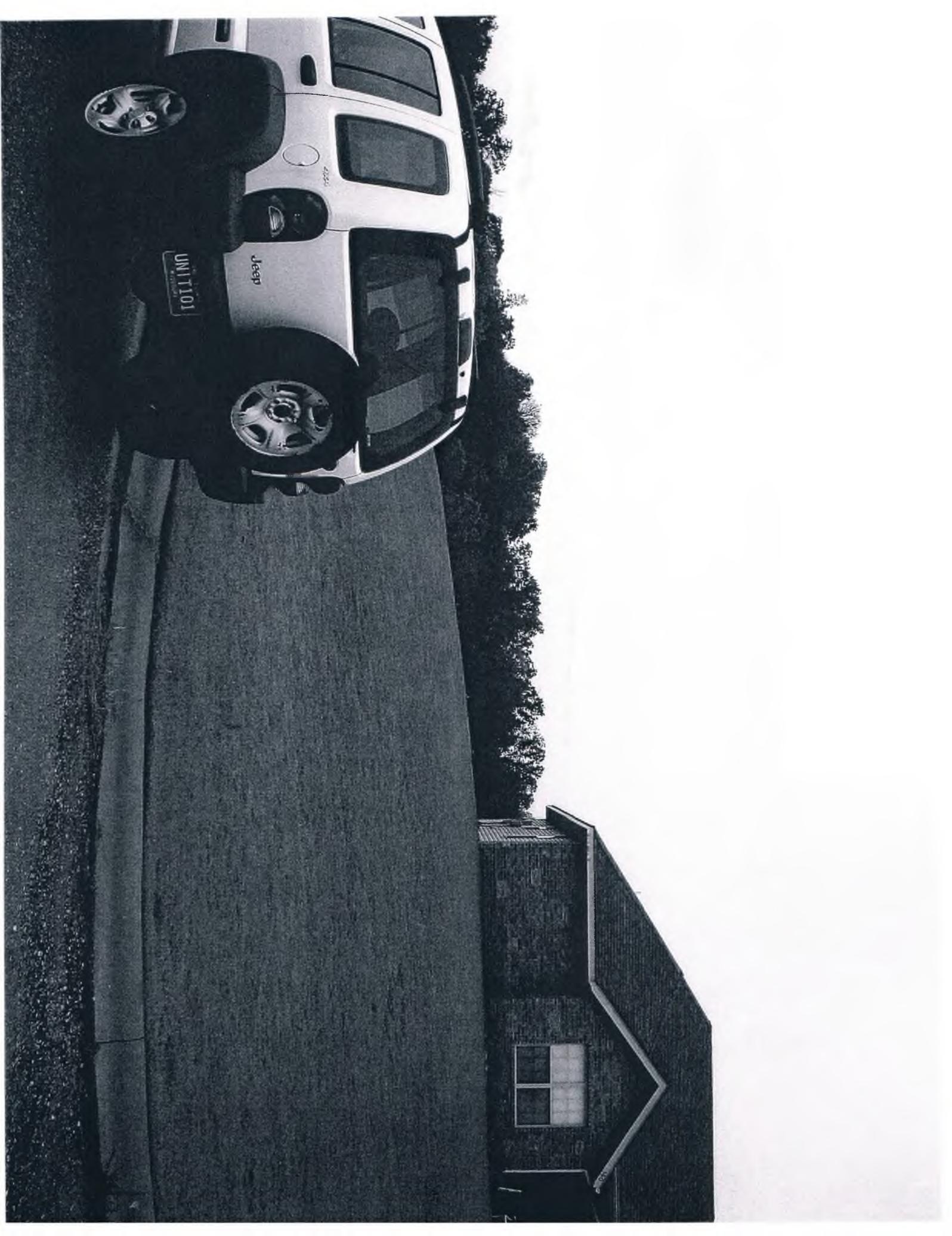
Thunder Ridge



417.334.9...  
www.VintonRe...











# TANEY COUNTY BOARD OF ADJUSTMENT

## VARIANCE STAFF REPORT

**HEARING DATE:** November 20, 2013

**CASE NUMBER:** 2013-0009V

**PROJECT:** Hugh & Sharon Aldredge Setback Variance

**APPLICANTS:** Hugh & Sharon Aldredge

**LOCATION:** The subject property is located at 152 and 166 Spicewood Drive, Hollister, MO; Oliver Township; Section 35, Township 22, Range 22.

**REQUEST:** The applicants, Hugh & Sharon Aldredge are requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicants are requesting a variance from the required 5' rear of lot setback requirement, in order to allow for the placement of two (2) accessory buildings.

### **BACKGROUND and SITE HISTORY:**

The subject property is described as All of Lots Three (3), Four (4), Five (5) Sixteen (16), Seventeen (17) and Eighteen (18) in Block 12 of Arcadia Landing Subdivision, containing a total of approximately 17,500 square feet (Utilizing the Assessor's information via Beacon). The applicants purchased the property in January 2013 in order to utilize it as their retirement home. The property in question currently contains a +/- 1,904 square foot single family residence, a +/- 924 square foot mobile home and a carport.

The applicants have indicated that upon the purchase of the property in January 2013 they were forced to replace the existing septic system with an advanced on-site wastewater treatment system. The applicants are now seeking a rear setback variance in order to allow for the placement of two accessory buildings in an area that will be outside of the wastewater drip field.

### **GENERAL DESCRIPTION:**

The subject property is located at 152 and 166 Spicewood Drive, Hollister, MO and is described as All of Lots Three (3), Four (4), Five (5) Sixteen (16), Seventeen (17) and Eighteen (18) in Block 12 of Arcadia Landing Subdivision.

The applicants, Hugh & Sharon Aldredge are seeking a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. Per the provisions of Section 7, Table 1, a structure is required to be setback 5' from the rear property line. Measurements to the structure are made to the portion of the structure that is closest to the property line, which in this instance is the roof overhang. The applicants are requesting a 5' setback variance from the from the north (rear) property line, allowing for the placement of two accessory structures that would be placed adjoining the rear property line.

## **REVIEW:**

The applicants are wishing to construct two accessory structures on the property in question. The applicants are wishing to place the first accessory building (12' x 24' structure) near the north-west corner of the property. The applicants are requesting a 5' setback variance from the from the north (rear) property line, allowing for the placement of the first accessory structure adjoining the rear property lines.

The applicants are wishing to place the second accessory structure near the rear center of the property. The applicants are requesting a 3' setback variance from the north (rear) property line, allowing a second accessory structure to be located 2' (at the closest point) from the rear property line.

Upon purchasing the property in January 2013, the applicants were forced to replace the existing, broken septic tank with an aeration drip wastewater treatment system. The installation of the new wastewater treatment system required the removal of a number of trees and also two existing accessory structures from the wooded back yard, in order to provide for a suitable area for the required lateral, drip field. Buildings cannot be place over this drip, lateral field area. The drip field area has been enumerated on an attached aerial photo from the Taney County GIS (Beacon). The applicants have indicated that they will utilize each of the respective accessory structures for hobby, storage and possible income creation during retirement.

## **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.”

## **STAFF RECOMMENDATIONS:**

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 setback variance of 5' from the north (rear) property line, allowing for the placement of the first accessory structure adjoining (at the closest point) the rear property line.
2. Approval of a setback variance of 3' from the north (rear) property line, allowing a second accessory structure to be located 2' (at the closest point) from the rear property line.
3. Compliance with all of the other 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 of the Taney County Development Guidance Code).

#13-9

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

(Circle one)

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

PLEASE PRINT

DATE 10-21-13

Applicant Sharon G. Aldredge Phone 573-243-9309 Home

Address, City, State, Zip 804 E. MAIN ST. JACKSON MO 63755 573-382-9083-cell

Representative \_\_\_\_\_ Phone \_\_\_\_\_

Owner of Record Sharon G. Aldredge Signature: Sharon G. Aldredge

Name of Project: Setback Variance Request

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

Address and Location of site: 166 Spicewood Dr. Hollister Mo

Subdivision (if applicable) Crescacia Landing

Section 35 Township 22 Range 22 Number of Acres or Sq. Ft. ~ 17,422 sq. ft

Parcel Number 18-7.0-35-004-026-003.000

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.

Describe in detail the reason for your request:

After purchasing a retirement home in Jan of 2013, we were told it needed an aeration drip system septic - to replace a broken septic tank. In compliance with the requirements of the new system the existing sheds (2) and trea (1.23) had to be removed to allow for a drip field with plenty of grass. The drip field will just fit on the remaining yard, and not leave enough room for two new sheds if the 5' and 7' easements are followed.

I am therefore requesting the allowance of a 2' easement from each side of the placement of the larger shed at the back corner of the property and a 2' easement at the end of the smaller shed at the center of the property.

These sheds are an essential part of our retirement plans, as my

Describe in detail the reason for your request:

husband needs a shed for his hobbies  
& storage. My shed will be used for  
my hobbies, storage and possibly some  
extra income creations during retirement.

Please give this request every  
consideration, as there are no other  
areas on this property where these sheds  
may be placed without damage to the  
new sewer system.

Sincerely &  
Thank you

Sharon A. Eldredge

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.

*Sharon J. Aldredge*  
*Sharon J. Aldredge*  
Signature of Applicant

*October 22, 2013*  
*October 22, 2013*  
Date of Application

STATE OF MISSOURI )  
COUNTY OF )  
Cape Girardeau

S.S. On this 22 day of October, 2013

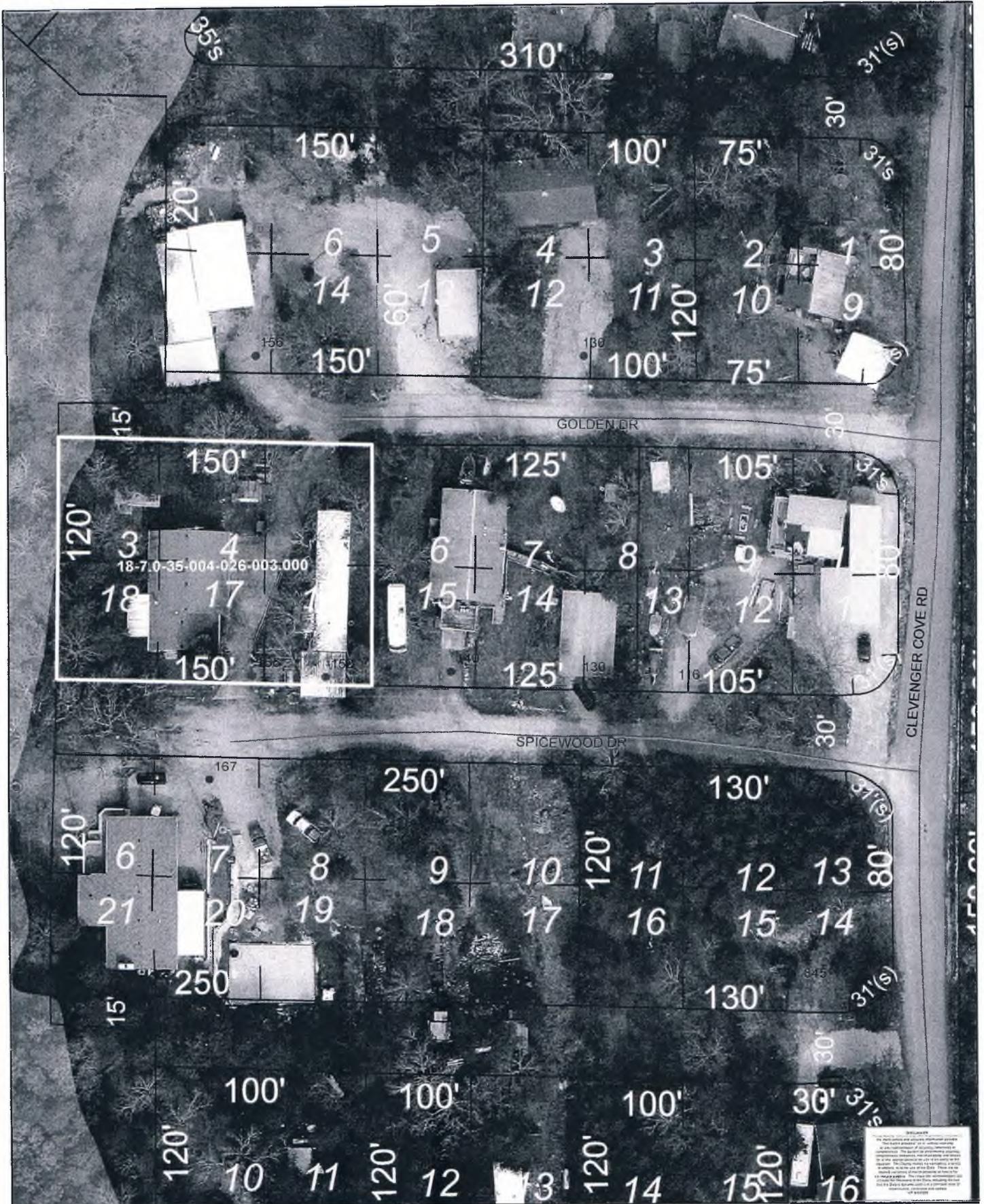
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Jackson, Missouri. The day and year first about written. My term of office as Notary Public will expire 09/02/16.

*Stacy M. Detweiler*

**STACY M. DETWEILER**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cape Girardeau County  
Commission # 12380289  
My Commission Expires: September 2, 2016

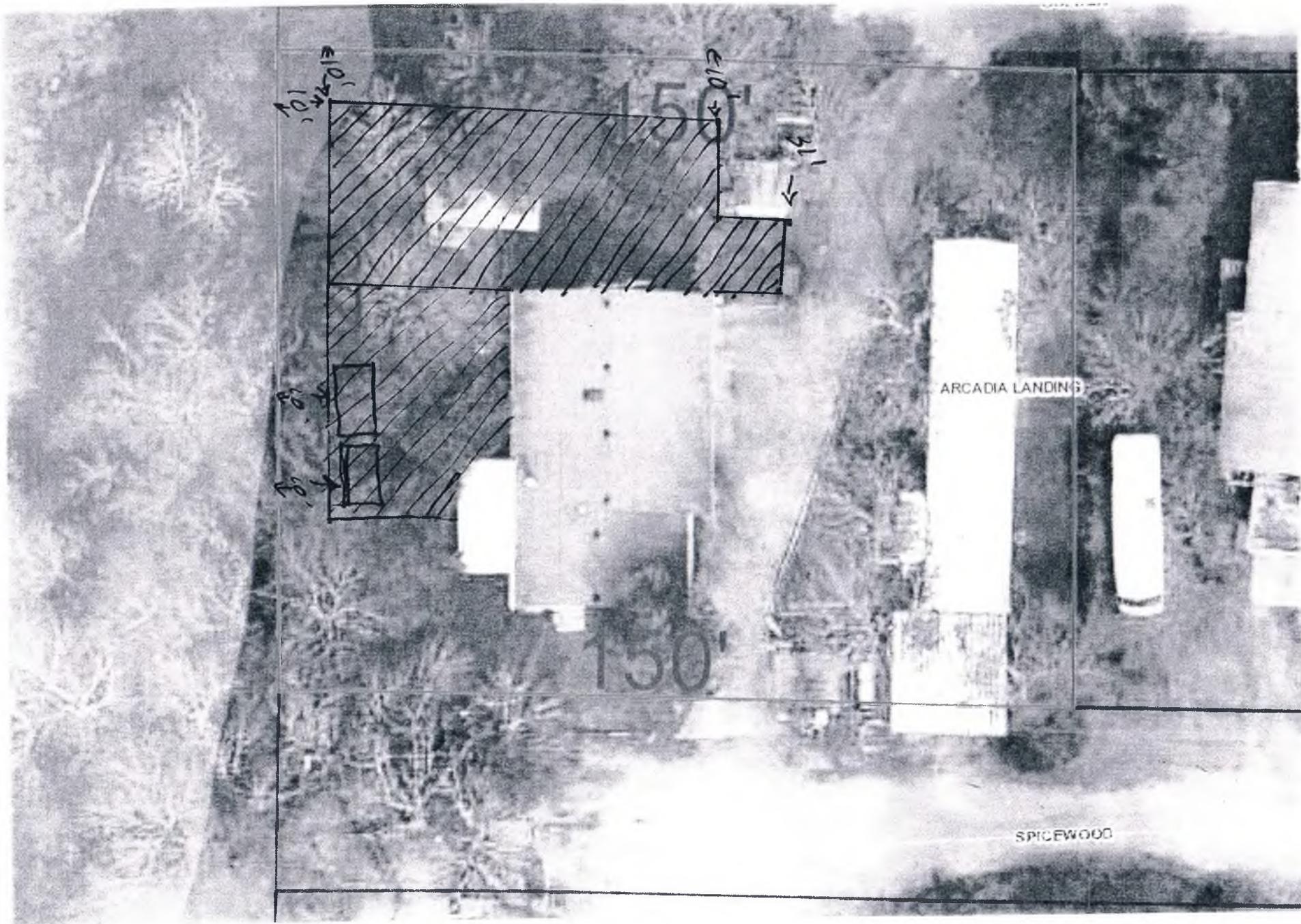


# BOA Sharon Aldredge



**DISCLAIMER**  
 This map is for informational purposes only and does not constitute a survey or other legal document. It is not intended to be used as evidence in any legal proceeding. The Board of Assessors is not responsible for any errors or omissions on this map. For more information, please contact the Board of Assessors at 18-70-35-004-026-003-000.

# Location of Drip Field



- 110 R. Williams in h. of D. man -

# OF PUBLIC HEARING

## *THE TANEY COUNTY BOARD OF ADJUSTMENT*

Will hold a public hearing concerning the  
following requested variance or appeal.

Applicant: Sharon Aldredge

Request: Setback Variance

Property Location: 166 Spicewood Dr.

Hearing Location: **Taney County Courthouse**

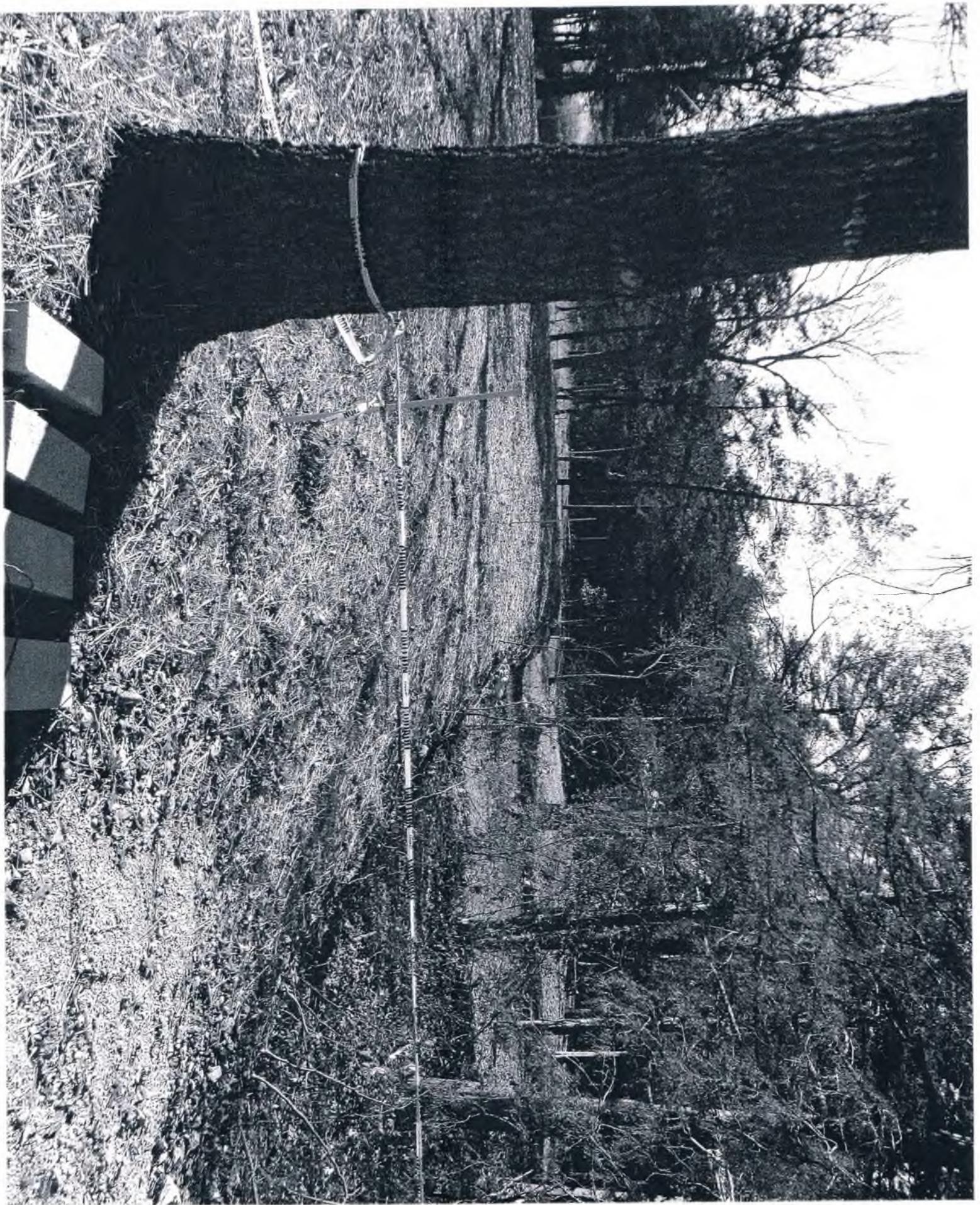
Time: **7:00pm**      Date: **Wednesday, 11-20-13**

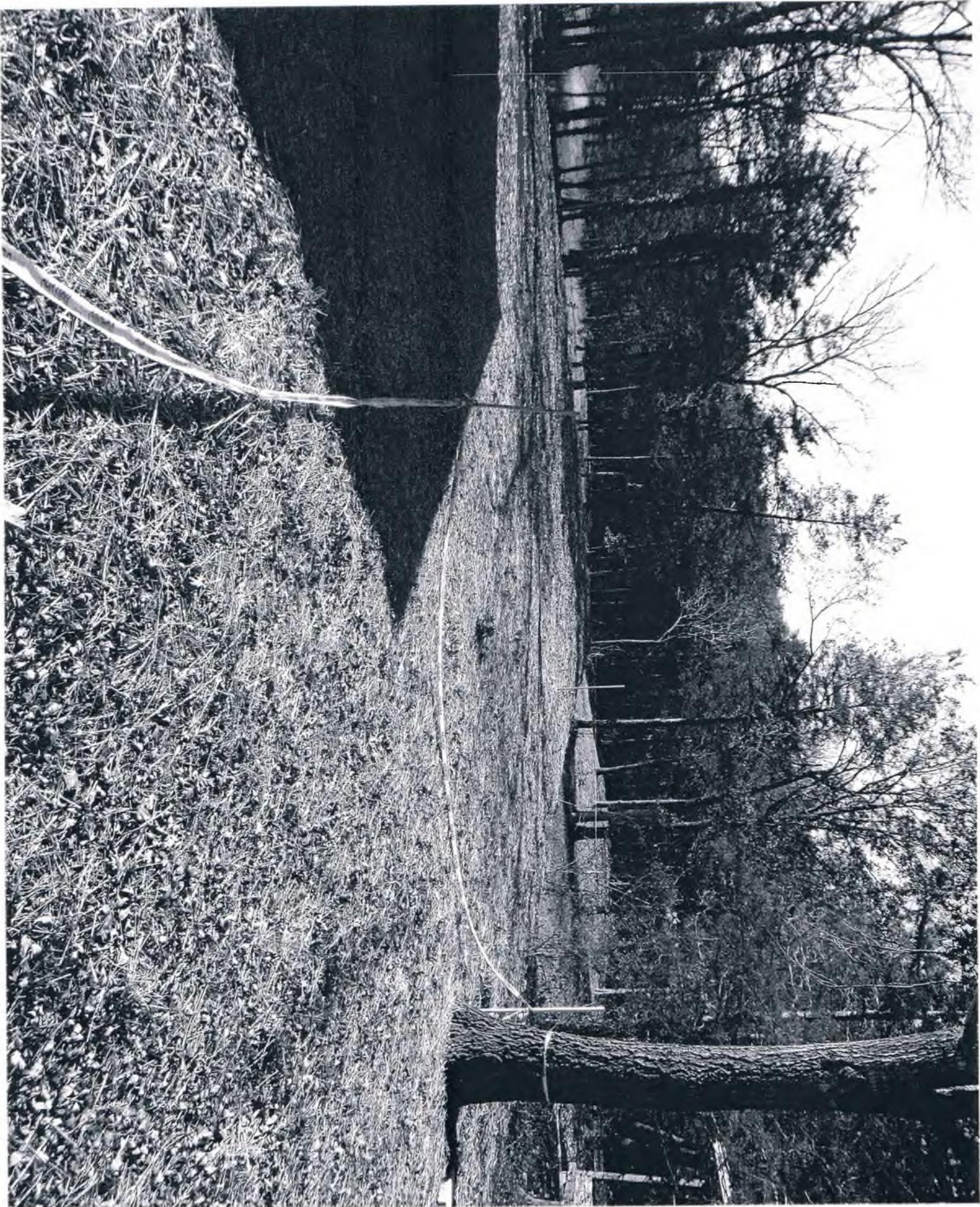










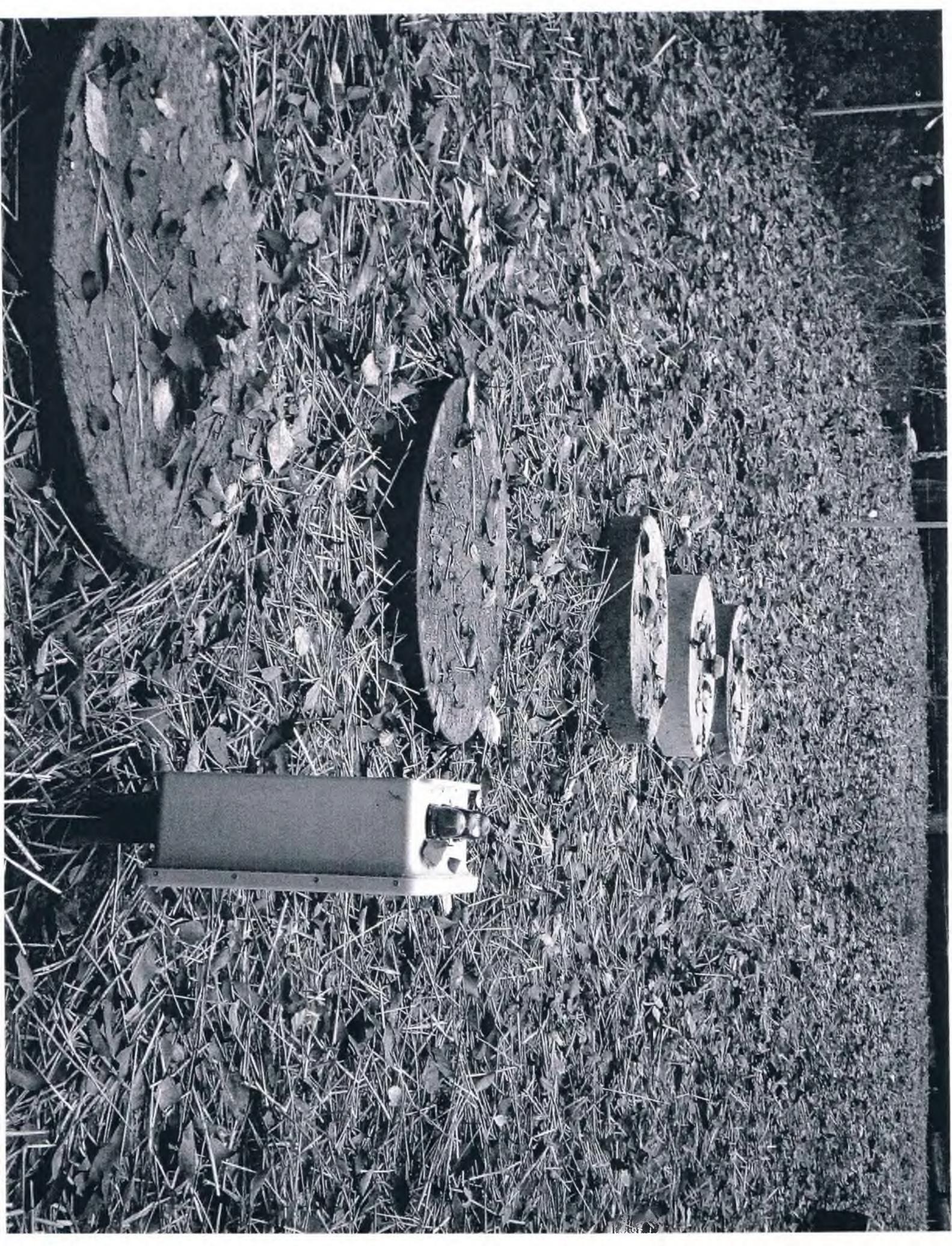


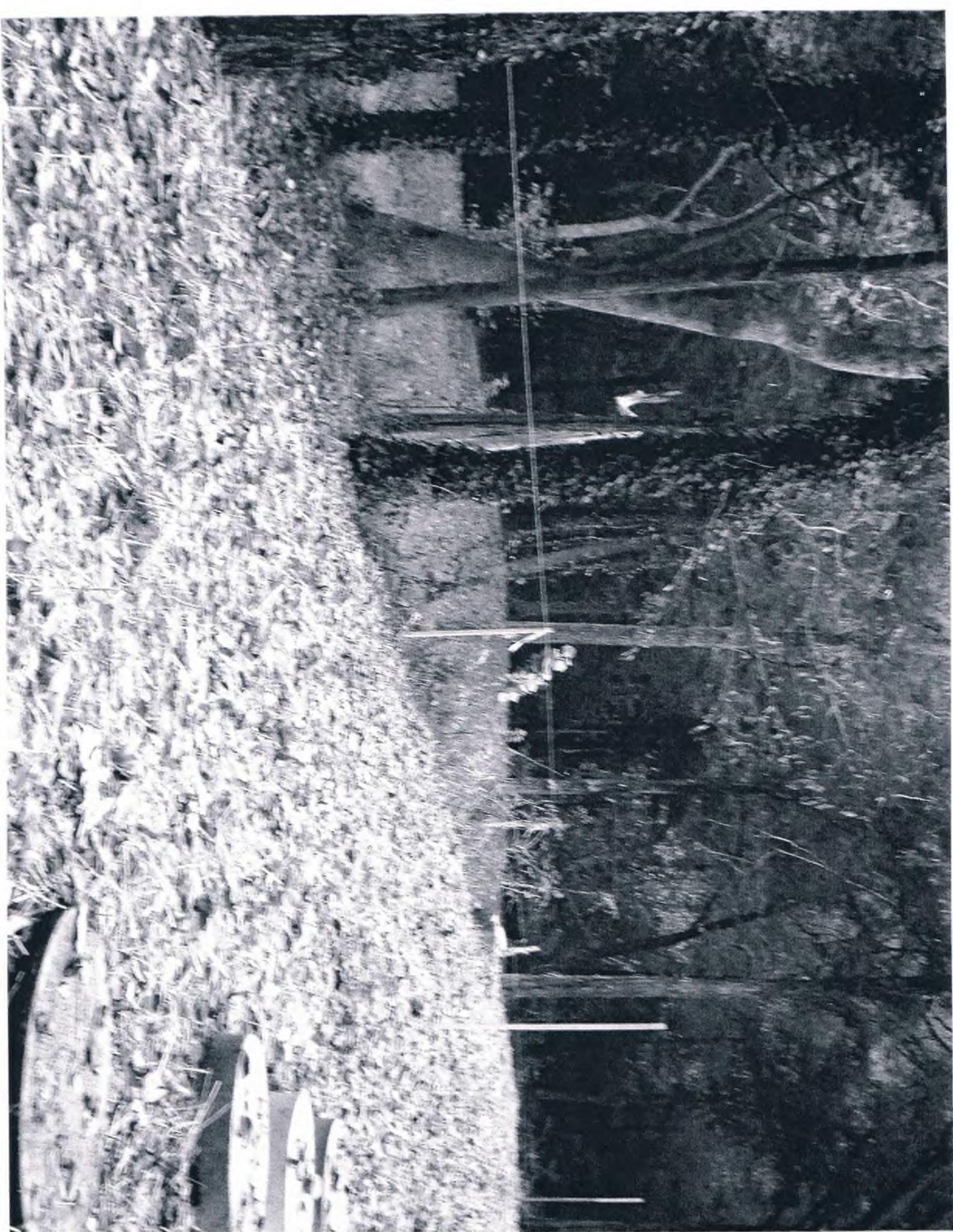


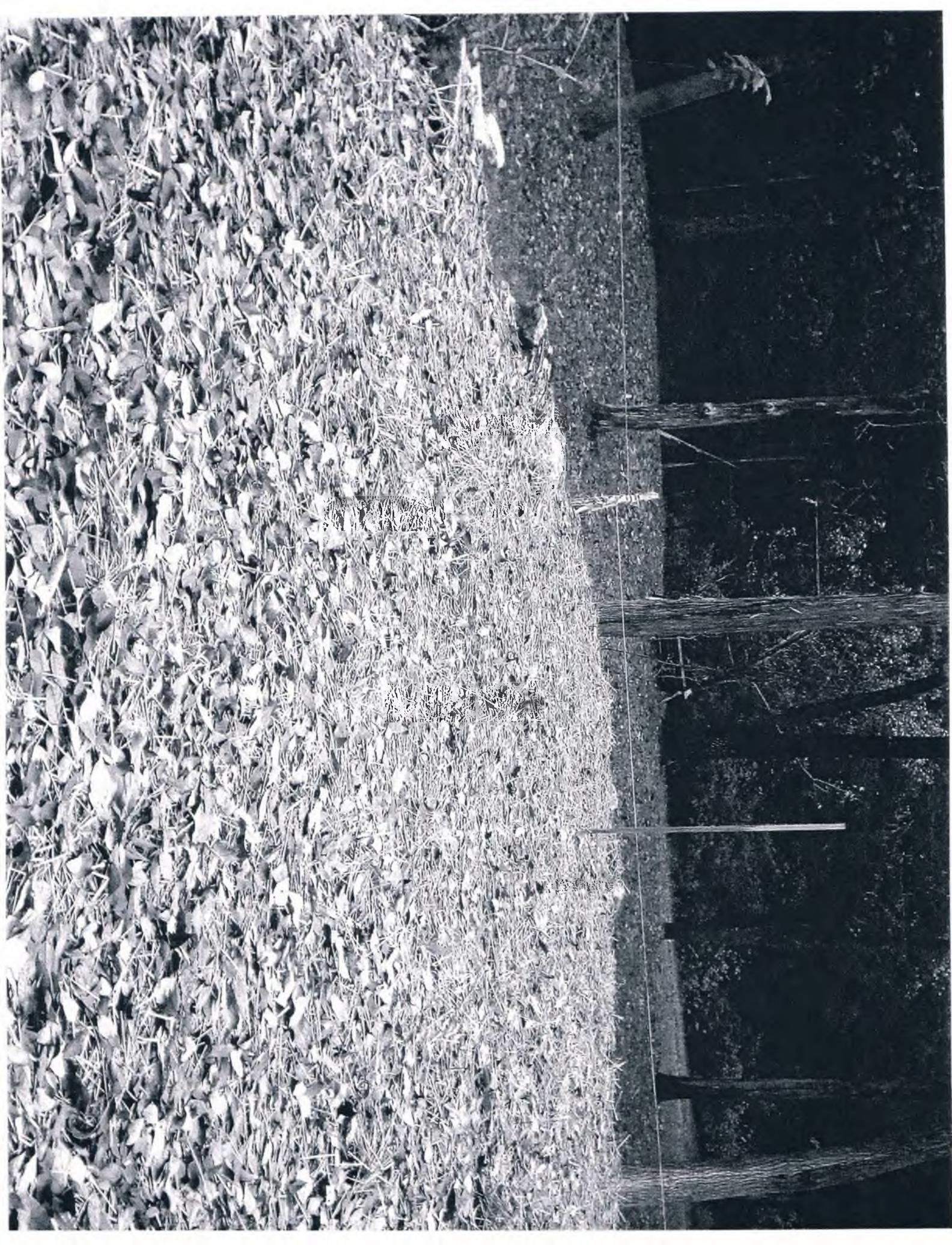


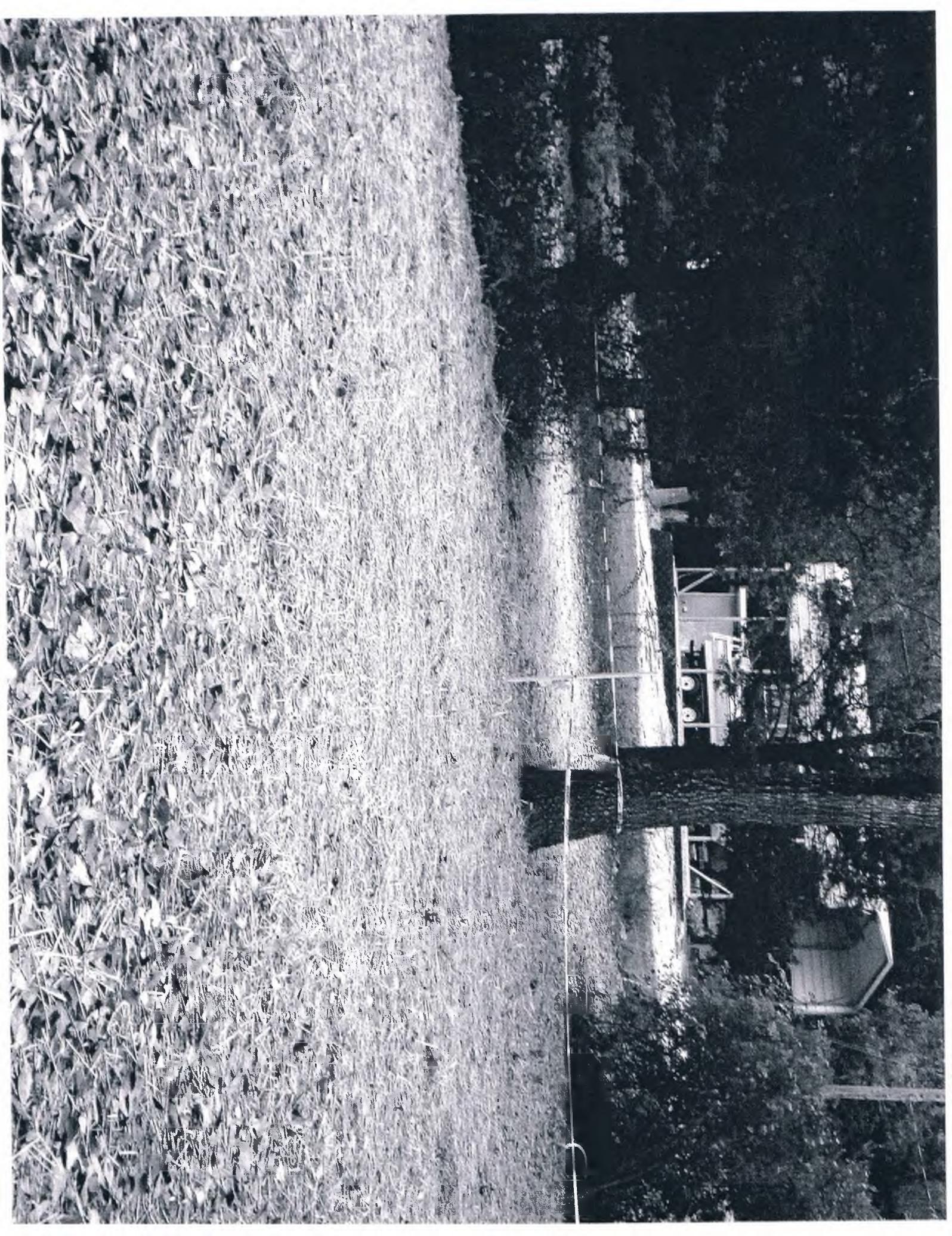


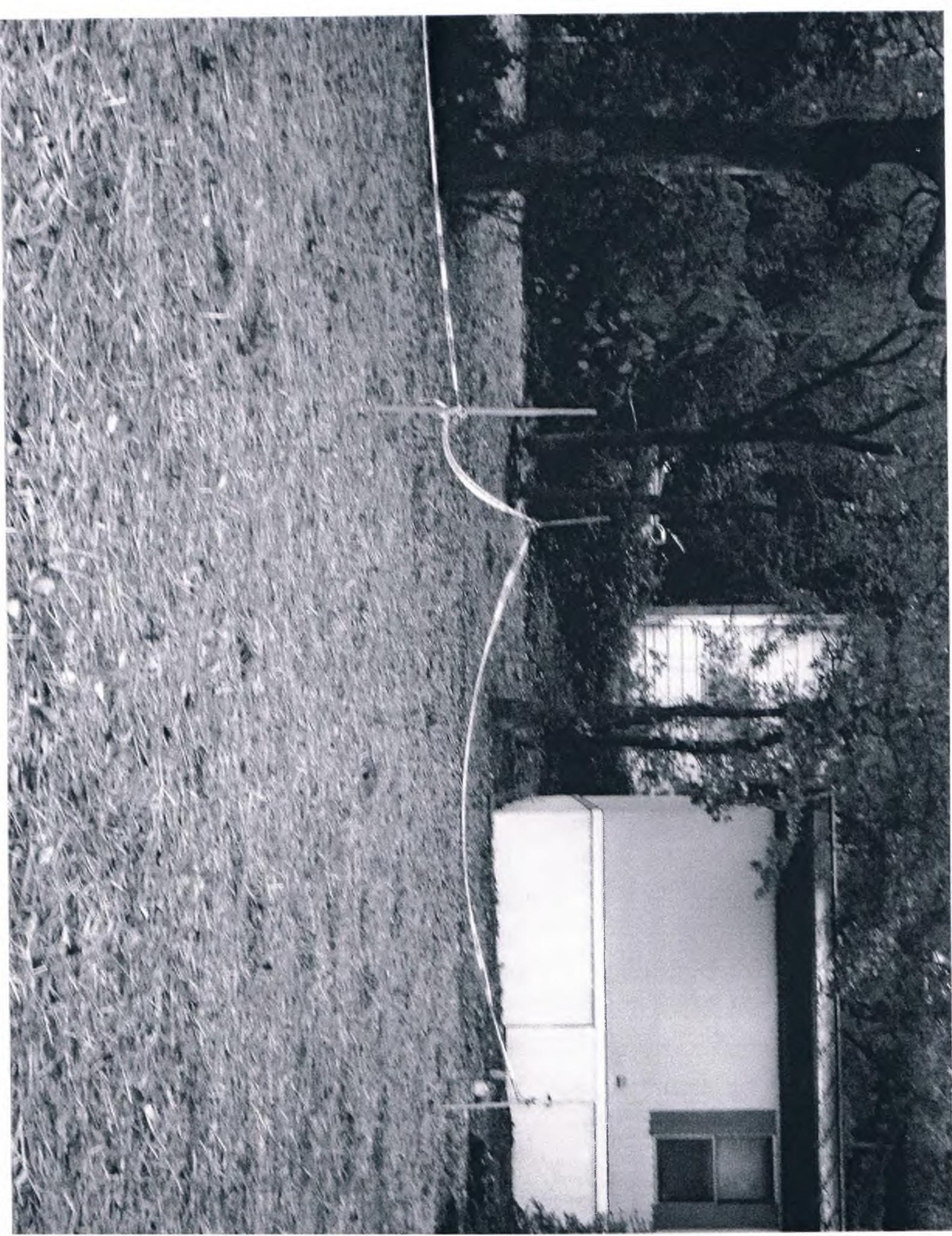






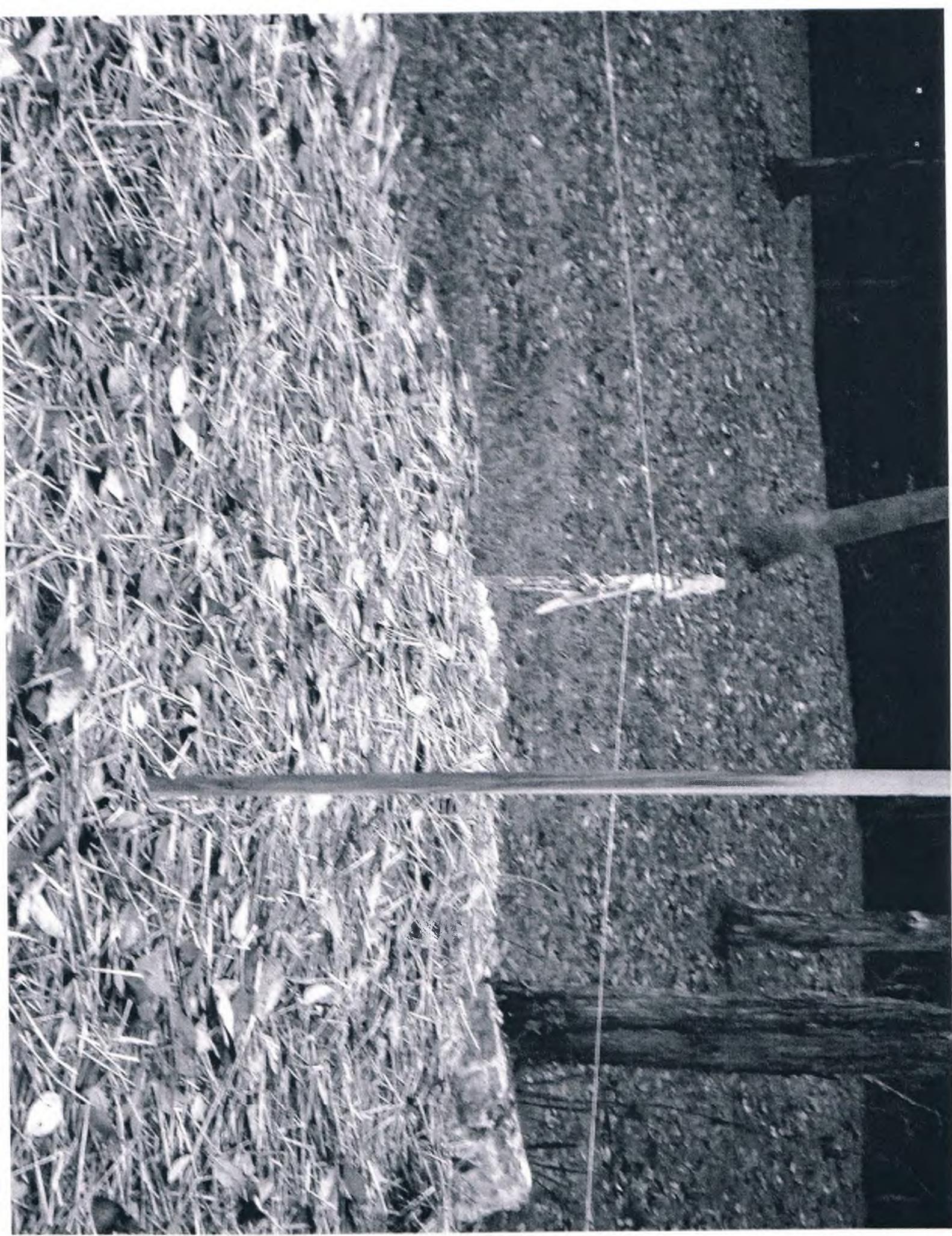
















## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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

### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, OCTOBER 16, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Vice-Chairman Dave Nelson called the meeting to order. A quorum was established with three members present. They were: Mark Weisz, Dave Nelson, and Tony Mullen. Staff present, Bob Atchley and Bonita Kisse.

Mr. Nelson informed the applicants that they would have the option to postpone since there were only three members present. The applicants chose to move forward with the hearing.

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 Mr. Weisz.

The speakers were sworn in before the hearing.

#### Public Hearing:

Erick and Tracy Walker: a request by Mr. and Mrs. Walker for a variance from the provisions of Section 7, Table 1, (setbacks) of the Taney County Development Guidance Code. The applicants are requesting a variance from the required 50' front of lot setback requirement, in order to allow for the addition of a carport structure to the west elevation (front) of the attached garage. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Mr. Walker explained that they wanted the carport for the shade in the summer. Mr. Weisz clarified the distance of the road when the new bridge was put in, that they gained more footage. Mr. Walker stated that they did but the trees were removed. After brief discussion Mr. Weisz made a motion to approve based upon the decision of record. The vote to approve was unanimous.

#### Review and Action:

Minutes, August 2013; with no additions or corrections a motion was made by Mark Weisz to approve the minutes as written Seconded by Tony Mullin. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported that there will be one request so far for next month.

Adjournment:

With no other business on the agenda for October 16, 2013 the meeting adjourned at 7:17 p.m.