



## 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, JANUARY 21, 2015, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

*Establishment of Quorum*

*Election of 2015 Officers*

*Presentation of Exhibits*

*Governing Statutes*

#### Public Hearing:

*Doug Friedrichsen*

#### Review and Action:

*Minutes, December 2015*

#### Old and New Business:

*Discussion regarding tabling of items*

#### Adjournment.



# TANEY COUNTY BOARD OF ADJUSTMENT

## VARIANCE STAFF REPORT

**HEARING DATE:** January 21, 2015

**CASE NUMBER:** 2014-0008V

**PROJECT:** Doug & Lisa Friedrichsen Setback Variance Request

**APPLICANTS:** Doug & Lisa Friedrichsen

**LOCATION:** The subject property is located at 843 Lakeview Drive, Ridgedale, MO; Oliver Township; Section 11, Township 21, Range 22.

**REQUEST:** The applicants, Doug & Lisa Friedrichsen 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 25 foot front of lot setback requirement, in order to allow for the construction of a garage 8 feet from the front property line.

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

The subject property is described as Lots 40A (Amended Replat of Lots 35, 40 & 41) 43, 44 & 45, Block 23 of the Ozarks Paradise Village Subdivision, containing a total of approximately .98 acres (Utilizing the Assessor's information via Beacon). Utilizing the Assessor's information, the property in question currently contains an approximately 2,605 square foot single family residence and a 600 square foot, three (3) car garage.

On April 17, 2006, the Planning Department issued Division I Permit # 2006-0170, authorizing the construction of the single-family residence in question. The application form itself indicates that the Division I Permit was issued for a residential home. However, the site plan that was submitted with the Division I application indicates both the existing residence and three (3) car garage.

The applicants, Doug & Lisa Friedrichsen are now seeking a front of lot setback variance allowing for the construction of an additional 360 square foot (20' x 18') garage, within the Northeast corner of the property, which would setback approximately 8 feet from the front property line.

## **GENERAL DESCRIPTION:**

The subject property is described as Lots 40A, 43, 44 & 45, Block 23 of the Ozarks Paradise Village Subdivision.

The applicants, Doug & Lisa Friedrichsen 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 25' from the front 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 +/- 17.0' setback variance from the front property line, allowing the garage to be built approximately 8.0' from the front property line.

## **REVIEW:**

The applicants are requesting a 17' variance from the 25' front setback requirement of the Development Guidance Code, allowing for the construction of an additional 360 square foot (20' x 18') garage, within the Northeast corner of the property, which would setback approximately 8 feet from the front property line.

The applicants have indicated that due to the significant slope and the large amount of fill material that was brought in to create the area on which they are proposing to build the garage, the area in question is the only level area that is available to be built upon. The property in question drops off significantly to the lake. Previously the applicants had utilized the home as a part time residence and are now seeking to make it their permanent home. They have indicated that as they will require additional storage space now that the property will be utilized as their full time residence.

According to the Assessor's information, the existing garage was constructed during the same time frame as the existing residence. The submitted Division I Site Plan indicated that the garage would be located approximately 27 feet from the front property line. However, the existing garage does not meet the setback requirements.

## **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 +/- 17.0' from the front property line, allowing for the construction of a garage +/- 8.0' from the front property line.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).

14-8

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE

11-10-14

Applicant

Doug Friedrichsen

Phone

913-972-2931

Address, City, State, Zip

843 Lakeview Rd. Ridgedale, MO 65739

Representative

Phone

Owner of Record

Doug & Lisa Friedrichsen

Signature:

Doug Friedrichsen

Name of Project:

garage

Section of Code Protested: (office entry)

Section 7, Table 1 (setbacks) Development Guidance code

Address and Location of site:

843 Lakeview Ridgedale, MO

North side Northeast corner - parking area

Subdivision (if applicable)

Oakmont - Ozarks Paradise Village

Section 11 Township 21 Range 22 Number of Acres or Sq. Ft.

2.70 x 107

Parcel Number

19-1.0-11-003-006-058.000

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.

1-21-15

**Describe in detail the reason for your request:**

Additional garage approximately 20'x18'

Garage will be approximately 8' from  
property line.

Map attached

See Attached reasoning



## Bob Atchley

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**From:** Doug Friedrichsen [ddfried58@gmail.com]  
**Sent:** Friday, January 09, 2015 3:43 PM  
**To:** Bob Atchley  
**Subject:** Friedrichsen Variance

Bob,

Thank you for visiting with me yesterday regarding my request for a variance.

In reviewing the statute I believe that due to the significant slope in the topography of my lot and how much fill was brought it to create the area on which I would like to build my garage, the proposed area under discussion is the only level area that is available for me to build upon. Without a variance I would not be able to build on this area.

As you noticed in your site visit we have a very steep drop off to the lake.

As we are preparing to move from part time residency to full time we are in need of additional storage as we are combining two homes into one.






Thank you again for your assistance in this matter.

Doug Friedrichsen

Date Created: 11/13/2014



## Legend

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits
-  Townships

<b>Parcel ID</b>	19-1.0-11-003-006-066.000	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	COX FAMILY TRUST
<b>Sec/Twp/Rng</b>	11-21-22	<b>Class</b>	n/a		ARNOLD C & JOYCE E COX TRUSTEES
<b>Property Address</b>	136 SHORE DR RIDGEDALE	<b>Acreage</b>	n/a		4105 MCCAULEY RD NIXA MO 65714
<b>District</b>	5CWX				
<b>Brief Tax Description</b>	OZARKS PARADISE VILLAGE LT 38 BLK 23; LTS 188 BLK 6				
	(Note: Not to be used on legal documents)				

Last Data Upload: 11/13/2014 1:19:22 AM



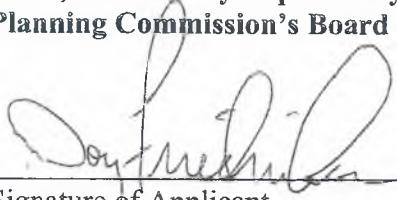
developed by  
The Schneider Corporation  
[www.schneidercorp.com](http://www.schneidercorp.com)

proposed garage site.



VERIFICATION

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

  
\_\_\_\_\_  
Signature of Applicant


10-13-14  
\_\_\_\_\_  
Date of Application

STATE OF MISSOURI     )  
COUNTY OF TANEY     )

S.S. On this 13 day of November, 2014.

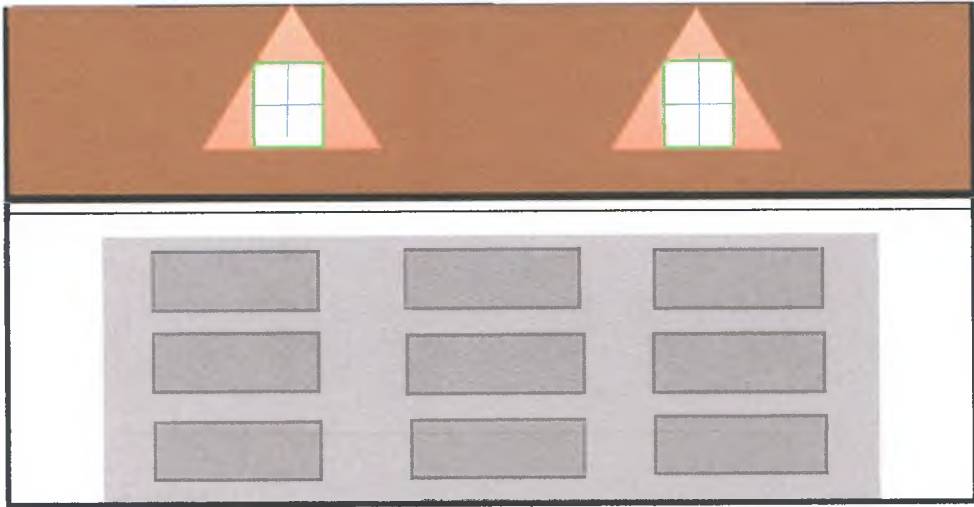
Before me Personally appeared Doug Hrenkalski, to me known to be the person described in and who executed the foregoing instrument.

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 Kisse, Notary Public



BONITA KISSEE-SOUTER  
My Commission Expires  
February 6, 2018  
Taney County  
Commission #10440057



20 ft



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### APPLICATION FOR DIVISION I PERMIT

This application must be filled out completely with BLACK INK and signed by  
The property owner.

NAME OF APPLICANT: JF PROPERTIES, LLC

MAILING ADDRESS: 2065 N. FR 81 CITY & ZIP: SPRINGFIELD, 65802

911 ADDRESS OF PROJECT: 140 FELSKI COURT CITY & ZIP: RIDGEDALE, 65739

TELEPHONE-MAIN: 417-299-5354 OTHER: 417-890-0050

#### PROPERTY OWNER

PRINT NAME: J.F. PROPERTIES, LLC / JENNIFER FELLER - MEMBER

SIGNATURE: Jennifer Feller - member

#### The following submittals must be provided with this application:

1. A recorded deed including any and all attachments.
2. Taney County Regional Sewer District approval (if applicable). SD Permit # \_\_\_\_\_  
Sewer District Permit exempted \_\_\_\_\_
3. Site plan showing lot lines, dimensions, location of access and structures, distance from lot lines of structure, setbacks and easements.

"Will not occupy  
structure until connected  
to an approved sewer  
system"  
D77

In signing this application, I understand that if the information provided here is not true, my application will be revoked. I understand and agree to abide by the requirements of the Taney County Development Guidance Code. I agree to all inspections on the property necessary to secure compliance with all county codes, relevant to this application. The property owner is responsible for adherence to all existing private restrictions and requirements.

SIGNATURE OF APPLICANT: Jennifer Feller member

DATE OF APPLICATION: 4-17-06

**THIS PORTION TO BE FILLED OUT BY APPLICANT:**

Parcel Number: 19-1,0-11-003-006-058,000

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

Directions to Property: 65 SOUTH TO 86 W TO LAKEVIEW TO FELSKE COURT.

Description of Request: ☒ New House ☐ Addition to House ☐ Manufactured Home

☐ Addition to Manufactured Home ☐ Garage ☐ Carport

☐ Other, Explain: \_\_\_\_\_

Size of Structure: 2263 SQ FT. Area of Property: 1 ACRE

Section: 11 Township: 21 NORTH Range: 22 WEST

Name of Subdivision: OZARKS PARADISE VILLAGE

Lot Number: 43, 44, 45, 40A Block/ Phase Number: 23

Purpose of Structure: RESIDENTIAL HOME

Access to Property (Road Number/ Name): LAKEVIEW DR.

Water Supply: ☒ Private ☐ Public ☐ District # /Name

Electric Supplier: ☐ Empire District ☐ White River ☐ Carroll County Electric

Does the property lie in the 100 Year Floodplain? ☐ YES ☒ NO

**THIS PORTION TO BE FILLED OUT BY PLANNING DEPARTMENT:**

Fire Protection District: ☒ Western ☐ Central ☐ None ☐ Other: \_\_\_\_\_

Watershed: TABR Map Location: 19-1.0-11

Permit Inspector: LR PZ Permit: # 06-170

Date Permit Issued: 4-17-06

Summary: \_\_\_\_\_

Does this property have a BOA Decision of Record?: ☐ YES ☒ NO

If so, what is the case number?: \_\_\_\_\_

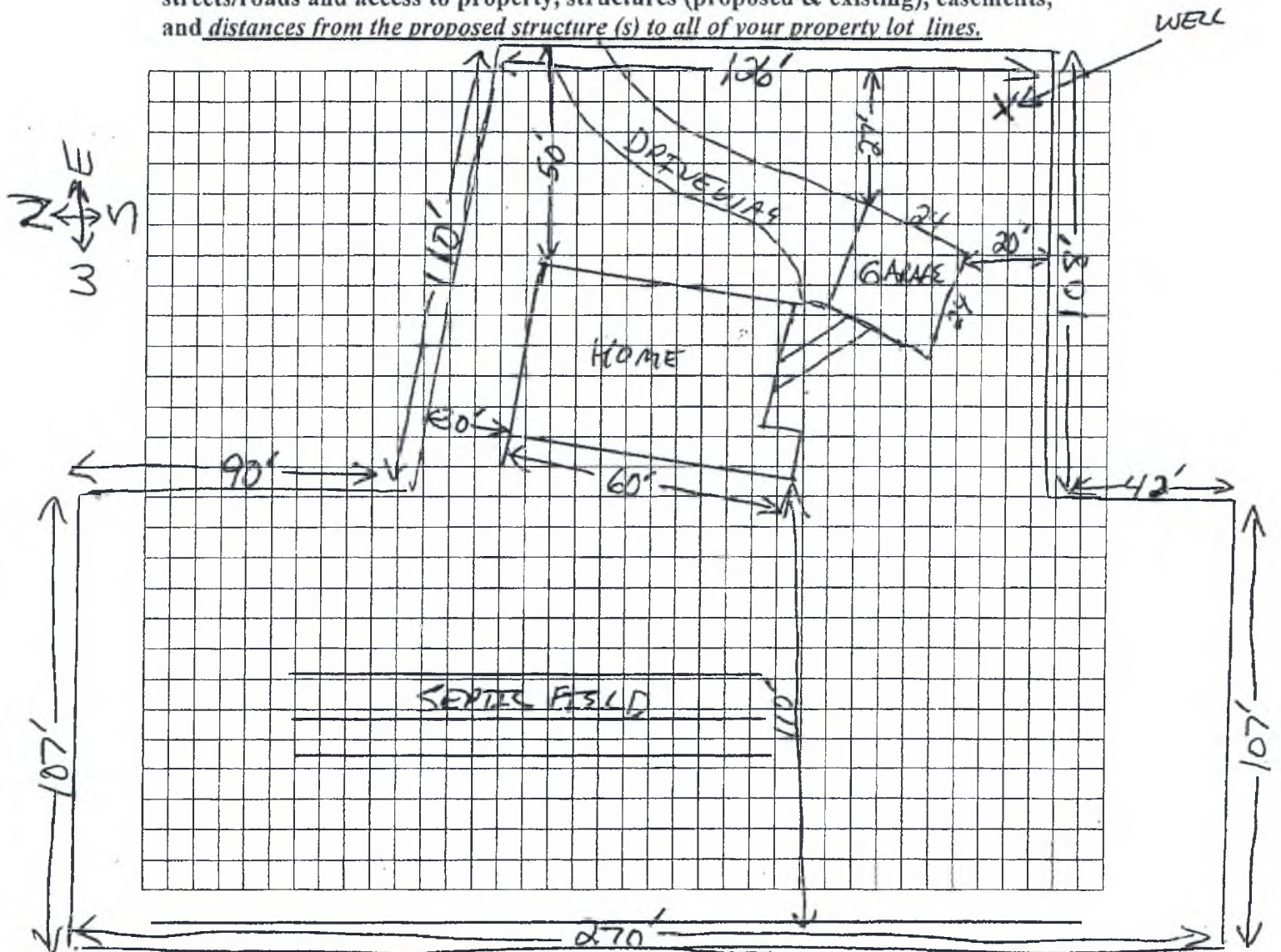
Computer Entry Date: \_\_\_\_\_ By: \_\_\_\_\_



# SITE PLAN

Name of Applicant: JF PROPERTIES, LLC

Please diagram your property lot lines with dimensions, showing location of streets/roads and access to property, structures (proposed & existing), easements, and distances from the proposed structure (s) to all of your property lot lines.



Details: All measurements are from the requested structure to your property lines.

My structure will face FELSKI COURT ☒ Private ☐ County ☐ State  
(Name & indication of street/road)

50' Feet Front Setback E 30' Feet Side Setback N  
110' Feet Rear Setback W 20' Feet Side Setback S



JF PROPERTIES LLC

2263 SQ FT  
SFH

# Taney County Planning Commission

140

FELSKI  
CT

## DIVISION I

4-17-06

11-21-22

**Permit #**

06 - 170



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## Taney County Planning Receipt

Date: 4/17/2006

Receipt Number: 1334

Name: J F Properties, LLC

Name of Project:

Description		Amount	
		Amount Due	Amount Paid
Division I Application Fee			\$15.00
Check Number		Amt Due:	\$15.00
		Amt Paid	\$15.00
		Total Due:	\$0.00

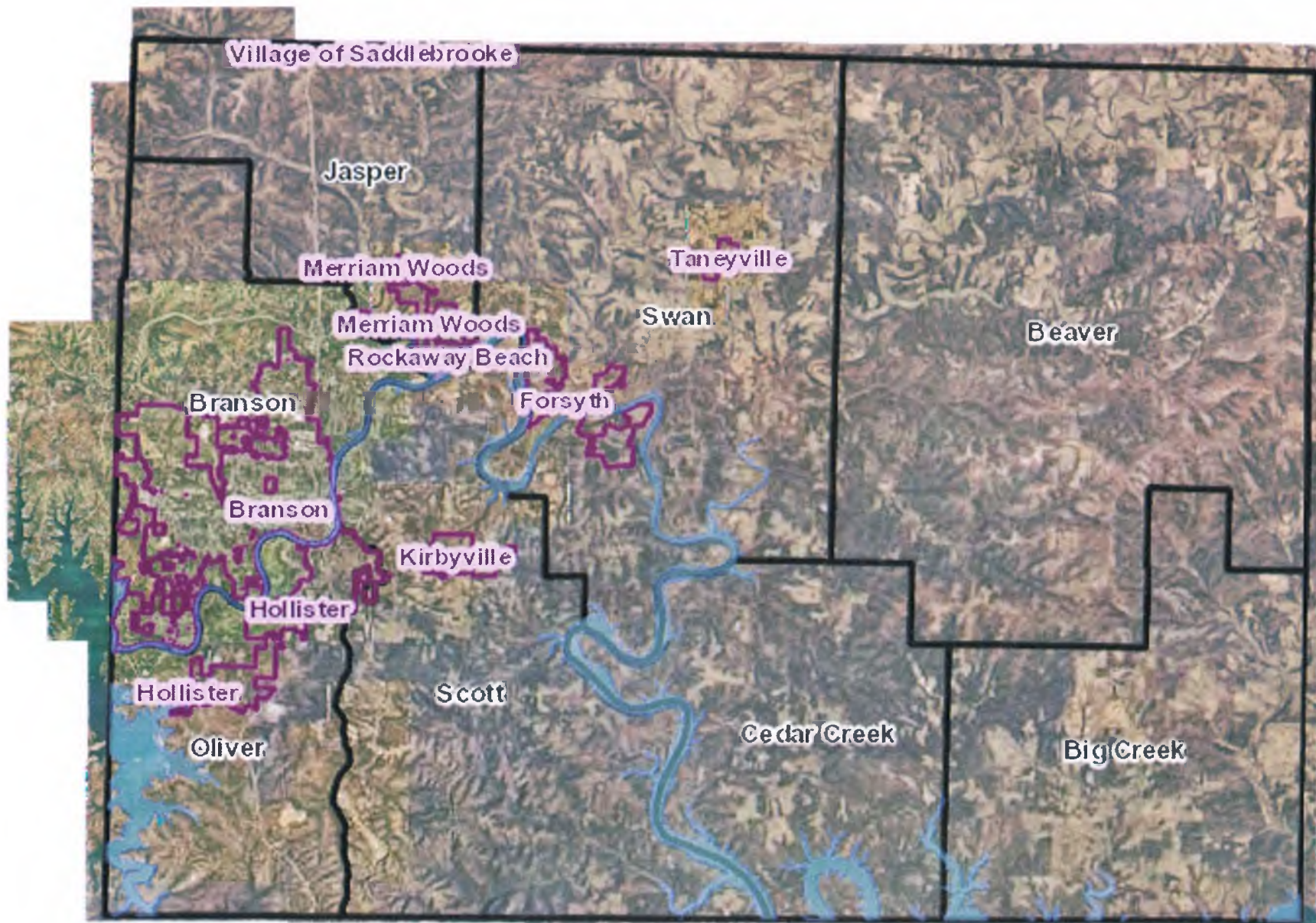
Make checks payable to: Taney County

Thank you for your business!



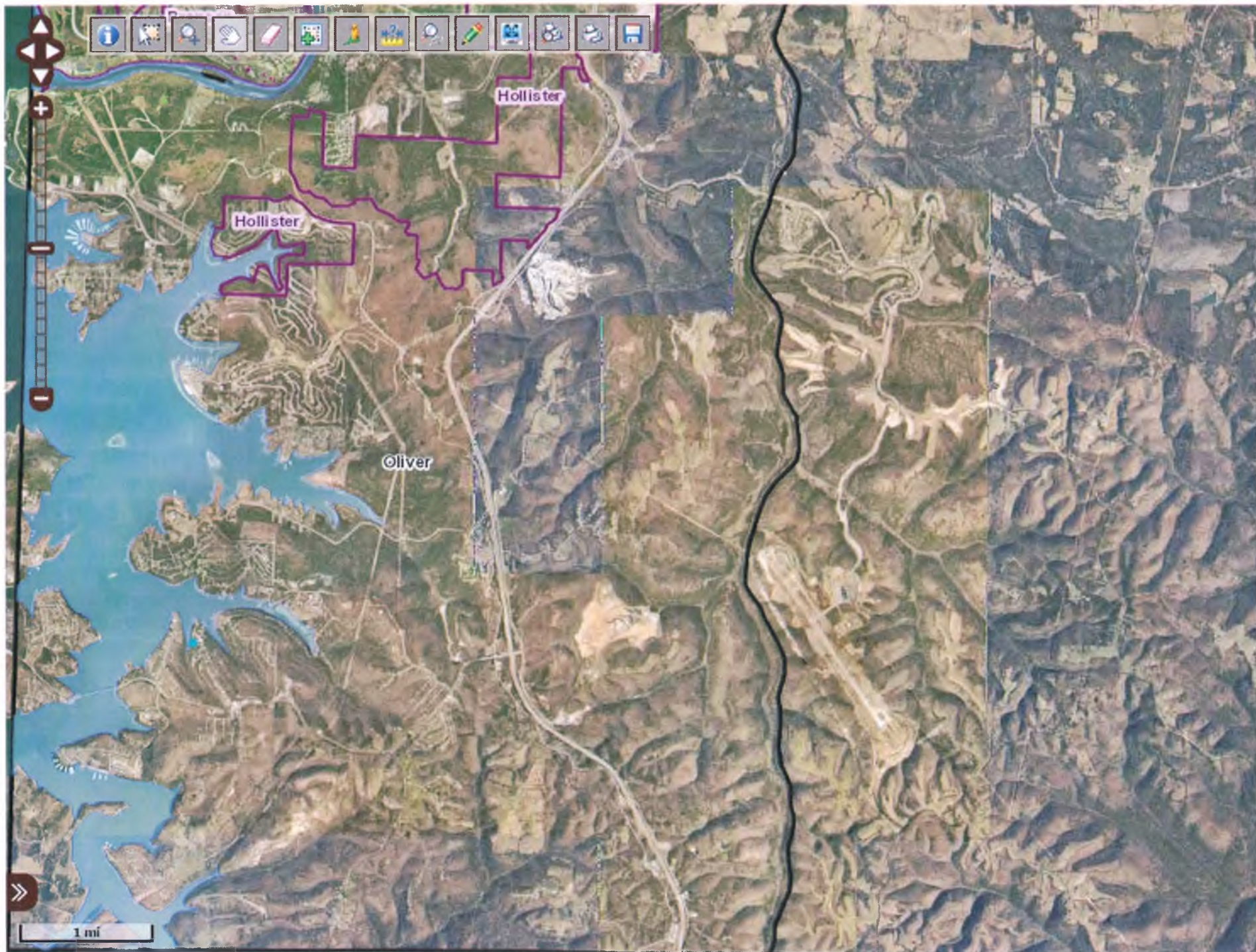






**Doug & Lisa Friedrichsen Setback Variance Request**  
**843 Lakeview Drive, Ridgedale, MO**  
**Taney County GIS (Beacon)**

























**Doug & Lisa Friedrichsen Setback Variance Request**  
**843 Lakeview Drive, Ridgedale, MO**  
**Pictometry – View from the North**





**Doug & Lisa Friedrichsen Setback Variance Request**  
**843 Lakeview Drive, Ridgedale, MO**  
**Pictometry – View from the South**





**Doug & Lisa Friedrichsen Setback Variance Request**  
**843 Lakeview Drive, Ridgedale, MO**  
**Pictometry – View from the East**





**Doug & Lisa Friedrichsen Setback Variance Request**  
**843 Lakeview Drive, Ridgedale, MO**  
**Pictometry – View from the West**



# NOTICE OF PUBLIC HEARING

## THE TANEY COUNTY BOARD OF ADJUSTMENT

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

Applicant: Doug Friedrichsen

Request: Set back  
variance

Property Location: 843 Lakeview

Hearing Location: Taney County Courthouse  
Time: 7:00pm Date: Wednesday, 1-21-15  
Phone: (717) 546-7225

01/06/2015 15:42



01/06/2015 15:42





















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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, DECEMBER 17, 2014, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Shawn Pingleton called the meeting to order. A quorum was established with three members present. They were: Shawn Pingleton, Tom Gideon, and Mark Weisz. Staff present: Bob Atchley and Bonita Kisse-Soutte.

Mr. Pingleton informed the applicants that when there are three board members present there is an option of postponing until a full board can be present. Neither applicant chose to do so.

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, as well as the Taney County Floodplain Ordinance as Exhibit E. 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 Hearings:

GGW Inv. LLC; a request to vary from the required 7' side of lot setback, Section 7 Table 1 of the Taney County Development Guidance Code, in order to allow for the separation of the Sunfest Market and a portion of the parking area from the rest of the Cross Creek Centre Shopping Plaza. The property is located at 225 Cross Creek Boulevard. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. The applicant was represented by Stauffer Law Firm who explained the reason for the request. He stated that the owner is refinancing and in order to do this the market must be split from the other businesses. There will be a cross parking agreement between the owners which is irrevocable. Mr. Atchley stated that this would comply with the parking standards according to the Code. If approval is given the decision of record will reflect the parking standards. Mr. Pingleton addressed the lighting agreement, and shared wall. There is a party wall agreement. Mr. Weisz discussed fire wall compliance. Mr. Gideon explained how the wall was constructed.

With no other discussion Mr. Gideon made the motion to approve based upon the proposed decision of record. Discussion followed regarding an addition of parking standards. Mr. Weisz felt that parking standards and common wall agreement should be added to the decision. Mr. Weisz seconded the motion with changes. The vote to approve the request was unanimous.

Billy Grant Johnson; a request to vary from the two acre minimum lot size for properties not having access to public/central sewer, Section 7 Table 3 Taney County Development Guidance Code and Article 9 Section 3 Table 1 of the Taney County Subdivision Regulations. The property is located in the 900-1000 Blocks of Sycamore Church Road. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Representing the request was Mr. Johnson who is the owner of the property and planning to sell to Mr. Sanderson. Eric Farris who was representing adjacent property owners Mr. and Mrs. Myer who had concerns regarding if the tracts had been surveyed, and where they were located, the amount of acreage and that it wouldn't comply with the two acre requirement. He stated that in his opinion the land isn't adequate for building because of the lack of soil and permeability of the soil making a septic tank hard to install. His concern was that there would be run off from this property onto the neighboring properties. Mr. Farris reported that in the past property owners could not get the land to pass a percolation test. Another concern voiced by Mr. Farris was water quality because of this issue. He stated that in his opinion a hardship had not been presented by the applicant, and there is not enough evidence for the Board to act in favor of the applicant. Mr. Sanderson who wants to buy the property addressed the Board. He stated that he only wants to split the property into two tracts not three. He met with Road and Bridge regarding moving the driveway. He will do his own survey and research the wastewater problem. Mr. Johnson presented a site plan. Mr. Sanderson would want to drill a well and explained where he would place the wastewater system. Mr. Weisz stated that with the information provided at this meeting, shows a 1.2 acre discrepancy. Mr. Johnson stated that the discrepancy was road right of way and easement, in his opinion. Mr. Pingleton discussed the topography, and clarified that the property will only be split in two. Mr. Sanderson stated that if he can't do what he wants with the property he won't buy it. He would use some of the rock for the driveway, from the site if approval is given. Mr. Pingleton asked Mr. Farris if they had addressed his questions. He stated that they had and made a final statement pointing out that regardless if the applicant is splitting the property in two, there will still be three sections because of the southern portion not utilized below the driveway. He also pointed out that in dividing the property, would there never in the future have a house on part of it? In his opinion there isn't enough information to protect the public. With no other discussion the public hearing was closed and the Board further discussed the information before them. Mr. Pingleton entertained a motion, and Mr. Weisz stated that in his opinion not enough information was presented and he would consider tabling until a later date when a percolation test was presented, and if the applicant would agree not to have any lot smaller than 1 acre. He made a motion to table to a time uncertain until such time more information could be



presented. Mr. Gideon seconded and suggested the applicant test the southern lot which was stated would not be used, for possibly a leach field. He would like to see an accurate survey showing where the lot lines are planned. Mr. Pingleton explained that there are reasons why the County imposes certain rules regarding lot size and percolation tests are required and adequate wastewater disposal permitted. He stated that at this time he is not in favor of the plan because it doesn't meet the current requirements, and he stated that it is possible the Board could not approve the request even with added information. Mr. Weisz concurred with Mr. Pingleton. The vote to table was unanimous. Mr. Farris asked if the hearing would be advertised again. Mr. Pingleton stated that it would and that the applicant should let the office know when they are ready to come back before the Board. Mr. Sanderson asked if he put one single family dwelling on the property and one septic tank would he have to come before them. He was told he would not, only obtain a Division I Permit.

#### Review and Action:

Minutes, November 2014; with no additions or correction a motion was made by Tom Gideon to approve as written. Seconded by Mark Weisz. The vote to approve was unanimous.

#### Old and New Business:

Gary and Trecie Loyd; Mr. Atchley reported on correspondence received from FEMA regarding the request which was tabled at the last meeting. He reported that the applicant had also received the same information.

Mr. Pingleton asked the Board if they would consider an earlier start time of the Board meetings of 6:00 p.m. Discussion followed. The members agreed to start their meetings in 2015 at 6:00 p.m.

#### Adjournment:

With no other business on the agenda for December 17, 2014 the meeting adjourned at 8:19 p.m.