



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

AGENDA

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 15, 2015, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum

Explanation of Public Hearing Procedures/Presentation of Exhibits

Governing Statutes

Public Hearings:

SMBZ, LLC; Setback Variance Request

Thomas A Kraft; Setback Variance Request

Profund Capital, LLC; Appeal of Conditions of Decision of Record

7M Development, LLC; Request for Reconsideration

Review and Action:

Minutes, June 2015

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT

HEARING DATE: July 15, 2015

CASE NUMBER: 2015-0008V

APPLICANT: SMBZ, LLC – Steve Creedon

REPRESENTATIVE: Tim Davis

LOCATION: The subject property is located on Jamie Court and Woodbridge Estates, Branson, MO; Scott Township; Section 33, Township 23, Range 21.

REQUEST: The applicant, SMBZ, LLC – Steve Creedon is requesting a variance from Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 25' front property line setback requirement for Lots 20 – 38 of the Woodbridge Estates Subdivision, in order to allow for the construction of single-family residences which would be located +/- 10' from the front property line.

BACKGROUND and SITE HISTORY:

On December 10, 2004 the Final Plat of Woodbridge Estates, Phase 1 was signed by the Planning Administrator and filed with the Recorder of Deeds Office, creating a two (2) lot subdivision.

On December 20, 2004 the Taney County Planning Commission approved Division III Permit # 2004-0064, authorizing the development of a forty-five (45) lot medium density residential subdivision, to be known as Woodbridge Estates.

On September 28, 2005 the Final Plat of Woodbridge Estates, Phase 2, was filed with the Recorder of Deeds Office, upon being signed by the Planning Administrator, creating thirty-seven (37) lot subdivision.

GENERAL DESCRIPTION:

The applicant, SMBZ, LLC – Steve Creedon is requesting a variance from the required 25' front property line setback requirement for Lots 20 – 38 of the Woodbridge Estates Subdivision, in order to allow for the construction of single-family residences which would be located +/- 10' from the front property line.

REVIEW:

The applicant, SMBZ, LLC – Steve Creedon is requesting a variance from the required 25' front property line setback requirement for Lots 20 – 38 of the Woodbridge Estates Subdivision, in order to allow for the construction of single-family residences which would be located +/- 10' from the front property line. The applicant is requesting the setback variance pursuant to RSMo. 64.870 based upon the steep topography of the lots. The applicant has indicated that the steepness of the lots is such that they drop about 1 foot for every 2 linear feet on the downhill side. The applicant has further indicated that the smaller setbacks will save a demonstrable expense of adding a great amount of fill to make the lots buildable; or of excavating extensively on the lots above the road. The applicant has further argued that setbacks exceeding 10 feet are an unreasonable deprivation of use. The applicant has indicated that the shorter setbacks will benefit surrounding property owners, in that, all of the houses on Woodbridge Estates Drive and Jamie Court will be further away from the properties on the surrounding streets. The applicant also feels that the reduced setbacks are more environmentally friendly because they require less fill, less land disturbance and construction is also kept away from the nearby creek.

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 setback variance request, the following requirements shall apply, unless revised by the Board:

1. Approval a setback variance of 15 feet from the front property line adjoining Woodbridge Estates Drive and Jamie Court, allowing for the construction of new single-family residences which will be located +/- 10 feet from the front property line.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).

#15-8

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

(Circle one)

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

PLEASE PRINT

DATE 21 May 2015

Applicant SMBZ, LLC Phone 417.294.4549

Address, City, State, Zip PO Box 1700 Hollister, MO 65673

Representative Tim Davis Phone 417.294.1083

Owner of Record SMBZ, LLC Signature: *[Signature]*

Name of Project: Woodbridge Estates

Section of Code Protested: (office entry) *Section 7, Table 2, Development Guidance Code*

Address and Location of site: Jamie Court & Woodbridge Estates Drive
Branson, Lots 20 to 38

Subdivision (if applicable) Woodbridge Estates

Section 33 Township 23 Range 21 Number of Acres or Sq. Ft. Lots 20 - 38

Parcel Number Multiple Parcel Numbers 08-8.0-33-004-014-015.003 to .022

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.

*send corresp. to Tim Davis
487 Saurwood Mtn. Rd.
Branson, Mo. 65614*

Describe in detail the reason for your request:

Applicant asks the Board of Adjustment to reduce the building setbacks on lots 20-38 of the Woodbridge Estates subdivision (Phase II) pursuant to 64.870.1(3) RSMo. based on the steep topography of the lots.

Applicant asks that the building setbacks be reduced to ten (10) feet. The steepness of the lots is such that they drop about 1 foot for every 2 linear feet on the downhill side. Smaller setbacks will save the demonstrable expense of adding a great amount of fill to make the lots buildable; or of excavating extensively on the lots above the road. Setbacks exceeding 10 feet are an unreasonable deprivation of use. Shorter setbacks benefit surrounding property owners, in that, all the houses on Woodbridge Estates Drive will be further away from properties on surrounding streets. As well, the reduced setbacks are more environmentally friendly because they require less fill and less land disturbance; construction is also kept away from the nearby creek.

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]
Signature of Applicant

5/21/15
Date of Application

STATE OF MISSOURI)

S.S. On this 21st day of May, 2015.

COUNTY OF TANEY)

Before me Personally appeared Steven J. Crendon, to me known to be the person described in and who executed the foregoing instrument.

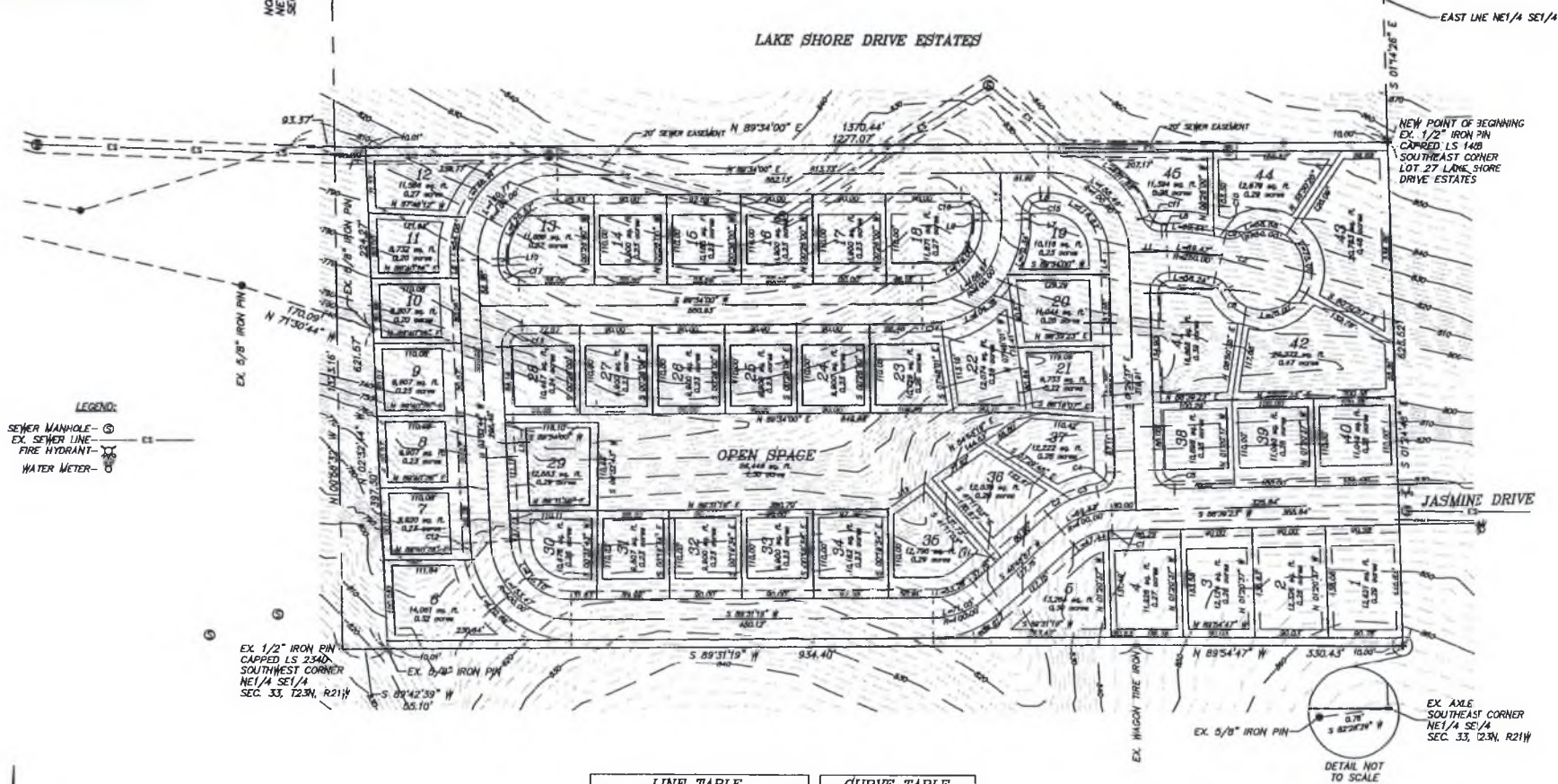
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2014.

[Signature]
Donna K. Dodd, Notary Public



DONNA K. DODD
My Commission Expires
August 29, 2017
Taney County
Commission #13522401

THE PRELIMINARY PLAT
WOODBRIDGE ESTATES
LOCATED IN THE NE1/4 SE1/4
SEC. 33, T23N, R21W
OF THE 6th PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
THE LONG COMPANY



LEGEND:
SEWER MANHOLE -
EX SEWER LINE -
FIRE HYDRANT -
WATER METER -

EX 1/2" IRON PIN
CAPPED LS 2340
SOUTHWEST CORNER
NE1/4 SE1/4
SEC. 33, T23N, R21W

EX AXLE
SOUTHEAST CORNER
NE1/4 SE1/4
SEC. 33, T23N, R21W

DETAIL NOT
TO SCALE

NOTES:

THE SUBDIVISION CONTAINS A TOTAL OF ±18.12 ACRES.
ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG
ALL FRONT AND BACK LOT LINES EXCEPT SHOWN HEREON.

SETBACK NOTES

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	47.64'	N 89°39'23" E
L2	54.46'	S 78°28'23" E
L3	58.42'	S 01°20'37" E
L4	26.19'	S 01°20'37" E
L5	8.21'	S 88°39'23" W
L6	21.73'	N 02°32'44" W
L7	7.62'	S 01°20'37" E
L8	10.80'	S 89°34'00" W
L9	9.21'	S 01°20'37" E
L10	8.16'	N 02°32'44" W
L11	10.00'	S 48°48'57" W
L12	57.41'	N 84°53'19" E
L13	10.01'	N 02°32'44" W

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	4.71'	75.00'
C2	36.10'	125.00'
C3	38.10'	25.00'
C4	35.93'	25.00'
C5	39.27'	25.00'
C6	39.67'	25.00'
C7	21.20'	25.00'
C8	32.61'	50.00'
C9	20.91'	25.00'
C10	14.75'	275.00'
C11	30.77'	25.00'
C12	20.85'	125.00'
C13	40.19'	25.00'
C14	23.63'	125.00'
C15	39.67'	25.00'
C16	38.87'	25.00'
C17	38.33'	25.00'

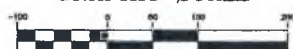
Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF:
LANCE LONG, 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.

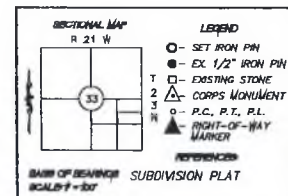
ALL PLOTS THAT DO NOT SHOW
A SEX IMPRINT IN BLUE INK
MAY HAVE BEEN FRAUDULENTLY
ALTERED. ALL INFORMATION
SHOULD BE DISREGARDED UNLESS
VERIFIED BY THE PROFESSIONAL
LAND SURVEYOR WHOSE SIGNATURE
APPEARS BELOW.

EDDIE D. WOLFE P.L.S. 2190

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.



Surveyed for

THE LONG COMPANY

WOLFE SURVEYING, INC.
EDDIE D. WOLFE P.L.S. 2190

3000 Green Mountain Drive Suite 102-103 Branson, MO 65616
Phone: 417-334-8820 Fax: 417-334-5101

SHEET: 1 OF 1

DATE:

10-20-04

W.O. #879

DRAWN BY:

REV

DESCRIPTION AND EXECUTION OF PLAT.

WE, WILLIAM L. LONG, A/K/A LANCE LONG, SHERRY LONG, HUSBAND AND WIFE AND GEORGE LOVE AND VIVIAN F. LOVE, HUSBAND AND WIFE, DO HEREBY CERTIFY THAT WE ARE THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND:

ACKNOWLEDGMENT

A TRACT OF LAND SITUATED IN THE NE1/4 OF THE SE1/4 OF SECTION 33, TOWNSHIP 23 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING AXE MARKING THE SOUTHEAST CORNER OF THE NE1/4 OF THE SE1/4 OF SAID SECTION 33; THENCE N 89°54'47" W, ALONG THE SOUTH LINE OF SAID NE1/4 OF THE SE1/4, A DISTANCE OF 98.79 FEET; THENCE N 01°20'37" W, LEAVING SAID SOUTH LINE, A DISTANCE OF 148.68 FEET; THENCE N 12°39'13" W, A DISTANCE OF 50.99 FEET; THENCE N 01°20'37" W, A DISTANCE OF 110.00 FEET; THENCE N 89°54'47" E, A DISTANCE OF 100.36 FEET; TO A POINT ON THE EAST LINE OF SAID NE1/4 OF THE SE1/4; THENCE S 01°24'45" E, ALONG SAID EAST LINE, A DISTANCE OF 310.35 FEET, TO THE POINT OF BEGINNING, CONTAINING 0.87 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 WOODBRIDGE ESTATES PHASE I. ALL STREETS, RIGHT-OF-WAYS AND EASEMENTS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC.

IN TESTIMONY WHEREOF THE UNDERSIGNED HAVE HEREUNTO SET THEIR HAND AND SEAL THIS 1 DAY OF 12-12-2004.

William L. Long
WILLIAM L. LONG, A/K/A LANCE LONG

ACKNOWLEDGMENT

STATE OF MISSOURI
COUNTY OF TANEY
ON THIS DAY 18 OF December 2004 BEFORE ME PERSONALLY APPEARED WILLIAM L. LONG, A/K/A LANCE LONG AND SHERRY LONG, HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS WHO BEING DULY SHOWN BY ME DID DEPOSE AND SAY THAT THEY HAD EXECUTED THE FOREGOING INSTRUMENT, SIGNED THEIR NAME THERE TO BY THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL NOTARY SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YEAR ABOVE WRITTEN.

Robert A. Olson
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/5/2008

IN TESTIMONY WHEREOF THE UNDERSIGNED HAVE HEREUNTO SET THEIR HAND AND SEAL THIS 21 DAY OF 10-22-2004.

George Love
GEORGE LOVE

Vivian F. Love
VIVIAN F. LOVE

ACKNOWLEDGMENT
STATE OF MISSOURI
COUNTY OF TANEY
ON THIS DAY 31 OF November 2004 BEFORE ME PERSONALLY APPEARED GEORGE LOVE AND VIVIAN F. LOVE, HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS WHO BEING DULY SHOWN BY ME DID DEPOSE AND SAY THAT THEY HAD EXECUTED THE FOREGOING INSTRUMENT, SIGNED THEIR NAME THERE TO BY THEIR FREE ACT AND DEED.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL NOTARY SEAL AT MY OFFICE IN SAID COUNTY AND STATE THE DAY AND YEAR ABOVE WRITTEN.

Robert A. Olson
NOTARY PUBLIC
MY COMMISSION EXPIRES 11/5/2008

THE FINAL PLAT
WOODBRIDGE ESTATES PHASE I
LOCATED IN THE NE1/4 SE1/4
SEC. 33, T23N, R21W
OF THE 5th PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
THE LONG COMPANY

DOCUMENT 2004-P-00135

SHEET 4 PAGE 218

RECORDING FEE \$400
STATE USER FEE \$400
TOTAL \$800

FILED

TIME 1:50 P.M.

DEC 10 2004

Robert A. Olson
Recorder of Deeds
TANEY COUNTY

NOTES

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 L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

NOTE: RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 275 AT PAGE 100 DATED 12-12-2004.

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

ALL ROADS SHOWN ON PLAT HAVE A 50' RIGHT-OF-WAY.
THE TOTAL AREA OF THE PROPERTY IS 20.67 ACRES
THE TOTAL LOT AREA IS 20.54 ACRES
THE TOTAL ROAD AREA IS 20.11 ACRES
THE TOTAL OPEN SPACE AREA IS 20.02 ACRES

CLASSIFICATION OF SURVEY

"SUBURBAN SURVEY"

TITLE SOURCE:

WARRANTY DEED BOOK 449, PAGES 866-868

BASE OF BEARING:

SOUTH LINE NE1/4 SE1/4 BRNG. = N 89°54'47" W

LEGEND:

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

GRAPHIC SCALE

(IN FEET)

1 inch = 20 ft

EX. ALUM. MONUMENT
CAPPED LS 1458
NORTHEAST CORNER
NE1/4 SE1/4
SEC. 33, T23N, R21W

EX. 1/2" IRON PIN
CAPPED LS 1458
SOUTHEAST CORNER
LOT 27 LAND SHORE
DRIVE ESTATES

FLOOD CERTIFICATION

THE PROPERTY SHOWN ON THIS PLAT DOES NOT FALL IN A FLOOD HAZARD BOUNDARY AREA ACCORDING TO FLOOD HAZARD BOUNDARY MAP, TANEY COUNTY, MISSOURI PANEL 13 OF 33 COMMUNITY NO. 290435A, DATED JANUARY 16, 1984.

JASMINE DRIVE

ACKNOWLEDGMENT

KNOW ALL MEN BY THESE PRESENTS THAT UNION PLANTERS BANK NA, THE HOLDER OF A DEED OF TRUST, DATED SEPTEMBER 16, 2004, AND RECORDED IN BOOK 449, 41 PAGES 868 THROUGH 879 OF THE OFFICE OF THE RECORDER OF DEEDS OF TANEY COUNTY, MISSOURI, WHICH DESCRIBED THE LAND OR A PORTION THEREOF INCLUDED HEREIN AND PLATED AS WOODBRIDGE ESTATES PHASE I, CONSENT AND JOIN IN THE EXECUTION OF THIS PLAT.

STATE OF MISSOURI

ON THIS 8 DAY OF DEC 2004 BEFORE ME APPEARED JAMES E. J. TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SHOWN DO SAY THAT HE IS THE OF UNION PLANTERS BANK NA, A CORPORATION OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND SAID J. ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN TANEY COUNTY, MISSOURI, THIS DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES:

OFFICE OF TANEY COUNTY 911 ADMINISTRATION

APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATION THIS 13 DAY OF DECEMBER 2004.

TANEY COUNTY PLANNING COMMISSION CERTIFICATION

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 7 DAY OF DECEMBER 2004.

CHIEF PLANNING OFFICER

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

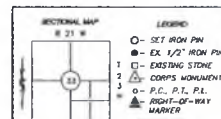
ADMINISTRATOR: CHIEF SMITH

MS04-16

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF LANCE LONG, 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 RECHECKED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR. IF YOU HAVE ANY QUESTIONS, PLEASE CALL EDDIE D. WOLFE PLS. 280



Surveyed for LANCE LONG AND SHERRY LONG
GEORGE LOVE AND VIVIAN LOVE
WOLFE SURVEYING, INC.
EDDIE D. WOLFE PLS. 280
1100 Green Mountain Drive Suite 100-103 Ingram, MO 63096
Phone: 417-338-8520 Fax: 417-334-3151

SHEET 1 OF 1
DATE: 11-11-04
W.D. #878PH
REV
DRAWN BY: J. Smith

THE FINAL PLAT WOODBIDGE ESTATES PHASE 2

LOCATED IN THE NE1/4 SE1/4
SEC. 33, T23N, R21W
OF THE 5th PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
THE LONG COMPANY

FILED
SEP 28 2005

TIME
9:48 AM

SEP 28 2005

Robert A. Dixon
Recorder of Deeds
TANEY COUNTY

LINE	LENGTH	BEARING
L1	100.38'	S 88°30'23" W
L2	50.89'	S 12°30'11" E
L3	46.50'	S 68°41'18" E
L4	44.92'	S 78°01'49" E
L5	55.33'	S 80°44'36" W
L6	5.00'	S 89°19'23" W
L7	43.74'	N 54°58'44" W
L8	25.00'	N 89°34'00" E
L9	4.85'	N 86°41'18" W
L10	44.92'	N 78°01'49" E
L11	26.28'	N 89°46'30" E
L12	9.53'	N 89°46'30" E
L13	18.23'	N 89°46'30" E
L14	20.62'	S 86°19'29" W
L15	66.05'	S 34°50'19" W
L16	25.02'	N 02°32'44" W
L17	25.02'	N 02°32'44" W
L18	25.55'	S 56°19'29" W
L19	4.85'	N 86°41'18" W
L20	13.17'	S 89°19'23" W
L21	16.06'	S 89°19'23" W
L22	55.93'	S 38°23'22" E
L23	150.21'	S 00°18'09" W
L24	155.12'	S 03°07'55" E
L25	78.62'	N 31°25'24" W
L26	8.29'	S 03°16'34" E
L27	19.01'	S 89°46'30" E
L28	23.40'	N 51°20'57" W

CURVE	LENGTH	RADIUS
C1	47.98'	200.00'
C2	51.00'	25.00'
C3	71.03'	25.00'
C4	45.11'	50.00'
C5	31.03'	75.00'
C6	18.11'	175.00'
C7	18.11'	175.00'
C8	3.44'	225.00'
C9	9.04'	325.00'
C10	0.67'	175.00'
C11	4.68'	175.00'
C12	7.51'	175.00'
C13	11.00'	25.00'
C14	3.86'	128.91'
C15	12.70'	128.91'
C16	10.42'	550.00'
C17	14.44'	550.00'
C18	16.39'	425.00'
C19	16.39'	425.00'
C20	11.03'	25.00'
C21	11.03'	25.00'
C22	11.03'	25.00'
C23	11.03'	25.00'
C24	11.03'	25.00'
C25	11.03'	25.00'
C26	11.03'	25.00'

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF:
LANCE LONG, 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

SECTIONAL MAP
R 21 W

LEGEND

- SET IRON PIN
- EX 1/2" IRON PIN
- EXISTING STONE
- △ CORPS MONUMENT
- P.C. P.T. P.I.
- RIGHT-OF-WAY MONUMENT

REFERENCES

RANGE OF BEARINGS
SCALE: 1" = 100'

EAST LINE NE1/4 SE1/4
BRNG. = S 01°24'48" E

Surveyed for:

LANCE LONG

WOLFE SURVEYING, INC.
EDDIE D. WOLFE P.L.S. 2190

3000 Green Mountain Drive Suite 102-03 Branson, MO 65616
Phone: 417-334-8820 Fax: 417-334-3151

SHEET: 1 OF 2

DATE:

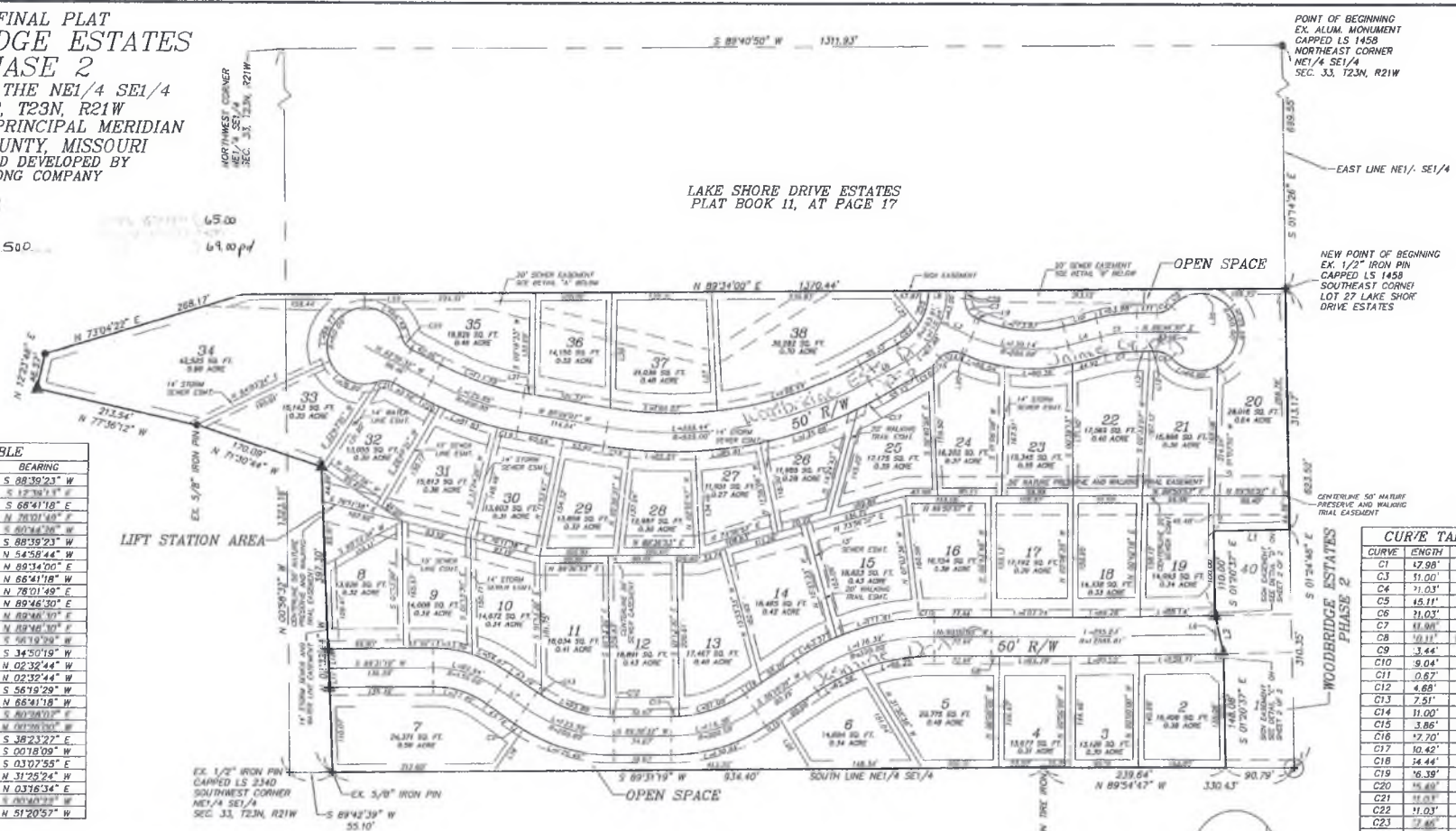
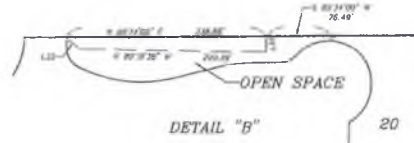
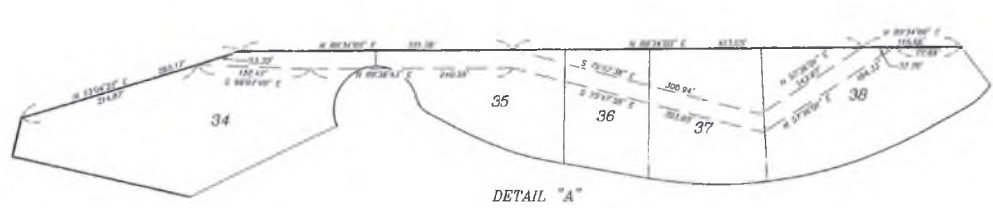
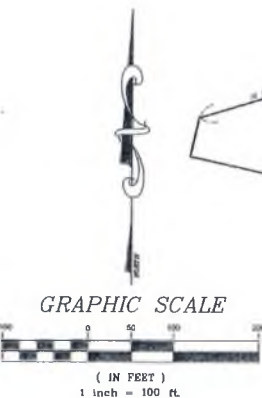
03-25-05

W.O. #879

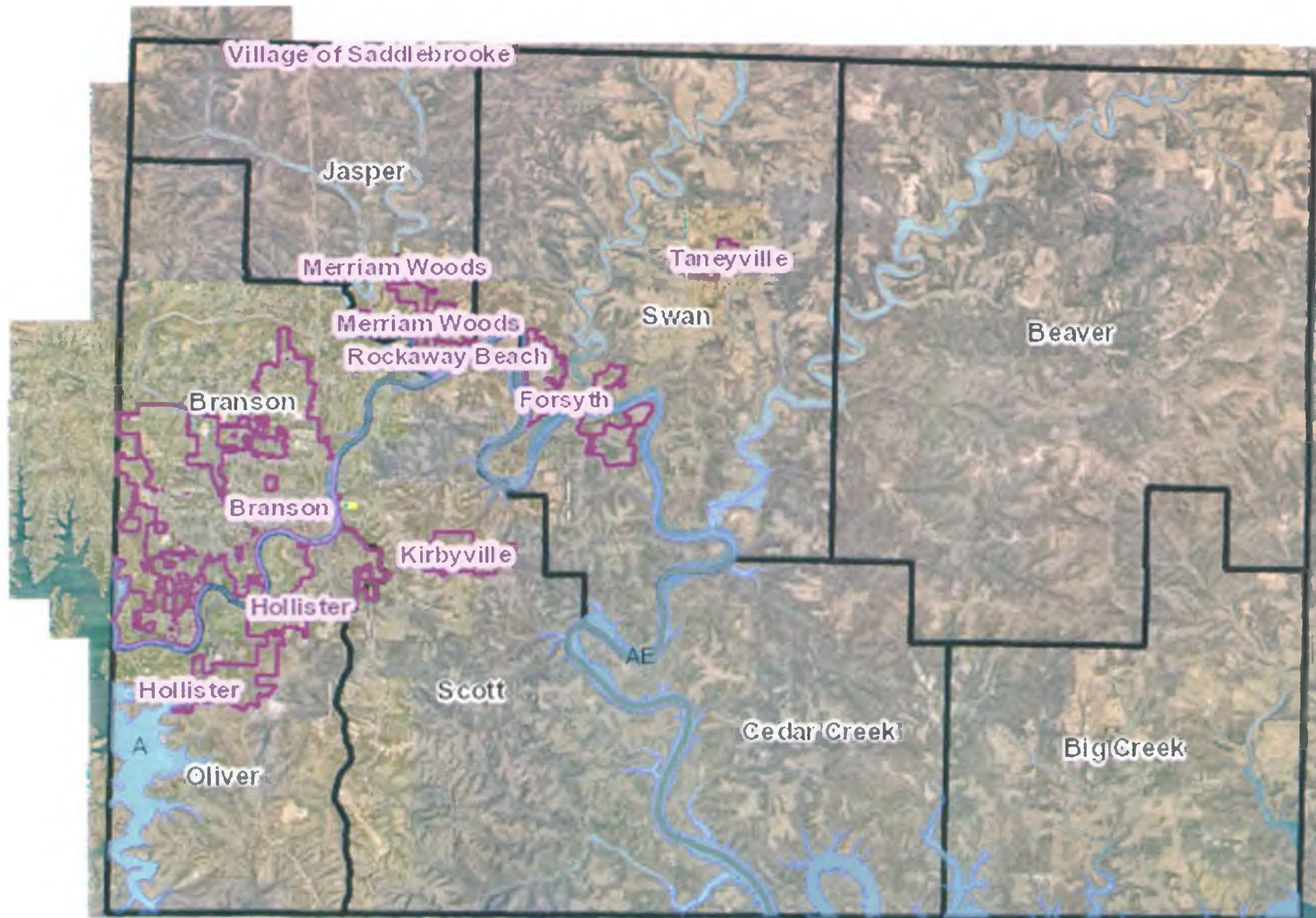
DWG #879PH2

DRAWN BY: EDC

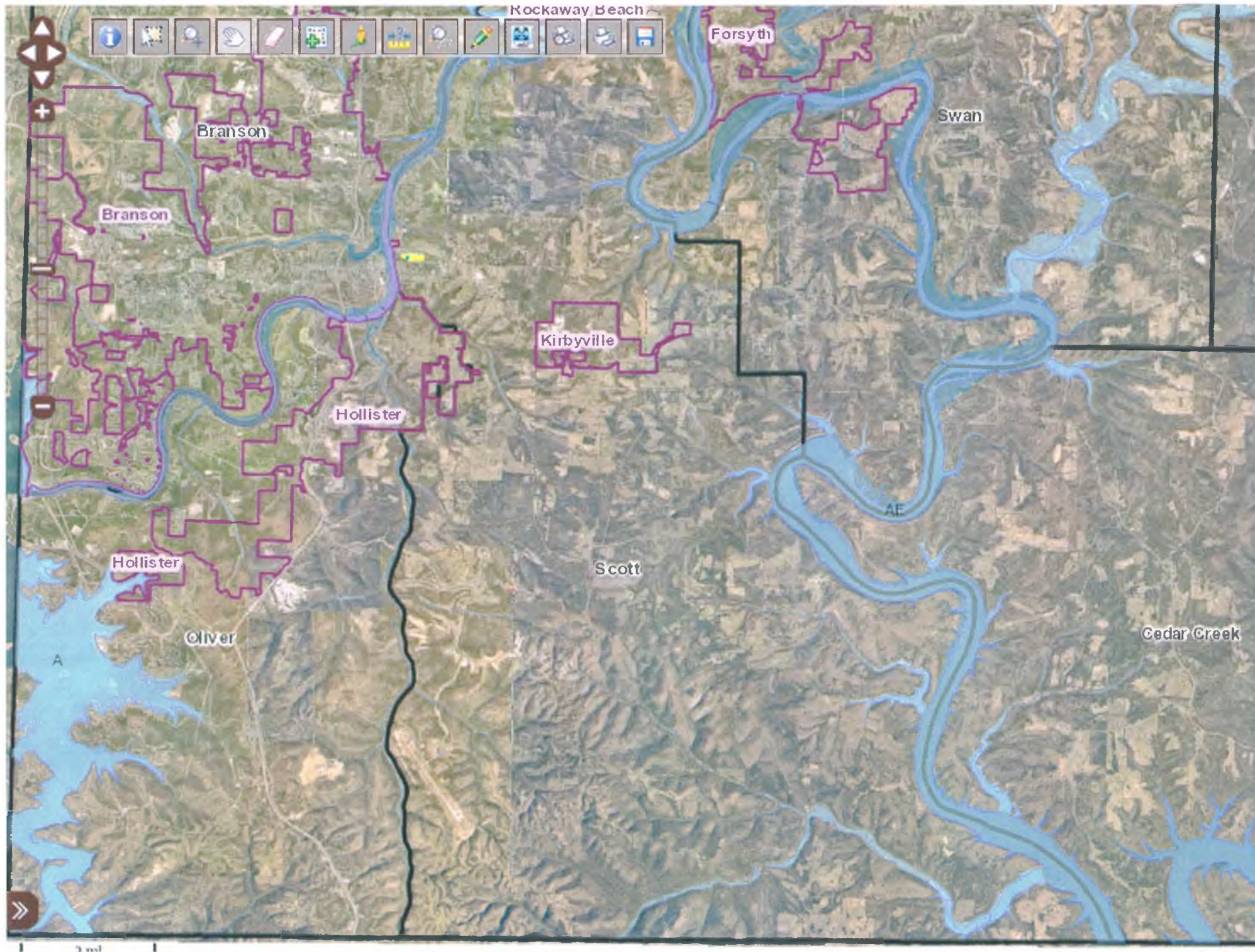
REV

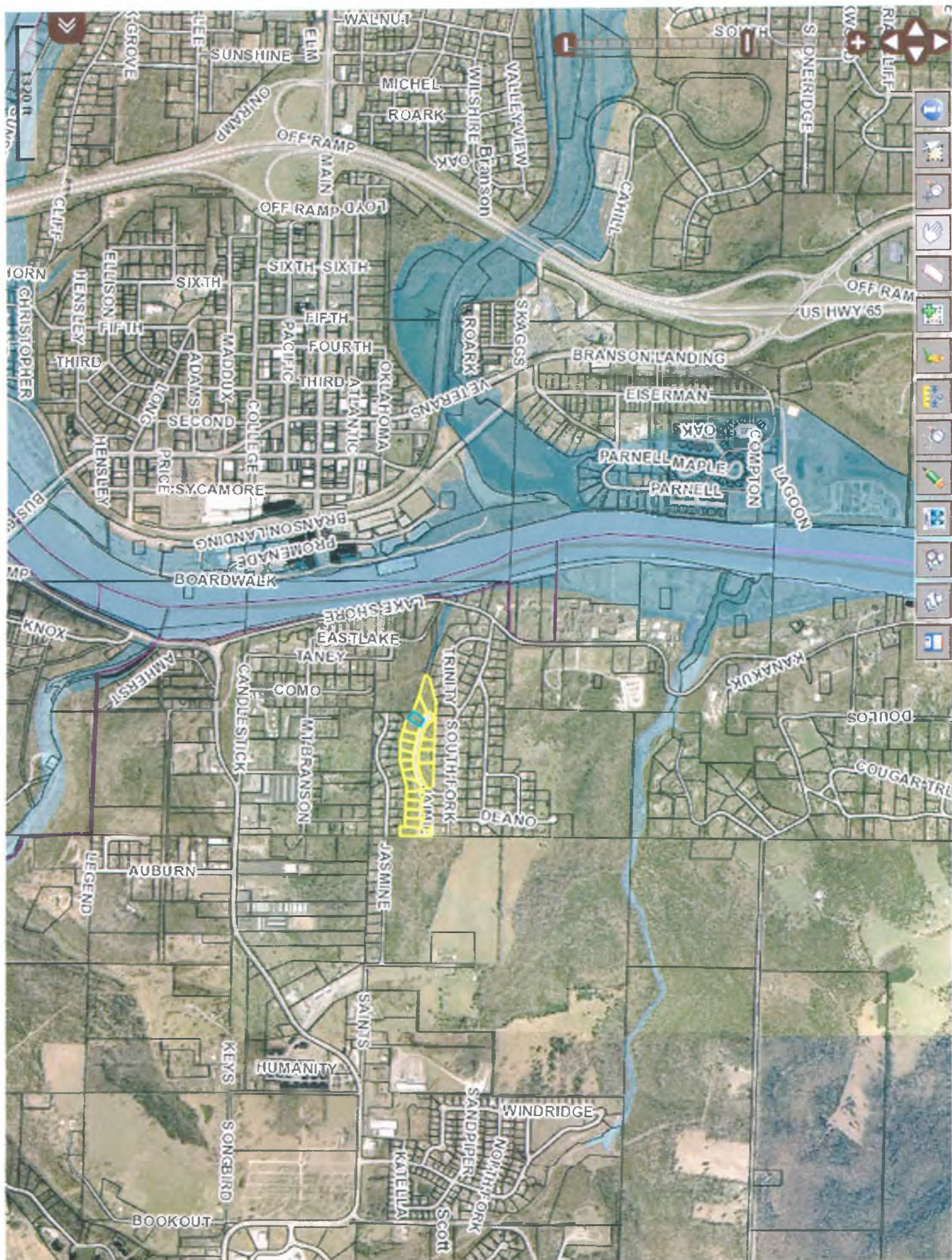




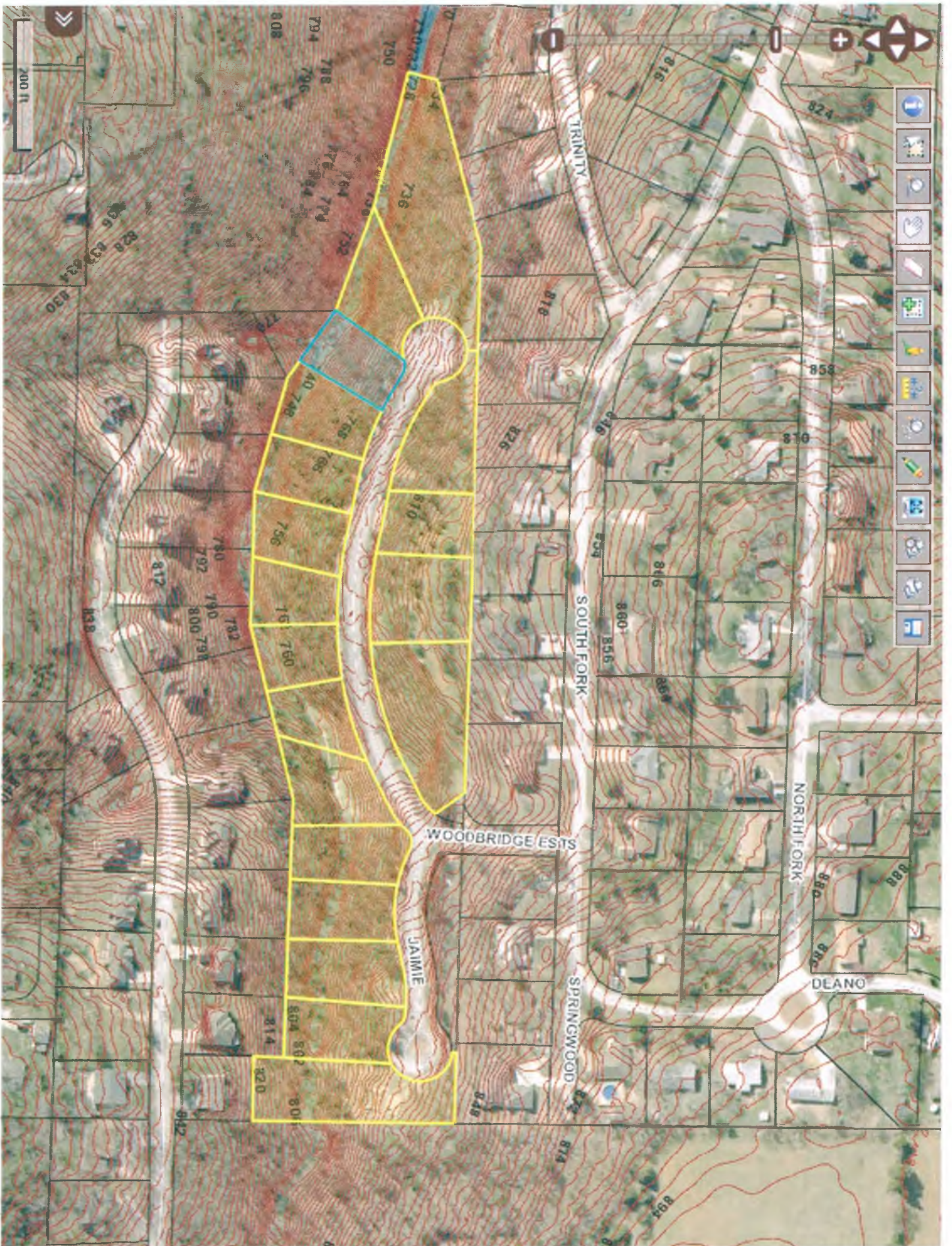


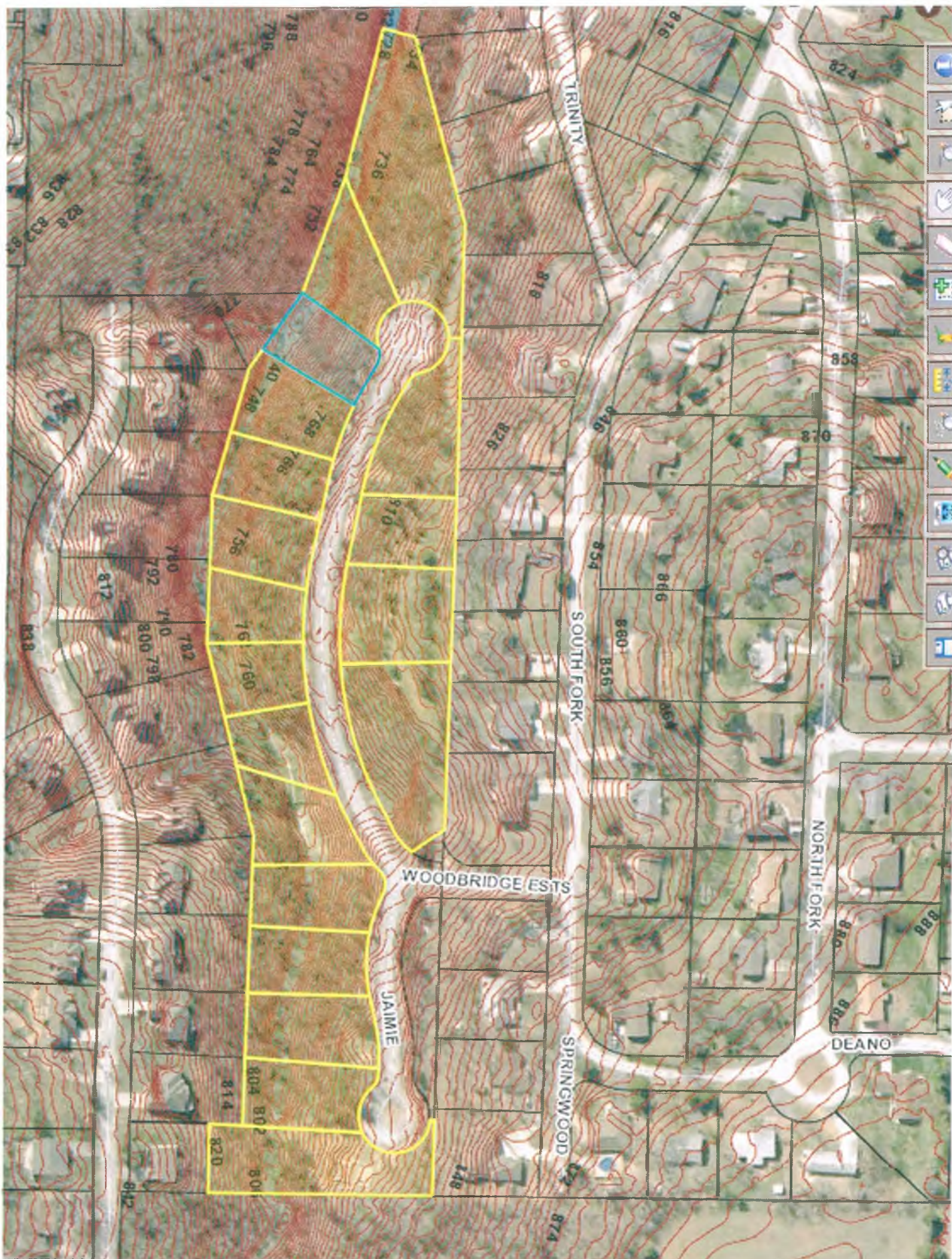
SMBZ, LLC – Steve Creedon
Board of Adjustment Appeal Case # 2015-0008V
Taney County GIS - Beacon













SMBZ, LLC – Steve Creedon
Board of Adjustment Appeal Case # 2015-0008V
Pictometry – View from the North



SMBZ, LLC – Steve Creedon
Board of Adjustment Appeal Case # 2015-0008V
Pictometry – View from the South

**SMBZ, LLC – Steve
Creedon
Board of Adjustment
Appeal Case # 2015-
0008V
Pictometry – View
from the East**



**SMBZ, LLC – Steve
Creedon
Board of Adjustment
Appeal Case # 2015-
0008V
Pictometry – View
from the West**

















TANEY COUNTY BOARD OF ADJUSTMENT

SETBACK VARIANCE STAFF REPORT

HEARING DATE: July 15, 2015

CASE NUMBER: 2015-0009V

APPLICANTS: Thomas A. & Mary K. Kraft

LOCATION: The subject property is located in the 900 Block of Lakeview Drive, Ridgedale, MO; Oliver Township; Section 11, Township 21, Range 22.

REQUEST: The applicants, Thomas A. & Mary K. Kraft are requesting a variance from Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 25' front property line setback requirement, in order to allow for the construction of a 36' x 48' (1,728 square foot) storage garage to be located +/- 15' from the front property line.

BACKGROUND, SITE HISTORY and GENERAL DESCRIPTION:

The subject property is a vacant +/- 0.32 acre lot (per the Assessor's information) and is described as All of Lot 32 Block 23 in Ozarks Paradise Village Subdivision.

REVIEW:

The applicants, Thomas A. & Mary K. Kraft are requesting a 10' front property line setback variance, in order to allow for the construction of a 36' x 48' (1,728 square foot) storage garage, approximately 10' from the front property line; leaving adequate space for the future construction of an approximately 2,800 square foot residence.

Section 7.1 of the Development Guidance Code requires, "***Measurements to the structure shall be made to the part of the structure that is closest to the property line. As an example, if the structure has a roof with an overhang, the measurement is made to the overhang and not the foundation of the wall of the structure.***"

The property in question is an irregularly shaped, triangular property. The applicants have indicated that due to the irregular size of the property and the steep terrain that the engineers have not been able to accomplish the goal of placing both the home and garage upon the property, while also meeting the setback requirements of the Development Guidance Code. The applicants have presented a boundary survey of the property, containing the corners of both the proposed residence and garage.

The applicants' current residence is located on the adjoining lot, addressed at 981 Lakeview Drive (Lots 30 & 31, Block 23 in Ozarks Paradise Village). The applicants also own vacant lots 28 & 29, Block 23 in Ozarks Paradise Village.

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 setback variance request, the following requirements shall apply, unless revised by the Board:

1. Approval a setback variance of 10 feet from the front property line adjoining Lakeview Drive, allowing for the construction of a new garage which will be located +/- 15 feet from the front property line.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).

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

(Circle one)

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

PLEASE PRINT

DATE 5/4/15

W 816-524-6815 EXT 222
H 816-524-3773

Applicant THOMAS A KRAFT

Phone C 816-564-2875

Address, City, State, Zip 1508 SW Hook Rd LEE'S SUMMIT, MO 64082

Representative EDDY WOLFE OR TOM KRAFT **Phone** 417-334-8820

Owner of Record THOMAS & MARY K KRAFT **Signature:** Thomas A Kraft

Name of Project: GARAGE

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

Address and Location of site: LOT 32, BLOCK 23, OZARKS PARADISE VILLAGE
RIDGE DALE, MO 65739, TANEY COUNTY

Subdivision (if applicable) Ozarks Paradise Village

Section 11 **Township** 21 **Range** 22 **Number of Acres or Sq. Ft.** 13,727.01 SQ FT, .32 ACRES

Parcel Number TAX ID 19-1.0-11-003-001-010,000

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 11

Describe in detail the reason for your request:

WE WISH TO BUILD A 36 FT DEEP X 48 FT WIDE STORAGE GARAGE FOR OUR BOATS AND EQUIPMENT TO BE HOUSED IN. WE WISH TO SO LOCATE THE GARAGE SO A APPROX 2800 SQ FT HOME CAN ALSO BE BUILT ON THE LOT IN THE FUTURE.

LOT 32 IS SO IRREGULAR IN SIZE AND HAS SUCH A STEEP TERRAIN THAT THE ENGINEERS ARE NOT ABLE TO ACCOMPLISH THIS GOAL. (DRAWINGS ATTACHED) YOU CAN SEE THAT BY HAVING A 15 FT SETBACK IN LEO OF 25 FT THIS CAN BE ACCOMPLISHED.

OUR HOUSE AT 981 LAKEVIEW IS THE ONLY HOUSE ON THIS DEAD END PART OF LAKEVIEW DR. WE ALSO OWN ALL THE LOTS (EXCEPT ONE) ON THIS PART OF LAKEVIEW DRIVE.

WE ASK FOR A 10 FT VARIANCE FROM THE NORMAL 25 FT SET-BACK SO THAT WE CAN ACCOMPLISH THE MOST USEFUL USE OF THIS LOT.

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.

Thomas A Kraft
Signature of Applicant

6/4/15
Date of Application

STATE OF MISSOURI)

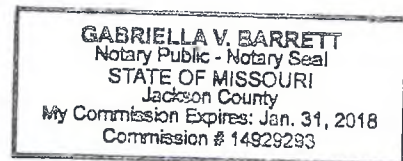
S.S. On this 4th day of JUNE, 2015

COUNTY OF TANEY)

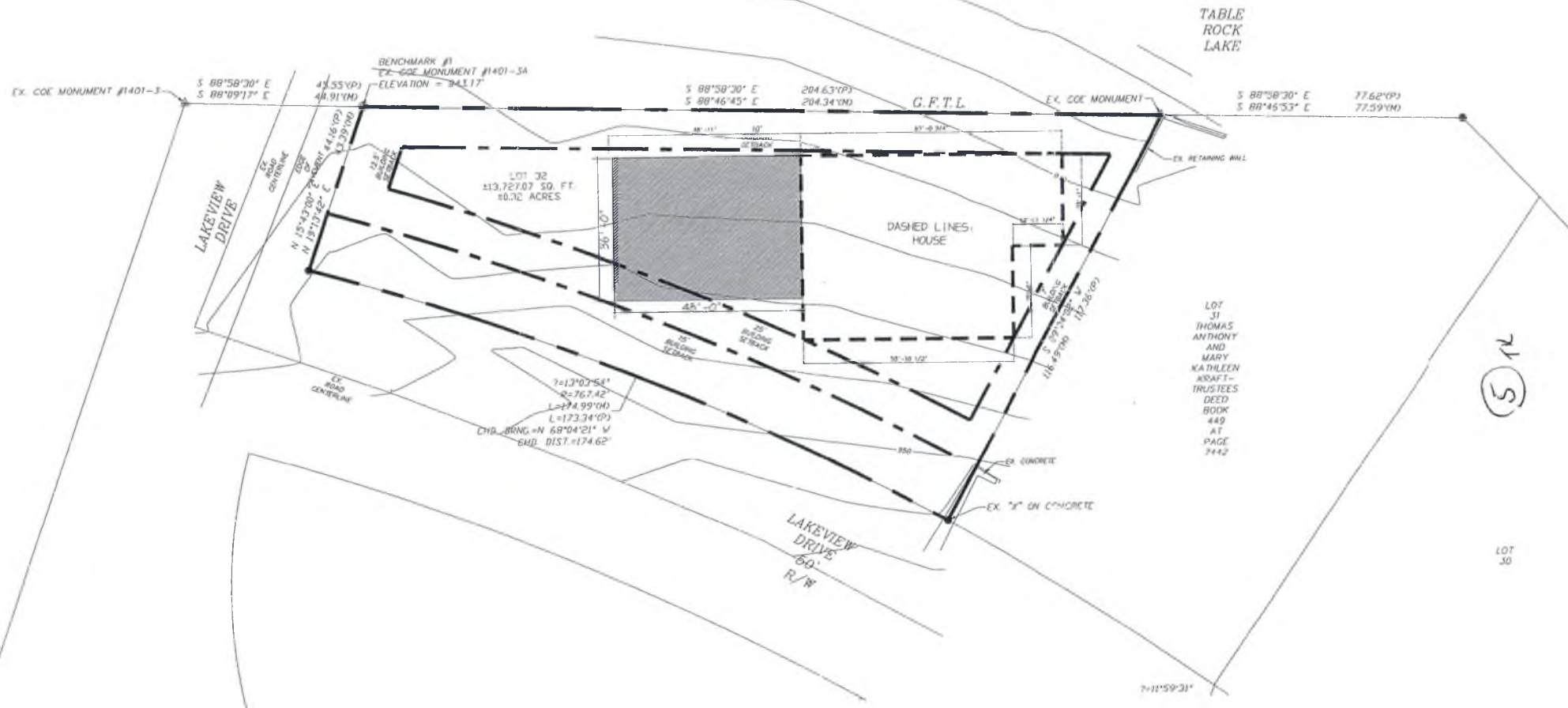
Before me Personally appeared THOMAS A KRAFT, to me known to be the person described in and who executed the foregoing instrument.

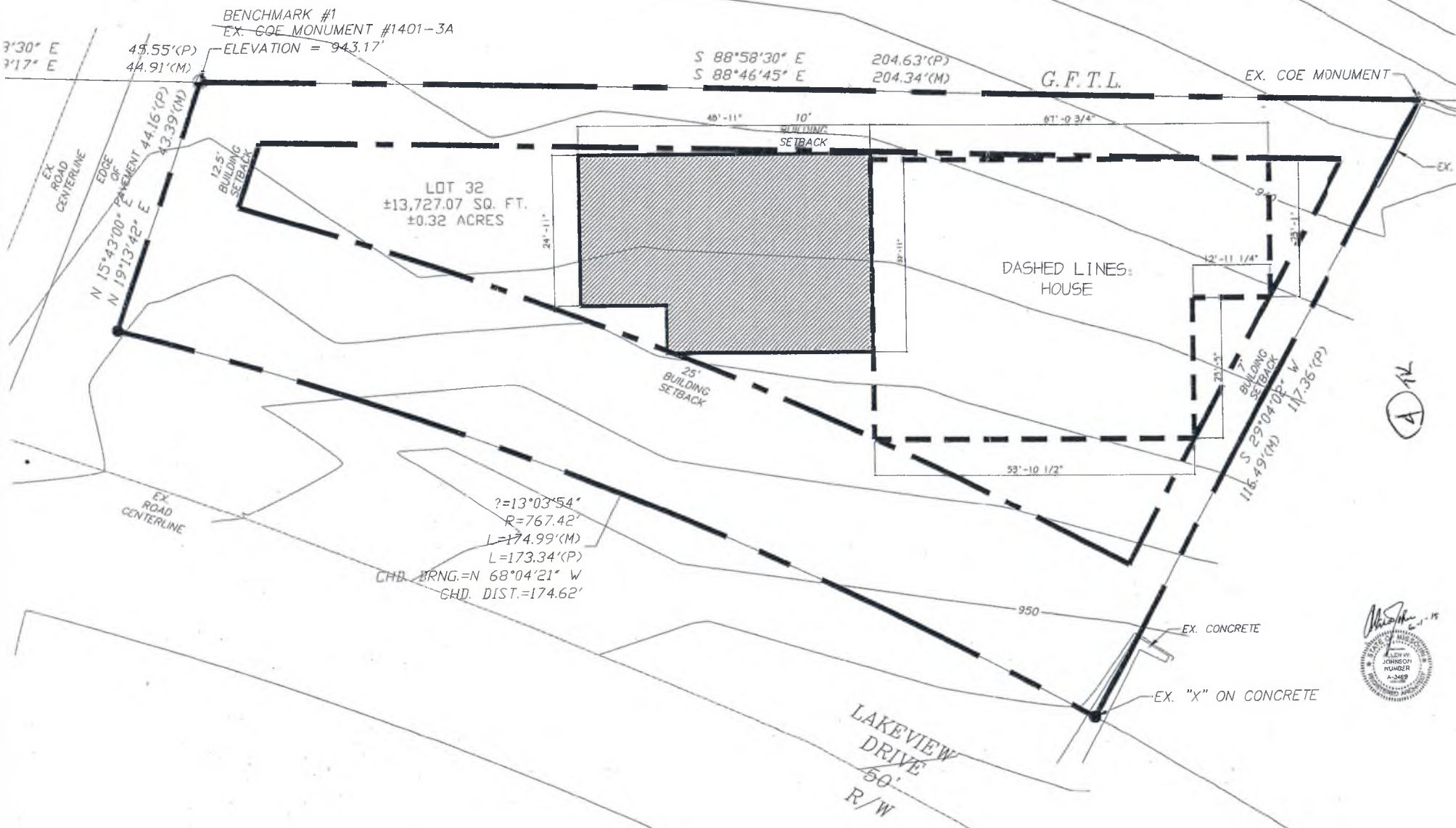
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Lees Summit Mo. The day and year first above written. My term of office as Notary Public will expire 01-31-2018

Gabriella V. Barrett
Notary Public
Gabriella V. Barrett



(3) TK





?=13°03'54"
R=767.42'
L=174.99'(M)
L=173.34'(P)
CHD. BRNG.=N 68°04'21" W
CHD. DIST.=174.62'

12
A



BOAT PUMP

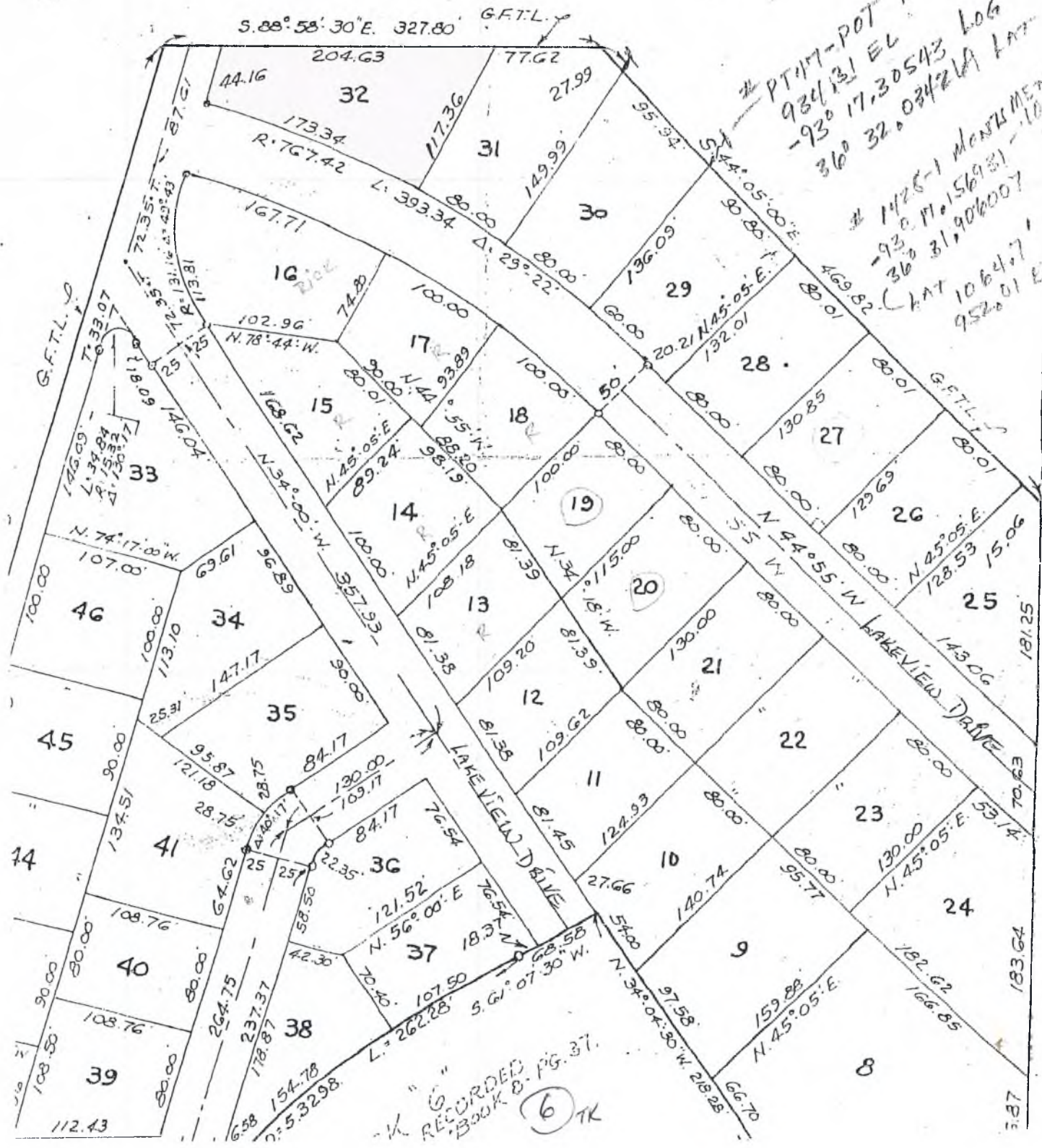
WWW TANEY COUNTY, ORG

DEPT
ACSTOR
GR
HOME
E

MAP
LAYERS

PT 17-POT MONUMENT
934.31 EL
-93° 17.30543 LOG
36° 32.03421 LAT

1425-1 MONUMENT
-93° 17.156931
36° 31.906007
LAT 1064.7
952.01 EL

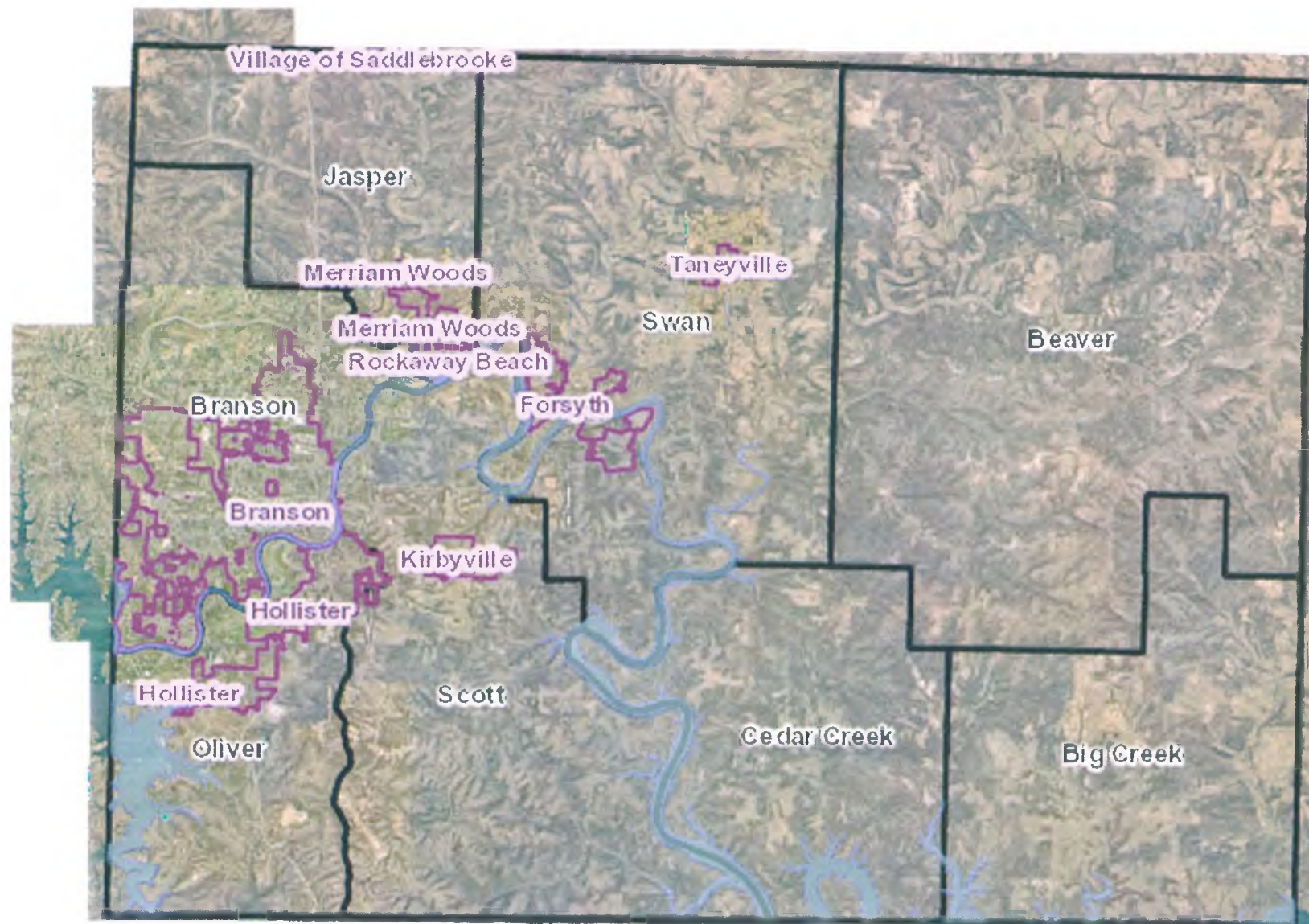


RECORDED
BOOK 8, PG. 37.
(6) TK

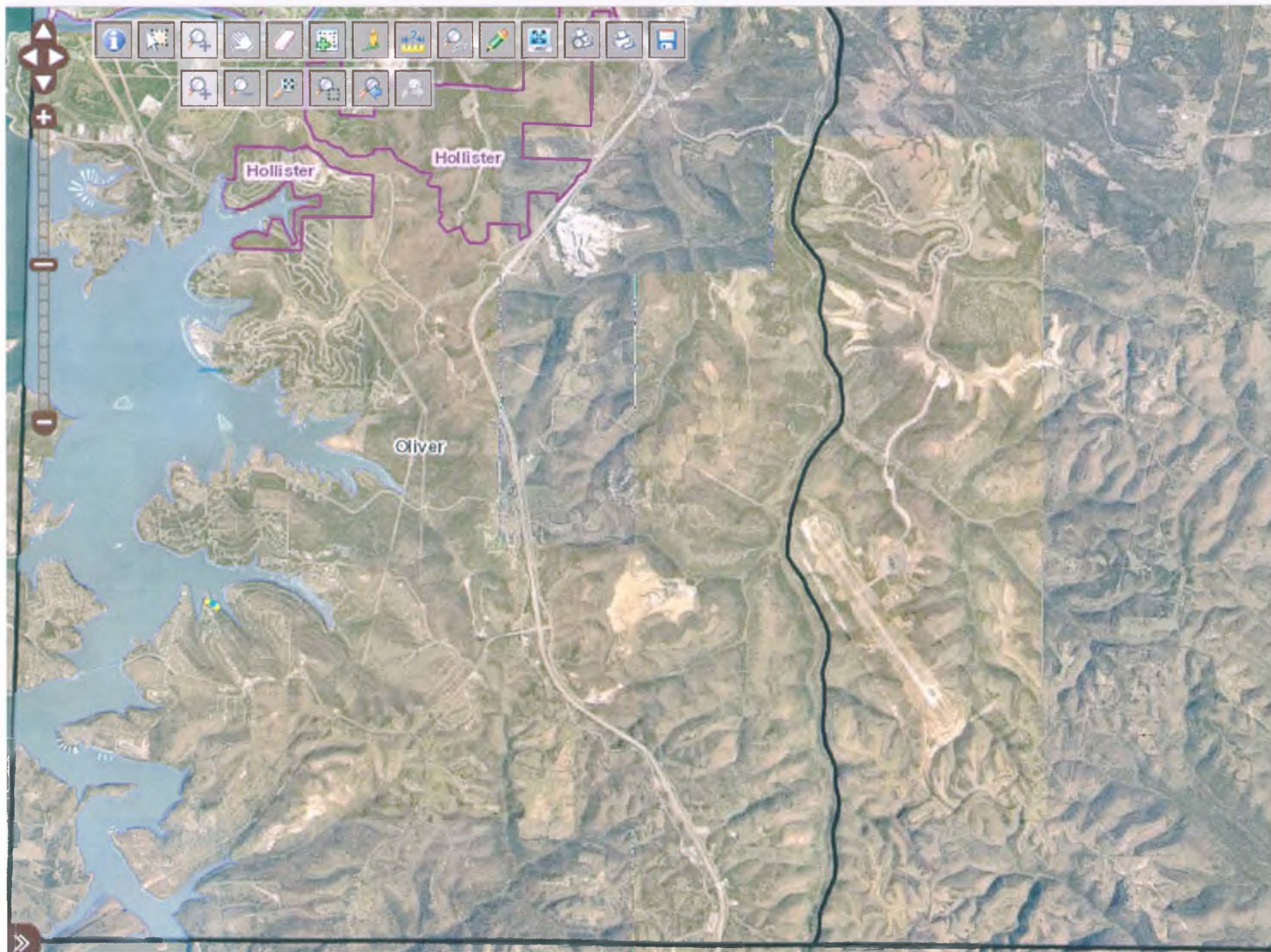


BOA Tomas Kraft





Thomas A. & Mary K. Kraft
Board of Adjustment Appeal Case # 2015-0009V
Taney County GIS - Beacon

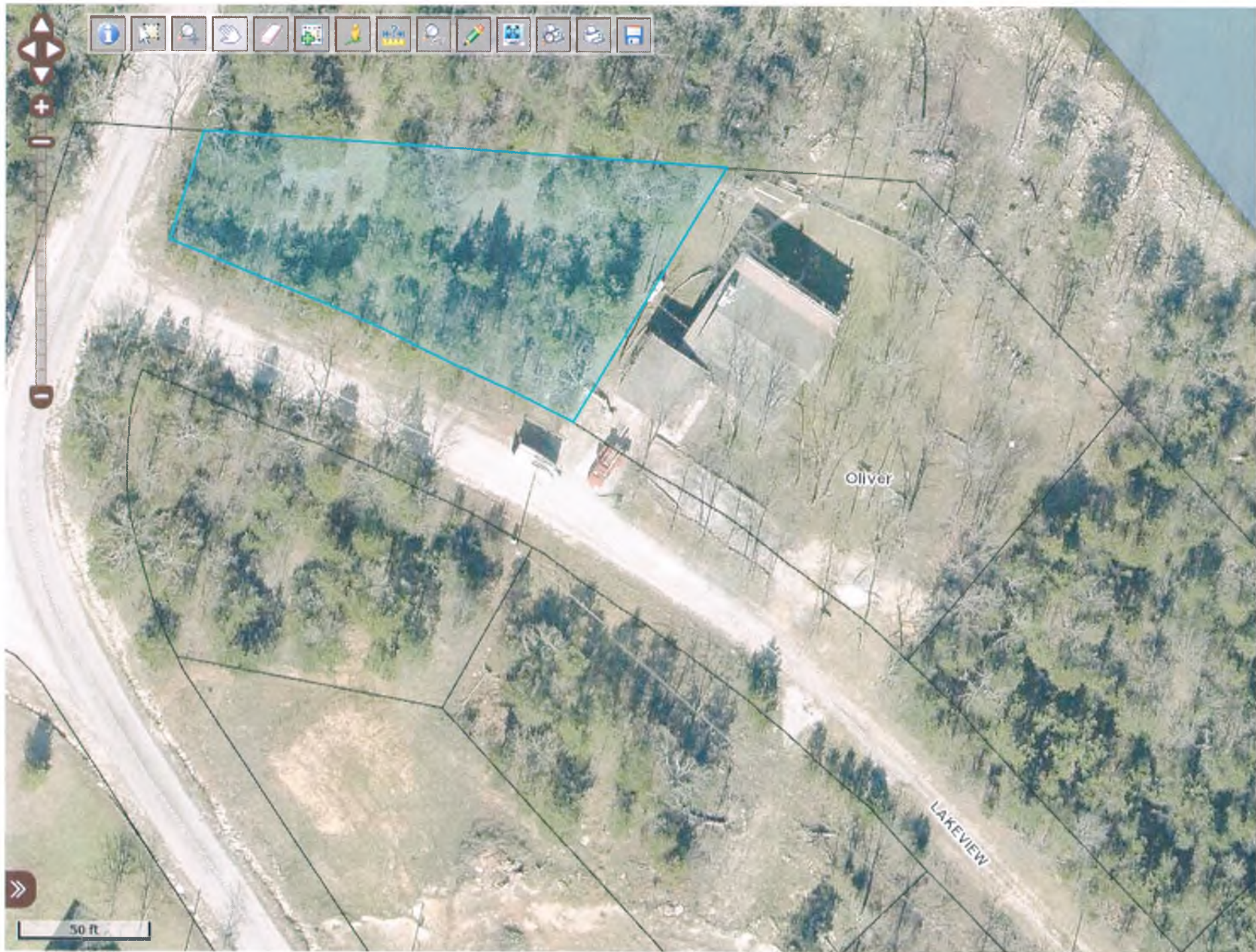




0.5 mi













Thomas A. & Mary K. Kraft
Board of Adjustment Appeal Case # 2015-0009V
Pictometry – View from the North



© 2015 Pictometry

Thomas A. & Mary K. Kraft
Board of Adjustment Appeal Case # 2015-0009V
Pictometry – View from the South

**Thomas A. & Mary K. Kraft
Board of Adjustment
Appeal Case # 2015-0009V
Pictometry – View from the
East**





**Thomas A. & Mary
K. Kraft
Board of
Adjustment Appeal
Case # 2015-0009V
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: Thomas A. Kraft

Request: Variance from
Setback Regulations

Property Location: L-32 BIK. 23
OPV

Hearing Location: Taney County Courthouse

Time: 6:00pm Date: Wednesday, 7-15-15

Phone: (417) 546-7226

NOTICE OF PUBLIC HEARING

THE TANEY COUNTY BOARD OF ADJUSTMENT

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

Applicant: Thomas A. Kraft

Request: Variance from

Setback Regulations

Property Location: L-32 BIK. 23

OPV

Hearing Location: Taney County Courthouse

Time: 6:00pm Date: Wednesday, 7-15-15

Phone: (417) 546-7226





TANEY COUNTY BOARD OF ADJUSTMENT

APPEAL of CONDITIONS #s 5 & 9 STAFF REPORT

HEARING DATE: July 15, 2015

CASE NUMBER: 2015-0002A

APPLICANT: Profund Capital, LLC – Steve Shepherd

LOCATION: The subject property is located at 290 Lone Pine Road, Branson, MO; Branson Township; Section 10, Township 22, Range 22.

REQUEST: The applicant, Profund Capital, LLC - Steve Shepherd is requesting to appeal Conditions Five (5) and Nine (9) of Division III Special-Use Permit # 2015-0011 Decision of Record.

BACKGROUND and SITE HISTORY:

On April 22, 1999 Division I Permit # 1999-0180 was issued for the construction of a 2,500 square foot single-family residence. The single-family residence is currently listed per the Assessor's information via Beacon as being approximately 7,742 square feet in size. The home is currently listed on the Multiple Listing Service (MLS) as being a 4 bedroom, 3 ½ bathroom home.

On April 22, 1999 Septic Permit # 1999-0158 was issued for the property in question for a septic system sized to accommodate a three (3) bedroom residence.

On December 16, 2013 the Taney County Planning Commission denied a Special-Use Permit request by Steve Shepherd seeking to utilize the existing, three (3) bedroom single-family residence located at 290 Lone Pine Road, Branson, MO for nightly rental. At that time, the applicant also sought to convert the existing indoor, racquetball / basketball court into two (2) additional bedrooms that would also be available for nightly rental. The Planning Commission voted to deny this request by a vote of 5-1. The majority of the Planning Commission based its decision upon the belief that the proposed nightly rental of the single-family residence located at 290 Lone Pine Road, Branson, MO would **not** be compatible with the surrounding single-family residential area, as stipulated specifically in Appendix E (Special-Use Permits) of the Development Guidance Code. The Planning Commission further expressed reservations about the capacity of the existing on-site waste water treatment system in ensuring adequate provision of sewer service for the proposed nightly rental use, with the addition of bedrooms.

On May 18, 2015 the Taney County Planning Commission approved Division III Special-Use Permit # 2015-0011 authorizing the utilization of the existing, four (4) bedroom, single family residence, located at 290 Lone Pine Road Road, Branson, MO, for nightly rental. This Division III Special-Use Permit was approved with a total of eleven (11) conditions.

GENERAL DESCRIPTION:

The subject property (approximately 12,500 square foot lot) contains an approximately 7,742 square foot, four (4) bedroom, single-family residence (per the Assessor's information) located at 290 Lone Pine Road, Branson, MO, known as Lot 16, Block 1, Skyline Subdivision; permitted for nightly rental.

REVIEW:

The applicant, Profund Capital, LLC – Steve Shepherd is requesting to appeal Conditions Five (5) and Nine (9) of Division III Permit # 2015-0011 Decision of Record.

Condition # Five (5) of the Decision of Record states the following: ***“The on-site wastewater treatment system shall be upgraded, ensuring capacity for the persons that will be accommodated via nightly rental. This upgraded on-site wastewater system shall be permitted via the Taney County Planning Department in conjunction with the Missouri Department of Health and Senior Services.”***

Scott Starrett, On-Site Waste Water Permitting, has met with the original installer (Duane Clavin) in order to investigate the possible expansion or modification of the waste water treatment system relating to the approval for nightly rental of the structure. Mr. Starrett and Mr. Clavin discovered two (2) problems with any expansion of the existing on-site waste water system:

1. Both Mr. Starrett and Mr. Clavin see no physical way to get equipment to the back yard allowing for the work required to expand the system. During the Planning Commission public hearing the adjoining property owner to the north of the property in question stated publically that he would not allow for access to the back yard via his property. Mr. Starrett and Mr. Clavin further concluded that there are no suitable locations for a new waste water treatment system either in the front or side yards.
2. Mr. Starrett has further indicated that the present waste water treatment system is using 100% of the available space in the back yard, which means that any additional will not meet the Missouri Department of Health and Senior Services setback requirements. Mr. Starrett has further expressed concerns about any work being completed on and over the existing lateral field that currently shows no signs of failure.

The staff recommends that if the Board makes the decision to remove Condition # Five (5) that a new condition be placed on the Decision of Record requiring the existing septic tank to be pumped on a minimum of an annual basis, in order to extend the

lifetime of the lateral field by keeping solids out of the lateral lines. The staff further recommends that this Condition include a provision requiring the applicant to provide a pumping contract to the Planning Department office. Finally the staff recommends that a riser be installed on the tank ensuring pumping access.

Condition # Nine (9) of the Decision of Record states the following: "***A privacy fence shall be established between the nightly rental structure and the adjoining existing single-family residences immediately to the south.***"

The applicant has indicated that a request for the fence was never presented and due to the elevation of the property would serve no purpose whatsoever.

STATUTORY REQUIREMENTS OF APPROVAL OF AN APPEAL:

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.

STAFF RECOMMENDATIONS:

If the Taney County Board of Adjustment approves the appeal of Conditions Five (5) and Nine (9) of the Decision of Record for Division III Special-Use Permit Number 2015-0011, the following requirements shall apply, unless revised by the Board:

1. Approval of an appeal from Conditions Five (5) and Nine (9) of the original Decision of Record for Division III Special-Use Permit # 2015-0011, removing each of the two (2) initial conditions from the Decision of Record.
2. The septic tank serving the nightly rental home, located at 290 Lone Pine Road, Branson, MO shall be pumped at a minimum of annually. The applicant shall provide a copy(s) of the pumping contract(s) to the Planning Department office. A riser shall be installed on the existing septic tank ensuring adequate pumping access.
3. 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).

15-02-A

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

(Circle one)

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

PLEASE PRINT

DATE

Applicant Profund
Capital, LLC

6/10/15

Phone 405-590-3089

Address, City, State, Zip 1408 Morning Star, Edmond, OK 73034

Resentative Steve D Shepherd Phone 405-590-3089

Owner of Record Profund Capital LLC Signature: _____

Name of Project: Profund Capital Special Use Permit Application

Section of Code Protested: (office entry) Appeal of Condition of Decision of Record

Address and Location of site: 290 Lone Pine Road, Branson, MO 65616

Subdivision (if applicable) Skyline Addition

Section 10 Township 22 Range 22 Number of Acres or Sq. Ft. _____

Parcel Number 18-2.0-10-004-001-014-000

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:

The Planning Commission approved the Vacation Home Nightly Rental application with the provision that the Septic tank capacity be modified to accommodate 10 adults. The current location will not accommodate an expansion. The County District is recommending an agreement to pump the existing septic tank annually to allow for the system to accommodate the use of the home.

Another requirement is to place a fence on the South property line. There was never a request for a fence presented and due to the elevation of the property would serve no purpose whatsoever. We request that this requirement be deleted.

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.

Steve Shepherd
Signature of Applicant

6/10/15
Date of Application

Oklahoma
STATE OF ~~MISSOURI~~)
Oklahoma
COUNTY OF ~~TANEY~~)

S.S. On this 10 day of June, 2015

Before me Personally appeared Steve Shepherd, 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.~~ Edmond, OK. The day and year first above written. My term of office as Notary Public will expire 2/6/2014.
11-24-16

Sharon Arneson

~~Bonita Kisser~~, Notary Public

Sharon Arneson



Legal Description

**290 Lone Pine Road
Branson, MO 65616**

**Lot 16, Block 1, Skyline Addition
Plat Book 10, page 30
Parcel # 18-2.0-10-004-001-014-000**



BOOK PAGE
2015L22686
05/19/2015 04:15:43PM
REC FEE:30.00
NON-STD FEE:
PAGES: 3
REAL ESTATE DOCUMENT
TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION
Robert A. Dixon
ROBERT A. DIXON

TANEY COUNTY PLANNING COMMISSION ✓
DIVISION III SPECIAL-USE PERMIT - DECISION OF RECORD
PROJECT: SHEPHERD NIGHTLY RENTAL
APPLICANT: PROFUND CAPITAL, LLC – STEVE SHEPHERD
MAY 18, 2015
PERMIT# 2015-0011

On May 18, 2015 the Taney County Planning Commission (grantor) approved a Division III Special-Use Permit request by Profund Capital, LLC – Steve Shepherd (grantee) authorizing the utilization of the existing, four (4) bedroom, single family residence, located at 290 Lone Pine Road Road, Branson, MO, for nightly rental. In accordance with the approval, Division III Special-Use Permit #2015-0011 is issued for the property located at the legal description below:

All of Lot 16, Block 1, SKYLINE SUBDIVISION, as per the recorded plat thereof, in Plat Book 10 at Page 30, of the Taney County Recorder's Office, Taney County, Missouri.

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

Steve Shepherd is authorized to utilize the existing, four (4) bedroom, single family residence, located at 290 Lone Pine Road, Branson, MO, for nightly rental (Parcel # 18-2.0-10-004-001-014.000). With six (6) out of nine (9) Planning Commissioners present, the Planning Commission approved Division III Special-Use Permit # 2015-0011 by a vote of five (5) in favor and one (1) opposed.

The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Western Taney County Fire Protection District, the Missouri Department of Revenue and the Environmental Division of the Planning Department; including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office.(Chapter VI-VII)

3. A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. This residence shall accommodate (sleep) no more than ten (10) persons per night. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
5. The on-site wastewater treatment system shall be upgraded, ensuring capacity for the persons that will be accommodated via nightly rental. This upgraded on-site wastewater system shall be permitted via the Taney County Planning Department in conjunction with the Missouri Department of Health and Senior Services.
6. No outside storage of equipment or solid waste materials.
7. No boats, watercraft, trailers or recreational vehicles (RVs) shall be parked or stored on-site.
8. This decision is subject to all existing easements.
9. A privacy fence shall be established between the nightly rental structure and the adjoining existing single-family residences immediately to the south.
10. The Shepherd Nightly Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the applicant to whom the permit is issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
11. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

In signing this Decision of Record, I understand that any breach in the terms of the Division III Special-Use Permit Decision of Record will result in the revocation of this permit. I further agree to abide by and comply with all of the requirements of the Taney County Planning Commission and the Taney County Development Guidance Code.

Signature: _____

Steve Shepherd

As the Designated official for the Taney County Planning Commission, I hereby issue the foregoing document as the Permit and Decision of Record as detailed above.

Bob Atchley, Administrator

STATE OF MISSOURI)

S.S On this 19th day of May, 2015

COUNTY OF TANEY)

Before me personally appeared Bob Atchley and Steve Shepherd to me known to be the persons 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, Missouri the day and year first above written. My term of office as a Notary Public will expire on February 6, 2018.

Bonita Kissee-Souttee, Notary Public



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



TANEY COUNTY PLANNING COMMISSION

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

06/22/2015

Steve Shepherd
Profund Capital LLC
1408 Morning Star
Edmond, OK 73034

Mr. Shepherd, In response to an onsite visit I performed the last part of May 2015 I found no evidence of any failure or problems with the onsite system located at 290 Lone Pine Rd Branson, MO 65616 parcel #18-2.0-10-004-001-014.000. You asked me to look at the possible expansion or modification to the system to upgrade the system per the Taney County Planning Commission decision of record relating to approval for nightly rental at this location. The profile of the back yard matched permit #99-158 for a 1000 gallon septic tank with 300 lin. feet of SB2 10" lateral pipe. This was also confirmed by the original installer Duane Clavin as he met with me on site the following week to see if there was any possible way to expand the system.

Two problems exist with the expansion of the existing onsite waste water system:

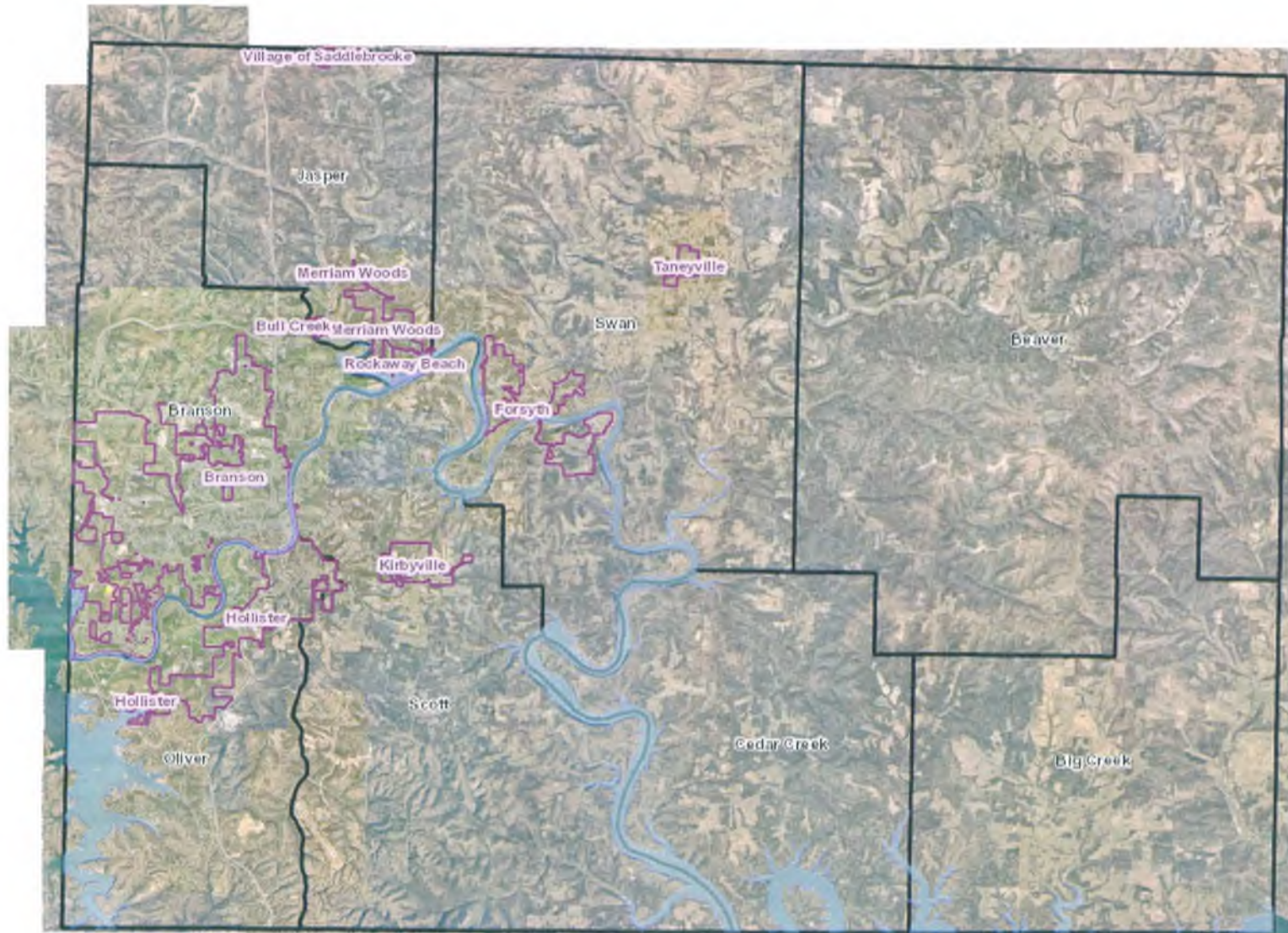
- 1) Duane or I see no physical way to get equipment around back to do the work required to expand the waste water system. The present system was installed before any work was started on the home. The neighboring property owner stated that no access would be allowed from his property to work on the system. There is no location on the front side of the home and the sides would not allow any setbacks to be met.
- 2) The present waste water system is using 100 % of the available space in the back yard which means any additions will not meet the State setback requirements. I also have an issue with any work being done on and over an existing system that shows no signs of failure at this time. If equipment were able to access the back yard and work on the lateral field, part or the entire existing field could be damaged causing a failure where there is not one now!

My suggestion to Mr. Shepherd was to ask for a variance to the decision of record to remove the required upgrade to the waste water system and compromise with a required septic tank pumping schedule that will extend the lifetime of the lateral field by keeping any solids from the septic tank leaving the tank and settling in the laterals over time causing the lateral pipe to plug and not function properly.

Mr. Shepherd will need to install a riser to the surface for easy access to the tank for pumping and should provide a contracted schedule with an area pumping company that matches his rental schedule to have the septic tank pumped. It will need to be pumped more frequently during his busier rental season and not as often during the off season.

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





Profund Capital, LLC – Steve Shepherd
Board of Adjustment Appeal Case # 2015-0002A
Taney County GIS - Beacon



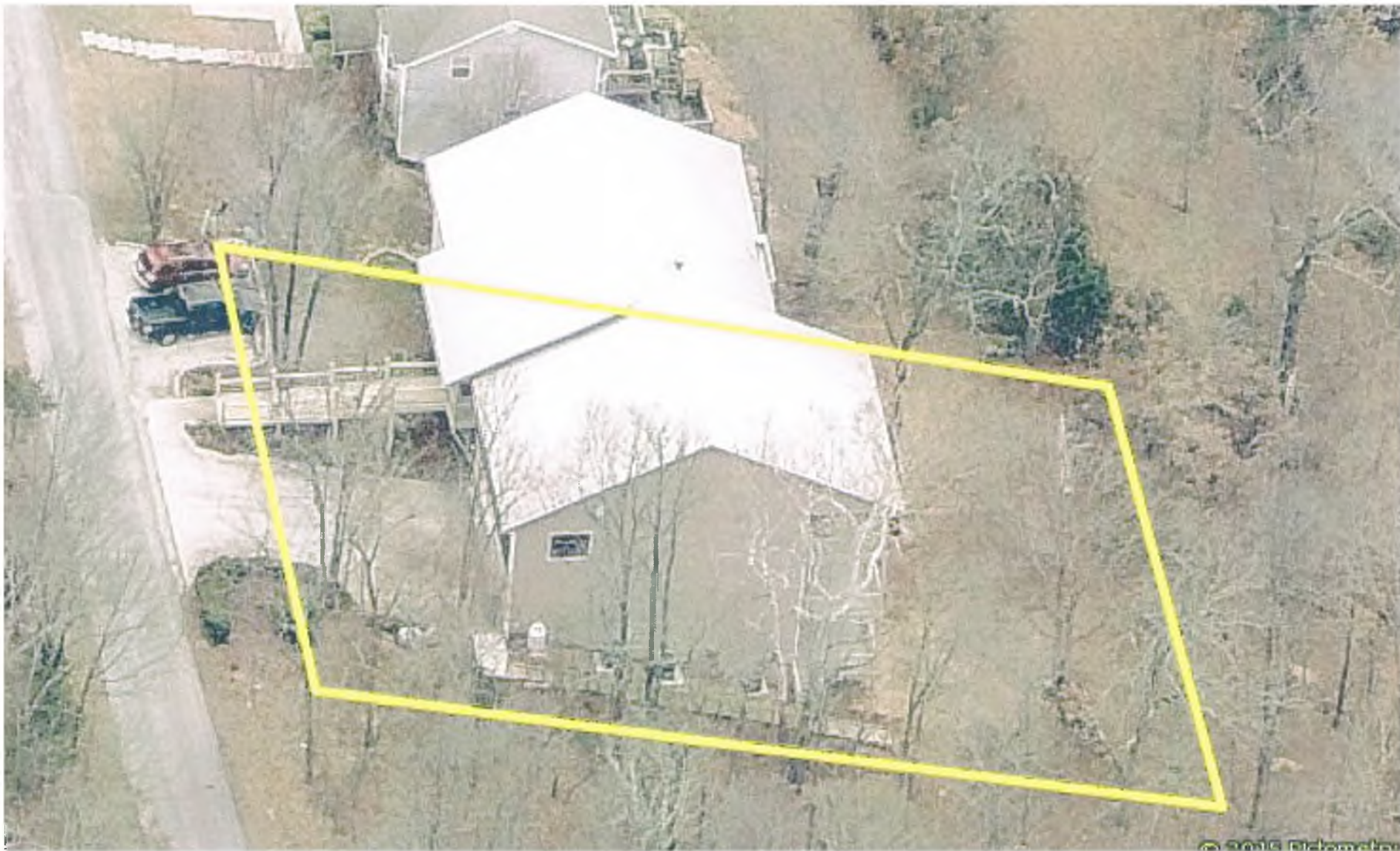
Profund Capital, LLC – Steve Shepherd
Board of Adjustment Appeal Case # 2015-0002A
Taney County GIS - Beacon



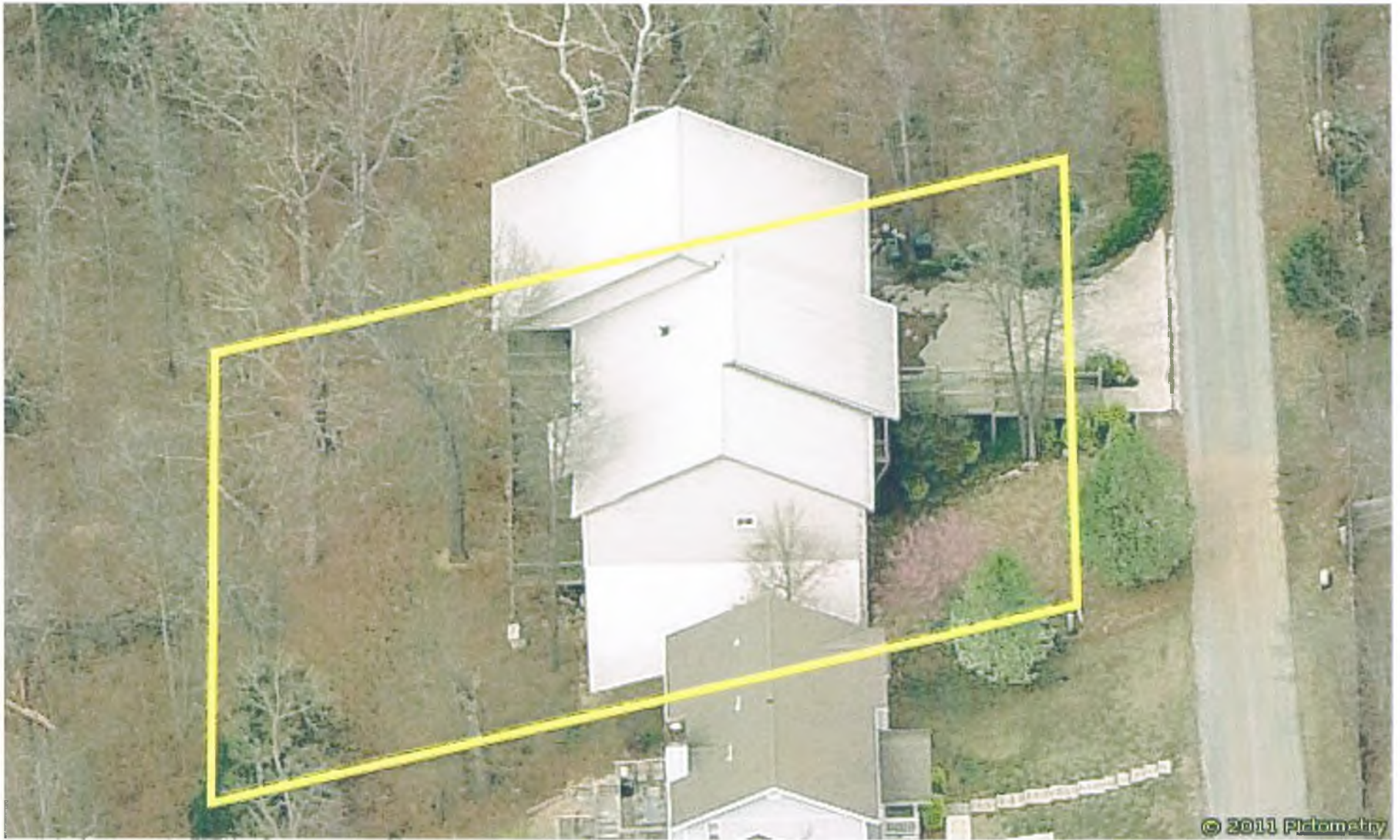








**Shepherd Nightly Rental
290 Lone Pine Road, Branson, MO
Division III Permit 2015-0011
Pictometry – View From the North**



**Shepherd Nightly Rental
290 Lone Pine Road, Branson, MO
Division III Permit 2015-0011
Pictometry – View From the South**



**Shepherd Nightly Rental
290 Lone Pine Road, Branson, MO
Division III Permit 2015-0011
Pictometry – View From the East**

**Shepherd Nightly
Rental
290 Lone Pine
Road, Branson,
MO
Division III Permit
2015-0011
Pictometry – View
From the West**















7M Development, LLC

PO Box 38
Judson, TX 75660
903-663-4172

Mark Miller

President

June 25, 2015

Taney County Planning and Zoning
Board of Adjustments
PO Box 383
Forsyth, MO 65653

Board Members:

Please accept this request for reconsideration of your decision of my variance request heard at the June 17, 2015 Board meeting. This request for reconsideration pertains to the withdrawal by Mr. Wolfe from the provision of the Appendix (Roadway Thickness) of the Taney County Road Standards.

My reconsideration request is based on the following reasons:

1. Due to inclement weather, Dallas/Fort Worth International Airport cancelled more than 100 flights that day which resulted in my being unable to attend the meeting.
2. In addition, we would appreciate our request being heard by all five members of the Board.
3. The granted variance from condo to single-family cut the lots by nearly half and will reduce traffic concerns by half. This variance will also enhance the existing roads' ability to easily handle the density under the existing conditions.

As stated in my initial variance request, prior to my involvement no one whatsoever was taking any ownership or responsibility in maintaining streets. The streets were left to decay offering the existing home owners no protection. Currently, all roads included in the Request for Variance are privately owned and maintained. Prior to purchasing the development in my discussions, I asked if there was anything hanging over the development from the county's side so I could count all my costs before I settled on a price for the development. I was led to

believe there was not. The County flatly stated they wanted nothing to do with overseeing or maintaining roads in Thunder Ridge at the present time or in the future. Based on that information, I purchased the subdivision as is, created an HOA while building new houses and have begun to maintain the streets and pay for snow removal at my own expense, not passing the costs along to the HOA at this point, which I could have.

None of the entire existing project has the top overlay on it. If I am required to overlay the Phase II section it will encumber my ability to maintain and improve the entire development's roads' needs moving forward by forcing me to spend a large amount of money in a very small area that doesn't need it, in lieu of maintaining all of Thunder Ridge.

In summary...Please reconsider my request. My goal is to serve and improve the values for the residents that currently live there and who may live there in the future. We are not only creating real value for the residents but also creating millions of dollars of tax basis with no cost or responsibility to the county.

Sincerely,



Mark Miller,
President

MM:pll



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JUNE 17, 2015, 6:00 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, Mark Weisz, and Alan Lawson. Staff present; Bob Atchley and Bonita Kisse-Souttee.

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, the Board of Adjustment Bylaws as Exhibit D, and the Taney County Road Standards as Exhibit E. The state statutes that empower and govern the Board of Adjustment were read and speakers were sworn in before their respective hearings.

Mr. Pingleton advised the applicants that since there were only three members present, and the Board would have to vote unanimously, they could opt to be heard at a later date. No one chose to do so.

Public Hearings:

Highway 248 Group; a request for an appeal of the Planning Commission's denial of Division III Permit #15-10 to add a number of specific uses to a permitted, pre-owned auto sales facility. Mr. Atchley read the staff report and presented pictures and a video of the site. Only one person signed up to speak. Steve Redford representing the applicant addressed questions from the Board, and clarified his request. He stated that in his opinion the original decision of record stated holding tank/port a potty. Mr. Atchley presented the hard copy of the Decision of Record for Mr. Redford to look at which sparked discussion. Mr. Redford did not feel he should be appearing in front of the Board because in his opinion our Code is arbitrary and capricious. A lengthy discussion ensued by Mr. Redford who denied any wrong doing by the applicant. He felt that the applicant should not have had to apply for a Division III because it was already being used as commercial. Mr. Redford is in favor of traditional zoning and feels that the County Commission won't approve the change because of political reasons. Mr. Lawson raised the question of what is temporary as it applies to how long the applicant

would not hook to City sewer and water, and clarified that the applicant had applied for an appeal because of error of law. Mr. Atchley clarified why the staff has a problem with placing a port a potty onsite and that it is a state law that holding tanks may only be used in situations where a sewage system will be constructed within one year. Mr. Lawson clarified what denial is being appealed. Mr. Weisz clarified which error of law is being addressed with this request, and in his opinion there is an error of law. Mr. Pingleton stated that he agrees with some of the points Mr. Redford was making, and that his concern is with the sewer. Mr. Weisz asked Mr. Redford if the proposed decision of record was acceptable to him. Mr. Redford stated that there are plans in the works to sue the County. Discussion followed, after which a motion was made by Mr. Weisz to approve the appeal based upon the decision of record omitting # 4, 5, 8. Mr. Redford stated that he would not agree to items, #4, 5, 8. Mr. Pingleton discussed temporary sewer not being up to 5 years. Mr. Lawson discussed number of employees. Mr. Atchley reported that in discussion with the attorney for the County Commission, the original decision of record would stand if approval was given. Mr. Weisz pointed out that the For Sale sign continues to be on the property, and that whoever would buy it would probably hook to city sewer. The vote to approve the motion was two in favor and one nay. Mr. Lawson and Mr. Weisz voted aye. Mr. Pingleton voted nay. The motion failed because only three board members were present, and the vote had to be unanimous for approval. Mr. Redford asked what the next step would be in this process. Mr. Atchley explained that the procedure is that a reconsideration/rehearing would need to be requested to the Board before appealing the case to the circuit court.

Harold Plott; a request for a variance from the provisions of Article 8, Sec. 2 G of the Taney County Subdivision Regulations in order to allow for the creation of an additional tract of land less than ten acres in size to be served by a private driveway exempt from any construction standards. The property is located at the 400 Block of Early Lane. Mr. Atchley read the staff report and presented pictures and a video of the site. Three people signed up to speak. Mr. Plott addressed questions from the Board. He reported that he has an easement through the mobile home park. Mr. Plott was concerned that he does not want his land thought of as being a subdivision. Mr. Pingleton stated that he understands the concern, and explained why we have our rules governing subdividing. With no discussion a motion was made by Mr. Lawson to approve based upon the decision of record. Seconded by Mr. Weisz. The vote to approve was unanimous.

7M Holdings, LLC; a request for two variances from the Provisions of the Taney County Road Standards, Section 9 (Roadway Width) and (Roadway thickness) on property located at Thunder Ridge Estate Drive off Bee Creek Drive. Mr. Atchley read the staff report and presented pictures and a video of the site. Eddie Wolf represented the applicant. Randy Haes represented road and bridge. Mr. Wolfe clarified the request. He reported that the road stops short of where the hammerhead will go right now, but will still be constructed in the future. The property was sold before construction was complete. Mr. Wolfe stated that variances had been granted on this

property in the past. If a variance is not granted all of the infrastructure in the unfinished part will have to be moved. The current owner would like to finish the subdivision as it was approved in the beginning. Mr. Lawson asked if it was a cost problem for the applicant. Mr. Wolfe stated that it would be a homeowners assoc. cost, and in his opinion it is more important to get the 6' width variance rather than the thickness. A homeowner in the subdivision stated that there is not an acting homeowner association, and had concerns about traffic, condition of the road, stormwater runoff, and one road serving the subdivision. Another property owner had concerns regarding traffic through the subdivision, safety, runoff, and condition of the street. Mr. Pingleton asked which he was more concerned with width or thickness. The property owners said both. Mr. Lawson asked how long he had lived there. They had only lived there since October. The property owners stated that they were told by the property owner, that the road would be upgraded. Chad Ellis who was another representative of the owner explained he was the realtor who sold the property to the current owner. Mr. Haes pointed out that the street of the original width was the same as it is now, and the thickness is important for correct drainage. He state that one of the reasons for the road standards is because when the properties are sold there won't be problems. Mr. Pingleton clarified where the thickness would be needed. Mr. Wolfe stated that on phase 2 a finish coat could be done to satisfy road and bridge, and a 6' variance could be granted where the road is not finished. He suggested the property owners read their covenants. Mr. Blogett stated that he had owned his house for 7 years and was told that the roads would be maintained and have not been. Mr. Weisz suggested it was a good idea to review their covenants, and the concerns of the property owners were not what they were there to hear at this meeting. Mr. Pingleton asked Mr. Haes for clarification on where the road standards address the property line. Mr. Weisz clarified if the Board should vote on each issue separate. Discussion followed. The Board decided to vote once on both issues. Mr. Weisz made a motion to approve based upon the decision of record omitting #2. Mr. Lawson seconded. The vote to approve was unanimous.

Review and Action:

Minutes, May 2015; with no additions or corrections a motion was made by Mr. Lawson to approve the minutes as written. Seconded by Mr. Weisz. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported that there are three requests for next month.

Adjournment:

With no other business on the agenda for June 17, 2015 the meeting adjourned at 8:16 p.m.