



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, JUNE 15, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum

Election of 2016 Officers

Governing Statutes

Explanation of Public Hearing Procedures/Presentation of Exhibits

Public Hearings:

Gary Deeke, Variance

Jerome Bauman, Variance

Review and Action:

Minutes, April 20, 2015

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: June 15, 2016

CASE NUMBER: 2016-0001V

APPLICANTS: Gary & Karen Deeke

REPRESENTATIVE: Karl Finkenbinder

LOCATION: The subject property is located at 144, 145, 160 and 161 Bald Eagle Boulevard; Oliver Township; Section 24, Township 22, Range 22.

REQUEST: The applicants, Gary & Karen Deeke are requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3., Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the four (4) meets & bounds described properties in question to be platted as a minor subdivision.

BACKGROUND and SITE HISTORY:

The subject property is currently four (4) meets & bounds described tracts of land (parcel #s 18-6.0-24-000-000-002.003 through 002.006). The existing parcels in question vary in size from 7,605 square feet to 8,541.86 square feet in size, based upon the submitted survey / site plan. Each of the four (4) meets & bounds described properties contains a four-plex building. Each four-plex building contains four three-bedroom, two-bathroom units. The applicants, Gary & Karen Deeke are also proposing to purchase an additional +/- 3,158.49 square feet of property (shown as Building 3) which would be added to the Building 2 as enumerated on the submitted survey / site plan.

On June 16, 2003 the Planning Commission approved Division III Permit # 2003-0027, authorizing Brad LaCore to plat and develop a ninety (90) lot residential subdivision on approximately 35 acres, including the area of the four (4) parcels in question. The ninety (90) lot subdivision development never occurred.

On May 16, 2005 the Planning Commission approved Division III Permit # 2005-0020, authorizing Brad LaCore to develop approximately 38 acres (including the four (4) properties in question) into three (3) commercial lots and 430 multi-family condominium units.

On March 16, 2007 Division II Permit #s 2007-0024 through 2007-0027 were issued to Tri-Sons Construction, authorizing the construction of the four (4), four-plex condominium units in question. The four-plexes are each served by public sewer via the Taney County Regional Sewer District.

In August and October of 2013 the applicants purchased the subject properties from two different lenders, each of whom had foreclosed on two (2) of the four (4) buildings. At the time of purchase, the properties were all deeded as meets & bounds property descriptions, with no restrictive covenants or condominium declarations having been written or recorded for any of the properties. The original developer mortgaged the properties deeds as metes & bounds descriptions. However, this developer was foreclosed upon prior to the execution of any of the necessary instruments to record deeds for said condominiums, and as such the first conveyance of title for each of the buildings was involuntary due to foreclosure, thereby maintaining the meets & bounds status.

The applicants, Gary & Karen Deeke are now requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3, Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the four (4) properties in question to be platted as a minor subdivision. The properties in question are being utilized as apartments.

GENERAL DESCRIPTION:

The applicants, Gary & Karen Deeke are requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3, Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the replatting of the four (4) meets & bounds described lots containing four (4) existing four-plex buildings.

REVIEW:

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 all of the property within a condominium development, other than the actual condominium units, is held by the condominium association as common property. The buyer of a condominium unit traditionally purchases only that area within the walls of the condominium unit. The applicants are requesting a series of variances in order to allow

the four (4) meet and bounds descriptions to be platted as a minor subdivision. The applicants currently own all four (4) lots / buildings and are utilizing them as apartments. The applicants plan to continue to utilize the four (4) buildings as a total of sixteen (16) apartment units.

The submitted Survey and Site Plan indicates Bald Eagle Boulevard with a right-of-way of 23.63 feet in width, at its most narrow point between the four (4) buildings. The portion of Bald Eagle Boulevard running between the four (4) existing lots / buildings will not be able to meet the required 50 foot minimum right-of-way requirements and expanding it to meet said requirements would cause the existing parking areas to encroach within said right-of-way. The staff has consulted with Randy Haes, the Taney County Road & Bridge Administrator in regard to this proposed variance. Mr. Haes did not express concern in regard to this variance request, primarily due to the provision of the concrete off-street parking areas outside of the right-of-way area. Mr. Haes indicated that Taney County will likely never accept Bald Eagle Boulevard for maintenance. However, it appears that the property containing Bald Eagle Boulevard is actually still owned by Brad LaCore (the original developer).

Each of the existing four (4) buildings also does not meet the front setback requirements (25' from the front property line), even with the granting of a right-of-way width variance.

Per the provisions of Section 7.3, Table 3 (Lot Size and Frontage Requirements) each lot would be required to be a minimum of 12,000 square feet in size (3,000 square feet per multi-family dwelling unit). The parcels in question vary in size from 7,605 square feet to 10,763.49 square feet in size, based upon the submitted survey / site plan. Please note that the lot labeled as Building 2 is currently +/- 7,605.00 square feet in size. However, the applicants are planning to purchase an additional +/-3,158.49 square feet which would be added to the lot labeled as Building 2 for a total square footage of +/-10,763.49 square feet.

Bald Eagle Boulevard, the community well and the sewer infrastructure serving the fourteen (14) units are actually located upon the adjoining property that is owned by Mr. LaCore. The staff has been unable to locate any evidence that would definitely indicate that the four (4) meets and bounds property descriptions are served by infrastructural easements. In fact, the Commitment for Title Insurance indicates, "***The proposed insured premises has NO ACCESS and the interest in and to the property has been INTERLOPED by subsequent transfer and mortgaging of interest by the predecessor in title thereto...***" One of the items required by the Title Insurance document is, "***Creation of an ACCESS EASEMENT to the premises, duly executed under Missouri law, FROM Eagle Ridge Properties, L.L.C. and subordinated thereto by Bennington State Bank (Lien holder), providing access to the proposed insured premises.***" Therefore, the staff recommends that the Board of Adjustment table this variance request application to a specific date, allowing time for the Gary & Karen Deeke and Brad LaCore to reach some agreement regarding water, sewer and road infrastructural easements. The Board cannot act upon the right-of-way width variance request because the property in question is not owned by the applicant.

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 series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3., Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations for the Meets & Bounds described lots containing Buildings 1, 2, 8 & 9. The approved variance for each lot have been enumerated below:

Existing Four-Plex Lots Meets & Bounds Descriptions	Front Setback Variance	Road Right-of- Way Width Variance	Lot Size Variance Sq. Ft.
Building 1	1.65'	26.37'	3,805.29 Sq. Ft.
Building 2	1.21'	26.37'	1,236.51 Sq. Ft
Building 8	0.35'	26.37'	3,458.14 Sq. Ft.
Building 9	0.58'	26.37'	4,395.00 Sq. Ft.

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).

#16-1

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

(Circle one)

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

PLEASE PRINT

DATE

2-16-16

Applicant Gary Deeke Phone 417 230 8411

Address, City, State, Zip 245 Tyler St, Branson, MO 65616

Representative Karl Finkenbinder Phone 417 334 7922

Owner of Record Gary + Karen Deeke Signature: [Signature]

Name of Project: _____

Section of Code Protested: (office entry) _____

Address and Location of site: 144, 145, 160, 161 Bald Eagle Blvd,
Hollister, MO 65672

Subdivision (if applicable) Section 9, Table 1 (Property Line Setbacks), ROW Width
Section 5.3.1 (Lot Size & Frontage Requirements)

Section 24 Township 22 Range 22 Number of Acres or Sq. Ft. 0.8 +/-

Parcel Number 18-6.0-24-000-000-002.004, .005, .006 + 003

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

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.

Board of Adjustments
of
Taney County Missouri

Attachment to Application for Variance for Gary & Karen Deeke

Dear Sirs:

The Subject property consists of Four Buildings, each having Four Three Bedroom Two Bath units for a total of 16 units. We purchased the subject properties in August and October of 2013 from two different lenders, each of whom had foreclosed on two of the four buildings. At the time of purchase, the properties were all deeded as Metes & Bounds, with no Restrictive Covenants or Condominium Declarations having been written or recorded for any of the properties.

According to the Taney County Assessors on-line information, all buildings were originally constructed in 2007. As we understand it, initial approval of the project was granted by Taney County Planning and Zoning as a Condominium development. The original developer first mortgaged the properties deeded as Metes and Bounds. However, this developer was foreclosed upon prior to the execution of any of the necessary instruments to record deeds for said condominiums, and as such the first conveyance of title for each of the buildings was Involuntary due to foreclosure, thereby maintaining the Metes and Bounds status.

Further, as evidenced by the attached Title Search performed by Tri-Lakes Title and Escrow at the time of purchase, there existed numerous other deficiencies to obtaining clear title to the buildings, including but not limited to no existing Ingress and Egress, and Interloping Deeds having been recorded against the properties by a third party lender.

At the time we purchased the properties out of Foreclosure, the buildings had begun to fall into a state of disrepair, which was compounded by the existence of numerous tenants that had no existing leases, and several who had not paid rent in quite some time.

Our first concern was to address the condition of the buildings and surrounding grounds, and to restore civility to the property by enforcing the terms of existing leases and putting in force leases where none existed at that time. This process took several months to complete, but our efforts have been rewarded with a stable and secure environment now in place with all buildings. Many of the initial tenants are still residing in the buildings, and have thanked us for the professional manner in which we achieved the current results.

We are currently working in conjunction with the owner of the adjoining 40 acre parcel to remedy those other issues required to obtain clear title as defined herein, and anticipate having most of them satisfactorily addressed within 90 days.

Discussions with our long time Realtor, Jim Stephenson, Broker of Branson House Realty in Branson, regarding the highest and best use of the units, strongly indicates that maintaining them as apartments presents us with a significantly higher probability of favorable performance and or saleability than attempting to sell the units individually as condominiums.

He cited the past and current trends which indicate that the existing over-supply of condominiums will continue into the foreseeable future, while occupancy rates for clean, well maintained 3 bedroom 2 bath apartments in a desirable location have continued to increase.

Having now established a solid history of performance with these buildings, our desire is to maintain them as individual apartments rather than condominiums. As such, we are asking that the members of Zoning Board of Adjustments consider our request to provide the necessary variance(s) needed to allow the buildings in question to be deeded as a Zero Lot Line 16 Unit Apartment Complex consisting of four separate Buildings , identified perhaps as Bald Eagle Apartments Buildings 1, 2 , 3 and 4.

We have attached drawings which illustrate the building Set Backs and road Right of Ways as they presently exist.


We genuinely appreciate your thoughtful consideration of our request.

Yours truly,

Gary & Karen Deeke
Owners

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

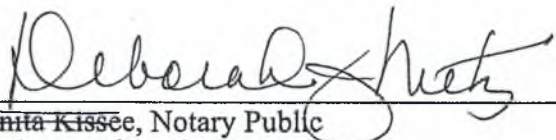
2/16/16
Date of Application

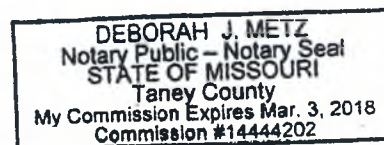
STATE OF MISSOURI)
COUNTY OF TANEY)

S.S. On this 16 day of Feb, 2016

Before me Personally appeared Gary Deeke, 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
Deborah J. Metz





***Agents National Title
Insurance Company***

ALTA Commitment Form

COMMITMENT FOR TITLE INSURANCE

Issued by

Agents National Title Insurance Company

Agents National Title Insurance Company, a Missouri corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate ninety days after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Agents National Title Insurance Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

Countersigned:

Authorized Signatory

TRI-LAKES TITLE & ESCROW



Agents National Title Insurance Company

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.



Agents National Title Insurance Company

File Number: BR2411-13

Commitment Number: BR2411-13

SCHEDULE A

1. Effective Date: September 25, 2013 at 01:00 PM
2. Policy or Policies to be issued: Amount:
 - a. Owner's Policy (ALTA Own. Policy (2006)) \$ 250,000.00
Proposed Insured:
Gary Deeke and Karen Deeke Revocable Trust dated 01/05/11
 - b. Loan Policy (ALTA Loan Policy (2006)) \$ 100,000.00
Proposed Insured:
Ozark Mountain Bank, its successors and/or assigns as their respective interests may appear.
3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.
4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Great Southern Bank , a Missouri state chartered bank
5. The land referred to in this Commitment is described as follows:

A part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence South 88° 31' 55" East along the South line thereof, 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 112.05 feet; thence South 89° 51' 22" East 487.01 feet to the POINT OF BEGINNING; thence North 00° 11' 11" East 80.58 feet; thence Northeasterly along a 286.4789° curve to the right 30.14 feet (said curve having a radius of 20.00 feet); thence North 86° 20' 45" East 48.34 feet; thence Southeasterly along a 415.5187° segment of a curve to the right 18.05 feet (said curve having a chord bearing and distance of South 89° 54' 27" E 18.04 feet and a radius of 138.00 feet); thence South 00° 00' 00" East 103.59 feet; thence South 89° 59' 49" West 85.00 feet to the point of beginning; containing 8,594.00 square feet of land (0.20 acre), more or less. (145 Bald Eagle)

ALSO, A part of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence South 88° 31' 55" East along the South line thereof, 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 112.05 feet; thence South 89° 51' 22" East 487.01 feet to the POINT OF BEGINNING; thence North 89° 59' 49" East 84.50 feet; thence South 00° 00' 11" East 90.00 feet; thence South 89° 59' 49" West 84.50 feet; thence North 00° 00' 11" West 90.00 feet to the point of beginning; containing 7,605.00 square feet of land (0.17 acre), more or less. (161 Bald Eagle)

TITLE NOTE: See Verbatim Legal descriptions as used by Trustee's Deeds which vested title in the Seller. Those descriptions MAY be used for the purpose of conveyance in this matter, HOWEVER, the Company will be INSURING the above edited legals.

TRI-LAKES TITLE & ESCROW

By: STEPHEN C. BABBIT, TITLE OFFICER



Agents National Title Insurance Company

File Number: BR2411-13

Commitment Number: BR2411-13

SCHEDULE B I

1. Requirements:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- d. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

2. REQUIREMENT FOR PAYMENT OF TAXES

Payment of all general and special taxes and assessments which may be due and payable as of the Effective Date of the policy/policies to be issued under this Commitment.

FOR INFORMATIONAL PURPOSES ONLY, this Agency submits the following real property vesting and tax information. We assume no liability for the correctness of the same.

Taxes for the year 2012, assessed as Parcel No. 18-6.0-24-000-000-002.003, are now marked as PAID in the amount of \$1,724.98.

Taxes for the year 2012, assessed as Parcel No. 18-6.0-24-000-000-002.006, are now marked as PAID in the amount of \$1,724.98

Property Address: 145 & 161 Bald Eagle Blvd, Hollister, MO 65672

Vesting Deed: Successor Trustee's Deed(s) recorded in Book 2013, pages 42164 and 42167.

NOTE: Taxes for each Tax Year become a lien on January 1; are not due and payable until November 1; and become delinquent after December 31.

3. PERFECTION OF TITLE REQUIREMENTS:

The proposed insured premises has NO ACCESS and the interest in and to the property has been INTERLOPED by subsequent transfer and mortgaging of interest by the predecessor in title thereto, requiring the following:

- a) Filing a quit-claim deed FROM Eagle Ridge Properties, L.L.C., a Missouri limited liability company, duly executed under Missouri law, TO Great Southern Bank, an Missouri charter trust company, conveying the above described real property.

TITLE NOTE: Required because of INTERLOPING General Warranty Deed as recorded in Book 2008, page 14521, which instrument failed to exclude the insured premises.

In connection with the above instrument, the Company requires a COPY of the Operating Agreement of Eagle Ridge Properties, L.L.C. in order to authenticate the execution thereof.

- b) Filing a PARTIAL deed of release, duly executed under Missouri law, for:

SCHEDULE B I
(Continued)

File Number: BR2411-13

Commitment Number: BR2411-13

Deed of trust dated 03/25/08, filed 03/27/08, recorded in Book 2008, page 13390 FROM Eagle Ridge Properties, L.L.C., TO Meridian Title & Closing Company, LLC, Trustee, FOR Thuder Bank (now known as Bennington State Bank, releasing the above described real property.

TITLE NOTE: Required because of INTERLOPING Deed of Trust as recorded in Book 2008, page 13390, which instrument failed to exclude the insured premises. There is an obvious problem with this deed of trust, as evidenced by Affidavit of Erroneous Release recorded in Book 2013, page 29880 in regards to that certain Satisfaction recorded in Book 2013, page 14141.

c) Creation of an ACCESS EASEMENT to the premises, duly executed under Missouri law, FROM Eagle Ridge Properties, L.L.C. and subordinated thereto by Bennington State Bank (lien holder), providing access to the proposed insured premises.

TITLE NOTE: This easement may be created by a separate instrument or COULD be included on the Quit-Claim and Deed of Release required in (a) and (b).

4. Filing a Warranty Deed FROM Great Southern Bank , a Missouri state chartered bank, duly executed under Missouri law, TO Gary Deeke and Karen Deeke Revocable Trust dated 01/05/11, conveying title to the above described real estate.

TITLE NOTE: The Company is aware of the Special Warranty Deed form used by Great Southern, which form has previously been approved for use in foreclosure transactions. The "verbatim" legal descriptions contained in the foreclosure trustee's deed(s) are ACCEPTABLE for use in transferring the right, title and interest of Great Southern to the proposed insured.

5. Providing the Company with a Repossession Affidavit, duly executed by a person a familiar with the foreclosure(s) and condition of the real property.
6. Filing a Deed of Trust FROM Gary Deeke and Karen Deeke Revocable Trust dated 01/05/11, duly executed under Missouri law, TO Ozark Mountain Bank, securing note in the amount of NOT EXCEEDING the purchase price: \$250,000.00.

TITLE NOTE: The Company is aware that Gary Deeke and Karen Deeke are currently the duly authorized signatories for this trust.

7. SURVEY COVERAGE STATEMENT - MORTGAGEE'S POLICY ONLY:

The Company is willing to remove its standard exception for surveys upon review and acceptance of the Affidavit(s) of Title, in substantial form as that approved by its Underwriter, as executed by the seller/buyer/borrower in this transaction.

In lieu thereof, the Company is willing to accept a Missouri Minimum Standard Survey, prepared by a licensed Missouri Land Surveyor within the last forty-five (45) days, disclosing the property boundaries and ALL improvements or encroachments thereon.

8. MECHANIC'S LIEN STATEMENT - MORTGAGEE'S POLICY ONLY

The Company is willing to remove its standard exception for mechanics' liens upon review and acceptance of the Affidavit(s) of Title , in substantial form as that approved by its Underwriter, as executed by the seller/buyer/borrower in this transaction. In the event that construction has taken place within the last twelve (12) months, coverage, additional requirements will be made by Underwriting Counsel.

SCHEDULE B I
(Continued)

File Number: BR2411-13

Commitment Number: BR2411-13

9. ENDORSEMENT STATEMENT

Please advise the Company PRIOR TO CLOSING should the Proposed Insured(s) require any Endorsements to Coverage be made a part of a Final Policy. Any PROFORMA ENDORSEMENTS provided in conjunction with this Commitment are for EXAMPLE purposes only. NO specific requirements have been made in order to ASSURE issuance of those endorsements with any final policy issued by the Company.



Agents National Title Insurance Company

File Number: BR2411-13

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SCHEDULE B II

1. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:
 - a. Rights or Claims of parties in possession not shown by the public records.
 - b. Encroachments, overlaps, boundary line disputes, shortages in area or other matters which would be disclosed by an accurate survey or inspection of the premises.
 - c. Easements, or claims of easements, not shown by public records.
 - d. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - e. Taxes or special assessments which are not shown as existing liens by the public records.
2. The lien of general and special taxes and assessments required to be paid in 2014, none now due or payable.
3. Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the commitment date and prior to the effective date of the final policy.

NOTE: This exception can be removed by requiring that the Company close the transaction to be insured.

4. R/W for Missouri State Highway No. 165, as recorded in Book 82, page(s) 326 and 93, page(s) 551 (Borrow Pit). Said R/W was transferred to the County of Taney in Book 441, page(s) 7845.
5. Matters as disclosed by various surveys as recorded in Plat Book 11, page 15;
6. Pole Line Permit in favor of Empire District Electric Company as recorded in Book 268, page(s) 418; Book 319, page(s) 4199; Book 332, page(s) 3947.
7. Sewer easement in favor of Taney County Regional Sewer District as recorded in Book 389, page(s) 7177 and Book 402, page(s) 418.
8. Terms and conditions contained in Division III Decision of Record 03-27 for Eagle Ridge Subdivision and Decision of Record 05-20 for Eagle Ridge Condominiums.
9. Document Copies - Due Diligence Needs. The Company maintains digital copies of ALL instruments set forth in this commitment and can provide the same at the cost of \$1/page thereof. Non-standard size documents, such as plats or surveys, can be provided for at the cost of \$5/page. Alternatively, all these documents are available directly from the Recorder of Deeds

Verbatim Legal Descriptions from Trustee's Deeds:

145 Bald Eagle Blvd: (deed erroneously says 144 – DT said 145)

A tract of land situated in the SE¼ of the NE¼ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Beginning at the Southwest corner of the SE¼ of the NE¼ of said Section 24; thence S 88°31'55" E, along the South line of said SE¼ of the NE¼, a distance of 383.13 feet, to an existing iron pin; thence N 00°16'58" E, leaving said South line, a distance of 23.62 feet, to an existing iron pin; thence N 00°08'38" E, a distance of 112.05 feet; thence S 89° 51' 22"E, a distance of 487.01 feet, for a NEW POINT OF BEGINNING; thence N 00°11'11" E, 80.58 feet; thence Northeasterly along a 286.4789° curve to the right 30.14 feet (said curve having a radius of 20.00 feet); thence N 86°20'45" E, a distance of 48.34 feet; thence Southeasterly along a 415.5187° segment of a curve to the right 18.05 feet (said curve having a chord bearing and distance of S 89°54'27" E, 18.04 feet and having a radius of 138.00 feet); thence S 00°00'00" E, a distance of 103.59 feet; thence S 89°59'49" W, a distance of 85.00 feet, to the new point of beginning.

161 Bald Eagle Blvd:

A tract of land situated in the SE¼ of the NE¼ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Beginning at the Southwest corner of the SE¼ of the NE¼ of said Section 24; thence S 88°31'55" E, along the South line of said SE¼ of the NE¼, a distance of 383.13 feet, to an existing iron pin; thence N 00°16'58" E, leaving said South line, a distance of 23.62 feet, to an existing iron pin; thence N 00°08'38" E, a distance of 112.05 feet; thence S 89° 51' 22"E, a distance of 487.01 feet, for a NEW POINT OF BEGINNING; thence N 89°59'49" E, a distance of 84.50 feet; thence S 00°00'11" E, a distance of 90.00 feet; thence S 89°59'49" W, a distance of 84.50 feet; thence N 00°00'11" W, a distance of 90.00 feet, to the new point of beginning; containing 7,605.00 square feet of land, more or less.



*Agents National Title
Insurance Company*

File Number: BR2339-13

Commitment Number: BR2339-13

SCHEDULE A

1. Effective Date: July 21, 2013 at 08:00 AM
2. Policy or Policies to be issued: Amount:
 - a. Owner's Policy (ALTA Own. Policy (2006)) \$ 255,000.00
Proposed Insured:
Deeke Revocable Trust dated January 5, 2011
 - b. Loan Policy (ALTA Loan Policy (2006))
Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is Fee Simple.

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Arvest Bank , an Arkansas chartered banking corporation

5. The land referred to in this Commitment is described as follows:

A part of the SE¼ of the NE¼ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said SE¼ of the NE¼; thence South 88° 31' 51" East along the South line thereof 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 217.00 feet; thence South 89° 51' 22" East 378.24 feet to the POINT OF BEGINNING; thence South 74° 09' 13" East 19.06 feet; thence Easterly along a 51.1569° curve to the to the left 38.12 feet (said curve having a radius of 112.00 feet); thence North 86° 20' 45" East 7.19 feet; thence Southeasterly along a 286.4789° curve to the right 32.69 feet (said curve having a radius of 20.00 feet); thence South 00° 00' 11" East 76.49 feet; thence South 89° 59' 49" West 84.50 feet; thence North 00° 00' 11" West 105.23 feet to the point of beginning; containing 8,195.00 square feet (0.188 acre) of land, more or less. (144 Bald Eagle Blvd)

Together with a 24 foot wide permanent road easement, being 12 feet on each side of the following described centerline (c/l): Commencing at the Southwest corner of said SE¼ of the NE¼; thence South 88° 31' 51" East along the South line thereof 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 439.25 feet; thence South 89° 51' 22" East 515.14 feet to a point on the Southerly R/W County Road No. 165 (formerly Missouri State Highway No. 165) for the POINT OF BEGINNING; thence South 18° 22' 39" West along c/l 20.74 feet; thence Southwesterly along c/l on a 57.2958° curve to the right 26.66 feet (said curve having a radius of 100.00 feet); thence South 33° 39' 10" West along c/l 35.79 feet; thence Southerly along c/l on a 57.2928° curve to the left 74.65 feet (said curve having a radius of 100.00 feet); thence South 09° 06' 59" East along c/l 71.33 feet; thence Southerly along c/l on a 57.2928° curve to the right 15.91 feet (said curve having a radius of 100.00 feet); thence South 00° 00' 11" East along c/l 324.40 feet; thence Southwesterly along c/l on a 38.1972° curve to the right 92.80 feet (said curve having a radius of 150.00 feet) to the POINT OF TERMINUS.

A part of the SE¼ of the NE¼ of Section 24, Township 22 North, Range 22 West, Taney County, Missouri, being more particularly described as follows: Commencing at the Southwest corner of said SE¼ of the NE¼; thence South 88° 31' 51" East along the South line thereof 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 111.77 feet; thence South 89° 51' 22" East 378.51 feet to the POINT OF BEGINNING; thence North 89° 59' 49" East 84.50 feet; thence South 00° 00' 11" East 90.00 feet; thence South 89° 59' 49" West 84.50 feet; thence North 00° 00' 11" West 90.00 feet to the point of beginning; containing 7,505.00 square feet (0.175 acre) of land, more or less. (160 Bald Eagle Blvd)

Together with a 24 foot wide permanent road easement, being 12 feet on each side of the following described

SCHEDULE A
(Continued)

File Number: BR2339-13

Commitment Number: BR2339-13

centerline (c/l): Commencing at the Southwest corner of said SE¼ of the NE¼; thence South 88° 31' 51" East along the South line thereof 383.13 feet; thence North 00° 16' 58" East 23.62 feet; thence North 00° 08' 38" East 439.25 feet; thence South 89° 51' 22" East 515.14 feet to a point on the Southerly R/W County Road No. 165 (formerly Missouri State Highway No. 165) for the POINT OF BEGINNING; thence South 18° 22' 39" West along c/l 20.74 feet; thence Southwesterly along c/l on a 57.2958° curve to the right 26.66 feet (said curve having a radius of 100.00 feet); thence South 33° 39' 10" West along c/l 35.79 feet; thence Southerly along c/l on a 57.2928° curve to the left 74.65 feet (said curve having a radius of 100.00 feet); thence South 09° 06' 59" East along c/l 71.33 feet; thence Southerly along c/l on a 57.2928° curve to the right 15.91 feet (said curve having a radius of 100.00 feet); thence South 00° 00' 11" East along c/l 324.40 feet; thence Southwesterly along c/l on a 38.1972° curve to the right 92.80 feet (said curve having a radius of 150.00 feet) to the POINT OF TERMINUS.

TRI-LAKES TITLE & ESCROW

By: _____

STEPHEN C. BABBIT, TITLE OFFICER



Agents National Title Insurance Company

File Number: BR2339-13

Commitment Number: BR2339-13

SCHEDULE B I

1. Requirements:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- d. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.

2. REQUIREMENT FOR PAYMENT OF TAXES

Payment of all general and special taxes and assessments which may be due and payable as of the Effective Date of the policy/policies to be issued under this Commitment.

FOR INFORMATIONAL PURPOSES ONLY, this Agency submits the following real property vesting and tax information. We assume no liability for the correctness of the same.

Taxes for the year 2012, assessed as Parcel No. 18-6.0-24-000-000-002-004, are now marked as PAID in the amount of \$1,724.98, not including penalties and interest payable.

Taxes for the year 2012, assessed as Parcel No. 18-6.0-24-000-000-002-005, are now marked as PAID in the amount of \$1,724.98, not including penalties and interest payable.

Taxes for the year 2012, assessed as Parcel No. 18-60.24-000-000-002-001, are now marked as DELINQUENT in the amount of \$3,449.36, not including penalty and interest. (Easement lands only)

Property Address: 144 & 160 Bald Eagle, Hollister, MO 65672

Vesting Deed: Successor Trustee's Deed(s) dated 12/18/12, filed 12/21/12, recorded in 2012, page(s) 53450 and 53454.

NOTE: Taxes for each Tax Year become a lien on January 1; are not due and payable until November 1; and become delinquent after December 31.

3. PERFECTION OF TITLE REQUIREMENTS:

The proposed insured premises has NO ACCESS and the interest in and to the property has been INTERLOPED by subsequent transfer and mortgaging of interest by the predecessor in title thereto, requiring the following:

- a) Filing a quit-claim deed FROM Eagle Ridge Properties, L.L.C., a Missouri limited liability company, duly executed under Missouri law, TO Arvest Bank, an Arkansas State Charter Banking Corporation, conveying the above described real property.

TITLE NOTE: Required because of INTERLOPING General Warranty Deed as recorded in Book 2008, page 14521, which instrument failed to exclude the insured premises.

In connection with the above instrument, the Company requires a COPY of the Operating Agreement of Eagle

SCHEDULE B I
(Continued)

File Number: BR2339-13

Commitment Number: BR2339-13

Ridge Properties, L.L.C. in order to authenticate the execution thereof.

b) Filing a PARTIAL deed of release, duly executed under Missouri law, for:

Deed of trust dated 03/25/08, filed 03/27/08, recorded in Book 2008, page 13390 FROM Eagle Ridge Properties, L.L.C., TO Meridian Title & Closing Company, LLC, Trustee, FOR Thunder Bank (now known as Bennington State Bank, releasing the above described real property.

TITLE NOTE: Required because of INTERLOPING Deed of Trust as recorded in Book 2008, page 13390, which instrument failed to exclude the insured premises. There is an obvious problem with this deed of trust, as evidenced by Affidavit of Erroneous Release recorded in Book 2013, page 29880 in regards to that certain Satisfaction recorded in Book 2013, page 14141.

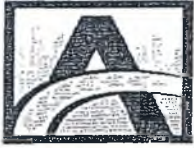
c) Creation of an ACCESS EASEMENT to the premises, duly executed under Missouri law, FROM Eagle Ridge Properties, L.L.C. and subordinated thereto by Bennington State Bank (lien holder), providing access to the proposed insured premises.

TITLE NOTE: This easement may be created by a separate instrument or COULD be included on the Quit-Claim and Deed of Release required in (a) and (b).

4. Filing a Warranty Deed FROM Arvest Bank, an Arkansas chartered banking corporation, duly executed under Missouri law, TO Deeke Revocable Trust dated January 5, 2011 conveying title to the above described real estate.

TITLE NOTE: The Grantee Name must be verified by the Company prior to recordation of this instrument. See Below.

5. Providing this office with a copy of the Agreement dated 01/05/11, creating the Deeke Revocable Trust, together with any additions and amendments thereto, for examination and approval by Underwriting Counsel. In lieu thereof, the current Trustee(s) may provide an Opinion of Counsel from a licensed Missouri attorney stating the trust particulars, reciting the requirements (if none, so state) of the trust with regard to conveyance and mortgaging real property, including any ratification thereof by Trustor(s), and affirming that the Trust is a valid entity under Missouri law.
6. Providing the Company with a Repossession Affidavit, duly executed by a person a familiar with the foreclosure and condition of the real property.



Agents National Title Insurance Company

File Number: BR2339-13

Commitment Number: BR2339-13

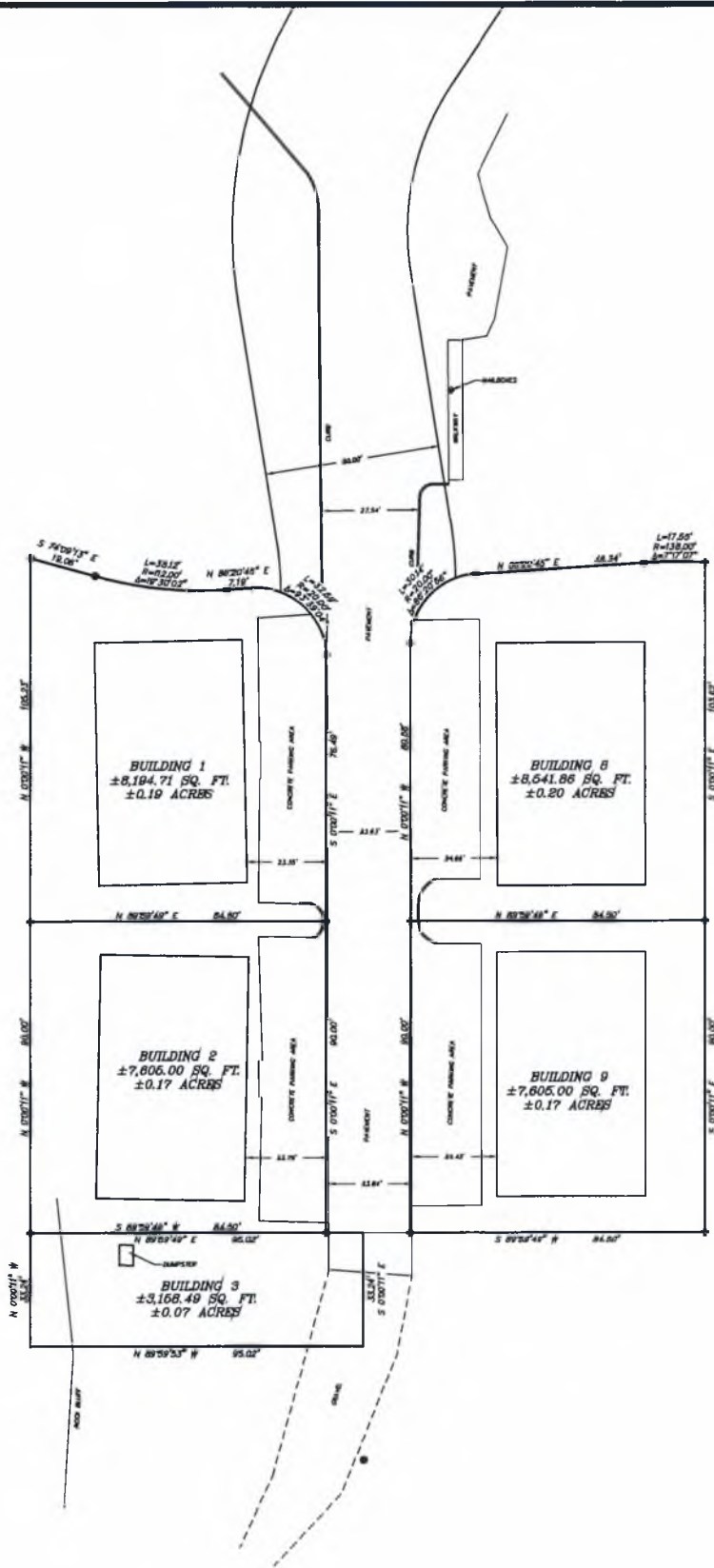
SCHEDULE B II

1. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:
 - a. Rights or Claims of parties in possession not shown by the public records.
 - b. Encroachments, overlaps, boundary line disputes, shortages in area or other matters which would be disclosed by an accurate survey or inspection of the premises.
 - c. Easements, or claims of easements, not shown by public records.
 - d. Any liens, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
 - e. Taxes or special assessments which are not shown as existing liens by the public records.

2. The lien of general and special taxes and assessments required to be paid in 2013, none now due or payable.
3. Loss or damage by reason of there being recorded in the Public Records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the commitment date and prior to the effective date of the final policy.

NOTE: This exception can be removed by requiring that the Company close the transaction to be insured.

4. R/W for Missouri State Highway No. 165, as recorded in Book 82, page(s) 326 and 93, page(s) 551 (Borrow Pit). Said R/W was transferred to the County of Taney in Book 441, page(s) 7845.
5. Matters as disclosed by various surveys as recorded in Plat Book 11, page 15;
6. Pole Line Permit in favor of Empire District Electric Company as recorded in Book 268, page(s) 418; Book 319, page(s) 4199; Book 332, page(s) 3947
7. Sewer easement in favor of Taney County Regional Sewer District as recorded in Book 389, page(s) 7177 and Book 402, page(s) 418.
8. Terms and conditions contained in Division III Decision of Record 03-27 for Eagle Ridge Subdivision and Decision of Record 05-20 for Eagle Ridge Condominiums.
9. Document Copies - Due Diligence Needs. The Company maintains digital copies of ALL instruments set forth in this commitment and can provide the same at the cost of \$1/page thereof. Non-standard size documents, such as plats or surveys, can be provided for at the cost of \$5/page. Alternatively, all these documents are available directly from the Recorder of Deeds



DESCRIPTION BUILDING 1:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 24; THENCE S 89°51'51" E, ALONG THE SOUTH LINE OF SAID SE 1/4 OF THE NE 1/4, A DISTANCE OF 383.13 FEET, TO AN EXISTING IRON PIN; THENCE N 00°16'58" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 23.62 FEET, TO AN EXISTING IRON PIN; THENCE N 00°08'38" E, A DISTANCE OF 217.00 FEET; THENCE S 89°51'22" E, A DISTANCE OF 378.24 FEET, FOR A NEW POINT OF BEGINNING; THENCE S 74°08'13" E, A DISTANCE OF 18.08 FEET; THENCE EASTERLY ALONG A 91.1089 DEGREE CURVE TO THE LEFT 38.12 FEET (SAID CURVE HAVING A RADIUS OF 112.00 FEET); THENCE N 89°20'45" E, A DISTANCE OF 7.19 FEET; THENCE SOUTHEASTERLY ALONG A 296.4788 DEGREE CURVE TO THE RIGHT 32.63 FEET (SAID CURVE HAVING A RADIUS OF 20.00 FEET); THENCE S 00°00'11" E, A DISTANCE OF 78.48 FEET; THENCE S 89°59'49" N, A DISTANCE OF 84.50 FEET; THENCE N 00°00'11" N, A DISTANCE OF 105.23 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 8,184.71 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 2:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 24; THENCE S 89°51'51" E, ALONG THE SOUTH LINE OF SAID SE 1/4 OF THE NE 1/4, A DISTANCE OF 383.13 FEET, TO AN EXISTING IRON PIN; THENCE N 00°16'58" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 23.62 FEET, TO AN EXISTING IRON PIN; THENCE N 00°08'38" E, A DISTANCE OF 217.77 FEET; THENCE S 89°51'22" E, A DISTANCE OF 378.61 FEET, FOR A NEW POINT OF BEGINNING; THENCE N 89°59'49" E, A DISTANCE OF 84.50 FEET; THENCE S 00°00'11" E, A DISTANCE OF 90.00 FEET; THENCE S 89°59'49" N, A DISTANCE OF 84.50 FEET; THENCE N 00°00'11" N, A DISTANCE OF 90.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 7,606.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 3:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 24; THENCE S 89°51'51" E, ALONG THE SOUTH LINE OF SAID SE 1/4 OF THE NE 1/4, A DISTANCE OF 383.13 FEET, TO AN EXISTING IRON PIN; THENCE N 00°16'58" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 23.62 FEET, TO AN EXISTING IRON PIN; THENCE N 00°08'38" E, A DISTANCE OF 112.00 FEET; THENCE S 89°51'22" E, A DISTANCE OF 487.01 FEET, FOR A NEW POINT OF BEGINNING; THENCE N 00°00'11" N, A DISTANCE OF 80.58 FEET; THENCE NORTHEASTERLY ALONG A 296.4788 DEGREE CURVE TO THE RIGHT 32.63 FEET (SAID CURVE HAVING A RADIUS OF 20.00 FEET); THENCE N 89°20'45" E, A DISTANCE OF 48.34 FEET; THENCE SOUTHEASTERLY ALONG A 418.8187 DEGREE SEGMENT OF A CURVE TO THE RIGHT 18.08 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S 89°54'29" E, 18.04 FEET AND HAVING A RADIUS OF 158.00 FEET); THENCE S 00°00'11" E, A DISTANCE OF 103.59 FEET; THENCE S 89°59'49" N, A DISTANCE OF 84.50 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3,168.49 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 4:

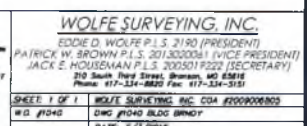
A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SE 1/4 OF THE NE 1/4 OF SAID SECTION 24; THENCE S 89°51'51" E, ALONG THE SOUTH LINE OF SAID SE 1/4 OF THE NE 1/4, A DISTANCE OF 383.13 FEET, TO AN EXISTING IRON PIN; THENCE N 00°16'58" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 23.62 FEET, TO AN EXISTING IRON PIN; THENCE N 00°08'38" E, A DISTANCE OF 112.00 FEET; THENCE S 89°51'22" E, A DISTANCE OF 487.01 FEET, FOR A NEW POINT OF BEGINNING; THENCE N 89°59'49" E, A DISTANCE OF 84.50 FEET; THENCE S 00°00'11" E, A DISTANCE OF 90.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 8,641.86 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

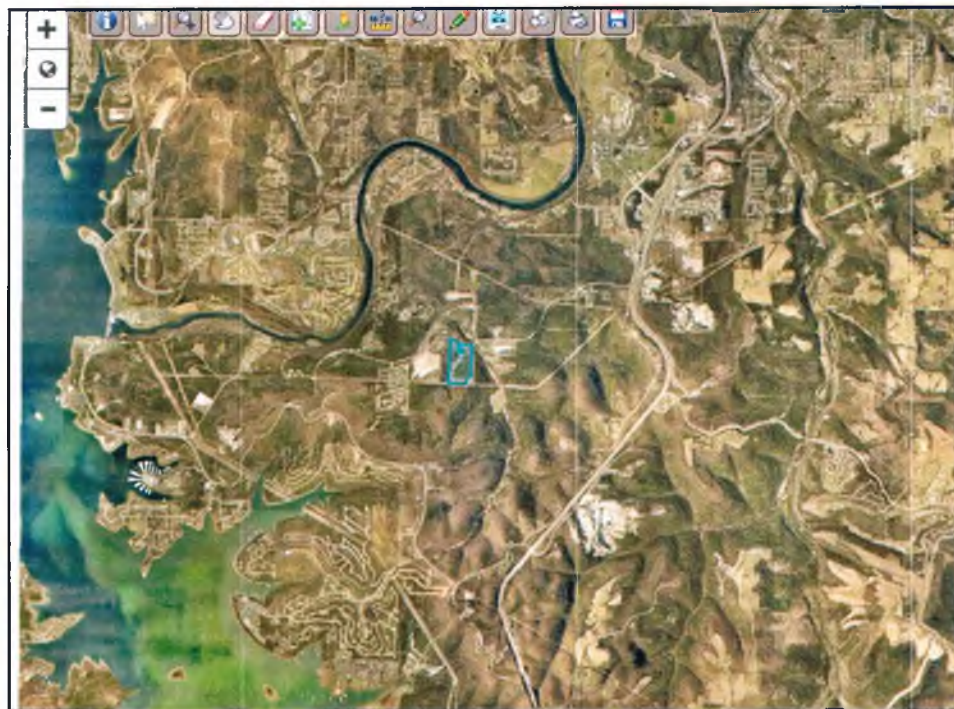
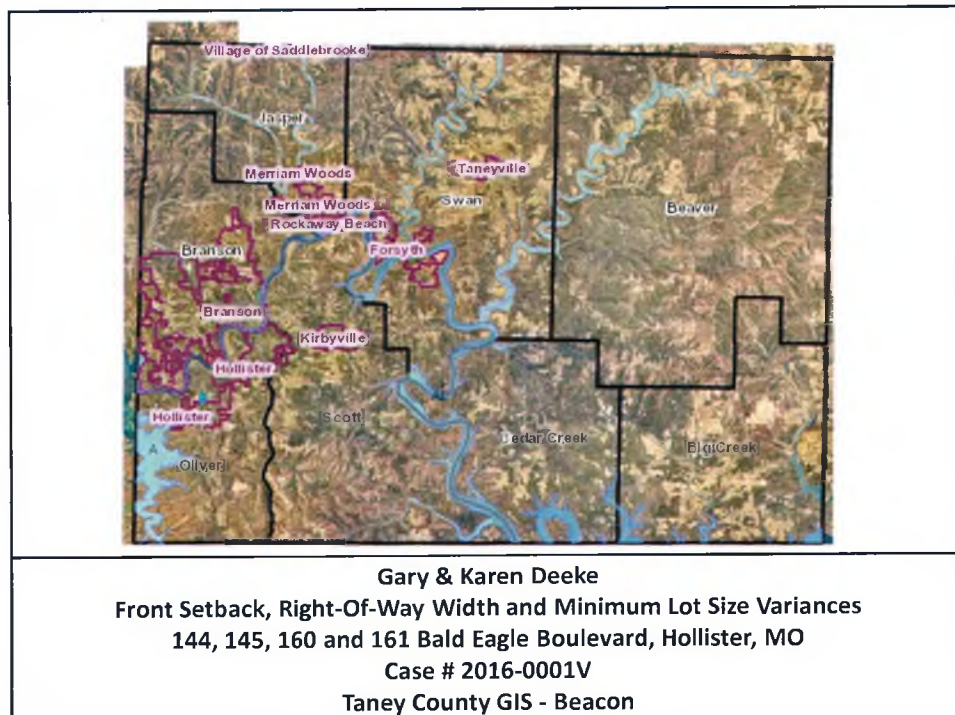
DESCRIPTION BUILDING 5:

A TRACT OF LAND SITUATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

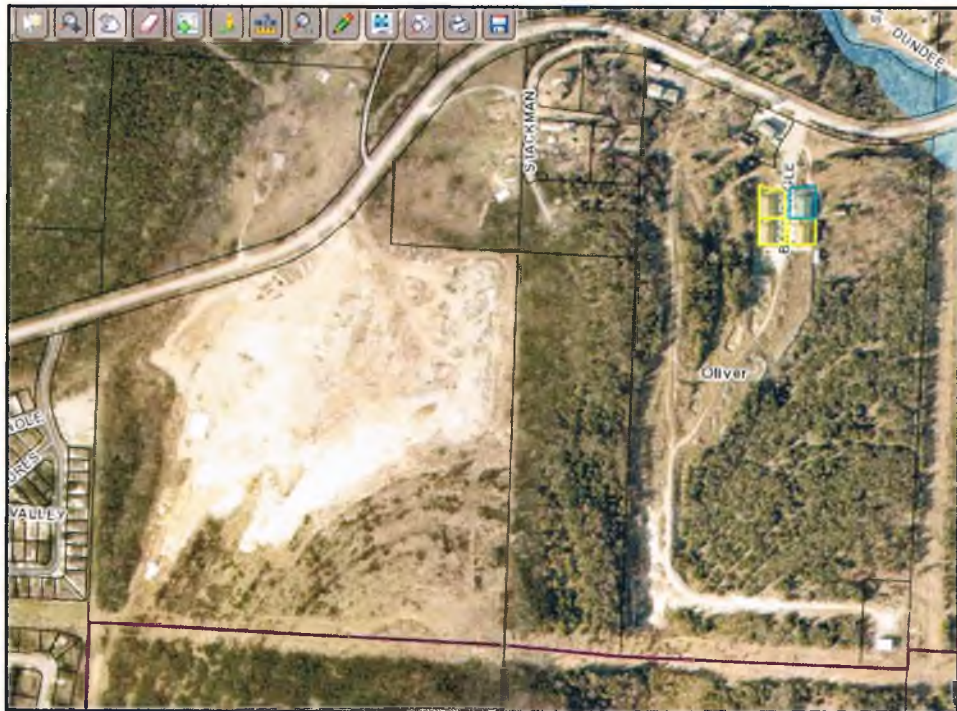
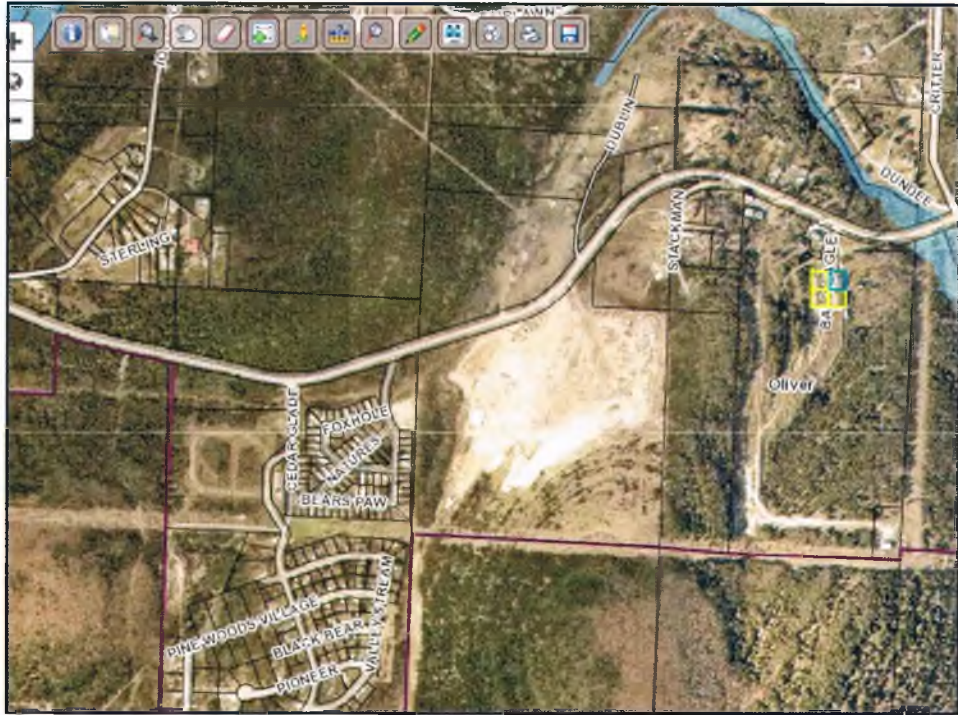
BEGINNING AT A SET IRON PIN MARKING THE SOUTHWEST CORNER OF BUILDING 2; THENCE N 89°59'49" E, ALONG THE SOUTH LINE OF SAID BUILDING 2 EXTENDED, A DISTANCE OF 83.02 FEET; THENCE S 00°00'11" E, A DISTANCE OF 33.24 FEET; THENCE N 89°59'53" N, A DISTANCE OF 85.02 FEET; THENCE N 00°00'11" N, A DISTANCE OF 33.24 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 3,168.49 SQ. FT. (0.07 ACRES) OF LAND, MORE OR LESS.

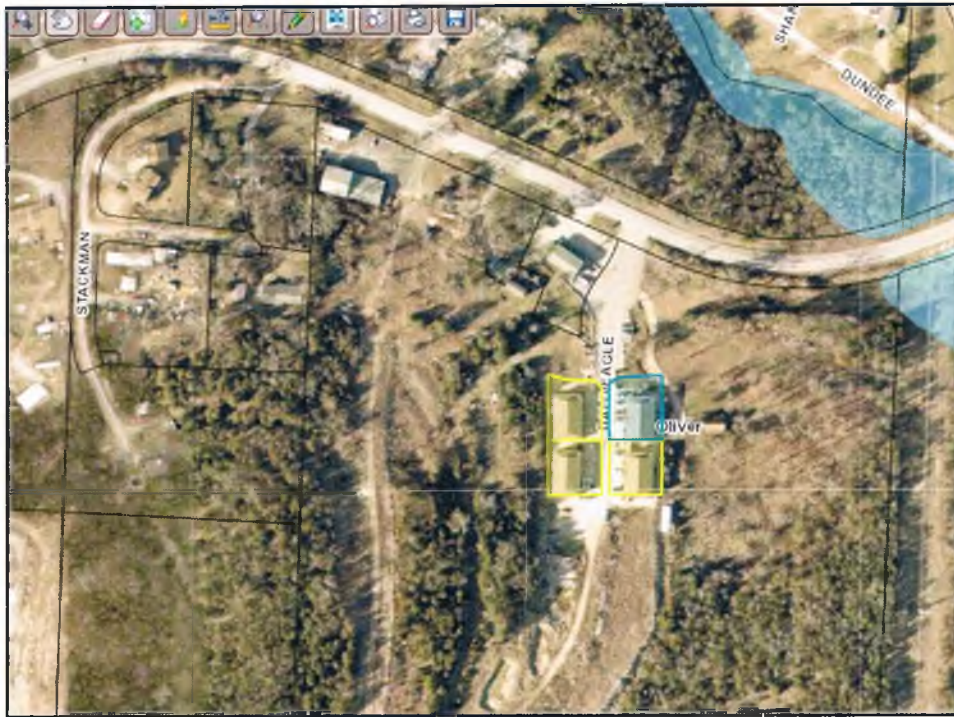
ALL OF THE ABOVE DESCRIBED TRACTS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESERVATIONS OF RECORD, IF ANY.













Gary & Karen Deeke
 Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
 144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
 Case # 2016-0001V
 Pictometry – View from the North



Gary & Karen Deeke
 Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
 144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
 Case # 2016-0001V
 Pictometry – View from the South



Gary & Karen Deeke
 Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
 144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
 Case # 2016-0001V
 Pictometry – View from the East



Gary & Karen Deeke
Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
Case # 2016-0001V
Pictometry – View from the West























TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT

HEARING DATE: June 15, 2016

CASE NUMBER: 2016-0003V

APPLICANTS: Jerome & Nancy Bauman

LOCATION: The subject property is located at 166 Joanna's Way, Hollister, MO; Oliver Township; Section 1, Township 21, Range 22.

REQUEST: The applicants, Jerome & Nancy Bauman are requesting a variance from Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicants are requesting a variance from the required side property line setback requirement. The applicants are requesting a 3' side setback variance allowing the new structure to be constructed 2' from the south side property line.

BACKGROUND, SITE HISTORY and GENERAL DESCRIPTION:

The subject property is +/- .08 acres (+/- 3,484.8 square feet) in size (per the Assessor's information - Beacon) and is described as all of Lot 173, Area "E", Fourth Amended Replat, Yogi Bear Jellystone Park Camp Resort Subdivision.

The property in question currently contains two (2) small accessory buildings (sheds), a covered pavilion area and a concrete pad for a Recreational Vehicle.

On November 19, 1997 the Board of Adjustment granted a series of setback variances for 189 lots within the Yogi Bear Jellystone Park Camp-Resort Subdivision, Fourth Amended Replat. Each of the 189 lots is enumerated specifically with the Variance Decision of Record. This variance allowed for the placement of either a 12' x 34' park model or 612 square foot cabin which was to be subject to a 10' front setback and a 5' setback from the sides and rear property lines. This variance applied only to the first structure built or set on the lot and not to additions or later structures.

On October 17, 2007 the Board of Adjustment granted a variance from the setback provisions of the Development Guidance Code allowing for all of the lots within Yogi Bear Jellystone Park Camp-Resort Subdivision to be subject to a 10' front setback and a 5' setback from the sides and the rear property lines. The sentence that limited the variance to only the first structure built or placed on each lot was removed as a part of this variance request.

REVIEW:

Currently, based upon the October 17, 2007 Board of Adjustment decision, the modified side setback requirement would be 5' from the side and rear property lines. The applicants, Jerome & Nancy Bauman are requesting a 3' side setback variance allowing the new structure to be constructed 2' from the south side property line.

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 applicants have indicated that they are seeking setback variance in order to allow for the construction of an 18' x 36' car port that will be utilized as shelter for their 5th wheel trailer. The applicants have indicated that it will be necessary to constructed at 18' wide car port because of the two (2) 3'-6" slide outs on each side of the trailer.

Due to the small size, shape and the two (2) different levels on the lot, this is the only remaining location that will accommodate the 18' x 36' structure.

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

1. Approval a setback variance of 3 feet from the south side property line, allowing for the construction of a new 18' x 36' car port which will be located 2 feet from the side 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 of Deeds Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 5-12-16

Applicant Jerome & Nancy Bauman Phone 636-397-3725

Address, City, State, Zip 10 Sunnyfield Rd. - St. Peters, Mo. 65326

Representative MO. Phone _____

Owner of Record Same Signature: Nancy Bauman

Name of Project: Set Back Variance Section 9, Table 1

Section of Code Protested: (office entry) Section 9, Table 1 (Property line Setbacks)

Address and Location of site: 166 Gamma's Way

Subdivision (if applicable) Logan Bear, Yellowstone Park Camp Resort

Section 1 Township 21 Range 22 Number of Acres or Sq. Ft. 0.07

Parcel Number 19-1.0-01-002-010-001.000

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.

Dear Board of Adjustment Members:

Our lot 173 in Big Bear community at 173 Jonna's Way. The lot has a drive through drive way along the South side on which we want to place a 18' X 36' car port to cover our 5th wheel trailer. The reasoning for the 18' wide is because the trailer has two 3'6" slide out (one on both sides). Our problem is the south west corner of the car port is within the 5' set back. I'm requesting a 2' to 3' variance to add protection to our 5th wheel trailer.

Our reasoning behind this is we have already had \$11,000 damage done to hail and that our trailer sits on the lot for long periods of time.

As shown on the drawing and the two different levels of the lot this is our only opposition.

Sincerely,

Jerome and Nancy Bauman





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.

Nancy Bauman
Signature of Applicant

5-12-16
Date of Application

STATE OF MISSOURI)

S.S. On this 12 day of May, 2016.

COUNTY OF TANEY)

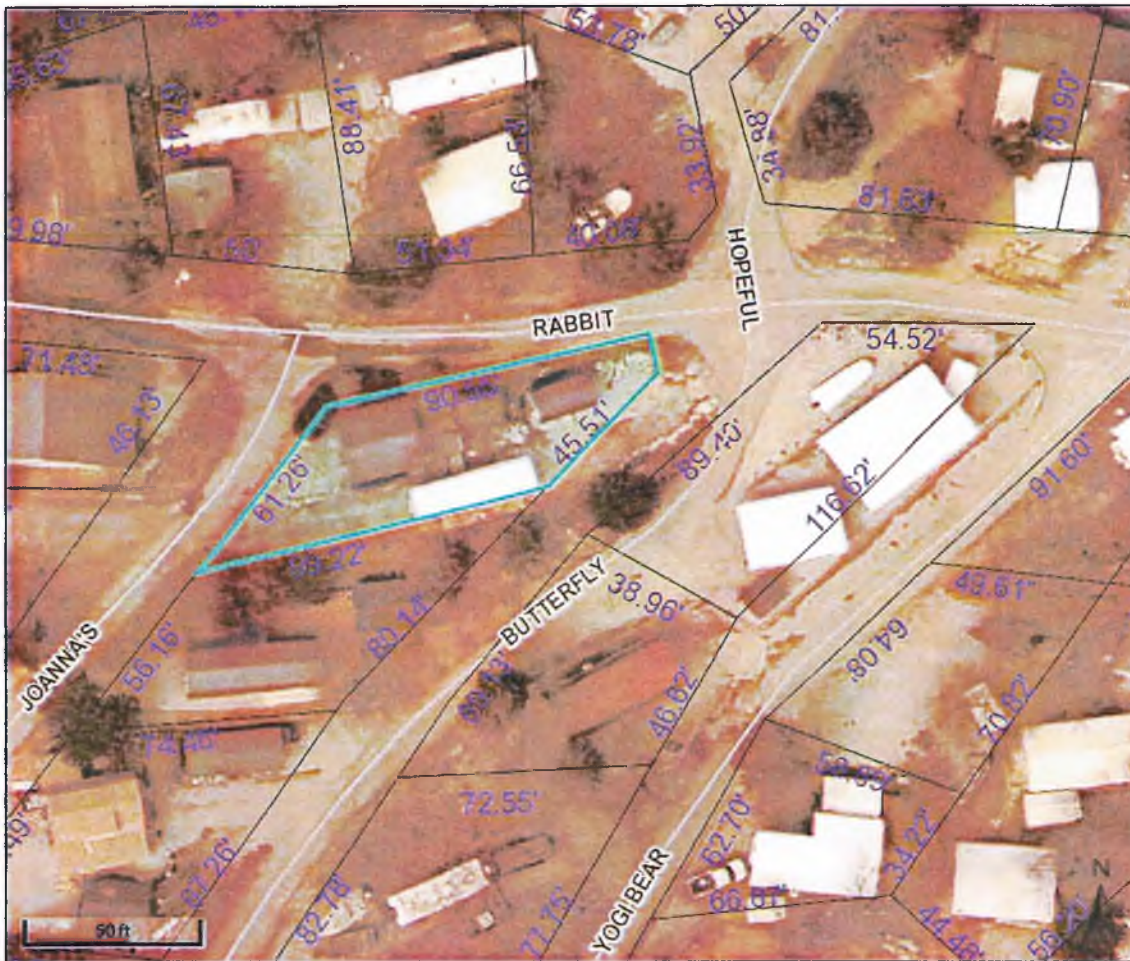
Before me Personally appeared Nancy Bauman to me know to be the person described in and who executed the foregoing instrument.

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 2/6/2018.

Bonita Kisse-Soutte
Bonita Kisse-Soutte, Notary Public



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



Overview



Legend

- Parcels
- Roads
- Lakes
- Corporate Limits

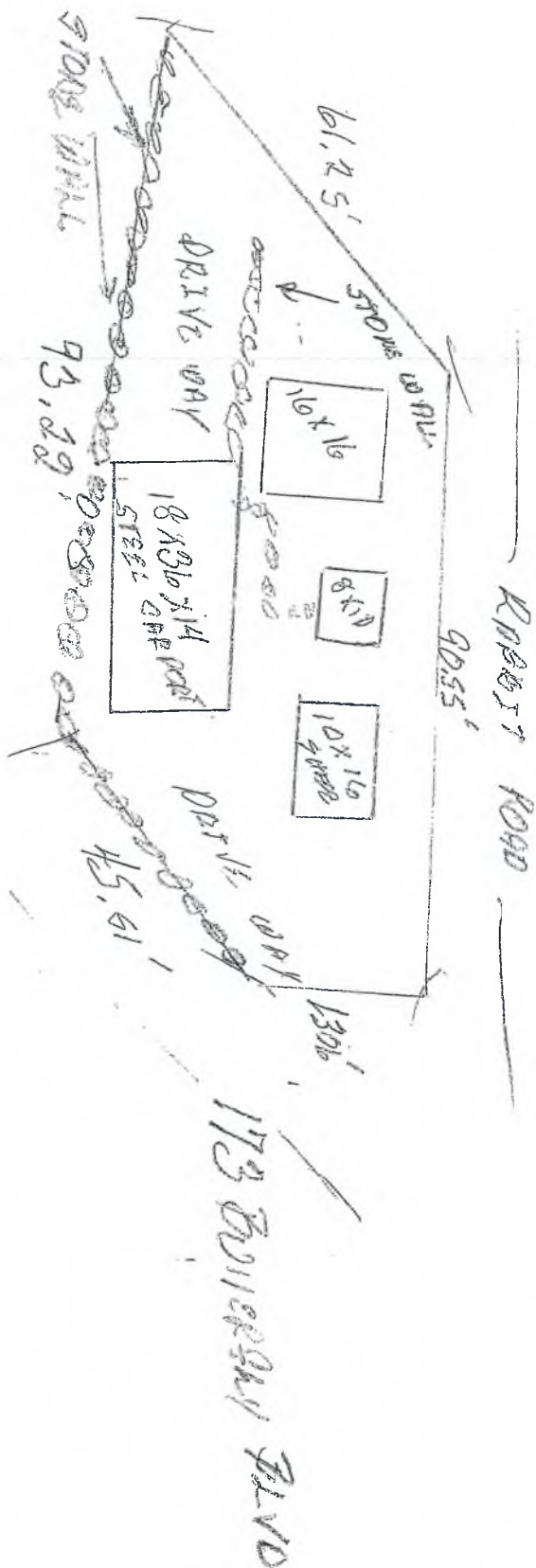
Parcel ID	19-10-01-002-010-001.000	Alternate ID	n/a	Owner Address	BAUMAN JEROME C & NANCY M
Sec/Twp/Rng	1-21-22	Class	n/a		10 SUNNYFIELD RD
Property Address	166 JOANNA'S WAY	Acreage	0.0799999982118607		SAINT PETERS MO 63376-1567
District	5CWX				
Brief Tax Description	YOGI BEAR JELLYSTONE PARK CAMP RESORT YOGI BEAR JELLYSTONE PARK CAMP RESORT LT 173 AREA				
	(Note: Not to be used on legal documents)				

Date created: 5/12/2016



Developed by
The Schneider Corporation

Tracy County Museum
 PO Box 388
 Forsyth MO 65653



WANT TO ADD PROTECTION FOR
 SM WHEN TRUCK TRAILER



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653
Phone: 417 546-7225 / 7226 FAX: 417 546-4837

RECORD OF DECISION **TANEY COUNTY PLANNING COMMISSION'S BOARD OF ADJUSTMENT**

On November 19, 1997 the Taney County Board of Adjustment conditionally approved a request for variance by Big Bear Resort and Marina, L.L.C. The approval is specific to the following legal description:

All of Lots in:

Area A: 198, 199, 200, 201, 202, 203, 203A, 204, 217, 218, 219, 221, 224, 227, 228, 230, 232, 234, 235, 236, 238, 239, 240, 242, 243, 244, 245, 247, 249, 250, 251, 252, 254, 255, 256, 257, 258, 263, 266, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 282, 285, 286, 287, 288, 289, 294, 295, and 298.

Area B: 109, 110, 113, 114, 115, 116, 118, 121, 131, 133, 134, 134A, 135, 137, 139, 140, 141, 142, 143, and 144.

Area C: 1, 3, 10A, 14, 16, 17, 18, 22, 23, 24, 31, 32, 33, 41, 42, 51, 53, 56, 58, 65, 66, 67, 75, 77, 80, 90, 93, 96, 98, 101, 107, 150, 151, 330 and 333.

Area D: 178, 180, 181, 304, 305, 306, 307, 308A, 310, 311, 312, 313, 315, 316, 317, 320, and 321.

Area E: 152, 153, 154, 155, 156, 157, 158, 162, 165, 166, 167, 168, 169, 170, 174, 176, 177, 182, 183, 184, 185, 191, 192, 193, 194, 195, 196, 300, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350.

Area F: 351, 352, 353, 354, 355, 356, 358, 359, 361, 362, 365, 366, 367, 368, 369, 370, 371 and 372.

in Yogi Bear Jelly Stone Park Camp Resort Subdivision, Fourth Amended Replat, as per the recorded plat thereof, Plat Book 17, Page 26 of the Taney County Recorder's Office.

The following decision of record details the approval and lists all applicable conditions:

Big Bear Resort and Marina, L.L.C. has been granted a variance from Appendix H, setbacks, to allow the building of cabins and the placement of park models closer to the lot lines than currently allowed. The motion for approval allows only to the extent necessary

for each lot, in order to be able to either set a 12 x 34 foot park model or locate a 612 sq. ft. cabin, subject to a maximum of :

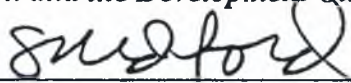
Front setback	10' from property line
Sides and rear	5' from property line

and that this variance only applies to the first structure built or set on the lot, not to additions or later structures. With four board members present the motion passed unanimously. The following conditions shall be complied with:

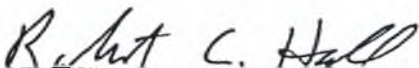
1. Only the lots specifically included under the applicants ownership are included in this variance.
2. As much as possible the County encourages the recombining of small lots to create lots which are more suitable, and meet the required setbacks.
3. Compliance with all applicable provisions of the Development Guidance Code.
4. Compliance with all requirements of the Regional Sewer District.
5. Compliance with the County permit procedure for all new construction (Division I permits).
6. This variance shall not allow the increase of value for property within the required setback.
7. No permanent structures of any kind shall be allowed within the established flowage easement along Table Rock Lake retained by the U.S. Corps of Engineers.

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

Signature



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.



Robert C. Hall, AICP, Administrator, Taney County Planning Commission

STATE OF MISSOURI)

S.S. On this 20th day of November, 1997

COUNTY OF TANEY)



BOOK

PAGE

2007L58137

10/24/2007 11:16:07AM

REC FEE: 30.00

NON-STD FEE:

PAGES: 3

REAL ESTATE DOCUMENT
TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION

ROBERT A. DIXON

Big Bear



✓ **TANEY COUNTY BOARD OF ADJUSTMENT**

DECISION OF RECORD

OCTOBER 17, 2007

#07-19

CBMC, POA

On October 17, 2007 the Taney County Board of Adjustment (grantor) approved a request by the Clevenger Branch Membership Corp. (grantee) for a variance from the Taney County Development Guidance Code Table 6 for the property located at the attached legal description.

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

Clevenger Branch Membership Corp. is authorized to encroach into the required setback requirements of the Taney County Development Guidance Code. The setbacks for the subdivision are as follows: 10' in the front from the property line, and 5' in the sides and rear for all structures on any lot measured from the established property line. The sentence that limits the variance to only the first structure built on each lot will be removed from the original variance. With three out of five Board of Adjustment members present the vote to approve the request was unanimous. The following conditions shall be complied with:

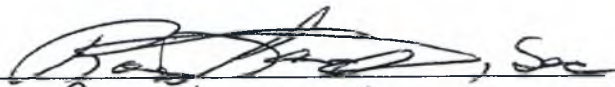
1. Variance applies to all lots in the subdivision.
2. Front setback 10' from the property line, side and rear setback 5' from the property line.
3. Variance is for all structures built or placed upon each lot.
4. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

Legal description attached

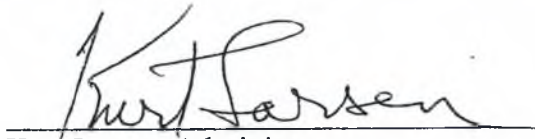
That part of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 1, Township 21, Range 22, lying North of the following described line: Beginning at the Northwest (NW) corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), thence Southeasterly to the Southwest (SW) Corner of the West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), thence Northeasterly to the Northeast (NE) Corner of the South Half (S 1/2) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of the said Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), all in Taney County, Missouri, and generally known as Yogi Bear Jellystone Park Camp-Resort Subdivision.

In signing this record of decision I understand that any breach in the terms of the Board of Adjustment, Record of Decision will result in the revocation of this approval. I further agree to abide by and comply with all the requirements of the Taney County Planning Commission and the Development Guidance Code.

Signature


Ross Lark, Sec

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.


Kurt Larsen, Administrator

STATE OF MISSOURI)

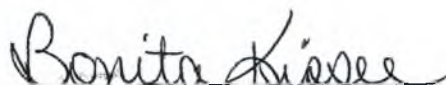
S.S. On this 24th day of Oct., 2007

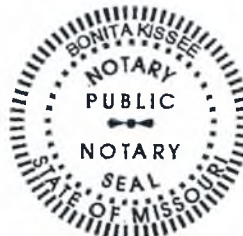
COUNTY OF TANEY)

Ross Lark, Secretary

Before me personally appeared Kurt Larsen and Clevenger Branch Membership Corp. to me known to be the persons described in and who executed the foregoing instrument.

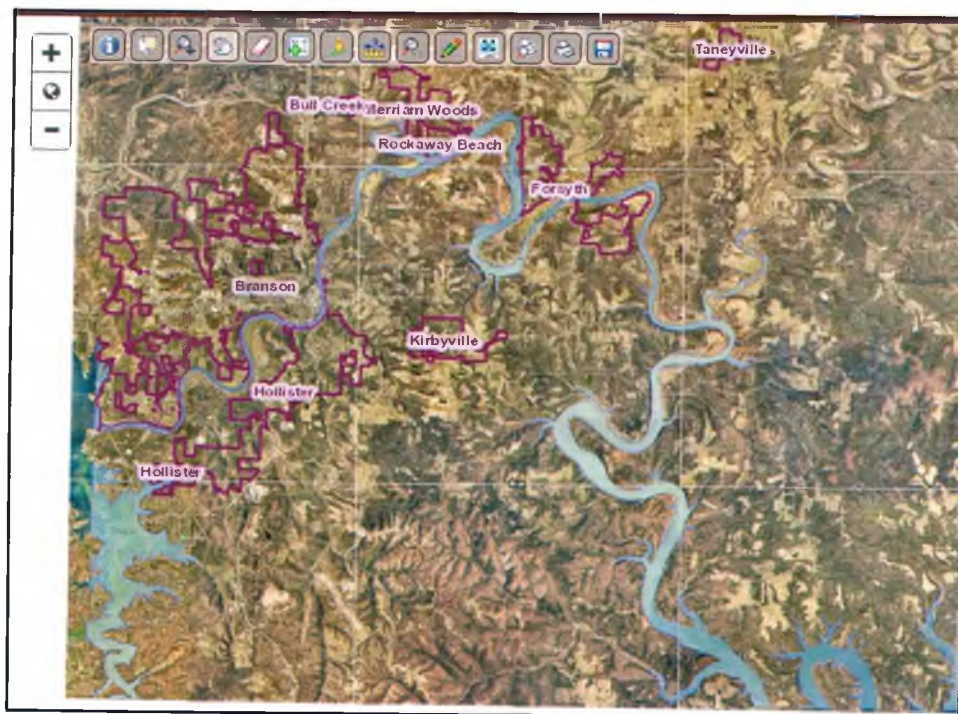
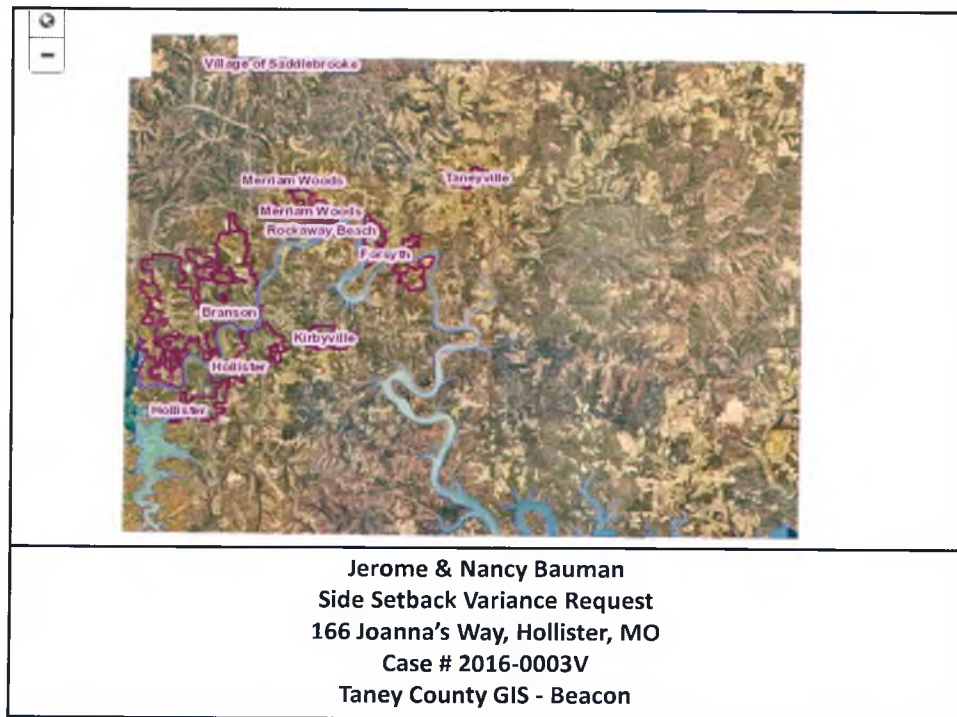
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Missouri the day and year first above written. My term of office as Notary Public will expire 2/6/10.

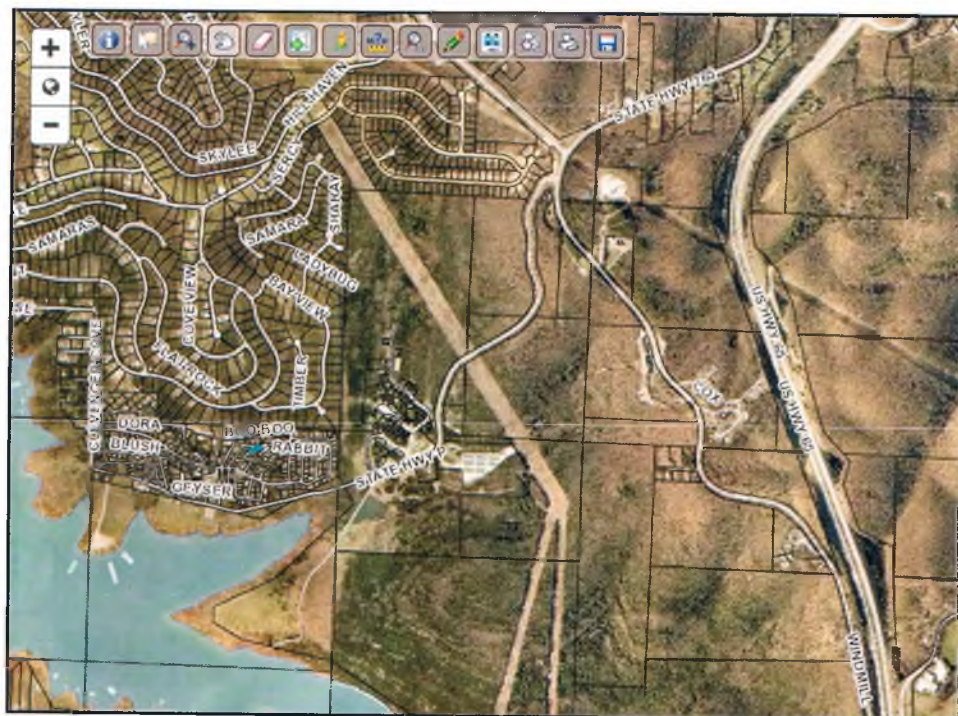
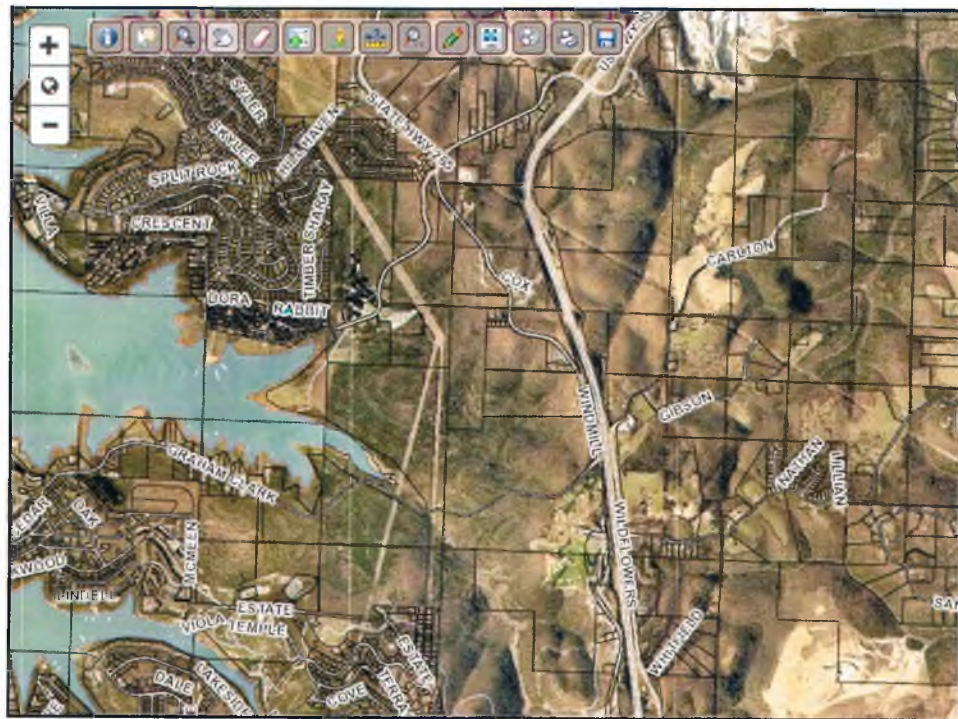

Bonita Kisse, Notary Public



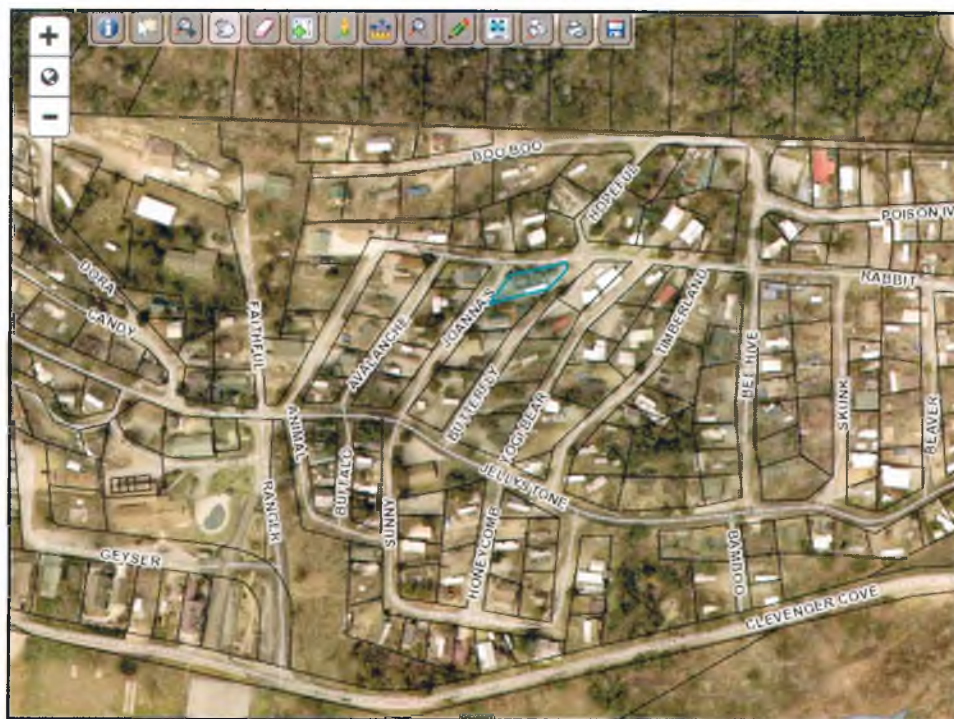
BONITA KISSEE
NOTARY PUBLIC - TANEY CO., MISSOURI
COMMISSION 06440057
MY COMMISSION EXPIRES FEB. 6, 2010

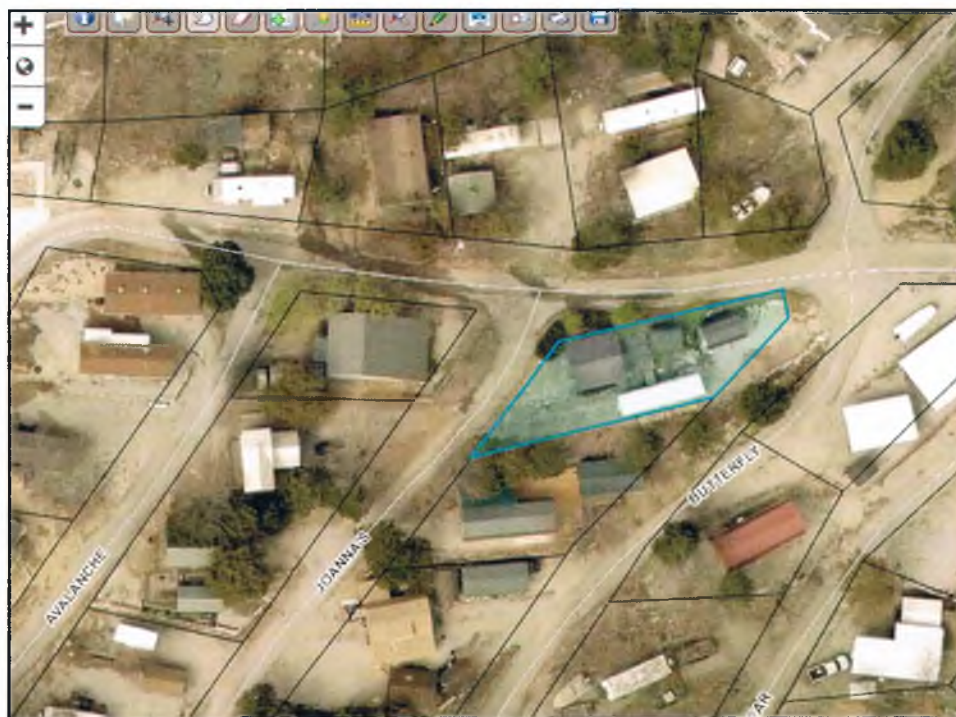
END OF DOCUMENT













**Jerome & Nancy Bauman
Side Setback Variance Request
166 Joanna's Way, Hollister, MO
Case # 2016-0003V
Pictometry – View from the North**



**Jerome & Nancy Bauman
Side Setback Variance Request
166 Joanna's Way, Hollister, MO
Case # 2016-0003V
Pictometry – View from the South**



Jerome & Nancy Bauman
Side Setback Variance Request
166 Joanna's Way, Hollister, MO
Case # 2016-0003V
Pictometry – View from the East



Jerome & Nancy Bauman
Side Setback Variance Request
166 Joanna's Way, Hollister, MO
Case # 2016-0003V
Pictometry – View from the West





















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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MARCH 16, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

The meeting was not called to order due to the Board members not being present. Staff present; Bob Atchley.

Mr. Atchley informed those attending that since a quorum was not present the meeting would be postponed until next month.

Public Hearings:

SMBZ, LLC and Gary Deeke will be heard at the regular Board of Adjustment meeting April 20, 2016.

Review and Action:

Minutes; December 16, 2016 will be voted on April 20, 2016.

No Old and New Business was discussed.



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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, APRIL 20, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Vice-Chairman Mark Weisz called the meeting to order. A quorum was established with four members present. They were; Mark Weisz, Tony Mullen, Alan Lawson, Dan Boone. Staff present; Bob Atchley and Bonita Kisse-Souttee.

Election of 2016 Officers: The Board discussed doing this next month when a full Board is present. A motion was made by Tony Mullen to postpone until next month. Seconded by Alan Lawson. The vote was unanimous.

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. The state statutes that empower and govern the Board of Adjustment were read and each speaker sworn in before their respective hearings.

Public Hearings:

SMBZ LLC; a request by Steve Creedon to appeal the Planning Commission's denial of Division III Permit #15-22 to allow nightly rental on 19 lots within Woodbridge Estates Subdivision Phase 2. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Representing the applicant was Tim Davis who explained the rationale for the request. He clarified the items stated in the reasons for approval attached in the staff report. Mr. Lawson asked if Mr. Davis would feel comfortable passing two trailers with boats on the road. Mr. Davis said that he hadn't tried to do this so he couldn't comment. Mr. Boone asked if the applicant had changed his mind from residential to nightly rental. Robert Hanzelon who lives in the area spoke against the request. Some of his concerns were; traffic, compatibility, availability of parking, and safety of neighbor children. Mr. Lawson asked Mr. Hanzelon where his house is and if there is another access into this area. Mr. Hanzelon stated that there isn't but one access and there isn't room for two large vehicles to pass. Billy Ong who lives on Southfork, pointed out that this property is at a dead-end road which is not wide enough for two vehicles to pass, he would like for the board to think about what is best

for others in the neighborhood, density is a concern and parking on the street because there is no room behind the houses. Carlton Shull lives at the end of Northfork and stated that he agreed with his neighbors. Judy Crisp who owns a home on Trinity and wants to sell it, fears that if this project goes through she might not be able to sell. She also stated the road is not safe. Scott Brinley lives on Trinity Road and owns three other lots across the street. He drives a dule and if he meets a car on the road he has to pull over. Mr. Brinley passed a petition around the neighborhood which had 88 signatures against the request and no one he visited was in favor. Monica Davis Bryan who lives on Southfork and her parents live across the street spoke against the development, and stated concerns regarding property values, children's safety, and compatibility. Mark McSpadden has lived on Comfort Lane for 30 years was concerned with road conditions, and feels the legalities are being used to pressure the Board. He thinks nightly rentals are useful but not in this neighborhood. After public input Mr. Weisz closed the public hearing and took comments from the Board. Mr. Lawson asked Mr. Davis to comment about the concerns of the property owners. Mr. Weisz discussed Board procedure regarding approval of a request. Mr. Mullen asked if there was a hardship. Mr. Davis stated that there wasn't a hardship raised on this request. After discussion a motion was made by Mr. Lawson to deny the request due to incompatibility. Seconded by Mr. Mullen. The vote to deny was unanimous.

Gary and Karen Deeke; a request for a series of variances on property located off Bald Eagle Blvd. The variances include Section 7 Table 1 (property line setbacks), Section 7.3 Table 3 (lot size and frontage requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and the minimum right of way width requirements of the Taney County Subdivision Regulations, allowing for the 4 meets and bounds described properties in question to be platted as a minor subdivision. The applicant asked to postpone until next month. The Board was agreeable. This request will proceed to hearing next month.

Alanna Hovey; a request for a variance on property located at 421 N. Emory Creek Road. The variances include Appendix K (road and access standards) of the Taney County Development Guidance Code, and Section 9 Table 3.9 (right of way and width) of the Taney County Road Standards. Mr. Atchley read the staff report and presented pictures, maps and a video of the site. Ms. Hovey and Mr. Lundgren were present to explain their request. Mr. Lundgren stated that the road is currently 16' wide and narrows to 12'. He has talked to the owners of the portion of the road about widening it and they are agreeable according to Mr. Lundgren who explained his plans for doing this. He reported that because the owner's cabin is so close to the road it might pose a safety concern. Mr. Lawson asked if he would be the one maintaining the road in perpetuity. Mr. Lundgren stated that he would because Ms. Hovey's property is at the end of it so it would behoove them to keep the road up. Mr. Weisz asked if she would agree to do the survey and he answered that he would. Hardship was discussed and Mr. Lundgren stated that on one side the road drops off and cannot be widened on that side. Ms. Hovey reported that the owner stated to her that she had his support,

and sent an email to the office stating this. There being no other discussion with the applicant Mr. Weisz closed the public portion of the meeting. Mr. Boone made a motion based upon the decision of record to approve the request. Seconded by Mr. Lawson. The vote to approve the request was unanimous.

Review and Action:

Minutes, December 16, 2015; with no additions or corrections a motion was made by Mr. Lawson to approve the minutes as written. Seconded by Mr. Mullen. The vote to approve the minutes was three in favor and one abstention.

Old and New Business:

Discussion followed regarding this evenings hearings.

Adjournment:

With no other business on the agenda for April 20, 2016 the meeting adjourned at 7:31 p.m.