



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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

### **AGENDA**

#### **TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 20, 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:

*Jerome Bauman, Variance*

*Michael R. Brower, Variance*

##### Review and Action:

*Minutes; April 20, 2016*

##### Old and New Business:

*Tentative*

##### Adjournment.



## **TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT**

**HEARING DATE:** July 20, 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 a new carport 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 within 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' setbacks 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 second 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 5<sup>th</sup> wheel trailer. The applicants have indicated that it will be necessary to construct the car port 18' 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

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## 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. 63376

Representative MO. Phone \_\_\_\_\_

Owner of Record Name 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) Logi Bear Georgetown 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 connor of the car port is with in the 5' set back. I'm requisting 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 do 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-SOUTEE  
My Commission Expires  
February 6, 2018  
Taney County  
Commission #10440057



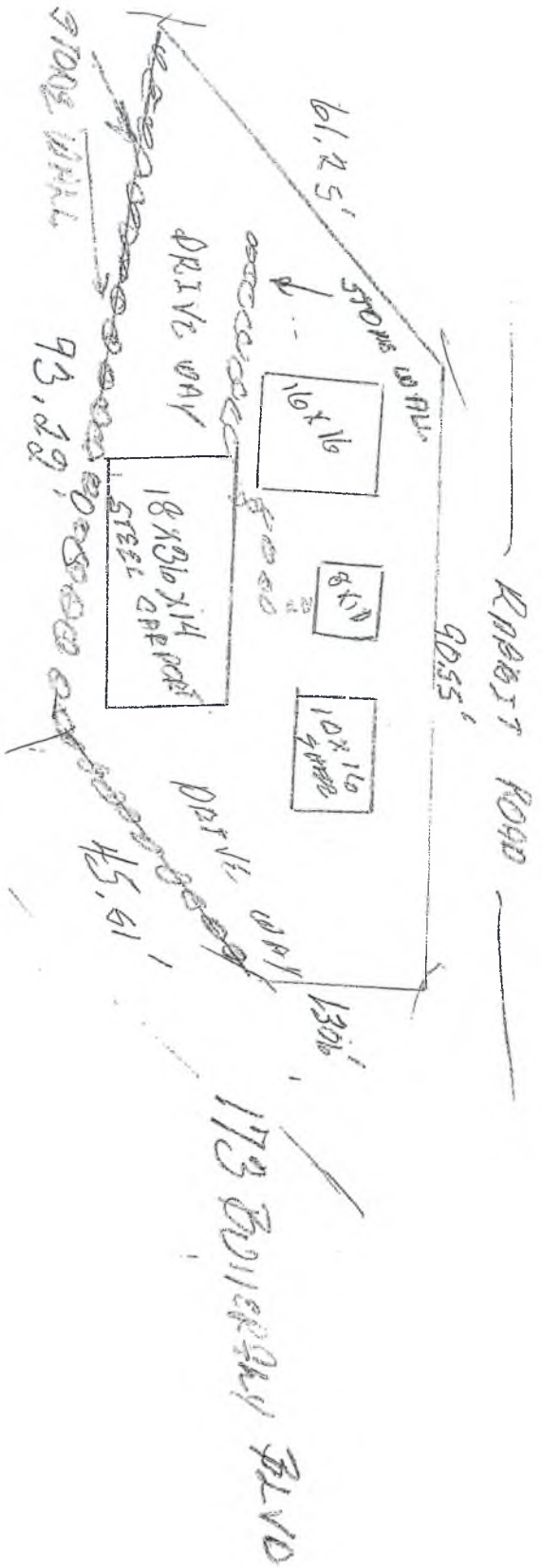
-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

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



Tracy County Farm  
 PO Box 323  
 Forsyth MO 65653



WANT TO ADD PROTECTION FOR  
 5TH WHEEL TRAVEL TRAILER



## TANEY COUNTY PLANNING COMMISSION

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### **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



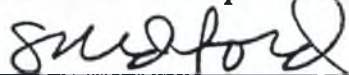
for each lot, in order to be able to either set a 12 x 34 foot park model or locate a 612 sq. ft. cabin, subject to a maximum of :

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

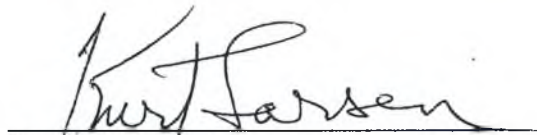
That part of the North Half (N 1/2) of the Northwest Quarter (NW 1/4) of Section 1, Township 21, Range 22, lying North of the following described line: Beginning at the Northwest (NW) corner of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), thence 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 Lack, 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 24<sup>th</sup> day of Oct., 2007

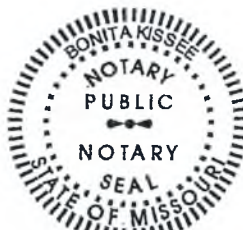
COUNTY OF TANEY )

Ross Lack, 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



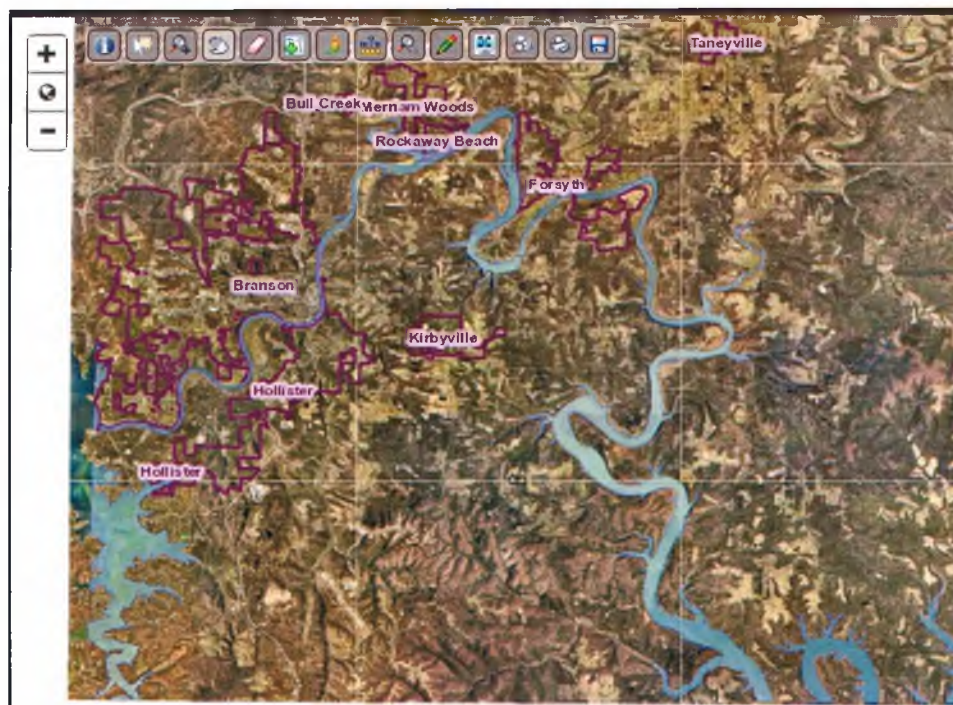
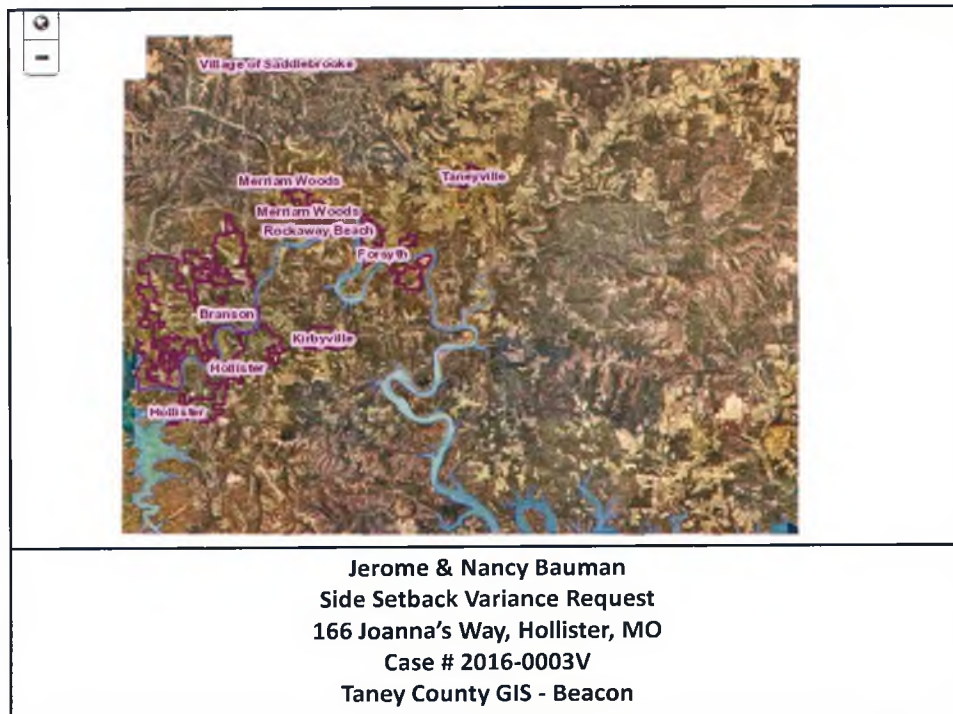
BONITA KISSEE  
NOTARY PUBLIC - TANEY CO., MISSOURI  
COMMISSION 00440057  
MY COMMISSION EXPIRES FEB. 6, 2010

END OF DOCUMENT

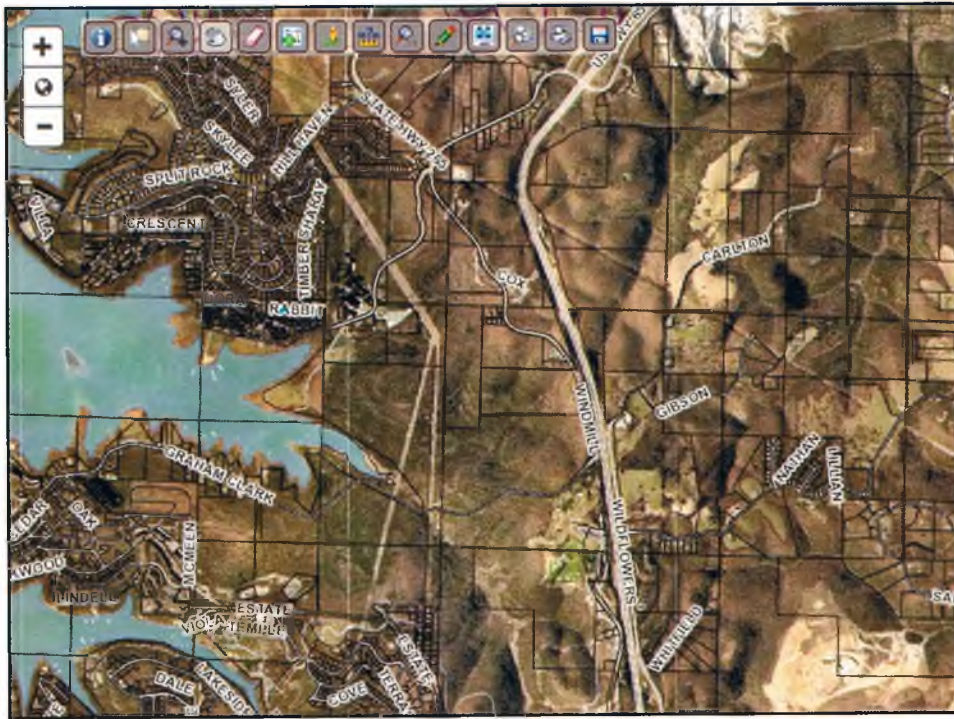










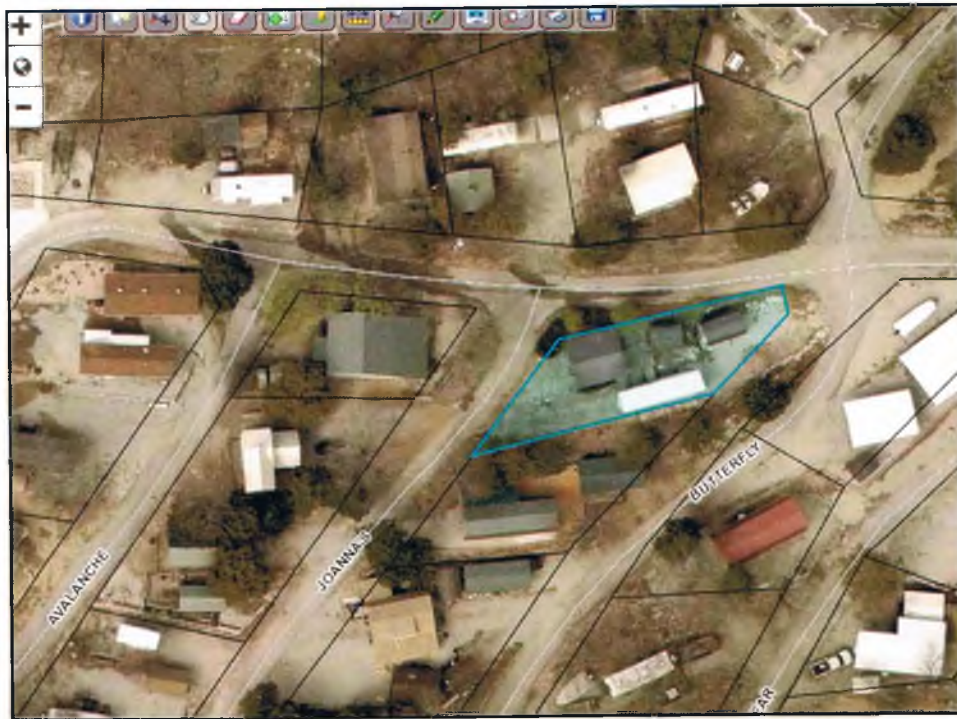
















**Jerome & Nancy Bauman  
Side Setback Variance Request  
166 Joanna's Way, Hollister, MO  
Case # 2016-0003V  
Pictometry – View from the North**



**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**













































## **TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT**

**HEARING DATE:** July 20, 2016

**CASE NUMBER:** 2016-0004V

**APPLICANTS:** Michael & Darla Brower

**LOCATION:** The subject property is located at 310 Heavy Timber Drive, Ridgedale, MO; Oliver Township; Section 18, Township 21, Range 21.

**REQUEST:** The applicants, Michael & Darla Brower 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 for the side adjoining Bradford Way. The applicants are requesting a 4' side setback (adjoining a subdivision road) variance allowing for the construction of a new, detached garage to be constructed 8.5' from the western-most side property line, adjoining Bradford Way.

### **BACKGROUND, SITE HISTORY and GENERAL DESCRIPTION:**

The subject property is +/- .18 acres (+/- 7,840.8 square feet) in size (per the Assessor's information - Beacon) and is described as all of Lot 7, Oakmont Hills Subdivision, Phase 2.

On September 15, 2003 the Taney County Planning Commission approved the Division III Permit request of Tim Freund to develop a mixed-use development for residential and commercial use. The subject property contained 133 acres (Parcel # 20-4.0-18-002-001-001.000). The proposed mixed-use development was approved for a Nine (9) hole golf course, lodge building with parking area, three (3) hotels totaling 250 rooms, ninety (90) log cabins for nightly rental and twenty-seven (27) unit log cabin condominium development.

On June 11, 2007 the Taney County Planning Commission approved the Division III Permit request of John and Steven Bradford. This application involved the same 133 acres of property (Parcel # 20-4.0-18-002-001-001.000). The proposed mixed-use development was approved for the existing Nine (9) hole golf course, seventeen (17) four (4) story condominium time share buildings with sixteen (16) units each, totaling 272 units, ninety-five (95) log cabins for time share and nightly rental, twenty-seven (27)

unit existing log cabin condominium development and an additional Twenty-one (21) log cabin unit condominium development.

On November 19, 2007 the Taney County Planning Commission approved the Division III Permit request of John and Steven Bradford. This Division III Permit allowed for the construction of ninety (90) log cabins in the areas surrounding the condominium buildings.

On January 18, 2011 at the Planning Commission Regular Meeting, under Old and New Business, Eddie Coxie, the Planning Administrator informed the Planning Commission that Michael Hyams had purchased a portion of the Oakmont Hills property. At that time Mr. Hyams had purchased the western-most parcel of land and a number of the lots within the three phases of Oakmont Hills, equivalent to approximately 80 acres. The Planning Commission gave Mr. Hyams approval to proceed with the conceptual plan that was presented during the meeting, allowing for the construction of additional cabins at the former Oakmont Hills Subdivision. The Planning Commission had stated that Mr. Hyams would be allowed to build no more than 180 log cabins for time share and nightly rental. The development in question is now known as Branson Cedars.

On November 20, 2014 Division II Permit # 2014-0046 was issued, authorizing the construction of a 3,140 square foot cabin. This permit was issued as a Division II Permit because this portion of the Oakmont Hills Subdivision was approved allowing for the nightly rental of each of the cabins.

In late June 2016 upon submitting the variance request the applicant, Michael Brower, hired a builder who began construction of the 300 square foot (12' x 25') detached garage. Mr. Brower had misunderstood the process thinking that the submission of a variance application was actually the granting of a variance request. Upon filming the site for the variance request, the staff noted the construction and issued the applicant a Stop Work Order, requesting that the construction cease until such time that a Division I Permit is issued and a decision has been reached on the variance request. The applicant has since ceased construction.

#### **REVIEW:**

The applicants have indicated that they are seeking a setback variance in order to allow for the construction of a 300 square foot (12' x 25') detached garage. The applicants have indicated that the building will have a 3' wide side access door. In order to provide enough space to safely use this door, 6' was left between the detached garage and the house.

The applicants have further indicated that due to the unusual shape and topography of the lot it is impossible to strictly adhere to the 12.5 foot setback requirement.

Please note that the physical locations of the roadways do not completely appear to match up with the location of the road rights-of-way. There is actually a considerable amount of space between the lot in question and the road intersection to the north.

## **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 4 feet from the side property line adjoining Bradford Way, allowing for the construction of a new 12' x 25' detached garage which will be located 8.5 feet from the property line in question.
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

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TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT  
FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE

JUNE 21, 2016

Applicant MICHAEL R. BROWER Phone 318 2371598

Address, City, State, Zip 228 JERRY GARLINGTON RD. MONROE, LA. 71203

Representative TIM FREUND Phone 417 263 0191

Owner of Record MICHAEL R. BROWER Signature: Michael R. Brower

Name of Project: Setback Variance Request

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

Address and Location of site: 310 HEAVY TIMBER DR.

RIDGEDALE, MO. 65739

Subdivision (if applicable) PHASE 2 OAKMONT HILLS

Section 18 Township 24 Range 21 Number of Acres or Sq. Ft. 9.000 Sq. Ft.

Parcel Number 20-4.0-18-002-001-001.045

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.

SEE ATTACHED

## D'Monaco

---

**From:** Tim Freund <tadmonaco@gmail.com>  
**Sent:** Tuesday, June 21, 2016 11:53 AM  
**To:** D'Monaco  
**Subject:** Fwd: Variance  
**Attachments:** Variance.docx; Untitled attachment 00056.htm

Please print two copies

Sent from my iPhone

Begin forwarded message:

**From:** Michael Brower <mdbrow72@gmail.com>  
**Date:** June 21, 2016 at 10:37:08 AM CDT  
**To:** Tim Freund <tadmonaco@gmail.com>  
**Subject:** Variance

I, Michael Brower, have contracted with Tim Freund, developer/builder, to build a 3,000 sq ft residential building and a 300 sq ft detached storage building on the property located at 310 Heavy Timber Dr, Ridgedale, MO 65739. The residential structure falls well within the property line set back adopted by Taney County, however the detached structure does not.

This structure is to measure 12 ft wide by 25 ft. long which will provide just enough space to store or park an average vehicle or boat securely. The building will have a 3' side access door. In order to provide enough space to safely enter and use this door, we need at least 6' between the buildings.

Because of the unusual shape and topography of the lot it is impossible to strictly adhere to the 12.5 ft set back requirement and have a building suitable for our needs. We can accomplish an 8.5 ft set back and make everything work functionally and aesthetically.

We are requesting a variance to the existing set back requirement to allow us to freely utilize our property to meet our needs.

*Thank You.*

Sincerely,

*Michael Brower*

### VERIFICATION

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

Michael R. Brower  
Signature of Applicant

June 21, 2016  
Date of Application

STATE OF MISSOURI )

S.S. On this 21st day of June, 2016.

COUNTY OF TANEY )

Before me Personally appeared Michael R. Brower, 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-Soutel  
Bonita Kisse-Soutel, Notary Public



BONITA KISSEE-SOUTEL  
My Commission Expires  
February 6, 2018  
Taney County  
Commission #10449057



1125.37  
280.05

1125.37  
205.67

151.89

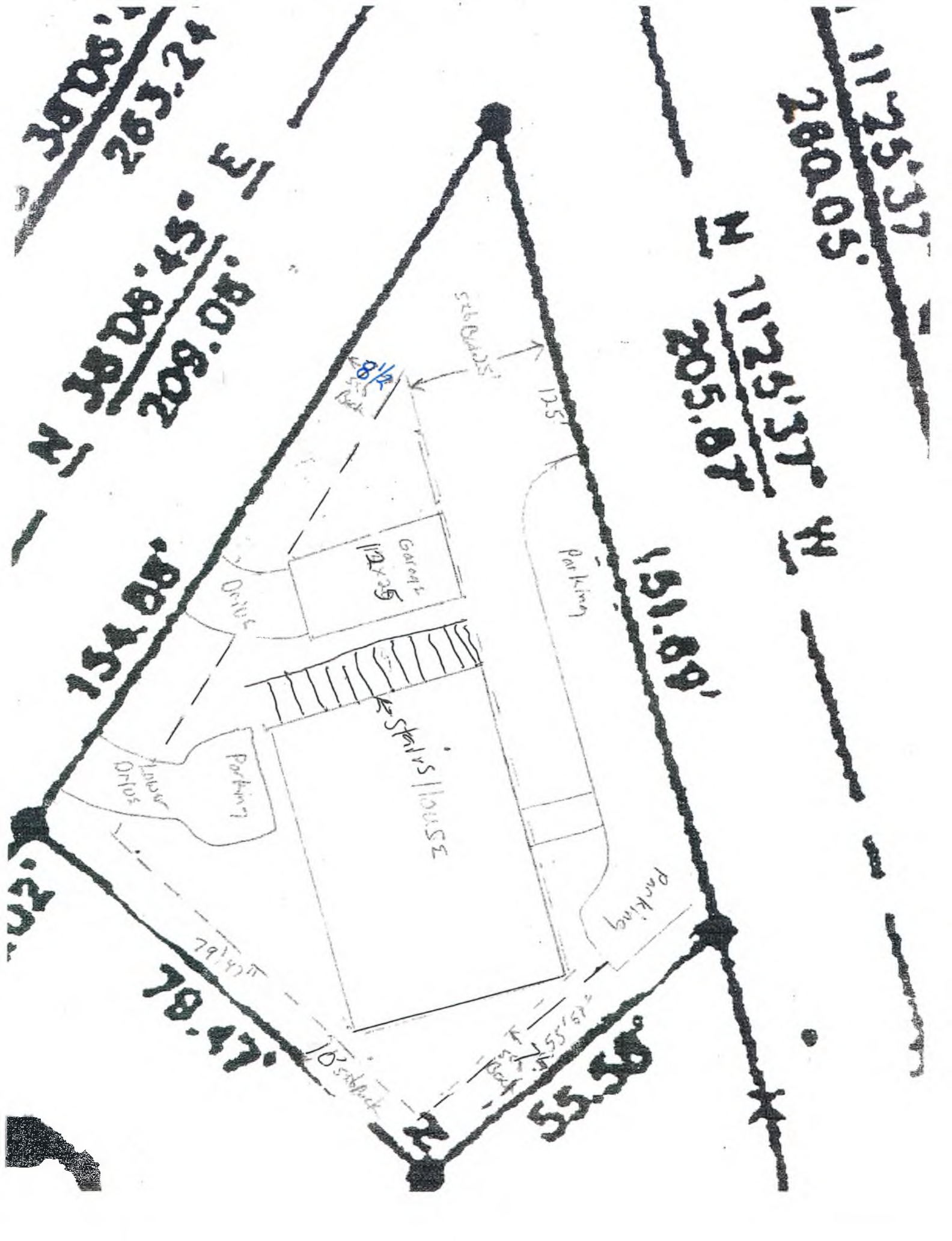
25.55

78.47

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263.21

380.06





## TANEY COUNTY PLANNING COMMISSION

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

June 30, 2016

Michael Brower  
228 Jerry Garlington Road  
Monroe, LA 71203

### STOP WORK ORDER

Dear Mr. Brower:

It has come to the attention of the Taney County Planning Department that you have a crew constructing a detached storage building at 310 Heavy Timber Drive, Ridgedale, MO, without the issuance of a Division I (Residential Construction) Permit. This letter is to serve as a Stop Work Order for all on-going construction activities associated with the building of this detached storage building until such time that a Division I (residential construction) Permit has been issued authorizing said construction. I realize that you submitted a Board of Adjustment Variance Application on June 21, 2016. However, at this time, the setback variance request has yet to be granted by the Board of Adjustment. Therefore it shall not be possible to issue a Division I Permit until such time that you have first received approval of your variance request via the Taney County Board of Adjustment.

As you know, you have applied for a Board of Adjustment side setback variance of four (4) feet, allowing the detached storage building to be constructed eight and one-half (8 ½ ) feet from the side property line adjoining Bradford Way. However, please note that if the variance request should be denied by the Board of Adjustment you may be required to either modify the building or tear the structure down in order to meet the side setback requirement.

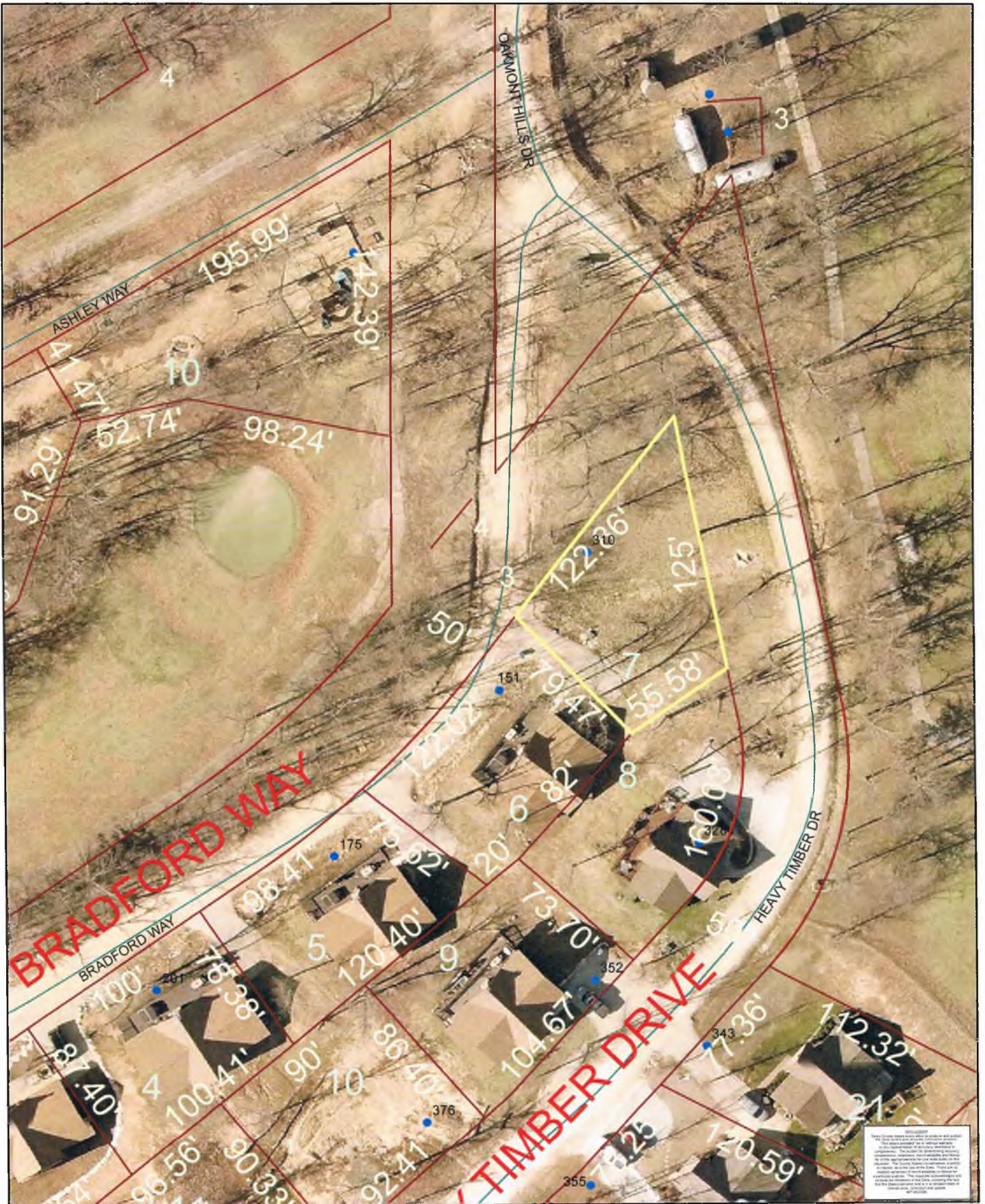
Pursuant to Missouri Revised Statute RSMo 64.895, "*Any owner, lessee or tenant who, having been served with an order in writing signed by the officer or official to correct or remove any such violations, shall fail to comply with the order within ten days after service, or who shall continue to violate any of the regulations or orders made under the authority of section 64.850 to 64.880 in the respect named in the order, shall be guilty of a misdemeanor.*"

Thank you for your immediate attention to this matter.

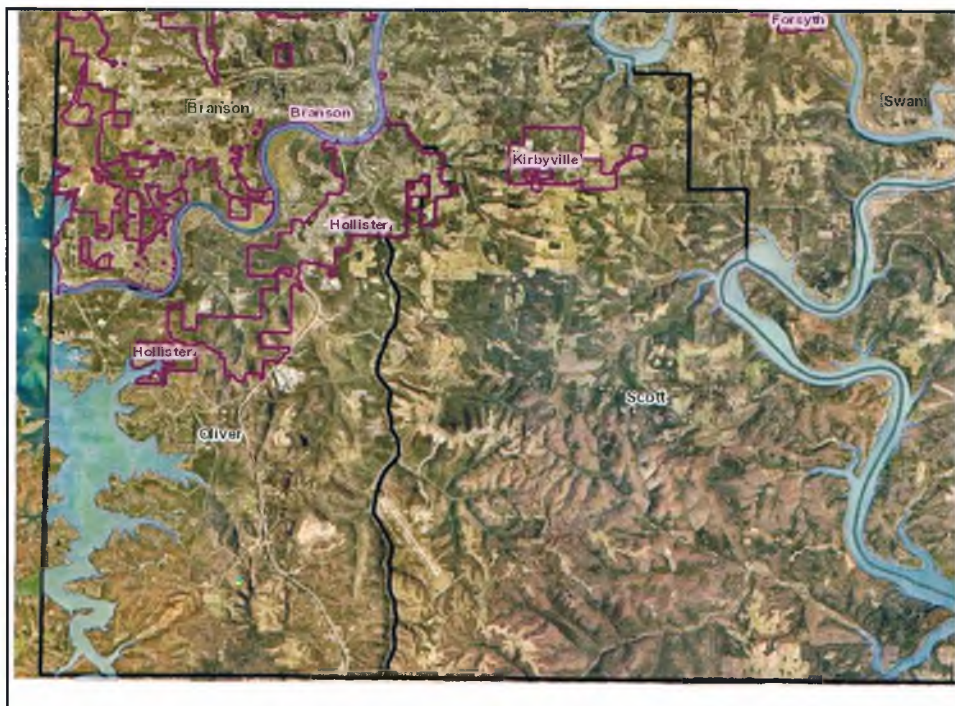
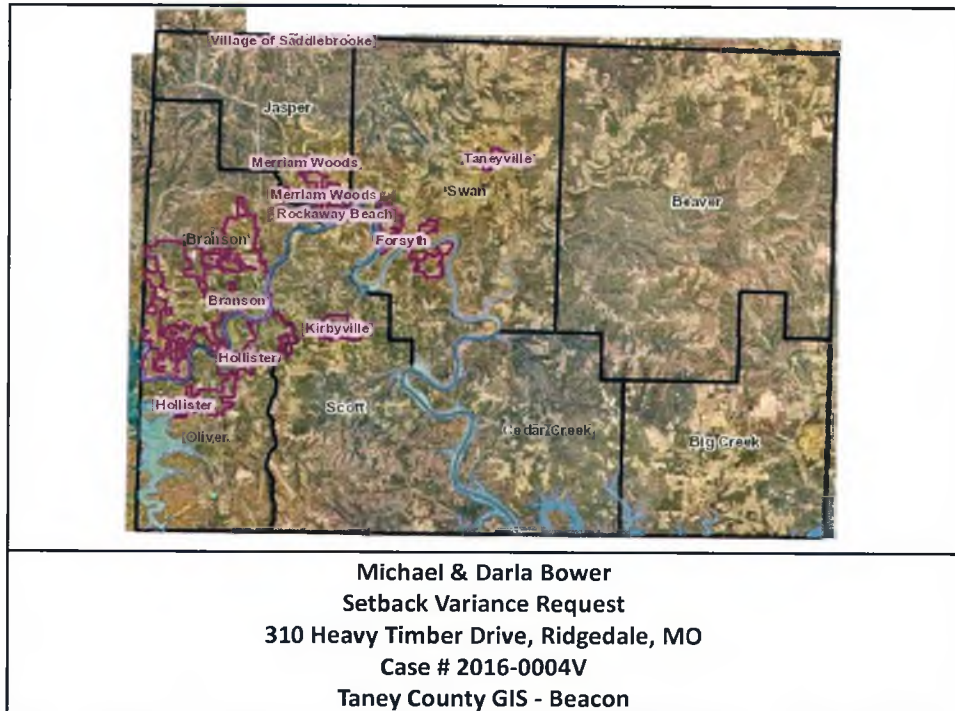
Sincerely,

Bob Atchley  
Taney County Planning Administrator























Michael & Darla Bower  
Setback Variance Request  
310 Heavy Timber Drive, Ridgedale, MO  
Case # 2016-0004V  
Pictometry – View from the North





**Michael & Darla Bower  
Setback Variance Request  
310 Heavy Timber Drive, Ridgedale, MO  
Case # 2016-0004V  
Pictometry – View from the South**



**Michael & Darla Bower  
Setback Variance Request  
310 Heavy Timber Drive, Ridgedale, MO  
Case # 2016-0004V  
Pictometry – View from the East**



Michael & Darla Bower  
Setback Variance Request  
310 Heavy Timber Drive, Ridgedale, MO  
Case # 2016-0004V  
Pictometry – View from the West







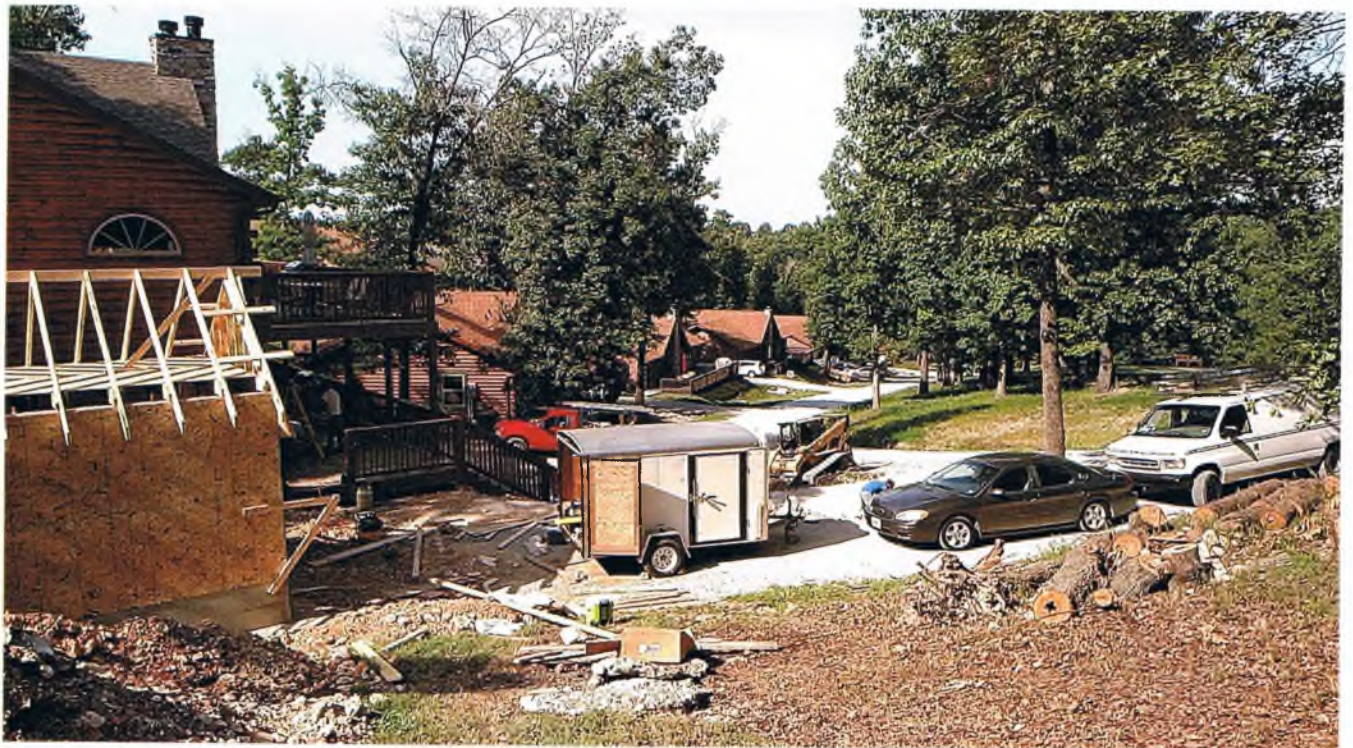




















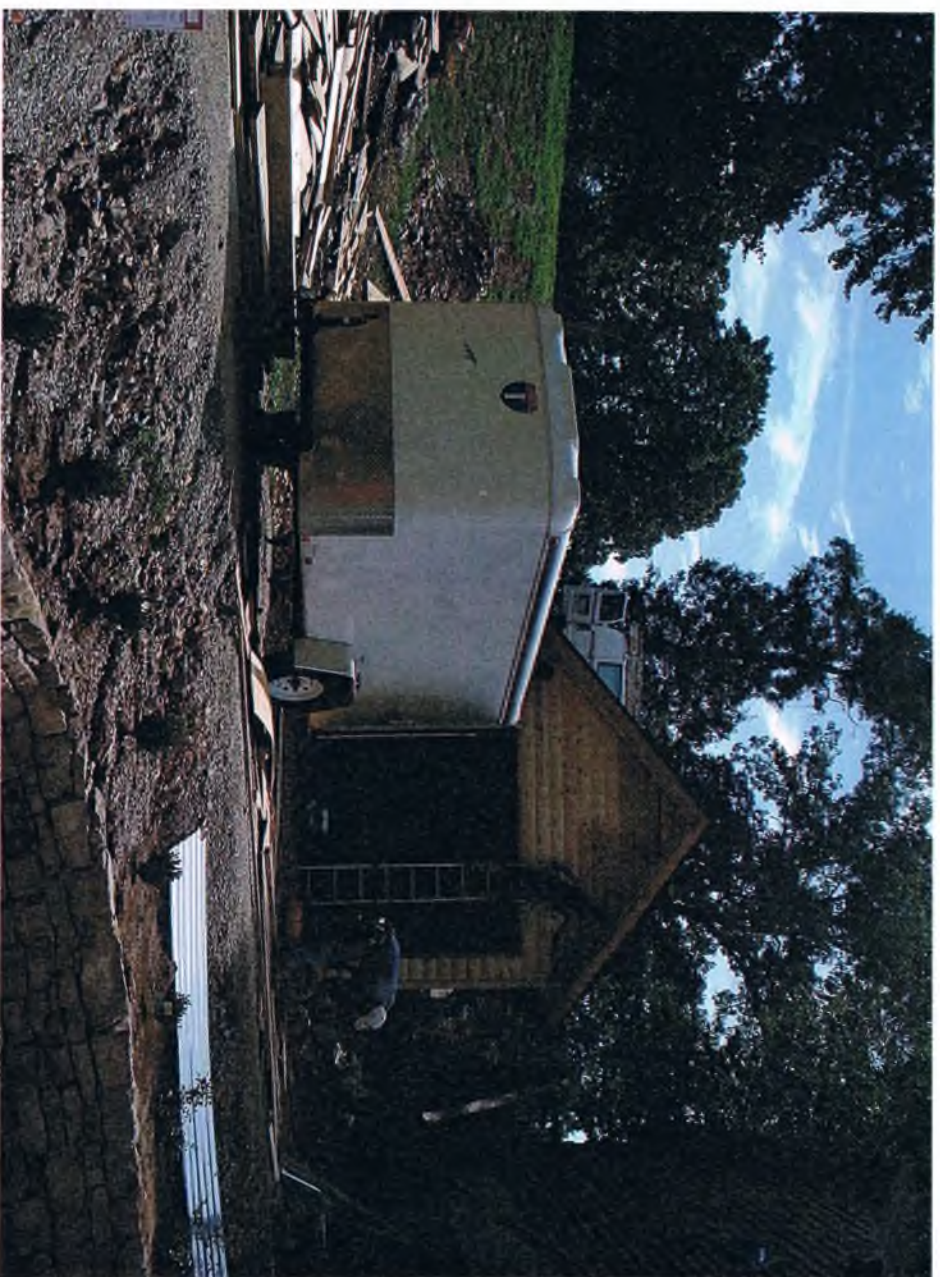




















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### MINUTES

#### **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 dillie 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.