



## 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, AUGUST 16, 2017 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE**

#### Call to Order:

*Establishment of Quorum*

*Explanation of Public Hearing Procedures*

*Presentation of Exhibits*

*Governing Statutes*

#### Public Hearings:

#17-04A	Gary Billingsley
#17-05A	Permanent Residents of Branson Creek
#17-06A	Permanent Residents of Branson Creek
#17-08V	Jerry Crawford
#17-09V	Todd Rammer

#### Review and Action:

*Minutes, June 2017*

#### Old and New Business:

#### Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

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Posted: 08/10/2017 By: MP Time: 10:00 am

Posted At: David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room  
At the Taney County Courthouse and the office of Planning and Zoning.

**MINUTES  
TANEY COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY, JUNE 21, 2017, 6:00 P.M.  
COUNTY COMMISSION HEARING ROOM  
TANEY COUNTY COURTHOUSE**

Call to Order:

Chairman Dan Boone called the meeting to order at 6:00 p.m. A quorum was not established with only two members present. They were; Dan Boone and Trent Edwards. Staff present; Scott Starrett and Bonita Kissee-Souttee.

Mr. Starrett explained that the meeting will be rescheduled. A special meeting in the form of a conference call will be scheduled for the Board to vote to change the meeting and time. All applicants and members will be notified of the time and date. New schedule letters will be sent to all property owners.

Public Hearings postponed:

Gary Billingsley; a request for an appeal of the Planning Commission's denial of Division III Special Use Permit for a nightly rental business from an existing single family dwelling located at 226 Stoney Pointe Road, Lot 29 Phase 1 Fieldstone Bluffs Branson Creek Subdivision.

Lisa Aguirre; a request for an appeal of the Planning Commission's approval of Division III Permit 16-43 Special Use Permit allowing for nightly rental in an existing single family dwelling located at 112 N. Tuscany Drive, Fieldstone at Branson Creek Subdivision.

Cheryl Sinko and Karen Murphy; a request for an appeal of the Planning Commission's approval of Division III Permit #16-41 Special Use Permit allowing for nightly rental in an existing single family dwelling located at 157 N. Tuscany Drive, Villas of Branson Creek Subdivision.

Review and Action:

The previous meeting minutes will be voted on at the next meeting.



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### TANEY COUNTY BOARD OF ADJUSTMENT

**PROJECT: Appeal – 226 Stoney Pointe Road Nightly Rental**

**APPLICANTS: Gary Billingsley**

**REPRESENTATIVE: Marie Powers**

**DATE: July 26, 2017**

**PERMIT #: 2017-04A**

At the Board of Adjustment meeting on July 26, 2017, there were three (3) out of five (5) board members present, a motion was made and seconded to approved Gary Billingsley request, the vote was two (2) in favor and one (1) opposed, motion failed.

As per the Board of Adjustment Bylaws Article XIII. Voting,

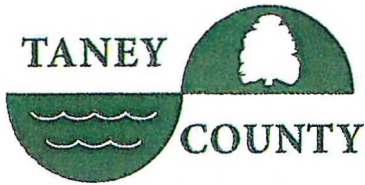
- a. Each Board of Adjustment member shall be entitled to one vote on all issues presented to the Board of Adjustment. It shall require the concurring vote of at least three (3) members of the board of Adjustment to constitute a decision of the Board of Adjustment.
- b. If at hearing before the Board of Adjustment there is present only three (3) members of the Board of Adjustment, then in such event, the applicant of the proceeding shall have a one-time option to continue the hearing until the next regularly scheduled Board of Adjustment meeting at which there exists a quorum of members of the Board of Adjustment and matter shall be heard at the meeting without another option pursuant to the paragraph to continue the hearing to a later date; this option shall be requested prior to any evidence being received by the Board of Adjustment for the particular project or application.

Please contact the Planning office if you have any questions.

Best Regards,

Scott Starrett, Administrator

PERMIT NUMBER	ADDRESS	DATE APPROVED	MOTION TO APPROVE/ SECONDED	ADAMS	LAWRENCE	CRAMER	HAES	FOGLE	CAUDILL	FAUBION	STEWART	KITCHEN	VOTE
16-33	115 Greystone	21-Feb	Lawrence/Haes		Y	Y	Y		Y		N		4-1
16-35	119 Tuscany	21-Feb	Lawrence/Cramer		Y	Y	Y		Y		N		4-1
16-36	191 Greystone	21-Feb	Lawrence/Haes		Y	Y	Y		Y		N		4-1
16-38	130 Lugano	21-Feb	Lawrence/Haes		Y	Y	Y		Y		N		4-1
16-39	360 Black Rock	21-Feb	Cramer/Lawrence		Y	Y	Y		Y		N		4-1
16-40	189 Stoney Pointe	21-Feb	Haes/Lawrence		Y	Y	Y		Y		N		4-1
16-41	157 N Tuscany	21-Feb	Lawrence/Cramer		Y	Y	Y		Y		N		4-1
16-42	209 Stoney Pointe	21-Feb	Haes/Lawrence		Y	Y	Y		Y		N		4-1
16-43	112 N Tuscany	21-Feb	Cramer/Haes		Y	Y	Y		Y		N		4-1
16-44	120 Lugano	21-Feb	Lawrence/Haes		Y	Y	Y		Y		N		4-1
16-45	130 Fieldstone	21-Feb	Haes/Lawrence		Y	Y	Y		Y		N		4-1
16-46	137 N Tuscany	21-Feb	Cramer/Haes		Y	Y	Y		Y		N		4-1
16-47	168 Fieldstone	21-Feb	Lawrence/Haes		Y	Y	Y		Y		N		4-1
16-48	138 Stoney Pointe	21-Feb	Haes/Lawrence		Y	Y	Y		Y		N		4-1
16-49	130 N Tuscany	21-Feb	Cramer/Lawrence		Y	Y	Y		Y		N		4-1
17-06	127 N Tuscany	20-Mar	Caudill/Cramer			Y	Y		Y	N			3-1
16-34	133 N Tuscany	17-Apr	Lawrence/Haes	Y	Y	Y	Y	N	Y	Y	Y	N	7-2
17-09	180 Legends Circle	15-May	Kitchen/Caudill				Y		Y	N		Y	3-1
17-22	141 Monte Cristo	19-Jun	Haes/Lawrence		Y	Y	Y	?	Y	N	y	?	6-2
17-20	122 Fieldstone	24-Jul	Haes/Caudill	Y	Y		Y		Y		Y		5-0
	<b>DENIED</b>												
17-1	177 N Tuscany	20-Mar	Lawrence/Haes		Y		Y	N	Y	N	N	N	3-4
17-17	226 Stoney Pointe	15-May	Haes/Caudill				Y		Y	N	N	N	3/2



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### **TANEY COUNTY BOARD OF ADJUSTMENT**

#### **APPEAL - DECISION OF RECORD**

#### **PROJECT: 112 N TUSCANY DRIVE NIGHTLY RENTAL**

#### **APPLICANT: PERMANENT RESIDENTS OF BRANSON CREEK**

#### **REPRESENTATIVE: LISA AGUIRRE**

#### **DATE: JULY 26, 2017**

#### **PERMIT #2017-05A**

On July 26, 2017 the Taney County Board of Adjustment (herein after referred to as the Board) denied a request by Permanent Residents of Branson Creek, representative Lisa Aguirre, seeking to appeal the Planning Commission approval of Division III Special Use Permit #2016-0043, allowing nightly rental use located at, 112 N Tuscany Drive, Hollister, Missouri. With three (3) out of five (5) Board members present, the Board of Adjustment voted to deny this appeal application Permit #2017-05A by a unanimous vote of three (3) in favor and zero (0) opposed, for the property located at the legal description below:

**ALL OF UNIT B OF VILLA 27 THE VILLAS OF FIELDSTONE AT BRANSON CREEK, VILLA 27 AS PER THE RECORDED PLAT RECORDED IN SLIDE CABINET "J" AT SLIDE 250 & 251 OFFICIAL RECORDS OF TANEY COUNTY, MISSOURI AND PLAT RATIFICATION FILED ON OCTOBER 27, 2008 AS DOCUMENT NO. 2008L52653 (PARCEL ID#17-8.0-28-000-000-001.152)**

#### ***The following summarizes the Findings of Fact and Conclusions of Law of the Taney County Board of Adjustment:***

The Board based its decision upon the requirements of Missouri Revised Statutes, the Taney County Development Guidance Code and the Board of Adjustment Bylaws, which grant the Board the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations. The Board did not find, beyond a reasonable doubt, that there was an error of law that had been committed by the Taney County Planning Commission in the approval of Division III Special Use Permit #2016-0043. The Board expressed specifically that no evidence had been presented via the applicant that would in any way demonstrate that the Taney County Planning Commission had committed an error of law in the approval of Division III Special Use Permit #2016-0043.



Per the provisions of the Board of Adjustment Bylaws, any interested party aggrieved by a decision of the Board may request a rehearing. The request for rehearing shall be in writing and within seven (7) days of the posting of the Board's decision in the office of the Secretary of the Board. Rehearing Requests shall be heard at the next regularly scheduled Board of Adjustment meeting. The Board shall not grant such request for rehearing to any party who did not appear at the original hearing and who cannot demonstrate that there is new evidence that was not in existence at the time of the original hearing or was not available to the person making the request because another interested party had prevented the discovery of such evidence and because such evidence could not have been discovered by the party making the request through diligent efforts on his/her part. The decision of the Board to grant such request for rehearing shall act as a nullification of the Board's previous order, and the Board shall direct the Administrator to have the appropriate notices given for the rehearing.

Per the provision of RSMo 64.870, "Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Adjustment or of the County Commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the Board of Adjustment or the County Commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases."



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### TANEY COUNTY BOARD OF ADJUSTMENT

**PROJECT:** Appeal – 157 N Tuscany Drive Nightly Rental

**APPLICANTS:** Permanent Residents of Branson Creek

**REPRESENTATIVE:** Karen Murphy

**DATE:** July 26, 2017

**PERMIT #:** 2017-06A

At the Board of Adjustment meeting on July 26, 2017, Karen Murphy said that she would wait for the August 16, 2017 meeting to present her project since there were only three (3) Board members present.

#### **Board of Adjustment Bylaws Article XIII. Voting**

- a. Each Board of Adjustment member shall be entitled to one vote on all issues presented to the Board of Adjustment. It shall require the concurring vote of at least three (3) members of the board of Adjustment to constitute a decision of the Board of Adjustment.
- b. If at hearing before the Board of Adjustment there is present only three (3) members of the Board of Adjustment, then in such event, the applicant of the proceeding shall have a one-time option to continue the hearing until the next regularly scheduled Board of Adjustment meeting at which there exists a quorum of members of the Board of Adjustment and matter shall be heard at the meeting without another option pursuant to the paragraph to continue the hearing to a later date; this option shall be requested prior to any evidence being received by the Board of Adjustment for the particular project or application.

Please contact the Planning office if you have any questions.

Best Regards,

Scott Starrett, Administrator

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT  
FOR VARIANCE OR APPEAL

17-08V

(Circle one)

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

PLEASE PRINT

DATE 7/11/2017

Applicant + Jerry L Crawford Phone 417-337-0153

Address, City, State, Zip 180 Grace Chapel Road, Suite D

Representative Debbie Stactor 699-5106 Phone Blue Eye, MO 65611

Owner of Record Jerry L Crawford Signature: J L Crawford

Name of Project:

Section of Code Protested: (office entry)

Address and Location of site: 182 Thomas Eugene Branson, MO 65616  
Scott Township

Subdivision (if applicable) Franklin Estates

Section 3 Township 22 Range 2 Number of Acres or Sq. Ft.

Parcel Number 17-20-03-000-000-023.013

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.

August 16, 2017



From  
Jerry L Crawford

180 Grace Chapel Rd Suite D  
Blue Eye, MO 65611

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TO  
Taney County Planning Commission  
P.O. Box 383  
Forsyth, MO 65653

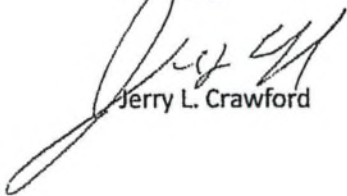
RE: Variance, Front Setback

This letter is a request for a variance for the property at 182 Thomas Eugene. We have constructed a 20 x 20 attached garage to the existing structure and remodeled that structure into a 3 bedroom, 2 bath home.

Due to the topography of the lot placing the addition onto the any other part of the lot would add an unnecessary hardship on the owner. Placing the garage to the south would require an amount of fill that would bring this homes cost out of the current market value.

The current placement of the home does not encroach on the 7.5' Utility easement currently in place, only on the 25' building setback. We are requesting a 17' variance into the front building setback. We believe that the improvements that have been made and that will be made to this home will in no way have a negative impact on the surrounding properties, if anything will raise the value of the surrounding homes.

Sincerely,



Jerry L. Crawford


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

From the front of the new garage to existing sewer is approximately 30 feet. At the time that we did this, we were not aware of the planning and zoning on the property.

It is our mistake but we are requesting from planning and zoning to allow a variance on this property.

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

12 / July 2017  
Date of Application

STATE OF MISSOURI )


S.S. On this 12<sup>th</sup> day of July, 2017.

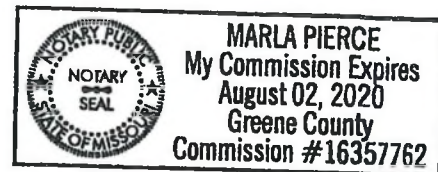
COUNTY OF TANEY )

Before me Personally appeared JERRY CRAWFORD, 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.

08/02/2020

  
~~Bonita Kisse~~, Notary Public  
MARLA PIERCE, Notary Public





## **Taney County Board of Adjustment Staff Report**

**HEARING DATE:** August 16, 2017

**CASE NUMBER:** 2017-08V

**PROJECT:** Jerry Crawford Variance Request

**APPLICANTS:** Jerry Crawford

**LOCATION:** The subject property is located at 182 Thomas Eugene, Branson, Missouri, Scott Township; Section 03, Township 22, Range 21.

**REQUEST:**

The applicant, Jerry Crawford is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code, for a front setback of eight (8) feet from the required twenty five (25) foot front setback for the new twenty (20) by twenty (20) foot garage.

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

As per the Assessor's information the subject property is in Franklin Estates Subdivision, lot number 8 and is approximately .32 acres in size. The residence will be connected to the Taney County Regional Sewer District for waste water. On June 30, 2017 the applicant, Jerry Crawford submitted an application for a twenty (20) by twenty (20) foot garage to be added to the thirty (30) by forty (40) foot existing garage that has been turned into a residence. After checking the setbacks from said new garage it was discovered the new twenty (20) by twenty (20) garage, that was under construction, did not meet the front setback. The newly constructed garage with the overhang is eight (8) feet from the front property line. The applicant indicated at the time of the construction that he was unaware of any permit requirements by Taney County Planning. The applicant believed the front setback to be seventeen (17) feet to the front property line at the time of the application.



## **STATUTORY REQUIREMENTS of APPROVAL:**

Per the Requirements of Missouri Revised Statutes the Board of Adjustment shall 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:**

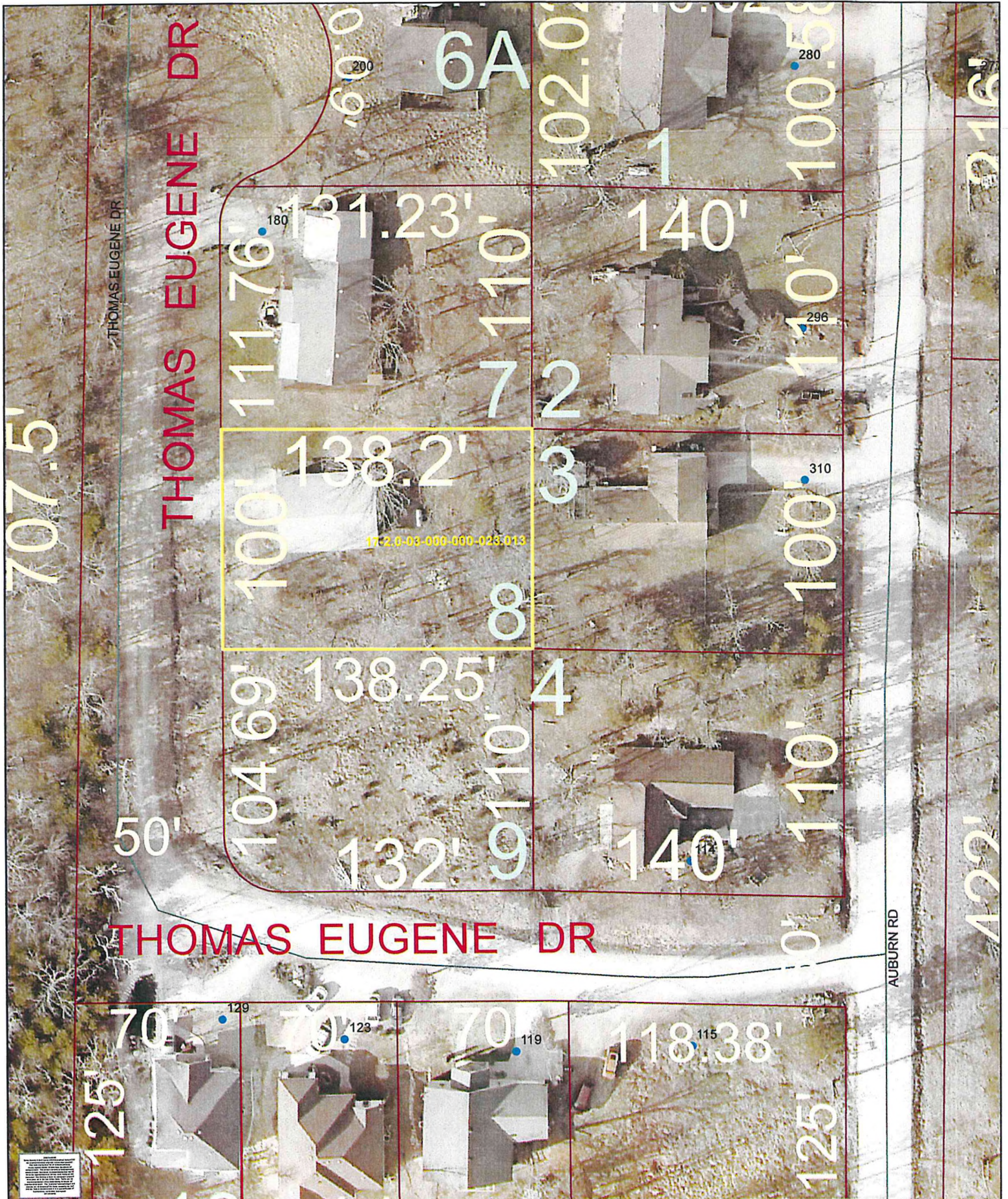
If the Taney County Board of Adjustment approves Variance Request Case #2017-08V, the following requirements shall apply, unless revised by the Board:

1. Approval of a front setback of eight (8) feet from the front property line.
2. A Division I permit is required for the new twenty (20) by twenty (20) foot garage.
3. Compliance with all of the other provisions of the Taney County Development Guidance Code.
4. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 Days or the approval shall expire (Appendix D, Step 6).





# BOA Variance Jerry Crawford





DATE 7-25-2017

NAME Jerry Crawford

# Taney County Regional Sewer District

## PERMIT 17- CO 14

911 ADDRESS 182 Thomas Eugene, Branson







COPY

#17-02  
17-09V

TANEY COUNTY BOARD OF ADJUSTMENT  
APPLICATION and AFFIDAVIT  
FOR VARIANCE OR APPEAL  
(Circle one)

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

PLEASE PRINT

DATE 2/7/2017

Applicant Todd Rammer Phone 417-719-0122

Address, City, State, Zip 1408 Four Winds Dr, Nixa, MO 65714

Representative Todd Rammer Phone 417-719-0122

Owner of Record Todd Rammer Signature:

Name of Project: Carport

Section of Code Protested: (office entry)

Address and Location of site: 145 Bamboo Trl, Hollister, MO

Big Bear Resort

Subdivision (if applicable) Yogi Bear Jellystone Park camp resort subdivision.

Section 1 Township 21 Range 22 Number of Acres or Sq. Ft. 0

Parcel Number 19-1.0-01-002-028-010.000

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

Required Submittals:

- ☐ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.



## **Taney County Board of Adjustment Staff Report**

**HEARING DATE:** August 16, 2017

**CASE NUMBER:** 2017-09V

**PROJECT:** Todd Rammer Side and Back Setback Variance

**APPLICANT:** Todd Rammer

**LOCATION:** The subject property is located at 145 Bamboo Trail, Hollister, Missouri, Oliver Township; Section 01, Township 21, Range 22.

**REQUEST:**

The applicant, Todd Rammer is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code and the November 19, 1997 setback variance for Big Bear Resort and Marina LLC. The applicant is specifically requesting a four (4) foot seven (7) inch south side variance and a four (4) foot six (6) inch variance from the back property line, allowing the ability to leave an existing thirty six (36) by eighteen (18) foot carport on the property to cover and protect the existing RV.

**BACKGROUND and SITE HISTORY and GENERAL DESCRIPTION and REVIEW:**

On November 19, 1997 the Taney County Board of Adjustment approved the following setback variance for the Big Bear Resort and Marina LLC, front setback will be ten (10) feet from the front property line and five (5) feet from the sides and back property line.

On April 19, 2017 the applicant was seeking a two (2) foot back setback variance from the east property line and a three (3) foot four (4) inch side setback variance from the south property line, allowing the ability to leave the existing carport in its current location. The Board of Adjustment suggested Mr. Rammer adjust the carport to the best of his ability to try to meet the setback requirements. If the carport still could not meet the setbacks to come back and seek a variance. The carport has been moved to within four (4) feet seven (7) inches from the south side property line and four (4) feet six (6) inches from the back property line.

## **STATUTORY REQUIREMENTS of APPROVAL of a VARIANCE:**

Per the Requirements of Missouri Revised Statutes the Board of Adjustment shall 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:**

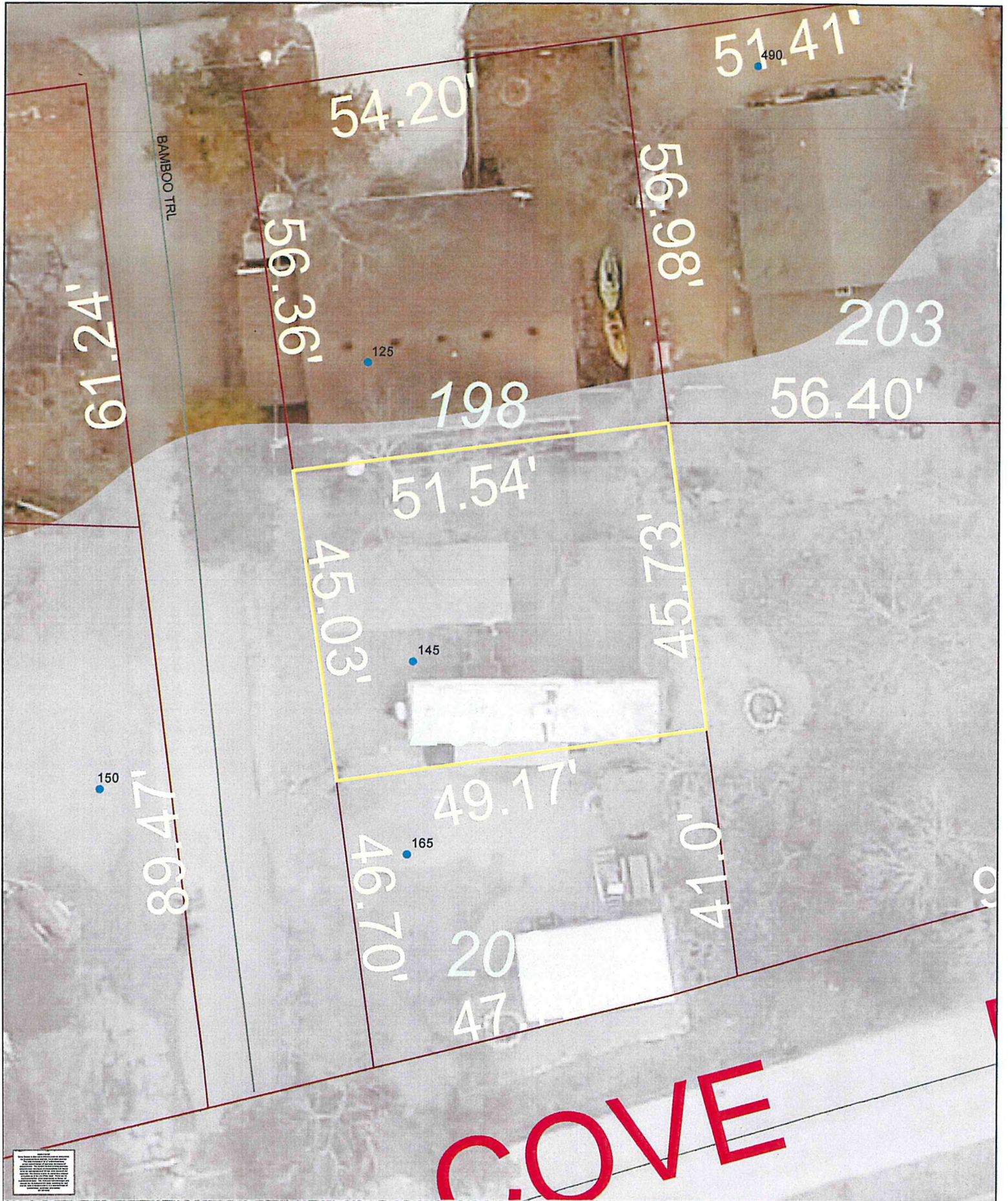
If the Taney County Board of Adjustment approves Variance Request Case #2017-09V, the following requirements shall apply, unless revised by the Board:

1. Approval of a south side setback variance of four (4) foot seven (7) inches and a back setback variance of four (4) foot six (6) inches allowing for the ability to leave the existing thirty six (36) by eighteen (18) foot carport in its current location on the property.
2. A Division I permit for the carport will be required.
3. Compliance with all of the other provisions of the Taney County Development Guidance Code.
4. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 Days or the approval shall expire (Appendix D, Step 6).





# BOA Todd Rammer #17-09V





# NOTICE OF PUBLIC HEARING

## *THE TANEY COUNTY BOARD OF ADJUSTMENT*

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

Applicant: TODD RAMMER

Request: VARIANCE, BACK + SIDE  
SETBACKS

Property Location: 145 Bamboo Trl

Hearing Location: Taney County Courthouse  
Time: 6:00pm Date: Wednesday, 8-16-17  
Phone: (417) 546-7220