



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, OCTOBER 21, 2009, 7:00 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:

Jess and Connie Coker

Richard Robison

Holmarc Homes, Inc.

Review and Action:

Minutes, September 2009

Old and New Business:

Adjournment.



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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

JESS AND CONNIE COKER

OCTOBER 21, 2009

#09-11

Public Hearing for Jess and Connie Coker, in the Oliver Township, Sec. 24 Twp. 22 Rng. 22.

The applicant are requesting a variance from Table 1 in the Taney County Development Guidance Code.

History: The Planning Commission approved Branson Vista Condominiums and the Board of Adjustment approved a setback variance off 1074 Iowa Colony Road. Currently this is condominium style of ownership with the land held in common. The applicant requests "0" lot line to allow each ½ of the duplex to have "whole ownership" of their half of the building.

General Description: The subject property contains .99 acres and is located off Iowa Colony Road. The adjoining properties to the request consist of residential.

Review: The site consists of four buildings.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Approval for a variance from 8,000 sq. ft. lot size. (5.3.1)
2. Variance from the road frontage requirement. (5.3)
3. Variance from the setback requirement. (9.1)
4. All other provisions of the Taney County Development Guidance Code met.
5. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Appendix D Step 6).



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

09-11

Variance (\$25.00) Appeal (\$75.00)

PLEASE PRINT

Applicant JESS + CONNIE COKER Phone 417-598-0989(m)

Address, City, State, Zip 63 OSPREY LANE, BLUE EYE, MO. 65611

Representative Eddie Wolfe Phone 417-334-8820 - 339-0028

Owner of Record DAMEL Signature: Jess R. Coker

Name of Project: BRANSON VISTA CONDOMINIUM

Section of Code Protested: (office entry) Table 1

Address and Location of site: 1074 Iowa Colony Rd, 1072 Iowa Colony Rd,
1042 Iowa Colony Rd, 1026 Iowa Colony Rd

Subdivision (if applicable) Branson Vista Condominium

Section 24 Township 22 Range 22 Number of Acres or Sq. Ft. 0.99
18-6.0-24-002-003-016.012 18-6.0-24-002-003-016.022
Parcel Number 18-6.0-24-002-003-016.011 18-6.0-24-002-003-016.021

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

Required Submittals:

- ☐ Typewritten legal description of property involved in the request
- ☐ Alphabetical list of all property owners within 600 feet of the request
- ☐ 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.

Hand
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Board of Adjustment Application (continued)

JUSTIFICATION FOR REQUEST

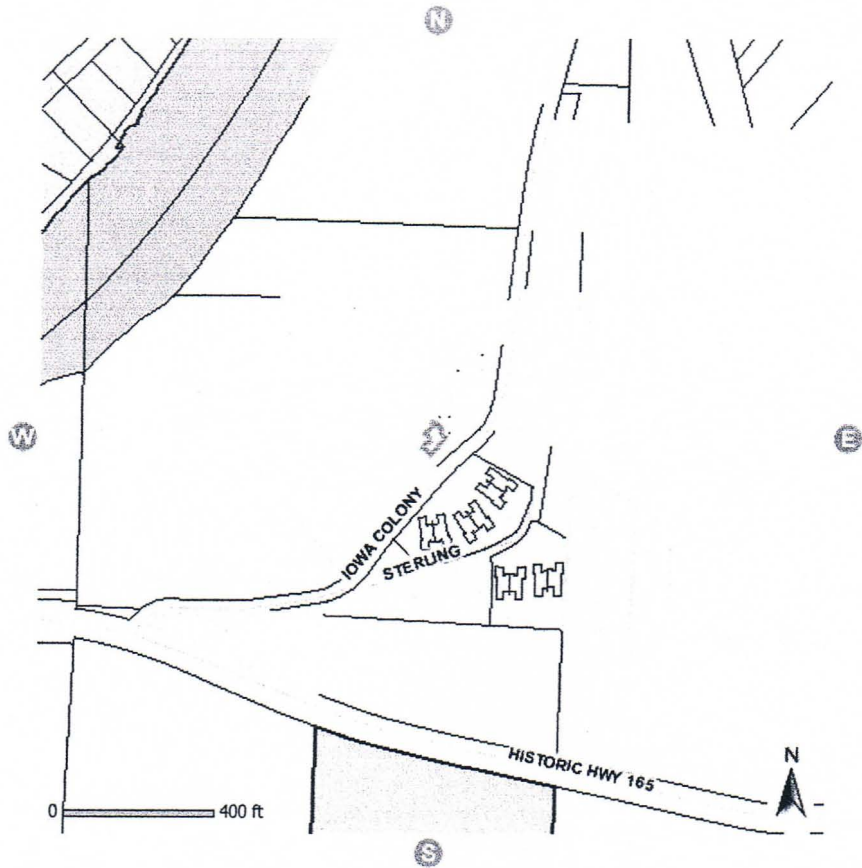
Please provide a detailed description of your request and reason(s) supporting your request.

We purchased this property in August of 2008 to move in Connie's mother from a condominium in Point Royale. We put a large amount of money down when we purchased and initially financed the property. Since last spring, we have been trying to refinance the Iowa Colony property and have repeatedly been turned down because the property is titled as a "Condominium". The property was bought out of foreclosure by Ken Barth a developer who completed the 4 unit project and sold the 4 units as a primary residence or 2nd home.

We desperately need to refinance our property 1026 Iowa Colony Road so as to make some major repairs on our primary residence. We are retiring in a couple of years and our primary house which was built in 1992 is in dire need of repairs. Our plan is to sell our primary residence to downsize and move into the property on Iowa Colony. We will take a large hit on sale of our primary residence if these repairs are not made.

The only way we will be able to refinance the Iowa Colony property is if the Taney County Board of Adjustment will approve our request to re-platt the 4 units so that the property can be titled as a "Duplex" or "Patio" home. Also, it will allow each homeowner to own the property that their investment sits on. At the present time the homeowners are in violation of the original "Branson Vista Condominium Declarations" that were set forth prior the Mr Barth's purchase of the property. Mr. Barth supports our request for this change also plans to sell the land to the south of these 4 units and doesn't plan any future development. Each homeowner has also received approval of this request from their individual lenders.

If this request is granted, the 4 owners plan to terminate the original Condominium Declarations and create a new Property Owners Association that will be better suited to the 4 units covered under this request.



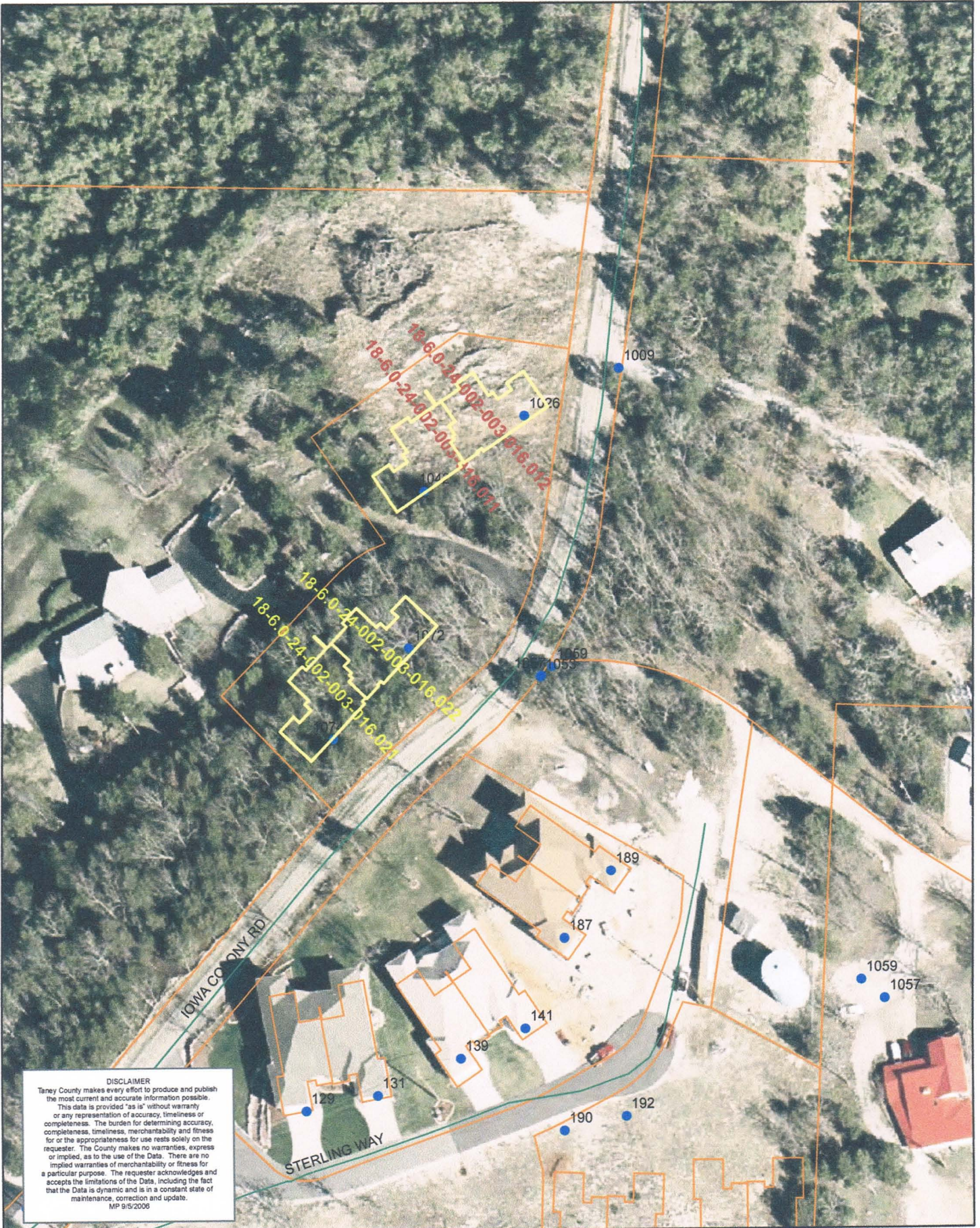
Summary

Parcel ID	18-6.0-24-002-003-016.021	Alternate ID	N/A	Owner Name	LARSON WESLEY J JR & TRICIA K
Sec/Twp/Rng	24-22-22	Class		Owner Address	LARSON WESLEY J JR & TRICIA K
Property Address	1074 IOWA COLONY RD HOLLISTER	Acreage	0.00		110 KAY DR BROKEN BOW OK 74728
District	5CWX				
Brief Tax Description	BRANSON VISTA CONDOMINIUM UN 1 BLD 2 (Note: Not to be used on legal documents)				

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BOA Jess Coker





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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

RICHARD ROBISON

OCTOBER 21, 2009

#09-12

Public Hearing for Richard Robison, in the Oliver Township, Sec. 17 Twp. 21 Rng. 21.

The applicant is requesting a variance from Table 1 in the Taney County Development Guidance Code.

History: The business is currently being operated at 2157 Ridgedale Road.

General Description: The subject property contains 1.5 acres. The adjoining properties to the request consist of residential and commercial.

Review: The site consists of an undeveloped lot.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board:

1. Approval to move the existing business to the west side of Ridgedale Road and Horton.
2. All other provisions of the Taney County Development Guidance Code met.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Appendix D Step 6).



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Rec'd
9-18-09

09-12

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

Variance (\$25.00) Appeal (\$75.00)

PLEASE PRINT

Applicant Richard Robison Phone 417-335-6996

Address, City, State, Zip 2157 RIDGEDALE ROAD

Representative N/A Phone N/A

Owner of Record Richard Robison Signature: Richard Robison

Name of Project: Small Engine Doctor

Section of Code Protested: (office entry) _____

Address and Location of site: 2923 Ridgedale Road
65 to 86 to Ridgedale
Road South 2 mi RIDGEDALE, MO. 65739

Subdivision (if applicable) N/A

Section 17 Township 21N Range 21W Number of Acres or Sq. Ft. 1.5 acres

Parcel Number 20-4.0-17-000-000-020.000

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
- ☐ Alphabetical list of all property owners within 600 feet of the request
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

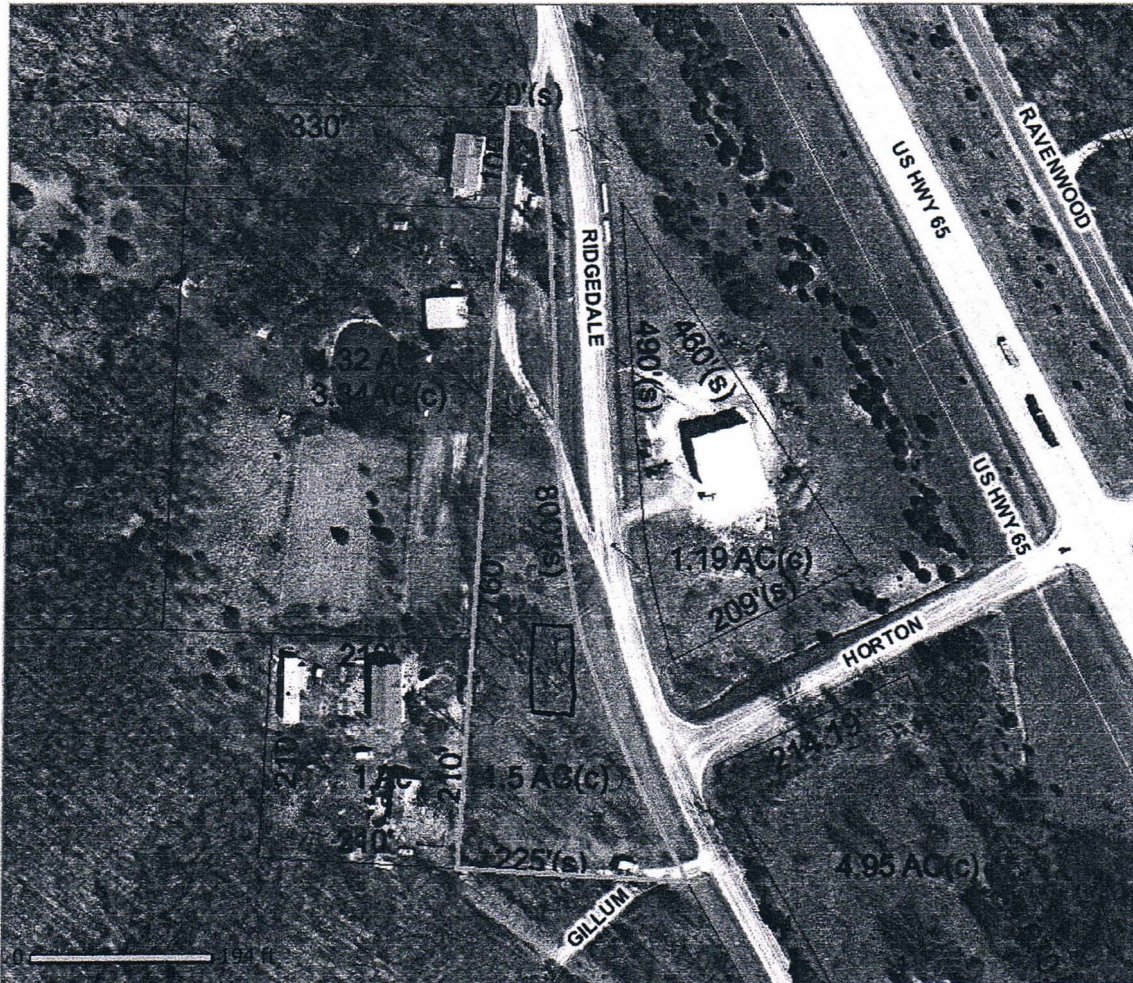
Please give a complete description of your request on page two.

Describe in detail the reason for your request:

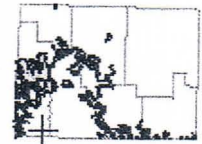
I Michael Nelson would like to relocate my Small Engine Business, Would have alot more room and inside storage, Would be alot safer location, at present I have plenty of room but people will still back out in the road which is very dangerous at this location, At the new location I would have lots of room, people would have plenty of room to get off road

New Location is 1.5 acres, Unable to purchase additional $\frac{1}{2}$ acre to meet 2 acre requirement, Business restroom only, Employee & some customer use, No showers

Date Created: 9/18/2009
Map Scale: 1 in = 194 ft



Overview



Legend

-  Townships
-  Corporate Limits
-  Lakes
-  Roads
-  Parcels

Parcel ID 20-4.0-17-000-000-020.000

Sec/Twp/Rng 17-21-21

Property Address RIDGEDALE RD
RIDGEDALE

Alternate ID N/A

Class

Acres 1.50

Owner Name ROBISON RICHARD L

Owner Address ROBISON RICHARD L
2157 RIDGEDALE ROAD
RIDGEDALE MO 65739

District 5CWX

Brief Tax Description PT SWSE4

(Note: Not to be used on legal documents)

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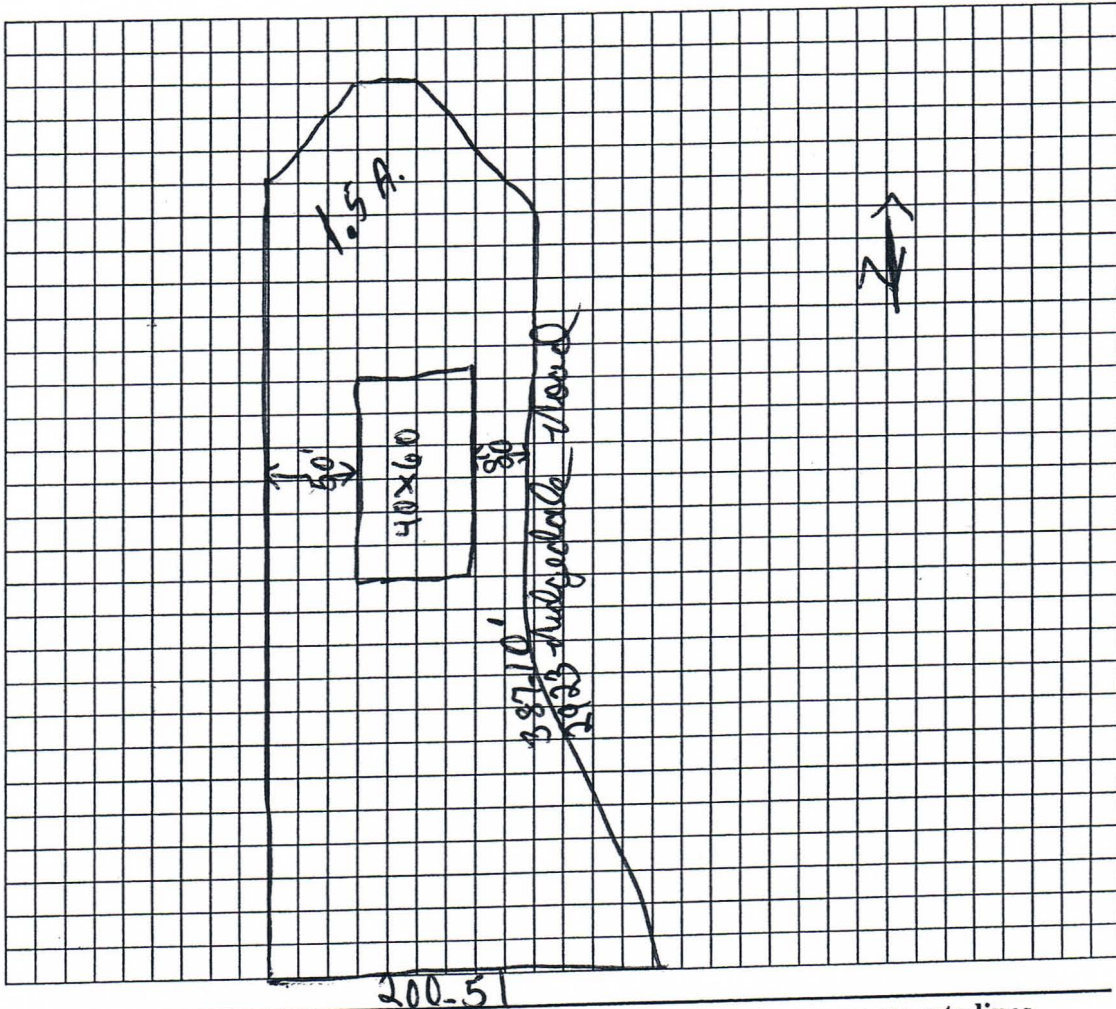
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Division I Permit Application (continued)

SITE PLAN

Name of Applicant: Richard Robinson

Please draw a diagram of your property lot lines with dimensions. Show locations of streets / roads and accesses to property, structures (both proposed and existing), easements and distances from the proposed structure(s) to all of your property lot lines.



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

Structure will face: Subgrade Road ☐ Private ☒ County ☐ State
(name of street / road)

Front Setback (feet): 80' Rear Setback (feet): 50'
Side Setback (feet): over 100' Side Setback (feet): Over 100'
Height of Structure (feet): 12' (at highest point from ground level)

Setback requirements can be found in the Taney County Development Guidance Code book in Section 9, Tables 1 and 2. Height requirements are defined in Section 4.12 of the Code.





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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

HOLMARC HOMES, INC.

OCTOBER 21, 2009

#09-13

Public Hearing for Holmarc Homes, Inc., in the Oliver Township, Sec. 11 Twp. 21 Rng. 22.

The applicant is requesting a variance from Sec. 5.3.1 in the Taney County Development Guidance Code.

History: The applicant plans to take 12 Oakmont Community existing lots and replat them into 5 individual building sites.

General Description: The subject property contains 2.659 acres and is located off Paradise Heights Dr. The adjoining properties to the request consist of residential.

Review: The site is currently undeveloped. This property is subject to the 2 acre rule for replatted property.

Summary: If the Taney County Board of Adjustment approves this variance the following requirements shall apply, unless revised by the Board:

1. Approval to replat 2.659 acres into 5 individual building sites.
2. All other provisions of the Taney County Development Guidance Code met.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Appendix D Step 6).



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TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

Variance (\$25.00) Appeal (\$75.00)

PLEASE PRINT

Applicant HOLMARC HOMES INC. Phone 417-339-4209
Address, City, State, Zip 227 AMANDA RD RIDGEDALE
Representative THOMAS M HOLMAN Phone 337-3907
Owner of Record HOLMARC HOME INC Signature: Thomas M Holman
Name of Project: SOUTHLAKE
Section of Code Protested: (office entry) 5.3.1
Address and Location of site: PARADISE HEIGHTS DR.

Subdivision (if applicable) OPV

Section 11 Township 21 Range 22 Number of Acres or Sq. Ft. 2.659

Parcel Number 19-1-11-3-4-22 (etc.)

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

Required Submittals:

- ☐ Typewritten legal description of property involved in the request
- ☐ Alphabetical list of all property owners within 600 feet of the request
- ☐ 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.

09-13

10 PARCELS

Describe in detail the reason for your request:

Originally planned to take 12 Oakmont
community existing lots and replat into
5 individual building sites and then
discovered that this property was subject
to the 2 acre rule for replatted
property. We are asking for a
variance from this restriction.

10 PARCELS = 19-1-11-3-4-26.0

19-1-11-3-4-19.0

19-1-11-3-4-20.0

19-1-11-3-4-27.0

19-1-11-3-4-28.0

19-1-11-3-4-21.0

19-1-11-3-4-22.0

19-6-14-2-3-35.0

19-6-14-2-3-34.0

19-1-11-3-4-30.0

Taney County, MO



Date Created: 9/29/2009

Map Scale: 1 in = 200 ft



Parcel ID 19-1.0-11-003-004-019.000

Sec/Twp/Rng 11-21-22

Property Address PARADISE HTS DR
RIDGEDALE

Alternate ID N/A

Class

Acreage 0.00

Owner Name HOLMARC HOMES INC

Owner Address HOLMARC HOMES INC
237 AMANDA RD
RIDGEDALE MO 65739

District 5CWX

Brief Tax Description OZARKS PARADISE VILLAGE LT 80 & S2 LT 81 BLK 6
(Note: Not to be used on legal documents)

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Summary

Parcel ID 19-1.0-11-003-004-019.000
Sec/Twp/Rng 11-21-22
Property Address PARADISE HTS DR
RIDGEDALE

Alternate ID N/A
Class
Acreage 0.00

Owner Name HOLMARC HOMES INC
Owner Address HOLMARC HOMES INC
237 AMANDA RD
RIDGEDALE MO 65739

District 5CWX
Brief Tax Description OZARKS PARADISE VILLAGE LT 80 & S2 LT 81 BLK 6
(Note: Not to be used on legal documents)

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BOA Holmarc Homes Inc





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MINUTES
TANEY COUNTY PLANNING COMMISSION
PUBLIC HEARING
SEPTEMBER 14, 2009, 7:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Sarah Klinefelter called the meeting to order at 7:00 p.m. A quorum was established with seven members present. They were: Sarah Klinefelter, Randall Cummings, Joey Staples, Ray Edwards, Shawn Pingleton, Jim Brawner, and Carl Pride. Staff: Eddie Coxie, Bonita Kisse, Marla Pierce, Dan Nosalek.

Mr. Coxie read a statement explaining the meeting procedures and presented the exhibits.

Public Hearings:

Susan's Bookkeeping: a request by Susan Burke to operate a bookkeeping business from her home. Mr. Coxie read the staff report and presented pictures and a video of the site. Ms. Burke was present to address questions from the Commission and explained that she would take appointments only during standard business hours. Special use requirements were discussed. No one signed up to speak. This project will proceed to final vote next week.

Wilderness Club at Big Cedar Expansion: a request by Big Cedar, LP/Three Johns Co. to expand the existing Wilderness Club at Big Cedar to the north and east. Mr. Coxie read the staff report and presented pictures and a video of the site. He explained that there were some lots contiguous and some lots were part of an adjacent subdivision, one parcel number was omitted from the application. There is a property dispute between an adjacent property owner and Big Cedar, and if this is decided in Big Cedar's favor they will adjust the request to include this property. The applicant must define how many buildings and where they will be located. Richard Walters representing the applicant addressed the Commission by giving a brief history of the request and explaining the project scores on the policy checklist. Tom Jowett VP of design development for Big Cedar explained future growth planned by them. He stated that it has taken them up to 20 years to acquire this property and it has been in the planning

stages for some time. Mr. Jowett explained where all uses would be located and which streets would be located within the project. Buffering is planned in the form of natural vegetation and a fence between the residential subdivision and this property on the north and west. Ed Linquist who is the land planner for the project expansion explained how this project was decided upon. Plans are to move McMeen Road to the perimeter of the project to keep the traffic internalized. There will be two emergency exits and two major entrances. The timeshares will resemble what is there on the property now. Two areas will be single story and the higher elevations will be two story. Plans are for these to blend in with the surrounding area. The commercial areas are planned to look like a main street type look, such as a coffee shop, deli, barbershop, and things that the guests would want and need. The recreation/open space is to provide a place for the guests to have amenities such as events, festivals, playground, pool and other things. Plans are for a comprehensive campus for all uses to be grouped together. Timeshares will encompass 52 acres, commercial 12.1 acres, recreation/open space 24.57 acres, roads and right of way 9 acres, buffer 3.9 acres, maintenance is 1.2 acres. Total timeshare units 620 on 57 acres. Keith Sayer who is a property owner on Graham Clark Dr. presented copies of his presentation and gave a background of Hansen/Clevenger Creek Subdivision. The concerns of the property owners were; traffic, water quality, wastewater disposal, if plans could be changed after approval, stormwater runoff, aesthetics, and heavy equipment causing damage to the road surface. Larry Dawson voiced concerns regarding the entrance being in front of his property, noise, stormwater runoff onto his property, trash, the pristine environment being ruined by the development, traffic. C.J. Wynn traffic engineer for the project explained the traffic impact study and gave the current traffic counts and what this project would generate. He explained that he looks at the worst case scenario when he does his study. He stated that in his opinion that this project would not be detrimental to the area at all. Russell Holflecker a property owner spoke in favor of the project. Margie Fisher another property owner explained that last year her well had to be sunk, and she has really bad runoff onto her property. She pointed out how long it has taken Big Cedar to get their restaurant open and how the construction vehicles are going up and down the road ruining it, in her opinion. Juanita Davis a property owner presented copies of her concerns; she is the property owner with the boundary dispute with Big Cedar. She stated her concerns were the same as the other property owners and that all the property owners have experienced water problems in their respective areas. Privacy is also a concern of the property owners and in her opinion the buffer will not be a sound barrier. Mrs. Klinefelter suggested to the property owners that they visit with the experts representing the project here this evening, and then closed the public hearing. She asked the representatives to address the impact on the water table before the next meeting. Mike Stalzer with Mesa Engineering explained that he spoke to DNR last week and they do not monitor that. Mrs. Klinefelter asked that he bring a letter from DNR addressing this. Backup generators are installed

in the treatment plants and that the current one is not yet at capacity. Stormwater will be addressed according to County regulations according to Mr. Stalzer. Mrs. Klinefelter asked that all of these issues be down in writing for the staff file for the Commission to see before voting on this issue. Mr. Edwards asked if the commercial area is involved in this project, and this can be addressed in the decision of record. This property will proceed to final vote next week.

Permit Renewal Request:

Acacia Bend II and III: Casmir Stec requests approval for extensions on both Acacia Bend approvals. There was no representative present, therefore no decision was made.

Old and New Business:

Mr. Coxie reported on a request by an individual to place a 20 x 40 equipment building next to an approved cell tower located at Windmill Road. He asked the Commission if they wanted to hear it. After discussion they decided not to hear it.

Adjournment:

With no other business on the agenda for September 14, 2009 the meeting adjourned at 8:35 p.m.