



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

e-mail: [rchrish@co.taney.mo.us](mailto:rchrish@co.taney.mo.us)

### AGENDA

**TANEY COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY, NOVEMBER 18, 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:

*Jimmie Dane Tate*

*John and Nancy Moore*

Review and Action:

*Minutes: October 2009*

Old and New Business:

Adjournment.



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

#### **STAFF REPORT**

**JIMMIE DANE TATE**

**NOVEMBER 18, 2009**

**#09-14**

Public Hearing for Jimmie Dane Tate in the Oliver Township, Sec. 16 Twp. 22 Rng. 21.

The applicant is requesting a variance from Table 1 in the Taney County Development Guidance Code Section 5.3.

History: The property owner would like to provide living space for his daughter and her son.

General Description: The property currently contains an existing single family dwelling on 2.32 acres. The septic tank is not adequate to connect another household. The adjoining properties to the request consist of residential.

Review: The site consists of a single family dwelling and two out buildings. The double wide mobile home has been delivered to the site but is not set.

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 Section 5.3 requiring two acres per residence on septic.
2. Division I Permit shall be issued.
3. All other provisions of the Taney County Development Guidance Code met.
4. 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

09-14

**NOTE:** You can complete this application form on your computer and then print a copy. Use your TAB key to move from line to line, and then type in the required information. Print the completed form and submit it to the Planning & Zoning office.

SELECT ONE: ☒ Variance (\$25)      ☐ Appeal (\$75)

Name of Applicant: Jimmie Dane Tate Phone: (417)334-2635

Address: 2009 Maple St.

City: Hollister State: MO Zip Code: 65672

Representative: JIM D. TATE Phone: SAME

Owner of Record: JIM D. TATE Signature: Jim D. Tate

Project Name: \_\_\_\_\_

Section(s) of Code Protested (P&Z office entry): \_\_\_\_\_

Site Address / Location: 2009 Maple St., Hollister, MO

Subdivision (if applicable): \_\_\_\_\_

Section: 16 Township: 22 Range: 21

Parcel #: 17-5,0-16-000-100-007000 Acres or Sq.Ft.: 2.32 acres

Does the property lie in the 100-year Floodplain? ☐ Yes ☒ No

**Required Submittals Checklist:**

- ☐ typewritten legal description of the property involved in this request
- ☐ proof of public notification in a newspaper of county-wide circulation
- ☐ proof of ownership or approval to proceed with request from the property owner
- ☐ site plan or survey of the project that completely demonstrates this request

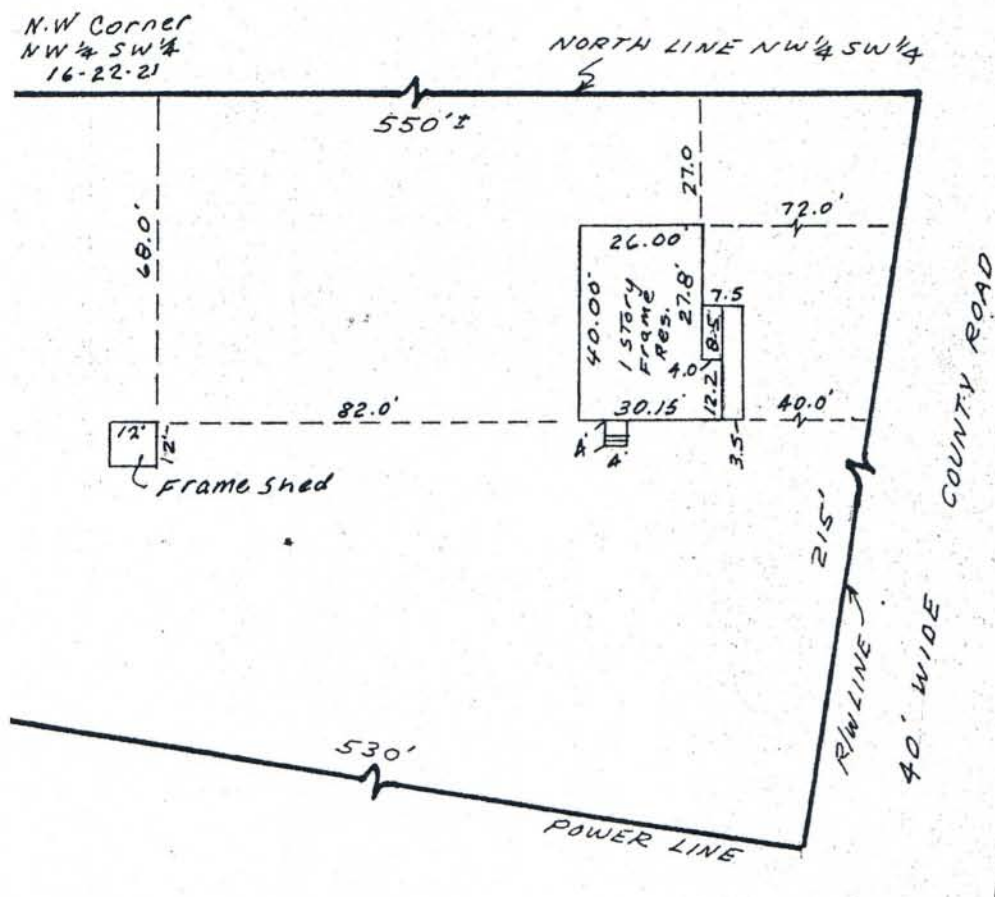
## Board of Adjustment Application (continued)

### JUSTIFICATION FOR REQUEST

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

*We, Jimmie D. Tate and Rebecca J. Tate, are requesting a permit to put another septic tank on our property for a 24' x 66' mobile home recently put on our property to provide a living space for our daughter, Rebecca Hope Long, and her son. We live outside the Hollister City Limits, so the city sewer is not available to us. We currently have a septic tank for our dwelling, but we do not feel that it is large enough to support another household.*





# L DESCRIPTION:

That part of the NW 1/4 of the SW 1/4 of Section 16, Township 22, Range 21, described as follows: Beginning at the NW corner said NW 1/4 SW 1/4 said Section 16; thence East on North line 550 feet, more or less to the right-of-way of the County Road; thence South along said right-of-way of the County Road 215 feet to the Power line as now located; thence West 530 feet to the West line said NW 1/4 of the SW 1/4 of said Section 16; thence North on West line 150 feet, more or less to the point of beginning, in Taney County, Missouri.





# BOA Jim Tate







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

#### **STAFF REPORT**

**JOHN AND NANCY MOORE**

**NOVEMBER 18, 2009**

**#09-15**

Public Hearing for John R. and Nancy L. Moore, in the Scott Township, Sec. 7 Twp. 23 Rng. 20.

The applicants are requesting a variance from Table 1 paragraph 9.1 of the Taney County Development Guidance Code.

History: The property is a rock ledge and drops in elevation of over 10 feet at a distance of 65 feet and another drop of 6.5 feet at 75 feet measured from the property line at the front of the lot. Sewer District Permit has been obtained.

General Description: The subject property contains 0.3 of an acre. The property owners would like to construct a lake house. The adjoining properties consist of residential.

Review: The site consists of a partial block foundation and driveway.

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 5' variance from the required 25' setback.
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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09-12

## Taney County Board of Adjustment APPLICATION AND AFFIDAVIT FOR VARIANCE OR APPEAL

**NOTE:** You can complete this application form on your computer and then print a copy. Use your TAB key to move from line to line, and then type in the required information. Print the completed form and submit it to the Planning & Zoning office.

SELECT ONE: ☒ Variance (\$25)      ☐ Appeal (\$75)

Name of Applicant: John R. and Nancy L. Moore      Phone: (417) 881-3404

Address: 4436 S. Holiday Ave.

City: Springfield      State: Missouri      Zip Code: 65810-1278

Representative: Owner      Phone: (417) 881-3404

Owner of Record: John R. & Nancy L. Moore      Signature: 

Project Name: Lake Residence

Section(s) of Code Protested (P&Z office entry): \_\_\_\_\_

Site Address / Location: 1644 Pomme De Terre Road, Branson, Taney, Missouri, 65616

Subdivision (if applicable): Land of Lakes - Unit 1

Section: 7      Township: 23      Range: 20

Parcel #: 09-3.0-07-002-003-008.000      Acres or Sq.Ft.: <0.3

Does the property lie in the 100-year Floodplain? ☐ Yes      ☒ No

**Required Submittals Checklist:**

- ☐ typewritten legal description of the property involved in this request
- ☐ proof of public notification in a newspaper of county-wide circulation
- ☐ proof of ownership or approval to proceed with request from the property owner
- ☐ site plan or survey of the project that completely demonstrates this request



## Board of Adjustment Application (continued)

### JUSTIFICATION FOR REQUEST

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

*Referencing the Taney County Development Guidance Code paragraph 7.1 Variances subparagraph 7.1.1. we herewith request a variance on the Setback requirements stated in Code paragraph 9.1 and Table I for parcel #09-3.0-07-002-003-008.000 in the Land of Lakes Subdivision - Unit 1 that creates hardship on the owner's plans for a lake house.*

*1. Attached diagrams PLOT-008 and ELEV-008 demonstrate the building location hardship due to the slope and topography of the the parcel. A rock ledge and drop in elevation of over 10 feet are at a distance of 65 feet and another drop of 6.5 feet at 75 feet, both measured from the property line at the front of the lot. Plans for a Lake House with minimized building foundation depth of 24.5 feet has required the owner to request a Variance to the 25 feet Setback stated in the table in paragraph 9.1, to a 20 foot setback.*

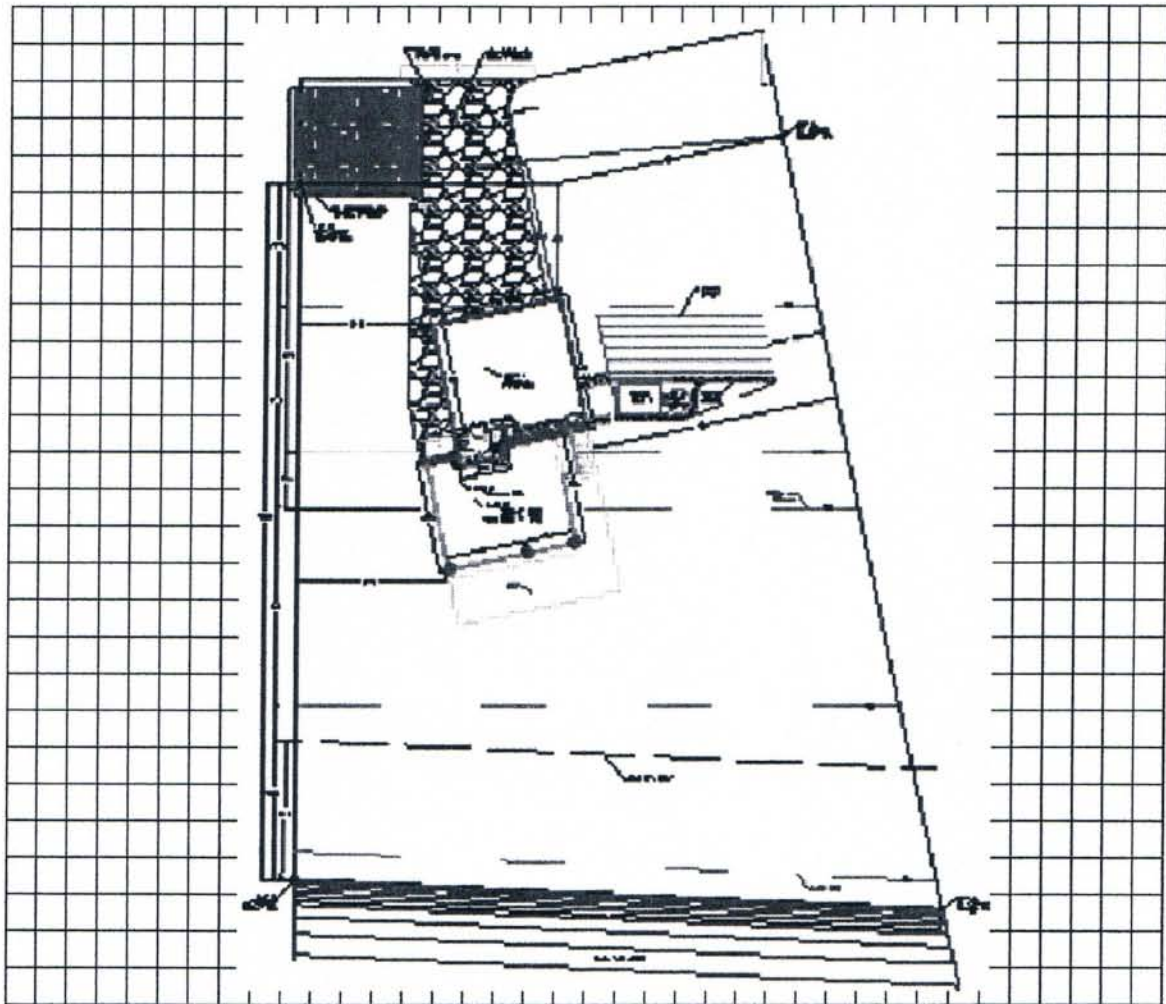
*Particular attention is placed on that Note in subparagraph 9.1.2. of the Code in this regard.*

*The means do exist without hardship on any others as the adjoining main access roadway hugs closely the northern side of the road rightaway due to land slope, rock ledges, and a existing structure used for parking and storage on the northwest corner of the lot and thus allows considerable easement on the north side of the aforementioned property.*

## SITE PLAN

**Name of Applicant:** JOHN R. MOORE

**Please diagram your property lot lines with dimensions, showing location of streets/roads and access to property, structures (proposed & existing), easements, and distances from the proposed structure (s) to all of your property lot lines.**



SEE DRAWING PLOT-008 FOR MORE DETAIL

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

My structure will face POMME DE TERRE RD ☐ Private ☒ County ☐ State  
(Name & indication of street/road)

20 Feet Front Setback

## 22 Feet Side Setback

55 Feet Rear Setback

45 Feet Side Setback









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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, OCTOBER 21, 2009, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with five members present: They were: Dave Clemenson, Bob Hanzelon, Jack Johnston, Tom Gideon, and Dave Nelson. Staff: Eddie Coxie, Dan Nosalek, Marla Pierce, and Bonita Kissee.

Mr. Coxie read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code as Exhibit A, the Staff Report as Exhibit B, and the staff files including all pertinent information as Exhibit C, and the Taney County Board of Adjustment bylaws as an Exhibit D. The State Statutes that empower and govern the Board of Adjustment were read. Mr. Clemenson Swore in the speakers before each respective hearing.

#### Public Hearings:

Jess and Connie Coker: a request for a variance from Table 1 in the Taney County Development Guidance Code on property located at 1074 Iowa Colony Road. The request is for a zero lot line to allow each ½ of the existing duplex to have whole ownership of their respective half of the building. Mr. Coxie read the staff report and presented pictures and a video of the site. He gave the history of the project and pointed out the other projects surrounding the area. Eddie Wolfe represented the applicants and presented site plans of the request. He stated that when the project was partially complete it was discovered one of the buildings was in the setback area, and the owner applied for a variance and the Board granted it. The development was put up for sale and one of the potential buyers applied for a loan and could not receive that loan because of the building being referred to as a condominium. If the applicant could own their own building and refer to it as a single family dwelling the bank would loan the money. Mr. Wolfe stated that Taney County isn't the only county with this problem. The Taney County Development Code does not allow for a common wall split. In Mr. Wolfe's opinion that is why Taney County has so many condominiums because there isn't an allowance for that. Shoals Bend was allowed to split common walls previously. Mr. Coxie asked if the project was built



out if approval was given would that approval, apply to new construction. No declarations are filed on the remaining property. Mr. Gideon asked if each unit had its own sewer hookup. Mr. Wolfe stated that they have a grinder pump. Mr. Clemenson discussed with Mr. Coker the fact that he had financed the property and wondered if he had exhausted all his avenues of financing. Also Mr. Clemenson stated that new surveys would have to be done on each building and new declarations. Connie Coker stated that she received financing a year ago and financing had "tightened up" since then. Discussion followed. Mr. Coxie stated that the Planning Commission cannot deviate from their rules and if this approval was given, the Commission shouldn't approve any more condominiums, in his opinion. Mr. Gideon stated that it is hard right now to obtain financing on condominiums. Mr. Nelson asked if any of these would be rented out. Mrs. Coker stated that the only one right now is being rented to her Mother, and she might want to lease them out. Further discussion followed. Mr. Hanzelon discussed setting precedence. Mr. Nelson discussed the applicant proving to the Board a substantial hardship. Mr. Johnston did not feel the Code book addresses any rule that would allow the Board to grant this request. Mr. Clemenson stated that the Board realizes that times are hard and that interest rates would not be much different than they are now. Mr. Hanzelon stated that the only reason the applicant wishes to obtain this variance is for personal financial gain. Discussion followed regarding if approval is given Mr. Barth would have to dissolve declarant rights. Mr. Nelson asked why the applicant wanted to refinance. She stated it was for personal reasons so she could sell the property to make money on it. Mr. Johnson made a motion to deny the variance. Seconded by Bob Hanzelon. The vote to deny the request was unanimous.

Richard Robison: a request for a variance from Table 1 of the Taney County Development Guidance Code to move an existing business to the west side of Ridgedale Road and Horton Road on 1.5 acres. Mr. Coxie read the staff report and presented pictures and a video of the site. Sewer District has approved a wastewater system for the type of structure planned for this property. Mr. Robison addressed the Board and stated that his current business is on a dangerous corner and ingress and egress is difficult to access. This property would suit his business better. Discussion followed regarding expanding. Mr. Robison stated that the only expansion he might do would be another storage building but he doesn't foresee that in the near future. With no other questions a motion was made by Bob Hanzelon to approve based upon the decision of record. Seconded by Tom Gideon. The vote to approve was four in favor and the Chairman against. A motion was made and seconded to rescind the motion until comments from the public were taken. Linda Laurent who lives behind the property voiced concerns regarding the business obstructing the view of the residences, and lawn mower parts being left on the property, noise levels, lighting, hours of operation. Mr. Coxie reported that these are questions to be addressed by the Planning Commission because they have the power to grant



the project or not to approve it, and pointed out that Ms. Laurent has three residences on her property. Mr. Hanzelon made a motion to approve the variance request. Tom Gideon seconded. The vote to approve was four in favor and the chairman voting against. Mr. Robison will proceed to Planning Commission public hearing next month.

Holmarc Homes, Inc.: a request for a variance from Sec. 5.3.1 of the Taney County Development Guidance Code to replat 12 Oakmont Community existing lots into 5 individual building sites located off Paradise Heights Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. He reported that the lots are the size that he can place septic tanks on each lot and this variance would allow bigger homes to be placed on the lots. Mr. Holman would like for all the new lots to front off the existing road. He wants to build a nicer home and make the property less dense. The reason for the request is because he doesn't want to do a treatment plant. There is a community well in the development. Mr. Coxie explained why this could not be done administratively. With no other questions Mr. Nelson made a motion to approve the request. Mr. Hanzelon seconded. The vote to approve was unanimous.

#### Old and New Business:

Mr. Coxie brought the Board up to date on the Cedar Creek issue, and reported there is one request for next month. Mr. Coxie discussed zero lot line and the intention of it in the Code, and the possibilities of approving it. Discussion followed.

#### Review and Action:

Minutes, September 2009: with no additions or corrections a motion was made by Mr. Nelson to approve the minutes as written. Seconded by Mr. Hanzelon. The vote to approve was unanimous.

#### Adjournment:

With no other business on the agenda for October 21, 2009 the meeting adjourned at 8:40 p.m.