



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, AUGUST 18, 2010, 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 Hearing:

Spring Creek Park Homeowner's Association

Old and New Business:

Review and Action:

Minutes: July 2010

Adjournment.



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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

SPRING CREEK PARK HOMEOWNER'S ASSOCIATION

AUGUST 18, 2010

#10-2

Public Hearing for Spring Creek Park Homeowner's Assoc. in the Branson Township, Sec. 12 Twp. 22 Rng. 22.

The applicants request an appeal of the June 21, 2010 approval for a variance on a garage.

History: A permit was issued by the planning staff to Bradford JoAnn Properties to split Lot 13 of Spring Creek Park.

General Description: The subject property is located off Blackberry Dr. in the Spring Creek Park Subdivision. The adjoining properties to the request consist of residential.

Review: The applicants maintain that the bylaws state that no lot in the subdivision can be divided, the quality of life of the residents would be adversely affected by noise, vehicles, the well cannot handle the added households, the road is private and property owners cannot handle the repairs on it.

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

1. Permit #10-2 is revoked.
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 Sep 6).

10-2

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

(Circle one)

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

John Mohaffey
on 334-8174

PLEASE PRINT

DATE July 20, 2010

Applicant Spring Creek Park Homeowners Phone 417-337-0446

Address, City, State, Zip 200 Blackberry Dr. Brownson, MO.

Representative ROD PHILLIPS Phone 337-0446

Owner of Record NA Signature: _____

Name of Project: Spring Creek Park Lot 13

Section of Code Protested: (office entry) _____

Address and Location of site: Blackberry Street (south side)

Subdivision (if applicable) Spring Creek Park

Section 12 Township 22 Range 20 Number of Acres or Sq. Ft. _____

Parcel Number 18-1.0-12-002-002-032.0

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
- ☐ 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.

To: The Taney County Planning Commission

June 28, 2010

Sirs: We, the six named landowners/residents of Spring Creek Park on Blackberry Drive, have the following concerns and statements re: the request of Bradford JoAnn Properties to split Lot 13 of Spring Creek Park.

1. The bylaws stated in the landowner contracts for all current owners of Spring Creek Park clearly state that no subdivisions of the existing plots will be made. Note map of Spring Creek Park which shows Lot 13 as one single lot.
2. The quality of life of residents of Blackberry Drive (and Sweet Gum) will be directly and adversely affected. Additional residents, vehicles, pets, and noise reduce that quality of life.
3. Spring Creek Well #2, the water source for 13 households on Blackberry and Sweet Gum streets + one household on Spring Creek, has been for 12 years at full capacity. Among residents of Blackberry and Sweet Gum Streets there is a voluntary moratorium on car washing, lawn watering, and pressure washing for the months of May through September of each year. Additional sections have been placed on the well on two occasions in the past 15 years when the well went dry, for an additional 110 feet since its original depth, placing the well at the bottom of its source (465') with no room for more depth. In short, there is no water available from the community well for any more households. There is also no plan in place and no time frame for an alternate water source from the City, County, or from private funding.
4. As a secondary consideration for the well, the addition of two more households connected to the community system would put Spring Creek Well #2 within the State requirement of a minimal system of 15 households, giving the Dept. of Natural Resources more immediate power to require changes and/or adaptations to our current system in order to be a valid community water source, at our expense... and less than \$500 is available in our Well account since the purchase of a new pump (approximately \$5000, three years ago.)
5. Blackberry Drive is a privately owned road maintained by the owners and thus directly affected by the amount of traffic. It is a one-lane road essentially, no more than 15 feet across for much of its approximate 500' length. Not one of us wants the extra traffic and expense of more residents on Blackberry Drive. There is no provision in the landowner statutes for funding the repairs of this road, and in practicality it has been in poor repair for at least 24 years, the length of residency of this writer. In that time span there has been no active Homeowner association to fund or organize repairs on Blackberry and Sweet Gum streets, and the result has been only sporadic repair.
6. In summary, living in an increasing density of population, noise, and traffic in our neighborhood is not in our best interests, given our limited financial and water resources and does not adhere to the landscape and original nature of the area when we purchased our land. We respectfully request the Taney County Planning Commission to consider these points in finding against the request of Bradford JoAnn Properties.

Undersigned by Blackberry Drive Owners:

1. Rod Phillips 2. Joe Hluze 3. Rob and Nikki Richard,
4. Robert Brown 5. Randy Cain and

Sweet Gum Street Owners 6. John and Pat Mehaffey (contiguous to 203 Blackberry Dr.)

ADDITIONAL INFORMATION:

The board did not address every issue on this letter, nor did they give our representatives a chance for rebuttal on the July 19 meeting before they proceeded with a vote for the original proposal. Instead, an "on the fly" modification was suggested of dividing the lot into TWO sections instead of three, and was approved without further questions or submitting any questions to the representatives present from us, Spring Creek Park Homeowners.

We do have additional information regarding the topography of the lot.
No one on this street is in favor of this subdivision.

TANEY COUNTY PLANNING COMMISSION
DIVISION III DECISION OF RECORD
JULY 19, 2010
SPRING CREEK PARK LOT 13
#10-15

On July 19, 2010 the Taney County Planning Commission (grantor) approved a request by Bradford JoAnn Properties (grantee) to develop two residential lots. In accordance with the approval a Division III Permit #10-15 is issued for the property located at the attached legal description.

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

Bradford JoAnn Properties is authorized to develop Lot 13 of Spring Creek Park Subdivision into two residential lots located at 203 Blackberry Drive. With six Planning Commissioners present the vote to approve was unanimous. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Section 4.1.1)
 - b. Storm water management (Section 5.1)
 - c. Land grading permit (Appendix F)
 - d. Delineation of the 100 year floodplain (Taney County Floodplain Management Ordinance 60.3b Sec. A)
 - e. Utility easements and buildings line setbacks (9.1)
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts (Section 11.1.3)
 - g. Improvements with scale of buildings, streets, onsite parking and utilities (Appendix K-1)
2. Compliance letters from the Fire, Sewer, DNR, and MoDot (Section 4.6 Appendix S).
3. No outside storage of equipment or solid waste materials.
4. Division I Permits will be required for all applicable structures in the development (Section 14.4.1.2).
5. A well shall be dug on the property with the existing structure hooking onto Branson City Sewer.
6. The new lot shall be known as Lot 13B and will be a minimum of 11,000 sq. ft.
7. This 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).

Legal description attached

Project: Spring Creek Park lot 13

Permit: 10-15

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	29	2	6.9%	2	15.4%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	15	-5	2	40.0%
sewage disposal	10	10		
off-site nuisances	0	0		
diversification				
emergency services	0	0		
right-of-way/roads	5	-5		
emergency water supply	0	-10		
waste disposal service				
waste disposal commitment				
Importance Factor 4	8	4		
slopes	0	0		
use compatibility	0	0		
pedestrian circulation				
underground utilities	8	4		
Importance Factor 3	6	3		
soil limitations	0	0		
building bulk/scale				
waste containers screening				
outdoor equip storage				
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service	6	3		
Importance Factor 2				
wildlife habitat and fisheries	0	0		
air quality	0	0		
building materials				
residential buffer / screening				
residential privacy				
traffic	0	0		
pedestrian safety				
usable open space				
Importance Factor 1				
lot coverage				
rooftop vents / equipment				
bicycle circulation				

Scoring by: Jonathan Coxie / Bomita Kissee

Date: July 1, 2010

Project: Spring Creek Park lot 13

Permit#: 10-15

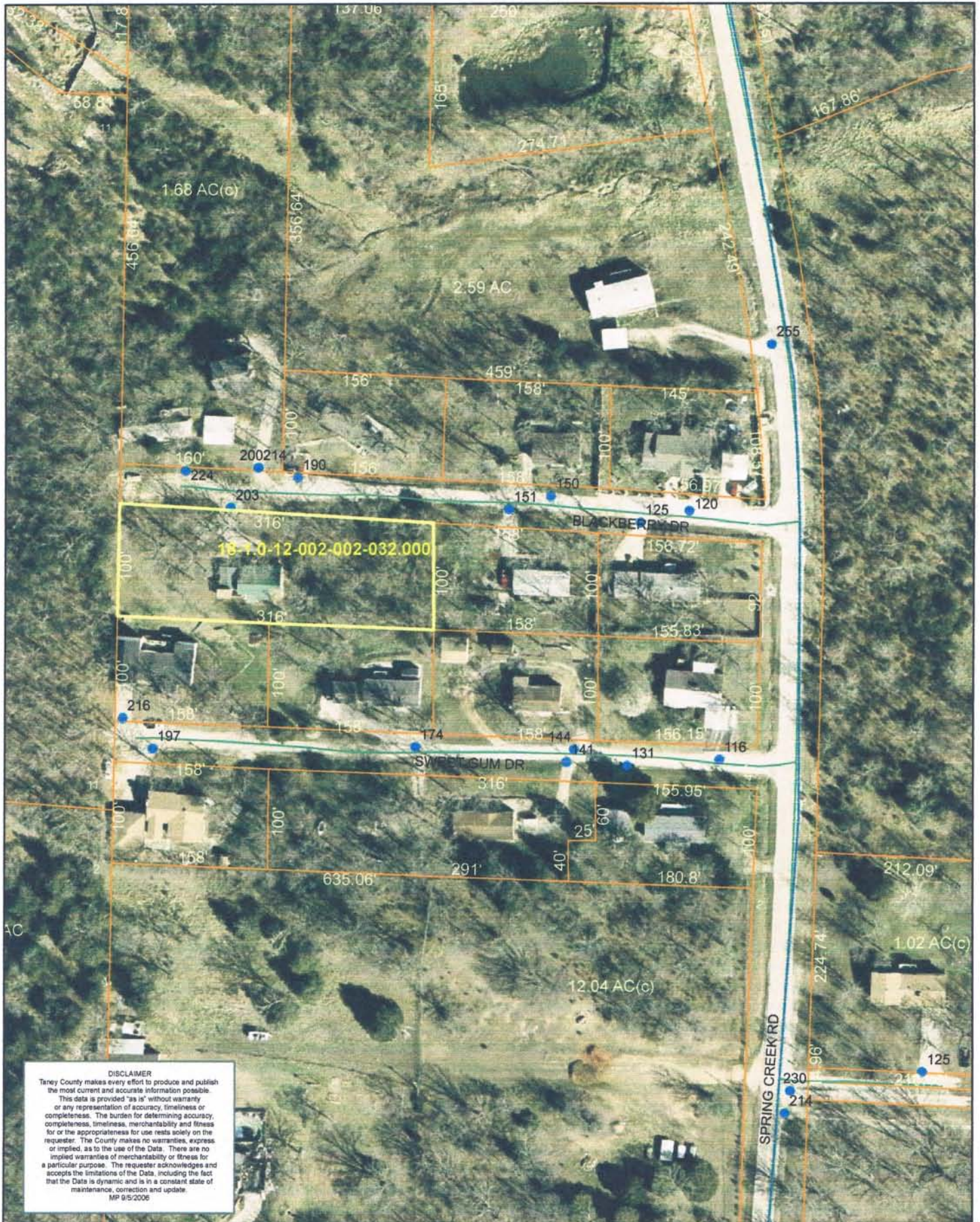
	Policies Receiving a Negative Score
Importance Factor 5:	right-of-way/roads emergency water supply
Importance Factor 4:	none
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: Jonathan Coxie / Bomita Kisse

Date: July 1, 2010



Spring Creek Park Lot 13





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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 21, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

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 Exhibit D. The state Statutes that empower and govern the Board of Adjustment were read. Mr. Hanzelon swore in the speakers before the hearing.

Public Hearing:

Richard Davis: a request for a variance from Table 1 Setbacks of the Taney County Development Guidance Code, located in the Mt. Branson Subdivision 227 Taney Street, for a 1344 sq. ft. garage structure. The structure is built too close to the side setback 5 ft. requiring a 2' setback variance. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Davis explained his request. After discussion a motion was made by Dave Nelson to approve based upon the decision of record. Seconded by Tom Gideon. The vote to approve was unanimous.

Old and New Business:

Mr. Coxie updated the Board on the changes proposed to the Zoning Districts and the meeting for next month.

Review and Action:

With no additions or corrections a motion was made by Jack Johnston to approve the minutes for June as written. Seconded by Tom Gideon. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for July 21, 2010 the meeting adjourned at 7:30 p.m.