

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

DIVERSIFIED PROPERTY, INV.

CASE #04-13

Public Hearing for Diversified Property, Inv., located at 211 Shadow View Dr., in the Branson Township, Sec. 14 Twp. 23 Rng. 22.

The applicant, Diversified Property, Inv. (owner) and Angie Canter (representative) request a variance for the reduction of the left side setback line from 7' to 3' for the existing residence.

History: Tabled by the Board of Adjustment on July 21, 2004, based on more information being required for review. Division I Permit #04-119 was issued on Marcy 10, 2004 (exhibit A). The parcel is all of Lots 268 and 285 of Horizon Hills Subdivision, Neighborhood One, Phase 8A.

General Description: The subject property contains 10,500 sq. ft. (75' x 140') and is located off the intersection of Mills Hollow Road and Shadow View Dr. The adjoining properties to the parcel consist of residential tracts.

Review: No new information has been submitted to the Planning Department. The variance request will consist of a 4' encroachment of the overhang of the left side setback requirements (7') of the Taney County Development Guidance Code.

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

1. Variance is for the left side setback difference of 4' (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
2. Compliance letter from the Fire District, including overhang setbacks complying with the National Fire Protection Association standards.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

WOODLAND HILLS ESTATES

CASE #04-19

Public Hearing for Woodland Hills Estates, located at 4486 St. Hwy. 160 in the Jasper Township Sec. 30 Twp. 24 Rng. 21.

The applicants, Ray Wilkins (owner) and Wolfe Surveying (representative), request a variance for the required cul-de-sacs to be reduced from 4 to 2 (Sec. III, Appendix H, Item 14 of the Taney County Development Code).

History: Approved by the Planning Commission on July 19, 2004 (exhibits A & B). The original deadline for the applicant was waived by the County Commission for the August meeting (exhibit C).

General Description: The subject property contains 50.86 acres and is located off the south intersection of St. Hwy. 160 and Christie Lane. The adjoining properties to the development consist of residential to the north and east and agriculture to the south and west.

Review: The variance is for the required cul-de-sacs to be reduced from 4 to 2, based on the minimum cul-de-sac length of 600' for street standards.

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

1. Variance is for the reduction of the required cul-de-sacs from 4 to 2.
2. Compliance with the Taney County Development Guidance Code (Divisions I and III), that include plans for the following:
 - a. Sediment and erosion control
 - b. Stormwater management
 - c. Land grading permit
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Improvements with scale of streets and utilities, and lot numbers
3. Compliance letters from the Fire and Sewer Districts and DNR.
4. Covenants and restrictions, which provide for the continued maintenance of the streets and stormwater drainage.
5. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

ANDERSON'S CASE #04-16

Public Hearing for Anderson's, located at 2345 North St. Hwy. 265, in the Branson Township Sec. 3 Twp. 22 Rng. 22.

The applicant, Dwain Smith (owner), requests 2 variances for the proposed gift shop and residence:

1. Reduced spacing of 75' parallel drives (Appendix 6, Sec. II, Item 2 of the Taney County Development Guidance Code).
2. Reduced lot size (1 acre) with a individual septic system (Chapter III, Sec. IV, Item 5 C of the Taney County Development Code).

History: Denied by the Planning Commission on July 21, 2004, based on the non-compliance of the Code requiring a 75' spacing for parallel drives and minimum lot size for septic (2 acres) (exhibits A & B).

General Description: The subject property contains 1 acre and is located off the southwest intersection of North St. Hwy. 265 and Grand Pointe. The adjoining properties to the development consist of agriculture to the north, residential to the east and west and commercial to the south.

Review: The proposed site will consist of a two story 1,750 sq. ft. building. The first floor will contain a gift shop and the second floor a residence. Access will be off North St. Hwy. 265, which will require a 75' spacing from all other parallel drives that access on to St. Hwy. 265. The property is to be serviced with an individual septic system and public water. The lot size is below the minimum lot standard (2 acres) for an individual septic system (exhibit C).

Summary: If the Taney County Board of Adjustment approves these 2 variances, the following, the following requirements shall apply, unless revised by the Taney County Board of Adjustment.

1. First variance is for the reduced spacing of 75' for the parallel drives (Appendix G, Sec. II, Item 2 of the Taney County Development Guidance Code).

2. Second variance is for the reduced lot size (1 acre) with an individual septic system (Chaper III, Sec. IV, Item 5. C of the Taney County Development Guidance Code).
3. Compliance with the Taney County Development Guidance Code (Divisions I, II, and III), that include plans for the following:
 - a. Sediment and erosion control
 - b. Stormwater management
 - c. Land grading permit
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts
 - g. Improvements with scale of buildings, streets, onsite parking and utilities
3. No outside storage of equipment or solid waste materials.
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

LONG ESTATES

CASE #04-18

Public Hearing for the Replat Long Estates, located off Lakeshore Dr., in the Branson Township, Sec. 28 Twp. 23 Rng. 21.

The applicant's, William Long (owner) and Wolfe Surveying (representative), request an appeal of the denial by the Planning Commission to develop 5 lots for medium density residential use (Chapter 3, Sec. VII, Item 2 of the Taney County Development Guidance Code).

History: Denied by the Planning Commission on July 19, 2004, based on the incompatibility of the use to the surrounding area (exhibits A & B). The parcel is Tract 2 Lakeside Subdivision Replat.

General Description: The subject property contains 2.49 acres and is located off the southwest intersection of Lakeshore Dr. and Eagle's Landing Dr. The adjoining properties to the development consist of residential.

Review: The applicant has revised the lot splits from 6 to 5 single-family lots. The lots will range from .25 acres (10,890 sq. ft.) to .75 acres. (31,802 sq. ft.) in size. Access will be off Lakeshore Dr. (20' wide paved surface) and the inner street shall consist of a 50' right of way with a 20'

wide surface with cul-de-sac and foliage screening. The lots will be serviced by public central sewer and a community well.

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

1. Compliance with the Taney County Development Guidance Code (Divisions I and III), that include plans for the following:
 - a. Sediment and erosion control
 - b. Stormwater management
 - c. Land grading permit
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Improvements with scale of streets and utilities, including curb and gutter (medium density)
2. Compliance letters from the Fire and Sewer Districts and DNR.
3. Covenants and restrictions, which provide for the continued maintenance of the streets and stormwater drainage.
4. Dedication strip for Lakeshore Dr., as set forth by the County Highway Department.
5. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

CINGULAR WIRELESS (HILDA) CASE #04-17

Public Hearing for Cingular Wireless (Hilda), located at 364 Cross Timber Road, in the Swan Township, Sec. 24 Twp. 23 Rng. 19.

The applicant's, Bill and Mary Muller (owners) and Cingular Wireless (representative), request an appeal of the denial by the Planning Commission to develop a wireless communication tower for commercial use.

History: Denied by the Planning Commission on July 19, 2004, based on the incompatibility of the use to the surrounding area (exhibits A & B). The parcel is part of the 40 acre tract.

General Description: The subject property contains 40 acres and is located off the northeast intersection of St. Hwy. 160 and Cross Timber Road. The adjoining properties to the development consist of residential to the north and agriculture to the east, south and west.

Review: No new evidence has been submitted to the Planning Department for the appeal request. The proposed site will consist of a 340' high, guyed tower for wireless telecommunication use. The leased lot will be 10,000 sq. ft. in area with a 20' wide easement and a 12' wide rock road that will access off Cross Timber Road (22' wide paved surface). The site will be unmanned with a fenced-in compound.

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

1. Compliance with the Taney County Development Guidance Code (Divisions II and III), that include plans for the following:
 - a. Sediment and erosion control
 - b. Stormwater management
 - c. Utility easements and building line setbacks
 - d. Land grading permit
 - e. Delineation of the 100 year floodplain
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts
 - g. Improvements with scale of structures, streets, and utilities
2. No outside storage of equipment or solid waste materials.
3. Compliance letters from the Fire District and the Federal Aviation Administration.
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.