



## 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, JUNE 15, 2011, 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:

*Michael J. Button*

#### Review and Action:

*Minutes, May 2011*

#### Old and New Business:

*Tenative*

#### Adjournment.



**TANEY COUNTY BOARD OF ADJUSTMENT  
VARIANCE STAFF REPORT  
P.O. Box 383, Forsyth, MO 65653 (417) 546-7226**

**Public Hearing** for the Forest Hills Subdivision property owners located on Arizona Drive in the Branson Township, Section 4, Township 23, Range 21.

**Request:** The applicants, the Forest Hills Subdivision property owners are requesting a variance from Section 5.3.1 of the Taney County Development Guidance Code. Per the provisions of Section 5.3.1, "If an on-site septic system is needed due to the unavailability of a public/central sewer system, the minimum lot size shall be two (2) acres in area and shall have a minimum lot frontage of seventy (70) feet."

**Hearing Date:** June 15, 2011

**History:** On September 22, 2004 the Taney County Planning Administrator approved the Forest Hills Subdivision administratively, creating a five (5) lot minor subdivision. These (5) lots were originally platted to the center of Arizona Drive and therefore the acreage of each lot also included the area in road right-of-way.

On September 2, 2010 the five lot owners within the Forest Hills Subdivision petitioned the Taney County Commission requesting to convey the right-of-way of Arizona Drive to the County. At that time, a letter was inadvertently sent to the property owners which indicated that the Arizona Road right-of-way conveyance had been denied. On March 28, 2011 the Taney County Commission voted to accept the right-of-way of Arizona Road contingent on three items being met within 6 months. On March 29, 2011 a letter was sent to Mr. Button by the Taney County Road and Bridge Department which indicated that three items would have to be accomplished within 6 months in order for the County to accept the right-of-way conveyance. The first item was that "Arizona Dr. needs to be a platted road, currently just an easement. There needs to be a 40' road right of way."

On April 12, 2011 the surveyor completed the Amended Plat of Forest Hills Subdivision, in order to dedicate the fifty foot (50') ingress and egress easement to the public. However, upon removing the right-of-way area from the lots within the subdivision, four of the five lots will have an acreage that falls below the two acre minimum for lots being served by on-site septic systems.

**General Description:** The subject property is the Forest Hills Subdivision.

**Review:** Since the acreage of four of the lots within the subdivision falls below two acres in size the Planning Department cannot attest that the survey does not violate the rules and regulations of the Taney County Development Guidance Codes, unless the variance request is granted.



**Statutory Requirements of Approval:** Per the requirements of the Revised Missouri State Statutes the Board of Adjustment shall have the 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.”

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

1. Approval of a variance allowing the five lots to be platted at the acreages that follow:
  - Lot 1A – 1.35 acres
  - Lot 2A – 1.89 acres
  - Lot 3A – 2.06 acres
  - Lot 4A – 1.91 acres
  - Lot 5A – 1.91 acres
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).

#11-2

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

(Circle one)

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

PLEASE PRINT

DATE 5-23-11

Applicant Michael J. Button Phone 417 334 4021

Address, City, State, Zip 539 Arizona Dr., Branson, MO 65616

Representative Michael J. Button Phone 417 334 4021

Owner of Record See Attached Signature: Michael J. Button

Name of Project: Variance from Section 5.3.1

Section of Code Protested: (office entry) 5.3.1

Address and Location of site: Forest Hills Section of Arizona Drive

Subdivision (if applicable) Forest Hills - Lot - 1, 2, 3, 4, 5

Section 4 Township 23 Range 21 Number of Acres or Sq. Ft. \_\_\_\_\_

Parcel Number 8-2-4-0-0-23.2 (Lot 1)

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.

Send  
schedule  
let. to -

Fax 417 334 8434  
mjbinsserv@aol.com

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

Seeking Variance from Taney County  
Development Guidance Code Section 5.3.1.  
Concerning 2 acre minimum lot size.  
requirement on 5 lots.



# FOREST HILLS SUBDIVISION

A part of the NE 1/4 of the SW 1/4 of Section 4, Township 23 North,  
Range 21 West, Fifth Principal Meridian, Taney County, Missouri

DOCUMENT 2004 P 00131

SHEET H PAGE 140

DATE: APRIL 5, 2004  
OWNER: CLASSIC DREAM HOMES, LLP  
BASIS OF BEARING: ASSUMED

RECORDING FEE \$40.00  
STATE USER FEE \$4.00  
TOTAL \$44.00 PL

**DESCRIPTION:** A TRACT OF LAND IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 SW 1/4) OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 21 WEST, FIFTH PRINCIPAL MERIDIAN, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH EAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, WHICH IS THE TRUE POINT OF BEGINNING; THENCE N88°23'08"W 1275.00 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE S00°31'14"E 50.03 FEET ALONG THE WEST LINE OF SAME; THENCE S88°23'08"E 637.86 FEET TO A 65 REBAR; THENCE S00°58'34"E 634.95 FEET TO AN EXISTING #4 REBAR; THENCE S88°23'08"E 637.50 FEET TO AN EXISTING #4 REBAR ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°51'22"E 634.36 FEET TO THE POINT OF BEGINNING, CONTAINING 10.75 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD OR USE, AND ALSO SUBJECT TO AN EASEMENT (TO ADJOINER ON THE WEST) FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S00°31'14"E 50.03 FEET ALONG THE WEST LINE OF SAME; THENCE S88°23'08"E 300.00 FEET; THENCE N01°31'14"W 50.03 FEET TO THE NORTH LINE OF SAME; THENCE N88°23'08"W 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRE, MORE OR LESS.

## DEDICATION OF PLAT BY OWNER:

WE, Terrell Simpson, Valerie Simpson, Earl A. Steward, & C. Kay Steward as

Members of CLASSIC DREAM HOMES, LLP, the OWNER OF THE PROPERTY HEREIN DESCRIBED HAVE CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

Terrell Simpson  
Valerie Simpson  
Earl A. Steward  
C. Kay Steward

STATE OF MISSOURI  
COUNTY OF TANEY

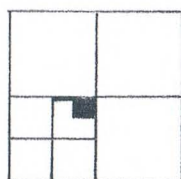
ON THIS 2nd DAY OF September, 2004, before me personally appeared Terrell Simpson, Valerie Simpson, Earl A. Steward, & C. Kay Steward, all of whom declare that they are the owners of the above described property, and that said instrument was signed by their free act and deed. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN THE ABOVE SAID COUNTY AND STATE THE DAY AND YEAR LAST WRITTEN ABOVE.

NOTARY PUBLIC

MY COMMISSION EXPIRES

BRENDA ARCHAMBEAU  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Taney County  
My Commission Expires: April 12, 2008

## VICINITY SKETCH



JOB NO. 04-D002

WAL-MOR LAND SURVEYS  
PO BOX 210  
POWERSITE, MO 65731  
WalMorLand@aol.com

## CERTIFICATION BY SURVEYOR:

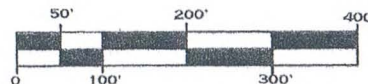
I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS TRUE AND CORRECT, WAS PERFORMED UNDER MY DIRECT SUPERVISION ON THE ABOVE DATE, AND MEETS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS. SAMUEL L. WALL, PLS #2139

FILED

SEP 2 2 2004

ROBERT A. DIXON  
RECORDER OF DEEDS  
TANEY COUNTY

1" = 100'



## CURVE DATA

CURVE	RADIUS	LENGTH	DELTA
A	50.00'	130.90'	150°00'00"
B	50.00'	78.64'	90°06'37"
C	50.00	52.26'	59°53'23"

## LEGEND

- LOT LINE
- ROAD RIGHT OF WAY LINE
- INGRESS-EGRESS EASEMENT LINE
- CENTER OF 100' WIDE ELECTRIC EASEMENT
- CENTER OF 40' WIDE ELECTRIC EASEMENT
- EXISTING STONE
- EXISTING IRON PIN
- SET #5 REBAR

## COMPARISON OF DEED vs. MEASURED

### IN DEED SEQUENCE:

DEED	MEASURED
N88°23'08"W 1275.00'	N88°23'08"W 1274.98'
S00°31'14"E 50.03'	S00°31'14"E 50.03'
S88°23'08"E 637.86'	S88°23'08"E 637.86'
S00°58'34"E 634.95'	S00°58'34"E 634.95'
S88°23'08"E 637.50'	S88°23'08"E 636.27'
N00°51'22"E 634.36'	N00°46'02"W 681.77'

## PLANNING COMMISSION APPROVAL

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 2nd DAY OF September, 2004. THIS SURVEY DOES NOT VIOLATE THE RULES AND REGULATIONS OF TANEY COUNTY.

Anthony Wade  
CHAIRMAN

Greg Smith  
ADMINISTRATOR

## APPROVAL BY 911 AUTHORITY

APPROVED BY THE TANEY COUNTY 911 AUTHORITY THIS 22nd DAY OF September, 2004.

## RECORDER'S OFFICE

STATE OF MISSOURI  
COUNTY OF TANEY

I, RECORDER OF DEEDS OF TANEY COUNTY, MISSOURI, DO CERTIFY THAT THE WITHIN INSTRUMENT OF WRITING WAS AT 2:00 O'CLOCK AND 21 MINUTES, AM ON THE 22 DAY OF September, 2004, SUBMITTED FOR RECORD IN MY OFFICE AND DAILY RECORDED IN THE RECORDS OF THIS COUNTY IN BOOK 200 AT PAGE 140. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL AT FORTSYTH, MISSOURI, THIS DAY AS FIRST SET FORTH ABOVE.

MS04-15

# AMENDED PLAT FOREST HILLS SUBDIVISION

A PART OF THE NE1/4 OF THE SW1/4 OF  
SECTION 4, T23N, R21W OF THE FIFTH PRINCIPAL MERIDIAN,  
TANEY COUNTY, MISSOURI

## LEGEND

- EXISTING IRON PIN
- SET IRON PIN
- ⊠ EXISTING STONE
- ⊞ UTILITY POLE
- TELEPHONE PEDESTAL
- ⌵ LIGHT POLE
- ⋆ FIRE HYDRANT
- ⛶ WATER METER
- ⛶ WATER VALVE
- ⛶ GAS VALVE
- ⊙ SEWER MANHOLE

## DESCRIPTION AND EXECUTION OF PLAT:

WE THE UNDERSIGNED, Lisa M. Button Revocable Trust, Ronald Thompson and Gerald Thompson, husband and wife; Denise M. Borrelli, a single person; Lynn A. Knudsen and Leicia K. Knudsen, husband and wife; Federal Home Loan Mortgage Corporation, are the owners of all real estate be this Amended Plat.

## DESCRIPTION:

A tract of land in the Northeast Quarter of the Southwest Quarter of Section 4, Township 23 North, Range 21 West, fifth principal meridian, Taney County, Missouri, Being more particularly described as follows:

Commencing at the Northeast corner of said Northeast Quarter of the Southwest Quarter, which is the TRUE POINT OF BEGINNING Thence N 88°23'08" W 1275.00 feet to the Northwest corner of said Northeast Quarter of the Southwest Quarter, Thence S 00°31'14" E 50.03 feet along the West line of same, Thence S 88°23'08" E 637.50 feet to an existing #5 rebar, Thence S 00°58'34" E 634.95 feet to an existing #4 rebar, THENCE S 88°23'08" E 637.50 feet to an existing #4 rebar on the East line of said Northeast Quarter of the Southwest Quarter, Thence N 00°58'34" W 685.00 feet to the Point of Beginning, Containing 10.75 acres, more or less. Subject to any easements or restrictions of record or use, and also subject to an easement (to adjoiner on the West) for Ingress and Egress over the following described property:

Beginning at the Northwest corner of the above Northeast Quarter of the Southwest Quarter, Thence S 00°31'14" E 50.03 feet along the West line of same, Thence S 88°23'08" E 300.00 feet, Thence N 01°31'14" W 50.03 feet to the North line of same, Thence N 88°23'08" W 300.00 Feet to the Point of Beginning, Containing 0.34 acre, more or less.

Said land has been surveyed and subdivided in the manner shown hereon and said Amended Subdivision is hereafter to be known as the "AMENDED PLAT OF FOREST HILLS SUBDIVISION", a subdivision in Taney County, Missouri. This subdivision has been Amended in order to dedicate the fifty foot (50') Ingress and Egress Easement as a public road. All other easements not heretofore dedicated to the public are hereby dedicated.

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seal this \_\_\_\_ day of, \_\_\_\_\_, 2011

## LOT 1

LISA M. BUTTON REVOCABLE TRUST Dated 11/12/2001.

LISA M. BUTTON, Trustee

ACKNOWLEDGEMENT:  
STATE OF MISSOURI  
COUNTY OF TANEY

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me personally appeared LISA M. BUTTON, who being duly sworn by me did depose and say that she is the person described in and who executed the within instrument in capacity of trustee of said LISA M. BUTTON REVOCABLE TRUST Dated November 12, 2001 for the purpose therein mentioned. Said trustee further declares herself to be the duly authorized and acting trustee of said Revocable trust, which has never been revoked or amended except as herein before set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in said county and state the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seal this \_\_\_\_ day of, \_\_\_\_\_, 2011

LOT 2  
RONALD THOMPSON AND GERALD THOMPSON, Husband and Wife;

RONALD THOMPSON

GERALD THOMPSON

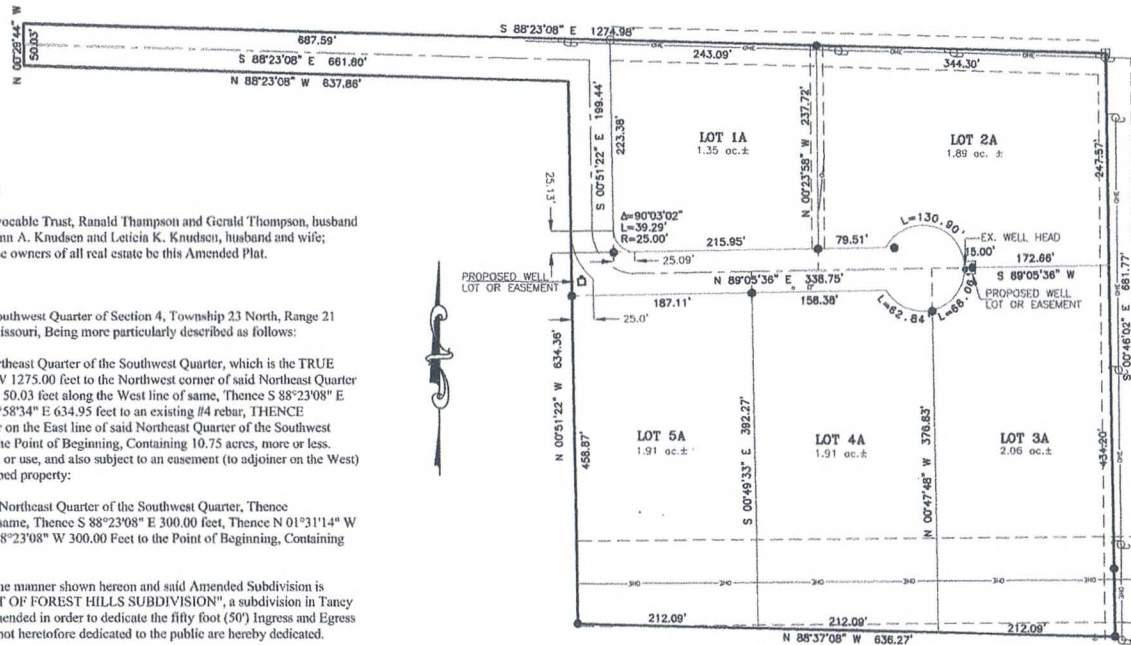
ACKNOWLEDGEMENT:  
STATE OF MISSOURI  
COUNTY OF TANEY

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, a Notary Public in and for said state, personally appeared RONALD THOMPSON and GERALD THOMPSON, husband and wife to me known to be the persons described in and who executed the foregoing document, and acknowledged that they executed the same as there free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at my office in said county and state the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



CERTIFICATE OF APPROVAL BY PLANNING AND ZONING COMMISSION:

Approved by the Taney County Planning and Zoning Commission this \_\_\_\_ day of \_\_\_\_\_, 2011.

Sarah Klinefelter, Chairman

This survey does not violate the rules and regulations of the Taney County Development Guidance Code.

Bob Atchley, Administrator

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR

Approved by the Office of Taney County 911 Administrator this \_\_\_\_ Day of \_\_\_\_\_, 2011.

911 Representative.

## GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF: LYNN KNUDSEN, I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

DIANE KAY DIEBOLD L.S. 2424  
KENNETH J. BUCHANAN L.S. 2340, P.L.S. 1307

SURVEYED FOREST HILLS SUBDIVISION HOME FOR: OWNERS	
SECTIONAL MAP	W.O.# 15051
R 21 W	DATE: 4-12-2011
T 23	DRAWN BY: KCB
N	CHECKED BY: KJB
SEC. 04	REVISED:
	SCALE: 1" = 100'
	SHEET: 1 OF 2

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN RED INK MAY HAVE BEEN FALSIFICATIONALLY ALTERED. ALL INFORMATION SHOULD BE CONFIRMED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS ON THIS DOCUMENT.

**RSE**

**ROZELL SURVEY CO.**  
2404 STATE HWY. 248 STE 4  
BRANSON, MISSOURI 65616  
PHONE: (417) 334-4141  
FAX: (417) 334-4181



IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seal  
this \_\_\_\_ day of \_\_\_\_\_, 2011

LOT 3  
DENISE M. BORRELLI, a single person;

\_\_\_\_\_  
DENISE M. BORRELLI

ACKNOWLEDGEMENT:  
STATE OF MISSOURI  
COUNTY OF TANEY

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, a Notary Public in and for  
said state, personally appeared DENISE M. BORRELLI, a single person to me known  
to be the person described in and who executed the foregoing document, and  
acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at  
my office in said county and state the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seal  
this \_\_\_\_ day of \_\_\_\_\_, 2011

LOT 4  
LYNN A. KNUDSEN and LETICIA K. KNUDSEN,  
Husband and Wife;

\_\_\_\_\_  
LYNN A. KNUDSEN

\_\_\_\_\_  
LETICIA K. KNUDSEN

ACKNOWLEDGEMENT:  
STATE OF MISSOURI  
COUNTY OF TANEY

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, a Notary Public in and for said  
state, personally appeared LYNN A. KNUDSEN and LETICIA K. KNUDSEN,  
husband and wife to me known to be the persons described in and who executed the  
foregoing document, and acknowledged that they executed the same as there free act  
and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at  
my office in said county and state the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## AMENDED PLAT FOREST HILLS SUBDIVISION

A PART OF THE NE1/4 OF THE SW1/4 OF  
SECTION 4, T23N, R21W OF THE FIFTH PRINCIPAL MERIDIAN,  
TANEY COUNTY, MISSOURI

IN TESTIMONY WHEREOF, the undersigned have hereunto set their hands and seal  
this \_\_\_\_ day of \_\_\_\_\_, 2011

LOT 5  
FEDERAL HOME LOAN MORTGAGE CORPORATION

\_\_\_\_\_  
MANAGER

ACKNOWLEDGEMENT:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me personally appeared  
\_\_\_\_\_, to me known, who being by me duly sworn, did say that  
he/she is president of FEDERAL HOME LOAN MORTGAGE CORPORATION, (a  
corporation of the State of \_\_\_\_\_), and that seal affixed to foregoing instrument is the corporate seal  
of said corporation, by authority of its  
\_\_\_\_\_, acknowledges said instrument to be the free act and deed of said  
company

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal at  
my office in said county and state the day and year last above written.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT AT THE REQUEST OF: LYNN KNUDSEN, I HAVE  
MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON  
AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY  
WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM  
STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

\_\_\_\_\_  
DIANE KAY DIEBOLD L.S. 2424  
KENNETH J. BUCHANAN L.S. 2340, P.L.S. 1907

SURVEYED FOREST HILLS SUBDIVISION HOME FOR: OWNERS	
<b>SECTIONAL MAP</b> R 21 W T 23 N SEC. 04	W.O.# 15051 DATE: 4-12-2011 DRAWN BY: KCB CHECKED BY: KJB REVISED: SCALE: 1" = 100' SHEET: 2 OF 2

ALL PLATS THAT DO NOT SHOW  
A SEAL IMPRINT IN RED INK  
MAY HAVE BEEN FRAUDULENTLY  
ALTERED. ALL INFORMATION  
SHOULD BE DISREGARDED UNLESS  
VERIFIED BY THE PROFESSIONAL  
LAND SURVEYOR WHOSE SIGNATURE  
APPEARS ON THIS DOCUMENT.

**RSE**  
ROZELL SURVEY CO.  
2404 STATE HWY. 248 STE 4  
BRANSON, MISSOURI 65616  
PHONE: (417) 334-4141  
FAX: (417) 334-4181





County of **TANEY** State of Missouri

TANEY COUNTY COURTHOUSE  
P.O. BOX 1018 FORSYTH, MO 65653  
(417) 546-7268 FAX: (417) 546-7710

Randy Haes  
Coordinator

Kathy Roberts  
Office Manager

Debra Rogers  
Administrative Assistant

March 29<sup>th</sup>, 2011

Michael J. Button  
539 Arizona Dr  
Branson, Mo. 65616

Re: Petition to establish a County Road

Mr. Button,

Please be advised that the Commission voted on March 28<sup>th</sup>, 2011 to extend the 6 month time period starting March 28<sup>th</sup>, 2011 due to a mistake back on September 2, 2010 stating that Arizona Road was denied which in fact it was accepted contingent on the following items being met and allowing 6 months to accomplish this. .

The reasoning is based on several factors below.

1. Arizona Dr needs to be a platted road, currently just an easement. There needs to be a 40' road right of way.
2. The transformers need to be moved.
3. The mailboxes need to be 2' behind driving surface or be the breakaway type.

If there is anything I can do or if you have any further questions you may reach me at (417) 546-7268, or you may also email me at [kathyr@co.taney.mo.us](mailto:kathyr@co.taney.mo.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Roberts", is written over a horizontal line.

Kathy Roberts  
Office Manager, Taney County Road & Bridge









## 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)

### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MAY 18, 2011, 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 four members present they were: Dave Clemenson, Bob Hanzelon, Dave Nelson, Tom Gideon. Staff present: Bob Atchley and Bonita Kissee.

Mr. Atchley 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 Board of Adjustment Bylaws as Exhibit D. The state statutes that empower and govern the Board of Adjustment were read.

#### Public Hearings:

Lucinda Hinkson: a request for a variance from Table 1 setbacks of the Taney County Development Guidance Code, to setback 5' from the north property line in order to place a cover over the existing recreational vehicle. The property is located at 203 Starview Dr. Lot 89 of Forest Park Estates Phase 2. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Mrs. Hinkson explained that she wants to put the roof over the RV to protect it from the weather. If she put it over to the south side it would block access to her storage shed. Mr. Hanzelon questioned if the extensions of the RV would go over the property line. Mrs. Hinkson stated that this was part of the reason for the variance request, so she could move her RV over enough that she would not encroach over the property line. Duane Paulish who lives in the park stated that he felt there was enough room on the property that a variance was not needed. Jim Spurlock who also lives in the park stated that he was in favor of the request because others in the park had received variances and there were other violations within the park. He felt precedence had been set, and that the applicant needed the variance because of the topography of her lot. Mr. Nelson asked how far the RV would be moved. Mrs. Hinkson stated that she wasn't sure of the exact amount, but just enough to get her golf cart out of the shed. The mobile is 11 or 12' wide with the extensions pulled out. The 8' porch is not attached. Mr. Gideon felt that 3 or 4' could be obtained by pouring concrete on the south side. Mr. Clemenson closed the public hearing for the board to discuss. After discussion a motion was made by Dave

Nelson to approve based upon the decision of record. There was no second. The motion failed. Discussion followed. Tom Gideon made a motion to deny. Bob Hanzelon seconded. The vote to deny was three in favor and one against.

Redbud Shores Condo Association: a request for a variance from Table 1, Setbacks of the Taney County Development Guidance Code, a variance of 2' from the south property line and a variance of 15' from the front property line along Lake Shore Dr. for a carport structure over the southern-most portion of the existing parking lot located at 1573 Lakeshore Dr. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Ray Jurinjak representing the property owners was present to address questions from the Board. He stated that the property line is the retaining wall, and the wall in front next to the highway is solid. The 4x12 structure will be inside the wall. Discussion followed regarding placement of the structure and the parking lot being below the road. One parking space will be utilized for placement of the structure, leaving 27 parking spaces total, which allows the project to meet the requirements of the Code. The public hearing was closed for discussion of the Board. After discussion a motion was made by Tom Gideon to approve based on the decision of record. Seconded by Bob Hanzelon. The vote to approve was unanimous.

#### Review and Action:

Minutes, January 2011; with no changes or additions a motion was made by Dave Nelson to approve the minutes as written. Seconded by Bob Hanzelon. The vote to approve was unanimous.

#### Old and New Business:

There are no requests for June. Mr. Atchley updated the Board on the recent flooding and the staff's part in the paperwork.

#### Adjournment:

With no other business on the agenda for May 18, 2011 the meeting adjourned at 7:44 p.m.