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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

**DAKOTA VENTURES, INC.
CASE #04-28**

Public Hearing for Dakota Ventures, Inc., located at 120 Pickett Ridge, in the Swan Township, Sec. 21 Twp. 23 Rng. 20.

The applicant's Dakota Ventures, Inc. (owner) and Bud Rossing (representative) request a variance for the reduction of the left side setback line from 7' to 6' for the existing residence.

History: A Division I permit was issued and the parcel is all of Lot 9 of Smoke Tree Hills Subdivision, Phase II.

General Description: The subject property contains approximately 9,500 sq. ft. and is located off the northwest intersection of Pickett Ridge and Pickett ridge Court. The adjoining properties to the parcel consist of residential tracts.

Review: The variance request will consist of a 1' encroachment of the left overhang of the side setback requirements (7') of the Taney County Development Guidance Code. The applicant has not submitted a spot survey to determine the placement of the residence to the lot area.

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 1' (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

FORSYTH UNITED METHODIST TELECOMMUNICATION TOWER CASE #04-22

Public Hearing for Forsyth United Methodist Telecommunication Tower, located at 14399 St. Hwy. 160, in the Swan Township, Sec. 20 Twp. 24 Rng. 20.

The applicant's, Forsyth United Methodist Church (owner) and US Cellular (representative), to request an appeal of the denial by the Planning Commission to develop a wireless communication tower for commercial use (Chapter 3, Sec. VII, Item 2 of the Taney County Development Guidance Code).

History: Tabled by the Board of Adjustment on October 20, 2004 at the request of the applicant. Denied by the Planning Commission on September 20, 2004, based on incompatibility of the use to the surrounding area (exhibits A & B). The front half of the parcel contains Forsyth United Methodist Church.

General Description: The subject property contains 10.89 acres and is located off the east side of St. Hwy. 160. The adjoining properties to the development consist of a fire station and electric power sub-station to the north, agriculture to the east and residential to the 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 190' high monopole tower and facility base station 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 the existing 30' wide asphalt drive off St. Hwy. 160 (24' wide paved surface). The site will be unmanned with a fenced-in compound and will have the capacity to permit for 3 additional providers.

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. Improvements with scale of structures, streets and utilities
 - g. Foliage screening for lot perimeter and fencing for compound
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.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

STEVE AND JENNIFER MOBLEY

CASE #04-21

Public Hearing for Steve and Jennifer Mobley, located at 199 Shadow View Dr., in the Branson Township, Sec. 14 Twp. 23 Rng. 22.

The applicant's Steve and Jennifer Mobley (owners) and Diversified Property, Investments (representatives), request a variance for the reduction of the left side setback line from 7' to 6.4' and the right side setback line from 7' to 5' for the existing residence.

History: Tabled by the Board of Adjustment on October 20, 2004, at the request of the applicant. Division I Permit #04- was issued on (exhibit A). The parcel is all of Lot 269 of Horizon Hills Subdivision, Neighborhood One, Phase 8A. The adjoining property to the south (Lot 268) was granted a variance for side setbacks by the Board of Adjustment on July 15, 2004.

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: The variance request will consist of a .6" encroachment of the left overhang and a 2' encroachment of the right overhang of the 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 .6" and the right side setback difference of 2' (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.