



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, JUNE 20, 2012, 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:

Todd Shuler/variance request

Review and Action:

Minutes, February 15, 2012

Old and New Business:

Tentative

Adjournment.

12-2

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

(Circle one)

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

PLEASE PRINT

DATE 4/17/12

Applicant Todd Shuler Phone 417-337-3169

Address, City, State, Zip 330 Longcreek Rd. Ridgedale MO 65739

Representative _____ Phone _____

Owner of Record Todd Shuler Signature: Todd Shuler

Name of Project: _____

Section of Code Protested: (office entry) _____

Address and Location of site: 330 Longcreek Rd Ridgedale MO
65739

Subdivision (if applicable) _____

Section _____ Township _____ Range _____ Number of Acres or Sq. Ft. 3.86 Acres

Parcel Number 19-6.0-14-002-008-029-000

Does the property lie in the 100-year floodplain? (Circle one) _____ Yes X No.

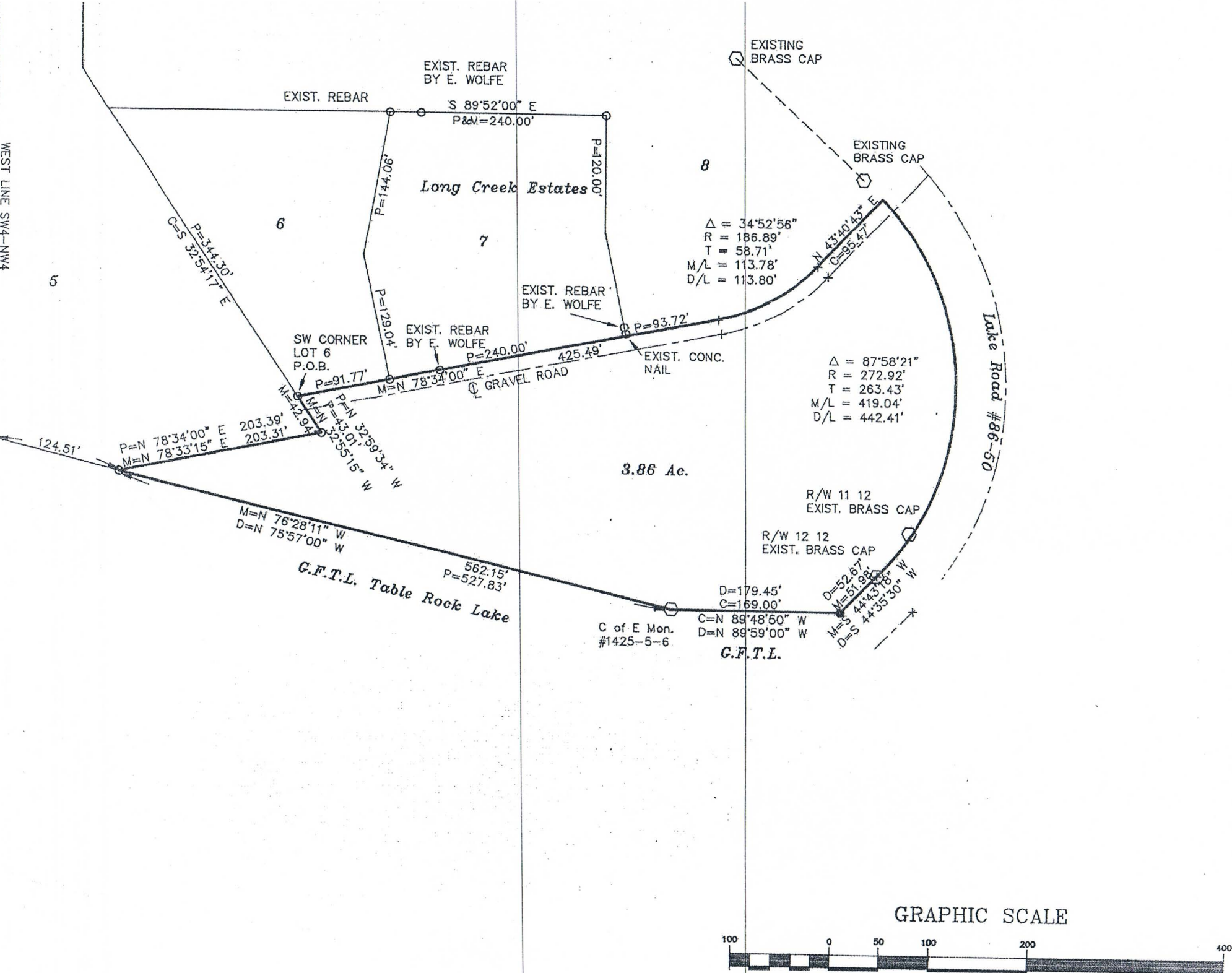
Required Submittals:

- ☒ 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.

Describe in detail the reason for your request:

We are trying to subdivide our property into 2 parcels. We own 3.86 acres & are short .14 to split property. We would like to have an 1.86 acre lot on Long Creek Rd separate from the physical address + 2 acres







TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: June 20, 2012

CASE NUMBER: 2012-0002V

APPLICANT: Todd and Judy Shuler

LOCATION: The subject property is located at 330 Longcreek Road, Ridgedale, MO; Oliver Township; Section 14, Township 21, Range 22.

REQUEST: The applicants, Todd & Judy Shuler are requesting a variance from the provisions of Sections 5.1 and 5.3 of the Taney County Development Guidance Code concerning minimum lot size.

Per the provisions of Section 5.1 of the Taney County Development Guidance Code, "lots to be served by an on-site septic system must be greater than two (2) acres in area"

Per the provisions of Section 5.3 of the Taney County Development Guidance Code, "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..."

BACKGROUND and SITE HISTORY:

The subject property consists of a 3.86 acre, meets and bounds described tract of land which was last surveyed on May 31, 1994 by the Taney County Surveyor. The property contains an existing residence which is currently served by an individual well and septic system, due to the unavailability of a public/central sewer system.

The applicants are seeking to subdivide this existing tract of land into two tracts. The applicants are wishing to create a 1.86 acre tract adjoining Long Creek Road and a 2.00 acre tract containing the existing residence.

GENERAL DESCRIPTION:

The applicants, Todd and Judy Shuler are seeking a variance from the provisions of Sections 5.1 and 5.3 of the Taney County Development Guidance Code concerning minimum lot size.

REVIEW:

The applicants are requesting a variance from the two (2) acre minimum lot size for tracts served by an on-site septic system, in order to allow for the creation of a 1.86 acre tract adjoining Long Creek Road. This tract of land contains a number of very steep slopes, however, the applicants have not indicated in the application the reasoning for the variance request.

STATUTORY REQUIREMENTS OF APPROVAL:

Per the requirements of Missouri Revised 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 from the provisions of Sections 5.1 and 5.3 of the Taney County Development Guidance Code concerned with minimum lot size in order to allow for the approval of a minor subdivision which would create a +/- 1.86 acre tract of land.
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 of the Taney County Development Guidance Code).

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

(Circle one)

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

PLEASE PRINT

DATE 4/1

Applicant Todd Shuler, Judy Shuler Phone 417-337-3169

Address, City, State, Zip 330 Longcreek Rd. Ridgedale MO 65739

Representative _____ Phone _____

Owner of Record Todd Shuler, Judy Shuler Signature: Todd Shuler

Name of Project: _____

Section of Code Protested: (office entry) _____

Address and Location of site: 330 Longcreek Rd Ridgedale MO
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VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board Of Adjustment.



Signature of Applicant

4-19-12

Date of Application

STATE OF MISSOURI)

S.S. On this 19th day of April, 2012.

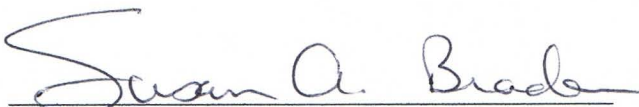
COUNTY OF TANEY)

Before me Personally appeared Judy Shaler, to me known to be the person described in and who executed the foregoing instrument.

In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2014.

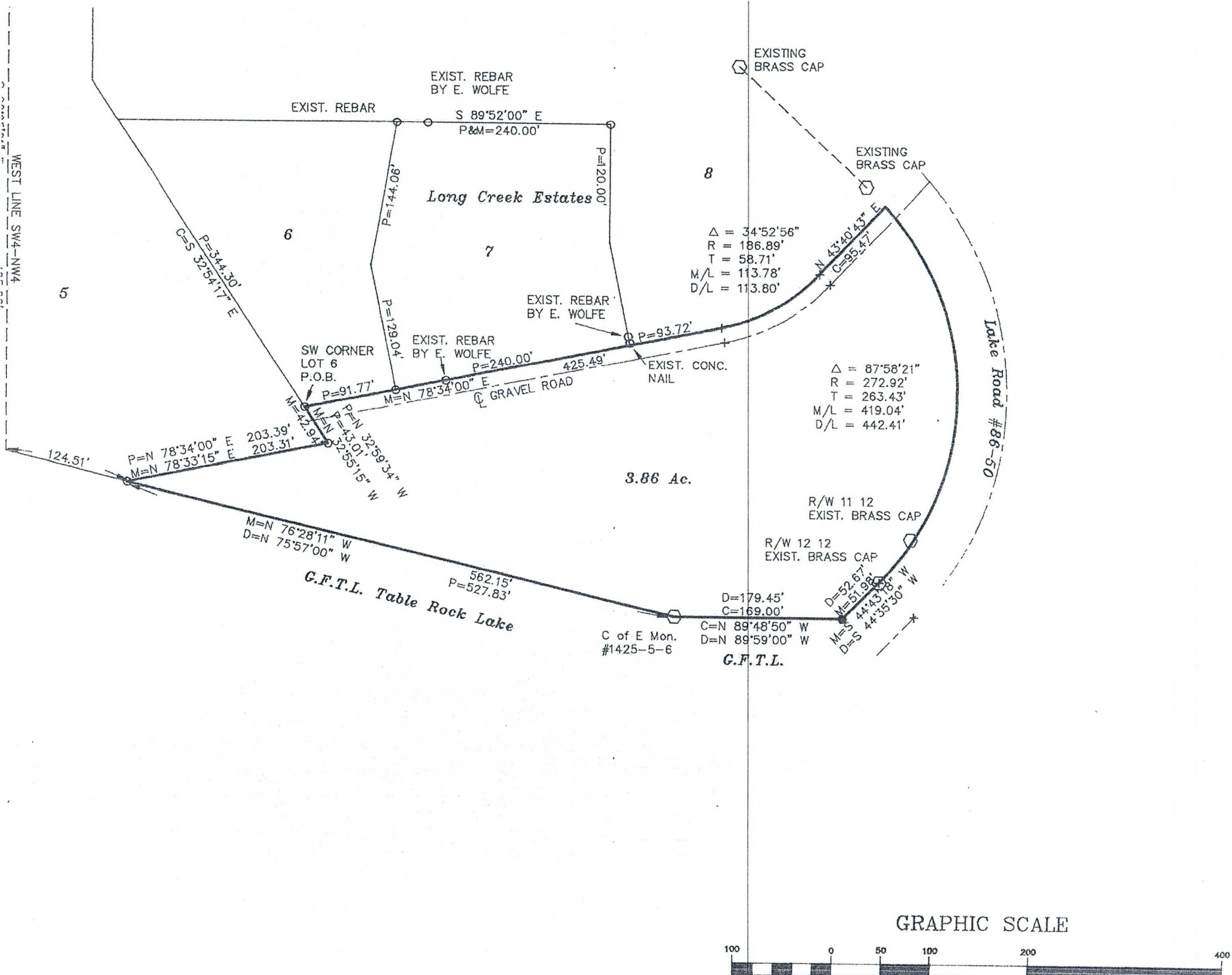


SUSAN A. BRADEN
My Commission Expires
March 22, 2014
Taney County
Commission #10857473



~~Bonita Kissee~~, Notary Public
SUSAN A. BRADEN

WEST LINE SW4-NW4





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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, FEBRUARY 15, 2012, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURHOUSE

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, and 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.

The Chairman swore in the speakers before the hearing.

Public Hearing:

The Legends at Branson Creek Property Owners Association: a request by the property owners association for a series of variances from Section 9, Table 1 property line setbacks and Section 5.3.1 Lot size and frontage requirements of the Taney County Development Guidance Code. Mr. Atchley read the staff report and presented pictures and a video of the sites. Eddie Wolfe representing the applicant explained the reason for the request. These lots were repossessed by the bank and sold. The individual owners would like to dissolve the condo association. In order to do this, variances would be required to be able to comply with the Code. Mr. Wolfe continued to discuss each lot and the variances requested for each (which is addressed in the staff report). The roads are maintained by the association at this time, but will be maintained by Branson Development if the variance is approved according to Mr. Wolfe. The homeowners association is at this time working on disbanding. After discussion a motion was made by Dave Nelson to approve the request as presented on the decision of record. Bob Hanzelon seconded. The vote to approve was unanimous.

Mr. Wolfe suggested adding the permit numbers to plats for future reference.

Review and Action:

With no additions or corrections a motion was made by Bob Hanzelon to approve the minutes as written. Seconded by Tom Gideon. The vote to approve was unanimous.

Old and New Business:

Bylaws: Mr. Atchley suggested removing the reconsideration/rehearing from the bylaws because the state statutes do not call for this. Mr. Nelson stated that he didn't mind reconsidering, in case the Board missed something. Discussion followed. A suggestion by Mr. Nelson would be to either have a reconsideration or a rehearing. Mr. Clemenson suggested the Board think about this and do some research then bring up later for discussion.

Mr. Clemenson discussed the procedure for posting the Board of Adjustment decisions. Mr. Nelson asked if a summary could be written and be ready by the next day for the press. Discussion followed.

Adjournment:

With no other business on the agenda for February 15, 2012 the meeting adjourned at 7:38 p.m.