



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 19, 2013, 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:

Western Taney County Fire Protection District

Richard Brown – Withdrawn

Review and Action:

Minutes, May 2013

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: June 19, 2013

CASE NUMBER: 2013-0003V

APPLICANT: Western Taney County Fire Protection District

REPRESENTATIVE: James Single

LOCATION: The subject property is located at 142 Briggs Road, Branson, MO; Jasper Township; Section 9, Township 24, Range 21.

REQUEST: The applicant, the Western Taney County Fire Protection District is requesting a variance from the provisions of Section 3.13.3 and Section 7, Table 3 (*Lot Size and Frontage Requirements*) of the Taney County Development Guidance Code, requiring a two-family dwelling (duplex), served by an on-site (septic) system to be located on a minimum lot area of four (4) acres (two (2) acres per dwelling unit).

BACKGROUND and SITE HISTORY:

The subject property is a meets and bounds described parcel of property, containing approximately 2.70 acres according to the Assessor's information. The property currently contains Western Taney County Fire Protection District Station 9 which is served by an individual well and septic system, due to the unavailability of a public/central sewer system.

The applicant is seeking to construct a two-family residence (duplex) which would be attached to the existing fire station on the +/- 2.70 acre lot.

GENERAL DESCRIPTION:

The applicant, the Western Taney County Fire Protection District is requesting a variance from the provisions of Section 3.13.3 and Section 7, Table 3 (*Lot Size and Frontage Requirements*) of the Development Guidance Code, requiring a two-family dwelling (duplex), served by an on-site (septic) system to be located on a minimum lot area of four (4) acres (two (2) acres per dwelling unit), in order to construct a two-family dwelling which would be attached to the existing fire station and provide housing for two firefighters and their families on the +/- 2.70 acre lot.

REVIEW:

The applicant is requesting a variance from the requirement that a two-family dwelling (duplex), served by an on-site (septic) system shall be located on a tract of land with a minimum area of four (4) acres (two (2) acres per dwelling unit), in order to allow for the construction of a two-family dwelling which would be attached to the existing fire station, providing housing for two fire fighters and their families on the +/- 2.70 acre lot.

The Fire District is seeking to attract two (2) firefighting families to Fire Station 9, which currently operates via a single volunteer firefighter. The applicant has indicated that the on-site, attached living Quarters, with full-time on-site firefighters would be a factor enabling the insurance rating to be lowered for the Fire District, potentially lowering the cost of home owner's insurance for individual property owners residing within the jurisdiction of the Western Taney County Fire Protection District. The Insurance Services Office (ISO) provides a Public Protection Classification (PPC) Fire District rating for more than 45,000 fire districts nationwide. According to the ISO website, "Through the Public Protection Classification (PPC) program, ISO evaluates municipal fire-protection efforts in communities throughout the United States. A community's investment in fire mitigation is a proven and reliable predictor of future fire losses. So insurance companies use PPC information to help establish fair premiums for insurance – generally offering lower premiums in communities with better protection."

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 Section 3.13.3 and Section 7, Table 3 (*Lot Size and Frontage Requirements*) of the Development Guidance Code, requiring a two-family dwelling (duplex), served by an on-site (septic) system to be located on a minimum lot area of four (4) acres (two (2) acres per dwelling unit), in order to allow for the construction a two-family dwelling which would be attached to the existing fire station and provide housing for two fire fighters and their families on the +/- 2.70 acre lot.
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).

13-2

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

(Circle one)

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

PLEASE PRINT

DATE 5/13/13

Applicant WESTERN TANEY CO. FPD. Phone 417-334-3440

Address, City, State, Zip 221 JEFFERSON RD, BRANSON, MO 65616

Representative JAMES K SINGLE Phone 417-334-3440

Owner of Record WTCFPO Signature: [Signature]

Name of Project: STATION 9 ADDITION

Section of Code Protested: (office entry) Section 7, Table 3 (Lot 5.00 and Frontage Right)

Address and Location of site: 142 BR1995 RD. BRANSON, MO 65616

BR1995 RD JUST OFF ST HWY 176 (WALNUT SHADE)

Subdivision (if applicable)

Section 09 Township 24 Range 21 Number of Acres or Sq. Ft. 2.7 acres

Parcel Number 05-20-09-000-000-005.002

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.

Describe in detail the reason for your request:

BUILD A DUPLEX ATTACHED TO THE
FIRE STATION TO ATTRACT TWO
FIREFIGHTER FAMILIES TO AN AREA THAT
HAS ONLY ONE VOLUNTEER. THE
LIVING QUARTERS ATTACHED TO THE STATION
WOULD HELP LOWER THE INSURANCE
RATING FOR THE COMPANY.

THIS PROJECT HAS BEEN DESIGNED USING, AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL BUILDING CODE 2009 EDITION. IN ADDITION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR SATISFYING ALL APPLICABLE CODES AND TECHNICAL STANDARDS CURRENTLY BEING ENFORCED BY THE GOVERNING BODIES.

THE DRAWINGS ARE GENERALLY DIAGRAMMATIC AND ARE INTENDED TO DEFINE THE SCOPE AND TO ILLUSTRATE THE GENERAL ARRANGEMENT OF THE WORK ONLY. SHOULD A MAJOR CONFLICT ARISE BETWEEN THE DRAWINGS AND THE ACTUAL SITE CONDITIONS, PROMPTLY NOTIFY TREAT ARCHITECTS, P.C.

VERIFY ALL DIMENSIONS, CONDITIONS AND UTILITY LOCATIONS ON THE JOB SITE PRIOR TO BEGINNING ANY WORK OR ORDERING ANY MATERIALS. NOTIFY TREAT ARCHITECTS, P.C. OF DISCREPANCIES OR INCONSISTENCIES.

EXISTING UTILITY SERVICES OR INSTALLATIONS ARE INDICATED ON THE DRAWINGS IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF SERVICE LINES OR INSTALLATIONS PRIOR TO COMMENCING WITH ANY WORK.

THE CONTRACTOR SHALL TAKE SUITABLE PRECAUTIONS TO SUPPORT, PROTECT AND MAINTAIN EXISTING UTILITY SERVICE LINES AND/OR INSTALLATIONS. UTILITIES DAMAGED DURING THE PERFORMANCE OF THE WORK SHALL BE REPAIRED OR REPLACED IMMEDIATELY. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE APPROPRIATE UTILITY COMPANIES.

IT IS THE INTENT OF THESE DRAWINGS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, MATERIALS, SUPPLIES, EQUIPMENT, TRANSPORTATION, ETC., TO OBTAIN A COMPLETE JOB WITHIN THE RECOGNIZED STANDARDS OF THE INDUSTRY.

IN THE EVENT ADDITIONAL GUIDANCE IS NEEDED BY THE CONTRACTOR FOR ANY ASPECT OF CONSTRUCTION OF THIS PROJECT, HE SHALL IMMEDIATELY CONTACT TREAT ARCHITECTS, P.C.. FAILURE TO GIVE NOTICE SHALL RELIEVE THE ARCHITECT OF SUBSEQUENT RESPONSIBILITY.

ALL DETAILS SHOWN ON THE PLANS APPLY THROUGHOUT THE PROJECT WHETHER SPECIFICALLY REFERENCED OR NOT.

THE SQUARE FOOTAGE TABULATIONS SHOWN ARE FOR CODE PURPOSES ONLY. AREAS SHALL BE RECALCULATED FOR ANY OTHER USE. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

UNLESS OTHERWISE INDICATED, ALL DIMENSIONS ARE TAKEN FROM THE FACE OF FRAMING MEMBERS, FACE OF CONCRETE, OR FACE OF FURRING. SCALING THE DRAWINGS IS DISCOURAGED. SHOULD THE CONTRACTOR DISCOVER A DIMENSIONAL ERROR OR SHOULD A QUESTION ARISE WITH REGARD TO THE WRITTEN DIMENSIONS THE CONTRACTOR IS DIRECTED TO CONTACT TREAT ARCHITECTS, P.C. FOR ASSISTANCE.

MANUFACTURERS NAMED WITHIN THE SPECIFICATIONS HAVE BEEN SELECTED FOR THE SPECIFIC PURPOSE OF DESCRIBING THE TYPE, QUALITY AND PERFORMANCE DESIRED. SUBSTITUTION OF OR EQUIVALENT PRODUCTS WILL BE ACCEPTABLE ONLY WITH WRITTEN APPROVAL FROM TREAT ARCHITECTS, P.C.

PROVIDE SHOP DRAWINGS FOR THE FOLLOWING ITEMS:

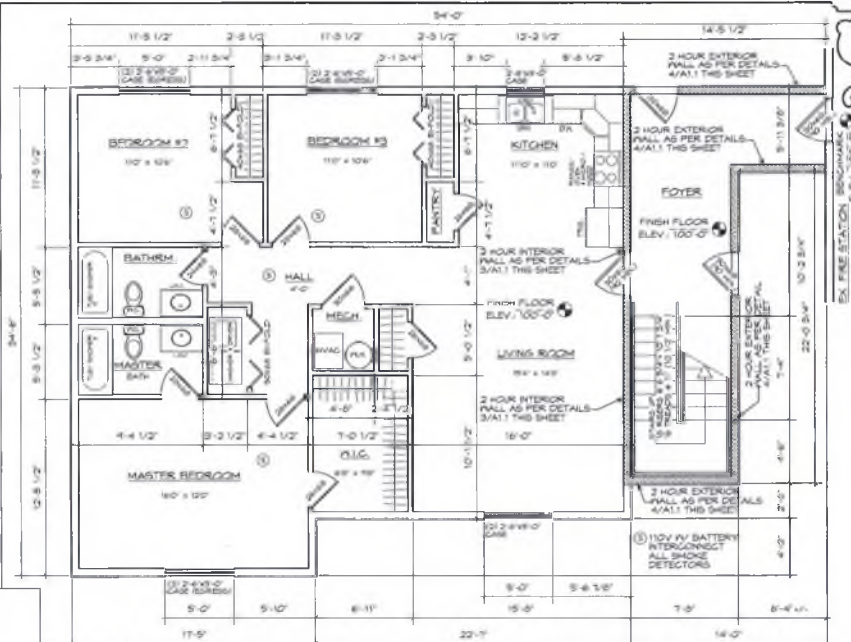
1. PRE-ENGINEERED ROOF TRUSSES
2. DOORS AND WINDOWS

THE CONTRACTOR IS REQUIRED TO COORDINATE PRODUCTION OF REVISION AND APPROVE ALL SHOP DRAWINGS THAT ARE REQUIRED AS A PART OF THIS PROJECT. ONCE APPROVED BY THE CONTRACTOR, FOUR SETS SHALL BE SUBMITTED TO TREA ARCHITECTS, P.C. FOR REVIEW. THE CONTRACTOR SHALL THEN SUBMIT THE APPROVED SHOP DRAWINGS TO THE GOVERNING BODY HAVING JURISDICTION. IN THE PARTICULAR CASE OF ENGINEERED SHOP DRAWINGS, THEY MUST BEAR THE SEAL OF THE MINNESOTA REGISTERED ENGINEER WHO PREPARED THEM.

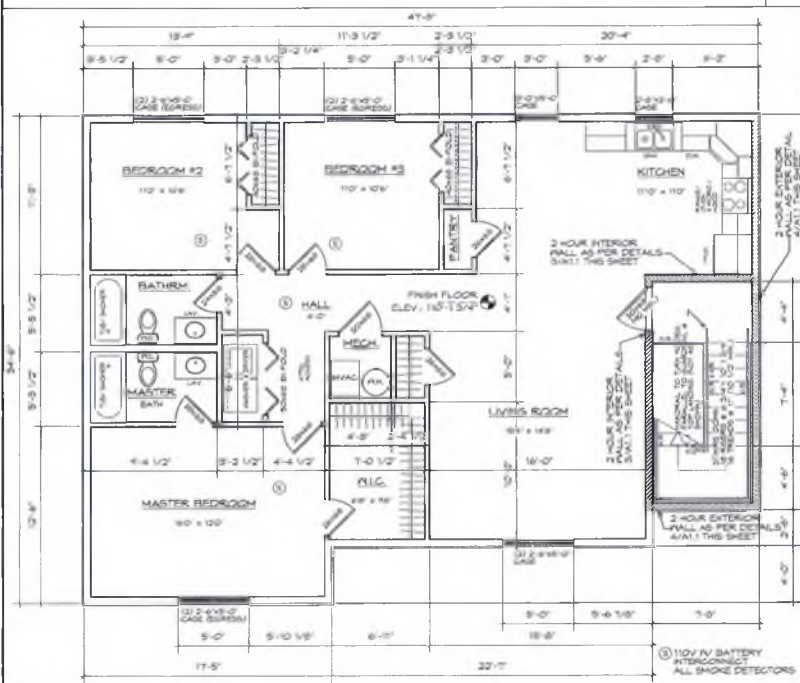
ALL CONCEPTS, DESIGNS AND DRAWINGS SHOWN HERE ARE THE EXCLUSIVE PROPERTY OF TREAT ARCHITECTS, P.C. AND SHALL NOT BE USED, REUSED, DISCLOSED OR REPRODUCED FOR ANY PURPOSE WHATSOEVER WITHOUT FIRST OBTAINING WRITTEN PERMISSION.

ALL SOIL CARVED FROM THE EARTH'S SURFACE AS A PORTION OF THE WORK AND NOT USED FOR LEVELING THE SITE IMMEDIATELY SURROUNDING THE BUILDING SHALL BE STOCKPILED AS DIRECTED BY THE OWNER. THIS MATERIAL SHALL USED TO BACKFILL AGAINST BUILDING PRIOR TO COMPLETION.

THE CONTRACTOR SHALL TAKE REASONABLE PRECAUTIONS TO PROTECT ALL THE EXISTING VEGETATION, NATURAL ROCK OUTCROPPINGS AND OTHER SIGNIFICANT SITE FEATURES FROM ANY DAMAGE DURING CONSTRUCTION.



FLOOR PLAN: MAIN LEVEL



2 FLOOR PLAN: UPPER LEVEL

PROJECT DATA

CODING OF REFERENCE 2008 INTERFERENCE, RESOURCES, COM
Andreas / 2010

OWNER: WESTERN TRACT COUNTY FIRE DISTRICT
221 JEFFERSON RD
BRANDON, MO 65609
(417) 334-3442

PROJECT ADDRESS	141 BRIDGE RD PAULS BLVD. W.
DESCRIPTION OF USE	Exterior FAC. STA MAY ADDITION OF

OCCUPANCY GROUP	14 STORAGE - 6A (200000) R3 (24-24 NEW)
REQUIRED SEPARATIONS	1 HOUR - 24' MIN 1 HOUR - 24' MIN

TYPE OF CONSTRUCTION

ALLOWABLE AREA:

ACTUAL AREAS: 59.38

1997

1 HOUR FLOOR/CEILING ASSEMBLY
GA. FILE NO. PG 3000 (SM)

ONE LAYER 1/2" TYPE "X" GYPSUM BOARD APPLIED AT RIGHT ANGLES TO RESIDENT FURRING CHANNEL. 24" O.C. IN "Y" TYPE IS DRYWALL SCORING 12" O.C. GYPSUM BD. AND JOINTS LOCATED MIDWAY BETWEEN CONTINUOUS CHANNELS. IS A LAPPED TO 12" O.C. JOINTS LOCATED MIDWAY BETWEEN 24" O.C. RESIDENT FURRING CHANNELS APPLIED AT RIGHT ANGLES TO 11-1/2" FJS AT 48" O.C. IN TWO 48" GATED NAILS 3/4" LONG. OSB 1/2" THICK. NOMINAL 1/8" GOOD EMBLISH. TO 7" NOMINAL. GOOD FINISH FLOOR. OSB 1/2" THICK. FINISH FLOOR IN LONG EDGES TAB AND 12" INTERIOR. 1/2" IN EXTERIOR. FLOOR CONCRETE CONCRETE TO JOINT IN JOINTS STAGGERED.

INTERNAL CONSTRUCTION

INTERIOR WALL SHALL BE CONSTRUCTED WITH
2ND FLOOR STUDS @ 16" O.C. WITH 5/8" TYPE "X"
GYF BOARD ON EACH SIDE.
ALL FLOORING WALLS SHALL BE 2ND FLOOR
STUDS @ 16" O.C.

EXTERIOR WALL SHALL BE
CONSTRUCTED WITH 2X6 FLOOR STUDS @ 16"
O.C. WITH 1/2" OSB & TYVEK HOME WRAP ON
EXTERIOR AND 5/8" TYPE 'X' GYPSUM BOARD ON
INTERIOR. EXTERIOR WALL FINISH TO BE:

FIRE RATED WALLS SHALL BE CONSTRUCTED AS PER DETAILS SHALL & SHALL TWO SHEET

HER FINDINGS SHALL BE AS FOLLOWS BY MARKING OR SIGNING:

THORAX, ILLATION:

PROVIDE EXHAUST FANS TO VENT TO THE
JARDON, TYPICAL, ALL BATHROOMS.

9) DETAIL: 1 HOUR FLOOR/CEILING ASSEMBLY
SCALE: 1/4"=1'-0"

For Board
of Adjustment Meeting

PROJECT
SBA OFFICE FOR:
**WESTERN TANEY
COUNTY FIRE
DISTRICT
STATION 9**
143 BRIDGE RD.
PALMIST SPRING, MO 65959

DRAWING
FLOOR PLAN

SHEET NO

A1.1

* OF SMT





142

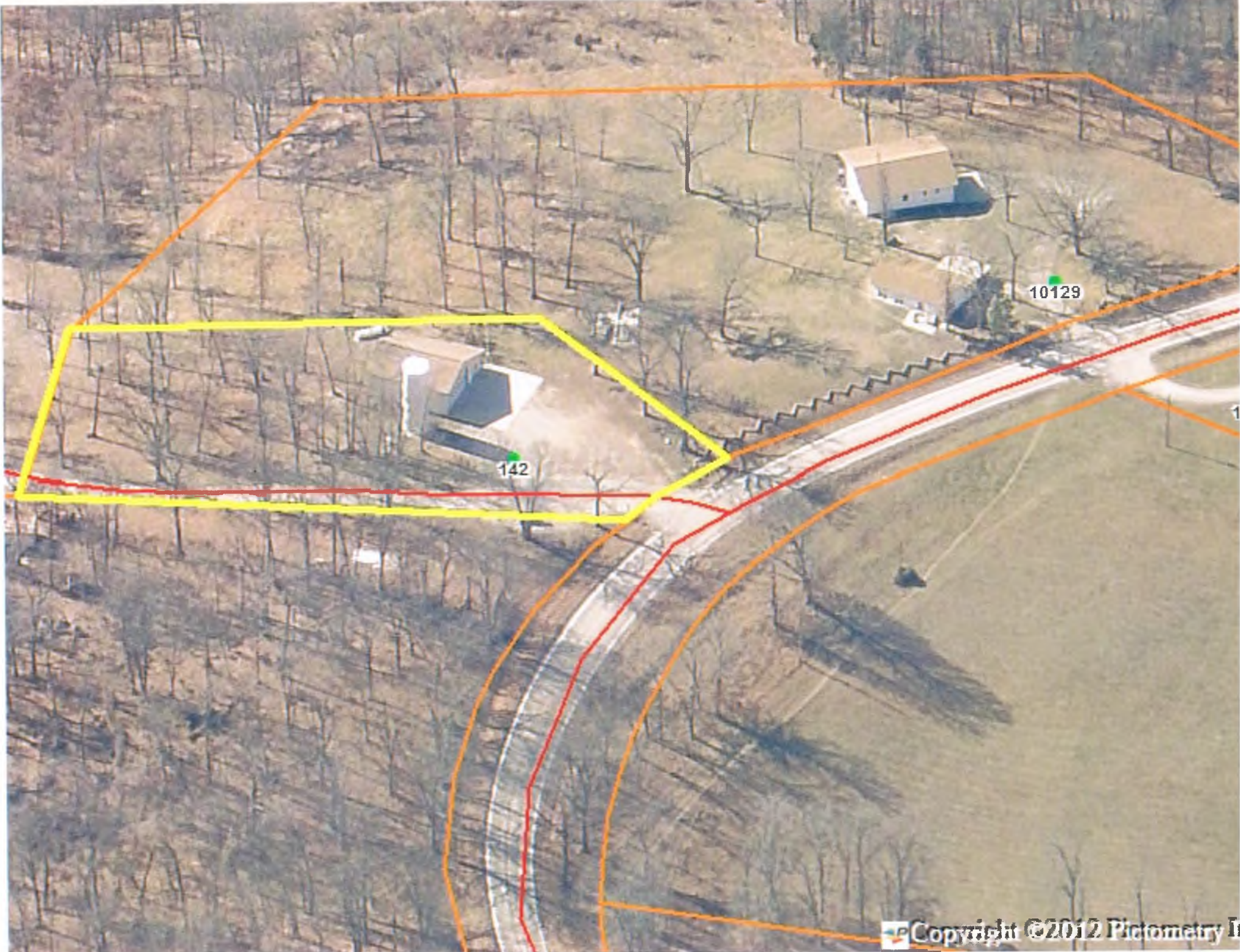
10129

10129

142

149





NOTICE OF PUBLIC HEARING

THE TANEY COUNTY BOARD OF ADJUSTMENT

Will hold a public hearing concerning the
following requested variance or appeal.

Applicant: Western T.C. Fire Protection District

Request: Duplex
Variance from lot size Reg.

Property Location: 142 Briggs Road

Hearing Location: Taney County Courthouse
Time: 7:00pm Date: Wednesday, 6-19-13
(417) 56-7225











Memo



To: Whom it May Concern

From: Bob Atchley

Date: May 28, 2013

Re: Reissuance of Division I Permit # 2013-0057 and Withdrawal of Board of Adjustment Variance Case # 2013-0004V –

Message

The applicant, Richard Brown has indicated to Scott Starrett and me that he will be constructing the addition onto the rear of the existing residence located at 9680 State Highway 76, Kirbyville, MO in compliance with the setback provisions of the Taney County Development Guidance Code. This memo is to serve as a reinstatement of Division I Permit # 2013-0057 because a plan of correction has been approved allowing for the proposed addition to meet the setback requirements. Therefore a setback variance is moot.

The applicant further has indicated that he is withdrawing Board of Adjustment Variance Case # 2013-0004V.



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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MAY 15, 2013, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman David Clemenson called the meeting to order. A quorum was established with four members present. They were: David Clemenson, Tony Mullen, Tom Gideon and Mark Weisz. Staff present, Bob Atchley and Bonita Kisse.

Mr. Atchley read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code into evidence 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.

Chairman Clemenson swore in the speakers before the hearing.

Public Hearings:

Tri-Sons Properties: a request for a variance from the provisions of Article 8, Section 2 (Required Improvements) of the Taney County Subdivision Regulations, regarding the requirement that, unless otherwise approved by the Planning Commission, all streets shall be public streets, and public streets shall be designed and construct in accordance with the Taney County Road Standards. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Atchley reported that Mr. Haes could not attend because he was out of town, then he reported what the County Road Standards requirements were and presented examples of roads which had been built with the amount of aggregate the applicant would agree to applying. Mr. Creedon addressed the Board, and explained why he doesn't want to pave his roads. Mr. Gideon asked if the applicant would eventually ask the County to take over the roads. Mr. Creedon stated that he would not, but that the homeowners might in the future. Mr. Clemenson stated that the final plat has been recorded and a security bond in place, and why Mr. Creedon did that if he didn't plan on constructing the roads to standard. Mr. Creedon stated that it was because he wanted to get started with construction. Mr. Clemenson pointed out that phase one and two were both paved and charged to the homeowners. Phase three is partially paved, and Mr. Creedon wishes to finish the road with gravel, but he will put in 2" asphalt if the Board requires it. Mr.

Weisz asked if at the time Mr. Creedon realized what the requirements were. He stated that he did not. Discussion followed regarding the home buyers paying for the profits to the developer. Mr. Clemenson pointed out that during construction the heavy equipment would destroy the 2" pavement. Further discussion followed. After discussion a motion was made by Tom Gideon to deny. Seconded by Mark Weisz. Mr. Weisz stated that in his opinion that when the subdivision was developed it was not built to standard and that he can identify with the builder, however the rules of the County must be followed and the buyers should be protected. Mr. Clemenson concurred. The vote to deny was unanimous.

Shawn Collins: a request for a variance from Section 7, Table 1, (setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 50' front property line setback requirement, in order to allow for the issuance of a Division I permit for the existing mobile home, ensuring compliance with the provisions of the Taney County Development Guidance Code. Mr. Atchley read the staff report and presented pictures and a video of the site. Mr. Collins father Walt addressed the Board and stated that at the time they bought the property they were not advised the mobile home was within the setback when they came to apply for a sewer hook up fee. Afterwards they sold the property, contract for deed. Mr. Collins stated that the property drops off severely to the back and cannot be moved out of the setback because of that. He also stated that other structures on St. Hwy. Y are also within the setback area. Mr. Weisz discussed the topography being a hardship. Mr. Collins stated that if the property was backfilled on the back it would cover up the sewer line. Mr. Gideon asked how many feet it was to the sewer easement. Mr. Atchley stated it was approximately 25'. Mr. Weisz asked what the contour lines were, Mr. Atchley stated it was approximately 10'. Jeniffer Krewson who is the person buying the property, stated that she has been in the house for one week. She is a single mother with four children and has no where else to go. The public hearing was closed at this point, no one opposing the request signed up to speak. Mr. Weisz made a motion to approve based upon the decision of record. Tom Gideon seconded. The vote to approve was unanimous.

Review and Action:

Minutes, April 2013: with no additions or corrections a motion was made by Tom Gideon to approve the minutes as written. Seconded by Tony Mullen. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley presented the Board with the new Code Book.

Adjournment:

With no other business on the agenda for May 15, 2013 the meeting adjourned at 8:00 p.m.