



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, OCTOBER 15, 2014, 7:00 P.M.
COUNTY COMMISSION HEARING ROOM
TANEY COUNTY COURTHOUSE**

Call to Order:

Establishment of Quorum

Election of Officers

Explanation of Public Hearing Procedures

Presentation of Exhibits

Governing Statutes

Public Hearing:

Brenda Marshall and Billy Tsai

Review and Action:

Minutes, July 2014

Old and New Business:

Tentative

Adjournment.

Bonita Kissee

From: David L Nelson [dknelson1994@yahoo.com]
Sent: Wednesday, August 06, 2014 7:29 AM
To: P&Z
Subject: David Nelson

Good morning,
I am resigning from the B.O.A as of this date 08 06 2014. I am unavailable due personal issues.

Thank you,

David L Nelson



TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: October 15, 2014

CASE NUMBER: 2014-0006V

PROJECT: Brenda Marshall & Billy Tsai Setback Variance Request

APPLICANTS: Brenda Marshall & Billy Tsai

LOCATION: The subject property is located at 342 Amherst Road, Branson, MO; Oliver Township; Section 4, Township 22, Range 21.

REQUEST: The applicants, Brenda Marshall & Billy Tsai are requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicants are requesting a variance from the required 25' front of lot setback requirement, in order to allow for the existing carport to remain.

BACKGROUND and SITE HISTORY:

The subject property is described as Lots 1 through 12 of the Long View Subdivision and contains a total of approximately 1.15 acres (Utilizing the Assessor's information via Beacon). The property in question currently contains an approximately 1,320 square foot single family residence.

The Planning Department issued Division I Permit # 2013-0162, authorizing the construction of the 1,320 square foot, single-family residence. On May 15, 2014, a Certificate of Conformance was issued for the single-family residence.

Upon receipt of a complaint, the Planning Department found that the applicants had placed a portable carport on-site without the issuance of a Division I Permit. The placement of the portable carport was not in compliance with the front setback requirement and therefore did not allow for the issuance of a Division I Permit.

GENERAL DESCRIPTION:

The subject property is described as Lots 1 through 12 of the Long View Subdivision.

The applicants, Brenda Marshall & Billy Tsai are seeking a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. Per the provisions of Section 7, Table 1, a structure is required to be setback 25' from the front property line. Measurements to the structure are made to the portion of the structure that is closest to the property line, which in this instance is the roof overhang. The applicants are requesting a +/- 13.0' setback variance from the front property line, allowing the carport to remain approximately 12.0' from the apparent front property line.

REVIEW:

The applicants are requesting a 13' variance from the 25' front setback requirement of the Development Guidance Code. The Taney County GIS (Beacon) indicates that the applicants' front property line is actually located on the other side of Amherst Road. However, a survey has not been conducted, confirming the location of this front property line. The property in question is described as Lots 1 through 12 of the Long View Subdivision. The Long View Subdivision was originally platted in 1917. The applicants have indicated that in previous discussions with surveying professionals, it was indicated that the entire area (Long View Subdivision) had not been surveyed in a number of years, leading to a potentially costly survey of the property.

The applicants have indicated that the former property owner had actually constructed a building within the road right-of-way as indicated within the attached Taney County GIS (Beacon) aerial photo from 2006.

The property in question is extremely steep, in which the topography quickly drops off from the front of the lot to the back of the property, as indicated in the attached aerial photography.

The majority of the neighboring houses built along Amherst Road simply do not meet the front of lot setback requirements. However, these existing residences were constructed in the 1940s and 1950s and would simply not meet the requirements of the Development Guidance Code, if they were being built today.

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.”

STAFF RECOMMENDATIONS:

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 setback variance of +/- 13.0' from the apparent front property line, allowing for the issuance of a Division I Permit for the existing carport structure.
2. The applicants shall obtain a survey of the property (Lots 1 through 12 of the Long View Subdivision) indicating the precise location of the front property line.
3. Compliance with all of the other provisions of the Taney County Development Guidance Code.
4. 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).



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14-6

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 9-3-14

Applicant Brenda Marshall & Billy Tsai Phone 918-688-1818

Address, City, State, Zip 342 AMHERST RD BRANSON MO. 65616

Representative Same Phone 918-688-1818

Owner of Record X Brenda Marshall Signature:

Name of Project:

Section of Code Protested: (office entry) Section 7, Table 1 (setbacks) Development Guidance Code

Address and Location of site: 342 AMHERSH RD

Subdivision (if applicable)

Section 4 Township 22 Range 21 Number of Acres or Sq. Ft. 287 x 152

Parcel Number 17-20-04-001-013-011:000

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:

carport is encroaching into the road

Right of way 12'

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.

Brenda Marshall
Signature of Applicant

9-3-14
Date of Application

STATE OF MISSOURI)
 S.S. On this 3rd day of Sept., 2014.
COUNTY OF TANEY)

Before me Personally appeared Brenda Marshall, to me know 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 ~~2/6/2018~~ 11-29-16

Linda Todd
~~Bonita Kisse-Soutte~~, Notary Public
Linda Todd



Engineers Certificate.

I, N.D. Wallace, a civil engineer, of the County of Taney, State of Missouri, do hereby certify that the attached plat is a correct exhibition of the survey of Long View as made by me and in accordance with the laws of the State of Missouri.

In testimony whereof I have hereunto set my hand and seal this 15th day of Feb. 1916.

(Seal) N.D. Wallace

This Indenture, made and entered into this 17th day of February, 1916, by and between Emma M. Gaston and H.G. Gaston, her husband of Webb City, Jasper County, Missouri, as parties of the first part and the County of Taney in the State of Missouri, as parties of the second part, Witnesseth:

That, whereas, the parties of the first part are the owners of the following described tract of land situate in the County of Taney and State of Missouri, to-wit:— Lot Eight (8), Northeast Quarter of Section Four (4), Township Twenty-two (22), Range Twenty-one (21), except Six and one-half (6 1/2) acres, or all that part of said lot lying south of Coon Creek, heretofore sold to C.W. Thurman, and except Fourteen (14) acres, more or less, lying along the banks of White River, here before sold to the Ozark Power and Water Company, and except all that part of said tract lying north of the Branson + Kirbyville Road, heretofore platted and known as Bungalow Addition to Branson.

And, whereas, said parties of the first part desire to lay out said tract of land into a subdivision of Taney County, Missouri, to be known as Long View.

Now therefore, in consideration of the premises, the said Emma M. Gaston and H.G. Gaston do hereby grant, sell and convey, and by these presents have granted, given and released and forever quit-claimed unto the said County of Taney, for public uses, the streets and alleys laid down and described on the plat hereto attached and we hereby dedicate said streets and alleys to public use to be and remain the property of the said Taney County, Missouri, for the purposes aforesaid forever.

In Witness Whereof we have hereunto set our hands this 17th day of February 1916.

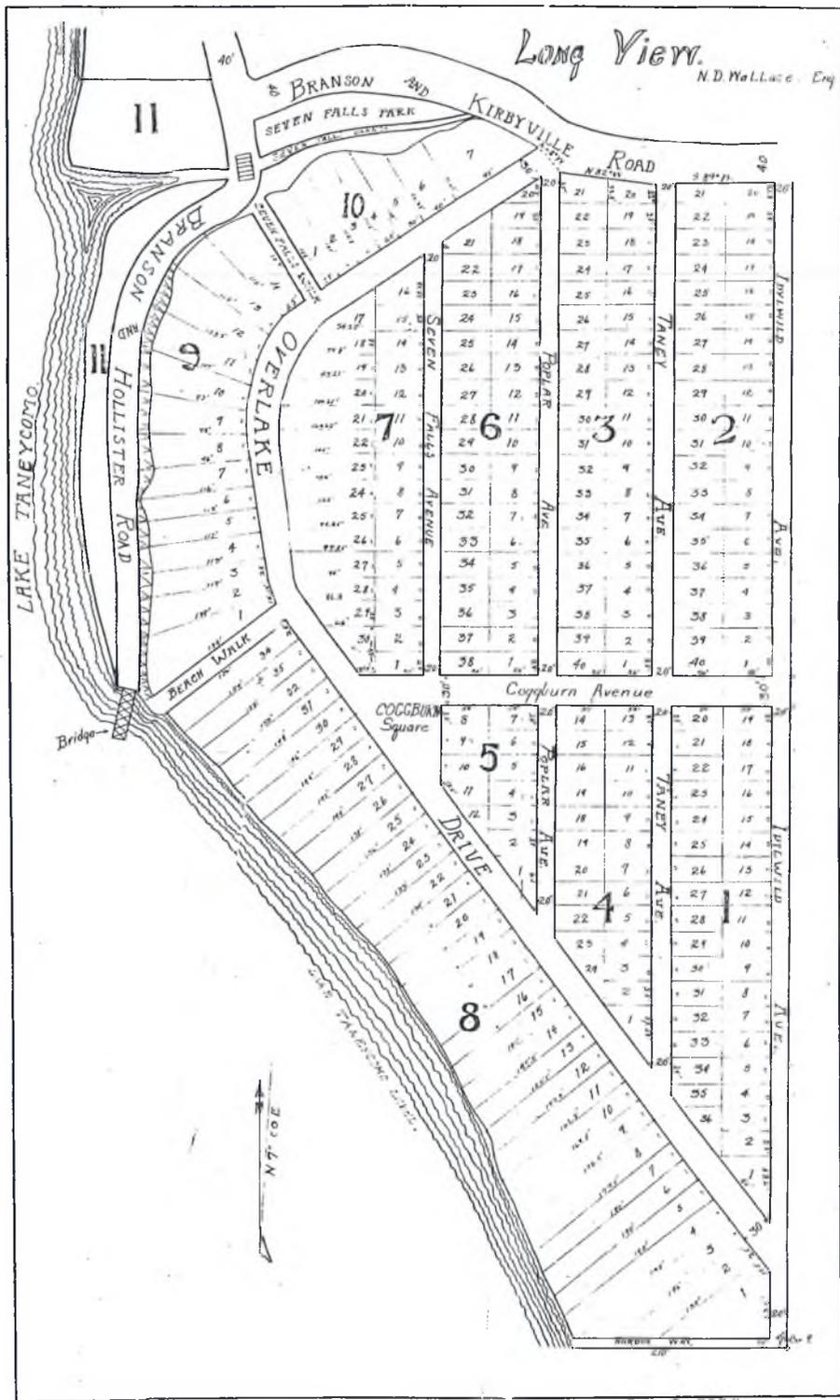
State of Missouri,
County of Jasper.

On this 17th day of February, 1916, before me personally appeared Emma M. Gaston and H.G. Gaston, her husband, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at my office in Webb City, Missouri, the day and year first above written. My term as notary will expire July 20th 1917.

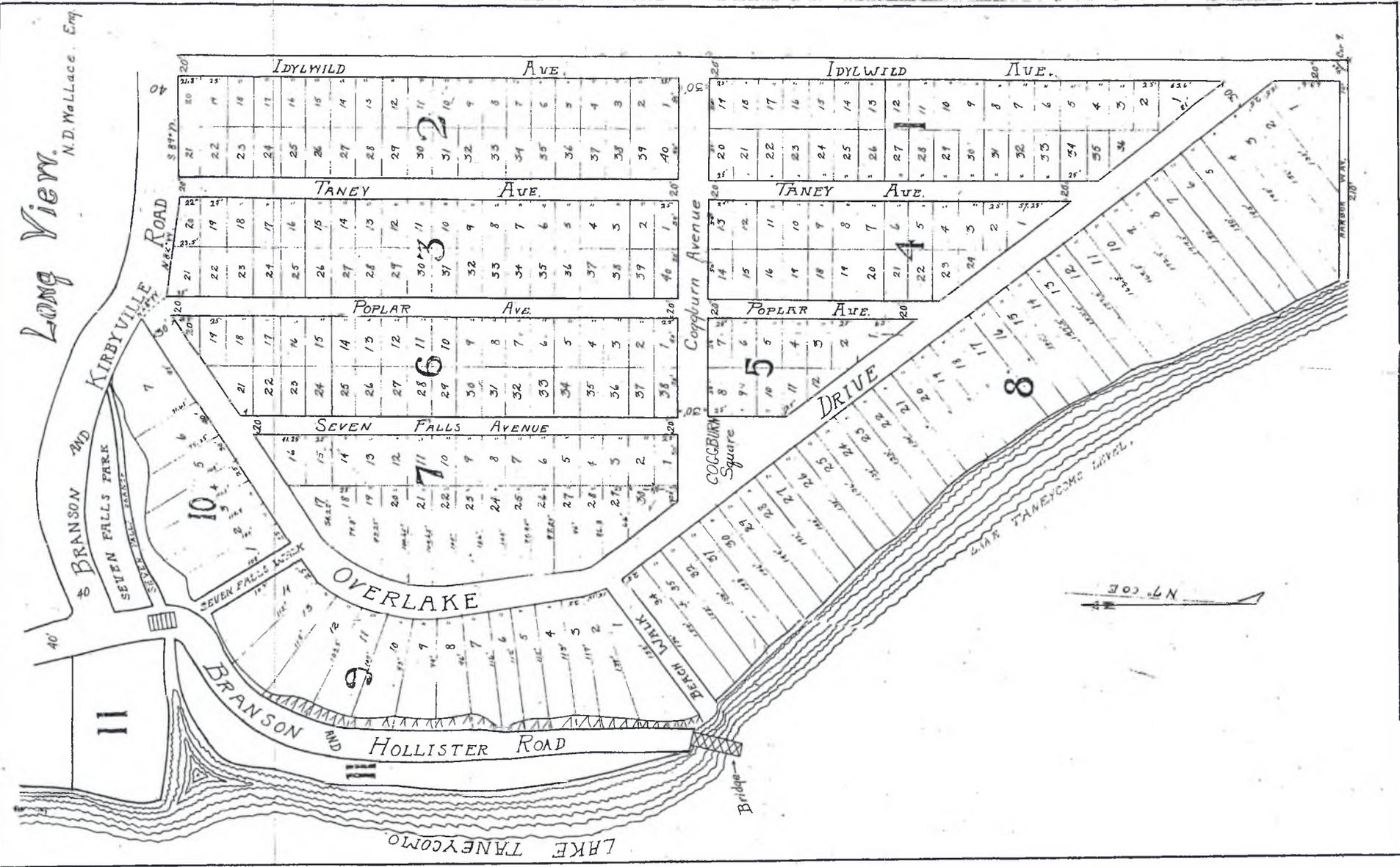
Austin J. Quincy
NOTARY PUBLIC

Filed for record July 21st 1916 at 2 o'clock PM
W.H. Johnson Recorder



Long View.

N.D. Wallace, Eng.



Drawn By C.C. Bolles



BOA Brenda Marshall & Billy Tsai



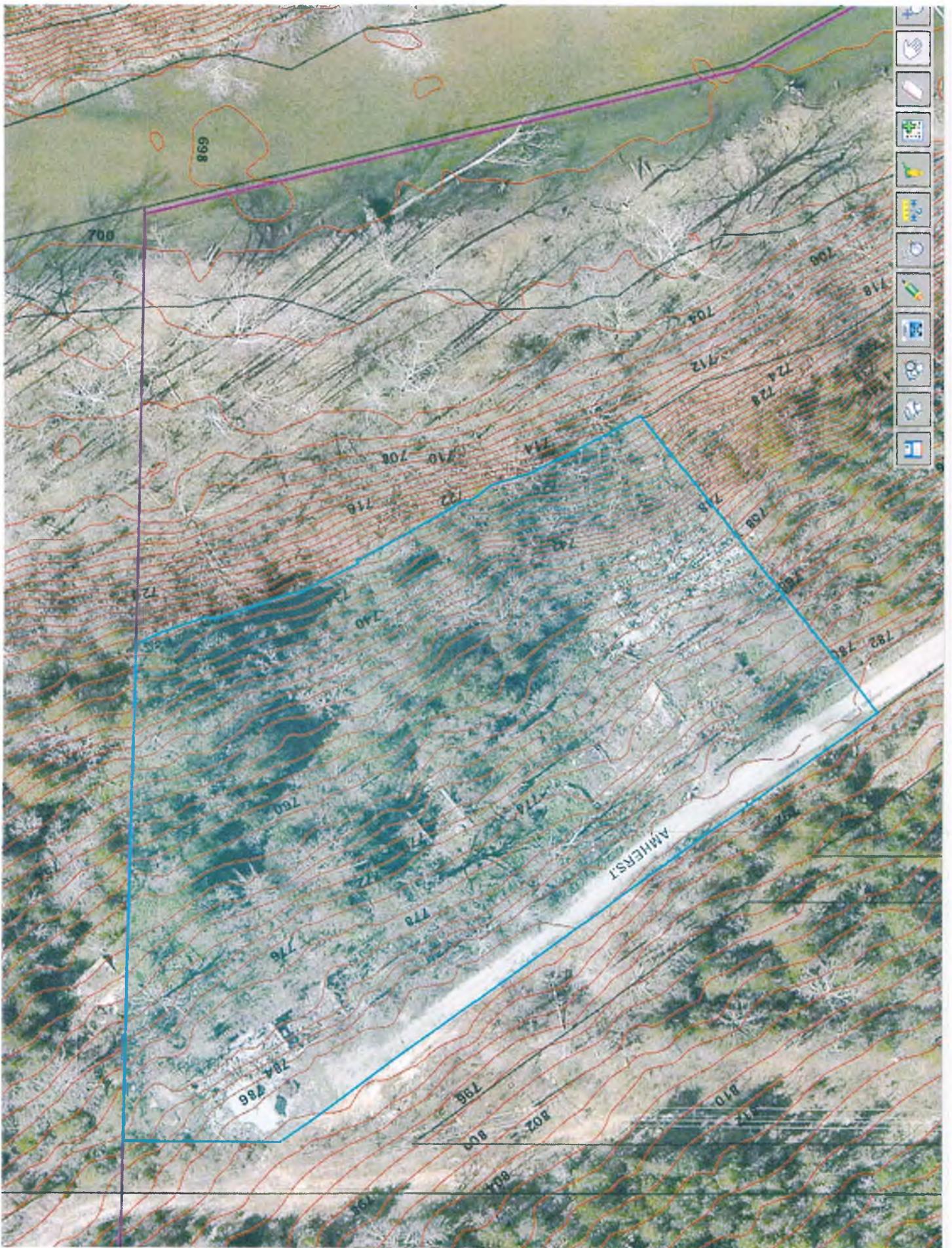
SUPPLEMENTAL INFORMATION
 This map is a computer-generated map and does not constitute a survey. It is based on the best available information and is subject to change without notice. The Board of Assessors is not responsible for any errors or omissions on this map. For more information, please contact the Board of Assessors at 17-20-04-001-013-011-800.



Brenda Marshall & Billy Tsai Variance Request
172 Amherst Road
2006 Aerial Photo – Taney County GIS (Beacon)

**Brenda Marshall & Billy Tsai Variance Request
172 Amherst Road
2012 Aerial Photo – Taney County GIS (Beacon)**





NOTICE OF PUBLIC HEARING

THE TANEY COUNTY BOARD OF ADJUSTMENT

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

Applicant: Brenda Marshall-Billy Tsai

Request: Road Right of way
Set back

Property Location: 342 Amherst

Hearing Location: Taney County Courthouse

Time: 7:00pm

Date: Wednesday, 10-15-14

Phone: (417) 849-7225















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AGENDA

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 16, 2014, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Vice-Chairman Mark Weisz called the meeting to order. A quorum was established with four members present. They were: Tony Mullin, Shawn Pingleton, Tom Gideon and Mark Weisz. Staff present: Bob Atchley and Bonita Kisse-Souttee.

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.

The speaker was sworn in before the hearing.

Public Hearing:

Doug Meadows: a request for a variance from the provisions of Section 7 Table 1, Setbacks of the Taney County Development Guidance Code. The applicants are requesting a variance from the required 7' side of lot setback requirement, in order to allow for the construction of an 18' x 24' attached garage. The property is located at 147 River Bluff Drive. Mr. Atchley read the staff report and presented a video and pictures of the site. Mr. Meadows clarified his request and stated that this is a safety issue because when their daughter is home there could be five cars in the driveway, yard and road. There are no street lights in the subdivision. He has spoke to the closest property owner who has no problem with the garage being built, according to Mr. Meadows. There is a drainage area on the east, not on the Meadows property, but this is why the house had to be moved over further than planned, making the side setback smaller. Mr. Weisz questioned if any of the other homes in the subdivision were in the City limits. Mr. Meadows reported that none of the subdivision was in the City. With no discussion Tom Gideon made a motion to approve based upon the decision of record. Seconded by Shawn Pingleton. The vote to approve was unanimous. Mr. Weisz discussed his reasons for voting in favor of approval.

Review and Action:

Minutes, May 21, 2014; with no additions or corrections a motion was made by Tony Mullen to approve the minutes as written. Seconded by Tom Gideon. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported that there are no applications for next month yet.

Adjournment:

With no other business on the agenda for July 16, 2014 the meeting adjourned at 7:20 p.m.