



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, DECEMBER 17, 2014, 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:

*GGW Inv. LLC, Variance Request
Billy Grant Johnson, Variance Request*

Review and Action:

Minutes, November 2014

Old and New Business:

Gary & Trecie Loyd

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: December 17, 2014

CASE NUMBER: 2014-0010V

APPLICANT: GGW Investments, LLC

REPRESENTATIVE: Stauffer Law Firm

LOCATION: The subject property is located 225 Cross Creek Boulevard, Branson, MO; Scott Township; Section 34, Township 23, Range 21.

REQUEST: The applicant, GGW Investments, LLC is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required 7' side of lot setback, in order to allow for the separation of the Sunfest Market and a portion of the parking area from the rest of the Cross Creek Centre Shopping Plaza.

BACKGROUND and SITE HISTORY:

On September 17, 2001 the Taney County Planning Commission approved Division III Permit #2001-0032 authorizing the development of the Cross Creek Development, a multi-use project consisting of multi-family, single-family, offices and a retail shopping area; later to be known as the Cross Creek Centre Subdivision.

The subject property is Lot C12 of the Cross Creek Centre Subdivision, containing +/- 4.47 acres (Per the Replat of Lot C12 of the Cross Creek Centre Subdivision). This shopping plaza currently contains the Sunfest Market, Missouri Loan Center, Pizza World, Family Pharmacy and a number of unoccupied units.

The applicant is now wishing to subdivide the +/- 4.47 acre Lot C12 into two (2) commercial lots (Lot C12-A +/- 1.50 acres and Lot C12-B +/- 2.97 acres).

GENERAL DESCRIPTION:

The property in question is Lot C12 of the Cross Creek Centre Subdivision, containing +/- 4.47 acres (Per the Replat of Lot C12 of the Cross Creek Centre Subdivision) and currently contains Sunfest Market, Missouri Loan Center, Pizza World, Family Pharmacy and a number of unoccupied units.

The applicant, GGW Investments, LLC is seeking to subdivide Lot C12 into two (2) commercial lots, in order to allow for the separation of the Sunfest Market and a portion of the parking area from the rest of the shopping plaza, for finance purposes. The applicant is seeking a side of lot setback variance, in order to allow for said replat.

REVIEW:

The applicant, GGW Investments, LLC is seeking to subdivide Lot C12 into two (2) commercial lots (C12-A and C12-B), in order to allow for the separation of the Sunfest Market and a portion of the parking area from the rest of the shopping plaza, for finance purposes. The +/- 4.47 acre Lot C12 would be replatted into two (2) commercial lots, (Lot C12-A +/- 1.50 acres and Lot C12-B +/- 2.97 acres) as indicated on the submitted Replat.

Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code requires a side of lot setback of 7'. The lot line separating the Sunfest Market (Lot C12-A) from the remainder of the shopping plaza (Lot C12-B) will be located along the center of certain interior walls, making a 7' side of lot setback impossible to maintain. The applicant is requesting a 7' side of lot setback variance, in order to allow a 0' side setback along a portion the eastern lot line of Lot C12-A and the western lot line of Lot C12-B.

The applicant has indicated that nothing will physically change on the property in question. The applicant will continue to own both commercial lots but the lots are being separated for finance purposes.

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 +/- 7.0' from a portion the eastern lot line of Lot C12-A, as indicated on the Replat of Lot C12 of the Cross Creek Centre Subdivision, allowing for a 0' setback along this specific portion of the lot line.
2. Approval of a setback variance of +/- 7.0' from a portion the western lot line of Lot C12-B, as indicated on the Replat of Lot C12 of the Cross Creek Centre Subdivision, allowing for a 0' setback along this specific portion of the lot 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 Taney County Development Guidance Code).

#14-10

TANEY COUNTY BOARD OF ADJUSTMENT
APPLICATION and AFFIDAVIT
FOR VARIANCE OR APPEAL
(Circle one)

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

PLEASE PRINT

DATE _____

Applicant GGW INVESTMENTS LLC Phone L STAUFFER LAW FIRM 417-256-5140

Address, City, State, Zip 204 WEST MAIN ST WEST PLAINS MO 65775

Representative STAUFFER LAW FIRM Phone 417-256-5140

Owner of Record GGW INVESTMENTS LLC Signature: _____

Name of Project: Cross Creek Center Subdivision Side Setback Variance

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

Address and Location of site: 225 CROSS CREEK BLVD BRANSON MO 65616 code

SUNFEST MARKET

Subdivision (if applicable) LOT C12 CROSS CREEK CENTRE (SLIDE CAB. H, PG. 275)

Section 34 Township 23 Range 21 Number of Acres or Sq. Ft. 4.47 ACRES

Parcel Number 08-8.0-34-000-000-47.002

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

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:

GGW Investments is the owner of Lot C12 of Cross Creek Centre Subdivision. The shopping plaza on this lot includes Sunfest Market, Pizza World, Family Pharmacy and other unoccupied units. For finance purposes, GGW Investments wishes to separate the Sunfest Market building and a portion of the parking area from the rest of the shopping plaza. The current Taney County development code requires a 7' side setback for commercial lots. Since a lot line separating the Sunfest Market from the rest of the shopping plaza would be along the center of certain interior walls, a 7' side setback would be impossible to maintain.

GGW Investments requests a variance to reduce the required 7' side setback to a 0' setback along this proposed lot line (shown on preliminary plat.)

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

11-10-14

Date of Application

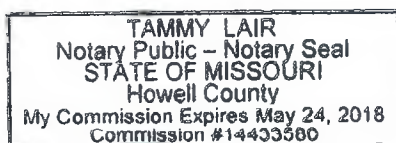
STATE OF MISSOURI)

COUNTY OF Howell)

S.S. On this 10th day of November 2014.

Before me Personally appeared Robert Bruce Graham 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 West Plains mo, the day and year first above written. My term of office as a Notary Public will expire _____.



SUNFEST SUBDIVISION DESCRIPTION

Job No. 14213

Lot C12 of Cross Creek Centre, the plat of which is recorded in Slide Cabinet H at Page 275 in the Taney County Recorder's Office, being further described as follows;

BEGINNING at the southeast corner of said Lot C12, which is on the northeastern right-of-way line of Cross Creek Blvd.; thence along said northeastern right-of-way line the following six courses;

1) Along the arc of a curve to the left, 90.89 feet, said curve having a radius of 185.01 feet and a central angle of $28^{\circ}08'50''$

2) South $85^{\circ}11'32''$ West, 165.23 feet

3) Along the arc of a curve to the right, 114.33 feet, said curve having a radius of 70.01 feet and a central angle of $93^{\circ}33'56''$

4) North $01^{\circ}14'32''$ West, 137.38 feet

5) Along the arc of a curve to the left, 188.79 feet, said curve having a radius of 180.00 feet and a central angle of $60^{\circ}05'37''$

6) Along the arc of a curve to the right, 40.68 feet, said curve having a radius of 25.00 feet and a central angle of $93^{\circ}13'54''$ West

to the southeast right-of-way line of Lake Drive; thence along said southeast right-of-way the following two courses;

1) Along the arc of a curve to the left, 75.36 feet, said curve having a radius of 155.00 feet and a central angle of $27^{\circ}51'25''$

2) Along the arc of a curve to the right, 185.82 feet, said curve having a radius of 322.97 feet and a central angle of $32^{\circ}57'54''$

to the northwest corner of said Lot C12; thence along the north line of said Lot C12 the following four courses;

1) South $49^{\circ}40'24''$ East, 224.20 feet

2) South $34^{\circ}32'24''$ East, 136.09 feet

3) South $50^{\circ}18'41''$ East, 78.01 feet

4) North $64^{\circ}45'05''$ East, 72.00 feet

to the south right-of-way line of Sunrise Cove; thence along said south right-of-way line the following two courses;

1) South $29^{\circ}53'39''$ East, 76.83 feet

2) Along the arc of a curve to the left, 63.56 feet, said curve having a radius of 450.01 feet and a central angle of $08^{\circ}05'31''$

to the northeast corner of said Lot C12; thence along the east line of said Lot C12, South $22^{\circ}14'03''$ West, 261.92 feet to the point of beginning, containing 4.47 acres.

**Replat of Lot C12
of the Cross Creek Center Subdivision (Slide Cab. H, Page 275)
in the SE1/4 of the SE1/4 of
Section 34, Township 23 North, Range 21 West of the 5th P.M.
in Taney County, Missouri**

LEGEND

- FOUND MARKER
- SET 1/2" x 18" REBAR WITH PLASTIC I.D. CAP
- CALCULATED CORNER POSITION
- SURVEYED BOUNDARY
- - - EASEMENT LINE
- - - SETBACK LINE
- RECORD DATA

DESCRIPTION

Lot C12 of Cross Creek Centre, the plat of which is recorded in Slide Cabinet H at Page 275 in the Taney County Recorder's Office, being further described as follows:

BEGINNING at the southeast corner of said Lot C12, which is on the northeastern right-of-way line of Cross Creek Blvd.; thence along said northeastern right-of-way line the following six courses;

- 1) Along the arc of a curve to the left, 90.89 feet, said curve having a radius of 185.01 feet, a central angle of 28°08'50", and a chord bearing of North 80° 44' 03" W;
- 2) South 85°11'32" West, 165.23 feet
- 3) Along the arc of a curve to the right, 114.33 feet, said curve having a radius of 70.01 feet and a central angle of 83°39'56"
- 4) North 01°14'32" West, 137.38 feet
- 5) Along the arc of a curve to the left, 188.79 feet, said curve having a radius of 180.00 feet and a central angle of 60°05'37"
- 6) Along the arc of a curve to the right, 40.68 feet, said curve having a radius of 25.00 feet and a central angle of 93°13'54" West to the southeast right-of-way line of Lake Drive; thence along said southeast right-of-way line the following two courses;

- 1) Along the arc of a curve to the left, 75.36 feet, said curve having a radius of 155.00 feet and a central angle of 27°51'25"
- 2) Along the arc of a curve to the right, 185.82 feet, said curve having a radius of 322.97 feet and a central angle of 32°57'54" to the northwest corner of said Lot C12; thence along the north line of said Lot C12 the following four courses;

- 1) South 49°40'24" East, 224.20 feet
- 2) South 34°32'24" East, 136.09 feet
- 3) South 50°18'41" East, 78.01 feet
- 4) North 64°45'05" East, 72.00 feet to the south right-of-way line of Sunrise Cove; thence along said south right-of-way line the following two courses;

- 1) South 29°53'39" East, 76.83 feet
- 2) Along the arc of a curve to the left, 63.56 feet, said curve having a radius of 450.01 feet and a central angle of 08°05'31" to the northeast corner of said Lot C12; thence along the east line of said Lot C12, South 22°14'03" West, 261.92 feet to the point of beginning, containing 4.47 acres

CERTIFICATE OF OWNER

GGW Investments, LLC, a Missouri Limited Liability Company, do hereby certify that we are the owners of the property described herein, which is within the subdivision jurisdiction of the County of Taney and we freely accept this plan of subdivision which shall hereafter be known as Replat of Lot C12 of the Cross Creek Center Subdivision. Replat of Lot C12 of the Cross Creek Center Subdivision consists of two lots which contain in the aggregate, 4.47 acres

GGW Investments, LLC

By _____
Title _____

STATE OF MISSOURI)
S.S. On this _____ day of _____,
20____
COUNTY OF _____)

Before me Personally appeared _____
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 _____ the day and year first above written. My term of office as a Notary Public will expire _____

TANEY COUNTY PLANNING COMMISSION CERTIFICATION

Approved by the Taney County Planning and Zoning Administrator this _____ day of _____, 20____

This plat does not violate the rules and regulations of the Taney County Development Guidance Code or the Taney County Subdivision Regulations.

Administrator Chairperson

TANEY COUNTY 911 ADMINISTRATION CERTIFICATION

Approved by the Taney County 911 Administration this _____ day of _____, 20____

911 Representative _____

SURVEYOR'S DECLARATION

I hereby declare that the information shown hereon is based on an actual survey of the land herein described and that said survey was performed and this plat prepared under my personal supervision, to the best of my knowledge and belief, in accordance with the current Missouri Minimum Standards for Property Boundary Surveys (10 CSR 30-2) and the subdivision regulations for Taney County, Missouri.

Ralph L. Riggs
Missouri PLS No. 2175
Date: 11/06/2014

Riggs & Associates, Inc.
MO Certificate of Authority #000208



SURVEY NOTES

- SN1. The rights-of-way of Cross Creek Blvd., Lake Drive and Sunrise Cove were dedicated to the public in prior subdivisions (Reference Slide Cabinet H at Page 275, Slide Cabinet G at Page 573 and Slide Cabinet-I at Page 583)
- SN2. After diligent search, no survey markers pertaining directly to Lot C12 were found in the course of this survey. It appears this was the result of major dirt excavation, utility installation and parking lot construction. The boundaries of Lot C12 were determined using original subdivision markers found west and southwest.

Approval of this plat is contingent on a variance being granted by the Taney County Planning Commission's Board of Adjustment for a 0' side setback on the lot line between Lots 1 and 2.

VARIANCE APPROVAL

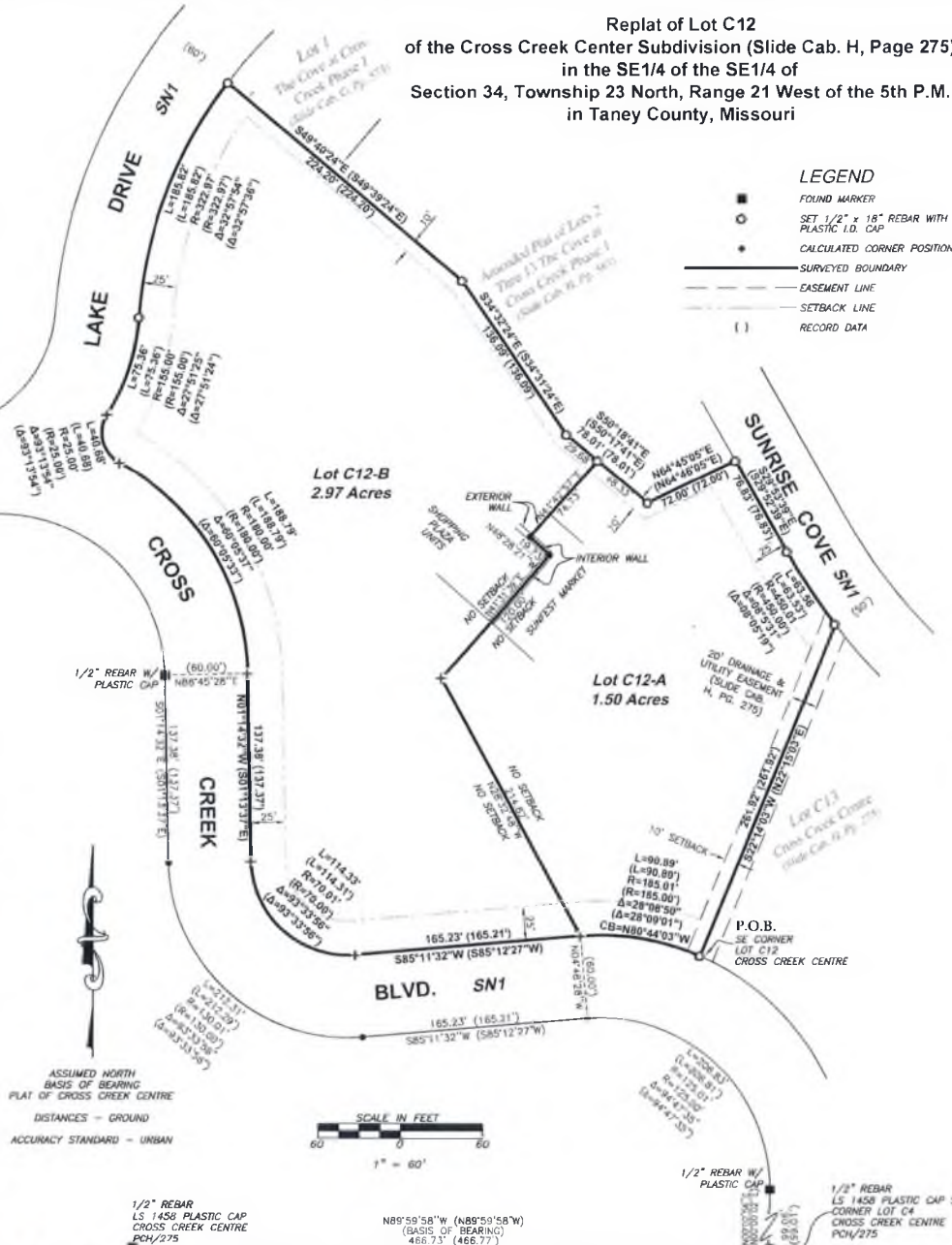
Approval of this plat is contingent on a variance being granted by the Taney County Planning Commission's Board of Adjustment for a 0' side setback on the lot line between Lots 1 and 2.

Variance approved by Taney County Planning Commission - Board of Adjustment this _____ day of _____, 20____

Planning Administrator



LOCATION MAP
Sec. 34, T23N R21W
Taney County, Missouri



**Replat of Lot C12
of the Cross Creek Center Subdivision**

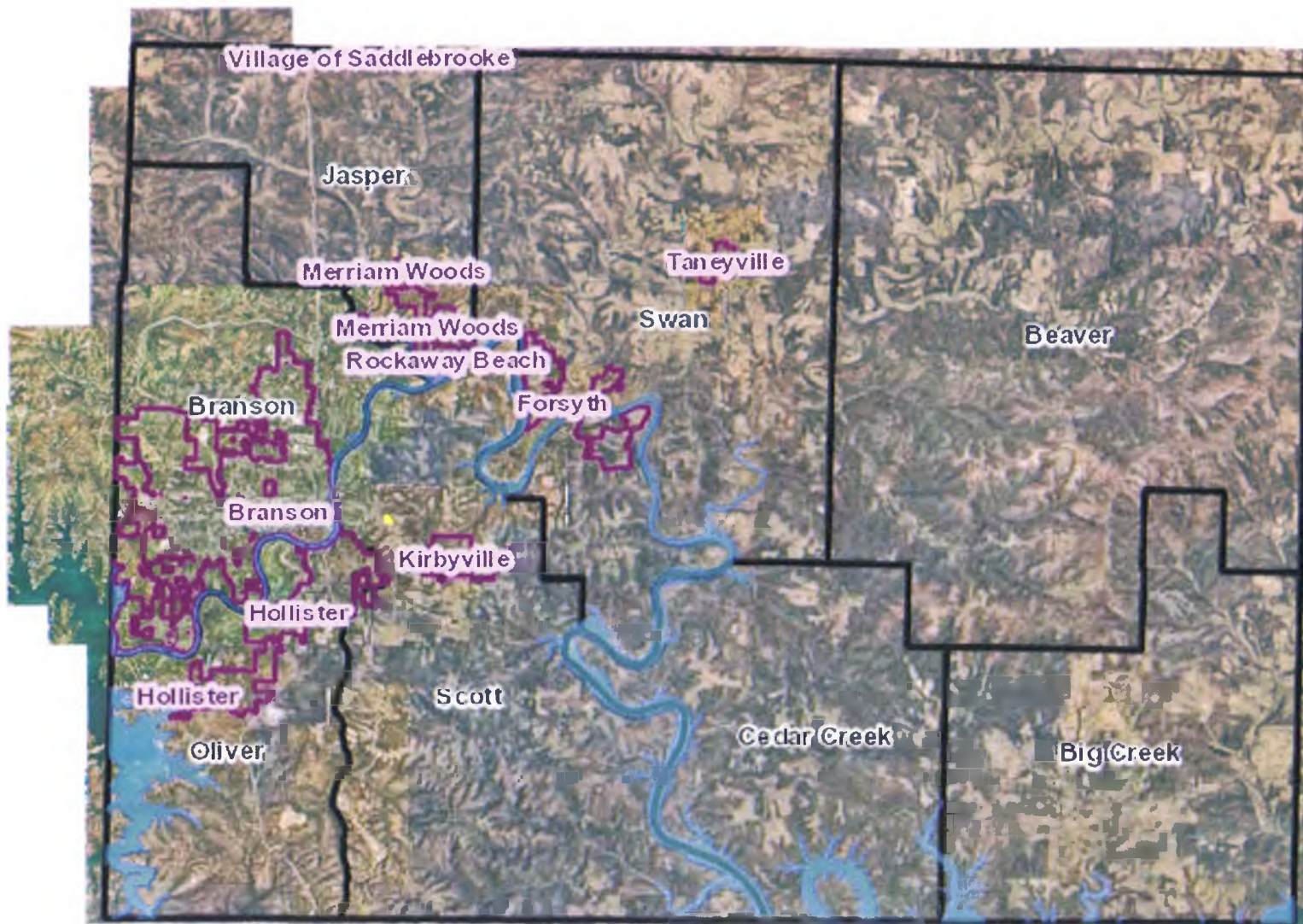
FOR:

GGW Investments, LLC

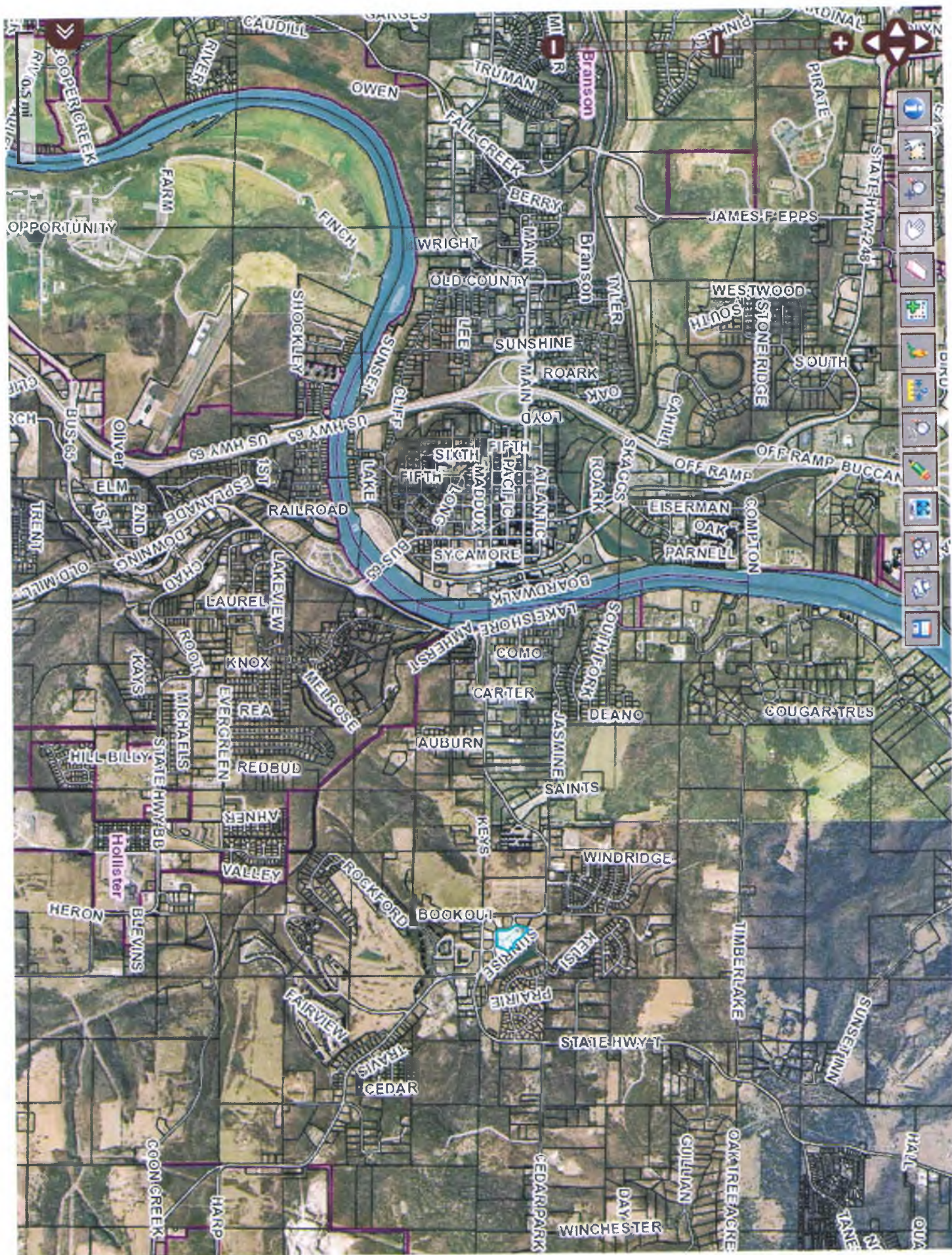
DATE: NOVEMBER 6, 2014	DRAWN BY: M.C.W.	EP FILE: 14213A-1	JOB NO. 14213	SHEET 1 OF 1
FIELD BOOK:	DWG FILE: 14213G-1	EP DIR: 14213B-1		

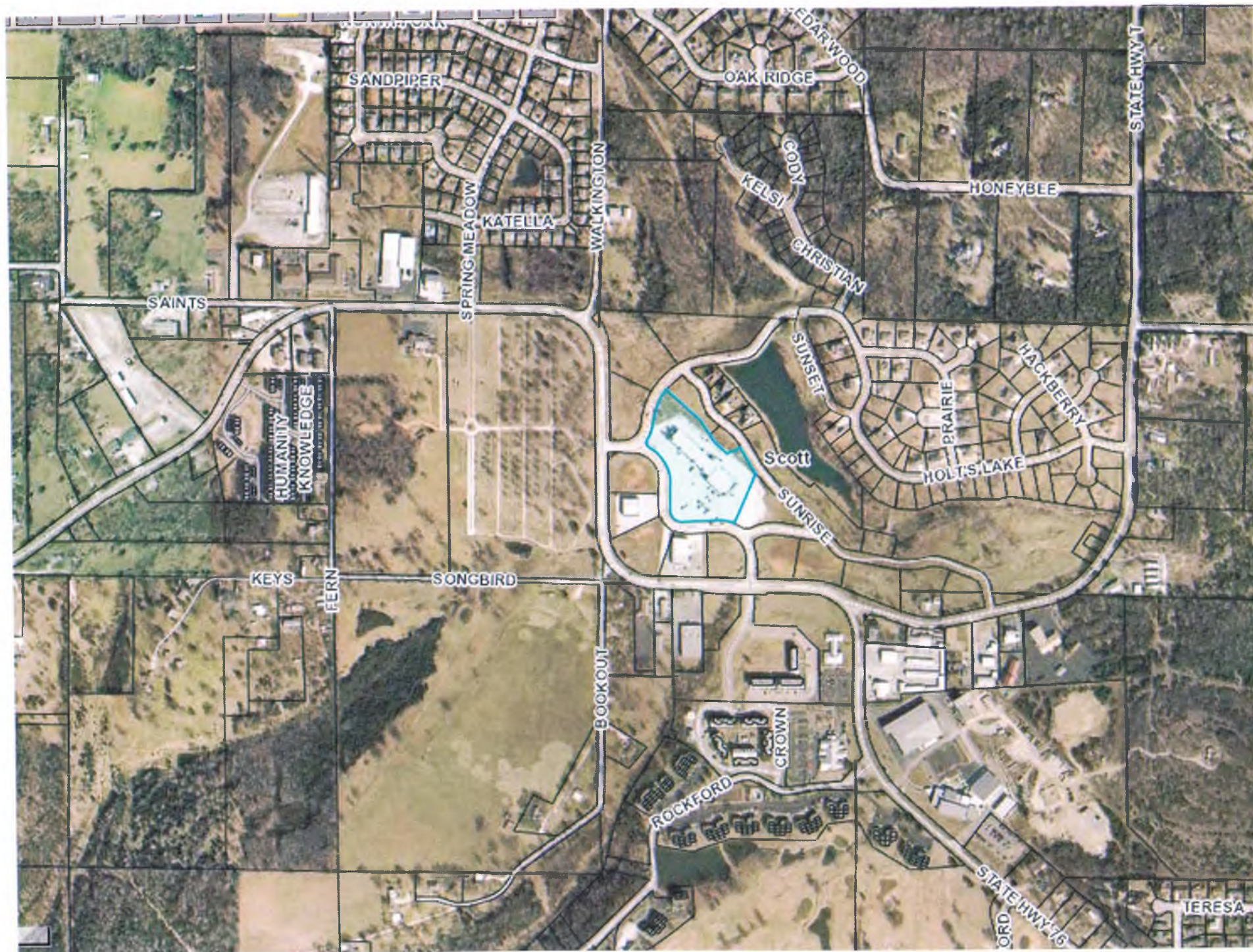
© 2014 Riggs & Associates, Inc.



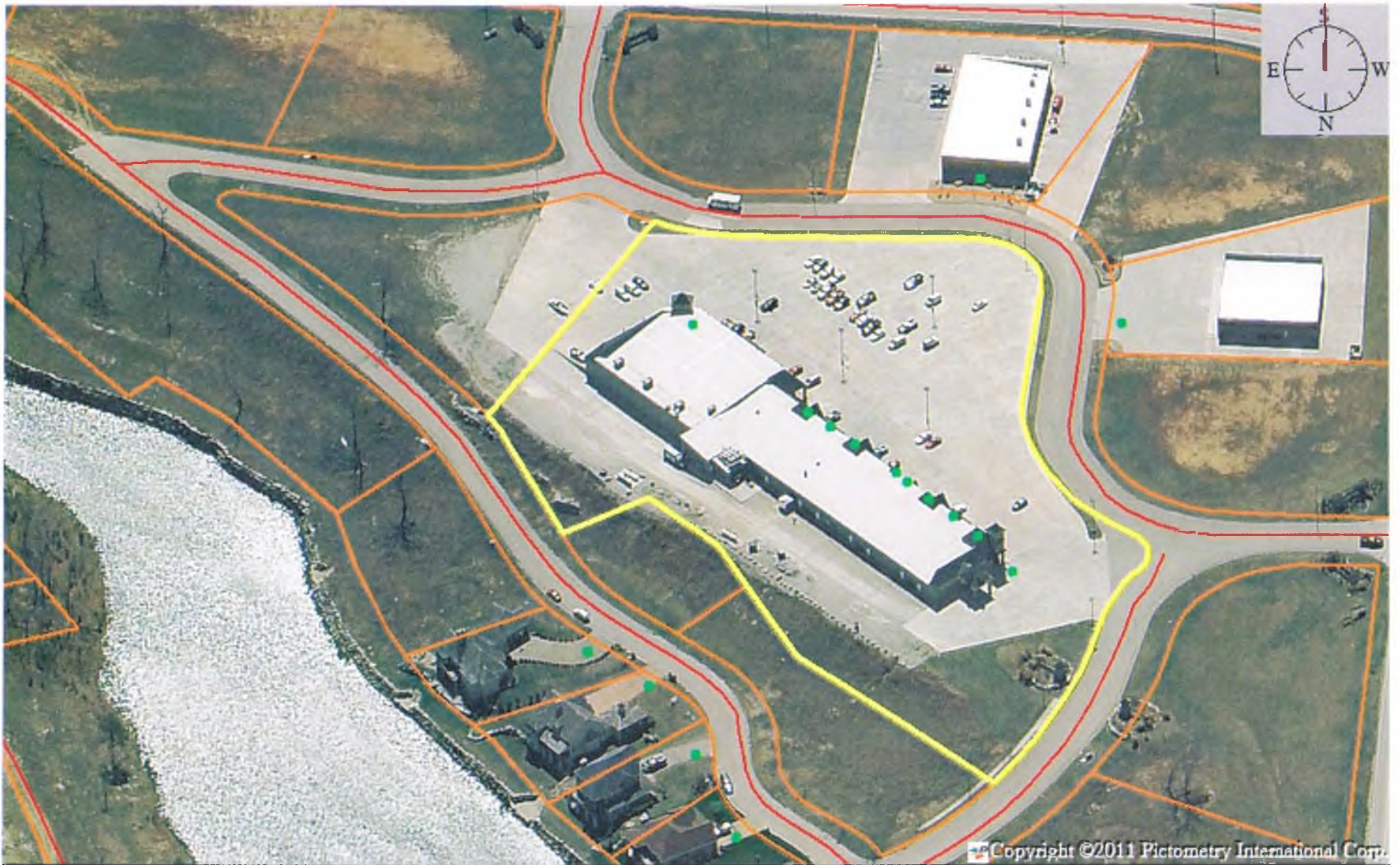


**GGW Investments, LLC Setback Variance Request
225 Cross Creek Boulevard, Branson, MO
Taney County GIS (Beacon)**

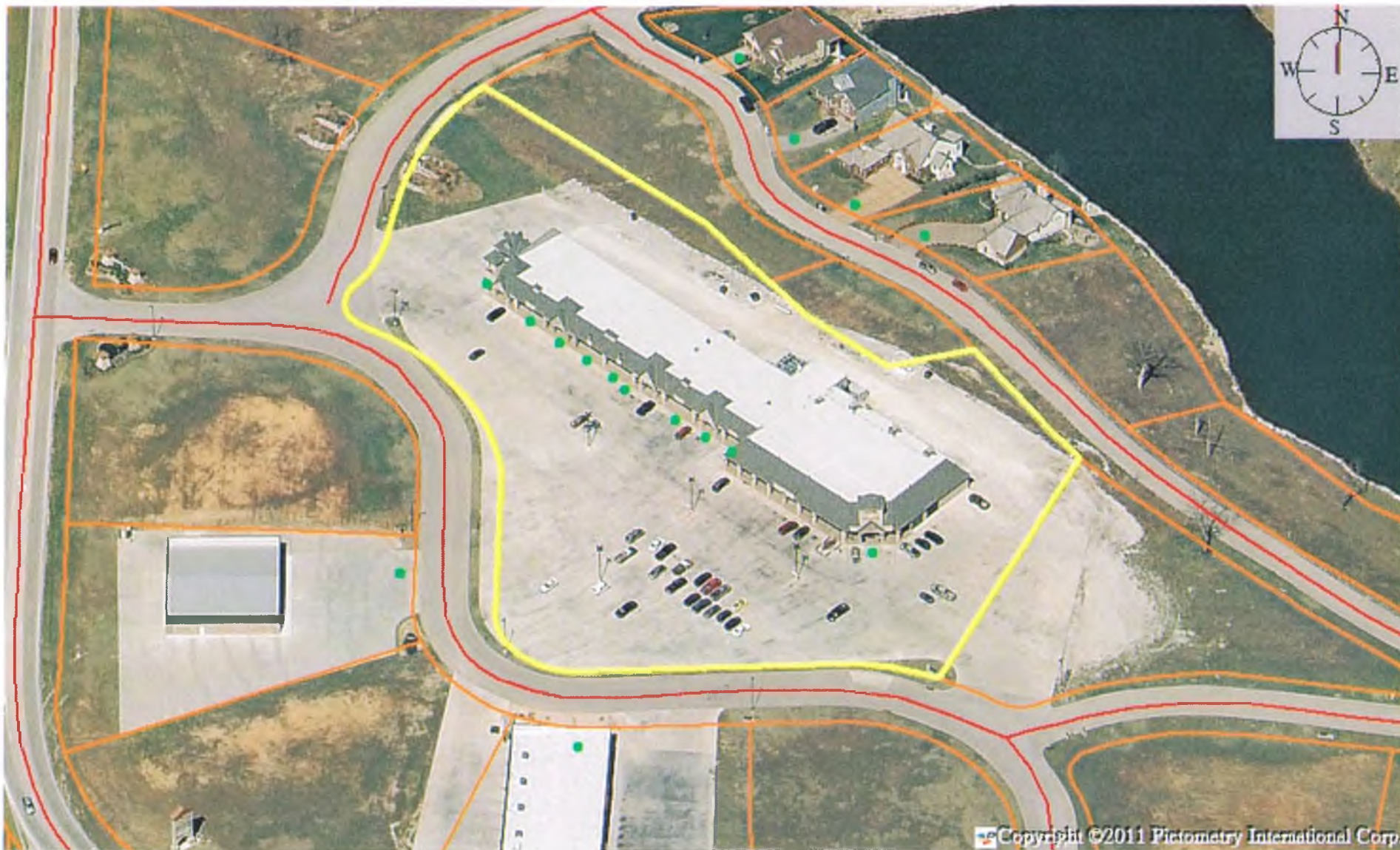




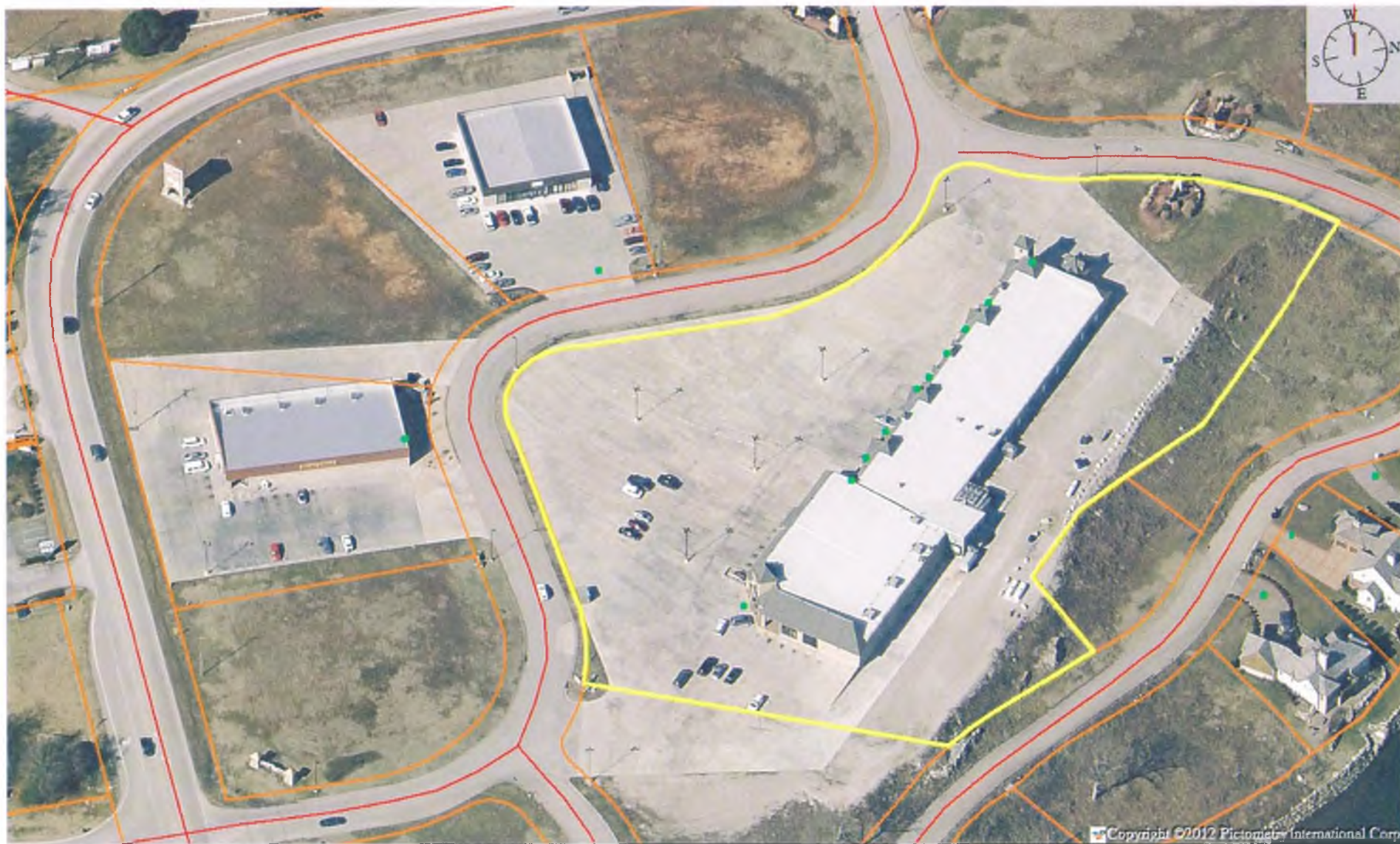




GGW Investments, LLC Setback Variance Request
225 Cross Creek Boulevard, Branson, MO
Pictometry – View from the North



**GGW Investments, LLC Setback Variance Request
225 Cross Creek Boulevard, Branson, MO
Pictometry – View from the South**



**GGW Investments, LLC Setback Variance Request
225 Cross Creek Boulevard, Branson, MO
Pictometry – View from the East**



**GGW Investments, LLC Setback Variance Request
225 Cross Creek Boulevard, Branson, MO
Pictometry – View from the West**

NOTICE OF PUBLIC HEARING

THE TANEY COUNTY BOARD OF ADJUSTMENT

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

Applicant: GGW Inv. LLC

Request: Variance from side
Setback Req. of the TC DGC.

Property Location: 2225 Cross
Creek Blvd.

Hearing Location: Taney County Courthouse

Time: 7:00pm Date: Wednesday, 12-17-14

Phone: (417) 546-7225











**MISSOURI
LOAN CENTER**

SPAYDAY LOANS
SCAR TITLE LOANS
SINSTALLMENT LOANS

417-335-CASH (2274)



**TITLE
LOANS**

**SPAYDAY
LOANS**





TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: December 17, 2014

CASE NUMBER: 2014-0009V

APPLICANTS: Billy Grant Johnson & Bonnie Harter

REPRESENTATIVES: Mr. & Mrs. Sanderson

LOCATION: The subject property is located in the 900 – 1000 Blocks of Sycamore Church Road, Branson, MO; Branson Township; Section 14, Township 23, Range 22.

REQUEST: The applicants, Billy Grant Johnson & Bonnie Harter are requesting a variance from Section 7, Table 3, (*Lot Size & Frontage Requirements*) of the Taney County Development Guidance Code and Article 9, Section 3, Table 1 of the Taney County Subdivision Regulations concerning the two (2) acre minimum lot size, for properties not having access to public / central sewer.

BACKGROUND and SITE HISTORY:

The subject property is a vacant approximately 3.68 acre meets and bounds described tract of land (Per the Assessor's information as indicated on Beacon).

The applicant's are wishing to subdivide the 3.68 acre property in question into a total of three (3) lots. If the variance is approved the applicants would retain ownership of a single lot, with the remainder of the property being purchased by the representatives. Upon approval, the representatives are then planning to subdivide their property into two (2) lots, one for the Sanderson's residence and the second for their son.

GENERAL DESCRIPTION:

The property in question is an approximately 3.68 acre, vacant, meets and bounds described tract of land (Per the Assessor's information - Beacon).

The applicants, Billy Grant Johnson & Bonnie Harter are requesting a variance from Section 7, Table 3, (*Lot Size & Frontage Requirements*) of the Taney County Development Guidance Code and Article 9, Section 3, Table 1 of the Taney County Subdivision Regulations concerning the two (2) acre minimum lot size. Per the provisions of these regulations, the minimum lot size for a property served by an on-site wastewater treatment system is two (2) acres.

REVIEW:

The applicants have indicated that the following as reasons for their request:

1. The proposed separation of the property is approximately centered.
2. The amount of road frontage will create distance from neighboring dwellings.
3. They wish to use the existing old growth cedar trees for landscaping and privacy of both homes.

The representatives have indicated that the following as reasons for their request:

1. Prospective new owners Mr. & Mrs. Sanderson purpose to divide the land between themselves and Mr. Sanderson's son. Mr. Sanderson and his son have relocated to America and do not wish to be separated as they have no other blood relatives residing in the USA.
2. Mr. Sanderson has relocated to the region to assist managing his region of work in the home security business. Mr. Sanderson wishes to maintain a central location to the region he manages, being Oklahoma, Missouri, and Arkansas.
3. Mrs. Sanderson currently works in the banking industry within Taney County.
4. Mr. Sanderson's son has recently graduated from Missouri State University and is currently teaching between Stone and Taney County school districts as a substitute teacher making this an ideal location to setup a residence.
5. History of health issues with Mr. Sanderson's son also denotes that Mr. Sanderson and his son need to remain in close proximity, along with fore mentioned reason 1. Setting up a residence in said location presents closer hospital opportunities.
6. Mr. and Mrs. Sanderson purpose to divide said land to alleviate any legal issues of land ownership in the event of Mr. Sanderson's death.

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 variance from the two (2) acre minimum lot size requirement, allowing the property in question to be subdivided into up to three (3) tracts 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 Taney County Development Guidance Code).

#14-9

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 11/18/14

Applicant BILLY GRANT JR Phone 417-527-7200
Address, City, State, Zip 1471 BURNING VISTA RD. BRANSON, MO

Representative _____ Phone _____

Owner of Record BILLY GRANT JR Signature: Billy Grant Jr

Name of Project: NA

Section of Code Protested: (office entry) Sec. 7 table 1 - Two Acre Minimum Lot Size

Address and Location of site: SYCAMORE CHURCH RD,
BRANSON

Subdivision (if applicable) _____

Section 14 Township 23 Range 22 Number of Acres or Sq. Ft. 3.680

Parcel Number 07-6.0-14-000-600-001.002

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:

- 1) The proposed separation of the property is approximately centered.
- 2) The amount of road frontage will create distance from neighboring dwellings. (See presented building sites).
- 3) Wish to use the existing location of old growth cedars for landscaping and privacy of both homes.

see attached also.

Pertaining to Chapter 64, Section 64.870, Subsection 1 Item 3

Purposed variance (division) of parcel of land situated in the NE1/4 of Section 14, Township 23 North, Range 22 West, Taney County, Missouri.

Reasons for Variance:

PROPOSED BUYERS

- 1) Prospective new owners Mr. & Mrs. Sanderson purpose to divide the land between themselves and Mr. Sanderson's son. Mr. Sanderson and his son have relocated to America and do not wish to be separated as they have no other blood relatives residing in the USA.
- 2) Mr. Sanderson has relocated to the region to assist managing his region of work in the home security business. Mr. Sanderson wishes to maintain a central location to the region he manages, being Oklahoma, Missouri, and Arkansas.
- 3) Mrs. Sanderson currently works in the banking industry within Taney County.
- 4) Mr. Sanderson's son has recently graduated from Missouri State University and is currently teaching between Stone and Taney County school districts as a substitute teacher making this an ideal location to setup a residence.
- 5) History of health issues with Mr. Sanderson's son also denotes that Mr. Sanderson and his son need to remain in close proximity, along with fore mentioned reason 1. Setting up a residence in said location presents closer hospital opportunities.
- 6) Mr. and Mrs. Sanderson purpose to divide said land to alleviate any legal issues of land ownership in the event of Mr. Sanderson's death.

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.

Billy Hart Johnson
Signature of Applicant

11/18/14
Date of Application

STATE OF MISSOURI)

S.S. On this 18th day of Nov., 2014.

COUNTY OF TANEY)

Before me Personally appeared Billy G. Johnson to me know to be the person described in and who executed the foregoing instrument.

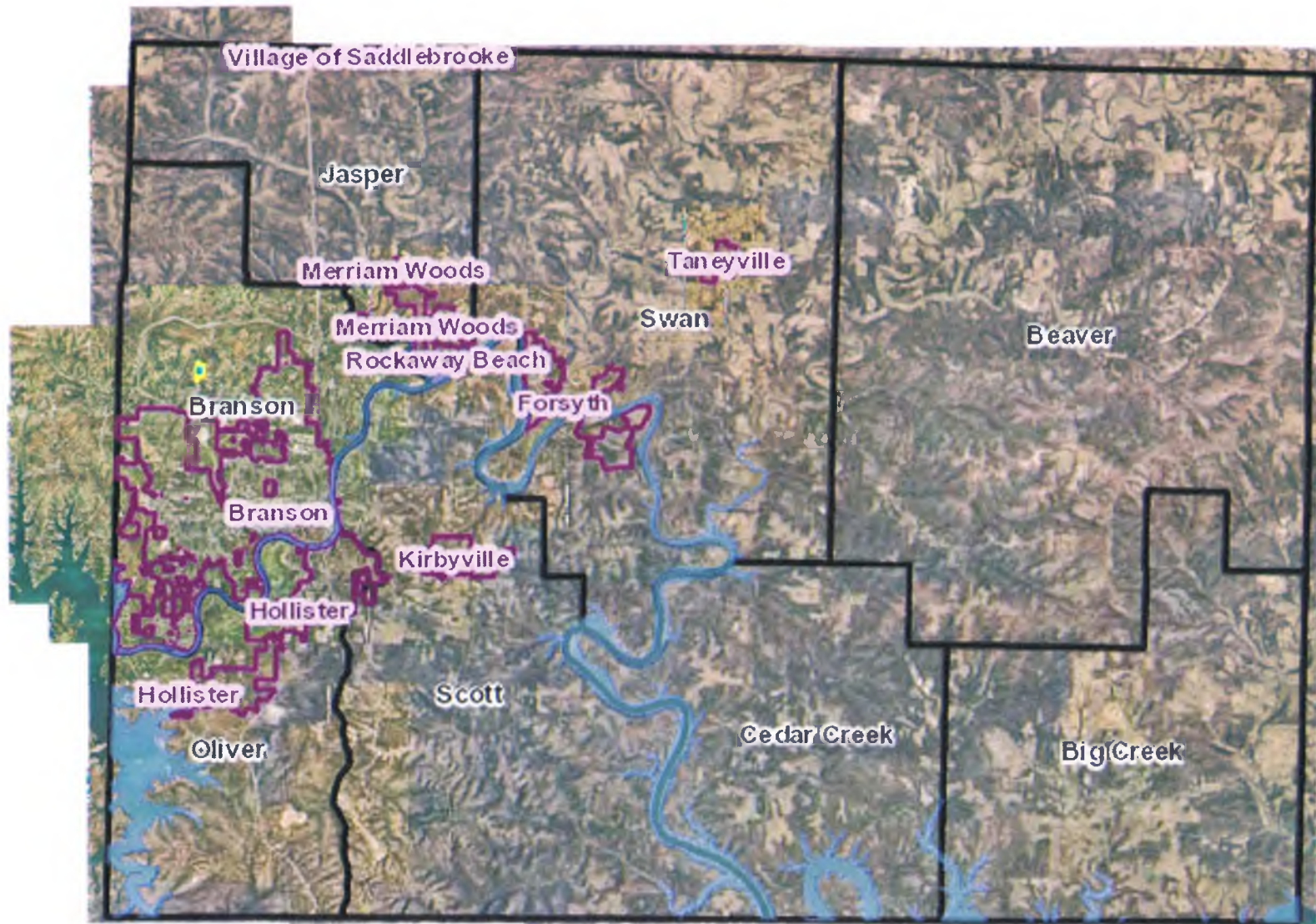
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2018.

Bonita Kisse-Soutel
Bonita Kisse-Soutel, Notary Public



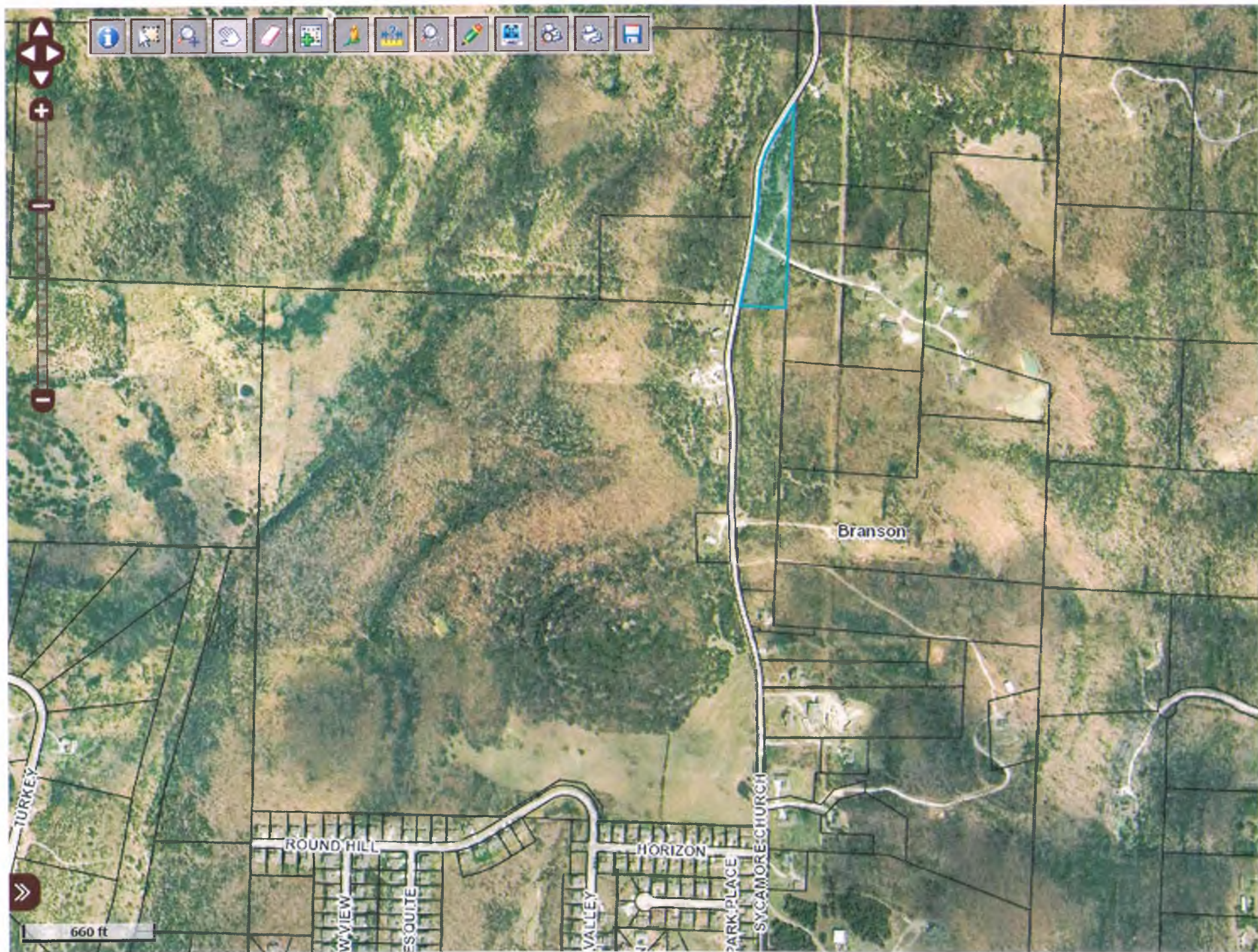
BONITA KISSEE-SOUTEE
My Commission Expires
February 6, 2018
Taney County
Commission #10440057





**Billy Grant Johnson & Bonnie Harter Variance Request
900 – 1000 Blocks of Sycamore Church Road, Branson, MO
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: Billy Grant Johnson

Request: Variance from Sec. 7
Table 1, TCDGC,

Property Location: Sycamore
Church Road

Hearing Location: Taney County Courthouse

Time: 7:00pm Date: Wednesday, 12-17-14

Phone: (417) 546-7225



















TANEY COUNTY PLANNING COMMISSION

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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, NOVEMBER 19, 2014, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

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, as well as the Taney County Floodplain Ordinance as Exhibit E. The state statutes that empower and govern the Board of Adjustment were read by Mr. Weisz.

The speakers were sworn in before the hearing.

Public Hearing:

Gary and Trecie Loyd Floodplain Management Ordinance Variance Request; The applicants are requesting a variance from the provisions of Article 4, Section B (provisions for flood hazard reduction) of the Taney County Floodplain Management Ordinance, for non-residential construction, located at 415 Foggy River Road. The ordinance requires the proposed structure to either be elevated to one foot above the base flood elevation or together with attendant utility and sanitary facilities, be flood proofed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Mr. Atchley read the staff report and presented pictures and a video of the site. George Cramer representing the applicant addressed the Board regarding staying within the guidelines, by building with organic material, leaving the front open, and using the "wet floodproofing method". Mr. Cramer stated that dry flood proofing and elevating are not options for this type of use. Mr. Pingleton asked where the applicants are currently storing their boats and RV's now. Mr. Cramer stated that he wasn't aware, but they are not at this site. He reported that he has spoken with FEMA and they stated that rather than giving their approval, the applicants should apply for this variance. Mr.

Weisz stated that he wouldn't want to do anything to jeopardize the availability of having flood insurance. The Board discussed if there would be any way to get a ruling from FEMA, and the quandary of whether a substantial hardship can be proven. Mr. Mullen questioned staff about the floodplain application mentioned in the decision of record. Mr. Atchley replied that a permit cannot be issued because the applicant can't comply. Mr. Cramer stated that if the applicant can't store their boats and RV there they won't move back into the house after repairs are made. Mr. Weisz did not feel that the building would fit in with the neighborhood. He asked if this request could be tabled until a ruling is obtained from FEMA. Mr. Atchley stated that it could. The Board discussed what the hardship would be in not granting this variance. Mr. Pingleton stated that there is a place less than four miles away where a boat and RV could be stored. The Board felt that they want to hear the request from the applicants themselves. After discussion a motion was made by Mr. Weisz to table until such time that the applicants can produce sufficient evidence that a hardship can be proven and a ruling can be obtained from FEMA. Seconded by Tony Mullen. The vote to table was unanimous. Mr. Atchley discussed if FEMA does not produce a ruling.

Review and Action:

Minutes, October 2014; 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 reported that there will be two variance requests for the December meeting and one variance request for January.

Adjournment:

With no other business on the agenda for November 19, 2014 the meeting adjourned at 7:49 p.m.