



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: [www.taneycounty.org](http://www.taneycounty.org)

### **AGENDA**

#### **TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MARCH 18, 2015, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

Call to Order:

*Establishment of Quorum  
Presentation of Exhibits  
Governing Statutes*

Public Hearing:

*Richard Davis*

Review and Action:

*Minutes, January 2015*

Old and New Business:

*Tentative*

Adjournment.



# TANEY COUNTY BOARD OF ADJUSTMENT

## VARIANCE STAFF REPORT

**HEARING DATE:** March 18, 2015

**CASE NUMBER:** 2015-0001V

**PROJECT:** Richard & Leona Davis Setback Variance Request

**APPLICANTS:** Richard & Leona Davis

**LOCATION:** The subject property is located at 210 Eastlake Street, Branson, MO; Scott Township; Section 33, Township 23, Range 21.

**REQUEST:** The applicants, Richard & Leona Davis 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 foot front of lot setback requirement, in order to allow for the construction of a garage approximately 17 feet from the front property line.

### **BACKGROUND and SITE HISTORY:**

The subject property is described as all of the west 50 feet of even width of Lots 95, 96, and 97 all in Mount Branson and contains a total of approximately 7,500 square feet (150' x 50' - Utilizing the Assessor's information via Beacon). Per the Assessor's information, the property in question currently contains an approximately 936 square foot, single-family residence and a 260 square foot, single-family residence; both of which were constructed in 1958.

The subject property was purchased by Richard & Leona Davis on November 21, 2014. The applicants, Richard & Leona Davis are now seeking a front of lot setback variance allowing for the construction of a 384 square foot (16' x 24') garage. The proposed single car garage will be located between the two existing single-family residences.

## **GENERAL DESCRIPTION:**

The subject property is described as all of the west 50 feet of even width of Lots 95, 96, and 97 all in Mount Branson.

The applicants, Richard & Leona Davis 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 +/- 8.0' setback variance from the front property line, allowing the garage to be built +/- 17.0' from the front property line.

## **REVIEW:**

The applicants are requesting an +/- 8' variance from the 25' front setback requirement of the Development Guidance Code, allowing for the construction of an additional 384 square foot (16' x 24') garage, located between the two existing single-family residences. The proposed garage would setback approximately 17 feet from the front property line. The proposed garage would be setback from the front property line approximately the same distance as the existing secondary residence and would be set back further than from the front property line than the existing primary residence.

The applicants have indicated that the area in question is the only level area that is available to be built upon. The property in question is fairly small (7,500 square feet (150' x 50')) with limited buildable areas remaining.

## **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 +/- 8.0' from the front property line, allowing for the construction of a garage +/- 17.0' from the front property line.
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).



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15-1

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE Feb 10 / 2015

Applicant Richard Davis Phone 417-335-6999

Address, City, State, Zip 163 Eastlake Branson, Mo 65616

Representative NA Phone name

Owner of Record Richard Davis Signature:

Name of Project: 211 Eastlake St

Section of Code Protested: (office entry) Section 7, Table I setbacks

Address and Location of site: name

Subdivision (if applicable) Mt. Branson - 295-96-97

Section 33 Township 23 Range 21 Number of Acres or Sq. Ft.

Parcel Number 08-8.0-33-004-006-003.000

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.



**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.

Richard Davis  
Signature of Applicant

2-10-15  
Date of Application

STATE OF MISSOURI     )  
COUNTY OF TANEY     )

S.S. On this 10th day of April, 2015.

Before me Personally appeared Richard Davis, 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-Soutte  
Bonita Kisse-Soutte, Notary Public



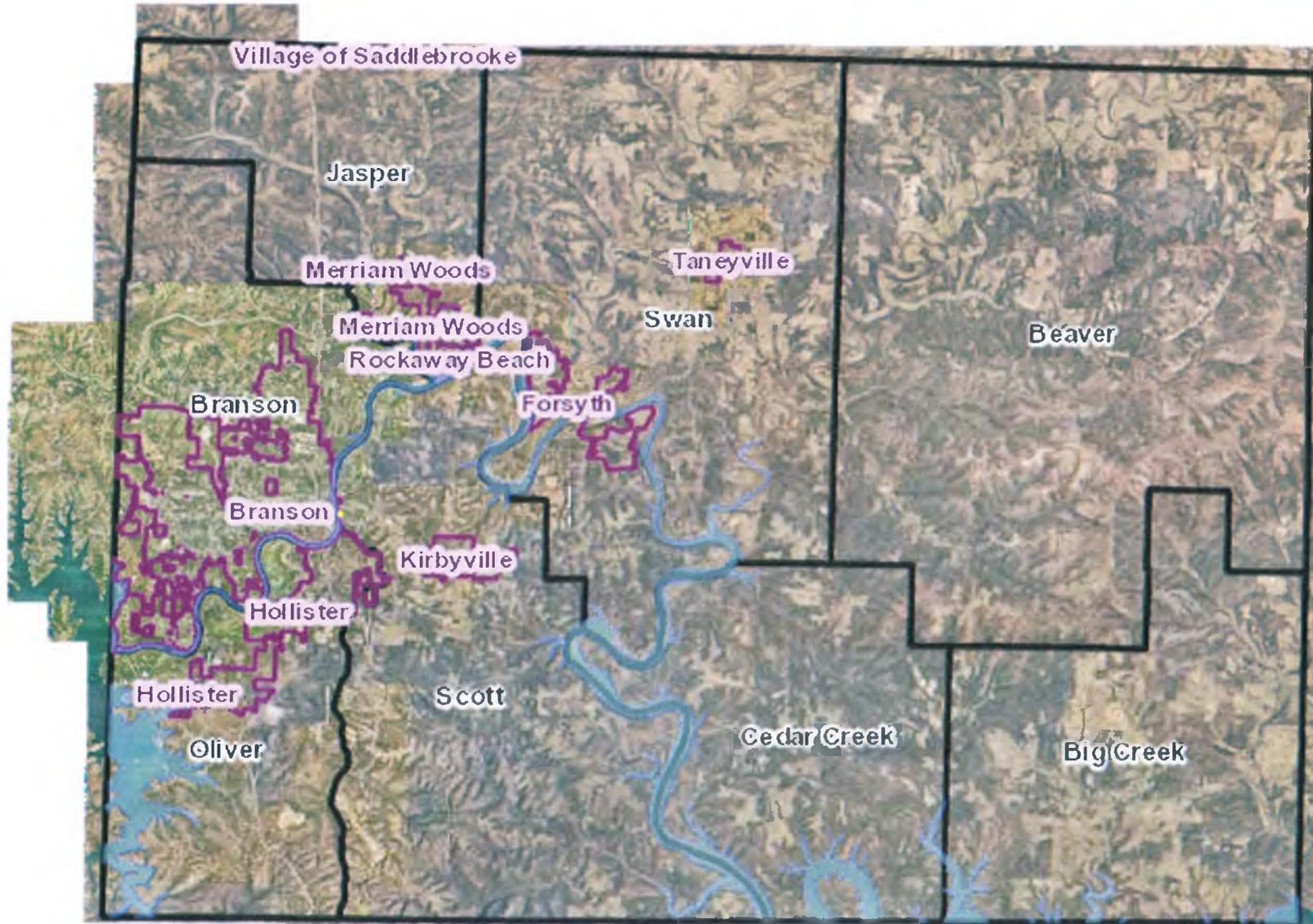
BONITA KISSEE-SOUTEE  
My Commission Expires  
February 6, 2018  
Taney County  
Commission #10440057



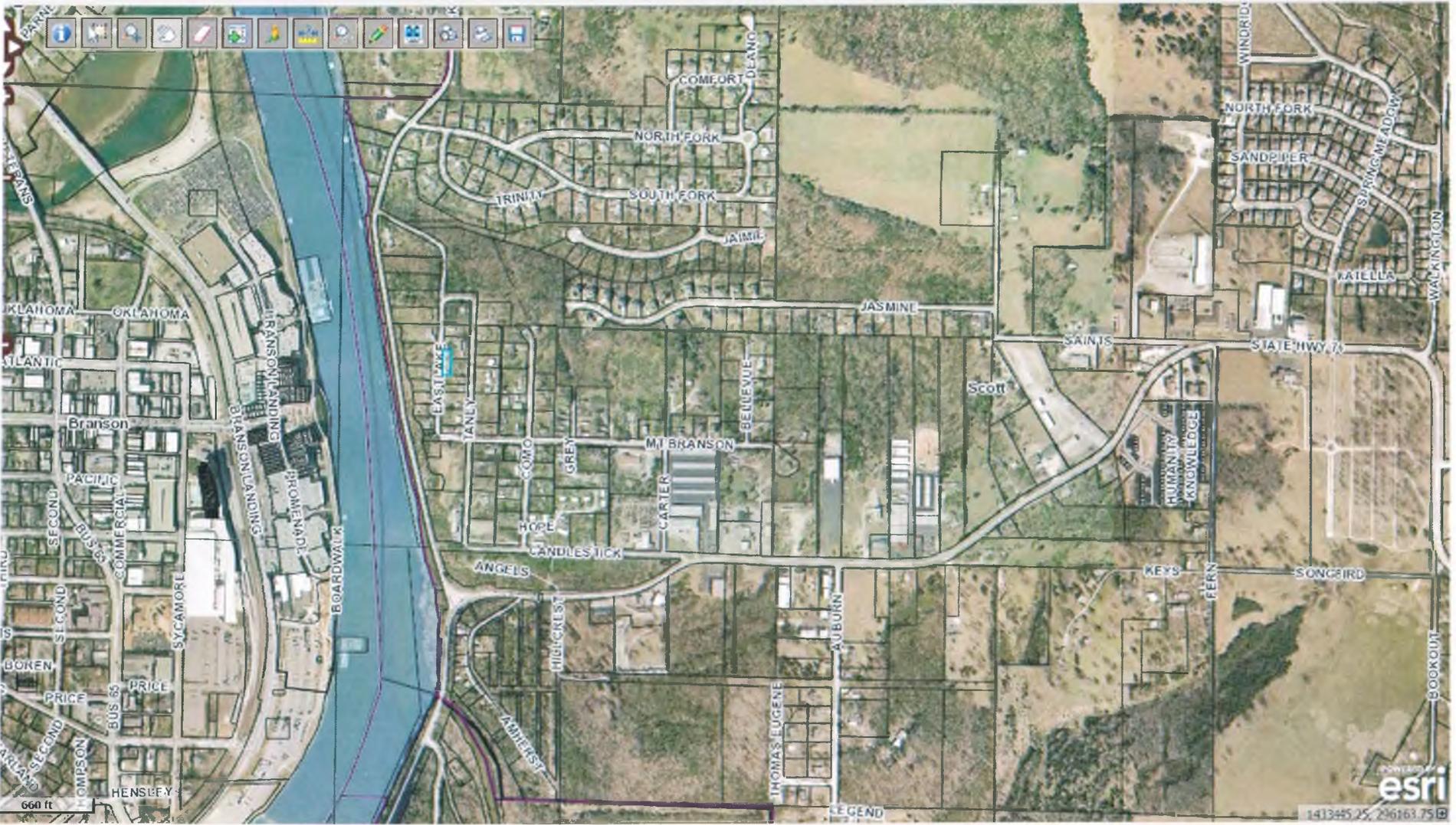
Richard  
Davis

16 X 24

Garage



**Richard & Leona Davis Setback Variance Request  
210 Eastlake Street, Branson, MO  
Taney County GIS (Beacon)**





Branson

PROMENADE

TOWN SQUARE

BRANSON LANDING

200 ft

EASTLAKE

Scott

LAKE SHOR

ANEY



EAST LAKE

Scott

LAKE SHORE

50 ft



25 ft

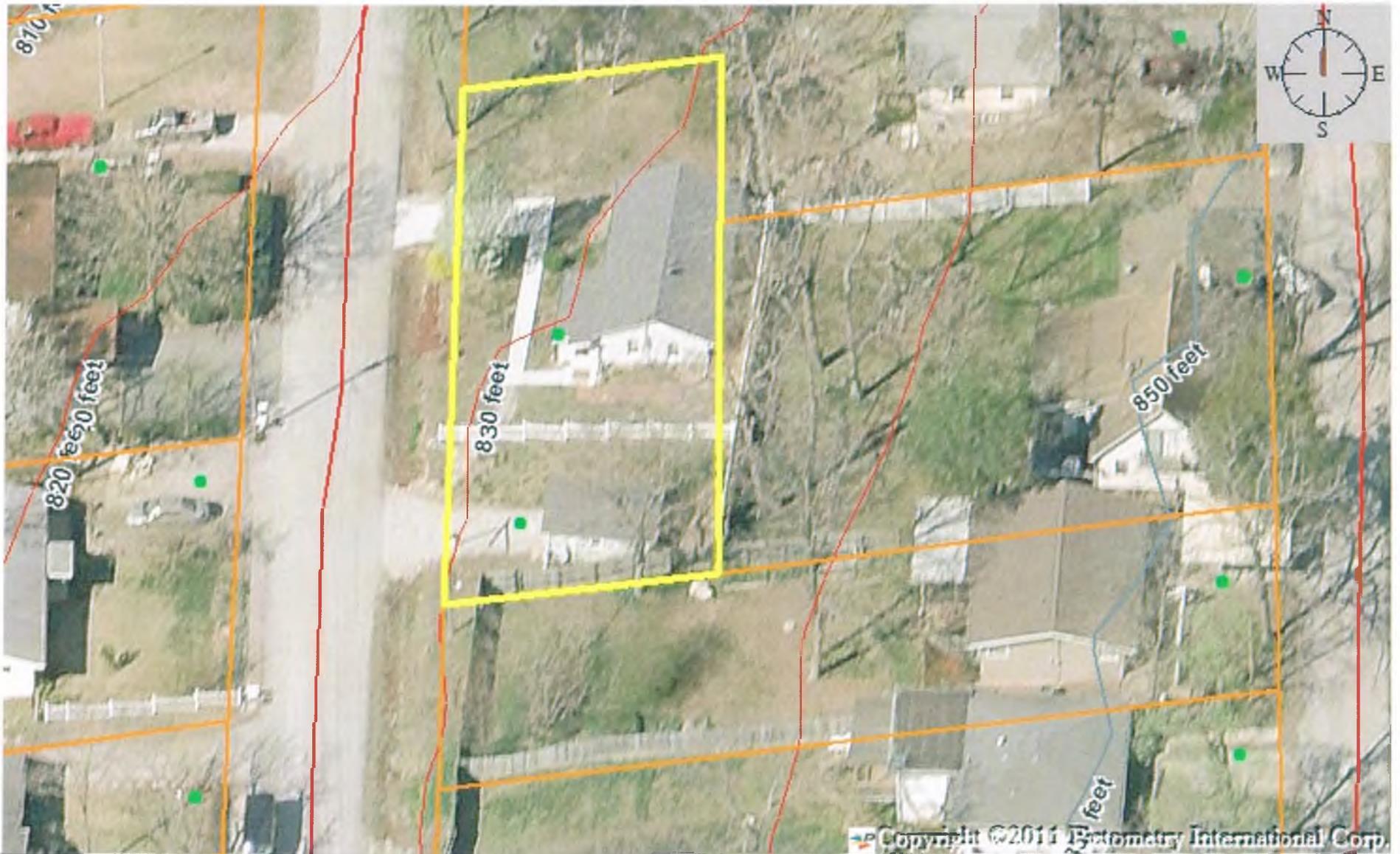
EASTLAKE

Scott

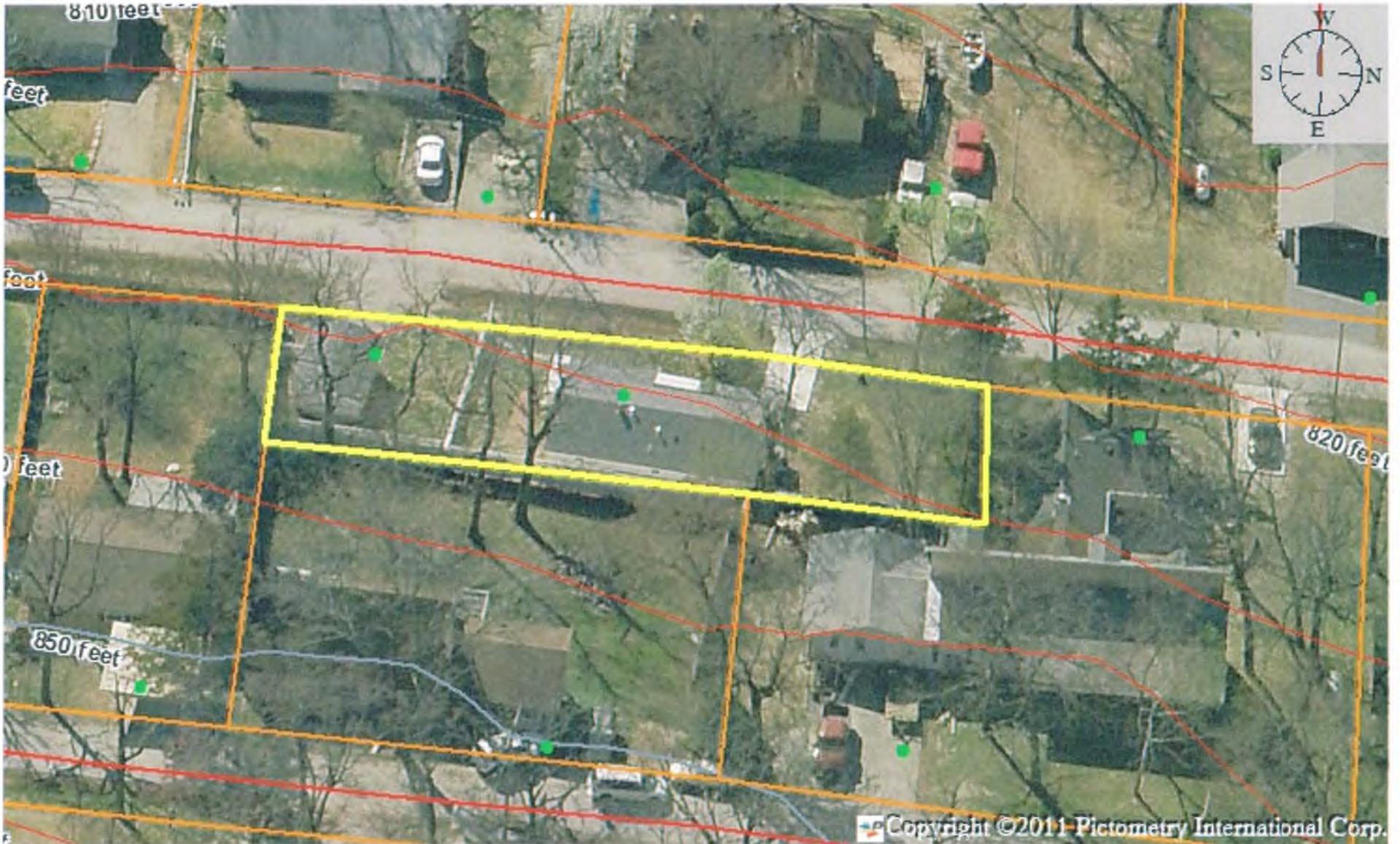




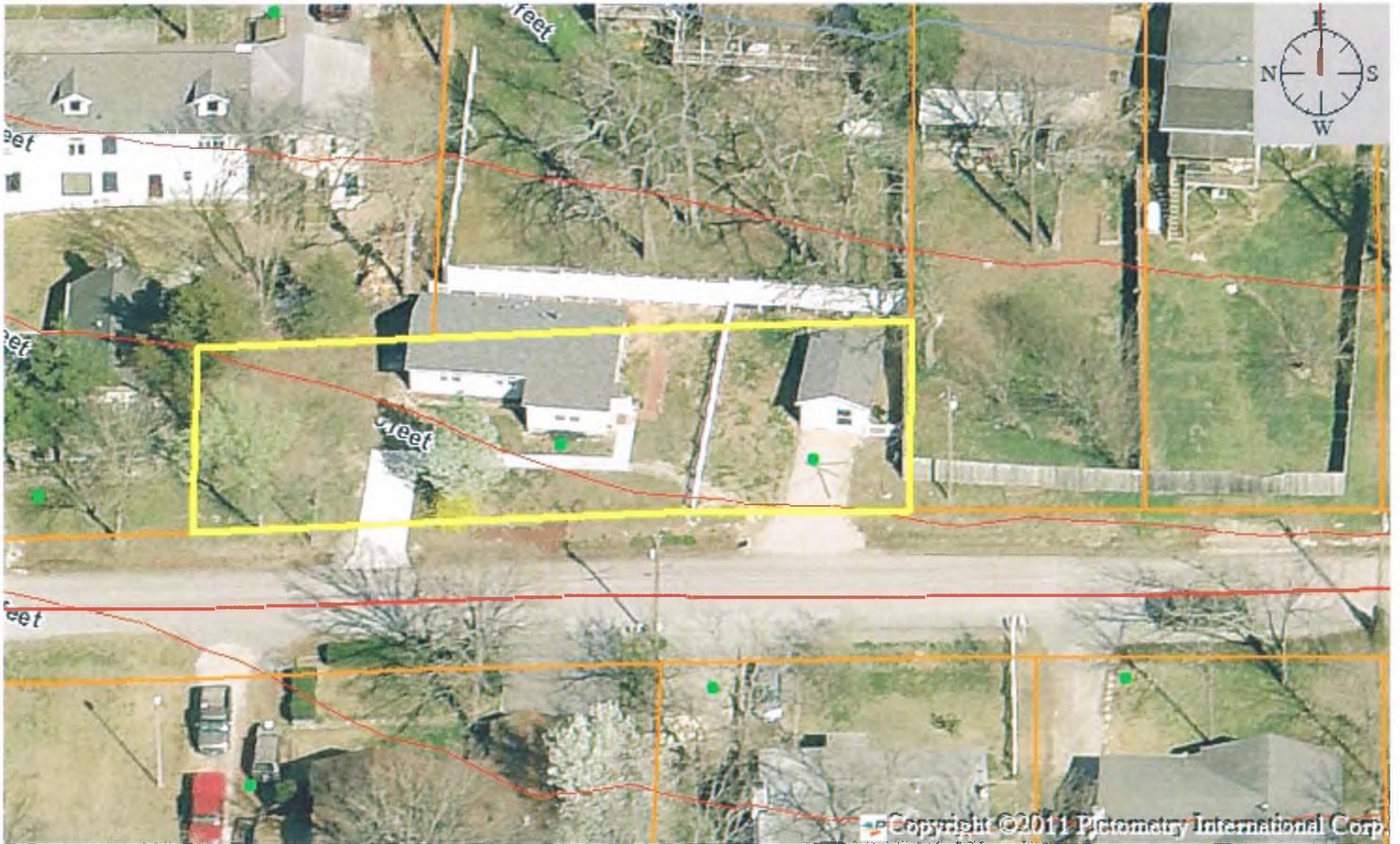
**Richard & Leona Davis Setback Variance Request  
210 Eastlake Street, Branson, MO  
Pictometry – View from the North**



**Richard & Leona Davis Setback Variance Request  
210 Eastlake Street, Branson, MO  
Pictometry – View from the South**



**Richard & Leona Davis Setback Variance Request  
210 Eastlake Street, Branson, MO  
Pictometry – View from the East**



**Richard & Leona Davis Setback Variance Request  
210 Eastlake Street, Branson, MO  
Pictometry – View from the West**

**207 Eastlake St**  
 Branson, Missouri

Street View - Nov 2013



Zoom +

Hide imagery

Shack

210 Eastlake St

Branson Convention Center

MI Branson Dr



Back to Map

Google



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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JANUARY 21, 2015, 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 three members present. They were: Shawn Pingleton, Tom Gideon, and Tony Mullen. Staff present: Bob Atchley and Bonita Kisse-Souttee.

Mr. Pingleton explained to the applicant that if he chose to postpone until a full board could be present he could do so. He chose to present his request at this meeting.

Election of 2015 Officers: A motion was made by Tony Mullen to retain the current officers, Chairman Shawn Pingleton, and Vice-Chairman Mark Weisz. Seconded by Tom Gideon. The vote to retain the current officers was unanimous.

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 by Mr. Mullen.

The speaker Mr. Friedrichsen was sworn in before the hearing.

#### Public Hearing:

Doug Friedrichsen; 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 25' front setback requirement, in order to allow for the construction of a garage 8' from the front property line located at 843 Lakeview Dr., Ridgedale. Mr. Atchley read the staff report and presented pictures, maps, and video of the site. Mr. Pingleton discussed the existing garage being out of compliance as well and the possibility that the Board should address it at this meeting. Mr. Friedrichsen explained his request and reported he purchased the property after it was built and assumed that the setback was only 7'. He doesn't live here full time now but is trying to relocate and needs the storage space. This site is the only level spot on the property that can be built on, and there are no other lots for sale close to this

property. Mr. Mullen asked if plans were to build up to the retaining wall. Mr. Friedrichsen stated that there would be room enough not to interfere with the wall. Mr. Gideon asked if the power pole would be in the way of construction. The applicant stated that the electricity is underground from the pole to the residence, and consideration would need to be given to this. Mr. Pingleton stated that backing out and turning around would need to be done within the driveway to this property and the construction should not interfere with this. He also asked about the location of the lateral lines, which are down the hill from this. Mr. Atchley reported on the road right of way being approximately 50'. Discussion followed regarding the other garage, and adding a number to it at this meeting. Mr. Pingleton felt that because of the topography this would constitute a hardship and that there would not be a detriment to the neighborhood and that there isn't a lot of traffic on this road. After discussion a motion was made by Mr. Gideon to approve the request based upon the decision of record with the addition of the other garage. Mr. Mullen seconded. The vote to approve was unanimous.

#### Review and Action:

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

#### Old and New Business:

Mr. Atchley discussed some research he did regarding items tabled by the Board and the proper way to do so. Mr. Pingleton asked to have the two requests that were tabled be contacted and informed that they must come back before the Board.

#### Adjournment:

With no other business on the agenda for January 21, 2015 the meeting adjourned at 7:42 p.m.