



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, MAY 20, 2015, 6:00 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 Hearings:

Nathan Burton, Variance from County Road Standards
Terry Gentle, Variance from Property Line Setbacks
Charles Hurst, Variance from Minimum Lot Size Requirements

Review and Action:

Minutes, April 2015

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: May 20, 2015

CASE NUMBER: 2015-0003V

APPLICANT: Sam & Terri Burton

REPRESENTATIVE: Nathan Burton

LOCATION: The subject property is the undeveloped portion of Paradise Shores Estates, located near the end of Mountain Grove Road, Branson, MO; Scott Township; Section 5, Township 23, Range 20.

REQUEST: The applicants, Sam & Terri Burton are requesting a series of variances from the provisions of the Taney County Road Standards for the unplatted portion of Mountain Grove Road; allowing for the platting of four (4) additional lots within Paradise Shore Estates, with the road being developed in compliance with the road standards that were in place at the time of Division III Permit Approval.

BACKGROUND and SITE HISTORY:

On May 16, 2005 the Taney County Planning Commission approved Division III Permit 2005-0018 authorizing the development of Paradise Shores Estates, a thirteen (13) lot, single-family residential subdivision, consisting of eleven (11) single-family lots and two (2) utility lots.

On January 18, 2008 the Final Plat of Paradise Shores Estates, Phase 1 was filed with the Taney County Recorder of Deeds Office (Plat Book J and Pages 14 & 15). Phase 1 of this subdivision created two (2) single-family lots and a separate well lot. This Phase 1 plat also established the first 176.36 feet of roadway into the proposed cul-de-sac.

On October 1, 2008 the Final Plat of Paradise Shores Estates, Phase 2 was filed with the Taney County Recorder of Deeds Office (Plat Book J and Pages 118). Phase 2 of this subdivision created three (3) single-family lots. These three (3) lots were platted with frontage along the existing Mountain Grove Road and did not require the platting of the balance of the cul-de-sac road at that time. Please note that the developer did dedicate an additional 10' of deficient right-of-way along the existing Mountain Grove Road.

On January 13, 2010 the Amended Plat of Lot 7 of Paradise Shores Estates, Phase 2 was filed with the Taney County Recorder of Deeds Office (Plat Book J and Pages 440). This amended plat created a separate well lot and a 20' ingress and egress easement. This amended plat indicates that the cul-de-sac portion of the road right-of-way was part of a platted fifty (50') foot right-of-way. However, the Planning Staff has not been able to locate a plat filed with the Taney County Recorder of Deeds office indicating that the cul-de-sac has in fact been platted.

The applicants have indicated that in August, 2012 they purchased the undeveloped portion of the development via a Sheriff's Deed.

The applicants, Sam & Terri Burton are now requesting a series of variances from the provisions of the Taney County Road Standards for the unplatted portion of Mountain Grove Road ending in a cul-de-sac.

GENERAL DESCRIPTION:

The applicants, Sam & Terri Burton are requesting a series of variances from the provisions of the Taney County Road Standards for the unplatted portion of Mountain Grove Road; allowing for the platting of four (4) additional lots within Paradise Shore Estates, with the roads being developed in compliance with the road standards in place at the time of the Division III Permit Approval (March 16, 2005).

REVIEW:

Per the provisions of the Subdivision Regulations, any subdivision of land requiring road improvements requires said improvements to be constructed in compliance with the Taney County Road Standards. Therefore any subdivision plat that is filed with the Recorder of Deeds office, requiring road infrastructure, after the adoption of the Subdivision Regulations on July 19, 2012; requires roadways which are built in compliance with the Road Standards.

The applicants, Sam & Terri Burton are requesting a series of variances from the provisions of the Taney County Road Standards for the unplatted portion (approximately 225') of the end of Mountain Grove Road; allowing for the platting of four (4) additional lots within Paradise Shore Estates. The applicants are requesting that they be granted a variance allowing the road to be developed in compliance with the road standards in place at the time of the Division III Permit Approval (March 16, 2005).

The current Taney County Road Standards were adopted by the Taney County Commission on July 16, 2009. However, a separate set of Road and Access Standards were actually found as Appendix L of the Development Guidance Code, until July, 2012. These two (2) sets of road standards conflicted in a number of areas. On July 19, 2012 the Taney County Commission adopted an amendment to Appendix L (Road and Access Standards) of the Development Guidance Code, removing the road and access standards from the Development Guidance Code and referencing the current published standards set forth in the adopted Taney County Road Standards.

The Road Standards define High Density – Residential as, "Any two family dwelling on a parcel of less than three (3) acres, or any three family or larger multi-family structure or a subdivision with lots smaller than 0.5 acres." Therefore, since Paradise Shores Estates is a subdivision with lots less than 0.5 acres it is viewed by the Road Standards as being High Density – Residential. Per the provisions of Section 9 (Minimum Right-of-Way and Roadway Widths) of the Road Standards, the minimum roadway width for a High Density Residential street is 31'. High Density Residential streets are also required to be curb and guttered, as indicated in the attached (attached in the packet for your review) cross sections for both asphalt and concrete roadways.

The Staff Report for Division III Permit # 2005-0018 states that the inner street shall consist of a 50' right-of-way with a 20' wide paved surface with curb and gutter and a cul-de-sac. Table L-9 (Minimum Design Standards for Highways, Roads and Streets) as found within Appendix L of the Development Guidance Code allowed for a minimum of a gravel surfaced road but required it to be a minimum of 20' wide road surface within a 50' wide right-of-way. A copy of Table L-9 has been included in the packet for your review.

The applicants are requesting a variance, "Allowing us to complete these four lots under the standards that were in place at the time this subdivision development plan was submitted and allow us to complete this development." It is clear that the original development was proposed with a 20' wide paved surface with curb and gutter and a cul-de-sac turn around. Please note that roadway segment in question contains a curb near the existing retaining wall, although the curb in question may not have been built in compliance with the current Road Standards.

The applicants have indicated that they are seeking a variance from the Road Standards due to the steep topography on the property and the location of the large retaining wall within the road right-of-way. The applicants have expressed that if the existing road bed is expanded toward the retaining wall, public safety issues may be created. The second option would be to reduce the depth of the already small lots, which the applicants argue may cause home construction difficulties. The applicants' surveyor has indicated that the current grade across the property for the proposed four (4) lots is 16% or greater. He has further indicated that requiring the additional six (6) feet of roadway width will cause this to increase and may render some of the lots extremely difficult to build on.

The applicant does also speak to a requirement for sidewalks. Please note that sidewalks are not required via the current Road Standards.

Randy Haes, Taney County Road & Bridge Administrator has expressed concerns with the construction techniques that may have been utilized in constructing the existing retaining wall. The retaining wall may have not been constructed properly and may have to be reconstructed in order to ensure the safety of the public.

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 an 11 foot roadway width variance, allowing the remaining unplatted portion of Mountain Grove Road to be constructed with a roadway surface of 20 feet.
2. Compliance with all of the other provisions of the Taney County Road Standards.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

mail to:
Mather
1407 n. Shore Rd.
Branan

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

(Circle one)

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

PLEASE PRINT

DATE 4-21-15

Applicant Sam and Terry Burton Phone 417-334-7060

Address, City, State, Zip 822 St. Hwy T Branston MO

Representative Nathan Burton Phone 239-5354

Owner of Record Terry Burton Signature: Nathan page

Name of Project: Paradise Shores Estates Ph 3

Section of Code Protested: (office entry) Co. Rd. Standard

Address and Location of site: Mountain Grove Rd

Subdivision (if applicable) Paradise Shores Estates

Section 5 Township 23 Range 20 Number of Acres or Sq. Ft. 1.300

Parcel Number 09-3.0-05-000-000-034.050

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.

mpy 20

Describe in detail the reason for your request:

* Please see attached.

Describe in detail the reason for your request:

We the Burton's, owners of undeveloped portion of PARADISE SHORES ESTATES come to ask The Taney County Board of Adjustment to grant us several variances required by the Road Standards adopted in July of 2009, so that we may plat and develop the final four lots in this approved development.

The first two lots and separate well lot was platted and recorded in January of 2008, Plat Book/Slide J and page 15. This plat established the first 176.36 feet of the road into the proposed cul-de-sac. In September of 2008, the next three lots, Phase 2, were platted and recorded in Plat Book/Slide J page 118. These three lots front along Mountain Grove Road and did not require the balance of the cul-de-sac road to be platted at that time. In October 2009, an amended plat of Lot 7 Paradise Shores Estates Phase 2 was recorded in Plat Book/Slide J at page 440 which states the cul-de-sac was part of a platted fifty foot right-of-way.

We purchased the undeveloped portion of the development in August, 2012 through a Sheriff's Deed. At some point from the start of the development and our purchase of the property the cul-de-sac road was started. As we were not the owners of the property when this work was completed, we can not be certain if any of this work was completed after the adoption of the Road Standards, and therefore can not speak to the methods and means of construction of said road.

Due to the steep topography on the property a large retaining wall was constructed within the platted or un-platted (depending on which plat you review) right-of-way of the road we are asking for the variances on. There are some concerns about expanding the existing road bed to accommodate a thirty-one foot roadway width toward the retaining could create a public safety issue. The other option would be to reduce the depth of these already small lots to allow enough distance from the roadbed and the retaining wall.

This nine lot subdivision was classified as High Density Residential due to the size of the lots that were approved and developed. While these lots have been classified as "High Density" we are only able to develop the four lots that were approved. This property is at the end of Mountain Grove Road and is bounded by the platted lots to the North and arm of Lake Taneycomo to the South which limits this narrow property from a development standpoint. The current grade across the property for the lots that were approved is 16% or greater. Requiring the additional six feet of roadway width will cause this to increase and may render some of the lots extremely difficult to build on.

Given the short amount of roadway that would be required by the current Road Standards to be designed and engineered the cost of design per linear foot would greatly increased.

The fact that the initial 176 feet of roadway is 24 feet or less and then requiring the new roadway to expand instantly to 31 feet would not only cause difficulty design of the roadway, but a safety concern on how reduce the possibility on drive running of the road. Requiring the new portion of the road to have curbs and gutters when the first portion does not could water runoff and erosion issues form the portion of the road that is not required to meet these standards. This could also present problems with snow removal in the winter.

While we understand the desire to have sidewalks for pedestrian travel along the roadway, this sidewalk would connect four lots and again would increase the adjoining grade of these already steep lots.

Allowing us to complete these four lots under the standards that were in place at the time this subdivision development plan was submitted and approve allows us to complete this development. Forcing us to bring this undeveloped portion up to the current standards seems impractical and places an unreasonable hardship.

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.

Terri Burton

Signature of Applicant

4-20-15

Date of Application

STATE OF MISSOURI)

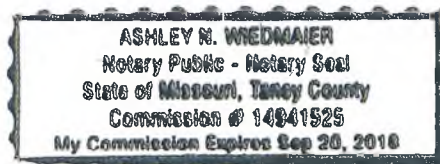
S.S. On this 20th day of April, 2015.

COUNTY OF TANEY)

Before me Personally appeared Terri Burton, 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~~ 9/20/2018

Ashley N. Wiedmaier
Bonita Kisse, Notary Public





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TANEY COUNTY PLANNING COMMISSION
DIVISION III STAFF REPORT
PARADISE SHORES ESTATES
PC05-12

Public Hearing for Paradise Shores Estates, located at 2213 Mountain Grove Road in the Swan Township Sec. 5 Twp. 23 Rng. 20.

The applicant's, Arthur Finch (owner) and Wolfe Surveying (representative), request approval to develop a 13 lot subdivision for residential use (medium density).

History: Approved for concept on April 18, 2005. The original plat Paradise Shores Estates was approved by the Planning Commission on September 16, 2002 for a 10 lot residential subdivision. The applicant was denied variances by the Board of Adjustment on December 18, 2002 for less than the minimum road right of way and use of an off-site private treatment plant.

General Description: The subject property contains 5.19 acres and is located off the east and west sides of Mountain Grove Road and approximately 2 miles south of the intersection of St. Hwy. T. The adjoining properties to the development consist of residential and multi-family to the north and the east and Lake Taneycomo to the south and west.

Review: The proposed site will consist of 11 single-family lots and 2 utility outlots. The lots will range from 9,030 sq. ft. to 21,122 sq. ft. in size. Lots 10 and 11 will directly access off Mountain Grove Road. (19' wide paved surface) with 10' wide dedication strip for a 50' right of way and the inner street shall consist of a 50' right of way with a 20' wide paved surface with curb and gutter and cul-de-sac. The lots are to be serviced by a private treatment plant and community well.

Summary: If the Taney County Planning Commission approves this request, the following requirements shall apply, unless revised by the Taney County Planning Commission:

1. Compliance with the Taney County Development Guidance Code (Divisions I and III), that include plans for the following:
 - a. Land grading permit
 - b. Sediment and erosion control
 - c. Stormwater management
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Improvements with scale of dwellings, utilities and streets, including 10' wide dedication strips for Mountain Grove Road and lot letters or numbers for the 2 utility outlots
2. Compliance letters from the Fire and Sewer Districts and DNR.
3. Covenants and restrictions, which provide for the continued maintenance of the streets, stormwater drainage and utility outlots.
4. The Decision of Record shall be filed with the Taney County Records Office within 120 days or the approval shall expire.

13. Easement. A grant by the owner to the public, a corporation, or persons of the use of land for a specific purpose.
14. Expressway. A street or highway with limited and partially controlled points of access at arterial system intersections. The expressway is primarily intended to provide for high volume, moderate to high speed extended traffic between major activity centers with minimal impairment to movement.
15. Gutter. That portion of the driving surface of a street, driveway, approach, or other public way, which abuts the curb and provides for the runoff of surface drainage.
16. Intersection. The general area where two or more roadways meet, join, or cross at a common point establishing an area within which vehicles traveling different roadways may come in conflict.
- * 17. High Density - Residential. Any two-family dwelling on a parcel of less than three (3) acres, or any three family or larger multi-family structure or subdivision with lots smaller than 0.5 acres.
18. Joint Driveway. A driveway which provides access to a public street for more than one parcel of land.
19. Local Street. A street primarily providing direct access to abutting property and designed to accommodate low-volume, low-speed traffic.
20. Lot. An undivided tract or parcel of land under one ownership having access to a street, whether occupied or to be occupied by a building or building group together with accessory buildings, which parcel of land is designated as a separate and distinct tract, and is identified by a tract or lot number or symbol in a duly approved subdivision plat filed of record.
21. Owner. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commerce and maintain proceedings to subdivide the same.
22. Parkway. That portion of the street right-of-way between the edges of the roadway and the adjacent property line, or lines, on the same side of the street except any portion used for sidewalks.
23. Preliminary Plat. The preliminary map, drawing, or chart indicating the proposed layout of the subdivision initially required in the subdivision process.
24. Property Description. Description of a lot, tract, or parcel by metes and bounds, by reference to a plat or by reference to government survey.
25. Property Line. The boundary between two or more parcels of land.
26. Public Improvements. Those things that are constructed, installed, or performed on public land, or on land that is to become public in the subdivision process, including but not limited to street and alley pavement, curbs, storm drainage facilities, sidewalks, and sanitary sewers, and including the grading of such land.
27. Reference Points. Points of reference located by a survey of the project. The points are to be tied or referenced to at least three identifiable features.
28. Right-of-Way. A general term denoting public ownership or interest in land, usually in a strip, which has been acquired for or devoted to the use of a street.
29. Right-of-Way Line. The boundary between any public street and one or more parcels of private property.
30. Roadway. That area of a street intended and used for vehicular travel.

STREET REQUIREMENTS SECTION

Street plans and specifications shall be approved by Taney County prior to starting any construction.

Section 1. Submission of Engineering Plans:

1. All plans and reports submitted shall be prepared by, or under the direction of a professional engineer, licensed in the State of Missouri, and shall be reviewed for compliance with the minimum design requirements.
2. The original submission of engineering construction plans for streets and storm sewer shall be submitted the first time in one (1) set of prints to the Taney County Road and Bridge Department.
3. After the first submission of engineering construction plans, all future submissions for review shall consist of one (1) set of prints to the Taney County Road and Bridge Department. Projects involving State highways will require the approval of the Missouri Department of Transportation. It is the developer's responsibility to obtain such approvals from MoDOT and provided copies of the comments and approvals to Taney County Road and Bridge.
4. After approval of the engineering drawings, one (1) set of signed plans shall be retained by the contractor on the job site and one (1) set shall be provided to Taney County.

Section 2. Streets:

1. New streets shall be considered in their relation to existing, platted or planned streets, to topographical conditions, public convenience and

safety, and to the proposed land uses served by them.

2. Provision must be made for the extension and continuation of streets into and from adjoining areas.
3. Subdivisions abutting or containing an existing or proposed arterial street, marginal access streets or reverse frontage lots, shall provide access to abutting properties as required.

Section 3. Road Surfacing:

Allowable Road Type				
Lot Size	Gravel	Chip Seal	Asphalt	Concrete
Less than 2 Acres	no	no	yes	yes
2-5 Acres	no	yes	yes	yes
Greater than 5 Acres	yes	yes	yes	Yes

**TABLE 2.3
ROAD SURFACING**

1. Concrete: Roads constructed of Portland Cement Concrete – All concrete shall meet the Missouri Standard Specifications for Highway Construction, Division 500, Rigid Pavements – Sub-base shall meet 95% and over compaction. Standard mix designs for machine placed (PCC-MF) and hand finished (PCC-HF) concrete pavements shall be adhered to. Concrete shall be 6-inches thick on 5-inches of compacted subgrade.
2. Hot Mix Asphalt: Local Roads constructed of Hot Mix Asphalt shall be a two-inch (2") asphalt wearing surface on 3-inches (3") of

Section 9. Minimum Right-of-Way and Roadway Widths:

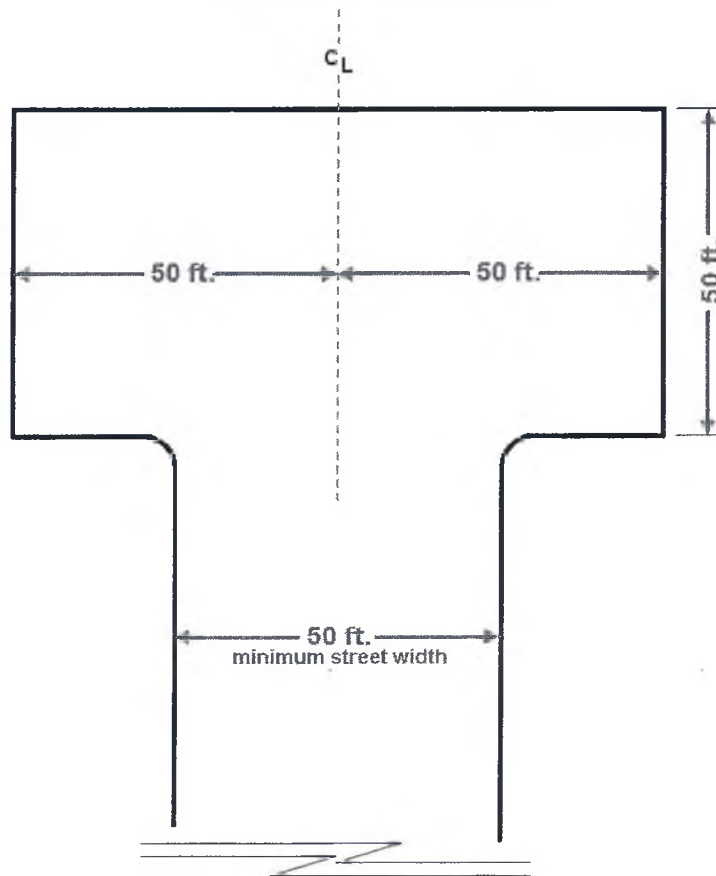
1. Minimum right-of-way widths and width of roadway shall be as follows:

	<u>Type of Street</u>	<u>Right-of-Way</u>	<u>Roadway Width</u>
Local	<u>Residential</u>	50'	24'
	<u>High Density Residential</u>	50'	31'
	<u>Industrial/Commercial</u>	60'	36' – 49'
	(Provides access to industrial/commercial properties.)		
Collector	<u>Residential</u>	60'	31' – 49'
	<u>Industrial/Commercial</u>	60'	39' – 49'
	(Typical residential collector is 31 feet. Could go up to 49 feet depending on conditions; i.e., three (3) lanes or four (4) lanes.		
Minor Arterial		70' – 80'+	To be determined individually
Primary Arterial		100'+	To be determined individually
Expressway		130'+	To be determined individually

**TABLE 3.9
RIGHT-OF-WAY AND WIDTH**

2. Provisions for additional street right-of-way width may be required by Taney County in specific cases for the reasons of public safety and convenience. Additional off-street parking in industrial, commercial, and residential areas may also be required by Taney County.
3. Additional street right-of-way is required when:

FIGURE L-2
Hammerhead Minimum Dimensions



4. STREET WIDTHS AND SETBACKS

Table L-2 defines the minimum acceptable roadway widths and setbacks based on location and usage.

TABLE L-2
Minimum Street Widths and Setbacks

	URBAN				RURAL
	Commercial / Industrial		Residential		All Roads
	High Traffic	Low Traffic	Low Density	Medium Density	
Road Width	48 feet	24 feet	36 feet	20 feet	28 feet
Setback	50 feet	50 feet	25 feet	25 feet	variable

5. CURBS AND GUTTERS

Streets shall include curbs and gutters, where the curb shall be approximately 6" high and the gutter approximately 18" in width.

6. SIDEWALKS

Sidewalks shall have a minimum width of four (4) feet in residential areas and eight (8) feet in commercial and industrial areas.

TABLE L-9
Minimum Design Standards for Highways, Roads and Streets

MINOR STREETS

DESIGN ELEMENT	URBAN				RURAL
	Industrial/Commercial		Residential		All County Roads
	Design ADT 6000	6000	Low Density	Medium Density	
Right of Way	90'	60'	50'	50'	50'
Number of Lanes	4	2	2	2	2
Lane Width	12'	12'	10'	10'	10'
Parking Lanes *	10' both sides		10' both sides		0
Surface Type	B	B	G	G	G
Cross Section	7-C&G	8-C&G	9-S	10-C&G	11-S
Maximum Gradient	8%	8%	15%	15%	15%
Shoulder Width	0	0	0	0	0
Cart way Width	48	24	20	20	20
Design Speed (mph)	35	35	30	30	V
Median Width	6'	0	0	0	0
Roadway Width	see <u>Table L-2</u> in this appendix				see <u>Table L-2</u>
Set Back	see <u>Table L-2</u> in this appendix				see <u>Table L-2</u>

KEY FOR TABLE L-9

ADT Average Daily Traffic
SS Surfaced Shoulder
S Stabilized Shoulder
C&G Curb and Gutter
G Gravel
V Variable

**Note:* In commercial and industrial subdivisions where the developer has proposed off-street parking, the on-street parking standard of an additional 20 feet of hard surfaced cart way width shall be eliminated.

2008 P00007

FILED
TIME 3:40 p.m.RECORDING FEE \$ 65.00
STATE USER FEE \$ 4.00
TOTAL \$ 69.00JAN 18 2008
Robert A. Dixon
Recorder of Deeds
TANEY COUNTY

THE FINAL PLAT OF PARADISE SHORES ESTATES, PHASE 1 LOCATED IN LOT 14 OF FRACTIONAL SEC. 5, T23N, R20W OF THE 5th PRINCIPAL MERIDIAN TANEY COUNTY, MISSOURI OWNED AND DEVELOPED BY PARADISE SHORES, INC.

DESCRIPTION AND EXECUTION OF PLAT

THE UNDERSIGNED PARADISE SHORES, INC., A MISSOURI CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND.

DESCRIPTION TRACT 1:

A TRACT OF LAND SITUATED IN LOT 14 OF FRACTIONAL SECTION 5, TOWNSHIP 23 NORTH, RANGE 20 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING STONE MARKING THE NORTHWEST CORNER OF LOT 14 OF SAID SECTION 5; THENCE S 89°41'09" E, ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 346.38 FEET; THENCE S 00°18'51" W, LEAVING SAID NORTH LINE, A DISTANCE OF 134.20 FEET, TO A POINT ON THE SOUTHEAST-OF-WAY LINE OF MOUNTAIN GROVE ROAD FOR A NEW POINT OF BEGINNING; THENCE S 48°54'22" E, ALONG SAID SOUTHEAST-OF-WAY LINE, A DISTANCE OF 48.02 FEET; THENCE S 41°05'33" W, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 42.64 FEET; THENCE S 56°35'21" W, A DISTANCE OF 29.71 FEET; THENCE N 36°54'27" W, A DISTANCE OF 54.92 FEET; THENCE N 53°00'30" E, A DISTANCE OF 61.16 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3,598.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION TRACT 2:

A TRACT OF LAND SITUATED IN LOT 14 OF FRACTIONAL SECTION 5, TOWNSHIP 23 NORTH, RANGE 20 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING STONE MARKING THE NORTHWEST CORNER OF LOT 14 OF SAID SECTION 5; THENCE S 89°41'09" E, ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 383.74 FEET; THENCE S 00°18'51" W, LEAVING SAID NORTH LINE, A DISTANCE OF 432.92 FEET, FOR A NEW POINT OF BEGINNING; THENCE NORTHEAST-OF-WAY ALONG A NON-TANGENT 114.5916 DEGREE CURVE TO THE LEFT 5.00 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N 78°05'16" E, 5.00 FEET, AND HAVING A RADIUS OF 50.00 FEET); THENCE N 75°13'16" E, A DISTANCE OF 123.37 FEET; THENCE EAST-OF-WAY ALONG A 38.1972 DEGREE CURVE TO THE RIGHT 32.03 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N 81°00'07" E, 31.95 FEET, AND HAVING A RADIUS OF 150.00 FEET); THENCE N 87°26'59" E, A DISTANCE OF 26.31 FEET, TO A POINT ON THE WEST-OF-WAY LINE OF MOUNTAIN GROVE ROAD; THENCE S 02°33'01" E, ALONG SAID WEST-OF-WAY LINE, A DISTANCE OF 149.69 FEET; THENCE S 75°29'49" W, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 51.30 FEET; THENCE S 73°08'50" W, A DISTANCE OF 99.54 FEET; THENCE N 88°11'55" W, A DISTANCE OF 38.25 FEET; THENCE N 01°17'21" E, A DISTANCE OF 102.20 FEET; THENCE N 09°02'42" W, A DISTANCE OF 50.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 28,670.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREAFTER BE KNOWN AS "PARADISE SHORES ESTATES, PHASE 1". ALL STREETS, RIGHT-OF-WAYS AND EASEMENTS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS 18th DAY OF January, 2008.

PARADISE SHORES, INC.

Arthur R. Finch, President

ACKNOWLEDGMENT
STATE OF MISSOURI
COUNTY OF TANEY

ON THIS 18th DAY OF January, 2008, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED ARTHUR R. FINCH, OF PARADISE SHORES, INC., A MISSOURI CORPORATION, WHO BEING DULY SWORN BY ME, DID DEPOSE AND SAY THAT HE IS THE PRESIDENT AND AS SUCH, DID EXECUTE THE FOREGOING INSTRUMENT ON BEHALF OF SAID CORPORATION AND DULY ACKNOWLEDGED THE EXECUTION OF SAME TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP

NOTARY PUBLIC



REBECCA ROBERTS
My Commission Expires
December 8, 2011
Taney County
Commission #0703406

MY COMMISSION EXPIRES:

PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. SETBACKS:

25 FEET OFF OF ALL SUBDIVISION ROADS
1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS

3. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARs WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

4. RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 2002 AT PAGE 17816, DATED 8/26/02, 2002.

5. AREAS:

THE TOTAL AREA OF THE PROPERTY IS 332,266.00 SQ. FT.
THE TOTAL LOT AREA IS 321,543.00 SQ. FT.
THE TOTAL ROAD AREA IS 10,723.00 SQ. FT.
THE TOTAL AREA OF EXTRA R/W DEDICATED TO THE TANEY COUNTY ROAD AND BRIDGE DEPARTMENT IS 32,009.00 SQ. FT.

6. THIS PLAT CONSISTS OF SEPARATE SHEETS, NUMBERED 1 AND 2, EACH OF WHICH TOGETHER CONSTITUTE THE FINAL PLAT OF "PARADISE SHORES ESTATES, PHASE 1".

CLASSIFICATION OF SURVEY:

"RURAL SURVEY"

TITLE SOURCE:

GENERAL WARRANTY DEED RECORDED IN BOOK 487 AT PAGES 8770-8771.

LEGEND:

▲ = PERMANENT MONUMENT - 5/8" IRON PIN WITH ALUMINUM CAP PLACED ON TOP OF THE PIN

FLOOD CERTIFICATION:

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (ZONE WHICH BASE FLOOD ELEVATION WERE DETERMINED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 2821JC01670, PANEL 167 OF 500 TANEY COUNTY, MISSOURI. MAP EFFECTIVE DATE: SEPTEMBER 29, 2006.

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: ARTHUR R. FINCH, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

		<p>LEGEND</p> <ul style="list-style-type: none"> ○ SET IRON PIN ● 1/2" IRON PIN □ DISTINGUISH STONE △ CORPS MONUMENT ○ P.C., P.T., P.L. ▲ RIGHT-OF-WAY MARKER <p>REFERENCES</p> <p>NORTH LINE LOT 14 FRAC. SEC. 5 BRNG. = S 89°41'09" E</p>	
<p>Surveyed for:</p> <p>PARADISE SHORES, INC.</p>		<p>WOLFE SURVEYING, INC. EDDIE D. WOLFE P.L.S. 2100 JACK E. HOUSEMAN P.L.S. 005018222 800 State Highway 24R, Building 4, Suite 1, Branson, MO 65616 Phone: 417-334-8820 Fax: 417-334-5151</p>	
<p>SHEET: 1 OF 2</p> <p>DATE: 12-19-07</p> <p>DRAWN BY: KMP</p>		<p>W.D. #999</p> <p>DWG #999-FNL PH 1</p> <p>REV</p>	

ACKNOWLEDGMENT

KNOWN ALL MEN BY THESE PRESENTS THAT OZARK MOUNTAIN BANK, THE HOLDER OF A DEED OF TRUST, DATED JANUARY 12, 2007, AND RECORDED AS INSTRUMENT No. 2007.03256 OF THE OFFICE OF THE RECORDER OF DEEDS OF TANEY COUNTY, MISSOURI, WHICH DESCRIBED THE LAND OR A PORTION THEREOF INCLUDED HEREIN AND PLATTED AS "PARADISE SHORES ESTATES, PHASE 1", CONSENT AND JOIN IN THE EXECUTION OF THIS PLAT.

STATE OF MISSOURI
COUNTY OF TANEY

ON THIS 20th DAY OF December, 2007, BEFORE ME APPEARED Rebecca Roberts TO ME PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN DID SAY THAT (SHE IS VICE) PRESIDENT OF OZARK MOUNTAIN BANK, A CORPORATION OF THE STATE OF MISSOURI, AND THAT THE SEAL AFFIXED TO THE FOREGOING INSTRUMENT IS THE CORPORATE SEAL OF SAID CORPORATION, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS AND SAID Rebecca Roberts ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL AT MY OFFICE IN TANEY COUNTY, MISSOURI, THE DAY AND YEAR FIRST ABOVE WRITTEN.

Rebecca Roberts
NOTARY PUBLIC

REBEKA DANIELS
Notary Public - Notary Seal
STATE OF MISSOURI
Taney County - Comm #07385818
My Commission Expires Sept. 7, 2011

MY COMMISSION EXPIRES:

OFFICE OF TANEY COUNTY 911 ADMINISTRATOR:

APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATOR THIS 18th DAY OF January, 2008.

Audi Pham
911 REPRESENTATIVE

TANEY COUNTY PLANNING COMMISSION CERTIFICATION:

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 18th DAY OF January, 2008.

David K. Fincher
CHAIRMAN

THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

Kurt Larsen
ADMINISTRATOR: KURT LARSEN

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

JACK E. HOUSEMAN
EDDIE D. WOLFE P.L.S. 2100
JACK E. HOUSEMAN P.L.S. 005018222

FILED
TIME 3:40 PM

JAN 19 2008

Robert A. Dixon
Recorder of Deeds
TANEY COUNTY

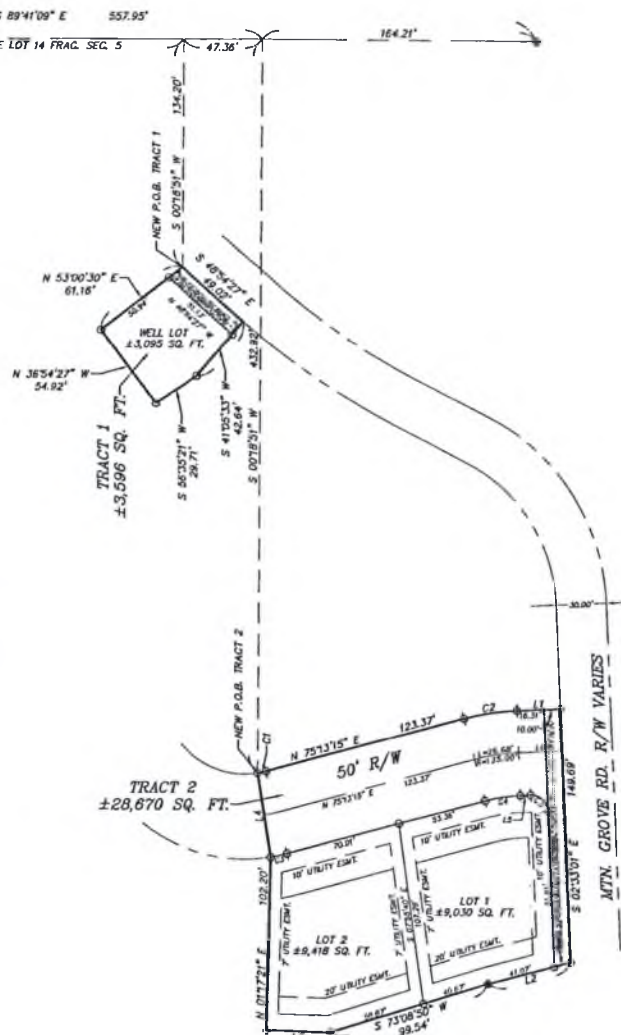
POINT OF BEGINNING
EX. STONE
NORTHWEST CORNER
LOT 14 FRACTIONAL
SEC. 5, T23N, R20W

348.38' 393.74' S 89°41'09" E 557.95' 47.36' 164.21'

NORTH LINE LOT 14 FRAC. SEC. 5

LINE	LENGTH	BEARING
L1	26.11'	N 87°26'50" E
L2	51.30'	S 75°09'49" W
L3	38.73'	N 88°11'55" W
L4	50.00'	N 09°02'42" W
L5	8.31'	N 87°26'50" E
L6	26.31'	N 87°26'50" E
L7	10.22'	N 53°00'30" E
L8	10.00'	S 41°05'33" W

CURVE	LENGTH	RADIUS	DEGREE	CHD. BRNG.	CHD. DIST.
C1	9.00'	50.00'	114.5916°	N 78°05'16" E	3.00'
C2	12.00'	150.00'	38.1872°	N 81°20'02" E	31.95'
C3	10.00'	100.00'	57.2958°	N 78°05'16" E	10.00'
C4	21.34'	100.00'	57.2958°	S 61°20'07" W	21.34'
C5	15.71'	10.00'	572.9578°	N 47°33'01" W	14.14'



THE FINAL PLAT OF PARADISE SHORES ESTATES, PHASE 1 LOCATED IN LOT 14 OF FRACTIONAL SEC. 5, T23N, R20W OF THE 5th PRINCIPAL MERIDIAN TANEY COUNTY, MISSOURI OWNED AND DEVELOPED BY PARADISE SHORES, INC.

PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. SETBACKS:

25 FEET OFF OF ALL SUBDIVISION ROADS
1/2 REQUIRED FRONT SETBACK OFF ALL SIDE CORNER LOTS
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS

3. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARS WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

4. RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 2100, PAGE 1782, DATED 12-19-07, 2008.

5. AREAS:

THE TOTAL AREA OF THE PROPERTY IS 432,266.00 SQ. FT.
THE TOTAL LOT AREA IS 421,543.00 SQ. FT.
THE TOTAL ROAD AREA IS 410,723.00 SQ. FT.
THE TOTAL AREA OF EXTRA R/W DEDICATED TO THE TANEY COUNTY ROAD AND BRIDGE DEPARTMENT IS 42,009.00 SQ. FT.

6. THIS PLAT CONSISTS OF SEPARATE SHEETS, NUMBERED 1 AND 2, EACH OF WHICH TOGETHER CONSTITUTE THE FINAL PLAT OF "PARADISE SHORES ESTATES, PHASE 1".

LEGEND:



= REPRESENTS 10' ADDITIONAL RIGHT-OF-WAY TO BE DEDICATED TO THE TANEY COUNTY ROAD AND BRIDGE DEPARTMENT.

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF:
ARTHUR R. FINCH, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

JACK E. HOUSEMAN
EDDIE D. WOLFE P.L.S. 2190
JACK E. HOUSEMAN P.L.S. 2005019222

		<p>Surveyed for:</p> <p>PARADISE SHORES, INC.</p>	
<p>LEGEND:</p> <ul style="list-style-type: none"> ○ SET IRON PIN ● EX. 1/2" IRON PIN □ EXISTING STONE △ CORPS MONUMENT ○ P.C., P.T., P.L. — RIGHT-OF-WAY — EASEMENT 		<p>WOLFE SURVEYING INC. EDDIE D. WOLFE P.L.S. 2190 JACK E. HOUSEMAN P.L.S. 2005019222 800 State Highway 248, Building 4, Suite D, Branson, MO 65616 Phone: 417-334-8820 Fax: 417-334-5151</p>	
<p>DATE: 12-19-07</p>		<p>W.O. #999</p>	
<p>DRAWN BY: KMP</p>		<p>DWC #999-FNL PH 1</p>	

GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

DESCRIPTION AND EXECUTION OF PLAT:

THE UNDERSIGNED PARADISE SHORES, INC., A MISSOURI CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND:

DESCRIPTION:

A TRACT OF LAND SITUATED IN LOT 14 OF FRACTIONAL SECTION 5, TOWNSHIP 23 NORTH, RANGE 20 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING STONE MARKING THE NORTHWEST CORNER OF LOT 14 OF SAID SECTION 5, THENCE S 89°19'0" E, ALONG THE NORTH LINE OF SAID LOT 14, A DISTANCE OF 297.73 FEET, THENCE S 00°18'51" W, LEAVING SAID NORTH LINE, A DISTANCE OF 171.37 FEET, TO THE WEST CORNER OF TRACT ONE, PARADISE SHORES ESTATES, PHASE 1, AS RECORDED IN PLAT BOOK 2/SLIDE 4, PAGES 14 AND 15, IN THE TANEY COUNTY RECORDS OFFICE, TANEY COUNTY, MISSOURI, FOR A NEW POINT OF BEGINNING ALONG THE SOUTHERLY BOUNDARY LINE OF TRACT ONE AS FOLLOWS: THENCE S 38°54'27" E, A DISTANCE OF 54.19 FEET, THENCE N 56°35'27" E, A DISTANCE OF 29.71 FEET, THENCE N 41°03'37" E, A DISTANCE OF 42.84 FEET, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF LAKATIA GROVE PARS, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE AS FOLLOWS: THENCE SOUTHEASTERLY, LEAVING SOUTHERLY BOUNDARY LINE OF TRACT ONE, ALONG A NON-TANGENT 18.818 DEGREE CURVE TO THE LEFT 109.28 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF S 53°54'27" E, 109.00 FEET) AND HAVING A RADIUS OF 442.21 FEET, THENCE S 82°54'27" E, A DISTANCE OF 50.00 FEET, THENCE SOUTHEASTERLY ALONG A 58.154 DEGREE CURVE TO THE RIGHT 140.11 FEET (SAID CURVE HAVING A RADIUS OF 86.07 FEET, THENCE S 02°30'01" E, A DISTANCE OF 61.51 FEET, THENCE S 87°02'08" W, LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 28.31 FEET, THENCE WESTERLY ALONG A 34.1672 DEGREE CURVE TO THE LEFT 32.02 FEET (SAID CURVE HAVING A RADIUS OF 15.10 FEET, THENCE S 25°15'15" E, A DISTANCE OF 123.73 FEET, THENCE SOUTHWESTERLY ALONG A 34.1672 DEGREE CURVE TO THE RIGHT 19.70 FEET (SAID CURVE HAVING A RADIUS OF 50.00 FEET), THENCE N 47°49'33" W, A DISTANCE OF 56.78 FEET, THENCE NORTHWESTERLY ALONG A 50.141 DEGREE CURVE TO THE RIGHT 21.59 FEET (SAID CURVE HAVING A RADIUS OF 23.00 FEET), TO A POINT OF REVERSE CURVATURE, THENCE NORTHWESTERLY ALONG A 114.5818 DEGREE REVERSE CURVE TO THE LEFT 92.89 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF N 52°51'28" W, 80.10 FEET AND HAVING A RADIUS OF 50.00 FEET), THENCE N 18°14'43" W, A DISTANCE OF 84.12 FEET, THENCE N 51°00'00" E, A DISTANCE OF 108.84 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 1.41 ACRES OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREINAFTER BE KNOWN AS "PARADISE SHORES ESTATES, PHASE 2". ALL STREETS, RIGHT-OF-WAYS AND EASEMENTS SHOWN HEREON ARE REINFORCED AND DEDICATED TO THE USE OF THE PUBLIC.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HER HAND THIS 15th DAY OF

PARADISE SHORES, INC.

ARTHUR R. FRICK, PRESIDENT

NOTARY PUBLIC

STATE OF MISSOURI

COUNTY OF TANEY

ON THIS 15th DAY OF October, 2008, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED ARTHUR R. FRICK, OF PARADISE SHORES, INC., A MISSOURI CORPORATION, WHO BEING DULY SHOWN BY ME TO BE THE PRESIDENT AND AS SUCH, DO EXECUTE THE FOREGOING INSTRUMENT ON BEHALF OF SAID CORPORATION AND DULY ACKNOWLEDGED THE EXECUTION OF SAME TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OF STAMP

NOTARY PUBLIC

MY COMMISSION EXPIRES: July 31, 2014

PLAT NOTES:

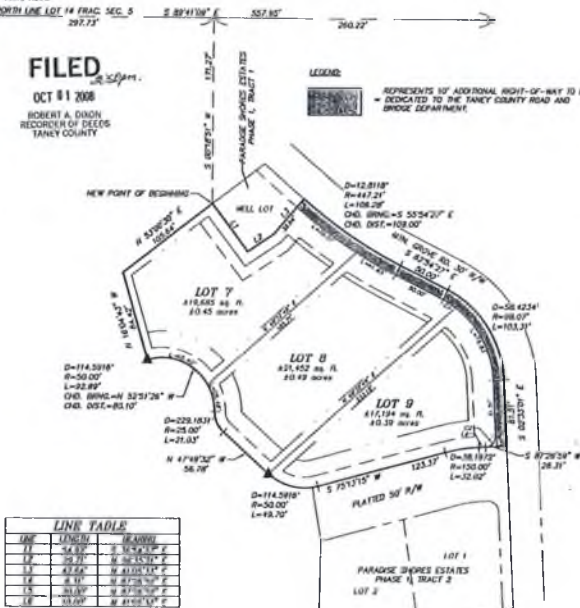
1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.
2. EASEMENTS: ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT LOT LINES, 20' ALONG ALL BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.
3. SETBACKS: 25 FEET OFF OF ALL SUBDIVISION ROADS 1/2" REBAR FROM SETBACK OFF ALL SIDE CORNER LOTS 7 FEET OFF ALL SIDE LOTS 10 FEET OFF ALL BACK LOTS
4. ALL LOTS CORNERS MUST BE MARKED WITH 1/2" REBAR WITH P.L.S. CAP PLACED ON TOP OF PIN UNLESS NOTED OTHERWISE ON PLAT.
5. RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDS OFFICE IN BOOK 2/SLIDE 4, AT PAGE 173, DATED 2003.
6. AREAS: THE TOTAL AREA OF THE PROPERTY IS 41.41 ACRES THE TOTAL LOT AREA IS 41.33 ACRES THE TOTAL ROAD AREA IS 40.00 ACRES THE TOTAL AREA OF EXTRA R/W DEDICATED TO THE TANEY COUNTY ROAD AND BRIDGE DEPARTMENT IS 10.07 ACRES

THE FINAL PLAT OF PARADISE SHORES ESTATES, PHASE 2 LOCATED IN LOT 14 OF FRACTIONAL SEC. 5, T23N, R20W OF THE 5th PRINCIPAL MERIDIAN TANEY COUNTY, MISSOURI OWNED AND DEVELOPED BY PARADISE SHORES, INC.

RECORDING FEE \$0.80
STATE USER FEE \$4.00
TOTAL \$4.80

POINT OF BEGINNING
EX. STONE
NORTHWEST CORNER
LOT 14 FRACTIONAL
SEC. 5, T23N, R20W

FILED
OCT 11 2008
ROBERT A. DIXON
RECORDING CLERK
TANEY COUNTY



LINE	LENGTH	BEARING
1	54.19	S 38°54'27" E
2	29.71	N 56°35'27" E
3	42.84	N 41°03'37" E
4	109.00	S 53°54'27" E
5	50.00	S 82°54'27" E
6	140.11	S 02°30'01" E
7	61.51	S 87°02'08" W
8	32.02	N 52°51'28" W
9	80.10	N 18°14'43" W
10	84.12	N 51°00'00" E
11	108.84	N 51°00'00" E

CURVE	LENGTH	RADIUS
1	114.58	10.07
2	114.58	10.07

Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: ARTHUR R. FRICK, THAT I HAVE MADE AN ACCURATE AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE OBTAINED UNLESS IDENTIFIED BY THE PERSONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

EDDIE D. WOLFE PLS 280
JACK E. HOUSEMAN PLS 200509222

OFFICE OF TANEY COUNTY SIT ADMINISTRATION

APPROVED BY THE OFFICE OF TANEY COUNTY SIT ADMINISTRATION THIS 15th DAY OF October, 2008

SIT REPRESENTATIVE

TANEY COUNTY PLANNING COMMISSION CERTIFICATION

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 15th DAY OF October, 2008

CHARMAN

THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

FLOOD CERTIFICATION

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A FLOOD DESIGNATION OF "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, MAP NUMBER 221301070, PANEL 157 OF 500 TANEY COUNTY, MISSOURI MAP EFFECTIVE DATE: SEPTEMBER 29, 2006.

CLASSIFICATION OF SURVEY

"TYPICAL SURVEY"

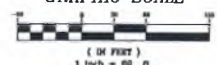
SEE SOURCE

GENERAL WARRANTY DEED RECORDED IN BOOK 487 AT PAGES 870-871.

LEGEND:

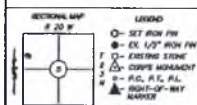
- ▲ = PERMANENT MONUMENT - 3/8" IRON PIN WITH ALUMINUM CAP PLACED ON TOP OF THE PIN

GRAPHIC SCALE



Surveyed for:

PARADISE SHORES, INC.



LEGEND:

- = SET IRON PIN
- = EX. 1/2" IRON PIN
- = EXISTING STONE
- = CORNER MONUMENT
- = P.L.S. A.C. P.L.
- = RIGHT-OF-WAY BARRIER

TANEY COUNTY, MO

SECTION 5

FRAC. SEC. 5

WOLFE PLS 280

WOLFE SURVEYING, INC.

EDDIE D. WOLFE PLS 280 (PRESIDENT)

PATRICK W. BROWN VICE (PRESIDENT)

JACK E. HOUSEMAN PLS 200509222 (SECRETARY)

200 State Highway 240, Building 1, Suite 11, Osage, MO 65068

Phone: 417-324-8800 Fax: 417-324-8111

SHEET: 1 OF 1

DATE:

09-02-08

W.D. #999

DRAWN BY:

REV

DWG #999-PH1-PH2

DESCRIPTION AND EXECUTION OF PLAT

THE UNDERSIGNED PARADISE SHORES, INC., A MISSOURI CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACT OF LAND.

DESCRIPTION:

ALL OF LOT 7, PARADISE SHORES ESTATES, PHASE 2, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK/SIDE J AT PAGE 240 IN THE TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREAFTER BE KNOWN AS "THE AMENDED PLAT OF LOT 7, PARADISE SHORES ESTATES, PHASE 2". ALL STREETS, RIGHT-OF-WAYS AND EASEMENTS SHOWN HEREON ARE RELINQUISHED AND DEDICATED TO THE USE OF THE PUBLIC.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS 13th DAY OF JANUARY 2009.

PARADISE SHORES, INC.

FILED
TIME 3:40pm

JAN 13 2009

ROBERT A. DIXON
RECORDER OF DEEDS
TANEY COUNTY

ARTHUR R. FINCH, PRESIDENT

ACKNOWLEDGMENT

STATE OF MISSOURI

COUNTY OF TANEY

ON THIS 13th DAY OF January 2009, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED ARTHUR R. FINCH, OF PARADISE SHORES, INC., A MISSOURI CORPORATION, WHO BEING DULY SWORN BY ME DID DEPOSE AND SAY THAT HE IS THE PRESIDENT AND AS SUCH, DID EXECUTE THE FOREGOING INSTRUMENT ON BEHALF OF SAID CORPORATION AND DULY ACKNOWLEDGED THE EXECUTION OF SAME TO BE THE FREE ACT AND DEED OF SAID CORPORATION.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SEAL OR STAMP NOTARY PUBLIC



RACHEL CARLSON
My Commission Expires July 26, 2013
TANEY COUNTY
Commission #06748832

MY COMMISSION EXPIRES July 26, 2013

PLAT NOTES:

1. ALL LOTS ARE SUBJECT TO SETBACK LINES AND UTILITY EASEMENTS BY TANEY COUNTY PLANNING COMMISSION, TANEY COUNTY, MISSOURI.

2. EASEMENTS:

ALL LOTS ARE SUBJECT TO A 10' UTILITY EASEMENT ALONG ALL FRONT LOT LINES, 20' ALONG ALL BACK LOT LINES AND 7' ALONG ALL SIDE LOT LINES EXCEPT SHOWN HEREON.

3. SETBACKS:

25 FEET OFF OF ALL SUBDIVISION ROADS
12.5 FEET OFF OF ALL SIDE LOT LINES WITH ROAD FRONTAGE
7 FEET OFF ALL SIDE LOTS
10 FEET OFF ALL BACK LOTS

4. ALL LOTS CORNERS WERE STAKED WITH 1/2" REBARS WITH P.L.S. CAP PLACED ON TOP OF PIN, UNLESS NOTED DIFFERENTLY ON PLAT.

5. RESTRICTIVE COVENANTS ARE FILED FOR RECORD, AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 2005 AT PAGE 128.15, DATED 12-1-2007.

LINE	LENGTH	BEARING
L1	20.00'	S 36°59'30" E
L2	20.00'	S 53°00'30" W
L3	20.00'	N 36°59'30" W
L4	35.80'	S 41°05'11" W
L5	25.88'	N 36°59'30" W
L6	15.00'	S 36°59'30" E

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

THE AMENDED PLAT OF LOT 7, PARADISE SHORES ESTATES, PHASE 2

LOCATED IN LOT 14 OF
FRACTIONAL SEC. 5, T23N, R20W
OF THE 5th PRINCIPAL MERIDIAN
TANEY COUNTY, MISSOURI
OWNED AND DEVELOPED BY
PARADISE SHORES, INC.

DOCUMENT 3

OFFICE OF TANEY COUNTY 311 ADMINISTRATOR

APPROVED BY THE OFFICE OF TANEY COUNTY 311 ADMINISTRATOR THIS 13th DAY OF January 2009.

311 REPRESENTATIVE

TANEY COUNTY PLANNING COMMISSION CERTIFICATION

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 13th DAY OF January 2009.

CHAIRMAN

THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT CODE.

ADMINISTRATOR

FLOOD CERTIFICATION:

THE PROPERTY SHOWN ON THIS PLAT IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT ON FLOOD INSURANCE RATE MAP, MAP NUMBER 2921JC0187D, PANEL 167 OF 500 TANEY COUNTY, MISSOURI, MAP EFFECTIVE DATE: SEPTEMBER 29, 2006.

CLASSIFICATION OF SURVEY:

"RURAL SURVEY"

TITLE SOURCE:

SUBDIVISION PLAT RECORDED IN PLAT BOOK/SIDE J AT PAGE 240.

LEGEND:

▲ = PERMANENT MONUMENT - 5/8" IRON PIN WITH ALUMINUM CAP PLACED ON TOP OF THE PIN

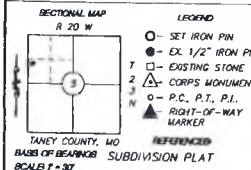
Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF: ARTHUR R. FINCH, THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL IMPRINT IN BLUE INK MAY HAVE BEEN FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE DISREGARDED UNLESS VERIFIED BY THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

EDDIE D. WOLFE P.L.S. 2890
JACK E. HOUSEMAN P.L.S. 200508222

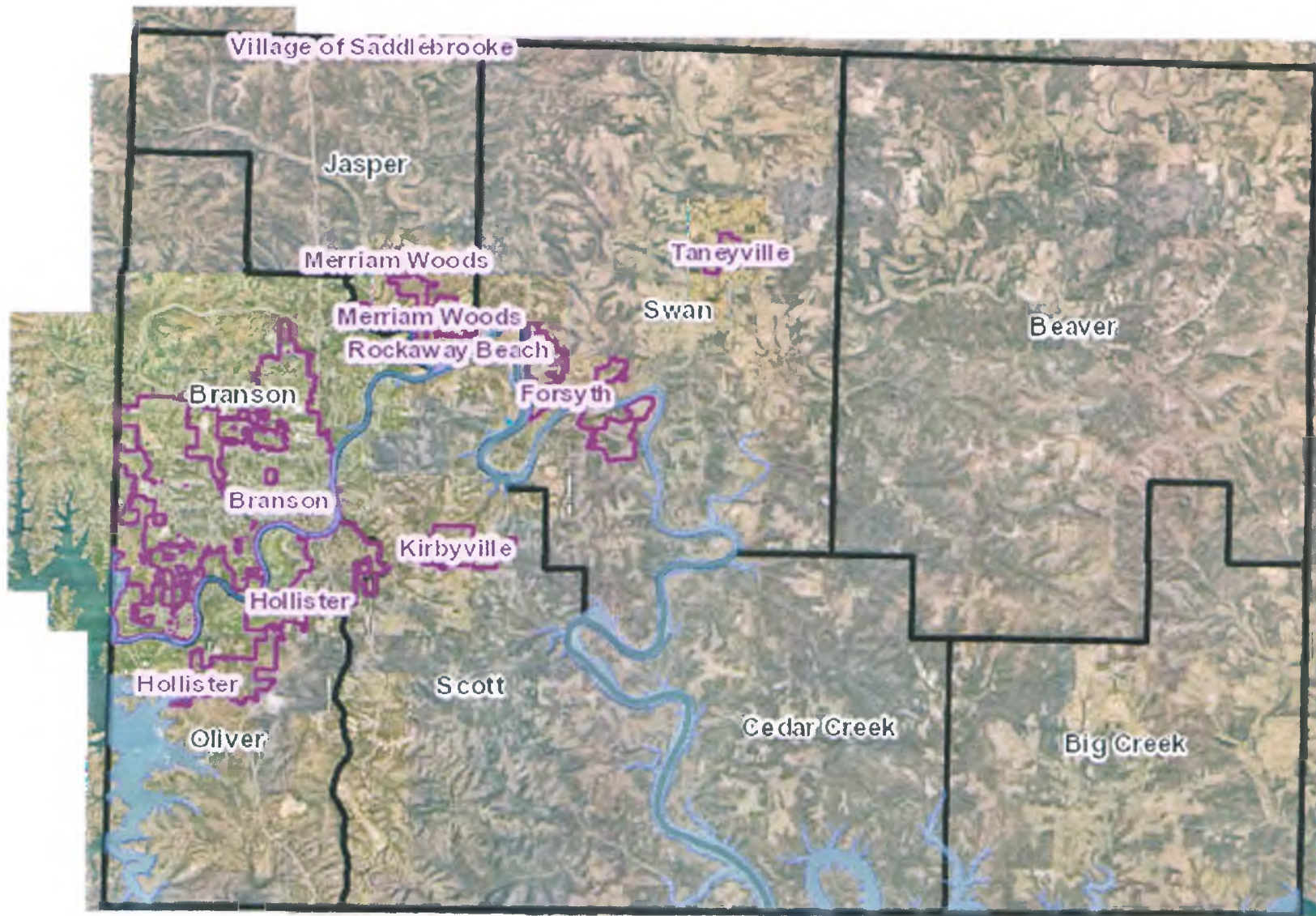
Surveyed for: PARADISE SHORES, INC.



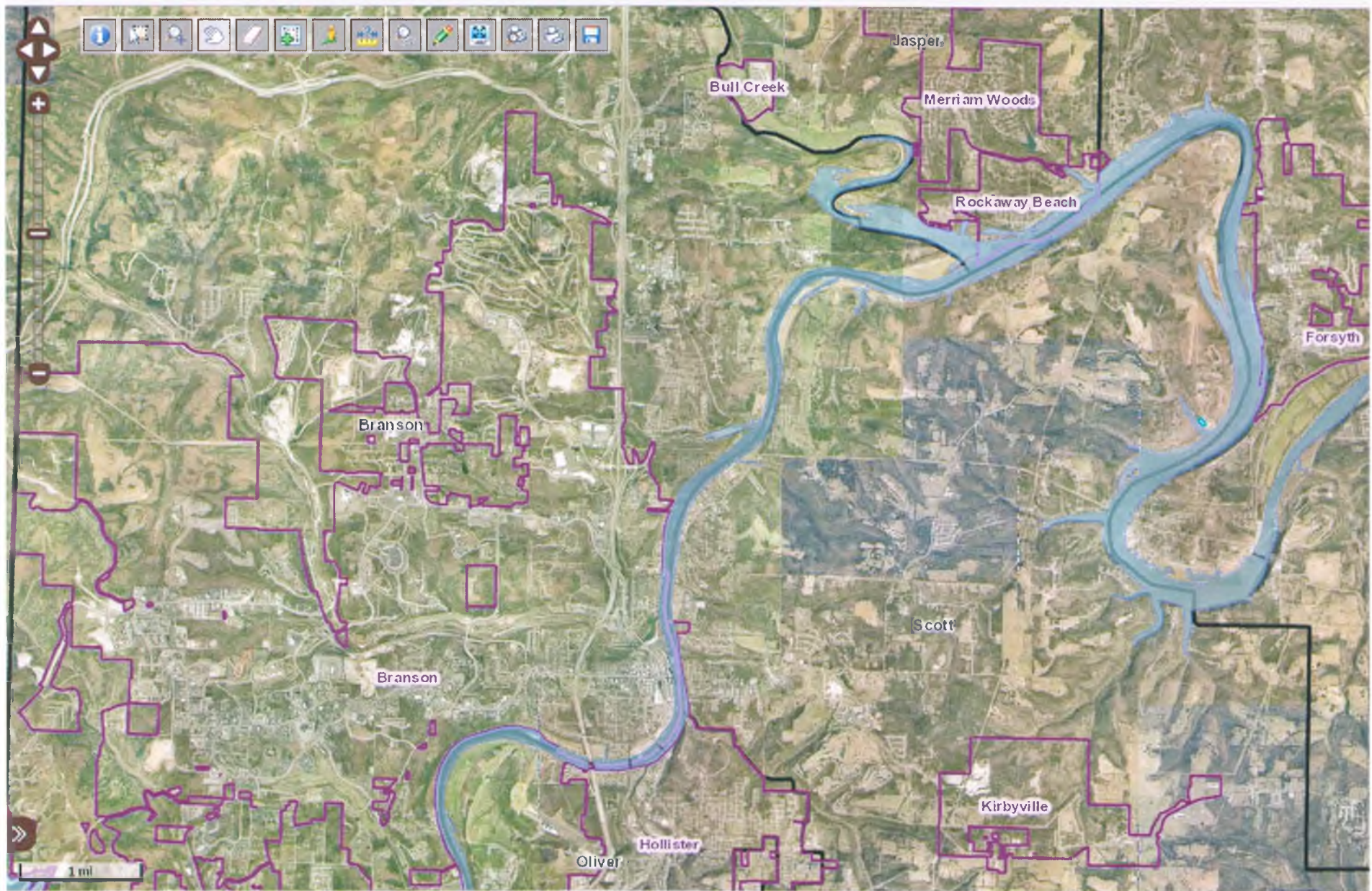
WOLFE SURVEYING, INC.
EDDIE D. WOLFE P.L.S. 2890 (PRESIDENT)
PATRICK W. BROWN (VICE PRESIDENT)
JACK E. HOUSEMAN P.L.S. 200508222 (SECRETARY)
800 State Highway 248, Building 4, Suite D, Branson, MO 65616
Phone: 417-334-8820 Fax: 417-334-5151

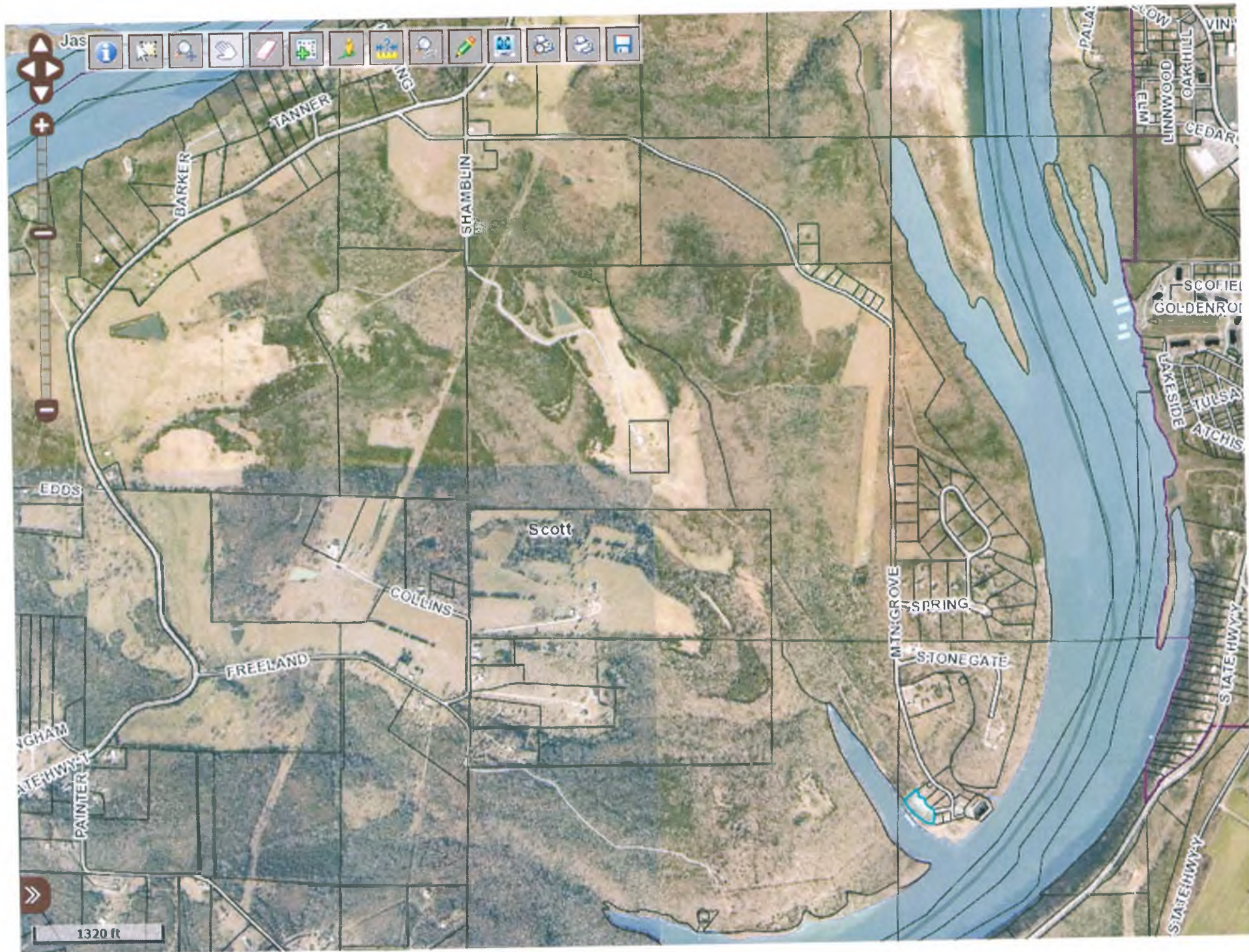
SHEET: 1 OF 1
DATE: 10-12-09
W.O. #999
DWC #999-AND L7 PH2
DRAWN BY: DB/RMP
REV:





**Sam & Terri Burton Road Standards Variance Request
Undeveloped Portion of Paradise Shores Estates
End of Mountain Grove Road, Branson, MO
Taney County GIS (Beacon)**

















**Sam & Terri Burton Road Standards Variance Request
Undeveloped Portion of Paradise Shores Estates
End of Mountain Grove Road, Branson, MO
Pictometry – View from the North**



© 2015 Pictometry

**Sam & Terri Burton Road Standards Variance Request
Undeveloped Portion of Paradise Shores Estates
End of Mountain Grove Road, Branson, MO
Pictometry – View from the South**



**Sam & Terri Burton Road Standards Variance Request
Undeveloped Portion of Paradise Shores Estates
End of Mountain Grove Road, Branson, MO
Pictometry – View from the East**



**Sam & Terri Burton Road Standards Variance Request
Undeveloped Portion of Paradise Shores Estates
End of Mountain Grove Road, 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: Terri Burton

Request: Variance from
the County Road Standards

Property Location: Mtn. Grove
Road

Hearing Location: Taney County Courthouse

Time: 6:00pm Date: Wednesday, 5-20-15

Phone: (417) 556-7226

05/04/2015 10:52



05/04/2015 10:52



05/04/2015 10:52

05/04/2015 10:52



05/04/2015 10:53

101





05/04/2015 10:54



TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: May 20, 2015

CASE NUMBER: 2015-0004V

APPLICANT: Terry & Judith Gentle

LOCATION: The subject property is located at 2275 State Highway O, Kissee Mills, MO; Swan Township; Section 12, Township 23, Range 20.

REQUEST: The applicants, Terry & Judith Gentle are requesting variances from 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 and also the 10' rear property line setback requirement, in order to accommodate the placement of a new roofline, which will be extended, allowing for porch / deck areas on the existing single-family residence.

BACKGROUND and SITE HISTORY:

The subject property is a +/- 2.55 acre meets and bounds described parcel of land (per a boundary survey – Wolfe Surveying), containing an existing residence which was constructed in 1957(per the Assessor's information), an existing carport and an accessory building (garage) that was constructed in 2014. The applicant has indicated that the property has been bisected by a power line, running parallel with State Highway O, since the 1960s.

On August 15, 2012 the Board of Adjustment approved a 25' setback variance from the front property line adjoining State Highway O, allowing for the construction of an accessory building that is now located 25' from the front property line. The Board was unanimous in the belief that the application of Table 1 (Setbacks) of the Taney County Development Guidance Code regarding the front property line setback would result in peculiar and exceptional difficulties upon the owner of the property, due to the limitations placed upon the buildable space within the property, because of the location of the existing White River Electric Cooperative power line easement that bisects the triangular shaped parcel of property.

GENERAL DESCRIPTION:

The subject property is a triangular shaped, meets and bounds described parcel of land containing a total of approximately 2.55 acres (per a boundary survey – Wolfe Surveying). The property fronts on State Highway O and is bisected by a 30' wide White River Electric Cooperative power line easement.

REVIEW:

Section 7.1 of the Development Guidance Code requires, ***“Measurements to the structure shall be made to the part of the structure that is closest to the property line. As an example, if the structure has a roof with an overhang, the measurement is made to the overhang and not the foundation of the wall of the structure.”***

The applicants are requesting a 25' front property line setback variance, in order to accommodate the construction of a new roof on the existing, single-family residence with a 6' front overhang on the west side of the property, adjoining State Highway O. The roof overhang would be setback +/- 25' from the front property line.

The applicants are further requesting a 5' rear property line setback variance, in order to accommodate the construction of the new roof on the existing, single-family residence with an overhang that will be setback +/- 5' from the east side of the property.

The buildable space within the property is limited by the location of an existing White River Electric Cooperative power line easement that bisects the triangular shaped property. The applicants have presented a boundary survey of the property, which was originally presented during the public hearing, for their earlier 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 setback variance request, the following requirements shall apply, unless revised by the Board:

1. Approval a setback variance of 25 feet from the front property line adjoining State Highway O, allowing for the construction of a new roof, whose overhang will be located +/- 25 feet from this front property line.
2. Approval a setback variance of 5 feet from the rear property line, allowing for the construction of a new roof, whose overhang will be located +/- 5 feet from the rear 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 Taney County Development Guidance Code).

15-4

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

(Circle one)

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

PLEASE PRINT **DATE** 4/21/2015

Applicant TERRY L. GENTLE Phone 936-328-1472

Address, City, State, Zip 203 SHELTER LAKE, LIVINGSTON, TX 77351

Representative Ken Davis Phone 417-546-7676

Owner of Record TERRY L. GENTLE Signature: Terry Gentle

Name of Project: House Remodel

Section of Code Protested: (office entry) _____

Address and Location of site: 2275 STATE HWY "O"
KISSEE MILLS, MO. 65080

Subdivision (if applicable) Table 1 - Property Line Setbacks - Code

Section 12 Township 23 Range 20 Number of Acres or Sq. Ft. 2.55 Ac

Parcel Number 094.0-12-000-000-074.000

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:

REQUESTING VARIANCE ON WEST SIDE OF
PROPERTY FROM 50' SETBACK TO 25' SETBACK
TO ACCOMMODATE PLACING NEW ROOFLINE ON WEST
SIDE. ALSO REQUESTING VARIANCE ON EAST SIDE
OF PROPERTY FROM 10' SETBACK TO 5' SETBACK
TO ALLOW NEW ROOFLINE ON EXISTING DWELLING.

PLACING NEW ROOF WITH 6' OVERHANG ON WEST
SIDE OF PROPERTY. ALSO EXTENDING EXISTING
ROOFLINE ON SOUTH SIDE ABOUT 14' TO ALLOW
NEW ROOFLINE AND DECK AREA ALONG SOUTHERN
EXPOSURE.

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.

Terry Lee Bentle
Signature of Applicant

4/23/2015
Date of Application

Texas
STATE OF MISSOURI)

S.S. On this 23rd day of April, 2015

COUNTY OF TANEY)
Polk

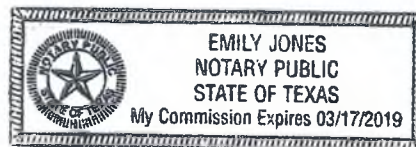
Before me Personally appeared Terry Lee Bentle, to me known to be the person described in and who executed the foregoing instrument.

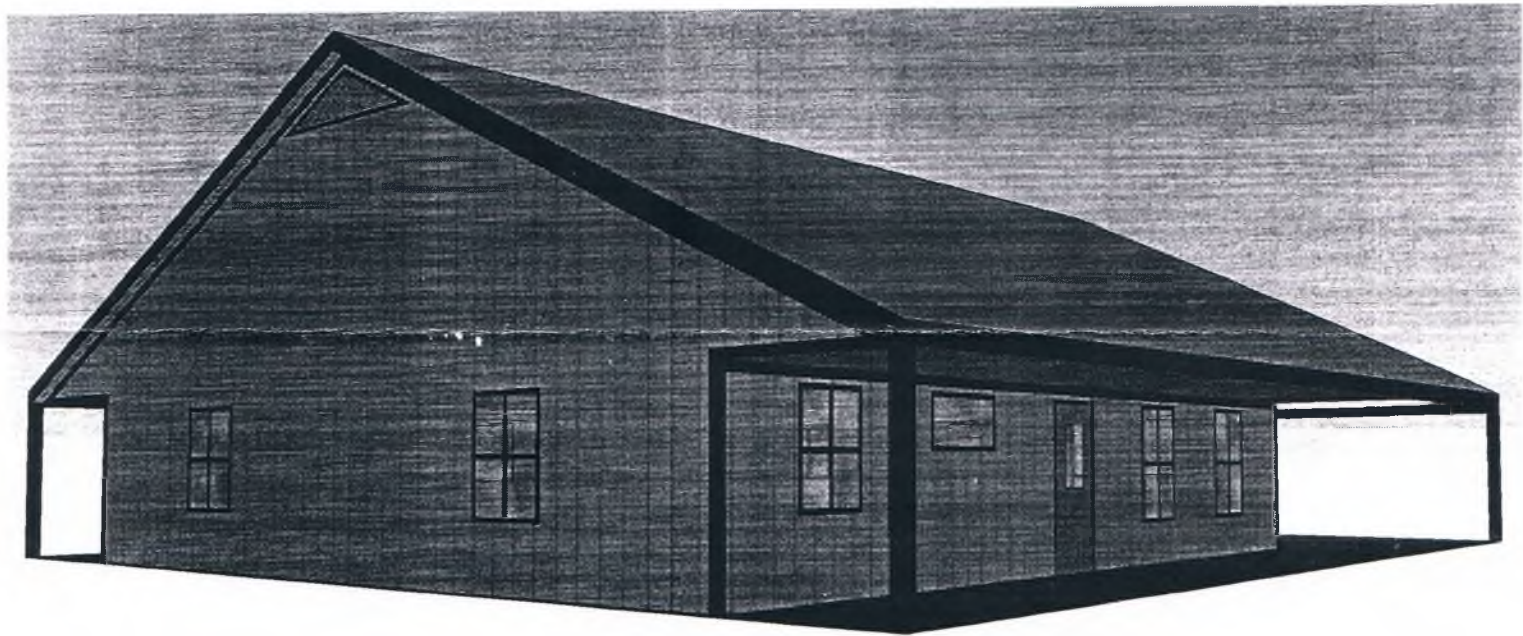
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2014.

3/17/2019

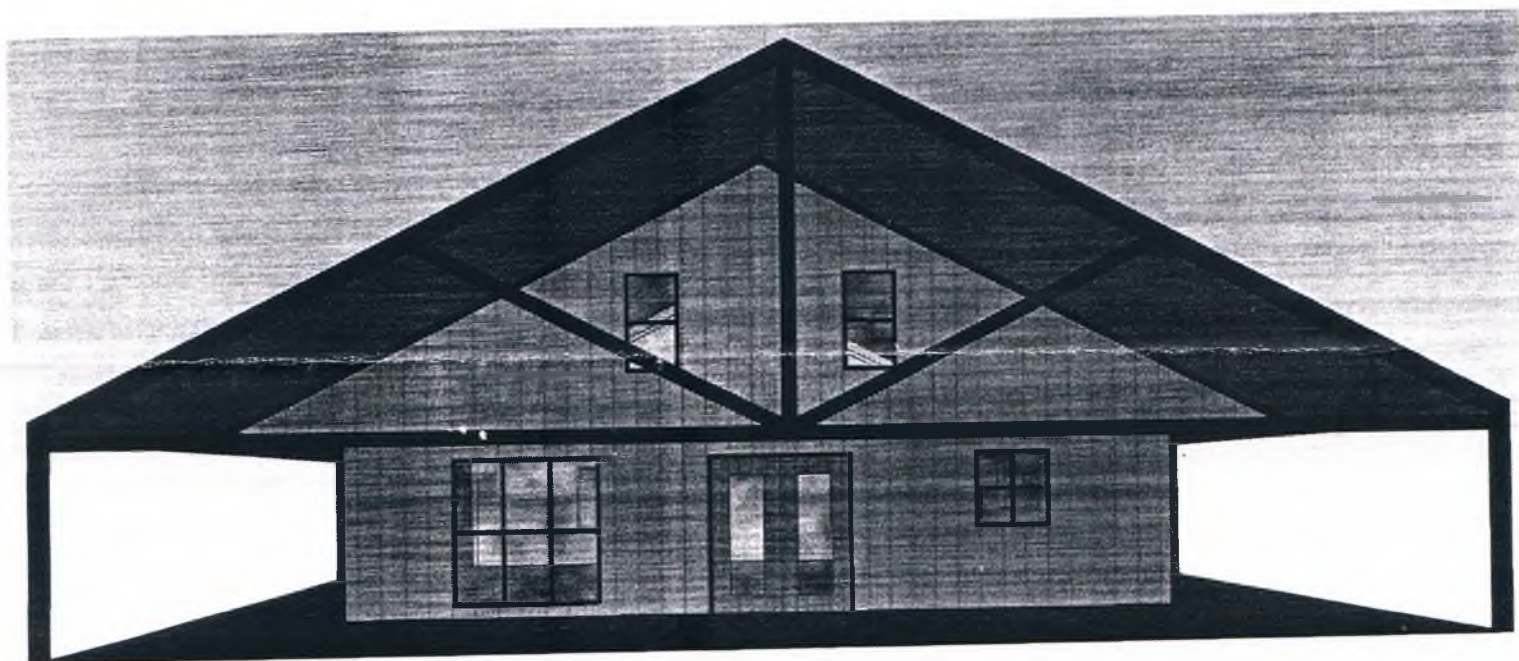
Bonita Kisse, Notary Public

Emily Jones





WEST FACING Hwy "D"



SOUTH



EAST

ALL THAT PART OF THE SE1/4 OF SECTION 12, TOWNSHIP 22, RANGE 20 N, SAGE COUNTY, MINNESOTA, BEING DESCRIBED AS FOLLOWS BEGINNING AT A POINT 401 FEET NORTH OF THE SE CORNER OF SAID SE1/4 OF THE SE1/4, THENCE S40° WEST TO THE EAST RIGHT OF WAY LINE OF MINNESOTA STATE HIGHWAY "1", THENCE NORTHWESTERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE EAST LINE OF THE SE1/4 OF THE SE1/4, THENCE SOUTH TO THE POINT OF BEGINNING, SUBJECT TO ALL EASEMENTS AND EMBODIMENTS OF RECORD.

WARRANTY DEED RECORDED IN BOOK 352 AT PAGE 3215

"EUROPEAN SURVEY"

0000-0001-9300-4000

47

THE RECORDED
SUBMISSION #

THE RECORDED SUBDIVISION PLAT FOR BEAVER BLUFF HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 18 AT PAGE 26, IN THE TANEY COUNTY RECORDS' OFFICE, TANEY COUNTY, MISSOURI, SHOWS THE WEST LINE OF THE SUBDIVISION BEING THE SAME AS THE EAST LINE OF SECTION 12, TOWNSHIP 23 NORTH, RANGE 20 WEST, HENRY COUNTY, MISSOURI, WHICH IS IN THE PLAT BOOK 18 AT PAGE 26, BETWEEN THE PLATTED WEST LINE AND THE EAST LINE OF SAID SECTION 12.

dol

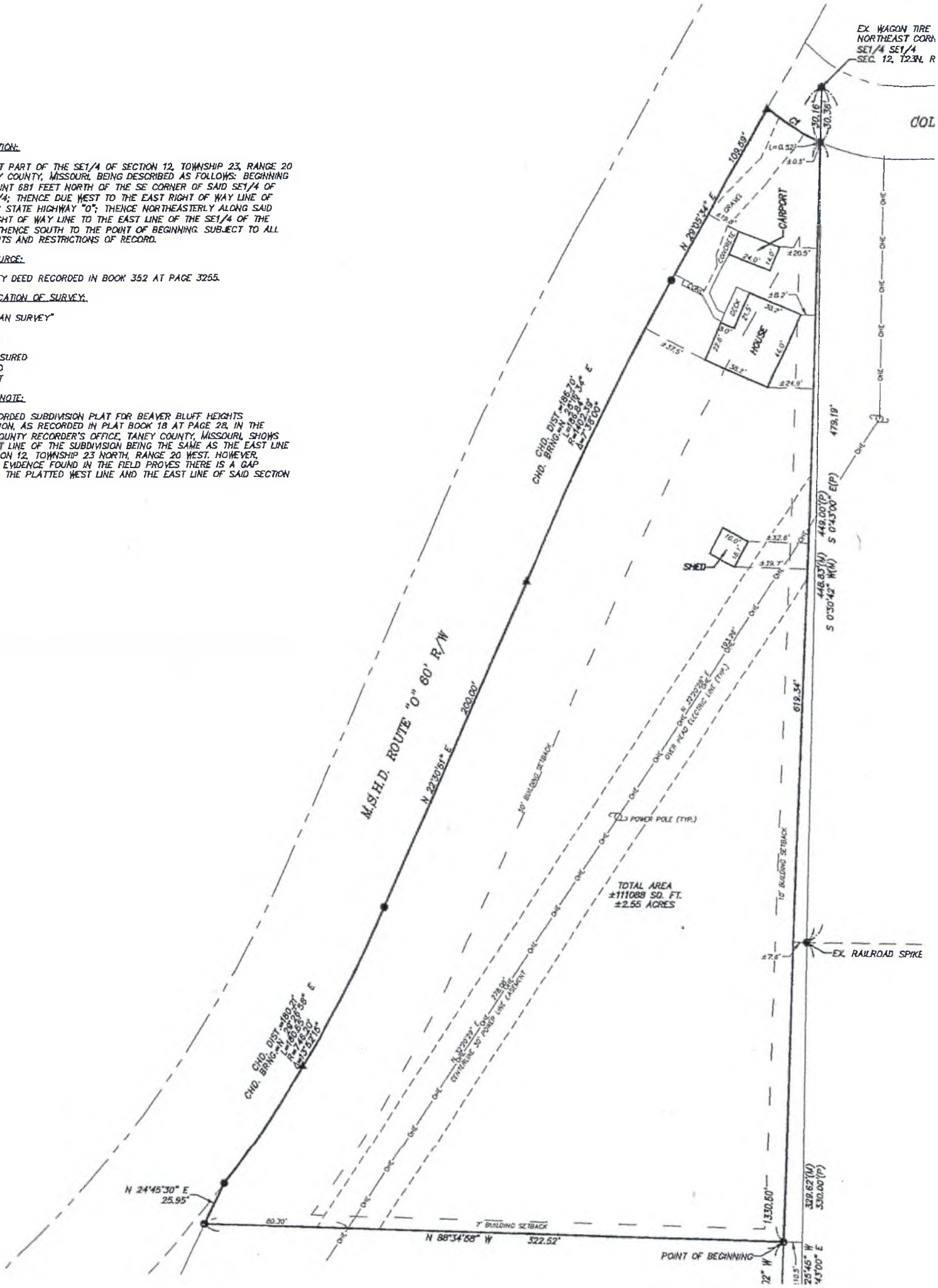
ALL THAT PART OF THE SE1/4 OF SECTION 22, TOWNSHIP 23, RANGE 20 IN TANEY COUNTY, MISSOURI, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 581 FEET NORTH OF THE SE CORNER OF SAID SE1/4 OF THE SE1/4; THENCE DUE WEST TO THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY "O"; THENCE NORTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE TO THE EAST LINE OF THE SE1/4 OF THE SE1/4; THENCE SOUTH TO THE POINT OF BEGINNING, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

WARRANTY DEED RECORDED IN BOOK 352 AT PAGE 3255.

"SUBURBAN SURVEY"

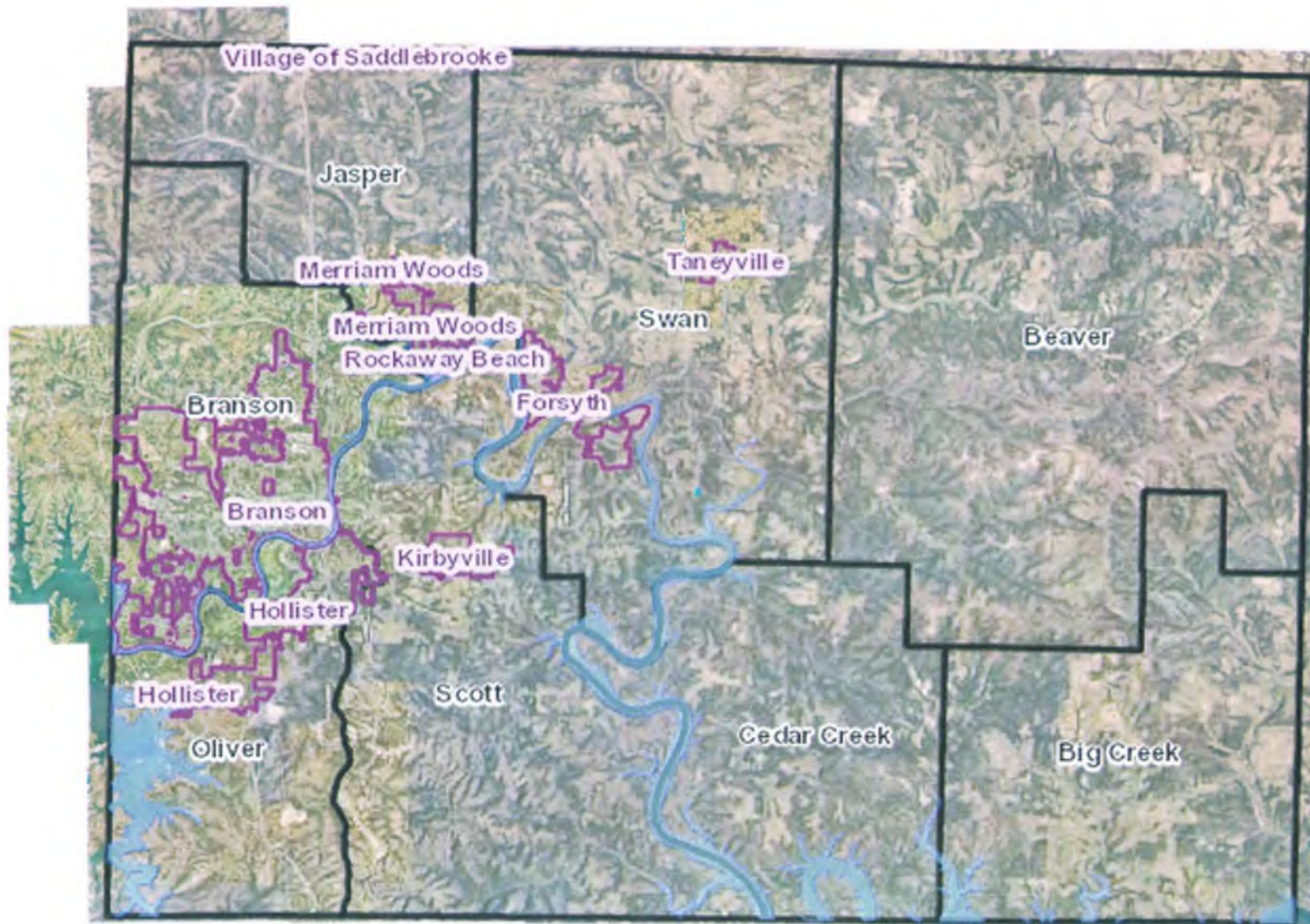
(M) = MEASURED
(D) = DEED
(P) = PLAT

THE RECORDED SUBDIVISION PLAT FOR BEAVER BLUFF HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 18 AT PAGE 28, IN THE TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI, SHOWS THE WEST LINE OF THE SUBDIVISION BEING THE SAME AS THE EAST LINE OF SECTION 12, TOWNSHIP 23 NORTH, RANGE 20 WEST, HOWEVER, EXISTING EVIDENCE FOUND IN THE FIELD PROVES THERE IS A GAP BETWEEN THE PLATTED WEST LINE AND THE EAST LINE OF SAID SECTION 12.

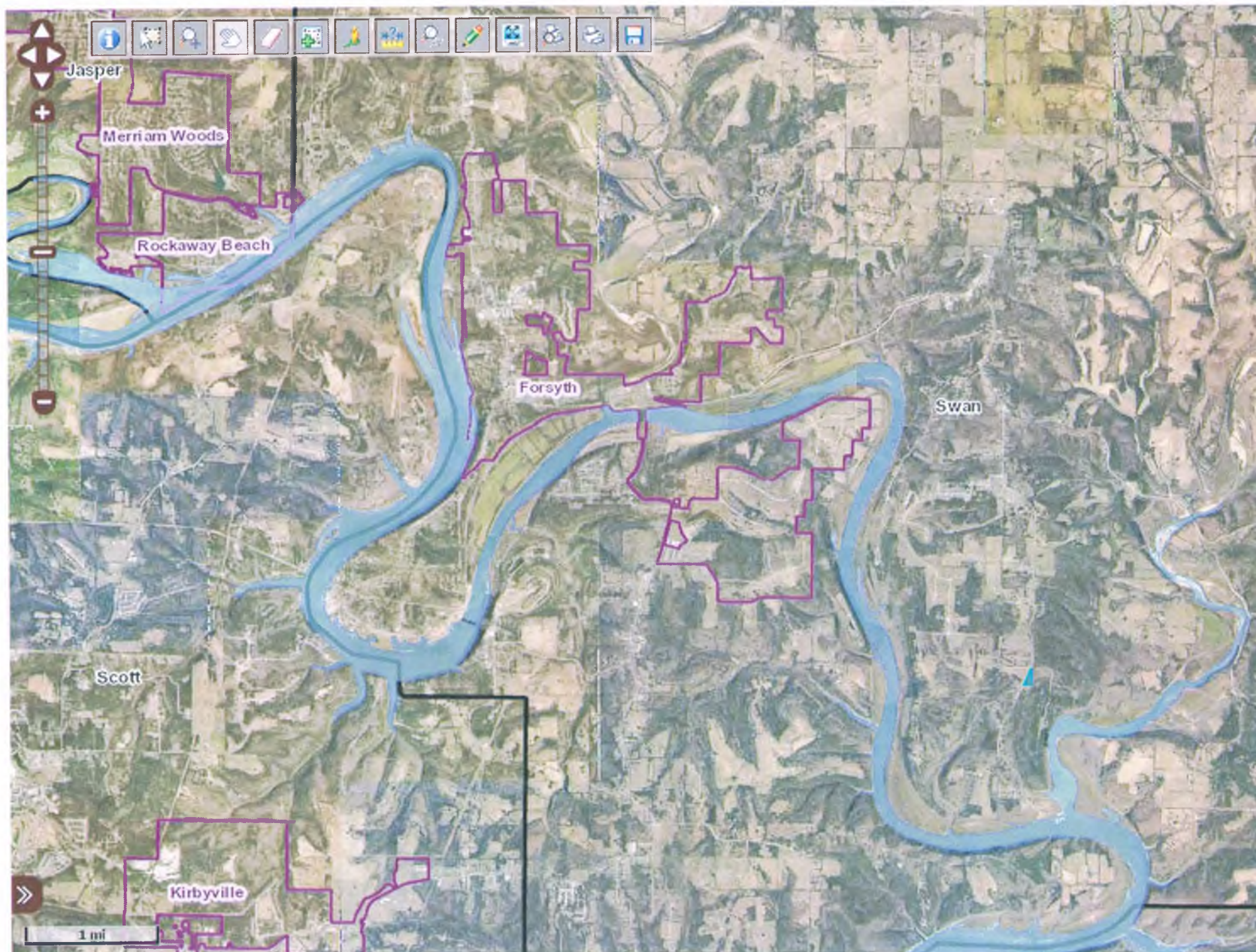




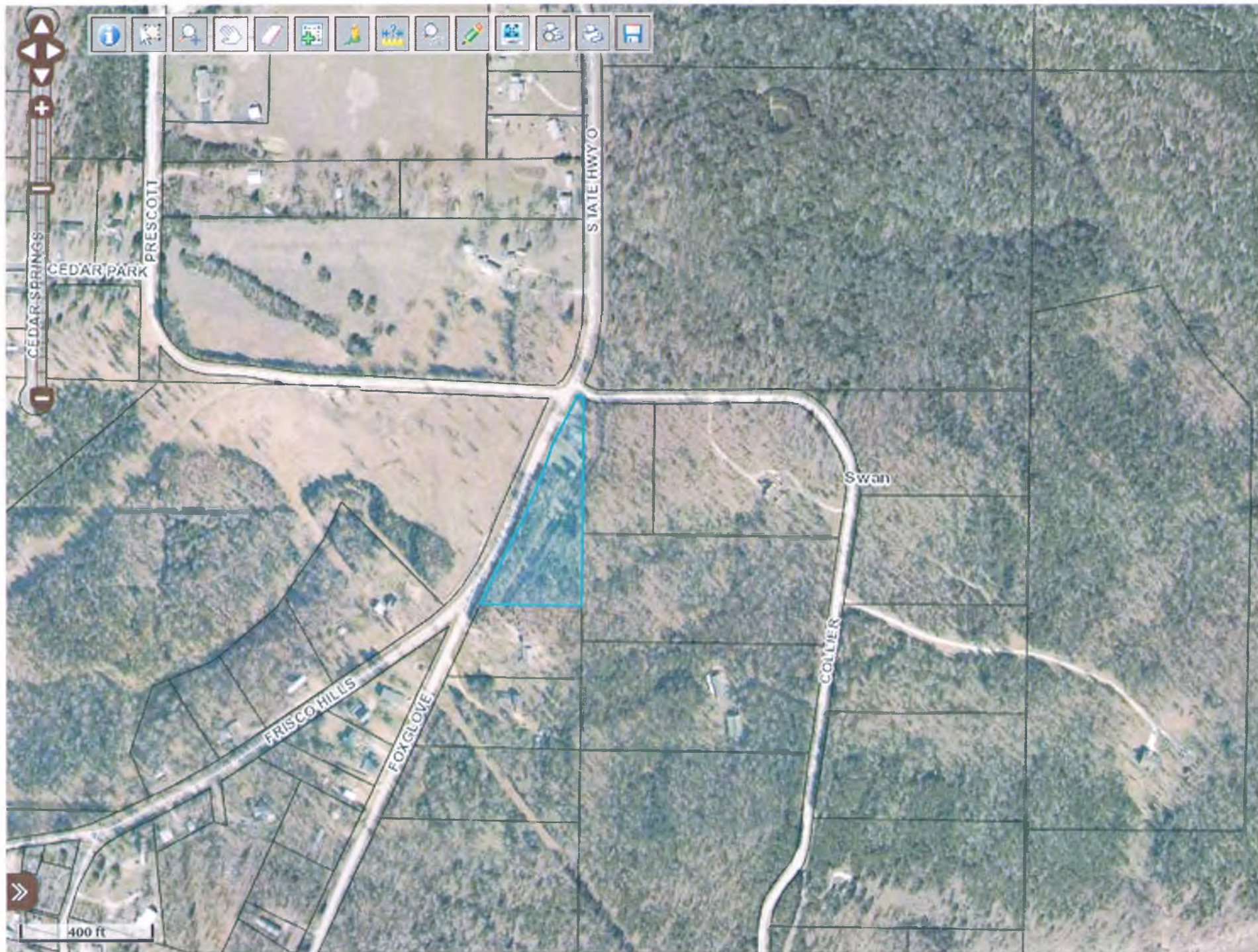




Terry & Judith Gentle Setback Variance Request
2275 State Highway O, Branson, MO
Taney County GIS (Beacon)











**Terry & Judith Gentle
Setback Variance
Request**

**2275 State Highway O,
Kissee Mills, MO.**

**Pictometry – View
from the North**





**Terry & Judith Gentle Setback Variance Request
2275 State Highway O, Kisse Mill, MO.
Pictometry – View from the South**



**Terry & Judith Gentle Setback Variance Request
2275 State Highway O, Kissee Mills, MO.
Pictometry – View from the East**



**Terry & Judith Gentle Setback Variance Request
2275 State Highway O, Kisse Mills, MO.
Pictometry – View from the West**









TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE STAFF REPORT

HEARING DATE: May 20, 2015

CASE NUMBER: 2015-0005V

APPLICANTS: Charles & Denise Hurst

LOCATION: The subject property is located at 472 State Highway M and 255 Ridge Road, Kisseee Mills, MO; Beaver Township; Section 30, Township 23, Range 18.

REQUEST: The applicants, Charles & Denise Hurst 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 an approximately 2.60 acre tract of land (Per the Assessor's information as indicated on Beacon), known as Lot 9 of the Everly Survey. The property currently contains two (2) mobile homes. One of the residences is addressed off of Ridge Road and the second residence is addressed off of State Highway M. The property in question also contains a detached garage / shop building.

The applicant's are wishing to subdivide the 2.60 acre lot into two (2) lots via a replat of Lot 9 of the Everly Survey. The applicants have indicated that they are seeking to subdivide Lot 9 of the Everly Survey in order to allow for the refinance of their home.

GENERAL DESCRIPTION:

The property in question is an approximately 2.60 acre property (Per the Assessor's information - Beacon), known as Lot 9 of the Everly Survey and contains two (2) mobile homes and a detached garage / shop building.

The applicants, Charles & Denise Hurst 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 they are seeking to subdivide the approximately 2.60 acre lot (Lot 9, Everly Survey) into two (2) approximately 1.3 acre lots, via a replat, in order to allow for the refinance of the applicants' property. The applicants have stated that the mortgage company will not approve the refinance of the property in question because the property contains two (2) residences. The applicants have further indicated that nothing will physically change on the property in question. The applicants will continue to own both residential lots but the lots are being separated for finance purposes. Each residence is served by its own individual septic system.

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 for the replat of Lot 9, Everly Survey into two (2) approximately 1.3 acre lots.
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).

15-2

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

(Circle one)

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

PLEASE PRINT

DATE 4-30-15

Applicant Charles Hurst Phone 417-593-4356

Address, City, State, Zip P.O. Box 16 Forsyth MO. 65688

Representative NA Phone same

Owner of Record same Signature: Charles V. Hurst

Name of Project: _____

Section of Code Protested: (office entry) Section 7, Table 3 (Lot Size & Frontage Requirements)
Article 9, Section 3, Table 1 - Subdivision Regulations

Address and Location of site: 255 Ridge Rd. Wiser Mills MO 65680

Subdivision (if applicable) Everly Survey LT 9:52 LT 2 NW 4

Section _____ Township _____ Range _____ Number of Acres or Sq. Ft. 2.59999

Parcel Number 11-9-0-30-600-000-008 000

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:

Needing to resurvey and split property. I am trying to refinance my Home and can not because there is two homes on property. Nothing will change as both homes have their own septic systems. The property is 2.6 Acres and would like to split it into 2 separate lots of 1.3. By doing this it would allow me to refinance and be able to keep home.

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.

Charles H. Hest
Signature of Applicant

4/30/15
Date of Application

STATE OF MISSOURI)

S.S. On this 30th day of April, 2015

COUNTY OF TANEY)

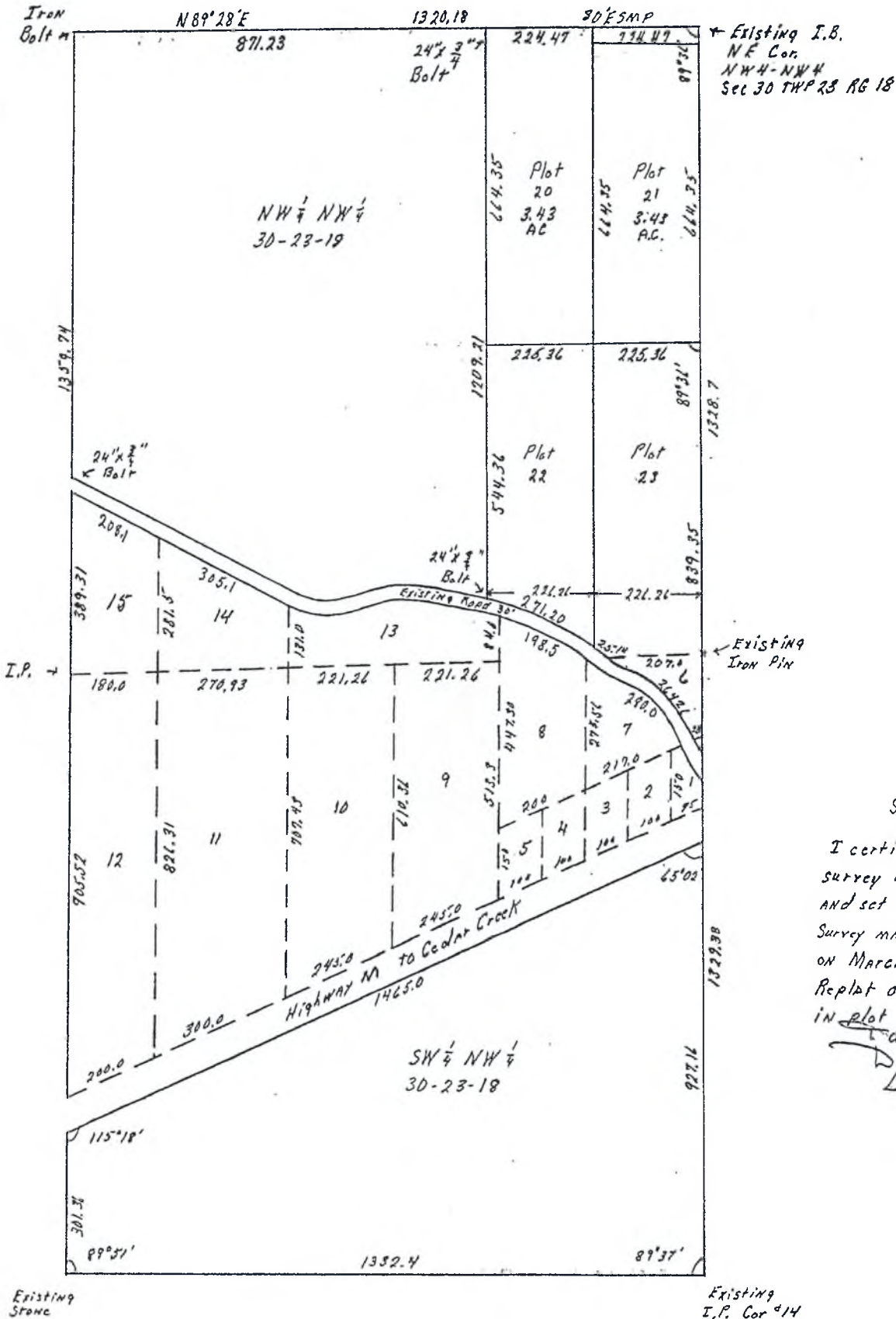
Before me Personally appeared Charles Hest, to me known to be the person described in and who executed the foregoing instrument.

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.

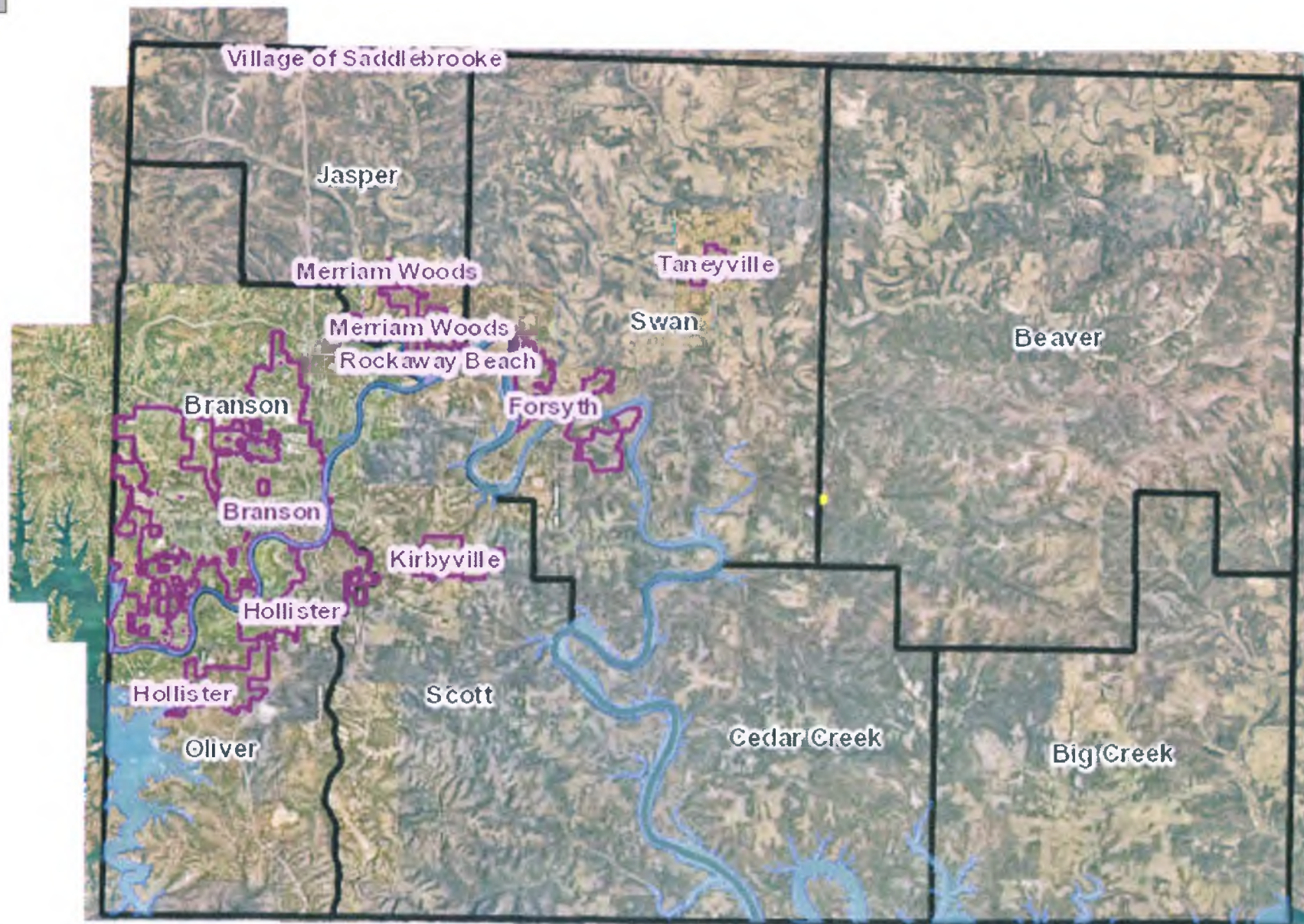
Bonita Kisse-Soutte
Bonita Kisse, Notary Public
Soutte



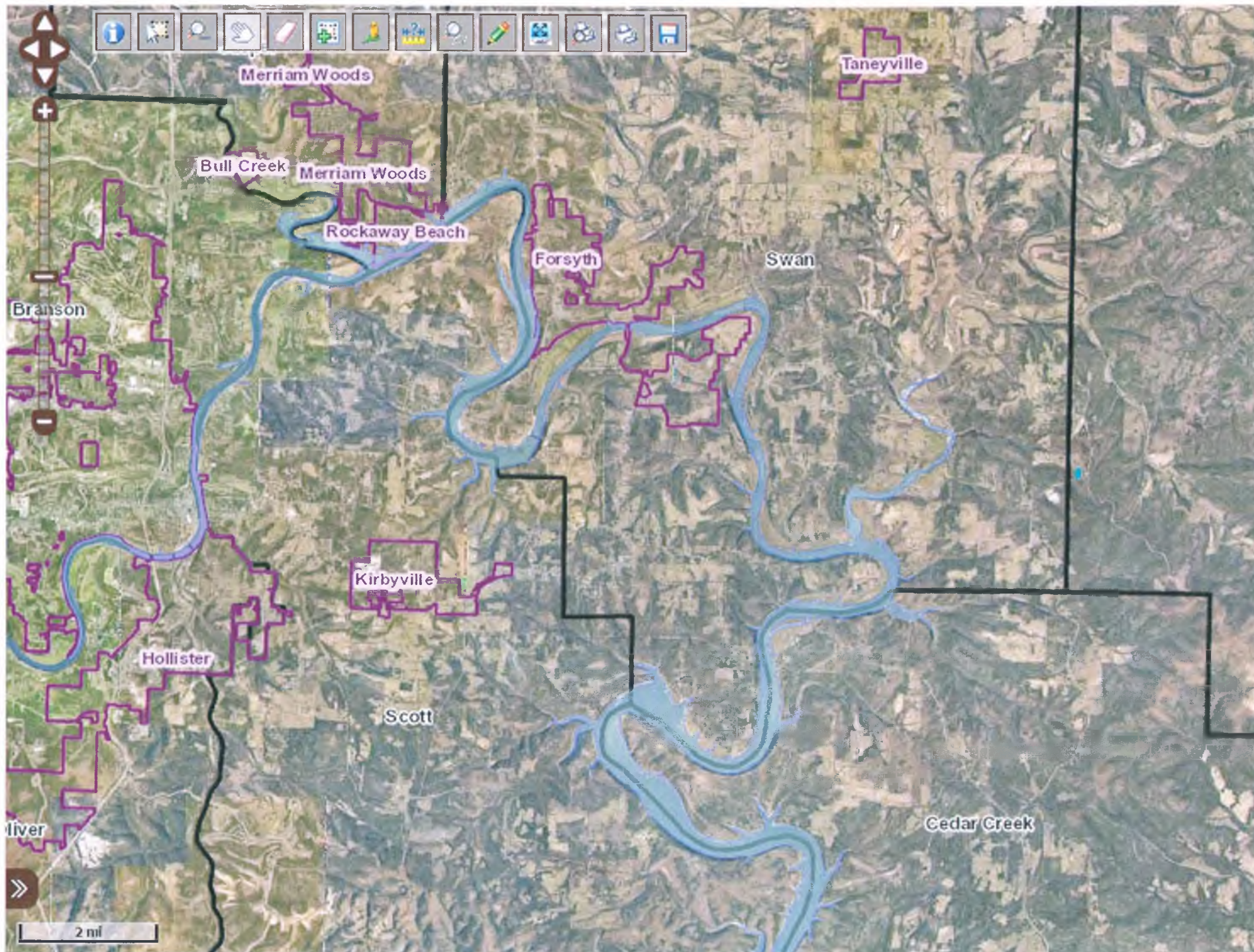
BONITA KISSEE-SOUTTE
My Commission Expires
February 6, 2018
Taney County
Commission #10440057







Charles & Denise Hurst Setback Variance Request
472 State Highway M & 255 Ridge Road, Kisse Mill, MO
Taney County GIS (Beacon)













**Charles & Denise Hurst Setback Variance Request
472 State Highway M & 255 Ridge Road, Kisse Mills, MO.
Pictometry – View from the North**

**Charles & Denise Hurst
Setback Variance Request**

**472 State Highway M &
255 Ridge Road, Kisse
Mills, MO.**

**Pictometry – View from
the South**





**Charles & Denise Hurst Setback Variance Request
472 State Highway M & 255 Ridge Road, Kisseee Mills, MO.
Pictometry – View from the East**



**Charles & Denise Hurst Setback Variance Request
472 State Highway M & 255 Ridge Road, Kisse Mills, MO.
Pictometry – View from the West**







TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, APRIL 15, 2015, 6:00 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: Tom Gideon, Mark Weisz, Alan Lawson, and Tony Mullen. 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 by Mr. Mullen.

The speaker was sworn in before the hearing.

Public Hearing:

Dennis Martinez/Christie Sweeney; a request for a variance from the setback requirements on property located at 214 Bridgeview Drive, Ridgedale. The applicants are requesting a variance from the required 7' side of lot setback requirement and also the 10' rear of lot setback requirement in order to allow for the construction of a new single-family residence and guest house, which would adjoin the side and rear property lines. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Mr. Martinez addressed questions from the Board. Mr. Mullen asked where the guest house was going to be. Mr. Martinez stated that it would be where the current garage is now. There are no restroom facilities in the garage. Mr. Gideon asked where the septic system was located. Mr. Martinez stated that an engineer has been hired to replace the current system. There are four restrooms planned between the two residences. Mr. Lawson asked if the Corps had been contacted. Mr. Martinez stated that they had and there were no concerns. Mr. Mullen asked if there was a hardship. Mr. Martinez stated that because of topography the structures would encroach into the setbacks. He stated that a 0 clearance would not be needed beside the guest house. Mr. Weisz clarified that because of exceptional narrowness was the reason for the request. At this point the public hearing was closed. No one from the public signed up to speak. The Board discussed the request before making a decision. Mr. Mullen made a

motion to approve based upon the proposed decision of record with a change to remove the setback variance on the side. Seconded by Tom Gideon. The vote to approve was unanimous.

Review and Action:

Minutes, March 2015; with no additions or changes a motion was made by Alan Lawson to approve the minutes as written. Seconded by Tony Mullen. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley stated at this point there are no requests for next month.

Adjournment:

With no other business on the agenda for April 15, 2015 the meeting adjourned at 6:51 p.m.