



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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AGENDA

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JUNE 17, 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:

Highway 248 Group; Appeal

Harold Plott; Setback Variance

7M Holdings, LLC; Road Variance

Review and Action:

Minutes, May 2015

Old and New Business:

Update on upcoming requests

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT

APPEAL STAFF REPORT

HEARING DATE: June 17, 2015

CASE NUMBER: 2015-0001A

APPLICANT: Highway 248 Group, LLC – Dan Ruda

REPRESENTATIVE: Steve Redford

LOCATION: The subject property is located at 1818 State Highway 248, Branson, MO; Branson Township; Section 30, Township 23, Range 21.

REQUEST: The applicant, the Highway 248 Group, LLC is seeking to appeal the Planning Commission's denial of Division III Permit Case # 2015-0010. The Division III Permit application sought to add a number of specific uses to a permitted, pre-owned auto sales facility.

BACKGROUND and SITE HISTORY:

Currently this +/- 6.36 acre meets and bounds described tract of land is being utilized as a pre-owned auto sales facility but is also serving as a sales center for a number of additional products including portable buildings, canine pens, poultry containment systems (chicken coops) and carports. For a number of years the property served as an outdoor sales location for Ben's Decorative Lighting. However, the property in question remained vacant for a number of years upon the closure of Ben's Decorative Lighting.

On September 16, 2013 the Planning Commission approved Division III Permit # 2013-0016 granting authorization to the Highway 248 Group, LLC (Represented by Mark Fitzhugh) for the development of Areawide Motors, a pre-owned auto sales facility.

In January 2015 a mobile construction office (now utilized as the office for Music City Motors) was moved onto the site without first obtaining a Division II Permit. Soon after the placement of the mobile office, the representative contacted the Planning Department Office via phone, verbally indicating that he would be obtaining a Division II Permit, after the fact. He further indicated that he would be connecting the plumbing within the existing restroom facility, within the mobile office, to an (NS 61) water tank (proposed to serve as a holding tank) and an existing well for water service. Per the provisions of Missouri Department of Health and Senior Services rules and regulations an NS 61 water tank is not to serve as a wastewater holding tank. An NS 61 tank is a tank approved strictly for the storage of drinking water, never sewage.

On February 5, 2015, Division II Permit 2015-0015 was issued to the Highway 248 Group, LLC authorizing the placement of the temporary sales office for Music City Motors. During the (recorded) administrative hearing, Scott Starrett read the Division II Permit Decision of Record. Jerritt and Steve Redford were specifically informed that per the conditions of the original Division III Permit Decision of Record and federal, state and local law, they were not to connect the existing restroom within the mobile office to the NS 61 tank (located behind the mobile office at the time) or make a connection to water. Per the provisions of Section 6 (F) (Holding Tanks) of the Missouri Laws Accompanied by Department of Health and Senior Services Rules Governing On-Site Sewage Systems, "The use of holding tanks is generally discouraged and their interim use should be limited to situations where construction of satisfactory treatment and disposal systems will occur within one (1) year."

On March 17, 2015 a Stop Work Order was issued to the Highway 248 Group, LLC for all on-going activities associated with the establishment of the pre-owned auto sales facility and also the portable building sales, located at 1818 State Highway 248, Branson, MO, because the facility was being operated in violation of a number of the conditions of the original Division III Permit and also in violation of federal, state and local laws governing the disposal of sewage. Upon inspection of the site the Planning Department Staff discovered that the sewer line from the restroom within the mobile office had been connected to the NS 61 water tank and a water connection had also been made to the existing on-site well, prompting the Planning Department Office to issue the Stop Work Order. Condition # 4 of the Decision of Record for Division III Permit # 2013-0016 states that, ***"If an on-site restroom facility is established or a connection is made to water, the property owner shall connect to Branson municipal sewer. If Areawide Motors should employ more than two (2) persons an on-site restroom shall be provided."***

On April 1, 2015 the Stop Work Order was released upon the disconnection of both the water and sewer lines, the removal of the NS 61 water tank and the receipt of the Division III Permit application for the additional sales uses.

On May 18, 2015 the Taney County Planning Commission denied a Division III Permit (Case Number 2012-0010) request by the Highway 248 Group, LLC seeking to add a number of sales uses to the permitted, pre-owned auto sales facility (Music City Motors – formerly Areawide Motors), located at 1818 State Highway 248, Branson, MO. The application sought the Planning Commission approval of a number of additional sales uses, enumerated as follows: portable buildings; boats, motors and trailers; ATVs; personal water craft; utility tractors / trailers; poultry containments systems (chicken coops); canine pens and carports. With six (6) out of nine (9) Planning Commission members present, the Planning Commission voted to deny this Division III Permit request by a vote of three (3) to two (2). The Planning Commission based its decision to deny Case Number 2015-0010 upon repeated indications from the representative that the Missouri State Law regarding on-site sewage systems would not be complied with.

GENERAL DESCRIPTION:

Music City Motors currently consists of a mobile construction office (utilized as the office for the sales facility) and a gravel parking area being utilized for the display of pre-owned automobiles, portable buildings, canine pens, chicken coops and carports; on the approximately 6.36 acre meets and bounds described tract of land.

REVIEW:

The applicant, Highway 248 Group, LLC – Dan Ruda is appealing the May 18th decision of the Planning Commission to deny Division III Permit Case Number 2015-0010. This Division III Permit application sought to add a number of sales uses to the permitted, pre-owned auto sales facility (Music City Motors – formerly Areawide Motors), located at 1818 State Highway 248, Branson, MO. The specific sales uses being sought are listed as follows: portable buildings; boats, motors and trailers; ATVs; personal water craft; utility tractors / trailers; poultry containment systems (chicken coops); canine pens; and carports.

The application does not enumerate the reasoning for the appeal request. The application states that the applicant is requesting the following:

“To add the items for sale as per the request to P & Z.

Additional Uses –

Portable Building Sales

Boat, Motors, Trailers

ATVs

Personal Water Craft

Utility Tractors / Trailers

Poultry Containment Systems (Chicken Coops)

Canine Pens”

The Planning Commission approved Division III Permit # 2013-0016 specifically authorizing the development of a pre-owned auto sales facility. In fact Condition # 9 of Division III Permit # 2013-0016 states the following: **“No outside storage of equipment or solid waste materials, other than automobiles.”** Thus the storage and sales of additional items other than automobiles required the applicant to seek the approval of an additional Division III Permit application.

Division III Permit 2013-0016 was approved by the Planning Commission with a condition allowing for the property in question to be served by a port-a-john facility, even though the property is traversed by an existing, Branson municipal sewer main. (Please note that during the public hearing processes for both Division III Permits, the City of Branson requested in writing that the applicant make connection to the existing, municipal sewer main.) Condition # 4 of the Decision of Record for Division III Permit # 2013-0016 states the following: **“If an on-site restroom facility is established or a connection is made to water, the property owner shall connect to Branson**

municipal sewer. If Areawide Motors should employ more than two (2) persons an on-site restroom shall be provided." This condition had been placed upon this Division III Permit based upon the information that was provided by the representative during the initial public hearing process. During this public hearing process it had been repeatedly expressed by the representative that the auto sales use would be temporary. The pre-owned auto sales facility was to exist only until such time that the property in question was sold. The representative had further indicated that Areawide Motors would not be served by either water or a restroom facility. The representative stated that the applicant did not wish for the pre-owned auto sales facility to grow beyond one or two employees.

The mobile construction office which is currently serving as the office for the Music City Motors business contains an existing restroom facility. During the Planning Commission Public Hearing for Division III Permit Case # 2015-0010 the Planning Staff strongly recommended to the Planning Commission that if the Division III Permit were approved that a condition be placed on the Decision of Record requiring that the existing restroom, within the mobile office, be connected to water and sewer service in order to provide a restroom for both employees and customers. The staff also strongly recommended to the Planning Commission that a condition be placed on the Division III Permit application requiring the applicant to connect to the existing Branson municipal sewer main, located upon the property in question. Port-a-johns are only to be utilized during construction or for short term events. They are not an appropriate method of waste water disposal for a full-time business. During the public hearing process the representative repeatedly indicated that the applicant (property owner) will **not** make connection to the existing, Branson municipal sewer main, located upon the property in question.

The property in question is traversed along the southern portion of the property by a Taney County Public Water Supply District # 3 water main. However, the representative indicated during the public hearing process for Division III Permit # 2013-0016 that Areawide Motors would be supplied with water via bottled water. All of the cars were to either be kept clean on-site, via a mobile washing service or were to be taken off-site for cleaning. The representative further indicated that the pre-owned auto sales facility would not be served by either a restroom or water. The current representative has since made connection to the existing on-site well. The well water is currently being utilized in the detailing of the automobiles on-site.

The project received a score of -16 on the Policy Checklist, out of a maximum possible score of 33. The relative policies which received a negative score consisted of sewage disposal, emergency water supply and use compatibility.

STATUTORY REQUIREMENTS OF APPROVAL OF AN APPEAL:

Per the requirements of the Missouri Revised Statutes the Board of Adjustment shall have the following powers and it shall be its duty:

To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880, or board, commission or other public official, may present to the circuit court of the county in which the property affected is located, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the board of adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases.

STAFF RECOMMENDATIONS:

If the Taney County Board of Adjustment approves the appeal of the Planning Commission's denial of Division III Permit Case Number 2015-0010, the following requirements shall apply, unless revised by the Board:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. The Western Taney County Fire Protection District shall be submitted to the Planning Department Office, including all other entities which have requirements governing a development of this nature (Chapter VI-VII).
3. A current copy of the Missouri State Dealership License shall be provided to the Planning Department office.
4. An on-site restroom facility shall be established.
5. The applicant shall make connection to the existing Branson municipal sewer main located upon the property in question.
6. A twenty-five (25) foot wide vegetative buffer shall be maintained between the Areawide Motors business and the adjoining residences to the north.
7. Parking shall be provided in compliance with the provisions of the Taney County Development Guidance Code.
8. Normal business hours of operation shall be Monday through Saturday 8:00 AM to 6:00 PM.
9. This decision is subject to all existing easements.
10. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
11. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Certificate of Occupancy (C of O) from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
12. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

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

(Circle one)

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

PLEASE PRINT

DATE 5/19/15

Applicant Hwy 248 Group Phone 337-0011

Address, City, State, Zip _____

Representative Steve Redford Phone 417-337-0011

Owner of Record Dan Ruda Signature [Signature]

Name of Project: Music City Motors

Section of Code Protested: (office entry) Appeal of denial of Division III Permit

Address and Location of site: 1818 State Hwy 248, Branson, Mo 65616 Case # 2015-0010

Subdivision (if applicable) N/A

Section 30 Township 23 Range 21 Number of Acres or Sq. Ft. 1 acre

Parcel Number 08-510-30-000-000-068-005

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:

To add the items for sale
as per the request to P&Z.

Additional Uses -

Portable Bridge Sales

Boat, Motors, Trailers

ATV's

Personal Water Craft

Utility Tractors / Trailers

Poultry Containment Systems (Chicken Coops)

Canine Pens

VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board of Adjustment.

Signature of Applicant

5-20-15

Date of Application

STATE OF MISSOURI)

S.S. On this 21st day of May, 2015.

COUNTY OF TANEY)

Before me Personally appeared Steven Redford, 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 Taney Co Missouri. The day and year first above written. My term of office as Notary Public will expire 12/9 2018.

Notary Public

TERESA SMITH
Notary Public
TANEY COUNTY, MISSOURI
Commission # 14631670
My Commission Expires 12/09/2018

TERESA SMITH
Notary Public - Notary Seal
TANEY COUNTY STATE OF MISSOURI
Commission # 14631670
My Commission Expires 12/09/2018



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TANEY COUNTY PLANNING COMMISSION

DIVISION III PERMIT - DECISION OF RECORD

PROJECT: MUSIC CITY MOTORS (formerly AREAWIDE MOTORS)

APPLICANT: HIGHWAY 248 GROUP, LLC – DAN RUDA

REPRESENTATIVE: STEVE REDFORD

CASE NUMBER: 2015-0010

On May 18, 2015 the Taney County Planning Commission denied a Division III Permit request by the Highway 248 Group, LLC seeking to add a number of sales uses to the permitted, pre-owned auto sales facility (Music City Motors – formerly Areawide Motors), located at 1818 State Highway 248, Branson, MO. The application sought the Planning Commission approval of a number of additional sales uses, enumerated as follows: portable buildings; boats, motors and trailers; ATVs; personal water craft; utility tractors / trailers; poultry containments systems (chicken coops); canine pens and carports. With six (6) out of nine (9) Planning Commission members present, the Planning Commission voted to deny this Division III Permit request by a vote three (3) to two (2).

The following summarizes the Findings of Fact of the Taney County Planning Commission:

The Planning Commission based its decision to deny Case Number 2015-0010 upon repeated indications from the representative that the Missouri State Law regarding on-site sewage systems would not be complied with.

The Planning Staff had recommended that if the Planning Commission approved the Division III Permit request that two (2) conditions be placed on the Division III Permit Decision of Record, specifically in regard to sewage. Proposed Condition # 4 stated the following: "***An on-site restroom facility shall be established.***" Proposed Condition # 5 stated that, "***The applicant shall make connection to the existing Branson municipal sewer main located upon the property in question.***" During the public hearing process, the representative had indicated on several occasions to the Planning Commission that the applicant would **not** make a connection to the existing Branson municipal sewer main. During the public hearing process, the Planning Staff had informed the Planning Commission that 19 CSR 20-3.060 states that "***The use of holding tanks is generally discouraged and their interim use should be limited to situations where construction of satisfactory sewage treatment and disposal systems will occur within one (1) year.***" Therefore per the standard established by the Missouri Code of State Regulations, a holding tank would not be allowed in this instance, because an existing, municipal sewer main is physically located upon the applicant's property in question.

Per the provisions of Missouri Revised Statutes (RSMo 64.870) and the Taney County Development Guidance Code, "Appeals to the board of zoning adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a county zoning ordinance." Per the provisions of Section 7.3 of the Taney County Development Guidance Code, "Appeals must be filed within ninety (90) calendar days of the original decision."

Music City Motors		Permit#:		15-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
Water Quality					
SEWAGE DISPOSAL		n/a=			
centralized system		2	5	-2	-10
on-site treatment system(s) with adequate safeguards to mitigate pollution		1			
septic system of adequate design and capacity		0			
proposed system may not provide adequate capacity		-1			
proposed solution may cause surface and/or ground water pollution		-2			
Environmental Policies					
SOIL LIMITATIONS		n/a=	x		
no known limitations		0	3		
potential limitations but mitigation acceptable		-1			
mitigation inadequate		-2			
SLOPES		n/a=	x		
NOTE: if residential, mark "x" in box.....					
development on slope under 30%		0	4		
slope exceeds 30% but is engineered and certified		-1			
slope exceeds 30% and not engineered		-2			
WILDLIFE HABITAT AND FISHERIES		n/a=	x		
no impact on critical wildlife habitat or fisheries issues		0	2		
critical wildlife present but not threatened		-1			
potential impact on critical wildlife habitat or fisheries		-2			
AIR QUALITY		n/a=	x		
cannot cause impact		0	2		
could impact but appropriate abatement installed		-1			
could impact, no abatement or unknown impact		-2			
Land Use Compatibility					
OFF-SITE NUISANCES		n/a=			
no issues or nuisance(s) can be fully mitigated		0	5	0	0
buffered and minimally mitigated		-1			
cannot be mitigated		-2			
Compatibility Factors					
USE COMPATIBILITY		n/a=			
no conflicts / isolated property		0	4	-1	-4
transparent change / change not readily noticeable		-1			
impact readily apparent / out of place		-2			

Music City Motors		Permit#:		15-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LOT COVERAGE		n/a=			
lot coverage compatible with surrounding areas		0	1	0	0
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE		n/a=	x		
bulk / scale less than or equivalent to surrounding areas		0	3		
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS		n/a=	x		
proposed materials equivalent to existing surrounding structures		0	2		
proposed materials similar and should blend with existing structures		-1			
materials differ from surrounding structures and would be noticeable		-2			
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS		n/a=	x		
no rooftop equipment or vents		2	1		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS		n/a=	x		
no on-site waste containers		2	3		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.		n/a=	x		
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3		
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
LANDSCAPED BUFFERS -- RESIDENTIAL		n/a=	x		
approved landscaped buffer between homes and all streets / roads / highways		2	2		
approved landscaped buffer from major roads / highways only		1			
minimal landscaped buffer, but compensates with expanse of land		0			
no landscaped buffer between residences and local streets		-1			
no landscaped buffer from any road		-2			

Music City Motors		Permit#:		15-10	
<div> <div>Division III Relative Policy Scoring Sheet:</div> <div>Western Taney County</div> </div>		Performance Value	Importance Factor	Score	Section Score
LANDSCAPED BUFFERS - INDUSTRIAL		n/a=	x		
approved landscaped buffer from public roads			0	3	
minimal landscaped buffer, but compensates with expanse of land			-1		
no landscaped buffer from public roads			-2		
Local Economic Development					
RIGHT TO FARM		n/a=	x		
does not limit existing agricultural uses / does not cause nuisance, predation			0	3	
does not limit existing agricultural uses, but may result in minor nuisance			-1		
potential impact(s) on existing agricultural land			-2		
RIGHT TO OPERATE		n/a=	x		
no viable impact on existing industrial uses by residential development			0	3	
potential impact but can be mitigated			-1		
potential impact on existing industrial uses with no mitigation			-2		
DIVERSIFICATION		n/a=			
creates >=5 full-time, year-round jobs outside of recreation / resort sector			2	5	0
creates full-time, year-round and seasonal jobs			1		
creates seasonal jobs only			0		
Site Planning, Design, Occupancy					
RESIDENTIAL PRIVACY		n/a=	x		
privacy provided by structural design, or not applicable			2	2	
privacy provided by structural screening			1		
privacy provided by landscaped buffers			0		
privacy provided by open space			-1		
no acceptable or effective privacy buffering			-2		
MIXED-USE DEVELOPMENTS		n/a=	x		
uses / functions are compatible or not applicable			2	3	
uses / functions are integrated and separated based on compatibility			1		
uses / functions differ minimally and are not readily apparent			0		
uses / functions poorly integrated or separated			-1		
uses / functions mixed without regard to compatibility factors			-2		
Commercial Development					
DEVELOPMENT PATTERNS		n/a=	x		
clustered development / sharing of parking, signs, ingress, egress, or not applicable			2	3	
some clustering and sharing patterns with good separation of facilities			1		
some clustering and sharing patterns with minimal separation of facilities			0		
clustered development with no appreciable sharing of facilities			-1		
unclustered development with no sharing or ability to share facilities			-2		

Music City Motors		Permit#:		15-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
DEVELOPMENT BUFFERING		n/a=	x		
approved and effectively designed landscaped buffers between structures and all roads			2	3	
minimal landscaped buffering, but compensates with expanse of land			1		
minimal landscaped buffering			0		
no landscaped buffering, but utilizes expanse of land			-1		
no or inadequate buffering or separation by land			-2		
Services - Capacity and Access					
TRAFFIC		n/a=			
no impact or insignificant impact on current traffic flows			0	2	0
traffic flow increases expected but manageable using existing roads and road accesses			-1		
traffic flow increases exceed current road capacities			-2		
EMERGENCY SERVICES		n/a=			
structure size and/or access can be serviced by emergency equipment			0	5	0
structure size and/or access may impede but not hinder serviceability			-1		
structure size and/or access could be problematic or non-serviceable			-2		
RIGHT-OF-WAY OF EXISTING ROADS		n/a=			
greater than 50 ft. right-of-way			1	5	1
50 ft. right-of-way			0		
40 ft. right-of-way			-1		
less than 40 ft. right-of-way			-2		
Internal Improvements					
WATER SYSTEM SERVICE		n/a=			
central water system meeting DNR requirements for capacity, storage, design, etc.			2	3	0
community well / water system meeting DNR requirements			1		
private wells meeting DNR requirements			0		
private wells not meeting any established standards			-1		
individual / private wells			-2		
EMERGENCY WATER SUPPLY		n/a=			
fire hydrant system throughout development with adequate pressure and flow			0	5	-2
fire hydrant system with limited coverage			-1		
no fire hydrant system			-2		
PEDESTRIAN CIRCULATION INFRASTRUCTURE		n/a=	x		
paved and dedicated walkways (no bicycles) provided throughout development			2	4	
paved walkways provided throughout development / maybe shared with bicycles			1		
designated walkways provided but unpaved			0		
no pedestrian walkways, but green space provided for pedestrian use			-1		
no designated pedestrian walkway areas			-2		

Music City Motors		Permit#:		15-10	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
PEDESTRIAN SAFETY n/a=		x			
separation of pedestrian walkways from roadways by landscape or structural buffer		2	2		
separation of pedestrian walkways from roadways by open land buffer		1			
pedestrian walkways abut roadways with no buffering / protection		0			
BICYCLE CIRCULATION n/a=		x			
dedicated / separate bike-ways with signage, bike racks, trails		2	1		
bicycle lanes shared with pedestrian walkways but separated by markings / signs		1			
no designated bike-ways		0			
UNDERGROUND UTILITIES n/a=					
all utilities are provided underground up to each building / structure		2	4	2	8
all utilities traverse development underground but may be above ground from easement		1			
utilities above ground but / over designated easements		0			
utilities above ground and not within specific easements		-1			
no specific management of utilities		-2			
Open-Space Density					
USABLE OPEN SPACE n/a=		x			
residential developments (>25 units) include more than 25% open recreational space		2	2		
residential developments (>25 units) offer >10% but <25% open recreational space		1			
recreational area provided, but highly limited and not provided as open space		0			
no designated recreational space provided, but open space available		-1			
no open recreational space provided		-2			
Solid Waste Disposal					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY n/a=					
weekly service is available and documentation of availability provided		0	5	-1	-5
weekly service reportedly available but not documented		-1			
centralized, on-site trash collection receptacles available		-2			
SOLID WASTE DISPOSAL SERVICE COMMITMENT n/a=		x			
restrictive covenants provide for weekly disposal for each occupied structure		0	5		
services available but not a requirement documented in covenants		-1			
not applicable / no pick-up service provided		-2			

Total Weighted Score= -16

Maximum Possible Score= 39

Actual Score as Percent of Maximum= -41.0%

Number of Negative Scores= 4

Negative Scores as % of All Applicable Scores= 33.3%

Scoring Performed by:

Bob Atchley / Bonita Kisse-Soutte

Date:

May 1, 2015

Project: **Music City Motors**

Permit#: **15-10**

Policies Receiving a Negative Score	
Importance Factor 5:	sewage disposal emergency water supply waste disposal service
Importance Factor 4:	use compatibility
Importance Factor 3:	none
Importance Factor 2:	none
Importance Factor 1:	none

Scoring by: *Bob Atchley / Bonita Kisse-Soutee*

Date: *May 1, 2015*

Project: **Music City Motors**

Permit: **15-10**

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	39	-16	-41.0%	4	33.3%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	25	-20	3	42.9%
sewage disposal	10	-10		
off-site nuisances	0	0		
diversification	10	0		
emergency services	0	0		
right-of-way/roads	5	5		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
Importance Factor 4	8	4	1	50.0%
slopes				
use compatibility	0	-4		
pedestrian circulation				
underground utilities	8	8		
Importance Factor 3				
soil limitations				
building bulk/scale				
waste containers screening				
outdoor equip storage				
industrial buffer / screening				
right to farm				
right to operate				
mixed-use developments				
development patterns				
development buffering				
water system service	6	0		
Importance Factor 2				
wildlife habitat and fisheries				
air quality				
building materials				
residential buffer / screening				
residential privacy				
traffic	0	0		
pedestrian safety				
usable open space				
Importance Factor 1				
lot coverage	0	0		
rooftop vents / equipment				
bicycle circulation				

Scoring by: *Bob Atchley / Bonita Kisse-Soutee*

Date: *May 1, 2015*



BOOK PAGE
2013L42061
09/24/2013 08:30:04AM
REC FEE:33.00
NON-STD FEE:
PAGES: 4
REAL ESTATE DOCUMENT
TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION
Robert A. Dixon
ROBERT A. DIXON

TANEY COUNTY PLANNING COMMISSION ✓
DIVISION III PERMIT - DECISION OF RECORD
APPLICANT: HIGHWAY 248 GROUP, LLC
AREAWIDE MOTORS
SEPTEMBER 16, 2013
PERMIT# 2013-0016

On September 16, 2013 the Taney County Planning Commission (grantor) approved a Division III Permit request by the Highway 248 Group, LLC (Represented by Mark Fitzhugh) (grantee) authorizing the development of Areawide Motors, a pre-owned auto sales facility. In accordance with the approval, Division III Permit #2013-0016 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

The Highway 248 Group, LLC is authorized to develop Areawide Motors, a pre-owned auto sales facility, located at 1818 State Highway 248, Branson, MO. With eight (8) out of nine (9) Planning Commissioners present, the Planning Commission voted six (6) to two (2) to approve Division III Permit # 2013-0016. The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Missouri Department of Transportation (MoDOT), and the Western Taney County Fire Protection District shall be submitted to the Planning Department Office, including all other entities which have requirements governing a development of this nature (Chapter VI-VII).
3. A current copy of the Missouri State Dealership License shall be provided to the Planning Department office.
4. If an on-site restroom facility is established or a connection is made to water, the property owner shall connect to Branson municipal sewer. If Areawide Motors should employ more than two (2) persons an on-site restroom shall be provided.

5. A self-contained wastewater containment system (port-a-john) shall be provided and serviced by a licensed / certified waste hauler. A copy of the port-a-john contact shall be provided to the Planning Department Office. The port-a-john facility shall be screened from the view of adjoining property owners and State Highway 248 by a privacy fence.
6. A twenty-five (25) foot wide vegetative buffer shall be maintained between the Areawide Motors business and the adjoining residences to the north.
7. Parking shall be provided in compliance with the provisions of the Taney County Development Guidance Code.
8. Normal business hours of operation shall be Monday through Saturday 8:00 AM to 6:00 PM.
9. No outside storage of equipment or solid waste materials, other than automobiles.
10. This decision is subject to all existing easements.
11. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
12. Prior to the issuance of Division II Certificates of Conformance (C of Cs), the developer shall first present a Certificate of Occupancy (C of O) from the Western Taney County Fire Protection District to the Taney County Planning Department Office.
13. All light sources within the facility shall be arranged so that no direct illumination leaves the site toward adjacent residential areas or any roadways.
14. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

Legal description attached below:

A part of the SW1/4 of the NE1/4 of Section 30, Township 23 North, Range 21 West, Taney County, Missouri, more particularly described as follows:

Commencing at an existing iron pin marking the Southeast corner of the S1/2 of the NE1/4 of said Section 30; thence North 88° 49' 40" West along the South line of the S1/2 of the NE1/4 2256.23 feet to a point on the new Northerly R/W line of MSH No. 248; thence North 82° 27' 14" West along said Northerly R/W line 18.49 feet to the Southwest corner of Lot 1 of Belkham's Addition as recorded in Plat Book/Slide H, page 470, for the POINT OF BEGINNING; thence along the Northerly R/W line of MSH No. 248 as follows: North 82° 27' 14" West 103.20 feet; Northwesterly along a 5.7300 degree curve to the left 81.70 feet (said curve having a radius of 999.93 feet); North 02° 51' 54" East 35.00 feet; North 88° 02' 06" West 32.51 feet; South 01° 03' 54" West 33.60 feet; North 82° 11' 15" West 157.52 feet to a point on the West line of the SW1/4 of the NE1/4; thence leaving said North R/W line and along said West line North 01° 16' 39" East 653.52 feet -- measured (North 00° 34' 46" West 675.40 feet deed) to the Southwest corner of Lot 2 of Hanson Acres as recorded in Plat Book 23, page 19; thence South 88° 39' 21" East 324.24 feet -- measured (North 89° 33' 54" East 325.99 feet -- deed) along the South line of Lots 2 and 3 of Hanson Acres to the Southeast corner of said Lot 3; thence South 01° 47' 08" West 53.38 feet -- measured (South 76.05 feet -- deed); thence South 89° 00' 59" East 180.85 feet -- measured (North 89° 33' 54" East 181.00 feet -- deed); thence South 02° 04' 46" West 239.04 feet -- measured (South 240.66 feet -- deed) to a point on the Westerly boundary of Lot 1 of Belkham's Addition; thence North 89° 00' 59" West 126.86 feet -- measured (South 89° 33' 54" West 127.97 feet -- deed) along the Westerly boundary of said Lot 1; thence South 01° 37' 42" West -- measured (Southerly -- deed) 397.59 feet along the Westerly boundary of said Lot 1 to the Point of Beginning; containing 6.38 acres, more or less.

In signing this Decision of Record, I understand that any breach in the terms of the Division III Permit Decision of Record will result in the revocation of this permit. I further agree to abide by and comply with all of the requirements of the Taney County Planning Commission and the Taney County Development Guidance Code.

Signature: _____

Marc Fitzhugh
Marc Fitzhugh

As the Designated official for the Taney County Planning Commission, I hereby issue the foregoing document as the Permit and Decision of Record as detailed above.

Bob Atchley

Bob Atchley, Administrator

STATE OF MISSOURI)

S.S On this 23rd day of Sept., 2013

COUNTY OF TANEY)

Before me personally appeared Bob Atchley and Mark Fitzhugh to me known to be the persons 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, Missouri the day and year first above written. My term of office as a Notary Public will expire on February 6, 2014.

Bonita Kisse

Bonita Kisse, Notary Public



BONITA KISSEE
My Commission Expires
February 6, 2014
Taney County
Commission #10440057

below the sand layer. Mounds may be located on slopes up to a maximum of twelve percent (12%) if the soil percolation rate is faster than sixty minutes per inch (60 min./in.) to a depth of twenty-four inches (24") below the sand layer.

6. In no case shall the width of the trench rock in a single bed exceed ten feet (10').

7. The required bottom area of the trenches or bed and the effective basal area of the mound shall be based on one hundred twenty gallons per bedroom per day (120 gals./pbd). The basal area of the mound shall have the minimum area as shown in Table 9.

Table 9—Loading Rate

Percolation Rate (min./in.)	Loading Rate of Basal Area (gpd/sq. ft.)
1–30	1.2
31–45	0.75
46–60	0.5
61–120	0.25

8. The area of sand fill shall extend beyond the basal area and the sides shaped to a three to one (3:1) or four to one (4:1) slope. The sand fill shall be covered with six inches (6") of fine textured soil and a final cap of six inches (6") of good topsoil applied. Also the mound shall be seeded with a hardy grass to establish a turf grass cover as soon as possible. No shrubs shall be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.

9. The land area fifty feet (50') down slope of the elevated sand mound is the effluent dispersal area and the soil in this area may not be removed or disturbed.

10. Dosing shall be required for all elevated sand mounds. The mound shall be dosed not more than two (2) times per day. The size of the dosing pump shall be selected to maintain a minimum pressure of one pound per square inch (1 psi), two and three-tenths feet (2.3') of head, at the end of each distribution line.

A. Perforation holes and hole spacing shall be determined to insure equal distribution of the effluent throughout the bed or trenches.

B. The perforated pipe laterals shall be connected to a two-inch (2") diameter manifold pipe with the ends capped. The laterals shall be spaced no farther than forty inches (40") on center and no farther than twenty inches (20") from the edge of the trench rock. The perforated pipe laterals shall be installed level with the perforations downward. There shall be a minimum of nine inches (9") of trench rock below the laterals and two inches (2") above the laterals. The material used to cover the trench rock

shall be untreated building paper, six inches (6") of compacted straw and three and one-half inch (3 1/2") unbacked fiberglass insulation or a geotextile.

C. The manifold pipe shall be connected to the supply pipe from the pump. The manifold shall be sloped toward the supply pipe from the pump. Antibackflow valves are prohibited in the pump discharge line. The pump discharge line shall be graded to permit gravity flow to the absorption area or back to the dosing tank. Proper air relief and anti-siphon devices shall be installed in the piping to prevent siphoning of effluent from the dosing tank or from the mound.

11. Prior to preparing the area selected for the mound, above ground vegetation must be closely cut and removed from the ground surface. Prior to plowing, the dosing pump discharge line shall be installed from the pump chamber to the point of connection with the distribution manifold. The area shall then be plowed to a depth of seven to eight inches (7–8") parallel to the land contour with the plow throwing the soil upslope to provide a proper interface between the fill and natural soils. A rubber-tired tractor may be used for plowing but in no case shall a rubber-tired tractor be used after the surface preparation is completed. Tree stumps should be cut flush with the surface and the roots should not be pulled. The soil shall be plowed only when the moisture content of a fragment eight inches (8") below the surface is below the plastic limit.

12. Mound construction shall proceed immediately after surface preparation is completed.

A. A minimum of twelve inches (12") of sand fill shall be placed where the trench rock is to be located. A crawler tractor with a blade shall be used to move the sand into place. At least six inches (6") of sand shall be kept beneath equipment to minimize compaction of the plowed layer. The sand layer upon which the trench rock is to be placed shall be level.

B. After hand leveling of the trench rock, the distribution system shall be placed and the pipes covered with two inches (2") of rock. After installation of the distribution system, the entire mound is to be covered with topsoil native to the area. The entire mound shall be crowned by providing twelve inches (12") of topsoil on the side slopes with a minimum of eighteen inches (18") over the center of the mound. The entire mound shall then have a turf grass cover established to assure stability of the installation.

C. The area surrounding the elevated sand mound shall be graded to provide diversion of surface runoff waters.



(F) Holding Tanks. The use of holding tanks is generally discouraged and their interim use should be limited to situations where construction of satisfactory sewage treatment and disposal systems will occur within one (1) year. Use of a holding tank must be specifically approved by the administrative authority on a case-by-case

basis which may require stipulations in a signed agreement regarding the use and the length of time for use of the holding tank.

1. A holding tank shall be constructed of the materials and by the same procedures as those specified for watertight septic tanks.

2. A cleanout pipe of at least six inches (6") diameter shall extend to the ground surface and be provided with seals to prevent odor and exclude insects and vermin. A manhole of at least twenty inches (20") least dimension shall extend through the cover to a point within twelve inches (12") but no closer than six inches (6") below finished grade. The manhole cover shall be covered with at least six inches (6") of earth.

3. The tank shall be protected against flotation under high water table conditions. This shall be achieved by weight of the tank, earth anchors or shallow bury depths.

4. For a residence, the size shall be one thousand gallons (1000 gals.) or four hundred gallons (400 gals.) times the number of bedrooms, whichever is greater. For permanent structures, other than residences, the capacity shall be based on measured flow rates or estimated flow rates. The tank capacity shall be at least five (5) times the daily flow rate.

5. Holding tanks shall be located as follows:

A. In an area readily accessible to the pump truck under all weather conditions;

B. As specified for septic tanks in Table 1 set forth in subsection (1)(D) of this rule; and

C. Where accidental spillage during pumpage will not create a nuisance.

6. A contract for disposal and treatment of the sewage wastes shall be maintained by the owner with a pumper, municipality, agency or firm which possesses a current and valid permit issued by the Department of Natural Resources for such activity.

7. Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. Techniques such as visual observation, warning lights or bells, or regularly scheduled pumping shall be used. For commercial establishments, a positive warning system shall be installed which allows twenty-five percent (25%) reserve capacity after actuation.

8. Holding tanks used in conjunction with permanent black water/gray water systems must conform to the requirements of this section except that the minimum size tank is one thousand gallons (1000 gals.). In these situations, the holding tank is to receive toilet wastes only.

(G) Sand Filters. Septic tanks or aeration units and sand filters may be used along with soil absorption systems in soils with percolation rates between sixty and one hundred twenty minutes per inch (60–120 min./in.). These systems must be specifically approved by the administrative authority.

1. The septic tank and aeration units must be in accordance with section (4) of this rule. Setback distances as shown in Table 1 and as specified in subsection (1)(D) of this rule shall apply except that the minimum distance to the downslope property line should be fifty feet (50').

2. The following shall apply to gravity flow sand filter systems:

A. All piping in a sand filter shall be four inch (4") polyvinyl chloride (PVC). Perforated pipe should be used for distribution and collection lines;

B. All sand filters shall be dosed at two (2) times per day. Dosing shall provide uniform distribution of wastewater throughout the filter cross-section and allow time for reaeration of the pore spaces to occur. Dosing may be accomplished by either pumps or siphons;

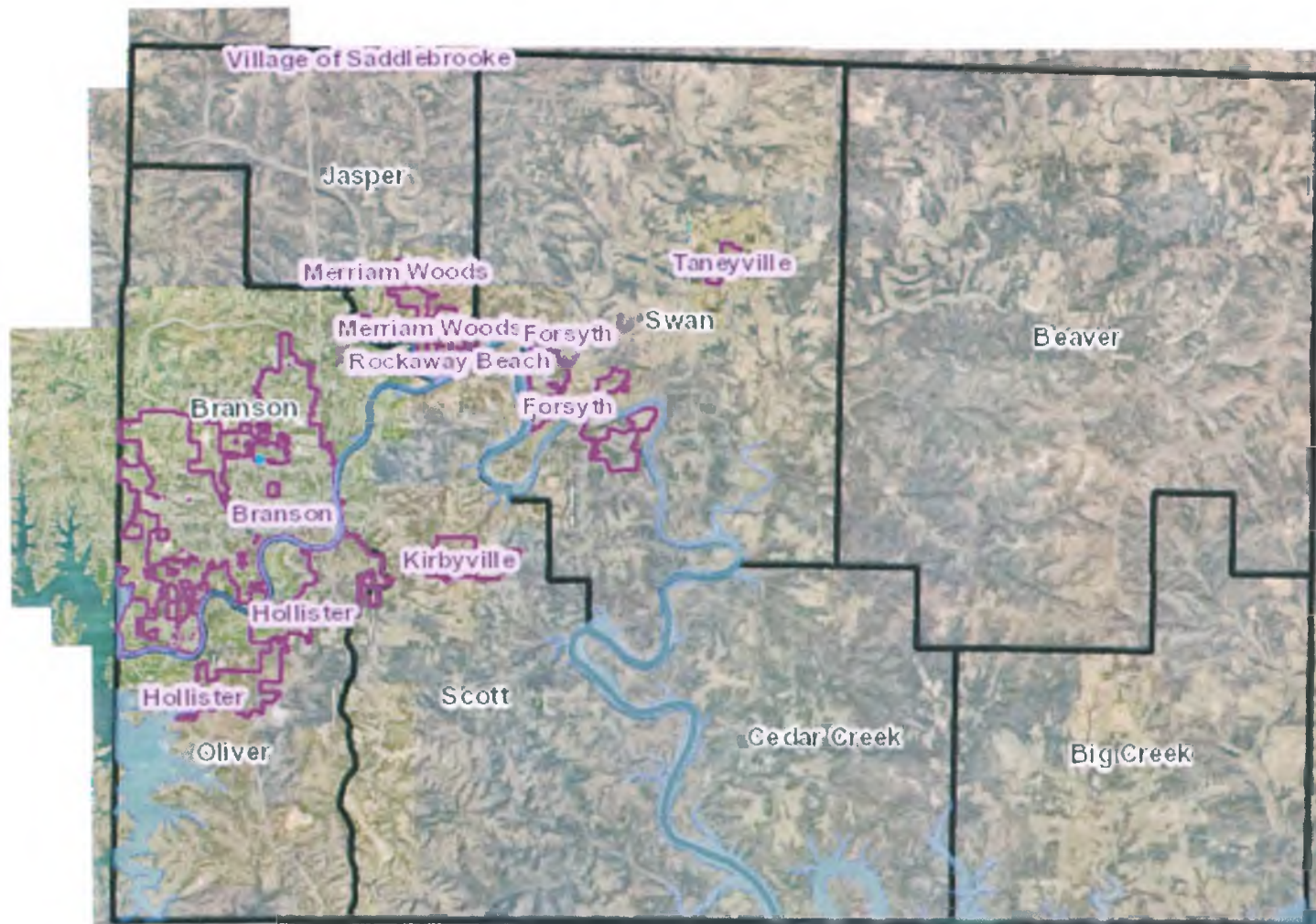
C. Effluent from filter underdrains must be collected and disposed of properly. Effluent shall not discharge off the owner's property;

D. Buried sand filters shall be in conformance with Table 10 of this rule. One (1) collector line shall be provided for every six feet (6') of bed width, with a minimum of two (2) collector lines per bed. The collector lines shall have a minimum grade of one percent (1%).

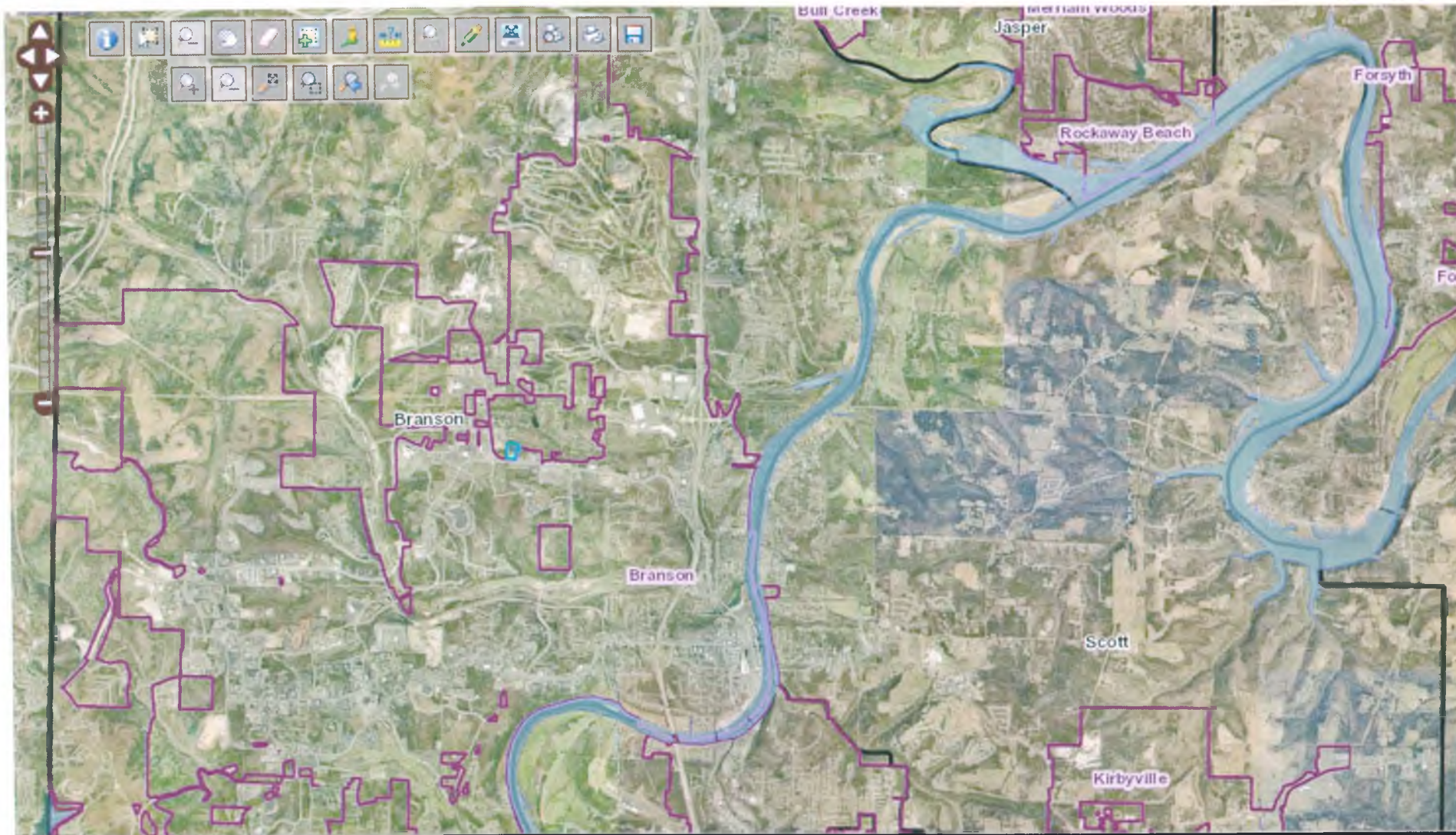
(I) Distribution lines shall be level and spaced a maximum of three feet (3') apart. Each distribution line must be vented (downstream end) or connected to a common vent. Vents should extend at least twelve inches (12") above the ground surface with the outlet screened or capped (perforated).

(II) Septic tank effluent shall be applied to the filter through a distribution box. Buried filters shall be dosed with a pump or siphon. The dosing volume shall be sufficient to fill the pore spaces in the gravel to a depth of four inches (4"). For single bed filters receiving septic tank effluent, the hydraulic loading rate shall not exceed one gallon per day per square foot (1 gpd/sq. ft.) with a maximum organic loading of one and three-fourths pounds (1 3/4 lbs.) of biological oxygen demand (BOD) per day per one thousand square feet (1000 sq. ft.) of surface area. Total surface area shall not be less than two hundred square feet (200 sq. ft.); and

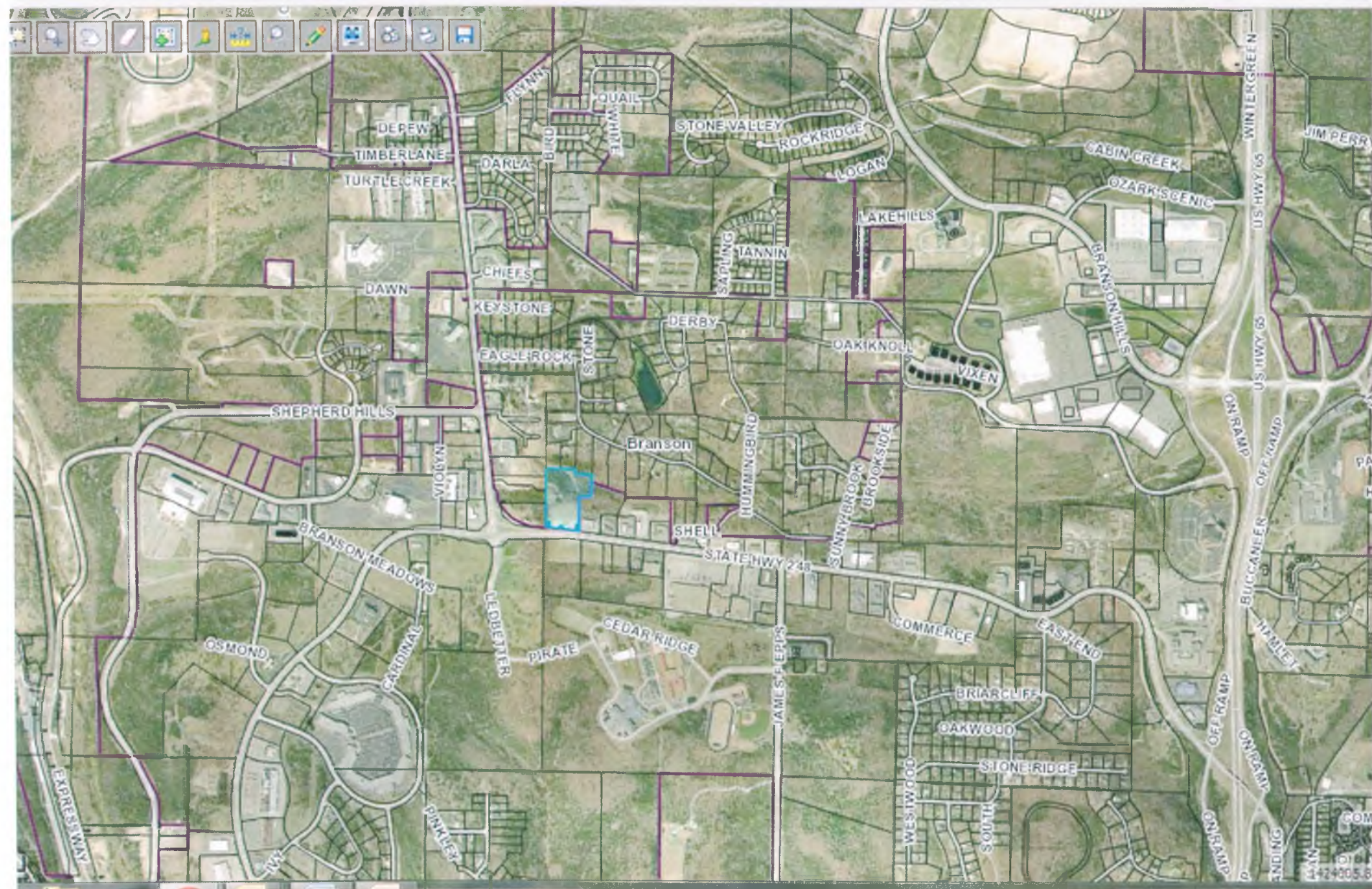
E. Open sand filters are similar to buried filters with the exception that no soil backfill or gravel is used on the top of the sand and the filter must be enclosed within concrete walls or other substantially equivalent material. Open sand filters shall be in conformance with Table 10.



**Board of Adjustment
Appeal Case Number 2015-0001A
Appeal of Planning Commission
Denial of Division III Permit Case # 2015-0010
Taney County GIS - Beacon**



**Board of Adjustment
Appeal Case Number 2015-0001A
Appeal of Planning Commission
Denial of Division III Permit Case # 2015-0010
Taney County GIS - Beacon**





**Music City Motors
1818 State Highway
248, Branson, MO
Pictometry**





Music City Motors
1818 State Highway 248, Branson, MO
Pictometry



**Board of Adjustment
Appeal Case Number 2015-0001A
Pictometry – View from the North**

**Board of
Adjustment
Appeal Case
Number 2015-
0001A
Pictometry –
View from the
South**





**Board of Adjustment
Appeal Case Number 2015-0001A
Pictometry – View from the East**



**Board of Adjustment
Appeal Case Number 2015-0001A
Pictometry – View from the West**

**Aerial Photo
Provided by the
City of Branson**

**Indicating Location
of Sewer Main**



























TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: June 17, 2015

CASE NUMBER: 2015-0006V

APPLICANTS: Harold & Sharon Plott

REPRESENTATIVE: Mark Plott

LOCATION: The subject property is located in the 400 Block of Early Lane, Hollister, MO; Scott Township; Section 14, Township 22, Range 21.

REQUEST: The applicants, Harold & Sharon Plott are requesting a variance from the provisions of Article 8, Section 2, G (Driveway) of the Taney County Subdivision Regulations, in order to allow for the creation of an additional tract of land less than ten (10) acres in size, to be served by a private driveway exempt from any construction standards.

BACKGROUND and SITE HISTORY:

The property in question is a number of parcels which comprise a total of approximately 211 acres (according to the Assessor's information – provided via Beacon), recognized as a Missouri Century Farm, established in 1906.

GENERAL DESCRIPTION:

The applicants, Harold & Sharon Plott are requesting a variance from the provisions of Article 8, Section 2, G (Driveway) of the Taney County Subdivision Regulations, in order to allow for the creation of an additional tract of land less than ten (10) acres in size, to be served by a private driveway exempt from any construction standards.

REVIEW:

Article 8, Section 2, G (Driveway) of the Taney County Subdivision Regulations states the following: For administrative minor subdivisions a private driveway, exempt from any construction standards, will be allowed to serve no more than three (3) tracts which have no public road frontage. Early Lane provides access to both the Gobblers Knob Mobile Home Park and also all of the tracts of land that comprise the Plott's property.

Harold & Sharon Plott are now wishing to deed approximately three (3) acres to a granddaughter and her husband in order to allow for the construction of a single-family residence. However, in creating an additional tract of land, said tract of land will be provided by access via Early Lane.

Therefore, the applicants, Harold & Sharon Plott are requesting a variance from the provisions of Article 8, Section 2, G (Driveway) of the Taney County Subdivision Regulations, in order to allow for the creation of an additional tract of land, less than ten (10) acres in size, to be served by a private driveway (Early Lane) exempt from any construction standards. This approximately three (3) acre tract of land will be given to their granddaughter to allow for the construction of the couple's first home.

It would be difficult, if not impossible for the applicants to improve a portion of Early Lane, which also provides access to the Gobblers Knob Mobile Home Park.

The applicants have indicated that they have absolutely no intention of developing this century farm. They strictly wish to create a tract of land that will provide a home to their granddaughter and her husband. The applicants have indicated that they do not believe that the granting of this variance will cause any detriment to the public good nor impair the integrity of the zoning regulations or plan.

STATUTORY REQUIREMENTS OF APPROVAL OF A VARIANCE:

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 provisions of Article 8, Section 2, G (Driveway) of the Taney County Subdivision Regulations, allowing for the creation of an additional tract of land less than ten (10) acres in size, to be served by an existing private driveway (Early Lane) exempt from any construction standards.
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.

15-6

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

(Circle one)

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

PLEASE PRINT

DATE 5/18/15

Applicant HAROLD D. PLOTT Phone 417-334-4219

Address, City, State, Zip 414 EARLY LN. HOLLISTER, MO 65672

Representative _____ Phone _____

Owner of Record HAROLD D. PLOTT Signature: [Signature]

Name of Project: Variance for road requirements of Subdivision Regs.
Article 8, Section 2, 6

Section of Code Protested: (office entry) _____

Address and Location of site: Early Lane

Subdivision (if applicable) _____

Section 14 Township 22 Range 21 Number of Acres or Sq. Ft. 205

Parcel Number 17-6.0-14-000-000-002.000

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.

Corresp to: Mark Plott
427 Early Lane
Hollister, MO 65672

Describe in detail the reason for your request:

We are requesting a variance from the road requirements of the sub-division regulations. There is no intent to develop any portion of this property into a sub-division. This property is a century farm and will remain so.

I'm purely trying to deed a small portion to a family member so they ~~might~~ can build their home here.

The road requirements are such that if we are not provided a variance it would cause an undue financial hardship. We do not believe that granting this variance would cause any detriment to the public good nor do we feel it would impair the integrity of the zoning plan.

Again, this is family property and our intent is that it remain so.

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.

Harold Plott
Signature of Applicant

5-18-15
Date of Application

STATE OF MISSOURI)

S.S. On this 18 day of May, 2015.

COUNTY OF TANEY)

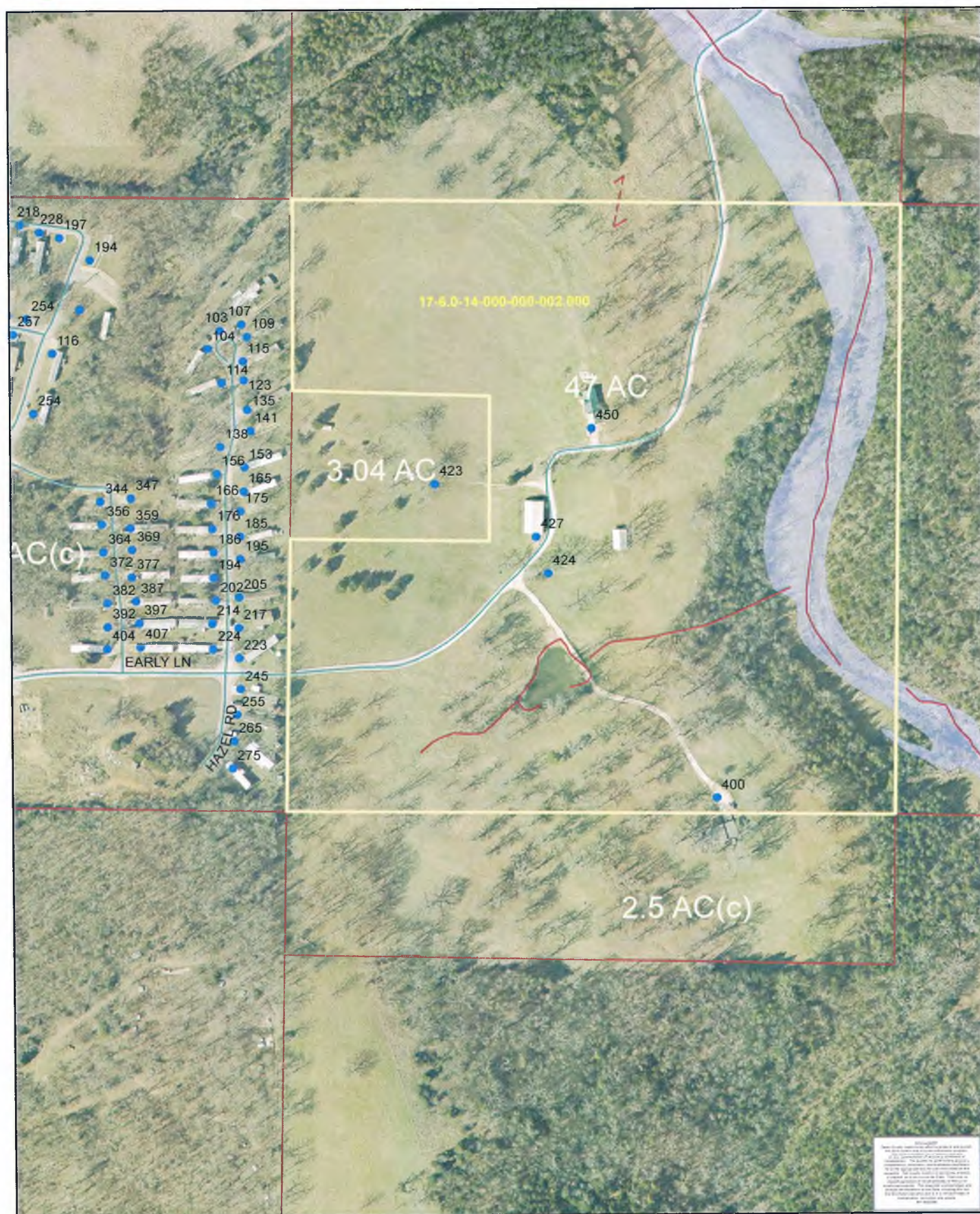
Before me Personally appeared _____, to me known to be the person described in and who executed the foregoing instrument.

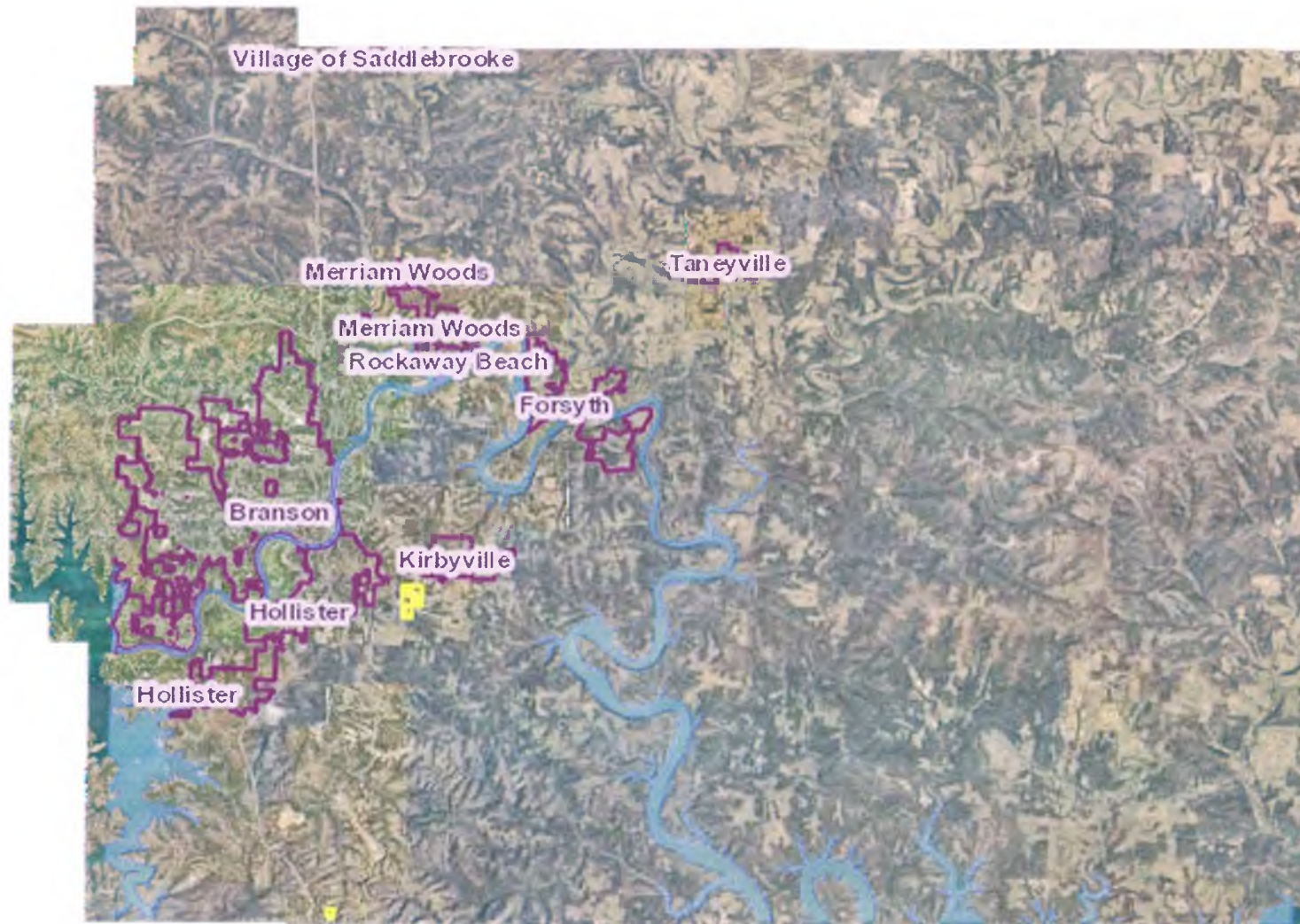
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire ~~2/6/2014~~ 12/17/17

J. W. Scheibe
Bonita Kisse, Notary Public

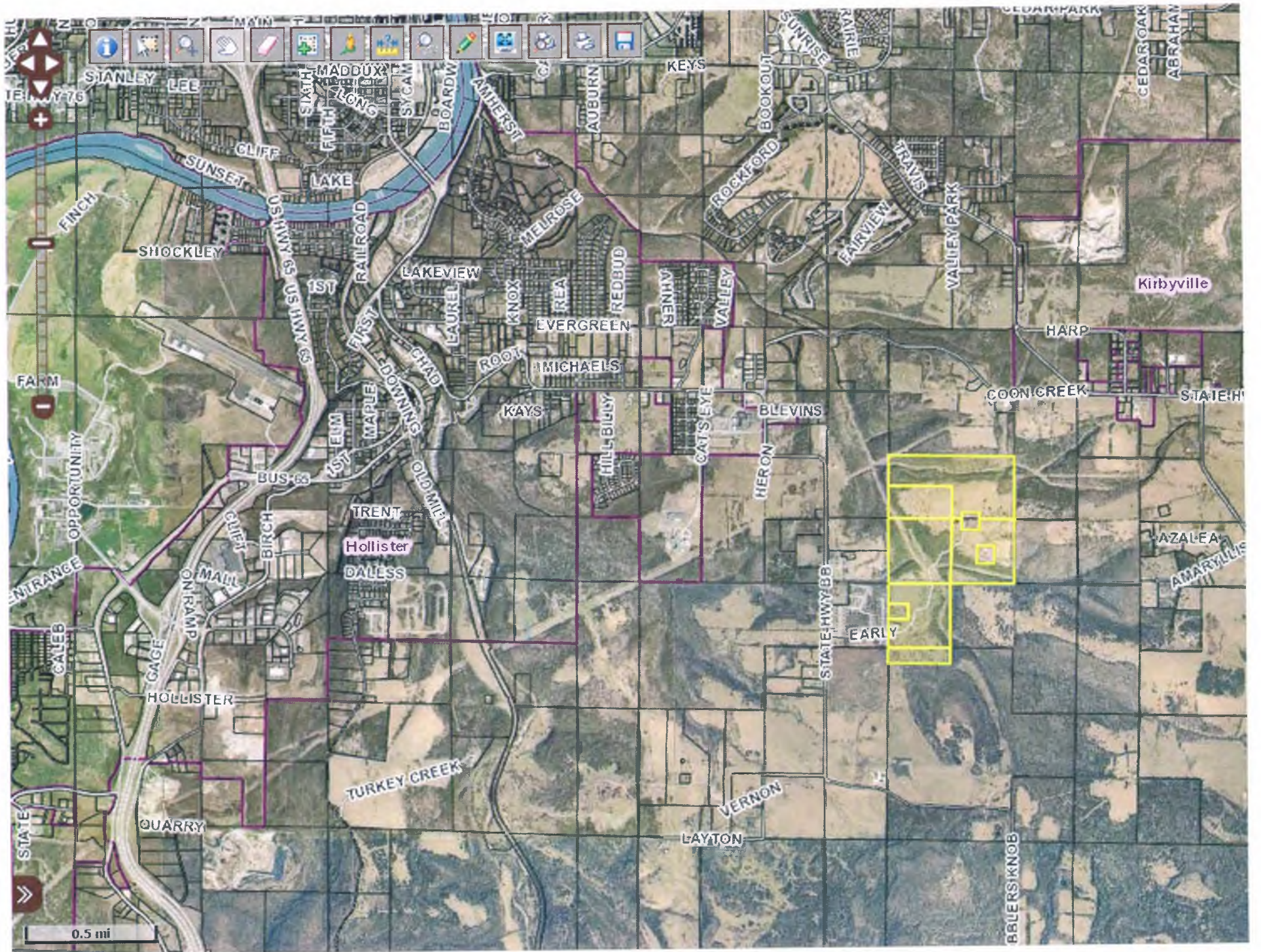
Jacob Scheibe

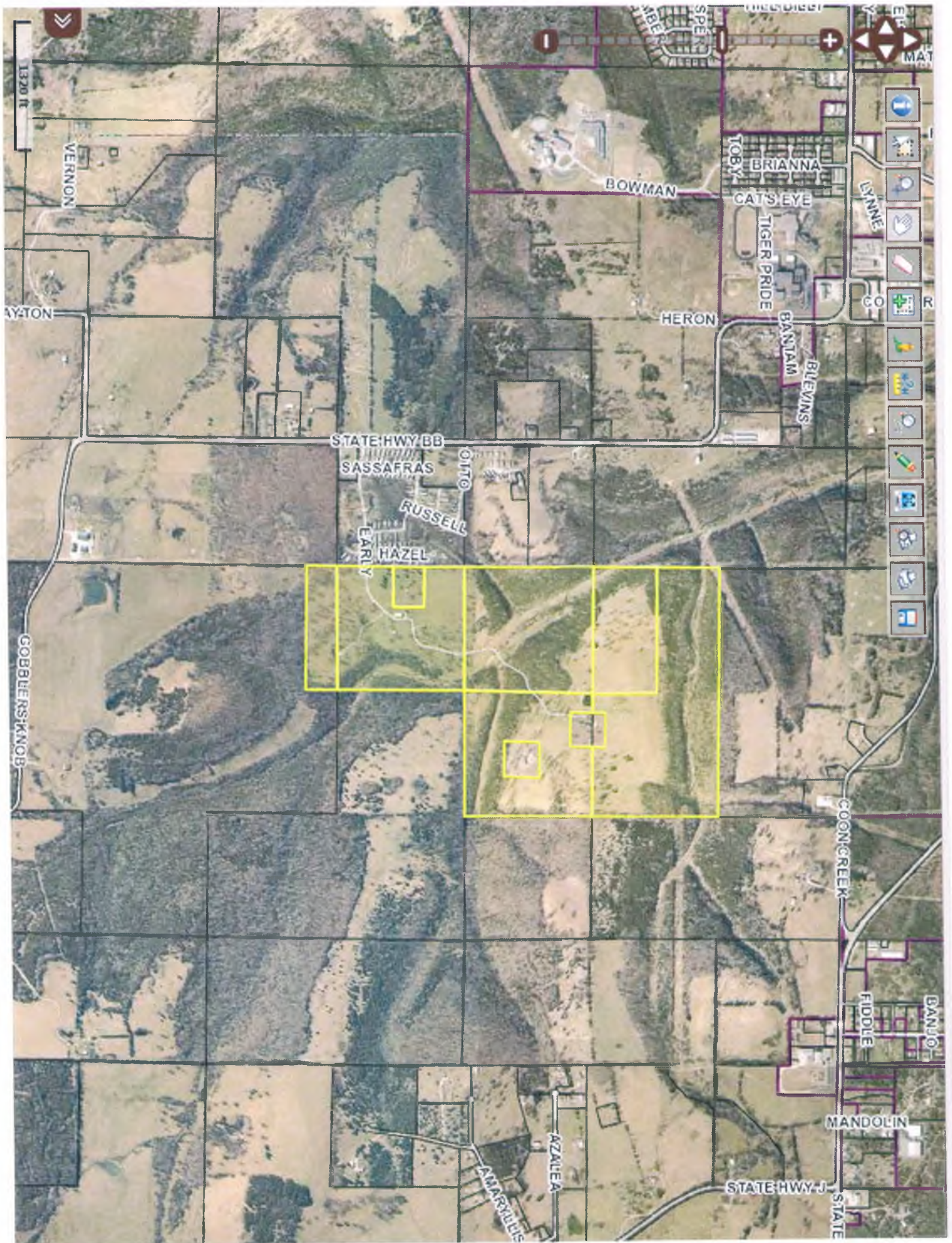






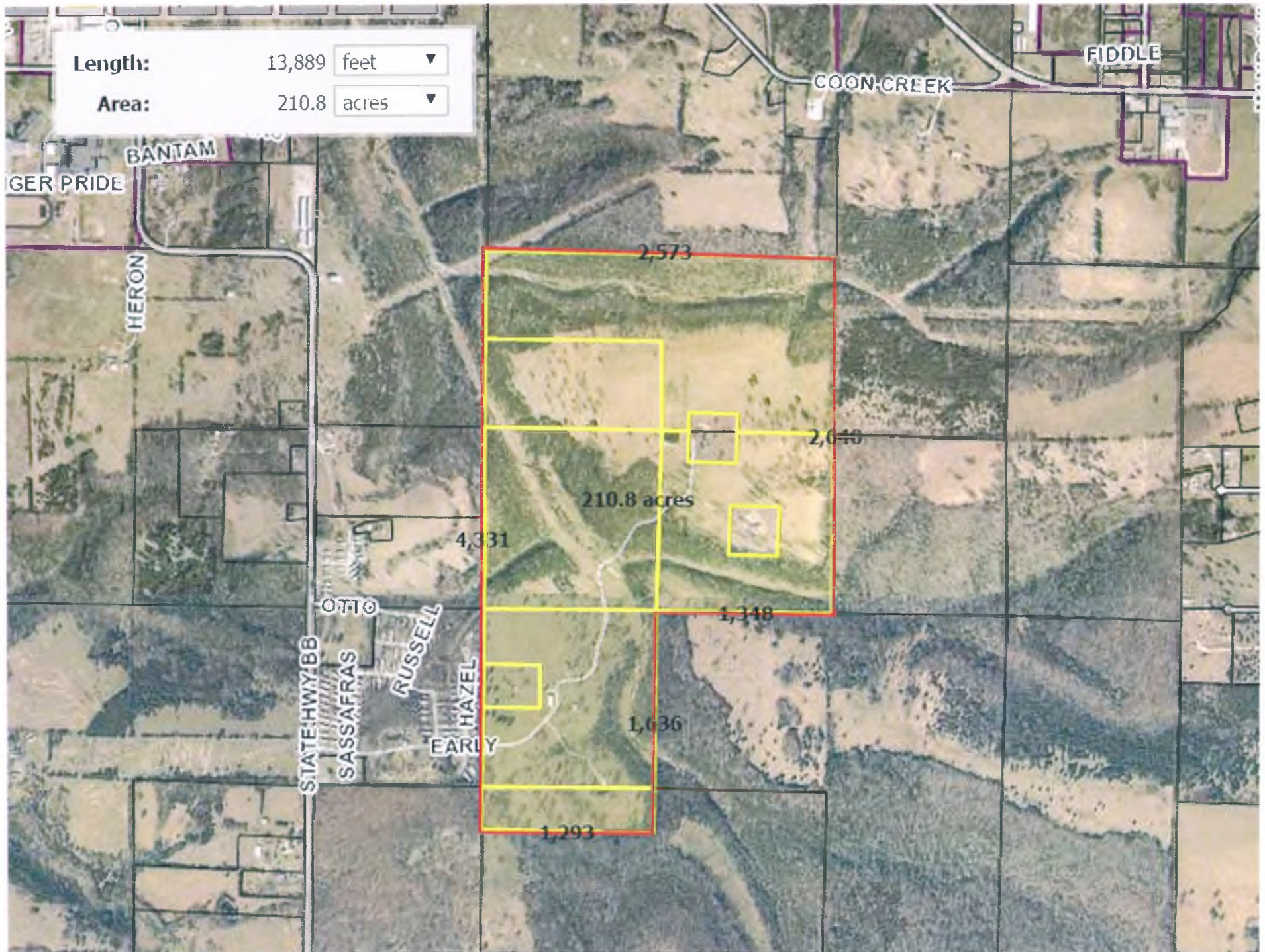
**Board of Adjustment
Variance Case Number 2015-0006V
Harold Plott
Taney County GIS - Beacon**





Length: 13,889 feet ▼

Area: 210.8 acres ▼





NOTICE OF PUBLIC HEARING

THE TANEY COUNTY BOARD OF ADJUSTMENT

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

Applicant: Harold D. Plott

Request: Variance from TC Sub
Regulations

Property Location: Early Lane

Hearing Location: Taney County Courthouse

Time: 5:00pm Date: Wednesday, 6-17-98

Phone: (415) 546-7225



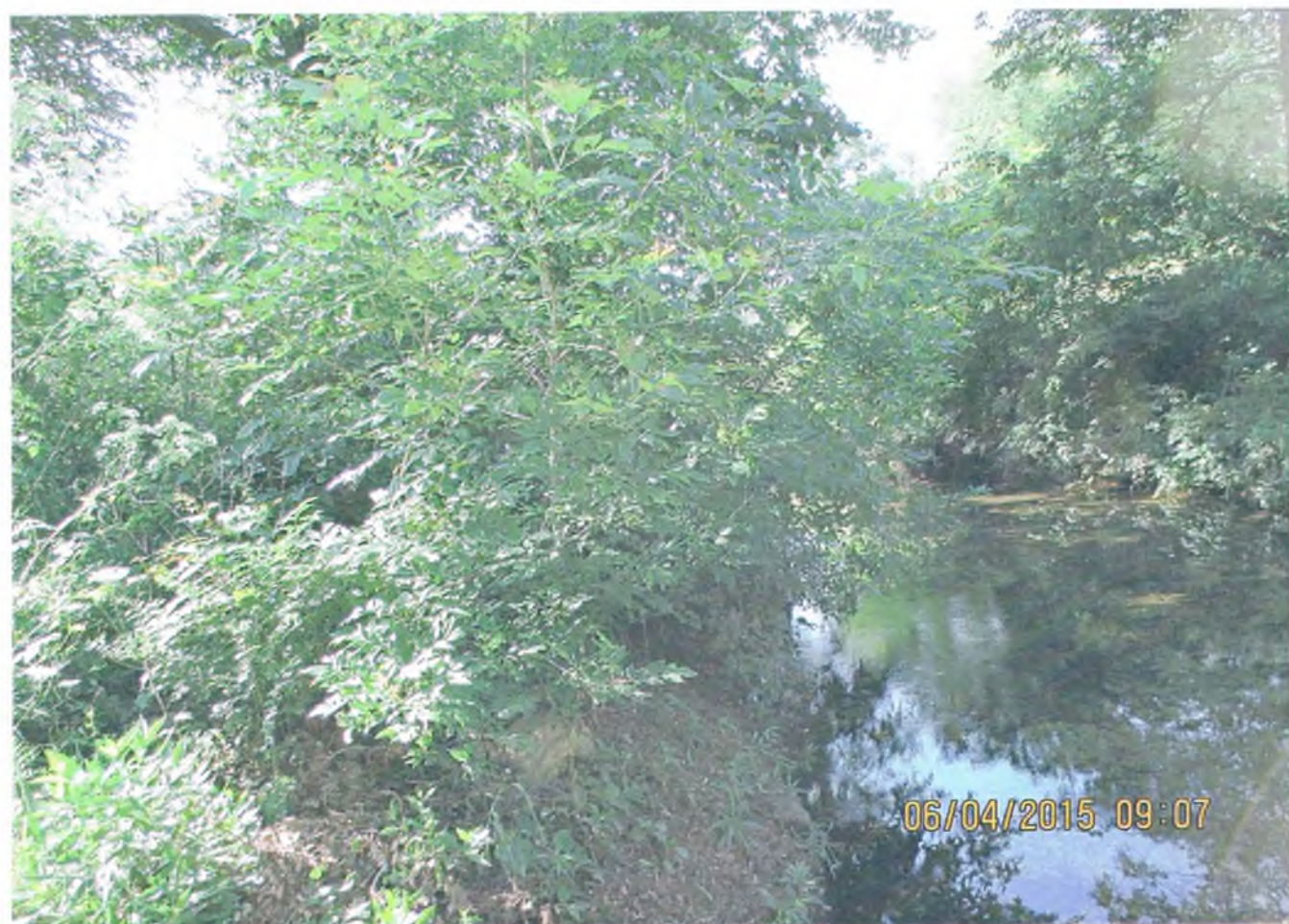
















TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: June 17, 2015

CASE NUMBER: 2015-0007V

APPLICANT: 7 M Holdings, LLC – Mark Miller

LOCATION: The subject property is the unplatted portion of Thunder Ridge Estates, located off of Thunder Ridge Estate Drive; off of Bee Creek Road; Branson Township; Section 16, Township 23, Range 21.

REQUEST: The applicant, 7 M Holdings, LLC is requesting variances from the provisions of Section 9 (Roadway Width) and the Appendix (Roadway Thickness) of the Taney County Road Standards.

BACKGROUND and SITE HISTORY:

On September 18, 2006 the Planning Commission approved Division III Permit 2006-0048 authorizing the development of Thunder Ridge Estates, containing forty-three (43) residential lots and 17 duplexes, platted into 34 condominium units, on a total of +/- 27.06 acres. The Decision of Record for Division III Permit 2006-0048 and the Preliminary Plat of Deer Creek Estates and Thunder Ridge Estates have been included in the Board of Adjustment packets.

On November 14, 2007 The Final Plat of Thunder Ridge Estates, Phase I was filed with the Taney County Recorder of Deeds Office, upon the administrative approval of the Planning Administrator, creating a twenty-four (24) lot residential subdivision.

On November 1, 2007 Division II Permit 2007-0089 was issued authorizing the construction of two (2) duplex buildings within Thunder Ridge Estates. These two condominium buildings were originally approved as two (2) of the seventeen (17) duplexes that were to be held in condominium style ownership. In 2007 it appears that the two (2) duplex lots were sold by deed via meets and bounds property descriptions.

Both the platted and un-platted portion of Thunder Ridge Estates were foreclosed upon by the bank. In August of 2013 7 M Holdings, LLC purchased a number of platted lots and also the remaining, un-platted portion of Thunder Ridge Estates from the bank. The focus of this road variance request is the un-platted portion of the development.

On November 20, 2013 the Taney County Board of Adjustment approved a request by 7 M Holdings, LLC seeking a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code and also from Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards. With four (4) out of five (5) Board members present, the variance request of 7M Holdings, LLC was approved by a unanimous vote of the Board.

On May 27, 2014, the Planning Administrator completed a review of the Final Plat of Thunder Ridge Estates, Phase 2, which would create an additional six (6) lots within Thunder Ridge Estates. Upon the culmination of this review an email was sent to Eddie Wolfe enumerating the additional items that would be required in order to ensure compliance with the provisions of the Taney County Development Guidance Code and the Taney County Subdivision Regulations. Item #2 of this email states the following: ***"The portion of Sunrise Villas Drive / Rainfall Circle serving the newly platted lots within Thunder Ridge Estates, Phase 2 shall be built in compliance with the Taney County Road Standards. Upon both a site visit and consultation with Randy Haes, the Taney County Road & Bridge Administrator, it was determined that the portion of Sunrise Villas Drive / Rainfall Circle serving the newly platted lots within Thunder Ridge Estates, Phase 2 will require a 31 foot roadway width (as measured from top of curb to top of curb). This road surface also lacks the final asphalt wear surface."***

On October 6, 2014 the Taney County Commission held a road variance request hearing concerning the roads with Thunder Ridge Estates, Phase 2. The applicant (7 M Holdings, LLC / Mark Miller) requested a road surface width variance and also a variance from the requirement for the final asphalt wear surface for the un-platted roadways within Thunder Ridge Estates, Phase 2. During the hearing there was some confusion as to whether the request involved only the roadways as shown within the Thunder Ridge Estates, Phase 2 Plat or the roadways within the entire un-platted portion of the development. The hearing was postponed until a later date in order to afford the County Commission an opportunity to conduct an onsite visit of the development and also to allow the County Commission an opportunity to obtain a legal opinion regarding the matter from the County Commission's Attorney, Frank Cottey.

On October 28, 2014, Mr. Cottey provided the Planning Administrator with a legal opinion regarding the subdivision plat appeal process. It was Mr. Cottey's legal opinion that RSMo. 64.830, "provides that once a proposed plan of subdivision has been rejected or amended by the County Planning Commission, the proposed plat "may be then approved only by a two thirds vote of the County Commission, and the reasons for the approval or failure to approve the plan shall be spread upon the records of the County Commission." Essentially Mr. Cottey indicated that it would be the County Commission that would hear a plat denial appeal request.

On January 8, 2015, Mr. Cottey provided the County Commission with an updated written legal opinion indicating that statutorily it is his legal opinion that a road variance request would be heard by the Board of Adjustment and not the County Commission.

GENERAL DESCRIPTION:

The applicant, 7 M Holdings, LLC is requesting variances from the provisions of Section 9 (Roadway Width) and the Appendix (Roadway Thickness) of the Taney County Road Standards for the un-platted portion of Thunder Ridge Estates

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. Article 8, Section 2 (Streets) of the Subdivision Regulations requires the following: ***“A. Unless otherwise approved by the Planning Commission, all streets shall be public streets.” “B. Public streets shall be designed and constructed in accordance with the Taney County Road Standards.”***

The applicant, 7 M Holdings, LLC is requesting variances from the provisions of Section 9 (Roadway Width) and the Appendix (Roadway Thickness) of the Taney County Road Standards. The applicant has requested that the Board of Adjustment consider this road variance request as two (2) separate votes. First, the applicant is requesting a variance from the roadway surface and roadway thickness requirements specifically for the portion of Sunrise Villas Drive / Rainfall Circle serving the proposed lots within Thunder Ridge Estates, Phase 2. Second, the applicant is also requesting a variance from the roadway surface and roadway thickness requirements for the remaining un-platted portion of Thunder Ridge Estates.

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 Thuder Ridge 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.

First, the applicant is requesting a variance from the roadway surface and roadway thickness requirements specifically for the portion of Sunrise Villas Drive / Rainfall Circle serving the proposed lots within Thunder Ridge Estates, Phase 2. The portion of Sunrise Villas Drive / Rainfall Circle in question is an existing curb and gutter, asphalt roadway with an approximately 20' wide driving surface. The existing curbs are likely not built in compliance with the Road Standards. The final wear surface has not been added to the roadways in either Phase 1 or the proposed Phase 2 of the development. The applicant is requesting a variance for the Road Standards, allowing for the existing roadways to serve the additional six (6) lots that are being proposed in Thunder Ridge Estates, Phase 2.

Immediately south of the area proposed to be platted as Phase 2 of the Development, lies two existing duplexes and also the duplex portion of the development which was initially intended to be held in a condominium style of ownership. In Taney County it has been generally accepted practice to allow for the plating of a condominium style ownership development with lots that do not necessarily meet the setback, road frontage and / or minimum lot size requirements because each of the lots is held by the condominium association as common property. However, due to the difficulty in obtaining bank financing for a condominium project the applicant is proposing to plat the remaining duplex development in a traditional form of ownership with single-family homes. On November 20, 2013 the Board of Adjustment approved a request by 7 M Holdings, LLC from Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards. Per Condition # 4 of the Board of Adjustment Decision of Record for Case Number 2013-008V states the follow: "Approval of a 20' right-of-way width variance, allowing the right-of-way width to be platted at 30' within the duplex portion of the development, as enumerated on the survey from Wolfe Surveying." A copy of the Decision of Record and the survey have been proved in the BOA packet for your review. The applicant is requesting a variance for the Road Standards, allowing for a variance from both the roadway surface width requirements and also the roadway thickness (final wear surface). The applicant has indicated that if he is required to widen the street within this area it would be in conflict with both the right-of-way width variance that has been granted and would also create a topographical conflict. He has further indicated that by developing this area as single-family residential versus duplexes that he is greatly reducing the traffic volume that will be handled by the roadway in question.

In the remainder of the un-platted portion of the development the roadways have not been completed. However, all of the water, sewer, storm sewer boxes and electrical services have been put in place along the graded road right-of-way. The applicant has indicated that if a variance is not granted the property in question will be unbuildable due to the location of the existing utilities and the topography of the site.

STATUTORY REQUIREMENTS OF APPROVAL OF AN VARIANCE:

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 6 foot roadway width variance, allowing the existing, un-platted portion of Sunrise Villas Drive and Rainfall Circle to remain as is, with an approximate roadway surface width of (including curb and gutter) 25 feet, as measured from outside of curb to outside of curb, allowing for the platting of the phases of the development served by the roadways in question.
2. Approval of a road depth variance allowing for the existing, un-platted portion of Sunrise Villas Drive and Rainfall Circle to remain as is, without the final 2” minimum plant mix bituminous pavement (wear surface overlay), allowing for the platting of the phases of the development served by the roadways in question.
3. Approval of a 6 foot roadway width variance, allowing the remaining, un-platted portion of roadways within Thunder Ridge Estates to be constructed, with an approximate roadway surface width of (including curb and gutter) 25 feet, as measured from outside of curb to outside of curb.
4. Compliance with all of the other provisions of the Taney County Road Standards.
5. The Decision of Record shall be filed with the Taney County Recorder’s Office within 120 days or the approval shall expire.



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE

Applicant TM Holdings LLC Phone _____

Address, City, State, Zip P.O. Box 624 Jackson, TN 37560

Representative Mark Miller Phone 903-663-4172

Owner of Record TM Holdings LLC Signature: Mark Miller

Name of Project: Thunder Ridge Estates

Section of Code Protested: (office entry) Section 9 (Roadway Width) of the Appendix

Address and Location of site: Thunder Ridge Estates Roadway thickness
Road Standards

Subdivision (if applicable) Thunder Ridge

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

Parcel Number _____

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

Required Submittals:

- ☒ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☒ Proof of ownership or approval to proceed with request by the owner
- ☒ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.

Describe in detail the reason for your request:

See Attached

7M Development, LLC

PO Box 38
Judson, TX 75660
903-663-4172

Mark Miller

President

May 15, 2015

Taney County Planning and Zoning
Board of Adjustments
PO Box 383
Forsyth, MO 65653

Board Members:

All roads included in the Request for Variance are privately owned and maintained.

Phase II – Requesting a variance for streets and single family, from condo and requesting to be allowed to keep the existing roads in under prior sub-division ordinances. Before the development was purchased it was not being maintained and was beginning to show signs of neglect. In my discussion with the County I was told that it had nothing and wanted nothing to do with it now or in the future. Based on the information that while I was on my own I would not be saddled by future requirements, I bought it as is, created an HOA and have improved the streets while building new houses. Subsequently I was told that in order to continue building I will have to bring the roads up to the new sub-division requirements. I am requesting a variance for the following reasons:

1. Granting the single family variance from condo will, cut the lots by nearly half, thus reducing the traffic concerns by half, which will enhance the existing roads' ability to easily handle the density under the old requirements. It also keeps the development moving forward entirely single family like all of Phase I is and Phase III will be. Another benefit for future residents is that banks will readily make a loan on a single family residence but not on a condo.
2. The street and all public utilities are already in with two triplexes in Phase II currently.

3. We currently have an offset variance so moving the street out wider would push it into conflict with the already granted variance.
4. Pushing the street and thus the easement out will also create a topographical conflict. Moving everything out will push the back of the houses into the rock wall that runs at the back of every lot to the south and would push the houses to the north of down the slope so far it would create undue hardship.

None of the entire existing project, comprising Phase I or Phase II has the top overlay on it. If you force me to overlay the Phase II section, it will, in a practical sense, accomplish nothing as everything is working just fine as is. This will also encumber my ability to maintain and improve the entire development's roads' needs moving forward by forcing me to spend a large amount of money in a very small area that doesn't need it in lieu of maintaining all of Thunder Ridge.

Phase III – Requesting a variance because

1. Existing Phase I lots back up to Phase III so we can't move the road to the southwest. If we pushed the street to the northeast, the topography is nearly vertical creating an extraordinary situation specific to this property, nearly pushing the street to the edge, and pushing the houses completely off flat ground.
2. All of the water, sewer, storm sewer, catch basins and electrical are already in place under the old sub-division ordinances and would have to be dug up and relocated if that were to be the case. If we can't get the variance there is positively no way that anyone can build anything on the land.
3. Water District III wants it because it will loop their system in that area, benefiting Emergency Services for various reasons related to increased water pressure and flow rates, and feeds from both directions in the event of a service disruption
4. Furthermore, both sub-divisions on either side of Thunder Ridge Phase III were built under the old sub-division ordinances so building Phase III as it was planned, will not create a bottleneck but will simply match what is already existing.
5. In addition, if we get to build Phase III it will allow all Emergency Services (Police, Fire, and Ambulance) to be able to cut through instead of go around to reach each end, increasing safety.

In summary...Please remember that you granting the requests I'm asking for do not hurt but only help serve and improve the values for all the residents that currently live there and those in the future. The property was just "going to seed" as it were prior to our involvement. And again, no one wanted anything to do with it when we were deciding whether we should buy the project or not. So now we are creating real value for both the county and the residents. If you

grant these requests it will take land that without these variances will now be placed in a situation that has virtually no value and cannot be developed further to something that creates millions of dollars of tax basis with no cost or responsibility to the county, while providing improvements and maintenance that is sustainable for the existing and future residents.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Miller", written in a cursive style.

Mark Miller,
President

MM:pll

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.

Mark Miller

Signature of Applicant

5/14/15

Date of Application

Texas
STATE OF MISSOURI)

COUNTY OF TANNEY)

S.S. On this 14 day of May, 2015.

Shugg
Before me Personally appeared Mark Miller, 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. 7/17/2017,

Paula L. LaFoy

~~Bonita Kissee-Souttee~~, Notary Public

Paula L. LaFoy



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.

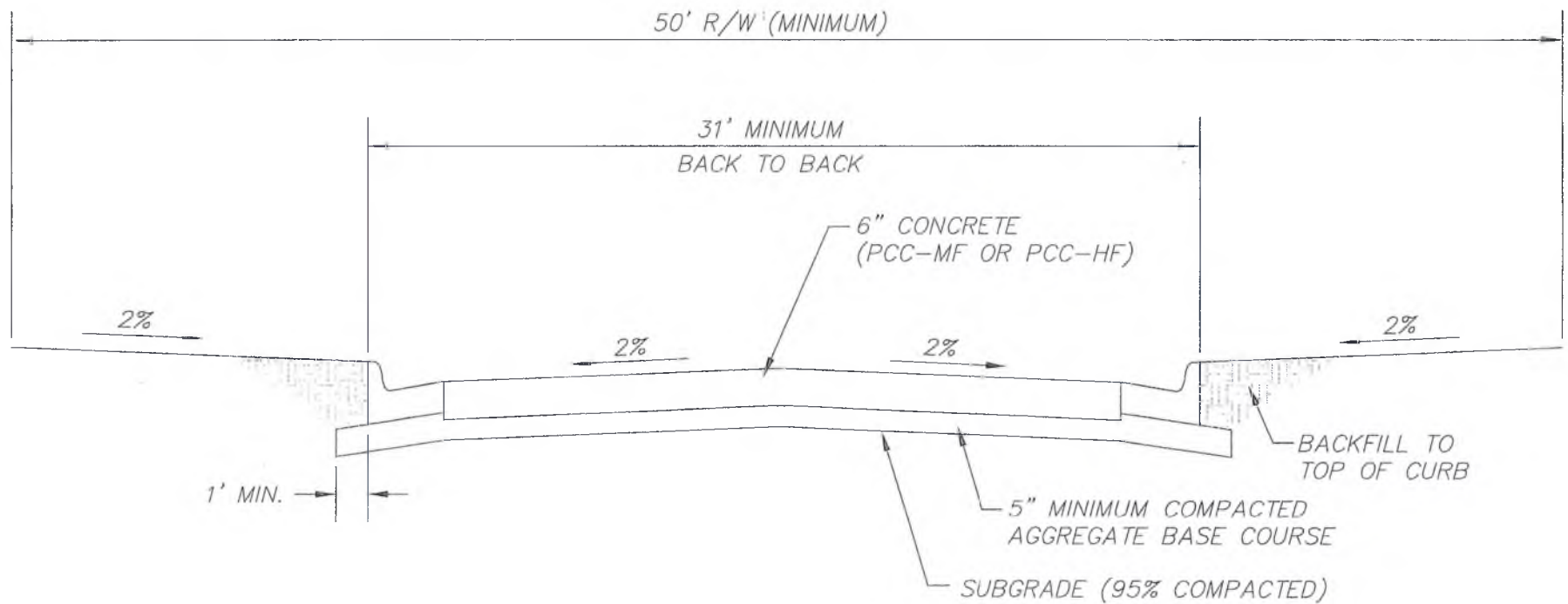
Section 9. Minimum Right-of-Way and Roadway Widths:

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 Residential	50'	24'
	High Density Residential	50'	31'
	Industrial/Commercial	60'	36' – 49'
	(Provides access to industrial/commercial properties.)		
	Collector Residential	60'	31' – 49'
	Industrial/Commercial	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

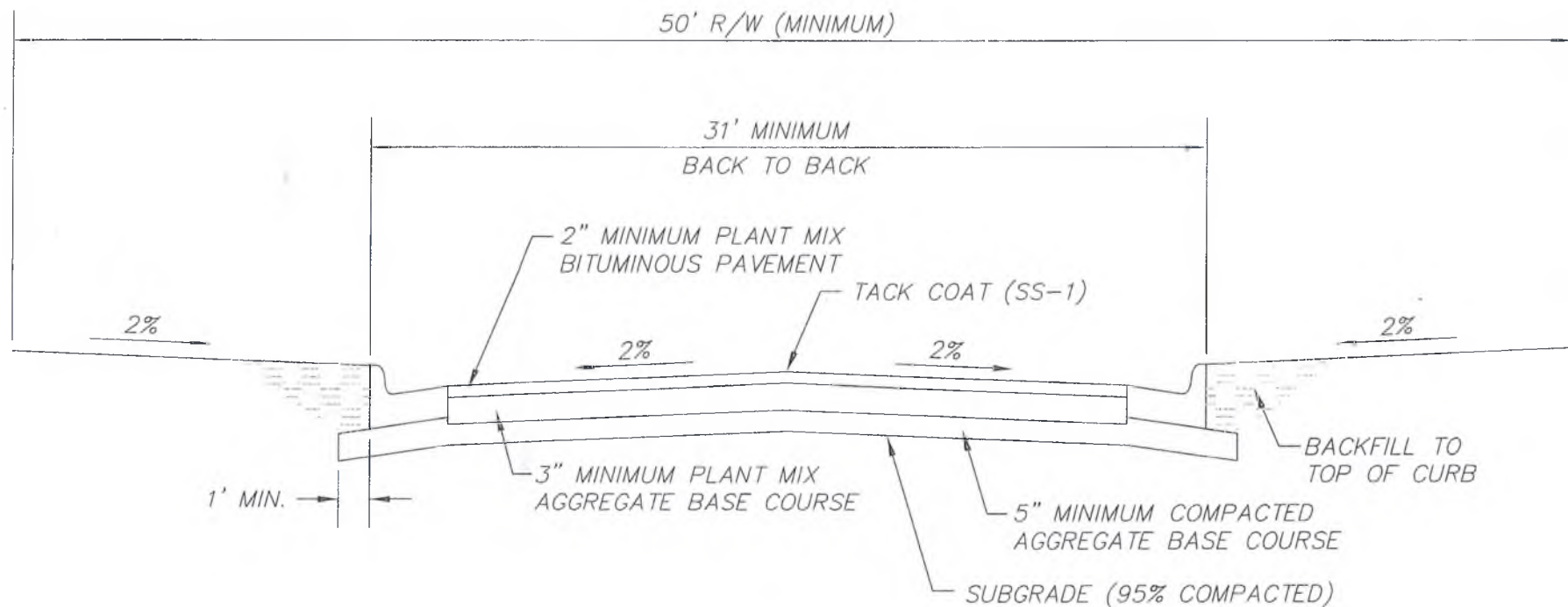
**TABLE 3.9
RIGHT-OF-WAY AND WIDTH**

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:

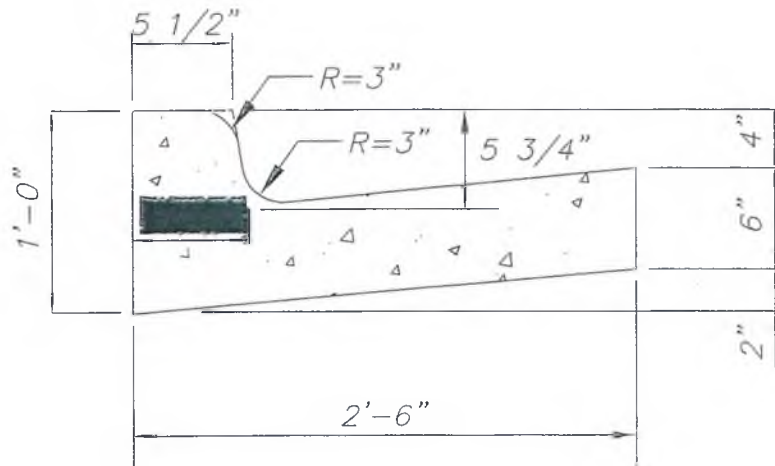


CROSS SECTIONS (CONCRETE W/CURB)

MINIMUM RESIDENTIAL STREET STANDARDS



CROSS SECTIONS
(ASPHALT W/CURB)
 MINIMUM RESIDENTIAL STREET STANDARDS



STANDARD CONCRETE CURB AND GUTTER

No Scale

CURB & GUTTER NOTES:

1. EXPANSION JOINTS SHALL BE FORMED BY A ONE-HALF INCH THICK PREFORMED BITUMINOUS FIBER EXPANSION JOINT FILLER. CUT TO THE CONFIGURATION OF THE FULL SIZE OF THE CURB AND GUTTER SECTION AND BEING SECURED SO THAT THEY ARE NOT MOVED BY DEPOSITING AND COMPACTING THE CONCRETE AT THESE JOINTS. THE EDGES OF THESE JOINTS SHALL BE ROUNDED WITH AN EDGING TOOL ONE-EIGHTH INCH RADIUS.
2. EXPANSION JOINTS SHALL BE PLACED WHERE CURB AND GUTTER ABUTS OTHER STRUCTURES AND AT ALL TANGENT POINTS TO CURBS. EXPANSION JOINTS SHALL NOT BE SPACED MORE THAN 50 FEET APART ON STRAIGHT RUNS FOR HAND LAID CURB AND GUTTER AND NOT MORE THAN 100 FEET APART FOR MACHINE LAID CURB AND GUTTER PROVIDED 1/2 INCH THICK BITUMINOUS FIBER EXPANSION JOINT FILLER IS USED. ALL JOINTS SHALL BE FORMED AT RIGHT ANGLES TO THE ALIGNMENT OF THE CURB AND GUTTER.
3. CONTRACTION JOINTS SHALL BE CONSTRUCTED BY SAWING THROUGH THE CURB AND GUTTER TO A DEPTH OF NOT LESS THAN ONE AND ONE-FOURTH INCH BELOW THE SURFACE AND TO A WIDTH NOT TO EXCEED THREE-EIGHTS INCH OR THEY MAY BE FORMED BY INSERTING A REMOVABLE METAL TEMPLATE IN THE FRESH CONCRETE, OR BY OTHER METHODS APPROVED BY THE ENGINEER. SEALING OF JOINTS IS NOT REQUIRED. CONTRACTION OR CONSTRUCTION JOINTS SHALL BE LOCATED APPROXIMATELY 10 FEET APART.

Bob Atchley

From: Bob Atchley
Sent: Tuesday, May 27, 2014 3:59 PM
To: 'Eddie Wolfe'
Subject: RE: TRE PH 2

Hello Eddie:

Upon review of Thunder Ridge Estates, Phase 2 it has been determined that the following items will be required in order to ensure compliance with the provisions of the Taney County Development Guidance Code and the Taney County Subdivision Regulations, allowing the Planning Staff to sign the Planning Commission signature block:

1. Kendall Powell, Plans Examiner, City of Branson Utilities has indicated that it appears that a sewer easement is not indicated on the plat for an existing main that parallels the southern property line of lot 33b.
2. The portion of Sunrise Villas Drive / Rainfall Circle serving the newly platted lots within Thunder Ridge Estates, Phase 2 shall be built in compliance with the Taney County Road Standards. Upon both a site visit and consultation with Randy Haes, the Taney County Road & Bridge Administrator it was determined that the portion of Sunrise Villas Drive / Rainfall Circle serving the newly platted lots within Thunder Ridge Estates, Phase 2 will require a 31 foot roadway width (as measured from top of curb to top of curb). This road surface also lacks the final asphalt wear surface. I will not be able to sign the plat until such time that the installation of the road infrastructure serving Phase 2 is guaranteed by one of the methods listed below:
 - a. Installation of all required improvements prior to the issuance of the Division I Permit.
 - b. Posting of a surety bond as a performance Guarantee.
 - c. Submission of an Irrevocable Letter of Credit from a certified lending institution.

I have created a link to the Taney County Subdivision Regulations as available on the Taney County website below:

<http://www.taneycounty.org/CountyWeb/sources/pdf/15/2012.08.01.Subdivision.Regulations.for.Taney.County.pdf>

I have also created a link to the Taney County Road Standards as available on the Taney County website below:

<http://www.co.taney.mo.us/CountyWeb/sources/pdf/19/2014.03.12.12.58.00.-2009.08.06.Taney.County.Road.Standards.pdf>

(Please note that the road cross section for Asphalt with curbs is located on page 29)

Please feel free to contact me with questions or concerns. Thank you for your time, patience and assistance.

Thanks Again,

Bob Atchley
Administrator
Taney County Planning Commission
P.O. Box 383
207 David Street
Forsyth, MO 65653

Phone: (417) 546-7225
Fax: (417) 546-6861

From: Eddie Wolfe [mailto:ew@wolfesurveying.com]
Sent: Monday, May 05, 2014 4:27 PM
To: Bob Atchley
Subject: Fw: TRE PH 2

Look over plat and give me your comments.

Thanks,

Eddie Wolfe

----- Original Message -----

From: DeWayne Braden
To: ew@wolfesurveying.com
Sent: Monday, May 05, 2014 2:47 PM
Subject: TRE PH 2

Thanks,

DeWayne Braden

db@wolfesurveying.com

Wolfe Surveying, Inc.

Phone # (417) 334-8820

Fax # (417) 334-5151

DESCRIPTION (THUNDER RIDGE ESTATES, PHASE 2)

A TRACT OF LAND SITUATED IN PART OF THE SE1/4 OF THE SW1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIN MARKING THE SOUTHWEST CORNER OF LOT 35 OF THUNDER RIDGE ESTATES, PHASE 1, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK/SIDE "I", AT PAGES 745-746, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; THENCE S 69°32'23" E, A DISTANCE OF 143.21 FEET, TO AN EXISTING IRON PIN MARKING THE SOUTHEAST CORNER OF SAID THUNDER RIDGE ESTATES, PHASE 1; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID THUNDER RIDGE ESTATES AS FOLLOWS: THENCE NORTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT, 120.17 FEET (SAID CURVE HAVING A DELTA OF 25°15'54", HAVING A CHORD BEARING AND DISTANCE OF N 78°12'53" E, 119.20 FEET AND HAVING A RADIUS OF 272.52 FEET), TO AN EXISTING IRON PIN; THENCE S 89°09'11" E, A DISTANCE OF 158.66 FEET, TO AN EXISTING IRON PIN MARKING THE SOUTHEAST CORNER OF LOT 41 OF SAID THUNDER RIDGE ESTATES, PHASE 1; THENCE S 04°34'26" W, A DISTANCE OF 60.11 FEET; THENCE S 89°09'11" E, A DISTANCE OF 27.86 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, 67.61 FEET (SAID CURVE HAVING A DELTA OF 16°07'51" AND HAVING A RADIUS OF 204.28 FEET), TO AN EXISTING IRON PIN MARKING THE NORTHEAST CORNER OF LOT 31 OF SAID THUNDER RIDGE ESTATES, PHASE 1; THENCE S 15°17'02" E, A DISTANCE OF 120.83 FEET, TO AN EXISTING IRON PIN MARKING THE SOUTHWEST CORNER OF SAID LOT 31; THENCE S 82°53'35" W, LEAVING SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 278.11 FEET; THENCE N 86°29'23" W, A DISTANCE OF 272.33 FEET; THENCE N 52°00'29" W, A DISTANCE OF 9.89 FEET; THENCE N 88°01'49" W, A DISTANCE OF 31.92 FEET; THENCE N 01°58'11" E, A DISTANCE OF 196.46 FEET, TO AN EXISTING IRON PIN; THENCE N 88°09'13" E, A DISTANCE OF 58.67 FEET, TO THE POINT OF BEGINNING, TRACT CONTAINING 2.29 ACRES OF LAND, MORE OR LESS.

CERTIFICATE OF OWNERSHIP

TM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, HEREBY CERTIFY THAT IT IS THE SOLE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE COUNTY OF TANEY, AND THAT TM HOLDINGS, LLC FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAN HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION (WITHIN 24 MONTHS AFTER THE DATE BELOW) HAS BEEN ASSURED BY POSTING OF A PERFORMANCE BOND OR OTHER SUFFICIENT SURETY, AND THAT TM HOLDINGS, LLC WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY.

RESTRICTIONS AND/OR COVENANTS RECORDED IN BOOK _____ PAGE _____ IN THE TANEY COUNTY RECORDER'S OFFICE.

IN TESTIMONY WHEREOF, THE UNDERSIGNED PROPRIETOR HAS HEREUNTO SET HIS HAND THIS _____ DAY OF _____ 2014.

TM HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY.

MARK MILLER, MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF _____ COUNTY OF _____ DAY OF _____ 2014, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED MARK MILLER, MANAGING MEMBER OF TM HOLDINGS, LLC, WHO BEING DULY SWORN BY ME, DID SWEAR BY ME AND SAY THAT HE IS THE MANAGING MEMBER AND AS SUCH, DID EXECUTE THE FOREGOING INSTRUMENT ON BEHALF OF SAID COMPANY 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

MY COMMISSION EXPIRES: _____

SURVEYOR'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS, THAT I, EDDIE D. WOLFE, DO HEREBY DECLARE THAT THIS PLAT WAS PREPARED UNDER MY PERSONAL SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND HEREIN DESCRIBED, PREPARED BY WOLFE SURVEYING, INC., DATED 4/24/2014 AND SIGNED BY EDDIE D. WOLFE, P.L.S. NO. 2190, AND THAT THE CORNER MONUMENTS AND LOT CORNER PINS SHOWN HEREIN WERE PLACED UNDER THE PERSONAL SUPERVISION OF EDDIE D. WOLFE, P.L.S. NO. 2190, IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS AND THE SUBDIVISION REGULATIONS OF TANEY COUNTY, MISSOURI.

EDDIE D. WOLFE, MO. P.L.S. NO. 2190

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE TANEY COUNTY PLANNING COMMISSION. THIS PLAT DOES NOT VIOLATE THE PROVISIONS OF THE TANEY COUNTY DEVELOPMENT GUIDANCE CODE OR THE TANEY COUNTY SUBDIVISION REGULATIONS.

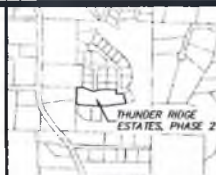
PLANNING COMMISSION CHAIRMAN

PLANNING ADMINISTRATOR

CERTIFICATE OF TANEY COUNTY 911 ADMINISTRATOR

I HEREBY CERTIFY THAT THE MAJOR SUBDIVISION SHOWN ON THIS PLAT HAS BEEN APPROVED BY THE TANEY COUNTY 911 ADMINISTRATOR.

911 ADMINISTRATOR



BRANSON R-V SCHOOL DIST
GSA, CORPORATE ROADS
PARCEL ID: 08-5-0-16-000-000-033.003
BOOK 2011, AT PAGE 20920

POINT OF BEGINNING
SOUTHWEST CORNER
LOT 35, THUNDER RIDGE
ESTATES, PHASE 1
N 88°09'13" E
58.67'

HOY CHARLES R & MARY S
PARCEL ID: 08-5-0-16-000-000-033.004
BOOK 2011, AT PAGE 37240

TM HOLDINGS LLC
PARCEL ID: 08-5-0-16-000-000-033.002
BOOK 2011, AT PAGE 37230

TM HOLDINGS LLC
PARCEL ID: 08-5-0-16-000-000-033.004
BOOK 2011, AT PAGE 37212

SNOW CAREY B & KAREN W
PARCEL ID: 08-5-0-16-000-000-033.002
BOOK 2007, AT PAGE 62526

BERRY DAVID & LYNN
PARCEL ID: 08-5-0-16-000-000-033.004
BOOK 2007, AT PAGE 62912

THUNDER RIDGE ESTATES, PHASE 1
PLAT BOOK/SIDE "I", AT PAGES 745-746

RAINFALL CIRCLE 60' R/W

RAINFALL CIRCLE 50' R/W

SUNRISE VILLAS DRIVE 60' R/W

LOT 36

LOT 39

LOT 42

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BOOK PAGE

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NON-STD FEE:

PAGES: 7

REAL ESTATE DOCUMENT

TANEY COUNTY, MISSOURI

RECORDERS CERTIFICATION

Robert A. Dixon

ROBERT A. DIXON

TANEY COUNTY BOARD OF ADJUSTMENT

VARIANCE - DECISION OF RECORD

PROJECT: 7 M HOLDINGS VARIANCE – THUNDER RIDGE ESTATES

APPLICANT: 7 M HOLDINGS, LLC

NOVEMBER 20, 2013

CASE NUMBER 2013-0008V

On November 20, 2013 the Taney County Board of Adjustment (herein after referred to as the Board) approved a request by 7 M Holdings, LLC (Represented by Mike Paterson & Eddie Wolfe) seeking a series of variances from Section 9, Table 1 (Property Line Setbacks) of the Taney County Development Guidance Code and also from Section 9, Table 3.9 (Right-of-Way and Width) of the Taney County Road Standards. With four (4) out of five (5) Board members present, the variance request of 7M Holdings, LLC was approved by a unanimous vote of the Board, for the property located at the attached legal description.

The following summarizes the Findings of Fact and Conclusions of Law of the Taney County Board of Adjustment:

The Board based its decision upon the requirements of Missouri Revised Statutes and the Board of Adjustment Bylaws, which grant the Board the power to:

"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."

The Board was unanimous in the belief that the application of Section 7 Table 1 (Setbacks) of the Taney County Development Guidance Code would result in peculiar and exceptional difficulties upon the owner of the property, due to both the existing layout of the subdivision and also the topography of the site. The Board believed that the relief could 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.

The following conditions shall be complied with:

1. Approval of a front of lot setback variance of 8' for Lots 31, 47, 50, 51, 53, 54, 55 and 56 of Thunder Ridge Estates, Phase I, allowing each of the single-family residences to be constructed 17' (at the closest point) from the front property line.
2. Approval of a front of lot setback variance of 8' for the un-platted single-family portion of Thunder Ridge Estates, allowing future single-family residences to be constructed seventeen 17' (at the closest point) from the front property line.
3. Approval of a series of front of lot setback variances allowing the un-platted duplex portion of Thunder Ridge Estates to be platted with the following setback variances:

Thunder Ridge Estates Duplex Front of Lot Setback Variance Summary

Duplex Units as Enumerated on the Wolfe Surveying Drawing	Front Setback Variance Requested	Setback Upon Granting of Variance
Unit 1	7'	18'
Unit 2	7'	18'
Unit 3	7'	18'
Unit 4	7'	18'
Unit 5	7'	18'
Unit 6	7'	18'
Unit 7	5'	20'
Unit 8	11'	14'
Unit 9	8'	17'
Unit 10	8'	17'
Unit 11	20'	5'
Unit 12	9'	16'
Unit 13	9'	16'
Unit 14	9'	16'
Unit 15	9'	16'
Unit 16	9'	16'
Unit 17	9'	16'
Unit 18	9'	16'
Unit 19	9'	16'
Unit 20	9'	16'
Unit 21	9'	16'
Unit 22	9'	16'

4. Approval of a 20' right-of-way width variance, allowing the right-of-way width to be platted at 30' within the duplex portion of the development, as enumerated on the survey from Wolfe Surveying.
5. Compliance with all of the other provisions of the Taney County Development Guidance Code.
6. 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).

In signing this Decision of Record, I understand that any breach in the terms of the Board of Adjustment, Decision of Record will result in the revocation of this decision. I further agree to abide by and comply with all of the requirements of the Taney County Board of Adjustment, the Taney County Planning Commission and the Taney County Development Guidance Code.

Signature: Eddie Wolfe

As the Designated official for the Taney County Planning Commission, I hereby issue the foregoing document as the Decision of Record as detailed above.

Bob Atchley
Bob Atchley, Administrator

STATE OF MISSOURI)

S.S On this 14th day of June, 2013

COUNTY OF TANEY)

Before me personally appeared Bob Atchley and Eddie Wolfe to me know to be the persons 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, Missouri the day and year first above written. My term of office as a Notary Public will expire on February 6, 2014.

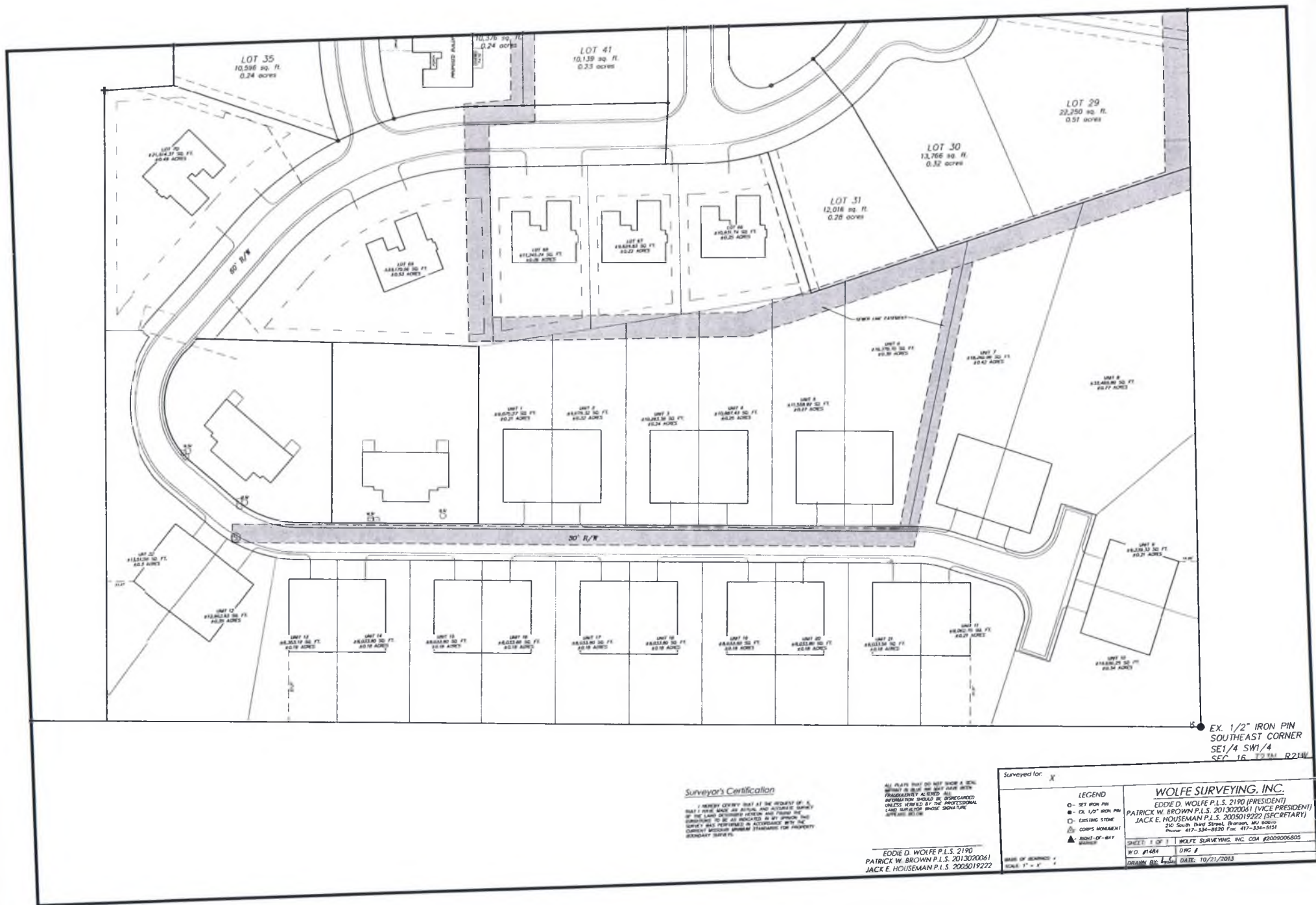
Bonita Kisse
Bonita Kisse, Notary Public



BONITA KISSEE
My Commission Expires
February 6, 2014
Taney County
Commission #10440057

DESCRIPTION:

A TRACT OF LAND SITUATED IN THE SE1/4 OF THE SW1/4 OF SECTION 16, TOWNSHIP 23 NORTH, RANGE 21 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN EXISTING 1/2" IRON PIN CAPPED BY PLS 2340 MARKING THE NORTHEAST CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 16; THENCE S 00°58'52" W, ALONG THE EAST LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 1326.42 FEET TO AN EXISTING IRON PIN MARKING THE SOUTHEAST CORNER OF THE SE1/4 OF THE SW1/4; THENCE N 87°44'09" W, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE SW1/4, A DISTANCE OF 906.53 FEET; THENCE N 01°58'11" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 515.88 FEET; THENCE N 88°09'13" E, A DISTANCE OF 58.67 FEET TO A POINT ON THE BOUNDARY OF THUNDER RIDGE ESTATES, PHASE 1, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK /SLIDE I AT PAGES 745-746, TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; ALONG THE BOUNDARY LINE OF THUNDER RIDGE ESTATES, PHASE 1, AS FOLLOWS: THENCE S 69°32'23" E, A DISTANCE OF 143.21 FEET; THENCE NORTHEASTERLY, ALONG A NON-TANGENT CURVE TO THE RIGHT, 120.17 FEET (SAID CURVE HAVING A DELTA OF 25°15'54", A RADIUS OF 272.52 FEET AND A CHORD BEARING AND DISTANCE OF N 78°12'53" E, 119.20 FEET); THENCE S 89°09'11" E, A DISTANCE OF 158.66 FEET; THENCE S 04°34'26" W, A DISTANCE OF 50.11 FEET; THENCE S 89°09'11" E, A DISTANCE OF 27.86 FEET; THENCE NORTHEASTERLY, ALONG A CURVE TO THE LEFT, 57.51 FEET (SAID CURVE HAVING A DELTA OF 16°07'51" AND A RADIUS OF 204.28 FEET); THENCE S 15°17'02" E, A DISTANCE OF 120.83 FEET; THENCE N 73°42'14" E, A DISTANCE OF 110.86 FEET; THENCE N 28°49'13" W, A DISTANCE OF 138.38 FEET; THENCE N 37°52'06" W, A DISTANCE OF 50.00 FEET; THENCE NORTHEASTERLY, ALONG A NON-TANGENT CURVE TO THE LEFT, 161.08 FEET (SAID CURVE HAVING A DELTA OF 59°49'21", A RADIUS OF 154.28 FEET AND A CHORD BEARING AND DISTANCE OF N 22°13'14" E, 153.86 FEET); THENCE N 07°41'27" W, A DISTANCE OF 41.89 FEET; THENCE NORTHWESTERLY, ALONG A CURVE TO THE LEFT, 209.96 FEET (SAID CURVE HAVING A DELTA OF 40°33'57" AND A RADIUS OF 296.55 FEET; THENCE N 48°15'24" W, A DISTANCE OF 346.59 FEET; THENCE NORTHWESTERLY, ALONG A CURVE TO THE RIGHT, 103.81 FEET (SAID CURVE HAVING A DELTA OF 38°22'28" AND A RADIUS OF 155.00 FEET); THENCE S 80°07'04" W, A DISTANCE OF 235.07 FEET; THENCE N 01°28'36" E, LEAVING SAID BOUNDARY LINE OF THUNDER RIDGE ESTATES, PHASE 1, A DISTANCE OF 158.50 FEET TO AN EXISTING IRON PIN ON THE NORTH LINE OF THE SE1/4 OF THE SW1/4; ALONG THE NORTH LINE OF THE SE1/4 OF THE SW1/4 AS FOLLOWS: THENCE S 87°48'12" E, A DISTANCE OF 237.90 FEET TO AN EXISTING IRON PIN; THENCE S 87°48'11" E, A DISTANCE OF 69.10 FEET TO AN EXISTING IRON PIN ON THE SOUTHERLY BOUNDARY OF DEER CREEK ESTATES, AS PER THE RECORDED PLAT THEREOF, RECORDED IN PLAT BOOK /SLIDE J AT PAGES 369-370, IN THE TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI; THENCE S 32°59'02" W, LEAVING THE NORTH LINE OF THE SE1/4 OF THE SW1/4 AND ALONG THE SOUTHERLY BOUNDARY OF DEER CREEK ESTATES, A



Surveyor's Certification

I HEREBY CERTIFY THAT AT THE REQUEST OF E. D. WOLFE, I HAVE MADE AN ACCURATE AND COMPLETE SURVEY OF THE LAND DESCRIBED HEREIN AND THAT THE SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH THE CURRENT MICHIGAN STANDARD PRACTICES FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT HAVE A SEAL, SIGNATURE OR DATE, SHALL BE VOID. INFORMATION SHOULD BE OBTAINED FROM THE PROFESSIONAL LAND SURVEYOR WHOSE SIGNATURE APPEARS HEREON.

EDDIE D. WOLFE P.L.S. 2190
PATRICK W. BROWN P.L.S. 2013020061
JACK E. HOUSEMAN P.L.S. 2005019222

Surveyed for: X

- LEGEND
- SET IRON PIN
 - 1/2" IRON PIN
 - EXISTING STONE
 - CORNER MONUMENT
 - ▲ RIGHT-OF-WAY BOUNDARY

WOLFE SURVEYING, INC.
EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT)
PATRICK W. BROWN P.L.S. 2013020061 (VICE PRESIDENT)
JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY)
210 South Third Street, Okemos, MI 48864
Phone: 417-334-8820 Fax: 417-334-5151

SHEET: 1 OF 1
W.O. #1454
D.H.C. #
DATE: 10/21/2013

EX. 1/2" IRON PIN
SOUTHEAST CORNER
SE 1/4 SW 1/4
SEC. 16, T29N, R21W



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2006L62816

11/28/2006 04:04:10PM

REAL ESTATE DOCUMENT
TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION

ROBERT A. DIXON

✓ **TANEY COUNTY PLANNING COMMISSION**
DIVISION III DECISION OF RECORD
THUNDER RIDGE ESTATES
SEPTEMBER 18, 2006
#06-48

On September 18, 2006 the Taney County Planning Commission (grantor) approved a request by Dave Everitt (grantee) to develop a residential subdivision. In accordance with this approval a Division III Permit #06-48 is issued for the property located at the attached legal description.

The following Decision of Record details this approval and lists all applicable conditions:

Dave Everitt is authorized to develop 27.06 acres for 43 residential lots and 17 duplexes platted into 34 condominium units located off Bee Creek Road. With eight out of nine Planning Commission members present the vote to approve was unanimous. The following conditions shall be complied with:

1. Compliance with provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
 - b. Stormwater management (Appendix B Item 3)
 - c. Land grading permit (Appendix B Item 3)
 - d. Delineation of the 100 year floodplain (Taney County Floodplain Management Ordinance 60.3B Sec. A)
 - e. Utility easements and building line setbacks (Table 12)
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts (Appendix C)
 - g. Improvements with scale of buildings, streets, onsite parking and utilities (Table 6)
2. Compliance letters from the Fire, Sewer and Water Districts (Chapter VI-VII).
3. No outside storage of equipment or solid waste materials.
4. Division I and II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B)
5. A 50' buffer shall be placed around the property.
6. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

Legal description attached

As the designated official for the Taney County Planning Commission, I hereby issue the foregoing record of decision as detailed above.


Kurt Larsen, Administrator

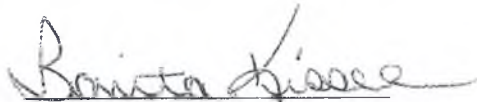
STATE OF MISSOURI)

S.S. On this 10th day of October, 2006

COUNTY OF TANEY)

Before me personally appeared Kurt Larsen 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 2/6/10.


Bonita Kisse
Notary Public





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, MAY 20, 2015, 6:00 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, Mark Weisz, and Alan Lawson. Staff present; Bob Atchley and Bonita Kisse-Soutte.

Mr. Pingleton gave the applicants the option to postpone because there were only three members present. No one chose to postpone.

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

The speakers were sworn in before the hearing.

Public Hearing:

Nathan Burton, request for variance from the County Road Standards at Mountain Grove Road Lot 7 of Paradise Shores Estates. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. He explained that the County now has a separate set of Taney County Road Standards. The standards were previously part of the Development Code as Appendix L, but did not match the County Road Standards so a new set was developed and implemented by the County Road and Bridge Department. The applicant would like to construct the road in accordance with the road standards that were in place at the time the subdivision was developed. The previous standards called for gravel surface but the applicant is not seeking a variance from that but just width which amounts to 6'. Randy Haes, the Road and Bridge Administrator was present to address the issue. Two people signed up to speak to the request. Nathan Burton was present to explain his request. He stated that he bought the property from a Sheriff's sale, and that he wants to bring the property up to better standards so he can sell the lots. There are four lots bordering the road and a retaining

wall. Mr. Weisz asked about the sewer. Mr. Burton stated that he will have it checked out. All the houses in the area are hooked to the one lift station. Mr. Haes stated that he was familiar with the property. He stated that even the previous standards required a 50' right of way and if the road width is changed there would not be room to meet the standards. The retaining wall is unstable and in Mr. Haes opinion needs to be reconstructed. He feels that four lots would be too dense. Mr. Lawson discussed the retaining wall. Mr. Haes stated that if the County accepted this road it would fall into the snow removal plan for the County. He stated that the retaining wall was not constructed properly the reason it is failing. Discussion followed. Mr. Lawson asked what the County would need to make this request compliant. Mr. Haes answered that it would need to be brought up to current County Road Standards. Terry Beck who lives in the area signed up to speak but declined stating he didn't have any objections. Mr. Atchley stated that all the lots would have to meet the standards of the Code, and Sewer District requirements. Mr. Burton addressed the statements brought forward by the Board. He reported that all the state standards as far as the wastewater had been met. He also pointed out that he bought the property as is and he wasn't the one who built the retaining wall. An asphalt company has been retained by Mr. Burton. Mr. Pingleton stated that in his opinion the biggest issue would be the retaining wall. Mr. Atchley clarified that when he wrote the proposed decision of record he was basing it on width. Mr. Burton stated that his plan was to asphalt the road. Mr. Haes is looking for curb and gutter. Mr. Burton pointed out that there are only four lots affected. Mr. Pingleton stated that this road could access the lake in the future. Mr. Weisz clarified that Mr. Burton was not planning to plat anymore lots past the cul de sac in the future. County maintenance ends farther up the hill. After the public hearing was closed, Mr. Weisz stated that in his opinion this is not high density and that some of the rules should not have to apply. Mr. Haes presented a cross section of a typical road that would be similar to this road, and that with smaller lots there would be more cars parking on the road, along with trash trucks and busses and other vehicles requiring more room. Mr. Pingleton asked if it was reduced 6' would that cause a problem. Mr. Haes stated that the right of way would stay the same, the wall could be reconstructed and lots replatted. To do that would cause the County problems in the future. Mr. Lawson clarified the wall was in the wrong place. Mr. Burton explained what would be necessary in moving the wall. Mr. Weisz made a motion to approve based upon the decision of record. Mr. Lawson stated that in his opinion there will be more problems similar to this one and as long as Mr. Burton complied with the road standards, maintained the cul de sac to county road standards and, the retaining wall, he would second the motion. The motion with changes to the decision of record was unanimous.

Terry Gentle, request for a variance from the Setback requirements from the Taney County Development Guidance Code from sides and front of property located at 2275 St. Hwy. O Kisse Mills. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Mr. Gentle clarified the request and stated that he and his wife want to retire back to this area and live in the house which was built before Planning and Zoning, and not in compliance with the current Code. Mr. Pingleton

clarified that this would be the same setback that was granted for the storage shed on the same property. With no other discussion a motion was made by Mr. Lawson to approve based upon the decision of record. Seconded by Mr. Weisz. The vote to approve was unanimous.

Charles & Denise Hurst, request for a variance from the minimum lot size requirements from the Taney County Development Guidance Code in order to divide the property located at 472 St. Hwy. M and 255 Ridge Road, Kisse Mills. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Mr. Hurst clarified his request and stated that he needed to split the property for the bank to refinance. They will not refinance a property with two structures. Mr. Hurst is renting the single wide mobile home at this time, and does not want to ask the renter to leave. He stated that when the person does move he plans to remove the mobile home. With no discussion a motion was made by Mr. Weisz to approve based upon the decision of record, and seconded by Mr. Lawson. Mr. Weisz clarified his motion by stating that he did not see any harm to the public good by granting this request. Mr. Lawson agreed. The vote to approve was unanimous.

Review and Action:

Minutes, April 2015; with no additions or corrections a motion was made by Mr. Weisz to approve the minutes as written. Seconded by Mr. Lawson. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Atchley reported there are three requests on the agenda for next month.

Adjournment:

With no other business on the agenda for May 20, 2015 the meeting adjourned at 7:24 p.m.