



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653  
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861  
website: [www.taneycounty.org](http://www.taneycounty.org)

### **AGENDA TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MARCH 15, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

*Establishment of Quorum  
Explanation of Public Hearing Procedures  
And Presentation of Exhibits by the Administrator  
Governing Statutes*

#### Public Hearings:

*Ozark Mountain Ventures, LLC-Variance  
Kanakuk Ministries-Variance*

#### Rehearing:

*Emerald Pointe, LLC-Appeal – POSTPONED UNTIL APRIL 19, 2017*

#### Review and Action:

*Minutes; February 15, 2017*

#### Old and New Business.

*Tentative*

#### Adjournment.



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### **TANEY COUNTY BOARD OF ADJUSTMENT**

### **DIVISION III STAFF REPORT**

**MARCH 15, 2017**

### **OZARK MOUNTAIN VENTURES**

**#2017-1V**

Ozark Mountain Ventures is requesting a variance from the March 21, 2016 Planning Commission Decision of Record permit #2015-0029 condition 3. "Prior to opening of the Premier Landscape Supply business (retail sales to the general public) the applicant shall ensure that an easement of 50 feet in width is provided from the end of Adair Road to the southern property line of the property in question. Said easement shall be filed with the Taney County Recorder of Deeds Office".

On March 21, 2016 the Planning Commission approved permit #2015-0029 for Ozark Mtn. Ventures to relocate the existing Premier Landscapes business to the property at 250 Adair Road, Branson, MO. The property is +/- 23.9 acres in size and is accessed by Adair Road from the Ozark Mountain High Road. Premier Landscapes specialized in new commercial and residential landscape installations which includes: irrigation systems, retaining walls, sod installation, ground grading, shrub & plant installation, etc. Premier Landscape Supply will be utilized as a retail sales center for landscape materials of all kinds that would be sold to the general public. Within the decision of record condition 3 states that "Prior to opening of the Premier Landscape Supply business (retail sales to the general public) the applicant shall ensure that an easement of 50' in width is provided from the end of Adair Road to the southern property line of the property in question. Said easement shall be filed with the Taney County Recorder of deeds office. Mr. Gunter has indicated to the Taney County Planning staff that the 50' easement will be impossible to obtain for the following reasons:

1. The owner of the property to the west and adjacent to the Ozark Mountain Ventures property will not grant them an easement.
2. An immovable billboard and a bank of electrical meters on the west side of the road prevent them from obtaining an easement.
3. The property on the east is already subject to a MoDot easement and therefore they are unable to expand the road to the east.

Per the requirements of Missouri Revised Statutes the Board of Adjustment shall 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.”

If the Taney County Board of Adjustment approves Variance Request Case #2017-0002V, the following requirements shall apply, unless revised by the Board:

1. Approval of a variance from the twenty five (25) foot front property line setback to a six (6) foot front property line setback.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).



BOOK PAGE  
**2016L13264**  
 04/27/2016 11:20:17AM  
 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**  
**PROJECT: PREMIER LANDSCAPES, LLC**  
**APPLICANTS: OZARK MOUNTAIN VENTURES, LLC – SHANE GUNTER &**  
**AMY LEGG**  
**MARCH 21, 2016**  
**PERMIT# 2015-0029**

On March 21, 2016 the Taney County Planning Commission (grantor) approved a Division III Permit request by Ozark Mountain Ventures, LLC – Shane Gunter and Amy Legg (grantee) allowing for the relocation of the existing Premier Landscapes business to the property located at 250 Adair Road, Branson, MO. In accordance with this approval, Division III Permit #2015-0029 is issued for the property located at the legal description below:

A PART OF THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 5 (5), TOWNSHIP TWENTY-THREE (23) NORTH, RANGE TWENTY-ONE (21) WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIVE (5); THENCE NORTH 88 DEGREES 18' 35" EAST ALONG THE NORTH LINE OF THE SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) 1061.27 FEET TO A POINT ON THE WESTERLY R/W LINE OF US HIGHWAY NO 65; THENCE SOUTH 01 DEGREE 55' 07" EAST ALONG SAID R/W LINE 121.53 FEET; THENCE SOUTH 10 DEGREES 35' 30" WEST ALONG SAID R/W LINE 305.16 FEET; THENCE SOUTH 21 DEGREES 00' 59" EAST ALONG SAID R/W LINE 211.81 FEET; THENCE SOUTH 00 DEGREES 29' 24" EAST ALONG SAID R/W LINE 93.57 FEET; THENCE SOUTH 08 DEGREES 48' 17" WEST ALONG SAID R/W LINE 467.07 FEET; THENCE SOUTH 01 DEGREE 39' 23" EAST ALONG SAID R/W LINE 300.00 FEET; THENCE SOUTH 26 DEGREES 55' 39" EAST ALONG SAID R/W LINE 197.74 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF (N1/2) OF THE NORTH HALF (N1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIVE (5); THENCE SOUTH 88 DEGREES 08' 50" WEST ALONG SAID SOUTH LINE 33.12 FEET TO A POINT IN THE CENTERLINE (C/L) OF A 60 FOOT ROAD EASEMENT; THENCE NORTH 26 DEGREES 55' 39" WEST ALONG SAID C/L 68.38 FEET; THENCE NORTHWESTERLY ALONG A 7.1620 DEGREE CURVE TO THE LEFT AND ALONG SAID C/L 256.18 FEET (SAID CURVE HAVING A RADIUS OF 800.00 FEET); THENCE NORTH 45 DEGREES 16' 29" WEST ALONG SAID C/L 664.59 FEET; THENCE NORTHWESTERLY ALONG A 4.5837 DEGREE CURVE TO THE RIGHT AND ALONG SAID C/L 374.88 FEET (SAID CURVE HAVING A CHORD BEARING AND DISTANCE OF NORTH 36 DEGREES 41' 00" WEST 373.48 FEET AND HAVING A RADIUS OF 1250.00 FEET); THENCE SOUTH 88 DEGREES 51' 01" WEST 190.32 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION FIVE (5); THENCE NORTH 01 DEGREE 08' 59" WEST ALONG SAID WEST LINE 589.91 FEET TO THE POINT OF BEGINNING, IN TANEY COUNTY, MISSOURI.

TOGETHER WITH A 30 FOOT ROAD EASEMENT AS SET OUT IN WARRANTY DEED RECORDED IN BOOK 241, PAGE 288 OF THE TANEY COUNTY RECORDER'S OFFICE, TANEY COUNTY, MISSOURI.

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

Ozark Mountain Ventures, LLC is authorized to utilize the +/- 23.90 acre meets and bounds described tract of land, as the new location for Premier Landscapes and also Premier Landscape Supply, located at 250 Adair Road, Branson, MO (Parcel # 08-3.0-05-000-000-043.001). Premier Landscapes specializes in new commercial and residential landscape installations which include: irrigations systems, retaining walls, sod installation, ground grading, shrub / plant installation etc. Premier Landscape Supply will be utilized as a retail sales center for landscape materials of all kinds that would be sold to the general public, which would include such things as: assorted gravel, assorted mulch, retaining wall blocks, pavers, firewood, straw, seed, landscape lighting, boulders, stacking rock, topsoil, planting pots, lawn ornaments, etc. With all nine (9) Planning Commissioners present, the Planning Commission approved Division III Permit # 2015-0029 by unanimous vote.

The following conditions shall be complied with:

1. Compliance with the provisions of the Taney County Development Guidance Code and the Taney County Road Standards that include plans for the following:
  - a. Sediment and erosion control (Section 4.1.1).
  - b. Stormwater management or demonstration that the project will comply with the impervious surface limitations of Table H-1.
  - c. Land Grading Permit for all non-agricultural land disturbances of over one acre (Appendix F).
  - d. Utility easements and building line setbacks (Table 12).
  - e. Improvements with scale of buildings, streets, onsite parking and utilities (Table 6).
2. Compliance letters from the Western Taney County Fire Protection District, the Missouri Department of Natural Resources (MoDNR), the On-Site Wastewater Permitting Division of the Planning Department, the Missouri Department of Transportation (MoDOT) and the Taney County Road & Bridge Department 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. Prior to the opening of the Premier Landscape Supply business (retail sales to the general public) the applicant shall ensure that an easement of 50 feet in width is provided from the end of Adair Road to the southern property line of the property in question. Said easement shall be filed with the Taney County Recorder of Deeds office.
4. The portion of the roadway at the end of Adair Road shall be improved in compliance with the Taney County Road Standards. The roadway improvements shall be completed prior to the issuance of the Division II Certificates of Conformance (C of Cs). The applicant shall allow for all road improvements to be inspected by the Taney County Road & Bridge Department.
5. This decision is subject to all existing easements.

6. Division II Permits shall be required for all applicable structures in the development (Chapter 3, Section 1, Item B).
7. 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.
8. 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).



Prior to the opening of the Premier Landscape Supply business (retail sales to the general public) by Ozark Mountain Ventures, LLC, the Taney County Planning Commission requested that we ensure that an easement of 50 feet in width is provided from the end of Adair Road to the southern property line of the property in question, 250 Adair Road, Branson, Missouri 65616. It is our understanding that the Planning Commission wanted us to have the ability to open the Premier Landscape Supply business but members of the Planning Commission felt strongly that Adair Road should be improved and that a 50' wide easement be obtained prior to the opening of the retail side of the business.

We have come to learn, however, that obtaining the requested 50' easement will be impossible and we are seeking a variance from the requirement that we obtain a 50' easement.

The reasons we are unable to have a 50' road easement are that (1) the owner of the property to the west and adjacent to our property will not grant us an easement, (2) there is an immovable billboard and a bank of electrical meters on the west side of Adair Road that prevent us from obtaining an easement, and (3) the property on the east side of Adair Road is already subject to a MoDOT easement and therefore we are unable to expand the road to the east.

Due to the foregoing, Ozark Mountain Ventures, LLC respectfully request that the Taney County Planning Commission grant a variance to the requirement that we have a 50' road easement.













FOR LEASE 818-491-2382

David & Miller  
1000 N. ...





**BRANSON**  
**WELCOME CENTER**  
FREE PARKING  
RESTROOMS

**EXIT**  
TURN RIGHT  
4.5 MILES  
Shepherd of the Hills  
Expressway







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**TANEY COUNTY BOARD OF ADJUSTMENT**  
**DIVISION III STAFF REPORT**  
**MARCH 15, 2017**  
**KANAKUK MINISTRIES SETBACK VARIANCE REQUEST**  
**#2017-2**

Kanakuk Ministries is planning to remove a K-1 girl's cabin that is currently five (5) feet from the front property line and replace the cabin with a new two (2) story cabin that will set six (6) feet from the front property line. Two (2) buildings will be removed along with a portion of a third building to make room for the new girl's cabin.

The applicant is requesting a variance from the provisions of Section 7, Table 1, (setbacks) of the Taney County Development Guidance Code concerning the twenty five (25) front property line setback on a County Road.

Kanakuk K-1 Camp is proposing to remove an older girls cabin and replacing it with a new cabin that will have to meet the requirements of the Western Taney County Fire District's code before occupancy. The six (6) foot setback will be more conforming than the current five (5) feet the building sets from the property line now. K-1 Camp is currently served by Taney County Regional Sewer District for waste water.

Per the requirements of Missouri Revised Statutes the Board of Adjustment shall 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 conditions 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 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."

If the Taney County Board of Adjustment approves Variance Request Case #2017-2 V, the following requirements shall apply, unless revised by the Board:

1. Approval of a variance from the twenty five (25) foot front property line setback to a six (6) foot front property line setback.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).



















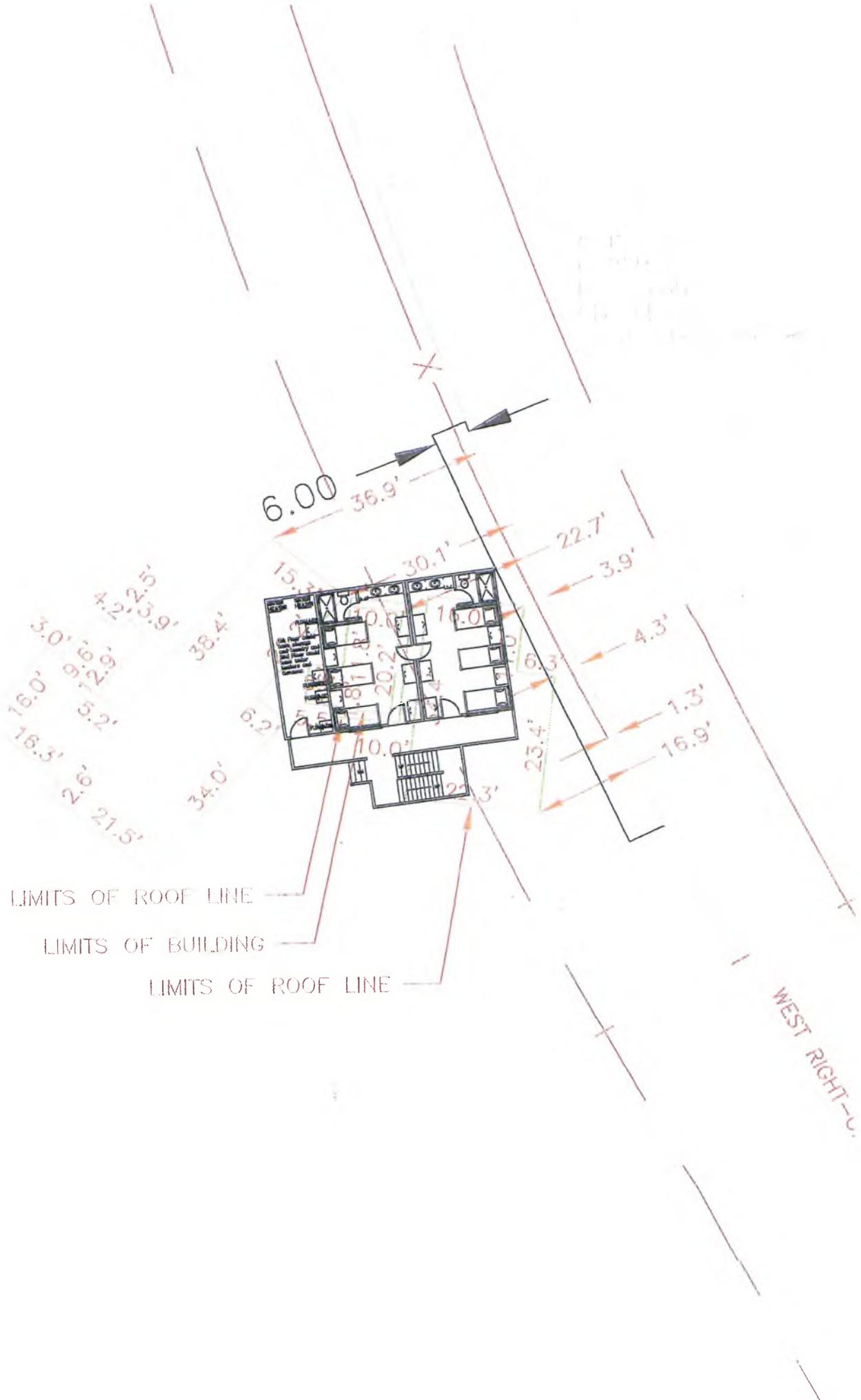
LIMITS OF ROOF LINE

LIMITS OF ROOF LINE

LIMITS OF BUILDING

LIMITS OF ROOF LINE

WEST RIGHT-OF-WAY

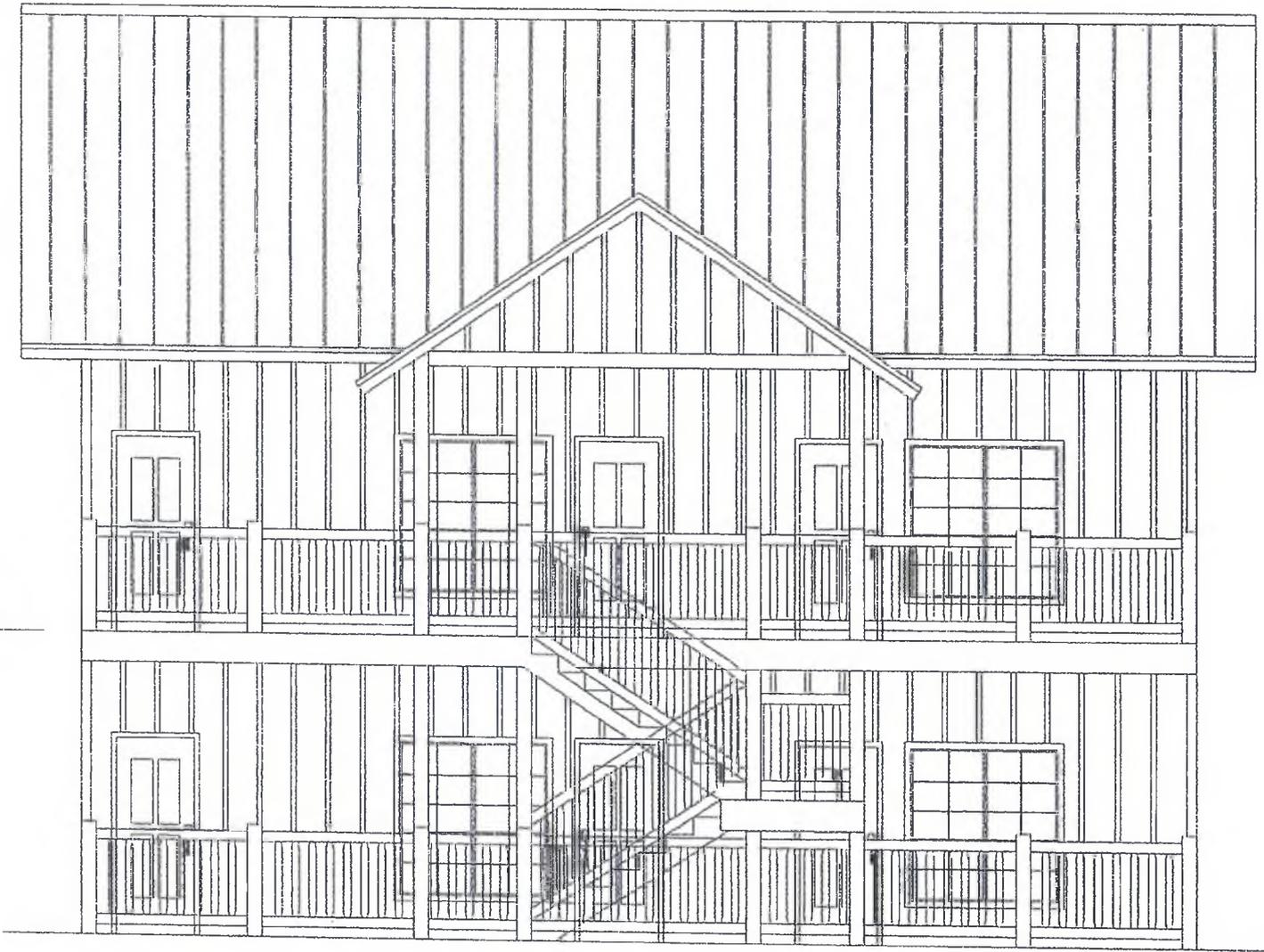


PEAK ELEVATION  
130'-10"

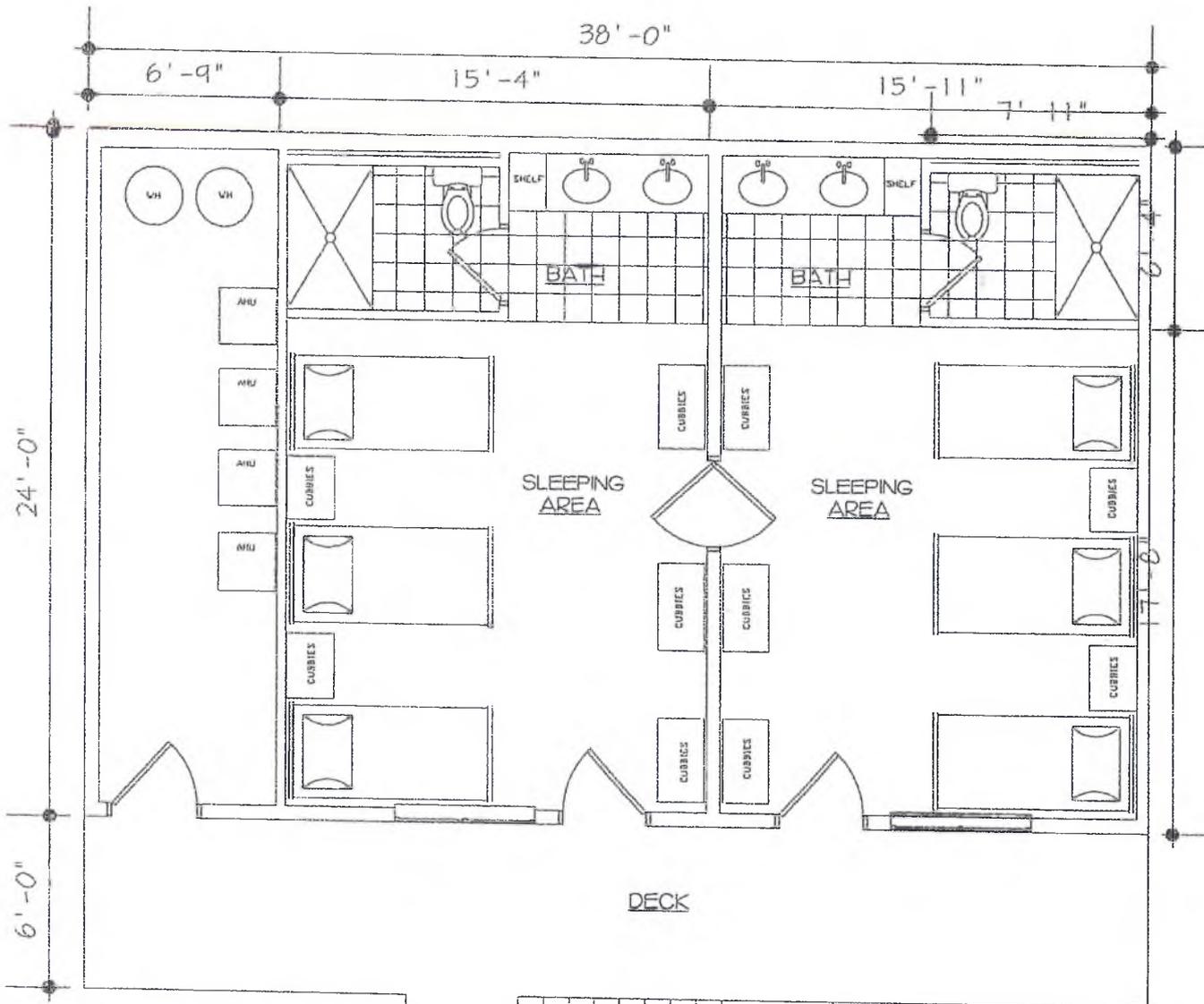
EAVE HEIGHT  
119'-0"

2ND FIN. FLR.  
110'-0"

1ST FIN. FLR.  
100'-0"

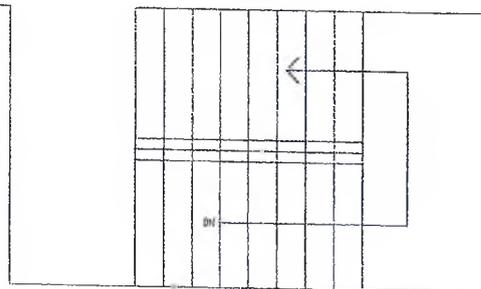


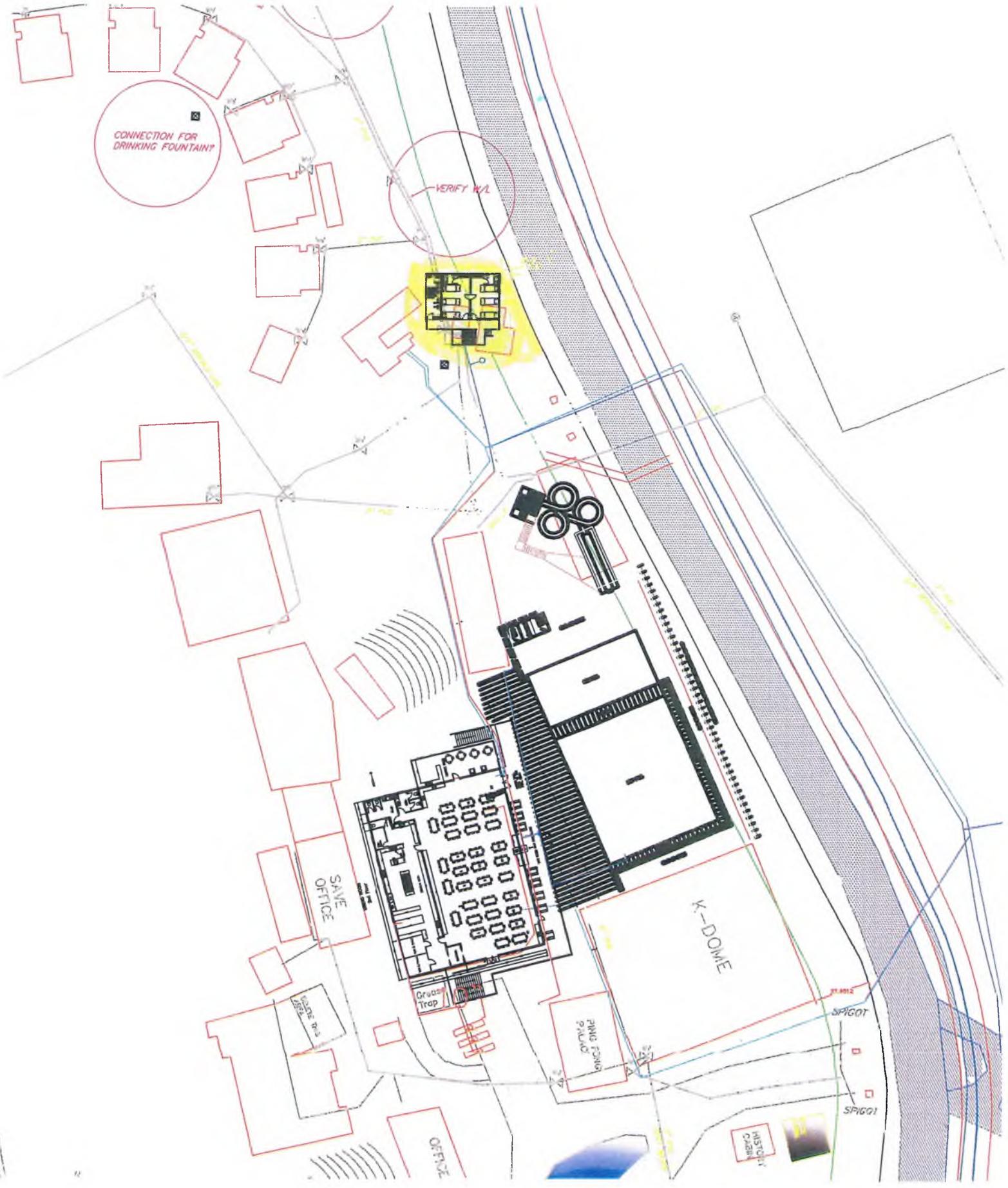
**FRONT ELEVATION**



**FLOOR PLAN**

TYP. UP / DOWN





CONNECTION FOR DRINKING FOUNTAIN?

VERIFY W/L

SAVE OFFICE

K-DOME

PUMP ROOM

OFFICE

HISTORIC CABIN

SP1G01

SP1G01

## Scott Starrett

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**From:** Bruce Menke [bmenke@snadonproperties.com]  
**Sent:** Monday, March 06, 2017 3:18 PM  
**To:** Scott Starrett  
**Cc:** Vincent F. O'Flaherty; Shane Naugher; Tom Boyce  
**Subject:** Emerald Pointe Public Hearing March 15, 2017

Scott,

Per our telephone conversation, please accept this e-mail as our formal request to postpone the upcoming scheduled public hearing meeting until the April meeting. Due to unforeseen circumstances, neither our legal counsel, Vincent F. O'Flaherty or Tom Boyce are available for the March meeting. We need both of them in attendance.

If there is something different I need to do to effect the postponement, please let me know. The best way to reach me is on my cell phone (417) 294-0366 or by e-mail at [bmenke@snadonproperties.com](mailto:bmenke@snadonproperties.com)

Thank you,

*Bruce D. Menke*

Chief Operations Officer  
Shepherd of the Hills Property Management  
(417) 332-1099 ext. 4103

## Devin Huff

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**From:** John Bruns [JohnBruns@WhiteRiver.org]  
**Sent:** Friday, February 17, 2017 7:07 AM  
**To:** Devin Huff  
**Subject:** Phase 12 Emerald Bay/Shores  
**Attachments:** 2017 February 16 Emerald Bay phase 12.docx

Here are some of the issues that the linemen have conveyed to me and others in phase 12 during the original construction phase of this project and they continue to have to deal with these same issues as they are trying to complete the installation, feel free to share this with whomever you want too. Thanks

### John Bruns

Manager of Materials, Metering, and Dispatch

White River Valley Electric Cooperative  
2449 State Highway 76 East  
Branson, MO 65616  
Telephone: 417-335-9335 / Fax: 417-335-9249

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February 16, 2017

To whom it may concern:

Issues that White River Valley Electric Coop has experienced with Emerald Bay/Shores phase 12:

The roads are very steep and so are the slope grades along the roads. The curbing that is supposed to divert the water and debris is not working due to the steepness of the roads and slopes along the roads.

We continue to have issues with water, mud and road material eroding during rain which causes run off along and on the roads which has caused many issues for White River Valley Electric Coop. Our employees have had to dig out some of the concrete vaults already while when we have been trying to install our underground electric conduits, vaults, pads, equipment and wire.

The roads and their conditions continue to deteriorate due to the fact that they are so steep, we even have to leave an employee in the truck to apply the break so our trucks do not roll off while we are trying to perform our work.

We have noticed continual run off which has filled our primary and secondary concrete vaults full of water, road material, mud and rocks that have washed down the steep hill sides. We will have to remove some of our existing vaults in order to clean out the debris and materials that have washed down into our vaults so we can access our conduits that have been buried in the vaults. Something will need to be done with the steep roads and slopes along the roads before we can install anymore wire into our existing conduits which are buried in the vaults.

Once we clean out the debris, mud and rocks from the vaults we may also have to flush out our conduits before we can install any wire after we clean out the vaults to see how much water, mud and debris has been washed into the conduits.

We fear after we get all of our wire and equipment installed that as time goes on we may continue to have issues with the water run off washing our cabinets off of the concrete pads or we they may continue to be filled with water, mud and debris which are not conducive to electric equipment and their performance. We have been very hesitant in completed the installation of our underground equipment and wire due to these issues.

Sincerely,

John R. Bruns  
Manager of Engineering, Metering and Plant Services



# WESTERN TANEY COUNTY FIRE PROTECTION DISTRICT

221 JEFFERSON ROAD • BRANSON, MO 65616 • OFFICE 417.334.3440 • FAX 417.334.3446

February 28, 2017

To Whom It May Concern,

Today, I drove a portion of the subdivision called Phase XII at Emerald Point. I had seen the roads being built off Hwy 265, however I was never on the road. What I found was mostly gravel roads with a small paved portion. All the roads have some type of gutter, which is of poor quality and falling apart in some areas. The roads are extremely steep and they are impassible with a firetruck. This would be somewhat improved if the road would be paved, however only if the roads are dry. The slopes on the roads are so steep that I don't feel we can take a firetruck on them if the pavement would be wet, or even worse, if they are covered with any type of winter precipitation.

Even for the resident, I cannot see how they can get in and out of their subdivision if the roads are anything but dry. The roads are steep and long without any runoff for water. All the rain water will go down the roads, which will be a problem in the low-lying areas, where all the water pools.

To proceed the development of Phase XII at Emerald Point, as it is currently laid out, will be a mistake and very dangerous for the future resident. In addition, we cannot respond to any type of emergency in the subdivision in a timely matter, since the crews more than likely must walk to the incident, since the roads are too steep for a firetruck.

Sincerely,

A handwritten signature in black ink that reads "Chris Berndt". The signature is written in a cursive, flowing style.

Chris Berndt, Fire Chief and  
Taney County Emergency Manager

PROUDLY SERVING THE CITIZENS OF

BULL CREEK | HOLLISTER | KIRBYVILLE | MERRIAM WOODS | MINCY | RIDGEDALE | ROCKAWAY BEACH | WALNUT SHADE



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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, FEBRUARY 15, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Dan Boone called the meeting to order and established a quorum with four members present. They were: Dan Boone, Howard Kitchen, Tony Mullen, and new member Trent Edwards. Staff present: Scott Starrett and Bonita Kissee-Soutee.

#### Election of Officers:

Mr. Boone asked for nominations. Mr. Kitchen made a motion to keep the current officers. Tony Mullen seconded. The vote to keep the same officers was unanimous. Mr. Boone is Chairman and Mr. Kitchen is the Vice-Chairman.

#### Explanation of Request for Reconsideration Hearing:

Mr. Starrett explained the process of reconsideration, and placed the Development Guidance Code as Exhibit A, the staff files including all pertinent information as Exhibit B, and the Board of Adjustment bylaws as Exhibit C.

#### Governing Statutes:

The state statutes were not read as they were not applicable for this hearing.

#### New Business:

Request for Reconsideration, Emerald Pointe LLC; the Board discussed whether to rehear this request at the March 15, 2017 meeting. Mr. Mullen asked for the amount of the security bond. The applicant did not have this. He also asked for his input from Mr. Haes, the Road and Bridge Administrator for a bond amount as well. Mr. Kitchen asked if these amounts could be arrived at if the applicant was prepared to abide by them. Legal counsel for the applicant stated that they were working on obtaining a letter of credit. Mr. Starrett presented the staff recommendations. With no other discussion a motion was made by Mr. Mullen to rehear. Mr. Kitchen seconded. The vote to rehear was unanimous and the appeal will be reheard March 15, 2017.

#### Review and Action:

Minutes, January 2017; With no additions or corrections a motion was made by Mr. Mullen to approve the minutes as written. Seconded by Mr. Kitchen. The vote to approve the minutes was unanimous.

Old Business:

No discussion.

Adjournment:

With no other business on the agenda for February 15, 2017 the meeting adjourned at 6:10.