



TANEY COUNTY PLANNING COMMISSION

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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

TOKEN PROPERTIES

NOVEMBER 19, 2008

#08-4

Public Hearing for Token Properties, located at 1660 Hill Haven Road, in the Oliver Township, Sec. 35 Twp. 23 Rng. 21.

The applicant, Eric Token has three variance requests, for parking, roadway width, and road gradient.

History: The applicant applied for a Concept before the Planning Commission July 2008, with the Planning Commission suggesting that since the Code requirements could not be met, the applicant should apply to the Board.

General Description: The subject property contains 8 acres and is located off Hill Haven Road. The adjoining properties to the development consist of residential and multi-use.

Review: The variance request will consist of Lot 4 to be created at less than the 2 acre minimum (Taney County Development Guidance Code, Page 19 Sec. 5.3, Item 5.31 and 5.32), for the property owners to utilize as a parking lot, and to allow a 30' roadway easement instead of the 50' requirement, with the driving surface to be 20', and to allow a grade of 22% on one section of road and 18% at another rather than the required 15%. A policy checklist has been done on this project with a score of -54.

Summary: If the Taney County Board of Adjustment approves these variances, the following requirements shall apply, unless revised by the Board:

1. Lot 4 to be used as a parking lot, to become part of Lot 1A if boat dock ceases to exist.
2. 30' roadway width with 20' driving surface.
3. 22% road gradient for one section and 18% on the other.
4. Compliance letter from the Fire District. (Chapter VI-VII)
5. All other provisions of the Taney County Development Guidance Code met.
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).

Project: Hill Haven Boat Dock Parking

Permit: 08-04 boa

	Max. Possible	As Scored	%	Total Negative Scores	
Scoring	55	-54	-98.2%	9	40.9%

	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	15	-35	4	66.7%
sewage disposal	10	0		
off-site nuisances	0	0		
diversification				
emergency services	0	-10		
right-of-way/roads	5	-10		
emergency water supply	0	-10		
waste disposal service	0	-5		
waste disposal commitment				
Importance Factor 4	16	-12	2	50.0%
slopes	0	-8		
use compatibility	0	0		
pedestrian circulation	8	-8		
underground utilities	8	4		
Importance Factor 3	12	3		
soil limitations	0	0		
building bulk/scale				
waste containers screening				
outdoor equip storage				
industrial buffer / screening				
right to farm	0	0		
right to operate	0	0		
mixed-use developments	6	3		
development patterns				
development buffering				
water system service	6	0		
Importance Factor 2	12	-10	3	50.0%
wildlife habitat and fisheries	0	0		
air quality	0	0		
building materials				
residential buffer / screening	4	0		
residential privacy	4	-2		
traffic	0	-4		
pedestrian safety				
usable open space	4	-4		
Importance Factor 1				
lot coverage	0	0		
rooftop vents / equipment				
bicycle circulation				

Scoring by:

Date:

Project: Hill Haven Boat Dock Parking

Permit#: 08-04 boa

Policies Receiving a Negative Score	
Importance Factor 5:	emergency services right-of-way/roads emergency water supply waste disposal service
Importance Factor 4:	slopes pedestrian circulation
Importance Factor 3:	
Importance Factor 2:	residential privacy traffic usable open space
Importance Factor 1:	

Scoring by:

Date:

DESCRIPTION

ALL UP LOTS 1, 2, AND 3 OF HILL HAVEN ESTATES, A SUBDIVISION PER THE RECORDED PLAT THEREIN IN S35-T22N-R22W, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION PER DEED (BK. 2007, PG. 20102):

A TRACT OF LAND SITUATED IN THE NW1/4 OF THE NW1/4, SECTION 35, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NW1/4 OF THE NW1/4 OF SECTION 35, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, THENCE N 70° 36' E ALONG THE EAST LINE OF SAID NW1/4, 480.15 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING N 30° 00' E 525.16 FEET TO A POINT ON THE GOVERNMENT FEE TAKE LINE OF TABLE ROCK LAKE, THENCE N 68° 07' 57" W AND ALONG SAID GOV. FEE TAKE LINE 195.22 FEET, THENCE S 54° 27' 02" W 2,014.34 FEET, THENCE LEAVE SAID GOV. FEE TAKE LINE 22° 00' E, 826.04 FEET, THENCE N 57° 40' 07" E, 158.43 FEET, THENCE S 87° 50' 07" E 755.36 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 8.12 ACRES, MORE OR LESS, EXCEPT 3/4 PART TAKEN OR USED FOR ROADS, TOGETHER WITH A ROADWAY EASEMENT BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF THE ABOVE DESCRIBED TRACT, THENCE N 27° 57' W 87.09 FEET, THENCE S 49° 50' W 131.30 FEET, THENCE S 24° 35' E 54.85 FEET, THENCE N 42° 29' E 113.01 FEET TO THE POINT OF BEGINNING.

DECLARATION

THE UNDERSIGNED OWNER OF THE PARCEL OF LAND DESCRIBED IN THE FOREGOING SURVEYOR'S DESCRIPTION HAS CAUSED SAID PARCEL TO BE SURVEYED AS SHOWN ON THIS PLAT AND HEREAFTER KNOWN AS REPLAT OF HILL HAVEN ESTATES.

IN WITNESS WHEREOF, ERIC T. TOLAN, MANAGER OF T2 EQUITY, LLC, HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS _____ DAY OF _____ 2008.

T2 EQUITY, LLC

ERIC T. TOLAN, MANAGER

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____ 2008, BEFORE ME PERSONALLY APPEARED ERIC T. TOLAN OF T2 EQUITY, LLC, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING, AS MANAGER OF T2 EQUITY, LLC, A LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME AS THE FREE, VOLUNTARY AND UNIMPEDED ACT AND DEED OF SAID LIMITED LIABILITY COMPANY AND IS ACTING FOR AND ON BEHALF OF AND AS MANAGER OF SAID LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY NOTARIAL SEAL AT MY OFFICE IN SAID COUNTY, AND STATE THE DAY AND YEAR LAST WRITTEN ABOVE.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF _____

COMMISSIONED IN _____ COUNTY

KNOW ALL MEN BY THESE PRESENTS:

THAT CHAMPION BANK, OWNER OF DEED OF TRUST DATED MAY 4, 2007, AND RECORDED IN THE OFFICE OF THE REGISTRAR OF DEEDS OF TANEY COUNTY, MISSOURI, IN BOOK 2007 AT PAGE 20133, WHICH DEED OF TRUST DESCRIBES THE LAND INCLUDED AND MORE PARTICULARLY DESCRIBED HEREIN AS REPLAT OF HILL HAVEN ESTATES, SITUATED IN THE NW1/4 OF THE NW1/4 OF SECTION 35, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, DOES HEREBY JOIN IN THE DEDICATION OF THE ABOVE DESCRIBED PARCEL AND CONSENTS TO THE FILING OF SAID PLAT.

CHAMPION BANK

ATTEST: _____

LANE ALPERT

STATE OF _____

COUNTY OF _____

ON THIS _____ DAY OF _____ 2008, BEFORE ME APPEARED LANE ALPERT TO ME PERSONALLY KNOWN WHO, BEING BY ME DULY SWORN SO SAYS: THAT HE IS THE _____ OF CHAMPION BANK, AND THAT SAID INSTRUMENT WAS SIGNED AND SEALED IN BEHALF OF SAID BANK BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND ACKNOWLEDGED SAID INSTRUMENT TO BE THE FREE ACT AND DEED OF SAID BANK.

IN TESTIMONY WHEREOF, I HERETO SET MY HAND AND AFFIX MY NOTARIAL SEAL AT MY OFFICE IN _____ THE DAY AND YEAR FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC, STATE OF _____

COMMISSIONED IN _____ COUNTY

NOTES

(1) THE ABOVE DESCRIBED PROPERTY IS TOGETHER WITH AND SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

(2) PROPERTY IS SUBJECT TO MINIMUM BUILDING SETBACKS OF 15' FRONT, 7' SIDE AND 10' REAR, MEASURED TO THE ROOF OVERHANG, PER TANEY COUNTY DEVELOPMENT CODE.

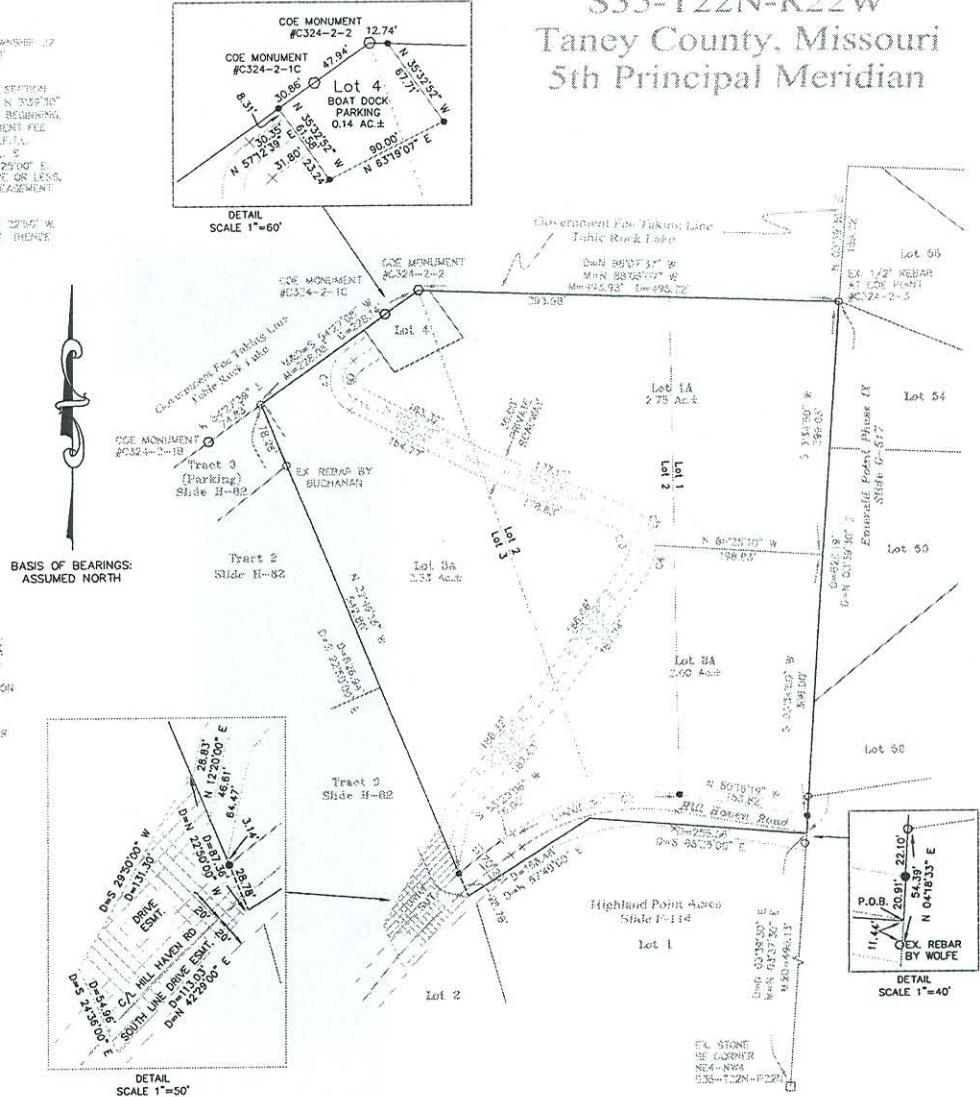
SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LANDS DESCRIBED HEREON AND FOUND CONDITIONS TO BE AS INDICATED. THIS SURVEY IS IN ACCORDANCE WITH STANDARDS ADOPTED BY THE MISSOURI BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

LARRY A. GARDNER

R.L.S. 1458

A Replat of Hill Haven Estates S35-T22N-R22W Taney County, Missouri 5th Principal Meridian



Attachment A.

