



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

STAFF REPORT

BOBBY BATY, JR.

JANUARY 12, 2009

#08-10

Public Hearing for Bobby Baty, Jr. located at 286 Wabash Lane, in the Branson Township, Sec. 21 Twp. 23 Rng. 21.

The applicant is requesting an appeal of the Taney County Planning Commission decision to approve an automobile repair shop at 282 Wabash Lane.

History: The Taney County Planning Commission approved a request by Gail Layton for an automobile repair shop November 17, 2008, next door to the applicant's property.

General Description: The subject property contains 9.8 acres and is located off Wabash Lane. The adjoining properties consist of residential.

Review: The appeal is to revoke the previous approval.

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

1. Permit #08-63 is revoked.
2. All other provisions of the Taney County Development Guidance Code met.
3. 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).



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APPLICATION and AFFIDAVIT FOR VARIANCE OR APPEAL

(Circle one)

Variance (\$25.00) Appeal (\$75.00)

PLEASE PRINT

Applicant Bobby Baty, Jr. (417) 337-1865 Cell
Phone (417) 334-1313 Home

Address, City, State, Zip 286 Wabash Lane, Branson, MO 65616

Representative _____ Phone _____

Owner of Record Bobby O. Baty, Jr.

Signature: Bobby O. Baty, Jr.

Name of Project: Layton Auto Repair Shop

Section of Code Protested: (office entry) _____

Address and Location of site: 282 Wabash Lane, Branson, MO 65616

Off Bee Creek Road

Subdivision (if applicable) Northview Heights

Section 21 Township 23 Range 21 Number of Acres or Sq. Ft. 9.8 acres

Parcel Number 08-5.0-21-000-001-002.000

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

Required Submittals:

- ☐ Typewritten legal description of property involved in the request
- ☐ Alphabetical list of all property owners within 600 feet of the request
- ☐ 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:

We would like for the Board of Adjustment to overturn the decision granting a special use permit for Gail Layton to operate an auto repair shop at 282 Wabash Lane, Branson, MO. Our home sits approximately 110 feet past the auto repair shop. The view from our house is of a 30 x 60 foot metal building with cars and trucks lined up waiting for repair. When this building was constructed in 2004, we were told that Mr. Layton had applied for a building permit to build a building to house his personal vehicles. When vehicles started lining up for repairs in early 2005, we took a couple of pictures (see Exhibit A) and called planning and zoning to make sure this was not supposed to be going on. We were told that until Mr. Layton put up a business sign, there was nothing the county could do, but that we could file a civil lawsuit. When we received notice by mail in October, 2008 of Mr. Layton's request to formally open shop, we took a few more pictures of the business from the decks of our home (see Exhibits B-1 through B-5).

When we purchased our land in December, 1989, one of the four restrictions on our warranty deed stated: "The real estate shall be used for residential purposes only and any home erected thereon shall contain a minimum of at least 1200 square feet on each floor thereof". In talking with our neighbors on Wabash Lane, their deeds state this same thing, as does the Layton's. We all entered into land/home ownership knowing that we would be living in a restricted, residential only, neighborhood.

As evidenced by the signed petitions submitted with this appeal, 8 of the 10 households (80% of the Layton's neighbors) on Wabash Lane are against the opening of this auto repair shop, and one of the remaining two no longer lives on Wabash Lane. Wabash Lane is a dead end, no outlet street. The last 400 or so feet of road leading to the shop is a one way gravel road, so if you meet one of the auto repair shop's customers coming or going, or one of the tool trucks, or one of the tow trucks that have blocked our driveway, someone has to wait or back up.

We live in a residential neighborhood. We ask the Board of Adjustment to uphold the integrity of our neighborhood and the restrictions placed thereon and not allow a business to operate in our midst. The increased traffic flow and noise from pneumatic tools, air compressors, etc. is an unwelcome invasion, and will surely decrease the value of our properties.

We wish Mr. Layton well in his business venture, but feel he should put his business in a business district, and not compromise the value of all of the rest of the homes on our street. We understand that we can file a civil lawsuit against the Laytons regarding this matter, but sincerely hope that won't become necessary.

Thank you for your consideration.

