



## 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, SEPTEMBER 21, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

*Establishment of Quorum*

*Governing Statutes*

*Explanation of Public Hearing Procedures/Presentation of Exhibits*

#### Public Hearings:

*Cindy Jones-Taylor, Variance*

*Shirley Erickson, Variance*

#### Review and Action:

*Minutes; July 20, 2016*

#### Old and New Business:

*Tentative*

#### Adjournment.



# TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT

**HEARING DATE:** September 21, 2016

**CASE NUMBER:** 2016-0005V

**APPLICANT / :  
PROPERTY OWNER** Shawn Collins

**REPRESENTATIVE:  
PURCHASING CONTRACT FOR DEED** Cindy Jones-Taylor

**LOCATION:** The subject property is located at 318 Staake Spur, Kissee Mills, MO; Swan Township; Section 36, Township 24, Range 20.

**REQUEST:** The representative, Cindy Jones-Taylor is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required side property line setback requirements. The representative is requesting an 8' side setback variance allowing the new storage shed structure to be constructed 4 ½' from the north side property line adjoining Staake Spur.

## **BACKGROUND, SITE HISTORY and GENERAL DESCRIPTION:**

The subject property is +/- 1.09 acres (per the recorded Plat of the Hillside Acres Subdivision) and is described as all of Lot 1 of the Hillside Acres Subdivision. Please note that the subject property is shown by the Assessor's office as two (2) separate parcels (Parcel # 04-7.0-36-001-001-028.000 and 04-7.0-36-001-001-028.001). The lot is split because of a school district line. Parcel 28 is located within the Forsyth School District and Parcel 28.001 is located within the Taneyville School District. However both parcels are a part of Lot 1.

The property in question currently contains a single-family residence, consisting of a mobile home with a porch and also a small existing accessory building (shed). The original single-family residence on the property was destroyed by fire and the applicant has been allowed to place the mobile home in the same location as the footprint for the original home.

The representative, Cindy Jones-Taylor is purchasing the property in question from the applicant, Shawn Collins via a contract for deed. The representative is now seeking a variance in order to allow for the placement of a free-standing 10' x 12' (120 square foot) storage shed to be placed in close proximity to the residence.

## REVIEW:

Pursuant to the provisions of Section 7, Table 1 (Property Line Setbacks) of the Development Guidance Code the east side setback is 12 ½ feet since the property in question is a corner lot. The representative, Cindy Jones-Taylor is requesting an 8' side setback variance allowing for the construction of a 10' x 12', storage shed to be constructed 4 1/2' from the north property line adjoining Staake Spur. The representative has indicated that the storage shed will be a movable, free-standing storage building. Please note that the property is served by a driveway off of the eastern side of the property. Therefore the eastern side of the property is viewed by the Planning & Zoning office as the front of the property.

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

The representative has indicated that she is requesting a setback variance due to the location of the lateral field behind the residence and also because of the topography of the lot, which slopes away from the residence.

## STATUTORY REQUIREMENTS OF APPROVAL:

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

“Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”

## **STAFF RECOMMENDATIONS:**

If the Taney County Board of Adjustment approves this setback variance request, the following requirements shall apply, unless revised by the Board:

1. Approval a setback variance of 8' from the east property line, allowing for the construction of a new, 10' x 12' storage shed to be constructed 4 ½' from the northern property line adjoining Staake Spur.
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).



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

(Circle one)

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

**PLEASE PRINT**

**DATE**

Applicant Cindy Jones-Taylor Phone 417-527-7872  
 Address, City, State, Zip 318 Staake Spur, Kisseemills, MO 65680  
 Representative \_\_\_\_\_ Phone \_\_\_\_\_  
 Owner of Record Shawn Collins Signature: [Signature]  
 Name of Project: Storage Shed Construction  
 Section of Code Protested: (office entry) Table 1, Section 2, setbacks  
 Address and Location of site: 318 Staake Spur  
Kisseemills MO. 65680

Subdivision (if applicable) Hillside Acres

Section 36 Township 24 Range 20 Number of Acres or Sq. Ft. 1.09 acres

Parcel Number 04-7.0-36-001-001-028.000

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.

9-21

**Describe in detail the reason for your request:**

Construction of storage shed - no plumbing, no electric - 10 x 12 -

To be used for storage purposes only.

Request variance of 8 Feet from Stake Spur Rd. For moveable, (free-standing) storage building. Corner lot. Request variance to avoid lateral lines and for easy access because of hillside drop-off to geographically located elsewhere on lot.

**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.

*[Handwritten Signature]*

Signature of Applicant

*8-18-16*

Date of Application

STATE OF MISSOURI )  
COUNTY OF TANEY )

S.S. On this *18th* day of *Aug.*, 201*6*

Before me Personally appeared *Shawn Collins*, 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.



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

*Bonita Kisse-Soutel*

Bonita Kisse-Soutel, Notary Public



Overview






Legend

-  Parcels
-  Roads
-  Lakes
-  Corporate Limits

Parcel ID	04-7.0-36-001-001-028.000	Alternate ID	n/a	Owner Address	COLLINS SHAWN
Sec/Twp/Rng	36-24-20	Class	n/a		PO BOX 1713
Property Address	318 STAAKE SPUR	Acreage	n/a		FORSYTH MO 65653
District	3CCX				
Brief Tax Description	HILLSIDE ACRES HILLSIDE ACRES N 93' LT 1 (Note: Not to be used on legal documents)				

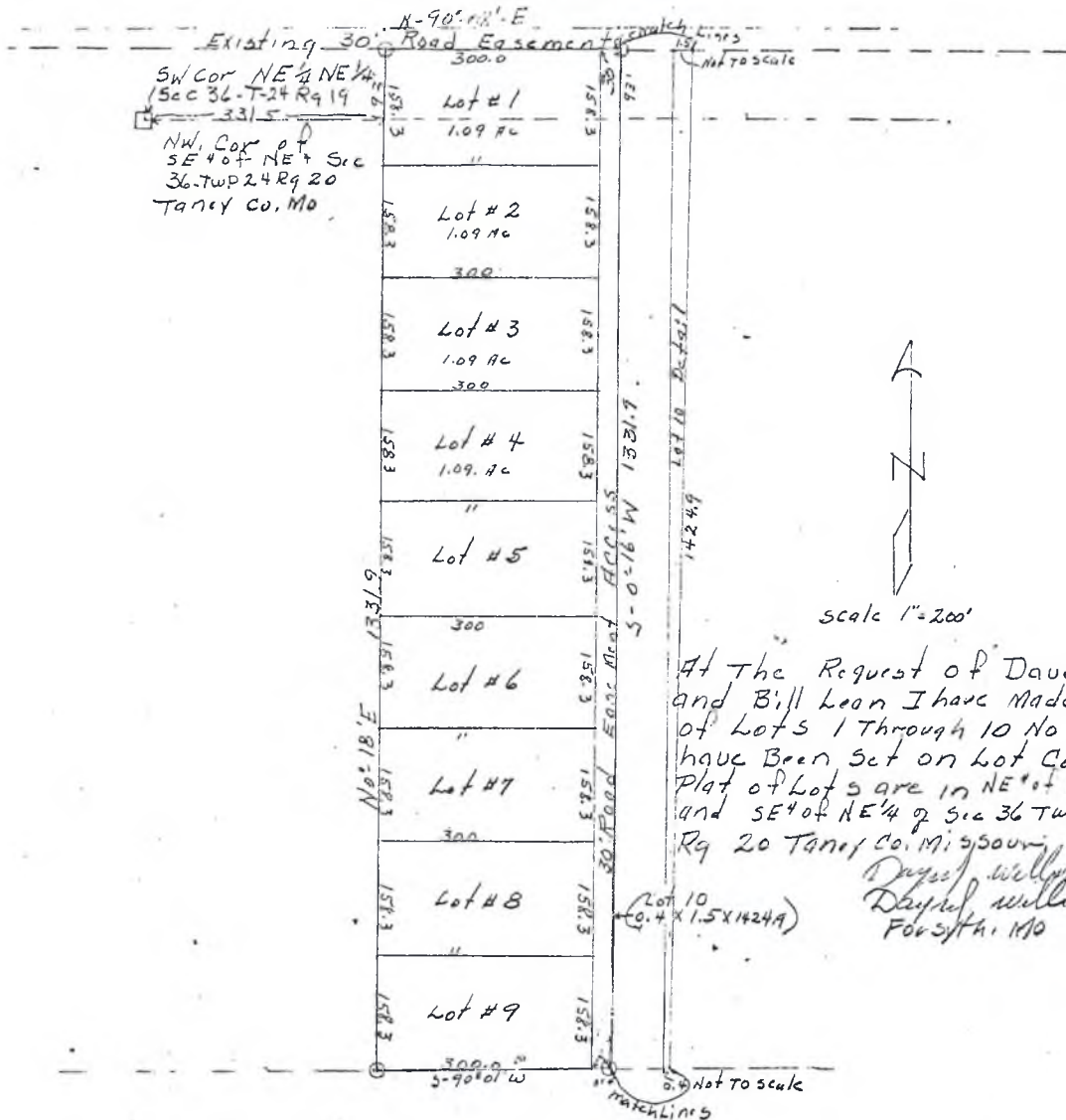
Date created: 8/18/2016  
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 Developed by  
 The Schneider Corporation

 House  
 proposed sheet



HILLSIDE ACRES SUBDIVISION



At The Request of Dave Oliphant and Bill Leon I have made Plat of Lots 1 Through 10 No Pins have Been Set on Lot Corners Plat of Lots are in NE<sup>1/4</sup> of NE<sup>1/4</sup> and SE<sup>1/4</sup> of NE<sup>1/4</sup> of Sec 36 Twp 24 Rg 20 Taney Co. Mo. 35000  
 Dated July 11, 1977  
 Dated July 11, 1977  
 For 35000

FILED

KATHERINE CLARKSON  
 Recorder of Deeds  
 Taney County

Book 17, Page 85











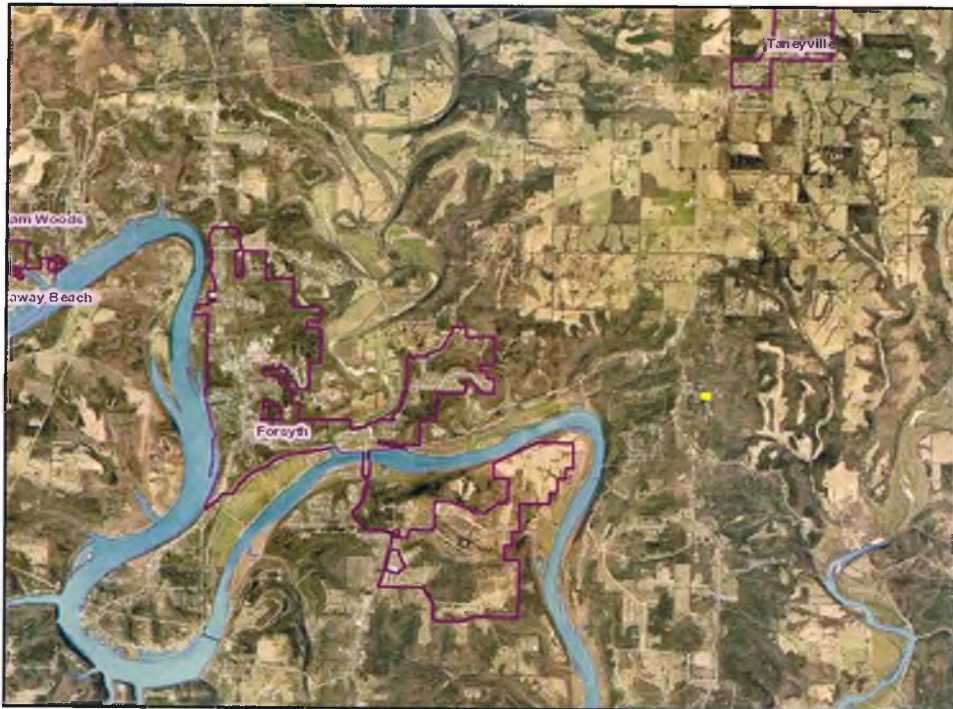
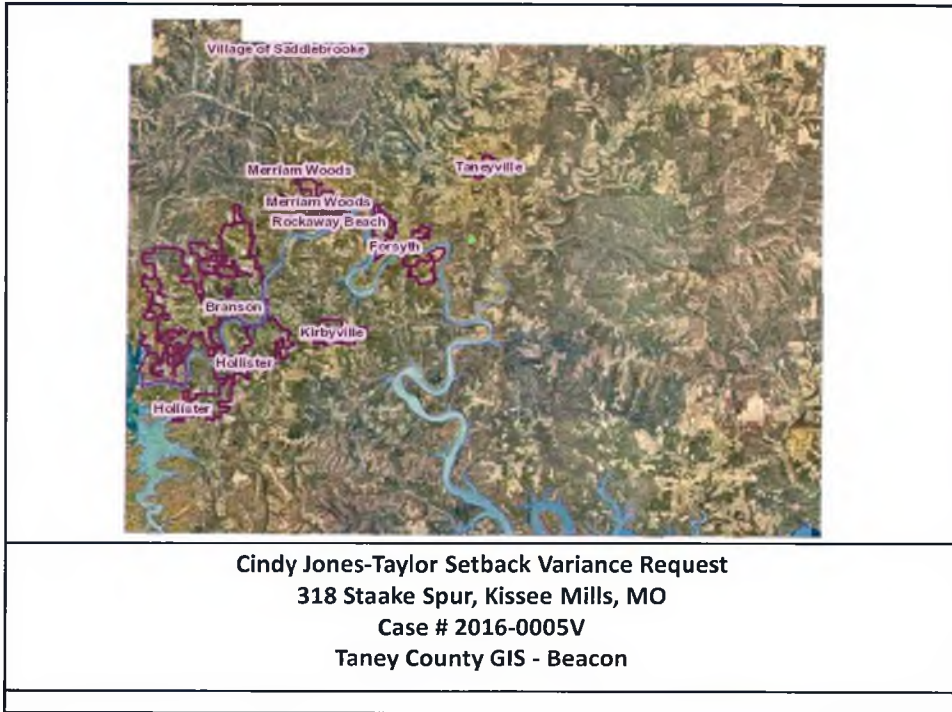












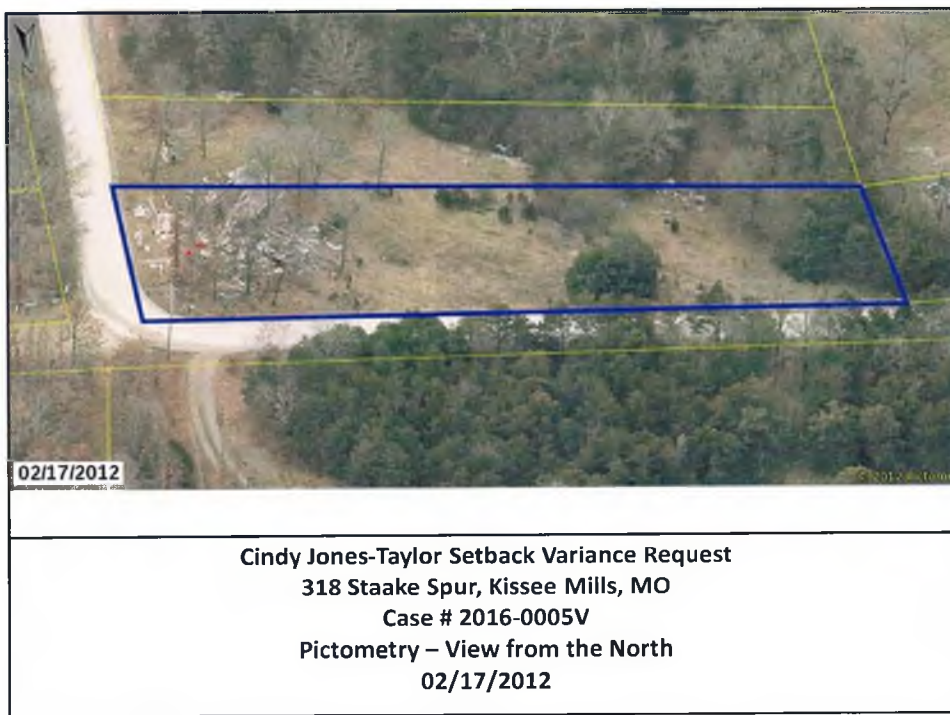








Cindy Jones-Taylor Setback Variance Request  
318 Staake Spur, Kisse Mills, MO  
Case # 2016-0005V  
Pictometry – View from the North  
03/16/2015







**Cindy Jones-Taylor  
Setback Variance  
Request**

**318 Staake Spur, Kisse  
Mills, MO**

**Case # 2016-0005V**

**Pictometry – View  
from the North**

**02/17/2012**



## TANEY COUNTY BOARD OF ADJUSTMENT SETBACK VARIANCE STAFF REPORT

**HEARING DATE:** September 21, 2016

**CASE NUMBER:** 2016-0006V

**APPLICANT:** Shirley J. Erickson

**LOCATION:** The subject property is located at 145 Sundae Mountain Pass, Hollister, MO; Oliver Township; Section 1, Township 21, Range 22.

**REQUEST:** The applicant, Shirley J. Erickson is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The applicant is requesting a variance from the required front and side property line setback requirements. The applicant is requesting a 7' front setback variance allowing the new Carolina Carport structure to be constructed 3' from the front property line and also a 4' side setback variance allowing the structure to be constructed 1' from the east side of the property.

### **BACKGROUND, SITE HISTORY and GENERAL DESCRIPTION:**

The subject property is +/- .09 acres (+/- 3,964.0 square feet) in size (per the Assessor's information - Beacon) and is described as all of Lot 53 of the Amended plat of Lots 31, 33 and 35, 53 and part of Lot 51, Area C of the Fourth Amended Replat, Yogi Bear Jellystone Park Camp Resort Subdivision.

The property in question currently contains a single-family residence, consisting of a mobile home, with a porch and stick built addition. The property also contains an existing carport. A second carport has recently been removed in order to create space for the proposed 24' x 40' Carolina carport.

On November 19, 1997 the Board of Adjustment granted a series of setback variances for 189 lots within the Yogi Bear Jellystone Park Camp-Resort Subdivision, Fourth Amended Replat. Each of the 189 lots is enumerated specifically within the Variance Decision of Record. This variance allowed for the placement of either a 12' x 34' park model or 612 square foot cabin which was to be subject to a 10' front setback and a 5' setback from the sides and rear property lines. This variance applied only to the first structure built or set on the lot and not to additions or later structures.

On October 17, 2007 the Board of Adjustment granted a variance from the setback provisions of the Development Guidance Code allowing for all of the lots within Yogi Bear Jellystone Park Camp-Resort Subdivision to be subject to a 10' front setback and a 5' setback from the sides and the rear property lines. The sentence that limited the variance to only the first structure built or placed on each lot was removed as a part of this variance request.

## REVIEW:

Currently, based upon the October 17, 2007 Board of Adjustment decision, the modified setback requirements would be 10' from the front property line and 5' from the side and rear property lines. The applicant, Shirley J. Erickson is requesting a 7' front setback variance allowing the new Carolina Carport structure to be constructed 3' from the front property line and also a 4' side setback variance allowing the structure to be constructed 1' from the east side property line.

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

The applicant has indicated that she is seeking a setback variance in order to allow for the construction of a 24' x 40' Carolina carport that will be utilized as shelter for her vehicles and also a 40' long motorhome. The applicant has indicated that it will be necessary to construct a carport that is 24" wide in order to allow for the opening of the slide outs on the motorhome and also to allow for the parking of the cars end to end beside the motorhome.

The applicant has indicated that the structure cannot be located further to the west due to the location of tees, a propane tank and the HVAC system.

## STATUTORY REQUIREMENTS OF APPROVAL:

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

"Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map."

## **STAFF RECOMMENDATIONS:**

If the Taney County Board of Adjustment approves this setback variance request, the following requirements shall apply, unless revised by the Board:

1. Approval a setback variance of 7' from the front property line, allowing for the construction of a new, 24' x 40' Carolina Carport structure to be constructed 3' from the front property line; adjoining Sundae Mountain Pass.
2. Approval a setback variance of 4' from the east property line, allowing for the construction of a new, 24' x 40' Carolina Carport structure to be constructed 1' from the property line on the eastern side of the property.
3. This variance shall only pertain to an open carport structure. The Carolina Carport structure shall not be enclosed with walls.
4. Compliance with all of the other provisions of the Taney County Development Guidance Code.
5. 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).



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#16-6

TANEY COUNTY BOARD OF ADJUSTMENT

APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 8/12/2016

Applicant SHIRLEY J. ERICKSON Phone 417-335-3985

Address, City, State, Zip 145 SUNDAR MTN PASS LOT #53, Hollister, MO. 65672

Representative Phone

Owner of Record SHIRLEY J. ERICKSON Signature: Shirley J. Erickson

Name of Project: 145 SUNDAR MTN PASS

Section of Code Protested: (office entry) Section 7, Table 1 (Setbacks)

Address and Location of site: 145 SUNDAR MTN PASS #53

Subdivision (if applicable)

Section 1 Township 21 Range 22 Number of Acres or Sq. Ft. 4,869.36 sq. Ft.

Parcel Number 19-1.0-01-002-017-018.000

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

Required Submittals:

- Typewritten legal description of property involved in the request
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.

9-21-16



Taney County Board of Adjustment,

August 19, 2016

The lot east of mine is protected by an approximate 2' retaining wall. On my lot, at the base of that wall there is an area of about 6" of soil, then a 9.5' concrete pad which has had a railroad 6" tie wall at the northern end of the pad. Adjacent to the west side of the concrete pad has been another concrete pad 6" thick as shown on the plat. This pad has had for several years a single car port in which two (2) cars have both partially been under.

Upon purchase of my 40' motor home the only place to park it was on the pad next to the adjoining lot. Due to the 6" thick concrete pad on my lot this would not have been accomplished had it not been for the good heartedness of the neighbors across the street allowing me the jockeying room on their property necessary to get the motorhome lined up to put on the pad next to the retaining wall. The back tires remained on the northern edge of the concrete next to the railroad ties. The front end of the motor home is 30' from that point and extends to approximately 4' of the front property line.

The concrete pad surrounding the 6" thick pad has been increased to a pad 24' W X 40' D and is now level with the proper elevation drainage. The motor home can now be backed onto my lot with a minimum of effort. This width will allow the slide outs of the motor homes to be open and the cars to be parked end to end on the concrete pad.

I realize there are set backs in this subdivision and would comply if space on my lot allowed. I am unable to go back any further north on my lot without running into the building. I am unable to go to the west any further without running into trees, propane tank, H and A/C.

I am applying for a variance on both the right (east) side and front (south) side so that I may purchase a 24' X 40' Carolina carport. This carport will be open on both sides and the rear and will be used to protect the investments in my motorhome and vehicles from storm damage.

I will appreciate any consideration you may give to this request.

Shirley J. Erickson

THIS AIRPORT HAS NOW BEEN REMOVED.  
CAROLINA AIRPORT (30x40) WITH REPAIRS.





**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.

Shirley June Erickson  
Signature of Applicant

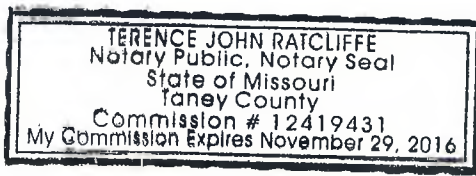
August 19, 2016  
Date of Application

STATE OF MISSOURI     )  
  S.S. On this 19 day of AUGUST, 2016.  
COUNTY OF TANEY     )

Before me Personally appeared SHIRLEY JUNE ERICKSON, to me know to be the person described in and who executed the foregoing instrument.

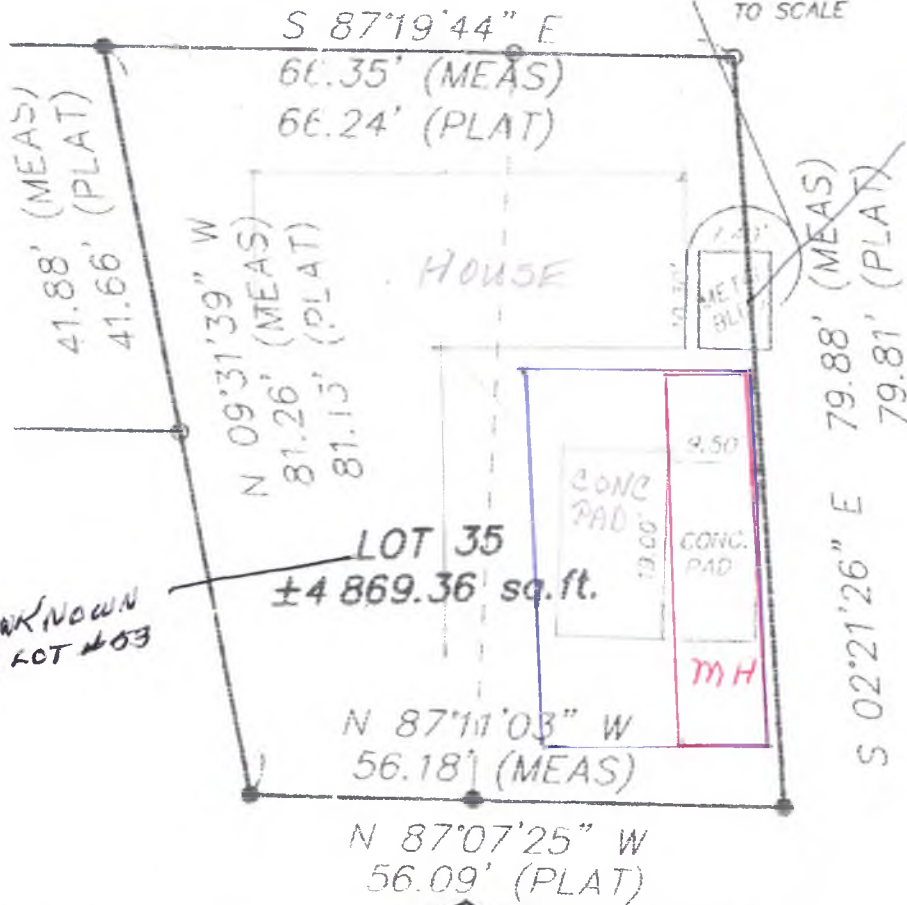
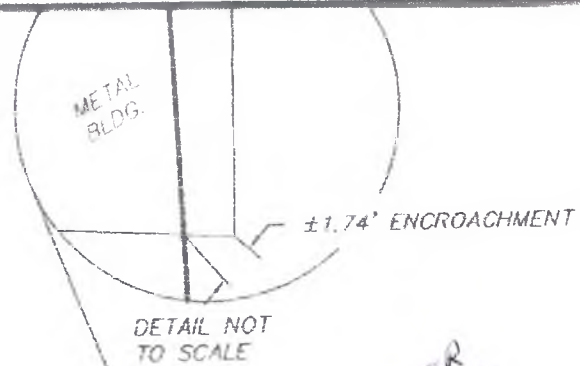
In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire ~~2/6/2018~~. 11/29/2016.

Terence John Ratcliffe



~~Bonita Kisse-Sootee~~, Notary Public  
TERENCE JOHN RATCLIFFE

NOW KNOWN AS BRUSH AVE  
~~BUD LANE~~



NO LONGER  
IN EXISTENCE

NOW KNOWN  
AS LOT #53

145 SUNDAR MTN PASS

~~WATERFALL STREET~~  
NOW KNOWN AS SUNDAR MTN PASS

BLUE COLOR CODE - HOPEFULLY  
APPROVED CARPORT (24' x 40')  
COMPLETE CONCRETE UNDERNEATH  
WITH DRIVEWAY ENTRANCE-ROOM  
FOR MH/SLIDES OPEN AND CARS  
UNDER COVER FOR PROTECTION

OVER FOR  
GRAPHIC SCALE

THE AMENDED PLAT OF LOTS 31,33 AND 35,53, AND A PART OF LOT 51, AREA "C" OF THE FOURTH AMENDED REPLAT YOGI BEAR JELLYSTONE PARK CAMP RESORT OF THE 5th PRINCIPAL MERIDIAN TANEY COUNTY, MISSOURI LOCATED IN THE NW1/4 OF THE NW1/4 SEC. 1, T21N, R22W

This Survey Does Not Violate the Rules and Regulations of the Taney County Development Code.

FILED TIME DEC 23 1997

Katharine Clarkson County Clerk - Office Recorder TANEY COUNTY

Robert C. Hall 12-18-97

TANEY COUNTY PLANNING COMMISSION APPROVAL

APPROVED BY THE TANEY COUNTY PLANNING COMMISSION THIS 13th DAY OF December 1997.

Stoupside CHAIRMAN STONY PRIDE

PLANNING FEE \$34.00 TITLE CURR FEE \$3.00 TOTAL \$37.00

NOTE RESTRICTIVE COVENANTS ARE FILED FOR RECORD AND ARE RECORDED IN THE RECORDS OF TANEY COUNTY RECORDER'S OFFICE IN BOOK 231, AT PAGE 194.

OFFICE OF TANEY COUNTY 911 ADMINISTRATION APPROVED BY THE OFFICE OF TANEY COUNTY 911 ADMINISTRATION THIS DAY OF December 1997.

TANEY COUNTY 911

Jimmy Hooper 911 REPRESENTATIVE

BASIS OF BEARING: SUBDIVISION PLAT RECORDED AT BOOK 17, 17 PAGE 26, TANEY COUNTY, RECORDER'S OFFICE.

RECORD SOURCE: WARRANTY DEED RECORDED AT BOOK 307, ON PAGE 800. WARRANTY DEED RECORDED AT BOOK 319, ON PAGE 4741. TRI LAKES TITLE AND ESCROW, TITLE COMMITMENT NO. 40579-97 DATED DECEMBER 4, 1997.

CLASSIFICATION OF SURVEY:

CLASS "B"

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

DESCRIPTION AND EXECUTION OF PLAT:

I, RICHARD ERICKSON AND SHIRLEY J. ERICKSON, HUSBAND AND WIFE DO HEREBY CERTIFY THAT WE ARE THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED TRACTS OF LAND:

ALL OF LOTS 31,33 AND 35,53, OF AREA "C", FOURTH AMENDED REPLAT OF YOGI BEAR JELLYSTONE PARK CAMP RESORT, A SUBDIVISION PER THE RECORDED PLAT THEREOF, BOOK 17, AT PAGE 26, TANEY COUNTY RECORDER'S OFFICE, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ALSO THAT PORTION OF LOT 51 AREA C, FOURTH AMENDED REPLAT OF YOGI BEAR JELLYSTONE PARK CAMP RESORT SUBDIVISION, AS PER THE RECORDED PLAT THEREOF, PLAT BOOK 17, PAGE 26 OF THE TANEY COUNTY RECORDER'S OFFICE, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT AT THE NORTHEAST CORNER OF LOT 51, THENCE SOUTHEASTERLY 2.56 FEET ALONG THE NORTH LINE OF LOT 51, THENCE SOUTHWESTERLY 77.65 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 51, THENCE NORTH ON A STRAIGHT LINE TO THE POINT OF BEGINNING.

SAID LAND HAS BEEN SURVEYED AND SUBDIVIDED IN THE MANNER SHOWN HEREON AND SAID SUBDIVISION IS TO BE HEREAFTER KNOWN AS THE AMENDED PLAT OF LOTS 31,33 AND 35,53, AND A PART OF LOT 51, OF THE FOURTH AMENDED REPLAT OF YOGI BEAR JELLYSTONE PARK CAMP RESORT.

IN TESTIMONY WHEREOF, THE UNDERSIGNED HAVE HEREUNTO SET THEIR HANDS AND SEAL THIS 12th DAY OF December, 1997.

Richard Erickson RICHARD ERICKSON

Shirley J. Erickson SHIRLEY J. ERICKSON

ACKNOWLEDGEMENT STATE OF MISSOURI COUNTY OF ST. LOUIS

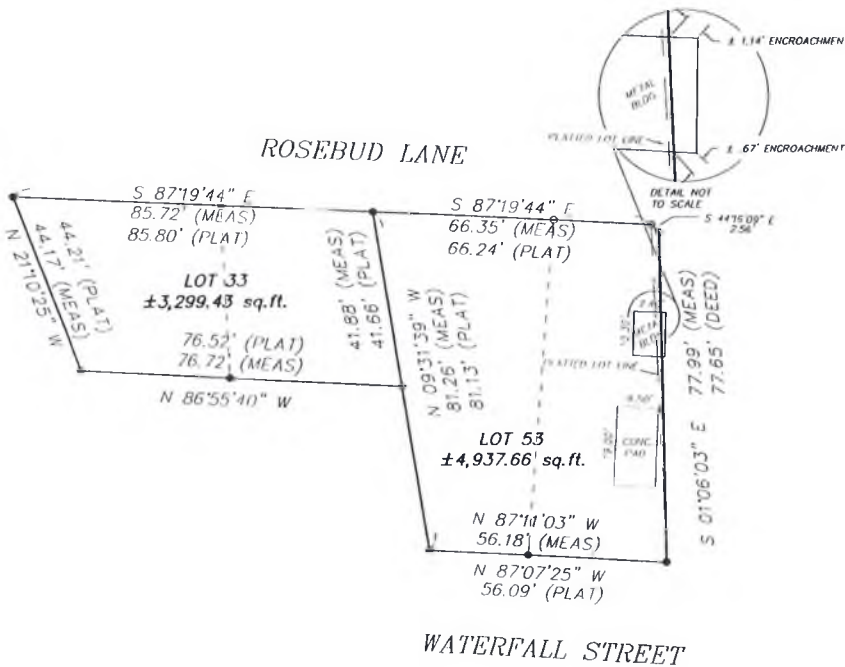
ON THIS 22nd DAY OF December, 1997, BEFORE ME PERSONALLY RICHARD ERICKSON AND SHIRLEY J. ERICKSON, HUSBAND AND WIFE, TO ME KNOWN TO BE THE PERSONS WHO BEING DULY SWORN BY ME DID DEPOSE AND SAY THAT THEY HAD EXECUTED THE FOREGOING INSTRUMENT, SIGNED THEIR NAME THEREIN BY THEIR FREE AND ACQUAINTED WILL.

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

Karin A. Widebjuor NOTARY PUBLIC

MY COMMISSION EXPIRES:

KARIN A. WIDEBJUOR Notary Public-Notary Seal STATE OF MISSOURI Taney County My Commission Expires Sept. 21, 1999



SURVEYOR'S CERTIFICATION

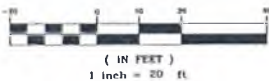
I HEREBY CERTIFY THAT AT THE REQUEST OF RICHARD ERICKSON THAT I HAVE MADE AN ACTUAL AND ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FOUND THE CONDITIONS TO BE AS INDICATED. IN MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

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

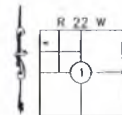


EDDIE D. WOLFE L.S. 2190 DIANE KAY DIEBOLD L.S. 2424 KENNETH J. BUCHANAN L.S. 2540, P.L.S. 1907

GRAPHIC SCALE



SECTIONAL MAP



BASIS OF BEARINGS. SCALE: 1" = 20'

LEGEND

- - EXISTING 1/2" IRON PIN
○ - SET 1/2" IRON PIN
□ - EXISTING STONE
△ - CORPS MONUMENT
○ - P.C., P.T., or P.L.

REFERENCES: SUBDIVISION PLAT

SURVEYED FOR: RICHARD ERICKSON

ROZELL SURVEY CO.

EDDIE D. WOLFE, LS DIANE KAY DIEBOLD, LS KENNETH J. BUCHANAN, LS

2404 STATE HWY. 248, STE. 4, PHOENIX, MISSOURI 65666 PHONE: (417) 334-4141

SHEET: 1 OF 1

DATE: 12-17-97

W.A.# 12549













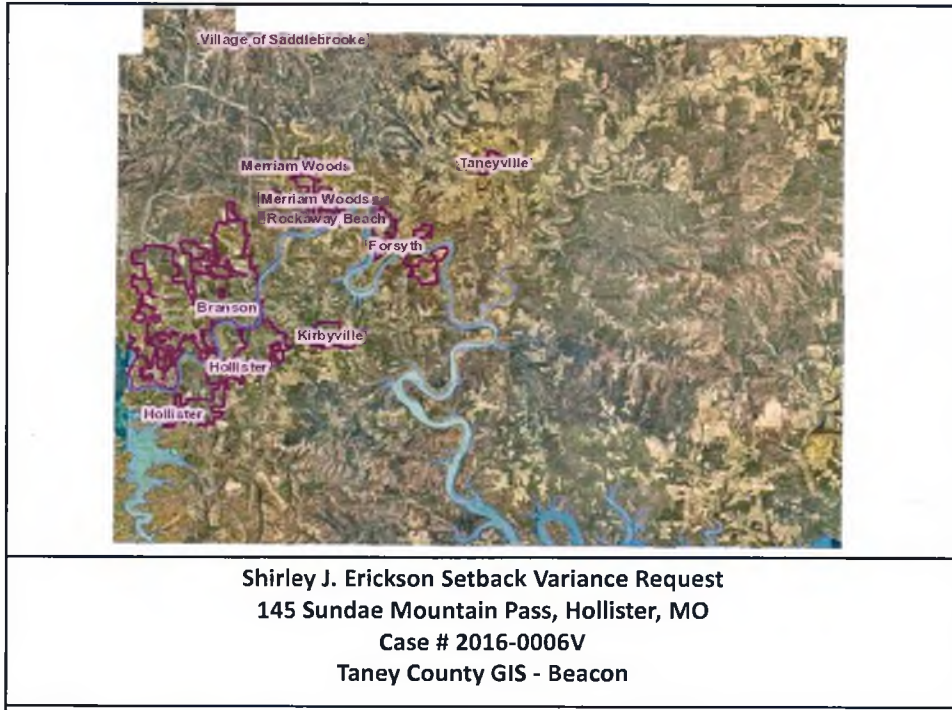






# BOA Shirley Erickson

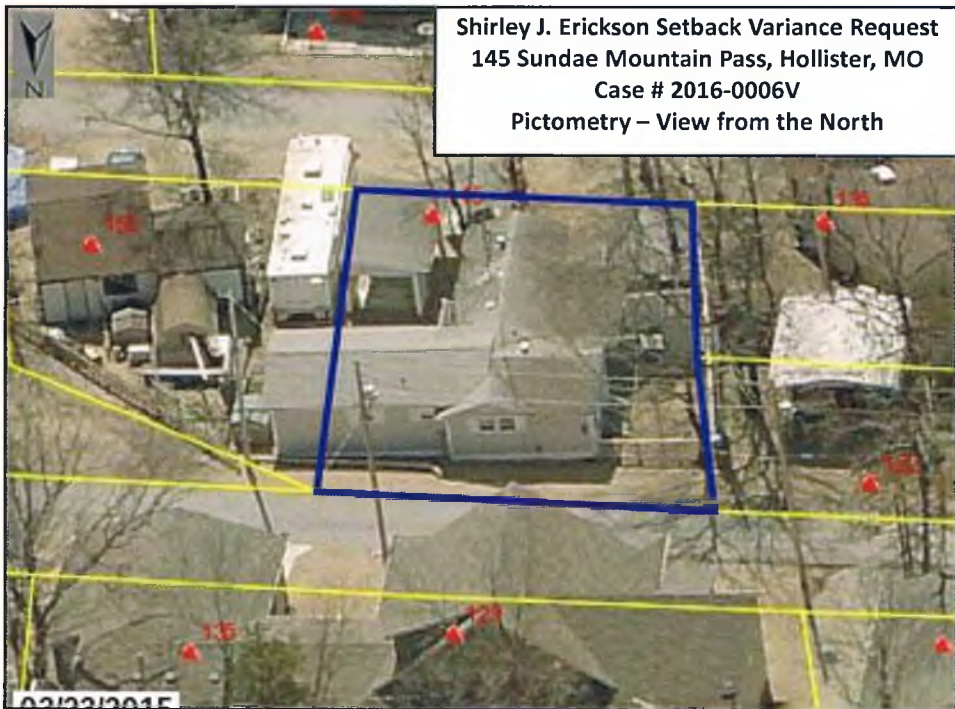
















**Shirley J. Erickson Setback Variance Request  
145 Sundae Mountain Pass, Hollister, MO  
Case # 2016-0006V  
Pictometry – View from the South**



**Shirley J. Erickson Setback Variance Request  
145 Sundae Mountain Pass, Hollister, MO  
Case # 2016-0006V  
Pictometry – View from the East**



**Shirley J. Erickson Setback Variance Request  
145 Sundae Mountain Pass, Hollister, MO  
Case # 2016-0006V  
Pictometry – View from the West**



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JULY 20, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Vice-Chairman Weisz called the meeting to order and established a quorum with three members present. They were: Mark Weisz, Howard Kitchen, and Dan Boone. Staff present: Bob Atchley, and Bonita Kisse-Souttee.

Mr. Weisz explained to the applicants that because there were only three board members present they could elect to postpone until a full board is present. Neither applicant chose to do so.

Election of 2016 was held after the public hearings. Motion made by Mr. Boone to postpone until after the public hearings, seconded by Mr. Weisz. The vote to postpone until after the public hearings was unanimous.

The Statutes which govern the Board of Adjustment were read by Mr. Boone, and each speaker sworn in before their respective hearings.

Mr. Atchley read a statement explaining the public hearing 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, the Board of Adjustment bylaws as Exhibit D.

#### Public Hearings:

Jerome Bauman, Variance; a request for a variance on side setbacks on property located at 173 Joanna's Way, Yogi Bear Jellystone Park Camp Resort. Mr. Bauman was present to address questions from the public and board. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. Mr. Bauman reported that his insurance company required him to cover the RV because of some hail damage it sustained. Mr. Weisz asked if the applicant would be ok with a 2' setback rather than a 3' not to cause problems with the neighbor. Mr. Bauman stated that there wouldn't be a problem with the neighbor, but that he would be ok with the 2', although it would be a struggle. Mr. Weisz pointed out that there might be a problem with any future adjacent property owners. Mr. Atchley stated that that the rules do not differentiate between a portable or permanent structure. Mr. Kitchen asked if any of the neighbors had

responded to the letter. None had, but there were a couple of property owners present. Rudy Bussard, Vice-President of the Board at the resort discouraged the construction of a permanent structure, in the park. Discussion followed, then the public hearing was closed. Mr. Boone asked if a variance could be made temporary for the current owner. Mr. Atchley stated that a condition could be imposed. Mr. Kitchen suggested making a condition that the structure be open and therefore the variance would follow the property. Mr. Kitchen made a motion to approve based upon the decision of record with the additions of, the 2' variance, and that the structure should be an open portable carport. The motion was seconded by Mr. Weisz. The vote to approve was unanimous.

Michael R. Brower, Variance; a request for a 4' variance on the side setback on property located at 310 Heavy Timber Dr. Mr. Tim Freund was present to represent Mr. Brower. Mr. Atchley read the staff report and presented maps, pictures and a video of the site. This structure is under construction with no permits issued. The applicant stated that he thought because he filled out an application that he had approval. It is the applicants opinion there isn't enough room on the lot because of the location of the road and topography, to comply with the setback requirements. It is Mr. Atchley's opinion that according to the survey the road is actually further out than the applicant thought. Mr. Freund stated that at one point he owned this entire development and wanted the board to know that he helped the applicant with the layout. In his opinion this construction would not cause any safety hazard or encroach onto any neighboring property. Mr. Weisz stated that he understood the problem. With no discussion a motion was made by Mr. Boone to approve based upon the decision of record. Seconded by Mr. Kitchen, who discussed the fact that the road would not be moved and the structure would not cause a safety concern. The vote to approve was unanimous.

Election of the 2016 officers was held; Mr. Atchley explained the requirements of attendance, and there was discussion regarding officers and how many members are sitting on the board. Mr. Weisz nominated Mr. Boone for Chairman. Mr. Kitchen seconded the motion. The motion to appoint Mr. Boone as chairman was unanimous. Mr. Boone took over the meeting at this point. He asked for nominations for Vice-Chairman. Mr. Boone nominated Mr. Kitchen as Vice-Chairman. Mr. Weisz seconded. The vote to approve the motion to appoint Mr. Kitchen as Vice-Chairman was unanimous.

#### Review and Action:

Minutes, April 20, 2016, with no additions or corrections a motion was made by Mr. Kitchen to approve the minutes as written. Seconded by Mr. Boone. The vote to approve the minutes was unanimous.

#### Old and New Business:

Mr. Atchley reported that there would not be an August meeting, because there were no requests. Mr. Weisz asked about the ongoing litigation. Mr. Atchley reported

that discussion could not be held in open session, but that a closed session with legal counsel would have to be scheduled if they wish to discuss it. The Board wants to schedule such a meeting with the attorney. They directed Mr. Atchley to speak to the attorney, and get back with them regarding a date.

Adjournment:

With no other business on the agenda for Wednesday July 20, 2016 the meeting adjourned at 6:47 p.m.