

NOTICE OF MEETING



CITY OF BRANSON

BOARD OF ADJUSTMENT

Regular Meeting – Thursday, January 28, 2016 – 7:00 p.m.
Council Chambers – Branson City Hall – 110 W. Maddux St.

Where Values are the Difference

JANUARY: VISION

Planning for the future and encouraging growth

**CITY OF BRANSON
BOARD OF ADJUSTMENT AGENDA**

January 28, 2016
7:00 P.M.
Council Chambers

BOARD BUSINESS

1. **Roll Call**
2. **Approve Agenda**
 - A. **January 28, 2016**
3. **Approve Minutes**
 - A. **September 25, 2014**
 - B. **November 12, 2015**

OLD BUSINESS

PUBLIC HEARINGS

4. **Request for a Variance from Section 94-68(e) Height Restrictions for the Property Located at 3345 West State Highway 76, Branson, Missouri.
Project No. 15-19.2 (15-01900002)**
Applicant: Recreational Investments & Management, Inc.

ADJOURNMENT

Where Values are the Difference

JANUARY: VISION

Planning for the future and encouraging growth

**CITY OF BRANSON
BOARD OF ADJUSTMENT
MINUTES
September 25, 2014**

CALL TO ORDER: Vice Chairperson Edie called the City of Branson’s Board of Adjustment meeting to order at 7:02 pm in the City Hall Council Chambers, 110 W. Maddux Street, Branson, Missouri.

BOARD BUSINESS

1. Roll Call.

Board Members Present: Jim Babcock, Jane Friggle, Kevin Huddleston, Richard Miles and Vice-Chairperson Dave Edie
Board Members Absent: Chairperson Bob Keller
Staff Present: Joel Hornickel, Director of Planning and Development
Kim Varner, Planning Assistant
William Duston, City Attorney

2. Approve Agenda.

A. September 25, 2014

MOTION:

Motion by Board Member Huddleston and seconded by Board Member Babcock to approve the format of the September 25, 2014 agenda.

AYES: Babcock, Friggle, Huddleston, Miles and Vice-Chairperson Edie
NOES: None
ABSTAIN: None
ABSENT: Chairperson Keller

Motion to approve the September 25, 2014 agenda carried with a 5 - 0 vote.

3. Approve Minutes.

A. August 4, 2014

MOTION:

Motion by Board Member Friggle and seconded by Board Member Babcock to approve the minutes of the August 4, 2014 meeting.

AYES: Babcock, Friggle, Huddleston, Miles and Vice-Chairperson Edie
NOES: None
ABSTAIN: None
ABSENT: Chairperson Keller

Motion to approve the minutes of the August 4, 2014 meeting carried with a 5 - 0 vote.

OLD BUSINESS

PUBLIC HEARING

5. **Request for a Variance from Section 70-10(2)(B) Sign Height, for the Property Located at 607 W. Main Street, Branson, Missouri.
Project No. 14-19.5 (14-01900005)
Applicant: Chick-fil-A, Inc. c/o Jason Hill**

Speakers: Mr. Ben Holliday and Mr. Hornickel.

MOTION:

Motion by Board Member Babcock and seconded by Board Member Miles to Grant the request for a variance from Section 70-10(2)(B) Sign Height, for the property located at 607 W. Main Street, Branson, Missouri.

AYES: Babcock, Friggle, Huddleston, Miles and Vice-Chairperson Edie
NOES: None
ABSTAIN: None
ABSENT: Chairperson Keller

Motion to grant the request for a variance from Section 70-10(2)(B) Sign Height, for the property located at 607 W. Main Street, Branson, Missouri, passed with a 5 - 0 vote.

ADJOURNMENT

MOTION:

Motion by Board Member Huddleston and seconded by Board Member Miles to adjourn the meeting at 7:25 pm.

AYES: Babcock, Friggle, Huddleston, Miles and Vice-Chairperson Edie
NOES: None
ABSTAIN: None
ABSENT: Chairperson Keller

Motion to adjourn the September 25, 2014, Board of Adjustment meeting carried with a 5 - 0 vote.

Bob Keller, Chairperson

Date

Kim Varner, Planning Assistant

Date

**CITY OF BRANSON
BOARD OF ADJUSTMENT
MINUTES**

November 12, 2015

CALL TO ORDER: Chairperson Keller called the City of Branson’s Board of Adjustment meeting to order at 7:00 pm in the City Hall Council Chambers, 110 W. Maddux Street, Branson, Missouri.

BOARD BUSINESS

1. Roll Call.

Board Members Present: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
Board Members Absent: Babcock
Staff Present: Joel Hornickel, Director of Planning and Development
Kim Varner, Planning Assistant
William Duston, City Attorney

2. Approve Agenda.

A. November 12, 2015

MOTION:

Motion by Board Member Miles and seconded by Vice-Chairperson Edie to approve the format of the November 12, 2015 agenda.

AYES: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
NOES: None
ABSTAIN: None
ABSENT: Babcock

Motion to approve the November 12, 2015 agenda carried with a 4-0 vote.

3. Approve Minutes.

A. September 25, 2014

MOTION:

Motion by Board Member Huddleston and seconded by Board Member Miles to approve the minutes of the September 25, 2014 meeting.

AYES: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
NOES: None
ABSTAIN: None
ABSENT: Babcock

Motion to approve the minutes of the September 25, 2014 meeting carried with a 4-0 vote.

B. October 29, 2015

MOTION:

Motion by Board Member Huddleston and seconded by Board Member Miles to approve the minutes of the October 29, 2015 meeting.

AYES: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
NOES: None
ABSTAIN: None
ABSENT: Babcock

Motion to approve the minutes of the October 29, 2015 meeting carried with a 4-0 vote.

OLD BUSINESS

PUBLIC HEARING

- 5. Request for a Variance from Section 410.040(D) Height Restrictions for the Property Located at 4802 Fall Creek Road, Branson, Missouri.
Project No. 15-19.1 (15-01900001)
Applicant: Verizon Wireless and Net Lease LLC**

Speakers: Mr. Justin Anderson and Mr. Hornickel.

MOTION:

Motion by Board Member Miles and seconded by Vice-Chairperson Edie to Grant the request for a variance from Section 410.040 (D) Height restrictions, for the property located at 4802 Fall Creek Road, Branson, Missouri.

AYES: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
NOES: None
ABSTAIN: None
ABSENT: Babcock

Motion to grant the request for a variance from 410.040 (D) Height restrictions, for the property located at 4802 Fall Creek Road, Branson, Missouri, passed with a 4-0 vote.

ADJOURNMENT

MOTION:

Motion by Board Member Miles and seconded by Board Member Huddleston to adjourn the meeting at 7:39 pm.

AYES: Huddleston, Miles, Vice-Chairperson Edie and Chairperson Keller
NOES: None
ABSTAIN: None
ABSENT: Babcock

Motion to adjourn the November 12, 2015, Board of Adjustment meeting carried with a 4-0 vote.

Bob Keller, Chairperson

Date

Kim Varner, Planning Assistant

Date

DRAFT

**Branson Board of Adjustment
Action Memorandum
Project No. 15-19.2 (15-01900002)**

LOCATION: 3345 WEST STATE HIGHWAY 76

OWNER/APPLICANT: RECREATIONAL INVESTMENTS & MANAGEMENT, INC.

ITEM/SUBJECT: REQUEST FOR A VARIANCE FROM SECTION 94-68(e) HEIGHT RESTRICTIONS FOR THE PROPERTY LOCATED AT 3345 WEST STATE HIGHWAY 76, BRANSON, MISSOURI.

DATE: JANUARY 28, 2016

INITIATING DEPARTMENT: PLANNING & DEVELOPMENT

APPROVED BY:



Director of Planning & Development

JAN. 22, 2016

Date

STAFF REPORT:

An Application to the Board of Adjustment has been received from Recreational Investments & Management, Inc. requesting a variance from Section 94-68(e) Height restrictions, for the property located at 3345 West State Highway 76 (Exhibit A). The property is located north and east of West State Highway 76, south of Pat Nash Drive, and west of Gretna Road (Exhibit B). It currently contains numerous existing outdoor commercial recreation offerings and two restaurants within approximately 6.39 acres more or less. The property is zoned C commercial district and is surrounded by other properties zoned C commercial district and the Lost Treasure Planned Development.

The applicant's request is to add a new outdoor amusement within the southwest portion of the subject property. Specifically, the new proposed amusement is the iconic Navy Pier Ferris Wheel, originally constructed on Chicago's historic Navy Pier in 1995. The Ferris wheel is approximately 147.6 feet tall, measured from ground level to the highest point on the wheel (Exhibit C.1). As the Branson Municipal Code only allows a maximum structure height of one hundred feet (100') within the C commercial zoning district, the applicant is requesting a variance from the following:

Branson Municipal Code Section 94-68. C Commercial District regulations.

(e) Height restrictions. No structure shall exceed 100 feet in height. Every building in excess of 50 feet high shall provide an additional one foot of side, rear and front setback for each additional two feet in height above 50 feet.

The total amount of variance being requested to accommodate the relocation of the Ferris wheel is approximately 47.6 feet. The variance amount is necessary due to the structure being pre-existing and having been in operation safely for the past 20 years. If the variance is approved, the wheel, which has already been disassembled, would be transported to the proposed location and reassembled.

Further application of Branson Municipal Code Section 94-68(e) additionally requires a structure approximately 147.6 feet in height to provide an additional side, rear and front setback of 48.8 feet. As a result, the required setbacks would be 53.8 feet of side, 58.8 feet of rear and 73.8 feet of front. While the applicant would be able to provide the necessary side and rear setbacks for the proposed structure, they are requesting to be allowed to only maintain a front setback of 25 feet. This request is based on the applicant's desire to protect adjacent property owners by providing the necessary side and rear setbacks. If the wheel was shifted north from its proposed location, the side and rear setbacks would be reduced. Moreover, the subject property is set back 30 feet from the back of curb along State Highway 76 whereas the majority of properties within the corridor are only set back ten feet resulting in 20 additional feet not typically enjoyed by other properties. Additionally, the Spirit of 76 Master Plan supports the proposed location of the wheel as it promotes pedestrian access and interaction, strong building orientation, and icon placement to be leading factors for redevelopment along the corridor.

The applicant has shared with staff several measures they have already taken to lessen any potential safety concerns including the acquisition of the original operating and maintenance manuals of the Ferris wheel. Additionally, the applicant has completed and submitted Form FAA 7460-1 - Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) as the proposed structure would be within the 20,000 foot buffer of the M. Graham Clark Downtown Airport. While the wheel would be illuminated with decorative lighting during operation, safety lighting would not be necessary as the proposed height is below the 200 foot threshold as required by FAA regulations. Finally to note, one of the properties located to the east, 3309 West State Highway 76, has received special use permits in the past which allow the operation of helicopter tours per Resolution No. 09-1.5, No. 10-1.7 and No. 12-1.1. However, as the most recent resolution was approved with the condition that all departure and arrival paths must be flown within the limits of the subject property, any potential conflicts will be greatly diminished between the two attractions.

COMMENTS:

No additional comments were provided by any other departments relating to the applicant's request.

JURISDICTION OF THE BOARD OF ADJUSTMENT:

In hearing this case, the Board of Adjustment has the powers and duties as follows:

Branson Municipal Code Section 94-166: Powers and duties.

2. *Variances – conditions governing applications, procedures. To authorize upon appeal in specific cases such variance from the bulk or area regulations of this chapter, as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the board unless and until:*
 - a. *A written application for a variance is submitted demonstrating:*
 - (1) *That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district;*
 - (2) *That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;*
 - (3) *That the special conditions and circumstances do not result from the actions of the applicant;*
 - (4) *That granting the variance requested will not confer on the applicant any special privilege that is denied by the chapter to other lands or structures in the same district.*

No nonconforming use of neighboring lands or structures in the same district, and no permitted or nonconforming use of land or structures in other districts shall be considered grounds for the issuance of a variance.

- b. Notice of public hearing shall be given as is outlined in the proceedings of the board of adjustment.*
- c. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.*
- d. The board of adjustment shall make findings that the requirements of subsection (2)(a) above have been met by the applicant for the variance period.*
- e. The board of adjustment shall further make a finding that the granting of the variance is the minimum variance that will make possible the reasonable use of the land or structure.*

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title [appendix] and punishable under section 94-190.

RECOMMENDED ACTION:

Grant a variance from Section 94-68(e) – Height restrictions, to allow a 147.6 foot tall Ferris wheel, or an increase of 47.6 feet above the restricted height amount within the property located at 3345 West State Highway 76. This recommendation is based on the unique circumstances associated with relocating an existing iconic landmark which cannot be reconstructed to a different height. Additionally, the recommendation is based on the proposed structure being a transparent attraction and not a solid building tower which would have a much greater impact on the viewshed. Such a variance would also allow a reduction of the required front setback to 25 feet so the additional side and rear setbacks can be provided within a uniquely shaped property.

ATTACHED INFORMATION:	Exhibit A:	Application to Board of Adjustment
	Exhibit B:	Vicinity Maps
	Exhibit C:	Elevations, Site Plans & Photos
	Exhibit D:	Public Legal Notice as Required per Sec. 94-165(b)
	Exhibit E:	Public Notice as Required per Sec. 94-165(b)

Exhibit A.1



CITY OF BRANSON
PLANNING & DEVELOPMENT
110 W MADDUX ST, SUITE 215
PHONE: (417) 337-8535
FAX: (417) 334-2391

FOR OFFICE USE ONLY: Project No. 15-19-02
DATE & INITIALS: 12/29/15
PAYMENT TYPE: [] CASH Receipt #
[X] CHECK # 35059
[] CREDIT CARD REF #
PUBLIC NOTICE DATE: 1/16
PUBLIC NOTICE FEE: \$
TOTAL DUE PRIOR TO HEARING DATE
PUBLIC HEARING DATE: 1/28 @ 7:00 PM

Application to Board of Adjustment

1. Request

- [X] Variance (VAR) (\$425.040) \$557
[] Administrative Review (ADM) (\$425.030) \$557
[] Special Permit (SPR) (\$415.050) \$557

2. Applicant/Owner/Agent Contact Information

Applicant Name (Please Print): Recreational Investments & Management, Inc.

Applicant Address: 3388 Green Mountain Dr. Branson, MO 65616

Phone Number: 417-334-1612 Fax Number: 417-334-1512 Email: craig@bransontracks.com

Owner's Name (Please Print): Recreational Investments & Management, Inc.

Owner's Address: 3388 Green Mountain Dr. Branson, MO 65616

Phone Number: 417-334-1612 Fax Number: 417-334-1512 Email: craig@bransontracks.com

Agent's Name (Please Print):

Agent's Address:

Phone Number: Fax Number: Email:

-> All correspondence should be sent to (check at least ONE): [X] Applicant [] Property Owner [] Agent

3. Property Description

a. Property Address 3345 W. State Hwy. 76 Branson, MO 65616

b. Land Area (in square feet or acres) 6.89 acres

c. Current use of property outdoor amusements and entertainment

4. Reason for the Request/Why the Application is being filed (attach additional sheet(s) if needed)

We would like to install a 148-foot ferris wheel on this property. Current city code only allows a structure to be 100 feet tall.

5. If this is a variance request, also state:

a. Type of area variance (setback, height, parking, etc.) height, setback

b. Amount of variance height - 48 feet, setback - 25 feet

c. Section of the Branson City Code requesting variance from 94-68(e)(1)

Exhibit A.2

6. Below are the four parts of the codified requirements for being given a variance from the Board of Adjustment as found in section 425.040 of the Branson Municipal Code. The Board of Adjustment must rule that your request meets these criteria before they approve such a request. In the space provided below please explain in the application how your project meets the listed four part test. Also, be aware that that Board of Adjustment hearing in this matter, you will have the opportunity to orally explain these answers and elaborate on them:

1. That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other land or structures in the same district.

The ferris wheel in question is pre-constructed at 148 feet tall in height.

2. The literal interpretation of the provisions of this title [appendix] would deprive the applicant of rights commonly enjoyed by other properties in the same district under the term of this title [appendix].

Interpretation of current city code would deprive us from being able to install this attraction on the property, which would in turn, inhibit us from providing this type of amusement experience for our guests on the Hwy. 76 corridor.

3. That the special conditions and circumstances do not result from the actions of the applicant.

The ferris wheel we desire to install is pre-constructed at 148 feet tall. Our company did not have any input into the design of this attraction.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title [appendix] to other lands or structures in the same district.

Previous requests have been approved for similar height variances, and other applicants can follow the same procedures to obtain a variance in the future.

7. The Applicant Shall Submit the following:

All applications to the Board of Adjustment must include the following on the date of submission. The case will not be placed on an agenda until all information is received and complete.

- Completed application form with property owner/agent signature.
Appropriate fee payable to City of Branson.
Recent copy of the WARRANTY DEED/DEED OF TRUST as well as any Codes, Covenants and/or Restrictions for the subdivision in which the subject property is located.

Restrictions: (Note: zoning WILL NOT supersede deed restriction(s), if any.)

- X No deed restrictions
A list of restrictions have been attached.

The information presented with this application is true and correct to the best of the undersigned's knowledge.

8. With the signing and submittal of this application, the property owner authorizes the City of Branson to enter onto the subject property, at a reasonable time, to collect data and other information in order to accurately prepare reports or other documentation for review by the Board of Adjustment and City departments. Cost associated with legal advertisement, neighbor notices, and court reporter fee shall be reimbursed to the City of Branson before an item can be considered at the Board of Adjustment meeting. Payment is due no later than one week prior to the scheduled meeting. If payment has not been received, the item may be withdrawn.

Applicant's Signature: [Signature]
Printed Name: Craig Wescott President & CEO Date: 12/29/2015

Owner's Signature: [Signature]
Printed Name: Craig Wescott President & CEO Date: 12/29/2015

Agent's Signature:
Printed Name: Date:

ACKNOWLEDGMENT OF PROPERTY OWNER

STATE OF Missouri)
) SS.
COUNTY OF Taney)

On this 29th day of December, 2015, before me personally appeared Craig Wescott,
to me known to be the person described in and who executed the foregoing application, and acknowledged that he/she executed the
same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in
Branson, Missouri the day and year first above written.

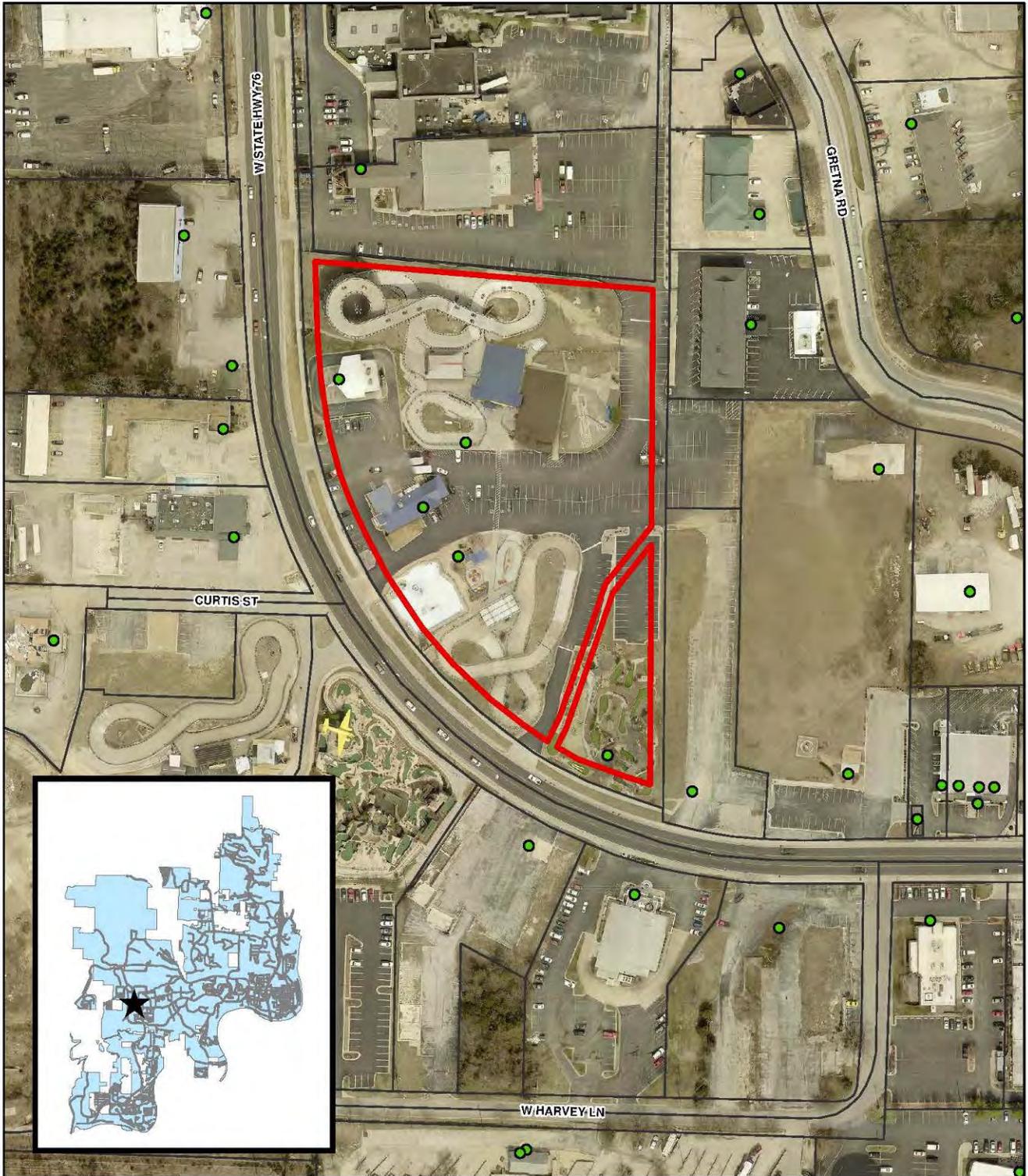
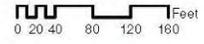


1st Susan M. Mayr
Notary Public

My term expires 1/17/2016

3345 West State Highway 76

City of Branson
Planning & Development
January 2016



3345 West State Highway 76

City of Branson
Planning & Development
January 2016

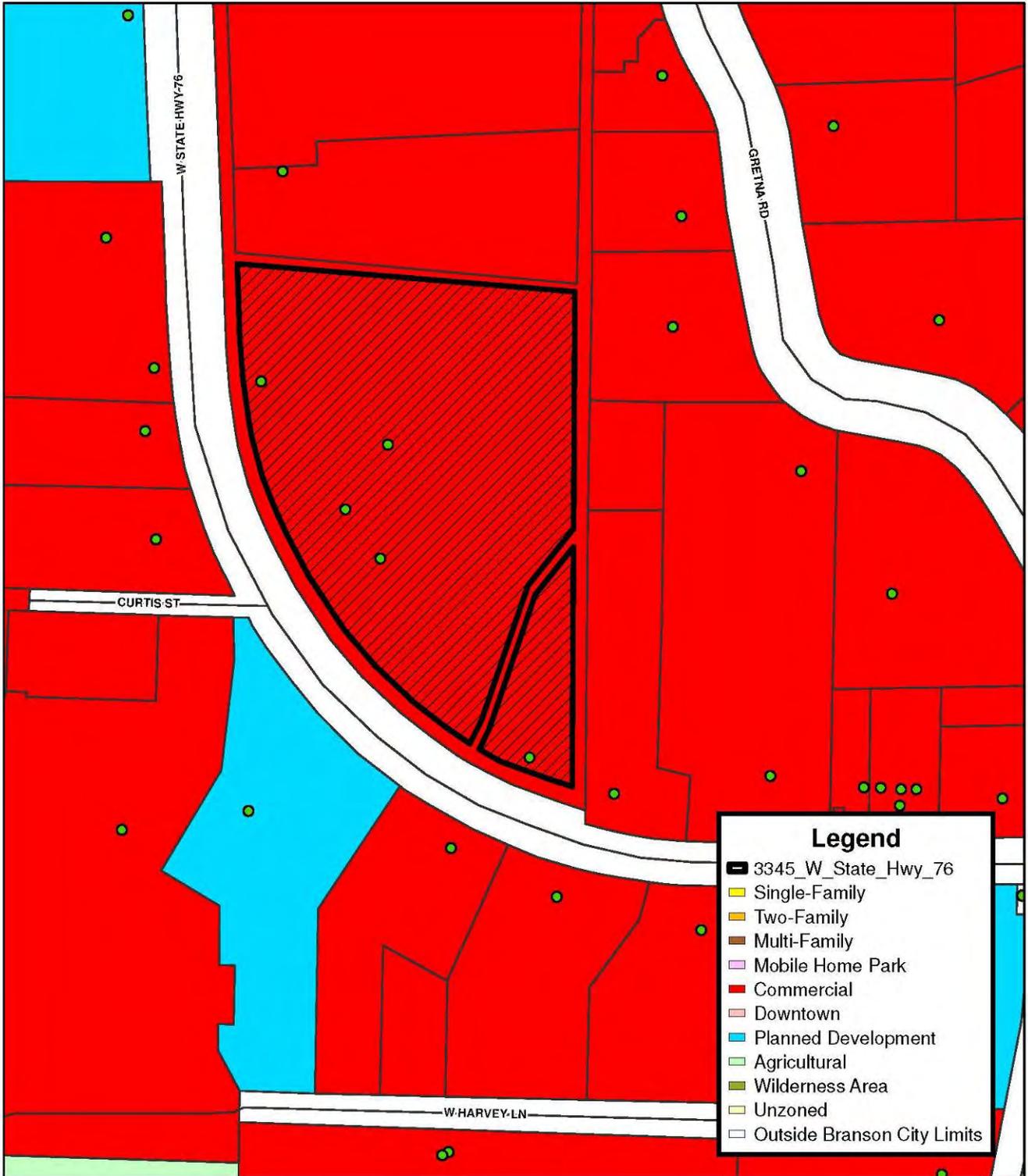
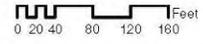
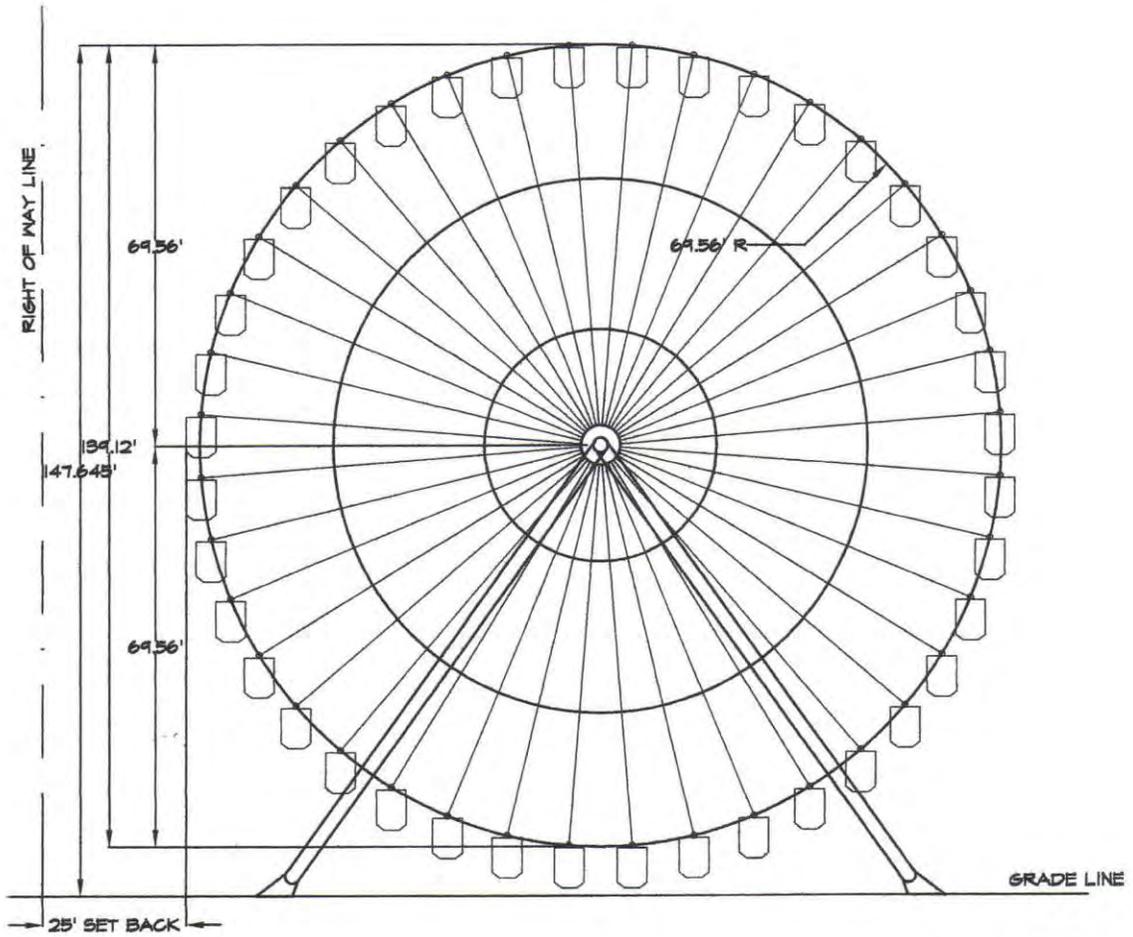
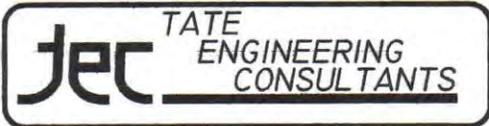


Exhibit C.1



SCALE: 1" = 30'



4054 W. PAGE PLACE TEL (417) 882-5684
SPRINGFIELD, MO. 65802



EXHIBIT I
GIANT WHEEL
TRACK IV
SPRING 2016

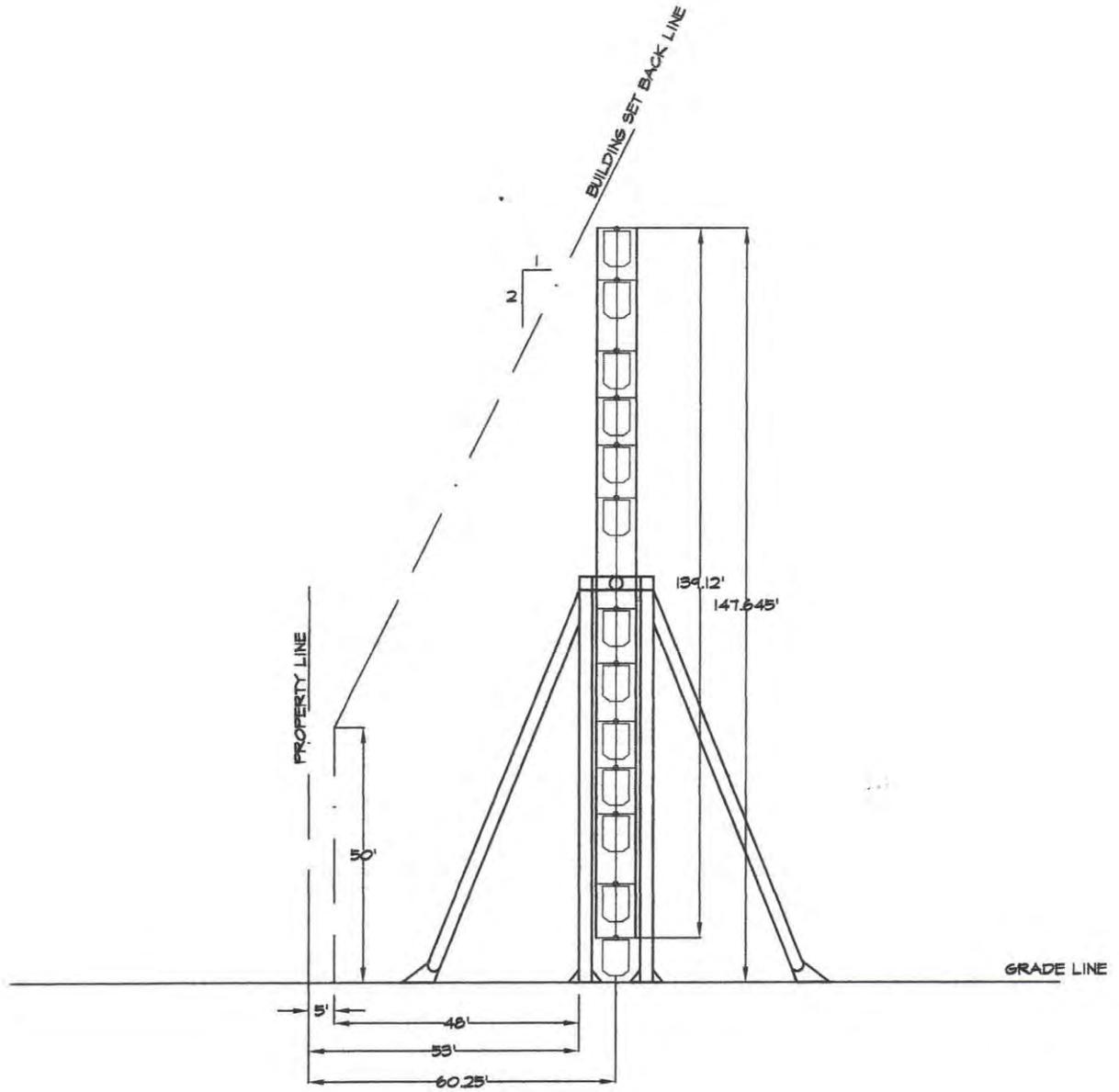
This drawing is the property of Tate Engineering Consultants
Do not print, photograph, copy or use for any purpose
other than that for which it is specifically furnished.

© TATE ENGINEERING CONSULTANTS 2016

RALPH D. TATE, P. E. E-17940

DWG. NO. 16103

Exhibit C.2



SCALE: 1" = 30'

JEC TATE ENGINEERING CONSULTANTS

4054 W. PAGE PLACE TEL (417) 862-5684
 SPRINGFIELD, MO. 65802

This drawing is the property of Tate Engineering Consultants
 Do not print, photograph, copy or use for any purpose
 other than that for which it is specifically furnished.

© TATE ENGINEERING CONSULTANTS 2016



EXHIBIT 3
 GIANT WHEEL
 TRACK IV
 SPRING 2016

DWG. NO. 16103

RALPH D. TATE, P. E. E-17940

Exhibit C.3



Exhibit C.4



Exhibit C.5



Exhibit C.6



Exhibit C.7



NOTICE OF PUBLIC HEARING
Variance

Recreational Investments & Management, Inc.

NOTICE is given that a public hearing will be held by the Board of Adjustment of the City of Branson at 7:00 p.m. on Thursday, January 28, 2016, at City Hall in Branson, Missouri, concerning a request for a Variance from Section 94-68 (e) Height restrictions and (f) Area Regulations for the property located at 3345 West State Highway 76, Branson, Missouri and legally described as follows:

A TRACT OF LAND SITUATED IN THE WEST HALF OF THE NE1/4 AND THE EAST HALF OF THE OF THE NW1/4, ALL IN SECTION 2, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF THE NE 1/4, SAID SECTION 2, THENCE N89°26' 31"W, 26.56 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY #76 WEST, THENCE S3°35'35"E, 227.06 FEET, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 668.59 FEET, A DISTANCE OF 94.64 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG THE SAME CURVE, A DISTANCE OF 750.00 FEET, THENCE N0°53' 36"W, 520.77 FEET, THENCE S89°06'24"W, 484.50 FEET TO THE POINT OF BEGINNING, CONTAINING 4.02 ACRES MORE OR LESS AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

AND
A tract of land situated in W1/2 of the NE1/4 and the E1/2 of the NW1/4, all in Sec. 2, Twp. 22N., Rng. 22W., Taney County, Missouri, and being more particularly described as follows: Commencing at the NW Corner of the SW1/4 of the NE1/4 of said Sec. 2; thence North 89°26'31"W, 26.56 feet to a point on the East right of way line of Mo. State Hwy. #76; thence S3°35'35"E, 91.12 feet for a new point of beginning; thence S3°51'35"E, 135.94 feet to a point; thence along a curve to the left having a radius of 668.59 feet a distance of 94.64 feet for a point, (said point remaining on the East right of way line of W. Hwy. 76 as now located); thence N89°06'24"E, 484.50 feet to a point; thence N0° 53'36"W, 33.21 feet to a point; thence N0°33'00"W, 155.11 feet to a point; thence N86°11'30"W, 504.85 feet to the point of beginning.

Public comments on this request will be heard at the scheduled meeting. Petitions may be filed with the Planning

Division prior to the Board of Adjustment meeting.

B5/11

NOTICE OF PUBLIC HEARING
Variance

Recreational Investments & Management, Inc.

NOTICE is given that a public hearing will be held by the Board of Adjustment of the City of Branson at 7:00 p.m. on Thursday, January 28, 2016, at City Hall in Branson, Missouri, concerning a request for a Variance from Section 94-68 (e) Height restrictions and (f) Area Regulations for the property located at 3345 West State Highway 76, Branson, Missouri and legally described as follows:

A TRACT OF LAND SITUATED IN THE WEST HALF OF THE NE1/4 AND THE

Legal Notice

EAST HALF OF THE OF THE NW1/4, ALL IN SECTION 2, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SW1/4 OF THE NE 1/4, SAID SECTION 2, THENCE N89°26' 31"W, 26.56 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY #76 WEST, THENCE S3°35'35"E, 227.06 FEET, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 668.59 FEET, A DISTANCE OF 94.64 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING ALONG THE SAME CURVE, A DISTANCE OF 750.00 FEET, THENCE N0°53' 36"W, 520.77 FEET, THENCE S89°06'24"W, 484.50 FEET TO THE POINT OF BEGINNING, CONTAINING 4.02 ACRES MORE OR LESS AND BEING SUBJECT TO ALL EXISTING EASEMENTS AND RESTRICTIONS OF RECORD.

AND
A tract of land situated in W1/2 of the NE1/4 and the E1/2 of the NW1/4, all in Sec. 2, Twp. 22N., Rng. 22W., Taney County, Missouri, and being more particularly described as follows: Commencing at the NW Corner of the SW1/4 of the NE1/4 of said Sec. 2; thence North 89°26'31"W, 26.56 feet to a point on the East right of way line of Mo. State Hwy. #76; thence S3°35'35"E, 91.12 feet for a new point of beginning; thence S3°51'35"E, 135.94 feet to a point; thence along a curve to the left having a radius of 668.59 feet a distance of 94.64 feet for a point, (said point remaining on

the East right of way line of W. Hwy. 76 as now located); thence N89°06'24"E, 484.50 feet to a point; thence N0° 53'36"W, 33.21 feet to a point; thence N0°33'00"W, 155.11 feet to a point; thence N86°11'30"W, 504.85 feet to the point of beginning.

Public comments on this request will be heard at the scheduled meeting. Petitions may be filed with the Planning Division prior to the Board of Adjustment meeting.

B5/11

THIS IS YOUR PROOF
CHECK A BOX & SIGN ON THE X THEN FAX BACK
TO: Chris AT
(417) 334-4299

Legal OK as is
 Legal needs corrections
 Send new proof

SIGNATURE
X Tara Norback

Run Dates 1/16

Dollar Investment \$86

Your Proof is Due Back As Soon As Possible

BRANSON
Tri-Lakes News

If You Have Any Questions Please Call 334-3161 Ext. 119



PUBLIC MEETING NOTICE & INVITATION

Board of Adjustment

PUBLIC HEARING

*Thursday, January 28, 2016
7:00 p.m.*

*Branson City Hall
110 W. Maddux St.
Second Floor
Council Chambers*

*For more information,
please call:*

417-337-8568

*Or for the Staff Report for
this item go to:*

*[http://www.bransonmo.gov/
AgendaCenter](http://www.bransonmo.gov/AgendaCenter)*

*City of Branson
Planning & Development
Department*

*110 W. Maddux St.
STE 215
Branson, MO 65616*

*Main Phone: 417-337-8549
Fax: 417-334-2391
www.bransonmo.gov*



We invite and welcome your participation!

You are cordially invited to attend a public hearing to discuss a request for a Variance from Section 94-68 (e) Height restrictions and (f) Area regulations for the property located at 3345 West State Highway 76, Branson, Missouri.

This invitation is being sent to property owners within 185 feet of the subject property (identified in red outlined area in the above illustration). This is a public hearing and action will be taken. Please be a part of the decision process and provide your comments at the scheduled meeting. If you are unable to attend, please provide your comments in writing or by calling us at 417-337-8568.

We look forward to hearing from you!

Exhibit E.2

Project No. 15-01900002

	Owner Name	C/O	Address	City	State	Zip
		C/O DALE E AND TWILLA P BRAILLER				
1	BRALLIER DALE E TRUST	TRUSTEE	PO BOX 264	ROGERSVILLE	MO	65742
2	BRANSON PROPERTY LLC	C/O KEN STEFFEN	PO BOX 1105	BRANSON PIGEON	MO	65616
3	GOLF-FIVE LLC		PO BOX 24	FORGE	TN	37868
4	GURU ENTERPRISES, LLC		895 QUINCE AVE #4 3000 GREEN MOUNTAIN DR #	SANTA CLARA	CA	95050
5	H & H ADVENTURES INC HUGHES ENTERTAINMENT		107-2 3425 W 76	BRANSON	MO	65616
6	INC JIM PATTISON		COUNTRY BLVD 7576 KINGSPONTE	BRANSON	MO	65616
7	DEVELOPMENTS (US) INC		PKWY STE 188	ORLANDO	FL	32819
8	LA DELL REALTY INC LODGE OF THE OZARKS	C/O RICHARD HATFIELD	205 GRETNA RD 3431 W 76	BRANSON	MO	65616
9	MANAGEMENT INC MARIA'S THEATER GROUP		COUNTRY BLVD	BRANSON	MO	65616
10	II LLC		1 CLAYCHESTER DR	ST LOUIS	MO	63131
11	OAK GROVE INN STANDRIDGE DENNIS H &		PO BOX 765209	DALLAS	TX	75376
12	KATHY D		PO BOX 142	CLARKSVILLE	AR	72830