



## 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)

**TANEY COUNTY BOARD OF ADJUSTMENT**  
**STAFF REPORT**  
**LUTHER HARKINS**  
**JANUARY 21, 2008**  
**#08-6**

Public Hearing for Luther Harkins, located at Dandelion Ct., in the Branson Township, Sec. 12 Twp. 22 Rng. 22.

The applicant, Luther Harkins is requesting an appeal of the Taney County Planning Commission decision of record item #4, dated October 20, 2008.

History: The applicant applied to allow Alltel Communications to place a cell tower on his property October 20 2008, with the Planning Commission giving approval and stipulating that no structure shall be within 130' of the tower.

General Description: The subject property contains 5 acres and is located off Fall Creek Road to Dandelion Ct. The adjoining properties to the development consist of residential, commercial, and undeveloped.

Review: The appeal is to strike item #4 of the decision of record from the approval.

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

1. Item #4 of the Taney County Planning Commission decision of record removed from the October 14, 2008 document.
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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Handwritten initials '09-01' and a signature.

Taney County Board of Adjustment
APPLICATION AND AFFIDAVIT
FOR VARIANCE OR APPEAL

NOTE: You can complete this application form on your computer and then print a copy. Use your TAB key to move from line to line, and then type in the required information. Print the completed form and submit it to the Planning & Zoning office.

SELECT ONE: [ ] Variance (\$25) [x] Appeal (\$75)

Name of Applicant: Paul and Judy Korinek Phone: 209-610-9291

Address: 1948 Santa Fe Drive

City: Stockton State: CA Zip Code: 95209

Representative: Paul D. Link Phone: 417-332-3425

Owner of Record: Paul and Judy Korinek Signature: Paul D. Link, Attorney for Korinek

Project Name: Alltel Communications Tower Approval of October 20, 2008

Section(s) of Code Protested (P&Z office entry):

Site Address / Location: Luther Harkins Dandelion Ct.

Subdivision (if applicable): NA

Section: 12 Township: 22 Range: 22

Parcel #: 18-1.0-12-001-001-002.000 Acres or Sq.Ft.: 3.85+-AC

Does the property lie in the 100-year Floodplain? [ ] Yes [x] No

Required Submittals Checklist:

- [x] typewritten legal description of the property involved in this request
[x] proof of public notification in a newspaper of county-wide circulation
[x] proof of ownership or approval to proceed with request from the property owner
[x] site plan or survey of the project that completely demonstrates this request

## Board of Adjustment Application (continued)

### JUSTIFICATION FOR REQUEST

Please provide a detailed description of your request and reason(s) supporting your request.

*Paul and Judy Korinek/ 18-1.0-12-001-001-002.000*

*We are appealing for a change in location for placement of the Alltel tower. We did not receive a mailed notice of the 10/20/08 meeting that approved the current placement. We live out of the state so posting in the paper would not help us. We only received the notice mail dated 12/19/08 for appeal of the 130' ruling of no structure within 130' of the tower.*

*We are requesting that the location be changed for the following reasons:*

- 1. Placement next to our property of such a tower distracts from the marketability, functionality, and value of our property. It would create substantial financial loss and desirability to our property.*
- 2. As stated in the 10/20/08 approval, no building can be within 130' of structure. This would draw a radius into our property, resulting in severe financial damages to us.*
- 3. Also, when the property is developed other regulations or codes could be drawn for construction which again would cause severe financial damages.*
- 4. We are not against the tower for Mr. Harkins or Alltel, but request fairness in a location that does not inflict financial damages to us.*

*Respectfully Submitted:*

  
*Paul Korinek*

*Signed by Paul D. Link, Attorney*