



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653
Phone: 417 546-7225 / 7226 • Fax: 417 546-6861
website: www.taneycounty.org

AGENDA TANEY COUNTY BOARD OF ADJUSTMENT OCTOBER 20, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

*Establishment of Quorum
Explanation of Public Hearing Procedures
Presentation of Exhibits
Governing Statutes*

Public Hearings:

Lucinda Hinkson

Old and New Business:

Review and Action:

Minutes, September 2010

Adjournment.



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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

LUCINDA HINKSON

OCTOBER 20, 2010

#10-6

Public Hearing for Lucinda Hinkson, 203 Starview Dr. in the Branson Township, Sec. 26 Twp. 23 Rng. 22.

The applicant is requesting a variance from Table 1, Setbacks of the Taney County Development Guidance Code.

History: The property is located in the Forest Park Subdivision. The site consists of rocks and trees on the north side of the property.

General Description: The subject property is 45' x 70'. The adjoining properties to the request consist of residential.

Review: The site consists of an RV, patio structure, and storage shed.

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

1. Approval for a variance off the north side of the property of 5 feet (5.3.1).
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 (Appendix D Step 6).



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APPLICATION and AFFIDAVIT

FOR VARIANCE OR APPEAL

(Circle one)

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

PLEASE PRINT

DATE 9-16-2010

Applicant LUCINDA "Dolly" HINKSON Phone 985-285-6257

Address, City, State, Zip 203 Starview DR Bronson Mo 65616

Representative Phone

Owner of Record Lucinda Hinkson Signature: Lucinda Hinkson

Name of Project: Lucinda Hinkson

Section of Code Protested: (office entry)

Address and Location of site: 203 Starview Drive Bronson Mo 65616

Subdivision (if applicable) Forest Park

Section 26 Township 23 Range 22 Number of Acres or Sq. Ft. 45' 70'

Parcel Number 07-7.00-26-004-005-020.000 Lot 89

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

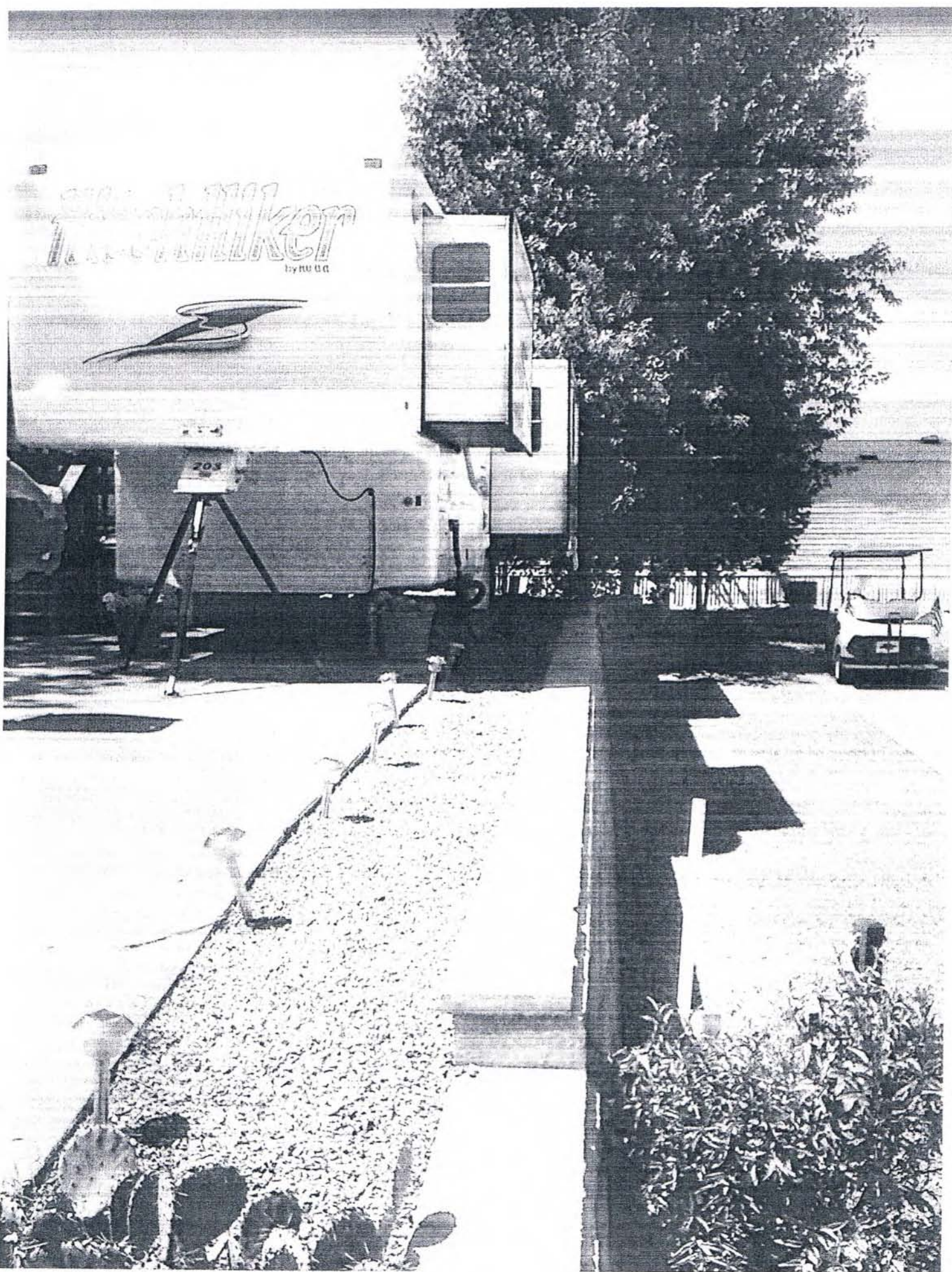
Please give a complete description of your request on page two.

Describe in detail the reason for your request:

I want to put a cover over my
5th wheel and I need a variance
from the ~~back~~^{north} side of property
setback of 5'. The reason being a
large portion of my lots is taken
up by natural rocks and trees.

The reason I'm asking for a variance on my property is because one side of my lot is covered with natural rocks and trees. If I have to move my unit over 5', then add the width of the unit plus the width of the slide out, and the width of my porch which is 10' wide I won't have access to my shed where I keep my golf cart in the winter. I'm enclosing pictures so you can see my problem. The cover I want to purchase is certified to withstand 130 mile wind and 30 per sq ft snow. It will protect the roof and also cut down the electric bill.

Thank you
Lucinda Hinton







BOA Lucinda Hinkson



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 MP 9/5/2006



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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, SEPTEMBER 15, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with five members present. They were: Dave Clemenson, Bob Hanzelon, Jack Johnston, Tom Gideon, and Dave Nelson. Staff present: Eddie Coxie, Bonita Kisse, Dan Nosalek.

Mr. Coxie read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code as Exhibit A, the staff report as Exhibit B, and the staff files including all pertinent information as Exhibit C, and the Taney County Board of Adjustment bylaws as Exhibit D. The state statutes that empower and govern the Board of Adjustment were read. Mr. Clemenson swore in the speakers before the hearing.

Public Hearing:

Larry and Heather McKaig: request for appeal of the Taney County Planning Commission decision of May 17, 2010 for Major's Commercial Development/Auto Shop located at 13159 St. Hwy. 160. The applicants maintain that the Division II Permit was issued before the Division III Permit, that the property owner did not provide proof of ownership, the legal description was not accurate, the applicant started construction before permit issuance, the emergency waiver is not legal, the Division III Permit is unlawful under state statute, and the applicants feel their rights were violated because the proper procedures were not followed.

Mr. Coxie read the staff report and presented pictures and a video of the site. A time line of the project was presented by Mr. Coxie, of which is attached to these minutes. Attorney representing Mr. McKaig asked Mr. Coxie about page 15 of the Code regarding the Division II permits and when a commercial building is started should receive a permit after which a Division III permit is issued. He also called to the attention of the Board what a land use change is. The emergency waiver was discussed and Mr. Price asked Mr. Coxie questions regarding preparation of the waiver and state statute. He pointed out that an emergency waiver is not a variance. He tried to make the point that the use of the land was changed before permits were issued. Contention

was that nothing provides for an emergency waiver and that it must be issued before either permits, the property owner's rights were violated, or the procedure was unlawful under the Code and state statute.

Mr. Price called two "witnesses". Mr. Clemenson made the point that the County Commission is the only board that can grant land use changes. Mr. Coxie reported when the emergency waiver was approved by the County Commission and how many times it had been used. Mr. McKaig answered questions from his legal representative regarding where his property is located, described pictures of water drainage on his property, and noise caused by the development across the street. Mr. Coxie questioned Mr. McKaig regarding the drainage and informed him that at the Public Hearing a motor cycle shop was discussed along with the other uses. Mr. Gideon asked Mr. McKaig if he had a business on his property, and Mr. Price objected to the question and did not answer. Discussion ensued between Mr. Coxie and Mr. McKaig about the drainage. Mr. Nelson asked Mr. McKaig if he had any studies done on the drainage ditches from MoDot or anyone else and Mr. McKaig answered no. Mr. Coxie reported that the ditches are MoDot constructed.

Mr. Paulson discussed that after the first two permits were issued, Division III procedures were followed correctly. Discussion followed regarding a discrepancy in the legal description and that Mr. Majors was indeed the property owner at the beginning with paperwork in the file proving this point. Mr. Price then called Charlie Beck who is with the Taney County Central Fire District and retired carpenter. The reason Mr. Price called this witness was to prove the building did not meet fire codes. Mr. Coxie objected to the line of questioning because it does not have anything to do with the question at hand. The discussion followed regarding that Taney County Planning and Zoning Department does not enforce building codes. Mr. Beck did not issue a Fire District Permit. Mr. Price tried to make the point that too many mistakes were made and permits were not properly issued. Mr. Coxie reported that the Division II was issued after the first and only fire district permit was issued. Scott Puckett who lives on the other side of the property in question, wanted to make the point that Mr. Majors didn't get a permit in the beginning. Mr. Coxie asked if he ran a business from his home, which Mr. Puckett stated that he did. Mr. Puckett didn't get a permit for his business. Discussion followed. Jennifer Puckett, Scott Puckett's wife discussed the time frame of the buildings versus the permit issuance, fairness in the process, neighbors not being notified, and their sewer lines being cut. Mr. Nelson pointed out that everyone should follow the same rules.

Mr. Price bringing the discussion back to the point, discussed the dirt beside the shop at the top of the hill was washing down on the McKaig property. Mr. Coxie reported that DNR visited the site and it was their opinion that not enough sediment was washing down from the new construction site to cause a problem with Mr. McKaig's property. Mr. Hanzelon discussed the final dates of the permits with Mr. Coxie. Mr. Clemenson discussed the "Dillon Rule" with Mr. Paulson.

At this point Mr. Clemenson closed the public comment portion, allowing the Board to deliberate. Mr. Hanzelon discussed how many days to file an appeal and that it was filed within the 90 day time frame. Mr. Clemenson discussed the emergency waiver and that in his opinion Mr. Majors followed up on obtaining the proper permits as he was directed. He clarified that this is not a variance request, but an appeal of the Planning Commission decision of May 17, 2010, then entertained a motion. Mr. Gideon made a motion to deny the appeal, based upon the correct procedures were followed by the property owner and the emergency waiver is a county commission rule, the staff is obligated to follow. The motion was seconded by Bob Hanzelon. The vote to deny was four in favor of denial and one against denial. Mr. Clemenson stated that the applicant may appeal to circuit court. Mr. Price requested the applicant be sent findings of fact and conclusions of law.

Review and Action:

Minutes, August 2010: with no additions or corrections a motion was made by Bob Hanzelon to approve the minutes as written. Seconded by Jack Johnston. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Coxie reported on requests for next months' meeting.

Adjournment:

With no other business on the agenda for September 15, 2010 the meeting adjourned at 8:25 p.m.