

**PLANNING AND ZONING BOA OCTOBER 2005 PACKET**

**AGENDA  
TANEY COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY, OCTOBER 19, 2005, 7:00 P.M.  
ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM  
TANEY COUNTY COURTHOUSE**

Call to Order:

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

Public Hearing:

*Huntington Greens, LLC*

Old and New Business:

Review and Action:

*Minutes, September 2005*

Adjournment.

**TANEY COUNTY BOARD OF ADJUSTMENT**  
***STAFF REPORT***  
***HUNTINGTON GREENS, LLC***  
***CASE #05-14***

Public Hearing for Huntington Greens, LLC, located off T-Highway, in the Branson Township, Sec. 24 & 25, Twp. 23 Rng. 21.

The applicant Jan Blasé requests a variance from the 10' buffer, and cul-de-sac requirement as presented in Taney County Planning Commission decision of record August 15, 2005.

History: The project Huntington Green Estates received approval from the Taney County Planning Commission on August 15, 2005 to develop a 33-lot subdivision for residential use (low density).

General Description: The subject property contains 129.78 acres and is located off the southwest intersection of T-40 and St. Hwy. T a 24' wide paved surface, and the south side of Painter Road a 20' wide paved surface. The adjoining properties to the development consist of residential.

Review: The request from the 10' buffer requirement and cul-de-sac requirement is due to the topography of the site, which in the applicant's opinion was not brought forth at the Planning Commission meeting.

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

1. The variance is for the omission of the buffer requirement in the Taney County Planning Commission Decision of Record dated August 15, 2005.
2. A variance also for the omission of the cul-de-sac requirement of the Taney County Planning Commission Decision of Record dated August 15, 2005.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

**MINUTES**  
**TANEY COUNTY BOARD OF ADJUSTMENT**  
**WEDNESDAY, AUGUST 17, 2005, 7:00 P.M.**  
**ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM**  
**TANEY COURTHOUSE**

Call to Order:

Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with five members present. They were: Dave Clemenson, Alan Lawson, Gary Wakefield, Tim Huddleston, and Bob Anderson. Staff present: Kurt Larsen, Bonita Kisse, and Larry Rowland.

A statement explaining the meeting procedures was read and the Taney County Development Guidance Code was placed into evidence 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, and the speakers sworn in.

Public Hearings:

Ray E. Davis: a request by Ray Davis for a variance from the side setback of his property 27" on the front corner, and 60" from the rear corner, located at 254 Cox Road. Mr. Larsen read the staff report and presented pictures and a video of the site. Mr. Davis explained that the reason for the request is because this is the only place on the property in his opinion, to put the carport. The road was widened impeding using any other spot on the site. The structure could not be placed in the back because of the septic tank being there, and would impede visibility in the front of the house. Discussion followed regarding location of the property lines. No one signed up to speak. Mr. Lawson stated that this request meets the requirements of the Board of Adjustment, and made a motion to approve the request based upon the decision of record. Tim Huddleston seconded. The vote to approve was unanimous.

Don D. Stephens: a request by Don Stephens for a variance from Appendix H, Section III, Paragraph 3, page 101 of the Taney County Development Guidance Code as it applies to a street easement in Stephens Subdivision. Mr. Larsen read the staff report and presented pictures and a video of the site. Eddie Wolfe represented Mr. Stephens and presented a site plan of the project. He stated that there is a 50' right of way that services the subdivision, which goes through a private driveway. If the subdivision continues

to develop, there would be too many cars utilizing this area. Making another entrance through the other area would be better except it isn't possible to make the width according to county requirements. These roads will be maintained by the homeowners association, unless the county would agree to take them over. Mr. Spain who lives close by was concerned if any of his property would be affected because he wants to build a garage. It was determined that his property would not be affected. Discussion followed. If the variance isn't granted, the property will remain a driveway. Bob Anderson made a motion to approve the 10' road easement variance based upon the decision of record and stated that putting the road in this area would be safer. Alan Lawson seconded. The vote to approve was four in favor and one against.

Terry and Colleen Blackman: a request by the Blackman's for an appeal of the Taney County Planning Commission decision to deny a land use change for Vickery Resort located at 238 Tina Street. Mr. Larsen read the staff report and presented pictures and a video of the site. Mr. Phillip representing the Blackman's presented information about the property. Mr. Larsen gave the history of the request and presented a letter from the sewer district stating what the plans were regarding placement of the foundation over the sewer lines. Several property owners signed up to speak. Mr. Phillip who represents the Blackman's addressed the issues and explained why the Blackman's want to change the motel into condos and how they plan to do this. He stated that the request was always for condominiums and that Mrs. Blackman was confused when she applied for the Division II permit. Further comment from Mr. Phillip addressed the road has been widened making it safer, there is now central sewer, the speed limit has been reduced, and the property meets the requirements of the Development Code. He pointed out other commercial uses in the vicinity. Mr. Lawson asked Mr. Phillip to clarify how many units originally were requested. Mr. Phillip stated that originally 33 were requested. The plan is for whole ownership condominiums with the option of nightly rental. Mrs. Blackman presented letters from property owners in favor of the project and also gave the history of the request. Comments from property owners in favor of the request included: that they do not see a problem with the traffic, and it would be a nice addition to the neighborhood.

Don Ingram represented the property owners against the request and presented his exhibits. He stated that the intersection does not meet the County road standards, and the property is grandfathered. He pointed out that the grandfathered use remains the same and cannot be changed if it doesn't comply with the current codes. He also reported that Kanakuk Kamp is also against the development. The area is primarily residential making the request incompatible with the surrounding area. Most of the people present at this meeting were against the project. Comments from the property owners not in favor of the project included; traffic safety, density, parking, increasing property taxes,

decreasing property values, and the possibility of permanent residential families with children. Mrs. Blackman reported that they have a boat dock and they have a permit to add to it. The slips will not be included with the sale of the condos. They have additional parking spaces for the dock. Mr. Lawson asked both attorneys how the Board could approve condominiums on this property and be consistent with the code. Mr. Phillip felt that it conformed with the existing use. Mr. Ingram felt that condominiums would be incompatible with the surrounding area and inconsistent with the code and would change the entire complexion of the neighborhood. Discussion followed regarding communication in the beginning between staff and applicants. Mr. Phillip addressed the questions raised from the public. Mr. Lawson stated that the Board can't make a judgement based on another property being able to do the same thing. Mr. Huddleston made a motion to deny the appeal based upon Appendix N. Alan Lawson seconded. Discussion followed. The vote to deny was unanimous. Mr. Clemenson stated that the applicant may appeal to circuit court.

Old and New Business:

No discussion.

Review and Action:

With no additions or corrections a motion was made by Bob Anderson to approve the July 2005, minutes as written. Seconded by Gary Wakefield. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for August 17, 2005, a motion was made by Bob Anderson to adjourn. Seconded by Alan Lawson. The vote to adjourn was unanimous. The meeting adjourned at 9:20 p.m.