



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 WEDNESDAY, MAY 18, 2016, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum

Election of 2016 Officers

Governing Statutes

Explanation of Public Hearing Procedures/Presentation of Exhibits

Public Hearing:

Gary & Karen Deeke, Variance

Review and Action:

Minutes, April 2016

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY BOARD OF ADJUSTMENT VARIANCE STAFF REPORT

HEARING DATE: May 18, 2016

CASE NUMBER: 2016-0001V

APPLICANTS: Gary & Karen Deeke

REPRESENTATIVE: Karl Finkenbinder

LOCATION: The subject property is located at 144, 145, 160 and 161 Bald Eagle Boulevard; Oliver Township; Section 24, Township 22, Range 22.

REQUEST: The applicants, Gary & Karen Deeke are requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3., Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the four (4) meets & bounds described properties in question to be platted as a minor subdivision.

BACKGROUND and SITE HISTORY:

The subject property is currently four (4) meets & bounds described tracts of land (parcel #s 18-6.0-24-000-000-002.003 through 002.006). The existing parcels in question vary in size from 7,605 square feet to 8,541.86 square feet in size, based upon the submitted survey / site plan. Each of the four (4) meets & bounds described properties contains a four-plex building. Each four-plex building contains four three-bedroom, two-bathroom units. The applicants, Gary & Karen Deeke are also proposing to purchase an additional +/- 3,158.49 square feet of property which would be added to the Building 2 as enumerated on the submitted survey / site plan.

On June 16, 2003 the Planning Commission approved Division III Permit # 2003-0027, authorizing Brad LaCore to plat and develop a ninety (90) lot residential subdivision on approximately 35 acres, including the area of the four (4) parcels in question. The ninety (90) lot subdivision development never occurred.

On May 16, 2005 the Planning Commission approved Division III Permit # 2005-0020, authorizing Brad LaCore to develop approximately 38 acres (including the four (4) properties in question) into three (3) commercial lots and 430 multi-family condominium units.

On March 16, 2007 Division II Permit #s 2007-0024 through 2007-0027 were issued to Tri-Sons Construction, authorizing the construction of the four (4), four-plex condominium units in question. The four-plexes are each served by public sewer via the Taney County Regional Sewer District.

In August and October of 2013 the applicants purchased the subject properties from two different lenders, each of whom had foreclosed on two (2) of the four (4) buildings. At the time of purchase, the properties were all deeded as meets & bounds property descriptions, with no restrictive covenants or condominium declarations having been written or recorded for any of the properties. The original developer mortgaged the properties deeds as metes & bounds descriptions. However, this developer was foreclosed upon prior to the execution of any of the necessary instruments to record deeds for said condominiums, and as such the first conveyance of title for each of the buildings was involuntary due to foreclosure, thereby maintaining the meets & bounds status.

The applicants, Gary & Karen Deeke are now requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3, Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the four (4) properties in question to be platted as a minor subdivision. The properties in question are being utilized as apartments.

GENERAL DESCRIPTION:

The applicants, Gary & Karen Deeke are requesting a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3, Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations, allowing for the replatting of the four (4) meets & bounds described lots containing four (4) existing four-plex buildings.

REVIEW:

In Taney County it has been generally accepted practice to allow for the plating of a condominium style ownership development with lots that do not necessarily meet the setback, road frontage and / or minimum lot size requirements because all of the property within a condominium development, other than the actual condominium units, is held by the condominium association as common property. The buyer of a condominium unit traditionally purchases only that area within the walls of the condominium unit. The applicants are requesting a series of variances in order to allow

the four (4) meet and bounds descriptions to be platted as a minor subdivision. The applicants currently own all four (4) lots / buildings and are utilizing them as apartments. The applicants plan to continue to utilize the four (4) buildings as a total of sixteen (16) apartment units.

The submitted Survey and Site Plan indicates Bald Eagle Boulevard with a right-of-way of 23.63 feet in width, at its most narrow point between the four (4) buildings. The portion of Bald Eagle Boulevard running between the four (4) existing lots / buildings will not be able to meet the required 50 foot minimum right-of-way requirements and expanding it to meet said requirements would cause the existing parking areas to encroach within said right-of-way. The staff has consulted with Randy Haes, the Taney County Road & Bridge Administrator in regard to this proposed variance. Mr. Haes did not express concern in regard to this variance request, primarily due to the provision of the concrete off-street parking areas outside of the right-of-way area. Mr. Haes indicated that Taney County will likely never accept Bald Eagle Boulevard for maintenance.

Each of the existing four (4) buildings also does not meet the front setback requirements (25' from the front property line), even with the granting of a right-of-way width variance.

Per the provisions of Section 7.3, Table 3 (Lot Size and Frontage Requirements) each lot would be required to be a minimum of 12,000 square feet in size (3,000 square feet per multi-family dwelling unit). The parcels in question vary in size from 7,605 square feet to 10,763.49 square feet in size, based upon the submitted survey / site plan. Please note that the lot labeled as Building 2 is currently +/- 7,605.00 square feet in size. However, the applicants are planning to purchase an additional +/-3,158.49 square feet which would be added to the lot labeled as Building 2 for a total square footage of +/-10,763.49 square feet.

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 variance request, the following requirements shall apply, unless revised by the Board:

1. Approval of a series of variances from Section 7, Table 1 (Property Line Setbacks), Section 7.3., Table 3 (Lot Size and Frontage Requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and also the minimum right-of-way width requirements of the Taney County Subdivision Regulations for the Meets & Bounds described lots containing Buildings 1, 2, 8 & 9. The approved variance for each lot have been enumerated below:

Existing Four-Plex Lots Meets & Bounds Descriptions	Front Setback Variance	Road Right-of- Way Width Variance	Lot Size Variance Sq. Ft.
Building 1	1.65'	26.37'	3,805.29 Sq. Ft.
Building 2	1.21'	26.37'	1,236.51 Sq. Ft.
Building 8	0.35'	26.37'	3,458.14 Sq. Ft.
Building 9	0.58'	26.37'	4,395.00 Sq. Ft.

3. Compliance with all of the other provisions of the Taney County Development Guidance Code.
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter 7.3.4 of the Taney County Development Guidance Code).

#16-1

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

(Circle one)

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

PLEASE PRINT

DATE 2-16-16

Applicant Gary Deeke Phone 417 230 8411

Address, City, State, Zip 245 Tyler St, Branson, MO 65616

Representative Karl Finkenbinder Phone 417 334 7922

Owner of Record Gary + Karen Deeke Signature: [Signature]

Name of Project:

Section of Code Protested: (office entry)

Address and Location of site: 144, 145, 160, 161 Bald Eagle Blvd,
Hollister, MO 65672

Subdivision (if applicable) Section 9, Table 1 (Property Line Setbacks)
Section 8.3.1 (Lot Size & Frontage Requirements)

Section 24 Township 22 Range 22 Number of Acres or Sq. Ft. 0.8 +/-

Parcel Number 18-6-0-24-000-000-002.004, .005, .006 + 003

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.

Board of Adjustments
of
Taney County Missouri

Attachment to Application for Variance for Gary & Karen Deeke

Dear Sirs:

The Subject property consists of Four Buildings, each having Four Three Bedroom Two Bath units for a total of 16 units. We purchased the subject properties in August and October of 2013 from two different lenders, each of whom had foreclosed on two of the four buildings. At the time of purchase, the properties were all deeded as Metes & Bounds, with no Restrictive Covenants or Condominium Declarations having been written or recorded for any of the properties.

According to the Taney County Assessors on-line information, all buildings were originally constructed in 2007. As we understand it, initial approval of the project was granted by Taney County Planning and Zoning as a Condominium development. The original developer first mortgaged the properties deeded as Metes and Bounds. However, this developer was foreclosed upon prior to the execution of any of the necessary instruments to record deeds for said condominiums, and as such the first conveyance of title for each of the buildings was Involuntary due to foreclosure, thereby maintaining the Metes and Bounds status.

Further, as evidenced by the attached Title Search performed by Tri-Lakes Title and Escrow at the time of purchase, there existed numerous other deficiencies to obtaining clear title to the buildings, including but not limited to no existing Ingress and Egress, and Interloping Deeds having been recorded against the properties by a third party lender.

At the time we purchased the properties out of Foreclosure, the buildings had begun to fall into a state of disrepair, which was compounded by the existence of numerous tenants that had no existing leases, and several who had not paid rent in quite some time.

Our first concern was to address the condition of the buildings and surrounding grounds, and to restore civility to the property by enforcing the terms of existing leases and putting in force leases where none existed at that time. This process took several months to complete, but our efforts have been rewarded with a stable and secure environment now in place with all buildings. Many of the initial tenants are still residing in the buildings, and have thanked us for the professional manner in which we achieved the current results.

We are currently working in conjunction with the owner of the adjoining 40 acre parcel to remedy those other issues required to obtain clear title as defined herein, and anticipate having most of them satisfactorily addressed within 90 days.

Discussions with our long time Realtor, Jim Stephenson, Broker of Branson House Realty in Branson, regarding the highest and best use of the units, strongly indicates that maintaining them as apartments presents us with a significantly higher probability of favorable performance and or saleability than attempting to sell the units individually as condominiums.

He cited the past and current trends which indicate that the existing over-supply of condominiums will continue into the foreseeable future, while occupancy rates for clean, well maintained 3 bedroom 2 bath apartments in a desirable location have continued to increase.

Having now established a solid history of performance with these buildings, our desire is to maintain them as individual apartments rather than condominiums. As such, we are asking that the members of Zoning Board of Adjustments consider our request to provide the necessary variance(s) needed to allow the buildings in question to be deeded as a Zero Lot Line 16 Unit Apartment Complex consisting of four separate Buildings , identified perhaps as Bald Eagle Apartments Buildings 1, 2 , 3 and 4.

We have attached drawings which illustrate the building Set Backs and road Right of Ways as they presently exist.


We genuinely appreciate your thoughtful consideration of our request.

Yours truly,

Gary & Karen Deeke
Owners

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.


Signature of Applicant

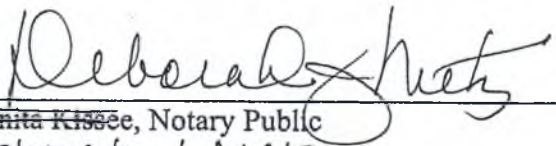
2/16/16
Date of Application

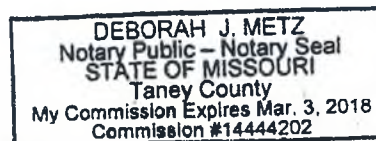
STATE OF MISSOURI)
COUNTY OF TANEY)

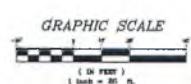
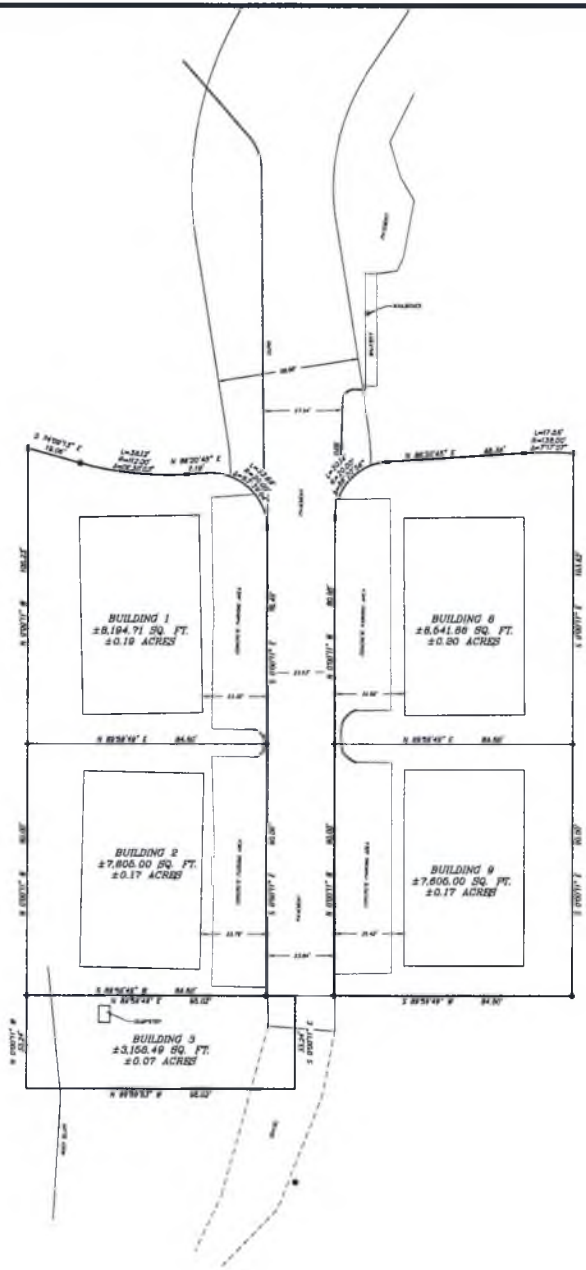
S.S. On this 16 day of Feb, 2016

Before me Personally appeared Gary Deeke, to me known 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 2/6/2014.


~~Bonita Kisse~~, Notary Public
Deborah J. Metz





DESCRIPTION BUILDING 1
A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 24, THENCE S 89°51'11" E, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 381.13 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 33.62 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, A DISTANCE OF 217.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 12.00 FEET, FOR A NEW POINT OF BEGINNING, THENCE S 74°51'11" E, A DISTANCE OF 14.00 FEET, THENCE EASTERLY ALONG A 1/4" IRON CURVE, TO THE LEFT, 381.13 FEET (SAD CURVE HAVING A RADIUS OF 14.00 FEET), THENCE S 89°51'11" E, A DISTANCE OF 76.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 10.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 8,194.71 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 2
A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 24, THENCE S 89°51'11" E, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 381.13 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 33.62 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, A DISTANCE OF 111.77 FEET, THENCE S 89°51'11" E, A DISTANCE OF 217.00 FEET, FOR A NEW POINT OF BEGINNING, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 10.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 7,805.00 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 3
A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 24, THENCE S 89°51'11" E, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 381.13 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 33.62 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, A DISTANCE OF 112.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 14.00 FEET, FOR A NEW POINT OF BEGINNING, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 10.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 3,150.49 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 4
A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE SOUTHWEST CORNER OF THE SE1/4 OF THE NE1/4 OF SAID SECTION 24, THENCE S 89°51'11" E, ALONG THE SOUTH LINE OF SAID SE1/4 OF THE NE1/4, A DISTANCE OF 381.13 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, LEAVING SAID SOUTH LINE, A DISTANCE OF 33.62 FEET, TO AN EXISTING IRON PIN, THENCE N 89°51'11" E, A DISTANCE OF 112.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 14.00 FEET, FOR A NEW POINT OF BEGINNING, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 10.00 FEET, TO THE NEW POINT OF BEGINNING, CONTAINING 8,041.98 SQUARE FEET OF LAND, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

DESCRIPTION BUILDING 5
A TRACT OF LAND SITUATED IN THE SE1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 22 WEST, TANEY COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT A SET IRON PIN MARKING THE SOUTHWEST CORNER OF BUILDING 2, THENCE N 89°51'11" E, ALONG THE SOUTH LINE OF SAID BUILDING 2, EXTENDING A DISTANCE OF 14.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 33.62 FEET, THENCE N 89°51'11" E, A DISTANCE OF 84.00 FEET, THENCE S 89°51'11" E, A DISTANCE OF 33.62 FEET, TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 3,150.49 SQ. FT. (0.07 ACRES) OF LAND, MORE OR LESS.

ALL OF THE ABOVE DESCRIBED TRACTS ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND RESTRICTIONS OF RECORD, IF ANY.

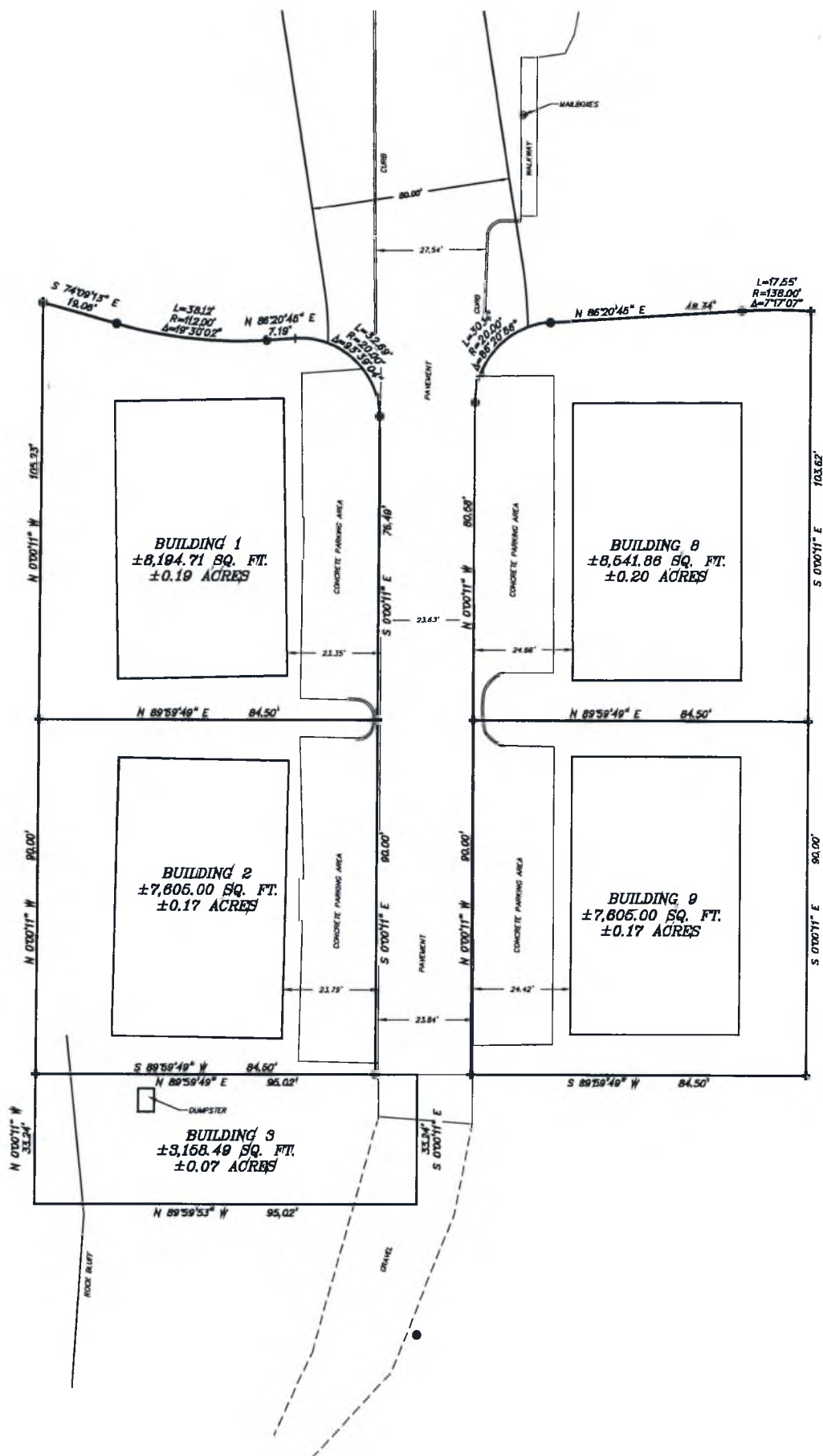
Surveyor's Certification

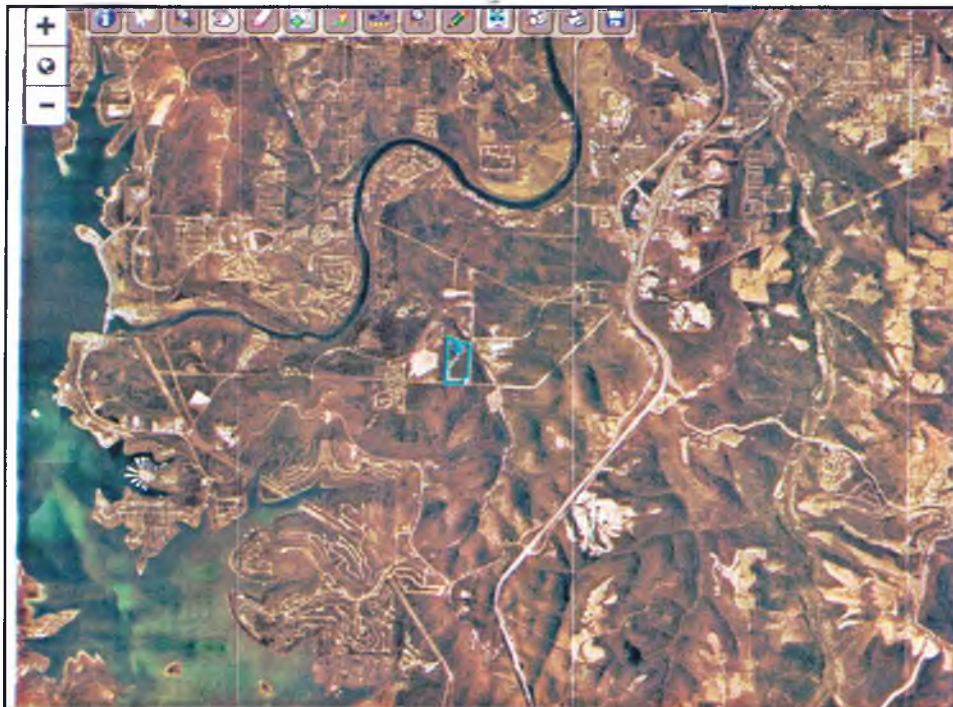
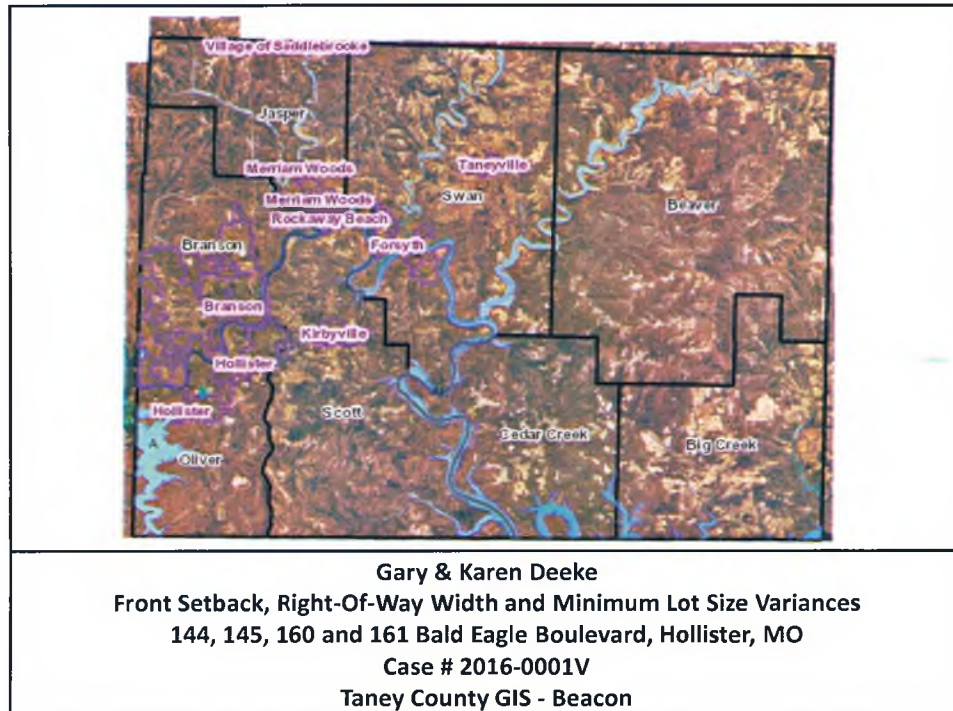
I HEREBY CERTIFY THAT AT THE REQUEST OF BRAD LACORE, I HAVE MADE AN ACCURATE SURVEY OF THE LAND DESCRIBED HEREON AND FULFILL THE CONDITIONS HEREIN AS REQUIRED BY MY OPINION THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MISSOURI BOARD STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

ALL PLATS THAT DO NOT SHOW A SEAL, SIGNATURE OR DATE ARE VOID AND BEING FRAUDULENTLY ALTERED. ALL INFORMATION SHOULD BE OBTAINED FROM THE ORIGINAL PLAT SURVEYOR WHOSE SIGNATURE APPEARS BELOW.

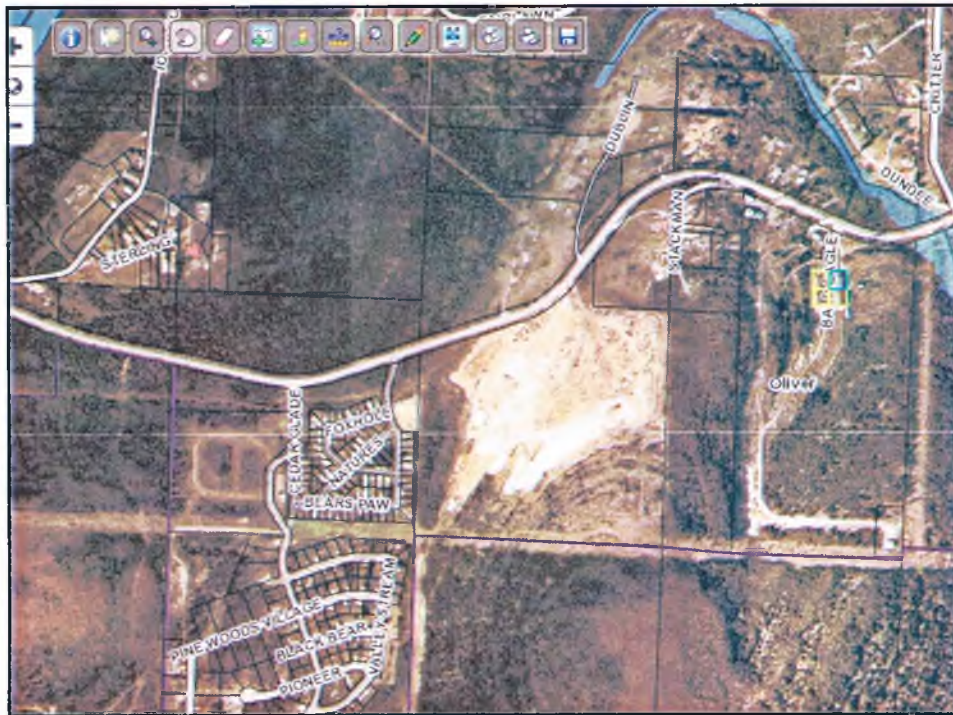
EDDIE D. WOLFE P.L.S. 2190
PATRICIA W. BROWN P.L.S. 2013020081
JACK E. HOUSEMAN P.L.S. 2005019222

Surveyed for: BRAD LACORE	
<p>LEGEND O - SET IRON PIN ● - 1/4" IRON PIN □ - CORNER MONUMENT ▲ - NORTH-UP-BAY N - NORTH</p>	<p>WOLFE SURVEYING, INC. EDDIE D. WOLFE P.L.S. 2190 (PRESIDENT) PATRICIA W. BROWN P.L.S. 2013020081 (VICE PRESIDENT) JACK E. HOUSEMAN P.L.S. 2005019222 (SECRETARY) 210 South Third Street, Oshtemo, MO 64661 Phone: 417-334-8822 Fax: 417-334-5191</p>
<p>SHEET 1 OF 1 W.C. #1040 DATE: 8/23/2016</p>	













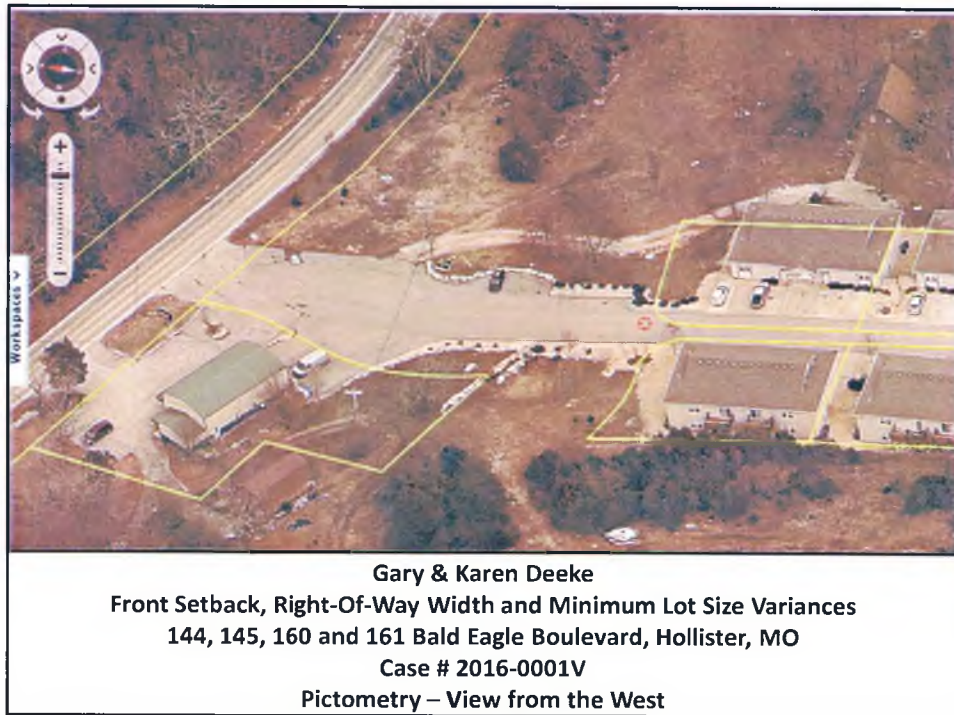
Gary & Karen Deeke
Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
Case # 2016-0001V
Pictometry – View from the North



Gary & Karen Deeke
Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
Case # 2016-0001V
Pictometry – View from the South



Gary & Karen Deeke
Front Setback, Right-Of-Way Width and Minimum Lot Size Variances
144, 145, 160 and 161 Bald Eagle Boulevard, Hollister, MO
Case # 2016-0001V
Pictometry – View from the East

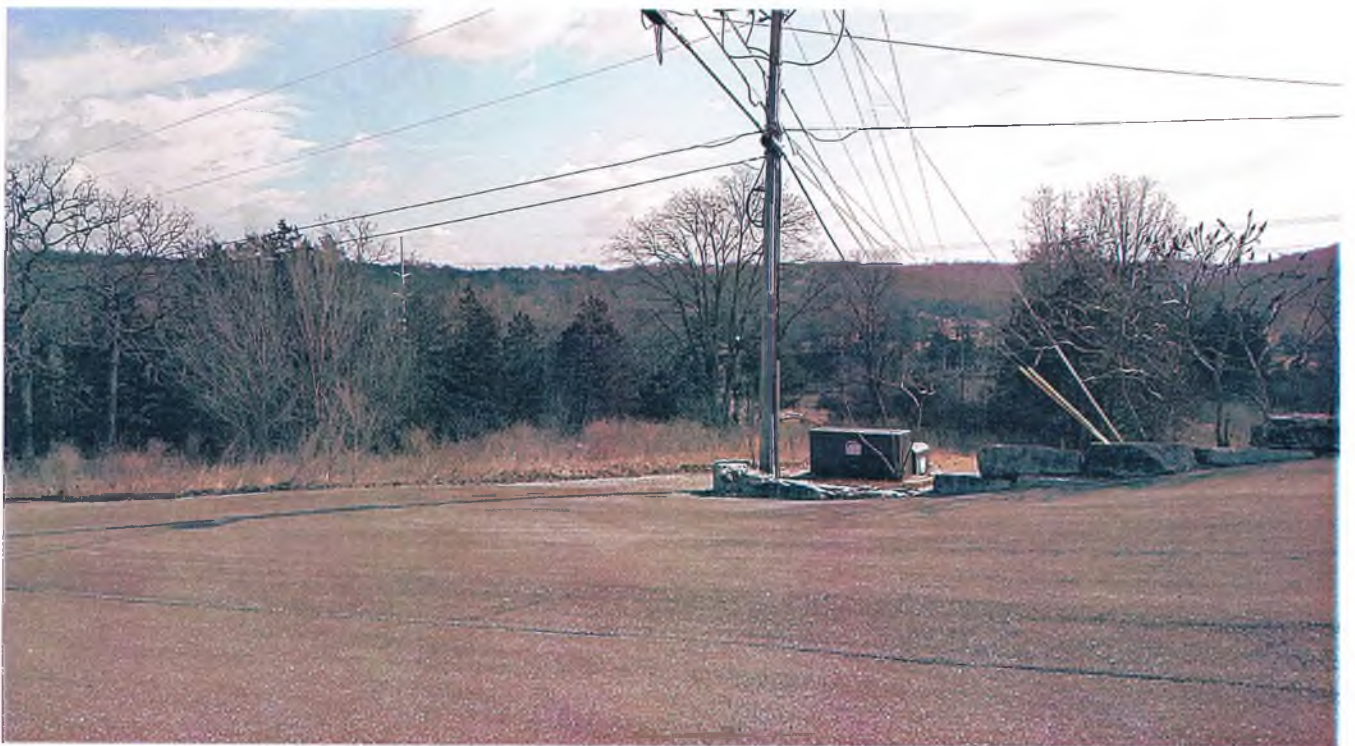




















TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

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

Call to Order:

Vice-Chairman Mark Weisz called the meeting to order. A quorum was established with four members present. They were; Mark Weisz, Tony Mullen, Alan Lawson, Dan Boone. Staff present; Bob Atchley and Bonita Kisse-Souttee.

Election of 2016 Officers: The Board discussed doing this next month when a full Board is present. A motion was made by Tony Mullen to postpone until next month. Seconded by Alan Lawson. The vote was unanimous.

Mr. Atchley read a statement explaining the meeting 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. The state statutes that empower and govern the Board of Adjustment were read and each speaker sworn in before their respective hearings.

Public Hearings:

SMBZ LLC; a request by Steve Creedon to appeal the Planning Commission's denial of Division III Permit #15-22 to allow nightly rental on 19 lots within Woodbridge Estates Subdivision Phase 2. Mr. Atchley read the staff report and presented pictures, maps, and a video of the site. Representing the applicant was Tim Davis who explained the rationale for the request. He clarified the items stated in the reasons for approval attached in the staff report. Mr. Lawson asked if Mr. Davis would feel comfortable passing two trailers with boats on the road. Mr. Davis said that he hadn't tried to do this so he couldn't comment. Mr. Boone asked if the applicant had changed his mind from residential to nightly rental. Robert Hanzelon who lives in the area spoke against the request. Some of his concerns were; traffic, compatibility, availability of parking, and safety of neighbor children. Mr. Lawson asked Mr. Hanzelon where his house is and if there is another access into this area. Mr. Hanzelon stated that there isn't but one access and there isn't room for two large vehicles to pass. Billy Ong who lives on Southfork, pointed out that this property is at a dead-end road which is not wide enough for two vehicles to pass, he would like for the board to think about what is best

for others in the neighborhood, density is a concern and parking on the street because there is no room behind the houses. Carlton Shull lives at the end of Northfork and stated that he agreed with his neighbors. Judy Crisp who owns a home on Trinity and wants to sell it, fears that if this project goes through she might not be able to sell. She also stated the road is not safe. Scott Brinley lives on Trinity Road and owns three other lots across the street. He drives a dule and if he meets a car on the road he has to pull over. Mr. Brinley passed a petition around the neighborhood which had 88 signatures against the request and no one he visited was in favor. Monica Davis Bryan who lives on Southfork and her parents live across the street spoke against the development, and stated concerns regarding property values, children's safety, and compatibility. Mark McSpadden has lived on Comfort Lane for 30 years was concerned with road conditions, and feels the legalities are being used to pressure the Board. He thinks nightly rentals are useful but not in this neighborhood. After public input Mr. Weisz closed the public hearing and took comments from the Board. Mr. Lawson asked Mr. Davis to comment about the concerns of the property owners. Mr. Weisz discussed Board procedure regarding approval of a request. Mr. Mullen asked if there was a hardship. Mr. Davis stated that there wasn't a hardship raised on this request. After discussion a motion was made by Mr. Lawson to deny the request due to incompatibility. Seconded by Mr. Mullen. The vote to deny was unanimous.

Gary and Karen Deeke; a request for a series of variances on property located off Bald Eagle Blvd. The variances include Section 7 Table 1 (property line setbacks), Section 7.3 Table 3 (lot size and frontage requirements) and Appendix K (Road and Access Standards) of the Taney County Development Guidance Code, and the minimum right of way width requirements of the Taney County Subdivision Regulations, allowing for the 4 meets and bounds described properties in question to be platted as a minor subdivision. The applicant asked to postpone until next month. The Board was agreeable. This request will proceed to hearing next month.

Alanna Hovey; a request for a variance on property located at 421 N. Emory Creek Road. The variances include Appendix K (road and access standards) of the Taney County Development Guidance Code, and Section 9 Table 3.9 (right of way and width) of the Taney County Road Standards. Mr. Atchley read the staff report and presented pictures, maps and a video of the site. Ms. Hovey and Mr. Lundgren were present to explain their request. Mr. Lundgren stated that the road is currently 16' wide and narrows to 12'. He has talked to the owners of the portion of the road about widening it and they are agreeable according to Mr. Lundgren who explained his plans for doing this. He reported that because the owner's cabin is so close to the road it might pose a safety concern. Mr. Lawson asked if he would be the one maintaining the road in perpetuity. Mr. Lundgren stated that he would because Ms. Hovey's property is at the end of it so it would behoove them to keep the road up. Mr. Weisz asked if she would agree to do the survey and he answered that he would. Hardship was discussed and Mr. Lundgren stated that on one side the road drops off and cannot be widened on that side. Ms. Hovey reported that the owner stated to her that she had his support,

and sent an email to the office stating this. There being no other discussion with the applicant Mr. Weisz closed the public portion of the meeting. Mr. Boone made a motion based upon the decision of record to approve the request. Seconded by Mr. Lawson. The vote to approve the request was unanimous.

Review and Action:

Minutes, December 16, 2015; with no additions or corrections a motion was made by Mr. Lawson to approve the minutes as written. Seconded by Mr. Mullen. The vote to approve the minutes was three in favor and one abstention.

Old and New Business:

Discussion followed regarding this evenings hearings.

Adjournment:

With no other business on the agenda for April 20, 2016 the meeting adjourned at 7:31 p.m.