



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, APRIL 19, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Establishment of Quorum

Explanation of Public Hearing Procedures

And Presentation of Exhibits by the Administrator

Governing Statutes

Public Hearings:

Emerald Pointe, LLC; Reconsideration of Appeal

Friendly Hills Nightly Rental; Appeal

Todd Rammer; Variance Request

William Mills; Variance Request

Review and Action:

Minutes; March 15, 2017

Old and New Business:

Tentative

Adjournment.



TANEY COUNTY PLANNING COMMISSION

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

TANEY COUNTY BOARD OF ADJUSTMENT
STAFF REPORT APPEAL
FRIENDLY HILLS NIGHTLY RENTAL
#17-1A
APRIL 19, 2017

Applicants, Marc & Liz Kirby are seeking to appeal the Planning Commission denial of the Division III Special-Use Permit (Case #2016-30) requesting to utilize the existing single-family residence located at 189 Friendly Hills, Branson, MO for "nightly rental".

On February 21, 2017 the Taney County Planning Commission denied the Special-Use Permit request. The Planning Commission motion to approve this request failed by a lack of majority by a vote of 3-3 of the 6 members present. The Planning Commission based its decision upon the belief that the proposed nightly rental of the single-family residence located at 189 Friendly Hills, Branson, MO would not be compatible with the surrounding single-family residential area, as stipulated specifically in Appendix E (Special-Use Permits) of the Development Guidance Code.

Per the Assessor's information the single-family residence was constructed in 1996. Division I Permit #96-055 was issued authorizing the construction of the on-site wastewater treatment system. The single-family residence is approximately 4,412 sq. ft. The subject property is a +/- 1.4 acre lot (per the Assessor's information) in the Friendly Hills Subdivision.

The property is currently served by an existing drive off Friendly Hills Dr.

Per the nightly rental provisions of the Development Guidance Code. "One off-street parking space shall be provided for each two persons of occupancy in a nightly rental". Therefore a total of six parking spaces will be required. The project received a total score of -5 on the policy checklist, out of a maximum possible score of 29. The relative policies receiving a negative score consist of sewage disposal, emergency water supply and solid waste disposal service.

If the Taney County Planning Commission approves Division III Permit #2016-0030, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.

2. Compliance letters from the Western Taney County Fire Protection District, the Missouri Department of Revenue and the Environmental Division of the Planning Department: including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office. (Chapter VI-VII).
3. A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. In the event that the on-site wastewater treatment system begins to surface, showing signs of failure, the property owner shall either repair or replace said system ensuring capacity for the total number of people that may be accommodated via nightly rental.
5. No outside storage of equipment or solid waste materials.
6. This decision is subject to all existing easements.
7. The residence located at 189 Friendly Hills Drive shall accommodate (sleep) no more than twelve (12) persons per night. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
8. The 189 Friendly Hills Dr. Vacation Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the representative to whom the permit issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
9. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).

- 4.6.1. All such establishments must be at least 1000 feet from any school or church.
- 4.6.2. If music, whether live or reproduced, is used for entertainment the sound levels shall not be such as to be a nuisance to any existing residences.
- 4.6.3. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.7 Nightly Rental

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly rental shall not include hotel, motel, or bed and breakfast establishments. Nightly Rentals in a residential area have the potential to be incompatible with the surrounding residential uses. Therefore, special regulation of Nightly Rentals is necessary to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

4.7.1. Occupancy

The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term **person** for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term **bedroom** as used in reference to nightly rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

4.7.2. Parking

One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area.

No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.

4.7.3. Solid Waste Disposal

The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.

4.7.4. Lighting

Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.

4.7.5. Safety

All Nightly Rentals shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable.

4.7.6. Fire District Compliance

A compliance letter shall be submitted from the local fire district, with an application for a Nightly Rental Special-Use Permit ensuring adequate fire suppression and the provision of occupancy limits.



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

TANEY COUNTY PLANNING COMMISSION STAFF REPORT DIVISION III SPECIAL-USE PERMIT 189 FRIENDLY HILLS DR. VACATION RENTAL

Hearing Date: February 13, 2017
Case # 2016-0030
Applicant: Marc & Liz Kirby
Representatives: Marc & Liz Kirby

Request: The representatives, Marc & Liz Kirby are seeking the Planning Commission approval of a Division III Special-Use Permit allowing for the nightly rental of the existing single-family residence. The Residence contains five (5) bedrooms.

Background & Site History:

Per the Assessor's information the single-family residence was constructed in 1996. Division I Permit 96-91 was issued authorizing the construction of this single-family residence and septic permit #96-055 was issued authorizing the construction of the on-site wastewater treatment system. The single-family residence is approximately 4,412 sq. ft. The subject property is a +/- 1.4 acre lot (per the Assessor's information) in the Friendly Hills Subdivision.

The representatives, Marc & Liz Kirby are seeking the Planning Commission approval of a Division III Special-Use Permit authorizing the nightly rental of the property in question.

The current application was approved for Concept January 17, 2017.

Review:

The Taney County Development Guidance Code defines nightly rental as "A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) days, counting portions of days as full days." Therefore, the applicant would have the ability to rent the residence for a period of thirty (30) days or greater.

The exterior appearance of the single-family residence will remain the same. Per the nightly rental provisions of the Development Guidance Code; "The Maximum occupancy for a Nightly Rental shall be two persons per dwelling unit, plus two (2) persons per

bedroom." Therefore, the five (5) bedroom home would have a maximum occupancy of twelve (12) people.

The property is currently served by a private well and an individual, onsite wastewater (septic) system. On February 2, 2017, the onsite wastewater permitting staff conducted an onsite evaluation of the septic system. No onsite violations were present at this time. The onsite wastewater staff has suggested continued monitoring of the system and also having the tank pumped at regular intervals as needed.

The property is currently served by an existing drive off Friendly Hills Drive.

Per the nightly rental provisions of the Development Guidance Code; "One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a nightly rental." Therefore a total of six (6) parking spaces will be required. The project received a total score of -5 on the Policy Checklist, out of a maximum possible score of 29. The relative policies receiving a negative score consist of sewage disposal, emergency water supply and solid waste disposal service.

STAFF RECOMMENDATIONS:

If the Taney County Planning Commission approves Division III Permit #2016-0030, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letters from the Western Taney County Fire Protection District, the Missouri Department of Revenue and the Environmental Division of the Planning Department; including all other entities which have requirements governing a development of this nature shall be provided to the Planning Department office. (Chapter VI-VII).
3. A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. In the event that the on-site wastewater treatment system begins to surface, showing signs of failure, the property owner shall either repair or replace said system ensuring capacity for the total number of people that may be accommodated via nightly rental.
5. No outside storage of equipment or solid waste materials.

6. This decision is subject to all existing easements.
7. The residence located at 189 Friendly Hills Dr. shall accommodate (sleep) no more than twelve (12) persons per night. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
8. The 189 Friendly Hills Dr. Vacation Rental has been approved as a Special-Use Permit. Therefore the permit is specific to the representative to whom the permit is issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
9. This Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter II Item 6).



BOA Marc Kirby





TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT VARIANCE REQUEST

TODD RAMMER

#2017-3V

APRIL 19, 2017

The applicant, Todd Rammer is requesting a variance from the provisions of Section 7, Table 1, Setbacks of the Taney County Development Guidance Code and the November 19, 1997 setback variance. The applicant is specifically requesting a variance from the required back and side property line setbacks for a 36' x 18' carport placed on the property to cover and protect the RV. The applicant is seeking a 2' back setback variance from the east property line and a 3' 4" side setback variance from the south property line; allowing for the ability to leave the existing carport in its current location.

The applicant has indicated the inability to move the carport to the north due to an existing building that will not allow the carport to be moved further from the south property line. The applicant is asking for the back setback variance due to the fact the carport now meets the front setback of 10' but would not meeting the front setback if the 5' back setback is met. Also the electric pedestal on the front south corner of the carport will not allow the carport to be moved to the west or front of the property.

If the Taney County Board of Adjustment approves Variance Request Case #2017-03V, the following requirements shall apply, unless revised by the Board:

1. Approval of a south side setback variance of 3' 5" and an east back setback variance of 2' allowing for the ability to leave the existing 36' x 18' carport in its current location on the property.
2. A Division I permit for the carport will be required.
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 of Deeds Office within 120 days or the approval shall expire (Chapter 7.3/4 Taney County Development Guidance Code).

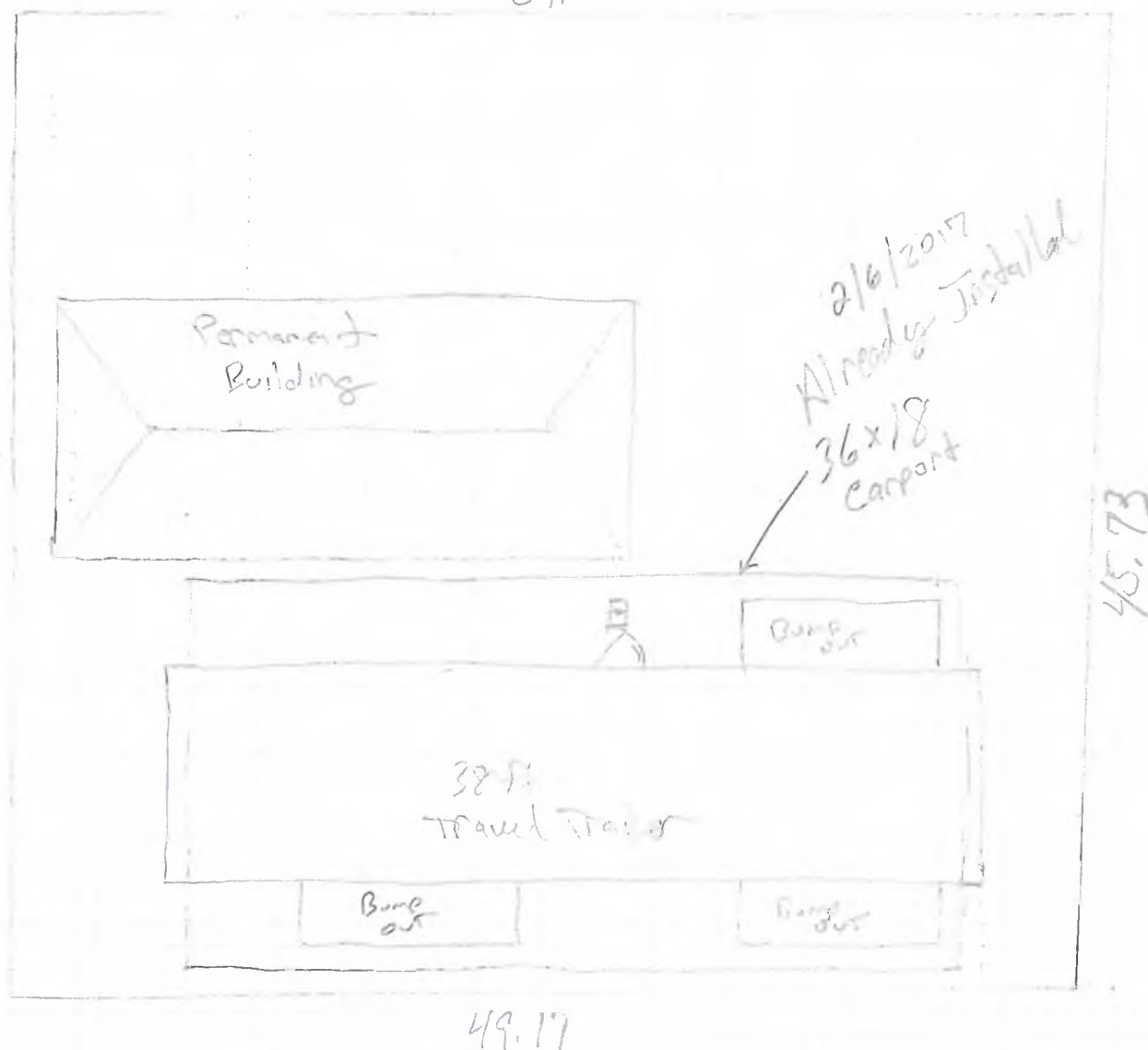


**FLUID
EQUIPMENT**
A COGENT COMPANY

TODD & Kathy
Rammer

cogentcompanies.com

145 Bamboo Trail - Hollister
51.54



KANSAS CITY

500 W. 5TH ST.
KANSAS CITY, MO 64105
866-693-5843 TOLL FREE
816-795-8511 MAIN
816-795-8926 FAX
sales@fluidequip.com

WICHITA

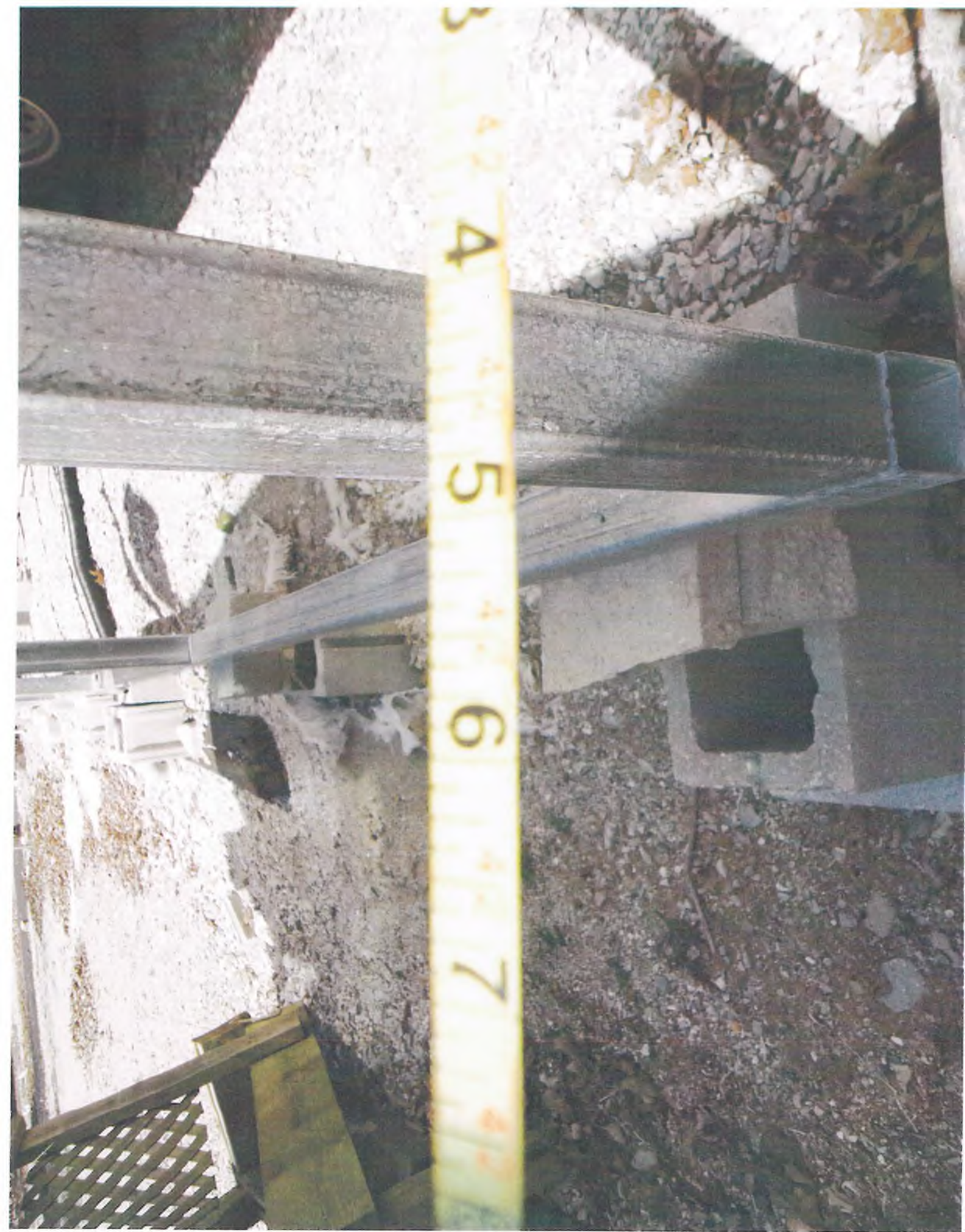
2535 S LEONINE
WICHITA, KS, 67217
866-693-5843 TOLL FREE
316-630-0075 MAIN
316-634-1613 FAX
sales@fluidequip.com

TULSA

7033 E. 40TH STREET #1
TULSA, OK 74145-4523
866-693-5843 TOLL FREE
918-894-6066 MAIN
sales@fluidequip.com













TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

TANEY COUNTY BOARD OF ADJUSTMENT **STAFF REPORT VARIANCE REQUEST**

#17-4V

WILLIAM MILLS

APRIL 19, 2017

The applicant William Mills is requesting a variance from the provisions of Section 7, Table 1, Setbacks of the Taney County Development Guidance Code. The request is from the required front property line setback requirement for the north side of the lot 20' allowing for the placement of a new mobile home with the building eaves being located 20' from the northern-most front property line.

The subject property is located in the Dixieland No. 4 Subdivision consisting of lot 11A, replat of lots 10-11 and is approximately .65 acres in size. The new mobile home will be connected to the Taney County Regional Sewer District for waste-water.

The applicant is proposing to place a mobile home on the property with the hopes of utilizing the existing foundation from the removed home along with adding a garage to the east of the mobile home. The mobile home will be moved east of the removed home due to the fact of the overhead power line easement that runs through the center of the property. The 25' front property setback cannot be achieved due to the overhead power line easement. This will put the northern part (front) of the mobile home 20' from the front property line which per the Taney County Guidance Code should be 25'.

If the Taney County Board of Adjustment approves variance request case #17-4V, the following requirements shall apply, unless revised by the Board:

1. Approval of a northern front setback variance of 20', allowing for the placement of a mobile home and construction of a new garage, in which the buildings will be located 20' from the northern front property line.
2. Compliance with all of the other provisions of the Taney County Development Guidance Code.
3. The Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Chapter 7.3.4 Taney County Development Guidance Code).

Luther Ln

MOBILE HOME

Garage









