



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, JUNE 18, 2008, 7:00 P.M.
ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM
TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with three members present. They were: Dave Clemenson, Tom Gideon, and Jack Johnston. Staff present: Eddie Coxie, Bonita Kissee, Marla Pierce, Dan Nosalek, Keith Crawford, and Bob Paulson.

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. Mr. Clemenson gave the applicant the opportunity to wait until a full Board is present. Ron Todd chose to postpone until the July meeting.

Public Hearing:

Barth Properties: a request by Barth Properties for a variance from the setback requirements off Iowa Colony Road. The property is located at 1026 and 1042 Iowa Colony Road and the building is part of the Branson Vista Townhomes project. When Mr. Barth purchased the development the building had already been constructed 16.5' into the setback area. Mr. Coxie read the staff report and presented pictures and a video of the site. No one signed up to speak. Eddie Wolfe representing the applicant presented site plans of the property. He explained the original builder chose to turn the building different than the way it was drawn, making it encroach into the setback area. Mr. Wolfe reported that the builder measured from the edge of the pavement instead of the right of way shown on the survey. Mr. Wolfe did the survey for the original owner. Tim Barth, son of the applicant explained the original owner used Branson Bank and Mr. Barth is also using the same bank. Mr. Gideon suggested that even though the building is encroaching there is still room to widen the road if needed. Mr. Coxie reported that at the time the building was constructed staff took the word of the applicant that it was built according to the setback rules. Jack Johnston made a motion to approve based upon the decision of record. Tom Gideon seconded. The vote to approve was unanimous.

Ron Todd: a request by Mr. Todd for an appeal of the Taney County Planning Commission decision of April 14, 2008 to deny a request to store boat trailers on his property located off Paradise Lane in the Arcadia Landing Subdivision Lots 1-13 Block 20 Clevenger Cove Road to Paradise Lane. The applicant chose to postpone until July.

Tri-Sons Properties, LLC: a request by Steve Creedon for an appeal of the Taney County Planning Commission decision to deny a request to construct 12 buildings platted as condominiums located at Walkington Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Carrie Walden representing the applicant explained the reason for the request and presented aerial pictures of the site. The applicant feels the reason the Commission denied the request was an error of law. Ms. Walden explained that no part of this property abuts any residential property. When the property reaches St. Hwy. 76 it touches seven residential lots. Ms. Walden contended that compatibility and density was not addressed early on in the staff report, yet the decision was based upon incompatibility and density. She also pointed out the Cross Creek Development on the one side of the request which in Ms. Walden's opinion makes the request compatible, as well as TanTone Industries, and other multi-family structures in the immediate area, which Mr. Paulson pointed out, are not with 1000' of the request. She then addressed density and stated that there are no density requirements in the Code, and explained the density of this project and how it was arrived at. Mr. Clemenson pointed out the number of cars should also be considered. Ms. Walden pointed out the number of parking spaces planned and that until the project is built out there is no other way to calculate. Mr. Paulson reported that there is substantial evidence that the Planning Commission used to base their decision on. Discussion followed regarding zero lot lines for the two unit buildings and four unit buildings, condominium style of development, fee simple, setbacks from the County Road, ingress and egress, and intense use. Jenny Freeze who lives in the neighboring subdivision, reported that there is indeed a lot of traffic on Walkington Lane, she is not in favor of a condominium project next door. Jeannette Sullenger who also lives in the subdivision is not in favor of the condominiums next door. She reported that there is a lot of traffic through the subdivision and on the St. Hwy. There are a lot of children in the subdivision, with one child being run over by a bus and killed. She was also concerned about availability of sewer and water for the added residences. Property values were also a concern. Carol Spicer who lives in the neighboring subdivision wants the Planning Commission decision upheld because she is also concerned about traffic, density, ingress and egress, and property values. Mr. Coxie reported that the Code requires continuous loop parking for this type of project and the driving surface should be a minimum of 20'. Setback requirements and driving surfaces were discussed. Mr. Clemenson reported that according to a study done for the Sewer District by Great River

Engineering that there isn't capacity left for additional residences. Ms. Walden asked the Board to consider the Development Code and that the Planning Commission committed error in law, in their decision to deny this request. She asked that if approval is given that the Decision of Record be modified in order for the applicant to be able to comply. Mr. Gideon discussed the sewer issue and that would need to be addressed. Mr. Clemenson made a motion to deny the appeal and uphold the Planning Commission decision agreeing with their density requirement. Tom Gideon seconded. The vote to deny the appeal was unanimous.

Review and Action:

Minutes May 2008: with one change to paragraph three page two of the vote to deny S. Charles Liedtke request. Jack Johnston voted no, making the vote two in favor and one not in favor. The motion to approve with the change was made by Jack Johnston. Seconded by Dave Clemenson. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Coxie reported that there will be two issues before them next month and detailed the requests. He also reported that the Height amendments were sent back to the County Commission for their approval.

Mr. Paulson clarified the motion for the Tri-Sons request.

Mr. Pennel introduced the new member and thanked him for coming at short notice. He also reported that by the next meeting there should be five members. Mr. Pennel also discussed again changing the meeting nights from Wednesday. Mr. Paulson stated that the bylaws state that the meetings can be changed in January.

Mr. Clemenson discussed the Code not providing the staff with "teeth" in order to enforce the rules. He feels stiffer penalties should be placed on violations, and the permit fees are too low. Discussion followed. Mr. Clemenson offered to attend a County Commission meeting to discuss these issues. Mr. Pennel indicated that the County Commission would certainly take a look at these issues. Mr. Pennel asked that the Board be copied of the Code changes. The new sign was discussed that the County Commission has chosen to post in neighborhoods who want to do nightly rentals.

Adjournment:

With no other business on the agenda for June 18, 2008 a motion was made by Jack Johnston to adjourn. Seconded by Tom Gideon. The vote to adjourn was unanimous.