



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, JANUARY 16, 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, Bob Anderson, and Carl Pride. Staff present: Eddie Coxie, Kurt Larsen, Bonita Kisse, Marla Pierce, Keith Crawford, Dan Nosalek, and Bob Paulson.

Election of 2008 officers was held. Mr. Clemenson opened the floor for nominations. Bob Anderson made the motion for the officers to remain the same. Carl Pride seconded. Nominations ceased. The vote to nominate Dave Clemenson as Chairman and Alan Lawson Vice-Chairman was two in favor and one abstention.

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 swore each speaker in before their respective hearings, and stated that if any request wished to postpone since only three members were present could do so at this time.

Public Hearings:

Bob Mabe: a request for an appeal of the Taney County Planning Commission decision to deny approval to operate a bed and breakfast from a residential structure located at 211 Parkside Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. This applicant postponed until February.

Ozark Outdoor Advertising LLC: a request by Greg Winn for a variance from Chapter 3 Section 4 Item 5, minimum lots sizes for property in which a billboard sits located at 5631 St. Hwy. 165. Mr. Coxie read the staff report and presented pictures and a video of the site. Scott Earls represented Mr. Winn and

presented pictures of the site and explained that this small plot had never been transferred or recorded. The billboard owner just wishes to own the property the sign sits on. Mr. Larsen explained that the staff or Planning Commission does not have the authority to grant this type of request. Discussion followed regarding Appendix O, and Chapter 3 Section 4 Item 5 of the Code and if it applied to this request. Mr. Anderson raised the question if the restaurant would sell how would the granting of this request affect that. Mr. Paulson suggested a 99 year lease with the property owners. The representative stated that he would rather own the property for the purpose of financing and if he would ever sell the sign. Mr. Larsen stated that the only exception to the Code would be a well lot. This type of request has not been addressed in the past. Further discussion ensued. Mr. Paulson reminded that if the billboard was removed the small piece of property would remain. Mr. Clemenson stated that to grant this variance would be a grant of a privilege. With that said Mr. Anderson made a motion to deny based on the request not falling under the requirements of the Code. Carl Pride seconded. The vote to deny was unanimous.

Joni Glessner: a request for a reconsideration of the Board's decision to deny an appeal of the Taney County Planning Commission decision to grant approval to Big Cedar Wilderness for a condominium building located at Crestview and McMeen Streets. The applicant asked for a continuance because of three members being present. Mr. Paulson reported that the Code does not allow for a continuance for reconsideration in his opinion. This request has received a continuance twice before. Discussion followed with County Counsel, Glessner attorney and Blue Green attorney. Mr. Clemenson reminded that to grant the reconsideration would be to nullify the previous decision and called for a vote. Discussion followed. Mr. Clemenson asked for a vote for or against the continuance. Bob Anderson made a motion to approve the continuance. Carl Pride seconded. The vote to allow the applicant to continue was two in favor and one against. The vote failed to continue. Mr. Clemenson then asked for a vote for or against the reconsideration. He then allowed the applicant to present the new evidence before the vote was taken. Mrs. Glessner addressed the Board and presented evidence that she did not believe had been heard at the previous meeting. She also presented a video of the houses and neighborhood surrounding the request and read a prepared statement. Discussion followed with Mr. Clemenson stating that Mrs. Glessner had not said anything she didn't say at the last hearing and did not allow the viewing of the video. Rodney Daniels addressed the Board regarding the Code stating that a substantial injustice should be proven. He pointed out an error in law that the point system was not followed and that if it had been this project would have failed. Mr. Daniels reiterated some of the items discussed previously including incompatibility. Mr. Paulson stated that Mr. Daniels had not presented new evidence or error of law. Discussion followed with Mr. Paulson calling the attention to the state statute which covers it. Chris Weison representing Blue

Green addressed the question of new evidence and stated that none had been presented in his opinion. Mr. Clemenson made a motion that the reconsideration be denied. The vote to reconsider was one in favor and two against. This motion failed. Bob Anderson made a motion to rehear the request. The vote to rehear was two in favor and one against. This motion failed. Discussion followed with Mr. Paulson clarifying the motions and asked the Board to revote to approve the reconsideration rather than deny. Bob Anderson made a motion to approve the reconsideration. Carl Pride seconded. The vote was two in favor and one against. The vote to approve failed.

Old and New Business:

Arthur Finch: Mr. Coxie reminded the Board that they had granted his request for a variance on moving the lot line between a well house and a garage. Mr. Larsen explained that in granting the variance the Board created an illegal lot and that the Board should allow Mr. Finch to be able to join this lot with another one to make it legal. A motion was made by Carl Pride that the final plat shall reflect the incorporation of that portion of the original lot containing the shed into a larger lot that meets the requirements of the Code. Bob Anderson seconded. The vote to approve was unanimous.

Review and Action:

Minutes, December 2007: with no additions or corrections a motion was made by Bob Anderson to approve the minutes as written. Seconded by Carl Pride. The vote to approve the minutes was unanimous.

Mr. Clemenson announced that this was Kurt Larsen's last Board meeting and thanked him for his service to Taney County and wished him well.

Mr. Pennel stated that the County Commission will be looking to replace two Board members.

Adjournment:

With no other business on the agenda of January 16, 2008 a motion was made by Bob Anderson to adjourn. Seconded by Carl Pride. The vote to adjourn was unanimous. The meeting adjourned at 8:40 p.m.