



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 21, 2009, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

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

Mr. Clemenson opened the floor for nominations for 2009 officers. Bob Hanzelon nominated Dave Clemenson as chairman. Jack Johnston seconded. The motion carried. Jack Johnston nominated Bob Hanzelon as Vice-Chairman. David Nelson seconded. The motion carried.

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 in the speakers before each hearing.

Public Hearings:

Holly Perryman: a continuance of the request by the applicant to rehear the appeal of the Highway 65 Multi-Use Project at Emory Creek. Mr. Clemenson read the bylaws as they applied to this request. Legal Counsel for Ms. Perryman presented a new law that she felt applied to this request. Mr. Paulson stated that there should be either new evidence or not. Any new laws would not apply. Discussion followed. By general consensus the Board elected not to rehear this request.

Luther Harkins: a request for an appeal of the Taney County Planning Commission decision of record Item #4 dated October 20, 2008 to allow Alltel Communication to place a cell tower on property located at Dandelion Ct. Mr. Coxie read the staff report and presented pictures and a video of the site. He reported that another appeal was filed with the office a few days before this

meeting by another party asking the tower be placed at a different location on the property. County counsel advised that both appeals should be heard at this meeting. Mr. Harkins stated that the vacant trailer would be moved, but in order to move the occupied trailer he would have to cut nine trees. The people that rent the lot are too poor to pay their rent, or move the trailer and no other park would take the trailer in its current condition. Mr. Harkins has had cancer treatment and needs the rent money. In his opinion the people would probably be gone in a couple of years anyway. Judy Billings who lives in the neighborhood would not like the trees to be cut and it would cost a lot of money to do this. She is not afraid of the tower falling, and would sign an affidavit stating if it did, she would not hold the county responsible. Paul Link representing Paul and Judy Kornick who has filed the other appeal reported that his clients don't have an issue with the cell tower, but that the other building would be next to their property line and in their opinion would hinder the development of his property. They would like for the structure be moved away from their property. Their property is accessed from Fall Creek Road and has not been platted for development. Discussion followed regarding notification, intent of the Planning Commission, and Mr. Harkins property being a pre-existing non-conforming use. If Mr. Harkins were to move the mobile home, Planning and Zoning could not issue a permit. 130' is the height of the tower and that is how the Planning Commission came up with the figure for the radius. Dan Ruda representing Thousand Hills property, stated a concern regarding if the tower falls it would fall on Thousand Hills property, which is a very valuable piece of commercial property in his opinion. He reported that development would not commence before two years time. Mr. Nelson asked staff if Alltel had given a report of the percentage of towers that fall. Mr. Coxie stated that Alltel has not had any tower that has fell. Mr. Harkins stated to the Board that he hasn't received any money out of all three structures in the past three months. Discussion followed regarding different ways to grant this request. Jack Johnston made a motion to table until more information can be obtained, and presented at the March meeting. Bob Hanzelon seconded. The vote to table was unanimous. The applicant will meet with Alltel to obtain the required information.

Duane Kreitlow: a request for a variance from the Taney County Development Guidance Code Appendix L Table L-1, minimum right of way for the purchase of two acres in the Five Seasons Village Mobile Home Park adjoining an existing mobile home. Both properties share a driveway. The request is for the road easement width to be reduced to 30' instead of the required 50' allowing the properties to meet the County Road Requirements. Mr. Coxie read the staff report and presented pictures and a video of the site. Doug Faubion representing the applicant explained that the Kreitlows have been renting the trailer from the other property owner, they now have purchased the property and the trailer and would like to continue sharing the road/driveway with the previous property owner. This road is privately owned and the property owners only want a shared

driveway easement. David Nelson made a motion to approve the request. Bob Hanzelon seconded. The vote to approve was unanimous.

Public Water Supply District #2: a request for a variance from the Taney County Development Guidance Code Section 5.3 Item 5.3.1, 2 for substandard lots on two parcels located at St. Hwy. T and Cedar Park Road. The Water District wishes to place storage tanks and well houses on both lots. Mr. Coxie read the staff report and presented pictures and a video of the site. The second request on Cedar Park Road was withdrawn. Pat Barnett representing the Water District clarified the request and explained why the well is needed at this site. The well is existing according to Mr. Barnett, and the property it is on is not usable for development. Discussion included, this request being for the public good, and the lot will not have sewer on it, which is why below lot size is 8000 sq. ft. A motion was made by David Nelson to approve. Seconded by Jack Johnston. The vote to approve was unanimous.

Bobby Baty, Jr.: a request for an appeal of the Taney County Planning Commission decision to approve an automobile repair shop at 282 Wabash Lane. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Coxie reported that this approval was given by the Planning Commission as special use and required a privacy fence which has been installed taller than required. Mr. Baty presented pictures of the property and explained the reason for his request being incompatible with the surrounding neighborhood. He voiced concerns for the neighbors regarding excess traffic. Gail Layton addressed the concerns and stated that he was approved for 8 cars and does not have any signs up. He is contracted with Skaggs Hospital, and the phone company to service their cars. He just received approval from the state to do inspections. Mr. Layton reported that he owned and lived on the property five years before Mr. Baty moved next door and that he always planned to construct a shop there. David Nelson made a motion to deny the appeal. Bob Hanzelon seconded. The vote to approve was unanimous. Mr. Clemenson informed the applicant that his recourse would be to apply to circuit court.

Review and Action:

Minutes December 2008: with no additions or corrections a motion was made by Bob Hanzelon to approve the minutes as written. Seconded by David Nelson. The vote to approve the minutes was unanimous.

Old and New Business:

Rodney Wright: request to record the Board of Adjustment Decision of Record late and proceed with his approval. Bob Hanzelon made a motion to allow the decision of record to be recorded and that this would not set a precedence for future requests. Jack Johnston seconded. The vote to approve was unanimous.

Mr. Coxie reminded the Board that there will be no meeting in February, and their input was requested at the two Planning Commission meetings regarding Code revisions. He suggested the Board review the bylaws for any changes to be made.

Adjournment:

With no other business on the agenda of January 21, 2009 a motion was made to adjourn by Bob Hanzelon. Seconded by David Nelson. The vote to adjourn was unanimous. The meeting adjourned at 9:30 p.m.