



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, DECEMBER 15, 2010, 7:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

*Establishment of Quorum
Explanation of Public Hearing Procedures
Presentation of Exhibits
Governing Statutes*

Public Hearing:

Bob Schanz, request for reconsideration

Old and New Business:

Review and Action:

Minutes, November 2010

Adjournment.



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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT NOVEMBER 17, 2010, 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 five members present they were: Dave Clemenson, Bob Hanzelon, Jack Johnston, Dave Nelson, and Tom Gideon. Staff present: Eddie Coxie, Bonita Kisse, Dan Nosalek.

Mr. Coxie read a statement explaining the meeting procedures and placed the Taney County Development Guidance Code as Exhibit A, the staff report as Exhibit B, and the staff files including all pertinent information as Exhibit C, and the 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 individual hearing.

Public Hearings:

Daniel and Tammy Warner: a request for an appeal of the Taney County Planning Commission decision of October 18, 2010 to deny a resort replat. The property is located at 5133 Brass Lantern Road. The applicants maintain that the Planning Commission committed an error of law. The Planning Commission based the denial upon the density of the new development and the incompatibility to the surrounding area. Mr. Coxie read the staff report and presented pictures and a video of the site. Eddie Wolfe of Wolfe Surveying represented the applicants. Mr. Coxie read a synopsis of the request and explained the process the Planning Commission used to make their decision and why. Mr. Coxie stated the reason this request needed Planning Commission approval is that the applicant wants to increase density, and reported that each cabin has an individual septic system. Ken Baltz was the first to speak, and asked that the Board uphold the Planning Commission decision. Mr. Baltz is a close neighbor to this property. His concerns were density, traffic, and road size. Jenny Baltz who also lives on Brass Lantern Road voiced concerns regarding traffic, false advertising, trees, and wildlife. She also would like the Board to uphold the Planning Commission decision. Mrs. Baltz read some letters in opposition to the request from property owners who do not live here. Richard Umbarger who lives in the neighborhood asked that the Board uphold the Planning Commission decision and would like the Warner's to finish the first

project rather than do this one and leave it unfinished. Mr. Clemenson asked if Mr. Umbarger used the road through the resort or the outer road. Mr. Umbarger stated that he does. Mr. Clemenson pointed out that this is a public road. Eddie Wolfe representing the Warners addressed the questions and pointed out some items from the Planning Commission meeting. He pointed out the lots that meet the requirements of lot size, setbacks, and wastewater. A new well would need to be drilled for the plans to meet DNR requirements according to Mr. Wolfe who also stated that according to the Code, a developer can place as many condominiums as he wants on a piece of property. There will only be three additional units on the property after build out according to Mr. Wolfe. He stated that three units would not cause a traffic hazard in his opinion. The resort is very old and the Warners would want to take one cabin at a time down and rebuild. They do not want to destroy the area according to Mr. Wolfe. He addressed the previous project briefly, and discussed the Planning Commission meeting which this project was denied. He reported that it is difficult for a smaller developer to obtain a bond. According to Mr. Wolfe this request does not violate the density requirement of the Code and that it would be a good thing for this property to be upgraded to help prevent pollution to the lake from the old septic systems. Mr. Paulson discussed condominium style of ownership, and that the residences planned would increase density. Mr. Paulson added that if this property is involved in bankruptcy court, it might obstruct the ability of the applicant to proceed with this project. Mr. Coxie pointed out there is a discrepancy of the planned units. Mr. Wolfe stated that the property owner would be donating 10' on each side of the road to make the road wider to comply with county standards. Mr. Coxie read the county road requirements and impervious cover limitations from the Code pointing out that the same amount of ground would be covered whether being residential or condominiums. He stated that plans were to save as many trees as possible. Mr. Hanzelon asked if an association was planned. Mr. Coxie stated that it would be a requirement. Mr. Nelson discussed options regarding nightly rental. Mr. Coxie reminded that the question before the Board was, did the Commission commit error of law or process. The public hearing was closed, and the Board then deliberated. Mr. Paulson clarified the request. Mr. Hanzelon made a motion to deny the appeal and uphold the Planning Commission decision. Seconded by Jack Johnston. The vote to deny was two against the motion to deny. The Chairman voted in favor of the motion. The vote to deny was three in favor and two against.

Bob Schanz: a request for an appeal of the Taney County Planning Commission decision of July 19, 2010 to approve a marriage counseling resort. The applicant maintains that the project is incompatible with the surrounding area and the roads are too narrow to handle the added traffic. The property is located at 210 Ella Lane. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Paulson pointed out that originally the Sunset Inn Road was 10' wide and eventually was configured to the required 50'. Ella Lane has a 30' right of way. Mr. Coxie gave a recap of the property and roads. He reported what the Planning Commission decision of record required. Work is being done on the road easement at this time, but not on the Natl. Inst. Of Marriage property. Mr. Clemenson stated that a gravel base has been

placed from Ella Lane to Sunset Inn Road meeting the requirement of the Planning Commission. Mr. Schanz who lives at 269 Hillman Dr. explained the reason for his request. He began by stating the recent opposition to Planning and Zoning and Mr. Clemenson asked that Mr. Schanz stay with the request at hand. Mr. Schanz then addressed the roads and the amount of traffic that could possibly be using that road. In his opinion 29 cars were counted coming out of the property one evening. He feels the added traffic would be dangerous to the neighbors that walk on the road for exercise. Some other concerns of Mr. Schanz was availability of water and wastewater. Mr. Clemenson pointed out that Mr. Schanz can't see the property from his house and Mr. Coxie stated that Mr. Schanz is not within 600' radius to be notified. Mr. Rod Redard who lives in the neighborhood voiced concerns regarding traffic, speed limit, sharp curves, wastewater disposal, and emergency vehicle access. Mr. Nelson asked where the curves were that were referred to. Mr. Nosalek pulled up the map and Mr. Redard pointed them out, which appeared to be off T-Hwy. Mr. Hanzelon asked if any of the neighbors had complained to the Sheriffs office about the traffic. Mr. Redard didn't know, but stated they asked the County Road department for a sign. Dennis Moore who also lives in the neighborhood presented a written statement. His property borders three sides of the Natl. Inst. Of Marriage. Mr. Moore voiced concerns regarding the condition of the road. Discussion followed regarding right of way. Mr. Coxie clarified the county road requirements from the Code. Mr. Moore also pointed out the right to farm item in the Code and stated that he must cross the road in question to feed his cows. Mr. Moore then discussed density as it applies to the construction of the 25 cabins, and water runoff from the parking lot. David Harrod discussed the issue of security because of despondency within the marriage counseling business. He was concerned because he heard discharge of firearms in the neighborhood. Another concern of Mr. Harrod was if emergency vehicles could get to the neighborhood in time. Stormwater runoff was also a concern of Mr. Harrod. Mr. Hanzelon asked if Mr. Harrod had called the sheriff, and he stated that he had. Gary Gindlesberger who lives in the neighborhood stated concerns regarding road width, speed limit, compatibility, number of cars on the property and going to and from, and wastewater disposal. Phyllis Coman who lives on Hillman Dr. was concerned about traffic on Sunset Inn Road and stated that it is dangerous. Diantha Benjamin was concerned about the wildlife and traffic. She thought the Natl. Inst. Of Marriage was a good idea, but did not know if this is a good location. She also pointed out the traffic. Will Gay who lives on Hillman Dr., suggested striping the road and putting up some signs. Mr. Hanzelon asked if speed bumps would help, discussion followed. Jim Benjamin lives in the neighborhood had the same concerns as the others. Mark Pyatt who represents the Natl. Inst of Marriage addressed some of the issues and stated that initially only 6 or 7 cabins will be built, and that because Planning required the road be upgraded they did that last week. Mr. Hanzelon asked if he could discuss with his staff safe driving on the roadway. Mr. Coxie clarified with Mr. Pyatt that the well will be addressed with DNR, and that the sewage system has been addressed by the Regional Sewer District and will be approved by DNR, rooms are rented at Paradise Point for nightly rental if needed. Mr. Pyatt pointed out the easements and that any construction will observe these easements. He also discussed the size of the cabins and

they will only be over night stays, most clients arrive on Sunday and depart on Fridays. The public hearing was closed at this time for Board deliberation. Mr. Hanzelon asked Mr. Coxie to discuss the road. Mr. Coxie reported that most roads in the county have a 22' driving surface, so it would be possible to widen the road which would have to be approved by the County Commission. He will discuss this, and striping with the Road and Bridge Administrator. After discussion a motion was made by Dave Nelson to deny the appeal and uphold the Planning Commission decision to approve. Seconded by Tom Gideon. Mr. Hanzelon discussed that the comments of the people were issues that did not apply to this request, and that staff would look into helping with the road issues. The vote to deny was unanimous with the Chairman voting with the other members.

Old and New Business:

Mr. Coxie presented three amendments that the County Commission asked the Planning Commission to look at. He also reported on meetings with the County Commission regarding changing the Code. There will not be a Board of Adjustment meeting in December.

Review and Action:

Minutes, October 2010: with no additions or corrections a motion was made by Dave Nelson to approve the minutes as written. Seconded by Tom Gideon. The vote to approve the minutes was unanimous.

Adjournment: with no other business on the agenda for November 17, 2010 the meeting adjourned at 9:35 p.m.