

**AGENDA**  
**TANEY COUNTY BOARD OF ADJUSTMENT**  
**WEDNESDAY, APRIL 20, 2005, 7:00 P.M.**  
**ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM**  
**TANEY COUNTY COURTHOUSE**

Call to Order:

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

Public Hearings:

*Billy D. Tippit*  
*Michael and Laura Smock*

Old and New Business.

Review and Action:

*Minutes, March 2005*

Adjournment.

## TANEY COUNTY BOARD OF ADJUSTMENT

### *STAFF REPORT*

### *BILLY TIPPIT*

### *BOA #05-4*

Public Hearing for Billy Tippit, located at 4252 St. Hwy. 86, in the Oliver Township, Sec. 15 Twp. 21 Rng. 22.

The applicant's, Billy Tippit (owner) and Judith Angerman (representative), request a variance for the reduction of the left side setback line from 7' to 3' for the existing residence.

History: The residence was constructed to the setbacks of the original survey, since then the applicant's have had a spot survey that indicates a discrepancy in the left side setback of the original survey.

General Description: The subject property contains 18,911 sq. ft. and is located off the northeast intersection of Leisure Lane and St. Hwy. 86. The adjoining properties to the residence consist of Table Rock Lake to the north, residential to the east and south and agriculture to the west.

Review: The variance request will consist of a 4' encroachment of the left corner of the front deck of the side setback requirements (7') of the Taney County Development Guidance Code. The applicant has submitted a spot survey to indicate the placement of the residence to lot area.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board of Adjustment:

1. Variance is for the left side setback difference of 4' (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
2. Compliance letter from the Fire District.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

## TANEY COUNTY BOARD OF ADJUSTMENT

### *STAFF REPORT*

*MICHAEL AND LAURA SMOCK*

*BOA#05-5*

Public Hearing for Michael Smock, located at 2156 Graham Clark Dr., in the Oliver Township, Sec. 2 Twp. 21 Rng. 22.

The applicant's, Michael and Laura Smock (owner), and Patrick Smock (representative), request a variance for the reduction of the front setback line from 25' to 16.5' and the right side setback line from 7' to 3' for the existing carport.

History: The parcel is part of Plot 7 of Clevenger Valley Beach.

General Description: The subject property contains 23,522 sq. ft. and is located off the north side of Graham Clark Dr. The adjoining properties to the parcel consist of Table Rock Lake to the north and residential to the east, south and west.

Review: The variance request will consist of a 10' x 26' portable carport, that encroaches 8.5' of the front setback (25') and 4' of the right side setback (7') requirements of the Taney County Development Guidance Code.

Summary: If the Taney County Board of Adjustment approves this variance, the following requirements shall apply, unless revised by the Board of Adjustment:

1. Variance is for the front setback difference of 8.5' and the right side setback difference of 4' (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
2. Compliance letter from the Fire District.
3. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

**AGENDA**  
**TANEY COUNTY BOARD OF ADJUSTMENT**  
**WEDNESDAY, MARCH 16, 2005, 7:00 P.M.**  
**ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM**  
**TANEY COUNTY COURTHOUSE**

Call to Order:

Dave Clemenson called the meeting to order. A quorum was established with five members present. They were: Dave Clemenson, Alan Lawson, Bob Anderson, Gary Wakefield, and Tim Huddleston. Staff present: Greg Smith, Bonita Kisse, Kurt Larsen, Larry Rowland, 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, and the speakers sworn in.

Public Hearing:

Sandra Hruska: a request for a variance from the maximum street grade elevation of 15% to 23% for Hummingbird Hills Lane, located at 201 Hummingbird Addition. Mr. Smith read the staff report and presented pictures and a video of the site. Eddie Wolfe representing the applicant, addressed questions from the Board and stated that due to topography it is difficult to maintain the proper grade. No one from the public was present to speak. Improvement plans were presented and reviewed. Mr. Smith explained that a final plat cannot be signed off for recording, unless a variance is granted or the grade levels are corrected. Mr. Clemenson stated that this is a classic example of what variances are for. After discussion, a motion was made by Alan Lawson to approve the variance allowing the 23% maximum for the grade on Hummingbird Hills Lane only. Gary Wakefield seconded. Bob Anderson voted no. Dave Clemenson and Tim Huddleston voted aye. The vote to approve was four in favor and one against.

Old and New Business:

Mr. Smith reported that on April 4, 2005 the Planning Commission will host a work session, and invited the Board to attend. Discussion followed. Alan Lawson suggested an amendment to the Code to classify cell towers as special use permits. Discussion followed. Mr. Smith also presented books available for addressing the job of the Planning Commissioner for the Board's review.

Review and Action:

Minutes, February 2005: with no additions or corrections a motion was made by Bob Anderson to approve the minutes as written. Seconded by Gary Wakefield. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for March 16, 2005 a motion was made by Bob Anderson to adjourn. Seconded by Tim Huddleston. The vote to adjourn was unanimous. The meeting adjourned at 7:40 p.m.