

Planning and Zoning BOA November 2005 Packets

AGENDA
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, NOVEMBER 16, 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:

David Gibson
Bill Durrell
The Majestic at Table Rock, LLC

Old and New Business:

Review and Action:

Minutes, October 2005

Adjournment.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT
BILL DURRELL
CASE #05-19

Public Hearing for an appeal of Taney County Planning Commission decision of July 18, 2005 condo project located at 1162 Iowa Colony Road, in the Oliver Township, Sec. 24 Twp. 22 Rng. 22.

The applicant Bill Durrell requests an appeal of the Planning Commission decision to grant approval for 16 condo units for multi-family use based on incompatibility to the surrounding area, excess traffic, and adequate wastewater disposal and utilities.

History: Approved for concept on June 20, 2005 and received permit approval July 18, 2005 for 16 condo units for multi-family use.

General Description: The subject property contains 8.4 acres and is located off the northwest intersection of St. Hwy. 165 and Iowa Colony Road. The adjoining properties to the development consist of residential and multi-family.

Review: The appeal is for the denial of the entire condo project.

Summary: If the Taney County Board of Adjustment approves this appeal, the Decision of Record must be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT
DAVID GIBSON
CASE #05-15

Public Hearing for David and Cheri Gibson located at 681 and 683 Eagle Rock Road, in the Branson Township, Sec. 30 Twp. 23 Rng. 21.

The applicant's David and Cheri Gibson (owners) request a variance from the 50' easement to a 20' easement off Eagle Rock Road.

History: This request came to staff's attention through the County Recorder's Office; the parcel was recorded as a metes and bounds land split of a 3.06 acre parcel into a 2.06 acre and a 1.0 acre parcel which is a violation of the Code under Chapter III, Section IV, Number 1., and also violates State requirements as stated in RSMo Chapter 137, Section 185. This also violates the requirements of the Code under chapter III, Section IV, Number 5, Letter C. Subsequent investigation indicated that construction of a residence had been initiated, although a Division I Permit had not been issued. Staff was unable to issue a Division I Permit at this time since three Code violations were present. Mr. Gibson then petitioned the County Commission for an emergency waiver to proceed with construction, which the Commission granted on September 26, 2005. In the interim, a side set back issue was raised. On October 4, 2005 Division I Permit #05-402 was issued to Mr. Gibson.

General Description: The subject property contains 2.06 acres and is located off Eagle Rock Road using an access road which is a single lane 8' to 10' wide approximately 200' in length. The surrounding properties are primarily residential.

Review: The variance request will consist of a 20' easement across 683 Eagle Rock Road, which is a 30' variance from Code requirements. In order for this project to proceed, a variance must be granted for the creation of a 1.0 acre tract, any side setback violation if one exists, and a minor subdivision plat must be submitted and approved and recorded in a timely manner.

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 setback difference of 30' for the existing structure (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
2. Compliance letter from the Fire and Sewer Districts, and County Highway Dept.
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

THE MAJESTIC AT TABLE ROCK, LLC

CASE #05-20

Public Hearing for The Majestic at Table Rock, LLC located at Lenhart Lane, in the Branson Township, Sec. 10 Twp. 22 Rng. 22.

The applicant Robert Allen, Vice-President of The Majestic at Table Rock, LLC requests an appeal of the October 17, 2005 decision of the Taney County Planning Commission decision to deny a request for 37 more condo units.

History: Approved for Concept September 19, 2005 and denied by the Planning Commission October 17, 2005.

General Description: The subject property contains 10.30 acres and is located off Gunner Hill and Lenhart Road. The adjoining properties to the development consist of Table Rock Lake to the west, Chateau on the Lake to the south, residential and an approved condo development to the west and is accessed on the east by St. Hwy. 265.

Review: The appeal is for approval to increase the development from 123 units to 160 units for multi-family use.

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

1. Compliance with the Taney County Development Guidance Code (Divisions II and III), that include plans for the following:
 - a. Land grading permit
 - b. Sediment and erosion control
 - c. Stormwater management
 - d. Delineation of the 100 year floodplain
 - e. Utility easements and building line setbacks
 - f. Improvements with scale of buildings, utilities, onsite parking and streets
2. Compliance letters from the Fire and Sewer Districts and the Department of Natural Resources.
3. Covenants and restrictions, which provide for the continued maintenance of the streets and stormwater drainage.
4. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire.

**MINUTES
TANEY COUNTY BOARD OF ADJUSTMENT
SEPTEMBER 21, 2005, 7:00 P.M.
ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM
TANEY COUNTY COURTHOUSE**

Call to Order:

Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with five members present. They were: Dave Clemenson, Alan Lawson, Gary Wakefield, Tim Huddleston, and Bob Anderson. Staff present: Kurt Larsen, Bonita Kisse, 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:

Request for reconsideration, Vickery Resort: Mr. Clemenson explained the rules for reconsideration. Harry Styron representing the Blackmans presented the case, and gave the history of the project. He pointed out portions of the Code that apply to this request, and discussed these. The business has been in place since 1959, before any of the surrounding residences were built. Mr. Styron stated that the Code does not distinguish between condominium use and resort use, and the only thing that would change is the density if approval is given. He discussed non-conforming uses as they apply to this property and the development code, and referred to a handout distributed before the meeting. In Mr. Styron's opinion the Planning Commission and Board of Adjustment misinterpreted the portion of the code, which discusses performance standards and compatibility, because the business was there before the residential houses.

The Board discussed whether they should grant a rehearing according to the bylaws. Mr. Clemenson polled the Board. Bob Anderson voted no. Tim Huddleson voted no. Alan Lawson voted no. Gary Wakefield abstained. Dave Clemenson voted no to grant the reconsideration. The request can now proceed to circuit court.

Old and New Business:

The Board discussed amending the bylaws, making clearer the procedures for rehearing and reconsideration.

Mr. Larsen reported that there will be one variance to be heard next month. Since none of the members could be present at the regularly scheduled meeting, it was agreed that the meeting would be held the Wednesday before, which is October 12, 2005.

Review and Action:

With no additions or corrections a motion was made by Bob Anderson to approve the August 2005 minutes as written. Seconded by Tim Huddleston. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for September 21, 2005, a motion was made by Bob Anderson to adjourn. Seconded by Alan Lawson. The vote to adjourn was unanimous. The meeting adjourned at 7:35 p.m.