

PLANNING AND ZONING BOA AUGUST 2006 PACKET

**AGENDA
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, AUGUST 16, 2006, 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:

*Lonnie and Melanie Smith Etal.
Marilyn Beltz
Shockley Dev. Inc.*

Old and New Business:

Review and Action:

Minutes, July 2006

Adjournment.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

MARILYN BELTZ, ETAL.

#06-14

Public Hearing for Marilyn Beltz and other residents in the Lakeland Beach Subdivision area, located in the Oliver Township, Sec. 27 Twp. 22 Rng. 22.

The applicants request an appeal of the April 17, 2006 decision of the Taney County Planning Commission to approve a condominium project at Vickery Resort.

History: Terry and Colleen Blackman were approved to construct 18 condominium units on .97 acres at 238 Tina St. by the Planning Commission. The surrounding property owners feel this is incompatible to the surrounding area.

General Description: The subject property contains an existing resort and pool with a footing for the approved condos. The adjoining properties to the development consist of residential and commercial.

Review: The appeal would consist of the revocation of the permit to construct.

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

1. Appeal is to revoke permit #06-20 issued to Terry and Colleen Blackman for the construction of an 18-unit condo project.
2. This 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
SHOCKLEY DEV. INC.
AUGUST 16, 2006
#06-14***

Public Hearing for Shockley Dev. Inc., located at 111 Timberidge Circle, in the Oliver Township, Sec. 13 Twp. 22 Rng. 22.

The applicant David Shockley requests a variance from the 25' setback and cul-de-sac requirements of the Taney County Development Guidance Code.

History: All the houses in this subdivision were built within the 25' setback road requirement. If the cul-de-sac can be done away with three of the houses would be in compliance.

General Description: The subject property contains 2.47 acres and is located off Iowa Colony Road on Timberidge Circle. The adjoining properties to the request consist of single family dwellings.

Review: The variance request will consist of modifications to replace the cul-de-sac requirement with a hammerhead. The 25' setback requirements would then be met.

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 from the Cul-de-sac requirement to replace with a hammerhead.
2. Compliance letter from the Fire District.
3. This 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
WEDNESDAY, JUNE 21, 2006, 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, Tim Huddleston, and Alan Lawson. 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. The speakers were sworn in before each case was heard. Mr. Clemenson announced that anyone who wanted to postpone until next month when a full Board was present could do so. The Marilyn Beltz request represented by Don Ingram chose to postpone. The others choose to be heard.

Public Hearings:

John W. Tatman: a request to place a house within the setback area on Lot 99 Forest Park Phase 2. Mr. Larsen read the staff report and presented pictures and a video of the site. Mr. Larsen reported that there is already an existing setback variance in place for Forest Park. Mr. Tatman presented handouts and pictures explaining his request and addressed questions from the Board. He stated that the shed had been constructed to be utilized with his RV, and would be difficult to move. He also needs the variance because one of the doors to the shed would not open if the house were moved back. Mr. Larsen stated that from an administrative standpoint, if variances continue to be granted in this park, the structures would be bordering the road. Discussion followed. Mr. Clemenson asked is some of the amenities in the shed would be duplicated in the house. Mr. Tatman stated that it would. Mr. Lawson asked if the applicant would need the shed if the house were built. The Tatman's felt that they would need it for storage purposes. Mr. Lawson stated that to remove the shed would allow 15'. Mr. Tatman still maintained that it would be very hard to move the shed. Mr. Lawson felt that the Tatman's could have the house they want and be able to observe the setbacks if the shed is moved. Mr. Huddleston stated that to grant

this variance would be to grant a privilege, then made a motion to deny the request. Alan Lawson seconded. The vote to deny was unanimous.

J.R. Spurlock: a request for a variance from the front setback requirements to 10' on property located at 116 Star View Dr. Mr. Larsen read the staff report and presented pictures and a video of the site. This request was tabled from last month because the Board had a question about the location of utility lines on the back of the property. Mr. Spurlock stated that he researched this and had not found a dedicated easement for the utilities. He presented a packet of information containing pictures and a site plan of the property showing the easements, which the electric company provided him. He reported that the electric company would not allow him to build within their easement. He stated that there wouldn't be any obstruction on the corner if the structure were allowed to be built. He plans to remove two storage sheds before building the garage. After discussion Alan Lawson made a motion to deny the request. Tim Huddleston seconded. The vote to deny was unanimous. Discussion followed regarding allowing the same 13' variance that the rest of the park has on the front.

Marilyn Beltz: a request for an appeal of the April 17, 2006 decision of the Taney County Planning Commission to approve a condominium project at Vickery Resort. Postponed until next month.

Charles Don Rice: a request for a variance to move a property line between two lots in Riverside Estates to create access to a garage. Mr. Larsen read the staff report and presented pictures and a video of the site. Maryetta Oakley representing the property owner explained that the Line between Lot 13 and 14 needs to be moved to take care of an encroachment, and the property owner wants to build a house on lot 14. Mr. Larsen stated that it currently does not meet the 50' easement requirement of the subdivision and does not meet the cul-de-sac requirement. The property owner of lot 15 was present and had no objections to this request. After discussion a motion was made by Alan Lawson to approve the request based upon that no other parties are involved and the roadway is too short to be applied to the cul-de-sac requirement. Tim Huddleston seconded. The vote to approve was unanimous.

Old and New Business:

Mr. Larsen reported that there is one other request to be heard next month, besides the one that opted to postpone this meeting.

Review and Action:

Minutes, May 2006: with no additions or corrections a motion was made by Tim Huddleston to approve the minutes with one correction. Seconded by Alan Lawson. The vote to approve the minutes was unanimous.

Adjournment:

With no other business on the agenda for Wednesday, June 21, 2006 a motion was made by Alan Lawson to adjourn. Seconded by Tim Huddleston. The vote to adjourn was unanimous. The meeting adjourned at 8:10 p.m.