



## TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: [www.taneycounty.org](http://www.taneycounty.org)

### AGENDA

**TANEY COUNTY BOARD OF ADJUSTMENT  
WEDNESDAY, OCTOBER 18, 2017 6:00 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 Hearings:

#17-12V Erick Walker

#17-13V Arlene Cramer

#### Review and Action:

*Minutes, August 2017*

#### Old and New Business:

#### Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

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Posted: 10/12/2017 By: MP Time: 10:00 am

Posted At: David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room

At the Taney County Courthouse and the office of Planning and Zoning.



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## TANEY COUNTY BOARD OF ADJUSTMENT

### APPLICATION and AFFIDAVIT FOR VARIANCE OR APPEAL

17-12✓

(Circle one)

Variance (\$125.00) Appeal (\$125.00)

PLEASE PRINT

DATE 9-20-17

Applicant ERICK AND TRACY WALKER Phone 417-294-0291

Address, City, State, Zip 8253 US HWY 160 WALNOT SHADE

Representative ERICK WALKER Phone SAME

Owner of Record ERICK AND WALKER Signature: [Signature]

Name of Project: BUILDING MODIFICATION

Section of Code Protested: (office entry)

Address and Location of site: 8253 US HWY 160

Subdivision (if applicable) ? BULL CREEK VALLEY CAMP

Section 34 Township 24 Range 21 Number of Acres or Sq. Ft.

Parcel Number 05-8.0-34-000-000-035.000

Does the property lie in the 100-year floodplain? (Circle one) Yes No

#### Required Submittals:

- ☐ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.

**Describe in detail the reason for your request:**

PROPOSED PLAN TO INCREASE EXISTING  
BUILDING FOOTPRINT TO THE WEST  
SIDE. AREA OF INCREASE IS 12' BY  
52'. SEE ATTACHED BIRDS EYE VIEW.

### VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board of Adjustment.

  
Signature of Applicant

9/20/17  
Date of Application

STATE OF MISSOURI )

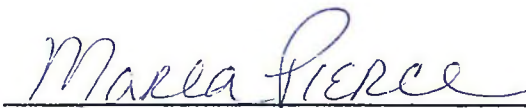
S.S. On this 20th day of September, 2017.

COUNTY OF TANEY )

Before me Personally appeared ERICK WALKER, to me know to be the person described in and who executed the foregoing instrument.

In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire 2/6/2018.

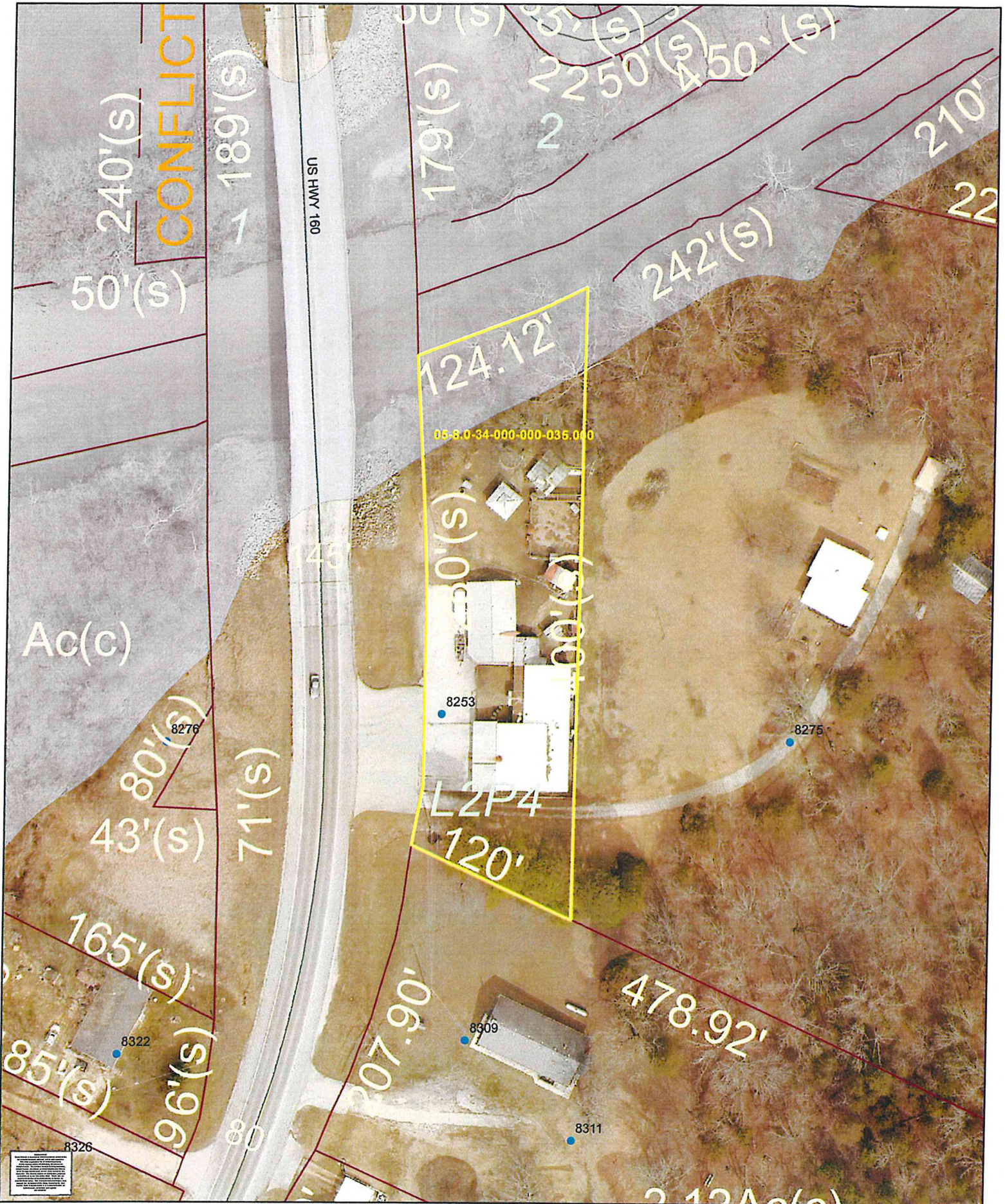
08/02/2020

  
Bonita Kisse-Souttee, Notary Public  
MARLA PIERCE

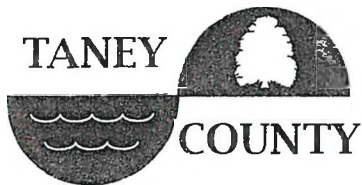




# BOA Erick Walker







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## TANEY COUNTY BOARD OF ADJUSTMENT

### APPLICATION and AFFIDAVIT

### FOR VARIANCE OR APPEAL

17-13V

(Circle one)

Variance (\$125.00) Appeal (\$125.00)

PLEASE PRINT

DATE

9-20-2017

Applicant ARLENE CRAMER Phone 417 239-6780

Address, City, State, Zip 3621 State Hwy Y Forsyth, Missouri 65653

Representative ARLENE & BRIAN CRAMER Phone \_\_\_\_\_

Owner of Record Arlene F. Cramer Signature: Arlene F. Cramer

Name of Project: Garport

Section of Code Protested: (office entry) \_\_\_\_\_

Address and Location of site: 3621 State Hwy Y Forsyth Mo

Subdivision (if applicable) POTHOLE RIVIERA

Section 8 Township 23 Range 20 Number of Acres or Sq. Ft. \_\_\_\_\_

Parcel Number 09-3.0-08-002-001-004.000

Does the property lie in the 100-year floodplain? (Circle one) Yes X No.

Required Submittals:

Swan Township

- ☐ Typewritten legal description of property involved in the request
- ☐ Postage for notifying property owners within 600 feet of the project
- ☐ Proof of public notification in a newspaper of county-wide circulation
- ☐ Proof of ownership or approval to proceed with request by the owner
- ☐ Sketch plan/survey of the project which completely demonstrates request

Please give a complete description of your request on page two.

Meet Date = 10-18-17

**Describe in detail the reason for your request:**

Request Variance on Front Setback

### VERIFICATION

In signing this application, I fully understand, and will comply with, the responsibilities given me by the Taney County Development Guidance Code. I certify that all submittals are true and correct to the best of my knowledge and belief, and that my request may or may not be approved by the Taney County Planning Commission's Board of Adjustment.

Deleene F. Quamer

Signature of Applicant

20 September 2017

Date of Application

STATE OF MISSOURI )

S.S. On this 20<sup>th</sup> day of September 2017.

COUNTY OF TANEY )

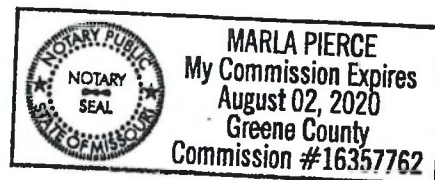
Before me Personally appeared \_\_\_\_\_, to me know to be the person described in and who executed the foregoing instrument.

In testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in Forsyth, Mo. The day and year first above written. My term of office as Notary Public will expire ~~2/6/2018~~ 08/02/2020

Marla Pierce

Benita Kisse-Souttee, Notary Public

MARLA PIERCE







## **Taney County Board of Adjustment Staff Report**

**HEARING DATE:** October 18, 2017

**CASE NUMBER:** 2017-13V

**PROJECT:** Variance from Front Setback

**APPLICANT:** Arlene Cramer

**LOCATION:** The subject property is located at 3621 State Hwy Y, Forsyth, Missouri, Swan Township; Section 08, Township 23, Range 20.

**REQUEST:**

The applicant, Arlene Cramer is requesting a variance from the provisions of Section 7, Table 1, (Setbacks) of the Taney County Development Guidance Code. The request is for a variance from the required twenty five (25) feet front property line setback requirement for County Roads, to allow for the placement of a sixteen (16) by twenty (20) foot carport. The applicant is requesting a seven (7) foot variance from the front property line.

**BACKGROUND and SITE HISTORY and GENERAL DESCRIPTION:**

As per the Assessor's information the subject property is .31 acres in size, lots six (6) and seven (7) of Block 1 in the Pot Hole Riviera Subdivision. There is currently a single family home built in 1960. The applicant applied for a Division I permit for the carport on September 18, 2017.

**REVIEW:**

The applicant is requesting to place a sixteen (16) by twenty (20) carport, to shelter the cars on the front side of the property, in front of the garage in the existing driveway. The lot has a steep slope that would make the placement of the carport difficult to place anywhere but in front of the garage. The property is addressed off State Hwy Y but there is a twenty (20) foot wide area, owned by Corp of Engineers, which surrounds Bull Shoals Lake between the applicant property

line and the Hwy Y road right of way. Taney County maintains the section of hwy Y road at 3621 State Hwy Y, so the front setback for the carport, per Table 1 should be twenty five (25) feet.

**STATUTORY REQUIREMENTS of APPROVAL:**

Per the Requirements of Missouri Revised Statutes the Board of Adjustment shall have the following powers and it shall be its duty:

“Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.”

**STAFF RECOMMENDATIONS:**

If the Taney County Board of Adjustment approves Variance Request Case #2017-13V, the following requirements shall apply, unless revised by the Board:

1. Approval of a front setback of seven (7) feet from the front property line, allowing for the placement of a sixteen (16) by twenty (20) carport.
2. A Division I permit will be required for the carport.
3. Compliance with all of the other provisions of the Taney County Development Guidance Code.
4. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 Days or the approval shall expire (Appendix D, Step 6).









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**MINUTES  
TANEY COUNTY BOARD OF ADJUSTMENT  
CLOSED SESSION  
WEDNESDAY, AUGUST 16, 2017, 5:00 P.M.  
COUNTY COMMISSION CONFERENCE ROOM  
TANEY COUNTY COURTHOUSE**

Motion to enter closed session:

Pursuant to RsMo 610.021.1 (Litigation); Mr. Boone called the meeting to order at 5:00 p.m. Members present; Dan Boone, Tony Mullen, Tom Gideon, Howard Kitchen, and Trent Edwards. Staff; Scott Starrett. Eastern Commission Sheila Wyatt and County Commission legal counsel Frank Cottey.

A motion was made to go to closed session pursuant to RsMo 610.021.1 by Mr. Mullen. Seconded by Mr. Edwards. The motion to enter into closed session was unanimous. Members voting; Dan Boone, Tony Mullen, Tom Gideon, Howard Kitchen, and Trent Edwards.

Discussion followed. After discussion a motion was made by Mr. Gideon to adjourn closed session. Seconded by Mr. Mullen. The vote to adjourn was unanimous. Members voting; Dan Boone, Tony Mullen, Tom Gideon, Howard Kitchen, and Trent Edwards. The meeting adjourned at 5:50 p.m.



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### **MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, AUGUST 16, 2017, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE**

#### Call to Order:

Chairman Dan Boone called the meeting to order at 6:00 p.m. A quorum was established with five members present. They were; Dan Boone, Tony Mullen, Trent Edwards, Tom Gideon, and Howard Kitchen. Staff present; Scott Starrett and Bonita Kisse-Souttee. The governing statutes were read by Mr. Starrett who also read a statement outlining the procedures for this meeting and presented the exhibits.

Mr. Boone swore in each speaker before their respective hearings.

#### Public Hearings:

Gary Billingsley; a request for a rehearing based upon only three members present at the previous hearing and the vote was not unanimous. Mr. Starrett read the staff report and proposed decision of record. Mr. Billingsley and Marie Powers were present. Ms. Powers representing Mr. Billingsley spoke first and pointed out all the nightly rentals on the maps that have been approved by the Planning Commission. She gave a brief history of the current status of the request then presented new information. It was their contention that the vote was illegal, because of the way the votes were taken and no reason was given why. She stated that it was their feeling the Planning Commission singled them out. Further discussion followed. The board did not have any questions at this point. Paul Frampton a property owner read a portion of the regulations and stated in his opinion the application was not complete. Other concerns Mr. Frampton brought forward were, occupancy, private restrictions, compatibility, and buffering. Ken Hawkins lives on Greystone and stated that in his neighborhood they have no say on the homeowners association. Other concerns he had were, buffering of the hot tub, noise, number of rentals in the community, the developers lied to them about nightly rentals when they bought their property, compatibility, parking, fire district regulations, and posting of contact information. Karen Murphy another property owner voiced her concerns regarding the amount of time Mr. Billingsley was allowed to speak at his meeting, compatibility, occupancy, buffering, application accuracy, using the property as commercial, and she pointed out an opinion of the County Commission legal counsel. Mr. Boone questioned Mr. Starrett on the accuracy of the application. Mr. Starrett answered that it was presented the same as all the others throughout the years. With no other discussion the Board deliberated. After deliberation, a motion was made by Mr. Edwards with the addition of buffering to approve the appeal. The motion

was seconded by Mr. Gideon. Mr. Kitchen voted no. The vote was four in favor and one against. The motion passed. Mr. Billingsley asked for clarification. The board explained their requirements of approval.

Mr. Boone announced that since the two nightly rental appeals were similar all comments would be taken for both at one time.

112 N. Tuscany Drive Nightly Rental; a request by the permanent residents of Branson Creek to appeal the decision of the Planning Commission to approve a nightly rental at this address. Mr. Starrett read the staff report and proposed decision of record and presented location maps and pictures of the site. The request was represented by Karen Murphy. Sondra Strange presented copies of her presentation to the Board. She pointed out the first paragraph of the nightly rental regulations and discussed it. Other concerns brought forth was; parking, the Planning Commission didn't follow the Code in her opinion in approving this request, fire district approval accompanying the application, correct occupancy, fire suppression, and consistency of the Planning Commission. Neil Murphy spoke regarding the frustration level of the residents and apologized for past negative comments. Karen Murphy pointed out that the same issues apply for this request as for Mr. Billingsley's property. She presented a list of 67 residents who are against nightly rentals, and stated that none of the applications turned in were correct. Mrs. Murphy stated that in her opinion staff has not received anything saying that this duplex has 4 bedrooms. Mr. Boone asked about the property owner and why she wasn't at this meeting. Mrs. Murphy stated that she had just moved in and could not come because she was working. Barb Durham who is the manager of the nightly rental addressed some of the concerns. Cheryl Sinko who lives in the villas discussed single family residences, common walls, and fire suppression. After discussion the Board deliberated. After deliberation a motion was made by Mr. Gideon to deny the appeal. Mr. Mullen seconded. Mr. Kitchen voted no. The vote to deny the appeal was four in favor and one against.

157 N. Tuscany Drive Nightly Rental; a request by the permanent residents of Branson Creek to appeal the decision of the Planning Commission to approve a nightly rental at this address. Mr. Murphy asked if the legal counsel was consulted regarding the buffering. The Board stated that a legal opinion was given in line with the requirements of the Code. Barb Durham made the Board aware that the fire suppression system is scheduled to be installed when and if approval is given by the Board. Karen Murphy addressed the buffer requirement. The Board explained that the buffer is for privacy. Mr. Starrett read the buffer requirement from the Code. He stated that buffering cannot be implemented to a duplex only on a property line. Mr. Kitchen stated that the property owners do not own land only the footprint. The HOA owns the land. Discussion followed. Mr. Boone explained that the Board's job is to prove the Planning Commission did not err in their decision. The Board deliberated after discussion. After deliberation a motion was made by Mr. Mullen to deny the appeal.



Seconded by Mr. Gideon. Mr. Kitchen voted no. The vote to deny the appeal was four in favor and one against.

After the hearings Mr. Starrett explained the appeal procedure.

Jerry Crawford; a request for a variance from the front setback requirements of the Development Code from 25' to 17' for a 20 x 20 attached garage located at 182 Thomas Eugene. Mr. Starrett read the staff report and proposed decision of record, and presented location maps and pictures of the site. Mr. Crawford was present. Discussion covered ownership, reason for request and road right of way. After discussion a motion was made by Mr. Mullen to approve based upon the decision of record. Mr. Kitchen seconded. The vote to approve was unanimous. Mr. Starrett informed the applicant about the decision of record procedures.

Todd Rammer; a request for a variance from the side and back setback requirements of the Development Code 4' 7" side and 4' 6" back allowing the ability to leave an existing 36 x 18 carport to cover an RV. The property is located at 145 Bamboo Trail. Mr. Starrett read the staff report and the proposed decision of record. Mr. Rammer was present. With no discussion a motion was made by Mr. Gideon to approve based upon the decision of record. Seconded by Mr. Mullen. The vote to approve was unanimous. Mr. Starrett informed the applicant of the decision of record procedure.

#### Review and Action:

Minutes; July 2017; with no additions or corrections a motion was made by Mr. Edwards to approve the minutes as written. Seconded by Mr. Mullen. The vote to approve the minutes was unanimous.

#### Old and New Business:

No discussion.

#### Adjournment:

With no other business on the agenda for August 16, 2017 the meeting adjourned at 7:46 p.m.