

PLANNING AND ZONING BOA PACKET 2006

AGENDA
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, NOVEMBER 15, 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:

Judy Lee
John Kingsley
Samuel Laboi

Review and Action:

Minutes, September 2006

Old and New Business:

Adjournment.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

NOVEMBER 13, 2006

JUDY LEE

#06-15

Public Hearing for Judy Lee located at 121 Forest Park Lane in the Branson Township, Sec. 26 Twp. 23 Rng. 22.

The applicant Judy Lee (owner) requests a variance for a reduction of the front setback requirements of the Taney County Development Guidance Code, Appendix H, Table 12.

History: Lot 12A is part of the Forest Park Estates Subdivision and is moderately sloping.

General Description: The subject property is 110' x 70' and is located at the corner of Forest Park Lane and Royal Oak Dr. The adjoining properties to the development consist of residential.

Review: The variance request will consist of setback variances for both sides and front of the property.

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

1. Variance is for the front and side setbacks for the placement of a modular home (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

SAMUEL AND CYNTHIA LABOI

#06-16

Public Hearing for Samuel and Cynthia Laboi located at 182 Longshore Dr., in the Oliver Township, Sec. 3 Twp. 21 Rng. 22.

The applicants, Samuel and Cynthia Laboi (owners) and George Kamm (representative), request a variance of the setback requirements of the Taney County Development Guidance Code Appendix H, Table 12.

History: The property is part of the Williams Landing Subdivision Lot 32 and variances have been approved on adjacent properties to the site.

General Description: The subject property is 100.05 x 95.58 and is located off Longshore Dr. The adjoining properties to the request consist of residential.

Review: The variance request will consist of a 3.2 feet setback in the back of the lot.

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

1. Variance is for the setback of 3.2 feet for a residential structure. (Appendix H, Table 12, Setbacks, Taney County Development Guidance Code).
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.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT
NOVEMBER 15, 2006
JOHN KINGSLEY
#06-06

Public Hearing for John Kingsley/MGM Lakefront Property located at 1660 Hill Haven Road in the Oliver Township, Sec. 35 Twp. 22 Rng. 22.

The applicant, John Kingsley (owner) and Terry McKee, MGM Lakefront Property (representative), request an appeal of the Taney County Planning Commission decision to deny a request to construct a 160 unit condominium development.

History: Denied by the Planning Commission on October 16, 2006, for condominiums. The parcel contains an existing residence.

General Description: The subject property contains 8.12 acres and is located down Hill Haven Road. The adjoining properties to the request consist of residential and multi-family.

Review: The proposed site will be serviced by onsite sewer and a community well. The property is buffered by vegetation and topography with a natural rock terrace.

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

1. Compliance with the provisions of the Taney County Development Guidance Code that include plans for the following:
 - a. Sediment and erosion control (Appendix B Sec. VI Item 2)
 - b. Stormwater management (Appendix B Item 3)
 - c. Land grading permit (Appendix B)
 - d. Delineation of the 100 year floodplain (Taney County Floodplain Management Ordinance 60.3b Sec. A)
 - e. Utility easements and building line setbacks (Table 12)
 - f. Foliage screening or fencing for commercial area that adjoins residential tracts (Appendix C)
 - g. Improvements with scale of buildings, streets onsite parking and utilities (Table 6)
2. Compliance letters from the Fire, Sewer and Water Districts (Chapter VI-VII).
3. No outside storage of equipment or solid waste materials.
4. Division II Permits will be required for all applicable structures in the development (Chapter 3 Sec. I Item B).
5. This Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

**MINUTES
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:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with four members present. They were: Dave Clemenson, Alan Lawson, Bob Anderson, and Tim Huddleson. Staff present: Kurt Larsen, Larry Rowland, Eddie Coxie, Bonita Kissee, and Bob Paulson. Mr. Larsen announced that Keith Davis has resigned from the Board.

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 rules, including all pertinent information, as Exhibit C, and the Taney County Board of Adjustment by laws 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.

Public Hearings:

Lonnie and Melanie Smith, William Cummings, Mary Parker, Members of the Jehovah's Witness Kingdom Hall, Etal.: requesting a rehearing of the Yearly Redi-Mix plant on property located at 13181 East St. Hwy. 76. This hearing was postponed in July. Mr. Clemenson polled the Board members if they wished to rehear the request. Bob Anderson voted yes. Tim Huddleston and Dave Clemenson voted no. Alan Lawson abstained. The request was denied to rehear.

Marilyn Beltz: request for reconsideration of the April 17, 2006 decision of the Taney County Planning Commission to approve a condominium project at Vickery Resort in the Lakeland Beach Subdivision area at 238 Tina St. Mr. Clemenson polled the members. The vote not to reconsider was unanimous.

Shockley Dev. Inc.: a request by David Shockley for a variance from the 25' setback and cul-de-sac requirement of the Taney County Development Guidance Code. The property is located at 111 Timberidge Circle. Mr. Larsen

read the staff report and presented pictures and a video of the site. Mr. Shockley explained that two years ago he started to pave the road and found out that two of the houses were sitting within the setback area preventing installation of the cul-de-sac. He is asking to be able to remedy this situation with the placement of a hammerhead. Almost all of the lots have been built on that border the road. Excessive expense would be incurred if the two houses that were built within the setback were removed. Several of the property owners that live on the road signed up to speak with concerns regarding; erosion and stormwater runoff, paving the road, turnaround, and safety. Mr. Clemenson stated that the Board doesn't exist to correct existing problems but that the Board understands the reason for the request. Discussion followed regarding addressing the drainage problem if the road is fixed. Bob Anderson made a motion to approve the hammerhead with the addition of addressing the drainage problem. Tim Huddleson seconded. The vote to approve the variance request was unanimous. Mr. Paulson asked if the road was currently dedicated to the public and stated that if it was, the County Commission would have to approve a vacation. He explained the procedure for vacating a road with the County.

Old and New Business:

Staff reported that there is one variance to be heard next month.

Review and Action:

Minutes, July 2006: with one correction on page two a motion was made by Bob Anderson to approve. Seconded by Alan Lawson. The vote to approve was unanimous.

Adjournment:

With no other business on the agenda for August 16, 2006, Mr. Clemenson announced the meeting to be adjourned. The meeting adjourned at 7:40 p.m.