

PLANNING AND ZONING BOA PACKET DECEMBER 2006

AGENDA
TANEY COUNTY BOARD OF ADJUSTMENT
WEDNESDAY, DECEMBER 20, 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:

John and Bonnie Kingsley
Thomas W. Schaefer
Vogel Properties, LLC

Review and Action:

Minutes, November 2006

Old and New Business:

Adjournment.

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

JOHN AND BONNIE KINGSLEY

DECEMBER 20, 2006

#06-06

Public Hearing for John and Bonnie Kingsley, located at 1660 Hill Haven Road in the Oliver Township, Sec. 35 Twp. 22 Rng. 22.

The applicants, John and Bonnie Kingsley request an appeal of the November 20, 2006 Planning Commission decision to deny a request to develop a 160 unit condominium project.

History: The Planning Commission unanimously denied the request based upon incompatibility to the surrounding area.

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

Review: The proposed site would consist of 160 units with onsite sewer and a community well.

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

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 Permit 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)

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

THOMAS W. SCHAEFER

DECEMBER 20, 2006

#06-8

Public Hearing for Thomas W. Schaefer located at Lakeshore Dr. in the Branson Township Sec. 28 Twp. 23 Rng. 21.

The applicant Thomas W. Schaefer requests an appeal of the Taney County Planning Commission decision of November 20, 2006 to deny approval to develop a condominium project.

History: Denied by the Planning Commission based upon incompatibility.

General Description: The subject property contains 2.5 acres and is located in the Lakeside Subdivision Tract 7. The adjoining properties to the request consist of commercial and residential.

Review: The proposed site would consist of one 5 story 25 unit condominium building, and six 2-story townhouses with 3 units each for a total of 18 townhouse units. The entire site will consist of nightly rentals and timeshare. The property is to be serviced by the Taney County Sewer District and Public Water Supply District #2.

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

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).

TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

DECEMBER 20, 2006

VOGEL PROPERTIES OF BRANSON, LLC

#06-7

Public Hearing for Vogel Properties of Branson, LLC, located at Candlestick Road, Taney Street, and Como Ave. in the Branson Township, Sec. 33 Twp. 23 Rng. 21.

The applicant, Vogel Properties of Branson, LLC, Ross Vogel, developer requests an appeal of the Taney County Planning Commission decision to deny approval to construct 75 condominium dwelling units.

History: Denied by the Planning Commission November 20, 2006 based upon incompatibility to the surrounding area.

General Description: The subject property contains 3.30 acres and encompasses the area between Taney Street, Como Ave., Candlestick Road, and Mt. Branson Dr. The adjoining properties to the request consist of commercial and residential.

Review: The proposed site would consist of 75 condominium units to be constructed as a six-story structure, two residential towers connected by public space and an enclosed pool building. The project will be served by public sewer and water.

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

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, SEPTEMBER 20, 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, Bob Anderson, and Tim Huddleson. Staff present: Larry Rowland, Bonita Kissee, Marla Pierce, Eddie Coxie, 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 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.

Public Hearing:

Conrad Hedberg and Melonee Graff: a request (#06-13) a variance for the reduction of the setback from the 25' setback from 198 Iowa Colony Road for the construction of a single-family dwelling. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Hedberg addressed the Board and stated that they tried all kinds of ways to make the structure fit on the property. This request is as close as they can come to being able to get their house plan to fit. He stated that the eave of the house would be 29' from the road. He also reported that the houses either side of this property and across the road are all too close. Mr. Hedberg feels that because of the cliff this is a hardship. Discussion followed regarding the fact that without the variance the lot is almost not buildable, and to push the house back would be extremely unsafe. Mr. Hedberg plans to put a fence on the cliff side for safety reasons. The Board asked for clarification of the measurements requested. Mr. Clemenson stated that a 20' variance is requested from a required 25' setback. Discussion followed on whether a hardship existed. Ed Fisher who lives two houses down from this property spoke in favor of the request. In his opinion, if this house is built too close to the cliff, a ladder could not be used in the back of the house if needed. Mr. Fisher has approx. 25' behind his house. Further discussion followed regarding modifying the house plan so it could be moved back. Mr. Hedberg stated that he would have to put in a grinder pump in for wastewater purposes,

which would require a setback of 14'. After discussion Bob Anderson made a motion to approve the request based upon the decision of record with the change of 6' variance making the setback 19' from the front. Seconded by Tim Huddleson. The vote to approve the variance request was unanimous.

Review and Action:

Minutes, August 2006: with no additions or corrections a motion was made by Bob Anderson to approve. Seconded by Tim Huddleson. The vote to approve the minutes was unanimous.

Old and New Business:

Mr. Paulson reported on a recent application before the Planning Commission which in his opinion might come before them in the future. He also reported that the Smith's have taken their case to court.

Adjournment.

With no other business on the agenda for September 20, 2006, a motion was made by Tim Huddleson to adjourn. Seconded by Bob Anderson. The vote to adjourn was unanimous. The meeting adjourned at 7:40 p.m.