



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

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

website: www.taneycounty.org

MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT

WEDNESDAY, JULY 26, 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 three members present. They were: Dan Boone, Tony Mullen, and Trent Edwards. 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, and announced that since there was only three members present each applicant could choose to postpone their hearing only once, when a full board could be present.

Public Hearings:

Gary Billingsley; a request for an appeal of the Planning Commission decision to deny a nightly rental business located at 226 Stoney Pointe Drive, Branson Creek on May 15, 2017. Marie Powers was present to represent the applicant. Mr. Starrett read the staff report and proposed decision of record, from the Planning Commission and Board of Adjustment. He presented location maps and pictures of the site. Several people signed up to speak. Karen Murphy spoke first against the request based on, in her opinion, parking, staff errors, erroneous statements by the applicant, various sections of the Code not adhered to by both staff and applicant, the application was not filled out correctly, and buffering. Susan Smith also spoke against the request on behalf of Paul Frampton regarding the applicant continuing to rent after he was told to apply for a permit, parking was a concern, children in the yard, noise, too many people in the structure, safety, and property values. Lisa Aguirre was also against the request and asked the Board to remember separation of Church and State. She stated that none of the nightly rentals observed the handicapped requirements, she also discussed a conversation she had with Mr. Kitchen regarding his voting and being on both Boards. Gordon Glass another neighbor who was against the request voiced concerns regarding occupancy of the nightly rentals, noise, dogs in the swimming pool, litter, maintenance, property values, enforcement of the Code, incomplete application, health and safety of the community, incompatibility, and buffering. Richard Hurt another neighbor who

spoke against the request was concerned with the noise, buffering, and too many people in the structure. After the property owners spoke, Mrs. Powers addressed their concerns. She stated that she had never rented to more than 10 people at a time. There were contracts already in place when the County attorney gave his opinion that all nightly rentals had to be permitted. It is the responsibility of the HOA to turn the sprinklers on. There is a floor plan in the packets for the house. Mrs. Powers reminded the Board that this property has been a nightly rental since 2008. She lives 15 minutes away and could be called if there is a problem. The property is not advertised as handicapped accessible. She gave a rundown of the history of the request since the beginning. Mr. Boone asked about fire suppression. There isn't any because it wasn't required when it was built. Mrs. Powers stated that in three years since she has managed the property no one has ever called her to complain about anything. Mr. Edwards asked how many properties she managed. She stated that she manages five and has never had any criminal activity happen in any of them. She wrapped up her discussion and pointed out how the vote was taken at the Planning Commission meeting. With no other discussion the public hearing was closed and the Board deliberated. Mr. Mullen asked Mr. Starrett if he could give him a reason for denial by the Planning Commission. Mr. Starrett stated that he could not because they did not give one. Discussion followed. After deliberation, a motion was made by Mr. Mullen to approve the request based upon the decision of record. Seconded by Mr. Edwards. The vote to overturn the denial was two in favor and the Chairman voting no. The vote did not pass. Mrs. Powers asked the reason. Mr. Mullen gave his reason for the motion. Mr. Starrett explained the next step in the process. The Board suggested she ask for a rehearing next month.

112 N. Tuscany Drive Nightly Rental; an appeal of the Planning Commission Decision of February 21, 2017 to approve a nightly rental business in Branson Creek Subdivision. Mr. Starrett read the staff report and proposed decision of record. He presented location maps and pictures of the site. Mrs. Aguirre was present. Mrs. Murphy spoke first in favor of the request, her concerns were; occupancy, safety, compatibility, noise, steep driveway, parking, buffering, and there being no contact numbers posted. Susan Smith also spoke in favor of the request by stating the developers did not follow the requirements of the Code and covenants, parking were a concern, noise, and lack of enforcement by the P&Z staff. Gordon spoke in favor of the request by reiterating the same concerns. Sondra Strange also in favor of the request stating concerns regarding covenants, number of bedrooms and using a loft as a bedroom, compatibility, and commercial property taxation. Wes Strange also a property owner and in favor of the request stated that he and Sondra live across the street. He discussed occupancy, excessive traffic, noise, overcrowding of the pool, parking, and guests carrying guns. Barb Durham who manages the property gave an overview of the properties she manages and clarified where the projects are at this point. She addressed the concerns of the property owners. She stated that she had spoken with some of the property owners and gave them the opportunity to contact her if any problems arose. Lisa Aguirre, the applicant, clarified her request. She discussed

covenants, taxation, fire requirements, contact numbers, Code violations, incomplete applications, enforcement, and lofts as bedrooms. The Board questioned the applicant regarding her concerns. With no other discussion the public hearing was closed and the Board deliberated. After deliberation a motion was made by Mr. Edwards to deny the appeal, stating that in his opinion the Planning Commission did not make any errors in the approval. Seconded by Mr. Mullen. The vote to deny was unanimous. Mr. Boone explained the next step in the process, and asked Mrs. Aguirre if she wished to appeal. She stated that she did.

157 N. Tuscany Drive Nightly Rental; an appeal of the Planning Commission Decision of February 21, 2017 to approval a nightly rental business in Branson Creek Subdivision. The applicant chooses to wait for a full Board, which will be next month.

Wayne & Carrie Price; a request for a variance from the setback requirements on property located at 7885 St. Hwy. 176, from the required fifty' setback front property line for the construction of a 36 x 52 storage building. Mr. Price was present. Mr. Starrett read the staff report and proposed decision of record, and presented location maps and pictures of the site. Mr. Mullen asked if there would be any water or wastewater in the building. Mr. Price stated that there would not be, and the building would not be over the lateral lines. Mr. Mullen made a motion to approve based upon the decision of record. Seconded by Mr. Edwards. The vote to approve was unanimous.

Review and Action:

Minutes, May 17, June 28, 2017; with no additions or corrections a motion was made by Mr. Edwards to approve the minutes as written. Seconded by Mr. Mullens. The vote to approve was unanimous.

Old and New Business:

Mr. Starrett reported that there are two variances for next month's meeting. The Board decided by general consensus to accept the two denials this meeting for rehearing's next month.

Adjournment:

With no other business on the agenda for July 26, 2017 the meeting adjourned at 8:02 p.m.



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**MINUTES
TANEY COUNTY BOARD OF ADJUSTMENT
SPECIAL MEETING- PHONE CONFERENCE
JUNE 28, 2017, 10:00 A.M.
BRANSON BANK
STATE HIGHWAY 248
CONFERENCE ROOM**

Call to Order:

Chairman Dan Boone called the meeting to order with all five members present. They were; Dan Boone, Trent Edwards, Tom Gideon, Tony Mullen, Howard Kitchen. Staff present; Scott Starrett. Mr. Starrett and Mr. Boone were present at Branson Bank. The other board members were calling in.

Review and Action:

Discussion to reschedule meeting from July 19, to July 26, 2017 because the administrator will be out of town on July 19. With no discussion a motion was made by Mr. Mullen to move the meeting date to July 26, 2017, at 6:00 p.m. Taney County Courthouse, County Commission Hearing Room. Seconded by Mr. Gideon. The vote to move the meeting date was unanimous.

Adjournment:

With no other business on the agenda for June 28, 2017 the meeting adjourned at 10:07 a.m.