



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, 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.



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
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.