



TANEY COUNTY PLANNING COMMISSION

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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, NOVEMBER 15, 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, Tom Gideon, Trent Edwards, 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 the hearing.

Public Hearings:

Kutch Trust; a request for an appeal of the Planning Commission denial of a special use permit to operate a nightly rental business from an existing structure, on property located at 177 Kings Way. Mr. Starrett reviewed the staff report and presented pictures and location maps of the site. Robert Johnston who lives in Friendly Hills Subdivision spoke in opposition to the appeal. He was also representing some other property owners in the subdivision. Some of his concerns included, setting precedence, covenants not allowing commercial uses, incompatibility, and other properties doing nightly rental without permits. Nicholas Grimwood representing the applicant addressed the concerns. He addressed 3.9 of the Code which states private covenants cannot be considered in any decision of either Board. He felt the concerns were arbitrary and not consistent with the Code. His clients did not know the property management company had not obtained proper permits. In his opinion compatibility was not defined when the Planning Commission gave this as one reason for denial, and this request would not be a detriment to the neighborhood. He pointed out that Mr. Johnston does not live in the same subdivision as this request but the one adjacent to it. A buffering plan was prepared but the Planning Commission did not offer the opportunity to present it. Mr. Boone stated that he was familiar with the property and gave a brief history of the use of it. Mr. Gideon discussed buffering. Mr. Kitchen stated that he sits on the Planning Commission and reported what was discussed by them, and clarified his position. Mr. Mullen asked what Mr. Grimwood saw as compatibility. He answered as something that did not create a blight. After closing the public hearing the Board deliberated. A motion was made by Mr. Kitchen to uphold the denial. Seconded by Mr. Mullen. The vote to deny the request was unanimous.

Shepherd of the Hills Development; a request for a variance from the front property line setback on property located at 5586 W. St. Hwy. 76. Mr. Starrett clarified the request and reviewed that staff report and presented pictures and location maps of the site. Roy Decker, representing the applicant addressed questions from the Board and clarified the request to construct a building within the setback area. Mr. Kitchen stated that in his opinion the setback requirement of the Code is for safety. Mr. Boone stated that the structures there have been within the setback for years and there have not been any problems thus far. Only one person from the public was present and did not oppose the request. After discussion a motion to approve the variance was made by Mr. Kitchen. Seconded by Mr. Edwards. The vote to approve the variance was unanimous.

Review and Action:

Minutes, October 2017; with no additions or corrections a motion was made by Mr. Gideon 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 November 15, 2017 the meeting adjourned at 6:44 p.m.