



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MAY 16, 2018, 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 four members present. They were; Dan Boone, David Herd, Tony Mullen, and Howard Kitchen. Staff present; Scott Starrett, and Bonita Kissee-Soutee. Mr. Boone swore in the speakers. The governing statutes were read by Mr. Starrett who also read a statement outlining the procedures for this meeting and presented the exhibits.

Review and Action:

Minutes, April 2018 Minutes; with no additions or corrections a motion was made by Mr. Mullen to approve the minutes as written. Seconded by Mr. Kitchen. The vote to approve the minutes was unanimous.

Reconsideration Request:

#18-03A; Susan Smith and Karen Murphy; appeal Planning Commission Decision regarding Case #17-37 to allow nightly rental located at 114 Fieldstone. Mr. Starrett explained the request. Mrs. Smith and Mrs. Murphy stated their case. Mr. Boone and Mr. Starrett explained the attorney's opinion. Mr. Starrett asked for clarification of the new evidence. After brief discussion Mr. Boone asked for a motion. Mr. Kitchen made a motion to rehear. Seconded by Mr. Herd. The vote to rehear was three in favor of rehearing and one opposed.

Public Hearings:

#18-04V; Nancy Rowsey/Variance; proposed side setback located at 110 Black Bear Way. Mr. Starrett presented the staff report and location maps of the site. Mrs. Rowsey was present, and presented her case. No one signed up to speak. The Board approved previously a variance for a deck on the front for the owner before this one. Mr. Kitchen discussed the speed limit and overhang. Mr. Starrett expressed the concerns of the developer Mr. Anderson. Mr. Boone stated that the property was a retirement community. A motion was made by Mr. Mullen to approve based upon the decision of record. Seconded by Mr. Kitchen. The vote to approve was unanimous.

#17-08A; Brian and Jessica Cox; presenting new evidence for the appeal of the Planning Commission decision of case #17-033 to deny a nightly rental at 109 N.

Tuscany Dr. Mr. Starrett presented the staff report and location maps of the site. Mr. Cox was present to state his case. He pointed out that the Planning Commission approved basically the same request with similar concerns this past Monday. Sandra Strange spoke in opposition to the request and presented a handout to the Board, which in part contained a history of the project. Susan Smith also spoke in opposition to the request. Karen Murphy was opposed to the request as well. Mr. Cox addressed the concerns. After discussion a motion was made by Mr. Kitchen to deny the appeal. Seconded by Mr. Mullen. The vote to deny the appeal was unanimous.

#17-09A; Jana Hilt; appeal of the Planning Commission decision of case #17-042 to deny nightly rental at 166 Kings Way. Mr. Starrett presented the staff report and location maps of the site. Ms. Hilt was present and gave a history of the project and addressed the previous concerns. Mr. Boone and Mr. Starrett clarified the attorney's opinion. Robert Woolston who is a neighbor spoke in favor of the request because he also wants to do nightly rental on his property and he doesn't think they would bother the neighbors. Mark Kirby who lives in the neighborhood spoke in favor of the request. Marc Rys another neighbor spoke in opposition. Kyla Kutch who owns property in the subdivision spoke in favor of the request, because her property has been nightly rental. James Johnson spoke in favor of nightly rental in the neighborhood because he wants to also do nightly rental. Ms. Hilt addressed the concerns. With no other discussion a motion was made by Mr. Herd to approve the request. Seconded by Mr. Mullen based upon the evidence presented. Discussion followed. The vote to approve was three in favor and one opposed.

#18-01A; Thomas and Susan Unger; appeal of the Planning Commission decision regarding case #17-030 to allow nightly rental at 1345 Oakwood Dr. Mr. Starrett presented the staff report and location maps of the site. Mr. and Mrs. Unger were present. Mr. Boone gave the attorney's opinion. Mrs. Unger clarified her request and pointed out errors in the Code that in her opinion the staff and Planning Commission made. She presented pictures of the buffering and discussed that. Wastewater, Parking and compatibility were also discussed by Mrs. Unger. Mr. Starrett gave a report on the type of wastewater system. Nancy Gunkle who represented the property owner addressed the concerns of the speakers. Several people signed up to speak both for and against the request. Some of the concerns were; compatibility, noise, wastewater, covenants, access, speed limit, safety, Planning Commission voting process and procedures, buffering, parking, and parking for the boat docks. Discussion followed regarding staff recommendations, the Planning Commission meeting, the combination of the concept hearing and public hearing, parking of boat trailers, narrow roads, and compatibility. The representative of the owner addressed some concerns. With no other discussion, a motion was made by Mr. Kitchen to approve based upon not having adequate compatibility to the neighborhood. Seconded by Mr. Mullen. The vote to approve the appeal was unanimous.

#18-04A; Paul Riazantsev; appeal of the Planning Commission decision regarding case #17-43 to deny nightly rental at 725 Skyline Road. Mr. Starrett presented the staff report and location maps of the site. Randy Reichard the attorney for the applicant was present to clarify the request. He pointed out that the access road is private with an easement. In his opinion there is an adequate buffer, and if any property should be granted nightly rental it should be this one because it meets all the requirements and none of the neighbors oppose it, except the Penrod's who live at least 1000' away at the end of the road. The Penrod's have posted no parking signs on the road. Because this property is an investment by the owners, they are careful who it is rented to. He felt it would be arbitrary to deny this request. Anna Morrissey who represents the Penrod's explained the reasons they oppose this request. Becky Penrod pointed out access, road maintenance, privacy, and guidelines for nightly rentals. Discussion followed regarding road width, compatibility, access, reason for Planning Commission denial, steepness of the access road. After discussion a motion was made by Mr. Mullen to approve the appeal based upon the access being adequate. Seconded by Mr. Kitchen. The vote to approve the appeal was three in favor and one against.

Old and New Business:
No discussion.

Adjournment:
With no other business on the agenda for May 16, 2018 the meeting adjourned at 8:22 p.m.