



## TANEY COUNTY PLANNING COMMISSION

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**MINUTES**  
**TANEY COUNTY BOARD OF ADJUSTMENT**  
**WEDNESDAY, OCTOBER 17, 2007, 7:00 P.M.**  
**ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM**  
**TANEY COUNTY COURTHOUSE**

Call to Order:

Vice-Chairman Alan Lawson called the meeting to order at 7:00 p.m. A quorum was established with three members present: They were: Alan Lawson, Bob Anderson, and Tim Huddleston. Staff present: Eddie Coxie, Kurt Larsen, Bonita Kissee, Keith Crawford, Dan Nosalek, Marla Pierce, 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 bylaws as Exhibit D. The State Statutes that empower and govern the Board of Adjustment were read. Mr. Lawson swore each speaker in before their individual hearing.

Public Hearings:

Emory Creek Ranch: a request by Emory Creek Ranch, LLC for a variance for a 200-300 section of road from 15% to 17% grade located at Emory Creek Boulevard. Mr. Coxie read the staff report and presented pictures and a video of the site. Eddie Wolfe representing the applicants explained the project, location, and reason for the request. He presented a profile of the road and stated that massive fill is being brought in. Only 210' of the road will require the variance which will be at 16.8%. Too much fill would have to be brought in order to comply with the requirement of the Code. James Hotz who lives across from this project presented pictures of the site. His concern was the narrowness of Victor Church Road. He reported that another neighbor had cracks in his foundation from blasting from this project. Mr. Wolfe stated that the roads within this project will meet County Road Standards and will have 2' shoulders. The applicant donated property along the frontage of this project so the County Road could be widened. Tim Huddleston made a motion to approve the request based upon the decision of record. Bob Anderson seconded. The vote to approve was unanimous.

Joni Glessner: a request for an appeal of the Taney County Planning Commission decision of June 18, 2007 to approve a permit to Big Cedar Wilderness Club to construct condominiums located at 588 Crestview Dr. This project asked to ~~table~~ until next month when a full Board could be present.

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CBMC, POA: a request by the Clevenger Branch Property Owners Association for a variance from the setback requirements for the remainder of the lots in the Park, and to remove the sentence in the previous decision that limits the variance to only the first structure built on each lot. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Coxie clarified the request for the Board and explained that a problem in the park at this time is that the lots are not standardized and this variance would allow the Homeowners Assoc. to be able to police their own park. If the variance is not granted more variances will be requested in the future. Mr. Nosalek discussed how the variance would apply to the first structure and that not to apply this request to that would not allow additional structures on the lot to comply or fit. Ross Lauck, President of the Homeowners Assoc. addressed the need for this variance, gave a history of the park and how the problems came to be. Mr. Paulson addressed the legal issues and stated that in his opinion none of the variances should have been granted and that each property should be considered on its own merit. He explained the intent of the State Statute as it applies to this type of request. Mr. Lauck stated that 317 lots are on the 60 acres and that most of them are less than 320 sq. ft. At present no lot on central sewer is allowed to be platted less than 8000 sq. ft. Mr. Huddleston stated that he feels the current officers in the park would make sure all property owners comply with the rules, but in the future when they are gone is what the Board must consider. Mr. Nosalek presented the plat of the park and explained which lots would require the variance. Mr. Anderson discussed if a property owner wanted to buy several lots, put them together and place a residence on it and still be allowed to encroach into the setbacks. Mr. Coxie stated that this is happening now. Mr. Lauck stated that all the roads in the park are private. Mr. Nosalek reported that now, without the variance, research must be done before a permit is granted to see if the lot has the variance because there is no standard to go by. Mr. Larsen stated that at this point some property owners are allowed to have the variance and some are not, which is not really fair. Bob Anderson discussed that the Board had seen several variance requests from this park and could the homeowner's assoc. provide the new owners with information regarding the rules and where to measure. He also discussed dropping the sentence from the original variance. Mr. Huddleston asked the property owners present how this would benefit them in their opinion. The statements given were that they are looking for fairness and consistency throughout the park. Mr. Lawson stated that if this request is granted this is exactly what the Board will expect in the future, and feels this would give the Homeowners Assoc. "teeth". Mr. Anderson made a motion to allow the variance based upon the decision of record. Tim Huddleston seconded. Discussion followed regarding corner lots. The vote to approve was unanimous.

Old and New Business: No discussion.

Review and Action:

Minutes, September 2007: with no additions or corrections a motion was made by Bob Anderson to approve the minutes as written. Seconded by Tim Huddleston. The vote to approve the minutes was unanimous.

Adjournment: with no other business on the agenda for October 17, 2007 a motion was made by Tim Huddleston to adjourn. Seconded by Bob Anderson. The vote to adjourn was unanimous. The meeting adjourned at 8:00 p.m.