



TANEY COUNTY PLANNING COMMISSION

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MINUTES TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, NOVEMBER 21, 2007, 7:00 P.M. ASSOCIATE CIRCUIT COURT DIVISION II COURTROOM TANEY COUNTY COURTHOUSE

Call to Order:

Chairman Dave Clemenson called the meeting to order at 7:00 p.m. A quorum was established with three members present. They were: Dave Clemenson, Bob Anderson, and Carl Pride. Staff present: Eddie Coxie, Kurt Larsen, Bonita Kisse, Keith Crawford, Dan Nosalek, 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. Clemenson swore each speaker in before their respective hearings and announced the Joni Glessner appeal was postponed until the December meeting. Mr. Clemenson reminded the applicants that since there were only three members present they could opt to postpone until a full board was present.

Public Hearings:

Arthur Finch: a request by Mr. Finch for a variance for the reduction of the side setbacks for two buildings located at Paradise Shores Estates 2214 Mountain Grove Road. Mr. Coxie read the staff report and presented pictures and a video of the site. Mr. Finch explained the reason for his request being that he needs to separate the water system from his property for the homeowners association. The metal building requires a two feet variance and the well house needs a five feet variance. Discussion followed regarding the location of the proposed property line. After discussion a motion was made by Bob Anderson to grant the variance based upon the decision of record. The property line will be placed directly between the well head and the metal building. Carl Pride seconded. The vote to approve was unanimous.

Joni Glessner: a request by Ms. Glessner 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 request was postponed until December 19, 2007.

Bob Mabe: a request by Mr. Mabe for an appeal of the Taney County Planning Commission decision to deny approval to operate a nightly rental business from a residential structures located at 211 Parkside Dr. Mr. Coxie read the staff report and presented pictures an a video of the site. Mr. Clemenson reported that the applicant had applied for this request on the last day. Jeremy Mabe addressed the Board and stated that he did not have any new information to present. He proceeded to explain the plans for the site, and that there are several other similar businesses in the neighborhood. Mr. Mabe doesn't understand why his request was denied yet other businesses are allowed in the same area. He also reported that the home is currently rented out by the month. Mr. Mabe continured to give a history of the entire project. Marilyn Beltz who lives in the neighborhood at 395 Landland Beach, gave a history of the community. She stated that a homeowners association is starting. Bob Mabe addressed the Board and stated that he also lives in the neighborhood, and feels bad that he has upset his neighbors. He stated that he has lived in Taney County a long time and paid taxes like everyone else. He doesn't want to do anything detrimental to the neighborhood. He asked the Boards help in getting his request passed and feels this use would be good for the area in bringing in taxes to Taney County. He promised that the property would be taken care of right. Tom Rankin the neighbor across the street stated that this is a summer home for his family. Mr. Rankin also gave some past history of the property and the web site. He then reported that on the deed to this property it states that this property can only be used for single family. Mr. Clemenson made the point that no new information was presented by the applicant. Mr. Anderson clarified that all of the structures immediately surrounding the property are residential. Mr. Anderson then stated that since there was no other new information presented there would be no reason for the Board to overturn the Planning Commission decision. After making the statement that he understood the plight of the Mabe's, Mr. Anderson made a motion to deny the appeal. Carl Pride seconded. The vote to deny was unanimous.

Kathleen Beachner: a request by Ms. Beachner for a variance for both sides of her property for a house currently under construction located at 1311 Skyview Dr. Mr. Coxie read the staff report and presented pictures and a video of the site. Ms. Beachner addressed the Board and stated the there wasn't a problem with the side setback, the request was for the construction of a porch on the front. Discussion followed regarding whether the side setbacks are encroached. Mr. Nosalek stated that in discussions with Ms. Beachner the porch wasn't in question. He stated that the front of the house is within the setback requirements. Ms. Beachner was not able to tell the board where the property lines on the sides were. No survey was presented for review by the Board. Mr. Clemenson suggested that she contact her surveyor regarding getting a site survey of the sides. Mr. Anderson stated that the Board cannot give a variance

from property lines that they don't know where they are. Mr. Anderson made a motion to table until property measurements can be presented. Carl Pride seconded. The vote to table was unanimous. Construction on the porch will stop until a variance can be obtained. Mr. Nosalek will meet with the applicant onsite and locate the survey pins if possible. He asked Ms. Beachner to call the office Monday morning to set up a meeting.

Review and Action:

With no additions or corrections a motion was made by Bob Anderson to approve the minutes as written. Seconded by Carl Pride. The vote to approve the minutes was unanimous.

Old and New Business:

No discussion.

Adjournment:

With no other business on the agenda for November 21, 2007, Mr. Clemenson adjourned the meeting. The meeting adjourned at 8:15 p.m.