



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JANUARY 17, 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, Tony Mullen, Trent Edwards, and Howard Kitchen. Staff present; Scott Starrett, and Bonita Kisse-Soutee. 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.

Review and Action:

Election of 2018 Officers; Mr. Mullen made a motion to retain the current officers. Mr. Kitchen seconded. The vote to retain Mr. Boone as chairman and Mr. Kitchen as Vice-Chairman was unanimous.

Minutes, November 2017; with no additions or corrections a motion was made by Mr. Kitchen to approve the minutes as written. Seconded by Mr. Mullen. The vote to approve the minutes was unanimous.

Public Hearing;

#17-08A, Brian and Jessica Cox/ Appeal Planning Commission Decision regarding Case #17-033/nightly rental at 109 N. Tuscany Drive. Mr. Starrett read the staff report and presented pictures and location maps of the site. Jessica and Brian Cox were present to address questions from the public and Board. Mr. Cox read a prepared statement outlining the reasons for the request for appeal. Some of these issues were the buffer requirement, common wall, compatibility, health of a neighbor and that neighbor has sold his home and left. In his opinion there are no legal implications for any of the reasons the Planning Commission denied the request on. Mr. Boone clarified that the applicants had owned the property for almost two years. Mr. and Mrs. Cox plan to do the renting themselves and hire a local person to oversee the day to day operations. Alan Cox, Brian's father stated that the reasons given by the Planning Commission for denial was in his opinion arbitrary and capricious. There were property owners present to speak against the request for appeal. The first was Susan Smith who stated that the nightly rentals approved in the neighborhood had not been approved according to the requirements of the Code. She reported that since they have had nightly rentals in the neighborhood there have been disturbances such as vandalism, noise, drug dealers and trash left on the properties. Karen Murphy stated that she

concluded with the Planning Commission in denying this use on this property. She discussed the buffering, the common wall, nightly rentals not being allowed in the subdivision originally, and compatibility. She thought that the Board should openly discuss an issue before they vote rather than huddle where the public can't hear. Sandra Strange presented a copy of the material presented to the Planning Commission with some additions. She emphasized that this property owner is her common wall neighbor and previously was a single owner not a rental. She also discussed the common wall, parking, her husband's health, and felt the Planning Commission had not made a mistake. Mr. and Mrs. Cox addressed the concerns. Mr. Boone stated that in his opinion a neighbor's health is a compatibility issue. Mr. Cox addressed permanent residents as opposed to people renting the unit. Mr. Kitchen clarified the difference. After the public hearing the Board discussed the issues. Mr. Boone asked for a motion for approval, hearing none he then asked for a motion to deny. Mr. Kitchen made a motion to deny the appeal. Mr. Mullen seconded. The vote to deny the appeal was three in favor and one against. The appeal was denied.

Old and New Business:

No discussion.

Adjournment:

With no other business on the agenda for January 17, 2018 the meeting adjourned at 6:56 p.m.