



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, AUGUST 15, 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 five members present. They were: Dan Boone, David Herd, Trent Edwards, Howard Kitchen, and Rick Persinger. Staff present; Scott Starrett and Bonita Kisse-Soutte. 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 the speakers.

Review and Action:

Minutes, July 9, and July 17, 2018; with no additions or corrections a motion was made by Mr. Kitchen to approve the July 9, minutes as written. Seconded by Mr. Herd. The vote to approve the July 9 minutes was unanimous. With no additions or corrections a motion to approve the July 17 minutes was made by Mr. Edwards. Seconded by Mr. Herd. The vote to approve the minutes was unanimous.

Public Hearings:

#18-05V; Raymond Greevers proposed side setback variance for a garage located at 613 Fruit Farm Road. Mr. Starrett presented the staff report and location maps of the site. The Board had asked Mr. Greevers to work an agreement out with the homeowners association. The building will be placed at an angle making a corner within 2' of the property line. Mr. Todd Aeschliman president of the homeowners association reported that the association had not approved what was presented. The association will work with the Greevers to try and approve the project. Mr. Edwards asked if they could comply with their requirements, would the association approve them. Discussion followed. No meeting has transpired with the Greevers according to Mr. Aeschliman. Mr. Starrett reminded the Board that the covenants should not enter into their decision. Further discussion followed. Mr. Boone stated that before the Board acts, he would like to see the Greevers work something out with the association. Mr. Persinger discussed the location of lateral lines, and since they are on a plan that is a non-issue. After discussion a motion was made by Mr. Persinger to deny the request. Mr. Kitchen seconded. Mr. Persinger stated the reason for making the motion to deny was lack of adequate information. The vote to deny was unanimous. The Board suggested the applicants meet with the association, come to a decision, and possibly reapply.

#18-05A; Turkey Crossing LLC rehearing on Board of Adjustment denial of permit 18-05A appeal dated June 20, 2018. Mr. Starrett presented the staff report and

location maps of the site. Nancy Gruble and Jessica Grogan were present to represent the applicant. Mr. Starrett presented the staff report which included a history of the project, and location maps of the site. An application has been turned in adjacent to this property for a similar use. Ms. Grogan clarified the request. Mr. Persinger pointed out that if a special use permit is approved and the property is sold the use would not follow. In his opinion this possibly should be a Division III. Josh and Janet Weaver who are neighbors spoke in opposition of the request. Gary Clark also spoke in opposition of the request. He stated that his property is surrounded by nightly rentals, and they all come to his house with their questions and problems. Other concerns were; traffic, noise, safety, and compatibility. He presented a picture of a sign which is at the entrance to the subdivision stating that it is residential. Michael Hyams who is one of the owners of Branson Cedars which is nightly rentals, asked the Board to stop approving nightly rentals in residential communities. He explained the rules nightly rental resorts have to follow and that a residential house does not have to follow. Mr. Starrett clarified that the DNR would have to be involved in this project. Gary Haupt is on the Board of Directors of Oakmont Community, and offered a copy of a document agreed upon by the Board stating their position on nightly rentals. The Board did not look at the document. The document stated that it was the desire that the Planning Commission not approve anything in direct conflict with their covenants. Mr. Edwards asked for clarification of which properties they own which contain nightly rentals. Those properties are in Oakmont Community. Mr. Kitchen stated a concern about the number of nightly rentals in that area and all the problems that they cause. With no other discussion a motion was made by Mr. Kitchen to deny based upon general safety and welfare of the community. Mr. Persinger seconded. The vote to deny was four in favor and one abstention.

#18-06A; David and Trudy Barker rehearing on Board of Adjustment approval of appeal dated June 20, 2018 denying Division III special-use permit #18-010 located at 122 Fieldstone Dr. Sandra Strange was present to represent the request. She was confused about the appeal. The Board and Mr. Starrett explained that Mrs. Strange being the applicant was appealing the case. Mr. Starrett presented the staff report and location maps of the site. Mrs. Strange presented her case and a handout of information. She stated that this appeal should not have been granted a rehearing, and explained in her opinion why. The representative for the Barkers, Megan McDowell addressed the concerns brought forth by Mrs. Strange. She presented maps and other information to back up the reasons to allow the unit to continue nightly rental. Mr. Kitchen pointed out a difference between nightly rental and residential is a usage tax. Ms. McDowell addressed the question. Karen Murphy rebutted comments made by Ms. McDowell. Mrs. Strange clarified some of the statements brought for by Ms. McDowell. After both sides were presented, the Board discussed; the amount of nightly rentals in the neighborhood affecting compatibility, there being nightly rental since the subdivision started, and no rule saying there can't be or that only a certain number could be nightly rental, there is a homeowners association in place and they are trying to put the burden on the County to police, nightly rental has deteriorated the neighborhood, and possibly

the switch to nightly rental in 2008 might have saved the community. Mr. Starrett clarified that the appeal is the Barkers appeal to overturn the approved Planning Commission permit, and a motion to approve the appeal takes away the approval. To deny the request the permit stays in place. With no other discussion a motion was made by Mr. Edwards to deny the appeal. The motion died for lack of second. Mr. Kitchen made a motion to approve the appeal based upon the general compatibility of the surrounding community and safety and comfort of the residents. Mr. Persinger seconded. The vote to approve was three in favor and two against the motion. The appeal was approved.

Old and New Business:
No discussion.

Adjournment:
With no other business on the agenda for August 14, 2018 the meeting adjourned at 7:50 p.m.