



TANEY COUNTY PLANNING COMMISSION

P. O. Box 383 • Forsyth, Missouri 65653

Phone: 417 546-7225 / 7226 • Fax: 417 546-6861

website: www.taneycounty.org

MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, OCTOBER 17, 2018, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COURTHOUSE

Call to Order:

Vice-Chairman Howard Kitchen called the meeting to order at 6:00 p.m. A quorum was established with four members present. They were; Trent Edwards, Howard Kitchen, Rick Persinger, and David Herd. Staff present; Scott Starrett and Bonita Kisse-Souttee. The governing statutes were read by Mr. Starrett who also read a statement outlining the procedures for this meeting and presented the exhibits. Mr. Kitchen swore in the speakers.

Review and Action:

Minutes, September 19, 2018; with no additions or corrections a motion was made by Mr. Edwards to approve the minutes as written. Seconded by Mr. Herd. The vote to approve the minutes was unanimous.

Public Hearings:

#18-10V, Sam Sinclair, proposed front setback variance for a carport located at 220 Collins Dr. Mr. Starrett presented the staff report and location maps of the site. Mr. and Mrs. Sinclair were present. The reason for the request was that they want to protect their vehicles. There isn't anywhere else to put it because of the location of the septic tank and laterals. The property is in the floodplain and the structure will have to be open to comply with the regulations. No one signed up to speak. Mr. Sinclair stated that the neighbors he has talked to were ok with the request. After discussion a motion was made by Mr. Edwards to approve based upon the decision of record. Seconded by Mr. Herd. The vote to approve the request was unanimous.

#18-11V, Garry McClaran, proposed front and side setback variance for a carport located at 142 Natures Way. Mr. Starrett presented the staff report and location maps of the site. Mr. McClaran was present. He wants to build the carport for the safety of his wife who has a problem with her balance. The four feet would put the car closer to the residence. The structure will be wood and attached to the house on the back side. He has approval from the HOA. Six people signed up to speak in favor of the request. There were some questions regarding lot coverage, runoff, setbacks, and fire safety. Mr. Starrett reported on the research he did in the subdivision regarding the other structures meeting setbacks. The RV will be moved to a different location. After discussion a motion to approve was made by Mr. Persinger based upon the decision of record. Seconded by Mr. Edwards. The vote to approve was unanimous.

#18-12V, Kacee Cashman, proposed front and side setback variance for a carport which has already been built, located at 125 Valley Way. Mr. Starrett presented the staff report and location maps of the site. Seven people signed up to speak. Only one was opposed. Ms. Cashman was present. She stated that she didn't know she needed a permit. She feels that she needs a carport to keep the snow and ice off her drive. The HOA approved the carport. The concerns of the person opposing the request were that it is too close to the property line on his side. A survey has not been done and he was measuring from his house and assuming that was the line. He stated that if he ever had to replace the railroad ties they would be up against the carport. Steven Robinson who is the contractor on the carport stated that he was told a permit was not needed. The carport was build so it would not be over the property line and that the water would not leave the property. Mr. Robinson stated that there were 16 separate properties that did not meet county setback requirements. Steve Owens who lives in the subdivision across the street stated that the carport looks very nice. He also pointed out the properties which were in violation. He was also told he only needed a permit from the HOA. The HOA have now changed their rules to read a county permit must be obtained. Sandra Mac who lives in the subdivision pointed out that when the houses were first built none of them had carports. She feels there should be easements between the houses because they are too close and a fire hazard. Nancy Taylor had no objections to the request. She has a carport and wasn't told she needed a county permit. She asked since there are so many carports that are not permitted by the county, what do they do now. Ms. Cashman addressed the concerns and said she assumed at the time everything was ok. Harold Pinkerton spoke in favor and stated that he didn't see any harm in leaving the carport as is. Mr. Edwards suggested a survey be done before a decision could be made by the board. Mr. Starrett stated that the decision could be postponed. He stated that there are 40 properties that are in violation. The property owners could go together and have a survey done and apply for permits at the same time. Mr. Persinger stated that in his opinion the carport could be moved and it was a shame the property owners were not advised differently. Mr. Kitchen stated that in his opinion there is no way the Board could make a decision without knowing where the property line is. Mr. Edwards made a motion to postpone the hearing to reschedule until a survey is done. Mr. Herd seconded. The vote to postpone was unanimous. Mr. Kitchen explained to the applicant her options and suggested she come by the office and meet with Scott for guidance.

#18-08A, Unified Covenant, appeal of the Planning Commission decision June 11, 2018 denying Division III Special-Use Permit #18-018 for nightly rental use located at 2155 Lakeshore Dr. Mr. Starrett presented the staff report and location maps of the site. Five people signed up to speak. Chris and Brian Powers representing the property were present. Chris clarified the appeal and pointed out that this project had a considerably higher score on the policy checklist than the previously 52 scored projects. No one who signed up to speak was in favor of the project. The first speaker was Mr. Tim Davis attorney representing the property owners. In his opinion the Planning Commission made the "right call" in denying the request. He discussed state statutes,

violations, fire codes, basis for permit denial, and presented exhibit E. Mr. Starrett clarified the lodging rules and how they apply to this request. Mr. Davis pointed out that the applicant does not own the house and he leases the property from Empire. Lisa Henchenroeder who lives in the neighborhood presented pictures of the property showing advertisements for the business on their dock which they have not been able to access for over a year according to Ms. Henchenroeder. Richard and Kathryn Wieggers who also live in the neighborhood expressed concerns regarding traffic, noise, kind of people being rented to, safety, shared well, and food trucks. Mr. Powers addressed the concerns. There is a memorandum of agreement with Empire allowing Mr. Powers to use the property as a business. He stated that an easement cannot be issued to someone who doesn't own the property. He presented a report from the Sheriff's office stating that no reports have been turned in regarding problems on the property. Mr. Powers pointed out that Mr. Davis had previously represented someone in a different issue regarding nightly rentals and stated that a governing body cannot make a decision based upon aggrieved parties. Mr. Kitchen asked if they had ownership in the dock. Mr. Powers stated that was in litigation. He pointed out the sign at the beginning of Lakeshore Dr. that it is a resort area, and all the businesses located on that road. They are doing marketing and advertising of this business. Brian Powers discussed the buffer and well. Sherry Moore whose mother owns property on Lakeshore Dr. spoke regarding neighbors being in litigation with Empire regarding ownership. Mr. Edwards stated that he is in favor of the property owner proceeding with his business. Mr. Kitchen said issues were ingress and egress. Mr. Edwards made a motion to approve the appeal based upon the decision of record, and stated that in his opinion the use is compatible. Seconded by Mr. Herd. The vote to approve was three in favor and one opposed. Mr. Starrett explained that the original Division III decision of record would apply.

Old and New Business:
No discussion.

Adjournment:
With no other business on the agenda for October 17, 2018 the meeting adjourned at 8:04 p.m.