



## TANEY COUNTY PLANNING COMMISSION

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website: [www.taneycounty.org](http://www.taneycounty.org)

### AGENDA

#### TANEY COUNTY PLANNING COMMISSION

#### PUBLIC HEARING

MONDAY, JULY 10, 2017 6:00 P.M.

COUNTY COMMISSION HEARING ROOM

TANEY COUNTY COURTHOUSE

#### Call to Order:

*Establishment of Quorum*

*Explanation of Meeting Procedures*

*Presentation of Exhibits*

#### Public Hearing:

#17-20            *122 Fieldstone Drive Nightly Rental*

#17-24            *Dollar General*

#17-25            *670 Amanda Road Nightly Rental*

#17-26            *Harp Duplex*

#### Old and New Business:

*Tentative*

#### Adjournment

Copies of this notice may be obtained by contacting the Planning Office at the above address and phone number.

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Posted: 07/03/2017

By: MP

Time: 10:00 am

Posted At: David St. entrance to the Taney County Courthouse bulletin board, outside the County Commission meeting room  
At the Taney County Courthouse and the office of Planning and Zoning.



# Taney County Planning Commission

## Division III Special Use Permit

### Staff Report

**HEARING DATE:** July 10, 2017

**CASE NUMBER:** 2017-020

**PROJECT:** 122 Fieldstone Drive Nightly Rental

**APPLICANTS:** Jerry & Kathy Mottinger

**REPRESENTATIVE:** Richard Fent

**LOCATION:** The subject property is located at 122 Fieldstone Drive, Unit B, Hollister Missouri, Scott Township, Section 28, Township 22, Range 21.

**REQUEST:**

The applicants, Jerry and Kathy Mottinger, represented by Richard Fent, are seeking Planning Commission approval of a Division III Special Use Permit allowing for nightly rental use of the existing single family residence, located at 122 Fieldstone Drive, Hollister, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Assessor's information the Villa was constructed in April 2006 and is listed as one thousand two hundred seventy seven (1,277) square feet. The Villa is held in condo style ownership at the Villas of Fieldstone at Branson Creek Development.

The current application was approved for Concept June 19, 2017.

The Taney County Development Guidance Code defines nightly rental as "A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days."

The exterior appearance of the single family residence will remain the same. Per the nightly rental provisions of the Development Guidance Code, "The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a Nightly Rental".

The Property is currently served by an existing drive off Fieldstone Drive.

The project received a total score of -1 on the Policy Checklist.

**REVIEW:**

The applicants, Jerry and Kathy Mottinger have indicated that they are planning to move into The Villa some time later this year but would like to continue to rent the Villa until such move is made.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-020, the following requirements shall apply, unless revised by the Planning Commission:

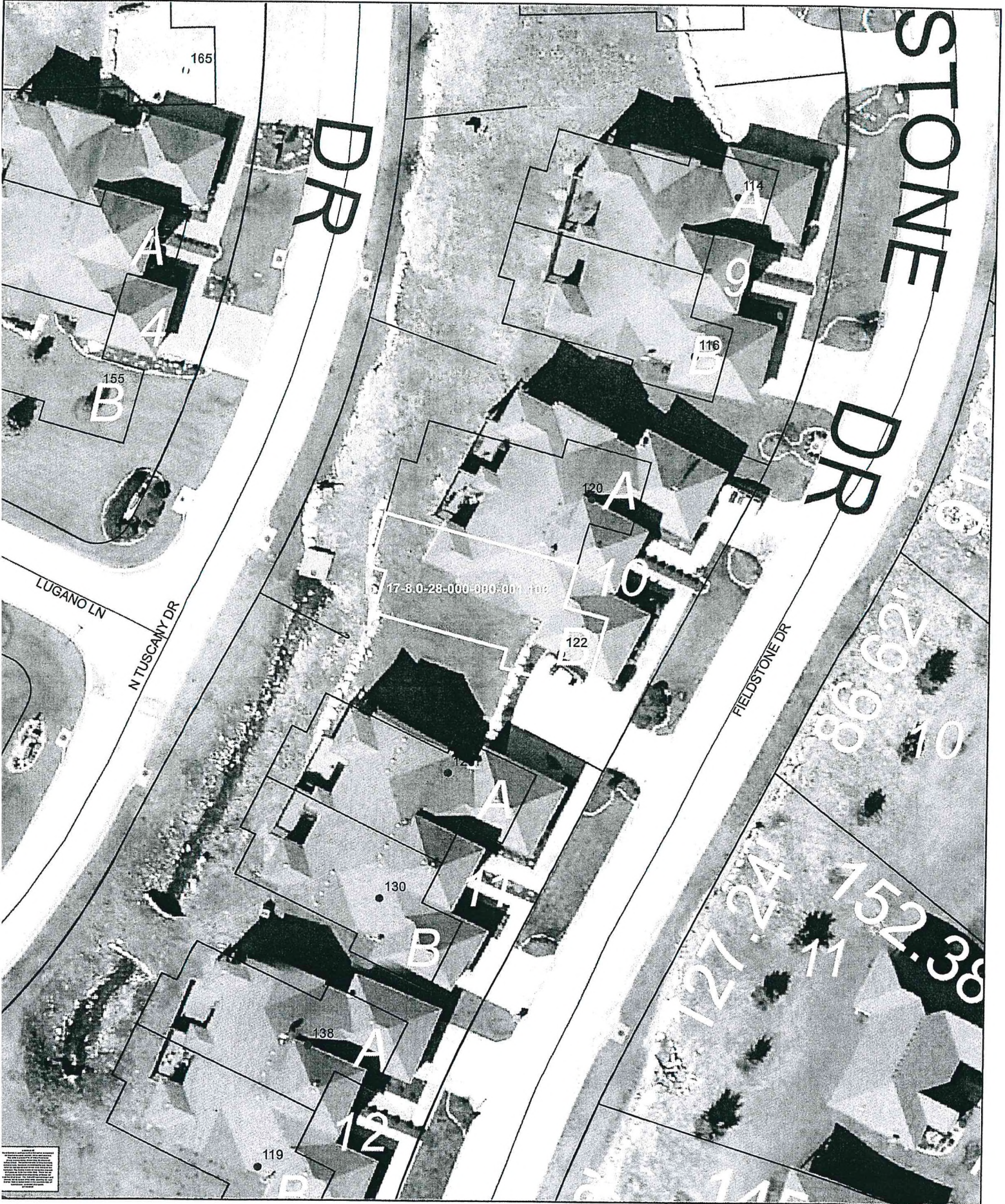
1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letter from the Western Taney County Fire Protection District.
3. A valid Missouri Department of Revenue Sales Tax License number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. This decision is subject to all existing easements.
5. The residence located at 122 Fieldstone Drive shall accommodate (sleep) no more than the Maximum Occupancy "The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom". The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.
6. The 122 Fieldstone Drive Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and cannot be transferred without

6. The 122 Fieldstone Drive Nightly Rental Special-Use permit is specific to the representative to whom the permit is issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
7. The current contact information for the property shall be posted on the property and on file in the Taney County Planning office.
8. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Appendix D, Step 6).
9. Planning Staff will issue a Certificate of Compliance (C of C) when all Decision of Record requirements have been completed. The applicant will have 120 days to complete the requirements or the continued nightly rental shall cease operation until a C of C has been issued.





# 122 Fieldstone Dr Nightly Rental















# Taney County Planning Commission

## Division III Permit Staff Report

**HEARING DATE:** July 10, 2017

**CASE NUMBER:** 2017-024

**PROJECT:** Dollar General

**APPLICANTS:** Bobbie J & Barbara K Thurman

**REPRESENTATIVE:** Michael White

**LOCATION:** The subject property is located at 125 Quincy Lane, Kirbyville, Missouri, Swan Township, Section 21, Township 23, Range 20.

**REQUEST:**

The applicant, Bobbie J and Barbara K Thurman, represented by Michael White, is seeking Planning Commission approval of a Division III Permit allowing for the construction of an approximately nine thousand one hundred (9,100) square foot metal building which will serve as a new location for a Dollar General Store, located at 125 Quincy Lane, Kirbyville, Missouri.

**BACKGROUND and SITE HISTORY:**

The subject property is +/- 4.41 acres, as per the Assessor's information, meets and bounds described tract of land. The property will be divided with a 2.24 acre proposed parcel size for the Dollar General Store. The property to the north across Quincy Lane is currently residential. The properties to the south across State Hwy 76 consist of a HVAC business, Central Taney County Fire Station/main office and an auto body shop business. The property to the east across State Hwy 76 is currently doing business as Henry Brandt and Company inside a forty one thousand seven hundred fifty (41,750) square foot warehouse as per the Taney County Assessor.

The current application was approved for Concept June 19, 2017.

The project received a total score of 2 on the Policy Checklist.

**REVIEW and GENERAL DESCRIPTION:**

Upon approval of the Division III Permit the representative will need to subdivide the 4.41 acre tract of land into two (2) lots, lot 1 +/- 2.17 acres and lot 2 +/- 2.24 acres via an Administrative Minor Subdivision Application.

Per the submitted site plan, the Dollar General Store will be served by a total of thirty (30) parking spaces, including two (2) handicapped parking spaces. Per the Taney County Development Guidance code provisions of Table J-1 (On-site Parking Performance Standards) "Major appliance, furniture, general merchandise and discount stores require one (1) space for every 400 square feet and adequate loading areas." The thirty (30) parking spaces will exceed these minimum requirements.

The property will be served by an onsite waste water treatment system, which will be permitted thru the Taney County Planning office in conjunction with the Missouri Department of Health and Senior Services.

Due to the addition of a large amount of impervious surface (a fairly high percentage of the site will either be buildings or asphalt paved parking lots and driveways) a storm water management plan may be required.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Permit #2017-024, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code and the Taney County Road Standards that include plans for the following:
  - a. Sediment and erosion Control plan (Section 4.1.4).
  - b. Storm water management (Appendix H Item 5).
  - c. Land Grading Permit for all non-agricultural land disturbances of over one acre (Appendix F).
  - d. Utility easements and building line setbacks (Table 1).
  - e. Improvements with scale of buildings, streets, onsite parking and utilities (Appendix J).
  
2. Compliance letters from the Central Taney County Fire Protection District, the Missouri Department of Natural Resources (MoDNR), the On-site Wastewater permitting division

of the Planning Department and the Missouri Department of Transportation (MoDOT) shall be submitted to the Planning Department office.

3. This decision is subject to all existing easements.
4. A Division II Permit will be required for all applicable structures in the development (Section 4.1.2).
5. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Appendix D, Step 6).











STOP

NOTICE OF PUBLIC HEARING





**Taney County Planning Commission**  
**Division III Special Use Permit**  
**Staff Report**

**HEARING DATE:** July 10, 2017

**CASE NUMBER:** 2017-025

**PROJECT:** 360 Amanda Road Vacation Rental

**APPLICANTS:** Talus Properties, Eric & Kathleen Arp

**REPRESENTATIVE:** Kathleen Arp

**LOCATION:** The subject property is located at 670 Amanda Road, Ridgedale, Missouri, Oliver Township, Section 11, Township 21, Range 22.

**REQUEST:**

The applicants, Talus Properties, Eric and Kathleen Arp, are requesting the approval of a Division III Special Use Permit allowing for the nightly rental use of the existing five (5) bedroom single family residence, located at 670 Amanda Road, Ridgedale, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Taney County Assessor's information the single family residence was constructed in 2007. The single family residence is a seven thousand five hundred (7,500) square foot home in the Oak Lake Estates Subdivision. The home is on a 1.04 acre lot. A septic permit, #07-110, was issued for the residence in 2007 and included the following information, 1500 gallon BIO-FAST advanced septic tank system, 500 gallon pump tank and engineered drip lateral field.

On February 21, 2017, the Taney County Planning Commission approved a Division III Special Use permit #16-050, owned by Brad Lacore, for nightly rental use at 670 Amanda Road, Ridgedale, Missouri. With six (6) Planning Commission board members present the board unanimously approved Permit #16-050. The Decision of Record was recorded at the Taney County Recorders of Deeds office on March 29, 2017.

The current application was approved for Concept June 19, 2017.

The project received a total score of -3 on the Policy Checklist.

**REVIEW:**

The Taney County Development Guidance Code defines nightly rental as “A residential building, structure, or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days.”

The exterior appearance of the single family residence will remain the same. Per the nightly rental provisions of the Development Guidance Code, “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom and one (1) off-street parking space shall be provided for each two (2) person of occupancy in a Nightly Rental”.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Special Use Permit #2017-025, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. Compliance letter from the Western Taney County Fire Protection District.
3. A valid Missouri Department of Revenue Sales Tax License number shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance.
4. This decision is subject to all existing easements.
5. The residence located at 670 Amanda Road shall accommodate (sleep) no more than the Maximum Occupancy “The maximum occupancy for a nightly rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom”. The total occupancy may be further limited based upon the provisions of the Western Taney County Fire Protection District requirements and regulations.

6. The 670 Amanda Road Special-Use permit is specific to the representative to whom the permit is issued and cannot be transferred without Planning Commission approval. The Special-Use Permit shall not be used to establish commercial compatibility for or with any future land-use change applications.
7. The current contact information for the property shall be posted on the property and on file in the Taney County Planning office.
8. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Appendix D, Step 6).
9. Planning Staff will issue a Certificate of Compliance (C of C) when all Decision of Record requirements have been completed. The applicant will be required to complete the requirements before nightly rental is allowed to start.













# Taney County Planning Commission

## Division III Permit Staff Report

**HEARING DATE:** July 10, 2017

**CASE NUMBER:** 2017-026

**PROJECT:** Harp Duplex

**APPLICANTS:** Baldknobber Hill LLC

**REPRESENTATIVE:** Aimee Dixon Plumlee and Chet Dixon

**LOCATION:** The subject property is located at 593 Harp Lane, Kirbyville, Missouri, Scott Township, Section 12, Township 22, Range 21.

**REQUEST:**

The applicant, Baldknobber Hill LLC, represented by Aimee Dixon Plumlee, is seeking approval of a Division III Permit allowing a duplex to be built located at 593 Harp Lane, Kirbyville, Missouri.

**BACKGROUND and SITE HISTORY:**

Per the Taney County Assessor's information the duplex will be constructed on lots three (3) and four (4) of the Warnersville Subdivision. The duplex will be used for long term rentals. The duplex will be served by the Taney County Regional Sewer District for waste water and water will be supplied by Public Water District #2.

The current application was approved for Concept June 19, 2017.

The Property is currently served by an existing driveway off Harp Lane.

**REVIEW:**

Per the Taney County Development Guidance Code, section 4.1.2 Division II Permits, a duplex requires Division III approval before the Division II construction permit can be issued. Documentation has been provided for the vacation of 9<sup>th</sup> Street, November 1985, which was platted as part of the Warnersville Subdivision.

The applicant has indicated that each unit will be three (3) bedrooms and two (2) baths.

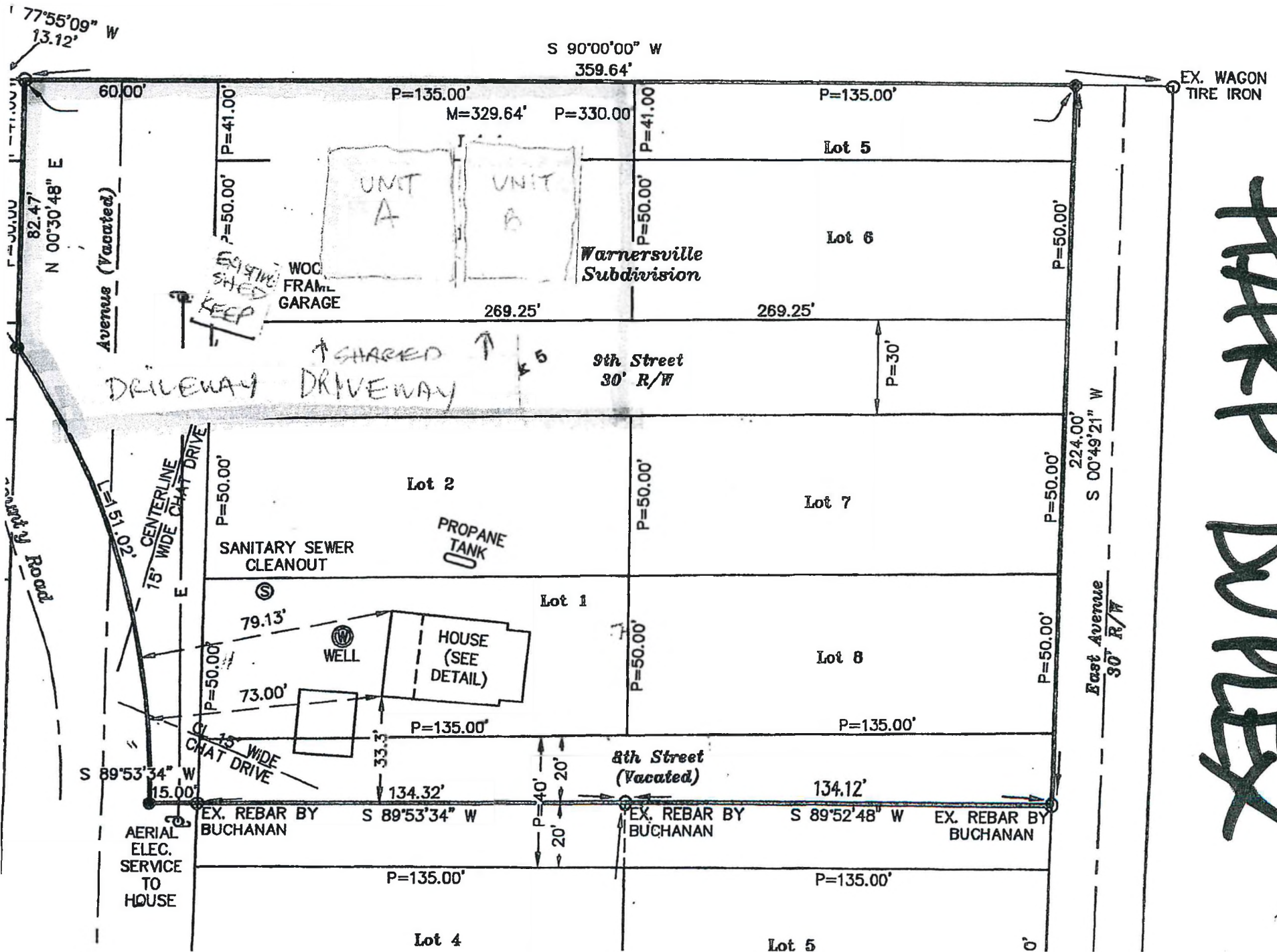
The project received a total score of 4 on the Policy Checklist.

**STAFF RECOMMENDATIONS:**

If the Taney County Planning Commission approves Division III Permit #2017-026, the following requirements shall apply, unless revised by the Planning Commission:

1. Compliance with the provisions of the Taney County Development Guidance Code.
2. A Division II permit will be required for the construction of the duplex.
3. A one hour fire rated wall from foundation to roof decking shall be required between dwelling units.
4. Each unit shall have direct access to Harp Lane.
5. This decision is subject to all existing easements.
6. A Decision of Record shall be filed with the Taney County Recorder of Deeds Office within 120 days or the approval shall expire (Appendix D, Step 6).

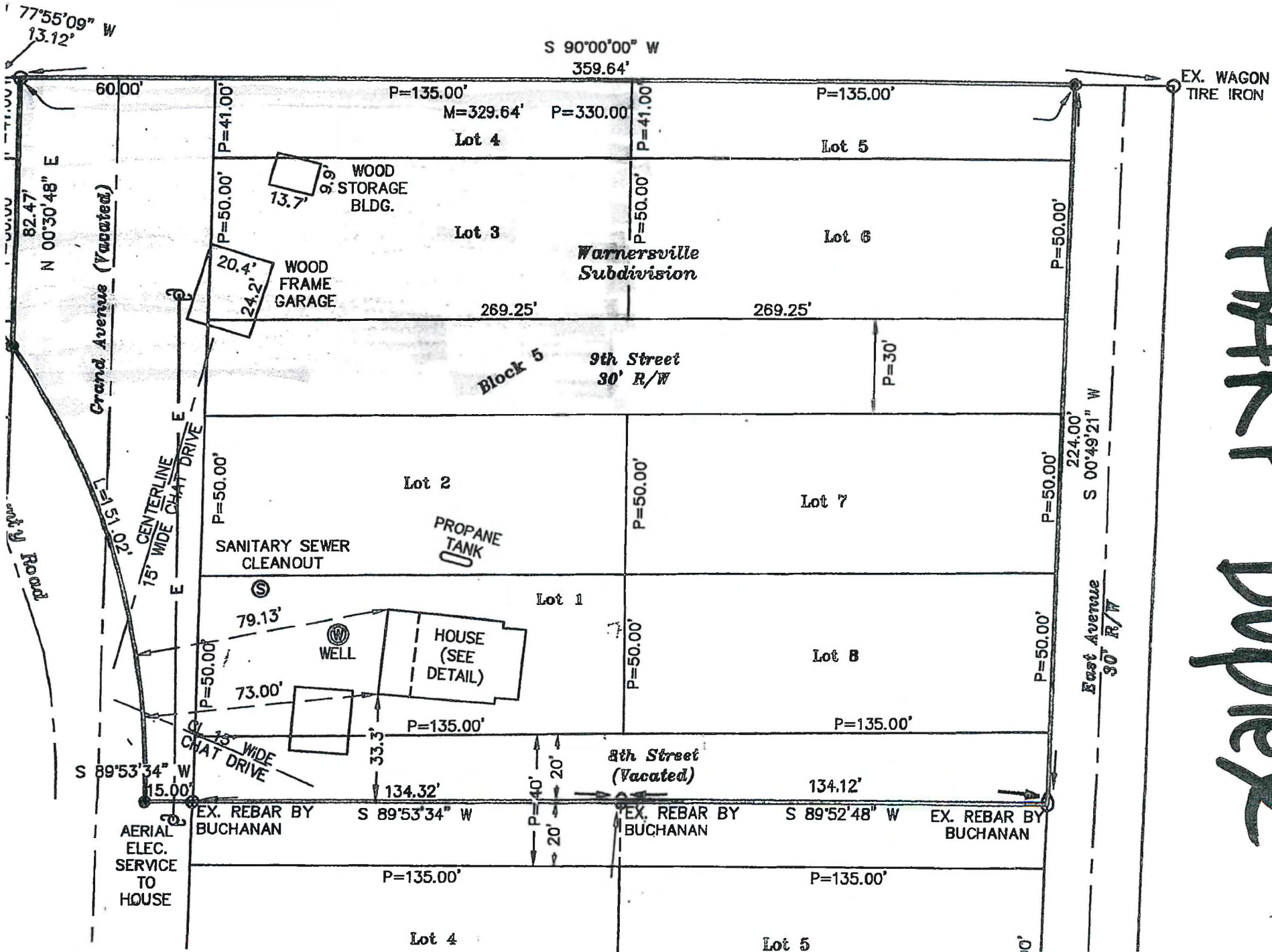
CK 5; AND THAT PART OF GRAND AVENUE SITUATED NORTH OF TANEY COUNTY PUBLIC ROAD ON.



HARD DUPEX



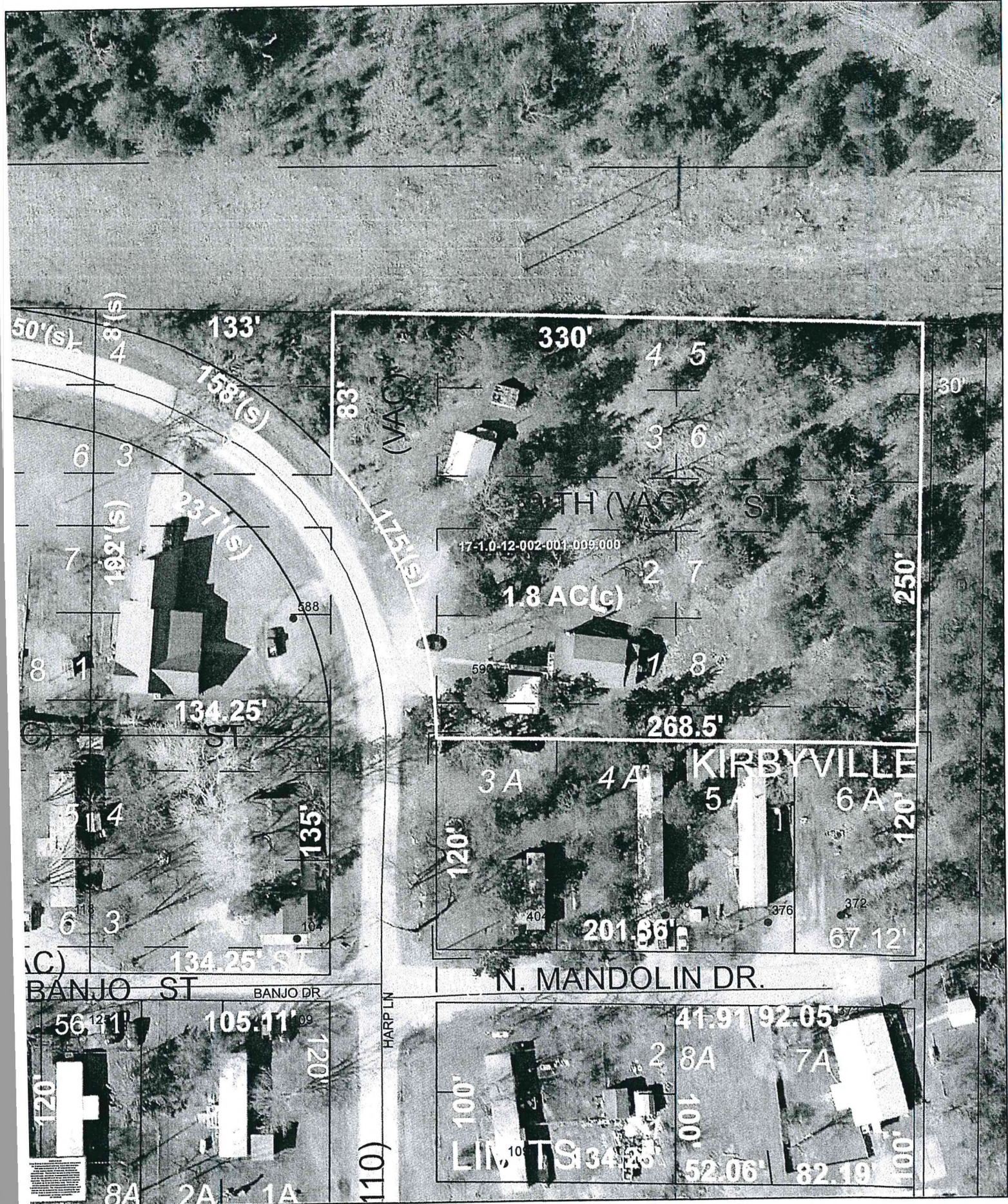
CK 5; AND THAT PART OF GRAND AVENUE SITUATED NORTH OF TANEY COUNTY PUBLIC ROAD ON.







# Harp Duplex









## Scott Starrett

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**From:** Karen Murphy [klmnjm40@gmail.com]  
**Sent:** Monday, July 03, 2017 9:58 AM  
**To:** P&Z; Scott Starrett  
**Subject:** 122 Fieldstone  
**Attachments:** IMG\_4897.JPG; ATT00001.txt; IMG\_4898.JPG; ATT00002.txt; IMG\_4899.JPG; ATT00003.txt

Following are pictures of parking on shared driveways. 122 is a shared driveway. AS you can see if cars are parked on one side of the driveway the other side cannot get in their garage.

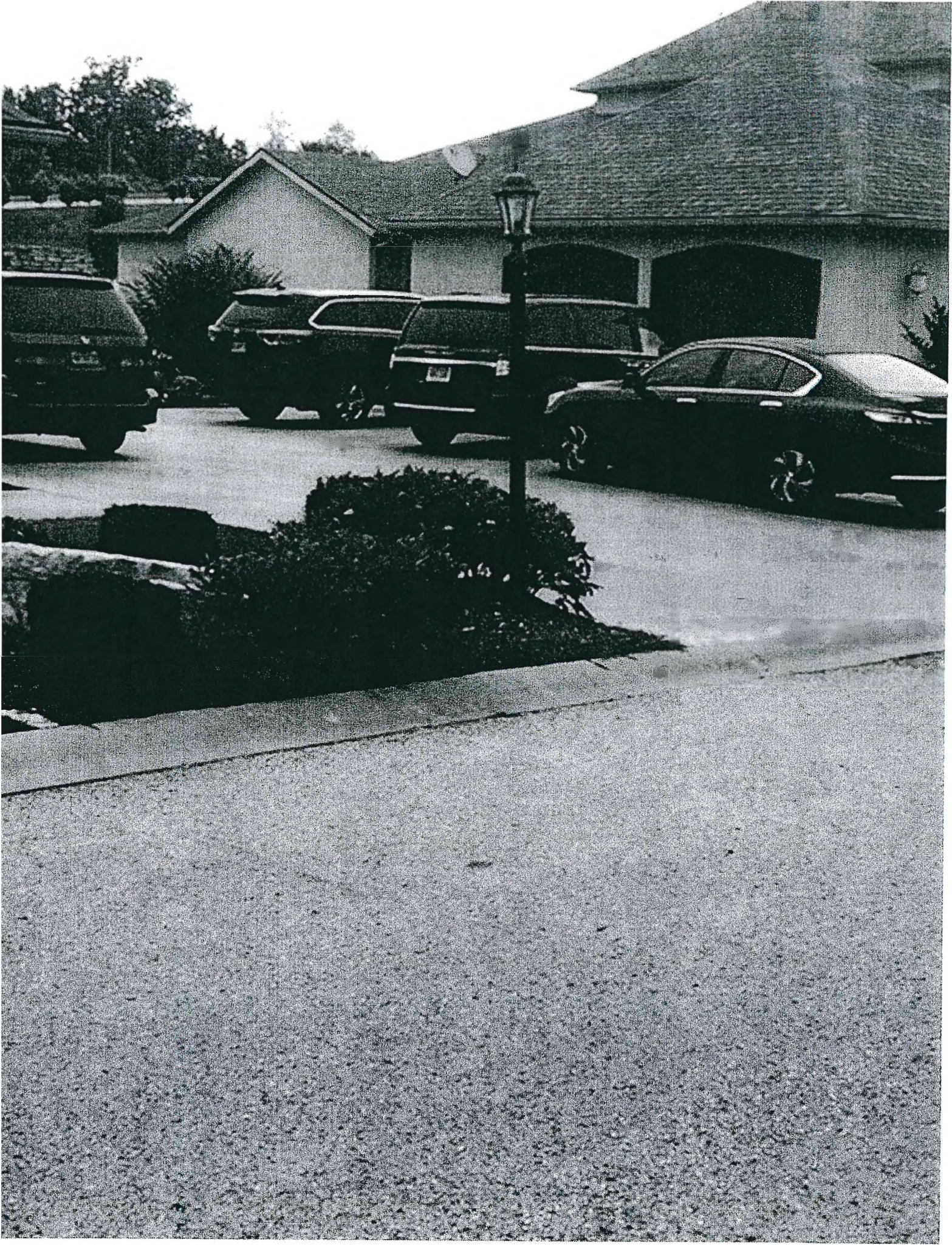
The owner is advertising that it sleeps 10.

Also the owner advertises that the tenants can use our amenities. Our covenants state that owners must accompany their guests. Tenants are not guests, they are paying to use the house only.

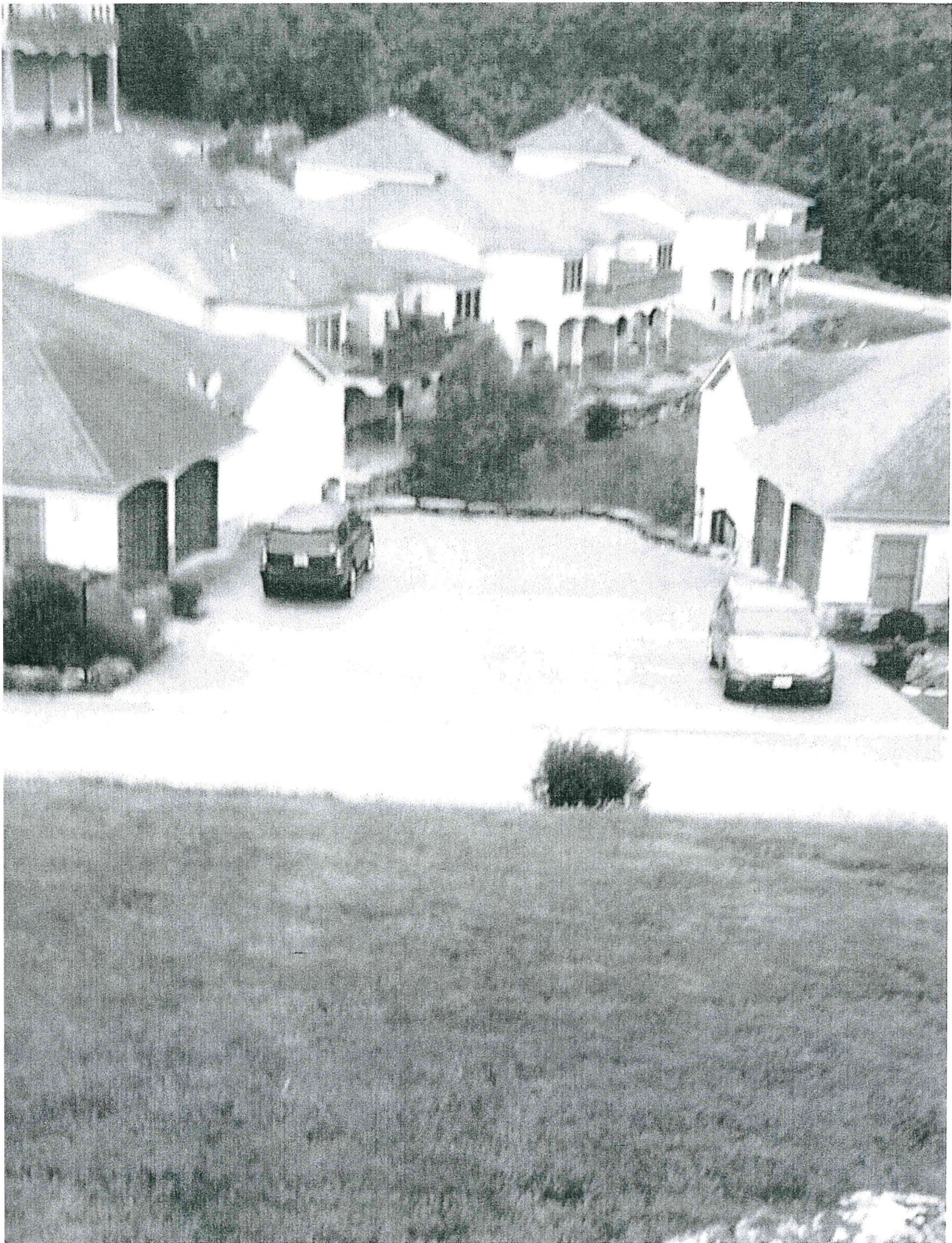
This unit is a shared wall to permanent residents who have health issues and need peace and quite.

The owner has rented this unit without a permit each week. We respectfully request that this Division III permit be denied.











To: The Taney County Planning Commission and Scott Starrett

We are the permanent residents, residing at 120 Fieldstone Drive, in the Villas, Trudy and David Barker.

We purchased our villa in July, 2015 after selling our 3000 square foot lake home in Poverty Point, where we had lived for 35 years and raised our two children. We had both just been diagnosed with medical conditions, David's is a progressive illness that over time will only get worse. So we knew we needed to sell our large home and downsize into something with less maintenance and upkeep. After a lot of soul searching we brought the villa, but there was a lot of thought that had gone into that decision.

First, our real estate agent represented Branson Creek community as a quiet, peaceful, retirement community, which seemed compatible for what we were looking for. Second, it was obvious, that we needed to find a property that would be less taxing for us because we were no longer going to be in a position to do the yard work and extensive maintenance to a home. Again, Branson Creek seemed to be the perfect match for the life style we were searching for. It would be convenient to our doctors, the hospital, shopping and our church. We liked the feel of the natural surroundings and the wildlife and peacefulness it seemed to offer. In the beginning it was perfect until we started hearing about all the nightly rentals that were invading the sub-division. Now one is wanting to be at our door-step.

Since we are sharing the common wall to 122 which recently sold and is now requesting a permit for a nightly rental we want to formally request that you do not approve this. There are several reasons why. This would cause us much distress because of our on-going medical situations. With sharing the common wall the construction of these units is not designed for larger groups because of the noise levels. You can hear people walking and especially if there are children in the group you can hear them running. In the owner's ad he is advertising he will accept events and children so obviously this will add to the noise levels. We have a fear of a fire hazard because of strangers not being familiar with the surroundings and not being as careful. We would not know from week to week who these people are and since they would be complete strangers this would cause us much anxiety. We will not have any idea of these people's background and this causes us concern for our personal security. Their deck is extremely high off the ground and we are apprehension that a child could fall and get hurt. If we had known this was going to become like a Motel 6 we would never have brought the unit.

We have been in attendance over the past several months at your meetings and have heard your discussions about these nightly rentals and how they should not be a problem, but we have seen first hand the results of these being approved. What has happened is there is more traffic, more children, more crowds in our pool, renters using all the amenities that we pay for and more strangers walking on our streets, with no one enforcing the rules. So no matter how much you discuss these issues they continue to be an on-going problem. The owners personally do not oversee who checks into their property. So there is very little oversight of these renters.

We feel due to our medical conditions, that this would bring us extreme physiological and mental uneasiness. Our health problems are only going to get worst over time and we do not need undo stress added into the mix of our lives.

We are respectfully writing you this letter because we are fighting to protect the integrity of our health, our peace, our way of live and our investment. So we are asking you to please consider the residents on the other side of the wall and say no to this rental.

*David Barker*  
*Trudy Barker*

David and Trudy Barker

July 3, 2017

L K Cox  
Kansas City, MO 64151  
816-651-6651

June 26, 2017

Dear Members of the Taney County Planning Commission:

I'm saddened to hear of the nightly rental issues continuing to plague this incredible community. I realize this letter will sound like a broken record to you, but I hope you can bear with me to hear it out as I was not only a full-time resident/property owner, but a business owner that catered to nightly rentals. I have lived both sides of the fence and have seen and lived all sides to this dilemma. Additionally, I have worked closely enough with the architectural and building community to understand the regulation involved, at a basic level.

My husband and I owned property and lived on Table Rock Lake for more than 13 years before buying into Fieldstone Villas at Branson Creek several years ago. We moved to the Villas with the intent of eventually turning our property into a nightly rental. We did this after visiting with Taney County Planning and Zoning and asking the HOA if nightly rentals were still allowed and if there were any issues. We were told that everything was fine with both.

At the time, I owned a business that catered to nightly rental customers called KEYCO Property Services, LLC. Not only did my business clean nightly rental and upscale vacation properties, small commercial properties / resorts, and work with large HOA / Property Management Cos. in the area, we were also considered the local "go to" if there were any issues with maintenance or the guests of our nightly rental customers. I ran this successful business for five years and we cared for more than 50 properties during that time. During the course of my business, there may have only been one or two instances where we had an issue with guests not taking care of the property as they should, which were easily resolved, and none that resulted in a community complaint. This was largely in part due to the rules and expectations spelled out in the owner/guest contract where if there was any type of neighboring or community complaint, the guests would be evicted immediately without question. I assure you, if after five years in this business I had experienced homes being trashed and guests being community nuisances, I would have not decided to purchase a nightly rental property of our own.

Prior to my starting this business, which employed 15-20 employees who badly needed jobs, and most who had children in your school district, my husband and I travelled frequently and would stay in nightly rental homes in other parts of the country. In fact, whenever we planned an extended stay for more than just a few nights and especially if we are travelling with family or friends, we would, and still will, seek out nightly rental homes on VRBO or through local property management companies. In fact, we are doing that very thing this week as I plan to take my grandchildren to

meet with their Dad who has been on a Navy ship in the Mediterranean for more than 9 months. Staying in a nightly rental home instead of a hotel provides us with the togetherness a home offers over a hotel room which is vital in a case like this where the children are to re-bond with a father they haven't seen in almost a year. Most of our travels where we've stayed in nightly rental homes have been in Virginia, Florida, Hot Springs, and California. Important to tourism, the town or area we choose to stay in completely depends on the nightly rental home we can find to fit our needs.

The reason we chose to move to Taney County from Stone County was because it was more receptive to nightly rentals. Now, after 2 years of living in the Fieldstone Villas at Branson Creek, and because of the harassment allowed by the HOA of only a few permanent residents, and because Taney County has been receptive to these unfounded claims, I have closed my business and we have moved back to Kansas City. It breaks my heart to leave the Branson area. We loved visiting the area long before we owned property there. Now, because we don't own property there any longer, there are 20 people looking for work, several of which are currently claiming unemployment, we won't be enjoying time with our grandchildren there, we won't be marketing a property for Branson tourism on our dime to encourage vacationers from all over to come to your beautiful part of the world to spend their money there.

Many of the guests that frequented KEYCO customer nightly rental properties were parents of children going to camp there, or those that were there for fishing, dance or baseball competitions that bring thousands (millions?) to Branson. Some of these people still call me asking for options of where to stay when they are in town, and some even call asking me for advice on how to invest in nightly rental property there.

We are very sad for the turn of events this has taken. Branson (Taney County) is a beautiful place with a lot to offer. The reason it has the amenities it has is because of the number of tourists that vacation there. Most of us, including those that want to keep them out, moved here because we vacationed here once and fell in love with the area and all it had to offer. Why can't they understand that we wouldn't have these wonderful amenities in such a small town if it weren't for those that visit us? We should be rolling out the red carpet for them. After all, we get it to ourselves for several months out of the year!

I sat through some of the early hearings. In fact, our property was approved through due-process for nightly rental as we prepared to put it on the nightly rental market. However, the harassment by these few individuals made it impossible for us to enjoy the amenities of the neighborhood as we lived there. Never once were we inconvenienced by a nightly rental guest. It was these local-residents that made life intolerable there.

I listened in disbelief as they talked about a wet towel hung over a deck rail like it was a controversial flag. As these residents have openly stated that they could care less how their actions would contribute to the decline of property



values in the area as investors all flood the market to sell their properties, I fail to understand their concern about a wet pool towel temporarily hung over a railing to dry. I listened to claims about how it was unsafe for guests to be walking in the streets when at any hour of the day or evening you will find many of them out walking their dogs there. I listened as these few disgruntled residents claim to be poor, old and sick and beg for your pity. They sure seem to get around fine in the neighborhood!

As I hear that you are seriously considering the concerns voiced by this negative group of residents, I feel I must share my own experiences to hopefully put things into a clearer perspective. We were personally harassed while visiting friends who owned property in the neighborhood. There were several of us visiting for a cook-out at the neighbor's house, all owners of property in that community. We had a grill in the drive-way and had cars parked along the curb in front of the host property only. As we sat down to dinner, the doorbell rang and we were told by Karen that the grill was not allowed and we were to move our cars. The men silently obliged "to keep the peace", disrupting our perfect evening to move the cars and walk for blocks back to the house and a cold plate. There is nothing in the HOA bylaws that state this to be an issue. In fact, quite the opposite. Even more amazing, was that the property was not even in Karen's neighborhood. She's been told repeatedly to stop "policing" the area by the HOA yet she persists without consequence. She has also stopped my grandchildren who were quietly playing in our own yard as she walked by just to quiz them to find out if they were part of a nightly rental guest party. She achieves great satisfaction from her self-proclaimed "power" in which she has been very successful in creating a small "mob" within what was once, and not so long ago, a peaceful community.

A few group of men, which include the husbands of the women running this campaign, meet regularly for gossip and coffee a few days per week. They have taken control of the clubhouse as if they were the only ones paying dues to be there. Upon following the rules and guidelines set forth by the HOA, and with the HOA's blessing, I held a company meeting there. These men meet twice a week throughout the entire year but were not able to allow us a few hours a day for a few days in one week to use the clubhouse we had every right to. There were actually several of us that live and pay dues in the community involved in our meeting. We were harassed the entire time as they physically disrupted our meetings and made unnecessary noise during presentations. I tried offering them concessions to leave us in peace but they were getting more satisfaction out of harassing us and so declined. The HOA officials on site could have easily taken charge of this, but chose not to.

Unfortunately, you don't hear from the majority of us that are full-time / part-time residents that do not share in their campaign which is the reason for this letter. The stories these people tell are half-truths and the facts are skewed in an effort to escalate their cause. The sad thing is, this all started because two ladies didn't want to share a community pool that are paid for by ALL of the owners, and ALL guests of owners are allowed to use it, paid guests or not. These rules were in place when they bought their properties and have not changed. However, because nightly rentals have



become more popular, there has been a higher usage of the nearby pool which invades on their private pool time that they get to enjoy the majority of the year.

This is an HOA issue and should never have been allowed to have taken your time. However, they've escalated it to a "nightly-rental" issue just to claim their private chair at a neighborhood pool, which by the way was located directly across the street from our property. We also used it frequently without any cause to complain.

I frequently wonder if the nightly rental business owners in Branson Creek would band together to put in their own pool, if it would solve this issue? It would be a great compromise and I think at one time it would have sufficed, however these ladies have been allowed to take this to the point that they are enjoying their own created chaos too much to settle for any compromise. As I understand, they continue to harass and terrorize the neighborhood even though many of the residents there that are not involved with nightly rentals do not agree with their campaign. I've heard from a few that they fear what these people will do to them if they speak up as subtle threats have been made. This is also the reason my husband has asked that I not include our current address in this communication as he fears their retribution may exceed county lines.

Of course, the way to get their pool back is to get rid of the nightly rental guests. The first thing on the agenda is to create a checklist of items against the nightly rental properties which introduce claims serious enough to shut them down. One of the items was the loft in some of the units not being considered a bedroom. I understand that if the property was being advertised for sale where some of these lofts may not "qualify" as bedrooms. However, they are not being advertised for sale, they are being advertised as additional areas where guests can sleep, no different than a pull-out couch or a roll-away bed. They are just a better furnished space within the home that is provided for sleeping.

The property we owned had a loft. The loft had 2 king sized beds with ample room to move around, a rack for clothes to be hung, a dresser for folded clothes and housed a large flat panel TV. It had an outside window and stairs that allowed private-access. It had shutters that allowed it to be open or shut off for privacy from the rest of the house. It had a smoke detector and the outside window could easily be accessed by the fire dept. via ladder in case of emergency. I have stayed in commercial hotels with the same type of amenity and would be glad to share the exact ones that come to mind if you are interested in considering them as part of your due diligence. Yet it was arguably determined that this could not be considered a bedroom or sleeping quarters. Partly because they don't have a door. I fail to see what a door has to do with being a bedroom? The stairs offer private access. I could take you to the local airport, restaurants or many facilities where bathrooms don't have doors. Many of the upscale homes KEYCO tended to had shower rooms that were more private without doors than those with glass enclosures. Many modern homes feature walkways to bedrooms without doors. I think this policy needs to be revisited. In fact, it may not be a bad idea if someone were to visit these lofts prior to making that determination.



There was also a shared wall. Whenever our part-time neighbors had their grandchildren visiting them, we could hear them laughing and crying and pounding up and down the stairs. We knew it was short term and it never lasted for long. We smiled knowing they were spending special moments with their grandchildren. It's to be expected with a shared wall and we knew that buying into it. I'm sure they heard the same noises from us when our grandchildren visited, yet they never complained to us. Nightly rental or not, you're going to hear your neighbors when you have a shared wall. We've moved into another "shared wall" community in Kansas City. We hear our neighbors, sometimes. We hear their children and their dog barking, sometimes. It's tolerable because we expect it. I've stayed in hotels where 2 walls are shared and have been more disturbed by the noise than staying in our shared wall home. It's funny that the person I've heard the most complaints about noise on the other side of a shared wall is from Karen and they don't share a wall with a nightly rental business but a full-time resident.

Regarding the fire suppression system, why isn't it also a consideration of the full-time/part-time residents that reside on both sides of the wall or next door to a nightly rental? Some have family members or friends who stay at their properties when they aren't there. The only difference is that some guests pay to be there and some don't. Why should paying guests have more consideration for safety and liability than non-paying guests?

We had commercial insurance that covered our liability. We had a fire extinguisher on property as required by the property management company. Can the full/part time residents claim the same safety and liability measures? What if the fire starts on their side of the structure? Are you going to extend the fire suppression system rules to them as well? I think if someone were to check into the legalities of this, they would find that both sides would be held to the same regulation. That being said, where were these building codes at the time these structures were being built? I happen to know they were non-existent, although nightly-rental provisions were approved at that time. Yet, you are only grandfathering in a small few for this provision?

I understand how you would want to wash your hands of any liability as time and resources are limited, however pushing it off onto another department to approve or police does not appear to be the best solution. I agree that there are some communities that should not be open to nightly rental investors. One solution for all is not going to solve the issue unless you enforce that nightly rentals are to be allowed in communities with HOA's only.

Let's face it, HOA's should be the ones to declare whether or not they allow nightly rentals in their community and therefore be held responsible for their own community issues. It shouldn't be allowed to escalate to the point where it takes up the time of our county officials. Additionally, past building code regulation was not intended to be retroactive to the point of causing hardship on current property owners. If so, BOTH sides of a shared wall should be held accountable equally as the hazard and liability is equal for both.



I'm sure there are communities in other states that have experienced these growing pains for decades that would have some great advice for you. I believe we would find that they've determined that their community belongs to ALL of those that have made the decision to own property and businesses there with proper due diligence and legal compliance. And, that with good neighbor etiquette to be spelled out clearly and ENFORCED by the HOA along with reasonable compromise, there shouldn't be an issue with all living in peace within the same community. Residents should never forget that the community would not be the wonderful place it is without the seasonal visitors that support the amazing way of life their presence has afforded for all the residents of Taney County and beyond all year long.

Thanks in advance for your time and patience in reading yet one more letter. I hope that someday we can return to Branson and enjoy our time with our grandchildren in a beautiful nightly rental home where the owners pay their taxes and the neighbors live in peace. However, in the meantime, I guess we'll plan to go to places that have already figured it out. The Outer Banks is looking rather attractive to us right now!

Sincerely,



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