



TANEY COUNTY PLANNING COMMISSION

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MINUTES

TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, MARCH 21, 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, Tony Mullen, David Herd, Trent Edwards, and Howard Kitchen. 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.

Review and Action:

Minutes, January 2018; 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.

Reconsideration Request:

#17-08A, property owners Brian and Jessica Cox request a reconsideration of the Planning Commission decision regarding Case #17-033 to deny nightly rental on property located at 109 N. Tuscany Drive. Mr. Boone asked for discussion. Mr. Starrett clarified the project. Mr. Cox was present and gave his reasons for asking the Board to reconsider. He presented a letter for the Board to review regarding his character. Mr. Cox pointed out that one of the reasons for denial was health reasons of a neighbor, and that a special-use permit had been approved previously in Branson Creek with a health concern of another neighbor. There was no discussion with Mr. Cox. A motion was made by Mr. Mullen to rehear. Seconded by Mr. Edwards. The vote to approve was three in favor one opposing and one abstention.

Public Hearings:

#18-01V, Richard Vahldick, proposed front setback variance located at 1005 Bird Road. Mr. Starrett read the staff report with proposed decision of record, and presented location maps of the site. Mr. Vahldick was present. After discussion a motion was made by Mr. Mullen to approve based upon the decision of record. Seconded by Mr. Kitchen. The vote to approve was unanimous.

#18-02V, Beverly Anderson, proposed front setback variance located at 200 Boo Boo Lane. Mr. Starrett read the staff report and presented location maps of the site. Charles Anderson was present representing his mother Beverly. Rudy Bussard representing the architectural committee for Big Bear spoke in opposition of the

request. He explained various reasons why the variance should not be granted. Mr. Anderson addressed the concerns and stated that it is difficult to turn into the property from the one side. Ms. Anderson also explained her reasons for the variance request. The driveway is on a steep hill making it difficult to turn in from the bottom. Mr. Starrett stated that they can meet the back setback but not the front. Mr. Kitchen asked why they had not contacted the architectural committee. Ms. Anderson stated that she did not know who they were, but had talked to others in the park, and stated that they didn't have a problem with the request. Mr. Edwards stated that if there ever was a large truck coming using the road there might be a problem. Discussion followed regarding building a smaller garage, meeting with the ACC, and setback requirements. The Board advised the applicant to meet with the ACC and look at making the garage smaller, then come back before them for a decision. A motion was made by Mr. Kitchen to postpone the request. Seconded by Mr. Mullen. The vote to postpone until next month was unanimous.

#18-03V, Shepherd of the Hills Development LLC, proposed front setback variance located at 5586 W. St. Hwy. 76. Mr. Starrett read the staff report and presented location maps of the site. Jeff Johnson was present to represent the applicants. Discussion followed regarding location, grade, type of course, and setbacks. Mr. Kitchen reminded the applicant that setbacks are done for safety reasons. Mr. Kitchen made a motion to approve based upon the decision of record. Mr. Edwards seconded. The vote to approve was unanimous.

#17-09A, Jana Hilt, appeal of the Planning Commission decision regarding Case #17-042 to deny nightly rental located at 166 Kings Way. Mr. Starrett read the staff report, proposed decision of record, and presented location maps of the site. During this hearing Mr. Boone swore in the speakers that had spoke and that were getting ready to speak. Ms. Hilt was present. She polled the neighbors to see how many opposed and how many were in favor. She also pointed out how many commercial dwellings were in the vicinity. According to Ms. Hilt an overwhelming majority were in favor of the nightly rental. Robert Johnston who lives at Lenhart Lane expressed his concerns regarding having a nightly rental in that area. He stated incompatibility, noise, operating without a permit, setting precedence, and the subdivision covenants. Marc Rys who also lives on Lenhart Lane expressed his concerns regarding the subdivision road, covenants prohibiting nightly rental, safety of residents, and preserving residential living. Ms. Hilt addressed the concerns. She reported that she spoke with County Road and Bridge regarding widening the roads. She pointed out that in her opinion this is not a residential area because of so many nightly rental businesses in the area. A letter was presented by Ms. Hilt from the homeowners association. James Brooks-Johnson who lives in the area expressed his support of the request. He stated that in his opinion the covenants are outdated and the subdivision owners have been getting together to rewrite them. Mr. Johnston attended that meeting and stated that nothing has been done or a vote taken. Ms. Hilt stated that they got over 2/3 majority of the vote. Mr. Boone stated that he is still opposed to having nightly rentals in a residential area, and

is reluctant to see this area turned into nightly rentals. Mr. Kitchen concurred. Ms. Hilt stated that the document had been reviewed by legal counsel. She pointed out the location of the other nightly rentals. After discussion a motion was made by Mr. Kitchen to deny the request for appeal. No second. There was no motion to approve. Mr. Edwards asked for more information on the validity of the newly recorded covenants for the Estates at Majestic Pointe. Mr. Boone asked for a postponement until the County Attorney can be consulted. Mr. Edwards made the motion to postpone. The motion was seconded by Mr. Mullen. The vote to approve the motion was four in favor and one opposing.

#18-01A, Thomas and Susan Unger, appeal of the Planning Commission decision regarding Case #17-030 to allow nightly rental to be located at 1345 Oakwood Dr. Mr. Starrett read the staff report, proposed decision of record, and presented location maps of the site. Mr. and Mrs. Unger were present. Mr. Unger read a prepared statement. Mrs. Unger stated that she asked to see the application on October 3, explained what she found at that time and later on when she asked to see it again. She felt that they did not have the opportunity to review the parking schematic. Mr. Kitchen asked Mr. Starrett about when the Concept Hearings were combined with the other hearings, because the Unger's had an issue regarding being allowed to see the information before hand. Linda Bokel discussed the Oakwood Covenants, and read a prepared statement. Mr. Bokel also read a prepared statement. Dick Heider pointed out mistakes the staff and Planning Commission made in his opinion, the concept hearing should be a separate meeting, adequate notice was not given to the public, and that the decision should be reversed. Robert Schuck the property owner addressed some of the concerns, and stated that in his opinion no errors were made. Mr. Starrett explained the reasons for changing the hearings and the procedures. Mr. Boone asked to be able to review the Planning Commission minutes concerning this issue. A motion was made by Mr. Edwards to postpone until the Board can review the minutes. Seconded by Mr. Herd. The vote to postpone was unanimous.

#18-02A, MTS Ventures LLC, appeal of the Planning Commission decision regarding Case #17-038 to deny a nightly rental located at Lot 40 Legends Lane. Mr. Starrett read the staff report, proposed decision of record, and presented location maps of the site. Margo Spilde, the applicant, was present. Mr. Boone gave a history of this project stating that he was involved in it at the beginning. He reported having a problem with having nightly rentals there. Mr. Boone doesn't like nightly rentals in residential subdivisions. Paul Katz pointed out on the map where his house is located in the subdivision. He is opposed to this request, and is selling his house. Karen Murphy spoke in opposition to this request as well, and pointed out various items of the Code that in her opinion applied to this property. Marie Powers spoke in favor of the properties who wish to do nightly rentals. She stated that in her opinion these kinds of requests shouldn't even be heard by the Board of Adjustment. A motion was made by Mr. Kitchen to uphold the Planning Commission decision. Seconded by Mr. Herd. The vote to deny the appeal was unanimous.

#18-03A, Susan Smith and Karen Murphy, appeal of the Planning Commission Decision regarding Case #17-37 to allow nightly rental to be located at 114 Fieldstone. Mr. Starrett read the staff report, decision of record, and presented location maps of the site. Ms. Smith asked to be heard last after everyone spoke. Mr. Kueck asked to speak last since he is the property owner. Ms. Murphy presented handouts to the Board, and presented the case. Mr. Kueck explained the process of the decision of the property owner to use this property for nightly rental. Since approval money has been spent for sprinkler systems, buffering, and noise from the common wall. All issues have been tried to be met by the owners that were brought forward at the Planning Commission meeting. Mr. Boone stated that it looked like to him transference of the property had been handled correctly during the permitting process. Mr. Kueck stated that they did not enter into this request thru the back door they were up front about everything. Discussion followed regarding representation, and permit issuance to the property owner. Mr. Edwards made a motion to uphold the Planning Commission decision. Seconded by Mr. Mullen. The vote to deny the appeal was four in favor and one opposing.

Old and New Business:

#08-02V, Kerry Brown/Images at the Cross, modification of the approved height of the cross. Mr. Brown was present and explained why they want to raise the height from 200' to 220'. Mr. Starrett explained the request and the history of the project. They would like to have the cross up by October of this year. A motion was made by Mr. Edwards to allow the height increase of the cross. Seconded by Mr. Mullen. The vote to approve was unanimous.

Adjournment:

With no other business on the agenda for March 21, 2018 the meeting adjourned at 8:52 p.m.