



## TANEY COUNTY PLANNING COMMISSION

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### MINUTES

#### **TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, JUNE 20, 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 three members present. They were; Dan Boone, David Herd, and Howard Kitchen. Staff present; Scott Starrett and Bonita Kisse-Souttee. Mr. Boone swore in the speakers. The governing statutes were read by Mr. Starrett who also read a statement outlining the procedures for this meeting and presented the exhibits. He explained the procedure for the three member present rule and the Chairman asked the applicants if anyone wanted to postpone. All requests chose to proceed.

##### Review and Action:

Minutes, May 16, 2018; with no additions or corrections a motion was made by Mr. Kitchen to approve the minutes as written. Seconded by Mr. Herd. The vote to approve the minutes was unanimous.

##### Reconsideration Request:

Anna Morrissey; Reconsideration request regarding approval of the appeal of permit #18-04A, May 16, 2018 for the special-use permit located at 725 Skyline Road. Mr. Starrett clarified the request, and presented a staff report and location maps of the site. Ms. Morrissey presented documents regarding safety, road easement, property values, and Board of Adjustment procedures proving error of law. Donald Penrod who lives at the end of the road, presented site plans, a survey and pictures of the site and expressed concerns regarding access of emergency vehicles, county road requirements, drainage in the ditch, road construction and value, and stormwater runoff. Jacob Penrod reported an incident that occurred regarding the children playing in the road. Mrs. Penrod presented pictures of Black Oak Dr. showing it doesn't access their property. She pointed out some of the negative issues which have occurred on the property since the property owners of the request have lived there, and the added traffic a nightly rental causes. Randy Rikart who represents the property owner of the nightly rental request discussed the reconsideration process and pointed out that the requirements of such a request have not been presented. He also stated that these concerns were the same concerns brought forward at the last meeting, and that if the neighbors wished they should take their concerns at this point to civil court. Mr. Rikart clarified the previous concerns from the last meeting and presented a picture showing there is plenty of room for two vehicles to pass on the road in his opinion. Mr. Herd clarified that this was the only private road in that area. Mr. Kitchen observed that in the road easement is specified residential road easement, and that at the last meeting it

was brought forward that there is another opportunity for another ingress and egress. Mr. Rikart stated that there is a dedicated road but not being used. Ms. Morrissey addressed the nightly rental property in the vicinity that cannot be seen from this property and their roads are paved, unlike this gravel road. Further discussion followed. Mr. Kitchen asked Ms. Morrissey to clarify what new evidence she was presenting. She stated that Mr. Penrod could not be present at the last meeting and that in her opinion he had new information. With no other discussion the Board discussed whether to grant the rehearing. Mr. Kitchen made a motion to grant the rehearing. Mr. Heard seconded. The vote to approve a rehearing was unanimous.

#### Public Hearings:

#18-05V; Raymond Greevers/variance, proposed side setback located at 613 Fruit Farm Road, for the construction of a garage. Mr. Starrett presented the staff report and location maps of the site. Mr. Greevers stated that in his opinion that granting this variance would not inconvenience anyone. Mr. Boone asked if there would be anywhere else he could locate the garage, plans for access, and clarification of where the doors would face. Todd Aeschliman representing the homeowners association stated that no plans for this construction had been presented to them, only the application and it was not approved. He didn't want a precedence set by this request being approved. The Board asked if a compromise could be reached with the HOA. Mr. Boone stated that if they would meet with the HOA and come to a compromise they would table tonight until they could bring it back to them. The Board had a concern with a 0 lot line. After discussion a motion was made by Mr. Herd to move this request to the August meeting. Seconded by Mr. Kitchen. The vote to postpone was unanimous.

#18-03A; Susan Smith & Karen Murphy/present new evidence for the appeal of the Planning Commission decision regarding case #17-37 allowing nightly rental on property located at 114 Fieldstone. Mr. Starrett presented the staff report and location maps of the site. Mrs. Murphy and Mrs. Smith explained that the reason for the request was that in their opinion the Planning Commission didn't follow the development code. They each read prepared statements, regarding the same concerns brought forth at the previous meeting. They presented packets of information to the Board only. Steve Lamberson who lives in the neighborhood spoke about the guidelines and reported some of the same concerns including; noise, drinking on the property, buffering, fire district guidelines, nightly rentals causing a neighborhood not to qualify for loans, and compatibility. Paul Frampton another neighbor expressed the same concerns and added that in his opinion they don't have a real HOA. Cheryl Sinko read a prepared statement. Lisa Sprague owns a villa but does not live there full time at this point. She is not in favor of nightly rentals in the neighborhood. Dean O'Brian who is the property owner, reminded that this request was approved and his sale was contingent on the approval and they have put money into it. Mr. Kueck representing the owner/buyer stated that in his opinion people who are trying to comply with the process should not be penalized. Several other points were brought forward by Mr. Kueck. Mr. Starrett explained item 3.1



of the Code, and addressed the comments. Mrs. Murphy and Mrs. Smith rebutted the comments made by Mr. Starrett and Mr. Kueck. Further discussion followed. After discussion a motion was made by Mr. Kitchen to deny the appeal. Seconded by Mr. Herd. The vote to deny the appeal was unanimous. Mr. Boone explained what the next step is for the applicants.

#18-05A; Turkey Crossing LLC/appeal of the Planning Commission decision regarding case #18-13 to deny nightly rental on property located at Jones and Seiler Roads. Mr. Starrett presented the staff report and location maps of the site, and asked that #2 be removed from the Division III Decision of Record, because that will be addressed under the Division II process. Valerie Budd representing the applicant presented a packet of information to the Board only, and clarified in her opinion, why the decision to deny should be overturned. Some of the information she presented also was presented to the Planning Commission. Several people signed up to speak both in favor and not in favor. One of the employees read two letters from home owners in the neighborhood who are in favor of the request. Jerry Spicer works for BVR Properties owned by Gary McSpadden spoke in favor of the appeal. Harry Brannen who owns one of the cabins managed by Ms. Budd spoke in favor of the appeal. Jessica another employee of Ms. Budd read two letters in favor of the appeal. Josh Weaver spoke against the request for appeal. Mr. Starrett clarified the wastewater requirements. Ms. Budd addressed the concerns. Mr. Kitchen stated his concerns. Ms. Budd answered his questions. Mr. Herd discussed with Mr. Kitchen why the Planning Commission denied the request. Mr. Starrett stated that he was asked to bring the request before the Planning Commission as Division III. With no other discussion a motion was made by Mr. Herd to approve the appeal. There was no second. Mr. Kitchen made a motion to deny the appeal. Mr. Boone seconded the motion to deny. The vote was two in favor of the motion and one to deny. The request failed for the lack of the concurring vote of at least 3 members of the Board.

#18-06A; David Barker/appeal of the Planning Commission decision regarding case #18-10 to allow nightly rental on property located at 122 Fieldstone Dr. Mr. Starrett presented the staff report and location maps of the site. The applicant was represented by Sandra Strange who read a prepared statement. She presented a packet of information to the Board only. Susan Smith commented on statements made by Mrs. Strange. Christian Horton representing the owner of the property spoke in favor of the nightly rental. He addressed the covenants, amending the covenants, the development code, legal remedies, decisions of record, who is charged with solving the problems of the development. Mrs. Strange addressed the concerns as she saw them. Some concerns of the other property owners were; not being able to get loans because there are too many nightly rentals in the subdivision. Mr. Kitchen discussed special use permits and the medical condition of the adjacent property owner. With no other discussion a motion was made by Mr. Kitchen to approve the appeal based upon the compatibility of the adjacent villa. Seconded by Mr. Herd. The vote to approve the appeal was unanimous.

Old and New Business:

July 18, 2018 change of meeting date; Mr. Starrett will not be available on this date to attend the meeting. After discussion Mr. Kitchen made a motion to change the meeting to July 17, 2018. Seconded by Mr. Herd. The vote to change the meeting to Tuesday was unanimous.

Adjournment:

With no other business on the agenda for June 20, 2018 the meeting adjourned at 8:40 p.m.