



## TANEY COUNTY PLANNING COMMISSION

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### AGENDA

#### **TANEY COUNTY BOARD OF ADJUSTMENT WEDNESDAY, APRIL 17, 2019, 6:00 P.M. COUNTY COMMISSION HEARING ROOM TANEY COUNTY COMMISSION**

##### Call to Order:

Vice-Chairman Trent Edwards called the meeting to order at 6:00 p.m. A quorum was established with three members present. They were: Trent Edwards, Rick Persinger and Cory Roebuck. 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. Edwards swore in the speakers before the hearings began.

Mr. Edwards asked Mr. Starrett to explain the bylaws and how they address a three board member quorum and gave the applicants the opportunity to postpone until the next regular Board of Adjustment meeting. Mr. Edwards took each hearing separate.

##### Review and Action:

Minutes, March 20, 2019; with no additions or corrections a motion was made by Mr. Roebuck to approve the minutes as written. Seconded by Mr. Persinger. The vote to approve the minutes was unanimous.

##### Public Hearing:

#19-02A; JMS Property LLC, appeal of the Planning Commission decision on February 11, 2019, denying Division III application #18-44 seeking nightly rental use for 10 single family homes located on Sunrise Cove. The applicant for Case #19-02A chose to continue to the public hearing. Mr. Starrett presented the staff report and location maps of the site. Mr. Creedon explained his request and began by addressing compatibility. In his opinion the use is compatible because of the strip mall adjacent to it. He pointed out that according to the policy checklist the project scored positive. Mr. Roebuck clarified Mr. Creedon's explanation, and asked if to his knowledge were there any other uses of this kind in the subdivision. Mr. Creedon didn't know. Mr. Tim Davis representing the applicant discussed the policy checklist and stated why. He researched how the scoring was done in the past and found that no project that received a positive score had ever been turned down, even some with negative scores had even been approved. Mr. Davis discussed the original approval which gave multi-use for the whole site, including time-shares since 2005. Matthew Creedon discussed Lot 9 and 7A were recorded as time-shares. There were fifteen people signed up to speak against the request. Their concerns were; voting of the Planning Commission, Division II

procedures, that the property had not received approval for time-shares in their opinion, property values, increased traffic, compatibility, emergency vehicle turnaround, pedestrian safety, road conditions, noise, crime, parking, litter, that if a subdivision has nightly rental federal government will not approve loans there, who owns Holt Lake, and the lake previously being a dump. Mr. Persinger discussed why the duplexes were permitted under Division II. Mr. Starrett addressed the question by explaining the special use permitting. Mr. Creedon addressed the concerns. Mr. Edwards was concerned about neighbors having to drive around on T to get to Holts Lake, and if the applicant has operated nightly rentals before. The road is owned by the public. Mr. Creedon stated that there are no covenants for most of the subdivision. Mr. Persinger discussed special use permits and that this is not a special use. Mr. Starrett explained why this is not a special use. Mr. Roebuck discussed how compatibility is addressed. Mr. Creedon owns 40 undeveloped lots in the subdivision. Mr. Roebuck explained what the Board was charged to decide at this meeting. Discussion followed. Mr. Persinger stated that in his opinion that side of the lake is a commercial area, there is no residential there, and that Mr. Creedon should maintain the road because it might create a traffic issue. Also in Mr. Persingers opinion the applicant should share the burden and benefit of the lake. Mr. Edwards discussed traffic going the long way around to access. Discussion followed. After discussion Mr. Persinger made a motion to approve the request to overturn the Planning Commission decision. Discussion followed regarding adding an item to the Decision of Record, to repair the road and address the access from 76, and the Lake. Mr. Roebuck seconded the motion. The vote was two in favor and one not in favor. The appeal failed. Mr. Starrett explained the reconsideration process.

#19-03A; JMS Property LLC, appeal of the Planning Commission decision on February 11, 2019 denying Division III application #18-42 seeking nightly rental use for 6 duplexes located on Sunset Cove. The applicant chose to continue with the hearing. Mr. Starrett presented the staff report and location map of the site. Mr. Tim Davis representing the applicant pointed out that the property is already approved for multi-family units, and that Mr. Creedon has come before the Commission to seek approval and is willing to do what is necessary for approval. Mr. Creedon added that he had agreed to bring the road up to County Standards. Discussion followed. All the homes are connected to County Sewer at this point. Mr. Roebuck asked about the Planning Commission vote. Mr. Creedon discussed the policy checklist. The concerns of the property owners was; location of the road, knocking down the trees, turn around, disturbing the view, debris in the lake from the tornado, heavy equipment ruining the road, how long would the road be maintained, nightly rental affecting everyone in Branson, and compatibility. Mr. Steve Creedon addressed the concerns, and pointed out that his company has bought many lots in various subdivisions and built them out and made them better in his opinion. Mr. Edwards asked about the rock ledge and how much would need to be moved. Mr. Creedon stated that in his opinion none would. Current zoning was discussed. Mr. Waterman pointed out that Mr. Creedon could start up his own HOA. Mr. Roebuck stated that this Board cannot make a determination if the

Planning Commission should have addressed certain issues. Mr. Persinger discussed items the Board could address. He stated that traffic would not ever have to go into the subdivision because of the access from Hwy. 76. The applicant should address the road conditions. Mr. Persinger made a motion to approve the request with the item addressing the access road. Mr. Edwards seconded. The vote was two in favor and one no. The appeal did not pass. Mr. Starrett addressed the reconsideration process.

#19-04A; JMS Property LLC, appeal of the Planning Commission decision on February 11, 2019 denying Division III application #18-43 seeking nightly rental use for 3 duplexes located on Sunrise Cove. The applicant chose to continue. Mr. Starrett presented the staff report and location map of the site. Mr. Creedon clarified the request. He stated that this site already has roads. Mr. Tim Davis pointed out the policy checklist having a positive score. No one spoke in favor. Concerns of the property owners was; topography, traffic, ingress and egress, stormwater runoff, and parking. Mr. Creedon addressed the concerns. Other discussion from the public regarded an electric gate and compatibility. The Board discussed the issues. Mr. Persinger maintained that in his opinion the use is compatibility. Further discussion followed. Mr. Roebuck made a motion to approve based upon the decision of record. Mr. Persinger seconded. The vote to approve was unanimous.

#19-05A; SMBZ LLC, appeal of the Planning Commission decision on February 11, 2019, denying Division III application #18-41 seeking to develop Woodbridge Estates into a two-unit multi-family subdivision located on Woodbridge Estates Drive and Jamie Court. The applicant chose to continue. Mr. Starrett presented the staff report and location maps of the site. Mr. Creedon clarified the request. All setbacks can be maintained. Mr. Tim Davis representing the applicant pointed out the policy checklist. Concerns of the public were; compatibility, access, added traffic, narrow roads, density, blasting, safety of the children in the neighborhood, type of people who rent there, ingress and egress, parking, snow removal, emergency vehicle access and turn around, trash, property maintenance, and the road is steep. Mr. Creedon addressed the concerns. After discussion, a motion was made by Mr. Persinger to deny the appeal based upon no error being made by the Planning Commission. Mr. Roebuck seconded. The vote was unanimous to deny.

Old and New Business:  
No discussion.

Adjournment:

With no other business on the agenda for April 17, 2019 the meeting adjourned at 9:44 p.m.