

**THE MINUTES OF THE 769th PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, JANUARY 9, 2019**

ROLL CALL: _____

The meeting was called to order at 6:00 pm and the following members responded to roll call:

Mr. Bob Aston
Mr. Jon Seal
Mr. Mike Ferren, Chairman
Mr. Dennis Hageman
Mr. Jeff O'Connell

Others in Attendance:

Mr. Mark Timmerman, Legal Counsel
Mr. Kirby Barnard, Community Development
Court Recorder
Vicki Satterthwaite, Alternate

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBERS

APPROVAL OF MINUTES:

Mr. Ferren asked for a motion to approve the minutes of the Wednesday, November 14, 2018 Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, November 14, 2018 Public Hearing. Mr. Jon Seal seconded the motion.

Chairman Ferren polled the vote as follows: FERREN - YES, O'CONNELL - YES, ASTON - YES, SEAL - YES, HAGEMAN - YES.

OATH & REQUIRED VOTES

Mr. Ferren invited all parties present wishing to partake in any discussion of the applications for appeal submitted to the board, to please step forward and be sworn in. The applicant stepped forward.

Mr. Ferren administered the oath as follows: "do you solemnly swear or affirm that the testimony you will give at this hearing will be the truth, the whole truth and nothing but the truth" and the applicant responded to the affirmative.

Mr. Ferren explained Section 400.940: Approvals, Required Vote, to the applicants, as follows: "A concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the

applicant on any matter upon which it is required to pass under this Article, or to effect any variation in the chapter. (CC 1976 App. A §15.08; Ord. No. 2449 §1, 11-14-88)”

Mr. Ferren asked the applicant on behalf of 1661 Jody Industrial to please step forward and give their name, address and reason for the appeal request.

Mr. Mark Wiesehan, 1661 Jody Industrial, Overland, Missouri on behalf of the property owner, Diana Unterreiner, Trust addressed the Board to appeal the decision of staff relating to a fence permit application.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ18-0021
EXHIBIT A-3	NOTICE OF PUBLIC HEARING
EXHIBIT A-4	COPY OF ORDINANCE
EXHIBIT A-5	STAFF REPORT
EXHIBIT A-6	FENCE PERMIT APPLICATION
EXHIBIT A-7	SITE PLAN

Exhibits A-1 through A-7 were accepted as evidence and approved as presented.

Mr. Kirby Barnard gave the Board a brief history of the building and explained the applicant has applied for a fence permit due to several thefts on their rear lot; however the application violates the ordinance in regard to height and barbed wire.

There were no comments from Legal Counsel.

Mr. Jon Seal asked Mr. Wiesehan if he spoke with the neighbor next to them to see if they are having issues with thefts and Mr. Wiesehan responded to the negative. Furthermore, Mr. Seal asked if the applicant is putting in another parking lot or anticipating the new fence. Mr. Wiesehan responded they have cleared out the brush and overgrowth in anticipation of the new fence.

Mr. O’Connell asked if any of the fencing backs up to Page Avenue and Mr. Wiesehan responded no.

There were no comments from the audience.

Chairman Ferren asked for a motion to reverse the staff decision relating to the commercial fence permit application for 1661 Jody Industrial.

Mr. Jeff O’Connell made a motion to reverse the staff decision relating to the commercial fence permit application for 1661 Jody Industrial. Mr. Jon Seal seconded the motion.

Chairman Ferren polled the vote as follows: SEAL - YES, HAGEMAN - YES, FERREN - YES, O'CONNELL - YES, ASTON - YES.

OTHER BUSINESS

Ms. Kadi Sanders informed the Board this would be Mr. Timmerman's last meeting serving as special counsel. Furthermore, Mr. Bob Herman will be returning as special counsel to the Board at the next scheduled meeting.

MOTION TO ADJOURN:

Mr. Jeff O'Connell made a motion to adjourn. Mr. Jon Seal seconded the motion. All were in favor. The meeting adjourned at approximately 6:08 PM.

Respectfully Submitted,

Mike Ferren, Chairman
Board of Adjustment