

**THE MINUTES OF THE 801st PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, MARCH 08, 2023**

ROLL CALL:

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

Mr. Dan Kipper
Mr. Michael Ferren
Mr. Dennis Hageman
Mr. Jeff O'Connell
Mr. Tim Jones

Others in Attendance:

Mr. Joseph Bond, Legal Counsel
Ms. Kadi Sanders, Director of Community Development

APPROVAL OF MINUTES

Mr. Jeff O'Connell asked for a motion to approve the minutes of the Wednesday, January 11, 2023, Board of Adjustment Hearing.

Mr. Michael Ferren made a motion to approve the minutes of the Wednesday, January 11, 2023, Board of Adjustment Hearing. Mr. Dennis Hageman seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: FERREN – YES, O'CONNELL – YES, KIPPER – YES, JONES – YES, HAGEMAN –YES.

OATH & REQUIRED VOTES

Mr. Jeff O'Connell invited all parties present wishing to partake in any discussion of the applications submitted to the board, to please step forward and be sworn in.

Chairman Mr. Jeff O'Connell 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 all parties present responded to the affirmative.

Mr. Jeff O'Connell read Section 400.935: Period of validity. Unless as otherwise specified by the Board of Adjustment in their approval for an application, no variance granted by the Board of Adjustment shall be valid for a period longer than one hundred eighty (180) days from the date upon which the variance is granted.

Mr. Jeff O’Connell read 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 affect any variation in the chapter. (CC 1976 App. A §15.08; Ord. No. 2449 §1, 11-14-88)”

Mr. Jeff O’Connell asked for the applicant on behalf of 1804 Morven Avenue. to please step forward and give their name, address and reason for the variance(s) request.

Ms. Eunice Sanders, on behalf Greater Love Adult Daycare LLC, addressed the Board to request an appeal of a sign permit denial decision from Community Development. She further expressed to the Board she was requesting to be allowed to install an attached wall sign as previously presented in the sign permit application. She explained to the Board she had no further items to present as evidence, besides that she has no other place to put a sign for the property.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PA23-0001
EXHIBIT A-3	SIGN PERMIT APPLICATION #PS22-0050
EXHIBIT A-4	PERMIT #PS22-0050 DENIAL LETTER
EXHIBIT A-5	NOTICE OF PUBLIC HEARING
EXHIBIT A-6	COPY OF ORDINANCE(S)
EXHIBIT A-7	STAFF REPORT
EXHIBIT A-8	SITE PLAN & SIGN LOCATION

Exhibits A-1 through A-8 were accepted as evidence and approved as presented.

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained Ms. Sanders had applied with for an appeal to the decision of the sign permit. She further explained the section of code was not debatable and was concise and clear, but rather the applicant’s intention was to apply for a variance to the code section.

Ms. Sanders further expresses the decision was based clearly on the code section in regards to attached wall signs. She explained to the Board the code provides alternatives types of viable signs aside from the attached wall sign for the property.

There was a brief discussion about other sign options for the property and conforming to the code.

There were no comments from the City Attorney.

There were no comments from the Board.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.840.B.2, specifically to Commercial Signage and Attached Signs and the requirement of an attached sign must not project above the roof line and shall maintain a clearance of ten (10) feet above the ground or pavement, and shall be where involving a pitched roof location to allow for an attached sign to be located under the required ten (10) foot clearance, as presented within the Applicant's site plan and sign permit, due to the practical difficulties as demonstrated by the Applicant.

Mr. Dan Kipper made a motion to approve the variance from Section 400.840.B.2. Mr. Tim Jones seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: O'CONNELL – YES, KIPPER – YES, JONES – YES, HAGEMAN – YES, FERREN - YES.

MOTION TO ADJOURN:

Mr. Tim Jones made a motion to adjourn. Mr. Michael Ferren seconded the motion. All were in favor. The meeting adjourned at approximately 6:17 PM.

Respectfully Submitted,

Jeff O'Connell, Chairman
Board of Adjustment