

**THE MINUTES OF THE 772nd PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, APRIL 10, 2019**

ROLL CALL: _____

The meeting was called to order at 6:40 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. Bob Herman, Legal Counsel
Mr. Kirby Barnard, Community Development
Ms. Kadi Sanders
Court Recorder
Ms. 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, March 13, 2019, Board of Adjustment Hearing.

Ms. Kadi Sanders, Coordinator, stated she removed Ms. Satterthwaite's name from the minutes as she left before the meeting began.

Mr. Jon Seal made a motion to approve the minutes of the Wednesday, March 13, 2019, Public Hearing. Mr. Dennis Hageman 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 submitted to the board, to please step forward and be sworn in. Mr. Andre' Borrelli stepped forward to be sworn in.

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 Mr. Borrelli responded to the affirmative.

Mr. Ferren 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. Ferren 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 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 9559 Page Avenue to please step forward and give their name, address and reason for the appeal request.

Mr. Andre’ Borrelli, 9559 Page Avenue, addressed the Board to request approval of a four variances relating to the parcel.

Mr. Ferren asked the Director of Community Development to explain what variances the applicant is requesting and Mr. Barnard explained there are two variances relating to the size and width of the lot and two variances relating to landscaping.

Special Counsel, Bob Herman asked if the applicant had already appeared before the Planning & Zoning Commission and Mr. Barnard responded to the affirmative.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	STAFF REPORT
EXHIBIT A-3	APPLICATION #PZ19-0010
EXHIBIT A-4	APPLICATION #PZ19-0011
EXHIBIT A-5	APPLICATION #PZ19-0012
EXHIBIT A-6	APPLICATION #PZ19-0013
EXHIBIT A-7	NOTICE OF PUBLIC HEARING
EXHIBIT A-8	COPY OF ORDINANCE(S)
EXHIBIT A-9	SITE PLAN

Exhibits A-1 through A-9 were accepted as evidence and approved as presented.

Mr. Kirby Barnard gave a brief description of the anticipated use of the building and the requirements relating to construction.

There were no comments from Legal Counsel.

There were no comments from the Board.

There were no comments from the audience.

Chairman Ferren asked for a motion to approve all four (4) variances at one time. The variances are as follows: Section 400.230.D.1 Regulations & Performance Standards - Minimum Site Area, Section 400.230.D.2 Minimum Lot Width, Section 400.450.A.2 Screening & Landscaping - Landscape Frontage, and Section 400.450.A.11 Screening & Landscaping - Perimeter Landscape Buffer.

Mr. Dennis Hageman made a motion to approve all four (4) variances from Section 400.230.D.1, 400.230.D.2, 400.450.A.2, 400.450.A.11. Mr. Jon Seal seconded the motion.

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

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 6:12 PM.

Respectfully Submitted,

Mike Ferren, Chairman
Board of Adjustment