

**THE MINUTES OF THE 775<sup>th</sup> PUBLIC HEARING  
OF THE BOARD OF ADJUSTMENT  
CITY OF OVERLAND, MISSOURI  
HELD ON WEDNESDAY, JULY 10, 2019**

ROLL CALL: \_\_\_\_\_

The meeting was called to order at 6:15 pm and the following members responded to roll call:

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

Others in Attendance:

Mr. Kirby Barnard, Community Development  
Ms. Kadi Sanders, Community Development  
Court Recorder

PLEDGE OF ALLEGIANCE

REMEMBRANCE OF SERVICE MEMBERS

APPROVAL OF MINUTES:

Mr. Ferren asked for a motion to approve the minutes of the Wednesday, June 12, 2019, Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, June 12, 2019. Mr. Jon Seal seconded the motion.

Mr. Seal 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. 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(s) responded to the affirmative.

Mr. Seal 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 2468 Chaucer Avenue to please step forward and give their name, address and reason for the appeal request.

Mr. Jason Finkelstein, 2468 Chaucer Avenue, Overland, Missouri 63114 addressed the Board to request approval of a variance relating to the size of shed in his backyard. Mr. Finkelstein explained he has a large yard with a pool and he requires extra storage area. He explained further his lifelong residency within the city.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ19-0015
EXHIBIT A-3	NOTICE OF PUBLIC HEARING
EXHIBIT A-4	COPY OF ORDINANCE
EXHIBIT A-5	STAFF REPORT
EXHIBIT A-6	PERMIT APPLICATION
EXHIBIT A-7	SURVEY

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

Mr. Kirby Barnard stated he had no comments on the application before the Board this evening.

There was discussion as to the size limits of garages and sheds.

Legal Counsel stated to the Board if they believe there is not potential for the shed to be used commercially and considering the size of the lot there shouldn't be a problem with approving the request. However, if it has the possibility of being used for a commercial endeavor whether by this owner or not at some time in the future then I think you have to ask yourself do we really want to put something someone could come along and put a car repair business in the middle of Midland Valley.

Mr. O'Connell asked if all adjacent property owners were notified and Ms. Sanders confirmed all adjacent property owners were notified via first class mail. Mr. O'Connell acknowledged none of the adjacent property owners were in the audience.

Mr. Seal commented the shed isn't really visible from the street and there have been no complaints tonight at the meeting.

There were no further comments from the Board.

There were no comments from the audience.

Mr. Seal asked for a motion to approve the variance from Section 400.320.3.b Accessory Buildings and Structures - Shed.

Mr. Bob Aston Made a made a motion to approve the variance from Section 400.320.3.b. Mr. Jeff O'Connell seconded the motion.

Mr. Seal polled the vote as follows: ASTON - YES, SEAL - YES, HAGEMAN - YES, SATTERTHWAITE - YES, O'CONNELL - YES.

MOTION TO ADJOURN:

Mrs. Vicki Satterthwaite made a motion to adjourn. Mr. Jeff O'Connell seconded the motion. All were in favor. The meeting adjourned at approximately 6:19 PM.

Respectfully Submitted,

Jon Seal, Acting Chairman  
Board of Adjustment