

**THE MINUTES OF THE 788th PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, JULY 14, 2021**

ROLL CALL:

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

Mr. Dennis Hageman
Mr. Jeff O'Connell
Ms. Vicki Satterthwaite
Mr. Michael Ferren

Others in Attendance:

Mr. Evan Sullivan, Legal Counsel
Mr. Kirby Barnard, Community Development
Ms. Kadi Sanders, Community Development
Court Recorder

APPROVAL OF MINUTES

Chairman Ferren asked for a motion to approve the minutes of the Wednesday, June 9, 2021 Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, June 9, 2021. Mr. Jeff O'Connell seconded the motion.

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

OATH & REQUIRED VOTES

Chairman 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.

The Court Reporter 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.

Chairman 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.

Chairman 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)”

Chairman Ferren asked the applicant on behalf of 9636 Midland Boulevard to please step forward and give their name, address and reason for the variance request.

Mr. Dave Lueker of Vance Engineering 10537 Lackland Road on behalf of the property owner of Bright Start Academy, 9636 Midland Boulevard, addressed the Board to request approval of four (4) variances in relation to a proposed development that includes 9640 Midland Boulevard. Mr. Lueker presented factors to justify the request for variance(s).

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ21-0014
EXHIBIT A-3	APPLICATION #PZ21-0015
EXHIBIT A-4	APPLICATION #PZ21-0016
EXHIBIT A-5	APPLICATION #PZ21-0017
EXHIBIT A-6	NOTICE OF PUBLIC HEARING
EXHIBIT A-7	ORDINANCE(S)
EXHIBIT A-8	STAFF REPORT
EXHIBIT A-9	SITE PLAN

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

Kirby Barnard, the Director of Community Development stated he no comment other than the highlighted portion of the staff report.

Evan Sullivan, Legal Counsel, asked the applicant if they currently own the adjacent property located at 9640 Midland Boulevard that is part of the proposed development and part of the applications presented this evening as St. Louis County Assessor's records do not reflect Bright Start Academy as the property owner at this time. Mr. Lueker responded the property is currently under contract for purchase.

There was discussion related to the proposed playground location, playground equipment, and pickup/drop off vehicular flow.

Special Counsel informed the Board of options related to the applications.

Chairman Ferren asked for a motion to postpone the variance applications presented in order for the applicant to provide proof of ownership of 9640 Midland Boulevard which is a part of the proposed development.

Ms. Vicki Satterthwaite made a motion to postpone the variance applications. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked the applicant on behalf of 2515-23 Woodson Road to please step forward and give their name, address and reason for the variance request. A representative was not present.

The board held a brief discussion regarding postpone the applications presented or moving forward.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ21-0018
EXHIBIT B-3	APPLICATION #PZ21-0019
EXHIBIT B-4	APPLICATION #PZ21-0020
EXHIBIT B-5	APPLICATION #PZ21-0021
EXHIBIT B-6	NOTICE OF PUBLIC HEARING
EXHIBIT B-7	ORDINANCE(S)
EXHIBIT B-8	STAFF REPORT
EXHIBIT B-9	SITE PLAN

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

There were no comments by Community Development.

There were no comments by Legal Counsel.

There were no comments by Board members.

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.1 Regulations and Performance Standards - Minimum Site Requirements.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.230.D.1. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.4.a Regulations and Performance Standards - Front Yard Setback.

Ms. Vicki Satterthwaite made a motion to approve the variance from Section 400.230.D.4.a. Mr. Jeff O'Connell seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.450.A.11 Screening & Landscaping - Landscape Perimeter.

Mr. Dennis Hageman made a motion to approve the variance from Section 400.450.A.11. Mr. Jeff O'Connell seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.470.B Off Street Parking and Loading Requirements - Required Parking Spaces.

Ms. Vicki Satterthwaite made a motion to approve the variance from Section 400.470. B. Ms. Jeff O'Connell seconded the motion.

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

MOTION TO ADJOURN:

Ms. Jeff O'Connell made a motion to adjourn. Ms. Vicki Satterthwaite seconded the motion. All were in favor. The meeting adjourned at approximately 6:24 PM.

Respectfully Submitted,

Michael Ferren, Chairman
Board of Adjustment