

**THE MINUTES OF THE 781st PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, SEPTEMBER 9, 2020**

ROLL CALL:

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

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

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 10 2020, Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, June 10, 2020. 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

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 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 9511-39 Lackland Road to please step forward and give their name, address and reason for the variance request.

Mr. James Woodworth addressed the Board on behalf of the property owner to request approval of a variance in relation to the rear yard setback. Mr. Woodworth is the architect for the project.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ20-0034
EXHIBIT A-3	NOTICE OF PUBLIC HEARING
EXHIBIT A-4	COPY OF ORDINANCE
EXHIBIT A-5	STAFF REPORT
EXHIBIT A-6	SITE PLAN

Exhibits A-1 through A-6 were accepted as evidence and approved as presented.

There were no comments from Community Development.

There were no comments from the City Attorney.

There were no comments from the audience.

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.4.c Rear Yard Setback.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.230.D.4.c. Mr. Jon Seal seconded the motion.

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

Chairman Ferren asked the applicant on behalf of 9317-19 Midland Boulevard to please step forward and give their name, address and reason for the variance request.

Mr. Jon Wilson, property owner, addressed the Board to request approval eight variances as related to a site plan review required as part of the conditional use permit process.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ20-0035
EXHIBIT B-3	APPLICATION #PZ20-0036
EXHIBIT B-4	APPLICATION #PZ20-0037
EXHIBIT B-5	APPLICATION #PZ20-0038
EXHIBIT B-6	APPLICATION #PZ20-0039
EXHIBIT B-7	APPLICATION #PZ20-0040
EXHIBIT B-8	APPLICATON #PZ20-0041
EXHIBIT B-9	APPLICATION #PZ20-0042
EXHIBIT B-10	NOTICE OF PUBLIC HEARING
EXHIBIT B-11	COPY OF ORDINANCE(S)
EXHIBIT B-12	STAFF REPORT
EXHIBIT B-13	SITE PLAN

Exhibits B-1 through B-13 were accepted as evidence and approved as presented.

There were no comments from Community Development.

There were no comments from the city attorney.

There were no comments from the audience.

Chairman Ferren asked for a motion to approve the variance from Section 400.450.A.2 Landscape Frontage.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.450.A.2. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.450.A.4 Interior Landscape.

Mr. Dennis Hageman made a motion to approve a variance from Section 400.450.A.4. Mr. Jon Seal seconded the motion.

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

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

Mr. Jon Seal made a motion to approve the variance from Section 400.450.A.11. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.470.B Commercial Service - Parking Requirements.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.470.B. Mr. Jon Seal seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.440.B Design Requirements (Access to Parking Areas).

Mr. Dennis Hageman made a motion to approve the variance from Section 400.440.B. Mr. Jeff O'Connell seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.4.b Side Yard Setbacks.

Mr. Jon Seal made a motion to approve the variance from Section 400.230.D.4.b. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.4.a Front Yard setbacks.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.230.D.4.a. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.230.D.1 Minimum Site Area.

Mr. Dennis Hageman made a motion to approve the variance from Section 400.230.D.1. Mr. Jon Seal seconded the motion.

Chairman Ferren polled the vote as follows: ASTON - YES, SEAL - YES, HAGEMAN - YES, FERREN - YES, O'CONNELL - 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 6:23 PM.

Respectfully Submitted,

Michael Ferren, Chairman
Board of Adjustment