

**THE MINUTES OF THE 771st PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, MARCH 13, 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. Mike Ferren, Chairman
Mr. Dennis Hageman
Mr. Jeff O'Connell
Mr. Dan Kipper

Others in Attendance:

Mr. Bob Herman, Legal Counsel
Mr. Kirby Barnard, Community Development
Court Recorder
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, February 13, 2019, Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, February 13, 2019, Public Hearing. Mr. Jeff O'Connell seconded the motion.

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

OATH & REQUIRED VOTES

Mr. Ferren invited all parties present wishing to partake in any discussion of the applications for appeal submitted to the board, to please step forward and be sworn in. All applicants 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 applicants 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 1600 Dielman Road to please step forward and give their name, address and reason for the appeal request.

Mr. Rodney Arnold, 5055 New Baumgartner, St. Louis, Missouri 63129 on behalf of U-Haul and AMERCO Real Estate addressed the Board to request approval of a variance relating to screening and landscaping on the South side of the property.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ19-0002
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.

Mr. Kirby Barnard explained the applicants have already appeared before Planning & Zoning and were recommended for approval contingent upon variance approval for the screening and landscaping.

Mr. Bob Herman explained the Board’s responsibility and authority.

There were no comments from the Board.

There were no comments from the audience.

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

Mr. Bob Aston 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: HAGEMAN – YES, FERREN – YES, O’CONNELL – YES, ASTON – YES, KIPPER - YES.

Mr. Ferren asked the next applicant to please step forward and give their name, address and reason for the appeal request.

Mrs. Mattie Williams, 3107 Brown Road, addressed the Board to request approval of seven variances.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ19-0003
EXHIBIT B-3	APPLICATION #PZ19-0004
EXHIBIT B-4	APPLICATION #PZ19-0005
EXHIBIT B-5	APPLICATION #PZ19-0006
EXHIBIT B-6	APPLICATION #PZ19-0007
EXHIBIT B-7	APPLICATION #PZ19-0008
EXHIBIT B-8	APPLICATION #PZ19-0009
EXHIBIT B-9	NOTICE OF PUBLIC HEARING
EXHIBIT B-10	COPY OF ORDINANCE
EXHIBIT B-11	STAFF REPORT
EXHIBIT B-12	SITE PLAN

Exhibits B-1 through B-12 were accepted as evidence and approved as presented.

Mr. Kirby Barnard explained the applicants have already appeared before Planning & Zoning and were recommended for approval contingent upon variance approval. The applicants have a lot of work to do because they are turning the building into a multi-tenant building. Two of the businesses, contractor's offices that will occupy the building required a conditional use permit which generated the site plan review and variance request.

Legal Counsel stated he doesn't see any problem with the recommendation of the city.

There were no comments from the Board.

There were no comments from the audience.

Chairman Ferren asked for a motion to approve the variance from Section 400.220.1 Regulations & Performance Standards – Minimum Site Area.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.220.1. Mr. Bob Aston seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.220.2 Regulations & Performance Standards – Minimum Lot Width.

Mr. Dennis Hageman made a motion to approve the variance from Section 400.220.2. Mr. Jeff O'Connell seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.220.D.4.a Regulations & Performance Standards – Front Yard Setback.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.220.D.4.a. Mr. Dennis Hageman seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.220.D.4.b Regulations & Performance Standards – Side Yard Setback.

Mr. Dennis Hageman made a motion to approve the variance from Section 400.220.D.4.b. Mr. Jeff O'Connell seconded the motion.

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

Chairman Ferren asked for a motion to approve the variance from Section 400.440.I.5 Design Requirements – Minimum Parking Space Dimensions.

Mr. Jeff O'Connell made a motion to approve the variance from Section 400.440.I.5. Mr. Bob Aston seconded the motion.

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

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

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: ASTON – YES, KIPPER – YES, HAGEMAN – YES, FERREN – YES, O'CONNELL – YES.

Chairman Ferren asked for a motion to approve the variance from Section 400.470.B.3 Schedule of Required Parking Spaces – Commercial Uses – General Office.

Mr. Bob Aston made a motion to approve the variance from Section 400.470.B.3. Mr. Jeff O'Connell seconded the motion.

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

MOTION TO ADJOURN:

Mr. Bob Aston made a motion to adjourn. Mr. Jeff O'Connell seconded the motion. All were in favor. The meeting adjourned at approximately 7:00 PM.

Respectfully Submitted,

Mike Ferren, Chairman
Board of Adjustment