

**THE MINUTES OF THE 802nd PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, APRIL 12, 2023**

ROLL CALL:

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

Mr. Dan Kipper
Mr. Michael Ferren
Mr. Dennis Hageman
Mr. Jeff O'Connell
Mr. Tim Jones

Others in Attendance:

Mr. Joseph Bond, Legal Counsel
Ms. Kadi Sanders, Director of Community Development
Mr. James Osborne, Planning and Zoning Coordinator

APPROVAL OF MINUTES

Mr. Jeff O'Connell asked for a motion to approve the minutes of the Wednesday, March 08, 2023, Board of Adjustment Hearing.

Mr. Tim Jones made a motion to approve the minutes of the Wednesday, March 08, 2023, Board of Adjustment Hearing. Mr. Michael Ferren seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: FERREN – YES, O'CONNELL – YES, KIPPER – YES, JONES – YES, HAGEMAN –YES.

OATH & REQUIRED VOTES

Mr. Jeff O'Connell 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.

Chairman Mr. Jeff O'Connell 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.

Mr. Jeff O'Connell 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. Jeff O’Connell 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 affect any variation in the chapter. (CC 1976 App. A §15.08; Ord. No. 2449 §1, 11-14-88)”

Mr. Jeff O’Connell asked for the applicant on behalf of 2306 Hood Avenue. to please step forward and give their name, address and reason for the variance(s) request.

Ms. Deborah Allen, on behalf L.A.M. Ministries Inc., addressed the Board to request variances in regards to some site deficiencies found during a site plan review of the property. She further expressed to the Board she recently went in front of the Planning & Zoning Commission whom recommended approval of the site plan, contingent upon variance approval.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ23-0001
EXHIBIT A-3	APPLICATION #PZ23-0002
EXHIBIT A-4	APPLICATION #PZ23-0003
EXHIBIT A-5	APPLICATION #PZ23-0004
EXHIBIT A-6	APPLICATION #PZ23-0005
EXHIBIT A-7	APPLICATION #PZ23-0006
EXHIBIT A-8	APPLICATION #PZ23-0007
EXHIBIT A-9	APPLICATION #PZ23-0008
EXHIBIT A-10	NOTICE OF PUBLIC HEARING
EXHIBIT A-11	COPY OF ORDINANCE(S)
EXHIBIT A-12	STAFF REPORT
EXHIBIT A-13	GIS MAPPING
EXHIBIT A-14	SITE PLAN

Exhibits A-1 through A-14 were accepted as evidence and approved as presented.

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained Mrs. Allen had recently received approval for a site plan from the Planning & Zoning Commission contingent upon variance approval. She explained Mrs. Allen was subject to a site plan review due to the requirement of the zoning code for places of public assembly. Ms. Sanders further explained during the review, several site deficiencies were found and the reasoning for Mrs. Allen’s variance requests.

Ms. Sanders explained to the Board for the first five variances there was not much the applicant could do for the property to conform to the code. She further expressed variances were in request of the minimum requirements of lot depth, width, and area. Ms. Sanders expressed to the Board, the applicant did not demonstrate or offer any hardship toward the final three variance requests, associated with the transition yard requirements.

There was a brief discussion about length of permits in regards to fence permits, installing fencing in required areas, how the site can conform to the zoning code, and what the applicant would have to do with site and fencing to ensure it passes all inspections.

Special Counsel Joseph Bond addressed the Board to confirm the applicant did not demonstrate a hardship for a variance in regards to installing fencing in the transition yards.

There were no comments from the Board.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3.a, specifically to the requirements for places of public assembly and the requirement of the minimum site area of one (1) acre, to allow for the actual site area of .39 acres, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Michael Ferren made a motion to approve the variance from Section 400.325.A.3.a. Mr. Dan Kipper seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: O'CONNELL – YES, KIPPER – YES, JONES – YES, HAGEMAN – YES, FERREN - YES

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3.b, specifically to the requirements for places of public assembly and the requirement of minimum lot width of two hundred (200) feet, to allow for the actual lot width of one hundred and fifty (150) feet on the West boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Tim Jones made a motion to approve the variance from Section 400.325.A.3.b. Mr. Dennis Hageman seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: KIPPER – YES, JONES – YES, HAGEMAN – YES, FERREN – YES, O'CONNELL – YES

MOTION CARRIED.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3.b, specifically to the requirements for places of public assembly and the requirement of the minimum lot width of two hundred (200) feet, to allow for the actual lot width of one hundred and fifty (150) feet on the East boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Tim Jones made a motion to approve the variance from Section 400.325.A.3.b. Mr. Michael Ferren seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: JONES – YES, HAGEMAN – YES, FERREN – YES, O'CONNELL – YES, KIPPER – YES

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3.c, specifically to the requirements for places of public assembly and the requirement of the minimum lot depth of two hundred (200) feet, to allow for the actual lot depth of one hundred and ninety-three (193) feet on the North boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Michael Ferren made a motion to approve the variance from Section 400.325.A.3.c. Mr. Tim Jones seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: HAGEMAN – YES, FERREN – YES, O'CONNELL – YES, KIPPER – YES, JONES – YES

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3.c, specifically to the requirements for places of public assembly and the requirement of the minimum lot depth of two hundred (200) feet, to allow for the actual lot depth of seventy-three (73) feet on the South boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Dan Kipper made a motion to approve the variance from Section 400.325.A.3.c. Mr. Michael Ferren seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: FERREN – YES, O'CONNELL – YES, KIPPER – YES, JONES – YES, HAGEMAN – YES

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3e, specifically to the requirements for places of public assembly and the requirement of transition yards having a masonry wall or solid fence measuring at least six (6) feet in height, to allow for the site to have no masonry wall or solid fence installed on the North boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Tim Jones made a motion approve the variance from Section 400.325.A.3.e. Mr. Michael Ferren seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: O'CONNELL – NO, KIPPER – NO, JONES –NO, HAGEMAN – NO, FERREN – NO

MOTION TO APPROVE THE VARIANCE WAS DENIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3e, specifically to the requirements for places of public assembly and the requirement of transition yards having a masonry wall or solid fence measuring at least six (6) feet in height, to allow for the site to have no masonry wall or solid fence installed on the South boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Dan Kipper made a motion approve the variance from Section 400.325.A.3.e. Mr. Tim Jones seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: KIPPER – NO, JONES –NO, HAGEMAN – NO, FERREN – NO, O'CONNELL – NO,

MOTION TO APPROVE THE VARIANCE WAS DENIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.325.A.3e, specifically to the requirements for places of public assembly and the requirement of transition yards having a masonry wall or solid fence measuring at least six (6) feet in height, to allow for the site to have no masonry wall or solid fence installed on the East boundary line, as presented within the Applicant's site plan, due to the practical difficulties as demonstrated by the Applicant.

Mr. Michael Ferren made a motion approve the variance from Section 400.325.A.3.e. Mr. Dennis Hageman seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: JONES –NO, HAGEMAN – NO, FERREN – NO, O'CONNELL – NO, KIPPER – NO

MOTION TO APPROVE THE VARIANCE WAS DENIED

MOTION TO ADJOURN:

Mr. Tim Jones made a motion to adjourn. Mr. Michael Ferren seconded the motion. All were in favor. The meeting adjourned at approximately 6:26 PM.

Respectfully Submitted,

Jeff O'Connell, Chairman
Board of Adjustment