

**THE MINUTES OF THE 803rd PUBLIC HEARING  
OF THE BOARD OF ADJUSTMENT  
CITY OF OVERLAND, MISSOURI  
HELD ON WEDNESDAY, MAY 10, 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. Jon Seal  
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, April 12, 2023, Board of Adjustment Hearing.

Mr. Michael Ferren made a motion to approve the minutes of the Wednesday, April 12, 2023, Board of Adjustment Hearing. Mr. Tim Jones seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: FERREN - YES, O'CONNELL - YES, KIPPER - YES, JONES - YES, SEAL -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 9594 Page Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Jeff O’Connell asked for a motion to move the agenda item to the end of the meeting in order to give the applicant time to appear at the hearing.

Mr. Tim Jones made a motion to move the agenda item to the end of the meeting. Mr. Dan Kipper seconded the motion.

MOTION CARRIED

At the end of the meeting, Mr. Jeff O’Connell asked for a motion to postpone the agenda item to July 12, 2023, as the applicant was not in attendance for the hearing.

Mr. Dan Kipper made a motion to postpone the agenda item until July 12, 2023. Mr. Tim Jones seconded the motion.

MOTION CARRIED

Mr. Jeff O’Connell asked for the applicant on behalf of 2554-2562 Woodson Road to please step forward and give their name, address and reason for the variance(s) request.

Mr. Patrick Wroblewski, property owner, addressed the Board to request variances in regards to some site deficiencies found during a site plan review of the property. He further expressed to the Board he had two (2) tenants appearing

before the Planning & Zoning Commission on May 30, 2023 in request of conditional use permits for new businesses located at the property.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ23-0012
EXHIBIT B-3	APPLICATION #PZ23-0013
EXHIBIT B-4	APPLICATION #PZ23-0014
EXHIBIT B-5	APPLICATION #PZ23-0015
EXHIBIT B-6	APPLICATION #PZ23-0016
EXHIBIT B-7	APPLICATION #PZ23-0017
EXHIBIT B-8	APPLICATION #PZ23-0018
EXHIBIT B-9	NOTICE OF PUBLIC HEARING
EXHIBIT B-10	COPY OF ORDINANCE(S)
EXHIBIT B-11	STAFF REPORT
EXHIBIT B-12	GIS MAPPING
EXHIBIT B-13	SITE PLAN

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

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained Mr. Wroblewski was the property owner of 2554-2562 Woodson Road. She explained he had two new business owners scheduled to appear before the Planning & Zoning Commission on May 30, 2023 requesting approvals of conditional use permits. Ms. Sanders explained a site plan review was performed on the property in association of the conditional use permits. Ms. Sanders further explained during the review, several site deficiencies were found and the reasoning for Mr. Wroblewski's variance requests.

Ms. Sanders explained to the Board for the variances there was not much the applicant could do for the property to conform to the code.

There was a brief discussion in regards to each variance requested for the property. This discussion also included items such as the land uses and parking regulations and standards in the downtown area of the city.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.230.D.1, specifically to the regulations and performance standards and the requirement of the minimum site area of twenty thousand (20,000) square feet, to allow for the actual site area of five thousand two-hundred and twenty-two (5,222)

square feet, 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 400.230.D.1. Mr. Tim Jones seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: SEAL - 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 400.230.D.4.a, specifically to the regulations and performance standards and the requirement of the front yard setback of thirty (30) feet, to allow for the actual front yard setback of approximately ten (10) 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 400.230.D.4.a. Mr. Tim Jones seconded the motion.

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

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.230.D.4.a, specifically to the regulations and performance standards and the requirement of the front yard setback of thirty (30) feet, to allow for the actual front yard setback of approximately ten (10) 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. Dan Kipper made a motion to approve the variance from Section 400.230.D.4.a. Mr. Jon Seal seconded the motion.

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

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.450.A.2, specifically to screening and landscaping and the requirement of landscape frontage to be installed, to allow for the absence of landscape frontage, 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 400.450.A.2. Mr. Michael Ferren seconded the motion.

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

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.450.A.4, specifically to screening and landscaping and the requirement of interior landscaping to be installed within parking areas, to allow for the absence of said interior landscaping, 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 400.450.A.4. Mr. Jon Seal seconded the motion.

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

MOTION CARRIED

Mr. Jeff O'Connell asked for a motion to approve the variance from 400.450.A.11, specifically to screening and landscaping and the requirement of perimeter landscape buffer strips to be installed, to allow for the absence of said perimeter landscape buffer strips, 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 400.450.A.11. Mr. Michael Ferren seconded the motion.

Mr. Jeff O'Connell polled the vote as follows: SEAL - 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 400.470, specifically to scheduled parking requirements, to allow for insufficient parking stalls being required on the subject property, 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 400.470. Mr. Dan Kipper seconded the motion.

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

MOTION CARRIED

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 6:30 PM.

Respectfully Submitted,

Jeff O'Connell, Chairman  
Board of Adjustment