

**THE MINUTES OF THE 804th PUBLIC HEARING  
OF THE BOARD OF ADJUSTMENT  
CITY OF OVERLAND, MISSOURI  
HELD ON WEDNESDAY, JULY 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, May 10, 2023, Board of Adjustment Hearing.

Mr. Tim Jones made a motion to approve the minutes of the Wednesday, May 10, 2023, Board of Adjustment Hearing. Mr. Dennis Hageman 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 9594 Page Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Marcus Creary, on behalf the property owner, OCG Missouri Holdings Inc, addressed the Board to request variances in regards to some site deficiencies found during a zoning map amendment of the property. Mr. Creary explained to the Board the property has not been altered from its original design as a residential structure, and the property owner was attempting to rezone the property so he could possibly sell the property as a single family residential.

The following exhibits were presented to the Board of Adjustment:

- |             |                          |
|-------------|--------------------------|
| EXHIBIT A-1 | AGENDA                   |
| EXHIBIT A-2 | APPLICATION #PZ23-0009   |
| EXHIBIT A-3 | APPLICATION #PZ23-0010   |
| EXHIBIT A-4 | APPLICATION #PZ23-0011   |
| EXHIBIT A-5 | NOTICE OF PUBLIC HEARING |
| EXHIBIT A-6 | COPY OF ORDINANCE        |
| EXHIBIT A-7 | STAFF REPORT             |
| EXHIBIT A-8 | GIS MAPPING              |
| EXHIBIT A-9 | SITE PLAN                |

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

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained Mr. Creary was here this evening on behalf of the property owner. She explained the property was originally designed as a single family residential home, and during the last comprehensive plan update it was determined the property was better suited for commercial development. The property had a continuing non-conformity instilled until the property became vacant for more than 180 days, resulting in the loss of the non-conformity. Ms. Sanders further explained to the Board, the applicant has applied and obtained a recommendation for approval of a zoning map amendment from “PD-C” to “R3” single family residential from the Planning & Zoning Commission. The recommendation of approval was issued contingent upon variance approval.

There was a brief discussion in regards to the location and definition of the three variances being requested this evening.

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

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.180.D.1.a, specifically to the regulations and performance standards and the requirement of the minimum site area of six thousand (6,000) square feet, to allow for the actual site area of four thousand seven hundred and ninety-three (4,793) 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 400.180.D.1.a. Mr. Tim Jones 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 400.180.D.2.C, specifically to the regulations and performance standards and the requirement of the minimum lot width of thirty (50) feet, to allow for the actual lot width of forty (40) 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. Dennis Hageman made a motion to approve the variance from Section 400.180.D.2.c. 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 400.180.D.2.C, specifically to the regulations and performance standards and the requirement of the minimum lot width of thirty (50) feet, to allow for the actual lot width of forty (40) 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. Michael Ferren made a motion to approve the variance from Section 400.180.D.2.c. Mr. Dennis Hageman 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 the applicant on behalf of 2918 Krem Avenue to please step forward and give their name, address and reason for the variance(s) request.

Ms. Maria Rodriguez, translator for the property owner and applicant, Rogelio Alcantar addressed the Board to request a variance in relation to the installation of a proposed driveway. She expressed to the Board, they recently had applied for a driveway permit to install a new driveway, extending the width of the parking surface for additional cars for their children. The applicant expressed the driveway permit was denied because it was found the proposed width exceeded the maximum allowed width per the code.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ23-0020
EXHIBIT B-3	NOTICE OF PUBLIC HEARING
EXHIBIT B-4	COPY OF ORDINANCE(S)
EXHIBIT B-5	STAFF REPORT
EXHIBIT B-6	DRIVEWAY APPLICATION #PD23-0013
EXHIBIT B-7	GIS MAPPING
EXHIBIT B-8	SURVEY & SITE PLAN

Exhibits B-1 through B-8 were accepted as evidence and approved as presented.

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained the applicant was here this evening requesting a variance to expand the width of the driveway. She explained the applicant had previously applied for a driveway permit to expand the width of the existing driveway up to twenty feet. Ms. Sanders further explained the proposed width expansion exceeds the maximum allowable percentage of the front yard, per the code, and the original site plan design includes a carport for one car near the front building line.

Mr. Jeff O’Connell asked for a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1 requiring a maximum driveway width of thirteen point two (13.2) feet, specifically to allow for the construction and installation of a driveway measuring twenty (20) foot by forty-three (43) foot, as presented within the Applicant’s plans, due to the practical difficulties as demonstrated by the Applicant.

Mr. Tim Jones made a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1. Mr. Michael Ferren 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 the applicant on behalf of 1923 Burns Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Brian Monday, property owner, addressed the Board to request a variance in relation to the installation of a proposed driveway. He expressed to the Board he had recently applied for a driveway permit to install a new driveway in correlation with the proposed new construction of a single family residential home located at the property. Mr. Monday expressed the driveway permit was denied because the width exceeded the maximum allowed width per the code.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT C-1	AGENDA
EXHIBIT C-2	APPLICATION #PZ23-0019
EXHIBIT C-3	NOTICE OF PUBLIC HEARING
EXHIBIT C-4	COPY OF ORDINANCE(S)
EXHIBIT C-5	STAFF REPORT
EXHIBIT C-6	DRIVEWAY APPLICATION #PD23-0016
EXHIBIT C-7	GIS MAPPING
EXHIBIT C-8	DRIVEWAY LAYOUT
EXHIBIT C-9	PROPOSED CONSTRUCTION PLANS

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

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained the applicant was here this evening requesting a variance to install a brand new driveway in conjunction with the construction of a new single family residential dwelling located on a vacant lot. She explained the proposed driveway exceeds the maximum allowable percentage of the front yard, and the design being proposed is for a two car garage at the front building line.

Laura Holland, of 1925 Burns Avenue, addressed the Board, to ask about the new proposed construction of the dwelling and the two car garage with the driveway.

There was brief discussion in regards to the construction and how the applicant has appeared before the Board previously for the same design and same variance on other properties located within the city.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1 requiring a maximum driveway width of twelve and half (12.5) feet, specifically to allow for the construction and installation of a driveway measuring sixteen (16) foot wide, as presented within the Applicant's plans, due to the practical difficulties as demonstrated by the Applicant.

Mr. Tim Jones made a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1. Mr. Dan Kipper 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 the applicant on behalf of 2811 W. Tennyson Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Brian Monday, property owner, addressed the Board to request a variance in relation to the installation of a proposed driveway. He expressed to the Board he had recently applied for a driveway permit to install a new driveway in correlation with the proposed new construction of a single family residential home located at the property. Mr. Monday expressed the driveway permit was denied because the width exceeded the maximum allowed width per the code.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT D-1	AGENDA
EXHIBIT D-2	APPLICATION #PZ23-0021
EXHIBIT D-3	NOTICE OF PUBLIC HEARING
EXHIBIT D-4	COPY OF ORDINANCE(S)
EXHIBIT D-5	STAFF REPORT
EXHIBIT D-6	GIS MAPPING
EXHIBIT D-7	DRIVEWAY LAYOYT
EXHIBIT D-8	PROPOSED CONSTRUCTION PLANS

Exhibits D-1 through D-8 were accepted as evidence and approved as presented.

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained the applicant was here this evening requesting a variance to install a brand new

driveway in conjunction with the construction of a new single family residential dwelling located on a vacant lot. She explained the proposed driveway exceeds the maximum allowable percentage of the front yard, and the design being proposed is for a two car garage at the front building line.

There was brief discussion in regards to the construction and how the applicant has appeared before the Board previously for the same design and same variance on other properties located within the city.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1 requiring a maximum driveway width of twelve and half (12.5) feet, specifically to allow for the construction and installation of a driveway measuring sixteen (16) foot wide, as presented within the Applicant's plans, due to the practical difficulties as demonstrated by the Applicant.

Mr. Michael Ferren made a motion to approve the variance from Section 500.090.B.8 per IPMC 302.3.1. Mr. Dennis Hageman 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

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 6:38 PM.

Respectfully Submitted,

Jeff O'Connell, Chairman  
Board of Adjustment