

**THE MINUTES OF THE 805th PUBLIC HEARING
OF THE BOARD OF ADJUSTMENT
CITY OF OVERLAND, MISSOURI
HELD ON WEDNESDAY, OCTOBER 11, 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, July 12, 2023, Board of Adjustment Hearing.

Mr. Dennis Hageman made a motion to approve the minutes of the Wednesday, July 12, 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 2404 Gass Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Jon Seal, on behalf the property owner, The Overland Historical Society, addressed the Board to request a variance in regards to the front yard setback requirement of thirty feet. Mr. Seal explained to the Board the intended plan is to fully enclose the front porch area and creating habitable space for preservation of storage and materials.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT A-1	AGENDA
EXHIBIT A-2	APPLICATION #PZ23-0022
EXHIBIT A-3	NOTICE OF PUBLIC HEARING
EXHIBIT A-4	COPY OF ORDINANCE
EXHIBIT A-5	STAFF REPORT
EXHIBIT A-6	BUILDING PERMIT APPLICATION #PB23-0170
EXHIBIT A-7	GIS MAPPING
EXHIBIT A-8	SITE PLAN

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

Ms. Kadi Sanders, Director of Community Development, addressed the Board and explained Mr. Seal was here this evening on behalf of the property owner, The Overland Historical Society. She explained the applicant had applied for a building permit to fully enclose the front porch and utilize the space as habitable space. She explained the original design of the front porch already encroached into the front yard setback.

There was a brief discussion in regards to the change of use with the front porch and how the new enclosure will benefit the property owner.

Ms. Sanders further explained to the Board there were no other options for the applicant to ensure the property conformed to the code.

Mr. Jeff O’Connell asked for a motion to approve the variance from Section 400.180.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 encroachment of approximately eighteen (18)

feet to enclose and change the intended use of the front porch as habitable space, 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.4.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 the applicant on behalf of 9009 Argyle Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Matt Sprung, the property owner and applicant, addressed the Board to request a variance in relation to the two bedrooms located in the basement of the property and not meeting the required ceiling height requirement. He expressed to the Board the rooms located in the basement were originally designed and intended to be utilized as bedrooms during the construction of the residence, and have not ever been altered.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT B-1	AGENDA
EXHIBIT B-2	APPLICATION #PZ23-0023
EXHIBIT B-3	NOTICE OF PUBLIC HEARING
EXHIBIT B-4	COPY OF ORDINANCE(S)
EXHIBIT B-5	STAFF REPORT
EXHIBIT B-6	GIS MAPPING

Exhibits B-1 through B-6 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 occupancy load from two to six occupants because the two lower basement bedrooms did not meet the ceiling height requirement of seven foot. Ms. Sanders explained the history of the original design of the residence as a one bedroom bungalow. She further explained during inspections by staff the ceiling height of the bedrooms were six foot nine inches in height, and met all the requirements other than ceiling height to be considered bedrooms, including proper means of egress.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 500.090.A per IPMC 404.3, and the requirement of the minimum ceiling height of seven (7) foot,

specifically to allow for the two bedrooms located in the basement of the property, both with a ceiling height of six foot nine inches (6'9") and to raise the occupancy load limit from two to six persons, 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 500.090.A per IPMC 404.3. 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 the applicant on behalf of 9571 Page Avenue to please step forward and give their name, address and reason for the variance(s) request.

Mr. Hans Moscicke, property owner, addressed the Board to request four variances in relation to the discrepancies found during a site plan review of the parcel of land. The applicant expressed there was no way he could find to ensure the property conformed to the code.

The following exhibits were presented to the Board of Adjustment:

EXHIBIT C-1	AGENDA
EXHIBIT C-2	APPLICATION #PZ23-0025
EXHIBIT C-3	APPLICATION #PZ23-0026
EXHIBIT C-4	APPLICATION #PZ23-0027
EXHIBIT C-5	APPLICATION #PZ23-0028
EXHIBIT C-6	NOTICE OF PUBLIC HEARING
EXHIBIT C-7	COPY OF ORDINANCE(S)
EXHIBIT C-8	STAFF REPORT
EXHIBIT C-9	GIS MAPPING
EXHIBIT C-10	SITE PLAN

Exhibits C-1 through C-10 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 four variances due to the discrepancies found during a site plan review of the property. She explained the applicant recently received recommendation for approval of a zoning map amendment for the property from commercial to residential, and it was recommended contingent upon variance approval.

There was brief discussion in regards to the property, the applicant's future intention with the property, and the details of the variance requests.

Mr. Jeff O'Connell asked for a motion to approve the variance from Section 400.180.D.2.b, specifically to the regulations and performance standards and the requirement of the minimum lot depth of one hundred twenty (120) feet, to allow for the actual lot depth of one hundred and four point fifteen (104.15) 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 400.180.D.2.b. Mr. Dennis Hageman 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 400.180.D.2.b, specifically to the regulations and performance standards and the requirement of the minimum lot depth of one hundred twenty (120) feet, to allow for the actual lot depth of ninety three point eighty two (93.82) 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. Michael Ferren made a motion to approve the variance from Section 400.180.D.2.b. 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 a motion to approve the variance from Section 400.180.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 encroachment of approximately five (5) feet with the front porch, 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.4.a. 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 400.180.D.4.b, specifically to the regulations and performance standards and the requirement of the side yard setback of five (5) feet, to allow for the encroachment of the main dwelling structure to encroach approximately one (1) foot 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 400.180.D.4.b. 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 6:26 PM.

Respectfully Submitted,

Jeff O'Connell, Chairman
Board of Adjustment